

PROCEEDINGS
OF THE
LEGISLATURE
OF THE
COUNTY OF NIAGARA
STATE OF NEW YORK
OFFICIAL RECORD

Lockport, New York
January 3, 2023

The Legislature of the County of Niagara, State of New York, convened in annual session in the Legislature Chambers, Courthouse, Lockport, New York on Tuesday, January 3, 2023 for the purpose of electing officers for the ensuing year.

County Clerk Joseph Jastrzemeski, acting as Chairman pro temp, called the Legislature meeting to order at 6:02 p.m. and asked Legislator Foti to give the invocation.

Legislator Foti led a moment of Silence for retired Town of Newfane Supervisor Timothy Horanburg.

On roll call the following Legislators were present from the several legislative districts:

| | |
|------------|-----------------------|
| First | Irene M. Myers |
| Second | Rebecca J. Wydysh |
| Fourth | Jeffrey Elder |
| Fifth | Christopher A. Robins |
| Sixth | Christopher Voccio |
| Seventh | Jesse P. Gooch |
| Ninth | Randy R. Bradt |
| Tenth | David E. Godfrey |
| Eleventh | Anthony J. Nemi |
| Twelfth | William J. Collins |
| Thirteenth | Richard E. Abbott |
| Fourteenth | Shawn A. Foti |
| Fifteenth | Michael A. Hill |

Absent:

| | |
|--------|-----------------------|
| Third | Mark J. Grozio |
| Eighth | Richard L. Andres Jr. |

The Chairman pro temp Joseph Jastrzemeski asked for nominations for temporary Chairman.
Moved by Bradt, seconded by Hill, that Legislator Nemi be nominated for temporary Chairman.
Moved by Bradt, seconded by Nemi, that the nominations be closed.
Carried.

Chairman pro temp Jastrzemeski declared Legislator Nemi as the temporary Chairman.

Temporary Chairman Nemi asked for nominations for permanent Chairman.
Moved by Nemi, seconded by Bradt, that Legislator Wydysh be nominated for permanent Chairman.

Moved by Nemi, seconded by Bradt, that the nominations be closed.

Carried.

Temporary Chairman declared Nemi Legislator Wydysh as the Chairman.

Chairman Wydysh thanked her fellow Legislators for their vote of confidence in her and thanked the amazing team we have in Niagara County for everything everyone has done this past year.

Moved by Wydysh, seconded by Bradt, to designate Legislator Nemi to serve as Vice Chairman.

Moved by Wydysh, seconded by Bradt, that nominations be closed.

Carried.

Chairman Wydysh designated Legislator Nemi to serve as Vice-Chairman.

Moved by Godfrey, seconded by Collins, to appoint Alysa T. Tomasino as the Clerk of the Legislature.

Moved by Godfrey, seconded by Collins, to close nominations.

Carried.

Alysa T. Tomasino was declared the Clerk of the Legislature

Legislator Bradt announced that Legislator Bradt would serve as Majority Leader, Legislator Hill as First Deputy and Legislator Godfrey as Second Deputy Majority Leader.

Legislator Robins announced that Legislator Robins would serve as Minority Leader, Legislator Grozio as First Deputy and Legislator Elder as Second Deputy Minority Leader.

Moved by Voccio, seconded by Elder, that the Board will meet on the following dates, or at the call of the Clerk of the Legislature.

Carried.

NIAGARA COUNTY LEGISLATURE 2023 MEETING SCHEDULE

6:00 P.M.

January

Tuesday, January 3, 2023 (Organizational Mtg.)

Tuesday, January 17, 2023

February

Tuesday, February 21, 2023

March

Tuesday, March 21, 2023

April

Tuesday, April 25, 2023

May

Tuesday, May 2, 2023

Tuesday, May 16, 2023

June

Tuesday, June 20, 2023

August

Tuesday, August 1, 2023

September

Tuesday, September 19, 2023

October

Tuesday, October 17, 2023

November

Tuesday, November 14, 2023

December

Tuesday, December 5, 2023 (Budget Hearings)

Tuesday, December 12, 2023 (Budget Vote)

Moved by Wydysz, seconded by Robins, that Vice Chairman Nemi is designated to serve on the Niagara County Jury Board.

Carried.

Moved by Gooch, seconded by Myers, to appoint Gary Billingsley as the Attorney for the Aging.

Carried.

Moved by Hill, seconded by Foti, to approve the Standing Committee structure as presented.

Carried

NIAGARA COUNTY 2023 STANDING COMMITTEES

REBECCA J. WYDYSH, CHAIRMAN
ANTHONY J. NEMI, VICE CHAIRMAN
RANDY R. BRADT, MAJORITY LEADER
CHRISTOPHER A. ROBINS, MINORITY LEADER

ADMINISTRATION

(County Manager, County Attorney, Management & Budget, Treasurer, Audit, Real Property, Legislature, Printing/Mailing, Human Resources, Civil Service, Risk Management, Board of Elections)

GODFREY, NEMI, BRADT, COLLINS, GROZIO, MYERS, ROBINS

Co. Attorney - C. Joerg, K. Alexander

Secretary- Heather Soles, 439-7005

COMMUNITY SERVICES

(Social Services, Employment & Training, Youth Bureau, Office for the Aging, Public Health, Mental Health, NCCC, County Clerk/DMV, Historian, Veterans Services)

GOOCH, NEMI, BRADT, ELDER, GODFREY, ROBINS, VOCCIO

Co. Attorney – G. Lisowski

Secretary – Helen Dennis, 278-8238

COMMUNITY SAFETY & SECURITY

(Sheriff, District Attorney, Public Defender, Probation, Fire Coordinator/Emergency Services, Coroners, Conflicts and Assigned Council)

HILL, GODFREY, ABBOTT, BRADT, ELDER, GOOCH, ROBINS

Co. Attorney – B. Marble, K. Alexander

Secretary – Laura Moll, 438-3370

ECONOMIC DEVELOPMENT

(Economic Development, Niagara Co. Industrial Development Agency)

ANDRES, COLLINS, BRADT, ELDER, GODFREY, GROZIO, MYERS

Co. Attorney – T. Burgasser

Secretary-Cathie Synor, 278-8750

GREENWAY (ad hoc committee-under Economic Development)

ANDRES, NEMI, BRADT, ELDER, FOTI

INFRASTRUCTURE & FACILITIES

(Public Works, Parks/Golf Course, Refuse Disposal District, Sewer District, Water District, Weights & Measures, Information Technology, Buildings & Grounds)

COLLINS, MYERS, BRADT, FOTI, GROZIO, HILL, ROBINS

Co. Attorney – T. Burgasser (Parks/Golf Course), D. Koplak

Secretary- Mary Bergman, 439-7242

REFUSE DISPOSAL DISTRICT (ad hoc committee-under Infrastructure & Facilities)

COLLINS, BRADT, HILL, FOTI, GOOCH, GROZIO, MYERS, NEMI, ROBINS, WYDYSH

Co. Attorney – G. Lisowski

Moved by Abbott, seconded by Godfrey, that the two Niagara County newspapers, namely: the Niagara Gazette, Lockport Union Sun & Journal are designated as the official newspapers.

Carried.

Chairman Wydysh called Sheriff Michael J. Filicetti, Director of Emergency Management Jonathan Schultz and Commissioner of Public Works Garret Meal to the lectern to give a presentation on how the County handled the 2022 Blizzard.

Resolution No. CS-001-23

From: Community Services and Administration Committees.

Dated: January 3, 2023

**WAIVER OF RESIDENCY REQUIREMENT
FOR LICENSED CLINICIAN, SENIOR LICENSED CLINICIAN,
AND STAFF SOCIAL WORKER POSITIONS – CURRENT VACANCIES -
DEPARTMENT OF MENTAL HEALTH & SUBSTANCE ABUSE SERVICES**

WHEREAS, the Niagara County Department of Mental Health & Substance Abuse Services has received permission to fill several vacant positions within the Department of Mental Health and Substance Abuse Services, which are critical for maintaining quality service to Niagara County residents, and

WHEREAS, due to long standing challenges with recruitment and professional workforce shortages for Master's Level Clinical positions, Niagara County has opened the Licensed Clinician, Senior Licensed Clinician, and Staff Social Worker Civil Service Exams to residents of counties contiguous to Niagara County, and

WHEREAS, all Niagara County candidates who are currently on the eligible Civil Service lists for these positions have been hired by the Department, and

WHEREAS, the Department has made a diligent and sincere effort to recruit candidates for these positions from within Niagara County, including through the County website, social media pages, job/career fairs, and job recruitment sites, and

WHEREAS, the department continues to prioritize the hiring of Niagara County residents for these positions when available, and

WHEREAS, these positions will be filled provisionally until the next round of Civil Service Exams is given, and

WHEREAS, any provisional employee must pass and be reachable on the Civil Service examination, now, therefore, be it

RESOLVED, that a Waiver of Residency from the policy to hire only Niagara County residents be approved to fill the following position numbers: #10530 Licensed Clinician, #13274 Licensed Clinician, #13289 Licensed Clinician, #13532 Senior Licensed Clinician, #13827 Licensed Clinician part-time, #13828 Licensed Clinician part-time, #779 Staff Social Worker.

Moved by Gooch, seconded by Bradt, to implement the portion of Rule 15 that pertains to voting on a resolution as opposed to referring it to committee.

Carried.

Moved by Gooch, seconded by Bradt.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres, Grozio.

Resolution No. CW-001-23

From: Committee of the Whole.

Dated: January 3, 2023

RESOLUTION COMMITTING COMMUNITY PARTNERSHIP FUNDS

WHEREAS, the Niagara County's Community Partnership Fund was established in the 2022 budget in account A.28.8020.814 745500.01, and

WHEREAS, the Legislature wishes to keep these funds available in future years for their intended use, and

WHEREAS, the Governmental Accounting Standards Board (GASB) has issued Statement Number 54, Fund Balance Reporting and Governmental Fund Type Definitions, which requires legal authority from the Federal, State, or Local government to commit funds to a particular program or purpose, and

WHEREAS, modifications for the 2022 fiscal year can continue to be made into the first quarter of 2023, now, therefore, be it

RESOLVED, that Niagara County Legislature authorizes the commitment of current and future budgeted community partnership funds beginning with those budgeted in 2022, to the Community Partnership Program.

Moved by Voccio, seconded by Elder.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres, Grozio.

Resolution No. IL-001-23

From: Legislators Richard E. Abbott and Anthony J. Nemi.

Dated: January 3, 2023

**A LOCAL LAW AMENDING LOCAL LAW NO. 3 FOR THE YEAR 2016
APPLICABLE TO THE REAL PROPERTY TAX EXEMPTION
FOR PERSONS SIXTY-FIVE YEARS OF AGE OR OVER**

WHEREAS, Legislators Richard Abbott and Anthony Nemi present in writing the following proposed Local Law:

A Local Law amending Local Law No. 3 for the year 2016 applicable to the real property tax exemption for persons sixty-five years of age or over:

Be it enacted by the Legislature of the County of Niagara as follows:

1. Local Law No. 3 for the year 2016, and the same hereby is, amended so as to increase the income levels for the real property tax exemption for persons sixty-five years of age or older from a base of \$21,000.00 – \$28,499.99 to \$26,200.00 - \$33,700.00:

Section 1. Real property owned by one or more persons, each of whom is sixty-five years of age or over, or real property owned by husband and wife, or by siblings, one of whom is sixty-five years of age or over, shall be exempt from taxation for County purposes to the extent as provided in the following schedule:

ANNUAL INCOME

EXEMPTION PERCENT

| | | | |
|------------|----------|----------------|-----|
| Less than: | \$26,200 | | 50% |
| From: | \$26,200 | to \$27,199.99 | 45% |
| | \$27,200 | to \$28,199.99 | 40% |
| | \$28,200 | to \$29,199.99 | 35% |
| | \$29,200 | to \$30,099.99 | 30% |
| | \$30,100 | to \$30,999.99 | 25% |
| | \$31,000 | to \$31,899.99 | 20% |
| | \$31,900 | to \$32,799.99 | 15% |
| | \$32,800 | to \$33,700.00 | 10% |

2. This Local Law shall become effective March 1, 2023 and this schedule shall be employed by all Niagara County assessing units in the preparation of any assessment roll prepared subsequent to such date.

RESOLVED, that the Niagara County Legislature shall conduct a public hearing upon said proposed Local Law at the Legislative Chambers, Niagara County Courthouse, Lockport, New York on the 17th day of January, 2023 at 5:45 p.m., and be it further

RESOLVED, that the Clerk of the Legislature, at least six (6) days in advance of such hearing, shall post a notice upon the bulletin boards in the Courthouse in Lockport, the Civic Building in Niagara Falls shall publish such notice once in the Union Sun & Journal, and the Niagara Gazette; such notice shall contain the title of the Local Law and an abstract of the text to be prepared by the Clerk of the Legislature, with the assistance of the County Attorney's Office

Moved by Abbott, seconded by Nemi, to implement the portion of Rule 15 that pertains to voting on a resolution as opposed to referring it to committee.

Carried.

Moved by Abbott, seconded by Nemi.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres, Grozio.

Resolution No. IL-002-23

From: Legislators Richard E. Abbott and Anthony J. Nemi.

Dated: January 3, 2023

**A LOCAL LAW AMENDING LOCAL LAW NO. 2 FOR THE YEAR 2016
ESTABLISHING REAL PROPERTY TAX EXEMPTION FOR
PERSONS WITH DISABILITIES AND LIMITED INCOMES IN ACCORDANCE
WITH SECTION 459-c OF THE NEW YORK STATE REAL PROPERTY TAX LAW**

WHEREAS, Legislators Richard Abbott and Anthony Nemi present in writing the following proposed Local Law:

A Local Law amending Local Law No. 2 for the year 2016 Establishing Real Property Tax Exemption for Persons with Disabilities and Limited Incomes in accordance with Section 459-c of the New York State Real Property Tax Law:

Be it enacted by the Legislature of the County of Niagara, New York, as follows:

1. Real property owned by one or more persons with disabilities, or real property owned by a husband, wife or both, or by siblings, at least one of whom has a disability, and whose income, as hereafter defined, is limited by reason of such disability, shall be exempt from taxation for County purposes to the extent as provided in the following schedule:

Annual Income

| More than: | Less than: | \$Change | Exemption % |
|------------|-------------|----------|-------------|
| \$ 0.00 | \$26,200.00 | | 50% |
| 26,200 | 27,199.99 | +\$1,000 | 45% |
| 27,200 | 28,199.99 | +2,000 | 40% |
| 28,200 | 29,199.99 | +3,000 | 35% |
| 29,200 | 30,099.99 | +3,900 | 30% |
| 30,100 | 30,999.99 | +4,800 | 25% |
| 31,000 | 31,899.99 | +5,700 | 20% |
| 31,900 | 32,799.99 | +6,600 | 15% |
| 32,800 | 33,699.99 | +7,500 | 10% |
| 33,700 | 34,600.00 | +8,400 | 5% |
| 34,600 | | | 0% |

2. For purposes of this Local Law, the following provisions and definitions shall apply:

a. "Sibling" shall mean a brother or a sister, whether related through half blood, whole blood or adoption.

b. A person with a disability is one who has a physical or mental impairment, not due to current use of alcohol or illegal drug use, which substantially limits such person's ability to engage in one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working, and who (i) is certified to receive social security disability insurance (SSDI) or supplemental security income (SSI) benefits under the federal Social Security Act, or(ii) is certified to receive Railroad Retirement Disability benefits under the federal railroad Retirement Act, or (iii) has received a certificate from the state commission for the blind and visually handicapped stating that such person is legally blind.

c. An award letter from the Social Security Administration or the Railroad Retirement Board or a certificate from the state commission for the blind and visually handicapped shall be submitted as proof of disability.

3. Any exemption provided by this section shall be computed after all other partial exemptions allowed by law have been subtracted from the total amount assessed; provided, however, that no parcel may receive an exemption for the same municipal tax purpose pursuant to both this section and section four hundred sixty-seven of this title.

4. No exemption shall be granted:

a. if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of thirty-one thousand dollars (\$31,000). Income tax year shall mean the twelve month period for which the owner or owners filed a federal income tax return, or if no such return is filed, the calender year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum, except where the husband or wife, or ex-husband or ex-wife is absent from the property due to divorce, legal separation or abandonment, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts, inheritances or monies earned through employment in the federal foster grandparent program and any such

income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance. (In computing net rental income and net income from self-employment, no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income);

b. unless the property is used exclusively for residential purposes, provided, however, that in the event any portion of such property is not so used exclusively for residential purposes but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section;

c. unless the real property is the legal residence of and is occupied in whole or in part by the disabled person; except where the disabled person is absent from the residence while receiving health-related care as an inpatient of a residential health care facility, as defined in section twenty-eight hundred one of the public health law, provided that any income accruing to that person shall be considered income for purposes of this section only to the extent that it exceeds the amount paid by such person or spouse or sibling of such person for care in the facility.

5.

a. Title to that portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resides, and which is represented by his/her share or shares of stock in such corporation as determined by its or their proportional relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder.

b. That portion of the assessment of such real property owned by a cooperative apartment corporation determined by the relationship of such real property vested in such tenant-stockholder to such entire parcel and the buildings thereon owned by such cooperative apartment corporation in which such tenant-stockholder resides shall be subject to exemption from taxation pursuant to this section and any exemption so granted shall be credited by the appropriate taxing authority against the assessed valuation of such real property; the reduction in real property taxes realized thereby shall be credited by the cooperative apartment corporation against the amount of such taxes otherwise payable by or chargeable to such tenant-stockholder.

6. Application for such exemption must be made annually by the owner, or all of the owners of the property, on forms prescribed by the state board, and shall be filed in such assessor's office on or before the appropriate taxable status date; provided, however, proof of a permanent disability need be submitted only in the year exemption pursuant to this section is first sought or the disability is first determined to be permanent.

7. At least sixty days prior to the appropriate taxable status date, the assessor shall mail to each person who was granted exemption pursuant to this section on the latest completed assessment roll an application form and a notice that such application must be filed on or before taxable status date and be approved in order for the exemption to continue to be granted. Failure to mail such application for or the failure of such person to receive the same shall not prevent the levy, collection and enforcement of the payment of the taxes on property owned by such person.

8. Notwithstanding any other provision of law to the contrary, the provisions of this section shall apply to real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for a real property tax exemption, pursuant to subdivision one of this section, were such person or persons the owner or owners of such real property.

9. This Local Law shall take effect March 1, 2023.

RESOLVED, that the Niagara County Legislature shall conduct a public hearing upon said proposed Local Law at the Legislative Chambers, Niagara County Courthouse, Lockport, New York, on the 17th day of January, 2023 at 5:50 p.m., and be it further

RESOLVED, that the Clerk of the Legislature, at least six (6) days in advance of such hearing, shall post a notice upon the bulletin boards in the Courthouse in Lockport, the Civic Building in Niagara Falls shall publish such notice once in the Union Sun & Journal, and the Niagara Gazette; such notice shall contain the title of the Local Law and an abstract of the text to be prepared by the Clerk of the Legislature, with the assistance of the County Attorney's Office

Moved by Nemi seconded by Abbott, to implement the portion of Rule 15 that pertains to voting on a resolution as opposed to referring it to committee.

Carried.

Moved by Nemi, seconded by Abbott.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres, Grozio.

APPOINTMENTS:

FISHERIES BOARD:

| | <u>Appt.</u> | <u>Expires</u> |
|--|---------------------|-----------------------|
| Brad Clark 2407 Harwood Drive, Wilson 14172-9749 | 01/03/23 | 12/31/25 |
| Vince Pierleoni 3859 Coomer Road, Newfane 14108 | 01/03/23 | 12/31/25 |
| Al Sauerland 3711 Lockport-Olcott Rd., Lockport 14094 | 01/03/23 | 12/31/25 |
| Timothy Sylvester 1678 Braley Rd., Youngstown 14174 | 01/03/23 | 12/31/25 |

GREATER BUFFALO NIAGARA REGIONAL TRANSPORTATION COUNCIL (GBNRTC):

| | | |
|--|----------|----------|
| Rebecca J. Wydysh, Chairman Niagara County Legislature | 01/03/23 | 12/31/23 |
| <u>Planning & Coordinating Committee</u> | | |
| 1. Garret Meal, Commissioner of Public Works | 01/03/23 | 12/31/23 |
| 2. Norman D. Allen, PE, Deputy Commissioner of Public Works-Engineering (Alternate) | 01/03/23 | 12/31/23 |
| 3. Michael Casale, Commissioner (Alternate) Economic Development Department | 01/03/23 | 12/31/23 |

INTER-COUNTY ASSOCIATION OF WNY:

| | | |
|--|----------|----------|
| Rebecca J. Wydysh, Chairman Niagara County Legislature | 01/03/23 | 12/31/23 |
| Anthony J. Nemi, Legislator | 01/03/23 | 12/31/23 |
| Alysa T. Tomasino, Clerk | 01/03/23 | 12/31/23 |
| David E. Godfrey, Legislator | 01/03/23 | 12/31/23 |

TRAFFIC SAFETY BOARD :

| | | |
|--|----------|----------|
| Keith Hurtgam, Supt. of Highways 8941 Ridge Rd., Gasport 14067 | 01/03/23 | 12/31/25 |
| Jonathan Schultz, Niagara County Fire Coordinator 5574 Niagara St. Ext., PO Box 496, Lockport 14095 | 01/03/23 | 12/31/25 |
| Frank J. Previte III, Chief, Lewiston Police Dept. 145 N. Fourth St., Lewiston 14092 | 01/03/23 | 12/31/25 |
| Kendra Ditullio (Doug Haak, Capt., Lockport Police Dept) Police Headquarters, Municipal Bldg., Lockport 14094 | 01/03/23 | 12/31/25 |
| Chief Keith Glass, No. Tonawanda Police Dept. | 01/03/23 | 12/31/23 |

216 Payne Ave, North Tonawanda 14120
Christine M. Savoia, Asst. District Attorney (replaces John P. Granchelli)

01/03/22

12/31/24

Niagara County Courthouse
Moved by Bradt, seconded by Robins.
Approved

Moved by Collins, seconded by Robins, that the Board adjourn.
Carried.

The Chairman declared the Board adjourned at 6:41 p.m., subject to the call of the Clerk.

No citizens spoke at this time on the General Welfare of the County.


Alysa T. Tomasino, Clerk