

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: LEGISLATIVE & RULES

DATE: MAY 8, 2013

COMMITTEE MEMBERS PRESENT:

SUPERVISORS MONROE
BENTLEY
MONTESI
GIRARD
SOKOL
WOOD
FRASIER

OTHERS PRESENT:

KEVIN B. GERAGHTY, CHAIRMAN OF THE BOARD
JOANN MCKINSTRY, ASSISTANT TO THE COUNTY ADMINISTRATOR
MARTIN AUFFREDOU, COUNTY ATTORNEY
JOAN SADY, CLERK OF THE BOARD
FRANK E. THOMAS, BUDGET OFFICER
SUPERVISORS CONOVER
DICKINSON
KENNY
LOEB
MASON
MCDEVITT
STRAINER
TAYLOR
VANSELOW
BUD YORK, COUNTY SHERIFF
MICHAEL SWAN, COUNTY TREASURER
ROBERT BLAIS, MAYOR OF THE VILLAGE OF LAKE GEORGE
JOHN STROUGH, QUEENSBURY TOWN COUNCILMAN, 3RD WARD
DEANNE REHM, WARREN COUNTY ASSESSORS' ASSOCIATION
DAVID ROSEBROOK, WARREN COUNTY ASSESSORS' ASSOCIATION
DONALD BURNHAM, RESIDENT OF THE CITY OF GLENS FALLS
DOUGLAS FROST, FIRE AND ICE, VILLAGE OF LAKE GEORGE
JENNESSA FROST, RESIDENT OF THE VILLAGE OF LAKE GEORGE
JUDD GERSHEN, JUDD'S TAVERN, VILLAGE OF LAKE GEORGE
TOD TRULLI, GEORGE HENRY'S, TOWN OF WARRENSBURG
DON LEHMAN, *THE POST STAR*
CHARLENE DiRESTA, SR. LEGISLATIVE OFFICE SPECIALIST

Mr. Monroe called the Legislative & Rules Committee meeting of the to order at 9:54 a.m.

Motion was made by Mrs. Wood, 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.*

Commencing the agenda review, Mr. Monroe said Item No. 1 was a referral from the Real Property Tax Services Committee to support Senate Bill S.1000 and Assembly Bill A.682, An Act to Amend the Real Property Tax Law in Relation to the Taxation of Property Owned by a Cooperative Corporation. He advised that a letter was included in the agenda packet from Deanne Rehm and David Rosebrook, of the Warren County Assessors' Association, requesting time to make a brief presentation to the Committee members.

Ms. Rehm detailed the history of the Real Property Tax Law in relation to the taxation of property owned by a cooperative corporation by saying this law pertained to property which had been designated as condominiums. She advised that most people assumed condominiums were buildings

similar in structure to townhouses; however, she continued, a condominium was not a type of building, it was a form of ownership which involved transferring the ownership of the interior of some type of structure. She explained that condominiums had become popular in the greater metropolitan New York area after World War II as a way to keep people within the City and allow them to be homeowners. Condominium owners received preferential treatment, she continued, when it came to the assessment of the property as the assessment was not based on the value of the building. She stated the current law meant that a building with multiple condominiums was assessed similar to an apartment building which resulted in assessments that were much lower than the true property value. She advised that by the 1960's and 1970's the concept of condominiums had moved outside of the urban areas to the suburbs and throughout New York State. She said the current law did not allow the assessors to assess each individual condominium unit, as the building containing condominiums was assessed as a whole. She presented an example of a developer in Erie County who had built single family homes in a sub-division and had sold the homes as condominiums. She reiterated this resulted in a lower assessed value which gave each individual homeowner a reduced tax bill. Ms. Rehm stated that when New York State trained the assessors it was with the understanding that the primary objective was that the assessments reflected fairness within the community. She added the current law restricted the way in which condominiums were assessed resulting in unfair assessments.

Mr. Rosebrook apprised there had been a number of condominium projects in the Towns of Lake George and Bolton which had been in existence since the 1980's. He explained the current Real Property Tax Law required the treatment of condominiums as a single entity and the best way of appraising these properties was using the income approach. He presented the following example of an income approach:

A unit valued at \$200,000 could be rented for approximately \$1,500 per month or \$18,000 per year. Once expenses, such as insurance, maintenance and taxes, were deducted the amount of profit was reduced to approximately \$9,000. That \$9,000 capitalized using the income approach resulted in an assessed value of \$90,000. Which meant that a \$200,000 condominium, under this scenario, would be assessed at \$90,000.

Mr. Rosebrook explained the Sagamore had about 180 condominiums in addition to the resort hotel. He said the condominiums were owned by individuals who purchased them for \$500,000 or more and based on the income approach most were assessed at approximately \$350,000. He added that reflected \$150,000 in lost assessment which resulted in less tax dollars.

Mr. Rosebrook advised that the legislation (Senate Bill S.1000 and Assembly Bill A.682) would change the law, effective January 1, 2015, to allow local municipalities the option to assess future condominiums at the value of the building and not based on the income approach. He reiterated this change in legislation would not effect condominiums which were already established, just future condominium construction and it would untie the assessors hands and allow them to appraise the property using the cost, income and market approach.

Ms. Rehm commented that assessors had been attempting to amend the current law for the past 30 years to no avail. She noted the City of Saratoga Springs had passed a resolution in support of the legislation. She stated it would take a grass roots initiative to amend the law and the assistance of elected official was necessary. She apprised the preferential treatment of condominiums negatively affected the tax revenue of the Towns, Counties and School Districts.

Ms. Rehm opined that amending the law to allow for the local option was the definition of mandate relief, as it left the decision of enacting the change up to the municipalities. She advised that

Senator Elizabeth Little was doing her best to ensure the legislation was passed. She opined the amendment was not a perfect solution as it did not address condominiums which were already in existence; however, she added, the amendment would address future condominium development at the local municipalities' option. She pointed out the amendment would not cost the State or the municipalities any funding and would result in increased property tax revenues. She said it was hopeful that at some point in the future, the legislation would be further amended to undo the preferential treatment given to existing condominiums.

Ms. Rehm stated there were 5 communities in Warren County with approximately 600 condominium parcels and a total collective assessment value of \$130 million. She said this reflected an assessed value loss of \$50 to \$70 million and approximately \$200,000 in lost property tax revenue for Warren County and approximately \$400,000 in lost tax revenue to the School Districts. She requested a resolution of support from the Board of Supervisors and that the resolution be forwarded to Senator Elizabeth Little, Assemblywoman Sandy Galef, Senator Dean Skelos, Assemblyman Sheldon Silver and Governor Andrew Cuomo.

Mr. Montesi asked the names of the sponsors of the Bills and Ms. Rehm replied Senator Little and Assemblywoman Galef with Assemblywoman Jane Corwin and Assemblyman Dan Stec as co-sponsors. Mr. Montesi anticipated the support of the democratic members of the Senate and Assembly. Ms. Rehm reiterated the legislation would include a provision for local option. Mr. Monroe asked if the income approach issue applied whether the condominiums were in one building or separate structures and Ms. Rehm replied affirmatively.

Martin Auffredou, County Attorney, stated it was his understanding that the amendment would allow the assessor to select the best approach for valuing the property. He said the amendment would not eliminate the income approach which in some cases would still be the best assessment tool. A brief discussion ensued.

Mr. Bentley suggested the resolution also be forwarded to the Intercounty Legislative Committee of the Adirondacks, the New York State Association of Counties (NYSAC) and the New York State Association of Towns. Mr. Montesi asked if the resolution would be presented at the May 17, 2013 Board meeting and Mr. Monroe stated that in the past, when the Legislative Session was near its end, resolutions had been forwarded based on Committee approval or the Board could wait until it was officially adopted. Mr. Monroe advised this was done in order to ensure the resolution was received while the Senate and Assembly were still in session. Mr. Montesi asked if the Committee could do both and Mr. Monroe replied affirmatively.

Motion was made by Mr. Bentley, seconded by Mr. Montesi and carried unanimously to authorize a resolution in support Senate Bill S.1000 and Assembly Bill A.682, An Act to Amend the Real Property Tax Law in Relation to the Taxation of Property Owned by a Cooperative Corporation and that the resolution be forwarded to Senator Elizabeth Little, Assemblywoman Sandy Galef, Senator Dean Skelos, Assemblyman Sheldon Silver, Governor Andrew Cuomo, the Intercounty Legislative Committee of the Adirondacks, NYSAC and the New York State Association of Towns. *The necessary resolution was authorized for the May 17, 2013 Board meeting.*

Mr. Monroe stated that Item No. 2 on the agenda was a request from New York State Assembly Member Michael Kearns for a resolution of support for Assembly Bills A.88 and A.824, Regarding the Proposed Laws Concerning Contact Information for Vacant Structures. He explained the Bills would require that lenders, who hired property managers for properties in foreclosure, notify the affected municipality of the name and contact information for said property manager. Mr. Auffredou stated the legislation would be helpful to the County and the individual municipalities. He said municipalities

were constantly struggling with identifying the property managers of foreclosure properties which were in a state of disrepair.

Motion was made by Mr. Montesi, seconded by Mrs. Wood and carried unanimously to authorize a resolution of support for Assembly Bills A.88 and A.824, Regarding the Proposed Laws Concerning Contact Information for Vacant Structures, as requested by Assembly Member Michael Kearns. *The necessary resolution was authorized for the May 17, 2013 Board meeting.*

Mr. Monroe informed that Item No. 3 on the agenda was a referral from the April 19, 2013 Board meeting for further discussion regarding a request from Robert Blais, Mayor of the Village of Lake George, to consider a proposal to change the closing time for bars and taverns in Warren County from 4:00 a.m. to 3:00 a.m. He pointed out that a copy of Resolution No. 263 of 2013, which had been tabled at the April 19, 2013 Board meeting, was included in the agenda packet.

Mr. Monroe explained the original request had been from Jack Diamond, Mayor of the City of Glens Falls to change the closing time of bars and taverns in Warren County from 4:00 a.m. to 2:00 a.m.; however, he continued, the resolution presented at the April 19, 2013 Board meeting was tabled. He said Supervisor Kenny had developed a proposed compromise. Mr. Kenny explained the compromise would be to close bars and taverns at 3:00 a.m. from May 25th through September 15th and to close them at 2:00 a.m. from September 16th through May 24th in order to accommodate the tourist season. He advised that more and more apartment buildings were being constructed in the City of Glens Falls and the apartment dwellers were being disrupted by the behavior of bar patrons between the hours of 2:00 a.m. and 4:00 a.m. He added that when the bars and taverns closed at 4:00 a.m. the disruptive behavior was relocated to the streets.

Donald Burnham, Resident of the Mill in the City of Glens Falls, agreed with Mr. Kenny's comments pertaining to disruptive behavior. He said he had moved from the Town of Lake Luzerne to purchase a condominium at the Mill a month prior. He commented that his condominium was on the South Street side of the Mill and on Friday and Saturday nights it was difficult to sleep. He reported that this morning he had been awoken by a loud crash at 4:15 a.m. caused by someone leaving the Irish Pizza or Irish Pub who had backed their vehicle into a shed at the Mill. Mr. Burnham opined that changing the closing hours of bars and taverns from 4:00 a.m. to 2:00 a.m. would not be a major imposition on the owners. He explained his opinion was based on the experience of his family owning a hotel for more than 38 years which closed at 1:00 a.m. and managed to make a significant income. He stated that as a resident of the Mill he would like to see the bars and taverns close earlier.

Douglas Frost, owner of Fire and Ice in the Village of Lake George, commented that he understood the concerns but the problem seemed to be on South Street in the City of Glens Falls. He asked if any of the bars on South Street had been referred to the State Liquor Authority (SLA) or if the SLA had been contacted to address the issues that were occurring on South Street. He expressed that he understood the concerns pertaining to South Street but they were not the same concerns of Lake George or the Towns further north. He stated it was difficult for him to grasp the fact that South Street's problems had become a Warren County problem.

Mr. Frost complained that the weighted vote system for the Board of Supervisors was unfair. He pointed out that the Town of Queensbury already had five representatives on the Board compared to the one representative for the Town of Lake George. He added the northern towns in Warren County had fewer representatives and fewer votes in the weighted vote. Pertaining to the proposed compromise which would alter closing times from May to September, Mr. Frost said some of the Lake George businesses were open year round and the shoulder seasons should have the same closing hours.

Mr. Frost stated that an earlier closing time would result in at least a 10% loss in revenue without an equivalent loss to his overhead. He said he was not just a bar owner but also a family man who had an obligation to support his family. He reiterated his suggestion to refer the affected bars and taverns to the SLA and added the suggestion to utilize the Warren County Sheriff's Office to better enforce the area. He opined the problem was only on South Street and did not affect any other Town in the County. He pointed out the unfairness of changing the closing time of bars and taverns in Warren County to solve a problem on South Street in the City of Glens Falls. Mr. Frost mentioned that the City of Schenectady had a problem in the past with disruptive behavior from bars and had solicited the assistance of the State Police to better enforce the issue. He requested the Board take the time to try and work out something bi-laterally between Warren and Saratoga Counties which would work well for all involved.

Mr. Burnham pointed out that an individual municipality could not mandate a change in the closing time for bars and taverns, that the change must be County-wide. He suggested the County commence the process to change legislation to allow each municipality the option to make such changes. Mr. Monroe pointed out the process was time consuming and frustrating.

Mr. Kenny apprised this issue was not only a City of Glens Falls problem, it was a State issue. He announced that 33 counties in New York State had moved to change the bar closing time from 4:00 a.m. to either 3:00 a.m. or 2:00 a.m. and in one case to 1:00 a.m. He noted that statements had been made at previous meetings that the contiguous counties had bar closing times set at 4:00 a.m. He stated this was false because Hamilton County had a bar closing time of 2:00 a.m.; Essex County had a bar closing time of 3:00 a.m.; and most of the bars in Washington County closed at 12:00 a.m. He stated the only contiguous county which had a bar closing time of 4:00 a.m. was Saratoga County.

Mr. Loeb stated he was proud of the fact that the Board of Supervisors worked as a unit to solve issues regardless of which Town was having the problem. He listed examples of the Board working as a unit in the recent past. He opined the members of the Board voted based on their hearts which resulted in good decisions. He noted if there was an issue in one of the municipalities of the County then it was a Warren County issue and needed to be dealt with as such. If there was opposition to Mr. Kenny's proposed compromise, he continued, then he would support a change to a 3:00 a.m. closing time for bars and taverns in Warren County.

Mr. Monroe said the members of the Committee were sensitive to the issue and would listen to the concerns of all who were impacted. Mr. Montesi stated he was in favor of a compromise to change the closing hours to 3:00 a.m. He agreed with Mr. Loeb's assessment that the Board worked as one unit and he didn't want this issue to divide the County. He opined he was not in favor of changing the bar closing times so that there would be different hours in the summer and winter as that could become confusing. Mr. Bentley mentioned that Supervisors from the City of Glens Falls had indicated the issue was with two or three of the bars on South Street and he believed the best solution was to increase the enforcement and if necessary close the problem bars.

Mayor Blais apprised that South Street had been the main location for the bars in the City of Glens Falls for a long period of time. He equated complaints from the Mill about the bars on South Street to someone buying a house next to an airport and then complaining the airplanes were too loud. He said there was no issue with the bars in Lake George and noted some of the bars were right next door to hotels and there had been no complaints of this nature. He explained that Lake George was a resort area and the people who visited were on vacation. He added the visitors did not have to get up for work in the morning and enjoyed having the bars open until 4:00 a.m. He commented that the bars did a great business during the Winter Carnival in February and he would be opposed to different closing times in the winter months. He said if there needed to be a change in closing hours,

he would be amenable to a change to a 3:00 a.m. closing time rather than different closing times depending on the season. He suggested leaving the closing time at 4:00 a.m. and requesting the City of Glens Falls to solve the issue through enforcement. Mr. Monroe pointed out that Mayor Blais had concern for the City of Glens Falls as he had recently made a plea to surrounding counties for contributions to the Civic Center to assist in continued operations.

Mrs. Wood said if they had to compromise she might be persuaded to agree to a 3:00 a.m. closing time. She commented that if a bar owner was having a good night, why should they be forced to close at an earlier hour. She advised the majority of the bar owners were responsible and they were discussing a small percentage who were not. She pointed out this issue had not come to light until Mayor Diamond asked the Board to consider a 2:00 a.m. closing time. She suggested pursuing a Home Rule legislation change to allow the City of Glens Falls to impose a separate bar closing time than the rest of Warren County.

Mr. Dickinson stated that he was not in favor of compromise and would rather fight for what he believed in. He said that since he had become Supervisor he had managed to avoid confrontations. As much as he would like to compromise with a 3:00 a.m. closing time, he continued, he was annoyed that the tourism industry should be put under this type of pressure when it was already so dependent upon the uncontrollable factor of weather. He reported he had been contracted by many constituents who supported the bar closing time remaining at 4:00 a.m. He voiced his concern that there were not enough votes on the Board for the closing time to remain at 4:00 a.m. and he stated if it were necessary to compromise he would prefer the closing times be at 3:00 a.m.

Mr. McDevitt voiced his concern that this Committee would move to make no change to the current closing hours and a resolution would come from the floor at the May 17, 2013 Board meeting and result in a split vote. He said Mr. Loeb had commented that the Board worked as one unit and to that end he supported a change in the bar closing hours to 3:00 a.m.

Judd Gershen, owner of Judd's Tavern in the Village of Lake George, said that the previous evening he had intended to close his tavern early; however, he continued, at 1:00 a.m. 35 patrons had entered his establishment after leaving a conference and had stayed until 3:50 a.m. He apprised that 60% of his receipts for the day had resulted from this influx of patrons. He pointed out there had been no problems or issues and no need for police enforcement. He advised the Town and Village of Lake George would take the brunt of the repercussions for an issue which was happening elsewhere. He said he was sympathetic to the problem but was he was not willing to lose 20% of his business and he suggested more enforcement was the answer for the problem on South Street.

Motion was made by Mr. Girard and seconded by Mr. Montesi to change the closing time for bars and taverns in Warren County from 4:00 a.m. to 3:00 a.m.

Mr. Sokol apprised the Board had been trying to alleviate State mandates for years and now they were trying to place a mandate on the business owners. He stated he had recently opened a new business and now there would be legislation which would require him to close that business earlier than intended. He added that he relied on the income from the business and his family as well as the amount of tax dollars generated by his business would suffer from a change in closing times. He advised this issue would never have been brought to fruition if not for the problems on South Street in the City of Glens Falls. He stated he was in favor of leaving the closing time for bars and taverns at 4:00 a.m.

Mr. Auffredou explained that if the County moved forward with a motion to change the closing times for bars and taverns, the process involved a recommendation to the SLA, who would then schedule a public hearing in Warren County to receive testimony prior to making a decision on granting the

request. Mr. Monroe said the SLA would not necessarily approve the request and Mr. Auffredou replied in most instances the SLA would honor the request unless contrary evidence was provided at the public hearing.

Mr. Mason remarked that he had previously supported the change in closing times to 2:00 a.m. because he felt the evidence demonstrated a clear cost to society. He apprised there was some truth to the statement that "nothing good happened between 2:00 a.m. and 4:00 a.m." He commented that he was in favor of a compromise to either change the closing time to 3:00 a.m. or to Mr. Kenny's compromise for different closing hours in summer and winter.

Mrs. Wood reminded the Committee members that business owners had come forward to detail how the change would affect their businesses. She said some Supervisors were not in favor of a compromise but were worried about the result of a weighted vote and were therefore willing to compromise. She stated the closing hours should be left as they were and added she did not feel there was enough evidence to support a request to change the closing times. Mr. Auffredou stated he had contacted an Attorney for the SLA who had recommended the resolution, which was requesting the change in closing times for bars and taverns, should contain justification for that request. He added the justification would be used by the SLA to identify the issues which would be discussed at the public hearing. Mr. Montesi said other counties had made this change in the past and if the resolution was approved by the Board it should be forwarded to the SLA with a list of the concerns. Mr. Auffredou advised that if a request was forwarded to the SLA, then the minutes from any meeting pertaining to the issue should be forwarded, as well. He added any correspondence or other such evidence would also be included. Mr. Bentley opined the only justification was the two or three bars on South Street which were causing the issue.

Chairman Geraghty commented that the business owners did not want a change in the closing times and he noted there were two bars in the Town of Warrensburg that usually closed before 2:00 a.m. and there had been minimal issues. He suggested the County offer support to the City of Glens Falls for enforcement to determine if it was possible to rectify the situation without changing the closing times of the bars and taverns. He stated he agreed with Mrs. Wood and Mr. Sokol. He noted the bar owners had purchased their establishments with the understanding that they would be able to operate until 4:00 a.m. He suggested the closing time remain at 4:00 a.m. and the County offer enforcement assistance to the City of Glens Falls and if necessary the issue could be revisited next year.

Mr. Monroe called the question and the motion to change the closing time for bars and taverns in Warren County from 4:00 a.m. to 3:00 a.m. resulted in the following vote: Ayes: Mr. Girard, Mr. Montesi and Mr. Monroe; Noes: Mrs. Wood, Mrs. Frasier, Mr. Bentley and Mr. Sokol. Motion failed due to lack of majority vote.

Mrs. Wood suggested a referral to the Public Safety Committee to offer enforcement assistance to the City of Glens Falls for disruptive behavior between the hours of 2:00 a.m. and 4:00 a.m. on South Street and if necessary to review the issue in one year. Mr. Montesi asked how much assistance the County would offer and he asked Sheriff York if he was prepared to send Patrol Officers down to South Street. Sheriff York responded that he would offer as much assistance as the County was willing to pay the overtime costs for.

Motion was made by Mrs. Wood, seconded by Mr. Montesi and carried unanimously to refer the suggestion to offer enforcement assistance to the City of Glens Falls for disruptive behavior between the hours of 2:00 a.m. and 4:00 a.m. on South Street to the Public Safety Committee and if necessary to review the issue in one year.

Pertaining to the Pending Items, Mr. Monroe said Item No. 1 pertained to the results of a survey of areas where beaver dams had created problems, such as flooding; *a copy of the survey results is on file with the minutes*. Mr. Auffredou stated he had been asked to look into the legal rights of the County. He remarked that he had contacted a Wildlife Biologist at the New York State Department of Environmental Conservation (NYS DEC) and had been referred to the Wildlife Damage Permit Process. He said the NYS DEC had expressed their willingness to assist the County with these issues. He explained the NYS DEC level assistance would depend on cooperative property owners who could apply to the NYS DEC for a Wildlife Damage Permit. He added there would be no charge to the property owner for the Permit and 90% of the property owners were anticipated to cooperate. Mr. Auffredou explained the Permits could be applied for and issued over the phone. He added it was not a requirement for the NYS DEC to visit the property in order to issue the Permit, although they frequently did. Mr. Monroe asked if this only pertained to damage which had been created or if it also pertained to the hazard for future damage and Mr. Auffredou replied that physical damage was not a requirement.

Mr. Auffredou explained that in the instances where the property owner was not cooperative, the County with the assistance of the NYS DEC, could apply to the Court to obtain an Affirmative Injunction based upon the Nuisance Theory. He recommended the County work with the NYS DEC to encourage the property owners to apply for the Wildlife Damage Permits. He admitted there could be some costs to the property owners to hire the necessary help for trapping, etc. For the property owners who were not cooperative, he continued, the County should apply to the Court to obtain an Affirmative Injunction based upon the Nuisance Theory. He added at that time the County could utilize the NYS DEC to obtain affidavits as to the potential for damage. A discussion ensued in which Mr. Auffredou suggested he work with the Town Supervisors to draft letters to the property owners to advise them of the situation and that they copy NYS DEC on these letters to try to move the process forward. Following further discussion on the matter, it was the consensus of the Committee to authorize the County Attorney to follow up with the Office of Emergency Services to develop an assessment of the potential hazards and damages that could develop due to beaver dams on certain properties in Warren County.

Concerning Pending Item No. 3 pertaining to a meeting with the Lake George Park Commission (LGPC), Warren, Washington and Essex Counties and other agencies to discuss invasive species enforcement efforts, Mr. Monroe informed that he had met with Messrs. Auffredou, Mason and Dickinson along with representatives from Washington and Essex Counties. He said both Counties were moving forward with local laws to prohibit the transport of invasive species. Mr. Auffredou stated there was a strong possibility that Washington County would adopt the local law at their May 17, 2013 Board meeting. He added the preliminary report from Essex County was that they intended to move forward although the date was unsure. He stated that once both Counties adopted their local laws, the next step was LGPC enforcement of the laws.

Mr. Monroe reported that Mr. Auffredou had drafted a Forbearance Agreement wherein if a person was launching a boat which had recently been in an affected area, the Boat Launch Stewards could request to take a sample of water from the boat, with no threat of prosecution. A brief discussion ensued.

Pertaining to Pending Item No. 4 concerning mandatory boat inspections, Mr. Monroe reported that the LGPC just released information on the SEQR (State Environmental Quality Review) Process. He said the best course of action would be to wait and see what developed from that process before deciding the next step. He added if it looked as if the LGPC was getting no where, the County could initiate their own SEQR Process to get mandatory boat inspections in place by next year.

Concerning the aforementioned Forbearance Agreement, Mr. Auffredou requested authorization from the Committee to work with Mr. Monroe to try to get the Agreement in place within the next few weeks. He explained he envisioned a Lake Steward or Boat Patrol who encountered a boat owner at a launch and would request the boat owner to fill out the Forbearance Agreement which would authorize the inspection of the boat and trailer and the collection of samples. He further explained the Forbearance Agreement assured the boat owner that the County had no intention of prosecuting them for any invasive species detected and was merely trying to collect data. It was the consensus of the Committee to authorize the County Attorney to work with Mr. Monroe to finalize the Forbearance Agreement.

Mr. Monroe suggested that Pending Item Nos. 1, 3, 4 and 6 be deleted from the Pending Item List.

Pertaining to Pending Item No. 5, Mr. Montesi informed of a meeting he had attended at Senator Little's Office wherein the Comptroller had explained that if an entity was having a problem making their pension payments then an accrual system could be enacted. He said the system seemed complicated and no one seemed very interested.

As there was no further business to come before the Legislative & Rules Committee, on motion made by Mr. Montesi and seconded by Mr. Bentley, Mr. Monroe adjourned the meeting at 11:31 a.m.

Respectfully submitted,
Charlene DiResta, Sr. Legislative Office Specialist