



September 27, 2016

Ms. Karen McCarthy
Clerk, County Legislature
Erie County
Old County Hall-Legislature
92 Franklin St., 4th Floor
Buffalo, NY 14202

Dear County Leader,

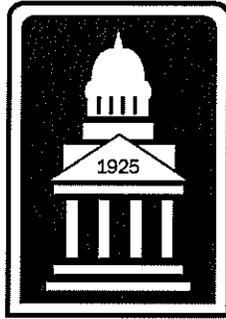
Enclosed please find the official resolutions adopted by the county delegates at New York State Association of Counties 2016 Annual Meeting in Niagara County. These resolutions represent months of effort and analysis and years of practical experience operating government programs and serving the residents of our counties. These resolutions are also available on NYSAC's website at www.nysac.org under the Legislative Action Center.

As always, we encourage your county to enact the resolutions important to your county and we look forward to working with you to bring these ideas to fruition. If you have any questions or need additional information, please call Kathryn Hohman at our NYSAC offices at 518-465-1473. Thank you for your time and consideration.

Sincerely,

Hon. William E. Cherry
President





NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2016 NYSAC Fall Seminar
Resolutions**

Niagara County, New York

**Hon. William E. Cherry, President
Stephen J. Acquario, Executive Director**

2016 NYSAC Fall Seminar

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NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

2016 NYSAC Fall Seminar Niagara County, New York

Board of Directors

Hon. William E. Cherry (Schoharie County) - President

**2016 NYSAC Fall Seminar
NYSAC Board of Directors
Resolution #1**

**Resolution Thanking Niagara County for Hosting the NYSAC Delegation at
the Annual Fall Seminar in Niagara County**

WHEREAS, the New York State Association of Counties (NYSAC) has convened our 2016 Annual meeting in Niagara County; and

WHEREAS, hundreds of elected and appointed county officials from across this state are meeting for the purpose of receiving education and information critical to the operation of county government in New York State; and

WHEREAS, county officials from across the state benefit from the ideas and information exchanged during this important event and furthermore will see first-hand the natural beauty and culture of Western New York.

NOW, THEREFORE, BE IT RESOLVED, that the membership of the New York State Association of Counties, its Board of Directors and Staff wish to extend sincere appreciation to the entire Niagara County Legislature for financially supporting and hosting the NYSAC delegation and its Annual Fall Seminar; and

BE IT FURTHER RESOLVED; that this resolution be sent to the Niagara County Legislature.

**2016 NYSAC Fall Seminar
NYSAC Board of Directors
Resolution #2**

**Resolution Calling on Governor Andrew M. Cuomo and the State
Legislature to More Equitably and Efficiently Impose the 9-1-1 Surcharge on
All Wireless Communication Devices and Use Revenues to Finance Life-
Saving County 9-1-1 Services**

WHEREAS, the State of New York imposes a \$1.20 public safety surcharge on wireless “contract telephones,” which, when it was enabled in statute, was intended to fund 9-1-1 operations and help dispatchers, first responders and law enforcement officers to communicate and respond to emergencies; and

WHEREAS, despite its access to 911 systems, the “pre-paid” cellular phone industry is currently not contributing resources to support 9-1-1 service; and

WHEREAS, NYSAC estimates, using FCC data, that about 1/3 of all cell phones are “pre-paid” and do not pay the \$1.20 state surcharge or the \$.30 local surcharge; and

WHEREAS, more than 30 states have expanded their 9-1-1 surcharge to “pre-paid” phones; and

WHEREAS, the growth of smart phones into the “prepaid” marketplace in recent years is accelerating and providers are moving away from annual contracts toward “prepaid” monthly programs; and

WHEREAS, the State’s revenues from the \$1.20 surcharge totals nearly \$200 million annually but is declining, and the majority of these revenues are used by the state for purposes other than 9-1-1; and

WHEREAS, current funding mechanisms do not provide enough funding to address the essential needs of all counties nor the implementation of NextGen 9-1-1.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) calls upon Governor Andrew M. Cuomo and the State Legislature to determine a way to ensure adequate funds are available for emergency communication needs and furthermore authorize all counties the authority to impose a state surcharge up to a \$1.20 on ALL wireless devices that are capable of accessing 9-1-1 services; and

BE IT FURTHER RESOLVED, that any expansion of the state surcharge to prepaid plans should commensurately authorize local surcharges for the same purpose; and

BE IT FURTHER RESOLVED, the state should provide optional authority for the local wireless \$.30 surcharge for the 8 counties that do not currently impose this surcharge; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the sixty-two counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, that NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature, the Commissioner of the Division of Homeland Security and Emergency Services and all others deemed necessary and proper.

**2016 NYSAC Fall Seminar
NYSAC Board of Directors
Resolution #3**

**Resolution Urging Governor Cuomo to Sign Into Law Public Defense
Mandate Relief Act (S.8114/ A.10706)**

WHEREAS, the United States Supreme Court held in Gideon v. Wainwright that the right to counsel for one charged with a crime is fundamental and that it is the state's responsibility to supply lawyers for those unable to afford them; and

WHEREAS, in 1965 the State of New York delegated this state responsibility to counties; and

WHEREAS, the decision to place responsibility at the county level in the State of New York has resulted in a system by which the county and local property taxpayers are burdened with the vast majority of cost for this state responsibility; and

WHEREAS, the New York State Senate and Assembly have passed historic legislation entitled Public Defense Mandate Relief Act (S.8114/A.10706) which will require New York State to reimburse counties for expenditures made fulfilling the state's obligation to provide representation for those financially unable to afford counsel commencing in 2017 and incrementally reaching 100% by 2023 and thereafter; and

WHEREAS, NYSAC thanks the State Senate and the State Assembly for recognizing and addressing this need by passing the Public Defense Mandate Relief Act; and

WHEREAS, the Public Defense Mandate Relief Act (S.8114/A.10706) will give the Indigent Legal Service Office the authority to adopt, promulgate, amend or rescind rules and regulations to carry out the provisions of Executive Law Section 832; and

WHEREAS, New York State has previously entered into an agreement to settle the Hurrell-Harring vs. State of New York class action lawsuit and has begun to expend substantial amounts of State funds to create a more equitable and Constitutional system of representation in only the five settlement counties, therefore creating an unequal system of justice in the remaining counties of the State; and

WHEREAS, by entering into such agreement and funding additional services in only the five settlement counties, the State acknowledges that it is constitutionally required to fund public defense services for mandated representation; and

WHEREAS, requiring counties subject to a State-imposed tax cap to finance the State's obligation to provide public defense services imposes a significant, uncontrollable financial burden on counties dependent on real property taxes to fund needed services.

NOW, THEREFORE, BE IT RESOLVED, NYSAC strongly urges Governor Cuomo to sign the Public Defense Mandate Relief Act (S.8114/A.10706) when it is delivered to

him, fulfilling the State's obligation under Gideon vs. Wainwright, 372 U.S. 335, while also providing fiscal relief for local property taxpayers; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, that NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.

**2016 NYSAC Fall Seminar
NYSAC Board of Directors
Resolution #4**

**Resolution Calling on the State of New York to Fully Reimburse Counties
for District Attorney Salary Increases Set by the State**

WHEREAS, on December 24, 2015, New York State Commission on Legislative, Judicial, and Executive Compensation voted to recommend increasing all state judge salaries in 2016 and 2018; and

WHEREAS, the recommended increase placed Supreme Court judges' salaries at \$193,000 in 2016 and \$203,000 in 2018 and placed County Court Judges at 95% of a Supreme Court Justice's salary; and

WHEREAS, on April 1, 2016 the state approved the Commission's recommendation; and

WHEREAS, New York State Judiciary Law Section 183-a links judicial salaries to county District Attorney (DA) salaries to be equal or higher than either the County Court Judge or Supreme Court Judge in a county, depending on county size and full-time or part-time status; and

WHEREAS, for over 50 years, the state has funded all salary increases that they imposed on the counties; and

WHEREAS, the District Attorneys Association of the State of New York (DAASNY), recognizing the automatic nature of these increases and its effect on local county budgets, and further to support the counties' position, requested in correspondences with state officials that the state fund this salary increase as well; and

WHEREAS, this salary increase recommendation occurred well after all counties set their 2016 budgets in law; and

WHEREAS, to the extent that the Commission's recommendations do, in fact, supersede the provisions of Judiciary Law section 221-d as applicable to District Attorney's annual salary; and

WHEREAS, DA's are entitled to the compensation they are owed pursuant to state law for fulfilling the state constitutional and statutory duties related to the enforcement of the state penal law; and

WHEREAS, on April 1, 2016 the State Legislature enacted a \$150 billion State Budget, but did not include the funding for the \$1.6 million in reimbursement costs for the increase in DA salaries; and

WHEREAS, the state has been careful over the past few years to avoid shifting costs to the local tax base, mindful of the impact locally with the state imposed property tax cap; and

WHEREAS, for some counties, this salary increase represents approximately 1/3 of their total allowable property tax growth for all government operation in 2016.

NOW, THEREFORE, BE IT RESOLVED, NYSAC calls on the State of New York to immediately pass legislation and pay for this increase retroactive to April 1, 2016, and not pass this unfunded mandate on to local taxpayers; and

BE IT FURTHER RESOLVED, NYSAC calls on the state to pay for this increase and any similar state mandated salary increase in future years; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the sixty-two counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, that the New York State Association of Counties shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.

**2016 NYSAC Fall Seminar
NYSAC Board of Directors
Resolution #5**

**Resolution Calling on Governor Andrew M. Cuomo and the State
Legislature to Work with New York's Congressional Delegation to Amend
and Improve the Family First Prevention Services Act of 2016 to Ensure
Essential Fiscal Resources are Maintained to Support Families in Need**

WHEREAS, the Family First Prevention Services Act of 2016, H.R. 5456, is moving rapidly through Congress with no public hearings and little debate; and

WHEREAS, the legislation is well intentioned in that it would for the first time allow federal Title IV-E reimbursement for some preventive services to help children at risk of neglect or abuse; and

WHEREAS, the federal legislation also requires extensive new reporting and information system requirements, eliminates federal funding for currently authorized services, imposes restrictive administrative and implementation barriers, puts in place punitive maintenance-of-effort funding requirements, among other shortcomings and oversights; and

WHEREAS, New York's Office of Children and Family Services estimates that New York State and its counties could lose up to \$250 million annually in currently available federal funds for child welfare; and

WHEREAS, the counties of New York fund a large percentage of these child welfare services with locally raised property taxes and other revenues; and

WHEREAS, New York State and its counties have provided prevention services for this population without any federal matching funds for decades and this bill would provide no credit to states like New York that were proactive and early adopters in providing prevention services for children and families at risk; and

WHEREAS, Governor Cuomo, on behalf of the New York State Office of Children and Family Services (OCFS) sent a recent letter to United States Senators' Charles E. Schumer and Kirsten E. Gillibrand notifying them of the harmful impact this legislation would have on New York, and also provided suggested amendments; and

WHEREAS, some of specific amendments requested related to expanding the 12-month time limit for Mental Health and Substance Abuse Prevention funding to not to exceed 24 months when certified by a qualified mental health or substance abuse clinician; Aid to Families with Dependent Children (AFDC) delinking; and placement settings for 16-17 year olds; and

WHEREAS, the loss of federal funding and the restrictions within the current bill will jeopardize child welfare services in New York State.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) calls upon U.S. Senators Charles Schumer and Kirsten Gillibrand to work closely with New York's Congressional Delegation to amend and improve the Family First Prevention Services Act of 2016 so that early adopter states are not penalized by strict maintenance-of-effort provisions, that current federal reimbursement streams be maintained, and sufficient flexibility be provided to meet the unique circumstances in different states; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, the NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature, the New York State Congressional Delegation and all others deemed necessary and proper.



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

2016 NYSAC Fall Seminar Niagara County, New York

Standing Committee on Agriculture

Hon. A. Douglas Berwanger (Wyoming County) – Chair
Angela Ellis (Livingston County) – Vice Chair

**2016 NYSAC Fall Seminar
Standing Committee on Agriculture
Resolution #1**

**Resolution Urging the Governor and State Lawmakers to Sustain Funding
for Farmland Preservation**

WHEREAS, the enacted 2016/17 state budget included \$30,915,000 in agricultural funding aid to localities; and

WHEREAS, the agriculture industry remains a top contributor to the New York State economy, providing critical jobs, revenues and food for our state and beyond; and

WHEREAS, the agricultural sector, farms and related food system is a major economic engine in New York State; and

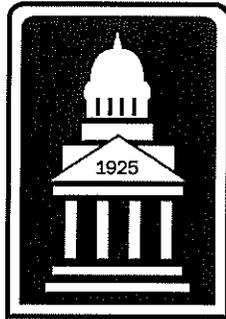
WHEREAS, while funding for farmland protection and agriculture assistance has grown, there is no guarantee that this level of funding will be continued in future years.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) supports the historic commitment New York State has made toward farmland preservation; and

BE IT FURTHER RESOLVED, that NYSAC calls upon the Governor and State Legislature to sustain this level of funding in future state budgets and continue New York's significant commitment to farmland preservation; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the sixty-two counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, that NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

2016 NYSAC Fall Seminar Niagara County, New York

Standing Committee on Children with Special Needs

Lisa Mell (Schenectady County) – Chair
Barbara Pellegrino (Oneida County) – Vice Chair

**2016 NYSAC Fall Seminar
Standing Committee on Children with Special Needs
Resolution #1**

Resolution Urging the Department of Health and the Division of Budget to Identify All Outstanding Claims and Prioritize Reimbursing County Costs for Early Intervention Services That Were Provided and Paid for by Counties Prior to the State Fiscal Agent Administrative Takeover and Remain Unreimbursed

WHEREAS, prior to 2013, counties funded 100% of the cost of the state's Early Intervention Program and then sought reimbursement beginning in the following county fiscal year as required under state law; and

WHEREAS, the state implemented a State Fiscal Agent administrative model in April 2013 that centralized billing and contracting at the state level, rather than at the county level; and

WHEREAS, due to limitations of the New York State Department of Health's (NYSDOH's) New York Early Intervention System (NYEIS) system, and inaccuracies in reporting and data that continue since its launch in 2010, counties have sought to settle these outstanding reimbursements for almost three years, but are reliant on the NYSDOH to provide data to identify the exact claims outstanding; and

WHEREAS, NYSDOH and a special work group of counties that has been in place for over two years has made minimal progress due to a lack of dedicating resources and prioritization by NYSDOH; and

WHEREAS, this initial work is finding that up to 20% of claims submitted by counties for state share reimbursement remain outstanding after several years for a variety of NYEIS computer system technical problems; and

WHEREAS, some of these unreimbursed claims are nearly five years old; and

WHEREAS, counties estimate that tens of millions of dollars remain unreimbursed by the state as a result; and

WHEREAS, counties cannot afford to wait any longer for reimbursement from the state, while also trying to maintain the state imposed property tax cap.

NOW, THEREFORE BE IT RESOLVED, the New York State Association of Counties calls on the Department of Health and the Division of Budget to dedicate the resources to ensure the repayment of these outstanding claims to all counties including New York City a top priority with payments issued in the first quarter of the 2017-18 State Fiscal Year; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, that NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.

**2016 NYSAC Fall Seminar
Standing Committee on Children with Special Needs
Resolution #2**

**Resolution Urging the Department of Health and the Division of Budget to
Require Providers to Maximize Reimbursement from All Third-Party
Payers**

WHEREAS, prior to 2013, counties funded 100% of the cost of the state's Early Intervention Program and then sought reimbursement beginning in the following county fiscal year as required under state law; and

WHEREAS, the state implemented a State Fiscal Agent administrative model in April 2013 that centralized billing and contracting at the state level, rather than at the county level; and

WHEREAS, the State Fiscal Agent used their own administrative and reimbursement information technology system to collect funds from counties and make payments to providers due to limitations with the New York State Department of Health's Early Intervention System (NYEIS); and

WHEREAS, recent problems have arisen under the State Fiscal Agent platform related to service providers filing for payment from insurance companies in the first instance as the law requires and a lack of follow through by providers when insurers ask for more information; and

WHEREAS, any extensive delay in providing such information to insurance companies can result in a denial by the insurance company due to untimely filing, causing these claims to fall to the state and counties to pay; and

WHEREAS, we commend the Governor on his 2016/2017 state budget proposals for prioritizing and requiring providers to enforce current insurance regulations regarding payment of Early Intervention service claims and attempt to increase commercial insurance collections; and

WHEREAS, the Governor's proposal was rejected in the final 2016/2017 enacted budget, and we encourage the Governor to again include the requirement of timely provider claims again in the upcoming 2017/2018 state budget; and

WHEREAS, we also ask that as part of these systems enhancement proposals, Medicaid revisit the Retro Re-Billing Process where the State identifies all claims that the cities and state pay including, but not limited to, waived services, and resubmit those to Medicaid to identify if a child's coverage changed. We ask that Medicaid instead pay the claims in first instance, so that counties don't have to pay upfront and then receive these monies many years later.

NOW, THEREFORE BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls on the Governor and the State of New York to implement policies and procedures to ensure that provider claims are filed in a timely manner to commercial insurance providers and Medicaid; and

BE IT FURTHER RESOLVED, that the Governor's 2017/2018 budget again include a requirement for all providers to enroll in 835 electronic remits and a timely filing requirement; and

BE IT FURTHER RESOLVED, the State Fiscal Agent must implement systematic changes to the billing system to track claims and, as outlined in the state Early Intervention reform proposal, ensure providers exhaust all appeals in a timely manner before moving on to the next payer of record; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, NYSAC shall forward copies of this resolution to the Governor, the New York State Legislature and all others deemed necessary and proper.

**2016 NYSAC Fall Seminar
Standing Committee on Children with Special Needs
Resolution #3**

Resolution Urging the Governor and State Legislature to Gradually Eliminate the County Fiscal Responsibility for Preschool Special Education and Summer School Special Education Programs

WHEREAS, Chapter 23 of the Laws of 1989 established the Preschool Program for Children with Handicapping Conditions as 4410 of the Education Law; and

WHEREAS, the original law included a provision to limit the county fiscal responsibility to 25% by the 1993-94 school year; and

WHEREAS, a gubernatorial statewide task force on reforming preschool special education determined that counties should be removed completely from financing the state's preschool special education program; and

WHEREAS, that recommendation was never enacted; and

WHEREAS, we commend the Governor and New York State Legislature for the recent reimbursement reforms, including SEIS regional rates, in the preschool special education program; and

WHEREAS, the State has enacted legislation to provide universal prekindergarten for all four-year-old children in New York State to be financed 100% with state resources; and

WHEREAS, the State also requires counties to support 10% of summer school special education 4408 program costs for all children; and

WHEREAS, the fact that other states do not require county government to pay for these special education expenses and the failure of New York State to fully fund its promised share of preschool special education program costs contributes to New York's highest in the nation property tax burden; and

WHEREAS, over the last decade the failure of the state to fund these costs has shifted more than \$1.5 billion to county property taxpayers, exceeding \$250 million annually today, raising costs for homeowners and small business throughout New York.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls upon Governor Andrew M. Cuomo and the New York State Legislature to implement a plan to gradually remove counties from the fiscal responsibility of paying for preschool and summer school special education programs; and

BE IT FURTHER RESOLVED, the first phase should include capping county fiscal liability for preschool special education at no more than what each county paid in 2013 and then implementing a three-year plan to incrementally reduce the county fiscal liability for this program to no more than 25% as intended at the inception of the program to help reduce pressure on property taxes; and

BE IT FUTURE RESOLVED, that the state should lift the reimbursement cap for transportation costs for the program and increase the state's share; and

BE IT FURTHER RESOLVED, the second phase should gradually reduce the county fiscal responsibility to zero for both preschool and summer school special education costs; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, that NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.

**2016 NYSAC Fall Seminar
Standing Committee on Children with Special Needs
Resolution #4**

Resolution Calling for the Revamping of Outdated NYSED Preschool Special Education Service Program Reimbursements and Waiver Review Process for Contracted Service Agencies

WHEREAS, the New York State Education Department (NYSED) has been entrusted with designing and overseeing the implementation of vital, quality preschool special education programs, such as speech and occupational therapy, to be administered at the local level for children between 3 and 5 years of age; and

WHEREAS, county officials throughout the State of New York have both the responsibility and burden of insuring that local private and not-for-profit service agencies efficiently manage such programs and, in so doing, adhere to the strict guidelines established by NYSED; and

WHEREAS, counties throughout the State of New York are mandated to initially fund 100% of the costs of such important services for special needs children in hopes that within a two to three-year period counties will eventually be reimbursed by NYSED for 59.5% of the preschool special education program costs closed out years before; and

WHEREAS, successful monitoring of these important preschool education programs by counties requires input, support and sound direction from NYSED looking at all related aspects of these important programs in a timely, collaborative and transparent fashion to positively impact and/or respond to a myriad of issues that arise over the course of a program year; and

WHEREAS, on too many occasions NYSED has chosen not to examine all relevant facts in matters of importance and dispute at the local level with said service providers, especially in regards to its post-contract year waiver review process wherein NYSED has unilaterally altered contract terms with preschool service providers, thus forcing host counties to endure unplanned financial hardships with no defined appeals process for the county; and

WHEREAS, counties, for years, have been consistently calling for reforms to both the programming and funding of preschool special education programs for special needs children ages 3-5 years throughout the State of New York; and

WHEREAS, the New York State Comptroller's office has uncovered significant misappropriation of public dollars by local preschool special education providers across the state, highlighting the stressful conditions that continue to exist because of the lack of important reforms to the way these programs were designed long ago by the State.

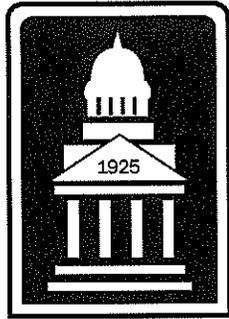
NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties calls on the State Legislature to undertake a thorough review of how NYSED

and the State can improve transparency and accountability in the preschool special education program, including matters of retroactive rate-setting for providers, and supporting county efforts to improve accountability to local taxpayers; and

BE IT FURTHER RESOLVED, that NYSED and the State Comptroller work with counties to identify and recoup any funds owed as a result of audit findings; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, that NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

2016 NYSAC Fall Seminar Niagara County, New York

**Standing Committee on Economic Development,
Environment and Rural Affairs**

**Hon. Bill Farber (Hamilton County) – Chair
Hon. Ryan Weitz (Montgomery County) – Vice Chair**

2016 NYSAC Fall Seminar

Standing Committee on Economic Development, Environment, and Rural Affairs

Resolution #1

Resolution Supporting Efforts to Increase Access to Broadband Across New York State Through “The New NY Broadband Program” and Calling on Governor Cuomo and State Lawmakers to Continue Their Commitment to Prioritizing and Expanding Broadband Coverage in Unserved and Underserved Areas Statewide

WHEREAS, individuals, businesses and other entities in New York that lack high speed Internet access have become largely disenfranchised as full and active participants in today’s economy, educational systems and government processes than their counterparts with access to broadband; and

WHEREAS, while access to both cable and digital subscriber line (DSL) service is available in nearly every urban and suburban community, rural sections of the State have been cut out of this type of access due to the low return on providers’ investments in less populated areas; and

WHEREAS, web access to all kinds of services, including those provided by every level of government, employment listings and web-based business expansion continues to grow, making it imperative that all New Yorkers have access to quality high-speed Internet services; and

WHEREAS, with the enactment of legislation creating the “New NY Broadband Program” in the 2015 /16 state budget, funded at \$500 million, Broadband Program Office (BPO) officials have worked to develop a plan to incentivize the private sector to expand quality high-speed Internet services in unserved and underserved areas; and

WHEREAS, the BPO released a request for information (RFI) in September 2015 to solicit input from stakeholders on how to craft the program, and subsequently issued a request for proposals (RFP) to formally allow applications for this funding; and

WHEREAS, the BPO in January 2016 released information on Phase 1 Funding Applications and final applications were due April 15, 2016. Phase I awarded around \$54 million to telecommunication providers in August of 2016. This leaves roughly \$450 million still available; and

WHEREAS, when Phase I awards were announced the BPO released guidelines and applications for Phase II. Applications are due between October 17th and November 30th, 2016.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) supports the “New NY Broadband Program” and calls on Governor

Cuomo and leadership within the BPO to continue their commitment to prioritizing broadband services to unserved and underserved areas statewide; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, that the New York State Association of Counties shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.

**2016 NYSAC Fall Seminar
Standing Committee on Economic Development and Environment
Resolution #2**

Resolution Supporting the Creation of An Industry-sponsored Paint Stewardship Program to Reduce the Costly Burden Faced by Local Governments When Collecting and Disposing of Post-consumer Paint

WHEREAS, New York State residents purchase over 39.2 million gallons of paint annually and 3.9 million gallons of it go unused and will need recycling; and

WHEREAS, even though paint is highly recoverable, reusable, and recyclable, most leftover latex paint ends up in landfills; and

WHEREAS, oil-based paint is considered hazardous waste, and is the most expensive product for household hazardous waste (HHW) programs to manage, costing local governments across the country up to 50 percent of their total HHW budgets; and

WHEREAS, options to drop off unused paint at point-of-purchase locations are limited and as a result instead of being properly disposed of through periodic household hazardous waste collections, unused paint ends up being tossed in the trash or washed down the drain; and

WHEREAS, other states across the country have successfully implemented paint stewardship programs—Oregon has collected and recycled over 1 million gallons of paint since its program was implemented in 2010, and in California over 350 new collection locations are now accepting paint for recycling; and

WHEREAS, the implementation of a state-wide industry-sponsored paint stewardship program in New York State would greatly reduce this burden on local governments to collect and manage the disposal of paint and could potentially save counties millions of dollars annually.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) calls on the Governor and the New York State Legislature to prioritize this issue and to create an industry-sponsored paint stewardship program to reduce burdens on local governments when collecting and disposing of post-consumer paint; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature, the New York State Department of Environmental Conservation and all those deemed necessary and proper.

**2016 NYSAC Fall Seminar
Standing Committee on Economic Development, Environment and Rural
Affairs
Resolution #3**

**Resolution Urging the New York State Public Service Commissioner to
Work With Utilities to Determine the Cause of Delayed Interconnection
Agreements and to Promote a Streamlined Interconnection Process for
Connecting Existing and New Renewable Energy Projects to the Grid and
Provide Immediate Relief to Delayed Projects**

WHEREAS, in 2015 Governor Cuomo announced the state's goal of securing 50% of state energy needs from renewable energy sources by the year 2030; and

WHEREAS, counties and municipalities across New York have identified contracting with solar and small hydroelectric power facilities as a way to stabilize energy prices and improve municipal budget forecasting; and

WHEREAS, encouraging solar development provides economic development support to a growing and major future industry upstate; and

WHEREAS, small hydroelectric projects are an historic economic driver in upstate New York, representing over 830MW of existing capacity that supports hundreds of upstate jobs, contributing significantly to the local economy through property taxes and local spending; and

WHEREAS, the aging small hydroelectric fleet is in need of significant re-investment to protect them from ceasing operations and undermining the State's goals; and

WHEREAS, the region's small hydroelectric projects have been operating successfully for decades with current interconnection agreements already approved by the local utility; and

WHEREAS, interconnection standards govern the process and technical requirements by which distributed clean energy projects such as solar and hydroelectric facilities physically connect to the utility grid; and

WHEREAS, standards include technical requirements, timeframes, fees and the process in which a project is connected to the grid; and

WHEREAS, meeting these requirements can be a lengthy process and renewable energy projects are often delayed for years before receiving an official interconnection agreement from the applicable utility; and

WHEREAS, counties have submitted interconnection applications that have been, in some cases delayed for over two years and that these delays are causing counties

significant economic and political hardship and undermining community confidence in and support of renewable energy projects; and

WHEREAS, utilities have outlined procedures for newer interconnection applications, but there remains a host of older applications which fail to move through utility review; and

WHEREAS, in order to reach Governor Cuomo's statewide goal, counties need support from the Public Service Commission to advance projects that have been in the pipeline for years, to finally achieve interconnection from the utility.

NOW, THEREFORE BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls on the New York State Public Service Commission to identify and prioritize solutions to resolve the ongoing delays of renewable energy projects due to stalled interconnection agreements; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, that NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Public Service Commission, the New York State Legislature and all others deemed necessary and proper.

**2016 NYSAC Fall Seminar
Standing Committee on Economic Development, Environment
and Rural Affairs
Resolution #4**

**Resolution Calling for the New York State Department of Environmental
Conservation to Further Revise the Proposed Rulemaking to Part 360,
Governing Solid Waste Management, to Protect Our Environment and Meet
the Needs of Our Communities Without Disproportionately Burdening
Local Governments**

WHEREAS, local planning units create unique solid waste management systems that are complex and integrate various waste reduction methods, recycling programs, household hazardous waste collection opportunities, landfills and waste to energy plants; and

WHEREAS, planning units are responsible for developing and implementing Local Solid Waste Management Plans (LSWMP) and current law requires a LSWMP to be updated every 10 years; and

WHEREAS, LSWMP requirements under the proposed regulations would be expanded to include multiple updates and planning unit reports, which will be very expensive. Cost estimates for preparation and compliance range between \$320,000 and \$560,000 per planning unit, not including the additional staff hours necessary to complete the requirements; and

WHEREAS, expanded requirements for obtaining an approved LSWMP go far beyond existing statutory requirements, which only tie an approved LSWMP to applications for solid waste construction permits; and

WHEREAS, counties also have concerns with linking an approved LSWMP to a municipality's ability to seek recycling and solid waste grants, and permits related to landfills, transfer stations, combustion facilities and household hazardous waste facilities. These requirements would force municipalities to form planning units, which is costly and could delay permit and grant opportunities; and

WHEREAS, these proposed regulations give the New York State Department of Environmental Conservation (DEC) indeterminate authority when deciding whether the approval of a LSWMP is withdrawn; and

WHEREAS, therefore it is vital that the regulations provide appropriate notice of a problem with a LWSMP and that an opportunity to correct it be given. It is also imperative that the department identify the criteria to be used when considering the approval or denial of a LSWMP and make it available to Local Solid Waste Planning Units; and

WHEREAS, counties have raised serious concerns with the department's ability to declare a LSWMP to be no longer in effect if required annual reports or biennial updates are not submitted or if they are deemed insufficient by the department; and

WHEREAS, this is extremely problematic as it would prohibit disposal facilities from accepting waste from a municipality that doesn't have an approved LSWMP. Leaving no option for disposal, and creating new environmental and public health hazards; and

WHEREAS, under proposed regulations, active gas collection systems would need to be installed and employed to collect and destroy landfill gas, either through a flare or a gas to energy facility; and

WHEREAS, most public landfills already voluntarily have active gas collection systems and receive carbon credits for doing so. Carbon credits are then sold nationally and internationally to companies and individuals who want to reduce their carbon footprint; and

WHEREAS, selling in the carbon market is a resourceful way for municipalities to offset the cost of operating landfills and provides an additional source of revenue that helps reduce the financial burden on local taxpayers; and

WHEREAS, if active gas collection is mandated, municipalities will no longer be eligible for carbon credits and will lose a valuable and private source of revenue; and

WHEREAS, counties also have concerns regarding requirements imposed related to transfer stations operations and limitations on container holding requirements; alternative daily operating cover at landfills; and lastly requirements and holding times related to Construction and Demolition (C&D) debris and the limited holding times imposed under these proposed regulations.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties calls on the New York State Department of Environmental Conservation to amend proposed regulations to ensure that counties are not disproportionately burdened while making these necessary updates; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, that NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Department of Environmental Conservation, the New York State Legislature and all others deemed necessary and proper.



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

2016 NYSAC Fall Seminar Niagara County, New York

Standing Committee on Intergovernmental Affairs

Robert Hagemann (Jefferson County) – Chair
Hon. Peter Loughran (Ulster County) – Vice Chair

**2016 NYSAC Fall Seminar
NYSAC Standing Committee on Intergovernmental Affairs
Resolution #1**

**Resolution Calling On the State Office of Indigent Legal Services to Clarify
the Details of the New Guidelines for County ILDS Programs**

WHEREAS, the United States Supreme Court held in Gideon v. Wainwright that the right to counsel for one charged with a crime is fundamental and that it is the state's responsibility to supply lawyers for those unable to afford them; and

WHEREAS, in 1965 the State of New York delegated this state responsibility to counties; and

WHEREAS, the decision to place responsibility at the county level in the State of New York has resulted in a system by which the county and local property taxpayers are burdened with the vast majority of costs for this state responsibility; and

WHEREAS, the shift of costs for this state mandated service has become so imbalanced that the counties of New York now cover over 80% of the cost; and

WHEREAS, implementation of the constitutional right to counsel under Gideon is a state, not county, obligation; and

WHEREAS, the State and multiple counties were sued, and ultimately settled, Hurrell-Harring, et. al v. State of New York, which sought to transform the indigent defense system and called for more government funding to be invested in the system; and

WHEREAS, the Hurrell-Harring settlement requires the parties involved in the suit to provide additional indigent defense services and costly increases including first arraignment counsel, case load caps for public defenders, and additional staff and support for public defenders; and

WHEREAS, part of the Hurrell-Harring settlement are new state-imposed eligibility standards released on April 4, 2016 that expand eligibility in all counties to anyone with net income from 125% in many counties to 250% of the federal poverty level, which is \$30,000 for an individual and up to \$62,000 for anyone in a family of four; and

WHEREAS, these new guidelines, entitled "Criteria and Procedures for Determining Assigned Counsel Eligibility," were developed by the New York Office of Indigent Legal Services (ILS) by way of the New York Executive Law Section 832(3) (c) and the state-settled Hurrell-Harring lawsuit; and

WHEREAS, the income eligibility standards will considerably increase caseloads and indigent legal defense costs in most counties; and

WHEREAS, implementation of these guidelines was supposed to take effect in October 2016, but now has been delayed to April of 2017; and

WHEREAS, there remain questions about whether these new eligibility standards will apply only in criminal courts or to other courts, such as family court, as well; and

WHEREAS, if these standards are expanded to other courts the increase in county costs and caseloads will be unsustainable under existing program parameters.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) calls on the NYS Office of Indigent Legal Services to clarify the guidelines it set forth on April 4, 2016 as soon as possible so that counties can plan for the expansion of the program; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, that NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature; the Office of Indigent Legal Services, and all others deemed necessary and proper.

**2016 NYSAC Fall Seminar
Standing Committee on Intergovernmental Affairs
Resolution #2**

**Resolution Calling for an Increase in the Share of Revenue Counties Retain
for Providing State DMV Services**

WHEREAS, New York County Clerks play an historic and important role as public servants. Along with the Sheriff and District Attorney, the county clerk is one of three county officials named in the State Constitution; and

WHEREAS, over 240 years later, the role of the county clerk as the chief record and filing officer for the county have remained consistent, but their duties have grown much more complex with changes in population, technology, and the state's laws, policies and regulations; and

WHEREAS, today 51 of the 62 New York Counties are mandated by the State to operate a local Department of Motor Vehicles (DMV) Office; and

WHEREAS, this local DMV operation is one of many examples of shared services that counties provide for the state; and

WHEREAS, under current law the State of New York takes 87.3 percent of all fees collected from the work performed by the county operated DMV's; and

WHEREAS, the remaining 12.7 percent county share has not been increased since 1999, yet the amount of work required by the local DMV offices has increased in that same time period; and

WHEREAS, the Governor and the State Legislature have repeatedly stated that lowering the property tax burden on local residents is a key priority; and

WHEREAS, increasing the county DMV revenue sharing rate with the state will not result in any increased costs or fees to local residents or taxpayers and will provide counties with needed revenue to continue to provide necessary local government services; and

WHEREAS, there is a clear inequity present when a county DMV provides all the services, including overhead and staffing needs to fulfill these DMV services needed for state residents, yet the State takes 87.3 percent of the revenue generated from providing these service; and

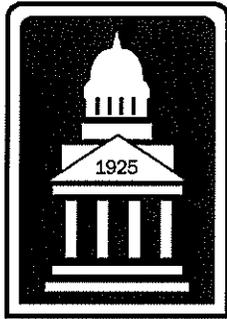
WHEREAS, the State Senate recognized this inequity placed on counties and attempted to reduce the burden of local property taxpayers by overwhelmingly passing Senator Richie's bill S.4964, which would raise the 12.7 percent county share up to a 25 percent share; and

WHEREAS, the counties recognize the important function of the state DMV in providing both support to counties and resident services; accordingly, any loss in state DMV operational budget that occurs from an increased county revenue should be made whole through the State General Fund.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties calls on Governor Andrew M. Cuomo and members of the State legislature to require a substantial increase of the county DMV revenue share with the State; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the sixty-two counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, that the New York State Association of Counties shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

2016 NYSAC Fall Seminar Niagara County, New York

Standing Committee on Medicaid and Human Services

Kira Pospesel (Greene County) – Chair
Robert Franklin (Monroe County) – Vice Chair

**2016 NYSAC Fall Seminar
Standing Committee on Medicaid and Human Services
Resolution #1**

Resolution Urging New York State to Hold Counties Harmless for Federal Medicaid Recoupments that are the Direct Result of State Procedural or Administrative Failures

WHEREAS, the State of New York is the single fiscal administrator and manager of the Medicaid program, and sole point of contact with the federal government in regard to the operation of Medicaid; and

WHEREAS, it is the full responsibility of the State Department of Health to properly interpret federal rules and regulations, and ensure that all calculations of federal costs, and savings when applicable, are accurate; and

WHEREAS, there have been several recent occasions when the State has made significant errors in calculating costs and savings under the Medicaid program, in addition to the misinterpretation of federal rules and regulations of the program; and

WHEREAS, these mistakes or misinterpretations of federal rules have required billions of dollars in restitution, or repayment, to the federal government, for which a portion of these costs is allocated back to counties and New York City; and

WHEREAS, counties do not control the design or administration of the Medicaid program, and are required to follow the rules as directed by the State; and

WHEREAS, counties make local budgeting decisions and set local property tax levies and rates based on the costs and savings provided by the State related to Medicaid; and

WHEREAS, Medicaid remains the single largest state mandated expense that counties pay for using local taxes, now exceeding \$7.4 billion each year; and

WHEREAS, these State mistakes and administrative failures are usually discovered years after they occur and can result in large cumulative lump sum repayments; and

WHEREAS, counties are required to adhere to strict property tax cap limits (.68 percent in 2017) that are one-fifth of the self-imposed spending and cost growth limits the State has placed on the overall Medicaid program (3.4 percent in 2016-17); and

WHEREAS, the property tax cap requirements do not allow counties to receive any relief from adhering to the revenue limits set under the State imposed tax cap due to federal penalties and repayments that stem from mistakes made by the State and are no fault of the counties.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) calls on the State to hold counties and local property taxpayers

fiscally harmless for any federal Medicaid recoupments or restitution that is a direct result of the State improperly calculating costs and applicable savings, or resulting from the state misinterpreting federal Medicaid rules; and

BE IT FURTHER RESOLVED, the State should fully fund any such repayment or restitution in these situations, or at a minimum, ensure that local Medicaid costs do not increase as a result; and

BE IT FURTHER RESOLVED that copies of this resolution be sent to the sixty-two counties of New York State encouraging member counties to enact a similar resolutions; and

BE IT FURTHER RESOLVED that NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.

**2016 NYSAC Fall Seminar
Standing Committee on Medicaid and Human Services
Resolution #2**

Resolution Urging the Governor and State Legislature to Provide Additional Resources and Technical Assistance to County Operated Nursing Homes as They Transition to a Mandatory Managed Care Model

WHEREAS, 16 counties and New York City operate 22 public nursing homes across the state; and

WHEREAS, county nursing facilities differ from proprietary and voluntary homes as they often serve as a safety net provider in their communities; and

WHEREAS, county operated homes also carry additional fiscal burdens because of their governmental status and state requirements to adhere to different personnel, labor and procurement standards that add to their cost base; and

WHEREAS, the unique mission and cost structure attributable to county operated nursing facilities often creates significant operating deficits that directly impacts local taxpayers; and

WHEREAS, the Federal Government recognizes the unique mission and burdens that publicly operated nursing facilities face and they have put in place a substantial intergovernmental transfer program that is designed to help offset shortfalls and improve service quality and health outcomes in county facilities; and

WHEREAS, the State continues to struggle with adhering to a regular annual schedule to complete the intergovernmental transfer payments to the point where we are now one year behind schedule and nearly \$600 million in total payments have not been distributed; and

WHEREAS, the State is now requiring that all nursing homes move to a mandatory Medicaid managed care nursing home care delivery model; and

WHEREAS, this new care delivery model will, for technical reasons, gradually eliminate the current intergovernmental transfer program; and

WHEREAS, the State has assured counties that as the intergovernmental transfer program phases out a new federal matching assistance program will take its place to ensure the unique mission of county-operated nursing facilities in New York can continue and succeed.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) calls on the Governor and State Legislature to provide transitional and ongoing assistance to counties that:

- Facilitates and places on a regular annual schedule the remaining intergovernmental transfers and related federal matching funds;
- Ensures a strong working partnership between the State, counties and federal government to develop and implement in a timely manner a replacement for the intergovernmental transfer program that meets the goals of improving quality of care and moving toward satisfying new federal reimbursement objectives that focus on value-based payments; and
- Creates an ongoing fiscal commitment from the State to support the unique mission and added expenses government facilities incur under state law to ensure county-operated facilities can maintain the highest standards of care and fulfill their safety net function; and

BE IT FURTHER RESOLVED that copies of this resolution be sent to the sixty-two counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED that NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.

**2016 NYSAC Fall Seminar
Standing Committee on Medicaid and Human Services
Resolution #3**

Resolution Urging the Governor and Legislature to Maintain Our Mutual Goals of Not Shifting New Costs to Counties, While Maintaining Reasonable Local Flexibility over Administrative Functions, as the State Realigns Medicaid Administrative Functions and Human Services Programs

WHEREAS, the State Department of Health continues its multi-year effort to take over the administrative responsibilities of the Medicaid program from county government as a way to provide improved consistency in the administration of Medicaid and to reduce administrative burdens for counties and New York City; and

WHEREAS, counties support efforts to streamline government operations in ways that can improve the delivery of services and responsiveness to recipients' needs, while not shifting new costs to county taxpayers; and

WHEREAS, the state has enacted a cap in reimbursement to counties and New York City related to Medicaid administrative claiming, and for many counties this cap continues to be in place prior to the actual state takeover of a significant portion of local Medicaid administrative functions; and

WHEREAS, local departments of social services (DSS) are now being required to take on additional administrative responsibilities including:

- Approving or authorizing services under the Community First Choice Option (CFCO) under Medicaid, which significantly alters the existing model of Medicaid long term care services and supports, and
- Implementing the Uniform Assessment System (UAS), which must be completed by a registered nurse, under the Immediate Need for Personal Care Services and Consumer Directed Personal Assistance programs; and

WHEREAS, policies have evolved such that the local DSS role is shrinking in terms of eligibility determinations, but simultaneously increasing in terms of home care assessments and responsibilities; and

WHEREAS, capped reimbursement with minimal relief from administering the State's Medicaid program creates significant fiscal and liability concerns for counties and is counterproductive in the current property tax cap environment; and

WHEREAS, counties also struggle with administering all other human services programs mandated by the state especially since State financial support for local social service district administrative costs was essentially eliminated several years ago to help balance state budget shortfalls; and

WHEREAS, the State Legislature has also passed legislation that will dramatically increase local district costs by requiring caseload caps for child welfare services without providing any additional state resources to support these actions; and

WHEREAS, security breaches, including violence committed against county employees at local social service districts, both nationally and locally highlight the increased need for enhanced safety and security investments at local social service district offices; and

WHEREAS, current state administrative reimbursement caps to local social service districts make such safety and security investments highly challenging; and

WHEREAS, the safety of all public employees is a priority and the need in certain county offices is more critical.

NOW, THEREFORE, BE IT RESOLVED, that until the state Medicaid administrative takeover is complete we urge the Governor and Legislature to hold county property taxpayers harmless by maintaining the state funding level of the current Medicaid administration cap, continuing to prioritize state resources within the Office of Health Insurance Programs to facilitate the transition and preventing any shifting of costs if the state falls short in its attempt to takeover local Medicaid administrative functions; and

BE IT FURTHER RESOLVED, the State should not reduce counties' Medicaid administrative funding caps without a verifiable and commensurate reduction in local administrative responsibilities to avoid cost shifts; and no district shall be required to perform Medicaid functions unless performance of those functions is cost and liability neutral to the district; and

BE IT FURTHER RESOLVED, the Department of Health should continue to provide specific time frames to counties and New York City to ease the transition of personnel currently associated with the Medicaid program on the local level; and

BE IT FURTHER RESOLVED, the State should abstain from enacting new caseload staffing requirements and administrative edicts on local social service districts until such time that they fully fund these initiatives; and

BE IT FURTHER RESOLVED, the state should exempt certain local investments that enhance the safety and security of local social services district employees and clients from state administrative reimbursement caps; and

BE IT FURTHER RESOLVED, that upon an act of violence perpetrated upon a local social services district employee in New York (or when an incident of national attention occurs against similar public employees), for safety and security reasons the state should acknowledge the act and notify all local district social services offices of the activity.

BE IT FURTHER RESOLVED, copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolution; and

BE IT FURTHER RESOLVED, copies of this resolution be forwarded to the Governor Andrew M. Cuomo, the New York State Legislature, the State Department of Health and all others deemed necessary and proper.

**2016 NYSAC Fall Seminar
Standing Committee on Medicaid and Human Services
Resolution #4**

Resolution Urging the Governor and Legislature to Gradually Restore the 50/50 State/County Cost Sharing for the Safety Net Program, to Increase Shelter Grant Reimbursements to Counties and to Provide Sufficient Resources to Provide Safe and Secure Housing

WHEREAS, the 2011-12 State Budget dramatically lowered the State's fiscal responsibility in the Safety Net Program by shifting the cost to 71 percent county / 29 percent state, severing the historic 50 percent state / 50 percent county partnership; and

WHEREAS, this continues a long line of state legislative actions that has transferred the State's constitutional and fiscal responsibility to care for the needy to county taxpayers, while providing counties virtually no control over eligibility for services and benefit levels; and

WHEREAS, the Safety Net funding shift also builds upon recent trends where the State has leveraged significant savings from maximizing available federal resources largely for state financial plan purposes, at the expense of local property taxpayers; and

WHEREAS, the net effect of this state practice forces local property taxes to be higher than they should because available savings are being spent by the state rather than being used to lower the cost of state mandates which can provide direct relief to local property tax payers; and

WHEREAS, nearly half of the states do not have Safety Net programs and New York is one of only 11 states that provide benefits to childless adults that do not have some disability; and

WHEREAS, most other states do not require counties to fund such a large share of public assistance costs; and

WHEREAS, counties in New York are required to finance the vast majority of Safety Net costs, putting in twice as much funding as the State; and

WHEREAS, State data through May 2016 indicates that non-federally participating Safety Net costs continue to grow faster than federally participating TANF costs; and

WHEREAS, counties believe that the rising cost of providing shelter assistance to recipients is a major contributor to this increase; and

WHEREAS, enhanced shelter assistance and state reimbursement, along with more permanent affordable housing, are essential components necessary to achieve State goals of reducing homelessness and providing stability for families and individuals in need; and

WHEREAS, recent inspections by the State and local governmental agencies have uncovered poor conditions in some shelters and hotels/motels, which reinforces that the State must provide the necessary resources to local agencies to remediate and address the needs of individuals and families.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) calls on the State to gradually restore the historic 50/50 state/county cost sharing for the Safety Net program over a five year period, starting with an increase in county reimbursement for shelter assistance in order to help alleviate the lack of affordable housing alternatives in many areas of the state, while also lowering the local property tax burden for homeowners and small businesses; and

BE IT FURTHER RESOLVED that counties should be consulted and advised of shelter inspection schedules, participate to the extent possible in the actual inspection and be part of a solution should issues within a shelter or hotel/motel need to be addressed; and

BE IT FURTHER RESOLVED that the State needs to have fiscal resources available to assist in keeping the temporary housing supply code-complaint; and

BE IT FURTHER RESOLVED that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED that NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.

**2016 NYSAC Fall Seminar
Standing Committee on Medicaid and Human Services
Resolution #5**

Resolution Urging the State to Provide Technical and Financial Assistance to Counties to Hold Localities Harmless from New Costs Associated with Federal Child Care Law Changes to Ensure Local Child Care Slots are Not Lost Due to Increased Costs of Meeting the New Federal Mandates

WHEREAS, the federal government is implementing new child care safety and quality standards that are intended to improve child care services nationwide; and

WHEREAS, the new federal standards will require all child care providers to be checked against a variety of databases including FBI fingerprinting, National Crime Information Center, National Sex Offender Registry, State criminal and sex offender registry, and child abuse and neglect registry in each state an applicant has resided in over the past five years; and

WHEREAS, the State estimates there are over 220,000 regulated and legally-exempt providers as well as household members over the age of 18 that would be required to have a background check at a cost of nearly \$102 per person; and

WHEREAS, these federal standards will require annual, unannounced full inspections of all facilities, including legally-exempt providers; which will require New York to conduct 25,000 additional inspections each year; and

WHEREAS, new federal rules will require a mandatory pre-service/orientation and ongoing health and safety training for all child care staff in a variety of topical areas including first aid/CPR; and

WHEREAS, in New York the cost of First Aid/CPR classroom training is estimated at \$125 per person and would apply to as many as 220,000 individuals; and

WHEREAS, the State has estimated that meeting these new standards could increase costs for the state, counties and child care providers by up to \$90 million; and

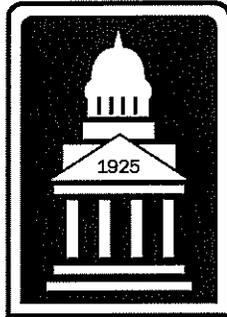
WHEREAS, due to significantly constrained property tax cap limits, counties do not have the ability to absorb new costs of this magnitude while also meeting new federal subsidy requirements including 12-month eligibility redetermination and the graduated phase-out of families leaving the subsidy program; and

WHEREAS, without additional federal or state funding support to cover these increased costs counties may be forced to close intake (including closing active cases) or lower income thresholds which will reduce the number of low income working families receiving subsidized child care services.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties calls on the Governor and State Legislature to hold counties fiscally harmless to ensure that existing child care slots and subsidies provided by counties are not jeopardized over the coming years as these new federal standards are implemented.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

2016 NYSAC Fall Seminar Niagara County, New York

Standing Committee on Native American Affairs and Gaming

Hon. D. Billy Jones (Franklin County) – Chair
Hon. John Becker (Madison County) – Vice Chair

**2016 NYSAC Fall Seminar
Standing Committee on Native American Affairs and Gaming
Resolution #1**

**Resolution Supporting Revenues Dedicated to Reducing State Mandates on
Counties through the Legalization of Commercial Casino Gaming
Operations in New York**

WHEREAS, in November 2013, New York State voters approved a constitutional amendment to allow commercial casino gaming in the state, within specific guidelines; and

WHEREAS, the state will distribute 80% of the net gaming revenues retained by the state for state education aid above the state education formula; and

WHEREAS, under the Upstate New York Gaming and Economic Development Act, the host municipalities and surrounding counties split 20% of net gaming revenues; and

WHEREAS, local municipalities and local residents have already seen a fiscal benefit as a percentage of the gaming license fee was shared with local governments, and

WHEREAS, the Division of the Budget projects the Upstate New York Gaming and Economic Development Act will produce \$238 million annually in additional aid for education or property tax relief across the entire State, plus an additional \$192 million in annual local government aid; and

WHEREAS, casino expansion will increase local service costs in multiple areas such as local infrastructure and highway needs as well as law enforcement; and

WHEREAS, current levels of funding municipalities will receive under the Upstate New York Gaming and Economic Development Act may not be sufficient to offset increased costs associated with gaming, such as increased infrastructure, public safety, and public works needs; and

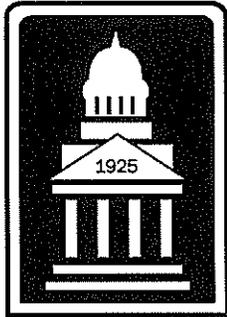
WHEREAS, counties restricted in raising revenue to fund those mandated programs and services may be forced to cut local programs, eliminate staff positions and reduce local services in order to pay for those mandated programs and services; and

WHEREAS, commercial gaming funds will provide the State with revenue that the State can use to fund its own programs and services delivered at the county level.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls on Governor Cuomo and members of the State Legislature to ensure the portion of the Commercial Gaming Revenue Fund paid to local municipalities and counties is at least sufficient to adequately cover and pay for all increased costs and services that local governments will incur by reason of commercial gaming operations; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the sixty-two counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, that the New York State Association of Counties shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2016 NYSAC Fall Seminar
Niagara County, New York**

**Standing Committee on
Public Employee Relations**

**Mary Krause (Ontario County) – Chair
Brayton Connor (Monroe County) – Vice Chair**

**2016 NYSAC Fall Seminar
NYSAC Standing Committee on Public Employee Relations
Resolution #1**

Resolution Calling for the Full Repeal of the New York State Scaffold Law or Reform to Include a Pure Standard of Comparative Negligence

WHEREAS, New York Labor Law §240 and §241, commonly known as the “Scaffold Law,” outlines liability for injuries caused by an employee’s fall from a height; and

WHEREAS, the laws impose strict liability on employers and owners of buildings if a worker falls from any height; and

WHEREAS, the law was first imposed in 1885 at a time when worker safety was largely neglected in New York State and at a time when modern safety equipment and scaffolding techniques did not exist; and

WHEREAS, the New York State Legislature did not implement any positive reform to the New York Scaffold Law in the 2016 legislative session; and

WHEREAS, the Scaffold Law has caused a dramatic increase in construction costs due to increased insurance required for employers in the construction business, causing New York State to have the highest general liability insurance costs in the nation; and

WHEREAS, the Scaffold Law is a boon to personal injury lawyers as half of the 30 largest law suits in the state stem from Scaffold Law issues, and while scaffold related injuries have decreased in the past 20 years the number of Scaffold Law claims has increased 500%; and

WHEREAS, New York is the only state in the country to impose a construction law like the Scaffold Law that imposes strict liability on the employer; further it is one of a very few laws that mandate strict liability in the State of New York; and

WHEREAS, the increase in costs in New York drives away investment in our infrastructure when developers and contractors can get better rates in neighboring states; and

WHEREAS, not only does the law drive away out-of-state investment in infrastructure but the lost investment to other states also serves to decrease the number of new construction jobs created every year, making it more difficult for many of New York’s skilled laborers to find appropriate employment; and

WHEREAS, this negligence standard under the Scaffold Law would not ban recovery for an injured worker due to their own negligence, but would allow the employer to bring issues with employee culpability to mitigate the damages in cases where the worker’s actions contributed to his or her injury; and

WHEREAS, federal regulations have been enacted that attempt to protect workers from injury due to falls by requiring certain precautions to be in place for people working at a height above the ground and allows an outlet for workers concerned about their safety to engage federal review of any worksite for compliance with these regulations.

NOW, THEREFORE, BE IT RESOLVED, that New York State of Association of Counties (NYSAC) is in support of Scaffold Law reform as well as meaningful protection of construction workers; and

BE IT FURTHER RESOLVED, that NYSAC supports the full repeal of the Scaffold Law or its modification to include a pure standard of comparative negligence; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the sixty-two counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, that the New York State Association of Counties shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.

**2016 NYSAC Fall Seminar
Standing Committee on Public Employee Relations
Resolution #2**

**Resolution Calling on the State to Pay for Any Required Increases in Cost to
the Child Protective Service Program**

WHEREAS, late in the 2016 legislative session the Senate and the Assembly passed S.2691/A.10506; and

WHEREAS, this bill sets workload standards for child protective service providers requiring no more than fifteen active cases per month per full time child protective services worker; and

WHEREAS, child protective services are provided for and partially paid for by our county governments; and

WHEREAS, every county has unique challenges providing this service such as geography, population, economics, and demographics that make one statewide case-cap standard illogical; and

WHEREAS, due to the fact that each county has unique challenges, it is the county themselves and the county DSS commissioners that are best situated to understand and manage caseload assignment; and

WHEREAS, a one-sized standard case-cap does not address county fiscal needs for any increases in costs this cap would cause, nor recognize case severity and overnight needs, along with each case worker's experience and skill level; and

WHEREAS, counties cannot meet any new state unfunded mandates while maintaining the state-imposed property tax cap.

NOW, THEREFORE, BE IT RESOLVED, NYSAC calls on the Governor to veto S.2691/A.10506; and

BE IT FURTHER RESOLVED, NYSAC calls on the state to study the best possible way to provide the essential functions of child protective services and if part of any changes to the service require additional funding the state must meet that need; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the sixty-two counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, that the New York State Association of Counties shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2016 NYSAC Fall Seminar
Niagara County, New York**

**Standing Committee on Public Health and
Mental Health**

**Joseph Todora (Sullivan County) – Chair
Hon. Michael Amo (Orange County) – Vice Chair**

**2016 NYSAC Fall Seminar
Standing Committee on Public Health and Mental Health
Resolution #1**

Resolution Supporting an End to Executive Administrative Cuts, an Increase in the Base Grant, Per Capita Rate, and State Aid Formula that Constitute Article 6 State Aid Reimbursement for Mandated General Public Health Work Undertaken by Local Health Departments as Population Health Partners of New York State

WHEREAS, the prevention and population health activities of local health departments in New York City and the 57 other counties in New York State are essential to the overall health of the state's residents and communities, and crucial to the success of the state's Medicaid Redesign Team efforts; and

WHEREAS, unhealthy community environments lead to incidents such as the discovery of PFOA in drinking water supplies in Rensselaer County, which has presented significant disease risks to the residents of these communities; and

WHEREAS, New Yorkers can be, and have been, exposed to deadly communicable diseases such as Ebola, the harmful Zika virus, and other communicable diseases that may arrive from other nations via global travelers at any time; and

WHEREAS, stable and timely funding to support core public health services delivered by local health departments under Article 6 of the Public Health Law is necessary for the protection of all communities within New York State; and

WHEREAS, Article 6 of the Public Health Law currently provides a base grant of either a set amount or a per capita rate of local health department (LHD) expenditures on core public health services, and then State reimbursement for 36% of LHD costs beyond the base grant; and

WHEREAS, the state has reduced its annual appropriations for Article 6 Public Health spending by 40% over the last several years; and

WHEREAS, New York State does not allow local government to recover any of its necessary expenditures on fringe benefits for local health department personnel who provide core public health services mandated under Article 6; and

WHEREAS, in state fiscal year 2011-12, the State eliminated the allowance of state aid for so-called "optional services" by local health departments, such as early intervention administration, medical examiners, dental health services, some environmental health activities, certified home health agencies, and more; and

WHEREAS, administrative actions by the New York State Department of Health (NYSDOH) such as the reduction since 2012, and eventual elimination, of revenue offset; the refusal to cover costs associated with the contribution that other local governmental offices make to the work of their local health department Maintenance in Lieu of Rent (i.e. "MILOR"); and a recent refusal to cover technical assistance in rural counties for well water and septic tank problems that can compromise the sanitation and health of communities throughout rural areas of the state; and

WHEREAS, the reduction and eventual elimination of the revenue offset and other administrative actions leads to a reduction in the generation of fee and penalty revenue that, in turn increases the need for local budget cuts, including staff reductions that compromise the capacity of local governments to ensure the provision of the core services necessary to protect the public's health; and

WHEREAS, NYSDOH has frequently applied changing and inconsistent standards in what it allows as state aid claims without advance notice, from quarter to quarter, region to region, or county to county; and

WHEREAS, inflation-adjusted payments by New York State for Article 6 state aid to local health departments have declined since 2011, and as a result, local expenditures for public health services and subsequent claims for such state aid have declined dramatically, with New York City claims alone dropping by \$85 million and state aid payments to New York City declining by \$120 million; and

WHEREAS, executive administrative reductions to Article 6 State Aid reimbursement have a negative impact on the ability of local health departments to protect the public including:

- enforcing regulations intended to reduce the incidence and risk of Legionnaire's Disease;
- eliminating the HIV/AIDS epidemic;
- preventing and controlling the spread of communicable diseases;
- responding to the current heroin and opioid epidemic;
- ensuring the safety of the food we eat, the water we drink and the air we breathe;
- ensuring the safety of New Yorkers in camps, beaches and other recreational venues;
- preventing major causes of death and chronic disease such as heart disease, diabetes, asthma and cancer;
- monitoring and control of insect-borne diseases such as Lyme Disease, West Nile Virus, EEE;
- monitoring the public health impact of an influx of unaccompanied minors into the United States and specifically New York State;
- monitoring and responding to international health threats and emergencies, among other public health needs; and

WHEREAS, local health departments deserve respect for their dedication to public health and their expertise in population health; and

WHEREAS, local health departments require adequate state funding as key partners of the New York State Department of Health in population health efforts to achieve statewide goals set in the New York State Prevention Agenda; and

WHEREAS, the current limits on base grants and state aid, combined with increasing administrative cuts and disallowances, are creating a cascading negative financial impact on local health departments and eroding their local public health infrastructure; and

WHEREAS, New York State has imposed a cap on property taxes that further restricts the ability of local government to fund core public health services.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) calls on the Governor to compensate, within the 2017-18 Executive Budget and subsequent budget years, for significant state funding cuts to local health departments since 2010 by taking the following steps in the Article 6 State Aid for General Public Health Work base grants and reimbursement rates:

1. Instruct the Division of Budget and NYSDOH to end administrative actions that will result in further erosion of state aid to local health departments;
2. Increase the base grants that ensure 100 percent reimbursement of local expenditures:
 - a) Increase the base grant to Full Service LHDs (i.e. those with environmental health units) from \$650,000 to \$750,000;
 - b) Increase the base grant to Partial Service LHDs (i.e. those with environmental health units) from \$500,000 to \$550,000;
 - c) Increase the per capita rate for the largest counties from 65 cents per resident to \$1.30.
3. Increase the beyond-base-grant state aid reimbursement rate from 36% to 38%.
4. Provide 100% reimbursement for the first full year of any new and/or significantly expanded mandates emerging from law, rule or regulation.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature, the New York State Department of Health, and all those deemed necessary and proper.

**2016 NYSAC Fall Seminar
Standing Committee on Public Health and Mental Health
Resolution #2**

**Resolution Supporting Rabies Prevention Across the State and Providing
Appropriate Funding Necessary to Achieve this Goal**

WHEREAS, rabies is a deadly disease caused by a virus that attacks the central nervous system, and is almost always fatal once symptoms appear; and

WHEREAS, rabies is most often seen among wild animals such as raccoons, bats, skunks, and foxes; and infected mammals can transmit the rabies virus to humans and other mammals including cattle, cats and dogs; and

WHEREAS, the first signs of a rabies infection is usually change in an animal's behavior, an animal may become aggressive or tame, it may lose its fear of humans, or froth at the mouth; and

WHEREAS, without vaccination dairy farms are at great risk when sending their cattle out to pasture where they could come in contact with rabid animals; and

WHEREAS, rabies vaccination shots are expensive and can cost farms thousands of dollars annually; and

WHEREAS, losing a single animal can be a significant financial burden for a farmer; and

WHEREAS, luckily, humans are typically only exposed to rabies when an infected animal bites them, or when saliva from an infected animal enters an open cut or mucous membrane such as one's eyes, nose or mouth, but those who work on farms are at a greater risk of contracting rabies if working with unvaccinated livestock.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) calls on the Governor to increase funding available to counties for rabies awareness, vaccination, and treatment in the 2017-18 state budget, proportionate to the number of suspected rabies cases; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature, the New York State Department of Health, and all those deemed necessary and proper.

**2016 NYSAC Fall Seminar
Standing Committee on Public Health and Mental Health
Resolution #3**

**Resolution Calling on Governor Andrew M. Cuomo and Members of the
New York State Legislature to Urge Congress to Take Emergency Action to
Combat the Spread of the Zika Virus in the United States**

WHEREAS, the Zika virus is a mosquito-transmitted infection related to dengue, yellow fever and West Nile virus. It was discovered in the Zika forest in Uganda in 1947 and is believed to be common across Africa and Asia; and

WHEREAS, Zika is spread mostly by the bite of an infected Aedes species mosquito (Ae. aegypti and Ae. albopictus); and

WHEREAS, there are more than 749 confirmed cases of the Zika virus across New York State; and

WHEREAS, though the majority of those infected have no symptoms, and those who do usually recover within a week, Zika can have devastating impacts on a pregnancy; and

WHEREAS, Zika can be passed from a pregnant woman to her fetus. Infection during pregnancy can cause certain birth defects including congenital microcephaly and other serious brain defects. There is also mounting evidence of neurological impacts on adults; and

WHEREAS, there is no vaccine or medicine for Zika, which means prevention of the Zika virus and control of the Aedes species mosquito population is of the utmost importance; and

WHEREAS, for prevention and mosquito control to be effective, federal funding needs to be allocated to state and local entities as soon as possible; and

WHEREAS, United States Senator Chuck Schumer has urged Congress to pass emergency funding to fight the spread of Zika and support the development of a possible vaccine for the mosquito-borne viruses; and

WHEREAS, Congress has not approved the full \$1.9 billion in funding President Barack Obama has asked for to fight the disease.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties calls on the Governor and State Legislature to urge the United States Congress to take immediate action to approve funding to fight the spread of Zika; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED that the New York State Association of Counties shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature, and all others deemed necessary and proper.

**2016 NYSAC Fall Seminar
Standing Committee on Public Health and Mental Health
Resolution #4**

Resolution Calling on the Office of Alcoholism and Substance Abuse Services and the Governor of the State of New York to Provide State Funding to Support the Treatment of Individuals with Substance Use Disorders, Who Are Incarcerated in County Jails, in Order to Help Combat the Heroin and Opioid Abuse Epidemic and Other Addictions, Save Lives, and Reduce the Rate of Recidivism

WHEREAS, the rise in heroin and prescription opioid addiction and overdose-related deaths continue to be a major epidemic across New York State; and

WHEREAS, substance use disorders, including heroin and opioid addiction, are very common among incarcerated individuals; and

WHEREAS, according to the National Center on Addiction and Substance Abuse at Columbia University, 65 percent of individuals incarcerated in jails and prisons in the U.S. meet the medical criteria for a substance use disorder and only 11 percent receive any treatment for substance abuse while incarcerated; and

WHEREAS, without access to substance use disorder treatment while incarcerated, many individuals start using drugs again immediately upon release from incarceration; and

WHEREAS, in the first two weeks, after an individual with a substance use disorder is released from jail, the risk of a fatal drug overdose is much higher than at any other time. As a result, individuals are often either dying from overdoses in high numbers after they are released from incarceration or end up getting re-arrested for drug-related crimes; and

WHEREAS, Article 41 of the Mental Hygiene Law charges the Local Governmental Unit (LGU) with the responsibility for the planning, development, implementation and oversight of services to individuals with mental illness, substance use disorders and developmental disabilities at the local level; and

WHEREAS, the LGU works closely with local correctional facilities, community providers and other stakeholders to improve in-jail behavioral health treatment, facilitate community linkages upon reentry and reduce recidivism with very limited resources; and

WHEREAS, while the Office of Mental Health provides some State Aid to counties for the provision of mental health services in the jails, there is no comparable funding provided by the state for incarcerated individuals with substance use disorders; and

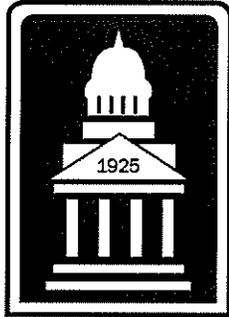
WHEREAS, state funding is needed to help provide access to comprehensive substance use disorder services in the jails, including screening and assessment at entry, education and counseling services, peer support, medication assisted treatment and discharge planning to continue treatment post-incarceration; and

WHEREAS, access to substance use disorder treatment in jails, especially to medication assisted treatment for individuals with opioid addiction, is critical for positive post-release outcomes.

NOW, THEREFORE BE IT RESOLVED, that the New York State Association of Counties calls on the Governor and the Office of Alcoholism and Substance Abuse Services to help combat the heroin and opioid epidemic, save lives and reduce the rate of recidivism, by providing state funding for the treatment of incarcerated individuals with substance use disorders in our county jails; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, that the New York State Association of Counties shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature, and the Office of Alcoholism and Substance Abuse Services, and all others deemed necessary and proper.



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

**2016 NYSAC Fall Seminar
Niagara County, New York**

Standing Committee on Public Safety

**Hon. Ron Spike (Yates County) – Chair
Hon. Matthew Veitch (Saratoga County) – Vice Chair**

**2016 NYSAC Fall Seminar
Standing Committee on Public Safety
Resolution #1**

**Resolution Calling on Governor Andrew M. Cuomo and the State
Legislature to Plan for Next Generation 911 In New York State and Create A
New York State 911 Department that Supports County Public Safety
Answering Points and Enhances Local Emergency Dispatch Services**

WHEREAS, counties provide 911 services in New York State by operating Public Safety Answering Points (PSAPs) that serve all residents in times of emergency by dispatching emergency medical, fire, and police assistance; and

WHEREAS, counties continue to incur substantial costs to upgrade and maintain communications systems, as well as keep up to date with technological changes; and

WHEREAS, these changes are a fundamental shift toward an IP based 911 system that is commonly referred to as Next Generation (NG) 911; and

WHEREAS, NG 911 requires greater planning and investment on the part of local governments in order to keep pace with rapidly evolving consumer technologies; and

WHEREAS, the majority of states across the country have aggressively begun preparing for NG 911 and in numerous instances deploying significant infrastructure and policies to build the foundation for a NG 911 system; and

WHEREAS, New York State has done comparatively little to prepare for NG 911 and is facing significant risk in becoming a straggler in the deployment of NG 911 technologies; and

WHEREAS, a lag in planning and investment in NG 911 places New York's citizens at risk as they rely on a legacy 911 system that is rapidly becoming obsolete; and

WHEREAS, the NYS Public Service Commission (PSC) conducted a telecommunications study on 911 that required the insight of public safety and 911 experts to relay relevant public safety information to the PSC as they make 911 related telecommunications decisions; and

WHEREAS, the NYS Public Service Commission (PSC) intends to work collaboratively with the Department of Homeland Security and Emergency Services (DHSES), the 911 Advisory Board and the Public Safety Broadband Working Group to further advance the implementation of NG 911 in New York State, while maintaining their oversight of 911 system affordability and reliability as it pertains to providers of 911 services; and

WHEREAS, a New York State effort to provide coordinated leadership in the area of 911 would be most appropriately empowered to both support the mission of the PSAPs

in the state as well as transition the current state's 911 legacy system to a NG 911 system that will better serve its citizens for years to come; and

WHEREAS, leadership from New York State is crucial to ensure success and to prevent future tragedies related to the 911 network; and

WHEREAS, counties urge New York State to adopt the Automated Secure Alarm Protocol (ASAP) which automates all alarms coming from alarm companies and allows for an electronic link between the Central States Alarm Association, the NLETS system and the PSAP's via the NYS e-justice system.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) calls upon Governor Andrew M. Cuomo, the State Legislature and the Division of Homeland Security and Emergency Services to create a New York State 9-1-1 Department that best serves the public interest and supports PSAPs in New York State while continuing to allow the City of New York and the 57 counties outside of NYC to receive emergency 9-1-1 calls and dispatch emergency services in a manner that is most appropriately determined by those municipalities; and

BE IT FURTHER RESOLVED, that NYSAC calls upon the State Legislature and the Governor to enable a State 9-1-1 Department that would:

- Provide funding;
- Issue RFPs and award contracts as necessary to support 9-1-1;
- Establish standards for 9-1-1;
- Apply for and distribute Federal Grant Funds;
- Coordinate and provide training for 9-1-1 directors, supervisors and call takers;
- Provide public education;
- Provide necessary networks to support 9-1-1 both in a legacy and NG 9-1-1 environment;
- Provide a Statewide ESInet to support interoperability within and outside of New York State;
- Create, maintain and distribute GIS databases;
- Create and maintain NG 9-1-1 and other appropriate databases to support 9-1-1 efforts;
- Provide and propose appropriate regulation / legislation / tariffs to support 9-1-1;
- Represent New York State in efforts to support and advance 9-1-1 at a national level including participating in events sponsored by NASNA, NENA, APCO and the FCC;
- Provide consultative services to PSAPs in NYS in regards to industry trends, products, techniques, and standards;
- Help manage Civil Service exams;
- Manage the TERT program;
- Provide legal expertise in 9-1-1 related matters;

- Serve as the liaison to 9-1-1 service providers (TELCOs, Wireless Carriers, TCCs, VoIP providers, CPE manufacturers, etc.);
- Provide coordination with the Public Service Commission and work closely with them on tariffs, legislation and other business as it pertains to the 911 field;
- Provide for connectivity via the e-justice system to allow for the Automated Secure Alarm Protocol (ASAP); and

BE IT FURTHER RESOLVED, that NYSAC supports the extension of 911 surcharges to any device capable of connecting to 911, including prepaid devices as essential to preserving current resources for 911 services; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 62 counties of New York State, encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, that NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature, the Commissioner of the Division of Homeland Security and Emergency Services and all others deemed necessary and proper.

**2016 NYSAC Fall Seminar
Standing Committee on Public Safety
Resolution #2**

Resolution in Support of Governor Andrew M. Cuomo and the Federal Government to Continue Efforts to Receive Federal Approval to Provide High-Need Individuals with Medicaid Coverage 30 Days Prior to Release to Avoid Relapse and Recidivism

WHEREAS, a critical gap exists between medical care for individuals in jail or prison, and health coverage for individuals leaving incarceration; and

WHEREAS, while in jail or prison, medical care is provided through the correctional facility, and upon release many inmates are left without coverage at all; and

WHEREAS, it has been reported that one in 70 formerly incarcerated individuals are hospitalized within a week of release from prison or jail, and one in 12 are hospitalized within 90 days; and

WHEREAS, numerous federal and state studies have shown that formerly incarcerated individuals are more susceptible to drug overdose and hospitalization; and

WHEREAS, in 2015 the Governor's Council on Community Re-Entry and Reintegration recommended expanding health care coverage for formerly incarcerated individuals. The authority for the initiative was included in the 2016-17 State Budget that builds on federal and New York State efforts to reduce rates of incarceration and recidivism, combat the opioid epidemic and other substance disorders, and improve community based mental health care; and

WHEREAS, the New York State Department of Health (DOH) has engaged with the federal government and is in the process of finalizing a waiver request with the Centers for Medicare and Medicaid Services; and

WHEREAS, the purpose of the waiver is to better connect individual to the outside healthcare system and prevent barriers that would prevent individuals access to health coverage both in the short and long terms.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) support the efforts put forth by Governor Cuomo to continue efforts to receive federal approval to provide high-need individuals with Medicaid coverage 30 days prior to release to avoid relapse and recidivism; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 62 counties of New York State, encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, that NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature, the New York State Department of Health and all others deemed necessary and proper.

**2016 NYSAC Fall Seminar
Standing Committee on Public Safety
Resolution #3**

**Resolution Calling on Governor Cuomo and the New York State Legislature
to Pass Legislation that would Promote the Use of Video Conferencing for
Court Appearances for Inmates Held at a County Jail**

WHEREAS, under current law, video conferencing of inmates for arraignment or other court appearances is permitted in several counties, but is actually not in practice because the law requires the inmate to agree to such an appearance; and

WHEREAS, many counties have state of the art video conferencing systems which are not used for inmate court appearances, simply because inmates routinely chose to be transported to court rather than make an appearance by video conference; and

WHEREAS, expanded use of video conferencing for court appearances would save much time and county taxpayer expense by avoiding transporting inmates to court for minor or routine matters, make courtrooms safer, and avoid problems which might happen when inmates are transported by auto or van to a courtroom many miles away from the jail.

NOW, THEREFORE, BE IT RESOLVED, that upon the review and recommendation of the public safety committee that the New York State Association of Counties supports legislation to promote the full and expanded use of video conferencing for court appearances for inmates held at a county jail; and

BE IT FURTHER RESOLVED, that the applicable judge in the presiding court, and not the inmate, should make the determination as to whether video conferencing is appropriate for the particular court appearance to be made; and

BE IT FURTHER RESOLVED , that copies of this resolution be sent to the sixty-two counties of New York encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, that the New York State Association of Counties shall forward copies of this resolutions to Governor Andrew M. Cuomo and the New York State Legislature, and all others deemed necessary and proper.

**2016 NYSAC Fall Seminar
Standing Committee on Public Safety
Resolution #4**

Resolution in Support of Efforts to Improve Probation and Alternatives to Incarceration in New York State in Order to Protect the Public and Reduce Reliance on Prison and Jails

WHEREAS, county Probation departments are an integral part of the criminal justice system and operate within the legal framework of the Criminal Procedure Law, the Penal Law, and the Family Court Act; and

WHEREAS, it is the mission of Probation to protect the community through intervention in the lives of those under supervision by facilitating compliance with court orders and serving as a catalyst for positive change; and

WHEREAS, state funding for Probation was drastically reduced between 1990 and 2016 from a 46.5% state share in 1990 to less than 10% in 2016, putting a huge strain on counties and cost to county property taxpayers; and

WHEREAS, at the same time there have been increases in the number of mandated programs and services County Probation Departments are required to provide; and

WHEREAS, the New York State Council of Probation Administrators, representing NYS Probation Directors, Administrators and Commissioners has diligently worked with NYSAC and State leaders to bring more awareness to the important work that Probation does to protect the public.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) supports proposals put forward by the Governor to immediately enact statutory and regulatory changes that improve Probation and Alternatives to Incarceration in the following ways:

- Eliminate the mandate that pre-sentence investigations must be conducted when a sentence of up to one year in jail has been negotiated.
- In response to Violation of Probation Petitions:
 - Require counties to develop swift, certain, graduated responses
 - Require the courts to dispose of the VOP's within 90 days
- Enable Probation to administratively modify Conditions of Probation in the provision of graduated responses.
- Establish a dedicated funding stream for juvenile services provided directly to Probation through DCJS/OPCA.

- Eliminate the requirement for dual supervision of Ignition Interlock parolees by delegating direct supervision to NYS Parole only of defendants sentenced to DOCCS.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, that NYSAC shall forward copies of this Resolution to Governor Andrew M. Cuomo, Deputy Secretary for Public Safety Rachel Small, the New York State Legislature and all others deemed necessary and proper.



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

2016 NYSAC Fall Seminar Niagara County, NY

Standing Committee on Taxation and Finance

Hon. Arthur Johnson (Saratoga County) – Chair
Hon. Terri L. Ross (Allegany County) – Vice Chair

**2016 NYSAC Fall Seminar
Standing Committee on Taxation and Finance
Resolution #1**

Resolution Calling on State Legislative Leaders to Reform the Home Rule Revenue Process by Enacting a 4-Year Authorization Period for All Local Sales Tax Extenders

WHEREAS, counties continue to face significant challenges in balancing their budgets while also meeting the goals of the property tax cap; and

WHEREAS, counties must administer and pay for more than 40 state programs that can consume up to 85 percent of a county's entire budget; and

WHEREAS, counties' ability to raise revenues from the property tax are limited by the state imposed property tax cap – which resulted in an inflation growth factor of only .73 percent in 2016 and .68 percent in 2017 (three times smaller than the State's self-imposed two percent spending cap); and

WHEREAS, locally raised revenues are necessary to implement and deliver State mandated programs as well as local public health and safety, economic development and “quality of life” services demanded and expected in our communities; and

WHEREAS, counties often share the local sales tax with other local governments, where more than one out of every four local sales tax dollars collected are shared with cities, towns, and villages to help pay for services delivered by these municipalities, or to directly lower the amount of property taxes levied in these jurisdictions; and

WHEREAS, the pass through of local sales tax revenue from counties to cities, towns, villages and school districts will approach \$2 billion in 2016; and

WHEREAS, enacting a 4-year authorization period still allows for appropriate state legislative review; and

WHEREAS, the longer authorization period proposed would also cut in half the administrative expense and duplication of effort to process the necessary paperwork, forms, legislative hearings, filings and notices, resulting in improved government operations and fiscal savings at both the state and local levels.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls upon the Governor and State Legislature to reform the home rule process so it works as efficiently as possible for local taxpayers, eliminates unnecessary and duplicative legislative activity at the state and local level that is currently required under state law, while retaining state legislative review; and

BE IT FURTHER RESOLVED, the State should, upon the next renewal of local sales tax rates, provide a four year (rather than a two year) authorization for all counties; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the sixty-two counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, the New York State Association of Counties shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.

**2016 NYSAC Fall Seminar
Standing Committee on Taxation and Finance
Resolution #2**

Resolution Urging the State to Enact Legislation to Ensure a Fair and Level Playing Field for all Retailers by Addressing Loopholes in Internet Sales Tax Collection Practices

WHEREAS, the State has identified significant loopholes in certain internet-based sales tax collection practices and the State estimates that as much as \$200 million annually in state and local sales taxes are not being collected; and

WHEREAS, the Governor has proposed legislation to correct this inequity by requiring marketplace providers that facilitate online transactions to collect the sales tax that is due on these transactions on behalf of vendors using these online portals, while not changing current rules regarding sales tax nexus; and

WHEREAS, enacting such legislation will streamline sales tax collection practices and reduce burdens on small vendors and improve compliance; and

WHEREAS, providing for an easy to use platform for large highly experienced internet transaction facilitators to collect sales tax on behalf of their participating vendors will provide a fairer and more balanced marketplace for local "bricks and mortar" New York based retailers, as well as New York based online vendors; and

WHEREAS, these improvements recognize the changing retail marketplace and will provide more stability in sales tax collections for the state and local governments while enhancing fairness in the overall retail marketplace that supports locally owned and operated New York businesses.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls on the State to enact legislation that treats all marketplace providers as persons required to collect sales taxes, therefore reducing the need for many vendors to collect this tax on their own and creating a more level playing field for retailers; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the sixty-two counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, the NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.

**2016 NYSAC Fall Seminar
Standing Committee on Taxation and Finance
Resolution #3**

**Resolution Urging State Legislative Leaders to Implement Fiscal Reforms
that will Lead to Permanent and Historic Property Tax Reduction by
Assuming the Cost of State Programs that Counties Are Currently Required
to Pay for Under State Law**

WHEREAS, State legislative leaders have identified property taxes as the number one fiscal burden for homeowners and small businesses, as well as the largest impediment to economic growth and job creation in Upstate New York and Long Island; and

WHEREAS, the Governor and State Legislature have enacted several laws over the last couple of decades designed to address New York's highest in the nation property taxes, including the creation of STAR school tax relief, a property tax cap, a temporary two-year property tax freeze program and a new temporary tax rebate check program; and

WHEREAS, the Governor and State Legislature have enacted state tax rebate check programs and tax breaks for select special interest groups and industrial sectors, not including STAR, and state income tax cuts that will exceed \$7 billion on an annual basis – none of which reduce any homeowner's or small businesses' property tax bills; and

WHEREAS, county elected leaders have strongly advocated in support of ways to lower the property tax burden for homeowners and businesses across the state going back nearly 50 years when the largest state mandate, Medicaid, was first imposed on counties, growing from \$100 million then to over \$7.5 billion today; and

WHEREAS, since that time the State has required county taxpayers to finance with local tax dollars dozens of other state programs that, for the most part, counties in other states are not required to finance; and

WHEREAS, these state imposed mandates on counties require more than \$12 billion annually in locally raised taxes to be sent to the State Capitol so they can be used to finance spending programs and state tax cuts in the State Budget; and

WHEREAS, state elected officials do recognize that mandating local governments to finance state designed and controlled programs does lead to higher property taxes and as a result they have enacted important mandate relief for county property taxpayers including the implementation of two separate caps on the growth in the local share of Medicaid costs and major pension reforms; and

WHEREAS, since the enactment of these mandate relief initiatives the growth rate in aggregate county property taxes has slowed dramatically, generally averaging under 2.2 percent per year over the last decade, less than the rate of inflation over that time frame; and

WHEREAS, in 2015, the culmination of these recent mandate relief efforts and county government efficiencies allowed 28 percent of counties to cut or hold their property tax level flat; in addition, 47 percent of counties cut or held their property tax rate flat, compared to the prior year; and

WHEREAS, county officials believe that one of the best ways to improve New York's economic climate and competitiveness is to not just slow the rate of growth in property taxes, but to actually lower them from today's levels; and

WHEREAS, permanent and historic reductions in property taxes can only be achieved through fundamental reforms of the major state mandates that drive up local property taxes, in conjunction with realigning how and what level of government pays for these state mandated services; and

WHEREAS, recognizing the need for property tax relief is in line with the Governor's and Legislative Leader's call for all governments to be more fiscally accountable to taxpayers; and

WHEREAS, counties believe that aligning the cost of the state's human services programs with the governmental entity that defines and controls them will result in a historic and sustainable reduction in county property taxes and a more appropriate and equitable distribution of the cost of the state's human services programs; and

WHEREAS, the cost of paying for the state Medicaid program in a typical county (outside of New York City) equals about one half of the county property tax levy; and

WHEREAS, the benefits, scope and ultimate cost of Medicaid has been set and controlled by the State for nearly 50 years, but not fully financed with state resources, therefore transferring a significant cost burden to local property taxpayers and contributing greatly to the disparity between property taxes in New York State and other states; and

WHEREAS, Cornell University researchers have documented in numerous reports how New York's practice of shifting fiscal responsibilities from the state to lower levels of government including counties creates severe imbalances between New York and other states in relation to property taxes; and

WHEREAS, the practice of using local revenues to subsidize the State Budget is the number one reason why New York's property taxes are the highest in the nation; and

WHEREAS, the state also extends this requirement on New York City taxpayers that also dedicate a large amount of locally raised taxes to support the State Medicaid program.

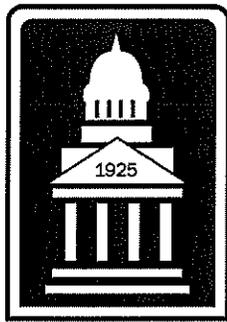
NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties calls on the Governor and State Legislature to enact a phased-in state takeover of the costs of its own mandated human services, starting with Medicaid, that would

provide immediate, permanent and measurable property tax reduction helping to narrow the negative tax gap with our competitor states; and

BE IT FURTHER RESOLVED, the state should also provide fiscal relief to New York City for a portion of the local taxes they commit to state mandated programs; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, the New York State Association of Counties shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary



NYSAC

NEW YORK STATE
ASSOCIATION OF COUNTIES

2016 NYSAC Fall Seminar Niagara County, New York

Standing Committee on Transportation and Public Works

Hon. Jean Raymond (Saratoga County) – Chair
Hon. Shawn Doyle (Oswego County) – Vice Chair

**2016 NYSAC Fall Seminar
Standing Committee on Transportation and Public Works
Resolution #1**

**Resolution Commending Governor Andrew Cuomo and State Legislators on
Adopting a Transportation Capital Plan and Urging a Continued
Commitment to Assisting Counties in Maintaining Their Local
Infrastructure**

WHEREAS, Governor Andrew Cuomo and State Legislators are to be commended for adopting a Department of Transportation five-year capital plan that includes \$21.1 billion in funding to improve state and local highway, bridge, rail, port, airport and downstate suburban and upstate transit infrastructure; and

WHEREAS, this new State Transportation Plan also provides unprecedented support for local governments to maintain and improve roads and bridges with a multi-year funding commitment for the Consolidated Local Streets and Highway Improvement Program (CHIPS) and \$800 million over the next four years in enhanced State assistance to local governments for the rehabilitation and reconstruction of local roads and bridges under Governor Cuomo's new BRIDGE NY and PAVE NY initiatives; and

WHEREAS, this additional funding is welcomed and has already been put to good use on many of our locally owned roads and bridges, which account for 87 percent of the State's 110,000 miles of roadways and 50 percent of the State's 18,000 bridges; and

WHEREAS, a safe and efficient infrastructure is necessary for trade, economic development and revitalization, job creation and retention, schools, agriculture, businesses, health and hospital facilities and emergency responders, as well as the general traveling public.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) commends Governor Cuomo and the New York State Legislature for their budget actions to enhance state investments in local roads, bridges and culverts and urges that they continue to work in partnership with local governments in order to provide the necessary and proper funding to New York's counties to give them the ability to properly maintain their infrastructure now and well into the future; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, that NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.

**2016 NYSAC Fall Seminar
Standing Committee on Transportation and Public Works
Resolution #2**

**Resolution Urging New York State to Maximize Local Decision-Making in
the Project Evaluation and Selection Process for Bridge NY**

WHEREAS, the Governor and State Legislators are to be commended for initiating two new state funding programs for local transportation infrastructure needs, PAVE NY and BRIDGE NY; and

WHEREAS, PAVE NY and BRIDGE NY will provide \$400 million annually, half of which is to be directed to local road, bridge and culvert projects through 2019-20; and

WHEREAS, PAVE NY funds are distributed by a CHIPS-like formula assuring every municipality in the state receives funding to undertake critical paving projects chosen at the discretion of the recipient municipality; and

WHEREAS, unlike the local decision-making process for project selection under PAVE NY, BRIDGE NY envisions a process where projects will be evaluated and selected by a more centralized approach with a “team” made up of DOT professionals and members from highway superintendent organizations NYSCHSA and NYSAOTSOH, with exact roles yet to be determined; and

WHEREAS, NYSAC desires to assure the success of the BRIDGE NY initiative to effectively allocate the funding designated for local bridge and culvert projects that the applying municipalities deem most critical to their transportation systems and that are found by teams with local highway superintendent representation to be the best projects.

NOW, THEREFORE, BE IT RESOLVED, that NYSAC is requesting that the Department of Transportation consider that BRIDGE NY be administered in a way that will better ensure a fair distribution by DOT region of available funding and establish a primary role for local decision-making in the project evaluation and selection process by having project review teams for each DOT region; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, that NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.

**2016 NYSAC Fall Seminar
Standing Committee on Transportation and Public Works
Resolution #3**

Resolution Commending Governor Cuomo and State Legislators on Airport Funding Measures and Urging Certain Programs Be Made Permanent

WHEREAS, airports play a critical role in New York State's economy, job growth and transportation infrastructure, providing commercial air service, business aviation functions and supporting homeland security and critical emergency response for all of New York's local and regional communities and for the nation; and

WHEREAS, a NYS Department of Transportation study quantified the aviation industry's \$50 billion contribution to the state's economy; and

WHEREAS, the 2016-2017 enacted state budget includes Governor Andrew Cuomo's initiative for a four year, \$200 million Aviation Capital Grant Program that includes a competitive process to award at least five airports up to \$40 million each for projects that enhance safety, improve operations, reduce environmental impact, create better passenger experiences, and leverage private investments; and

WHEREAS, while this funding is welcomed and will be used for critical infrastructure and safety enhancements, and economic development projects, this competition will assist only a few of the 74 eligible airports in upstate New York and there will still be airports in need of funding assistance; and

WHEREAS, New York has no dedicated funding source or permanent state capital program for airports and must rely on annual appropriations in the state budget for funding critical airport projects.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties does hereby commend Governor Cuomo and the Legislature for the new state financial commitments to New York airports that will help fund critical airport infrastructure rehabilitation, improvement and expansion projects; and

BE IT FURTHER RESOLVED, that NYSAC urges the Governor and the Legislature to provide recurring and reliable funding for the maintenance and development of the State's airports thereby contributing to the promotion of a safe and efficient air transportation system and to create high-level employment opportunities in regions throughout New York; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, that NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.

**2016 NYSAC Fall Seminar
Standing Committee on Transportation and Public Works
Resolution #4**

**Resolution Urging NY State Department of Environmental Conservation to
Modify Its Proposed Part 360 Solid Waste Management Regulations to
Address Highway Construction Impacts**

WHEREAS, The New York State Department of Environmental Conservation has proposed a comprehensive revision to the solid waste regulations found in 6 NYCRR Part 360 creating a new series of regulations from Part 360 to 369 and submitted the proposal for public comment; and

WHEREAS, some of the proposed changes raise serious concerns as they will affect municipalities and their highway departments and contractors relative to reuse of asphalt containing materials (RAM), road milling projects, road milling reuse, material storage, facility and transporting registration and permitting and other mandates; and

WHEREAS, road millings and reuse of asphalt materials is a well-developed practice of municipal highway departments and contractors that serve them across the state; and the regulations as proposed will have unintended consequences and add regulatory burden and costs where few seem necessary; and

WHEREAS, common practices such as on-site masonry grinding operations at construction and demolition sites and even routine road milling operations could be severely impacted and municipalities may be forced to register or secure a permit for each site specific job.

NOW, THEREFORE, BE IT RESOLVED, that NYSAC is urging that the Department of Environmental Conservation consider carefully the comments submitted by counties that urge several modifications to the proposed regulations including but not limited to revising the requirements under the C&D Debris Processing Facility Design and Operating Requirements and those dealing with storage limits for asphalt, brick, soil, rock, or wood that recognize the realities of the operation of county highway departments and their necessary facilities; and

BE IT FURTHER RESOLVED, clarifications in these and other sections such as Section 360.15 Registered Facilities, Transporters and Events need to be made to remove ambiguities and unwarranted operational burdens and ease compliance; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the 62 counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, that NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.