

A public hearing was held pursuant to ED-009-22, adopted by the Legislature on March 22, 2022, for the purpose of hearing public comments on 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. Legislator Andres opened the hearing at 5:40 p.m. and closed it at approximately 5:46 p.m.

A public hearing was held pursuant to ED-010-22, adopted by the Legislature on March 22, 2022, for the purpose of hearing public comments on the Submission of an application to the New York State Office of Community Renewal for Community Development Block grant funding to support PEMM, LLC d/b/a Quicklee's. Legislator Andres opened the hearing at 5:50 p.m. and closed it at approximately 5:51 p.m.

OFFICIAL RECORD

Lockport, New York
May 3, 2022

The meeting was called to order by Chairman Wydysh at 6:03 p.m.

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

PRESENTATIONS:

Legislator Michael A. Hill called Sheriff Michael Filicetti and Chief Greenwald to the lectern to read a Proclamation; Proclaiming May 1st - 7th, 2022 as Correction Officer Week in Niagara County.

Legislator Richard L. Andres, Chairman of Economic Development Committee and Commissioner of Economic Development, Michael Casale were called to the lectern to present the 2022 Economic Development Address.

No Citizens spoke on the Agenda

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

Resolution No. AD-008-22

From: Administration Committee.

Dated: May 3, 2022

SUMMER HOURS – 2022

WHEREAS, the County has agreed to a ten-week period for a summer work schedule change and,

WHEREAS, it was agreed that this new schedule will apply only to those departments and employees who are on a Monday through Friday, 9:00 a.m. to 5:00 p.m. schedule, now, therefore, be it

RESOLVED, that effective June 26, 2022 through September 3, 2022 the work schedule of the County employees mentioned above will be 8:30 a.m. to 4:30 p.m. with the following regulations:

1. Any department required by local regulations or law to remain open until 5:00 p.m. may be exempt from this schedule.

2. Each Department Head is authorized to return to the 9:00 a.m. to 5:00 p.m. schedule if the new hours cause operational problems, or if the employees abuse the new work schedule.
3. This agreement is for the ten-week period as stated above and will not be repeated without further Legislative action.
4. Public notice of the hours will be posted in all County offices affected.
5. Any deviation from the above must be cleared with the Human Resources Department.

Moved by Bradt, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.

Resolution No. CSS-031-22

From: Community Safety & Security and Administration Committees.

Dated: May 3, 2022

**NIAGARA COUNTY SHERIFF'S OFFICE
ACCEPT FORENSIC LABORATORY COVERDELL GRANT**

WHEREAS, the Niagara County Sheriff's Office received a renewal grant from the New York State Department of Criminal Justice Services for the Forensic Laboratory in the amount of \$57,211 for the period of October 1, 2021 through September 30, 2022 ,and

WHEREAS, this grant funds clerical support, lab overtime expenses, opioid testing laboratory equipment and supplies, and

WHEREAS, the grant funds are in the 2022 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 Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.

Resolution No. CSS-032-22

From: Community Safety & Security and Administration Committees.

Dated: May 3, 2022

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION - ACCEPT FY21 OPERATION STONEGARDEN GRANT**

WHEREAS, the Niagara County Sheriff's Office was notified by the New York State Division of Homeland Security and Emergency Services that it has been awarded \$102,787 under the FY2021 Operation Stonegarden Program, whose funding is provided by the U.S Department of Homeland Security and Emergency Services, and

WHEREAS, Operation Stonegarden has been awarded to the Niagara County Sheriff's Office for many years, and

WHEREAS, the performance period for this grant is September 1, 2021 through August 31, 2024, and

WHEREAS, the grant is used for expenses to assist the County in conducting border centric, intelligence driven operations with the goal of reduction or elimination of threat, risk and vulnerability along our Nation's borders, and

WHEREAS, the 2022 budget needs to be amended to accept the revenue, 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.17.3645.000 44305.02	Civil Defense Homeland Security	\$102,787
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INCREASE APPROPRIATIONS:

A.17.3645.000 71050.00	Overtime Expense	\$35,876
A.17.3645.000 74400.09	Payments Other Agencies	56,325
A.17.3645.000 78100.00	Retirement Expense	6,912
A.17.3645.000 78200.00	FICA Expense	2,744
A.17.3645.000 78300.00	Worker's Compensation Expense	930

Moved by Bradt, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent — Abbott, Godfrey, Gooch Myers.

Resolution No. ED-011-22

From: Economic Development and Administration Committees.

Dated: May 3, 2022

**AUTHORIZATION TO SUBMIT A GRANT APPLICATION TO THE NEW YORK STATE
OFFICE OF COMMUNITY RENEWAL FOR BLOCK GRANT FUNDING FOR
PEMM, LLC d/b/a/ QUICKLEE'S**

WHEREAS, Pemmm LLC d/b/a Quicklee's (the "Company") is proposing to construct a 12,000 square foot travel center on a one acre parcel off Porter Road in the Town of Niagara, New York (the "Project"), and

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

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

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

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

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

RESOLVED, that the Chairman is hereby authorized to execute a grant agreement between the County and the OCR and all related documents associated with the OCR grant, including entering into a grant agreement with

the NCDC for the implementation of the Project and administration of the OCR grant, all such documents to be subject to review and approval by the County Attorney, and be it further

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

Moved by Bradt, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.

Resolution No. ED-012-22

From: Economic Development and Administration Committees.

Dated: May 3, 2022

**ADOPTION OF 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**

WHEREAS, the Economic Development and Administration Committees recommend the adoption of the following 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:

WHEREAS, a public hearing was held on May 3, 2022 at 5:40 p.m. in the Legislative Chambers, Courthouse, Lockport, New York, on said Local Law, and

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

WHEREAS, no amendment(s) was (were) made to said Local Law, now, therefore, be it

RESOLVED, that 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 enacted by the Legislature of the County of Niagara, New York 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 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, transferrer, 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.

Moved by Bradt, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.

Resolution No. ED-013-22

From: Economic Development and Administration Committees.

Dated: May 3, 2022

ACCEPTANCE OF EMPIRE STATE DEVELOPMENT GRANT FOR A MARKET AND ECONOMIC STUDY FOR A MEAT PROCESSING FACILITY IN NIAGARA COUNTY

WHEREAS, in Niagara County's 2018 Agricultural and Farmland Protection Plan, a key recommendation was to increase the number of meat processing facilities in the County, and

WHEREAS on July 14, 2021, the Economic Development Committee authorized the Niagara County Department of Economic Development to apply for a market and economic feasibility analysis study for a meat processing facility in Niagara County through the WNY REDC Consolidated Funding Application (CFA) process, and

WHEREAS, Empire State Development awarded Niagara County a Fifty Thousand Dollars (\$50,000) reimbursable grant to conduct the feasibility study with the funds being reimbursed after completion of the project, and

WHEREAS, grant funds will be used to competitively procure a professional consulting firm to perform project tasks including inventorying and survey efforts, needs analysis, economic analyses, facility design and location identification, and funding options for facility construction, and

WHEREAS, the Fifty Thousand Dollars (\$50,000) grant is being matched by ten thousand dollars (\$10,000) in Bridge Commission Funds and forty thousand dollars (\$40,000) of in-kind services, and

WHEREAS, Empire State Development requires a Two Hundred and Fifty Dollar (\$250) application fee which will be paid for through the Bridge Commission Fund, now, therefore, be it

RESOLVED, that after the County Attorney's review and approval, the Chairman of the Niagara County Legislature be, and hereby is authorized to sign and/or execute any grant documents and contracts in this regard, and be it further

RESOLVED, that the following budget modifications be effectuated in the 2022 budget:

INCREASE REVENUE:

A.28.8020.000 43089.03	State Aid, Other Economic Development	\$50,000.00
A.28.8020.811 40599.01	Appropriated Fund Balance – Committed Funds	\$10,250.00

INCREASE APPROPRIATION:

A.28.8020.811 74550.29	Beautification Program	\$10,250.00
A.28.8020.000 74500.01	Contractual Expenses	\$50,000.00

Moved by Bradt, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.

Resolution No. IF-059-22

From: Infrastructure & Facilities Committee.

Dated: May 3, 2022

**SUPPORT RESOLUTION BURMASTER PARK NATURAL PLAYGROUND
AND RESTROOM INSTALLATION**

WHEREAS, Niagara County owns and operates five (5) public parks throughout the County to provide a wide array of outdoor recreational activities to the residents and visitors to the County, and

WHEREAS, in recent years, Niagara County DPW has been working hard to update and secure long term maintenance of the parks, and

WHEREAS, Burmaster Park, located in the Town of Lewiston, is a Conservation and Preservation park located on the grounds of an old stone quarry, and

WHEREAS, the park is a popular location for summer and winter recreation activities and hosts events at the lodge and various shelters, and

WHEREAS, the park does not have any playground facilities or restroom facilities, and through this project, a children's play area would be established, but keeping the area in the context of the conservation objectives of the park, and

WHEREAS, the department is proposing a "Natural Playground" which incorporates the park into the playground along with various wooden and natural based features, and

WHEREAS, the project will be inclusive and include elements for children with special needs, including children with autism, and

WHEREAS, the Department of Public Works, is asking the Legislature for support of the grant application being submitted for the creation of a "Natural Playground" and installation of restroom facilities at the Clyde L. Burmaster Park, and

WHEREAS, the estimated cost for installation of this Natural Playground and restroom facility is estimated to be three hundred seventy five thousand dollars, (\$375,000), now, therefore, be it

RESOLVED, that the Department of Public Works, is authorized to submit a grant application to the Congressionally Directed Spending application for the installation of a Natural Playground and restroom facilities at the Clyde L. Burmaster Park, for an estimated cost of three hundred seventy five thousand dollars (\$375,000.00) , 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 required documents.

Moved by Bradt, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.

Resolution No. IF-060-22

From: Infrastructure & Facilities Committee.

Dated: May 3, 2022

SUPPORT RESOLUTION KRULL PARK POND INSTALLATION GRANT

WHEREAS, Niagara County owns and operates five (5) public parks throughout the County to provide a wide array of outdoor recreational activities to the residents and visitors to the County, and

WHEREAS, in recent years, Niagara County Department of Public Works has been working hard to update and secure long term maintenance of the parks, and

WHEREAS, Krull Park, located in the Town of Newfane, and in 2018 a tree inventory identified hundreds of hazardous trees, which have been removed providing a new character for the south portion of the park, and

WHEREAS, the Department of Public Works has been working on a re-forestation strategy, and has identified an area in the center of the south park that is often very wet and generally underutilized, and

WHEREAS, the Department of Public of Public Works is proposing to excavate this area to provide a new, approximate two-acre pond, up to twelve feet in depth, to improve drainage within the park and to provide new recreational opportunities to the park, such as fishing, canoeing, r/c boats, with a walking trail around pond, and

WHEREAS, the Department of Public Works, is asking the Legislature for support of the grant application being submitted for the installation of a pond in the south portion of Krull Park, and

WHEREAS, the estimated cost for installation of this pond is estimated to be three hundred seventy-five thousand dollars, (\$375,000), now, therefore, be it

RESOLVED, that the Department of Public Works, is authorized to submit a grant application to the Congressionally Directed Spending application for the installation of a two-acre pond at Krull Park, for an estimated cost of three hundred seventy-five thousand dollars (\$375,000.00) , 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 required documents.

Moved by Bradt, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.

Resolution No. IF-061-22

From: Infrastructure & Facilities Committee.

Dated: May 3, 2022

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND NEWFANE CENTRAL SCHOOL

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

WHEREAS, it is the wish of the Newfane Central School to hold the band concert on May 31, 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 Chairman 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. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.

Resolution No. IF-062-22

From: Infrastructure & Facilities Committee.

Dated: May 3, 2022

**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 Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.

Resolution No. IF-063-22

From: Infrastructure & Facilities Committee.

Dated: May 3, 2022

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA
AND THE WESTERN NEW YORK DISC GOLF CLUB**

WHEREAS, the Western New York Disc Golf Club has requested that the County of Niagara grant them exclusive rights to operate a Disc Golf Tournament in an area situated in the County owned property at Clyde L. Burmaster Bond Lake Park, and

WHEREAS, this program benefits the residents of Niagara County as a whole, 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 the Disc Golf Club to hold four (4) tournaments May 14-15, 2022, June 11-12, 2022, July 17-18, 2022, and September 3, 2022, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Western New York Disc Golf Club for these four (4) tournaments, 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 Western New York Disc Golf 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. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.

Resolution No. IF-064-22

From: Infrastructure & Facilities Committee.

Dated: May 3, 2022

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND SPALDING HARDWARE CO.

WHEREAS, Spalding Hardware Co. has requested that the County of Niagara grant them permission to use the area for the soccer fields adjacent to the Golf Course for the purpose of holding a 200th Anniversary Celebration on June 18, 2022, and

WHEREAS, this celebration be open to the public and support the local area, 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 Spalding Hardware Co., and

WHEREAS, prior to the execution of the License Agreement between the County of Niagara and the Spalding Hardware Co., 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 Spalding Hardware Co. for a 200th Anniversary Celebration on June 18, 2022.

Moved by Bradt, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.

Resolution No. IF-065-22

From: Infrastructure & Facilities and Administration Committees.

Dated: May 3, 2022

**ABOLISH TWO CLEANER POSITIONS
CREATE AND FILL TWO CLEANER/LABORER POSITIONS**

WHEREAS, due to personnel vacancies within the Buildings and Grounds Division of the Public Works Department, the department has reviewed its operational needs for maintaining the various office buildings throughout 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, as well as the taxpayers, to abolish two (2) Cleaner position and to create and fill two (2) Cleaner/Laborer positions, and

WHEREAS, funding for this newly created position will be from the mentioned abolished positions, and a currently vacant Building Maintenance Mechanic position, now, therefore, be it

RESOLVED, that Position No. 13369 and 13378, Cleaner, be abolished, effective May 15, 2022, and be it further

RESOLVED that the two (2) positions of Cleaner/Laborer, AFSCME, Grade 42, Step 1, at an annual salary of \$28,060, be created and filled, effective May 15, 2022, and be it further

RESOLVED that the following budget modification be made:

FROM:

A.15.1620.000.71010.01	Positions (Cleaner-Pos. #13369)	\$15750.50
A.15.1620.000.71010.01	Positions (Cleaner-Pos. #13378)	16216.60
A.15.1620.000.71010.01	Positions (Building Maintenance Mechanic- Position #13351)	5442.90

TO:

A.15.1620.000.71010.01	Positions (Cleaner/Laborer – Pos. #xxxxxx)	\$18705.00
A.15.1620.000.71010.01	Positions (Cleaner/Laborer – Pos. #xxxx)	18705.00

Moved by Bradt, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.

Resolution No. IF-066-22

From: Infrastructure & Facilities and Administration Committees.

Dated: May 3, 2022

BUDGET MODIFICATION – HIGHWAY HEAVY EQUIPMENT

WHEREAS, the Machinery Fund purchases equipment for maintenance activities on various county roads, and

WHEREAS, the Public Works Department is recommending the purchase of a Chip Spreader, which is 100% eligible for reimbursement by the Consolidated Highway Improvement Program funding, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated:

INCREASE REVENUE:

DM.15.5130.000.43501.00	Consolidated Highway Aid Revenue	\$350,000
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INCREASE APPROPRIATION:

DM.15.5130.000.72100.10	Machinery and Equipment Heavy Equipment	\$350,000
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Moved by Bradt, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.

Resolution No. IF-067-22

From: Infrastructure & Facilities and Administration Committees.

Dated: May 3, 2022

REPLACEMENT OF BEAR RIDGE ROAD BRIDGE OVER AN UNNAMED STREAM CHANGE ORDER NO. 2 - FINAL

WHEREAS, by Resolution No. IF-074-21, dated June 15, 2021, the Legislature awarded the contract for the Replacement of Bear Ridge Road Bridge over an Unnamed Stream Project to Concrete Applied Technologies Corp. (CATCO), 1266 Townline Road, Alden, NY 14004, for a contract amount of \$746,546.57, and

WHEREAS, Resolution No. IF-118-21, dated December 14, 2021, authorized Change Order No. 1 to increase the contract in the amount of \$25,000 in order to install additional work beyond the original scope of the contract and for cost overruns of various contract items, for a revised contract amount of \$771,546.57, and

WHEREAS, it is necessary to reduce the contract in the amount of \$2,986.99 for final quantities adjustments, for a revised contract amount of \$768,559.58, 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-Final to decrease the contract by \$2,986.99 for the Replacement of Bear Ridge Road Bridge over an Unnamed Stream Project, for a revised contract amount of \$768,559.58, to Concrete Applied Technologies Corp. (CATCO), 1266 Townline Road, Alden, NY 14004, 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 Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.

Resolution No. IF-068-22

From: Infrastructure & Facilities Committee.

Dated: May 3, 2022

**SUPPORT RESOLUTION GENERATOR INSTALLATION AT THE TROTT ACCESS CENTER AND
THE HIGHWAY FACILITY THROUGH THE HAZARD MITIGATION GRANT PROGRAM**

WHEREAS, several departments within the Trott ACCESS Center provide seven (7) days of service to various clients, and

WHEREAS, these clients receive valuable services from these departments and cannot have these departments unavailable during power outages, and

WHEREAS, in addition to maintaining services provided to clients, the generator will allow the vaccinations to be kept at a constant temperature, as required, and

WHEREAS, a generator is required at the Highway Facility, which is used by various first responders to fuel vehicles, and

WHEREAS, the Highway Facility is also a staging center to respond to weather events, whether it be snow and ice control, wind and/or storm damage; stop sign repairs; guiderail repairs, and currently there is no emergency generator to power the facility in the event there is a power outage, and

WHEREAS, there is a grant opportunity for the installation of emergency generators at the Trott ACCESS Center and the Highway Facility, through the Hazard Mitigation Grant Program, administered by FEMA, and

WHEREAS, the Department of Public Works, along with the Health Department, Crisis Services, Northpointe, are asking the Legislature for support in the grant application being submitted for the installation of generators at the Trott ACCESS Center and the Highway Facility, and

WHEREAS, the estimated cost for installation of both generators is one million, nine hundred thousand dollars (\$1,900,000), which is seventy-five percent (75%) reimbursable by FEMA, now, therefore, be it

RESOLVED, that the Department of Public Works, along with the Fire Coordinator, is authorized to submit a grant application to the Hazard Mitigation Grant Program for the installation of emergency generators at the Trott ACCESS Center and the Highway Facility, for an estimated cost of one million, nine hundred thousand dollars (\$1,900,000.00), 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 required documents.

Moved by Bradt, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.

Resolution No. IF-069-22

From: Infrastructure & Facilities and Administration Committees.

Dated: May 3, 2022

**BRIDGE NY CULVERT LOCAL PROJECT AGREEMENT, PIN 5763.92
HESS ROAD OVER TRIBUTARY TO KEG CREEK, TOWN OF NEWFANE**

WHEREAS, the Hess Road over a Tributary to Keg Creek Project, PIN 5763.92 (the "Project"), Town of Newfane, Niagara County, is eligible for reimbursement of qualified costs from Bridge NY funding that calls for the post-reimbursement apportionment of the qualified costs to be borne at the ratio of 100% Bridge NY funds and 0% non-Bridge NY funds, and

WHEREAS, the County of Niagara will design, let, and administer all phases of 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 will be reimbursed from Bridge NY funding, and be it further

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

INCREASE ESTIMATED REVENUE:

H7XX.15.5197.000 43591.00	State Aid Cap Const Hwy Revenue	\$929,600
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INCREASE ESTIMATED APPROPRIATIONS:

H7XX.15.5197.000 72600.02	Infrastructure Bridges	\$929,600
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and be it further

RESOLVED, that the sum of \$929,600 is hereby appropriated in account H7XX.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, including costs which exceed the amount of reimbursement available from the Bridge NY funding awarded to the County of Niagara, and be it further

RESOLVED, that in the event the Project costs 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 with NYSDOT for state aid and/or Bridge NY funding on behalf of the County of Niagara, 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 be it further

RESOLVED, that the County of Niagara will be responsible for all maintenance of the Project, 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 Bratt, seconded by Robins.
Adopted. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.

Resolution No. IF-070-22

From: Infrastructure & Facilities and Administration Committees.
Dated: May 3, 2022

**BRIDGE NY LOCAL PROJECT AGREEMENT, PIN 5763.81
EAST CANAL ROAD OVER UNNAMED STREAM, TOWN OF PENDLETON**

WHEREAS, the East Canal Road Bridge over an Unnamed Stream Project, PIN 5763.81 (the “Project”), Town of Pendleton, Niagara County, is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 95% Bridge NY funds and 5% non-Bridge NY 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) 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 following budget modification be effectuated to reflect the funding levels set forth by Schedule A in the attached agreement:

INCREASE ESTIMATED REVENUE:

H7XX.15.5197.000 44597.01	Fed Aid Cap Const Hwy Revenue	\$147,250
H7XX.15.5197.000 43501.00	Consol Hwy Aid Revenue	7,750

INCREASE ESTIMATED APPROPRIATIONS:

H7XX.15.5197.000 72600.02	Infrastructure Bridges	\$155,000
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and be it further

RESOLVED, that the sum of \$155,000 is hereby appropriated in account H7XX.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, including costs, which exceed the amount of 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 Chairman 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 with the New York State Department of Transportation in connection with the advancement or approval of the Project and 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 state aid eligible Project costs and all Project costs within appropriations therefore 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. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.

Resolution No. IF-071-22

From: Infrastructure & Facilities Committee.

Dated: May 3, 2022

**RAYMOND ROAD PAVEMENT RECONSTRUCTION-DYSINGER ROAD TO
RAPIDS ROAD-FEDERAL AID LOCAL PROJECT AGREEMENT**

WHEREAS, the Raymond Road Pavement Reconstruction Project-Dysinger Road to Rapids Road, town of Lockport, Niagara County, PIN 5763.14 (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 Engineering (Phases I-VI) phase 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 (Phases I-VI) phase of the Project or portions thereof, 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 Phase 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 Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.

Resolution No. IF-072-22

From: Infrastructure & Facilities Committee.

Dated: May 3, 2022

AWARD OF CONTRACT – GOLDEN TRIANGLE BUILDING FAÇADE REPAIRS

WHEREAS, the Department of Public Works has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Golden Triangle Building, 111 Main Street Façade Repairs, and

WHEREAS, funds are available in account H717.15.1620.000 72200.01, Building Improvements, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on April 7, 2022 as tabulated below:

- | | |
|-------------------------------|-----------|
| 1. Haroon General Contracting | \$135,000 |
| 105 Renwick Avenue | |
| Staten Island, NY 10301 | |

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 Golden Triangle Building, 111 Main Street Façade Repairs project be awarded to the lowest responsible bidder, Haroon General Contracting, 105 Renwick Avenue, Staten Island, NY 10301, in the amount of \$135,000, 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. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.

Resolution No. IF-073-22

From: Infrastructure & Facilities and Administration Committees.

Dated: May 3, 2022

AWARD CONSULTANT SERVICES – HARTLAND ROAD BRIDGE OVER GOLDEN HILL CREEK

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with the Hartland Road Bridge over Golden Hill Creek replacement, 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:

H740.15.5197.000 43501.00 Consolidated Highway Aid Revenue	\$350,000
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INCREASE APPROPRIATIONS:

H740.15.5197.000 72600.02 Infrastructure Bridges	\$350,000
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and be it further

RESOLVED, that the consultant services for the Hartland Road Bridge over Golden Hill Creek project be awarded to Greenman-Pederson Inc., 4950 Genesee St, Suite 100, Buffalo, NY 14225, for a contract amount not to exceed \$95,888, 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. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.

Resolution No. IF-074-22

From: Infrastructure & Facilities and Administration Committees.

Dated: May 3, 2022

**WAIVER OF RESIDENCY REQUIREMENT
JR CIVIL ENGINEER POSITION – PUBLIC WORKS ENGINEERING DIVISION**

WHEREAS, the Niagara County Department of Public Works has permission to fill a Jr. Civil Engineer position vacancy, and

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

WHEREAS, there are no remaining Niagara County applicants for this position at this time, now, therefore, be it

RESOLVED, that a Waiver of Residency be granted, until the candidate is made a permanent appointment from the certified Civil Service Eligible List for this position, and be it further

RESOLVED, once a permanent appointment has been made, the candidate will have ninety (90) days to become a resident of Niagara County.

Moved by Bradt, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.

Resolution No. IL-003-22

From: Legislators Rebecca J. Wydysch, Irene M. Myers and Economic Development Committee.

Dated: May 3, 2022

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

Moved by Bradt, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.

Resolution No. IL-004-22

From: Legislator Anthony J. Nemi and Economic Development Committee.

Dated: May 3, 2022

**RESOLUTION IN SUPPORT OF THE PENDLETON ATHLETIC BOOSTER ASSOCIATION
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the Pendleton Athletic Boosters Association (PABA), a 501(c)(3) nonprofit organization dedicated to creating and sustaining youth athletic programs of the highest standards in our community, was founded in 1971 to offer programs in youth football, cheerleading, wrestling and, more recently, lacrosse and flag football, and

WHEREAS, for many years Starpoint School parents, students and PABA board members pressed the Starpoint school board to begin a lacrosse program, and in order to demonstrate that such a program could be successful, about six years ago, PABA started a summer lacrosse program and, as expected, the youth of our community were eager to play, and

WHEREAS, after seeing PABA's success in lacrosse, the Starpoint athletic director committed to implementing boys and girls lacrosse for Spring 2021 and budgeted accordingly, only to see said programs cut based on the pandemic negatively impacting school finances, and

WHEREAS, Starpoint said the program would not be fully funded until 2023, which meant many young athletes who began playing lacrosse for PABA would never have the ability to play for their school before graduating; leading PABA to agree to raise \$30,000 to be able to begin the program this year, and

WHEREAS, it is now underway, with such funding covering the cost of the uniforms, helmets, equipment, supplies, the stitching of lacrosse lines in the turf, transportation, referees, etc., and

WHEREAS, this is a one-time fundraising effort, as the program is fully funded for next year and beyond, 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 efforts of the Pendleton Athletic Booster Association to bring boys and girls lacrosse to Starpoint schools by appropriating monies from said Community Partnership Fund as follows:

Pendleton Athletic Booster Association

\$3,000.00

Moved by Bradt, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.

Resolution No. IL-005-22

From: Legislator Richard E. Abbott and Economic Development Committee.

Dated: May 3, 2022

**RESOLUTION IN SUPPORT OF THE LOCKPORT ANCIENT ORDER OF HIBERNIANS
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the Ancient Order of Hibernians ("AOH") is a national Irish Catholic non-profit organization, whose motto is Friendship, Unity and Christian Charity, and

WHEREAS, the AOH's main function is to raise money for Niagara County charities and non-profits such as the Challenger Sports League, Salvation Army, Newfane Food Pantry, St. Vincent de Paul Summer Camp, Peanut Butter and Jelly Drive, YWCA After School Program and Literacy NY, and

WHEREAS, the AOH raised over \$12,000 through golf tournaments, raffle tickets, and the Celtic Festival, for Niagara County charities and nonprofits, and

WHEREAS, the AOH parade banner and sashes are over 40 years old and in need of replacement, and

WHEREAS, the activity of the AOH not only benefits the residents of Niagara County, but it also draws visitors from surrounding Western New York areas and Canada, to the benefit of local businesses, and the Niagara County Legislature wishes to support the charitable endeavor and is 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 Ancient Order of Hibernians by appropriating monies from said Community Partnership Fund as follows:

Ancient Order of Hibernians	\$2,500.00
Moved by Bradt, seconded by Robins.	
Adopted. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.	

Resolution No. IL-006-22

From: Legislator Richard E. Abbott and Economic Development Committee.

Dated: May 3, 2022

**RESOLUTION IN SUPPORT OF FUNDING LOCKPORT IN BLOOM
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, Lockport in Bloom is a not-for-profit organization, chartered in 2005, that promotes the beautification of Lockport by encouraging residents to share with others their beautiful and creative gardens, and

WHEREAS, by encouraging neighborhood beautification, Lockport in Bloom helps promote community pride by bringing people to the area to view the many beautiful gardens, and

WHEREAS, through their annual Garden Festival, Lockport in Bloom brings thousands of visitors to the City of Lockport to view the 40 plus gardens that are put on display every summer, and

WHEREAS, local businesses and restaurants benefit greatly from the increase in foot traffic that Lockport in Bloom generates throughout the City of Lockport, and

WHEREAS, Niagara County is interested in supporting efforts that generate increased revenue for businesses and create a sense of pride throughout the community, 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 Lockport in Bloom by appropriating monies from said Community Partnership Fund as follows:

Lockport in Bloom	\$1,500.00
Moved by Bradt, seconded by Robins.	
Adopted. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.	

Resolution No. IL-007-22

From: Legislators Richard L. Andres, Randy R. Bradt, Jesse P. Gooch and Economic Development Committee.

Dated: May 3, 2022

**RESOLUTION IN SUPPORT OF THE NORTH TONAWANDA NATIONAL LITTLE LEAGUE, INC.
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, North Tonawanda National Little League is a nonprofit youth organization and chartered member of Little League Baseball under the rules and regulations set forth by Little League Baseball Incorporated, and

WHEREAS, Little League Baseball is made possible by volunteers, sponsors and participation fees within the North Tonawanda and surrounding communities , and

WHEREAS, the goal of the North Tonawanda National Little League is to provide the community with an educational athletic organization that provides enjoyment and fun by all involved, and

WHEREAS, the North Tonawanda National Little League, Inc. is converting one of their baseball diamonds to a softball diamond, to better support the girls softball program that began about six years ago; a program that has grown each year since, and

WHEREAS, Niagara County is desirous in supporting events that highlight community pride and promote economic growth, now, therefore, be it

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

RESOLVED, that Niagara County supports the North Tonawanda National Little League, Inc. by appropriating monies from said Community Partnership as follows:

North Tonawanda National Little League, Inc.

\$4,500.00

Moved by Bradt, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.

Resolution No. IL-008-22

From: Legislator Mark J. Grozio and Economic Development Committee.

Dated: May 3, 2022

**RESOLUTION IN SUPPORT OF CAYUGA YOUTH ATHLETIC ASSOCIATION, INC.
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the Cayuga Youth Athletic Association, Inc. has served over 400 youths per season, ages 4 to 19, from the City of Niagara Falls and surrounding areas with In-house and Travel Baseball, Softball and T-Ball, and

WHEREAS, new in 2022, two additional T-Ball fields will be installed to serve more children in the house program, and

WHEREAS, continued maintenance and upkeep of the current fields will help ensure the safety of all participants, and

WHEREAS, the goal of the Cayuga Youth Athletic Association, Inc. is to continue to provide children safe and structured baseball and softball programs and to help families with financial difficulties so that every child has the opportunity to play ball, and

WHEREAS, in support of Cayuga Youth Athletic Association, Inc. for the commitment to our youth of the area 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 Cayuga Youth Athletic Association, Inc. by appropriating monies from said Community Partnership Fund as follows:

Cayuga Youth Athletic Association, Inc.

\$2,500.00

Moved by Bradt, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.

Resolution No. IL-009-22

From: Legislator Mark J. Grozio and Economic Development Committee.

Dated: May 3, 2022

**RESOLUTION IN SUPPORT OF GIRL SCOUT TROOP 70047
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the Girl Scout Troop 70047 located in the City of Niagara Falls, helps build girls of courage, confidence and character, and

WHEREAS, the troop will work on their mission to complete their Silver Award and to beautify the community, and

WHEREAS, in order to complete their Silver Award, they will maintain and upkeep their non-profit meeting place, by cleaning up the landscape, planting flowers and putting down mulch, and

WHEREAS, in addition they will continue to provide for our community by collecting items of need such as hats, gloves, socks, and toiletries for the less fortunate, and

WHEREAS, through support of Girl Scout Troop 70047, for their commitment to our community of WNY 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 Girl Scout Troop 70047 by appropriating monies from said Community Partnership Fund as follows:

Girl Scout Troop 70047

\$500.00

Moved by Bradt, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.

Resolution No. IL-010-22

From: Legislators Mark J. Grozio, Christopher Voccio and Economic Development Committee.

Dated: May 3, 2022

**RESOLUTION IN SUPPORT OF LASALLE VINEYARD AND COMMUNITY GARDEN
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the LaSalle Vineyard and Community Garden located in the City of Niagara Falls, provides fresh fruits and vegetables at no cost to the community, and

WHEREAS, to maintain and upkeep the LaSalle Vineyard and Community Garden funding will be used to offset water costs and for the purchase of fruit and vegetable plants and seeds, and

WHEREAS, this assistance will allow the LaSalle Vineyard and Community Garden to continue to provide for our community, nourishment and resources and for the expansion of the gardens, and

WHEREAS, the Niagara County Legislature wishes to support the LaSalle Vineyard and Community Garden for their commitment to our community, 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 LaSalle Vineyard and Community Garden by appropriating monies from said Community Partnership Fund as follows:

LaSalle Vineyard and Community Garden	\$1, 000.00
Moved by Bradt, seconded by Robins.	
Adopted. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.	

Resolution No. IL-011-22

From: Legislator Mark J. Grozio and Economic Development Committee.

Dated: May 3, 2022

**RESOLUTION IN SUPPORT OF FIRST UNITED METHODIST CHURCH
AND COMMUNITY DINNER THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the First United Methodist Church Free Community Dinner located at 8210 Buffalo Avenue in the City of Niagara Falls, provides a weekly dinner at no cost to the community, and

WHEREAS, the First United Methodist Church provides between 160 and 300 free meals on Thursday evenings to LaSalle residents and surrounding areas to those in need, and

WHEREAS, the First United Methodist Church also provides specialty meals for holidays (Easter Thanksgiving Christmas), and

WHEREAS, these hot nutritional balanced meals may be the only meal these individuals have during the week, and

WHEREAS, the Niagara County Legislature wishes to support the staff and volunteers of First United Methodist Church for the commitment to our community through 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 First United Methodist Church and Community Dinner by appropriating monies from said Community Partnership Fund as follows:

First United Methodist Church	\$1,000.00
Moved by Bradt, seconded by Robins.	
Adopted. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.	

Resolution No. IL-012-22

From: Legislators Rebecca J. Wydysh, Irene M. Myers and Economic Development Committee.

Dated: May 3, 2022

**RESOLUTION IN SUPPORT OF THE LEWISTON KIWANIS PEACH FESTIVAL
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the mission of the Lewiston Kiwanis Club is community-focused service, striving to improve the lives of individuals and families from all walks of life, and

WHEREAS, the club has several fundraisers throughout the year that help support more than 50 nonprofit organizations in the Niagara Frontier, including the annual Peach Festival, and

WHEREAS, the Lewiston Kiwanis Club each year makes a tremendous effort to provide an enjoyable weekend of fun activities for not only the Lewiston residents, but also attracts people from all over western New York and Ontario, Canada, and

WHEREAS, this Peach Festival has been a successful fund raising event in addition to providing a great parade, good food, many rides and games and of course the greatest Peach shortcake, and

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

WHEREAS, the profits of this enormous effort are awarded too many needy causes in Niagara County and the County Legislature wishes to do its part of assisting financially, 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 fundraising efforts of the Lewiston Kiwanis Peach Festival by appropriating monies from said Community Partnership Fund as follows:

Kiwanis Club of Lewiston

\$4,000.00

Moved by Bradt, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.

Resolution No. IL-013-22

From: Legislator Rebecca J. Wydysh and Economic Development Committee.

Dated: May 3, 2022

**RESOLUTION IN SUPPORT OF THE LEWISTON JAZZ FESTIVAL
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the Northwest Jazz Festival will be held in historic Lewiston, NY on August 26-27, 2022 after a two-year unexpected hiatus related to the COVID-19 pandemic, and

WHEREAS, the committee plans a weekend of spectacular entertainment featuring international stars, as well as its own local super talents, and

WHEREAS, the festival plays a significant role in enhancing the quality of life in the Niagara region and also serves as an economic engine for local businesses, attracting more than 40,000 attendees from across Western New York and beyond, and

WHEREAS, an economic impact on the area is estimated to be in excess of \$1.4 million, and

WHEREAS, an event of this magnitude can only be successful through full community participation and sponsorships, 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 efforts of the Lewiston Jazz Festival committee by appropriating monies from said Community Partnership Fund as follows:

Lewiston Jazz Festival	\$2,000.00
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Moved by Bradt, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.

Resolution No. IL-014-22

From: Legislator Shawn A. Foti and Economic Development Committee.

Dated: May 3, 2022

**RESOLUTION IN SUPPORT OF THE SOMERSET YOUTH BASEBALL ORGANIZATION
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the Somerset Youth Baseball Organization (SYBO) offers youth T-ball, Baseball, and Softball programs to over 150 children from multiple municipalities in North East Niagara County, and

WHEREAS, the SYBO will use these funds to purchase new equipment, uniforms, safety items, and help offset expenses for children/families who may not be able to afford the program, and

WHEREAS, the SYBO needs our support in order to continue providing sport programs to local youth for the purpose of building teamwork skills, exercise, social activities, and improving mental health, and

WHEREAS, this organization has continued to grow over the past few years and will expand access to more youth with these funds, 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 efforts of the Somerset Youth Baseball Organization by appropriating monies from said Community Partnership Fund as follows:

Somerset Youth Baseball Organization	\$2,000.00
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Moved by Bradt, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.

Resolution No. IL-015-22

From: Legislator Irene M. Myers and Economic Development Committee.

Dated: May 3, 2022

**RESOLUTION IN SUPPORT OF THE RANSOMVILLE LIBRARY SUMMER READING PROGRAM
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the Town of Porter supports the Ransomville Library which includes a Summer Reading Program, and

WHEREAS, the Ransomville Library will conduct a weekly Reading Program for youth throughout the Summer of 2022, and

WHEREAS, the Ransomville Library conducts this program in the hamlet allowing local children and their families to participate without any lengthy transportation issues, and

WHEREAS the reading program will allow youth, along with their families to participate in programs that encourage and promote, socialization, reading and educational activities through the summer months, and

WHEREAS, these activities will engage our youth throughout the summer while school is in recess to keep them to take part in wholesome, educational, hands-on, constructive activities, 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 educational efforts of the Ransomville Library Summer 2022 Reading Program by appropriating monies from said Community Partnership Funds as follows:

Ransomville Library	\$1,500.00
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Moved by Bradt, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.

Resolution No. IL-016-22

From: Legislator Shawn A. Foti and Economic Development Committee.

Dated: May 3, 2022

**RESOLUTION IN SUPPORT OF THE YOUNGSTOWN LIBRARY SUMMER READING PROGRAM
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the Town of Porter supports the Youngstown Library which includes a Summer Reading Program, and

WHEREAS, the Youngstown Library will conduct a weekly Reading Program for youth throughout the Summer of 2022, and

WHEREAS, the Youngstown Library conducts this program in the hamlet allowing local children and their families to participate without any lengthy transportation issues, and

WHEREAS, the reading program will allow youth along with their families to participate in programs that encourage and promote, socialization, reading and educational activities through the summer months, and

WHEREAS, these activities will engage our youth throughout the summer while school is in recess to keep them engaged in wholesome, educational, hands-on, constructive activities 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 educational efforts of the Youngstown Library Summer 2022 Reading Program by appropriating monies from said Community Partnership Funds as follows:

Youngstown Library	\$1,500.00
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Moved by Bradt, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.

Resolution No. IL-017-22

From: Legislator Irene M. Myers and Economic Development Committee.

Dated: May 3, 2022

**RESOLUTION IN SUPPORT OF THE TOWN OF PORTER SUMMERFEST 2022
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the Town of Porter purchased PORTER ON THE LAKE a “piece of paradise” over a decade ago located on the shore of Lake Ontario, and

WHEREAS, the Town of Porter has established a committee “SUMMERFEST” which organizes and runs a yearly festival, and

WHEREAS, SUMMERFEST will be held this year on Saturday, July 16, 2022, which is historically held on the third Saturday of July, and

WHEREAS, SUMMERFEST has been hosting this event yearly to raise monies allowing the Town of Porter to make improvements to PORTER ON THE LAKE for the community and visitors alike, and

WHEREAS, this festival will have an entire day of events for those of all ages, local business displays and offerings, live music, food tents, performers, and a firework display to “cap off the night”, and

WHEREAS, a festival of this magnitude can only be successful through the dedication of the Town of Porter, the Summerfest Committee, the community, and sponsorships and 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 efforts of The Town of Porter SUMMERFEST Committee by appropriating monies from said Community Partnership Funds as follows:

Town of Porter Summerfest

\$1,500.00

Moved by Bradt, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.

Resolution No. IL-018-22

From: Legislator Christopher A. Robins and Economic Development Committee.

Dated: May 3, 2022

**RESOLUTION IN SUPPORT OF NIAGARA FALLS LITTLE LEAGUE
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the Niagara Falls Little League serves the youth of Niagara Falls in giving them an opportunity to participate in baseball and softball, and

WHEREAS, the Niagara Falls Little League has many participants that come from low income families, and

WHEREAS, the Niagara Falls Little League is constantly hosting tournaments and out of city teams, and

WHEREAS, the Niagara Falls Little League promotes positive character in all its participants, 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 Niagara Falls Little League by appropriating monies from said Community Partnership Fund as follows:

Niagara Falls Little League	\$2,000
Moved by Bradt, seconded by Robins.	
Adopted. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.	

Resolution No. IL-019-22

From: Legislators Jeffrey Elder and Economic Development Committee.

Dated: May 3, 2022

**RESOLUTION IN SUPPORT OF THE LASALLE EDUCATIONAL CLUB, INC.
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the LaSalle Educational Club Inc. supports the youth of Niagara Falls in their time of need, aiding in furthering the educational goals of those individuals, and

WHEREAS, providing several scholarships regardless of race, creed, or ethnicity and to assist families during hardships building lasting communities, and

WHEREAS, the LaSalle Educational Club provides families enrichment, family picnics, Easter egg hunts, movie nights Christmas parties and Senior companion activities, and

WHEREAS, the LaSalle Educational Club's intention is to help build a greater and stronger community for all people, and the Niagara County Legislature wishes to support this program, 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 LaSalle Educational Club by appropriating monies from said Community Partnership Fund as follows:

LaSalle Educational Club Inc.	\$2,000.00
Moved by Bradt, seconded by Robins.	
Adopted. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.	

Resolution No. IL-020-22

From: Legislator Jeffrey Elder and Economic Development Committee.

Dated: May 3, 2022

**RESOLUTION IN SUPPORT OF THE NIAGARA FALLS HABITAT FOR HUMANITY
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, Niagara Area Habitat for Humanity recognizes the great need for affordable housing in the City of Niagara Falls and Niagara County, and

WHEREAS, Habitat for Humanity brings people together to build homes, communities, and hope, and

WHEREAS, decent, affordable homeownership allows families to lead better, healthier, more financially stable lives, and

WHEREAS, strong, stable homes help build strong and stable communities, and

WHEREAS, families owning homes are less likely to rely on government assistance and are able to build net family wealth, and the Niagara County Legislature wishes to support this project, 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 Niagara Falls Habitat for Humanity by appropriating monies from said Community Partnership Fund as follows:

Niagara Falls Habitat for Humanity	\$2,000.00
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Moved by Bradt, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.

Resolution No. IL-021-22

From: Legislator Jeffrey Elder and Economic Development Committee.

Dated: May 3, 2022

**RESOLUTION IN SUPPORT OF NIAGARA UNITED VISION, INC.
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, Niagara United Vision partners with people in our community, universities, local and government agencies, to help build or improve the quality of life for our citizens, and

WHEREAS, Niagara United Vision, Inc. help build businesses alongside volunteers and pay an affordable mortgage, and

WHEREAS, with your support, Niagara United Vision strives to achieve the strength, stability and independence individuals and businesses need to build a better life for themselves and their community, and

WHEREAS, Niagara United Vision works to decrease crime and poverty that inhibits the growth of community ownership, and the Niagara County Legislature wishes to support their efforts, 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 Niagara United Vision, Inc. by appropriating monies from said Community Partnership Fund as follows:

Niagara United Vision, Inc.	\$2,000.00
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Moved by Bradt, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.

Resolution No. IL-022-22

From: Legislator Jeffrey Elder and Economic Development Committee.

Dated: May 3, 2022

**RESOLUTION IN SUPPORT OF THE HEART LOVE & SOUL SISTER BETH BROSNER CENTER
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, Heart, Love & Soul is a non-profit hunger-relief and social care agency in Niagara Falls dedicated to serving those in need – body, mind & soul, and

WHEREAS, Heart Love & Soul has provided the community with wide-reaching food and hospitality services and social care services for all those in Niagara Falls to utilize at no cost, and

WHEREAS, their newest addition, the Daybreak Program, brings together over 30 community organizations under one roof, allowing guests to easily access the social care services they need in a central location, and

WHEREAS, since the program's inception in 2021, they have already had over 4,800 guest interactions, and the Niagara County Legislature wishes to support this program, 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 efforts of Heart Love & Soul in their efforts to provide for the community by appropriating monies from said Community Partnership Fund as follows:

Heart Love & Soul

\$2,000.00

Moved by Bradt, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.

Resolution No. IL-023-22

From: Legislator Randy R. Bradt.

Dated: May 3, 2022

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

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

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

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

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

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

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

WHEREAS, County staff supplied the Commission with the legal principals and requirements that were used to create the redistricting plan, and

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

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

WHEREAS, based on the proposed maps and legal descriptions presented by the Niagara County Redistricting Commission, on November 9, 2021 the Niagara County Legislature adopted IL-041-21 a Local Law for the Reapportionment Plan to the County of Niagara, New York, and

WHEREAS, such Local Law for the Reapportionment Plan to the County of Niagara, New York, IL-041-21 was adopted following a public hearing which was conducted on November 9, 2021, and

WHEREAS, on October 27, 2021 the Governor of the State of New York signed into law Assembly Bill A00229C, which amended sections 34 and 10 of the New York State Municipal Home Rule Law to change the deviation rate as follows:

“If such plan of districting or redistricting includes only single member districts, such districts shall be as nearly equal in population as is practicable; the difference in population between the most and least populous district shall not exceed five percent of the mean population of all districts.”

WHEREAS, Local Law IL-041-21, which was adopted on November 9, 2021 did not comply with such amendments to the New York State Home Rule Law sections 34 and 10, and

WHEREAS, due to the noncompliance of Local Law IL-041-21 with the October 27, 2021 amendment to sections 34 and 10 of the New York State Home Rule Law it was necessary to amend Local Law IL-041-21 prior to filing it with the Secretary of State's Office, and therefore, the Clerk of the Legislature was directed by Resolution IL-047-21 not to file the Reapportionment Plan for the County of Niagara, New York with the New York States Secretary of State's Office, and

WHEREAS, County Staff has developed a Reapportionment Plan that has adjusted the population so that the difference in population between the most and least populous single member districts shall not exceed five percent of the mean population of all districts, and

WHEREAS, County Staff has developed a Reapportionment Plan, which complies with all other requirements and amendments to the New York State Municipal Home Rule Laws that were signed into Law on October 27, 2021, and

WHEREAS, the boundaries of the 7th and 10th Legislative Districts have been amended and modified so as to make Election district adjustments due to the redistricting plan implemented by the United States Congress, which changed the boundaries of the 24th and 26th Congressional District, so that voters in the 24th Congressional District will be placed in the 10th Legislative District, and

WHEREAS, the 12th and 13th Legislative Districts were modified so as to unite the voters who have a community of interest in the area formerly known as the Niagara County Infirmary, the Niagara County Golf Course, the Niagara County graveyard, and the Niagara County ANJO baseball fields, and

WHEREAS, the 3rd, 5th and 6th Legislative Districts were modified so as to preserve the boundaries of the 4th Legislative District and create compact Legislative Districts with population members that comply with appropriate deviation percentages, and

WHEREAS, the boundaries of all other Legislative Districts as set forth in the Reapportionment Plan as adopted by Local Law IL-041-21 remain unchanged, and

WHEREAS, Legislator Randy R. Bradt now presents in writing the following proposed amendment to Local Law IL-041-21:

A Local Law for the County of Niagara, New York, for the Year 2022 for the Reapportionment of the County of Niagara, New York:

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

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

DISTRICT 1

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

District	City/Town	Tract	Census Blocks	Notes
01	Porter NY	024501	WHOLE TOWN	
01	Lewiston NY	024404	1000 - 1014 1020 - 1023 1032	
01	Lewiston NY	024405	1000 - 1016 2000 - 2030 3000 - 3034	
01	Water	024102	2000 3000	
01	Water	990000	0001	

DISTRICT 2

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

District	City/Town	Tract	Census Blocks	Notes
02	Tuscarora Nation NY		WHOLE TOWN IN LD 02	
02	Lewiston NY	024401	1000 - 1036 2000 - 2026 3000 - 3022	
02	Lewiston NY	024404	1015 - 1019 1024 - 1031 1033 2000 - 2012 3000 - 3028	
02	Lewiston NY	024406	1000 - 1050 2000 - 2030 3000 - 3018	
02	Wheatfield NY	022714	1000 - 1010 2000 - 2020 3002 - 3004	
02	Wheatfield NY	022715	1000 - 1018 2000 - 2040	

DISTRICT 3

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

District	City/Town	Tract	Census Blocks				Notes
03	Niagara NY	022602	2000 – 2028	3011 – 3017	3019 – 3020	3030 - 3041	
03	Niagara Falls NY	022000	3000				
03	Niagara Falls NY	022100	1000 - 1008	2000 - 2001	2006 – 2008	2013 – 2015	3000 - 3012
03	Niagara Falls NY	022200	1000 - 1007	1009 - 1027	2000 - 2017	3000 - 3002	
			3005 - 3009	3012 - 3025			
03	Niagara Falls NY	022300	1000 - 1013	2000 - 2014	3000 - 3025		
03	Niagara Falls NY	022401	1000 - 1027	2000 - 2011			
03	Niagara Falls NY	022500	1000 - 1013	2000 - 2007	3000 – 3010		

DISTRICT 4

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

District	City/Town	Tract	Census Blocks				Notes
04	Niagara Falls NY	020100	3016				
04	Niagara Falls NY	020200	1002 - 1023	2000 - 2042			
04	Niagara Falls NY	020400	1000 - 1012	2000 - 2013			
04	Niagara Falls NY	020500	1000 - 1004	1009 - 1029	1031 1033	2000 - 2001	2005
			2008 - 2009				
04	Niagara Falls NY	020600	1000 - 1016	2000 - 2020			
04	Niagara Falls NY	020700	1000 - 1001	2000 - 2005	3002 - 3009	3012 - 3015	
			3020 - 3021				
04	Niagara Falls NY	020900	1000 - 1012	2000 - 2001	2004 - 2007	3000 - 3021	
04	Niagara Falls NY	021000	3002	3007 - 3008	4000 - 4002	4005 - 4006	
04	Niagara Falls NY	021100	2000 - 2004	2009 - 2019	2023		
04	Niagara Falls NY	021200	1001 - 1009	1011	2000 - 2012	3000 - 3013	3015 – 3016
			3018	3024 - 3025	4000 - 4020		
04	Niagara Falls NY	021300	2008 – 20011	2013			
04	Niagara Falls NY	021700	5024 - 5025				

DISTRICT 5

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

District	City/Town	Tract	Census Blocks				Notes
05	Niagara NY	022601	1000 – 1027	2000 – 2025			
05	Niagara NY	022602	1000 – 1031	3000 – 3010	3012 – 3016	3018	3021 - 3029
05	Niagara Falls NY	020100	1000 - 1014	2000 - 2013	3000 - 3015	3017	
			4000 - 4021				
05	Niagara Falls NY	020200	1000 - 1001				
05	Niagara Falls NY	020300	1005 - 1006	2000 - 2018	3000 - 3026		
05	Niagara Falls NY	020500	1005 - 1008	1030 1032	1034 - 1038		
05	Niagara Falls NY	020700	1002 – 1008	3000 – 3001	3010 – 3011	3016 - 3019	
05	Niagara NY	021000	1000 - 1011	2000 - 2017	2021	3000 – 3001	3003 – 3006
			3011 – 3020	4003 – 4004	4007 - 4011		

DISTRICT 6

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

District	City/Town	Tract	Census Blocks				Notes
06	Niagara Falls NY	020300	1000 - 1004	1007 - 1011			
06	Niagara Falls NY	020500	2002 - 2004	2006 - 2007	2010 - 2015		

06	Niagara Falls NY	020900	2002 - 2003				
06	Niagara Falls NY	021000	2018 - 2020	2022 - 2023	3009 - 3010	3021 - 3022	
06	Niagara Falls NY	021100	1000 - 1062	2005 - 2008	2020 - 2022		
06	Niagara Falls NY	021200	1000 1010 1012 1014 3017 3019 - 3023				
			3026 - 3029				
06	Niagara Falls NY	021300	1000 - 1013	2000 - 2007	2012 2014 - 2023		
06	Niagara Falls NY	021400	1000 - 1015	2000 - 2037			
06	Niagara Falls NY	021700	1000 - 1020	2000 - 2015	3000 - 3012	4000 - 4020	
			5000 - 5023	5026 - 5053			
06	Niagara Falls NY	022000	1000 - 1015	2000 - 2008	3001 - 3031	4000 - 4024	
06	Niagara Falls NY	022100	2002 - 2005	2009 - 2012			
06	Niagara Falls NY	022200	1008 3003 - 3004	3010 - 3011	3026		

DISTRICT 7

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

District	City/Town	Tract	Census Blocks	Notes
07	North Tonawanda NY	022902	1000 - 1002 2000 - 2007 2009 - 2015	
07	North Tonawanda NY	024600	2001 - 2002	
07	Wheatfield NY	022713	1000 - 1012 2000 - 2008	
07	Wheatfield NY	022714	1011 - 1016 3000 - 3001 3005 - 3014	
07	Wheatfield NY	022716	1000 - 1002 1004-1022 2000 - 2022	
07	Wheatfield NY	022717	1001 - 1008 2003 2005 - 2015	

DISTRICT 8

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

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

DISTRICT 9

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

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

09	North Tonawanda NY	023302	2000
09	North Tonawanda NY	024600	1000 - 1014 2000 3000 - 3004 3011

DISTRICT 10

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

District	City/Town	Tract	Census Blocks	Notes
10	Cambria NY		WHOLE TOWN IN LD	
10	Wilson NY		WHOLE TOWN IN LD	
10	Wheatfield NY	022716	1000 1003	
10	Wheatfield NY	022717	1000 1009 - 1011 2000 - 2002 2004 2016 3000 - 3019	

DISTRICT 11

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

District	City/Town	Tract	Census Blocks	Notes
11	Pendleton NY		WHOLE TOWN IN LD	
11	Lockport NY	023401	3000 - 3028 3032 - 3036 3038 - 3039 3041 4012 - 4014 4016 - 4028 4031 - 4036	
11	Lockport NY	023500	1001 1003 - 1004 1011 - 1012 2003 - 2007	2012
11	Lockport NY	023600	1000 - 1029 2000 - 2022 3000 - 3030	
11	Lockport NY	023700	1007	
11	Lockport NY	023901	2004 2012	
11	Lockport Town, NY	023401	3000 - 3028 3032 - 3026 3038 - 3039 3041 4018 - 4028 4031 - 4036	
11	Lockport Town, NY	023404	2009 - 2012 2022	

DISTRICT 12

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

District	City/Town	Tract	Census Blocks	Notes
12	Lockport NY	023500	1000 - 1002 1005 - 1010 1013 - 1016 1018 2000 - 2002 2008 - 2011 2013 - 3018 3000 - 3028	
12	Lockport NY	023700	2005 - 2007 2010 - 2011	
12	Lockport Town NY	023401	1000 - 1036 2024 3029 - 3031 3037 3040	
12	Lockport Town NY	023402	1000 - 1003 1005 - 1010 1013 - 1016 1020 - 1021 1023 - 1029 1039 - 1040 2000 - 2028	
12	Lockport Town NY	023404	1001 - 1004 3000 - 3007	
12	Lockport Town NY	023405	1000 - 1035 2000 - 2022	

DISTRICT 13

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

District	City/Town	Tract	Census Blocks	Notes
13	Lockport NY	023500	1017	
13	Lockport NY	023700	1000 - 1006 1008 - 1014 2000 - 2004 2008 - 2009 20012 - 2044	
13	Lockport NY	023800	1000 - 1008 2000 - 2009 3000 - 3026	
13	Lockport NY	023901	1000 - 1012 2000 - 2003 2005 - 2011 3000 - 3011 4000 - 4010	

13	Lockport NY	023902	1000 - 1017	2000 - 2014	3000 – 3029
13	Lockport Town NY	023402	1012	1017 – 1019	1022 1030 - 1038

DISTRICT 14

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

District	City/Town	Tract	Census Blocks	Notes
14	Newfane, NY		WHOLE TOWN	
14	Somerset, NY		WHOLE TOWN	
14	Lockport Town NY	023401	2000 - 2023 2025 - 2032	4000 - 4017 4029 - 4030
14	Lockport Town NY	023402	1004 1011	

DISTRICT 15

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

District	Town	Tract	Census Blocks	Notes
15	Hartland NY		WHOLE TOWN	
15	Royalton		WHOLE TOWN	
15	Lockport Town, NY	023402	2029 - 2041	
15	Lockport Town, NY	023404	1000 1005 - 1015 2000 - 2008	2013 – 2021 2023

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

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

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

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

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

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

RESOLVED, that the Niagara County Legislature shall conduct a public hearing upon said proposed Local Law at the Legislature Chambers, Courthouse, Lockport, New York, on the 17th day of May, 2022, at 5:45 p.m., and be it further

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

Moved by Bradt, seconded by Robins to amend resolution.

Amendment: Addition in the first RESOLVED "...17th day of May..." and replaced with "...21st day of June..."

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

Carried.

Moved by Bradt, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.

Resolution No. IL-024-22

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

Dated: May 3, 2022

A RESOLUTION TO PROVIDE FUNDING FOR CLOSED CAPTIONING ON LOCKPORT COMMUNITY TELEVISION PROGRAMMING

WHEREAS, Lockport Community Television (LCTV) is a 501(c)(3) nonprofit organization, providing our community with public, government, and educational television channels and online content covering a variety of topics, including sports, entertainment, civic affairs, women and minority issues, religion, and education, and

WHEREAS, LCTV has been an important partner to Niagara County, broadcasting and livestreaming the Legislature's regular and committee meetings, and also recording such meetings for future viewing from their on-demand library, and

WHEREAS, LCTV also produces other programming to help keeps residents informed on important issues in Niagara County, including Niagara County Update, Niagara County Sheriff Updater and Focus on Niagara, among many others, and

WHEREAS, throughout the COVID-19 pandemic, LCTV worked with county leaders, in particular Chairman Wydysh, to provide daily updates to residents at a time when disseminating pandemic information was tremendously important, and

WHEREAS, in order to better serve all residents, LCTV has been piloting closed captioning software so that those with hearing impairments will have access to the informative LCTV programming, and

WHEREAS, there is a substantial cost to providing closed captioning that is beyond the budget of LCTV, now, therefore, be it

RESOLVED, that the Niagara County Legislature deeply values its partnership with LCTV and wants to be sure that county meetings and programming are accessible to all residents, including those with hearing impairments, and be it further

RESOLVED, that Niagara County will allocate \$6,200 in funding to support closed captioning on LCTV, and be it further

RESOLVED, that the 2022 Budget be modified as follows:

INCREASE APPROPRIATION:

A.01.1010.000 74500.01	Contractual Expense	\$6,200
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DECREASE APPROPRIATION:

A.08.1990.000 74500.01	Contingency	\$6,200
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Moved by Nemi, seconded by Collins, to implement the portion of Rule 15 that pertains to voting on a resolution as opposed to referring it to committee.

Carried.

Moved by Nemi, seconded by Collins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.

Clerk Tomasino read a statement that the Niagara County's Municipal Separate Storm Sewer Systems (MS4) Draft Annual Report, March 2021 – March 2022 is available for Public Review and Comment until May 25, 2022 at the Niagara County Department of Public Works, Administrative Office, 2nd Floor, 59 Park Avenue, Lockport, NY 14094 or on the county's website under County Information, Stormwater.

APPOINTMENTS:

	<u>Appt.</u>	<u>Expires</u>
<u>BOARD OF HEALTH:</u>		
<u>Mayors' Recommendations:</u>		
Kyle Lambalzer (replaces Marietta Schrader) 623 Locust St., Lockport 14094	05/03/22	12/31/24

COOPERATIVE EXTENSION:

Richard E. Abbott, Niagara County Legislature (replaces Shawn A. Foti)	05/03/22	12/31/23
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WORKFORCE DEVELOPMENT BOARD:

Divya Tandon, SJI Properties 552 Third Street, Niagara Falls 14301	05/03/22	
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Moved by Nemi, seconded by Collins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Abbott, Godfrey, Gooch Myers.

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

The Chairman declared the Board adjourned at 6:41 p.m., subject to the call of the Clerk.

One citizen spoke at this time on the General Welfare of the County.


Alysa T. Tomasino, Clerk