

OFFICIAL RECORD

Lockport, New York
January 19, 2021

The meeting was called to order by Chairman Wydysh at 6:04 p.m.

Clerk Moran called the roll. All Legislators were present.

Moment of Silence was held for former Legislator Joseph Williams, Sarafina Ronchetti and Warren Kahn.

CORRESPONDENCE / RECOGNITION:

Chairman Wydysh recognized Director of Public Health Daniel Stapleton and his staff for everything they have done with the vaccination distributions.

PRESENTATION:

Chairman Wydysh asked Director Dan Stapleton to give an update on the pandemic and vaccination distribution.

Chairman Wydysh asked Sheriff Filicetti to give a power point presentation on Niagara County's Law Enforcement Reform Plan; the plan is currently posted on the website.

Moved by Collins, second by Myers to remove IF-001-21 from the preferred agenda.

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

Resolution No. AD-001-21

From: Administration Committee.

Dated: January 19, 2021

AUTHORIZATION FOR REAL PROPERTY TAX REFUNDS/CORRECTIONS - 2021

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 2021 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 Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CS-001-21

From: Community Services and Administration Committees.

Dated: January 19, 2021

CREATE AND FILL DEPUTY COUNTY CLERK DMV OPERATIONS MANAGER

WHEREAS, the Niagara County Clerk serves as the Clerk of Supreme and County Courts, as well as the register of all Niagara County land transactions, and

WHEREAS, the Clerk acts as receiver of all filings and recordings of numerous and varied instruments, and

WHEREAS, the County Clerk is also responsible for the effective management and administrative, financial and operational functions of many large and diverse areas, including the Recording Office, Records Management, three Offices of the Department of Motor Vehicles, Veterans Service Agency, Pistol Permit Issuing Office, U.S. Passport Acceptance Agent, and the Office of Niagara County Historian, and

WHEREAS, these programs must be maintained in accordance with statute, and

WHEREAS, this position will be solely responsible for the supervision of staff and coordination of daily operations in three Niagara County Department of Motor Vehicle offices and

WHEREAS, this position will allow proactive performance in financial management, revenue maximization, budget analysis and public outreach, while strengthening the department administrative capabilities, and

WHEREAS, this position will act in the capacity of the County Clerk during a concurrent absence of the County Clerk, First Deputy County Clerk, Deputy County Clerk Administration, and

WHEREAS, this position will not impact the 2021 budget as there will be a departmental cost savings of approximately \$30,000 due to the retirement of a current DMV deputy and the eventual elimination of the remaining two DMV Deputy positions through attrition over the course of fiscal year 2021, and

WHEREAS, the creation of this position along with the elimination of three DMV Deputy positions will effectively allow all three Niagara County Motor Vehicle offices to remain operational and profitable, now, therefore, be it

RESOLVED, that the Deputy County Clerk DMV Operations Manager will have the authority to act for and in the place of the County Clerk when necessary, and be it further

RESOLVED, that one Deputy County Clerk DMV Operations Manager, Grade 11 – 35 hours, Flat annual Salary \$77,281.00, Step 6 be created within the office of the Niagara County Clerk, and filled effective February 7, 2021.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CS-002-21

From: Community Services and Administration Committees.
Dated: January 19, 2021

UPGRADE TO CONFIDENTIAL SECRETARY TO THE COUNTY CLERK

WHEREAS, the County Clerk's Department provides a vast array of services including, but not limited to, serving as the Clerk of Supreme and County Courts, as well as the register of all Niagara County land Transactions, and

WHEREAS, the Clerk acts as receiver of all filings and recordings of numerous and varied instruments, and

WHEREAS, the Clerk is responsible for the effective management and administration, financial and operational functions of many large and diverse areas, including the Recording Office, Records Management, three Offices of the Department of Motor Vehicles, Veterans Service Agency, Pistol Permit Issuing Office, U.S. Passport Acceptance Agent, and the Office of Niagara County Historian, and

WHEREAS, this requires a high level of effectiveness in all levels of the department including Confidential Secretary to the County Clerk, which has recently undergone review and update to the job description and level of responsibility of the Confidential Secretary position, and

WHEREAS, in comparison to other county job responsibilities have identified inequities in salary when compared to the Confidential Secretary salary in similar departments, causing a salary misalignment of these similar positions, and

WHEREAS, 100% of the upgrade is covered by existing funds, now, therefore, be it

RESOLVED, that the Confidential Secretary position in the Niagara County Clerk's Office be upgraded from NUH 2 to NUH Grade 4 step 5, effective February 7, 2021

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-001-21

From: Community Safety & Security Committee and Administration Committee.

Dated: January 19, 2021

ACCEPTANCE OF 2020-2021 AID TO PROSECUTION PROGRAM GRANT

WHEREAS, the Niagara County District Attorney's Office has been awarded renewed funding from the New York State Division of Criminal Justice Services under the Aid To Prosecution Program for the purpose of continuing aid in the prosecution of repeat violent and serious felony offenders in Niagara County, and

WHEREAS, funding has been awarded in the amount of \$44,590 for the period October 1, 2020 through March 31, 2021, with no matching funds requirement, and

WHEREAS, the funds have been appropriated in the Niagara County District Attorney's budget, now, therefore, be it

RESOLVED, that the County of Niagara does hereby accept this grant award, and be it further

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-002-21

From: Community Safety & Security Committee and Administration Committee.

Dated: January 19, 2021

DISTRICT ATTORNEY'S OFFICE REORGANIZATION

WHEREAS, effective January 1, 2021, Brian D. Seaman was elected to the office of Niagara County District Attorney, and

WHEREAS, due to this circumstance, along with an unprecedented spike in homicides and non-fatal shootings and violent crimes against the citizens of this County, it is the intention of District Attorney Brian Seaman to restructure the staffing levels and assignments within the District Attorney's Office, and

WHEREAS, funds are available within the District Attorney's 2021 Personnel Budget to fund the changes involved in the restructuring of the District Attorney's Office, and

WHEREAS, this restructuring will have a positive effect on the prosecution of crimes committed within the County of Niagara and the risk to public safety, now, therefore, be it

RESOLVED, that, effective February 1, 2021, the District Attorney's Office be authorized to reclassify and fill the following existing position: Assistant District Attorney position #0046, ATT DA V, Step 5, \$115,431 annually to Executive District Attorney, ATT DA VI, Step 5, \$128,129, and be it further

RESOLVED, that the following budget modifications be made:

DECREASE APPROPRIATIONS:

A1165.71010.13292	Second Assistant District Attorney	\$11,671
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INCREASE APPROPRIATIONS:

A1165.71010.00046	Executive Assistant District Attorney	\$11,671
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-003-21

From: Community Safety & Security Committee and Administration Committee.

Dated: January 19, 2021

**FEDERAL EQUITABLE SHARING PROGRAM AGREEMENT
AND ANNUAL CERTIFICATION REPORT**

WHEREAS, the United States Department of Justice requires that the Niagara County District Attorney's Office file an annual Federal Equitable Sharing Program Agreement and Certification Report to be eligible to submit requests for federally forfeited property or proceeds, and

WHEREAS, said Agreement is entered into by the United States Department of Justice, the County of Niagara, and the Niagara County District Attorney's Office, now, therefore, be it

RESOLVED, that the Niagara County District Attorney's office be authorized to participate in the Federal Equitable Sharing Program, and be it further

RESOLVED, that prior to the execution of the Federal Equitable Sharing Agreement and Certification, the County Attorney will review the Federal Equitable Sharing Agreement and Certification for approval as to legal form, language, and compliance, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Niagara County Legislature be, and hereby is, authorized to execute an Agreement between the County of Niagara on behalf of the Niagara County District Attorney's Office and the United States Department of Justice.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-004-21

From: Community Safety & Security Committee and Administration Committee.

Dated: January 19, 2021

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

WHEREAS, the Niagara County Sheriff's Office wishes to continue an agreement with the U.S. Department of Justice Drug Enforcement Administration for the year 2021, 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 2021 budget be modified as follows:

INCREASE REVENUE:

A.17.3110.000.44389.04	Other Public Safety Operation Green Monster	\$90,000
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INCREASE APPROPRIATIONS:

A.17.3110.000.71050.00	Overtime	\$62,000
A.17.3110.000.74400.09	Payments to Other Agencies	13,000
A.17.3110.000.74600.03	Training/Education	4,500
A.17.3110.000.74750.05	Law Enforcement Supplies	5,000
A.17.3110.000.74800.11	Vehicle Maintenance (Helicopter)	5,500

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-005-21

From: Community Safety & Security Committee and Administration Committee.

Dated: January 19, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
FEDERAL EQUITABLE SHARING ANNUAL RECERTIFICATION**

WHEREAS, the United States Department of Justice requires that the Niagara County Sheriff's Office file an annual Federal Equitable Sharing Program Agreement and Certification Report to be eligible to submit requests for federal forfeited property or proceeds, and

WHEREAS, the Agreement is entered into by the United States Department of Justice, the County of Niagara and the Niagara County Sheriff's Office, now, therefore, be it

RESOLVED, that the Niagara County Sheriff's Office be authorized to participate in the Federal Equitable Sharing Program, and be it further

RESOLVED, that prior to the execution of the Federal Equitable Sharing Agreement and Certification, the County Attorney will review the Federal Equitable Sharing Agreement and Certification for approval as to legal form, language and compliance, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Niagara County Legislature be, and hereby is, authorized to execute the Annual Equitable Sharing Agreement and Certification.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-006-21

From: Community Safety & Security Committee and Administration Committee.

Dated: January 19, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
ACCEPT FY20 OPERATION STONEGARDEN GRANT**

WHEREAS, the Niagara County Sheriff's Office was notified by the New York State Division of Homeland Security and Emergency Services that it has been awarded \$275,400 under the FY2020 Operation Stonegarden Program, whose funding is provided by the U.S Department of Homeland Security and Emergency Services, and

WHEREAS, Operation Stonegarden has been awarded to the Niagara County Sheriff's Office for many years, and

WHEREAS, the performance period for this grant is September 1, 2020 through August 31, 2023, and

WHEREAS, the grant is used for expenses to assist the County in conducting border centric, intelligence driven operations with the goal of reduction or elimination of threat, risk and vulnerability along our Nation's borders, and

WHEREAS, the 2021 budget needs to be amended to accept the revenue, now, therefore, be it

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

RESOLVED, that the following budget amendments be effectuated:

INCREASE REVENUE:

A.17.3645.000 44305.02	Civil Defense Homeland Security	\$257,400
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INCREASE APPROPRIATIONS:

A.17.3645.000 71050.00	Overtime Expense	\$ 58,743
A.17.3645.000 72100.21	Law Enforcement Equipment	105,800

A.17.3645.000 74400.09	Payments Other Agencies	63,411
A.17.3645.000 74750.21	Supplies, General Gas and Oil	30,000
A.17.3645.000 78100.00	Retirement Expense	11,409
A.17.3645.000 78200.00	FICA Expense	4,493
A.17.3645.000 78300.00	Worker's Compensation Expense	1,544

Moved by Bradt, seconded by Virtuoso.
Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-007-21

From: Community Safety & Security Committee and Administration Committee.
Dated: January 19, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE BUDGET MODIFICATION
STATEWIDE INTEROPERABLE COMMUNICATIONS FORMULA GRANT**

WHEREAS, on January 15, 2019 the Niagara County Legislature voted to accept revenue from the New York State Division of Homeland Security and Emergency Services under the Statewide Interoperable Communications Formula Grant FY2018 in the amount of \$669,712 for the performance period of January 1, 2019 through December 31, 2020 (Resolution #CSS-002-19), and

WHEREAS, this grant will allow the Sheriff's Office to continue the improvement of the interoperable communications network which will have the benefit to the residents of Niagara County of improved reliability of communication for their safety and protection, and

WHEREAS, an improved interoperable communications network will also enhance interoperable communications with other counties and agencies when participating in Mutual Aid emergencies, and

WHEREAS, the performance period of this grant was extended by the NYS Division of Homeland Security and Emergency Services to end as of December 31, 2021 and

WHEREAS, the extension was made after the 2021 budget was closed to changes so the 2021 Budget will need to be amended to include the remaining revenue and expenses from the grant, now, therefore, be it

RESOLVED, that the following line item transfers be effectuated:

INCREASE REVENUE:

A.17.3645.000.43305.02	State Aid, Civil Defense Homeland Security	\$956
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INCREASE APPROPRIATIONS:

A.17.3645.000.72100.15	Machinery and Equipment Communications Equipment	\$956
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-008-21

From: Community Safety & Security Committee and Administration Committee.
Dated: January 19, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION - PORT SECURITY GRANT 2018**

WHEREAS, on November 20, 2018 the Niagara County Legislature voted to accept revenue from the Department of Homeland Security for the period of September 1, 2018 through August 31, 2021 in the amount of \$120,000 with a match of \$40,000 (Resolution #CSS-084-18), and

WHEREAS, the grant funds are being used to purchase, install and train personnel on an Airborne Mission Management System for the Niagara County Sheriff's helicopter, and

WHEREAS, this equipment will aid Niagara County Sheriff's Office personnel by giving the pilot the ability to more quickly and accurately identify locations and then communicate them to Deputies on the ground, and

WHEREAS, the remaining funds in the grant need to be added to the 2021 budget, now, therefore, be it

RESOLVED, that that the following line budget modifications be effectuated:

INCREASE REVENUE:

A.17.3645.000.43305.02	State Aid, Civil Defense Homeland Security	\$125
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INCREASE APPROPRIATIONS:

A.17.3645.000.74750.05	Law Enforcement Supplies	\$125
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-009-21

From: Community Safety & Security Committee and Administration Committee.

Dated: January 19, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
MOTOROLA CONTRACT CHANGE ORDER NO. 3 AND NO. 4**

WHEREAS, by Resolution No. CSS-087-19, dated November 19, 2019 the Legislature awarded the contract for the Niagara County Sheriff's Office Emergency Communications Two Site Radio System Expansion to Motorola Solutions, 500 West Monroe, Chicago, IL 60661 for a contract an amount not exceed \$1,900,000.00, and

WHEREAS, after a review by Mission Critical Partners, a consultant hired by Niagara County to manage the radio expansion project and a review by the Niagara County Attorney's Office, a final purchase order was issued in the amount of \$1,616,980.00 for the Motorola portion of this project, and

WHEREAS, it is necessary, due to system design changes, to decrease the contract in the amount of \$353,975.00 for a revised contact amount of \$1,263,005.00, and

WHEREAS, it is necessary, due to additional system design changes, to increase the contract under a separate change order in the amount of \$694,717.00 for a revised contact amount of \$1,957,722.00, 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 Change Order No. 3 to decrease the contract by \$353,975.00 for the Niagara County Sheriff's Office Emergency Communications Two Site Radio System Expansion to Motorola Solutions, for a revised contract amount of \$1,263,005.00 to Motorola Solutions, 500 West Monroe, Chicago, IL 60661, be approved, and that Change Order No. 4 to increase the contract by \$694,717.00 for the Niagara County Sheriff's Office Emergency Communications Two Site Radio System Expansion to Motorola Solutions, for a revised contract amount of \$1,957,722.00 to Motorola Solutions, 500 West Monroe, Chicago, IL 60661, be approved, 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 Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-010-21

From: Community Safety & Security Committee and Administration Committee.

Dated: January 19, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
LEASE AGREEMENT WITH THE TOWN OF WILSON**

WHEREAS, the Niagara County Sheriff's Office is required to maintain, for public safety purposes, a fully functioning Land Mobile Radio (LMR) System, and

WHEREAS, the Sheriff's Office has identified a need to place additional LMR equipment to support and expand the existing LMR System within the Town of Wilson, and

WHEREAS, land has been identified at the Town of Wilson Historical Society, 641 Lake Street that would be suitable to meet the needs to support expanding the current LMR System in Niagara County, and

WHEREAS, the Town of Wilson has agreed to allow the lease of this property to be utilized as a site for a new LMR radio tower and shelter, now therefore, be it

RESOLVED, that the above described lease between the County of Niagara and Town of Niagara is hereby approved, contingent on approval by the County Attorney's Office, and the Chairman of the Legislature is hereby authorized to execute the same.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-011-21

From: Community Safety & Security Committee and Administration Committee.

Dated: January 19, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
EXTEND INMATE HEALTH CARE SERVICES AGREEMENT**

WHEREAS, the Niagara County Sheriff's Office is responsible for providing medical care to inmates and detainees of the Niagara County Jail, including federal inmates, and

WHEREAS, the County of Niagara entered into an agreement with outside companies for the comprehensive correctional health care services to detainees and inmates who are lawfully remanded to the care, custody and under control of the Sheriff in accordance with applicable law, and

WHEREAS, the Agreement was entered into with the following Entities: Primecare Medical of New York, Inc., Buffalo Diagnostic Radiology, P.C., and Union Street Dentistry, PLLC, after the County issued a Request for Proposals, and

WHEREAS, Personalcare Registered Professional Nursing P.C., Professional Care Medical Practice PC., and Professional Care Dental Services PC, were substituted for Buffalo Diagnostic Radiology, P.C., and Union Street Dentistry, PLLC, by substitution executed August 3, 2017 and consented to August 4, 2017, and

WHEREAS, the Agreement is dated August 12, 2016, and has a term of three (3) years from August 15, 2016 through August 14, 2019 with the option of extending the agreement for two additional one (1) year periods, and

WHEREAS, medical care for inmates is very complicated and multi-faceted due to the wide variety of medical needs including mental health and addiction services, and

WHEREAS, the quality and consistency of medical care in the Niagara County Jail is critical to ensure the health and safety of Niagara County inmates to avoid adverse events which increase Niagara County's liability, and

WHEREAS, during PrimeCare's tenure, the Niagara County Correctional Facility earned accreditation from the National Commission on Correctional Health Care (NCCHC). The standards are NCCHC's recommended requirements for the proper management of a correctional health services delivery system. These standards have helped jails improve the health of inmates and the communities to which they return, increase the efficiency of their health services delivery, strengthen their organizational effectiveness, and reduce their risk of adverse patient outcomes and legal judgements, and

WHEREAS, PrimeCare was instrumental during this rigorous accreditation process and they continually monitor and evaluate the standards. The Niagara County Jail medical accreditation is up in the fall of 2021 and the continuation of PrimeCare Medical will help the Niagara County Sheriff's Office to keep meeting the standards set, and

WHEREAS, there is no local or state law which requires a Request for Proposal on Professional Services, and

WHEREAS, the County wishes to enter into a new Agreement with Primecare Medical of New York, Inc., Personalcare Registered Professional Nursing PC, Professional Care Medical Practice PC, and Professional Care Dental Services PC., and

WHEREAS, the Niagara County Sheriff's Office will work with Primecare Medical of New York, Inc., Personalcare Registered Professional Nursing PC, Professional Care Medical Practice PC, and Professional Care Dental Services PC. on an agreement which will benefit Niagara County and the Jail's inmate population, now, therefore, be it

RESOLVED, that the County Attorney will review and approve the agreement, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute an agreement for the comprehensive correctional health care services.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-012-21

From: Community Safety & Security Committee and Administration Committee.

Dated: January 19, 2021

RESOLUTION DECLARING THE LEGISLATURE OF THE COUNTY OF NIAGARA TO BE

**LEAD AGENCY FOR ENVIRONMENTAL REVIEW PURSUANT TO THE STATE
ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) FOR THE PROPOSED
NIAGARA COUNTY PUBLIC SAFETY RADIO EXPANSION PROJECT**

WHEREAS, Niagara County (the "County"), as part of its efforts to upgrade its emergency radio communications systems, is proposing to improve the coverage of its existing radio communications system through the construction or installation of communications tower sites and/or equipment at up to three locations within the County to be known as the Niagara County Public Safety Radio Expansion Project (the "Project"), and

WHEREAS, the three locations will be referred to as (1) Shawnee Volunteer Fire Company, 3747 Lockport Road, Wheatfield, NY 14132; (2) Barker Central School, Haight Road, Barker, NY 14012; and (3) Wilson Historical Society, 641 Lake Street, Wilson, NY 14108, and

WHEREAS, the County will approve funding for the Project, and will approve and let contracts for construction and purchase of the equipment necessary for the Project, and

WHEREAS, collectively, these components of the Project constitute the "Action" to be reviewed for purposes of review under the State Environmental Quality Review Act and its implementing regulations found at 6 NYCRR Part 617 (hereinafter collectively referred to as "SEQRA"), and

WHEREAS, the County will treat the Project as a Type 1 Action requiring a coordinated review by all involved agencies in accordance with applicable provisions of SEQRA, and

WHEREAS, the Project will provide improved communications to public safety agencies in the County by improving the coverage of its existing radio communications system and is therefore in the public interest, and

WHEREAS, the Legislature of the County of Niagara is an involved agency for the review of the Project as the Legislature will have to appropriate funding for same and approve and let contracts for construction and purchase of the equipment necessary for the Project, and

WHEREAS, on October 20, 2020 the County passed a resolution declaring its intent to act as lead agency for the Project pursuant to SEQRA, and

WHEREAS, the County subsequently served by mail a "Notice of Intent to Serve as Lead Agency" to all identified involved or interested agencies along with a separate full SEQRA Environmental Assessment Form ("EAF") Part I for each location that comprise the Project, and

WHEREAS, more than 30 days have passed since the Notice of Intent was circulated, and

WHEREAS, no objections were received to the Town Board acting as Lead Agency, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara not having received any objection from any other interested or involved agency to the County acting as SEQRA Lead Agency within the time to do so, does assume SEQRA lead agency status for the environmental review of the Project.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CW-003-21

From: Committee of the Whole.

Dated: January 19, 2021

AWARD OF SCHOOL BUS STOP ARM CAMERA SERVICES FOR NIAGARA COUNTY

WHEREAS, the Niagara County Sheriff's Office ("NCSO") and Niagara County Manager's Office, through Niagara County Purchasing, has advertised and publicly opened Requests for Proposal ("RFP") 2020-41 for School Bus Stop Arm Camera Services with the intent of contracting with a qualified firm capable of installing, maintaining, and operating an exterior school bus stop arm camera system, with the goal of improving public safety, and

WHEREAS, a local law, subject to approval of Niagara County Legislature, will be established to impose appropriate fines for violating existing traffic safety laws associated with school bus stop arms, and

WHEREAS, there is no cost to install, maintain or operate the system, and

WHEREAS, responses to the RFP were received from American Traffic Solutions, Inc., dba Verra Mobility, BusPatrol America, LLC, and Sensys Gatso Group, and a committee consisting of representatives from the NCSO and Niagara County Manager's Office conducted a review of responses, data analysis and finalist interviews with the assistance of Niagara County Purchasing, and

WHEREAS, Verra Mobility has been found to be the most qualified vendor based on the evaluation criteria established for final selection and engagement, 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 for the School Bus Stop Arm Camera Services be awarded to American Traffic Solutions, Inc., dba Verra Mobility, 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 Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CW-004-21

From: Committee of the Whole.

Dated: January 19, 2021

**RATIFICATION OF AGREEMENT BETWEEN NIAGARA COUNTY
DEPUTY SHERIFFS ASSOCIATION AND THE COUNTY OF NIAGARA AND
THE SHERIFF OF THE COUNTY OF NIAGARA**

WHEREAS, the County of Niagara, and the Sheriff of the County of Niagara, and the Niagara County Deputy Sheriffs Association (DSA) have reached a tentative agreement for the period of January 1, 2020 through December 31, 2024, and

WHEREAS, said Tentative Agreement was ratified by DSA on December 23, 2020, and

WHEREAS, funds are available in the 2020 and 2021 budgeted appropriations to carry out the fiscal obligations in the tentative agreement, and

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

RESOLVED, that upon a vote and approval of the County Legislature on January 19, 2021, the Tentative Agreement will be approved as the final ratified agreement between the parties for the period of January 1, 2020 through December 31, 2024 (the "Agreement"), and be it further

RESOLVED, that the County Manager is authorized to direct the Departments of Human Resources, Risk Management, Budget, and the Treasurer's Office to implement and administer the provisions of the Agreement, and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is authorized to execute said Agreement on behalf of the County of Niagara, subject to the approval of the County Attorney, and be it further

RESOLVED, that the following 2020 budget modification be effectuated,

INCREASE APPROPRIATION:

A.17.3020.000 71020.00	Contract Settlement	\$ 39,600
A.17.3020.000 78100.00	Retirement	6,029
A.17.3020.000 78200.00	FICA	3,029
A.17.3110.000 71020.00	Contract Settlement	1,200
A.17.3110.000 78100.00	Retirement	212
A.17.3110.000 78200.00	FICA	92
A.17.3150.000 71020.00	Contract Settlement	148,800
A.17.3150.000 78100.00	Retirement	28,369
A.17.3150.000 78200.00	FICA	<u>11,383</u>
		\$238,714

DECREASE APPROPRIATION:

A.08.1991.000 74500.01	General Government Support	\$238,714
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and be it further,

RESOLVED, that the following 2021 budget modification be effectuated:

INCREASE APPROPRIATION:

A.17.3020.000 71010.00	Positions	\$ 68,520
A.17.3020.000 71030.00	Part Time	3,742
A.17.3020.000 71032.00	Training Allowance	1,639
A.17.3020.000 71033.00	Job Parity	240
A.17.3020.000 71034.00	Briefing Time	3,189
A.17.3020.000 71050.00	Overtime	3,198
A.17.3020.000 71085.00	Sick Leave Incentive	488
A.17.3020.000 78100.00	Retirement	12,693
A.17.3020.000 78200.00	FICA	6,198
A.17.3020.000 78300.00	Worker's Comp	2,131
A.17.3110.000 71010.00	Positions	1,602
A.17.3110.000 71032.00	Training Allowance	20
A.17.3110.000 78100.00	Retirement	283

A.17.3110.000 78200.00	FICA	123
A.17.3110.000 78300.00	Worker's Comp	42
A.17.3150.000 71010.00	Positions	160,686
A.17.3150.000 71030.00	Part Time	4,015
A.17.3150.000 71032.00	Training Allowance	3,693
A.17.3150.000 71034.00	Briefing Time	6,247
A.17.3150.000 71050.00	Overtime	12,680
A.17.3150.000 71085.00	Sick Leave Incentive	1,420
A.17.3150.000 71086.00	Vacation Buyback	20
A.17.3150.000 78100.00	Retirement	37,296
A.17.3150.000 78200.00	FICA	14,440
A.17.3150.000 78300.00	Worker's Comp	4,964
		<u>\$349,569</u>

DECREASE APPROPRIATION:

A.08.1991.000 74500.01 General Government Support \$349,569

Moved by Godfrey, seconded by Syracuse.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. ED-002-21

From: Economic Development and Administration Committee.

Dated: January 19, 2021

**FIXING DATE AND NOTICE FOR THE PUBLIC HEARING
FOR BRENT INDUSTRIES, LLC
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

WHEREAS, the County Legislature wishes to assess the advisability of submitting a Community Development Block Grant ("CDBG") application to the New York State Office of Community Renewal (the "OCR") for a grant to support Brent Industries, LLC a food retailer/assembly plant, with their planned expansion within Niagara County, and

WHEREAS, Niagara County is required to hold a public hearing to provide information to the public and to consider citizen comments regarding community needs and the plan proposal prior to submitting an application for CDBG funding, now, therefore, be it

RESOLVED, that the Niagara County Legislature shall conduct a public hearing whereat all interested parties shall be heard regarding the CDBG program, the County's community development and economic development programs, and the proposed funding application at the Legislative Chambers, Courthouse, Lockport, New York on the 16th day of February, 2021 at 5:15 p.m., and be it further

RESOLVED, that the Clerk of the Legislature, at least eight days in advance of such hearing, shall post a notice upon the bulletin boards in the Courthouse at Lockport, and the Civic Building at Niagara Falls, and shall publish such notice once in the Lockport Union Sun & Journal, and the Niagara Gazette.

Moved by Andres, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. ED-003-21

From: Economic Development and Administration Committee.

Dated: January 19, 2021

**FIXING DATE AND NOTICE FOR THE PUBLIC HEARING
FOR LOCKS & ERIE CANAL CRUISES
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

WHEREAS, the County Legislature wishes to assess the advisability of submitting a Community Development Block Grant ("CDBG") application to the New York State Office of Community Renewal (the "OCR") for a grant to support Locks & Erie Canal Cruises, located at 210 Market Street in the City of Lockport, New York, and

WHEREAS, Niagara County is required to hold a public hearing to provide information to the public and to consider citizen comments regarding community needs and the plan proposal prior to submitting an application for CDBG funding, now, therefore, be it

RESOLVED, that the Niagara County Legislature shall conduct a public hearing whereat all interested parties shall be heard regarding the CDBG program, the County's community development and economic development programs, and the proposed funding application at the Legislative Chambers, Courthouse, Lockport, New York on the 16th day of February, 2021 at 5:30 p.m., and be it further

RESOLVED, that the Clerk of the Legislature, at least eight days in advance of such hearing, shall post a notice upon the bulletin boards in the Courthouse at Lockport, and the Civic Building at Niagara Falls, and shall publish such notice once in the Lockport Union Sun & Journal, and the Niagara Gazette.

Moved by Andres, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. ED-004-21

From: Economic Development and Administration Committee.

Dated: January 19, 2021

**FIXING DATE AND NOTICE FOR THE PUBLIC HEARING
FOR ULTIMATE PHYSIQUE, INC.
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

WHEREAS, the County Legislature wishes to assess the advisability of submitting a Community Development Block Grant ("CDBG") application to the New York State Office of Community Renewal (the "OCR") for a grant to support Ultimate Physique, Inc., located in the former Washington Hunt School building at 50 Rogers Avenue in the City of Lockport, New York, and

WHEREAS, Niagara County is required to hold a public hearing to provide information to the public and to consider citizen comments regarding community needs and the plan proposal prior to submitting an application for CDBG funding, now, therefore, be it

RESOLVED, that the Niagara County Legislature shall conduct a public hearing whereat all interested parties shall be heard regarding the CDBG program, the County's community development and economic development programs, and the proposed funding application at the Legislative Chambers, Courthouse, Lockport, New York on the 16th day of February, 2021 at 5:45 p.m., and be it further

RESOLVED, that the Clerk of the Legislature, at least eight days in advance of such hearing, shall post a notice upon the bulletin boards in the Courthouse at Lockport, and the Civic Building at Niagara Falls, and shall publish such notice once in the Lockport Union Sun & Journal, and the Niagara Gazette.

Moved by Andres, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. ED-005-21

From: Economic Development and Administration Committee.

Dated: January 19, 2021

**AUTHORIZATION TO CONVEY CERTAIN TAX LIEN
PROPERTIES TO NORLIC**

WHEREAS, pursuant to Section 902 of the Real Property Tax Law ("RPTL") of the State of New York the Niagara County Treasurer, acting in his capacity as Tax Enforcing Officer, acquired tax liens on certain properties as follows: (1) Maple Avenue / S.B.L. No. 86.17-1-76; (2) Elizabeth Street / S.B.L. No. 86.17-1-75; (3) 23-25 Maple Avenue / S.B.L. No. 86.17-1-74; and (4) Cemetery Street / S.B.L. No. 86.17-1-73; and (5) Cemetery Street / S.B.L. No. 86.17-1-72 (collectively, the "Properties"), and

WHEREAS, the tax liens on the Properties are listed in the document attached as Exhibit A, and

WHEREAS, the Properties are abandoned industrial properties that require environmental remediation, and

WHEREAS, Section 1616 of the Not-for-Profit Corporation Law of the State of New York authorizes a municipality to enter into a contract to sell some or all of the delinquent tax liens held by it to a land bank, and

WHEREAS, the Niagara County Treasurer has requested legislative approval to transfer the tax liens on the Properties to the Niagara Orleans Land Improvement Corporation ("NORLIC") with the understanding that the Properties will be remediated and developed by a private tax-paying purchaser, and

WHEREAS, the Properties, if foreclosed upon by the County of Niagara, are not needed for municipal purposes, and

WHEREAS, the benefits accruing the County of Niagara (avoidance of the costs of environmental remediation, demolition, and other expenses) are in excess of the potential auction value of the Properties, now, therefore, be it

RESOLVED, pursuant to County Law Section 215 and RPTL Section 902, the Chairman of the Niagara County Legislature be, and hereby is authorized and directed to sign and enter into a contract with NORLIC to sell the tax liens on the Properties for one and no more dollars and all other reasonable and necessary title transfer documents, subject to the review and approval of the Niagara County Attorney, and be it further

RESOLVED, Pursuant to RPTL Section 1190(2)(a), the County Treasurer, as enforcement officer, shall, at least thirty (30) days prior to the date scheduled for the sale of the delinquent tax liens shall provide a notice, in the form provided by RPTL Section 1190(2)(b), along with any other information deemed necessary or required, by First Class and certified mail, to the owners of the Properties and any other person who has filed a declaration of interest pursuant to RPTL Section 1126, or a comparable instrument pursuant to a comparable law, which has not expired, and be it further

RESOLVED, that, upon NORLIC's purchase of the tax liens, the County Treasurer is authorized and directed under RPTL Section 1190(3) to convey the tax liens to NORLIC by delivering to NORLIC tax lien certificates identifying the affected parcels and the total amount due on each parcel as of the date of the sale, including interest, penalties, and charges. The County Treasurer shall retain a copy of each such certificate in his office, and shall maintain records that will enable interested parties to determine which liens have been sold, to whom, and the total amount due on such liens when they were sold, and be it further

RESOLVED that, upon sale, the affected tax district(s) shall have no further rights or responsibilities relative to delinquent tax liens which were sold under RPTL Section 1190(3).

Moved by Collins, seconded by Hill.
Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-001-21

From: Infrastructure & Facilities and Administration Committees.

Dated: January 19, 2021

**RESOLUTION TO DECLARE 6805 DAY ROAD, LOCKPORT, NY
SURPLUS PROPERTY**

WHEREAS, the parcel of property located at 6805 Day Road, Lockport, NY, was part of the land commonly known as Day Road Park, and

WHEREAS, the County has no additional plan to develop the land situated to the south of the tributary to Eighteen Mile Creek, and the land will not be utilized, and

WHEREAS, the expense to remediate, improve or otherwise utilize the property at 6805 Day Road, would exceed any return to the County, and

WHEREAS, the County has no use for the land, and the expense of upkeep would only burden the taxpayers, and

WHEREAS, the County has been approached by the Town of Lockport to obtain title of the property, and therefore, accepts the maintenance and responsibility for the property at 6805 Day Road, Lockport, NY, now, therefore, be it

RESOLVED, that the County of Niagara declares the property south of the tributary to Eighteen Mile Creek, at 6805 Day Road, Lockport, NY, surplus property.

Moved by Collins, seconded by Myers to amend resolution.

Amendment:

Deletion in the second WHEREAS "...situated to the south of the tributary to Eighteen Mile Creek..."

Deletion in the last RESOLVED "...south of the tributary to Eighteen Mile Creek..."

Moved by Collins, seconded by Syracuse.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-002-21

From: Infrastructure & Facilities Committee.

Dated: January 19, 2021

**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 to the City of Tonawanda, 200 Niagara Street, Tonawanda, NY 14150, for a contract amount not to exceed \$45,800 for the period March 1, 2021 through February 28, 2022, 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 Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-003-21

From: Infrastructure & Facilities Committee.

Dated: January 19, 2021

AWARD OF CONTRACT – TESTING AND INSPECTION SERVICES

WHEREAS, the Department of Public Works has prepared specifications and the Niagara County Purchasing Department has solicited for bids for the Professional Services Contract to supply Testing and Inspection Services on a Time and Material basis as directed in the Request for Proposals No. 2020-53 prepared by the Purchasing Department, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on December 22, 2020 as tabulated below:

	<u>Not to Exceed</u>
1. Terracon Consultants-NY-Inc. 461 Tonawanda Street Buffalo, New York 14207	\$52,665
2. SJB Services 5167 South Park Avenue Hamburg, NY 14075	\$71,430
3. Professional Service Industries, Inc. (PSI) 3784 Commerce Court, Suite 300 North Tonawanda, NY 14120	\$74,380
4. Encorus Group 23 Mechanic Street Springville, NY 14141	\$74,705
5. Barron & Associates, P.C. 10440 Main Street Clarence, NY 14031	\$120,940
6. CME Associates, Inc. 2727 Broadway Avenue, Suite #2 Cheektowaga, NY 14227	incomplete bid

and

WHEREAS, the Infrastructure & Facilities Committee has examined the bid, 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 for the Professional Services Contract to supply Testing and Inspection Services on a Time and Material basis be awarded to the lowest responsible bidder, Terracon Consultants-NY-Inc., 461 Tonawanda Street, Buffalo, NY 14207, for an amount not to exceed \$52,665, 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 Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-004-21

From: Infrastructure & Facilities Committee.

Dated: January 19, 2021

**NIAGARA COUNTY ROOF REPLACEMENT PROJECT
CHANGE ORDER NO. 5**

WHEREAS, by Resolution No. IF-090-19, dated August 6, 2019, the Legislature awarded the contract for the Niagara County Roof Replacement Project to Weaver Metal & Roofing, 40 Appenheimer Avenue, Buffalo, NY 14214, for a contract amount of \$2,868,000, and

WHEREAS, Resolution No. IF-005-20, dated January 21, 2020, authorized Change Order No. 1 to decrease the contract in the amount of \$27,446.46 for installing retrofit drain pipes in lieu of roof drain replacement and installing additional ½" exterior grade plywood, for a revised contract amount of \$2,840,553.54, and

WHEREAS, Resolution No. IF-071-20, dated June 16, 2020, authorized Change Order No. 2 to increase the contract in the amount of \$139,012.71 for the following: removal of tapered insulation and installation of flat insulation at the Ross Building; removal of tapered insulation in select roof areas and installation of flat insulation in those areas; removal of existing concrete curb and infill with steel deck at the Trott Building; replacement of roof top units 1-5 with new Trane units at the Trott Building; and replacement of air handler units 1-3 and refrigeration a/c coils at the Trott Building, for a revised contract amount of \$2,979,566.25, and

WHEREAS, Resolution No. IF-086-20, dated August 4, 2020, authorized Change Order No. 3 to increase the contract in the amount of \$53,517.65 for the following work: reinforce structural steel supports at the Ross Building for two roof top units; add plywood to various parapets at the Trott Building; revise steel perimeter angle supports and repair a section of the parapet wall at the Ross Building; and install an additional parapet wall at the Ross Building, for a revised contract amount of \$3,033,083.90, and

WHEREAS, Resolution No. IF-134-20, dated December 1, 2020, authorized Change Order #4 to decrease the contract in the amount of \$1,843.75 for: removal of tapered insulation and installation of flat insulation at the high roof of area C at the Trott Building; repair of drywall on a time and material basis at the Trott Building; and installation of a metal cap for the chimney no longer needed at the Ross Building, and

WHEREAS, it is necessary to extend the contract for one-year, at no cost to the county, and to increase the contract in the amount of \$10,561.93 to add a roof drain to the Trott Building, for a revised contract amount of \$3,041,802.08, 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. 5 to extend the contract one-year and to increase the contract by \$10,561.93, for the installation of a roof drain, for the Niagara County Roof Replacement Project, for a revised contract amount of \$3,041,802.08 to Weaver Metal & Roofing, 40 Appenheimer Avenue, Buffalo, NY 14214, be approved, 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 Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-005-21

From: Infrastructure & Facilities and Administration Committees.

Dated: January 19, 2021

**ANGELO DELSIGNORE CIVIC BUILDING CURTAIN WALL RENOVATION
CHANGE ORDER NO. 3 – TIME EXTENSION**

WHEREAS, by Resolution No. IF-023-20, dated February 18, 2020, the Legislature awarded the contract for the Angelo DelSignore Civic Building Curtain Wall Renovation Project to Huber Construction Inc., 136 Taylor Drive, Depew, NY 14043, for a contract amount of \$510,000, and

WHEREAS, Resolution No. IF-103-20, dated September 16, 2020, authorized Change Order No. 1 to increase the contract in the amount of \$28,559 for glass upgrades, deletion of blinds and temporary doors, and revisions to data drops, for a revised contract amount of \$538,559, and

WHEREAS, Resolution No. IF-121-20, dated November 17, 2020, authorized Change Order No. 2 – Final Payment, for a reduction to the contract in the amount of \$10,670.95, due to adjustments in contract quantities, for a revised contract amount of \$527,888.05, and

WHEREAS, it is necessary to extend the contract to February 18, 2022, 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. 3-Time Extension, to extend the contract deadline to February 18, 2022, at a \$0.00 cost to the County, for the Angelo DelSignore Civic Building Curtain Wall Renovation Project, for a contract amount of \$527,888.05, to Huber Construction Inc., 136 Taylor Drive, Depew, NY 14043, be approved, 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 Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-006-21

From: Infrastructure & Facilities Committee.

Dated: January 19, 2021

**CARMEN ROAD BRIDGE OVER JOHNSON CREEK BRIDGE REPLACEMENT
FEDERAL AID LOCAL PROJECT AGREEMENT**

WHEREAS, the Carmen Road Bridge over Johnson Creek Bridge Replacement Project, PIN 5763.62 (the "Project"), Town of Hartland, 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 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 Engineering (Design I-VI) Phase 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 Engineering (Design I-VI) Phase of the Project or portions thereof, and be it further

RESOLVED, that the sum of \$240,000 is hereby appropriated in account H621.15.5197.000 72600.02, Bridges, 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 I-VI) 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 and/or Marchiselli 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 Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-007-21

From: Infrastructure & Facilities and Administration Committees.

Dated: January 19, 2021

**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, in the sum of \$7,903,961 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 \$7,903,961 be appropriated from the County Road Fund for maintenance during the year 2021, 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 Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

APPOINTMENTS:

	<u>Appt.</u>	<u>Expires</u>
<u>EMERGENCY MEDICAL SERVICES COUNCIL:</u>		
VOLUNTEER AMBULANCE		
Phil Richardson, Tri-Town, 8935 Ridge Rd., Gasport 14067 (Replaces Cheryl Confer)	01/19/21	12/31/21
Alternate Sara McCartin	01/19/21	12/31/21
EMERGENCY MANAGEMENT/FIRE COORDINATOR		
Jonathan Schultz, Fire Coordinator 5574 Niagara St. Ext.	01/19/21	12/31/21
Alternate Dan Leven (Replaces Jeff Dewart)	01/19/21	12/31/21
COMMERCIAL AMBULANCE		
Andrew Knoell, Twin City Ambulance	01/19/21	12/31/21
555 Commerce Dr. Amherst 14228 (Replaces Rural Metro)		
Alternate: Sara McCartin (Replaces Steve Yohe)	01/19/21	12/31/21
COMMUNICATIONS		
Capt. Marc Kasprzak, 5526 Niagara St. Ext, Lockport 14095-0496	01/19/21	12/31/21
Alternate: Roger Schreader	01/19/21	12/31/21
DISASTER		
Elise Pignatora, Health Dept., 5467 Upper Mt. Road, Lockport 14094	01/19/21	12/31/21
Alternate: Fransisco MezaAguero (Replaces Lisa Taibi Red Cross)	01/19/21	12/31/21
HEALTH and ENVIRONMENTAL SERVICES		
Donald Shawver, Health Dept., 5467 Upper Mt. Rd., Lockport 14094	01/19/21	12/31/21
Alternate: Johnny Tolbert, NYS DOH (Replaces Franciso MezaAguero)	01/19/21	12/31/21
HOSPITAL		
James Hamon, Mt. St. Mary's Hospital	01/19/21	12/31/21
5300 Military Rd, Lewiston 14092(Replaces Joelyn Quigliana)		
Alternate: Emily Rowles (Replaces Kathy Nicoletti)	01/19/21	12/31/21
INDUSTRY		
Randy Hildebrant, 126 Vermont Ave Lockport 14094 (Replaces John Malinchock, NYPA)	01/19/21	12/31/21
LOCKPORT FIRE DEPARTMENT		
Luca Quagliano, Fire Dept., One Locks Plaza, Lockport 14094	01/19/21	12/31/21
Alternate: Peter Burke (Replaces John Frederickson)	01/19/21	12/31/21
MEDICAL		
Dr. Naveen Seth.(Replaces Dr. Leonard Franco)	01/19/21	12/31/21
Eastern Niagara Hospital, 521 East Ave., Lockport 14094		
Alternate: Dr. Joseph Bart, ECMC, 462 Grider St, Buffalo, NY 14215	01/19/21	12/31/21
NIAGARA FALLS FIRE DEPARTMENT		
David McGovern, 2926 Michigan Ave. Niagara Falls, 14305	01/19/21	12/31/21
Alternate: Tom Colangelo (Replaces John Carey)	01/19/21	12/31/21
PRE-HOSPITAL		

Jonathan McKnight (Replaces Dave Greenwell)	01/19/21	12/31/21
Alternate: Brent Ast (Replaces Jonathan McKnight)	01/19/21	12/31/21

TRAINING

Chad Shepherd		
3292 Saunders Settlement Rd., Sanborn 14132	01/19/21	12/31/21

VOLUNTEER FIRE SERVICE

John Malinchock, 901 Elliott Dr., Lewiston 14092	01/19/21	12/31/21
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MEMBER AT-LARGE

Stephen Miller, 5979 Park Lane, PO Box 424, Olcott 14126	01/19/21	12/31/21
Jeff Abbott, Mercy Flight, 100 Amherst Villa Rd. Buffalo 14225	01/19/21	12/31/21
Sandra Dysard, Mercy EMS, 100 Amherst Villa Rd., Buffalo 14225	01/19/21	12/31/21

FIRE ADVISORY BOARD:

Lowell Dickinson, (Fire Chief's Assn)	01/19/21	12/31/21
3810 Lockport-Olcott Rd. Lockport 14094		
Mickey Suitor (Fire Chief's Assn)	01/19/21	12/31/21
270 Glenvale Rd., Youngstown 14174		
Jim Mihalko (Fire Chief's Assn)	01/19/21	12/31/21
Adams Fire Co., 7113 Nash Rd. North Tonawanda 14120		
Paul Gurnett (Fire Chief's Assn)	01/19/21	12/31/21
5964 Southwood Dr., Lockport 14094		
Nicholas Baes (Fire Chief's Assn)	01/19/21	12/31/21
7841 Chestnut Ridge Rd. Gasport 14067		
Arthur Kroening (Vol. Firemens Assn)	01/19/21	12/31/21
2553 Niagara Rd., Niagara Falls 14304		
Bruce Mack (Vol. Firemens Assn)	01/19/21	12/31/21
2234 River Rd., Niagara Falls 14304		
Greg Robertson (Vol. Firemens Assn)	01/19/21	12/31/21
526 East Oak Terrace, Youngstown 14174		
Harold Wollaber (Vol. Firemens Assn)	01/19/21	12/31/21
3581 Lower Mountain Rd., Sanborn 14132		
Joe Pedulla, Chief	01/19/21	12/31/21
Fire Headquarters, Box 69, 3115 Walnut Ave., NF 14302		
Patrick K. Brady, Fire Chief	01/19/21	12/31/21
Fire Headquarters, One Locks Plaza, Lockport 14094		
Luca Quagliano	01/19/21	12/31/21
Fire Headquarters, One Locks Plaza, Lockport 14094		
James Diermyer Jr.	01/19/21	12/31/21
Fire Headquarters 1495 Zimmerman St., No. Ton. 14120-9527		
Joseph Sikora, Fire Chief	01/19/21	12/31/21
Fire Headquarters 495 Zimmerman St., No. Ton. 14120		

Legislators: Bradt, Godfrey, Gooch, Nemi, Robins

Ex-officio:

Jonathan Schultz, Niagara County Fire Coordinator, 5574 Niagara St. Ext., PO Box 496 Lockport 14095
Daniel Leven, Dep. Fire Coord., 1048 Elliott Dr. Lewiston 14092
Pat J. Barney, Dep. Fire Coord., 3014 Savannah St., NF 14305-2326
Robert Walker, 2754 Stenzel Ave., North Tonawanda 14120
Jeff Dewart, Area 3 Deputy Coord., PO Box 187, 8686 Coleman Rd., Barker 14012
Jeffrey Baes, Dep. Fire Coord. Area 4, 4011 Wruck Rd., Gasport 14067
Chad Shepherd, Dep. Fire Coord, 3292 Saunders Settlement Rd, Sanborn 14132
Dennis McAvoy, Deputy Coord, Fire Investigations, 10 Church St., Middleport 14150
Les Myers, TRT (Technical Rescue Team) Deputy Coord., 335 Merrie Rd., Lewiston 14092
Mark Walter, Dep. Fire Coord., Fire Police Team, 4935 Meyer Rd., North Tonawanda, 14120

Mark Hain, Haz-Mat Deputy Coord., 7818 Ridge Rd., Gasport 14067
Kevin Hodgson, Haz-Mat Rep., 67 Jesella Dr. North Tonawanda, 14120
Capt. Marc Kasprzak, Sheriff Dept.
Richard "Red" Kennerson, Chief, 914 AW/SPTG, 2250 Franklin Dr., Niagara Falls 14304

PLANNING BOARD:

William Agronin

01/19/21

12/31/23

11 Berkley Dr., Lockport 14094

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Chairman announced she will be giving her State of the County Address at the February Legislature meeting.

Moved by Mullane, seconded by Steed that the Board adjourn.

The Chairman declared the Board adjourned at 7:29 p.m., subject to the call of the Clerk.

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



Alysa T. Moran, Clerk