

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: LEGISLATIVE & RULES

DATE: MARCH 26, 2018

COMMITTEE MEMBERS PRESENT:

SUPERVISORS: STROUGH
LEGETT
BRAYMER
WILD
MCDEVITT
GERAGHTY
MAGOWAN
SOKOL
DRISCOLL

OTHERS PRESENT:

REPRESENTING THE LAKE GEORGE CHAMBER OF COMMERCE
AND CVB
FRED VOGEL, PRESIDENT
GINA MINTZER, EXECUTIVE DIRECTOR
RONALD F. CONOVER, CHAIRMAN OF THE BOARD
MARY ELIZABETH KISSANE, COUNTY ATTORNEY
AMANDA ALLEN, CLERK OF THE BOARD
FRANK E. THOMAS, BUDGET OFFICER
SUPERVISORS BEATY
HOGAN
LOEB
SIMPSON
DON LEHMAN, *THE POST STAR*
CHRISTOPHER SOUTH, *SUN COMMUNITY NEWS*
MOLLY GANOTES-GLEASON, LEGISLATIVE OFFICE SPECIALIST

COMMITTEE MEMBERS ABSENT:

SUPERVISORS: DIAMOND
DICKINSON

Please note, the following contains a summarization of the March 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 10:59 a.m.

Motion was made by Mr. Geraghty, seconded by Mr. Driscoll 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 introduced Discussion Item No. 1, Local Law regarding opioid litigation.

Mary Elizabeth Kissane, *County Attorney*, announced an executive session was necessary to discuss a pending litigation matter.

Motion was made by Mr. Leggett, seconded by Ms. Braymer and carried by majority vote, with Ms. Braymer voting in opposition, to enter into executive session pursuant to Section 105(d) of the Public Officer's Law.

Executive session was held from 11:01 a.m. until 11:07 a.m.

Upon reconvening, Mr. Strough noted that no action had been taken during the executive session.

Open discussion commenced with Ms. Kissane speaking regarding proposed Local Law No. 3 of 2018 entitled "*Municipal Opioid Cost Recovery and Public Nuisance Legislation*". She said she had been asked during executive session what the County was expending and receiving in return for financing the Local Law. She indicated there was no cost to the County and added the County would receive funds only when there was a settlement or if they received damages, of which, she said outside counsel would also receive a portion. Mr. Wild inquired what the risks were if

the County filed a claim with the State or on its own and Ms. Kissane answered historically when the State negotiated for a settlement Warren County had received less than what they would have if they had filed the lawsuit themselves. She informed in this particular instance she was unsure what would be the best choice; however, she said, the County would receive more if settlements were based on real damages and not a State-wide approach. Mr. McDevitt added judges and defendants were trying to put a cap on the amount of damages that could be receive in a settlement. Ms. Braymer apprised the current proposed opioid litigation was a law that they should support.

Motion was made by Mr. Wild, seconded by Ms. Braymer and carried unanimously to approve proposed Local Law No. 3 of 2018 entitled "*Municipal Opioid Cost Recovery and Public Nuisance Legislation*" and set a Public Hearing for May 15, 2018 at 6:00 p.m. and the necessary resolution was authorized for the April 20th Board Meeting.

Moving to Discussion Item No. 2, regarding the support for plastic bag mitigation, Ms. Braymer indicated action to authorize a letter in support of the plastic bag mitigation was passed by the Legislative & Rules Committee but the resolution failed at the Board Meeting. She mentioned upon reviewing the Governor's Task Force report that was released in January, she was encouraged to try once again to move the resolution forward to adoption. She added the individuals she spoke to in the County were in favor of legislation to ban single use plastic bags. She indicated the State was also looking for a solution with Senator Krueger's bill to ban the plastic bags. She mentioned she spoke to Mr. Dickinson and he suggested they refer the matter to the Environmental Concerns & Real Property Tax Coordination Committee for a more in depth examination. Consensus of the Committee was to refer the matter as suggested.

Mr. Strough advised Action/New Business Item No. 1A regarding the Lake George Regional Chamber of Commerce & CVB Resolution No. 1 of 2018, "*Resolution to Oppose the Proposed NYS (New York State) Department of Labor Call-In Pay Proposal Regulations, Revising the Call-In Pay Requirements of the Minimum Wage Order for Miscellaneous Industries and Occupations*". He extended privilege of the floor to Fred Vogel, President of the Board of Trustees and Gina Mintzer, Executive Director, of the Lake George Regional Chamber of Commerce & CVB, to discuss the matter.

Mr. Vogel indicated the Lake George Regional Chamber of Commerce & CVB Board of Trustees were against the regulations proposed by the State. He distributed a copy of "*A Bad Tip*" information regarding the harmful proposal to eliminate New York's tip credit to the Committee members for their review; *a copy of this information is on file with the minutes*. He indicated the regulations were regressive and not conducive for business. Mr. Strough inquired what the proposal referred to as call-in pay and Mr. Vogel explained the current regulation required an employer to pay a minimum of four hours to an employee that was called into work, but the proposed regulation would change that to six. He said the demand did not equal the proposed regulation. He added an employee had to be paid for four hours regardless if they worked the full four hours. Mr. Geraghty noted his belief was that the servers were not in favor of the call-in hours increase. Mr. Vogel added John Carr, owner of the Adirondack Pub & Brewery, had discussed the proposed regulation with his staff and they were against it as well, because they enjoyed the freedom four hours provided. Mr. Wild asked what the economic impact would be and Mr. Vogel responded between the extra call-in hours and tip credit restaurants could be put out of business. He remarked if the proposed regulation was approved the County it could potentially introduce legislation to exclude seasonal business. Ms. Mintzer added the proposed call-in regulation was for miscellaneous industries and occupations, which, she said, did not include health care. He mentioned hospitality and tourism fell under miscellaneous industries and occupations. Mr. Beaty mentioned New York was the second worst State in the Country for doing business and rated the most regulated State in the County. He remarked millions were spent on promoting business in the State while regulations were being created to lower the profit margin of business and putting them out of business. He said he was in support of opposition. A brief discussion ensued.

Motion was made by Mr. Strough, seconded by Mr. Magowan and carried by majority vote, with Ms. Braymer and Mr. Sokol abstaining, to approve a resolution, Opposing the proposed New York State Department of Labor call-in pay proposal regulations, revising the call-in pay requirements of the minimum wage order for miscellaneous industries and occupations, for presentation at the April 20th Board Meeting.

Moving on to Action/New Business Item No. 1B regarding the Lake George Regional Chamber of Commerce & CVB Resolution No. 2 of 2018, "*Resolution to Oppose the Proposed Elimination of the Minimum Wage Tip Credit Currently Being Evaluated by the Commissioner of the NYS Department of Labor*", Mr. Vogel explained it allowed a restaurant to exclude tips in the payroll process, advising that the State was trying to eliminate it. He informed an example was Davidsons Brother Brewing Company, who tried to eliminate the minimum wage tip credit, but resulted in disaster for the business and its patrons. He informed the State was adding regulations to a currently fragile business environment and he did not understand the reason for the regulations. Mr. Strough reported he was in favor of the resolution. Mr. Vogel informed with every dollar increase for minimum wage there was a 14% regression in a restaurants survivability. He added the price of food would increase and the wait staff would decrease. A brief discussion ensued.

Motion was made by Mr. Wild, seconded by Mr. Magowan and carried by majority vote, with Mr. Sokol abstaining, to approve a resolution opposing the proposed elimination of the minimum wage tip credit for presentation at the April 20th Board Meeting.

Ms. Mintzer distributed packets of information pertaining to future resolutions to be considered by the Chamber of Commerce & CVB to the Committee members. She said the first one pertained to the APA (*Adirondack Park Agency*), who was seeking comments for the Whiteface Mountain Ski Center and Gore Mountain Ski Center plans for upgrades and additional trails. She notified the second one was to oppose the 180 day instructional requirement for schools and she added the school districts were able to vote on the matter. She informed 60% of the business in Warren County was done in the summer months and she said if the school schedule changed it would impact the labor force and the economy. She reported that 11% sales tax was collected March-May, 60% was collected June-August, 21% collected September-November and 37% collected December-February. She advised it would impact sales tax collection, as well.

Regarding Referral/Pending Item No. 2, proposed changes to the FOIL Law, Mr. Geraghty suggested they hold off on discussing the matter until the new County Administrator had time to review it. Mr. Strough inquired if Ms. Braymer was agreeable to waiting until next month to discuss the matter and she replied in the affirmative.

Mr. Geraghty informed this morning he had received an email from State Forest Rangers who were concerned with the State purchasing additional land and how they felt the State should increase their manpower from one hundred thirty-five Rangers to one hundred seventy-five. He said they were asking each town and county within the Adirondack Park for support of their resolution. He added there were forty towns who supported the resolution. Mr. Leggett asked for the email to be distributed to the Board.

Motion was made by Mr. Geraghty, seconded by Mr. McDevitt and carried unanimously to approve a resolution in support of the State Forest Rangers request for increased manpower for presentation at the April 20th Board Meeting.

Mr. Strough brought up another point for discussion regarding New York State Forest Tax Law 480a and 480b. He said it was a difficult topic to understand. He informed Messrs Simpson and Leggett were well informed about the matter. He notified a letter from the Association of Towns indicated the law required revisions. Mr. Simpson advised it could hurt towns and would lower the amount of necessary acreage to qualify for tax relief. Mr. Strough added if

there was a guarantee the State would reimburse the Towns who lost revenue they would support the law. Mr. Leggett commented on how a 1% tax shift would impact the Towns and he said he received a letter from the Assessors Association indicating that several counties in the State had passed resolutions opposing to the law. He informed the Town of Chester had \$744 million in assessed land. He apprised between the existing legislation for 480 and 480a for forest lands that were under forest management plans was 6% which equaled a \$6 million shift out of the \$744 million. He reported they were at .25% of 1% after it was calculated. He indicated from the 2004 New York Senate bill the State provided \$3,000 in aid to municipalities. He mentioned they were not taking on a tax burden because the current legislation indicated when land was logged 6% of the stumpage was returned to the Town which, he said equaled \$14,000 for the Town of Chester. He indicated timberland within the County was 300,000 acres, of which 90% was privately owned and eligible to be enrolled in the 480b program. He apprised the reason for the legislation was to maintain working forests into the future. He indicated the Town of Chester needed to enroll only a few additional people into the program to reach the 1% to receive full funding. He added the legislation was funded through the Governor's office. A brief conversation ensued.

Mr. McDevitt exited the meeting at 12:21 p.m.

Mr. Geraghty exited the meeting at 12:22 p.m.

Following, it was consensus of the Committee to take no action regarding the New York State Forest Tax Law, 480a and 480b.

As there was no further business to come before the Legislative & Rules Committee, on motion made by Mr. Wild and seconded by Mr. Sokol, Mr. Strough adjourned the meeting at 12:26 p.m.

Respectfully submitted,
Molly Ganotes-Gleason, Legislative Office Specialist