

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: LEGISLATIVE & RULES

DATE: MARCH 28, 2016

COMMITTEE MEMBERS PRESENT:

SUPERVISORS STROUGH
SEEBER
GIRARD
SOKOL
WOOD
MCDEVITT
MONTESI
BRAYMER
LEGGETT

OTHERS PRESENT:

KEVIN B. GERAGHTY, CHAIRMAN OF THE BOARD
PAUL DUSEK, COUNTY ADMINISTRATOR
BRIAN REICHENBACH, COUNTY ATTORNEY
SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD
FRANK E. THOMAS, BUDGET OFFICER
SUPERVISORS BEATY
FRASIER
MACDONALD
MERLINO
SIMPSON
VANSELOW
WAYNE, LAMOTHE, COUNTY PLANNER
MIKE SWAN, COUNTY TREASURER
MARK WESTCOTT, TOWN OF QUEENSBURY RESIDENT
MOLLY GANOTES, LEGISLATIVE OFFICE SPECIALIST

Please note, the following contains a summarization of the March 28, 2016 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/2016/legislative/>

Mr. Strough called the Legislative & Rules Committee meeting to order at 9:02 a.m.

Motion was made by Mr. Sokol, seconded by Ms. Braymer 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 were distributed to the Committee members; *a copy of the agenda is on file with the minutes.*

Commencing the agenda review, Mr. Strough advised Action Agenda Item No. 1 pertained to consideration of a request from the NYCLU (*New York Civil Liberties Union*) seeking support of New York State Assembly Bill A06202A, which would substantially relieve counties of the unfunded indigent defense mandate under which they now labor. Ms. Braymer inquired whether anyone had coordinated with Marcy Flores, *Public Defender*, on the matter and Mr. Strough replied in the negative. Ms. Wood informed that she had received an update concerning the matter from Ms. Flores and Robert Iusi, *Probation Director*, via email; however, she noted, she could not recall whether it had only been emailed to the members of the Criminal Justice & Public Safety Committee or if it was distributed to the full Board. Mr. Strough questioned whether the Committee would like to table the matter until additional information was available or whether they felt they had been provided with a sufficient amount of information to move forward with the request.

Mr. McDevitt remarked he felt they should move forward with the matter, noting the County had expended over \$1.2 million in 2013 for indigent legal services which was rather significant. He mentioned although he doubted any relief would be provided, he felt strongly they should advocate for it.

Motion was made by Mr. McDevitt and seconded by Mr. Montesi and carried unanimously to authorize a resolution in support of New York State Assembly Bill A06202A which would substantially relieve counties of unfunded indigent defense mandate under which they now labor and noting that Warren

County had expended over \$1.2 million in 2013 for indigent legal services, and the required resolution was authorized for the April 15, 2016 Board Meeting.

Moving on, Mr. Strough reviewed the Referrals/Pending Items portion of the agenda, as follows:

1. Legislation forwarded by Rockland County regulating the use of drones tabled pending future receipt and review of updated FAA regulations.

Mr. Strough apprised that drones had been one of the topics introduced at the New York State Association of Towns Conference in New York City that he had attended wherein the discussion revolved around how towns were dealing with the problems associated with them. He pointed out changes were made almost on a daily basis to Assembly Bill No. A03597A, which was under consideration in the New York State Assembly and would place many restrictions on drones. He provided an overview of a number of issues with drones. He suggested that they hold off on taking any action until the issues with the proposed legislation before the State Assembly was taken care of unless anyone had a compelling reason why a local law should be adopted within the County concerning this.

A discussion ensued following which a motion was made by Mr. Girard, seconded by Mr. Sokol and carried unanimously to continue tabling of this matter.

2. Representatives of Warren County Soil & Water Conservation District to be invited to next Committee meeting to discuss the idea of agriculture districts; County Attorney to provide an opinion on whether the authority of the agriculture district would supercede that of the Adirondack park Agency; Supervisor Wood to bring up topic for discussion at next Soil & Water meeting and return to Committee with her findings.

Mr. Strough inquired whether Ms. Wood had been able to discuss the matter with the representatives of the Warren County Soil & Water Conservation District at their last meeting and Ms. Wood responded affirmatively. She apprised that they had provided her with contact information for individuals who worked for the State with vast knowledge of the subject matter; however, she noted, they had been unable to attend today's meeting due to scheduling conflicts. She said she would continue to work on making arrangements so that they could attend a future meeting.

Mr. Montesi indicated his understanding was that once an agricultural district was formed it would supercede any zoning laws the local municipality had which could create issues. Mr. Leggett interjected on the other hand forming an agricultural district could assist with those zoning regulations if the municipality was trying to curtail suburban sprawl into agricultural areas. Ms. Braymer stated she did not believe the agricultural district superceded the local law concerning zoning but rather supplemented it and assisted individuals with obtaining funding through the State.

A discussion ensued following which it was determined the discussion would continue at the next Committee meeting.

Ms. Seeber requested that they discuss a matter not included on the agenda concerning fireworks and Mr. Strough responded that he had originally included the fireworks issue on the agenda but removed it due to some kinks that needed be worked out before it could be brought before the Committee. Ms. Seeber apprised her only concern with that was that the clock was working against them in terms of when the local law needed to be changed which she believed was in April.

Mr. Strough informed he was aware that Ms. Seeber would like to have something added to the local law requiring those who sold fireworks to provide a safety pamphlet to purchasers upon checking out. Ms. Seeber reminded the Committee that they had approved this amendment to Local Law No. 2 of

2016 at the January 26th meeting but had tabled the amendments which would add regulations as to where and how fireworks could be sold. She questioned why they had not just referred the matter to the full Board for approval at that time rather than tabling it and Mr. Strough replied that he decided the matter should remain on the agenda until next month so he could clarify some other issues brought forward concerning fireworks. Ms. Seeber asked whether it would be possible to leave it on the agenda as a pending item or discuss with the County Attorney because if it was determined the changes needed to be made in April she believed it would have to be brought forward at the April 15th Board meeting. She said the representatives of the fireworks company had indicated to her that any changes would need to be approved at the April Board meeting.

Mr. Strough asked whether Brian Reichenbach, *County Attorney*, was aware of any timetable restraints concerning changes to the Local Law and Mr. Reichenbach responded that the normal procedure without having to schedule a special meeting to pass or amend it took two months because of the notice requirements and the public hearing. He mentioned the only time restraint he was aware of was the time periods that allowed for the selling of those items that are not deemed fireworks within the Local Law which was the end of May.

A discussion ensued.

3. Referral from December 18, 2015 Board Meeting asking Legislative & Rules Committee to review and consider the "Petition for Redress of Grievances" submitted concerning the form of government practiced by Warren County. (12.18.15) Update: There was an additional referral from March 18, 2016 Board Meeting asking the Legislative & Rules Committee to review and discuss the County's legislative options, as well as to consider the possibility of adding a seat on the Board for the Mayor of the City of Glens Falls.

Mr. Strough informed there had been discussion concerning whether the Board of Supervisors was the appropriate form of government for Warren County. He said there were sixty-two Counties within New York State, each of which was unique in its own way. He mentioned some Counties had changed over to other forms of County government such as a Legislative form which some felt was the more appropriate form of government for Warren County. He pointed out the Petition for Redress of Grievances that claimed the Fourteenth Amendment Equal Protection in regards to one person, one vote. He stated equal protection was an open question, as it was not clear whether it only concerned those who voted. He pointed out the Town of Queensbury was looking into redoing the borders of their Wards due to the fact that over the decades they had become uneven. As an example, he stated the Fourth Ward had been rapidly developing whereas Ward One had remained relatively stable over the years. He continued, this meant they had gained an inequity in terms of population; therefore, he said, the Town had proposed to the Warren County Board of Elections a new drawing of the Wards boundaries based upon the results of the 2010 census that provided for equivalent amounts. He informed that the Board of Elections had reviewed the proposal and determined that they were not in favor of it because the number of registered voters in each Ward was skewed heavily towards Ward One. He indicated although the populations for the Wards were the same, the number of registered voters in each Ward was significantly unequal. He advised the Board of Elections felt the number of registered voters should be used as the proper way to draw the boundaries so that the number of registered voters was even. Mr. Montesi added that Ward Four had a population of about 9,000 and the other Wards all had populations around 3,500.

Mr. Strough stated equal protection was not as clear cut as it may appear. He apprised he was aware that former Queensbury at-large Supervisor Mark Westcott's presentation today would include his opinion on the matter as would Mr. Leggett's presentation but he felt he would commence the discussion by stating the idea of equal protection was not as clear as one might perceive it to be since there were a number of things that needed to be considered. He informed that the ruling which would

be forthcoming by the United States Supreme Court in the case of Evenwel versus Abbott would be pertinent to this matter since it related to a challenge to the traditional approach of one person, one vote. He remarked he felt it was appropriate for them to discuss the different forms of County government.

A discussion ensued.

Privilege of the floor was extended to Mr. Westcott, who provided a power point presentation concerning Warren County Legislature, which he reviewed in detail; *a copy of the presentation is on file with the minutes.*

Mr. Leggett thanked the Committee for the opportunity speak before the Committee. He remarked that this was a serious issue that he believed required a good amount of consideration. He proceeded with a power point presentation regarding government structure, which he reviewed in detail; *a copy of the presentation is on file with the minutes.*

Mr. Strough thanked Messrs. Westcott and Leggett for providing the Committee with their presentations. He inquired how the Committee would like to move forward and Ms. Wood replied that she would like to move the issue forward for the full Board to make a determination as to whether the matter should be explored further, and if so in what manner. She said since the matter would impact everyone on the Board she felt it was more appropriate that any action taken be determined at the Board meeting.

Motion was made by Ms. Wood and seconded by Mr. Montesi to authorize a resolution asking the Board whether they would like to proceed with exploring alternative forms of government or not.

A discussion ensued following the motion was amended to include in the resolution the other forms of government in New York State. Mr. Strough called the question and the motion was carried unanimously, thereby authorizing the requested resolution for the April 15, 2016 Board Meeting.

As there was no further business to come before the Legislative & Rules Committee, on motion made by Mr. McDevitt and seconded by Mr. Sokol, Mr. Strough adjourned the meeting at 10:06 a.m.

Respectfully submitted,
Molly Ganotes, Legislative Office Specialist
(As typed by Sarah McLenithan, Deputy Clerk of the Board)