

A public hearing was held pursuant to ED-019-22, adopted by the Legislature on September 13, 2022, for the purpose of hearing public comments to Consider Inclusion of Viable Agricultural Land within Agricultural District No. 7. Legislator Andres opened the hearing at 5:45 p.m. and closed it at approximately 5:55 p.m.

OFFICIAL RECORD

Lockport, New York
October 18, 2022

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

Clerk Tomasino called the roll. All Legislators were present, with the exception of Legislator Myers.

Chairman Wydysh asked the new Interns to introduce themselves.

A moment of Silence was held for retired Niagara County Court Judge Matthew J. Murphy III.

PRESENTATIONS:

Legislator Gooch called Director of Mental Health Laura Kelemen to the lectern to announce the winners of the Suicide Prevention Coalition Logo Contest.

Legislator Gooch called County Clerk Joe Jastrzemski and the staff from the Pistol Permit Office to the lectern to present a Proclamation of Recognition for their great work, their unwavering dedication to their job.

NIMAC Chairman John Cooper was called to the lectern to give an update 2022 Legislative Briefing.

Director of Mental Health Services Laura Kelemen was called to the lectern to give an update on Mental Health Services.

No Citizens spoke on the Agenda

Chairman Wydysh pulled CSS-096-22 from the Preferred Agenda.

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

Resolution No. AD-021-22 was read at this time. (Appears in numerical order)

Resolution No. AD-022-22 was read at this time. (Appears in numerical order)

Resolution No. AD-018-22

From: Administration Committee.

Dated: October 18, 2022

RESOLUTION TO PARTICIPATE IN AND RECEIVE FUNDS FROM NYS FRONTLINE HEALTH CARE WORKER BONUS PROGRAM

WHEREAS, Governor Hochul launched the Health Care Worker Bonus Program pursuant to Part ZZ of Chapter 56 of the Laws of 2022, and

WHEREAS, the Health Care Worker Bonus Program allows qualified employers to issue bonus payments to frontline health care workers to "recruit, retain, and reward health care and mental hygiene workers" meeting specified eligibility requirements, and

WHEREAS, the bonus amounts will be commensurate with the number of hours worked by eligible workers covered by the Health Care Worker Bonus Program during the five designated vesting periods for up to a total of \$3,000 per covered worker, and

WHEREAS, the five vesting periods will be designated as vesting period 1: 10/1/21 – 3/31/22, vesting period 2: 4/1/22 – 9/30/22, vesting period 3: 10/1/22 – 3/31/23, vesting period 4: 4/1/23 – 9/30/23, vesting period 5: 10/1/23 – 3/31/24, and

WHEREAS, that qualified employees who work at least 20 hours but no more than 30 hours per week are eligible for a bonus of \$500, qualified employees who work at least 30 but no more than 35 hours per week are eligible for a bonus of \$1,000, qualified employees who work at least 35 hours per week are eligible for a bonus of \$1,500, and

WHEREAS, that qualified employees are eligible for up to two vesting periods and the maximum any qualified employee may receive is \$3,000, and

WHEREAS, the funds to pay for this initiative will be paid by the NYS Frontline Health Care Worker Bonus Program, and

WHEREAS, eligible frontline direct care health and mental hygiene care workers are designated by title within the regulation, and

WHEREAS, Niagara County is designated as a qualified employer and must provide eligible employees with an Employee Attestation Form which must be completed and be returned to Niagara County administration prior to submitting claims for bonus payments, and

WHEREAS, Niagara County as a qualified employer must submit timely claims to NYS and must pay timely approved and funded bonus amounts to qualified employees based on the number of hours worked during the applicable vesting periods, and

WHEREAS, the Human Resources Department will work with the Mental Health Department and Public Health Department Administration, Management and Budget Office, County Manager's Office, and Niagara County Treasurer's Office to coordinate bonus payments to eligible employees pursuant to the NYS Frontline Health Care Worker Bonus Program, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE ESTIMATED REVENUE:

Public Health

A.20.4059.000 43489.07	Other Health – NYS Healthcare Worker's Bonus	\$27,450.75
A.20.4189.401 43489.07	Other Health – NYS Healthcare Worker's Bonus	\$17,762.25

Mental Health

A.21.4310.000 43489.07	Other Health – NYS Healthcare Worker's Bonus	\$58,131.00
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INCREASE APPROPRIATIONS:

Public Health

A.20.4059.000 71015.00	NYS Healthcare Worker's Bonus	\$25,500.00
A.20.4189.401 71015.00	NYS Healthcare Worker's Bonus	\$16,500.00
A.20.4059.000 78200.00	FICA Expense	\$ 1,950.75
A.20.4189.401 78200.00	FICA Expense	\$ 1,262.25

Mental Health

A.21.4310.000 71015.00	NYS Healthcare Worker's Bonus	\$54,000.00
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A.21.4310.000 78200.00	FICA Expense	\$ 4,131.00
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Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. AD-018-22

From: Administration Committee.

Dated: October 18, 2022

**RESOLUTION TO AUTHORIZE THE COUNTY ATTORNEY TO USE FUNDS
FROM THE COMMITTED FUND BALANCE FOR CWM LITIGATION MATTERS**

WHEREAS, by resolution AD-029-19, any unspent funds in account A.11.1930.110 74350.01 were set aside as a committed fund balance (A.11.1930.110 40599.01) and to be used for future litigation concerning the toxic hazardous waste facility Chemical Waste Management, and

WHEREAS, the County Attorney's special litigation (Environmental) line A.11.1930.110 74350.01 has been depleted due to the cost of the defense of the CWM Environmental matters, as site hearings have commenced; therefore it is necessary to use the Committed Fund balance set aside to pay for this Environmental Litigation matters concerning CWM Chemical Services LLC, now, therefore, be it

RESOLVED, that the following 2022 budget modification be effectuated to fund such services:

INCREASE COMMITTED FUND BALANCE:

A.11.1930.110 40599.01	Committed Fund Balance	\$50,000.00
	Expert Legal Services	
	Environmental Matters	

INCREASE APPROPRIATIONS:

A.11.1930.110 74350.01	Contractual Expenses	\$50,000.00
	Special Litigations	

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. AD-019-22

From: Administration Committee.

Dated: October 18, 2022

**RESOLUTION IN SUPPORT OF THE SNOWMOBILE TRAIL DEVELOPMENT
AND MAINTENANCE FUND**

WHEREAS, snowmobiling is a key contributor to Niagara County's winter tourism industry, bringing significant spending by snowmobiling supporting our restaurants and small businesses, and contributes up to \$868 million annually to the Upstate New York economy, and

WHEREAS, Niagara County snowmobile clubs maintain over 85 miles of trails throughout the county, and 10,500 miles of trails statewide, and

WHEREAS, the maintenance of the snowmobile trails in Niagara County is completed almost entirely by volunteers who are members of snowmobile clubs, and

WHEREAS, we must ensure that Niagara County's snowmobile trail infrastructure is in a condition to welcome snowmobilers and that the trails are as safe and well maintained as they can be, and

WHEREAS, since 1987, the New York State Snowmobile Trail Development and Maintenance Fund has been utilized by municipalities and their snowmobile club partners to properly groom and maintain their local snowmobile trails, including through the purchase of necessary equipment, and

WHEREAS, the Snowmobile Trail Development and Maintenance Fund is fully funded through the registration of snowmobilers participating in the sport, and has no general assessment on taxpayers, and

WHEREAS, the snowmobile community, including the New York State Snowmobile Association, and the clubs in Niagara County have requested an increase in the snowmobile registration fees to support trail maintenance, and

WHEREAS, there has not been a registration fee increase for snowmobiles since 2005, while there have been registration fee increases in surrounding states, and

WHEREAS, there is significant inflation throughout the country, including on critical machinery needed to maintain the trails, and

WHEREAS, Niagara County supports the snowmobiling community and the economic impact that snowmobiling has on our businesses and people, and

RESOLVED, that the Niagara County Legislature respectfully requests that the Governor and Legislature support increases to snowmobile registration fees that will in turn create more financial support for the Snowmobile Trail Development and Maintenance Fund, the utilization of which supports critical winter tourism in Niagara County.

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. AD-020-22

From: Administration Committee.

Dated: October 18, 2022

**AUTHORIZING NIAGARA COUNTY TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT
FOR THE REGIONAL DREDGING MANAGEMENT COUNCIL**

WHEREAS, Resolution No. IL-046-19 previously approved a Memorandum of Understanding between the Counties of Niagara, Orleans, Cayuga and Wayne to accomplish the first steps in the implementation of a Regional Dredging Management Plan for the harbors serving navigation along the south shore of Lake Ontario, now, therefore be it

RESOLVED, that this Legislature authorizes the Chairman to enter into and sign an Inter-municipal agreement with the Counties of Cayuga, Monroe, Orleans and Wayne for the Regional Dredging Management Council, said agreement details the tasks and obligations of dredging waterways and areas throughout the five (5) county area, and be it further

RESOLVED, that following the County Attorney review, the Inter-municipal agreement shall be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. AD-021-22

From: Administration Committee.

Dated: October 18, 2022

RESOLUTION APPOINTING ELECTION COMMISSIONERS - BOARD OF ELECTIONS

WHEREAS, the Election Law of the State of New York requires that County Election Commissioners be appointed by the county legislative body, and

WHEREAS, the current terms will expire December 31, 2022, and

WHEREAS, the Democratic County Committee of Niagara County recommended Lora A. Allen and the Republican County Committee of Niagara County recommended Jennifer A. Sandonato, both as suitable and qualified for the appointment to the office of the Commissioner of Elections, now, therefore, be it

RESOLVED, pursuant to Election Law 3-204 that the Niagara County Legislature hereby confirms the appointment of Lora A. Allen as Democratic Election Commissioner and Jennifer A. Sandonato as the Republican Election Commissioner of the Niagara County Board of Elections for a four year term, beginning January 1, 2023 and ending December 31, 2026.

Approved for submission.

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. AD-022-22

From: Administration Committee.

Dated: October 18, 2022

**AWARD OF COUNTY OF NIAGARA 2023 – 2024 GROUP MEDICARE ADVANTAGE PLAN
RFP #2022-48**

WHEREAS, the NCHP through Niagara County Purchasing, conducted a Request for Proposal (“RFP”) for provision of an insured Medicare Advantage Group Plan policy pursuant to collective bargaining agreements and NCHP available retiree options, and

WHEREAS, the NCHP Plan Administrator, with the assistance of the County’s healthcare consultant, conducted a review of responses, received best and final offers and formulated a detailed data analysis of comparative plan benefits, and financials, and

WHEREAS, 2 vendors responded to the RFP (1 incumbent, 1 new bidder), all responses were reviewed and finalists had an opportunity to respond to questions, and

WHEREAS, based on the factors of increased nationwide network, reduced premiums, same and/or enhanced benefits, greater network access, with a 2 year rate guarantee with the expectation of a savings of 1 Million Dollars in Year 1, and

WHEREAS, the NCHP Plan Administrator and County Manager correspondingly recommend to the Legislature that Niagara County switch from the incumbent Independent Health, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby approves the award of an agreement between NCHP and United Healthcare for the period beginning January 1, 2023 to December 31, 2024, for provision of a National Network Medicare Advantage Group Plan, and be it further

RESOLVED, that the Chairman of the Legislature or County Manager is hereby authorized and directed to execute said contracts in form and content as reviewed and approved as to legal form by the Niagara County Attorney.

Approved for submission.

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. CS-042-22

From: Community Services and Administration Committees.

Dated: October 18, 2022

**MH - 2022 BUDGET MODIFICATION – ACCEPT UNITED STATES DEPARTMENT
OF JUSTICE (DOJ) COMPREHENSIVE OPIOID, STIMULANT, AND
SUBSTANCE ABUSE PROGRAM'S (COSSAP) GRANT**

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

WHEREAS, Niagara County Department of Mental Health and Substance Abuse Services has been awarded Comprehensive Opioid, Stimulant, and Substance Abuse Program's (COSSAP) Grant funding by the Office of Justice Programs at the U.S. Department of Justice, to participate in a locally driven response to the Opioid Epidemic, and

WHEREAS, serving all of Niagara, Niagara County Department of Mental Health and Substance Abuse Services, along with sub-recipient agency Save the Michaels and partners including probation, law enforcement and public health, will create Niagara County PATH-3D (Presenting Alternatives for Treatment and Healing – Deflect, Destigmatize, attend to Diversity, Equity and Inclusion), a two-pronged, harm-reduction approach connecting individuals to recovery supports and treatment while diverting from criminal justice involvement; the project will use a research partner, Niagara University, and

WHEREAS, PATH-3D will continue and expand the community's Quick Response to Opioid Overdose Team (QRT) to include response to overdoses of any drug type and add Family Peer Support (CRPA-F). QRT will expand to include referral sources beyond Law Enforcement, such as other first responders, hospitals, providers, and self-referral. Dispatched to conduct follow-up with individuals post OD, the QRT will engage an individual, assess for and assist with a broad range of social, medical, and recovery support needs. Family support will be provided, including for fatal OD, and

WHEREAS, PATH-3D will also create a Probationer Response Team (PRT), embedding a Licensed Clinician and CRPA into probation to assist probationers at risk of violation or revocation due to substance related issues; the PRT will engage probationers, assess, develop individual plans, and connect participants to recovery supports, and

WHEREAS, the U.S. Department of Justice Comprehensive Opioid, Stimulant, and Substance Abuse Program's (COSSAP) Grant funding requirements give specific staffing criteria for the project management of grant activities and also to work within the Probationer Response Team (PRT), and

WHEREAS, the U.S. Department of Justice Comprehensive Opioid, Stimulant, and Substance Abuse Program's (COSSAP) Grant totals \$1,298,000 spread over a period of 3 years with the opportunity for ongoing and continued funding, as available, now, therefore, be it

RESOLVED, that the department is given authorization to accept the full COSSAP Grant and enter into contracts with Save the Michaels of the World (subrecipient), and Niagara University (subrecipient), and be it further

RESOLVED, that the following position: one (1) Licensed Clinician position, Grade 11, Step 1, at an hourly rate of \$28.50, be created within the Niagara County Department of Mental Health, and filled effective December 1, 2022, to carry out the required roles and responsibilities to under the guidelines and requirements of the U.S. Department of Justice Comprehensive Opioid, Stimulant, and Substance Abuse Program's (COSSAP) Grant, position to be coterminous with funding availability for this position, and be it further

RESOLVED, that the following 2022 budget modifications be effectuated:

INCREASE REVENUES:

A.21.4310.000.44389.13 Comprehensive Opioid, Stimulant, & SA Program \$ 59,102

INCREASE APPROPRIATIONS:

A.21.4310.000.71010	Positions	\$ 4,389
A.21.4310.000.72100.01	Furniture & Fixtures	\$ 6,890
A.21.4310.000.72100.05	Computer Equipment	\$ 3,070
A.21.4310.000.74000.03	Administrative Cost	\$ 130
A.21.4310.000.74375.01	Advertising & Promotion	\$ 500
A.21.4310.000.74375.05	Communications Cellular Phone	\$ 126
A.21.4310.000.74500.01	Contractual Expenses	\$ 32,337
A.21.4310.000.74650.11	Physical Exams/Testing	\$ 105
A.21.4310.000.74675.06	Maintenance In Lieu of Rent (MILOR)	\$ 4,516
A.21.4310.000.74750.12	General Computer Supplies	\$ 6,224
A.21.4310.000.78100	Retirement	\$ 360
A.21.4310.000.78200	FICA	\$ 336
A.21.4310.000.78300	Worker's Comp	\$ 113
A.21.4310.000.78700	Disability	\$ 6

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. CS-043-22

From: Community Services and Administration Committees.

Dated: October 18, 2022

**MH - 2022 BUDGET MODIFICATION – ACCEPT SAMHSA CERTIFIED COMMUNITY
BEHAVIORAL HEALTH CLINIC (CCBHC) GRANT**

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, Niagara County Department of Mental Health and Substance Abuse Services has been awarded grant funding from the Substance Abuse and Mental Health Services Administration, Center for Mental Health Services, to participate in the Certified Community Behavioral Health Clinic (CCBHC) program, and

WHEREAS, Niagara County Department of Mental Health and Substance Abuse Services (NCDMH) will build upon and transform its existing trauma-informed, licensed outpatient clinic and community services to create Niagara County Comprehensive Counseling and Wellness (NCCWC), a CCBHC serving adults with Serious Mental Illness (SMI) and children/youth with Serious Emotional Disturbance (SED) across Niagara. Individuals served will have improved health, wellness, and quality of life, and

WHEREAS, the NCDMH serves individuals who are at extremely high risk, compared to our county, region and NYS on key health indicators, including 12-month rates of inpatient hospital and emergency room visits related to MH, SUD, and medical conditions. Additionally, 60% of persons served have a co-occurring MH/SUD and 30% do not have an active relationship with a Primary Care Provider (PCP), and

WHEREAS, persons served are disproportionately low income, BIPOC, LGBTQ, Veterans, and trauma victims in comparison with the local community, and are disproportionately impacted by health disparities, having less access to quality care, increased barriers due to lack of transportation, and increased fear/stigma associated with seeking help. Additionally, there is a critical shortage of services for children in our community, and

WHEREAS, this funding will allow NCDMH to increase the number of people, including children, who have access to high-quality care and who experience improved health and well-being by supporting and offsetting costs for staff who are engaging in critical services including clinical as well as medical staff (LPN, family nurse practitioner) and training all direct service staff in a range of evidence-based treatment, and

WHEREAS, the funding will allow NCDMH to implement an advanced Electronic Health Record in order to assure effective coordination of consumer care and to create an effective, sustainable CQI/program development process that will utilize data tracking, collection and analytics to assess and improve outcomes at the program, population and sub-population levels, and

WHEREAS, the SAMHSA Certified Community Behavioral Health Clinic (CCBHC) grant funding requirements give specific staffing criteria to provide direct care services, supervision, and assistance to NCDMH administration to ensure the success of CCBHC services, and to be consistent with the rules and regulations of the New York State Office of Mental Health and New York State Office of Alcoholism and Substance Abuse Services, and

WHEREAS, the SAMHSA Certified Community Behavioral Health Clinic (CCBHC) grant totals \$3,826,453 spread over a period of 4 years and Niagara County Department of Mental Health and Substance Abuse Services intends to convert the two positions created for this program to be fully revenue supported; in the event that this does not occur and the positions cannot support themselves through generated revenue at the end of the 4 year grant period, these positions will be coterminous with the funding, now, therefore, be it

RESOLVED, that the department is given authorization to accept the full CCBHC Grant and enter into contract with the Mental Health Association, and be it further

RESOLVED, that the following positions: One (1) Community Mental Health Aide position, Grade 8, Step 1, at an hourly rate of \$22.26 and one (1) Account Clerical I position, Grade 4, Step 1, at an hourly rate of \$18.48 be created within the Niagara County Department of Mental Health, and filled effective December 1, 2022, to carry out the required roles and responsibilities under the guidelines and requirements of the SAMHSA Certified Community Behavioral Health Clinic (CCBHC) grant, and be it further

RESOLVED, that the following 2022 budget modification be effectuated:

INCREASE REVENUES:

A.21.4310.000.44490	Mental Health Revenue	\$ 320,893
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DECREASE REVENUES:

A.21.4310.000.41620	Mental Health Fees Revenue	\$ 61,915
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INCREASE APPROPRIATIONS:

A.21.4310.000.71010	Positions	\$ 6,805
A.21.4310.000.72100.05	Computer Equipment – General	\$ 229,935
A.21.4310.000.74000.03	Administrative Cost	\$ 100
A.21.4310.000.74500.01	Contractual Expense	\$ 17,500
A.21.4310.000.84650.11	Physical Exams/Testing	\$ 291
A.21.4310.000.74750.12	General Computer Supplies	\$ 3,180
A.21.4310.000.78100	Retirement	\$ 514
A.21.4310.000.78200	FICA	\$ 480
A.21.4310.000.78300	Worker's Comp	\$ 161
A.21.4310.000.78700	Disability	\$ 12

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. CSS-086-22

From: Community Safety & Security and Administration Committees.

Dated: October 18, 2022

NIAGARA COUNTY SHERIFF'S OFFICE

BUDGET MODIFICATION – ASSET FORFEITURE FUNDS PURCHASE OF BALLISTIC VESTS

WHEREAS, the Niagara County Sheriff's Office 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 has six (6) new Deputy Sheriffs in the Law Enforcement Academy due to an unusual number of retirements and transfers, and

WHEREAS, the Niagara County Sheriff's Office needs to do a budget amendment to spend asset forfeiture funds on ballistic vests for these new Deputies, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE ESTIMATED REVENUE:

A.17.3110.000 40599.02	Appropriated Fund Balance	Restricted Funds	\$ 5,135
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INCREASE APPROPRIATIONS:

A.17.3110.000 72100.32	Machinery & Equipment Asset Forfeiture	\$ 5,135
	Department of Treasury	

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. CSS-086-22

From: Community Safety & Security and Administration Committees.

Dated: October 18, 2022

NIAGARA COUNTY SHERIFF'S OFFICE

BUDGET MODIFICATION – AMERICAN RESCUE PLAN ACT FUNDS

WHEREAS, Niagara County has received funds through the American Rescue Plan Act Funds to address negative economic impacts caused by the COVID-19 public health emergency, and

WHEREAS, the Niagara County Sheriff's Office has been financially affected by the public health emergency most significantly in the necessary use of overtime to maintain minimum staffing levels due to employee quarantines, to provide security for mass testing sites and to change protocols in the Correctional Facility to allow for quarantine of incarcerated individuals, and

WHEREAS, the 2022 budget must be modified to accept the funds to offset these COVID-19 expenses for January through June of 2022, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE ESTIMATED REVENUE:

A.17.3020.000 44089.07	Federal Aid, Other ARPA State/Local Fiscal Recovery Fund	\$ 1,465
A.17.3110.000 44089.07	Federal Aid, Other ARPA State/Local Fiscal Recovery Fund	\$ 8,047
A.17.3150.000 44089.07	Federal Aid, Other ARPA State/Local Fiscal Recovery Fund	\$54,818

INCREASE APPROPRIATIONS:

A.17.3020.000 71050.00	Overtime Expense	\$ 1,188
A.17.3020.000 78100.00	Retirement Expense	\$ 157
A.17.3020.000 78200.00	FICA Expense	\$ 90
A.17.3020.000 78300.00	Workers Comp Expense	\$ 30
A.17.3110.000 71050.00	Overtime Expense	\$ 5,070
A.17.3110.000 78100.00	Retirement Expense	\$ 2,364
A.17.3110.000 78200.00	FICA Expense	\$ 385
A.17.3110.000 78300.00	Workers Comp Expense	\$ 228
A.17.3150.000 71050.00	Overtime Expense	\$41,621
A.17.3150.000 78100.00	Retirement Expense	\$ 8,920
A.17.3150.000 78200.00	FICA Expense	\$ 3,163
A.17.3150.000 78300.00	Workers Comp Expense	\$ 1,114

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. CSS-088-22

From: Community Safety & Security and Administration Committees.

Dated: October 18, 2022

**NIAGARA COUNTY SHERIFF'S OFFICE FORENSIC LABORATORY
BUDGET MODIFICATION - CREATE AND FILL SENIOR FORENSIC CRIMINALIST**

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 recently had an audit by the New York State Commission on Forensic Science (Commission) in which the Commission identified a need for a Quality Assurance Manager, and

WHEREAS, the Niagara County Sheriff's Office Forensic Laboratory needs to remain accredited to ensure credibility within the law enforcement community as well as the court system, and

WHEREAS, the Sheriff's Office has a need for a Senior Forensic Criminalist to address the need for a Quality Assurance role and to address the high caseload of DNA cases which need to be processed for timely prosecution of criminal cases, 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, and

WHEREAS, there are funds in the 2022 budget from a Forensic Scientist I (Biology) position, which was vacant earlier in the year, now, therefore, be it

RESOLVED, that a Senior Forensic Criminalist position be created and filled at CSEA Job Group 16 Step 1 \$42.43 per hour, and be it further

RESOLVED, that the Niagara County Sheriff's Office be granted a one-time residency waiver to fill the Senior Forensic Criminalist position if the most qualified candidate resides outside of Niagara County, and be it further

RESOLVED, that the following budget modification be effectuated:

DECREASE APPROPRIATIONS:

A.17.3110.000 71010.00	Position Expense	\$11,880
	Forensic Scientist I (Biology) #13651	

INCREASE APPROPRIATIONS:

A.17.3110.000 71010.00	Position Expense	\$11,880
	Senior Forensic Criminalist (#NEW)	

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. CSS-090-22

From: Community Safety & Security and Administration Committees.

Dated: October 18, 2022

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION – ACCEPT DOMESTIC TERRORISM PREVENTION GRANT**

WHEREAS, the New York State Division of Homeland Security and Emergency Services (DHSES) has notified the Niagara County Sheriff's Office that it has been awarded \$172,413 in funds for the performance period September 1, 2022 through August 31, 2024 under the FY2022 DHSES Domestic Terrorism Prevention Grant Program, and

WHEREAS, New York State is allocating \$172,413 to all New York State Counties and New York City in state grant funding, and

WHEREAS, the purpose of the grant is to prevent targeted violence and domestic terrorism through the utilization of Threat Assessment and Management (TAM) teams and the development of comprehensive Domestic Terrorism Plans, and

WHEREAS, the Sheriff's Office would like to start using these grant funds in 2022 to support development of the Domestic Terrorism Plans, now, therefore, be it

RESOLVED, that following the County Attorney's review, the FY2022 DHSES Domestic Terrorism Prevention Grant may be executed pursuant to the Niagara County Contract Policy, and be it further

RESOLVED, that the following budget modification be effectuated:

INCREASE ESTIMATED REVENUE:

A.17.3110.000 43305.02	State Aid, Civil Defense Homeland Security	\$10,000
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INCREASE APPROPRIATIONS:

A.17.3110.000 71050.00	Overtime Expense	\$ 8,115
A.17.3110.000 78100.00	Retirement Expense	\$ 1,055
A.17.3110.000 78200.00	FICA Expense	\$ 620
A.17.3110.000 78300.00	Workers Comp Expense	\$ 210

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. CSS-090-22

From: Community Safety & Security and Administration Committees.

Dated: October 18, 2022

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION – ACCEPT FY22 PAUL COVERDELL
FORENSIC SCIENCE IMPROVEMENTS GRANT**

WHEREAS, the Niagara County Sheriff's Office has been notified by the Bureau of Justice Assistance that it has been awarded \$254,664 in federal grant funds for the performance period October 1, 2022 through September 30, 2025 under the FY22 Paul Coverdell Forensic Science Improvements Grant Program, and

WHEREAS, the grant will be used to improve operations in the Niagara County Sheriff's Office Forensic Laboratory through: the purchase of a new laboratory system to automate processes that are currently done manually, purchasing equipment for increased laboratory safety, purchasing laboratory supplies, funds for laboratory training classes and certification tests, and consultant services with overtime for validation of a new LC-MS/MS System, and

WHEREAS, a budget modification would need to be made in order to start utilizing these grant funds, now, therefore, be it

RESOLVED, that following the County Attorney review, the FY22 Paul Coverdell Forensic Science Improvement Grant may be executed pursuant to the Niagara County Contract Policy, and be it further

RESOLVED, that the following budget modification be effectuated:

INCREASE ESTIMATED REVENUE:

A.17.3110.000 44389.07	Other Public Safety Forensic Lab	\$129,488
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INCREASE APPROPRIATIONS

A.17.3110.000 72100.04	Hospital, Medical, Lab equipment	\$110,000
A.17.3110.000 74300.01	Reimbursements, Travel/Conference	\$ 19,488

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. CSS-091-22

From: Community Safety & Security and Administration Committees.

Dated: October 18, 2022

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION – PERIMETER GATES REPLACEMENT PROJECT**

WHEREAS, Niagara County had Capital Project H632 in 2016 which was closed in 2019 to install a Perimeter Fence Enclosure with Rolling Gates at the Niagara County Sheriff's Office, and

WHEREAS, the Niagara County Sheriff's Office has had multiple performance issues with the rolling gates from this project to the point that one of the gates does not function which causes a security risk, and

WHEREAS, Foit-Albert Associates was the engineer on the project with sub-contractors, including Overhead Door for the gates, and

WHEREAS, the Sheriff's Office referred the issue to the County Attorney's Office for assistance working with the vendor to work out an agreement for financial responsibility for the failures, and

WHEREAS, an agreement was reached for Overhead Door to be partially responsible for the cost of replacing the gates, now, therefore, be it

RESOLVED, that following the County Attorney review, the agreement with Overhead Door for gates being replaced at the Niagara County Sheriff's Office/Jail may be executed pursuant to the Niagara County Contract Policy, and be it further

RESOLVED, that the following budget modification be effectuated:

DECREASE APPROPRIATION:

A.08.1990.000 74500.01	Contingency Fund	\$39,538
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INCREASE APPROPRIATION:

A.17.3150.000 74800.03	Building Maintenance	\$39,538
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Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. CSS-092-22

From: Community Safety & Security and Administration Committees.

Dated: October 18, 2022

**NIAGARA COUNTY SHERIFF'S OFFICE
EXTENSION OF RESIDENTIAL SUBSTANCE ABUSE TREATMENT GRANT TO 2023**

WHEREAS, on May 12, 2020 the Niagara County Legislature accepted a grant from the New York State Department of Criminal Justice Services (Resolution #CSS-022-20) in the amount of \$50,000 for a third year to support a Residential Substance Abuse Treatment (RSAT) Cognitive-Behavioral Intervention Program within the Niagara County Jail for the period of January 1, 2020 through December 31, 2020, and

WHEREAS, the Niagara County Legislature accepted an extension of the Residential Substance Abuse Treatment (RSAT) Cognitive-Behavioral Intervention Program through September 30, 2021 in Resolution #CSS-030-21 on March 23, 2021, and

WHEREAS, the Niagara County Legislature accepted an extension of the Residential Substance Abuse Treatment Grant (RSAT) Cognitive-Behavioral Intervention Program through July 31, 2022 in Resolution CSS-002-22 on January 18, 2022, and

WHEREAS, the Niagara County Legislature accepted an extension of the Residential Substance Abuse Treatment Grant (RSAT) Cognitive Behavioral Intervention Program through September 30, 2022 in Resolution CSS-051-22 on August 8, 2022, and

WHEREAS, the Niagara County Sheriff's Office has been notified by the New York State Division of Criminal Justice Services that the performance period for the grant has been extended through September 30, 2023, and

WHEREAS, this grant will allow the Niagara County Jail to continue this program which addresses substance abuse and addiction issues with the goal of changing the incarcerated individuals' addiction behaviors to improve their lives and reduce recidivism, and

WHEREAS, the grant funds are already in the 2022 budget and remaining funds will be added by resolution to the 2023 budget, now, therefore, be it

RESOLVED, that following the County Attorney review, the Residential Substance Abuse Treatment Grant Extension may be executed pursuant to the Niagara County Contract Policy

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. CSS-093-22

From: Community Safety & Security and Administration Committees.

Dated: October 18, 2022

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

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

WHEREAS, the term of the previous agreement was September 1, 2021 through August 31, 2022, and

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

WHEREAS, the Niagara County Sheriff's Office and the Newfane Central 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, the Newfane Central School District School Resource Officer Agreement may be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. CSS-094-22

From: Community Safety & Security and Administration Committees.

Dated: October 18, 2022

**2022 BUDGET MODIFICATION - FIRE COORDINATOR'S OFFICE
ACCEPT PAYMENTS FOR FIRE INVESTIGATION REPORT FEES**

WHEREAS, the County Fire Investigation team collected fees for reproducing requested fire investigation reports pertaining to multiple investigations, and
WHEREAS, under Public Officers Law §87(1), an agency is allowed to charge a fee for reproducing requested records, and

WHEREAS, the Fire Coordinator's Office received payments from various insurance companies requesting fire investigation reports totaling an amount of \$150.00 for July through October 2022, and

WHEREAS, the Fire Coordinator's Office is reallocating the collected fees to the Fire Investigation Team for needed supplies, at no cost to the County, now, therefore, be it

RESOLVED, that the following 2022 budget modification be effectuated:

INCREASE REVENUE:

A.19.3410.000 41289.08	Other General Gov Income Reimbursement	\$ 150.00
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INCREASE APPROPRIATION:

A.19.3410.000 74550.32	Programs Special Task Force	\$ 150.00
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Moved by Bradt, seconded by Robins.
Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. CSS-095-22

From: Community Safety & Security and Administration Committees.
Dated: October 18, 2022

**2022 BUDGET MODIFICATION - FIRE COORDINATOR'S OFFICE
ACCEPT PAYMENT FOR TECHNICAL RESCUE TEAM (TRT) INCIDENT ON 7/8/22**

WHEREAS, the County Technical Rescue Team responded to an incident on 7/8/22 and some supplies used at the scene are not reusable, and

WHEREAS, the Fire Coordinator's Office invoiced and received payment for the replacement of these supplies from the responsible party in the amount of \$755, and

WHEREAS, the Fire Coordinator's Office needs to replenish the supplies used by the Technical Rescue Team, at no cost to the County, now, therefore, be it

RESOLVED, that the following 2022 budget modification be effectuated:

INCREASE REVENUE:

A.19.3410.000 42690.05	Other Compensation for Loss TRT Reimbursements	\$ 755.00
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INCREASE APPROPRIATION:

A.19.3410.000 74800.16	Safety Equip Under 500	\$ 755.00
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Moved by Bradt, seconded by Robins.
Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. CSS-096-22

From: Community Safety & Security and Administration Committees.

Dated: October 18, 2022

**DISTRICT ATTORNEY BUDGET MODIFICATION – ASSISTANT DISTRICT ATTORNEY
OFF-HOUR COURT APPEARANCE STIPEND**

WHEREAS, the Niagara County District Attorney's Office intends to provide stipend payments to Assistant District Attorneys on call for off-hour criminal arraignments including; weekday evening hours, Holidays, weekend morning and afternoon hours, and weekend City Court appearances, and

WHEREAS, the Niagara County District Attorney's Office has funding available for the remainder of 2022 fiscal year due to position vacancies, and has budgeted for the 2023 fiscal year by utilizing funding that has been made available due to additional grant funds, and

WHEREAS, the Niagara County District Attorney's Office will transfer funds in the amount of \$16,150 from A.02.1165.000.71010.00 Positions to A.02.1165.000.71080.00 Stipend, now, therefore, be it

RESOLVED, that the Niagara County District Attorney's Office is hereby authorized to transfer \$16,150 to A.02.1165.000.71080.00 Stipend for the purpose of stipend payments to Assistant District Attorneys required for on call and appearances at off-hour criminal arraignments.

RESOLVED, that the stipend will be paid in the following fee schedule:

Work day PM CAP duty: \$100

Work day AM CAP duty: \$0 (part of work day)

Weekend/Holiday AM CAP \$125

Weekend/Holiday PM CAP \$125

Weekend in-person NF City Court \$200

Arraignments (may be expanded if additional city courts require in-person arraignments)

and be it further

RESOLVED, that the following budget modifications are effectuated:

DECREASE APPROPRIATIONS:

A.02.1165.000.71080.00	Positions	\$16,150.00
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INCREASE APPROPRIATIONS:

A.02.1165.000.71080.00	Stipend	\$16,150.00
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Chairman Wydysh abstained from voting on this resolution.

Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. CW-019-22

From: Committee of the Whole.

Dated: October 18, 2022

**NIAGARA COUNTY RESOLUTION REQUESTING FUNDS FOR INFRASTRUCTURE
DEVELOPMENT AT A NEW COUNTY OWNED BUSINESS PARK**

WHEREAS, Niagara County is serious in its desire to expand our tax base by attracting new businesses, and

WHEREAS, Niagara County has limited available industrial space available to offer to prospective businesses, and

WHEREAS, Niagara County owns 60 acres of undeveloped land on Junction Road (SBL # 107.00-2-32) in the Town of Cambria, presenting an opportunity for development, but is lacking the necessary infrastructure to be shovel-ready, and

WHEREAS, the Niagara County Legislature unanimously passed Resolution ED-028-21 on December 7, 2021, creating a capital project for site development of the undeveloped land allocating \$500,000 toward the development of a Master Site Development Plan, and

WHEREAS, Niagara County has engaged an engineering firm to develop said plan, and

WHEREAS, Niagara County does not have sufficient funds to build the necessary infrastructure to be shovel-ready, and

WHEREAS, developing this site into a business park could generate millions annually in property tax revenue, and create 300 jobs, now, therefore be it

RESOLVED, that Niagara County hereby seeks \$8 million in New York State funds for the purpose of equipping the Junction Road site with the necessary sewer, water, electric, gas and road infrastructure needed to be a viable shovel-ready business park, and be it further

RESOLVED, that a copy of this resolution be transmitted to the Western New York Regional Economic Development Council for consideration, and be it further

RESOLVED, that Niagara County nominates this project for inclusion as a Regional Priority Project in the Buffalo Niagara Partnership's 2023 Advocacy Agenda.

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. ED-022-22

From: Economic Development and Administration Committees.

Dated: October 18, 2022

APPROVAL OF AN AGREEMENT WITH NIAGARA TOURISM & CONVENTION CORPORATION

WHEREAS, the renewal of an agreement has been proposed by and between the County of Niagara and the Niagara Tourism and Convention Corporation (NTCC), dba Destination Niagara USA, wherein the two parties have agreed to accomplish various tasks and duties in a more economical and efficient manner by working together, and

WHEREAS, the County through the Department of Economic Development promotes Niagara County sportfishing and water resources assets, and

WHEREAS, NTCC as part of its purpose promotes Niagara County's sportfishing and water resources assets, and

WHEREAS, it is in the best interest of the residents of Niagara County for the COUNTY and NTCC to work collaboratively, and

WHEREAS, both agencies would be providing funding and other resources for the marketing program for 2023 in an order not to duplicate efforts and cost, now, therefore, be it

RESOLVED, that the County of Niagara does hereby approve the agreement for 2023 between the parties, and be it further

RESOLVED, that this agreement and all documents necessary to implement the terms and conditions of said agreement are authorized to be executed pursuant to Niagara County's Contract Policy, subject to approval of the County Attorney.

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. ED-023-22

From: Economic Development Committee.

Dated: October 18, 2022

NIAGARA COUNTY PLANNING BOARD BY-LAWS

WHEREAS, the Niagara County Planning Board is an Advisory Board whose members are appointed by the County Legislature, and

WHEREAS, the Niagara County Planning Board conducts reviews of certain classes of planning and zoning actions that are referred by cities, towns, or villages within Niagara County, and

WHEREAS, the Niagara County Planning Board is not currently governed by a set of by-laws, and

WHEREAS, the Niagara County Department of Economic Development collaborated with the County Attorney's Office to create a set of by-laws for the Niagara County Planning Board, and

WHEREAS, these by-laws were presented to the Niagara County Planning Board membership on September 19, 2022, and were voted on and approved unanimously, and

WHEREAS, the by-laws require approval by the Niagara County Legislature, now, therefore, be it

RESOLVED, that the Niagara County Planning Board By-laws be approved, effective October 19, 2022.

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. ED-024-22

From: Economic Development and Administration Committees.

Dated: October 18, 2022

AUTHORIZATION TO CONVEY CERTAIN TAX LIENS TO NIAGARA ORLEANS LAND IMPROVEMENT CORPORATION

WHEREAS, pursuant to Section 902 of the Real Property Tax Law of the State of New York the Niagara County Treasurer, acting in his capacity as Tax Enforcing Officer, acquired tax liens on the following properties commonly known as (the Properties):

130.15-3-2.1	4225 Hyde Park Blvd., Niagara Falls, New York in the Town of Niagara
130.15-5-10	4401 Hyde Park Blvd., Niagara Falls, New York in the Town of Niagara
130.15-5-11	4425 Hyde Park Blvd., Niagara Falls, New York in the Town of Niagara

130.15-5-14 Delaware Ave., Niagara Falls, New York in the Town of Niagara
 130.15-5-15 Delaware Ave., Niagara Falls, New York in the Town of Niagara
 130.15-5-19 4311 Hyde Park Blvd., Niagara Falls, New York in the Town of Niagara
 130.15-5-20 Hyde Park Blvd., Niagara Falls, New York in the Town of Niagara
 130.15-5-21 James Ave., Niagara Falls, New York in the Town of Niagara
 130.15-5-8 Pennsylvania Ave., Niagara Falls, New York in the Town of Niagara
 130.15-5-9 Pennsylvania Ave., Niagara Falls, New York in the Town of Niagara
 131.09-2-28.2 4287 Witmer Rd., Niagara Falls, New York in the Town of Niagara

, and

WHEREAS, the Properties are tax delinquent commercial parcels that require environmental remediation, and

WHEREAS, Section 1616 of the Not-for-Profit Law of the State of New York authorizes a municipality to enter into a contract to sell some or all of the delinquent tax liens held by it to a land bank, and

WHEREAS, the Niagara County Treasurer has requested legislative approval to transfer the above tax liens to the Niagara Orleans Land Improvement Corporation ("NORLIC") with the understanding that the Properties will be put back on the tax rolls into a productive use, and

WHEREAS, the above Properties if foreclosed upon by the County are not needed for municipal purposes, and

WHEREAS, the benefits accruing the County of Niagara (avoidance of the costs of environmental remediation, demolition and other expenses) are in excess of the potential auction value of the properties, now, therefore, be it

RESOLVED, pursuant to County Law Section 215 and Real Property Tax Law Section 902, Niagara County is hereby authorized to enter into a contract with NORLIC to sell the tax liens on 130.15-3-2.1; 130.15-5-10, 130.15-5-11; 130.15-5-14; 130.15-5-15; 130.15-5-19; 130.15-5-20; 130.15-5-21; 130.15-5-8; 130.15-5-9, and 131.09-2-28.2 for one and no more dollars, and be it further

RESOLVED, that following the County Attorney's review, a contract, and all other reasonable and necessary title transfer documents shall be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. ED-025-22

From: Economic Development and Administration Committees.

Dated: October 18, 2022

FIXING DATE AND NOTICE FOR THE PUBLIC HEARING TO GATHER PUBLIC COMMENTS REGARDING THE EFFECTIVENESS OF THE COVID SMALL BUSINESS ASSISTANCE FUND

WHEREAS, the Niagara County Legislature wishes to assess the Community Development Block Grant COVID-19 Response ("CDBG-CV") grant fund funded through the New York State Office of Community Renewal (the "OCR") through the Coronavirus Aid, Relief, and Economic Securities Act ("CARES") that created a small business assistance fund, and

WHEREAS, Niagara County is required to hold a public hearing to provide information to the public and to consider citizen comments regarding the effectiveness of administration of the CDBG-CV funds, now, therefore, be it

RESOLVED, that the County Legislature hereby calls for a Public Hearing whereat all interested parties shall be heard regarding the CDBG-CV program, the County's community development and economic development programs, the County's response to the Coronavirus, and COVID Small Business Assistance Grant Fund. Such Public Hearing to be held on the 15th day of November, at 5:50 p.m. at the Niagara County Courthouse, First Floor, 175 Hawley Street, Lockport, New York, 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 board 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 Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. ED-026-22

From: Economic Development Committee.

Dated: October 18, 2022

**APPROVAL OF LOW COST POWER BENEFIT TO VISHAY THIN FILM, INC.
UNDER THE AGREEMENT FOR THE SALE & PURCHASE OF
NIAGARA PROJECT POWER & ENERGY (ASPNPPE)**

WHEREAS, the County of Niagara entered into the Host Community Relicensing and Settlement Agreement ("HCRSA") on June 25, 2005, and

WHEREAS, the HCRSA entitles the County of Niagara to 9 megawatts of low cost power allocation (at 70% load) from the New York Power Authority, and

WHEREAS, the County of Niagara has made the use of this low cost power allocation for economic development purposes as the top priority for that allocation, and

WHEREAS, there is presently an Agreement for the Sale and Purchase of Niagara Project Power and Energy ("ASPNPPE") that has been approved by the County of Niagara and NYPA and the Governor of the State of New York, and

WHEREAS, the ASPNPPE specifically provides that the County of Niagara, could use its low cost power allocation for economic development purposes, and

WHEREAS, the County of Niagara has taken the necessary actions to fully implement the benefits contained in the HCRSA and the ASPNPPE, and

WHEREAS, the County of Niagara established the Empower Niagara Board by resolution ED-021-07 to review applications for the use of low cost power for economic development by reviewing applications and to make recommendation to Legislature of Niagara County, and

WHEREAS, the County of Niagara has previously awarded to Vishay Thin Film, Inc. for this same project under resolution ED-028-19, 100 Kw (at 70% load factor), which agreement will expire on October 31, 2022, and for which Vishay Thin Film, Inc. has met each part of the previous application, including the number of jobs and capital investment, and

WHEREAS, the Empower Niagara Board has reviewed the renewal request of Vishay Thin Film, Inc. for the use of low cost power for developing and expanding its business in Niagara County, and

WHEREAS, Vishay Thin Film, Inc. has met and exceeded all the criteria qualifying its project for consideration and the Empower Niagara Board is recommending approval of a three-year extension of the agreement, and

WHEREAS, the demand usage of Vishay Thin Film, Inc. has remained at its original demand of 100kw (at 70% load factor) of low cost power, and

WHEREAS, the approval of Niagara County's extension of low cost power will not only maintain economic development in the Niagara County, but also assist Vishay Thin Film, Inc. to remain cost competitive, obtain new business opportunity, retain its existing customer base, and

WHEREAS, the Empower Niagara Board will be recommending the extension of low cost power allocation to Vishay Thin Film, Inc. of 100kw (at 70% load factor) for a period of thirty-six months commencing November, 1, 2022, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby approves Vishay Thin Film, Inc.'s Agreement extension for thirty-six months (36) months commencing November 1, 2022 for 100kw (at 70% load factor) of low cost power benefits from Niagara County, pursuant to low cost power allocation received through the June 25, 2005 HCRSA and ASPNPPE, and be it further

RESOLVED, that this agreement and all documents necessary to implement the terms and conditions of said agreement are authorized to be executed pursuant to Niagara County's Contract Policy subject to approval of the County Attorney.

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. ED-027-22

From: Economic Development Committee.

Dated: October 18, 2022

**APPROVAL OF LOW COST POWER BENEFIT TO
DELFINGEN U.S. – NEW YORK, INC. UNDER AGREEMENT FOR THE
SALE AND PURCHASE OF NIAGARA PROJECT POWER & ENERGY (ASPNPPE)**

WHEREAS, the County of Niagara entered into the Host Community Relicensing and Settlement Agreement ("HCRSA") on June 25, 2005, and

WHEREAS, the HCRSA entitles the County of Niagara to 9 megawatts of low cost power allocation (at 70% load) from the New York Power Authority, and

WHEREAS, the County of Niagara has made the use of this low cost power allocation for economic development purposes as the top priority for that allocation, and

WHEREAS, there is presently an Agreement for the Sale and Purchase of Niagara Project Power and Energy ("ASPNPPE") that has been approved by the County of Niagara and NYPA and the Governor of the State of New York, and

WHEREAS, the ASPNPPE specifically provides that the County of Niagara, could use its low cost power allocation for economic development purposes, and

WHEREAS, the County of Niagara has taken the necessary actions to fully implement the benefits contained in the HCRSA and the ASPNPPE, and

WHEREAS, the County of Niagara established the Empower Niagara Board by resolution ED-021-07 to review applications for the use of low cost power for economic development by reviewing applications and to make recommendation to Legislature of Niagara County, and

WHEREAS, the County of Niagara has previously awarded to Delfingen U.S. – New York, Inc. for this same project under resolution ED-026-19, 150 Kw (at 70% load factor), which agreement will expire on October 31, 2022 and for which Delfingen U.S. – New York, Inc. has met each part of the previous application, including the number of jobs and capital investment, and

WHEREAS, the Empower Niagara Board has reviewed the renewal request of Delfingen U.S. - New York, Inc. for the use of low cost power for developing and expanding its business in Niagara County, and

WHEREAS, Delfingen U.S. - New York, Inc. has exceeded its job and capital investment for its project for consideration and the Empower Niagara Board is recommending approval of a three (3)-year extension of the agreement, and

WHEREAS, the demand usage of Delfingen U.S. - New York, Inc. will remain at 150 kw of low cost power benefits (at 70% load factor) based on its average usage, and

WHEREAS, the approval of Niagara County's extension of low cost power will not only maintain economic development in the Town of Wheatfield and Niagara County, but also assist Delfingen U.S. - New York, Inc. to remain competitive in the manufacture of insulation and wire harness protection industry and have a good economic effect on the community in Niagara County, and

WHEREAS, the Empower Niagara Board will be recommending the extension of and continue the low cost power allocations of 150 kw (at 70% load factor) for a period of three (3) years commencing November 1, 2022, for a period of thirty-six (36) months, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby approves Delfingen U.S. - New York, Inc. agreement extension for three (3) years commencing November 1, 2022 for 150 kw (at 70% load factor) low cost power benefits from Niagara County, pursuant to low cost power allocation received through the June 25, 2005 HCRSA and ASPNPPE, and be it further

RESOLVED, that this agreement and all documents necessary to implement the terms and conditions of said agreement are authorized to be executed pursuant to Niagara County's Contract Policy subject to approval of the County Attorney.

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. ED-028-22

From: Economic Development Committee.

Dated: October 18, 2022

**APPROVAL OF LOW COST POWER BENEFIT TO
WATER HAUS WATERJET, INC. UNDER AGREEMENT FOR THE
SALE AND PURCHASE OF NIAGARA PROJECT POWER & ENERGY (ASPNPPE)**

WHEREAS, the County of Niagara entered into the Host Community Relicensing and Settlement Agreement ("HCRSA") on June 25, 2005, and

WHEREAS, the HCRSA entitles the County of Niagara to 9 megawatts of low cost power allocation (at 70% load) from the New York Power Authority, and

WHEREAS, the County of Niagara has made the use of this low cost power allocation for economic development purposes as the top priority for that allocation, and

WHEREAS, there is presently an Agreement for the Sale and Purchase of Niagara Project Power and Energy ("ASPNPPE") that has been approved by the County of Niagara and NYPA and the Governor of the State of New York, and

WHEREAS, the ASPNPPE specifically provides that the County of Niagara, could use its low cost power allocation for economic development purposes, and

WHEREAS, the County of Niagara has taken the necessary actions to fully implement the benefits contained in the HCRSA and the ASPNPPE, and

WHEREAS, the County of Niagara established the Empower Niagara Board by resolution ED-021-07 to review applications for the use of low cost power for economic development by reviewing applications and to make recommendation to Legislature of Niagara County, and

WHEREAS, the County of Niagara has previously awarded to Water Haus Waterjet, Inc. for this same project under Resolution ED-011-19, 200 Kw (at 70% load factor), which agreement will expire on October 31, 2022, and for which Water Haus Waterjet, Inc. has met each part of the previous application, including the relocation of its business to the Town of Lockport, acquiring additional machinery and equipment and hiring additional employees, and

WHEREAS, the Empower Niagara Board has reviewed the renewal request of Water Haus Waterjet, Inc. for the use of low cost power so that it can remain competitive in the machine shop and waterjet cutting industry which employs 6 full-time people in the Town of Lockport, and

WHEREAS, Water Haus Waterjet, Inc. has met or exceeded all the criteria qualifying its original project for consideration and the Empower Niagara Board is recommending approval of a three-year extension of the agreement, and

WHEREAS, the demand usage of Water Haus Waterjet, Inc. will remain at 200 Kw (at 70% load factor), based on its average usage, and

WHEREAS, the approval of the Water Haus Waterjet, Inc. extension for 200 kw (at 70% load factor) of low cost power will not only maintain economic development in the Town of Lockport and Niagara County, but will also assist Water Haus Waterjet, Inc. to remain competitive in the machine shop and waterjet cutting industry and will also have a good economic effect on the community in Niagara County, and

WHEREAS, the Empower Niagara Board will be recommending the extension of low cost power allocation of 200 kw (at 70% load factor) for a period of three (3) years commencing November 1, 2022, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby approves Water Haus Waterjet, Inc. agreement extension for three (3) years commencing November 1, 2022 for 200 kw (at 70% load factor) low cost power benefits from Niagara County, pursuant to low cost power allocation received through the June 25, 2005 HCRSA and ASPNPPE, and be it further

RESOLVED, that this agreement and all documents necessary to implement the terms and conditions of said agreement are authorized to be executed pursuant to Niagara County's Contract Policy subject to approval of the County Attorney.

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. ED-029-22

From: Economic Development and Administration Committees.

Dated: October 18, 2022

**FIXING DATE AND NOTICE FOR THE PUBLIC HEARING
APPLICATION FOR MICRO-ENTERPRISE GRANT FUNDS**

WHEREAS, the County Legislature wishes to assess the advisability of submitting a Consolidated Funding Application (CFA) to the New York State Office of Community Renewal (the "OCR") for a micro enterprise grant that will support small businesses throughout Niagara County, and

WHEREAS, Niagara County is required to hold a public hearing to provide information to the public and to consider citizens' views on proposed activities and regarding community needs 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 microenterprise program, the county's community needs, and the proposed funding application for CDBG Funds at the Legislative Chambers, Courthouse, Lockport, New York on the 15th day of November, 2022 at 5:45 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, and be it further

RESOLVED, that copies of proposed application will be available for review by any interested party with the Clerk of the Niagara County Legislature.

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. ED-031-22

From: Economic Development Committee.

Dated: October 18, 2022

**RESOLUTION AFFIRMING NIAGARA TOURISM & CONVENTION CORPORATION AS
NIAGARA COUNTY TOURISM PROMOTION AGENCY**

WHEREAS, the New York State Department of Economic Development, Division of Tourism, administers the I Love New York Tourism Matching Funds Program, and

WHEREAS, the New York State Tourism Promotion Act requires the Niagara County Legislature to designate by resolution the official "Tourism Promotion Agency" as the agency authorized to apply for and receive Tourism Matching Funds, and

WHEREAS, the authorization of such designation will remain in effect until rescinded by Niagara County Legislature resolution, and

WHEREAS, Niagara Tourism & Convention Corporation (DBA, Destination Niagara USA) is currently under contract as the official Tourism Promotion Agency for Niagara County, New York, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby affirms that Niagara Tourism & Convention Corporation (DBA, Destination Niagara USA) is the official Tourism Promotion Agency of Niagara County, New York.

Moved by Bradt, seconded by Robins.
Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. IF-126-22

From: Infrastructure & Facilities and Administration Committees.
Dated: October 18, 2022

LEASE AGREEMENT WITH NCCC FOR THE TROTT ACCESS CENTER

WHEREAS, the Niagara County Community College (NCCC), Sanborn, New York, is a partner in the Trott ACCESS Center, Niagara Falls, New York, and

WHEREAS, the County provides space to NCCC for this activity, and

WHEREAS, NCCC is able to obtain New York State Reimbursement for a portion of the costs of the space used in delivering its programs, and

WHEREAS, NCCC needs to have a lease agreement to serve as a basis for its reimbursement claims, 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 Infrastructures and Facilities Committee recommends the attached lease agreement to be entered into with NCCC for office space at the Trott ACCESS Center, and be it further

RESOLVED, that following the County Attorney's review, the Lease for Niagara County Community College may be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.
Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. IF-127-22

From: Infrastructure & Facilities and Administration Committees.
Dated: October 18, 2022

**DEPARTMENT OF PUBLIC WORKS – BUILDINGS AND GROUNDS DIVISION
BUDGET MODIFICATION**

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

WHEREAS, additional funds are required to allow for continued maintenance and security services at the Trott ACCESS Center, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

A 40599.00	Appropriated Fund Balance	\$32,000.00
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DECREASE APPROPRIATION:

A.15.1620.000.71010.00	Positions	
	Account Clerical III No. 13349	\$ 319.10
	Bldg Maintenance Mechanic No. 13351	\$13,000.00

Bldg Maintenance Mechanic No. 13353	\$13,000.00
Cleaner No. 13370	\$ 418.40
Cleaner No. 13381	\$ 408.90
Cleaner/Laborer No. 13738	\$ 4,000.00
General Repair Person II No. 13668	\$25,000.00

INCREASE ESTIMATED APPROPRIATION:

A.15.1620.000.74650.10	Professional Security	\$32,000.00
A.15.1620.000.74800.03	Building Maintenance Supplies	\$56,146.40

Moved by Bradt, seconded by Robins.
 Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. IF-128-22

From: Infrastructure & Facilities and Administration Committees.
 Dated: October 18, 2022

DISBANDING THE BOND LAKE ENVIRONMENTAL AND BEAUTIFICATION COMMITTEE

WHEREAS, Niagara County Resolution No. 505-95 Established the Bond Lake Environmental and Beautification Committee as an advisory group assisting in the planning of Bond Lake Park improvements and to assist in the enhancement of the park as an educational asset for the County of Niagara; and

WHEREAS, said Committee that consists of eighteen volunteers along with the Director of Building and Grounds and a Legislator, with a term limit of 2 years co-terminus with the Legislature, has not convened in several years, and the Legislature has not appointed and/or reappointed volunteers in over six (6) years; and

WHEREAS, according to the Niagara County Legislature Rules of Order, Rule 37, “special committees shall terminate upon the sooner of either the accomplishment of their designated purpose, or end of the calendar year, unless specifically designated otherwise,” therefore, since the committee has not convened to accomplish any further improvements or enhancements to the Park (now named “Clyde L. Burmaster Park”), and several calendar years have passed without the appointment or reappointment of volunteers, it is the desire of the Legislature to disband the Bond Lake Environmental and Beautification Committee, now, therefore, be it

RESOLVED, that the Bond Lake Environmental and Beautification Committee be disbanded, and no longer exist, and be it further

RESOLVED, should said Committee have educational, improvement, or enhancement materials stored at the Clyde L. Burmaster Park (formerly Bond Lake) warming house, and/or any building on the park premises, that said materials be removed upon the adoption of this resolution.

Moved by Bradt, seconded by Robins.
 Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. IF-129-22

From: Infrastructure & Facilities and Administration Committees.
 Dated: October 18, 2022

**APPROVAL OF LEASE EXTENSION BETWEEN THE COUNTY OF NIAGARA AND GROFF’S
 CAFÉ ON THE GREEN, LLC**

WHEREAS, Resolution No. IF-136-20, dated December 1, 2020, approved the lease with Groff’s Café on the Green, LLC for the operation of the golf course concession, for two (2) years, beginning January 1, 2021, and

WHEREAS, this lease extension will be for a period of two (2) years, commencing on January 1, 2023 and ending on December 31, 2024, and

WHEREAS, the rent due for 2023 will be \$16,100 and in 2024 will be \$16,600, plus utilities and \$1,460 for storage space, 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 proposed terms and conditions of the lease agreement, attached as part of this resolution, for the Niagara County Golf Course Concession Lease, in the amount of \$16,100 for 2023 and \$16,600 for 2024, plus \$1,460 for storage, and be it further

RESOLVED, that following the County Attorney's review, the Lease Extension for Groff's Café on the Green, LLC may be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. IF-130-22

From: Infrastructure & Facilities and Administration Committees.

Dated: October 18, 2022

AWARD OF CONTRACT – COURT HOUSE HVAC IMPROVEMENTS, PHASE 1

WHEREAS, the Department of Public Works has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Court House HVAC Improvements, Phase 1, and

WHEREAS, funds are available in account H689.15.1620.000 72200.01, Building Improvements, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on September 15, 2022 as tabulated below:

- | | |
|--|--------------|
| 1. Greater Niagara Mechanical
7311 Ward Road
North Tonawanda, NY 14120 | \$368,300.00 |
| 2. Parise Mechanical
1106 Sheridan Drive
Tonawanda, NY 14150 | \$377,000.00 |
| 3. DV Brown & Associates
567 Vickers Street
Tonawanda, NY 14150 | \$400,000.00 |

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

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

RESOLVED, that the contract for the Court House HVAC Improvements, Phase 1 project be awarded to the lowest responsible bidder, Greater Niagara Mechanical, 7311 Ward Road, North Tonawanda, NY 14120, in the amount of \$368,300, and be it further

RESOLVED, that following the County Attorney's review, the Court House HVAC Improvements, Phase 1 Agreement may be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. IF-131-22

From: Infrastructure & Facilities and Administration Committees.

Dated: October 18, 2022

AWARD OF CONTRACT – EAST CANAL ROAD CULVERT REHABILITATION

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

WHEREAS, funds are available in account number H739.15.5197.000 72600.02, Bridges, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on October 11, 2022 as tabulated below:

- | | | |
|----|---|---------------|
| 1. | Union Concrete and Construction
451 Meyer Road
West Seneca, NY 14224 | \$ 222,221.50 |
| 2. | 4 th Generation Construction
5650 Simmons Avenue
Niagara Falls, NY 14304 | \$ 241,850.00 |
| 3. | Edbauer Construction
2790 Clinton Street
West Seneca, NY 14224 | \$ 286,525.00 |
| 4. | Keeler Construction
13519 West Lee Road
Albion, NY 14411 | \$ 287,580.00 |

and

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

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

RESOLVED, that the contract for the East Canal Road Culvert Rehabilitation Project be awarded to the lowest responsible bidder, Union Concrete and Construction, in the amount of \$222,222, and be it further

RESOLVED, that, following the County Attorney's review, the Agreement for the East Canal Road Culvert Rehabilitation Project may be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. IF-132-22

From: Infrastructure & Facilities and Administration Committees.

Dated: October 18, 2022

**WILSON-BURT ROAD BRIDGE OVER HOPKINS CREEK
CHANGE ORDER NO. 1**

WHEREAS, Resolution No. IF-051-22, dated March 22, 2022, awarded the contract for the Wilson Burt Road Bridge over Hopkins Creek Project to Concrete Applied Technologies Corp., d/b/a CATCO, 1266 Townline Road, Alden, NY 14004, for a contract amount of \$822,536, and

WHEREAS, it is necessary to extend the contract completion date to December 15, 2022, 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 December 15, 2022, at no additional cost to the County, and be it further

RESOLVED, that, following the County Attorney's review, Change Order No. 1 may be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. IF-133-22

From: Infrastructure & Facilities and Administration Committees.

Dated: October 18, 2022

**UPPER MOUNTAIN ROAD OVER FISH CREEK CULVERT REPLACEMENT
CONSULTANT AMENDMENT NO. 1-FINAL**

WHEREAS, Resolution No. IF-016-19, dated February 19, 2019, authorized the contract for consultant services for the Upper Mountain Road over Fish Creek Culvert Replacement Project to CHA Consulting Inc., 2200 Main Place Tower, Buffalo, NY 14202, for a contract amount of \$176,000, and

WHEREAS, it is necessary to decrease the contract in the amount of \$4.22, as the project is now complete, for a revised contract amount of \$175,995.78, 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 Amendment No. 1-Final to decrease the contract by \$4.22 for the Upper Mountain Road over Fish Creek Culvert Replacement Project, for a revised contract amount of \$175,995.78, be approved, and be it further

RESOLVED, that, following the County Attorney's review, the Amendment may be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. IF-134-22

From: Infrastructure & Facilities and Administration Committees.

Dated: October 18, 2022

**LOCKPORT ROAD CULVERT OVER CAYUGA CREEK CULVERT REPLACEMENT
CONSULTANT AMENDMENT NO. 1-FINAL**

WHEREAS, Resolution No. IF-017-19, dated February 19, 2019, authorized the contract for consultant services for the Lockport Road Culvert over Cayuga Creek Culvert Replacement Project to CHA Consulting Inc., 2200 Main Place Tower, Buffalo, NY 14202, for a contract amount of \$207,000, and

WHEREAS, it is necessary to decrease the contract in the amount of \$8.55, as the project is now complete, for a revised contract amount of \$206,991.45, 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 Amendment No. 1-Final to decrease the contract by \$8.55 for the Lockport Road Culvert over Cayuga Creek Culvert Replacement Project, for a revised contract amount of \$206,991.45, be approved, and be it further

RESOLVED, that, following the County Attorney's review, the Amendment may be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. IF-135-22

From: Infrastructure & Facilities and Administration Committees.

Dated: October 18, 2022

**SLAYTON SETTLEMENT ROAD BRIDGE OVER EIGHTEEN MILE CREEK
CONSULTANT AMENDMENT NO. 2-FINAL**

WHEREAS, Resolution No. IF-001-19, dated January 15, 2019, authorized the contract for consultant services for the Slayton Settlement Road Bridge over Eighteen Mile Creek Project to CHA Consulting Inc., 2200 Main Place Tower, Buffalo, NY 14202, for a contract amount of \$290,000, and

WHEREAS, Resolution No. IF-073-20, dated June 16, 2020, increased the contract in the amount of \$200,000 for construction inspection and construction administration, for a revised contract amount of \$490,000, and

WHEREAS, it is necessary to decrease the contract by \$5,096.48, for a revised contract amount of \$484,903.52, 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 Amendment No. 2-Final to decrease the contract by \$5,096.48 for the Slayton Settlement Road Bridge over Eighteen Mile Creek Project, for a revised contract amount of \$484,903.52, be approved, and be it further

RESOLVED, that, following the County Attorney's review, the Amendment may be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.
Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. IF-136-22

From: Infrastructure & Facilities and Administration Committees.
Dated: October 18, 2022

DEPARTMENT OF PUBLIC WORKS – HIGHWAY DIVISION BUDGET MODIFICATION

WHEREAS, the Highway, Bridges and Structures Department provides snow and ice control operations on various county roadways, and

WHEREAS, due to the need for coverage on non-operating hours, the department wishes to create and fill, four (4) Part-time Truck Driver positions to assist with snow removal efforts, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated:

DECREASE APPROPRIATION:

D.15.5010.000.71010.00	Positions	
	Account Clerical III No. 3139	\$29,000

INCREASE ESTIMATED APPROPRIATION:

D.15.5110.000.71010.00	Positions	
	P/T Truck Driver No. X	\$7,250
	P/T Truck Driver No. X	\$7,250
	P/T Truck Driver No. X	\$7,250
	P/T Truck Driver No. X	\$7,250

Moved by Bradt, seconded by Robins.
Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. IF-137-22

From: Infrastructure & Facilities and Administration Committees.
Dated: October 18, 2022

**RESIDENCY WAIVER FOR GIS ANALYST
GIS DEPARTMENT**

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

WHEREAS, the GIS Department recently posted an announcement on job boards and in local newspapers, as well as on the Niagara County website for an extended period of time to attract applicants for the vacant GIS Analyst position, and

WHEREAS, all of the qualified candidates reside outside of Niagara County, now, therefore, be it

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

Moved by Bradt, seconded by Robins.
Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. IF-138-22

From: Infrastructure & Facilities and Administration Committees.

Dated: October 18, 2022

**SECURITY INFORMATION MANAGEMENT
CAPITAL PROJECT BUDGET MODIFICATION**

WHEREAS, the County applied for grant funds from the US Department of Homeland Security (DHS) Federal Funding (Administered by NY State Division of Homeland Security and Emergency Services (DHSES)) to enhance and sustain Niagara County's cyber security posture as well as ensure that their information systems are secure and protected from cyber incidents, and

WHEREAS, the County has successfully secured funds from federal funding under the FY2020 Cyber Security Grant Program, DHSES E-Grant Project ID CY20-1039-E00, in the amount of \$50,000, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE REVENUE:

A.16.3645.000.44305.02	Civil Defense, Homeland Security	\$50,000.00
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INCREASE APPROPRIATIONS:

A.16.3645.000.74500.02	Contractual Expenses/Maintenance Service	\$50,000.00
	Contracts	

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. IF-139-22

From: Infrastructure & Facilities and Administration Committees.

Dated: October 18, 2022

BUDGET MODIFICATION FOR ELECTRIC COSTS – WATER DISTRICT

WHEREAS, Niagara County Water District used estimates provided by Fluent Energy when budgeting for 2022 electric costs, and

WHEREAS, Fluent Energy's revised estimate of costs through year end have greatly increased, and

WHEREAS, there are sufficient funds in the Water District's operating budget and Fund Balance to cover projected deficit, now, therefore, be it

RESOLVED, that the following 2022 budget modification be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

FX.40599.00	Appropriated Fund Balance	\$257,642
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DECREASE APPROPRIATION:

FX.31.1990.000 74500.01	Water Contingency Fund	\$ 88,658
FX.31.8320.000 74500.01	Source of Supply	\$ 39,400

INCREASE APPROPRIATION:

FX.31.8330.000 74850.02	Electric	\$235,000
FX.31.8340.000 74850.02	Electric	\$150,700

Moved by Bradt, seconded by Robins.
Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. IF-140-22

From: Infrastructure & Facilities and Administration Committees.

Dated: October 18, 2022

**A RESOLUTION PROVIDING FOR A PUBLIC HEARING TO CONSIDER A CERTAIN
AMENDMENT INCREASING WATER RATES OF THE NIAGARA COUNTY WATER DISTRICT**

WHEREAS, the Niagara County Water District is a wholesale water producer that sells water to the twelve Towns located within Niagara County, as well as certain Villages and certain “out of district” users, which municipalities in turn sell water to retail users at prices that each determines, and

WHEREAS, the three Cities located within Niagara County each maintain their own water filtration and treatment facilities, and do not rely on the Niagara County Water District for their ordinary supply of water for retail sale within the Cities, and

WHEREAS, the Administrative Board of the Niagara County Water District has determined to establish a certain amendment to the water rates for the Niagara County Water District,

WHEREAS, it is necessary to hold a public hearing before said water rates become finally established, and

WHEREAS, said rates are subject to the approval of the Niagara County Legislature, now, therefore, be it

RESOLVED, that a public hearing be held by the County Legislature of the County of Niagara, with the Administrative Board of the Niagara County Water District, at the Niagara County Courthouse in the City of Lockport, New York, on the 15th day of November, 2022 at 5:30 p.m. to consider said amendment to the water rates, and that at least ten days’ notice of said hearing be published in the official papers of the County of Niagara. A copy of said Notice together with the proposed amendment is as follows:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Administrative Board of the Niagara County Water District and the County Legislature of the County of Niagara will meet at the Niagara County Courthouse in the City of Lockport, New York on the 15th day of November, 2022 at 5:30 p.m. to consider a certain amendment to the water rates as proposed and recommended by the Administrative Board of the Niagara County Water District and to hear all parties interested therein concerning the same. A copy of said proposed amendment to the water rates is on file in the Office of the Niagara County Water District, 5450 Ernest Road, Lockport, New York and in the Office of the Clerk of the County Legislature, located in the Niagara County Courthouse, Lockport, New York, where the same may be examined by any interested person during regular business hours.

The proposed amendment to the Niagara County Water District Rules and Regulations establishing rates, effective January 1, 2023 is as follows:

Section XII – Water Service Classifications and Rates

Classification No. 1 – Rates are hereby established as follows:

Rates for water used by Corporations located within the District with properties subject to Water District Taxes:

Rates for water used by Corporations located outside the District and contributing to District deficits by annual payment in lieu of taxes as set forth by contract between the District and said Corporations.

Water Rate as of January 1, 2023.....\$1.00/1,000 gallons

Water Rate as of January 1, 2025.....\$1.10/1,000 gallons

Water Rate as of January 1, 2027.....\$1.20/1,000 gallons

Classification No. 1A – Rates are hereby established as follows:

Rates for water used by Corporations or other entities located outside the District (out of District rate)

Water Rate as of January 1, 2023.....\$2.00/1,000 gallons

Water Rate as of January 1, 2025.....\$2.20/1,000 gallons

Water Rate as of January 1, 2027.....\$2.40/1,000 gallons

or such other rate that shall be determined by contract between the Niagara County Water District and Corporations or other entities.

Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers.

Resolution No. IL-096-22

From: Legislator Christopher Voccio and Economic Development Committee.

Dated: October 18, 2022

**RESOLUTION IN SUPPORT OF COMMUNITY MISSIONS
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, Community Missions operates a number of programs including one, Girls Circle, designed to help young girls' healthy development, and

WHEREAS, Community Missions would like to operate this program countywide, now, therefore, be it

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

RESOLVED, that Niagara County supports Community Missions by appropriating monies from said Community Partnership Fund as follows:

Community Missions	\$500.00
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Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers

Resolution No. IL-097-22

From: Legislator Christopher Voccio and Economic Development Committee.

Dated: October 18, 2022

**RESOLUTION IN SUPPORT OF DIVINE MERCY FOOD PANTRY
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the Divine Mercy Food Pantry is an important neighborhood group dedicated to the prosperity of the Niagara Street area in Niagara Falls, that is an important corridor in the city, and

WHEREAS, the Divine Mercy Food Pantry has plans for improvements to Gill Creek Park including a Memorial Garden and Remembrance Walk, now, therefore, be it

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

RESOLVED, that Niagara County supports the Divine Mercy Food Pantry by appropriating monies from said Community Partnership Fund as follows:

Divine Mercy Food Pantry	\$500.00
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Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers

Resolution No. IL-098-22

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

Dated: October 18, 2022

**RESOLUTION IN SUPPORT OF THE YOUNGSTOWN LIONS CLUB
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the Youngstown Lions Club has continually served the Town of Porter since 1948, and

WHEREAS, the Lions Club of Youngstown have "volunteer heroes" who continue to serve the Porter, Youngstown/Ransomville, NY communities, and

WHEREAS, the Youngstown Lions Club focuses on providing services to assist those with visual challenges, feeding those that are hungry, diabetes awareness, assisting with our local environmental areas of concern, childhood cancer, those in need, and supporting various community programs, and

WHEREAS, the Youngstown Lions Club is a huge asset to our community, now, therefore, be it

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

RESOLVED, that Niagara County supports the Youngstown Lions Club by appropriating monies from said Community Partnership Fund as follows:

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

Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers

Resolution No. IL-099-22

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

Dated: October 18, 2022

**RESOLUTION IN SUPPORT OF NIAGARA JUNIOR PURPLE EAGLES HOCKEY
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the Niagara Junior Purple Eagles serves the youth of Niagara County in giving them an opportunity to participate in youth hockey, and

WHEREAS, the Niagara Junior Purple Eagles have many participants that come from low income families, and

WHEREAS, the price of participation in youth hockey keeps going up, and

WHEREAS, the Niagara Junior Purple Eagles is constantly hosting tournaments and out of city teams, and

WHEREAS, the Niagara Junior Purple Eagles stress positive character in all participants, now, therefore, be it

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

RESOLVED, that Niagara County supports the Niagara Junior Purple Eagles by appropriating monies from said Community Partnership Fund as follows:

Niagara Junior Purple Eagles	\$2,000.00
Moved by Bradt, seconded by Robins.	
Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers	

Resolution No. IL-100-22

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

Dated: October 18, 2022

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

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

WHEREAS, PABA is an important part of the Pendleton community, offering many children their first opportunity to play organized sports and learn the values of teamwork and sportsmanship, and

WHEREAS, Community Partnership funds help support numerous organizations across Niagara County that are important to local communities like PABA, now, therefore, be it

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

RESOLVED, that Niagara County supports the efforts of the Pendleton Athletic Booster Association by appropriating monies from said Community Partnership Fund as follows:

Pendleton Athletic Booster Association	\$500.00
Moved by Bradt, seconded by Robins.	
Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers	

Resolution No. IL-101-22

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

Dated: October 18, 2022

**RESOLUTION IN SUPPORT OF PROJECT PRIDE IN NORTH TONAWANDA
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the goal of Project Pride is to promote a sense of identity and pride among the residents and business people in North Tonawanda, while attracting visitors to our community, and

WHEREAS, Project Pride seeks support for their beautification efforts in North Tonawanda, and

WHEREAS, these efforts will see improvements on Webster and Oliver Streets, Heritage Park and gateway locations to North Tonawanda on Tremont and Wheatfield Streets, now, therefore, be it

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

RESOLVED, that Niagara County supports Project Pride by appropriating monies from said Community Partnership Fund as follows:

Project Pride	\$6,000.00
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Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers

Resolution No. IL-102-22

From: Legislator Michael A. Hill Economic Development Committee.

Dated: October 18, 2022

**RESOLUTION IN SUPPORT OF THE GASPORT BEAUTIFICATION COMMITTEE
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the Gasport Beautification Committee is a nonprofit organization dedicated to improving the quality of life in Gasport and the surrounding community through numerous community projects and volunteer service, and

WHEREAS, the Gasport Beautification Committee is pursuing funding a for a major project in Royalton Ravine Park, and

WHEREAS, Community Partnership funds help support numerous organizations across Niagara County that are important to local communities like the Gasport Beautification Committee, now, therefore, be it

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

RESOLVED, that Niagara County supports the efforts of the Gasport Beautification Committee by appropriating monies from said Community Partnership Fund as follows:

Gasport Beautification Committee	\$10,000.00
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Moved by Bradt, seconded by Robins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers

Resolution No. IL-103-22

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

Dated: October 18, 2022

**RESOLUTION IN SUPPORT OF THE FIRST PRESBYTERIAN CHURCH OF LEWISTON
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the First Presbyterian Church is the oldest church located in the historic Village of Lewiston, dating back to 1817, and

WHEREAS, the Old Stone Church was built in 1816 and is now on the National Register of Historical Places, and

WHEREAS, the Church has a long history of helping those in their community through programs, ministry, and allowing the use of their buildings for activities and meetings of other organizations, now, therefore, be it

WHEREAS, extensive repairs are required to restore the church's crumbling 50 foot long stone masonry retaining wall, as closely to its original appearance as possible to ensure community activities can continue, and

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

RESOLVED, that Niagara County supports the historic preservation and community outreach efforts of the First Presbyterian Church of Lewiston by appropriating monies from said Community Partnership Fund as follows:

First Presbyterian Church of Lewiston	\$1,500.00
Moved by Bradt, seconded by Robins.	
Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers	

APPOINTMENTS:

COMMUNITY SERVICES BOARD:

Betsy Farkas (replaces Bruce Sheilds)
2726 Brown Rd., Newfane 14108

Appt.

Expires

10/18/22

12/31/22

FISHERIES BOARD:

Thomas Pearse (replaces Paul Phillips)
3389 Greenway Rd. Grand Island, 14072

10/18/22

12/31/24

TRAFFIC SAFETY BOARD:

Craig Guiliani, Chief, Town of Niagara Police Dept. (replaces James Suitor)
7105 Lockport Rd., Niagara Falls 14305

10/18/22

12/31/24

Moved by Bradt, seconded by Robins.

Approved. 14 Ayes, 0 Noes, 1 Absent – Myers

Moved by Bradt, second by Elder to enter into Executive Session at 6:57 p.m. to discuss pending litigation

Moved by Bradt, second by Hill to adjourn Executive Session at 7:12 p.m.

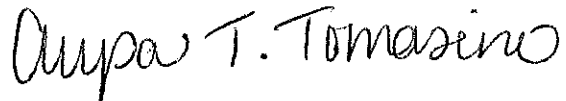
Niagara County Attorney Claude Joerg asked the legislature to vote on NOT OPPOSING the lawsuit filed by Pastor Jimmie Hardaway Jr. against Niagara County District Attorney Brian Seaman requesting a temporary restraining order blocking the enforcement of carrying a concealed firearm in places of worship in New York's New Concealed Carry Improvement Act.

Approved. 14 Ayes, 0 Noes, 1 Absent — Myers

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

The Chairman declared the Board adjourned at 7:24 p.m., subject to the call of the Clerk.

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

A handwritten signature in black ink, reading "Alysa T. Tomasino". The signature is written in a cursive, flowing style.

Alysa T. Tomasino, Clerk