

**WARREN COUNTY BOARD OF SUPERVISORS**

**COMMITTEE: LEGISLATIVE & RULES**

**DATE:            OCTOBER 8, 2008**

**COMMITTEE MEMBERS PRESENT:**

SUPERVISORS    THOMAS  
                  TESSIER  
                  BENTLEY  
                  STEC  
                  MERLINO

**OTHERS PRESENT:**

CHAIRMAN MONROE  
PAUL DUSEK, COUNTY ATTORNEY  
HAL PAYNE, COMMISSIONER OF ADMINISTRATIVE & FISCAL  
                  SERVICES  
JOAN SADY, CLERK OF THE BOARD  
SUPERVISOR GERAGHTY  
SUPERVISOR STRAINER  
PHIL TUCKER, REGIONAL REPRESENTATIVE FOR THE  
                  PAINTER'S UNION AND VICE-PRESIDENT OF THE  
                  GREATER CAPITAL REGION BUILDING &  
                  CONSTRUCTION TRADES COUNCIL  
SCOTT MARTEL, ORGANIZER OF PLUMBERS LOCAL UNION  
                  773  
TOM RANDALL, *THE ADIRONDACK JOURNAL*  
JOANNE COLLINS, LEGISLATIVE OFFICE SPECIALIST

**COMMITTEE MEMBERS ABSENT:**

SUPERVISORS    HASKELL  
                  GIRARD

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Mr. Thomas called the meeting of the Legislative & Rules Committee to order at 11:04 a.m.

Motion was made by Mr. Bentley, seconded by Mr. Stec and carried unanimously to approve the minutes from the August 6, 2008 Committee meeting, subject to correction by the Clerk of the Board.

Mr. Thomas announced the first Item on the Agenda was a request from Maynard Baker, former Supervisor for the Town of Warrensburg, to address the Committee regarding float planes; however, he said, Mr. Baker was not present.

Mr. Thomas advised a draft resolution was distributed to the Committee members that was prepared by NYSAC (New York State Association of Counties) urging the Governor and State Legislature to reduce State spending without shifting costs for State programs to County government. He noted that NYSAC had requested that all counties adopt the resolution and forward to the State Legislature.

Motion was made by Mr. Stec, seconded by Mr. Bentley and carried unanimously to approve the draft resolution as outlined above, and the necessary resolution was authorized for the October 17, 2008 Board meeting.

Mr. Thomas acknowledged Phil Tucker, Regional Representative for the Painter's Union and Vice President of the Greater Capital Region Building & Construction Trades Council, was present and would like to address the Committee. Mr. Tucker distributed a handout to the Committee members regarding the Prevailing Wage Law and the

Apprenticeship Program, a copy of which is on file with the minutes. He introduced Scott Martel, Organizer of Plumbers Union 773, who was present today. Mr. Tucker apprised he had compiled a list of sample language for best value contracting which municipalities could use to hold contractors responsible during the bid process, advising of certain criteria to be met prior to the bid being awarded. He noted that he provided Chairman Monroe with his list of sample language.

Mr. Tucker expounded he would be happy to provide a full presentation for the Board of Supervisors and a more detailed list of responsible contractor language. He added another option for consideration would be a project labor agreement in which all contractors on a site would be working under the same contract and predetermined rules.

Chairman Monroe stated that he had discussed this with the Purchasing Agent and a concern was that there could be pre-qualifying bidders, which would intimidate an interested party if a great deal of information was required prior to bidding a project. Mr. Tucker responded that the list could be adjusted to the County's needs.

Mr. Thomas reminded the Committee members that the resolution regarding prevailing wage rates had been tabled twice and he questioned if the Committee was interested in discussing changes to the aforementioned resolution.

Discussions ensued. Following discussions, Mr. Thomas stated that it was the consensus of the Committee that the issue remain tabled.

Chairman Monroe requested the Committee to consider adopting a resolution to be forwarded to the State regarding the declining state of the economy, specifically the rising fuel costs and property taxes. In reviewing options in which to reduce property taxes, he noted, the largest obstacles were the State mandated programs. He added that in 2007, the cost to the County for Federal and State mandated programs was in excess of \$49 million, of which only \$19 million in reimbursements were received. (Note: The actual amount of State and Federal revenue for mandated programs for 2007 was \$29 million.) He said the County raised over \$30 million by tax. Chairman Monroe advised if the State and/or Federal government could not fund the programs that they mandated counties to provide, then decisions as to whether or not those programs should exist needed to be made. He concluded that the solution to reducing property taxes was for the State and Federal governments to take responsibility for the programs that were mandated.

Mr. Stec noted that the Chairman's request was similar to the previous resolution approved by the Committee. Chairman Monroe said it would be more influential to include specific numbers in the resolution as to the affect the unfunded mandated programs were having on Warren County. Mr. Stec suggested that a "whereas" be included in the resolution that was drafted by NYSAC, outlining the impact of unfunded mandates, with specific numbers, on Warren County.

Mr. Stec amended his previous motion to include the specific numbers as outlined by Chairman Monroe with regard to the financial impact of unfunded mandates on Warren County. Mr. Bentley seconded the amended motion.

Mr. Thomas called the question and the motion was carried unanimously to urge the Governor and the State Legislature to reduce State spending without shifting costs for State programs to County government, with the inclusion of the specific dollar amounts of the financial impact of unfunded State and Federal mandates on Warren County. The necessary resolution was authorized for the October 17, 2008 Board meeting.

Paul Dusek, County Attorney, apprised he had an issue for the Legislative & Rules Committee to discuss. He stated that a few months ago, the Committee had been requested to adopt a resolution in opposition to the Hazardous Waste Landfill Disposal in Niagara County. At the time, he said, he had recommended that the Committee take no action due to the Luzerne Road and Town of Queensbury PCB excavation which was being transported to the Landfill in Niagara County. Mr. Dusek advised that the proposed resolution would state that Warren County, along with Erie and Niagara Counties, opposed the addition of any commercial hazardous waste land disposal capacity in the State of New York. He noted that the proposed resolution had been requested by Amy Witherell, a citizen activist of Niagara County and a member of the Citizens Advisory Board for one of the local Towns. He added that Ms. Witherell had been campaigning against the Landfill in Niagara County.

Mr. Dusek explained that the State was currently reviewing a Hazardous Waste Facility Siting Plan. He further stated that no hazardous waste facility could be expanded in New York State until this Plan was completed. He noted that this Plan had been in progress for approximately twenty years and that the Public Hearing comment period would expire at the end of November.

Mr. Dusek expounded that part of the Plan would allow an expansion of an existing landfill in Niagara County, which was owned by CWM Chemical. He said currently, the landfill was accepting hazardous waste from the Luzerne Road clean-up site. He noted that CWM Chemical wished to expand the seven hundred acre landfill by fifty acres in order to continue to accept waste into the future. Mr. Dusek reiterated that Ms. Witherell and other citizens in Niagara County were against the expansion of the Landfill.

Mr. Dusek advised he did not believe the issue would directly affect Warren County anymore; however, he said, it could have a negative impact on the Hudson River PCB Project. He commented that the proposed resolution also encouraged on-site disposal of waste, such as thermal disposal; thereby avoiding the expansion of the Niagara County Landfill.

Mr. Dusek reminded the Committee members of the incident in Erie and Niagara Counties many years ago known as 'Love Canal', in which pollution drove people out of their homes, which was the reason for the sensitivity to this topic for those counties. Mr. Stec interjected that thermal disposal was being utilized at the Luzerne Road PCB site for the lower-level contaminated soil. He questioned if it had been verified that Erie and Niagara Counties had adopted this resolution and Hal Payne, Commissioner of Administrative & Fiscal Services, replied he had received a copy of an adopted resolution from Erie County and at that time, Niagara County had not adopted a similar resolution.

Mr. Dusek cautioned the Committee in joining Erie and Niagara Counties on this issue because he recalled one of those counties objecting to the Luzerne Road Facility. He suggested a generic resolution stating Warren County's objection to the expansions of landfills and to request the Department of Environmental Conservation (DEC) to consider that when compiling the Hazardous Waste Facility Siting Plan. Another option, he said, was to encourage the use of on-site treatment techniques that were available for those types of waste materials. He noted a generic resolution could be prepared that would incorporate both options that he had listed.

Following discussions, motion was made by Mr. Bentley, seconded by Mr. Tessier and carried unanimously to table action on the requested resolution regarding the Hazardous Waste Landfill Disposal in Niagara County.

As there was no further business to come before the Legislative and Rules Committee, on motion made by Mr. Tessier and seconded by Mr. Bentley, Mr. Thomas adjourned the meeting at 11:35 a.m.

Respectfully submitted,

Joanne Collins, Legislative Office Specialist