

# 2017

# ANNUAL REPORT



New York State Assembly

**Carl E. Heastie**

*Speaker*

*Committee on*

**Local Governments**

**Bill Magnarelli**

*Chairman*



THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

WILLIAM B. MAGNARELLI  
Assemblyman 129th District

CHAIR  
Local Governments  
COMMITTEES  
Economic Development, Job Creation,  
Commerce and Industry  
Education  
Oversight, Analysis and Investigation  
Steering  
Rules

December 15, 2017

Honorable Carl Heastie  
Speaker of the Assembly  
Legislative Office Building, Room 932  
Albany, NY 12248

Dear Speaker Heastie:

I am pleased to submit to you the 2017 Annual Report of the Assembly Standing Committee on Local Governments.

Throughout the year, the Committee addressed many significant issues, including providing additional benefits to certain volunteer emergency workers, providing mandate relief and flexibility in municipal finances, and reporting legislation specific to the needs of municipalities across the State. In this report you will find descriptions of legislation and important issues considered by the Committee. Additionally, this report highlights goals of the Committee, which emphasize the ongoing need to support the municipalities of this State.

I share with you an appreciation for the important role local governments play in providing essential services to their residents and commend you for the support and leadership you have provided the Local Governments Committee in its pursuit to address issues facing New York's municipalities. With your assistance, the Committee will continue to focus on the needs of local governments.

Sincerely,

William B. Magnarelli, Chairman  
Assembly Standing Committee on  
Local Governments

**2017 ANNUAL REPORT**  
**OF THE NEW YORK STATE ASSEMBLY**  
**STANDING COMMITTEE ON LOCAL GOVERNMENTS**

**William B. Magnarelli, Chairman**

**Committee Members**

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William Magee  
Philip Ramos  
Addie Jenne  
Harry Bronson  
Sean Ryan  
David Buchwald  
Mark Gjonaj  
Frank Skartados  
Steven Otis  
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Carrie Woerner  
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Christopher Friend  
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Craig Swiecki, Committee Clerk  
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## **I. INTRODUCTION**

The Assembly Standing Committee on Local Governments considers the legislative needs of New York State's local governments, including counties, cities, towns, villages, school districts, fire districts, and various other special districts and local agencies. The Committee monitors the needs of local governments and strives to develop legislative remedies to meet those needs. The Committee also explores new proposals and ideas that will enable local governments to better serve the citizens of New York State. The Committee endeavors to see the enactment of laws that will further improve local governments' abilities to address their unique problems. The Committee is also interested in assisting local governments by considering legislation that will provide flexibility in municipal finances and consider other legislative solutions to help local governments remain financially solvent.

The Committee considers legislation that proposes to amend the General Municipal, Municipal Home Rule, Local Finance, County, Town, Village, Volunteer Firefighters' Benefit, and Volunteer Ambulance Workers' Benefit Laws. Since the structure, powers and scope of local governments is broad, the Committee's concerns cover a wide range of issues. Home Rule legislation is also addressed. These bills deal with issues specific to a certain local government's jurisdiction and are intended to remedy a specific local concern. Through the use of home rule legislation to solve individual local needs, the Committee has helped resolve many unique situations and has enabled local governments all over the state to serve their citizens better.

## **II. MAJOR ISSUES AND LEGISLATION OF 2017**

### **A. LOCAL GOVERNMENT AID – ENACTED BUDGET**

The State Budget for the State Fiscal year 2017-2018 continues funding for local governments in the form of unrestricted aid and grants to help local governments achieve efficiencies and share services.

#### **Aid and Incentives to Municipalities (AIM)**

Aid and Incentives for Municipalities (AIM) funding is direct general purpose aid provided to towns, villages and cities. AIM funding for State Fiscal Year 2017-2018 includes a total of approximately \$715 million. Eligible towns and villages received approximately \$67.6 million and cities approximately \$647 million.

#### **Local Government Grant Programs**

The 2017-2018 Budget contained funding to continue grant programs administered by the Department of State to provide assistance and incentives for local governments to consolidate, dissolve, share services, and find other efficiencies. These programs include: Citizen Empowerment Tax Credits, Citizens Re-organization Empowerment Grants, and Local Government Efficiency Grant Program.

#### **County–Wide Shared Services Property Tax Savings Plan**

The 2017-2018 Budget contained provisions for the creation by each county executive of a property tax savings plan for shared, coordinated and efficient services among the county and the cities, towns, villages, special districts, school districts and boards of cooperative education services within the county. Any savings achieved by a plan are eligible for a one-time funding match.

## **B. MUNICIPAL OFFICERS AND EMPLOYEES**

### **Residency Requirement Exemptions**

It can be difficult for municipalities to find people interested in holding public offices that are also residents of the municipality, as is required by law. The Committee considers bills that would provide flexibility in filling these offices through an exemption to the residency requirement. The following are the public officer residency exemptions granted in 2017:

**Town of Wallkill Building Inspector  
(A.5671-A Gunther; Chapter 38 of the Laws of 2017)**

**Town of Boylston Town Justice  
(A.5697 Barclay; Chapter 74 of the Laws of 2017)**

**Village of Fair Haven Clerk-Treasurer and Deputy Clerk-Treasurer  
(A.7222-B Oaks; Chapter 191 of the Laws of 2017)**

**Village of Mannsville Village Clerk  
(A.8488 Barclay; Chapter 226 of the Laws of 2017)**

## **C. MUNICIPAL FINANCES**

**Erie County Private Bond Sales  
(A.4901 Schimminger; Chapter 75 of the Laws of 2017)**

This law extends, until June 30, 2017, the authority for the underwriting or sale of Erie County bonds or notes at private sale. This legislation provides Erie County with additional fiscal flexibility by permitting the county to determine the timing and nature of bond sales.

**Refunding of Certain Environmental Facilities Corporation Bonds  
(A.6507 Magnarelli; Chapter 45 of the Laws of 2017)**

This law extends, until September 30, 2020, provisions of Local Finance Law which authorize municipalities with hardship financing to sell their refunding bonds to the Environmental Facilities Corporation without requiring a showing of savings.

**Environmental Facilities Corporation Installment Loans**  
**(A.6508 Magnarelli, Chapter 46 of the Laws of 2017)**

This law extends, until September 30, 2020, the authorization for municipalities to issue their bonds or notes evidencing installment loans to the Environmental Facilities Corporation.

**Environmental Facilities Corporation Statutory Installment Bonds**  
**(A.6509 Magnarelli; Chapter 139 of the Laws of 2017)**

This law extends, until September 30, 2020, the authorization for local governments to issue statutory installment bonds in an amount not to exceed \$20 million to the Environmental Facilities Corporation at a fixed rate or, if issued in serial maturities, at a set rate for each individual maturity.

**Village of Hoosick Falls Bonds**  
**(A.6664 McLaughlin; Chapter 245 of the Laws of 2017)**

This law authorizes the Village of Hoosick Falls to issue bonds to reimburse the village for extraordinary expenses related to the discovery of perfluorooctanoic acid (PFOA) in the village's municipal water supply.

**D. MUNICIPAL CORPORATIONS**

**Regulation of Limousines and Livery Vehicles**  
**(A.682-A Magnarelli; Passed Assembly)**

This legislation would clarify that cities, towns and villages have clear authority to regulate livery and limousine vehicles in similar ways as they currently regulate taxis.

**Municipal Liens on Fire Insurance Proceeds**  
**(A.2784-B McDonald; Chapter 342 of the Laws of 2017)**

This law authorizes local governments to place liens for unpaid taxes against fire insurance proceeds for non-owner-occupied one- and two-family residential structures.

**Municipal Corporation Audits**  
**(A.3047 Magnarelli; Passed Assembly)**

This bill would expand the Office of the State Comptroller's authority to audit local government entities to include certain organizations directly or indirectly controlled by those local governments thereby increasing the transparency and accountability of such entities.

**Training for Coroners and Coroner's Deputies**  
**(A.5780-A McDonald; Chapter 184 of the Laws of 2017)**

This law requires each county coroner and coroner's deputy to attend and successfully complete state-approved courses in medical-legal investigation.

**Local Building Codes**  
**(A.6361 Thiele; Chapter 348 of the Laws of 2017)**

This law requires local governments that propose to adopt higher or more restrictive building standards to obtain the approval of the State Fire Prevention and Building Code Council prior to such proposed local standards taking effect.

**E. EMERGENCY SERVICES**

**Volunteer Firefighter Cancer Benefits**  
**(A.711-B Gunther; Chapter 334 of the Laws of 2017)**

This law creates the New York State Volunteer Firefighter Enhanced Cancer Disability Benefits Act to provide volunteer firefighters who develop certain forms of cancer with enhanced disability benefits.

**Police Officer Cardiopulmonary Resuscitation Training**  
**(A.2115-B Ortiz; Chapter 271 of the Laws of 2017)**

This law requires training in cardiopulmonary resuscitation for certain police officers and state police.

**Total Disability Benefits for Volunteer Firefighters and Ambulance Workers**  
**(A.6367 Magnarelli; Passed Assembly)**

This bill would increase payments to permanently and temporarily totally disabled volunteer firefighters and ambulance workers.

**Fire Protection Contracts**

**(A.7089 Magnarelli; Chapter 294 of the Laws of 2017)**

This law provides greater transparency in the negotiation process for fire protection contracts.

**Service by Out-of-State Firefighters**

**(A.7942 Gunther; Chapter 155 of the Laws of 2017)**

This law authorizes volunteer fire departments, districts and companies to accept the services of firefighters from other states who are regularly in the area they serve.

### **III. PARKLAND ALIENATION LEGISLATION**

The issue of parkland alienation, or the conversion of parkland for other purposes, has been a great concern to the Committee. As a matter of public trust, it is a requirement that any use of public parkland for non-parkland purposes must be authorized by the New York State Legislature.

As part of the Committee's ongoing effort to protect the public trust as it relates to parkland and in keeping with the Assembly's policy of preserving open space, the Committee strives to ensure that each proposed alienation of parkland complies with alienation guidelines prior to it being reported out of Committee.

Committee guidelines for authorizing parkland alienation include specifying the number of acres proposed for alienation and requiring that the fair market value of such lands be dedicated for the purchase of replacement parkland of equal or greater fair market value or for capital improvement of existing parkland. The legislation must also include a legal description of the parkland proposed to be alienated, as well as language detailing any land proposed to be dedicated (if replacement land is proposed for parkland). Finally, a home rule message from the municipality requesting alienation is required prior to the Committee acting on any parkland legislation.

#### **Village of Waterford**

**(A.6420 McDonald; Chapter 383 of the Laws of 2017)**

This law authorizes the Village of Waterford, Saratoga County, to alienate certain parkland for village fire department purposes. The law requires the village to dedicate an amount equal to or greater than the fair market value of the parkland that was alienated toward the acquisition of additional parkland and/or capital improvements to existing parkland.

#### **Town of Brookhaven**

**(A.6742 Thiele; Chapter 246 of the Laws of 2017)**

This law amends chapter 212 of the laws of 2016, which authorized the Town of Brookhaven, Suffolk County, to alienate certain parklands, to provide new metes and bounds for the parkland to be leased to the Mastic, Moriches, Shirley Community Library.

#### **Town of Islip**

**(A.7064-C Ramos; Chapter 135 of the Laws of 2017)**

This law authorizes the Town of Islip, Suffolk County, to alienate and convey certain parklands. The law also validates the prior alienation of the parkland that

was done without legislative approval. It also requires the town to dedicate an amount equal to or greater than the fair market value of the easement toward the acquisition of additional parkland and/or capital improvements to existing parkland.

**Town of Yorktown**

**(A.7136-A Byrne; Chapter 136 of the Laws of 2017)**

This law authorizes the Town of Yorktown, Westchester County, to discontinue the use of certain parkland and validate the prior alienation of the parkland that was done without legislative approval. It also requires the town to dedicate certain land as replacement parkland.

**Village of Montgomery**

**(A.7631 Miller, B; Chapter 253 of the Laws of 2017)**

This law authorizes the Village of Montgomery, Orange County, to alienate certain parkland in the village and requires the village to dedicate certain land as replacement parkland.

**Town of Cornwall**

**(A.7840-A Skoufis; Chapter 154 of the Laws of 2017)**

This law authorizes the Town of Cornwall, Orange County, to alienate and discontinue the use of certain parkland to construct a local history museum to be owned and operated by the town. It requires the town to dedicate the fair market value of the parkland being alienated toward making capital improvements to existing park and recreational facilities and/or the acquisition of additional parkland.

**Town of Amherst**

**(A.7888-A Walter; Chapter 495 of the Laws of 2017)**

This bill would authorize the Town of Amherst, Erie County, to alienate certain parkland and would require the town to dedicate certain land as replacement parkland.

**Town of Cheektowaga**

**(A.7889-A Wallace; Chapter 263 of the Laws of 2017)**

This law authorizes the Town of Cheektowaga, Erie County, to alienate and lease at fair market value certain municipally owned park land for the purpose of erecting, maintaining, and operating a telecommunications tower and for vehicular access and utility lines to service such telecommunications tower, for a

term not to exceed thirty years. It also requires the town, to dedicate the fair market value of the lease for the purpose of making capital improvements to existing park and recreational facilities and/or the acquisition of additional parkland.

**Town of Smithtown**

**(A.8231-A Fitzpatrick; Chapter 267 of the Laws of 2017)**

This law authorizes the Town of Smithtown, Suffolk County, to alienate and lease certain parklands at fair market value for the placement and operation of a personal wireless services facility at Callahans Beach for a term not to exceed 25 years. It also requires the town to dedicate the fair market value of the lease for the purpose of making capital improvements to existing park and recreational facilities and/or the acquisition of additional parkland.

## **IV. PUBLIC HEARINGS**

### **A. BUDGET IMPLEMENTATION HEARING**

The 2015-2016 State Fiscal Year Budget included a \$150 million appropriation to create the Municipal Restructuring Fund. The Fund is to be used for payments to local governments for capital and other expenses relating to the implementation of local government shared services, cooperation agreements, mergers and other related actions that reduce operational costs and relating property tax burdens on a permanent basis. The 2016-2017 State Fiscal Year Budget re-appropriated \$150 million for the Fund.

Also, the 2016-2017 State Fiscal Year Budget included a \$20 million appropriation to create the Municipal Consolidation and Efficiency Competition, to be used for payments for capital and other expenses related to the implementation of consolidations, dissolutions, mergers, or other permanent changes in governing structures, cooperation agreements or efficiencies, or other actions that reduce operational costs or property tax burdens on a permanent basis to be selected by a competitive application process.

The Committee in conjunction with the Standing Committee on Cities conducted a hearing to examine how the Municipal Restructuring Fund has affected municipalities that have received assistance. The hearing also examined how the process for the Municipal Consolidation and Efficiency Competition has proceeded and whether interest has been expressed by localities to participate in the competition. Testimony was presented by the Supervisor for the Town of Chemung and Executive Director for the New York State Association of Counties.

## **V. OUTLOOK FOR 2018**

The Committee recognizes the difficult economic outlook that the municipalities and citizens of New York have faced and will continue to face in the year to come. The Committee will build on the successes of the 2017 legislative session and continue to find ways to achieve savings for local governments, as well as explore other ways to reduce the cost of government in New York State.

In addition, the Committee will take an active role in examining the immediate need for meaningful relief for our struggling municipalities. The rising costs of public pensions, Medicaid, education, Early Intervention, correctional services, public safety, highway and transportation services, and social services (to name a few) must be addressed. The Committee will try to help lessen the burden placed on local governments.

The Committee will also continue to advocate for the fair and equitable distribution of local government aid. Local governments rely on a stable and predictable revenue stream from the State, which is also a critical aspect to forming balanced local budgets.

The Committee also plans to continue its examination into the role that industrial development agencies and other local economic development agencies play in New York State's economic development. The Committee is interested in ensuring that these local agencies are transparent and accountable, with records that are easy to obtain and to understand, that they are creating good jobs, and that they are providing a decent return on the taxpayer-funded investments being made. The Committee will continue to examine legislative options to address these concerns.

The Committee will also continue to address the needs of municipalities by examining home rule legislation in 2018 in order to ensure the enactment of home rule bills that provide communities with a remedy to their locally specific situations. One of the most common home rule requests the Committee receives relates to the alienation of parkland. The Committee will be reexamining its policies on the alienation of parkland to ensure the preservation of such a precious resource.

The Assembly Standing Committee on Local Governments looks forward to continuing to work with the Governor, the Senate, the State Comptroller, the Attorney General, and all local governments to improve the outlook for municipalities going forward.

## APPENDIX A

### 2016 SUMMARY OF ACTION ON ALL BILLS REFERRED TO THE COMMITTEE ON LOCAL GOVERNMENTS

<u>Final Disposition</u>	<u>Assembly Bills</u>	<u>Senate Bills</u>	<u>Total</u>
Bills Reported	66	0	66
To Floor	3	0	3
To Ways and Means	46	0	46
To Codes	7	0	7
To Rules	10	0	10
To Judiciary	0	0	0
Bills Having Enacting Clauses Stricken	7	0	7
Senate Bills Substituted Or Recalled		21	21
Bills Held In Committee	7	0	7
Bills Never Reported	152	29	181
Total in Committee	232	50	282
TOTAL NUMBER OF MEETINGS HELD	9		

## APPENDIX B

### Chapter Laws of 2017

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>	<u>Chapter</u>
A.363	Thiele	Relates to the issuance of bonds to finance airport improvements at the East Hampton Airport	22
A.374	Magnarelli	Relates to recording taxes	3
A.711-B	Gunther	Relates to the New York state volunteer firefighter gap coverage cancer disability benefits act	334
A.2115-B	Ortiz	Requires members of the division of state police and of the police department of the city of New York to complete training in cardiopulmonary resuscitation upon entry and every 2 years thereafter	271
A.2784-B	McDonald	Relates to the placing of a lien for unpaid property taxes against the proceeds of a fire insurance policy on certain real property located within a municipality	342
A.4901	Schimminger	Relates to the sale of municipal obligations by the county of Erie	75
A.5522	Thiele	Relates to establishing an underground utility improvement district in the town of Southampton, Suffolk County	399
A.5523	Thiele	Relates to grant assurance or obligations for the airport and aviation projects in the town of East Hampton, county of Suffolk	345
A.5671-A	Gunther	Relates to the residency of the building inspector of the town of Wallkill, in the county of Orange	38

<b><u>Bill #</u></b>	<b><u>Sponsor</u></b>	<b><u>Description</u></b>	<b><u>Chapter</u></b>
A.5687	Santabarbara	Validates, ratifies and confirms certain bonds and notes issued by the town of Knox, in the county of Albany	39
A5697	Barclay	Waives the residency requirement for the town justice in the town of Boylston, in Oswego county	74
A.5780-A	McDonald	Requires certain training for coroners and coroner's deputies	184
A.5959-B	Lupinacci	Relates to local civil administrative enforcement procedures in the town of Huntington and other municipalities	145
A.6361	Thiele	Relates to the adoption by local governments of higher or more restrictive standards for construction	348
A.6420	McDonald	Alienates and substitutes certain parklands in the village of Waterford, county of Saratoga	383
A.6474-A	Magnarelli	Relates to exempting the real property of a land bank from certain sewer rent and user charges imposed by the state of New York and by any of its political subdivisions	349
A.6507	Magnarelli	Relates to refunding bonds and extending the provisions thereof	45
A.6508	Magnarelli	Relates to extending the effectiveness of provisions of law relating to installment loans and obligations evidencing installment loans	46
A.6509	Magnarelli	Relates to statutory installment bonds and extending the effectiveness thereof	139
A.6664	McLaughlin	Authorizes the village of Hoosick Falls, county of Rensselaer, to issue certain bonds	245

<b><u>Bill #</u></b>	<b><u>Sponsor</u></b>	<b><u>Description</u></b>	<b><u>Chapter</u></b>
A.6742	Thiele	Authorizes the alienation of certain parklands in the Town of Brookhaven, county of Suffolk	246
A.6910-B	Woerner	Relates to the purchasing on the behalf of a school district or a board of cooperative educational services	90
A.6917	Magnarelli	Authorizes the city of Syracuse to adopt a local law establishing an administrative adjudication hearing procedure for certain code and ordinance violations	146
A.7064-C	Ramos	Authorizes the alienation of certain parklands in the town of Islip, county of Suffolk	135
A.7089	Magnarelli	Relates to fire protection contracts with incorporated fire companies	294
A.7136-A	Byrne	Authorizes the town of Yorktown, in the county of Westchester, to alienate certain parklands and to dedicate certain other lands as parklands	136
A.7137-A	Finch	Authorizes the county of Cayuga to sell or lease the real property and improvements formerly known as the Cayuga County Nursing Home to Auburn Community Hospital	353
A.7222-B	Oaks	Relates to residency requirements for clerk-treasurer or deputy clerk in the village of Fair Haven	191
A.7510-B	Walsh	Authorizes the county of Saratoga to transfer and convey reforested lands on Kinns Road to the town of Clifton Park, county of Saratoga	319
A.7522-B	Palumbo	Relates to the appointment of a treasurer for the Mattituck park district	358

<b><u>Bill #</u></b>	<b><u>Sponsor</u></b>	<b><u>Description</u></b>	<b><u>Chapter</u></b>
A.7631	Miller B	Relates to alienating and replacing certain parkland in Orange county	253
A.7794-A	D'Urso	Authorizes special districts in Nassau county to change the date of the election for the year two thousand seventeen	151
A.7840-A	Skoufis	Authorizes the alienation of certain parklands in the town of Cornwall, county of Orange	154
A.7889-A	Wallace	Authorizes the town of Cheektowaga to discontinue as parklands and alienate certain lands	263
A.7942	Gunther	Relates to authorizing firefighters who are members of a fire company or department of another state to provide assistance to volunteer fire companies or departments in this state	155
A.7951	Wallace	Makes a technical correction relating to the process of selling surplus fire equipment and vehicles	365
A.7987	Otis	Relates to the duration of certain leases or agreements at Rye town park	325
A.8090-B	Otis	Relates to the use of certain easements in certain park lands in the village of Mamaroneck	266
A.8231-A	Fitzpatrick	Alienates certain parklands in the town of Smithtown, county of Suffolk	267
A.8417	Errigo	Authorizes the town of Livonia, in the county of Livingston, to sell the Jack Evans community center to the Little Lakes Community Association, Inc.	162

<b><u>Bill #</u></b>	<b><u>Sponsor</u></b>	<b><u>Description</u></b>	<b><u>Chapter</u></b>
A.8458	Palmesano	Includes the Southeast Steuben County Library with libraries eligible for the financing of projects through the dormitory authority	330
A.8486	Thiele	Extends the expiration of chapter 387 of the laws of 2013 relating to the Freeholders and Commonalty of the town of Southampton	101
A.8488	Barclay	Relates to residency of the Mannsville village clerk	226