

## WARREN COUNTY BOARD OF SUPERVISORS

**COMMITTEE: LEGISLATIVE & RULES**

**DATE: JUNE 8, 2011**

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**COMMITTEE MEMBERS PRESENT:**

SUPERVISORS BENTLEY  
THOMAS  
MONROE  
GIRARD  
SOKOL  
WOOD

**OTHERS PRESENT:**

DANIEL STEC, CHAIRMAN OF THE BOARD  
PAUL DUSEK, COUNTY ATTORNEY/ADMINISTRATOR  
JOAN SADY, CLERK OF THE BOARD  
KEVIN GERAGHTY, BUDGET OFFICER  
SUPERVISOR STRAINER  
SUPERVISOR TAYLOR  
MIKE SWAN, DIRECTOR OF REAL PROPERTY TAX SERVICES  
CHARLENE DiRESTA, SR. LEGISLATIVE OFFICE SPECIALIST

**COMMITTEE MEMBER ABSENT:**

SUPERVISOR MCCOY

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Mr. Bentley called the Legislative & Rules Committee meeting of the to order at 11:39 a.m.

Motion was made by Mr. Sokol, seconded by Mr. Girard and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

Copies of the agenda packet were distributed to the Committee members; *a copy of the agenda packet is on file with the minutes.*

Privilege of the floor was extended to Mike Swan, Director of Real Property Tax Services, who explained that the concept of a Truth in Taxation local law had been initiated by Fulton County and delineated the mandates imposed by New York State and the impact on the local taxpayers. He commented that a local law would be required in order to place a flyer into the tax bills of constituents. He said the flyer distributed by Fulton County contained a pie chart to detail the percentage of local taxes that were allocated towards funded and unfunded State mandated programs, as well as the percentage of local taxes that were allocated towards County services. Mr. Swan stated that at one point 60% of the local taxes in Warren County had been allocated towards State mandated programs, mostly for the Department of Social Services. He apprised that Fulton County had provided a template for the Truth in Taxation flyer; however, he added, there was the cost of printing the flyers to be considered. He explained that his Office had the ability to print the flyers in black and white at an approximate cost of \$400 to \$500 or the flyers could be printed in color by a private company for an approximate cost of \$2,000 to \$6,000. Mr. Swan mentioned that 35% of the tax bills mailed in Warren County were sent to escrow companies; however, he added, there was a system in place for the Tax Collectors to send a receipt to the taxpayer and the flyers could be sent out with those receipts.

Mr. Bentley noted that in Fulton County 67% of taxes were allocated towards funded and unfunded State mandates leaving only 33% for County services. Paul Dusek, County Attorney/Administrator, advised the Committee that the matter in question was a fringe local law and publication and it was necessary to use caution to avoid any political issues. He apprised that the County Attorney's Office had completed several studies involving State mandates and the percentages of costs to the County for said mandates were not always clear cut. He advised it was important to ensure that the information presented to the public was factual.

Motion was made by Mr. Thomas and seconded by Mr. Monroe to introduce a Truth in Taxation local law to delineate State mandates and property taxes.

Mr. Monroe opined it was important for the County to introduce the local law as the proposed tax cap was not limited to County programs. He mentioned that by the time the tax bills were issued the Statewide tax cap would most likely be adopted. He suggested that the previous motion include that the flyers be printed in black and white as he did not feel it was necessary to incur the cost of color printing. Mr. Sokol noted the issue was time sensitive and asked if it was possible to print an ad in the local newspapers. Chairman Stec and Mr. Monroe opined that printing an ad in the newspaper bordered on making a political statement. Mr. Monroe suggested the possibility of a press release. Mr. Bentley asked if a local law would be necessary for a press release and Mr. Dusek replied in the negative. Mr. Monroe asked if the information was available for the press release and Mr. Dusek responded that the majority of the information had been gathered for another project. Mrs. Wood noted that the Town Tax Collectors received a manual from the Association of Towns which stated that the concept of the flyer was allowable as long as the information provided was factual.

Following a brief discussion, Mr. Thomas amended his motion and Mr. Monroe amended his second to the motion to introduce a Truth in Taxation local law to delineate State mandates and property taxes with the flyers to be printed in black and white; and to authorize a press release of the same information. *The necessary resolution was authorized for the June 17, 2011 Board meeting.*

Mr. Bentley stated the next item on the agenda was a request for a resolution supporting NYSAC's (New York State Association of Counties) proposal for a full State takeover of local Medicaid costs to address mandate relief as part of the property tax cap. Mr. Monroe said this would bring New York State in line with what the majority of the States had done as far as Medicaid costs. Mr. Bentley stated that all of the other States had taken over the Medicaid costs and all of them had imposed a cap of 200% or less of the poverty level. Mr. Monroe apprised he was unsure if it was factual but it was stated that Fulton County's Medicaid bill would be \$13.4 million and would increase 3% each year as mandated by the State. He said it had been his understanding that the 3% was a maximum increase and not a mandated increase.

Motion was made by Mr. Monroe, seconded by Mrs. Wood and carried unanimously to authorize a resolution supporting NYSAC's proposal for a full State takeover of local Medicaid costs and to request that NYSAC include that the income level requirement level for receipt of Medicaid benefits be capped at 200% or less of the poverty level, as opposed to New York State's current cap of 400% or less of the poverty level. *The necessary resolution was authorized for the June 17, 2011 Board meeting.*

Mr. Bentley said the next item for discussion was a request for resolution opposing the Complete Streets bill (S.5411) and he noted a copy of the bill was attached to the agenda packet. He noted that the bill would require 32 feet of pavement for each street which he noted most towns would be unable to comply with. He added that Warren County had insufficient funds to maintain the roads for vehicle usage without it being mandatory to accommodate pedestrian and bicycle usage on all streets. Mr. Thomas opined the bill was good in concept but was not supported by reality. Chairman Stec stated it was the equivalent of another unfunded mandate by the State.

Motion was made by Mr. Girard, seconded by Mr. Sokol and carried unanimously to authorize a resolution opposing the Complete Streets bill (S.5411) due to the fact that the municipalities cannot afford a 32' requirement for pavement. *The necessary resolution was authorized for the June 17, 2011 Board meeting.*

Mr. Bentley said the next item was a request for support of a local law regarding invasive species. He pointed out the local law had been initiated by Lake Pleasant and he felt a Countywide local law pertaining to invasive species would be beneficial. He apprised the law would prohibit the introduction of invasive species throughout the County. He said that boaters did not generally examine their boats as they relocated them from one lake to another.

Motion was made by Mr. Sokol and seconded by Mr. Girard to support a local law regarding invasive species.

Mr. Dusek stated that he would like an opportunity to research the legality of the issue as the State owned the bottom of Lake George which bordered both Warren and Washington Counties. He said that he would be unable to complete his research prior to the June 17, 2011 Board meeting and suggested the issue be tabled until the next Legislative & Rules Committee meeting.

Mr. Sokol withdrew his motion and Mr. Girard withdrew his second to the motion.

Motion was made by Mr. Girard, seconded by Mr. Thomas and carried unanimously to table the issue of a possible local law regarding invasive species until the next Committee meeting pending further research by the County Attorney.

Mr. Monroe advised that much of the recent flooding in Warren County had been caused by beaver dams on State or private property. He said there had been three incidents in the Town of Chester over the last several years of flooding caused by beaver dams. He commented that the issue was a safety hazard which could cause damage requiring expensive repairs. He said that no one was trapping the beavers anymore or doing anything to correct the issue. Mr. Thomas interjected that the issue had occurred in the Town of Stony Creek as well.

A brief discussion ensued pertaining to flooding caused by beaver dams.

Mr. Dusek suggested the County request an amendment to the Environmental Conservation Law to allow municipalities the right to access private property to investigate and to communicate with the land owners if a problem beaver dam was located. Because of the threat to public facilities, he continued, it would seem reasonable for the State to give the municipalities that authority on State land, as well. Mr. Bentley noted it was a population issue and commented that trappers would trap the beavers and release them elsewhere for a fee. Mr. Monroe suggested that the County should document the extent of the issue and recommended the individual Town and County Departments of Public Works (DPW) be surveyed to determine that extent.

Motion was made by Mr. Monroe, seconded by Mrs. Wood and carried unanimously to authorize the County Administrator to draft a letter to the DPW Superintendents of the individual Towns and County to ascertain the extent of the problems caused by beaver dams in Warren County.

As there was no further business to come before the Legislative & Rules Committee, on motion made by Mr. Girard and seconded by Mr. Monroe, Mr. Bentley adjourned the meeting at 12:10 p.m.

Respectfully submitted,  
Charlene DiResta, Sr. Legislative Office Specialist