

Legislative and Research Committee Minutes  
February 13, 2013 – 3:00 p.m.

Present: Chairman Peck; Supervisors Barrett, Lewza, Raymond, Rowland, Yepsen, Wood, Hargrave, Veitch, Collyer, Southworth and Wright; Ryan Moore, Mgmt. Analyst; Roger Schiera, Elections; Wes Carr, Youth Bureau; Karen Levison, Public Health; Jason Kemper, Planning; Press.

Chairman Peck called the meeting to order and welcomed all in attendance.

**On a motion made by Mr. Rowland, seconded by Mr. Lewza the minutes of the October 1, 2012 meeting were approved unanimously.**

Mr. Moore outlined the 2013 Legislative Program as follows:

**1. Strongly Supporting Saratoga Casino and Raceway as a Full Casino Location.**

Mr. Moore said this mirrors a resolution that the Board of Supervisors passed in December of 2012 where we would want to see that the racing industry is protected and that appropriate revenue sharing formulas are developed.

**2. Urging a Full State takeover of All Local Costs of the Medicaid Program.**

Mr. Moore said this is a resolution brought forth from 2012 urging a full state takeover of all the local costs of the Medicaid program. Those local costs are budgeted for 2013 to be more than \$25 million. They are costs that for two more years will continue to increase under the Governors hard cap on Medicaid growth, which went in with last year's budget. He said there was a 3% growth cap which goes down to 2%, 1% and then 0%.

Mr. Peck said NYS is one of only two States in the county that the State actually shares with the county. In most States it is State and Federal sharing.

Mr. Moore said it is the State that makes the decisions that result in savings in this program, so it only makes sense that the State would have full financial responsibility for it, and that is why it is that way in 48 states.

**3. Opposing the Governor's effort to undermine local control of Economic Development by giving his Economic Development Commissioner authority that is currently granted to Industrial Development Agencies.**

Mr. Moore said this is something new in the budget, which relates to IDA's. IDA's are currently allowed to abate State Sales Tax for services and materials in the construction phase of a project, which is an existing facility that is being expanded or a new facility that is being located. The Governor's proposal is to take that ability away from IDA's and require them to have the

approval of the State Economic Development Commissioner. The county believes that it is an attempt for the State to make decisions for us in terms of local economic development that we are more qualified to make ourselves. We believe that this is going to result in fewer job opportunities and slower growth locally.

**4. Opposing State budget provisions that would create new unfunded mandates in public health, enhance the commissioner's ability to dictate policy to counties, and reduce State Aid for public health services.**

Mr. Moore said there are 21 partial service counties in terms of public health services, which means that 21 counties, including Saratoga County, do not provide their own environmental health services which includes restaurant inspections, public pool inspections, campground inspections, water supply inspections, etc. It has been estimated by the Department of Health that if Saratoga County were to do its own environmental health it could cost up to \$500,000 a year after State Aid and grants. There are some very subtle language changes in the State budget that lawyers are still looking at from both NYSAC and the State Senate. It is believed that there is a danger in the language which would allow the State Health Commissioner to dictate to partial service counties that the State will no longer provide these services on their behalf and they will have to do it themselves.

Mr. Moore said there are also some changes in the language that governs the base grant reimbursement that the counties get for providing public health services. Currently, if you are a partial service county the State will give you the base grant that funds the services that are provided. It is thought that the new bill language loosens that up so that maybe the State will be able to reduce the base grant that partial service counties receive.

**5. Urging reforms to mandated Special Education Programs to increase accountability to the children served and achieve savings for county taxpayers.**

Mr. Moore said the county is urging reforms to mandates that the Youth Bureau and Public Health currently oversee including Early Intervention and Pre-School Special Education. Last year the Governor proposed some of these reforms trying to make sure that private insurance companies cover more of these services that were taken out of the State budget last year by the State Legislature.

Mr. Moore said the county currently has Special Education Itinerant Teacher Services, which are a part of the pre-school special education program. These are not billed on a fee for service basis, they are enrollment, he said. What ends up happening is the counties and State pay for services that were never actually delivered. In going back, Saratoga County has paid approximately \$235,000. Paying for those services on an actual fee for services basis rather than enrollment would result in savings for both the counties and the state.

**6. Opposing the State's continued drawdown of funding for current indigent legal defense programs.**

Mr. Moore said the way the county Public Defender's office works is when the Public Defender has a conflict we use the 18-B program that is named after the section of law that allows private attorneys to cover those conflict cases. The county goes out, at a rate approved by the State, and will pay private attorneys to handle the cases that the Public Defender is conflicted out of. In the past, and currently, the State provides grant funding to compensate the county for some of those costs, but the State is shifting that grant funding from a maintenance of effort standard to an enhancement of services standard. This is arbitrarily forcing the County to get away from the 18-B and to create some kind of new program to activate the reimbursement that we would otherwise get for a program that is working fine. This is an example of the State using funding to force the county to make policy decisions that they would otherwise not make.

**7. Opposing legislation requiring counties to implement early voting.**

Mr. Moore said there is an early voting proposal that is going around at the State level that was part of the Governor's State of the State address. There is a specific bill that has been offered by Assembly Speaker Silver, and there are concerns that this bill would present problems with ballot security and, in addition, there is no provision in the bill to fund costs that this would create for counties. The bill would require, that two weeks before a general election and one week before a primary election, to open up five early voting sites that would be staffed eleven hours a day. There are costs that are associated with that that will be passed on to property tax payers if the State doesn't step in.

**8. Requesting reimbursement of costs associated with holding a third primary in 2012, and calling for the consolidation of State and Federal primaries on the same day.**

Mr. Moore said this resolution is a repeat of last year, which would ask the State to set the State primary date on the same day as the federal primary. Last year, the fact that they didn't do that, it ended up costing our county almost \$80,000 for a primary that we wouldn't have otherwise had to hold, therefore; we are asking for reimbursement for those costs from last year.

Mr. Lewza asked if it was known whether this would be switched to a permanent date. Mr. Schiera said this will remain in effect until someone requests a change.

Mr. Peck said the importance of having it on the same day is voter turnout. When primary dates are on different days there could be low voter turnout, which is not good for a democracy in any regard.

**9. Supporting a Constitutional Amendment banning new unfunded state mandates and additional measures to provide mandate relief.**

Mr. Moore said this is a repeat of a piece of last year's program and many previous years. This is the sixteenth time in the last 18 years that we have called for a constitutional amendment banning new unfunded state mandates. In the meantime, we would want the legislature to pass a stop gap law that would do the same thing that the amendment would do because it takes two years to pass a constitutional amendment.

Mr. Moore said last year the county had a resolution that was tied to "Mayday for Mandate Relief", where we called for some specific reforms to the mandate relief council. One was to have people who have responsibility for county finances serving on the council. Currently, it is all people who are dealing with the State budget. Second, was setting them to some performance standards where they have to cut a certain amount of money and produce a certain amount of savings for counties.

Mr. Moore said the 2012 report of the Mandate Relief Council reported that the council rejected approximately 80% of the proposals that came before them, and most of the rejections were unanimous.

**10. Opposing Cumbersome regulatory mandates that will delay and discourage projects at the local level.**

Mr. Moore said this is a regulatory mandate that regulates a time and money difficulty for localities having to do with environmental assessment forms that have been in development by DEC and are in various stages of being released and implemented. The effective date for this is supposed to be April 1, 2013, but it has been delayed and there are still some problems with the workbooks that are being prepared, he said.

**11. Urging the Governor and State Legislature to allow counties to determine their own local sales tax rates.**

Mr. Moore said the difference this year is that the Governor's budget actually gives any county above 3% the ability on their own to continue their higher rate. For the remaining counties still at 3% it does nothing for. The request is to allow any one county the same access to a sales tax rate that is available to any other county as a matter of equity.

Mr. Peck said this is not in support of an increase in sales taxes, but support of local control of setting what you want.

Ms. Yepsen said during the NYSAC Conference there was a lot of discussion about this. There are only five counties left in New York State at a 3% sales tax rate, and all five were asking why they were being punished for being the lowest taxed counties in the state. Ms. Yepsen suggested that Saratoga County join together with the other 4 counties in this particular local control legislation.

Mr. Moore said the danger in the Governor's proposal is that it has essentially taken all the other counties that wanted support for the extension of their rates and satisfied them, but has left the other five counties out with no allies except each other. He said there is strength in numbers.

**12. Calling on the Governor and State Legislature to fully restore VLT host benefits to their pre-2009 level.**

Mr. Moore said Senator Farley and Marchione both have co-sponsored a bill that would restore VLT host payments for towns and counties that host VLT facilities, and would restore host benefits back to their pre- 2009 levels before Governor Patterson cut them.

Ms. Yepsen said coming out of the NYSAC Conference were two issues rising to the top of the list, pension long term rates, and Community Colleges. She suggested that the county might want to take a position on those issues.

Mr. Moore said every five years the State Comptroller can revise the rates, and the terms can change. He said in order to get out once you are in, there is a fine for that, and the law is very vague with regard to what that fine would be. The State Comptroller is the one who will make the determination.

Ms. Raymond said she would like to add a resolution that would disallow plea bargaining on certain types of speeding tickets. She said plea bargains will also lead to more trials and creating new staffing mandates for DA's and other county departments. She said this is simply a way of getting more revenue to the State.

The committee agreed to add this resolution to the Legislative Program for 2013.

**A motion was made by Ms. Raymond, seconded by Mr. Rowland to approve the 2013 Legislative Program. Mr. Barrett supported all resolutions except for item 11. Motion Passed.**

Mr. Barrett said local control is something that he generally supports; however, when it comes to raising taxes there are currently checks and balances within the system and that should be maintained and it shouldn't be made easier for governments to raise taxes.

Mr. Peck requested a resolution supporting Rutland, VT railroad service via Saratoga Springs and Mechanicville.

Mr. Moore said this resolution is a result of Saratoga Springs passing a resolution objecting to any plan that took service away from the City of Saratoga Springs route, which is the Ethan Allen route to Rutland Vermont. The reason this being brought forward for prospective action is that the public comment period will expire next month.

Ms. Yepsen said the State Council had a presenter at the last Council meeting from a Passenger Advocacy Group supporting rail. She said something has to be done quickly as Saratoga Springs has spent a lot of money on their train station with service every day through Saratoga Springs. Ms. Yepsen encouraged the committee's support as this could be critical for economic development, tourism and jobs for the county.

Mr. Veitch said the Vermont Agency of Transportation and the NYS DOT are doing a bi-state study on railroad service to Vermont and New York as well as the Federal Railroad Administration. They have been working on this since 2011, looking at ridership in the area, how many trains go through, and what the service levels are. It is now at the point where proposals are going to be made to the Federal Railroad Administration as to what the service should be in this area. He said when the City Council passed their resolution, they made it very clear that they did not want to see the Ethan Allen line that goes to Rutland, Vermont through Saratoga Springs be closed due to the ridership. One of the things that was offered in their solution was a second rail line that would begin in Mechanicville and go through Hoosick Falls, Bennington, and Manchester, Vermont. Mr. Veitch said there are three options: One, to stop the Ethan Allen line and start a new line in Mechanicville; two, do nothing, and three, to have both lines running at the same time. Mr. Veitch said the county's resolution would be to support both the Ethan Allen Line in Saratoga Springs and the Mechanicville Line.

**A motion was made by Ms. Raymond, seconded by Ms. Yepsen to support the continuation of the Ethan Allen Railroad through Saratoga Springs to Vermont and the Mechanicville rail line if feasible. Unanimous.**

**On a motion made by Mr. Rowland, seconded by Ms. Yepsen the meeting was adjourned.**

Respectfully submitted,  
Chris Sansom