

New York State Assembly

**Carl E. Heastie**

*Speaker*



Committee on  
Local Governments

**Bill Magnarelli**

*Chairman*

**2016**

**ANNUAL REPORT**



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, 2016

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 2016 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 other 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

**2016 ANNUAL REPORT**  
**OF THE NEW YORK STATE ASSEMBLY**  
**STANDING COMMITTEE ON LOCAL GOVERNMENTS**

**William B. Magnarelli, Chairman**

**Committee Members**

David F. Gantt  
William Magee  
Philip Ramos  
Michelle Schimel  
Addie J. Russell  
Harry Bronson  
Sean Ryan  
David Buchwald  
Mark Gjonaj  
Frank Skartados  
Steven Otis  
James Skoufis  
Kimberly Jean-Pierre  
Carrie Woerner

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**Staff**

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Craig Swiecki, Committee Clerk  
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## **TABLE OF CONTENTS**

<b>I. INTRODUCTION .....</b>	<b>1</b>
<b>II. MAJOR ISSUES AND LEGISLATION OF 2016.....</b>	<b>2</b>
A. LOCAL GOVERNMENT AID – ENACTED BUDGET .....	2
B. MUNICIPAL OFFICERS AND EMPLOYEES .....	3
C. MUNICIPAL FINANCES .....	3
D. MUNICIPAL CORPORATIONS .....	3
E. EMERGENCY SERVICES .....	5
<b>III. PARKLAND ALIENATION LEGISLATION.....</b>	<b>6</b>
<b>IV. OTHER ENACTED LEGISLATION.....</b>	<b>9</b>
<b>V. OUTLOOK FOR 2017.....</b>	<b>10</b>
<b>APPENDIX A .....</b>	<b>11</b>
<b>APPENDIX B .....</b>	<b>12</b>
<b>APPENDIX C .....</b>	<b>17</b>

## **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 2016**

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

The State Budget for the State Fiscal year 2016-2017 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 2016-2017 includes a total of approximately \$715 million. Eligible towns and villages received approximately \$67.5 million and cities approximately \$647 million.

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

The 2016-2017 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, Local Government Performance and Efficiency Program, and Local Government Efficiency Grant Program.

## **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 2016:

**Town of LaGrange Building Inspector, Comptroller and Administrator of Public Works**  
(A.9671-A Lator; Chapter 306 of the Laws of 2016)

**Village of Aurora Code Enforcement Officer**  
(A.9812-A Finch; Chapter 203 of the Laws of 2016)

**Town of Allen Town Justice**  
(A.10039 Giglio; Chapter 282 of the Laws of 2016)

## **C. MUNICIPAL FINANCES**

**Erie County Private Bond Sales**  
(A.9358-A Schimminger; Chapter 85 of the Laws of 2016)

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.

**Town of East Hampton Airport**  
(A.5245 Thiele; Chapter 446 of the Laws of 2016)

This bill would establish a period of probable usefulness (ppu) of 30 years for the purpose of bonding for improvements to the East Hampton Airport.

## **D. MUNICIPAL CORPORATIONS**

**Private Activity Bond Act of 2016**  
(A.10255 Magnarelli; Chapter 82 of the Laws of 2016)

This law provides an orderly and efficient tax-exempt, private activity bond allocation process for State and local issuers by extending for an additional two years, to July 1, 2018, the current allocation system and

modifying the use of bond allocations and multi-year set asides.

**Regulation of Limousines and Livery Vehicles**

**(A.1205-C Magnarelli; Veto 269 of 2016)**

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

**(A.2370-B Barrett; Chapter 287 of the Laws of 2016)**

This law amends the General Municipal Law and the Vehicle and Traffic Law, in relation to authorizing the County of Dutchess to regulate the registration and licensing of taxicabs, limousines, and livery vehicles.

**(A.7480-A Skartados; Chapter 289 of the Laws of 2016)**

This law amends the General Municipal Law and the Vehicle and Traffic Law, in relation to authorizing the County of Ulster to regulate the registration and licensing of taxicabs, limousines, and livery vehicles.

**Renewable and Alternative Energy Zoning**

**(A.65-A Paulin; Advanced to 3<sup>rd</sup> Reading Calendar 524)**

This bill would require local building and planning regulations to accommodate the use of certain renewable and alternative energy sources.

**School District Purchasing of Farm Products**

**(A.6182 Russell; Chapter 62 of the Laws of 2016)**

This law would authorize school districts to purchase farm products from an association of producers or growers comprised of owners of farms if the purchase is \$25,000 or less. For purchases larger than \$25,000 the law requires the school district to apply to the Commissioner of Education for permission.

**Business Improvement Districts**

**(A.10351-A Otis; Chapter 261 of the Laws of 2016)**

This law requires business improvement districts to give notice of meetings to all members and to provide minutes of all district meetings upon request.

**County Purchasing of Farm Products**  
**(A.10006 Woerner; Passed Assembly)**

This legislation would authorize counties to make certain purchases of New York State farm products.

**Minority- and Women-Owned Business Enterprises**  
**(A.8044-A Bichotte; Passed Assembly)**

This bill would expand the power of the City of New York with regard to the promotion of minority- and women-owned business enterprises.

**Municipal Corporation Audits**  
**(A.7056-A 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.

**E. EMERGENCY SERVICES**

**Disability Benefits for Volunteer Emergency Workers**  
**(A.5133-C Morelle; Chapter 401 of the Laws of 2016)**

This law will increase the benefits for volunteer firefighters and volunteer ambulance workers with permanent total disabilities to \$600 per week.

**Service by Out-of-State Firefighters**  
**(A.1020-B Gunther; Veto 227 of 2016)**

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

**Sale of Surplus Fire Equipment**  
**(A.10355 Jean-Pierre; Chapter 430 of the Laws of 2016)**

This bill would raise the dollar limits related to the sale of used equipment by fire districts.

### **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.

#### **The Town of Islip**

**(A.8294-B Graf; Chapter 170 of the Laws of 2016)**

This law authorizes the Town of Islip, Suffolk County, to lease certain parkland to the Suffolk County Police Athletic Association. The law requires the Town of Islip to dedicate an amount equal to or greater than the fair market value of the lease towards the acquisition of additional parkland and/or capital improvements to existing parkland.

#### **Town of Hyde Park**

**(A.9642-A Barrett; Chapter 374 of the Laws of 2016)**

This law authorizes the Town of Hyde Park, Dutchess County, to convey easements over parkland for the purpose of constructing and maintaining a public water system. It also requires the Town of Hyde Park to dedicate an amount equal to or greater than the fair market value of the easement towards the acquisition of additional parkland and/or capital improvements to existing parkland.

**County of Westchester**  
**(A.9916 Pretlow; Chapter 220 of the Laws of 2016)**

This law authorizes the County of Westchester, to convey an access easement over certain parklands. It also requires the county to dedicate an amount equal to or greater than the fair market value of the easement towards the acquisition of additional parkland and/or capital improvements to existing parkland.

**Village of Hudson Falls**  
**(A.9917-A Woerner; Chapter 275 of the Laws of 2016)**

This law authorizes the Village of Hudson Falls, Washington County, to discontinue the use of certain parkland and to use such lands for other municipal purposes. It also requires the village to dedicate an amount equal to or greater than the fair market value of the easement towards the acquisition of additional parkland and/or capital improvements to existing parkland.

**Village of Skaneateles**  
**(A.10043-A Finch; Chapter 213 of the Laws of 2016)**

This law authorizes the Village of Skaneateles, Onondaga County, to convey certain parkland to the Town of Skaneateles for continued use as parkland.

**Town of Walton**  
**(A.10047 Crouch; Chapter 215 of the Laws of 2016)**

This law authorizes the Town of Walton, Delaware County, to alienate and discontinue the use of certain parkland and convey those lands at fair market value. It requires the Town of Walton to acquire a certain parcel as replacement parkland and, in the event the lands to be acquired as replacement parkland are not of equal or greater than fair market value to the parkland being alienated, the town will dedicate the difference towards making capital improvements to existing park and recreational facilities and/or the acquisition of additional parkland.

**Town of Brookhaven**  
**(A.10125 Thiele; Chapter 212 of the Laws of 2016)**

This law authorizes the Town of Brookhaven, Suffolk County, to lease certain parkland to the Mastic, Moriches, Shirley Community Library. It also requires the Town of Brookhaven to dedicate an amount equal to or greater than the fair market value of the lease towards the acquisition of additional parkland and/or capital improvements to existing parkland.

**Town of Brookhaven**

**(A.10147-B Palumbo; Chapter 221 of the Laws of 2016)**

This law authorizes the Town of Brookhaven, Suffolk County, to alienate and convey certain parkland to SMW Property Holdings in exchange for SMW Property Holdings conveying a certain parcel of land to be dedicated as replacement parkland. It also requires the town, in the event that the replacement parcel is not of equal to or greater than fair market value of the parkland being alienated, to dedicate the difference for the purpose of making capital improvements to existing park and recreational facilities and/or the acquisition of additional parkland.

**Village of Philadelphia**

**(A.10174-A Russell; Chapter 197 of the Laws of 2016)**

This law authorizes the Village of Philadelphia, Jefferson County, to alienate and discontinue the use of certain land. It also requires the village to dedicate the fair market value of the alienated parcel of parkland for the purpose of making capital improvements to existing park and recreational facilities and/or the acquisition of additional parkland.

**Village of Kings Point**

**(A.10554 Schimel; Chapter 232 of the Laws of 2016)**

This law authorizes the Village of Kings Point, Nassau County, to discontinue and alienate certain parklands for the purpose of continuing the non-park use of the land for public works purposes. This law also specifies replacement parcels for dedication as parkland.

**Town of Islip**

**(A.10641-A Ramos; Chapter 235 of the Laws of 2016)**

This law authorizes the Town of Islip, Nassau County, to alienate and convey certain parkland and requires the dedication of a replacement parcel as parkland. It also requires the town, in the event that the replacement parcel is not of equal to or greater than fair market value of the parkland being alienated, to dedicate the difference for the purpose of making capital improvements to existing park and recreational facilities and/or the acquisition of additional parkland.

## **IV. OTHER ENACTED LEGISLATION**

### **Not-For-Profit Purchasing**

**(A.4292-A Galef; Chapter 360 of the Laws of 2016)**

This law authorizes not-for-profit corporations that provide a service to a county to make purchases through county contracts.

## **V. OUTLOOK FOR 2017**

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 2016 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 to examine 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 2017 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	62	0	62
To Floor	5	0	5
To Ways and Means	47	0	47
To Codes	4	0	4
To Rules	6	0	6
To Judiciary	0	0	0
Bills Having Enacting Clauses Stricken	4	0	4
Senate Bills Substituted Or Recalled		12	12
Bills Held In Committee	15	0	15
Bills Never Reported	190	24	214
Total in Committee	274	36	310
TOTAL NUMBER OF MEETINGS HELD	7		7

## APPENDIX B

### Chapter Laws of 2016

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>	<u>Chapter</u>
A.99-D	Thiele	Establishes an underground utility improvement district in the town of East Hampton, county of Suffolk	389
A.2370-B	Barrett	Authorizes the county of Dutchess to regulate the registration and licensing of taxicabs, limousines, and livery vehicles	287
A.4292-A	Galef	Allows certain not-for-profits to make purchases through use of county contracts	360
A.5133-C	Morelle	Relates to permanent total disability benefits received by disabled volunteer firefighters and ambulance workers	401
A.5244-A	Thiele	Permits retail farm operations as an accessory use to agricultural lands pursuant to the Peconic Bay region community preservation fund	301
A.6182	Russell	Authorizes school districts to order from certain farmers without requiring a waiver	62
A.6959-A	Galef	Relates to giving public notice of meetings through electronic means	302
A.7480-A	Skartados	Authorizes the county of Ulster to regulate the registration and licensing of taxicabs, limousines, and livery vehicles	289
A.7529-B	Magnarelli	Authorizes holding title of real property of a land bank in the name of a subsidiary	338
A.7897-B	Friend	Authorizes the commissioner of environmental conservation to lease state land and television translator system to the Tioga county bureau of fire and other occupants	270

<b><u>Bill #</u></b>	<b><u>Sponsor</u></b>	<b><u>Description</u></b>	<b><u>Chapter</u></b>
A.8294-B	Graf	Relates to authorizing the town of Islip, in the county of Suffolk, to lease parklands to the Suffolk county police athletic league	170
A.9159	Magee	Specification of Oneonta Fire District operations	25
A.9358-A	Schimminger	Relates to the sale of municipal obligations by the county of Erie	85
A.9405	Buchwald	Relates to the powers and duties of fire district commissioners	351
A.9407	Butler	Relates to extending the existence of the Hamilton county industrial development agency until July 21, 2026	87
A.9490	Magnarelli	Relates to certain recording taxes	394
A.9539	Magee	Relates to dissolving the Madison County Sewer District and transferring its assets, obligations and liabilities to the Town of Cazenovia	436
A.9642-A	Barrett	Authorizes the town of Hyde Park to convey easements over parkland for the purpose of constructing and maintaining a public water supply system	374
A.9671-A	Lalor	Relates to waiving the residency requirements for the town board appointed officers in the town of LaGrange, Dutchess County	306
A.9812-A	Finch	Waives the residency requirement for the code enforcement officer in the village of Aurora, Cayuga County	203
A.9827	Crouch	Relates to exempting Prospect Terrace Fire Company, Inc. from the requirement that a percentage of non-resident fire dept members not exceed 45% of the membership	276

<b><u>Bill #</u></b>	<b><u>Sponsor</u></b>	<b><u>Description</u></b>	<b><u>Chapter</u></b>
A.9916	Pretlow	Authorizes the county of Westchester to alienate and convey certain parcels of land used as parkland.	220
A.9917-A	Woerner	Authorizes the village of Hudson Falls, in the county of Washington, to discontinue use of certain lands as parkland	275
A.9918-A	Paulin	Relates to village justices	259
A.10039	Giglio	Authorizes the town justice of the town of Allen, in the county Allegany, to be a nonresident of such town	282
A.10043-A	Finch	Authorizes the village of Skaneateles, county of Onondaga, to convey its interest in Austin park to the town of Skaneateles	213
A.10047	Crouch	Relates to authorizing the town of Walton in the county of Delaware to alienate certain parcels of land used as parkland to Bruce Taylor and to acquire other parcels of land to replace such parkland	215
A.10125	Thiele	Relates to authorizing the town of Brookhaven, in the county of Suffolk, to release parklands to the Mastic, Moriches, Shirley Community Library	212
A.10143-B	Englebright	Relates to sales of certain property made to the Suffolk County Landbank Corporation	440
A.10147-B	Palumbo	Authorizes the town of Brookhaven to transfer ownership of certain parklands to SMW Property Holdings	221
A.10148	Thiele	Relates to the period of probable usefulness for the acquisition of land or permanent rights on land in the town of Riverhead	384

<b><u>Bill #</u></b>	<b><u>Sponsor</u></b>	<b><u>Description</u></b>	<b><u>Chapter</u></b>
A.10174-A	Russell	Relates to authorizing the village of Philadelphia to alienate and convey certain parcels of land used as parkland	197
A.10196	Skoufis	Relates to insurance reserve funds of certain school districts	416
A.10219-A	Englebright	Authorizes the town board of the town of Brookhaven to extend the Setauket fire district to include the village of Old Field	357
A.10255	Magnarelli	Relates to federal bond volume allocations, the unified state bond ceiling and the private activity bond allocation act of 2016	82
A.10308-A	Morelle	Authorizes the town of Irondequoit, in the county of Monroe, to lease parklands to T-Mobile Northeast LLC as successor in interest to Omnipoint Communications Incorporated	223
A.10351-A	Otis	Relates to providing district management association members with written notice of meetings	261
A.10355	Jean-Pierre	Relates to the process of selling surplus fire equipment and vehicles	430
A.10375	Magnarelli	Relates to exempting the real property of a land bank from certain tax levies and special assessments	441
A.10414	Magnarelli	Relates to the Onondaga Lake Amphitheater Infrastructure and Revitalization Project act	218
A.10514	Morelle	Authorizes the financing of and providing for a period of probable usefulness to the pre-payment of certain service contract obligations	238
A10547	Rules (Hooper)	Authorizes the town of Hempstead, in the county of Nassau, to amortize over a period	265

<b><u>Bill #</u></b>	<b><u>Sponsor</u></b>	<b><u>Description</u></b>	<b><u>Chapter</u></b>
		of 10 years, the payments made to town employees upon separation from employment	
A.10554	Rules (Schimel)	Alienates certain parklands in the village of Kings Point in the town of North Hempstead in the county of Nassau	232
A.10563	Rules (Skartados)	Relates to the Poughkeepsie public library	277
A.10604	Rules (Schimel)	Relates to the village of Plandome Manor entering into contracts to sell delinquent tax liens	280
A.10641-A	Rules (Ramos)	Authorizes the alienation of certain parklands in the town of Islip, county of Suffolk	235

## APPENDIX C

### Vetoed of 2016

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>	<u>Veto #</u>
A.1020-B	Gunther	Authorizes volunteer firefighters from other states to offer and provide their services to fire departments, districts and companies in this state	227
A.1205-C	Magnarelli	Authorizes the regulation of taxicabs, limousines, livery and transportation network company vehicles in certain municipalities	269
A.6823	Jaffee	Relates to the powers and duties of the receiver of taxes and assessments	235
A.10210	Skoufis	Relates to referrals of certain annexation petitions	214
A.10599	Tenney	Authorizes the village of Montgomery, in the county of Orange, to discontinue use of certain lands as parkland	296