

**ORANGE COUNTY LEGISLATURE  
NOTICE OF PUBLIC HEARING ON LOCAL LAW**

Public Hearing was held in the Emergency Services Building Auditorium, 22 Wells Farm Road, Goshen, New York on Monday, March 11, 2013 at 7:00 p.m.

The public hearing was called to order at 7:00 p.m. by L. Stephen Brescia, Chairman of the Rules, Enactments and Intergovernmental Relations Committee.

The Clerk read the Notice of Public Hearing.

**PUBLIC NOTICE IS HEREBY GIVEN** that there has been presented to the County Legislature of the County a local law which proposes a plan of reapportionment to be used to reapportion the County of Orange into County Legislative Districts. Pursuant to Section 10 and Section 20 of the Municipal Home Rule Law, a public hearing will be held by the Orange County Legislature at the Emergency Services Building Auditorium, 22 Wells Farm Road, Goshen, New York on the 11th day of March, 2013 at 7:00 p.m. of that day, at which time all persons interested will be heard. The local law which reapportions the County of Orange into County Legislative Districts is hereto annexed to this notice.

This notice has been published in the March 6<sup>th</sup>, 2013 issues of the Wallkill Valley and Mid-Hudson Times, the March 8<sup>th</sup> issues of The Hudson Valley Press and Wallkill Valley Press, The Gazette, The Sentinel, Warwick Advertiser, Monroe Photo News and News of the Highlands and Cornwall Local.

Chairman Brescia announced that there will be a special meeting of the Rules, Enactment and Intergovernmental Relations Committee tomorrow, March 12<sup>th</sup> at 3:30 pm. At 15 Matthews Street, Goshen, Suite 203, to discuss the changes and adoption of the reapportionment map. He also announce that there was going to be a Special Legislative Meeting on March 21<sup>st</sup> at 5:00 p.m. in the Emergency Services Building.

Mr. Church summarized some basic, factual statistics about the initiative and he noted that the Planning Department did additional research based on feedback that was received in the last few weeks. He explained that there were a little over 10,000 census blocks and there are 318 election districts. He mentioned that a large part of redistricting is called, "a community of interest." In Orange County's case, there are three cities and nineteen villages and hamlets and the census lists the hamlets and the Legislature has tried their best to keep those places together as one location. There were exceptions to the issue based on numbers; for example, both Newburgh and Middletown are larger compared to the target size of a legislative district. So no matter what was done or who does it in the current population, they must have two Legislators representing portions or collectively the cities. This was also true for the Village of Kiryas Joel because it is larger than one district can accommodate. Four of the villages are naturally divided because they are in multiple towns; Harriman for example. This creates a natural boundary that exists that can be used for Legislative redistricting purposes. The census 2010 population is 372,813 and in Orange County the Chairman along with those advising him decided to go with the prisoner adjusted population. This means that based on a number provided by a New York State Task Force, there was a readjustment for prison population where for those who are incarcerated, if there was a known home address, they were repopulated into that. If there were Orange County residents incarcerated elsewhere, they could be repopulated into Orange County. He added that this only applied to New York State residents that

are incarcerated, not federal prison such as Otisville. This adjustment gives a net number of 171,284. There are twenty-one legislative districts so they need to take one 21<sup>st</sup> of that for the target population and that is 17,680 which is the ideal legislative district. There is an agreed to plus or minus 5% deviation so that is 884 people, up or down which gives a range of 16,796 to 18,524. He reviewed the slideshow and the districts presented by the Chairman to the Legislature which was reviewed by the Legislative committee for the purpose of this hearing. He advised that the districts can be reviewed on the Legislative website. He emphasized that the maps that were proposed were the subject of the hearing. He mentioned that at the last Rules, Enactment and Intergovernmental Relations Committee meeting, there was a start of a conversation that escalated since then to do a more demographic research specifically in Middletown and Newburgh associated with the implications of the particular race of Hispanic and Latinos. The Chairman asked his staff at the Planning Department to do further research and there will be more of that available at the Rules, Enactment and Intergovernmental Relations Committee meeting tomorrow afternoon. He displayed one slide which showed a dominate plurality of Hispanic and African Americans and noted that the Hispanic community was growing substantially in Newburgh. To use election districts there were six of them in the City of Newburgh where the Hispanic community is the majority. There are three election districts in Middletown out of the total where the Hispanic community is the majority. He added that there were some proposals and recommended amendments that have been discussed internally and externally and that was the purpose of the public hearing. Some of the technical amendments were related to two issues which is the new ward system in Newburgh and the matching of the numbers to the ward system and other districts out there and the second issue was the substantial renumbering in the Village of Kiryas Joel which was recently resolved. Mr. Church explained that in the City of Newburgh the adjusted population is 29,158 and the African American total is 8,971 and the Hispanic Latino population is 13,924. The City of Middletown is 28,112 and African American population is 6,015 and the Hispanic Latino population is 11,121. They were asked to do research in Kiryas Joel which he felt was unethical to research religious background so that was not done, they only looked at race.

Sonia Ayala, Blooming Grove, stated that it was disturbing to read that the Legislature was rushing to approve the redistricting lines that was done by two Legislators. Two Legislators disenfranchise the taxpayers of this county and their representatives by creating these lines in secret. They kept us and our Legislators out of the process. She addressed Ms. Bonelli and stated that redistricting was not like working with a rubics cube. There is a process and information that should be followed instead of protecting career politicians and giving an unfair advantage over another, that is gerrymandering. She questioned if Ms. Bonelli and Mr. Pillmeier took into consideration the demographic changes in the county and did they use traditional redistricting principles, one person, one vote and comply with the Voting Rights Act. She suggest that the Legislators review the Newburgh 2012 Districting Commission Report. It was comprised of a diverse group of citizens who engaged in the community through several public hearings and completed their task on time. If they were able to do the redistricting without political consideration and the best interest of their citizens, then you can do it too. The City of Newburgh would have three Legislators representing them if this redistricting proposal passes. She concluded that to take district 8-1 from Ward 3 into Legislative district 17 was done for political reasons. There is a total Hispanic voting population of 43% in the City and in Ward 3 the population is 41% so when you move district 8-1 it dilutes the minority vote in the City of Newburgh. They have used a form of dilution called cracking. She urged the Legislators not to vote on the proposed redistricting and go back to the drawing board. Do not let the June 4<sup>th</sup> date when petitions started get in the way of doing what is right for the taxpayers of this county.

Patricia O'Dwyer, Chester, stated that Speaker of the House, John Boehner appeared on the Larry Kudlow show and in response to a question about how budget negotiations were going with the

President, Speaker Boehner said, "the top down deals haven't worked out too well. The process needs to be done more out in the open." He continued to say, "two men in a room cannot decide for 535 members of Congress who represent 309 million people." She submitted to the Legislature, following the wisdom of Speaker Boehner, "Top Down" doesn't work, nor does two people in the room. Two County Legislators from the same political party cannot decide for 21 Legislators, what is in the best interest of the 372,813 people of Orange County whom they represent. Let's go back to the drawing board and this time, leave the door open. If in the end, candidates need to run on the existing lines, so be it, if that means running again next year, the expense would be on the candidates pockets since the voting machines are coming out anyway for statewide elections. She added that if anyone found it odd that she was quoting John Boehner, think about what that man said and try to apply it.

Gerald Benjamin, SUNY New Paltz Center for Research Regional Education and Outreach, noted that they have done considerable research across the state on redistricting and have done model redistricting plans for a number of counties and cities in New York. They prepared a statement reacting to the map that has been posted and he was going to leave that along with some maps since he was limited to three minutes. His colleague Josh Simons was also present who did the technical work on the maps and planned to speak. They looked at the map posted on the web against four criteria, federal requirement, state requirement, local requirements and the federal requirements were divided into two parts, one person, one vote standard and the voting rights requirement under the federal voting rights act of 1965. He summarized one person, one vote and mentioned that there were technical points to make. The county took it's election districts as primary and tried to adhere to the election districts which required the county to divide the census blocks that Mr. Church pointed out and dividing at least nine census blocks makes it very difficult to determine if you are within the range of plus or minus five because the division is done proportionately geographically but not proportionately on the base of population. He pointed out that it was a good faith effort but it was a concern. Starting with election districts is a county choice and not required by law and raises these issues. Throughout the United States there are very few instances where split census blocks have been upheld by the courts. They cannot be certain that the range that was published is at the exact range because of the estimates that arise from splitting the census blocks and that is a matter that requires attention. The federal voting rights act requires that persons in protective minorities, including African Americans and Hispanics are not precluded from effective choice in elections. They are geographically concentrated African American and Hispanic populations in the City of Newburgh and City of Middletown. The possible design of one African American plurality and one Hispanic majority district in Newburgh. This is not on the proposed Orange County map. He added that they feel there is a litigation risk on the two of the voting rights act in the proposed map. He concluded by stating that the map is prepared by one political party which has been implicated and they haven't been able to replicate all the data because the data that you have and we have are different. The district shapes suggest that some individuals have been accommodated in the mapping process to make sure they have no competition against the sitting incumbent. An inclusion and transparent process is more desirable which works out with better outcomes.

Mark Levy, Salisbury Mills, noted that he was there as a citizen with no political agenda. He reviewed the redistricting before they produced the first maps and he made a proposal in early February and sent it to the Legislature. Since then he found out that the variance can be as high as 5% and he tried to keep it within 2% of the population. He used the population numbers that the Legislature had for the prison adjusted figures for all the voting districts and he came up with a clearer map that kept communities much more together. He couldn't speak on race or ethnicity but he spoke about his proposal which is on [www.markjlevy.com](http://www.markjlevy.com) where he keeps more communities together and villages together than the present proposal. He agreed with Ms. O'Dwyer that if they

can't get something together that is correct now, then lets do this right and have an election this year and an election on the redistricting next year. He reviewed the Towns of Crawford, Minisink, Mt. Hope, New Windsor more than they should have, the entire Town of Chester can be in one district but it was split up, Blooming Grove is in a few districts, although it actually has a population of one county legislature district. Cornwall was broken up and was similar to what he drew. Montgomery was split up pretty bad. His stated that with Ms. Donnery's announcement that she planned to run for County Executive which kept 18 of the 20 county legislators actually running against the other party not someone who was an incumbent. They could probably make it 20 out of 20 if they want to work with them a bit and keep the towns in tack. This was a bad plan and they can do better.

Terry Schommer, Monroe, stated that she is a registered voter in Walton Lake Park which is part of district 7. If the plan becomes inactive then Myrna Kemnitz will no longer be her representative. With the new district boundaries she would be represented by someone she doesn't know and by someone she didn't vote for which is unfair. She found it demoralizing if she put someone in office to represent her then later the county just takes them away and moves them wherever they want. She understood the population numbers and changes and shifts that need to be considered but to use a paint by number approach in drawing lines and to only go by the numbers without input from the people who redistricting affects, lacks vision, creativity and especially a willingness to cooperate to seek the fairest solution for the constituents and taxpayers they are elected to serve. The way that the boundaries for Monroe have been changed, they could end up with four legislators, all of whom are spread out through other towns and districts. How could that do anything but dilute their ability to serve everyone equally. This plan has tied their hands against giving excellent public services. These plans were put together without any input at all from her own representative or from any democrats as far as she knows. Clearly the new boundaries were drawn in a very partisan fashion. Across the country people are fed up with partisanship because they know it doesn't serve anyone's best interest when people don't, won't or can't work together to find equitable and fair solutions to serious problems. She was there to join the ranks of people fed up with partisanship because partisanship is clearly in her own backyard with the new plan. She urged the Legislators not to vote for the new map.

Emily Convers, Monroe, commented that after recently learning about the redistricting, she would be more comfortable knowing that the new map was a bipartisan effort and since it wasn't it concerns her greatly. Her town has a big religious community and the way this has been redistricted their legislators are spread very thin and represent a large chunk of the religious community and she doesn't know how their legislator can serve the secular community as well as the needs of that community and vote accordingly and doesn't understand how that would work.

Joshua Simons, SUNY New Paltz Center for Research Regional Education and Outreach, explained that has been hired as a consultant in redistricting. In choosing the election districts as one of the top priorities in this is like putting the cart before the horse. Traditionally in redistricting, the lines are drawn in the board of election then redraws the election districts based upon the new legislative districts. The election districts are now drawn based upon the 2000 census blocks which changes every ten years which is why the resulting split in census blocks. The split in census blocks is rarely upheld by courts usually in extraordinary standards whereby the federal standard of one person one vote or the Voting Rights Act has to be upheld. The Voting Rights Act itself section II is clear and states that if you can draw a minority majority district then you must draw a minority majority district. This is the case in the City of Newburgh and explained that he has several maps that show this and has the demographic data that supports it and that was not done on the plan which invites a considerable litigation risks. To put the demographic data in terms of the election

districts, it creates a false paradigm. The election districts do not necessarily define the boundaries of where the demographics within the city are, the census blocks do which are much smaller than the individual election districts so to say this is the population make up amongst the demographics in a certain election block, it limits the ranges of choices to those election blocks which is not the case in redistricting, the census blocks are traditionally used. He understood the desire to remove the prison population from the demographic count although there are other ways to go about that. There is a flaw with the demographic data which is in one census block in the Otisville Prison is, there is a negative population among Hispanic and African American population. Negative people is not a traditional thing that exist in population, you can have zero but negative is a little difficult. This didn't rise to the level of changing the maps but it would serve to negate any other Hispanics or African Americans that live in that district. He felt that this was a flawed map and was inviting litigation and he thought it could be done better.

James A. Rollins, Sr., Middletown NAACP, piggybacked what everyone else stated and added that it is arguable that the process of redistricting is inherently political. Every ten years, per the constitution of the United States, the census is taken. The data is used to redraw legislative district lines of all kinds. The goal of redistricting is honorable as it endeavors to address the demographic changes in population trends by creating new districts of equal population thereby ensuring equal representation. In theory and principle these districts should be as compact as possible and contiguous. They should respect municipal and geographical boundaries wherever possible and respect communities of like interest and comply with the Federal Voting Rights Act of 1965 which is designed to assure fair minority representation. However, the Voting Rights Act has become racial entitlement. Apparently in Orange County it appears there are some that have the same sentiments about the importance, fairness and equitable voting rights for minorities. The unacceptable, irresponsible backroom antics of Mr. Pillmeier, the leader of this blatantly unjust process and Mrs. Katie Bonelli wrecks of cronyism as they sat down and attempted to pull the wool over the eyes of the voters by haphazardly coloring the redistricted legislative maps to maintain the status quo while ignoring the racial graphics of the population. Most local governments in New York State elect their governing body at large but maybe counties like Orange County employ districts and therefore must redistrict decennially. This raises the prospect because of the self interested elected officials, gerrymandered the districts to preserve their positions to ensure continuation of partisan majorities. The issue of fair redistricting is the nucleus of a well functioning representative democracy. The lines should work to ensure equal representation and to group communities with common interest not to advance re-election of incumbents or to further the influence of one political party or another. According to Sam Wong, gerrymandering, which is a 200 year old well coined phrase by a Massachusetts Governor, Elbridge Gerry. A core technique is designed to jam voters likely to favor your opponents into a few throw away districts while the other side will win lopsided victories, a strategy known as packing, arrange other boundaries to win close victories, cracking, opposition groups with many districts. These maps should not be accepted. Politicians, especially those facing demographic and ideological changes in the election use redistricting to cling to power and maintain the status quo while trampling on the blood, sweat and tears of those who paid the ultimate price, their lives, so that people like him and other minorities will not have to endure the continued suppression of their right to elect a representative who truly cares about their issues.

Robert Fromaget, Blooming Grove, stated that he had a problem with the process. He was glad that Mr. Church had numbers that were used for the districts but he didn't understand why they weren't on the website rather than having to request them and made available for everyone there especially since it was a public hearing. Both Newburgh and Monroe had a redistricting and it was done by using the old districts. There appears to be some people that were not considered in the redistricting if you used the numbers as they exist. Since ward 5, district 1 through 9 district 2

doesn't exist because they were all merged in with 4. So when he looked at the redistricting maps it gives him districts that don't exist. There are four districts in Newburgh which were not in the redistricting map and that was 6,000 voters. He questioned if the quality of the data is sufficient to allow them to use for redistricting. The numbers that he got, someone told him that they need to wait until now to get the numbers from the State. The 2010 numbers are exactly the same as the ones he saw today that someone from the Planning Department sent him and they were the ones that were supposedly changed. The change could be related to the prison population. To have a public hearing without an open process and to not have the information for the people in order to understand what is going on. He felt that he public hearing was premature and he agreed with all the other speakers that felt this was a failed effort.

Manny Mangual, Highland Mills, explained that the Town of Woodbury with 11,000 has four Legislators. 11,000 people will be divided up between four legislators and two of those legislators will have Kiryas Joel in their district. Woodbury is currently in a lawsuit regarding annexation, sewer district, water etc. This stuff is at the county level and how are people supposed to represent them that way. The entire thing is bogus. To take a community of 11,000 people and divide it up four ways. He mentioned that he was the Chairman of the Democratic Committee in Woodbury and his counterpart and he rarely agree on almost anything, but this is one thing they do both agree on. One thing that the Legislature has accomplished is that they brought together the republicans and democrat in the Town of Woodbury. This was absurd. Mr. Hines would be coming down from Cornwall and Ms. Donnery coming down from Highland Falls who has a part of Woodbury but mainly represents Highland Falls and then there is Amo who represented who else. He asked the Legislators to reject the process. He stressed his disappointment because if the legislative body can get together to work on issues regarding Valley View and the Government Center, there could've been a better process for this. He thought that they could've found a way to work together to have a more open process and an honest process, this was not, it was anything but an honest process. He request that the Legislators go back to the drawing board.

Jonathan Jacobson, Orange County Chair, Democratic Committee, he pointed out that he resides in the infamous election district that has been taken out of legislative district 6. He stated that there they are again, at the last minute. The Legislature has had a process that is not transparent and not open. The process has had no public input. A plea by Minority Leader, Jeffrey Berkman to make the process bipartisan with public involvement was ignored and his plan was never discussed. By waiting so long, the public has had not nearly enough time to digest the proposed lines. He receives calls everyday from regular citizens and wanting to know why are they stuck reading about these lines during the last minute. Residents ask him if the Legislature knew that the redistricting occurs every ten years. Why did this take so long. The congressional lines were done last March and petitions went out March 20<sup>th</sup> so that means all the numbers, including the demographic numbers were known way before them. The demographic information is now just coming out. How can they come to a decision without first studying it. The City of Newburgh redistricting commission did it's first public draft in December and they had numerous meetings before then in the Spring and Summer in 2012 that were open to the public. The city of Newburgh took the map, took the population, they made four wards and then called up the Board of Elections and said lets do election districts that make sense so they reduced the number of election districts by 5 and that is what happened. They did the process right. Now they have a process with another black eye against those running county government. You wonder why there is so little respect for county government and little trust in this county government. This is just another government center where the roof is not repaired and the building could've been renovated three times by now. This is just another Valley View, where the public can't get the real numbers without an investigative committee and even then the County Executive and his administration ignore subpoenas and then

this county legislature doesn't back up the subpoenas. He didn't know what was going to happen, he has no say in it. He believed that the final say will be in November and no matter what the lines are, the public will prevail and they will say that they have had enough.

Jerry Kleiner, Middletown, agreed with Manny and stressed his disappointment. The process, once again, is wrong. He was amazed at the instinct of the Legislature was to do the wrong thing. They had the chance to do the right thing. Section I of the local law under legislative finding states that the administrative code provides that the Orange County Legislature shall prepare and approve a plan of reapportionment following each federal census and for that purpose may appoint a commission to assist it in preparation of each such plan. He stated that they should've appointed a commission, that would've been the right thing to do, to have two people from the same party to go prepare this secretly and then come out at this late date. He noted that this was subject to permissive referendum so if people did not vote against it then some ambitious people could get this on the ballot and overturn it. He thanked the gentlemen from New Paltz for their professional expertise and they should've been invited months ago to help in the process. To get the numbers right is easy, that is basic arithmetic, but to get the process right and doing it fairly. He recalled Rand Paul and his filibuster but nobody remembered the record that Strom Thurmond set was to oppose the Civil Rights Act and to stand up for segregation. That was an important act, the Voting Rights Act was an important Act and he thinks that it needs to be upheld here. In deference to the late Ed Koch who tried to influence the State to do this the right way, they didn't do it the right way either, but we want to be better than that in Orange County and he hopes in the future they will be.

Michael Sussman, Chester, made two brief points by stating that he litigated a large number of voting rights for the NAACP and the Justice Department and it was rather shocking that the same month that the Supreme Court of the United States hears an argument on Section V and to see it going on in our own county. Whatever the Supreme Court does with Section V, by a 5-4 vote, the issue was with Section II, it is not implicated in the current challenge. It requires that a minority population concentrations not be cracked. There is clear evidence of cracking in Newburgh. Equal protection clause has been interpreted, although there is controversy about this, Davis vs. Bandemer, which was a case he had in the Supreme Court in 1984 and 1985, clearly establishes that the equal protection clause for bids partisanship from over writing redistricting considerations. He didn't want to get into the specifics but it was clear studying the map that both process wise and substantively is a challenge that can be made. Overactive partisanship is prohibited by the 14<sup>th</sup> amendment in redistricting just as the Voting Rights Act protects racial minorities and political minorities are also protected. More tenuously, more controversy but still exists.

With no other members of the public wishing to speak, Chairman Brescia closed the public hearing at 7:53 p.m.