



# LLHA ACTION ALERT

Issue 1

February 2009

## New York State 2009-2010 Budget Item Devastating to Adirondack Towns

### *Huge Increases in Property Taxes Result*

The proposed New York State Executive Budget includes a cap on State tax payments on Adirondack Forest Preserve lands. If this item is accepted and approved by the State Legislature in the final 2009-2010 budget, the impact would be devastating to Adirondack rural towns that are sparsely populated and have large tracts of Forest Preserve. The resulting loss of tax revenue would cause town and school district budgets to soar in order to maintain basic services; and of course, huge increases in property taxes would ensue.

### **Impact on Town of Franklin**

The Town of Franklin, which includes the hamlet of Loon Lake, is one of those municipalities that would be severely affected by the State land tax freeze since it has a sparse population of approximately 1,200 and covers an area of 112,024 acres, 37% of which is owned by the State – most is

*continued on page 2*

SEE INSIDE FOR ACTION  
PLAN TO STOP UNFAIR  
STATE PROPERTY TAX CAP

## Common Ground Alliance Opposed to State Tax Cap

### *Overwhelming Opposition to Tax Freeze*

Organized as the *Common Ground Alliance*, a wide-ranging coalition of elected officials, private businesses, and organizations devoted to promoting health, education, a clean environment, and economic development in the Adirondacks sent a letter to Governor Paterson urging him to withdraw his proposed freeze on State tax payments on Adirondack Forest Preserve; however, he did not; and therefore it remains as an item in the 2009-2010 State budget.

### **Senator Betty Little Cries Foul**

State Senator and other local legislators also implored the Governor to drop the tax cap. In addition, Senator Little, at the beginning of the Legislature's budget hearing process asked DEC Commissioner Pete Grannis to rescind the State property tax cap, decrying the unfair shift of the tax burden onto private property owners.



Forest Preserve. In addition, it has an inordinate 70.3 miles of Town owned roads to maintain and other basic services to provide; e.g. maintenance of Town buildings, courts, utilities, etc.

### Tax Freeze Unfair

Forest Preserve lands are enjoyed by all New Yorkers and others; however all New Yorkers won't be assuming the resulting tax burden that would be shifted unfairly onto the Adirondack taxpayer. It is especially unfair at a time when municipalities and households are struggling to make ends meet.

### New York State Obligated to Pay Fair Share

In 1886 the NYS Legislature made a commitment to pay full local property taxes on publically owned Adirondack Preserve lands. The law was upheld by the NYS Supreme Court in 2008; therefore, the State has a legal obligation to pay Forest Preserve property taxes.

### What Can You Do?

Although local legislators oppose the tax cap, it is extremely important that they hear from their constituents. Doing so will help reinforce their resolve. **We now urge you to write, call, and/or e-mail your senator and Assembly member and send a copy of your e-mail to [president@loonlakehoa.org](mailto:president@loonlakehoa.org)**

### Points to Emphasize in Opposition to the Proposed State Tax Cap

- The State has consented to be treated as any other taxpayer and therefore could not arbitrarily limit the amount of taxes it pays.
- Forest Preserve lands are enjoyed by all New Yorkers and others, but all New Yorkers won't be assuming the resulting tax burden that would be shifted unfairly onto the Adirondack taxpayer.
- The Tax Cap is especially unfair at a time when municipalities and households are struggling to make ends meet.

You may also send a "Letter to the Editor": **Adirondack Daily Enterprise: PO Box 318; Saranac Lake, NY 12983; E-mail: [adenews@adirondackdailyenterprise.com](mailto:adenews@adirondackdailyenterprise.com)**

**Press-Republican: PO Box 459; Plattsburgh, NY 12901; E-mail: [news@pressrepublican.com](mailto:news@pressrepublican.com)**

## Your Local Legislators

**Assemblywoman Janet L. Duprey  
District Office**

North Country Community College  
75 William St.

Malone, NY 12953

518-483-9930

E-mail: [dupreej@assembly.state.ny.us](mailto:dupreej@assembly.state.ny.us)

**Senator Elizabeth O'C. Little  
Chair of the Senate Local Government Committee  
45<sup>th</sup> Senate District**

**District Office**

5 Warren Street, Suite 3

Glens Falls, NY 12801

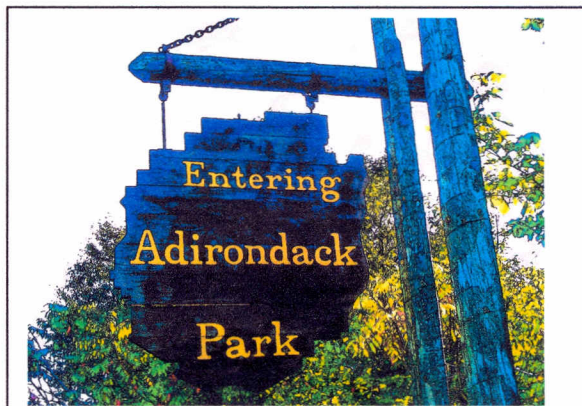
518-561-2430

E-mail: [little@senate.state.ny.us](mailto:little@senate.state.ny.us)

**U.S. Senator Kirsten Gillibrand:**  
531 Dirksen Senate Office Building  
Washington, DC 20510

(202)-224-4451

E-mail not available at this time



**Welcome one and all to the Adirondack Park. Enjoy our Mountains, trails, lakes and streams, fishing, campgrounds, ski slopes, spectacular views, etc.**

*Sponsored by the Adirondack property owners*

**HELP DEFROST THE TAX FREEZE. Don't delay, write today!**

# Suit Over New APA Shoreline Rule

Our previous newsletter cited a report in the *Press-Republican* that the Adirondack Park Agency (APA) adopted new regulations that will “overturn many properties’ long-standing exemptions from set backs that limit building within 50 to 100 feet from the water.” Pre 1973 building exemptions from set backs allowed owners to tear down older buildings and replace them with a structure of any size...” “The new rule will require new buildings and expansions to seek a variance from the APA Board of Commissioners.”

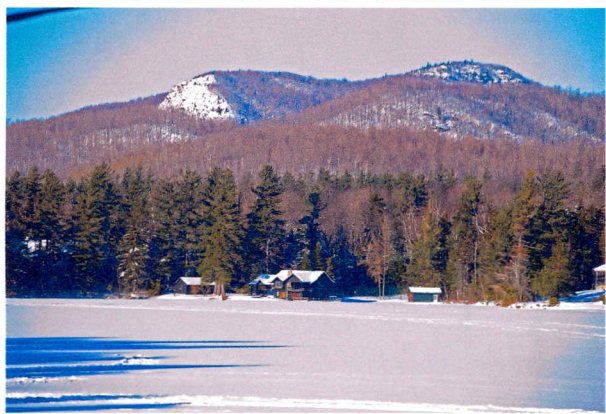
## Multi-County Suit

A recent article in the *Press-Republican* reported that Essex, Warren, Hamilton and Fulton counties “have agreed to contribute \$3000 each to fund litigation against the APA” if the APA doesn’t repeal its new rule. Franklin, Saratoga, Washington and Herkimer counties are also considering joining the litigation.

At issue is whether the APA can alter the previous legislation or whether it’s the purview of the State Legislature.

## New Law Defended by APA

The APA maintains that its changing the law is legal and that the impetus for this change is the prevention of the replacement of small homes, cabins, hunting camps, etc. with large homes without APA oversight. They assert that the law will protect the shorelines and water quality.



**Loon Lake January**

*Photo by VT Pagano*

# Town of Franklin News

## Town Garage Update.

At its last meeting the Franklin Town Board unanimously approved a resolution authorizing bonds up to \$800,000 to repair and make improvements to the Town highway garage. It was noted that the public can demand a permissive referendum on the bonds; that is, it will go to a vote if 5% of the townspeople who voted in the last gubernatorial election sign a petition requesting it. At the meeting, public sentiment appeared to favor a permissive referendum as several expressed concern about the bad economy.

## Community Center Project

The Town’s decade-old expensive investigations regarding the building of a community center at Kate Mountain Park apparently continue. According to a recent article in the *Adirondack Daily Enterprise*, Town Supervisor Mary Ellen Keith is seeking federal funding, stating that the Town meets the criteria for obtaining funds from the Obama administration’s \$800 billion dollar stimulus package.

## Proposed Subdivision Law

The Town Subdivision committee continues its work of producing a document that would serve as a guideline for enforcing the regulation of the subdivision of Town property into 5 lots or more. Committee member Keith Silliman reported that the Committee is meeting often and hopes to complete the document within the next 2 months, at which time it will survey Town property owners to get their views regarding these proposed regulations.

## Property Value Assessments

Our latest communication with Town of Franklin Tax Assessor Doug Tichenor disclosed that Loon Lake property owners will be receiving letters of post reveal full disclosure of what their assessments are, in March 2010. He also indicated that if the Town budget remains the same and assessed values increase, the tax rate will go down, thereby theoretically not resulting in inordinate tax increases; exceptions would be those properties that had significant improvements since the last reveal.

A preemptive measure was taken by LLHA Board Member Stan Ungar via an e-mail he sent to Mr. Tichenor, suggesting that data collection be done in the summer when most property owners are here. In addition, Stan made further suggestions and comments regarding the value of comprehensive data collection and that of declining property values.

**Loon Lake Homeowners Association**  
PO Box 219, Vermontville, NY 12989,  
Phone/Fax: 518-891-4095, E-mail:  
[president@loonlakehoa.org](mailto:president@loonlakehoa.org),  
Website: [www.loonlakehoa.org](http://www.loonlakehoa.org)



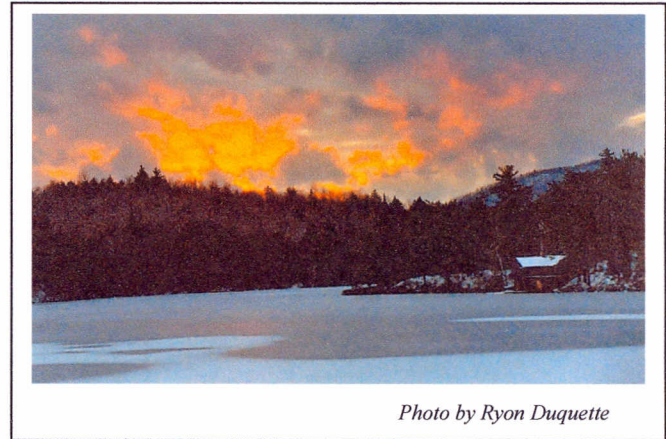
**BOARD OF DIRECTORS**

**Vince Pagano** [president@loonlakehoa.org](mailto:president@loonlakehoa.org)  
**Tom Bartiss,** [vicepresident@loonlakehoa.org](mailto:vicepresident@loonlakehoa.org)  
**Diane Castrovinci,**  
[secretary@loonlakehoa.org](mailto:secretary@loonlakehoa.org)  
**Jennifer Dalch,** [treasurer@loonlakehoa.org](mailto:treasurer@loonlakehoa.org)  
**Joe Lemay:** [lemay@aol.com](mailto:lemay@aol.com)  
**Stuart Lucks:** [goodlux2@aol.com](mailto:goodlux2@aol.com)  
**Chuck Reyes:** [reyes@geneseo.esu](mailto:reyes@geneseo.esu)  
**Keith Silliman:** [beardancecamp@hotmail.com](mailto:beardancecamp@hotmail.com)  
**Stan Ungar:** [stanungar@aol.com](mailto:stanungar@aol.com)

**President's Message**

*By Vince Pagano*

The new year arrived dressed in its cloak of white, covering sleeping brown meadows and grey naked brush, and highlighting evergreen boughs. Rising and falling powdered mountain slopes watch over the lonely expanse of buried solid water and the quiet hamlet. Snow removal is no stranger and subzero temperatures change the ways of warmer days. The sun is low and sets with a fiery glow. Summer is a distant memory.



*Photo by Ryon Duquette*

Return Address  
Street Number and Name  
City, State 98765-4321

ADDRESS CORRECTION REQUESTED

Mailing Address  
Street Number and Name  
City, State 98765-4321

BUILD RATE
US POSTAGE
PAID
PERMIT NO.
00000