

A public hearing was held pursuant to IL-001-23, adopted by the Legislature on January 3, 2023, for the purpose of hearing public comments on A Local Law Amending Local Law No. 3 for the Year 2016 Applicable to the Real Property Tax Exemption for persons Sixty-Five Years of Age or Over. Legislator Nemi opened the hearing at 5:45 p.m. and closed it at approximately 5:50 p.m.

A public hearing was held pursuant to IL-002-23, adopted by the Legislature on January 3, 2023, for the purpose of hearing public comments on A Local Law Amending Local Law No. 2 for the Year 2016 Establishing Real Property Tax Exemption for Persons with Disabilities and Limited Incomes in Accordance with Section 459-c of the New York State Real Property Tax Law. Legislator Nemi opened the hearing at 5:50 p.m. and closed it at approximately 5:55 p.m.

OFFICIAL RECORD

Lockport, New York
January 17, 2023

The meeting was called to order by Chairman Wydysh at 6:01p.m.

Clerk Tomasino called the roll. All Legislators were present, with the exception of Legislator Godfrey.

No citizens spoke in the Agenda.

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

Resolution No. CW-003-23 was read at this time. (Appears in numerical order)

Resolution No. CW-004-23 was read at this time. (Appears in numerical order)

Resolution No. CW-005-23 was read at this time. (Appears in numerical order)

Resolution No. AD-001-23

From: Administration Committee.

Dated: January 17, 2023

AUTHORIZATION FOR REAL PROPERTY TAX REFUNDS/CORRECTIONS – 2023

WHEREAS, New York State Real Property Tax Law, sections 554 and section 556, provides for an administrative correction of error process that assists property owners in obtaining refunds and/or corrections for real property tax payments or billings, and

WHEREAS, certain clerical errors, unlawful entries and errors in essential fact, as defined in the New York State Real Property Tax Law, are permitted to be corrected by a taxing jurisdiction based upon the recommendation of the Director of Real Property Tax Services, and

WHEREAS, the taxing jurisdiction can delegate, by resolution, on an annual basis, to an official who is empowered to authorize payment of bills without prior audit, the authority to perform the duties of the tax levying body in regard to Real Property Tax Law, Sections 554 and 556, now, therefore, be it

RESOLVED, that the Niagara County Treasurer is hereby delegated the authority to perform the duties of the tax levying body during 2023 when the Real Property Tax Director's recommended refund and/or correction is twenty five hundred dollars or less, and be it further

RESOLVED, that on or before the fifteenth day of each month, the Niagara County Treasurer shall submit a report to the Niagara County Legislature of the refunds and or corrections processed during the preceding month, containing the name of each recipient, the location of the property, and the amount of the refund.

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

Resolution No. CS-002-23

From: Community Safety & Security and Administration Committees.

Dated: January 17, 2023

CREATION OF TEMPORARY POSITIONS – SOCIAL SERVICES

WHEREAS, the Department of Social Services has three (3) vacant positions due to employees on leaves of absence, and

WHEREAS, one Children Services Undercare Unit in the Niagara Falls office has been without a Case Supervisor Grade B since September 1, 2022; one Children's Services Undercare Unit in Lockport has been without a Caseworker since April 1, 2022; one Child Protective Services Unit in Niagara Falls has been without a Caseworker since June 27, 2022, and

WHEREAS, the Department has had to re-assign Supervisory duties to the remaining Case Supervisor Grade B's and the Deputy Director of Services, and Casework staff have been working overtime to cover the caseload of the vacant Caseworker positions, and

WHEREAS, the Department has reason to believe that said vacancies may be ongoing indefinitely and it is not administratively feasible to have remaining staff cover these positions for extended periods of time, and

WHEREAS, it would be in the Department's best interest at this time to create one (1) temporary Case Supervisor Grade B position, Job Group 12, Step 1 at \$33.53 per hour and two (2) Caseworker positions, Job Group 9, Step 1 at \$26.82 per hour, now, therefore, be it

RESOLVED, that a temporary Case Supervisor Grade B position, Job Group 12, Step 1 at \$33.53 per hour and two (2) temporary Caseworker positions, Job Group 9, Step 1 at \$26.82 per hour be created and filled effective January 23, 2023, and be it further

RESOLVED, that the following line item transfer be effectuated:

FROM:

A.22.6010.000 71010.00.1052	Case Supervisor – Grade B	\$ 30,513
A.22.6010.000 71010.00.4016	Caseworker	\$ 24,407
A.22.6010.000 71010.00.1008	Caseworker	\$ 24,407

TO:

A.22.6010.000 71010.00.xxxxx	Case Supervisor – Grade B (temp)	\$ 30,513
A.22.6010.000 71010.00.xxxxx	Caseworker (temp)	\$ 24,407
A.22.6010.000 71010.00.xxxxx	Caseworker (temp)	\$ 24,407

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

Resolution No. CS-003-23

From: Community Services and Administration Committees.

Dated: January 17, 2023

MH – 2022 BUDGET MODIFICATION – ONE-TIME FUNDING FOR DALE ASSOCIATION

WHEREAS, the Niagara County Department of Mental Health and Substance Abuse Services receives funding from the New York State Office of Mental Health (OMH) for the oversight and provision of mental health services in Niagara County, and

WHEREAS, the Dale Association requested one-time year end funding for the purchase of a new Electronic Health Record in year 2022 as the product they currently use is sun setting in 2023, and the Niagara County Department of Mental Health has available 2022 State Aid funding to cover this need, and

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

RESOLVED that the following budget modification be effectuated to the 2022 County budget:

DECREASE REVENUE:

A.21.4310.000.43490.05	Mental Health Reinvestment Programs	\$ 35,000
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DECREASE APPROPRIATION:

A.21.4310.000.74500.01	Contractual Expenses	\$ 35,000
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INCREASE REVENUE:

CM.21.4322.415.43490.05	Dale Association	\$ 35,000
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INCREASE APPROPRIATION:

CM.21.4322.415.74550.06	Dale Association	\$ 35,000
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Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

Resolution No. CSS-001-23

From: Community Safety & Security and Administration Committees.

Dated: January 17, 2023

NIAGARA COUNTY SHERIFF'S OFFICE

BUDGET MODIFICATION ASSET FORFEITURE FUNDS SNOW PREPAREDNESS

WHEREAS, the Niagara County Sheriff's Office has Federal Asset Forfeiture Funds which are in a Committed Fund and federally regulated on qualifying expenditures, and

WHEREAS, the Niagara County Sheriff's Office has identified some opportunities for better snow emergency preparedness by purchasing Sport Utility Vehicles for Patrol rather than cars which also requires additional equipment purchases, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE ESTIMATED REVENUE:

A.17.3110.000 44389.02	Other Public Safety Asset Forfeiture Dept Justice	\$50,000
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INCREASE APPROPRIATIONS:

A.17.3110.000 72100.31	Mach & Equip Asset Forfeiture Dept Justice	\$43,000
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A.17.3110.000 74500.05 Contractual Exp Asset Forfeiture Dept Justice 7,000

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

Resolution No. CSS-002-23

From: Community Safety & Security and Administration Committees.

Dated: January 17, 2023

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION – FY22 PAUL COVERDELL
FORENSIC SCIENCE IMPROVEMENTS GRANT**

WHEREAS, the Niagara County Legislature resolved to accept a Bureau of Justice Assistance that was awarded to the Sheriff's Office in the amount of \$254,664 in federal grant funds for the performance period October 1, 2022 through September 30, 2025 under the FY22 Paul Coverdell Forensic Science Improvements Grant Program in Resolution CSS-090-22 on October 18, 2022, and

WHEREAS, the grant will be used to improve operations in the Niagara County Sheriff's Office Forensic Laboratory through: the purchase of a new laboratory system to automate processes that are currently done manually, purchasing equipment for increased laboratory safety, purchasing laboratory supplies, funds for laboratory training classes and certification tests, and consultant services with overtime for validation of a new LC-MS/MS System, and

WHEREAS, a budget modification was made to the 2022 budget to start utilizing these grant funds, and

WHEREAS, the balance of the grant funds need to be added to the 2023 budget in order to be utilized, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE ESTIMATED REVENUE:

A.17.3110.000 44389.07	Other Public Safety Forensic Lab	\$165,464
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INCREASE APPROPRIATIONS

A.17.3110.000 72100.04	Hospital, Medical, Lab equipment	\$ 20,800
A.17.3110.000 74500.01	Contractual Expenses	40,000
A.17.3110.000 74600.03	Training & Education	34,274
A.17.3110.000 74750.11	Supplies, General Medical/Lab/Clinic Supplies	70,390

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

Resolution No. CSS-003-23

From: Community Safety & Security and Administration Committees.

Dated: January 17, 2023

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION – ACCEPT FY2022 TARGETED
VIOLENCE AND TERRORISM PREVENTION GRANT PROGRAM**

WHEREAS, the Niagara County Sheriff's Office has been notified by the New York State Homeland Security and Emergency Services Office that it has been awarded a grant in the amount of \$100,000 for the performance period October 1, 2022 through September 30, 2024, and

WHEREAS, this grant must be used to support the continued development of the Niagara Threat Advisory Group (NITAG), and

WHEREAS, the Niagara Threat Advisory Group is an important partnership to aid Niagara County in minimizing threats for the increased safety of our citizens, now, therefore, be it

RESOLVED, that following the County Attorney's review, the FY2022 Targeted Violence and Terrorism Prevention Grant Program Agreement may be executed pursuant to the Niagara County Contract Policy, and be it further

RESOLVED, that the following budget modification be effectuated:

INCREASE ESTIMATED REVENUE:

A.17.3645.000 44305.02	Civil Defense Homeland Security	\$100,000
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INCREASE APPROPRIATIONS:

A.17.3645.000 74500.01	Contractual Expenses	\$ 70,000
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A.17.3645.000 74600.03	Training and Education	5,000
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A.17.3645.000 74750.05	Law Enforcement Supplies	25,000
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Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

Resolution No. CSS-004-23

From: Community Safety & Security and Administration Committees.

Dated: January 17, 2023

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION FY20 EXPLOSIVE DETECTION CANINE TEAM GRANT**

WHEREAS, the Niagara County Legislature resolved to accept a grant awarded by the New York State Division of Homeland Security and Emergency Services under the FY2020 Explosive Detection Canine Team Grant Program in Resolution CSS-098-22 on November 15, 2022, and

WHEREAS, the grant is in the amount of \$14,999 for the performance period October 1, 2022 through August 31, 2023, and

WHEREAS, the grant allows the Niagara County Sheriff's Office to purchase equipment and provide training to enhance explosive detection canine team capabilities, and

WHEREAS, the budget for the grant needs to be added to the 2023 budget, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE ESTIMATED REVENUE:

A.17.3645.000 44305.02	Civil Defense Homeland Security	\$14,999
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INCREASE APPROPRIATIONS:

A.17.3645.000 71050.00	Overtime Expense	\$ 700
A.17.3645.000 72100.12	Machinery and Equipment Cars, Vans, Light Trucks	3,969
A.17.3645.000 74600.03	Training and Education	5,047
A.17.3645.000 74750.05	Law Enforcement Supplies	5,283

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

Resolution No. CSS-005-23

From: Community Safety & Security and Administration Committees.

Dated: January 17, 2023

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION AMERICAN TOWER LEASE**

WHEREAS, Niagara County has had a lease agreement with ATC Sequoia LLC, a Delaware limited liability company ("American Tower") to lease a portion of the parent parcel and is the beneficiary of certain easement for access and public utilities on the Communications Tower at 5465 Upper Mountain Road, Lockport since March 11, 1999, and

WHEREAS, the American Tower company initiated a lease extension agreement with Niagara County which also covers costs incurred by Niagara County, now, therefore, be it

RESOLVED, that following the County Attorney's review, the First Amendment to Lease with American Tower may be executed pursuant to the Niagara County Contract Policy, and be it further

RESOLVED, that the following budget modification be effectuated:

INCREASE ESTIMATED REVENUE:

A.17.3110.000 41510.01	Sheriff Fees General	\$10,000
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INCREASE APPROPRIATIONS:

A.17.3110.000 74200.03	Rents/Leases Property Tax/Rentals	\$10,000
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Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

Resolution No. CSS-006-23

From: Community Safety & Security and Administration Committees.

Dated: January 17, 2023

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION – ACCEPT DOMESTIC CANNABIS
ERADICATION/SUPPRESSION PROGRAM GRANT**

WHEREAS, the Niagara County Sheriff's Office wishes to continue an agreement with the United States Department of Justice Drug Enforcement Agency (DEA) for the year 2023, and

WHEREAS, this agreement allows the Sheriff's Office to work in conjunction with the local DEA Office to curtail illegal cannabis trafficking and in eradication of illicit cannabis plants throughout Niagara County, and

WHEREAS, the DEA will reimburse the Sheriff's Office for the costs incurred with this project, now, therefore, be it

RESOLVED, that Niagara County continue an agreement with the U.S. Department of Justice, and be it further

RESOLVED, that the following budget modification be effectuated:

INCREASE ESTIMATED REVENUE:

A.17.3110.000 44389.04	Other Public Safety Operation Green Monster	\$ 90,500
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INCREASE APPROPRIATIONS:

A.17.3110.000 71050.00	Overtime Expense	\$ 67,500
A.17.3110.000 74400.09	Payments to Other Agencies	14,500
A.17.3110.000 74600.03	Training/Education	2,000
A.17.3110.000 74750.05	Law Enforcement Supplies	2,500
A.17.3110.000 74800.11	Vehicle Maintenance	4,000

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

Resolution No. CSS-007-23

From: Community Safety & Security and Administration Committees.

Dated: January 17, 2023

**NIAGARA COUNTY SHERIFF'S OFFICE
FORENSIC SCIENTIST II (FIREARMS/TOOLMARKS/BALLISTICS) RESIDENCY WAIVER**

WHEREAS, Niagara County has a forensic laboratory which is accredited by New York State and must maintain high standards to ensure accuracy and credibility within the law enforcement community as well as the court system, and

WHEREAS, the Niagara County Sheriff's Office Forensic Laboratory has a resignation of a Forensic Scientist II (Firearms/Toolmarks/Ballistics) who is certified in Firearms Analysis, and

WHEREAS, certification in Firearms is a complicated training which takes about two years which creates a shortage of certified Firearms Analysts in the forensic community including Niagara County, now, therefore, be it

RESOLVED, that the Niagara county Sheriff's Office be granted a one-time residency waiver to fill the Forensic Scientist II (Firearms/Toolmarks/Ballistics) position if the most qualified candidate resides outside of Niagara County

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

Resolution No. CSS-008-23

From: Community Safety & Security and Administration Committees.

Dated: January 17, 2023

**NIAGARA COUNTY PUBLIC DEFENDER'S OFFICE
ACCEPT OFFICE OF INDIGENT LEGAL SERVICES (OILS)
4TH COUNSEL AT FIRST APPEARANCE GRANT**

WHEREAS, the Niagara County Public Defender's Office has received an award from the New York State Office of Indigent Legal Services (OILS) in the amount of \$750,000 for the period of January 1, 2023, through December 31, 2025, now, therefore, be it

WHEREAS, these funds are to be used to improve the quality of legally mandated representation in Niagara County, and

WHEREAS, the Public Defender's Office will use these funds for the Assistant Public Defender's and the court assistant's salary and fringe benefits to provide counsel at first appearance in Niagara Falls City Court. This grant also covers the salary and fringe for the Assistant Public Defender for the City of Lockport Court and Town of Lockport Court, and

WHEREAS, funding from the New York State Office of Indigent Legal Services for the above items is necessary so that the Niagara County Public Defender's Office can continue providing quality services pursuant to Article 18-B of the County Law, now, therefore, be it

RESOLVED that prior to the execution of the grant, the County Attorney will review the grant for approval to legal form, language and compliance, and be it further

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

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

Resolution No. CSS-009-23

From: Community Safety & Security and Administration Committees.

Dated: January 17, 2023

**WAIVER OF RESIDENCY REQUIREMENT
ASSISTANT PUBLIC DEFENDER**

WHEREAS, the Niagara County Public Defender's Office has permission to fill presently a vacant Assistant Public Defender position, as these are important positions that are required to provide legal representation of indigent persons entitled to public defense, and

WHEREAS, due to recent challenges with recruitment efforts of Niagara County residents that are experienced criminal court attorneys for these vacant positions of the Public Defender, and

WHEREAS, the Public Defender's Office has made diligent and sincere efforts to recruit highly qualified candidates for these vacant positions from within Niagara County, including multiple advertisements and postings for an extended period of time, now, therefore, be it

RESOLVED, that a Waiver of Residence from the policy to hire only Niagara County residents be approved to fill this vacant position of Assistant Public Defender when the most qualified applicant or only qualified candidates resides outside Niagara County.

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

Resolution No. CSS-010-23

From: Community Safety & Security and Administration Committees.

Dated: January 17, 2023

**ACCEPTANCE OF CRIMINAL JUSTICE DISCOVERY REFORM GRANT
DISTRICT ATTORNEY'S OFFICE**

WHEREAS, on January 1, 2020, the State of New York enacted Discovery and Bail Reform legislation that require District Attorney's Offices to obtain and turn over to defense, all evidence in any criminal case, regardless of the level of crime, within a very short period of time and eliminate bail for many offenses, and

WHEREAS, this legislation requires the District Attorney's Office collect all items and information in its possession, including all information in the possession of any law enforcement agency, including reports, supplemental reports and investigative notes, 911 calls, radio transmissions, booking or surveillance video, photographs, body camera footage, witness and co-defendant statements, and the names of all law enforcement personnel and witnesses involved, for submittal to the defense within 15 days of arraignment for approximately 5,000 cases yearly, and

WHEREAS, these discovery requirements significantly increase the burden on law enforcement agencies by requiring them to separate out, create a record of, and share all 911 calls, radio transmissions, booking or surveillance video and body cam footage for each arrest or appearance ticket issued within fifteen days of arraignment, and

WHEREAS, this legislation also eliminated bail for many criminal offenses and created increased pre-trial supervision requirements, greatly reducing the number of people held in jail and increasing the responsibilities of Probation Departments, and

WHEREAS, the New York State Division of Criminal Justice Services has recognized the extreme burden placed on District Attorney's Offices, Sheriff's Offices, Probation Departments and local law enforcement agencies outside of New York City as a result of these changes, and

WHEREAS, Niagara County has been awarded \$1,046,400.00 based on its proportionate share of criminal court arraignments statewide, to be distributed among and utilized by County agencies, and

WHEREAS, funding will be provided to the following agencies that submitted requests to the District Attorney's Office, and whose requests were approved in full or in part, by the Division of Criminal Justice Services, and

Niagara County District Attorney's Office	\$421,149
Niagara County Sheriff's Office	\$295,070
Niagara County Probation Department	\$118,940
Niagara Falls Police Department	\$116,933
Lockport Police Department	\$ 37,489
North Tonawanda Police Department	\$ 30,752
Town of Niagara Police Department	\$ 13,839
Lewiston Police Department	\$ 7,228
Middleport Police Department	\$ 5,000

WHEREAS, the District Attorney has determined the need for additional staffing to address the significant increase in the workload resulting from the criminal justice mandates which should be addressed through the use of this funding, and

WHEREAS, the Niagara County Probation Department has identified a need for additional staffing for pretrial services and public safety needs that include additional GPS monitoring equipment which should be addressed with these funds, and

WHEREAS, the Niagara County Sheriff's Office has identified administrative support needs for law enforcement personnel to record and gather materials required by Discovery Reform, which should be addressed with these funds, and

WHEREAS, the Niagara County Sheriff's Office has identified a need for additional computer hardware and software including Police Body Cameras, which should be addressed by these funds, now, therefore, be it

RESOLVED, that the County of Niagara does hereby accept this award.

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

Resolution No. CW-002-23

From: Committee of the Whole.

Dated: January 17, 2023

**RESOLUTION AUTHORIZING AND
APPROVING A SETTLEMENT AGREEMENT
TO AN ACTION RELATING TO THE OPIOID CRISIS
(TEVA NEW YORK)**

WHEREAS, there is a pending matter in which Suffolk County, Nassau County and the State of New York have engaged in extensive negotiations for a settlement agreement ("the Agreement") with TEVA NY and its subsidiaries regarding the companies' manufacturing and distribution of opioids; and

WHEREAS, the proposed Agreement is a New York only settlement, with a share of monies being allocated among governmental subdivisions, and

WHEREAS, political subdivisions in the State, including Niagara County will now have an opportunity to become a party to the TEVA NY settlement, and

WHEREAS, the settle the claims is a full resolution of governmental claims filed in the state, which will ensure maximum recovery to all; with some of the settlement proceeds must be used in a restricted manner on "Approved Uses" only, and

WHEREAS, it is in the best interest of the County of Niagara to resolve this matter with respect to the Distributors without further litigation and execute the TEVA NY Subdivision Participation Agreement Form and Sharing Agreement to participate and receive a share of the Agreement, now, therefore, be it

RESOLVED, that the execution and delivery on behalf of and in the name of the County of Niagara by the Chairman of the Niagara County Legislature, Rebecca J. Wydysh, or her designee, of the proposed Agreement is hereby authorized, and the Chairman of the Niagara County Legislature, Rebecca J. Wydysh, or her designee, is hereby authorized, subject to the approval of the Niagara County Attorney, Claude A. Joerg, and directed to execute the proposed Agreement in a form substantially similar thereto and execute such other documents as may be necessary and appropriate to effectuate the settlement with the Distributors; and be it further

Moved by Bradt, seconded by Gooch.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

Resolution No. CW-003-23

From: Committee of the Whole.

Dated: January 17, 2023

**NIAGARA COUNTY SHERIFF'S OFFICE
STANDARDIZATION OF MAINTENANCE SERVICE CONTRACTS FOR FORENSIC LAB
EQUIPMENT MANUFACTURED BY WATERS TECHNOLOGIES CORPORATION/SOLE
SOURCE DETERMINATION**

WHEREAS, the Niagara County Sheriff's Office has a Forensic Laboratory which is accredited and whose analysis is critical to criminal prosecutions throughout Niagara County, and

WHEREAS, the Forensic Laboratory is reliant upon specialized and technical equipment for testing which requires maintenance and software updates and upgrades, and

WHEREAS, the Forensic Laboratory has two LCMS/MS systems which are used for screening and quantification in toxicology, and

WHEREAS, the LCMS/MS systems are manufactured by Waters Technical Corporation who has technical expertise on the Waters instruments, informatics and chemistry which is only available from Waters on their systems. Waters also has the ability to remotely diagnose their systems to maximize productive time, provide factory-directed updates and instrument and software upgrades, which are only available from Waters. The service from Waters is further elevated by the service engineers who are trained and certified by Waters factory-certified trainers which is also only available from Waters, now, therefore, be it

RESOLVED, that for reasons of accuracy and efficiency of toxicology testing in the Sheriff's Office Forensic Laboratory, pursuant to General Municipal Law §103(5), there is need for standardization for the Niagara County Sheriff's Office in the purchase of service agreements for the Waters manufactured LCMS/MS equipment and that the purchase of such be standardized to the Waters Technologies Corporation, and be it further

RESOLVED, that it is hereby determined that Waters Technologies Corporation is the sole source for service contracts for the Waters LCMS/MS systems, and that the Sheriff's Office is hereby authorized to purchase such service agreements directly from Waters Technologies Corporation without the need to solicit for alternate proposals or sealed bids, such purchases to be made in consultation with the Purchasing Department and in accordance with budgetary procedures.

Moved by Hill, seconded by Elder.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

Resolution No. CW-004-23

From: Committee of the Whole.

Dated: January 17, 2023

**AWARD NIAGARA COUNTY COURT HOUSE HVAC IMPROVEMENTS – PHASE II
ELECTRICAL CONTRACT**

WHEREAS, the Department of Public Works has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Niagara County Court House HVAC Improvement – Phase II project, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on January 12, 2023, as tabulated below:

- | | |
|-------------------------------|-----------|
| 1. CIR Electrical | \$160,250 |
| 2527 Long Road | |
| Grand Island, NY 14072 | |
| 2. Frey Electric Construction | \$187,268 |
| 100 Pearce Avenue | |
| Buffalo, NY 14150 | |

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 electrical contract for the Court House HVAC Improvements – Phase II project be awarded to the lowest responsible bidder, CIR Electrical, 2527 Long Road, Grand Island, NY 14072, for a contract amount not to exceed \$160,250, and be it further

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

Moved by Hill, seconded by Elder.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

Resolution No. CW-005-23

From: Committee of the Whole.

Dated: January 17, 2023

**AWARD NIAGARA COUNTY COURT HOUSE HVAC IMPROVEMENTS – PHASE II
MECHANICAL CONTRACT**

WHEREAS, the Department of Public Works has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Niagara County Court House HVAC Improvement – Phase II project, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on January 12, 2023, as tabulated below:

- | | |
|-------------------------------|-------------|
| 3. Greater Niagara Mechanical | \$1,772,500 |
| 7311 Ward Road | |
| North Tonawanda, NY 14120 | |
| 4. MLP Plumbing & Mechanical | \$1,820,000 |
| 3198 Union Road – Suite 300 | |
| Cheektowaga, NY 14227 | |
| 5. Nairy Mechanical | \$1,919,200 |
| PO Box 209 | |
| Union Hill, NY 14563 | |
| 6. John W Danforth | \$2,204,000 |
| 300 Colvin Woods Parkway | |

Tonawanda, NY 14150

7. Mollenberg-Betz
300 Scott Street
Buffalo, NY 14204

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 mechanical contract for the Court House HVAC Improvements – Phase II project be awarded to the lowest responsible bidder, Greater Niagara Mechanical, 7311 Ward Road, North Tonawanda, NY 14120, for a contract amount not to exceed \$1,772,500, and be it further

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

*** = non-responsive bid

Moved by Myers, seconded by Hill.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey

Resolution No. IF-001-23

From: Infrastructure & Facilities and Administration Committees.

Dated: January 17, 2023

LEASE AGREEMENT WITH CONGRESSWOMAN CLAUDIA TENNEY

WHEREAS, Congresswoman Claudia Tenney desires to have a lease agreement for office space in County-owned property in the City of Lockport, NY, to provide services for her local constituents, and

WHEREAS, pursuant to New York State General Municipal Law §72-h, the County of Niagara may lease any real property owned by Niagara County to the government of the United States and any agency or department thereof, either without consideration or for such consideration and upon such terms and conditions as shall be approved by the County of Niagara, for a term not exceeding ten years, and

WHEREAS, prior to the execution of the required documents, and especially the lease agreement, the County Attorney will review them for approval as to legal form, sufficiency of the provisions set forth therein and legal compliance, now, therefore, be it

RESOLVED, that the Niagara County Legislature determines that a Congress person's meeting and assisting constituents of Niagara County complies with New York State General Municipal Law §72-h in all respects, and be it further

RESOLVED, that following the County Attorney's review, a two-year lease, in the amount of five hundred and 00/100 dollars [\$500.00] per month, for Congresswoman Claudia Tenney shall be executed pursuant to Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

Resolution No. IF-002-23

From: Infrastructure & Facilities and Administration Committees.

Dated: January 17, 2023

**CULVERT REHABILITATION PROJECT
CHANGE ORDER NO. 1 - FINAL**

WHEREAS, Resolution No. IF-052-22, dated March 22, 2022, authorized the contract for the Rehabilitation of Six (6) Cross Culverts Project to Precision Trenchless, LLC, 1710 Erie Blvd., Schenectady, NY 12308, for a contract amount not to exceed \$174,000.00, and

WHEREAS, it is necessary to decrease the contract in the amount of \$13,383.04, due to final quantities adjustments, for a revised contract amount of \$160,616.96, 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 Change Order No. 1-Final to decrease the contract by \$13,383.04 for the Rehabilitation of Six (6) Cross Culverts Project, for a revised contract amount of \$160,616.96, be approved, 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. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

Resolution No. IF-003-23

From: Infrastructure & Facilities and Administration Committees.

Dated: January 17, 2023

**WILSON-BURT ROAD BRIDGE OVER EIGHTEEN MILE CREEK
CONSULTANT AMENDMENT NO. 1**

WHEREAS, Resolution No. IF-114-21, dated November 16, 2021, authorized the contract for consultant services for the Wilson-Burt Road Bridge over Eighteen Mile Creek Project to C & S Engineers, Inc., 499 Col Eileen Collins Blvd., Syracuse, NY 13212, for a contract amount not to exceed \$143,000, and

WHEREAS, it is necessary to increase the contract in the amount of \$95,000 for construction inspection and construction administration, for a revised contract amount of \$238,000, 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 Amendment No. 1 to increase the contract by \$95,000 for the Wilson-Burt Road Bridge over Eighteen Mile Creek Project, for a revised contract amount of \$238,000, be approved, 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. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

Resolution No. IF-004-23

From: Infrastructure & Facilities and Administration Committees.

Dated: January 17, 2023

**KRULL PARK SHORELINE REHABILITATION PROJECT
DESIGN SERVICES CONTRACT – CHANGE ORDER NO. 3 – TIME EXTENSION**

WHEREAS, Resolution No. IF-127-19, dated November 19, 2019, awarded the design services contract for the Krull Park Shoreline Rehabilitation project to WSP USA, 50 Lakefront Blvd, Suite 111, Buffalo, NY 14202, for a contract amount of \$375,979, and

WHEREAS, Resolution No. IF-102-21 dated September 21, 2021, extended the contract completion date to December 31, 2022, at no additional cost to the county, to allow for final design services, and

WHEREAS, Resolution No. IF-158-22, dated December 6, 2022, increased the contract by \$184,490, for construction administration and construction inspection, for a total contract amount of \$560,469, and

WHEREAS, it is necessary to extend the contract to May 31, 2024, at no additional cost to the County, 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 contract to, WSP USA, 50 Lakefront Blvd, Suite 111, Buffalo, NY 14202, be, extended to May 31, 2024, at no additional cost, for a total contract amount of \$560,469, 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. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

Resolution No. IF-005-23

From: Infrastructure & Facilities and Administration Committees.

Dated: January 17, 2023

**CARMEN ROAD BRIDGE OVER JOHNSON CREEK
CONSULTANT AMENDMENT NO. 2**

WHEREAS, Resolution No. IF-106-20, dated September 15, 2020, authorized the contract for consultant services for the Carmen Road Bridge over Johnson Creek Project to CHA Consulting Inc., 2200 Main Place Tower, Buffalo, NY 14202, for a fee not to exceed \$242,000, and

WHEREAS, Resolution No. IF-006-22, dated January 18, 2022, increased the contract in the amount of \$199,000 for construction inspection and construction administration, for a revised contract amount of \$441,000, and

WHEREAS, it is necessary to increase the contract by \$22,000 for additional construction inspection and administration services, for a revised contract amount of \$463,000, 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 Amendment No. 2 to increase the contract by \$22,000 for the Carmen Road Bridge over Johnson Creek Project, for a revised contract amount of \$463,000, be approved, 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. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

Resolution No. IF-006-23

From: Infrastructure & Facilities and Administration Committees.

Dated: January 17, 2023

**WEST SOMERSET ROAD SURVEY AND DESIGN PROJECT
CONSULTANT AMENDMENT NO. 5-FINAL**

WHEREAS, Resolution No. PW-113-14, dated September 16, 2014, authorized the contract for survey work required along West Somerset Road in the Towns of Newfane and Somerset to Erdman Anthony, 8608 Main Street, Buffalo, NY 14221, in the amount of \$96,900, and

WHEREAS, Resolution No. IF-112-15, dated September 15, 2015, authorized Amendment No. 1 to allow the project to proceed with Design Phase I, Quaker Road to Hosmer Road, in the amount of \$381,000, for a revised contract amount of \$477,900, and

WHEREAS, Resolution No. IF-088-16, dated September 22, 2016, authorized Amendment No. 2 for wetland delineation and survey in the amount of \$29,600, for a revised contract amount of \$507,500, and

WHEREAS, Resolution No. IF-082-17, dated May 16, 2017, authorized Amendment No. 3 to allow for the project to proceed with design services from Hess Road to Hosmer Road, in the amount of \$402,500, for a revised contract amount of \$910,000, and

WHEREAS, Resolution No. IF-149-18, dated December 4, 2018, authorized Amendment No. 4 to increase the contract for the design of emergency bridge and guide rail repair for the Walmore Road Bridge over Bergholz Creek, in the amount of \$9,000, for a revised contract amount of \$919,000, and

WHEREAS, it is necessary to decrease the contract in the amount of \$12,639.84, as the project design is now complete, for a revised contract amount of \$906,360.16, 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 Amendment No. 5-Final to decrease the contract by \$12,639.84 for the West Somerset Road Survey and Design Project, for a revised contract amount of \$906,360.16, be approved, 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. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

Resolution No. IF-007-23

From: Infrastructure & Facilities and Administration Committees.

Dated: January 17, 2023

PURPLE HEART VETERANS MONUMENT AWARD

WHEREAS, funds are available in account H761.15.1620.000 72400.00 to allow for the placement of a Purple Heart Veterans Monument at the Niagara County Court House in Lockport, NY, and

WHEREAS, quotes were obtained by our consultant, for the Purple Heart Granite Monument and four (4) auxiliary monuments, as tabulated below:

- | | |
|--|-------------|
| 1. Niagara Monument Works, Inc.
4801 Hyde Park Blvd.
Niagara Falls, NY 14305 | \$26,500.00 |
| 2. Stone Art Memorial Company, Inc.
914 Ridge Road
Lackawanna, NY 14218 | \$33,371.00 |

now, therefore, be it

RESOLVED, that the Purple Heart Granite Monument and four (4) auxiliary monuments be awarded to Niagara Monument Works, Inc., for a price not to exceed \$26,500, and be it further

RESOLVED, that the contract for the Purple Heart Granite Monument be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

Resolution No. IF-008-23

From: Infrastructure & Facilities and Administration Committees.

Dated: January 17, 2023

AWARD CONSULTANT CONTRACT SLAYTON SETTLEMENT ROAD PAVEMENT INVESTIGATION AND REPORT

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with the Slayton Settlement Road Pavement Investigation and Report Project, and

WHEREAS, funds are available in account H752.15.5112.000 72600.01, Roads, 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 consultant services contract for the Slayton Settlement Road Pavement Investigation and Report Project be awarded to SJB Services, Inc., 5167 South Park Avenue, Hamburg, NY 14075, for a contract amount not to exceed \$39,050.00, and be it further

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

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

Resolution No. IF-009-23

From: Infrastructure & Facilities and Administration Committees.

Dated: January 17, 2023

**AWARD CONSULTANT CONTRACT
EWINGS ROAD BRIDGE OVER EIGHTEEN MILE CREEK
AND QUAKER ROAD BRIDGE OVER GOLDEN HILL CREEK**

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with the Ewings Road Bridge over Eighteen Mile Creek and Quaker Road Bridge over Golden Hill Creek Project, 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 consultant award and any project incidentals:

INCREASE REVENUE:

H765.15.5197.000 43501.00	Consol Hwy Aid Rev	\$250,000
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INCREASE APPROPRIATIONS:

H765.15.5197.000 72600.02	Infrastructure Bridges	\$250,000
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and be it further

RESOLVED, that the consultant services contract for the Ewings Road Bridge over Eighteen Mile Creek and Quaker Road Bridge over Golden Hill Creek Project be awarded to Barton & Loguidice, D.P.C., 11 Centre Park, Suite 203, Rochester, NY 14614, for a contract amount not to exceed \$209,700, and be it further

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

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

Resolution No. IF-010-23

From: Infrastructure & Facilities and Administration Committees.

Dated: January 17, 2023

**ENGINEERING SERVICES AWARD – 225 SOUTH NIAGARA STREET, LOCKPORT, NY
PHASE I AND II ENVIRONMENTAL SITE ASSESSMENT**

WHEREAS, Request For Qualifications 2019-42, for General Architectural and Engineering Services, for the period of May 1, 2020 through April 30, 2023, were provided and reviewed, and

WHEREAS, C & S Engineers, Inc., 499 Col Eileen Collins Blvd, Syracuse, NY 13212, was selected to be part of the firms selected under this term agreement, and

WHEREAS, C&S Engineers, Inc., provided a proposal to perform a Phase I and II Environmental Site Assessment at 225 So. Niagara Street, in the amount not to exceed \$18,400, and

WHEREAS, C&S Engineers, Inc. provided an additional proposal to perform services for the removal of an underground diesel tank, sized at approximately 12,000 gallons, for a fee not to exceed \$5,900, and

WHEREAS, C&S Engineers, Inc. provided an additional proposal to perform soil sampling at 225 So. Niagara Street, Lockport, New York and at 5186 Junction Road, Lockport, New York, for a fee not to exceed \$6,500, now, therefore, be it

RESOLVED, that the Engineering Services required for the Environmental Phase I and II study, and the removal of the underground diesel tank and the soil testing at 225 South Niagara St., Lockport, New York and 5186 Junction Road, Lockport, New York, be awarded to C&S Engineers, Inc., 499 Col Eileen Collins Blvd., Syracuse, NY 13212, for a fee not to exceed \$30,800, and be it further

RESOLVED, that the contract for the Engineering Services required for the Environmental Phase I and II study be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

Resolution No. IF-011-23

From: Infrastructure & Facilities and Administration Committees.

Dated: January 17, 2023

**RENEW THE SHARED SERVICES AGREEMENT FOR
STORMWATER MANAGEMENT COORDINATOR**

WHEREAS, the Department of Public Works desires to continue the shared services agreement with the City of Tonawanda to assist the County with the compliance of Phase II Stormwater Regulations, and

WHEREAS, continuation of the shared services agreement with the City of Tonawanda would be beneficial to both municipalities, and

WHEREAS, funds are available in account D.15.5140.000 74650.08, Consultant Services, 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 shared services agreement for the implementation of the Phase II Stormwater Regulations be renewed with the City of Tonawanda, 200 Niagara Street, Tonawanda, NY 14150, for a contract amount not to exceed \$48,500 for the period March 1, 2023 through February 28, 2024, and be it further

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

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

Resolution No. IF-012-23

From: Infrastructure & Facilities and Administration Committees.

Dated: January 17, 2023

**WILSON-BURT ROAD BRIDGE OVER EIGHTEEN MILE CREEK
LOCAL PROJECT AGREEMENT**

WHEREAS, the Concrete and Steel Repairs on Wilson-Burt Road Bridge over Eighteen Mile Creek Project, town of Newfane, Niagara County, BIN 3329720 (the "Project"), 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 and 20% Non-Federal Funds, and

WHEREAS, the County of Niagara desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Construction/Construction Inspection phases of the project, 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 Construction/Construction Inspection phases of the Project or portions thereof, and be it further

RESOLVED, that the following budget modification be effectuated to reflect the funding levels set forth by Schedule A in the attached agreement:

INCREASE ANTICIPATED REVENUE:

H698.15.5197.000 43591.00	State Aid Cap Const Hwy Rev	\$117,000
H698.15.5197.000 43501.00	Consol Hwy Aid Revenue	\$413,100

INCREASE ANTICIPATED APPROPRIATIONS:

H698.15.5197.000 72600.02	Infrastructure Bridges	\$530,100
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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 Construction/Construction Inspection 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 therefor 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 Chairman of the Legislature be, and hereby is, authorized to execute the required documents, and be it further

RESOLVED, that this Resolution shall take effect immediately.

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

Resolution No. IF-013-23

From: Infrastructure & Facilities and Administration Committees.

Dated: January 17, 2023

**RAYMOND ROAD PAVEMENT RECONSTRUCTION-DYSINGER ROAD TO
RAPIDS ROAD CAPITAL PROJECT BUDGET MODIFICATION**

WHEREAS, the County of Niagara received notification that the Raymond Road Pavement Project is also eligible for Marchiselli Aid for the design portion of the project in the amount of \$40,050, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE ANTICIPATED REVENUE:

H736.15.5112.000 43591.00	State Aid Capital Construction	\$40,050
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INCREASE EXPENSES:

H736.15.5112.000 72600.01	Infrastructures – Roads	\$40,050
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Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

Resolution No. IF-014-23

From: Infrastructure & Facilities and Administration Committees.

Dated: January 17, 2023

**DPW – HIGHWAY
EXPENDITURE OF COUNTY ROAD FUND MONIES**

WHEREAS, the Commissioner of Public Works recommends the expenditure of County Road Fund monies for maintenance of roads under Section 129 of the Highway Law, as set forth on the attached form, in the sum of \$8,664,385, and

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

RESOLVED, that the attached recommendation of the commissioner of Public Works be approved and the sum of \$8,664,385 be appropriated from the County Road Fund for maintenance during the year 2023, and be it further

RESOLVED, that following the County Attorney's review, the required documents can be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

Resolution No. IF-015-23

From: Infrastructure & Facilities and Administration Committees.

Dated: January 17, 2023

NIAGARA COUNTY SECTION 5311 CONSOLIDATED GRANT APPLICATION

WHEREAS, the County of Niagara is submitting a request for a consolidated grant of funds to the New York State Department of Transportation, pursuant to Section 5311, Title 49 US Code, for federal financial operating assistance in the amount of \$112,500 for 2022 and \$115,000 for 2023 for a project to provide a route deviation

public transportation service for the non-urbanized areas of Niagara County including the towns, Cambria, Hartland, Lewiston, Lockport, Newfane, Niagara, Pendleton, Porter, Royalton, Somerset, Wheatfield, Wilson and the cities of Lockport, Niagara Falls, and North Tonawanda, to be serviced by Niagara Falls Coach Lines, Inc., during the period January 1, 2022 through December 31, 2023, and

WHEREAS, the County of Niagara and the State of New York have entered into a continuing agreement which authorizes the undertaking of the Project and reimbursement of the federal and applicable state share, and

WHEREAS, the County of Niagara, is contracting with a third party subcontractor, Niagara Falls Coach Lines, Inc., for the project described above, 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 Chairman of the Niagara County Legislature is authorized to act on behalf of the County of Niagara to sign the application and progress and completed the above mentioned project, and be it further

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

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

Resolution No. IL-003-23

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

Dated: January 17, 2023

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

WHEREAS, Legislators Richard Abbott and Anthony Nemi recommend the adoption of the following Local Law:

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

WHEREAS, a public hearing was held on the 17th day of January, 2023 at 5:45 p.m. in the Legislative Chambers, Courthouse, Lockport, New York, on said Local Law, and

WHEREAS, no one 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 of the County of Niagara, New York amending Local Law No. 3 for the year 2016 applicable to the real property tax exemption for persons sixty-five years of age or over be enacted by the County Legislature of the County of Niagara, as follows:

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

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

	<u>ANNUAL INCOME</u>	<u>EXEMPTION PERCENT</u>
Less than:	\$26,200	50%
From:	\$26,200 to \$27,199.99	45%
	\$27,200 to \$28,199.99	40%
	\$28,200 to \$29,199.99	35%
	\$29,200 to \$30,099.99	30%
	\$30,100 to \$30,999.99	25%
	\$31,000 to \$31,899.99	20%
	\$31,900 to \$32,799.99	15%
	\$32,800 to \$33,700.00	10%

2. This Local Law shall become effective March 1, 2023 and this schedule shall be employed by all Niagara County assessing units in the preparation of any assessment roll prepared subsequent to such date. Moved by Nemi, seconded by Abbott, to implement the portion of Rule 15 that pertains to voting on a resolution as opposed to referring it to committee.

Carried.

Moved by Nemi, seconded by Abbott.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

Resolution No. IL-004-23

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

Dated: January 17, 2023

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

WHEREAS, Legislators Richard Abbott and Anthony Nemi recommend the adoption of the following Local Law:

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

WHEREAS, a public hearing was held on the 17th day of January, 2023 at 5:50 p.m. in the Legislative Chambers, Courthouse, Lockport, New York, on said Local Law, and

WHEREAS, no one appeared to speak on said Local Law, and

WHEREAS, one amendment(s) was (were) made to said Local Law, now, therefore, be it

RESOLVED, that a Local Law of the County of Niagara, New York amending Local Law No. 2 for the year 2016 applicable to the Real Property Tax Exemption for Persons with Disabilities and Limited Incomes in accordance with Section 459-c of the New York State Real Property Tax Law be enacted by the County Legislature of the County of Niagara, as follows:

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

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

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

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

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

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

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

4. No exemption shall be granted:

a. if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of thirty-four thousand and six hundred dollars (\$34,600). Income tax year shall mean the twelve month period for which the owner or owners filed a federal income tax return, or if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum, except where the husband or wife, or ex-husband or ex-wife is absent from the property due to divorce, legal separation or abandonment, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum.

Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts, inheritances or monies earned through employment in the federal foster grandparent program and any such income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance. (In computing net rental income and net income from self-employment no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income);

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

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

5.

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

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

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

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

8. Notwithstanding any other provision of law to the contrary, the provisions of this section shall apply to real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for a real

property tax exemption, pursuant to subdivision one of this section, were such person or persons the owner or owners of such real property.

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

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

Carried.

Moved by Abbott, seconded by Nemi.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey

Resolution No. IL-005-23

From: Legislators Christopher Voccio, Christopher A. Robins, Mark J. Grozio, Jeffrey Elder and Administration Committee.

Dated: January 17, 2023

A RESOLUTION TO SUPPORT A RAT MITIGATION PROGRAM IN NIAGARA FALLS

WHEREAS, Niagara County is committed to protecting the public health of our communities, and

WHEREAS, like many urban areas, the City of Niagara Falls has been attempting to deal with a significant rat problem, and

WHEREAS, Niagara Falls plays an instrumental role in our regional tourist economy and this rodent issue could negatively impact that; and

WHEREAS, as such, the County of Niagara believes it is important to help the City of Niagara Falls address this issue, now, therefore, be it

RESOLVED, that Niagara County will allocate \$30,000 to the City of Niagara Falls to further help support rat mitigation efforts and be it further

RESOLVED, that the following budget modification be effectuated:

DECREASE APPROPRIATION:

A.08.1990.000 74500.01	Contingency	\$30,000
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INCREASE APPROPRIATION:

A.01.1010.000 74500.01	Contractual Expenses	\$30,000
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Moved by Abbott, seconded by Nemi.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey

Resolution No. IL-006-23

From: Legislators Christopher Voccio, Christopher A. Robins, Mark J. Grozio and Jeffrey Elder.

Dated: January 17, 2023

AUTHORIZATION TO CANCEL CERTAIN BACK TAXES ON CITY OF NIAGARA FALLS VACANT PARCELS

WHEREAS, there are a number of city-owned vacant residential parcels within the City of Niagara Falls that are delinquent in minimal county back taxes, and

WHEREAS, the City of Niagara Falls is looking to convey these small vacant parcels to adjoining

landowners for the purposes of merging them into the adjacent property for tax assessment, returning them to the tax rolls for all municipalities, enhancing the appearance and stability of the respective neighborhoods, and lessening the City's financial burden relating to the upkeep of vacant parcels, and

WHEREAS, the parcels are not suitable for any other development and therefore, will not sell independently of the adjacent property, and

WHEREAS, the City of Niagara Falls has created a program titled the "Property Purchase Program" designed to put these vacant City-owned parcels into the hands of adjoining residential landowners and meet the aforementioned objectives; and

WHEREAS, as a condition of transfer of these vacant City-owned parcels to the adjoining landowners, the taxes on the adjacent property must be paid in full; and

WHEREAS, pursuant to Real Property Tax Law Section 1182 authorizing a governing body of any tax district, in determining it is in their best interest, to authorize the enforcing officer to cancel in whole or in part any part of interest, penalties or other charges imposed by law that they would be entitled to, and

WHEREAS, the city-owned vacant parcels in the City of Niagara Falls that may be transferred to the adjoining landowners as part of the "Property Purchase Program" are

<u>SBL</u>	<u>Parcel Location</u>	<u>County Back Taxes Owed</u>
161.11-3-1	10132 Mueller Ct.	\$0.00
161.11-1-74	1059 98 th St.	Exempt
144.31-4-36	1149 Fairfield Ave.	\$0.00
144.71-1-12	1149 Whitney Ave.	\$35.60
144.48-1-19	1373 Ontario Ave.	\$0.00
144.40-1-38	1500 Ontario Ave.	\$0.00
144.56-1-22	1512 South Ave.	\$32.48
144.64-3-8	1525 Willow Ave.	\$0.00
160.73-3-40	155 65 th St.	\$0.00
144.56-2-58	1618 Weston Ave.	\$0.00
160.73-3-9	174 66 th St.	\$0.00
144.49-1-47	1814 Niagara Ave.	\$0.00
144.73-1-7	1923 Whitney Ave.	\$0.00
144.73-1-6	1915 Whitney Ave.	\$0.00
144.73-2-7	1925 Lasalle Ave.	\$666.06
144.48-1-83	2001 Lockport St.	Exempt
144.41-2-62	2121 Jerauld Ave.	\$37.13
159.49-2-44	213 22 nd St.	Exempt
144.07-2-82.1	2150 Center Ave.	\$0.00
159.49-2-24	216 24 th St.	\$0.00
144.49-2-35	2204 Niagara Ave.	\$0.00
144.40-2-59	2228 Lockport St.	\$0.00
159.34-1-55	2408 Monroe Ave.	\$0.00
144.75-1-4	2713 Whitney Ave.	\$0.00
159.44-1-30	308 38 th St.	\$0.00
144.25-2-21	3a210 Hyde Park Blvd.	\$0.00
160.76-2-2	322 80 th St.	\$0.00
160.76-1-2	340 77 th St.	\$0.00

160.67-1-2	403 70 th St.	\$0.00
159.31-1-27	412 Memorial Pkwy.	\$0.00
159.30-2-68	432 8 th St.	\$0.00
159.33-1-5	494 20 th St.	\$0.00
160.10-2-47	201 59 th St. S/B 501 59 th St	\$0.00
159.23-1-45	529 Memorial Pkwy	\$0.00
159.30-2-44	533 7 th St.	\$0.00
159.22-3-26	537 9 th St.	\$0.00
159.22-2-21	543 7 th St.	\$0.00
160.56-2-48	5637 Frontier Ave.	\$0.00
160.15-1-33	6003 Frontier Ave.	\$0.00
160.15-1-32	6007 Frontier Ave.	\$0.00
159.25-2-65	601 22 nd St.	\$0.00
160.15-1-31	6013 Frontier Ave.	\$0.00
160.15-1-30	6017 Frontier Ave.	\$0.00
160.65-1-88	6122 Stephenson Ave.	\$9.31
159.21-1-32	618 4 th St.	\$0.00
144.70-1-40	625 Elmwood Ave.	\$0.00
144.69-1-34.2	643 Ashland Ave.	\$0.00
161.09-1-58.2	662 81 st St.	Exempt
144.78-1-32	728 Cedar Ave.	\$0.00
144.22-2-21	756 Monteagle St.	\$0.00
161.14-5-9	801 93 rd St.	\$0.00
161.14-5-6	825 93 rd St.	\$0.00

WHEREAS, it is in the County of Niagara's best interest to have these parcels merged with adjacent parcels and placed back on the tax rolls, now, therefore, be it

RESOLVED, pursuant to Real Property Tax Law 1182, the Niagara County Legislature deems it to be in its best interest to waive the taxes, penalties and interest on the above listed properties that have accrued prior to the filing of a deed between the City of Niagara Falls and the adjoining landowner with the Niagara County Clerk's Office pursuant to said "Property Purchase Program"; and be it further

RESOLVED, that the enforcing officer is directed to cancel said taxes, penalties and interest on the above listed properties upon presentment of a filed deed between the City of Niagara Falls and the adjoining landowner with the Niagara County Clerk's Office pursuant to said "Property Purchase Program".

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

Carried.

Moved by Voccio, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey

Resolution No. IL-007-23

From: Legislators Anthony J. Nemi, Richard E. Abbott and William J. Collins

Dated: January 17, 2023

A RESOLUTION URGING GOVERNOR HOCHUL TO SIGN THE GRIEVING FAMILIES ACT INTO LAW

WHEREAS, in 2022, the New York State Legislature overwhelmingly passed S74A/A6770 which is known as

the Grieving Families Act, and

WHEREAS, this legislation would permit the families of wrongful death victims to recover compensation for their emotional anguish, and

WHEREAS, families who suffer the loss of a loved one must endure a second blow, when they discover the civil justice system is unable to compensate them for their emotional loss, and

WHEREAS, the current law, which awards compensation for pecuniary loss only, impacts most harshly on children, seniors, women and people of color, who often have no income or significantly less income, and are traditionally undervalued in our society, and

WHEREAS, at least 41 other states compensate family members for emotional loss and this bill will not only better address and more fully right the wrong to the family of the deceased, it will also deter the negligent, reckless, sometimes criminal behavior that leads to needless deaths, and

WHEREAS, this legislation now sits on Governor Hochul's desk and the Governor must decide by January 30 whether or not to sign it, now, therefore, be it

RESOLVED, that the Niagara County Legislature supports the Grieving Families Act and urges Governor Hochul to sign it into law, and be it further

RESOLVED, that copies of this resolution should be sent to Governor Hochul and the Niagara County delegation to the New York State Legislature.

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

Carried.

Moved by Collins, seconded by Nemi.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey

Moved by Bradt, seconded by Hill that the Board adjourn.

The Chairman declared the Board adjourned 6:11 p.m., subject to the call of the Clerk.

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

Alysa T. Tomasino

Alysa T. Tomasino, Clerk