



**NYSAC**  
— NEW YORK STATE —  
ASSOCIATION OF COUNTIES

# **2022 NYSAC Fall Seminar Resolutions**

**Erie County  
September 19 – 21, 2022**

**Michael Zurlo, President**

**Stephen J. Acquario, Executive Director**

## NYSAC 2022 Fall Seminar Resolutions ~ Table of Contents

<b>NYSAC Board of Directors .....</b>	<b>6</b>
Calling on the State of New York to Fully Fund County Law 18B Assigned Counsel Statutory Pay Levels .....	7
Resolution to Support the Clean Water, Clean Air, Green Jobs Environmental Bond Act of 2022 .....	9
Resolution Urging the Governor and State Legislature to Gradually Eliminate the County Fiscal Responsibility for Preschool Special Education and Summer School Special Education Programs .....	11
Resolution in Support of Addressing COVID’s Impact on the Low Morale and Exodus of Professionals from New York’s Public Workforce through the Issuance of Workforce Bonuses, Stipends, and Enhanced Retirement Benefits to Sustain the State’s Public Infrastructure.....	13
Resolution Calling for Study and Reform of New York State Civil Service System to Support Local Government Employee Recruitment .....	15
Resolution Calling on New York State to Sufficiently Invest in 9-1-1 Funding to Ensure Proper Maintenance with Existing Systems and Prepare for Next Generation 9-1-1 Technologies .....	17
Resolution Applauding the Governor and State Legislature for Ending the Diversion of County Sales Tax to Pay for State Programs and Reducing the Diversion of Local Sales Tax for New York City, and to Encourage State Elected Officials to Abide by the Sunset of the Remaining Temporary Diversion for New York City .....	19
Resolution Calling on the State of New York to Protect Home Rule Authority by Clarifying Long-standing Property Tax Collection Practices.....	21
<b>Standing Committee on Agriculture &amp; Rural Affairs Resolutions.....</b>	<b>23</b>
Resolution in Support of New York State Sharing Agricultural Mitigation Fees with Counties to Support County Agriculture and Farmland Protection Initiatives .....	24
Resolution Calling on the New York State to Commence an Investigation into the Closure of Bank Branches in Rural Counties in New York State .....	26
Resolution Calling for the Elimination of the Farm Laborers Wage Board .....	28
<b>Standing Committee on Climate Action Resolutions.....</b>	<b>30</b>
Resolution in Support of Legislation to Establish the Resilient New York Revolving Loan Program and the Resilient New York Revolving Loan Fund.....	31
<b>Children with Special Needs Resolutions .....</b>	<b>33</b>
Resolution Urging the Governor and State Legislature to Increase the Pre-School Special Education Administration Rate for Counties .....	34

Resolution Urging the Governor and State Legislature to Adjust the Early Intervention Rate Structure to Improve Access to these Services for Children Who Live in Poverty and Rural Areas .....	35
Resolution Urging the State of New York to Require School Districts to Administer and Fund Pre-School Special Education and Early Intervention Services .....	36
Resolution to Enact an Emergency System to Address the Scarcity of Providers of Therapeutic Services for Early Intervention Care.....	38
Resolution Urging the Governor and State Legislature to Increase County Reimbursement for Early Intervention Transportation Services .....	40
<b>Standing Committee on Economic Development &amp; Environment Resolutions .....</b>	<b>42</b>
Resolution Requesting Revisions to NYSDEC’s Proposed Part 360 Series Regulations .....	43
Resolution in Support of An Expedited Rollout of the ConnectALL Initiative .....	45
<b>Standing Committee on Intergovernmental Affairs Resolutions .....</b>	<b>47</b>
Resolution Allowing for County Workers Compensation Pools to Join a Public Group Self-Funded Deductible Program That Can Help Lower Costs and Manage Existing Claims .....	48
Resolution Calling on the State to Set the Judgement Interest Rate Charged to State and Local Governments to be Tied to the Federal Interest Rate .....	49
Resolution calling on the State to Provide Funding to Counties and County Boards of Elections for the Additional 2022 Primary, and to Provide Flexibility for the Number and Location of Early Voting Locations.....	50
<b>IT Task Force Resolutions .....</b>	<b>52</b>
Resolution Commending the State for Supporting Local Cybersecurity Efforts and Urging a Long-Term Commitment to Funding End Point Detection and Response Solutions .....	53
<b>Standing Committee on Medicaid and Human Services Resolutions.....</b>	<b>55</b>
Resolution Calling on the New York Congressional Delegation to Support Federal Legislation that Exempts Qualified Residential Treatment Programs from the Federal Medicaid Institutions for Mental Disease (IMD) Exclusion and for New York State to Provide State-Only Medicaid Funding to Cover Any Loss of Federal Funds Until the Exemption is Achieved .....	56
Resolution Calling on the Governor and State Legislature to Increase State Funding Support for the Foster Care Block Grant to Pay for the Rate Increase Enacted in the SFY 2023 Budget, and Also Increase State Funding for Safety Net Programs .....	58
Resolution Urging the Governor and New York State Legislature to Become a True Partner by Focusing on Rent Allowance and Standard of Need Which Must Include the Restoration of 50/50 Cost Sharing for Safety Net Programs, and Clarify Its Homelessness Prevention Goals by Making Permanent Housing the Central Focus .....	60
<b>Standing Committee on Native American Affairs &amp; Gaming Resolutions .....</b>	<b>62</b>

Resolution Calling on the State of New York to Promptly and Equitably Secure with the Seneca Nation a Continuing Compact Agreement that is Beneficial to all Parties and Local Governments .....	63
Resolution Calling on the State of New York to Make All Municipalities Whole in the Saint Regis Mohawk Tribal Gaming Region that Have Been Impacted by the State’s Lack of Payment .....	65
Resolution Calling on the State of New York to Immediately Make All Municipalities Whole that have Been Impacted by the Loss of Property Tax Revenue from Claimed Sovereign Native American Land .....	67
<b>Standing Committee on Public Health and Mental Health Resolutions .....</b>	<b>69</b>
Resolution in Support of Fully Funding the Implementation of the 2019 Elevated Blood Lead Level Mandate .....	70
Resolution in Support of Enactment of Legislation to Amend the Public Health Law in Relation to Municipal Limited Health Care Service Facilities .....	72
Resolution in Support of Issuing Relief to Local Health Departments by Requiring the State Commissioner of Health to Waive the Cost Reporting Requirement for Municipal Licensed Home Care Service Agencies (LHCSAs).....	74
Resolution Requesting Targeted State Investments in Programming and Policies to Develop and Fund Core Local Services to Decrease the Use of Emergency Departments (EDs) for the Treatment of Children and Youth with Complex Behavioral Health Needs.....	76
<b>Standing Committee on Public Employee Relations Resolutions.....</b>	<b>78</b>
A Resolution Urging Investment by The State Within the Department of Civil Service to Support Public Employee Recruitment and Retention .....	79
<b>Standing Committee on Public Safety Resolutions .....</b>	<b>81</b>
Resolution Encouraging the State Legislature and Governor to Authorize Municipalities, including Counties, to Establish a Special District to Finance and Operate General Ambulance Services.....	82
Resolution Encouraging the State Legislature and Governor to Enact Legislation to Expedite the Disbursement of Raise the Age Funds to Counties and Community-Based Organizations That Work with At-Risk Youth.....	84
Resolution Encouraging the State Legislature and Governor to Enact Legislation to Provide Local Discretion on Pre-Sentence Investigations in Plea Deals Resulting in Less than 1 Year Imprisonment.....	86
Resolution Urging the State to Provide Counties with Funding to Administer the State’s New Gun Laws .....	87
Resolution Urging the State to Provide Counties with Funding to Administer Requirements of New Extreme Risk Order of Protection Law .....	88

Resolution Urging the State to Provide Counties with Funding to Administer Medication Assisted Treatment in Correctional Facilities ..... 89

Resolution Encouraging the State Legislature and Governor to Enact Legislation to Require Reporting of Sex Offenders in Short Term Rentals ..... 90

**Standing Committee on Taxation and Finance Resolutions ..... 92**

Resolution Supporting Proposals to Modernize Tax Laws to Include the Vacation Rental Industry and to Ensure These Changes are Appropriately Tailored for the Needs of Localities . 93

Resolution to Support Modifications to the State Pension Amortization Programs to Allow Entities to Leave the Program Once They Have Fully Paid Back the Amounts Borrowed, Including Interest, As Determined by the State Comptroller ..... 95

**Standing Committee on Transportation and Public Works Resolutions ..... 97**

Resolution Urging All Counties to Adopt Policies that Include More Local Transportation Projects for Consideration of Complete Streets Design..... 98

Resolution Opposing Legislation that Jeopardizes the Efficacy of the Water Quality Permitting Process by Unnecessarily Doubling the Volume of Permits that Must be Handled by the State ..... 100

Resolution To Promote Changes to The State’s Civil Service Law to Address Constraints On New York State Airports’ Ability to Recruit, Hire, and Promote Qualified Aviation Professionals ..... 102



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**NYSAC Board of Directors**

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1 **2022 NYSAC Fall Seminar**  
2 **NYSAC Board of Directors**  
3 **Resolution #1**

4  
5 **Calling on the State of New York to Fully Fund County Law 18B Assigned**  
6 **Counsel Statutory Pay Levels**

7  
8 **WHEREAS**, the United States Constitution established, and the Supreme Court  
9 decision Gideon v. Wainwright clarified, that competent counsel is to be given to all  
10 accused of a crime, regardless of their ability to pay; and

11  
12 **WHEREAS**, New York State took legislative action to establish a criminal indigent  
13 defense legal system that passed the responsibility of providing these criminal defense  
14 services, and many of the costs associated with them, to counties and local property  
15 taxpayers; and

16  
17 **WHEREAS**, in 2007, the New York State Civil Liberties Union sued the State of New  
18 York in Hurrell-Harring v. State of New York, which showed indigent criminal defense  
19 services were underfunded by the State and failed to meet constitutionally required  
20 standards; and

21  
22 **WHEREAS**, prior to Hurrell-Harring, the 57 New York counties spent \$164 million  
23 annually on public defense while the State provided the 57 counties with only \$39  
24 million in indigent defense support; and

25  
26 **WHEREAS**, the New York State Legislature recognized that the State needs to provide  
27 additional funding and, in 2017, passed historic legislation allocating \$250 million per  
28 year, when fully implemented, of state funding to directly improve indigent defense  
29 services; and

30  
31 **WHEREAS**, while counties are still funding the same amount, the State's 2017 funding  
32 increase has made New York State a leader in indigent defense services; and

33  
34 **WHEREAS**, due to different county demographics and needs, counties have flexibility  
35 in how to provide criminal defense by using a combination of public defenders, conflict  
36 defense offices, and private contracted attorneys known as 18B counsel (named after the  
37 applicable section of County Law); and

38  
39 **WHEREAS**, all counties rely on the services of 18B attorneys to perform these services  
40 to handle the overflow of work and handle conflicts that come into the public defender's  
41 office; and

42  
43 **WHEREAS**, unfortunately, the 2017 state legislation did not address the pay rate for  
44 18B attorneys; and

1 **WHEREAS**, Article 18B establishes compensation paid to attorneys for assigned  
2 counsel work at \$60/hour for misdemeanor matters and \$75/hour for felony defense;  
3 and  
4  
5 **WHEREAS**, these rates have remained unchanged since 2004 and, in that same time  
6 period, the United States has seen inflation rise by 57 percent; and  
7  
8 **WHEREAS**, counties across the State have had difficulty in recent years attracting and  
9 keeping quality 18B attorneys in their region, with stagnate pay reported as the major  
10 contributing factor; and  
11  
12 **WHEREAS**, without properly funding 18B attorneys, which will keep and attract  
13 quality attorneys, the good work by the State to improve indigent defense services could  
14 be in jeopardy.  
15  
16 **NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of  
17 Counties (NYSAC) calls on the State to increase the 18B attorney rate to equitable levels;  
18 and  
19  
20 **BE IT FURTHER RESOLVED**, the State needs to fully fund this increase in keeping  
21 with the reasoning set forth in the Hurrell-Harring case, and to build on the State  
22 Legislature's historic 2017 legislation; and  
23  
24 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties  
25 of New York State encouraging member counties to enact similar resolutions; and  
26  
27 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to  
28 the Governor of the State of New York, the New York State Legislature, and all others  
29 deemed necessary and proper.



1 **2022 NYSAC Fall Seminar**  
2 **NYSAC Board of Directors**  
3 **Resolution #2**

4  
5 **Resolution to Support the Clean Water, Clean Air, Green Jobs**  
6 **Environmental Bond Act of 2022**

7  
8 **WHEREAS**, providing clean drinking water and protecting our rivers, bays, lakes,  
9 streams, and waterfronts from pollution is paramount to quality of life in New York  
10 State; and

11  
12 **WHEREAS**, modernizing water infrastructure will safeguard clean water, reduce  
13 flooding, lessen lead exposure and other public health threats, and create jobs; and

14  
15 **WHEREAS**, New Yorkers are vulnerable to extreme weather, including deadly heat  
16 from rising temperatures and flooding from severe storms that put people, properties,  
17 and public assets at risk; and

18  
19 **WHEREAS**, upgrading transportation and stormwater infrastructure, restoring  
20 natural resources, growing urban forests, building green roofs, and upgrading cooling  
21 centers will reduce the impact of extreme weather, saving lives and money; and

22  
23 **WHEREAS**, the COVID-19 pandemic demonstrated the importance of outdoor  
24 recreation and access to fresh, local food as people flocked to local parks and sought out  
25 healthy foods for their families; and

26  
27 **WHEREAS**, upgrades to facilities at state and local parks and preserves and the  
28 creation of new outdoor recreational areas will benefit our state by protecting wildlife  
29 habitats, providing more people access to nature, and creating jobs in the outdoor  
30 recreation economy; and

31  
32 **WHEREAS**, the Clean Water, Clean Air, and Green Jobs Bond Act (“Bond Act”) would  
33 authorize New York State to issue \$4.2 billion in general obligation bonds to finance  
34 critical environmental restoration, clean water, and infrastructure projects across the  
35 state; and

36  
37 **WHEREAS**, the Bond Act was passed by the New York State Legislature as part of the  
38 FY 2023 State Budget and will appear on the general election ballot on November 8,  
39 2022 for voter approval; and

40  
41 **WHEREAS**, the Bond Act would invest at least \$1.1 billion in restoring habitats and  
42 reducing flood risk, at least \$650 million in improving water quality and the resiliency  
43 of infrastructure, up to \$650 million in protecting open space and recreational  
44 infrastructure, and up to \$1.5 billion in mitigating climate change; and

1 **WHEREAS**, the Bond Act includes strong labor provisions and will support more than  
2 84,000 family-sustaining jobs for New Yorkers and \$8.7 billion in project spending; and

3  
4 **WHEREAS**, the Bond Act would enable New York State to address pollution and  
5 public health threats in disadvantaged communities by directing at least 35% of the total  
6 funding to these neighborhoods, with a goal of reaching 40%; and

7  
8 **WHEREAS**, counties are already leading efforts to combat climate change through  
9 initiatives that reduce greenhouse gas emissions, advance the state’s transition to  
10 renewable energy, and build more resiliency into our natural and built infrastructures;  
11 and

12  
13 **WHEREAS**, the Bond Act will allow local governments to apply for grants to carry out  
14 projects that will serve the unique needs of their communities and support New York  
15 State in achieving the Climate Act’s goals of reducing economy-wide greenhouse gas  
16 emissions by 40% by 2030 and 85% by 2050.

17  
18 **NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of  
19 Counties (NYSAC) supports the passage of the Clean Water, Clean Air, Green Jobs  
20 Environmental Bond Act of 2022 to enable historic investments in protecting the  
21 environment, mitigating climate change, and advancing environmental justice; and

22  
23 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties  
24 of New York State encouraging member counties to enact similar resolutions; and

25  
26 **BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this resolution to the  
27 Governor of the State of New York, the New York State Legislature, and all others  
28 deemed necessary and proper.

1 **2022 NYSAC Fall Seminar**  
2 **NYSAC Board of Directors**  
3 **Resolution #3**

4  
5 **Resolution Urging the Governor and State Legislature to Gradually**  
6 **Eliminate the County Fiscal Responsibility for Preschool Special Education**  
7 **and Summer School Special Education Programs**

8  
9 **WHEREAS**, Chapter 23 of the Laws of 1989 established the Preschool Program for  
10 Children with Handicapping Conditions as 4410 of the Education Law; and

11  
12 **WHEREAS**, the original law included a provision to limit the county fiscal  
13 responsibility to 25 percent by the 1993-94 school year; and

14  
15 **WHEREAS**, a gubernatorial statewide task force on reforming preschool special  
16 education determined that counties should be removed completely from financing the  
17 state's preschool special education program; and

18  
19 **WHEREAS**, the State has enacted legislation to provide universal prekindergarten for  
20 all age eligible children in New York State to be financed 100 percent with state  
21 resources; and

22  
23 **WHEREAS**, the State also requires counties to support 10 percent of summer school  
24 special education 4408 program costs for all children; and

25  
26 **WHEREAS**, Governor Hochul has approved a 15 percent provider rate increase,  
27 amounting to more than \$240 million in additional funding; and

28  
29 **WHEREAS**, NYSAC estimates the financial cost borne by counties for this rate  
30 increase is approximately \$50 million annually; and

31  
32 **WHEREAS**, the adopted SFY 2023 Budget did not include any funding to offset this  
33 new rate increase, thus expanding an already underfunded county mandated cost; and

34  
35 **WHEREAS**, the fact that other states do not require county government to pay for  
36 these special education expenses and the failure of New York State to fully fund its  
37 promised share of preschool special education program costs contributes directly to  
38 New York's highest in the nation property tax burden.

39  
40 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of  
41 Counties (NYSAC) calls on Governor Kathy Hochul and the New York State Legislature  
42 to implement a plan to gradually remove counties from the fiscal responsibility of  
43 paying for preschool and summer school special education programs; and

44  
45 **BE IT FURTHER RESOLVED**, in the first phase, the State must cap the annual  
46 county share growth for state fiscal year 2023 at no more than two percent to mirror the

1 allowable growth in the property tax cap or the average of the last three years of an  
2 individual county's costs, whichever is less; and

3  
4 **BE IT FURTHER RESOLVED**, the second phase should include capping county  
5 fiscal liability at a zero percent increase for preschool special education and then  
6 implementing a multi-year plan to incrementally reduce the county fiscal liability for  
7 this program to no more than 25 percent as intended at the inception of the program to  
8 help reduce pressure on property taxes; and

9  
10 **BE IT FURTHER RESOLVED**, the third phase should gradually reduce the county  
11 fiscal responsibility to zero for both preschool and summer school special education  
12 costs; and

13  
14 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties  
15 of New York encouraging member counties to enact similar resolutions; and

16  
17 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to  
18 the Governor of the State of New York, the New York State Legislature and all others  
19 deemed necessary and proper.

20

1 **2022 NYSAC Fall Seminar**  
2 **NYSAC Board of Directors**  
3 **Resolution #4**

4 **Resolution in Support of Addressing COVID’s Impact on the Low Morale**  
5 **and Exodus of Professionals from New York’s Public Workforce through**  
6 **the Issuance of Workforce Bonuses, Stipends, and Enhanced Retirement**  
7 **Benefits to Sustain the State’s Public Infrastructure**

8  
9 **WHEREAS**, the pandemic has presented historic challenges to the response  
10 capabilities of public first responders; and

11  
12 **WHEREAS**, these professionals, who were already taxed by pre-pandemic workloads  
13 that extended beyond available resources, saw an explosion of critical tasks and  
14 responsibilities to combat and mitigate transmission of the COVID-19 virus; and

15  
16 **WHEREAS**, not only were local public staff subject to this tremendous increase in  
17 workload, but they were also faced numerous other challenges, including daily exposure  
18 to risk of infection, worry for their own loved ones, and hostility from a public that was  
19 and remains conflicted on compliance with response activities; and

20  
21 **WHEREAS**, a consortium of researchers from the NYS Association of County Health  
22 Officials (NYSACHO), the State University of New York (SUNY) Oneonta, Bassett  
23 Healthcare Network Research, and Utica University convened to conduct a statewide  
24 survey of public workers and compiled the findings in a report entitled “Pain and  
25 Perseverance;” and

26  
27 **WHEREAS**, more than 200 staff responded to the survey, documenting the profound  
28 impact these factors have had on public workers; and

29  
30 **WHEREAS**, the survey data indicate:

- 90.4% of respondents have felt overwhelmed by workload;
- 75.6% felt disconnected from family and friends because of workload;
- 65% felt unappreciated at work and 75% felt inadequately compensated;
- 35% received job-related threats because of work by members of the public;
- 55% felt bullied or harassed because of this work by the members of the public;
- 30% have received some sort of hate mail/email/messages from the public; and

31  
32 **WHEREAS**, these findings amount to a crisis within the ranks of the public workforce,  
33 triggering a significant exodus from the field by many workers and leaders that has  
34 further caused staff and resource shortages; and

35  
36 **WHEREAS**, local health departments have lost between 17% and 31% of their staff  
37 since March 2020 due to early retirements and other reasons related to the pandemic;  
38 and

1 **WHEREAS**, between 2019 and 2022, total vacancies in local health departments  
2 (LHDs) increased by 951 positions across 34 counties due to limited funding, inability to  
3 find qualified candidates, and hiring freezes; and

4  
5 **WHEREAS**, counties are challenged to recruit, retain, and employ new public  
6 professionals entering the field because many are drawn to the private for-profit sector  
7 and health care systems for work; and

8  
9 **WHEREAS**, experienced and trained workers will need to replace those who have  
10 retired or departed from LHDs due to stressors related to their jobs during the  
11 pandemic; and

12  
13 **WHEREAS**, the broad scope of public threats to our communities, coupled with the  
14 deleterious impact of underinvestment on the capabilities and mental health status of  
15 our public workforce, demands continued vigilance and continual investment by the  
16 state.

17  
18 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of  
19 Counties (NYSAC) calls on the Governor and State Legislature to work with Congress to  
20 pass the Public Health Loan Repayment Program, which includes \$25 million to support  
21 loan repayment for public professionals who agree to serve three years in a local, state or  
22 tribal health department; and

23  
24 **BE IT FURTHER RESOLVED**, that the Governor and Legislature include a one-  
25 time, state funded two-year retirement credit for all county health officials who worked  
26 during the state of emergency for the COVID-19 pandemic in the FY 2024 State Budget;  
27 and

28  
29 **BE IT FURTHER RESOLVED**, that the Governor and Legislature protect and  
30 continue to increase Article 6 public infrastructure funding in the FY 2024 state budget;  
31 and

32  
33 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties  
34 of New York encouraging member counties to enact similar resolutions; and

35  
36 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to  
37 The Governor of the State of New York, the New York State Legislature, NYSDOH  
38 Commissioner Mary Bassett, and all others deemed necessary and proper.

1 **2022 NYSAC Fall Seminar**  
2 **NYSAC Board of Directors**  
3 **Resolution #5**  
4

5  
6 **Resolution Calling for Study and Reform of New York State Civil Service**  
7 **System to Support Local Government Employee Recruitment**

8  
9 **WHEREAS**, in New York, 16.4 percent of the workforce are employed by state, local, or  
10 federal level governments, providing needed services to our residents; and

11  
12 **WHEREAS**, prior to the COVID pandemic, the New York public sector was being asked  
13 to do more with less, as the total workforce was down 4.5 percent from 2010; and

14  
15 **WHEREAS**, a recent study by the Bureau of Labor Statistics showed this downturn in  
16 public employment levels has only gotten worse, as the number of private-sector jobs  
17 surpassed its pre-pandemic level, while there are 664,000 fewer people employed in the  
18 public sector; and

19  
20 **WHEREAS**, NYSAC members have all expressed concerns over recent trends of hiring  
21 and retaining quality employees, as this downturn in employment numbers is putting  
22 more stress on local governments' abilities to provide needed services; and

23  
24 **WHEREAS**, New York's counties all are seeking to increase employment numbers and  
25 create a qualified and diverse workforce; and

26  
27 **WHEREAS**, current restrictions caused by NYS Civil Service Laws create hurdles that  
28 are stalling local governments' ability to expand their workforce; and

29  
30 **WHEREAS**, while current NYS Civil Service Laws were put in place with good  
31 intentions, most were implemented prior to current societal and technological  
32 advancements and the time to study and improve this system is long overdue; and

33  
34 **WHEREAS**, State Civil Service system changes are needed for county governments to  
35 compete with the private sector for potential employees, including the ability to more  
36 quickly respond to candidates seeking employment; and

37  
38 **WHEREAS**, New York's Public Officers Law (POL) § 3 requires certain employees  
39 reside in the political subdivision or municipality in which they hold such public office;  
40 and

41  
42 **WHEREAS**, since the 1970s, the State has authorized over 70 exceptions to POL  
43 residency requirements, including for police officers, in recognition that for many job  
44 specifications it is important to increase the potential hiring pool to obtain highly skilled  
45 employees; and

1 **WHEREAS**, now counties are in a hiring crisis due to the shrinking the potential hiring  
2 pool and the increase in needed county skilled labor; and

3  
4 **WHEREAS**, county governments need hiring flexibility and are best situated to know  
5 what job titles should have residency requirements and which should have flexibility to  
6 ensure efficient and quality county services; and

7  
8 **WHEREAS**, specific changes to NYS Civil Service Laws allowing for greater local  
9 government flexibility and quicker response time to hire needed employees include but  
10 are not limited to:

- 11 • Continuous Recruitment—allowing local governments the option to hold  
12 examinations continuously for candidates to apply at any time to take  
13 recruitment examinations;
- 14 • Electronic Canvassing Process—allowing email and phone contacts in lieu of  
15 mailing letters;
- 16 • Standard Grading Metrics should be simplified, understandable and predictable  
17 in order to assist potential applicants to take multiple-choice exams, as well as  
18 complete experience-based exams; and
- 19 • Licensed Occupation Local Approval—allowing local governments to bypass  
20 exam or civil service requirements for positions that require already approved  
21 and obtained New York accredited licenses.

22  
23 **NOW, THEREFORE, BE IT RESOLVED**, the State must immediately study and  
24 reform NYS Civil Service Law; and

25  
26 **BE IT FUTHER RESOLVED**, that New York State of Association of Counties  
27 (NYSAC) calls for the State of New York to amend Public Officers Law § 3 and allow for  
28 full Home Rule Authority to determine county employee residency requirements; and

29  
30 **BE IT FURTHER RESOLVED**, this study and reform must result in local  
31 governments' having more flexibility in hiring practices and the ability to more quickly  
32 respond to potential employees; and

33  
34 **BE IT FURTHER RESOLVED**, counties seek these changes to meet public service  
35 needs with a quality workforce that best reflects the residents they serve; and

36  
37 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties  
38 of New York encouraging member counties to enact similar resolutions; and

39  
40 **BE IT FURTHER RESOLVED** that New York State Association of Counties shall  
41 forward copies of this resolution to Governor Kathy Hochul, the New York State  
42 Legislature and all others deemed necessary and proper.



1 **2022 NYSAC Fall Seminar**  
2 **NYSAC Board of Directors**  
3 **Resolution #6**

4  
5 **Resolution Calling on New York State to Sufficiently Invest in 9-1-1 Funding**  
6 **to Ensure Proper Maintenance with Existing Systems and Prepare for Next**  
7 **Generation 9-1-1 Technologies**  
8

9 **WHEREAS**, the funding mechanism that New York State counties use to help operate,  
10 maintain and upgrade 9-1-1 system capability and performance is out of date and does  
11 not correspond well with recent technology and marketplace changes; and  
12

13 **WHEREAS**, the FCC has released their latest report for 2020, and it shows that New  
14 York collected \$241,643,008 and diverted over \$100,765,134 (41.7 percent) to other  
15 non-9-1-1 related purposes and the general fund; and  
16

17 **WHEREAS**, currently, it states in the Tax Law, Article 186-f, Section 5, forty-one and  
18 seven-tenths of the revenues collected and received are swept into the state general fund  
19 and not provided for public safety services; and  
20

21 **WHEREAS**, this diversion shifts the bulk of Next Generation 9-1-1 (NG 9-1-1)  
22 readiness financing to counties and other local governments' PSAPs in New York State;  
23 and  
24

25 **WHEREAS**, the diversion of E9-1-1 funds results in a system that does not direct  
26 sufficient revenue to allow counties to properly maintain existing systems while also  
27 preparing to implement NG 9-1-1 technology required under federal law; and  
28

29 **WHEREAS**, under current law, for the last four budget years, \$10 million was  
30 authorized and targeted directly to PSAPs and up to \$65 million was set aside for the  
31 provision of grants and reimbursements to counties administered by the State  
32 Interoperable Communications Grants (SICG) program, administered by the New York  
33 State Division of Homeland Security and Emergency Services (DHSES); and  
34

35 **WHEREAS**, due to the designation of E9-1-1 fees for non 9-1-1 related expenses, New  
36 York State PSAPs are not eligible for any of the \$115 million in federal grant funding for  
37 E9-1-1 and NG 9-1-1 enhancements and IP-based advanced networks; and  
38

39 **WHEREAS**, the goal of upgraded NG 9-1-1 systems is to make sure that all devices  
40 capable of connecting to the system can do so using voice, text, video images and other  
41 data formats to better inform the emergency responders of the situation they will be  
42 entering; and  
43

44 **WHEREAS**, NG 9-1-1 upgraded systems will be able to better pinpoint an emergency  
45 call that may be in a remote area of the state or in a multi-storied building in one of our  
46 communities; and

1 **WHEREAS**, recognizing a more precise location of those needing emergency services  
2 will improve outcomes and save lives, but this cannot be accomplished without  
3 consistent and timely funding from the State.

4  
5 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of  
6 Counties (NYSAC) calls on Governor Kathy Hochul and the DHSES, Office of  
7 Interoperable Communications to release all funds authorized within the State Budget  
8 to ensure eligibility for federal FCC E9-1-1 and NG9-1-1 resources, and to ensure monies  
9 collected for the Public Safety Surcharge are allocated within that budget year and  
10 remain in the Public Safety Surcharge fund and not moved into the general fund for  
11 nonpublic safety related purposes; and

12  
13 **BE IT FURTHER RESOLVED**, that NYSAC further calls on DHSES to implement the  
14 draft 9-1-1 plan, and ensure the creation of a statewide NG 9-1-1 system connecting all of  
15 the county and municipal 9-1-1 systems into one statewide system; and

16  
17 **BE IT FURTHER RESOLVED**, the NYSAC further calls on the State to fund NG 9-1-1  
18 implementation with state resources; and

19  
20 **BE IT FURTHER RESOLVED**, releasing these funding obligations on a regular  
21 schedule will provide certainty and build continuity as we upgrade and maintain  
22 existing systems and prepare for and implement NG 9-1-1; and

23  
24 **BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of  
25 New York State encouraging member counties to enact similar resolutions; and

26  
27 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to  
28 the Governor of the State of New York, the New York State Legislature, DHSES  
29 Commissioner Jackie Bray, and all others deemed necessary and proper.

1 **NYSAC 2022 Fall Seminar**  
2 **NYSAC Board of Directors**  
3 **Resolution #7**

4  
5 **Resolution Applauding the Governor and State Legislature for Ending the**  
6 **Diversion of County Sales Tax to Pay for State Programs and Reducing the**  
7 **Diversion of Local Sales Tax for New York City and to Encourage State**  
8 **Elected Officials to Abide by the Sunset of the Remaining Temporary**  
9 **Diversion for New York City**

10  
11 **WHEREAS**, four years ago the State enacted legislation to divert local sales tax to state  
12 coffers so it can be used to supplant state funding support for their own programs or to  
13 simply fill gaps in the state financial plan; and

14  
15 **WHEREAS**, county officials believe local sales tax is too valuable and important for  
16 county government and local taxpayers to be interfered with – it is sacrosanct; and

17  
18 **WHEREAS**, the state diversion of county and New York City sales tax, along with  
19 indirect actions that force local sales tax to be spent as directed by the state, will reach  
20 \$1.4 billion as of 2022; and

21  
22 **WHEREAS**, sales tax is the number one revenue source for many counties across the  
23 state and, therefore, the primary local revenue to support services in our communities,  
24 especially for frontline workers responding to and facilitating recovery efforts from the  
25 pandemic; and

26  
27 **WHEREAS**, sales tax is also the number one local revenue source for counties that  
28 helps keep property taxes lower, including the property taxes of hundreds of cities,  
29 towns and villages across the state that receive a share of the county sales tax; and

30  
31 **WHEREAS**, the state diversion of local sales tax endorses a reliance on highly  
32 regressive local property and sales taxes to support state programs and fails to recognize  
33 that the state tax base is far broader and the tax code is vastly more progressive so it can  
34 call on high income individuals and multi-billion dollar corporations to generate  
35 revenues; and

36  
37 **WHEREAS**, for many of the reasons noted, the enacted state budget for SFY 2023  
38 ended the diversion of county sales tax to pay for state programs and lowered the  
39 diversion for New York City by \$50 million annually with a three-year sunset on this  
40 remaining diversion.

41  
42 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of  
43 Counties (NYSAC) thanks and applauds the Governor and State Legislature for ending  
44 the practice of diverting local sales tax to pay for state programs; and

1 **BE IT FURTHER RESOLVED**, NYSAC strongly endorses that the Governor and  
2 State Legislature abide by the sunset of the remaining sales tax diversion for New York  
3 City; and  
4  
5 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties  
6 of New York State encouraging member counties to enact similar resolutions; and  
7  
8 **BE IT FURTHER RESOLVED**, the New York State Association of Counties shall  
9 forward copies of this resolution to Governor Kathy Hochul, the New York State  
10 Legislature and all others deemed necessary and proper.

1 **NYSAC 2022 Fall Conference**  
2 **NYSAC Board of Directors**  
3 **Resolution #8**

4  
5 **Resolution Calling on the State of New York to Protect Home Rule Authority**  
6 **by Clarifying Long-Standing Property Tax Collection Practices**

7  
8 **WHEREAS**, New York has a long-standing system by which the state requires local  
9 governments to provide needed federal and state programs and services, many of which  
10 are funded through sales and property taxes; and

11  
12 **WHEREAS**, over the last few decades the state has expanded the number of services  
13 required by counties, cities, towns, villages, and schools, and in turn New York has  
14 become some of the highest property tax rates in the country; and

15  
16 **WHEREAS**, within the local government structure, counties are required to perform  
17 the most costly health, human service, and public safety services; and

18  
19 **WHEREAS**, under New York State law, counties must ensure property tax collection  
20 for towns and schools and are required to make those entities whole for any delinquent  
21 property taxes to ensure that those levels of government can continue to operate without  
22 disruption; and

23  
24 **WHEREAS**, it has been long established in state law that cities are required to perform  
25 their own tax collections on delinquent property unless or until they develop an  
26 agreement with the county to perform this function on the city's behalf; and

27  
28 **WHEREAS**, unlike smaller forms of government, cities have the staff, capacity and  
29 resources to collect taxes on delinquent properties; and

30  
31 **WHEREAS**, in October 2021, a city passed a local law to discontinue their delinquent  
32 tax foreclosure responsibilities, requiring the county to pick up this duty and force the  
33 county to "credit the city with the amount of such unpaid delinquent taxes;" and

34  
35 **WHEREAS**, this unilateral decision created an inequity in the balance of power and  
36 responsibility at the local government level in this county; and

37  
38 **WHEREAS**, on August 11, 2022, New York's Appellate Division Third Judicial  
39 Department upheld this local law, essentially overruling established practice law that  
40 when counties across New York do provide foreclosure services to their cities, this is  
41 only when both separate bodies of government come to an agreement; and

42  
43 **WHEREAS**, while counties are required to perform and pay for this function for towns  
44 and schools, counties do so because it is specified in state law, not local law, and  
45 therefore this case is one that allows one form of local government to dictate duties and

1 costs to another form of local government without specific state legislative authority to  
2 do so; and

3  
4 **WHEREAS**, this 3 to 2 judge ruling’s dissent disagreed that a city, without State  
5 statutory authority, can place duties and costs on a separate government body, stating  
6 this ruling is both unconstitutional and violates home rule authority; and

7  
8 **WHEREAS**, the dissent states this ruling violates home rule because allowing a city to  
9 unilaterally take this action “impairs a (county’s) power to fully control its own affairs  
10 such as budget and its workforce, by weakening that power.”

11  
12 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of  
13 Counties (NYSAC) calls on the State of New York to protect local government home rule  
14 authority by immediately clarifying the long-standing method by which a county and  
15 city must agree prior to taking on city tax collection functions and costs; and

16  
17 **BE IT FURTHER RESOLVED**, in the alternative, the state must change the entire  
18 property tax collection system, making one that is more equitable to all levels of  
19 government and would lower property tax costs to our residents; and

20  
21 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties  
22 of New York State encouraging member counties to enact similar resolutions; and

23  
24 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to  
25 Governor Kathy Hochul, the New York State Legislature, and all others deemed  
26 necessary and proper.



**NYSAC**  
— NEW YORK STATE —  
ASSOCIATION OF COUNTIES

**2022 NYSAC Fall Seminar  
Erie County**

**Standing Committee on Agriculture & Rural  
Affairs Resolutions**

Hon. A. Douglas Berwanger (Wyoming County) – Chair  
Hon. Paul Ruszkiewicz (Orange County) – Vice Chair  
Hon. Terry Wilbur (Oswego County) – Vice Chair

2022 NYSAC Fall Seminar

1 Standing Committee on Agriculture & Rural Affairs  
2 Resolution #1

3  
4 Resolution in Support of New York State Sharing Agricultural Mitigation  
5 Fees with Counties to Support County Agriculture and Farmland Protection  
6 Initiatives

7  
8 **WHEREAS**, the New York State Energy, Research and Development Authority  
9 (NYSERDA) and the New York State Department of Agriculture and Markets (AGM) have  
10 entered into a Memorandum of Understanding (MOU) regarding the assessment and  
11 collection of an Agricultural Mitigation Fund Payment for certain proposed Solar projects  
12 over 30 acres located in an Agricultural District; and

13  
14 **WHEREAS**, NYSERDA and AGM have agreed to work with solar project developers to  
15 obtain mutually acceptable project modifications to protect agriculture and associated  
16 resources from its adverse impacts; and

17  
18 **WHEREAS**, NYSERDA's 2020 RFP<sup>1</sup> and future RES Requests for Proposals will  
19 include language advising all proposers of the new Agriculture Mitigation Fund  
20 Payment requirements and will include the information necessary for proposers to  
21 calculate any mitigation costs in the preparation of their bids; and

22  
23 **WHEREAS**, the agreements will require payment to an Agriculture Mitigation Fund,  
24 in an amount calculated at commercial operation date (COD), at which time the final  
25 actual agricultural conversion of mineral soil groups one through four (MSG 1-4)<sup>2</sup> can be  
26 accurately calculated, and the final offsetting value of an implemented co-agricultural  
27 measures, if any, considered; and

28  
29 **WHEREAS**, solar bid facilities in Agricultural Districts awarded by NYSERDA may be  
30 responsible for making an agricultural mitigation payment to a designated fund  
31 administered by NYSERDA based on the extent to which the solar project footprint,  
32 defined as the Facility Area, overlaps with land classified as MSG 1-4; and

33  
34 **WHEREAS**, NYSERDA has agreed to work with AGM to administer the funds received  
35 through mitigation payments, however the MOU provides no direction or guidance on  
36 how these funds should be spent to mitigate the impacts of the proposed solar projects  
37 on farmland and in Agricultural Districts; and

38  
39 **WHEREAS**, New York State Association of Counties (NYSAC) supports the need for  
40 effective agricultural mitigation at the county level to balance the often-competing goals  
41 of expanding renewable solar project development capacity and the protection of

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<sup>1</sup> <https://agriculture.ny.gov/land-and-water/tax-credits-and-agricultural-assessments#agricultural-assessment-information>



1 critically important agriculture and farmlands across New York State; and

2 **WHEREAS**, NYSAC supports the protection of important farmland and soils,  
3 agriculture district designations, and the implementation of Agriculture and Farmland  
4 Protection Plans by counties across New York State.

5  
6 **NOW, THEREFORE, BE IT RESOLVED**, that NYSAC calls on NYSERDA to share  
7 up to 50 percent of the Agriculture Mitigation Fund Payments received with the  
8 counties in which solar projects are being proposed and where impacts to existing  
9 agricultural districts are occurring; and

10  
11 **BE IT FURTHER RESOLVED**, Agriculture Mitigation Fund payments received by  
12 NYSERDA and made available to impacted counties shall be used by the respective county  
13 to implement farmland protection plans, measures and projects consistent with their  
14 approved Agriculture and Farmland Projection Plan (AFPB) with a preference for  
15 planning, zoning, and farmland protection efforts in the same municipality/area as where  
16 such solar projects are being developed; and

17  
18 **BE IT FURTHER RESOLVED**, that any Agricultural Mitigation payments collected  
19 by NYSERDA for projects pursuant to either the Article 10 or the 94c review process  
20 also be shared with the county in which such project is being developed; and

21  
22 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties of  
23 New York State encouraging member counties to enact similar resolutions; and

24 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to  
25 the Governor of the State of New York, the New York State Legislature, the  
26 President/CEO of NYSERDA, the Commissioner of Agriculture and Markets, and all  
27 others deemed necessary and proper.

1 **2022 NYSAC Fall Seminar**  
2 **Standing Committee on Agriculture & Rural Affairs**  
3 **Resolution #2**

4  
5 **Resolution Calling on the New York State to Commence an Investigation**  
6 **into the Closure of Bank Branches in Rural Counties in New York State**

7  
8 **WHEREAS**, bank branches in rural counties provide consumers with a financial  
9 institution where they can make deposit or withdrawal transactions to their accounts,  
10 take out a loan, select a mortgage lender, dispute a fee on their accounts, and perform  
11 other in-person financial transactions; and

12  
13 **WHEREAS**, the presence of bank branches in rural counties also provides an  
14 important source of financial advice, civic leadership, and a more personal touch by  
15 their financial service providers; and

16  
17 **WHEREAS**, counties across the country and throughout New York State have been  
18 deeply affected by the steady trend of bank branch closures, which disproportionately  
19 affects rural counties; and

20  
21 **WHEREAS**, while a growing number of consumers with bank accounts are adopting  
22 online and mobile banking for the primary function of checking their balances in their  
23 accounts, bank branches in rural counties continue to be a necessity for consumers,  
24 especially for deposit and withdrawal transactions, and for resolving problems with  
25 their accounts; and

26  
27 **WHEREAS**, while improvements in technology and remote access have helped some  
28 consumers access online and mobile banking services, many rural counties are unable to  
29 provide their consumers access to broadband internet and cellular phone service that is  
30 sufficient, reliable, or affordable, creating a roadblock to banking activities; and

31  
32 **WHEREAS**, although non-bank financial service providers are filling critical service  
33 gaps provided by bank branches, they are not meeting all the needs, or are doing so at a  
34 higher cost to the consumers; and

35  
36 **WHEREAS**, small business owners, seniors, and those lacking consistent and reliable  
37 transportation are most negatively affected by bank branch closures; and

38  
39 **WHEREAS**, the elimination of bank branches in rural counties is a loss to the affected  
40 communities' financial and civic leadership; and

41  
42 **WHEREAS**, adjusting to the loss of a local bank branch can be frustrating and  
43 disruptive to the affected communities and their consumers; and

1 **WHEREAS**, the closure of local bank branches each year in rural communities is an  
2 ongoing issue, and there is no reason to believe that this trend will dissipate without  
3 appropriate intervention; and

4  
5 **WHEREAS**, the counties are gravely concerned that the closure of additional local  
6 bank branches will place communities and their consumers in a state of hardship if New  
7 York State does not commence an investigation into this crisis.

8  
9 **NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of  
10 Counties (NYSAC) calls upon the Governor and the New York State Legislature to  
11 investigate the closure of bank branches in rural counties in New York State; and

12  
13 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties  
14 of New York State encouraging member counties to enact similar resolutions; and

15  
16 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to  
17 the Governor of the State of New York, the New York State Legislature, the  
18 Commissioner of the Department of Financial Services, and all others deemed necessary  
19 and proper.

1 **2022 NYSAC Fall Seminar**  
2 **Standing Committee on Agriculture & Rural Affairs**  
3 **Resolution #3**

4  
5 **Resolution Calling for the Elimination of the Farm Laborers Wage Board**

6 **WHEREAS**, the Farm Laborers Wage Board has made a recommendation to reduce  
7 the current 60-hour overtime threshold for farm workers to 40 hours; and

8  
9 **WHEREAS**, in January 2022, after numerous public hearings that included testimony  
10 from farmers, farm workers and industry stakeholders, the wage board recommended  
11 lowering the threshold, despite the fact that more than 70 percent of the testimony  
12 conveyed the harm that would be caused by such a change; and

13  
14 **WHEREAS**, the wage board proposes four-hour decreases in the overtime threshold  
15 every other year; and

16  
17 **WHEREAS**, farmers would pay overtime wages up front and then be reimbursed for  
18 overtime hours after the fact, and hours worked over 60 hours would be covered by tax  
19 credit; and

20  
21 **WHEREAS**, the wage board has just one member with an agricultural background,  
22 making it ill-equipped to render sound, informed decisions concerning New York State's  
23 critically-important agriculture industry; and

24  
25 **WHEREAS**, the wage board is ignoring data from a 2021 Cornell University study that  
26 shows lowering the threshold would economically hurt both farmers and farm workers;  
27 and

28  
29 **WHEREAS**, New York State farmers continue to face a tremendous number of  
30 challenges outside of their control including changes in consumer demand leading to  
31 price change, obtaining labor, climate change regulation and mandates, land  
32 management policies, foreign and regional market competition, NYS regulations,  
33 livestock and crop disease; and

34  
35 **WHEREAS**, communities rely on farmers to maintain production during shortages;  
36 and

37  
38 **WHEREAS**, New York State farms donate the majority of produce used in food  
39 pantries and local feeding programs, which will suffer due to higher mandated costs of  
40 labor, making less donated produce available to Nourish NY programs; and

41  
42 **WHEREAS**, counties are urging the State Legislature to provide the farmers and farm  
43 workers relief from the already onerous burden the Farm Workers Fair Labor Practices  
44 Act and other existing government mandates that place our farms at a competitive  
45 disadvantage with neighboring states and Canada.

1 **NOW, THEREFORE BE IT RESOLVED**, that NYSAC emphatically opposes any  
2 decrease to the 60-hour farm worker overtime threshold proposed by the Farm Laborers  
3 Wage Board; and

4  
5 **BE IT FURTHER RESOLVED**, that NYSAC urges Governor Hochul to strongly  
6 consider Senator Borrello's request of repealing section 674-a of the labor law, relating  
7 to establishing the Farm Laborers Wage Board and eliminating the three-member Farm  
8 Laborers Wage Board; and

9  
10 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties  
11 of New York State encouraging member counties to enact similar resolutions; and

12  
13 **BE IT FURTHER RESOLVED**, that NYSAC will submit a copy of the adopted  
14 resolution to the Governor of the State of New York, members of the State Legislature,  
15 the New York State Labor Commissioner, the New York State Agriculture and Markets  
16 Commissioner, the New York State Farm Bureau, and all others deemed necessary and  
17 proper.



# NYSAC

— NEW YORK STATE —  
ASSOCIATION OF COUNTIES

## **2022 NYSAC Fall Seminar Erie County**

### **Standing Committee on Climate Action Resolutions**

Heather Brown (Sullivan County) – Chair  
Bonnie Lange Lawrence (Erie County) – Vice Chair  
Peter McCartt (Westchester County) – Vice Chair

1 **2022 NYSAC Fall Seminar**  
2 **Standing Committee on Climate Action**  
3 **Resolution #1**

4  
5 **Resolution in Support of Legislation to Establish the Resilient New York**  
6 **Revolving Loan Program and the Resilient New York Revolving Loan Fund**

7 **WHEREAS**, climate change is resulting in sea level rise, coastal erosion, and more  
8 frequent and more intense storm events that put homes, businesses, and communities  
9 at risk and cause millions of dollars in damages; and

10  
11 **WHEREAS**, mitigation projects are critical to reducing the risk to people and property  
12 from future disasters and create good jobs in the professional trades and the design  
13 professions; and

14  
15 **WHEREAS**, resilience and mitigation spending saves taxpayers more than \$6 for every  
16 \$1 invested; and

17  
18 **WHEREAS**, the majority of disaster relief programs focus on post-disaster response  
19 rather than pre-disaster mitigation, preparation, and resilience; and

20  
21 **WHEREAS**, the Safeguarding Tomorrow through Ongoing Risk Mitigation (STORM)  
22 Act, which was signed into law in January 2021, authorized the Federal Emergency  
23 Management Agency (FEMA) to provide capitalization grants to states and tribal  
24 governments to establish revolving loan funds that provide hazard mitigation assistance  
25 for local governments; and

26  
27 **WHEREAS**, the program is modeled after the Environmental Protection Agency  
28 (EPA)'s highly successful Clean Water State Revolving Fund (CWSRF) and Drinking  
29 Water State Revolving Fund (DWSRF), which partially fund water infrastructure  
30 projects; and

31  
32 **WHEREAS**, the Infrastructure Investment and Jobs Act provided \$500 million for the  
33 STORM Act, or \$100 million per year; and

34  
35 **WHEREAS**, unlike existing FEMA mitigation grants, the STORM Act's revolving loan  
36 funds will allow states to directly offer low-interest loans to local governments for  
37 mitigation projects to help reduce loss of life and property without going through the  
38 federal grant application process; and

39  
40 **WHEREAS**, in order for states to access the loan funds, they will need to create their  
41 own resilient revolving loan programs; and

42  
43 **WHEREAS**, S.8853 (Breslin)/A.10325 (Fahy) would create the New York Resilient  
44 Revolving Loan Program to allow New York State to accept STORM Act funding and  
45 finance local infrastructure projects that protect against natural disasters; and

1 **WHEREAS**, the Resilient New York Revolving Loan Program would provide low or no-  
2 interest loans to municipalities and not-for-profit organizations for hazard mitigation  
3 and resilience projects, including but not limited to building resilient infrastructure and  
4 communities, flood mitigation assistance, flood risk reduction projects, and any  
5 adaptation or mitigation projects included in Section 54-1523 of the Environmental  
6 Conservation Law; and

7  
8 **WHEREAS**, the revolving loan funds will allow New York to prioritize funding for  
9 mitigation projects that are most important to New Yorkers rather than having the  
10 federal government make those decisions; and

11  
12 **WHEREAS**, loans may also be granted to individual property owners to provide the  
13 financing for natural hazard mitigation projects, such as retrofitting property to protect  
14 against floods, fires, and earthquakes; and

15  
16 **WHEREAS**, under this program, property owners would be eligible for graduated loan  
17 forgiveness based on their income; and

18  
19 **WHEREAS**, these investments would better position communities to adapt to climate  
20 change and recover more quickly from intense storms and natural disasters.

21  
22 **NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of  
23 Counties (NYSAC) urges the Legislature to pass and the Governor to sign legislation  
24 S.8853 (Breslin)/A.10325 (Fahy) to establish the Resilient New York Revolving Loan  
25 Program and the Resilient New York Revolving Loan Fund; and

26  
27 **BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of  
28 New York State encouraging member counties to enact similar resolutions; and

29  
30 **BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this resolution to The  
31 Governor of the State of New York, the New York State Legislature, and all others  
32 deemed necessary and proper.





**NYSAC**  
— NEW YORK STATE —  
ASSOCIATION OF COUNTIES

**2022 NYSAC Fall Seminar  
Erie County**

**Children with Special Needs Resolutions**

Heidi Bond (Otsego County), Chair  
Sara Boerenko (Montgomery County), Vice Chair  
Elizabeth O’Neil (Albany County), Vice Chair  
Rita Wood (Ulster County), Vice Chair

1 **2022 NYSAC Fall Seminar**  
2 **Standing Committee on Children with Special Health Care Needs**  
3 **Resolution #1**

4  
5 **Resolution Urging the Governor and State Legislature to Increase the Pre-**  
6 **School Special Education Administration Rate for Counties**

7  
8 **WHEREAS**, Chapter 23 of the Laws of 1989 established the Preschool Program for  
9 Children with Handicapping Conditions as 4410 of the Education Law; and

10  
11 **WHEREAS**, the original law included a provision to limit the county fiscal  
12 responsibility to 25 percent by the 1993-94 school year; and

13  
14 **WHEREAS**, section 4410 of the Education Law entitles counties to receive  
15 administrative cost reimbursement of seventy-five (\$75) dollars per eligible preschool  
16 student with a disability; and

17  
18 **WHEREAS**, the administrative cost reimbursement rate of seventy-five (\$75) dollars  
19 per eligible preschool student with a disability has not been increased in almost twenty  
20 years for counties and does not meet the needs of the existing expenses.

21  
22 **NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of  
23 Counties (NYSAC) calls on Governor Kathy Hochul and the New York State Legislature  
24 to increase the administrative cost reimbursement rate for counties to match the same  
25 methodology used to determine the administrative reimbursement rate for school  
26 districts administering regular education children education services; and

27  
28 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties  
29 of New York encouraging member counties to enact similar resolutions; and

30  
31 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to  
32 The Governor of the State of New York, the New York State Legislature and all others  
33 deemed necessary and proper.

1 **2022 NYSAC Fall Seminar**  
2 **Standing Committee on Children with Special Health Care Needs**  
3 **Resolution #2**

4  
5 **Resolution Urging the Governor and State Legislature to Adjust the Early**  
6 **Intervention Rate Structure to Improve Access to these Services for**  
7 **Children Who Live in Poverty and Rural Areas**

8  
9 **WHEREAS**, the structure of the Early Intervention rate methodology promotes  
10 inequitable availability of Early Intervention services in New York City and New York  
11 State; and

12  
13 **WHEREAS**, because Early Intervention rates are set for entire counties, and there are  
14 no requirements in the New York State Early Intervention Provider Agreement for  
15 providers to serve the entire county that they have identified in their catchment area,  
16 providers are free to choose which neighborhoods to provide Early Intervention services  
17 in; and

18  
19 **WHEREAS**, since the rates are flat across each county, there is no incentive for  
20 providers to serve children in poverty, children who live in rural areas, or communities  
21 of color; and

22  
23 **WHEREAS**, the current structure of the Early Intervention methodology  
24 promotes unequal availability of Early Intervention services in New York City and New  
25 York State.

26  
27 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of  
28 Counties calls on the Governor and State Legislature to allocate State funding for a  
29 twenty percent rate increase for services provided to children in census tracts where the  
30 percentage of the population below poverty is 20 percent or higher; and in areas that  
31 require service providers to travel more than 30 minutes between sessions to provide  
32 services for children; and

33  
34 **BE IT FURTHER RESOLVED**, any provider rate increase will be administered using  
35 State funding to ensure localities are not subject to additional EI program expenses;  
36 and

37  
38 **BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of  
39 New York encouraging member counties to enact similar resolutions; and

40  
41 **BE IT FURTHER RESOLVED**, the New York State Association of Counties shall  
42 forward copies of this resolution to the Governor of the State of New York, the New York  
43 State Legislature and all others deemed necessary and proper.

1 **2022 NYSAC Fall Seminar**  
2 **Standing Committee on Children with Special Health Care Needs**  
3 **Resolution #3**

4  
5 **Resolution Urging the State of New York to Require School Districts to**  
6 **Administer and Fund Pre-School Special Education and Early Intervention**  
7 **Services**

8  
9 **WHEREAS**, as there is no mention of education in the United State Constitution,  
10 education is considered a reserved power for the states; and

11  
12 **WHEREAS**, Article XI, Education in the New York Constitution states in Section 1,  
13 “The legislature shall provide for the maintenance and support of a system of free  
14 common schools, wherein all the children of this state may be educated.”; and

15  
16 **WHEREAS**, in the school-funding and educational-rights case Campaign for Fiscal  
17 Equity (CFE) v. State of New York, the New York Court of Appeals, the state’s highest  
18 court, held that children are entitled to a sound basic education; and

19  
20 **WHEREAS**, there is substantial understanding that the early years of a child’s life are  
21 critical to their social, emotional, behavioral, and academic development in preparation  
22 for entry into New York’s free common schools; and

23  
24 **WHEREAS**, early childhood intervention is essential to mitigating development issues  
25 that put children at substantial educational risk before entry into New York’s free  
26 common schools; and

27  
28 **WHEREAS**, early childhood intervention programs result in indisputable, documented  
29 social, emotional, behavioral, and academic benefits at the appropriate time for young  
30 children; and

31  
32 **WHEREAS**, New York State’s Early Intervention program has been plagued by a  
33 shortage of qualified providers whose pay raises have been few and far between; and

34  
35 **WHEREAS**, children who are qualified and required to be provided services within  
36 thirty (30) days of being identified end up on waiting lists sometimes for months; and

37  
38 **WHEREAS**, a new approach is needed to provide these services to maximize the  
39 benefit to qualified children.

40  
41 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of  
42 Counties calls on the Governor and State Legislature to authorize and fully fund local  
43 school districts making them responsible for pre-school special education services and  
44 early childhood intervention programs; and

1 **BE IT FURTHER RESOLVED**, should local school districts have difficulties housing  
2 or providing Early Intervention Services programs, they must engage a Board of  
3 Education Cooperative Service (BOCES) to provide cooperative programs, including  
4 private providers, to ensure the delivery of EIS programs to all young children in need;  
5 and

6  
7 **BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of  
8 New York encouraging member counties to enact similar resolutions; and

9  
10 **BE IT FURTHER RESOLVED**, the New York State Association of Counties shall  
11 forward copies of this resolution to the Governor of the State of New York, the New York  
12 State Legislature and all others deemed necessary and proper.

1 **2022 NYSAC Fall Seminar**  
2 **Standing Committee on Children with Special Health Care Needs**  
3 **Resolution #4**

4  
5 **Resolution to Enact an Emergency System to Address the Scarcity of**  
6 **Providers of Therapeutic Services for Early Intervention Care**  
7

8 **WHEREAS**, prior to and throughout the COVID-19 pandemic, New York State has  
9 observed a growing insufficiency of speech, occupational, physical and applied  
10 behavioral therapists to render related services to care for our children with special  
11 needs both in-the-home and early intervention settings; and

12  
13 **WHEREAS**, counties are responsible for ensuring that services developed in an  
14 Individualized Family Service Plan (IFSP) begin in a timely fashion, namely thirty (30)  
15 days from the date of the authorization; and

16  
17 **WHEREAS**, counties are required to assign providers to a child's IFSP that have  
18 current provider agreements with the State Department of Health and are listed by  
19 county in the New York Early Intervention System (NYEIS) database; and

20  
21 **WHEREAS**, providers listed in the NYEIS database are frequently unavailable to  
22 provide services to a child due to a variety of factors, including the area in which the  
23 child resides, providers only accepting referrals for one or two children enrolled in the  
24 Early Intervention Program (EIP) due to other commitments, full caseloads, or outdated  
25 listings for providers who no longer participate with the Early Intervention Program;  
26 and

27  
28 **WHEREAS**, because of the decline of participating and available providers, counties  
29 are not able to provide the Early Intervention services required under the law, even to  
30 already enrolled eligible children, sometimes leading to placement on wait lists; and

31  
32 **WHEREAS**, research demonstrates that the growth and brain development of infants  
33 and toddlers is at its highest in years 0-2, and the developmental progress of children  
34 identified with special needs could be hampered by any delays in services; and

35  
36 **WHEREAS**, the Standing Committee on Children with Special Health Care Needs has  
37 historically called upon the State to incentivize the aforementioned career paths to  
38 increase qualified candidates, and while that is one solution to a multi-faceted issue,  
39 many children have been left with little or no provisions and there are no permanent  
40 systems currently to proactively address when counties and have hit critical levels; and

41  
42 **WHEREAS**, it is with great awareness that needs can fluctuate with each child and  
43 setting; however, we should do our best to have a system to call upon in the event of a  
44 provider shortage.

45  
46 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of  
47 Counties calls upon the Governor and New York State Legislature to do a needs analysis

1 report with each county to quantify and identify provider need over the last 3 years to  
2 gain an understanding of the state of scarcity; and

3  
4 **BE IT FURTHER RESOLVED**, a plan to establish a pool of retired or licensure  
5 candidates to operate under a licensed professional in the execution of an IEP, IFSP or  
6 504 plan be created; and

7  
8 **BE IT FURTHER RESOLVED**, this effort, inspired by the spirit of Executive Order 4  
9 “Declaring a Statewide Disaster Emergency Due to Healthcare Staffing Shortage in the  
10 State of New York” specifically mention services related to nursing within Subdivision 5  
11 of Section 6907 and Section 6908 of the Education Law related to the use of graduates  
12 of State Education Department registered, licensure qualifying nurse practitioner  
13 education programs to be employed to practice for 180 days immediately following  
14 successful completion of a New York Registered license qualifying program, provided  
15 that the graduate files with the State Education Department an application for  
16 certification...” as well as the ability to “practice nursing under the supervision of a  
17 registered professional nurse” be a guide to how an emergency pool of providers could  
18 be generated; and

19  
20 **BE IT FURTHER RESOLVED**, this plan should be seen as temporary, and usage  
21 evaluated yearly; and

22  
23 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties  
24 of New York encouraging member counties to enact similar resolutions; and

25  
26 **BE IT FURTHER RESOLVED**, the New York State Association of Counties shall  
27 forward copies of this resolution to the Governor of the State of New York, the New York  
28 State Legislature and all others deemed necessary.

1 **2022 NYSAC Fall Seminar**  
2 **Standing Committee on Children with Special Health Care Needs**  
3 **Resolution #5**

4  
5 **Resolution Urging the Governor and State Legislature to Increase County**  
6 **Reimbursement for Early Intervention Transportation Services**

7  
8 **WHEREAS**, counties are responsible for ensuring that services developed in  
9 Individualized Family Service Plans (IFSP) are delivered to children in the Early  
10 Intervention Program (EIP), respectively, including transportation to these services, as  
11 needed; and

12  
13 **WHEREAS**, counties either contract with third-party transportation vendors or  
14 reimburse parents at the standard IRS mileage rate to transport children in the EIP to  
15 and from necessary services; and

16  
17 **WHEREAS**, counties are fiscally responsible for the costs of transportation to and  
18 from Early Intervention (EI) services for non-Medicaid eligible children beyond the New  
19 York State Department of Health (NYSDOH) reimbursement rate at 49 percent of cost;  
20 and

21  
22 **WHEREAS**, under State Plan Amendment 18-0029, as of Fall 2022, EI reimbursement  
23 methodology will be switching to a fee-for-service model with a set EI Transportation  
24 Rate; and

25  
26 **WHEREAS**, after this switch, the NYSDOH will only reimburse county EI  
27 transportation costs at 49 percent of the set rate, rather than at 49 percent of actual  
28 transportation costs paid out of County escrow; and

29  
30 **WHEREAS**, this change is expected to increase costs to counties and local taxpayers  
31 for EI transportation services, while reducing the State's costs for EI transportation; and

32  
33 **WHEREAS**, many counties expect this change to increase their upfront transportation  
34 costs paid out of the County Escrow and reduce the State reimbursement share for EI  
35 transportation services; and

36  
37 **WHEREAS**, transportation to and from EI services consume a large and growing  
38 percentage of local public health budgets, with average total, annual transportation  
39 costs per county of \$92,932, for EI from the previous fiscal year; and

40  
41 **WHEREAS**, across counties the average total, annual transportation costs per child  
42 were \$4,013 in the EIP in Fiscal Year 2021, a 16 percent increase from the previous  
43 fiscal year; and



1 **WHEREAS**, many counties, particularly in rural areas of the state, only have one,  
2 third-party transportation vendor available to provide transportation services, allowing  
3 these transportation providers a monopoly to increase their rates.

4  
5 **NOW, THEREFORE BE IT RESOLVED**, the New York State Association of  
6 Counties (NYSAC) calls on the Governor and the New York State Legislature to increase  
7 the State reimbursement rate for EI transportation services; and  
8

9 **BE IT FURTHER RESOLVED**, that the NYSDOH continue to reimburse counties  
10 based on actual, incurred transportation costs, rather than at a pre-set rate that does not  
11 accurately reflect true costs of EI transportation services; and  
12

13 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties  
14 of New York encouraging member counties to enact similar resolutions; and  
15

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



# NYSAC<sup>®</sup>

— NEW YORK STATE —  
ASSOCIATION OF COUNTIES

## **2022 NYSAC Fall Seminar Erie County**

### **Standing Committee on Economic Development & Environment Resolutions**

Hon. William Farber (Hamilton County) – Chair  
Hon. Rebecca Ryan (Wyoming County) –Vice Chair  
William Rabbia (Oneida County) –Vice Chair

1 **2022 NYSAC Fall Seminar**  
2 **Standing Committee on Economic Development, Environment & Energy**  
3 **Resolution #1**

4  
5 **Resolution Requesting Revisions to NYSDEC’s Proposed Part 360 Series**  
6 **Regulations**

7  
8 **WHEREAS**, the New York State Association of Counties (NYSAC) appreciates the New  
9 York State Department of Environmental Conservation (NYSDEC)’s efforts to  
10 streamline the Part 360 Series solid waste regulations through the rulemaking process  
11 that began on May 18, 2022; and

12  
13 **WHEREAS**, many of the proposed revisions to the Part 360 regulations provide  
14 helpful clarifications and changes that counties support to further protect the  
15 environment; and

16  
17 **WHEREAS**, several sections of the regulations could have a significant negative impact  
18 on New York State’s ability to manage our own waste in an efficient and  
19 environmentally sound manner; and

20  
21 **WHEREAS**, the proposed revisions to Subpart 361-3.2, which would extend the  
22 operating criteria for composting facilities from 200 to 500 feet for facilities handling  
23 more than 1,000 cubic feet of source separated organics (SSO), could unnecessarily  
24 restrict co-locating similar facilities that would beneficially use composted materials;  
25 and

26  
27 **WHEREAS**, the proposed language in subparts 362-3.3(c)(7), 362-3.5(k), 362-1.5(h),  
28 and 363-7.1(t), regarding the 2019 Food Donation and Food Scraps Recycling Law,  
29 create an impractical expectation for transfer facilities, combustors, and landfills to  
30 enforce the law at the point of generation; and

31  
32 **WHEREAS**, it should be NYSDEC’s responsibility to enforce the Food Donation and  
33 Food Scraps Recycling Law upstream of transportation, transfer, and end-use facilities;  
34 and

35  
36 **WHEREAS**, the proposed revisions to Subpart 363-5, which would arbitrarily prohibit  
37 new landfills and lateral and vertical expansions of existing landfills within 1,000 feet of  
38 a school or legal place of residence, would impact 20 of the 25 active landfills in New  
39 York State and, therefore, impact the available landfill capacity for waste generated  
40 within the state; and

41  
42 **WHEREAS**, by restricting disposal capacity within the state, more exportation of waste  
43 to out-of-state destinations will be necessary, resulting in more vehicle miles travelled  
44 for disposal and increasing the associated vehicle emissions; and

45  
46 **WHEREAS**, a detailed State Environmental Quality Review Act (SEQR) environmental  
47 impact assessment is already required for all proposed landfill expansions and includes

1 a scientific process by which the required setback is determined based upon site-specific  
2 metrics; and

3  
4 **WHEREAS**, the proposed changes to Subpart 363-6.6, which would require double  
5 composite liner systems for certain landfills and require the use of an 80-mil  
6 geomembrane in composite liner systems for facilities outside of Long Island, are not  
7 supported by evidence that the current requirements are not protective of groundwater  
8 quality; and

9  
10 **WHEREAS**, this arbitrary increase in liner thickness will increase the cost of liner  
11 purchases by 30 percent, which will result in approximately \$250,000 in new annual or  
12 biannual costs for local governments and public authorities that own landfills.

13  
14 **NOW, THEREFORE, BE IT RESOLVED**, that NYSAC respectfully requests  
15 NYSDEC provide technical justification for extending the operating criteria for  
16 composting facilities from 200 feet to 500 feet for facilities handling more than 1,000  
17 cubic yards of SSO; and

18  
19 **BE IT FURTHER RESOLVED**, NYSAC requests NYSDEC amend the sections of  
20 regulations pertaining to the 2019 Food Donation and Food Scraps Recycling Law to  
21 clarify that the regulations apply only to *source separated* food scraps; and

22  
23 **BE IT FURTHER RESOLVED**, NYSAC requests that NYSDEC remove the  
24 prohibitions on new landfills and landfill expansions within 1,000 feet of a school or  
25 residence, as they are a blatant overreach of the Department's regulatory authority; and

26  
27 **BE IT FURTHER RESOLVED**, NYSAC requests NYSDEC provide justification for  
28 the proposed changes to liner system requirements and withdraw these changes should  
29 they be unable to provide evidence that the current requirements do not protect  
30 groundwater quality; and

31  
32 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties  
33 of New York encouraging member counties to enact similar resolutions; and

34  
35 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to  
36 the Governor of the State of New York, NYSDEC Commissioner Basil Seggos, and all  
37 others deemed necessary and proper.

38

1 **2022 NYSAC Fall Seminar**  
2 **Standing Committee on Economic Development, Environment & Energy**  
3 **Resolution #2**

4  
5 **Resolution in Support of an Expedited Rollout of the ConnectALL Initiative**

6  
7 **WHEREAS**, access to affordable and reliable high-speed broadband service is critical  
8 for New Yorkers to receive medical care, work remotely, continue their education, and  
9 connect with family and friends; and

10  
11 **WHEREAS**, closing the digital divide and ensuring that high-speed broadband service  
12 is available to all New Yorkers is an important goal for the State of New York; and

13  
14 **WHEREAS**, while the State has made significant progress towards universal  
15 deployment, there are still parts of the state that do not have high-speed broadband  
16 available; and

17  
18 **WHEREAS**, broadband remains unaffordable for many New Yorkers who have service  
19 available to them; and

20  
21 **WHEREAS**, the Governor and State Legislature enacted the Comprehensive  
22 Broadband Connectivity Act of 2021 to direct the Public Service Commission (PSC) to  
23 study, on an annual basis, the availability, reliability, and cost of high-speed broadband  
24 service to ensure that all New Yorkers have the necessary affordable access going  
25 forward; and

26  
27 **WHEREAS**, PSC released an interactive map and report on June 16, 2022, detailing  
28 the scope of high-speed broadband infrastructure at an address-level in New York State;  
29 and

30  
31 **WHEREAS**, by collecting address-level data, New York is now able to depict what  
32 locations are served, underserved, and unserved in a more granular way, which will aid  
33 in directing funding to where it is needed; and

34  
35 **WHEREAS**, as part of her 2022 State of the State address, Governor Hochul  
36 announced the \$1 billion ConnectALL Initiative, which is the largest ever investment in  
37 New York's connectivity infrastructure; and

38  
39 **WHEREAS**, the ConnectALL Initiative will support local efforts to expand affordable  
40 and reliable broadband service by establishing and administering grant programs for  
41 funding to plan, engineer, and construct accessible broadband infrastructure; and

42  
43 **WHEREAS**, the swift rollout of these grant programs is of paramount importance to  
44 improving connectivity in the areas with the greatest need.

1 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of  
2 Counties (NYSAC) calls on Empire State Development (ESD) to expedite the rollout of  
3 ConnectALL and make grant applications available to local governments before the end  
4 of 2022; and

5  
6 **BE IT FURTHER RESOLVED**, NYSAC encourages continued collaboration with  
7 counties, the federal government, and between state agencies—including ESD, the  
8 Department of Environmental Conservation (DEC), the Adirondack Park Association  
9 (APA), and the Department of Transportation (DOT)—to close the digital divide; and

10  
11 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties  
12 of New York encouraging member counties to enact similar resolutions; and

13  
14 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to  
15 the Governor of the State of New York, the New York State Legislature, Empire State  
16 Development Commissioner and CEO Hope Knight, and all others deemed necessary  
17 and proper.



**NYSAC**  
— NEW YORK STATE —  
ASSOCIATION OF COUNTIES

**2022 NYSAC Fall Seminar  
Erie County**

**Standing Committee on Intergovernmental  
Affairs Resolutions**

Robert Hagemann (Jefferson County) – Chair  
Cheryl Ketchum (Wyoming County) – Vice Chair  
Jack Wheeler (Steuben County) – Vice Chair

1 **2022 NYSAC Fall Seminar**  
2 **Standing Committee on Intergovernmental Affairs**  
3 **Resolution #1**

4  
5 **Resolution Allowing for County Workers Compensation Pools to Join a**  
6 **Public Group Self-Funded Deductible Program That Can Help Lower Costs**  
7 **and Manage Existing Claims**

8 **WHEREAS**, currently, many local jurisdictions completely self-insure their workers  
9 compensation liability as allowed under Workers' Compensation Law; and

10  
11 **WHEREAS**, several counties operate workers compensation pools that provide  
12 workers compensation insurance to all or many of the jurisdictions within the county;  
13 and

14  
15 **WHEREAS**, many of these pools or self-insured plans are under reserved or funded on  
16 a "pay as you go" basis, making it fiscally impossible to climb out of that position and  
17 move into a fully insured program; and

18  
19 **WHEREAS**, there are successful solutions that have been tried and tested in other  
20 states that apply fiscally prudent solutions to the challenges faced by county workers  
21 compensation pools and some self-funded plans.

22  
23 **NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of  
24 Counties (NYSAC) hereby calls on the state to allow county workers compensation pools  
25 to join a public group self-funded deductible program that can help lower costs and  
26 manage existing claims; and

27  
28 **BE IT FURTHER RESOLVED**, this policy would allow local governments to take  
29 advantage of economies of scale to purchase excess coverage and to select a deductible  
30 limit that is within their budget parameters; and

31  
32 **BE IT FURTHER RESOLVED**, this policy also makes the participating jurisdiction  
33 more accountable for worker safety and to take an active role in implementing a  
34 proactive risk management program; and

35  
36 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties  
37 of New York encouraging member counties to enact similar resolutions; and

38  
39 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to  
40 the Governor of the State of New York, the New York State Legislature, and all others  
41 deemed necessary and proper.



1 **2022 NYSAC Fall Seminar**  
2 **Standing Committee on Intergovernmental Affairs**  
3 **Resolution #2**

4  
5 **Resolution Calling on the State to Set the Judgement Interest Rate Charged**  
6 **to State and Local Governments to be Tied to the Federal Interest Rate**  
7

8 **WHEREAS**, under current New York State law, defendants of a lawsuit are required to  
9 pay interest on the original judgement while the matter is under appeal and until an  
10 appellate division determination is made; and

11  
12 **WHEREAS**, the judgement interest rate in New York was set at nine percent in the  
13 1970's to match the federal interest rate at the time, when the appeals process moved  
14 more quickly because there were fewer court cases in the system; and

15  
16 **WHEREAS**, the appeals process today can take months and sometimes years to be  
17 resolved; and

18  
19 **WHEREAS**, today's federal interest rate, while growing, is still far below 9 percent;  
20 and

21  
22 **WHEREAS**, in some instances, a local government's interest penalties during the  
23 appeals process can exceed the original judgement award; and

24  
25 **WHEREAS**, local governments are unjustly forced to settle cases to avoid paying these  
26 punitive interest penalties, or pay the penalties through the costly and time consuming  
27 appeals process.

28  
29 **NOW THEREFORE BE IT RESOLVED**, the New York State Association of Counties  
30 (NYSAC) calls on the State Legislature to enact legislation that aligns the state's  
31 judgement interest rate to the weekly average of the one-year federal interest rate; and

32  
33 **BE IT FURTHER RESOLVED**, changing the state's judgment interest rate to match  
34 the federal rate is a reasonable and fair system for all parties that allows for parties to  
35 make cases when justified by legal reasoning and not be forced into settlements based  
36 entirely on fiscal pressure; and

37  
38 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties  
39 of New York encouraging member counties to enact similar resolutions; and

40  
41 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to  
42 the Governor of the State of New York, the New York State Legislature, and all others  
43 deemed necessary and proper.

1 **2022 NYSAC Fall Seminar**  
2 **Standing Committee on Intergovernmental Affairs**  
3 **Resolution #3**

4  
5 **Resolution Calling on the State to Provide Funding to Counties and County**  
6 **Boards of Elections for the Additional 2022 Primary, and to Provide**  
7 **Flexibility for the Number and Location of Early Voting Locations**

8  
9 **WHEREAS**, county boards of elections are responsible for managing election  
10 operations and paying for all or most of the costs of these operations; and

11  
12 **WHEREAS**, election reforms in recent years have helped to strengthen our democracy,  
13 by expanding access to voting through early voting, no excuse mail in ballots, and other  
14 reforms; and

15  
16 **WHEREAS**, many counties have reported very low turnout at some early voting  
17 locations and have requested flexibility in both the number of required early voting sites  
18 and polling locations to account for this low turnout; and

19  
20 **WHEREAS**, due to the increased frequency of elections coupled with early voting,  
21 counties are now required to hire poll workers as county employees and provide W-4's,  
22 rather than 1099-MISC's, which was the typical means for tax purposes; and

23  
24 **WHEREAS**, because this year's congressional and state senate redistricting maps were  
25 declared unconstitutional, county boards of elections had to expend funding, resources,  
26 and personnel to plan for and operate two separate primary elections.

27  
28 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of  
29 Counties (NYSAC) hereby calls on the State to provide financial support to counties and  
30 county boards of elections for having to operate two separate primary elections this  
31 year; and

32  
33 **BE IT FURTHER RESOLVED**, NYSAC also asks for the state to provide county  
34 boards of elections with more flexibility when siting and operating early voting polling  
35 sites to make the process more convenient and efficient without curbing access to  
36 voting; and

37  
38 **BE IT FURTHER RESOLVED**, Congress should reform the IRS "Election Workers –  
39 Reporting and Withholding" requirements by amending Section 6041(a) which applies  
40 to payments of compensation that are not subject to withholding of FICA or income tax;  
41 and

42  
43 **BE IT FURTHER RESOLVED**, this legislation should allow counties to issue 1099-  
44 MISC's for election worker earnings up to \$2,000, rather than the current statutory  
45 requirement of \$600; and

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

3  
4 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to  
5 The Governor of the State of New York, the New York State Legislature, the New York  
6 Congressional Delegation and all others deemed necessary and proper.



**NYSAC**  
— NEW YORK STATE —  
ASSOCIATION OF COUNTIES

**2022 NYSAC Fall Seminar  
Erie County**

**IT Task Force Resolutions**

Paul Lutwak (Madison County) – Chair

1 **2022 NYSAC Fall Seminar**  
2 **NYSAC IT Task Force**  
3 **Resolution #1**  
4

5 **Resolution Commending the State for Supporting Local Cybersecurity**  
6 **Efforts and Urging a Long-Term Commitment to Funding End Point**  
7 **Detection and Response Solutions**

8 **WHEREAS**, the cybersecurity threats to our counties and local governments cannot be  
9 understated; and

10  
11 **WHEREAS**, these are not theoretical threats; breaches are happening in New York;  
12 and

13  
14 **WHEREAS**, almost everything local governments do today rely on some type of  
15 information technology system, including but not limited to, email, public health  
16 programs and services, social service case management, elections, highway and road  
17 maintenance, public safety, snow removal, mental health care, financial management,  
18 court and judicial operations, and many other functions; and

19  
20 **WHEREAS**, hardware, software, and connections to local government networks are an  
21 integral part of just about every government operation and service; and

22  
23 **WHEREAS**, hackers are trying to access county systems by, among other things,  
24 sending phishing emails to county employees, looking for vulnerabilities in websites and  
25 looking for ways to access servers and databases; and

26  
27 **WHEREAS**, bad actors are trying to disrupt local government services, destroy  
28 systems, exploit data, and hold systems ransom for payment; and

29  
30 **WHEREAS**, the State of New York has committed to supporting counties' and local  
31 governments' cybersecurity efforts by creating a joint security operation center (JSOC)  
32 and funding endpoint detection and response solutions (EDR) for counties and the  
33 state's five largest cities.

34  
35 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of  
36 Counties (NYSAC) commends the Governor, the Division of Homeland Security and  
37 Emergency Services (DHSES), the Office of Information Technology Services (ITS) and  
38 the Division of Budget (DOB) for providing funding in the SFY 2023 for state and local  
39 cybersecurity efforts; and

40  
41 **BE IT FURTHER RESOLVED**, NYSAC supports the state's creation of the JSOC and  
42 funding the EDR solution for counties and cities; and

1 **BE IT FURTHER RESOLVED**, NYSAC calls on the Governor and DOB to commit to  
2 the long-term funding of the end point detection and response solutions so that it does  
3 not become an unfunded mandate for counties; and  
4  
5 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties  
6 of New York State encouraging member counties to enact similar resolutions; and  
7  
8 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to  
9 The Governor of the State of New York, the New York Legislature, the Division of  
10 Homeland Security and Emergency Services, and all others deemed necessary and  
11 proper.



**NYSAC**  
— NEW YORK STATE —  
ASSOCIATION OF COUNTIES

**2022 NYSAC Fall Seminar  
Erie County**

**Standing Committee on Medicaid and Human  
Services Resolutions**

Kira Pospesel (Greene County) - Chair  
Mike Fitzgerald (Madison County) - Vice Chair  
Robert Franklin (Monroe County) - Vice Chair

1 **NYSAC 2022 Fall Seminar**  
2 **Standing Committee on Medicaid and Human Services**  
3 **Resolution #1**

4  
5 **Resolution Calling on the New York Congressional Delegation to Support**  
6 **Federal Legislation that Exempts Qualified Residential Treatment**  
7 **Programs from the Federal Medicaid Institutions for Mental Disease (IMD)**  
8 **Exclusion and for New York State to Provide State-Only Medicaid Funding**  
9 **to Cover Any Loss of Federal Funds Until the Exemption is Achieved**

10  
11 **WHEREAS**, in 2018, Congress enacted the Family First Prevention Services Act  
12 (FFPSA), which includes numerous provisions to alter how the federal government will  
13 reimburse for certain foster care maintenance payments; and

14  
15 **WHEREAS**, a major provision of the FFPSA amends Title IV-E of the Social Security  
16 Act to limit foster care maintenance payments (FCMPs) to 14 days for children placed in  
17 child care institutions (CCIs or congregate care settings); and

18  
19 **WHEREAS**, the limitations on federal Title IV-E funding supports in the FFPSA are  
20 well intentioned as a pathway to prioritize family-based placement of youth with kinship  
21 and non-relative foster care, but it ignores the reality of the types of specialized services  
22 that many foster care youths require, and existing provider networks in many states can  
23 support; and

24  
25 **WHEREAS**, local departments of social services work closely with OCFS and voluntary  
26 agencies to reduce the use of congregate care and to place children with relatives and  
27 foster parents; and

28  
29 **WHEREAS**, children with complex needs rely on services offered in residential  
30 settings; and

31  
32 **WHEREAS**, if these placements become ineligible for federal funding, some service  
33 providers will discontinue their programs, and others will exist solely on state and local  
34 funding; and

35  
36 **WHEREAS**, under the New York State Foster Care Block Grant, the entire burden  
37 would be on counties unless the state makes a specific new fiscal commitment; and

38  
39 **WHEREAS**, the State is currently pursuing a temporary 1115 Medicaid waiver as the  
40 solution to this problem; and

41  
42 **WHEREAS**, the waiver the State is submitting is so restrictive many providers indicate  
43 the rules would not enable them to continue providing services; and

44  
45 **WHEREAS**, this would lead to New York State not being able to maintain residential  
46 capacity for children, who have been victims of abuse and neglect and who need an  
47 array of specialized services and a safe place to live.



1 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of  
2 Counties (NYSAC) calls on the New York State congressional delegation to support a  
3 federal law change to exempt Qualified Residential Treatment Programs that provide  
4 services to foster care youth from the federal Medicaid IMD exclusion; and

5  
6 **BE IT FURTHER RESOLVED**, the State of New York should provide state-only  
7 Medicaid funding support to cover any loss of federal funds until the federal law change  
8 is achieved; and

9  
10 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties of  
11 New York State, encouraging member counties to enact similar resolutions; and

12  
13 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to  
14 Governor Kathy Hochul, the New York State Legislature, the New York congressional  
15 delegation and all others deemed necessary and proper.

1 **NYSAC 2022 Fall Seminar**  
2 **Standing Committee on Medicaid and Human Services**  
3 **Resolution #2**

4  
5 **Resolution Calling on the Governor and State Legislature to Increase State**  
6 **Funding Support for the Foster Care Block Grant to Pay for the Rate**  
7 **Increase Enacted in the SFY 2023 Budget and Also Increase State Funding**  
8 **for Safety Net Programs**  
9

10 **WHEREAS**, over the last 15 years, the State has devolved away from their historic and  
11 constitutional responsibility to provide social services and support for low-income  
12 families and individuals, as demonstrated through significant reductions in state  
13 financial support for these programs, thereby shifting state costs and responsibilities to  
14 counties and New York City; and

15  
16 **WHEREAS**, these state funding shifts have increased county and New York City social  
17 services costs by hundreds of millions of dollars annually because the state requires that  
18 all services still be provided in full, sometimes including new and more comprehensive  
19 service levels, but with fewer state resources; and

20  
21 **WHEREAS**, these cuts include lowering state fiscal matching funds for Safety Net  
22 Programs from 50 percent to 29 percent along with maximizing federal funding to offset  
23 some of this loss, but the federal funds no longer offset losses for most counties today;  
24 and

25  
26 **WHEREAS**, the enacted State Fiscal Year 2023 budget eliminated the 45-day waiting  
27 period for cash assistance under the Safety Net Program, which will increase county  
28 (\$22 million) and New York City (\$40 million) costs by \$62 million annually; and

29  
30 **WHEREAS**, state funding support for the Foster Care Block Grant was cut by \$62  
31 million in State Fiscal Year 2018, a 14 percent reduction; and

32  
33 **WHEREAS**, the enacted State Fiscal Year 2023 budget included provisions to settle  
34 longstanding state litigation related to inadequate foster care rates paid to foster parents  
35 in New York City; and

36  
37 **WHEREAS**, counties were not a party to this settlement, nor consulted during state  
38 settlement negotiations; and

39  
40 **WHEREAS**, state funding for the Foster Care Block Grant is capped, which means  
41 counties are required to pay the full cost of the scheduled rate increases that will be  
42 spread over two years and will likely range between 20 percent to 50 percent when fully  
43 implemented; and

44  
45 **WHEREAS**, initial estimates of new costs upon full implementation are \$200 million,  
46 (\$117 million for New York City and \$83 million for the 57 counties); and

1 **WHEREAS**, in a recent state negotiated settlement to end litigation related to the  
2 adequacy of state resources provided for indigent criminal defense services, the Hurrell-  
3 Haring agreement provided 100 percent state funding support for all new costs of the  
4 settlement, and this should be the model for all state settlements that increase costs.  
5  
6 **NOW, THEREFORE, BE IT RESOLVED** the New York State Association of  
7 Counties (NYSAC) urges the Governor and State Legislature to fully fund the foster care  
8 rate increases included in the SFY 2023 budget; and  
9  
10 **BE IT FURTHER RESOLVED**, NYSAC urges the Governor and Legislature to  
11 increase the state’s 29 percent Safety Net Program share back to 50 percent without  
12 further reducing any other public assistance reimbursement before considering future  
13 benefit expansions in this program; and  
14  
15 **BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of  
16 New York State encouraging member counties to enact similar resolutions; and  
17  
18 **BE IT FURTHER RESOLVED**, NYSAC shall forward copies of this resolution to  
19 Governor Kathy Hochul, the New York State Legislature, and all others deemed  
20 necessary and proper.

1 **NYSAC 2022 Fall Seminar**  
2 **Standing Committee on Medicaid and Human Services**  
3 **Resolution #3**

4  
5 **Resolution Urging the Governor and New York State Legislature to Become**  
6 **a True Partner by Focusing on Rent Allowance and Standard of Need Which**  
7 **Must Include the Restoration of 50/50 Cost Sharing for Safety Net**  
8 **Programs, and Clarify Its Homelessness Prevention Goals by Making**  
9 **Permanent Housing the Central Focus**

10  
11 **WHEREAS**, homelessness and housing affordability continue to be major concerns  
12 across the state; and

13  
14 **WHEREAS**, the COVID-19 pandemic has made the situation worse through increased  
15 rental rates, decreased housing supply and an increased reliance on temporary housing  
16 assistance in shelters and motels; and

17  
18 **WHEREAS**, the expansion of remote work and other factors has led to rising rents in  
19 suburban areas at a rate approaching urban centers with the gap in premiums paid  
20 between urban centers and suburban areas being cut by more than 53 percent; and

21  
22 **WHEREAS**, this means rents are higher everywhere, with the northeast region seeing  
23 the second highest rent increases nationwide with New York City setting record highs  
24 for median rent in 2022; and

25  
26 **WHEREAS**, Emergency Rental Assistance funding provided by Congress to prevent  
27 people from losing their homes and increasing homelessness was an essential strategy  
28 as the human hardships would have been far more devastating if we had not kept people  
29 housed; and

30  
31 **WHEREAS**, the homeless population is facing new problems as the needs of families  
32 have become more complicated; and

33  
34 **WHEREAS**, regardless of family size and demographics, many of those facing  
35 homelessness or seeking emergency shelter can have challenging medical needs, mental  
36 health and substance abuse issues, some are registered sex offenders, and still others are  
37 state prison parolees or on probation; with some facing several of these challenges at the  
38 same time; and

39  
40 **WHEREAS**, the state is implementing new hotel regulations that could reduce the  
41 number of units available to homeless families and leaving county officials with very  
42 limited options that may be less effective and more expensive in managing local  
43 homeless populations; and

44  
45 **WHEREAS**, the state requires counties to fund 71 percent of costs for Safety Net  
46 individuals and 100 percent of the costs of administering these programs; and

1 **WHEREAS**, local social service districts focus scarce resources on achieving  
2 permanent housing, preventing homelessness and providing temporary placement; and

3  
4 **WHEREAS**, counties maintain that preventing homelessness in the first place is the  
5 best way to keep families safe and secure; and

6  
7 **WHEREAS**, counties maintain that while it is important to provide help in a crisis, it is  
8 better policy to maintain stability and prevent emergencies by providing sufficient  
9 resources up front.

10  
11 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of  
12 Counties (NYSAC) calls on the Governor and state legislature to prioritize permanency  
13 in housing and to update rental allowances and the standard of need which have not  
14 been properly updated in decades to fully address the dramatic growth in housing,  
15 energy and food costs; and

16  
17 **BE IT FURTHER RESOLVED**, as part of the effort the state must restore the Safety  
18 Net state share to 50 percent; and

19  
20 **BE IT FURTHER RESOLVED**, the State should pare back or end highly burdensome  
21 hotel and motel regulations that end up limiting the supply of rooms available to  
22 counties that have little choice but to rely on this method of temporary housing; and

23  
24 **BE IT FURTHER RESOLVED**, the State should coordinate a timely transition to  
25 supportive housing for the highest need individuals with mental health and substance  
26 abuse issues in collaboration with OTDA, other state agencies, and local social services  
27 districts; especially those that have been repeatedly homeless and in need of supportive  
28 placements overseen by OMH, OASAS, OPWDD and DOCCS; and

29  
30 **BE IT FURTHER RESOLVED**, the State should target funding to counties that  
31 allows them to work with community partners to develop service models that achieve  
32 permanency through innovative and flexible approaches that meet local needs; and

33  
34 **BE IT FURTHER RESOLVED**, the State should work with counties in developing a  
35 public education campaign to ensure people better understand the plight of families and  
36 individuals struggling with homelessness and how everyone can benefit by helping them  
37 achieve stable housing in our communities; and

38  
39 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties  
40 of New York State encouraging member counties to enact a similar resolution; and

41  
42 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to  
43 Governor Kathy Hochul, the Office for Temporary Disability Assistance and all others  
44 deemed necessary and proper.



**NYSAC**  
— NEW YORK STATE —  
ASSOCIATION OF COUNTIES

**2022 NYSAC Fall Seminar  
Erie County**

**Standing Committee on Native American Affairs &  
Gaming Resolutions**

Ashley Milliman (Cattaraugus County) - Chair  
Hon. John Becker (Madison County) - Vice Chair  
Hon. Elizabeth Larkin (Cortland County) - Vice Chair

1 **NYSAC 2022 Fall Conference**  
2 **Standing Committee on Native American Affairs and Gaming**  
3 **Resolution #1**

4  
5 **Resolution Calling on the State of New York to Promptly and Equitably**  
6 **Secure with the Seneca Nation a Continuing Compact Agreement that is**  
7 **Beneficial to all Parties and Local Governments**  
8

9 **WHEREAS**, in 2002, the State of New York and the Seneca Nation entered into a compact  
10 with a provision that gaming revenue would be shared with the State in return for certain  
11 gaming exclusivity rights in Western New York; and  
12

13 **WHEREAS**, under law the State of New York shares with local governments, including 16  
14 counties in Western New York, a portion of gaming revenue they receive from the Seneca  
15 Nation; and  
16

17 **WHEREAS**, this significant amount of local government funding is a key element in  
18 helping counties maintain infrastructure and provide public safety for all residents as well  
19 as provide services needed to help support this growing gaming industry; and  
20

21 **WHEREAS**, in 2017, a dispute between the Seneca Nation and the State arose over the  
22 language within the compact, leading the Nation to stop revenue sharing payments to the  
23 State; and  
24

25 **WHEREAS**, this revenue loss amounts to over \$50 million annually to the local  
26 governments in Western New York; and  
27

28 **WHEREAS**, during the entirety of the dispute the State did not fund most Western County  
29 local governments for the amounts they typically receive from Compact gaming revenue,  
30 which disrupted local service levels and highlighted how necessary it is for this revenue to  
31 remain consistent and predicable; and  
32

33 **WHEREAS**, in 2022, the State of New York announced the resolution of this matter and  
34 that back payments from the past four plus years were sent to the State and local  
35 governments and stated negotiations on a new compact between the State and the Nation  
36 will begin; and  
37

38 **WHEREAS**, the New York Association of Counties (NYSAC) appreciates the efforts of  
39 Governor Hochul to resolve this Compact dispute and understanding the importance of this  
40 gaming revenue for local service needs; and  
41

42 **WHEREAS**, the current gaming compact between the Seneca Nation and New York state  
43 expires in December 2023; and  
44

45 **WHEREAS**, recently the Seneca Nation President Matthew Pagels stated the Seneca  
46 Nation notified the state that they were prepared to begin new negotiations, initiating a 180-  
47 day grace period to start in earnest; and

1 **WHEREAS**, the Seneca Nation and the counties of New York have a strong relationship  
2 and the counties appreciate this partnership, and value the rich history and the significant  
3 positive benefit the Nation brings to all in Western New York.  
4  
5 **NOW, THEREFORE, BE IT RESOLVED**, NYSAC calls on the State of New York to  
6 come to an agreement with the Seneca Nation to extend the Compact beyond December  
7 2023; and  
8  
9 **BE IT FURTHER RESOLVED**, any changes to the new Compact should benefit all  
10 parties and be equitable and fair to the Seneca Nation; and  
11  
12 **BE IT FURTHER RESOLVED**, the State must continue to provide gaming revenue in a  
13 similar fashion to local governments in 2023 and beyond to support critical local services  
14 for all residents in need; and  
15  
16 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties of  
17 New York State, encouraging member counties to enact similar resolutions; and  
18  
19 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to  
20 Governor Kathy Hochul, the New York State Legislature, Seneca Nation of Indians, and all  
21 others deemed necessary and proper.



1 **NYSAC 2022 Fall Conference**  
2 **Standing Committee on Native American Affairs and Gaming**  
3 **Resolution #2**

4  
5 **Resolution Calling on the State of New York to Make All Municipalities**  
6 **Whole in the Saint Regis Mohawk Tribal Gaming Region that Have Been**  
7 **Impacted by the State’s Lack of Payment**  
8

9 **WHEREAS**, On October 15, 1993, the St. Regis Mohawk Tribe and the State of New York  
10 signed a compact paving the way for casino gaming; the Akwesasne Mohawk Casino opened  
11 on April 12, 1999; and  
12

13 **WHEREAS**, under agreement and codification in New York law, the St. Regis Mohawk  
14 Tribe pays 25 percent of all gaming revenue to the State of New York in return for, in part,  
15 exclusivity regional gaming rights; and  
16

17 **WHEREAS**, under the agreement, the State of New York shares with local governments,  
18 including counties and numerous towns in Northern New York, a portion of revenue they  
19 receive from the St. Regis Mohawk Tribe; and  
20

21 **WHEREAS**, the counties and local governments rely on that revenue to maintain  
22 infrastructure and provide public safety for all residents, as well as provide services needed  
23 to help support this growing gaming industry; and  
24

25 **WHEREAS**, in March 2020, the State of New York, under a State of Emergency, closed  
26 many businesses, especially ones where crowds gathered, including casinos, resulting in  
27 revenue losses for the Akwesasne Mohawk Casino; and  
28

29 **WHEREAS**, in August 2020, casinos including the Akwesasne Mohawk Casino were  
30 allowed and did reopen with a limited capacity and began making revenue once again that  
31 should have been shared with the State and local governments; and  
32

33 **WHEREAS**, to date, there have been no payments by the State to the seven northern  
34 region counties since the last quarter of 2019; and  
35

36 **WHEREAS**, this revenue loss amounts to millions of dollars annually to the seven  
37 northern region counties; and  
38

39 **WHEREAS**, this funding is needed by the counties to fix roads, support social services,  
40 and provide for public health and safety; and  
41

42 **WHEREAS**, the St. Regis Mohawk Tribe and the counties of New York have a long history  
43 of productive partnerships and respect; and  
44

45 **WHEREAS**, New York State has not been receptive to easing the financial burden on these  
46 seven counties that was created by the State’s failure to resolve the issue; and  
47

48 **WHEREAS**, the State of New York has created a system by which vital local services are  
49 dependent on continued revenue being received and distributed to local governments

1 through casino gaming, yet the State has not made a contingency plan and/or ignored the  
2 needs of local governments when this revenue is lowered or withheld; and

3  
4 **WHEREAS**, in Western New York, Governor Hochul and the Seneca Nation resolved a  
5 non-payment to the State issue earlier this year, understanding the importance of the  
6 continued funding for these local services.

7  
8 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of Counties  
9 (NYSAC) calls on the State of New York to immediately make municipalities whole for the  
10 funding being withheld by the State by either lack of collection from the St. Regis Mohawk  
11 Tribe or collected and not passed through in a timely manner; and

12  
13 **BE IT FURTHER RESOLVED**, in the alternative, if the state is unwilling to make the  
14 local governments whole, and if the St. Regis Mohawk Tribe desires to assist local  
15 governments directly, the State will not see this as a violation, nor will this act be subject to  
16 the terms of the St. Regis Mohawk Tribe and New York State Compact; and

17  
18 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties of  
19 New York State encouraging member counties to enact similar resolutions; and

20  
21 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to  
22 Governor Kathy Hochul, the New York State Legislature, the St. Regis Mohawk Tribe, and  
23 all others deemed necessary and proper.

1 **NYSAC 2022 Fall Conference**  
2 **Standing Committee on Native American Affairs and Gaming**  
3 **Resolution #3**

4  
5 **Resolution Calling on the State of New York to Immediately Make All**  
6 **Municipalities Whole that have Been Impacted by the Loss of Property Tax**  
7 **Revenue from Claimed Sovereign Native American Land**  
8

9 **WHEREAS**, for over 20 years, the Cayuga Indian Nation has claimed tribal lands in  
10 Seneca County, and for over fourteen of those years, the Cayuga Nation has refused to  
11 pay any property tax on these assessed properties and retail sales taxes for gasoline and  
12 tobacco products; and

13  
14 **WHEREAS**, despite years of litigation, including up to the Supreme Court of the  
15 United States, to address the issues of sovereign claims, no further legal recourse is  
16 available to Seneca County to recover these lost tax revenues; and

17  
18 **WHEREAS**, in 2022, the anticipated single year lost tax revenue attributed to the  
19 Cayuga Indian Nation owned land will exceed \$525,000, with total lost  
20 revenues exceeding \$20,000,000 over the past twenty-nine years; and

21  
22 **WHEREAS**, the taxpayers of Seneca County are being forced to make good on those  
23 taxes, reducing the revenue that would otherwise be available for tax relief, repair of  
24 roads and infrastructure, support to social services, schools, and otherwise to provide  
25 for public health and public safety; and

26  
27 **WHEREAS**, supplemental state aid, or offset payments, were provided to Seneca  
28 County for 10 years to provide some partial relief to the taxpayers of the County,  
29 but that for the past four years, no such aid has been provided; and

30  
31 **WHEREAS**, Seneca County has borne the full weight of not only lost property tax  
32 revenue, but also tax-free retail sales of tobacco and gasoline, and now untaxed sale of  
33 cannabis products will be added to that burden; and

34  
35 **WHEREAS**, the taxpayers of the county are facing these growing shortfalls in both  
36 property and sales tax revenues without any legal remedy or recourse.

37  
38 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of  
39 Counties (NYSAC) calls on the State of New York to address and resolve this  
40 fiscal crisis imposed on the taxpayers of Seneca County and all other municipalities  
41 impacted in order to avoid further catastrophic harm to public safety and county  
42 services including but not limited to seeking direct impact aid from the federal  
43 government; and

44  
45 **BE IT FURTHER RESOLVED**, full supplemental aid to Seneca County, and  
46 any other counties or municipalities so impacted by sovereign tribal claims be made in  
47 this and every future state budget, to bring parity and fairness to the people of the

1 county; and

2

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

5

6 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to  
7 Governor Kathy Hochul, the New York State Legislature, our federal legislators, and  
8 others deemed necessary and proper.



**NYSAC**  
— NEW YORK STATE —  
ASSOCIATION OF COUNTIES

**2022 NYSAC Fall Seminar  
Erie County**

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

Linda Beers (Essex County) – Chair  
Hon. Michael Amo (Orange County) – Vice Chair  
Laura Kelemen (Niagara County) – Vice Chair

1 **2022 NYSAC Fall Seminar**

2 **Standing Committee on Public Health/Mental Health**  
3 **Resolution #1**

4 **Resolution in Support of Fully Funding the Implementation of the 2019**  
5 **Elevated Blood Lead Level Mandate**

6 **WHEREAS**, lead poisoning prevention activities are delivered by local health  
7 departments; and

8  
9 **WHEREAS**, when the definition of elevated blood lead level (EBLL) was lowered from  
10 10 to 5 ug/dL or greater, the State only allocated an additional \$9.7 million for Article  
11 Six state aid; and

12  
13 **WHEREAS**, this investment falls short of the \$40 million needed to implement this  
14 work and protect children, thereby placing the majority of the cost burden (\$30.3  
15 million) on the local tax levy; and

16  
17 **WHEREAS**, this estimated need is based on an average cost per case of nurse case  
18 management of \$713 and an average cost of \$2,123 per case for environmental  
19 management activities; and

20  
21 **WHEREAS**, at the January 29, 2020, Lead Poisoning Prevention Advisory Council  
22 meeting, the New York State Department of Health (NYSDOH) presented data on the  
23 first quarter of implementation that showed an additional 1,725 children between the  
24 ranges of 5-9 µg/dL required interventions; and

25  
26 **WHEREAS**, while this highlights the importance of lowering the EBLL, it also  
27 represents the equivalent to 2.5 years of work occurring in a single quarter when  
28 compared to prior years; and

29  
30 **WHEREAS**, counties recognize the extraordinary impact the COVID-19 pandemic has  
31 had on children and families at risk for lead exposure due to stay-at-home orders,  
32 remote learning, and barriers to attending pediatric appointments and access testing for  
33 lead screening; and

34  
35 **WHEREAS**, in 2021, the Centers for Disease Control and Prevention (CDC) further  
36 lowered the recommendation to 3.5 µg/dL, which, if adopted by New York State, would  
37 cost an additional \$30 million to implement locally; and

38  
39 **WHEREAS**, new and expanded duties placed on local health departments, as well as  
40 existing duties that are underfunded, may result in increased civil liability for our county  
41 governments; and

42  
43 **WHEREAS**, county governments will allocate existing and new investments to support  
44 the lower EBLL through this program to secure and maintain the necessary staffing and  
45 other resources required to accomplish the goals set forth by the state mandate, while

1 also ensuring that New York State keeps its promise to property taxpayers through its  
2 enactment of a permanent property tax cap.

3  
4 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of  
5 Counties (NYSAC) calls on the Governor and State Legislature to increase the  
6 appropriation for NYSDOH’s Lead Poisoning Prevention Program to fully cover the cost  
7 of the current expanded mandate and any future policy changes; and  
8

9 **BE IT FURTHER RESOLVED**, NYSAC calls on the Governor and Legislature to  
10 distribute all funding necessary to local health departments through existing grant  
11 mechanisms to implement the expanded mandate; and  
12

13 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties  
14 of New York encouraging member counties to enact similar resolutions; and  
15

16 **BE IT FURTHER RESOLVED** that NYSAC shall forward copies of this resolution to  
17 the Governor of the State of New York, the New York State Legislature, NYSDOH  
18 Commissioner Mary Bassett, and all others deemed necessary and proper.

1 **2022 NYSAC Fall Seminar**  
2 **Standing Committee on Public Health/Mental Health**  
3 **Resolution #2**

4 **Resolution in Support of Enactment of Legislation to Amend the Public**  
5 **Health Law in Relation to Municipal Limited Health Care Service Facilities**

6  
7 **WHEREAS**, under current law, the 58 local health departments (LHDs) in New York  
8 State that provide any direct health care services in clinic settings are regulated under  
9 Article 28 of the Public Health Law as diagnostic and treatment centers; and

10  
11 **WHEREAS**, most LHDs provide only a limited set of direct care services necessary to  
12 support their mandated, core public health activities, as defined under Article 6 of the  
13 Public Health Law; and

14  
15 **WHEREAS**, the existing Article 28 statute and regulations are intended, and were  
16 originally written, to govern hospitals and other “full-service” diagnostic and treatment  
17 centers; and

18  
19 **WHEREAS**, at an earlier point in the state’s history, many LHDs served as safety net  
20 providers of direct primary care, but, today, very few LHDs continue to provide a level of  
21 direct primary care services similar to those provided in the traditional Article 28  
22 regulated facilities; and

23  
24 **WHEREAS**, in most communities, this need is now met by other safety net providers,  
25 such as federally qualified health care centers and expanded hospital-based clinics; and

26  
27 **WHEREAS**, despite this change in service provision, LHD Article 28 facilities are still  
28 required to comply with all current regulations, regardless of the applicability to the  
29 more limited public health services they provide, such as vaccinations; and

30  
31 **WHEREAS**, meeting these stringent — and often onerous and expensive — regulatory  
32 mandates impose significant administrative costs on municipalities, and thus, on local  
33 property taxpayers; and

34  
35 **WHEREAS**, counties believe that the update to the Public Health Law proposed in  
36 A.5177 (Paulin) will enable the State Commissioner of Health to revise the regulations  
37 that are now unnecessarily complex for most LHDs, ensuring that the requirements  
38 reflect the level of services that they provide.

39  
40 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of  
41 Counties (NYSAC) calls on the Governor and State Legislature to revise the current  
42 Article 28 regulatory framework for municipal limited health care service facilities; and

43  
44 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties  
45 of New York encouraging member counties to enact similar resolutions; and



1 **BE IT FURTHER RESOLVED** that NYSAC shall forward copies of this resolution to  
2 the Governor of the State of New York, the New York State Legislature, NYSDOH  
3 Commissioner Mary Bassett, and all others deemed necessary and proper.

1 **2022 NYSAC Fall Seminar**  
2 **Standing Committee on Public Health/Mental Health**  
3 **Resolution #3**

4 **Resolution in Support of Issuing Relief to Local Health Departments by**  
5 **Requiring the State Commissioner of Health to Waive the Cost Reporting**  
6 **Requirement for Municipal Licensed Home Care Service Agencies**  
7 **(LHCSAs)**

8 **WHEREAS**, the 2018-19 budget enacted a number of changes related to Licensed  
9 Home Care Services Agencies, including a requirement to submit an annual cost report  
10 to address issues related to the 56 percent increase in the number of LHCSAs between  
11 2012-2018, as well as unexpected increases in Managed Long Term Care Enrollment;  
12 and

13  
14 **WHEREAS**, the previous state budget actions intended to address concerns related to  
15 this significant growth in the industry; and

16  
17 **WHEREAS**, local health departments (LHDs) who are not certified home health  
18 agencies are required by the New York State Department of Health (NYSDOH) to  
19 maintain licensure as a LHCSA because public health nurses deliver some public health  
20 services in the home setting; and

21  
22 **WHEREAS**, most LHDs provide only a limited set of services that are needed to  
23 support their mandated, core public health activities, as defined under Article 6 of the  
24 Public Health Law; and

25  
26 **WHEREAS**, LHDs typically have minimal activity and little to no fee revenue  
27 associated with these services, which are typically visits related to maternal child health  
28 or elevated blood lead levels in a child; and

29  
30 **WHEREAS**, these public health services are part of core public health services  
31 provided under Article Six of the Public Health Law exclusively by LHDs; and

32  
33 **WHEREAS**, the current statutory cost reporting requirement is burdensome to the  
34 already stretched public health workforce and does not provide valuable information to  
35 the State regarding costs and patterns of services within the LHCSA industry overall;  
36 and

37  
38 **WHEREAS**, change to the cost reporting requirement will provide mandate relief for  
39 counties and the City of New York and remove unnecessary costs to the taxpayers by  
40 relieving the administrative burden and expense of submitting costs reports when  
41 minimal to no revenue is associated with these public health services.

1 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of  
2 Counties (NYSAC) calls on the Governor and State Legislature to enact legislation as  
3 part of the FY 2024 State Budget regarding the submission of cost reports by municipal  
4 LHCSAs, with eligibility based on delivering core public health services; and

5  
6 **BE IT FURTHER RESOLVED**, NYSAC recommends that the State Budget legislation  
7 add the following language to Public Health Law section 3612 subdivision 8:

8 (e) the commissioner shall waive the cost report requirements of subdivision 8  
9 for municipalities operating a licensed home care services agency solely for the  
10 purpose of providing core public health services as defined in Section 602 of the  
11 public health law. Eligibility shall be determined by the department based on the  
12 municipality's state aid application pursuant to section 606 subdivision (3) of the  
13 public health law; and

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

16  
17 **BE IT FURTHER RESOLVED** that New York State Association of Counties shall  
18 forward copies of this resolution to The Governor of the State of New York, the New  
19 York State Legislature, NYSDOH Commissioner Mary Bassett, and all others deemed  
20 necessary and proper.

1 **2022 NYSAC Fall Seminar**  
2 **Standing Committee on Public Health/Mental Health**  
3 **Resolution #4**

4  
5 **Resolution Requesting Targeted State Investments in Programming and**  
6 **Policies to Develop and Fund Core Local Services to Decrease the Use of**  
7 **Emergency Departments (EDs) for the Treatment of Children and Youth**  
8 **with Complex Behavioral Health Needs**  
9

10 **WHEREAS**, the Local Governmental Units (LGUs)/Directors of Community Services  
11 (DCSs) have specific responsibilities and authority under the Local Services provisions  
12 of Article 41 of the NYS Mental Hygiene Law (MHL) for planning, development,  
13 implementation, and oversight of services to adults and children in their counties  
14 affected by mental illness, substance use disorder, and intellectual/developmental  
15 disabilities (I/DD); and  
16

17 **WHEREAS**, localities continue to struggle with an overwhelmed community-based  
18 system of care that is unable to adequately support children and youth with co-occurring  
19 disorders; and  
20

21 **WHEREAS**, the Directors of Community Services (DCSs) are seeing firsthand and have  
22 growing concerns regarding the upward trend in children and youth with complex  
23 behavioral health needs ending up in EDs due to unmet needs; and  
24

25 **WHEREAS**, State inpatient bed closures and a lack of available crisis services have  
26 significantly impacted counties' ability to provide this higher-level care and has resulted  
27 in various placements in last-resort settings, which are not appropriate and sometimes  
28 detrimental to the treatment goals; and  
29

30 **WHEREAS**, some at-risk youth have been placed out of the State for residential  
31 services, reflecting the need to develop additional appropriate services within New York  
32 with a full spectrum of services available; and  
33

34 **WHEREAS**, over the last several years, there has been a substantial rise in the  
35 numbers of children and youth languishing in EDs without the ability to be connected to  
36 appropriate care; and  
37

38 **WHEREAS**, EDs are a suboptimal setting for children and youth, particularly if they  
39 are not at imminent risk of harm to themselves or others, and often offer overstimulating  
40 environments, exposure to other psychiatrically and medically ill individuals, and an  
41 absence of appropriate assessment and treatment; and  
42

43 **WHEREAS**, according to a 2021 report by the Healthcare Association of NYS  
44 (HANYS), a 15-year-old youth was placed in an ED for over three months after a  
45 yearlong search for residential placement, which resulted in over \$195,000 in hospital  
46 costs and, after over 6 months in the ED, a 16-year-old patient decompensated so

1 severely and required oversight by two public safety officers and three to five beds to  
2 minimize disruption to other patients; and

3  
4 **WHEREAS**, a child in Franklin County with a significant trauma history and diagnosed  
5 conduct disorder was placed in a standard ED and languished for 8 weeks after being  
6 denied admission at a sister hospital within the same health system that contained a  
7 9.39 unit; and

8  
9 **WHEREAS**, the State must make appropriate targeted investments to include local  
10 resource streams for localities to initiate treatment models with proven success, such as  
11 expansion of intensive treatment programs and prevention and early intervention  
12 programs (including mobile crisis response and family and caregiver supports); and

13  
14 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of  
15 Counties (NYSAC) calls on the Governor, Division of Budget (DOB), Office for People  
16 with Developmental Disabilities (OPWDD), Office of Addiction Services and Supports  
17 (OASAS), Office of Mental Health (OMH), Department of Health (DOH), and  
18 Legislature to ensure these critical program and policy investments are met with the  
19 utmost urgency and addressed during the SFY 2024 budget cycle; and

20  
21 **BE IT FURTHER RESOLVED**, New York State needs to address, develop, and fund  
22 core local services to address the use of EDs for the treatment of children and youth with  
23 complex behavioral health needs; and

24  
25 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties  
26 of New York State encouraging member counties to enact similar resolutions; and

27  
28 **BE IT FURTHER RESOLVED**, NYSAC forward copies of this resolution to the  
29 Governor of the State of New York, the New York State Legislature, and all others  
30 deemed necessary and proper.



**NYSAC**  
— NEW YORK STATE —  
ASSOCIATION OF COUNTIES

**2022 NYSAC Fall Seminar  
Erie County**

**Standing Committee on Public Employee  
Relations Resolutions**

Mark Scimone (Madison County) – Chair  
Langdon Chapman (Orange County) – Vice Chair  
Paul Eldridge (Putnam County) – Vice Chair

1 **2022 NYSAC Fall Seminar**  
2 **Standing Committee on Public Employee Relations**  
3 **Resolution #1**

4  
5 **A Resolution Urging Investment by The State Within the Department of**  
6 **Civil Service to Support Public Employee Recruitment and Retention**

7 **WHEREAS**, recruitment and retention of qualified public employees has become a  
8 challenge in local and in state government; and

9  
10 **WHEREAS**, a recent study by the Bureau of Labor Statistics showed while the number  
11 of private-sector jobs surpassed its pre-pandemic level, there are 664,000 fewer people  
12 employed in the public sector; and

13  
14 **WHEREAS**, government employers are competing for workers in a historically tight  
15 labor market, and the private sector is offering considerably higher salaries to meet this  
16 demand while the public sector is restricted due to tax increase concerns and budget  
17 restrictions; and

18  
19 **WHEREAS**, the recruitment of licensed professionals is a particular challenge due to  
20 the lack of security in provisional appointments to positions of public employment; and

21  
22 **WHEREAS**, staffing shortages in county government must be avoided, as county  
23 employees supplying direct vital services to our residents in need, services that include  
24 but are not limited to, public health, hospitals/nursing homes, mental health, public  
25 safety, public defense, and social services' needs; and

26  
27 **WHEREAS**, while many solid employees seek to serve and/or stay in public  
28 employment, too often factors such as the Civil Service testing system requirements are  
29 too slow for an applicant to wait on a position, and this will lead them to take a private  
30 sector position; and

31  
32 **WHEREAS**, the State Department of Civil Service administers and scores the majority  
33 of tests needed to hire county employees and if they are not fully staffed and operating  
34 at maximum efficiency, this causes delays that directly impact local government hiring  
35 ability.

36  
37 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of  
38 Counties calls upon the Governor, State Legislature and the Department of Civil Service  
39 to work closely with counties and other local government partners to modernize and  
40 streamline hiring and promotion practices within the civil service system and broaden  
41 local government recruitment flexibility; and

42  
43 **BE IT FURTHER RESOLVED**, that the New York State Association of Counties  
44 recommends the State Legislature and Governor invest in increasing the staffing in the  
45 municipal services area of the Department of Civil Service so that tests can be written  
46 and graded in a faster manner in all positions; and

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

3  
4 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to  
5 the Governor, the New York State Legislature, the Department of Civil Service and all  
6 others deemed necessary and proper.





**NYSAC**  
— NEW YORK STATE —  
ASSOCIATION OF COUNTIES

## **2022 NYSAC Fall Seminar Erie County**

### **Standing Committee on Public Safety Resolutions**

Hon. Sheriff Ron Spike (Yates County) – Chair  
Hon. Sheriff Juan Figueroa (Ulster County) – Vice Chair  
Hon. Kathy Stegenga (Orange County) – Vice Chair  
Hon. Matthew Veitch (Saratoga County) – Vice Chair

1 **2022 NYSAC Fall Seminar**  
2 **Standing Committee on Public Safety**  
3 **Resolution #1**

4  
5 **Resolution Encouraging the State Legislature and Governor to Authorize**  
6 **Municipalities, including Counties, to Establish a Special District to Finance**  
7 **and Operate General Ambulance Services**

8  
9 **WHEREAS**, many counties throughout the state are experiencing significant staffing  
10 shortages in emergency medical services, jeopardizing the community emergency  
11 response to those in need of assistance; and

12  
13 **WHEREAS**, a 2013 analysis by the New York State Department of Health (NYSDOH)  
14 found that, while the average scene-to destination time throughout New York State was  
15 13.16 minutes, some parts of the Adirondacks have significantly longer wait times. The  
16 average scene-to-destination time is 17.77 minutes in Clinton County, 18.32 minutes in  
17 Franklin County, 21.59 minutes in Warren County, 25.55 minutes in Essex County, and  
18 53.46 minutes in Hamilton County; and

19  
20 **WHEREAS**, this delayed response poses a significant threat to the lives of those who  
21 live and recreate in these counties; and

22  
23 **WHEREAS**, states have long used special districts to enhance services for ever-  
24 evolving communities; and

25  
26 **WHEREAS**, Emergency Services Districts (ESDs), in particular, can reduce response  
27 times and increase the survival rate of patients who require prehospital care in areas  
28 that have been historically underserved; and

29  
30 **WHEREAS**, according to the National Census Bureau, 150 ESDs were created to  
31 provide local fire protection and ambulance services between 2012 to 2017 in the United  
32 States.

33  
34 **NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of  
35 Counties (NYSAC) encourages the Governor and State Legislature to enact legislation  
36 S.5331 (Stec)/A.857 (Jones) that would authorize municipalities, including counties, to  
37 establish a countywide special district to finance and operate general ambulance  
38 services; and

39  
40 **BE IT FURTHER RESOLVED**, this legislation would also require the Division of  
41 Homeland Security and Emergency Services (DHSES) Commissioner to identify  
42 challenges concerning volunteer emergency services or personnel; and

43  
44 **BE IT FURTHER RESOLVED**, by authorizing counties to establish special districts,  
45 this legislation would increase the quality of emergency protection services in New York  
State with economies of scale, particularly in rural portions of the State; and

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

3  
4 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to  
5 the Governor of the State of New York, the New York State Legislature, and all others  
6 deemed necessary and proper.

1 **2022 NYSAC Fall Seminar**  
2 **Standing Committee on Public Safety**  
3 **Resolution #2**  
4

5 **Resolution Encouraging the State Legislature and Governor to Enact**  
6 **Legislation to Expedite the Disbursement of Raise the Age Funds to**  
7 **Counties and Community-Based Organizations That Work with At-Risk**  
8 **Youth**  
9

10 **WHEREAS**, when New York’s Raise the Age law took effect on October 1, 2018,  
11 counties were promised that the supervision and treatment services for juveniles’  
12 program (STSJP) would be fully funded; and  
13

14 **WHEREAS**, as of March 2022, less than half of the \$800 million allocated to this  
15 program has been distributed to counties; and  
16

17 **WHEREAS**, STSJP plays a key role in transforming New York State's juvenile justice  
18 system; and  
19

20 **WHEREAS**, since its inception in 2011, STSJP incentivizes local programs to divert  
21 youth from detention to residential care; and  
22

23 **WHEREAS**, counties are able to create STSJP programs that:

- 24 • Provide or facilitate support to the target populations for mental health disorders,  
25 substance abuse problems, or learning disabilities that contribute to such youth  
26 being at risk for detention, residential placement, or return to detention or  
27 residential placement;
- 28 • Provide temporary respite care;
- 29 • Provide family therapy or support or explore alternate housing options for youth  
30 who are at risk for detention or placement due to the absence of an available  
31 home;
- 32 • Provide post-release support within the youth's community;
- 33 • Reduce arrest rates or recidivism; or
- 34 • Meet the definition of a [Family Support Services Program](#) as outlined in the PINS  
35 Reform Legislation of 2019 (Part K of Chapter 56 of the Laws of 2019) and FCA §  
36 458-m.

37  
38 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of  
39 Counties (NYSAC) encourages the Governor and State Legislature to enact legislation  
40 S.8787 (Cleare)/A.9856 (Solages), which will expedite the disbursement of these funds  
41 to counties and require at least 50 percent of the allocation be provided by the county to  
42 community-based organizations that work with at-risk youth, or alleged to be at risk, or  
43 adjudicated as juvenile delinquents, or youth alleged to be or convicted as youthful  
44 offenders or adolescent offenders.

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

3  
4 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to  
5 the Governor of the State of New York, the New York State Legislature, and all others  
6 deemed necessary and proper.

1 **2022 NYSAC Fall Seminar**  
2 **Standing Committee on Public Safety**  
3 **Resolution #3**  
4

5 **Resolution Encouraging the State Legislature and Governor to Enact**  
6 **Legislation to Provide Local Discretion on Pre-Sentence Investigations in**  
7 **Plea Deals Resulting in Less than 1 Year Imprisonment**  
8

9 **WHEREAS**, currently, New York State Criminal Procedure Law (CPL) section 390.30  
10 requires county probation departments to conduct investigations and complete pre-  
11 sentence investigation (PSI) reports for the court; and  
12

13 **WHEREAS**, currently, the City of New York has the authority to decide whether a PSI  
14 is necessary in these situations; and  
15

16 **WHEREAS**, counties also believe that this legislation will reduce the workforce  
17 shortage and some of the current burden placed on Probation Departments, District  
18 Attorney's Offices, Public Defender Offices, Sheriff's Offices, and the Courts by not  
19 relaying on unnecessary PSI's prior to sentencing; and  
20

21 **WHEREAS**, this legislation will also ensure a common statement practice for the use  
22 of PSIs across New York State when there is a plea agreement in place for local  
23 incarceration of up to 365 days and will aide in expediting sentencing those defendants  
24 who are incarcerated in county jails.  
25

26 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of  
27 Counties (NYSAC) encourages the Governor and State Legislature to enact legislation  
28 A.4998 (Paulin) that would correct a deficiency within the existing statute under the  
29 very specific circumstances when a PSI report is not required regarding a sentence of  
30 imprisonment of one year or less so long as the sentence was negotiated and agreed to  
31 by the defendant, the district attorney, and the court at the time of a defendant's plea of  
32 guilty; and  
33

34 **BE IT FURTHER RESOLVED**, the bill grants local probation department discretion  
35 regarding the requirement of a pre-sentence investigation and written report would be  
36 eliminated when a term of imprisonment for 365 days or less has been agreed upon by  
37 the parties with consent of the judge as a result of a conviction or revocation of a  
38 probation sentence; and  
39

40 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties  
41 of New York State encouraging member counties to enact similar resolutions; and  
42

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

1 **2022 NYSAC Fall Seminar**  
2 **Standing Committee on Public Safety**  
3 **Resolution #4**

4  
5 **Resolution Urging the State to Provide Counties with Funding to**  
6 **Administer the State’s New Gun Laws**

7  
8 **WHEREAS**, this year, the State Legislature drastically amended the eligibility criteria  
9 of citizens seeking a concealed-carry permit, as well as the application process and  
10 training for the same; and

11  
12 **WHEREAS**, the responsibility of processing these applications and doing the required,  
13 now expanded, background investigations that are predicate to the award of a license  
14 falls largely on sheriffs’ offices and county clerks’ offices; and

15  
16 **WHEREAS**, there is an anticipated increase in volume of applications for such licenses  
17 in the wake of the Supreme Court’s decision requiring that New York State’s licensing  
18 regime be based solely on objective criteria; and

19  
20 **WHEREAS**, this anticipated increase will only be compounded by the new licensing  
21 requirements for semi-automatic rifles.

22  
23 **NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of  
24 Counties (NYSAC) calls on the State of New York to provide funding to support these  
25 new responsibilities that fall entirely upon county government entities; and

26  
27 **BE IT FURTHER RESOLVED**, funding would be used to hire more staff and related  
28 technology for sheriffs’ offices pistol permit processing divisions and clerks’ offices that  
29 handle the cataloguing and amendment of permits; and

30  
31 **BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of  
32 New York State encouraging member counties to enact similar resolutions; and

33  
34 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to  
35 the Governor of the State of New York, the New York State Legislature, and all others  
36 deemed necessary and proper.

1 **2022 NYSAC Fall Seminar**  
2 **Standing Committee on Public Safety**  
3 **Resolution #5**

4  
5 **Resolution Urging the State to Provide Counties with Funding to**  
6 **Administer Requirements of New Extreme Risk Order of Protection Law**

7  
8 **WHEREAS**, on June 6, 2022, Governor Hochul signed Chapter 208 of the Laws of  
9 2022, which requires district attorneys and their assistants and all police officers to file  
10 for an Extreme Risk Order of Protection when presented with credible facts that would  
11 indicate that there is probable cause to believe that an individual is likely to engage in  
12 conduct that will result in serious harm to themselves or others; and

13  
14 **WHEREAS**, the circumstances that trigger this obligation are all too common and are  
15 encountered on a nearly daily basis by police officers going about their routine course of  
16 business; and

17  
18 **WHEREAS**, applying for such an order and seeing the subsequent proceeding through  
19 to its successful conclusion is a time-consuming endeavor that many times requires legal  
20 expertise; and

21  
22 **WHEREAS**, sheriffs, district attorneys, county attorneys, and county clerks do not  
23 have staff and resources necessary to comply with this mandate as the State Legislature  
24 intended; and

25  
26 **WHEREAS**, in addition to staffing constraints, during the execution of these risk  
27 orders of protection, there is often a need for significant safe keeping storage with a  
28 physical structure for these weapons.

29  
30 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of  
31 Counties (NYSAC) calls on the State of New York to provide funding to support these  
32 new responsibilities that fall entirely on county governments because storage of these  
33 weapons has the potential to exceed the current timeframe for maintenance and  
34 preservation; and

35  
36 **BE IT FURTHER RESOLVED**, if it is truly the desire of the State to have these  
37 orders be used to prevent future gun violence, then it must provide mandatory  
38 petitioners with the support to do so; and

39  
40 **BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of  
41 New York State encouraging member counties to enact similar resolutions; and

42  
43 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to  
44 the Governor of the State of New York, the New York State Legislature, and all others  
45 deemed necessary and proper.



1 **2022 NYSAC Fall Seminar**  
2 **Standing Committee on Public Safety**  
3 **Resolution #6**

4  
5 **Resolution Urging the State to Provide Counties with Funding to**  
6 **Administer Medication Assisted Treatment in Correctional Facilities**

7  
8 **WHEREAS**, in October 2022, the State of New York will require that all prisons and  
9 jails in New York State provide medication assisted treatment (MAT) to incarcerated  
10 individuals afflicted with a substance use disorder; and

11  
12 **WHEREAS**, the State of New York has appropriated funding to cover the costs of MAT  
13 in state prisons but not in county jails; and

14  
15 **WHEREAS**, the scope of services required by the law far exceeds the furnishings of  
16 addiction medication but also requires comprehensive peer support, counseling, re-  
17 entry planning and discharge planning; and

18  
19 **WHEREAS**, it is estimated that between thirty and forty percent of all new jail  
20 admissions would qualify for treatment; and

21  
22 **WHEREAS**, there is currently \$8.25 million appropriated in the Aid to Localities  
23 section of the State Fiscal Year 2023 budget to support the 58 county jails outside of  
24 New York City in providing these services.

25  
26 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of  
27 Counties (NYSAC) calls on the State of New York to provide an additional \$20 million in  
28 state funding to support these new responsibilities that fall entirely on county  
29 government entities; and

30  
31 **BE IT FURTHER RESOLVED**, state aid for this program shall be disbursed in an  
32 expedited manner to allow counties to deploy grant funding in a timely manner; and

33  
34 **BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of  
35 New York State encouraging member counties to enact similar resolutions; and

36  
37 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to  
38 the Governor of the State of New York, the New York State Legislature, and all others  
39 deemed necessary and proper.

1 **2022 NYSAC Fall Seminar**  
2 **Standing Committee on Public Safety**  
3 **Resolution #7**  
4

5 **Resolution Encouraging the State Legislature and Governor to Enact**  
6 **Legislation to Require Reporting of Sex Offenders in Short Term Rentals**  
7

8 **WHEREAS**, *Megan's Law* is named after seven-year-old Megan Kanka, a New Jersey  
9 girl raped and killed by a known registered sex offender who had moved across the  
10 street from the family without their knowledge; and

11  
12 **WHEREAS**, in the wake of the tragedy, the Kankas sought to have local communities  
13 warned about sex offenders in the area; and

14  
15 **WHEREAS**, all states now have a form of *Megan's Law*; and

16  
17 **WHEREAS**, New York State's version of *Megan's Law*, named The Sex Offender  
18 Registration Act (SORA), was signed by Governor Pataki in July 1995; and

19  
20 **WHEREAS**, in May 1996, Congress amended the Violent Crime Control and Law  
21 Enforcement Act of 1994 to require the release of relevant information to protect the  
22 public from sexually violent offenders; and

23  
24 **WHEREAS**, on May 17, 1996, President Clinton signed this federal version of *Megan's*  
25 *Law*, which mandated uniform sex offender registration in all 50 states, providing for  
26 community notification by allowing states to disclose information about registered sex  
27 offenders; and

28  
29 **WHEREAS**, in 2006, the State of New York strengthened NY's *Megan's Law* to require  
30 Level 1 offenders (low risk) to register for 20 years, unless they have a designation (e.g.  
31 sexual predator, sexually violent offender, or predicate sex offender), in which case they  
32 must register for life, and Level 2 offenders (moderate risk) and Level 3 offenders (high  
33 risk) must register for life; and

34  
35 **WHEREAS**, over the past five years, the popularity of short-term rentals (STRs), like  
36 AirBNB, VRBO, and other STR platforms has dramatically increased across the nation  
37 and state; and

38  
39 **WHEREAS**, many states, including Texas and Florida, are considering legislation to  
40 authorize municipalities to enact local laws to ban sex offenders or restrict sex offender  
41 activity with respect to STRs; and

42  
43 **WHEREAS**, state law governing sexual predators from using STRs has not moved fast  
44 enough with the change in how people decide to vacation; and

45  
46 **WHEREAS**, parents have the right to know who their neighbors are and should feel  
47 comfortable letting their children play safely outdoors on their own property.

1 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of  
2 Counties (NYSAC) encourages the Governor and State Legislature to enact legislation  
3 that would:

- Require any registered sex offender staying at a short-term rental in a residential neighborhood to inform the STR host owner, and/or managing company 48 hours before arriving on the premises.
  - The STR host, owner and/or managing company should be required to inform local police, as well as any neighbor within 1,000 feet of that STR
  - Failure to do so would result in immediate imprisonment for the registered offender and a \$10,000 fine, respectively for the STR host, owner, and/or managing company.
- Prohibit sex offenders from acting as hosts, property managers, or owners of str.
- Prohibit sex offenders from being an on-site employee of the STR.
- Require this information to be included as part of the state’s sex offender registry or local registry.

4  
5 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties  
6 of New York State encouraging member counties to enact similar resolutions; and

7  
8 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to  
9 the Governor of the State of New York, the New York State Legislature, and all others  
10 deemed necessary and proper.



**NYSAC**  
— NEW YORK STATE —  
ASSOCIATION OF COUNTIES

**2022 NYSAC Fall Seminar  
Erie County**

**Standing Committee on Taxation and Finance  
Resolutions**

Ruth A. Doyle (St. Lawrence) - Chair  
Hon. Terri L. Ross (Allegany County) - Vice Chair  
Hon. Patrick Schmitt (Wayne County) - Vice Chair

1 **NYSAC 2022 Fall Seminar**  
2 **Standing Committee on Taxation and Finance**  
3 **Resolution #1**

4  
5 **Resolution Supporting Proposals to Modernize Tax Laws to Include the**  
6 **Vacation Rental Industry and to Ensure These Changes are Appropriately**  
7 **Tailored for the Needs of Localities**

8  
9 **WHEREAS**, the Internet and numerous platforms that help facilitate retail  
10 transactions electronically have provided a boost for many sectors of the economy and  
11 made it easier for consumers to purchase goods and services; and

12  
13 **WHEREAS**, electronic commerce has been growing annually at double digit rates for  
14 more than a decade, with even faster growth experienced during the COVID-19  
15 pandemic; and

16  
17 **WHEREAS**, this form of commerce has opened up opportunities for an entirely new  
18 group of retailers and entrepreneurs; and

19  
20 **WHEREAS**, with this growth many states have realized their tax systems need to be  
21 updated to accommodate the new modalities of retail activity; and

22  
23 **WHEREAS**, a sizable number of new vendors and owners that use these platforms, or  
24 sell directly over the Internet, do not always understand their responsibility to collect  
25 state and local sales tax on taxable transactions; and

26  
27 **WHEREAS**, the growth in online platforms that facilitate vacation rentals is in need of  
28 modernization and simplification to ease the burden on small vendors, ensure taxes  
29 owed are collected and remitted to the state and local governments, and to make sure  
30 there is a level playing field among marketplace participants and operators that provide  
31 short-term lodging (such as online vacation rentals, hotels, bed and breakfasts, etc.);  
32 and

33  
34 **WHEREAS**, the Governor's SFY 2023 Budget proposed to update sales tax laws to  
35 define marketplace providers that facilitate vacation rentals (such as Airbnb, VRBO,  
36 etc.) as persons required to collect tax on such sales, but the Legislature did not support  
37 that proposal; and

38  
39 **WHEREAS**, 35 counties have entered voluntary local occupancy tax collection  
40 agreements with Airbnb, and now counties are trying to work with VRBO to do the  
41 same, these agreements only call for the collection of local occupancy taxes and  
42 additional legislation, as proposed by the Governor, is necessary to expand these  
43 collection responsibilities to state and local sales tax; and

1 **WHEREAS**, the state budget estimates that modernizing this section of sales tax law  
2 could bring in tens of millions of dollars annually in local sales tax currently owed but  
3 uncollected at this time; and  
4  
5 **WHEREAS**, counties, New York City and a variety of other municipalities have local  
6 occupancy taxes, but also have unique non-tax related needs and concerns regarding  
7 short term vacation rentals.  
8  
9 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of  
10 Counties (NYSAC) supports proposals to ensure short term rental platforms collect state  
11 and local sales tax on unit rentals utilizing their platforms; and  
12  
13 **BE IT FURTHER RESOLVED**, NYSAC supports modifications to this proposal to  
14 extend the tax collection requirements for these vendors to include local occupancy  
15 taxes at local option; and  
16  
17 **BE IT FURTHER RESOLVED**, because certain jurisdictions have unique needs and  
18 local laws regarding short term rentals that may not be fully addressed in this legislation  
19 that a local opt out be included; and  
20  
21 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties  
22 of New York State encouraging member counties to enact similar resolutions; and  
23  
24 **BE IT FURTHER RESOLVED**, the New York State Association of Counties shall  
25 forward copies of this resolution to Governor Kathy Hochul, the New York State  
26 Legislature and all others deemed necessary and proper.

1 **NYSAC 2022 Fall Seminar**  
2 **Standing Committee on Taxation and Finance**  
3 **Resolution #2**

4  
5 **Resolution to Support Modifications to the State Pension Amortization**  
6 **Programs to Allow Entities to Leave the Program Once They Have Fully**  
7 **Paid Back the Amounts Borrowed, Including Interest, As Determined by the**  
8 **State Comptroller**

9  
10 **WHEREAS**, during the 2008 financial crisis and subsequent “Great Recession” the  
11 state implemented numerous pension reforms to ease the financial burden on  
12 governmental employers and taxpayers; and

13  
14 **WHEREAS**, one of these reforms included pension contribution stabilization programs  
15 to smooth volatility in pension payments; and

16  
17 **WHEREAS**, dozens of local governments opted into one or both of these pension  
18 contribution stabilization programs over the last decade; and

19  
20 **WHEREAS**, under these laws once a local government employer entered into one of  
21 these pension contribution stabilization programs there is no ability to ever exit; and

22  
23 **WHEREAS**, other provisions are proving to be fiscally onerous, such as requiring  
24 contributions to pension reserves that must continue until they equal the full amount of  
25 the employer’s payroll before they are allowed to end; and

26  
27 **WHEREAS**, some provisions remain unclear as to how these reserves can even be  
28 used; and

29  
30 **WHEREAS**, it is our understanding that school districts have different requirements  
31 that allow them to exit the pension contribution stabilization system; and

32  
33 **WHEREAS**, several counties that entered the pension contribution stabilization  
34 program paid back their obligations many years ago, including all interest necessary to  
35 hold harmless the common retirement fund’s targeted investment returns.

36  
37 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of  
38 Counties (NYSAC), calls upon the Governor and State Legislature to amend the pension  
39 contribution stabilization programs to allow local governments to exit the program once  
40 they have paid back all loans and interest to the satisfaction of the State Comptroller;  
41 and

42  
43 **BE IT FURTHER RESOLVED**, additional amendments should include changes that  
44 lower the size of the required pension reserve funds for entities that elect to stay within  
45 the pension contribution stabilization programs; and

1 **BE IT FURTHER RESOLVED**, NYSAC also encourages the State Comptroller, State  
2 Legislature and Governor to work with local governments to clarify how deposits to  
3 pension reserve funds required under the pension contribution stabilization programs  
4 can be utilized if a local government chooses to remain in the modified program; and  
5  
6 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties  
7 of New York State encouraging member counties to enact similar resolutions; and  
8  
9 **BE IT FURTHER RESOLVED**, the New York State Association of Counties shall  
10 forward copies of this resolution to Governor Kathy Hochul, the New York State  
11 Legislature, State Comptroller DiNapoli and all others deemed necessary and proper.





**NYSAC**  
— NEW YORK STATE —  
ASSOCIATION OF COUNTIES

**2022 NYSAC Fall Seminar  
Erie County**

**Standing Committee on Transportation and Public  
Works Resolutions**

Hon. Dwight Fanton (Allegany County) – Chair  
Sandra Fusco (Putnam County) – Vice Chair  
Deborah Donohue (Washington County) – Vice Chair

1 **2022 Fall Seminar**  
2 **Standing Committee on Transportation and Public Works**  
3 **Resolution #1**

4  
5 **Resolution Urging All Counties to Adopt Policies that Include More Local**  
6 **Transportation Projects for Consideration of Complete Streets Design**

7  
8 **WHEREAS**, the Complete Streets Act (Chapter 398, Laws of 2011) requires state,  
9 county, and other municipalities to consider the convenience and mobility of all users  
10 when developing transportation projects that receive state and federal funding; and

11  
12 **WHEREAS**, a Complete Street is a roadway planned and designed to enhance safe and  
13 convenient access and mobility of all roadway users of all ages and abilities (children,  
14 the elderly, and persons with disabilities) including for pedestrians, bicyclists, public  
15 transportation riders, and motorists; and

16  
17 **WHEREAS**, Complete Street roadway design features include sidewalks, lane striping,  
18 bicycle lanes, paved shoulders suitable for use by bicyclists, signage, crosswalks,  
19 pedestrian control signals, bus pull-outs, curb cuts, raised crosswalks, ramps and traffic  
20 calming measures; and

21  
22 **WHEREAS**, the law applies to projects that are undertaken by New York State  
23 Department of Transportation (NYSDOT), or local projects that receive both federal and  
24 state funding and are subject to NYSDOT oversight; and

25  
26 **WHEREAS**, designated Complete Streets contribute to a cleaner, greener  
27 transportation system and more citizens will achieve the health benefits associated with  
28 active forms of transportation while traffic congestion and auto related air pollution will  
29 be reduced; and

30  
31 **WHEREAS**, projects that are 100 percent locally funded are not subject to the law, but  
32 local municipalities can choose to adopt Complete Streets practices, and many counties  
33 have adopted resolutions that establish Complete Street policies that go beyond the state  
34 Complete Streets Act.

35  
36 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of  
37 Counties (NYSAC) supports the adoption of Complete Street policies by all counties in  
38 New York that seek to promote the consideration of design and adoption of Complete  
39 Street features as part of roadway construction or reconstruction projects that go  
40 beyond the current state mandated review where feasible and affordable, recognizing  
41 the limited practicality of such features characterized by the rural designations of many  
42 highways in the state; and

43  
44 **BE IT FURTHER RESOLVED**, that such county policies present an opportunity to  
45 expand on existing program requirements and for collaboration with bicyclists,  
46 pedestrians, people with disabilities and others to identify best practices and designs for  
47 local transportation facilities; and

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

3  
4 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to  
5 the Governor of the State of New York, the New York Legislature and all others deemed  
6 necessary and proper.

1 **2022 Fall Seminar**  
2 **Standing Committee on Transportation and Public Works**  
3 **Resolution #2**

4  
5 **Resolution Opposing Legislation that Jeopardizes the Efficacy of the Water**  
6 **Quality Permitting Process by Unnecessarily Doubling the Volume of**  
7 **Permits that Must be Handled by the State**  
8

9 **WHEREAS**, the New York State Legislature passed a bill that seeks to reclassify class C  
10 waterways as “protected streams” and subject them to provisions of the New York State  
11 Department of Environmental Conservation Protection of Waters regulations; and

12  
13 **WHEREAS**, the proposed change would now include “C” streams in the same class as  
14 C (T) trout and other streams; and

15  
16 **WHEREAS**, C streams in most instances are inconsequential, having little if any  
17 impact on the environment; and

18  
19 **WHEREAS**, if signed into law, this bill will negatively impact local highway  
20 departments and departments of public works (DPW) as well as many farm operations;  
21 and

22  
23 **WHEREAS**, in many counties and towns, up to 80 percent of locally owned bridges  
24 and culverts could be located around C streams, requiring projects to now secure state  
25 approval and design a 150 percent span of the full bank—causing, for example, a  
26 \$90,000 culvert replacement project to become a \$1 million-plus bridge project; and

27  
28 **WHEREAS**, it is estimated that the volume of MOUs and permit applications as a  
29 result of this new law would double, overwhelming an already time consuming and  
30 burdensome process and could make many of these vital public works projects cost  
31 prohibitive; and

32  
33 **WHEREAS**, the magnitude of the number of increased applications for permits can be  
34 expected to render the water protection program unworkable or, at best, prevent timely  
35 processing of applications for critical projects that may have wider impacts such as those  
36 on AA and AA (T), A and A (T), B and B (T), and C (T) streams; and

37  
38 **WHEREAS**, local highway maintenance resources are already stretched to the limit,  
39 and the unnecessary burden and delay in permitting could be untenable for many local  
40 governments and could result in inordinate road closures, possible flooding and  
41 disruptions of travel within communities that would have to find ways around a failed  
42 culvert or bridge crossing for an extended amount of time before state permission may  
43 be granted and the additional funds become available, which could be never depending  
44 on competing priorities; and

45  
46 **WHEREAS**, an identical bill was vetoed in 2020 by the Governor, who wrote that  
47 while well intentioned, the bill would have a tremendous fiscal impact on state and local

1 governments by adding more than 40,000 miles of Class C streams over and above the  
2 36,000 miles of streams now subject to state review would lead to lengthy permitting  
3 delays for all projects; and

4  
5 **WHEREAS**, these C stream projects already receive significant oversight by the state’s  
6 County Soil and Water Conservation Districts (Districts) to address nutrient runoff from  
7 agricultural activities, implement flood recovery programs and provide technical  
8 expertise to municipalities to address infrastructure needs, and the existing  
9 conservation efforts accomplished by the Districts will continue to ensure that adequate  
10 environmental controls are placed on these streams.

11  
12 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of  
13 Counties (NYSAC) opposes this bill and requests that Governor Hochul veto the  
14 measure as unnecessary and burdensome to county efforts to maintain transportation  
15 infrastructure and, if signed, would double the volume of permits to be reviewed, issued,  
16 and enforced by the state, jeopardizing the thorough and necessary review of all other,  
17 more significant water quality projects; and

18  
19 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties  
20 of New York State encouraging member counties to enact similar resolutions; and

21  
22 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to  
23 the Governor of the State of New York, the New York Legislature and all others deemed  
24 necessary and proper.

1 **2022 Fall Seminar**  
2 **Standing Committee on Transportation and Public Works**  
3 **Resolution #3**

4  
5 **Resolution to Promote Changes to the State’s Civil Service Law to Address**  
6 **Constraints on New York State Airports’ Ability to Recruit, Hire, and**  
7 **Promote Qualified Aviation Professionals**  
8

9 **WHEREAS**, New York Civil Service Law does not apply to six of the top ten commercial  
10 service airports in the state because of regulatory exemptions or the outsourcing of  
11 airport services; and

12  
13 **WHEREAS**, municipal airport managers throughout the state are facing daunting  
14 challenges with hiring and retaining qualified aviation professionals and promoting  
15 from within the organization due to constraints imposed by the state’s Civil Service rules  
16 regarding hiring officers and employees; and

17  
18 **WHEREAS**, the civil service system can also limit an airport’s ability to pursue  
19 diversity, equity, and inclusion initiatives due in part to arbitrary testing and provisional  
20 appointment requirements; and

21  
22 **WHEREAS**, the airport/aviation industry is highly competitive and specialized, with  
23 critical positions such as Aircraft Rescue and Fire Fighting (ARFF) Chief,  
24 Airport/Aviation Finance Director, Commercial Development Officer, Chief Operating  
25 Officer, etc., that must be filled by persons knowledgeable and experienced in aviation  
26 policy, practices, safety and federal and state regulatory regimes; and

27  
28 **WHEREAS**, a “surplus” of qualified airport professionals is not typically present in  
29 every locality, especially in Upstate New York, so airport professional positions normally  
30 require a candidate to be willing to risk relocating from another part of the state, or a  
31 region outside of the state on a “provisional” basis; and

32  
33 **WHEREAS**, potential airport job candidates hailing from different regions of the  
34 country will not consider or accept employment at a New York airport on a provisional  
35 basis as the Civil Service rules currently require, frustrating the airport’s ability to  
36 effectively recruit and successfully hire qualified aviation professionals for a variety of  
37 on-airport positions; and

38  
39 **WHEREAS**, in New York, neither the Niagara Frontier Transportation Authority nor  
40 the Port Authority of NY & NJ are subject to the provisional limitations imposed by the  
41 Civil Service Law, while most airports in other states do not have to contend with similar  
42 recruitment and hiring obstacles; and

43  
44 **WHEREAS**, Albany International, White Plains, Stewart International and Republic  
45 airports have outsourced the operations and management of the airport, effectively  
46 relieving them of the hiring challenges posed by Civil Service Law.

1 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of  
2 Counties (NYSAC) supports changes to the Civil Service Law to establish specific criteria  
3 to define airport positions as exempted classes, allowing for permanent appointments;  
4 and  
5  
6 **BE IT FURTHER RESOLVED**, NYSAC urges the Department of Civil Service to  
7 establish a reasonable time frame to review and approve new exempt class positions for  
8 airports, not to exceed 30-days from the receipt of such requests; and  
9  
10 **BE IT FURTHER RESOLVED**, NYSAC encourages the introduction and enactment  
11 of legislation to authorize municipal airports in New York to recruit and hire persons  
12 with the necessary expertise as permanent positions; and  
13  
14 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties  
15 of New York State encouraging member counties to enact similar resolutions; and  
16  
17 **BE IT FURTHER RESOLVED**, the New York State Association of Counties shall  
18 forward copies of this resolution to the Governor of the State of New York, the New York  
19 State Legislature and all others deemed necessary.