

Mayor's Column

January 8, 2019

Now that the new State Legislative session has begun, there was a flurry of bill signing, vetoing or pocket vetoing at year's end.

The following is a final compilation of additions to New York State Laws signed by the Governor since my last column that could directly affect the Village.

Brownfield Opportunity Area Reforms

The legislation streamlined the process significantly and even allows for existing plans developed outside of the BOA process to be retroactively qualified for funding.

Lemon Law for Emergency Vehicles

Communities are now allowed to work directly with manufacturers of emergency vehicles for timely repairs and even full vehicle replacement.

World Trade Center Claims

Individuals may file a workman's compensation claim up until year 2022 if claim is related to the WTC rescue effort.

Additional Tax Cap Compliance

Local governments will now have to certify to the State Comptroller and Commissioner of Taxation and Finance as to whether they stayed within the parameters of the tax cap formula on a yearly basis. If a law to override was passed and not needed, such local law now must be repealed.

Note: Though only exceeding the tax cap once since its inception and by an amount less than \$50,000, the Village Trustees have always unanimously passed prophylactic override legislation. The reasons are twofold: major capital projects are not exempt from the cap calculation and my colleagues and I believe in home rule or crafting a budget by those closest to the needs and issues at the municipal level and not in Albany.

SUNY Impact Aid

Certain cities and villages that are home to four year SUNY schools received financial aid to offset the costs of providing increased public safety services. This type of legislation is the wave of the future as every community now grapples with

the cost of services to tax exempt properties – be it increased police calls, lighting, and road and sewer improvements adjacent to the properties.

In an effort to advance Governor Cuomo's continued theme of encouraging municipal consolidations, two major bills were signed to incentivize communities to combine with neighbors. As background, when the Governor was State Attorney General, his office submitted a bill allowing any citizen of New York State to start the process of the dissolution of a Village, regardless of whether he or she lived in that village, by garnering the support of just 10% of the residents who voted in their last Mayoral election. To put the Governor's bill in context, a non-resident would need to find only eight Bronxville residents to force a Village-wide referendum or vote on dissolution. The incredibly flawed bill was amended several times but the new bill that was passed has provisions that require communities to vote on their own dissolution before a consolidation plan and financial impact statement are produced. The Village of Seneca Falls went this route and is now mired in years of litigation as to cost sharing and long term financial obligations with its merged town.

The personal preferences of residents to dissolve their communities combined with the supposed tax savings have never been validated. Based on a federal census of local governments per capita, there is also no correlation between the number of governmental layers and a person's relative tax burden.

Two of the most intensely governed states are New Hampshire and Oklahoma, yet they are two of the least taxed.

New York and New Jersey are near the bottom in governmental units, yet near the top in tax burden. This is the direct result of New York's "trickle down" policy of making local governments shoulder tax burdens shifted from Albany.

The two bills signed to re-energize the consolidation theme include an annual bonus from the State equal to 15% of the newly combined local government's tax levy and a \$25 million funding pool made available to local governments who agree to unite with neighboring entities.

Certiorari Funding

Due to the proliferation of outdated property assessment rolls statewide, legislation now further extends the ability of municipalities to finance judgements

related to certiorari and Small Claims Assessment awards. (The Village has not needed to go this route.)

Justice Court

Legislation provides for more community service opportunities vs. fines and incarceration for the violation of local laws.

Environment

Per new law, smoking is prohibited within one hundred feet of an entrance or exit to all public libraries.

Finance

A State digital currency task force is being created to provide information on the potential effects of widespread implementation of digital currencies on financial markets in the State.

Veto

The Governor uses his veto power quite sparingly but did veto three measures that would affect communities statewide. One bill would have exposed public entities to open-ended liability by allowing damages against the public owner for any construction contract delays, making public contracts more expensive even over and above the financial implications of the Wick's Law which adds 15 to 20% more to public vs. private construction contracts.

The second piece of legislation would have provided police and firefighters with a presumption that if MRSA was ever contracted, it was done so in the line of duty unless it could have been refuted conclusively by the municipality.

Also vetoed was a bill authorizing up to 12 weeks of paid bereavement leave upon the death of certain family members.

In early February, I head to Albany with my fellow State Mayors to meet collectively and lobby for legislation that would relieve any further burdens at the local government level. I shall keep you informed.