

# 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](mailto:karen.demay@co.ontario.ny.us) or [brenda@co.steuben.ny.us](mailto:brenda@co.steuben.ny.us)

Robert A. Green, Jr., President – Ontario County  
Peter Yendell, 1<sup>st</sup> Vice President – Livingston County  
Shelley Stein, 2<sup>nd</sup> Vice President – Genesee County  
Karen R. DeMay, Secretary – Ontario County  
Brenda K. Mori, Treasurer – Steuben County

**RESOLUTION COMMITTEE:**  
Donna Vickman, Cattaraugus County  
John Pastrick, Chemung County  
David Callard, Orleans County

*Representing the Counties of Allegany, Cattaraugus, Cayuga, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuylers, Seneca, Steuben, Tompkins, Wayne, Wyoming, and Yates*

## MINUTES – May 13, 2016

The meeting, held at Canandaigua Yacht Club, 3524 County Road 16, Canandaigua, NY, hosted by Ontario County, was called to order by Association President Robert Green (*Ontario*) at 10:00 a.m. P. Yendell (*Livingston*) led the Association in the Pledge of Allegiance, and A. Jackson (*Chemung*) provided the invocation.

### Roll call of counties

- The following **13** counties answered roll call:  
Allegany (3), Cattaraugus (4), Cayuga (1/1), Chautauqua (1), Chemung (5/1), Genesee (1), Livingston (2+1), Monroe (2), Ontario (3+2), Orleans (2), Steuben (3), Wayne (2), and Yates (1). **30 members, 7 guests in attendance.**

### Welcome from Host County

Ontario County Board Chair Jack Marren welcomed everyone to the Ontario County. He introduced Mr. Brian Young, newly appointed Deputy County Administrator who is present today.

Mr. Marren reported he, along with Director David Zorn, is visiting Genesee Finger Lakes Regional Planning Council member counties this spring. It is great to learn what each county presents for ‘marketing’; parks, lakes, natural resources, as well as identifying shovel-ready areas. In speaking with various Chambers of Commerce he further identified two other relative assets; those that are manmade, and those that are natural. He closed by saying thanks for attending today.

P. Helming (*Ontario*) serves as the Supervisor for the Town of Canandaigua where the Yacht Club is located. She thanked all those who contributed to today’s event and encouraged everyone to visit Onanda Park, just down the road.

### Approval of Minutes

J. Pastrick (*Chemung*), made the motion, seconded by R. Lemon (*Chautauqua*), to accept the minutes of the April 15, 2016, as written; motion carried.

### Approval of Treasurer’s Report

H. Lando (*Steuben*), made the motion, seconded by P. Helming (*Ontario*), to accept the Treasurer’s report dated April 20, 2016; motion carried.

	-	+	Net
Treasury Balance ending March 31, 2016			<b>\$6,501.96</b>
“Cash Box” as of April 30, 2016		\$30.00	
Check Book Balance as of April 30, 2016		\$6,201.96	
<b>Receipts:</b>			
April Meeting Registrations Wyoming County (2 registrations outstanding)		\$800.00	
<b>Disbursements:</b>			
Ck#1157 – Kristi Streamer – Amber Latern	\$820.00		
Ck#1158 – Partyman Catering & Rental – deposit for August Mtg @ Livingston	\$250.00		
<b>Treasury Balance ending April 30, 2016</b>			<b>\$6,231.96</b>

## NYSAC Update

Mark LaVigne, NYSAC Deputy Director, distributed state budget impact summaries focused on information relating to individual counties. He spoke on current information regarding:

- Highlights of the Budget Impact Summaries.
- Recognize and thank senate for political statement regarding no new mandates (S3144). They understand that the decisions in the state capital have a direct impact on property taxes.
- The increase in the D.A. salaries is not huge, but it represents a mandate imposed on local governments without reimbursement. NYSAC is working with senate and assembly to pass a bill to reimburse counties for the increase. Historically the DA salary has been linked with the judges, requiring them to be equal.
- Mark LaVigne agreed that it is hard to educate our citizens when things get clouded with rhetoric from Albany. He encouraged continuing with resolutions, press releases, education campaign, continual communication with senate and assembly.

Mr. Green (*Ontario*) mentioned that the D.A. salary increase represents a 20% increase in their salaries, but at the same time the counties are being held to a lower percentage, less than 1% tax cap, at the county and town levels. Everyone is frustrated with so little ways to express ourselves.

- There are new regulations on eligibility with indigent defense services and those seeking defense. This will increase the number of people eligible placing further burden on our counties. Caseloads could double. NYSAC has sent a letter to Albany asking for minimum of delay, moving the date from October 2016 to April 2017. Related Bills are S6341-A and A6202-C.
- There are only 27 days as of this meeting in the legislative calendar.
- Bill No. A10178 relates to a public safety communications surcharges on prepaid wireless telecommunications services and to wireless surcharges in certain counties. This bill would reduce the surcharge of \$1.20 per month on 9-1-1 Public Safety on contracted cell phones and apply a lower \$1.00 per month surcharge on all devices capable of connecting to 9-1-1 as well as giving all counties the authority to apply a local surcharge dedicated solely to 9-1-1 emergency communication centers. Under current law, the State imposes a \$1.20 Public Safety Surcharge on all contracted wireless cell phones in order to fund 9-1-1 operations. Counties are burdened with necessary upgrades to 911 systems and face the challenge of meeting current communications needs while positioning themselves to be ready for future investments and demands. NYSAC continues to advocate for a greater county share of the funding collected for 911.
- Cell towers. Crown Castle is a company that can partner with counties to become landlords creating lease/license agreements for unused space on towers. Crown Castle will be at finance school next week and available to meet with counties to present this concept.

Mr. Hebert (*Monroe*) asked NYSAC to continue to supply information and data that our counties can bring to residents. He suggested executive summary type information on issues, brief and succinct.

Mark LaVigne ended by noting five affiliate organizations are holding their annual conferences this upcoming week.

Association of Clerks of County Legislative Boards  
County Attorneys' Association of the State of New York, Inc.  
New York State Association for Solid Waste Management  
50th Annual County Finance School  
NYS 911 Coordinators

### Old Business:

M Morris (*Yates*) spoke about revisiting benchmarking with other states. (Inter County Resolution No. 20-2015, adopted June 19, 2015, entitled, "***Resolution in Support of Establishing Statewide Benchmarks for Measuring the Efficiency of State and Local Governmental Functions***"). Secretary DeMay will check with last year's secretary, Deb Liseno.

**\*\* After checking with Deb Liseno, there has been no communication back from the Comptroller's Office since this resolution was delivered to them.**

**New Business:** M. Morris (*Yates*) sees our association as a powerful group, a voice for western rural counties that sometimes have no influence. Our group should be proactive and advocate for these counties.

**Resolutions:**

FINAL NUMBER	PRESENTING COUNTY	RESOLUTION TITLE	ACTION TAKEN
33	Allegany	Resolution to Support Funding for Farmland Preservation and Agricultural Local Assistance Programs	<i>Motion to adopt</i> made by K. LaForge (Allegany), seconded by C. Ferratella (Steuben). <i>motion carried unanimously.</i>
34	Allegany	Resolution Supporting An End To Executive Administrative Cuts, An Increase In The Base Grant, Per Capita Rate, And State Aid Formula That Constitute Article 6 State Aid Reimbursement For Mandated General Public Health Work Undertaken By Local Health Departments As Population Health Partners Of New York State	<i>Motion to adopt</i> made by K. LaForge (Allegany), seconded by H. Lando (Steuben). <i>motion carried unanimously.</i>
35	Allegany Chautauqua Yates	Resolution Calling on the State of New York to Fully Reimburse Counties for District Attorney Salary Increases Set by the State.	<i>Motion to adopt</i> made by M. Morris ( <i>Yates</i> ), seconded by P. Helming (Ontario). <i>motion carried unanimously.</i>

M. Morris (*Yates*) hand-carried to the meeting Yates County Resolution No. 205-16, entitled, “Amend Res. No. 178-16, Adopt 2016 Non-Union Salary Schedule”. **Yates County resolves: ‘that effective April 1, 2016, the Yates County District Attorney’s salary be increased from \$152,000 to \$183,400 upon being advised that New York State will reimburse Yates County for the DA Salary increase.....’.** Yates County has decided to go one step further than simply protesting the unfunded mandate of increased salary for the District Attorney. Other counties expressed frustration and some have considered the same. Mr. Morris realizes this is a late file document for this association’s consideration and is not requesting action today. R. Green (*Ontario*) stated Ontario County was crushed by the Appellate Division in 1982 in *Harvey v. Finnick*. Ontario had to pay all back-pay on that decision.

**Presentation/Program:**

P. Helming (*Ontario*) introduced Mr. Kevin Olvany, the Canandaigua Lake Watershed Manager. Mr. Olvany presented and informative slide show on protecting our water. He reported that over 70,000 people rely on Canandaigua Lake for drinking water. He reviewed the watershed plan which covers protection, restoration of critical areas such as wetlands, shorelines, floodplains, and stormwater runoff to mention a few. As part of his presentation he offered information on blue-green algae. Certain blue-green algal species have strains capable of producing toxins, posing a risk to humans, pets, and wildlife. (For more information; please check out this link: [www.canandaigualake.org](http://www.canandaigualake.org) ).

The Association thanked Mr. Olvany for his presentation.

**Adjournment:** On motion of M. Didio (*Cayuga*), seconded by J. Pastrick (*Chemung*), the meeting was adjourned at 12:10 PM; motion carried.

Respectfully submitted,



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

**\*\* Follow-up information**

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## RESOLUTION NO. 2016 – 33 - IC

### RESOLUTION TO SUPPORT FUNDING FOR FARMLAND PRESERVATION AND AGRICULTURAL LOCAL ASSISTANCE PROGRAMS

**WHEREAS**, The enacted 2015/2016 state budget included \$50 million from the Special Infrastructure Account for farmland preservation and other strategic initiatives to protect farms and related businesses in the Southern Tier and Hudson Valley; and

**WHEREAS**, When combined with the \$15 million allocated for farmland protection from the Environmental Protection Fund, the enacted budget represented the largest investment in farmland protection in New York State history; and

**WHEREAS**, New York State's funding for agricultural local assistance programs has not seen an increase in many years; and

**WHEREAS**, Annually, the executive-proposed state budget does not include funding for many core programs, leaving it to the Legislature to restore funding before the budget is enacted; and

**WHEREAS**, The enacted 2015/2016 state budget allocated \$30,231,000 in funding for agricultural local assistance programs, a significant increase over the \$16,183,000 included in the Governor's initial proposal, and

**WHEREAS**, The Governor's 2016/2017 proposed budget, released on January 13, 2016, allocated \$20 million to farmland preservation, and \$19,863,000 to agricultural local assistance programs; and

**WHEREAS**, The agriculture industry remains a top contributor to the New York State economy, providing critical jobs, revenues, and food for our state and beyond; and

**WHEREAS**, New York's farmland protection and agricultural assistance programs help sustain this vital industry, and are deserving of a higher level of funding that can be continued in future years; 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 the historic commitment New York State made in 2015 toward farmland preservation, and urges state lawmakers to sustain this commitment; and further

**RESOLVED**, That Inter County Association further calls upon the Governor and State Legislature to continue New York's commitment to local farms and the agricultural sector and provide a robust level of funding both for farmland preservation and local assistance programs; 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 13<sup>th</sup> day of May 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 May 16, 2016.



*Karen R. DeMay*

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

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## RESOLUTION NO. 2016 – 34 - IC

### **RESOLUTION SUPPORTING AN END TO EXECUTIVE ADMINISTRATIVE CUTS, AN INCREASE IN THE BASE GRANT, PER CAPITA RATE, AND STATE AID FORMULA THAT CONSTITUTE ARTICLE 6 STATE AID REIMBURSEMENT FOR MANDATED GENERAL PUBLIC HEALTH WORK UNDERTAKEN BY LOCAL HEALTH DEPARTMENTS AS POPULATION HEALTH PARTNERS OF NEW YORK STATE**

**WHEREAS**, the prevention and population health activities of local health departments in NYC and 57 other counties in New York State are essential to the overall health of the State’s residents and communities, and crucial to the success of the State’s Medicaid Redesign Team efforts, and

**WHEREAS**, unhealthy community environments lead to incidents such as the recent outbreak of Legionnaire’s Disease in the Bronx that resulted in the deaths of 12 individuals whose general health was compromised by underlying medical conditions that are aggravated by poor air quality and other characteristics of an unhealthy environment, and

**WHEREAS**, New Yorkers can be, and have been, exposed to deadly communicable diseases such as Ebola that may arrive from other nations via global travelers at any time, and

**WHEREAS**, stable and timely funding to support core public health services delivered by local health departments under Article 6 of the Public Health Law is necessary for the protection of all communities within New York State, and

**WHEREAS**, Article 6 of the Public Health Law currently provides a base grant of either a set amount or a per capita rate of local health department (LHD) expenditures on core public health services, and then State reimbursement for 36 percent of LHD costs beyond the base grant, and

**WHEREAS**, the State has reduced its annual appropriations for Article 6 Public Health spending by 40 percent over the last several years, and

**WHEREAS**, New York State does not allow local governments to recover any of its necessary expenditures on fringe benefits for local health department personnel who provide core public health services mandated under Article 6, and

**WHEREAS**, in state fiscal year 2011-12, the State eliminated the allowance of State Aid for so-called “optional services” by local health departments, such as early intervention (mandated services), medical examiners, dental health services, some environmental health activities, certified home health agencies, and more, and

**WHEREAS**, administrative actions by the New York State Department of Health (NYSDOH) such as the reduction since 2012, and eventual elimination, of revenue offset; the refusal to cover costs associated with the contribution that other local governmental offices make to the work of their local health department Maintenance in Lieu of Rent (i.e. “MILOR”); and a recent refusal to cover technical assistance in rural counties for well water and septic tank problems that can compromise the sanitation and health of communities throughout rural areas of the state, and

**WHEREAS**, the reduction and eventual elimination of the revenue offset and other administrative actions leads to a reduction in the generation of fee and penalty revenue that, in turn increases the need for local budget cuts, including staff reductions that compromise the capacity of local governments to ensure the provision of the core services necessary to protect the public’s health, and

**WHEREAS**, NYSDOH has frequently applied changing and inconsistent standards in what it allows as State Aid claims without advance notice, from quarter to quarter, region to region, or county to county, and

**WHEREAS**, inflation-adjusted payments by New York State for Article 6 state aid to local health departments have declined since 2011, and as a result, local expenditures for public health services and subsequent claims for such state aid have declined dramatically, with New York City claims alone dropping by \$85 million and State Aid payments to New York City declining by \$120 million, and

**WHEREAS**, executive administrative reductions to Article 6 State Aid reimbursement have a negative impact on the ability of local health departments to protect the public including:

- enforcing regulations intended to reduce the incidence and risk of Legionnaire's Disease;
- eliminating the HIV/AIDS epidemic;
- preventing and controlling the spread of communicable diseases;
- responding to the current heroin and opioid epidemic;
- ensuring the safety of the food we eat, the water we drink and the air we breathe;
- ensuring the safety of New Yorkers in camps, beaches and other recreational venues;
- preventing major causes of death and chronic disease such as heart disease, diabetes, asthma and cancer;
- monitoring and control of insect-borne diseases such as Lyme Disease, West Nile Virus, EEE;
- monitoring the public health impact of an influx of unaccompanied minors into the U.S. and specifically New York State;
- monitoring and responding to international health threats and emergencies, among other public health needs, and

**WHEREAS**, local health departments deserve respect for their dedication to public health and their expertise in population health, and

**WHEREAS**, local health departments require adequate state funding as key partners of the New York State Department of Health in population health efforts to achieve statewide goals set in the New York State Prevention Agenda, and

**WHEREAS**, the current limits on base grants and State Aid combined with increasing administrative cuts and disallowances are creating a cascading negative financial impact on local health departments and eroding their local public health infrastructure, and

**WHEREAS**, New York State has imposed a cap on property taxes that further restricts the ability of local government to fund core public health services, now, therefore, be it

**RESOLVED:**

1. That *Inter County Association, an association representing over three million constituents in Western New York State*, calls on the Governor to compensate, within the 2016-17 Executive Budget and subsequent budget years, for significant state funding cuts to local health departments since 2010 by taking the following steps in the Article 6 State Aid for General Public Health Work base grants and reimbursement rates:

A. Instruct the Division of Budget and NYSDOH to end administrative actions that will result in further erosion of State Aid to local health departments;

B. Increase the base grant with 100 percent reimbursement of local expenditures on core public health services for partial service counties from \$500,000 to \$550,000; for full service counties from \$650,000 to 750,000; and the per capita rate of the base grant from 65 cents per capita to \$1.30 per capita;

C. Increase the State Aid reimbursement rate for local health department expenditures beyond the base grant from 36 percent to 38 percent;

D. Reimbursement for new state mandated activities required of Local Health Departments at 100 percent.

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, NYSAC, and all others deemed necessary and proper.

State of New York}  
County of Ontario}

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Karen R. DeMay, Secretary,  
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## RESOLUTION NO. 2016 – 35 - IC

### A RESOLUTION CALLING ON THE STATE OF NEW YORK TO FULLY REIMBURSE COUNTIES FOR DISTRICT ATTORNEY SALARY INCREASES SET BY THE STATE

**WHEREAS**, On December 24, 2015, New York State Commission on Legislative, Judicial, and Executive Compensation voted to recommend increasing all state judge salaries in 2016 and 2018; and

**WHEREAS**, This salary increase recommendation occurred well after all counties set their 2016 budgets in law; and

**WHEREAS**, The recommended increase placed Supreme Court Judges' salaries at \$193,000 in 2016 and \$203,000 in 2018 and placed County Court Judges at 95 percent of a Supreme Court Justice's salary; and

**WHEREAS**, On April 1, the State approved the Commission's recommendation, and

**WHEREAS**, State Judicial Law 183-a links judicial salaries with County District Attorneys' salaries to be equal or higher than either the County Court Judge or Supreme Court Judge in a county, depending on full time or part time status; and

**WHEREAS**, For over 50 years, the State has funded all salary increases that they imposed on the counties; and

**WHEREAS**, District Attorneys are entitled to the compensation they are owed pursuant to state law for fulfilling the state constitutional and statutory duties related to the enforcement of the state penal law; and

**WHEREAS**, On April 1, 2016, the State Legislature enacted a \$150 billion State Budget, but did not include the funding for the \$1.6 million in reimbursement costs for the increase in District Attorney salaries; and

**WHEREAS**, The state has been careful over the past few years to avoid shifting costs to the local tax base, mindful of the impact locally with the state imposed property tax cap; and

**WHEREAS**, For many counties this salary increase represents approximately one third of their total allowable property tax growth for all government operation in 2016; 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 on the State of New York to immediately pass legislation and pay for this increase retroactive to April 1, 2016, and not pass this unfunded mandate on to local taxpayers; and further

**RESOLVED**, That *Inter County Association of Western New York*, further calls upon the State of New York to enact legislation that makes all future increases in a District Attorney's salary attributable to Judicial Law 183-a an obligation to be paid for by the State of New York; 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, and all others deemed necessary.

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**In Witness Whereof**, I have hereunto subscribed my name and affixed the official seal of the Inter County Association of Western New York dated May 16, 2016.



A handwritten signature in blue ink that reads "Karen R. DeMay". The signature is written in a cursive style and is positioned above a horizontal line.

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