



2024

Proposed Legislative Program

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Submitted for consideration to the Association of Towns Resolutions Committee

*Cindy Goliber, Town Clerk, Town of Potsdam, St. Lawrence County
First Vice President, Association of Towns, Chair of the Resolutions Committee*

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Resolution No. 1

Preserve and Support Home Rule

WHEREAS, the New York State Constitution grants broad home rule powers to local governments and places restrictions on the state Legislature in order to preserve these powers; and

WHEREAS, home rule authority encompasses a wide range of subjects, including but not limited to the authority to: adopt, amend and repeal local laws in the exercise of a town's functions, powers and duties; share services with other local governments; levy and collect rents and penalties in a town; adopt, amend and repeal zoning regulations; and

WHEREAS, under *Municipal Home Rule Law and the Statute of Local Governments*, local governments' home rule powers must be liberally construed; and

WHEREAS, New York is one of many states across the country granting local governments home rule authority, and this authority should be recognized at the federal level; and

WHEREAS, the exercise of home rule powers allows local governments to meet the unique and diverse needs of local residents while also fostering citizen participation 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 on the Governor and the state Legislature to preserve and strengthen home rule; and BE IT FURTHER

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

Background

This resolution is routinely included in AOT's Legislative Program and looks to preserve and strengthen home rule and bolster the authority and autonomy town governments need to make local decisions in the best interest of town residents. Broadly defined, home rule is a way for the state to transfer a portion of its governmental powers to local governments by allowing them to manage their own affairs. First granted in 1963-64, home rule authority has been weakened over the years through court cases and legislative enactments, preempting towns from acting on areas of local concern.

Questions or requests for additional information may be directed to Legislative Director and Counsel Sarah Brancatella.

Resolution No. 2

Support Highway, Bridge and Transportation Funding

WHEREAS, in 2022, the state approved a \$32.8 billion Five-Year NYSDOT Capital Plan, which will be in place SFY 2022-23 through 2026-27 and included funding for local roads and bridges; and

WHEREAS, New York State is scheduled to receive \$13.6 billion in federal funding over the next five years through the Infrastructure Investment and Jobs Act (IIJA), which helps fund the Five-Year NYSDOT Capital Plan; and

WHEREAS, a safe and dependable transportation network is essential to protect users of New York's roads, bridges and mass transit and to encourage and sustain economic development; and

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

WHEREAS, the National Highway Construction Cost Index continues to increase above the rate of inflation, thereby straining local resources to fund transportation projects; NOW THEREFORE BE IT

RESOLVED, that Association of Towns calls on the Governor and the Legislature to maintain, support, and increase funding for CHIPS, PAVE-NY, BridgeNY, Extreme Winter Recovery, POP and other transportation funding in the 2024-2025 State Budget and to continue to provide stable and sustainable long-term funding for local infrastructure.

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Background

Predictable and reliable highway funding to repair, restore, and maintain local roads and bridges is crucial to ensure the safety of the traveling public, strengthen our economy, and lower property taxes. This resolution calls upon our state partners to continue to support local transportation funding for core programs like CHIPS and new programs like PAVE-NY, BridgeNY, Extreme Winter Recovery and POP.

Prior to the pandemic, the New York State Association of Town Highway Superintendents estimated that local governments should be receiving an additional \$1.3 billion annually in state highway funding to address need and usage patterns. This need is outpacing funding amounts; even with the increases from last year, more funding is necessary. There are more reports highlighting the state of New York's infrastructure and funding needs:

Locally Owned Roads by the Numbers (OSC 2022)

2022 Report Card for New York's Infrastructure (ASCE 2022)

New York Transportation by the Numbers (TRIP 2022)

NYS DOT has posted individual allocation amounts and program details on its [website](#).

For more information on the Infrastructure Investment and Jobs Act please visit the Federal Highway Administration [website](#).

Highway Funding in the 2023-2024 State Budget

Last year's Executive Budget maintained local highway funding programs but did not recommend any increases. The Legislature recommended increases in some programs with the final approved budget maintaining funding levels in most local highway funding programs while providing program increases for CHIPS and State Touring Routes.

- CHIPS \$598.097 million (approximately a \$60 million increase)
- Marchiselli \$39.7 million (no increase)
- Extreme Winter Recovery \$100 million (no increase)
- POP \$100 million (no increase)
- PAVE-NY \$150 million (no increase)
- Bridge-NY \$200 million (no increase)
- State Touring Routes \$140 million (a \$40 million increase)

Five-Year NYSDOT Capital Plan and Funding

The 2022-2023 state budget included \$32.8 billion in funding for a new five-year DOT capital-funding plan, which will be in effect between state fiscal year 2023 through state fiscal year 2027 and includes annual funding recommendations (subject to state appropriation) during the five year plan.

- CHIPS \$538.1 million annually
- Marchiselli \$39.7 million annually
- Extreme Winter Recovery \$100 million annually
- PAVE-NY \$150 million annually
- Bridge NY \$200 million annually
- State Touring Routes \$100 million annually
- Pave our Potholes (POP) \$100 million annually

Infrastructure Investment and Jobs Act

New York receives federal transportation funding for roads and bridges. Federal surface transportation funding was included in the federal Infrastructure Investment and Jobs Act, which was signed into law on Nov. 15, 2021, providing authorization for federal aid highway programs nationwide as follows: \$52.5 billion in FY 2022, increasing 2 percent every year, and reaching \$56.8 billion in FY 2026.

Questions or requests for additional information may be directed to out to General Counsel Lori Mithen-DeMasi.

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Resolution No. 3

Strengthen State and Local Government Partnerships by Increasing Local Revenue Sharing Program Funding

WHEREAS, the Aid and Incentives to Municipalities (AIM) Program is a source of unrestricted aid wherein revenue is redistributed and shared with towns, cities (except New York City), and villages in New York State; and

WHEREAS, unrestricted aid funded by the state demonstrates a strong partnership between local governments and the state and is an established way for the state to provide meaningful support to local governments and keep real property taxes down; and

WHEREAS, towns are required to comply with state mandates, such as the payment of prevailing wages for municipal projects, without any significant funding source; and

WHEREAS, funding levels for AIM have not been increased since 2008 and fail to keep up with the rate of inflation; and

WHEREAS, when adjusting for inflation, AIM funding has decreased by more than 24 percent since 2011; NOW THEREFORE BE IT

RESOLVED, that the Association of Towns calls on the Governor and Legislature to increase AIM appropriations funded by the state by \$200 million in a fair and equitable manner to account for the rate of inflation and increased costs borne by local governments.

Background

Revenue sharing between New York State and local governments has taken various forms over the years, and when the Aid and Incentives to Municipalities (AIM) Program was established as part of the state budget in 2005-2006, its goal was an improved and streamlined way for the state to redistribute state revenue to towns, cities, and villages. In 2019, this state revenue sharing program was improperly shifted to a county sales tax allocation funding model, with the program restored back to state funding in 2022. Reverting back to the state funding model as the program was originally conceptualized is a step in the right direction. However, the state needs to take more action in order to reform the economic inequities local governments have encountered with 15 years of stagnant aid.

This resolution requests that AIM payments funded by the state be increased in the amount of \$200 million. Since 2008 (the last time AIM funding was increased in the state budget and such increase was maintained), the cumulative rate of inflation has been 45.76 percent. Adjusted for inflation alone, the 2008 appropriated AIM amount of \$755,014,463 would be \$1,078,926,233.47. In other words, the state would need to add \$324 million to AIM in 2024 to simply cover the amount of money lost due to inflation alone – and this amount does not cover all of the money lost to local governments due to stagnant aid from 2008-2023. Accordingly, an increase of \$200 million is not only a reasonable request but, in fact, a required one that would allow towns and the state to continue their strong partnerships.

Questions or requests for additional information may be directed to Counsel Katie Hodgdon.

Resolution No. 4

Support Affordable Housing while Preserving Local Authority

WHEREAS, having affordable places to live is essential for communities to thrive; and

WHEREAS, the rising cost of living and scarcity of available housing created a lack of affordable housing in many areas of New York State; and

WHEREAS, proposed legislation in recent years would have limited local governments' zoning authority in an effort to expand affordable housing options; and

WHEREAS, regulating residential housing is a local issue falling directly under municipal home rule; and

WHEREAS, many towns have provisions in their local codes supporting affordable housing options and development in ways that make sense for their communities; and

WHEREAS, the state can support and expand affordable housing options by working with local governments; for example, by funding local water and sewer infrastructure, providing further training and education for local land use officials, and creating affordable housing incentives; NOW THEREFORE BE IT

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RESOLVED, that the Association of Towns calls on the Governor and state Legislature to collaborate with local governments on any state initiatives addressing affordable housing; and BE IT FURTHER

RESOLVED, that the Association of Towns calls on the Governor and state Legislature to uphold local authority as granted by Municipal Home Rule Law in any legislation or state programs created to address affordable housing.

Background

In many areas of New York State, there are insufficient available affordable housing options leading to the introduction of legislation in recent years tackling the issue through local government. For example, in 2021 and 2022, legislation was introduced attempting to address the affordable housing crisis by preempting local zoning control (see e.g. A4854A/S4547A [2022], Part___ 2022-2023 Executive Budget). Most recently, in the 2023-2024 Executive Budget, there was a proposal that created housing growth targets – within three years, a municipality had to increase its residential housing stock by either 1 or 3 percent, depending on its location in the state, or adopt two or more “preferred actions” to facilitate affordable housing. If it failed to do so, the state would take control over housing applications. After that proposal was excluded from the final budget, Governor Hochul issued Executive Order 32 giving priority to municipalities that certified as a “pro-housing community” for certain discretionary state funds, like DRI grants.

This resolution proposes that rather than preempt local zoning authority or create mandates, the state supports affordable housing development by working with local governments. For example, insufficient water and sewer systems hinder development, and assisting with those needs would facilitate affordable housing. Because local governments have direct, hands-on experience with, and know the challenges to, developing affordable housing, they should be a part of creating solutions.

Questions or requests for additional information may be directed to Legislative Director and Counsel Sarah Brancatella.

Resolution No. 5

Create a Dedicated Funding Program for Municipal Water and Sewer Infrastructure

WHEREAS, under the New York State Constitution, every person has a right to clean air, water, and a healthful lifestyle; and

WHEREAS, many municipalities own water and sewer systems, stormwater facilities and other infrastructure critical to ensuring this right; and

WHEREAS, much of this infrastructure was constructed decades ago and requires significant upgrades in addition to regular maintenance; and

WHEREAS, New York State currently provides application-based funding assistance on a case-by-case basis and low- to no-interest loans to fund improvements to local water and sewer infrastructure; and

WHEREAS, the state initiated the Consolidated Local Street and Highway Improvement Program (CHIPS) in 1981, which provides consistent funding assistance for the maintenance of local roads and offers a successful model on how to distribute statewide assistance through a fair and equitable formula; NOW THEREFORE BE IT

RESOLVED, that the Association of Towns calls on the Governor and Legislature to create a dedicated funding program for municipal water and sewer infrastructure using a fair and equitable formula to distribute funds annually to municipalities.

Background

It is generally acknowledged as fact that New York’s aging infrastructure is in dire need of updating and requires a significant financial investment. The Office of the State Comptroller reports that the estimated cost of necessary drinking water investments in New York range between \$22 billion and \$39 billion (see *Drinking Water Systems in New York: The Challenges of Aging Infrastructure*, February 2017), and the Department of Environmental Conservation has reported that it would cost \$36.2 billion over 20 years to repair, replace and update New York’s aging wastewater infrastructure.

New York State principally provides funding for water, sewer and stormwater infrastructure through grants and low- and no-interest loans. In addition to these options, local governments would significantly benefit from a dedicated funding program similar to CHIPS that would provide annual funding towns could rely on, budget for, and incorporate

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into multiyear capital management plans. Various legislation has been introduced in the past supporting this idea, and the other municipal associations also support this idea, particularly given that it aligns with the recent amendment to New York's Constitution, which affirms that every person has the right to clean air, water, and general health, and updated infrastructure is essential to this objective. Additionally, dedicated water and sewer infrastructure funding would support other state initiatives, like affordable housing development.

Questions or requests for additional information may be directed to Legislative Director and Counsel Sarah Brancatella.

Resolution No. 6

Oppose Changing Town Elections from Odd to Even Years

WHEREAS, the New York State Assembly and Senate passed legislation in June 2023 changing all biennial town elections for town officials, except for town justices, from odd years to even years; and

WHEREAS, all but a few towns in Broome County currently hold their elections during odd years; and

WHEREAS, many propositions on local issues can be submitted to voters only at a special or biennial town election; and

WHEREAS, switching from odd to even years means that town elections would take place at the same time as elections for federal and state positions; and

WHEREAS, holding local elections at the same time as federal and statewide elections will dilute local messages and issues by burying them under national and state issues; and

WHEREAS, removing local issues and candidates as the focus of an election will drive up the cost of running for local candidates, thus making it more difficult for people to run and will relegate town issues to an afterthought; and

WHEREAS, changing town elections to even years will not save money as elections must still take place during odd years for positions like town justice that, under New York State's Constitution, must be held during odd years; and

WHEREAS, the state Legislature did not request input from town governments before introducing the bill, nor did any town request elections years be changed; NOW THEREFORE BE IT

RESOLVED, that the Association of Towns calls on the Governor and the state Legislature to maintain the current biennial election cycles for town officials, where an overwhelming number of elections take place during odd years; and

RESOLVED, that the Association of Towns will oppose any initiative that would change biennial elections for all towns from odd to even.

Background

In June 2023, the New York State Assembly passed S3505B /A4282B to amend Town Law § 80 and certain provisions of county law to change election years for town officials, except for town justices, from odd years to even years. Town justices are excluded from the legislation because they have a constitutionally protected four-year term of office, and the Legislature does not have the authority to change that, something that would be necessary by either adding or taking a year off a term to transition to even-year elections. In addition, cities are excluded due to constitutional protections, as are villages, since most village elections take place in March and do not coincide with federal and national elections.

The stated goal of the legislation is to increase voter participation in local elections. However, many towns expressed concerns that holding local elections at the same time as national and state-wide elections will render local elections and propositions an afterthought and over politicize local issues.

*Please note that if Governor Hochul signs this legislation the resolution will be moot.

Questions or requests for additional information may be directed to Legislative Director and Counsel Sarah Brancatella.

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Resolution No. 7

Reform Inequities in the Real Property Tax Cap Formula

WHEREAS, the real property tax cap, which was designed to limit the property taxes levied by local governments to 2 percent or the rate of inflation, whichever is less, contains inequities that penalize towns; and

WHEREAS, New York State governs how towns raise revenue, and property taxes are the primary source of revenue for towns; and

WHEREAS, other sources of revenue, such as state aid, have been stagnant while expenses and inflation continue to increase; and

WHEREAS, the actual property tax cap levy amount has been below or 2 percent many times since it began in 2011; and

WHEREAS, towns are required to include costs associated with infrastructure projects in their tax cap calculation, while other entities have the ability to exclude these costs; and

WHEREAS, towns are prohibited from including the costs attributable to PILOT and tax-exempt properties in their tax cap calculation, and these properties use town services and resources*; and

WHEREAS, towns are required to reduce their tax levy limit by the amount of savings recognized from a transfer of function, which discourages shared services; and

WHEREAS, towns are required to include improvement district costs in their tax cap calculation despite these districts being a separate taxing entity that provide essential services; and

WHEREAS, despite these inequities, the Property Tax Cap was made permanent in 2019; NOW THEREFORE BE IT

RESOLVED, that the Association of Towns calls on the Governor and Legislature to adopt tax cap reforms to remedy inequities in the formula, including imposing a true 2 percent cap, removing infrastructure project costs from the calculation, allowing growth from PILOT and tax-exempt properties to be included in the tax cap calculation*, removing barriers to shared services that would save taxpayer dollars, and removing special improvement district costs from the tax cap calculation.

Background

This resolution regularly appears on AOT's legislative priorities platform. The real property tax cap (General Municipal Law § 3-c), which established a limit on the annual growth of property taxes levied by local governments and school districts to 2 percent or the rate of inflation, whichever is less, was adopted in 2011 and was made permanent in 2019. Towns are responsible fiscal managers, and any local government that exercises its statutory authority to override the cap does so to meet a pressing or urgent need for its residents. Towns have consistently demonstrated that they will comply with the cap to the extent practicable; however, inequities in the formula remain that must be addressed.

The Association of Towns has identified simple adjustments that can be made to the tax cap formula that would remedy the inequities in the tax cap and allow towns and other local governments to implement the cap in a less deleterious manner. Specifically, since its inception in 2011, the 2 percent tax cap has often been well below 2 percent. Now that the tax cap is permanent, we believe the cap should reflect a true 2 percent limit rather than be determined by economic fluctuations that are well beyond a local government's control, which would offer towns the ability to engage in better long-range budgeting and planning. Indeed, local governments have been significantly impacted by the recent state of the economy, with the rate of inflation of 6.26 percent for local governments with a 2024 calendar fiscal year, which is among the highest rate since the tax cap began, and well above the 2 percent allowable levy increase. While a permanent 2 percent cap will not completely ameliorate the impacts of inflation, it will allow towns to plan their budgets accordingly.

Additionally, towns are required to include infrastructure costs in their tax cap calculation. Conversely, school districts are not required to include these costs in their tax cap calculation because they are subject to referendum requirements and voter approval. However, most (if not all) town capital projects are also subject to referendum requirements, either via the financing process or through the reserve fund process (see General Municipal Law § 6-c, Town Law § § 81 & 220, and Local Finance Law § 35.00). Despite town infrastructure projects receiving voter approval through the referenda process, towns must include these costs in their tax cap calculation. This inequity should be

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remedied to apply the exclusion of infrastructure costs for both school districts and local governments.

Moreover, towns should be able to include growth from PILOT and tax-exempt properties in their tax cap calculations. Local governments experience increased costs and development associated with these properties that use, and benefit from, municipal services, yet the growth from these properties cannot be taken into account when imposing the tax cap formula. These omissions from the formula penalize local governments that experience increased costs and development, as PILOT and tax-exempt properties use town services and resources. A simple legislative fix would remedy this obvious contradiction.*

Additionally, local governments must reduce their tax levy limit by any amount of any savings realized from a transfer of function. Ultimately, this serves as a disincentive to share services, as any potential savings realized reduces that local government's levy limit and its ability to tax within the cap. To achieve economy and efficiency and incentivize shared services, this penalty should be removed from the tax cap formula.

A final consideration for the tax cap is to exclude the costs associated with special improvement districts from the tax cap calculation, as these districts are a separate taxing entity that provide essential services. Including these costs in the tax cap calculation serves as a disincentive to take on needed projects and necessary updates, as they are often costly and require the override of the tax cap. Accordingly, excluding these improvement districts from the town's tax cap calculation will ensure that important projects are completed and provide equity to towns that are currently unfairly penalized with the inclusion of these costs in their tax cap calculation.

*As of press time, there is legislation that passed both houses awaiting delivery to the Governor that would modify the tax cap in this regard to impose a mandatory requirement that the quantity change factor in the formula include the assessment value of properties subject to a PILOT agreement in the locality (A1567 McDonald / S1045 Cooney). The quantity change factor impacts the tax base growth factor in the tax cap calculation – the higher the value is, the more a locality can levy while staying within the tax cap. This legislation is a step in the right direction for a more equitable tax cap, as it considers the services local governments provide to PILOT-exempted properties by including the assessed value of these properties in the quantity change growth factor. This bill has previously been vetoed (A1418-A, 2017). If the Governor signs this legislation, the language in this resolution addressing PILOT costs will be deleted.

Questions or requests for additional information may be directed to Counsel Katie Hodgdon.

Resolution No. 8

Provide All Towns with the Authority to Set Speed Limits on Local Roads and Remove Costly Administrative Requirements

WHEREAS, Vehicle & Traffic Law § 1662-a authorizes towns only classified as suburban and those with a population over 50,000 to set speed limits on all highways within a town other than state highways maintained by the state, while all cities and villages regardless of size may set their own speed limits; and

WHEREAS, suburban towns and those with a population over 50,000 may only reduce the speed limit to 25 miles per hour; and

WHEREAS, all other towns must submit a request to the New York State Department of Transportation (DOT) in order to have speed limits reduced; and

WHEREAS, it can take as long as two years for DOT to process requests for speed limit reductions and often declines requests; and

WHEREAS, reducing speed limits on local highways is an easy and cost-effective way to limit the severity and frequency of accidents; and

WHEREAS, towns, as the entities in charge of highway maintenance and most familiar with local traffic patterns, are in the best position to evaluate the areas where reducing the speed limit would be most beneficial; and

WHEREAS, suburban towns and those with a population of 50,000 are required to obtain certification by a licensed professional engineer that specializes in traffic operations prior to establishing speed limits, the cost of which can serve as a deterrent to adopting necessary speed limit changes; NOW THEREFORE BE IT

RESOLVED, that the Association of Towns calls on the Legislature and Governor to amend Vehicle and Traffic Law §

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1662-a so that all towns have the authority to set speed limits via local law on town roads within their jurisdictions within the limits outlined in the statute; and BE IT FURTHER

RESOLVED, that the Association of Towns calls on the Legislature and Governor to amend Vehicle and Traffic Law § 1662-a so that towns are allowed to reduce speed limits below the current limitation of 25 miles per hour to 20 miles per hour; and BE IT FURTHER

RESOLVED, that the Association of Towns calls on the Legislature and Governor to eliminate the requirement that towns obtain certification prior to establishing speed limits.

Background

This resolution periodically appears on AOT's legislative priorities. Currently, the statutory default on local roads is 55 miles per hour (see Vehicle and Traffic Law § 1180-a [1]), and only towns classified as suburban and those with over a population over 50,000 have the authority reduce the speed limit, with 25 miles per hour being the lowest allowable limit (see Vehicle and Traffic Law § 1662-a). The proposed amendments would extend the authority to reduce speed limits on local roads below the statutory default of 55 miles per hour to all towns, not just those that meet a certain population threshold or classification, which is consistent with how villages and cities are treated (see Vehicle and Traffic Law § 1643) and allow towns to reduce the speed limit on designated roads below 25 miles per hour to 20 miles per hour. Reducing speed limits, even by 5 miles per hour, is a cost-effective way to both prevent and mitigate the severity of accidents.

Additionally, in August 2022, the Legislature imposed a new mandate on local governments that requires the certification of a licensed professional engineer that specializes in traffic operations prior to establishing speed limits. This requirement is costly and inefficient and will dissuade towns from taking necessary action to change speed limits.

Questions or requests for additional information may be directed to Counsel Katie Hodgdon.

Resolution No. 9

Increase State Competitive Bidding Thresholds

WHEREAS General Municipal Law § 103 requires municipalities to competitively bid any service contract over \$35,000 and any purchase contract over \$20,000; and

WHEREAS, state competitive bidding thresholds have not been increased since 2009 and 2010, respectively; and

WHEREAS, the costs of goods and services has increased significantly since state competitive bidding thresholds were last amended, NOW THEREFORE BE IT

RESOLVED, that the Association of Towns calls on the Governor and Legislature to increase competitive bidding thresholds under General Municipal Law § 103.

Background

General Municipal Law § 103 requires municipalities to competitively bid any service contract over \$35,000 and any purchase contract over \$20,000. The last time the purchase contract threshold was increased was in 2010, and the service contract threshold was last increased in 2009. In the 13 years since those levels were amended, the cost of goods and services has increased significantly, and therefore more must go out to bid, something which takes time and money. Increasing the competitive threshold would give towns greater flexibility in their purchasing and service contracts and reflect economic realities. Currently, there is a bill in the Assembly, A8238, which would increase the amounts for service contracts to \$70,000 and purchase contracts to \$40,000.

Questions or requests for additional information may be directed to Legislative Director and Counsel Sarah Brancatella.

Resolution No. 10

Support and Collaborate with Local Governments to Reach CLCPA Goals

WHEREAS, New York State adopted the Climate Leadership and Community Protection Act (CLCPA), which sets forth the state's goal of 70 percent renewable energy by 2030, while also cutting greenhouse gas emissions 85 percent by

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2050; and

WHEREAS, the state created the Climate Action Council, which is responsible for developing recommendations to meet CLCPA targets, and assembling advisory panels, including one on land use and local government, to assist the Climate Action Council; and

WHEREAS, there are no town or other local government representatives on the Climate Action Council or the Land Use and Local Government Advisory Committee; and

WHEREAS, the state has adopted various legislation, such as green building requirements and the siting of large-scale renewable energy facilities, to help achieve the CLCPA goals; and

WHEREAS, clean energy projects may have significant impacts in the communities where they are located, and as the form of government closest to the people, towns can offer a unique and helpful perspective; and

WHEREAS, towns can work with the state and other stakeholders to ensure that CLCPA goals are achieved in a comprehensive, thoughtful and lasting manner; and

WHEREAS, in order to achieve CLCPA goals, towns will need additional financial assistance to, for example, fund the purchase of clean fleets and the related infrastructure, to implement state and local climate change programs, and to administer and enforce new and modified permitting programs; NOW THEREFORE BE IT

RESOLVED, that the Association of Towns calls on the Governor, Legislature, relevant state agencies, and other stakeholders to involve town officials and their representatives in the implementation and advancement of CLCPA goals; and BE IT FURTHER

RESOLVED, that the Association of Towns calls on the Governor and the Legislature to create, fund and maintain state funding programs to assist towns with efforts to implement and advance CLCPA goals.

Background

As the resolution states, in 2019, the state codified clean energy goals, and created the Climate Action Council (CAC) to help achieve these goals. Advisory panels to the CAC offer recommendations on their specific topic area, including one on land use and local government. There are no current town, city, village, or county officials on the CAC or on the land use and local government advisory panel. In furtherance of the CLCPA goals, legislation has been adopted in the last several years that impacts local governments – for example, changing the way large-scale renewable energy projects are sited and creating new building requirements to eliminate things like natural gas stoves. Additionally, New York adopted legislation requiring all new school bus purchases be electric starting in 2027. We anticipate at some point the state will impose a similar requirement on highway fleets. In light of this, this resolution asks for local government officials to be included in the conversation at the state level regarding clean energy projects and local needs, wants, and concerns be given due consideration when developing clean energy projects. Additionally, the resolution asks the state to provide local governments with money to help fund programs, like the electrification of highway fleets, meant to help achieve CLCPA goals.

Questions or requests for additional information may be directed to Legislative Director and Counsel Sarah Brancatella.

Resolution No. 11

Support Justice Courts by Increasing Court Fees and Keeping Town Justices Local

WHEREAS, town and village justices are not required to be attorneys admitted to practice in New York State; and

WHEREAS, absent some circumstances where justice courts are consolidated, town justices must be residents of the town they serve; and

WHEREAS, town justices are elected by the people; and

WHEREAS, some towns do not have an attorney living in their jurisdictions; and

WHEREAS, town justice courts provide an essential service that is primarily funded by local real property taxes despite many town justice courts processing state violations; and

WHEREAS, the state-established reimbursement fund that was designed to assist local governments with the

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operational expenses associated with processing state violations has not been increased in over 25 years; and WHEREAS, the majority of the fees collected by town justice courts are paid to the state and county; NOW THEREFORE BE IT

RESOLVED, the Association of Towns will oppose any effort mandating town justices to be attorneys so that justice courts can remain local; and BE IT FURTHER

RESOLVED, that the Association of Towns requests legislative action to increase justice court fees that are limited by statute from \$15 to \$25 to account for the cumulative rate of inflation in order to assist local taxpayers in funding justice court expenses that serve the state and to more accurately reflect the costs incurred by town justice courts.

Background

In 2023, there were different efforts to require that town and village justices be attorneys. Specifically, the New York State Senate passed S139-B, which would require the 100 busiest town and village courts in New York to be presided over by attorneys licensed to practice law in New York who have been admitted to the bar for at least five years. A companion bill, A1358-B, was in the Assembly, but did not pass. In addition, the New York State Bar Association (NYSBA) issued a report in June 2023 stating that all town and village justices should be attorneys. The argument is that, even with the training requirements for justices, including additional training for non-attorney justices, having non-attorney justices does not adequately protect people's legal rights. As evidence of this, NYSBA points out in its report that in 2022, the Committee on Judicial Conduct published 19 decisions regarding the removal, resignation, censure or admonition of town or village justices. Of those 19 decisions, 15 of them were non-attorneys, and four were attorneys. NYSBA also recommends eliminating the requirement that justices be residents as a way to address the fact that some communities do not have resident attorneys.

Others express the concern that the effort to make justices attorneys is a poorly concealed attempt to usurp local control and consolidate justice courts. In addition, they point to the fact that the Commission on Judicial Conduct's most recent annual report (2023) identifies that only 13 percent of the complaints filed against the judiciary were against town and village judges, including both attorney and non-attorney justices.

As far as the funding part of this resolution, town justice courts are primarily funded by local real property taxes, despite the fact that the majority of funds collected in town justice courts is paid to the state and county. For example, in 2009, towns retained only an average of 42 percent of the \$183.5 million collected in their courts, with 53 percent of the revenue going to the state and the remaining 5 percent to the county; more than half of the revenue taken in by town justice courts is paid to the state and county. This number reflects the common and disparate issue encountered by many town justice courts, wherein a significant percentage of their collections are distributed to the state for moving and other Vehicle & Traffic Law violations that happen within their limits.

General Municipal Law § 99-L provides for the payment of specified fees to towns for services performed by town justice courts. However, the current reimbursement rate of \$15 has not been increased since 1997. In order to make towns whole on these costs to reflect the rate of inflation, the fees in General Municipal Law § 99-L should be increased, at minimum, to \$25 for criminal actions, moving violation proceedings, license suspension or revocation orders, and examination of any deposition and information and the issuance of a search warrant by the justice court.

Questions or requests for additional information may be directed to Legislative Director and Counsel Sarah Brancatella.