

SPECIAL MEETING
TUESDAY, December 6, 2016
AT 4:45 p.m., E.S.T.

Chairman Wright called the meeting to order.

Roll call was taken. PRESENT – Timothy Szczepaniak, Alan Grattidge, Philip C. Barrett, Jonathan Schopf, Preston Allen, Jean Raymond, Paul Lent, Daniel Pemrick, Arthur M. Wright, Kevin Tollisen, Vincent DeLucia, Thomas Richardson, Daniel Lewza, R. Gardner Congdon, Willard H. Peck, John Collyer, Thomas N. Wood, III, Peter Martin, Matthew E. Veitch, Edward D. Kinowski, John Lawler, Arthur J. Johnson – 22. ABSENT - Richard Lucia – 1.

On a motion by Mr. Kinowski, seconded by Mr. Tollisen the special meeting was ratified by a unanimous vote.

Mr. Hellwig said there is a growing demand for law enforcement and public safety so he proposed an amendment to the budget to include an additional five (5) road patrol deputies. There have been ongoing discussions between the Sheriff, Personnel, Supervisor Kinowski and Mr. Hellwig leading up to this special meeting. If this amendment is approved it will bring the total increase in the department to an additional ten (10) Road Patrol Deputies and one (1) Sergeant. We are also recommending that next year's Chairman appoint a special committee to examine the operational and staffing for 2018 and beyond with a report being brought to the Board mid-year.

Mr. Veitch said that five (5) Road Patrol Deputies and one (1) Sergeant have already been added to the budget. That was done in Law and Finance and thinks that is an acceptable amount of increase in the number of staffing. He added that nothing was done for other departments at that meeting and feels that there are needs county-wide that should be looked at. At this time he will not be supporting the additional deputies.

Mr. Kinowski said he went to great lengths to review the staffing of the Sheriff's Department and in view of everything that is happening in the world today, there have been movements internally and the Sheriff's Department is looking for replacements into the patrols to bring them back to where they once were. He personally feels it's the right thing to do at this time. Moving forward he does intend to assign a special committee to study this.

Mr. Barrett said he respects the thoughts of his colleagues. The extra five (5) deputies, and ten (10) in total which is two extra cars may sound like a lot but on the whole is not much for the whole county. This is going in the right direction. He feels there should be an addition of at least three (3) cars. The County has done a lot of the right things over the years. We are either going to give the Sheriff the assets that he needs or we are going to have individual municipalities going in their own direction. Clifton Park for one will be reassessing and re-evaluating the contract with the County next year. Mr. Barrett said they will be monitoring the amount of officers that are included in this budget. He said he would propose an addition of ten (10) bringing the total to 15. As far as the other budget amendments, there are many. He said based on the fact that he won't be supporting the override of the tax cap, taking a look at the expenses in the budget and feels the Sheriff's Department needs additional assets. Mr. Barrett said he would not be supporting the budget amendments put forth previously.

Mr. Wright said there was much discussion going on and would like something in the form of a motion.

Mr. Barrett made a motion to add ten (10) additional deputies to the budget making the total fifteen (15). Mr. Schopf seconded the motion.

Mr. Lawler expressed his appreciation for the amazing support Sheriff Zurlo and his department has given the Town of Waterford with the Momentive Strike to maintain a safe environment. He said he plans to support the Vice Chairman's call for an additional five (5) deputies. He does believe there is a need for additional deputies but does agree that there are other departments that could make a strong argument for additional staffing. He said he is pleased to hear that the incoming Chairman plans to appoint a special committee to do this assessment next year for the 2018 budget.

Mr. Tollisen said with respect to the Sheriff's Department public safety is the number one responsibility at the County level. Sheriff Zurlo and his department do a tremendous job with the staffing he has and Mr. Tollisen said he doesn't know how he does it. The Sheriff submitted a request for twenty (20) additional deputies which many be a multi-year plan. When the Sheriff's Department is called upon for the various duties from delivering warrants to pistol permits and all the other things he does if he asks for additional deputies we should give him the staff. Mr. Tollisen said he does intend to support the additional ten (10) deputies.

Mr. Martin said he agreed with part of the conversion and disagrees with some. He agrees the Sheriff's Department and the Sheriff have done an outstanding job with the assets he has and has been given. He believes it is time right now for a study in the Sheriff's Department and would like to see what the benefit of these additional deputies would be. For that reason he would not support the amendment for additional deputies.

Mr. Lewza said he agrees with his colleagues. He believes we are low with the amount of deputies that are on the road and wishes the County could give thirty (30) more. He said residents are talking about the tax cap and the Supervisors have to be conscious of the spending. The safety of these residents have to come into play. If the Sheriff's doesn't have the personnel, the first person to get the call when a deputy doesn't show up in a timely manner is the Supervisor. We have to do what's right now and then take a look at the other departments later. Mr. Lewza said to have true property tax relief the unfunded mandates need to be looked at. The State Legislature needs to stop the unfunded mandates. He said he supports the tax cap override as it will put the County under the 2%; the percentage originally given to us.

Mr. Peck said accolades to Sheriff Zurlo and Undersheriff Castle who do an excellent job along with the staff and it is appreciated. Mr. Peck wanted to clarify what is being looked at today. He said he is in support of the five deputy amendment with the creation of a subcommittee next year to look at all the departments. Mr. Peck said he is in support of the amendment for five (5) additional deputies bringing the total for 2017 to ten (10) additional.

Mr. Wright asked Mr. Barrett for clarification of his motion. Mr. Barrett said to make it clean his motion is for fifteen (15) additional deputies and no other changes to the budget. Mr. Wright said there are other amendments to the budget, so asked Mr. Barrett if that meant no changes to the budget only the fifteen (15) deputies. Mr. Barrett said that was correct. Mr. Barrett said one thing for the subcommittee to look at next year, which he said he would volunteer to serve on, would be for them to look at would be the number of deputies there has been over the years and comparing those numbers. He said there has also been talk of a new public safety building and instead of that the County should look into satellite offices. In Clifton Park and Halfmoon free space has been provided for the County deputies. Satellite offices should be looked at for the sheriff's as it would be a huge savings to the County and asked that the Committee consider that as well.

Mr. Wright said the amendments before the Supervisors today have already been approved. Mr. Barrett's amendment was to take the existing amendments and add ten (10) deputies to it.

The motion FAILED by the following vote:

AYES (106,308): Philip C. Barrett (18,352.5), Jonathan Schopf (18,352.5), Kevin Tollisen (21,535), Vincent DeLucia (14,765), Daniel Lewza (18,575), R. Gardner Congdon (14,728).

NOES (113,299) - Timothy Szczepaniak (9,776), Alan Grattidge (4,133), Richard Lucia (6,531), Preston Allen (856), Jean Raymond (1,214), Paul Lent (3,545), Daniel Pemrick (7,775), Arthur M. Wright (2,048), Thomas Richardson (5,196), Willard H. Peck (5,087), John Collyer (1,995), Thomas N. Wood, III (5,674), Peter Martin (13,293), Matthew E. Veitch (13,293), Edward D. Kinowski (8,287), John Lawler (8,423), Arthur J. Johnson (16,173).

Mr. Kinowski made a motion to add an additional five (5) deputies to the budget bringing the total to ten (10). Mr. Johnson seconded the motion.

The motion PASSED by the following vote:

AYES (186,490): Timothy Szczepaniak (9,776), Alan Grattidge (4,133), Philip C. Barrett (18,352.5), Jonathan Schopf (18,352.5), Preston Allen (856), Jean Raymond (1,214), Paul Lent (3,545), Daniel Pemrick (7,775),

Arthur M. Wright (2,048), Kevin Tollisen (21,535), Vincent DeLucia (14,765), Thomas Richardson (5,196), Daniel Lewza (18,575), R. Gardner Congdon (14,728), Willard H. Peck (5,087), John Collyer (1,995), Thomas N. Wood, III (5,674), Edward D. Kinowski (8,287), John Lawler (8,423), Arthur J. Johnson (16,173).
NOES (33,117) - Richard Lucia (6,531), Peter Martin (13,293), Matthew E. Veitch (13,293).

Mr. Wright commended Mr. Kinowski and the Administrator for their work on the budget. The Board has had to make some very difficult decisions. When he came on the Board nine (9) years ago, there was a \$40M fund balance and the sale of Maplewood Manor was being kicked down the road. The Fund Balance was spent down to about \$10M and the Board was forced to take action on the Nursing Home as well as the sale of the landfill. There is a policy regarding open positions and their review. He said the Administrator took \$10M out of the departmental requests. That \$10M is funding the department heads said they needed to run their departments. There has been a lot of work put into this budget. Mr. Wright said he was elected to do what is right for the residents of the Town of Hadley and the residents of the County of Saratoga. This is a good budget and said this budget addresses the infrastructure with the county roads. He said he explained the tax cap override and the process to one of his town residents and his resident couldn't understand why the County had to go through the process to add \$.04 to the tax rate. He said fund balance could be used so the override wouldn't have to happen but if that's done it puts the County in jeopardy in the coming years. Mr. Wright said he is voting in support of the tax cap override and does appreciate all the comments made today.

Mr. Lawler echoed the Chairman's comments and thanked those in attendance today and those who spoke on the budget. He thanked the members of the Law and Finance Committee for the work they put into this budget. He assured the residents of Saratoga County that no one on the Board wants to raise taxes even as little as \$.04 per thousand. The County has a history of cutting taxes. In 1992 the County's tax rate was \$2.96 per thousand and the proposed rate for 2017 is \$2.30 per thousand. County taxes have declined 23% since 1992. The proposed tax rate means a county resident who owns a home assessed for \$200,000 will see their annual county property taxes increase by \$8 per year, \$.67 per month, \$.16 per week and \$.02½ per day. Over the last five years, the tax rate in Saratoga County has increased by one penny (\$.01) from 2013 to 2017. He suggested that the majority of the number of residents in the Capital Region would be thrilled if their tax rate had increased by \$.01 in 4 years. Saratoga County is a victim of their own success. He is confident that an increase of \$.67 per month for a house assessed at \$100,000 wouldn't be a significant burden. He said he will be supporting the override of the tax cap and encouraged his colleagues to do the same.

Mr. Szczepaniak said as a first time Supervisor here he took a look at this budget and any question he had he went over with his Town's financial advisor as well as with Mr. Kinowski who answered all his questions. He said he is a former police officer and if you look around the state the crime rate is growing and the heroin epidemic is out of control. He supported the additional staff at the Sheriff's Department as public safety is a concern and is in support of a subcommittee to look at staffing for the future in all Departments. He said it was important to get the road work/infrastructure back on track. He supports the override of the tax cap. Mr. Szczepaniak said looking at the surrounding Counties we are in much better shape and thanked everyone's efforts in this budget.

Mr. Grattidge said comparing Saratoga County with our surrounding neighbors if you are a resident of Warren County they are proposing a \$3.83 tax rate this year; Albany County is \$3.88; Rensselaer is \$6.78; Schenectady is \$7.79; Montgomery is \$12.59. In comparison the \$2.30 is well below any of our surrounding counties and that is the reason Saratoga County is the magnet.

Mr. Schopf said there is a reason people come to Saratoga County as they don't want to live in the counties to the South. The Sheriff has done a great job and knows that everyone in the room has done a great job on the budget. He said he doesn't believe the ten (10) deputies does enough. The County can't tout economic development without strong public safety. There are important components in this budget such as the additional deputies and the fish stocking but he doesn't believe this budget does enough and for that he won't be supporting the override.

Mr. Veitch thanked everyone who came to speak at the public hearing. He was glad that people took an interest in the budget and the process. In September it was proposed that the County should override the tax cap

legislation in this budget. He was skeptical at first and said the tax cap has made the Supervisors really take a look at spending over the past few years. He raised some hard questions and because there wasn't a budget document he saw no reason to break the cap. In November the budget was released and the tax cap override was included. Mr. Veitch said he took a hard look at the budget and learned more about the legislation. It does not make any practical sense to him for the State to set the number the County as to stay within. There was no line he saw in the budget that could be cut that would have had a significant impact. He said \$2M would have to be cut from a budget that did not offer any new services, didn't create new employees, and was essentially the same as this year. Tax cap or no tax cap the County can only raise a certain amount of money through property taxes. It is one of the very few revenue streams that can be controlled by the Board. Mr. Veitch said he understands that no one on this Board likes to raise taxes but needs to do what is right for his city and for the County and said he would be voting to exceed the cap.

Mr. Kinowski said quite frankly it's not about this budget but about next year and the next year and so on and what the cap will do to the County. The override to the tax cap is the most practical decision. He asked everyone to take a moment to think what happens if this override does not happen and what happens in 2018 and beyond.

Mr. Barrett said it's no doubt that in some ways especially when it comes to the tax cap Saratoga County is a victim of its own success and high expectations. He gave a comparison of his home and the taxes he's paid and said there has been an increase. Compared to everyone else this County has done a tremendous job. Public Safety is on the fore front for him here at the County as well as in Clifton Park and he reiterated he would be taking a look at the agreements with the Sheriff's next year. He is disappointed the resolution he presented didn't pass. If the County is going to exceed the cap that there is no other way to reduce spending enough to fund the additional positions, then where will the County be going forward. He said he can't see his way to vote for the override.

Mr. Martin thanked the members of the public who took time to come to the meeting as well as the ones that have emailed him. One of the reasons Saratoga County is so great is because of the public's involvement. He sends special thanks to Chairman Wright and Mr. Kinowski for an open and transparent budget process. State law requires that the override be considered prior to voting on the budget. Mr. Martin said he is not in support of the budget and spending money on items that should be studied and where to raise that money. He said he would not be in support of the override.

On a motion by Mr. Kinowski, seconded by Mr. Collyer Resolution #255 of 2016 was adopted by the following vote:

AYES (163,078): Timothy Szczepaniak (9,776), Alan Grattidge (4,133), Preston Allen (856), Jean Raymond (1,214), Paul Lent (3,545), Daniel Pemrick (7,775), Arthur M. Wright (2,048), Kevin Tollisen (21,535), Vincent DeLucia (14,765), Thomas Richardson (5,196), Daniel Lewza (18,575), R. Gardner Congdon (14,728), Willard H. Peck (5,087), John Collyer (1,995), Thomas N. Wood, III (5,674), Matthew E. Veitch (13,293), Edward D. Kinowski (8,287), John Lawler (8,423), Arthur J. Johnson (16,173).

NOES (56,529) - Philip C. Barrett (18,352.5), Jonathan Schopf (18,352.5), Richard Lucia (6,531), Peter Martin (13,293).

RESOLUTION 255 - 2016

Introduced by Supervisors Kinowski, Collyer, Lent, Lewza, Raymond, Tollisen and Veitch

ADOPTING A LOCAL LAW IDENTIFIED AS INTRODUCTORY NO. 3, PRINT NO. 1 OF 2016, ENTITLED "A LOCAL LAW TO AUTHORIZE OVERRIDING THE PROPERTY TAX LEVY LIMIT ESTABLISHED BY GENERAL MUNICIPAL LAW § 3-c FOR THE 2017 SARATOGA COUNTY BUDGET"

WHEREAS, Resolution 209-2016 introduced and presented a proposed Local Law identified as Introductory No. 3, Print No. 1 of 2016, to this Board of Supervisors and scheduled a public hearing thereon for October 12, 2016 at 4:40 P.M. in the Meeting Room of the Saratoga County Board of Supervisors, 40 McMaster Street, Ballston Spa, New York; and

WHEREAS, notice of that public hearing was duly published and posted as required by law; and
WHEREAS, the scheduled public hearing was held and all persons appearing or desiring to be heard have been heard by this Board; now, therefore, be it
RESOLVED, that this Board of Supervisors, on this 6th day of December, 2016, hereby adopts a Local Law identified as Introductory No. 3, Print No. 1 of 2016, as set forth in the annexed Schedule A, which once filed with the New York Secretary of State shall be known as Local Law No. 4 of 2016.

BUDGET IMPACT STATEMENT: No budget impact.

SCHEDULE A

INTRODUCTORY NO. 3 - PRINT NO. 1 OF 2016

INTRODUCED BY: Supervisors Kinowski, Collyer, Lent, Lewza, Raymond, Tollisen and Veitch

COUNTY OF SARATOGA

LOCAL LAW NO. 4 OF 2016

A LOCAL LAW TO AUTHORIZE OVERRIDING THE PROPERTY TAX LEVY LIMIT ESTABLISHED BY GENERAL MUNICIPAL LAW § 3-c FOR THE 2017 SARATOGA COUNTY BUDGET

BE IT ENACTED by the Saratoga County Board of Supervisors as follows:

SECTION 1. TITLE

This Local Law shall be known as “A LOCAL LAW TO AUTHORIZE OVERRIDING THE PROPERTY TAX LEVY LIMIT ESTABLISHED BY GENERAL MUNICIPAL LAW § 3-c FOR THE 2017 SARATOGA COUNTY BUDGET”.

SECTION 2. LEGISLATIVE FINDINGS AND PURPOSE

- A. By Chapter 97 of the Laws of 2011, effective June 24, 2011, codified as Section 3-c of the General Municipal Law, the State of New York imposed upon counties and other local governments and schools, with certain exceptions, a limit equal to the lesser of the rate of inflation or 2 percent on the annual increase in the amount of real property taxes that may be levied on behalf of such entities.
- B. The New York State Comptroller’s Office has determined that property tax levy growth for local governments must be capped at 0.68 percent for 2017, which is the rate of inflation.
- C. This is the fourth year in a row that local governments have had their tax levy growth capped at less than 2 percent, and the second year in a row that it has been capped at less than 1 percent.
- D. General Municipal Law § 3-c(6) provides that if a local government’s actual tax levy for a given fiscal year exceeds the tax levy limit, as determined by the State Comptroller, the local government must place the excess amount in reserve and use such funds to offset the tax levy for the ensuing fiscal year.
- E. General Municipal Law § 3-c(5) provides that a local government may adopt a budget that requires a tax levy that is greater than the tax levy limit for the coming fiscal year only if the governing body of such local government first enacts, by a vote of 60 percent of the total voting power of such governing body, a local law to override such limit.
- F. Due to the high cost of State mandated programs and services, as well as a reduction in sales tax revenues caused by declining gasoline prices, the Saratoga County Board of Supervisors has been forced to authorize the override of the State imposed tax cap in order to have sufficient funds to protect the well-being of the residents of Saratoga County and provide essential local public health, safety and infrastructure programs and services.

- G. Mandated State programs and services include Medicaid, Public Assistance, Child Welfare, Pre-School Special Education, Community Colleges, Indigent Defense, Early Intervention, Youth Detention and Pension Costs. These State mandated programs and services must be paid first before local taxes may be used for County purposes.
- H. The purpose of this Local Law is to comply with the requirements of General Municipal Law § 3-c(5) prior to adopting the 2017 Saratoga County Budget.

SECTION 3. ENACTMENT AUTHORITY

This Local Law is adopted pursuant to authority provided in Section 10 of the Municipal Home Rule Law of the State of New York as well as the specific authority set forth in General Municipal Law § 3-c(5).

SECTION 4. OVERRIDE AUTHORIZATION

The Saratoga County Board of Supervisors hereby overrides the tax levy limit for the County of Saratoga for 2017, and is hereby authorized to adopt a County Budget for fiscal year 2017 that requires a property tax levy that is greater than the tax levy limit calculated for 2017 pursuant to General Municipal Law § 3-c.

SECTION 5. SEVERABILITY

If any section, subsection, sentence, clause, phrase or other portion of this local law is for any reason declared unconstitutional, or invalid, in whole or in part by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law which shall remain in full force and effect.

SECTION 6. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.

Mr. Kinowski thanked the Board member for the detail that has gone into on this vote. He pointed out that Mr. Barrett had mentioned about the contingency account and the funding increase was for the increase in Sheriff Deputies. The contingency number will drop back to the same level as this year.

On a motion by Mr. Lent, seconded by Mr. Martin the meeting was unanimously adjourned.

Respectfully submitted,

Pamela Wright, Clerk