

**A G E N D A**  
**LEGISLATIVE COMMITTEE**  
**FEBRUARY 10, 2010**

- 1)** Larry Waimon will address the Committee regarding legislation to allow municipalities to retain fines for traffic violations.
- 2)** Amy Bartlett, First Assistant County Attorney, to discuss possible legislation concerning the issue of tax payment refunds for tax exempt properties. (Pending Item #2.)
- 3)** Resolution from Greene County, opposing various proposed anti-gun owner legislation in New York State.
- 4)** Resolution from Orleans County, supporting an increase in funding provided to the Office of Fire Prevention and Control by the Department of State for firefighter training.
- 5)** Response from County Attorney, Paul Dusek, regarding the Education Law that allowed the State to provide funding for community colleges as they desired. Response attached for Committee review. (Pending Item #3.)
- 6)** Request for our Federal Legislators to attempt to get Warren County included in the Northern Border Commission in order for the County to receive the associated benefits.
- 7)** Referral from the Support Services Committee concerning the New York State Vehicle and Traffic Law and the possible amendment of such.
- 8)** Resolution from St. Lawrence County, supporting the Governor's budget recommendation to place a moratorium on Adirondack Preserve acquisitions.
- 9)** Discussion on the 911 surcharge.
- 10)** Discussion pertaining to the publication of Local Laws.

Bartlett noted that the County Attorney's Office had recently researched this matter and determined that the County was very limited in their project options due to the restraints imposed by the State mandated design/build options. Mr. Stec interjected that it was the hope of the Finance Committee members that the Legislative Committee would take official action to request that the State relax the requirements imposed with respect to design/build options to allow municipalities increased flexibility in this area.

Motion was made by Mr. Stec, seconded by Mr. Pitkin and carried unanimously in support of a resolution requesting that the State revise its design/build options to allow municipalities more flexibility in this area and the necessary resolution was authorized for the July 17<sup>th</sup> Board meeting.

Concluding the agenda review, Mr. Bentley presented Item 5 which pertained to a second referral from the Finance Committee regarding discussion on the issue of tax payment refunds for tax exempt properties and he noted that the portion of the May 6, 2009 Finance Committee minutes which outlined the referral were included in the agenda.

Mr. Stec said that he believed the issue had been referred to the Legislative Committee due to the number of tax exempt properties owned by one group but said that he did not recall if this was the only issue discussed. He suggested that the matter be referred back to the Finance Committee for further discussion. Mrs. Simmes questioned why this would be a matter to be addressed by the Legislative Committee and Mr. Pitkin replied that it was his understanding that the Finance Committee had been seeking legislative action which would limit the number of tax exempt properties that could be claimed by one group.

Mike Swan, Director of Real Property Tax Services, was summoned to the meeting to provide further information on the item.

While awaiting Mr. Swan's arrival, a brief discussion ensued with respect to the current dysfunctional state of the New York State Senate.

Motion was made by Mr. Pitkin, seconded by Mr. Bentley and carried unanimously to authorize the Chairman of the Board of Supervisors to send a letter urging the New York State Senate to rectify the current situation and work together to resume business in the best interest of the people of the State of New York.

Mr. Swan entered the meeting at 11:24 a.m.

Mr. Swan apprised that the issue pertained to several properties owned by the Word of Life group in the Town of Chester which the Town had determined were taxable. He said that the Word of Life had paid \$96,171.43 in property taxes and had then sued the Town of Chester to recoup the funds paid and had won the lawsuit based on the fact that they were a tax exempt entity; therefore, he added, a refund of the taxes paid was required. Mr. Bentley interjected that the issue with the repayment was that the Town of Chester had made a deal with the Word of Life group which allowed them to make payment in lieu of taxes which meant that the County lost the tax revenues. Mr. Swan said that in this instance, and in others like it, the County was not involved in the negotiation process but was still affected by lost tax revenues and he said he thought the purpose of the referral to the Legislative Committee was to seek out action that would

involve the County in the process and avoid a loss of revenues in the future.

Ms. Bartlett said that if the Committee was seeking possible legislation in regard to this matter she would research the avenues available for presentation at a future Committee meeting.

Motion was made by Mr. Pitkin, seconded by Mr. Stec and carried unanimously to table the issue pending the receipt of further information to be presented by Ms. Bartlett at a future Committee meeting.

As there was no further business to come before the Legislative & Rules Committee, on motion made by Mr. Stec and seconded by Mrs. Simmes, Mr. Bentely adjourned the Committee meeting at 11:27 a.m.

Respectfully submitted,  
Amanda Allen, Sr. Legislative Office Specialist

November 18, 2009

RESOLUTION NO. 343-09

RESOLUTION OPPOSING VARIOUS PROPOSED  
ANTI-GUN OWNER LEGISLATION IN NEW YORK STATE

Legislator Frey offered the following resolution  
and moved its adoption:

WHEREAS, the "right to bear arms" is guaranteed by the 2<sup>nd</sup>  
Amendment to the U.S. Constitution; and

WHEREAS, certain bills passed in the New York State Assembly will  
have a detrimental effect on hunters, sportsmen and legal gun owners as well  
as the health of wildlife, revenue to local municipalities and the Department  
of Environmental Conservation; and

WHEREAS, passage of said legislation would curtail the rights of  
law-abiding citizens as guaranteed by the Constitution;

NOW, THEREFORE, BE IT RESOLVED, that the Greene County  
Legislature hereby urges the New York State Senate and the Governor to  
opposed the following onerous and misleading bills:

a. A-801-A (Requires renewal of firearms licenses after five years; safety  
course requirement outside City of New York; sets expiration date and  
provides for a recertification schedule to be developed by the Commissioner  
of Criminal Justice Services)

b. A-1093 (Requires imposition of restrictions on gun dealers; stringent  
record keeping and reporting to prevent gun sales to criminals; requires  
liability insurance of at least \$1 million; restricts premises of sales; requires  
employee training; prohibits straw purchases; imposes additional license  
conditions)

c. A-1326 (Outlaws handguns capable of firing by a five-year old or  
younger, making all current handguns illegal)

d. A-2881 (Defines possession of armor piercing, frangible or devastator  
ammunition as criminal possession of a weapon)

e. A-2882A (Expanded compilation of firearm and ballistic data)

f. A-3076 (Institution of new training requirements for issuance of  
firearms permits)

g. A-3211 (Bans sale, use or possession of 50-caliber or larger weapons)

h. A-5844 (Enacts "children's weapon accident prevention act"; creates  
crime for failure to store weapons safely; development of a weapons safety  
program)

i. A-6157 (Amends assault weapon definition to include "detachable magazine", "muzzle break" and "muzzle compensator")

j. A-6468B (Requires semi-automatic pistols to be capable of micro-stamping ammunition)

k. A-5078 (Amends definition of "disguised gun" to include weapon or device capable of being concealed on a person from which a shot can be discharged through energy of an explosive, which is designated and intended to appear to be a toy gun)

and

BE IT FURTHER RESOLVED, that the Clerk of the Greene County Legislature be and hereby is directed to send certified copies of this resolution to Governor David Paterson, Assembly Speaker Sheldon Silver, Senator James Seward, Assembly Members Peter Lopez and Timothy P. Gordon, NYSAC, all counties Administrative Officers/Clerks of the Board and to each and every other person, institution or agency who will further the support of this Resolution.

Seconded by Legislator Martinez

(10,000)

Ayes 14 Noes 0 Absent 0 CARRIED.

Approved by Public Safety Comm.: 11/9/09

cc: Tres  
1- Mayor  
1- Co. Atty  
1- Gov. Paterson  
1- Ass. Spkr Silver  
1- Sen Seward  
1- Ass. Mem Lopez  
1- Ass. Mem Gordon  
1- NYSAC  
All NYS Clerk of the  
1- Fed. of Sports men  
1- NYS Dec  
All town Village Supervisors  
2 All - Fed of Sports men

STATE OF NEW YORK )  
COUNTY OF GREENE ) ss.:

I, the undersigned,

DO HEREBY CERTIFY that I have compared the above copy of a resolution adopted November 18, 2009 with the original record in this office and that the same is a correct transcript thereof and of the whole of said original record.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of said Greene County Legislature this 19th day of November, 2009.

*Tammy L. Scialvillo*  
Tammy L. Scialvillo  
Acting Clerk, Greene County Legislature



**RESOLUTION NO. 352-1009**

SUPPORTING AN INCREASE IN FUNDING PROVIDED TO THE OFFICE OF FIRE PREVENTION AND CONTROL BY THE DEPARTMENT OF STATE FOR FIREFIGHTER TRAINING

WHEREAS, firefighter training provided by the Department of State administered under the Office of Fire Prevention and Control, OFPC, has proven to be an effective method of preparing firefighters in Orleans County to respond to emergencies; and

WHEREAS, the efforts of the State's 100,000 dedicated Volunteers contribute payroll and benefits savings commensurate with their career counterparts of more than 7 billion dollars annually, local governments cannot afford to pick up this expense; and

WHEREAS, firefighter training is conducted for both career and volunteer fire departments throughout the state, serving approximately 125,000 firefighters in more than 1,850 fire departments; and

WHEREAS, NYS Division of Budget allocations fluctuate with the State's fiscal needs, which are not consistent with the local demand for firefighter training; and

WHEREAS, funding for both entry level and advanced training of firefighters in Orleans County has suffered due to a lack of dedicated funding for the various training programs delivered by OFPC; therefore be it

RESOLVED, that this Legislature is in favor of increasing the amount of dedicated funding provided by the Department of State to OFPC in order to ensure that the training needs of our local firefighters are met so they may provide service to their respective communities within Orleans County; and be it

FURTHER RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to New York State Governor David Paterson, Senator George Mazarz, Assemblyman Stephen Hawley, NYSAC, InterCounty Association of Western New York; and Floyd Paterson, State Fire Administrator, Department of State Office of Fire Prevention and Control.

Moved, Johnson; second, Kent.

Adopted. 7 ayes; 0 nays; 0 absent.

**Sady, Joan**

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**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 then 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 then 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

Chairman Monroe asserted that he had been informed of another issue recently at the Adirondack Park Local Government Review Board meeting. He stated that there was a situation in Herkimer County, specifically in the Hamlet of Beaver River, which did not have a road to it and included approximately one hundred twenty homes, a hotel, a gift shop and at least one restaurant. He further explained that the only way to access the Hamlet of Beaver River was by ferry service which utilized the State boat launch. Chairman Monroe expounded that the Department of Environmental Conservation (DEC) notified the ferry operator, who had been in business for generations, on November 30, 2009 that they could no longer use the boat launch. He concluded that the Hamlet was given fourteen days notice of this change.

Motion was made by Mr. VanNess, seconded by Mr. Pitkin and carried unanimously to waive the rules of the board requiring a resolution be in writing. Clerk noted it would be Resolution No. 60 of 2010 for the record.

Motion was made by Mr. Geraghty, seconded by Mr. VanNess and carried unanimously to support the ferry operator and Senator Seward's attempts to maintain service to the Hamlet of Beaver River. Clerk added it would be Resolution No. 61 of 2010 for the record.

Chairman Monroe referred to the Northern Forest Lands Council, which was established around 1994 and was a region including all of the Adirondack Park, Vermont, New Hampshire and Maine and was recommended to handle economic development in said areas. He announced that Congress recently created the Northern Border Commission and was providing said Commission \$30 million to work with counties included in the Northern Border Commission, which originally was all of the Adirondacks, including Warren County. He said that Warren County had been excluded and he suggested that the County request that our Federal Legislators attempt to get Warren County included in the Commission in order to receive the associated benefits. He requested the matter be referred to the Legislative & Rules Committee for further discussion.

Mr. Dusek requested that Resolution No. 48 included in the packets, which authorized the County Attorney to fill the vacant position of Confidential Secretary, be corrected to state the effective date of January 22, 2010 as opposed to January 15, 2010. Clerk acknowledged the request.

Chairman Monroe asked the board members to take action on the standard one year contract with M.M. Hayes as previously discussed. Mr. Pitkin questioned the responses received relative to the RFP for the time keeping systems. Todd Lunt, Director of Human Resources, replied that six proposals were received, M.M. Hayes Company, Inc. being one of them, with initial costs ranging from \$72,000 to \$337,000. He added that appointments were being set up with the responders to review their presentations.

Motion was made by Mr. Pitkin, seconded by Mr. Champagne and carried unanimously to amend Resolution No. 841 of 2009, Authorizing Continuation of Agreement with M.M.

**Livingston, Nicole**

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**From:** Allen, Amanda  
**Sent:** Thursday, February 04, 2010 4:07 PM  
**To:** Livingston, Nicole  
**Subject:** Referral from Support Services - Vehicle Traffic Law

Hi Nicole,

Please find below the information Shane Ross forwarded to me concerning the Vehicle Traffic Law. This matter relates to the Legislative referral from the 1.29.10 Support Services Committee meeting.

Amanda Allen  
 Sr. Legislative Office Specialist  
 x 7656

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**From:** Ross, Shane L. [mailto:Shane.Ross@sheriff.co.warren.ny.us]  
**Sent:** Friday, January 29, 2010 3:42 PM  
**To:** Allen, Amanda  
**Subject:** 1103 VTL

*This may be the section you are looking for...*

**New York State Vehicle and Traffic Law****Deffinitions**

§ 117-a. Hazard vehicle. Every vehicle owned and operated or leased by a utility, whether public or private, used in the construction, maintenance and repair of its facilities, every vehicle specially equipped or designed for the towing or pushing of disabled vehicles, every vehicle engaged in highway maintenance, or in ice and snow removal where such operation involves the use of a public highway and vehicles driven by rural letter carriers while in the performance of their official duties.

**Title VII Rules Of The Road****Article 23 Obedience To And Effect Of Traffic Laws**

§ 1103. Public officers and employees to obey title; exceptions. (a)  
 The provisions of this title applicable to the drivers of vehicles upon the highways shall apply to drivers of all vehicles owned or operated by the United States, this state, or any county, city, town, district, or any other political subdivision of the state, except as provided in this section and subject to such specific exceptions as are set forth in this title with reference to authorized emergency vehicles.  
 (b) Unless specifically made applicable, the provisions of this title, except the provisions of sections eleven hundred ninety-two through eleven hundred ninety-six of this chapter, shall not apply to persons,

teams, motor vehicles, and other equipment while actually engaged in work on a highway nor shall the provisions of subsection (a) of section twelve hundred two apply to hazard vehicles while actually engaged in hazardous operation on or adjacent to a highway but shall apply to such persons and vehicles when traveling to or from such hazardous operation. The foregoing provisions of this subdivision shall not relieve any person, or team or any operator of a motor vehicle or other equipment while actually engaged in work on a highway from the duty to proceed at all times during all phases of such work with due regard for the safety of all persons nor shall the foregoing provisions protect such persons or teams or such operators of motor vehicles or other equipment from the consequences of their reckless disregard for the safety of others.

***Shane L. Ross***

Chief Deputy

Warren County Sheriff's Office

1400 State Rt. 9

Lake George, NY 12845

518-743-2518 - Administration Office

518-743-2500 - 24/7



February 1, 2010

Finance Committee: 1-25-2010

RESOLUTION NO. 59-2010

**SUPPORTING THE GOVERNOR'S BUDGET RECOMMENDATION TO PLACE A MORATORIUM ON ADIRONDACK FOREST PRESERVE ACQUISITIONS**

By Mr. FitzRandolph, Chair, Finance Committee  
Co-Sponsored by Mr. Merrill, District 6 and Mr. Grow, District 13

**WHEREAS**, Governor Paterson has called for a moratorium on Adirondack Forest Preserve land and open space land acquisition in his proposed 2010-2011 New York State Budget, and

**WHEREAS**, the Governor has identified better uses of State financial resources than the expansion of the Adirondack Forest Preserve, and

**WHEREAS**, St. Lawrence County is an active member of the Adirondack Local Government Review Board which has long called for a moratorium on Adirondack Forest Preserve acquisitions,

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Legislators supports Governor Paterson's call for a moratorium on Adirondack Forest Preserve acquisitions, and

**BE IT FURTHER RESOLVED** that the County calls upon the State of New York to suspend all potential or pending land acquisitions within the Adirondack Park potentially funded in the current 2009-2010 budget year, or authorized in prior fiscal years, and/or through any Environmental Bond Act funds, and

**BE IT FURTHER RESOLVED** that a copy of this resolution be sent to Governor Paterson, State Senators Aubertine and Griffo, Assembly members Russell and Scozzafava, and Adirondack Local Government Review Board Executive Director Fred Monroe.

STATE OF NEW YORK )  
 ) ss:  
COUNTY OF ST. LAWRENCE )

I, Chandra Coffey, Deputy Clerk of the St. Lawrence County Board of Legislators, **DO HEREBY CERTIFY**, that I have compared this Resolution, adopted February 2, 2010, with the original record in this office and that the same is a correct transcript thereof and of the whole of said original record.

Chandra Coffey  
Chandra Coffey, Deputy Clerk  
St. Lawrence County Board of Legislators  
February 2, 2010

**Sady, Joan**

**From:** York, Bud [Bud.York@sheriff.co.warren.ny.us]  
**Sent:** Wednesday, February 03, 2010 4:08 PM  
**To:** VanNess, William; Belden, Daniel; Girard, Dan; Frank Thomas; Monroe, Fred; Kevin Geraghty; Sokol, Matt; Michael O'Connor; Bentley, Ralph  
**Cc:** Sady, Joan; McKinsty, JoAnn  
**Subject:** FW: Spam : [nys911coordinators] summary of 911 briefing from DOB

We need to be vigilant attacking the State on this...Bud

**From:** sheriffyork@co.livingston.ny.us [mailto:sheriffyork@co.livingston.ny.us]  
**Sent:** Wednesday, February 03, 2010 11:59 AM  
**To:** pkehoe@nysheriffs.org; tmitchell@nysheriffs.org; cobrien@nysheriffs.org; gmaha@co.genesee.ny.us; rspike@yatescounty.org; CDubois@co.orange.ny.us; NYSSA\_Exec\_&\_Officers% LIVINGSTON\_COUNTY@co.livingston.ny.gov; james.voutour@niagaracounty.com; York, Bud; geracej@officeofthesheriff.com  
**Cc:** mbradley@co.livingston.ny.us; ICoyle@co.livingston.ny.us; gdeming@gwrr.com; jpcky@rochester.rr.com; James\_Merrick/Livingston\_County%Livingston\_County@co.livingston.ny.gov; KNiedermaier@co.livingston.ny.us  
**Subject:** Fw: Spam : [nys911coordinators] summary of 911 briefing from DOB

This is certainly a step in the right direction and the attempt by the assembly to reduce this to \$25 million is a reality and unacceptable by anyone's standards and this is the year they need to be held accountable we should as a group discussion look at the pro's and con's at the Feb. 8th 2010 meeting at 11:30am

John

The following information was provided to NYSAC by the Division of the Budget regarding the specific provisions in the Executive budget proposal with regard to the new increased allocation for counties from the public safety surcharge fund. We've been told that the legislature is unaware if county public safety entities support this proposal. Without public support, there is a real risk that the \$50 million could be swept back into the general fund. There are already rumors that the Assembly plans to cut the \$50 million to \$25 million. Please share this information with those in your organizations who would be interested. NYSAC feels it is an important proposal which moves us down a much better path toward getting a sizable allocation for counties. We are happy to be in touch with DOB for further questions or follow up clarification on this plan.

• The proposed Executive Budget outlined a new pot of \$50 million for FY 2010-11 to be allocated to counties for interoperable public safety communications projects. This amount will grow to \$75 million in FY 2011-12 and 2012-13. This represents over 60% of the \$124 million of the wireless surcharge fund (calculated from revenues of \$.70 of the \$1.20 collected).

• The parameters for what this money will be able to be used for

2/5/2010

are broad and intended to give counties the flexibility to spend the funding to suit their particular needs giving their stage of investment in their network. Previously, the parameters outlined under Sections 331 and 332 of the county law (which were eliminated in this year's proposed budget) were narrow in scope and very limiting to counties. Included among the permitted use of the money are radio infrastructure, training on new equipment, installation and maintenance of the equipment, operating costs and debt service on projects.

· This new funding will not impact the \$.30 revenues which are collected by the counties on land lines and VOIP phones.

· The newly reorganized office of Homeland Security and Emergency Services will contain an office of Interoperable and Emergency Communications. This office will take over the establishment training and education practices for firefighters and first responders which was previously handled by the Department of State.

· The Director of office of Interoperable and Emergency Communications shall serve as the statewide interoperable and emergency communications coordinator who will chair the statewide interoperable and emergency communication board. The new board will have 25 members following federal standards.

Katy Vescio

Legislative Coordinator

New York State Association of Counties

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2/5/2010