

A public hearing was held pursuant to ED-022-21, adopted by the Legislature on September 21, 2021, for the purpose of hearing public comments on Submission of an application to the New York State Office of Community Renewal for Community Development Grant. Chairman Wydysh opened the hearing at 5:30 p.m. and closed it at approximately 5:37 p.m.

A public hearing was held pursuant to ED-020-21, adopted by the Legislature on September 21, 2021, for the purpose of hearing public comments on the Inclusion of Predominantly Viable Agricultural Land within Agricultural District #7. Chairman Wydysh opened the hearing at 5:45 p.m. and closed it at approximately 5:50 p.m.

OFFICIAL RECORD

Lockport, New York
October 19, 2021

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

Clerk Moran call the roll. All Legislators were present with the exception of Legislators Nemi and Steed.

PRESENTATIONS:

Legislators Myers read a proclamation proclaiming the Month of October “National Breast Cancer Awareness Month”.

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

Resolution No. CS-049-21

From: Community Services and Administration Committees.

Dated: October 19, 2021

WAIVER OF RESIDENCY REQUIREMENT MH REGISTERED NURSE – POSITION NO. 13633 DEPARTMENT OF MENTAL HEALTH & SUBSTANCE ABUSE SERVICES

WHEREAS, the Niagara County Department of Mental Health & Substance Abuse Services has received permission to fill a Registered Nurse position within the Lockport and Niagara Falls Clinics, which is necessary to address the acute Mental Health and co-occurring substance use concerns of our clinic population, meeting the requirements of the New York State Office of Mental Health, and

WHEREAS, the Niagara County Department of Mental Health continues to experience difficulty in recruiting highly qualified nurses with satisfactory Mental Health/Substance Abuse work experience and background to fill its nursing positions, and

WHEREAS, the Department has made a diligent and sincere effort to recruit qualified candidates for the position from within Niagara County, including through the County website, Social Media, and job recruitment sites, and

WHEREAS, after extensive search, there are no Niagara County candidates with the requisite experience and no remaining Niagara County candidates to be interviewed for the position, now, therefore, be it

RESOLVED, that a Waiver of Residency from the policy to hire only Niagara County residents be approved to fill the vacant MH Registered Nurse position.

Moved by Bradt, seconded by Virtuoso.
Adopted. 13 Ayes, 0 Noes, 2 Absent – Nemi, Steed.

Resolution No. CS-050-21

From: Community Services and Administration Committees.

Dated: October 19, 2021

**WAIVER OF RESIDENCY REQUIREMENT
LICENSED CLINICIAN – POSITION NO. 13665
DEPARTMENT OF MENTAL HEALTH & SUBSTANCE ABUSE SERVICES**

WHEREAS, the Niagara County Department of Mental Health & Substance Abuse Services has received permission to fill a Licensed Clinician vacancy within the Crisis Services Program, which is critical for maintaining quality service to Niagara County residents, and

WHEREAS, due to long standing challenges with recruitment for this position, Niagara County has opened the Licensed Clinician Civil Service Exam to residents of counties contiguous to Niagara County, and

WHEREAS, all Niagara County candidates who are qualified for the Licensed Clinician examination, being given November 6, 2021, have been hired by the Department, and

WHEREAS, the Department has made a diligent and sincere effort to recruit candidates for the position from within Niagara County, including the County website, social media pages, and job recruitment sites, and

WHEREAS, there are no remaining qualified Niagara County applicants for this position, and

WHEREAS, this position will be filled provisionally until the next Licensed Clinician exam is given, and

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

RESOLVED, that a Waiver of Residency from the policy to hire only Niagara County residents be approved to fill the vacant Licensed Clinician position.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Nemi, Steed.

Resolution No. CSS-099-21

From: Community Safety & Security and Administration Committees.

Dated: October 19, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
ACCEPT ARSON LABORATORY IMPROVEMENT PROGRAM**

WHEREAS, the Niagara County Sheriff's Office has been awarded a grant from the New York State Division of Homeland Security and Emergency Services Office of Fire Prevention and Control for the period of January 1, 2021 through December 31, 2021 in the amount of \$5,000, and

WHEREAS, there is not a match requirement for the grant, and

WHEREAS, this grant is an additional year of funding of an existing grant, and

WHEREAS, the funds are used to reimburse the County for Arson Investigation supplies, and

WHEREAS, the funds are included in the 2021 budget, and

WHEREAS, the Letter of Agreement needs to be executed, now, therefore, be it

RESOLVED, that prior to the execution of the Letter of Agreement, the County Attorney will review 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 Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Nemi, Steed.

Resolution No. CSS-100-21

From: Community Safety & Security and Administration Committees.

Dated: October 19, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
ACCEPT FY20 STATEWIDE INTEROPERABLE COMMUNICATIONS
FORMULA GRANTS PROGRAM**

WHEREAS, the Niagara County Sheriff's Office was notified in writing that the New York State Division of Homeland Security and Emergency Services has awarded \$755,125 to the Niagara County Sheriff's Office under the New York State FY2020 Statewide Interoperable Communications Formula Grant Program for the grant period of January 1, 2021 through December 31, 2022, 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, revenue and expense for this grant will be included in the 2022 Budget, now, therefore, be it

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the agreement for the grant period of January 1, 2021 through December 31, 2022

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Nemi, Steed.

Resolution No. CSS-101-21

From: Community Safety & Security and Administration Committees.

Dated: October 19, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
EXTEND EXPLOSIVE DETECTION CANINE TEAM GRANT PROGRAM**

WHEREAS, the Niagara County Legislature approved to accept a grant for the Niagara County Sheriff's Office in the amount of \$50,000 from the New York State Division of Homeland Security and Emergency Services Explosive Detection Canine Team Grant for the period October 1, 2019 through August 31, 2021 in resolution CSS-078-19 on October 15, 2019, 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 grant has been extended by DHSES until August 31, 2022, and

WHEREAS, the revenue and equal expenses are in the 2021 budget, now, therefore, be it

RESOLVED that the Chairman of the Legislature be, and hereby is, authorized to execute the grant agreement extension.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Nemi, Steed.

Resolution No. CSS-102-21

From: Community Safety & Security and Administration Committees.

Dated: October 19, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
EXTEND FY18 OPERATION STONEGARDEN GRANT**

WHEREAS, the Niagara County Legislature approved to accept a grant for the Niagara County Sheriff's Office from the New York State Division of Homeland Security and Emergency Services (DHSES) FY2018 Operation Stonegarden Program in the amount of \$228,000 in resolution CSS-035-19 on May 21, 2019, 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 was September 1, 2018 through August 31, 2021, 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 grant has been extended by DHSES until August 31, 2022, now, therefore, be it

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to execute this grant extension.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Nemi, Steed.

Resolution No. CSS-103-21

From: Community Safety & Security and Administration Committees.

Dated: October 19, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
TOWN OF WHEATFIELD PATROLS AGREEMENT**

WHEREAS, the Niagara County Sheriff's Office entered into an agreement with the Town of Wheatfield in March of 2001 to provide enhanced police protection within the Town of Wheatfield, and

WHEREAS, the two additional Deputy Sheriffs assigned to the Town of Wheatfield is a benefit to Niagara County residents in the Town of Wheatfield, and

WHEREAS, the two additional trained and qualified Deputy Sheriffs in the Town of Wheatfield are a benefit to all the citizens of Niagara County in the event of a major disaster or incident within the county, and

WHEREAS, the Town of Wheatfield compensates Niagara County for the cost of the two deputies assigned to the town, and

WHEREAS, the Niagara County Sheriff's Office would like to enter into an updated Intermunicipal Agreement with the Town of Wheatfield to continue to provide two patrol Deputies to be assigned to the town, and

WHEREAS, the County Attorney will write the Intermunicipal Agreement for five years with options to extend, now, therefore, be it

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Nemi, Steed.

Resolution No. CSS-104-21

From: Community Safety & Security and Administration Committees.

Dated: October 19, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
TOWN OF PENDLETON PATROL AGREEMENT**

WHEREAS, the Niagara County Sheriff's Office would like to enter into an agreement with the Town of Pendleton to provide enhanced police protection within the Town of Pendleton, and

WHEREAS, the additional Deputy Sheriff assigned to the Town of Pendleton would be a benefit to Niagara County residents in the Town of Pendleton, and

WHEREAS, the additional trained and qualified Deputy Sheriff in the Town of Pendleton would be a benefit to all the citizens of Niagara County in the event of a major disaster or incident within the county, and

WHEREAS, the Town of Pendleton would compensate Niagara County for the cost of the Deputy assigned to the town, and

WHEREAS, the Niagara County Sheriff's Office would like to enter into an Intermunicipal Agreement with the Town of Pendleton to provide one patrol Deputy to be assigned to the town effective January 1, 2022, and

WHEREAS, the County Attorney would write the Intermunicipal Agreement for five years with options to extend, now, therefore, be it

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

RESOLVED, that a Deputy Sheriff position be created and filled effective January 1, 2022 which is coterminous with this funding.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Nemi, Steed.

Resolution No. CSS-105-21

From: Community Safety & Security and Administration Committees.

Dated: October 19, 2021

**AID TO DEFENSE PROGRAM RENEWAL 2021-2022
PUBLIC DEFENDER**

WHEREAS, the Niagara County Public Defender's Office has been awarded renewed funding from the New York State Division of Criminal Justice Services under the Aid to Defense Program for the purpose of continuing aid in the defense of repeat violent and serious felony offenders in Niagara County, and

WHEREAS, funding has been awarded in the amount of \$15,980 for the period April 1, 2021 through March 31, 2022 with no matching funds requirement, and

WHEREAS, the funds have been appropriated in the Niagara County Public Defender's 2021 budget, now, therefore, be it

RESOLVED, that the County of Niagara does hereby accept the renewal of this grant, 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. 13 Ayes, 0 Noes, 2 Absent – Nemi, Steed.

Resolution No. CSS-106-21

From: Community Safety & Security Committee.

Dated: October 19, 2021

ACCEPTANCE OF EMPG 2021 HOMELAND SECURITY GRANT

WHEREAS, the County of Niagara is required to certify its acceptance of the EMPG 2021 grant through the Department of Homeland Security for the period of October 1, 2020 through September 30, 2023, at some cost to the County, and

WHEREAS, the grant for EMPG 2021 is in the amount of \$168,052. Grant funds will be in the amount of \$84,026 and the 50% matching county funds will be in the amount of \$84,026. The funds will be used for variable message boards (trailer mounted information boards), power equipment and related items (portable generator, light towers, UPS, power distribution cords and boxes), now, therefore, be it

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Nemi, Steed.

Resolution No. ED-023-21

From: Economic Development and Administration Committees.

Dated: October 19, 2021

**AUTHORIZATION TO SUBMIT A GRANT APPLICATION TO THE NEW YORK STATE OFFICE
OF COMMUNITY RENEWAL FOR BLOCK GRANT FUNDING
GRIFFON BREWING INC.**

WHEREAS, Griffon Brewing Inc. (the “Company”) plans to open a brewing operation establishment within Niagara County (County) and to incur the associated building, and purchasing costs (the “Project”), and

WHEREAS, the Company has requested that the County apply for funding on its behalf from the New York State Office of Community Renewal (the “OCR”) to finance a portion of the Project costs, and

WHEREAS, the Niagara County Development Corporation (the “NCDC”) is assisting in the facilitation of the Project and has requested that the County provide the OCR funding to the NCDC as a grant for the purpose of making a loan or loans to the Company, and

WHEREAS, the Project will result in substantial benefit to Niagara County in the form of new investment and new employment positions, and

WHEREAS, the County has held a public hearing to obtain citizens’ views regarding the CDBG program as administered by OCR and the project, now, therefore, be it

RESOLVED, that the Chairman of the Legislature is hereby authorized to submit a grant application on behalf of Niagara County to the OCR to support the Project, and be it further

RESOLVED, that the Chairman is hereby authorized to execute a grant agreement between the County and the OCR and all related documents associated with the OCR grant, including entering into a grant agreement with the NCDC for the implementation of the Project and administration of the OCR grant, all such documents to be subject to review and approval by the County Attorney, and be it further

RESOLVED, that the Chairman is hereby designated as the Certifying Officer responsible for all activities associated with the federal environmental review process to be completed in conjunction with the Project.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Nemi, Steed.

Resolution No. IF-105-21

From: Infrastructure & Facilities Committee.

Dated: October 19, 2021

LEASE AGREEMENT WITH NCCC FOR THE TROTT ACCESS CENTER

WHEREAS, the Niagara County Community College (NCCC), Sanborn, New York, is a partner in the Trott ACCESS Center, Niagara Falls, New York, and

WHEREAS, the County provides space to NCCC for this activity, and

WHEREAS, NCCC is able to obtain New York State Reimbursement for a portion of the costs of the space used in delivering its programs, and

WHEREAS, NCCC needs to have a lease agreement to serve as a basis for its reimbursement claims, 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 Infrastructures and Facilities Committee recommends the lease agreement be entered into with NCCC for office space at the Trott ACCESS Center, 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. 13 Ayes, 0 Noes, 2 Absent – Nemi, Steed.

Resolution No. IF-106-21

From: Infrastructure & Facilities and Administration Committees.

Dated: October 19, 2021

BUDGET MODIFICATION – POSITION UPGRADE – PARKS DEPARTMENT

WHEREAS, the Niagara County Parks Department is responsible for the upkeep and maintenance of the County's five (5) parks, and

WHEREAS, the department is committed to and has demonstrated operating the department in a fiscally responsible manner, and

WHEREAS, there is a two-tier wage schedule based on employee hire date in the AFSCME Local 182 collective bargaining agreement which covers the labor class titles, and

WHEREAS, the Groundskeeper/Motor Equipment Operator position has been vacant since March 9, 2021, and as a result of the two-tier wage schedule, candidates have not been applying to allow us to fill this vacancy, and

WHEREAS, in order to correct this situation, an upgrade is necessary to the Groundskeeper/Motor Equipment Operator position to the higher grade level of 47-592 with the tier range of \$18.03 to \$19.85 per hour, and

WHEREAS, funds are available to cover this increase in the current, vacant, Groundskeeper/Motor Equipment Operator position, and

WHEREAS, the County has met with the Union, AFSCME Local 182, to discuss this upgrade and has obtained support of the Union, now, therefore, be it

RESOLVED, position no. 13579, Groundskeeper/Motor Equipment Operator be upgraded to the level of 47-592, effective October 20, 2021.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Nemi, Steed.

Resolution No. IF-107-21

From: Infrastructure & Facilities and Administration Committees.

Dated: October 19, 2021

DEPARTMENT OF PUBLIC WORKS – HIGHWAY MAINTENANCE BUDGET MODIFICATION

WHEREAS, the Department of Public Works, Highway Division, is recommending the purchase of chip sealing equipment sprayer and spreader, and

WHEREAS, funds are available in account H648, Highway Heavy Equipment 2016 and using Consolidated Highway Improvement Program funds to pay for this equipment, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated to allow for the purchase of equipment:

DECREASE ESTIMATED REVENUE:

H648.15.5112.000.43501.00	Consolidated Highway Aid Revenue	\$28,265.57
H648.15.5112.000.45031.10	Interfund Transfers from Capital Reserve	\$87,795.00

INCREASE ESTIMATED REVENUE:

H.732.15.5112.000.43501.00	Consolidated Highway Aid Revenue	\$517,205.00
H732.15.5112.000.45031.10	Interfund Transfers from Capital Reserve	\$ 87,795.00

DECREASE APPROPRIATION:

H648.15.5112.000.72100.10	Machinery and Equipment – Heavy Equipment	\$116,060.57
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INCREASE APPROPRIATION:

H732.15.5112.000.72100.10	Highway Heavy Equipment	\$605,000.00
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Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Nemi, Steed.

Resolution No. IF-108-21

From: Infrastructure & Facilities and Administration Committees.

Dated: October 19, 2021

**SLAYTON SETTLEMENT ROAD BRIDGE OVER EIGHTEEN MILE CREEK
CHANGE ORDER NO. 1 - FINAL**

WHEREAS, by Resolution No. IF-074-20, dated June 16, 2020, the Legislature awarded the contract for the Slayton Settlement Road Bridge over Eighteen Mile Creek Project to Edbauer Construction, 2790 Clinton Street, West Seneca, NY 14224, for a contract amount of \$1,254,188.50, and

WHEREAS, it is necessary to decrease the contract in the amount of \$86,851 due to final quantities adjustments, for a revised contract amount of \$1,167,337.50, 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 \$86,851 for the Slayton Settlement Road Bridge over Eighteen Mile Creek Project, for a revised contract amount of \$1,167,337.50, to Edbauer Construction, 2790 Clinton Street, West Seneca, NY 14224, 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. 13 Ayes, 0 Noes, 2 Absent – Nemi, Steed.

Resolution No. IF-109-21

From: Infrastructure & Facilities and Administration Committees.

Dated: October 19, 2021

**TONAWANDA CREEK ROAD REHABILITATION AND
SLIDE STABILIZATION PROJECT
CONSULTANT AMENDMENT NO. 4-FINAL**

WHEREAS, Resolution No. IF-030-17, dated February 21, 2017, authorized the contract for consultant services for the Tonawanda Creek Road Rehabilitation and Slide Stabilization Project to Greenman-Pedersen Inc., 4950 Genesee Street, Suite 100, Buffalo, NY 14225, for a contract amount of \$1,034,037, and

WHEREAS, Resolution No. IF-116-18, dated September 18, 2018, authorized Amendment No. 1 to increase the contract and allow for construction inspection and construction administration services, in the amount of \$579,293.41, for a revised contract amount of \$1,613,330.41, and

WHEREAS, Resolution No. IF-035-19, dated March 19, 2019, authorized Amendment No. 2 to revise the Consultant's fee breakdown to align with the state funding categories, at no additional cost to the county, and

WHEREAS, Resolution No. IF-050-19, dated April 9, 2019, authorized Amendment No. 3 to increase the contract to modify the fee breakdown and add right-of-way acquisition, in the amount of \$10,880, for a revised contract amount of \$1,624,210.41, and

WHEREAS, it is necessary to decrease the contract by \$48,508.41, as the project is now complete, for a revised contract amount of \$1,575,702.00, and

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

RESOLVED, that the consultant services contract with Greenman-Pedersen Inc., 4950 Genesee Street, Suite 100, Buffalo, NY 14225, be decreased by \$48,508.41, for a revised contract amount of \$1,575,702.00, 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. 13 Ayes, 0 Noes, 2 Absent -- Nemi, Steed.

Resolution No. IF-110-21

From: Infrastructure & Facilities and Administration Committees.

Dated: October 19, 2021

AWARD CONSULTANT CONTRACT FOR SURVEY SERVICES- EWINGS ROAD FROM JACQUES TO ROUTE 78 AND EAST CANAL ROAD FROM LOCKPORT TO FEIGLE

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with survey services for Ewings Road from Jacques Road to Route 78 and East Canal Road from Lockport Road to Feigle Road, 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 projects to proceed:

INCREASE REVENUE:

H730.15.5112.000 43501.00	Consol Hwy Aid Revenue	\$65,000
H731.15.5112.000 43501.00	Consol Hwy Aid Revenue	\$60,000

INCREASE APPROPRIATIONS:

H730.15.5112.000 72600.01	Roads-Ewings Road	\$65,000
H731.15.5112.000 72600.01	Roads-East Canal Road	\$60,000

and be it further

RESOLVED, that the consultant survey services contract for Ewings Road from Jacques to Route 78 and East Canal Road from Lockport to Feigle Road be awarded to Popli Design Group, 555 Penbrooke Drive, Penfield, NY 14526, for a contract amount not to exceed \$103,594, 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. 13 Ayes, 0 Noes, 2 Absent – Nemi, Steed.

Resolution No. IL-028-21

From: Legislators Randy R. Bradt, Jesse P. Gooch, David E. Godfrey, Economic Development and Administration Committees.

Dated: October 19, 2021

**RESOLUTION FOR MATCHING NIAGARA COUNTY COMMUNITY COLLEGE'S FUNDING
TO CONSTRUCT THE NIAGARA COUNTY LAW ENFORCEMENT ACADEMY**

WHEREAS, the County of Niagara, City of Niagara Falls and Niagara County Community College recently entered into an Intermunicipal Agreement for the operation of the Niagara County Law Enforcement Academy at the college campus of Niagara County Community College, and

WHEREAS, the Niagara County Community College provided space as a short-term solution, however a new space with up-to-date technology is needed to provide optimal training and education to the law enforcement officers and pre-employed students in the Criminal Justice program, and

WHEREAS, to meet this need, Niagara County Community College, as part of its capital plan, will undertake development of a new 14,000 square foot facility to provide simulation labs and classroom space for the Niagara County Law Enforcement Academy (NCLEA), which will be utilized to provide the foundation anchor for their Criminal Justice Program, while simultaneously allowing for the County's law enforcement officers to be integrated/educated utilizing this up to date and modern facility, and

WHEREAS, the total cost of developing the NCLEA building has been estimated at \$4,540,000.00, additional funds will be provided for re-pavement for Lot #4, estimated at \$400,000, and

WHEREAS, Niagara County Community College is applying for matching funds from the SUNY Community College Capital Program to assist in funding the construction of the new facility and parking lot as noted, now, therefore, be it

RESOLVED, that the County of Niagara agrees to participate in this venture of up to \$3,000,000.00, and be it further

RESOLVED, the County of Niagara will utilize funds from the Coronavirus State and Local Fiscal Recovery Fund, a part of the American Rescue Plan Act, to match funding for the new facility providing that the project is fully funded.

Moved by Gooch, seconded by Godfrey.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Nemi, Steed.

Resolution No. IL-031-21

From: Legislators Michael A. Hill, John Syracuse, Randy R. Bradt, Irene M. Myers, Rebecca J. Wydysh, Richard L. Andres, David E. Godfrey, William J. Collins, Anthony J. Nemi and Jesse P. Gooch.

Dated: October 19, 2021

RESOLUTION TO HIRE A PART-TIME SPECIAL DEPUTY TO PERFORM BACKGROUND CHECKS OF PISTOL PERMIT APPLICANTS

WHEREAS, the Niagara County Pistol Permit Office has seen a surge in applications in recent years from Niagara County residents applying for pistol permits, and

WHEREAS, one of the most important yet time consuming aspects of the pistol permit process is the background check of the pistol permit applicant performed by a member of law enforcement, and

WHEREAS, law enforcement departments have numerous obligations in the performance of their duties that can take priority over pistol permit application background checks, and

WHEREAS, the backlog of background checks has created a situation where some applicants are waiting a year or more for a decision on their pistol permit application, and

WHEREAS, the Niagara County Legislature is a strong supporter of residents exercising their 2nd Amendment Rights and believes that people deserve to have their applications acted upon in a timely manner, yet we also recognize the tremendous obligations of local police agencies to fulfill their number one obligation which is keeping our communities safe, and

WHEREAS, the Niagara County Gun Owner's Rights Advisory Panel has been reviewing this issue and has recommended that a part-time Special Deputy in the Niagara County Sheriff's Office be hired specifically for the purpose of performing background checks on pistol permit applicants, thereby addressing the backlog and relieving local police agencies of this responsibility, and

WHEREAS, this suggestion has the full support of the Niagara County Sheriff's Office and local police departments, now, therefore, be it

RESOLVED that a Special Patrol Officer part time no benefits position be created and filled at Deputy Sheriff Step 1 rate effective October 31, 2021, and be it further

RESOLVED, that the following budget modification be effectuated:

INCREASE APPROPRIATION:

A.17.3110.000 71030.00	Part Time	\$4,323
A.17.3110.000 78200.00	FICA	331
A.17.3110.000 78300.00	Worker's Comp	114

DECREASE APPROPRIATION:

A.10.1410.103 71010.00	Positions	\$4,768
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Moved by Hill, seconded by Syracuse, to implement the portion of Rule 15 that pertains to voting on a resolution as opposed to referring it to committee.

Carried.

Moved by Hill, seconded by Syracuse.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Nemi, Steed.

Resolution No. IL-032-21

From: Legislator Randy R. Bradt

Dated: October 19, 2021

**A LOCAL LAW FOR THE REAPPORTIONMENT PLAN FOR THE
COUNTY OF NIAGARA, NEW YORK**

WHEREAS, Local Law 5 of 2009 required that, commencing with the 2012-2013 term of the Niagara County Legislature there shall be fifteen (15) Legislative Districts within Niagara County, and

WHEREAS, Federal and State constitutional and statutory law requires that those fifteen (15) Legislative Districts are to have substantially equal weight for all voters of Niagara County based upon a reapportionment utilizing 2020 census data, and

WHEREAS, by Resolution #IL-015-21 duly passed April 20, 2021, the Niagara County Legislature established a Redistricting Commission to assist the Legislature in its redistricting responsibilities, and

WHEREAS, the Redistricting Commission was charged by the Niagara County Legislature with the responsibility to hold at least two public hearings before voting on its final proposed redistricting plan to listen to comments of the general public regarding a new redistricting map unless the Commission's redistricting proposal is to keep the same geographic legislative boundaries as the current map with only minor adjustments for population deviation, and

WHEREAS, the Redistricting Commission held public hearings and sought public input to identify the balance of factors for the redistricting process for said fifteen (15) Legislative Districts on October 12, 2021 in the City of Niagara Falls and on October 13, 2021 in the City of Lockport, and

WHEREAS, the public was heard at such public hearings, and

WHEREAS, the Commission has directed County staff to develop and recommend a redistricting plan reflective of the public input, and

WHEREAS, County staff has supplied the Commission with the legal principals and requirements that must be addressed in any redistricting plan, and

WHEREAS, County staff has developed a plan reflective of the legal principals and requirements applicable to any redistricting plan and has taken the comments, concerns and issues raised by the public into consideration in developing a redistricting plan, and has provided the Commission with an explanation of the basis for its proposed redistricting plan, including support for minor deviations in population equality which are supported based upon traditional and widely accepted districting practices, and

WHEREAS, the Niagara County Redistricting Commission has submitted to the Niagara County Legislature proposed maps and legal descriptions for each of the said fifteen (15) Legislative Districts within the County of Niagara pursuant to Resolution #IL-015-21 duly passed April 20, 2021, and

WHEREAS, based upon the 2020 Census data that was received by the Redistricting Commission, it is recommended that the boundaries of ten on the present Legislature Districts remain unchanged (i.e. 1, 2, 3, 5, 7, 8, 9, 10, 11 and 14) and that geographical boundaries of the remaining five districts (i.e. 6, 4, 12, 13 and 15) be modified to properly account for changes in population that occurred in Niagara County since the 2010 Census was conducted, and

WHEREAS, Legislator Randy R. Bradt now presents in writing the following proposed Local Law:

A Local Law for the County of Niagara, New York, for the Year 2021 for the Reapportionment of the County of Niagara, New York:

Section 1. The Legislative powers of the County of Niagara shall be exercised by the County Legislature.

Section 2. The County of Niagara shall be apportioned under a plan of apportionment consisting of fifteen (15) Legislative Districts, as set forth on maps attached hereto as Exhibit 1 and further described as follows:

DISTRICT 1

DISTRICT 1 shall include the following Census districts of Niagara County being all of the Town of Porter and that part of the Town of Lewiston:

District	Town	Tract	Census Blocks	Notes
01	Water	024102	2000 3000	
01	Water	990000	0001	
01	Lewiston NY	024404	1000 - 1014 1020 - 1032	
01	Lewiston NY	024405	1000 - 1016 2000 - 2030 3000 - 3034	
01	Porter NY	024501	1000 - 1022 2000 - 2020	WHOLE TOWN IN LD
01	Porter NY	024502	1000 - 1043 2000 - 2032 3000 - 3029	WHOLE TOWN IN LD

DISTRICT 2

DISTRICT 2 shall include the following Census districts of Niagara County within the Town of Wheatfield and the Town of Lewiston:

District	Town	Tract	Census Blocks	Notes
02	Lewiston NY	024401	1000 - 1036 2000 - 2026 3000 - 3022	
02	Lewiston NY	024404	1015 - 1019 1033 2000 - 2012 3000 - 3028	
02	Lewiston NY	024406	1000 - 1050 2000 - 2030 3000 - 3018	
02	Tuscarora			
	Nation NY	940001	1000 - 1010 2000 - 2008	WHOLE TOWN IN LD
02	Wheatfield NY	022714	1000 - 1010 2000 - 2020 3002 - 3004	
02	Wheatfield NY	022715	1000 - 1018 2000 - 2040	

DISTRICT 3

DISTRICT 3 shall include the following Census districts of Niagara County being all of that portion of the City of Niagara Falls:

District	Town	Tract	Census Blocks	Notes
03	Niagara Falls NY	022000	1000 - 1015 3000 - 3009 3012 - 3028	
03	Niagara Falls NY	022100	1000 - 1008 2000 - 2015 3000 - 3012	
03	Niagara Falls NY	022200	1000 - 1007 1009 - 1027 2000 - 2017 3000 - 3002	
			3005 - 3009 3012 - 3025	
03	Niagara Falls NY	022300	1000 - 1013 2000 - 2014 3000 - 3025	
03	Niagara Falls NY	022401	1000 - 1027 2000 - 2011	
03	Niagara Falls NY	022500	1000 - 1013 2000 - 2007 3000 - 3010	

DISTRICT 4

DISTRICT 4 shall include the following Census districts of Niagara County within the City of Niagara Falls:

District	Town	Tract	Census Blocks	Notes
04	Niagara Falls NY	020100	3016	
04	Niagara Falls NY	020200	1002 - 1023 2000 - 2042	
04	Niagara Falls NY	020400	1000 - 1012 2000 - 2013	
04	Niagara Falls NY	020500	1000 - 1004 1009 - 1012 1015 - 1029 1031 2005 2008 - 2009	
04	Niagara Falls NY	020600	1000 - 1016 2000 - 2020	
04	Niagara Falls NY	020700	1000 - 1001 2000 - 2005 3002 - 3009 3012 - 3015 3020 - 3021	
04	Niagara Falls NY	020900	1000 - 1012 2000 - 2001 2004 - 2007 3000 - 3021	
04	Niagara Falls NY	021000	3002 3007 - 3008 4000 - 4002 4005 - 4006	
04	Niagara Falls NY	021100	1031 2000 - 2004 2009 - 2019 2023	
04	Niagara Falls NY	021200	1000 - 1012 2000 - 2012 3000 - 3013 3015 - 3016 3018 3024 - 3025 4000 - 4020	
04	Niagara Falls NY	021300	1010 - 1011 2008 - 2013	
04	Niagara Falls NY	021700	5024 - 5025	

DISTRICT 5

DISTRICT 5 shall include the following Census districts of Niagara County being all of the Town of Niagara, and that portion of the City of Niagara Falls:

District	Town	Tract	Census Blocks	Notes
05	Niagara Falls NY	020100	1000 - 1014 2000 - 2013 3000 - 3015 3017 4000 - 4021	
05	Niagara Falls NY	020200	1000 - 1001	
05	Niagara Falls NY	020300	1005 - 1006 2000 - 2018 3000 - 3026	
05	Niagara Falls NY	020500	1005 - 1008 1013 - 1014 1030 1032 - 1038 2000 - 2001 2004	
05	Niagara Falls NY	020900	2002 - 2003	
05	Niagara NY	022601	1000 - 1027 2000 - 2025	WHOLE TOWN IN LD
05	Niagara NY	022602	1000 - 1031 2000 - 2028 3000 - 3041	WHOLE TOWN IN LD

DISTRICT 6

DISTRICT 6 shall include the following Census districts of Niagara County within the City of Niagara Falls:

District	Town	Tract	Census Blocks	Notes
06	Niagara Falls NY	020300	1000 - 1004 1007 - 1011	
06	Niagara Falls NY	020500	2002 - 2003 2006 - 2007 2010 - 2015	
06	Niagara Falls NY	020700	1002 - 1008 3000 - 3001 3010 - 3011 3016 - 3019	
06	Niagara Falls NY	021000	1000 - 1011 2000 - 2023 3000 - 3001 3003 - 3006 3009 - 3022 4003 - 4004 4007 - 4011	
06	Niagara Falls NY	021100	1000 - 1030 1032 - 1062 2005 - 2008 2020 - 2022	
06	Niagara Falls NY	021200	3014 3017 3019 - 3023 3026 - 3029	
06	Niagara Falls NY	021300	1000 - 1009 1012 - 1013 2000 - 2007 2014 - 2023	
06	Niagara Falls NY	021400	1000 - 1015 2000 - 2037	
06	Niagara Falls NY	021700	1000 - 1020 2000 - 2015 3000 - 3012 4000 - 4020 5000 - 5023 5026 - 5053	
06	Niagara Falls NY	022000	2000 - 2008 3010 - 3011 3029 - 3031 4000 - 4024	
06	Niagara Falls NY	022200	1008 3003 - 3004 3010 - 3011 3026	

DISTRICT 7

DISTRICT 7 shall include the following Census districts of Niagara County being portions of the Town of Wheatfield and the City of North Tonawanda:

District	Town	Tract	Census Blocks	Notes
07	North Tonawanda NY	022902	1000 - 1002 2000 - 2007 2009 - 2015	
07	North Tonawanda NY	024600	2000 - 2002	
07	Wheatfield NY	022713	1000 - 1012 2000 - 2008	
07	Wheatfield NY	022714	1011 - 1016 3000 - 3001 3005 - 3014	
07	Wheatfield NY	022716	1000 - 1022 2000 - 2022	
07	Wheatfield NY	022717	1001 - 1008 2003 2005 - 2015	

DISTRICT 8

DISTRICT 8 shall include the following Census districts of Niagara County being portions of the City of North Tonawanda:

District	Town	Tract	Census Blocks	Notes
08	North Tonawanda NY	022901	1008 - 1011 1013 - 1016 2000 - 2002 2004 - 2021	
08	North Tonawanda NY	022902	2008	
08	North Tonawanda NY	023001	1000 - 1037	
08	North Tonawanda NY	023100	1000 - 1011 2000 - 2036	
08	North Tonawanda NY	023200	1000 - 1026 2000 - 2017 3000 - 3033	
08	North Tonawanda NY	023301	2005 2008 2011 - 2012 2016 - 2020	
08	North Tonawanda NY	023302	1000 - 1024 2001 - 2030	
08	North Tonawanda NY	024600	3005 - 3010 3012 - 3021	
08	North Tonawanda NY	022901	2003	*** Census Miscodes this as Wheatfield

DISTRICT 9

DISTRICT 9 shall include the following Census districts of Niagara County being portions of the City of North Tonawanda:

District	Town	Tract	Census Blocks	Notes
09	North Tonawanda NY	022803	1000 - 1016 2000 - 2026	
09	North Tonawanda NY	022804	1000 - 1025 2000 - 2024	
09	North Tonawanda NY	022901	1000 - 1007 1012	
09	North Tonawanda NY	022902	1003 - 1007	
09	North Tonawanda NY	023301	1000 - 1002 2000 - 2004 2006 - 2007 2009 - 2010 2013 - 2015 2021	
09	North Tonawanda NY	023302	2000	
09	North Tonawanda NY	024600	1000 - 1014 3000 - 3004 3011	

DISTRICT 10

DISTRICT 10 shall include the following Census districts of Niagara County being all of the Towns of Wilson and Cambria and that portion the Town of Wheatfield:

District	Town	Tract	Census Blocks	Notes
10	Cambria NY	024303	1000 - 1022 2000 - 2027 3000 - 3042	WHOLE TOWN IN LD
10	Wheatfield NY	022717	1000 1009 - 1011 2000 - 2002 2004 2016 3000 - 3019	
10	Wilson NY	024301	1000 - 1037	WHOLE TOWN IN LD
10	Wilson NY	024302	1000 - 1024 2000 - 2028 3000 - 3059	WHOLE TOWN IN LD

DISTRICT 11

DISTRICT 11 shall include the following Census districts of Niagara County being all of the Town of Pendleton and that portion of the Town of Lockport:

District	Town	Tract	Census Blocks	Notes
11	Lockport NY	023401	3000 - 3028 3032 - 3036 3038 - 3039 3041 4012 - 4014 4016 - 4028 4031 - 4036	
11	Lockport NY	023404	2009 - 2012 2022	
11	Lockport NY	023500	1003 - 1004 1011 - 1012 2003 - 2007 2012	
11	Lockport NY	023600	1000 - 1029 2000 - 2022 3000 - 3030	
11	Lockport NY	023700	1007	
11	Lockport NY	023901	2004 2012	
11	Pendleton NY	022702	1000 - 1028 2000 - 2015 3000 - 3013 4000 - 4030	WHOLE TOWN IN LD

DISTRICT 12

DISTRICT 12 shall include the following Census districts of Niagara County being portions of the City of Lockport and the Town of Lockport:

District	Town	Tract	Census Blocks	Notes
12	Lockport NY	023401	1000 - 1036 2024 3029 - 3031 3037 3040	
12	Lockport NY	023402	1000 - 1003 1005 - 1010 1012 - 1040 2000 - 2028	
12	Lockport NY	023404	1001 - 1004 3000 - 3007	
12	Lockport NY	023405	1000 - 1035 2000 - 2022	
12	Lockport NY	023500	1000 - 1002 1005 - 1010 2000 - 2002 2008 - 2011 2013 - 2018 3000 - 3017 3020 - 3028	

DISTRICT 13

DISTRICT 13 shall include the following Census districts of Niagara County being a portion of the City of Lockport:

District	Town	Tract	Census Blocks	Notes
13	Lockport NY	023500	1013 - 1018 3018 - 3019	
13	Lockport NY	023700	1000 - 1006 1008 - 1014 2000 - 2044	
13	Lockport NY	023800	1000 - 1008 2000 - 2009 3000 - 3026	
13	Lockport NY	023901	1000 - 1012 2000 - 2003 2005 - 2011 3000 - 3011 4000 - 4010	
13	Lockport NY	023902	1000 - 1017 2000 - 2014 3000 - 3029	

DISTRICT 14

DISTRICT 14 shall include the following Census districts of Niagara County being all of the Towns of Somerset and Newfane and that portion of the Town of Lockport:

District	Town	Tract	Census Blocks	Notes
14	Lockport NY	023401	2000 - 2023 2025 - 2032 4000 - 4011 4015 4029 - 4030	
14	Lockport NY	023402	1004 1011	
14	Newfane NY	024201	1000 - 1020 2000 - 2036 3000 - 3018 4000 - 4013	WHOLE TOWN IN LD
14	Newfane NY	024202	1000 - 1028 2000 - 2030 3000 - 3028	WHOLE TOWN IN LD
14	Somerset NY	024102	1000 - 1012 2001 - 2027 3001 - 3031	WHOLE TOWN IN LD

DISTRICT 15

DISTRICT 15 shall include the following Census districts of Niagara County being the all of the Towns of Royalton and Hartland and that portion of the Town of Lockport:

District	Town	Tract	Census Blocks	Notes
15	Hartland NY	024002	1000 - 1004	WHOLE TOWN IN LD
15	Hartland NY	024101	1000 - 1040 2000 - 2055	WHOLE TOWN IN LD
15	Lockport NY	023402	2029 - 2041	
15	Lockport NY	023404	1000 1005 - 1015 2000 - 2008 2013 - 2021 2023	
15	Royalton NY	024001	1000 - 1043 2000 - 2052 3000 - 3033 4000 - 4044 5000 - 5043	WHOLE TOWN IN LD
15	Royalton NY	024002	1005 - 1035	WHOLE TOWN IN LD
15	Tonawanda NY (res)	940100	1000	WHOLE TOWN IN LD

Section 3. The fifteen Legislative Districts as previously bounded and described by Local Law No. 1 of 2011 shall continue as such for the limited purpose of continuing in office the legislators presently elected from said districts and shall cease to exist as such on January 1, 2023. For purposes of filling vacancies occurring other than by the expiration of term in the offices of member of the Niagara County Legislature elected at the election of two thousand twenty-one, the Legislative Districts of this county, as described and set out in Local Law No. 1 of 2011, shall continue to be the Legislative Districts of Niagara County until December 31, 2021, for the purpose of the general election of 2021 and all other purposes, except as herein provided. Provided, further however that in the event a proposition for the approval of this local law is submitted at the next general election held not less than sixty days after the filing of such a petition, the Legislative Districts as described in Local Law No. 1 of 2011 shall continue to be the Legislative Districts of the county for all purposes until the adoption of a valid Local Law redistricting the Legislature pursuant to Municipal Home Rule Law section (10)(ii)(a).(13).

Section 4. Each Legislative District created by this Local Law shall be deemed a separate district for purpose of apportionment of the entire county into Legislative Districts. If one or more Legislative Districts created by this local law are judicially found not to be in compliance with the decisions and mandates of a court of competent jurisdiction, only the defective district or districts and those immediately adjacent or contiguous thereto shall be reapportioned. All other districts shall be deemed to be properly constructed.

Section 5. All other provisions of prior applicable local laws of Niagara County not in conflict with the provisions herein shall remain in full force and effect.

Section 6. The Niagara County Legislature, from the districts created herein, shall be first elected at the general election in the year 2023 and shall assume office January 1, 2024.

Section 7. This local law shall be subject to a permissive referendum and shall not take effect until at least 45 days after adoption.

Section 8. This local law shall take effect on filing with the Secretary of State of the State of New York.

RESOLVED, that the Niagara County Legislature shall conduct a public hearing upon said proposed Local Law at the Legislature Chambers, Courthouse, Lockport, New York, on the 9th day of November, 2021, at 5:45 p.m., and be it further

RESOLVED, that the Clerk of the Legislature, at least six (6) days in advance of such hearing, shall post a notice upon the bulletin boards in the Courthouse at Lockport, the Civic Building in Niagara Falls, and the County Building in North Tonawanda and shall publish such notice once in the Lockport Journal, and the

Niagara Gazette; such notice shall contain the title of the Local Law and an abstract of the text to be prepared by the Clerk of the Legislature with the assistance of the County Attorney's Office.

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

Carried.

Moved by Bradt, seconded by Myers.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Nemi, Steed.

Resolution No. IL-033-21

From: Legislators Mark J. Grozio, Dennis F. Virtuoso, Christopher A. Robins, Owen T. Steed and Anita Mullane.

Dated: October 19, 2021

**RESOLUTION IN SUPPORT OF THE NIAGARA FALLS WATER BOARD 2021
INFRASTRUCTURE INITIATIVE**

WHEREAS, the Niagara Falls Water Board has undertaken an effort to garner public and private sector support for an effort entitled "Request for Federal Infrastructure Funding", and

WHEREAS, the said request details the need for funding the conversion and modification of the Water Board's Waste Water Treatment Plant (WWTP), from a "physical-chemical process" using activated carbon filtration, to an up-to-date biological process, and

WHEREAS, the WWTP is the largest remaining physical-chemical treatment plant in the country, and

WHEREAS, the WWTP is inefficient, costly, and, as evidenced by the July 2017 incident causing the infiltration of "black water" into the lower Niagara River, threatens to harm the river and other Great Lakes waterways, and

WHEREAS, the estimated cost of the conversion and modification exceeds the sum of \$200 million, and

WHEREAS, the Water Board is also seeking funding in the amount of approximately \$50 million to replace aged and inefficient water mains and pipes throughout the City of Niagara Falls, and

WHEREAS, without substantial support from state and federal sources the two projects are not economically feasible, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby formally expresses its support for the Niagara Falls Water Board Infrastructure Initiative and urges the responsible federal and state to carefully consider the projects identified in the initiative, and it is further

RESOLVED, that the Clerk is directed to forthwith direct copies of this Resolution to United States Senators Chuck Schumer and Kirsten Gillibrand, to Representatives Brian Higgins and Chris Jacobs, to New York State Senate Minority Leader Robert Ort, and to New York State Assemblymen Angelo Morinello and Michael Norris.

Moved by Grozio, 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 Grozio, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Nemi, Steed.

Resolution No. IL-034-21

From: Legislators Dennis F. Virtuoso, Mark J. Grozio, Anita Mullane, Christopher A. Robins and Owen T. Steed.

Dated: October 19, 2021

PURPLE HEART MONUMENT

WHEREAS, the Niagara County Legislature established that Niagara County is a Purple Heart County, and

WHEREAS, every year Niagara County Honors our Purple Heart Recipients and enroll their names in The Frank J. Gaffney Purple Heart Book of Honor, and

WHEREAS, Niagara County should consider a permanent monument for our Purple Heart recipients so their names could be seen all year round, now, therefore, be it

RESOLVED, that the Niagara County Legislature fund a permanent monument so that all the names in the Frank J. Gaffney Purple Heart Book of Honor can be permanently etched in stone, and be it further

RESOLVED, that the Niagara County Manger make funds available in the 2022 Niagara County Budget. Referred to the Administration Committee.

Resolution No. IL-035-21

From: Legislators Anita Mullane, Mark J. Grozio, Christopher A. Robins, Dennis F. Virtuoso and Owen T. Steed.

Dated: October 19, 2021

**NIAGARA COUNTY LEGISLATURE DEMANDS THAT HENRY WOJTASZEK
RESIGNS AS HEAD OF OTB**

WHEREAS, Western New York Off Track Betting was formed in 1973 as a public benefit corporation owned by 15 counties and the cities of Buffalo and Rochester, and

WHEREAS, Niagara County is a member of this corporation, and

WHEREAS, Western New York Off Track Betting [OTB] has been under investigation by the FBI and under audit by the New York State Comptroller's office, and

WHEREAS, the Comptrollers audit found several key findings that did not provide adequate oversight by the Board of OTB and its CEO Henry Wojtaszek, and

WHEREAS, Henry Wojtaszek failed to comply with the Board of OTB's take home vehicle policy, and

WHEREAS, the internal auditor estimated that Henry Wojtaszek [CEO] owed the Corporation over \$3,484 for the period July 2016 through April 2019 for his personal use of the Corporation's vehicle, and

WHEREAS, the Comptrollers report said that the CEO failed to comply with the Board's take home vehicle policy; therefore, he did not demonstrate appropriate "tone at the top" which is essential to establish strong internal controls, and

WHEREAS, the Comptrollers also cited OTB for the distribution of Program tickets in accordance with the New York State Gaming Commission's Regulations and Guidelines; tickets were given to Board members, management, family members and employees, and

WHEREAS, inadequate and incomplete records were kept on who received these program tickets. The Comptroller estimates that nine percent of the tickets were given to non-players costing over \$121,000, and

WHEREAS, public trust has eroded for OTB and its Board and its CEO Henry Wojtaszek, now, therefore, be it

RESOLVED, that the Niagara County Legislature demands that OTB's CEO Henry Wojtaszek resign immediately to reestablish the public trust in OTB, and be it further

RESOLVED, that copies of this resolution be sent to Gov. Kathy Hochul, Senators: Robert Ortt, Tim Kennedy, Sean Ryan, Assemblymen: Angelo Morinello, William Conrad, Michael Norris, and all Board members of Western New York Off Track Betting.
Referred to the Administration Committee.

Resolution No. IL-036-21

From: Legislators Mark J. Grozio, Anita Mullane, Christopher A. Robins, Dennis F. Virtuoso and Owen T. Steed.

Dated: October 19, 2021

**REMOVE ELLIOTT WINTER FROM THE BOARD OF
WESTERN NEW YORK OFF TRACK BETTING**

WHEREAS, Western New York Off Track Betting [OTB] was formed in 1973 as a public benefit corporation owned by 15 counties and the cities of Buffalo and Rochester, and

WHEREAS, Niagara County is a member of this corporation, and

WHEREAS, Western New York Off Track Betting has been under investigation by the FBI and under audit by the New York State Comptroller's office, and

WHEREAS, the Comptrollers audit found several key findings that did not provide adequate oversight by the board of OTB, and

WHEREAS, the audit findings found the Board of Directors did not provide adequate oversight of take-home vehicles which resulted in the CEO Henry Wojtaszek owing \$3,484 for the period of July 2016 to April 2019 and the CEO did not keep mileage logs which are required, and

WHEREAS, the audit also found the Board did not distribute Program tickets in accordance with the New York State Gaming Commission Regulations and Guidelines, and

WHEREAS, the New York State Comptroller has told the Board that the free Heath Care that they are receiving is illegal and the Board has not removed it, and

WHEREAS, the incompetence of Elliott Winter to represent the people of Niagara County as a Director of OTB deserves his removal, now, therefore, be it

RESOLVED, that the Niagara County Legislature remove Elliott Winter as Representative to the Board of Western New York Off Track Betting.
Referred to the Administration Committee.

Resolution No. IL-037-21

From: Legislators Michael A. Hill and David E. Godfrey.

Dated: October 19, 2021

**RESOLUTION CALLING ON THE NYS BOARD OF ELECTIONS TO ENFORCE ITS CAMPAIGN
FILING DISCLOSURE LAWS AND INVESTIGATE FAILURE OF CERTAIN POLITICAL
COMMITTEES TO FILE REPORTS**

WHEREAS, Disclosure of who is contributing to a candidate or political party and how that party is spending those contributions is a bedrock principle of campaign finance law, and

WHEREAS, the public and media have a right to know this information so they can hold public officials accountable, and

WHEREAS, the New York State Board of Elections is the chief enforcer of New York State campaign finance laws and has the power to subpoena documents, initiate investigations, issues fines and refer cases for criminal prosecution, and

WHEREAS, it is well known that a law which is not consistently and fairly enforced does not serve its purpose, and

WHEREAS, a review of the New York State on-line reporting system for all political candidates and committees shows that the Niagara County Democratic Committee has not filed its legally required campaign finance disclosure documents in well over year, and

WHEREAS, in this period of time, the Niagara County Democratic Committee has clearly been raising and spending campaign money, raised from donors beyond the view of the public, and

WHEREAS, this lack of transparency would appear to be a serious violation of campaign disclosure laws, yet the New York State Board of Elections has done nothing about it, now, therefore, be it

RESOLVED, that the Niagara County Legislature believes the New York State Board of Elections must do a better job in ensuring compliance with campaign disclosure laws and holding those accountable who fail to adhere to the law, and be it further

RESOLVED, that the New York State Board of Elections should investigate the apparent failure of the Niagara County Democratic Committee to file timely and legally required disclosure reports, and be it further

RESOLVED, that a copy of this resolution be sent to the New York State Board of Elections and our local state representatives.

Referred to the Administration Committee.

Resolution No. IL-038-21

From: Legislators Randy R. Bradt, John Syracuse, Jesse P. Gooch, Irene M. Myers, Rebecca J. Wydysh, Richard L. Andres, David E. Godfrey, William J. Collins, Anthony J. Nemi and Michael A. Hill.

Dated: October 19, 2021

**RESOLUTION REGARDING THE CONTRACT NEGOTIATIONS WITH THE PRESIDENT OF
NIAGARA COUNTY COMMUNITY COLLEGE (NCCC)**

WHEREAS, Niagara County is proud to sponsor Niagara County Community College (NCCC), a first-class institution that has provided a quality education to thousands of Niagara County residents and

WHEREAS, the budget for NCCC has been tight in recent years with increasing costs and declining enrollment, leading to NCCC looking for increased funding from the Niagara County Legislature, and

WHEREAS, this year, the Legislature, on top of its annual maintenance of effort contribution, provided additional capital funding to NCCC as well as committed funds for enhancing the welding program, and

WHEREAS, with this increased financial commitment, the Legislature expects the NCCC Board of Trustees to be good stewards of funds when it comes to spending decisions, including entering into contracts, and

WHEREAS, the NCCC Board of Trustees is currently negotiating a new contract with NCCC President William Murabito, and

WHEREAS, the current contract includes a \$5,000 a month stipend on top of a salary that exceeds \$225,000 that is allocated for renting an apartment in Niagara Falls since President Murabito maintains a permanent residence outside of Western New York, and

WHEREAS, the current contract also provides President Murabito with 30 days of sick time and 30 days of vacation annually that can be cashed out upon separation of service, which could lead to another payday in excess of \$200,000 or more, and

WHEREAS, these types of contract provisions are out of touch with a college that is facing hardship and with local taxpayers who ultimately fund NCCC and are stretching their family budgets to the limit, now, therefore, be it

RESOLVED, the Niagara County Legislature requests that NCCC Board Chairman Jason Cafarella and Vice Chairman Gina Virtuoso come to the next meeting of the Niagara County Legislature to meet in Executive Session and provide an update on contract negotiations with President Murabito, and be it further

RESOLVED, that the Trustees take no action in agreeing to a contract with President Murabito prior to the meeting with the Niagara County Legislature.
Referred to the Administration Committee.

Resolution No. IL-039-21

From: Legislators Anthony J. Nemi and William J. Collins.

Dated: October 19, 2021

RESOLUTION ON THE LACK OF RESPONSE FROM CITY OF LOCKPORT MAYOR MICHELLE ROMAN AS IT RELATES TO REMEDIATION OF 641 WEST AVENUE

WHEREAS, the property at 641 West Avenue in the City of Lockport has been vacant for over 20 years, has been tax delinquent since 2012, the recorded property owner is deceased and no one has claimed the site, and

WHEREAS, through Niagara County's brownfields assessment program, Phase I and II Environmental Site Assessments were conducted on the property at a cost of \$24,250, which identified petroleum contaminated soils, several unregistered underground storage tanks (USTs) and contamination that extends underneath the site building, and

WHEREAS, the Niagara County Department of Economic Development has been working with New York State Department of Environmental Conservation (NYSDEC) since 2019 to secure funding for site remediation, and

WHEREAS, Niagara County currently has a draft agreement with NYS for remediation where NYSDEC will pay to remediate the soils around the building and remove the USTs but one of the restrictions of the funding is that funds can't be used for building demolition even when contamination exists under a building, and

WHEREAS, the Niagara County Manager communicated with Lockport Mayor Michelle Roman on July 6th

and said if the City of Lockport is able to fund building demolition, NYSDEC will then agree to remove the concrete pads and remove the contamination that has migrated underneath the building, and

WHEREAS, the City of Lockport never responded to the Niagara County Manager, and

WHEREAS, on September 23, Niagara County Legislator Tony Nemi sent a letter to Mayor Roman again outlining the issues with 641 West Avenue and letting the Mayor know that getting rid of the building now will allow maximization of state funds and result in a fully remediated site that can be reused as soon as the state cleanup is done but state funds are limited and a written commitment from the Mayor regarding demolition is needed as soon as possible as Niagara County is not able to execute with agreement with NYS until then, and

WHEREAS, the City of Lockport never responded to Legislator Nemi, and

WHEREAS, the Niagara County Brownfield Coordinator received an email from New York State on October 13 specifically asking about the status of the agreement for cleanup at 641 West Avenue, now, therefore, be it

RESOLVED, that the Niagara County Legislature asks Lockport Mayor Michelle Roman to either commit to the demolition of 641 West Avenue so Niagara County can enter into an agreement with NYSDEC for remediation or make clear that Lockport is not interested in moving forward at this time, and be it further

RESOLVED, that copies of this resolution be sent to Mayor Michelle Roman and all member of the Lockport City Council.
Referred to the Administration Committee.

Resolution No. IL-040-21

From: Legislators Owen T. Steed, Dennis F. Virtuoso, Mark J. Grozio, Christopher A. Robins and Anita Mullane.

Dated: October 19, 2021

**A LOCAL LAW PROHIBITING BULLYING AGAINST MINORS
IN NIAGARA COUNTY**

WHEREAS, Legislator Owen Steed presents in writing the following proposed Local Law:

A Local Law of the County of Niagara, New York, a local law prohibiting bullying against minors in Niagara County

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

A new Niagara County Local Law is hereby enacted to read as follows:

PROHIBITION ON BULLYING AGAINST MINORS IN NIAGARA COUNTY

Section 1. Legislative Intent

Bullying has been a long-standing problem among school-aged children in Niagara County including cyber-bullying of minors. Victims of bullying suffer very real and serious emotional harm as a result of bullying incidents, often showing signs of depression, anxiety, social isolation, low self-esteem and declining school performance. This has increased even more so due to the effects on mental health from the Covid-19 Pandemic.

The Niagara County Legislature in 2011 enacted Local Law No. 3, which prohibited cyber-bullying in Niagara County, including penalties for those who engaged in cyber-bullying. A decade has passed since that time to find not only an increase in cyber-bullying, but also to all bullying against minors, not just in Niagara County, put throughout the entire United States.

Furthermore, bullying is exacerbated by the notion that the minors who are engaging in bullying are not being held accountable by their parent or guardian, particularly when that custodial parent or guardian has prior notice of the acts the minor is engaging in that constitute bullying. It is of utmost importance to protect the mental health of the children of Niagara County, which includes protecting them in any way possible from bullying.

Therefore, the purpose of this law is to prohibit bullying against Minors in Niagara County.

Section 2. Definitions

As used in this article, the following terms to have the meaning indicated:

- A. Bullying- a form of harassment and is defined as an intentional course of conduct which is reasonably likely to intimidate, emotionally abuse, slander, threaten another person and which serves no legitimate purpose. Acts shall include, but not be limited to, taunting, threatening, intimidating, insulting, tormenting, humiliating, disseminating embarrassing or sexually explicit photographs, either actual or modified, of a minor, disseminating the private, personal or sexual information, either factual or false of a minor or sending hate mail.
- B. County-the County of Niagara, New York
- C. Cyber-bullying- engaging in bullying as defined in Section 2 (A) by communicating or causing a communication to be sent by mechanical or electronic means, posting statements on the internet or through a computer network.
- D. Guardian-a person who, under court-order, is the guardian of the person of a minor; or a public or private agency with whom a minor has been placed by a court
- E. Harassment-any conduct, whether verbal physical, written or by means of any mode of communication which:
 - a. Is prohibited by New York State Penal Law Section 240.25, 240.26, 240.30, 240.31 or
 - b. Is any intentional course of conduct which is likely to create an intimidating, hostile or offensive environment and which serves no legitimate purpose.
- F. Minor-any natural person or individual under the age of eighteen (18)
- G. Parent- a natural parent, adoptive parents, stepparent or another person or other adult person having the lawful care and custody of the minor
- H. Person-any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint-stock association, or other entity or business organization of any kind.

Section 3. Prohibitions

It shall be unlawful for any person to engage in any bullying or harassment of a minor or induce another person to engage in such bullying or harassment.

It shall be unlawful for any custodial parent or guardian of any unemancipated minor, as defined in Section 2, to allow or permit such person to violate any provisions of this Local law. The fact that prior to the present offense a parent or guardian was informed, in writing, by a law enforcement officer of a separate

violation by the same minor occurring within 90 days prior to the present offense shall constitute a rebuttable presumption that such parent, guardian or custodian allowed or permitted the present violation.

Retaliation prohibited. No person shall retaliate against any person who reports any conduct which is prohibited by this Local Law.

This Local Law shall not be construed to apply to any constitutionally protected activity or speech.

Section 4. Penalties

Any person who knowingly violates the provisions of this local law shall be guilty of an unclassified misdemeanor punishable by a fine of up to \$1,000.00 and/or up to one year imprisonment.

Section 5. Applicability

This law shall apply to all actions occurring on or after the effective date of this law.

Section 6. Effective Date

This local law shall become effective immediately upon the filing with the Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.

Section 7. Severability

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

RESOLVED, that the Niagara County Legislature shall conduct a public hearing upon said proposed Local Law at the Legislative Chambers, Niagara County Courthouse, Lockport, New York, on 16th day of November, 2021 at 5:30 p.m., and be it further

RESOLVED, that the Clerk of the Niagara County Legislature, at least six 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 in the Lockport Union Sun & Journal and the Niagara Gazette; such notice shall contain the title of the Local Law and an abstract of the text to be prepared by the Clerk of the Legislature, with the assistance of the County Attorney's Office.

Referred to the Administration Committee.

APPOINTMENTS:

	<u>Appt.</u>	<u>Expires</u>
<u>COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY COMMITTEE:</u>		
Brian Michel, Assistant VP of Academic Affairs 3111 Saunders Settlement Road, Sanborn NY 14132 (Replaces John Butcher)	10/19/21	12/31/21
Maureen Henderson, Director NCCC Small Business Development 3111 Saunders Settlement Road, Sanborn NY 14132 (Replaces Lynn Oswald)	10/19/21	12/31/21
Moved by Collins, seconded by Robins.		
Adopted. 13 Ayes, 0 Noes, 2 Absent – Nemi, Steed.		

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

The Chairman declared the Board adjourned at 6:32 p.m., subject to the call of the Clerk.

Alysa T. Moran

Alysa T. Moran, Clerk