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What Cuomo and the leaders left out



Cuomo arrives for a news conference in the Red Room. (AP Photo/Mike Groll)



By Jimmy Vielkind 5:54 a.m. | Jun. 29, 2015

ALBANY—At the Capitol, it's called a “kumbaya”—a press conference featuring legislative leaders and Governor Andrew Cuomo. Smiles are usually required, as are expressions of optimism and superlative praise.

At the most recent kumbaya, last week, Cuomo said he was “[personally very happy and very proud](#)” with what had been accomplished at the end of the 2015 legislative session. He listed more tenant-friendly rent regulations, a new standard of affirmative consent for sexual encounters on private college campuses and new rules to protect workers at nail salons, a response to [articles in the New York Times](#) the governor spun as the first step in addressing a “national problem” of exploiting immigrant workers.

The governor, with Assembly Speaker Carl Heastie and State Senate Majority Leader John Flanagan by his side, declared success and dubbed the law-making “robust and extensive.”

But there were many other priorities, left unmentioned by the leaders, that weren't acted on. And those unaddressed items say as much about the leaders' abilities and approach as anything else.

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is largely black and Hispanic, in a situation that seemed to be crying out for some resolution at the state level.

A longtime Cuomo lieutenant, Hank Greenberg, [authored a report](#) that found student achievement was lagging as the district spent more than the state average on busing and special education costs, which indicates public dollars were being steered to benefit private school students.

"Policymakers have lots of different ideas to pick and choose from," Greenberg told reporters alongside then-education commissioner John King and Regents chancellor Merryl Tisch ahead

of a November Regents meeting, Gannett reported. "This much seems absolutely clear and essential to me: Whatever final model the Legislature and the governor are to adopt in this case, it has to be one that, in real time, allows someone the ability to reverse bad decisions of the board. That is, to my mind, necessary to begin to restore trust in a public school community that clearly has none in this board."

School board leaders have continuously pinned the problem on a lack of state funding, but Cuomo said the report helped ["replace emotion with information."](#) He later [backed a bill](#) by three Democrats from Rockland County—Assembly members Ellen Jaffee and Ken Zebrowski and State Senator David Carlucci—which would have installed a monitor with the power to override decisions by the school board. The bill [passed the Assembly by a close vote](#) after a debate that included veiled charges of anti-semitism and racism. [Carlucci unsuccessfully tried](#) to craft a more Senate-friendly bill, but even it was not considered.

Republicans there, including Flanagan, [said the Assembly bill](#) would strip local control of schools. He's likely just as mindful that bloc voting is common in Orthodox communities, and that the G.O.P.'s narrow majority depends on keeping Simcha Felder, a Democrat whose Brooklyn district is heavily Orthodox, in the fold. The Senate did not advance legislation on the issue.

[Tisch called the situation "reprehensible"](#) and "tragic," saying public school children would be left to "twist in the wind" for a year they "cannot get back."

Gerald Benjamin, a professor of political science at SUNY New Paltz, called the situation "egregious" and said lawmakers had a "duty" to act.

"The Legislature has a constitutional obligation to assure that these children are educated and the State Education Department has an obligation to administer existing law equitably. None of that's happened," Benjamin said Friday. "It transcends the immediate facts and goes to the larger question of, what are people supposed to do when they're elected? What are the broad obligations of public service?"

[Most of lawmakers' time](#) went into dealing with two expiring housing programs dealing with rent regulations in New York City and a property tax abatement developers say helps them build affordable housing. Both were extended, [with tweaks.](#)

The newest item to emerge from end-of-session talks was a system of property tax rebates that will cost \$1.3 billion. It probably explains why Flanagan, who knows property taxes are the pre-eminent issue in his Long Island power base, has been so cheery after his talks with Cuomo.

The political significance of this program for Republicans is massive. Democrats last held the Senate majority from 2009-10, and amid a recession agreed to a budget that eliminated rebate checks that are linked to the STAR program. Every Republican voted against that budget and dozens of candidates have either ousted or beat back Democratic challengers with the rebate checks as their rallying cry. Democrats are hoping Hillary Clinton's assumed 2016 candidacy will drum up turnout and help them flip seats on Long Island in a bid to re-claim the majority. The property tax checks will arrive, by law, "on or before October 15"—a little more than two weeks before the election. Nobody even bothered to say it was a coincidence.

"This is real relief for real taxpayers and real results," [Flanagan told reporters](#). "The property tax rebate is a signature issue for our conference. We've talked about this for years. We've promoted it for years and I think this is absolutely consistent with what we've advocated and what we've enacted."

Cuomo, at the kumbaya press conference, said property taxes were an "albatross." This particular program was criticized by watchdogs on both the left and right. Ron Deutsch, leader of the labor-backed Fiscal Policy Institute, said it was a "boondoggle approach to tax relief that cuts checks based on a clumsy formula geared to the politically popular but policy challenged STAR exemptions" that "will not provide meaningful relief to working class homeowners who are struggling the most and at risk of losing their homes."

E.J. McMahon, president of the fiscally conservative Empire Center for Public Policy, called the rebates "phony" and cast them as a re-distribution of wealth.

"Your property taxes will not actually drop at all as a result of this gambit. However, you are expected to feel better because you will be getting a check in your mailbox (probably a couple of hundred dollars, initially) that is tied, in some convoluted way, to what you pay in property taxes and to the size of the break you already get from STAR," he wrote. "But if you prefer, you can just as easily view the money as a partial rebate of your sales tax, or a rebate of your cable TV bill. Or just think of it as a little bit of your own state tax dollars coming back home to roost. Temporarily."

If past years are any indication, Cuomo will probably take his kumbaya show on the road, touting the positive points of the legislative session in media markets around the state. He'll no doubt talk up the property tax rebates, which at the Albany kumbaya he said would "go a long way toward giving New Yorkers real relief."

Just don't expect to hear him say it in East Ramapo.

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