



GERALD K. GEIST  
EXECUTIVE DIRECTOR

WWW.NYTOWNS.ORG

LORI MITHEN DEMASI  
COUNSEL

December 2014

Dear Town Clerk:

**PLEASE READ AT FIRST 2014 TOWN BOARD MEETING**  
**Contains Dated Material to be Returned**

The 2014 Training School and Annual Meeting of this Association will be held at the Hilton New York Midtown, New York City, February 16-19, 2014. This is a training session for town officials. The following is a brief outline of events:

**INFORMATIONAL HEARING** from 3:00-5:00 p.m., Sunday Afternoon,  
February 16 - Beekman Parlor.

**GENERAL OPENING SESSION** for all town officers, 8:45 a.m., Monday  
Morning, February 17 - Grand Ballroom.

**GROUP SESSIONS** for various categories of town officers and special programs  
follow the Opening Session as will be set forth in the printed program:

Town Board Members	Fiscal Officers
Building Officials	Public Works & Highway
Planning & Zoning Officials	Town Clerks
Town Justices Generally	Town Court Clerks
Town Justices (Advanced, Accredited)*	Town Attorneys
Tax Collecting Officers	

**BREAKFAST WITH THE ASSOCIATION** 8:00 a.m., Tuesday Morning,  
February 18 - Grand Ballroom

**ANNUAL BUSINESS SESSION (Official Delegates)** 9:00 a.m., Wednesday  
Morning, February 19 - Beekman & Sutton (N) Parlors

The Constitution of the Association provides:

*“On all questions arising at meetings of the Association, each member town in good standing shall be entitled to one vote. Such vote shall be cast by a person designated by the town board of such member town, registered and present at the meeting at which the vote is offered. The town board may designate an alternate to cast the vote of such town in the absence of the person so designated. No person shall be designated as a representative of a town or alternate unless he shall be an elector of the town so designated.”*

Any town that has paid its dues for the year 2014 BEFORE the Annual Meeting is a member in good standing. A CERTIFICATE OF DESIGNATION OF THE VOTING DELEGATE for your Town is enclosed. THE CERTIFICATE MUST BE EXECUTED AND RETURNED TO THE ASSOCIATION, 150 State Street, Albany, NY 12207, NO LATER THAN FEBRUARY 7, 2014, for the Credentials Committee to review and establish eligibility.

A copy of the preliminary 2014 Legislative Program developed at a joint meeting of the Executive Committee and the Resolutions Committee is attached. The Resolutions Committee will present the Legislative Program to the Delegates at the 2014 Business Session. RESOLUTIONS SUBMITTED AT LEAST 15 DAYS PRIOR TO THE 2014 ANNUAL MEETING will also be received and considered for recommendation at the Business Session.

**So that delegates will have an understanding of the proposed resolutions prior to the Business Session on Wednesday, an Informational Hearing on the resolutions will be held by the Executive and Resolutions Committees, Sunday Afternoon, February 16, in the Beekman Parlor from 3:00-5:00 p.m.**

The registration fee includes “Breakfast with the Association” on Tuesday Morning. This fee together with other actual and necessary expenses of town officers and employees authorized by the town boards to attend, are a legal town charge under 77-b of the General Municipal Law.

Registration receipts will be issued. They should be retained by each town officer or employee attending and should be attached to claim vouchers presented to town boards for reimbursement of attendance expenses. The Official Annual Meeting Badge must be displayed for admission to all sessions and the Exhibit Area.

Check our website for further details on events and sessions at the Annual Meeting:

[www.nytowns.org](http://www.nytowns.org)

THE  
**ASSOCIATION OF TOWNS**  
OF THE  
STATE OF NEW YORK

GERALD K. GEIST  
*Executive Director / Treasurer*

KIMBERLY A. SPLAIN  
*Deputy Director*

150 State Street  
Albany, NY 12207

Telephone  
Area Code 518 – 465-7933  
Fax # 518 – 465-0724

LORI A. MITHEN-DeMASI  
*Counsel*

MICHAEL E. KENNEALLY, JR.  
*Associate Counsel*

SARAH B. BRANCATELLA  
*Associate Counsel*

MURRAY M. JAROS  
*Special Counsel*

December 31, 2013

Dear Town Clerk:

I am writing to encourage your town board to designate a delegate to send to the Association's Annual Business meeting, which is scheduled for the last day of the Annual Meeting (Wednesday, February 19<sup>th</sup> 2014). Our by-laws provide that delegates, from member towns, serve an important function at the Annual Business Meeting including electing the president, five vice presidents and approving the Association's legislative platform. In addition, the delegates will hear a presentation on the Association's budget and will be afforded an opportunity to comment or ask questions at the budget hearing on Sunday, February 16<sup>th</sup>.

In order for your town's delegate to vote at the Annual Business Meeting the town board must adopt a resolution designating a delegate. I also encourage your town board to designate an alternate in the event that the delegate is unable to attend the meeting. Please submit the enclosed Certificate of Designation to the Association of Towns no later than February 7, 2014.

In order for your towns delegate or alternate to vote at the annual business meeting your towns 2014 dues must be paid on or before February 18<sup>th</sup>. We respectfully request that you adhere to the February 18<sup>th</sup> deadline because the credentials committee is required to compare certificates of designation against dues paid to ensure that the delegate or alternate is representing a member town.

Kindest regards,

Gerald K. Geist  
Executive Director

# CERTIFICATE OF DESIGNATION

*THIS FORM MUST BE FILED WITH:*

*ASSOCIATION OF TOWNS*

*150 STATE STREET*

*ALBANY, NEW YORK 12207*

**NO LATER THAN FEBRUARY 7, 2014**

*In order to Establish Eligibility & Credentials to Vote at the 2014 Business Session*

**TO: THE OFFICERS AND MEMBERS OF  
THE ASSOCIATION OF TOWNS OF  
THE STATE OF NEW YORK**

TO INSURE CORRECT SPELLING ON BADGES, PLEASE PRINT OR TYPE

I, \_\_\_\_\_ Town Clerk of the Town of \_\_\_\_\_,  
in the County of \_\_\_\_\_ and State of New York DO HEREBY CERTIFY  
that the Town Board of the aforesaid Town has duly designated the following named person to  
attend the Annual Business Session of the Association of Towns of the State of New York, to be held  
in New York City, on February 19, 2014, and to cast the vote of the aforesaid Town, pursuant to  
§6 of Article III of the Constitution and By-Laws of said Association:

NAME OF VOTING DELEGATE \_\_\_\_\_ OFFICE \_\_\_\_\_

ADDRESS \_\_\_\_\_

ZIP \_\_\_\_\_

*In the absence of the person so designated, the following named person has been designated to cast the  
vote of said Town:*

NAME OF ALTERNATE \_\_\_\_\_ OFFICE \_\_\_\_\_

ADDRESS \_\_\_\_\_

ZIP \_\_\_\_\_

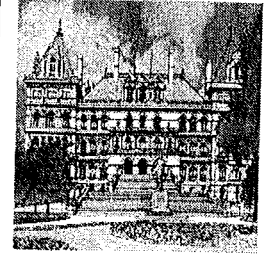
In WITNESS WHEREOF, I have hereunto set my hand and the seal of said Town

this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Town Clerk



## Reported Resolutions



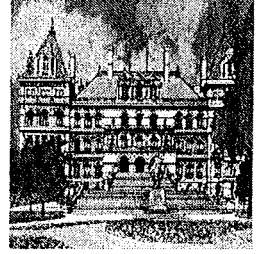
The President of the Association of Towns of the State of New York (AOTSNY) annually appoints a Resolutions Committee made up of Executive Committee Members and other member town officials. The Resolutions Committee meets twice before the Annual Meeting (once in November and again in early February) to review resolutions (new and prior); bylaw revision proposals and other legislative issues submitted to them for their consideration. Those resolutions approved by the Resolutions Committee will be reported to the Town Delegates of the Annual Meeting for their consideration. To assist the Town Delegates in this process, the Executive Committee has adopted Rules of Order (copy enclosed) to govern the Resolutions Process at the Annual Meeting. In accordance with the Rules of Order, the language of the proposed resolutions may not be changed at the Annual Meeting. Therefore, if your town would like to suggest changes to the language of the enclosed resolutions, which were reviewed and reported out of the November, 22 2013 Resolutions Committee meeting, it is recommended that you provide your proposed changes to AOTSNY staff on or before January 18, 2014 for the AOTSNY Resolutions Committee to consider at their February 2014 meeting.

The enclosed resolutions have been reported by the Resolutions Committee at their November 22, 2013 meeting. Please note that these resolutions may be modified or withdrawn by the Resolutions Committee at their February 2014 meeting and new resolutions may also be reported. In addition, there are no bylaw revisions or other recommendations to report at this time. The Resolutions Committee voted to refer bylaw recommendations, not otherwise ripe for consideration by the delegates, to the newly appointed Bylaw Revision Committee. Information about the Bylaw Revision Committee will be available on the members only section of our website.

If you have new resolutions that you would like the Resolutions Committee to consider at their February 2014 meeting please provide them to AOTSNY staff on or before January 18, 2014. The reported 2014 AOTSNY Legislative Resolutions will be voted upon by the Town Delegates at the Annual Business Meeting on Wednesday, February 19, 2014. Once approved, the AOTSNY Legislative Platform will be printed and distributed to member towns as well as state and federal legislative officials.



# Reported Resolutions



- 1. Rural Broadband Deployment**
- 2. Incentives for Volunteer Firefighters and Volunteer EMTs**
- 3. Provide STAR Administration Funding**
- 4. Publication of Legal Notices**
- 5. Preserve and Strengthen Home Rule**
- 6. Reform the Real Property Tax System**
- 7. Highway, Bridge and Transportation Funding**
- 8. Mandate Relief**
- 9. Waive Asbestos Notification Fees**
- 10. Funding Local Costs Associated with Gas Extraction**
- 11. Assessing and Taxing Fiber Optic Cable on Private Property**

***Resolution No. 1***  
***Rural Broadband Deployment***

**WHEREAS**, broadband internet service is essential for commercial economic growth, for our education systems, and the overall well-being of our citizens; and

**WHEREAS**, access to high-speed broadband internet service is regarded as a basic infrastructure necessity of the 21st century, providing a means of access to information and communication for citizens and businesses that is used by a growing percentage of the world's population; and

**WHEREAS**, broadband internet access serves the public interest in that it is increasingly a requirement for: the provision of government services, for small, locally-owned businesses to be able to compete, for economic development and commerce, education at all levels, health care, and whereas a lack of access to broadband internet service may adversely impact property values; and

**WHEREAS**, we applaud New York State and Federal leaders for providing funding and resources to foster broadband deployment and access through programs like the Connect NY Broadband Grants and the Federal Community Connect Grant; and

**WHEREAS**, there are still significant areas of New York State without access to high speed broadband services because of geographic isolation, topographic conditions, and low population density; **NOW THEREFORE BE IT**

**RESOLVED** that the Association of Towns calls upon Governor Cuomo, Members of the New York State Legislature and Member of the New York State Congressional Delegation to continue to support broadband access and deployment through additional funding, legislative initiatives and programs.

***Resolution No. 2***  
***Incentives for Volunteer Firefighters and Volunteer EMTS***

**WHEREAS**, volunteer fire, rescue, and emergency medical service volunteers provide valuable services to New Yorkers by their selfless dedication in responding at all hours to the needs of their communities; and

**WHEREAS**, volunteer firefighters and volunteer emergency medical service members must undergo countless hours of training and practice to become certified in the various aspects and skills necessary for firefighting and provide Emergency Medical Services; and

**WHEREAS**, this dedication to service to others is given freely to the community by many members of the volunteer services; and

**WHEREAS**, the recruitment and retention of volunteer emergency service providers is becoming a crisis wherein some communities are having difficulty staffing voluntary fire and ambulance companies in order to properly respond to community needs; **NOW THEREFORE BE IT**

**RESOLVED**, that the Association of Towns calls upon the Governor, Members of the State Legislature and Members of the New York State Congressional Delegation to establish, enhance and fund incentives for emergency service volunteers, such as increasing personal income tax credits, tuition assistance, and other incentives to encourage greater levels of volunteerism.

*Resolution No. 3*  
*Provide STAR Administration Funding*

**WHEREAS**, since 1997 pursuant to Real Property Tax Law Section 425, towns and cities are mandated to administer the School Tax Relief (STAR) Exemption; and,

**WHEREAS**, this mandate was partially funded as initially adopted in law, then diminished over subsequent years with funding ultimately eliminated as part of New York State Budget Bills; and

**WHEREAS**, this now unfunded mandate continues to place an administrative burden on local assessment offices throughout New York State with no direct benefit to town or city government; and

**WHEREAS**, the law currently requires notification of approximately 20 percent of residential parcels annually – including those in the Income Verification Program (IVP), renewals for the Enhanced STAR recipients, notification and provision of an application to transferred properties, notification of property owners exceeding the \$500,000 income limit for Basic STAR, notification of property owners where they no longer meet the statutory requirements, and assisting the Real Property Tax Director for property owners selecting the option to renounce a previously granted STAR exemption, as well as administration and allocation of STAR exemptions for mobile home parks and cooperatives and provision of spreadsheets to mobile home park owners; and

**WHEREAS**, in addition to the hard costs of mailings, assessors and staff interact daily with property owners concerning STAR issues over and above the numerous administrative requirements of the position; **NOW THEREFORE BE IT**



**RESOLVED, that the Association of Towns calls upon the Governor and the Legislature to amend the Real Property Tax Law to reinstate funding to towns and cities to administer the School Tax Relief program.**

***Resolution No. 4***  
***Publication of Legal Notices***

**WHEREAS, an informed and engaged electorate is important to the governing process; and**

**WHEREAS, the electorate is notified of many local government actions by means of the publication of a legal notice in a paid daily or weekly newspaper as defined by Public Officers Law, §70-a and General Construction Law, §60(a); and**

**WHEREAS, studies show the decline in paid local daily and weekly newspaper readership is accelerating; and**

**WHEREAS, New Yorkers are increasingly turning to alternative sources of news and information such as the internet and free community newspapers; and**

**WHEREAS, the intent of required public notice is to increase the likelihood that citizens are well-informed regarding local government actions, finances and plans; **NOW THEREFORE BE IT****

**RESOLVED, that the Association of Towns calls upon the Governor and Members of the State Legislature to amend the General Construction Law to allow papers, distributed without charge, but with an established and large circulation, to be considered newspapers in certain instances to permit towns and other local governments to place legal notices in the local publications which may reach a larger audience and/or be less costly to the taxpayers; and **BE IT FURTHER****

**RESOLVED, that the Association of Towns supports legislation providing for optional alternative media for publication of legal notices in order to improve citizen participation and awareness of town programs and expenses.**

***Resolution No. 5***  
***Preserve and Strengthen Home Rule***

**WHEREAS**, since 1894, the Constitution has granted broad home rule powers to local governments and placed corresponding restrictions on the state Legislature to preserve these powers; and

**WHEREAS**, home rule powers encompass a wide range of subjects including, but not limited to: the power to adopt, amend and repeal local laws in the exercise of its functions, powers and duties; the power to share services and act cooperatively with other local governments; the power to acquire real and personal property for its corporate purposes; the power to establish recreational facilities; the power to dispose of its real and personal property; the power to levy and collect rents, penalties in a city, village or town; the power to adopt, amend and repeal zoning regulations; and the power to perform comprehensive or other planning work relating to its jurisdiction; and

**WHEREAS**, the exercise of these powers permits local governing bodies to meet the unique and diverse needs of local residents while fostering citizen participation and grassroots involvement in government; and

**WHEREAS**, New York's diverse communities are best served by maintaining the principles of home rule, including those set forth in the state Constitution, Local Government Bill of Rights, Statute of Local Governments and the Municipal Home Rule Law; **NOW THEREFORE BE IT**

**RESOLVED**, that the Association of Towns calls upon the Governor and the Legislature to preserve and strengthen home rule; and **BE IT FURTHER**

**RESOLVED**, that the Association of Towns will strongly oppose any state initiative to weaken or eliminate New York's long-standing tradition of home rule and local government authority.

***Resolution No. 6***  
***Reform the Real Property Tax System***

**WHEREAS**, towns are heavily reliant on real property tax revenues to fund important government services; and

**WHEREAS**, New York's real property tax burden is among the highest in the nation, diminishing standards of living and economic vitality across the state; and

**WHEREAS**, a contributing factor to high real property taxes is the volume of legislation passed each year granting particular property owners and not-for-profits either a partial or full

exemption from the payment of real property taxes and relief from established taxable status dates; and

**WHEREAS**, the manner in which condominiums, cooperative housing and certain multi-family dwelling units are assessed further contributes to high real property taxes in this state; and

**WHEREAS**, it is essential that the cumulative long-term impact of real property tax exemptions be addressed in New York, particularly in light of the continual erosion of real property tax bases resulting from the above practices; **NOW THEREFORE BE IT**

**RESOLVED**, that the Association of Towns calls upon the Governor and the Legislature to define and enact a uniform, well-defined approach to exemption and taxable status date legislation and provide state funding for any state-mandated or -encouraged exemption programs and protect local property tax revenues.

*Resolution No. 7*  
*Highway, Bridge and Transportation Funding*

**WHEREAS**, a safe and dependable transportation network is necessary to protect users of New York's roads, bridges and mass transit and to encourage and sustain economic development with every dollar spent on road improvements resulting in \$5.40 in economic benefits; and

**WHEREAS**, the roads and bridges that make up our nation's highway and transit infrastructure are built, operated and maintained through the collaborative financial assistance of federal, state and local governments, with 85 percent of New York's roads and bridges maintained by local governments; and

**WHEREAS**, studies of New York's extensive local road system continue to identify a multi-billion dollar shortfall in funding for local highways and bridges; and

**WHEREAS**, the New York State "Consolidated Local Street and Highway Improvement Program" (CHIPS), which was established to assist localities in financing the construction, reconstruction, maintenance and improvement of local transportation infrastructure (Highway Law, §10-c), is subject to annual appropriation; and

**WHEREAS**, the federal surface transportation authorization bill known as MAP-21 is scheduled to expire in September 2014 and the Federal Highway Trust Fund is in danger of insolvency in 2015; and

**WHEREAS**, the Association of Towns is cognizant of the current financial crisis; **NOW THEREFORE BE IT**

**RESOLVED**, that the Association of Towns calls upon the Governor, the Legislature and the Department of Transportation to maintain CHIPS funding in the 2014-13 State Budget and to provide a stable and sustainable funding stream for local infrastructure; and **BE IT FURTHER**

**RESOLVED** that the Association of Towns calls upon the New York Congressional Delegation to adopt a multi-year federal surface transportation bill, which includes funding for local roads, bridges and transportation projects and to fully fund the federal highway trust fund.

### ***Resolution No. 8 Mandate Relief***

**WHEREAS**, local governments partner with the state government to protect and preserve the health, safety and welfare of the people of New York State; and

**WHEREAS**, such a partnership requires collaboration in order to effectively accomplish these goals; and

**WHEREAS**, the imposition of tax shifting unfunded and underfunded state mandates (commonly occurring in the areas of public works, procurement, personnel management, provision of local service, environmental quality enhancements and the loss of the local tax base) represents a barrier to effective collaboration and good governance; and

**WHEREAS**, the growing expense of tax shifting unfunded mandates, both individually and collectively, places financial burdens on local governments and, ultimately, the taxpayer; and

**WHEREAS**, directing compliance with unfunded and/or underfunded mandates has, in some instances, forced local governments to drastically underfund crucial local services such as road maintenance, public safety and water and wastewater treatment, as well as parks, senior and youth services and cultural services; and

**WHEREAS**, the enactment of Chapter 97 of the Laws of 2011 limits local real property tax revenues, making it even more challenging to comply with unfunded and/or underfunded mandates; **NOW THEREFORE BE IT**

**RESOLVED**, that the Association of Towns calls upon the Governor and the Legislature to enact comprehensive mandate relief legislation that provides permanent and full funding of existing mandates, identifies and eliminates unnecessary mandates, eliminates future unfunded and underfunded mandates and requires all future legislation to include specific local fiscal impact notes, which will inform members of the Legislature and the public with regard to the actual expense of implementing said legislation.

***Resolution No. 9***  
***Waive Asbestos Notification Fees***

**WHEREAS**, local governments are faced with structures that are unsafe as a result of natural disasters, abandoned properties and properties that are foreclosed as a result of nonpayment of taxes; and

**WHEREAS**, it becomes the responsibility of local governments to demolish these unsafe structures for the betterment of the community and to benefit the safety and welfare of their residents; and

**WHEREAS**, Article 30 of the state Labor Law sets forth requirements for permits and fees associated with asbestos-related work, which are implemented through regulations (12 NYCRR Part 56), promulgated by the Department of Labor; and

**WHEREAS**, there is currently no authority for the New York State Department of Labor to waive fees for buildings and structures owned by local municipalities; and

**WHEREAS**, the fees associated with obtaining approval from the New York State Department of Labor can total up to \$4,000 per property; and

**WHEREAS**, the costs of demolition can be reduced with the waiver of fees for the general safety and welfare of the community as a whole; and

**WHEREAS**, the current regulations place the responsibility of the enforcement of the asbestos regulations to the local governments without compensation for the enforcement of these regulations; **NOW THEREFORE BE IT**

**RESOLVED**, that the Association of Towns calls upon the Governor, the Legislature and the New York State Department of Labor to amend Article 30 of the state Labor Law, as well as Part 56 of Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York, to provide a waiver of fees for municipally owned properties.

***Resolution No. 10***  
***Funding Local Costs Associated with Gas Extraction***

**WHEREAS**, with the adoption of a revised SGEIS and proposed regulations, the New York State Department of Environmental Conservation is moving closer to issuing permits for natural gas drilling by means of horizontal drilling and hydraulic fracturing; and

**WHEREAS**, the activities associated with exploration and extraction of natural gas are expected to have an immediate financial impact on the local governments, including towns, within New York State as they prepare for development on a scale not seen before in many of these communities; and

**WHEREAS**, oil and gas, along with the wells, pipes, tanks and other structures and facilities used in the production and transmission of natural gas is real property for real property taxation purposes in New York State; and

**WHEREAS**, Title 5 of Article 5 of the Real Property Tax Law (RPTL) provides for a uniform, statewide method of valuing oil- and gas-producing properties for real property tax purposes, and requires oil- and gas-producing properties in production be assessed separately from all other interests in the property; and

**WHEREAS**, a lag exists in the time when local governments will incur the expenses associated with natural gas drilling activity and when they can expect to receive any real property tax revenue that may result from the production of the gas; **NOW THEREFORE BE IT**

**RESOLVED**, that the Association of Towns urges the Governor, the Legislature and all administrative agencies to improve (or, at the very least, maintain) the ability of local governments to tax the production of natural gas at the current level when considering the taxation of natural gas development or extraction by any alternative method; **AND BE IT FURTHER**

**RESOLVED**, that the Association of Towns encourages the Governor, the Legislature and all administrative agencies to adopt a fee structure for natural gas drilling permits that recognizes the immediate costs to be borne by the affected local governments and the lag between those expenditures and any potential real property tax revenue.

***Resolution No. 11***  
***Assessing and Taxing Fiber Optic Cable on Private Property***

**WHEREAS**, fiber optic cable located on private property has traditionally been subject to both assessment and taxation under Real Property Tax Law, §102 (12)(i); and

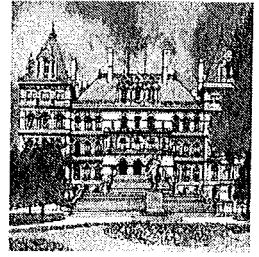
**WHEREAS**, a recent decision by the Appellate Division, First Department determined that fiber optic cable on private property is not subject to assessment or taxation under the Real Property Tax Law thereby overturning over twenty-five years of precedent and practice; and

**WHEREAS**, this decision has the affect of creating a new property tax exemption thereby increasing the property tax burden on farmers, homeowners and businesses; **NOW THEREFORE, BE IT**

**RESOLVED**, that the Association of Towns respectfully requests that the Real Property Tax Law be amended to provide that fiber optic cable on private property is subject to assessment and taxation.



# Reported Resolutions Background



1. Rural Broadband Deployment
2. Incentives for Volunteer Firefighters and Volunteer EMTS
3. Provide STAR Administration Funding
4. Publication of Legal Notices
5. Preserve and Strengthen Home Rule
6. Reform the Real Property Tax System
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# ***Resolution No. 1***

## ***Rural Broadband Deployment***

### **New York State Programs and Funding**

New York State has been working on increasing access to high-speed internet services to all New Yorkers for a number of years. The NYS Broadband Program Office (<http://nysbroadband.ny.gov/>) established in 2008 is charged with executing New York State's Broadband Strategy which is to provide affordable high-speed internet access to all New Yorkers. Prior to this the establishment of the NYS Broadband Program Office there were other initiatives, Mike Kenneally, an AOT staff attorney served on a committee under Governor Paterson to work on broadband deployment issues.

According to the New York State Broadband Deployment Office, broadband refers to high-speed internet access and advanced telecommunications services for homes, commercial establishments, government, schools, and community anchor institutions. In New York State, broadband service is primarily delivered via cable modem, fiber-optic cable, digital subscriber line (DSL), or through mobile wireless (3G/4G/LTE). In fact, many service providers use a combination of wireline and wireless technologies to provide hybrid broadband service to their customers.

NY State has a map of broadband deployment where you can review where the state is currently served, underserved and unserved.

In 2013, New York State made \$25 million dollars available for competitive broadband deployment grants through the Connect NY Broadband Grants program. In addition, New York State has made funding available through the Regional Economic Development Council grants programs.

**NYS Broadband Map** <http://www.broadbandmap.ny.gov>

### **Pending Legislation**

#### **A.7588 (Magee) Assembly Governmental Operations Committee / S.5481 (Maziarz) Passed Senate**

Provides a fully refundable broadband deployment tax credit for small businesses' reasonable out of pocket expenses for broadband network construction in their unserved areas, in partnership with a broadband provider. The credit is paid to the customer over a 5 year period. In addition, the bill would create a fully refundable broadband deployment tax credit for residents' reasonable out of pocket expenses for broadband network construction in their unserved areas, in partnership with a broadband provider. The credit is paid to the customer over a 5 year period.

#### **A.4441 (Brennan) Assembly Governmental Operations Committee / S.1636 (Parker) Senate Finance Committee**

Encourage and support the partnership of public and private sector entities in the deployment, adoption and growth of broadband services in New York.

**A.6923 (Skartados) Assembly Ways and Means Committee / S.4523-A (Tkaczyk)  
Senate Infrastructure and Capital Investment Committee**

This bill establishes the "Broadband Internet Access Act of 2013," to provide incentives to ensure that all citizens of New York State have the ability to gain timely and equitable access to the internet over current and future generations of broadband capability. This legislation will accelerate deployment of current generation broadband access for users located in certain low income and rural areas and to accelerate deployment of next generation broadband.

**Federal Programs and Funding**

**Farm Bill Funding**

Federal funding for rural areas is available through a few programs administered by the USDA and authorized in the Farm Bill (to read more about these programs to the USDA website [http://www.rurdev.usda.gov/utp\\_farmbill.html](http://www.rurdev.usda.gov/utp_farmbill.html)) Congress is currently working on a new Farm Bill. Congress has been working on a new Farm Bill which is where funding for rural broad programs is primarily housed.

The Senate approved Agriculture Reform, Food, and Jobs Act of 2013, (S. 954) in July which would invest nearly \$955 billion over the next ten years, and Title VI would continue support for rural economic development and infrastructure improvements, including notable changes to the rural broadband and economic development programs administered by the U.S. Department of Agriculture (USDA). The Senate Farm Bill would authorize USDA to provide combinations of grants and loans for the expansion of broadband service, telemedicine, and distance learning, expanding upon the current broadband loan guarantee program. In addition, the Senate Farm Bill would establish a pilot program to spur rural gigabit broadband networks. This pilot program was adopted yesterday in an amendment offered by Sen. Pat Leahy (D-VT) to help create "ultra high-speed" broadband networks to all or part of rural communities that do not have them.

The U.S. House of Representatives passed H.R. 2642, the Federal Agriculture Reform and Risk Management (FARRM) Act of 2013 which reauthorizes the Broadband Loan Program with additional provisions to increase transparency and to ensure investments focus on areas without broadband service.

General information on Federal Funding and programs is available at <http://www.broadband.gov/>

The national broadband plan may reviewed at <http://www.broadband.gov/download-plan/>

## ***Resolution No. 2***

### ***Incentives for Volunteer Firefighters and Volunteer EMTs***

The National Fire Protection Association reports an 8.6% decrease in volunteer firefighters from 2008 to 2011. In New York State, there has been a 20% decline in the number of volunteer firefighters since 1999.

The State is losing volunteer fire fighters and if local governments are forced to make up this loss with paid professionals, the cost to taxpayers could be over \$4.5 billion per year, statewide. †

† According to the federal Bureau of Labor Statistics, median annual wages of fire fighters nationwide were \$47,850 in 2012, which does not include benefits and overtime averages. According to the State Office of Fire Prevention and Control, there were 96,063 volunteer firefighters in the State in 2011, the latest year for which data is available.

#### **Recruiters hope incentives entice volunteer firefighters**

By Samantha Maziarz Christmann  
Buffalo News Staff Reporter  
April 8, 2013 at 7:35 AM  
email: schristmann@buffnews.com

Recruiters hope paid college tuition and access to affordable health care will entice new members to the ranks of volunteer firefighters, ranks that are dwindling in New York State.

Recruitment and retention initiatives were among the issues legislative committee members of the Firemen's Association of the State of New York shared with local volunteer firefighters at Highland Hose Volunteer Fire Company on Sunday afternoon.

"It's not our father's fire company anymore," said Robin Schott, the committee chairman and a volunteer firefighter in Williamsville. "We need to find ways we can recruit and retain new people any way we can."

In New York State, the rolls of volunteer firefighters have declined by 20 percent in the last 10 years. It's worse in Erie County, where there are half as many volunteers serving today as there were two decades ago.

Part of the problem is increased time demands for training and certification requirements. "It's not like it used to be, when you would come to one meeting and one fire call a month," said David J. Sweet, association director. "The time commitment is definitely more demanding."

The initial training course alone takes 120 hours.

In addition, 90 percent of calls fielded by volunteer fire companies are emergency medical calls, which require additional emergency medical technician training.

To help recruit new members, the association launched its Higher Education Learning Plan, which reimburses tuition at community colleges for enrolled volunteer firefighters.

“That is a recruitment tool we have that has worked,” Schott said.

The program has helped them pick up more than 35 new volunteers at Erie Community College. “And young members at that,” Schott said.

Funding for that program comes from the Staffing for Adequate Fire and Emergency Response grant program, a federal program facing a \$2.5 million budget cut.

Another initiative hopes to make health insurance available to volunteers at a less expensive, wholesale rate by requiring health insurers to extend the same premium rates to volunteer firefighters as they do to paid firefighters.

Volunteers, who would pay their own premiums in full, are often unable to afford private market rates.

Firefighters are also seeking job protection for volunteers who are late to or absent from work because of their service during a declared state of emergency.

A bill sponsored by State Sen. Mark J. Grisanti, R-Buffalo, would prohibit employers from terminating workers whose volunteer service during an emergency kept them from their paid jobs.

The association is also asking legislators to make modest pension-type earnings through the Length of Service Award Program exempt from state income tax.

The association has launched a massive recruitment effort throughout the state encouraging citizens to volunteer. It also will support local volunteer fire companies in a statewide Recruit New York event April 27 and 28 when fire houses will hold open houses to recruit new volunteers.

### **Pending Legislation**

#### **A.2444 (Magee) Assembly Ways and Means Committee / S. 2090 (Griffo) Passed Senate**

Repeals the provision of law that volunteer firefighters and ambulance workers who receive a real property tax exemption for service may not receive the income tax credit for such service.

#### **A.1315 (Zebrowski) Assembly Ways and Means Committee**

Provides tax credit to certain volunteer firefighters, volunteer ambulance workers and volunteer emergency medical personnel of up to one thousand one hundred dollars for qualifying service; defines "qualifying service".

#### **S.2111 (Ritchie) Senate Investigations and Government Operations Committee**

Gives state income tax credit to volunteer firefighters and members of a volunteer ambulance corps in good standing up to \$1200

**A.4484 (Magnarelli) Assembly Local Government Committee / S.3908 (Griffo) Senate Local Government Committee**

Amends the volunteer firefighters' benefit law to provide a benefit to volunteer firefighters who participate in a physical fitness program established by a fire department or fire company at a firehouse or other location approved by the fire department or fire company for the purpose of maintaining their physical ability to perform their assigned duties.

**A.4781 (Palmesano) Assembly Ways and Means Committee /S.3297 (O'Mara) Senate Investigations and Government Operations Committee**

Amends the tax law, the insurance law, the vehicle and traffic law and the education law, in relation to enacting the omnibus emergency services volunteer incentive act

***Resolution No. 3  
Provide STAR Administration Funding***

In many towns, thirty percent of the assessor's time is allocated to STAR administration. In some towns, additional staff is required to assist in the administration of the STAR program. Initially there was funding for STAR administration that was earmarked for assessors' offices. Unfortunately, STAR administrative funding disappeared around 2005 or 2006. This resolution seeks to have administrative funding restored.

***Resolution No. 4  
Publication of Legal Notices***

State law requires that many public notices must be published in a newspaper. The term newspaper is defined by state law (General Construction Law, §60(a) and Public Officers Law, §70-a). In general, in order for a publication to be considered a "newspaper" it must meet the following criteria: (1) be in general circulation, (2) be established and ordinarily printed and distributed at least weekly for at least one year, (3) contain news, editorials and other matters of "current interest", (4) have a paid circulation, and (5) be entered as second-class mail matter (Op. St. Compt. No. 94-9; Op. Atty. Gen. I No. 90-49). The rates charged by "newspapers" are set forth in Public Officers Law, §90-a (1).

As a result of the narrow definition of a "newspaper", alternative publications such as free weeklies or internet based publications are excluded from use for purposes of public notice. Expanding the definition of a "newspaper" to include other types of publications could provide more notice to the public. To ensure that towns do not end up paying more for legal notices than under current law, the statutory rates should be adjusted accordingly. In addition to expanding the definition of what publications qualify as newspapers for purposes of public notices and lowering the statutory publication rates, taxpayers could also save money by posting public notices on municipal websites at little or no cost to the taxpayer.

Many states are looking at this issue but are facing opposition from the newspaper publisher associations. To address concerns that folks are not subscribing to newspapers as they once did

the New York Press Association and the New York News Publishers Association established a free online website where participating New York newspapers can post their legal notices on line. <http://newyorkpublicnotices.com>

### **Legislation of Interest**

#### **S.1110 (Maziarz) Senate Judiciary Committee / A.318 (Hawley) Assembly Government Operations Committee**

Seeks to amend the General Construction Law to allow for public notices to be published in online publications that contains news and information and has been in operation for at least one year.

### ***Resolution No. 5 Preserve and Strengthen Home Rule***

Home Rule can be described as a method by which a state government can transfer a portion of its governmental powers to a local government. This power transfer provides local governments with autonomy in the management of their local affairs. The objective of this transfer of authority is a more equitable and efficient allocation of duties and rights between the state and its local governments. The evolution of Home Rule occurred over the span of several decades. Cities, counties and some villages all received home rule powers before towns. Towns received home rule powers with the adoption of the 1963/1964 Constitutional Amendments.

Home Rule has two basic elements: (1) Limitation on state power (N.Y. CONST. art. IX, §2(b)(2)) and (2) affirmative grant of local home rule powers (N.Y. CONST. art. IX, §2(c)).

#### **(1) Limitation on state power**

The State Legislature is specifically prohibited from acting with respect to the “property, affairs or government” of any local government except by (1) general law or (2) special law enacted either - (a) [i] at the request of two-thirds of the membership of the town board or [ii] at the request of its chief executive officer concurred in by a majority of the legislative body or (b) by a two-thirds vote of the State Senate and the State Assembly upon receiving a certificate of necessity from the Governor.

The Constitution however provides that these limitations on State power in no way restrict the State’s power with respect to: (1) public school systems or retirement systems pertaining to the school system; (2) the courts; or (3) matters other than the “property, affairs or government of a local government” (N.Y. CONST. art. IX, §3(a))

Both Article IX of the Constitution and the Municipal Home Rule Law define a general law as a law that ‘in terms and in effect applies alike to all counties, all counties other than those wholly included within a city, all cities, all towns or all villages’ (Art IX, § 3[d][1]; Municipal Home Rule Law, § 2[5]).

#### **(2) Affirmative grant of local home rule powers**

Every local government is empowered to (1) adopt or amend local laws relating to its “property, affairs or government” which are not inconsistent with the provisions of the Constitution or any General Law; and (2) adopt or amend local laws not inconsistent with the Constitution or any General State Law relating to 10 enumerated subjects whether or not they relate to its “property, affairs or government” subject, however to the power of the Legislature under §2(b)(3) of the Constitution to restrict the adoption of such a local law not relating to property, affairs or government.

The ten enumerated areas of local law-making, whether or not they relate to local property, affairs or government, are: (1) Personnel Matters (the powers, duties, qualifications, number, mode of selection and removal, terms of office, compensation, hours of work, protection, welfare and safety of its officers and employees); (2) Membership on Town board; (3) The transaction of its business; (4) The incurring of its obligations; (5) The presentation, ascertainment and discharge of claims against it; (6) The acquisition, care, management and use of its highways, roads, streets, avenues and property; (7) The acquisition of its transit facilities and the ownership and operation thereof; (8) The levy, collection and administration of local taxes authorized by the legislature and of assessments for local improvements, consistent with laws enacted by the legislature; (9) The wages or salaries, the hours of work or labor, and the protection, welfare and safety of persons employed by any contractor or sub-contractor performing work, labor or services for it; (10) The government, protection, order, conduct, safety, health, and well-being of persons or property therein. (Art. IX, § 2(c)(ii)).

### **Limitations on Home Rule Authority**

A series of court cases and legislative enactments have weakened local home rule powers. In discreet areas the courts have applied the doctrine of “matter of state concern” to require that local laws be consistent with any NYS law and alleviating the need for a home rule request. Examples of state concerns include: protection of the Adirondack Park (*Wambat Realty Corp. v State of New York*, 41 NY2d 490 (1977)); the Long Island aquifer (*Matter of Town of Islip v Cuomo*, 64 NY2d 50 (1984)); elimination of the New York City commuter tax (*City of New York v State of New York*, 94 NY2d 577 (2000)); and establishment of the salaries of district attorneys, responsible for representing the people of the state in criminal matters (*Matter of Kelley v McGee*, 57 NY2d 522 (1982)). When a subject is declared to be a state concern, the Legislature may act through the normal legislative process. Obviously, limitations on the Legislature set forth in the Constitution cannot be overcome by the doctrine of state concern – nor can delegation by the Constitution of the core powers of local governments.

In addition, the Legislature has weakened home rule by express or implied preemption of a particular field or subject matter. An example of express preemption occurs when the statutory language itself contains preemption. An example can be found in Section 1604 of the Vehicle and Traffic Law which preempts the regulation of motor vehicle traffic on public highways. When legislation implicitly preempts a field of regulation either the purpose and scope of the regulatory scheme will be so detailed or the nature of the subject of regulation will be such that the court may infer a legislative intent to preempt, even in the absence of an express statement of preemption. An example of implied preemption can be found in the area of financing highway improvements; in *Albany Area Builders Association v Town of Guilderland*, 74 NY2d 372, 547 NYS2d 627, the Court of Appeals noted that, by several provisions in the Town Law (article 8) and the Highway Law (e.g., sections 284-285-a), “the State Legislature has enacted a

comprehensive and detailed regulatory scheme in the field of highway funding, preempting local legislation on that subject.”

### **Constitutional Convention**

There are two ways to amend the New York Constitution. First, state legislators may identify problems with the political system and propose changes to the people. Second, if politicians benefit from the system's imperfections (as now) and are unlikely to change it, the constitution provides that every 20 years the people can propose necessary revisions.

There has been a lot of public discussion regarding whether New York needs a constitutional convention. A constitutional convention is a meeting of New Yorkers to design or redesign our State government. Every 20 years, the question "shall there be a Convention to revise the Constitution and amend the same?" is put before the voters of New York State. The Legislature may also submit this question to the electorate at any other time it deems necessary. Constitutional Conventions have been called in New York in 1777, 1801, 1821, 1846, 1867, 1894, 1915, 1938 and 1967. The question was last placed before the voters in 1997 and was defeated. In the absence of legislation, our next chance to have one will be in 2017.

Home Rule is constitutionally based. Therefore it is important to make sure that any discussion regarding a constitutional convention involves the strengthening of home rule and not the weakening of home rule.

### **Pending Legislation**

#### **A.3670 Lupardo (MS) Assembly Governmental Operations Committee**

Provides for the submission to the people the question of whether or not to convene a constitutional convention

#### **A.1558 Kolb (MS) Assembly Judiciary Committee**

Provides for the submission to the people of a proposition or question to convene a constitutional convention

#### **S.1288 LaValle Senate Elections Committee**

Provides for the submission to the people the question of whether or not to convene a constitutional convention

## ***Resolution No. 6*** ***Reform the Real Property Tax System***

New Yorkers pay amongst the highest real property taxes in the nation. One reason New Yorkers pay high real property taxes is due to the method of real property taxation and assessment. New York State Law provides favored status to certain properties to the detriment of others. There are hundreds of real property tax exemptions enacted into New York State Law, taking 33 percent of all real property in New York State off the tax rolls. These exemptions, however, do not typically



reduce the amount of money that a local government must raise by taxes in order to provide services within its borders. Rather, they simply cause that amount to be raised from a smaller tax base. They eliminate the taxes one party would owe and shift the burden to other taxpayers. In addition to the shift in tax burden to those left without exemptions, taxpayers fund the administration of this complicated system of property tax exemptions.

Even though 43% of local government revenues and approximately 50% of town revenues are derived from real property taxes, the Legislature annually introduces hundreds of bills to provide for more real property tax exemptions to both private parties and not-for-profits. In 2011, the Legislature enacted a comprehensive real property tax cap, limiting the revenue that town governments can generate via the real property tax but which failed to address the overall inequities built into the real property tax system.

Attempts have been made to address the issues brought on by real property tax exemptions. A commission established by Gov. Cuomo in 1992 issued recommendations to address problems in the real property tax and assessment system including (1) all future exemptions must be optional; (2) reforming condominium assessments; (3) tax base sharing; (4) compensating local governments for state land; (5) state reimbursements to offset local tax shifting; (6) service charges for special districts; (7) defining the term eligible for purposes of exemptions and (8) income tax circuit breakers. The NYS Commission on Real Property Tax Relief convened by the Governor Spitzer issued its final report December 1, 2008, recommending solutions to the State's unsustainable property tax burden. Among its recommendations were the enactment of school tax levy cap, enactment of a STAR circuit breaker and a number of mandate relief measures designed to lower local government expenses. To get a better handle on the fiscal impact of real property tax exemptions the State enacted Chapter 258 of the Laws of 2008 which requires each municipality to produce a real property tax exemption report along with its municipal budget. Although the requirement of this report is itself an unfunded mandate, we are hopeful that the information generated by these reports will be utilized to assist the Legislature in developing meaningful and comprehensive reform of the laws and policies behind the real property tax exemption policies in New York. Numerous legislative hearings, bills and proposals have been devoted to the issue of real property tax reform but to date no measurable improvements in the area of property tax exemptions have been enacted.

The Association of Towns' legislative agenda often includes one or more resolutions devoted to addressing issues with our real property tax system. This resolution focuses on issues surrounding exemptions generally, including the sheer number of exemptions that continue to be annually enacted as well as the administration of the exemption program.

### **Pending Legislation**

#### **S.1004 (Little) Senate Local Government Committee / A.1712 (Gunther) Assembly Real Property Tax Committee**

Seeks to amend the Real Property Tax Law to authorize a procedure whereby the chief executive officer of a municipal corporation in which there is located privately owned forest lands which are exempt from real property taxes to make application to the state for reimbursement for revenues lost as a result of such exemption.

**S.1001 (Little) Senate Local Government / A.6268 (Galef) (MS) Assembly Real Property Tax Committee**

Requires market-based assessments on real property owned or leased by a cooperative corporation or on a condominium basis

**A.1271 (Gunther) Assembly Real Property Tax Committee / S.878 (Bonacic) Senate Local Government Committee**

Seeks to amend the Real Property Tax Law to require nonprofits entitled to a property tax exemption to annually satisfy that they are entitled to an exemption.

**A.1708 (Gunther) Assembly Real Property Tax Committee / S.879 (Bonacic) Senate Local Government Committee**

Seeks to amend the Real Property Tax Law to provide that vacant or otherwise unimproved land shall only be deemed tax exempt if concrete and definite plans for utilizing and adapting the property for exempt purposes within two years are proven by clear and convincing evidence and the actual improvements within seven years.

***Resolution No. 7***  
***Highway, Bridge and Transportation Funding***

**Consolidated Local Street and Highway Improvement Program (CHIPS)**

**CHIPS:** \$438 million, which is an increase of \$75 million over the executive budget.

**Marchiselli:** \$39.7 million, which represents no increase from last year's state budget.

**\$75 million increase above the Executive Budget proposal – first increase in CHIPS since 2008.**

Local governments are responsible for 85% of New York's roads and bridges. In 1982, the Consolidated Local Street and Highway Improvement Program (CHIPS) was established to assist localities in financing the construction, reconstruction, or improvement of local highways, bridges, highway-railroad crossings, and/or other local facilities (Highway Law, §10-c). The NYS Department of Transportation (DOT) annually calculates CHIPS funding in accordance with formulas specified in Highway Law, §10-c.

Between State Fiscal Year (SFY) 82-83 and 90-91 (April 1, 1982 - March 31, 1991) all CHIPS funds were distributed on a direct grant quarterly allocation basis. In 1991, State Legislation restructured CHIPS into two separate and distinct components. One was the Operation and Maintenance (O&M) direct grant component, funded from the State's General Fund, and the other was the Capital reimbursement component, funded from the sale of New York State Thruway Authority bonds. While no CHIPS O&M funding has been included since the SFY 01-02 State Budget, the Legislature "converted" these funds into additional CHIPS Capital funds that have been appropriated since SFY 02-03 <http://www.dot.state.ny.us/chips/index.html>.

A few changes to the CHIPS program may be on the horizon for 2012. One change is to support the program through the use of federal Build America Bonds rather than NYS Thruway

Authority issued bonds. More documentation will be required to receive CHIPS reimbursement in order to comply with Federal requirements. The second potential shift in CHIPS funds may in fact change what projects are funded and/or how much CHIPS funding will be available to local governments. NYSDOT has employed new bond counsel which apparently disagrees with determinations made by previous bond counsel regarding eligible work and the timeframe within which a local government can sell equipment purchased with CHIPS funds. NYS Thruway Authority Bonds must be repaid in 10 year increments therefore any project that is eligible for CHIPS funding must have a useful life of 10 years. Prior bond counsel had authorized maintenance work with a typical useful life of less than 10 years but which would prolong the useful life of a road to be eligible for CHIPS funding. New bond counsel apparently is taking a more conservative stance and is going to require a 10 year useful life for anything submitted for CHIPS reimbursement. In addition to tightening requirements for work performed, new bond counsel is considering requiring that all equipment purchased with CHIPS funds be held for a period of at least 10 years. Finally, DOT is expected to tighten the list and description of reimbursable work and commodities. This could be problematic as most CHIPS funding is used for maintenance work such as sealing which does not typically have a 10 year useful life and moreover, local governments would be discouraged from trading in equipment towards the cost of newer or safer equipment in that it would mean they could not use CHIPS funding to pay for the equipment.

NYSDOT has more information on CHIPS a this website  
<https://www.dot.ny.gov/programs/chips>

### **Federal Highway Trust Fund and MAP-21 Expiration**

According to the Congressional Budget Office the Highway Trust Fund could be insolvent in 2015.

“The federal government’s surface transportation programs are financed mostly through the Highway Trust Fund, an accounting mechanism in the federal budget that comprises two separate accounts, one for highways and one for mass transit. Revenues credited to those accounts are derived mostly from excise taxes on gasoline and certain other motor fuels. The fund also is credited with interest on its accumulated balances. Spending from the Highway Trust Fund is partly determined by authorization acts that provide budget authority for highway programs, mostly in the form of contract authority. How much of that contract authority can be used in a given year is governed by obligation limitations that are customarily set in annual appropriation acts. The Moving Ahead for Progress in the 21st Century (MAP-21, Public Law 112-141) is the most recent authorization for highway and transit programs. (It expires on September 30, 2014.) A total of about \$51 billion in contract authority has been provided for fiscal year 2013, and the obligation limitations for this year amount to about \$50 billion.”  
Statement for the Record Status of the Highway Trust Fund; CBO (April 2013)

## ***Resolution No. 8 Mandate Relief***

**Governor Cuomo’s Campaign Pledge**

Governor Cuomo included a mandate relief pledge as part of his state action plan. “We will immediately move to eliminate unnecessary mandates and propose a “sunset” bill requiring all unnecessary unfunded mandates be reevaluated within a two-year period of time and automatically eliminated unless the mandate is affirmatively renewed. We will veto legislative or regulatory mandates, unless they provide a complete accounting of the fiscal impact on school districts or local governments that includes full documentation, local government input and proposed revenue sources to fund the new mandates. Any new unfunded mandates should contain a “sunset” provision to ensure that the mandate does not continue to apply after its usefulness has passed.”

### **Mandate Relief Redesign Team (MRRT)**

Governor Cuomo established the MRRT to examine mandates impacting the cost and efficiency of local government and school district services. Once identified and reviewed, the MRRT was charged with making recommendations to the Governor regarding legislative or regulatory actions that could be taken to reduce the cost or in some cases eliminate those mandates which no longer have a useful purpose. The MRRT issued a preliminary report in early March setting forth a list of regulatory mandates and a few recommendations to lower the cost of real property taxes. The Preliminary Report recommended a constitutional amendment to permanently fix the problem of unfunded mandates. The Constitution needs to be amended to provide that new state mandates on local governments, including school districts, shall not be effective unless the State fully funds the mandate or the local government affirmatively votes to comply with the mandate. No Legislation was passed in 2011 to begin the process to amend the Constitution accordingly.

### **Mandate Relief Council**

Some mandate relief suggestions reviewed by the MRRT were included in the tax cap legislation. Perhaps the most important mandate relief component included in Chapter 97 of the Laws of 2011 was the establishment of the Mandate Relief Council (Part C Subpart H of Chapter 97 of the Laws of 2011 – adding a new section 666 to the Executive Law). Chaired by the Secretary to the Governor, the 11 member council is charged with examining statutes and regulations identified by the council itself or upon the request of a local government or school district. The Council has the authority to recommend statutory changes to the Governor, who upon receipt of a recommendation must within 60 days introduce a program to implement said statutory change. Effective January 15, 2012 – Expires January 1, 2015 or upon the departure from office of the 56<sup>th</sup> Governor (Andrew Cuomo) whichever comes first.

Local Governments may forward concerns regarding compliance with particular mandates whether said mandates are imposed by statute or regulation. The Council then has the responsibility to review said concerns and address them accordingly. The Council may decide to refer a local government to the appropriate state agency to petition for regulatory flexibility; or upon a two-thirds vote, refer a regulation to be repealed or modified; or upon a vote of seven members, refer a statute to be repealed or modified.

Forms to participate in the process as well as information about the Council are available on the Council’s website - <http://www.governor.ny.gov/mandatereliefcouncil>

The Council held ten hearings around the state in 2012. The Association testified at the Albany hearing on the subject of mandate reform rather than individual mandate relief initiatives. To date the Council has not put forth any legislative proposals regarding mandate relief or reform.

## **Pending Legislation**

### **A.3480 (Galef) (MS) Assembly Government Operations / S.1968 (Griffo) Senate Investigations and Government Operations**

Seeks to amend the Legislative Law to requires legislative fiscal impact notes to include objective calculations of anticipated economic impacts for next three years on state or subdivisions

### **S.1176 (Martins) Senate Investigations and Government Operations / A.5459 (Galef) Assembly governmental operations committee**

Seeks to amend the Legislative Law to restrict the imposition of unfunded mandates on local governments

### **A.3106 (Morelle) (MS) Assembly Government Operations / S.4094 (O'Brien) Senate Finance Committee**

Seeks to amend the Executive Law to enact the Unfunded Mandate Reform Act. Authorizes the Governor to review mandates and to regularly submit mandate relief plans to the Legislature.

### **A.7776 (Walter) Assembly Local Government Committee / S.5042 (Grisanti) Senate Local Government Committee**

Amends the General Municipal Law to require state funding for certain mandated programs

### **A.4861 (Brindisi) Assembly Third Reading Legislative Calendar / S.1294 (Griffo) Passed Senate**

Amends the General Municipal Law to require that the state fund any program which imposes a mandate upon municipal corporations or school districts; establishes criteria for any exemption from such law if such mandate is ordered by the judiciary, pursuant to an executive order or requested by the locality; expands the reporting requirements of the mandate relief council.

## ***Resolution No. 9 Waive Asbestos Notification Fees***

New York State Labor Law, §904 requires that notification must be given to the State of New York (Dept of Labor Asbestos Control Bureau) of demolition activity due to air monitoring, worker safety, decontamination and disposal concerns. New York State imposes a fee for this notification based on the size of the structure involved, which in some cases can as high as \$4000 per structure.

Notification fees increase the cost to the taxpayer for the removal of unsafe structures resulting from natural disasters such as Hurricane Irene and Tropical Storm Lee (2011) and Hurricane Sandy (2012) limit available funding for related projects. A waiver of New York's notification fee would allow municipalities to execute more demolitions and better utilize the limited amount of funding available for this purpose.

The need is particularly great in that New York State doubled these fees in 2009. For a condemned house, the maximum notification fee is now a \$4000 (\$2000 for linear footage and

\$2000 for square footage of assumed asbestos). Prior to the recent fee increases, the maximum notification fee used to be \$2000 max, (\$1000 for l linear footage \$1000 for square footage).

### **Pending Legislation**

#### **A.4015 (Gabryszak) Assembly Labor Committee**

Seeks to amend Labor Law, §904 to exempt contractors employed by a municipality from payment of asbestos project notification fees for demolitions.

#### **S.1598 (Grisanti) Senate Finance Committee / A.7963 (Magnarelli) Assembly Labor Committee**

Exempts contractors employed by municipalities from payment of asbestos project notification fees for demolitions.

#### **A.1871 (Schimel) Assembly Labor Committee / S.902 (Martins) Senate Finance Committee**

Establishes certain waivers from the project notification fee imposed for certain asbestos removal projects for local governments that are abating or demolishing structures that are a public nuisance or unsafe at a cost.

## ***Resolution No. 10*** ***Funding Local Costs Associated with Gas Extraction***

This resolution seeks to preserve local government's rights to receive tax revenue sufficient to cover the expenditures related to natural gas drilling activities. It also seeks to encourage the legislature and administrative agencies to explore ways to eliminate the lag between the time when a local government incurs costs associated with natural gas drilling and the time when they receive tax revenue from an actively producing well.

With the near-completion of the SGEIS on horizontal drilling and hydraulic fracturing in the Marcellus Shale, and the proposed regulations that accompany it, natural gas drilling activity within New York State is expected to intensify. The primary region for this activity, the Marcellus Shale, includes over 400 of New York's towns. As these towns begin to see an increase in natural gas drilling activity, it is likely that there will be significant impacts on local resources and infrastructure. These impacts, as identified in the SGEIS, include increased traffic on roadways, damage to local roads, bridges and other infrastructure; increased number of breakdowns and other accidents, risk of potentially hazardous spills, traffic impacts near rail centers. The impacts identified in the SGEIS are expected to result in increased local expenditures, particularly with respect to highways and emergency services.

The real property tax law currently provides a uniform, statewide method of valuing and assessing gas producing properties. Oil and gas producing properties are considered to be real property for purposes of the taxation under the real property tax law, and are required to be assessed separately from all other interests in property. The assessment process is complicated, but ultimately the assessed values are arrived at by multiplying a "unit of production value" (developed by the Office for Real Property Tax Services, or OPRTS,) by the gas production (reported by the producer to local assessors and the Department of Environmental Conservation), and then multiplying by the most recent equalization rate. Since the production used in this formula is the

production from the production year that immediately precedes the taxable status date, there will always be a lag between the time an active well begins producing and the time that the local government will realize any real property tax revenue based on the production. For example:

Production Year	January 2012 – December 2013
Taxable Status Date	March 1, 2013
Receipt of Tax Revenue	January, 2014

Because of this lag in the time that it will take the local government to realize these tax revenues, it is expected that local governments will incur the costs associated with gas drilling well before they realize any tax revenue to help offset these costs. For that reason, local governments are interested in exploring alternative fee structures associated with well drilling permit applications that would help close the gap between the time local expenditures are made and the time in which they receive the tax revenue.

In addition, it is critically important to local governments that their right to receive tax revenue from actively producing wells not be diminished or eliminated should a new statewide tax policy be pursued for oil and gas producing properties.

## ***Resolution No. 11*** ***Assessing and Taxing Fiber Optic Cable on Private Property***

The taxable full value of property in many towns has decreased due to a 2012 court decision, which determined that fiber-optic cable is not taxable real property under the state’s Real Property Tax Law. Fiber-optic cable had been considered taxable property under the Real Property Tax Law, §102 (12)(i) as “all lines, wires, poles, supports and enclosures for electrical conductors used in connection with the transmission or switching of electromagnetic voice, video and data signals.” In *Matter of RCN N.Y. Communications, LLC v. NYC Tax Commission*, 95 A.D.3d 456, 943 N.Y.S.2d 480 (1st Dept. 2012) Leave to Appeal Denied 20 N.Y.3d 855, 982 N.E.2d 619, 958 N.Y.S.2d 699 (2012), RCN argued that the law includes only “lines, wires, poles, supports and enclosures” which are “for electrical conductors” and therefore fiber optic cable which is not used for electricity is not included in this definition. The Appellate Division agreed with the company and determined that fiber-optic cable is not included in electrical conductors under the law’s ambiguous language. Many town assessors have decided to remove the fiber-optics from the real property tax roll rather than face lawsuits from fiber-optic companies. Many towns and assessors have adopted resolutions expressing concern over the ramifications of this case and have called upon the State Legislature to amend the Real Property Tax Law to include fiber optic cable in the definition of taxable real property.

### **Pending Legislation**

#### **S.5349 (Golden) Senate Local Government Committee / A.7595 (Farrell) Assembly Ways and Means Committee**

Seeks to amend section 102 of the Real Property Tax Law to provide that when owned by a telephone company real property shall include conduits for conducting or transmitting electricity, power, light or other substance upon, above or underground.

# RULES OF ORDER

## 2014 ANNUAL MEETING

Pursuant to section 5 of Article III of the Constitution and By-laws of the Association of Towns, the Executive Committee is charged with determining "the rules applicable to meetings of the Association". The Executive Committee has adopted the following Rules of Order for the Association's Business Session.

1. In accordance with the Association's Constitution and By-laws, Article VII, Section 2(b) only the resolutions favorably reported by the Resolutions Committee shall be presented for a vote at the Annual Meeting;
2. Any resolution favorably reported by the Resolutions Committee shall be presented to the Delegates who shall either adopt or defeat the same;
3. The Chairman of the Resolutions Committee shall present the resolutions to the Town Delegates and shall summarize each resolution. Thereafter, the Presiding Officer shall request that such resolution be moved;
4. Each motion shall require a second before consideration and discussion thereon;
5. Only Official Town Delegates may speak to and vote on any matter brought up before the 2014 Business Session, upon display of Voting Card issued upon registration and validated at entrance to Business Session;
6. All votes shall be given by display of Official Voting Card or as otherwise determined by the Presiding Officer;
7. The text of a resolution cannot be changed, except for minor corrections designed to clarify its intent;
8. The Presiding Officer's ruling as to whether a motion is passed or defeated shall be final;
9. The Presiding Officer may ascertain the credentials of any person claiming to be an official delegate by a review of the Credentials Committee report as to the timely and proper filing of his town's Certificate of Designation and payment by his town of 2014 membership dues in the Association.





**THE ASSOCIATION OF TOWNS  
of the State of New York**

**150 State Street, Albany, New York 12207**

*"Service and Representation for the 932 Town Governments of New York"*

**Gerry K. Geist, Executive Director - PHONE: [518] 465-7933 - FAX: [518] 465-0724**  
**Website and e:mail: WWW.NYTOWNS.ORG**

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December 31, 2013

**Town of New Paltz  
County Of Ulster**

Annual Town Association Membership Dues for the year beginning  
January 1, 2014 as authorized by Article 8 of the Town Law.

**Dues: \$1,500.00**

These dues are computed from the latest complete information of your  
town's "Total Town Revenue" as reported to the Office of the State  
Comptroller.

Claimant's Certification

I certify that the above bill is just, true and correct; that no part thereof has been paid except  
as stated and that the balance is actually due and owing, and that taxes from which the  
municipality is exempt are not included.

GERRY K. GEIST  
Executive Director

**Association of Towns of the State of New York  
Dues Schedule for 2014**

<u>FY2011 Revenues:</u>			<u>FY2014 Dues:</u>
Between:	\$0	and \$149,999	= \$200
Between:	\$150,000	and \$249,999	= \$300
Between:	\$250,000	and \$424,999	= \$400
Between:	\$425,000	and \$799,999	= \$500
Between:	\$800,000	and \$999,999	= \$600
Between:	\$1,000,000	and \$1,249,999	= \$700
Between:	\$1,250,000	and \$1,699,999	= \$800
Between:	\$1,700,000	and \$2,099,999	= \$900
Between:	\$2,100,000	and \$2,699,999	= \$1,000
Between:	\$2,700,000	and \$4,999,999	= \$1,100
Between:	\$5,000,000	and \$7,499,999	= \$1,200
Between:	\$7,500,000	and \$9,999,999	= \$1,350
Between:	\$10,000,000	and \$19,999,999	= \$1,500
Between:	\$20,000,000	and \$49,999,999	= \$1,650
Between:	\$50,000,000	and \$99,999,999	= \$1,800
Over:		\$100,000,000	= \$1,950

**Note: Towns for which data is not available from the OSC ("unreported") will be billed the 2013 amount for 2014 dues.**

Questions and Answers:

- Q. Why is my dues amount based on FY2011 revenues?  
 A. FY2011 revenue data are the latest available from the Office of the State Comptroller
- Q. Why isn't my dues amount the round number listed across from my revenue amount on the schedule?  
 A. The dues of any town with less than \$7.5 Million revenue may not increase more than \$99.00 in any one year. An increase "cap" of \$99.00 has been applied in many cases resulting in non-rounded amounts approaching, but not reaching, the new rounded amounts

# 2014 Training School and Annual Meeting

February 16 - 19, 2014

## Registration Information



**Registration Fees and Deadlines:** \$100 per member and \$125 (non-member) before **Jan. 27, 2014**. Registrations postmarked between **Jan. 27, 2014 and Feb. 5, 2014** will be processed at the on-site registration rates: \$135 members; \$160 non-members. Registrations will not be accepted in our office after **Feb. 5, 2014**. Any registration not postmarked by **Feb. 5, 2014** received in our office will **NOT** be processed. You will need to register on site after that date. No exceptions.

### 2014 JUSTICE/COURT CLERK SESSIONS WILL BE HELD AT THE HILTON NY

**Justices and Court Clerks** attending classes and staying at either the Hilton Midtown or the Sheraton must pay the member/non-member registration fee (see above) accordingly.

**Online Registration:** Save time and paper by registering online at our Web site: [www.nytowns.org](http://www.nytowns.org). Online registration begins **Nov. 4, 2013**. Only Visa and Mastercard will be accepted for online registration.

If you choose to do manual paper registration,

1. Completely fill in name, title, municipality, day phone, fax number, and e-mail address.
2. Make out a check payable to the Association of Towns for the correct registration amount. Vouchers will not be accepted.
3. Mail form and registration check to Association of Towns, 150 State St., Albany, NY 12207.

**Hotel Reservations:** Starting this year, the Association of Towns will **not** be booking hotels for attendees through mail registration ONLY. If you register for the Annual Meeting through the mail with the following form, you will also need to make the appropriate accommodations at the hotel of your choice.

Special room rates will still be available for Annual Meeting attendees at the Hilton Midtown and the Sheraton. The Sheraton is no longer accepting vouchers/purchase orders at the front desk. Please contact James Filtz (contact info on following page) for arrangements.

If you choose to do mail registration, please call **1-800-HILTONS (445-8667)** to book your room at the Hilton or **1-800-325-3535** to book rooms at the Sheraton. Hotel reservations can still be made through online registration.

**Cut-off dates** to book your rooms:

Hilton Midtown - **Jan. 15, 2014**

(Parking \$51 up to 24 hours; \$61 for SUVs and larger vehicles up to 24 hours).

Sheraton - **Jan. 24, 2014**

(Parking \$52/day)

A "Breakfast with the Association" ticket is included with each paid registration. Additional breakfast tickets can be purchased at the Association's registration desk up until Tuesday morning.

**Cancellations** must be postmarked or faxed to the Association of Towns by 5 p.m. on **Jan. 31, 2014** for a refund. ALL CANCELLATIONS WILL BE CHARGED A \$10 PROCESSING FEE. Each person is responsible for canceling his/her own hotel reservation. You must have a confirmation number to cancel.



**Procedures for Bus  
Groups Attending the  
2014 Annual Meeting**

If you have eight or more people in your group, please follow the group reservation procedure for the Hilton and the Sheraton.

Cots or extra beds cannot be provided; it is against fire regulations in New York City.

The hotels will try to reserve all the rooms listed on the Group Reservation Forms on the same or consecutive floors to keep your group together, but such arrangements cannot be guaranteed.

To help expedite your group's arrival, please follow these steps:

1 - Advise the hotel of your estimated time of arrival.

NOTE: check-in time is 3 p.m. at all hotels. Due to heavy check-out on the Sunday of our arrival, there is little chance of an early check-in.

2 - Instruct your transportation (bus, mini-bus, or taxi groups) to arrive:

**Sheraton:** on 53rd Street at the Sheraton New York's side entrance.

**Hilton:** on 54th Street Entrance across from the Ziegfeld.

3 - If you are delayed and will not arrive at the scheduled time, hotels may not have personnel curb side to meet your group. In this case, please instruct the group to wait on the bus while the group director goes to the hotel lobby and advises the bell captain of your arrival.

\*Please call 800-Hiltons (445-8667) to confirm sleeping room accommodations.

**Please Note the Following General Rules  
for All Hotel Lobbies**

• No eating of any kind is permitted in or around the lobby.

• Congregating in large groups must take place away from the guest elevators and/or the reception desk during busy times.

• For all groups, there is a mandatory baggage handling charge:

**Sheraton:** \$7.74 per bag/round trip

**Hilton:** \$16.08/per person/2 bags/round trip

• The baggage handling fee must be paid prior to arrival either by credit card or by check. When paying by check, please note that payment must be received 10 days prior to arrival. Checks should be mailed to the attention of your convention services manager (made out to the appropriate hotel):

**Sheraton:** James Filtz, Convention Manager  
Sheraton New York Times Square  
811 7th Avenue  
New York, NY 10019  
212-841-6549  
Fax: 212-489-9511

**Hilton:** Parker Burton, Sr. Event Manager  
Hilton Midtown  
1335 Avenue of the Americas  
New York, New York 10019  
212-261-5707  
Fax: 212-261-5921

The number of bags will be verified upon arrival and excess baggage will be charged to the guest's room. If we cannot charge the guest room, the group director will be contacted and be responsible for settling these charges.

**CHECK-IN:**

Check-in time at the hotels is 3 p.m., so please schedule your arrival accordingly. The hotels

will make every attempt to accommodate early arrivals; however, rooms may not be ready in which case your group's luggage will be stored on a comp basis until the rooms can be assigned. If you require bellmen to assist with the delivery of your bags from the storage area to your rooms, they will be happy to do so.

#### **CHECK-OUT:**

Check-out time is 12 p.m. at all hotels. Late check-outs cannot be granted due to occupancy.

Bag Pull: Please indicate on your sheets if you wish to schedule a bag pull at least one week prior to check-in.

Once a bag pull has been scheduled (normally baggage pick-up is scheduled one hour prior to bus departure), it is the responsibility of the group director to instruct each group member to leave their packed luggage inside their room at least 15 minutes prior to the scheduled bag pull time. Please note that all luggage should be labeled.

#### **IMPORTANT INFORMATION REGARDING YOUR GROUP'S STAY:**

Each group director is responsible for the behavior of the individual group members. The following will not be accepted, and may result in dismissal from the hotel:

- ✘ **EXCESSIVE NOISE** in guest rooms or in public areas including guest room corridors, Food & Beverage outlets and/or Meeting room floors.
- ✘ **PHYSICAL DAMAGE** to the Hotel Property.
- ✘ **ENDANGERING** Hotel guests or group members.
- ✘ **REMOVING** any Hotel property from guest rooms or Hotel areas.

## **NEW THIS YEAR**

Please visit the NYC Welcome Desk next to the 2nd floor AOT registration area for a special package, which will include information and discounts on sightseeing, dining, theatre and more. We are happy to bring you these offers in conjunction with NYC & Company, New York City's premier marketing and tourism partner.

### **10 Percent DISCOUNT with AMTRAK**



#### **AMTRAK Discount**

Amtrak offers a 10 percent discount off the lowest available fare to (New York, NY) between Feb. 12, 2014 and Feb. 23, 2014. Travel dates are approved three days prior to the convention start date and three days following the last day of the meeting. To book your reservation call Amtrak at 1-800-872-7245 or contact your local travel agent. Conventions cannot be booked via Internet. Please be sure to refer to Association of Towns Annual Meeting Convention Fares Code **X16Q-977** when making your reservation. This offer is not valid on Auto Train. Fare is valid on Metroliner and Acela service for all departures seven days a week, except for holiday blackouts. Offer valid with Sleepers, Business Class or First Class seats with payment of the full applicable accommodations charges.

# 2014 Training School & Annual Meeting

February 16 - 19, 2014



## Hotel Room Rate Information

Please register online through our Web site: [www.nytowns.org](http://www.nytowns.org) and follow the links. If you register via mail with the form on the following page, **YOU MUST BOOK YOUR OWN HOTEL ROOM FOR THE MEETING.**

We have contracted with the hotels listed below for special Training School rates. In order to keep meeting costs to a minimum, the Association has entered into a contract with the Hilton Midtown and Sheraton NYTimes Square. If you choose to make your sleeping room reservations outside of the Association's group block, such as through an Internet reservation system or with a discount coupon, the Association can suffer significant financial penalties.

HOTEL	HILTON MIDTOWN	SHERATON NYTIMES SQUARE
ADDRESS	1335 Avenue of the Americas (6th Ave. & 53rd St.)	811 7th Avenue (7th Ave. at 52nd St.)
CUT-OFF DATE	Jan. 15, 2014	Jan. 24, 2014
SINGLE	\$256	\$225 (plus \$30 for each add'l person)
DOUBLE	\$276	\$225 (plus \$30 for each add'l person)
TRIPLE	\$296	
QUAD	\$316	
EXECUTIVE/CLUB	\$276 Single    \$316 Triple \$296 Double    \$336 Quad Based on Availability*	\$275 Single \$275 Double (plus \$30 for each add'l person)
SUITES	Singles or Doubles are available Please call 1(800) HILTONS (445-8667) for rates.	1 Bedroom - Single/Double \$575 2 Bedroom - Single/Double \$750
*Check-in for the Executive Tower Rooms at the Hilton is in the Main Lobby of the Hotel **Check-in for the Club Tower Rooms at the Sheraton is at the main check-in desk on the lobby level		

NOTE: Rooms will be automatically released after the cut-off dates and additional reservations or changes will be subject to availability.

**All reservations must be guaranteed by a major credit card. Room cancellations within 72 hours of reservation date and "no-shows" will result in a penalty of one night's room charge.**

Hotels will accept only credit cards for the one-night deposit; they will not accept personal checks or vouchers for deposits. Vouchers can be used for check out. \*\* Please Note: FOR THE HILTON ONLY, a one-night deposit will be charged to your credit card immediately upon making your reservation.

Questions? Please contact Executive Meeting Coordinator Patty Kebea at the Association offices at 518-465-7933.

# 2014 Training School & Annual Meeting

February 16 - 19, 2014



## Meeting Registration Form

**Registration fees:** \$100 (members) / \$125 (non-members) per person prior to Jan. 27, 2014. Paper registrations postmarked between Jan. 27, 2014 and Feb. 5, 2014 will be processed at on-site registration rates: \$135 (members) / \$160 (non-members). Any registrations received in our office that are not postmarked by Feb. 5, 2014 will not be accepted, and you must register on site.

One registration form required per each meeting attendee.

**1 - Please print or type**

Name \_\_\_\_\_

Title \_\_\_\_\_ Municipality \_\_\_\_\_

County \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

**2 - Please book your own hotel reservation**

- Call 1-800-HILTONS (445-8667) to book rooms at the Hilton. Reference Hilton code "**Towns**" **OR**
- Call 1-800-325-3535 to book rooms at the Sheraton. Reference "Association of Towns."

**3 - Mail completed registration form with a check for the appropriate registration fee to:**

Association of Towns  
150 State St.  
Albany, NY 12207

**4 - Questions? Contact Executive Meeting Coordinator Patty Kebea at the Association of Towns at (518)465-7933.**