

A public hearing was held pursuant IL-020-21, adopted by the Legislature on May 11, 2021, for the purpose of hearing public Comments on A Local Law Youth Hunting Pilot Program. Legislator Hill opened hearing at 5:30 p.m. and closed it at approximately 5:40 p.m.

A public hearing was held pursuant IL-013-21, adopted by the Legislature on April 20, 2021, for the purpose of hearing public comments on Local Law Establishing Solar Panel Recycling Regulations. Legislator Godfrey opened hearing at 5:45 p.m. and closed it at approximately 6:02 p.m.

OFFICIAL RECORD

Lockport, New York
June 15, 2021

The meeting was called to order by Chairman Wydysh at 6:08 p.m.

Clerk Moran called the roll. All Legislators were present with the exception of Legislator Steed.

RECOGNITION:

Legislator Gooch called Public Health Director Daniel Stapleton and his staff Deputy Public Health Director Vicki Pearson, Director of Nursing Laurie Schoenfeldt and Director of Public Health Planning & Emergency Preparedness, Elise Pignatora to the lectern to read a proclamation honoring the women and men of the Niagara County Department of Health for their tireless efforts throughout the pandemic, with many employees stepping into roles and responsibilities well beyond their job titles and areas of expertise to battle the pandemic.

Director of Public Health Dan Stapleton presented a slide show of many pictures taken from the year at various testing sites and vaccination clinics the throughout the county.

Chairman Wydysh presented Public Health Director Daniel Stapleton, Deputy Public Health Director Vicki Pearson, Director of Nursing Laurie Schoenfeldt and Director of Public Health Planning & Emergency Preparedness, Elise Pignatora the first Beacon of Hope Awards.

County Manager Richard Updegrave thanked the Legislature and the entire Administration of Niagara County for all their hard work throughout the pandemic.

0 Citizens Spoke.

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

Resolution No. AD-008-21

From: Administration Committee.

Dated: June 15, 2021

DISTRIBUTION OF MORTGAGE TAX

WHEREAS, Niagara County has received mortgage tax monies for the period October, 2020 through March, 2021 in the amount of \$4,596,825.62, and

WHEREAS, the Recording Officer has previously distributed \$1,099,147.13 to the Niagara Frontier Transportation Authority, \$1,045,926.55 to the State Mortgage Tax Agency, and retained \$131,156.45 for approved county administrative expenses, and

WHEREAS, that Recording Officer has remitted the remaining monies collected to the County Treasurer for distribution to various Niagara County towns, villages and cities, now, therefore, be it

RESOLVED, that the sum of \$2,320,595.49 reflects mortgage tax monies for the period October 1, 2020 through March 31, 2021 to be distributed, and the same be and hereby is, apportioned as follows among the various towns, villages and cities of the County of Niagara:

TOWNS	Cambria	\$ 99,170.53
	Hartland	41,420.97
	Lewiston	214,526.49
	Lockport	289,062.15
	Newfane	87,595.03
	Niagara	83,000.92
	Pendleton	155,962.73
	Porter	95,450.44
	Royalton	89,552.37
	Somerset	19,997.68
	Wheatfield	284,405.35
	Wilson	84,291.30
VILLAGES	Middleport (Hartland)	\$ 652.14
	Middleport (Royalton)	6,815.19
	Lewiston	28,019.95
	Youngstown	18,127.33
	Barker	1,670.55
	Wilson	9,223.39
CITIES	Lockport	150,622.53
	Niagara Falls	243,017.03
	North Tonawanda	<u>318,011.42</u>
	TOTAL:	\$2,320,595.49

and be it further

RESOLVED, that the County Treasurer be, and hereby is, directed to pay the Supervisors of the various towns, village treasurers, and city treasurers the amounts recorded above and that this document shall be sufficient authorization to the County Treasurer to make the payments in accordance with the above direction.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. AD-009-21

From: Administration Committee.

Dated: June 15, 2021

**RESOLUTION AUTHORIZING INTERMUNICIPAL AGREEMENT WITH
THE CITY OF LOCKPORT FOR 2020 CITY IN REM PROCEEDING**

WHEREAS, the City of Lockport has instituted an In Rem action under Niagara County Supreme Court Index #171239/2020, for the foreclosure of certain tax liens for the year 2020 against various parcels of land situate within the City of Lockport, New York, pursuant to the provisions of Article 11, Title 3 of the Real Property Tax Law of the State of New York, and

WHEREAS, the provisions of said law authorize and empower tax districts having an interest in various parcels to enter into an agreement making provisions for conveyance of said parcels without public sale, and upon such terms as said districts may agree upon between themselves, and

WHEREAS, the parties hereto have conferred and negotiated as to the method of handling the various parcels included in said action, and

WHEREAS, the parties wish to memorialize their agreement with the execution of an Inter-Municipal Cooperation Agreement, a copy of which is incorporated by reference, now, therefore, be it

RESOLVED, that the Chairman be, and hereby is, authorized and directed to enter into an inter-municipal cooperation agreement with the City of Lockport regarding the City of Lockport 2020 In Rem action filed with the Niagara County Supreme Court under Index #171239/2020.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. CS-021-21

From: Community Services and Administration Committees.

Dated: June 15, 2021

**PUBLIC HEARING FOR
NCCC FY 2021-2022 MAINTENANCE AND OPERATING BUDGET**

WHEREAS, the County Manager and Budget Director have filed with the Legislative Clerk the tentative budget for the Niagara County Community College for their fiscal year commencing September 1, 2021 and ending August 31, 2022, and

WHEREAS, pursuant to Section 359 of the County Law, a public hearing must be held, now, therefore, be it

RESOLVED, that a public hearing be held in the Legislative Chambers, Courthouse, Lockport, New York at 5:45 p.m. on the 3rd day of August, 2021 to review the tentative budget, and be it further

RESOLVED, that the Clerk of the Legislature is hereby authorized and directed to publish notice of same in the Union Sun & Journal and the Niagara Gazette.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. CS-022-21

From: Community Services and Administration Committees.

Dated: June 15, 2021

ABOLISH & CREATE POSITIONS – HEAP -SOCIAL SERVICES

WHEREAS, the Niagara County Department of Social Services (NCDSS) administers the federally funded Home Energy Assistance Program (HEAP) which provides heating assistance to low income and elderly people in Niagara County, and

WHEREAS, after review of the current structure of the HEAP unit it has been determined that reorganization would better meet the needs of the public and make for a more efficient operation, now, therefore, be it,

RESOLVED, that ten (10) vacant Energy Assistance Worker Temp positions, position #10589, #10590, #11084, #11085, #11086, #11087, #13052, #13053, #2134, and #3888, Job Group IV, step 1, at \$18.12 per hour each be abolished effective July 5, 2021, and be it further

RESOLVED, that four (4) Social Services Worker 1,2 positions Job Group VI, step 1 at \$35,882 annually each be created and filled effective July 5, 2021, and be it further

RESOLVED, that the following line item transfer be effectuated to the Social Services 2021 Budget:

FROM:

A.22.6010.000 71010.00 10589	Energy Assistance Worker Temp	\$ 3,610.00
A.22.6010.000 71010.00 11084	Energy Assistance Worker Temp	16,489.00
A.22.6010.000 71010.00 11087	Energy Assistance Worker Temp	16,489.00
A.22.6010.000 71010.00 13053	Energy Assistance Worker Temp	16,489.00
A.22.6010.000 71010.00 2134	Energy Assistance Worker Temp	16,489.00
A.22.6010.000 71010.00 3888	Energy Assistance Worker Temp	6,858.00

TO:

A.22.6010.000 71010.00 XXXX	Social Services Worker 1,2	\$17,873.00
A.22.6010.000 71010.00 XXXX	Social Services Worker 1,2	17,873.00
A.22.6010.000 71010.00 XXXX	Social Services Worker 1,2	17,873.00
A.22.6010.000 71010.00 XXXX	Social Services Worker 1,2	17,873.00
A.22.6010.000 78400.05	Health HRA Employer Cont	3,400.00
A.22.6010.000 78800.00	Flex 125 Employer Cont	1,532.00

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. CS-023-21

From: Community Services and Administration Committees.

Dated: June 15, 2021

**BUDGET MODIFICATION
EMERGENCY RENTAL ASSISTANCE PROGRAM**

WHEREAS, the New York State Office of Temporary and Disability Assistance did make state-wide funds available for outreach and application assistance for the Emergency Rental Assistance Program, and

WHEREAS, these resources are directed toward community agencies to provide outreach to eligible households and assist them in applying for rental and utility arrears payments, and

WHEREAS, Niagara County has received an allocation of \$620,757.95, which is 100% federally funded, now, therefore, be it

RESOLVED, that Niagara County Department of Social Services will contract with community agencies following an RFP process, to provide the necessary services as outlined in the Emergency Rental Assistance Program requirements, and be it further

RESOLVED, that the following budget modification be effectuated to the Social Services 2021 budget:

INCREASE REVENUE:

A.22.6010.000 44089.06	Federal Aid, Other Coronavirus Emerg Suppl Funding	\$ 620,757.95
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INCREASE APPROPRIATION:

A.22.6010.000 74500.01 Contractual Exp – Contractual

\$ 620,757.95

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. CS-024-21

From: Community Services and Administration Committees.

Dated: June 15, 2021

**WAIVER OF RESIDENCY REQUIREMENT
DIRECTOR OF PUBLIC HEALTH PLANNING & EMERGENCY PREPAREDNESS POSITION**

WHEREAS, the Niagara County Public Health Department has permission to fill a Director Public Health Planning & Emergency Preparedness position that will become vacant with the resignation of the current Director, this is a critical and important position that is required to satisfy operational requirements of Public Health Planning and Emergency Preparedness requirements, and

WHEREAS, due to challenges with recruitment for this highly technical and specialized position, Niagara County posted and advertised this position which has not resulted in any highly qualified Niagara County resident candidates applying, as a result the posting period has been further extended to allow for additional qualified candidates to apply, and

WHEREAS, the Public Health Department has made diligent and sincere efforts to recruit highly qualified candidates for the position from within Niagara County, including multiple advertisements and postings for an extended period of time, now, therefore, be it

RESOLVED, that a permanent Waiver of Residence from the policy to hire only Niagara County residents be approved to fill the soon to be vacant Director Public Health Planning & Emergency Preparedness position when the most highly qualified applicant or only qualified candidates resides outside Niagara County.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. CS-025-21

From: Community Services and Administration Committees.

Dated: June 15, 2021

**ABOLISH LPN POSITION, CREATE AND FILL RN POSITION / BUDGET MODIFICATION
NIAGARA COUNTY DEPARTMENT OF MENTAL HEALTH & SUBSTANCE ABUSE SVCS**

WHEREAS, the Niagara County Department of Mental Health and Substance Abuse Services (NCDMH) is committed to providing exceptional treatment and integrated care services to Niagara County residents in need, and

WHEREAS, a Registered Nurse (RN) position will provide a broader range of services and supports, which is necessary to address the acute Mental Health and co-occurring Substance Use concerns of our Clinic population, and

WHEREAS, upon evaluation of the increased demands and the needs of the Department, it was determined that a Registered Nurse (RN) position would allow for a higher level of responsibility than that of a Licensed Practical Nurse (LPN) required to operate within the guidelines, rules and regulations of all NCDMH oversight agencies, including NYS OMH, OASAS, and DOH, and

WHEREAS, NCDMH is committed to and has demonstrated operating in a responsible fiscal manner, and

WHEREAS, the RN position is supported 100% through generated revenue; any additional costs are offset by the broader range of billable services the RN can provide, now, therefore, be it

RESOLVED, that one Licensed Practical Nurse (LPN) (vacant as of July 6, 2021), Grade 8, Step 8, position number MHD300100.4666, salary range \$39,865.14 - \$46,679.85 be abolished effective September 6, 2021, and be it further

RESOLVED, that one Registered Nurse (RN), Grade 12, Step 1, position number, MHD300100.XXXXX, salary range \$55,010.97 - \$64,474.83 be created within the Niagara County Department of Mental Health, and filled effective September 6, 2021, and be it further

RESOLVED, that the following transfer of position funds in the 2021 budget be effectuated:

INCREASE REVENUE:

A.21.4310.000.41620.00	Mental Health Fees	\$26,039
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INCREASE APPROPRIATIONS:

A.21.4310.000.71010.00xxxxx	Positions (RN)	\$17,915
A.21.4310.000.78100.00	Retirement Expense	1,899
A.21.4310.000.78200.00	FICA	1,371
A.21.4310.000.78300.00	Worker's Comp	471
A.21.4310.000.78400.01	Insurance, Health Active Hospital/Medical	3,691
A.21.4310.000.78400.05	Insurance HRA Employer Contribution	\$ 283
A.21.4310.000.78700.00	Disability	26
A.21.4310.000.78800.00	Flex 125 Employer Contribution Expense	383

DECREASE REVENUE:

A.21.4310.000.41620.00	Mental Health Fees	\$22,093
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DECREASE APPROPRIATIONS:

A.21.4310.000.71010.0004666	Positions (LPN)	\$15,202
A.21.4310.000.78100.00	Retirement Expense	1,611
A.21.4310.000.78200.00	FICA	1,163
A.21.4310.000.78300.00	Worker's Comp	400
A.21.4310.000.78400.01	Insurance, Health Active Hospital/Medical	3,691
A.21.4310.000.78700.00	Disability	26

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. CS-026-21

From: Community Services and Administration Committees.

Dated: June 15, 2021

**WAIVER OF RESIDENCY REQUIREMENT
LICENSED CLINICIAN – POSITION NO. 13536
DEPARTMENT OF MENTAL HEALTH & SUBSTANCE ABUSE SERVICES**

WHEREAS, the Niagara County Department of Mental Health & Substance Abuse Services has received permission to fill a Licensed Clinician vacancy within the Behavioral Health Program, which is critical for providing Substance Abuse screenings, and assessments to parents whose babies are born toxicology positive

for drugs, and for developing and monitoring Safe Parenting Plans: in conjunction with the Department of Social Services staff, and

WHEREAS, due to long standing challenges with recruitment for this position, Niagara County has opened the Licensed Clinician Civil Service Exam to residents of counties contiguous to Niagara County, and

WHEREAS, all Niagara County candidates who were qualified and present for the last Mental Hygiene Practitioner (title since changed to Licensed Clinician) examination, given December 1, 2018, have been hired by the Department, and

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

WHEREAS, there are no remaining qualified Niagara County applicants for this position, and

WHEREAS, this position will be filled provisionally until the next Licensed Clinician exam is given, and

WHEREAS, any provisional employee must pass and be reachable on the Civil Service examination, now, therefore, be it

RESOLVED, that a Waiver of Residency from the policy to hire only Niagara County residents be approved to fill the vacant Licensed Clinician position.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. CS-027-21

From: Community Services and Administration Committees.

Dated: June 15, 2021

**BUDGET MODIFICATION
ACCEPTANCE OF GRANT FUNDS
COVID-19 ADRC VACCINE ACCESS**

WHEREAS, the Niagara County Office for the Aging (OFA) is the recipient of \$15,183 from the New York State Office for the Aging (NYSOFA) received from Federal CARES Act funding designated as ADRC Vaccine Access funds for the period April 1, 2021 through September 30, 2022, and

WHEREAS, such funds will enable local NY Connects systems to mitigate the adverse effects of the pandemic by supporting the provision of COVID-19 vaccination information, assistance, and access to older adults and individuals with disabilities of all ages who are eligible for the COVID-19 vaccination; special emphasis is given to homebound individuals and enabling in-home vaccine capability, and

WHEREAS, such funds are not included in the 2021 Budget, now, therefore, be it

RESOLVED, that Niagara County accepts \$15,183 to provide needed services to older adults, and be it further

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

INCREASE REVENUE ACCOUNT:

A.24.6772.000	44089.05	Federal Aid, Other (CARES Act)	\$15,183
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INCREASE APPROPRIATION ACCOUNTS:

A.24.6772.000 74500.01 Contractual Expenses \$15,183
Moved by Bradt, seconded by Virtuoso.
Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. CS-028-21

From: Community Services and Administration Committees.

Dated: June 15, 2021

BUDGET MODIFICATION ACCEPTANCE OF GRANT FUNDS AMERICAN RESCUE PLAN

WHEREAS, the Niagara County Office for the Aging (OFA) is the recipient of \$908,246 from the New York State Office for the Aging (NYSOFA) received from Federal CARES Act funding as part of the American Rescue Plan for the period April 1, 2021 through September 30, 2024, and

WHEREAS, such funds will enable the office to continue to provide needed services to older adults in Niagara County to ensure they can maintain independence and dignity in a home environment with appropriate supportive services. While the Major Disaster Declaration is in place, these funds can be used for any service; after the MDD expires, these funds will be used for services under traditional funding as indicated below:

SSC6	Title III-B Funds	(Supportive Services)	\$295,633
CMC6	Title III-C-1 Funds	(Nutrition Services)	\$193,434
HDC6	Title III-C-2 Funds	(Nutrition Services)	\$289,529
PHC6	Title III-D Funds	(Disease Prevention/Health Promotion)	\$ 29,769
FCC6	Title III-E Funds	(Family Caregiver Support)	\$ 99,881

WHEREAS, such funds are not included in the 2021 Budget, now, therefore, be it

RESOLVED, that Niagara County accepts \$908,246 to provide needed services to older adults, and be it further

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

INCREASE REVENUE ACCOUNT:

A.24.6772.000 44089.05	Federal Aid, Other (CARES Act)	\$425,283
A.24.7610.702 44089.05	Federal Aid, Other (CARES Act)	482,963

INCREASE APPROPRIATION ACCOUNTS:

A.24.6772.000 74500.01	Contractual Expenses	\$ 72,572
A.24.6772.000 74750.02	Supplies, General Supplies/Materials	352,711
A.24.7610.702 74500.01	Contractual Expenses	\$ 241,482
A.24.7610.702 74750.02	Supplies, General Supplies/Materials	120,740
A.24.7610.702 74750.06	Supplies, General Food & Kitchen Supplies	120,741

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. CS-029-21

From: Community Services and Administration Committees.

Dated: June 15, 2021

**BUDGET MODIFICATION
ACCEPTANCE OF GRANT FUNDS
EXPANDING ACCESS TO COVID19 VACCINES VIA THE AGING NETWORK (VAC5)**

WHEREAS, the Niagara County Office for the Aging (OFA) is the recipient of \$32,251 from the New York State Office for the Aging (NYSOFA) received through a partnership with the Centers for Disease Control and Prevention designated as VAC5 funds for the period April 1, 2021 through September 30, 2022, and

WHEREAS, such funds are to be utilized to help increase vaccinations among older adults and people with disabilities. Funds are to be used to serve older adults and their caregivers for purposes including but not limited to: disseminating credible information about COVID-19 vaccines and help direct those questions to additional sources, identifying people who may need help getting a vaccine including those who are unable to independently travel to a vaccination site, assisting with scheduling appointments for those requiring assistance, arranging for and providing accessible transportation to COVID-19 vaccination sites, providing technical assistance to community partners, providing personal support to clients and reminding the person of their second vaccination appointment if needed, and

WHEREAS, such funds are not included in the 2021 Budget, now, therefore, be it

RESOLVED, That Niagara County accepts \$32,251 to provide needed services to older adults, and be it further

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

INCREASE REVENUE ACCOUNT:

A.24.6772.000 44089.05	Federal Aid, Other (CARES Act)	\$32,251
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INCREASE APPROPRIATION ACCOUNTS:

A.24.6772.000 74500.01	Contractual Expenses	\$ 15,000
A.24.6772.000 74750.02	General Supplies/Materials	7,251
A.24.6772.000 74675.01	Services, Central Postage	10,000

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. CS-030-21

From: Community Services and Administration Committees.

Dated: June 15, 2021

BUDGET MODIFICATION – POSITION UPGRADE - OFA

WHEREAS, the Niagara County Department Office for the Aging provides transportation services for senior citizens of Niagara County, and

WHEREAS, the department is committed to and has demonstrated operating the department in a fiscally responsible manner, and

WHEREAS, there is a two-tier wage schedule based on employee hire date in the AFSCME Local 182 collective bargaining agreement which covers the Van Drivers and transportation staff, and

WHEREAS, the Lead Van Driver position is a supervisory level position and as a result of the two-tier wage schedule, is earning less than some of the Van Drivers that supervision is provided for, and

WHEREAS, in order to correct this situation, an upgrade is necessary to the Lead Van Driver position to the higher grade level of CODE 8-517 with present lower tier range of \$15.89 to \$17.65 per hour, and

WHEREAS, the County has met with the Union, AFSCME Local 182, to discuss this upgrade and has obtained support of the Union, now, therefore, be it

RESOLVED, the following budget modification be effectuated:

DECREASE APPROPRIATIONS:

A.24.7610.702 71030.00	Part Time Expense	\$3,000
	Position #1348 Cook P/T	

INCREASE APPROPRIATIONS:

A.24.6772.000 71010.00	Position Expense	\$3,000
	Position #13600 Lead Van Driver	

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. CS-031-21

From: Community Services and Administration Committees.

Dated: June 15, 2021

BUDGET MODIFICATION – STEP ADJUSTMENT - OFA

WHEREAS, the Niagara County Department Office for the Aging provides transportation services and meal delivery for senior citizens of Niagara County, and

WHEREAS, the department is committed to and has demonstrated operating the department in a fiscally responsible manner, and

WHEREAS, there is a two-tier wage schedule based on employee hire date in the AFSCME Local 182 collective bargaining agreement which covers the Van Drivers and transportation staff, and

WHEREAS, the department has had great difficulty hiring for the Van Driver position as the step 1 rate is .11 cents over minimum wage, and

WHEREAS, in order to correct this situation, we would be looking to start new hires for the Van Driver position at step 5 which currently sits at \$13.71 per hour in the CBA for AFSCME dated 2019-2023 and adjust four Van Drivers currently below that rate to the step 5 \$13.71 as well, and

WHEREAS, the County has met with the Union, AFSCME Local 182, to discuss this change and has obtained support of the Union and it has been agreed that the MOA shall not set forth a precedent in the interpretation of the CBA between the parties, now, therefore, be it

RESOLVED, the following budget modification be effectuated:

DECREASE APPROPRIATIONS:

A.24.7610.702 71030.00	Part Time Expense	\$1,790
	Position #1348 Cook P/T	

INCREASE APPROPRIATIONS:

A.24.7610.702 71030.00	Part Time Expense	
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Position #1398 Van Driver P/T	\$ 420
Position #3115 Van Driver P/T	550
Position #10148 Van Driver P/T	270
Position #10557 Van Driver P/T	550

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. CSS-063-21

From: Community Safety & Security and Administration Committees.

Dated: June 15, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
TYLER/NEW WORLD RECORDS MANAGEMENT/COMPUTER AIDED DISPATCH/JAIL
MANAGEMENT SOFTWARE PURCHASE AND STANDARDIZATION OF RECORDS
MANAGEMENT/COMPUTER AIDED DISPATCH/JAIL MANGEMENT
SOFTWARE/SOLE SOURCE DETERMINATION**

WHEREAS, the Niagara County Sheriff's Office is responsible to accurately and efficiently dispatch police, fire and EMS to calls for service throughout Niagara County and utilizes Tyler/New World as the vendor to provide services and software, including records management for the computer aided dispatch (CAD) services provided by Niagara County, and

WHEREAS, the Niagara County Sheriff's Office utilizes computer software in each patrol vehicle to relay important information relative to the calls a patrol Deputy responds to and to assist in compiling reports relative to the criminal activity and other calls that a Deputy responds to, and utilizes Tyler/New World Mobile software to provide these services to the Niagara County Sheriff's Office and other Law Enforcement agencies in Niagara County, and

WHEREAS, the Niagara County Sheriff's Office maintains records relative to all of the operations supported at the Niagara County Sheriff's Office to include police reports, jail inmate records, dispatch logs and other essential law enforcement records and jail management software and utilizes Tyler/New World as the vendor to provide service and software for records management at the Niagara County Sheriff's Office, and

WHEREAS, the system currently utilized by the Niagara County Sheriff's Office is provided by Tyler/New World; this system is comprehensive and provides CAD, Jail Management and Records Management Services on a platform that is flexible and complete, and

WHEREAS, the Niagara County Sheriff's Office has utilized Tyler/New World to provide these services since 1996 and as such records dating back to 1996 are stored and accessed through the current system and transferring these records to another system would be costly and could potentially result in vital information being corrupted or destroyed, and

WHEREAS, purchasing CAD, Law Enforcement Records Management and a Jail Management System from any other vendor would require a transfer of all stored records, the retraining of every Police Officer and Corrections Officer at the Niagara County Sheriff's Office as well as every Police Officer currently utilizing this system in Niagara County, and records management employees at other municipalities also utilizing the Tyler/New World system as provided by Niagara County, now, therefore, be it

RESOLVED, that for reasons of efficiency and economy, pursuant to General Municipal Law §103(5), there is need for standardization for the Niagara County Sheriff's Office in the purchase of CAD, Law Enforcement Records Management and Jail Management Systems, and that the purchase of such be standardized to Tyler/New World brand software and services, and be it further

RESOLVED, that it is hereby determined that Tyler/New World is the sole source for such CAD, Law Enforcement Records Management and Jail Management Systems, and that the Sheriff's Office is hereby authorized to purchase such software and services directly from Tyler/New World without the need to solicit for alternate proposals or sealed bids, such purchases to be made in consultation with the Purchasing Department and in accordance with budgetary procedures, including but not limited to the extension of the contract with New World to provide CAD, Law Enforcement Records Management and Jail Management Systems to the County of Niagara.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. CSS-064-21

From: Community Safety & Security and Administration Committees.

Dated: June 15, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION – COMPLEX COORDINATED
TERRORISM ATTACK GRANT EXTENSION**

WHEREAS, the Niagara County Legislature passed resolution CSS-031-18 on 4/17/18 to accept a revenue on behalf of the Niagara County Sheriff's Office for \$29,700 as part of a Complex Coordinated Terrorism Attack Grant for the performance period of March 1, 2018 through August 31, 2020, and

WHEREAS, the Complex Coordinated Terrorism Attack Grant is a cooperative grant for the BEN UASI region, and

WHEREAS, the Niagara County Sheriff's Office participation in this grant enhances the preparedness of Niagara County for the safety of its citizens, and

WHEREAS, the grant has been extended past August 31, 2020 with remaining funds in the grant, and

WHEREAS, the 2021 budget will need to be modified to allow for these funds to be used, now, therefore, be it

RESOLVED, that the following line item transfers be effectuated:

INCREASE REVENUE:

A.17.3645.000.44305.02	Civil Defense Homeland Security	\$ 5,404
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INCREASE APPROPRIATIONS:

A.17.3645.000.71050.00	Overtime Expense	\$ 4,503
A.17.3645.000.78100.00	Retirement Expense	\$ 438
A.17.3645.000.78200.00	FICA Expense	\$ 345
A.17.3645.000.78300.00	Worker's Compensation Expense	\$ 118

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. CSS-065-21

From: Community Safety & Security and Administration Committees.

Dated: June 15, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION – PURCHASE OF LCMS LAB EQUIPMENT**

WHEREAS, the Niagara County Sheriff's Office Forensic Laboratory is responsible for testing evidence for Niagara County Law Enforcement Agencies, and

WHEREAS, timely testing is critical for processing and prosecution of criminal cases, and

WHEREAS, the Forensic Laboratory recently had a 15 year old LCMS machine break which is causing a backlog of casework in the lab, and

WHEREAS, the LCMS equipment is used to quantitate various drugs in both blood and urine, and

WHEREAS, the Niagara County Jail receives revenue from the US Marshals for housing federal inmates, and

WHEREAS, after 5 months of US Marshals revenue, the Sheriff's Office is anticipating excess revenue and would like to use this revenue to purchase the critical LCMS lab equipment, and

WHEREAS, the 2021 budget will need to be modified to allow for these funds to be used, now, therefore, be it

RESOLVED, that the following line item transfers be effectuated:

INCREASE REVENUE:

A.17.3150.000 42264.00	Jail Facilities Svcs, Other Gov Revenue	\$141,000
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INCREASE APPROPRIATIONS:

A.17.3110.000 72100.04	Hospital, Medical, Lab Equipment	\$126,320
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A.17.3110.000 74500.02	Maintenance Service Contracts	14,680
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Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. CSS-066-21

From: Community Safety & Security and Administration Committees.

Dated: June 15, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION
NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY FUNDING**

WHEREAS, the Niagara County Sheriff's Office is working on a proposal to relocate the planned Western New York First Response and Preparedness Center (FRPC) from the former Niagara Falls U.S. Army Reserve Site to Niagara County Community College which would allow the project to move forward without Mercy Flight or Mercy Flight EMS, which recently decided not to move forward with the project, and

WHEREAS, the existing FRPC plans were designed by LaBella Associates, D.P.C. and the Sheriff's Office has engaged LaBella Associates to undertake additional programming, update existing floor plans and develop a probable cost for the facility, and

WHEREAS, the Niagara County IDA is acting as fiscal agent for the RPC and is currently holding funds for this project, and

WHEREAS, the Niagara County IDA has agreed to disburse \$9,200 for the project to develop the plans for a proposal regarding the future of the FRPC, and

WHEREAS, the 2021 budget will need to be modified to allow for these funds to be used, now, therefore, be it

RESOLVED, that the following line item transfers be effectuated:

INCREASE REVENUE:

A.17.3110.000 42210.01	General Services, Other Gov General	\$ 9,200
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INCREASE APPROPRIATIONS:

A.17.3110.000 74500.01	Contractual Expenses	\$9,200
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Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. CSS-067-21

From: Community Safety & Security and Administration Committees.

Dated: June 15, 2021

2021 BUDGET MODIFICATION TO HOMELAND SECURITY

WHEREAS, Homeland Security funds were not fully expended in 2020, and

WHEREAS, changes were made to two purchase orders created in 2020 for the 2018 State Homeland Security Program (approved #CSS-064-18); one in which received a \$2,592.40 credit from vendor and one in which the vendor was unable to fulfill the order of \$10,000, which brings the total decrease to \$12,592.40 now, therefore, be it

RESOLVED, that the remaining funds of \$12,592.40 be re-appropriated into the 2021 budget, and be it further

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

INCREASE REVENUE:

A.19.3645.000 44305.02	Civil Defense Homeland Security	\$ 12,592.40
	Project 19GRTSHSP18-R1	

INCREASE APPROPRIATION:

A.19.3645.000 72100.15	M&E-Communications Equip	\$ 12,592.40
	Project 19GRTSHSP-18-E3	

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. CSS-068-21

From: Community Safety & Security and Administration Committees.

Dated: June 15, 2021

**2021 BUDGET MODIFICATION - FIRE COORDINATOR'S OFFICE
ACCEPT PAYMENT FOR HAZ-MAT INCIDENT ON 3/4/19**

WHEREAS, the County Haz-Mat team responded to an incident on March 4, 2019 and some supplies used at the scene are not reusable, and

WHEREAS, under New York State's Navigation and Environmental Conservation Laws, the responsible party is liable for all costs associated with containment, cleanup and removal of spilled and contaminated materials, and

WHEREAS, the Fire Coordinator's Office invoiced and received payment for the replacement of these supplies from the responsible party in the amount of \$3,783.40, and

WHEREAS, the Fire Coordinator's Office needs to replenish the supplies used by the Haz-Mat, at no cost to the County, now, therefore, be it

RESOLVED, that the following 2021 budget modification be effectuated:

INCREASE REVENUE:

A.19.3410.000 42690.04	Other Compensation for Loss Reimbursements	\$ 3,783.40
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INCREASE APPROPRIATION:

A.19.3410.000 74750.10	Supplies, Gen Hazmat Inventory	\$ 3,783.40
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Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. CW-008-21

From: Committee of the Whole.

Dated: June 15, 2021

**ASSIGNMENT OF LEASES"
1961 TRANSIT ROAD IN THE TOWN OF NEWFANE, COUNTY OF NIAGARA
AND STATE OF NEW YORK**

WHEREAS, On October 2, 2012, the Niagara County Legislature adopted Resolution CS-029-12 authorizing a lease agreement with Clear Opportunities Properties, LLC to store municipal records with adequate heating, cooling and humidity control. On October 2, 2012 the County entered into a lease agreement with Clear Opportunity Properties, LLC for the storage of documents and records in a climate controlled environment. The "Term" for the document storage found on page 2 paragraph F is from January 1, 2013, through December 31, 2017. Paragraph 13 states on page 14 that "This Lease and the tenancy hereby created shall automatically renew at the end of the original term hereof or any extension or renewal thereof for an additional one (1) year term, upon the same conditions as set forth herein, without the necessity of any notice from either Landlord or Tenant. Should the Tenant determine to cancel this Lease, then written notice must be given by the Tenant to the Landlord a minimum of 120 calendar days prior to the termination date then in effect., and

WHEREAS, on October 28, 2014, the County Legislature adopted Resolution AD-018-14 authorizing a lease agreement with Clear Opportunity Properties, LLC for five (5) years with an option to review for an additional five (5) years at the same price of \$3.95 a square foot effective November 1, 2014 to October 31, 2019. On October 28, 2014, the Niagara County Legislature adopted Resolution AD-018-14 authorizing a lease agreement with Clear Opportunities Properties, LLC to store voting machines for a term of five (5) years with an option to renew for an additional five (5) years at 3.95 per square foot effective November 1, 2014, with the option to terminate by either party upon 120 days prior notice. On November 1, 2014, the County entered into a lease agreement with Clear Opportunity Properties, LLC. Paragraph 1.1 F on page 1 that: [T]he term of this Lease shall be from and after the 1st day of November, 2014 through October 31, 2019." Paragraph 12.1 (End of Term) of the Lease Agreement states: "This Lease and the tenancy hereby created shall automatically renew at the end of the original five (5) year term hereof or any extension or renewal thereof for an additional five (5) year term, upon the same conditions as set forth herein, without the necessity of any notice from either the Landlord or Tenant. Should the Tenant or Landlord determine to cancel this Lease, then written notice must be given by the Tenant or the Landlord to the Tenant or to the Landlord at minimum of 120 calendar days prior to the termination date then in effect. In all subsequent five (5) year Lease terms this same provision shall remain in full force and effect.", and

WHEREAS, On August 1, 2012, the County of Niagara entered into a lease to construct and operate a radio tower on property adjoining 1961 Transit Road, Newfane, NY for the sum of \$1.00 per year for a term commencing May 1, 2012 and expiring April 30, 2037. Paragraph 14 of the lease allows either party to renegotiate the lease should the County vacate 1961 Transit Road, Newfane, New York, and

WHEREAS, on March 25, 2021, Clear Opportunity Properties, LLC sold its interests in the premises located at 1961 Transit Road in the Town of Newfane, County of Niagara and State of New York to Castello Newfane, LLC, a limited liability company with offices located at 4700 Millenia Blvd. Suite 175, Orlando, Florida 32829, and

WHEREAS, Clear Opportunity Properties, LLC desires approval of the Niagara County Legislature to “fully, completely, and irrevocably assign to Castello Newfane, LLC all interests, rights, or benefit of the aforementioned lease agreements, and

WHEREAS, Castello Newfane, LLC agrees to be bound by all of the obligations of Clear Opportunity Properties, LLC under said Lease Agreements to Niagara County that accrued after March 25, 2021, and

WHEREAS, Castello Newfane, LLC desires to have all of the benefits of Clear Opportunity Properties, LLC, including the obligation to receive lease payments from Niagara County under said Lease Agreements that accrued after March 25, 2021, and

WHEREAS, prior to the approval of this resolution, the County Manager and the Niagara County Attorney have reviewed the “Assignment of Leases” for approval as to legal form, language and compliance, and thereafter submit such assignment agreement to the Niagara County Legislature for its approval, now, therefore, be it

RESOLVED, that the Niagara County Legislature approves the “Assignment of Leases” entered into between Castello Newfane, LLC and Clear Opportunity Properties, LLC for the leased premises known as 1961 Transit Road in the Town of Newfane, County of Niagara and State of New York and the buildings and grounds situate thereat pursuant to the terms and conditions of the lease agreements as presently exist between the County of Niagara and Clear Opportunity Properties, LLC.

Moved by Syracuse, seconded by Collins.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. ED-017-21

From: Community Services and Administration Committees.

Dated: June 15, 2021

FIXING DATE AND NOTICE FOR THE PUBLIC HEARING FOR COMMUNITY DEVELOPMENT BLOCK GRANT CARES ACT APPLICATION TO CREATE A SMALL BUSINESS ASSISTANCE FUND

WHEREAS, the County Legislature wishes to assess the advisability of submitting a Community Development Block Grant COVID-19 Response (“CDBG-CV”) application to the New York State Office of Community Renewal (the “OCR”) through the Coronavirus Aid, Relief, and Economic Securities Act (“CARES”) to create a small business assistance fund, and

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

RESOLVED, that the County Legislature hereby calls for a Public Hearing whereat all interested parties shall be heard regarding the CDBG-CV program, the County's community development and economic development programs, the County's response to the Coronavirus, and the proposed funding application at the Legislative Chambers, Courthouse, Lockport, New York on the 3rd day of August, 2021 at 5:30 P.M., and be it further

RESOLVED, that the Clerk of the Legislature, at least eight (8) days in advance of such hearing, shall post a notice upon the bulletin boards of the Courthouse at Lockport, and the Civic Building at Niagara Falls, and shall publish such notice once in the Lockport Union Sun & Journal, and the Niagara Gazette.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. IF-059-21

From: Infrastructure & Facilities and Administration Committees.

Dated: June 15, 2021

**TWELFTH AMENDMENT TO CONTRACT BETWEEN
NIAGARA COUNTY REFUSE SITE TRUST AND PARSONS ENVIRONMENT &
INFRASTRUCTURE GROUP INC.
FOR PROJECT MANAGEMENT SERVICES
AT THE NIAGARA COUNTY REFUSE SITE**

WHEREAS, in July 1998, Parsons and Niagara County entered into a contract for Construction Management/Quality Assurance Services (the "Contract") at the Niagara County Refuse Site (the "Site"), and

WHEREAS, the parties agree Parsons affiliated company, Parsons Environment & Infrastructure Group Inc. will assume responsibility for completion of the project management services under the Contract, and

WHEREAS, in August 2000, Parsons, Niagara County and the Trust entered into a First Amendment and Assignment of the Contract, with the Trust succeeding to the rights and obligations of Niagara County under the Contract subsequent to the execution thereof, and

WHEREAS, Niagara Refuse Site Trust or Lumsden & McCormick, LLP have succeeded Arthur Andersen, LLP as Trustee of the Trust, and

WHEREAS, the Trust has entered into a Contract with GHD to conduct the work specified in the O&M Plan for the Site, except for Section 7.0 thereof, and

WHEREAS, Niagara County and Parsons Environment & Infrastructure Group Inc. are desirous of entering into a Twelfth Amendment to the above-mentioned July 1998 Contract for Project Management/Quality Assurance Services at the Niagara County Refuse Site, by and between Niagara County Refuse Site Trust Fund, having offices at Lumsden & McCormick, LLP, Cyclorama Building, 369 Franklin Street, Buffalo, NY 14202, as Trustee of the Niagara County Refuse Site Trust ("Trust"), and Parsons Environment & Infrastructure Group Inc. ("Parsons"), having an address at 4701 Hedgemore Drive, Charlotte, North Carolina, 28209, and

WHEREAS, the Trust and Parsons are desirous of extending the term of the July 1998 Contract for an additional two-years beginning July 1, 2021, subject to the terms of Parsons' April 29, 2021 proposal for oversight, reporting, and management of operations, maintenance and monitoring activities at the Site. The current Exhibit A shall be deleted and the above stated proposal incorporated as Exhibit A of this Contract to define the work performed during the above stated period of July 1, 2021 through June 30, 2023, now therefore, be it

RESOLVED, in consideration of the mutual promises and covenants set forth herein in the Contract, the adequacy of which is acknowledged, the parties hereto, intending to be legally bound, agree as follows:

RESOLVED, the Trust and Parsons are shall extend the term of the July 1998 Contract for an additional two-years beginning July 1, 2021, subject to the terms of Parsons' April 29, 2021 proposal for oversight, reporting, and management of operations, maintenance and monitoring activities at the Site. The current Exhibit A shall be deleted and the above stated proposal incorporated as Exhibit A of this Contract to define the work performed during the above stated period of July 1, 2021 through June 30, 2023, and be it further

RESOLVED, that the affiliated company, Parsons Environment & Infrastructure Group Inc., will assume responsibility for completion of the project services under the contract, and be it further

RESOLVED, the term of the Contract shall be extended for two-years beginning as of July 1, 2021, and be it further

RESOLVED, except as modified above all other terms and conditions of the Contract shall remain in full force and effect, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. IF-060-21

From: Infrastructure & Facilities Committee.

Dated: June 15, 2021

AWARD ENVIRONMENTAL MONITORING FOR NIAGARA COUNTY REFUSE DISPOSAL DISTRICT (RFP 2021-22)

WHEREAS, the Refuse Disposal District Construction and Demolition Debris Landfill Operational Permit requires the facility be monitored and maintained in accordance with 6 NYCRR Part 360-7.6 and approved Post-Closure Monitoring and Maintenance Plan, and

WHEREAS, the County issued a Request for Proposals due on March 10, 2021 for Environmental Monitoring to identify and select the most qualified firm to conduct quarterly Environmental Monitoring, monthly Landfill Gas Monitoring and required quarterly reporting for the landfill at the Lockport site of the Refuse Disposal District, and

WHEREAS, seven proposals were publicly opened and read by our Purchasing Department on April 22, 2021, and were independently evaluated, and

WHEREAS, Liro Engineers, Inc. was ranked number one (1) with the highest score from these independent evaluations, and

WHEREAS, Liro Engineers, Inc. obtained a number one (1) ranking because Liro Engineers, Inc. proposal met all requirements for responsiveness, performance and cost of service, 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 Environmental Monitoring for Niagara County Refuse Disposal District (RFP 2021-22) be awarded to Liro Engineers, Inc. 690 Delaware Ave, Buffalo, New York 14209, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. IF-061-21

From: Infrastructure & Facilities Committee.

Dated: June 15, 2021

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

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

WHEREAS, it is the wish of the Greater Niagara Fish Odyssey to hold the fishing derby on August 29, 2021, and

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

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Greater Niagara Fish Odyssey, and

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. IF-062-21

From: Infrastructure & Facilities Committee.

Dated: June 15, 2021

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND DESTINATION NIAGARA USA

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

WHEREAS, it is the wish of Destination Niagara USA to hold the fishing tournament on June 2-6, 2021, and

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

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Destination Niagara USA, and

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. IF-063-21

From: Infrastructure & Facilities Committee.

Dated: June 15, 2021

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

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

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

WHEREAS, it is the wish of the local community to hold the Pirate's Festival on July 9-11, 2021, and

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

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Krull Olcott Development Committee and the Olcott Fire Company, and

WHEREAS, prior to the execution of the License Agreement between the County of Niagara and the Krull Olcott Development Committee and the Olcott Fire Company, the County Attorney will review said Agreement for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that, following the County Attorney's review, the Chair of the County Legislature be, and hereby is, authorized to execute the License Agreement between the County of Niagara and the Krull Olcott Development Committee and the Olcott Fire Company.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. IF-064-21

From: Infrastructure & Facilities Committee.

Dated: June 15, 2021

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

WHEREAS, the Time Travelers of WNY - Olcott Beach Car Show has requested that the County of Niagara grant them permission to use the north section of Krull Park on September 4, 2021 for the purpose of holding

the Olcott Beach Car Show, and

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

WHEREAS, it is the wish of the Time Travelers of WNY - Olcott Beach Car Show, to hold the Olcott Beach Car Show on September 4, 2021, and

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

WHEREAS, it is the desire of Niagara to enter into a formal agreement with the Time Travelers of WNY - Olcott Beach Car Show, and

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

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Time Travelers of WNY - Olcott Beach Car Show, as appears on the proposed agreement, is hereby approved in all respects, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature is authorized and directed to execute and deliver the agreement with the Time Travelers of WNY - Olcott Beach Car Show.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. IF-065-21

From: Infrastructure & Facilities Committee.

Dated: June 15, 2021

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND
NATIONAL MULTIPLE SCLEROSIS SOCIETY**

WHEREAS, the National Multiple Sclerosis Society has requested that the County of Niagara grant them permission to use a portion of Krull Park for the purpose of holding a cycling event, and

WHEREAS, it is the wish of the National Multiple Sclerosis Society to hold the Bike MS: ROC the Great Lakes on August 21, 2021, and

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

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the National Multiple Sclerosis Society, and

WHEREAS, prior to the execution of the License Agreement between the County of Niagara and the National Multiple Sclerosis Society, 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 National Multiple Sclerosis Society.

Moved by Bradt, seconded by Virtuoso.
Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. IF-066-21

From: Infrastructure & Facilities Committee.

Dated: June 15, 2021

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

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

WHEREAS, it is the wish of the organizers to hold the Bond Lake Trail Run on May 23, 2021, June 27, 2021, and July 18, 2021, and

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

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

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. IF-067-21

From: Infrastructure & Facilities Committee.

Dated: June 15, 2021

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

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

WHEREAS, this program benefits the residents of the Town of Wheatfield in addition to Niagara County as a whole, and

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

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

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Niagara Frontier Cross Country Club, and

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

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. IF-068-21

From: Infrastructure & Facilities Committee.

Dated: June 15, 2021

**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 three (3) tournaments June 12-13, 2021, July 24-25, 2021, and August 21-22, 2021, 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 three (3) 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 Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. IF-070-21

From: Infrastructure & Facilities and Administration Committees.

Dated: June 15, 2021

APPROVAL OF CAPITAL PROJECTS - 2021

WHEREAS, Niagara County Departments have submitted various Capital Project Requests, such projects to be funded by Federal, State, Local and other revenue sources, and

WHEREAS, the Niagara County Legislature, has established the strengthening of Public Works and County Infrastructure as a priority, and

WHEREAS, the Niagara County Legislature as part of its efforts to strengthen Public Works and County infrastructure supports: continuing to pursue road and bridge development and maintenance in accordance with limited resources, continuing to pursue building and park structure development and maintenance in accordance with limited resources, the purchase or replacement of sheriff/jail equipment and highway heavy equipment, now, therefore, be it

RESOLVED, that the Capital Projects, per the attached list, are hereby reviewed and approved in the 2021 Capital Program.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. IF-071-21

From: Infrastructure & Facilities and Administration Committees.

Dated: June 15, 2021

**2021 CAPITAL IMPROVEMENT PROJECTS
FUNDING FROM FUND BALANCE AND FEDERAL/STATE AID**

WHEREAS, the County Manager and Budget Director recommend that the following capital improvement projects be funded using funds from Assigned Fund Balance in the General Fund and General Fund appropriations: DelSignore Civic Building Window Replacement, DelSignore Civic Building Boiler Replacement, Security Improvements, 111 Main Street Façade Rehabilitation, Human Resources HVAC Improvements, Trott ACCESS Center Flooring Improvements, Krull Park Lakeshore Restoration, Park Pavement Improvements, Security Camera Improvements, I.T. Backup System Replacement, Jail Equipment Replacement, Jail Plumbing Improvements, Jail Entrance Security System, Power Back-up for Buildings #1 and #2 and Forensic Lab, Jail Boiler Replacement, Carmen Road Bridge over Johnson Creek, Bridge/Guiderail Replacement Improvements, and Rapids Road Rehabilitation, now, therefore be it

RESOLVED, that the following budget modification be effectuated:

DECREASE APPROPRIATIONS:

A.15.1490.000.71010.00	Positions – Account Clerical II	\$ 20,000
A.15.1620.000.71010.00-13353	Positions – Building Maint. Mechanic	15,000
A.15.1620.000.71010.00-13388	Positions – General Repair Person	15,000

INCREASE APPROPRIATED FUND BALANCE:

A 40599.00	Appropriated Fund Balance	\$5,094,000
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INCREASE APPROPRIATIONS:

A.07.9901.000.79010.10	Transfer to Capital Reserve	\$5,144,000
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INCREASE APPROPRIATED FUND BALANCE:

AH40511.00	Appropriated Capital Reserve	\$5,144,000
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INCREASE CAPITAL CONSTRUCTION:

AH.07.9950.000.79010.00	Transfer to Capital Construction	\$5,144,000
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INCREASE ESTIMATED REVENUE

H623.15.1620.000 45031.10	Interfund Transfers – From Capital Reserve	\$1,900,000
H716.15.1620.000 45031.10	Interfund Transfers – From Capital Reserve	75,000
H690.15.1620.000 45031.10	Interfund Transfers – From Capital Reserve	75,000
H717.15.1620.000 45031.10	Interfund Transfers – From Capital Reserve	\$ 225,000
H718.15.1620.000 45031.10	Interfund Transfers – From Capital Reserve	50,000
H719.15.1620.000 45031.10	Interfund Transfers – From Capital Reserve	250,000
H705.15.7110.000 45031.10	Interfund Transfers – From Capital Reserve	625,000
H720.15.7110.000 45031.10	Interfund Transfers – From Capital Reserve	75,000
H657.16.1680.000 45031.10	Interfund Transfers – From Capital Reserve	50,000
H723.16.1680.000 45031.10	Interfund Transfers – From Capital Reserve	300,000
H724.17.3197.000 45031.10	Interfund Transfers – From Capital Reserve	70,000
H725.17.3197.000 45031.10	Interfund Transfers – From Capital Reserve	250,000
H726.17.3197.000 45031.10	Interfund Transfers – From Capital Reserve	150,000
H727.17.3197.000 45031.10	Interfund Transfers – From Capital Reserve	205,000
H728.17.3197.000 45031.10	Interfund Transfers – From Capital Reserve	120,000
H729.15.5197.000 45031.10	Interfund Transfers – From Capital Reserve	394,000
H702.15.5197.000 45031.10	Interfund Transfers – From Capital Reserve	200,000
H708.15.5112.000 45031.10	Interfund Transfers – From Capital Reserve	130,000
INCREASE ESTIMATED REVENUE TOTALS:		\$5,144,000

INCREASE APPROPRIATIONS:

H623.15.1620.000.72200.01	Angelo DelSignore Civic Bldg Window Replacement	\$1,900,000
H716.15.1620.000 72200.01	Angelo DelSignore Civic Bldg Boiler Replacement	75,000
H690.15.1620.000 72200.01	Security Improvements	75,000
H717.15.1620.000 72200.01	111 Main Street Façade Rehabilitation	225,000
H718.15.1620.000 72200.01	Human Resources Building HVAC Improvements	50,000
H719.15.1620.000 72200.01	Trott ACCESS Center Flooring Improvements	250,000
H705.15.7110.000 72400.00	Krull Park Shoreline Restoration	625,000
H720.15.7110.000 72400.00	Park Pavement Improvements	75,000
H657.16.1680.000 72100.17	Security Cameras Various Buildings	50,000
H723.16.1680.000 72100.05	I.T. Backup System Replacement	300,000
H724.17.3197.000 72100.21	Jail Equipment Replacement	70,000
H725.17.3197.000 72200.01	Jail Plumbing/Fixtures	250,000
H726.17.3197.000 72200.01	Jail Entrances Security System	150,000
H727.17.3197.000 72100.14	Sheriff Equipment Power Backups	205,000
H728.17.3197.000.72200.01	Sheriff Boiler for Building #1	120,000
H729.15.5197.000.72600.02	Carmen Road Bridge over Johnson Creek	394,000
H702.15.5197.000.72600.01	Bridge/Guide Rail Safety Improvements	200,000
H708.15.5112.000.72600.01	Rapids Road Rehabilitation	130,000
INCREASE APPROPRIATIONS TOTAL:		\$5,144,000

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. IF-072-21

From: Infrastructure & Facilities and Administration Committees.

Dated: June 15, 2021

**AWARD OF CONTRACT – REHABILITATION OF AKRON ROAD (CR142)
FROM THE LOCKPORT CITY LINE TO DYSINGER ROAD**

WHEREAS, the Department of Public Works has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Rehabilitation of Akron Road, and

WHEREAS, funds are available in account number H701.15.5112.000 72600.01, Roads, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on June 3, 2021 as tabulated below:

- | | |
|--|----------------|
| 1. Concrete Applied Technologies Corp.
(d/b/a CATCO)
1266 Townline Road
Alden, NY 14004 | \$1,061,522.37 |
| 2. Amherst Paving, Inc.
330 Meyer Road
Amherst, NY 14226 | \$1,112,200.00 |
| 3. Milherst Construction
10025 County Road
Clarence Center, NY 14032 | \$1,138,619.08 |
| 4. Mark Cerrone Inc.
2368 Maryland Avenue
Niagara Falls, NY 14305 | \$1,218,721.89 |
| 5. Accadia Site Contracting
5636 Transit Road
Depew, NY 14043 | \$1,228,546.02 |
| 6. Scott Lawn Yard, Inc.
3305 Haseley Drive
Niagara Falls, NY 14304 | \$1,283,949.00 |
| 7. Keeler Construction Co.
13519 W. Lee Road
Albion, NY 14411 | \$1,331,781.41 |
| 8. Occhino Corp.
2650 Seneca Street
West Seneca, NY 14224 | \$1,433,636.94 |
- and

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

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

RESOLVED, that the contract for the Rehabilitation of Akron Road be awarded to the lowest responsible bidder, Concrete Applied Technologies Corp., d/b/a CATCO, 1266 Townline Road, Alden, NY 14004, in the amount of \$1,061,522.37, plus any other construction incidentals that may arise, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. IF-073-21

From: Infrastructure & Facilities and Administration Committees.

Dated: June 15, 2021

**AWARD OF CONTRACT – BEAR RIDGE ROAD RESURFACING
CAMPBELL BLVD. TO WEST CANAL ROAD**

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

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on June 3, 2021 as tabulated below:

- | | |
|---|----------------|
| 1. Amherst Paving, Inc.
330 Meyer Road
Amherst, NY 14226 | \$ 906,683.96 |
| 2. Concrete Applied Technologies Corp. (d/b/a CATCO)
1266 Townline Road
Alden, NY 14004 | \$ 916,711.70 |
| 3. Milherst Construction
10025 County Road
Clarence Center, NY 14032 | \$ 948,883.50 |
| 4. Occhino Corp.
2650 Seneca Street
West Seneca, NY 14224 | \$ 954,608.20 |
| 5. Scott Lawn Yard, Inc.
3305 Haseley Drive
Niagara Falls, NY 14304 | \$1,005,166.00 |
| 6. Mark Cerrone Inc.
2368 Maryland Avenue
Niagara Falls, NY 14305 | \$1,144,200.70 |
| 7. Cold Spring Construction
3 Jackson St., PO Box 358
Akron, NY 14001 | \$1,270,602.00 |

- | | |
|---|----------------|
| 8. Edbauer Construction
2790 Clinton Street
West Seneca, NY 14224 | \$1,427,361.05 |
| 9. Accadia Site Contracting
5636 Transit Road
Depew, NY 14043 | Bid not read |

and

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

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

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

INCREASE ANTICIPATED REVENUE:

H721.15.5112.000 43501.00	Consol Highway Aid Revenue	\$930,675.33
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INCREASE APPROPRIATIONS:

H721.15.5112.000 72600.01	Roads	\$930,675.33
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and be it further

RESOLVED, that the contract for the Bear Ridge Road Resurfacing Project be awarded to the lowest responsible bidder, Amherst Paving, Inc., 330 Meyer Road, Amherst, NY 14226, in the amount of \$906,683.96, plus any other construction incidentals that may arise, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. IF-074-21

From: Infrastructure & Facilities and Administration Committees.

Dated: June 15, 2021

**AWARD OF CONTRACT – REPLACEMENT OF BEAR RIDGE ROAD BRIDGE OVER
AN UNNAMED STREAM**

WHEREAS, the Department of Public Works has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Replacement of the Bear Ridge Road Bridge over an Unnamed Stream Project, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on June 3, 2021 as tabulated below:

- | | |
|--|---------------|
| 1. Concrete Applied Technologies Corp.
(d/b/a CATCO)
1266 Townline Road
Alden, NY 14004 | \$ 746,546.57 |
|--|---------------|

- | | |
|---|----------------|
| 2. Union Concrete Construction Corp.
PO Box 410
West Seneca, NY 14224 | \$ 869,714.15 |
| 3. Hunting Valley Construction
825 Rein Road
Cheektowaga, NY 14225 | \$1,021,947.00 |
| 4. Occhino Corp.
2650 Seneca Street
West Seneca, NY 14224 | \$1,096,613.65 |
| 5. Cold Spring Construction
3 Jackson St., PO Box 358
Akron, NY 14001 | \$1,142,255.00 |
| 6. Edbauer Construction
2790 Clinton Street
West Seneca, NY 14224 | \$1,191,104.48 |

and

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

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

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

INCREASE ESTIMATED REVENUE:

H713.15.5197.000 43501.00	Consol Hwy Aid Revenue	\$670,000
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INCREASE APPROPRIATIONS:

H713.15.5112.000 72600.01	Roads	\$670,000
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and be it further

RESOLVED, that the contract for the Replacement of the Bear Ridge Road Bridge over an Unnamed Stream Project be awarded to the lowest responsible bidder, Concrete Applied Technologies Corp., d/b/a CATCO, 1266 Townline Road, Alden, NY 14004, in the amount of \$746,546.57, plus any other construction incidentals that may arise, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. IF-075-21

From: Infrastructure & Facilities and Administration Committees.

Dated: June 15, 2021

AWARD OF CONTRACT – CULVERT REHABILITATION

WHEREAS, the Department of Public Works would like to rehabilitate the following six cross road culverts: Upper Mountain Road, 192' west of Baer Road; Hartland Road, 135' south of Chapman Road; Wolcottsville Road, 800' south of Griswold Road; Coleman Road, 584' east of Fels Road; Hartland Road, 397' south of Slayton Settlement Road; and Ewings Road, 191' south of Condren Road, and

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

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

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

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

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

RESOLVED, that the contract for the Culvert Rehabilitation of six county culverts be awarded to Precision Trenchless LLC, 1710 Erie Blvd., Schenectady, NY 12308, in the amount of \$212,650, and be it further

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

DECREASE REVENUE:

H700.15.5197.000 45031.10	Transfers from Capital Reserves	\$148,627.20
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INCREASE REVENUE:

H699.15.5197.000 45031.10	Transfers from Capital Reserves	\$148,627.20
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DECREASE APPROPRIATIONS:

H700.15.5197.000 72100.10	Highway Heavy Equipment	\$148,627.20
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INCREASE APPROPRIATIONS:

H699.15.5197.000 72600.02	Infrastructure Bridges/Culverts	\$148,627.20
	Folder H699-03 2021 culverts	

and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. IF-076-21

From: Infrastructure & Facilities and Administration Committees.

Dated: June 15, 2021

**TONAWANDA CREEK ROAD REHABILITATION/
SLIDE STABILIZATION PROJECT**

CHANGE ORDER NO. 1 - FINAL

WHEREAS, by Resolution No. IF-137-19, dated December 3, 2019, the Legislature awarded the contract for the Tonawanda Creek Road Rehabilitation/Slide Stabilization Project to Union Concrete & Construction, P.O. Box 410, West Seneca, NY 14224, for a contract amount of \$7,258,779.82, and

WHEREAS, it is necessary to decrease the contract in the amount of \$732,268.92 due to final quantities adjustments, for a revised contract amount of \$6,526,510.90, and

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

RESOLVED, that Change Order No. 1-Final to decrease the contract by \$732,268.92 for the Tonawanda Creek Road Rehabilitation/Slide Stabilization Project, for a revised contract amount of \$6,526,510.90, to Union Concrete & Construction, P.O. Box 410, West Seneca, NY 14224, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. IF-077-21

From: Infrastructure & Facilities and Administration Committees.

Dated: June 15, 2021

PORTER CENTER ROAD BRIDGE OVER SIX MILE CREEK CHANGE ORDER NO. 1 - FINAL

WHEREAS, by Resolution No. CW-014-20, dated May 12, 2020, the Legislature awarded the contract for the Porter Center Road Bridge over Six Mile Creek Project to Mark Cerrone Inc., 2368 Maryland Avenue, PO Box 3009, Niagara Falls, NY 14304, for a contract amount of \$881,482.00, and

WHEREAS, it is necessary to decrease the contract in the amount of \$38,098.71 due to final quantities adjustments, for a revised contract amount of \$843,383.29, and

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

RESOLVED, that Change Order No. 1-Final to decrease the contract by \$38,098.71 for the Porter Center Road Bridge over Six Mile Creek Project, for a revised contract amount of \$843,383.29, to Mark Cerrone Inc., 2368 Maryland Avenue, PO Box 3009, Niagara Falls, NY 14304, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. IF-078-21

From: Infrastructure & Facilities and Administration Committees.

Dated: June 15, 2021

**PORTER CENTER ROAD OVER SIX MILE CREEK
CONSULTANT - FINAL PAYMENT**

WHEREAS, Resolution No. IF-019-19, dated February 19, 2019, authorized the contract for consultant services for the Porter Center Road Bridge over Six Mile Creek Project to Bergmann Associates Inc., 280 East Broad Street, Suite 200, Rochester, NY 14604, for a contract amount of \$243,000, and

WHEREAS, Resolution No. IF-067-20, dated May 12, 2020, authorized Amendment No. 1 to increase the contract in the amount of \$102,914 for construction inspection and construction administration, for a revised contract amount of \$345,914, and

WHEREAS, the contract has been completed to specifications for the contract amount of \$345,914, and

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

RESOLVED, that final payment is authorized to be processed to Bergmann Associates Inc., 280 East Broad Street, Suite 200, Rochester, NY 14604, for a final contract amount of \$345,914, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. IF-079-21

From: Infrastructure & Facilities and Administration Committees.

Dated: June 15, 2021

**SUNSET DRIVE ROAD AND DRAINAGE IMPROVEMENTS
CHANGE ORDER NO. 1**

WHEREAS, by Resolution No. IF-038-21, dated April 20, 2021, the Legislature awarded the contract for the Sunset Drive Road and Drainage Improvements Project to Union Concrete & Construction, PO Box 410, West Seneca, NY 14224, for a contract amount of \$1,460,346.50, and

WHEREAS, it is necessary to increase the contract in an amount not to exceed \$100,000.00 for parking lot restoration at the Niagara County Public Safety Training Facility, for a revised contract amount of \$1,560,346.50, and

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

RESOLVED, that Change Order No. 1 to increase the contract by \$100,000.00 for the Sunset Drive Road and Drainage Improvements Project, for a revised contract amount of \$1,560,346.50, to Union Concrete & Construction, PO Box 410, West Seneca, NY 14224, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. IF-080-21

From: Infrastructure & Facilities and Administration Committees.

Dated: June 15, 2021

**ABOLISH COMPUTER PROGRAMMER
CREATE AND FILL COMMUNICATIONS TECHNICIAN/COMPUTER PROGRAMMER**

WHEREAS, due to personnel vacancies within the Information Technology Department, the department has reviewed its operational needs for maintaining the various information technology systems and network for 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 one (1) Computer Programmer and to create and fill one Communications Technician/Computer Programmer, and

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

RESOLVED, that Position No. 4538, Computer Programmer, be abolished, and be it further

RESOLVED that the position of Communications Technician/Computer Programmer CSEA, Grade 11, Step 1, at an annual salary of \$51,046.38, be created effective June 7, 2021, and be it further

RESOLVED that the following budget modification be made:

FROM:

A.16.1680.000.71010.00	4538 Positions (Computer Programmer - Pos. #4538)	\$51,046.38
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TO:

A.16.1680.000.71010.00	xxx Positions (Communications Technician/Computer Programmer – Pos. #)	\$51,046.38
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Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. IF-081-21

From: Infrastructure & Facilities and Administration Committees.

Dated: June 15, 2021

**RESIDENCY WAIVER FOR GIS ASSISTANT (TEMPORARY)
GIS DEPARTMENT**

WHEREAS, it is the policy of the Niagara County Legislature to hire only Niagara County residents to fill vacancies or fill new positions as established by Resolution Number 243-80, and

WHEREAS, the GIS Department recently posted an announcement at many local colleges including Buffalo State, Erie Community College, Niagara County Community College, SUNY Brockport and the University at Buffalo as well as on the Niagara County website for an extended period of time to attract applicants for the vacant GIS Assistant (Temporary) position, and

WHEREAS, all of the qualified candidates reside outside of Niagara County, and

WHEREAS, being a temporary position, it would not be practical for candidates to move to Niagara County, now, therefore, be it

RESOLVED, that the GIS Department be granted a one-time residency waiver to fill its vacant GIS Assistant (Temporary) when the most qualified applicant resides outside Niagara County.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. IL-021-21

From: Legislators Dennis F. Virtuoso, Christopher A. Robins, Anita Mullane, Owen T. Steed and Mark J. Grozio.

Dated: June 15, 2021

A RESOLUTION DIRECTING THE COUNTY TO REALLOCATE FUNDING FOR PUBLIC INFORMATION SERVICES TO ALLEVIATE PISTOL PERMIT BACKLOGS AND PRESERVE CONSTITUTIONAL RIGHTS OF COUNTY RESIDENTS

WHEREAS, the Niagara County Legislature created the position of Public Information Officer in the FY 2008 county budget, passed December 18, 2007, and

WHEREAS the Niagara County Legislature, via various resolutions, including IL-005-13, IL-006-13, IL-011-13, IL-023-13, IL-012-14, IL-028-14, IL-005-16, IL-003-18, and various other pieces of legislation has stated its opposition to the New York Secure Ammunition and Firearms Enforcement Act of 2013, more commonly known as the NY SAFE Act, on constitutional and practical grounds, including direct harm caused to the residents and taxpayers of Niagara County, and

WHEREAS, the Niagara County Legislature continues to find the NY SAFE Act to be in direct contravention of the Second Amendment to the U.S. Constitution and Article XII of the New York State Constitution, and

WHEREAS, the Niagara County Legislature does fund a Pistol Permit Office, but has failed to fund a dedicated investigator to speed the process of vetting applicants for Pistol Permits seeking to exercise their Constitutional rights in the State of New York, and

WHEREAS, recent events have produced what Niagara County Clerk Joseph Jastrzemski termed "a massive influx" of Pistol Permit applications in a letter to the Legislature dated April 8, 2021, in which Jastrzemski informed the Legislature that "As of April 7th 2021 our office has already received 814 new pistol permit applications. The total number of applications received in the years 2020 and 2019, respectively, were 929 and 997 respectively," and

WHEREAS, Mr. Jastrzemski warned in his letter to the Legislature that "If this trend continues as projected, the anticipated number of permits issued will be at least 200 more than the total amount issued in 2020" and noted his office was "making every effort to alleviate" a "backlog of applications awaiting processing," and

WHEREAS, Mr. Jastrzemski correctly stated in his missive to the Legislature that "Second Amendment rights are extremely important to the residents of Niagara County" and asked this Legislature to provide input and assist with overcoming the backlog in Pistol Permit approvals, and

WHEREAS, Mr. Jastrzemski notes that he has been forced to "cross-utilize a Land Records Department employee three days each week in the pistol permit office," but that this employee does not alleviate the backlog in police agency investigations of applicants necessary to approve permits, and

WHEREAS, it is entirely unacceptable that Niagara County residents are being deprived of access to their Constitutional rights because of inadequate staffing of key government functions, particularly as political patronage posts continue to be filled, and

WHEREAS, the current County Budget allocates \$118,888 for a Public Information Officer post that has been repeatedly misused for political purposes, including utilizing county resources for a Majority Caucus member's reelection campaign two years ago, with this sum including \$84,395, while the Pistol Permit Office is understaffed, no dedicated Pistol Permit investigator is funded in the Sheriff's Office, and municipal police departments are forced to pay overtime for Pistol Permit investigations due to manpower shortages, now, therefore, be it

RESOLVED, that the position of Public Information Officer and the "A.01.1480.000 - Public Information and Services" line on pages 326 and 327 of the 2021 County Budget is eliminated and the funding suspended effective immediately, and be it further

RESOLVED, that all funds remaining in that A.01.1480.000 account shall be transferred to a new budget line, created by this resolution and to be immediately established by the County Treasurer, to be designated "Pistol Permit Investigator and Municipal Police Department Second Amendment Preservation Block Grants to Fund Pistol Permit Investigations," and be it further

RESOLVED, that said new budget line shall be divided, with 70% of the fund balance assigned to fund a permanent position with the Niagara County Sheriff's Office to conduct Pistol Permit investigations in the twelve towns, and the remaining 30% of funding transferred to the three municipal Police Departments to fund overtime grants exclusively for Pistol Permit investigations to alleviate the backlog, with the amounts of these grants determined based on population and the number of Pistol Permits currently in backlog status in the cities, with the final amount of each dedicated overtime grant to be determined by the Sheriff with input from the Pistol Permit Office and the three Chiefs of the City Police Departments, and be it further

RESOLVED, that funding levels for A.01.1480.000 shall be maintained in foregoing budgets for, at a minimum, the next three years to ensure alleviation of anticipated Pistol Permit investigation backlogs, and be it further

RESOLVED, that all budgetary actions identified in the foregoing RESOLVED clauses shall be enacted within 3 days of the passage of this Resolution.
Referred to the Administration Committee.

Resolution No. IL-022-21

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

Dated: June 15, 2021

**ADOPTION OF A LOCAL LAW ADOPTING A
PILOT YOUTH DEER HUNTING PROGRAM**

WHEREAS, the Niagara County Legislature recommends the adoption of the following Local Law:

A Local Law entitled "A Local Law Adopting a Pilot Youth Deer Hunting Program."

WHEREAS, a public hearing was held on the 15th day of June, 2021 at 5:30 p.m., in the Legislative Chambers, Courthouse, Lockport, New York, on said Local Law, and

WHEREAS, one 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 of the County of Niagara, New York entitled "A Local law adopting a pilot youth deer hunting program" be it enacted by the County Legislature of the County of Niagara as follows:

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

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

Section 1. Purpose

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

Section 2. Authority

This Local Law is adopted under the authority granted by:

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

Section 3. Definitions

1. "Eligible area" means any county within the State of New York that has enacted a local law authorizing participation in a youth hunting pilot program, and has notified the New York State Department of Environmental Conservation of such participation.
2. "Hunting license holder" means a person who has successfully completed a hunter education/safety course, and currently holds a valid hunting license issued by the New York State Department of Environmental Conservation.
3. "Legal guardian" means a person legally responsible for a minor participating in the Pilot Youth Deer Hunting Program who currently holds a valid hunting license issued by the New York State Department of Environmental Conservation and has at least three years of prior experience hunting deer as a hunting license holder.
4. "Mentor" means a person who (a) currently holds a valid hunting license issued by the New York State Department of Environmental Conservation, (b) is twenty-one years of age or older, (c) has at least three years of prior experience hunting deer as a hunting license holder, and (d) has been designated in writing by a minor's parent or legal guardian on a form prescribed by the New York State Department of Environmental Conservation to serve as a mentor to said minor for purposes of the Pilot Youth Deer Hunting Program.
5. "Minor" means a youth twelve or thirteen years of age who currently holds a valid hunting license issued by the New York State Department of Environmental Conservation to hunt deer with a crossbow, shotgun or muzzle-loading firearm within an eligible area.
6. "Parent" means a person who currently holds a valid hunting license issued by the New York State Department of Environmental Conservation, has at least three years of prior experience hunting deer as a hunting license holder, and is the parent of the minor participating in the pilot Youth Deer Hunting Program.

7. "Physical control" means that the physical proximity of a minor to a parent, legal guardian or mentor and is such that the parent, legal guardian or mentor is (a) reasonably able to issue verbal directions and instructions, (b) maintain constant visual contact, and (c) otherwise able to provide guidance and supervision to the minor.

Section 4. Opt-In Authorization

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

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

Section 5. Eligibility and Requirements

1. A minor aged 12 or 13 may hunt deer with a crossbow, shotgun or muzzle-loading firearm within the County of Niagara when accompanied by, and is under the physical control of, a parent, legal guardian or mentor as those terms are defined by Section 3 of this Local Law.

2. A minor participating in the Pilot Youth Deer Hunting Program in an eligible area must be in possession of a valid New York State hunting license and valid tags, as appropriate, while afield at all times. The accompanying parent, legal guardian or mentor must also be in possession of a valid New York State hunting license at all times when supervising a minor participating in the Pilot Youth Deer Hunting Program.

3. A minor and the accompanying parent, legal guardian or mentor must display either a minimum total of two hundred fifty square inches of solid fluorescent orange or pink or patterned fluorescent orange or pink consisting of no less than fifty percent fluorescent orange or pink material worn above the waist and visible from all directions, or a hat or cap with no less than fifty percent of the exterior consisting of solid fluorescent orange or pink material and visible from all directions.

4. A minor aged 12 or 13 participating in the Pilot Youth Deer Hunting Program must remain at ground level at all times when hunting deer with a crossbow, shotgun or muzzle-loading firearm.

5. A minor participating in the Pilot Youth Deer Hunting Program must remain within the physical proximity of a parent, legal guardian or mentor which means they must be capable of receiving verbal directions and instructions, and be in constant visual contact with the supervising parent, legal guardian or mentor at all times.

6. A minor participating in the Pilot Youth Deer Hunting Program must abide by all other federal, state and local laws, rules and regulations applicable to hunting including, but not limited to, manner of take, bag limits, hunting hours, geographical or general implement restrictions, hunting seasons, tagging, transporting and reporting requirements.

Section 7. Filing

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

Section 8. Severability

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

Section 9. Repeal

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

Section 10. Effective Date

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

Moved by Hill, seconded by Godfrey.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. IL-023-21

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

Dated: June 15, 2021

A LOCAL LAW ESTABLISHING SOLAR PANEL RECYCLING REGULATIONS

WHEREAS, the Niagara County Legislature recommends the adoption of the following Local Law:

A Local Law entitled “A Local Law Establishing Solar Panel Recycling Regulations.”

WHEREAS, a public hearing was held on the 20th day of April, 2021 at 5:15 p.m. and June 15, 2021 at 5:45 p.m., in the Legislative Chambers, Courthouse, Lockport, New York, on said Local Law, and

WHEREAS, five people appeared to speak on said Local Law, and

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

RESOLVED, that a Local Law of the County of Niagara, New York entitled “A Local law Establishing Solar Panel Recycling Regulations” be it enacted by the County Legislature of the County of Niagara as follows:

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

SOLAR PANEL RECYCLING REGULATIONS

Section 1. Regulations Established.

There has been a rise in the use of solar panels which in turn leads to an accumulation of photovoltaic waste when they reach the end of their life. Photovoltaic modules contain various valuable materials and rare metals, and providing for their proper recycling will not only ensure that these materials and metals are able to be reused, but also that the panels do not prematurely enter the waste stream where they can have potential negative environmental effects.

The legislature finds that a convenient, safe and environmentally sound system for the recycling of photovoltaic modules, minimization of hazardous waste, and recovery of commercially valuable materials must be established. The legislature further finds that the responsibility for this system must be shared among all stakeholders, with manufacturers financing the takeback and recycling system.

Beginning August 1, 2022, no manufacturer, distributor, retailer or installer may sell or offer for sale a photovoltaic module in or into the County unless the manufacturer of the photovoltaic module is in full compliance with this Local law.

Section 2. Definitions

1. Brand: a name, symbols, words or marks that identify a photovoltaic module and attribute the photovoltaic module to the manufacturer of the photovoltaic module
2. Consumer Electronic Device: any device containing an electronic circuit board that is intended for everyday use by individuals, such as a watch or calculator.
3. County: Niagara County, New York
4. Distributor: a person who markets and sells photovoltaic modules to retailers in the County.
5. Environmentally Sound Management: includes the following management practices, implemented in a manner that is designed to protect public health, safety, and the environment.
 - a. Adequate record keeping.
 - b. Detailed documentation of methods used to
 - i. Manage end-of-life photovoltaic modules collected as part of a photovoltaic module stewardship program, and
 - ii. Track and document the fate of end-of-life photovoltaic modules from collection through final disposition within this state and outside the state.
 - c. Performance audits and inspections of recyclers, haulers, and other parties as determined by a stewardship organization.
 - d. Compliance with worker health and safety requirements, and
 - e. Maintenance of adequate liability insurance for a stewardship organization and contractors working for the stewardship organization.
6. Installation Components: any materials used to install and hold photovoltaic modules in place or collect energy from these modules, such as bracketing, wiring, inverters or batteries.
7. Installer: a person who assembles, installs, and maintains photovoltaic module systems.
8. Manufacturer: any person in business or no longer in business but having a successor in interest who, irrespective of the selling technique used, including by means of distance or remote sale:
 - a. Manufacturers or has manufactured a photovoltaic module under its own brand names for use or sale in or into this County.
 - b. Assembles or has assembled a photovoltaic module that uses parts manufactured by others for use or sale in or into this County under the assembler's brand names.
 - c. Resells or has resold in or into this County under its own brand names a photovoltaic module produced by other suppliers, including retail establishments that sell photovoltaic modules under their own brand names.
 - d. Manufactures or has manufactured a cobranded photovoltaic module product for use or sale in or into this County that carries the name of both the manufacturer and a retailer.
 - e. Imports or has imported a photovoltaic module into the United State that is used or sold in or into this County. However, if the imported photovoltaic module is manufactured by any person with a presence in the United States meeting the criteria of manufacturer under (a) through (d) of this subsection, that person is the manufacturer.
 - f. Sells at retail a photovoltaic module acquired from an importer that is the manufacturer and elects to register as the manufacturer for those products, or
 - g. Elects to assume the responsibility and register in lieu of a manufacturer as defined under (a) through (d) of this subsection.
9. Market share: a manufacturer's percentage of all photovoltaic modules sold in the County.
10. Photovoltaic module: the smallest non-divisible, environmentally protected assembly of photovoltaic

cells or other photovoltaic collector technology and ancillary parts intended to generate electrical power under sunlight, except that “photovoltaic module” does not include a photovoltaic cell that is part of a consumer electronic device for which it provides electricity needed to make the consumer electronic device function. “Photovoltaic module” includes but is not limited to interconnections, terminals, and protective devices such as diodes that:

- a. Are installed on, connected to, or integral with buildings.
 - b. Are used as components of freestanding, off-grid, power generation systems, such as for powering water pumping stations, electric vehicle charging stations, fencing, street and signage lights, and other commercial or agricultural purposes; or
 - c. Are part of a system connected to the grid or utility service.
11. Predecessor: an entity from which a manufacturer purchased a photovoltaic module brand, its warranty obligations, and its liabilities. Predecessor does not include entities from which a manufacturer purchased only manufacturing equipment.
 12. Rare-earth element: lanthanum, cerium, praseodymium, neodymium, promethium, samarium, europium, gadolinium, terbium, dysprosium, holmium, erbium, thulium, ytterbium, lutetium, yttrium or scandium.
 13. Recovery: the collection of photovoltaic modules and installation components.
 14. Recycling: the series of activities by which a covered material is collected, sorted, and processed; converted into a raw material with minimal loss of material quality; and used in the production of a new product, including the original product. Recycling does not include energy recovery, energy generation by means of combustion, use as a fuel, landfill disposal or use as alternative operating cover or within the footprint of a landfill.
 15. Retailer: a person that offers photovoltaic modules for sale at retail through any means, including but not limited to remote offerings such as sales outlets, catalogs or the internet.
 16. Reuse: any operation by which a photovoltaic module or component of a photovoltaic module changes ownership and is used for the same purpose for which it was originally purchased.
 17. Stewardship organization: a corporation, nonprofit organization or other legal entity designated by a manufacturer or a group of manufacturers to implement a photovoltaic module stewardship program.
 18. Stewardship plan: the plan developed by a manufacturer or its designated stewardship organization for a self-directed stewardship program.
 19. Stewardship program: the activities conducted by a manufacturer or stewardship organization to fulfill the requirements of this Local Law and implement the activities described in its stewardship plan.

Section 3. Stewardship Organization

A stewardship organization may be designated to act as an agent on behalf of a manufacturer or manufacturers in operating and implementing the stewardship program required under this Local law. Any stewardship organization that has obtained designation must provide to the County a list of the manufacturers and brand names that the stewardship organization represents within 60 days of its designation by a manufacturer as its agent, or within sixty days of removal of such designation.

Section 4. Stewardship Plan

The Stewardship Plan must provide for takeback of photovoltaic modules and installation components at convenient locations within the County to minimize the release of hazardous substances into the environment and maximize the recovery of other components, including rare earth elements and commercially valuable materials.

In developing a stewardship plan to ensure the convenient, safe, and environmentally sound takeback and recycling of photovoltaic modules and installation components and materials, a manufacturer or stewardship organization must consult with the County and other interested stakeholders. This should include, at a minimum, one meeting with the County prior to submitting the stewardship plan for initial review.

Each manufacturer or Stewardship organization must prepare and submit a stewardship plan to the County by the later of August 1, 2022, or within thirty days of its first sale of a photovoltaic module in or into the County. A stewardship organization may prepare, submit, and implement a stewardship plan on behalf of one or more

manufacturers. A stewardship plan must, at a minimum:

1. Describe how manufacturers will finance the takeback and recycling system, and include an adequate funding mechanism to finance the costs of collection, management, and recycling of photovoltaic modules and residuals sold in or into the County by the manufacturer with a mechanism that ensures that photovoltaic modules can be delivered to takeback locations without cost to the last owner or holder.
 - a. No retailer may charge a point-of-sale or other fee to consumers to facilitate a producer to recoup the costs associated with meeting the obligations under this title.
 - b. Funds directly collected by the stewardship organization shall not be used to carry out lobbying activities on behalf of the stewardship organization.
2. Describe how manufacturers will accept all of their photovoltaic modules sold in or into the County.
 - a. Should a manufacturer or stewardship organization establish any photovoltaic module recycling facilities or infrastructure within the County, the establishment of said facility or infrastructures shall be subject to rules and regulations promulgated by the County pursuant to Section 9 of this Local law.
3. Describe how the program will minimize the release of hazardous substances into the environment and maximize the recovery of other components, including rare earth elements and commercially valuable materials.
4. Provide for takeback of photovoltaic modules at convenient locations within the County. At a minimum, takeback must include ongoing drop-off locations as well as quarterly on-site pickup and/or drop off events that are accessible to all residents of the County.
5. Provide information to relevant stakeholders to enable stakeholders to properly dismantle, transport and treat end-of-life photovoltaic modules in a manner consistent with environmentally sound management practices
 - a. Manufacturers or a stewardship organization representing them must establish and maintain a public website that provides information about collection sites under the program and lists manufacturers participating in the stewardship organization under the program plan and the brands of photovoltaic modules that are sold or offered for sale in this state by participating manufacturers. They must also conduct outreach efforts to inform all covered entities about the photovoltaic module stewardship and takeback program and the opportunity to return and recycle photovoltaic modules at no cost.
6. Establish performance goals, including:
 - a. A goal for recovery and responsible management of photovoltaic modules and installation components as a percentage of the total weight sold, which must be no less than one hundred percent by August 1, 2026, and
 - b. A goal for the rate of combined reuse and recycling of collected photovoltaic modules and installation components as a percentage of the total weight collected, which must be no less than sixty-five percent by August 1, 2026 and no less than eighty-five percent by August 1, 2031.
7. Include a plan for maintaining a financial reserve sufficient to operate the program in a fiscally prudent and responsible manner in the event of stewardship organization closure.

A manufacturer must implement the stewardship plan pursuant to Section 4 of this Law. A manufacturer may periodically amend its stewardship plan in the form and manner prescribed by the County. The County shall approve or reject a program plan and program plan amendment pursuant to Section 7 of this Law.

In lieu of preparing a stewardship plan and as provided in this section, a manufacturer may participate in a state program for the convenient, safe and environmentally sound takeback and recycling of photovoltaic modules and installation components and materials, if substantially equivalent to the intent of the County program. The County may determine substantial equivalence if it determines that the state program adequately addressed and fulfills each of the elements of a stewardship plan outlined in the Section and includes an enforcement mechanism reasonably calculated to ensure a manufacturer's compliance with the state program. Upon issuing a determination

of substantial equivalence, the County must notify affected stakeholders including the manufacturer. If the state program is discontinued or the County determines the state program is no longer substantially equivalent to the County program, the County must notify the manufacturer and the manufacturer must provide a stewardship plan to the County for approval within thirty days of notification.

Section 5. Administrative Fees

The County shall establish and collect the following fees from a manufacturer or stewardship organization:

- (a) A fixed, one-time fee reasonably calculated to cover the costs of reviewing the photovoltaic module stewardship program plan.
- (b) An annual fee charged to each stewardship organization or manufacturer reasonably calculated to cover the costs of administering, implementing, and enforcing this law.

The fee calculated for each stewardship organization or manufacturer under subsection (b) of this section must be proportionate to the market share of all photovoltaic modules sold in the County by the manufacturers registered with the stewardship program. The County may make a reasonable estimate of the market share of a manufacturer for any year for which market share information for that manufacturer has not been provided to the County.

Section 6. Enforcement and Penalties

Should the manufacturer or Stewardship Organization not be in compliance with this Law, the County must send a written warning to a manufacturer that is not participating in a plan. The written warning must inform the manufacturer or stewardship organization that it must submit a plan or participate in a plan within thirty (30) days of the notice. The County may assess a penalty of up to \$100.00 per module per day of violation sold by a manufacturer that occurs in or into the County of photovoltaic module for which a stewardship plan has not been submitted by the manufacturer or stewardship organization or has not been approved by the County after the initial written warning. A manufacturer or stewardship organization may appeal a penalty issued under this section to a court of proper jurisdiction in Niagara County, New York within one hundred eighty days of receipt of the notice.

The County must send a written warning to a distributor, retailer or installer that sells or installs a photovoltaic module made by a manufacturer that is not participating in a plan. The written warning must inform the distributor, retailer, or installer that they may no longer sell or install a photovoltaic module if a stewardship plan for that brand has not been submitted by the manufacturer and approved by the County within the thirty days of the notice.

Section 7. Implementation Timeline

1. The County shall approve a plan if the stewardship organization or manufacturer submits a completed plan, the proposed plan meets the requirements under Section 4 of this Law and the stewardship organization pays the fee established by the County in Section 5.
2. No later than sixty (60) days after receiving the plan under this Law, the County shall approve or reject the plan. If the County rejects the plan, the County shall inform the stewardship organization of the reason(s) for rejection.
 - a. Should the County reject the plan, no later than sixty (60) days after the rejection, a stewardship organization must submit to the County a revised plan. No later than ninety (90) days after receiving a revised plan under this Section, the County shall approve or reject the revised plan.
3. A stewardship organization must implement a stewardship plan approved under this section within 90 days of the date on which the County approve the plan.

Section 8. Annual Report

Beginning April 1, 2023 and by April 1st in each subsequent year, a manufacturer, or its designated

stewardship organization, must provide to the County a report for the previous calendar year that documents implementation of the stewardship plan and assesses achievement of the performance goals established in this section

The report may include any recommendations to the County and County legislature on modifications to the program that would enhance the effectiveness of the program, including management of program costs and mitigation of environmental impacts of photovoltaic modules.

The Annual Report submitted must include, at a minimum:

1. The name and address of each manufacturer represented by the stewardship organization.
2. The makeup of the stewardship organizations Board of Directors.
3. The total cost of implementing the program, including a breakdown of administrative, collection, transportation, and disposition costs, as determined by an independent financial audit funded by the stewardship organization.
4. A description of program operations and activities including collection services. If collection site requirements were not fully met, explain how requirements will be met the following year.
5. Documentation of program outreach to stakeholders conducted that year.
6. The number of photovoltaic modules already in use within the County.
7. The number of photovoltaic modules placed onto the market and/or installed within the County that year.

The County shall not require public reporting of any confidential information that the County finds to be protected proprietary information. Protected proprietary information shall mean information that, if made public, would divulge competitive business information, methods or processes entitled to protection as trade secrets of manufacturers or information that would reasonably hinder the manufacturer's competitive advantage in the marketplace.

Section 9. Authority

The County may adopt rules as necessary for the purpose of implementing, administering and enforcing this Local law.

Section 10. Storage

As described in NYS 6 CRRNY, collected photovoltaic modules and installation components may not be stored within the County for a period exceeding one fiscal quarter (three months).

Section 11. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 12. Effective Date

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

Moved by Godfrey, seconded by Syracuse.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Resolution No. IL-021-21

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

Dated: June 15, 2021

RESOLUTION URGING GOVERNOR CUOMO TO REJECT S7196/A6762 INTO LAW

WHEREAS, Rem Arms LL (formerly known as Remington Arms) is a major employer in Upstate New York, a significant manufacturing success story in recent years and a company that produces a legal, in-demand product for gun owners across the country, and

WHEREAS, Senate Bill S7196/Assembly Bill A6762 seeks to impose liability on firearms' manufacturers who lawfully design, manufacture, distribute, import and sell firearms in compliance with all federal, state and local laws, and

WHEREAS, the United States Supreme Court has ruled that the Second Amendment protects the right of individuals to keep and bear arms, and that the Second Amendment applies to the states, and

WHEREAS, S7196/A6762 seeks to impose liability on law-abiding firearms businesses for the criminal misuse of firearms by others which is contrary to the will of Congress which enacted the Protection of Lawful Commerce in Arms Act, and

WHEREAS, this legislation is a thinly veiled attempt to discourage the manufacture of firearms and a backdoor attempt to limit legal gun ownership, and

WHEREAS, this legislation may set a negative precedent of liability for other lawful businesses, now, therefore, be it

RESOLVED, the Niagara County Legislature urges Governor Cuomo to reject this legislation, and be it further

RESOLVED, that copies of this legislation be sent to Governor Cuomo and the Niagara County state delegation.

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

Carried.

Moved by Hill, seconded by Myers.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

APPOINTMENTS:

DEFERRED COMPENSATION BOARD:

	<u>Appt.</u>	<u>Expires</u>
Peter Lopes, Human Resources Dept. - Chr.	06/15/21	12/31/21
Jennifer Kobrin, Treasurer's Office	06/15/21	12/31/21
Jill Kwoka, Representative, CSEA	06/15/21	12/31/21
Robert Andrews, Representative, N.C. Police Benevolent Assoc.	06/15/21	12/31/21
Wayne Lynch, Vice President NCCC	06/15/21	12/31/21
Randy R. Bradt, Legislator	06/15/21	12/31/21
Meghan Lutz, Social Services	06/15/21	12/31/21

Support Staff (non-members):

Jennifer Pitarresi, Dir., Risk Management

06/15/21

Daniel Huntington, Dir., Budget

06/15/21

Claude Joerg, County Attorney, Counsel to the Trust

06/15/21

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Steed.

Moved by Andres, seconded by Virtuoso that the Board adjourn.

The Chairman declared the Board adjourned at 7:36 p.m., subject to the call of the Clerk.

0 citizens spoke at this time on the General Welfare of the County.



Alysa T. Moran, Clerk