

OFFICIAL RECORD

Lockport, New York
February 15, 2022

The meeting was called to order by Chairman Wydysh at 6:00 p.m.

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

PRESENTATIONS:

Legislator Hill called Sheriff Filicetti to the lectern to be honored by the New York State Sheriff's Institute & Summer Camp for the Building Bridges Program was selected as the Innovative Program of the Year for its success in bringing Law enforcement and the community closer together and Corrections Officers Sheri Schwarts, Michael Schiavitti, Kelly Milks and Richard Blackburn were recognized as the Correction Officers of the Year for their efforts in successfully resolving an unprecedented hostage situation in the jail.

2 Citizens Spoke at this time.

Chairman Wydysh gave the 2022 State of the County Address. She provided a summary of the past year, while highlighting some key initiatives, and discussed goals for the upcoming year.

Motioned by Collins, second by Andres to enter into an Executive session at 7:00 p.m. for Union contract negotiations and pending lawsuit.

Motioned by Andres, second by Grozio adjourn the Executive Session at 7:33 p.m.

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

Resolution No. CW-003-22 was read at this time. (Appears in numerical order)

Resolution No. CW-004-22 was read at this time. (Appears in numerical order)

Resolution No. CW-005-22 was read at this time. (Appears in numerical order)

Resolution No. AD-004-22

From: Administration Committee.

Dated: February 15, 2022

REAL PROPERTY TAX CORRECTIONS/CANCELLATIONS NO. COE-2022 A

WHEREAS, the Director of Real Property Tax Services has received applications for refunds and / or corrections applicable to various outstanding Niagara County tax liens, or has been made aware that unenforceable tax liens exist upon certain real property owned by the State of New York and / or the United States, and

WHEREAS, the Director has investigated the claimed erroneous assessments and/or unenforceable liens in accordance with sections 554, 556, and 558 of the New York State Real Property Tax Law, now, therefore, be it

RESOLVED, that the applications and/or lien cancellations be approved and/or denied as set forth in the attached Exhibit No. COE-2022 A, which is made a part hereof, and subsequently be charged back to the applicable town, city, special district and school district within the County of Niagara.

Moved by Hill, seconded by Robins.
Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers.

Resolution No. AD-005-22

From: Administration Committee.

Dated: February 15, 2022

BUDGET MODIFICATION – DISTRIBUTION OF SALES TAX

WHEREAS, the County Treasurer's Office has reviewed the year-to-date distribution of county-wide sales tax revenue for 2021, and

WHEREAS, sales tax revenue for the fiscal year 2021, the final payment of which was received in January 2022, came in higher than anticipated and must be accrued back to 2021 per Generally Accepted Accounting Principles (GAAP), and

WHEREAS, such unanticipated increase in sales tax revenue has led the County to distribute higher than anticipated amounts of revenue to the local municipalities, and

WHEREAS, budget modifications for the 2021 fiscal year can continue to be made into the first quarter of 2022, now, therefore, be it

RESOLVED, the following budget modification be effectuated to the 2021 County budget:

INCREASE ESTIMATED REVENUE:

A.07.1985.000 41110.01 Sales and Use Tax General Distribution	\$8,924,964
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INCREASE APPROPRIATION:

A.07.1985.000 74500.01 Distribution of Sales Tax	\$8,924,964
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Moved by Hill, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers.

Resolution No. CS-004-22

From: Community Services and Administration Committees.

Dated: February 15, 2022

**NIAGARA COUNTY CLERK'S OFFICE
BUDGET MODIFICATION – DWYER GRANT**

WHEREAS, the New York State Legislature has awarded \$46,250 to Niagara County Veterans Service Agency to support a pilot program in the year 2022 for veterans suffering from PTSD, and

WHEREAS, the New York State Office of Mental Health will advance the Legislative grant funding to the Department in the total amount of \$46,250 upon receipt from the New York State Office of Mental Health to pass thru to the County, and

WHEREAS, the New York State Legislature has awarded \$185,000 to Niagara County Veterans Service Agency to support this pilot program in each of the past three years, and

WHEREAS, the Niagara County Clerk's Office acting as the pass thru department for aforementioned funding has adopted \$185,000 in its 2022 budget, and

WHEREAS, the 2022 budget will need to be modified to accommodate the lesser amount that has been awarded by the New York State Legislature, now, therefore, be it

RESOLVED, that the 2022 Budget be modified as follows:

DECREASE REVENUE:

A.10.1410.000.43490.01	MENTAL HEALTH PROGRAM GENERAL	\$138,750
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DECREASE APPROPRIATIONS:

A.10.1410.000.74400.09	MISC. EXPENSES PAYMENTS OTHER AGENCIES	\$138,750
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Moved by Hill, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers.

Resolution No. CS-005-22

From: Community Services and Administration Committees.

Dated: February 15, 2022

**ASSIGNMENT OF LICENSE AGREEMENT
DATASPEC/VETRASPEC TO TYLER TECHNOLOGIES**

WHEREAS, On February 18, 2020 the Niagara County Legislature via Resolution CS-016-20 permitted Niagara County to enter into a software license agreement with DataSpec, Inc. (VetraSpec) for the comprehensive digital records of case management files for the Niagara County Veterans Service Agency, and

WHEREAS, Paragraph 14 of the licensing agreement states that “neither party may assign this Agreement, in whole or in part, without the other party’s prior express written consent, which shall not be unreasonably withheld or delayed”, and

WHEREAS, DataSpec, Inc. (VetraSpec) was acquired by Tyler Technologies, and

WHEREAS, the Niagara County Veterans Services Agency, for the continued retention of its case management files requests that the Niagara County Legislature approve the assignment of the current contract to Tyler Technologies, and

WHEREAS, Assignment of the contract will be contingent upon Tyler Technologies following all of the conditions of the original agreement with DataSpec. In. (VetraSpec), now, therefore, be it

RESOLVED, that the Niagara County Legislature approves the assignment of the license agreement from DataSpec, Inc. (VetraSpec) to Tyler Technologies, and be it further

RESOLVED, that prior to the execution of the assignment agreement, the County Attorney will review the agreement 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 assignment agreement.

Moved by Hill, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers.

Resolution No. CS-006-22

From: Community Services and Administration Committees.

Dated: February 15, 2022

MH - 2022 BUDGET MODIFICATION – REAPPROPRIATE UNITED STATES DEPARTMENT OF JUSTICE (DOJ) COMPREHENSIVE OPIOID ABUSE SITE-BASED PROGRAM (COAP) GRANT FUNDS

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

WHEREAS, the Niagara County Department of Mental Health provides services to adults with mental illness and substance use disorders who are living in Niagara County, and

WHEREAS, Niagara County Department of Mental Health, on behalf of the Niagara County Opiate Taskforce (OASIS - Opioid Addiction/Overdose Strategy Implementation Standing Committee), has been awarded Comprehensive Opioid Abuse Site-based Program (COAP) Grant funding by the Office of Justice Programs at the U.S. Department of Justice, to participate in a locally driven response to the Opioid Epidemic, approved through Resolution #CS-051-19, and

WHEREAS, the Niagara County Department of Mental Health requests re-appropriation of the grant's balance to 2022, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated:

INCREASE REVENUES:

A.21.4310.000.44389.13	Comprehensive Opioid Abuse Site Program	\$ 37,000
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INCREASE APPROPRIATIONS:

A.21.4310.000.74500.01	Contractual Expenses	\$ 37,000
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Moved by Hill, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers.

Resolution No. CS-007-22

From: Community Services and Administration Committees.

Dated: February 15, 2022

MH - 2022 BUDGET MODIFICATION – RE-APPROPRIATE CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC) OVERDOSE TO ACTION (OD2A) GRANT FUNDS

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

WHEREAS, the Niagara County Department of Mental Health and Substance Abuse Services provides services to adults with mental illness and substance use disorders who are living in Niagara County, and

WHEREAS, the Centers for Disease Control and Prevention (CDC) awarded, through the New York State Department of Health, Overdose to Action (OD2A) Grant funds to Niagara County Department of Mental Health and Substance Abuse Services to facilitate locally driven efforts to curb the Opioid Epidemic approved through Resolution #CS-045-21, and

WHEREAS, Niagara County Department of Mental Health and Substance Abuse Services requests re-appropriation of the grants balance to 2022, now, therefore, be it

RESOLVED, that the following 2022 budget modifications be effectuated:

INCREASE REVENUES:

A.21.4310.000.44401.00	Public Health Federal Aid	\$ 63,267
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INCREASE APPROPRIATIONS:

A.21.4310.000.74250.01	Office Supplies	\$ 2,275
A.21.4310.000.74300.03	Travel, Mileage	1,282
A.21.4310.000.74500.01	Contractual Expenses	45,610
A.21.4310.000.74650.08	Consultants	14,100

Moved by Hill, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers.

Resolution No. CS-008-22

From: Community Services and Administration Committees.

Dated: February 15, 2022

**BUDGET MODIFICATION – REAPPROPRIATE MEDICAL RESERVE CORPS FUNDS
EMERGENCY PLANNING- DEPARTMENT OF HEALTH**

WHEREAS, the Emergency Planning Program of the Niagara County Department of Health provides services, information and training to protect the health and safety of the citizens of Niagara County, and

WHEREAS, the National Association of County & City Health Officials awarded Emergency Planning Program funds to assist in preparedness of Medical Reserve Corps approved through resolution CS-013-21, and

WHEREAS, the Department of Health requests re-appropriation of 2021 fund balance to 2022 budget, now, therefore, be it

RESOLVED, the budget modification be effectuated:

INCREASE REVENUE:

CM.20.4189.406 44489.24	Other Health MRC	\$ 5,163.76
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INCREASE APPROPRIATIONS:

CM.20.4189.406 74750.02	Supplies/Materials	\$ 5,163.76
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Moved by Hill, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers.

Resolution No. CS-009-22

From: Community Services and Administration Committees.

Dated: February 15, 2022

**BUDGET MODIFICATION – REAPPROPRIATE ELC COVID-19 ENHANCED DETECTION FUNDS
EMERGENCY PLANNING DIVISION - DEPARTMENT OF HEALTH**

WHEREAS, the Emergency Planning Division of the Niagara County Department of Health provides services, information and training to protect the health and safety of the citizens of Niagara County, and

WHEREAS, the New York State Department of Health awarded the Emergency Planning Division Center for Disease Control ELC (Epidemiology & Laboratory Capacity) COVID-19 Enhanced Detection funds to conduct

case, contact investigation, testing & vaccination activities for Corona Virus (COVID-19) approved through Resolution CS-036-21, and

WHEREAS, the Department of Health requests re-appropriation of 2021 budget award balance, now, therefore, be it

RESOLVED, the following budget modification be effectuated:

INCREASE REVENUE:

CM.20.4189.406 44489.08	Other Health Response	\$ 177,024.93
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INCREASE APPROPRIATIONS:

CM.20.4189.406 71030.00	Part Time	\$ 131,464.34
CM.20.4189.406 74750.02	Supplies	27,124.94
CM.20.4189.406 74750.12	General computer supplies	5,000.00
CM.20.4189.406 78200.00	FICA	10,057.02
CM.20.4189.406 78300.00	Worker's Compensation	3,378.63

Moved by Hill, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers.

Resolution No. CS-010-22

From: Community Services and Administration Committees.

Dated: February 15, 2022

**BUDGET MODIFICATION – REAPPROPRIATE ELC COVID-19 SCHOOL TESTING FUNDS
EMERGENCY PLANNING DIVISION - DEPARTMENT OF HEALTH**

WHEREAS, the Emergency Planning Division of the Niagara County Department of Health provides services, information and training to protect the health and safety of the citizens of Niagara County, and

WHEREAS, the New York State Department of Health has allocated Niagara County Department of Health center for Disease Control Health and Human Services funds to establish COVID-19 school screening testing programs to maintain in-person learning approved through Resolution CS-037-21, and

WHEREAS, the Department of Health requests re-appropriation of \$3,000,000 2021 unused budget balance to be used for supplies, per diem nurses and contractual testing, now, therefore, be it

RESOLVED, the following budget modification be effectuated:

INCREASE REVENUE:

CM.20.4189.406 44489.10	Other Health COVID-19 School Testing	\$ 3,000,000.00
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INCREASE APPROPRIATIONS:

CM.20.4189.406 71030.00	Part Time	\$ 200,000.00
CM.20.3189.406 74750.12	General Computer Supplies	\$ 5,000.00
CM.20.4189.406 74500.01	Contractual	\$ 2,774,560.00
CM.20.4189.406 78200.00	FICA	\$ 15,300.00
CM.20.4189.406 78300.00	Worker's Compensation	\$ 5,140.00

Moved by Hill, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers.

Resolution No. CS-011-22

From: Community Services and Administration Committees.

Dated: February 15, 2022

**BUDGET MODIFICATION –HEALTHY NEIGHBORHOODS PROGRAM-ENVIRONMENTAL
DIVISION-DEPARTMENT OF HEALTH**

WHEREAS, the Environmental Division of the Niagara County Department of Health provides essential services, information and training to protect the health and safety of the citizens of Niagara County, and

WHEREAS, the New York State Department of Health awarded the Environmental Division \$53,493 in additional Healthy Neighborhoods funding to be used April 1, 2022 through March 31, 2023, now, therefore, be it

RESOLVED, that the department is given authorization to accept this additional funding with the effectuation of the following budget modification:

INCREASE REVENUE:

CM.20.4189.406 44401.00 Public Health Federal Aid	\$ 53,493.00
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INCREASE APPROPRIATIONS:

CM.20.4189.405 74750.02 General Supplies	\$ 52,493.00
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CM.20.4189.405 74750.21 Gas & Oil	\$ 1,000.00
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Moved by Hill, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers.

Resolution No. CS-012-22

From: Community Services and Administration Committees.

Dated: February 15, 2022

**BUDGET MODIFICATION – ENVIRONMENTAL/NURSING DIVISIONS- CHILDHOOD LEAD
PRIMARY PREVENTION PROGRAM- DEPARTMENT OF HEALTH**

WHEREAS, the Environmental & Nursing Divisions of the Niagara County Department of Health provide essential services information and training to protect the citizens of Niagara County, and

WHEREAS, the New York State Department of Health has merged Nursing & Environmental Lead Programs under the Environmental Health and Food Protection Housing Hygiene Section umbrella adding additional funds to enhance the program, and

WHEREAS, the Niagara County Department of Health Environmental Division Childhood Lead Primary Prevention Program requests the following budget modification, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE REVENUE:

CM.20.4070.419 43450.03 Public Health Other Health Lead Grant	\$143,936
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INCREASE APPROPRIATIONS:

CM.20.4070.419 74750.02 Supplies/Materials	\$143,936
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Moved by Hill, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers.

Resolution No. CS-013-22

From: Community Services and Administration Committees.

Dated: February 15, 2022

**BUDGET MODIFICATION –ACCEPT ADDITIONAL IMMUNIZATION RESPONSE FUNDS-
NURSING DIVISION - DEPARTMENT OF HEALTH**

WHEREAS, the Nursing Division of the Niagara County Department of Health provides services, information and training to protect the health and safety of the citizens of Niagara County, and

WHEREAS, the New York State Department of Health has awarded federal COVID-19 Vaccine Response Funds (CFDA #93.268) to conduct activities to promote and increase COVID-19 and other vaccine uptake to be used between 1/1/2021 and 6/30/2024, and

WHEREAS, the funds will be used to purchase a clinic RV, and

WHEREAS, part of the funding was accepted through resolution CS-041-21, now, therefore, be it

RESOLVED, the following budget modification be effectuated:

INCREASE REVENUE:

CM.20.4189.404 44489.01 COVID Vaccine Response	\$395,707.99
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INCREASE APPROPRIATIONS:

CM.20.4189.404 72100.12 Machinery & Equipment Car, Vans	\$395,707.99
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Moved by Hill, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers.

Resolution No. CSS-017-22

From: Community Safety & Security and Administration Committees.

Dated: February 15, 2022

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION AND ACCEPT STATE FARM INSURANCE GRANT**

WHEREAS, the Niagara County Sheriff's Office was notified by State Farm Insurance that they are the recipient of a grant through their Good Neighbor Citizenship Grant in the amount of \$13,750 and

WHEREAS, the funds are designated to be used to keep kids safe in Niagara County by addressing young driver safety, bike safety and child car seat safety, and

WHEREAS, it is necessary to modify revenue and appropriations in the 2021 Budget in order to utilize the funding, 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 modifications be made:

INCREASE REVENUE:

CM.17.3989.303 42705.00	Gifts and Donations Revenue	\$13,750
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INCREASE APPROPRIATIONS:

CM.17.3989.303 74600.03 Training and Education \$13,750

Moved by Hill, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers.

Resolution No. CSS-018-22

From: Community Safety & Security and Administration Committees.

Dated: February 15, 2022

**NIAGARA COUNTY FIRE COORDINATOR'S OFFICE
2022 BUDGET MODIFICATION
ROLLOVER 2021 HOMELAND SECURITY UNSPENT FUNDS**

WHEREAS, Homeland Security funds were not fully expended in 2021, now, therefore, be it

RESOLVED, that the remaining funds for 2019 State Homeland Security Program (approved #CSS-072-19) and 2020 State Homeland Security Program (approved #CSS-056-20), be re-appropriated into the 2022 budget, and be it further

RESOLVED, that the remaining funds for 2020 Emergency Management Preparedness Grant (approved #CSS-047-21) and 2020 Hazardous Materials Emergency Preparedness Grant (approved #CSS-041-20), be re-appropriated into the 2022 budget and county contributions be re-appropriated from the Fund Balance, and be it further

RESOLVED, that the following 2022 budget modification be effectuated effective immediately:

INCREASE REVENUE: **SHSP19**

A.19.3645.000 44305.02	Civil Defense Homeland Security	\$178,802.44
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INCREASE APPROPRIATION: **SHSP19**

A.19.3645.000 72100.05	M&E Computer Equipment	\$ 10,090.54
A.19.3645.000 72100.15	M&E-Communications Equip	47,055.00
A.19.3645.000 74250.01	Office Supplies	6,965.04
A.19.3645.000 74500.02	Contr. Expense-Maint Contr.	48,101.28
A.19.3645.000 74750.02	General Supplies	36,451.55
A.19.3645.000 74800.01	Communication Supplies/Svc	15,066.56
A.19.3645.000 74800.10	Misc. Equipment <\$500	15,072.47

INCREASE REVENUE: ** SHSP20**

A.19.3645.000 44305.02	Civil Defense Homeland Security	\$399,959.86
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INCREASE APPROPRIATION: **SHSP20**

A.19.3645.000 72100.05	M&E Computer Equipment	\$ 62,837.40
A.19.3645.000 72100.14	M&E Misc. Equipment	53,664.00
A.19.3645.000 72100.15	M&E-Communications Equip	50,000.00
A.19.3645.000 74300.01	Travel, Conference	8,214.04
A.19.3645.000 74400.09	Misc. Expense Payments	3,454.36
A.19.3645.000 74500.01	Contractual Exp.	35,000.00
A.19.3645.000 74500.02	Contr. Expense-Maint Contr.	70,012.06
A.19.3645.000 74750.10	Hazardous Material Inventory	49,946.00
A.19.3645.000 74800.01	Communication Supplies/Svc	\$ 46,832.00
A.19.3645.000 74800.10	Misc. Equipment <\$500	20,000.00

INCREASE APPROPRIATION FUND BALANCE - ASSIGNED: **EMPG20**

A.40599.00	Appropriated Fund Balance	\$ 46,398.13
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INCREASE REVENUE: ** EMPG20**

A.19.3645.000 44305.02	Civil Defense HS	\$ 46,398.13
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INCREASE APPROPRIATION: ** EMPG20**

A.19.3645.000 72100.14	M&E-Misc. Equipment	\$ 79,796.26
A.19.3645.000 74300.01	Travel, Conference	6,000.00
A.19.3645.000 74800.10	Misc. Equipment <\$500	7,000.00

INCREASE APPROPRIATION FUND BALANCE - ASSIGNED: **HMEP20**

A.40599.00	Appropriated Fund Balance	\$ 636.20
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INCREASE REVENUE: ** HMEP20**

A.19.3645.000 44305.02	Civil Defense Homeland Security	\$ 2544.80
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INCREASE APPROPRIATION: ** HMEP20**

A.19.3645.000 72100.33	M&E HazMat Equipment	\$ 3181.00
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Moved by Hill, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers.

Resolution No. CSS-019-22

From: Community Safety & Security and Administration Committees.

Dated: February 15, 2022

**ABOLISH CONFIDENTIAL SECRETARY
CREATE AND FILL ACCOUNT CLERICAL 1**

WHEREAS, due to a personnel vacancy within the Fire Coordinator & Emergency Services Department, the department has reviewed its operational needs in order to provide operations and assistance to the fire and emergency services of Niagara County, and

WHEREAS, after studying the services we provide and evaluating all options, it has been determined that it would be in the best interest of the department, to abolish the full time Confidential Secretary and to create and fill with a full time Account Clerical 1, and

WHEREAS, funding for this newly created position is readily available in the current budget as this is a lower level position, now, therefore, be it

RESOLVED, that Position No. 04738, Confidential Secretary, Group 4, at \$27.50 be abolished, effective February 16, 2022, and be it further

RESOLVED, that the position of Account Clerical 1, CSEA, Group 4, at \$18.48 per hour be created and filled, effective February 16, 2022.

Moved by Hill, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers.

Resolution No. CSS-020-22

From: Community Safety & Security and Administration Committees.

Dated: February 15, 2022

**2022 PROBATION SOFTWARE MAINTENANCE AGREEMENT
FOR CASELOAD EXPLORER**

WHEREAS, the Niagara County Probation Department has been using the Caseload Explorer case management software system since 2008, and

WHEREAS, Caseload Explorer is used by the Probation Department to track and manage all aspects of Probation cases, generate reports used to effectively manage and ensure efficiency in the Probation Department, automatically update the NYS Integrated Probation Registration System, NYS criminal history records, the DCJS Sex Offender Registry, and the statewide Pre-Sentence Investigation Repository as well as generate data and reports required by NYS to ensure continued funding, and

WHEREAS, AutoMon, LLC is the only company to offer Caseload Explorer, and Caseload Explorer is the only probation case management software system with access to the aforementioned state systems and the ability to generate the specific data reports required by NYS Department of Criminal Justice Services, and

WHEREAS, the maintenance costs and user fees associated with Caseload Explorer are included in the 2022 Niagara County Budget Request, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby determine that AutoMon, LLC is the "sole source" of the software needed by the Probation Department, and soliciting alternate proposals is therefore, not feasible, and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to sign the software maintenance agreement for Caseload Explorer in the amount of \$15,671.77 for the period of 1/1/2022 through 12/31/2022, subject to approval by the County Attorney's Office.

Moved by Hill, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers.

Resolution No. CSS-021-22

From: Community Safety & Security and Administration Committees.

Dated: February 15, 2022

**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 Hill, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers.

Resolution No. CW-002-22

From: Committee of the Whole.

Dated: February 15, 2022

**TRANSFER OF 6805 DAY ROAD PROPERTY HOME RULE MESSAGE
SENATE BILL NO. S.6313-A AND ASSEMBLY BILL NO. A.7837-A**

WHEREAS, the County of Niagara received certain lands from transfers in 1962 on the condition that they be used for park and recreational purposes, and

WHEREAS, the County of Niagara has not pursued the development of these lands and does not have any immediate plans to do so and the Town of Lockport expressed an interest in November of 2020 in acquiring this land and developing on the land, park and recreational activities, and

WHEREAS, by Resolution No. IF-013-21, the County authorized the entering into an agreement to transfer premises known as 6805 Day Road, identified by Tax SBL #110.00-1-30.1, and requesting the New York State Senate and the New York State Assembly to initiate legislation; to execute all further necessary paperwork to accomplish the transfer pursuant to that agreement, and

WHEREAS, the property is further described in the following proposed legal description:

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Lockport, County of Niagara, and State of New York, being part of Lot 8, Section 10, Township 14, Range 6 of the Holland Land Company's Survey, more particularly described as follows:

Commencing at a point of intersection of the centerline of East High Street (being 66.0 feet wide), also being the south line of Lot 8 and the extension of the west line of Day Road (being 66.0 feet wide), said point also being the southeasterly corner of lands conveyed to the Town of Lockport as filed by deed in the Niagara County Clerk's Office in Liber 3378 of Deeds at Page 281;

Thence, N 06° -49' -50" W, along the west line of Day road, also being the east line said lands conveyed to the Town of Lockport, a distance of 1780.00 feet to the Point of Beginning;

Thence, N 90° -00' -00" W, parallel with the centerline of East High Street, also being the north line said lands conveyed to the Town of Lockport, a distance of 1190.73 feet to a point on the west line Lot 8;

Thence, N 05° -49' -31" W, along said west line Lot 8, a distance of 2213.82 feet to a point on the north line Lot 8;

Thence, N 89° -55' -46" E, along said north line Lot 8, a distance of 1151.45 feet to a point on the west line Day Road, also being the west line lands conveyed to the Town of Lockport as filed by deed in the Niagara County Clerk's Office in Liber 1295 of Deeds at Page 105;

Thence, S 06° -49' -50" E, along said west line of lands conveyed to the Town of Lockport, a distance of 2219.56 feet to the Point of Beginning. Containing 58.23 acres of land, more or less.

WHEREAS, as part of the agreement of transfer, the Town of Lockport shall continue to make all park areas and improvements equally available to both Town and County residents and shall not enact any fees or charges which are higher for any County residents who are not Town residents, and

WHEREAS, the Town of Lockport shall continue to comply with Article 6-C of the Conservation Law of the State of New York as it existed at the time the County acquired title to said property, and

WHEREAS, the transfer of the Day Road property is dependent upon the approval of the New York State Legislature, now, therefore, be it

RESOLVED, that pursuant to Article IX of the Constitution, the Niagara County Legislature requests that the New York State Legislature enact legislation, Senate Bill S.6313-A and Assembly Bill A.7837-A, enabling the transfer of 6805 Day Road property, in the Town of Lockport (SBL #110.00-1-30.1) to the Town of Lockport, and be it further

RESOLVED, that copies of this resolution be forwarded to the New York State Senate, the New York State Assembly, Senator Robert G. Ortt, Assemblyman Michael J. Norris and Assemblyman Angelo J. Morinello.
Moved by Collins, seconded by Foti.
Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers.

Resolution No. CW-003-22

From: Committee of the Whole.

Dated: February 15, 2022

**RATIFICATION OF AGREEMENT BETWEEN THE UNITED STEEL WORKERS
INTERNATIONAL UNION FOR AND ON BEHALF OF ITS LOCAL 2002 NIAGARA COUNTY
PROBATION OFFICERS ASSOCIATION AND
THE COUNTY OF NIAGARA**

WHEREAS, the County of Niagara, and the United Steel Workers International Union, for and on behalf of its Local 2002 Niagara County Probation Officers Association (Probation Union) have reached a Tentative Agreement ("the Agreement") for the period of January 1, 2022 through December 31, 2026, and

WHEREAS, said Agreement was ratified by the Probation Union on January 18, 2022, and

WHEREAS, funds are available in the 2022 budgeted appropriations to carry out the fiscal obligations in the 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 February 15, 2022, the Agreement will be approved as the final ratified Agreement between the parties for the period of January 1, 2022 through December 31, 2026, 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 2022 budget modification be effectuated:

INCREASE APPROPRIATION:

A.18.3140.000	71010.00	Position	74,961
A.18.3140.000	71050.00	Overtime	671
A.18.3140.000	71060.00	Beeper Pay	689
A.18.3140.000	71070.00	Shift Differential	400
A.18.3140.000	78100.00	Retirement	9,712
A.18.3140.000	78200.00	FICA	5,984
A.18.3140.000	78300.00	Worker's Comp	<u>2,009</u>
			94,426

DECREASED APPROPRIATION:

A.08.1991.000	74500.01	Gen Gov't Support	94,426
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Moved by Abbott, seconded by Grozio.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers.

Resolution No. CW-004-22

From: Committee of the Whole.

Dated: February 15, 2022

**RATIFICATION OF AGREEMENT BETWEEN THE UNITED STEEL WORKERS
INTERNATIONAL UNION ON BEHALF OF ITS LOCAL 2001 NIAGARA COUNTY
SHERIFF'S POLICE BENEVOLENT ASSOCIATION AND
THE COUNTY OF NIAGARA**

WHEREAS, the County of Niagara, the Sheriff of the County of Niagara, and the United Steel Workers International Union on behalf of its Local 2001 Niagara County Sheriff's Police Benevolent Association (PBA Union) have reached a Tentative Agreement ("the Agreement") for the period of January 1, 2022 through December 31, 2026, and

WHEREAS, said Agreement was ratified by the PBA Union on February 10, 2022, and

WHEREAS, funds are available in the 2022 budgeted appropriations and fund balance to carry out the fiscal obligations in the 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 February 15, 2022, the Agreement will be approved as the final ratified Agreement between the parties for the period of January 1, 2022 through December 31, 2026, 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 2022 budget modification be effectuated:

INCREASE APPROPRIATION:

A.17.3110.000 71010.00	Position	\$253,936
A.17.3110.000 71031.00	Court Time	878
A.17.3110.000 71032.00	Training Allowance	36,354
A.17.3110.000 71033.00	Job Parity	302
A.17.3110.000 71034.00	Briefing Time	16,773
A.17.3110.000 71050.00	Overtime	83,235
A.17.3110.000 71055.00	On Call	2,992
A.17.3110.000 71070.00	Shift Differential	38,775
A.17.3110.000 71085.00	Sick Leave Incentive	588
A.17.3110.000 78100.00	Retirement	94,880
A.17.3110.000 78200.00	FICA	33,189
A.17.3110.000 78300.00	Worker's Comp	11,150
A.17.3989.301 71010.00	Position	5,628
A.17.3989.301 71032.00	Training Allowance	816
A.17.3989.301 71034.00	Briefing Time	228
A.17.3989.301 71050.00	Overtime	28
A.17.3989.301 71085.00	Sick Leave Incentive	18
A.17.3989.30178100.00	Retirement	1,470
A.17.3989.30178200.00	FICA	514
A.17.3989.30178300.00	Worker's Comp	173
		<u>\$581,927</u>

DECREASE APPROPRIATION:

A.08.1991.000 74500.01	General Government Support	\$329,256
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INCREASE REVENUE:

A.17.3989.301 41510.02	Fraud Investigation	\$ 8,875
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INCREASE APPROPRIATED FUND BALANCE:

A 40599.00	Appropriated Fund Balance	\$243,796
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Moved by Hill, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers.

Resolution No. CW-005-22

From: Committee of the Whole.

Dated: February 15, 2022

**CLAIM SETTLEMENT
VICTOR D. LAMAR AND COURTNEY LAMAR VS.
COUNTY OF NIAGARA AND PATRICK M. KENNEY JR.
NIAGARA COUNTY INDEX NO. E158809/2016**

WHEREAS, the County of Niagara self-insures its general liability coverage, and

WHEREAS, such loss fund is fully funded and separate from the General fund, and

WHEREAS, the County Legislature is authorized under Section 6-N of the General Municipal Law to approve claim settlements in excess of \$25, 000.00, and

WHEREAS, on October 13, 2015 Victor D. Lamar was injured in a motor vehicle accident involving a vehicle owned and operated by Niagara County, and

WHEREAS, the case Victor D. Lamar and Courtney Lamar vs. County of Niagara and Patrick M. Kenney, Jr. now presents an opportunity for settlement thereby avoiding additional litigation, trial and adverse judicial determinations, now, therefore, be it

RESOLVED, that the authority to disburse the Victor D. Lamar and Courtney Lamar vs. County of Niagara and Patrick M. Kenney, Jr., litigation, in settlement, is given to the Risk & Insurance Manager in the amount of \$275,000.00 upon completion and receipt of a General Release for Niagara County, Patrick M. Kenney, Jr. and all other agents and employees of Niagara County and Stipulation of Discontinuance from plaintiff's and County's counsel.

Moved by Gooch, seconded by Elder.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers.

Resolution No. ED-003-22

From: Economic Development and Administration Committees.

Dated: February 15, 2022

**DEPARTMENT OF ECONOMIC DEVELOPMENT
CREATE NIAGARA COUNTY FAÇADE PROGRAM**

WHEREAS, Niagara County has received funds from the Coronavirus State and Local Fiscal Recovery Fund (CSLFRF), a part of the American Rescue Plan Act, and

WHEREAS, the Coronavirus State and Local Fiscal Recovery Fund (CSLFRF), American Rescue Plan Act, Small Business Economic Assistance, provides aid for small businesses to respond to the negative economic impacts of the COVID-19 public health crisis, and

WHEREAS, the Niagara County Legislature recognizes the importance of exterior capital improvements to individual businesses and business districts, and

WHEREAS, the Niagara County Legislature will allocate funding for the redevelopment of small business facades along our commercial corridors, for those businesses which suffered negative economic impact as a result of the COVID-19 public health emergency, and

WHEREAS, the Department of Economic Development will develop a façade program to facilitate said investment, within the parameters of the American Rescue Plan, and

WHEREAS, the Department of Economic Development hereby requests that the Niagara County Legislature allocate \$3,000,000 towards the creation of a façade program, now, therefore, be it

RESOLVED, that the following budget modification be effectuated and capital project created:

INCREASE REVENUE:

A.28.8020.815 44089.07	ARPA State/Local Rec Fund	\$3,000,000
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INCREASE APPROPRIATIONS:

A.28.8020.815 74500.01	Contractual	\$3,000,000
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Moved by Hill, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers.

Resolution No. ED-006-22

From: Economic Development Committee.

Dated: February 15, 2022

**AWARD CONTRACT FOR
INDUSTRIAL PARK MASTER SITE DEVELOPMENT PLAN**

WHEREAS, Niagara County suffers from a lack of development ready industrial space, and

WHEREAS, Niagara County cannot remain competitive with neighboring counties in New York State or with other localities in the United States without available sites to attract new investment, and

WHEREAS, the Niagara County Economic Development Committee has recognized this issue and supports the prioritized of site development, and

WHEREAS, the Niagara County Department of Economic Development continues to assess and identify sites that are feasible for future industrial and commercial use, and

WHEREAS, the Niagara County Department of Economic Development identified a 60-acres County owned site on Junction Road (SBL #107.00-2-32), in the Town of Cambria as ideally suited for a new industrial park, and

WHEREAS, Request for Proposals 2021-51 was issued for development of a master site development plan that includes planning, engineering, and design services necessary to create a new industrial park, and

WHEREAS three proposals were received and reviewed by the Niagara County Department of Economic Development, and

WHEREAS, a recommendation was issued to select Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, PC., who was the lowest responsible bidder, at a cost of \$156,865, and

WHEREAS, funds are available in account H734.28.8020.000 72400.00, Site Development Project, now, therefore, be it

RESOLVED, that the Chairman of the Legislature is hereby authorized to execute an agreement (with a not to exceed cost of \$156,865), and all related documents associated with this project between Niagara County and Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, PC, all subject to review and approval by the County Attorney.

Moved by Hill, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers.

Resolution No. ED-008-22

From: Economic Development and Administration Committees.

Dated: February 15, 2022

**RESOLUTION OF THE NIAGARA COUNTY LEGISLATURE, AS THE ELECTED
LEGISLATIVE BODY OF NIAGARA COUNTY, NEW YORK, IN ACCORDANCE
WITH SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED
(THE "CODE"), APPROVING THE ISSUANCE BY THE NIAGARA AREA DEVELOPMENT
CORPORATION OF UP TO \$90,000,000 MAXIMUM PRINCIPAL AMOUNT OF TAX-EXEMPT
AND/OR TAXABLE MULTI-MODAL REVENUE BONDS
(CATHOLIC HEALTH SYSTEM, INC. PROJECT), SERIES 2022**

WHEREAS, the Niagara County Legislature (the "Legislature"), as the elected legislative body of Niagara County, New York (the "County") has been advised by the Niagara Area Development Corporation (the "Issuer") that, in order to assist in the financing of a certain Lockport Project and St. Mary's Project (each as defined below) for the benefit of Catholic Health System, Inc., a New York not-for-profit corporation and an organization described in Section 501(c)(3) of the Code, its successors or designees (collectively, the "Corporation"), on behalf of itself and Mercy Hospital of Buffalo ("Mercy"), Sisters of Charity Hospital of Buffalo, New York ("Sisters"), Kenmore Mercy Hospital ("Kenmore"), Mount St. Mary's Hospital of Niagara Falls ("MSM"), McAuley-Seton Home Care Corporation ("McAuley") and Niagara Homemaker Services, Inc. d/b/a Mercy Home Care ("Niagara"; and, together with the Corporation, Mercy, Sisters, Kenmore, MSM and McAuley, the "Obligated Group"), the Issuer proposes to issue, contingent upon the adoption of this Resolution, its Tax-Exempt and/or Taxable Multi-Modal Revenue Bonds (Catholic Health System, Inc. Project), Series 2022 in the maximum aggregate principal amount not to exceed \$90,000,000 (the "Series 2022 Bonds"), for the purpose of financing or refinancing the Lockport Project, the Mercy Project, the Sisters Project, the Kenmore Project, and the St. Mary's Project (each as defined below), and

WHEREAS, the Lockport Project consists of: (A) the property acquisition, site development, planning, design, construction and operation of an approximately 63,000 square foot micro-hospital facility and (B) the acquisition and installation of certain equipment. The owner of the Lockport Project will be the Corporation or a member of the Obligated Group. The maximum principal amount of Series 2022 Bonds to be issued for the Lockport Project is \$60,991,425, and

WHEREAS, the Mercy Project consists of: (A)(i) the renovation, reconstruction and rehabilitation of certain infrastructure relating to certain cardiac catheterization laboratory space and (ii) the acquisition and replacement of certain related equipment, (B) the renovation and rehabilitation of certain hydraulic elevator systems, and (C) the repointing of all or a portion of certain exterior joints. The owner of the Mercy Project will be the Corporation or a member of the Obligated Group. The maximum principal amount of Series 2022 Bonds to be issued for the Mercy Project is \$17,165,469, and

WHEREAS, the Sisters Project consists of: (A) the renovation, reconstruction, rehabilitation and upgrading of certain pathology related space and certain equipment associated therewith, (B) the renovation and rehabilitation of certain hydraulic elevator systems, (C) the acquisition and installation of certain equipment, and (D) the repointing of all or a portion of certain exterior joints. The owner of the Sisters Project will be the Corporation or a member of the Obligated Group. The maximum principal amount of Series 2022 Bonds to be issued for the Sisters Project is \$6,520,257, and

WHEREAS, the Kenmore Project consists of: (A) the renovation and rehabilitation of certain hydraulic elevator systems, (B) the acquisition and installation of certain equipment, and (C) the repointing of all or a portion of certain exterior joints. The owner of the Kenmore Project will be the Corporation or a member of the Obligated Group. The maximum principal amount of Series 2022 Bonds to be issued for the Kenmore Project is \$2,143,029, and

WHEREAS, the St. Mary's Project consists of: (A) the renovation and rehabilitation of certain hydraulic elevator systems, (B) the acquisition and installation of certain equipment, and (C) the repointing of all or a portion of certain exterior joints. The owner of the St. Mary's Project will be the Corporation or a member of the Obligated Group. The maximum principal amount of Series 2022 Bonds to be issued for the St. Mary's Project is \$3,179,820, and

WHEREAS, pursuant to Article 8 of the New York Environmental Conservation Law and the regulations promulgated thereto at 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"), the Issuer determined that the Mercy Project, the Sisters Project, the Kenmore Project and the St. Mary's Project each constitute a "Type II Action" as said term is defined in SEQRA, and therefore no further action is required to be taken under SEQRA, and

WHEREAS, the Town of Lockport Planning Board (the "Planning Board") reviewed the Lockport Project pursuant to SEQRA and related Environmental Assessment Form ("EAF") and issues a Negative Declaration on July 23, 2021, determining that the Lockport Project does not pose a potential significant adverse environmental impact, whereby the Issuer, having reviewed the materials presented by the Corporation, including, but not limited to, the Negative Declaration and related EAF, further determined that the Lockport Project did not pose a potential significant adverse environmental impact and thus ratified the Negative Declaration previously issued by the Planning Board pursuant to 6 N.Y.C.R.R. Part 617.7, and

WHEREAS, pursuant to Section 147(f) of the Code, interest on the Series 2022 Bonds will not be excluded from gross income for Federal income tax purposes unless the issuance of the Series 2022 Bonds is approved by the County Legislature and the County Executive of Erie County, New York ("Erie County") after a joint public hearing to consider both the issuance of the Series 2022 Bonds and the nature and location of the facilities located within the County and Erie County financed therewith has been conducted following reasonable public notice, and

WHEREAS, on January 21, 2022, the Issuer and Erie County held such a joint public hearing upon proper notice in compliance with the Code, with access to the general public being provided by toll-free telephone number (in accordance with Internal Revenue Service Revenue Procedure 2021-39), and

WHEREAS, to aid the Legislature in its deliberations, the Issuer has made available to the members of the Legislature prior to this meeting (a) the Corporation's application to the Issuer for financial assistance; (b) the notice of public hearing posted by the County on January 14, 2022, on the County's website, together with proof of posting the notice of public hearing on the County's website, (c) the minutes of such public hearing held on January 21, 2022; and (d) the Issuer's Bond Resolution, adopted on September 29, 2021, with respect to the proposed issuance of the Series 2022 Bonds, and

WHEREAS, the Legislature, after due consideration of the foregoing, as the "applicable elected representative" of Niagara County, New York, within the meaning of Section 147(f)(2)(E) of the Code, desires to approve the issuance of the Series 2022 Bonds and the application of up to \$90,000,000 maximum principal amount thereof to finance or refinance the Lockport Project, the Mercy Project, the Sisters Project, the Kenmore Project and the St. Mary's Project, provided the principal, premium, if any, and interest on the Series 2022 Bonds shall be special obligations of the Issuer and shall never be a debt of the State of New York (the "State") or any political subdivision thereof including, without limitation, Niagara County, New York and neither the State nor any political subdivision thereof including, without limitation, Niagara County, New York shall be liable, now, therefore, be it

RESOLVED, by the Niagara County Legislature as follows:

Section 1. For the purpose of satisfying the approval requirement of Section 147(f) of the Code, the Legislature hereby gives its approval of the issuance by the Issuer of the Series 2022 Bonds, and the application thereof to finance or refinance the Lockport Project, the Mercy Project, the Sisters Project, the Kenmore Project and the St. Mary's Project; *provided that*, the Series 2022 Bonds, and the premium (if any) and interest thereon, shall be special obligations of the Issuer and shall never be a debt of the State of New York or any political subdivision thereof including, without limitation, Niagara County, New York and neither the State of New York nor any political subdivision thereof including, without limitation, Niagara County, New York, shall be liable thereon.

Section 2. This Resolution shall be deemed to be made for the benefit of the holders of the Series 2022 Bonds.

Section 3. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Irene M. Myers	[]	[]	[]	[X]
Rebecca J. Wydysh	[X]	[]	[]	[]
Mark J. Grozio	[X]	[]	[]	[]
Jeffrey Elder	[X]	[]	[]	[]
Christopher A. Robins	[X]	[]	[]	[]
Christopher Voccio	[X]	[]	[]	[]
Jesse P. Gooch	[X]	[]	[]	[]
Richard L. Andres Jr.	[X]	[]	[]	[]
Randy R. Bradt	[]	[]	[]	[X]
David E. Godfrey	[]	[]	[]	[X]
Anthony J. Nemi	[X]	[]	[]	[]
William J. Collins Sr.	[X]	[]	[]	[]
Richard E. Abbott	[X]	[]	[]	[]
Shawn A. Foti	[X]	[]	[]	[]
Michael A. Hill	[X]	[]	[]	[]

The Resolutions were thereupon duly adopted.

Resolution No. IF-011-22

From: Infrastructure & Facilities Committee.

Dated: February 15, 2022

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA
AND THE OLCOTT LION'S CLUB**

WHEREAS, the Olcott Lions Club has requested that the County of Niagara grant them permission to use the north section of Krull Park on March 6, 2022 for the purpose of holding the annual charity event known as the Lion's Club Polar Swim for Sight, and

WHEREAS, this event has been successful for many years in attracting thousands of visitors from across Niagara County and Greater Western New York in order to raise money for Lion's Club sight and other charity programs, and

WHEREAS, The Lion's Club has also raised money through this event for improvements which benefit Krull Park, the surrounding community and Niagara County as a whole, and

WHEREAS, it is the wish of the Olcott Lion's Club to hold the Lion's Club Polar Bear Swim for Sight on March 6, 2022, and

WHEREAS, the event coordinator will provide all insurances required by the Risk Management Office, and agree to cover all extraordinary expenses associated with event, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Olcott Lion's Club, 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 the terms and conditions of the agreement between the County of Niagara and the Olcott Lion's Club, as appears on the proposed agreement, is hereby approved in all respects, 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 Hill, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers

Resolution No. IF-012-22

From: Infrastructure & Facilities Committee.

Dated: February 15, 2022

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND NEWFANE CENTRAL SCHOOL

WHEREAS, the Newfane Central School has requested that the County of Niagara grant them permission to use a portion of Krull Park for the purpose of holding a Graduation Ceremony, and

WHEREAS, it is the wish of the Newfane Central School to hold the Graduation Ceremony on June 25, 2022, and

WHEREAS, the event coordinator will provide all insurances required by the Risk Management Office, and agree to cover all extraordinary expenses associated with event, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Newfane Central School, and

WHEREAS, prior to the execution of the License Agreement between the County of Niagara and Newfane Central School, the County Attorney will review said Agreement for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that, following the County Attorney's review, the Chair of the County Legislature be, and hereby is, authorized to execute the License Agreement between the County of Niagara and Newfane Central School.

Moved by Hill, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers

Resolution No. IF-013-22

From: Infrastructure & Facilities Committee.

Dated: February 15, 2022

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE SOCCER SHOTS BUFFALO

WHEREAS, Soccer Shots Buffalo has requested that the County of Niagara grant them exclusive rights to operate a youth soccer program in a section of Oppenheim Park, and also a section at the West Canal Marina, and

WHEREAS, such program is operated on a not-for-profit basis, and

WHEREAS, the event coordinator will provide all insurances required by the Risk Management Office, and agree to cover all extraordinary expenses associated with event, and

WHEREAS, prior to the execution of the License Agreement between the County of Niagara and Soccer Shots

Buffalo, the County Attorney will review said Agreement for approval as to legal form, language and compliance, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Soccer Shots Buffalo, now, therefore, be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and Soccer Shots Buffalo, as appears on the proposed agreement, is hereby approved in all respects, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the County Legislature be, and hereby is, authorized to execute the License Agreement between the County of Niagara and Soccer Shots Buffalo.

Moved by Hill, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers

Resolution No. IF-014-22

From: Infrastructure & Facilities Committee.

Dated: February 15, 2022

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE TOWN OF WHEATFIELD

WHEREAS, the Town of Wheatfield has requested that the County of Niagara grant them permission to use Oppenheim Park for the purpose of holding a July 4th fireworks display, and

WHEREAS, it is the wish of the Town of Wheatfield to hold the fireworks display on July 4, 2022, and

WHEREAS, the event coordinator will provide all insurances required by the Risk Management Office, and agree to cover all extraordinary expenses associated with event, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Town of Wheatfield, now, therefore, be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Town of Wheatfield, as appears on the proposed agreement, is hereby approved in all respects, and be it further

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

Moved by Hill, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers

Resolution No. IF-015-22

From: Infrastructure & Facilities Committee.

Dated: February 15, 2022

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA
AND iRUN WNY, INC.**

WHEREAS, iRun WNY, Inc. has requested that the County of Niagara grant them permission to use the north section of Clyde L Burmaster Park and the available shelters for the purpose of holding a "Bond Lake Trail Run", and

WHEREAS, it is the wish of the organizers to hold the Bond Lake Trail Run on May 29, 2022, June 26, 2022,

and July 17, 2022, and

WHEREAS, the event coordinator will provide all insurances required by the Risk Management Office, and agree to cover all extraordinary expenses associated with event, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with iRun WNY, Inc., and

WHEREAS, prior to the execution of the License Agreement between the County of Niagara and iRun WNY, Inc., the County Attorney will review said Agreement for approval as to legal form, language, and compliance, now, therefore, be it

RESOLVED, that following the County Attorney's review, the Chairman of the County Legislature be, and hereby is authorized to execute the License Agreement between the County of Niagara and iRun WNY, Inc. Moved by Hill, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers

Resolution No. IF-016-22

From: Infrastructure & Facilities and Administration Committees.

Dated: February 15, 2022

GOLF COURSE TEMPORARY POSITION CREATE AND FILL

WHEREAS, the Niagara County Golf Course is managed by the Golf Director, and

WHEREAS, the Golf Director has recently submitted retirement papers to the NYS Retirement system, and

WHEREAS, the Commissioner of DPW has determined that in order to enable for a successful transition of personnel, that a temporary Golf Director position be created to allow the outgoing Golf Director to provide on the job training and guidance to the newly hired Golf Director, and

WHEREAS, this approach will enable the successful knowledge transfer of the outgoing Golf Director to the newly hired Golf Director, now, therefore, be it

RESOLVED, that one (1) Golf Director temporary position be created effective, February 16, 2022, and last for sixty (60) days with a total cost not to exceed \$11,694, and be it further

RESOLVED, that the following budget modification be effectuated:

DECREASE APPROPRIATIONS:

A.15.7110.000.71010.00.13579	Positions – Groundskeeper/Equipment Operator	\$8,387
A.15.7110.000.78100.00	Retirement Expense	688
A.15.7110.000.78200.00	FICA Expense	642
A.15.7110.000.78300.00	Worker's Compensation Expense	216
A.15.7110.000.78400.01	Insurance, Health Active Hospital	1,218
A.15.7110.000.78400.05	Insurance, HRA Employer Contribution	142
A.15.7110.000.78800.00	Flex 125	403

INCREASE APPROPRIATIONS:

A.15.9901.000 79010.00	Interfund Transfers to Other Funds	\$11,694
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INCREASE ESTIMATED REVENUE:

ER.26.7140.000 45031.00	Interfund Transfers from Operating	\$11,694
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INCREASE APPROPRIATIONS:

ER.26.7140.000 71010.00 XX	Positions – Golf Director Temp.	\$8,387
ER.26.7140.000.78100.00	Retirement Expense	688
ER.26.7140.000.78200.00	FICA Expense	642
ER.26.7140.000.78300.00	Worker's Compensation Expense	\$ 216
ER.26.7140.000.78400.01	Insurance, Health Active Hospital	1,218
ER.26.7140.000.78400.05	Insurance, HRA Employer Contribution	142
ER.26.7140.000.78800.00	Flex 125	403

Moved by Hill, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers

Resolution No. IF-017-22

From: Infrastructure & Facilities and Administration Committees.

Dated: February 15, 2022

BUILDING IMPROVEMENTS - CONFLICT ATTORNEY

WHEREAS, the Conflict Attorney currently operates in the first floor of a house located on the Niagara County Courthouse Campus, and

WHEREAS, the Conflict Attorney requires additional office space and renovations are necessary to make this larger office space area fit the needs of the department, and

WHEREAS, the Conflict Attorney has agreed to reimburse Niagara County for the costs incurred for such renovation, not to exceed \$18,000, now, therefore, be it

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

INCREASE ANTICIPATED REVENUE:

H735.15.1620.000 41289.02	Other Government Reimb.	\$18,000
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INCREASE ANTICIPATED EXPENSES:

H735.15.1620.000 72200.01	Civil Defense Building	\$18,000
	Improvements-Basement	

Moved by Hill, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers

Resolution No. IF-018-22

From: Infrastructure & Facilities and Administration Committees.

Dated: February 15, 2022

**BEAR RIDGE ROAD BRIDGE OVER AN UNNAMED STREAM
CONSULTANT - FINAL PAYMENT**

WHEREAS, Resolution No. IF-101-20, dated September 15, 2020, authorized the contract for consultant services for the Bear Ridge Road Bridge over an Unnamed Stream Project to C&S Engineers, Inc., 499 Col. Eileen Collins Blvd., Syracuse, NY 13212, for an amount not to exceed \$99,000, and

WHEREAS, Resolution No. IF-056-21, dated May 11, 2021, authorized Amendment No. 1 to increase the contract in the amount of \$83,000 for construction inspection and construction administration, for a revised contract amount of \$182,000, and

WHEREAS, the contract has been completed to specifications for the contract amount of \$182,000, and

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

RESOLVED, that final payment is authorized to be processed to C&S Engineers, Inc., 499 Col. Eileen Collins Blvd., Syracuse, NY 13212, for a final contract amount of \$182,000, 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 Hill, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers

Resolution No. IF-019-22

From: Infrastructure & Facilities and Administration Committees.

Dated: February 15, 2022

**REPLACEMENT OF UPPER MOUNTAIN ROAD CULVERT OVER FISH CREEK
AND REPLACEMENT OF LOCKPORT ROAD CULVERT OVER CAYUGA CREEK
CHANGE ORDER NO. 1 - FINAL**

WHEREAS, by Resolution No. CW-015-20, dated May 12, 2020, the Legislature awarded the contract for the Replacement of the Upper Mountain Road Culvert over Fish Creek and Replacement of the Lockport Road Culvert over Cayuga Creek Project to Hunting Valley Construction, 825 Rein Road, Cheektowaga, NY 14225, for a contract amount of \$1,096,351.00, and

WHEREAS, it is necessary to decrease the contract in the amount of \$25,371.01 for final quantities adjustments, for a revised contract amount of \$1,070,979.99, 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 \$25,371.01 for the Replacement of the Upper Mountain Road Culvert over Fish Creek and Replacement of the Lockport Road Culvert over Cayuga Creek Project, for a revised contract amount of \$1,070,979.99, to Hunting Valley Construction, 825 Rein Road, Cheektowaga, NY 14225, 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 Hill, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers

Resolution No. IF-020-22

From: Infrastructure & Facilities and Administration Committees.

Dated: February 15, 2022

**AWARD CONSULTANT SERVICES – RAYMOND ROAD FROM
DYSINGER ROAD TO RAPIDS ROAD**

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with the preliminary and final design for the restoration of Raymond Road from Dysinger Road to Rapids Road Project, and

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

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

INCREASE ANTICIPATED REVENUE:

H736.15.5112.000 44597.01	Fed Aid Capital Const Hwy	\$320,000
H736.15.5112.000 43501.00	Consol Hwy Aid Revenue	\$ 80,000

INCREASE ANTICIPATED APPROPRIATIONS:

H736.15.5112.000 72600.01	Infrastructure Roads	\$400,000
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and be it further

RESOLVED, that the consultant services for the preliminary and final design of the restoration of Raymond Road from Dysinger Road to Rapids Road project be awarded to Erdman, Anthony & Associates, Inc., 8608 Main Street, Williamsville, NY 14221, for a contract amount not to exceed \$267,000, 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 Hill, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers

Resolution No. IF-021-22

From: Infrastructure & Facilities and Administration Committees.

Dated: February 15, 2022

**RESOLUTION OF THE NIAGARA COUNTY LEGISLATURE RATIFYING AN AGREEMENT FOR
ADVANCE PAYMENT AND AUTHORIZING THE CHAIRMAN OF THE LEGISLATURE
TO EXECUTE CLOSING PAPERS ON BEHALF OF THE
COUNTY OF NIAGARA, NEW YORK-2697 NIAGARA FALLS BLVD.**

WHEREAS, the State of New York has taken or is in the process of taking a portion of the land owned by the County of Niagara, New York through the process of eminent domain for the purposes of improving 2697 Niagara Falls Blvd., and

WHEREAS, the State of New York has offered to pay the County of Niagara, New York the sum of \$13,500.00 for a portion of the County's property along 2697 Niagara Falls Blvd. as depicted on Map(s) 71, 71, 72, as Parcel(s) 83, 84, 85, and

WHEREAS, an agreement to accept said money (an Agreement For Advance Payment) has been signed on behalf of the County of Niagara, New York by the Chairman of the Legislature, and

WHEREAS, the Legislature of the County of Niagara, New York is the governing body of the County of Niagara, New York, and

WHEREAS, the Niagara County Legislature is meeting on this 15th day of February, 2022, after proper notice to consider this matter, and

WHEREAS, the County of Niagara, New York wishes to ratify the Agreement for Advance Payment and to appoint Rebecca J. Wydysh as Chairman of the Legislature, as the person to execute closing papers on behalf of the County of Niagara, New York, now, therefore, be it

RESOLVED, that the Agreement for Advance Payment is hereby accepted and ratified, and be it further

RESOLVED, that the following budget modification be effectuated:

INCREASE ANTICIPATED REVENUE:

A.07.1325.000 42660.00	Sale of Real Property	\$13,500.00
H497.15.7110 45031.00	Interfund Transfers from Operating	\$13,500.00

INCREASE APPROPRIATIONS:

A.07.9950.000 79010.00	Contributions to Other Funds	\$13,500.00
H497.15.7110 72400.00	Land Improvements	\$13,500.00

and be it further

RESOLVED, that Rebecca J. Wydysh, Chairman of the Legislature, is hereby designated as the person to execute any and all closing papers with regard to this transfer to the State of New York, 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 Hill, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers

Resolution No. IF-022-22

From: Infrastructure & Facilities and Administration Committees.

Dated: February 15, 2022

**RESOLUTION OF THE NIAGARA COUNTY LEGISLATURE RATIFYING AN AGREEMENT FOR
ADVANCE PAYMENT AND AUTHORIZING THE CHAIRMAN OF THE LEGISLATURE TO
EXECUTE CLOSING PAPERS ON BEHALF OF THE COUNTY OF NIAGARA, NEW YORK-
PROPERTY ON NIAGARA FALLS BLVD.**

WHEREAS, the State of New York has taken or is in the process of taking a portion of the land owned by the County of Niagara, New York through the process of eminent domain for the purposes of improving a portion Niagara Falls Blvd., and

WHEREAS, the State of New York has offered to pay the County of Niagara, New York the sum of \$7,330.00 for a portion of the County's property along Niagara Falls Blvd. as depicted on Map(s) 69, 69, 70, as Parcel(s) 80, 81, 82, and

WHEREAS, an agreement to accept said money (an Agreement for Advance Payment) has been signed on behalf of the County of Niagara, New York by the Chairman of the Legislature, and

WHEREAS, the Legislature of the County of Niagara, New York is the governing body of the County of Niagara, New York, and

WHEREAS, the Niagara County Legislature is meeting on this 15th day of February, 2022, after proper notice to consider this matter, and

WHEREAS, the County of Niagara, New York wishes to ratify the Agreement for Advance Payment and to appoint Rebecca J. Wydysh as Chairman of the Legislature, as the person to execute closing papers on behalf of the County of Niagara, New York, now, therefore, be it

RESOLVED, that the Agreement for Advance Payment is hereby accepted and ratified, and be it further

RESOLVED, that the following budget modification be effectuated:

INCREASE ANTICIPATED REVENUE:

A.07.1325.000 42660.00	Sale of Real Property	\$7,330.00
H497.15.7110 45031.00	Interfund Transfers from Operating	\$7,330.00

INCREASE APPROPRIATIONS:

A.07.9950.000 79010.00	Contributions to Other Funds	\$7,330.00
H497.15.7110 72400.00	Land Improvements	\$7,330.00

and be it further

RESOLVED, that Rebecca J. Wydysh, Chairman of the Legislature, is hereby designated as the person to execute any and all closing papers with regard to this transfer to the State of New York, 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 Hill, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers

Resolution No. IF-023-22

From: Infrastructure & Facilities and Administration Committees.

Dated: February 15, 2022

**ABOLISH SR. ENGINEERING POSITION AND
CREATE AND FILL JR. CIVIL ENGINEER POSITION**

WHEREAS, due to vacancies within the Engineering Division of the Public Works Department, the department has reviewed its operational needs, and

WHEREAS, after studying the services we provide and evaluating all options it has been determined that it would be in the best interest of the department, as well as the taxpayers, to abolish one (1) Sr. Engineering Aide and to create and fill one (1) Jr. Civil Engineer, and

WHEREAS, funding for this newly created position will be from the mentioned abolished position, now, therefore, be it

RESOLVED, that Position No. 11016, Sr. Engineering Aide, be abolished, effective February 16, 2022, and be it further

RESOLVED, that the position of Jr. Civil Engineer, CSEA Grade 12, Step 1, at an annual salary of \$56,107, be created and filled, effective March 1, 2022, and be it further

RESOLVED, that the following budget modification be made:

FROM:

A.15.1440.000.71010.00	Positions (Sr. Engineering Aide, Pos #11016)	\$40,513.00
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A.15.1440.000.71030.00 Positions (Sr Transportation Engineer P/T, Pos #13531) \$ 6,566.00

TO:

A.15.1440.000.71010 .01 Positions (Jr. Civil Engineer – Pos. #xxxxxx) \$47,079.00

Moved by Hill, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers

Resolution No. IF-024-22

From: Infrastructure & Facilities Committee.

Dated: February 15, 2022

MOWING AGREEMENT BETWEEN NIAGARA COUNTY AND TOWN OF NIAGARA

WHEREAS, under Section 135-0 of the Highway Law, the County is empowered to enter into agreements with towns for the cutting of noxious weeds, briars and brush within the boundary of County roads, hereafter referred to as “mowing”, and

WHEREAS, it is recommended by the Public Works Committee and the Department of Public Works that the County enter into an agreement with the town of Niagara for mowing, said town to receive an annual payment based upon the actual costs incurred upon presentation of certified cost records for equipment, rental of same, and labor by said town, and

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

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

Moved by Hill, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers

Resolution No. IF-025-22

From: Infrastructure & Facilities and Administration Committees.

Dated: February 15, 2022

**EXTENSION OF SNOW AND ICE AGREEMENT
WITH NYS DEPARTMENT OF TRANSPORTATION 2021-2022**

WHEREAS, the County of Niagara, pursuant of Section 12 of the Highway Law, relating to the control of snow and ice on State highways in towns and incorporated villages, has heretofore entered into an agreement with the State of New York for such purposes, and

WHEREAS, Section 7 of said agreement provides that the Commissioner of Public Works shall furnish the municipality with a suitable map for each term of the agreement, and

WHEREAS, Section 190 of the said agreement provides for an annual update of the estimated expenditure to be determined by the Commissioner of Public Works, subject to the provisions of Section 10 at the time for extension of the agreement, and

WHEREAS, it would be in the best interest of Niagara County to extend the agreement, as modified and updated, for the 2021-2022 Snow Season, and

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

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

Moved by Hill, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers

Resolution No. IL-001-22

From: Legislators Michael A. Hill, Shawn A. Foti, David E. Godfrey, Irene M. Myers, Rebecca J. Wydysh, Richard L. Andres, Richard E. Abbott, William J. Collins, Anthony J. Nemi, Jesse P. Gooch, Randy R. Bradt, Christopher Voccio, Christopher A. Robins, Mark J. Grozio and Jeffery Elder.

Dated: February 15, 2022

OPPOSITION TO FARM LABOR WAGE BOARD DECISION TO LOWER THRESHOLD TO 40 HOURS FOR OVERTIME ON NEW YORK FARMS

WHEREAS, The Farm Labor Wage Board voted 2-1 to lower the 60-hour overtime threshold to 40 hours over the next decade for New York Farms, beginning with 56 hours in 2024 and then lowering by four more hours every other year, reaching 40-hours in 2032, and

WHEREAS, the sole no vote was cast by the President of the New York State Farm Bureau, the only member of the board with any knowledge and understanding of the challenges facing New York's farms, and

WHEREAS, as the New York State Farm Bureau points out, changing the overtime threshold to 40 hours a week for farmworkers in New York means that these workers will be limited to 40 hours, due to simple farm economics, resulting in fewer workers coming to New York when their hours are capped, as they choose to go to states where they can earn more, and

WHEREAS, this decision will lead to less agricultural production, diversification, and job availability, severely impacting counties like Niagara where agriculture and related businesses are a huge part of the local economy, and

WHEREAS, this wrong-headed action by the Farm Labor Wage Board thankfully is not the final word on the issue, but only a recommendation as the state Labor Commissioner still must submit a report for public comment with the ultimate decision left to Gov. Hochul, now, therefore, be it

RESOLVED, that the Niagara County Legislature strenuously opposes the Wage Board decision and urges Governor Hochul to protect farms in New York State by rejecting efforts to reduce the overtime threshold to 40 hours, and be it further

RESOLVED, that copies of this resolution be sent to Governor Hochul, the New York State Labor Commissioner and the WNY state delegation.

Moved by Hill, seconded by Foti, 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 Foti.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers

Resolution No. IL-002-22

From: Legislator Randy R. Bradt .

Dated: February 15, 2022

**RESOLUTION IN OPPOSITION TO SENATE BILL S7855 AS IT RELATES TO THE MEMBERSHIP
OF THE BOARD OF DIRECTORS OF THE WESTERN REGIONAL OFF-TRACK BETTING
CORPORATION**

WHEREAS, Western Region Off-Track Betting Corporation (WROTB) is an established corporation and is “a body corporate and politic constituting a public benefit corporation” (id., § 502 [1]).with headquarters in Batavia, New York [See: 1988 N.Y. Op. Att’y Gen. (Inf.) 147 (1988)], and

WHEREAS, WROTB is administered by a board of directors consisting of one member from each participating county who are appointed by the county governing body; WROTB has fifteen [15] Western New York county directors , as well as directors for the cities of Rochester and Buffalo [See: N.Y. Rac. Pari-Mut. Wag. & Breed. Law § 502 (McKinney)], and

WHEREAS, WROTB owns and operates 11 off-track betting branches, 27 E-Z Bet locations and a telephone wagering service in 15 Western New York counties, as well as Batavia Downs Gaming, a standard bred racetrack and gaming facility, and

WHEREAS, since its inception, WROTB has generated over \$250 million in operating and surcharge revenues to the taxpayers of those participating municipalities, and

WHEREAS, throughout its long history of serving the 15 counties and two cities that comprise the corporation, the enabling legislation provided that the Board of Directors of WROTB would be comprised of one representative from each of the 17 affected municipalities [See: N.Y. Rac. Pari-Mut. Wag. & Breed. Law § 502 (McKinney), and

WHEREAS, in 1973, pursuant to such enabling legislation, the Niagara County Legislature passed companion legislation that authorized and empowered Niagara County to participate in the WROTB as had been created by the state and signed into law by then Governor Nelson Rockefeller, and

WHEREAS, such 1973 legislation of the Niagara County Legislature specifically provided that it was “subject to permissive referendum and shall become effective in accordance with Section 24 of the Municipal Home Rule Law of the State of New York”, and

WHEREAS, New York State Senator Timothy M. Kennedy (D – Buffalo) has recently proposed Senate Bill S7855, an act to “amend the racing, pari-mutuel wagering and breeding law, in relation to the membership of the Board of Directors of the Western Regional Off-Track Betting Corporation, and

WHEREAS, Sen. Kennedy’s proposal would violate nearly 50 years of statutory precedent in the statutory formation of WROTB and attempt to destroy the equal representation held by the local municipalities who have contributed to the success of WROTB, demonstrating that there is no legal basis for such partisan politics to seize control of WROTB, and

WHEREAS, Sen. Kennedy did not consult with the local municipalities who comprise the Board of Directors of WROTB before introducing his legislation, further underscoring the gross partisan politics of Senate Bill S7855, and

WHEREAS, in 2021, Batavia Downs once again shattered attendance and wager records, with more than 625,000 attendees wagering nearly \$700 million this past year alone, leading to record earnings distributions for the 17 municipalities that have come to rely on their WROTB distributions to balance their local budgets while reducing the property tax burden for businesses and homeowners, and

WHEREAS, WROTB's financial success and stable leadership enabled it to secure a \$30 million loan for multiple improvements, upgrades and restructuring of debt, as well as the purchase of an 84-room hotel, and

WHEREAS, Sen. Kennedy's partisan proposal violates N.Y. Rac. Pari-Mut. Wag. & Breed. Law § 502 [5][[a] which provides that the present corporate existence of WROTB shall continue until terminated by law; provided, however, that no such law shall take effect so long as the corporation shall have bonds, notes or other obligations outstanding. Senate Bill S7855 not only violates the enabling legislation for WROTB but will have the effect of destabilizing the organizational structure of WROTB and harming WROTB's credit worthiness in the eyes of lenders and thereby harm to its member counties, now, therefore, be it

RESOLVED, the Niagara County Legislature does vehemently oppose Senate Bill S7855, as it will cause irreparable harm to Niagara County, its interests in WROTB, the economic interests of Niagara County, and the taxpayers of this county, and be it further

RESOLVED, that the Niagara County Legislature does hereby call upon members of the New York State Senate to reject S7855 and honor the concept of Home Rule, embedded in the New York State Constitution, and N.Y. Rac. Pari-Mut. Wag. & Breed. Law § 502, and be it further

RESOLVED, the Niagara County Legislature is prepared to fully protects its interests and the interests of its taxpayers in WROTB, including participating in any necessary legal action to protect the integrity of WROTB, and be it further

RESOLVED, that a copy of this resolution be sent to Governor, Senate and Assembly

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

Carried.

Moved by Andres, seconded by Collins.

Adopted. 9 Ayes, 3 Noes- Elder, Grozio, Robins, 3 Absent – Bradt, Godfrey, Myers

APPOINTMENTS:

	<u>Appt.</u>	<u>Expires</u>
<u>COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY COMMITTEE:</u>		
Sarah Nelson, Director of Marketing & Membership Chamber of Commerce of the Tonawanda's, 254 Sweeny St, North Tonawanda 14120	02/15/22	12/31/22
Thomas Tedesco, Executive Director NFC Development Corp. 1022 Main St., PO Box 69, Niagara Falls 14302-0069	02/15/22	12/31/22
Brian Michel, Assistant VP of Academic Affairs NCCC Workforce Development 3111 Sanders Settlement	02/15/22	12/31/22
Maureen Henderson, Dir., Small Business Development NCCC, 3111 Saunders Settlement Rd., Sanborn 14132	02/15/22	12/31/22
Michael Weyrauch Ed.D, Dir. of Adult Education, CTE & Instructional Services Orleans/Niagara BOCES 3181 Saunders Settlement Rd., Sanborn, New York 14132	02/15/22	12/31/22

COOPERATIVE EXTENSION:

Michael A. Hill, Niagara County Legislature	02/15/22	12/31/22
Shawn A. Foti, Niagara County Legislature	02/15/22	12/31/22

HISTORIANS BOARD (AD HOC):

Jesse P. Gooch Chr. Community Services Committee – Chair	02/15/22	12/31/22
Gail Reinbird, 3106 Upper Mountain Rd., Sanborn 14132	Tn. of Cambria 02/15/22	12/31/22

Norman LaJoie 9453 Ridge Rd., Middleport 14105	Tn. of Hartland	02/15/22	12/31/22
Majorie L. Maggard 5893 Garlow Rd., Niagara Falls 14304	Tn. of Lewiston	02/15/22	12/31/22
Jean Linn 5525 Leete Rd. Lockport, 14094	Tn. of Lockport	02/15/22	12/31/22
William Clark 2737 Main Street, Newfane 14108	Tn. of Newfane	02/15/22	12/31/22
Pete Ames 7105 Lockport Rd., Niagara Falls 14304	Tn. of Niagara	02/15/22	12/31/22
Carissa Smith 6570 Campbell Blvd., Lockport 14094	Tn. of Pendleton	02/15/22	12/31/22
Terry Duffy 3265 Creek Rd., Youngstown 14174	Tn. of Porter	02/15/22	12/31/22
Peter Devereaux 8504 Lake Rd., Barker 14012	Tn. of Somerset-Vill. of Barker	02/15/22	12/31/22
Ann Murphy 216 Payne Ave., N.T. 14120	City of NT	02/15/22	12/31/22
Craig Bacon	City of Lockport	02/15/22	12/31/22
Elaine Timm 1283 93 rd Street, Niagara Falls 14304	City of Niagara Falls	02/15/22	12/31/22
Russ Piper P.O. Box 325, Lewiston 14092	Village of Lewiston	02/15/22	12/31/22
Christa Lutz 51 State St., Middleport 14105	Village of Middleport	02/15/22	12/31/22
Barbara Albone, Deputy 34 Church St., Middleport 14105	Village of Middleport	02/15/22	12/31/22
Catherine Emerson, County Historian		02/15/22	12/31/22
Craig Bacon, Deputy County Historian		02/15/22	12/31/22

TRAFFIC SAFETY BOARD:

Cathleen A. Davis, Niagara County Traffic Safety Educator 1711 Quaker Rd. Barker 14094		02/15/22	12/31/24
James Suitor, Chief, Town of Niagara Police Dept. 7105 Lockport Rd., Niagara Falls 14305		02/15/22	12/31/24
Mark Crocker, Supervisor, Town of Lockport 6560 Dysinger Rd., Lockport 14094		02/15/22	12/31/24
John P. Granchelli, Asst. District Attorney Niagara County Courthouse		02/15/22	12/31/24
John Swick, Chief, Middleport Police Dept., PO Box 186, Middleport 14105		02/15/22	12/31/24
Christopher Rola, Captain NYS Parks Police (Replaces Clyde Doty) 570 Parks Whirlpool St., Niagara Falls 14301		02/15/22	12/31/23
Thomas Huff, Capt., Stop DWI Coordinator (Replaces Robert Richards) 5526 Niagara St. Ext., Lockport 14094		02/15/22	12/31/23

YOUTH BOARD:

Dennis Stachera 20 Regent St., Lockport 14094		02/15/22	12/31/24
Reggie Rosati 6981 Dysinger Rd., Lockport 14094		02/15/22	12/31/24

Richard Laskowski 3725 Youngstown-Lockport Rd., Ransomville 14131	02/15/22	12/31/24
Sandra Tonellato 1424 Byrd Ave., Niagara Falls 14303	02/15/22	12/31/24
Gregg Tessman 3216 Checkered Tavern Rd., Gasport 14067	02/15/22	12/31/24
Reanna Bradt 403 Deerfield Dr., North Tonawanda 14120	02/15/22	12/31/24
Renee Zapp 291 West Ave., Lockport 14094	02/15/22	12/31/24
Carmen A. Tonellato 8621 Jacob Pl. Niagara Falls 14304	02/15/22	12/31/24

WORKFORCE DEVELOPMENT BOARD:

Michele Taylor, Employment Services Manager II NYS Department of Labor, 284 Main St., Buffalo 14202	02/15/22
Nasreen Akhtar, Owner and President Aero Transportation, 2744 Niagara Falls Blvd., Niagara Falls 14304	02/15/22
Maureen Bartlett, Adult Education Coordinator Orleans Niagara BOCES, 3181 Saunders Settlement Rd., Sanborn 14132	02/15/22
Jeanne Battaglia, President and CEO (Managed Care Network, 1625 Buffalo Ave. Suite IV, Niagara Falls 14303)	02/15/22

INDUSTRIAL DEVELOPMENT AGENCY:

Maria Villanueva Lopez (Replaces Mary Lynn Candella) Moved by Gooch, seconded by Elder. Adopted. 12 Ayes, 0 Noes, 3 Absent – Bradt, Godfrey, Myers	02/15/22
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Moved by Collins, seconded by Grozio that the Board adjourn.

The Chairman declared the Board adjourned at 7:52 p.m., subject to the call of the Clerk.

No citizens spoke at this time on the General Welfare of the County.

Alysa T. Tomasino

Alysa T. Tomasino, Clerk