

RULES, ENACTMENTS AND INTERGOVERNMENTAL RELATIONS COMMITTEE
MINUTES
WEDNESDAY, JULY 21, 2021
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
Joseph J. Minuta, Legislator
Paul Ruskiewicz, Legislator
Kathy Stegenga, Legislator
Janet Sutherland, Legislator
Laurie R. Tautel, Legislator
Peter V. Tuohy, Legislator
Betsy N. Abraham, Legislative Counsel
Langdon Chapman, County Attorney
Christopher Borek, Chief Assistant District Attorney
Louise Vandemark, Commissioner, Board of Elections
Courtney Canfield Greene, Commissioner, Board of Elections
Alan Sorensen, ACIP, Commissioner of Planning
Christopher Ericson, Deputy Commissioner of Health
Gretchen Riordan, Budget Analyst

Mr. Faggione opened the meeting at 3:35 p.m. and requested everyone stand for the Pledge of Allegiance to the Flag. All members were present.

Mr. Kulisek moved resolution approving the release of the County's interest in and to a certain deed sale parcel to the previous owner of record, to wit: Town of New Windsor, Section 16, Block 4, Lot 9. The delinquent property taxes were paid prior to public auction but after the County took title to the property, seconded by Ms. Bonelli.

Motion carried. All in favor.

Mr. Amo moved Local Law to amend the Orange County Sanitary Code, pursuant to Section 7.05 of the Orange County Administrative Code, seconded by Ms. Bonelli.

Mr. Ericson explained that there is section in the current Sanitary Code which states when they have hearings, they must have a court reporter or stenographer. This local law would amend that by not having a court reporter or stenographer for hearings and to record it digitally. If there is a need for a transcript the cost would be to the individual requesting the transcript. This would be a cost savings to the county.

Motion carried. All in favor.

Mr. Paduch moved request to accept and appropriate funds as a subcontractor to Orange County Health Department for the Healthy Orange Schools and Communities Program for the period 6/1/2021 – 5/31/2022. The grant funds will be used to fund thirty percent (30%) of one Planner to fill the position of a Community Health Coordinator, who will work with municipal officials in selected communities to develop appropriate policies for their jurisdictions and work with those officials, community organizations, and members of the public to enact those policies, \$66,000.00, seconded by Mr. Hines.

Motion carried. All in favor.

Mr. Cheney moved request to accept and appropriate funding from the Hudson River Valley Greenway Communities Council for the Greenway Community Grant Program. Authorization is also requested for the County Executive to enter into any and all agreements or contracts necessary to secure and implement this grant. The Planning Department will work in partnership with the Orange County Land Trust on an update to the County Open Space Plan, \$10,000.00, seconded by Mr. Hines.

Mr. Sorensen explained that this would be a 50/50 in-kind match. The Open Space Plan was last updated in 2004 and they anticipating it being a two-year process beginning this year.

Motion carried. All in favor.

Mr. Kulisek moved that the electronic poll book capital grant program was reappropriated in the SFY 2021-22 budget. The contract end date of January 28, 2022 provides Orange County Board of Elections sufficient time after the certification of the General Election to complete required grant administration and expend the remaining contract funds. Request to accept and appropriate funding of this extension from the State of New York, seconded by Mr. Vero.

Ms. Vandemark addressed the committee stating that they were seeking to extend the term of the current contract to 2022.

Motion carried. All in favor.

Mr. Kulisek moved that the Early Voting Aid to Localities grant program was reappropriated in the SFY 2021-22 budget. The contract end date of January 28, 2022 provides Orange County Board of Elections sufficient time after the certification of the

General Election to complete required grant administration and expend their remaining contract funds. Request to accept and appropriate funding of this extension from the State of New York, seconded by Mr. Paduch.

Ms. Greene addressed the committee stating that they were seeking to extend the term of the current contract to 2022.

Motion carried. All in favor.

Mr. Vero moved request supplemental appropriation and modification to the existing 2021 Capital Plan to purchase 155 voting machines over a five-year period, which is 31 machines at \$338,285 a year. Thirty-one new voting machines were received in 2019 and the delivery of 2020 was postponed to this year. Request to modify the existing plan to receive 93 more machines instead of receiving just 31 machines in 2021, 2022 and 2023 for a total of 155, \$1,014,855.00 (bonding), seconded by Mr. Kulisek.

Ms. Vandemark explained that they are asking to modify their existing plan and to receive 93 voting machines instead of only the 31 voting machines allotted for 2021. It has been very difficult to train election inspectors on three different machines and this would allow them to train inspectors on one type of machine while assisting with the logistics of assigning inspectors to work at polling sites.

Mr. Faggione asked if the 93 voting machines would come at one time and would they be able to process the machines in one day. Ms. Vandemark replied yes, they recently conducted acceptance testing on the new 31 machines in two hours.

Ms. Bonelli asked about the lifespan of the voting machines. Ms. Vandemark replied 10 years.

Ms. Bonelli asked about the old machines. Ms. Greene replied that they intend to offer them to local villages, school districts and/or to scrap them.

Mr. Cheney asked about the process for acceptance testing. Ms. Greene replied that acceptance testing is done by the Board of Elections, and they did 31 machines on Monday with a team of eight people.

Ms. Vandemark added that the New York State Board of Elections would be coming in approximately two weeks to conduct the final acceptance testing.

Mr. Cheney asked if these were purchased through an RFP issued by the county or state bid. Ms. Vandemark replied that it was state bid.

Mr. Paduch asked where the old machines would be stored. Ms. Vandemark replied the Parry building at Valley View.

Motion carried. All in favor.

Mr. Paduch moved resolution of the Orange County Legislature requesting that the New York State Department of Labor, Federal, and State officials take appropriate action to prevent ongoing unemployment fraud and assist small businesses in bringing employees back to work following the COVID-19 pandemic, seconded by Mr. Vero

Chairman Brescia explained that at a recent luncheon Jay Presutti of East Coast Industrial Services, Inc. spoke about issues he was having with the New York State Department of Labor such as a fraudulent claim from an employee that was discharged properly due to multiple traffic violations. Mr. Presutti has had between fifteen and twenty individuals sign up for interviews and only one person show up; however, they report to the New York State Department of Labor that they went on the interview and continue to receive unemployment benefits. He continues to hear from businesses that they are unable to hire help because the New York State Department of Labor is too liberal with receiving benefits. The fourth WHEREAS states: "...these same businesses must not be forced to expend resources defending fraudulent unemployment claims brought by criminals seeking to profit from unemployment benefits..." and in the first RESOLVED it states: "...that the New York State Department of Labor along with Federal and State officials have a duty to be transparent about the rampant unemployment fraud that has burgeoned as a result of the COVID-19 pandemic..." They have the Amazon warehouse offering a \$3,000.00 sign on bonus and he would imagine that the Medline Warehouse would be doing the same and making it even more difficult to get skilled labor at the local level and asked that they support this resolution.

Mr. Paduch asked if Chairman Brescia was referring to fraud or the people that may need that additional assistance as the second RESOLVED, states: "...to discontinue the enhanced federal COVID-19 unemployment benefits to encourage individuals to return to the workforce..." He also commented on the use of "fraud" and "fraudulent" throughout the document. Chairman Brescia replied that he would work on Mr. Paduch's suggestions before the respective caucuses meet, and the resolution could be "tweaked" at the full legislative session. While he agrees that some individuals deserve the benefit there are many that do not.

Mr. Cheney referred to the first RESOLVED and asked if Chairman Brescia would consider removing the word "rampant" as an adjective to unemployment fraud as they are trying to address unemployment fraud whether it is rampant or not and it should be addressed by the proper agencies regardless of it being three cases or three thousand cases. Chairman Brescia replied that the fraud is excess but if it gets his support it could be removed as it does not distract from the message.

Mr. Hines commented that he likes the second RESOLVED and he would not like it changed as it talks about discontinuing the enhanced federal COVID-19 unemployment benefits because the enhanced portion is what is encouraging people to stay home and why that portion needs to stay. If they were getting the standard unemployment, it would behoove them to get back to work as they would be getting more money; however, the enhanced benefit is what is causing labor shortages in the restaurant industry, grocery industry and other industries. It may not be fraud but people are not putting enough effort into finding a job as they can make more by staying home.

Chairman Brescia agreed with Mr. Hines as they may extend the benefit again in September.

Mr. Kulisek asked for the number of local fraud cases. Chairman Brescia replied that it was a lot; however, they do not know the exact number because the New York State Department of Labor has not been transparent with that information.

Mr. Kulisek commented that many people seeking different employment such as restaurant workers.

Chairman Brescia agreed and those are legitimate cases; however, they are talking about fraud and those individuals that are claiming they are looking for work but are not.

Mr. Minuta commented that unemployment fraud is rampant. He is an Orange County elected official and he was notified by the county that an unemployment claim was filed on him, and he was told by the New York State Police that it is rampant. The incentive they receive with the enhanced federal COVID-19 unemployment benefits is not an incentive for anyone to go back to work. Many in the construction industry cannot find laborers or people to work because they are home and in turn driving costs up. This is a problem and he fully supports this resolution.

Motion carried. All in favor.

Mr. Paduch moved resolution of the Orange County Legislature, pursuant to Orange County Charter Article II, Section 2.02(q) authorizing the Orange County Legislature to conduct an investigation and the issuance of subpoenas to witnesses, the administration of oaths and requiring the production of books, papers and other evidence necessary or material with respect to the Orange County Industrial Development Agency and the Orange County Funding Corporation, seconded by Ms. Bonelli.

Mr. Faggione read the following statement: This resolution is introduced, pursuant to the authority of our Orange County Charter, to authorize the Legislature to conduct an investigation and issue subpoenas with regard to the Orange County Industrial Development Agency (IDA) and the Orange County Funding Corporation (OCFC). As you are aware, the Orange County District Attorney's Office and the New York State Comptroller's Office conducted an investigation which resulted in the guilty pleas of three individuals formerly associated with the Orange County Industrial Development Agency (IDA) and Orange County Funding Corporation (OCFC), and a requirement for those individuals to make restitution to the Orange County Industrial Development Agency (IDA). I'd like to personally thank the District Attorney and the New York State Comptroller for their efforts. Thank you. In this resolution before them, the Legislature is seeking to use its authority to conduct an investigation as to whether certain contracts or agreements signed by the Orange County Industrial Development Agency (IDA) and/or the Orange County Funding Corporation (OCFC) with any entities are void as a result of the conduct of the three individuals. Please note, a "Yes" vote supports assigning this responsibility to the Rules, Enactment and Intergovernmental Relations Committee. **Passage here today** would advance this resolution to the entire legislature for an up or down vote.

Mr. Amo commented that he has read the resolution and expressed his concerns with the timeliness, necessity, and goal of the resolution. Legislative Counsel Abraham explained that as

outlined in the resolution it would be to determine based on the conduct of these three individuals who pled guilty and if there was any contracts that could be void that the Orange County Industrial Development Agency (IDA) and/or the Orange County Funding Corporation (OCFC) have signed as a result of that conduct.

Mr. Amo asked if there was reason to believe that there was any action taken by those individuals and/or an error exists that warrants a legislative investigation. Mr. Faggione replied that they cannot determine that information currently as it would only be speculative. The action before them today is to empower the Rules, Enactment and Intergovernmental Relations committee to address those questions subsequently.

Mr. Amo asked how this was being presented to the Rules, Enactment and Intergovernmental Relations committee when it did not go before the Education and Economic Development committee who has oversight over the Orange County Industrial Development Agency (IDA) and/or the Orange County Funding Corporation (OCFC). In his opinion, the strength of this resolution would be enhanced tremendously if they had a recommendation from the Education and Economic Development committee and/or the Orange County Industrial Development Agency (IDA) stating they would like an investigation conducted.

Mr. Amo moved to enter into executive session pursuant to §4503 of the Civil Practice Law, attorney-client privilege, seconded by Ms. Bonelli.

The committee entered into executive session at 4:15 p.m.

Mr. Amo moved to leave executive session, seconded by Mr. Vero.

The committee left executive session at 4:49 p.m.

Mr. Ruskiewicz addressed the committee stating that as a member of the Orange County Industrial Development Agency (IDA) they support this resolution and requests their support. The Orange County Industrial Development Agency (IDA) has been working hard and examining the various contracts and reviewing their policies and procedures in order to move the IDA in a positive direction.

Ms. Tautel stated that she fully supports this resolution and will be asking to be a sponsor at the legislative session.

The meeting adjourned at 4:52 p.m.