



THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

DAVID BUCHWALD  
Assemblyman 93<sup>rd</sup> District

CHAIR  
Subcommittee on  
Election Day Operations and  
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April 30, 2017

Mandate Relief Committee  
200 South Greeley Avenue  
Chappaqua, NY 10514

Dear Members of the New Castle Mandate Relief Committee:

I write to follow up on my April 4 letter, which responded to the letter I received from you on March 22, which inquired as to the steps I have taken to relieve the burden of unfunded mandates on New Castle residents. My letter in detail reported on my efforts to assist with mandate relief for the towns, school districts and library districts in my Assembly district, as well as the County of Westchester. I also received your inquiry dated March 27 regarding Senate bill 1347, whose prime sponsor is Senator Richard Funke, and which passed the State Senate this past March 20. While in the middle of crafting my response to your second letter, I received on April 22 your letter dated April 10 that reacts to my April 4 letter.<sup>1</sup> I hope it is acceptable if I take this opportunity to respond, at least broadly, to both your March 27 and April 10 letters.

Allow me to begin by conveying that I would welcome your coming to my office for a meeting as you've requested. To schedule such a meeting, simply call my district office with a proposed set of dates and times, and we'll proceed from there.

As hopefully the fact that I took four pages to reply to your first letter indicates, I take the subject of mandate relief seriously. One of my goals is to actually produce cost savings for municipalities, and, failing that, to have the State fund mandated costs. Accordingly, my April 4th letter tries to concentrate on concrete successes (i.e. bills that have become law) and initiatives with a meaningful possibility of success. There are no doubt a few counter-examples – aspirational pieces of legislation – in the four

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<sup>1</sup> As an aside, though each of your letters state that they are sent via regular mail and e-mail, I have not received any of them by email. Each of them also seems to arrive at my office well after the date they were supposedly written. They are also each sent to my Albany office rather than my district office in Mount Kisco. All of these facts significantly delay my ability to respond. In the meantime, as your Town Supervisor can attest, the Town of New Castle has called on me to assist on other matters. I try to be as responsive as I can, but I hope you can appreciate that I have multiple obligations within the Town of New Castle, let alone to the eight other municipalities I represent.

pages, but I continue to believe that mandate relief advocacy requires matching fiscal analysis with practicality. I hope that you will see it to be a constructive attempt to relay efforts to produce real mandate relief.

In reference to S.1347, while the overarching goal of the bill conveys a general principle that is hard to disagree with – namely that “any state mandated program imposed on municipalities or school districts, which result[s] in an annual net additional cost ... be funded by the state” – this bill would, if enacted, risk significant deficiencies in public health and safety.

For example, in 2016 both Senator Terrence Murphy and I supported, and indeed co-sponsored, a bill (A.10740 / S.8158) that was passed unanimously by the Senate, passed with only one no vote in the Assembly, and signed by Governor Cuomo into law. The bill created a new state mandate, that all school districts test water fountains and other sources of drinking water for lead contamination. As you are likely well aware, lead is a neurotoxin linked to learning disorders in children. While the legislation did provide multiple streams of financial support to help school districts pay for lead remediation, it did not guarantee full reimbursement of school districts’ costs, as S.1347 of 2017 would require. As reported on the Chappaqua School District website, the mandated testing in the Chappaqua School District found dangerous levels of lead at water sources in each school building (<http://www.ccsd.ws/files/filesystem/ChappaquaExceedanceTables.pdf>). The vast majority of these water sources have since been brought into compliance with health standards (see <http://www.ccsd.ws/news.cfm?story=180595&school=2337>), and that swift work is a credit to the district’s able administration and staff. The good news is that following the state legislation school districts including Chappaqua moved quickly to test water supplies and took steps to ensure the health of our school children. There were costs imposed on school districts, but the societal benefit was far greater.

How would S.1347, if it had been law at the time, have impacted the compelling need to protect school children in Chappaqua from lead in their water?<sup>2</sup> Perhaps, and we can hope, the State would have picked up all of the remaining costs. However, there is a possibility that the total cost might have been viewed as too expensive for a mid-year state budget change, in which case the required lead testing might have been scaled back, or, worse, the bill might not have been enacted at all. I humbly submit that in such scenarios S. 1347 might improperly prioritize the elimination of unfunded mandates over the health and well-being of our community. I can only think that the State Senate, which only months later passed S.1347, also inherently agrees that its principles, while laudable, are not quite as workable in practice, given that the State Senate unanimously adopted A.10740 / S.8158 of 2016.

The point I wish to close with is that through ongoing dialogue and cooperation at all levels of government, we can continue to provide the services our residents need and want, while targeting

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<sup>2</sup> In the Ossining Union Free School District, which serves the West End of New Castle, the school district voluntarily conducted lead testing in early 2016, before the state legislation was passed. (<https://patch.com/new-york/ossining/ossining-school-district-test-drinking-water-lead>).

specific mandate relief challenges that will produce results we all support. That is why I welcome the opportunity to meet with you in the not too distant future, a task only complicated by the Assembly session schedule and the pending arrival of a second child in my family.

Yours sincerely,

A handwritten signature in black ink that reads "David Buchwald". The signature is written in a cursive, flowing style.

David Buchwald  
Member of the New York State  
Assembly 93<sup>rd</sup> District

cc: Robert Greenstein, New Castle Town Supervisor  
Adam Brodsky, New Castle Town Board Member  
Lisa Katz, New Castle Town Board Member  
Hala Makowska, New Castle Town Board Member  
Jeremy Saland, New Castle Town Board Member