

LEGISLATIVE COMMITTEE
November 29, 2021 3:00 p.m.

AGENDA

Chair: Jean Raymond

Members:

Preston Allen
Dick Lucia
Bill Peck
Dan Pemrick
Mike Smith
Mo Wright

- I. Welcome and Attendance
- II. Approval of the minutes of the September 29, 2021 meetings
- III. Changing Hours for Retail Sale of Alcoholic Beverages
- IV. Adopting the Saratoga County 2022 Legislative Program
- V. Other Business
- VI. Adjournment

The public will have an opportunity to hear the meeting live via an audio signal using this call-in number and access code:

Dial: 1-978-990-5145

Access Code: 1840389



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MEMORANDUM NON-CONFIDENTIAL – SUBJECT TO FOIL

To: Hon. Theodore Kusnierz, Jr. – Chair, Board of Supervisors
Hon. Jean Raymond – Chair, Legislative and Research Committee
Hon. Jonathan Schopf – Chair, Law and Finance Committee
Hon. Members of the Legislative and Research Committee

cc: Hon. Members of Board of Supervisors
Therese Connolly – Clerk of the Board of Supervisors
Steven Bulger, County Administrator

Date: November 1, 2021

From: Michael Hartnett, County Attorney *MJH*

RE: Changing Hours for Retail Sale of Alcoholic Beverages

Dear Chairman Kusnierz, Supervisor Raymond, Supervisor Schopf and Hon. Members of the Legislative and Research Committee:

Background:

At the September 2021 meeting of the Legislative and Research Committee, it was requested that I provide the procedural background and local legislative history regarding changing hours for retail sale of alcoholic beverages in Saratoga County.

Disclaimer:

This Memorandum is being provided with the intention and expectation of being a publicly available document and is subject to Public Officers Law §87, *et seq.* ("FOIL"). It is intended to be a historical guide and outline and is not intended to be considered as an official legal opinion, attorney-client privileged communication, or be construed as legal advice on the relevant considerations before the Saratoga County Board of Supervisors.

Legislative and Legal Background:

Pre-1995: Prior to April 1, 1995, Article 3 of the Alcoholic Beverage Control Law (hereinafter referred to as the “ABC Law”) authorized the establishment of county alcoholic beverage control boards, and empowered such boards to restrict the hours when alcoholic beverages could be sold at retail within such county. Established county alcoholic beverage control boards had the authority to impose shorter hours restricting the sale of alcoholic beverages in bars and restaurants within their county. County alcoholic beverage control boards were abolished, however, with the repeal of Article 3 of the Alcoholic Beverage Control Law effective June 20, 1995. Notably, any regulation imposed by county alcoholic beverage control boards were considered effective by virtue of being “grandfathered in.”¹

Alcohol Beverage and Control Law §17: The New York State Liquor Authority (SLA) is vested with the regulatory authority to establish county-wide “closing times” (restrictions on the retail sale of alcoholic beverages) under Alcohol Beverage Control Law §17. Alcoholic Beverage Control Law §17 establishes and sets forth the statutory duties, functions and powers of the New York State Liquor Authority. Subdivision 11 of said section provides that the State Liquor Authority has the power and duty:

Upon receipt of a resolution adopted by a board of supervisors or a county legislative body requesting further restriction of hours of sale of alcoholic beverages within such county, and upon notice and hearing within such county, to approve or disapprove such hours within such county.

The statutory language clearly provides that a county board of supervisors may, after a public hearing, adopt a resolution directed to the State Liquor Authority requesting a closing time earlier than 4:00 a.m. The State Liquor Authority has the sole and ultimate authority to impose earlier bar closing times when requested to do so by resolution adopted by a county board of supervisors.

Notably, in 2012, the SLA issued an opinion on whether or not the SLA could potentially modify closing times dependent on municipality (as opposed to county-wide). The SLA provided a response² that their opinion and interpretation of the ABC Law, as the regulatory authority, is that any restriction on retail sale of alcohol would need to be on a county-wide basis.

County Law §237: County Law §237 which is entitled “Alcoholic Beverage Control” provides that the County, through a board of supervisors resolution, may request the state liquor authority to further restrict the hours during which alcoholic beverages may be sold at retail. (underlining added).

¹ Alcoholic Beverage Control Law § 164 which states that the repeal of Article 3 “shall not operate or be construed to invalidate or affect any action heretofore taken by the several county alcoholic beverage control boards or the New York City alcoholic beverage control boards, as heretofore established by said article three, or by their boards or officers or employees, ...”

² SLA Opinion Letter - Attachment A.

Saratoga County Closing Times:

Currently, the State Liquor Authority has restricted the retail sale of alcoholic beverages in Saratoga County between 4:00a.m. - 8:00AM on weekdays and from 4:00AM – 10:00AM on Sundays. Currently, the SLA restricts sale alcohol beverages for off-premises consumption (e.g., grocery and convenience stores) from 3:00 AM – 8:00 AM on all days of the week, including holidays.

Saratoga Springs City Council Requests:

2010: The Saratoga Springs City Council, at the request of Commissioner of Accounts Franck, began debate on the issue of restriction of hours for the retail sale of alcohol in April 2010. A public hearing was held in June 2010. Following the Public Hearing, a resolution approving the restricting of hours for retail sale of alcoholic beverages was motioned and seconded. Following extensive debate (minutes attached), the motion failed on a 2 – 2 vote³.

2012: In early 2012, at the behest of Saratoga Springs Public Safety Commissioner Mathiesen, the issue of earlier closing times was revived at the Saratoga Springs City Council. In June 2012, the City Council considered a Resolution entitled “City of Saratoga Springs Permitted Hours of On-Premises Sale of Alcoholic Beverages” which resolved to “ask the Board of Supervisors to support a law that will change the permitted hours of on-premises sale of alcoholic beverages at retail in the City of Saratoga Springs, prohibiting such sales on Sundays from 3:00 AM to 12:00 noon, and on any other day from 3:00 AM to 8:00 AM.” The Resolution⁴ was passed by the City Council by a 3 – 2 [1 nay, 1 abstention] vote.

The Board of Supervisors received extensive public comment⁵ on the initiative at the July 2012 Regular Board Meeting. Following the July 2012 Board Meeting; the matter was referred to the Legislative and Research subcommittee of the Board of Supervisors. No resolution was forwarded from the Legislative and Research subcommittee in 2012 on this topic. At the August 2012 Legislative and Research Committee meeting, following discussion and consideration⁶, a motion was carried to not support any changes to the last call hours.⁷

2015: In 2015, the Saratoga Springs City Council again considered the issue of modifying closing times for bars in the City. In 2015, the issue was considered in the context of the possible creation of a “nightclub district” within the City. Following discussion at the February 2015 City Council meeting, a proposed resolution conceptualizing a “nightclub district” and supporting the modification of closing times was pulled, citing a “lack of support” from the City Council at that time.

³ Saratoga Springs City Council Meeting Minutes – June 15, 2010 – Attachment B.

⁴ Saratoga Springs City Council 2012 Resolution – Attachment C.

⁵ July 2012 Regular Board Meeting Minutes, Public Comment – Attachment D.

⁶ Legislative and Research 2012 Committee Year-end Report – Attachment E.

⁷ August 2012 Legislative and Research Committee Minutes – Attachment F.

2021: The Saratoga Springs City Council again considered the issue of modifying bar closing times throughout calendar year 2021. Following extensive debate and discussion at City Council meetings – the City Council unanimously passed a resolution on August 3, 2021, which “asks the Saratoga County Board of Supervisors to enact a resolution for submittal to the State Liquor Authority under Section 17(11) of the Alcohol Beverage Control Law, to further prohibit the sale of alcoholic beverages for on-premises consumption to the hours from 2:00 AM until 10:00 AM on Sunday, and 2:00 AM until 8:00 AM on any other day.⁸” The Resolution passed by the City Council on August 3, 2021 was forwarded to the Clerk of the Board and acknowledged as received at the September 2021 Regular Board Meeting.

If anyone should have any questions about the foregoing, please do not hesitate to contact me.

⁸ August 3, 2021 – Saratoga Springs City Council Resolution – Attachment G.

ATTACHMENT - A



ANDREW M. CUOMO
GOVERNOR

STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

ALFRED E. SMITH BUILDING
89 SOUTH SWAN STREET, SUITE 900
ALBANY, NY 12210-8002
www.sla.ny.gov

DENNIS ROSEN
CHAIRMAN

JEANIQUE GREENE
COMMISSIONER

April 11, 2012

Christian E. Mathiesen, Commissioner
Saratoga Springs Department of Public Safety
City Hall
474 Broadway
Saratoga Springs, New York 12866

Dear Commissioner Mathiesen:

Your letters to Paul Karamanol dated March 23, 2012 and April 4, 2012, regarding whether or not the City of Saratoga Springs may have a "last call" of 3:00 a.m. without a change in the county-wide hours, have been forwarded to me for response.

NYS Alcoholic Beverage Control Law [ABCL] § 106 (5) sets state-wide closing hours for licensed establishments serving alcoholic beverages for on-premises consumption as 4:00 a.m. to 8:00 a.m. Monday through Saturday, and from 4:00 a.m. to noon on Sundays. ABCL § 106 (5) (b) provides that unless otherwise approved by the New York State Liquor Authority (Authority) pursuant to ABCL § 17 (11), where any rule has been adopted in a county prior to April 1, 1995, further restricting the hours of sale for alcoholic beverages, such restricted hours shall be the hours during which the sale of alcoholic beverages shall not be permitted within such county. ABCL § 17 (11) provides that upon receipt of a resolution adopted by a county board of supervisors requesting further restriction of such hours within such county, and upon notice and hearing within such county, the Authority may approve such hours within such county.

The NYS Municipal Home Rule Law § 10 (1) provides that local governments have the power to adopt local laws not inconsistent with any general law. In *People v. De Jesus*, 54 NY2d 465 (1981), the Court of Appeals held that the ABCL is preemptive of local law because the regulatory system is both comprehensive and detailed. The Court held that a Rochester City ordinance that prohibited people from patronizing an establishment selling alcoholic beverages after 2:00 a.m. was preempted by the State law.

In *Lansdown Entertainment Corporation v. New York City Department of Consumer Affairs et al.*, 74 NY2d 761 (1989), the Court of Appeals held that a city ordinance that required cabarets to close at 4:00 a.m. conflicted with ABCL § 106 (5) (b), which allows patrons to remain on the premises consuming alcohol until 4:30 a.m., and that the local ordinance was thus preempted by State law. The Court held that it was inconsequential that the ordinance did not explicitly address the sale or consumption of alcoholic beverages since the preemption doctrine "does not turn on semantics" (*id.*, at 762).

The fact that counties are specifically authorized by ABCL § 17 (11) to request a further restriction within the county by resolution, means that such a request is not within a municipality's inherent powers. Here, the only enabling legislation is that a county may request that the hours of operation be further restricted within the county.

However, the proposal at issue here is the ability of the County of Saratoga to pass a resolution pertaining to closing hours within the City of Saratoga Springs only and not within the entire County. I have reviewed the May 4, 2010 memorandum of the Saratoga County Attorney's Office. The proposal at issue is addressed in the penultimate paragraph thereof. The writer concludes that "there is nothing in either the Alcoholic Beverage Control Law or the County Law which would prohibit the Saratoga County Board of Supervisors from adopting a resolution requesting the State Liquor Authority to impose an earlier closing time solely in the City of Saratoga Springs, and not on a countywide basis."

As can be seen by the case law cited herein, where the State has preempted the field, it is not the absence of prohibition but rather the affirmative granting of power that allows a municipality to act within the otherwise preempted field.


The above cited sections of the ABCL repeatedly use the phrase "within such county." Conspicuous by its absence is any reference to city, town or village. If the State Legislature had intended to allow town-wide, city-wide or village-wide restrictions, it could have simply added "or a town or city or village in such county." The State Legislature has actually followed a similar path in other sections of the ABCL. For example, Art. 9 explicitly permits towns and cities to prohibit entirely the sale of alcohol within their boundaries, and also comprehensively sets forth the procedures by which they may do so.

In addition, ABCL § 17 (11) was preceded by former ABCL § 43, which was part of Art. 3, and which established county alcoholic beverage control boards. It was repealed by the same 1995 law by which § 17 (11) was enacted. Section 43 stated that every county board "Shall, with respect to *the county ... over which it has jurisdiction*, have the following functions, powers, and duties (3) To further restrict the hours during which alcoholic beverages may be sold at retail" (emphasis added). This language is somewhat clearer than that of the current section in expressing the Legislature's intent to limit the ability to reduce state mandated hours of sale to county-wide promulgations.

Since the State has preempted any local regulation concerning closing hours, a city, town, or village government cannot act within that field in the absence of specific enabling legislation. As State law does not authorize cities to request further restrictions on closing hours, there is no authority for a county to act on behalf of a city with respect to a city's closing hours, nor is there authority under State law for the Authority to approve such a request.

In view of the foregoing, the City of Saratoga Springs may not have different closing hours than the county-wide closing hours established within the County of Saratoga. Please note that this is an opinion of the Office of Counsel and is not binding on the Members of the Authority. Pursuant to Part 98 of the Rules of the Authority, you may seek a formal declaratory ruling with respect to this issue.

Sincerely,



Mark D. Frering, Esq.
Counsel's Office
Telephone: (518) 474-3114

Cc: Stephen M. Dorsey, Esq.
Saratoga County Attorney
40 McMaster Street
Ballston Spa, New York 12020

ATTACHMENT - B

Ayes - all

Discussion: Proposed Changes in New York State Retirement

Mayor Johnson stated on May 28, 2010 Governor Patterson announced that the legislature passed his bill authorizing an early retirement incentive. This provides state agency commissioner and local officials with a mechanism to achieve workforce cost savings or reductions. Program bill 249 establishes a temporary retirement incentive program. Public employee can retire at 55 years of age with 25 years of service or be targeted to receive an additional month of pension credit not to exceed 36 months total for each year of actual service. Members of the police and fire are not included because of their present retirement options in existence. This is something we are looking into to see if it is advisable for the City. If we decide to go along with this, there is a lot to be done in terms of analyzing. This is not a cheap option for the City and there are timelines to be concerned with. There are 2 parts – A & B – Part A provides a target incentive to positions that can be eliminated; Part B refers more towards those who are age 55 with at least 25 years of service - if an employee holds a position that is critical to the maintenance of public health and safety, that employee may be denied participation. The summary from governor's office gives certain projections of potential cost to the employer. The per member cost of the Part A incentive would be approximately 60% of an employees final average salary and the Part B incentive would be 110%. Commissioner Ivins is looking at the number of employees that are eligible. The goal is more consolidation if possible.

Commissioner Ivins stated they did request from the state a list of people who met the qualifications and are eligible. His office will send a letter to the employees similar to the one the County sent to their employees. It is not a commitment; it is just to ask their intention. Once they have that list of people's intentions, they can start the financial analysis. They expect to have the analysis completed sometime in July.

Commissioner Scirocco asked if this is something the Council will have to adopt through resolution.

Commissioner Ivins said yes.

Commissioner Franck asked if a date is tied to this.

Commissioner Ivins stated the City needs to make a decision by August 31st.

Commissioner Franck asked if employees take the early retirement, will they be able to come back part time.

Mayor Johnson stated he is not certain.

Commissioner Ivins stated in order to do this we have to be able to show a savings across the board.

Mayor Johnson stated savings must be at least ½ of the total base salary of those employees - aggregate.

Commissioner Franck asked if it is up to the City to come up with these numbers or are we getting some help from state.

Commissioner Ivins stated the state is providing a list of the employees and then it is our job to come up with the numbers.

ACCOUNTS DEPARTMENT

Discussion and Vote: Resolution Restricting the On-Premise Sale of Alcohol Beverages to 2 a.m. from Labor Day to Memorial Day (10-165)

Commissioner Franck stated he has planned to go through his stats, which will strongly refute some things people had said. To date there have been 15 people against his proposal; all but 4 are a bar owner, worked at a bar, or a relative of someone who worked in a bar. This City is potentially going to allow 10 bar owners to direct the way the law works in this city. Everyone else who has come here has been in favor of what he is trying to do. He sent a number of people out for signatures on a petition; approximately 500 have been collected to date. It is not scientific, but it is more scientific than going to Skidmore and asking the students if they want to drink later. His understanding is Skidmore is a dry campus so if the kids want to drink there, let them have the problem there. Most of the 21 year old students are not City residents; so he doesn't look highly at that information. He has not seen Joe Dalton or the Chamber of Commerce come out against this. He has had discussions with the Chamber and although they are not going to pick a side, they do feel that this was a fair proposal by throwing the businesses a bone in the summer months. He has listened to both sides, met with the chief of police, commissioner of Public Safety, and the bar owners. He looked for a compromise. He has heard: 1. it is not comprehensive/all year, 2. if you close the bars at 2 it is going to hurt the people that don't service booze like the diners, 3. loss of revenue, 4. people are going to drive to Mechanicville, 5. there will be a mass exit of people to rush to get more drinking in. He tried to compromise; he met with the chief of police and Commissioner Wirth today and thought they had a deal. He suggested a resolution of 3 a.m. year round. It doesn't kill the restaurants, it gives Esperanto and Hot Dog Charlie's a change to do better, and the idea of people leaving this community and going to another community isn't as valid. There are legislations of behavior out there whether you like it or not. He is trying to be proactive and trying to affect change. He was told he wouldn't get a second because these business owners and special interests are so strong. Before this meeting he was told he wasn't guaranteed to have the votes to move this forward. He has done everything in his power. He asked Chief Cole to speak.

Chief Cole thanked Commissioner Franck again for bringing up this very important issue. This issue affects the City, a lot of lives – the business people, citizens and visitors. He applauds Commissioner Franck for opening the dialogue on some of the problems we have downtown and to be able to deal with it. They have had disagreements of what he thinks could happen and what Commissioner Franck thinks could happen. He has not come out opposed to Commissioner Franck's proposals. He has voiced his concerns from the public safety point of view and it is important that he does voice his concerns should a proposal be passed and something happens down the road where he could have said something and didn't; fingers will be pointed at him. He does have some serious concerns with the 2 a.m. proposal. He did sit with Commissioners Franck, Wirth and Scirocco today to talk a little about this. He was under the impression that Commissioner Franck was going to put forth a proposal for 3 a.m. year round. He is here for public safety; he does not represent the businesses downtown and it is not his job to worry about the income of the bar owners and bar tenders. His number 1 concern is the safety of the public and the police officers who have to respond to the issues. The first thing that needs to be considered, if this is about public safety, is to include the summer months. June, July, and August are our busiest and most dangerous times. At 1 a.m. you have a hard time getting a vehicle down Caroline Street. If it is the 3 a.m. time, he agrees that some of the house parties and some of the mass exodus will go away. He agrees 3 a.m. is a better time but he still has concerns. It is still not in the best interest of his department or his people if he does not bring up those issues. Should Saratoga alone go to a different closing time, you will see some people go to these other bars that you may not otherwise see going to the other bars. Police deal every night with some very serious things; beatings, stabbings, fatal accidents. They work closely with victims and take these things personally. Accidents do happen. If the closing time stays at 4 a.m., you can guarantee we will have a fatal accident sometime after 4 a.m. If the closing time changes to midnight, there will still be a fatal accident after 4 a.m. He doesn't believe there will be a significant change in those kinds of accidents. There are other things he thinks can be done – compliance by the bar owners, bar tenders, and bouncers would have a strong effect on what we see happening downtown. It is not always easy getting compliance. One thing they currently do is send a few officers in a bar for compliance of the ABC law and for people who are falling down drunk and underage drinkers. When we see a violation, tickets are given to the offender and they take the license of the establishment. They can keep a copy of the license and incident on hand to get compliance or send it to the SLA for a referral. Sending a referral is like putting together a full criminal case. Doing something like a referral takes man power and time. They can also enforce the New York State Law which states if security takes up 50% of a bouncer's job, they must be a licensed security guard. We need to come up with a solution. Without public safety

you can kiss the tourism goodbye, you can kiss the property taxes goodbye, etc. If given an option, he would prefer the 3 a.m. closing. It must come with the understanding that if it comes with public safety, it must include our busiest months.

Commissioner Franck thanked Chief Cole for his comments. Most of the chief's comments dealing with compliance - he may need our help to get additional people, but he has the power to do such now. He hears 'comprehensive' from Commissioner Scirocco, and that's what he is looking at – a comprehensive approach. The studies are telling. Since June 2005, there have only been 4 referrals from the police for sales to minors. He asked Will Pouch if he would be totally opposed to a 3 a.m. closing versus a potential 2 a.m. closing – or in his opinion is it 4 a.m. or nothing.

Will Pouch stated 4 a.m. makes sense if there is better enforcement. He is not for regulation in general, but this situation may call for compromise.

Commissioner Franck asked Mr. Pouch if he is advocating that it is safer to close at 4 a.m. rather than 2 a.m. or 3 a.m..

Mr. Pouch stated he doesn't see a huge difference between 3 or 2. The safety standpoint is a toss up. He is advocating not making a change in the current regulation but making a change in enforcement.

Commissioner Franck presented some slides for the public (attached) which proves a later last call increases problems.

Mayor Johnson recused himself as he is an investor in a local restaurants/bar and under contract for another restaurant/bar. He is not able to call for a second, therefore Commissioner Ivins will call for a second. As a side note, neither of the establishments he is involved are open to 4 a.m. He left the room prior to the second being called.

Commissioner Franck moved and Commissioner Ivins seconded to approve the resolution restricting the on-premise sale of alcohol beverages to 2 a.m. from Labor Day to Memorial Day.

Commissioner Scirocco applauded Commissioner Franck for bringing this to the table. In 1968 he had a similar incident with a cousin. He has concerns; time isn't consistent. If we are to do this the time should be consistent throughout the year. Other counties in the state that close at 2, 3 or 4; it is county wide. He believes that if we close early people will drive out of the City to other communities close to the City – Town of Milton and Town of Saratoga just over the bridge. He thinks it needs more study and time. He can see a lot of time was put in this from the information provided. There have been concerns from some of the businesses. Closing the bars at 2:00 for 6 or 7 months isn't going to solve the problem. He trusts the judgment of the Police Department. We laid off 7 police officers, which he doesn't believe he was in favor of. Enforcement needs to be the key – whether on the streets or in the bars. There is a fix to this whole problem rather than shut the City down at 2:00. It should be county-wide if it is going to happen. It isn't going to solve any problems by doing it in the City.

Commissioner Franck asked Commissioner Scirocco if he would be against 3 a.m. year round.

Commissioner Scirocco stated when he said inconsistent he meant inconsistent to the other counties within the state – they have a 2, 3, and 4 closing time.

Commissioner Franck stated there are numerous municipalities within counties that are different times than the county. He asked Commissioner Scirocco if his next argument could be that unless the surrounding counties around us went to the same time he couldn't support it.

Commissioner Scirocco stated you have a better chance keeping it local if you just do it county-wide. The concern is people could leave a bar at 1:30 to go across Saratoga Lake – across the bridge – to a bar there or in the Town of Milton to a bar on Geyser Road. The bars around us are going to capitalize on that; that could be a big problem.

Commissioner Franck asked to go back to the question he asked Commissioner Scirocco; if it was 3 a.m. year round, is he still seeing a lot of people at 3 a.m. to other municipalities to drink. How many people are driving between 3 a.m. and 4 a.m. from one bar to another bar in different municipality? How many do you think are sober? If we keep them here to 4 a.m. do you think they are going to drive home then or sleep in their car?

Commissioner Scirocco said he can't answer that question.

Commissioner Franck reminded him that he can say people are going to be going across the bridge drinking at 3 a.m.

Commissioner Scirocco stated when you turn people down that are in a bar and could go to another municipality that is only a mile away....

Commissioner Franck stated they could go home an hour early too.

Commissioner Scirocco stated he doesn't know how he can project what human behavior is going to be.

Commissioner Franck stated he can't but he is asking Commissioner Scirocco what he thinks. Looking at Commissioner Scirocco's arguments, unless this proposal is county-wide he is not going to support this. He is hearing Commissioner Scirocco say that it is safer for the closing time to be at 4 a.m. than earlier.

Commissioner Scirocco stated it is safer if it is county-wide because then it is consistent and you have everyone in the county doing the same thing. You don't have people capitalizing on our problem, which he doesn't think is a big problem.

Commissioner Franck told Commissioner Scirocco he is now the commissioner of Public Works; he is no longer the supervisor for the City of Saratoga Springs. Commissioner Franck stated he is concerned about the City of Saratoga Springs. He wants to know if Commissioner Scirocco believes it is safer to keep the bars open until 4 a.m.

Commissioner Scirocco stated he is not saying it is safer. He is saying there are other issues, such as revenues that we won't get. There are bars and restaurants in the City that are the fabric of the City. He said he remembers in the '70's when things in this City went down the tubes.

Commissioner Franck asked Commissioner Scirocco what the closing time was in the '70's.

Commissioner Scirocco stated he thought it was 3:00; maybe.

Commissioner Franck stated it was 4:00 a.m.

Commissioner Scirocco asked how the closing time got from 3 a.m. to 4 a.m.

Commissioner Franck stated the closing time was 1:00 a.m., then it went to 4 a.m. He reminded Commissioner Scirocco that he said this is about money. He confirmed Commissioner Scirocco is not supporting this unless it is county-wide.

Commissioner Scirocco stated he would not because it is not consistent with what everyone else is doing. He stated Commissioner Franck hasn't even identified we have a problem here. Maybe we need more enforcement, well trained bar tenders, and make owners responsible for their actions rather than shutting them down. Does this include Price Chopper and the hotels?

Commissioner Franck asked Commissioner Scirocco if we make it for 3 a.m. for Stewart's, Price Chopper, etc. would you support it then.

Commissioner Scirocco stated it would have to be all supermarkets in the county.

Commissioner Wirth asked Commissioner Franck to read what is on his agenda. He confirmed the original resolution has not changed. If there was going to be a significant change – such as 3 a.m. year round – he would recommend tabling this so everyone can have an opportunity to absorb the new agenda item. If that isn't changing we can continue.

Commissioner Franck stated when he left Commissioner Wirth this afternoon; he had stated he would support a 3 a.m. year round closing. Chief Cole said he is not going to advocate one way or the other and if something did happen because of potential injury to both police officers and residents, the only way to not come out against it is to make sure it was year round including the busy season. If he had to pick between the two, the chief said he was more comfortable with 3 a.m. Commissioner Wirth also told him he would potentially want a sunset provision in it. Chief Cole and Commissioner Franck both said they don't like sunset provisions but they were open to some type of language where the next Council can say they have looked at the statistics and determine if it should continue. Commissioner Wirth said he was ok with this. Commissioner Ivins stated he was comfortable with both proposals but he was comfortable because it was more consistent; he also wasn't against some type of clause. That is how he left the meeting. Commissioner Wirth was supposed to talk to Commissioner Scirocco and have Commissioner Scirocco contact me. Commissioner Scirocco had no interest in speaking with Commissioner Franck so Commissioner Wirth came back to Commissioner Franck and said he doesn't know if he can approve this now. He asked Commissioner Wirth if he agrees that's how it happened today.

Commissioner Wirth said that was pretty close. If there is any significant change he would want the public to absorb it.

Commissioner Franck stated he has no problem with that because it is a change from what has been discussed the last 2 months but he wants some type of feeling on record that this is not going to waste people's time for another 2 weeks and he's going to come back and say I don't know. He wants to hear Commissioner Wirth's feeling on the proposal they discussed for 2 days versus the other proposal they discussed.

Commissioner Wirth stated he appreciates Commissioner Franck's efforts and comments. We must clarify a couple of the items – some of the court information/data could be misleading because if one person was arrested, they could have been charged with 3 crimes. For example in 2009 the data showed 590 and the number of arrests were actually 347.

Commissioner Franck stated so a couple guys did more than one bad thing than one guy doing one bad thing.

Commissioner Wirth stated the numbers do fluctuate from the information you get from City Court from the information Saratoga Springs Police have.

Commissioner Franck stated Frank Dudla did explain that when he gave us the data. He talked about DWIs and other things. Judge Wait's court did describe the difference in numbers. He tried to say some of these things could be skewed.

Commissioner Wirth stated regarding the changes – does it make a difference to reduction in overtime, quality of life, etc. No one has that answer.

Commissioner Franck believes it is going to reduce cost. His mom always told him if there are 100 questions on the test, 99 of them are about money; and he is seeing that tonight at the table. He can't see how the bars closing an hour early is going to significantly raise costs. If it didn't cut a dollar of overtime, it would give the police better enforcement from 3 to 2 and 2 to 1 because we can use our time more wisely to cover those time periods versus going from 4 – 5. We are not talking a large number of sales tax money.

Commissioner Wirth stated there would be some impact on the downtown businesses if we closed earlier.

Commissioner Franck stated he does not believe there would be a negative impact. He can't quantify it, but for most bars they are not open at that time for most of the year. One of the arguments made by many of the bar owners was if you make it an hour or 2 earlier, they will come out an hour or 2 earlier. He asked Commissioner Wirth what price are you going to put on the potential loss of human life.

Commissioner Wirth stated you could never put a price on that. What about the employees who would lose jobs or hours would be cut?

Commissioner Franck stated he will go by John Baker's study – he said from 2 – 4 a.m. on the off-season he employs 4 people and from 2 – 4 a.m. on the on-season he employs 25 people. That is an 81% decrease on the off-season. As you get closer to 4 a.m. there has to be less people. Most restaurants in this City close their kitchen by 10 p.m. It is insignificant compared to costs on the other side is between insurance, safety, and trouble.

Commissioner Wirth asked Commissioner Franck if he feels the bars and restaurants have a responsibility to monitor and manage their own.

Commissioner Franck stated he feels they restaurants and bars have a responsibility to manage their own regardless what time it is.

Commissioner Wirth stated "so they are capable."

Commissioner Franck stated he didn't say they were capable; that is not what he asked. Are they capable when a bar is packed and there is a lot of drunk people? It is a lot harder to monitor everybody than if there are 2 people sitting at the end of the bar. He has brought up studies from various areas - there is no study that shows extended bar hours are safer.

Commissioner Wirth stated he brought up Illinois, Australia, etc. but he is not familiar with those cities.

Commissioner Franck stated he showed the studies that Commissioner Wirth provided from his office for Saratoga Springs; the arrest study. There are no other studies for Saratoga.

Commissioner Wirth stated they are familiar with TIPS training. It is very important for the bar tenders.

Commissioner Franck asked if you have a bar that is packed and someone buys 2 beers; who is the person giving the second beer to? Does TIPS training help – yes. We need to look at the legislative end whether we ask for additional things like staff the police and not put the control of Saratoga Springs in Ballston Spa. Take control for the City of Saratoga Springs for the people who were elected in the City. If Commissioner Scirocco wants someone from the Town of Day to decide what happens in the City of Saratoga Springs – God bless him. He is not Commissioner Scirocco. We can vote this up or down. The bottom line is this is our vote. That is what they were elected to do. He would be more than happy to talk to the people of Saratoga County but he can't wait for that. That is why he brought this legislation forward.

Commissioner Wirth stated it is the bar or restaurant's responsibility to manage their own establishments. They also have their own spot checks in cooperation with the liquor authority. He is also concerned with what happens if the bars close at 2 a.m. Where would the people go?

Commissioner Franck reminded Commissioner Wirth he already stated he wouldn't support 2 a.m. He would like to know what Commissioner Wirth thinks about 3 a.m.

Commissioner Wirth said who knows what would happen at 3 a.m.

Commissioner Franck asked Commissioner Wirth if he thinks it is safer to keep bars open to 4 a.m. versus 3 a.m.

Commissioner Wirth stated he didn't think it would make a difference.

Commissioner Franck asked Commissioner Wirth what about 2 a.m. versus 4 a.m.

Commissioner Wirth stated he doesn't think they can give an appropriate answer to that question because any accident could happen at any time.

Commissioner Franck confirmed that Commissioner Wirth is saying it is just as safe to close at 4 a.m. as 3 a.m. or 2 a.m.

Commissioner Wirth stated he would say that is true.

Commissioner Scirocco stated Commissioner Franck made a comment that he trusted putting this issue in the county's hands. This is his resolution and we are asking the County to make this decision.

Commissioner Franck asked Supervisor Yepsen to describe what the County's attorney stated as the process with municipal home rule law which has to, by law, go through the County.

Supervisor Yepsen stated she doesn't have the letter from the County attorney, which was sited a couple meetings ago. The way she remembers the letter reading is the County is not the end all. If you want to change the local law, you take it to the County and the County gives you permission to move it to the state level, who makes the final decision.

Commissioner Scirocco stated unless the County decides to change the hours, like all the other counties in the state.

Commissioner Franck stated the letter said the County is a conduit and they didn't see why it wouldn't be passed forward to the SLA. He can't worry about what the County does; he can only worry about what they can legislate in the City. At the end of the day he believes Commissioner Scirocco is just confusing issues.

Commissioner Ivins stated he has been receiving a lot of e-mails and phone calls the past few days. He thanked everyone for the contact and their opinions. He has to weigh the better good for the community. Going with 2 a.m. for the off-season outweighs the alternative. It is a tough decision. He is definitely for it; the better public good is to go with 2 a.m. He asked Commissioner Franck if he is going to ask him about 3 a.m.

Commissioner Franck stated anything can be discussed. He did speak to Commissioner Ivins after speaking to Commissioner Wirth. He asked Commissioner Ivins if Commissioner Wirth spoke to him.

Commissioner Ivins stated he spoke to the entire Council.

Commissioner Franck asked what happened with those discussions.

Commissioner Ivins stated they threw around all the pluses and minuses.

Commissioner Franck asked Commissioner Ivins if there was any feeling, from his standpoint, of 2 a.m., 3 a.m. or 4 a.m.

Commissioner Ivins stated he didn't have a good answer.

Commissioner Franck stated it looks like it is going to be a 2 – 2. There are 2 people that were pro-active and 2 people that weren't. Something is going to happen. He wishes they could have had the 3 a.m. – it seems that most people out there are in agreement. It is the common sense thing to do. Commissioner Wirth is in charge of Public Safety and he feels his position changed dramatically since his discussion with Commissioner Scirocco.

Commissioner Ivins stated if somewhere down the line Commissioner Franck feels he can change some votes for 3 a.m. – it is up to being brought back to the table because it is a considerably different motion.

Commissioner Franck stated he was open to 2 a.m. and 3 a.m. If Commissioner Wirth can't come and say he's not 100% but he is pretty sure this is going to work, then in another 2 weeks he is going to have bar owners call him up and tell him not to do this. It is going to be 2 a.m. year round one of these days. He has compromised and done everything he can – it is going to be business against safety.

Commissioner Franck asked for a roll call vote.

Roll Call:

Commissioner Franck – Aye

Commissioner Ivins – Aye

Commissioner Scirocco – Nay

Commissioner Wirth – Nay

Motion failed.

FINANCE DEPARTMENT

Discussion and Vote: Authorization for Mayor to Sign Contract with Saratoga Horse & Carriage (10-166)

Commissioner Ivins moved and Commissioner Wirth seconded to authorize the mayor to sign a contract with Saratoga Horse & Carriage for the Saratoga All American Celebration.

Commissioner Ivins state the contract amount is \$350 and is paid for by donations. They will be transporting a band in the parade.

Ayes - All

Discussion and Vote: Authorization for Mayor to Sign Agreement with Bollam, Sheedy, Torani & Co., LLP (10-167)

Commissioner Ivins moved and Commissioner Franck seconded to authorize the mayor to sign an agreement with Bollam, Sheedy, Torani & Co., LLP for performance of state single audit as previously distributed to the Council.

Commissioner Ivins stated the amount is \$2,500. The current contract is for 2 audits and this is a third audit required by the state.

Ayes - All

Discussion and Vote: Authorization for Mayor to Sign Contract with John C. Mannix, Jr.

Commissioner Ivins **PULLED** item from his agenda.

Discussion and Vote: Department of Public Safety Payroll Transfers (10-168)

Commissioner Ivins moved and Commissioner Wirth seconded to approve the Department of Public Safety payroll transfers as previously distributed to the Council.

Commissioner Ivins stated transfers are from police, fire, and traffic control to overtime lines and special event overtime lines in each department to facilitate new reporting requirements for the retirement system. Transfer from DPS office supervisor to Fire Department EMS coordinator.

ATTACHMENT - C



City of Saratoga Springs
OFFICE OF COMMISSIONER OF ACCOUNTS
CITY HALL

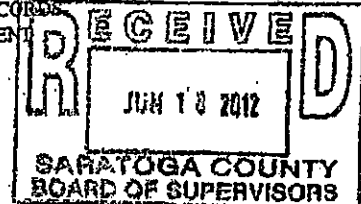
474 Broadway
Saratoga Springs, New York 12866
Telephone 518-587-3550 • Fax 518-587-6512

JOHN P. FRANCK
Commissioner

SHARON J. KELLNER-CHILLE
Deputy Commissioner

ANTHONY R. POPOLIZIO
Assistant Assessor

ASSESSMENTS • CITY CLERK • PURCHASING • VITAL RECORDS
RECORDS MANAGEMENT • RISK & SAFETY MANAGEMENT



June 15, 2012

Mr. Thomas N. Wood, III
C/o Saratoga County Board of Supervisors
40 McMaster Street
Ballston Spa, New York 12020

Dear Mr. Wood:

Attached please find a *corrected* resolution passed on Tuesday, June 5, 2012 by the City Council of the City of Saratoga Springs regarding the change in time of last call for the sale of alcoholic beverages. The resolution attached to the letter dated June 14, 2012 did not include the abstention by Mayor Johnson.

I apologize for any inconvenience this may have caused. As usual, please feel free to contact me at 587-3550 ext. 2543 should you have any questions.

Sincerely,

John P. Franck
Commissioner of Accounts
JPF/ir

Enclosures

Cc: Commissioner Christian Mathiesen
Deputy Commissioner Eileen Finneran
Supervisor Matthew Veitch
Supervisor Joanne Yepsen

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SARATOGA SPRINGS, NEW YORK**

**CITY OF SARATOGA SPRINGS PERMITTED HOURS OF ON-
PREMISE SALES OF ALCOHOLIC BEVERAGES**

Mayor Scott T. Johnson
Commissioner John Franck
Commissioner Michele Madigan
Commissioner Anthony Scirocco
Commissioner Christian Mathiesen

WHEREAS, the Saratoga Springs City Council has great appreciation for the historic and contemporary resort nature of Saratoga Springs as a destination for the rest, relaxation, nightlife, and entertainment, and

WHEREAS, this City Council has a responsibility to protect the public health, safety and welfare from adverse effects associated with the on-premises sale of alcoholic beverages at establishments licensed to sell such beverages within the City of Saratoga Springs; and

WHEREAS, this City Council has taken numerous measures to constrain the adverse effects on the public and City employees tasked with protecting the public associated with the on-premises sale of alcoholic beverages at establishments licensed to sell such beverages within the City of Saratoga Springs; and

WHEREAS, this City Council will continue to work with local proprietors to constrain the adverse effects on the public and City employees tasked with protecting the public associated with the on-premises sale of alcoholic beverages at establishments licensed to sell such beverages within the City of Saratoga Springs; and

WHEREAS, this City Council recognizes that its partner, the County of Saratoga Springs Board of Supervisors, has the sole authority to exercise one measure to constrain the adverse effects on the public and City employees tasked with protecting the public associated with the on-premises sale of alcoholic beverages, that measure being the county-wide change in the time of last call from 4:00 AM to 3:00 AM;

NOW, THEREFORE, BE IT RESOLVED, that the Saratoga Springs City Council asks Saratoga County Board of Supervisors to support a law that will change the permitted hours of on-premises sales of alcoholic beverages at retail in the City of Saratoga Springs, prohibiting such sales on Sundays from 3:00 AM to 12:00 noon, and on any other day from 3:00 AM to 8:00 AM.

Adopted: 6/5/12

Ayes: 3

Nays: 1 (Commissioner Scirocco)

Abstention: 1 (Mayor Johnson)

STATE OF NEW YORK
CITY OF SARATOGA SPRINGS
COUNTY OF SARATOGA

I, John P. Franck, City Clerk of the City of Saratoga Springs, Saratoga County, New York, do hereby certify that the foregoing is a true extract of the minutes and true copy, and whole thereof, of Resolution #12-55 regarding the adoption of a resolution supporting a county-wide change associated with changing the time of last call for the sale of alcoholic beverages from 4:00 AM to 3:00 AM, by the City Council of the City of Saratoga Springs at its meeting on the 5th day of June, 2012.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed hereto the official seal of said City, this 15th day of June, 2012.



John P. Franck

Commissioner of Accounts and City Clerk

ATTACHMENT - D

REGULAR SESSION
TUESDAY, JULY 17, 2012
AT 4:00 P.M., D.S.T.

Board called to order by Chairman Wood.

Roll call was taken. PRESENT – Patricia Southworth, Alan Grattidge, Philip C. Barrett, Anita Daly, Richard Lucia, Mary Ann Johnson, Jean Raymond, George J. Hargrave, Richard Rowland, Arthur M. Wright, Mindy Wormuth, Paul Sausville, Daniel Lewza, Willard H. Peck, John Collyer, Thomas N. Wood, III, Matthew E. Veitch, Joanne Dittes Yepsen, Edward D. Kinowski, John Lawler, Arthur J. Johnson – 21. ABSENT – Thomas Richardson, Preston L. Jenkins, Jr. – 2.

The invocation was given by Patti Southworth, Chaplain.

PUBLIC INPUT

Chris Mathiesen said he has been the Saratoga Springs' Public Safety Commissioner since January 1st. He has lived in Saratoga Springs since early childhood, and he thought he knew his City very well. But early last summer, after committing to run for office, he decided to investigate the night club district in the early weekend hours. He woke up at 3:10 a.m. on a Sunday morning and drove down to see what was happening. At first, he saw no activity at all, as most bars were closed. As he approached Caroline Street, he could hear "the roar of a crowd." It sounded like a sporting event. He tried to drive down Caroline Street, but there was no way to do so. The street was packed with loud, uproarious people, many of whom seemed to be drunk. There were many of our police on foot and on horseback, three Sheriff deputy cars and a State Police car. It seemed to be a general state of mayhem. He had never seen anything like this in his City. Surely, this was an anomaly. He returned the following weekend at the same time. It was the same atmosphere although it seemed a little quieter with fewer police cars from outside agencies. He said he went home a little earlier and missed by five minutes the Club Shadow riot where five of our officers were injured, and Sheriff deputies, State Police and Ballston Spa Police had to be called in to bring things under control.

Mr. Mathiesen stated he returned many times over that summer and viewed the situation a number of times over the fall, winter and spring. The photos he circulated were taken this past weekend on Sunday morning at around 3:45 a.m. He said he brought these photos to show that this is not the Caroline Street area that most people know. Late night Caroline Street is an out-of-control situation that consistently requires the presence of a large contingent of our police officers in order to attempt to control large crowds of inebriated people, most of whom don't live in our City. They have taken a number of steps to try to improve the situation including City licenses which now require that bars follow already established statewide guidelines regarding mandated training for bartenders and bouncers. We believe that a "last call" adjustment to 3:00 a.m. rather than the present 4:00 a.m. would help to tone down the late night activity without unduly harming the businesses that have been open until 4:00 a.m. It would:

- Help reduce the burden of police overtime expense
- Help protect the all-important reputation of our City as a tourist and convention destination
- Lessen impacts on residents who have been encouraged to invest in downtown condos and apartments
- Reduce unnecessary risk to both police and patrons
- Provide for a safer, more vibrant nightlife

Mr. Mathiesen said many studies conducted over the past two decades show that the incidents of violence increase incrementally for every hour that bars serve alcohol. Our own statistics show that use of tasers and other uses of force by our police department and assaults on police officers are most closely associated with late night activities in our Nightclub District. Of the 57 counties in New York State outside New York City, only twenty have a 4:00 a.m. last call. Thirty-seven counties have 3, 2 or 1 a.m. In NYC, where districts have more say in determining a "last call" hour, many parts of the City close earlier than 4. It is now nearly impossible for an applicant to get a new liquor license in NYC that allows serving after 2:00 a.m. Harlem is

now trying to restrict sales to 2:00 a.m. because of late night problems. Buffalo, the only major city in western New York with a 4:00 a.m. last call, is seeking an earlier hour, and Mayor Jennings has been asking for a voluntary 2:00 a.m. closing in Albany. Compared to the rest of the U.S., a 4:00 a.m. last call is extremely late.

Mr. Mathiesen stated for the second time in two years, Saratoga Springs' City Council has considered pursuing a change in last call. Last month, the City passed a resolution to seek a 3:00 a.m. last call. Due to recent rulings of the SLA, the change that we are seeking will have to be County-wide. It is in the interest of both the City and the County as a whole to seek this change since:

- Very few establishments across the County are regularly open until 4:00 a.m.
- There would be less pressure on law enforcement agencies and would improve public safety County-wide
- Both the City and County benefit from property values in our downtown district
- Both the City and County benefit from the tourist and convention business
- Polls show that the public overwhelmingly supports an earlier last call (Channel 6 poll-Feb. 2012)

Mr. Mathiesen requested that the Saratoga County Board of Supervisors support a resolution to present to the State Liquor Authority requesting a "last call" of 3:00 a.m.

John Baker, Gaffney's Restaurant Owner for 31 years, said he is here to represent the restaurant, bar and business community in Saratoga Springs. For years Saratoga has been known for its horse racing and vibrant downtown. When meeting planners come to Saratoga for a possible convention site, chief among their concerns is where do people go after their convention sessions conclude. Some couples inquire as to where to have a wedding reception. Saratoga Springs is a draw for conventions and weddings, because guests who visit our City or those events know they will be safe as they enjoy Saratoga Springs' famous nightlife. It is important to note that in 1980, there were approximately 900 hotel rooms in the City, and since then, another 800 have been added. Almost 2,000 people could be guests at any given weekend. Half of the number of police officers kept pace with this growth. There is a price to pay for something that isn't broken, and that price could mean fewer conventions, fewer shoppers, fewer restaurants, and ultimately, fewer sales tax for the City and County. Would an earlier closing time reduce the crime in the City? In comparing statistics for other similar cities in New York State, Plattsburgh, Ithaca and Binghamton, all college towns with an established downtown, have earlier closing times than Saratoga Springs, and according to CityRating.com, all show an upward trend in violent crime while the same website reports an overall downward trend in crime in Saratoga Springs. Don't forget, Saratoga Springs has tens of thousands more visitors each year than these other cities. When bars close earlier, those folks still thirsty will move their parties from a relatively confined area to our neighborhoods. Will that spread the police force even thinner as they are forced to respond to calls from neighborhoods throughout the City? Will our neighborhoods outside the City's core now be more susceptible to late night partying and noise? Saratoga Springs is one of the safest cities in New York State. Do tragedies happen? Of course they do, but in Saratoga Springs, that is the exception, not the rule.

Mr. Baker said a poll of several downtown businesses show that an earlier closing time will result in a job loss of somewhere between 50 and 75 positions, and this is just in the immediate Caroline Street area. This is happening at a time when, according to the National Restaurant Association, restaurants added almost 250,000 jobs in 2011 and expect the trend to continue in 2012. Should the closing time be moved to 3:00 a.m., the 30 establishments directly downtown would lose \$928,500. That amount translates into a loss in sales tax revenue of approximately \$65,000. Also, with almost \$1,000,000 in gross sales, our employees would lose approximately \$200,000 in tips if you factor in a 20% gratuity. It is easy to think that this proposed closing time only impacts establishments on Caroline Street. Nothing could be further from the truth. Pizza shops, convenience stores and taxi companies will also take a hit, and the sales tax dollars coming in from those businesses to the City's coffers will be reduced. Shift workers from the industrial park, the hospital, the hotels, the Navy and restaurants make up a good portion of the clientele during the late hours. The vast majority of these folks are responsible adults spending time with their co-workers at the end of their work day. They don't get out of work until midnight or 1:00 a.m., and the 1 - 4 a.m. period are their after work hours. There is also a question of rents and assessments that some of our City elders have brought up. That is the fact that restaurants pay a much higher rent than retail and other businesses for the same

square footage. If you take the income approach or straight rent as landlords do, the rents are always higher for restaurants. Landlords would not be able to pay their taxes, mortgages, etc., without the restaurants' higher rents, thus justifying their assessments. So less income to restaurants will affect their business and also affect the landlord's ability to charge the rents that they do. This will affect assessed value and the tax base for the City in the long run.

Mr. Baker stated that there has been conflicting information on whether this change would impact The Saratoga Casino and Raceway. If the area's largest gaming and entertainment venue is included under the new early closing time law, the City would see an even greater decline in sales tax revenue. If, in fact, the Casino and Raceway is excluded from City regulations, as they are from the local planning process, the City would be giving one business a tremendous competitive advantage over businesses that have been paying taxes in Saratoga Springs for years. It would be akin to telling Wendy's that they can be open longer than McDonald's or that a dentist's office on Lake Ave. could take patients all afternoon but a dentist's office on West Ave. could not. Saratoga Springs businesses have a long history of supporting nonprofits through various donations and special events. At every fundraiser held throughout the City, donations from restaurants and bars help these organizations contribute to what make Saratoga Springs the special place it is. Obviously, with a significant reduction in income to such stalwart contributors, the nonprofit groups would see a reduction in donations.

Mr. Baker said with all due respect to Commissioner Mathiesen, for him to get up at 3:30 a.m. to come downtown, it is not surprising that he is shocked by what he sees. To look at it from a realistic point of view, the Commissioner is walking into a party that is just ending. A man of the Commissioner's age and experience should feel out of place in an environment of several hundred 25 year olds. The Commissioner also observes many people standing around downtown. One of the reasons more people are seen congregating on the sidewalks is that New York State outlawed indoor smoking in 2003. Twenty percent of people who frequent downtown establishments still smoke. If there are 1,000 people in downtown establishments, this could mean 200 or so people are outside smoking. That's 200 people that were not outside before the legislation was passed. It is disturbing to note the press surrounding closing our downtown earlier and the effect it is having. The negative press has been detrimental to our reputation and our future tourist business.

Mr. Baker stated they are against changing their closing times in the City and County of Saratoga. We, as a business community, have worked years to build a vibrant downtown that is the envy of New York State.

Jeff Clark, President of the Saratoga Springs Business Association, stated he has copies of data from the Internet from CityData.com which he provided to the Supervisors. He stated Saratoga Springs is a destination city that attracts many visitors. In the documents he passed around, they are based on a population of 30,000. The Convention Center, on an annual basis, draws 60,000 visitors to Saratoga Springs, and these visitors are not included in these demographics. We also draw over 100,000 people to the Racetrack during the six week meet. They are not in this population survey, nor are the 100,000 visitors to SPAC. After the Dave Matthews Band concert at SPAC, The Saratogian reported that the State Park Police were very pleased that they only had 50 arrests for misdemeanors and no felonies. Again, after the Phish concert, there was another report of approximately 50 misdemeanors. He said he walked down to Caroline Street this past Sunday morning at 3:35 a.m., and he saw no fights, etc., or problems that were apparent to him. He spoke with the police officers on duty who informed him there were two misdemeanor arrests much earlier in the evening. He encouraged the Board to keep the hours as they stand and support the thriving downtown community.

Tom Clancy, owner of Clancy's Tavern in Saratoga Springs, stated like many Saratoga Springs and Saratoga County are a great place to live. He said they do not have a problem with the night life and there is a safe downtown in which businesses compliment one another. The Saratoga Springs night life is the envy of many cities, towns and counties all over this state and the United States. The biggest problem is the negative publicity that the City is getting on the news, in the newspapers and on the internet. Many people are coming back this time of year and do so year after year. These same people are asking what is happening to the City because they are reading about problems in the media. He said he hopes this negative publicity doesn't hurt the business in the City. This needs to stop as the night life in Saratoga Springs is not the problem. He

acknowledged that the City does have problems as every one does. The business owners of Saratoga Springs along with the City Police Department have taken steps to deal with these situations. He read an article out of a travel magazine that praised the City for its down town activities. He thanked the Board for its time and encouraged the Board to leave the hours as they are.

Cindy Hollowood, Operator of the Holiday Inn, said she is currently the Chairman of the Board of the New York State Hospitality and Tourism Association which is the trade association for their industry. She said the number one reason people go to Saratoga Springs is because of the vibrant down town and popular night life. She said Caroline Street has a nation wide recognition and groups often ask how close the Holiday Inn is to this street. Many of her workers don't get out of work until eleven at night or later. She said she is strongly opposed to changing the closing time to 3am.

Charles Brown, City of Saratoga Springs resident, said this is not a discussion about closing time at 3am it is about not serving alcohol after 3pm. He said every place can continue to stay open until 4am and would encourage these businesses to do so. They should also be serving more food at this time to those who have been drinking for hours. He said people are coming to the city for the track, for conventions, for Broadway, not to drink until 4am. He spoke with the residents of the city and they want change because of occurrences that happen at these early hours. More research should be done before any decision is made because only the businesses are being heard. The residents need to be heard as well.

Paul Bricoccoli, Owner of the Horseshoe Inn & The Bull Pen, said he has seen a lot of what has been talked about today. He is owner of an establishment in Lake George where this issue has been called toxic and out of control. He said if you go to Lake George on a Saturday night there is no one there. They are in Saratoga Springs. The night life is thriving and is not out of control. The City Police Department have control of the area. He said of course there are going to be issues but in comparison are small. The words, like toxic, need to stop being used because they hurt the perception of the City. He hopes this discussion ends here and the Board does not consider a change in the time.

Nick Berardi, Saratoga County Employee, said Maplewood Manor is still not at 100% capacity. He said not enough is being done and encouraged the Board to ease up on the requirements. He is urging all the Supervisors to stop over and get on board with what is going on at Maplewood. If the facility goes private the residents won't receive the care they are receiving now. Employees are given fantastic wages and benefits but there are ways to save money. No one (supervisor) wants to go across the street to listen to ways they have that can save money. He said \$8M is a lot to cut but it can be done.

Susan Blowers, Saratoga County Employee, said she is an employee at Maplewood and wonders if the Supervisors really feel that selling Maplewood would help the economy. She said it won't and also said it won't help their votes in the next election. She asked why there isn't any consideration given to building a new nursing home. A new facility could have better physical therapy & rehabilitation facilities, a mental health wing, use solar power and the State would fund it. She said she is sure that the employees at Maplewood Manor would negotiate something with the Board if they knew that a new facility was being built. She encouraged the Board to think about the employees at Maplewood as they will be thinking of the Supervisors when it comes time to vote. She encouraged the Board to really think about their votes on this issue.

Judy Richards, retired Saratoga County Employee, she said she is a resident of the Town of Wilton. She said she is aware of the great reputation Maplewood Manor has in caring for their residents. She has had family members there and they have had great care. She said when it comes time for her to be in a facility she hopes Maplewood is still there. She doesn't believe privatizing is the answer. She understands a study has been done but nothing has been told to the employees. She encouraged better communication with the employees at Maplewood.

On a motion by Mr. Collyer, seconded by Mr. Sausville, the minutes of the meeting of June 19, 2012 were adopted by a unanimous vote.

ATTACHMENT - E

the caveat that we invite and encourage as much information as possible to come to all the members of the board and understand the issue better from all sides, plus the public input that would be received at the public hearing, this would put us in a much better position to be more comfortable with whatever action is taken. She said she would support scheduling a public hearing that will allow adequate time for anyone who wishes to speak.

A motion was made by Ms. Raymond, seconded by Mr. Rowland to move forward to a Public Hearing, scheduled for August 15, 2012. Unanimous.

Mr. Sausville said there was a resolution that was passed by the City of Saratoga Springs regarding the Last Call Hours. The resolution was received by Commissioner Franck on June 15th requesting that the county take a look at countywide last call hours. He said the City by itself cannot change the Last Call hours, it is something that has to be done countywide and requires approval from the State Liquor Authority.

Mr. Sausville said he sent a letter to Mayor Johnson requesting some additional information. He said the resolution did state that there was an adverse effect because of the on premises sale of alcoholic beverages.

Ms. Raymond said she is adamantly opposed to changing the Last Call Hours. She stated that she didn't think it was up to the Board of Supervisors to dictate to businesses how to operate their business with the time to open or close. Businesses that sell alcohol are absolutely regulated by the State Liquor Authority, which are some of the strictest regulations in the country for those kinds of businesses. We have a tourism industry in the county that we pride ourselves in. For the county to take what may be the last dollars of profit for private business could drive business out of business. She said she is sympathetic to the issues of public safety in Saratoga Springs, but it is not up to the Board of Supervisors of this county to change the hours of private businesses in order to address that problem. She said that it is up to the City of Saratoga Springs to look at its police scheduling, and for the individual bars and the City to work with the liquor authority, and if they have problems, correct them.

Mr. Richardson said he agreed that the hours of operation should be left up to the businesses.

Ms. Yepsen said small businesses make up 65% of the economic development in the county. Tourism is huge and Saratoga Springs is a destination location. She said Commissioner Franck is prepared to come before the committee and present three years of data that he has collected. Ms. Yepsen said because the SLA ruled the way they did and they are indicating that it has to go through the county, the City doesn't have the final decision with the county, it is the SLA. She said she would like to have the county ask the SLA to reconsider Saratoga Springs as a separate entity. Saratoga Springs is not asking the county to do anything other than to pass a resolution to support the needs of Saratoga Springs.

Mrs. Southworth said after reading the decision from the SLA it didn't appear that passing it through them to rule just for the City was an option. It seemed to read that it was a county

decision to affect every municipality in the county. From a small community that doesn't have bars open late, currently, but has restaurants that in the future may be open later, she would not want to see a restaurant close because a new owner would want to keep it open late. Those last few hours, especially for a business on the lake, can be some of the most profitable hours for that restaurant in the future with a new owner. She said she would not want to be telling someone from a tourist area, like the Adirondacks or Clifton Park where they are attracting more conventions that their bars are now going to have to close earlier.

Ms. Yepsen said she would like to have all the information given to the full Board of Supervisors before making a decision. We need to allow the information to come forward and to get all the numbers on the table so we know what we are talking about, she said.

Mr. Rowland said he has not heard anything other than what he has read in the paper in support of changing the hours. He said he has spoken to a few of the bar owners who are not in the city boundaries who have said that it doesn't really mean a whole lot to them because they will close when they don't have any customers, but if they have a room full of people, why should the county be telling them when to close. Mr. Rowland said he would be willing to listen to concepts, but he is not seeing overwhelming necessity to change it. Mr. Rowland said when you have a security issue; you bring in more security or make them more visible.

Mr. Lewza said the county should be doing everything they can to help private business and to make sure that taxes go lower. He said he is in full support of the comments made by Ms. Raymond, Mr. Rowland and Mr. Richardson. He said this should be left up to the business owner. It is not our duty to tell businesses what they should be doing.

A motion was made by Ms. Raymond, seconded by Mr. Richardson to not support any changes to the last call hours. Ms. Yepsen voted against the motion. Motion passed.

On a motion made by Mr. Rowland, seconded by Mr. Richardson the meeting was adjourned.

Respectfully submitted,
Chris Sansom

ATTACHMENT - F

8. Requesting a More Equitable Share of the New York State Public Safety Surcharge to Support Statewide Interoperable Public Safety Communications.
9. Supporting Expanded Collection of DNA while Ensuring that Counties are Fairly Compensated for Implementation Costs.
10. Supporting Provisions Allowing Counties to Save Money in Procurements.
11. Supporting a Constitutional Amendment Banning New Unfunded State Mandates, and Urging the Governor and State Legislature to Demand Significant Relief from Existing Mandates.
12. Urging the Governor and State Legislature to Consult Fully with Saratoga County and Other Local Stakeholders on State Actions that Impact Racing, Especially the Proposed Constitutional Amendment Allowing Full Casino Gambling.

Mayday for Mandate Relief

Saratoga County's 2012 budget projected net expenses of more than \$61 million on mandates including Medicaid, Early Intervention, Preschool Special Education, pension contributions, community college tuitions, probation and indigent legal defense. This amount represented over 120% of the county's \$50,774,998 property tax levy. As part of our continuing and multi-faceted effort to obtain relief from these costs, we participated with NYSAC and county governments across the state in the "Mayday for Mandate Relief" public relations campaign. Our "Mayday" resolution, adopted by the Board of Supervisors, proposed two reforms to the state's Mandate Relief Council. Saratoga County was the first county in the state to call for these reforms. First, the resolution requested representation for county officials on the Governor's Mandate Relief Council. Second, the resolution urged the establishment of specific budgetary targets quantifying the relief that the Council must deliver to counties.

Saratoga County's additional "Mayday for Mandate Relief" activities included the preparation and distribution of a Mandate FAQ Flyer to educate county residents about unfunded mandates, a presentation at the County Fair on unfunded mandates, an in-depth Power Point presentation for town hall-style meetings, and participation in several other public events. The Committee would like to thank Supervisor Patti Southworth for her work on these initiatives. Our participation in "Mayday for Mandate Relief" continues many years of advocacy on these issues. Year after year, the Board of Supervisors has passed resolutions calling for mandate relief, its members have traveled to Albany to lobby our State lawmakers for mandate relief, and its Legislative Program has called for an amendment to the State Constitution barring the imposition of unfunded mandates no fewer than thirteen times over the past fifteen years.

Local Law – Truth in Taxation

As an additional tool in our arsenal against unfunded mandates, the committee developed a Local Law enacting "Truth in Taxation," which the full Board adopted in July. The law directs the County Administrator and Director of Real Property Tax Services to identify on property tax bills the portion of each bill that pays for unfunded mandates. The law also allows a flyer to be included with tax bills summarizing financial information regarding these mandates. This process will help remind county property taxpayers about the crushing burden created by unfunded mandates each year as they pay their taxes. The Board adopted the very first Tax Bill Flyer in November, and "Truth in Taxation" information was included in all 2013 tax bills. We look forward to this being a useful educational exercise far into the future.

Local Law – Occupancy Tax

In August, the Board of Supervisors adopted an important Local Law developed by this committee that was designed to close a loophole in the County's existing Occupancy Tax law. Saratoga County was the first county in the state to adopt such a law. Due to the loophole, online travel companies would buy rooms from hotel owners at a wholesale rate that they would sell to online customers at a higher rate. These companies would remit occupancy tax based on the lower wholesale rate, not the actual rate they charge customers. This practice was problematic for two main reasons. First, it allowed large international companies including Expedia, Travelocity and Orbitz to play by different rules than local hotel operators. Second, it deprived local tourism, convention and economic development promoters of uncollected occupancy tax revenue that was rightfully due to them. Despite aggressive pushback by the online travel companies and their lobbyists, the Board of Supervisors adopted this Local Law with the support of many local hotel operators and tourism promotion groups who made their voices heard at an August 15th public hearing.

Saratoga Springs Last Call

Over the summer, the committee studied the issue of changing "last call" hours at establishments that serve alcohol in Saratoga County. The subject came to the committee due to an opinion issued by the State Liquor Authority (SLA) in response to the Saratoga Springs City Council's attempt to change last call hours in the city. The opinion affirmed that the city by itself cannot change last call hours because such an action would have to be done countywide with approval from the Board of Supervisors and the State Liquor Authority. After a thorough discussion, this committee declined to move the issue forward due to a number of concerns, including our belief that it is not appropriate for the Board of Supervisors to dictate to otherwise law-abiding and state-regulated businesses how they must operate. The committee also had concerns about the potential negative impact on the local economy. At the July Board of Supervisors meeting, a half dozen leading representatives of the downtown business community in Saratoga Springs spoke during the public comment period to thank the Board for its decisive action on this issue.

Bath Salts Resolution

In October, the Committee recommended a resolution urging the state to ban unregulated synthetic drugs commonly known as "bath salts." These drugs are specifically synthesized with a similar, but slightly modified structure of a Schedule 1 controlled substance in order to avoid existing drug laws. They cause effects similar to those caused by cocaine and amphetamines, including increased heart rate and blood pressure, hallucinations, paranoia, suicidal thoughts and violent behavior. The presence of these drugs in Saratoga County, though not yet reaching problem levels, was reported this year by our area hospitals, public health agencies and law enforcement agencies. For these reasons, the Board of Supervisors adopted the resolution calling upon the State Legislature and Governor to pass further meaningful and effective legislation criminalizing the manufacture, distribution, sale and possession of these substances, and to provide resources to counties for the development of education, prevention, and treatment services related to synthetic drugs.

Clean Water Act Resolution

In October, the Committee recommended a resolution opposing Clean Water Act draft guidance proposed by the Environmental Protection Agency (EPA). The guidance document, entitled "Identifying Waters Protected by the Clean Water Act (CWA)" was also opposed by the Farm Bureau. In short, it would expand the CWA's scope far beyond the initial intent of the legislation by including ditches and other channels through which water flows intermittently. This expansion would come at a great expense to taxpayers with little, if any, environmental benefit. Its financial impact on local governments would be significant, with additional costs to roadside ditch projects and ongoing public works projects due to the need for jurisdictional determinations by the Corps or CWA permitting. It would also pose a serious threat to Saratoga County's farms, which are important pillars of our local economy. For these reasons, the Board of Supervisors adopted the resolution urging the EPA to withdraw the draft guidance immediately and work collaboratively with states and local governments to enforce the current scope of the CWA.

In conclusion, the issue of unfunded mandates will continue to be the primary focus of this committee's future efforts with the State Legislature. A full state takeover of Medicaid costs must be a major part of future legislative agendas. State mandates will cost the County a net \$63.8 million in 2013, which is 125% of our property tax levy. These figures are getting worse every year, and the path that state has set us on is clearly unsustainable. Just as we are doing here in Saratoga County, our state government needs to live within its means and find savings through greater efficiency. We will keep fighting for the state to assume financial responsibility for its bloated, inefficient programs.

Respectfully submitted,
Paul Sausville, Chairman
Jean Raymond, Vice-Chair
Anita Daly
Dan Lewza
Tom Richardson
Dick Rowland
Joanne Yepsen

ATTACHMENT - G

A RESOLUTION
OF THE CITY COUNCIL
OF THE CITY OF SARATOGA SPRINGS, NEW YORK

BE IT RESOLVED, by the City Council of the City of Saratoga Springs, New York, as follows:

WHEREAS, Saratoga Springs' success as a recreation and entertainment destination owes much to its local bars and restaurants. Our city's many eating and drinking establishments serve our residents and visitors year-round and all through the day and evening. It is unfortunate that in recent years the service of alcoholic beverages into the late hours has brought far greater numbers of people out at night, and has created unprecedented problems in our city. Despite strong efforts from city authorities and bar owners, public intoxication in our downtown area continues to increase. Violent threats are more numerous as well, and when large crowds gather the potential for serious injury is greater than it has ever been; and

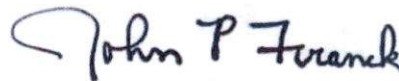
WHEREAS, while section 106 of the New York State Alcoholic Beverage Control Law currently prohibits sales of alcoholic beverages for on-premises consumption between the hours of 4:00 AM and 10:00 AM on Sunday, and between the hours of 4:00 AM and 8:00 AM on any other day, Section 17(11) of that law gives the State Liquor Authority the power, upon receipt of a resolution by a county board of supervisors, to further restrict those hours for sales. It is regrettable that this Council must again consider seeking such a resolution from the Saratoga County Board of Supervisors, but concern for public safety demands no less.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. This Council finds that further restriction on the permitted hours for sales of alcoholic beverages for on-premises consumption is in the public interest.
2. This Council asks the Saratoga County Board of Supervisors to enact a resolution for submittal to the State Liquor Authority under Section 17(11) of the Alcoholic Beverage Control Law, to further prohibit sales of alcoholic beverages for on-premises consumption to the hours from 2:00 AM and 10:00 AM on Sunday, and from 2:00 AM and 8:00 AM on any other day.

AYES 5 NAYS ~~0~~

Dated: 8/3/2021



CITY COUNCIL OF THE CITY OF
SARATOGA SPRINGS, NEW YORK

By: John P. Franck, City Clerk

STATE OF NEW YORK
CITY OF SARATOGA SPRINGS
COUNTY OF SARATOGA

I, John P. Franck, City Clerk of the City of Saratoga Springs, Saratoga County, New York, do hereby certify that the foregoing is a true extract of the minutes and true copy, and whole thereof, of Resolution #21-304, which states the City Council of the City of Saratoga Springs voted in favor of the resolution which restricts the permitted hours for sale of alcoholic beverages for on premise consumption, at its meeting on the 3rd day of August, 2021.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed hereto the official seal of said City, this 16th day of August 2021.

John P Franck

Commissioner of Accounts and City Clerk



SARATOGA COUNTY

AGENDA ITEM REQUEST FORM

TO: Steve Bulger, County Administrator
Ridge Harris, Deputy County Administrator
Michael Hartnett, County Attorney
Therese Connolly, Clerk of the Board

CC: Jason Kemper, Planning Director
Bridget Rider, Deputy Clerk of the Board
Matt Rose, Management Analyst
Clare Giammusso, County Attorney's Office
Audra Hedden, County Administrator's Office
Stephanie Hodgson, Director of Finance

FROM: County Administration

DATE: 11/19/2021

RE: 2022 Legislative Program

COMMITTEE: Legislative & Research

1. Is a Resolution Required: YES or NO
(If YES, please complete #2- #10) (If NO, skip to #10 and provide reason for bringing the item)
2. Is a Budget Amendment needed: YES or NO
(If yes, budget lines and impact must be provided)
3. Are there Amendments to the Compensation Schedule: YES or NO
(If yes, provide details)
4. Specific details on what the resolution will authorize:
Adopt the Saratoga County 2022 Legislative Program
5. Does this item require hiring a Vendors/Contractors: YES or NO
 - a. Were bids/proposals solicited:
 - b. Is the vendor/contractor a sole source:
 - c. Commencement date of contract term:
 - d. Termination of contract date:
 - e. Contract renewal and term:
 - f. Contact information:
 - g. Is the vendor/contractor an LLS, PLLC or partnership:
 - h. State of vendor/contractor organization:
 - i. Is this a renewal agreement: YES or NO
 - j. Vendor/Contractor comment/remarks:



SARATOGA COUNTY

AGENDA ITEM REQUEST FORM

6. Is this an annual housekeeping resolution: YES or NO
(If yes, attach the last approved resolution)
- What were the terms of the prior resolution
 - Are the terms changing:
 - What is the reason for the change in terms:
7. Is a new position being created: YES or NO
- Effective date
 - Salary and grade
8. Is a new employee being hired: YES or NO
- Effective date of employment
 - Salary and grade
 - Appointed position:
 - Term:
9. Is a grant being accepted: YES or NO
- Source of grant funding:
 - Amount of grant:
 - Purpose grant will be used for:
 - Equipment and/or services being purchased with the grant:
 - Time period grant covers:
10. Remarks/Reasoning (Supporting documentation must be attached to this form):
- Outlined in the attached document are the legislative items identified as priorities for the upcoming sessions of the State and Federal Legislature.

Saratoga County 2022 Legislative Program Update

State

- 1. Maintain Full 20% Local Assistance.** The 2022 Executive Budget proposed a reduction of State Aid to counties from 20% to 15% to help close the State's budget gap. Eventually these funds were restored. Regardless, the State should maintain, at minimum, the entire 20% of aid to counties, who face their own fiscal challenges due to the COVID-19 pandemic. Should the state face a budget gap, additional local assistance cuts must not be used to close the deficit.
- 2. End Mandatory Sales Tax Diversions for State Purposes.** The 2019 Enacted Budget changed how AIM payments to cities, towns and villages are funded, authorizing the Comptroller to withhold County sales tax disbursements to make AIM payments instead of those payments coming from the State's General Fund. The State also enacted a program to withhold \$250 million in local sales tax collections from counties in quarterly installments into the Distressed Provider Assistance Account, to fund financially distressed hospitals and nursing homes. While aid to local governments and medical facilities is important, the shift of funding from the State to counties, who are dealing with their own fiscal stress, is unfair and they should be made whole. The withholding of sales tax to aid distressed hospitals and nursing homes is scheduled to sunset at the end of FY 2022. The State should not extend this program as aid to these facilities have historically been the responsibility of the State and Federal governments.
- 3. Restore VLT Aid.** The County of Saratoga and City of Saratoga Springs jointly cover costs associated with public safety services in order to provide a venue for video lottery terminals. The County and City rely on VLT aid to offset these costs together with the growing list of unfunded mandates while the State continues to reap the benefits that these venues provide.
- 4. Oppose Proposed Amendments to Tax Law to End Racing Subsidies** State Assemblymember Linda Rosenthal (Assembly District 67 – Manhattan), has introduced legislation (A.8468) to redirect revenue funding from Video Lottery Terminal gaming from the state's horse racing industry towards other public uses. This would have devastating impacts on the local economy and the historic Saratoga Race Course. Horse racing in New York is responsible for thousands of jobs and has a \$3 billion economic impact on the state. Horse racing at Saratoga continues to be an international attraction and just this year had a record-setting meet where attendance surpassed 1 million for the sixth consecutive year. This proposed legislation should be strongly opposed by our representatives.
- 5. Enact "No New Unfunded Mandates" Legislation.** While counties are constrained from raising revenue by the tax cap, the State is free to enact new unfunded mandates and shift more costs on local governments for existing mandates with impunity. In 2022, all of the County property tax revenue will be consumed by unfunded mandates, plus an additional \$2,958,505 in General Fund revenue. Especially in this time of fiscal stress due to the COVID-19 pandemic and the fact that the State is already withholding sales tax payments from counties, it is imperative that the State does not apply additional weight to local government's already hefty fiscal burden.
- 6. Support State Funding of Broadband Infrastructure Expansion.** Supporting a plan to allow counties to ensure accurate mapping of broadband service and manage infrastructure development to best meet the need of residents and businesses to foster economic growth and access to internet and cellular services.

- 7. Continued Support for an Overhaul of Recent Criminal Justice Reforms.** Saratoga County supports Senator Tedisco's S.1523A bill to repeal bail and discovery reform laws. These recent reforms have caused widespread concern for public safety and are placing additional unfunded burdens on law enforcement agencies, District Attorney Offices, and Public Defender Offices across the State. Saratoga County also supports Senator Tedisco's S.1522 bill to protect emergency first responders and provide them with the same personal information disclosure protections that are afforded to law enforcement personnel. The County also supports S.1521, which provides courts with more discretion when addressing felony convictions. As of 11/19/21, these bills are currently at the committee level, awaiting addition to the Floor Calendar.
- 8. Continued Effort to Restore Community College Funding.** The State's reduction in community college tuition is driven by enrollment but fails to consider the rising costs of tuition. Historically, funding for community colleges was designed to be a three-way split between the State, counties, and students. Initially, the State offered financial support of 40% to encourage counties to develop campuses. This state commitment was later changed to "up to" 40%. Even with an increase in the per student rate, dropping enrollment can mean less state support for individual campuses and could ultimately lead to increased chargeback between counties based on the current chargeback methodology. State funding is currently well below the one-third promised and far short of 40%.
- 9. Support Enchantments to NYS Historic Tax Credit.** Assembly Bill A.3670, introduced by Assemblywoman Woerner, calls for enhancements to the NYS Historic Tax Credit be included in the state budget. The proposed changes would increase the credit for smaller projects, defined as projects with expenditures under \$2.5 million, from 20% to 30%. The proposed amendments would also ensure that smaller cities will qualify for the NYS Historic Tax Credit. Expansion of this eligibility threshold will open the credit for more upstate cities and provide an economic and tourism boon for communities looking to rehabilitate historic buildings.
- 10. Secure Continued Funding for Veterans Peer-to-Peer Program.** The Joseph P. Dwyer Veterans Peer-to-Peer Support Program provides coordination and cultivation of a safe atmosphere for veterans to connect and share their experiences. In Saratoga County, this program has been a tremendous success in providing outreach to the veteran community and connecting veterans with their peers. Saratoga County has been eligible for funding of up to \$185,000 in the last budget cycle, and any residual funding still available should be released to counties if the program is not fully funded in the 2023 budget.
- 11. Continued Support for the New Generation Farmland Protection Fund.** Building upon Assemblywoman Woerner's success in securing \$400,000 in funding for the Farmland for a New Generation Program - specifically named to American Farmland Trust (AFT) - in the 2022 Enacted Budget, we are advocating for continued investment in this program. With nearly a third of New York's farmers over the age of 65 and cultivating almost two million acres of farmland, it is imperative that New York does its share to cultivate the next generation farmers. An aging farm workforce is not the only thing threatening the future of farming in New York – scarcity of affordable land is a major barrier for new farmers.
- 12. Support the Creation of the Safe Water Infrastructure Action Program (SWAP).** Continuing support for Senator Tedisco's Safe Water Infrastructure Action Program. This bill (S.224) establishes a program to fund the replacement and rehabilitation of existing municipally-owned and funded drinking water, storm water and sanitary sewer systems, similar to the Consolidated Street and Highway Improvement Program (CHIPS). The program would apply to any county, city, town or village drinking water system, storm water system or sanitary sewer system within the state that is not under the maintenance and/or operational jurisdiction of the state nor any private entity. Annual funding for this program would be at least the same amount appropriated for CHIPS.

13. Support Amendment to Executive Law §94-c, to Restore Local Control Over Development. Executive Law §94-c, which became effective in April 2021, created the Office of Renewable Energy Siting and allows that office in certain instances to “elect not to apply, in whole or in part, any local law or ordinance” when considering Large Scale Renewable project permits. The effect of this provision is a complete elimination of any local control over the approval and siting of Large Scale Renewable projects. The County would support the amendment of this law to restore the ability of local municipalities to have input and control over the siting of large-scale development in their communities.

14. Secure state funding to allow for the transition to a full-service Public Health Department.

Appropriating a minimum of \$3 million in state funding to support Saratoga County’s transition from a Department of Public Health Services to a full-scale Local Public Health Department and the expansion of duties and responsibilities by the county as a result of this transition. Saratoga County will be the first county in more than 20 years to undergo such a transition, New York State should continue to provide technical assistance on the transition while securing funding to allow for a smooth transition of operations and responsibility from the State Department of Health to Saratoga County Department of Public Health.

Federal

- 1. Support Continued 100% Airport Improvement Program (AIP) Funding.** The American Rescue Plan Act provided 100% AIP (Airport Improvement Program) funding resulting in no County share needed for the airport grants in 2021. This provided a savings of about \$250,000 for Saratoga County. The County airport has a critical safety improvement scheduled for construction again this year. The County supports continued 100% AIP Funding to ensure critical improvements are accomplished.
- 2. Continued Support Federal COVID Relief Funds for Municipalities.** Counties continue to be on the front lines of the pandemic response efforts. Increased funding to Local Health Departments and other critical infrastructure supported by the county would provide stability so the pre-COVID economy can be restored and reinvigorated. Continued support from the federal government will ensure that counties can provide important constituent services to residents while responding to, or mitigating, the impact of COVID and providing relief from the negative economic impacts of the pandemic emergency.
- 3. Support Federal Broadband Infrastructure Expansion Funding.** Support any additional federal broadband infrastructure legislation that will be considered in 2022. It is particularly important that the Federal Communications Commission finish updating their broadband and cellular service coverage maps in order to effectively deploy the 5G Fund for Rural America as well as other broadband infrastructure programs and provide technical and financial assistance to counties to allow for the construction and maintenance of broadband and cellular infrastructure. There is a recognized and critical need for providing broadband access to rural areas for public safety, health, education, economic development, and quality of life, which has only been highlighted by the pandemic.