

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: **LEGISLATIVE**

DATE: October 11, 2006

Committee Members Present:	William Thomas, Chairman
Supervisors F. Thomas	Joan Parsons, Commissioner of Administrative & Fiscal Services
Belden	Joan Sady, Clerk
Gabriels	Representing Department of Social Services:
Monroe	Robert Phelps, Commissioner
Stec	Douglas Herschleb, Director of Services
Merlino	Supervisor Kenny
Girard	Supervisor Caimano
	Supervisor Mason
	David Strainer, Queensbury
	Carlene A. Ramsey, Sr. Legislative Office Specialist

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Mr. F. Thomas called the meeting to order at 10:32 a.m.

Motion was made by Mr. Stec, seconded by Mr. Girard and carried unanimously to accept the minutes of the previous meeting, subject to correction by the Clerk.

Mr. F. Thomas referred to the Agenda packet, previously mailed to each of the Committee members. He began with Agenda Item 1, a request from Nassau County Legislature regarding an increase in tax on cigarettes from \$1.00 to \$1.50 per pack.

Mr. Monroe entered the meeting at 10:35 a.m.

Motion was made by Mr. Stec and seconded by Mr. Belden to support Nassau County Legislature with their initiative to increase the tax on cigarettes from \$1.00 to \$1.50 per pack.

Mr. Stec said he felt the proposed increase in tax could be used to either allow more spending, or reduce property taxes. He noted that if all counties in New York State were to follow suit, then no one county would have an advantage, or disadvantage to their neighbors. Mr. Stec said he would like to support Nassau County's proposal.

Mr. F. Thomas mentioned the City of New York had recently enacted such a tax increase.

General discussion ensued.

Mr. Monroe acknowledged the additional tax was intended to deter people from smoking cigarettes, due to all of the health implications involved. Following that logic, he said he felt the tax should also be increased on all alcoholic beverages, and foods

that contain trans-fats.

Mr. Girard pointed out the increased tax could encourage people to purchase their cigarettes in Vermont, or elsewhere, and the County could actually lose tax revenue.

Mr. F. Thomas called the question, and the motion failed unanimously.

Motion was made by Mr. Gabriels, seconded by Mr. Stec and carried unanimously to table any further discussion with regards to an increase in tax on each pack of cigarettes.

Mr. F. Thomas turned to Agenda Item 2, which was a letter from the Queensbury Central Volunteer Fire Company. He stated the firemen were opposed to the new State legislation regarding the color or emergency lights to be used by sheriff, fire, and emergency medical service (EMS) personnel, etc.

Motion was made by Mr. Belden and seconded by Mr. Gabriels to support the request from Queensbury Central Volunteer Fire Company, Inc., for the purpose of discussion.

Messrs. Kenny and Strainer entered the meeting at 10:40 a.m.

Mr. Girard queried what language was used in the legislation.

Mr. Stec said he understood that New York State was one of the few states that did NOT use blue lights for the law enforcement vehicles which apparently confused visitors from other parts of the country.

Following a lengthy discussion, Messrs. Belden and Gabriels agreed to table the motion, to allow time for consultation with the County Attorney, the County Sheriff and the County Fire Coordinator.

Mr. Gabriels queried what the financial implications to the County would be. Mrs. Sady agreed to obtain a copy of the State legislation for the Committee members to review.

Messrs. Wm. Thomas and Caimano entered the meeting at 10:43 a.m.

Next, Mr. F. Thomas turned to Agenda Item 3, Notice of Intent by Suffolk County to file suit against NYS Board of Elections to block the mandate that Counties purchase new voting machines by September 2007. He said it appeared Suffolk County was looking for support of their efforts.

Mr. Caimano pointed out the State of New York had approved five different types of voting machines. He expressed his concerns over the lack of continuity throughout the State.

Mr. Kenny predicted that if a state-wide recount were necessary the variety of

machines would invariably slow the process to a crawl.

Mr. F. Thomas queried if the Committee wanted to either support Suffolk County's efforts, or join them in the lawsuit.

Mr. Monroe said he would like to consult with the County Attorney as to whether or not Warren County would want to join in on the lawsuit.

Motion was made by Mr. Monroe, seconded by Mr. Stec and carried unanimously to support Suffolk County's intent to file suit against the New York State Board of Elections over the voting machine mandate; and to authorize the necessary resolution be prepared for the October 13<sup>th</sup> Board meeting. (No resolution request form was provided.)

Mr. Belden suggested the County Attorney should be asked if he would recommend that Warren County join Suffolk County with regards to the lawsuit.

Mr. F. Thomas returned to Agenda review at Item 4, regarding OCFS (Office of Children and Family Services) State Training Schools retroactive rate increases.

Motion was made by Mr. Gabiels and seconded by Mr. Girard to support Mr. Phelps' position regarding the aforementioned rate increases, for purposes of discussion.

Privilege of the floor was extended to Robert Phelps, Commissioner of the Department of Social Services, who distributed a handout on State Training Schools Expenditures to the Committee members (a copy is on file with the minutes).

Mr. Phelps explained the State Training Schools were state-run facilities that served the youth adjudicated to the custody and care of the State Commissioner of Social Services. He pointed out that each county was responsible for 50% of the costs related to its youth at such facilities. Generally, he said, Warren County received a quarterly billing, and the rate had not been increased over the past six years.

Mr. Phelps explained the 2006 Budget had allotted \$196,000 for the training school expenses. Since the State had just issued the bill for the 1<sup>st</sup> Quarter of 2006, in the amount of \$73,000 (a 47% increase over last year) he said he was concerned the 2006 Budget would end up short by approximately \$100,000.

In addition, Mr. Phelps further reported the Deputy Commissioner for the OCFS had apprised him of the State's intention to bill retroactively for 2001, 2002, 2003, 2004 and 2005.

Mr. Wm. Thomas left the meeting at 10:50 a.m.

Responding to questions from various Supervisors, Mr. Phelps noted that in 2001 the

State had billed the County, retroactively, for 1999 and 2000, although there had been no rate adjustments since 2000. He said, he recently reviewed the language on each of the bills, back to 2001, and found no reference, statement, or discussion that the billing rate was an "interim rate." However, he noted, the bill for the first quarter of 2006 used that language for the first time.

Mr. Phelps urged the Committee members to consider banding together with other counties, perhaps through NYSAC (New York State Association of Counties) to fight the retroactive billing.

Responding to Mr. Monroe's questions, Mr. Phelps explained there was no contract with the State for these services, since the County's fiscal obligation was mandated by State law.

General discussion ensued.

Mr. Phelps said he felt the County may have a chance to fight the retroactive billing since the prior bills were not marked "interim rate." However, he noted, the 2006 invoicing may be a different story, and the County may have to pay the full amount.

Following further discussion, motion was made by Mr. Belden and seconded by Mr. Stec to declare the County's opposition to the OCFS State Training Schools' Retroactive Rate Increases; to urge the County's elected officials to take action to reverse the State's decision; and to urge NYSAC to file a lawsuit against the State. [With copies to be sent to the County's elected officials, and the Division of Budget, Senate Finance, Assembly Ways and Means, Speaker of the House and Senator Bruno.]

Mr. Phelps pointed out the 47% rate increase averaged out to approximately 10% per year, which was far greater than the cost of living.

Mr. F. Thomas called the question and the motion was carried unanimously, as outlined above. The Committee authorized the necessary resolution be prepared for the October 13<sup>th</sup> Board meeting. (No resolution request form was provided.)

Mrs. Parsons and Mr. Mason entered the meeting at 11:00 a.m.

Mr. Thomas acknowledged that Mrs. Parsons, Commissioner of Administrative and Fiscal Services, was now in attendance. He apprized Mrs. Parsons of the resolution the Committee had just passed, regarding the OCFS State Training Schools.

Mr. Caimano observed the Committee had no authority with regards to payment of the bill, although the Committee could recommend the bill not be paid.

Mrs. Parsons cautioned the Committee that if the County did not pay the bill, the State would then take the money from the County's State Aid.

Mr. Caimano explained the Committee's intent was to take a stand and send a message to the State.

Mr. Belden concurred, and further noted the Committee members were aware the County's actions may result in a future lawsuit.

Mr. Phelps said the deadline for payment of the first quarter billing was not set by statute so he would temporarily stall the payment.

Following a lengthy discussion, motion was made by Mr. Belden, seconded by Mr. Stec and carried unanimously to refer the payment of the current billing back to the Social Services Committee, with the recommendation the County pay the same rate as in 2005.

There being no further business to come before the Committee, on motion by Mr. Girard and seconded by Mr. Stec, Mr. F. Thomas adjourned the meeting at 11:02 a.m.

Respectfully submitted,  
Carlene A. Ramsey, Sr. Legislative Office Specialist