

IN SESSION

Association Of Towns' Legislative Newsletter



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A Session Like No Other

In December 2019, AOT sent out its first legislative update with an outline of what we thought was to come in 2020. Well, the best laid plans of mice and (wo)men often go awry, especially, as it turns out, in 2020.

In a normal course of events, the state Legislature schedules regular session days with session ending around early- to mid-June. The rest of the year consists of the governor approving or vetoing bills that passed the Assembly and Senate, members hold hearings, and work is still being done but the legislature doesn't usually convene again until the following year.

This year, of course, is anything but normal. The Legislature reconvened at the end of May and the second week in June at the call of the Assembly and Senate speakers (holding session at the call of the speaker is akin to the supervisor calling for a special town board meeting). These typically are very short sessions with bills moving very quickly. A summary of the bills that passed both houses during the May and June sessions and any legislation already approved by the governor is included in this newsletter. We have been told that, while nothing is scheduled, the Assembly and Senate will in all likelihood



reconvene periodically and hold these ad hoc legislative sessions throughout the rest of the year.

AOT Updates

AOT has been working harder than ever before on legislative issues. Whether it's talking to legislators or majority or minority counsels' offices, we are in constant contact with members of the Assembly, Senate and Executive Branch.

In particular, we are working very closely with the Assembly and Senate Local Government Committee Chairs, Assemblyman Fred Thiele and Senator James Gaughran. On June 3, 2020 AOT, along with NYCOM, hosted a Remote Local Government Roundtable with Assemblyman Thiele and Senator Gaughran and town representatives to talk about the financial impact that COVID-19 has on municipalities, what work towns have been doing in response to the pandemic, and how the state can help local governments moving forward.

AOT has worked closely with our friends at the State Comptroller's Office and met with Comptroller DiNapoli to discuss legislation that would assist towns during these difficult times. We are extremely appreciateive of Comptroller DiNapoli and his staff for taking our concerns and suggestions to heart and proposing a bill (A10492) addressing many of the issues we raised. The

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Comptroller's bill was sponsored by Local Government Chair Assemblyman Thiele and Senate Finance Committee Chair Liz Krueger, who spoke at our Annual Meeting this year in February.

AOT also collaborates whenever and wherever possible with NYCOM, NYSAC and other organizations. In June, we issued a joint letter with NYCOM, NYSAC and the NY Association of General Contractors on releasing CHIPS funding allocations, and that information was released shortly thereafter.

At the federal level, we continue to work with our national association, the National Association of Towns and Townships (NATAT). We have sent multiple letters to every New York representative stressing the importance of direct funding for local governments regardless of population size in the next federal stimulus bill. Your towns should have received sample letters and resolutions from AOT to send to your representatives, and they are available on our website nytowns.org

Finally, while it is easy to get consumed by COVID-19 related issues, we have not forgotten about other matters important to our members. As we outlined in an earlier legislative newsletter, the Accelerated Renewable Energy Growth and Community Benefit Act was adopted as part of the state budget and created the Office of Renewable Energy Siting, which permits and sites certain renewable energy projects. We strongly opposed the legislation, and the final version of the bill addressed many issues we raised. Regulations are being promulgated and AOT is asking to be a part of that process and will be submitting public comments when the time comes.

For instant updates from AOT, we recommend following us on Facebook or Twitter (@nytowns).

Legislation Impacting Towns

The following bills have been passed by both the Senate and Assembly and are waiting to be either signed into law or vetoed by the governor. (*Editor's note: The state Legislature is moving quickly on some of these items; below is the status of the legislation through the afternoon of June 15, 2020.*)

- S8236A/A10409A – Allows municipalities to adopt a resolution extending the expiration date for all active building permits and planning and zoning approvals for a period of up to 120 days;
- S8251B/A10438A – Gives municipal governing boards the authority to authorize up to five additional LOSAP points per month during the COVID-19 state of emergency;
- A10492/S8417 – Allows BANs to rollover for 7 years instead of 5; allows towns to spend money from capital reserve funds for capital costs related to COVID-19 without being subject to a permissive referendum; allows towns to temporarily borrow money from reserve funds for COVID-19-related expenses so long as at least 20 percent of what's borrowed is returned each fiscal year; gives towns another year to pay back interfund advances;
- S8138B/A10252A – Provides municipalities the option of deferring payment of property taxes during the COVID-19 declared state disaster emergency and allow installment payments;
- S1830C/A.10609 – Requires courts to collect and provide data on arrests and court proceedings involving low-level offenses such as violations and traffic offenses. The report must include aggregate and anonymous demographic information on race, ethnicity and sex. Also requires police departments to submit annual reports on arrest-related deaths to the Department of Criminal Justice Services, the Governor, and the state Legislature;
- A10608/S2575B – Requires a law enforcement officer or peace officer who discharges his or her weapon under circumstances where a person could be struck by a bullet to immediately report the incident to his or her superiors;
- S6601B/A8226B – Provides that when a person is under arrest or otherwise in custody

of a police officer, peace officer or other law enforcement representative or entity, such officer, representative or entity shall have a duty to provide attention to the medical and mental health needs of such person; and

- S.1137A/A4615A – Enacts a statewide ban on racial and ethnic profiling by police and law enforcement agencies; allows victims of racial or ethnic profiling, or the Attorney General, to bring an action in court for damages or for injunctive relief to stop actions.

Signed into Law

- S8427/A10528 – Establishes a coronavirus disease 2019 (COVID-19) public employee death benefit for individuals who reported to their usual place of employment or an alternate worksite at the direction of their employer on or after March 1, 2020 and such individual contracted COVID-19 within 45 days of reporting to such workplace as confirmed by a laboratory test or by a licensed physician and such individual died on or before Dec. 31, 2020. This bill has been signed into law as Chapter 89 of the Laws of 2020;
- S08496/A10611 – Repeals Civil Rights Law § 50-A regarding the nondisclosure of police disciplinary records; requires a law enforcement agency responding to a request for law enforcement disciplinary records to redact specific categories of personal information from the record before disclosing the record, and allows the agency to redact portions of the record that only contain minor, technical infractions that do not involve interactions with the public, are not of public concern, and are not connected to the officer's investigative, enforcement, training, supervision, or reporting responsibilities; provides the specific types of personal information that must be redacted from a law enforcement agency's response to a request for disciplinary records;
- A1531B/S8492 – Establishes civil penalties for summoning a police or peace officer when there is no reason to believe a crime or offense, or imminent threat to person or property, is occurring;
- S3253A/A1360A – Codifies the right to record law enforcement-related activities; creates a right of action for persons who suffer an unlawful abridgement of their right to record and an affirmative defense for persons charged with a violation of this right; and
- S8130D/A10516D – Authorizes the submission of electronic application for absentee ballots to county boards of elections. Also requires the county board of elections to count absentee ballots so long as the ballot was postmarked not later than the day of the election. ☐

Local Road & Bridge State Funding Update

As part of this year's state budget, the Division of Budget has the authority to review and amend the state budget periodically in order to address the state's financial distress. There have been no official cuts to date in the hope that the next federal stimulus package will provide funding. However, there may be state funding cuts ranging anywhere from 20–50 percent still to come.

The allocations for CHIPS, PAVE-NY and Extreme Winter Recovery were announced on June 9. The funding allocations as announced are still subject to a 20 percent funding cut when all is said and done, so please keep that in mind as you plan and stay tuned to our channels of communication for updates.

Links to the 2020-2021 Funding Runs can be found here:

- [Enacted SFY 20-21 CHIPS Budget](#)
- [Enacted SFY 20-21 PAVE-NY Budget](#)
- [Enacted SFY 20-21 EWR Budget](#)
- All three runs can also be found on the NYSDOT website [HERE](#)