

LEGISLATIVE & RULES COMMITTEE
AGENDA
JANUARY 24, 2017

Committee Members: Supervisors Strough, Montesi, Brock, Braymer, Girard, Sokol, McDevitt, Seeber, and Leggett

- I. Committee meeting called to order by Chairman
- II. Motion to approve the minutes of the prior meeting - *September 29, 2016*
- III. Action Agenda/New Business Items:
None.
- IV. Discussion Items:
None.
- V. Referrals/Pending Items:
 - 1) Committee to continue the discussion regarding a draft resolution submitted by Town of Queensbury Resident, Robert Schulz, "Declaring that it would be a conflict of interest for certain individuals regulated by the New York State Constitution to be a delegate at a New York State Constitution Convention". (08.30.16)
 - 2) Referral from the November 18, 2016 Board Meeting pertaining to the local Assessors request for a resolution urging the State to return the management of the Star Tax Incentive Program back to the local Assessors rather than the State. (11.18.16)
 - 3) Referral from the Health, Human & Social Services Committee requesting a resolution be drafted urging the State to provide financial assistance to the County for the cost of rabies treatment. (11.21.16) - *Note: Pat Auer, Director of Public Health/Patient Services, has requested that no action be taken on this item as she is currently awaiting further information on the matter.*
- VI. Privilege of the Floor to discuss any additional items to come before the Committee
- VII. Motion to adjourn

Attachments:

1. Letter and resolution proposed by Mr. Robert Schulz (*Referral/Pending Item 1*)
2. Documents provided by Teri Ross, Town of Queensbury Assessor, at the November 18, 2016 Board Meeting (*Referral/Pending Item 2*)
3. Portion of the minutes from the November 21, 2016 meeting of the Health, Human & Social Services Committee pertaining to referral to the Legislative & Rules Committee (*Referral/Pending Item 3*)

Robert L. Schulz
2458 Ridge Road
Queensbury, NY 12804

May 5, 2016

Chairman and Members of the
Warren County Board of Supervisors
1340 State Route 9
Lake George, NY 12845

Attn: Amanda Allen - Clerk, Board of Supervisors

Dear Mr. Geraghty and Members of the Board:

With respect, please take notice the following question will be on the statewide ballot in November 2017: "Shall there be a convention to revise the constitution and amend the same?"

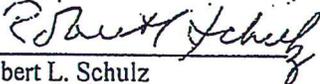
Attached is a draft of a Resolution that would have the Board: a) declare that it would be a conflict of interest for those regulated by the New York State Constitution to be a delegate at a New York State Constitution Convention; and b) call upon the citizens of Warren County to prepare now for the question by beginning a process of nominating and vetting candidates for the position of Constitution Convention delegate.

I respectfully request the Resolution be introduced to the Board for its consideration.

I have prepared a 30-40 minute power point presentation in support of the Resolution that I believe would be educational and beneficial to Board in its deliberation. Please advise.

Thank you for your attention to this matter.

Respectfully yours,


Robert L. Schulz
518-656-3578

RESOLUTION NO. ____ OF 2016

**DECLARING THAT IT WOULD BE A CONFLICT OF INTEREST FOR CERTAIN
INDIVIDUALS REGULATED BY THE NEW YORK STATE CONSTITUTION
TO BE DELEGATES AT A NEW YORK STATE CONSTITUTION CONVENTION**

WHEREAS, all power is inherent in the People, therefore no word finds its way into or out of the New York State Constitution except by a vote of the People; and

WHEREAS, by the terms of the New York State Constitution, the People structure and regulate the government and private and private corporations, including political parties and registered lobbying organizations; and

WHEREAS, in Section 1 of Article XIX of the New York State Constitution, the People have provided the Government of the State with a pathway to revise and amend the State Constitution; the Legislature can agree to place a proposed constitutional Amendment on the statewide ballot for a "yes" or "no" vote by the People; and

WHEREAS, in Section 2 of Article XIX of the New York State Constitution, the People have provided themselves with a pathway to governmental reform by formally evaluating the performance of the government, in convention, every twenty years, for the purpose of revising and amending the State Constitution as needed; and

WHEREAS, the question, "Shall there be a convention to revise the Constitution and amend the same?" will next appear on the ballot in November of 2017, and if the People vote yes those desiring to be convention delegates would stand for election in November 2018; and

WHEREAS, it would be a conflict of interest for anyone regulated by the Constitution to be a delegate at the convention the purpose of which is to recommend changes to the rule book that governs their behavior; and

WHEREAS, the good People of Warren County, the 45th State Senatorial District and the State of New York are quite capable of developing a slate of competent candidates who would compete for the 204 delegate seats to be filled in such election of 2018: three from each state senatorial district and fifteen at large; now, therefore be it

RESOLVED, that the Warren County Board of Supervisors does hereby declare that employees of New York State's Government, political parties and lobbying organizations have no business being delegates at a New York State Constitution Convention and such would be a most egregious, unconstitutional and unethical conflict of interest, and be it further resolved

RESOLVED, that the Warren County Board of Supervisors does hereby call upon the citizens of Warren County to begin now, in advance of the November 2017 vote on the question, a process of nominating and vetting individuals for the position of delegate to the Constitution Convention; and be it further

RESOLVED, the Clerk of the Board of Supervisors be, and hereby is, authorized and directed to forward copies of this resolution to: a) the New York State Association of Counties; and b) the Boards of Supervisors and Legislatures of the 56 other counties outside New York City; and c) local and regional print and broadcast media.

The **Warren County Board of Supervisors** requests that you take action and assist your constituents with the STAR process by doing the following:

1. Return the Enhanced STAR program to local assessors to better serve the senior population

2. Increase number of **qualified** staff available to answer the questions of property owners and assessors
3. Put in place a system of checks and balances to prevent the widespread mistakes of this year's STAR checks under and over paying property owners
4. Develop a plan for DTF to recoup overpayments
5. Amend the STAR Legislation language to fairly administer STAR for mobile home and co-op owners.
6. Develop a plan to have STAR checks sent out in the time frame specified in STAR Legislation
7. Ask school districts to forgive school tax payment penalties due to late issuance of STAR checks
8. Develop a plan for property owners to abandon the STAR check Program
9. Ensure the STAR checks are the EXACT same benefit as the STAR exemption as prescribed by current STAR Legislation

STAR TIMELINE

- 1997** STAR (School Tax Relief) Legislation Signed
NYS to reimburse School Districts for homeowners STAR Benefits
- 1998** Enhanced STAR goes into effect for Sept School Taxes
Homeowners 65 or older
Primary residence
Adjusted Gross Income limit at \$60,000 (adjusted by COLA every year)
- 1999** Basic STAR available for all homeowner's primary residence
- 2000** Amendment to STAR - mixed use properties now eligible
- 2011** Amendment to Basic STAR - income limit \$500,000
- 2012** Amendment to STAR - SAVINGS CAPPED at 2%
- 2013** Statewide DTF BASIC STAR Registration
Database created with Social Security Numbers to determine "double dippers"
Assessors suggest gathering SS#'s on Exemption form (DTF decides not to do this)
DTF to send new STAR Exemption recipients a registration letter from this point forward (Not done)

2016 STAR Amendment - all new homeowners STAR Exemption to STAR CHECK Program

- Assessment community notified April 2016 - AFTER passage of NYS Budget-RETROACTIVE
- All new homeowners MUST register with DTF for STAR Check - STAR Exemptions grandfathered
- STAR Checks to be exact same amount as STAR exemption benefit
- Assessors to notify all STAR Applicants since 3/1/15 exemption denied - register with NYS
- Assessors suggest homeowners notify their escrow accounts of the STAR change
- Seniors now to apply with Assessor for low income exempt AND DTF for Enh STAR (& wait for check)
- Assessors to send DTF list in MAY of the STAR applicants removed due to change in law
- Bill introduced at end of May to REPEAL STAR Changes - never goes to floor for vote
- DTF to check for STAR EXEMPTIONS on property (not checking correct assessment roll)
- DTF to send mh owners in parks STAR checks based on assessed value of \$20,000 (even if av less)
- DTF ask assessor to notify them if mobile homes assessed MORE than \$20,000
- DTF STAR Checks to Co-op Owners 100% of STAR even if assessed value less (not equal to exempt)
- DTF plan to send STAR Checks at the same time as school tax bills
- DTF changes plan to TRY to send STAR checks in September - to be used to pay school taxes
- DTF sent assessors list of Basic & Enh STAR recipients for "language" on tax bill (1/2 original)
- No STAR checks until last week of Sept - into Penalty Period - school schedules won't work
- DTF sent wrong amt for Enhanced STAR - sent Basic Amount instead
- DTF called & sent letters to Enh STAR recipients to inform of error - DTF to send 2nd check
- DTF DID NOT notify Enh STAR's that were wrong UNLESS FROM ASSESSOR LIST
- DTF sent uncapped savings amounts to Basic STAR Recipients - Basic Exmpt not equal to Basic check
- DTF - no plans to recoup OVERPAYMENT
- Assessors request list of STAR check recipients & amount of checks to confirm they are correct
- DTF denies assessors request for list (due to income tax privacy)
- 16-Nov Continued calls from homeowners that have not received ANY check (taxes due Sept)
- DTF - no checks mailed since 1st batch last week of Sept (taxes due Sept 30)
- Week of 11/16 started to send STAR checks

Name: _____

Address: _____

Date: _____

Dear New York State Legislator,

I am writing in regard to the recent changes to the STAR program. The STAR exemption has been converted to a new program known as the "STAR Credit Check". In the past it was very simple for property owners, such as me, to be able to speak to a local official about the ins and outs of the STAR exemption. Change can be difficult; however, there is an extreme lack of communication between NYSDTF and the assessment community. Assessors across the state are advocating for property owners except there is no consistency at the state level.

Taxpayers and Assessor's alike must call a STAR hotline for assistance. Callers wait on hold for extended periods of time and end up speaking with someone who has very little knowledge of the STAR program. To make matters worse, when two property owners call the hotline with the same question they often get two very different answers. The assessment community has been inundated with office visits, phone calls and emails from concerned property owners. There are a vast amount of problems with the administration of the STAR credits. The most common errors include property owners being sent checks for the wrong amount, both over and under the amount they are entitled to. Eligible property owners have been denied the credit. Seniors citizens have been told they would be getting a check comparable to the Enhanced STAR savings and in actuality receive the Basic STAR amount; approximately half the expected amount. This has put a strain on many senior citizens who were relying on the STAR check to pay their school tax bill.

As a concerned voter and taxpayer, I would like you to take action and assist your constituents in letting New York State know that changes need to be made. More qualified staff must be available to answer the questions of property owners. A system of checks and balance needs to be set up to prevent widespread mistakes of both under and over paying property owners. This new system was developed under the guise of saving millions of dollars of taxpayer's money; saving money seems highly unlikely now given all the aforementioned mistakes. **Now to make matters worse, if you are a low income senior, instead of filing one application with your local Assessor, you now have to register with Department of Taxation and Finance, AND apply for the low income senior with your local Assessor. Does this sound like a simplified system to you?**

This now leads us to the following questions:

Why doesn't the State takeover the Basic STAR process, and keep the Enhanced Program administered back at the local level?

How does the State plan to recoup the money it mistakenly overpaid? Or will they even try?

How will the State make sure this doesn't happen again?

How will the State provide better customer service for the property owners?

How is this really saving the tax payers any money?

Why were the checks not mailed out at the beginning of September as promised? They knew this program was coming, but instead the checks were mailed out at the end of the month. Most property owners did not receive their checks until after the school tax bills were past due.

These questions and many more; need to be answered and procedures implemented before the next School billing cycle. We the property owners cannot be constantly taken advantage of. I appreciate your attention to this matter.

Sincerely,

Commencing the agenda review, Ms. Auer presented a request to award bid and authorize a contract with Bonadio & Co. LLP for CPA services to audit the Medical Cost Report for Warren County Health Services for a term commencing January 1, 2017 and terminating December 31, 2017 with the option of two annual renewals.

Motion was made by Mr. Strough, seconded by Mr. McDevitt and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the December 16th Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Next, Ms. Auer introduced a request to authorize a contract renewal with New York State Department of Health Bureau of Early Intervention for a five-year contract term commencing October 1, 2016 and terminating September 30, 2021 to allow receipt of continued annual funding for Early Intervention Administration and to accept any COLA (Cost of Living Adjustments) funding that may be available during the contract period.

Motion was made by Mrs. Frasier, seconded by Mr. Simpson and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the December 16th Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Ms. Auer presented a request to amend the contract with Glens Falls Animal Hospital to reflect a rate increase effective January 1, 2017.

Motion was made by Ms. Braymer, seconded by Mr. MacDonald and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the December 16th Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Tawn Driscoll, Fiscal Manager for the Department of Health, presented a request for a transfer of fund from various budget codes in the amount of \$100,865, to cover the cost of rabies treatment for a family exposed to the virus. She explained she wrote a letter to the State seeking State funding assistance for the expense. A discussion ensued during which the Committee referred the matter of this funding requirement to the Legislative & Rules Committee on relieving the burden to the County.

Motion was made by Mr. Strough, seconded by Mr. McDevitt and carried unanimously to approve the request as outlined above and forward same to the Finance, Personnel & Higher Education Committee. *A copy of the request is on file with the minutes.*

Ms. Auer indicated a copy of the Emergency Response and Preparedness Activities Report was included in the agenda and she called for questions, but there were none.

Pertaining to the Status of Referrals portion of the agenda review, Tammie DeLorenzo, Clinical & Fiscal Informatics Coordinator, informed October was a good month for referrals. She noted the per diem nurses were working well.

Following, Ms. Driscoll reviewed the Expenditures, Revenues, Overtime and Per Diem Report. She notified October financials had yet to be completed. For September she stated the Ebola Grant had ended, and the Bio-Terrorism, Lead, Rabies and IAP (Immunization Action Plan) grants were incurred into the revenue. She reported salaries were at 75.5% of the budget and full-time and part-time were down due to the utilization of per diem staff. She indicated revenues and expenditures were down and no longer reflected long term care. As a reminder Ms. Driscoll informed the Pre-School Program commenced July 1, 2015 and ended June 30, 2016 and would be billed in March 2017 after information was received from the State.

There being no further business to come before the Health, Human & Social Services Committee, on motion made by Mr. Strough and seconded by Mr. MacDonald, Mr. Sokol adjourned the meeting at 10:00 a.m.

Respectfully submitted,
Molly Ganotes, Legislative Office Special