

Moved by: Mrs. Bradley

Seconded by: Mr. Morrill

Adopted: Roll Call — 21 Yes; 0 No; 1 Absent

RESOLUTION NO. 192—77

**RESOLUTION SETTING DATE OF PUBLIC HEARING ON
PROPOSED LOCAL LAW NO. 6 FOR THE YEAR 1977,
A LOCAL LAW TO AMEND A LOCAL LAW ENTITLED
"A LOCAL LAW PROVIDING FOR AN EXEMPTION FROM
TAXATION AND SPECIAL AD VALOREM LEVIES IMPOSED BY
THE COUNTY OF ST. LAWRENCE FOR COUNTY AND
PART-COUNTY PURPOSES"**

By Mr. LaBaff

WHEREAS, on this 8th day of August, 1977, Legislator Ernest LaBaff introduced proposed Local Law No. 6 for the year 1977 which will amend Local Law No. 5 for the Year 1976, and

WHEREAS, it will be necessary to set a date for a public hearing on said proposed local law,

NOW, THEREFORE, BE IT RESOLVED, that a public hearing shall be held on August 22, 1977, at 6:30 P.M. in the Board of Legislators Chambers, Court House, Canton, New York before the St. Lawrence County Board of Legislators, in relation to proposed Local Law No. 6 for the year 1977.

BE IT FURTHER RESOLVED, that the Clerk of the Board of Legislators is hereby directed to prepare a notice of said public hearing, to cause the publication of a copy of said notice in each of the two newspapers which have been officially designated by this Board to publish "local laws", and to post a notice on the bulletin board in the Clerk's office in the County Court House at Canton, New York; both publication and posting to be made at least five days before said hearing.

Moved by: Mr. LaBaff

Seconded by: Mr. LaSalle

Adopted: Voice Vote — 20 Yes; 1 No (Livingston); 1 Absent (Johnson)

RESOLUTION NO. 193—77

**AUTHORIZATION TO EXECUTE AGREEMENT FOR FEDERAL FUNDING
By Mr. Greco, Chairman, Finance & Audit Committee**

WHEREAS, the St. Lawrence County Traffic Safety Board, through the Transportation Program Department, its Executive Secretary, has heretofore made application for Federal Highway Safety Act Funds for a Traffic Engineering Services Grant (Project No. CD77-037-(001), and

RESOLUTION NO. 201-77

ADOPTING LOCAL LAW NO. 6 FOR THE YEAR 1977

By Mr. LaBaff, Chairman, Economic Development Committee

WHEREAS, Local Law No. 6 for the Year 1977 was introduced at the meeting of the St. Lawrence County Board of Legislators on August 8, 1977, and

WHEREAS, a public hearing was properly advertised and conducted,

NOW, THEREFORE, BE IT RESOLVED, that Local Law No. 6 for the year 1977 is hereby adopted.

Mr. Johnson questioned the legality of the local law. It is his understanding that a local law must be on the table 30 days prior to any action taken.

Chairman Rische stated that the law says only 7 days.

Mr. Ruitberg stated that in committee he endorsed and voted for this resolution. However, he feels Mr. Harrington's presentation was in poor taste and takes exception to his remarks.

Dr. Bixby stated that he was rather confused about the whole matter. He feels that the comments by the County Attorney have raised more questions. He would like more time for figures and information to be gathered. He would like more information from the County Attorney in black and white and get it all straight in their minds.

Mr. Greco remarked that up until now he had intentions of voting in favor of Local Law #6. Section 485, subdivision 5 says something to the effect that application for exemption must be submitted on or before the taxable status date, he said. Does this mean that someone should have submitted an application to our Director of Real Property?

Mr. Nelson replied, "No".

Mr. Greco asked if any completed construction was on the tax roll?

Mr. Saumier replied, yes, they are all on the tax rolls. This is the first year that it is on.

Is it on to include all capital improvements from September 23, 1976?, asked Mr. Greco.

Yes it is, replied Mr. Saumier.

Mr. Thompson agreed with Dr. Bixby that he would like to see some facts and figures.

Mr. Healey stated that he doesn't feel there is any question in what Mr. Nelson is saying regarding the original wording being illegal. He will vote in favor of this resolution.

Mr. LaBaff stated that he will support this resolution. He continued that all we are talking about is \$11,000.00. Mr. Rische added that the total assessment new was \$436,000.00.

Mr. LaBaff stated that \$11,000.00 is peanuts. Alcoa has contributed a great deal to St. Lawrence County. Outside of agriculture, industry is the next largest employer. When these industries come to the Board for help, we should support them, he said. The economic growth of St. Lawrence County depends largely on the expansion of its industry. The issue is to make the "climate" in St. Lawrence County the best.

Mr. Hess stated that he can see both sides of the coin. He doesn't, however, like being cast as a villain for an action that was taken by the Board of Supervisors some time ago. He said that Mr. Caldwell did impress him but the wrong way. He certainly took exception to Mr. Harrington's prepared statement which he felt was nothing more than blackmail. If this is all that is involved, \$11,000.00, he feels all indications are that this Board is in favor of economic expansion and he will support this local law.

The question was moved by John Ruitberg and seconded by Jack Harrington.

Mr. Greco called for a point of order. He asked for clarification from the County Attorney regarding moving the question. According to Robert's Rules of Order, it is his understanding that the question can not be moved while there is still a member who wishes to speak, unless it is moved by the sponsor. Is this correct?

Chairman Rische asked Mr. Greco why we would have a motion to close debate if everyone had spoken? If someone moves the question, he as chairman, must recognize that request. Each legislator has the option of voting no on the motion.

Mr. Livingston said, if he should move the question and Mr. Greco should move to second that motion, the Chairman does not have to recognize that second.

Chairman Rische asked if that was fair?

Mr. Livingston said he felt that it is only fair that if someone wishes to speak they should have that opportunity and moving the question should not be used as a muzzling action.

Chairman Rische pointed out that Mr. Livingston was not the only one who had his hand up at the time the question was moved. He said that Mr. Livingston should know what it is like, he was once Chairman. Mr. Rische said that he called on Mr. Ruitberg

not knowing what he was going to say. Mr. Ruitberg was called on and he moved the question.

Mr. Livingston felt this was entirely unfair. He said he remembers taking harrassment from Mr. Healey and Mr. Rishe over a similar situation and he thinks he could find it in the minutes.

That is not correct, responded Chairman Rishe.

Mr. Ruitberg remarked that he does not have eyes in the back of his head and due to the issue which has arisen, he will withdraw his motion.

Chairman Rishe asked Mr. Harrington if he wished to withdraw his second.

Mr. Harrington agreed.

Chairman Rishe announced that the motion to close debate has been withdrawn. The resolution is on the floor and open for discussion.

Mr. Sovie requested the floor for Bill Cook.

Mr. Cook stated that he is in favor of the amendment whole heartedly. It is his recommendation that the Board pass this amendment.

Mr. Greco stated that he would like some assurance from the County Attorney in regards to Local Law #5 for the year 1976, that he did say that we did not have the right to add the words "commenced on or after the effective date of this law." Is that correct?

Mr. Nelson replied yes.

But that also means that we don't have the right to put that restriction on there but the law itself can apply retroactively back as far as 1972 for capital improvements. Is that legal?

Mr. Nelson said yes, if by that you mean that a capital improvement made in 1972 obtains the benefit of Local Law #5 1976 for taxes assessed or imposed after May 1, 1977.

Mr. Greco said re: capital improvements started in 1972 and completed in 1975 — if the local law talks to retroactive capital improvements he is ready to vote in favor of this resolution.

Mr. Nelson acknowledged that this was correct.

Mr. Greco said that it is with this understanding that he will vote this way.

Mrs. Bradley asked if it would apply to other industries who have filed for their certificate also.

Mr. Greco replied yes, anybody who has a certificate is eligible.

Mr. Livingston stated that he would like to move to table action on this resolution. He said he was not as enlightened as some and thought that he understood this action would not revert past the date the local law was passed. He said that the Board has gone on record as giving industries tax exemptions.

Mr. Livingston moved to table action until the next regular meeting and give the County Attorney time to write down in layman's terms just what the facts are. Seconded by Dr. Bixby. Motion lost with 7 *yes*, (Otto, Peters, Moore, Hess, Livingston, Bixby, Johnson); 15 *No*.

Chairman Rishe said that the resolution as presented was on the floor.

Mr. Cook moved to close debate, seconded by Jack Harrington. Motion carried.

Moved by: Mr. LaBaff

Seconded by: Mr. LaSalle

Adopted: Roll Call — 19 *Yes*; 3 *No* (Livingston, Morrill, Johnson)

Chairman Rishe extended Mr. and Mrs. Francis Healey congratulations on their 35th Wedding Anniversary.

RESOLUTION NO. 202—77

TRANSFER OF FUNDS

By Mr. Greco, Chairman, Finance & Audit Committee

RESOLVED, that the County Treasurer is hereby authorized and directed to make the following transfers in the current budget:

Amount	From	To
\$3,700.00	1620.4 Buildings, Contractual	1620.1 Buildings, Extra Help

Moved by: Mr. Greco

Seconded by: Mr. Thompson

Adopted: Roll Call — 22 *Yes*; 0 *No*