



# ASSOCIATION OF TOWNS OF THE STATE OF NEW YORK

*Serving Towns Since 1933*

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March 30, 2020

Dear Members of the New York State Assembly and Senate:

First, and most importantly, the Association of Towns (AOT) hopes that you and your loved ones are safe and healthy during these trying times. The leadership exhibited by you, other state officials, the Governor and his Executive Branch, and our local officials makes us proud to live in New York and reassured that we will persevere.

As the government closest to the people, towns are on the front line providing essential services, allaying the angst of anxious residents, and ensuring the health, safety, and welfare of the community. AOT feels that, even amidst a pandemic, it is important to remind the Legislature of issues in the budget that are critical to local government, so that our members, with the tumultuous road ahead, may continue to best serve all New Yorkers. Therefore, as you evaluate the budget, we ask that you consider the following:

- **Stable budgeting is necessary to provide essential services.** The proposal to allow the Division of Budget to quarterly revise funding for local governments will obliterate a town's ability to plan for things like ambulance service contracts, water and sewer operation, and other emergency services.
- **CHIPS funding should be maintained** so that critical transportation infrastructure may be maintained and repaired at the local level.

Furthermore, because the state faces unprecedented, significant and complex fiscal challenges, we urge you to consider shifting focus away from policy initiatives in the budget and hold a special session in the fall to evaluate those priorities. But, regardless of when it is done, as you review policy initiatives, AOT believes that:

- **Renewable Energy:** Although we support renewable and clean energy, we believe that TED Part JJJ is unnecessary in light of Article 10; does not allow for sufficient public input; and takes away towns' ability to meaningfully participate in huge projects that will take place in their communities.
- **Small Cell Wireless Permitting:** While the need for cellular and internet services is felt now more than ever, the proposal to site small cell wireless facilities steamrolls over local governments and their say over their own property. Additionally, the language in the budget proposal mirrors an FCC order currently in litigation at the 9<sup>th</sup> circuit; New York should see what the outcome of that case is before moving forward.

- **Cannabis:** Towns must have the option of allowing cannabis operations within their jurisdiction, and those towns that permit it must receive a portion of cannabis sales tax revenue to cover increase costs associated with things like police and fire protection and code enforcement.
- **E-Scooters and E-Bikes:** Towns should be able to exercise independent authority over allowing and regulating e-scooters and bikes within their jurisdictions. Also, fines and other revenue should be shared with towns to cover the cost of enforcement and adjudication.

Although our physical office is closed, AOT is still working remotely and if you have any questions or concerns please do not hesitate to contact me at [ggeist@nytowns.org](mailto:ggeist@nytowns.org), or Legislative Director and Counsel Sarah Brancatella at [sbrancatella@nytowns.org](mailto:sbrancatella@nytowns.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Gerry Geist". The signature is stylized and cursive.

Gerry Geist