



TOWN OF NEW CASTLE

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Mandate Relief Committee

April 10, 2017

Judy McGrath
Chair

Warren S. Gottlieb
Board Member

Christian G. Hilderbrand
Board Member

James McCauley
Alternate Member

VIA REGULAR MAIL and E-MAIL

Assemblyman David Buchwald
New York State Assembly
Legislative Office Building 331
Albany, New York 12248

Re: Unfunded Mandate Relief Efforts

Dear Assemblyman Buchwald:

We are in receipt of your letter dated April 4, 2017 (“Response”) responding to our Committee’s request for an update on your efforts to provide mandate relief to New Castle residents.

The Committee genuinely appreciates your willingness to take time from budget season to respond to our initial request. For purposes of clarity, we still await your response to our Committee’s subsequent letter seeking (a) your full support and champion of Senate Bill S1347 (the “Mandate Relief Bill”), introduced by State Senator Terrence Murphy, passed by the New York State Senate and delivered to the Assembly, and (b) an in person meeting to discuss the legislation and the importance of meaningful mandate relief to New Castle residents. Consistent with the recommendations contained in our formal report (“Report”) delivered to your office in or about September 2015 and long before the commencement of the current legislative session, we remain committed to securing meaningful mandate reform from Albany and keeping residents informed of the progress of their elected State officials on a regular basis.

In reviewing your Response, the Committee is deeply concerned that there appears to be a severe mismatch between the legislative efforts you have highlighted and the specific needs of New Castle with respect to unfunded mandate relief, particularly when considered against the backdrop of those unfunded mandates designated in the Report as “High Impact.” As you will recall, the Report identified the following unfunded mandates as “High Impact” and provided a detailed analysis of their tremendous effect on New Castle residents:

1. Triborough Amendment
2. Pension Costs for Town Employees and Police Officers
3. Health Insurance – Retiree and Current Employees
4. Wicks Law
5. Prevailing Wage Law
6. Scaffold Law
7. West End Sewer Project

Although we applaud any legislative attempt at relieving the burden placed on New Castle residents by unfunded mandates, the efforts highlighted in the Response would have little if any impact on New Castle at this time. For illustrative purposes and in the hopes of underscoring the importance of alignment between the needs of New Castle with the legislative agenda of its elected representatives in Albany, set forth below is an impact analysis of initiatives outlined in the Response.¹

Assembly Bill A.4374-A

The Response indicates that you have previously co-sponsored Assembly Bill A.4374-A, an effort to relieve New Castle of this of the MTA tax. Unfortunately, the successful passage of A.4374-A (or any similar successor bill) would only save New Castle residents \$42,000.00 based upon the amount paid by the Town for the MTA tax in 2016. It is for this reason that the MTA tax was not identified as “High Impact” in the Report, as the combined New Castle and Chappaqua Central School District annual budget is in excess of \$158,000,000.00.

Assembly Bill A.1388

The Response indicates that you have co-sponsored Assembly Bill A.1388, seeking to remove existing limits on contract piggy-backing. Currently, New Castle in fact does piggy-back on competitively bid contracts from other New York State municipalities. Although the town does frequently use piggy-backs to save time and money, we are not aware of any specific existing limit that has affected New Castle’s ability to realize the benefits of piggy-backing. Consequently, our Committee does not see the benefit of this proposed legislation to New Castle residents seeking relief from unfunded mandates.

Assembly Bill A.1488

The Response indicates that you have co-sponsored Assembly Bill A.1488, seeking to lift the state mandate barring cooperative agreements for the provision of centralized public employee administrative and personnel services. New Castle does not participate in any cooperative agreements for centralized public employee administrative and personnel services. Consequently, our Committee does not see the benefit of this proposed legislation to New Castle residents seeking relief from unfunded mandates.

Assembly Bill A.2536

The Response indicates that you have co-sponsored Assembly Bill A.2536, a bill that would set up a pilot program allowing municipalities to conduct public bond sales through nationally recognized bidding firms. New Castle currently engages the services of a financial advisor who offers its bond issuances on the open market. We are confident that with our bond rating and open market bidding on our offerings, we have received extremely favorable rates for our past issuances. Consequently, our Committee does not see the benefit of this proposed legislation to New Castle residents seeking relief from unfunded mandates.

¹ This analysis was prepared based upon information received from New Castle Comptroller Robert Deary.

Assembly Bill A.2578

The Response indicates that you have co-sponsored Assembly Bill A.2578, a bill that would remove mandates limiting the options for local governments regarding the provision of health insurance for their employees. As the Report indicated, New Castle currently participates in a healthcare consortium, Municipal Employee Benefits Consortium (MEBCO), with several other municipalities and school districts that have joined together to take advantage of volume discounts as well as to mitigate exposure on catastrophic claims. New Castle's membership in this consortium has kept the Town's premium increases below industry averages over the last several years. Consequently, our Committee does not see the benefit of this proposed legislation to New Castle residents seeking relief from unfunded mandates.

Chapter 372 of the Laws of 375 and Assembly Bills A.1345 and A.1476

The Response indicates that you have worked closely to pass legislation addressing state mandates with respect to registering voters in advance of special town elections and are currently sponsoring Assembly Bills A. 1345 and A.1476, also aimed at reducing the cost burden of special elections on town governments. New Castle has not had a special election in quite some time. Although these initiatives could theoretically have a benefit to the town, the benefit would only be realized if and when New Castle in fact held such an election.

Assembly Bills A.9691, A.9692 and A.10033

The Response indicates that you have co-sponsored and secured passage of Assembly Bills A.9691, A.9692 and A.10033, permitting local governments to enact a hotel occupancy tax. The hotel occupancy tax would have no effect on New Castle. Consequently, our Committee does not see the benefit of this legislation to New Castle residents seeking relief from unfunded mandates.

With the above in mind, we believe an in person meeting is necessary. The priorities outlined in the Report are critically important to New Castle residents, residents whose priorities deserve to be proactively contemplated in the legislative agenda of their elected state officials. We fully appreciate the magnitude and complexity of the mandate issue, and it is for this very reason that we believe it is essential that New Castle's elected state officials -- in the first instance and not in hindsight -- align their legislative efforts in Albany with the needs of New Castle residents.

In short, the Committee believes New Castle requires full-throated, focused support of meaningful mandate relief, and we seek your assistance in this endeavor. Although the Mandate Relief Bill delivered to the Assembly appears to be a step in the right direction and worthy of your support, we stand ready with an open mind and in earnest to work with you to attack the undeniable challenges posed to our community by unfunded state mandates.

Thank you in advance of your response. Kindly direct same to Town Supervisor Robert Greenstein (Tel: 914 238-7281).

Very truly yours,

Judy McGrath, Chairperson
New Castle Mandate Relief Committee

Warren Gottlieb, Member
New Castle Mandate Relief Committee

Christian Hildenbrand, Member
New Castle Mandate Relief Committee

cc: Robert Greenstein, New Castle Town Supervisor
Lisa Katz, New Castle Town Board Member
Adam Brodsky, New Castle Town Board Member
Hala Makowska, New Castle Town Board Member
Jeremy Saland, New Castle Town Board Member
Jill Shapiro, New Castle Town Administrator
Senator Terrence Murphy, New York State Senate