

A public hearing was held on May 4, 2021 pursuant IL-018-21, adopted by the Legislature on April 20, 2021, for the purpose of hearing public Comments on A Local Law To Adopt Certain Benefits Under § 458-B of the Real Property Tax Law of the State of New York Authorizing an Alternative Tax Exemption for Cold War Veterans be Changed from 10% Option to 15% Option . Legislator Godfrey opened hearing at 5:30 p.m. and closed it at approximately 5:32 p.m.

A public hearing was held on May 4, 2021 pursuant ED-015-21, adopted by the Legislature on April 20, 2021, for the purpose of hearing public comments on Community Development Block Grant CARES Act Application to Implement the Niagara Orleans Regional Alliance (NORA) Workplan. Legislator Godfrey opened hearing at 5:45 p.m. and closed it at approximately 5:46 p.m.

OFFICIAL RECORD

Lockport, New York
May 11, 2021

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

Clerk Moran called the roll. All Legislators were present.

PRESENTATION:

Legislator Godfrey read a proclamation declaring May 2-8, 2021 Correction Officer Week in in Niagara County

Legislator Godfrey read a proclamation declaring May 9-15th 2021 Police Week in Niagara County.

Legislator Gooch read a proclamation declaring May 12, 2021 National School Nurse Day May 12, 2021 in Niagara County.

Legislator Gooch read a proclamation declaring the Month of May Foster Parent Month in Niagara County.

Legislator Mullane read a proclamation honoring Collin on his Eagle Scout.

Chairman Wydysh read a proclamation on “Do Something Good for your Neighbor Day” encourage all Niagara county residents to get out and do something good for your neighbor.

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

Resolution No. AD-007-20

From: Administration Committee.

Dated: May 11, 2021

CONTRACT WITH INOVA EMPLOYEE ASSISTANCE PROGRAM (EAP)

WHEREAS, Niagara County has had a contractual agreement with INOVA EAP Inc., to provide certain professional services for the County of Niagara, and

WHEREAS, the contract with INOVA EAP Inc. has expired, and

WHEREAS, the County of Niagara has selected the most competitive bid for professional services as a result of the RFP process, and would like to extend the contract to INOVA for employee assistance program services for the time period of April 1, 2021 through March 31, 2024, and

WHEREAS, the fee for EAP services per each year of the contract shall be \$15,486, and

WHEREAS, prior to the execution of the contract, the County Attorney will review the contract 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 is hereby authorized to execute said contract on behalf of Niagara County.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-051-21

From: Community Safety & Security and Administration Committees.

Dated: May 11, 2021

**ACCEPTANCE OF CRIMINAL JUSTICE DISCOVERY REFORM GRANT & BUDGET
MODIFICATION - DISTRICT ATTORNEY'S OFFICE**

WHEREAS, on January 1, 2020, the State of New York enacted sweeping Discovery and Bail Reform legislation that require District Attorney's Offices to obtain and turn over to defense, all evidence in any criminal case, regardless of the level of crime, within a very short period of time and eliminate bail for many offenses, and

WHEREAS, this legislation requires the District Attorney's Office collect all items and information in its possession, including all information in the possession of any law enforcement agency, including reports, supplemental reports and investigative notes, 911 calls, radio transmissions, booking or surveillance video, photographs, body camera footage, witness and co-defendant statements, and the names of all law enforcement personnel and witnesses involved, for submittal to the defense within 15 days of arraignment for approximately 5,000 cases yearly, and

WHEREAS, these discovery requirements significantly increase the burden on law enforcement agencies by requiring them to separate out, create a record of, and share every 911 call, radio transmission, booking or surveillance video and body cam footage for each arrest or appearance ticket issued within fifteen days of arraignment, and

WHEREAS, this legislation also eliminated bail for many criminal offenses and created increased pre-trial supervision requirements, greatly reducing the number of people held in jail and increasing the responsibilities of Probation Departments, and

WHEREAS, the New York State Division of Criminal Justice Services has recognized the extreme burden placed on District Attorney's Offices, Sheriff's Offices, Probation Departments and local law enforcement agencies outside of New York City as a result of these changes, and

WHEREAS, funding in the amount of \$40,000,000 has been set aside by the State of New York to support expenses related to the implementation of discovery and bail reforms that took effect January 1, 2020, and

WHEREAS, Niagara County has been awarded \$938,153 of these funds based on its proportionate share of criminal court arraignments statewide, to be distributed among and utilized by County agencies, and

WHEREAS, funding will be provided to the following agencies that submitted requests to the District Attorney's Office, and whose requests were approved in full or in part, by the Division of Criminal Justice Services, and

Niagara County District Attorney's Office	\$318,381
Niagara County Sheriff's Office	\$288,726
Niagara County Probation Department	\$ 38,209
Niagara Falls Police Department	\$157,805
Lockport Police Department	\$ 52,652
North Tonawanda Police Department	\$ 43,313
Town of Niagara Police Department	\$ 20,807
Lewiston Police Department	\$ 13,164
Middleport Police Department	\$ 5,096

WHEREAS, the District Attorney has determined the need for additional staffing to address the significant increase in the workload resulting from the criminal justice mandates which should be addressed through the use of this funding, and

WHEREAS, the Niagara County Probation Department has identified critical public safety needs that include additional GPS monitoring equipment and related expenses which should be addressed with these funds, and

WHEREAS, the Niagara County Sheriff's Office has identified critical training needs for law enforcement personnel which should be addressed with these funds, and

WHEREAS, the funds would be used to purchase a Use of Force Simulator which would benefit the entire county, as well as be used toward a training facility to be built on property currently owned by Niagara County in conjunction with grant funding, now, therefore, be it

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

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

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

RESOLVED, that effective May 10, 2021, one (1) permanent full time Assistant District Attorney position, Job Group ATT, District Attorney Level II, Step 1, \$69,258 annually, be created and filled, and be it further

RESOLVED, that effective May 10, 2021, one (1) permanent full time Assistant District Attorney position, Job Group ATT, District Attorney Level III, Step 1, \$80,802 annually, be created and filled, and be it further

RESOLVED, that the following budget modifications be effectuated in the 2021 operating budgets of the District Attorney, Sheriff's Office and Probation Department:

INCREASE REVENUE:

A.02.1165.000.43389.29	Other Public Safety –Discovery/Bail Reform	\$431,508
A.18.3140.000.43389.29	Other Public Safety –Discovery/Bail Reform	\$ 9,740
A.18.3989.302.43389.29	Other Public Safety –Discovery/Bail Reform	\$ 11,900
H.715.17.3197.000.43389.29	Other Public Safety –Discovery/Bail Reform	\$288,725

INCREASE APPROPRIATIONS:

A.02.1165.000.71010.00.xx	Positions- Assistant District Attorney	\$ 45,111
A.02.1165.000.71010.00.xx	Positions- Assistant District Attorney	\$ 52,630

A.02.1165.000.74300.04	Reimb., DA Mileage, Sec 825 County Law	\$ 1,400
A.02.1165.000.74400.09	Payments to Other Agencies	\$292,837
A.02.1165.000.78100.00	Retirement	\$ 10,361
A.02.1165.000.78200.00	FICA	\$ 7,477
A.02.1165.000.78300.00	Worker's Compensation	\$ 2,570
A.02.1165.000.78400.01	Healthcare	\$ 17,222
A.02.1165.000.78400.05	Insurance, HRA	\$ 1,134
A.02.1165.000.78800.06	Flex 125	\$ 766
A.18.3140.000.71060.00	Beeper Pay Expense	\$ 4,000
A.18.3140.000.72100.21	Machinery & Equipment, Law Enforcement	\$ 1,300
A.18.3140.000.74500.01	Contractual Expenses	\$ 4,000
A.18.3140.000.74375.06	Communications Postage, other	\$ 440
.18.3989.302.72100.05	Machinery & Equipment, Computer Equipment	\$ 2,400
A.18.3989.302.74250.01	Office Expenses / Office Supplies	\$ 4,000
A.18.3989.302.74300.03	Reimbursements Travel, Mileage	\$ 250
A.18.3989.302.74375.05	Communications Cellular Phone	\$ 600
A.18.3989.302.74600.02	Professional Development Books & Subscriptions	\$ 2,000
A.18.3989.302.74600.03	Professional Development Training & Education	\$ 1,500
A.18.3989.302.74675.03	Services, Central Print Shop	\$ 150
A.18.3989.302.74725.02	Services, Other Lab Services	\$ 1,000
H715.17.3197.000.72100.21	Law Enforcement Equipment	\$196,610
H715.17.3197.000.72400.00	Land Improvement Expense	\$ 92,115

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-052-21

From: Community Safety & Security and Administration Committees.

Dated: May 11, 2021

ABOLISH AND CREATE POSITION DISTRICT ATTORNEY'S OFFICE

WHEREAS, the District Attorney's Office currently has a full time Court Assistant position #4758, Job Group 5, Step 8 at \$20.77 per hour in the existing budget, and

WHEREAS, due to the magnitude of changes made in the procedures of the office resulting from Criminal Justice Reform requirements, the operations of the support staff within the District Attorney's Office have been reevaluated, and

WHEREAS, it has been determined that a Senior Court Assistant Position is needed in the County Court Office to supervise staff training and manage the criminal case management system to aid with meeting electronic Discovery requirement, and

WHEREAS, the District Attorney has the funds available in the 2021 operating budget, now, therefore, be it

RESOLVED, that effective May 10, 2021, a Senior Court Assistant position, Job Group VI, \$19.64 - \$22.52 per hour, be created and filled, and be it further

RESOLVED, that the Court Assistant position, #4758, Job Group V, \$20.77 per hour, be abolished pending Civils Service Exam results for the Senior Court Assistant position, and be it further

RESOLVED, that the following budget modifications be effectuated in the District Attorney's 2021 operating budget:

DECREASE APPROPRIATIONS:

A.02.1165.000.71010.00.04758	Positions-Court Assistant	\$24,716
A.02.1165.000.71010.00.00047	Positions-Assistant District Attorney	631

INCREASE APPROPRIATIONS:

A.02.1165.000.71010.00.xxxxxx	Positions-Sr. DA Court Assistant	\$25,347
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-053-21

From: Community Safety & Security and Administration Committees.

Dated: May 11, 2021

ACCEPTANCE OF GUN INVOLVED VIOLENCE ELIMINATION INITIATIVE GRANT

WHEREAS, in 2014 the Division of Criminal Justice Services initiated a gun violence eradication initiative to target the rising incidents of gun involved violence across the State of New York and specifically the seventeen counties that account for the vast majority of crime outside of the City of New York which includes the County of Niagara, and

WHEREAS, the GIVE (Gun Involved Violence Elimination) Initiative is a statewide comprehensive strategy that focuses exclusively on reducing shootings and homicides by promoting integrated, evidence based strategies, and

WHEREAS, the Niagara County District Attorney's Office, the Niagara County Sheriff's Office and the Niagara County Probation Department, in conjunction with the Niagara Falls Police Department, applied for the renewal of funding under the 2021-2022 GIVE Initiative, and

WHEREAS, the Niagara County District Attorney's Office and the Niagara County Probation Department have received notification that funding has been awarded in the amounts of \$167,405 and \$66,720 respectively, for the period of July 1, 2021 through June 30, 2022, with no required match from Niagara County, and

WHEREAS, the District Attorney's Office has an Assistant District Attorney position #4771, which is currently funded under this program and will remain coterminous with grant funding, and

WHEREAS, revenue and appropriation figures for said program were calculated and are contained within the District Attorney's Office and Probation Department budgets for fiscal year 2021, now, therefore, be it

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

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-054-21

From: Community Safety & Security and Administration Committees.

Dated: May 11, 2021

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

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

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

WHEREAS, it is necessary to modify revenue and appropriations in the 2021 Budget in order to utilize the funding, now, therefore, be it

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

RESOLVED, that the following budget modifications be made:

INCREASE REVENUE:

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

CM.17.3989.303 74600.03	Training and Education	\$13,750
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-055-21

From: Community Safety & Security and Administration Committees.

Dated: May 11, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE-BUDGET MODIFICATION
BUDGET MODIFICATION AND ACCEPT EXPLOSIVE
DETECTION CANINE TEAM GRANT PROGRAM**

WHEREAS, the Niagara County Sheriff's Office has been awarded a grant in the amount of \$15,000 from the New York State Division of Homeland Security and Emergency Services to protect Niagara County residents and infrastructure from attacks involving explosive devices for the period April 1, 2021 through August 31, 2022, and

WHEREAS, the grant will allow the Niagara County Sheriff's Office to purchase equipment and provide training to enhance explosive detection canine team capabilities, and

WHEREAS, the revenue and equal expenses must be added to the 2021 Budget, now, therefore, be it

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

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

RESOLVED that the following budget modifications be made:

INCREASE REVENUE:

A.17.3645.000 44305.02	Civil Defense Homeland Security	\$15,000
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INCREASE APPROPRIATIONS:

A.17.3645.000 72100.05	Computer Equipment	\$ 3,270
A.17.3645.000 74600.03	Training and Education	4,000
A.17.3645.000 74750.05	Law Enforcement Supplies	7,730

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-056-21

From: Community Safety & Security and Administration Committees.

Dated: May 11, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE-BUDGET MODIFICATION
BUDGET MODIFICATION – ACCEPT FY19 TACTICAL TEAM TARGETED GRANT**

WHEREAS, the Niagara County Sheriff's Office has been awarded a grant in the amount of \$75,000 from the New York State Division of Homeland Security and Emergency Services to enhance the capabilities and safety of the Emergency Response Team for the performance period April 1, 2021 through August 31, 2022, and

WHEREAS, the grant will allow the Niagara County Sheriff's Office to purchase Emergency Response Team equipment and training that would facilitate the team's advancement of Tactical Team Capabilities; consistent training as a team unit with necessary tactical equipment will mitigate risk to team members, and

WHEREAS, the 2021 budget will need to be modified to allow for the spending of this grant, now therefore, be it

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

RESOLVED that the following budget modifications be effectuated:

INCREASE REVENUE

A.17.3645.000.44305.02	Civil Defense Homeland Security	\$75,000
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INCREASE APPROPRIATIONS

A.17.3645.000 71050.00	Overtime Expense	\$ 6,000
A.17.3645.000 72100.21	Law Enforcement Equipment	43,500
A.17.3645.000 74500.01	Contractual Expenses	2,000
A.17.3645.000 74750.05	Law Enforcement Supplies	23,500

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-057-21

From: Community Safety & Security and Administration Committees.

Dated: May 11, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
ACCEPT GUN INVOLVED VIOLENCE ELIMINATION (GIVE) GRANT**

WHEREAS, the Niagara County Sheriff's Office been notified by the New York State Division of Criminal Justice Services that a grant in the amount of \$87,049 is being awarded to the Sheriff's Office through the Gun Involved Violence Elimination (GIVE) Grant for the period July 1, 2021 through June 30, 2022, and

WHEREAS, the GIVE grant funds a Correction Officer position #10442 and travel for DCJS sponsored trainings and conferences, and

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

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-058-21

From: Community Safety & Security and Administration Committees.

Dated: May 11, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE-BUDGET MODIFICATION
BUDGET MODIFICATION – ACCEPT FY19 CRITICAL INFRASTRUCTURE GRANT**

WHEREAS, the Niagara County Sheriff's Office has been awarded a Critical Infrastructure grant in the amount of \$50,000 from the New York State Division of Homeland Security and Emergency Services to for the performance period April 1, 2021 through August 31, 2022, and

WHEREAS, the grant will allow the Niagara County Sheriff's Office to update and enhance the video security system at the Niagara County 911 Dispatch Center/Public Safety Training Facility, and

WHEREAS, the 2021 budget will need to be modified to allow for the spending of this grant, now, therefore, be it

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

RESOLVED that the following budget modifications be effectuated:

INCREASE REVENUE

A.17.3645.000.44305.02	Civil Defense Homeland Security	\$50,000
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INCREASE APPROPRIATIONS

A.17.3645.000 72100.05	Computer Equipment	\$50,000
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-059-21

From: Community Safety & Security and Administration Committees.

Dated: May 11, 2021

NIAGARA COUNTY SHERIFF'S OFFICE

NIAGARA FASHION MALL COMMUNICATIONS SITE CHANGE ORDER NO. 2

WHEREAS, on April 30, 2020, pursuant to a sealed bid, the County of Niagara entered into a contract for Radio Site Development at Fashion Outlets Mall of Niagara Falls to Collectric Electrical, LLC, 6615 Towpath Road, E. Syracuse, New York 13057 for a contract amount of \$267,300.00, and

WHEREAS, on August 4, 2020, by resolution CSS-037-20 a change order in the amount of \$29,855.94 was approved and authorized for Radio Site Development at Fashion Outlets Mall of Niagara Falls to Collectric Electrical, LLC, 6615 Towpath Road, E. Syracuse, New York 13057 making the total contract \$297,155.94, and

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

RESOLVED, that Change Order No. 2 to decrease the contract by \$156,155.94 for Radio Site Development at Fashion Outlets Mall of Niagara Falls to Collectric Electrical, LLC, for a revised contract amount of \$141,000.00 to Collectric Electrical, LLC, 6615 Towpath Road, E. Syracuse, New York 13057, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-060-21

From: Community Safety & Security and Administration Committees.

Dated: May 11, 2021

2021 BUDGET MODIFICATIONS FOR EMERGENCY SERVICES-COVID 19 SERVICES

WHEREAS, the Emergency Services Office provides services to protect the safety of the citizens of Niagara County, and

WHEREAS, the COVID-19 pandemic response has required modifications to the budget to cover expenses for continued vaccinations and testing, as the situation is evolving, now, therefore, be it

RESOLVED, that the following 2021 budget modification be effectuated effective immediately:

INCREASE APPROPRIATED FUND BALANCE:

A.40599.00	\$146,990
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INCREASE APPROPRIATION:

A.19.3640.000 72100.14	Misc. Equipment	\$100,000
A.19.3640.000 74800.10	Misc. Equipment Under \$500	\$ 46,990

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-061-21

From: Community Safety & Security and Administration Committees.

Dated: May 11, 2021

2021 BUDGET MODIFICATIONS FOR EMERGENCY SERVICES TRANSIT DRIVE-IN PROPERTY REPAIR

WHEREAS, the Emergency Services Office has been providing services to protect the safety of the citizens of Niagara County during the COVID-19 pandemic by assisting with the Niagara County Department of Health vaccine drive-up PODs (Point of Dispensing) at the Transit Drive-In several times over the past few months, and

WHEREAS, the Transit Drive-In has provided use of the space at no cost to the County for all vaccine PODs and the large number of vehicles has caused some damage to the stoned parking lots, and

WHEREAS, the repair of the parking lots would cause an undue burden on the property owner, Niagara County will supply the required stone, transport and place it down on the lots at a cost of \$3,010 to the Niagara County Highway Department with the monies that have been allocated in the budget for COVID-19 pandemic expenses, and

WHEREAS, a budgetary modification is necessary to provide the Highway Department the cost of said work from the COVID-19 pandemic expenses in the budget of the Emergency Services Office, now, therefore, be it

RESOLVED, that the following 2021 budget modification be effectuated effective immediately:

INCREASE APPROPRIATED FUND BALANCE:

A 40599.00	\$3,010.00
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INCREASE APPROPRIATION:

A.19.3640.000 74800.06	Repairs & Maintenance	\$3,010.00
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-062-21

From: Community Safety & Security and Administration Committees.

Dated: May 11, 2021

**BUDGET MODIFICATION OF 2020 HAZARDOUS MATERIALS
EMERGENCY PREPAREDNESS (HMEP) GRANT - HOMELAND SECURITY GRANTS**

WHEREAS, the County of Niagara has accepted the 2020 Hazardous Materials Emergency Preparedness (HMEP) grant through the Department of Homeland Security for the period of 4/1/21 to 7/31/22, at some cost to the County (Resolution CSS-047-21), and

WHEREAS, the grant for HMEP 2020 was awarded and budgeted in the amount of \$5,000, the budget must be modified to include the matching funds of \$1,000 (20% match) and modify revenue to \$4,000 (80% match), now, therefore be it

RESOLVED, that the following budget modification be effectuated immediately:

INCREASE APPROPRIATION FUND BALANCE - ASSIGNED:

A.40599.00	Appropriated Fund Balance	\$1,000.00
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DECREASE REVENUE:HMEP20:

A.19.3645.000 44305.02	Civil Defense Homeland Security	\$1,000.00
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Project: 19GRTHMEP20

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CW-007-21

From: Committee of the Whole.

Dated: May 11, 2021

**LEASE AGREEMENT WITH SINATRA AND COMPANY
AND NIAGARA COUNTY PUBLIC DEFENDER'S OFFICE**

WHEREAS, the New York State Office of Indigent Legal Services (ILS) and Niagara County (Contractor) have entered into a Master Contract For Grants (Contract) to promulgate the application of the Hurrell-Harring Settlement with the Niagara County Public Defender's Office, and

WHEREAS, under Section IV, D (1)(e) "A rental charge to the Master Contract for a piece of Property owned by the Contractor shall not be allowed", and

WHEREAS, the Contractor is Niagara County, the Niagara County Public Defender's must lease property that is not owned by Niagara County, and

WHEREAS, Niagara County has issued a Request For Proposal (RFP) and reviewed the RFP on February 28, 2020 for the leasing of property for the Niagara County Public Defender's Office within 1 mile of the Niagara County Court House, and

WHEREAS, Sinatra and Company was the successful bidder for RFP 2020-26, however due to the COVID-19 pandemic and its uncertainty, the bid had not yet been awarded, and

WHEREAS, the Public Defender's Office is now looking to move forward with awarding RFP 2020-26 to accommodate its needs, and

WHEREAS, a year has lapsed since the bid submittal, so both bidders were provided an opportunity to update their bids should they wish to do so, and

WHEREAS, Sinatra and Company offered an updated lease for 5,750 square feet of office space located at 170 East Avenue, Lockport, NY, for a five (5) year term at a descending annual rent of: Year 1: \$88,992.42, Year 2: \$88,150.92, Year 3: \$86,098.46, Year 4: \$84,096.06, and Year 5: \$82,142.50 with a renewal option of two(2) five (5) year terms, which the County wishes to accept, 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 County enter into the above described lease with Sinatra and Company for office space at 170 East Avenue, Lockport, NY, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. ED-016-21

From: Economic Development and Administration Committees.

Dated: May 11, 2021

**AUTHORIZATION TO SUBMIT A GRANT APPLICATION TO THE
NEW YORK STATE OFFICE OF COMMUNITY RENEWAL FOR**

**BLOCK GRANT FUNDING THROUGH THE CORONAVIRUS AID, RELIEF,
AND ECONOMIC SECURITIES ACT TO IMPLEMENT THE
NIAGARA ORLEANS REGIONAL ALLIANCE WORKPLAN**

WHEREAS, the Niagara Orleans Regional Alliance (NORA) is a collaboration between Niagara and Orleans Counties designed to bring broadband access to areas within the counties that are currently unserved or underserved by broadband, and

WHEREAS, NORA has developed a Workplan to extend broadband service to those areas of need, and

WHEREAS, the New York State Office of Community Renewal (the “OCR”) through the Coronavirus Aid, Relief, and Economic Securities Act (“CARES”) has made funds available for public service or infrastructure projects designed to ensure that families in underserved communities have Wi-fi access for remote education and telehealth services through new and expanded broadband, and

WHEREAS, Niagara County (“the County”) is an eligible applicant for CARES funding and implementation of the NORA Workplan is consistent with the goals of said funding as a CDBG - funded Project (the “Project”), and

WHEREAS, the Niagara County Industrial Development Agency (NCIDA) has experience administering OCR grants secured by Niagara County for the implementation CDBG projects, and

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

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

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-045-21

From: Infrastructure & Facilities Committee.

Dated: May 11, 2021

HOUSEHOLD HAZARDOUS WASTE EVENTS CONTRACT AWARD

WHEREAS, the Department of Public Works evaluated proposals from bidders for the 2021-2024 Household Hazardous Waste Events, and

WHEREAS, only one (1) vendor submitted a proposal for review, 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 Household Hazardous Waste Event contract for the period of May 1, 2021 through December 31, 2024, be awarded to Environmental Services Group, 177 Wales Avenue, Tonawanda, NY 14150, for an annual contract amount not to exceed \$75,000, 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 Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-046-21

From: Infrastructure & Facilities Committee.

Dated: May 11, 2021

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND
TOWN OF LOCKPORT RECREATION COMMISSION**

WHEREAS, the Niagara County Golf Course has made a proposal to the Town of Lockport to provide golf lessons at its premises for the 2021 golf season, and

WHEREAS, the proposal has been reviewed by the Town of Lockport Commission and is in agreement with moving forward with this agreement, and

WHEREAS, the Niagara County Golf Course will accept passes as provided through the Town of Lockport newsletter, for discounts in the amount of three dollars off the price of Junior League golf lessons, and for a discount in the amount of fifteen dollars off the package price of the Junior Clinic lessons package, and

WHEREAS, the Town of Lockport will reimburse the Niagara County Golf Course in the amount coinciding with the passes collected with the name and address of the town participant, and date of lesson, and

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

RESOLVED, that, following the County Attorney's review, the Chair of the County Legislature be, and hereby is, authorized to execute the License Agreement between the County of Niagara and Town of Lockport Recreation Commission.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-047-21

From: Infrastructure & Facilities Committee.

Dated: May 11, 2021

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

WHEREAS, the Olcott Lions Club has requested that the County of Niagara grant them permission to use the north section of Krull Park on May 23, 2021 for the purpose of holding the annual charity event known as the Lion's Club Polar Swim for Sight, and

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

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

WHEREAS, it is the wish of the Olcott Lion's Club to hold the Lion's Club Polar Bear Swim for Sight on May 23, 2021, and

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

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Olcott Lion's Club, and

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

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Olcott Lion's Club, as appears on the proposed agreement, is hereby approved in all respects, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-048-21

From: Infrastructure & Facilities Committee.

Dated: May 11, 2021

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND
THE ALZHEIMER'S ASSOCIATION**

WHEREAS, the Alzheimer's Association has requested that the County of Niagara grant them permission to use a portion of Krull Park for the purpose of holding a fundraiser, and

WHEREAS, it is the wish of the Alzheimer's Association to hold the fundraiser on June 19, 2021, 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 Alzheimer's Association, and

WHEREAS, prior to the execution of the license agreement between the County of Niagara and the Alzheimer's Association, 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 Alzheimer's Association.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-049-21

From: Infrastructure & Facilities Committee.

Dated: May 11, 2021

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA
AND THE OLCOTT FIRE COMPANY SOFTBALL LEAGUE**

WHEREAS, the Olcott Fire Company Softball League has requested that the County of Niagara grant them permission to use existing ball fields in an area situated in the eastern portion of Krull Park for the purpose of softball games, and

WHEREAS, this program benefits the 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, it is the desire of Niagara to enter into a formal agreement with the Olcott Fire Company Softball League, and

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

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Olcott Fire Company Softball League, 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 Olcott Fire Company Softball League.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-050-21

From: Infrastructure & Facilities Committee.

Dated: May 11, 2021

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA
AND THE LIGHTHOUSE CLASSIC SOFTBALL LEAGUE**

WHEREAS, Lighthouse Classic Softball League has requested that the County of Niagara grant them permission to use existing ball fields in an area situated in the eastern portion of Krull Park for the purpose of softball games, and

WHEREAS, this program benefits the 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, it is the desire of Niagara to enter into a formal agreement with the Lighthouse Classic Softball League, 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 Lighthouse Classic Softball League, 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 Lighthouse Classic Softball League.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-051-21

From: Infrastructure & Facilities Committee.

Dated: May 11, 2021

**RESCIND RESOLUTION IF-027-21 – AWARD OF CONTRACT FOR
COUNTY ROAD PAINTING AND STRIPING**

WHEREAS, Resolution No. IF-027-21, dated March 23, 2021, awarded the contract to the lowest responsible bidder, Seneca Pavement Marking, Inc., and

WHEREAS, there was a typo in the text of the resolution, that awarded the contract to Atlantic Pavement Marking, Inc. and not to Seneca Pavement Marking, Inc. as the bids depicted, and

WHEREAS, it is necessary to rescind Resolution IF-027-21, 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 Resolution IF-027-21 be rescinded, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-052-21

From: Infrastructure & Facilities Committee.

Dated: May 11, 2021

**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 2021 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 11, 2021 and tabulated below:

<u>Waterborne Paint Application</u>	<u>Price Per Mile Of Centerline</u>	<u>Price Per Mile Of Edge Line</u>
Seneca Pavement Marking Inc. 3526 Watkins Road Horseheads, NY 14854	\$303.00	\$176.00
Accent Stripe, Inc. 3275 N. Benzing Road Orchard Park, NY 14127	\$317.90	\$197.90
Atlantic Pavement Marking Inc. 15 Industrial Road Prospect, CT 06712	\$379.99	\$229.99

and

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

RESOLVED, that the low bid of Seneca Pavement Marking, 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 Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-053-21

From: Infrastructure & Facilities Committee.

Dated: May 11, 2021

AWARD OF CONTRACT – BEAR RIDGE ROAD CULVERT REHABILITATION

WHEREAS, the Department of Public Works has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Bear Ridge Road Culvert Rehabilitation Project, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on April 22, 2021 as tabulated below:

1.	Concrete Applied Technologies Corp. (CATCO) 1266 Townline Road Alden, NY 14004	\$227,749.00
2.	4th Generation Construction	\$258,675.00

5650 Simmons Avenue
Niagara Falls, NY 14304

- | | | |
|----|--|--------------|
| 3. | Union Concrete Construction Corp.
PO Box 410
West Seneca, NY 14224 | \$289,656.50 |
| 4. | Accadia Site Contracting
5636 Transit Road
Depew, NY 14043 | \$294,506.00 |
| 5. | Northspur Construction
157 Garrison Road
Buffalo, NY 14221 | \$385,787.21 |

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 following budget modification be effectuated to allow the project to proceed:

INCREASE REVENUE:

H652.15.5197.000 43501.00	Consol Highway Aid Revenue	\$150,000
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INCREASE APPROPRIATIONS:

H652.15.5197.000 72600.02	Bridges	\$150,000
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and be it further

RESOLVED, that the contract for the Bear Ridge Road Culvert Rehabilitation 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 \$227,749.000, plus any other construction incidentals that may arise, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-054-21

From: Infrastructure & Facilities and Administration Committees.

Dated: May 11, 2021

**ANGELO DELSIGNORE CIVIC BUILDING
CURTAIN WALL RENOVATION FINAL PAYMENT**

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

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

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

WHEREAS, Resolution No. IF-005-21, dated January 19, 2020, authorized Change Order No. 3 – Time Extension, to amend the contract date to February 18, 2022, and

WHEREAS, the contract work and removal of construction debris has been completed as per specifications and drawings, for the amount of \$527,888.05, and

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

RESOLVED, that Change Order No. 4-Final Payment is authorized to be processed for the Angelo DelSignore Civic Building Curtain Wall Renovation Project, for a contract amount of \$527,888.05, to Huber Construction Inc., 136 Taylor Drive, Depew, NY 14043, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-055-21

From: Infrastructure & Facilities and Administration Committees.

Dated: May 11, 2021

REHABILITATION OF NORTH CANAL ROAD CHANGE ORDER NO. 1 - FINAL

WHEREAS, by Resolution No. IF-041-20, dated March 10, 2020, the Legislature awarded the contract for the Rehabilitation of North Canal Road to Edbauer Construction, 2790 Clinton Street, West Seneca, NY 14224, for a contract amount of \$2,272,103.00, and

WHEREAS, it is necessary to decrease the contract in the amount of \$0.16 due to final quantities adjustments, for a revised contract amount of \$2,272,102.84, and

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

RESOLVED, that Change Order No. 1-Final to decrease the contract by \$0.16 for the Rehabilitation of North Canal Road, for a revised contract amount of \$2,272,102.84, to Edbauer Construction, 2790 Clinton Street, West Seneca, NY 14224, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-056-21

From: Infrastructure & Facilities and Administration Committees.

Dated: May 11, 2021

**BEAR RIDGE ROAD BRIDGE OVER AN UNNAMED STREAM
CONSULTANT AMENDMENT NO. 1**

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

WHEREAS, it is necessary to increase the contract in the amount of \$83,000 for construction inspection and construction administration, for a revised contract amount of \$182,000, and

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

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

INCREASE REVENUE:

H713.15.5197.000 43501.00	Consol Hwy Aid Rev	\$33,000
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INCREASE APPROPRIATIONS:

H713.15.5197.000 72600.02	Bear Ridge Road Bridge	\$33,000
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and be it further

RESOLVED, that the consulting services contract with C&S Engineers, Inc., 499 Col. Eileen Collins Blvd., Syracuse, NY 13212, for the Bear Ridge Road Bridge over an Unnamed Stream Project, be amended by \$83,000 for construction inspection and construction administration, for a total fee not to exceed \$182,000, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-057-21

From: Infrastructure & Facilities and Administration Committees.

Dated: May 11, 2021

**AKRON ROAD PAVEMENT REHABILITATION
FEDERAL AID LOCAL PROJECT AGREEMENT
SUPPLEMENTAL AGREEMENT NO. 1**

WHEREAS, the Akron Road Pavement Rehabilitation Project, town of Lockport, Niagara County, is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% federal funds and 20% non-federal funds, and

WHEREAS, the County of Niagara desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Engineering (Design I-VI) and Construction/Construction Inspection phases of the project, and

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

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

RESOLVED, that the Legislature of the County of Niagara hereby authorizes the County of Niagara to pay in the first instance 100% of the federal and non-federal shares of the cost of the Engineering (Design I-VI) and Construction/Construction Inspection phases of the Project or portions thereof, and be it further

RESOLVED, that the following budget modification be effectuated:

INCREASE ANTICIPATED REVENUE:

H701.15.5112.000 44597.01	Federal Aid Cap Const Hwy	\$942,400
H701.15.5112.000 43591.00	State Aid Cap Const Hwy	30,000
H701.15.5112.000 43501.00	Consol Hwy Aid Revenue	205,600

INCREASE ANTICIPATED APPROPRIATIONS:

H701.15.5112.000 72600.01	Infrastructure Roads	\$1,178,000
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and be it further

RESOLVED, that the sum of \$1,780,000 is hereby appropriated in account H701.15.5112.000 72600.01 and made available to cover the cost of participation in the above phases of the project, and be it further

RESOLVED, that in the event the amount required to pay the full federal and non-federal shares of the cost of the project's Engineering (Design I-VI) and Construction/Construction Inspection phases exceeds the amount appropriated above, the County of Niagara shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation, and be it further

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

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

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

RESOLVED, that this Resolution shall take effect immediately.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-058-21

From: Infrastructure & Facilities and Administration Committees.

Dated: May 11, 2021

**BRIDGE WASHING AND SEALING OF VARIOUS BRIDGES: TOWNS OF HARTLAND,
LOCKPORT, NEWFANE, NIAGARA, PENDLETON, PORTER, ROYALTON, SOMERSET,
WHEATFIELD, AND WILSON
FEDERAL AID LOCAL PROJECT AGREEMENT**

WHEREAS, the Bridge Washing and Sealing of Various Bridges in the Towns of Hartland, Lockport, Newfane, Niagara, Pendleton, Porter, Royalton, Somerset, Wheatfield, and Wilson Project, Niagara County, PIN 5763.64 (the "Project"), is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% federal funds and 20% non-federal funds, and

WHEREAS, the County of Niagara desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Construction/Construction Inspection phases of the project, and

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

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

RESOLVED, that the Legislature of the County of Niagara hereby authorizes the County of Niagara to pay in the first instance 100% of the federal and non-federal shares of the cost of the Construction/Inspection phases of the Project or portions thereof, and be it further

RESOLVED, that the following budget modification be effectuated to reflect the funding levels set forth by Schedule A in the agreement:

INCREASE ANTICIPATED REVENUE:

D.15.5120.000 44597.02	Cap Proj Hwy Planning/Const	\$138,000
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INCREASE ANTICIPATED APPROPRIATIONS:

D.15.5120.000 74800.06	Bridge Maintenance	\$138,000
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and be it further

RESOLVED, that in the event the amount required to pay the full federal and non-federal shares of the cost of the project's Construction/Inspection phases exceeds the amount appropriated above, the County of Niagara shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation, and be it further

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

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

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

RESOLVED, that this Resolution shall take effect immediately.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IL-019-21

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

Dated: May 11, 2021

**ADOPTION OF A LOCAL LAW TO ADOPT CERTAIN BENEFITS UNDER § 458-b OF THE
REAL PROPERTY TAX LAW OF THE STATE OF NEW YORK AUTHORIZING
AN ALTERNATIVE TAX EXEMPTION FOR COLD WAR VETERANS
BE CHANGED FROM 10% OPTION TO 15% OPTION**

WHEREAS, Legislator David E. Godfrey, et al. recommend the adoption of the following Local Law:

A Local Law To Adopt Certain Benefits Under § 458-B of the Real Property Tax Law of the State of New York Authorizing an Alternative Tax Exemption for Cold War Veterans be Changed From 10% Option to 15% Option; and

WHEREAS, a public hearing was held on May 4, 2021 at 5:30 p.m. in the Legislative Chambers, Courthouse, Lockport, New York, on said Local Law, and

WHEREAS, no one appeared to speak on said Local Law, and

WHEREAS, 0 amendments(s) was (were) made to said Local Law, now, therefore, be it

RESOLVED, that a Local Law to adopt certain benefits under § 458-b of the Real Property Tax Law of the State of New York authorizing an alternative tax exemption for Cold War Veterans,

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

Section 1. Pursuant to subsection 2(a) of § 458-b of the Real Property Tax Law of the State of New York, the County of Niagara hereby adopts the qualifying residential real property exemption under subsection 2(a)(ii) of § 458-b of the Real Property Tax Law of the State of New York, that is, an exemption in the amount of fifteen percent of the assessed value of such property, provided however, that such exemption, as permitted by subsection 2(c)(iii), shall not exceed \$15,000 or the product of \$15,000 multiplied by the latest state equalization rate of such property's assessing unit, such exemption to be subject to the definitions, limitations and requirements of § 458-b.

Section 2. Pursuant to subsection 2(b) of § 458-b of the Real Property Tax Law of the State of New York, the County of Niagara hereby adopts the qualifying residential real property exemption under subsection 2(b) of § 458-b of the Real Property Tax Law of the State of New York, that is, an exemption in the amount equal to the extent of the product of the assessed value of such property, multiplied by fifty percent of the Cold War veteran disability rating; provided, however, that such exemption, as permitted by subsection 2(c)(iii) shall not exceed fifty thousand dollars or the product of fifty thousand dollars multiplied by the latest state equalization rate for the assessing unit.

Section 3. This Local Law shall take immediately upon its filing with the Secretary of State and shall be applicable to all assessment rolls prepared pursuant to the first taxable status date occurring on or after the effective date of this local law.

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

Carried.

Moved by Godfrey, seconded by Syracuse.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IL-020-21

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

Dated: May 11, 2021

A LOCAL LAW ADOPTING A PILOT YOUTH DEER HUNTING PROGRAM

WHEREAS, the Niagara County Legislature presents in writing the following proposed Local Law:

A Local Law of the County of Niagara, New York, a local law adopting a pilot youth deer hunting program.

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

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

A LOCAL LAW ADOPTING, A PILOT YOUTH DEER HUNTING PROGRAM.

Section 1. Purpose

Consistent with the provisions of Environmental Conservation Law Section 11-0935, this Local Law is adopted to authorize the expansion of youth hunting and allow licensed hunters ages 12 or 13 to hunt deer with a crossbow, shotgun or muzzle-loading firearm when accompanied by a parent, legal guardian, or mentor.

Section 2. Authority

This Local Law is adopted under the authority granted by:

1. Article IX of the New York State Constitution, Section 2[c]
2. New York Municipal Home Rule Law, Section 10; and
3. New York Environmental Conservation Law Section 11-0935

Section 3. Definitions

1. "Eligible area" means any county within the State of New York that has enacted a local law authorizing participation in a youth hunting pilot program, and has notified the New York State Department of Environmental Conservation of such participation.

2. "Hunting license holder" means a person who has successfully completed a hunter education/safety course, and currently holds a valid hunting license issued by the New York State Department of Environmental Conservation.
3. "Legal guardian" means a person legally responsible for a minor participating in the Pilot Youth Deer Hunting Program who currently holds a valid hunting license issued by the New York State Department of Environmental Conservation and has at least three years of prior experience hunting deer as a hunting license holder.
4. "Mentor" means a person who (a) currently holds a valid hunting license issued by the New York State Department of Environmental Conservation, (b) is twenty-one years of age or older, (c) has at least three years of prior experience hunting deer as a hunting license holder, and (d) has been designated in writing by a minor's parent or legal guardian on a form prescribed by the New York State Department of Environmental Conservation to serve as a mentor to said minor for purposes of the Pilot Youth Deer Hunting Program.
5. "Minor" means a youth twelve or thirteen years of age who currently holds a valid hunting license issued by the New York State Department of Environmental Conservation to hunt deer with a crossbow, shotgun or muzzle-loading firearm within an eligible area.
6. "Parent" means a person who currently holds a valid hunting license issued by the New York State Department of Environmental Conservation, has at least three years of prior experience hunting deer as a hunting license holder, and is the parent of the minor participating in the pilot Youth Deer Hunting Program.
7. "Physical control" means that the physical proximity of a minor to a parent, legal guardian or mentor is such that the parent, legal guardian or mentor is (a) reasonably able to issue verbal directions and instructions, (b) maintain constant visual contact, and (c) otherwise able to provide guidance and supervision to the minor.

Section 4. Opt-In Authorization

The youth hunting opportunities authorized by Environmental Conservation Law Section 11-0935 shall be applicable within the boundaries of Niagara County upon (a) the adoption of this Local Law by the Legislatures for the County of Niagara, State of New York, and (b) notice provided to the New York State Department of Environmental Conservation of the adoption of this Local Law.

Niagara County hereby elects to participate in a Pilot Youth Deer Hunting Program to allow minors ages 12 or 13 to hunt deer with a crossbow, shotgun or muzzle-loading firearm when accompanied by a parent, legal guardian or mentor.

Section 5. Eligibility and Requirements

1. A minor aged 12 or 13 may hunt deer with a crossbow, shotgun or muzzle-loading firearm within the County of Niagara when accompanied by, and is under the physical control of, a parent, legal guardian or mentor as those terms are defined by Section 3 of this Local Law.
2. A minor participating in the Pilot Youth Deer Hunting Program in an eligible area must be in possession of a valid New York State hunting license and valid tags, as appropriate, while afield at all times. The accompanying parent, legal guardian or mentor must also be in possession of a valid

New York State hunting license at all times when supervising a minor participating in the Pilot Youth Deer Hunting Program.

3. A minor and the accompanying parent, legal guardian or mentor must display either a minimum total of two hundred fifty square inches of solid fluorescent orange or pink or patterned fluorescent orange or pink consisting of no less than fifty percent fluorescent orange or pink material worn above the waist and visible from all directions, or a hat or cap with no less than fifty percent of the exterior consisting of solid fluorescent orange or pink material and visible from all directions.
4. A minor aged 12 or 13 participating in the Pilot Youth Deer Hunting Program must remain at ground level at all times when hunting deer with a crossbow, shotgun or muzzle-loading firearm.
5. A minor participating in the Pilot Youth Deer Hunting Program must remain within the physical proximity of a parent, legal guardian or mentor which means they must be capable of received verbal directions and instructions, and be in constant visual contact with the supervising parent, legal guardian or mentor at all times.
6. A minor participating in the Pilot Youth Deer Hunting Program must abide by all other federal, state and local laws, rules and regulations applicable to hunting including, but not limited to, manner of take, bag limits, hunting hours, geographical or general implement restrictions, hunting seasons, tagging, transporting and reporting requirements.

Section 7. Filing

In accordance with ECL Section 11-0935.2, a copy of this Local Law shall be filed with the New York State Department of Environmental Conservation. And in accordance with Municipal Home Rule Section 27, a copy shall be filed with the New York State Department of State.

Section 8. Severability

Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so determined to be unconstitutional or invalid.

Section 9. Repeal

All Ordinances, Local Laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 10. Effective Date

This Local Law shall be effective upon its filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

RESOLVED, that the Niagara County Legislature shall conduct a public hearing upon said proposed Local Law at the Legislative Chambers, Niagara County Courthouse, Lockport, New York on the 15th day of June, 2021 at 5:30 p.m., and be it further

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

Approved for submission.

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

Carried.

Moved by Hill, seconded by Godfrey.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

APPOINTMENTS:

COMMUNITY SERVICES BOARD:

Stephanie Donovan

6063 Wallace Ave., Newfane 14108

Appt.

Expires

05/11/21

12/31/24

Rosamond Siegwarth

574 Oak Street, Youngstown, 14174

05/11/21

12/31/24

FIRE ADVISORY BOARD:

Michael Kislack

2464 Jagow Rd., Niagara Falls 14304

05/11/21

12/31/21

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Moved by Robins, seconded by Gooch that the Board adjourn.

The Chairman declared the Board adjourned at 6:29 p.m., subject to the call of the Clerk.



Alysa T. Moran, Clerk