

A public hearing was held pursuant to ED-008-25, adopted by the Legislature on March 18, 2025, for the purpose of hearing public comments on A Local Law Imposing a Tax on the Occupancy of Hotel Rooms Pursuant to Tax Law § 1202-t Hotel or Motel Taxes in Niagara County. Legislator Andres opened the hearing at 5:50 p.m. and closed it at approximately 5:52 p.m.

## **OFFICIAL RECORD**

Lockport, New York  
April 8, 2025

The meeting was called to order by Chairman Wydysh at 6:03 p.m.

Clerk Tomasino called the roll. All Legislators were present with the exception of Legislators Godfrey and Myers.

Chairman Wydysh called Legislator Hill and Sheriff Michael Filicetti to the Lectern to read a proclamation declaring April 11<sup>th</sup> – 19<sup>th</sup>, 2025 as National Public Safety Telecommunicators Week in Niagara County.

Chairman Wydysh called Legislator Gooch and Commissioner of Social Services, Meghan Lutz to the Lectern to read a proclamation declaring April 2025 as Child Abuse Prevention Month in Niagara County.

Chairman Wydysh called Legislator Andres and Commissioner of Economic Development Michael Casale to the lectern to present the 2025 Niagara County Economic Development Address.

No citizens spoke on the Agenda.

Moved by Bradt, second by Robins to accept the Preferred Agenda.

**Resolution No. CW-006-25 was read at this time. (Appears in numerical order)**

### **Resolution No. AD-018-25**

From: Administration Committee.

Dated: April 8, 2025

## **SUMMER HOURS – 2025**

WHEREAS, the County has agreed to a ten-week period for a summer work schedule change, and

WHEREAS, it was agreed that this new schedule will apply only to those departments and employees who are on a Monday through Friday, 9:00 a.m. to 5:00 p.m. schedule, now, therefore, be it

RESOLVED, that effective June 22, 2025 through August 30, 2025 the work schedule of the County employees mentioned above will be 8:30 a.m. to 4:30 p.m. with the following regulations:

1. Any department required by local regulations or law to remain open until 5:00 p.m. may be exempt from this schedule.
2. Each Department Head is authorized to return to the 9:00 a.m. to 5:00 p.m. schedule if the new hours cause operational problems, or if the employees abuse the new work schedule.

3. This agreement is for the ten-week period as stated above and will not be repeated without further Legislative action.
4. Public notice of the hours will be posted in all County offices affected.
5. Any deviation from the above must be cleared with the Human Resources Department.

Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey, Myers.

Resolution No. AD-019-25

From: Administration Committee.

Dated: April 8, 2025

**RESOLUTION REQUESTING TO AMEND THE TAX LAW, IN RELATION TO  
CONTINUING TO AUTHORIZE NIAGARA COUNTY TO IMPOSE  
AN ADDITIONAL RATE OF SALES AND COMPENSATING USE TAXES, PURSUANT TO  
SENATE BILL NO. S5571 AND ASSEMBLY BILL NO. A6750**

WHEREAS, in 2003 the County of Niagara requested the State of New York to amend Article 29, Sections, 1210, 1224 and 1262-n of the State of New York to authorize the County of Niagara to impose an additional one percent (1%) rate of tax in addition to the three percent (3%) the County is authorized to impose and pursuant thereto the County imposed the additional one percent (1%) rate and dedicated the funds so raised to the payment of the local share of Medicaid costs, and

WHEREAS, the County of Niagara deemed it necessary to extend the additional one percent (1%) in the Niagara County sales tax which was imposed pursuant to Home Rule Message resolution FN-005-03 adopted January 21, 2003 and pursuant to imposition resolution FN-006-03 adopted January 22, 2003 to enable the County of Niagara to offset the cost of the local share of Medicaid, and

WHEREAS, the additional one percent (1%) was imposed for the period beginning March 1, 2003 and ending November 30, 2005, and

WHEREAS, the County of Niagara thereafter deemed it necessary to extend the additional one percent (1%) in the Niagara County sales tax, as set forth in Home Rule Message resolution AD-017-05 adopted April 19, 2005 and imposition resolution AD-027-05 adopted July 12, 2005 to enable the County of Niagara to continue to offset the cost of the local share of mandated Medicaid costs, and

WHEREAS, the extension of the additional one percent (1%) rate was imposed for the period beginning December 1, 2005 and ending November 30, 2007, and

WHEREAS, the County of Niagara thereafter deemed it necessary to extend the additional one percent (1%) in the Niagara County sales tax, as set forth in Home Rule Message resolution AD-017-07 adopted May 1, 2007 and imposition resolution CW-001-07 adopted August 7, 2007 to enable the County of Niagara to continue to offset the cost of the local share mandated Medicaid costs, and

WHEREAS, the extension of the additional one percent (1%) rate was imposed for the period beginning December 1, 2007 and ending November 30, 2009, and

WHEREAS, the County of Niagara thereafter deemed it necessary to extend the additional one percent (1%) in the Niagara County sales tax, as set forth in Home Rule Message Resolution AD-012-09 adopted May 5, 2009

and imposition resolution CW-001-09 adopted July 28, 2009 to enable the County of Niagara to continue to offset the cost of the local share mandated Medicaid costs, and

WHEREAS, the extension of the one percent (1%) rate was imposed from the period beginning December 1, 2009 and ending November 30, 2011, and

WHEREAS, the County of Niagara thereafter deemed it necessary to extend the additional one percent (1%) in the Niagara County sales tax, as set forth in Home Rule Message Resolution AD-015-11 adopted May 17, 2011 and imposition resolution CW-001-11 adopted August 22, 2011 to enable the County of Niagara to continue to offset the cost of the local share mandated Medicaid costs, and

WHEREAS, the extension of the one (1%) percent rate was imposed from the period beginning December 1, 2011 and ending November 30, 2013, and

WHEREAS, the County of Niagara thereafter deemed it necessary to extend the additional one percent (1%) sales tax, as set forth in Home Rule Message Resolution AD-009-13 adopted May 21, 2013 and imposition resolution AD-019-13 adopted August 6, 2013 to enable the County of Niagara to continue to offset the cost of the local share of mandated Medicaid costs, and

WHEREAS, the extension of the one (1%) percent rate was imposed from the period beginning December 1, 2013 and ending November 30, 2015, and

WHEREAS, the County of Niagara thereafter deemed it necessary to extend the additional one percent (1%) sales tax, as set forth in Home Rule Message Resolution CW-009-15 adopted May 19, 2015 and imposition resolution CW-013-15 adopted September 9, 2015 to enable the County of Niagara to continue to offset the cost of the local share of mandated Medicaid costs, and

WHEREAS, the extension of the one percent (1%) rate was imposed from the period beginning December 1, 2015 and ending November 30, 2017, and

WHEREAS, the County of Niagara thereafter deemed it necessary to extend the additional one percent (1%) sales tax, as set forth in Home Rule Message Resolution CW-003-17 adopted May 2, 2017 and imposition resolution CW-005-17 adopted August 1, 2017 to enable the County of Niagara to continue to offset the cost of the local share of mandated Medicaid costs, and

WHEREAS, the extension of the one percent (1%) rate was imposed from the period beginning December 1, 2017 and ending November 30, 2020, and

WHEREAS, the County of Niagara thereafter deemed it necessary to extend the additional one percent (1%) sales tax, as set forth in Home Rule Message Resolution CW-007-20 adopted March 10, 2020 and imposition resolution CW-018-20 adopted June 16, 2020 to enable the County of Niagara to continue to offset the cost of the local share of mandated Medicaid costs, and

WHEREAS, the extension of the one percent (1%) rate was imposed from the period beginning December 1, 2020 and ending November 30, 2023, and

WHEREAS, the County of Niagara thereafter deemed it necessary to extend the additional one percent (1%) sales tax, as set forth in Home Rule Message Resolution CW-008-23 adopted April 25, 2023 and imposition resolution CW-028-23 adopted August 1, 2023 to enable the County of Niagara to continue to offset the cost of the local share of mandated Medicaid costs, and

WHEREAS, the extension of the one percent (1%) rate was imposed from the period beginning December 1, 2023 and ending November 30, 2025, and

WHEREAS, the Niagara County Legislature hereby finds that it is necessary to further extend the additional one percent (1%) sales tax for the period beginning December 1, 2025 and ending November 30, 2027 to enable the County of Niagara to continue to offset the cost of the local share of mandated Medicaid costs, now, therefore, be it

RESOLVED, that the Niagara County Legislature requests the New York Legislature to authorize the County of Niagara to continue to impose an additional one percent (1%) rate of tax for the period beginning December 1, 2025 and ending November 30, 2027 in addition to the three percent (3%) the County is authorized to impose and to dedicate the funds from the additional one percent (1%) rate to the payment of the local share of Medicaid costs, said authorization in the form of Senate Bill No. S5571 and Assembly Bill No. A6750, and be it further

RESOLVED, that the Clerk of the Niagara County Legislature be authorized to execute the proper Home Rule Message documents and immediately forward them to the New York State Legislature.

Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey, Myers.

**Resolution No. CS-020-25**

From: Community Services and Administration Committees.

Dated: April 8, 2025

**WAIVER OF RESIDENCY REQUIREMENT  
SOCIAL SERVICES**

WHEREAS, the Niagara County Department of Social Services has a vacancy in a Part-time Assistant Social Services Attorney position, position #1152, which is an important position that is required to represent the Department in various legal matters in assigned courts and provide legal counsel to Department employees, and

WHEREAS, there have been recent demonstrated challenges with recruitment efforts of various departments in attracting qualified Niagara County residents that are attorneys to apply for vacant attorney positions, and

WHEREAS, the Niagara County Department of Social Services makes diligent efforts to prioritize and recruit qualified candidates for these vacant positions from within Niagara County, including various advertisements and postings as required, now, therefore, be it

RESOLVED, that a Waiver of Residency from the policy to hire only Niagara County residents be approved to fill this one vacant position of Part-time Assistant Social Services Attorney whereby the only qualified candidates resides outside Niagara County.

Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey, Myers.

**Resolution No. CS-021-25**

From: Community Services and Administration Committees.

Dated: April 8, 2025

**MH - 2025 BUDGET MODIFICATION – ACCEPT NYS OASAS REGIONAL OPIOID  
ABATEMENT FUNDING**

WHEREAS, the County of Niagara is concerned about the welfare of all of its citizens and, as such, formed the Niagara County Opioid Task Force (OASIS) in 2016 in recognition of the broad impact the opioid epidemic was having on our communities, and

WHEREAS, the County of Niagara entered into and joined a range of litigation against manufacturers, distributors, and sellers of opioids in 2018, and

WHEREAS, the NYS Attorney General's office and separately States Attorney Generals' offices have negotiated numerous settlements with manufacturers, distributors, and sellers of opioid, and

WHEREAS, NYS Office of Addiction Supports and Services, as recommended by the NYS Opioid Settlement Fund Advisory Board, has provided Regional Opioid Abatement funds to counties across New York state to address regional and local priorities, and

WHEREAS, the County of Niagara is in receipt of these Regional Opioid Abatement funds designed to offset the expansive costs and impact of the Opioid crisis on County operations and funds designated for treatment, recovery, and prevention efforts, including "Schedule C – approved uses" and

WHEREAS, the Niagara County Department of Mental Health & Substance Abuse Services (NCDMH), as the Local Governmental Unit (LGU), is responsible for the planning and oversight of the service system to ensure the availability and continuance of services to individuals with mental illness and substance use disorders who are living in Niagara County, and

WHEREAS, the Niagara County Department of Mental Health (NCDMH), on behalf of the County of Niagara, has gathered data and input to create a plan for the distribution and use of the Regional Opioid Abatement funds, consistent with the recommendations of the NYS Opioid Settlement Fund Advisory Board, through stakeholder forums, public input sessions, and legislative committee meetings, and

WHEREAS, sober housing affords individuals who are transitioning into community settings after discharge from inpatient treatment and other higher levels of care, a critically important safe and supportive living environment through which to maintain their sobriety, and

WHEREAS, Oxford House has been a primary resource for those recovering from a substance use disorder who seek a peer-supportive, safe, sober living environment after treatment through a network of more than 4,000 self-run, self-supported, rented recovery homes throughout the United States, and

WHEREAS, the goal of Oxford House is to provide a highly structured living environment that helps individuals stay off alcohol and drugs by learning or re-learning how to achieve long-term sobriety and responsible civic behavior, and

WHEREAS, Oxford House proposes to open two (2) to three (3) Oxford Houses for women and parenting individuals and organize these homes into mutually supportive chapters to assist the growing needs of the recovery population, and

WHEREAS, NCDMH intends to partner with Oxford House to increase access to safe, affordable, and peer supported housing for individuals in recovery, now, therefore, be it

RESOLVED, that the Director of NCDMH is authorized to engage in the process to carry out the necessary agreements between the County and Oxford House, subject to the approval of the County Attorney's Office, and be it further

RESOLVED, that the following budget modifications be effectuated 4/8/2025:

**INCREASE REVENUE:**

A.21.4310.000.43490.07	OASAS Regional Abatement Funding	\$200,000
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**INCREASE EXPENSE:**

A.21.4310.000.74500.01	Contractual Expenses	\$200,000
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Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey, Myers.

**Resolution No. CSS-044-25**

From: Community Safety & Security and Administration Committees.

Dated: April 8, 2025

**NIAGARA COUNTY SHERIFF'S OFFICE  
BUDGET MODIFICATION – FY23 DOMESTIC TERRORISM PREVENTION GRANT CHANGE  
AND ABOLISH CO-TERMINUS SPECIAL PATROL OFFICER POSITION**

WHEREAS, the Niagara County Legislature accepted the FY23 Domestic Terrorism Prevention Grant on 11/12/24 in Resolution #CSS-114-24 for the amount of \$172,413 for the performance period of September 1, 2024 through August 31, 2026 under the New York State Division of Homeland Security and Emergency Services (DHSES), and

WHEREAS, the purpose of this grant is to prevent targeted violence and domestic terrorism through the utilization of Threat Assessment and Management (TAM) teams and the development of comprehensive Domestic Terrorism Plans, and

WHEREAS, the Niagara County Legislature passed Resolution #CSS-022-25 to add the grant funds to the 2025 budget and create and fill a co-terminus Special Patrol Office P/T No Benefits position, and

WHEREAS, the Niagara County Sheriff's Office has modified its plan for the grant including the Special Patrol Position, now, therefore, be it

RESOLVED, that following the County Attorney's review, the FY2024 DHSES Domestic Terrorism Prevention grant budget amendment may be executed pursuant to the Niagara County Contract Policy, and be it further

RESOLVED, that co-terminus Special Patrol Officer P/T No Benefits position #13984 be abolished, and, be it further

RESOLVED, that the following budget modifications be effectuated:

**DECREASE APPROPRIATIONS:**

A.17.3110.000 71030.00	Part Time Expense	\$29,703
A.17.3110.000 74500.01	Contractual Expenses	\$10,000
A.17.3110.000 78200.00	FICA Expense	\$ 1,289
A.17.3110.000 78300.00	Workers Comp Expense	\$ 352

**INCREASE APPROPRIATIONS:**

A.17.3110.000 71050.00	Overtime Expense	\$ 12,857
A.17.3110.000 74500.02	Service Contracts	\$ 19,740
A.17.3110.000 74750.02	General Supplies/Materials	\$ 5,000
A.17.3110.000 78100.00	Retirement Expense	\$ 3,747

Moved by Bradt, seconded by Robins.  
Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey, Myers.

**Resolution No. CSS-045-25**

From: Community Safety & Security and Administration Committees.

Dated: April 8, 2025

**NIAGARA COUNTY SHERIFF'S OFFICE  
EXPENDITURE OF CELLULAR E911 FUNDS  
TO PROGRAM PUBLIC SAFETY RADIOS**

WHEREAS, the Niagara County Legislature passed a Local Law on 11/5/2017 which established an E911 surcharge for cellular phones to establish a dedicated revenue to be used for future payments for system costs, eligible wireless 911 service costs, or other costs associated with the administration, design, enhanced wireless 911 service costs serving Niagara County, and

WHEREAS, such expenditures require the authorization of the Niagara County Legislature, and

WHEREAS, the Sheriff's Office has identified a need to program Public Safety mobile radios for the E911 System, and

WHEREAS, the Sheriff's Office has two quotes for the project, and

WHEREAS, the funds need to be added to the 2025 Budget, now, therefore, be it

RESOLVED, that the Niagara County Sheriff's Office be authorized to spend \$6,200 in cellular E911 funds for the necessary project to program Public Safety mobile radios for the E911 system, following Purchasing Guidelines, and be it further

RESOLVED, that the following budget modifications be effectuated:

**INCREASE APPROPRIATED FUND BALANCE:**

A.19.3020.000 40599.01	Appropriated Fund Balance – Committed Funds	\$6,200
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**INCREASE APPROPRIATIONS:**

A.19.3020.000 74500.01	Contractual Expenses	\$6,200
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Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey, Myers.

**Resolution No. CSS-046-25**

From: Community Safety & Security and Administration Committees.

Dated: April 8, 2025

**NIAGARA COUNTY SHERIFF'S OFFICE  
PRIME CARE MEDICAL OF NEW YORK, INC SECOND EXTENSION**

WHEREAS, on January 19, 2021 the Niagara County Legislature approved in Resolution #CSS-011-21 for the Niagara County Sheriff's Office to enter into a contract with Prime Care Medical of New York, Inc, Personalcare Registered Professional Nursing P.C., Professional Care Medical Practice P.C., and Professional Care Dental Services PC to continue to provide medical care for the incarcerated individuals at the Niagara County Correctional Facility, and

WHEREAS, the Agreement dated August 15, 2021 is in effect through August 14, 2024 and may be renewed thereafter under like terms for two (2) additional one (1) year terms, each renewal subject to agreement by the parties, and

WHEREAS, on May 14, 2024 the Niagara County Legislature passed Resolution #CSS-046-24 approving the first one (1) year extension of the Health Care Services Agreement, and

WHEREAS, the Niagara County Sheriff's Office and Prime Care Medical of New York, Inc, Personalcare Registered Professional Nursing P.C., Professional Care Medical Practice P.C., and Professional Care Dental Services PC wish to exercise the second one (1) year extension of the current agreement for the provision of medical care for incarcerated individuals in the Niagara County Correctional Facility, now, therefore, be it

RESOLVED, that following the County Attorney's review, Niagara County's agreement with Prime Care Medical of New York, Inc, Personalcare Registered Professional Nursing P.C., Professional Care Medical Practice P.C., and Professional Care Dental Services PC be extended until August 14, 2026 and be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey, Myers.

**Resolution No. CSS-047-25**

From: Community Safety & Security and Administration Committees.

Dated: April 8, 2025

**NIAGARA COUNTY SHERIFF'S OFFICE  
EXTENSION OF TRINITY FOOD SERVICES CONTRACT FOR INMATE FOOD SERVICE  
MANAGEMENT AND OFFICE FOR THE AGING FOOD SERVICE MANAGEMENT**

WHEREAS, the Niagara County Legislature passed Resolution #CSS-034-21 on March 23, 2021 to enter into a contract with Trinity Food Services for Inmate Food Service Management and Office for the Aging Food Service Management pursuant to Sealed Bid #2021-02 Food Service Management for Niagara County Office for the Aging Senior Nutrition Program and Niagara County Jail, and

WHEREAS, the contract which is dated July 19, 2021 had an initial term beginning July 8, 2021, effective for two (2) years from the date thereof with the option of extending the contract for three (3) additional one (1) year periods, and

WHEREAS, the Niagara County Legislature passed Resolution #CSS-059-23 on June 20, 2023 to extend the agreement for one additional year until July 7, 2024, and

WHEREAS, the Niagara County Legislature passed Resolution #CW-013-24 on July 15, 2024 to extend the agreement for the second one year extension until July 7, 2025, and

WHEREAS, the Niagara County Sheriff's Office and the Niagara County Office for the Aging would like to exercise the option now to extend the Trinity Food Services management contract for the third 12 month extension resulting in a modified end date of July 7, 2026 under the same terms and conditions of the current contract, and

WHEREAS, prior to the execution of the required documents, the County Attorney will review them for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that following the County Attorney review, the Trinity Food Services contract extension may be executed pursuant to the Niagara County Contract Policy

Moved by Bradt, seconded by Robins.  
Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey, Myers.

**Resolution No. CSS-048-25**

From: Community Safety & Security and Administration Committees.

Dated: April 8, 2025

**PROBATION ACCEPT CLASSIFICATION 13A FUNDS FOR 2025-2026**

WHEREAS, the Niagara County Probation Department has been notified by the New York State Division of Criminal Justice Services of a County Classification 13A award for term dates July 1, 2025 – June 30, 2026, and

WHEREAS, the funding is being renewed in the amount of \$118,073 and said funds are used to offset our expenses for the Alternative To Incarceration and Pre-Trial Release programs in the department and have been budgeted in the 2025 budget, and

WHEREAS, prior to the execution of the grant agreement, the County Attorney will review the agreement for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute said agreement.

Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey, Myers.

**Resolution No. CSS-049-25**

From: Community Safety & Security and Administration Committees.

Dated: April 8, 2025

**WAIVER OF RESIDENCY REQUEST ASSISTANT PUBLIC DEFENDER POSITION**

WHEREAS, the Niagara County Public Defender Office has permission to fill a vacant Assistant Public Defender position, this is a critical and important position that is required to satisfy operational requirements of the department and to provide effective legal representation to indigent defendants charged of crimes, and

WHEREAS, due to challenges with the recruitment for qualified candidates despite posting efforts and activities to source candidates for this important position has not resulted in a sufficient applicant pool of Niagara County resident candidates applying for this vacant position, and

WHEREAS, Public Defender Office has made diligent and sincere efforts to recruit highly qualified candidates for the position from within Niagara County, therefore, be it

RESOLVED, that a one-time permanent Waiver of Residency from the policy to hire only Niagara County residents be approved to fill the currently vacant Assistant Public Defender position #13823 when the most highly qualified applicant is a non-Niagara County resident or when only qualified candidates reside outside Niagara County.

Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey, Myers.

**Resolution No. CW-004-25**

From: Committee of the Whole.

Dated: April 8, 2025

**RESOLUTION IN SUPPORT OF ORGANIZATIONS  
IN NIAGARA COUNTY  
THROUGH THE USE OF CULTURAL ENDOWMENT FUNDING**

WHEREAS, Cultural Endowment Funds help support numerous organizations across Niagara County that are important to local communities, and

WHEREAS, the various organizations and groups throughout Niagara County help with cultural enrichment programs for our community and citizens of all ages, now, therefore, be it

RESOLVED, that the Niagara County Legislature authorized the allocation of funding in the amount of \$320,000 for the Cultural Endowment Fund through the 2025 budget process, and be it further

RESOLVED, that Niagara County supports the organizations listed below by appropriating \$300,000 from said Cultural Endowment Fund as follows:

Artpark & Company	\$102,666.90
Niagara Aquarium Foundation (DBA Aquarium of Niagara)	\$67,482.56
Old Fort Niagara Youngstown	\$23,356.78
Kenan Center Lockport	\$19,987.05
Castellani Art Museum at Niagara University	\$12,921.45
Niagara Arts & Cultural Center Niagara Falls	\$6,852.51
Niagara Falls Underground Railroad Heritage Commission	\$5,687.98
Carousel Society of the Niagara Frontier (DBA Herschell Carrousel Factory Museum)	\$7,142.11
The Riviera Theatre	\$39,082.36
Historic Palace Theatre	\$14,820.30

Moved by Abbott, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey, Myers.

**Resolution No. CW-005-25**

From: Committee of the Whole.

Dated: April 8, 2025

**RESOLUTION AUTHORIZING AND PROVIDING ANNUAL SUPPORT OF \$70,000  
FOR THE CREATION AND PERMANENT PLACEMENT OF AN ASSISTANT DIRECTOR  
OF THE NIAGARA SMALL BUSINESS DEVELOPMENT CENTER (SBDC) AT  
THE NIAGARA COUNTY CENTER OF ECONOMIC DEVELOPMENT**

WHEREAS, Niagara County Community College ("SUNY Niagara") serves as a critical educational institution contributing significantly to regional economic development through the Niagara Small Business Development Center ("Niagara SBDC"), and

WHEREAS, the Niagara SBDC provides valuable resources and support to local small businesses and entrepreneurs, fostering economic growth and job creation in Niagara County, and

WHEREAS, the Niagara County Center of Economic Development seeks to enhance its capacity to support small businesses through the creation of a permanent Assistant Director position within the Niagara SBDC, and

WHEREAS, the institutional sponsorship from Niagara County to SUNY Niagara is essential to funding this new role, thereby enabling continued economic development support to the Niagara County business community, now, therefore, be it

RESOLVED, that Niagara County supports the creation and ongoing permanent placement of an Assistant Director position within the Niagara Small Business Development Center at the Niagara County Center of Economic Development and shall annually provide SUNY Niagara \$70,000 towards the position, and be it further

RESOLVED, that, following the County Attorney's review, all necessary agreements, documents, and instruments required to effectuate this increased sponsorship and the establishment of the aforementioned position be executed pursuant to the Niagara County Contract Policy, and be it further

RESOLVED, that the following budget modification be effectuated:

DECREASE APPROPRIATIONS:

A.08.1990.000 74500.01	Contingency Fund	70,000
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INCREASE APPROPRIATIONS:

A.08.2495.000 74400.09	Misc. Expense, Payments Other Agencies	70,000
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Moved by Andres, seconded by McKimmie.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey, Myers.

**Resolution No. CW-006-25**

From: Community Safety & Security and Administration Committees.

Dated: April 8, 2025

**POSITION APPOINTMENT  
COMMISSIONER OF SOCIAL SERVICES**

WHEREAS, the term of appointment for the Commissioner of Social Services expires May 12, 2025, and

WHEREAS, under Local Law establishing an Administrative Code for the County of Niagara, the County Manager shall make appointments for the Commissioner of Social Services, subject to the confirmation of the County Legislature, and

WHEREAS, the County Manager has conducted a performance evaluation of the incumbent in this position, and

WHEREAS, the County Manager has determined that the incumbent has demonstrated outstanding leadership ability and performed in a manner of excellence, and

WHEREAS, upon review, consideration and recommendation for appointment by the County Manager, it has been determined that Meghan T. Lutz best meets the qualifications for the position, now, therefore, be it

RESOLVED, that Meghan T. Lutz be appointed for a five (5) year term of office to the position of Commissioner of Social Services commencing May 13, 2025 through May 12, 2030 subject to meeting performance standards for the position, and be it further

RESOLVED, that Meghan T. Lutz shall be entitled to the same group hospital, medical, dental, life and disability benefits, if any, as provided to all other non-union employees of the County, and be it further

RESOLVED, that Meghan T. Lutz shall be compensated at an annual salary of \$122,400 through December 31, 2025, and be it further

RESOLVED, that Meghan T. Lutz shall receive a 3% annual salary increase effective January 1, 2026, with an annual salary of \$126,072; and shall receive 2.75% annual increases each January 1<sup>st</sup> thereafter, effective January 1, 2027; \$129,539 effective January 1, 2027; \$133,101 effective January 1, 2028; \$136,761 effective January 1, 2029; \$140,522 effective January 1, 2030, and be it further

RESOLVED, that Ms. Lutz will receive annual performance evaluations and upon expiration of the five (5) year term, will continue to serve as Commissioner of Social Services until a successor is duly appointed and confirmed for said office.

Moved by Gooch, seconded by Voccio.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey, Myers.

**Resolution No. CW-007-25**

From: Committee of the Whole.

Dated: April 8, 2025

**RESOLUTION AUTHORIZING COMMENCEMENT OF LITIGATION TO OBTAIN  
DAMAGES AND COMPENSATION CONCERNING THE NIAGARA COUNTY  
PUBLIC WORKS FACILITY PROJECT NO. 2007**

WHEREAS, on or about October 31, 2024, Picone Construction Corporation submitted a bid for the public works project known as “Niagara County New Public Works Facility, Project No. 2007 (the “Project”), and

WHEREAS, in connection with its bid Picone submitted a bid bond in the amount of 5% of the Project, such bid bond was issued by Liberty Mutual Insurance Company (“Liberty Mutual”), and

WHEREAS, following the submission of documentation concerning Picone’s use of an apprenticeship program for the training of employees providing labor for the Project, it was determined that Picone was the lowest responsible bidder. In furtherance thereof on December 3, 2024 the Niagara County Legislature passed a resolution awarding the contract to Picone, and

WHEREAS, despite being the successful bidder and receiving proper notice of the award, Picone failed and refused to execute the contract documents, and

WHEREAS, as a result of Picone’s refusal to execute the contract documents, the County was forced to award the contract to the next lowest responsible bidder, Walter S. Johnson Bldg., Co., at a bid price of Nine Million Seven Hundred Sixty Thousand Dollars (\$9,760,000), which is Five Hundred Forty Thousand Dollars \$540,000 higher than Picone’s bid, and

WHEREAS, to date, Liberty Mutual has failed and refused to honor its obligations under the Bid Bond, and

WHEREAS, Niagara County retained the law firm of Gibson, McAskill & Crosby, LLP to represent the County in these matters, causing the County to incur legal fees and other expenses to enforce the contract with Picone, and bid bond with Liberty Mutual, and

WHEREAS, pursuant to New York State County Law, the Niagara County Legislature is authorized to direct the Niagara County Attorney to commence legal proceedings against Picone and Liberty Mutual for their failure to perform their contractual and legal obligations

RESOLVED, that the Niagara County Attorney is hereby authorized and directed by the Niagara County Legislature to commence all necessary legal proceedings against Picone and Liberty Mutual to recover those amounts due and owing to Niagara County for Picone and Liberty Mutual’s failure to perform their contractual and legal obligations.

Moved by Foti, seconded by Speranza.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey, Myers.

**Resolution No. ED-010-25**

From: Economic Development and Administration Committees.

Dated: April 8, 2025

**ADOPTION OF A LOCAL LAW IMPOSING A TAX ON THE OCCUPANCY OF HOTEL ROOMS  
PURSUANT TO TAX LAW § 1202-t HOTEL OR MOTEL TAXES IN NIAGARA COUNTY**

WHEREAS, the Economic Development and Administration Committees recommend the adoption of the following Local Law:

A Local Law Imposing a Tax on the Occupancy of Hotel Rooms Pursuant to Tax Law § 1202-t Hotel or Motel Taxes in Niagara County:

WHEREAS, a public hearing was held on April 8, 2025 at 5:50 p.m. in the Legislative Chambers, Courthouse, Lockport, New York, on said Local Law, and

WHEREAS, 0 people appeared to speak on said Local Law, and

WHEREAS, no amendment(s) was (were) made to said Local Law, now, therefore, be it

RESOLVED, that a Local Law imposing a tax on the occupancy of hotel rooms pursuant to Tax Law § 1202-t hotel or motel taxes in Niagara County be enacted by the Legislature of the County of Niagara, New York as follows:

Section 1.     Short Title.

This Local Law shall be known as the Niagara County Hotel Room Occupancy Tax Law.

Section 2.     Definitions.

When used in this Local Law, the following terms shall mean:

(a)     Person.     An individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.

(b)     Operator.     Any person operating a hotel in the County of Niagara, including but not limited to, the owner or proprietor of such premises, lessee, sub-lessee, mortgagee in possession, licensee or any other person otherwise operating such hotel.

(c)     Hotel.     A building or portion of it which is regularly used and kept open as such for the lodging of guests on an overnight basis. The term "hotel" includes a motel, motor court, motor lodge or inn, bed and breakfast and tourist homes, AirBNB, rentals, (including through online booking sites) or similar hotel or motel type of accommodations by whatever name designated.

(d)     Occupancy.     The use or possession, or the right to use or possession of any room in a hotel.

(e) Occupant. A person who, for a consideration, uses, possesses, or has the right to use or possess, any room in a hotel under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.

(f) Permanent Resident. A person occupying any room or rooms in a hotel for at least thirty consecutive days shall be considered a permanent resident with regard to the period of such occupancy.

(g) Rent or Charge. The consideration received for occupancy valued in money, whether received in money or otherwise.

(h) Room. Any room or rooms of any kind in any part or portion of a hotel, which is available for or let out for any purpose other than a place of assembly.

(i) Return. Any return filed or required to be filed as herein provided.

(j) County Treasurer. The Treasurer of the County of Niagara, New York.

### Section 3. Imposition of Tax.

Pursuant to Tax Law section 1202-t, as amended, on and after the 23rd day of March, two thousand twenty, there is imposed and there shall be paid a tax of five percent (5 %) per day upon the rent for every occupancy of a room or rooms in a hotel in the County of Niagara except that the tax shall not be imposed upon a permanent resident of a hotel or exempt organizations as hereinafter set forth.

### Section 4. Exempt Organizations.

(a) Except as otherwise provided in this section, any use or occupancy by any of the following shall not be subject to the tax imposed by this Local Law:

(1) The State of New York, or any public corporation (including a public corporation created pursuant to agreement or compact with another state or the Dominion of Canada) improvement district or political subdivision of the state;

(2) The United States of America, insofar as it is immune from taxation; and

(3) Any corporation, or association, or trust, or community chest, fund or foundation, organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this paragraph.

### Section 5. Territorial Limitations.

The tax imposed by this Local Law shall apply only within the territorial limits of the County of Niagara except for within the limits of any city of the County of Niagara imposing a hotel or motel tax pursuant to authority granted by the State of New York at any prior time. In the event that any city within the County of Niagara not currently imposing such a hotel and motel bed tax shall obtain authorization from the State of New York to impose such a tax; said city shall have the right to impose such tax up to the maximum rate of the tax authorized for such city by the State of New York. In the event that the imposition of the new tax by any such

city would require a reduction in the County tax rate imposed pursuant to this section and to this Local Law, then said tax shall not become effective before the commencement of the County's next succeeding fiscal year and then only if such city shall have given notice to such County of its imposition of such a tax at least six (6) months prior to the commencement of such fiscal year. The County of Niagara waives the right of said notice and the postponement of the effective date of such a hotel occupancy tax. Cities within the County of Niagara who currently are authorized to and who collect a hotel occupancy tax shall continue to maintain a prior right to collect such hotel and motel bed tax.

#### Section 6. Registration.

Within ten days after the effective date of this local law, or in the case of operators commencing business after such effective date, within three days after such commencement or opening, every operator shall file with the County Treasurer a certificate of registration in a form prescribed by the County Treasurer. The County Treasurer shall, within five days after such registration, issue without charge to each operator, a certificate of authority empowering such operator to collect the tax from the occupant and duplicate thereof for each additional hotel of such operator. Each certificate or duplicate shall state the hotel to which it is applicable. Such certificates of authority shall be prominently displayed by the operator in such manner that it may be seen and come to the notice of all occupants and persons seeking occupancy. Such Certificates shall be non-assignable and non-transferable and shall be surrendered immediately to the County Treasurer upon the cessation of business at the hotel named or upon its sale or transfer.

#### Section 7. Administration and Collection.

(a) The tax imposed by this Local Law shall be administered and collected by the County Treasurer.

(b) The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement or charge made for said occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the County, and the operator shall be liable for the collection thereof and for the tax. The operator and any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this Local Law, and the operator shall have the same right in respect to collecting the tax from the occupant, or in respect to non-payment of the tax by the occupant as if the tax were a part of the rent for the occupancy payable at the time such tax shall become due and owing, including all rights of eviction, dispossession, repossession and enforcement of any innkeeper's lien that he may have in the event of non-payment of rent by the occupant; provided, however, that the County Treasurer shall be joined as a party in any action or proceeding brought by the operator to collect or enforce collection of the tax.

(c) Where the occupant has failed to pay and the operator has failed to collect a tax as imposed by this Local Law, then in addition to all other rights, obligations and remedies provided, such tax shall be payable by the occupant directly to the County Treasurer, and it shall be the duty of the occupant to file a return thereof with the County Treasurer and to pay the tax imposed thereon to the County Treasurer within fifteen days after such tax was due.

(d) The County Treasurer may, wherever he deems it necessary for the proper enforcement of this Local Law, provide by regulation that the occupant shall file returns and pay directly to the County Treasurer the tax herein imposed, at such times as returns are required to be filed and payment over made by the operator.

(e) The tax imposed by this Local Law shall be paid upon any occupancy on and after May first, two thousand twenty-five, although such occupancy is had pursuant to a contract, lease or other arrangement made prior to such date. Where rent is paid or charged or billed, or falls due on either a weekly, monthly or other

term basis, the rent so paid, charged, billed or failing due shall be subject to the tax herein imposed to the extent that it covers any portion of the period on and after May first, two thousand twenty-five. Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the County Treasurer may by regulation provide for credit and/or refund of the amount of such tax application therefore as provided in section twelve of this Local Law.

(f) For the purpose of the proper administration of this Local Law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator or the occupant. Where an occupant claims exemptions from the tax under the provisions of section four hereof, the rent shall, be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption a copy of a certificate issued by the County Treasurer certifying that the corporation or association therein named is exempt from the tax under section four hereof, together with a certificate duly executed by the corporation or association named in the certificate of the County Treasurer certifying that the occupant is its agent, representative or employee and that his occupancy is paid or to be paid by, and is necessary or required in the course of or in connection with the affairs of said corporation or association.

#### Section 8. Records to be kept.

Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon, in such form as the County Treasurer may by regulation require. Such records shall be available for inspection and examination at any time upon demand by the County Treasurer or his duly authorized agent or employee and shall be preserved for a period of three years, except that the County Treasurer may consent to their destruction within that period or may require that they be kept longer.

#### Section 9. Returns.

(a) Every operator shall file with the County Treasurer a return of occupancy and of rents, and of the taxes payable thereon for the periods ending March thirty-first, June thirtieth, September thirtieth and December thirty-first of each year, on and after May first, two thousand twenty-five. Such returns shall be filed within twenty days from the expiration of the period covered thereby. The County Treasurer may permit or require returns to be made by other periods and upon such dates as he may specify. If the County Treasurer deems it necessary in order to insure the payment of the tax imposed by this Local Law, he may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as he may specify.

(b) The forms of returns shall be prescribed by the County Treasurer and shall contain such information as he may deem necessary for the proper administration of this Local Law. The County Treasurer may require amended returns to be filed within twenty days after notice and to contain the information specified in the notice.

(c) If a return required by this Local Law is not filed, or if a return when filed is incorrect or insufficient on its face, the County Treasurer shall take the necessary steps to enforce the filing of such a return or of a corrected return.

#### Section 10. Payment of Tax.

At the time of filing a return of occupancy and of rents each operator shall pay to the County Treasurer the taxes imposed by this Local Law upon the rents required to be included in such return, as well as all other moneys collected by the operator acting or purporting to act under the provisions in this Local Law. Even though it be judicially determined that the tax collected is invalidly required to be filed, it shall be due from the

operator and payable to the County Treasurer on the date limited for the filing of the return for such period, without regard to whether a return is filed or whether the return which is filed correctly shows the amount of rents and the taxes due thereon. Where the County Treasurer, in his discretion, deems it necessary to protect revenues to be obtained under this Local Law he may require any operator required to collect the tax imposed by this local law to file with him a bond, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as the County Treasurer may fix to secure the payment of any tax and/or penalties and interest due or which may become due from such operator. In the event that the County Treasurer determines that an operator is to file such bond he shall give notice to such operator to that effect specifying the amount of the bond required. The operator shall file such bond within five days after the giving of such notice unless within such five days the operator shall request in writing a hearing before the County Treasurer at which the necessity, propriety and amount of the bond shall be determined by the County Treasurer. Such determination shall be final and shall be complied with within fifteen days after the giving of notices thereof. In lieu of such bond, securities approved by the County Treasurer or cash in such amount as he may prescribe, may be deposited which shall be kept in the custody of the County Treasurer who may at any time without notice to the depositor apply them to any tax and/or interest or penalties due, and for that purpose the securities may be sold by him at public or private sale without notice to the depositor thereof.

#### Section 11. Determination of Tax.

If a return required by this Local Law is not filed, or if a return when filed is incorrect or insufficient the amount of tax due shall be determined by the County Treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors. Notice of such determination shall be given to the person liable for the collection and/or payment of the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within thirty days after giving of notice of such determination, shall apply to the County Treasurer for a hearing, or unless the County Treasurer of his own motion shall re-determine the same. After such hearing, the County Treasurer shall give notice of his determination to the person against whom the tax is assessed. The determination of the County Treasurer shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under Article seventy-eight of the Civil Practice Law and Rules, provided however, that such proceeding is instituted in the Supreme Court within thirty days after the giving of the notice of such determination. A proceeding under Article seventy-eight of the Civil Practice Law and Rules shall not be instituted unless

(a) The amount of any tax sought to be reviewed, with penalties and interest thereon, if any, shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a Justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or (b) at the option of the petitioner such undertaking may be in a sum sufficient to cover the taxes, penalties and interest thereon stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, penalties and interest as a condition precedent to the application.

#### Section 12. Refunds.

(a) In the manner provided in this section, the County Treasurer shall refund or credit without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the County Treasurer for such refund shall be made within one year from the payment thereof. Whenever a refund is made by the County Treasurer, he shall state his reason therefore in writing. Such application may be made by the occupant, operator or other person who has actually paid the tax. Such application when made by

an operator who has collected and paid over such tax to the County Treasurer, provided that the application is made within one year of the payment by the occupant to the operators shall be acted upon and refunded any moneys, due, only after such operator shall first establish to the satisfaction of the County Treasurer, under such regulations as the County Treasurer may prescribe, that he has repaid or will simultaneously repay to the occupant the amount for which the application for refund is made. The County Treasurer may, in lieu of any refund required to be made, allow credit therefore on payments due from the petitioner.

(b) Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the County Treasurer, and such County Treasurer shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under Article seventy-eight of the Civil Practice Law and Rules, provided, however, that such proceeding is instituted within thirty days after the giving of the notice of such denial, that a final determination of tax due was not previously made, and that an undertaking be filed with the County Treasurer in such amount and with such sureties as a Justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

(c) A person shall not be entitled to a revision, refund or credit under this section of a tax, interest or penalty which had been determined to be due pursuant to the provisions of section twelve of this Local Law where he has had a hearing or an opportunity for a hearing, as provided in said section, or has failed to avail himself of the remedies therein provided. No refund or credit shall be made of a tax, interest or penalty paid after a determination by the County Treasurer made pursuant to section twelve of this Local Law unless it be found that such determination was erroneous, illegal or unconstitutional or otherwise improper by the County Treasurer after a hearing or of his own motion or in a proceeding under Article seventy-eight of the Civil Practice Law and Rules, pursuant to the provisions of said section, in which event refund or credit without interest shall be made of the tax, interest or penalty found to have been overpaid.

### Section 13. Disposition of Revenues.

All revenues resulting from the imposition of this tax under this Local Law shall be paid into the treasury of the County of Niagara and shall be credited to and deposited as follows: (a) the first four percentum (4%) shall be deposited in the General Fund of the County of Niagara. Thereafter, thereafter are to be allocated and paid to a not-for-profit corporation under contract with the County for the promotion of tourism in the County and (b) the additional one percentum (1%) of revenue from this tax shall be dedicated to the operation of the Discover Niagara Shuttle. The County Treasurer is authorized to retain up to a maximum of five percent (5%) of such revenue to defer the necessary expenses of the County in administering such tax.

### Section 14. Reserves.

In cases where the occupant or operator has applied for a refund and has instituted a proceeding under Article seventy-eight of the Civil Practice Law and Rules to review a determination adverse to him on his application for refund, the County Treasurer shall set up appropriate reserves to meet any decision adverse to the County.

### Section 15. Remedies Exclusive.

The remedies provided by sections eleven and twelve of this Local Law shall be exclusive remedies available to any person for the review of tax liability imposed by this Local Law and no determination or proposed determination of tax or determination on any application for refund shall be enjoined or reviewed by an action for declaratory judgment, an action for money had and received or by any action or proceeding other than a proceeding in a nature of a certiorari proceeding under Article seventy-eight of the Civil Practice Law and Rules; provided, however, that a taxpayer may proceed by declaratory judgment if he institutes suit within

thirty days after a deficiency assessment is made and pays the amount of the deficiency assessment to the County Treasurer prior to the institution of such suit and posts a bond for costs as provided in section eleven of this Local Law.

#### Section 16. Proceedings to Recover Tax.

(a) Whenever any operator or any officer of a corporate operator or any occupant or other person shall fail to collect and pay over any tax and/or to pay any tax, penalty or interest imposed by this Local Law as therein provided, the Niagara County Attorney shall, upon the request of the County Treasurer, bring or cause to be brought an action to enforce the payment of the same on behalf of the County of Niagara in any court of the State of New York or of any other state or of United States. If, however, the County Treasurer, in his discretion, believes that any such operator, officer, occupant or other person is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, he may declare such tax or penalty to be immediately due and payable and may issue a warrant immediately.

(b) As an additional or alternate remedy, the County Treasurer may issue a warrant, directed to the sheriff commanding him to levy upon and sell the real and personal property of the operator or officer of a corporate operator or of the occupant or other person liable for the tax, which may be found within the County for the payment of the amount thereof, with any penalties and interest, and the cost of executing the warrant, and to return such warrant to the County Treasurer and to pay to him the money collected by virtue thereof within sixty days after the receipt of such warrant. The sheriff shall, within five days after the receipt of the warrant, file with the County Clerk a copy thereof, and thereupon such clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax, penalties and interest for which the warrant is issued and the date when such copy is filed. Thereupon the amount of such warrant so docketed shall become a lien upon any interest in real and personal property of the person against whom the warrant is issued. The sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as that provided by law in respect to executions issued against property upon judgments of a court of record and for services in citing the warrant he shall be entitled to the same fees, which he may collect in the same manner. In the discretion of the County Treasurer, a warrant of like terms, force and effect may be issued and directed to any officer or employee of the County Treasurer and in the execution thereof such officer or employee shall have all the powers conferred by law upon sheriffs, but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. If a warrant is returned not satisfied in full, the County Treasurer may, from time to time, issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the County has recovered judgment therefore and execution thereon has been returned unsatisfied.

(c) Whenever an operator shall make a sale, transfer, or assignment in bulk of any part or the whole of his hotel or his lease, license of other agreement or right to possess or operate such hotel, apartment hotel, or of the equipment, furnishings, fixtures, supplies or stock of merchandise, of the said premises or lease, license or other agreement or right to possess or operate such hotel, apartment hotel and the equipment, furnishings, fixtures, supplies and stock of merchandise pertaining to the conduct or operation of said hotel, otherwise than in the ordinary and regular prosecution of business, the purchaser, transferee or assignee shall at least ten days before taking possession of the subject of said sale, transfer or assignment, or paying therefore, notify the County Treasurer by registered mail of the proposed sale and of the price, terms and conditions thereof whether or not the seller, transferor or assignor, has represented to or informed the purchaser, transferee or assignee that it owes any tax pursuant to this Local Law, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing. Whenever the purchaser, transferee or assignee shall fail to give notice to the County Treasurer as required by the preceding paragraph or whenever the County Treasurer shall inform the purchaser, transferee or assignee that a possible claim for such tax or taxes exists, any sums of money, property or chooses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the seller, transferor or assignor shall be subject

to a first priority right and lien for any such taxes theretofore or thereafter determined to be due from the seller, transferor or assignor to the County, and the purchaser, transferee or assignee is forbidden to transfer to the seller, transferor or assignor any such sums of money, property or choses in action to the extent of the amount of the County's claim. For failure to comply with the provisions of this subdivision, the purchaser, transferee or assignee, in addition to being subject to the liabilities and remedies imposed under the provisions of section 6-101 through 6-111 of the Uniform Commercial Code, shall be personally liable for the payment to the County of any such taxes theretofore or thereafter determined to be due to the County from the seller, transferrer, or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this Local Law.

Section 17. General Powers of the County Treasurer.

In addition to the powers granted to the County Treasurer in this Local Law, he is hereby authorized and empowered:

(a) To make, adopt and amend rules and regulations appropriate to the carrying out of this Local Law and the purposes thereof;

(b) To extend for cause shown, the time of filing any return for a period not exceeding thirty days; and for cause shown, to waive penalties but not interest computed at the rate of six percent per annum; and to compromise disputed claims in connection with the taxes hereby imposed;

(c) To request information from the Tax Commission of the State of New York or the Treasury Department of the United States relative to any person; and to afford information to such tax commission or such treasury department relative to any person, any other provision of this Local Law to the contrary notwithstanding;

(d) To delegate his functions hereunder to a Deputy County Treasurer or any employee or employees of the office of County Treasurer;

(e) To prescribe methods for determining the rents for occupancy and to determine the taxable and nontaxable rents;

(f) To require any operator within the County to keep detailed records of the nature and type of hotel maintained, nature and type of service rendered, the rooms available and rooms occupied daily, leases or occupancy contracts or arrangements, rents received, charged and accrued, the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this Local Law, and to furnish such information upon request to the County Treasurer.

(g) To assess, determine, revise and readjust the taxes imposed under this Local Law.

Section 18. Administration of Oaths and Compelling Testimony.

(a) The County Treasurer or his employees or agents duly designated and authorized by him shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this Local Law. The County Treasurer shall have power to subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the performance of his duties hereunder and of the enforcement of this Local Law and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before him or excused from attendance.

(b) A Justice of the Supreme Court, either in court or at chambers, shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the County Treasurer under this Local Law.

(c) Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material manner pending before the County Treasurer under this Local Law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars or imprisonment for not more than one year, or both such fine and imprisonment.

(d) The officers who serve the summons or subpoena of the County Treasurer and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided. Such officers shall be the County Sheriff and his daily appointed deputies or any officers or employees of the County Treasurer, designated to serve such process.

#### Section 19. Reference to Tax.

Wherever reference is made in placards or advertisements or in any other publications to this tax, such reference shall be substantially in the following form: "Tax on occupancy of hotel rooms," except that in any bill, receipt, statement or other evidence or memorandum of occupancy or rent charge issued or employed by the operator, the words "occupancy tax" will suffice.

#### Section 20. Penalties and Interest.

(a) Any person failing to file a return or to pay or pay over any tax to the County Treasurer within the time required by this Local Law shall be subject to a penalty, of five percent of the amount of tax due; plus interest at the rate of one percent of such tax for each month of delay excepting the first month after such return was required to be filed or such tax became due; but the County Treasurer, if satisfied that the delay was excusable, may waive all or any part of such penalty, but not interest at the rate of six percent per year. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this Local Law. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this Local Law.

(b) Any operator or occupant and any officer of a corporate operator or occupant failing to file a return required by this Local Law, or filing or causing to be filed, or making or causing to be made or giving or causing to be given any return, certificate, affidavit, representation, information testimony or statement required or authorized by this Local Law, which is willfully false, and any operator and any officer of a corporate operator willfully failing to file a bond required to be filed pursuant to section eleven of this Local Law, or failing to file a registration certificate and such data in connection therewith as the County Treasurer may be regulation or otherwise require or to display or surrender the certificate of authority as required by this Local Law or assigning or transferring such certificate or authority and any operator and any officer of a corporate operator willfully failing to charge separately from the rent the tax herein imposed, or willfully failing to state such tax separately on any evidence of occupancy and on any bill of statement or receipt of rent issued or employed by the operator, or willfully failing or refusing to collect such tax from the occupant, and any operator and any officer of a corporate operator who shall refer or cause reference to be made to this tax in a form or manner other than that required by this Local Law, and any operator failing to keep the records required by section eight of this Local Law, shall, in addition to the penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars, or imprisonment for not more than one year, or both such fine and imprisonment. Officers of a corporate operator shall be personally liable for the tax collected or required to be collected by such corporation under this Local Law, and subject to the penalties herein above imposed.

(c) The certificate of the County Treasurer to the effect that a tax has not been paid, that a return, bond or registration certificate has not been filed, or that information has not been supplied pursuant to the provisions of this Local Law, shall be presumptive evidence thereof.

Section 21. Returns to be Secret.

(a) Except in accordance with proper judicial order, or as otherwise provided by law, it shall be unlawful for the County Treasurer or any officer or employee of the office of County Treasurer to divulge or make known in any manner the rents or either information relating to the business of a taxpayer contained in any return required under this Local Law. The officer charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the County Treasurer in an action or proceeding under the provisions of this Local Law, or on behalf of any party to any action or proceeding under the provisions of this Local Law when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby, as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer or his duly authorized representative of a certified copy of any return filed in connection with his tax nor to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof, or the inspection by the Niagara County Attorney or other legal representatives of the County or by the District Attorney of Niagara County, of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty. Returns shall be preserved for three years and thereafter until the County Treasurer permits them to be destroyed.

(b) Any violation of subdivision (a) of this section shall be punishable by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or both, in the discretion of the court, and if the offender be an officer or employee of the County he shall be dismissed from office and be incapable of holding any public office for a period of five years thereafter.

Section 22. Notices and Limitations of Time.

(a) Any notice authorized or required under the provisions of this local law may be given by mailing the same to the person for whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed by him pursuant to the provisions of this Local Law, or in any application made by him or, if no return has been filed or application made, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions of this Local Law by the giving of notice shall commence to run from the date of mailing of such notice.

(b) The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the County to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this Local Law. However, except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return; provided, however, that where no return has been filed as provided by law the tax may be assessed at any time.

(c) Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

Section 23. Separability.

If any provision of this Local Law, or the application thereof to any person or circumstance shall be held invalid, the remainder of this Local Law, and the application of such provisions to other persons or circumstances shall not be affected thereby.

Section 24. Effective Date.

This local law shall take effect upon filing in the office of the Secretary of State as provided by the Municipal Home Rule Law. The Hotel and Motel tax enacted herein shall remain in effect for a three (3) year period from May 1, 2025. Nothing contained in Tax Law § 1202-t Hotel or Motel Taxes in Niagara County shall prohibit the adoption and enactment of Local Laws pursuant to provisions of this section upon the expiration and any other Local Law adopted pursuant to this section.

Moved by Andres, seconded by McKimmie.

Adopted. 12 Ayes, 1 Noes - Foti, 2 Absent – Godfrey, Myers.

**Resolution No. IF-072-25**

From: Infrastructure & Facilities and Administration Committees.

Dated: April 8, 2025

**NIAGARA COUNTY PUBLIC WORKS DEPARTMENT  
SOLE SOURCE STANDARDIZATION OF GENERAL SECURITY FOR LENEL ACCESS CONTROL  
SYSTEMS IN NIAGARA COUNTY OFFICE BUILDINGS AMENDMENT NO. 1**

WHEREAS, Niagara County Public Works is responsible for the access control at all county office buildings, and

WHEREAS, the County currently uses Lenel Access Control for securing the county office buildings, and

WHEREAS, Resolution Number IF-207-24, dated December 3, 2024, authorized sole source vendor status for Lenel Access Control System to General Security to allow integration of the security systems at multiple buildings with an estimated cost of \$80,000.00, and

WHEREAS, the Departments of Health and Mental Health have agreed to leases outside of County owned buildings, and

WHEREAS, it is the County of Niagara's responsibility to upgrade these leased building with Lenel Access Controls for securing the County leased buildings, and

WHEREAS, the increased cost of \$53,943.00 was never included in the estimated cost of \$80,000.00, for a revised contract amount of \$133,943.00, now, therefore, be it

RESOLVED, that for reasons of efficiency and economy, pursuant to General Municipal Law 103(5), there is a need for standardization for the Niagara County Public Works in the purchase, installation and service of the Lenel Access Control System, and be it further

RESOLVED, that the contract amount for Lenel Access Control System to General Security for an increase of \$53,943.00 for a fee not to exceed \$133,943.00, and be it further

RESOLVED, that it is hereby, determined that General Security is the vendor for the Lenel Access Control System which would allow integration of the security system at multiple buildings which is also integrated with the current system, and that the Public Works Department is hereby authorized to purchase the Lenel Access

Control System, installation and service directly from General Security, for a cost not to exceed \$133,943.00 for leased and owned properties, and be it further

RESOLVED, the requirement to solicit alternate proposals in nullified, and such purchase will be made in consultation with the Purchasing Department and in accordance with budgetary procedures, and be it further

RESOLVED, that, following the County Attorney's review, the amendment may be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey, Myers.

**Resolution No. IF-073-25**

From: Infrastructure & Facilities and Administration Committees.

Dated: April 8, 2025

**PRIVATE GOLF CART AND USAGE AGREEMENT FOR  
THE COUNTY OF NIAGARA GOLF COURSE**

WHEREAS, the County of Niagara is requesting residents of the County who would like to use and house their own private golf cart on and at the Niagara County Golf Course, and

WHEREAS, the owner of the golf cart must provide proof of and maintain residency in the County of Niagara, and

WHEREAS, the owner of the golf cart must provide proof of insurance at or above the levels listed within the agreement at the time of this signed agreement and throughout the term of this agreement, and

WHEREAS, the golf cart must be in first-class condition at all times and inspected by a Niagara County Golf Course employee prior to signing this agreement, and

WHEREAS, upon completion of the inspection, providing proof of residency and proof of acceptable insurance the owner of the golf cart must provide payment in the amount of \$400.00 for gas powered and \$425.00 for battery/electric powered golf carts, and

WHEREAS, all other conditions must be met that are listed within the attached Private Golf Cart Agreement and Usage Rules for the County of Niagara Golf Course, now, therefore, be it

RESOLVED, that the County of Niagara would like to put into place an agreement between a resident of the County of Niagara and Niagara County Golf Course for the storage/use of a privately owned golf cart on the County owned Golf Course, and be it further

RESOLVED, that, following the County Attorney's review, the agreement may be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey, Myers.

**Resolution No. IF-074-25**

From: Infrastructure & Facilities and Administration Committees.

Dated: April 8, 2025

**CANAL ROAD FROM NORTH CANAL ROAD TO NY ROUTE 31  
TOWNS OF LOCKPORT AND ROYALTON, NIAGARA COUNTY  
FEDERAL AID LOCAL PROJECT AGREEMENT**

WHEREAS, the Canal Road from North Canal Road to NY Route 31 Project, towns of Lockport and Royalton, Niagara County, is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal Funds, 15% Marchiselli Funds, and 5% Local Funds, and

WHEREAS, the County of Niagara desires to advance the Project by making a commitment of 100% of the Local Fund share of the costs of the Engineering (Design Phases I-VI) and Right-of-Way Incidentals phases of the project, and

WHEREAS, the County of Niagara has completed all work associated with the replacement of the Carmen Road Bridge over Johnson Creek, and remaining funds can be transferred to advance the Project to the Engineering Design Phases I-VI and Right of Way Incidental phases, and

WHEREAS, prior to the execution of the required documents, the County Attorney will review them for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara hereby approves the above-subject project, and be it further

RESOLVED, that the Legislature of the County of Niagara hereby authorizes the County of Niagara to pay in the first instance 100% of the federal and non-federal shares of the cost of the Engineering (Design Phases I-VI) and Right-of-Way Incidentals phases of the Project or portions thereof, and be it further

RESOLVED, that the following budget modification be effectuated to allow the project to proceed:

**INCREASE ANTICIPATED REVENUE:**

H621.15.5197.000 43591.00	State Aid Cap Const Hwy	\$ 1,500
H8XX.15.5112.000 44597.01	Federal Aid Cap Const Hwy	\$276,800
H8XX.15.5112.000 43591.00	State Aid Cap Const Hwy	\$ 51,900
H8XX.15.5112.000 45031.10	Interfund Transfers from Capital Reserves	\$ 17,300

**DECREASE REVENUE:**

H621.15.5197.000 44597.01	Federal Aid Cap Const Hwy	\$1,966.32
H621.15.5197.000 45031.10	Interfund Transfers from Capital Reserves	\$ 17,300

**INCREASE APPROPRIATIONS:**

H8XX.15.5112.000 72600.01	Infrastructure Roads	\$346,000
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**DECREASE APPROPRIATIONS:**

H621.15.5197.000 72600.02	Infrastructure Bridges	\$17,766.32
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and be it further

RESOLVED, that the sum of \$346,000 is hereby appropriated in account H8XX.15.5112.000 72600.01 and made available to cover the cost of participation in the above phases of the project, and be it further

RESOLVED, that in the event the amount required to pay the full federal and non-federal shares of the cost of the project's Engineering (Design Phases I-VI) and Right-of-Way Incidentals phases exceeds the amount

appropriated above, the County of Niagara shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation, and be it further

RESOLVED, that the Chair of the Legislature of the County of Niagara be, and hereby is, authorized to execute all necessary Agreements, certifications, or reimbursement requests for Federal Aid on behalf of the County of Niagara with the New York State Department of Transportation, in connection with the advancement or approval of the Project providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal Aid eligible Project costs and all Project costs within appropriations therefore, that are not so eligible, and be it further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and be it further

RESOLVED, that following the County Attorney's review, the Agreement may be executed pursuant to the Niagara County Contract Policy, and be it further

RESOLVED, that this Resolution shall take effect immediately.

Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey, Myers.

**Resolution No. IF-075-25**

From: Infrastructure & Facilities and Administration Committees.

Dated: April 8, 2025

**AMAZON DISTRIBUTION CENTER – PROJECT FIFI  
IMPROVEMENTS TO LOCKPORT AND PACKARD ROADS  
CAPITAL PROJECT BUDGET MODIFICATION AND AMENDMENT NO. 2**

WHEREAS, Amazon is constructing a warehouse/distribution facility in the Town of Niagara on Lockport Road, and

WHEREAS, improvements are necessary to both Lockport and Packard Roads to handle the increased heavy truck loads, and

WHEREAS, the County has been in negotiations with Amazon for the improvements necessary to Lockport and Packard Roads, and Amazon will reimburse Niagara County for the hiring of a third-party consultant to perform design review and construction inspection services for this project, and

WHEREAS, Resolution Number IF-087-23, dated May 16, 2023, awarded the project review contract to Erdman, Anthony, 8608 Main Street, Buffalo, NY 14221, in the amount of \$56,050, and

WHEREAS, Resolution Number IF-031-25, dated February 18, 2025, allowed for \$10,000 in additional funds for additional design review, for a revised contract amount of \$66,050, and

WHEREAS, additional funds are required for continued design and construction plan reviews in the amount of \$60,000, for a revised contract amount of \$126,050 to Erdman, Anthony, 8608 Main Street, Buffalo, NY 14221, and

WHEREAS, prior to the execution of the required documents, the County Attorney will review them for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE ANTICIPATED REVENUE:

H768.15.5112.000 42770.01	Other Unclassified Revenue	\$60,000
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INCREASE EXPENSES:

H768.15.5112.000 726000.01	Infrastructure Roads	\$60,000
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and be it further

RESOLVED, that the contract for the design review and construction inspection services be increased by \$60,000 to Erdman Anthony, 8608 Main Street, Buffalo, NY 14221, for a fee not to exceed \$126,050, and be it further

RESOLVED, that, following the County Attorney's review, the change order may be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey, Myers.

**Resolution No. IF-076-25**

From: Infrastructure & Facilities and Administration Committees.

Dated: April 8, 2025

**STATE ENVIRONMENTAL QUALITY REVIEW ACT  
NEGATIVE DECLARATION  
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE  
PUBLIC WORKS STORM FACILITY AND ADMINISTRATION BUILDING PROJECT**

WHEREAS, the County Legislature approved the Public Works Storm Facility and Administration Building Project, and

WHEREAS, the County Legislature declared itself as Lead Agency with respect to the Project, for purposes of conducting a review under the State Environmental Quality Review Act and the implementing regulations of the New York State Department of Environmental Conservation adopted thereunder (6 NYCRR Part 617) (hereinafter collectively referred to as "SEQRA"), and

WHEREAS, a Short Environmental Assessment Form was prepared by the Project Sponsor in conjunction with the Project Engineers and submitted to the Legislature (the "SEAF"), which identifies the Project as an unlisted action, and

WHEREAS, prior to the execution of any documents, the County Attorney will review them for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that based upon the information set forth in the SEAF, the Niagara County Legislature hereby determines that there will be no significant environmental impacts with regard to the Project, and hereby adopts and issues the attached Negative Declaration under SEQRA with respect thereto, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute any documents.

Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey, Myers.

**Resolution No. IF-077-25**  
From: Infrastructure & Facilities and Administration Committees.  
Dated: April 8, 2025

**BID AWARD FOR HIGHWAY MATERIALS**

WHEREAS, specifications for the 2025 Highway Maintenance Program have been prepared by the Highways, Bridges & Structures Division of the Department of Public Works, and

WHEREAS, the Purchasing Department advertised for bids and publicly opened and read bids on February 27, 2025, and

WHEREAS, the New York State Department of Audit and Control, has, in the past, requested the Purchasing Agent to refer the results of the bid to the Niagara County Legislature for its approval, and

WHEREAS, the Public Works Committee has examined and found the bids acceptable, and

WHEREAS, the bids have traditionally been used or made available to all the Niagara County municipalities, and

WHEREAS, funds are available in the 2025 budget of the Department of Public Works, now, therefore, be it

RESOLVED, that the below bids, as outlined on the result sheets, be awarded to the respective lowest responsible bidder, and be it further

RESOLVED, that the Commissioner of Public Works is authorized to purchase the required materials from the bid awards, and be it further

RESOLVED, that copies of the bid results be distributed to the Niagara County municipalities for their use.  
Moved by Bradt, seconded by Robins.  
Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey, Myers.

**Resolution No. IF-078-25**  
From: Infrastructure & Facilities and Administration Committees.  
Dated: April 8, 2025

**AWARD OF CONTRACT FOR CONTROL OF ROADSIDE VEGETATION**

WHEREAS, the Commissioner of Public Works prepared specifications and the Niagara County Purchasing Department advertised for bids for the chemical weed control of roadside vegetation on County roadways, and

WHEREAS, funds are available in the 2025 budget of the Department of Public Works, and

WHEREAS, the Purchasing Department advertised for bids and publicly opened and read bids on February 27, 2025, and

	Guide Railing Per Side Mile	Vegetation Control Per Gal. Mat. Applied
1. DeAngelo Contracting Services, LLC 100 North Conahan Hazelton, PA. 18201	\$28.49	\$0.62

2. Allen Chase Enterprises, Inc 24 County Route, Inc. Oswego, NY 13126	\$42.53	\$0.71
3. Red Rose Landscaping LLC 301 River Rd. Tonawanda, NY 14150	\$46.00	\$2.50

WHEREAS, prior to the execution of the required documents, the County Attorney will review them for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that the contract for roadside vegetation control be awarded to DeAngelo Contracting Services, LLC, 100 North Conahan, Hazelton, PA. 18201, and be it further

RESOLVED, that, following the County Attorney's review, the agreement may be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey, Myers.

**Resolution No. IF-079-25**

From: Infrastructure & Facilities and Administration Committees.

Dated: April 8, 2025

**AWARD OF CONTRACT  
COUNTY ROAD PAINTING AND STRIPING**

WHEREAS, the Department of Public Works, Division of Highways, Bridges & Structures has prepared specifications and the Purchasing Department advertised for bids for painting traffic lines on County roads, and

WHEREAS, funds are available in the 2025 budget of the Highways, Bridges & Structures Division of the Department of Public Works, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on February 27, 2025, and tabulated below:

<u>Waterborne Paint Application</u>	<u>Price Per Mile Of Centerline</u>	<u>Price Per Mile Of Edge Line</u>
Accent Stripe, Inc. 3275 N. Benzing Road Orchard Park, NY 14127	\$474.00	\$339.00
SPM Inc. 3526 Watkins Road Horseheads, NY 14854	\$589.00	\$389.00

and

WHEREAS, prior to the execution of the required documents, the County Attorney will review them for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that the low bid of Accent Stripe, Inc, 3275 N. Benzing Road, Orchard Park, NY 14127, for painting traffic lines on County roads, be accepted as the lowest responsible bid meeting specifications, and be it further

RESOLVED, that, following the County Attorney's review, the contract be executed pursuant to the Niagara County Contract policy.

Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey, Myers.

**Resolution No. IF-080-25**

From: Infrastructure & Facilities and Administration Committees.

Dated: April 8, 2025

**REPLACEMENT OF QUAKER ROAD CULVERT OVER MUD CREEK,  
CULVERT NO. 15-9  
CONSTRUCTION CONTRACT – CHANGE ORDER NO. 3**

WHEREAS, Resolution No. CW-022-23, dated June 20, 2023, awarded the contract for the Replacement of Quaker Road Culvert over Mud Creek, Culvert No. 15-9, Project to J. Bognar Construction, P.O. Box 4, Sardinia, NY 14134, for a contract amount not to exceed \$491,311.97, and

WHEREAS, Resolution No. IF-121-24, dated June 18, 2024, extended the contract completion date to August 7, 2024, at no additional cost to the County, and

WHEREAS, Resolution No. IF-219-24, dated December 3, 2024, increased the contract in the amount of \$132,118 for force account work, for a revised contract amount of \$623,429.97, and

WHEREAS, it is necessary to increase the contract in the amount of \$49,977.61 for additional work items outside the original scope of work, due to unforeseen conditions, for a revised contract amount of \$673,407.58, and

WHEREAS, prior to the execution of the required documents, the County Attorney will review them for approval as to legal form, language, and compliance, now, therefore, be it

RESOLVED, that the following budget modification be effectuated to allow the project to proceed:

INCREASE REVENUE:

H757.15.5197.000 43501.00	Consol Aid Hwy Revenue	\$49,090.03
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INCREASE APPROPRIATIONS:

H757.15.5197.000 72600.02	Bridges	\$49,090.03
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and be it further

RESOLVED, that Change Order No. 3 to increase the contract in the amount of \$49,977.61 for J. Bognar Construction, P.O. Box 4, Sardinia, NY 14134, for the Replacement of Quaker Road Culvert over Mud Creek, Culvert No. 15-9 Project, be approved, for a revised contract amount of \$673,407.58, and be it further

RESOLVED, that, following the County Attorney's review, the Change Order may be executed pursuant to the Niagara County Contract Policy.

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

Carried.

Moved by Foti, seconded by Gooch.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey, Myers.

**Resolution No. IF-081-25**  
From: Infrastructure & Facilities and Administration Committees.  
Dated: April 8, 2025

**REPLACEMENT OF QUAKER ROAD CULVERT OVER MUD CREEK,  
CULVERT NO. 15-9  
CONSTRUCTION CONTRACT – CHANGE ORDER NO. 3**

WHEREAS, Resolution No. CW-022-23, dated June 20, 2023, awarded the contract for the Replacement of Quaker Road Culvert over Mud Creek, Culvert No. 15-9, Project to J. Bognar Construction, P.O. Box 4, Sardinia, NY 14134, for a contract amount not to exceed \$491,311.97, and

WHEREAS, Resolution No. IF-121-24, dated June 18, 2024, extended the contract completion date to August 7, 2024, at no additional cost to the County, and

WHEREAS, Resolution No. IF-219-24, dated December 3, 2024, increased the contract in the amount of \$132,118 for force account work, for a revised contract amount of \$623,429.97, and

WHEREAS, it is necessary to increase the contract in the amount of \$49,977.61 for additional work items outside the original scope of work, due to unforeseen conditions, for a revised contract amount of \$673,407.58, and

WHEREAS, prior to the execution of the required documents, the County Attorney will review them for approval as to legal form, language, and compliance, now, therefore, be it

RESOLVED, that the following budget modification be effectuated to allow the project to proceed:

INCREASE REVENUE:		
H757.15.5197.000 43501.00	Consol Aid Hwy Revenue	\$49,090.03
INCREASE APPROPRIATIONS:		
H757.15.5197.000 72600.02	Bridges	\$49,090.03

and be it further

RESOLVED, that Change Order No. 3 to increase the contract in the amount of \$49,977.61 for J. Bognar Construction, P.O. Box 4, Sardinia, NY 14134, for the Replacement of Quaker Road Culvert over Mud Creek, Culvert No. 15-9 Project, be approved, for a revised contract amount of \$673,407.58, and be it further

RESOLVED, that, following the County Attorney’s review, the Change Order may be executed pursuant to the Niagara County Contract Policy.

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

Carried.

Moved by Foti, seconded by Hill.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey, Myers.

<b><u>APPOINTMENTS:</u></b>	<b><u>Appt.</u></b>	<b><u>Expires</u></b>
<b><u>OFFICE FOR THE AGING ADVISORY COMMITTEE:</u></b> Jesse P. Gooch, Legislator	04/08/25	12/31/27

Jeffrey Glatz, Director of Veterans Service Agency 175 Hawley St., Lockport 14094	04/08/25	12/31/27
Joe Kibler 16 Cleveland Pl., Lockport 14094	04/08/25	12/31/27
Phil Lange 111 Autunmville Dr., Lockport NY 14094	04/08/25	12/31/27
Mary Jo Tamburlin 226 Falconer St., North Tonawanda 14120	04/08/25	12/31/27
Kathy Harrington, Wheatfield Town Clerk 2800 Church Rd. North Tonawanda 14120	04/08/25	12/31/27
Alicia L. Scott 7604 Sunnydale Drive, Niagara Falls 14304	04/08/25	12/31/27

**YOUTH BOARD:**

Amelia Schrader 6404 Cherrywood Lane, Lockport 14094	04/08/25	12/31/27
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Motion by Bradt, second by Robins.  
Approved.

Moved by Hill, second by Voccio to enter into Executive Session at 6:51 p.m. for discussion of a Pending Litigation.

Moved by Bradt, second by McKimmie to adjourn Executive Session at 7:09 p.m.

**Resolution No. CW-007-25 was read at this time. (Appears in numerical order)**

Motion by Andres, second by McKimmie, to adjourn the board.

The Chairman declared the Board adjourned at 7:11 pm, subject to the call of the Clerk.

One citizens spoke at this time on the General Welfare of the County.

*Alysa T. Tomasino*

Alysa T. Tomasino, Clerk