

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: LEGISLATIVE & RULES

DATE: OCTOBER 24, 2017

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COMMITTEE MEMBERS PRESENT:

SUPERVISORS STROUGH  
BROCK  
BRAYMER  
SOKOL  
MCDEVITT  
GERAGHTY  
LEGGETT

OTHERS PRESENT:

REPRESENTING THE SHERIFFS OFFICE:

BUD YORK, SHERIFF  
SHAWN LAMOUREE, UNDERSHERIFF  
BRIAN LAFLORE, FIRE COORDINATOR/DIRECTOR, OFFICE OF EMERGENCY SERVICES

RONALD F. CONOVER, CHAIRMAN OF THE BOARD  
MARY ELIZABETH KISSANE, ACTING COUNTY ATTORNEY

FRANK E. THOMAS, BUDGET OFFICER

AMANDA ALLEN, CLERK OF THE BOARD

COMMITTEE MEMBERS ABSENT:

SUPERVISORS MONTESI  
GIRARD

SUPERVISORS FRASIER

MACDONALD

SEEBER

SIMPSON

DON LEHMAN, *THE POST STAR*

LESLIE LOVELACE, SECRETARY TO THE CLERK OF THE BOARD

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*Please note, the following contains a summarization of the October 24, 2017 meeting of the Legislative & Rules Committee; the meeting in its entirety can be viewed on the Warren County website using the following link: <http://www.warrencountyny.gov/gov/comm/Archive/2017/legislative/>*

Mr. Strough called the meeting of the Legislative & Rules Committee to order at 11:42 a.m.

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

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

Commencing the agenda review with the Referral/Pending Items section, Mr. Strough discussed the 911 Surcharge revenue and distributions. He expressed his concern with the current distribution formula and his opinion that revenues distributed to the Counties should be greater to help fund 911 Centers, as originally intended. He then proceeded to provide facts on the current Surcharge rate and the break down of where the monies were distributed to.

Ms. Seeber entered the meeting at 11:44 a.m.; Mr. Geraghty entered the meeting at 11:45 a.m.

Privilege of the floor was extended to Shawn Lamouree, *Undersheriff*, who presented the history of how the 911 Surcharges were enacted and explained how the surcharges had helped defray costs of equipment, as well as the cost of overtime, and had assisted with paying for radio repairs and the upgrade of 911 equipment. However, he remarked, the equipment was rendered due for an upgrade after five years and he said those five years had passed, making the equipment ready for upgrade now. Undersheriff Lamouree explained more of the surcharge money should be given to the Counties across New York State, but that was not happening. Bud York, *Sheriff*, referenced the New York State Tax Law 186F56, the surcharge law and read how most of the revenues should be reserved in the New York State general fund. He provided a copy of the law to Mr. Strough.

Privilege of the floor was extended to Brian LaFlure, *Fire Coordinator/Director of the Office of Emergency Services (OES)*, who advised he was on the 911 Coordinators Association and advised the Governor's

Interoperability Communications Board was charged with overseeing the general fund. He stated out of the \$200 million in the general fund, \$75 million was used for communications and \$45 million of the \$75 million was allocated to upgrades and creating radio systems, while \$20 million was set aside for targeted grants where the State determined what County needed to make upgrades. He added New York State was fined by the Federal Government for the money they were holding in the general fund, which was less than the amount they were supposed to be distributing to the Counties, which was likely why they continued to withhold the funds.

Mr. Strough indicated there were three options he foresaw as action items:

- 1) Request a better formula from New York State which resulted in more money allocated to counties;
- 2) Urge the State to capture revenue from prepaid services and dedicate more money to the 911 service; or
- 3) Enact a thirty cent fee for cell phone users which would be retained at the County level, similar to the legislation adopted by Oneida County.

Mr. LaFlure interjected the Legislature had already passed a Law regarding prepaid services to collect a surcharge for 911 service and further stated New York State was one of eight states that was keeping a percentage of the surcharge amounts.

Sheriff York advised adding a thirty cent fee was not an appropriate solution to the percentage New York state was presently keeping.

Ms. Braymer inquired if there was any advocacy in place currently and Sheriff York replied he was unsure, but said he had brought it to local Legislators attention in the past.

Discussion ensued in regards to cell phone companies self reporting the number of users each company had.

Chairman Conover pointed out tax payers were paying for the radio system projects from the County general Fund which resulted in the burden falling upon the taxpayers, and this was not the intent of the surcharge.

Mr. Brock inquired about a grading system for the Counties radio service and Mr. LaFlure responded the formula included a combination of population, number of 911 calls answered, square miles etc.

Ms. Seeber informed the matter was discussed at a prior NYSAC (*New York State Association of Counties*) conference and she requested that Mary Elizabeth Kissane, *Acting County Attorney*, expound upon the matter. Mrs. Kissane responded she had spoken to Pat Cummings, *Legal Counsel for NYSAC*, who would be forwarding the information provided to the Committee which contained a model resolution.

Mr. Thomas opined the Committee needed to be more abrasive on the matter with the Legislature and Ms. Braymer concurred.

Mr. Geraghty suggested letters be distributed to the Legislature on the matter, rather than imposing an additional tax to the County taxpayers, and Mr. Sokol concurred. The consensus of the Committee was to authorize Mr. Geraghty to draft a letter to Legislative representatives questioning the split of 911 revenues and pointing out the inequity of the current distributions.

As there was no further business to come before the Committee, on motion made by Mr. Sokol and seconded by Mr. McDevitt, Mr. Strough adjourned the meeting at 12:21 a.m.

Respectfully submitted,  
Leslie Lovelace, Secretary to the Clerk of the Board