

Waiting for the governor's signature

The fate of Assemblyman James Skoufis' annexation oversight legislation to be decided Saturday, Oct. 1



Photo by Erika Norton Surrounded by Democratic and Republican municipal leaders from throughout southeastern Orange County, Assemblyman James Skoufis urge Gov. Mario Cuomo to sign his annexation oversight legislation. The law would give county planners the chance to review annexation proposals that involve regional issues such as sewer and water.

By Bob Quinn

CHESTER — Legislation that would allow county planners to weigh in on any regional aspects that a proposed annexation of land from one municipality to another would have awaits action by Gov. Andrew Cuomo.

The governor has until this Saturday, Oct. 1, to act, according to the deadline set by state legislative protocol. Cuomo can sign the legislation, he can veto it or he can do nothing, which, in effect, would make the bill law.

Last year, Assemblyman James Skoufis, D-Woodbury, delivered nearly 10,000 signatures supporting the legislation

he pushed through the state Legislature. But Cuomo vetoed that bill on state constitutional grounds.

Last Friday, Skoufis was joined by more than a dozen local mayors, supervisors, municipal attorneys, the Sierra Club, Preserve Hudson Valley and Dr. Gerald Benjamin, one of New York State's preeminent political scientists, at a press conference outside his office in downtown Chester, urging the governor to act.

"Last year you vetoed a bill (A7639) as out of accord with the state constitution's home rule provision that allows county approval of annexations only in circumstance in which the boundary of the county is affected," Benjamin said. "Please reconsider this concern."

Skoufis and others said the revised legislation before the governor has been amended to eliminate any home rule issue. This law does not give the county the right of approval over any annexation bid.

How it would work

What it does, however, is to make annexation just one more land issue, like a subdivision or a site plan, that county planners review as a matter of course.

County planners would make recommendations, not approvals.

If the lead agency disagrees with more than one of the county's findings, that municipality would need to approve annexation with a super-majority, rather than a simple majority.

For the Village of Kiryas Joel and the Monroe Town Board, that would mean votes of 4-1 rather than 3-1.

"It's crazy to annex hundreds of acres of land," said Woodbury Village Mayor Michael Queenan, "and not have it subjected to county review."

The legislation, if enacted, would take effect immediately. But it would have no impact on the two annexation proposals involving 164 acres and 507 acres of land from the unincorporated portion of the Town of Monroe into the Village of Kiryas Joel.

However, Skoufis said its provisions for county review could come into play should the judge hearing the annexation lawsuits kicks the cases back to the lead agency - Kiryas Joel - for further review.

"This won't be the last annexation in Orange County, or New York State," Skoufis, although he did not specify where the next annexation proposal be made. "Sewer and water are the triggers for regional impact, demanding county review."

Politics, not constitutional

Benjamin, who directs the political studies center that carries his name at SUNY New Paltz, made it clear not once, but twice, that he was not speaking on behalf of the college, but for himself.

The legislation, he said, would give voice to the county in annexation matters when there are regional concerns, such as water and sewer.

Cuomo's veto last year "was political," Benjamin said. "It was not constitutional. We are looking for equity in the interpretation.

Benjamin also discussed the creation of additional levels of government in Orange County.

"We have created government to accommodate particular interests," he said, citing the Village of Kiryas Joel and the Kiryas Joel Public School District.

The school district was twice declared invalid, violating the separation of state and church standard of the U.S. Constitution, before it was approved on a third vote.

But Benjamin also noted that government has been created in Orange County as a counterweight to the Hasidic community, namely the Village of South Blooming Grove and the Village of Woodbury.

Bipartisan support

Skoufis was also joined by a number of noted municipal attorneys who deal with the state constitution on a regular basis. Joseph McKay and Rick Golden both agreed the legislation is legally and constitutionally sound.

In addition to the support of Democratic and Republican municipal leaders from throughout Eastern Orange County, a number of environmental groups joined Skoufis in urging the Governor to sign the annexation oversight bill, including the Sierra Club and Preserve Hudson Valley.

"The Sierra Club strongly supports Assemblyman Skoufis' legislation because this bill will help protect New York's environment," said Gale Pisha, Secretary of the Sierra Club's Lower Hudson Group. "Annexations have the potential to significantly affect natural resources, so they should be subject to the same county planning department review that already exists for many municipal planning and zoning actions."

In closing, Skoufis said: "This issue has not gone away and as long as I'm a state representative, my bill will not go away, no matter how much special interests may want it to. I implore the Governor to reconsider last year's veto and sign this important legislation into law."