

**LEGISLATIVE COMMITTEE**  
**AGENDA**  
**APRIL 23, 2009**

- 1.) Request for support of “Jilly’s Law, a bill that provides additional protection to victims of domestic violence throughout New York State. (3/17/09)
- 2.) Request from Columbia and Seneca County for support of a resolution urging Governor Paterson to Order the Printing and Issuing of Tax Exemption Coupons for Members of Indian Tribes. (3/17/09)
- 3.) Referral from joint Criminal Justice, Public Safety and Social Services Committees - Request to authorize a letter to the State Legislature advising of concerns with drug sales in connection with DSS temporary assistance benefits. (03.26.09)
- 4.) Referral from Public Safety, Fire Prevention & Building Codes - Request to authorize a letter to the State Legislature asking that engineered septic systems not be required for all dwellings and that the determination as to whom they would be required of be made on a case by case basis. (03.26.09)
- 5.) Referral from Public Safety, Sheriff & Communications - Requesting that a letter be drafted to the State Legislature asking that all of the 911 surcharge revenues, rather than only a small portion, be disbursed to the Counties of New York State as intended by law. (03.30.09)
- 6.) Referral from Planning & Community Development - Requesting Committee action in support of the Affordable Housing Bill which would award density bonuses of four units for one principal building if certain criterion was met and including an amendment eliminating the requirement that the building be within four miles of the hamlet for those towns that don’t have hamlets. (03.30.09)

Pending Items

- 1.) Mr. Dusek to research previous Committee questions regarding Compact relative to the Lake George Basin for presentation at next Committee meeting. (08.06.08)
- 2.) Mr. Dusek to review Assembly Bill A07075, Tax Incremental Financing Program, to determine the fiscal implications of "Obligation Bonds" as listed therein for discussion at next Committee meeting. (08.06.08)
- 3.) Resolution No. 586, "Urging the New York State Legislature to Amend or Repeal the Requirements of the Prevailing Wage Law Making Government Sponsored Work More Competitive and Less Costly" was tabled at the August 15, 2008 Board meeting. (08.15.08)

**Sady, Joan**

**From:** Cafaro, Maggie  
**Sent:** Tuesday, March 17, 2009 1:07 PM  
**To:** Sady, Joan  
**Subject:** FW: Message from the Warren Co. Web Site

FYI

-----Original Message-----

**From:** webmaster@co.warren.ny.us [mailto:webmaster@co.warren.ny.us]  
**Sent:** Tuesday, March 17, 2009 9:18 AM  
**To:** Cafaro, Maggie  
**Subject:** Message from the Warren Co. Web Site

## Message from the Web Site

**Name:** Debbie Jaeger  
**Contact Information:** debbie\_jaeger@praxair.com

To the Board of Supervisors of Warren County:

Erie County Legislator Edward Rath is sending the following resolution to Gov. Patterson and all the elected officials in Albany. Jill Cahill was my sister and I urge you and your legislator to support this resolution. Jilly's Law has to potential to save many, many lives. If it had been law 10 years ago Jill would be alive today and with her children. Recently in our community a woman by the name of Aasyia Hassan was killed and beheaded by her husband. Last week the judge denied his bail not based on the violence of the crime rather the risk of him fleeing. We need to back legislation that will assist victims and backing Jilly's Law is a great start.

### URGES PASSING OF DOMESTIC VIOLENCE VICTIM PROTECTION BILL

Legislator Edward A. Rath III, 15th District, has submitted a resolution urging the passage of "Jilly's Law," a bill that provides additional protection to victims of domestic violence throughout New York State. "Jilly's Law" is currently in the New York State Legislature as Senate Bill Number 1401 and Assembly Bill Number 3035. The bill is named after Jill Cahill, who was brutally beaten into a coma and later murdered by her husband, Jeff Cahill, while recovering in the hospital.

Supporters of the bill note that while there is currently some protection for domestic violence victims, the only factor being taken into consideration when determining bail at this time is risk of flight. The bill would permit courts to view any and all violations of court orders, threats, previous records of protection against individuals and the degree of violence in the charged crime when determining bail in domestic violence cases. "Domestic violence is a tragedy that tears families apart and ruins lives," Rath said, "Officials throughout the state must work together to insure that people are safe in their communities and in their homes."

Rath also noted the appropriate timing of the bill's presentation. Rath commented, "March is National Women's History Month. It is the perfect time to address an issue that has tragically affected the history of many women in our community. By ensuring that victims are better protected from their attackers, the rate of domestic violence in Erie County will decrease."

Rath plans to seek immediate consideration of the resolution at Thursday's meeting of the full legislature. "We must send a message to Albany that Erie County opposes domestic violence and that we must protect its victims," stated Rath. "I will continue to urge our leaders in Albany to act on

3/17/2009



**Columbia County**  
**Board of Supervisors**  
401 State Street Office Building  
Hudson, NY 12534

Telephone (518) 828-1527  
Fax (518) 822-0684

ARTHUR BAER  
Chairman

LYNDA SCHEER  
Deputy Chairman

PHILIP WILLIAMS  
Deputy Chairman

GAIL DICOSMO  
Clerk

ALBERTA COX  
Deputy Clerk

JACQUELYN LYDON  
Assistant Deputy Clerk

March 12, 2009

Dear Chairs, Executive Directors:

Enclosed is a resolution urging Governor Paterson to order the printing and issuing of tax exemption coupons for members of Indian tribes so that as much as \$1 billion a year in sales and excise taxes can be collected from non-Indians when they purchase cigarettes, gasoline and other products from Indian enterprises, on and off reservations. Given the \$13 billion budget deficit our state is facing, and the social and other county programs that might otherwise have to be cut or eliminated given our fiscal crisis, there can be no more delay in the delivery of these coupons.

This resolution was passed by the Columbia County Board of Supervisors last night. We urge your board/legislature to consider and pass a similar resolution and send it to the Governor and your state legislators as soon as possible. The rationale for printing and issuing these tax exemption coupons is outlined in the Whereas clauses of the resolution, to which I might add the considerable health benefit to be derived as more New Yorkers are discouraged from smoking by having no outlets for cheap cigarettes.

Thank you for your attention to this important matter, which affects all of us, financially and otherwise.

Sincerely,

Arthur Baer, Chairman  
Columbia County Board of Supervisors

AHB/jkl



**Resolution**  
**Board of Supervisors**  
**County of Columbia**  
**New York**

RESOLUTION NO. 108-2009

BY SUPERVISOR

COUNTY GOVERNMENT COMMITTEE

CHAIRMAN: LEO PULCHER

DATE: March 11, 2009

URGING GOVERNOR PATERSON TO ORDER THE PRINTING AND ISSUING  
OF TAX EXEMPTION COUPONS FOR MEMBERS OF INDIAN TRIBES

UPON, recommendation of the County Government Committee at a meeting held on the 24<sup>th</sup> day of February, 2009;

WHEREAS, Sections 274e and 471e of the New York State Tax law call for tribal members to be exempt from payment of sales and excise taxes on motor fuel and cigarettes, respectively, when purchased on qualified reservations; and

WHEREAS, failure to enforce these sections of the law has led to tax inequity, whereby Indian businesses that do not collect sales and excise taxes from their customers are given an unfair competitive advantage over non-Indian businesses that must collect these taxes, causing many non-Indian businesses to close; and

WHEREAS, failure to enforce these laws has meant that the State of New York has failed to collect billions of dollars of revenue that it was due; and

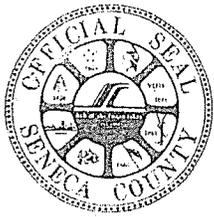
WHEREAS, the State of New York is facing a budget deficit next year in excess of \$15 billion and income from this source would produce revenue approaching \$1 billion annually; and

WHEREAS, failure to collect these cigarette and gasoline taxes will mean that many worthy social and economic development programs will have to be cut back or discontinued next year and in the future; and

WHEREAS, Governor Paterson has acknowledged that the policy of forbearance followed by three previous governors has not worked and that the present tax inequity is untenable; and

WHEREAS, the printing and issuing of tax exemption coupons for tribal members is the only legal impediment to the enforcement of current tax law, the establishment of tax equity, and the collection of revenue which otherwise must come from property and income taxes; be it therefore

RESOLVED, the Columbia County Board of Supervisors urges Governor Paterson to order the printing and issuing of tax exemption coupons to Indian tribal members immediately, so that sections 274e and 471e of the New York State tax law can be enforced, tax equity can be restored, and revenue much-needed by the state and counties can be collected; and be it further



Seneca County  
**BOARD OF SUPERVISORS**  
 1 DIPRONIO DRIVE  
 WATERLOO, NEW YORK 13165

*Copies to:*  
 Fred Monroe  
 Ralph Bentley

PHONE: 315-539-1700  
 FAX: 315-539-0207

February 16, 2009

The Honorable Frederick H. Monroe  
 Warren County Legislature  
 1340 State Street, Route 9  
 Lake George, New York 12845-9803

Dear Chairman Monroe:

Enclosed is a resolution urging Governor Paterson to order the printing and issuing of tax exemption coupons for members of Indian tribes so that as much as \$1 billion a year in sales and excise taxes can be collected from non-Indians when they purchase cigarettes, gasoline and other products from Indian enterprises, on and off reservations. Given the \$13 billion budget deficit our state is facing, and the social and other county programs that might otherwise have to be cut or eliminated given our fiscal crisis, there can be no more delay in the delivery of these coupons.

This resolution was passed unanimously by the Seneca County Board of Supervisors last night and a companion resolution was passed by the New York Association of Counties in Albany today. We urge your board/legislature to consider and pass a similar resolution and send it to the Governor and your state legislators as soon as possible. The rationale for printing and issuing these tax exemption coupons is outlined in the Whereas clauses of the resolution, to which I might add the considerable health benefit to be derived as more New Yorkers are discouraged from smoking by having no outlets for cheap cigarettes.

Thank you for your attention to this important matter, which affects all of us, financially and otherwise. All good wishes as your county wrestles with the budget challenges we face in this fiscal crisis.

Sincerely,

Laverne C. Lafler, Jr., Chairman  
 Board of Supervisors

SENECA COUNTY

LCL/dd/ml

Enc.

- Chairman*  
L. Chuck Lafler  
*Seneca Falls*
- Majority Leader*  
James H. Mooney  
*Town of Waterloo*
- Minority Leader*  
Peter W. Same  
*Town of Seneca Falls*
- Finance Director*  
Edward L. Barto  
*Town of Fayette*
- Town of Covert*  
Michael G. Reynolds
- Town of Junius*  
Ron Serven
- Town of Lee*  
Lee Davidson
- Town of Oval*  
David Dresser
- Town of Romulus*  
David M. Kaiser
- Seneca Falls*  
James E. Terryberry
- Town of Tyre*  
Patricia Amidon
- Town of Varick*  
Robert W. Hayssen
- Waterloo*  
Robert Shipley
- Waterloo*  
Gary Westfall
- Clerk*  
Margaret E. Li
- Deputy Clerk*  
Barbara J. Carr

# BOARD OF SUPERVISORS

## SENECA COUNTY

Waterloo, New York 13165

I, the undersigned, do hereby certify that I have compared the following with the original on file in the Office of the Clerk of the Board of Supervisors at Seneca County, New York, and that the same is a correct transcript therefrom and of the whole of said original; and that said original was duly adopted by the Board of Supervisors of Seneca County, at a meeting held at Waterloo, New York on the 10 day of February 2009.

### URGING GOVERNOR PATERSON TO ORDER THE PRINTING AND ISSUING OF TAX EXEMPTION COUPONS FOR MEMBERS OF INDIAN TRIBES

RESOLUTION NO. 34-09, moved by Dr. Dresser, seconded by Mr. Davidson and adopted by 690 ayes (Dresser, Davidson, Reynolds, Barto, Serven, Kaiser, Same, Lafler, Terryberry, Amidon, Mooney, Shipley, Hayssen), and 60 absentees (Westfall).

WHEREAS, Sections 274e and 471e of the New York State Tax law call for tribal members to be exempt from payment of sales and excise taxes on motor fuel and cigarettes, respectively, when purchased on qualified reservations; and

WHEREAS, failure to enforce these sections of the law has led to tax inequity, whereby Indian businesses that do not collect sales and excise taxes from their customers are given an unfair competitive advantage over non-Indian businesses that must collect these taxes, causing many non-Indian businesses to close; and

WHEREAS, failure to enforce these laws has meant that the State of New York has failed to collect billions of dollars of revenue that it was due; and

WHEREAS, the State of New York is facing a budget deficit next year in excess of \$15 billion and income from this source would produce revenue approaching \$1 billion annually; and

WHEREAS, failure to collect these cigarette and gasoline taxes will mean that many worthy social and economic development programs will have to be cut back or discontinued next year and in the future; and

WHEREAS, Governor Paterson has acknowledged that the policy of forbearance followed by three previous governors has not worked and that the present tax inequity is untenable; and

WHEREAS, the printing and issuing of tax exemption coupons for tribal members is the only legal impediment to the enforcement of current tax law, the establishment of tax equity, and the collection of revenue which otherwise must come from property and income taxes; be it therefore

RESOLVED, the Seneca County Board of Supervisors urges Governor Paterson to order the printing and issuing of tax exemption coupons to Indian tribal members immediately, so that sections 274e and 471e of the New York State tax law can be enforced, tax equity can be restored, and revenue much-needed by the state and counties can be collected; and be it

# BOARD OF SUPERVISORS SENECA COUNTY

Waterloo, New York 13165

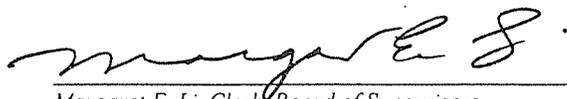
I, the undersigned, do hereby certify that I have compared the following with the original on file in the Office of the Clerk of the Board of Supervisors at Seneca County, New York, and that the same is a correct transcript therefrom and of the whole of said original; and that said original was duly adopted by the Board of Supervisors of Seneca County, at a meeting held at Waterloo, New York on the 10 day of February 2009.

-2-

FURTHER RESOLVED, copies of this resolution shall be sent to the chairs of all county legislatures and boards of supervisors with a request that their legislature or board adopt a similar resolution and send it to the Governor and their state legislators; and be it

FURTHER RESOLVED, copies of this resolution shall also be sent to Senate Majority Leader Malcolm Smith, Senate Minority Leader Dean Skelos, Speaker of the Assembly Sheldon Silver, State Senator Michael Nozzolio, and Assemblyman Brian Kolb.

STATE OF NEW YORK }  
County of Seneca }



Margaret E. Li, Clerk, Board of Supervisors  
Seneca County, Waterloo, New York 13165

Date: 2/18/2009

Mrs. Nenninger apprised that the ongoing issue with septic systems related to the design standards for new and replacement residential septic systems being in compliance with Uniform Code Appendix 75-A. She explained that she and Ms. Putney were gathering information from other communities that had dealt with the issue such as, the Town of Queensbury and the Town of Chester within Warren County, as well as other communities outside of Warren County. She said that they would accumulate the information and use it to determine how the County would move forward to set a standard as the Code Enforcement Agency for the Towns that have opted out of the Provision of Enforcement. She noted that the Town of Stony Creek was the only municipality located in Warren County that did not have local codes to enforce the interpretation of septic regulation for the Uniform Code Appendix 75-A.

Ms. Putney advised that she had received a notice that the State University of New York-Delhi was sponsoring an on-site training related to septic system inspections.

Mrs. Nenninger advised that Ms. Putney had a proposal relating to training so that the Inspectors could properly enforce the standards related to septic systems. She said that the Towns of Queensbury and Chester were the only Towns located within Warren County that provided their own enforcement and that she would research those towns, as well as how other counties across the State enforced the septic regulations and report back at the next Committee meeting.

Ms. Putney advised that the Septic System Inspection Course was scheduled for May 12, 2009 in Carmel, New York and the following transfer of funds was necessary due to a lack of funds available for training:

<u>From Code:</u>	<u>Title:</u>	<u>To Code:</u>	<u>Title:</u>	<u>Amount:</u>
A.3620 110	Salaries	A.3620 444	TRAV./EDUC./CONF.	\$900.00

Mr. VanNess questioned whether septic inspection was mandated and Ms. Putney responded affirmatively. Mr. Geraghty questioned whether the Town inspections were considered and Ms. Putney replied that she was researching whether what the Towns provided would meet the requirements to be kept on file. She explained that the State was requiring that as the enforcement agency for the County, the Fire Prevention and Building Code Enforcement Office was required to ensure that all the places inspected by the Department were in compliance with the regulations set forth under Uniform Code Appendix 75-A.

Mr. Pitkin asked for clarification on how the enforcement applied to the Towns that have opted out of the Uniform Code. Ms. Putney explained that in 1984 the Towns were given the option to adopt the enforcement of the Uniform Code or they could opt out. She stated that the County had chosen to take on the responsibility of enforcement rather than having the State do the enforcement, which would cost the Towns more; therefore, she stated that the County was responsible for the enforcement in all of the Towns, excluding the City of Glens Falls and the Town of Queensbury.

Discussion ensued.

included in the agenda packet. He said that although 5,187 less gallons of fuel had been used from the prior year, more funds had been expended due to the increase in the fuel prices. Mr. Girard asked whether the change from high octane to premium fuel was reflected in the report and Sheriff York responded in the negative. Hal Payne, Commissioner of Administrative and Fiscal Services, pointed out that the price of fuel fluctuates from month to month.

Sheriff York apprised that in 2008 New York State had received \$174,870,026 in revenues from the 911 surcharge for cell phone usage and the State had disbursed only \$9,800,000 to the counties across the State and he noted that Warren County's share was \$282,307. He suggested that the issue be referred to the Legislative Committee with a request that a letter be drafted to the State Legislature asking that all of the 911 surcharge revenues, rather than only a small portion, be disbursed to the counties of New York State as was intended by the law.

Motion was made by Mr. Girard, seconded by Mr. O'Connor and carried unanimously to refer the matter as outlined above to the Legislative Committee.

Joan Sady, Clerk of the Board, pointed out that a transfer of funds was necessary to pay the claim to Albert Perrone which was authorized by Resolution No. 247 of 2009. She stated that the funds should be transferred from code A.1990 469-Contingent Fund to code A.3110 439-Misc. Fees and Expenses in the amount of \$1,970.

Motion was made by Mr. Belden, seconded by Mr. Thomas and carried unanimously to approve the request for transfer of funds in the amount of \$1,970 as outlined above and refer same to the Finance Committee. *A copy of the Request for Transfer of Funds is on file with the minutes.*

The Sheriff and Communications portion of the meeting concluded at 10:57 a.m.

Privilege of the floor was extended to Brian LaFlure, Director of the Office of Emergency Services/Fire Coordinator. Mr. LaFlure requested permission to attend the New York State Coordinators Conference in Montour Falls, New York, on April 17th and 18th.

Motion was made by Mr. Girard, seconded by Mr. Thomas and carried unanimously to approve the request to attend the New York State Fire Coordinators Conference as outlined above. *A copy of the Request to Attend Meeting or Convention is on file with the minutes.*

Mr. LaFlure presented requests to appoint James Ellis and Patrick Mellon to the Fire Advisory Board effective April 20, 2009. He advised that these two individuals would be replacing Charles Mellon and James Young.

Motion was made by Mr. Belden, seconded by Mr. Thomas and carried unanimously to approve the appointments to the Fire Advisory Board as outlined above and the necessary resolution was authorized for the April 17, 2009 Board meeting. *Copies of the resolution request forms are on file with the minutes.*