

OFFICIAL RECORD

Lockport, New York
September 21, 2021

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

Clerk Moran called the roll. All Legislators were present. Legislators Andres, Syracuse and Virtuoso were present by phone.

PRESENTATION:

Peter Kehoe, Executive Director of the New York State Sheriff's Association was called to the lectern along with Sheriff Michal J. Filicetti, Undersheriff Michael P. Dunn, Communications Director Marc E. Kasprzak and Senior Dispatcher Matthew M. Swierczek to honor the Niagara County Sheriff's Office reaccreditation of PSAP/ Communications.

Legislator Godfrey called Sheriff Filicetti to the lectern to read a proclamation declaring September 19th – 25th Sheriffs week in Niagara County

0 speakers on the agenda

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

Resolution No. AD-012-21

From: Administration Committee.

Dated: September 21, 2021

PURCHASE OF IN REM PROPERTY

WHEREAS, an online public auction was held for the sale of properties acquired by the County of Niagara by the In Rem Action in previous years, and

WHEREAS, all properties sold were acquired prior to the COVID-19 pandemic and eligible for conveyance without restriction, and

WHEREAS, as a result of said auction, the below list of properties was struck down to each of the named individuals for the price indicated for each parcel, said price being the highest bid price received,

LOT#	SERIAL#	SBL#	PURCHASOR	BID PRICE
1	304-2007	51.00-2-10.2	Brian P Cornelius	\$87,300.00
2	2014-124	39.17-1-61	Michael R Bellagamba	\$11,000.00
3	2009-304	161.00-1-37	Gene Bondi, Jr.	\$80,500.00
4	2017-164	146.13-2-17	Hammad UL Hassan Syed	\$ 5,000.00
5	2017-165	146.13-2-18	Hammad UL Hassan Syed	\$ 5,000.00
6	2016-156	144.26-3-4	Hammad UL Hassan Syed	\$14,000.00

now, therefore, be it

RESOLVED, that the purchase offers set forth, and the same hereby are, accepted and the Chairman of the Legislature is hereby authorized and directed to execute suitable quit-claim deeds, subject to the approval of the

County Attorney, upon the receipt by the County Treasurer of the entire balance due on the purchase price of said properties, at which time said deeds, AS provided in the terms of sale shall be recorded in the Niagara County Clerk's Office in the name of the respective purchaser.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. AD-013-21

From: Administration Committee.

Dated: September 21, 2021

**NIAGARA COUNTY BOARD OF ELECTIONS
BUDGET MODIFICATION – GRANT ACCEPTANCE**

WHEREAS, the Niagara County Board of Elections Office has been awarded a grant in the amount of \$26,464.50 for the period of April 7, 2021 through January 28, 2022 from the New York State Board of Elections to implement Early Voting Expansion Grant and the various accompanying services and/or accessories required, and

WHEREAS, the grant will allow the Niagara County Board of Elections Office to purchase equipment for early voting, rent, and other items regarding early voting elections, and

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

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

RESOLVED that the 2021 budget be modified as follows:

INCREASE REVENUE:

A.14.1450.000 43089.05	State Aid, Early Voting	\$26,464.50
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INCREASE APPROPRIATIONS:

A.14.1450.000.74750.03	Election Supplies	\$26,464.50
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. AD-014-21

From: Administration Committee.

Dated: September 21, 2021

**NIAGARA COUNTY BOARD OF ELECTIONS
BUDGET MODIFICATION – GRANT ACCEPTANCE**

WHEREAS, the Niagara County Board of Elections Office has been awarded a grant in the amount of \$214,289.70 for the period of April 7, 2021 through January 27, 2023 from the New York State Board of Elections to implement Technology Innovation & Election Resource and the various accompanying services and/or accessories required, and

WHEREAS, the grant will allow the Niagara County Board of Elections Office to purchase equipment for elections, software upgrades and other items regarding elections, and

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

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

RESOLVED that the 2021 budget be modified as follows:

INCREASE REVENUE:

A.14.1450.000 43089.07	Technology Innovation & Elections Resource	\$214,289.70
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INCREASE APPROPRIATIONS:

A.14.1450.000.72100.05	Computer Equipment	\$214,289.70
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. AD-015-21

From: Administration Committee.

Dated: September 21, 2021

**NIAGARA COUNTY BOARD OF ELECTIONS
CYBERSECURITY AGREEMENT**

WHEREAS, NTS Data Services, LLC provides cybersecurity for election related services for the Niagara County Board of Elections, and

WHEREAS, the current Agreement dated June 1, 2020 for Cybersecurity between the Niagara County Board of Elections and NTS expires December 31, 2021, and

WHEREAS, under the Agreement, NTS provides guidance and assists with New York State Shield Act, Grant Thornton & SBOE Cybersecurity Requirements, Analysis, Recommendations & responses, training, upgrade hardware, software & procedures, Computer recovery Services and other related cybersecurity needs, and

WHEREAS, in consideration of the mutual covenants and agreements herein, the parties agree as follows, now, therefore, be it

RESOLVED, that the Chairman of the Niagara County Legislature and Commissioners of the Niagara County Board of Elections are hereby authorized to execute this agreement on behalf of the County of Niagara, subject to final approval of the County Attorney.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. AD-016-21

From: Administration Committee.

Dated: September 21, 2021

**PAYMENT TO NIAGARA FRONTIER TRANSIT METRO SYSTEM, INC.
BUDGET MODIFICATION**

WHEREAS, the County of Niagara is served by the Public Transportation System known as the Niagara Frontier Transportation Authority (NFTA), and

Youth Development Program	\$255,750
Runaway and Homeless Youth	85,156

TOTAL

\$340,906

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. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CS-041-21

From: Community Services and Administration Committees.

Dated: September 21, 2021

**BUDGET MODIFICATION/ACCEPT COVID-19 VACCINE RESPONSE FUNDS/CREATE & FILL-
NURSING SERVICES - DEPARTMENT OF HEALTH**

WHEREAS, the Nursing Services 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 federal COVID-19 Vaccine Response Funds (CFDA #93.268) to conduct activities to promote and increase COVID-19 and other vaccine uptake to be used between 1/1/2021 and 6/30/2024, and

WHEREAS, the majority of the funds will be used to create a Public Health Educator position, co-terminus with this grant, to fulfill grant activities, and

WHEREAS, part of the funding will be accepted for use in 2021 with the balance to be allotted in future budgets, now, therefore, be it

RESOLVED, that one Public Health Educator position, CSEA Job Group 10 at a salary of \$46,643 - \$55,619 be created and filled effective October, 3, 2021 and be co-terminus with the grant, and be it further

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

INCREASE REVENUE:

CM.20.4189.404 44489.01 Other COVID Vaccine Response	\$32,335.37
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INCREASE APPROPRIATIONS:

CM.20.4189.404 71010.00 position # to be determined	\$11,616.00
CM.20.4189.404 74375.01 Advertising & Promotion	15,218.37
CM.20.4189.404 78100.00 Retirement	1,231.00
CM.20.4189.404 78200.00 FICA	889.00
CM.20.4189.404 78300.00 Worker's Compensation	306.00
CM.20.4189.404 78400.01 Hospital/Medical	2,460.00
CM.20.4189.404 78400.05 HRA	213.00
CM.20.4189.404 78700.00 NYS Disability	19.00
CM.20.4189.404 78800.00 Flex	383.00

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CS-042-21

From: Community Services and Administration Committees.

Dated: September 21, 2021

**NIAGARA COUNTY EMPLOYMENT & TRAINING DEPARTMENT
BUDGET MODIFICATION – INCREASE IN 2021 SUMMER YOUTH
EMPLOYMENT PROGRAM (SYEP) FUNDING**

WHEREAS, the Niagara County Workforce Development Board (NCWDB) has been selected by the Niagara County Department of Social Services to administer the 2021 New York State Summer Youth Employment Program (SYEP) funded by the Office of Temporary and Disability Assistance (OTDA), and

WHEREAS, the Niagara County Employment & Training (NCET) Department performs the operation and management of this annual summer program, and

WHEREAS, the NCET 2021 budget currently reflects an estimated amount of \$446,462 based upon the prior year's funding, and

WHEREAS, the funding for the 2021 Summer Youth Employment Program will be \$453,020, and

WHEREAS, supplemental WIOA SYEP funding of \$122,230 has also been awarded as part of a multi-agency campaign to reduce gun violence, now, therefore, be it

RESOLVED, that the NCWDB and NCET are authorized to accept these awards and operate the Summer Youth Employment Program, and be it further

RESOLVED, that the 2021 NCET Department Budget be modified as follows:

INCREASE REVENUE:

CD.29.6291.000 44089.02	Other TANF Revenue	\$ 6,558
CD.29.6291.000 44791.00	WIOA Revenue	122,230

INCREASE APPROPRIATIONS:

CD.29.6291.000 74500.01	Contractual Expenses	\$128,788
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Moved by Bradt, seconded by Virtuoso.
Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CS-043-21

From: Community Services and Administration Committees.

Dated: September 21, 2021

**NIAGARA COUNTY EMPLOYMENT & TRAINING DEPARTMENT
BUDGET MODIFICATION – ACCEPT DISASTER RECOVERY NATIONAL DISLOCATED
WORKER GRANT (DR-NDWG) FUNDING**

WHEREAS, the Niagara County Local Workforce Development Area (LWDA) has been awarded a \$40,000 allocation through the federal Disaster Recovery National Dislocated Worker Grant, and

WHEREAS, Disaster Recovery DWGs provide disaster-relief and humanitarian assistance employment, as well as employment and training services, as appropriate, to minimize the employment and economic impact of declared disasters and emergency situations, in disaster-declared areas as defined in 20 CFR 687.110(b), and

WHEREAS, eligible participants include Dislocated Workers as defined in Section 3(15) of the Workforce Innovation & Opportunities Act: workers laid off as a result of a disaster, including: workers who are laid off as a result of a quarantine, because they miss work to care for family member, or because they cannot come to their regular workplace in order to follow social distancing requirements; and workers laid off after a business closure related to disruptions caused by the outbreak and efforts to control it, and

WHEREAS, Dislocated Workers are additionally defined as self-employed individuals unemployed or underemployed because of the disaster, and long-term unemployed individuals, and

WHEREAS, employers across Niagara County, as well as the county's workforce, have been significantly impacted by the Covid disaster, and

WHEREAS, these funds will be utilized to provide disaster relief employment and fringe benefits, supportive services, and participant supplies and transportation, now, therefore, be it

RESOLVED, that the LWDA and NCET are authorized to accept this award, and be it further

RESOLVED, that the 2021 NCET Department Budget be modified as follows:

INCREASE REVENUE:

CD.29.6291.000 44791.00	WIOA Revenue	\$40,000
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INCREASE APPROPRIATIONS:

CD.29.6291.000 74500.01	Contractual Expenses	\$40,000
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CS-044-21

From: Community Services and Administration Committees.

Dated: September 21, 2021

**WAIVER OF RESIDENCY REQUIREMENT
MH REGISTERED NURSE – POSITION NO. 13663
DEPARTMENT OF MENTAL HEALTH & SUBSTANCE ABUSE SERVICES**

WHEREAS, the Niagara County Department of Mental Health & Substance Abuse Services has received permission to fill a Registered Nurse position within the Lockport and Niagara Falls Clinics, which is necessary to address the acute Mental Health and co-occurring substance use concerns of our clinic population, meeting the requirements of the New York State Office of Mental Health, and

WHEREAS, the Niagara County Department of Mental Health continues to experience difficulty in recruiting highly qualified nurses with satisfactory Mental Health/Substance Abuse work experience and background to fill its nursing positions, and

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

WHEREAS, after extensive search, there are no Niagara County candidates with the requisite experience and no remaining Niagara County candidates to be interviewed for the position, 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 MH Registered Nurse position.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CS-045-21

From: Community Services and Administration Committees.

Dated: September 21, 2021

MH - 2021 BUDGET MODIFICATION – ACCEPT CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC) OVERDOSE TO ACTION (OD2A) GRANT

WHEREAS, the Niagara County Department of Mental Health and Substance Abuse Services, as the Local Governmental Unit (LGU), is responsible for the planning and oversight of the services system to ensure the availability and continuance of services to adults with mental illness and substance use disorders who are living in Niagara County, and

WHEREAS, the Niagara County Department of Mental Health and Substance Abuse Services provides services to adults with mental illness and substance use disorders who are living in Niagara County, and

WHEREAS, the Centers for Disease Control and Prevention (CDC) has made available, through the New York State Department of Health, Overdose to Action (OD2A) Grant funds to Niagara County Department of Mental Health and Substance Abuse Services to facilitate locally driven efforts to curb the Opioid Epidemic, and

WHEREAS, the purpose of this program is to support collection of high quality, comprehensive, and timely data on nonfatal and fatal overdoses and use this data to inform prevention and response efforts tailored to our local community needs, and

WHEREAS, Niagara County Department of Mental Health and Substance Abuse Services, in partnership with the New York State Department of Health, Niagara County Public Health, and other local service providers to achieve the above stated purpose, now, therefore, be it

RESOLVED, that the department is given authorization to accept the full OD2A Grant, and be it further

RESOLVED, that the following 2021 budget modifications be effectuated:

INCREASE REVENUES:

A.21.4310.000.44401.00	Public Health Federal Aid	\$72,000
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INCREASE APPROPRIATIONS:

A.21.4310.000.74000.03	Administrative Costs	\$ 5,333
A.21.4310.000.74250.01	Office Supplies	2,275
A.21.4310.000.74300.03	Travel, Mileage	1,282
A.21.4310.000.74500.01	Contractual Expenses	63,110

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CS-046-21

From: Community Services and Administration Committees.

Dated: September 21, 2021

BUDGET TRANSFER – A4310
COURT ORDERED COUNTY MANDATED COSTS

WHEREAS, the County is required by Criminal Procedure Law Articles 730.20 and 730.50, and Family Court Act Article 120, to pay for Court ordered hospital in-patient stays and mental health examinations, and

WHEREAS, as a result of the bills generated by the length of hospital stay imposed by Court Orders for year 2021, outstanding expenses currently exist, and

WHEREAS, based on these current Court Orders the expenses to the end of the year will exceed budget, and

WHEREAS, during the State 2021 budget process, in Spring 2020, the State determined that 100% of the costs would be the responsibility of the Counties, negating the longstanding practice of the State paying 50% of the mandated costs, and

WHEREAS, this decision was effective April 1, 2020, and

WHEREAS, the Niagara County Department of Mental Health administers payment of these bills on behalf of the County, now, therefore, be it

RESOLVED, should there be additional Court Ordered expenses before end of the year, another request will be necessary, and be it further

RESOLVED, the following budget transfer be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

A.40599.00	Appropriated Fund Balance	\$ 907,550
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INCREASE APPROPRIATIONS:

A.21.4310.000 74550.17	Department of Mental Hygiene	\$ 907,550
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CS-047-21

From: Community Services and Administration Committees.

Dated: September 21, 2021

NIAGARA COUNTY CLERK'S OFFICE
BUDGET MODIFICATION – WILLIAM G. POMEROY FOUNDATION
HISTORICAL MARKER GRANT

WHEREAS, the Niagara County Clerk's Office was notified in writing by the William G. Pomeroy Foundation that it has been awarded \$1,140.00 for the Grant Period of January 1, 2021 through December 31, 2021, and

WHEREAS, this grant will allow the purchase and installation of a historical marker from Sewah Studios Inc. in the City of Lockport, and,

WHEREAS, the historical marker will recognize the location, in the City of Lockport where African American Social Reformer Frederick Douglass gave speech "Sources of Danger to the Republic" on June 1, 1867, and

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

RESOLVED, that the 2021 Budget be modified as follows:

INCREASE REVENUE:

A.10.1410.000.42705.00	Gifts and Donations	\$1,140
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INCREASE APPROPRIATIONS:

A.10.1410.000.74400.07	Burial, Headstones and Markers	\$1,140
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CS-048-21

From: Community Services and Administration Committees.

Dated: September 21, 2021

**NIAGARA COUNTY CLERK'S OFFICE
BUDGET MODIFICATION – WILLIAM G. POMEROY FOUNDATION
HISTORICAL MARKER GRANT**

WHEREAS, the Niagara County Clerk's Office was notified in writing by the William G. Pomeroy Foundation that it has been awarded \$1,140.00 for the Grant Period of January 1, 2021 through December 31, 2021, and

WHEREAS, this grant will allow the purchase and installation of a historical marker from Sewah Studios Inc. in the City of North Tonawanda, and,

WHEREAS, the historical marker will recognize the location, in the City of North Tonawanda where NY Governor and Vice Presidential Candidate Theodore Roosevelt gave a presidential Election Campaign Speech on October 31, 1900, and

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

RESOLVED, that the 2021 Budget be modified as follows:

INCREASE REVENUE:

A.10.1410.000.42705.00	Gifts and Donations	\$1,140
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INCREASE APPROPRIATIONS:

A.10.1410.000.74400.07	Burial, Headstones and Markers	\$1,140
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-084-21

From: Community Safety & Security and Administration Committees.

Dated: September 21, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
ACCEPT AID TO CRIME LABORATORIES GRANT**

WHEREAS, the Niagara County Sheriff's Office has been awarded an Aid to Crime Labs grant from the New York State Division of Criminal Justice Services in the amount of \$191,053 for the period July 1, 2021 through June 30, 2022, and

WHEREAS, this grant is an additional year of funding of an existing grant, and

WHEREAS, the funds are used to maintain accreditation for the Niagara County Sheriff's Office Forensic Laboratory, and

WHEREAS, the grant also allows the Niagara County Sheriff's Office Forensic Laboratory to provide efficient and effective forensic services for Niagara County, and

WHEREAS, the funds are included in the 2021 budget and will be included in the 2022 budget, now, therefore, be it

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-085-21

From: Community Safety & Security and Administration Committees.

Dated: September 21, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION - MARINE PATROL GRANT**

WHEREAS, the Niagara County Sheriff's Office has been awarded a grant in the amount of \$40,000.00 for the period of April 1, 2021 through March 31, 2022 from the New York State Canal Corporation to enhance the safety of the Erie Canal waterway and paths, and

WHEREAS, the grant will allow the Niagara County Sheriff's Office to increase both marine and bike patrols along the Erie Canal for the safety of Niagara County residents, and

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

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

RESOLVED, that the 2021 budget be modified as follows:

INCREASE REVENUE:

A.17.3110.000.43315.00	Navigation Law Enforcement Marine Patrol	\$40,000
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INCREASE APPROPRIATIONS:

A.17.3110.000.71050.00	Overtime Expense	\$40,000
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-086-21

From: Community Safety & Security and Administration Committees.

Dated: September 21, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION - ACCEPT CHILD PASSENGER SAFETY PROGRAM GRANT**

WHEREAS, the Niagara County Sheriff's Traffic Safety Office has been awarded a grant from the New York State Governor's Traffic Safety Committee for the period of October 1, 2021 through September 30, 2022 in the amount of \$13,500, 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 goal of the grant is to increase the proper use and installation of child safety seats in New York State, and

WHEREAS, the 2021 budget needs to be amended to make part of the grant funds available in the current year, 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, and be it further

RESOLVED, that the following modifications be made to the 2021 budget:

INCREASE REVENUE:

CM.17.3989.303 44389.09	Other Public Safety Traffic	\$1,000
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INCREASE APPROPRIATIONS:

CM.17.3989.303 74800.16	Supplies/Service Maintenance	\$1,000
	Safety Equipment under \$500	

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-087-21

From: Community Safety & Security and Administration Committees.

Dated: September 21, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
ACCEPT PORT SECURITY GRANT 2021**

WHEREAS, the Niagara County Sheriff's Office has been awarded a FEMA grant through the Department of Homeland Security for the period of September 1, 2021 through August 31, 2024 in the amount of \$27,000 with a match of \$9,000, and

WHEREAS, the grant funds will be used to purchase two sets of Aviator Night Vision Imaging Systems for the Niagara County Sheriff's helicopter crews, and

WHEREAS, this equipment will aid Niagara County Sheriff's Office personnel by giving the pilot and spotter the ability to conduct and complete night operations during the darkest night, and

WHEREAS, the funds will be 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. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-088-21

From: Community Safety & Security and Administration Committees.

Dated: September 21, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
SCHOOL RESOURCE OFFICER AGREEMENT WITH BOCES SCHOOL DISTRICT**

WHEREAS, the Niagara County Sheriff's Office has been in an agreement with Niagara Orleans BOCES School District to provide a Deputy Sheriff as a School Resource Officer in exchange for compensation from the School District, and

WHEREAS, the term of the previous agreement was September 1, 2020 through August 31, 2021, and

WHEREAS, school safety remains a high priority for Niagara County and the BOCES School District, and

WHEREAS, the Niagara County Sheriff's Office and the Niagara Orleans BOCES School District would like to enter into a contract for the current school year, now, therefore, be it

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-089-21

From: Community Safety & Security and Administration Committees.

Dated: September 21, 2021

NIAGARA COUNTY SHERIFF'S OFFICE FIREARMS CONSULTING AGREEMENT

WHEREAS, the Niagara County Sheriff's Office has been notified of the resignation of the Firearms Examiner for the Niagara County Sheriff's Office Forensic Laboratory, and

WHEREAS, there is a critical shortage of qualified firearms examiners in New York State creating firearms case backlogs to increase throughout the state, and

WHEREAS, the Sheriff's Office will be posting for a new Forensic Lab employee for Firearms Examinations, and

WHEREAS, the training period for an individual to become a qualified firearms examiner is an extensive 2 year process requiring limited training resources outside the county, and

WHEREAS, the Niagara County Sheriff's Office will have a continued need for qualified firearms examinations to be performed for cases, and

WHEREAS, the Niagara County Sheriff's Office has a contract with the former Firearms Examiner (Mark Shaw) who has been working as an independent contractor strictly for the purpose of required verifications and technical reviews, and

WHEREAS, Mark Shaw has agreed to continue as an independent contractor and perform forensic firearms examinations until such time as a qualified replacement can be found, and

WHEREAS, the Sheriff's Office now needs to enter into an additional agreement for an independent contractor to perform required firearms verifications and technical reviews, and

WHEREAS, the Sheriff's Office wishes to enter into an agreement with Cody McKellar for a one year period, and

WHEREAS, the firearms examinations consultations will be paid for out of the Sheriff's Office existing budget line, and

WHEREAS, the Consulting Agreement will be drawn up by the County Attorney, now, therefore, be it

RESOLVED, that the Niagara County Legislature has determined that the services to be provided by the consultant requires a high degree of specialized skill constituting "professional services" and hereby waives any requirement that additional proposals must be obtained and solicited, and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to execute a Consulting Agreement with Cody McKellar for Forensic Firearm Examination verifications and technical reviews.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-090-21

From: Community Safety & Security and Administration Committees.

Dated: September 21, 2021

NIAGARA COUNTY SHERIFF'S OFFICE BUDGET MODIFICATION – JAIL OVERTIME

WHEREAS, the Niagara County Correctional Facility (NCCF) has been greatly affected by the presence of the COVID virus in the community and in the jail, and

WHEREAS, the Niagara County Jail has revised their operating procedures to include quarantine of incoming incarcerated individuals for 14 days before introduction to the general population, isolation of incarcerated individuals who are ready to transfer to State Prison, and isolation of any incarcerated individuals who test COVID positive, and

WHEREAS, the Niagara County Jail's population count has significantly increased from 2020, including United States Marshals Federal prisoners and incarcerated individuals who are ready to transport to a State prison but the prisons are not accepting transfers due to COVID in their facility, and

WHEREAS, the COVID prevention and mitigation measures listed above have spread out the jail population which creates more open housing units and more posts to be filled with Correction Officers, and

WHEREAS, the Niagara County Jail staffing levels have been greatly affected during the year by COVID related illnesses as well as other long term leaves of absence, and

WHEREAS, the combination of increased posts needed and decreased staff, it has been necessary to utilize overtime in order to cover the minimum required staffing levels, and

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

WHEREAS the County has received stimulus funds to offset COVID related costs in correctional facilities from March 3rd through July 31st, and

WHEREAS, after 8 months of these revenue sources, the Sheriff's Office has excess revenue and would like to use this revenue to offset necessary overtime and fringe expenses in the NCCF, 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	\$342,025
A.17.3150.000 44089.07	Federal Aid, Other ARPA State/Local Fiscal Rec Fund	82,975

INCREASE APPROPRIATIONS:

A.17.3150.000 71050.00	Overtime Expense	\$328,744
A.17.3110.000 78100.00	Retirement Expense	62,461
A.17.3150.000 78200.00	FICA Expense	25,149
A.17.3150.000 78300.00	Workers Compensation Expense	8,646

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-091-21

From: Community Safety & Security and Administration Committees.

Dated: September 21, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE-BUDGET MODIFICATION
RED TEAM EXERCISE**

WHEREAS, the Niagara County Sheriff's Office has been notified by the New York State Homeland Security and Emergency Services Counter Terrorism Office that it would like the Niagara County Sheriff's Office to participate in their Red Team Exercise, and

WHEREAS, the Red Team Exercise is designed to test the effectiveness of Operation Safeguard; Safeguard New York is an outreach initiative designed to educate individuals, community groups and other public and private sector organizations on how to recognize and report suspicious activity, Safeguard New York promotes the "See Something, Say Something" campaign and the State's Terrorism Tip Line; information is also provided on the eight signs of terrorism, and

WHEREAS, the New York State Homeland Security and Emergency Services will reimburse the Sheriff's Office for the costs incurred with this exercise, now, therefore, be it

RESOLVED, that the County enter into a Letter of Agreement with the New York State Homeland Security and Emergency Services Office, and be it further

RESOLVED, that the following budget modifications be made:

INCREASE REVENUE:

A.17.3645.000.43305.02	State Aid, Civil Defense Homeland Security	\$ 1,444
	Other Public Safety Operation Green Monster	

INCREASE APPROPRIATIONS:

A.17.3645.000.71050.00	Overtime	\$ 1,056
A.17.3645.000.78100.00	Retirement Expense	279
A.17.3645.000.78200.00	FICA Expense	81
A.17.3645.000.78300.00	Worker's Compensation Expense	28

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-092-21

From: Community Safety & Security and Administration Committees.

Dated: September 21, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION –ASSETS FORFEITURE EXPENSES SPEED RADAR TRAILER**

WHEREAS, the Niagara County Sheriff's has Federal Asset Forfeiture Funds which are in a Committed Fund and federally regulated on qualifying expenditures, and

WHEREAS, the Niagara County Sheriff's Office needs to do a budget amendment to spend asset forfeiture funds on a Traffic Speed Radar Trailer to be used throughout Niagara County, and

WHEREAS, studies have shown that radar speed signs are a proven traffic calming solution to raise speed awareness of oncoming drivers, with 80% of speeders slowing down by 10-20% and overall compliance with the posted speed limit increasing by 30-60%, and

WHEREAS, the portability of a speed radar trailer enables the Sheriff's Office to address areas of concern throughout the county on a rotating basis, and

WHEREAS, the Sheriff's Office is reviewing speed trailers for purchase according to Niagara County Purchasing Guidelines but not to exceed \$17,000, now, therefore, be it

RESOLVED, that the 2021 budget be modified as follows:

INCREASE REVENUE:

A.17.3110.000.40499.02	Appropriate Fund Balance	\$17,000
	Restricted Funds	

INCREASE APPROPRIATIONS:

A.17.3110.000.72100.31	Machinery & Equipment	\$17,000
	Asset Forfeiture Dept Justice	

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-093-21

From: Community Safety & Security and Administration Committees.

Dated: September 21, 2021

NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION – CREATE AND FILL TEMPORARY CORRECTION OFFICER

WHEREAS, the Niagara County Sheriff's Office has minimum staffing levels in the Niagara County Correctional Facility, and

WHEREAS, the Sheriff's Office has a Correction Officer that is out on medical leave and has not been a position cost to the county as of June 22, 2021, and

WHEREAS, a temporary Correction Officer position is needed to ensure the efficiency of the Jail operations as well as reduce overtime, and

WHEREAS, the temporary position will be funded from the position of the person on medical leave so there will not be an additional cost to the County, now therefore be it

RESOLVED, that one (1) temporary Correction Officer position be created and filled effective September 19, 2021, and be it further

RESOLVED, that the following budget modification be effectuated:

DECREASE APPROPRIATIONS

A.17.3150.000 71010.00	Positions expense (Position # 4058)	\$12,177.00
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INCREASE APPROPRIATION

A.17.3150.000 71010.00	Positions expense (Position # to be determined)	\$ 10,944
A.17.3150.000 78400.05	HRA Employer Contribution	850
A.17.3150.000 78850.00	Flex 125 Employer Contribution	383

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-094-21

From: Community Safety & Security Committee.

Dated: September 21, 2021

ACCEPTANCE OF 2021-2022 AID TO PROSECUTION PROGRAM GRANT

WHEREAS, the Niagara County District Attorney's Office has been awarded renewed funding from the New York State Division of Criminal Justice Services under the Aid To Prosecution Program for the purpose of continuing aid in the prosecution of repeat violent and serious felony offenders in Niagara County, and

WHEREAS, funding has been awarded in the amount of \$89,180 for the period April 1, 2021 through March 31, 2022, with no matching funds requirement, and

WHEREAS, the funds have been appropriated in the Niagara County District Attorney's budget, now, therefore, be it

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

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-095-21

From: Community Safety & Security Committee.

Dated: September 21, 2021

ACCEPTANCE OF SHSP 2021 HOMELAND SECURITY GRANT

WHEREAS, the County of Niagara is required to certify its acceptance of the SHSP 2021 grant through the Department of Homeland Security for the period of 10/1/21 to 9/30/24, at no cost to the County, and

WHEREAS, the grant for SHSP 2021 is in the amount of \$563,278.00 and the funds will be used for consultants to provide Citizens Preparedness Initiatives, interoperable communications equipment, information technology equipment and related items (laptops, software and accessories), physical security enhancement equipment (fencing, access control, bollards), medical equipment (MCI kits), operational search and rescue equipment (respirators), cyber security enhancements, EOC supplies, travel costs (National Homeland Security Conference) mobile data terminals, PPE, USB air cards, alerting and notification system maintenance, satellite communications maintenance, CAD maintenance, T1 line maintenance, credentialing system maintenance, and EOC communication board maintenance, now, therefore, be it

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-096-21

From: Community Safety & Security and Administration Committees.

Dated: September 21, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
FORENSIC LABORATORY
RESIDENCY WAIVER FOR DIRECTOR OF FORENSIC LABORATORY**

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 resignation of the Director of Forensic Laboratory, and

WHEREAS, qualified supervision is critical for the Forensic Laboratory in order to maintain scientific, legal and accreditation standards, to manage Discovery requests and communication with the District Attorney's Office, to apply for and manage grants, to manage the Lab's budget, and to guide and direct personnel, 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 Niagara County Sheriff's Office be granted a one-time residency waiver to fill the Director of Forensic Laboratory position effective October 3, 2021 if the most qualified candidate resides outside of Niagara County.

Approved for Submission.

Moved by Godfrey, 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 Godfrey, seconded by Nemi.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-097-21

From: Community Safety & Security and Administration Committees.

Dated: September 21, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
FORENSIC LABORATORY
ABOLISH FORENSIC CRIMINALIST I AND CREATE FORENSIC SCIENTIST II
(FIREARMS/TOOLMARKS/BALLISTICS)**

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 resignation of a Forensic Criminalist I who is certified in Firearms Analysis, and

WHEREAS, Firearms Analysis is critical for the function of the Niagara County Sheriff's Office Forensic Laboratory which serves agencies throughout Niagara County, and

WHEREAS, certification in Firearms is a complicated training which takes about two years and the Sheriff's Office would like to hire an experienced Firearms Analyst to avoid the two year training period, and

WHEREAS, the Sheriff's Office wishes to abolish one Forensic Criminalist I and create a Forensic Scientist II (Firearms/Toolmarks/Ballistics) position, and

WHEREAS, the increased cost to the County would be offset by the savings to the county when the Sheriff's Office abolished a Forensic Criminalist II position and created a Forensic Scientist I (Toxicology) position in August 2021, 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 I (#13301) at a rate of \$34.25 per hour be abolished effective October 3, 2021, and be it further

RESOLVED that one Forensic Scientist II (Firearms/ Toolmarks/ Ballistics) (40 hours per week) position be created and filled in job group 14, step 1 at a rate of \$35.55 per hour effective October 3, 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 II (Chemistry/Controlled Substance) position if the most qualified candidate resides outside of Niagara County, and be it further RESOLVED, that the following 2021 budget modification be effectuated:

DECREASE APPROPRIATIONS:

A.17.3110.000 71010.00	Position Expense (Posn # 13301) Forensic Criminalist I	\$18,490
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INCREASE APPROPRIATIONS:

A.17.3110.000 71010.00	Position Expense (Posn # TBD) Forensic Scientist II (Firearms/Toolmarks/Ballistics)	\$18,490
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Approved for Submission.

Moved by Godfrey, 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 Hill, seconded by Myers.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-098-21

From: Community Safety & Security and Administration Committees.

Dated: September 21, 2021

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

**ABOLISH DEPUTY SHERIFF FORENSIC CHEMIST /CREATE FORENSIC SCIENTIST II
(CHEMISTRY/CONTROLLED SUBSTANCE)**

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 retirement of a Deputy Sheriff Forensic Chemist as of 9/30/21, and

WHEREAS, Forensic Laboratories are transitioning to civilian positions and the role of forensic analysis for chemistry / controlled substances needs to be filled for cases throughout Niagara County, and

WHEREAS, the Sheriff's Office wishes to abolish one Deputy Sheriff Forensic Chemist and create a Forensic Scientist II (Chemistry/Controlled Substance) 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 Deputy Sheriff Forensic Chemist position (#395) at a rate of \$39.00 per hour be abolished effective October 3, 2021, and be it further

RESOLVED that one Forensic Scientist II (Chemistry/Controlled Substance) (40 hours per week) position be created and filled in job group 14, step 1 at a rate of \$35.55 per hour effective October 3, 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 II (Chemistry/Controlled Substance) position if the most qualified candidate resides outside of Niagara County and be it further,

RESOLVED, that the following 2021 budget modifications be effectuated

DECREASE APPROPRIATIONS:

A.17.3110.000 71010.00	Position Expense (Posn #395)	\$18,490
	Deputy Sheriff Forensic Chemist	

INCREASE APPROPRIATIONS:

A.17.3110.000 71010.00	Position Expense (Posn # TBD)	\$18,490
	Forensic Scientist II (Chemistry/Controlled Substance)	

Approved for Submission.

Moved by Godfrey, 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 Hill, seconded by Myers.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CW-012-21

From: Committee of the Whole.

Dated: September 21, 2021

PUBLIC EMERGENCY NECESSITATING AN INCREASE IN RATE PAYABLE TO WNY BUS COMPANY BY COUNTY OF NIAGARA IN EXCESS OF RATE STATED IN SEPTEMBER 1, 2017 CONTRACT BY AND BETWEEN COUNTY OF NIAGARA AND STUDENT TRANSPORT INC. DBA WNY BUS COMPANY AND BID SPECIFICATIONS CONTAINED IN BID NUMBER 2017-01 REGARDING THE PROVISION OF REQUIRED BUS SERVICES BY COUNTY OF NIAGARA TO CHILDREN OF NIAGARA COUNTY AND THE AMENDMENT OF SAID CONTRACT AND BID SPECIFICATIONS

WHEREAS, Niagara County Department of Management & Budget, Division of Purchasing, solicited open bidding for Transportation, by Bus or Van, of Preschool and Early Intervention Children with Disabilities for Niagara County Department of Health under Bid Number 2017-01 with said sealed bids to be received, publicly opened, read aloud, and made available for public inspection in the Purchasing Office on April 6, 2017, at 2:00 P.M., and

WHEREAS, Student Transport Inc. DBA WNY Bus Company (hereinafter referred to as "WNY"), was determined to be the lowest responsible bidder for said Transportation, by Bus or Van, of Preschool and Early Intervention Children with Disabilities for Niagara County Department of Health under Bid Number 2017-01, and was accordingly awarded the contract for Transportation, by Bus or Van, of Preschool and Early Intervention Children with Disabilities for Niagara County Department of Health under Bid Number 2017-01, and

WHEREAS, County Of Niagara (hereinafter referred to as "COUNTY"), and WNY entered into a Contract on September 1, 2017 for WNY to provide transportation, by bus or van, of preschool and early intervention children with disabilities for Niagara County Department of Health for the term of September 1, 2017 through August 31, 2020, with extensions of said term to be effectuated in accordance with Appendix A to the Bid

Specifications stated in Bid Number 2017-01 with said Bid Specifications, including all attachments, appendices, amendments, and modifications thereto incorporated in their entirety into said September 1, 2017 Contract and made a part thereof by reference in paragraph 2. of said September 1, 2017 Contract, and

WHEREAS, said September 1, 2017 Contract was extended by County's election for the Term of September 1, 2020 through August 31, 2021, and for the term of September 1, 2021 through August 31, 2022, with said elections and extensions being duly agreed upon by WNY, and

WHEREAS, Appendix A, I. SCOPE, paragraph G of the Bid Specifications contained in Bid Number 2017-01 states: "At the commencement of each year of the contract after the first contract year (i.e. effective as of September 1, 2018) and effective on the first day of each subsequent year of the contract (including the first day or each option year, if any) the sums to be paid to the Contractor shall be increased by an amount equal to the lesser of three and one-half (3 ½) percent, or the increase in the cost of living index ("CPI") as calculated by the US Department of Labor, Bureau of Labor Statistics (as shown on the internet at www.bls.gov, and listed under All Urban Consumers for the area of "Northeast Urban)." The CPI shall be the annual CPI immediately preceding the date on which the new contract year is to commence (e.g. the CPI increase, if any, for the period September 1, 2018 through August 31, 2019 shall be based on the annual CPI for the year 2017), and

WHEREAS, WNY is bound and obligated to comply with all the terms of said September 1, 2017 Contract and the Bid Specifications contained in Bid Number 2017-01, including those stated Appendix A, I. SCOPE, paragraph G for the instant extension of said Contract, namely September 1, 2021 through August 31, 2022, and

WHEREAS, Mr. Igor Yuzbashev, General Manager of WNY, transmitted a letter via email to Niagara County Department of Health, c/o Victoria Pearson, Deputy Director of Financial Operations, stating, in pertinent part, WNY is seeking a rate increase of 3.2% for the Contract extension term of September 1, 2021 through August 31, 2022, and not the 1.3% rate increase as established by the 2020 CPI and mandated by September 1, 2017 Contract and the Bid Specifications contained in Bid Number 2017-01, specifically those stated Appendix A, I. SCOPE, paragraph G, and

WHEREAS, Mr. Igor Yuzbashev, General Manager of WNY, further stated, in substance, in his August 12, 2021 email letter, that should County not agree to increase the rate payable to WNY to 3.2% for the term of September 1, 2021 through August 31, 2022, then County should perhaps consider rebidding transportation, by bus or van, of preschool and early intervention children with disabilities for Niagara County Department of Health originally bid under Bid Number 2017-01, and

WHEREAS, the Niagara County Attorney's Office advised the Niagara County Department of Health and the County Manager for Niagara County that WNY and County had a fully valid and enforceable contract, namely said September 1, 2017 Contract and the Bid Specifications contained in Bid Number 2017-01, which WNY is legally bound to perform all of its obligations contained in said Contract and Bid Specifications, and if WNY refuses to perform and abide by all said valid and enforceable terms of said Contract and Bid Specifications, then County should terminate said September 1, 2017 Contract in accordance with paragraph 17 of said Contract in writing, within ten (10) days, for WNY's failure to comply with the terms of said Contract and Bid Specifications and for County to rebid such contract, and

WHEREAS, NCDOH began, along with the assistance of Niagara County Department of Management & Budget, Division of Purchasing, to expedite a new bidding process for Transportation, by Bus or Van, of Preschool and Early Intervention Children with Disabilities for Niagara County Department of Health, and

WHEREAS, NCDOH was apprised and informed from various sources that there is currently a shortage of bus drivers in Niagara County, and in fact statewide, and thus it would be impracticable, and essentially impossible, to rebid the Transportation, by Bus or Van, of Preschool and Early Intervention Children with Disabilities for Niagara County Department of Health and potentially secure another bus transportation service for the children of County in time for the commencement of the 2021 – 2022 school year which is approximately two (2) weeks away, and

WHEREAS, County is mandated by the State of New York to provide transportation, by bus or van, of preschool and early intervention children with disabilities, and the failure of County to provide such transportation would be a breach of its state-mandated obligation, and more importantly, would deprive the children of County necessary transportation to their respective schools, and

WHEREAS, based upon the foregoing, particularly the facts stated in the instant paragraph above, COUNTY now faces a public emergency arising out of unforeseen occurrences or conditions (*i.e.*, WNY's refusal to abide by the terms of said September 1, 2017 Contract and the Bid Specifications contained in Bid Number 2017-01) which is resulting in County being prohibited from providing New York State mandated transportation to the children of County and therefore depriving the children of the County necessary transportation to their respective schools and whereby said circumstances are affecting the life, health or safety of inhabitants of the County and require immediate action which cannot await competitive bidding, and

WHEREAS, the Chairman of the Niagara County Legislature has declared such public emergency, now, therefore, be it

RESOLVED, by at least a two-thirds (2/3) vote of the whole Legislature, this Legislature has determined it is impracticable to advertise bids to provide transportation, by bus or van, of preschool and early intervention children with disabilities for Niagara County Department of Health, and be it further

RESOLVED, County and WNY are hereby authorized following the County Attorney's review to enter into a written amendment to the said September 1, 2017 Contract and the Bid Specifications contained in Bid Number 2017-01, specifically Appendix A, I. SCOPE, paragraph G, to state the rate increase County shall pay WNY for the term of September 1, 2021 through August 31, 2022 be set at 3.2%, with all the other terms of said September 1, 2017 Contract and the Bid Specifications contained in Bid Number 2017-01 to remain unamended and in full force and effect, with such rate increase to commence after the passing of this Resolution, 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 document.

Roll call vote.

Moved by Hill, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CW-013-21

From: Committee of the Whole.

Dated: September 21, 2021

**STANDARD WORK DAY AND REPORTING RESOLUTION
FOR ELECTED AND APPOINTED OFFICIALS
(UPDATED TERMS AND RECORD OF ACTIVITIES, INCLUDING
NEWLY ELECTED AND APPOINTED OFFICIALS)**

RESOLVED, that the County of Niagara, hereby establishes the following as standard work days for these titles and will report the officials to the New York State and Local Retirement System based on time keeping system records or their record of activities:

Elected Officials

Title	Standard Work Day	Name	Social Security Number	Registration Number	Tier 1	Current Term Begin & End Dates	Record Activities Results	Not Submitted
Coroner	6	Gary Strassburg				03/20/20-12/31/21	22.70	
County Clerk	6	Joseph Jastrzemski				01/01/20-12/31/23	23.10	
District Attorney	6	Brian D. Seaman				01/01/21-12/31/24	30.41	
Legislator	6	Richard Andres				01/01/18-12/31/21	25.55	
Legislator	6	Randy Bradt				01/01/18-12/31/21	22.00	
Legislator	6	William Collins				01/01/18-12/31/21	24.50	
Legislator	6	David Godfrey				01/01/20-12/31/21	24.88	
Legislator	6	Jessie Gooch				01/01/20-12/31/21	23.50	
Legislator	6	Michael Hill				01/01/18-12/31/21	10.40	
Legislator	6	Christopher Robins				01/01/20-12/31/21	21.23	
Legislator	6	Owen Steed				01/01/18-12/31/19	27.06	
						01/01/20-12/31/21	22.40	
Legislator	6	John Syracuse				01/01/20-12/31/21	25.72	
Legislator	6	Rebecca Wydysch				01/01/18-12/31/21	22.75	
Sheriff	6	Michael J. Filicetti				01/01/21-12/31/24	26.70	

Appointed Officials

Title	Standard Work Day	Name	Social Security Number	Registration Number	Tier 1	Current Term Begin & End Dates	Record Activities Results	Not Submitted
Assigned Counsel and Administrator and Conflict Attorney	6	Kathleen Kugler				01/01/17-12/31/19	21.69	
						01/01/20-12/31/21	24.70	
Asst. Conflict Attorney	6	Mark Danna				01/01/17-12/31/20	21.13	
						01/01/21-12/31/21	22.60	
Asst. Conflict Attorney	6	Rodney A. Giove				01/01/20-12/31/21	22.06	
Asst. Conflict Attorney	6	Mario J. Gregori Jr.				01/01/20-11/15/20	23.10	
Asst. Conflict Attorney	6	Jessica J. Hapeman				01/01/19-12/31/21	22.97	
Asst. Conflict Attorney	6	David Mansour				12/22/20-12/31/21		X
Asst. Conflict Attorney	6	Joseph Scalzo				01/01/19-12/31/21	23.50	
Asst. Conflict Attorney	6	Lori Shawver				01/22/20-12/31/21	19.40	
Asst. Conflict Attorney	6	Amy Taylor				01/01/19-12/31/21	23.53	
County Attorney	6	Claude Joerg				01/01/20-12/31/21	22.89	
Asst. County Attorney	6	Katherine Alexander				01/01/16-03/31/16	22.61	
						01/21/21-12/31/21	23.51	
Asst. County Attorney	6	David Koplas				01/01/20-12/31/21	22.00	
Asst. County Attorney	6	Gary Lisowski				01/01/18-12/31/21	21.84	
First Asst. County Attorney	6	John Ottaviano				01/01/20-12/31/21	21.97	
Asst. County Attorney	6	John Sansone				01/01/20-12/31/31	21.66	
Asst. County Attorney	6	Brian D. Seaman				01/01/18-12/31/20	30.11	
Deputy District Attorney	6	Doreen Hoffman				01/01/17-12/31/19	24.14	
						01/01/20-12/31/24	28.90	
Deputy District Attorney	6	Holly Sloma				01/01/17-12/31/19	27.40	
						01/01/20-05/27/21	27.12	
Asst. District Attorney	6	Ian Artis				08/31/20-12/31/21	25.30	
Asst. District Attorney	6	Lisa Baehre				01/01/17-12/31/19	24.63	
						01/01/20-12/31/24		X
Asst. District Attorney	6	Susan Bjornholm				05/02/17-12/31/24	28.10	
Executive District Attorney	6	Mary Jean Bowman				01/01/21-12/31/24	27.90	
Asst. District Attorney	6	Thomas Brandt				01/01/17-12/31/19	23.60	
						01/01/20-12/31/24	22.70	
Asst. District Attorney	6	Claudette Caldwell				01/01/17-12/31/19	24.42	
						01/01/20-12/31/24	26.20	
Asst. District Attorney	6	Kevin Canali				01/01/17-11/14/20	27.25	
Asst. District Attorney	6	David J. Dechellis				01/01/21-12/31/24	34.20	

Asst. District Attorney	6	John Granchelli		01/01/17-12/31/19	28.20
				01/01/20-12/31/24	26.00
Asst. District Attorney	6	Cheryl (Nichols) Grundy		01/01/17-12/31/19	28.06
				01/01/20-12/31/24	27.50
Asst. District Attorney	6	Joel Grundy		01/01/17-12/31/19	26.03
				01/01/20-12/31/24	26.80
Asst. District Attorney	6	Laura (Bittner) Jordan		01/01/17-12/31/19	26.97
				01/01/20-12/31/24	27.70
Asst. District Attorney	6	John Philipps, Jr.		01/01/17-12/31/19	29.47
				01/01/20-12/31/24	29.90
Asst. District Attorney	6	Christine Savoia		01/01/21-12/31/24	28.90
Asst. District Attorney	6	Maria Stoelting		01/01/21-12/31/24	29.90
Asst. District Attorney	6	Peter Wydysh		01/01/17-12/31/19	27.36
				01/01/20-12/31/24	29.90
Asst. District Attorney	6	Liesel Zimmerman		08/26/19-12/31/24	30.40
Asst. Public Defender	6	Nicholas Robinson		01/01/20-01/06/20	22.10
Public Defender	6			01/07/20-12/31/21	22.60
Asst. Public Defender	6	Alfonso Bax		01/01/20-12/31/21	21.92
Asst. Public Defender	6	Michele Bergevin		01/01/20-12/31/21	12.68
Asst. Public Defender	6	David Blackley		01/01/20-01/21/20	23.83
Asst. Public Defender	6	Luke A. Brown		08/24/16-12/31/21	24.75
Asst. Public Defender	6	AJ Catalano		01/01/18-01/21/20	21.21
Asst. Public Defender	6	Karl Frankovitch		01/01/18-12/31/21	22.50
Asst. Public Defender	6	Mark Grossman		01/01/18-12-31/21	X
Asst. Public Defender	6	Ryan Hanna		01/01/20-03/08/20	
Asst. Public Defender	6	Lawrence Lindsay		01/01/20-12/31/21	22.55
Asst. Conflict Attorney	6	Janelle Messer		01/01/17-01/26/18	19.75
Asst. Public Defender	6			01/27/18-12/31/21	25.50
Asst. Public Defender	6	Nicholas Pelosino		01/01/20-12/31/21	25.55
Asst. Public Defender	6	Charlie Pitarresi		01/01/18-11/14/20	22.72
Asst. Public Defender	6	Theresa Prezioso		01/01/18-12/31/21	10.90
Asst. Public Defender	6	Michael G. Putzak		01/01/20-12/31/21	25.30
Asst. Public Defender	6	Matthew Pynn		01/01/18-11/14/20	13.44
Asst. Public Defender	6	James Rizzo		01/01/18-12/31/21	21.72
Asst. Public Defender	6	Alan Roscetti		01/01/20-01/21/20	21.42
Asst. Public Defender	6	Vincent Sandonato		01/01/18-04/04/18	22.60
Asst. Public Defender	6	Dominic Saraceno		01/01/20-12/31/21	21.83
Asst. Public Defender	6	Camille Sarkees-Brown		01/01/20-12/31/21	22.58
Asst. Public Defender	6	Michael H. White, Jr.		01/01/20-12/31/21	19.05
Asst. Public Defender	6	Edward Zebulske		01/01/20-12/31/21	21.81

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CW-013-21

From: Committee of the Whole.

Dated: September 21, 2021

RATIFICATION OF AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE NIAGARA COUNTY SEWER DISTRICT #1 AND TEAMSTERS LOCAL #264

WHEREAS, the County of Niagara and the Niagara County Sewer District #1, and Teamsters Local #264 have reached a tentative agreement for the period of January 1, 2021 through December 31, 2025, and

WHEREAS, said tentative agreement was ratified by Teamsters Local #264 on August 27, 2021, and

WHEREAS, the County Attorney has reviewed and approved the tentative agreement as to legal form, language and compliance, now, therefore, be it

RESOLVED, that the Agreement be, and hereby is, ratified by the Niagara County Legislature effective September 21, 2021, as the final Agreement between the parties for the period January 1, 2021 through December 31, 2025 ("the Agreement"), and be it further

RESOLVED, that the County Manager is authorized to direct the Departments of Human Resources, Risk Management, Budget Office, and the Treasurer's Office to implement and administer the provisions of the Agreement, and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to execute said Agreement on behalf of the County of Niagara, subject to the approval of the County Attorney, and be it further

RESOLVED, that the following budget modification be effectuated:

INCREASE APPROPRIATION:

G.32.8130.000 71010.00	Positions	\$22,500.00
G.32.8130.000 78100.00	Retirement	2,910.00
G.32.8130.000 78200.00	FICA	1,722.00
G.32.8130.000 78300.00	Worker's Comp	<u>592.00</u>
		\$27,724.00

DECREASE APPROPRIATION:

G.32.8130.000 71011.00	Seasonal	\$13,773.88
G.32.8130.000 74850.02	Electric	<u>13,950.12</u>
		\$27,724.00

Moved by Gooch, seconded by Grozio.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. ED-020-21

From: Economic Development Committee.

Dated: September 21, 2021

RESOLUTION TO SET A HEARING TO CONSIDER INCLUSION OF VIABLE AGRICULTURAL LAND INTO NIAGARA COUNTY'S AGRICULTURAL DISTRICT

WHEREAS, New York State Agriculture and Markets Law 25AA, Section 303-b requires a public hearing upon termination of the annual thirty (30) day period within which a land owner may submit a request for inclusion of land which is predominantly viable agricultural land within a certified agricultural district prior to the county established 8-year review period, and

WHEREAS, a notice of the public hearing shall contain a statement that one or more requests for inclusion of predominantly viable agricultural land within a certified agricultural district have been filed with the county legislative body and shall identify the land proposed to be included, now, therefore, be it

RESOLVED, that the Niagara County Legislature shall conduct a public hearing on the 19th day of October, 2021 at 5:45 p.m. for public and municipal input upon termination of the annual thirty (30) day period within which a land owner may submit a request for inclusion, and be it further

RESOLVED, that the Clerk of the Legislature shall publish the following notice in the Lockport Union Sun and Journal, and the Niagara Gazette, as well as, post such notice on the home page of the County's website, and such notice shall give in writing directly to those municipalities whose territory encompasses the lands which are proposed to be included in an agricultural district.

PLEASE TAKE NOTICE that the Niagara County Legislature will conduct a public hearing on the day of October 19, 2021 at 5:45 p.m. in the Legislative Chambers, Courthouse, Lockport, New York, for the purpose of hearing public comments on the inclusion of predominantly viable agricultural land within agricultural district #7. Two (2) parcels have been proposed for inclusion. The Niagara County Agricultural and Farmland

Protection Board recommends the inclusion of the following parcels of predominantly viable agricultural land into the Agricultural District: Parcel 80.03-2-72, consisting of 34.675 acres, located on Stone Road in the Town of Lockport. Parcel 14.00-1-15.21, consisting of 26.80 acres, located on Lake Road in the Town of Newfane. Questions about Agricultural District inclusion may be directed to Amanda Henning, Cornell Cooperative Extension at 716-433-8839 x231.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. ED-021-21

From: Economic Development and Administration Committees.

Dated: September 21, 2021

APPROVAL OF ASSIGNMENT AND ASSUMPTION AGREEMENT

WHEREAS, Globe Metallurgical, Inc. is the owner of certain land in the County of Niagara, and

WHEREAS, Globe Metallurgical Inc. and the County of Niagara are parties to an August 24, 2012, agreement regarding a transportation grant concerning certain grants received by the county that were used to improve certain rail facilities on the land owned by Globe Metallurgical, Inc., and

WHEREAS, the Transportation Agreement has a 30-year term and provides for certain continuing obligations of Globe Metallurgical Inc., as the owner of the land to, among other things, maintain a \$300,000 letter of credit or cash security deposit in Niagara County's favor for the term of the Transportation Agreement, and

WHEREAS, on August 16, 2021, Globe Metallurgical Inc. made a cash deposit of \$300,000 with the County to fulfil the Security Obligation, and

WHEREAS, Globe Metallurgical Inc. and Globe Niagara, LLC have entered into a Purchase and Sale Agreement by which Globe Metallurgical Inc. has agreed to sell the land to Globe Niagara, LLC and Globe Niagara LLC has agreed to the purchase the land from Globe Metallurgical Inc., and

WHEREAS, in furtherance of the Purchase and Sale Agreement, Globe Metallurgical Inc. wishes to assign, and Globe Niagara, LLC wishes to assume, the Transportation Agreement on the terms set forth in this Assignment, now, therefore, be it

RESOLVED, that the Niagara County Legislature approves of the assignment and assumption agreement between Globe Metallurgical Inc. and Globe Niagara, LLC, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to sign said agreement on behalf of Niagara County.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. ED-022-21

From: Economic Development Committee.

Dated: September 21, 2021

**FIXING DATE AND NOTICE FOR THE PUBLIC HEARING
FOR GRIFFON BREWING INC.
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

WHEREAS, the County Legislature wishes to assess the advisability of submitting a Community Development Block Grant ("CDBG") application to the New York State Office of Community Renewal (the "OCR") for a grant to support the establishment of a brewing operation by Griffon Brewing Inc. in a former supermarket building located at 200 Lockport Street, Youngstown, New York, and

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

RESOLVED, that the Niagara County Legislature shall conduct a public hearing whereat all interested parties shall be heard regarding the CDBG program, the County's community development and economic development programs, and the proposed funding application at the Legislative Chambers, Courthouse, Lockport, New York on the 19th day of October, 2021 at 5:30 p.m., and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. ED-024-21

From: Economic Development and Administration Committees.

Dated: September 21, 2021

ACCEPTANCE AND DESIGNATION OF CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS (SLFRF), AUTHORIZED BY THE AMERICAN RESCUE PLAN ACT AND RECEIVED BY NIAGARA COUNTY

WHEREAS, on March 11, 2021 the American Rescue Plan Act was signed into law and established the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) program which is intended to provide support to State, territorial, local and tribal governments in response to the economic and public health impacts of COVID, and

WHEREAS, the County is eligible to receive \$40,070,381 to be distributed in equal parts, half in 2021 and the remaining half in 2022, and

WHEREAS, the County received its first tranche of funds in the amount of \$20,035,190.50 on June 10, 2021, and

WHEREAS, funding of the SLFRF program is subject to the requirements specified in the Interim Final Rule adopted by the US Treasury on May 10, 2021, and

WHEREAS, the US Treasury has issued Compliance and Reporting Guidance which outlines each recipient's compliance and reporting responsibilities under the SLFRF program, and

WHEREAS, one of the eligible uses of SLFRF funds as outlined in the Treasury's Interim Final Rule is for general government services to the extent of the reduction in revenue experienced due to the COVID-19 public health emergency, and

WHEREAS, Niagara County has calculated revenue loss for the calendar year ending December 31, 2020 based upon the guidance outlined in the Treasury's Interim Final Rule and find the revenue loss to be \$6,347,882.10, and

WHEREAS, the Compliance and Reporting Guidance allows Niagara County to complete a revenue loss calculation again as of December 31, 2021, December 31, 2022 and December 31, 2023, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby authorizes the SLFRF funds related to revenue loss to be used for general government services, and be it further

RESOLVED, that the County Legislature has identified the need for the remaining SLFRF funds within the Interim Final Rule eligible uses and will pass subsequent resolutions committing to certain expenditures under the Act.

Moved by Bradt, seconded by Godfrey.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. ED-025-21

From: Economic Development and Administration Committees.

Dated: September 21, 2021

**RESOLUTION FOR FUNDING NIAGARA COUNTY COMMUNITY COLLEGE
WELDING AND METAL WORKING LAB INVESTMENT**

WHEREAS, the County of Niagara, and Niagara County Community College acknowledge and embrace the need to provide an educational environment so that investments can be made in the skilled trades, and

WHEREAS, Niagara County Community College is prepared to provide degree and non-degree programmatic learning opportunities, these include but are not limited to degrees such as Welding Technology AAS, Mechanical Technology/Mechanical Design AAS, and Industrial Process Technology AAS. Furthermore, let it be known that this investment will propel and expand the college's ability to continue its mission of providing technical educational to our community, and

WHEREAS, to meet this need, Niagara County Community College, will construct a state-of-the-art welding and metal working laboratory environment to include, but not limited to the following elements:

- Installation of equipment provided through a National Science Foundation Grant in the amount of \$300,000. Items such as new welding stations, plasma cutting table, and metal working machines are already on site and ready for installation.
- Installation of significant electrical distribution systems for above listed equipment.
- Installation of HVAC and exhaust systems to provide proper ventilation of gases and normal cooling and heating.
- Piped welding gases for safety and student use vs cylinder type distribution.
- Life Safety system, basic renovations (painting, signage, etc.) to support the functions of the lab.
-

The lab will be housed in the C-Annex building, utilizing vacant and construction-ready space totaling approximately 4,000 square feet, and

WHEREAS, the total cost of the first phase of our technology and skilled trades investments in the welding and metal working lab is \$1,000,000, and

WHEREAS, the County of Niagara will utilize funds from the Coronavirus State and Local Fiscal Recovery Fund (CSLFRF), a part of the American Rescue Plan Act, to fund for the facility improvements required to create a welding and metal working laboratory at Niagara County Community College, and

WHEREAS, the County will report such pass-through of federal funds under CFDA Number 21.027 and comply with all sub-recipient monitoring compliance as defined in Title 2 Code of Federal Regulations Section 200.332, now, therefore, be it

RESOLVED, that the County of Niagara agrees to participate in this venture of up to \$1,000,000, and be it further

RESOLVED, that the County Treasurer be, and hereby is, directed to transfer funds from the General Fund CSLFRF to Niagara County Community College, and be it further

RESOLVED, that the following budget modification be effectuated:

INCREASE REVENUE:

A.07.1325.000 44089.07	ARPA State/Local Rec Fund	\$1,000,000
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INCREASE APPROPRIATION:

A.07.1325.000 74500.01	Contractual	\$1,000,000
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Moved by Collins, seconded by Grozio.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. ED-026-21

From: Economic Development and Administration Committees.

Dated: September 21, 2021

**NIAGARA ORLEANS REGIONAL LAND IMPROVEMENT CORPORATION, FUNDING FROM
AMERICAN RESCUE FUNDS**

WHEREAS, the Niagara Orleans Land Improvement Corporation (NORLIC) is a non-for-profit corporation whose members include the County of Niagara, City of Lockport, City of Niagara Falls, City of North Tonawanda and the County of Orleans, and

WHEREAS, the mission of NORLIC is to foster the reuse and redevelopment of vacant and tax delinquent residential and commercial properties through the acquisition, listing and sale of said properties to persons who provide the best plan for the rehabilitation and reuse of said properties, and

WHEREAS, it is an objective of the land bank to facilitate additional private capital investment in neighborhoods with vacant and tax delinquent properties to promote economic and housing development, as well as improved community quality of life, blight and nuisance abatement, stabilization, revitalization, increased property values and a return of unproductive properties to tax-paying status, and

WHEREAS, the land bank also funds the demolition of properties which are beyond repair, in furtherance of its stated mission, and

WHEREAS, the Legislature intends to further the mission of the land bank through the allocation of \$1,000,000 in ARPA funds, and

WHEREAS, the County will report such pass-through of federal funds under CFDA Number 21.027 and comply with all sub-recipient monitoring compliance as defined in Title 2 Code of Federal Regulations Section 200.332, now, therefore, be it

RESOLVED, that the County Treasurer be, and hereby is, directed to transfer funds from the General Fund CSLFRF to the Niagara Orleans Land Bank Corporation, and be it further

RESOLVED, that the following budget modification be effectuated:

INCREASE REVENUE:

A.28.8020.000 44089.07	ARPA State/Local Rec Fund	\$1,000,000
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INCREASE APPROPRIATION:

A.28.8020.000 74500.01	Contractual	\$1,000,000
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Moved by Nemi, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-094-21

From: Infrastructure & Facilities and Administration Committees.

Dated: September 21, 2021

**APPROVAL OF CONTRACT ADDENDUM FOR ADDITIONAL SERVICES TO
BE PERFORMED BY CHA CONSULTING, INC. FOR THE NIAGARA COUNTY
REFUSE DISPOSAL DISTRICT**

WHEREAS, the Niagara County Refuse Disposal District and CHA Consulting, Inc. entered into a contract whereby CHA Consulting, Inc. agreed to provide certain specified services for Niagara County Refuse Disposal District in regards to C&D Landfill, Landfill #1 and Landfill #2, and

WHEREAS, said contract was fully executed by the Niagara County Refuse Disposal District and CHA Consulting, Inc. on June 26, 2014, and

WHEREAS, said June 24, 2014 contract contains clauses which contemplate the eventuality of additional services to be performed by CHA Consulting, Inc. for the Niagara County Refuse Disposal District in regards to C&D Landfill, Landfill #1 and Landfill #2, and

WHEREAS, said June 24, 2014 contract contains clauses which permit said additional services to be performed pursuant to a valid written Amendment/Addendum to said June 24, 2014 contract which is to be signed by authorized representatives of Niagara County Refuse Disposal District and CHA Consulting, Inc., and

WHEREAS, additional services to be performed by CHA Consulting, Inc. for the Niagara County Refuse Disposal District in regards to the Monitored Natural Attenuation Evaluation at Landfill No. 1 and Landfill No. 2, CHA will perform non-destructive geophysical profiling across the landfill cells, and CHA will evaluate alternatives for addressing the seepage from the surface water swale, and

WHEREAS, CHA Consulting, Inc. has submitted a detailed Scope of Work and the corresponding Professional Fees to be charged by CHA Consulting, Inc. to Niagara County Refuse Disposal District to complete the above-referenced additional services in regards to the addition of tasks associated with Monitored Natural Attenuation Evaluation at Landfill No. 1 and Landfill No. 2, CHA will perform non-destructive geophysical profiling across the landfill cells, and CHA will evaluate alternatives for addressing the seepage from the surface water swale, and

WHEREAS, the proposed Professional Fees to be charged by CHA Consulting, Inc. to Niagara County Refuse Disposal District to complete the above-referenced additional services shall not exceed \$42,787.00, and

WHEREAS, the Niagara County Refuse Disposal District wishes to enter into an Amendment/Addendum to the June 24, 2014 contract with CHA Consulting, Inc. for above-referenced additional services, and

WHEREAS, prior to the execution of the such contract Amendment/Addendum, the County Attorney will review all documents for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that the Niagara County Refuse Disposal District is hereby authorized to enter into an Amendment/Addendum to the June 24, 2014 contract with CHA Consulting, Inc. Amendment/Addendum to complete the above-referenced additional services in regards to C&D Landfill, Landfill #1 and Landfill #2 and the amount to be paid by the Niagara County Refuse Disposal District to CHA Consulting Inc. for said additional services shall not exceed the amount of \$42,787.00, 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. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-095-21

From: Infrastructure & Facilities and Administration Committees.

Dated: September 21, 2021

**WILSON-BURT ROAD BRIDGE OVER HOPKINS CREEK
CONSULTANT AMENDMENT NO. 1**

WHEREAS, Resolution No. IF-107-20, dated September 15, 2020, authorized the contract for consultant services for the Wilson-Burt Road Bridge over Hopkins Creek Project to DiDonato Associates, 689 Main Street, Buffalo, NY 14203, for a contract amount of \$90,075, and

WHEREAS, it is necessary to increase the contract in the amount of \$88,124 to allow for construction inspection and construction administration, for a revised contract amount of \$178,199, 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:

INCREASE REVENUE:

H704.15.5197.000 43501.00	Consol Highway Aid Revenue	\$700,000
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INCREASE APPROPRIATIONS:

H704.15.5197.000 72600.02	Infrastructure Bridges	\$700,000
	Folder 02-Construction	

and be it further

RESOLVED, that Amendment No. 1 to increase the contract by \$88,124 for the Wilson-Burt Road Bridge over Hopkins Creek Project, for a revised contract amount of \$178,199, to DiDonato Associates, 689 Main Street, Buffalo, NY 14203, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-096-21

From: Infrastructure & Facilities and Administration Committees.

Dated: September 21, 2021

**BEAR RIDGE ROAD BRIDGE OVER TRIBUTARY TO
TONAWANDA CREEK REHABILITATION
CHANGE ORDER NO. 1**

WHEREAS, Resolution No. IF-053-21, dated May 11, 2021, awarded the contract for the Bear Ridge Road Culvert Rehabilitation project to Concrete Applied Technologies Corp., d/b/a CATCO, 1266 Townline Road, Alden, NY 14004, for a contract amount of \$227,749, and

WHEREAS, it is necessary to extend the contract completion date to October 1, 2021, due to excessive lead time for culvert liner fabrication, at no additional cost to the county, 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 to Concrete Applied Technologies Corp., d/b/a CATCO, 1266 Townline Road, Alden, NY 14004, be extended to October 1, 2021, at no additional cost to the County, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-097-21

From: Infrastructure & Facilities and Administration Committees.

Dated: September 21, 2021

ANGELO DELSIGNORE CIVIC BUILDING BOILER INSTALLATION BUDGET MODIFICATION

WHEREAS, funds are required to allow for the installation of two (2) boilers at the Angelo DelSignore Civic Building, and

WHEREAS, funds are available in vacant positions to transfer for this work, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated:

DECREASE APPROPRIATIONS:

A.15.1620.000.71010.00-13402	Positions – HVAC Technician	\$16,500
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INCREASE APPROPRIATIONS:

A.07.9950.000 79010.00	Transfer to Capital Projects	\$16,500
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INCREASE ESTIMATED REVENUE:

H716.15.1620.000.45031.00	Interfund Transfers from Operating	\$16,500
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INCREASE APPROPRIATIONS:

H716.15.1620.000.72200.01	Building Improvements	\$16,500
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-098-21

From: Infrastructure & Facilities Committee.

Dated: September 21, 2021

AWARD CONSULTANT CONTRACT FOR FAÇADE ASSESSMENT/DESIGN SERVICES

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with engineering services related to the assessment, and repairs to the façade structure at 111 Main Street, Lockport, NY, and

WHEREAS, funds are available in account H717.15.1620.000.72200.01, 111 Main Street Façade Rehabilitation, 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 for the design services associated with the assessment and repairs to the façade at 111 Main Street, Lockport, NY be awarded to Nussbaumer & Clarke, Inc., 3556 Lake Shore Road, Suite 500, Buffalo, NY 14219, for a contract amount not to exceed \$31,700.00, 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. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-099-21

From: Infrastructure & Facilities Committee.

Dated: September 21, 2021

DEPARTMENT OF PUBLIC WORKS - BUDGET MODIFICATION

WHEREAS, the Buildings and Grounds Department provides support services to all office buildings and park land, and

WHEREAS, funds are required to pay for the removal of wallpaper and patching/painting of the office area leased by the New York State Department of Labor at the Trott ACCESS Center, as per the executed ten (10) year lease agreement, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated:

DECREASE APPROPRIATION:

A.15.1620.000.71010.00	Positions	
	Bldg Maintenance Mechanic No. 13351	\$10,000.00
	Bldg Maintenance Mechanic No. 13353	10,000.00
	Cleaner/Laborer No. 13589	8,000.00
	General Repair Person II No. 13593	9,000.00
	General Repair Person II No. 13668	7,000.00
	HVAC Technician No. 13402	8,830.00

INCREASE ESTIMATED APPROPRIATION:

A.15.1620.000.74800.03	Building Maintenance Supplies	\$52,830.00
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Moved by Bradt, seconded by Virtuoso.
Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-100-21

From: Infrastructure & Facilities and Administration Committees.

Dated: September 21, 2021

DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION BUDGET MODIFICATION

WHEREAS, the Public Works Department, Engineering Division, is in need of a multifunction color plotter, now, therefore, be it

RESOLVED, that the following budget modification be effectuated to allow for the purchase of a multifunction color plotter by the Engineering Department:

INCREASE ANTICIPATED REVENUE:

A.15.1440.000 41289.09	Other General Gvt Income Salary Reimbursement	\$4,945.81
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DECREASE ANTICIPATED EXPENDITURES:

A.15.1440.000 71030.00	Part-Time Expense Position #13531	\$1,054.19
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INCREASE ANTICIPATED EXPENDITURES:

A.15.1440.000 72100.05	Computer Equipment	\$6,000.00
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-101-21

From: Infrastructure & Facilities and Administration Committees.

Dated: September 21, 2021

**REPLACEMENT OF BEAR RIDGE ROAD BRIDGE OVER
AN UNNAMED STREAM-ADDITIONAL FUNDING**

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

WHEREAS, it is necessary to increase revenue to allow the project to proceed, 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:

INCREASE REVENUE:

H713.15.5197.000 43501.00	Consol Hwy Aid Revenue	\$80,000
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INCREASE APPROPRIATIONS:

H713.15.5197.000 72600.02	Bridges	\$80,000
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and be if further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-102-21

From: Infrastructure & Facilities and Administration Committees.

Dated: September 21, 2021

**KRULL PARK SHORELINE REHABILITATION PROJECT
DESIGN SERVICES CONTRACT - CHANGE ORDER NO. 1**

WHEREAS, Resolution No. IF-127-19, dated November 19, 2019, awarded the design services contract for the Krull Park Shoreline Rehabilitation project to WSP USA, 50 Lakefront Blvd, Suite 111, Buffalo, NY 14202, for a contract amount of \$375,979, and

WHEREAS, it is necessary to extend the contract completion date to December 31, 2022, to allow for final design services, 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 to, WSP USA, 50 Lakefront Blvd, Suite 111, Buffalo, NY 14202, be extended to December 31, 2022, at no additional cost to the County, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-103-21

From: Infrastructure & Facilities and Administration Committees.

Dated: September 21, 2021

HUNT STREET BRIDGE REPLACEMENT PROJECT OVER BERGHOLZ CREEK

WHEREAS, the Department of Public Works closed the Hunt Street Bridge over Bergholz Creek in 2017 due to extensive bridge repairs required as noted in the New York State Department of Transportation inspection flags, and

WHEREAS, the County Legislature hereby directs the Department of Public Works to procure an engineering firm for the Preliminary Design work for the replacement of the Hunt Street Bridge over Bergholz Creek, and

WHEREAS, the County hereby directs the Department of Public Works to proceed with the replacement of the Hunt Street Bridge and apply for federal/state aid to assist with the construction phase of this bridge replacement project, and

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

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

RESOLVED, that the following budget modification be effectuated:

INCREASE ANTICIPATED REVENUE:

H729.15.5197.000 43501.00	Consol Highway Aid Revenue	\$100,000
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INCREASE ANTICIPATED APPROPRIATIONS:

H729.15.5197.000 72600.02	Infrastructure-Bridges	\$100,000
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and be it further

RESOLVED, that the sum of \$100,000 is hereby appropriated in account H729.15.5197.000 72600.02 and made available to cover the preliminary design phase of the project.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-104-21

From: Infrastructure & Facilities and Administration Committees.

Dated: September 21, 2021

**WAIVER OF RESIDENCY REQUIREMENT
COMMUNICATIONS TECHNICIAN/COMPUTER PROGRAMMER POSITION
IT DEPARTMENT**

WHEREAS, the Niagara County IT Department has permission to fill a Communications Technician/Computer Programmer position vacancy, and

WHEREAS, all Niagara County candidates who applied were not deemed qualified, and

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

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

RESOLVED, that a Waiver of Residency from the policy to hire only Niagara County residents be approved to fill the vacant Communications Technician/Computer Programmer position when the most qualified applicant resides outside Niagara County.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IL-026-21

From: Legislators Rebecca J. Wydysh, David E. Godfrey and Jesse P. Gooch.

Dated: September 21, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
INTER-MUNICIPAL PATROL VEHICLE AGREEMENT
TOWN OF WHEATFIELD**

WHEREAS, Niagara County currently possesses a 2019 Dodge Charger AWD Police Vehicle previously used by the Niagara County Sheriff's Office with odometer readings of approximately 141,228 which is are longer needed for County use and which the County wishes to declare as surplus property, and

WHEREAS, the Town of Wheatfield are in need of a vehicle matching the above description for use by the Town of Wheatfield Constables in the performance of their law enforcement duties, and

WHEREAS, the Inter-Municipal Agreement between the County of Niagara and the Town of Wheatfield has been drafted by the County Attorney's Office which details the terms of a transfer of the aforementioned 2019 Dodge Charger AWD Police Vehicle, now, therefore, be it

RESOLVED, that the County of Niagara declares the 2019 Dodge Charger AWD Police Vehicle to be surplus property and authorizes an agreement with the Town of Wheatfield to transfer the ownership of the 2019 Dodge Charger AWD Police Vehicle, 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 agreement with the Town of Wheatfield.

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

Carried.

Moved by Godfrey, seconded by Gooch.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IL-027-21

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

Dated: September 21, 2021

CONNECTING NIAGARA UNIVERSITY TO THE NIAGARA RIVER GORGE

WHEREAS, New York State now leads the nation in making world class biking trails, with the goal of connecting all our communities to safe non -automotive transportation, and

WHEREAS, Niagara University has over 4,000 students, with a goal to create a bike friendly campus, and encourage active recreation, and already has built a bike trail to Reservoir State Park (the NU Power Trail), but has no connection to the Shoreline Trail which lies immediately across route 104, and

WHEREAS, The intersection at 104 and Hyde Park Blvd. is currently hazardous lacking a safe crosswalk, signal lights and logos for the student population who would like to connect to the trails leading North and South across the Niagara Region, and

WHEREAS, New York State is dedicated to promoting the Shoreline Trail and creating access to the trail system from surrounding communities making the connection from Niagara University to Devil's Hole an essential part of trail access, and

WHEREAS, The Ralph C. Wilson Jr. Gateway Plaza at Devil's Hole which is currently under construction will provide new opportunities to connect the NU Power Trail with the Shoreline Trail System and the new \$50 million Gorgeview trail leading to the downtown business district, and

WHEREAS, there are in place plans to reconfigure the intersection at Hyde Park and 104 making this the perfect opportunity to create a safe, secure connection, giving over 4,000 students the freedom to enjoy the Shoreline Trail and patronize the businesses in the Niagara Region, now, therefore, be it

RESOLVED, that Niagara County Legislature is asking that New York State consider a traffic calming / public access design on Route 104 in front of Niagara University, and be it further

RESOLVED, that copies of this resolution be sent to Governor Cuomo, Leaders of the State Assembly and Senate, Assemblymen Angelo J. Morinello, Senator Robert G. Ort, Senator Timothy M. Kennedy, U.S Congressman Brian Higgins, Lewiston Supervisor Steven Broderick, Niagara Falls Mayor Robert Restaino, Niagara Falls City Council, Francis P. Cerillo Regional Director NY State Department of Transportation.

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

Carried.

Moved by Robins, seconded by Mullane.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IL-028-21

From: Legislators Randy R. Bradt, Jesse P. Gooch and David E. Godfrey.

Dated: September 21, 2021

**RESOLUTION FOR MATCHING NIAGARA COUNTY COMMUNITY COLLEGE'S FUNDING
TO CONSTRUCT THE NIAGARA COUNTY LAW ENFORCEMENT ACADEMY**

WHEREAS, the County of Niagara, City of Niagara Falls and Niagara County Community College recently entered into an Intermunicipal Agreement for the operation of the Niagara County Law Enforcement Academy at the college campus of Niagara County Community College, and

WHEREAS, the Niagara County Community College provided space as a short-term solution, however a new space with up-to-date technology is needed to provide optimal training and education to the law enforcement officers and pre-employed students in the Criminal Justice program, and

WHEREAS, to meet this need, Niagara County Community College, as part of its capital plan, will undertake development of a new 14,000 square foot facility to provide simulation labs and classroom space for the Niagara County Law Enforcement Academy (NCLEA), which will be utilized to provide the foundation anchor for their Criminal Justice Program, while simultaneously allowing for the County's law enforcement officers to be integrated/educated utilizing this up to date and modern facility, and

WHEREAS, the total cost of developing the NCLEA building has been estimated at \$4,540,000.00, additional funds will be provided for re-pavement for Lot #4, estimated at \$400,000, and

WHEREAS, Niagara County Community College is applying for matching funds from the SUNY Community College Capital Program to assist in funding the construction of the new facility and parking lot as noted, now, therefore, be it

RESOLVED, that the County of Niagara agrees to participate in this venture of up to \$3,000,000.00, and be it further

RESOLVED, the County of Niagara will utilize funds from the Coronavirus State and Local Fiscal Recovery Fund, a part of the American Rescue Plan Act, to match funding for the new facility providing that the project is fully funded.

Referred to the Economic Development Committee and Administration Committee.

Resolution No. IL-029-21

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

Dated: September 21, 2021

**RESOLUTION RECOGNIZING NIAGARA COUNTY
EMPLOYEES WORKING THROUGH
THE COVID-19 SHUTDOWN**

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

WHEREAS, many County employees were still required to work throughout the shutdown and with the heightened risk of contracting Covid-19, and

WHEREAS, these valued employees continued to serve the County, many even entering the homes of people suspected to have Covid-19, and

WHEREAS, the Niagara County Legislature appreciates the hard work and dedication of all of its employees, and

WHEREAS, the Niagara County Legislature especially recognizes those Niagara County first responders and employees that worked throughout the Covid-19 shutdown amidst the heightened threat of contracting the virus, now, therefore, be it

RESOLVED, the Niagara County Legislature requests the County Manager to prepare a plan and report back to the Legislature by October 13, 2021 with a budget amount and who shall qualify for and receive the premium pay, and be it further

RESOLVED, that the Niagara County Legislature shall approve the individual names suggested by the County Manager.

Referred to the Economic Development Committee and Administration Committee.

Resolution No. IL-030-21

From: Legislators Richard L. Andres, Anthony HJ. Nemi, John Syracuse, Randy R. Bradt, Owen T. Steed, Jesse P. Gooch and Parks and Recreation & Tourism Ad Hoc Committee.

Dated: September 21, 2021

**SUPPORT FOR THE RIVIERA THEATRE AND ORGAN PRESERVATION SOCIETY
RIVIERA THEATRE EXPANSION PROJECT PHASE 3**

WHEREAS, the Niagara Power Coalition ("NPC") and the New York Power Authority agreed to a licensing settlement for the next 50 years for the Niagara Power Project, and

WHEREAS, that settlement allows Niagara County to receive, through NPC Host Community Standing Committee ("HCSC"), up to \$390,000 annually to fund projects which are found to be consistent with the Niagara Greenway projects along the Greenway Trail, and

WHEREAS, the Riviera Theatre and Organ Preservation Society, Inc. has made application to the Niagara County's Ad Hoc Committee on Recreation and Tourism for Greenway funds to support Phase 2 and Phase 3 of the Riviera Theatre Expansion Project, and

WHEREAS, Phase 2 of the Riviera Theatre Expansion Project consisted of the acquisition of adjacent property at 71 Webster Street, North Tonawanda, which Riviera Theatre has now closed on the purchase, and

WHEREAS, Phase 3 of the Riviera Theatre Expansion Project includes a conceptual design and operational study of the newly acquired 6,195 square foot building for the purposes of converting the existing space into modern patron amenities, including accessible modern restrooms, a concession and bar area, along with updated dressing rooms for the performers, together with the renovation of the 6,195 square foot building, which will give the Riviera Theatre a greater downtown footprint and street front presence, and allow for new accessible restroom facilities as well as a larger and more accessible lobby area to improve the general patron experience as well as provide accessibility for people of all ages and mobility levels, and

WHEREAS, Phase 3 of the Riviera Theatre Expansion Project will allow the Riviera Theatre to increase the variety and scope of cultural programs offered, which will generate revenue, increase the comfort of patrons, generate foot traffic along the Erie Canal and in the City of North Tonawanda and increase the visibility of the Niagara River Greenway as a cultural and arts destination, and

WHEREAS, the Riviera Theatre Expansion Project will cause a positive economic impact in the City of North Tonawanda and County and enhance the visitor experience, and

WHEREAS, the application is requesting \$175,000.00 to be utilized, along with previous efforts, for a total project cost of over two million dollars, and

WHEREAS, the Riviera Theatre has already completed the purchase of 71 Webster Street to expand the theatre with needed space and modernization of its facilities and is looking for \$175,000.00 to be used strictly for development stage of Phase 3 with \$120,000.00 to be immediately available for engineering and architectural construction documents, and

WHEREAS, the Riviera Theatre Expansion Project Phase 3 has the support and approval of Legislators Richard Andres, Jesse P. Gooch, Randy R. Bradt, City of North Tonawanda Mayor Arthur G. Pappas and Lumber City Development Corporation, and

WHEREAS, the Ad Hoc Committee for Recreation and Tourism Fund appointed by the Niagara County Legislature to review projects brought to Niagara County seeking funding from Niagara County through the Niagara Power Coalition and the Host Community Standing Committee; has recommended that Niagara County approve and support this project, and

WHEREAS, the Riviera Theatre and Organ Preservation Society has utilized great effort and is complimented for seeking and obtaining additional funds to lower their actual request for funds; and

WHEREAS, after receipt of in-kind services and primary financing and grant support from other sources, \$175,000.00 is being requested, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the funding of \$175,000.00 for the Riviera Theatre and Organ Preservation Society Phase 3 of Riviera Theatre Expansion Project when presented to the Niagara Power Coalition and the Host Community Standing Committee.

Moved by Bradt, seconded by Gooch.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

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

The Chairman declared the Board adjourned at 6:32 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

Alysa T. Moran, Clerk