

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

**WEDNESDAY, AUGUST 22, 2018
3:30 P.M.**

PRESENT: Thomas J. Faggione, Chairman
Michael Amo, Katie Bonelli, Barry J. Cheney, Kevin W. Hines, Michael D. Paduch,
John S. Vero

ALSO

PRESENT: L. Stephen Brescia, Chairman
Antoinette Reed, Legislative Counsel
Steve Gross, Commissioner, Department of Human Resources
Donna McCarey, Deputy Commissioner, Department of Human Resources
Alison Tyack, Director of Personnel Management, Department of Human Resources
David Church, ACIP, Commissioner of Planning
Timothy Tucker, Budget Analyst
Gail Sicina, Chairwoman, Orange County Board of Ethics
Christine E. Taylor Esq., Towne, Ryan & Partners P.C.

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 with the exception of Legislator Kulisek who was absent.

Ms. Bonelli moved resolution confirming the appointment by the County Executive of Harold Porr as Deputy County Executive of Orange County, seconded by Mr. Hines.

Mr. Gross explained that current Deputy County Executive Wayne Booth has informed the County Executive of his intention to retire in February 2019. The County Executive would like to have a successful transition of government in place and is requesting the Legislature confirm Mr. Porr as the Deputy County Executive with Mr. Booth remaining with the county in the role of Director of Operations and Cost Control which was previously held by Mr. Porr.

Mr. Faggione stated that Mr. Porr's appointment unanimously passed at the Personnel and Compensation committee meeting on Monday.

Mr. Paduch asked if the salaries would be changed. Mr. Gross replied that his understanding was yes, with an approximate \$10,000.00 difference.

Mr. Cheney asked if they were at the salary cap. Mr. Gross replied yes.

Mr. Vero added that with Mr. Porr's experience this should be a seamless transition.

Mr. Paduch expressed his concerns with individuals being hired at the cap.

Mr. Gross replied that a number of issues that come into play with the cap. They have the recognized years of service, experience and knowledge that these individuals bring to the table. Mr. Porr has over 30 years of government experience and was the Village Manager in Bronxville, City Manager in the city of Newburgh and started as the Assistant to the County Executive.

Mr. Paduch clarified that he was not questioning Mr. Porr's experience.

Motion carried. All in favor.

Mr. Cheney 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 of October 1, 2017 through September 30, 2018. Grant funds will be used to continue funding a Planner to fill the position of a Community Health Coordinator, which 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. \$148,528.00 will be received during this period from the Orange County Health Department through the NYSDOH grant, seconded by Mr. Vero.

Motion carried. All in favor.

On the agenda was an update on the Orange County Shared Services Plan.

Mr. Church presented the committee with a hard copy of the DRAFT Orange County, New York 2018 County-Wide Shared Service Property Tax Savings Plan and list of projects (see original minutes) which was submitted to the legislature electronically on August 1, 2018 for comment. They anticipate the final draft being distributed to the project panel by September 15, 2018. The plan must be voted on by a majority of the Mayors and Supervisors and joined by the County Executive. He reiterated that there is no role by the legislature, but they do welcome any feedback.

Mr. Faggione asked for clarification that the legislature only has oversight and does not have to vote on the plan. Mr. Church replied that the vote is by the Shared Services panel for submission of the projects to the Director of the New York State Division of Budget and by October 15, 2018 the county must make one public presentation of the plan; however, that is not clearly defined.

Mr. Church added that the projects put forth for potential reimbursement must be new for 2019 and beyond with payments to the lead municipality and distributed to the partners for any project that demonstrates a savings of property tax by sharing and/or collaborating a service between two or more municipalities. They are in the process of putting projects into the plan that would be potentially eligible and a failure to reference a project would render it ineligible in 2019 for

potential reimbursement. On August 28, 2018 an updated draft of the Shared Services plan will be presented at the Association of Mayors and Supervisors meeting where they will discuss and approve the projects. On August 30, 2018 three public hearings will be held on the Draft Shared Services plans at the Municipal Building, 2nd floor, Common Council Room, Port Jervis, New York, Emergency Services Center, Classroom No. 1, Goshen, New York and SUNY Orange, Newburgh Campus, Tower Building Room 509, Newburgh, New York.

Mr. Church explained that there are currently fifteen projects with two more in play based on feedback. The two projects are as follows: Darcie Miller, Commissioner of Mental Health has proposed the expansion of their crisis services into a 24/7 hotline for mental health services. The second is the Firing Range and while the logistics are still being worked out they should be referenced in the plan for potential financial incentive. Projects for reimbursement require a robust financial analysis including the savings realized per average residential and non-residential property owner. Governor Cuomo has indicated that if he is re-elected for another term this will be done year after year allowing counties the opportunity to add or subtract projects every fall.

Mr. Faggione asked for clarification that if it was not included in the plan that it would not be eligible. Mr. Church replied that it would not be eligible.

Legislative Counsel Reed asked if the Draft Shared Services plan was on the county website. Mr. Church replied yes, as of today.

Mr. Amo asked if the expansion in crisis services would compete with the current hotline. Mr. Church replied that his understanding was that it would be a partnership and enhance what is already in place.

Mr. Amo asked about the vote by a majority of the panel and would that be on the 38 members or a quorum as they would need to have twenty votes to pass. Mr. Church replied that it was undefined but in the past twelve months there have had two votes with a majority of the whole. Twenty votes should not be an issue as they do have regular participation, but safety would be the majority of the whole; however, if it is the majority of the quorum present then they will go with it.

Ms. Bonelli noted that the documentation states that they have three lead projects and twelve other projects so where would the proposed hotline and fire range fit in and would they be lead projects. Mr. Church replied that it was yet to be defined by the panel. With respect to the Fire Range he would still need to speak to the representatives at the Sheriff's office to see if they want it included and how they would want it structured.

Mr. Hines asked why the plan includes projects that have been in place for years. Mr. Church replied that it was included at the advice of the Secretary of State and the Rockefeller Institute which was hired to conduct research on the program and its best practices.

Mr. Hines asked for clarification that they did not expect to be credited for those projects. Mr. Church replied no, it must be brand new. However, if a current municipality is sharing with a village and two towns and they want to add a village and two towns the additions would be considered new.

Chairman Brescia emphasized that the Firing Range should be included in the plan.

Mr. Vero agreed with Chairman Brescia as the Personnel and Compensation recently approved the creation of a Range Supervisor and three part-time Range Supervisors.

Mr. Church reiterated that it would have to be new for 2019.

Mr. Hines asked if an intermunicipal agreement was required. Mr. Church replied that it was preferred.

Chairman Brescia noted that the Legislature would need to determine the payment amount for the use of the firing range. The Town of New Windsor Firing Range is charging \$250.00 per day but they would charge less.

Mr. Hines asked if they would receive credit if the commute for the municipality was less. Mr. Church replied yes.

Mr. Paduch asked if the projects would be voted on without the financial analysis. Mr. Church replied that they are voting on what projects would be included in the plan. The financial analysis is a demonstration of what they estimate would be the impact in tax savings to the property owner.

Mr. Paduch asked about the transit service agreement between the Towns of Warwick and Wallkill and the tax savings but to which taxpayers. Mr. Church replied that it would be a tax savings to the taxpayers in the Town of Wallkill. The Town of Warwick will supply dispatching for the Dial-A-Bus service and enhanced services.

Mr. Paduch asked what the enhanced services would be. Mr. Church replied more hours.

Mr. Paduch requested a copy of the analysis on that project. Mr. Church replied that he would get it to Mr. Paduch.

Mr. Church addressed other business. The Orange County Agricultural Farmland Protection Board has created certificates to recognize the approximately 40 dairy farmers in Orange County. He asked for permission to distribute them to legislators based on the district of the dairy farm and if they would like the certificates brought to the legislative office. Legislator Paul Ruzskiewicz a member of the board suggested legislators distribute their own certificates.

Mr. Hines moved proposed revisions to Local Law No. 1 of 2017, "Orange County Ethics and Disclosure Law," seconded by Mr. Paduch.

Legislative Counsel Reed presented the committee with the following recommended revisions to the "Orange County Ethics and Disclosure Law" Local Law No. 1 of 2017 for review. One revision is due to a typographical error and the others were at the recommendation of the Commissioner of Human Resources with respect to the creation of the list of individuals who must file the Annual Disclosure Form. In the past they relied on the Commissioner of Human Resources and his department to prepare the list. He raised the issue on whether he was qualified to do so as it should be a policy decision. After further review with the Board of Ethics and the County Attorney the second and third revisions have been proposed.

- I. Page 2, Section 2; under GIFT and FINANCIAL BENEFIT the language was changed from “§ 6 (D) to § 6 (F)” due to a typographical error.
- II. Page 17, Section 8 (A); under ANNUAL DISCLOSURE the language “those county employees, as determined by the County Executive upon recommendation of the department head, who have the authority for policy-making and/or appropriating decisions; (iii) employees of contractors who have the authority for policy-making, and (iv) the list of titles and contractors appended to this local Law as APPENDIX A” was added.
- III. Page 17, Section 8 (F); under ANNUAL DISCLOSURE the language “as provided for and” was added.

Ms. Sicina presented the committee with a change to Section 5 (B) (2); of the Orange County Ethics and Disclosure Local Law to expand the Board’s power during its preliminary investigatory process to request documents, make inquiry, and discuss the matter with the target of the complaint, as well as others, to enable the board to obtain such information as may be necessary for the Board to determine to proceed further. This preliminary investigation would be before the Board determines by a “super majority” vote to go forward on the complaint.

Legislators raised concerns about the proposed change. Legislators Amo, Bonelli, Vero, Hines and Paduch questioned the constitutionality of discussing the merits of a complaint with the accused, without having counsel present and the possibility of self-incrimination.

Legislative Counsel Reed stated that the burden of proof should be on the complainant to provide the Board of Ethics with sufficient information and documentation so that the Board could then determine whether to go forward on the complaint.

Mr. Paduch asked Ms. Sicina whether or not they had a complaint form. Ms. Sicina replied that they do not.

Mr. Paduch highly recommended that the Board have one.

Legislative Counsel Reed agreed with Mr. Paduch and advised that she would look into it, as other County Board of Ethics use such a form.

Mr. Cheney commented that although the burden should be on the complainant to provide the Board with sufficient information, the complainant should also have the right to know about the complaint and offer any information before the Board votes by supermajority to go forward on the complaint.

Ms. Sicina presented the following proposed changes to the Orange County Ethics and Disclosure Local Law. and members of the Board request that the language requiring a notary be removed from the Annual Disclosure Form. They have found that it is difficult for people to get the forms notarized and returned to them by the deadline and/or they are returned without being notarized at all and by eliminating the notary, they would have forms returned on time.

- I. Page 18, Section 8 (G); under ANNUAL DISCLOSURE that the language "The annual disclosure form shall be acknowledged, certified and signed in substantially the form" was added and the language "and notarized and" was deleted.

Ms. Sicina explained that they have found that it is difficult for people to get the forms notarized and returned to them by the deadline and/or they are returned without being notarized at all and by eliminating the notary, they would have forms returned on time.

- II. Page 10, Section 5 (B); under WAIVER be removed leaving the boards sole waiver authority in 10 (C). If approved the board would revise its waiver form to reflect the boards limited waiver authority as referenced in 10. C.

Mr. Faggione asked Ms. Sicina and Christine Taylor, Esq. attorney for the Orange County Board of Ethics, to bring these comments back to the board for consideration.

Mr. Amo motioned to table the proposed revisions for one month, seconded by Mr. Paduch.

Motion carried. All in favor.

Mr. Hines moved resolution recognizing September 15, 2018 through October 15, 2018 as National Hispanic Heritage Month, seconded by Ms. Bonelli.

Motion carried. All in favor.

The meeting adjourned at 5:02 p.m.