



THE ASSEMBLY STATE OF NEW YORK ALBANY

COMMITTEES
Ways and Means
Environmental Conservation
Oversight, Analysis and Investigation
Transportation

December 15, 2022

Honorable Carl E. Heastie Legislative Office Building, Room 932 Albany, NY 12248

Dear Speaker Heastie:

I am pleased to submit to you the 2022 Annual Report of the Assembly Standing Committee on Local Governments.

Throughout the year, the Committee addressed many significant issues, including extending support to local governments and improving benefits for volunteer ambulance workers and volunteer firefighters. The Committee also addressed legislation including parkland alienations, Industrial Development Agency (IDA) reforms, and municipal transparency. In this report you will find descriptions of legislation and important issues considered by the Committee. Additionally, this report highlights goals of the Committee, which emphasize the ongoing need to support the municipalities of this State.

I share with you an appreciation for the important role local governments play in providing essential services to their residents and commend you for the support and leadership you have provided the Local Governments Committee in its pursuit to address issues facing New York's municipalities. With your assistance, the Committee will continue to focus on the needs of local governments.

Sincerely,

Fred Thiele, gr

Fred W. Thiele, Jr., Chairman Assembly Standing Committee on Local Governments

2022 ANNUAL REPORT

OF THE NEW YORK STATE ASSEMBLY

STANDING COMMITTEE ON LOCAL GOVERNMENTS

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I. INTRODUCTION

The Assembly Standing Committee on Local Governments considers the legislative needs of New York State's local governments, including counties, cities, towns, villages, school districts, fire districts, and various other special districts and local agencies. The Committee monitors the needs of local governments and strives to develop legislative remedies to meet those needs. The Committee also explores new proposals and ideas that will enable local governments to better serve the citizens of New York State. The Committee endeavors to enact laws that will further improve local governments' abilities to address their unique problems. The Committee is also interested in assisting local governments by considering legislation that will provide flexibility in municipal finances and consider other legislative solutions to help local governments remain financially solvent.

The Committee considers legislation that proposes to amend the General Municipal, Municipal Home Rule, Local Finance, County, Town, Village, Volunteer Firefighters' Benefit, and Volunteer Ambulance Workers' Benefit Laws. Since the structure, powers and scope of local governments is broad, the Committee's concerns cover a wide range of issues. Home Rule legislation is also addressed. These bills deal with issues specific to a certain local government's jurisdiction and are intended to remedy a specific local concern. Through the use of home rule legislation to solve individual local needs, the Committee has helped resolve many unique situations and has enabled local governments all over the State to serve their citizens better.

II. MAJOR ISSUES AND LEGISLATION OF 2022

A. LOCAL GOVERNMENT AID – ENACTED BUDGET

The State Budget for the State Fiscal Year of 2022-2023 continues funding for local governments in the form of unrestricted aid and grants to help local governments achieve efficiencies and share municipal services.

Aid and Incentives to Municipalities

Aid and Incentives to Municipalities (AIM) funding is direct general-purpose aid provided to towns, villages, and cities. AIM funding for the State Fiscal Year 2022-2023 totaled \$715.2 million. This includes a \$59.1 million restoration of State-funds, replacing the requirement that counties provide AIM payments from sales tax revenue rather than county-funded payments.

<u>Citizen Empowerment Tax Credits (CETC) and Citizens Reorganization</u> <u>Empowerment Grants</u>

The Citizen Empowerment Tax Credits provide a financial incentive for municipalities to consolidate, or dissolve, and to cover costs associated with studies, plans, and implementation efforts. The Citizen Empowerment Tax Credits were funded at \$35 million representing an increase of \$1.75 million from SFY 2021-2022, resulting from the removal of the 5% withholding from the prior year.

Local Government Performance and Efficiency Program

The Local Government Performance and Efficiency Program received \$4 million for the costs associated with local government efficiency projects, municipal consolidation, and/or shared services, representing an increase of \$200,000 from SFY 2021-2022, resulting from the removal of the 5% withholding from the prior year.

Small Government Assistance

The SFY 2022-2023 Budget provided \$217,300 for the counties of Essex, Franklin and Hamilton to help offset the Adirondack Park property tax exemptions.

Financial Restructuring Board

The Financial Restructuring Board provides a comprehensive review of eligible municipalities' finances and operations. The Board received \$5 million to make recommendations on improving eligible municipalities' fiscal stability and to provide financial assistance for undertaking certain fiscal recommendations. This represents an increase of \$2.5 million from SFY 2021-2022.

County-Wide Shared Services

The County-Wide Shared Services Program anticipates a \$30 million disbursal to fund actual and demonstrable savings in municipal Shared Services plan implementations. The CWSSI funds are supported by a \$225 million reappropriation from SFY 2018-2019.

Video Lottery Terminal (VLT) Aid

Video Lottery Terminal (VLT) Aid included \$28.9 million for eligible municipalities that host video lottery gaming facilities.

Municipal Broadband

A lack of access to broadband has been a longstanding issue in New York. The SFY 2022-2023 Budget authorized counties, cities, towns, and villages to establish municipal broadband. Such authorization gives municipalities the power to establish, construct, and maintain broadband and related telecommunications infrastructure.

Emergency Medical Services

The SFY 2022-2023 budget authorized fire departments and fire companies to collect fees and charges for providing general ambulance services and emergency medical services. Prior to this authorization the General Municipal Law required these services to be provided free of charge to the person served.

B. MUNICIPAL FINANCES

Limitations on Sewage Indebtedness

(A.9958 Conrad; Constitutional Amendment – 1st Passage)

This constitutional amendment extends, until January 1, 2034, the authorization that any indebtedness incurred from projects related to sewage facility construction or reconstruction shall be excluded from a municipality's constitutional debt limit. The exclusion was originally added to the Constitution in order to encourage and enable municipalities to participate in the State's then-new sewer construction assistance plan and issue debt for sewer facilities without reducing their ability to incur debt within the constitutional debt limit for other capital improvements.

Erie County Private Bond Sales

(A.9365 Peoples-Stokes; Chapter 329 of the Laws of 2022)

This law extends, until June 30, 2023, the authority for the underwriting or sale of Erie County bonds or notes at private sale, providing the County with additional fiscal flexibility.

Municipal Broadband

(A.9907-A Kelles)

In the SFY 2022-2023 Budget the Legislature authorized municipalities to construct municipal broadband. This law allows counties, cities, towns, and villages to issue bonds for the acquisition, construction, or replacement of broadband infrastructure for up to a tenyear period of probable usefulness (PPU).

C. MUNICIPAL OFFICERS AND EMPLOYEES

Replacing Outdated Council Terminology

(A.8272-A Woerner; Chapter 513 of the Laws of 2022)

This law replaces the word or variations of the word "councilman" or "councilmen" with the words "council member" to remove gender-specific language in various laws. The Legislature has previously worked to alter the use of gendered terms for other positions such as police officers and firefighters.

D. MUNICIPAL CORPORATIONS

PILOT Agreement Notifications

(A.7295-A Thiele; Chapter 708 of the Laws of 2022)

The sudden termination or cessation of a payment in lieu of taxes (PILOT) agreement, without the knowledge of the affected jurisdictions, can have negative effects on budgets. This law will help give taxing jurisdictions more notice to better plan their budgets. This law requires Industrial Development Agencies (IDAs) to provide notification to each affected taxing jurisdiction within two years of the impending expiration of a payment in lieu of taxes PILOT agreement or immediately upon the early termination of an agreement.

Municipal Shared Purchasing

(A.9880 Thiele; Chapter 455 of the Laws of 2022)

Cooperative purchasing, commonly referred to as "piggy-backing," is a procurement method whereby if a government agency has already awarded a contract to one or more vendors for a good or service through a competitive process it can be used by others. This law extends the cooperative purchasing authorization until July 31, 2026.

IDA Conflicts of Interest

(A.8200-B Jacobson; Veto Memo 183)

This legislation prohibits individuals employed or contracted by an Industrial Development Authority (IDA) from taking any position with a business or entity doing business with that IDA, and provides penalties for violations. This legislation will help prevent individuals employed by IDAs from taking employment that may present conflicts of interest or opportunities for unjust enrichment.

County Websites

(A.9276-A Paulin; Chapter 755 of the Laws of 2022)

This law requires all counties and chartered counties to use a ".gov" domain name for the county website. This law will help citizens distinguish real county websites and help prevent misinformation from falsified websites.

IDA Notifications

(A.10056 Solages; Chapter 766 of the Laws of 2022)

This law requires IDAs to provide certain financial assistance notes and the rationale for the deviation from its uniform tax exemption policy by certified mail to all affected local taxing jurisdictions. This includes school districts to which the notifications are required to be sent to the school board and district superintendent of each affected school district. This law is to help promote coordination and transparency among stakeholders.

Peconic Bay Region Community Preservation Fund

(A.9158 Thiele; Chapter 788 of the Laws of 2022)

This law extends the provisions for community preservation funds to be used to pay payment in lieu of taxes to certain districts for towns in the Peconic Bay Region to compensate for land acquired. This law authorizes the towns of East Hampton, Southampton, Riverhead, Shelter Island and Southold to adopt an annual plan to make payments from the community preservation funds to school districts, fire districts, and ambulance districts.

County-Wide Shared Services

(A.10337-A Lunsford; Chapter 717 of the Laws of 2022)

This law revises the eligibility of plans for State-matched from the County-Wide Shared Services Initiative to allow county-wide shared services panels to revisit shared services proposals that were included in previous plans by making them eligible for State matching funds.

Niagara County Veterans' Organizations

(A.9183 Conrad; Chapter 595 of the Laws of 2022)

This law authorizes the Niagara County Legislature to waive building permit review fees and fees associated with capital improvements to any post or hall owned by a not-for-profit congressionally chartered veterans' organization located in such county.

<u>IDA Consolidation of On-Site Day Care Facilities</u> (A.3224 Hunter; Passed the Assembly)

This legislation would amend the current IDA tax exemption policy to authorize on-site child daycare facilities to be a consideration when providing tax exemptions for IDA projects.

E. EMERGENCY SERVICES

The Assembly has worked consistently to ensure the State's policies regarding volunteer firefighters and volunteer ambulance workers are sufficiently protective. We appreciate the diligence, dedication to service and efforts put forward by the thousands of New Yorkers who generously dedicate their time as volunteer firefighters and volunteer ambulance workers. This session, the Committee passed a variety of volunteer firefighter and volunteer ambulance workers legislation.

<u>Length of Service Award Eligibility</u> (A.8328-A Stern; Chapter 654 of the Laws of 2022)

This law increases the number of years of service for volunteer ambulance workers to receive a contribution to a Length of Service Award Program (LOSAP). The purpose of this law is to incentivize continued service by volunteer ambulance workers who are still actively participating after forty years of service.

Southampton Village Ocean Rescue (A.9632 Thiele; Chapter 419 of the Laws of 2022)

This law designates the Southampton Village Ocean Rescue (SVOR) as an emergency rescue and first aid squad. In 2020, similar legislation was enacted on behalf of East Hampton Volunteer Ocean Rescue (EHVOR), and they have since been designated as an emergency rescue and first aid squad. This legislation would provide SVOR designation parity with EHVOR.

<u>Croton Falls Volunteer Fire Department Benevolent Association</u> (A.9959 Burdick; Chapter 700 of the Laws of 2022)

This law establishes the Croton Falls Volunteer Fire Department Benevolent Association as a not-for-profit corporation. Such association provides relief, aid and assistance to its members who are indigent, disabled, or injured in the performance of their duties.

III. PARKLAND ALIENATION LEGISLATION

The issue of parkland alienation, or the conversion of parkland for non-park purposes, has been a great concern for the Committee. As a matter of public trust, it is required that any use of public parkland for non-parkland purposes must be authorized by the New York State Legislature.

As part of the Committee's ongoing effort to protect the public trust, as it relates to parkland, and in keeping with the Assembly's policy of preserving open space, the Committee strives to ensure that each proposed parkland alienation complies with alienation guidelines prior to being reported out of Committee.

Committee guidelines for authorizing parkland alienation include specifying the number of acres proposed for alienation and requiring that the fair market value of such lands be dedicated for the purchase of replacement parkland of equal to or greater than fair market value, or for capital improvements to existing parkland. The legislation must also include a legal description of the parkland proposed to be alienated, as well as language detailing any land proposed to be dedicated (if replacement land is proposed for the parkland). Finally, a home rule message from the municipality requesting alienation is required prior to the Committee acting on any parkland legislation.

Niagara County

(A.7837-C Norris; Chapter 441 of the Laws of 2022)

This law authorizes Niagara County to alienate and convey certain parkland to the Town of Lockport for park and/or recreational purposes.

Suffolk County

(A.9334-B Giglio; Chapter 711 of the Laws of 2022)

This law authorizes Suffolk County to alienate and convey certain parkland to the Town of Southold for park and/or recreational purposes.

Suffolk County

(A.9335-B Fitzpatrick; Chapter 606 of the Laws of 2022)

This law authorizes Suffolk County to convey certain parkland to the Town of Smithtown for park and/or recreational purposes, provided that the Town of Smithtown continues to provide access to all the residents of Suffolk County. This law also authorizes the Town of Smithtown to convey parkland to Suffolk County for park and/or recreational purposes, provided that Suffolk County continue to provide access to such parkland and/or recreational facilities to all the residents of Smithtown.

Suffolk County

(A.9798-A DeStefano; Chapter 779 of the Laws of 2022)

This law authorizes Suffolk County to permanently and temporarily alienate certain parklands to enable Sunrise Wind LLC to construct, maintain and operate a cable system to facilitate the development of offshore wind, provided that Suffolk County dedicate the fair market value of the parklands being discontinued towards the acquisition of new parklands and/or capital improvements to existing parkland and recreational facilities.

Village of Freeport

(A.10002-A Darling; Veto Memo 155)

This legislation would authorize the Village of Freeport in Nassau County to discontinue and alienate certain parklands that are no longer needed for park purposes provided that the Village dedicate fair market value of the parklands being discontinued towards the acquisition of new parklands and/or capital improvements to existing parkland and recreational facilities

Village of Mineola

(A.10041-A Sillitti; Chapter 718 of the Laws of 2022)

This law authorizes the Village of Mineola in Nassau County to alienate certain parkland for the public water supply system and requires the Village to acquire and dedicate replacement parklands.

Town of Webster

(A.10106 Lunsford; Chapter 635 of the Laws of 2022)

This law authorizes the Town of Webster in Monroe County to alienate and convey to the Webster Central School District certain parklands for use as a sports field provided that the Town and the school district acquire and dedicate replacement parklands.

Village of Saugerties

(A.10270 Cahill; Chapter 471 of the Laws of 2022)

This law makes a technical correction to the parkland metes and bounds in Chapter 463 of 2000.

Suffolk County

(A.10417 Thiele; Chapter 705 of the Laws of 2022)

This law authorizes Suffolk County to convey an easement over certain parklands to the Hampton Bays Water District for the purpose of installing a subaqueous water pipe crossing provided that the County dedicates the fair market value of the easement to the acquisition of new parklands and/or capital improvements to existing parklands.

Town of Greenburgh

(A.10383-A Abinanti; Chapter 549 of 2022)

This law authorizes the Town of Greenburgh in Westchester County to discontinue and alienate certain parklands for an access easement for a public housing complex provided that the County acquire and dedicate replacement parklands

IV. PUBLIC HEARINGS

A. BUILDING CODE ENFORCEMENT PRACTICES

The New York State Department of State oversees the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (Uniform Code) by local governments. Under current law, the Department of State also approves code enforcement training programs and minimum qualifications for code enforcement personnel in order to help ensure effective code enforcement practices. This hearing examined the administration and enforcement practices for the Uniform Code, including the role of the Department of State in the oversight of local government code enforcement activities and requirements for code enforcement officer certification. Relevant stakeholders provided valuable input to help ensure best practices are followed in the interest of protecting the health, safety, and security of all New Yorkers.

V. OUTLOOK FOR 2023

The Committee recognizes the difficult economic outlook that municipalities and citizens of New York State have faced and will continue to face in the year to come. The Committee will build on the progress made during the 2022 legislative session, continuing to find solutions to reduce costs to local governments and keep New Yorkers safe in this post COVID-19 pandemic world. The Committee will continue to try to help lessen burdens placed on local governments and consider legislation that proposes solutions for municipal workers and increase assistance for volunteer firefighters and ambulance workers.

In addition, the Committee will also continue to advocate for the fair and equitable distribution of local government aid and work to promote solutions to the issues faced this year. Local governments rely on a stable and predictable revenue stream from the State, which is also a critical aspect to forming balanced local budgets.

The Committee also plans to continue to try to facilitate economic growth in local governments through examinations into the role that IDAs and other local economic development agencies play in New York State's economic development. The Committee is interested in ensuring that these local agencies are transparent and accountable, with records that are easy to obtain and to understand, that they are creating good jobs, and that they are providing a decent return on the taxpayer-funded investments being made. The Committee will continue to examine legislative options to address these concerns.

The Committee will continue to work with local governments to address the needs of municipalities by examining home rule legislation that provides communities with a remedy to their locally specific situations. The Committee will also continue to examine legislation relating to Home Rule to empower and uphold the powers of local governments. In addition, the Committee will explore options for affordable housing and ways to achieve a safer New York. The Committee looks forward to continuing to work with the Governor, the Senate, the State Comptroller, the Attorney General, and all local governments to improve the outlook for municipalities going forward.

APPENDIX A

2021 SUMMARY OF ACTION ON ALL BILLS REFERRED TO THE COMMITTEE ON LOCAL GOVERNMENTS

Final Disposition	Assembly Bills	Senate Bills	Total
Bills Reported:			
To Codes	2	0	2
To Judiciary	0	0	0
To Ways and Means	26	0	26
To Rules	14	0	14
To Floor	4	0	4
TOTAL	46	0	46
Bills Having Enacting Clauses Stricken	10	0	10
Bills Having Committee Referenced Change	3	0	3
Bills Held in Committee	16	0	16
Total in Committee	182	28	210
TOTAL NUMBER OF MEETNGS HELD		6	

APPENDIX B

Bills that Passed Both Houses

Bill#	<u>Sponsor</u>	Description	<u>Status</u>
A.5623-A	Thiele	Revises procedures relating to the submission of an annual budget by the Trustees of the Freeholders and Commonality of the Town of Southampton.	Chapter 438
A.7137	Smullen	Designates the position of Hamilton County District Attorney as a full-time position.	Veto Memo 158
A.7295-A	Thiele	Requires IDAs to give notification to the taxing jurisdiction within two years of the impending expiration of a PILOT agreement.	Chapter 708
A.7837-C	Norris	Authorizes Niagara County to convey parklands to the Town of Lockport.	Chapter 441
А.8200-В	Jacobson	Prohibits individuals in official positions from taking any position with a business or entity doing business with an IDA and provides penalties for violations.	Veto Memo183
A.8272-A	Woerner	Removes all instances of gender-specific language in various laws regarding council members.	Chapter 513
A.8299-A	Ra	Updates the purposes of the Volunteer and Exempt Firemen's Benevolent Association of Westbury.	Chapter 514
A.8328-A	Stern	Authorizes local governments to increase the number of years of service for volunteer ambulance workers to receive a contribution from a Length of Service Award Program (LOSAP).	Chapter 654
A.8759	Sayegh	Provides technical amendments to Chapter 601 of the Laws of 2021 related to the waiver of certain fees for veterans' organizations by the Westchester County Legislature.	Chapter 3
A.9158	Thiele	Permits towns in the Peconic Bay Region to make annual payments from its Community Preservation Funds to certain special districts.	Chapter 788
A.9183	Conrad	Authorizes the Niagara County Legislature to waive fees for veterans' organizations.	Chapter 595

A.9255-A	Lemondes	Updates the Fairmount Volunteer Exempt Firemen's Benevolent Association name and powers.	Chapter 714
A.9269-A	McDonald	Authorizes Tioga County to impose a \$.95 per month telecommunication line surcharge.	Chapter 259
A.9276-A	Paulin	Requires all counties with a website to use a .gov domain name for such website.	Chapter 755
А.9307-В	Griffin	Provides the South Nassau Water Authority with 1 million dollars for the State fiscal year 2022-2023.	Veto Memo 44
A.9334-B	Giglio JA	Authorizes Suffolk County to alienate and convey parkland to the Town of Southold for recreational purposes.	Chapter 711
А.9335-В	Fitzpatrick	Authorizes Suffolk County to alienate and convey parkland to the Town of Smithtown for recreational purposes and authorizes the Town of Smithtown to alienate and convey replacement parkland to Suffolk County.	Chapter 606
A.9365	Peoples-Stokes	Provides Erie County with additional flexibility in its bond sales.	Chapter 329
A.9494	Solages	Expands the purposes and membership of the Valley Stream Volunteer and Exempt Firemen's Benevolent Association.	Chapter 265
A.9632	Thiele	Designates the Southampton Village Ocean Rescue (SVOR) as an emergency rescue and first aid squad.	Chapter 419
A.9700	Palmesano	Provides a residency exemption for the town justice of the Town of Van Etten.	Chapter 421
A.9791-A	Fahy	Provides residency exemptions for certain village offices in the Village of Voorheesville.	Chapter 337
A.9798-A	DeStefano	Authorizes Suffolk County to discontinue and alienate certain parkland for the operation of a cable system associated with an offshore wind facility.	Chapter 779
A.9880	Thiele	Extends the authorization for local governments to "piggyback" on certain competitively bid contracts until June 30, 2026.	Chapter 455

A.9958	Conrad	Extends the exclusion of sewage debt from the constitutional limit for counties, cities, towns, and villages to January 1, 2034.	1st Passage
A.9959	Burdick	Creates the Croton Falls Volunteer Fire Department Benevolent Association.	Chapter 700
A.10002-A	Darling	Authorizes the Village of Freeport to discontinue and alienate certain parklands.	Veto Memo 155
A.10039-A	McMahon	Revises the Main-Transit Volunteer Fire Department Benevolent Association name and powers.	Chapter 285
A.10041-A	Sillitti	Authorizes the Village of Mineola to alienate and convey parkland for the public water supply system.	Chapter 718
A.10056	Solages	Requires IDAs to send certain notifications to affected local taxing jurisdictions by certified mail.	Chapter 766
A.10204	Rules (Lunsford)	Provides an exemption from the statutory non-resident requirement for the Bushnell's Basin Fire Department.	Chapter 308
A.10236-A	Rules (Paulin)	Provides residency exemptions for certain village offices in the Village of Scarsdale.	Chapter 311
A.10237	Rules (Hunter)	Provides an exemption from the statutory non-resident requirement for the Salina Consolidated Fire District No.2.	Chapter 312
A.10270	Rules (Cahill)	Amends metes and bounds for the parkland alienation Chapter 463 of 2000.	Chapter 471
A.10337-A	Rules (Lunsford)	Revises the eligibility of plans for the County-Wide Shared Services Initiative (CWSSI).	Chapter 717
A.10383-A	Rules (Abinanti)	Authorizes the Town of Greenburgh to discontinue and alienate certain parklands for an access easement for a public housing complex.	Chapter 549
A.10391	Rules (Lemondes)	Provides an exemption from the statutory non-resident requirement for the Camillus Fire Department Inc.	Chapter 327
A.10417	Rules (Thiele)	Authorizes Suffolk County to convey parklands to the Hampton Bays Water District for the installation of a water pipe.	Chapter 705

A.10418-A Rules Provides an exemption from the statutory non-resident Chapter 350 (Abinanti) requirement for the Ardsley Volunteer Fire Department.

APPENDIX C

LOCAL GOVERNMENT BILLS THAT PASSED THE ASSEMBLY ONLY

Bill #	Sponsor	Description
A.8605-A	Morinello	Expands the purposes of the Volunteer and Exempt Firemen's Benevolent Association of Upper Mountain, Inc.
A.8607-B	Morinello	Expands the purposes of the Volunteer and Exempt Firemen's Benevolent Association of Lewiston Fire Company No. 2.
A.8608-A	Morinello	Expands the purposes of the Sanborn Volunteer and Exempt Firemen's Benevolent Association Inc.
A.9108	Thiele	Revises notification procedures for the acquisition of real property for open space, historic preservation, and urban renewal.
A.9907-A	Kelles	Authorizes municipalities to sell bonds for the acquisition, construction, or replacement of broadband and related telecommunications infrastructure.
A.10196	Rules (Giglio JM)	Provides a residency exemption for the town justice of the Town of Rushford.