

## WARREN COUNTY BOARD OF SUPERVISORS

**COMMITTEE: LEGISLATIVE & RULES**

**DATE: APRIL 7, 2010**

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**COMMITTEE MEMBERS PRESENT:**

SUPERVISORS BENTLEY  
THOMAS  
STEC  
SOKOL  
PITKIN

**OTHERS PRESENT:**

JOAN SADY, CLERK OF THE BOARD  
KEVIN GERAGHTY, BUDGET OFFICER  
SUPERVISORS LOEB  
STRAINER  
TAYLOR  
ROBERT IUSI, DIRECTOR, PROBATION  
DON LEHMAN, *THE POST STAR*  
CHARLENE DiRESTA, SR. LEGISLATIVE OFFICE SPECIALIST

**COMMITTEE MEMBERS ABSENT:**

SUPERVISORS GIRARD  
McCOY

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Mr. Bentley called the Legislative & Rules Committee meeting to order at 11:08 a.m.

Motion was made by Mr. Stec, seconded by Mr. Sokol and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

Copies of the agenda packet were distributed to the Committee members; a copy of the agenda packet is on file with the minutes.

Mr. Bentley apprised Agenda Item 1 was a referral from the Criminal Justice Committee on behalf of the Probation Department requesting a resolution in support of Senate Bill S5334 which would authorize fees to probationers and allow counties to pass a Local Law authorizing the implementation of such fees.

Motion was made by Mr. Pitkin and seconded by Mr. Thomas to authorize a resolution in support of Senate Bill S5334 as outlined.

Robert Iusi, Director of Probation, explained they were currently only allowed to collect fees for DWI (Driving While Intoxicated) offenders and the Bill would allow the charging of fees to anyone receiving Probation services from the County. He advised the Bill had been voted down several times by the Assembly and the struggle to pass a bill that would allow the charging of fees for probation services had been a longtime issue which had failed to pass due to opposition in the Metro New York area. He said he had emailed Assemblywoman Sayward and Assemblyman Tony Jordan, the co-sponsor of the Bill, on March 29, 2010 but had received no response. Mr. Bentley suggested that the County seek support from NYSAC (New York State Association of Counties) on the issue. Mr. Iusi responded that NYSAC was aware of the struggle to get the Bill passed. Joan Sady, Clerk of the Board, advised the Criminal Justice Committee had suggested the request of an amendment to the Bill that would allow counties who were opposed to the charging of the fees the ability to opt out.

Following a brief discussion, Mr. Bentley called the question and the motion was carried unanimously to authorize a resolution in support of Senate Bill S5334 which would authorize fees to probationers and allow counties to pass a Local Law authorizing the implementation of

such fees and recommending an amendment that would allow the counties to opt out of charging the fees. *The necessary resolution was authorized for the April 16, 2010 Board meeting.*

Moving to Agenda Item 2, Mr. Bentley said it was a referral from the Tourism Committee requesting a resolution opposing the State's proposed reduction in funding to ORDA (Olympic Regional Development Authority).

Motion was made by Mr. Thomas, seconded by Mr. Sokol and carried unanimously to authorize a resolution opposing the State's proposed reduction in funding to ORDA. *The necessary resolution was authorized for the April 16, 2010 Board meeting.*

Mr. Bentley advised Agenda Item 3 was a referral from the Public Safety Committee on behalf of the Sheriff's Office requesting a resolution in support of allowing 911 surcharge monies to be passed to the Counties and not held by the State. Mrs. Sady noted a resolution to this effect was approved subsequent to the March 25, 2010 Public Safety Committee meeting which would be presented at the April 16, 2010 Board meeting and no action was required by this Committee.

Mr. Bentley stated Agenda Item 4 was a referral from the Real Property Tax Services Committee requesting research on the State Law pertaining to proceeds received for the sale of property obtained through foreclosure actions. He pointed out the current Law allowed the County to retain all funds received for these properties and the Real Property Tax Services Committee felt that any proceeds received over and above the delinquent tax amount should be returned to the property owner.

Motion was made by Mr. Pitkin and seconded by Mr. Stec to request an amendment to the State Law pertaining to the proceeds received for the sale of property obtained through foreclosure actions to allow any proceeds over and above the delinquent tax amount to be returned to the property owner.

Mr. Pitkin explained he had requested Paul Dusek, County Attorney, to research the State Law to determine if it was outlined that the counties were required to retain to the proceeds or if they had the option. He said he was in favor of retaining the amount of the delinquent taxes and administrative expenses; however, he felt any proceeds above that amount should be returned to the property owner. Mr. Bentley suggested the committee authorize the request upon approval of the County Attorney.

Mr. Bentley called the question and the motion was carried by majority vote, with Mr. Thomas voting in opposition, to request an amendment to the State Law pertaining to the proceeds received for the sale of property obtained through foreclosure actions to allow any proceeds over and above the delinquent tax amount to be returned to the property owner, subject to the approval of the County Attorney. *The necessary resolution was authorized for the April 16, 2010 Board meeting.*

Continuing with the agenda review, Mr. Bentley said Agenda Item 5 was a referral from the Real Property Tax Services Committee requesting an amendment to the State Law which

required the newest property tax bill for any given parcel be paid first, before older bills could be paid. He noted that Chairman Monroe had requested that the matter be referred to the Legislative & Rules Committee in order to seek an amendment to this Law which would allow older taxes to be paid first, thereby avoiding some foreclosure actions.

Mr. Pitkin advised he had spoken to a constituent who had paid their property taxes for 2008, 2009 and 2010; however, he added, the constituent had received a notice of intent to foreclose due to the fact that the property taxes for 2007 were still outstanding. Mr. Pitkin stated he was in favor of amending the State Law.

Motion was made by Mr. Stec, seconded by Mr. Pitkin and carried unanimously to request an amendment to the State Law which required the newest property tax bill for any given parcel to be paid first, before older bills could be paid, and to allow the older taxes to be paid first, thereby avoiding foreclosure actions. *The necessary resolution was authorized for the April 16, 2010 Board meeting.*

Mr. Bentley advised Agenda Item 6 was a request from the Probation Department to consider the approval of a resolution urging the State of New York to delay the implementation of the ignition interlock provision of Leandra's Law.

Mr. Iusi explained there was more than one section to this Law and the section which made it a felony to have a child in the vehicle while driving intoxicated had already been implemented. He voiced his opinion that ignition interlocks for DWI offenders were a great idea but the Law would make them an unfunded mandate. He advised that the Law stated that anyone convicted of a misdemeanor or felony DWI offense would be required to have an ignition interlock installed in their vehicle. He added the Law also required the offender be sentenced to a CD (conditional discharge) or probation. He apprised the result would be additional probation cases for the Department. He added the CD cases still required a County entity to monitor them to ensure they complied with the conditions of the discharge. He stated there were no funds available to cover the additional appropriations that would result from the Law. He apprised Madison County had passed a resolution requesting the delay of the implementation of the ignition interlock provision of Leandra's Law for a couple of years. He announced NYSAC would host a webinar on April 19, 2010 where County officials would have the opportunity to ask questions of the State officials responsible for Leandra's Law. He said the State Division of Probation was attempting to secure \$3 million from the Department of Motor Vehicles to distribute to the counties based on their rate of DWI convictions in order to help offset the additional costs that resulted from the Law.

Motion was made by Mr. Stec, seconded by Mr. Sokol and carried unanimously to authorize a resolution urging the State of New York to delay the implementation of the ignition interlock provision of Leandra's Law. *The necessary resolution was authorized for the April 16, 2010 Board meeting.*

Lastly, Mr. Bentley stated Agenda Item 7 was a referral from the Human Services Committee on behalf of the Employment & Training Administration, requesting a resolution in support of Temporary Assistance For Needy Families (TANF) funding relative to Summer Youth Employment Programs.

Motion was made by Mr. Pitkin, seconded by Mr. Stec and carried unanimously to authorize a resolution in support of TANF funding relative to Summer Youth Employment Programs. *The necessary resolution was authorized for the April 16, 2010 Board meeting.*

As there was no further business to come before the Legislative & Rules Committee, on motion made by Mr. Sokol and seconded by Mr. Pitkin, Mr. Bentley adjourned the meeting at 11:26 a.m.

Respectfully submitted,  
Charlene DiResta, Sr. Legislative Office Specialist