

OFFICIAL RECORD

Lockport, New York
May 28, 2026

The special meeting was called to order by Chairman Hill at 5:03 p.m.

Clerk Tomasino called the roll. All Legislators were present with the exception of Legislators Myers, Nemi, Robins.

Moved by Casale, second by Bradt to enter into Executive Session at 5:06 p.m. for discussion on pending litigation.

Moved by Andres, second by McKimmie to adjourn Executive Session at 5:29 p.m.

Resolution No. CW-005-26

From: Committee of the Whole.

Dated: May 28, 2026

**NIAGARA COUNTY PUBLIC DEFENDER’S OFFICE
BUDGET MODIFICATION – HH UNCLAIMED FUNDS ALLOCATION**

WHEREAS, the Niagara County Public Defender’s Office has been notified by New York State Office of Indigent Legal Services (OILS) approval to re-allocate previous unspent HH funds in the amount of \$55,089.94, and

WHEREAS, these funds are to be used to support the infrastructure costs of the new Public Defender’s office located at 55 East Ave, Lockport, NY, and

WHEREAS, the 2026 budget needs to be amended in order to expend the funds, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated:

INCREASE ESTIMATED REVENUE:

A03.1170.000 43025.03	Indigent Legal Service Hurrell-Harring Settlement	\$ 55,089.94
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INCREASE APPROPRIATIONS:

A03.1170.000 72100.05	Machinery and Equipment Computer Equipment	\$ 31,627.88
A03.1170.000 74500.01	Contractual Expenses Contractual Expenses	\$ 23,462.06

Moved by Bradt, seconded by Elder.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Myers, Nemi, Robins

Resolution No. CW-006-26

From: Committee of the Whole.

Dated: May 28, 2026

**RESOLUTION OF NIAGARA COUNTY AUTHORIZING
THE RETENTION OF HODGSON RUSS, LLP SALES TAX**

WHEREAS, Hodgson Russ, LLP, attorneys at law, specialize in the legal issues concerning the construction of data centers in New York State, and the applicable sales tax exemptions concerning such construction projects, and

WHEREAS, Terawulf and its subsidiaries are constructing a "LAKE MARINER DATA CENTER" in the Town of Somerset, Niagara County, State of New York, and

WHEREAS, in a February 6, 2026, correspondence from Terawulf to Niagara County officials it was stated that the "LAKE MARINER DATA CENTER" operations are exempt from New York State Sales Tax pursuant to New York Tax Law §1115(a)(37), and

WHEREAS, such claimed New York States sales tax exemption could result in substantial lost New York State Sales Tax revenue for the residents of Niagara County, and

WHEREAS, it is presently unknown to Niagara County as to who owns and/or leases the land where the "LAKE MARINER DATA CENTER" is located, and

WHEREAS, it is presently unknown to Niagara County as to who is making the purchases for machinery, equipment, related tangible personal property and infrastructure for use at the "LAKE MARINER DATA CENTER" location, and

WHEREAS, it is presently unknown as to how much has been spent for machinery, equipment, related tangible personal property and infrastructure at the "LAKE MARINER DATA CENTER" location, and

WHEREAS, officials of Niagara County contacted the New York State Department of Taxation and Finance to determine whether a New York States Sales Tax exemption provides that the "LAKE MARINER DATA CENTER" has no obligation to pay any New York States Sales Tax for its operation in the Town of Somerset, Niagara County, State of New York, but no response was received, and

WHEREAS, Niagara County is not in a position to ascertain whether Terawulf's position concerning its purported sales tax exemption is well-taken, and will not be in a position to make such determination absent additional investigation, and

WHEREAS, the New York False Claims Act found in the New York State Finance Law Sections 187 through 194, inclusive and especially at Section 190, permits Niagara County to commence litigation to collect unpaid New York State Sales Tax, and

WHEREAS, Niagara County is hereby engaging the legal services of Hodgson Russ, LLP for the following purposes:

1. Determine any and all entities who are purchasing goods, services, machinery, equipment, related tangible personal property and infrastructure at the "LAKE MARINER DATA CENTER" project
2. Determine the legal status of such entities at the "LAKE MARINER DATA CENTER" project (ie. land owners and/or tenants);
3. Determine the nature of the activities being performed at the "LAKE MARINER DATA CENTER" (ie. bitcoin, Artificial Intelligence and/or any other computer-related activities);
4. Determine how much has been spent for machinery, equipment, related tangible personal property and infrastructure at the "LAKE MARINER DATA CENTER";

5. Determine which expenditures, if any, were exempt pursuant to New York State Tax Law §1115(a)(37);

6. Commence any and all necessary litigation to collect New York State Sales Tax which is owed to Niagara County for the purchase and sale of non-exempt machinery, equipment, related tangible personal property and infrastructure pursuant to the New York State False Claims Act;

7. Take any additional actions that may be necessary for Niagara County to investigate any sales tax money potentially owed to Niagara County and to collect any moneys owed to Niagara County, now, therefore, be it

RESOLVED, that Niagara County hereby authorizes the retention of the services of Hodgson Russ, LLP, pursuant to the terms of the retainer agreement which shall be negotiated by the Niagara County Attorney, and be it further

RESOLVED, that the County hereby authorizes Claude Joerg, as Niagara County Attorney, to execute the Hodgson Russ LLP retainer agreement, and be it further

RESOLVED, that the County hereby authorize Claude Joerg, to cause same to be delivered to Hodgson Russ, LLP, and be it further

RESOLVED, that the Niagara County Legislature forward a certified copy of this Resolution to the New York State Department of Taxation and Finance and the New York State Attorney General Letitia James.

Moved by Bradt, seconded by Elder.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Myers, Nemi, Robins

Resolution No. CW-007-26

From: Committee of the Whole.

Dated: May 28, 2026

**RESOLUTION OF NIAGARA COUNTY AUTHORIZING
THE RETENTION OF HODGSON RUSS, LLP ROAD USE**

WHEREAS, Hodgson Russ, LLP, attorneys at law, specialize in the legal issues concerning the construction of data centers in New York State, and the applicable road use issues concerning such construction projects, and

WHEREAS, Terawulf and its subsidiaries are constructing a “LAKE MARINER DATA CENTER” in the Town of Somerset, Niagara County, State of New York, and

WHEREAS, it is presently unknown to Niagara County as to who owns and/or leases the land where the “LAKE MARINER DATA CENTER” is located, and

WHEREAS, it is presently unknown to Niagara County as to who is making the purchases for machinery, equipment, related tangible personal property and infrastructure for use at the “LAKE MARINER DATA CENTER” location and contracting for the hauling of such items, and

WHEREAS, the construction of the “LAKE MARINER DATA CENTER” project has resulted in excessive truck traffic, overweight and oversize loads, and

WHEREAS, the “LAKE MARINER DATA CENTER” project has caused substantial damage to Niagara County roads and infrastructure, the total extent is presently unknown, and

WHEREAS, Niagara County issued a cease and desist order to Terawulf prohibiting the truck transport of overweight and oversize loads on Niagara County roads, and

WHEREAS, Terawulf and/or its agents have chosen to disregard and ignore the cease and desist order of Niagara County, and

WHEREAS, Niagara County is hereby engaging the legal services of Hodgson Russ, LLP for the following purposes:

1. Determine any and all entities who are purchasing goods, services, machinery, equipment, related tangible personal property and infrastructure at the "LAKE MARINER DATA CENTER" project;

2. Determine the legal status of such entities at the "LAKE MARINER DATA CENTER" project (ie. land owners and/or tenants);

3. To stop all use of Niagara County roads by Terawulf, its subsidiaries and agents for the transport of overweight and oversize loads, and

4. To commence any and all necessary litigation to collect for any and all damages caused by Terawulf, its subsidiaries and agents to Niagara County roads, now, therefore, be it

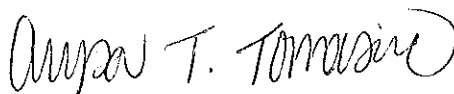
RESOLVED, that Niagara County hereby authorizes the retention of the services of Hodgson Russ, LLP, pursuant to the terms of the retainer agreement which shall be negotiated by the Niagara County Attorney, and be it further

RESOLVED, that the County hereby authorizes Claude Joerg, as Niagara County Attorney, to execute the Hodgson Russ LLP retainer agreement, and be it further

RESOLVED, that the County hereby authorize Claude Joerg, to cause same to be delivered to Hodgson Russ, LLP.

Moved by McKimmie, seconded by Abbott that the Board adjourn.

The Chairman declared the Board adjourned 5:40 p.m., subject to the call of the Clerk.



Alysia T. Tomasino, Clerk