

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: LEGISLATIVE

DATE: JUNE 6, 2006

Committee Members Present:

Supervisors F. Thomas
Belden
Gabriels
Monroe
Stec

William Thomas, Chairman
Joan Parsons, Commissioner, Administrative &
Financial Services
Joan Sady, Clerk, Board of Supervisors
Supervisor Geraghty
Supervisor Bentley
JoAnn McKinstry, Confidential Secretary,
Commissioner, Administrative & Financial
Services
Amanda Allen, Legislative Office Specialist
Katy Goodman, Secretary to the Clerk

Committee Members Absent:

Supervisors Merlino
Girard

Mr. F. Thomas called the meeting to order at 11:00 a.m.

Copies of an agenda packet for the meeting were distributed to the committee members, and a copy of same is on file with the minutes.

Motion was made by Mr. Belden, seconded by Mr. Gabriels and carried unanimously to approve the minutes of the previous meeting, subject to correction by the clerk.

Mr. F. Thomas proceeded with review of the agenda for the meeting. He stated the first agenda item was Resolution No. 348 of 2006 entitled "In Opposition to Prohibit Arresting State Troopers from Performing Prosecutorial Responsibilities in Local Justice Courts Relating to Traffic Infractions". He noted this was tabled at the May 12, 2006 Board of Supervisors meeting and referred back to the committee for clarification. A copy of an excerpt of the discussion on the matter from the May 12, 2006 board meeting minutes was included in the agenda packet. Mr. F. Thomas said he was not sure whether the committee members wished to revisit this item or leave it tabled.

Mr. Gabriels asked if a report had been obtained from (Warren County) District Attorney (DA) Kate Hogan about how these infractions (tickets) were handled here. Mr. F. Thomas replied that had not been done. Mr. Monroe advised the problem he had with the situation was that if the DA was not going to prosecute the tickets, the town boards and village boards would have to hire someone to do it and that would be very costly. He said he did not know what the situation was in Warren County but he knew that the DA in Essex County would not prosecute traffic tickets or handle any appeals on them. Mr. Monroe recalled (Warren County) Sheriff Larry Cleveland had said DA Hogan's Office was handling traffic tickets. If, he said, she did not have a problem with doing that, then he did not have a problem with it either. Mr. Monroe commented he did not think

the Towns should be responsible for hiring prosecutors; and Mr. F. Thomas concurred. Mr. Geraghty and Mr. Belden agreed that the DA's Office was providing this service to the local traffic courts.

Motion was made by Mr. Belden to leave the aforementioned resolution tabled. Mr. Gabriels seconded the motion contingent upon obtaining an answer from Ms. Hogan on whether or not her office did prosecute these cases. Mr. Monroe said he believed that was so but he felt it should be confirmed. Mr. Belden suggested that Ms. Hogan be asked to come to the next committee meeting to discuss the matter with the committee members.

Mr. F. Thomas called the question and the motion to table Resolution No. 348 of 2006 until the next meeting, pending Ms. Hogan's report, was carried unanimously.

Mr. F. Thomas stated Agenda Item No. 2 was St. Lawrence County Resolution No. 153-2006 entitled "Supporting U. S. House of Representatives Bill H.R. 1405 Amending the Internal Revenue Code of 1986". He pointed out the requested amendment would benefit volunteer fireman and emergency responders.

Motion was made by Mr. Gabriels, seconded by Mr. Stec and carried unanimously to approve a resolution in support of the aforementioned resolution. The necessary resolution was authorized for the next board meeting.

Mr. F. Thomas advised Agenda Item Nos. 3 - 11 were a package of various proposed legislative bills pertaining to the Adirondack Park which he had received from Senator Elizabeth Little.

Mr. F. Thomas reviewed Agenda Item No. 3 which was Assembly Bill A.1983 and Senate Bill S.1053, to establish a 10 year statute of limitations to enforce violations of rules and regulations of the Adirondack Park Agency committed within the Adirondack Park.

Mr. Monroe stated he thought this proposed legislation was good except that it was for ten years. He explained that currently there was not a statute of limitations on enforcing these violations so the Adirondack Park Agency (APA) goes back to when it was created in 1973 to pursue violations that occurred that long ago. As a result, Mr. Monroe stated in many cases the property owner who committed the violations no longer owned the property so innocent buyers are penalized. He reiterated the idea of the legislation was good but the beginning of the ten years was after the violation or after it should have been discovered by a public servant who had the responsibility to enforce such provisions. Mr. Monroe advised he felt that stipulation should be removed from the bills because it meant the property owners were being forced to prove that the APA should have discovered any violations of its rules. He stated he felt the committee should support the proposed legislation with the recommendation that it be amended to delete the ten year statute.

Motion was made by Mr. Monroe, seconded by Mr. Gabriels and carried unanimously to approve a resolution to support Assembly Bill A.1983 and Senate Bill S.1053 with the aforementioned

recommendation that they be amended to delete subdivision (e) as outlined in the Summary of Provisions of the bills relative to the ten year statute of limitations.

Mr. F. Thomas advised Agenda Item No. 4 was Assembly Bill A.6785-B and Senate Bill S.2847-B that establishes a real property tax exemption for increased value of property in a hamlet or moderate intensity use area in the Adirondack Park.

Motion was made by Mr. Stec and seconded by Mr. Monroe to approve a resolution in support of the aforementioned proposed legislation.

Mr. Stec noted at an earlier committee meeting today there had been considerable discussion that the State's property tax system was not perfect. He commented he supposed no taxation system would ever be perfect. However, Mr. Stec noted there are some peaks and valleys and unusual circumstances around the State relative to the system, but he thought in the Adirondack Park, in particular, things had become a little disproportionate. Mr. Stec advised he felt this proposed legislation was a step in the right direction to try to remedy some of those problems.

Mr. Bentley advised he felt the proposed bills were wrong. He commented the legislation would only switch the taxes from one area to another which was what the State wanted to do to get everyone into concentrated areas. Then, Mr. Bentley noted, the outlying areas were adversely affected and the State ended up with the land. Mr. Monroe responded unless he was reading the proposed bill incorrectly according to the Sponsor's Memo for it (Page 7) the State would reimburse the affected municipality for the total tax exemption using funds deposited in the Adirondack residential tax exemption fund. He explained he interpreted that it meant the taxes would not be shifted to other tax payers in the Town but to the State. Mr. F. Thomas apprised there would be a \$250,000 fund established for the reimbursement.

Mr. Bentley suggested the State should also pay its fair share of taxes on its own lands. Mr. Gabriels noted the legislation would push people into the hamlet areas instead of developing the outside lands and the hamlets were a minuscule percentage of property owners. Mr. F. Thomas said Senator Little proposed the legislation because the State had purchased so much land and was forcing the situation. Mr. Gabriels stated he agreed with Mr. Bentley that the issue of the State paying taxes on its own land should be looked at instead of at the consequences that would only impact the hamlet areas.

Mr. Stec asked if the committee members wanted their resolution to suggest what modifications they would want made to the proposed legislation. Mr. Bentley recommended the tax exemption should apply to all private lands in the Adirondack Park, not just the hamlet areas.

Mr. Stec withdrew his motion to approve a resolution in support of the aforementioned proposed legislation; and Mr. Monroe withdrew his second of the motion. Mr. Belden suggested perhaps they could obtain some more information on the proposed legislation.

Motion was made by Mr. Stec, seconded by Mr. Gabriels and carried unanimously to table action on the item.

Agenda Item No. 5, Mr. F. Thomas said was Senate Bill S.2848-A which designated as an empire zone all commercial property in the Adirondack Park.

Motion was made by Mr. Gabriels, seconded by Mr. Stec and carried unanimously to approve a resolution in support of Senate Bill S.2848-A. The necessary resolution was authorized for the next board meeting.

The next item (No. 6), Mr. F. Thomas said was Assembly Bill A.9456 and Senate Bill S.5980 which prohibited the Adirondack Park Agency from implementing any rule or regulation relating to campgrounds which was inconsistent with Department of Health rules. He advised the State Senate passed the bill on May 3. Mr. Monroe pointed out it had not yet been passed by the State Assembly. Mr. Monroe noted he felt the proposed legislation would be better if it amended the APA act because there were parts of it which seemed to require that campgrounds have different things from the Department of Health's rules. However, he advised he felt they should support Senator Little on the bill.

Motion was made by Mr. Gabriels, seconded by Mr. Belden and carried unanimously to approve a resolution in support of forwarding the aforementioned proposed legislation to the Assembly. The necessary resolution was authorized for the next board meeting.

Mr. F. Thomas reviewed Agenda Item No. 7, Senate Bill S.6546 which would provide that all building rights on land in the Adirondack Park acquired by the State shall be transferred to the local governments.

Motion was made by Mr. Monroe and seconded by Mr. Belden to approve a resolution in support of the aforementioned proposed bill.

Mr. Monroe explained because the State has acquired more than two million acres of land all those building rights had been lost, building costs had been driven up and it was also part of the cause of the affordable housing crisis. He commented he thought the legislation would help in that regard although he did not think it would be passed into law. Mr. F. Thomas noted what could be done with the building rights was not spelled out exactly. Mr. Monroe said he understood the idea was that it would be left up to the Town or Village to use them in their zoning plans. That would mean the governments would have to amend their zoning rules and maps to show where the rights would be used, he added.

Mr. F. Thomas called the question and the motion was carried unanimously. The necessary resolution was authorized for the next board meeting.

Mr. F. Thomas stated Agenda Item No. 8 concerned Assembly Bill A.10903 and Senate Bill

S.7743 which requires local governments in the Adirondack Park to forward building permits to the appropriate agencies regulating the work authorized.

Motion was made by Mr. Belden and seconded by Mr. Stec to approve a resolution to oppose the proposed legislation.

Mr. Belden noted the bill would require the permits be forwarded to the appropriate agencies in 30 days. He expressed concern that the APA and all the other agencies that would be involved could meet that time frame. Mr. Belden commented it usually takes months to receive a reply from the APA. Mr. F. Thomas advised he did not like the requirement that the APA had to be notified of every permit. However, he said he felt the 30-day requirement was an advantage because if the agency did not respond in that time period it would not have jurisdiction on the building permits.

Mr. Monroe advised he had discussed this issue with Senator Little and she was interested in submitting a bill that would require State agencies to act within a certain amount of time after the local agencies acted. He said he would agree with that proposal but he would object to the way this bill was drafted. Mr. Monroe elaborated if there was a bill which stipulated that a local government issued a permit and they notified the State agency then the local government's permit would be valid and the property owner could go forward under that permit at their own risk but the State agency had to act within 30 days to assert jurisdiction that would be best. He suggested the committee should consider a resolution to say they did not support the bill as drafted because someone should not be delayed 30 days if they have all their State permits or if they did not require any State permits for their projects.

Mr. Belden expressed his objections to the proposed legislation.

Mr. F. Thomas confirmed for Mr. Stec that the motion was to oppose the aforementioned bill. Mr. Monroe asked if they could at least outline why they opposed it as the concept was good if it could be redrafted. Mr. Belden remarked the Legislature would not redraft the bill no matter what the County wanted done.

Mr. W. Thomas advised that according to Senator Little this bill was not going anywhere in the Legislature and that she would like the committee to table it. He explained Senator Little wanted to propose that the 30 days would be before permits were issued so the agency would have a chance to comment on them and that it would only apply to major new construction.

Mr. Stec withdrew his second to the aforementioned motion. In response to Mr. F. Thomas' query if Mr. Belden would withdraw his motion, Mr. Belden said he would not and he wanted the record to show he opposed the proposed legislation no matter how it might be rewritten. Mr. F. Thomas advised there was no longer a second to the motion; and Mr. Belden acknowledged his motion was dead.

Motion was made by Mr. Monroe, seconded by Mr. Gabriels and carried unanimously to table action on the aforementioned item.

Mr. W. Thomas advised the committee members that Senator Little was in her Albany office and would talk to any of the committee members about this proposed bill. Mr. Monroe suggested the review of the agenda should be finished first and then they could consider calling her.

Next, Mr. F. Thomas outlined that Agenda Item No. 9 was Assembly Bill A.10905 and Senate Bill S.7744 which provided that the rules of the Adirondack Park Agency relating to the height of structures shall be consistent with the state fire prevention and building code.

Motion was made by Mr. Monroe and seconded by Mr. Stec to approve a resolution to support the aforementioned proposed legislation.

Mr. Gabriels asked if he could assume that if the bill was enacted any municipality that had a slightly different method of measuring the height of structures would come under this statute. Mr. Monroe advised it would just affect the APA. Mr. Belden noted the Town of Hague had adopted the APA's height limits so he did not know what this bill was about. Mr. Monroe explained the problem was the way the agency measured height, not the height restriction itself. He stated the APA has jurisdiction of anything under 40 feet, so property owners tried to keep structures under that height. However, Mr. Monroe explained architects measure structure height as the difference between high and low, final grade and the peak of the roof of the structure. He explained the APA's method uses the top of the chimney or any other structural element than a flag pole or a TV antennae and the bottom of the structures' footings at the lowest point. As a result, he said for structures that were on a side hill and had a basement and are 40' to the roof peak the agency would say they were higher because they measured to the top of the chimney. The addition of a deck and its posts will also increase the height according to the agency's method, he added. Mr. Monroe noted there are three cases pending right now where homes might have to be torn down because of these regulations.

General discussion ensued.

Mr. F. Thomas called the question and the motion was carried unanimously. The necessary resolution was authorized for the next board meeting.

Mr. F. Thomas stated Agenda Item No. 10 was Assembly Bill A.10906 and Senate Bill S.7745 which would exclude municipal water and sewer buildings from the definition of "principal building" for purposes of regulation by the Adirondack Park Agency.

Motion was made by Mr. Stec, seconded by Mr. Monroe and carried unanimously to approve a resolution in support of the aforementioned proposed legislation. The necessary resolution was authorized for the next board meeting.

Concluding the proposed legislation items relative to the APA (Agenda Item No. 11), Mr. F. Thomas said was Senate Bill S.7746 which would prohibit the development of individual management plans for units of land in the Adirondack Park until the master plan for management of state lands is updated.

Motion was made by Mr. Monroe and seconded by Mr. Belden to approve a resolution to support the aforementioned proposed legislation.

Following brief discussion on the benefits of the bill, Mr. F. Thomas called the question and the motion was carried unanimously. The necessary resolution was authorized for the next board meeting.

Concluding the agenda, Mr. F. Thomas stated Item No. 12 was a copy of a Rural Recovery Action Plan that he had received from Assemblyman Roy J. McDonald, of the 112th Assembly District. He noted he had received the document when he was in New York City in February. Mr. F. Thomas said he did not believe the committee had been able to read the Plan today so he would like to hold it for discussion at the next meeting so they could review it between now and then. However, he advised he agreed with 90% of the Plan.

Motion was made by Mr. Belden, seconded by Mr. Stec and carried unanimously to table discussion on the Plan until the next committee meeting.

There being no further business to come before the committee on motion by Mr. Belden and seconded by Mr. Monroe, Mr. F. Thomas adjourned the meeting at 11:34 a.m.

Respectfully submitted,

Katy Goodman, Secretary to the Clerk