

A public hearing was held pursuant ED-017-21, adopted by the Legislature on June 15, 2021, for the purpose of hearing public Community Development Block Grant Cares Act Application to Create a Small Business Assistance Fund. Legislator Collins opened hearing at 5:30 p.m. and closed it at approximately 5:32 p.m.

A public hearing was held pursuant CS-021-21, adopted by the Legislature on June 15, 2021, for the purpose of hearing public comments on the Niagara County Community College FY2021-2022 Maintenance and Operating Budget. Legislator Collins opened hearing at 5:45 p.m. and closed it at approximately 5:42 p.m.

OFFICIAL RECORD

Lockport, New York
August 3, 2021

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

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

RECOGNITION/ PRESENTATION:

Chairman Wydysh and Director of Public Health Daniel Stapleton presented Executive Director of LCTV, Rich Zapp, Manager of the Transit Drive-in Rick Cohen and Events & Programs Manager at the Kenan Center Alyssa Mays with a Beacon of Hope Award for their partnerships with Niagara County during the pandemic.

Chairman Wydysh gave brief overview on COVID-19

1 Citizens Spoke.

RECESS: Joint Community Services and Administration Committee Meeting

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

Resolution No. AD-010-21

From: Administration Committee.

Dated: August 3, 2021

CONTINUED SUPPORT FOR NIMAC

WHEREAS, the Niagara Military Affairs Council (NIMAC) continues to work diligently to retain the Niagara Falls Air Reserve Station, which is Niagara County's largest employer, and

WHEREAS, the Niagara County Legislature recognizes the economic and strategic importance of the Niagara Falls Air Reserve Station and supports the continued efforts of retention by NIMAC, now, therefore, be it

RESOLVED, that the following initiative be funded:

NIMAC	Retention of Niagara Falls Air Reserve Station	\$25,000.00
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and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2021 budget:

INCREASE APPROPRIATED FUND BALANCE:

A.40599.00	Appropriated Fund Balance	\$25,000.00
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INCREASE APPROPRIATIONS:

A.28.8989.116 74525.15	Partner/Outside Agency Niagara Military Affairs Council	\$25,000.00
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Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CS-032-21

From: Community Services and Administration Committees.

Dated: August 3, 2021

**BUDGET MODIFICATION
FLEXIBLE FUND FOR FAMILY SERVICES**

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

WHEREAS, these funds enable Niagara County to direct resources toward a number of areas of program needs, including, but not limited to Employment related activities, Child Welfare Services, PINS Detention Diversion Services, Substance Abuse Assessments, Domestic Violence Screenings, Title XX Services, JD/PINS Fostercare Costs, Child Care & Development, now, therefore, be it

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

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

INCREASE REVENUE:

A.22.6010.000 44610.00	DSS Admin Revenue	\$ 175,000
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INCREASE APPROPRIATION:

A.22.6010.000 74500.01	Contractual Exp-Contractual	\$ 175,000
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Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CS-033-21

From: Community Services and Administration Committees.

Dated: August 3, 2021

**BUDGET MODIFICATION
HEALTHY FAMILIES NEW YORK PROGRAM**

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

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

WHEREAS, Niagara County has received an allocation renewal of \$537,737, which is 100% state funded, now, therefore, be it

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

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

INCREASE REVENUE:

A.22.6010.000 43610.01	DSS Admin General	\$ 537,737
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INCREASE APPROPRIATION:

A.22.6010.000 74500.01	Contractual Exp-Contractual	\$ 537,737
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Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CS-034-21

From: Community Services and Administration Committees.

Dated: August 3, 2021

**BUDGET MODIFICATION
SAFE SUMMER NY 2021 FUNDING**

WHEREAS, the New York State Office of Children and Family Services did make funds available as part of an historic response to gun violence, to invest in grants for high gun violence neighborhoods throughout the state, and

WHEREAS, the City of Niagara Falls has been designated by the Governor as a high gun violence neighborhood, and

WHEREAS, the Niagara County Youth Bureau has been identified as the designated entity to provide grants to local organizations within the City of Niagara Falls to provide positive youth development activities that attract youth ages 14-21 at risk of being perpetrators and victims of gun violence, and

WHEREAS, Niagara County has received an allocation of \$50,000.00, which is 100% state funded, now, therefore, be it

RESOLVED, that Niagara County Department of Social Services will identify and contract with local organizations within the City of Niagara Falls, in consultation with the City of Niagara Falls Administration, and be it further

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

INCREASE REVENUE

A.22.7310.000 43820.01	Youth Programs Youth Bureau Programs	\$50,000.00
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INCREASE APPROPRIATION:

A.22.7310.000 74500.01	Contractual Expenses	\$50,000.00
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Moved by Bradt, seconded by Virtuoso.
Adopted. 14 Ayes, 0 Noes, 1 Absent - Nemi.

Resolution No. CS-035-21

From: Community Services and Administration Committees.

Dated: August 3, 2021

NIAGARA COUNTY YOUTH BUREAU – NEW YORK STATE AID APPLICATION

WHEREAS, the County of Niagara has been designated as eligible to receive State Aid for 2021 youth programs through its Youth Bureau from the New York State Office of Children and Family Services in the amount of \$255,750, and

WHEREAS, the Comprehensive Planning Law mandates the Niagara County Youth Bureau must apply for such funds, and

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

RESOLVED, that the Director of the County Youth Bureau be, and hereby is, authorized to make application for the following program funds:

Youth Development Program	\$255,750
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and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to execute any and all documents relating to the application, subject to the review by the County Manager and the approval of the County Attorney.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CS-036-21

From: Community Services and Administration Committees.

Dated: August 3, 2021

**BUDGET MODIFICATION – ACCEPT ELC COVID-19 ENHANCED DETECTION FUNDS -
EMERGENCY PLANNING - DEPARTMENT OF HEALTH**

WHEREAS, the Emergency Planning Program of the Niagara County Department of Health provides services, information and training to protect the health and safety of the citizens of Niagara County, and

WHEREAS, the New York State Department of Health has awarded Center for Disease Control ELC (Epidemiology & Laboratory Capacity) funds, CFDA # 93.323, of \$684,981 (based on population and percent of COVID-19 cases) to Niagara County Department of Health for increasing capacity to conduct case and contact investigation, testing and vaccination activities for Corona Virus (COVID-19) to be used between February 1, 2021 and March 31, 2023, and

WHEREAS, part of the funding will be accepted for use in 2021 with the balance to be allocated in the 2022 budget, now, therefore, be it

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

INCREASE REVENUE:

CM.20.4189.406 44489.08 Other Health Response	\$200,010.00
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INCREASE APPROPRIATIONS:

CM.20.4189.406 71050.00 Overtime	\$ 30,000.00
CM.20.4189.406 72100.05 Computer Equipment	10,000.00
CM.20.4189.406 74375.01 Advertising & Promotion	3,010.00
CM.20.4189.406 74500.02 Maintenance Service	1,200.00
CM.20.4189.406 74250.01 Office Supplies	5,000.00
CM.20.4189.406 74375.01 Advertising & Promotion	3,000.00
CM.20.4189.406 74300.02 Mileage	2,000.00
CM.20.4189.406 74500.01 Contractual Expenses	51,000.00
CM.20.4189.406 74700.01 Disposal Waste/Refuse Disposal	4,000.00
CM.20.4189.406 74750.02 Supplies/Materials	40,716.00
CM.20.4189.406 74750.21 Gas & Oil	1,000.00
CM.20.4189.406 74750.19 Medical Supplies	40,000.00
CM.20.4189.406 78100.00 Retirement	6,000.00
CM.20.4189.406 78200.00 FICA	2,295.00
CM.20.4189.406 78300.00 Worker's Compensation	789.00

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CS-037-21

From: Community Services and Administration Committees.

Dated: August 3, 2021

**BUDGET MODIFICATION – ACCEPT ELC COVID-19 SCHOOL TESTING FUNDS
EMERGENCY PLANNING- DEPARTMENT OF HEALTH**

WHEREAS, the Emergency Planning Program of the Niagara County Department of Health provides services, information and training to protect the health and safety of the citizens of Niagara County, and

WHEREAS, the New York State Department of Health has allocated Niagara County Department of Health Center for Disease Control Health and Human Services funds, \$5,089,099 (based on share of state students and students who live in poverty) to establish COVID-19 school screening testing programs to support and maintain in-person learning to be used by July 31, 2022, and

WHEREAS, \$4,325,734 must be used to directly fund school districts to increase screening testing in K-12 schools and \$763,365 may be used by the county for management, coordination, and support of program, and

WHEREAS, part of the funding will be accepted for use in 2021 with the balance to be allocated in the 2022 budget, now, therefore, be it

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

INCREASE REVENUE:

CM.20.4189.406.44489.10 Other Health COVID-19 Schools	\$ 3,570,245.00
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INCREASE APPROPRIATIONS:

CM.20.4189.406 71010.00	Position #9801	\$ 6,757.00
CM.20.4189.406 71030.00	per diem position #13627	10,800.00
CM.20.4189.406 71030.00	per diem position #13626	10,800.00
CM.20.4189.406 71030.00	per diem position #13592	10,800.00
CM.20.4189.406 74250.03	Printing/duplicating	2,000.00
CM.20.4189.406 74375.01	Advertising & Promotion	12,000.00
CM.20.4189.406 74375.05	Cellular phone	1,500.00
CM.20.4189.406 74300.02	Mileage	2,000.00
CM.20.4189.406 74500.01	Contractual Expenses	3,500,000.00
CM.20.4189.406 74750.21	Gas & Oil	500.00
CM.20.4189.406 78100.00	Retirement	7,832.00
CM.20.4189.406 78200.00	FICA	2,996.00
CM.20.4189.406 78300.00	Worker's Comp	1,030.00
CM.20.4189.406 78400.01	Health Insurance	1,230.00

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CS-038-21

From: Community Services and Administration Committees.

Dated: August 3, 2021

**CRISIS SERVICES RESTRUCTURING DUE TO
INCREASED DEMAND/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, NCDMH provides a Crisis Services Call Center and Mobile Crisis Response (24/7/365) to address the needs of Niagara County citizens who are experiencing suicidal, mental health, substance use and other related emergencies, and

WHEREAS, calls to the Crisis Services Call Center for mental health and other related emergencies are steadily increasing, including a 30% increase in call volume in 2020 over 2019, and

WHEREAS, calls to Crisis Services in 2020 were 33% higher than the most recent 5 year average, and

WHEREAS, the need for on site, community-based intervention by the Mobile Crisis Team has also continued to rise steadily, including by 25% in 2020, and

WHEREAS, the numbers of individuals who are experiencing anxiety, depression, suicidal ideation, and substance use overdoses rose during the COVID-19 public health emergency and continue to rise despite the "reopening" of New York state, and

WHEREAS, public feedback given during Police Reform meetings and implemented plans have identified the need for Mental Health clinician support to Law Enforcement who are responding to individuals in crisis, and

WHEREAS, the Niagara County Sheriff's Department recently received approval to expand countywide the Mobile Zoom Telehealth Program, which allows deputies to access the Crisis Services Mobile Team via Ipad technology, and

WHEREAS, a Licensed Clinician position in the Crisis Services Program will provide direct support for these services, which is necessary to address the steady increase in Mobile Crisis calls, and

WHEREAS, upon evaluation of the increased demands and the needs of the Department, it was determined that a Licensed Clinician Position, working during high call volume hours, would allow for a higher level of service to the residents of Niagara County, and

WHEREAS, it has also been identified that expanding a current Part Time (0.8 FTE) Crisis Services Phone Aide position to a Full Time position will facilitate changes to work flow to allow Phone Aides to complete required documentation and shift reports in a timely fashion, and

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

WHEREAS, the Licensed Clinician and Crisis Services Phone Aide positions are supported 100% through State Aid and generated revenue, and no additional current cost to the County, now, therefore, be it

RESOLVED, that one Licensed Clinician, Grade 11, Step 1, position number, MHD300100.XXXXXX, salary range \$51,046.38 - \$59,669.82 be created within the Niagara County Department of Mental Health, and filled effective September 6, 2021, and be it further

RESOLVED, that one Part Time (0.8 FTE) Crisis Services Phone Aide, Grade 5, Step 2, position number MHD300100.13481, be abolished effective September 6, 2021, and be it further

RESOLVED, that one Full Time Crisis Services Aide Position, Grade 5, Step 2, position number, MHD300100.XXXXXX, salary range \$34,475.49 - \$38,860.29 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	\$31,814
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INCREASE APPROPRIATIONS:

A.21.4310.000.71010.00xxxxx	Positions (Licensed Clinician)	\$16,625
A.21.4310.000.71010.00xxxxx	Positions (FT CS Phone Aide)	11,501
A.21.4310.000.78100.00	Retirement Expense	2,981
A.21.4310.000.78200.00	FICA	2,152
A.21.4310.000.78300.00	Worker's Comp	739
A.21.4310.000.78400.01	Insurance, Health Active Hospital/Medical	7,382
A.21.4310.000.78400.05	Insurance HRA Employer Contribution	566
A.21.4310.000.78700.00	Disability	52
A.21.4310.000.78800.00	Flex 125 Employer Contribution Expense	766

DECREASE REVENUE:

A.21.4310.000.41620.00	Mental Health Fees	\$10,949
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DECREASE APPROPRIATIONS:

A.21.4310.000.71010.0013481	Positions (PT CS Phone Aide)	\$ 9,037
A.21.4310.000.78100.00	Retirement Expense	958
A.21.4310.000.78200.00	FICA	691
A.21.4310.000.78300.00	Worker's Comp	238
A.21.4310.000.78400.01	Insurance, Health Active Hospital/Medical	xxxx

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CS-039-21

From: Community Services and Administration Committees.

Dated: August 3, 2021

NCCC FY 2021-2022 MAINTENANCE AND OPERATING BUDGET

WHEREAS, the Administration Committee and the Community Services Committee, which are also the Budget Review Committees, have had under consideration the Niagara County Community College Board of Trustees recommended budget for the conduct of the Niagara County Community College fiscal year commencing September 1, 2021 and ending August 31, 2022, and

WHEREAS, the said budget has had careful consideration by the Administration Committee, the Community Services Committee, the Budget Office, and the County Manager, and

WHEREAS, a public hearing was held on the 3rd day of August, 2021 with regard to the tentative budget for the College, now, therefore be it

RESOLVED, that the foregoing tentative Niagara County Community College budget for the fiscal year 2021-22, beginning September 1, 2021 and ending August 31, 2022, is hereby approved and adopted with any amendments as heretofore approved this date by this legislature and which results in a total figure of \$44,602,440, with the Sponsor's contribution from taxes of \$ 8,971,000.00.

Moved by Gooch, seconded by Bradt.

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

Resolution No. CSS-069-21

From: Community Safety & Security and Administration Committees.

Dated: August 3, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
FORENSIC LABORATORY**

ABOLISH FORENSIC CRIMINALIST II /CREATE FORENSIC SCIENTIST I (TOXICOLOGY)

WHEREAS, Niagara County has a forensic laboratory which is accredited by New York State and must maintain high standards to ensure accuracy and credibility within the law enforcement community as well as the court system, and

WHEREAS, the Niagara County Sheriff's Office forensic laboratory has a vacancy in a Forensic Criminalist II position, and

WHEREAS, an analysis was done on the type of education and experience needed to perform the toxicology analysis which this position performs, and

WHEREAS, the Sheriff's Office wishes to abolish one Forensic Criminalist II and create a Forensic Scientist I (Toxicology) position at a savings to the county, and

WHEREAS, due to the highly technical nature of the forensic laboratory positions the ability to attract qualified candidates within Niagara County may be limited, now, therefore, be it

RESOLVED that the Forensic Criminalist II position (#13298) at a rate of \$35.55 per hour be abolished effective August 8, 2021, and be it further

RESOLVED that one Forensic Scientist I (Toxicology) (40 hours per week) position be created and filled in job group 12, step 1 at a rate of \$30.11 per hour effective August 8, 2021, and be it further

RESOLVED that the Niagara County Sheriff's Office be granted a one-time residency waiver to fill the Forensic Scientist I (Toxicology) position if the most qualified candidate resides outside of Niagara County.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-070-21

From: Community Safety & Security and Administration Committees.

Dated: August 3, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
AWARD OF CONTRACT – PHASE II THREE RADIO SITES DEVELOPMENT**

WHEREAS, the Sheriff's Office, with the contracted assistance of Mission Critical, has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Bid #2021-30, Development of Three Radio Sites in Barker, Wilson and at the Shawnee Fire Hall, and

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

1.	Procomm Systems Inc	\$2,136,186
2.	Patriot Towers Inc	\$1,896,991
3.	Up State Tower Construction Co LLC	\$1,880,618
4.	Microwave Networks Inc	\$1,652,000
5.	Infinigy	\$1,562,907

and

WHEREAS, the funds are available through the State Interoperable Communications Target Grant FY2018, 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 Development of Three Radio Sites project be awarded to the lowest responsible bidder, Infinigy 1033 Watervliet Shaker Road Albany, NY 12205, in the amount of \$1,562,907, 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 - Nemi.

Resolution No. CSS-071-21

From: Community Safety & Security and Administration Committees.

Dated: August 3, 2021

**RESOLUTION PERMITTING NIAGARA COUNTY SHERIFF'S
LIEUTENANT JAMES HILDRETH TO TAKE CARE AND CUSTODY OF K-9, TAZ**

WHEREAS, the Niagara County Sheriff's Office purchased K-9, Taz, in February 2012, paid for through donations to the Canine division, and

WHEREAS, Taz has diligently served the county as an Patrol, Tracking and Drug Detection K-9 Officer for the Niagara County Sheriff's Office since that date, and

WHEREAS, Taz has exceeded his determined work life for functional performance, and

WHEREAS, the Niagara County Sheriff's Office has purchased and is training another Patrol K-9 unit, and

WHEREAS, due to its specialized training in law enforcement, Taz cannot be reasonably managed by an untrained individual, now, therefore, be it

RESOLVED, that Taz be retired from service to the County, and be it further

RESOLVED, that Taz's trainer, Lieutenant James Hildreth, be permitted to take custody and control over Taz and to house and maintain care over Taz at no cost to the County, as an alternative to euthanizing the dog and that Lieutenant James Hildreth sign a release absolving the County from all liability related thereto.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-072-21

From: Community Safety & Security and Administration Committees.

Dated: August 3, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
ACCEPT PUBLIC SAFETY ANSWERING POINTS GRANT**

WHEREAS, the Niagara County Sheriff's Office been notified by the New York State Department of Homeland and Security Services that a grant in the amount of \$140,375 is being awarded to the Sheriff's Office through the Public Safety Answering Points Grant for the period January 1, 2021 through December 31, 2021, and

WHEREAS, the Public Safety Answering Points Grant assists with personnel operating costs in the Niagara County Communications Center, and

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

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

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-073-21

From: Community Safety & Security and Administration Committees.

Dated: August 3, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
ACCEPT POLICE TRAFFIC SERVICES GRANT**

WHEREAS, the Niagara County Sheriff's Office has been awarded a grant from the Governor's Traffic Safety Committee for the period of October 1, 2021 through September 30, 2022 in the amount of \$20,000, and

WHEREAS, this grant is a continuation of an existing program and is fully funded by the New York State Governor's Traffic Safety Committee, and

WHEREAS, the funds are used for traffic enforcement overtime with the goal of increasing seat belt usage and reducing dangerous driving behaviors in an effort to reduce serious injury and deaths from traffic crashes in Niagara County, and

WHEREAS, the funds are included in the 2021 budget and will be included in the 2022 budget, however, the contract needs to be executed, now, therefore, be it

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

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-074-21

From: Community Safety & Security and Administration Committees.

Dated: August 3, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
ACCEPT HIGHWAY TRAFFIC SAFETY GRANT**

WHEREAS, the Niagara County Traffic Safety Office has been awarded a grant from the Governor's Traffic Safety Committee for the period of October 1, 2021 through September 30, 2022 in the amount of \$81,346, and

WHEREAS, this grant is a continuation of an existing program and is fully funded by the New York State Governor's Traffic Safety Committee, and

WHEREAS, the funds are used to ensure that child safety seats are installed and used correctly, to educate pre-k and school aged students on bicycle and car safety, as well as to educate in order to reduce the number of crashes, injuries and deaths on the roads in Niagara County, and

WHEREAS, the funds are included in the 2021 budget and will be included in the 2022 budget, however, the contract needs to be executed, now, therefore, be it

RESOLVED, that the Traffic Safety Educator position continue to be co-terminus with the grant, and be it further

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

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

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

Resolution No. CSS-075-21

From: Community Safety & Security and Administration Committees.

Dated: August 3, 2021

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

WHEREAS, the Niagara County Sheriff's Office received a renewal grant from the New York State Department of Criminal Justice Services for the Forensic Laboratory in the amount of \$51,490 for the period of October 1, 2020 through September 30, 2021, and

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

WHEREAS, the grant funds are in the 2021 budget, now, therefore, be it

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

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-076-21

From: Community Safety & Security and Administration Committees.

Dated: August 3, 2021

**PROBATION BUDGET MODIFICATION
BACK-TO-SCHOOL PROGRAM**

WHEREAS, the Niagara County Department of Social Services has made available Supervision and Treatment Services for Juveniles Program (STSJP) funds in the amount of \$10,000 for Program Year (PY) 2020-2021 to the Niagara County Probation Department to run a Back-to-School program for probation involved youth, and

WHEREAS, these funds will serve probation involved juvenile delinquents under the age of sixteen and PINS youth by allowing them to be better prepared for school through receipt of items that will help aid in their return to education in the fall of 2021, by fostering deeper relationships between probation officers and the community they serve similar to "Shop with a Cop" programs, and by promoting additional positive connections with the youth to further encourage attendance and participation in their education; this program will place an allocation for each youth to purchase school supplies and other necessities for school, and

WHEREAS, Niagara County Probation is willing and able to facilitate the Back-to-School program, now, therefore, be it

RESOLVED, that the Niagara County Probation Department will contract with Niagara County Department of Social Services to carry out the roles and responsibilities related to the Back-to-School program, and be it further

RESOLVED, that the following budget modification be effectuated to the Probation Department 2021 budget:

INCREASE REVENUE:

A.18.3140.000.41289.12	Other General Gov. Income STSJP	\$10,000
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INCREASE EXPENSE:

A.18.3140.000.74450.02	Special Activities/Wellness Activities	\$10,000
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Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-077-21

From: Community Safety & Security and Administration Committees.

Dated: August 3, 2021

PROBATION – ACCEPT CRTF GRANT

WHEREAS, the Niagara County Probation Department applied for funding from the New York State Division of Criminal Justice Services for a Niagara County Reentry Program for the contract period of October 1, 2021 through September 30, 2022 under the Local Reentry Task Force Initiative for Upstate Counties, and

WHEREAS, the Niagara County Reentry Task Force (CRTF) is part of a state-wide comprehensive strategy developed under the Division of Criminal Justice Services Executive Deputy Commissioner Michael C. Green, to reduce recidivism in local jurisdictions and increase public safety through improved coordination and collaboration among criminal justice, social services, educational, health, and mental health systems, and

WHEREAS, the role of the Niagara CRTF is to provide these coordinated services to high-risk offenders, including housing, employment, education, family support and reunification, substance abuse services, mental and physical health, and other transitional needs, and

WHEREAS, the Niagara CRTF will collaborate with state and county criminal justice agencies, particularly with the NYS Department of Corrections and Community Supervision (DOCCS) and the Niagara County Probation Department, as well as human service providers to develop well-crafted transition plans for high-risk offenders transitioning from prison or jail back into the community, and

WHEREAS, the Niagara County Probation Department has received notification from the New York State Division of Criminal Justice Services of a financial award in the amount of \$111,109 for the period of October 1, 2021 through September 30, 2022 to contract with Community Missions, Inc. to establish and manage a comprehensive parole reentry program, and

WHEREAS, Community Missions, Inc. has been the only agency providing reentry services in Niagara County since 2008, is the only agency able to adequately provide crises housing to the population served by the program, is the only agency with an experienced Reentry Coordinator, and has staff trained and certified to provide the required cognitive behavioral interventions, and,

WHEREAS, the provision of the services described above constitute professional services requiring specialized skills and training. Community Missions, Inc., is currently the sole source provider for such services in Niagara County, and

WHEREAS, funding for the Niagara CRTF is included in the approved 2021 Niagara County Budget, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby waive purchasing guidelines requiring the

solicitation of alternate price quotations and/or advertisement of a Request for Proposals as the parole reentry program provided by Community Missions, Inc. is the sole provider of the professional services required in Niagara County, and be it further

RESOLVED, that the County of Niagara does hereby accept this grant and continue to fund the Niagara CRTF through Community Missions, Inc. co-terminus with this grant, and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to sign the Grant Award, Special Conditions documents and program contracts subject to approval by the County Attorney's Office.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-078-21

From: Community Safety & Security and Administration Committees.

Dated: August 3, 2021

**ACCEPTANCE OF INTERGOVERNMENTAL AGREEMENT
WITH NYS DHSES FOR USE OF MUTUALINK EDGE SUBSCRIPTION
SERVICE THROUGH MARCH 31, 2024**

WHEREAS, NYS DHSES (Department of Homeland Security and Emergency Services) has provided Niagara County equipment and software for use in the Mutualink Edge Subscription Services which will allow communication with surrounding counties on a common platform for emergency management and public safety planning and response purposes since August 10, 2015, and

WHEREAS, these resources have been provided on a no-cost loan basis to the County, and

WHEREAS, the County is permitted to use such Interoperable Communications Resources for all other official public safety and emergency management communications on a day-to-day basis, and

WHEREAS, DHSES agrees to provide to the County on a temporary loan basis a copy of Mutualink Edge software with up to fifteen (15) User Subscriptions for County use, and

WHEREAS, the County agrees to test the entire system on no less than a monthly basis and to participate upon reasonable advance notice in drills, exercises or other events sponsored by the State, and

WHEREAS, the County is responsible for all peripheral costs associated with use of the equipment, including internet and mobile data access, in addition to preparing, packing, and transporting the equipment for return to DHSES upon termination of the agreement, and

WHEREAS, the term of this Agreement shall commence on the first Monday immediately following approval by the Office of the State Comptroller and shall terminate March 31, 2024, and

WHEREAS, the County shall be responsible to return all equipment in the same condition as it was issued less and except ordinary wear and tear, now, therefore, be it

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the Intergovernmental Memorandum of Agreement with the NYS Division of Homeland Security and Emergency Services.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-079-21

From: Community Safety & Security and Administration Committees.

Dated: August 3, 2021

**2021 BUDGET MODIFICATION - FIRE COORDINATOR'S OFFICE
ACCEPT PAYMENT FOR TECHNICAL RESCUE TEAM (TRT) INCIDENT ON JUNE 11, 2020**

WHEREAS, the County Technical Rescue Team (TRT) responded to an incident on June 11, 2020 and some supplies used at the scene are not reusable, 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 \$272.00, and

WHEREAS, the Fire Coordinator's Office needs to replenish the supplies used by the Technical Rescue Team (TRT), 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 42690.05	Other Compensation for Loss Reimbursements	\$ 272.00
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INCREASE APPROPRIATION:

A.19.3410.000 74800.16	Safety Equip Under 500	\$ 272.00
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Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-080-21

From: Community Safety & Security and Administration Committees.

Dated: August 3, 2021

**WAIVER OF RESIDENCY REQUIREMENT
CONFLICT ATTORNEY**

WHEREAS, the Niagara County Conflicts Office & Assigned Counsel has permission to fill presently vacant Conflict Attorney positions, these are important positions that are required to provide legal representation of indigent persons entitled to public defense who cannot be represented by the Public Defender's Office due to a conflict of interest, and

WHEREAS, due to recent challenges with recruitment efforts of Niagara County residents that are experienced criminal trial attorneys for these vacant positions of Conflict Attorney, and

WHEREAS, the Conflicts Office & Assigned Counsel has made diligent and sincere efforts to recruit highly qualified candidates for these vacant positions from within Niagara County, including multiple advertisements and postings for an extended period of time, now, therefore, be it

RESOLVED, that a Waiver of Residence from the policy to hire only Niagara County residents be approved to fill these two current vacant positions of Conflict Attorney when the most qualified applicant or only qualified candidates reside outside Niagara County.

Moved by Godfrey, seconded by Hill.

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

Resolution No. CSS-081-21

From: Community Safety & Security and Administration Committees.

Dated: August 3, 2021

**INTERMUNICIPAL AGREEMENT BETWEEN THE COUNTY OF NIAGARA,
THE CITY OF NIAGARA FALLS AND THE NIAGARA COUNTY COMMUNITY COLLEGE
FOR THE OPERATION OF THE NIAGARA COUNTY SHERIFF'S OFFICE
LAW ENFORCEMENT ACADEMY AT NIAGARA COUNTY COMMUNITY COLLEGE**

WHEREAS, the County of Niagara, the City of Niagara Falls and the Niagara County Community College have formed an intermunicipal agreement to operate the Niagara County Law Enforcement Academy at the college campus of Niagara County Community College, and

WHEREAS, Niagara County Community College has agreed to provide the necessary physical space, educational resources and logistical support for the operation of the academy at no cost to either the County of Niagara and/or the City of Niagara Falls, pursuant to the intermunicipal agreement which shall be entered into by and between the municipal entities pursuant to the joint resolutions of the municipalities, and

WHEREAS, under the direction of members of the Niagara County Sheriff's Office and the City of Niagara Falls Police Department, the "Basic Course for Police" will be offered for sworn officers, such course has been preapproved by the New York State Division of Criminal Justice Services as a pre-employment course to approved students, as well as specialized training programs, and

WHEREAS, this intermunicipal agreement shall be of a five [5] year duration, unless sooner terminated, and will financially benefit all law enforcement agencies and provide increased opportunities for necessary training, now, therefore, be it

RESOLVED, that following review by the Niagara County Attorney, the Chairman of the Niagara County Legislature and the Sheriff of Niagara County shall be authorized to execute the Inter-municipal agreement.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CW-009-21

From: Committee of the Whole.

Dated: August 3, 2021

AWARD FOR BROADBAND INTERNET DEVELOPMENT FOR NIAGARA COUNTY

WHEREAS, Niagara County is seeking to have developed by internet providers a Broadband Internet Service capable of providing affordable, reliable, and equitable access to those unserved and underserved residents within the county, and

WHEREAS, Niagara County Purchasing issued Request for Proposals 2021-33 on June 15, 2021, with proposals due on July 13, 2021, and

WHEREAS, Niagara County Purchasing received and publicly opened four (4) proposals, and

WHEREAS, representatives from Niagara County reviewed and scored the proposals based on eight (8) criteria listed in the Request for Proposals, and

WHEREAS, the qualified bidders are listed below, and

Vendor	Proposed Cost
Hunt Engineers, Architects & Surveyors	\$82,000.00
RTO Wireless, LLC	\$4,286,325.00
Smart City Capital, LLC	\$45,760,000.00
Wraithtek, Inc.	\$89,122,385.00

and

WHEREAS, the RFP will subsidize the infrastructure of the accepted bidder that is otherwise unable to be constructed due to non-profitability of the same for unserved and underserved residents of Niagara County, and

WHEREAS, this contract will also make internet available to our local businesses, residents and families of school-aged children for their virtual education, if necessary, and

WHEREAS, the review team recommends selecting RTO Wireless, LLC for the development of Broadband Internet Service in Niagara County, and

WHEREAS, RTO Wireless, LLC has met all of the project scope objectives and proposed a comprehensive scope of work with desired project deliverables, and

WHEREAS, RTO Wireless, LLC has developed a network plan with low execution risk and a scalable and flexible network, now, therefore, be it

RESOLVED, that RTO Wireless, LLC is selected at a cost of \$4,286,325.00, subject to budget appropriations, to subsidize construction of infrastructure for a wireless high-speed broadband network to assist the unserved and underserved residents in Niagara County to obtain broadband service, and be it further

RESOLVED, that the agreement with RTO Wireless, LLC will contain provisions subjecting the same to the successful OCR grant, county allocation of funding from the Coronavirus State and Local Fiscal recover funds and a performance bond to be provided by RTO Wireless, LLC satisfactory to Niagara County Risk and Insurance Services and Niagara County Attorney, and be it further

RESOLVED, that following the County Attorney's review and approval, the Chairman of the Legislature is hereby authorized to execute the required documents necessary to engage the services of RTO Wireless, LLC.
Moved by Godfrey, seconded by Grozio to amend resolution.

Amendment:

Addition in the second RESOLVED "... recover funds and/or any other source of state or federal infrastructure grants or funding; County owned vertical structures are not available without separate agreement with RTO Wireless, LLC; there is no cost or responsibility to the County of Niagara in bidder obtaining access to, building of, utilization of vertical towers or other assets needed for placement of RTO equipment in making internet available to the unserved of Niagara County; and..."

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. ED-018-21

From: Economic Development and Administration Committees.

Dated: August 3, 2021

**AUTHORIZATION TO SUBMIT A GRANT APPLICATION TO THE
NEW YORK STATE OFFICE OF COMMUNITY RENEWAL FOR
BLOCK GRANT FUNDING THROUGH THE CORONAVIRUS AID, RELIEF,**

AND ECONOMIC SECURITIES ACT TO CREATE A SMALL BUSINESS ASSISTANCE FUND

WHEREAS, Niagara County businesses have suffered throughout the Coronavirus Pandemic, and

WHEREAS, businesses across Niagara County are in need of assistance, as they've suffered increased costs, extended times of reduced productivity and/or periods of complete closure during the pandemic, and

WHEREAS, the New York State Office of Community Renewal (the "OCR") through the Coronavirus Aid, Relief, and Economic Securities Act ("CARES") has made funds available for small business assistance projects designed to assist businesses in acquiring equipment to guide social distancing, technology to increase efficiency, implementation of post-COVID business practices, and provide working capital to resume operations following closures, and

WHEREAS, Niagara County ("the County") is an eligible applicant for CARES funding and implementation of a small business fund is consistent with the goals of said funding as a CDBG-funded Project (the "Project"), and

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

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

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

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

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. ED-019-21

From: Economic Development and Administration Committees.

Dated: August 3, 2021

ACCEPTANCE OF USEPA BROWNFIELDS ASSESSMENT GRANT

WHEREAS, the Niagara County Legislature has identified brownfield remediation and redevelopment as an economic development priority as evidenced by establishment of the Niagara County Brownfields Program in 1999, and

WHEREAS, on October 14, 2020, the Economic Development Committee authorized the Niagara County Department of Economic Development to apply for a brownfields assessment grant from the United States Environmental Protection Agency (USEPA), and

WHEREAS, the Niagara County Department of Economic Development was one of only four communities in New York State to receive an assessment grant award from the USEPA in the amount of Three Hundred Thousand Dollars (\$300,000), and

WHEREAS, the grant will be used to perform Phase I and II Environmental Site Assessments at prioritized brownfield sites throughout Niagara County, and

WHEREAS, the Three Hundred Thousand Dollars (\$300,000) grant award has no county cost share requirement and needs to be added to the 2021 Niagara County budget, now, therefore, be it

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

RESOLVED, that the following budget modification be effectuated in the 2021 budget:

INCREASE REVENUE:

CM.28.6989.611.44989.04	Other Home and Community Services	\$300,000
	EPA Brownfield Revenue	

INCREASE APPROPRIATION:

CM.28.6989.611.74500.01	Contractual Expenses	\$300,000
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Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-082-21

From: Infrastructure & Facilities and Administration Committees.

Dated: August 3, 2021

**CAPITAL PROJECT H618 CLOSEOUT
WATER DISTRICT**

WHEREAS, the following capital project has been completed and has an account balance remaining that needs to be transferred back to the original funding sources, now, therefore, be it

RESOLVED, that the following capital project be closed and the remaining account balance be returned to the Water District Operating Fund, which was the original funding source:

DECREASE ESTIMATED REVENUES:

H618.31.8397.000 45031.00	Interfund Transfers from Operating	\$3,080.35
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DECREASE APPROPRIATIONS:

H618.31.8397.000 72100.27	Water Filter Basins Rehabilitation (Water System Improvements)	\$3,080.35
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Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-083-21

From: Infrastructure & Facilities and Administration Committees.

Dated: August 3, 2021

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE TOWN OF NEWFANE-
OLCOTT BEACH BAND ORGAN RALLY**

WHEREAS, the Town of Newfane has requested that the County of Niagara grant them permission to use Krull Park for the purpose of hosting the Olcott Beach Band Organ Rally, and

WHEREAS, it is the wish of the Town of Newfane to hold the Olcott Beach Band Organ Rally on July 24-25, 2021, and

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

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Town of Newfane, now, therefore, be it

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

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-084-21

From: Infrastructure & Facilities and Administration Committees.

Dated: August 3, 2021

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA
AND KENNEL CLUB OF BUFFALO**

WHEREAS, the Kennel Club of Buffalo has requested that the County of Niagara grant them permission to use a portion of Oppenheim Park, for the purpose of holding a Dog Show Event, to be held September 19, 2021, and

WHEREAS, the event will be successful in attracting many families from the area, and

WHEREAS, it is the wish of the organizers to hold the event on September 19, 2021, and

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

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Kennel Club of Buffalo, and

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

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-085-21

From: Infrastructure & Facilities and Administration Committees.

Dated: August 3, 2021

**ABOLISH MASON POSITION AND
CREATE AND FILL GENERAL REPAIR PERSON II**

WHEREAS, due to personnel vacancies within the Buildings and Grounds Division of the Public Works Department, the department has reviewed its operational needs for maintaining the various office buildings throughout Niagara County, and

WHEREAS, after studying the services we provide and evaluating all options it has been determined that it would be in the best interest of the department, as well as the taxpayers, to abolish one (1) Masonry Worker and to create and fill one (1) General Repair Person II, and

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

RESOLVED, that Position No. 13405, Masonry Worker, be abolished, effective August 21, 2021, and be it further

RESOLVED that the position of General Repair Person II, AFSCME, Grade 17, Step 1, at an annual salary of \$42,515, be created and filled, effective August 22, 2021, and be it further

RESOLVED that the following budget modification be made:

FROM:

A.15.1620.000.71010 .01	Positions (Masonry Worker-Pos. #13405)	\$21,707.57
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TO:

A.15.1620.000.71010 .01	Positions (General Repair Person II – Pos. #xxxxx)	\$21,707.57
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Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-086-21

From: Infrastructure & Facilities and Administration Committees.

Dated: August 3, 2021

CREATE AND FILL P/T HVAC TECHNICIAN - DPW - BUILDINGS AND GROUNDS

WHEREAS, due to personnel vacancies within the Buildings and Grounds Division of the Public Works Department, the department has reviewed its operational needs for maintaining the various office buildings throughout Niagara County, and

WHEREAS, after studying the services we provide and evaluating all options it has been determined that it would be in the best interest of the department, as well as the taxpayers, to create one (1) P/T HVAC Technician, and

WHEREAS, funding for this newly created position will come from the vacant, full-time, HVAC Technician position, now, therefore, be it

RESOLVED, that the position of P/T HVAC Technician, AFSCME, Grade 13, Step 1, at an annual salary of \$20,717, be created and filled, effective August 8, 2021, and be it further
RESOLVED, that the following budget modification be made:

FROM:

A.15.1620.000.71010 .01 Positions (HVAC Technician – Pos. #13402) \$11,000.00

TO:

A.15.1620.000.71030 .01 Positions (HVAC Technician – Pos. #xxxxx) \$11,000.00

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-087-21

From: Infrastructure & Facilities Committee.

Dated: August 3, 2021

AWARD OF CONTRACT – BRIDGE WASHING AND DECK SEALING

WHEREAS, the Department of Public Works has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Bridge Washing and Deck Sealing Project, and

WHEREAS, funds are available in account number D.15.5120.000 74800.06, Repairs and Maintenance - Bridges, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on July 15, 2021 as tabulated below:

- | | |
|--|--------------|
| 1. Hunting Valley Construction
825 Rein Road
Cheektowaga, NY 14225 | \$177,336.00 |
| 2. Fleetwash
1145 NY-13
Cortland, NY 13045 | \$181,853.90 |
| 3. North Spur Construction
156 Garrison Road
Buffalo, NY 14221 | \$182,935.72 |
| 4. DeAngelo Brothers, LLC
113 Lindman Lane
Butler, PA 16001 | \$194,222.38 |

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 Bridge Washing and Deck Sealing Project be awarded to the lowest responsible bidder, Hunting Valley Construction, in the amount of \$177,336.00, and be it further

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-088-21

From: Infrastructure & Facilities and Administration Committees.

Dated: August 3, 2021

**WALMORE ROAD PAVEMENT PROJECT
CHANGE ORDER NO. 1 - FINAL**

WHEREAS, by Resolution No. IF-047-20, dated April 21, 2020, the Legislature awarded the contract for the Walmore Road Pavement Project to Edbauer Construction, 2790 Clinton Street, West Seneca, NY 14224, for a contract amount of \$3,214,947.25, and

WHEREAS, it is necessary to decrease the contract in the amount of \$151,550.81 due to final quantities adjustments, for a revised contract amount of \$3,063,396.44, 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 \$151,550.81 for the Walmore Road Pavement Project, for a revised contract amount of \$3,063,396.44, to Edbauer Construction, 2790 Clinton Street, West Seneca, NY 14224, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-089-21

From: Infrastructure & Facilities and Administration Committees.

Dated: August 3, 2021

**WALMORE ROAD PAVEMENT PROJECT
CONSULTANT AMENDMENT NO. 3-FINAL**

WHEREAS, Resolution No. IF-072-17, dated May 2, 2017, authorized the contract for consultant services for the Walmore Road Pavement Project to C&S Engineers, 499 Col Eileen Collins Blvd., Syracuse, NY 13212, in the amount of \$185,000, and

WHEREAS, Resolution No. IF-034-19, dated March 19, 2019, authorized Amendment No. 1 to increase the contract to modify the preliminary design, add final design, and modify right-of-way, in the amount of \$187,500, for a revised contract amount of \$372,500, and

WHEREAS, Resolution No. IF-066-20, dated May 12, 2020, authorized Amendment No. 2 to increase the contract for construction inspection and construction administration, for a revised contract amount of \$784,500, and

WHEREAS, it is necessary to decrease the contract by \$482.60, as the project is now complete, for a revised contract amount of \$784,017.40, and

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

RESOLVED, that the consultant services contract with C&S Engineers, 499 Col Eileen Collins Blvd., Syracuse, NY 13212, be decreased by \$482.60, for a revised contract amount of \$784,017.40, 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 - Nemi.

Resolution No. IF-090-21

From: Infrastructure & Facilities and Administration Committees.

Dated: August 3, 2021

NIAGARA COUNTY ROOF REPLACEMENT PROJECT FINAL PAYMENT AND CLOSE PROJECT

WHEREAS, by Resolution No. IF-090-19, dated August 6, 2019, the Legislature awarded the contract for the Niagara County Roof Replacement Project to Weaver Metal & Roofing, 40 Appenheimer Avenue, Buffalo, NY 14214, for a contract amount of \$2,868,000, and

WHEREAS, Resolution No. IF-005-20, dated January 21, 2020, authorized Change Order No. 1 to decrease the contract in the amount of \$27,446.46 for installing retrofit drain pipes in lieu of roof drain replacement and installing additional ½" exterior grade plywood, for a revised contract amount of \$2,840,553.54, and

WHEREAS, Resolution No. IF-071-20, dated June 16, 2020, authorized Change Order No. 2 to increase the contract in the amount of \$139,012.71 for the following: removal of tapered insulation and installation of flat insulation at the Ross Building; removal of tapered insulation in select roof areas and installation of flat insulation in those areas; removal of existing concrete curb and infill with steel deck at the Trott Building; replacement of roof top units 1-5 with new Trane units at the Trott Building; and replacement of air handler units 1-3 and refrigeration a/c coils at the Trott Building, for a revised contract amount of \$2,979,566.25, and

WHEREAS, Resolution No. IF-086-20, dated August 4, 2020, authorized Change Order No. 3 to increase the contract in the amount of \$53,517.65 for the following work: reinforce structural steel supports at the Ross Building for two roof top units; add plywood to various parapets at the Trott Building; revise steel perimeter angle supports and repair a section of the parapet wall at the Ross Building; and install an additional parapet wall at the Ross Building, for a revised contract amount of \$3,033,083.90, and

WHEREAS, Resolution No. IF-134-20, dated December 1, 2020, authorized Change Order #4 to decrease the contract in the amount of \$1,843.75 for: removal of tapered insulation and installation of flat insulation at the high roof of area C at the Trott Building; repair of drywall on a time and material basis at the Trott Building; and installation of a metal cap for the chimney no longer needed at the Ross Building, for a revised contract amount of \$3,031,240.15 and

WHEREAS, Resolution No. IF-004-21, dated January 19, 2021, authorized Change Order #5 to increase the contract in the amount of \$10,561.63 to add a roof drain at the Trott Building, for a revised contract amount of \$3,041,802.08 and

WHEREAS, the contract has been completed to specifications for the contract amount of \$3,041,802.08, 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 approved and authorized to be processed to Weaver Metal & Roofing, 40 Appenheimer Avenue, Buffalo, NY 14214, for a final contract amount of \$3,041,802.08, 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 - Nemi.

Resolution No. IF-091-21

From: Infrastructure & Facilities and Administration Committees.

Dated: August 3, 2021

**NORTH CANAL ROAD REHABILITATION PROJECT
CONSULTANT AMENDMENT NO. 4-FINAL**

WHEREAS, Resolution No. IF-083-17, dated May 16, 2017, authorized the contract for consultant services for the preliminary design for the Rehabilitation of North Canal Road from Old Niagara Road to the Erie Canal Project, to Urban Engineers of New York D.P.C., 403 Main Street, Suite 530, Buffalo, NY 14203, for a fee not to exceed \$202,028, and

WHEREAS, Resolution No. IF-129-18, dated October 16, 2018, authorized Amendment No. 1 to allow for acquisition of right-of-way, in the amount of \$49,583.24, for a revised contract amount of \$251,611.24, and

WHEREAS, Resolution No. IF-137-18, dated November 20, 2018, authorized Amendment No. 2 to allow for Design Phases V and VI in the amount of \$207,403, for a revised contract amount of \$459,014.24, and

WHEREAS, Resolution No. IF-024-20, dated February 18, 2020, authorized Amendment No. 3 to allow for construction administration and construction inspection, for a revised contract amount of \$691,146.95, and

WHEREAS, it is necessary to decrease the contract by \$69,604.05, for a revised contract amount of \$621,542.90, as the project is now complete, and

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

RESOLVED, that the consultant services contract with Urban Engineers of New York D.P.C., 403 Main Street, Suite 530, Buffalo, NY 14203, be decreased by \$69,604.05, for a revised contract amount of \$621,542.90, 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 - Nemi.

Resolution No. IF-092-21

From: Infrastructure & Facilities and Administration Committees.

Dated: August 3, 2021

**CULVERT REHABILITATION – PRECISION TRENCHLESS LLC
CHANGE ORDER NO. 1**

WHEREAS, by Resolution No. IF-075-21, dated June 15, 2021, the Legislature awarded the contract for the Rehabilitation of Six Cross Culverts to Precision Trenchless LLC, 1710 Erie Blvd., Schenectady, NY 12308, in the amount of \$212,650, and

WHEREAS, it is necessary to increase the contract in the amount of \$2,700 for OCP insurance that is required for the project, for a revised contract amount of \$215,350, 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 \$2,700 for the Rehabilitation of Six Cross Culverts, for a revised contract amount of \$215,350, to Precision Trenchless LLC, 1710 Erie Blvd., Schenectady, NY 12308, 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 - Nemi.

Resolution No. IF-093-21

From: Infrastructure & Facilities Committee.

Dated: August 3, 2021

**AWARD OF CONTRACT
LEASING NIAGARA COUNTY REFUSE DISPOSAL DISTRICT LOCKPORT LANDFILLS FOR
COMMUNITY SOLAR DEVELOPMENT**

WHEREAS, the Refuse Disposal District in coordination with Economic Development, has prepared specifications and the Purchasing Department advertised for a Request for Proposal for leasing Niagara County Refuse Disposal District Lockport Landfills for Community Solar Development, and

WHEREAS, the Refuse Disposal District Administrative Board finds that a Community Solar Development project on three (3) closed landfill sites in the Town and City of Lockport financially benefits Refuse Disposal District, County and NYSEG subscribers, and

WHEREAS, the Refuse Disposal District intent is to enter into a lease agreement with a developer that will install, own, operate, and maintain a solar photovoltaic energy system, and

WHEREAS, six proposals were received by our Purchasing Department on April 22, 2021, and

WHEREAS, a review team consisting of the Niagara County Environmental Coordinator and President of the Niagara County Brownfield Development Corporation reviewed, ranked and interviewed two (2) finalists, and

WHEREAS, the review team recommended an award to BQ Energy Development LLC, 400 Market Industrial Park, STE 32, Wappingers Falls, NY 12590 to develop, build, commission, own, operate and maintain a 5 MW ac and 3/12 MW ac solar energy project totaling 8.12 MW on the closed landfill sites to supply approximately 14,481 MWh or electricity to Niagara County and the surrounding community, and

WHEREAS, BQ Energy Development LLC, proposed to develop and lease up to 38 acres for the construction and operation of a solar energy system for 25 years at \$1,375/acre with an annual lease escalator of 2.0% and if the County elects to participate as an offtaker of 20% of the power generated will save an additional 20% or approximately \$15,000 in NYSEG transportation and delivery expenses, and

WHEREAS, BQ Energy Development LLC is a firm solely focused on transforming unusable land, such as brownfields and landfills, into operating solar projects that act as a benefit to the community, and

WHEREAS, BQ Energy Development LLC will install a perimeter fence around the entire utilized portion of the site and maintain all vegetation for the duration of the lease, 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 award of contract for RFP 2021-24: Leasing Niagara County Refuse Disposal District Lockport Landfills for Community Solar Development go to BQ Energy Development LLC, 400 Market Industrial Park, STE 32, Wappingers Falls, NY 12590, for development of a Community Distributed Generation (CDG) project at the Niagara County Refuse Disposal District Lockport Landfill site per the review and recommendation of the RFP review team, 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 - Nemi.

Resolution No. IL-025-21

From: Infrastructure & Facilities and Administration Committees.

Dated: August 3, 2021

RESOLUTION TO DIRECT THE REPAIR OF THE KENAN CENTER PARKING LOT

WHEREAS, the Niagara County Department of Health utilized the Kenan Center as a COVID-19 vaccination site in Lockport, and

WHEREAS, the Niagara County Legislature sincerely appreciates the partnership with Kenan Center and their help facilitating the COVID-19 vaccinations for Niagara County residents, and

WHEREAS, the vaccination site caused increased traffic to the Kenan Center parking areas, and

WHEREAS, the Kenan Center also utilized their electricity, heat, and water for the facilitation of the vaccinations, and

WHEREAS, there was substantial wear and tear caused to the Kenan Center due to the increased traffic from Niagara County residents seeking the vaccine, and

WHEREAS, the Niagara County Legislature has an interest in repairing the Kenan Center parking area to return it to its condition before becoming a vaccination site, and

WHEREAS, the Niagara County Legislature has authorized the funds to repair other parking areas for vaccine sites now, therefore, be it

RESOLVED, the Niagara County Legislature authorizes a reimbursement of \$3,500.00 to the Kenan Center for the cost of re-paving the parking areas utilized by the COVID-19 vaccination site.

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

Carried.

Moved by Mullane, seconded by Collins.

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

Moved by Syracuse, seconded by Robins to enter into Executive Session at 7:04 p.m. re: COVID-19.

Carried.

Moved by Collins, seconded by Bradt to adjourn Executive Session at 7:34 p.m.

Carried.

Chairman Wydysh announced the Niagara County Fair will be opening August 4th until August 8th.

Moved by Collins, seconded by Syracuse that the Board adjourn.

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

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



Alysa T. Moran, Clerk