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Dear Fellow New Yorker:

The legislative priorities included in NYCOM’s 2020 Legislative Program, as developed and approved by our membership, share a common objective: to provide local leaders with the resources and discretion to deliver essential municipal services in the most effective and responsive manner for the taxpayers they serve. Municipalities are not a special interest group, but rather the providers of public services that directly benefit each and every resident and business of this State. **Mayors are your partners and the success of our municipal governments depends upon a demonstrated commitment by the State, the clearest example of which would be for you to provide the first increase in general purpose aid in more than a decade.**

In the face of significant fiscal pressures, New York’s cities and villages are working diligently to control property taxes while maintaining fundamental services. The State demands much of our municipal governments and mayors have answered the call. It is now time for the State to in return increase its financial commitment to its local partners.

Our cities and villages need the funding, the tools and a genuine commitment from the State to help break down the barriers to efficiency and community revitalization. Enactment of the proposals advanced by NYCOM in our 2020 Legislative Program would ensure local success and, in turn, a better and stronger New York. I look forward to working with you in reaching this important goal in 2020.

Peter A. Baynes  
Executive Director  
New York State Conference of Mayors
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Cities, villages, towns and their taxpayers have suffered through eleven years without an increase in unrestricted State aid. Just as annual increases in school aid help school districts comply with the 2% tax cap and maintain essential services, municipal governments need and deserve growth in their assistance from the State. The fact that the tax cap is now permanent, coupled with the growing expense of local compliance with State mandates (e.g., the new discovery laws), only accentuates the need for growth in this local revenue stream.
The Clean Water Infrastructure Act of 2017 dedicated $2.5 billion in funding for drinking water infrastructure, clean water infrastructure and water quality protection throughout New York State. The 2019-20 State Budget added another $500 million for these purposes. While this is a significant investment, it is being phased in over multiple years and only a portion of it is available to cities, villages and other municipal governments. **NYCOM supports establishing an annual State funding stream that could be used by cities and villages to address their water infrastructure needs.** Similar to – or in conjunction with – the CHIPS program, every municipality would receive an allocation based on the amount of pipelines and mains owned and operated by the municipality. This would help local governments manage and invest in the replacement and rehabilitation of existing municipally owned and funded drinking water, storm water, and sanitary sewer systems, and allow for better coordination with local road reconstruction projects.
Local highway infrastructure needs continue to far outpace the amount of resources currently available. The $438 million Consolidated Highway Improvement Program (CHIPS) assists local governments with the cost of construction, reconstruction and improvement of local highways, bridges and highway-railroad crossings. The funding is distributed annually based on local highway mileage and vehicle travel. After NYCOM fought for its restoration, the 2019-20 State Budget did again include an additional $65 million in Extreme Winter Recovery funds for the repair of local roads, but this is not added to the CHIPS base and is therefore not recurring. Local governments are also incurring additional costs as a result of the intensified enforcement of federal ADA requirements to provide curb ramps whenever streets, roads or highways are altered through resurfacing. In fact, some municipalities have indicated that the added expense associated with this requirement now consumes a significant portion of their CHIPS allocation.
First and foremost, local governments need more State transportation funding than they currently receive. Additionally, the CHIPS formula should be amended to provide additional aid based on sidewalk miles in a municipality.

Furthermore, the New York State Department of Transportation (NYSDOT) five-year capital plan is set to expire at the conclusion of the 2019-20 state fiscal year. NYCOM supports the continuation and codification of the PAVE-NY and BRIDGE-NY programs as part of the upcoming NYSDOT five-year capital plan.

Finally, under current law, when the estimate for construction work using CHIPS funding exceeds $250,000, such work may not be performed by municipal road crews. Raising that threshold to $500,000 will give municipalities greater flexibility in determining whether to bid-out such projects or use their own resources and workforce.
City and village officials understood the need to reform New York’s criminal justice statutes during the 2019-20 legislative session, but we strongly object to some of the drastic changes in the laws pertaining to discovery. The dramatic acceleration in the timing of discovery and the expansion of the matters to which it applies will have significant cost and justice implications for cities and villages with police departments, local justice courts or code/parking enforcement departments. Contrary to the contention of some, cities and villages will not reap savings from bail reform nor will many of them benefit from recent changes to the sales tax. On top of all this, municipalities are still trying to live within the 2% tax cap and have not received an increase in general purpose state aid in 11 years.
NYCOM supports the following amendments that are consistent with the intent of the criminal justice reforms but which will allow for more effective and affordable implementation:

**Ensure** that cities and villages are provided with additional financial and operational support to offset the cost of these mandated measures;

**Exclude** from discovery any violations or information not charging a misdemeanor or crime;

**Require** expedited discovery only when defendants are incarcerated;

**Make** discovery in felony cases not applicable until after indictments;

**Provide** a stay from discovery requirements for 30 days involving cases which may be subject to plea discussions; and

**Allow** for withholding of sensitive information, such as victim contact information, without having to obtain a court order.
The New York State Constitution requires laborers, workers and mechanics in the “performance of any public work” to be paid no less than “the rate of wages prevailing in the same trade or occupation in the locality within the State where such public work is to be situated, erected or used.”

However, the State’s legal methodology for implementing this constitutional mandate distorts the “prevailing wage” and adds unnecessary costs to municipal public works projects. NYCOM supports the following legislative proposals that would make the prevailing wage mandate less onerous for local government entities:

- **Amend the Application and Calculation of Prevailing Wage** – The dollar threshold that determines when prevailing wages must be paid was enacted in 1971 and has not changed. However, since that time, consumer prices have quadrupled. A first and obvious step to reforming this
mandate would be to amend the statute to exempt building service contracts of less than $50,000 from prevailing wage laws. The current statute exempts only those building service contracts that are below $1,500. Similarly, the statute governing prevailing wage as it relates to public works contracts – which currently contains no threshold – should be amended to exempt public works contracts of less than $75,000 from prevailing wage obligations.

Additionally, the method now used for calculating the “prevailing rate of wages” for public works projects results in local governments having to pay highly inflated wages. The method used by the State to calculate “prevailing wages” for public works projects should be changed to use the State’s Unemployment Insurance Prevailing Wage tables to determine regional prevailing wage rates for projects. The Unemployment Insurance Prevailing Wage tables are updated annually based on the semi-annual Occupational Employment Statistics survey of employers and reflects local economies’ actual prevailing wages.
• Oppose All Expansion of Prevailing Wage – All public works projects, irrespective of capital costs, are subject to prevailing wage requirements in New York State. The Department of Labor determines the local prevailing wage by examining union contracts that cover at least 30% of workers in a designated trade and locality. However, the trades’ combined hourly wages and fringe benefits exceed market compensation rates and can add 13-25% to public works project costs depending on the region. Expanding prevailing wage mandates to other publicly funded projects, such as affordable housing, must be stopped.
The New York State Conference of Mayors and Municipal Officials (NYCOM) is the association of, and for, cities and villages in New York. Since 1910, NYCOM has united local government officials in an active statewide network focused on the singular purpose of finding the most effective means of providing essential municipal services. Through the active participation of our membership, which represents more than 12 million New Yorkers, NYCOM is an aggressive advocate for city and village interests before the Executive, Legislative and Judicial branches of state government. Our association is a readily accessible source of practical information touching upon every area of municipal activity, and is also a leader in the on-going training and education of local officials.