



Town of
New Castle

Mandate Relief Committee

Report to Town Board

October 27, 2015

What are Mandates?

- Statutory or regulatory provisions that require a local government or school district to deliver a service, or that otherwise impose requirements on how services are provided.
- Unfunded Mandates are those where funding is not provided to cover associated costs.
- Often limit flexibility, forcing local leaders to be less efficient and cost-effective than they otherwise would.
- These limitations are particularly harmful during economic downturns.
- Finally, State mandates can limit a municipality's ability to raise revenue by restricting the fines, fees and taxes that may be levied at the local level.

Committee Purpose

- Identify Mandates
- Assess Impact of Identified Mandates
- Determine Mandate Changes Required to Maintain Existing Level of Town Services to Town Residents
- Identify Source of Authority for Each Mandate and Related Legislative, Executive and Administrative Bodies and Officials Vested with Capability of Effectuating Desired Reforms
- Develop Strategy to Effectuate Desired Reforms
- Collectively Advocate with Similarly Situated Municipalities and Interest Groups to Obtain Desired Changes

Scope of Committee Review

- Coordinate with New Castle Town Administrator to Gather Information from Department Heads
- Discuss specific Mandates affecting the Town with each Department Head
- Review applicable State and County Statutory, Regulatory and Administrative Requirements
- Coordinate Cost Analysis with Town Comptroller
- Prepare Detailed Report and Recommended Actions to Town Board

Specific Mandates Reviewed

- West End Sewer Diversion Project
- Triborough Amendment
- Health Insurance Costs
- Pension Cost
- Arbitration Awards
- Prevailing Wage Law
- Wicks Law
- Scaffold Law
- MTA Tax
- Many small mandates like reporting requirements or mandated notifications

Findings (1/2)

- Quantifiable Mandates – those where the economic impact is generally or specifically quantifiable
- Non-Quantifiable Mandates
- High, Moderate and Low Impact

Findings (2/2)

- **Quantifiable Mandates – High Impact**

- West End Sewer Project: ***\$8.5 - \$24.5 million***
- Pension Costs for Town Employees and Police Officers: ***\$2.47 million per annum***
- Health Insurance – Retiree and Current Employees: ***\$350,000 per annum***

- **Quantifiable Mandates – Moderate Impact**

- Metropolitan Commuter Transportation Mobility Tax: ***\$38,709 per annum***
- MS4 Storm Water Requirements: ***\$185,244 per annum***
- Mandated Town Employees at Town meetings: ***\$57,488 per annum***
- Police Officer Required to Answer Police Department Telephone: ***\$55,000 per annum***
- Mandated Water Department Mailings: ***\$4,800 per annum***
- Tax Collection: ***\$852,182.00*** outstanding from tax years 2013 and prior
- Town Assessor and Town Clerk Duties: ***\$100,000 per annum***

- **Non-Quantifiable Mandates – High Impact**

- Triborough Amendment (including Employee Contract Requirements, but excluding pension and health costs): unknown
- Wicks Law: unknown but potentially mid-six figures for Sewer Diversion Project alone
- Prevailing Wage Law: unknown
- Scaffold Law: unknown

General Recommendations

1. Aggressively Negotiate All Contracts
2. West End Sewer Diversion Project: secure additional State funding and/or bond issuance
3. Elevate interests of residents above politics
4. Actively coordinate with other municipalities
5. Coordinate with Comptroller and other Town officials to maximize efficiency
6. Educate Town residents about impact of Mandates and needed changes
7. Lobby New York State and Westchester County legislators for Mandate relief, including commitment to not add new unfunded Mandates

Specific Recommendations (1/5)

1. West End Sewer Project

- Proactively educate Town Residents
- Mobilize affected Residents to take active role
- Aggressively lobby State legislators for assistance in securing funds to cover current shortfall
- Regularly Update Town and specific area Residents
- Bond Issuance to Limit Future Liabilities

2. Pension Costs for Town and Police Employees

- Aggressively lobby legislators for changes to the ERS and PFS
- Advocate that return assumptions be adjusted to reflect current economic environment and outlook
- Advocate for ERS and PFS employee contributions throughout employment
- Advocate for a transition to a defined contribution plan (see SUNY and CUNY models)

Specific Recommendations (2/5)

3. Employee Healthcare

- Aggressively lobby State legislators to eliminate/change the Triborough Amendment
- Negotiate more aggressively with Town Employee and Police Unions
- Raise the Contribution Rate to 25% for all current employees and retirees

4. Triborough Amendment

- Aggressively lobby State legislators eliminate/change the Triborough Amendment
- Specific focus on elimination of step increases upon contract expiration and revisions to Arbitration Rules
- Proactive education of Town Residents
- Specifically, post Town Employee and Police Union Contracts on New Castle Town website

Specific Recommendations (3/5)

5. Wicks Law

- Aggressively lobby State legislators to repeal Wicks Law

6. Prevailing Wage Law

- Aggressively lobby State legislators for sensible changes to Law
- Specifically, create/increase threshold for building service and public works contracts; revise method of calculating “prevailing wages”

7. Scaffold Law

- Aggressively lobby State legislators for sensible changes to Law
- Specifically, establish a fair comparative negligence standard

8. MS4 Stormwater

- Aggressively lobby State legislators to pass legislation allowing municipalities to create “stormwater utility districts”
- Such districts are funded by user fees, as opposed to general revenues

Specific Recommendations (4/5)

9. Mandated Employees at Town Meetings

- Identify areas where after hour Town meetings may be videotaped and/or transcribed
- Either eliminate attendance of secretaries at such meetings or require review of video/transcription of audio to occur during working hours
- Change requirement of Mandated Spanish Interpreter for court sessions to provide Spanish Interpreter as needed
- If modifications are not possible under current law, aggressively lobby legislators for relief

10. MTA Tax

- Aggressively lobby State legislators to repeal the Tax

Specific Recommendations (5/5)

11. Police Officer to Answer Department Telephone

- Aggressively lobby County executive and legislators to allow office assistant to handle this task

12. Water Department Mailings

- Aggressively lobby State legislators to seek permission from federal government to provide information electronically

13. Tax Collection

- Require Westchester County and Chappaqua Central School District to reimburse Town for costs incurred in tax collection
- Aggressively lobby to remove requirement that Town make County/School District whole for amounts not collected

14. Town Assessor and Clerk Duties

- Aggressively lobby State legislators to require the State to absorb the cost of STAR and other tax exemption processing and licensing requirements mandated under State law