

## Warren County Board of Supervisors

**Committee: Legislative & Rules**

**Date: January 25, 2013**

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**Committee Members Present:**

Supervisors Monroe  
Bentley  
Girard  
Sokol  
Wood  
Frasier

**Committee Member Absent:**

Supervisor Montesi

**Others Present:**

Kevin Geraghty, Chairman of the Board  
Paul Dusek, County Administrator  
Martin Auffredou, County Attorney  
Joan Sady, Clerk of the Board  
Frank Thomas, Budget Officer  
Supervisors Conover  
Dickinson  
Kenny  
Loeb  
Mason  
McDevitt  
Strainer  
Taylor  
John Strough, Town of Queensbury,  
Councilman  
Don Lehman, *The Post Star*  
Tony Hall, *The Lake George Mirror*  
Thom Randall, *Adirondack Journal*  
Nicole Livingston, Second Deputy Clerk

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Mr. Monroe called the Legislative & Rules Committee meeting to order at 10:30 a.m.

Motion was made by Mr. Bentley, seconded by Mrs. Wood and carried unanimously to approve the minutes of the November 30, 2012 Legislative & Rules 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.*

Mr. Monroe referred to Item 1 under the New Business portion of the Agenda, a discussion regarding a resolution calling for the Governor and State Legislature to compensate counties for State mandated District Attorney's salaries. He noted copies of resolutions from Schuyler, Yates and Delaware Counties were attached to the Agenda, copies of which are on file with the minutes. Mr. Monroe pointed out the salaries had been set at approximately \$119,000 for many years and the new mandated salaries would be \$152,500 by 2014.

Motion was made by Mr. Bentley, seconded by Mrs. Wood and carried unanimously to authorize a resolution calling for the Governor and State Legislature to compensate counties for State mandated District Attorney's salaries. The necessary resolution was authorized for the February 15, 2013 Board meeting.

Mr. Monroe expounded the next item on the Agenda was for discussion regarding legislation for construction of a casino gambling resort in Warren County. He

acknowledged the Governor was in favor of this legislation and he recalled previous discussions in which the Supervisors desired a local option be included in the legislation. Mr. Monroe noted that Robert Blais, Mayor of the Village of Lake George, had requested the County's support of a study being performed to determine if a casino was a desirable option for Warren County.

Mr. Girard remarked that there seemed to be a fast paced push for this legislation and he questioned if there would be a public referendum on this matter. Mr. Monroe added it did not appear that a local option would be included in the legislation either.

Chairman Geraghty entered the meeting at 10:37 a.m.

Mr. Monroe recommended a resolution be authorized requesting the Legislators to review the issue and report back to Warren County and to express the County's desire to have a local option if the legislation does progress. Mr. Girard agreed, noting the biggest concern was how much control the County would have locally.

Motion was made by Mr. Sokol, seconded by Mr. Girard and carried unanimously to request the State Legislators to review the issue of a casino gambling resort in Warren County and report back to the County on the status; and to express the County's desire to have a local option if the legislation does progress. The necessary resolution was authorized for the February 15, 2013 Board meeting. *Note: Following the meeting, the County Attorney advised that this request was addressed through Resolution No. 620 of 2012 and no further action was needed at this time.*

Mr. Monroe advised Item 3 on the Agenda concerned discussion relative to a local law requiring bars to close at 2:00 a.m. as opposed to 4:00 a.m. He noted that Supervisor Kenny had requested this item be brought to the Committee.

Mr. Kenny provided statistical information from the City of Glens Falls from 2011 to 2012 concerning alcohol related incidents that the City Police Department responded to, as well as similar statistics from the Warren County Sheriff's Office from 2008 to 2011. He thanked Sheriff York for providing him with this data. Mr. Kenny opined that nothing good happened at a bar between 2:00 a.m. to 4:00 a.m. and most bars closed long before the 4:00 a.m. curfew. He noted that he had spoken with approximately one hundred people about the idea of bars closing at 2:00 a.m. and not one person disagreed. He mentioned some bars owners may argue that they profited from 2:00 a.m. to 4:00 a.m. Mr. Kenny requested the Committee consider authorizing a local law requiring all bars to close at 2:00 a.m. in Warren County.

Mr. Girard apprised the renaissance that the City was having, combined with the residential component downtown, seemed to be a collision course with the late hours of the bars. Mr. Sokol said he appreciated the statistics provided by Mr. Kenny but he believed the problems would remain the same even if the bars did close at 2:00 a.m. He further recommended that it should be the choice of the business owner as to when they closed. Mrs. Wood expressed her concern with this, and she questioned the economic impact this would have on areas such as the Village of Lake George in the summer. She

pointed out that people would be more likely to go to Saratoga County where the bars remained open until 4:00 a.m. if the County implemented such a law, which would impact the DWI situation, as well. Mr. Dickinson remarked that he had made and received a number of calls to and from bar owners from Saratoga, Glens Falls and Lake George. He stated the basic concern amongst those he had spoken with was that if the 2:00 a.m. closing became mandatory in Warren County, the County would be at a disadvantage to some degree. He agreed the sooner a bar closed, the earlier the trouble would start. The general consensus of bar owners, he continued, was that the closing hour must apply to all bars State-wide.

Mr. Monroe agreed that more information was needed on this matter and jurisdictional issues should be identified, as well. Martin Auffredou, County Attorney, stated he would further research this subject and report back to the Committee next month.

Mr. Monroe directed the Committee members to Pending Item 5 on the Agenda, and he asked the County Attorney to comment on the draft local law providing for mandatory boat inspections and decontamination. Mr. Auffredou apprised there was a provision in General Municipal Law 99J that provided the County, as a municipality, the authority to implement programs to control aquatic invasive plants. He expounded that the SEQR (State Environmental Quality Review) process would be critical in terms of developing this local law and a consultant may be needed to assist in that process.

Mr. Monroe recognized this discussion also related to Pending Item 4 concerning a regional meeting with Warren, Essex and Washington Counties and other involved agencies. Mr. Auffredou commented that the Intercounty Legislative Committee of the Adirondacks had adopted a resolution pertaining to this and he would be pursuing further discussions with Essex and Washington Counties.

Mr. Sokol pointed out in the Support Services Committee meeting, the matter of proposed amendments to the Election Law was referred to the Legislative & Rules Committee for discussion. Mr. Monroe acknowledged there was a resolution from Chenango County regarding this that was distributed to the Committee members for review, a copy of which is on file with the minutes.

Mrs. Wood advised both Commissioners of the Board of Elections were in support of opposing amendments to the Election Law which would implement early voting. She added that such amendments would incur significant costs to counties and there were concerns as to how this would be executed and how it complied with the current Election Law. A brief discussion ensued.

Motion was made by Mrs. Wood, seconded by Mr. Bentley and carried unanimously to oppose the proposed amendments to the Election Law on the basis that it was another costly unfunded mandate and also because of the difficulty implementing it. The necessary resolution was authorized for the February 15, 2013 Board meeting.

Mr. Monroe proceeded to the Pending Items portion of the Agenda, and said Item 1 was in connection with the results of a survey of areas where beaver dams had created a

problem. He recalled the survey had been completed and forwarded to the County Attorney for review and he would discuss it further with him following the review.

The next Item, Mr. Monroe remarked, was regarding the proposal that any additional land purchases made by New York State for forest preserve offer an exchange of property which was previously acquired and not used for forest preserve. He expounded there was a lot of traction for a Constitutional amendment with regard to utilities and possibly highways and bridges that would allow for exchanges or more specifically a land bank, similar to what the State highways currently had. He stated he believed a bill would be proposed in the upcoming Legislative session; and therefore, he suggested waiting to see that bill to determine if the County supported it prior to taking any action.

Mr. Monroe apprised the next Pending Item was relative to Resolution No. 427 of 2012, Urging Congress to Repeal a Portion of the Universal Service Fund Surcharge that Provides Free Cellular Telephone Service to "Income Eligible" Individuals, which was tabled at the July 20, 2012 Board meeting with a request that the matter be referred to Congressman Gibson for an opinion. He added a response was received from Congressman Gibson and was attached to the Agenda. He noted the response explained that the service was not free, it was a discount averaging approximately \$9.25 per month for either wireless or a wire line and was available for individuals whose incomes were below 135% of the Federal Poverty Guidelines.

Motion was made by Mrs. Wood, seconded by Mr. Bentley and carried unanimously to resubmit Resolution No. 427 of 2012 for consideration at the February 15, 2013 Board meeting.

Prior to adjourning, Mr. Bentley mentioned the gun control bill that was recently passed and he noted his opposition to such a bill and the way that it was handled. He opined it was detrimental to the law abiding citizens of the State and was an infringement on the second amendment.

Motion was made by Mr. Bentley, seconded by Mrs. Wood and carried unanimously opposing the New York State gun law and citing the County's dissatisfaction with the process in which the law was passed. The necessary resolution was authorized for the February 15, 2013 Board meeting.

As there was no further business to come before the Legislative & Rules Committee, on motion made by Mrs. Wood and seconded by Mr. Bentley, Mr. Monroe adjourned the meeting at 11:33 a.m.

Respectfully submitted,

Nicole Livingston, Second Deputy Clerk