

COMMITTEE ON LEGISLATION
MINUTES: APRIL 12, 2010

LEGISLATION

MEMBERS:

Chair: Nonna; Legislators: Myers, Burton, A. Williams, Harckham, Rogowsky, Burrows, Abinanti, Maisano

IN ATTENDANCE:

CE: K. Delgado **LAW:** S. Dolgin-Kmetz, L. Cipolla, L. Trentacosta
Tax Commission: D. Jackson **BOL:** B. DeSoye, M. Berard, P. Pepe, J. Sold, L. Goldstein, M. Montalto **Guests:** A. Annunziata, J. McKinstry, D. Cohen, N. Masi, J. Golden, J. Wesi, D. Donovan, P. Colombo, K. Roach, M. Breining, B. Lozito, R. Hyman, M. Mathoz

MINUTES:

With a quorum present, the Committee on Legislation was called to order at 1:35 p.m.

Legislator Abinanti introduced agenda item number 12, a proposal he is sponsoring to change the way late school tax payments are collected.

David Jackson, Commissioner of the Tax Commission stated that the County is not involved in the collection of school taxes so he recommends that the Board comply with the wishes of the Tax Receivers.

The Greenburgh Tax Receiver spoke in favor of the bill, stating that many people are unable to pay the large penalty that is imposed when their taxes are late often at no fault of their own.

The North Castle, Harrison, North Salem, Lewisboro, and Cortland Tax Receivers spoke against the bill. The Tax Receiver of North Salem stated that if the late payment collection is changed and the penalties are reduced the entire town, people who always pay on time, are going to get hit with a tax increase to make up for the loss of revenue. She also stated that the Tax Receivers have come to the Board of Legislators in the past to resolve loopholes in the County Charter with regard to collecting taxes, including a request to require attorneys to provide new home owners the information about the taxes to buyer at the closing on the house so they are aware of whether or not the school taxes for that property have been paid for the year.

The County Attorney's office stated that the County is in a special position in terms of collecting taxes in that we allow the towns to collect and the County does not have too and the County is guaranteed to receive its money. They stated that there is a state law that supersedes this law that could require the County to begin collecting its own taxes if the current law is changed.

Chairman Nonna stated that we are not moving forward on the proposal as it stands, and it is up to Legislator Abinanti if he wants to change his proposal and work with the Law Department on a new draft.

Chairman Nonna began the discussion on eminent domain by asking the County Attorney to give their opinion on the County's ability to change the eminent domain law. Stacey Dolgin-Kmetz stated that the County is preempted by the State law and we are unable to change it. She further stated that if by some chance she is wrong and we are not preempted by the state, this law would have to be approved by a referendum.

Michael Rikon briefed the Committee on several cases that were won regarding eminent domain. His testimony is on file and available for review.

Mary Foster Mayor of Peekskill discussed the eminent domain legislation that Peekskill passed in 2009. She stated the legislation is more meant to clarify what was being protected and to have positive legislation for business owners and property owners.

Attorney Debra Cohen spoke to the Committee about the Kelo case and the need to limit eminent domain. Her statement is on file and available for review.

Richard Hyman of the Westchester County Housing Opportunity Commission recommended that we do not restrict affordable housing especially now with the housing settlement.

Chairman Nonna asked that the County Attorney add to the list of items to research on this topic whether this would violate the housing stipulation agreement.

Moved by Legislator Maisano seconded by Legislator Myers the Committee on Legislation adjourned at 3:40 p.m. with a vote of 8-0.

AUDIO RECORDING ON FILE FOR REVIEW UPON REQUEST