

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: LEGISLATIVE & RULES

DATE: FEBRUARY 26, 2018

COMMITTEE MEMBERS PRESENT:

SUPERVISORS: STROUGH
LEGETT
BRAYMER
WILD
MCDEVITT
MAGOWAN
SOKOL
DRISCOLL

OTHERS PRESENT:

RONALD F. CONOVER, CHAIRMAN OF THE BOARD
MARY ELIZABETH KISSANE, COUNTY ATTORNEY
SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD
FRANK E. THOMAS, BUDGET OFFICER
SUPERVISORS LOEB
SIMPSON
JOANN MCKINSTRY, ASSISTANT TO THE COUNTY ADMINISTRATOR
DR. JAMES SEELEY, EXECUTIVE DIRECTOR CORNELL COOPERATIVE
EXTENSION
TRAVIS WHITEHEAD, TOWN OF QUEENSBURY RESIDENT
DON LEHMAN, *THE POST STAR*
MOLLY GANOTES-GLEASON, LEGISLATIVE OFFICE SPECIALIST

COMMITTEE MEMBERS ABSENT:

SUPERVISORS: DIAMOND
DICKINSON
GERAGHTY

Please note, the following contains a summarization of the February 26, 2018 Meeting of the Legislative & Rules Committee; the meeting in its entirety can be viewed on the Warren County website using the following link: <http://www.warrencountyny.gov/gov/comm/Archive/2018/legislative/>

Mr. Strough called the meeting of the Legislative & Rules Committee to order at 11:17 a.m.

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

Commencing the agenda review, Mr. Strough spoke of Action/New Business Item No. 1 regarding a proposed resolution entitled “*Opposition to Taxable New York State Land Conversion PILOTS*” (*Payment in Lieu of Taxes*), which he indicated had been provided to him by Mr. Simpson on behalf of the Adirondack Association of Town and Villages. Mr. Simpson explained the towns with State-owned land located within their boundaries included assessed these parcels at full value and this assessment was later reviewed by the State and either agreed with or challenged. He continued that under the proposed plan, a PILOT agreement would be negotiated for individual properties with a tax cap of 2% or to change the allowable levy growth factor which he indicated could result in a loss of revenue generated and paid by the State to the Towns. He added it could be detrimental to Towns in the Adirondacks that include 90% State land. He expressed they wanted to be fairly compensated by the State so the taxpayers would not be affected by the shortfall. Mr. Wild inquired what the tax increases had been year to year and Mr. Simpson answered many municipalities had increases above 2%. He added over time the tax could eventually be negotiated and cease to exist and he said if 1% tax was lost on State land, the tax payers would be responsible for paying the difference; he noted this was unfair considering this was not buildable land and was primarily used for walking or hiking.

Mr. Leggett informed at a recent Adirondack Park Local Government Review Board meeting he attended

they gave a presentation indicating State land was being assessed on a wide range. He remarked it was a flawed system. Mr. Simpson voiced a 2% tax cap was another issue, he explained the Town of Horicon raised \$12,000 in taxes without going over the tax cap which they did on an annual basis. He mentioned every dollar was meaningful to small Towns. Ms. Braymer advised all of the State land was available to all those within the State and they should all pay their fair share of the taxes, not just the municipalities that included State land. Mr. Strough indicate Lexi Delurey, *Director, Real Property Tax Services*, emailed the Supervisors a spreadsheet titled 2017 Growth Factor which projected taxes for what would have been 2018 under the PILOT program if it was in place. He advised many of the Towns, schools and the County would have taken a negative impact.

Motion was made by Mr. McDevitt, and seconded by Ms. Braymer and carried unanimously to approve the proposed resolution in Opposition to Taxable New York State Land Conversion PILOTS and the necessary resolution was authorized for the March 16th Board Meeting. *A copy of the draft resolution is on file with the minutes.*

Mr. Simpson exited the meeting at 11:25 a.m.

Mr. Strough indicated Action Agenda Items 2 & 3 both pertained to matters submitted by the Lake George Chamber of Commerce & CVB for consideration. He remarked that the intent of the resolutions they had provided was not clear and there was no one in attendance that could provide an explanation on them. He read aloud section 142.23 of the New York State Labor Laws and he indicated it did not provide any clarity to their requests. A brief discussion ensued, following it was consensus of the Committee to refer the requests to next months meeting so a representative from the Lake George Chamber of Commerce & CVB could be present to answer questions and provide clarity.

Regarding Action Agenda Item No. 4, Niagara County Legislature Resolution No. 003-18 “*Resolution calling on Governor Cuomo to Delay the Pistol Permit Deadline*” Ms. Braymer advised she was not in favor of the resolution considering the deadline had passed. Mr. Magowan mentioned it was a responsibility of gun owners to renew their permits. After a brief discussion consensus of the Committee was to take no action.

Moving on to Agenda Action No. 5 Schoharie County Resolution No. 26 of 2018 “*To Increase State Support for Cornell Cooperative Extension County Association in New York State*”, Mr. Strough extended privilege of the floor to Dr. James Seeley, *Executive Director of Warren County Cornell Cooperative Extension*, who was in attendance to speak on the matter. Dr. Seeley explained every Cornell Cooperative Extension facility across the State had asked their County Government to support a resolution to increase State Funding. He indicated he had received a copy of the Schoharie County Resolution No. 26 of 2018 from Amanda Allen, *Clerk of the Warren County Board of Supervisors*, and he was asked to attend the meeting to discuss it. He advised there were forty counties throughout the State that had approved the resolution. He indicated he presented the resolution on behalf of Warren County Officials under County Law 224. He advised the State funding had been stagnant for twenty years and he indicated funding was needed for programs that enhanced the lives and well being of the people and the resolution proposed was based on the need of local constituents. He informed the New York Legislature amended County Law in 2016 to allow additional State allocations at a percentage proportionate to the County funding. He added the State funding

allocation was 12% of his budget, which equated to \$59,000. Dr. Seeley provided a graph which showed that funding had not increased over the past twenty years. He advised Cornell Cooperative Extension Directors across the State were meeting with State legislators in Albany on March 5, 2018; he added that Assemblyman Dan Stec had signed a letter of support and he was waiting for a letter from Senator Betty Little. A brief conversation ensued.

Mr. Leggett exited the meeting at 11:42 a.m.

Motion was made by Mr. Sokol, and seconded by Ms. Braymer and carried unanimously to approve the proposed resolution urging New York State to increase Support for Cornell Cooperative Extension County Association in the State of New York for presentation at the March 16th Board Meeting. *A copy of the proposed resolution is on file with the minutes.*

Moving on the Items for Discussion portion of the agenda review, Mr. Strough indicated there were two items to discuss with the first item being the Warren County Freedom of Information Law (*FOIL*) put forth by Ms. Braymer. Ms. Braymer apprised she had received notification that there were many cases where individuals were not receiving responses to their FOIL requests. She indicated the County FOIL law indicated every Department Head was a FOIL Officer and she said in other Towns and Counties the Clerks were FOIL Officers. She was concerned that requests that came to the County did so through a website with confusion as to who was responsible for answering them which she said was causing a problem for County residents. She suggested there be a centralized FOIL Officer to handle all FOIL requests at the County.

JoAnn McKinstry, *Assistant to the County Administrator*, explained the process for submitting a FOIL request through the County's website. She indicated all of the County FOIL requests sent through the website went through the County Administrator's Office and were distributed to the appropriate departments. She apprised the website was centralized and suggested the County Administrator's Office continue to receive all FOIL requests because the County Administrator was responsible for knowing the responsibilities of each department within the County. Ms. Braymer stated all FOIL requests were permissive and the County may withhold the request if it fell within strict guidelines of the exemptions; however, she said, the County did not have to withhold the request. She suggested putting as much information on the website as possible to avoid future FOIL requests.

Travis Whitehead, *Town of Queensbury Resident*, mentioned that when a FOIL request was not answered the next course of action would be litigation. Mr. Wild inquired who was responsible for responding to a request if it went unanswered and Ms. Braymer replied they could appeal to the Chairman of the Board who would make the final decision whether to release the information; she added that if the Chairman refused to release information, the next course of action would be for the requester to sue for it. Mr. Strough indicated one suggestion was for the County Administrator's Office to be the executive FOIL Officer and Ms. Braymer concurred. Mr. Strough asked Ms. Braymer to work on language for the FOIL Law to accommodate her request and bring it back to Committee and she agreed. Mr. Whitehead provided a description of his situation, responding to a FOIL request that was denied.

Regarding the Referral/Pending Item, to discuss potential revisions to Local Law No. 12 of 2011 and determine whether vacancies of At-Large or City of Glens Falls Ward Supervisors positions were appointed

by the Town or City or by the Board of Supervisors, Mr. Strough read aloud Local Law No. 12 of 2011 following which a discussion ensued and it was the consensus of the Committee to leave the law as it was written.

As there was no further business to come before the Legislative & Rules Committee, on motion made by Ms. Braymer and seconded by Mr. Driscoll, Mr. Strough adjourned the meeting at 12:03 p.m.

Respectfully submitted,
Molly Ganotes-Gleason, Legislative Office Specialist