



Resolutions adopted April 15, 2016

PRESENTING COUNTY	RESOLUTION TITLE	ACTION TAKEN	FINAL NUMBER
Ontario	Resolution Calling for Support of the NYS Aging Service Network Advocacy Agency	<i>Motion to adopt</i> made by P. Helming (Ontario), seconded by J. Sheppard (Seneca). <i>motion carried unanimously.</i>	2016 – 26 - IC
Genesee	Resolution Supporting S.1151 and A.3611 To Be Included in the Adopted FY 2016-17 State Budget	<i>Motion to adopt</i> made by S. Stein (Genesee), seconded by R. Neal (Cattaraugus). <i>motion carried unanimously.</i>	2016 – 27 - IC
Genesee	Calling on the State to Increase Indigent Defense System Funding	<i>Motion to adopt</i> made by S. Stein (Genesee), seconded by S. Labuhn (Cattaraugus). <i>motion carried unanimously.</i>	2016 – 28 - IC
Livingston	Resolution Opposing 12-Week Leave Program in Governor Cuomo's 2016-2017 Proposed Budget	<i>Motion to adopt</i> made by M. Schuster (Livingston), seconded by P. Helming (Ontario). <i>motion carried unanimously</i>	2016 – 29 - IC
Steuben	Memorializing the Governor, The NYS Legislature, and the NYS DEC to Make Municipalities and Landfill Operators Whole for the Additional Costs of Electronics Waste Recycling	<i>Motion to adopt</i> made by C. Ferratella (Steuben), seconded by J. Pastrick (Chemung). <i>motion carried unanimously</i>	2016 – 30 - IC
Steuben	Memorializing the Governor and the NYS Legislature in Support of a Base Aid Increase for Corning Community College	<i>Motion to adopt</i> made by C. Ferratella (Steuben), seconded by B. Mori (Steuben), to approve resolution. <i>Motion to amend</i> resolution to strike Corning CC and insert all <i>SUNY's community colleges</i> made by P. Yendell (Livingston), seconded by J. Sheppard (Seneca); carried. Following vote, <i>the resolution, as amended, carried unanimously.</i>	2016 – 31 - IC
Ontario	Resolution Calling for State Funding to Update Flood Maps	<i>Motion to adopt</i> made by M. Gates (Ontario), seconded by P. Helming (Ontario). <i>motion carried unanimously</i>	2016 – 32 - IC

Inter County Association of Western New York

% Ontario County Board of Supervisors, 20 Ontario Street, Canandaigua, NY 14424

Phone (585) 396-4447

Email: karen.demay@co.ontario.ny.us or brenda@co.steuben.ny.us

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John Pastrick, Chemung County
David Callard, Orleans County

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RESOLUTION NO. 2016 – 26 - IC

RESOLUTION CALLING FOR SUPPORT OF THE NEW YORK STATE AGING SERVICE NETWORK ADVOCACY AGENDA

WHEREAS, In 2015, 20 percent of New York State residents are 60 years of age or older for the first time in history; and

WHEREAS, The aging services structure has remained relatively unchanged since the Older Americans Act was enacted in 1965; and

WHEREAS, Aging services have expanded to meet the non-clinical long term needs to at-risk older adults living in their homes and communities and the increased demand for these services so older New Yorkers can remain independent and in the community; and

WHEREAS, The changes in services require the aging service structure to modernize to meet these increased demands and to continue to be a vital component of New York State's continuum of care for the growing older population; and

WHEREAS, The nonprofit organizations of the Association on Aging in New York, LiveOn NY and Lifespan have developed a comprehensive multi-year plan to help modernize New York's aging services network; and

WHEREAS, This plan calls for necessary additional investment by New York State in various aspects of community-based services such as transportation, personal home care, home delivered meals, case management and caregiver support allowing New Yorkers to preserve their independence longer, remain in the community and delay nursing home admissions; now, therefore, be it

RESOLVED, That *Inter County Association of Western New York, an association representing over three million constituents in Western New York State*, recognizes the New York State Aging Service Network's advocacy agenda and recommends acknowledgement and support of this multi-year plan; and further

RESOLVED, That Inter County Association calls upon Governor Andrew M. Cuomo, the New York State Assembly, the New York State Senate to provide the investment necessary to allow our residents to maintain their independence as they age; and further

RESOLVED, That certified copies of this resolution be sent to Governor Andrew Cuomo, Senate Majority Leader John Flanagan, Assembly Speaker Carl Heastie, Assembly Minority Leader Brian Kolb, Senator Michael Nozzolio, Senator Rich Funke, and the New York State Association of Counties.

State of New York}
County of Ontario}

This is to Certify that I, Karen R. DeMay, the undersigned Secretary of the Inter County Association of Western New York, have compared the foregoing copy of resolution with the original resolution now on file in this office and which was duly adopted by the Association at a session held on the 15th day of April 2016, and that the same is a true copy of said original and of the whole thereof.

In Witness Whereof, I have hereunto subscribed my name and affixed the official seal of the Inter County Association of Western New York dated February 18, 2016.



Karen R. DeMay

Karen R. DeMay, Secretary
Inter County Association of Western New York

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RESOLUTION NO. 2016 – 27 - IC

RESOLUTION IN SUPPORT OF S. 1151 (O'MARA)/A. 3611 (MORELLE) TO BE INCLUDED IN THE ADOPTED FY 2016-2017 STATE BUDGET

WHEREAS, S. 1151 A. 3611 legislation would generate additional revenue for school districts and other local governments by treating IDA projects the same as other property for purposes of the two percent real property tax cap; and

WHEREAS, One of the intentions of the real property tax cap is to allow a taxing jurisdiction's tax levy to increase due to "quantity change," or new growth or significant additions to existing properties. The additional new growth is to be factored into the "Tax Levy Growth Factor" to determine the amount of increase from the prior year that taxing jurisdictions can increase their tax levy; and

WHEREAS, New growth that is subject to an IDA Payment In Lieu of Tax agreement is excluded from the calculation for determining a jurisdiction's Tax Levy Growth Factor. Even when property comes off of a PILOT and is entered onto the taxable rolls, it isn't included in the calculation for the determining the growth factor. As a result, communities that are successful in attracting new economic growth through incentives provided by an IDA are penalized. Thus, a community that must pay for new services and infrastructure to support new economic growth cannot grow its tax base proportionately to pay for these additional costs if the property is improved through incentives provided by an IDA; and

WHEREAS, At the end of last session, the legislature included a requirement in legislation that was signed by the Governor for the Department of taxation and finance to, "...as appropriate, promulgate rules and regulations regarding the calculation of the quantity change factor which may adjust the calculation based on the development on tax-exempt land;" and

WHEREAS, Action this year is especially important since local governments will realize nearly no new growth in their tax levies this year. Enactment of this provision would remedy the unfair treatment of assessed property under a PILOT, generate needed revenue for local taxing jurisdictions, and restore the partnership between school districts and economic development agencies that existed prior to enactment of the tax cap; now, therefore, be it

RESOLVED, That *Inter County Association of Western New York, an association representing over three million constituents in Western New York State* believes that when the legislature included this language in legislation last year, it intended for the Department of Taxation and Finance to act. It has not; so

therefore, Western New York State Counties are encouraging the New York State Legislature to include in the final state budget the specific language contained in the Morelle/O'Mara legislation; and further

RESOLVED, That certified copies of this resolution be sent to Governor Andrew Cuomo, Senate Majority Leader John Flanagan, Assembly Speaker Carl Heastie, Assembly Minority Leader Brian Kolb, Senator Michael Nozzolio, Senator Rich Funke, and the New York State Association of Counties.

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County of Ontario}

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RESOLUTION NO. 2016 – 28 - IC

CALLING ON THE STATE TO INCREASE INDIGENT LEGAL DEFENSE SYSTEM FUNDING

WHEREAS, The United States Supreme Court held in *Gideon v. Wainwright* that the right to counsel for one charged with a crime is fundamental and that it is the state's responsibility to supply lawyers for those unable to afford them; and

WHEREAS, In 1965 the State of New York delegated this state responsibility to counties; and

WHEREAS, The decision to place responsibility at the county level in the State of New York has resulted in a system by which the county and local property taxpayers are burdened with the vast majority of costs for this state responsibility; and

WHEREAS, The shift of costs for this state mandated service has become so imbalanced that the counties of New York now cover over 80% of the cost; and

WHEREAS, Implementation of the constitutional right to counsel under *Gideon* is a state, not county, obligation; and

WHEREAS, Assemblymember Patricia Fahy and Senator John DeFrancisco recently sponsored a same-as bill (A.6202B/S.6341) recognizing that indigent defense is a State fiscal responsibility and requiring the State, not the county, to pay for such service; and

WHEREAS, Assemblymember Fahy and Senator DeFrancisco are commended for championing a state fiscal takeover of indigent defense services, which will directly lead to improvements to this vital service for residents in need, and provide meaningful fiscal mandate relief for counties and real property taxpayers; and

WHEREAS, The State and multiple counties were sued, and ultimately settled, *Hurrell-Harring, et. al v. State of New York*, which sought to transform the indigent defense system and called for more government funding to be invested in the system; and

WHEREAS, The *Hurrell-Harring* settlement requires the parties involved in the suit to provide additional indigent defense services and costly increases including first arraignment counsel, case load caps for public defenders, and additional staff and support for public defenders; and

WHEREAS, The proposed 2015-16 Budget only allocates increased funding to the five counties involved in the Hurrell-Harring lawsuit for expanding indigent defense; and

WHEREAS, The remaining 52 counties need increased funding so that expanded indigent defense services are uniform throughout the State; and

WHEREAS, The Governor has stated recently that the entire New York State justice system needs to be examined to insure it provides the most equitable and fair treatment possible; and

WHEREAS, The state can improve the public defense system by incrementally increasing state funding, designing a cost-effective way to finance the system over time, and relieving counties of a responsibility delegated to them since 1965; now, therefore, be it

RESOLVED, That *Inter County Association of Western New York, an association representing over three million constituents in Western New York State* supports increased state funding to the indigent legal defense system and for the state to ensure counties will not be forced to pay for the additional requirements resulting from the Hurrell-Harring settlement; and further

RESOLVED, That certified copies of this resolution be sent to Governor Andrew Cuomo, Senate Majority Leader John Flanagan, Assembly Speaker Carl Heastie, Assembly Minority Leader Brian Kolb, Senator Michael Nozzolio, Senator Rich Funke, and the New York State Association of Counties.

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RESOLUTION NO. 2016 – 29 - IC

RESOLUTION OPPOSING 12-WEEK LEAVE PROGRAM IN GOVERNOR CUOMO'S 2016-2017 PROPOSED BUDGET

WHEREAS, Current law provides for family medical leave for employees of businesses with 50 or more employees; and

WHEREAS, Governor Cuomo has proposed a 12-week family leave program which expands upon current law; and

WHEREAS, This paid leave program will provide 12 full weeks of job protected leave and cover all businesses regardless of size; and

WHEREAS, *Inter County Association of Western New York, an association representing over three million constituents in Western New York State* has agricultural and small businesses which would have difficulty sustaining operations by holding a position open for such a period of time; and

WHEREAS, Inter County Association has determined that this would be detrimental to small businesses throughout western New York State; now, therefore, be it

RESOLVED, That Inter County Association hereby opposes the Strong Families, Strong New York program proposed in Governor Cuomo's 2016-2017 Proposed Budget; and further

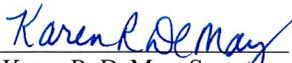
RESOLVED, That certified copies of this resolution be sent to Governor Andrew Cuomo, Senate Majority Leader John Flanagan, Assembly Speaker Carl Heastie, Assembly Minority Leader Brian Kolb, Senator Michael Nozzolio, Senator Rich Funke, and the New York State Association of Counties.

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RESOLUTION NO. 2016 – 30 - IC

MEMORIALIZING THE GOVERNOR, THE NEW YORK STATE LEGISLATURE, AND THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO MAKE MUNICIPALITIES AND LANDFILL OPERATORS WHOLE FOR THE ADDITIONAL COSTS OF ELECTRONICS WASTE RECYCLING

WHEREAS, The New York State Electronic Equipment Recycling and Reuse Act (Act) was adopted by the State Legislature in 2010 in order to assist local governments with managing the fast-growing electronics waste stream by requiring electronics manufacturers to fund electronics recycling and relieve municipalities from the costs; and

WHEREAS, The Act also created a ban on disposal of electronic waste in landfills, effective January 2015; and

WHEREAS, Once manufacturers met their performance goal, which in a number of cases is midway through the year, they no longer provide financial support to continue their collection programs, thus shifting a cost of \$47,000 to County Government; and

WHEREAS, While the Act has succeeded in significantly increasing electronics recovery and recycling in the state, local governments are faced with mounting fees in the absence of consistent manufacturer funding and limited markets for cathode ray tubes (CRTs); and

WHEREAS, The Act empowers the New York State Department of Environmental Conservation (NYSDEC) to promulgate regulations to address shortcomings in the law, and in October 2015 NYSDEC officials indicated that such rules were being drafted by department officials; now, therefore, be it

RESOLVED, That *Inter County Association of Western New York, an association representing over three million constituents in Western New York State*, calls upon New York State and NYSDEC to restore the recycling channel for all electronic waste as a no-cost service to residents or local municipalities, thereby ending this unfunded mandate upon the citizens; and further

RESOLVED, That certified copies of this resolution be sent to Governor Andrew Cuomo, Senate Majority Leader John Flanagan, Assembly Speaker Carl Heastie, Assembly Minority Leader Brian Kolb, Senator Michael Nozzolio, Senator Rich Funke, and the New York State Association of Counties.

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RESOLUTION NO. 2016 – 32 - IC

RESOLUTION CALLING FOR STATE FUNDING TO UPDATE FLOOD MAPS

WHEREAS, The New York State Department of Environmental Conservation (DEC) is currently drafting a State Flood Risk Management Standard Guidance for Implementation of the Community Risk and Resiliency and

WHEREAS, Said Guidance document being developed by DEC will recommend new standards for making communities less susceptible to flood events through new recommendations such as increasing the level above the 100 year flood elevation that critical infrastructure and residences must be built, making public roads passable during 500 year flood events, and for construction in tidal areas taking into account rising sea level and tides; and

WHEREAS, Accurate compliance with the recommendations that are contained in the final guidance document will depend upon accurate mapping of floodways, flood elevations, and 100 and 500 year floodplains; and

WHEREAS, The DEC has identified the fact that most Flood Plain and floodway maps provided by the Federal Emergency Management Agency (FEMA) are in need of updating; and

WHEREAS, The DEC has estimated that updating floodway and floodplain maps where digital data complying with FEMA standards exists will cost on average between \$50,000 and \$70,000 per County; now, therefore, be it

RESOLVED, That ***Inter County Association of Western New York, an association representing over three million constituents in Western New York State***, recognizes that climate change is necessitating better recognition of and standards for dealing with construction in regard to floodways and floodplains across New York State in order to mitigate susceptibility of our communities to the increasing risk of flood damage; and further

RESOLVED, That Inter County Association of Western New York understands that accurate, digital floodway and floodplain maps are vitally important to communities in their efforts to make residences, critical infrastructure, and public roads less susceptible to flood damage and continuing to make emergency services available during flood events; and further

RESOLVED, That Inter County Association of Western New York calls upon Governor Andrew M. Cuomo, the New York State Assembly, the New York State Senate and the State Department of Environmental Conservation to establish a program and funding mechanism to update Floodway and Floodplain maps across the state; and further

RESOLVED, That the Governor, Assembly, and Senate of the State of New York recognize the value of the digital elevation data and digital orthographic photography provided by Ontario and many other Counties across the state in updating floodplain and floodway maps and propose no further financial burden upon county governments in updating of floodway and floodplain maps; and further

RESOLVED, That certified copies of this resolution be sent to Department of Finance, Governor Andrew Cuomo, Senate Majority Leader John Flanagan, Assembly Speaker Carl Heastie, Assembly Minority Leader Brian Kolb, Senator Michael Nozzolio, Senator Rich Funke, New York State Association of Counties, and New York State Association of Counties.

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