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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, Schuyler, Seneca, Steuben, Tompkins, Wayne, Wyoming, and Yates*

**MINUTES - August 19, 2016**

The meeting, held at Double M Schuster Barn, 6464 Liberty Pole Road, Sparta, NY, hosted by Livingston County, was called to order by Association President Bob Green (*Ontario*) at 10:00 a.m. President Green remarked how fortunate we are to live in Western New York. Our thoughts and concerns go out to those in Louisiana and California with floods and fire. He then introduced NYS Assemblyman Bill Nojay (*133<sup>rd</sup> District*) who led the Association in the Pledge of Allegiance, and S. Stein (*Genesee*) who provided the invocation.

**Roll call of counties**

- The following **12** counties answered roll call:

Cattaraugus (3), Chautauqua (1), Chemung (3/1), Genesee (2), Livingston (3/9), Monroe (2) Ontario (2), Orleans (1), Steuben (2), Wayne (2), Wyoming (1/1), and Yates (1). **23 members, 16 guests in attendance.**

**Welcome from Host County**

Livingston County Board Chairman Eric Gott welcomed everyone to ‘downtown’ Sparta, Livingston County. It is very fitting to discuss agri-business and agri-culture here today at the Double M Schuster Barn, a barn that has been repurposed.

President Green introduced Assemblyman Bill Nojay. Assemblyman Nojay first remarked what a beautiful day in Upstate New York! Our region holds 100 years supply of energy, one-seventh of the world’s fresh water, Tillable soil, and infrastructure to move heavy freight. These are 4 attributes of our region are much desired. We continue to educate downstate that we a necessary to their wellbeing. There is a bright future for Upstate New York.

**Approval of Minutes**

S. Stein (*Genesee*), made the motion, seconded by R. Lemon (*Chautauqua*), to accept the minutes of the June 17, 2016, as written; motion carried.

**Approval of Treasurer’s Report**

J. Patrick (*Chemung*), made the motion, seconded by S. Leroy (*Wayne*), to accept the Treasurer’s report dated July 31, 2016; motion carried.

	-	+	Net
Treasury Balance ending May 31, 2016			<b>\$6,113.96</b>
“Cash Box” as of July 31, 2016		\$30.00	
Check Book Balance as of July 31, 2016		\$5,909.65	
<b>Receipts:</b>			
June Meeting Registrations – Chemung County Meeting ( 43 pd attendees)		\$860.00	
Canandaigua Yacht Club, Refund of overpayment (May Mtg @ Ontario)		\$168.00	
<b>Disbursements:</b>			
Ck#1160 – Sweet n Saucy – Chemung County Meeting	\$1,202.31		
<b>Treasury Balance ending July 31, 2016</b>			<b>\$5,939.65</b>

**NYSAC Update**

Association President Green introduced Dave Lucas, Director of Finance and Intergovernmental Relations at NYSAC, who presented an Albany update. Mr. Lucas provided packets of information to each county. This included a summary of all legislative bills and their status along with sales tax data, maps, and charts. He addressed the following topics and items of interest. Discussion on these topics occurred during the presentation.

- NYSAC Fall Conference, September 19-21, 2016.
- Indigent Defense Bill, cost to counties; 400 million. There will be a gradual phase in during the seven-year takeover by the State. Next hurdle is to get the Governor to sign the Bill. Our counties will realize fiscal relief throughout this gradual takeover. NYSAC is working closely with NYS Office of Indigent Legal Services (OILS).
- White Paper, on NYSAC Website [A Primer on NY’s Heroin Epidemic](#) was referenced. It shows examples of what counties are doing to address this issue.
- Sales Tax 2<sup>nd</sup> quarter report is out and shows many counties down. (chart distributed in packets). In part, due to lower motor fuel costs.
- The current Property Tax Cap is set at .68%. It is not expected that the cap will go back to 2% for many years. Frustration grows on the part of many municipalities, especially smaller ones dealing with highway maintenance expenses from heavy equipment to salt. These increased well over the tax cap.
- Medicaid: Federal Government is reviewing State process. We expect the shares we send to Albany will drop, less than ½ of one percent. Fractional change in calculation.
- Pressure builds to stay within tax cap. NYS Comptroller reported that tax receipts are coming in lower than budgeted and spending is a little higher than anticipated. This is due, in part; to the Governor signing the Enhanced Vet Bill after budget was passed. It was not part of the budget. Deficits for next year are projected to go up.
- Signed into law, 16-17 year olds are allowed to be organ donors. This can be rescinded by a parent, though.

President Green thanked Dave Lucas and all members for discussion about these critical issues.

**Old Business:**

None.

**New Business:** Association President Green stated it is time to establish a Nominations Committee for the upcoming year, 2017. He is appointing Mark Schuster (*Livingston*) to lead that committee with two members; Shelley Stein (*Genesee*) and Mark DiDio (*Cayuga*). A slate of officers will be presented at the October 21<sup>st</sup> meeting, and the association will vote at the November 18<sup>th</sup> meeting.

**Resolutions:**

FINAL NUMBER	PRESENTING COUNTY	RESOLUTION TITLE	ACTION TAKEN
40	Wyoming	Resolution Petitioning Governor Cuomo and the State Legislature to Repeal Legislation which moves the STAR Exemption from a Real Property Tax Exemption to a Personal Income Tax Credit – AS AMENDED	<i>Motion to adopt</i> made by J. Davis ( <i>Wyoming</i> ), seconded by S. Stein ( <i>Genesee</i> ).  <i>Motion to amend</i> made by T. Sweet ( <i>Chemung</i> ), seconded by K. DeRoller ( <i>Orleans</i> ); <i>motion carried unanimously</i> .
41	Cattaraugus	Resolution Urging Governor Cuomo to Sign into Law Public Defense Mandate Relief Act (S.8114/A.10706)	<i>Motion to adopt</i> made by D. Koch ( <i>Cattaraugus</i> ), seconded by R. Neal ( <i>Cattaraugus</i> ) and R. Green ( <i>Ontario</i> ). <i>motion carried unanimously</i>

**Presentation/Program:**

The first presentation was Mr. Brian Paris of Craigs Station Creamery and Project Gardens. Mr. Paris presented a slide show along with information regarding the operations of the creamery. "Craigs Station is a joint venture of eight family-run farms and Dairy Farmers of America. It is a state-of-the-art facility that combines the resources of a leading dairy company with cutting-edge technology and the traditional goodness of family farming." Additional information can be found on their website: <http://www.craigsstationcreamery.com/>

The second presentation was Elissa Leuer, Director of Tourism and Marketing at the Livingston County Chamber of Commerce. Ms. Leuer spoke of the many Agribusiness and Tourism related facilities and attractions in Livingston County. Both presentations from Mr. Paris and Ms. Leuer were well received by the association.

President Green thanked the Schusters, Mark and Margaret, for hosting the meeting today in their barn. The Schusters have repurposed a tie-stall barn into a rustic event venue for weddings and other events.

**Adjournment:** On motion of J. Pastrick (*Chemung*), seconded by S. Stein (*Genesee*), the meeting was adjourned at 11:45 AM followed by lunch; motion carried.

**Reminder:**

The association will meet at the NYSAC Fall conference with the Adirondack Association on Wednesday, September 21, 2016, in Niagara Falls.

The next regular meeting will be held at Mercy Grove, 7758 E. Main Road, LeRoy, NY, Genesee County, on October 21, 2016.

Respectfully submitted,



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

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**RESOLUTION NO. 2016 – 40 - IC**

**RESOLUTION PETITIONING GOVERNOR CUOMO AND THE STATE LEGISLATURE TO REPEAL LEGISLATION WHICH MOVES THE STAR EXEMPTION FROM A REAL PROPERTY TAX EXEMPTION TO A PERSONAL INCOME TAX CREDIT – AS AMENDED**

WHEREAS, Included in the 2016/2017 New York State Budget is enacted legislation to convert the STAR real property tax exemption to a Personal Income Tax (PIT) credit; and

WHEREAS, This transition is supported by both the New York State Assessors Association and the New York State Association of County Directors of Real Property Tax Services as New York State is better equipped to ensure the accuracy of this exemption; and

WHEREAS, This transition to a PIT credit would start with any STAR exemption that was granted for property owners that were not eligible as of March 2, 2015; and

WHEREAS, This transition would result in much confusion to the local property owner who has been under the assumption that they would be eligible for the exemption since they applied with their local Assessor; and

WHEREAS, When additional confusion is added to an already complicated property tax system taxpayers become more frustrated with the whole tax system; and

WHEREAS, This transition will require Assessors' Offices to send copious denial letters for this exemption which will increase the amount of phone calls, letters, and foot traffic to explain why the denial has to occur when an approval was already sent out; and

WHEREAS, This unexpected additional property tax amount may also result in higher than normal unpaid school tax bills, forcing the counties to relevy the unpaid amounts with additional penalties and interest thereby increasing the tax burden on these individuals, as well as causing the counties to have to make school districts whole in tax collection for higher than normal amounts; 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*, petitions New York State to repeal Legislation which moves the STAR exemption from a real property tax exemption to a personal income tax credit; 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 19<sup>th</sup> day of August 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 August 19, 2016.



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

DRAFT

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**RESOLUTION NO. 2016 – 41 - IC**  
**URGING GOVERNOR CUOMO TO SIGN INTO LAW**  
**PUBLIC DEFENSE MANDATE RELIEF ACT**  
**(S.8114/A.10706)**

WHEREAS, It is a fundamental right of all persons in the United States to be represented by counsel in all criminal prosecutions; and in the case of Gideon vs. Wainwright, 372 U.S. 335, the United States Supreme Court ruled that persons who were unable to afford counsel had a constitutional right to be defended by an appointed attorney paid by the State; and

WHEREAS, New York State Senate and Assembly have passed historic legislation entitled Public Defense Mandate Relief Act (S.8114/A.10706) which will require New York State to reimburse counties for expenditures made fulfilling the state's obligation to provide representation for those financially unable to afford counsel commencing incrementally in 2017 and reaching 100% in 2023 and thereafter; and

WHEREAS, The Public Defense Mandate Relief Act (S.8114/A.10706) will give the Indigent Legal Service Office the authority “to adopt, promulgate, amend or rescind rules and regulations to carry out the provisions of [Executive Law 832], including to (i) ensure the presence of counsel at the first appearance of any eligible defendant charged with a crime, (ii) establish caseload/ workload regulations for attorneys providing mandated representation, and (iii) improve the quality of mandated representation”; and

WHEREAS, The Public Defense Mandate Relief Act (S.8114/A.10706) also requires that the various counties and New York City receive an amount equal to the amount paid from the Indigent Legal Services Fund to the counties and NYC in March 2010; and

WHEREAS, New York State has entered into an agreement to settle the Hurrell-Harring vs. State of New York class action lawsuit and has begun to expend substantial amounts of State funds to create a more equitable and Constitutional system of representation in only the five settlement counties and creating an unequal system of justice in the remaining counties of the State; and

WHEREAS, By entering into such agreement and funding additional services in only the five settlement counties, the State acknowledges that it is constitutionally required to fund public defense services and to fund initiatives to improve the quality of public defense, ensure representation at arraignment, implement caseload standards for providers of indigent legal services, and implement statewide standards for determining eligibility for mandated representation; and

WHEREAS, Requiring counties to finance the State's obligation to provide public defense services

imposes a significant uncontrollable financial burden on counties dependent on real property taxes to fund needed services and subject to a State-imposed tax cap that would be remedied under the Public Defense Mandate Relief Act (S.8114/A.10706) as passed by the New York State Senate and Assembly; 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*, hereby strongly urges Governor Cuomo to sign the Public Defense Mandate Relief Act (S.8114/A.10706) when it is delivered to him, fulfilling the State's obligation under Gideon vs. Wainwright, 372 U.S. 335, relieving the taxpayers of Western New York State and the other counties of the State and New York City to fund this State mandate; 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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