

2008 ANNUAL REPORT

NEW YORK STATE ASSEMBLY

COMMITTEE ON
LOCAL GOVERNMENTS



Sheldon Silver, Speaker

Sam Hoyt, Chair

December 15, 2008

Honorable Sheldon Silver
Speaker of the Assembly
Legislative Office Building, Room 932
Albany, NY 12248

Dear Speaker Silver:

I am pleased to submit to you the 2008 Annual Report of the Assembly Standing Committee on Local Governments.

The Committee addressed several important issues this year, including Industrial Development Agency reform and municipal consolidation and cooperation. This report describes the legislative actions and major issues considered by the Committee. It sets forth our goals for the continued legislative support of municipalities and their residents throughout the State.

I share with you an appreciation of the role municipalities play in providing essential services to the residents of this State and acknowledge your continuing support and leadership in ensuring that the Local Governments Committee continues to address issues facing New York's municipalities. With your assistance, the Committee will continue to focus on the needs of local governments.

Sincerely,

Sam Hoyt, Chairman
Assembly Standing Committee on
Local Governments

2008 ANNUAL REPORT
OF THE NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON LOCAL GOVERNMENTS

Sam Hoyt, Chairman

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I. INTRODUCTION

The Assembly Standing Committee on Local Governments considers the legislative needs of New York State's local governments, which include counties, cities, towns, villages, school districts, fire districts, and various other special districts. The Committee's goals are to monitor the problems of local governments, to develop legislative remedies to these problems, and to research new proposals that will enable local governments to serve the needs of New York State better. The Committee is concerned with the enactment of laws that will further improve local governments' abilities to address their unique problems, as well as prohibiting the enactment of laws that would impede local governments in their delivery of local services.

New York State statutes affected by proposed legislation before the Committee include: General Municipal, Municipal Home Rule, Local Finance, County, Town, Village, Volunteer Firefighters' Benefit and Volunteer Ambulance Workers' Benefit Laws. Since the powers of local governments are so broad, the Committee's concerns range widely. The Committee addresses issues from the general area of municipal finance, to the creation of a special district. Home rule, or "special legislation," is also addressed by the Committee. These measures concern problems of specific local governments and apply to a particular jurisdiction. For example, a home rule bill might permit the establishment of a special district for a town to remedy a local problem. Through the use of special legislation to solve individual local needs, the Committee has helped to resolve hundreds of unique problems and enabled local governments to better serve their citizens.

II. MAJOR ISSUES OF 2008

A. LOCAL GOVERNMENT AID – ENACTED BUDGET

The State Budget for State Fiscal Years 2008-2009 focuses the Aid and Incentives for Municipalities (AIM) program to increase funding to financially distressed municipalities and encourage greater accountability. Funding increases were targeted to municipalities with the highest degree of fiscal distress. Fiscal distress included the following criteria: full valuation per capita less than 50 percent of the statewide average; less than 40 percent real property tax capacity; population loss greater than 10 percent since 1970; and a poverty rate greater than 150% of the statewide average.

The 2008-2009 Budget contains a four percent increase from the previous year for AIM program funding to towns and a four percent increase from the previous year for AIM program funding to villages.

The Small Government Assistance Program provides funding for 26 school districts, three counties, and two villages that the Executive did not fund in the AIM program. The counties of Essex, Franklin and Hamilton received a total of \$221,676. The newly formed villages of Woodbury and South Blooming Grove received a total of \$48,925.

Local Government Efficiency (LGE) Grant Program

The State Budget contains \$24.9 million in funding for the Local Government Efficiency (LGE) grant program. The LGE program replaces the Shared Municipal Services Incentive (SMSI) program, which was created in 2005 to encourage municipal consolidation and cooperation. The program is administered by the Department of State and provides grants to local governments, fire, special improvement or school districts that merge or share services.

Grants are intended to cover costs associated with mergers, consolidations, cooperative agreements, dissolutions and shared services. This includes legal and consultant services, feasibility studies and capital investments. For some grant categories, grant recipients must provide a match for up to 10 percent of the project cost.

B. INDUSTRIAL DEVELOPMENT AGENCIES

Industrial Development Agencies (IDAs) were created by the State Legislature to promote the economic welfare and prosperity of the State's inhabitants. IDAs are intended to promote, attract, encourage and develop economically sound commerce and industry for the purpose of preventing unemployment and economic deterioration. In order to encourage increased economic activity and job growth, IDAs provide exemptions from municipal and school taxes. IDAs also issue low-interest bonds that allow companies to borrow money at a low cost. Currently, there are over 100 county and municipal-level IDAs.

Industrial Development Agency Reform **(A.8703-A Hoyt; passed Assembly, recalled and amended)**

The IDAs throughout the State provide an estimated \$400 million in net tax exemptions each year. IDAs are an important economic development tool intended to promote job creation and business retention. Assembly hearings, State Comptroller audits and newspaper articles have highlighted problems with IDA accountability.

This legislation would increase the accountability of IDAs to the taxpayers and municipalities they serve. In addition, the legislation would ensure a greater degree of uniformity in the application process for IDA assistance, allow for more careful analysis and deliberation in the decision-making process and ensure enhanced monitoring once IDA benefits were conferred. The legislation's provisions would do the following:

Accountability

- require board members to attend at least 10 percent of all hearings or forfeit their office;
- require IDAs to maintain a website;
- require IDA hearings to be attended by no less than two board members;
- require IDAs to suspend financial assistance to recipients found to have committed a substantial violation of any federal, state or local law, rule or regulation related to environmental protection, taxation, and financial assistance, protection of workers or minority and women-owned business enterprises.
- authorize the Attorney General to commence an action to recover financial assistance;
- require hearing notices on the development of a PILOT policy by an IDA to be provided to the members of the local governing body, with copies of the adopted policy to be sent to the chief executive officer and members of the governing body and posted on the IDA's website;

- authorize the State Comptroller to investigate pirating complaints and require repayment of assistance upon a determination that a complaint is valid;
- require the approval of the Public Authorities Control Board for projects over \$100 million;

Smart Growth

- establish a compliance schedule for green building standards based on the building cost and the type of construction work to be performed;
- prohibit IDA funds from being used for projects not on a brownfield, served by existing public sewer and water, or on lands designated as suitable for conservation, unless the agency can demonstrate that there is no viable alternative;
- make brownfield projects eligible for low-cost power programs and waive bond issuance charges on those projects;

Wages

- require the payment of prevailing wages for any construction or building renovation work;
- require the payment of the median hourly wage for “all occupations,” as published by the United States Bureau of Labor Statistics, for the duration of the financial assistance and for five years thereafter;

Consolidation

- provide that whenever an agency has \$100,000 or less in outstanding debt, it shall exist only to pay debt service on the bonds;
- establish a uniform procedure for the dissolution and merger of sub-county IDAs;
- consolidate the sub-county IDAs of Erie County;

Civic Facilities and Continuing Care Retirement Communities (CCRCs)

- authorize permanent funding of civic facilities and CCRCs;
- raise the cap for funding civic facilities and CCRCs from \$20 million to \$40 million.

C. 911 EMERGENCY SERVICE

Many people purchase cellular telephones for use in an emergency, not realizing that 911 calls made from a cellular telephone are not received in the same manner as calls made from a landline telephone. Dispatchers receiving a 911 landline call are able to automatically identify the telephone number and location of callers. Due to technological issues, dispatchers do not receive the same information from wireless callers. This is true despite a Federal Communications Commission (FCC) order issued in 1996, which required wireless carriers to deploy wireless enhanced 911 (E-911) service. Wireless enhanced 911 service refers to the ability of a call center to determine the location and identity of wireless callers.

Local Surcharge Bills

(A.10312-A Crouch; Chapter 450 of the Laws of 2008 – Chenango County)

(A.10455 Burling; Chapter 251 of the Laws of 2008 – Wyoming County)

Chenango and Wyoming counties requested and received authorization to levy a monthly \$.30 local surcharge on wireless telephone bills to supplement the support and development of E-911 systems.

D. AFFORDABLE HOUSING

Long Island Workforce Housing Program

(A.9881-A Sweeney; Chapter 444 of the Laws of 2008)

The staggering increase in home prices in Nassau and Suffolk counties has far outpaced gains in wages and has had a dramatic effect on the ability to obtain housing. A household income of \$170,000 or more is required to purchase a median-priced home. This legislation amends the General Municipal Law to establish the Long Island Workforce Housing Program. Local governments on Long Island that approve the construction of five or more residential housing units in one site plan must require developers to provide one of the following items: affordable housing; a fee to support the construction of affordable housing; or land for the development of affordable housing. In exchange, the developer is eligible to receive density bonuses and other incentives.

E. PUBLIC EMPLOYEES

Public Posting of Conflicts of Interest

(A.8979 Hoyt; Chapter 236 of the Laws of 2008)

This legislation unburdens local government administration by undoing current financial disclosure requirements that are voluminous and have limited applicability. It also streamlines the process by requiring that only conflicts of interest need to be disclosed through a public posting.

Coroner Education

(A.2585 Parment; Passed Assembly)

Despite the complex nature of their work, State Law does not establish training requirements for coroners/medical examiners. This results in a varying degree of coroner/medical examiner training across the State. This legislation would authorize the Division of Criminal Justice, in consultation with the Department of Health, the State Police, the State Education Department and the New York State Association of County Coroners to establish medical/legal investigation training requirements for coroners, coroner's deputies, medical examiners and deputy medical examiners. Such

training would be required to be completed on or before January 1, 2010, by persons currently holding such offices, and must be completed prior to taking office by persons entering into office after the effective date of the legislation.

Coroner Jurisdiction

(A.5225 Pretlow; Passed Assembly)

Under the current County Law, only the coroner or medical examiner of the county where a death has occurred has jurisdiction to investigate that death. In certain areas of the State, crime victims found near death in one county will be rushed by police or ambulance to a hospital in an adjoining county because that hospital is the nearest with adequate trauma facilities. In event of the patient's death, the homicide is prosecuted in the original county. This legislation would provide coroners, in whose district the crime occurred, with concurrent jurisdiction during autopsies.

F. MUNICIPAL FINANCES

Private Activity Bond Allocation

(A.11114 Hoyt; Chapter 110 of the Laws of 2008)

For the last eight years, the system for multi-year funding of large residential projects has served New York well. Ever burgeoning development projects face increasing regulatory hurdles and may take longer to complete. Issuers around the State are familiar with the existing process. The statutory continuation of this process will provide the most cost and labor efficient approach to the allocation of the State's bond volume. This multi-year provision permits projects to proceed by providing funds in the actual year they are needed. This legislation continues the development of much-needed affordable housing for all New Yorkers, and also sustains construction activity and jobs as well.

Temporary Investments

(A.11240 Farrell; Chapter 215 of the Laws of 2008)

This legislation extends to July 1, 2011 the provisions of Chapter 130 of the Laws of 1998, authorizing increased flexibility in investment decisions in which the city of New York may invest. This has been working to facilitate higher yield investments without greatly increasing financial risk.

Refunding Bonds

(A.11090 Kellner; Chapter 277 of the Laws of 2008)

This legislation extends to September 30, 2011 the provisions of Chapter 629 of the Laws of 2005 authorizing local governments and public benefit corporations to

issue statutory installment bonds to the New York State Environmental Facilities Corporation.

Installment Loans

(A.11094 O'Donnell; Chapter 212 of the Laws of 2008)

This legislation extends to September 30, 2011 the provisions of Chapter 492 of the Laws of 1993 authorizing municipalities to issue bonds or notes evidencing installment loans to New York State Environmental Facilities Corporation in order to obtain financial assistance from the water pollution control revolving fund.

Installment Bonds

(A.11095 Zebrowski; Chapter 213 of the Laws of 2008)

This legislation extends to September 30, 2011 the provisions of Chapter 581 of the Laws of 2005 authorizing local governments and public benefit corporations to issue statutory installment bonds to the New York State Environmental Facilities Corporation.

Electronic Bidding

(A.11716 Hoyt; Chapter 134 of the Laws of 2008)

This legislation extends to June 1, 2013 the provisions of Chapter 62 of the Laws of 2003 authorizing the acceptance of bids submitted in an electronic format, while protecting the option to submit a paper bid.

Funding for Patriotic Organizations

(A.6572 Towns; Passed Assembly)

Many municipalities do not have facilities for meetings conducted by patriotic organizations such as the American Legion or VFW Post. Instead, meetings are held in the post of an adjoining town. Current State law allows a town to appropriate up to \$125 annually to assist a neighboring town to fund costs incurred by a patriotic organization. The current sum has not been increased since 1984 and is inadequate to defray room rental or maintenance. This legislation would increase the amount of money that towns may appropriate from \$125 to \$300. The legislation would also increase, from \$500 to \$1,000, the amount of money available to help the town's patriotic organizations defray meeting costs.

Post-Employment Benefits

(A.7121 Hoyt; Passed Assembly)

In addition to pensions, many local governments provide retirees with health care benefits. Though post-employment health care benefits are provided after an employee retires, they constitute compensation for employee services. Currently,

municipal financial statements do not include the financial effect of post-employment health care benefits until those benefits are paid. The Governmental Accounting Standards Board (GASB) establishes standards of financial accounting and reporting for state and local governments. In June 2004, GASB issued Statement No. 45 that requires municipal financial statements to include an estimate of the projected cost of post-employment health care benefits for each current employee.

Currently, municipalities and school districts pay for post-employment benefit items on a “pay as you go” basis and there is no method by which they can accrue money or account for such expenses. This legislation would permit municipalities and school districts to meet the GASB 45 requirement by authorizing post-employment benefits to be accounted for in Employee Benefit Accrued Liability Reserve Funds.

Community Preservation Funds
(A.7333 Sweeney; Passed Assembly)

Undeveloped and agricultural lands in New York State are disappearing at a rapid rate. In an effort to conserve these lands, communities across the State are exploring a range of options from land use planning activities to the outright purchase of property. In conserving land, communities are pursuing different objectives such as providing parkland, safeguarding drinking water, preserving farmland, protecting habitat and preserving spectacular scenic views; however, all of these activities require financial resources.

This legislation would permit towns and cities, following a voter-approved referendum, to impose a tax on real estate transfers with the resulting money used to create community preservation funds.

G. MUNICIPAL CORPORATIONS

Audit Responses
(A.5750 Sweeney; Passed Assembly)

Audit reports and management letters are important tools for the efficient management of local governments. They are utilized most effectively, however, when local officials promptly focus on audit findings and recommendations and address any deficiencies in an effective manner. Written, public responses also help foster greater accountability to the taxpayers of the local governments.

This legislation would require municipalities, IDAs, and special districts to respond in writing to audits performed by the Office of the State Comptroller, or external audits performed by independent public accountants.

H. DISABILITY COVERAGE

Disability Coverage for County Probation Officers **(A.167 Weisenberg; Passed Assembly)**

This legislation would authorize counties to add probation officers to the list of law enforcement personnel eligible to receive additional disability coverage for injuries received in the line of duty. This would ensure that county probation officers would receive the same disability benefits as other law enforcement officers.

I. ELECTION REFORMS

Absentee Ballots for Fire District Elections **(A.7183 Eddington; Passed Assembly)**

Currently, fire district commissioners must adopt a resolution prior to providing absentee ballots in fire district elections. This legislation would bring the election provisions of fire districts into compliance with the provisions of other local elections by requiring absentee ballots to be available for all fire district elections.

Ward System Elections **(A.2327 McEneny; Passed Assembly)**

Historically, the phrase “ward system” has been very closely associated with cities. Since towns are governed by town boards made up of elected council members, it would be more consistent to call the system a council district system instead of a ward system. This legislation would amend the Town Law to replace the phrase “ward system” with the phrase “council district system.”

J. MUNICIPAL ZONING

Peconic Bay Community Preservation Fund **(A.10724-A Thiele; Chapter 373 of the Laws of 2008)**

This legislation makes certain changes to the Peconic Bay region community preservation fund, which was enacted by the State legislature in 1998 to provide clarity and greater accountability.

Town of Northeast Preservation Act **(A.8831 Molinero; Chapter 333 of the Laws of 2008)**

This legislation authorizes the town of Northeast, following a mandatory referendum, to establish a 2 percent tax on real estate transfers. The resulting monies will be used to establish a community preservation fund. The fund will be used to acquire property listed in a town’s community preservation plan.

Wireless Telecommunications on School Property
(A.10144 Jeffries; Passed Assembly)

This legislation would forbid the erection of a telecommunications facility on school property unless the provider can present proof that consideration of other properties has rendered school property as the only viable option for thorough service coverage. The provider must also prove the facility will emit the lowest radiofrequency emissions practicable.

K. EMERGENCY SERVICES

Extension of Lung Disease Presumption for Volunteer Firefighters
(A.9922 John; Chapter 120 of the Laws of 2008)

Medical evidence indicates that firefighters experience a higher incidence of lung disease than the average adult population. It is thought that the exposure of combustion and off-gassed materials from plastic and other synthetic materials results in a higher incidence of lung disease. The presumption between lung disease and volunteer firefighters was established with Chapter 606 of the Laws of 2006. This legislation extends the provisions for two years, until June 30, 2010.

Service Award Credits for Volunteer Ambulance Workers Disabled in the Line of Duty
(A.10449 Sweeney; Chapter 261 of the Laws of 2008)

Service award programs were created by the Legislature in 1988 to encourage recruitment and retention of volunteer emergency workers by providing financial incentives similar to a pension. This legislation grants volunteer ambulance workers who are totally or temporarily disabled as the result of an injury sustained in the line of duty five points per month towards the service award program for each month they are unable to volunteer or until entitlement age is reached.

Residency Requirement Exemptions
(A.11153 Schimminger; Chapter 378 of the Laws of 2008 – River Road Fire District)
(A.11662 Rules (Cole); Chapter 380 of the Laws of 2008 – Terry’s Corners Fire Company)

There is currently a 45 percent residency requirement that volunteer fire company memberships must meet. In order to boost membership, the aforementioned legislation exempts the River Road fire district and the Terry’s Corners volunteer fire company from this requirement.

Audit of a Service Award Program
(A.10421 Sweeney; Chapter 458 of the Laws of 2008)

This legislation extends the period for completion of, and report on, an audit of a service award program to within 270 days of the program sponsor's fiscal year, rather than 90 days.

Fire District Commissioner Dereliction of Duty
(A.3563-A Galef; Passed Assembly)

Fire district commissioners perform many essential roles in the governing of their districts. In most cases, if a quorum of commissioners is not present, business cannot be conducted. For this reason, fire commissioner attendance is very important. There has been some confusion as to whether or not commissioners can be removed for excessive, unexcused absences. The current provision in the Public Officers Law refers to "malversation" and "malfeasance."

This legislation would authorize the removal of fire commissioners for dereliction of duty. Dereliction would include, but would not be limited to, excessive and unexcused absences from regularly scheduled meetings, and this legislation would follow the existing removal process for commissioners.

L. Municipal Revitalization

Land Banks
(A.8059-C Hoyt; Passed Assembly and Senate, Vetoed by Governor – Veto No. 145)

Many New York cities and their metro-regions are plagued by abandoned and vacant properties. Problems associated with abandoned properties include crime, fire, disease, and diminished value of surrounding properties. Local governments lose money because of the cost of demolition, safety hazards, and spreading deterioration of neighborhoods resulting in increased mortgage foreclosures.

This legislation would authorize the Urban Development Corporation (which operates as the Empire State Development Corporation or ESD), upon request of county legislatures, to create up to three land banks to acquire, manage, plan and reuse abandoned property.

This legislation was vetoed by the Governor, who indicated, among other things, that the legislation provided no mechanism to fund the creation and operation of the land banks, and given the State's current financial condition, that the program should be negotiated during the budgeting process.

M. LGEC Commission Recommendations

Local Government Efficiency

(A.11640 Rules (Hoyt); Reported to Ways and Means)

The Governor's Commission on Local Government Efficiency and Competitiveness (LGEC) issued its final report and recommendations on April 30, 2008.

This legislation would implement the Commission's recommendations with regard to the following issues: facilitating municipal cooperative health benefit plans; allowing counties to share local officials; expanding highway shared services agreements; eliminating special district commissioner compensation; controlling special district sanitation collection costs; and simplifying municipal consolidations and dissolutions.

Eliminating Compensation for Special District Commissioners

(A.11688 Rules (Hoyt); Reported to Calendar)

Special districts exist across the State. Some special district commissioners earn extra-ordinary salaries with benefit packages that are lucrative by public sector standards. These benefits, often given outside of negotiated contracts, are unregulated and incur unforeseen costs to local tax payers.

This legislation would implement the LGEC Commission's recommendation by making special district commissioners unpaid positions.

Allowing Counties to Share Officials and Simplifying Municipal Consolidation and Dissolution

(A.11698 Rules (Hoyt); Reported to Ways and Means)

Residency requirements currently prohibit counties from sharing a single county health director or public health director that could report to a single board of health.

This legislation would implement the LGEC Commission's recommendation by allowing small counties to share a health director, thereby reducing administrative expenses while still providing the same quality of service.

This legislation would also implement the LGEC Commission's recommendation by establishing a uniform, simplified process by which citizens can submit petitions to initiate village consolidations and dissolutions, town consolidations, and fire and fire protection district consolidations.

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 for some time. Case and statutory law have established 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 on-going effort to protect the public trust as it relates to parkland, and in keeping with the Assembly's policy of preserving open space, every attempt is made to ensure that each proposed alienation of parkland complies with alienation guidelines and adheres to the long standing policy, prior to passage out of Committee.

Committee guidelines for authorizing parkland alienation include the verification of the number of acres proposed for alienation and a requirement that such lands be sold at fair market value, with the proceeds from the sale 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 being alienated, as well as language detailing the number of acres of land being alienated. Finally, the Committee requires a home rule message from the municipality requesting alienation prior to acting on any parkland legislation.

The following parkland alienation bills have been signed into law.

Town of Caroga Parkland **(A.7813-B Butler; Chapter 535 of the Laws of 2008)**

This legislation authorizes the Town of Caroga to discontinue certain parklands, and to utilize such parklands for general town purposes provided that the town board dedicates new parkland described in the legislation. Should the new parkland be of lesser fair market value, the fiscal difference would be dedicated for capital improvements to existing parklands.

Erie County Parkland **(A.8388-B Gabryszak; Chapter 85 of the Laws of 2008)**

This legislation authorizes Erie County to discontinue the use of certain parkland which is no longer useful for park and recreation purposes and to sell and convey the lands in exchange for fair market value. The parkland alienation is required for the sale of a house on the property. Erie County must dedicate all proceeds from the sale for the acquisition of additional parkland or, if appropriate lands cannot be found, for capital improvements to existing park and recreational facilities.

Village of Bellport Parkland
(A.8665-A Eddington; Chapter 171 of the Laws of 2008)

This legislation authorizes the Village of Bellport to alienate parkland for the purpose of leasing it for construction of a cell tower. The proceeds from the lease must be dedicated to acquiring new parkland or improving existing parkland. Upon the termination of the lease, the lands must revert back to parkland.

Town of Malta Parkland
(A.9282-A McDonald; Chapter 531 of the Laws of 2008)

This legislation authorizes the Town of Malta to grant an easement upon certain parklands to Saratoga Water Services, Inc. for the installation of a water line. Upon completion of the line, the town must restore the surface of the land for continued use as parkland.

Town of Islip Parkland
(A.10386-A Fitzpatrick; Chapter 513 of the Laws of 2008)

This legislation authorizes the Town of Islip to convey certain parkland to the Hauppauge Library District in exchange for the replacement lands specified in the bill text.

Village of North Syracuse Parkland
(A.10586-A Stirre; Chapter 460 of the Laws of 2008)

This legislation authorizes the Village of North Syracuse to discontinue the use of certain parklands that are no longer needed for park purposes in order to develop senior housing. The town must dedicate replacement lands of equal or greater fair market value as parkland.

Town of Webster Parkland
(A.10907-B Koon; Chapter 266 of the Laws of 2008)

This legislation authorizes the Town of Webster to transfer ownership of certain parklands in exchange for an eight-acre parcel for use as a town park and/or town athletic facility.

Town of Clarence Parkland
(A.11024-A Cole; Chapter 474 of the Laws of 2008)

This legislation authorizes the Town of Clarence to discontinue and sell certain parklands and requires the acquisition of new parkland and/or improvements to existing parkland.

Town of Clarkstown Parkland

(A.11662 Rules (Zebrowski); Chapter 555 of the Laws of 2008)

This legislation authorizes the Town of Clarkstown to discontinue, sell and convey certain parklands. The town must dedicate an amount equal or greater fair market value of the parkland toward acquisition of new parkland and/or improvements to existing parkland.

IV. PUBLIC HEARINGS

The Committee held four public hearings in 2008:

A. RESTORE NEW YORK

On February 28, 2008, the Committee, in conjunction with the Assembly Committees on Cities and Economic Development, held a hearing in Albany to examine municipal participation in the Restore New York's Communities Initiative.

Restore NY was established in the 2006-2007 New York State Budget to provide eligible municipalities with financial assistance to encourage economic development and neighborhood revitalization. A total of \$300 million was dedicated to this program in the New York State Budget with \$50 million appropriated for State Fiscal Year (SFY) 2006-2007, \$100 million appropriated for SFY 2007-2008 and \$150 million proposed for SFY 2008-2009. The program goals of Restore NY are to improve housing stock, encourage commercial investment and revitalize urban centers. Eligible municipalities have submitted proposals for funding for the demolition, deconstruction, rehabilitation or reconstruction of vacant or obsolete buildings. This hearing examined the processes by which local governments determine which projects shall be included in their applications for funding from Restore NY.

B. PROCUREMENT PRACTICES REGARDING CENTRALIZED CONTRACTS

On February 26, 2008, the Committee, in conjunction with the Assembly Standing Committees on Governmental Operations, Education, Higher Education, Cities and Small Businesses, held a hearing in Albany to review the use of centralized contracts by state agencies, local governments and school districts and to examine the impact of such use on small businesses.

Public procurement relies on competitive processes, set forth in the State Finance and General Municipal Law, to obtain commodities, services and technology. The Office of General Services (OGS) administers a large centralized contracts program. The concept is based on the State looking at the combined and common needs of State agencies and authorized users and then using its leveraging power to make cost saving and efficient purchases. This hearing reviewed the benefits and disadvantages the use of centralized contracts have for the State, its local subdivisions, the educational community and small businesses.

C. LGEC REPORT ON GOVERNMENT EFFICIENCY & COMPETITIVENESS

On May 16, 2008, the Committee, in conjunction with the Assembly Standing Committees on Health, Transportation, Agriculture and Insurance, held a hearing in Buffalo regarding the findings of the New York State Commission on Local

Government Efficiency and Competitiveness Report.

The Commission's final report made recommendations such as: reducing special district spending by eliminating compensation for special district commissioners; facilitating the formation of municipal government cooperative health benefit plans for their employees; encouraging highway shared services agreements among municipalities and between municipalities and state agencies; allowing multiple counties to share services of a director of weights and measures and to employ a single public health director reporting to a single board of health; transferring management responsibilities for special sanitation districts to town boards; and revising the process by which citizens can submit petitions for municipal consolidation and dissolution. This hearing examined the Commission's recommendations and heard testimony from municipalities, private citizens and Commission members on the Commission's findings and proposals.

D. YANKEE STADIUM TAX-EXEMPT BOND FINANCING

On July 2, 2008, the Committee, in conjunction with the Assembly Standing Committees on Corporations Authorities and Commissions, Cities and Ways and Means, held a hearing in New York City regarding the request for increased public financing for construction of a new Yankee Stadium in New York City.

This hearing examined requests by the New York Yankees for additional funding in the form of tax-exempt bonds from the New York City Industrial Development Agency (NYC IDA), a subsidiary of the New York City Economic Development Corporation (NYC EDC), for construction of a new Yankee Stadium in New York City.

V. OUTLOOK FOR 2009

The Assembly Local Governments Committee will continue its in-depth review of provisions related to Industrial Development Agencies (IDAs). The expiration of certain provisions related to IDAs, including the authorization of IDAs to finance civic facility and continuing care retirement community projects, as well as certain tax policies and restrictions on the use of agency funds, will provide the Committee with the opportunity to explore issues related to the role of IDAs, including potential reforms.

The Committee will continue to examine the best way to create a land bank statute, including a review of the Governor's recommendations, in order to give municipalities a mechanism to address their increasing need to revitalize neighborhoods plagued by vacant and abandoned property.

The Committee will also continue to advocate for the equitable distribution of local government aid. In particular, it will continue to support the adoption of equitable local government aid programs to provide both a stable and predictable revenue stream for local governments.

APPENDIX A

**2008 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	94	0	94
To Floor	7	0	7
To Ways and Means	71	0	71
To Codes	6	0	6
To Rules	10	0	10
To Judiciary	0	0	0
Bills Having Enacting Clauses Stricken	8	0	8
Bills Having Committee Referenced Changed	5	0	5
Senate Bills Substituted Or Recalled		28	28
Bills Never Reported, Held In Committee	257	37	297
Total in Committee	359	65	424
TOTAL NUMBER OF MEETINGS HELD			12

APPENDIX B

Chapter Laws of 2008

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>	<u>Chapter</u>
A.6593-B	Gunther	Authorizes the Sullivan County legislature to appoint nine members to its industrial development agency.	607
A.7813-B	Butler	Authorizes the Town of Caroga to discontinue certain parklands.	535
A.8388-B	Gabryszak	Authorizes the County of Erie to discontinue and sell certain parklands.	85
A.8665	Eddington	Authorizes the Village of Bellport to discontinue certain parklands.	171
A.8831-A	Molinaro	Establishes the Town of Northeast community preservation act.	333
A.8884-A	Burling	Authorizes the State to convey certain parklands to the Town of Mount Morris.	88
A.8979	Hoyt	Requires the chief executive officer of each municipality to cause the posting of certain provisions of law relating to conflicts of interest.	236
A.9166-B	John	Authorizes the Town of Riga to establish the Host Benefit Agreement reserve fund.	439
A.9282-A	McDonald	Authorizes the Town of Malta to grant a land easement upon certain parklands, to Saratoga Water Supply, Inc., for the installation of a water line.	539
A.9697	Magee	Authorizes the Town of Vernon to extend the Oneida Castle fire protection district into the Village of Oneida Castle.	104
A.9881-A	Sweeney	Establishes the Long Island Workforce Housing program.	444
A. 9922	John	Extends a presumption relating to certain lung disabilities incurred by volunteer firefighters until June 30, 2010.	120
A.10050-A	Burling	Validates, ratifies and legalizes the issuance of a certain bond anticipation renewal note by the Village of Canaseraga.	106
A.10081	Alessi	Ratifies and validates certain acts of the Town Board of Southold in establishing the Fishers Island sewer district.	615
A.10217	McDonald	Validates certain bond anticipation notes issued by the Town of Dresden, relation to Fredericks Point Sewer District #2.	96

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>	<u>Chapter</u>
A.10282	Weisenberg	Relates to payments in lieu of taxes for certain property in the Town of Hempstead.	124
A.10312	Crouch	Authorizes the local county legislative body of the County of Chenango to establish a wireless surcharge.	450
A.10386-A	Fitzpatrick	Authorizes the Town of Islip to discontinue the use of certain land as parkland and to convey the land to the Hauppauge Library District.	513
A.10421	Sweeney	Extends the time period for completing the audit of a service award program.	458
A.10449	Sweeney	Grants volunteer ambulance workers five points per month during periods of line-of-duty disablements.	261
A.10455	Burling	Authorizes the establishment of a wireless surcharge in Wyoming County.	251
A.10538	Sayward	Validates, ratifies, and legalizes the issuance of certain bond anticipation notes by the Town of Minerva.	112
A.10568-A	Gunther	Authorizes the Town of Wawayanda to issue bond anticipation renewal notes and/or serial bonds for the reconstruction of the sewer plant.	256
A.10586	Stirpe	Authorizes the Village of North Syracuse to discontinue as parkland a certain parcel no longer needed for park purposes.	460
A.10607	Sayward	Authorizes the town of Newcomb to establish the Goodnow Flow Dam Improvement District.	462
A.10620	Walker	Makes the second Tuesday in December the date for the election of commissioners for Bethpage and Hicksville Water Districts.	514
A.10623-A	Giglio	Authorizes the Village of Randolph to transfer monies from its capital reserve account to the Randolph Fire District.	364
A.10724-A	Thiele	Relates to the Peconic Bay community preservation fund.	373
A.10733	Hoyt	Extends certain provisions of law relating to the period of probable usefulness for certain judgments.	122
A.10749-A	Crouch	Authorizes the Chenango Valley Central School District to issue bonds and bond anticipation notes to liquidate an accumulated deficit in its general fund.	260
A.10770-A	Gunther	Authorizes the Town of Deerpark to issue serial bonds.	270

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>	<u>Chapter</u>
A.10907-A	Koon	Authorizes the Town of Webster to transfer ownership of certain parklands in exchange for an eight-acre parcel solely to be used as a town park and/or town sports and athletic facility.	266
A.10954	Miller	Authorizes master electrician licensing in Dutchess County.	343
A.10957	Morelle	Permits the Town of Brighton to establish a transportation development district.	374
A.11024-A	Cole	Authorizes the Town of Clarence to alienate parkland.	474
A.11090	Kellner	Extends certain provisions of law relating to refunding bonds.	277
A.11094	O'Donnell	Extends certain provisions of law relating to installment loans and obligations evidencing installment loans.	212
A.11095	Zebrowski	Extends certain provisions of law relating to statutory installment bonds.	213
A.11114	Hoyt	Enacts the private activity bond allocation act of 2008 and provides for the expiration of certain provisions thereof.	110
A.11148	Gordon	Legalizes, validates, ratifies, and confirms certain actions taken by the Town of Schodack with respect to bond anticipation notes.	488
A.11153	Schimminger	Relates to the residency requirement for the River Road Fire District No. 3.	378
A.11156	Hoyt	Requires all public notices of certain improvement districts to be on the website of the district.	421
A.11240	Farrell	Extends certain provisions on law relating to temporary investments by local governments.	215
A.11536	Rules (Calhoun)	Authorizes the Village of South Blooming Grove to adopt a fiscal year starting January 1, and to consolidate two water districts into one district.	830
A.11554	Rules (Thiele)	Authorizes the Town of East Hampton to issue certain serial bonds.	282
A.11662	Rules (Zebrowski)	Authorizes the Town of Clarkstown to discontinue the use of certain parkland and to sell and convey such land.	555
A.11685	Rules (Cole)	Relates to the residency requirement for the Terry's Corners Volunteer Fire Company.	768

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>	<u>Chapter</u>
A.11716	Rules (Hoyt)	Extends certain provisions of law relating to electronic bidding.	796

APPENDIX C

Vetoos of 2008

<u>Bill #</u>	<u>Sponsor</u>	<u>Description</u>	<u>Veto Memo #</u>
A.8059-C	Hoyt	Provides for the creations of land banks for the revitalization of vacant and abandoned property	145
A.8965	Hoyt	Authorizes villages and towns to impose a fee to recover the direct costs of an independent consultant to review an application in a zoning proceeding	988
A.9242-A	Rules	Provides for an increase in the communication service surcharges in Onondaga County.	23
A.9542	Fields	Permits volunteer firefighters to be eligible for membership in more than one company at a time.	166
A.10413	Bradley	Relates to the licensing of electrical inspectors in Westchester County.	98
A.11474	Rules (Crouch)	Appoints certain individuals to full-time competitive positions as patrolmen for certain villages.	555