

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: LEGISLATIVE

DATE: AUGUST 8, 2007

Committee Members Present:

Supervisors F. Thomas
Belden
Gabriels
Monroe
Stec
Merlino
Girard

Others Present:

Hal Payne, Commissioner, Administrative &
Fiscal Services
Paul Dusek, County Attorney
Joan Sady, Clerk, Board of Supervisors
Supervisors O'Connor
Tessier
Champagne
Representing Adirondack Community College:
Dr. Ronald Heacock, President
William Long, Vice-President, Adminis-
trative Services
Kevin Reilly, Director, Student Accounts
Business & Operational Services
Betsy Rabida, Director of Financial Svces.
David Strainer, Queensbury
Katy Goodman, Secretary to the Clerk

Mr. F. Thomas called the Legislative Committee meeting to order at 11:45 a.m.

Copies of an Agenda packet for the meeting were distributed to the Committee members, and a copy of same is on file with the minutes.

Motion was made by Mr. Monroe, seconded by Mr. Belden and carried unanimously to approve the minutes of the previous meeting, subject to correction by the Clerk.

Mr. F. Thomas commenced with review of the Agenda items, and he stated Item No. 1 concerned a packet of information on universal healthcare that he had distributed to the Committee members at the last meeting for their review prior to this meeting. He advised the information included resolutions from other Counties which requested Warren County's support for universal healthcare.

Mr. F. Thomas stated he did not favor universal healthcare and he asked for the Committee members' input. Mr. Monroe responded he did not understand enough about the program; however, he advised that the Hudson Headwaters Health Network (HHHN) was in serious financial trouble and they were the only healthcare available in much of the County. He explained he understood the problem was that although Medicaid and Medicare insurances paid enough to cover their participants' healthcare costs the private insurance companies did not pay enough to cover their clients' costs.

Mr. F. Thomas stated Agenda Item No. 2 concerned the Great Lakes Basin Compact and that Supervisor Gabriels would address the Committee members on this issue. Mr. Gabriels advised he had recently read a newspaper article that the (State) Legislature had just passed The Great Lakes Compact. He explained The Compact was made up of ten states adjacent to the Great Lakes and the intent of The Compact was to prevent water from being discharged out of the Great Lakes Basin.

Mr. Gabriels stated he had brought the issue to this Committee to consider, because at one time in connection with the County's Sewer Project, the Town of Queensbury had the option to build a collection system in the Rockhurst and Assembly Point areas (on Lake George) which would have sent the system's wastewater from out of the lake's basin into the Hudson River. He advised that Phase 2 of the Town of Bolton's Sewer Project had the option to send its wastewater out of the lake's basin into the Schroon River. Mr. Gabriels explained he was concerned about the situation because the County had stopped working on the Queensbury phase of the Sewer System because they had thought The Compact was in effect.

Mr. Gabriels continued, and stated he had provided Paul Dusek, County Attorney, with a copy of the aforementioned newspaper article for his review. He explained he wanted to know if he was overreacting to the Legislation or if there was a very strict standard the County would have to comply with, if in the future they would want to discharge wastewater out of the lake's basin. Mr. Gabriels advised from what he read, he felt the County would be prevented from taking the aforementioned options without the unanimous consent of all ten of the State Governors in The Compact. He remarked he thought that would be extremely burdensome both to the County and the Towns of Queensbury and Bolton. Mr. Gabriels asked Mr. Dusek if that would be correct.

Privilege of the floor was extended to Mr. Dusek and he concurred with Mr. Gabriels that the Law would be a burden for the County and the two Towns. He explained there were two sections in the Law and the first was that all new or increased diversions would be prohibited except as allowed by the Article (of the Law). Mr. Dusek explained the second section stipulated that unless the County was in one of the exceptions the wastewater discharge would not be permitted and the exceptions were for public water supplies. He advised he thought because the discharge would be from a sewer system and not a public water supply they would not be allowed to do that without obtaining the aforementioned unanimous consent or amending the entire Compact.

Mr. Gabriels stated he did not think the Governor had ratified the Law yet and he suggested the Committee could register its concerns about the Law to the Governor and the State Legislature via a resolution.

Motion was made by Mr. Gabriels to approve the preparation of a resolution to express the County's concerns that the aforementioned Great Lakes Compact had the potential to negatively impact the future wastewater collection system within Warren County. Mr. Belden seconded the motion.

Mr. Stec thanked Mr. Gabriels for catching the information on the Law. Relative to the County's Sewer System, he recalled that in past years whenever the Town of Queensbury had discussed any options for building a sewer system for the East Side of Lake George they were always told that any discharges out of the basin were not an option because they already belonged to The Compact. Mr. Stec noted he thought that information came from the EPA (Environmental Protection Agency). He commented although it might be too late for the County's objections to have an effect against the Law, he was concerned that they were led to believe that the entire State had belonged to The Compact, which was incorrect. Mr. Dusek stated he thought he recalled that a different Compact was in place at that time. He advised the full name of the current Compact was The Great Lakes - St. Lawrence River Basin Water Resources Compact. Mr. Dusek stated he would research whether or not there had been a previous Compact for the Committee members' information.

Discussion ensued. Mr. Champagne concurred with Mr. Stec that relative to the background of the County Sewer System that there was a previous Compact that restricted wastewater from being discharged into the Great Lakes. Mr. Belden noted the Governor should apply for an exception to the Law. Mr. Dusek stated the intent of the current Compact was to keep all the water in the Lake Champlain Basin, the Lake George Basin, the St. Lawrence Basin and the Great Lakes Basin. However, he stated, there were some minor exceptions for communities that were partly in a basin; however, those exceptions were just for public water projects. Mr. Dusek noted under the new Law there would again be problems with sewer projects. He reiterated he was not as familiar with the old Compact; although, he recalled, it was referred to in some communications he had read. Mr. Belden suggested they should contact William Lamy, (County) DPW Superintendent on that question.

Mr. Dusek noted he thought there were two issues and the first was what the prior Compact had stipulated, which could be determined. Secondly, he noted, the proposed new Law was very restrictive. Mr. Dusek advised he understood The Compact had been adopted by the State Senate and Assembly and was now before the Governor to sign it into Law. However, he advised, even if the Governor did sign it, some other States and the Congress would also have to sign it. Mr. Gabriels concurred that Congress had to adopt The Compact.

Mr. Gabriels commented as Supervisor of the Town of Bolton he appreciated that the water from Lake George would not be piped south to provide a public water supply for the major urban areas. He remarked that was good for Lake George; however, he commented, he would not want his successors as Town Supervisors to have to look at sewer out of basin discharges 20 years from now.

Mr. Dusek queried if the Committee members wanted the resolution to state they objected to The Compact because it did not include an exception for wastewater. Mr. Gabriels concurred with Mr. Dusek, in that the exception would pertain to wastewater only. Mr. Tessier stated there was a long-standing Law on the books that water could not be discharged from the Lake George Basin. He advised he did not know if the Law applied to any other places in the County or

whether or not it could be changed. Mr. Tessier suggested that issue should be looked at, and he added he was not sure if it was one of the Lake George Park Commission's regulations or one of the other agencies that dealt with matters about the lake. Mr. Tessier explained that prohibition had arisen quite some time ago when the Town of Lake George had proposed to discharge wastewater to the City of Glens Falls.

Mr. F. Thomas called the question and the motion to approve the preparation of a resolution to express the County's concerns about The Great Lakes Compact was carried unanimously. The necessary resolution was authorized for the next board meeting.

Agenda review continued, and Mr. F. Thomas pointed out that Item Nos. 3 a and b, were referrals from the August 2nd Insurance Committee meeting which requested that the Legislative Committee consider resolutions from the New York State Association of Self-Insured Counties (NYSASIC).

Mr. F. Thomas stated the first resolution was entitled, "Resolution in Opposition to Proposed Legislation Requiring Self-Insured Participation in the Aggregate Trust Fund (S6325)." A copy of the resolution was included in the Agenda packet.

Mr. F. Thomas advised he had looked at the Bill and it specifically added self-insurers, including group insurers, or the State Insurance fund to the Aggregate Trust Fund. Mr. Gabriels stated he was a member of the Insurance Committee and the reason for the objection to the Bill was that it was a considerable risk for an entity to be self-insured and the risk did not need to be exacerbated by having to contribute to the Aggregate Trust Fund.

Motion was made by Mr. Gabriels and seconded by Mr. Monroe to approve the County's support of the aforementioned resolution, as presented. Mr. Gabriels requested that in addition to the list of distributees in the draft resolution that the County's resolution also be forwarded to the Assembly and Senate Insurance Committees, Senator Elizabeth Little, Assemblywoman Teresa Sayward and Sheldon Silver, Speaker of the Assembly. The motion was carried unanimously and the necessary resolution was authorized for the next board meeting.

Mr. F. Thomas stated the second resolution was entitled, "Resolution in Opposition to Proposed Legislation Requiring Temporary Disability Insurance Coverage for Family Leave (S5821/A07999)". A copy of the resolution was included in the Agenda packet.

Motion was made by Mr. Gabriels and seconded by Mr. Belden to approve the County's support of the aforementioned resolution, as presented. Mr. Gabriels advised that NYSASIC had strongly recommended that the County support the objections to the proposed legislation because of the potentially significant and unknown impact it could have on the County. He remarked the County could not undertake the unknown impact at this point. Mr. Gabriels requested that the list of distributees for this resolution also include the Assembly and Senate Insurance Committees, Senator Elizabeth Little, Assemblywoman Teresa Sayward and Sheldon Silver, Speaker of the

Assembly. The motion was carried unanimously and the necessary resolution was authorized for the next board meeting.

Mr. F. Thomas stated Agenda Item No. 4 was a referral from the July 27th Social Services Committee, requesting that the County adopt a resolution in opposition to the State's determination that the mandated Social Services Connections Program be paid for at the local level. He noted he did not have a copy of the referral.

Privilege of the floor was extended to Joan Sady, Clerk of the Board of Supervisors, and she stated she had a resolution request from the Social Services Committee which included a request that she contact the New York State Association of Counties (NYSAC) to see if there was any other pending legislation on this matter. She advised she had contacted NYSAC and had received a reply from Ken Crannell, of NYSAC. Mrs. Sady stated the reply had been forwarded to Hal Payne, Commissioner of Administrative & Fiscal Services, and to Mr. Dusek. Copies of the aforementioned referral, the draft resolution and NYSAC's reply are on file with the minutes.

Mrs. Sady read the reply as follows: "I am aware of the issue and we have been meeting with the appropriate State reps. It is wrong to say that the "local districts are being asked to assume the non-federal share of the CONNECTIONS system." What is at issue is the purchase of replacement desktop PC's over the next two years. Cost is about 5 million outside NYC. At \$1,000 per PC what is the impact to Warren County?"

Mrs. Sady stated NYSAC also said that "The bigger problem is that the CONNECTIONS System is out of federal compliance and is creating an undue liability. I think it is premature for your Legislative Committee to take action as this is an issue for next year's State budget. The DSS Commissioners may want to broaden their focus, which is a little too narrow."

Mrs. Sady concluded the Committee was being asked to not take any action on the matter at this time. She stated she assumed it should be referred back to the Social Services Committee for more information from Robert Phelps, Commissioner of the Department.

Motion was made by Mr. Monroe, seconded by Mr. Belden and carried unanimously to refer the aforementioned item back to the Social Services Committee.

Discussion ensued. In reply to Mr. Gabriels' query on how many PCs the County would have in the Program, Hal Payne, Commissioner of Administrative & Fiscal Services, replied thirty-one. Mr. Gabriels remarked the program would be another unfunded State mandate.

Mr. F. Thomas called the question and the motion was carried unanimously.

Mr. O'Connor stated as a member of the Social Services Committee he would object to the aforementioned statement by NYSAC that the County's Social Services Commissioner's view on the issue was too narrow. He remarked it was hypocritical of the State to make that criticism.

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Mr. F. Thomas concurred with Mr. O'Connor. He advised a section of the aforementioned draft resolution said that, "Under Social Services Law Section 21 (7) (a) the full cost of the State's expenditures for the program shall be borne by the State utilizing any federal funds that were available for such purposes." Mr. F. Thomas noted it appeared the State was responsible for the entire program. Mr. O'Connor commented it was another program the State was getting into and then telling the Counties they had to buy the computers to operate their program.

There being no further business to come before the Committee, on motion by Mr. Belden and seconded by Mr. Monroe, Mr. F. Thomas adjourned the meeting at 12:04 p.m.

Respectfully submitted,

Katy Goodman, Secretary to the Clerk