

RULES, ENACTMENTS AND INTERGOVERNMENTAL RELATIONS COMMITTEE
MINUTES
(REMOTELY)
WEDNESDAY, OCTOBER 21, 2020
2:00 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
Kevindaryán Luján, Legislator
Kathy Stegenga, Legislator
Laurie R. Tautel, Legislator
Antoinette Reed, Legislative Counsel
Jean M. Ramppen, Clerk, Orange County Legislature
Kelly A. Bradley, Deputy Clerk, Orange County Legislature
Langdon Chapman, County Attorney
Annie Rabbitt, County Clerk
Kelly Eskew, Deputy County Clerk
Patricia McMullen, Deputy County Clerk/Department of Motor Vehicles
Yvonne Marse, Chief Clerk, County Clerk's Office
Jenna Pearson, Principal Records & Index Clerk, County Clerk's Office
Alan Sorensen, ACIP, Commissioner of Planning
Julie Richmond, Deputy Commissioner of Planning
Ellen Russell, Administrative Assistant, Planning Department
Rob Parrington, Senior Planner, Planning Department
Louise Vandemark, Commissioner, Board of Elections
Courtney Canfield Greene, Commissioner, Board of Elections
Bianca Staltare, Deputy Commissioner, Board of Elections
Chandler Campbell, Deputy Commissioner, Board of Elections
Deborah Slesinski, Deputy Budget Director
Deanna Crawford, Budget Analyst
Gary Abramson, Chief Attorney, Legal Aid Society of Orange County
Jean M. Herson, Attorney, Legal Aid Society of Orange County
Gail Sicina, Chairwoman, Orange County Board of Ethics
Richard Golden, Esq., Member, Orange County Board of Ethics
Dr. Raymond Cooper, Member, Orange County Board of Ethics
Dr. Paul Johnson, Member, Orange County Board of Ethics

Mr. Faggione opened the meeting at 2:03 p.m. and requested everyone stand for the Pledge of Allegiance to the Flag. All members were present.

Mr. Abramson presented the 2021 recommended budget for the Legal Aid Society of Orange County.

Mr. Kulisek moved to accept the 2021 recommended budget for the Legal Aid Society of Orange County, seconded by Ms. Bonelli.

Motion carried. All in favor.

Ms. Sicina presented the 2021 recommended budget for the Board of Ethics.

Mr. Paduch moved to accept the 2021 recommended budget for the Board of Ethics, seconded by Mr. Kulisek.

Motion carried. All in favor.

Mr. Porr presented the 2021 recommended budget for the County Executive and Central Services division of the County Executive's office.

Mr. Vero moved to accept the 2021 Recommended Budget for the County Executive, seconded by Ms. Bonelli.

Motion carried. All in favor.

Ms. Rabbitt presented the 2021 recommended budget for the Orange County Clerk.

Mr. Kulisek moved to accept the 2021 recommended budget for the Orange County Clerk, seconded by Mr. Faggione.

Motion carried. All in favor.

Ms. Vandemark and Ms. Canfield Greene presented the 2021 recommended budget for the Board of Elections.

Mr. Vero moved to accept the 2021 recommended budget for the Board of Elections, seconded by Mr. Kulisek.

Mr. Paduch commented that they had previously requested that their per-diem base salary be reinstated; however, County Executive Neuhaus took \$248,806.00 and/or 43.87% decrease of their per-diem base salary. He knows how important per diem staff is to the Board of Elections and he would request that they reinstate the \$248,806.00 to their budget.

Mr. Paduch motioned to amend the Board of Elections budget by increasing line number 560120 (Per Diem Base Salary) by \$248,806.00.

Mr. Faggione asked Mr. Paduch where the \$248,806.00 would come from for the Board of Elections budget.

Mr. Paduch asked for a few minutes to locate those funds.

Mr. Cheney referred to pages 19 and 20, line number 571820, Cons. Serv (Non-Medical Health) and line number 576820, Specialty Payments. It appears that line number 576820, Specialty Payments has been decreased by \$245,741.00 and moved to line number 571820, Cons. Serv (Non-Medical Health) but what services are included in the line number 571820, Cons. Serv (Non-Medical Health). Ms. Vandemark replied that it covers various contracts such as their Head Technicians, Translator to translate ballots and notices per the Department of Justice agreement, Tenex Software Solutions for the electronic pollbooks, paper shredding contract, Verizon Data Plan for the electronic pollbooks, NTS Data Services and the moving company used for the transportation of election equipment.

Mr. Faggione asked if Mr. Paduch was asking for the funds for the 2020 budget or the 2021 budget. Mr. Paduch replied that they had previously asked about increasing the per-diem based salaries; however, as of June they had only spent \$1090.00 but where are they currently.

Ms. Vandemark replied that they do not have that information available at this time.

Ms. Canfield Greene added that their primary election per-diem workers were paid in July and their November General Election workers will be paid in December.

Mr. Paduch explained that while he was trying to assist them, they have \$1.286 million in their budget and that could have been taken into consideration by the County Executive.

Mr. Faggione agreed with Mr. Paduch and if the Board of Elections were to run short now, they would have to come to the legislature for a supplemental appropriation.

Ms. Slesinski clarified that per-diem's have been paid \$199,160.00 to date.

Ms. Vandemark added that they still have expenses that must still be paid. In addition, they have seen an increase in registered voters which in turn increases the number of workers needed which will also increase per-diem workers for 2021 as they must adhere to state regulations.

Mr. Faggione reiterated that they are talking about their 2020 budget; however, this committee is discussing their 2021 budget.

Mr. Paduch withdrew his motion.

Motion carried. All in favor.

Ms. Bonelli moved to approve the 2021 Capital Plan for the Board of Elections, seconded by Mr. Kulisek.

Motion carried. All in favor.

Chairman Brescia presented the 2021 recommended budget for the Orange County Legislative Board.

Mr. Paduch referred to page 235, line number 579500, County Contribution which was decreased by \$210,000.00 and was that the \$210,000.00 that was appropriated for each legislator at \$10,000.00 each. However, it seems that it was not decreased by the County Executive but their office. Ms. Ramppen replied yes, in consultation with Chairman Brescia.

Mr. Paduch asked if that was part of the 15% reduction proposed by the County Executive. Ms. Ramppen replied that she was not sure if it was specific to the 15% reduction, but it was in consultation with Chairman Brescia.

Mr. Paduch asked if this was discussed with leadership. Chairman Brescia replied no, just a few legislators. He was an advocate for the program but there were dissenting votes from the beginning and post COVID-19 drastic cuts had to be made; however, it could be resurrected in a year or two.

Mr. Paduch stated that while understands, there could be a greater opportunity to support organizations that do not have the funding due to cuts, and every little bit helps. He could suggest they put back in, but he would like to at least discuss it thoroughly.

Chairman Brescia replied that he does not have an issue with discussing it; however, it took a longtime to finally get something approved and that was never finalized. He felt they had to do their fair share and they did with the 13.24%.

Legislative Counsel Reed addressed the \$210,000.00 and explained that there were issues with respect to gifting those funds to not-for-profits pursuant to the county's procurement policy. When they last spoke, they had discussed giving the funds to the local municipalities, not the not-for-profit organization. They never got to the point that they had a program that was amendable to the Rules, Enactments and Intergovernmental Relations committee as well as questions and concerns expressed by the Law Department with respect to moving forward. There is still a great deal of work that would need to be done and as far as not-for-profits and/or local organizations it was concluded that it could not be done unless it went out for an RFP.

Mr. Paduch pointed out that they came close to supporting it through the municipality, and there a multiple organization that are run through the towns such as the police community organization in the Town of Wallkill. This could be a way for them to assist those organizations that the towns can no longer provide funding to as there are a lot of great organization in Orange County that get a little support from their towns. He was one of the originators of this program and when it is finally placed in their budget, they are hit with COVID-19. In addition, they should be contacting their federal senators to put those government funds back into the stimulus package.

Mr. Amo commented that they are doing more than their fair share and are one of the top two functions in the county giving up 13.24%. What disturbs him is the disrespect for the Orange County Legislature as they are another branch of government, not a department that has to decrease their budget by 14% like the rest. As a branch of government, they should have the right to put funds in to do the things they feel need to be done. He was insulted when he read that and when he sees the differential between all the other departments, they are at the top of the list but

why. He could understand bringing the funds back and putting them in consulting services so that if they want to use them later, they could.

Mr. Amo asked for the amount left in surplus when they close out 2020. Ms. Slesinski replied that it would be difficult to say as it will depend on how everything flushes out with COVID-19.

Mr. Amo commented that it was not difficult to decide how much they would use in all other departments with respect to taxation so how did they as the legislature end up giving away 13.24%. If they put the \$210,000.00 back into their budget it could be a fair way to go and as the county legislature, they should have that right.

Mr. Amo asked Chairman Brescia why he felt that 13.24% was the fair way to go when the County Executive's office did 0.00%. Chairman Brescia replied that the few legislators he spoke with stated that there was no way they could do this. If the committee has four votes today, he will gladly be the fifth vote to put the funds back into the budget. He does not have a problem with putting it in as a placeholder, but he does not see them doing anything with it right away. He agrees that Mr. Amo has made a lot of valid points and he was unaware of the percentage when he cut the \$210,000.00 from the budget.

Ms. Bonelli pointed out that the \$210,000.00 was for a grant program that they initially wanted to do to help not-for-profits, but they ran into a lot of stumbling blocks. She did not support this from the beginning but since it passed on a very narrow margin, she worked closely with Minority Leader Paduch, James P. Burpoe, Commissioner of General Services and Legislative Counsel Reed on a program and they learned a great deal throughout the process. As Mr. Paduch indicated they did run into a stumbling block when the pandemic hit, and they were asked to cut funds. When going into the 2021 budget process they were asked to cut by a certain amount and as far as she was concerned this was the logical place to cut. She understands where Independence Party Leader Amo is going and being on par with other offices and yes, they are an office, not a department but she cannot personally support this because she does not think this is a good utilization of the funds. With respect to helping other organizations the Department of Social Services budget lists pages of organizations that they have helped and in addition, they have received a great deal of money from the federal government in regard to community development and assisting with the homeless situation in Orange County. They are doing a lot for the municipalities and if this \$210,000.00 was to be used for something else she could possibly consider putting something in there. However, for the grant proposals they were originally working on she cannot personally support it and in her opinion, the budget should stay as is.

Mr. Cheney explained that he also felt that this was not a suitable use of funds and it was appropriate to remove these funds as they are undesignated. There are many partners in this budget that they have supported in the past that have been cut dramatically such as the Council for the Arts who was defunded by over 50% from \$100,000.00 to \$40,000.00. For them to want to pullback these funds and put them back into the budget and ignore the fact that the County Executive and the proposed have cut a lot of their partners that have an important role in the county is not the right thing to do.

Mr. Hines agreed with Majority Leader Bonelli and Legislator Cheney as he was against this from the beginning and it nothing more than pork. The last thing they should be doing is

handing out pork in a pandemic and he applauds Chairman Brescia for removing it from the budget as it should not have been there in the first place. In addition, it would have been difficult for anyone to distribute the funds because the paperwork would have been dreadful and they could not promise anyone the funds because the County Executive had the right to say no. Hence, it would have been nearly impossible to give the funds out based on the plan and as such he is entirely against it and pleased that it was cut from the budget.

Mr. Faggione added that as a conservative his principals are simple. They are not cutting this from the budget they are just not taking this money from the taxpayers during this budgetary crisis they are facing. He applauds Chairman Brescia for see that this was the appropriate way to proceed.

Mr. Paduch stated that the County Executive has a line in his budget and he has been giving out \$5,000.00 to whoever he chooses so why don't they cut his line out this year as it would be the right thing to do.

Mr. Faggione clarified that the celebration line in the County Executive's budget was cut by \$100,000.00 and will be zero for 2021.

Mr. Paduch asked if Ms. Slesinski had the list of the organizations, they will be funding such as the libraries that are in taxing districts. If they are going to feel the brunt of this others should as well. Everyone is feeling the hurt and why are they continually supporting a taxing district. He is not against libraries just the dual taxation. If the County Executive cut out his celebration line and we cut out our line then they should be reducing the amounts they are handing out to other organizations because in his opinion, it is only fair and right. It great to give to everyone else but when they want to help someone in their specific community no one seems to care. He understands that some are taking a hit, but they need to make sure that everyone is taking a hit.

Ms. Slesinski replied that she did not, but there were some highlights in the power point she presented to the legislature.

Mr. Amo clarified that he was pointing out the disparity in the amount that the legislature gave up. He was not making the argument that they should have \$10,000.00 and/or that it was a good thing to do because in his opinion, it was a little strange. They have heard through the year and this budget season about how bad COVID-19 has been to them and he does not doubt that. However, what have they learned from COVID and do they not think that there is an opportunity in 2021 to find out what they learned. He was told that a portion of the PPE equipment that the county had stored in the 911 building was dry rotted when they went to use it. That is a learning thing and not anyone's fault but what do they need to do now so that they will be ready if the second wave comes. Has money been set aside for that because all he has heard from departments is that they are cutting because times are tough; however, they will have a tougher time if they are not ready for the next virus, epidemic or pandemic. They need to ask themselves as a government what mistakes were made and what have they learned and how do they prepare for the next wave. That does not mean that they have to spend it, but they should be looking into it. When he proposed they move the \$210,000.00 back he was suggesting they place it under consulting in case they decide to go down that path. Mr. O'Donnell has asked about how they can look at what happened at Valley View and what do they need with respect to admissions of patients with COVID-19, what impact did have and /or what could they have done differently and do they have an appropriate infection control staff

at Valley View. He appreciates being conservative but sometimes you need to spend money when its needed. In his opinion, as a branch of government they gave up too much.

Mr. Luján echoed the sentiments of Minority Leader Paduch and Independence Party Leader Amo. They all recognize that these are tough times and that it was natural to take it of this year's budget. He agrees with being fiscally conservative; however, as they go into the new year, they are aware of organizations and programs that are being cut. These funds could be used to support those programs and he has always supported the funds going to each legislator and it could still have an amazing impact for everyone's individual district. He does not see this a pork but every legislator doing their part in their district by helping programs that they want to see grow.

Ms. Bonelli moved to accept the 2021 recommended budget for the Legislative Board, seconded by Mr. Faggione.

Motion carried. All in favor.

Chairman Brescia presented the 2021 recommended budget for the Orange County Clerk of Legislative Board.

Mr. Kulisek moved to accept the 2021 recommended budget for the Clerk of the Legislative Board, seconded by Ms. Bonelli.

Motion carried. All in favor.

Mr. Kulisek moved resolution authorizing the Chairman of the Orange County Legislature to enter into an agreement with the Police Chiefs' Association of Orange to provide Law Enforcement Training, promotional materials and marketing efforts for the "Hope Not Handcuffs" community-based volunteer program, \$10,000.00, seconded by Mr. Hines.

Chairman Brescia that opioid education is paramount in Orange County and it has worked well through the Police Chiefs' Association.

Mr. Hines commented that he has been a member of the Opioid committee since it was formed and the presentation at the Opioid committee meeting and what they are doing with the money; however, they need additional funds as they were promised funds from the state and elected officials that they could not deliver. In addition, their fundraising abilities have been hampered due to COVID-19 but conversely the pandemic has spiked the opioid issues, so this is very important money that is needed more than ever.

Ms. Sutherland asked for the committees support as they have seen throughout the pandemic that the numbers have increased and any help to them would be appreciated.

Legislative Counsel Reed clarified that the funds would be targeted toward the Police Chiefs' Association of Orange County and they will be working with "Hope Not Handcuffs" to conduct

training sessions for Police Departments. The "Hope for Handcuffs" representative also indicated that they have trained 15 police agencies and they will continue to do so.

Motion carried. All in favor.

Mr. Sorensen presented the 2021 recommended budget for the Planning Department.

Mr. Amo moved to accept the 2021 recommended Budget for the Planning, Department, seconded by Mr. Kulisek.

Motion carried. All in favor.

Mr. Sorensen presented the 2021 recommended budget for the Council of the Arts.

Mr. Kulisek moved to accept the 2021 recommended Budget for the Planning, Department, seconded by Mr. Paduch.

Motion carried. All in favor.

Mr. Sorensen explained that the public hearing was held in September and since the public hearing a number of property owners requesting to remain within the district, and they have honored those requests. They are currently in the process of updating the Agricultural and Farmland Protection Boards report and they will be meeting tonight where he will ask that they reaffirm their recommendation to the legislature to accept the report. It will be subject to some minor technical revisions due the Orange County Legislature has given property owners until November 4, 2020 to request remaining within the Agricultural District and the final report would reflect that. The revised Agricultural and Farmland Protection Boards report will be referred back to the legislature for review and to hopefully move the recommendations and report to the New York State Agriculture and Markets for review and adoption of consolidating Orange County Agricultural Districts Nos. 1 and 2 and to amend the district boundaries at the November 5, 2020 Legislative Session.

Legislative Counsel Reed added that before the legislature is the SEORA reviews for the Annual Review which consisted of two applications. The first application was for a 42.7-acre farm in the Town of Montgomery that produces "compost organic fertilizer" and raises cows and sheep. The recommendation is that it be determined to not have significant adverse environmental impact. The second application was from a 125-acre farm in the Town of Wallkill that produces a hay crop and the recommendation is that it be determined to not have significant adverse environmental impact and that an EIS would not be required. She would request that they vote on this action.

Mr. Faggione asked for clarification that they are required to act and vote on this today. Legislative Counsel Reed replied yes, as a there will be a resolution on the floor of the legislature.

Mr. Kulisek moved ANNUAL & 8-YEAR REVIEW SEQRAS (2 EAF's for Annual Review & 1 EAF for 8-Year Review), seconded by Mr. Paduch.

Mr. Paduch asked if it would be possible to get a breakdown of what was asked to remain and/or included in the district and who has been removed. Mr. Sorensen replied that the legislature would receive an update on the modifications.

Mr. Kulisek asked if the legislators who represent these parcels are at this meeting and they familiar with the parcels. Legislative Counsel Reed replied that she was not sure, but the parcels did go before the Agricultural and Farmland Protection Board who reviewed the parcels and Mr. Ruscher, Director, Real Property Tax Agency who looked at the parcels and attained the necessary data for the board to make their decision. The parcels were also included in the public hearing and letters were sent to the Supervisors in those municipalities asking for comments for which they received none.

Mr. Cheney referred to the parcel that produces compost organic fertilizer and would it be an agriculturally controlled activity or controlled by the New York State Department of Environmental Conservation (DEC). Legislative Counsel Reed replied that they would check with Cornell Cooperative Extension as they would have that information.

Mr. Kulisek referred to the parcel that is raising farm animals and was there runoff protection in place. Legislative Counsel Reed clarified that this was not to regulate the farming but to include the parcel/land in the Orange County Agricultural District and providing them with the right to farm. All regulatory licensing and permitting is done on the local level and through the New York State Agriculture and Markets and the New York State Department of Environmental Conservation (DEC).

Motion carried. All in favor.

Mr. Kulisek moved Annual Review resolution of the Orange County Legislature authorizing the inclusion of certain real property in Orange County Agricultural Districts Nos. 1 and 2, seconded by Mr. Faggione.

Mr. Sorensen explained that the two properties proposed for inclusion have been thoroughly vetted by the Agricultural and Farmland Protection Board and determined to be viable agricultural lands and entities. They are recommending that the parcels be brought into the Orange County Agricultural District which he fully supports.

Motion carried. All in favor.

Ms. Bonelli moved 8-YEAR REVIEW resolution of the Orange County Legislature adopting a plan for continuance, modification and consolidation of Orange County Agricultural Districts Nos. 1 and 2, seconded by Mr. Cheney.

Mr. Sorensen explained that a SEQRA has been completed and the recommendation is a negative environmental impact, and the continuation of the district will have a positive impact. As previously mention the legislature has given property owners until November 4, 2020 to request remaining within the agricultural district by reaching out the Planning Department with the final report reflecting the minor technical revisions.

Legislative Counsel Reed added that the amended report was emailed to legislators this morning and she would ask that they vote on the report that is going to the Agricultural and Farmland Protection Board this evening knowing that it is subject to any modifications the board may have. The report and list of parcels will go before the Education and Economic Development Committee on Friday. While this is still a work in progress it needs to be presented at the November 5, 2020 Legislative Session as the resolutions to the Commissioner of the New York State Agriculture and Markets on or before November 20, 2020 for it to be certified as the agricultural districts expire on November 20, 2020.

Motion carried. All in favor.

Mr. Chapman presented the 2021 recommended budget for the County Attorney.

Ms. Bonelli moved to accept the 2020 recommended budget for the County Attorney, seconded by Mr. Vero.

Motion carried. All in favor.

Mr. Chapman presented the 2021 budget for Assigned Counsel.

Mr. Faggione moved to accept the 2021 recommended budget for Assigned Counsel, seconded by Mr. Kulisek.

Motion carried. All in favor.

The meeting adjourned at 5:36 p.m.