

Legislative & Research Committee Minutes
February 7, 2019 – 3:00 p.m.

Present: Chairman Kusnierz; Committee Members Alan Grattidge, Todd Kusnierz, Art Johnson, Ed Kinowski, Jean Raymond and Tom Richardson. Chairman of the Board Kevin Tollisen; Spencer Hellwig, Chad Cooke, County Administrator; Steve Dorsey, County Attorney; Roger Schiera, Bill Fruci, Board of Elections; Andrew Jarosh, Treasurer; Craig Hayner, Christine Rush, County Clerk; Linda Gush, League of Women Voters.

Chairman Kusnierz called the meeting to order and welcomed all in attendance. Mr. Kusnierz thanked Chairman Tollisen for appointing him as Chair of this committee.

On a motion made by Mr. Grattidge, seconded by Mr. Johnson, the minutes of the May 3, 2018 meeting were approved unanimously.

Mr. Kusnierz announced the appointment of Mrs. Raymond as the Committee Vice-Chair.

Mr. Cooke distributed copies of the 2019 Legislative program, which was also previously distributed to Committee members. Mr. Cooke and Mr. Kusnierz gave an overview of the items.

A motion was made by Mrs. Raymond, seconded by Mr. Kinowski, to change the wording on the first item of the Legislative Agenda. Unanimous.

Below is the description that was distributed:

Study of the Hudson River Black River Regulating District.

In 2018, there was unanimous bi-partisan support for this effort that was vetoed by the Governor (S.7957-A/A.10070-A, Veto 292). This bill would undertake a study to determine the beneficiaries of the Black River Hudson River Regulating District in order to apportion fees for revenue collection. Presently, as a result of a federal court ruling in 2008, the "five counties" were assessed a statutory fee structure that represents the bulk of the District's funding sources. The five counties include Saratoga, Albany, Rensselaer, Warren and Washington. These assessments, which amount to another unfunded state mandate, were never intended to be a permanent solution and the reality is, there are many downstream entities that benefit from District activities that should be paying their fair share. In addition, the five counties have no representation on the District's Board which amounts to essentially taxation without representation.

Mrs. Raymond said that in reality the entire State of New York benefits by the flood control value of the lake, rather than just the five counties as direct beneficiaries. Mr. Kusnierz agreed as this change would make the item more receptive. It was agreed to also remove the final sentence.

A motion was made by Mrs. Raymond, seconded by Mr. Grattidge, to adopt the 2019 Legislative Agenda. Unanimous.

State:

- 1. Study of the Hudson River Black River Regulating District.**
- 2. Expansion of Cellular Service to Rural Areas of the State.** Cellular service and the ability to use individual wireless devices is no longer a luxury. Every area of the State has a right to this critically important technology for not only emergency preparedness but also for equitable educational and economic opportunities. Saratoga County recognizes the Governor's recent efforts to expand broadband which is having a positive impact on rural communities. However, cellular service is equally as important to improve emergency response, expand public safety initiatives and provide equal opportunity for all New York State residents. **SUPPORT**
- 3. Constitutional Amendment Banning New Unfunded State Mandates and Legislation to Provide Mandate Relief.** The estimated cost of unfunded mandates equals more than 104% of Saratoga County's property tax levy for 2019 and new unfunded mandates continue to be proposed each Session. The County urges the Legislature to immediately begin the process of passing a constitutional amendment banning new unfunded mandates and provide for a current statutory ban that would provide protection for the interim. We also urge the Governor and State Legislature to create a new Mandate Relief Council, the original Council's authorization having expired January 1, 2015. County officials must be represented on the new Council, and in the model of the Medicaid Redesign Team, the Council should establish specific targets quantifying mandate relief that must be delivered to counties. **SUPPORT**
- 4. Funding for New County Costs Associated with State Voting Reforms.** On January 24, 2019, the Governor signed into law a series of reforms to state election law and the voting process including early voting, consolidating the federal and state primary dates, voter registration transfers and same day voter registrations. These measures require counties to open polling sites for early voting for 10 days prior to any primary or general election, effective for the 2019 general election. For Saratoga County, this will require three (3) separate early polling sites to comply with the law. In addition to costs associated with rental space and staffing for the early voting sites, same day voter registration and voting will likely require electronic polling books to manage records and prevent voter fraud. All of these measures come at a cost which is passed on to counties. We urge the Governor and the Legislature to fund these new unfunded mandate costs. **SUPPORT**
- 5. Increase the County Share of Department of Motor Vehicle's Revenues.** Across the state, 52 counties operate motor vehicle offices. Many process car dealership paperwork, such as registrations, and share those proceeds with New York State. Currently, 12.7% of that revenue is kept locally to help offset county property taxes and operate the DMV offices. The state receives the other 87.3% of the revenue despite the fact the local DMV offices complete a majority of the work. These revenue sharing percentages were established nearly two decades ago and the County requests strong support of a substantial increase in the county share of this revenue stream. **SUPPORT**
- 6. Scaffolding Law Reform.** The Scaffold law generates an astounding number of expensive lawsuits that have a serious negative financial impact on public entities -higher construction

costs, fewer jobs and higher prices for construction related goods and services. In 2012, over half of New York's large lawsuits resulted from this law (which is only in effect in NYS). It is estimated that this statute costs taxpayers \$785M annually. Schools, municipalities, and public entities like counties pay for resulting judgements, settlements and higher insurance costs. That translates into significantly higher costs for infrastructure construction and repair. For private businesses, the cost is almost \$ 1.5B each year. As a result, over 70 organizations have joined the fight to reform the Scaffold Law, including public sector organizations like the NY Conference of Mayors, NYS School Boards Association, and the Intercounty Association of Western New York. To date, 35 New York counties have passed a resolution supporting reform, and the New York State Association of Counties (NYSAC) passed a model Scaffold Law resolution in 2016. **SUPPORT**

- 7. Tax Cap Formula as Part of any Permanent Tax Cap Consideration.** The Governor's proposed SFY 2019-20 budget includes legislation to make the property tax cap permanent. The tax cap is currently set to expire at the same time as rent regulation on June 16, 2020. In 2019, Saratoga County's unfunded mandate expenses will total over \$63 million, or 104% of budgeted property tax revenues. Saratoga County continues to see growth in property values due to continued development and business expansion. This results in the expansion of County services to meet the needs of our residents. The current tax cap formula does not allow counties to leverage this growth by maintaining flat tax rates. As a result, the County must lower the tax rate in order to stay under the cap. Saratoga County cannot continue to shoulder rising unfunded state mandates while continuing to increase services to its residents while lowering the tax rate to meet the tax cap. We urge the reconsideration of the tax cap formula to allow counties to take advantage of their success by maintaining flat tax rates as an exception to the tax cap formula. **SUPPORT**
- 8. Restoration of Aid and Incentives for Municipalities (AIM) Funding to FY 2019 Levels.** The Executive's proposed SFY 2019-20 budget has removed AIM funding. For decades, towns have relied on AIM funding to help balance tight budgets. The removal of AIM funding together with the ever increasing list of unfunded state mandates will leave towns with no choice but to override the property tax cap to balance budgets. All towns in Saratoga County, with the exception of the Town of Day, will receive no AIM funding for SFY 2019-20. This amounts to a loss of over \$649,000 in aid to the residents of Saratoga County compared to last year's state budget. **SUPPORT**
- 9. Imposition of an Internet Fairness Conformity Tax.** The State has identified significant loopholes in certain internet-based sales tax collection practices and estimates that as much as \$280 million annually in state and local sales taxes are not being collected. Saratoga County supports enacting legislation to provide an easy to use platform for large highly experienced internet transaction facilitators to collect sales tax on behalf of their participating vendors to provide for a more fair and balanced marketplace for local "brick and mortar" retailers in the overall retail market. **SUPPORT**

Federal:

- 1. Expansion of Cellular Service and Broadband Technologies to Rural Areas While Preserving Local Zoning Authority.** The expansion of cellular and broadband technologies to rural areas of the country is crucial to emergency preparedness and essential for equitable economic and educational opportunities. Maintaining existing local zoning authority ensures that the public interest is being served by communications providers regardless of the delivery platform. Saratoga County urges Congress and federal agencies to recognize counties as co-regulators, providers and partners in extending the benefits of advanced telecommunications technology. 32.4% of residents living in rural areas of the United States do not have access to these critically important technologies. **SUPPORT**
- 2. Implementation of the Farm Bill.** Saratoga County supports the recent long-term reauthorization of the Farm Bill that will help counties provide critical investments in our nation's most under-served communities. As part of the Farm Bill implementation, Saratoga County supports full funding for all Farm Bill Titles, which help strengthen our nation's rural infrastructure (including broadband and water and wastewater systems), protect our nation's food supply, increase access to healthy food for low-income populations through the Supplemental Nutritional Assistance Program (SNAP) and promote environmental stewardship and conservation. Between 2009 and 2016, the US Department of Agriculture's Rural Development Program leveraged over \$187 Billion in loans and grants for rural development. In 2017, more than 40 million individuals took advantage of services supported by SNAP. **SUPPORT**
- 3. County Infrastructure Priorities in a Comprehensive Infrastructure Package.** Saratoga County supports efforts by the Administration and Congress to increase our nation's infrastructure investments to help promote economic development, public safety and overall mobility. Any federal infrastructure package should reflect county priorities, such as: allocating more federal seed capital and matching funds for locally owned infrastructure, increasing local decision-making authority and flexibility, and streamlining and shortening the federal permitting process while still requiring robust public participation and world-class environmental stewardship. Counties own 46% of public roads and 38% of bridges across the United States. Saratoga County owns and maintains 360 lane miles of public roads and over 100 bridges. The County is also home to GLOBALFOUNDRIES which is one of the largest semi-conductor industries in the United States. Federally-funded priorities to promote infrastructure projects that protect the environment and provide for vibrant economies are vitally important to Saratoga County. **SUPPORT**

Mr. Schiera gave an update the State Voting Reforms item. Mr. Schiera said that he and Mr. Fruci have discussed this in detail and are both on the same page, this is a non-partisan report. Mr. Schiera clarified that the early voting would begin 10 days early and therefore would require counties to open polling sites for 9 additional days prior to any primary or general election. This is based on the number of registered voters and will require three sites. Mr. Schiera said that they are trying to figure out how to obtain polling sites at no charge, there may be costs associated with this. Mr. Schiera and Mr. Fruci have estimated recurring costs of approximately \$45K-\$50K. At

this point, they do not have any way to predict turnout and this will dictate the staffing needs. This year, the primary is exempt, and it will only have to be done for the General election in November. However next year, there will be a Presidential primary in February, Consolidated primary in June and the General election in November, which triples the cost in 2020. In addition to this, hardware will be needed; an immediate need is printers as there are 196 unique ballots in the County and each polling place will need to be stocked with these ballots. The plan is to do ballots on demand and print as needed. Hardware costs alone are estimated at an additional \$24K-\$25K. Additionally, this statute envisions every voter in the County being able to vote early at any of the polling places, however, it will be necessary to prevent people from voting at each of the locations. The only way to prevent this effectively is to provide electronic poll books in real time, so once a ballot is cast by a person, it is electronically transmitted to the other polling places. At this time, the technology does not exist in NYS, the State board will need to come up with guidelines. For this year, the polling sites will need to be segmented to different parts of the County, so that each person will have only one polling site they can vote early at. Once they become available, the cost for electronic poll books for Saratoga County is estimated at approximately \$600K. There may be some funding available for this in the future however, it is not currently included in the Governor's \$7M budget.

Mr. Kusnierz said that they are in the process of scheduling meetings with the State Legislatures in Albany, probably towards the end of February/early march. Meetings have already been set up with the Federal representatives in Congress.

On a motion made by Mr. Kinowski, seconded by Mrs. Raymond, the meeting was adjourned unanimously.

Respectfully submitted,
Therese Connolly
Deputy Clerk of the Board