

OFFICIAL RECORD

Lockport, New York
March 22, 2022

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

Clerk Tomasino called the roll. All Legislators were present.

PRESENTATIONS:

Chairman Wydysh called Legislator Hill and President of the Niagara County Farm Bureau, John King to the lectern to read a Proclamation declaring the month of March 2022 as "National Agricultural Month" in Niagara County.

Legislator Hill called Sheriff Filicetti to the lectern to read a proclamation declaring the week of April 10-16th, 2022 as "National Telecommunicators Week" in Niagara County.

No Citizens spoke on the Agenda

Recess.

IF-056-22 was removed from the preferred agenda.

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

Resolution No. CW-008-22 was read at this time. (Appears in numerical order)

Resolution No. AD-006-22

From: Administration Committee.

Dated: March 22, 2022

RESOLUTION TO AUTHORIZE THE COUNTY ATTORNEY TO USE FUNDS FROM THE COMMITTED FUND BALANCE

WHEREAS, the County of Niagara upon receiving a copy of the Petition of CWM Chemical Services, LLC, (herein after "CWM") which challenges the tax assessment of certain real property in the town of Porter for several tax years, has intervened and defended the real property assessment for CWM real property parcels, and

WHEREAS, CWM Chemical Services LLC's petition seeks to reduce the assessed value for the CWM real property parcels from a total of \$24,010,400 an assessed value of \$5,925,600, and

WHEREAS, it was necessary for the County to retain a consulting firm to conduct a specialized appraisal of the parcels subject to the assessment; this appraisal was prepared at a cost of \$21,417.91, and

WHEREAS, the County Attorney's special litigation line has been depleted due to the cost of the defense of those matters, as well as various other matters, and therefore it is necessary to use the Committed Fund balance set aside to pay for the Environmental Litigation concerning CWM Chemical Services LLC, now, therefore, be it

RESOLVED, that the Niagara County Legislature directs the County Attorney to process the payment for specialized appraisal services provided by SLR International Corporation for the period from November 13,

2021 through and including December 10, 2021 in the amount of \$21,417.91 using the Committed Fund Balance, and be it further

RESOLVED, that the following 2021 budget modification be effectuated to fund such services:

INCREASE COMMITTED FUND BALANCE:

| | | |
|------------------------|------------------------|-------------|
| A.11.1930.110 40599.01 | Committed Fund Balance | \$21,417.91 |
| | Expert Legal Services | |
| | Environmental Matters | |

INCREASE APPROPRIATIONS:

| | | |
|------------------------|----------------------|-------------|
| A.11.1930.110 74500.01 | Contractual Expenses | \$21,417.91 |
| | Special Litigations | |

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. AD-007-22

From: Administration Committee.

Dated: March 22, 2022

**APPROVAL OF VOTING MACHINE AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND
THE NIAGARA FALLS, LOCKPORT, NORTH TONAWANDA, LEW-PORT, NEWFANE,
NIAGARAWHEATFIELD, ROY-HART, STARPOINT, SCHOOL DISTRICTS
AND THE VILLAGE OF LEWISTON
(§3-224, NEW YORK STATE ELECTION LAW)**

WHEREAS, the Niagara Falls, Lockport, North Tonawanda, Lew-port, Newfane, Niagara Wheatfield, Roy-Hart, Starpoint School Districts will be conducting an election on May 17, 2022 and the Village of Lewiston will be conducting an election on June 21, 2022 and requires the use of the Niagara County Board of Elections voting equipment in connection with this election, and

WHEREAS, the Niagara County Attorney's Office has prepared a formal agreement for use between the County of Niagara and the Niagara Falls, Lockport, North Tonawanda, Lew-port, Newfane, Niagara Wheatfield, Roy-Hart, Starpoint School District and the Village of Lewiston, which has been fully approved by the District, a copy of which has been filed with the Clerk of the Legislature, and

WHEREAS, time is of the essence in connection with the approvals by the Niagara County Legislature, and

WHEREAS, under the terms of the agreement the County will provide, and be reimbursed for transportation of the voting machine preparation, programming, and packaging of the voting machine and all necessary Niagara County personnel: the District, among other things, shall furnish at its expense, election custodians and inspectors and also insurance in form, content and amounts as approved by the Niagara County Attorney, and

WHEREAS, the final written agreement between the parties is subject to the review and approval by the parties' respective legal counsel, now, therefore, be it

RESOLVED, that pursuant to the provisions of §3-224 of New York State Election Law, the Chair of the Niagara County Legislature and the Niagara County Election Commissioners are authorized and directed to execute and deliver an agreement, in substantially the form of agreement now filed with the Clerk of the Legislature between and among the County of Niagara, the Niagara County Election Commissioners and the Niagara Falls, Lockport, North Tonawanda, Lew-port, Newfane, Niagara Wheatfield, Roy-Hart, Starpoint School Districts and the Village of Lewiston for the provision, by the County of Niagara, of sufficient voting

equipment, including the programming thereof, to the Niagara Falls, Lockport, North Tonawanda, Lew-port, Newfane, Niagara Wheatfield, Roy-Hart, Starpoint School Districts, and the Village of Lewiston in connection with any election scheduled to be held during 2022, and be it further

RESOLVED, that the execution and delivery of this equipment, is subject to the approval of the Board of the Niagara Falls, Lockport, North Tonawanda, Lew-port, Newfane, Niagara Wheatfield, Roy-Hart, Starpoint School Districts, and the Village of Lewiston and the review and approval of the Niagara County Attorney's Office and counsel to the Niagara Falls, Lockport, North Tonawanda, Lew-port, Newfane, Niagara Wheatfield, Roy-Hart, Starpoint School Districts and the Village of Lewiston, and be it further

RESOLVED, that a true copy of the fully signed and approved agreement be filed by the Clerk of this Legislature simultaneously with the delivery of the or as soon as reasonably possible thereafter.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CS-014-22

From: Community Services and Administration Committees.

Dated: March 22, 2022

BUDGET MODIFICATION SAFE HARBOR INITIATIVE

WHEREAS, 2008 New York State legislation, The Safe Harbor for Exploited Children Act, ended the prosecution of minors under prostitution charges and instead identified minors as victims of commercial sexual exploitation by adults, and

WHEREAS, The Safe Harbor Act is the result of years of advocacy work in New York and around the country in advancing the cause for child victims. The number of sexually exploited children, in addition to data surrounding the correlation between abuse and mental health concerns, highlighted the need for a model shift from criminalizing to protecting victims, and

WHEREAS, resources have been made available for the identification of Commercially Sexually Exploited (CSE) youth, the provision of case coordination and advocacy for CSE youth, assisting youth with access to medical care, mental health counseling, financial assistance, emergency shelter and other basic living and safety needs, crisis intervention, problem solving, action planning, and skill building, and

WHEREAS, Niagara County was selected as one of few counties across the state to receive funds to support the Safe Harbor program, and did receive a renewed allocation of \$43,350 effective 01/01/2022 – 12/31/2022, which is 100 % state funded, now, therefore, be it

RESOLVED, that Niagara County Department of Social Services will continue to contract and collaborate with Niagara Falls Memorial Medical Center - Child Advocacy Center, with the goal of providing immediate and intensive services to youth who are sexually exploited, and reduce the risk of continued sexual exploitation and abuse, in accordance with the Safe Harbor Initiative, and be it further

RESOLVED, that the following budget modification be effectuated to the Social Services 2022 budget:

INCREASE REVENUE:

| | | |
|------------------------|-------------------|-----------|
| A.22.6010.000 43610.01 | DSS Admin General | \$ 43,350 |
|------------------------|-------------------|-----------|

INCREASE APPROPRIATION:

| | | |
|------------------------|-----------------------------|-----------|
| A.22.6010.000 74500.01 | Contractual Exp-Contractual | \$ 43,350 |
|------------------------|-----------------------------|-----------|

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

Resolution No. CS-015-22

From: Community Services and Administration Committees.

Dated: March 22, 2022

**BUDGET MODIFICATION
FLEXIBLE FUND FOR FAMILY SERVICES**

WHEREAS, the Executive Budget did make federal funds available to local districts to provide a comprehensive array of services to meet the needs of eligible Temporary Assistance for Needy Families (TANF) and individuals, and

WHEREAS, these funds enable Niagara County to direct resources toward a number of areas of program needs, including, but not limited to Employment related activities, Child Welfare Services, PINS Detention Diversion Services, Substance Abuse Assessments, Domestic Violence Screenings & Non-residential Domestic Violence services, Title XX Services, JD/PINS Foster care Costs, Child Care & Development, and

WHEREAS, Niagara County did receive a 100 % federally funded allocation, effective 7/21 – 6/22, not all of which has been expended, now, therefore, be it

RESOLVED, that Niagara County Department of Social Services will continue to contract with various agencies that will provide the necessary services in accordance with the Niagara County Flexible Fund for Family Services Plan submitted to NYS Office of Temporary and Disability Assistance (OTDA) and NYS Office of Children and Family Services (OCFS) at no additional cost to the County, and be it further
RESOLVED, that the following budget modification be effectuated to the Social Services 2022 budget:

INCREASE REVENUE:

| | | |
|------------------------|-------------------|-----------|
| A.22.6010.000 44610.00 | DSS Admin Revenue | \$ 66,680 |
|------------------------|-------------------|-----------|

INCREASE APPROPRIATION:

| | | |
|------------------------|-----------------------------|-----------|
| A.22.6010.000 74500.01 | Contractual Exp-Contractual | \$ 66,680 |
|------------------------|-----------------------------|-----------|

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CS-016-22

From: Community Services and Administration Committees.

Dated: March 22, 2022

**BUDGET MODIFICATION
HEALTHY FAMILIES NEW YORK PROGRAM**

WHEREAS, the New York State Office of Children & Family Services, in conjunction with the New York State Department of Health, did make state-wide funds available for the provision and expansion of Healthy Families New York Home Visiting Programs, and

WHEREAS, these resources are directed toward expectant and new parents in an effort to promote positive growth and development to improve health and social outcomes for families at high risk of abuse and neglect, and

WHEREAS, effective July 1, 2021, Niagara County did receive a revised 100% state funded allocation of \$537,755, not all of which has been fully expended, now, therefore, be it

RESOLVED, that Niagara County Department of Social Services will continue to contract with Pinnacle Community Services, Inc. to provide the necessary services as outlined in the Healthy Families New York Program requirements, and be it further

RESOLVED, that the following budget modification be effectuated to the Social Services 2022 budget:

INCREASE REVENUE:

| | | |
|------------------------|-------------------|------------|
| A.22.6010.000 43610.01 | DSS Admin General | \$ 201,660 |
|------------------------|-------------------|------------|

INCREASE APPROPRIATION:

| | | |
|------------------------|-----------------------------|------------|
| A.22.6010.000 74500.01 | Contractual Exp-Contractual | \$ 201,660 |
|------------------------|-----------------------------|------------|

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CS-017-22

From: Community Services and Administration Committees.

Dated: March 22, 2022

**BUDGET MODIFICATION
CHILD CARE AND DEVELOPMENT FUND**

WHEREAS, Executive Budget did make federal funds available to local districts for the provision of early childhood development and before-and-after school child care services and of quality improvement activities under the Federal Child Care and Development Block Grant Program, and

WHEREAS, these funds enable Niagara County to direct resources to satisfy Federal requirements, as they relate to the registration and inspection of Child Care Centers, as well as the corresponding reporting requirements, and

WHEREAS, Niagara County did receive a renewed allocation which is 100% federally funded, effective January 1, 2022, now, therefore, be it

RESOLVED, that Niagara County Department of Social Services will continue to contract with Niagara Community Action Program, Inc. to carry out the required roles and responsibilities under the Child Care and Development Program, and be it further

RESOLVED, that the following budget modification be effectuated to the Social Services 2022 budget:

INCREASE REVENUE:

| | | |
|------------------------|-------------------|------------|
| A.22.6010.000 44610.00 | DSS Admin Revenue | \$ 174,084 |
|------------------------|-------------------|------------|

INCREASE APPROPRIATION:

| | | |
|------------------------|-------------------------------|------------|
| A.22.6010.000 74500.01 | Contractual Exp – Contractual | \$ 174,084 |
|------------------------|-------------------------------|------------|

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CS-018-22

From: Community Services and Administration Committees.

Dated: March 22, 2022

**NIAGARA COUNTY CLERK'S OFFICE
BUDGET MODIFICATION-HONOR GUARD**

WHEREAS, the Western New York National Cemetery Honor Guard, Inc. consists of 32 members who provide military funeral honors to eligible Veterans, and

WHEREAS, Niagara County is desirous of supporting the Honor Guard in their mission by providing financial assistance for honor guard uniforms for military funeral ceremonies, and

WHEREAS, the funds to cover the expense are available in the 2022 Contingency account and need to be transferred to the County Clerk's Budget to allow for payment, now, therefore, be it

RESOLVED, that the 2022 Budget be modified as follows:

INCREASE APPROPRIATION:

| | | |
|------------------------|------------------|---------|
| A.10.1410.000 74300.06 | Uniform/Clothing | \$8,000 |
|------------------------|------------------|---------|

DECREASE APPROPRIATION:

| | | |
|------------------------|-------------|---------|
| A.08.1990.000 74500.01 | Contingency | \$8,000 |
|------------------------|-------------|---------|

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-022-22

From: Community Safety & Security and Administration Committees.

Dated: March 22, 2022

**PROBATION BUDGET MODIFICATION-MOTHER CABRINI
HEALTH FOUNDATION FUNDS**

WHEREAS, the Criminal Justice Department at Niagara University was awarded a one year grant for \$150,000 from the Mother Cabrini Health Foundation (MCHF) for the project titled: Co-Design & Pilot of Training for Community Supervision Personnel to Reduce Recidivism, and

WHEREAS, the Niagara University is seeking assistance from the Niagara County Probation Department to assist in developing and piloting a disabilities awareness and identification training curriculum specifically for community corrections personnel, and

WHEREAS, the Niagara University has made funding in the amount of \$17,094 for 2022 available to be used for Niagara County Probation personnel to perform activities related to the project, and

WHEREAS, the Niagara County Probation Department is agreeable to assisting in the project, now, therefore, be it

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

RESOLVED, that the 2022 Probation Department Budget be modified as followed:

INCREASE REVENUE:

| | | |
|------------------------|-----------------------------------|----------|
| A.18.3140.000 41289.01 | Other General Governmental Income | \$17,094 |
|------------------------|-----------------------------------|----------|

INCREASE APPROPRIATIONS:

| | | |
|------------------------|------------------|----------|
| A.18.3140.000 71050.00 | Overtime Expense | \$13,945 |
|------------------------|------------------|----------|

| | | |
|------------------------|---------------|-------|
| A.18.3140.000 78100.00 | Retirement | 1,402 |
| A.18.3140.000 78200.00 | FICA | 1,308 |
| A.18.3140.000 78300.00 | Worker's Comp | 439 |

and be it further

RESOLVED, that the Chairperson of the Legislature be and hereby is authorized to sign the Grant Award, Special Conditions documents and program contracts subject to approval by the County Attorney's Office
 Moved by Bradt, seconded by Robins.
 Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-023-22

From: Community Safety & Security Committee.

Dated: March 22, 2022

DISTRICT ATTORNEY CRIMES AGAINST REVENUE PROGRAM GRANT ACCEPTANCE

WHEREAS, the Niagara County District Attorney's Office has been notified by the New York State Division of Criminal Justice Services that the Crimes Against Revenue Program grant has been renewed for the calendar year 2022, and

WHEREAS, funding has been awarded in the amount of \$68,810 for the period January 1, 2022 through December 31, 2022, and

WHEREAS, basic revenue and appropriation figures for said program were calculated and are contained within the District Attorney's operating budget for the 2022 budget year, and

WHEREAS, the program will continue to fund one full time Assistant District Attorney, Position #10969, ATT II, Step 5, \$80,864.00 annually, with fringe benefits which shall remain coterminous with grant funding, now, therefore, be it

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

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

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-024-22

From: Community Safety & Security and Administration Committees.

Dated: March 22, 2022

**EDWARD BYRNE MEMORIAL ASSISTANCE GRANT APPLICATION AND THE
 MEMORANDUM OF UNDERSTANDING WITH THE CITY OF NIAGARA FALLS**

WHEREAS, the County and the City of Niagara Falls ("CITY") would like to apply to the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, for grant funding under the Edward Byrne Memorial Assistance Grant in the amount of \$40,648, and

WHEREAS, the County and the City would like to allocate the full amount of the grant funds to be used by the Niagara Falls Police Department to retain civilian police liaison teams and purchase handheld radios, now, therefore, be it

RESOLVED, that the grant application is hereby approved, and the Chairman of the Legislature is authorized to execute any necessary documents conditioned on County Attorney approval, and be it further

RESOLVED, that the County and the City enter into a Memorandum of Understanding concerning the above, and the Chairman of the Legislature be authorized to execute the same, conditioned on County Attorney approval.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-025-22

From: Community Safety & Security and Administration Committees.

Dated: March 22, 2022

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION – STOP DWI FOUNDATION GRANT**

WHEREAS, the New York State Governor's Traffic Safety Committee, STOP-DWI Foundation has notified the Niagara County Sheriff's Office of an additional \$8,000 in grant funds available to use for High Visibility Engagement Campaigns this year, and

WHEREAS, the grant funds are utilized for enforcement efforts by multiple law enforcement agencies during peak holidays with the goal of reducing the number of crashes, injuries and deaths on Niagara County roads, and

WHEREAS, it is necessary to modify revenue and appropriations to utilize these funds, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE REVENUE:

| | | |
|------------------------|-----------------------------|---------|
| A.17.3315.000.44389.09 | Other Public Safety Traffic | \$8,000 |
|------------------------|-----------------------------|---------|

INCREASE APPROPRIATIONS:

| | | |
|------------------------|--|----------|
| A.17.3315.000.74400.09 | Miscellaneous Expenses Payments Other Agencies | \$ 8,000 |
|------------------------|--|----------|

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-026-22

From: Community Safety & Security Committee.

Dated: March 22, 2022

**NIAGARA COUNTY SHERIFF'S OFFICE
NIAGARA REGIONAL TRAFFIC SAFETY PROGRAM**

WHEREAS, the Niagara Regional Traffic Safety Program will be held on May 3rd and May 4th of this year, and

WHEREAS, young men and women need to know that the choices they make every day affect their lives and the lives of people around them, and

WHEREAS, high school juniors and seniors from Niagara County schools will participate in the Niagara Regional Traffic Safety Program at the Kenan Center, and

WHEREAS, each school will be responsible for their own expenses incurred throughout the program, now, therefore, be it

RESOLVED, that the twenty fifth annual Niagara Regional Traffic Safety program will be held May 3rd and May 4th of this year.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-027-22

From: Community Safety & Security and Administration Committees.

Dated: March 22, 2022

NIAGARA COUNTY SHERIFF'S OFFICE

BUDGET MODIFICATION – ACCEPT NEW YORK STATE OFFICE FOR THE PREVENTION OF DOMESTIC VIOLENCE PANDEMIC EMERGENCY ASSISTANCE FUND GRANT PROGRAM

WHEREAS, the Niagara County Sheriff's Office was notified by the New York State Office for the Prevention of Domestic Violence that it was awarded \$187,723.18 under a Pandemic Emergency Assistance Fund Grant, and

WHEREAS, the grant is focused on helping survivors of domestic violence (and their children) with short-term, non-recurrent expenses related to housing and essential needs, and

WHEREAS, the performance period for this grant is March 1, 2022 through May 31, 2022, and

WHEREAS, the 2022 budget needs to be amended to accept these funds in order to help Niagara County residents with immediate needs as related to domestic violence situations, now, therefore, be it

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

RESOLVED, that the following budget amendments be effectuated:

INCREASE REVENUE:

| | | |
|------------------------|-----------------------------------|-----------|
| A.17.3989.300 43389.14 | Other Public Safety Crime Victims | \$187,723 |
|------------------------|-----------------------------------|-----------|

INCREASE APPROPRIATIONS:

| | | |
|------------------------|-------------------------|-----------|
| A.17.3989.300 74400.09 | Payments Other Agencies | \$187,723 |
|------------------------|-------------------------|-----------|

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-028-22

From: Community Safety & Security and Administration Committees.

Dated: March 22, 2022

NIAGARA COUNTY SHERIFF'S OFFICE

**AK ASSOCIATES INSTALLATION AND MAINTENANCE AND
STANDARDIZATION OF PROFESSIONAL SERVICES**

WHEREAS, the Niagara County Sheriff's Office is responsible to accurately and efficiently dispatch police, fire and EMS to calls for service throughout Niagara County and utilizes landline and cellular telephone technology to complete this mission, and

WHEREAS, the Niagara County Sheriff's Office utilizes these communication devices to provide and relay the need for emergency services to the Niagara County Sheriff's Office and other Law Enforcement agencies in Niagara County, and

WHEREAS, this technology is advanced and requires professionals to install and maintain these systems to ensure proper operation, and

WHEREAS, any disruption in these services could be detrimental to a proper emergency response, and

WHEREAS, AK Associates has been providing services to the Niagara County Sheriff's Office for many years and has been extensively involved in keeping the Dispatch Center upgraded with the newest technological advances, and

WHEREAS, switching to a different vendor would result in delays of currently active technology upgrades which are in process, now, therefore, be it

RESOLVED, that for reasons of efficiency and economy, pursuant to General Municipal Law §103(5), there is need for standardization of the professional services contract for the Niagara County Sheriff's Office in the installation and maintenance of the Dispatch Center phone systems, and be it further

RESOLVED, that it is hereby determined that AK Associates is the source for such services without the need to solicit for alternate proposals or sealed bids, such purchases to be made in consultation with the Purchasing Department and in accordance with budgetary procedures, including but not limited to the extension of the contract with AK Associates to the County of Niagara.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-029-22

From: Community Safety & Security and Administration Committees.

Dated: March 22, 2022

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION – EPIPENS**

WHEREAS, the Niagara Sheriff's Office is continually evaluating ways to better serve and protect the residents of Niagara County, and

WHEREAS, the Niagara County Sheriff Deputies are often the first to arrive at the scene of critical medical incidents and are called upon to supply emergency first aid, and

WHEREAS, the Niagara County Sheriff's Office has identified an opportunity to better serve the community by having an EpiPen available to each Deputy on patrol, and

WHEREAS, appropriate training would be provided to each Deputy Sheriff on the proper use of the EpiPens, now, therefore, be it

RESOLVED, that the following 2022 budget modifications be effectuated for the purchase of EpiPens and carry cases:

DECREASE APPROPRIATION:

A.08.1990.000 74500.01

Contingency

\$15,000

INCREASE APPROPRIATION:

A.17.3110.000 74750.05

Law Enforcement Supplies

\$15,000

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-030-22

From: Community Safety & Security and Administration Committees.

Dated: March 22, 2022

**ABOLISH ACCOUNT CLERICAL III
CREATE AND FILL ADMINISTRATIVE ASSISTANT**

WHEREAS, the responsibilities of the Fire Coordinator & Emergency Services Department has continually increased Countywide, 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 Account Clerical III and to create and fill with a full time Administrative Assistant, and

WHEREAS, funding for this newly created position is available in the current budget due to recent position changes and retirements, now, therefore, be it

RESOLVED, that Position No. 13501, Account Clerical III, Group 4, at \$22.97 be abolished, effective April 4, 2022, and be it further

RESOLVED that the position of Administrative Assistant, CSEA, Group 10, at \$26.04 per hour be created and filled, effective April 4, 2022.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CW-006-22

From: Committee of the Whole.

Dated: March 22, 2022

**CLAIM SETTLEMENT
EDMOND FAIR VS. COUNTY OF NIAGARA AND PATRICK M. KENNEY JR.
NIAGARA COUNTY INDEX NO. E158615/2016**

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 Emond Fair was injured in a motor vehicle accident involving a vehicle owned and operated by Niagara County, and

WHEREAS, the case Emond Fair 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 Emond Fair vs. County of Niagara and Patrick M. Kenney, Jr, litigation, in settlement, is given to the Risk & Insurance Manager in the amount of \$250,000.00 upon completion and receipt of a General Release for Niagara County, Patrick M. Kenney and all other agents and employees of Niagara County and Stipulation of Discontinuance from plaintiff's and County's counsel.

Moved by Hill, seconded by Grozio.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CW-007-22

From: Committee of the Whole.

Dated: March 22, 2022

**RESOLUTION RECOGNIZING NIAGARA COUNTY
DEPARTMENT OF HEALTH AND EMERGENCY SERVICES LEADERSHIP DURING THE
COVID-19 PANDEMIC**

WHEREAS, in March 2020, the COVID-19 pandemic caused government and service shutdowns throughout our Country, and

WHEREAS, the next two years required a tremendous amount of effort, coordination, long hours and great leadership from many employees, but especially the leadership of the Niagara County Department of Health and the Niagara County Department of Emergency Services; and

WHEREAS, the Niagara County Legislature appreciates that the sheer commitment of hours and overall workload of the four people in leadership of these two departments was above and beyond anything that would be reasonably expected of their positions, and

WHEREAS, the Niagara County Legislature deems it appropriate to make a one-time payment to the Public Health Director (\$20,000), the Deputy Public Health Director/Director of Health Financial Operations (\$10,000), the Director of Emergency Services (\$20,000) and the Deputy Fire Coordinator (\$10,000) in recognition of all they have done during the pandemic, and

WHEREAS, these payments will be made with Coronavirus State and Local Fiscal Recovery Funds, in accordance with program guidelines, now therefore be

RESOLVED, that the following budget lines be effectuated:

INCREASE REVENUE:

| | | | |
|---------------|----------|---------------------------|--------|
| A.07.1325.000 | 44089.07 | ARPA State/Local Rec Fund | 76,164 |
|---------------|----------|---------------------------|--------|

INCREASE APPROPRIATION:

| | | | |
|---------------|----------|-------------------------------|--------|
| A.20.4010.000 | 71025.00 | COV 19 Prem Pay Expense | 30,000 |
| A.20.4010.000 | 78100.00 | Retirement Expense | 5,460 |
| A.20.4010.000 | 78200.00 | FICA Expense | 2,295 |
| A.20.4010.000 | 78300.00 | Worker's Compensation Expense | 777 |
| A.19.3410.000 | 71025.00 | COV 19 Prem Pay Expense | 20,000 |
| A.19.3410.000 | 78100.00 | Retirement Expense | 3,040 |
| A.19.3410.000 | 78200.00 | FICA Expense | 1,530 |
| A.19.3410.000 | 78300.00 | Worker's Compensation Expense | 518 |
| A.19.3640.000 | 71025.00 | COV 19 Prem Pay Expense | 10,000 |
| A.19.3640.000 | 78100.00 | Retirement Expense | 1,520 |
| A.19.3640.000 | 78200.00 | FICA Expense | 765 |

| | | | |
|---------------|----------|-------------------------------|------------|
| A.19.3640.000 | 78300.00 | Worker's Compensation Expense | <u>259</u> |
| | | | 76,164 |

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

Resolution No. CW-008-22

From: Committee of the Whole.
 Dated: March 22, 2022

**AMENDMENT TO THE LEASE AGREEMENT WITH
 THE NIAGARA FALLS CITY SCHOOL DISTRICT FOR LAND LOCATED AT
 1170 ELMWOOD AVENUE, NIAGARA FALLS NY**

WHEREAS, the Niagara Falls City School District owns property at 1170 Elmwood Avenue, Niagara Falls, NY (vacant land), which has parking spaces available for Niagara County use, and

WHEREAS, Niagara County and Niagara Falls City School District entered into a lease dated February 1, 2014 to lease this area from the Niagara Falls City School District for additional parking spaces for Trott ACCESS Center staff and visitors, and

WHEREAS, Resolution No. PW-029-14, dated March 4, 2014, authorized the said lease between Niagara County and Niagara Falls City School District for a specified portion of the vacant land located at 1170 Elmwood Avenue, Niagara Falls, New York, and

WHEREAS, Niagara County desired to lease additional vacant land, which was authorized in Resolution No. IF-104-17, dated June 20, 2017, both providing for the additional area which extending said lease until May 22, 2022, and

WHEREAS, Niagara County wishes to extend said lease for the additional five (5) year renewal term as permitted under the original 2014 agreement to extend said agreement to May 21, 2027, and

WHEREAS, prior to execution of a lease amendment, the County Attorney will review 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 amended lease agreement with the Niagara Falls City School District for additional parking spaces at 1170 Elmwood Avenue, Niagara Falls, NY.

Moved by Voccio, seconded by Elder.
 Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. ED-004-22

From: Economic Development and Administration Committees.
 Dated: March 22, 2022

**BUDGET MODIFICATION – REAPPROPRIATE GRANT FUNDS
 HAZARDOUS WASTE ASSESSMENT**

WHEREAS, Resolution ED-024-17 authorized acceptance of a grant in the amount of Two Hundred Thousand Dollars (\$200,000) from the United States Environmental Protection Agency for a Brownfield Hazardous Waste Assessment Project that is 100% reimbursable, and

WHEREAS, Two Thousand One Hundred Sixty-Six Dollars (\$2,166) was budgeted for the 2022 Budget, and

WHEREAS, less money was spent than anticipated from the 2021 Budget, in the amount of One Thousand One Hundred Ninety-Eight Dollars (\$1,198), now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE REVENUE:

| | | |
|-------------------------|-----------------------------------|---------|
| CM.28.6989.609.44989.04 | Other Home and Community Services | \$1,198 |
| | EPA Brownfield Revenue | |

INCREASE APPROPRIATION:

| | | |
|-------------------------|----------------------|---------|
| CM.28.6989.609.74500.01 | Contractual Expenses | \$1,198 |
|-------------------------|----------------------|---------|

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. ED-005-22

From: Economic Development and Administration Committees.

Dated: March 22, 2022

**BUDGET MODIFICATION – REAPPROPRIATE GRANT FUNDS
BROWNFIELDS ASSESSMENT**

WHEREAS, Resolution ED-019-21 authorized acceptance of a grant in the amount of Three Hundred Thousand Dollars (\$300,000) from the United States Environmental Protection Agency for a Brownfield Assessment Project that is 100% reimbursable, and

WHEREAS, Two Hundred Seventy Thousand Dollars (\$270,000) was budgeted for the 2022 Budget, and

WHEREAS, less money was spent than anticipated from the 2021 Budget, in the amount of Thirty Thousand Dollars (\$30,000), now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE REVENUE:

| | | |
|-------------------------|-----------------------------------|----------|
| CM.28.6989.611.44989.04 | Other Home and Community Services | \$30,000 |
| | EPA Brownfield Revenue | |

INCREASE APPROPRIATION:

| | | |
|-------------------------|----------------------|----------|
| CM.28.6989.611.74500.01 | Contractual Expenses | \$30,000 |
|-------------------------|----------------------|----------|

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. ED-007-22

From: Economic Development and Administration Committees.

Dated: March 22, 2022

**SUPPORT FOR ECONOMIC GARDENING PROGRAM IN NIAGARA COUNTY WITH LOCAL
MATCH FOR EXTENDED OUTREACH TO NIAGARA COUNTY COMPANIES**

WHEREAS, the Niagara County Department of Economic Development, in conjunction with the Niagara County Industrial Development Agency, has administered a Business Growth and Retention Program since 1998, and

WHEREAS, the Niagara County Department of Economic Development reaches out to nearly 100 companies annually in a proactive manner to share the latest economic development programs and incentives from the County and its Economic Development Alliance partners, and

WHEREAS, statistics bear out that approximately 80% of all new jobs in a given community are created by existing companies underscoring the importance of a business retention program to create jobs and investment in Niagara County, and

WHEREAS, Niagara County is working with Invest Buffalo Niagara (InBN) and the National Center for Economic Gardening to add an Economic Gardening Program as part of its Business Growth and Retention Program in 2022 and hopefully beyond, and

WHEREAS, the Economic Gardening Program would assist emerging growth companies which are commonly defined as those companies with \$1 – 50 million in sales and 10-99 employees, that typically have the potential for additional sustained growth but do not have access to the sophisticated tools and concepts of larger companies, and

WHEREAS, InBN, with support from the Niagara County Department of Economic Development, has secured a \$20,000 grant from the Verizon Media Community Benefit Fund which would allow four Niagara County companies to receive grants that will assist them with accelerating their growth potential, and

WHEREAS, a local 25-30% match of the grant would enable two more companies in Niagara County to receive assistance through the program, now, therefore, be it

RESOLVED, that the Niagara County Legislature approves \$5,740 to be dedicated to the Economic Gardening Program, and be it further

RESOLVED, that the funding will be transferred from the Niagara Falls Bridge Commission funds provided to Niagara County to the Niagara County Department of Economic Development, and be it further

RESOLVED, that the following budget modification be effectuated:

INCREASE REVENUE:

| | | |
|------------------------|---|---------|
| A.28.8020.811 40599.01 | Appropriated Fund Balance-Committed Funds | \$5,740 |
|------------------------|---|---------|

INCREASE APPROPRIATIONS:

| | | |
|------------------------|------------------------|---------|
| A.28.8020.811 74550.29 | Beautification Program | \$5,740 |
|------------------------|------------------------|---------|

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. ED-009-22

From: Economic Development and Administration Committees.

Dated: March 22, 2022

**LOCAL LAW IMPOSING A TAX ON THE OCCUPANCY OF HOTEL ROOMS
PURSUANT TO TAX LAW § 1202-t HOTEL OR MOTEL TAXES IN NIAGARA COUNTY**

WHEREAS, the Economic Development and Administration Committees present in writing the following proposed Local Law:

A Local Law Imposing a Tax on the Occupancy of Hotel Rooms Pursuant to Tax Law §1202-t Hotel or Motel Taxes in Niagara County:

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

Section 1. Short Title.

This Local Law shall be known as the Niagara County Hotel Room Occupancy Tax Law.

Section 2. Definitions.

When used in this Local Law, the following terms shall mean:

(a) Person. An individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.

(b) Operator. Any person operating a hotel in the County of Niagara, including but not limited to, the owner or proprietor of such premises, lessee, sub-lessee, mortgagee in possession, licensee or any other person otherwise operating such hotel.

(c) Hotel. A building or portion of it which is regularly used and kept open as such for the lodging of guests on an overnight basis. The term "hotel" includes a motel, motor court, motor lodge or inn, bed and breakfast and tourist homes, AirBNB, rentals, (including through online booking sites) or similar hotel or motel type of accommodations by whatever name designated.

(d) Occupancy. The use or possession, or the right to use or possession of any room in a hotel.

(e) Occupant. A person who, for a consideration, uses, possesses, or has the right to use or possess, any room in a hotel under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.

(f) Permanent Resident. A person occupying any room or rooms in a hotel for at least thirty consecutive days shall be considered a permanent resident with regard to the period of such occupancy.

(g) Rent or Charge. The consideration received for occupancy valued in money, whether received in money or otherwise.

(h) Room. Any room or rooms of any kind in any part or portion of a hotel, which is available for or let out for any purpose other than a place of assembly.

(i) Return. Any return filed or required to be filed as herein provided.

(j) County Treasurer. The Treasurer of the County of Niagara, New York.

Section 3. Imposition of Tax.

Pursuant to Tax Law section 1202-t, as amended, on and after the 23rd day of March, two thousand twenty, there is imposed and there shall be paid a tax of five percent (5 %) per day upon the rent for every

occupancy of a room or rooms in a hotel in the County of Niagara except that the tax shall not be imposed upon a permanent resident of a hotel or exempt organizations as hereinafter set forth.

Section 4. Exempt Organizations.

(a) Except as otherwise provided in this section, any use or occupancy by any of the following shall not be subject to the tax imposed by this Local Law:

(1) The State of New York, or any public corporation (including a public corporation created pursuant to agreement or compact with another state or the Dominion of Canada) improvement district or political subdivision of the state;

(2) The United States of America, insofar as it is immune from taxation; and

(3) Any corporation, or association, or trust, or community chest, fund or foundation, organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which insures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this paragraph.

Section 5. Territorial Limitations.

The tax imposed by this Local Law shall apply only within the territorial limits of the County of Niagara except for within the limits of any city of the County of Niagara imposing a hotel or motel tax pursuant to authority granted by the State of New York at any prior time. In the event that any city within the County of Niagara not currently imposing such a hotel and motel bed tax shall obtain authorization from the State of New York to impose such a tax; said city shall have the right to impose such tax up to the maximum rate of the tax authorized for such city by the State of New York. In the event that the imposition of the new tax by any such city would require a reduction in the County tax rate imposed pursuant to this section and to this Local Law, then said tax shall not become effective before the commencement of the County's next succeeding fiscal year and then only if such city shall have given notice to such County of its imposition of such a tax at least six (6) months prior to the commencement of such fiscal year. The County of Niagara waives the right of said notice and the postponement of the effective date of such a hotel occupancy tax. Cities within the County of Niagara who currently are authorized to and who collect a hotel occupancy tax shall continue to maintain a prior right to collect such hotel and motel bed tax.

Section 6. Registration.

Within ten days after the effective date of this local law, or in the case of operators commencing business after such effective date, within three days after such commencement or opening, every operator shall file with the County Treasurer a certificate of registration in a form prescribed by the County Treasurer. The County Treasurer shall, within five days after such registration, issue without charge to each operator, a certificate of authority empowering such operator to collect the tax from the occupant and duplicate thereof for each additional hotel of such operator. Each certificate or duplicate shall state the hotel to which it is applicable. Such certificates of authority shall be prominently displayed by the operator in such manner that it may be seen and come to the notice of all occupants and persons seeking occupancy. Such Certificates shall be non-assignable and non-transferable and shall be surrendered immediately to the County Treasurer upon the cessation of business at the hotel named or upon its sale or transfer.

Section 7. Administration and Collection.

(a) The tax imposed by this Local Law shall be administered and collected by the County Treasurer.

(b) The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement or charge made for said occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the County, and the operator shall be liable for the collection thereof and for the tax. The operator and any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this Local Law, and the operator shall have the same right in respect to collecting the tax from the occupant, or in respect to non-payment of the tax by the occupant as if the tax were a part of the rent for the occupancy payable at the time such tax shall become due and owing, including all rights of eviction, dispossession, repossession and enforcement of any innkeeper's lien that he may have in the event of non-payment of rent by the occupant; provided, however, that the County Treasurer shall be joined as a party in any action or proceeding brought by the operator to collect or enforce collection of the tax.

(c) Where the occupant has failed to pay and the operator has failed to collect a tax as imposed by this Local Law, then in addition to all other rights, obligations and remedies provided, such tax shall be payable by the occupant directly to the County Treasurer, and it shall be the duty of the occupant to file a return thereof with the County Treasurer and to pay the tax imposed thereon to the County Treasurer within fifteen days after such tax was due.

(d) The County Treasurer may, wherever he deems it necessary for the proper enforcement of this Local Law, provide by regulation that the occupant shall file returns and pay directly to the County Treasurer the tax herein imposed, at such times as returns are required to be filed and payment over made by the operator.

(e) The tax imposed by this Local Law shall be paid upon any occupancy on and after May first, two thousand twenty-two, although such occupancy is had pursuant to a contract, lease or other arrangement made prior to such date. Where rent is paid or charged or billed, or falls due on either a weekly, monthly or other term basis, the rent so paid, charged, billed or falling due shall be subject to the tax herein imposed to the extent that it covers any portion of the period on and after May first, two thousand twenty-two. Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the County Treasurer may by regulation provide for credit and/or refund of the amount of such tax application therefore as provided in section twelve of this Local Law.

(f) For the purpose of the proper administration of this Local Law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator or the occupant. Where an occupant claims exemptions from the tax under the provisions of section four hereof, the rent shall, be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption a copy of a certificate issued by the County Treasurer certifying that the corporation or association therein named is exempt from the tax under section four hereof, together with a certificate duly executed by the corporation or association named in the certificate of the County Treasurer certifying that the occupant is its agent, representative or employee and that his occupancy is paid or to be paid by, and is necessary or required in the course of or in connection with the affairs of said corporation or association.

Section 8. Records to be kept.

Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon, in such form as the County Treasurer may by regulation require. Such records shall be available for inspection and examination at any time upon demand by the County Treasurer or his duly

authorized agent or employee and shall be preserved for a period of three years, except that the County Treasurer may consent to their destruction within that period or may require that they be kept longer.

Section 9. Returns.

(a) Every operator shall file with the County Treasurer a return of occupancy and of rents, and of the taxes payable thereon for the periods ending March thirty-first, June thirtieth, September thirtieth and December thirty-first of each year, on and after on and after May first, two thousand twenty-two. Such returns shall be filed within twenty days from the expiration of the period covered thereby. The County Treasurer may permit or require returns to be made by other periods and upon such dates as he may specify. If the County Treasurer deems it necessary in order to insure the payment of the tax imposed by this Local Law, he may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as he may specify.

(b) The forms of returns shall be prescribed by the County Treasurer and shall contain such information as he may deem necessary for the proper administration of this Local Law. The County Treasurer may require amended returns to be filed within twenty days after notice and to contain the information specified in the notice.

(c) If a return required by this Local Law is not filed, or if a return when filed is incorrect or insufficient on its face, the County Treasurer shall take the necessary steps to enforce the filing of such a return or of a corrected return.

Section 10. Payment of Tax.

At the time of filing a return of occupancy and of rents each operator shall pay to the County Treasurer the taxes imposed by this Local Law upon the rents required to be included in such return, as well as all other moneys collected by the operator acting or purporting to act under the provisions in this Local Law. Even though it be judicially determined that the tax collected is invalidly required to be filed, it shall be due from the operator and payable to the County Treasurer on the date limited for the filing of the return for such period, without regard to whether a return is filed or whether the return which is filed correctly shows the amount of rents and the taxes due thereon. Where the County Treasurer, in his discretion, deems it necessary to protect revenues to be obtained under this Local Law he may require any operator required to collect the tax imposed by this local law to file with him a bond, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as the County Treasurer may fix to secure the payment of any tax and/or penalties and interest due or which may become due from such operator. In the event that the County Treasurer determines that an operator is to file such bond he shall give notice to such operator to that effect specifying the amount of the bond required. The operator shall file such bond within five days after the giving of such notice unless within such five days the operator shall request in writing a hearing before the County Treasurer at which the necessity, propriety and amount of the bond shall be determined by the County Treasurer. Such determination shall be final and shall be complied with within fifteen days after the giving of notices thereof. In lieu of such bond, securities approved by the County Treasurer or cash in such amount as he may prescribe, may be deposited which shall be kept in the custody of the County Treasurer who may at any time without notice to the depositor apply them to any tax and/or interest or penalties due, and for that purpose the securities may be sold by him at public or private sale without notice to the depositor thereof.

Section 11. Determination of Tax.

If a return required by this Local Law is not filed, or if a return when filed is incorrect or insufficient the amount of tax due shall be determined by the County Treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location,

scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors. Notice of such determination shall be given to the person liable for the collection and/or payment of the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within thirty days after giving of notice of such determination, shall apply to the County Treasurer for a hearing, or unless the County Treasurer of his own motion shall re-determine the same. After such hearing, the County Treasurer shall give notice of his determination to the person against whom the tax is assessed. The determination of the County Treasurer shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under Article seventy-eight of the Civil Practice Law and Rules, provided however, that such proceeding is instituted in the Supreme Court within thirty days after the giving of the notice of such determination. A proceeding under Article seventy-eight of the Civil Practice Law and Rules shall not be instituted unless

(a) The amount of any tax sought to be reviewed, with penalties and interest thereon, if any, shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a Justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or (b) at the option of the petitioner such undertaking may be in a sum sufficient to cover the taxes, penalties and interest thereon stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, penalties and interest as a condition precedent to the application.

Section 12. Refunds.

(a) In the manner provided in this section, the County Treasurer shall refund or credit without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the County Treasurer for such refund shall be made within one year from the payment thereof. Whenever a refund is made by the County Treasurer, he shall state his reason therefore in writing. Such application may be made by the occupant, operator or other person who has actually paid the tax. Such application when made by an operator who has collected and paid over such tax to the County Treasurer, provided that the application is made within one year of the payment by the occupant to the operators shall be acted upon and refunded any moneys, due, only after such operator shall first establish to the satisfaction of the County Treasurer, under such regulations as the County Treasurer may prescribe, that he has repaid or will simultaneously repay to the occupant the amount for which the application for refund is made. The County Treasurer may, in lieu of any refund required to be made, allow credit therefore on payments due from the petitioner.

(b) Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the County Treasurer, and such County Treasurer shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under Article seventy-eight of the Civil Practice Law and Rules, provided, however, that such proceeding is instituted within thirty days after the giving of the notice of such denial, that a final determination of tax due was not previously made, and that an undertaking be filed with the County Treasurer in such amount and with such sureties as a Justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

(c) A person shall not be entitled to a revision, refund or credit under this section of a tax, interest or penalty which had been determined to be due pursuant to the provisions of section twelve of this Local Law where he has had a hearing or an opportunity for a hearing, as provided in said section, or has failed to avail himself of the remedies therein provided. No refund or credit shall be made of a tax, interest or penalty paid after a determination by the County Treasurer made pursuant to section twelve of this Local Law unless it be found that such determination was erroneous, illegal or unconstitutional or otherwise improper by the County

Treasurer after a hearing or of his own motion or in a proceeding under Article seventy-eight of the Civil Practice Law and Rules, pursuant to the provisions of said section, in which event refund or credit without interest shall be made of the tax, interest or penalty found to have been overpaid.

Section 13. Disposition of Revenues.

All revenues resulting from the imposition of this tax under this Local Law shall be paid into the treasury of the County of Niagara and shall be credited to and deposited as follows: (a) the first four percentum (4%) shall be deposited in the General Fund of the County of Niagara. Thereafter, thereafter are to be allocated and paid to a not-for-profit corporation under contract with the County for the promotion of tourism in the County and (b) the additional one percentum (1%) of revenue from this tax shall be dedicated to the operation of the Discover Niagara Shuttle. The County Treasurer is authorized to retain up to a maximum of five percent (5%) of such revenue to defer the necessary expenses of the County in administering such tax.

Section 14. Reserves.

In cases where the occupant or operator has applied for a refund and has instituted a proceeding under Article seventy-eight of the Civil Practice Law and Rules to review a determination adverse to him on his application for refund, the County Treasurer shall set up appropriate reserves to meet any decision adverse to the County.

Section 15. Remedies Exclusive.

The remedies provided by sections eleven and twelve of this Local Law shall be exclusive remedies available to any person for the review of tax liability imposed by this Local Law and no determination or proposed determination of tax or determination on any application for refund shall be enjoined or reviewed by an action for declaratory judgment, an action for money had and received or by any action or proceeding other than a proceeding in a nature of a certiorari proceeding under Article seventy-eight of the Civil Practice Law and Rules; provided, however, that a taxpayer may proceed by declaratory judgment if he institutes suit within thirty days after a deficiency assessment is made and pays the amount of the deficiency assessment to the County Treasurer prior to the institution of such suit and posts a bond for costs as provided in section eleven of this Local Law.

Section 16. Proceedings to Recover Tax.

(a) Whenever any operator or any officer of a corporate operator or any occupant or other person shall fail to collect and pay over any tax and/or to pay any tax, penalty or interest imposed by this Local Law as therein provided, the Niagara County Attorney shall, upon the request of the County Treasurer, bring or cause to be brought an action to enforce the payment of the same on behalf of the County of Niagara in any court of the State of New York or of any other state or of United States. If, however, the County Treasurer, in his discretion, believes that any such operator, officer, occupant or other person is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, he may declare such tax or penalty to be immediately due and payable and may issue a warrant immediately.

(b) As an additional or alternate remedy, the County Treasurer may issue a warrant, directed to the sheriff commanding him to levy upon and sell the real and personal property of the operator or officer of a corporate operator or of the occupant or other person liable for the tax, which may be found within the County for the payment of the amount thereof, with any penalties and interest, and the cost of executing the warrant, and to return such warrant to the County Treasurer and to pay to him the money collected by virtue thereof within sixty days after the receipt of such warrant. The sheriff shall, within five days after the receipt of the warrant, file with the County Clerk a copy thereof, and thereupon such clerk shall enter in the judgment docket

the name of the person mentioned in the warrant and the amount of the tax, penalties and interest for which the warrant is issued and the date when such copy is filed. Thereupon the amount of such warrant so docketed shall become a lien upon any interest in real and personal property of the person against whom the warrant is issued. The sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as that provided by law in

respect to executions issued against property upon judgments of a court of record and for services in citing the warrant he shall be entitled to the same fees, which he may collect in the same manner. In the discretion of the County Treasurer, a warrant of like terms, force and effect may be issued and directed to any officer or employee of the County Treasurer and in the execution thereof such officer or employee shall have all the powers conferred by law upon sheriffs, but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. If a warrant is returned not satisfied in full, the County Treasurer may, from time to time, issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the County has recovered judgment therefore and execution thereon has been returned unsatisfied.

(c) Whenever an operator shall make a sale, transfer, or assignment in bulk of any part or the whole of his hotel or his lease, license of other agreement or right to possess or operate such hotel, apartment hotel, or of the equipment, furnishings, fixtures, supplies or stock of merchandise, of the said premises or lease, license or other agreement or right to possess or operate such hotel, apartment hotel and the equipment, furnishings, fixtures, supplies and stock of merchandise pertaining to the conduct or operation of said hotel, otherwise than in the ordinary and regular prosecution of business, the purchaser, transferee or assignee shall at least ten days before taking possession of the subject of said sale, transfer or assignment, or paying therefore, notify the County Treasurer by registered mail of the proposed sale and of the price, terms and conditions thereof whether or not the seller, transferor or assignor, has represented to or informed the purchaser, transferee or assignee that it owes any tax pursuant to this Local Law, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing. Whenever the purchaser, transferee or assignee shall fail to give notice to the County Treasurer as required by the preceding paragraph or whenever the County Treasurer shall inform the purchaser, transferee or assignee that a possible claim for such tax or taxes exists, any sums of money, property or choses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the seller, transferor or assignor shall be subject to a first priority right and lien for any such taxes theretofore or thereafter determined to be due from the seller, transferor or assignor to the County, and the purchaser, transferee or assignee is forbidden to transfer to the seller, transferor or assignor any such sums of money, property or choses in action to the extent of the amount of the County's claim. For failure to comply with the provisions of this subdivision, the purchaser, transferee or assignee, in addition to being subject to the liabilities and remedies imposed under the provisions of section 6-101 through 6-111 of the Uniform Commercial Code, shall be personally liable for the payment to the County of any such taxes theretofore or thereafter determined to be due to the County from the seller, transferor, or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this Local Law.

Section 17. General Powers of the County Treasurer.

In addition to the powers granted to the County Treasurer in this Local Law, he is hereby authorized and empowered:

(a) To make, adopt and amend rules and regulations appropriate to the carrying out of this Local Law and the purposes thereof;

(b) To extend for cause shown, the time of filing any return for a period not exceeding thirty days; and for cause shown, to waive penalties but not interest computed at the rate of six percent per annum; and to compromise disputed claims in connection with the taxes hereby imposed;

(c) To request information from the Tax Commission of the State of New York or the Treasury Department of the United States relative to any person; and to afford information to such tax commission or such treasury department relative to any person, any other provision of this Local Law to the contrary notwithstanding;

(d) To delegate his functions hereunder to a Deputy County Treasurer or any employee or employees of the office of County Treasurer;

(e) To prescribe methods for determining the rents for occupancy and to determine the taxable and nontaxable rents;

(f) To require any operator within the County to keep detailed records of the nature and type of hotel maintained, nature and type of service rendered, the rooms available and rooms occupied daily, leases or occupancy contracts or arrangements, rents received, charged and accrued, the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this Local Law, and to furnish such information upon request to the County Treasurer.

(g) To assess, determine, revise and readjust the taxes imposed under this Local Law.

Section 18. Administration of Oaths and Compelling Testimony.

(a) The County Treasurer or his employees or agents duly designated and authorized by him shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this Local Law. The County Treasurer shall have power to subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the performance of his duties hereunder and of the enforcement of this Local Law and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before him or excused from attendance.

(b) A Justice of the Supreme Court, either in court or at chambers, shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the County Treasurer under this Local Law.

(c) Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material manner pending before the County Treasurer under this Local Law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars or imprisonment for not more than one year, or both such fine and imprisonment.

(d) The officers who serve the summons or subpoena of the County Treasurer and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided. Such officers shall be the County Sheriff and his daily appointed deputies or any officers or employees of the County Treasurer, designated to serve such process.

Section 19. Reference to Tax.

Wherever reference is made in placards or advertisements or in any other publications to this tax, such reference shall be substantially in the following form: "Tax on occupancy of hotel rooms," except that in any bill, receipt, statement or other evidence or memorandum of occupancy or rent charge issued or employed by the operator, the words "occupancy tax" will suffice.

Section 20. Penalties and Interest.

(a) Any person failing to file a return or to pay or pay over any tax to the County Treasurer within the time required by this Local Law shall be subject to a penalty, of five percent of the amount of tax due; plus interest at the rate of one percent of such tax for each month of delay excepting the first month after such return was required to be filed or such tax became due; but the County Treasurer, if satisfied that the delay was excusable, may waive all or any part of such penalty, but not interest at the rate of six percent per year. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this Local Law. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this Local Law.

(b) Any operator or occupant and any officer of a corporate operator or occupant failing to file a return required by this Local Law, or filing or causing to be filed, or making or causing to be made or giving or causing to be given any return, certificate, affidavit, representation, information testimony or statement required or authorized by this Local Law, which is willfully false, and any operator and any officer of a corporate operator willfully failing to file a bond required to be filed pursuant to section eleven of this Local Law, or failing to file a registration certificate and such data in connection therewith as the County Treasurer may be regulation or otherwise require or to display or surrender the certificate of authority as required by this Local Law or assigning or transferring such certificate or authority and any operator and any officer of a corporate operator willfully failing to charge separately from the rent the tax herein imposed, or willfully failing to state such tax separately on any evidence of occupancy and on any bill of statement or receipt of rent issued or employed by the operator, or willfully failing or refusing to collect such tax from the occupant, and any operator and any officer of a corporate operator who shall refer or cause reference to be made to this tax in a form or manner other than that required by this Local Law, and any operator failing to keep the records required by section eight of this Local Law, shall, in addition to the penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars, or imprisonment for not more than one year, or both such fine and imprisonment. Officers of a corporate operator shall be personally liable for the tax collected or required to be collected by such corporation under this Local Law, and subject to the penalties herein above imposed.

(c) The certificate of the County Treasurer to the effect that a tax has not been paid, that a return, bond or registration certificate has not been filed, or that information has not been supplied pursuant to the provisions of this Local Law, shall be presumptive evidence thereof.

Section 21. Returns to be Secret.

(a) Except in accordance with proper judicial order, or as otherwise provided by law, it shall be unlawful for the County Treasurer or any officer or employee of the office of County Treasurer to divulge or make known in any manner the rents or either information relating to the business of a taxpayer contained in any return required under this Local Law. The officer charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the County Treasurer in an action or proceeding under the provisions of this Local Law, or on behalf of any party to any action or proceeding under the provisions of this Local Law when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby, as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer or his duly authorized representative of a certified copy of any return filed in connection with his tax nor to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof, or the inspection by the Niagara County Attorney or other legal representatives of the County or by the District Attorney of Niagara County, of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty. Returns shall be preserved for three years and thereafter until the County Treasurer permits them to be destroyed.

(b) Any violation of subdivision (a) of this section shall be punishable by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or both, in the discretion of the court, and if the offender be an officer or employee of the County he shall be dismissed from office and be incapable of holding any public office for a period of five years thereafter.

Section 22. Notices and Limitations of Time.

(a) Any notice authorized or required under the provisions of this local law may be given by mailing the same to the person for whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed by him pursuant to the provisions of this Local Law, or in any application made by him or, if no return has been filed or application made, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions of this Local Law by the giving of notice shall commence to run from the date of mailing of such notice.

(b) The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the County to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this Local Law. However, except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return; provided, however, that where no return has been filed as provided by law the tax may be assessed at any time.

(c) Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

Section 23. Separability.

If any provision of this Local Law, or the application thereof to any person or circumstance shall be held invalid, the remainder of this Local Law, and the application of such provisions to other persons or circumstances shall not be affected thereby.

Section 24. Effective Date.

This local law shall take effect upon filing in the office of the Secretary of State as provided by the Municipal Home Rule Law. The Hotel and Motel tax enacted herein shall remain in effect for a three (3) year period from May 1, 2022. Nothing contained in Tax Law § 1202-t Hotel or Motel Taxes in Niagara County shall prohibit the adoption and enactment of Local Laws pursuant to provisions of this section upon the expiration and any other Local Law adopted pursuant to this section.

RESOLVED, that the Niagara County Legislature shall conduct a public hearing upon said proposed Local Law at the Legislative Chambers, Courthouse, Lockport, New York, on the 3rd day of May, 2022 at 5:40 p.m., and be it further

RESOLVED, that the Clerk of the Legislature, at least six (6) days in advance of such hearing, shall post a notice upon the bulletin boards in the Courthouse at Lockport and the Civic Building in Niagara Falls, and shall publish such notice once in the Union-Sun & Journal and the Niagara Gazette; such notice shall contain the title of the Local Law and an abstract of the text to be prepared by the Clerk of the Legislature with the assistance of the County Attorney's Office.

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

Resolution No. ED-010-22

From: Economic Development and Administration Committees.

Dated: March 22, 2022

**FIXING DATE AND NOTICE FOR THE PUBLIC HEARING
FOR PEMM, LLC d/b/a QUICKLEE'S
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

WHEREAS, the County Legislature wishes to assess the advisability of submitting a Community Development Block Grant ("CDBG") application to the New York State Office of Community Renewal (the "OCR") for a grant to support the development of a travel center to be located on a parcel of land located near the intersection of Porter and Packard Roads in the Town of Niagara, New York, and

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

RESOLVED, that the Niagara County Legislature shall conduct a public hearing whereat all interested parties shall be heard regarding the CDBG program, the County's community development and economic development programs, and the proposed funding application at the Legislative Chambers, Courthouse, Lockport, New York on the 3rd day of May, 2022 at 5:50 p.m., and be it further

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

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-026-22

From: Infrastructure & Facilities and Administration Committees.

Dated: March 22, 2022

**RESOLUTION COMMITTING FUNDS TO UPHOLD
LOCAL LAW NUMBER 4, SOLAR PANEL RECYCLING REGULATIONS**

WHEREAS, pursuant to local law Number 4 of the year 2021, the Niagara County Legislature established Solar Panel Recycling Regulations for the County of Niagara to address the rise in use of solar panels, and in turn, the accumulation of photovoltaic waste when they reach their end of life, and

WHEREAS, the Niagara County Legislature finds that a convenient, safe and environmentally sound system for the recycling of photovoltaic modules must be the financial responsibility of photovoltaic manufacturers, and

WHEREAS, beginning August 1, 2022, no manufacturer, distributor, retailer or installer may sell or offer for sale a photovoltaic module in or into the County unless the manufacturer of the photovoltaic module is in full compliance, and

WHEREAS, each manufacturer or Stewardship organization must prepare and submit a stewardship plan to the County by the later of August 1, 2022, or within thirty days of its first sale of photovoltaic modules in or into the County, and

WHEREAS, Niagara County has a need to properly review and enforce these stewardship plans, and

WHEREAS, Niagara County received \$343,975.34 for the participation in the New York State County-Wide Shared Services Initiative, and

WHEREAS, Niagara County would like to utilize \$200,000.00 of the New York State County-Wide Shared Services Initiative revenue towards the execution of local law Number 4, and

WHEREAS, the Governmental Accounting Standards Board (GASB) has issued Statement Number 54 Fund Balance Reporting and Governmental Fund Type Definitions which requires legal authority from the Federal, State, or Local government to commit funds to particular program or purpose, and

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

RESOLVED, that the Niagara County Legislature authorizes the commitment of \$200,000 of New York State County-Wide Shared Services Initiative revenue to be used for the enforcement of local law Number 4 effectuated to 2021, and be it further

RESOLVED, that the Niagara County Legislature authorizes the commitment of any future revenue generated from the enforcement of aforementioned stewardship plans to be used for the enforcement of local law 4.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-027-22

From: Infrastructure & Facilities and Administration Committees.

Dated: March 22, 2022

RESOLUTION GRANTING AUTHORITY TO IMPLEMENT AND MAINTAIN SOLAR PANEL RECYCLING REGULATIONS AND ALLOWING SALARY DIFFERENTIALS

WHEREAS, pursuant to local law Number 4 of the year 2021, the Niagara County Legislature established Solar Panel Recycling Regulations for the County of Niagara to address the rise in use of solar panels, and in turn, the accumulation of photovoltaic waste when they reach their end of life, and

WHEREAS, the Niagara County Legislature finds that a convenient, safe and environmentally sound system for the recycling of photovoltaic modules must be the financial responsibility of photovoltaic manufacturers, and WHEREAS, beginning August 1, 2022, no manufacturer, distributor, retailer or installer may sell or offer for sale a photovoltaic module in or into the County unless the manufacturer of the photovoltaic module is in full compliance, and

WHEREAS, each manufacturer or Stewardship organization must prepare and submit a stewardship plan to the County by the later of August 1, 2022, or within thirty days of its first sale of photovoltaic modules in or into the County, and

WHEREAS, the County Manager in conjunction with input from the Human Resources Director and Civil Service Personnel Officer has determined that Environmental Science Coordinator Dawn Timm, and the First Assistant County Attorney Katherine Alexander best meet the qualifications to carry out the duties of managing and enforcing Niagara County's Local Law No. 4 of 2021 on a temporary basis, now, therefore, be it,

RESOLVED, that Environmental Science Coordinator Dawn Timm will temporarily assume the duties of managing and implementing Local Law No. 4 of 2021, while continuing to perform all her assigned duties of Environmental Science Coordinator, and be it further

RESOLVED, that the Environmental Science Coordinator, position #10597 while performing the aforesaid duties will receive a salary differential, in the amount of nine hundred forty-four dollars and forty-four cents (\$944.44) per month, at the end of each month, until December 31, 2022, and be it further

RESOLVED, thereafter if necessary the monthly amount will be seven hundred eight dollars and thirty-three cents (\$708.33) as long as the Environmental Science Coordinator continues to temporarily perform the duties of managing Local Law No. 4, and be it further

RESOLVED, that First Assistant County Attorney Katherine Alexander will temporarily assume the duties of managing and implementing Local Law No. 4 of 2021, while continuing to perform all her assigned duties of Assistant County Attorney, and be it further

RESOLVED, that Assistant County Attorney, position #187 while performing the aforesaid duties will receive a salary differential, in the amount of nine hundred forty-four dollars and forty-four cents (\$944.44) per month, at the end of each month, until December 31, 2022, and be it further

RESOLVED, thereafter if necessary the monthly amount will be seven hundred eight dollars and thirty-three cents (\$708.33) as long as the Environmental Science Coordinator continues to temporarily perform the duties of managing Local Law No. 4, and be it further

RESOLVED, that the salary differentials reference hereinabove shall be drawn from the following accounts and the following budget modifications be effectuated:

INCREASE ESTIMATED REVENUE:

| | | |
|------------------------|--|-----------|
| A.15.8160.802 40599.01 | Appropriated Fund Balances Committed Funds | \$102,631 |
|------------------------|--|-----------|

INCREASE APPROPRIATIONS:

| | | |
|------------------------|--|----------|
| A.15.8160.802 71080.00 | Stipend Expense | \$17,000 |
| A.15.8160.802 71050.00 | Overtime | 4,000 |
| A.15.8160.802 78100.00 | Retirement | 2,730 |
| A.15.8160.802 78200.00 | FICA Expense | 1,607 |
| A.15.8160.802 78300.00 | Worker's Comp Expense | 544 |
| A.15.8160.802 74650.08 | Professional Consultants/Expert Services | 75,000 |
| A.15.8160.802 74800.10 | Supplies/Services, Misc Equipment | 1,000 |
| A.15.8160.802 74300.03 | Reimbursements Travel/Mileage | 750 |

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-028-22

From: Infrastructure & Facilities and Administration Committees.

Dated: March 22, 2022

**CONVERSION OF NIAGARA COUNTY GOLF COURSE FROM
AN ENTERPRISE FUND TO A GOVERNMENTAL FUND**

WHEREAS, pursuant to the recommendations of the County of Niagara's independent auditing firm, it was determined that it would be advantageous to create an Enterprise Fund for the Niagara County Golf Course, and

WHEREAS, based upon said recommendations, and pursuant to a resolution dated December 5, 2000, an Enterprise Fund was created for the Niagara County Golf Course with an effective date of January 1, 2001, and

WHEREAS, pursuant to the provisions of Section 36 of the General Municipal Law, it has been determined that it is no longer desirable for the Niagara County Golf Course to be operated as an Enterprise Fund, and

WHEREAS, it is hereby acknowledged that it is in the County of Niagara's best interests to dissolve the Enterprise Fund, and to account for the transactions of the Niagara County Golf Course by and through a governmental fund within the Niagara County Parks Department, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby approve the conversion of the Niagara County Golf Course from an Enterprise Fund to a governmental fund effective January 1, 2022, and be it further

RESOLVED, that the Niagara County Legislature directs the County Manager, County Treasurer, Budget Director and Department of Public Works to make the necessary governmental fund and budget changes necessary for this change to occur at the aforementioned effective date.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-029-22

From: Infrastructure & Facilities and Administration Committees.

Dated: March 22, 2022

2022 CAPITAL IMPROVEMENT PROJECT - PURCHASE OF PARKS EQUIPMENT

WHEREAS, the Niagara County Legislature previously approved the conversion of the Niagara County Golf Course from an Enterprise Fund to a governmental fund effective January 1, 2022, and

WHEREAS, the County Manager and County Treasurer recommend a capital improvement project for the purchase of necessary equipment for future use at the Niagara County Golf Course, now, therefore, be it

RESOLVED, significant lead times in the supply chain necessitate the placement of advance purchase orders at this time, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

| | | |
|------------|---------------------------|-----------|
| A 40599.00 | Appropriated Fund Balance | \$350,000 |
|------------|---------------------------|-----------|

INCREASE APPROPRIATIONS:

| | | |
|------------------------|-----------------------------|-----------|
| A.07.9901.000.79010.10 | Transfer to Capital Reserve | \$350,000 |
|------------------------|-----------------------------|-----------|

INCREASE APPROPRIATED FUND BALANCE:

| | | |
|------------|------------------------------|-----------|
| AH40511.00 | Appropriated Capital Reserve | \$350,000 |
|------------|------------------------------|-----------|

INCREASE CAPITAL CONSTRUCTION

| | | |
|-------------------------|----------------------------------|-----------|
| AH.07.9950.000.79010.00 | Transfer to Capital Construction | \$350,000 |
|-------------------------|----------------------------------|-----------|

INCREASE ESTIMATED REVENUE

| | | |
|---------------------------|--------------------------------|-----------|
| H737.15.7110.000.45031.10 | Transfers from Capital Reserve | \$350,000 |
|---------------------------|--------------------------------|-----------|

INCREASE APPROPRIATION

| | | |
|---------------------------|-----------------------------|-----------|
| H737.15.7110.000.72100.10 | Purchase of Parks Equipment | \$350,000 |
|---------------------------|-----------------------------|-----------|

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-030-22

From: Infrastructure & Facilities and Administration Committees.

Dated: March 22, 2022

**FEDERAL AID STATE ADMINISTERED LOCAL PROJECT AGREEMENT – PIN 5308.37
COMPTROLLER’S CONTRACT NO. D040411, NIAGARA COUNTY OPPENHEIM PARK
DRIVEWAY RELOCATION, TOWN OF WHEATFIELD, NIAGARA COUNTY**

WHEREAS, a Project for the Niagara County Oppenheim Park Driveway relocation, Town of Wheatfield, Niagara County, PIN 5308.37, (the “Project”) is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs such program to be borne at the ration of 90 % federal funds and 10% non-federal funds, and

WHEREAS, the County of Niagara desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the construction phase for the Project or portions thereof, with the federal share of such costs to be applied directly by the New York State Department of Transportation (NYSDOT) pursuant to Agreement, now, therefore, be it

RESOLVED, that the Niagara County Legislature Board hereby approves the Project, and be it further

RESOLVED, that the Niagara County Legislature Board hereby authorizes the County of Niagara to pay in the first instance the full non-federal share of the cost of the construction work for the Project or portions thereof, and be it further

RESOLVED, that the following budget modification be effectuation:

INCREASE APPROPRIATED FUND BALANCE:

| | | |
|------------|---------------------------|-------------|
| A 40599.00 | Appropriated Fund Balance | \$78,411.00 |
|------------|---------------------------|-------------|

INCREASE APPROPRIATIONS:

| | | |
|------------------------|------------------------------|-------------|
| A.07.9901.000 79010.10 | Transfers to Capital Reserve | \$78,411.00 |
|------------------------|------------------------------|-------------|

INCREASE APPROPRIATED FUND BALANCE:

| | | |
|-------------|---------------------------|-------------|
| AH 40511.00 | Appropriated Fund Balance | \$78,411.00 |
|-------------|---------------------------|-------------|

INCREASE CAPITAL CONSTRUCTION:

| | | |
|-------------------------|----------------------------------|-------------|
| AH.07.9950.000 79010.00 | Transfer to Capital Construction | \$78,411.00 |
|-------------------------|----------------------------------|-------------|

INCREASE ESTIMATED REVENUE:

| | | |
|---------------------------|---|-------------|
| H497.15.7110.000 45031.10 | Interfund Transfers – From Capital Reserves | \$78,411.00 |
|---------------------------|---|-------------|

INCREASE APPROPRIATIONS:

| | | |
|----------------------------|--------------------------|-------------|
| H.497.15.7110.000 72400.00 | Land Improvement Expense | \$78,411.00 |
|----------------------------|--------------------------|-------------|

and be it further,

RESOLVED, that the sum of seventy-eight thousand, four hundred eleven dollars and 00/100 (\$78,411.00), is hereby appropriated from Capital Reserves and made available to cover the cost of participation in the above phase of the Project, and be it further

RESOLVED, that in the event the non-federal share of the costs of the project exceed the amount appropriated above, the Legislature of the County of Niagara shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further

RESOLVED, that the Chairman of the Niagara County Legislature of the County of Niagara be, and hereby is, authorized to execute all necessary agreements, certifications or reimbursement requests for federal aid and/or Marchiselli Aid on behalf of the County of Niagara with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of the non-federal share of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations thereof that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project, and be it further

RESOLVED, this Resolution shall take effect immediately.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-031-22

From: Infrastructure & Facilities Committee.

Dated: March 22, 2022

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND ANCHORING HOPE OF NY, INC.

WHEREAS, Anchoring Hope of NY, Inc. has requested that the County of Niagara grant them permission to use a portion of Krull Park for the purpose of holding a 5K Walk and Basket Raffle, and

WHEREAS, it is the wish of Anchoring Hope of NY, Inc. to hold the 5K Walk and Basket Raffle on September 24, 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 Anchoring Hope of NY, Inc., and

WHEREAS, prior to the execution of the License Agreement between the County of Niagara and Anchoring Hope of NY, 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 Chair of the County Legislature be, and hereby is, authorized to execute the License Agreement between the County of Niagara and Anchoring Hope of NY, Inc.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-032-22

From: Infrastructure & Facilities Committee.

Dated: March 22, 2022

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND GIRL SCOUT TROOP 70183

WHEREAS, Girl Scout Troop 70183 has requested that the County of Niagara grant them permission to use a portion of Krull Park for the purpose of holding a vendor fair, and

WHEREAS, it is the wish of the Girl Scouts to hold the vendor fair on June 12, 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 Girl Scout Troop 70183, and

WHEREAS, prior to the execution of the License Agreement between the County of Niagara and Girl Scout Troop 70183, 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 Girl Scout Troop 70183.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-033-22

From: Infrastructure & Facilities Committee.

Dated: March 22, 2022

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND
THE NEWFANE YOUTH FOOTBALL LEAGUE AND CHEERLEADING**

WHEREAS, the Newfane Youth Football League and Cheerleading has requested that the County of Niagara grant them exclusive rights to operate a football program in an area situated in the County owned property on Lake Road, and

WHEREAS, this program benefits the youth and other residents of both the Town of Newfane in addition to Niagara County as a whole, 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 the Newfane Youth Football League and Cheerleading, 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 the Newfane Youth Football League, now, therefore, be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Newfane Youth Football League and cheerleading, as appears on the proposed agreement, is hereby approved in all respects, and be it further

RESOLVED, that the Chairman of the Legislature is authorized and directed to execute and deliver the agreement with the Newfane Youth Football League and Cheerleading.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-034-22

From: Infrastructure & Facilities Committee.

Dated: March 22, 2022

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND REELIN' FOR A CURE

WHEREAS, Reelin' for a Cure has requested that the County of Niagara grant them permission to use a portion of Krull Park for the purpose of holding a fishing tournament, and

WHEREAS, it is the wish of Reelin' for a Cure to hold the fishing tournament on August 19, 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 Reelin' for a Cure, and

WHEREAS, prior to the execution of the License Agreement between the County of Niagara and Reelin' for a Cure, 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 Reelin' for a Cure.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-035-22

From: Infrastructure & Facilities Committee.

Dated: March 22, 2022

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND
THE YMCA FITNESS IN THE PARKS PROGRAM**

WHEREAS, the YMCA Fitness in the Parks Program has requested that the County of Niagara grant them rights to operate a Zumba and Yoga exercise program in an area situated in a section of Krull Park, and

WHEREAS, this program benefits the youth and other residents of Niagara County as a whole, 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 the YMCA

Fitness in the Parks Program, 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 the YMCA Fitness in the Parks Program, now, therefore, be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the YMCA Fitness in the Parks Program, 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 the YMCA Fitness in the Parks Program.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-036-22

From: Infrastructure & Facilities Committee.

Dated: March 22, 2022

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE KRULL OLCOTT
DEVELOPMENT COMMITTEE AND OLCOTT FIRE COMPANY**

WHEREAS, the Krull Olcott Development Committee and the Olcott Fire Company have requested that the County of Niagara grant them permission to use the north section of Krull Park for the purpose of holding a Pirate's Festival, and

WHEREAS, this Festival has been successful for the past several years in attracting thousands of visitors from across Niagara County and Greater Western New York, and

WHEREAS, it is the wish of the local community to hold the Pirate's Festival on July 8-10, 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 Krull Olcott Development Committee and the Olcott Fire Company, and

WHEREAS, prior to the execution of the License Agreement between the County of Niagara and the Krull Olcott Development Committee and the Olcott Fire Company, 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 the Krull Olcott Development Committee and the Olcott Fire Company.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-037-22

From: Infrastructure & Facilities Committee.

Dated: March 22, 2022

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND
THE GREATER NIAGARA FISH ODYSSEY**

WHEREAS, the Greater Niagara Fish Odyssey has requested that the County of Niagara grant them permission to use a portion of Krull Park for the purpose of holding a fishing derby, and

WHEREAS, it is the wish of the Greater Niagara Fish Odyssey to hold the fishing derby on August 29, 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 Greater Niagara Fish Odyssey, and

WHEREAS, prior to the execution of the License Agreement between the County of Niagara and the Greater Niagara Fish Odyssey, 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 the Greater Niagara Fish Odyssey.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-038-22

From: Infrastructure & Facilities Committee.

Dated: March 22, 2022

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE NEWFANE SOCCER CLUB

WHEREAS, the Newfane Soccer Club has requested that the County of Niagara grant them exclusive rights to operate a Soccer program in an area situated in the County owned property on Lake Road, and

WHEREAS, this program benefits the youth and other residents of both the Town of Newfane in addition to Niagara County as a whole, 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 the Newfane Soccer Club, 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 the Newfane Youth Soccer Club, now, therefore, be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Newfane Soccer 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 County Legislature be, and hereby is, authorized to execute the License Agreement between the County of Niagara and the Newfane Soccer Club.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-039-22

From: Infrastructure & Facilities Committee.

Dated: March 22, 2022

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA
AND TIME TRAVELERS OF WNY - OLCOTT BEACH CAR SHOW**

WHEREAS, the Time Travelers of WNY - Olcott Beach Car Show has requested that the County of Niagara grant them permission to use the north section of Krull Park on September 2-3, 2022 for the purpose of holding the Olcott Beach Car Show, and

WHEREAS, this car show has been successful for the past several years in attracting thousands of visitors from across Niagara County and Greater Western New York, and

WHEREAS, it is the wish of the Time Travelers of WNY - Olcott Beach Car Show, to hold the Olcott Beach Car Show on September 2-3, 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 to enter into a formal agreement with the Time Travelers of WNY - Olcott Beach Car Show, and

WHEREAS, prior to the execution of the agreement, the County Attorney will review the agreement 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 Time Travelers of WNY - Olcott Beach Car Show, 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 is authorized and directed to execute and deliver the agreement with the Time Travelers of WNY - Olcott Beach Car Show,

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-040-22

From: Infrastructure & Facilities Committee.

Dated: March 22, 2022

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND DESTINATION NIAGARA USA

WHEREAS, Destination Niagara USA has requested that the County of Niagara grant them permission to use a portion of Krull Park for the purpose of holding a fishing tournament, and

WHEREAS, it is the wish of Destination Niagara USA to hold the fishing tournament on June 2-5, 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 Destination Niagara USA, and

WHEREAS, prior to the execution of the License Agreement between the County of Niagara and Destination Niagara USA, 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 Destination Niagara USA.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-041-22

From: Infrastructure & Facilities Committee.

Dated: March 22, 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 tennis practices, and

WHEREAS, it is the wish of the Newfane Central School to hold the practices from March 21-May 12, 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 Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-042-22

From: Infrastructure & Facilities Committee.

Dated: March 22, 2022

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE
LOCKPORT SOCCER CLUB**

WHEREAS, the Lockport Soccer Club has requested that the County of Niagara grant them exclusive rights to operate a Soccer program in an area situated in the County owned property on Davison Road, and

WHEREAS, this program benefits the youth and other residents of both the Town of Lockport in addition to Niagara County as a whole, 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, it is the desire of Niagara County to enter into a formal agreement with the Lockport Youth Soccer 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 Lockport Soccer 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 Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-043-22

From: Infrastructure & Facilities Committee.

Dated: March 22, 2022

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND
THE NIAGARA FRONTIER CROSS COUNTRY CLUB**

WHEREAS, the Niagara Frontier Cross Country Club has requested that the County of Niagara grant them exclusive rights to operate a Cross Country program in an area situated in the County owned property at Clyde L. Burmaster Bond Lake Park, and

WHEREAS, this program benefits the residents of the Town of Wheatfield in addition to Niagara County as a whole, 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, it is the desire of Niagara County to enter into a formal agreement with the Niagara Frontier Cross Country 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 Niagara Frontier Cross Country 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 is hereby

authorized to execute the required documents

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-044-22

From: Infrastructure & Facilities Committee.

Dated: March 22, 2022

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA
AND THE PENDLETON LIONS CLUB**

WHEREAS, the Pendleton Lions Club has requested that the County of Niagara grant them permission to use the West Canal Marina and Shelter #4, for the purpose of holding the Pendleton Lion's Club Fishing Derby to be held on June 11th, 2022, and

WHEREAS, the fishing derby has been successful for the past several years in attracting hundreds of adults and children from the area, and

WHEREAS, it is the wish of the organizers to hold the fishing derby on June 11, 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 Pendleton Lions Club, and

WHEREAS, prior to the execution of the License Agreement between the County of Niagara and the Pendleton Lions Club, 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 the Pendleton Lions Club.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-045-22

From: Infrastructure & Facilities Committee.

Dated: March 22, 2022

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND TOWN OF WHEATFIELD

WHEREAS, the Town of Wheatfield Summer Camp has requested that the County of Niagara grant them permission to use a portion of Oppenheim Park for the purpose of holding a summer camp program, and

WHEREAS, it is the wish of the Town of Wheatfield Summer Camp to hold the program from June 30 through August 11, 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,

and

WHEREAS, prior to the execution of the License Agreement between the County of Niagara and the Town of Wheatfield, 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 the Town of Wheatfield.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-046-22

From: Infrastructure & Facilities and Administration Committees.

Dated: March 22, 2022

**BEAR RIDGE ROAD BRIDGE OVER A TRIBUTARY TO TONAWANDA CREEK
CONSULTANT AMENDMENT NO. 2-FINAL**

WHEREAS, Resolution No. IF-100-17, dated June 20, 2017, authorized the contract for consultant services for the Bear Ridge Road Bridge over a Tributary to Tonawanda Creek Project to Bergmann Associates Inc., Waterfront Village Center, 40 LaRiviere Drive, Suite 105, Buffalo, NY 14202, for a contract amount of \$46,858, and

WHEREAS, Resolution No. IF-102-20, dated September 15, 2020, amended the contract to allow for additional design and construction administration, in the amount of \$38,539, for a revised contract amount of \$85,397, and

WHEREAS, it is necessary to decrease the contract by \$809.99, for a revised contract amount of \$84,587.01, and

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

RESOLVED, that the consultant services contract with Bergmann Associates Inc., Waterfront Village Center, 40 LaRiviere Drive, Suite 105, Buffalo, NY 14202, be decreased by \$809.99, for a revised contract amount of \$84,587.01, and be it further

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

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-047-22

From: Infrastructure & Facilities and Administration Committees.

Dated: March 22, 2022

**LOCKPORT ROAD CULVERT OVER CAYUGA CREEK, PIN 5762.99
BRIDGE NY - SUPPLEMENTAL AGREEMENT NO. 1**

WHEREAS, the Lockport Road Culvert over Cayuga Creek Project, PIN 5762.99 (the "Project"), Town of Wheatfield, Niagara County, is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% state funds, and

WHEREAS, the County of Niagara will design, let, and construct the Project, and

WHEREAS, the County of Niagara desires to advance the Project by making a commitment of 100% of the costs of the work for the Project or portions thereof, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara hereby approves the above-subject project, and be it further

RESOLVED, that the Legislature of the County of Niagara hereby authorizes the County of Niagara to pay 100% of the costs of the Preliminary Engineering (Design I-VI) and Construction/Construction Inspection phases of the Project or portions thereof, with the understanding that qualified costs may be eligible for federal aid, state aid, or reimbursement from Bridge NY funds, and be it further

RESOLVED, that the sum of \$839,000 is hereby appropriated in account H682.15.5197.000 72600.02, Infrastructure Bridges, and is made available to cover the cost of participation in the above phases of the Project, and be it further

RESOLVED, that the Niagara County Legislature hereby agrees that the County of Niagara shall be responsible for all costs of the Project which exceed the amount of the federal aid, state aid, or Bridge NY funding awarded to the County of Niagara, and be it further

RESOLVED, that in the event the Project costs not covered by federal aid, state aid, or Bridge NY funding exceed the amount appropriated above, the County of Niagara shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation, and be it further

RESOLVED, that the County of Niagara hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months, and be it further

RESOLVED, that the Chair of the Legislature of the County of Niagara be, and hereby is, authorized to execute all necessary Agreements, certifications, or reimbursement requests for federal aid and/or state aid on behalf of the County of Niagara with the New York State Department of Transportation, in connection with the advancement or approval of the Project providing for the administration of the Project and the County of Niagara's funding of Project costs and permanent funding of the local share of federal aid and/or state aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and be it further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and be it further

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

RESOLVED, that this Resolution shall take effect immediately.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-048-22

From: Infrastructure & Facilities Committee.

Dated: March 22, 2022

**AWARD OF CONTRACT – ANGELO DELSIGNORE CIVIC BUILDING
CURTAIN WALL RENOVATION – NORTH, SOUTH AND EAST FACADES**

WHEREAS, the Department of Public Works has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Angelo DelSignore Civic Building Curtain Wall Renovations – North, South and East Facades, and

WHEREAS, funds are available in account H623.15.1620.000 72200.01, Building Improvements, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on February 10, 2022 as tabulated below:

- | | |
|---|-------------|
| 1. Huber Construction 136 Taylor Drive Depew, NY 14043 | \$1,228,000 |
| 2. Walter S. Johnson Building Co. PO Box 688 Niagara Falls, NY 14302 | \$1,277,000 |
| 3. Scrufari Construction Co. 3925 Hyde Park Boulevard Niagara Falls, NY 14305 | \$1,365,000 |

WHEREAS, the Infrastructure & Facilities Committee has examined the bid, and

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

RESOLVED, that the contract for the Angelo DelSignore Civic Building Curtain Wall Renovation – North, South and East Facades project be awarded to the lowest responsible bidder, Huber Construction, 136 Taylor Drive, Depew, NY 14043, in the amount of \$1,228,000, 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 Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-049-22

From: Infrastructure & Facilities and Administration Committees.

Dated: March 22, 2022

**AWARD CONSULTANT SERVICES – ANGELO DELSIGNORE CIVIC BUILDING
ROOF REPLACEMENT PROJECT**

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with the Angelo DelSignore Civic Building Roof Replacement 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:

DECREASE REVENUE:

| | | |
|---------------------------|--------------------------------|-----------|
| H623.15.1620.000 45031.10 | Transfer from Capital Reserves | \$100,000 |
|---------------------------|--------------------------------|-----------|

DECREASE APPROPRIATIONS:

| | | |
|---------------------------|-----------------------|-----------|
| H623.15.1620.000 72200.01 | Building Improvements | \$100,000 |
|---------------------------|-----------------------|-----------|

INCREASE REVENUE:

| | | |
|---------------------------|--------------------------------|-----------|
| H7XX.15.1620.000 45031.10 | Transfer from Capital Reserves | \$100,000 |
|---------------------------|--------------------------------|-----------|

INCREASE APPROPRIATIONS:

| | | |
|---------------------------|-----------------------|-----------|
| H7XX.15.1620.000 72200.01 | Building Improvements | \$100,000 |
|---------------------------|-----------------------|-----------|

and be it further

RESOLVED, that the consultant services for the Angelo DelSignore Roof Replacement project be awarded to Watts Architects & Engineers, 95 Perry Street, Suite 300, Buffalo, NY 14203, for a contract amount not to exceed \$51,850, and be it further

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

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-050-22

From: Infrastructure & Facilities Committee.

Dated: March 22, 2022

AWARD OF CONTRACT – CARMEN ROAD BRIDGE OVER JOHNSON CREEK

WHEREAS, the Department of Public Works has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Carmen Road Bridge over Johnson Creek Project, and

WHEREAS, funds are available in account number H621.15.5197.000 72600.02, Bridges, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on February 17, 2022 as tabulated below:

- | | | |
|----|---|----------------|
| 1. | Hunting Valley Construction Inc. 825 Rein Road Cheektowaga, NY 14225 | \$1,523,263.20 |
| 2. | Concrete Applied Technologies Corp. d/b/a CATCO 1266 Townline Road Alden, NY 14004 | \$1,527,028.72 |
| 3. | Union Concrete Corp. PO Box 410 West Seneca, NY 14224 | \$1,528,242.70 |

- | | | |
|----|---|----------------|
| 4. | Oakgrove Construction 6900 Seneca Street, PO Box 103 Elma, NY 14059 | \$1,586,035.72 |
| 5. | McLaughlin Construction d/b/a Edbauer Construction 2790 Clinton Street West Seneca, NY 14224 | \$1,653,356.00 |
| 6. | Nichols Long & Moore 770 Riverview Blvd. Tonawanda, NY 14150 | \$1,749,709.00 |

and

WHEREAS, the Infrastructure & Facilities Committee has examined the bid, and

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

RESOLVED, that the contract for the Carmen Road Bridge over Johnson Creek Project be awarded to the lowest responsible bidder, Hunting Valley Construction Inc., 825 Rein Road, Cheektowaga, NY 14225, in the amount of \$1,523,263.20, and be it further

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

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-051-22

From: Infrastructure & Facilities Committee.

Dated: March 22, 2022

AWARD OF CONTRACT – WILSON-BURT ROAD BRIDGE OVER HOPKINS CREEK

WHEREAS, the Department of Public Works has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Wilson-Burt Road Bridge over Hopkins Creek Project, and

WHEREAS, funds are available in account number H704.15.5197.000 72600.02, Bridges, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on February 3, 2022 as tabulated below:

- | | | |
|----|---|---------------|
| 1. | Concrete Applied Technologies Corp. d/b/a CATCO 1266 Townline Road Alden, NY 14004 | \$ 822,536.00 |
| 2. | Oakgrove Construction 6900 Seneca Street, PO Box 103 Elma, NY 14059 | \$ 855,915.00 |

- | | | |
|----|---|----------------|
| 3. | McLaughlin Construction d/b/a Edbauer Construction 2790 Clinton Street West Seneca, NY 14224 | \$ 922,229.00 |
| 4. | 4 th Generation Construction 5650 Simmons Avenue Niagara Falls, NY 14304 | \$ 964,657.00 |
| 5. | Union Concrete & Construction PO Box 410 West Seneca, NY 14224 | \$ 998,684.00 |
| 6. | Nichols Long & Moore 770 Riverview Blvd. Tonawanda, NY 14150 | \$1,084,742.25 |
| 7. | Hunting Valley Construction 825 Rein Road Cheektowaga, NY 14225 | \$1,097,602.50 |
| 8. | Mark Cerrone 2368 Maryland Avenue Niagara Falls, NY 14305 | \$1,123,456.00 |
| 9. | Pinto Construction Services 132 Dingens Street Buffalo, NY 14206 | \$1,149,444.00 |

and

WHEREAS, the Infrastructure & Facilities Committee has examined the bid, and

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

RESOLVED, that the contract for the Wilson-Burt Road Bridge over Hopkins Creek Project be awarded to the lowest responsible bidder, Concrete Applied Technologies Corp., d/b/a CATCO, 1266 Townline Road, Alden, NY 14004, in the amount of \$822,536.00, and be it further

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

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-052-22

From: Infrastructure & Facilities and Administration Committees.

Dated: March 22, 2022

AWARD OF CONTRACT – CULVERT REHABILITATION

WHEREAS, the Department of Public Works would like to rehabilitate the following six (6) cross road culverts: 104-24 Ide Road; 5-19 Upper Mountain Road; 6-11 Lockport Road; 905-17 Griswold Road; 112-5 Tonawanda Creek Road; and 17-6 Ransomville Road, and

WHEREAS, General Municipal Law Section 103 allows a county of New York State to utilize contractual services of another county of the state that contains the provision allowing said utilization, and

WHEREAS, Onondaga County has entered into agreement #4284 dated 7/1/2020 with Precision Trenchless, LLC for cured in-place pipe lining, and

WHEREAS, the Department of Public Works, Engineering Division has determined that this would be a cost effective way to rehabilitate said culverts, and

WHEREAS, the Infrastructure & Facilities Committee has examined the Onondaga County contract, and

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

RESOLVED, that the contract for the Culvert Rehabilitation of Six (6) County Culverts be awarded to Precision Trenchless, LLC, 1710 Erie Blvd., Schenectady, NY 12308, in an amount not to exceed \$174,000, and be it further

RESOLVED, that the following budget modification be effectuated so the project may proceed:

INCREASE ANTICIPATED REVENUE:

| | | |
|---------------------------|------------------------|-----------|
| H7XX.15.5197.000 43501.00 | Consol Hwy Aid Revenue | \$174,000 |
|---------------------------|------------------------|-----------|

INCREASE ANTICIPATED APPROPRIATIONS:

| | | |
|---------------------------|---------------------------------|-----------|
| H7XX.15.5197.000 72600.02 | Infrastructure Bridges/Culverts | \$174,000 |
|---------------------------|---------------------------------|-----------|

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 Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-053-22

From: Infrastructure & Facilities Committee.

Dated: March 22, 2022

**AWARD OF CONTRACT
COUNTY ROAD PAINTING AND STRIPING**

WHEREAS, the Department of Public Works, Division of Highways, Bridges & Structures has prepared specifications and the Purchasing Department advertised for bids for painting traffic lines on County roads, and

WHEREAS, funds are available in the 2022 budget of the Highways, Bridges & Structures Division of the Department of Public Works, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on March 1, 2022 and tabulated below:

| <u>Waterborne Paint Application</u> | <u>Price Per Mile Of Centerline</u> | <u>Price Per Mile Of Edge Line</u> |
|---|---|--|
| SPM Inc. 3526 Watkins Road Horseheads, NY 14854 | \$386.00 | \$226.00 |
| Accent Stripe, Inc. 3275 N. Benzing Road Orchard Park, NY 14127 | \$411.00 | \$232.00 |

and

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

RESOLVED, that the low bid of SPM Inc., 3526 Watkins, Road, Horseheads, NY 14854, for painting traffic lines on County roads be accepted as the lowest responsible bid meeting specifications, and be it further

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

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-054-22

From: Infrastructure & Facilities Committee.

Dated: March 22, 2022

AWARD OF CONTRACT FOR CONTROL OF ROADSIDE VEGETATION

WHEREAS, the Commissioner of Public Works prepared specifications and the Niagara County Purchasing Department advertised for bids for the chemical weed control of roadside vegetation on County roadways, and

WHEREAS, funds are available in the 2022 budget of the Department of Public Works, and

WHEREAS, the Purchasing Department advertised for bids and publicly opened and read bids on March 1, 2022, and

| | Guide Railing Vegetation Control | |
|--|----------------------------------|-----------------------|
| | Per Side Mile | Per Gal. Mat. Applied |
| 1. Mid-State Lawn & Tree Service PO Box 942 Mexico, NY 13114 | \$22.33 | \$0.73 |
| 2. Allen Chase Enterprises, Inc. 24 County Route 1A Oswego, NY 13126 | \$26.96 | \$0.92 |
| 3. DeAngelo Contracting Services 100 N. Conahan Drive Hazleton, PA 18201 | \$32.00 | \$11.85 |

and

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

RESOLVED, that the contract for roadside vegetation control be awarded to Mid-State Lawn & Tree Service, PO Box 942, Mexico NY 13114, and be it further

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

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-055-22

From: Infrastructure & Facilities Committee.

Dated: March 22, 2022

BID AWARD FOR HIGHWAY MATERIALS

WHEREAS, specifications for the 2022 Highway Maintenance Program have been prepared by the Highways, Bridges & Structures Division of the Department of Public Works, and

WHEREAS, the Purchasing Department advertised for bids and publicly opened and read bids on March 1, 2022, and

WHEREAS, the New York State Department of Audit and Control, has, in the past, requested the Purchasing Agent to refer the results of the bid to the Niagara County Legislature for its approval, and

WHEREAS, the Public Works Committee has examined and found the bids acceptable, and

WHEREAS, the bids have traditionally been used or made available to all the Niagara County municipalities, and

WHEREAS, funds are available in the 2022 budget of the Department of Public Works, now, therefore, be it

RESOLVED, that the below bids, as outlined on the result sheets, be awarded to the respective lowest responsible bidder, and be it further

RESOLVED, that the Commissioner of Public Works is authorized to purchase the required materials from the bid awards, and be it further

RESOLVED, that copies of the bid results be distributed to the Niagara County municipalities for their use.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-056-22

From: Infrastructure & Facilities and Administration Committees.

Dated: March 22, 2022

**REALIGNMENT OF POSITION AND ABOLISH SYSTEMS ACCOUNTING MANAGER AND
CREATE INFORMATION SYSTEMS MANAGER**

WHEREAS, due to operational necessity an update and modification of the Systems Accounting Manager position will be updated through the Civil Service process to allow this position to perform expanded and varied Information Systems Manager duties, and

WHEREAS, as a result of the expanded and varied role of the new position, a new position title of Information Systems Manager will be required and created, reporting under the Information and Technology Department, and

WHEREAS, these positions are non-union and are integral to the successful administration and support of IT systems to include accounting and financial enterprise systems, and other required business systems, now, therefore, be it

RESOLVED, that the Systems Accounting Manager, FLAT Grade 12 position be abolished and the Information Systems Manager, FLAT Grade 13, Step 6, \$90,481, be created effective upon the passage of this resolution, and be it further

RESOLVED, that the Information Systems Manager position be aligned under the Information Technology Department effective upon the passage of this resolution

Moved by Collins, seconded by Godfrey to amend resolution.

Amendment: Addition in the First RESOLVED "...be abolished pending Civil Service exam results and the..."

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-057-22

From: Infrastructure & Facilities and Administration Committees.

Dated: March 22, 2022

TRANSMISSION MAIN PHASE 2 CAPITAL PROJECT H616 CLOSEOUT – WATER DISTRICT

WHEREAS, appropriations were made from the Water District Fund Balance/Bonded Debt fund for the Transmission Main Phase 2 Capital Project, and

WHEREAS, the project is now complete, and

WHEREAS, it is required to have the remaining funds from this project returned to the original funding source, now, therefore, be it

RESOLVED, that the following decreases to the project authorizations be made:

DECREASE APPROPRIATIONS:

| | |
|--|----------------|
| H616.31.8397.000 72600.03 Infrastructure Water Lines | \$4,491,198.55 |
|--|----------------|

DECREASE ESTIMATED REVENUE:

| | |
|--|---------------|
| H616.31.8397.000 45710.16 Serial Bonds Year 2016 | \$ 491,198.55 |
|--|---------------|

| | |
|--|----------------|
| H616.31.8397.000 45031.00 Interfund Transfers from Operating | \$4,000,000.00 |
|--|----------------|

and be it further

RESOLVED, that these unspent funds plus all accumulated interest should be returned to the original funding source as follows:

Water Fund Debt Reserve:
Water Fund Operating:

\$ 491,198.55
\$4,000,000.00

RESOLVED, that the above-listed capital account be closed.
Moved by Bradt, seconded by Robins.
Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-058-22

From: Infrastructure & Facilities and Administration Committees.
Dated: March 22, 2022

**CREATE AND FILL TEMPORARY ADMINISTRATIVE ASSISTANT POSITION
NIAGARA COUNTY WATER DISTRICT**

WHEREAS, the Niagara County Water District Service Center is staffed by one full-time Administrative Assistant who provides vital services for the NCWD; and

WHEREAS, due to the current Administrative Assistant's notice of intent to retire effective 4/30/22 it has been determined by the Niagara County Water District Administrative Board that a temporary full-time Administrative Assistant position is required for training by the current Administrative Assistant, and

WHEREAS, the Niagara County Water District Administrative Board has approved this temporary position creation; now; therefore, be it

RESOLVED that a temporary full time Administrative Assistant position be created and filled effective March 28, 2022 through April 30, 2022, at CSEA salary grade 10 step 1 at an hourly rate of \$26.04, funded by the District's contingency fund, and be it further

RESOLVED that the following budget modification be effectuated:

DECREASE APPROPRIATION:

| | | |
|-------------------------|-------------------------|---------|
| FX.31.1990.000.74500.01 | Contingency-Contractual | \$6,032 |
|-------------------------|-------------------------|---------|

INCREASE APPROPRIATION:

| | | |
|------------------------------|--------------------------------------|---------|
| FX.31.8310.000.71010.00 xxxx | Positions – Administrative Assistant | \$4,557 |
| FX.31.8310.000 78100.00 | Retirement | 374 |
| FX.31.8310.000.78200.00 | FICA | 349 |
| FX.31.8310.000.78300.00 | Worker's Compensation | 117 |

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

Resolution No. IL-003-22

From: Legislator Rebecca J. Wydysh and Irene M. Myers.
Dated: March 22, 2022

**RESOLUTION IN SUPPORT OF THE LEWISTON BICENTENNIAL COMMITTEE
THROUGH THE USE OF COMMUNITY PARTERSHIP FUNDING**

WHEREAS, the Village of Lewiston and the Town of Lewiston jointly formed the Lewiston Bicentennial Committee to organize and run a celebration of Lewiston's 200th Birthday, and

WHEREAS, the Lewiston Bicentennial Committee is planning a four day Bicentennial Celebration for the weekend of July 1-4, 2022, and

WHEREAS, the event will focus on the more than 200 years of history with community family events, including family reunions, alumni celebrations, fireworks, a parade, live music and performers, and

WHEREAS, an event of this magnitude can only be successful through full community participation and sponsorships, and

WHEREAS, these events will see the return of many former Lewiston residents, as well as visitors from surrounding Western New York areas and Canada, to the benefit of local businesses, and the Niagara County Legislature wishes to support this influx of revenue, now, therefore, be it

RESOLVED, that Niagara County's Community Partnership Fund was established in the 2022 budget, and be it further

RESOLVED, that Niagara County supports the celebratory efforts of the Lewiston Bicentennial Committee by appropriating monies from said Community Partnership Fund as follows:

| | |
|---|------------|
| Village of Lewiston | \$2,000.00 |
| Referred to the Economic Development Committee. | |

APPOINTMENTS:

| | <u>Appt.</u> | <u>Expires</u> |
|---|--------------|----------------|
| <u>FIRE ADVISORY BOARD:</u> | | |
| Richard E. Abbott, Legislator (replaces Jesse P. Gooch, Legislator) | 03/22/22 | 12/31/22 |

MUTUAL SELF INSURANCE ADVISORY COMMITTEE (AD HOC):

| | | |
|---|----------|----------|
| Jennifer Pitarresi, Director of Risk Management | 03/22/22 | 03/22/23 |
| Niagara County Mu.S.I.P., 111 Main St., Lockport 14094 | | |
| Matthew Foe, Deputy Supervisor, Town of Cambria | 03/22/22 | 03/22/23 |
| 4160 Upper Mountain Rd, Sanborn 14132 | | |
| W. Ross Annable, Supervisor, Town of Hartland | 03/22/22 | 03/22/23 |
| 8940 Ridge Rd, Gasport 14067 | | |
| Amy Smith, Confidential Secretary, Town of Lewiston | 03/22/22 | 03/22/23 |
| P.O. Box 330, Lewiston 14092 | | |
| Christine Nilson, Payroll/Benefits Clerk, Town of Newfane | 03/22/22 | 03/22/23 |
| 2737 Main Street, Newfane 14108 | | |
| Mark Walter, Deputy Supervisor, Town of Pendleton | 03/22/22 | 03/22/23 |
| 6570 Campbell Blvd., Lockport 14094 | | |
| Kim Boyer, Bookkeeper, Town of Porter | 03/22/22 | 03/22/23 |
| 3265 Creek Road, Youngstown 14174 | | |
| James Muscoreil, Town Councilman | 03/22/22 | 03/22/23 |
| 3505 Wilson-Cambria Rd., Wilson 14172 | | |
| Amanda Detschner, Clerk-Treasurer, Village of Barker | 03/22/22 | 03/22/23 |
| 1697 East Ave. PO Box 298 Barker 14012 | | |
| Stephanie Longwell, Treasurer, Village of Lewiston | 03/22/22 | 03/22/23 |
| 145 N. Fourth St., P.O. Box 325, Lewiston 14092-0325 | | |
| Lisa VanBuren, Clerk-Treasurer, Vill. of Middleport | 03/22/22 | 03/22/23 |
| P.O. Box 186, Middleport 14105 | | |
| Carey L. O'Conner, Clerk, Tresurer & Registrar, Village of Wilson | 03/22/22 | 03/22/23 |
| 240 Lake St., P.O. Box 371, Wilson 14172 | | |

| | | |
|--|----------|----------|
| Religh Reynolds, Mayor of Youngstown P.O. Box 168, Youngstown 14174 | 03/22/22 | 03/22/23 |
| Kevin Klumpp, Treasurer, Newfane Central School 6048 Godfrey Rd., Burt NY 14028 | 03/22/22 | 03/22/23 |
| Hank Stopinski, Superintendent, Royalton Hartland School 54 State St., Middleport NY 14105 | 03/22/22 | 03/22/23 |
| Jonathan R. Andrews, Director of Administrative Services, Starpoint School 4363 Mapleton Rd, Lockport 14094 | 03/22/22 | 03/22/23 |
| Carolyn Oliveri, Business Director, Wilson Central School 412 Lake St., P.O. Box 648, Wilson 14172-0648 | 03/22/22 | 03/22/23 |
| Catherine Brown, Assistant VP of Human Resources NCCC, 3111 Saunders Settlement Rd, Sanborn 14132 | 03/22/22 | 03/22/23 |
| Jonathan Schultz, Niagara County Fire Coordinator 5574 Niagara St. Ext., PO Box 496 Lockport 14095 | 03/22/22 | 03/22/23 |
| Legislator Anthony J. Nemi, Vice Chair, Administration Committee | 03/22/22 | 03/22/23 |

OFFICE FOR THE AGING ADVISORY COMMITTEE:

| | | |
|--|----------|----------|
| Jesse P. Gooch, Legislator | 03/22/22 | 12/31/24 |
| Jeff Glatz, Director of Veteran Affairs 175 Hawley St., First Floor, Lockport 14094 | 03/22/22 | 12/31/24 |
| Joe Kibler 16 Cleveland Pl., Lockport 14094 | 03/22/22 | 12/31/24 |
| Phil Lange 111 Autunmville Dr., Lockport NY 14094 | 03/22/22 | 12/31/24 |
| Mary Jo Tamburlin 226 Falconer St., North Tonawanda 14120 | 03/22/22 | 12/31/24 |
| Kathy Harrington, Wheatfield Town Clerk 2800 Church Rd. North Tonawanda 14120 | 03/22/22 | 12/31/24 |
| Alicia L. Scott 7604 Sunnydale Drive, Niagara Falls 14304 | 03/22/22 | 12/31/24 |

YOUTH BOARD:

| | | |
|--|----------|----------|
| Paula Scheffer 66 Grant St., Lockport 14094 | 03/22/22 | 12/31/24 |
|--|----------|----------|

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

Moved by Bradt, second by Myers to enter into Executive Session at 7:02 p.m. to discuss contract negotiations regarding a specific corporation

Moved by Andres, second by Myers to adjourn Executive Session at 7:34 p.m.

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

The Chairman declared the Board adjourned at 7:38 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