

LEGISLATIVE & RULES COMMITTEE

AGENDA

SEPTEMBER 24, 2009

Approval of prior minutes - June 25, 2009 Legislative & Rules Committee meeting.

New Business:

- 1) Requests from NYSAC and Wyoming County for support of proposed legislation "Urging the State and Federal Governments to Implement Immediate Actions to Help Relieve the Current Dairy Fiscal Crisis", copy of the draft resolutions proposed by NYSAC, as well as the resolution adopted by Wyoming County, are attached.
- 2) Request from Schoharie County for support of proposed legislation entitled "Requesting New York State to Take Back Local Share of Medicaid as a Component of True Medicaid Reform", a copy of the resolution adopted by Schoharie County is attached.
- 3) Request from the Town of Cheektowaga for support of proposed legislation entitled "Request NYS to Eliminate Asbestos Fee for Demolitions Performed Through Town", a copy of the resolution adopted by the Town of Cheektowaga is attached.
- 4) Request from the Town of Cheektowaga in support of proposed legislation entitled "Opposition to Increases in Credit Card Rates", a copy of the resolution adopted by the Town of Cheektowaga is attached.

Pending Items:

- 5) Mr. Dusek to research previous Committee questions regarding Compact relative to the Lake George Basin for presentation at next Committee meeting. (08.06.08)
- 6) 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)
- 7) 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)
- 8) Referral from the Public Safety Committee, 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)
- 9) Referral from the Finance Committee - Review and discussion regarding the issue of tax payment refunds for tax exempt properties - Committee tabled discussion pending receipt of information from Amy Bartlett as to the options available to the County. (06.25.09)
- 10) Referral from the Budget Committee - Requesting Legislative action which would remove some of the flexibility from the Education Law that allowed the State to provide funding for community colleges as they desired. (07.08.09)



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

540 Broadway, 5th Floor, Albany, New York 12207 | Phone: (518) 465-1473 | Fax: (518) 465-0506 | www.nysac.org

President: Sarah Purdy, Yates County | Executive Director: Stephen J. Acquario, Esq.

To: Chief Elected Officials
From: Stephen J. Acquario, Executive Director
Date: September 9, 2009
RE: National Dairy Crisis

Over the past several months I have spoken to many of you about the crisis facing our local dairy farmers and I remain concerned about the future of the dairy industry in New York State.

As you are well aware, dairy farmers are in desperate need of financial assistance due to many factors, including the all time low price of milk and near all time high cost of farm operation. This "perfect storm" of problems is causing dairy farms across New York State to struggle to make ends meet and many will go under, producing a devastating effect on farming families and local economies.

The future of New York's farming industry has always been a top priority for NYSAC given the large impact it has on our state's economy. Whether it's providing income to local residents involved in farming or providing fresh beef, milk, cheese or produce to our citizens, we are all impacted by the agriculture industry in some way.

At the 2009 NYSAC Fall Seminar in Saratoga Springs on September 16 thru 19, the NYSAC Standing Committee on Economic Development, Environment and Rural Affairs will be reviewing a comprehensive resolution urging both the state and federal governments to implement immediate actions to help provide relief to farmers during this dairy fiscal crisis. A copy of the draft resolution is attached. Please feel free to use it as a template to draft and pass your own resolutions on this important issue. It is important to raise awareness of this issue across the state.

Additionally, this year's seminar will feature workshops on both the future of the dairy industry in New York State and the expansion of local agra-tourism programs. These sessions will allow us to discuss a county strategy to address this issue as we move forward.

We will continue to advocate on agricultural issues and provide counties with the most up-to-date information on these important issues. Please feel free to contact me if you have any questions or requests.

Committed to counties since 1925

Albany, Allegany, Bronx, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Dutchess, Erie, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Kings, Lewis, Livingston, Madison, Monroe, Montgomery, Nassau, New York, Niagara, Oneida, Onondaga, Ontario, Orange, Orleans, Oswego, Otsego, Putnam, Rensselaer, Queens, Richmond, Rockland, St. Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, Steuben, Suffolk, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Westchester, Wyoming, Yates

1 2009 Fall Seminar
2 Standing Committee on Economic Development, Environment & Rural Affairs
3 Resolution #01

4
5 **RESOLUTION URGING THE STATE AND FEDERAL GOVERNMENTS TO**
6 **IMPLEMENT IMMEDIATE ACTIONS TO HELP RELIEVE THE CURRENT**
7 **DAIRY FISCAL CRISIS**

8
9 **WHEREAS**, New York's vast farming industry contributes to both State and the
10 nation's health and economic wellbeing every day; and

11
12 **WHEREAS**, dairy farming is the backbone of this the largest industry in the New
13 York State; and

14
15 **WHEREAS**, the current state of the dairy industry is dire as dairy producers
16 struggle to meet their financial commitments due to historically low milk prices coupled
17 with erratically high energy, feed and fertilizer costs; and

18
19 **WHEREAS**, the bleak economic climate has softened demand for dairy products
20 in both the domestic and foreign markets, creating a surplus of dairy products and driving
21 the price of the commodity to historic lows; and

22
23 **WHEREAS**, in many areas of the state, even well-run dairy farms will not be able
24 to continue in business in the current fiscal climate unless immediate, decisive and
25 meaningful action is taken similar to actions taken to shore up other industries as part of
26 the American Recovery and Reinvestment Act;

27
28 **NOW THEREFORE BE IT RESOLVED**, the New York State Association of
29 Counties (NYSAC) urges both the State and federal government to take immediate action
30 to relieve the current dairy fiscal crisis and help maintain the economic engine that is the
31 dairy industry; and

32
33 **BE IT FURTHER RESOLVED**, NYSAC recommends the following measures
34 as a first step toward recovery for both the state and national dairy industry:

- 35 - Congress must provide an immediate increase in funding for increased payments
36 to the dairy farmers under the Milk Income Loss Contract (MILC),
37 - The United State Department of Agricultural (USDA) to move dairy commodities
38 off the domestic market as quickly as possible to fully utilize the Dairy Export
39 Incentive Program (DEIP),
40 - The USDA should take additional administrative action to issue another
41 temporary increase to the product price levels of the Dairy Product Price support
42 Program (DPPSP),
43 - The USDA and the State of the New York should immediately increase domestic
44 dairy product purchases for government sponsored nutritional programs,

- 1 - Passage of S.1722, sponsored by US Senators Arlen Specter and William Casey
2 of Pennsylvania, known as the Federal Milk Marketing Improvement Act of 2007
3 which will require the Secretary of Agriculture to determine the price for all milk
4 used for manufacturing proposes using the national average cost of production,
5 thereby increasing the price per hundred weight
6 - Urge the New York State Legislature to take no action on bills that will negatively
7 impact agricultural labor costs; and

8
9 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this
10 resolution to President Barack Obama, the New York State Congressional Delegation,
11 Governor David A. Paterson, the New York State Legislature and all others deemed
12 necessary and proper.

RESOLUTION NO. 09-285
(July 14, 2009)

By Mr. Gozelski, Chairman of Agriculture Committee:

**WYOMING COUNTY BOARD OF SUPERVISORS URGE THE FEDERAL
GOVERNMENT TO IMPLEMENT IMMEDIATE ACTIONS TO HELP
RELIEVE THE CURRENT DAIRY FISCAL CRISIS**

WHEREAS, Wyoming County is very concerned about the current dairy fiscal crisis; and

WHEREAS, Wyoming County recognizes that the following measures are needed to help to provide some relief from the economic challenges facing New York State's dairy farmers and to preserve local dairy production—ensuring the availability of fresh, safe, high-quality, nutritious, and affordable milk and dairy products; and

WHEREAS, Wyoming County knows that dairy producers are struggling to meet their financial commitments because of historically low milk prices coupled with erratically high energy, feed and fertilizer costs; and

WHEREAS, Wyoming County knows that the bleak economic climate has softened demand for dairy products in both domestic and foreign markets, creating a surplus of dairy products in the marketplace, thereby driving down dairy commodity prices even further; and

WHEREAS, Wyoming County realizes that many well-run dairy farms will not be able to continue in business in this fiscal climate unless immediate, decisive, meaningful government action is taken; and

WHEREAS, Wyoming County recognizes that the following measures are needed to help maintain the economic backbone of New York's rural communities and agricultural infrastructure; now therefore

BE IT RESOLVED, The Wyoming County Board of Supervisors hereby resolves that the following measures be implemented as soon as possible:

- Provide immediate, additional funding for increased payments to dairy farmers from the Milk Income Loss Contract ("MILC") program;
- Urge the USDA to move dairy commodities off the domestic market as quickly as possible by fully utilizing the Dairy Export Incentive Program ("DEIP") and the Food for Peace Program;
- Urge the USDA to take immediate administrative action to increase temporarily the product price levels in the Dairy Product Price Support Program ("DPPSP");

- Urge the USDA to make immediate dairy product purchases for WIC and other nutrition programs which received large increases in funding from the Federal stimulus package; and be it

FURTHER RESOLVED, That the Clerk of this Board, be hereby directed to forward certified copies of this resolution to President Barack Obama, United States Senators Charles Schumer and Kirsten Gillibrand, United States Congressman Chris Lee, all of the counties of New York State, New York State Association of Counties, Inter-County of Western New York, and all others deemed appropriate and necessary.

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain:

WYOMING COUNTY]
 BOARD OF SUPERVISORS]
 Warsaw, N.Y.]



THIS IS TO CERTIFY that I, the undersigned Clerk to the Board of Supervisors of the County of Wyoming, have compared the foregoing copy of resolution with the original resolution now on file in the office and which was passed by the Board of Supervisors of the said County, on the 14th day of July, 2009 a majority of all the members elected to the Board voted in favor thereof, and that the same is correct and true of such original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the Board of Supervisors, this the 14th day of July, 2009.

Cheryl J. Ketchum
 Clerk to the Board of Supervisors



Schoharie County
OFFICE OF CLERK, AUDITOR & PURCHASING AGENT

P.O. Box 429, County Office Building

Schoharie, NY 12157

Phone: (518) 295-8347 Fax: (518) 295-8482



Board of Supervisors, Chairman
Earl Van Wormer, III

Karen Miller, Clerk
Sheryl Largeteau, Deputy Clerk
Karen Hathaway, Deputy Clerk

July 22, 2009

Joan Sady, Clerk of the Board
Warren County
1340 State St., Route 9
Lake George, NY 12845

Dear Ms. Sady,

I have enclosed for your information a copy of a resolution that was adopted at the Schoharie County Board of Supervisors meeting on July 17, 2009 entitled "**Requesting New York State to Take Back Local Share of Medicaid as a Component of True Medicaid Reform.**" If you have any questions regarding this resolution please feel free to contact this office.

Sincerely,

Karen Hathaway, Deputy Clerk
Schoharie Co. Board of Supervisors

RESOLUTION NO. 77

TITLE: REQUESTING NEW YORK STATE TO TAKE BACK LOCAL SHARE OF
MEDICAID AS A COMPONENT OF TRUE MEDICAID REFORM

OFFERED BY: Harry Phillips Who moved its adoption.

SECONDED BY: Donald Brandow Member Rules & Legislation Committee

WHEREAS, a looming Medicaid crisis exists in New York State and has not been adequately addressed by our State representatives for many years; and

WHEREAS, for nearly two [2] decades, state legislatures have hidden behind their inability to pass an on-time state budget as an easy excuse for avoiding true Medicaid Reform; and

WHEREAS, New York State is one of the few states nationwide who passes down a percentage of Medicaid costs to the county level, which in New York State amounts to 20-25% on average; and

WHEREAS, our state leaders need to boldly step forward in a non-partisan fashion, make the hard hitting and decisive decisions, many of which may not be popular to voters at home, but which decisions will start us on the road to true Medicaid Reform; and

WHEREAS, true Medicaid Reform will stem reverse in economic growth and migration away from New York State of businesses and taxpayers to more friendly environs, will stabilize economic impacts on health care providers, and will modernize current laws that allow for shielding of large levels of income by individuals who should pay for their care; and

WHEREAS, without true reform, Medicaid will continue to grow and strip the likes of Schoharie County of their vitality and any hope of fiscal stability for years to come; and

WHEREAS, Schoharie County is tired of bearing unfunded mandates and placing them on the backs of its taxpayers; and

WHEREAS, Schoharie County views New York State's Medicaid Cap, as nothing more than smoke and mirrors; and

WHEREAS, true Medicaid Reform would include as an intrical part New York State taking back all Medicaid costs passed down to counties; and

WHEREAS, Schoharie County proposes that the State of New York start taking back the local share, implementation of which should span a five [5] year period at the rate of twenty [20%] percent of the local share per year, so that at the conclusion of the five [5] year period the State would be

bearing the full load of Medicaid; and


WHEREAS, implementation of this program should not include offsetting by county revenues such as sales tax or the like, now, therefore, be it hereby

RESOLVED, that the Schoharie County Board of Supervisors requests that the State of New York, as part of larger true Medicaid Reform, take back the local costs paid by counties statewide, which program should be implemented over a five [5] year period at the rate of twenty [20%] percent per year, so that at the end of that term the State of New York shall bear all Medicaid costs state-wide without contribution by offset or otherwise from counties; and be it further

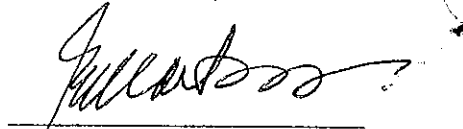
RESOLVED, that the Clerk of the Board of Supervisors shall forward copies of this Resolution to New York State Senators Gillibrand and Schumer, Congressman Tonko, Governor Paterson, Senator Seward and Assemblyman Lopez.

Dated: July 16, 2009

Filed: July 16, 2009


Clerk-Board of Supervisors

APPROVED AS TO FORM AND LEGALITY.



County Attorney

STATE OF NEW YORK
COUNTY OF SCHOHARIE ss:

I, the undersigned, Clerk of the Board of Supervisors of the County of Schoharie, New York, DO HEREBY CERTIFY that I have compared the above copy of a resolution with the original resolution adopted by the Board of Supervisors of said County on the 17th day of July 2009 at a regular meeting of said Board and said copy is a true copy of said resolution and of the whole thereof.

I, FURTHER CERTIFY, that at the time said resolution was adopted said Board was comprised of 16 members, with total weighted vote of 2974 and votes were cast as follows: Yes 2846, No, 0
~~XXXXXX~~ Exc., 128 Campbell & Mann

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Board this 17th day of July, 2009.


Clerk,
Board of Supervisors of the County of Schoharie

Amendment: send copies to NYSAC and all counties in NYS.

CHARLIE MARKEL
COUNCILMEMBER



CHEEKTOWAGA TOWN HALL
3301 BROADWAY STREET
CHEEKTOWAGA, NEW YORK 14227-1088
(716) 686-3419 Council Office
(716) 686-3590 Voice Mail
cmarkel@tocny.org

Town of Cheektowaga

September 17, 2009

Enclosed please find two resolutions approved by the Town of Cheektowaga. Please consider passing similar legislation in your municipality.

Should you have any questions, please feel free to contact me at (716) 686-3590.

Sincerely,

TOWN OF CHEEKTOWAGA

A handwritten signature in black ink that reads "Charlie Markel".

Charlie Markel
Councilmember

**RESOLUTION 2009-476**

Item # 4.20

ADOPTED

DOC ID: 3847

**Request NYS to Eliminate Asbestos Fee for Demolitions
Performed through Town**

WHEREAS, in an effort to deal with the problem of vacant and dilapidated residential and commercial buildings in the Town of Cheektowaga, this Town Board has been taking action to demolish such unsafe structures, and

WHEREAS, prior to demolishing such unsafe structures, the Town must conduct an asbestos survey and, if asbestos is present in the structure, certain procedures must be followed by the contractor retained by the Town before the structure can be demolished, and

WHEREAS, as part of the process for removing the asbestos, the State of New York, through the Department of Labor, Notification Department, charges a fee to the contractor for each asbestos removal, and

WHEREAS, this fee is eventually charged back to and paid by the Town of Cheektowaga, this increasing the cost to the Town and its taxpayers for each building demolished, and

WHEREAS, the State of New York, in 2009, increased this fee from \$2,000 to \$4,000 per structure, and

WHEREAS, this Board feels that such fee is exorbitant and unfair to Town taxpayers when the demolition is being paid for by taxpayers' moneys, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes the New York State Legislature and Department of Labor to reduce or eliminate this fee when it relates to demolitions commenced by municipalities in New York State, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Assemblyman Dennis H. Gabryszak, Senator William T. Stachowski, Governor David Paterson and to the New York State Department of Labor.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Charles Markel, Councilmember

SECONDER: Patricia Jaworowicz, Councilmember

AYES: Holtz, Jaworowicz, Swiatek, Rogowski, Zydell, Markel, Kaznowski

RESOLVED, that the Town Clerk be and hereby is directed to forward copies of this resolution to U.S. Congressman Brian Higgins, U.S. Senator Kristen Gillibrand, U.S. Senator Charles Schumer, NYS Senator William T. Stachowski , NYS Assemblyman Dennis H. Gabryszak and NYS Governor David Paterson to request that they enact appropriate legislation and/or take appropriate action to rectify this situation.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Charles Markel, Councilmember

SECONDER: Patricia Jaworowicz, Councilmember

AYES: Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

State Of New York
Erie County
Office Of The Clerk Of The
Town of Cheektowaga

ss:

This is to certify that I, *Alice Magionaki*, Clerk of the *Town of Cheektowaga*, in the said *County of Erie*, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the *Town of Cheektowaga*

in said *County of Erie*, on Tuesday, September, 8, 2009, and that the same is a correct and true transcript of such original resolution and the whole thereof.

(Seal)

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Town on Wednesday, September, 9, 2009.

CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY

**RESOLUTION 2009-477**

Item # 4.21

ADOPTED

DOC ID: 3846

Opposition to Increases in Credit Card Rates

WHEREAS, in October of 2008, the United States government approved a massive bailout of the financial services/banking industry utilizing huge amounts of taxpayer moneys, and

WHEREAS, this bailout was intended to clean up the credit crisis that severely weakened this country's financial system, and to result in more lending for the American taxpayer, and

WHEREAS, the Federal government also last spring enacted the Credit Card Accountability, Responsibility and Disclosure Act to provide new protections for credit-card users, and

WHEREAS, despite the infusion of taxpayer money to bail them out of the mess they got into, these financial institutions are repaying the taxpayers by raising credit card fees and interest rates, switching accounts from fixed to variable rates and raising penalties for late payments on credit cards before the new rules go into effect, and

WHEREAS, some credit card companies are also slashing limits for their card holders even if they have good credit scores, and

WHEREAS, consumers are already feeling the pinch of higher credit card fees, and

WHEREAS, because of a loophole in the federal legislation, some banks are raising rates on cash advances and bumping up penalties for late payments before other rules go into effect in February of 2010, and

WHEREAS, many of these financial institutions continue to pay exorbitant salaries and bonuses to their executives, and

WHEREAS, these action by credit card companies who were bailed out by the taxpayer money shows the arrogance of these financial institutions and complete lack of empathy for the middle class who suffers most by changes in their credit card policies, and

WHEREAS, this Board is outraged by the attitude of these card credit companies and wants our State and Federal lawmakers to enact further restrictions on them, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes the United State House of Representatives, United States Senate and the New York State Legislature to take action to control these financial institutions who received government aid to stop their predatory credit card practices against consumers who are most affected by the state of the economy, and BE IT FURTHER

Sady, Joan

From: Dusek, Paul
Sent: Monday, September 21, 2009 2:44 PM
To: Sady, Joan
Subject: RE: Legislative Committee Request

Joan,

The matter of concern is the State University Trustees aid formula for Community Colleges which allows the State to provide less than the 1/3 (or in some cases 2/5) aid that one would think would be granted under Education Law Section 6304.

The Education Law provides that the State will provide aid up to 1/3 of the operating costs (2/5 if the college implements a full opportunity program). One reading this law would think that 1/3 (or 2/5) is what should be paid. However the University Trustees (years ago) adopted a formula that results in less than that amount being received. The Court Of Appeals, in 1983 upheld this. Therefore the only way to require the State to pay 1/3 (or 2/5 if the college is qualified) is to request state legislation directing that the Trustees revise their formula to make this happen.

If the Committee desires to seek to change the above and have aid based on the 1/3 criteria, I recommend that the Board ask in their resolution for legislation that amends Education Law section 6304 (1) (b) (i) to:

- a) delete the provisions providing for aid based on a maximum amount per student;
- b) provide that any formula for state aid must use a colleges actual operating expenses to determine the amount of state aid.
- c) provide that in no event shall the University Trustees adopt or continue to use a formula for state aid to Community Colleges which does not allow or provide for state aid in the amount of 1/3 of qualified operating expenses or in the case of a college that has implemented a Full Opportunity Program, then 2/5.

If you have any questions or wish to discuss this matter, please do not hesitate to contact me.

Paul B. Dusek, Warren County Attorney
Warren County Municipal Center
1340 State Route
Lake George New York, 12845
Phone No. 518-761-6463

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9/21/2009