

Legislative and Research Committee Minutes
January 12, 2016 – 4:30 p.m.

Present: Chairman Lewza; Supervisors Barrett, DeLucia, Johnson, Lawler, Pemrick, Martin, Collyer, and Wright; Spencer Hellwig, Administrator; Steve Dorsey, County Attorney; Chad Cooke, Deputy Administrator; Andrew Jarosh, Treasurer; Brian O’Conor, County Auditor.

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

On a motion made by Mr. DeLucia, seconded by Mr. Johnson the minutes of the August 4, 2015 meeting were approved unanimously.

Chairman Lewza announced the appointment of Phil Barrett as Committee Vice Chair.

Mr. Cooke gave a brief overview of the 2015 Legislative Program as follows:

STATE

- **Calling on the Governor and State Legislature to Fully Restore VLT Host Benefits to their Pre-2009 Level.** Mr. Cooke said the adopted 2015-2016 budget did restore that aid to Saratoga County and Saratoga Springs back to the 2013-2014 levels, which represents approximately \$166,000 to the county and approximately \$500,000 for Saratoga Springs.
- **Voicing Concern Regarding the Change of the STAR Rebate to a Personal Income Tax (PIT) Credit.** Mr. Cooke said the adopted budget did reject the Governor’s proposal.
- **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. Cooke said this initiative was rejected as a part of the budget.
- **Requesting the Governor to extend funding for the Veterans Peer-to-Peer Program and allow the county to keep any previously unexpended funds.** Mr. Cooke said the adopted budget did include \$370,000 for the Peer to Peer Program for both Saratoga and Rensselaer County, with each county receiving \$185,000. In addition to that, Senator Marchione’s office obtained an opinion from the Senate Finance Committee stating that Saratoga County should be able to continue utilizing unspent monies from previous clients.
- **Supporting the additional \$1.5 billion in the upstate revitalization fund, but opposing the nature of the funding allocation.** Mr. Cooke said the state budget did include

almost \$1.25 billion in infrastructure funding, including Broadband and Wireless for remote areas.

- **Urging the Governor to provide additional Environmental Protection Fund Support for clean farm water.** Mr. Cooke said the adopted budget increased the Environmental Protection Fund to \$177 million, which included various programs including land conservation, invasive species control, local agricultural assistance programs and others.
- **Urging the Governor to seek local input on matters related to raising the age of juvenile jurisdiction.** Mr. Cooke said the age and localities budget appropriated \$25 million to raise the age; however, no program is currently in place for this initiative. There is a senate bill to amend the criminal procedure law by raising the age to 19.

NATIONAL

- **Urging Congress to maintain USDA Rural Development Funds at 2014 levels.** Mr. Cooke said the 2016 budget did include provisions for allocations that totaled approximately \$2.4 billion, which is similar to the 2014 funds to support farm and agricultural priorities.
- **Urging Congress to enact a five year Transportation Bill.** Mr. Cooke said the last time Congress passed a long term financial funding bill for transportation was in 2005. Since then 33 short term extension bills have been passed to keep the current program a float. There have been two programs that have been introduced in the Senate and the House of Representatives, which are the Drive Act and the Surface Transportation Reauthorization and Reform Act.
- **Urging Congress to maintain sustainable levels of homeland security funding.** Mr. Cooke said the 2015-2016 budget includes funding requests totaling \$41.2 billion, which is an increase of \$1.5 billion over the 2014-2015 budget.
- **Urging Congress to ensure the rollout of the affordable care act (ACA) does not negatively impact local Governments.** Mr. Cooke said on December 18, 2015 Congress passed and the President signed the delay of the 40% excise tax on high cost employer sponsored health plans to 2020, which currently was 2018

Mr. Hellwig said with regard to the 2016 Legislative program, thus far, meetings have taken place with the County Attorney, County Administrator and County Auditor, and they are in the process of reaching out to the individual departments and other organizations such as NYSAC, as well as representatives in Albany to put the agenda together for 2016. He said the plan is to get it drafted and out to the committee prior to next month's meeting in order to give the members time for review. It will then be presented in the form of a resolution in February and

upon approval by the Legislative and Research Committee it will be brought to the Board for their approval, and that will represent the Legislative Agenda for 2016.

Mr. Dorsey said last year the Board requested Home Rule Legislation to the State Legislature which would authorize the county to adopt a local law amending the occupancy tax law to allow for the dedication of half of the net revenues of the county's occupancy tax to the Saratoga County Prosperity Partnership for the promotion of tourism and for economic development related purposes. The State Legislature did adopt the county's home rule legislation and it was signed into law by the Governor on September 25, 2015; however, there is a provision that will not take effect until 90 days after it was signed by the Governor. The law took effect, December 25, 2015. The county is now in a position where it can adopt a local law effecting the changes that have been requested. The other change requested, was that State Statue Tax Law 1202-g requires that the county has a Tourism Advisory Committee consisting of nine members to advise the Board of Supervisors on how to spend money for the promotion of tourism. The county would like to change the composition of the nine members to include the Chairman of the Board, Chairman of the Economic Development Committee, Chairman of the Law and Finance Committee, one member of the Board of Supervisors who also serves as a director of the Saratoga County Prosperity Partnership, and representatives from the Saratoga County Chamber of Commerce, a representative from the Southern Saratoga Chamber of Commerce, representative from the Saratoga Convention and Tourism Bureau, a representative from the Saratoga Springs City Center Authority and the Saratoga County Treasurer.

Mr. Dorsey said as originally drafted in 1977 the Occupancy Tax Law did not define a limited liability company because they did not exist at that time. They were not created by the State until 1994. He said there is one company in Clifton Park, which is a hotel that is owned by a limited liability company that the county does have collection issues with; therefore, a request has been made to amend the occupancy tax local law to include limited liability companies within the reach of the law. The first step beyond introducing the local law is to schedule a public hearing. A proposed tentative hearing date of February 10, 2016, at 4:25p.m. has been made.

A motion was made by Mr. Johnson, seconded by Mr. Barrett to set a Public Hearing for amending the County's Occupancy Tax Law for February 10, 2016 at 4:25 p.m. Unanimous.

Mr. Dorsey said the county has a Local Law which sets the composition of the membership of the Board of Supervisors, setting the number at 23. Included among the 23 are two Supervisors from the City of Saratoga Springs, two Supervisors from the Town of Clifton Park and one Supervisor from the City of Mechanicville, and all remaining towns. The Local Law does not address the issue of what happens in the event of a vacancy in one of those four positions. The four Supervisors being those who do not sit on a Town Board or a City Council, which includes the two Supervisors from the City of Saratoga Springs, Supervisor from the City of Mechanicville, and the second Supervisor from the Town of Clifton Park. A proposal is being made for a Local Law that would clarify what the procedure would be for filling a vacancy in

one of those four positions. In the City of Saratoga Springs the City Charter provides that the City Council would appoint a replacement to serve until the next general election. The City of Mechanicville, likewise, has provisions in their City Charter, which provide that the City Council in Mechanicville would appoint a replacement to serve until the next general election. The proposed local law would clarify, that in the event of a vacancy in one of the four positions, the City Charter of Mechanicville would determine how a replacement would be appointed for City Supervisor, and the City Charter of Saratoga Springs would determine how a replacement would be appointed in the event of a vacancy in one of the Supervisor positions in Saratoga Springs, and in the Town of Clifton Park the Clifton Park Town Code would determine how to fill a vacancy in the event of a vacancy in the second Supervisor position. A proposal has been made to schedule a Public Hearing on February 10, 2016 at 4:22 p.m.

A motion was made by Mr. Lawler, seconded by Mr. Barrett to set a Public Hearing for establishing the procedure for filling a vacancy in the office of a supervisor who is neither a city council nor a town board member for February 10, 2016 at 4:22 p.m. Unanimous.

On a motion made by Mr. Barrett, seconded by Mr. Johnson the meeting was adjourned unanimously.