

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

**THURSDAY, JUNE 18, 2009  
3:00 P.M.**

PRESENT: Frank A. Fornario, Jr., Chairman  
A. Alan Seidman, Anthony Marino, Jeffrey D. Berkman,  
Michael R. Pillmeier, Daniel C. Depew, Noel C. Spencer,  
James W. Kulisek

ALSO

PRESENT: Roxanne Donnery, Chairwoman  
Michael Amo, Independence Party Leader  
Michael D. Paduch, Legislator  
Christopher W. Eachus, Legislator  
Gregory W. Townsend, Legislator  
Steve Gross, Director of Operations & Cost Control  
Richard Mayfield, Asst. to the Co. Executive  
David L. Darwin, County Attorney  
Laura Wong-Pan, Sr. Asst. County Attorney  
Joseph Mahoney, Asst. County Attorney  
David Church, Commissioner of Planning  
Charles Mitchell, Commissioner of Consumer Affairs  
Kenneth Jones, Undersheriff  
Lorrie Dana, Office of Business Administration  
Thomas J. Fucillo, Menter, Rudin, Trivelpiece, P.C.  
Robert C. Hertman, Chief, Town of Walkkill Police Dept.  
Paul Rickard, City of Middletown Police Dept.  
Lorraine McNeill, V/Woodbury Planning Board  
Barbara Gosda, Trustee, V/Cornwall-on-Hudson  
John Burke, Supervisor, Town of Woodbury  
Michael Queenan, Mayor, V/Woodbury  
Thomas Flood, Trustee, V/Woodbury  
Katie Bonelli, Resident, T/Blooming Grove  
Joel Leiberman, Resident, Kiryas Joel  
Jonathan Swiller, Resident, T/Woodbury  
Robert Fromaget, Resident, T/Cornwall  
John Chase, Resident  
Joan O'Keefe, Rockland Co. Consumer Protection  
Rob Brady, Mid-Hudson News  
Chris McKenna, Times Herald-Record

Mrs. Donnery reminded the committee that at the last Legislative Board meeting the Supervisor of the Town of Woodbury and the Mayor of the Village of Woodbury came forward to speak at the end of the meeting and asked her as Chair of the Legislature to hold a

public hearing concerning the Kiryas Joel pipeline and its impact on the local water and sewer. The date is June 29, 2009, tentatively at the Central Valley Elementary School in Central Valley. She asked that everyone have this on their calendar. It will begin at 7 p.m. She will officiate and listen to the people from the communities. She will be speaking with the County Executive next week to ask if he will participate.

Mr. Pillmeier clarified that the Chairwoman would be running the public hearing and Mrs. Donnery responded that was correct and Mr. Fornario as Chairman of the Rules Committee will also be involved.

Mr. Fornario added that they are hoping to have participation from the Deputy Commissioner of EF&S, the Commissioner of Planning and the County Executive.

Mrs. Donnery stated that the purpose is to gather information from the public only. She would like the public to be given a history and an update from the County.

The next item was a discussion of the Kiryas Joel Amended Final Environmental Impact Statement. Mr. Darwin stated when the County received the Amended FEIS and the Appellate Division decision, he contacted the attorneys who represented the County in the County vs. Kiryas Joel lawsuit and he introduced Mr. Thomas Fucillo who is a partner in the firm and one of the lead attorneys in the litigation. That firm has also helped the County in other litigations regarding Kiryas Joel. Mr. Fucillo has reviewed the Amended FEIS and is prepared to discuss his opinions regarding whether the Amended FEIS meets the requirements of the Appellate Division. Mr. Darwin asked that the committee enter executive session for this discussion of this lawsuit.

Mr. Pillmeier moved to enter executive session regarding the County of Orange vs. Kiryas Joel litigation, seconded by Mr. Kulisek. All in favor.

The committee entered executive session at 3:10 p.m.

Mr. Pillmeier moved to leave executive session, seconded by Mr. Kulisek. All in favor.

The committee left executive session at 4:20 p.m.

Mr. Spencer moved to move forward with the lawsuit against Kiryas Joel, seconded by Mr. Depew.

Mr. Darwin clarified that the Legislature does not authorize the County to commence litigation. Litigation is commenced by the County Executive and the County Attorney.

Mr. Seidman asked if there is enough money if the County Executive decides to go ahead with the lawsuit.

Mr. Darwin replied that based on his discussions with the County's attorneys, probably yes.

Mr. Depew moved to amend Mr. Spencer's motion to recommend to the County Executive and County Attorney to move forward with whatever available legal action can be taken, seconded by Mr. Kulisek.

Mr. Berkman noted that they are calling for a vote before the public hearing is held and there are documents that must be reviewed. There are more pieces to this puzzle.

Mr. Depew stated that there is a timeframe within which legal action must be commenced. The Legislators can use the input received from the June 29<sup>th</sup> public hearing to continue the vote on July 1<sup>st</sup>.

Mr. Seidman pointed out that no action needs to be taken today.

Mr. Fornario suggested a resolution be approved today and it could always be withdrawn before the July 1<sup>st</sup> meeting of the full Legislature.

Mrs. Reed stated that from a procedural standpoint, the committee has heard from counsel but not from the County Attorney as to what his recommendations are.

Mr. Marino stated that he would prefer not to vote today. He would like to hear from the public on June 29<sup>th</sup> and then the County Executive and County Attorney before the vote on July 1<sup>st</sup>.

Mrs. Donnery noted that she is not sure the County Executive will attend the public hearing. A proposed resolution may help him think about this.

Mr. Kulisek asked if the County Executive is not available who should the committee talk to. He stated that his vote on the floor will reflect what all the affected municipalities have to say.

Messrs. Fornario, Seidman, Depew, Spencer, Kulisek and Mrs. Donnery voted in favor of the amended motion. Messrs. Pillmeier, Berkman and Marino voted against. The motion passed 6-3.

Mrs. Wong-Pan addressed the application to reorganize the Foreign Trade Zone.

Mr. Spencer moved to authorize the County Executive to submit an application to the U. S. Foreign Trade Zone Board to reorganize the County's Foreign Trade Zone under alternative site designation and management framework, seconded by Mr. Berkman.

The new framework was adopted in January by the Foreign Trade Zone Board which is called "alternative site framework." The County would like to submit an application that changes the Zone from seven sites to two anchor sites where there is activity in the Zone and it will be usage driven. When there is a company that has a need for Zone status and they have done the cost benefit analysis, it can be an expedited application. The benefit to the County is that now there is considerable acreage that is not being used and is not feasible for Zone designation. Zone status is more applicable to large businesses that have the import/export component.

Mr. Seidman stated that when a company wants to locate in Orange County it would be good to give them an expedited answer. The bureaucracy with the application is sometimes a deal-killer. It will make Orange County more attractive, not only for businesses, but also for job creation.

Mr. Marino asked if they are looking at the possibility of having sites located in high-unemployment areas, such as the eastern end of the County.

Mrs. Wong-Pan replied that there is a site in Newburgh that has not had any Zone activity in a decade. That can be moved to another site in Newburgh which gives more flexibility.

Mr. Berkman stated that there is a 2,000 acre perimeter for the FTZ.

Mr. Berkman moved to amend the motion to set aside 60 acres for the three cities, seconded by Mr. Spencer.

Mr. Berkman stated that they will then have a better FTZ opportunity.

Mrs. Wong-Pan commented that this issue has been discussed in the local FTZ Board. The anchor sites would be in Westgate, Goshen where Minolta is located and the other at Stewart Airport where there have been past users.

Mr. Spencer noted that the buildings behind his office in Newburgh have been vacant for years and they are in the FTZ.

Mrs. Wong-Pan recited the sites presently in the Zone. It is not limited by 2,000 acres but by active acres. Now it contains approximately 100 acres. The new procedure will allow the FTZ Board to designate buildings, not the entire property.

Mr. Seidman stated that the amendment is not needed with the amount of acreage available.

Mrs. Wong-Pan noted that the amendment has not been discussed with the local FTZ Board and that should be addressed.

Mr. Seidman noted that the FTZ acreage at Stewart Airport is in the Town of Newburgh.

The vote on the amendment was all in favor with the exception of Mr. Depew who voted no.

The vote on the amended resolution was all in favor.

The next item was a request for additional funds for the NYRI lawsuit by Mr. Darwin. He explained that this covers expenses by CARI in its effort to stop the NYRI transmission line. NYRI did withdraw its application with prejudice and the proceeding is ended. CARI was successful in stopping that transmission line. Six counties are still part of CARI along with five citizens groups. The litigation costs totaled \$2.7 million including experts and administrative costs. The counties have been asked to contribute so far \$205,000 each. There is still a \$120,000 shortfall. The counties have been asked to contribute their proportionate share of the shortfall. The costs have already been incurred. This should be the final billing.

Mr. Seidman stated that Mr. Darwin did a wonderful job.

Mr. Depew moved to approve a supplemental appropriation for legal expenses in conjunction with the litigation opposing the NYRI transmission line in the amount of \$20,126.94, seconded by Mr. Seidman. All in favor.

Mr. Church spoke regarding the County's application regarding the Smart Growth Grant Program.

Mr. Seidman moved to support an application to the NYS Dept. of State re the Smart Growth Grant Program for revitalization and redevelopment of municipal centers near Stewart Airport, seconded by Mr. Spencer.

Mr. Church explained that the application is due next week and a resolution must be filed within 30 days.

All members voted in favor of the motion.

The next item was a discussion of the proposed local law regarding precious metals and gems.

Mr. Spencer moved to approve the local law regulating secondhand precious metal or gem dealers for the County of Orange, seconded by Mr. Marino.

Mr. Depew explained that this proposed local law has been reviewed several times and he thanked Mr. Mitchell for getting this final draft to the Legislature in time for this meeting. He introduced Mrs. O'Keefe, Deputy Commissioner of Rockland County Consumer Protection who is an Orange County resident and who is in support of this legislation, Lt. Rickard, City of Middletown Police and Undersheriff Kenneth Jones.

Mr. Mitchell explained that he has incorporated the requested changes into the local law and he also presented a draft application form.

Mr. Berkman stated that he supports the concept of this local law and he always has.

Mr. Marino asked about a public hearing and Mrs. Reed replied that after passage by the Legislature, the County Executive will hold a public hearing.

Mr. Mitchell replied that he has gotten a great deal of public comment himself.

Mr. Fornario added that there will be public participation before the Legislature votes on July 1 and the committee discussed various forms of public participation. The committee added a comment period until the local law reaches the floor. Comments and questions should be addressed to Mr. Mitchell.

All members voted in favor of the local law.

The last item was a request by Mr. Spencer for additional mortgage recording tax information from the County Clerk's Office. The municipalities have asked for more information for use in the preparation of their budgets. There is an issue with the computer program which cannot break it down monthly and with the State in releasing the information. Mrs. Reed will do further research.

The meeting was adjourned at 5:20 p.m.

vam