

A public hearing was held pursuant ED-009-21, adopted by the Legislature on February 16 , 2021, to consider citizens' views on proposed activities and regarding community needs prior to submitting and application for Community Development Block Grant (CDBG) / Micro-Enterprise funding. Chairman Wydysh opened hearing at 5:45 p.m. and closed it at approximately 5:46 p.m.

OFFICIAL RECORD

Lockport, New York
March 23, 2021

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

Clerk Moran called the roll. All Legislators were present.

PRESENTATION:

Legislator Godfrey read a proclamation declaring April 11 – 7th, 2021 National Safety Telecommunicator Week in Niagara County.

Legislator Myers read a proclamation on declaring the month of March as “Woman’s History Month” in Niagara County.

Legislator Hill re a proclamation declaring the month of March as “Agriculture Month” in Niagara County.

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

Resolution No. AD-004-21

From: Administration Committee.

Dated: March 23, 2021

NIAGARA COUNTY BOARD OF ELECTIONS BUDGET MODIFICATION – GRANT ACCEPTANCE

WHEREAS, the Niagara County Board of Elections Office has been awarded a grant in the amount of \$119,055.71 for the period of December 21, 2019 through December 31, 2021 from the New York State Board of Elections to implement cybersecurity and the various accompanying services and/or accessories required, and

WHEREAS, the grant will allow the Niagara County Board of Elections Office to purchase equipment and or services regarding cybersecurity, and

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

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

RESOLVED, that the 2021 budget be modified as follows:

INCREASE REVENUE:

A.14.1450.00044089.01	Help America Vote Act	\$119,056
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INCREASE APPROPRIATIONS:

A.14.1450.000 74500.01 Contractual Expense

\$119,056

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. AD-005-21

From: Administration Committee.

Dated: March 23, 2021

**APPROVAL OF VOTING MACHINE AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND
THE NIAGARA FALLS, LOCKPORT, NORTH TONAWANDA, BARKER, LEW-PORT, NEWFANE,
NIAGARA WHEATFIELD, ROY-HART, STARPOINT, SCHOOL DISTRICTS
(§3-224, NEW YORK STATE ELECTION LAW)**

WHEREAS, the Niagara Falls, Lockport, North Tonawanda, Barker, Lew-port, Newfane, Niagara Wheatfield, Roy-Hart, Starpoint School Districts will be conducting an election on May 18, 2021 and requires the use of the Niagara County Board of Elections voting equipment in connection with this election, and

WHEREAS, the Niagara County Attorney's Office has prepared a formal agreement for use between the County of Niagara and the Niagara Falls, Lockport, North Tonawanda, Barker, Lew-port, Newfane, Niagara Wheatfield, Roy-Hart, Starpoint School District, which has been fully approved by the District, a copy of which has been filed with the Clerk of the Legislature, and

WHEREAS, time is of the essence in connection with the approvals by the Niagara County Legislature, and

WHEREAS, under the terms of the agreement the County will provide, and be reimbursed for transportation of the voting machine preparation, programming, and packaging of the voting machine and all necessary Niagara County personnel: the District, among other things, shall furnish at its expense, election custodians and inspectors and also insurance in form, content and amounts as approved by the Niagara County Attorney, and

WHEREAS, the final written agreement between the parties is subject to the review and approval by the parties' respective legal counsel, now, therefore, be it

RESOLVED, that pursuant to the provisions of §3-224 of New York State Election Law, the Chair of the Niagara County Legislature and the Niagara County Election Commissioners are authorized and directed to execute and deliver an agreement, in substantially the form of agreement now filed with the Clerk of the Legislature between and among the County of Niagara, the Niagara County Election Commissioners and the Niagara Falls, Lockport, North Tonawanda, Barker, Lew-port, Newfane, Niagara Wheatfield, Roy-Hart, Starpoint School Districts for the provision, by the County of Niagara, of sufficient voting equipment, including the programming thereof, to the Niagara Falls, Lockport, North Tonawanda, Barker, Lew-port, Newfane, Niagara Wheatfield, Roy-Hart, Starpoint School Districts in connection with any election scheduled to be held during 2021, and be it further

RESOLVED, that the execution and delivery of this equipment, is subject to the approval of the Board of the Niagara Falls, Lockport, North Tonawanda, Barker, Lew-port, Newfane, Niagara Wheatfield, Roy-Hart, Starpoint School Districts and the review and approval of the Niagara County Attorney's Office and counsel to the Niagara Falls, Lockport, North Tonawanda, Barker, Lew-port, Newfane, Niagara Wheatfield, Roy-Hart, Starpoint School Districts, and be it further

RESOLVED, that a true copy of the fully signed and approved agreement be filed by the Clerk of this Legislature simultaneously with the delivery of the or as soon as reasonably possible thereafter.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CS-011-21

From: Community Services and Administration Committees.

Dated: March 23, 2021

ABOLISH AND CREATE POSITIONS – SOCIAL SERVICES

WHEREAS, the Department of Social Services has a Legal Unit made up of one (1) Chief Attorney, three (3) Full-time Assistant Social Services Attorneys and seven (7) Part-time Assistant Social Services Attorneys, and

WHEREAS, one (1) Full-time Assistant Social Services Attorney position has been vacant since November 2020, and

WHEREAS, the position is listed on the Niagara County website for continuous recruitment and most recently was posted for hire on 11/16/2020, and

WHEREAS, three (3) individuals responded to the posting, however, two (2) candidates declined an interview and one (1) candidate failed to present for the interview, and

WHEREAS, the work of the Legal Unit has been re-evaluated and it was determined that a Part-time Assistant Social Services Attorney would better serve the needs of our Department, now, therefore, be it

RESOLVED, that a vacant Assistant Social Services Attorney F/T position #13268, Group X, step 4 at \$35.27 per hour be abolished effective April 5, 2021, and be it further

RESOLVED, that an Assistant Social Services Attorney P/T position, Grade PT ATT-DSS, Salary at \$47,802 annually be created and filled effective April 5, 2021, and be it further

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

FROM:

A.22.6010.000 71010 13268	Assistant Social Services Attorney F/T	\$ 38,923.00
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TO:

A.22.6010.000 71010.xxxxx	Assistant Social Services Attorney P/T	\$ 37,690.00
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A.22.6010.000 78400.05	Health HRA Employer Cont	850.00
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A.22.6010.000 78800.00	Flex 125 Employer Cont	383.00
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CS-012-21

From: Community Services and Administration Committees.

Dated: March 23, 2021

**BUDGET MODIFICATION
CHILD CARE AND DEVELOPMENT FUND**

WHEREAS, Executive Budget did make Federal funds available to local districts for the provision of early childhood development and before-and-after school child care services and of quality improvement activities under the Federal Child Care and Development Block Grant Program, and

WHEREAS, these funds enable Niagara County to direct resources to satisfy Federal requirements, as they relate to the registration and inspection of Child Care Centers, as well as the corresponding reporting requirements, and

WHEREAS, Niagara County did receive a renewed allocation which is 100% federally funded, effective January 1, 2021, now, therefore, be it

RESOLVED, that Niagara County Department of Social Services will continue to contract with Niagara Community Action Program, Inc. to carry out the required roles and responsibilities under the Child Care and Development Program, and be it further

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

INCREASE REVENUE:

A.22.6010.000 44610.00	DSS Admin Revenue	\$ 174,084
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INCREASE APPROPRIATION:

A.22.6010.000 74500.01	Contractual Exp -- Contractual	\$ 174,084
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CS-013-21

From: Community Services and Administration Committees.

Dated: March 23, 2021

**BUDGET MODIFICATION – ACCEPT MEDICAL RESERVE CORPS FUNDS
EMERGENCY PLANNING- DEPARTMENT OF HEALTH**

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

WHEREAS, The National Association of County & City Health Officials has awarded the Niagara County Emergency Planning Program a \$10,000 grant from the Department of Health and Human Services' Office of the Assistant Secretary of Preparedness and Response (Grant No. 6 HITEP 200045-01-01, CFDA # 93.008) to build the capacity of local Medical Reserve Corps capabilities, now, therefore, be it

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

INCREASE REVENUE:

CM.20.4189.406 44489.24	Other Health MRC	\$ 10,000.00
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INCREASE APPROPRIATIONS:

CM.20.4189.406 71050.00	Overtime	\$ 2,018.50
CM.20.4189.406 74300.03	Travel Mileage	115.00
CM.20.4189.406 74300.06	Uniforms/Clothing	3,647.31
CM.20.4189.406 74375.01	Adv & Promo	284.90
CM.20.4189.406 74600.03	Training & Education	3,510.00

CM.20.4189.406 78100.00 Retirement	215.37
CM.20.4189.406 78200.00 FICA	154.42
CM.20.4189.406 78300.00 Worker's Comp	54.50

Moved by Bradt, seconded by Virtuoso.
Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CS-014-21

From: Community Services and Administration Committees.

Dated: March 23, 2021

**BUDGET MODIFICATION –REAPPROPRIATE OPIOID PREVENTION FUNDS
EMERGENCY PLANNING DIVISION - DEPARTMENT OF HEALTH**

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

WHEREAS, the Center for Disease Control through the New York State Department of Health Office of Drug User Health and Grants Administration awarded Niagara County Department of Health Opioid Prevention & Response funds to help build capacity for effective & sustainable local prevention & response efforts approved with 2020 annual budget, and

WHEREAS, the Department of Health requests re-appropriation of fund balance, now, therefore, be it

RESOLVED, the following budget modification be effectuated:

INCREASE REVENUE:

CM.20.4189.408 44401.00 Public Health Federal Aid	\$11,875.00
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INCREASE APPROPRIATIONS:

CM.20.4189.408 74500.01 Contractual	\$11,875.00
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CS-015-21

From: Community Services and Administration Committees.

Dated: March 23, 2021

BUDGET MODIFICATION –ABOLISH, CREATE AND FILL DEPARTMENT OF HEALTH

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

WHEREAS, the abolishment of a speech pathologist position will provide the department with funds to make necessary changes, and

WHEREAS, with this abolish, create, and fill we are requesting the addition of an Account Clerical II position to maintain inventory control, for contract organization and fiscal back-up support making efficient use of positions as well as operate with high standard service, and

WHEREAS, there will be decrease cost to the county this balance to be used for COVID support, now, therefore, be it

RESOLVED, that Speech Pathologist position #13551 be abolished and an Account Clerical III position be created and filled effective 3/21/2021, and be it further

RESOLVED, the following budget modification be effectuated:

INCREASE REVENUE:

A.20.4010.000 43401.00	State Aid	\$10,592.64
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DECREASE APPROPRIATIONS:

A.20.4059.000 71010.00	position #13551	\$40,094.00
A.20.4059.000 78100.00	retirement	4,250.00
A.20.4059.000 78200.00	fica	3,067.00
A.20.4059.000 78300.00	worker's comp	1,054.00

INCREASE APPROPRIATIONS:

A.20.4010.000 71010.00	position to be determined	\$26,809.00
A.20.4010.000 78100.00	retirement	2,860.00
A.20.4010.000 78200.00	fica	2,050.89
A.20.4010.000 78300.00	worker's comp	723.84
A20.4189.401 74500.01	Contractual	26,613.91

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CS-016-21

From: Community Services and Administration Committees.

Dated: March 23, 2021

RESOLUTION CALLING ON THE STATE OF NEW YORK TO PROVIDE FULL RESTORATION OF OMH, OASAS AND OPWDD STATE AID TO LOCALITIES

WHEREAS, the Niagara County Department of Mental Health & Substance Abuse Services, as the Local Governmental Unit, has specific responsibilities and authority under the Local Services provisions of Article 41 of the NYS Mental Hygiene Law (MHL) for planning, development, implementation, and oversight of services to adults and children in their counties affected by mental illness, addiction, and intellectual /developmental disabilities (I/DD), and

WHEREAS, NCDMH provides oversight and has statutory responsibility to assure access to not only clinic services, but a comprehensive array of crisis and community-based mental health, substance abuse, and developmental disability services to those in need, and

WHEREAS, NCDMH administers the funding, provides for and contracts for services with local agencies to assure the availability of these critically needed services, and

WHEREAS, during the pandemic, increased incidents of anxiety, depression, substance use and relapse, and suicidal ideation among residents of Niagara County have resulted in increased need for services across all types, including a 30% increase in calls to Crisis Services and 45% increase in opioid/fentanyl overdoses and a doubling of overdose deaths, and

WHEREAS, to offset State fiscal deficits, in part, due to the COVID-19 pandemic, the FY 2022 Executive Budget proposal recommends permanent 5 percent cuts to State Aid to Localities, along with hundreds of millions of dollars in additional state funding cuts, while counties are experiencing the need to expand services mandated by the state, and

WHEREAS, this reduction in funding will lead to severe impacts on access, capacity, and the delivery of behavioral health services in the community at a time when mental health and addiction services needs have never been higher, and

WHEREAS, if these proposed permanent 5 percent cuts are enacted, the local services system will face the likelihood of program closures and capacity limitations, as well as the inability to provide services to meet the needs demanded through system reform, including police reform, and

WHEREAS, the Niagara County Legislature is looking to the State for partnership and financial assistance to sustain the mental health and substance abuse care system in order to meet the growing needs of our communities in response to COVID-19 and the anticipated long-term impact of the pandemic and corresponding stressors, now, therefore, be it

RESOLVED, the Niagara County Legislature calls on the Governor and the NYS Legislature to commit to fully funding LGU State Aid going forward so that they may preserve their statutory responsibility to effectively plan for and facilitate essential safety-net programming that our most vulnerable residents, their families, and the communities rely on each and every day, and be it further

RESOLVED, the Niagara County Legislature shall forward copies of this resolution to Governor Andrew M. Cuomo, and the New York State Legislature, and all others deemed necessary and proper.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-023-21

From: Community Safety & Security and Administration Committees.

Dated: March 23, 2021

**DISTRICT ATTORNEY MOTOR VEHICLE THEFT AND INSURANCE FRAUD PREVENTION
PROGRAM GRANT ACCEPTANCE**

WHEREAS, The Niagara County District Attorney's Office has been notified by the New York State Division of Criminal Justice Services that the Motor Vehicle Theft and Insurance Fraud Prevention Program grant has been renewed for the period of January 1, 2021 through December 31, 2021, and

WHEREAS, funding has been awarded in the amount of \$109,443 and said funds are used to offset expenses for the District Attorney's Motor Vehicle Theft and Insurance Fraud Prevention Unit, and

WHEREAS, basic revenue and appropriation figures for said program were calculated and are contained within the CM.02.1989.114 Motor Vehicle Theft and Insurance Fraud Prevention cost center for the 2021 budget year, and

WHEREAS, this program will continue to fund one full time Assistant District Attorney, Position #9700, ATT II, Step 3, \$71,007 annually and one full time Criminal Investigator, Position #9701, NUH 6, Step 3, \$48,160 annually, with fringe benefits which shall remain coterminus with grant funding, now, therefore, be it

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

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

RESOLVED, that following the County Attorney's review, the Chairman of the Niagara County Legislature be,

and hereby is, authorized to execute the grant award documents.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-024-21

From: Community Safety & Security and Administration Committees.

Dated: March 23, 2021

DISTRICT ATTORNEY CRIMES AGAINST REVENUE PROGRAM GRANT ACCEPTANCE

WHEREAS, The Niagara County District Attorney's Office has been notified by the New York State Division of Criminal Justice Services that the Crimes Against Revenue Program grant has been renewed for the calendar year 2021, and

WHEREAS, funding has been awarded in the amount of \$68,810 for the period January 1, 2021 through December 31, 2021, and

WHEREAS, basic revenue and appropriation figures for said program were calculated and are contained within the District Attorney's operating budget for the 2021 budget year, and

WHEREAS, the program will continue to fund one full time Assistant District Attorney, Position #10969, ATT II, Step 5, \$78,493.00 annually, with fringe benefits which shall remain coterminous with grant funding, now, therefore, be it

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-025-21

From: Community Safety & Security Committee.

Dated: March 23, 2021

**A LOCAL LAW ESTABLISHING A DEMONSTRATION PROGRAM IMPOSING
OWNER LIABILITY FOR FAILURE OF AN OPERATOR TO STOP FOR
A SCHOOL BUS DISPLAYING A RED VISUAL SIGNAL AND STOP-ARM**

WHEREAS, the Community Safety & Security Committee presents in writing the following proposed Local Law:

A Local Law of the County of Niagara, New York, a local law establishing a demonstration program imposing owner liability for failure of an operator to stop for a school bus displaying a red visual signal and stop-arm

Be it enacted by the County Legislature of the County of Niagara as follows:

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

**VEHICLE OWNER LIABILITY FOR FAILURE OF OPERATOR TO STOP FOR A SCHOOL BUS
DISPLAYING A RED VISUAL SIGNAL AND STOP-ARM**

Section 1. Program Established.

- a. There is hereby established in Niagara County ("County") a demonstration program imposing monetary liability on owners of vehicles for failure of the operators thereof to comply with Section 1174 of the New York Vehicle and Traffic Law when meeting a school bus marked and equipped as provided in subdivisions 20 and 21-c of section 375 of the New York Vehicle and Traffic Law.
- b. Under such demonstration program the County is empowered to install and operate school bus photo violation monitoring systems which may be stationary or mobile, and which may be installed, pursuant to an agreement with a school district within the County or a privately owned and operated for compensation under said school district (via authorized resolutions by the school district and/or school bus company and the County Legislature) on school buses owned and operated by such school district or contracted bus company. Provided, however, that:
 - i. No stationary school bus photo violation monitoring system shall be installed or operated by the County, except on roadways under the jurisdiction of the County; and
 - ii. No mobile school bus photo violation monitoring system shall be installed or operated on any such school buses unless the County and such district enter into an agreement for such installation and operation.
- c. To carry out the demonstration program, the County is authorized to enter into agreements with school districts or privately owned and operated for compensation bus company for the installation, maintenance and use of school bus photo violation monitoring systems, for the proper handling and custody of photographs, microphotographs, videotapes, other recorded images and data produced by such systems, and for the forwarding of such photographs, microphotographs, videotapes, other recorded images and data to the County, subject to the provisions of this section, Section 1174-a of the New York Vehicle and Traffic Law and approval of the County Legislature, provided however, that the County shall not enter into an agreement with any city school district wholly contained within a city.
- d. Nothing in this local law shall be construed to prevent the County, or school district or school bus company at any time from withdrawing from or terminating an agreement for the installation, maintenance and use of school bus photo violation monitoring systems, provided, however, that the County, school district, or the bus company shall provide no less than twenty days' notice to other signatories of such agreements before withdrawing.
- e. The total cost to the school district of the installation, maintenance and use of school bus photo violation monitoring systems pursuant to an agreement authorized by this local law shall be borne entirely by the County. On or before September first of each year, the school district or bus company shall determine and certify to the County the total cost to the school district or bus company for the school year ending the preceding June thirtieth of installing, maintaining and using such systems within the county, for the proper handling and custody of photographs, microphotographs, videotapes, other recorded images and data produced by such systems, and for the forwarding of such photographs, microphotographs, videotapes, other recorded images and data to the County. On or before the following December first of each year, the County shall pay to the school district such cost so certified to it on or before the preceding September first. Not later than twenty days after each such payment is submitted or is due, whichever occurs first, the school district or the bus company shall submit to the Niagara County Manager and the Chairperson of the Niagara County Legislature a report showing the amount of costs so certified and the amount of payments so received or due. If the County fails to make the payment required to the school district or the school bus company by the twentieth day after the date such payment was due, (i) the school district or the bus company shall notify Niagara County Manager and the Chairperson of the Niagara County Legislature of such occurrence within twenty-four hours of such day; and (ii) the demonstration program shall be suspended within the County until such time as the County makes the payment required to the school district or the school bus company. The school district or the school bus company shall notify the Niagara County Manager and the

Chairperson of the Niagara County Legislature of such payment within seven business days of its receipt provided, however, that any notice of liability issued prior to such date shall not be voided.

f. The contract between the County and the school district/school bus company shall provide that any images or images captured by school bus photo violation monitoring systems shall be inadmissible in any disciplinary proceeding convened by such school district or any school bus contractor thereof, and any proceeding initiated by the New York State Department of Transportation involving licensure privileges of school bus operators. Any school bus photo violation monitoring device mounted on a school bus shall be directed outwardly from such school bus to capture images of vehicles operated in violation of section 1174 of this chapter, and images produced by such device shall not be used for any other purpose.

g. Any school district or school bus company participating in the demonstration program shall be prohibited from accessing any photographs, microphotographs, videotapes, other recorded images and data from school bus photo violation monitoring systems but shall provide, pursuant to the agreement with the County, as provided in this local law, for the proper handling and custody of such photographs,

h. The agreement between the County and the school district/school bus company shall provide that photographs, microphotographs, videotapes, other recorded images and data produced by school bus photo violation monitoring systems shall be destroyed (a) ninety days after the date of the alleged imposition of liability if a notice of liability is not issued for such alleged imposition of liability pursuant to this local law or (b) upon final disposition of a notice of liability issued pursuant to this local law.

i. The County shall adopt and enforce measures to protect the privacy of drivers, passengers, pedestrians and cyclists whose identity and identifying information may be captured by a school bus photo monitoring device. Such measures shall include:

i. utilization of necessary technologies to ensure, to the extent practicable, that photographs produced by such school photo violation monitoring systems shall not include images that identify the driver, the passengers, the contents of the vehicle, pedestrians and cyclists provided, however, that no notice of liability issued pursuant to this section shall be dismissed solely because a photograph or photographs allow for the identification of the contents of a vehicle, provided that the County has made a reasonable effort to comply with the provisions of this paragraph; reasonable effort to comply with the provisions of this paragraph;

ii. a prohibition of the use or dissemination of vehicles' license plate information and other information and images captured by school bus photo violation monitoring systems except: (a) as required to establish liability under this section or collect payment of penalties; (b) as required by court order; or (c) as otherwise required by law;

iii. the installation of signage in conformance with standards established in the MUTCD at each roadway entrance of the jurisdictional boundaries of the County giving notice that school bus photo violation monitoring systems are used to enforce restrictions on vehicles violating section 1174 of the New York Vehicle and Traffic Law. For the purposes of this paragraph, the term "roadway" shall not include state expressway routes or state interstate routes but shall include controlled-access highway exit ramps that enter the boundaries of the County; and

iv. oversight procedures to ensure compliance with the aforementioned privacy protection measures.

Section 2. Definitions.

For purposes of this local law, the following terms shall have the following meanings:

- a. "County" shall mean the County of Niagara:
- b. "Manual on uniform traffic control devices" or "MUTCD" shall mean the manual and specifications for a uniform system of traffic control devices maintained by the commissioner of transportation pursuant to section 680 of the New York Vehicle and Traffic Law:
- c. "Owner" shall have the meaning provided in article two-b the New York Vehicle and Traffic Law; and
- d. "School bus photo violation monitoring system" shall mean a device that is capable of operating independently of an enforcement officer which is installed to work in conjunction with a school bus stop-arm and which automatically produces two or more photographs, two or more microphotographs, a videotape or other recorded images of a vehicle at the time it is used or operated in violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law.
- e. "Motor Vehicle" Shall mean every vehicle operated or driven upon a public highway which is propelled by any power other than muscular power, except (a) electrically-driven mobility assistance devices operated or driven by a person with a disability (a-1) electric personal assistive mobility devices operated outside a city with a population of one million or more (b) vehicles which run only upon rails or tracks, (c) snowmobiles as defined in New York State Vehicle & Traffic Law article forty-seven, and (d) all terrain vehicles as defined in New York State Vehicle & Traffic Law article forty-eight-B. The term motor vehicle shall exclude fire and police vehicles other than ambulances, and shall exclude farm type tractors and all terrain type vehicles used exclusively for agricultural purposes, or for snow plowing, other than for hire, farm equipment, including self-propelled machines used exclusively in growing harvesting or handling farm produce, and self-propelled caterpillar or crawler-type equipment while being operated on the contract site.
- f. "Vehicle" shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Section 3. Penalties.

An owner liable for a violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law pursuant to this local law shall be liable for monetary penalties in accordance with the following schedule of fines and penalties.

- a. two hundred fifty dollars for a first violation;
- b. two hundred seventy-five dollars for a second violation committed within eighteen months of the first violation;
- c. three hundred dollars for a third or subsequent violation all of which were committed within eighteen months from the first violation, and
- d. an additional penalty of twenty-five dollars for each violation for the failure to respond to a notice of liability within the prescribed time period.

Section 4. Notice of Liability.

- a. A notice of liability shall be sent by first class mail to each person alleged to be liable as an owner for a

violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law. Personal delivery on the owner shall not be required. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the facts contained therein.

b. A notice of liability shall contain the name and address of the person alleged to be liable as an owner for a violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law, the registration number of the vehicle involved in such violation, the location where such violation took place, the date and time of such violation and the identification number of the camera which recorded the violation or other document locator number.

c. A notice of liability shall contain information advising the person charged of the manner and the time in which he or she may contest the liability alleged in the notice. Such notice of liability shall also contain a warning to advise the persons charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.

Section 5. Owner Liability.

a. The demonstration program established hereunder shall provide that the owner of a vehicle shall be liable for a penalty imposed pursuant to this local law if such vehicle was used or operated with the permission of the owner, express or implied, in violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law and such violation is evidenced by information obtained from a school bus photo violation monitoring system; provided however that no owner of a vehicle shall be liable for a penalty imposed by subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law where the operator of such vehicle has been convicted of the underlying violation of subdivision (a) of Section 1174 of the Vehicle and Traffic Law. For purpose of this subsection, there shall be a presumption that such vehicle was used and operated with the consent of the owner at the time it was used and operated in violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law.

b. If an owner receives a notice of liability pursuant to this local law for any time period during which the vehicle was reported to the police as having been stolen, it shall be a valid defense to an allegation of liability for a violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law pursuant to this local law that the vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. For purposes of asserting the defense provided by this subdivision, it shall be sufficient that a certified copy of the Police report be submitted to the court having jurisdiction.

c. An owner who is a lessor of a vehicle to which a notice of liability was issued pursuant to this local law shall not be liable for the violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law, provided that he or she sends to the Court of Competent Jurisdiction a copy of the rental, lease or other such contract document covering such vehicle on the date of the violation, with the name and address of the lessee clearly legible, within 37 days after receiving notice from the agency of the date and time of such violation, together with the other information contained in the original notice of liability. Failure to send such information within such 37-day time period shall render the owner liable for the penalty prescribed by this local law. Where the Lessor complies with the provisions of this paragraph, the lessee of such vehicle for purposes of this section, shall be deemed to be the owner of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for the purposes of this section, shall be subject to liability for the violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law pursuant to this local law and shall be sent a notice of liability pursuant to section 4 of this local law.

d. A certificate, sworn to or affirmed by a technician employed by the County, or a facsimile thereof,

based upon inspection of photographs, microphotographs, videotapes, other recorded images produced by a school bus photo violation monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotapes, other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation.

e. It shall be a defense to any prosecution for a violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law pursuant to this local law that such school bus stop-arms were malfunctioning at the time of the alleged violation.

f. For the purpose of informing and educating owners of motor vehicles in this County during the first thirty-day period in which a school bus photo violation monitoring system is in operation pursuant to the provisions of this local law, all owners of motor vehicles who would otherwise be held liable for failure of operators thereof to comply with section 1174 of the New York Vehicle and Traffic Law when meeting a school bus marked and equipped as provided in subdivisions 20-21-c of section 375 of such law, shall be issued a written warning in lieu of a notice of liability.

Section 6. Adjudication of Liability.

Liability pursuant to the demonstration program established hereunder shall be imposed upon owners by the Court of competent jurisdiction in Niagara County.

Section 7. Action for Indemnification.

If the owner held liable for a violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law pursuant to this local law was not the operator of the vehicle at the time of the violation, the owner may maintain an action for indemnification against the operator.

Section 8. Annual Report.

a. The County shall submit an annual report on the results of the use of a school bus photo violation monitoring system to the Governor, the temporary president of the Senate and the speaker of the Assembly on or before June 1 of each year in which the demonstration program is operable. Such report shall include, but not be limited to:

- i. The number of buses and a description of the routes where stationary and mobile school bus photo violation monitoring systems were used;
- ii. The aggregate number, type and severity of accidents reported at locations where a school bus photo violation monitoring system is used for the year preceding the installation of such system, to the extent the information is maintained by the department of motor vehicles of this state;
- iii. The aggregate number, type and severity of accidents reported at locations where a school bus photo violation monitoring system is used, to the extent the information is maintained by the department of motor vehicles of this state;
- iv. The number of violations recorded at each location where a school bus photo violation monitoring system is used and in the aggregate on a daily, weekly and monthly basis;
- v. The number of convictions for violations of subdivision (a) of section 1174 of the New

York Vehicle and Traffic Law recorded at each location where a school bus photo violation monitoring system is used on an annual basis, to the extent the information is maintained by the department of motor vehicles of this state.

- vi. The total number of notices of liability issued for violations recorded by such systems;
- vii. The number of fines and total amount of fines paid after the first notice of liability issued for violations recorded by such systems;
- viii. The number of violations adjudicated and results of such adjudications including breakdowns of dispositions made for violations recorded by such systems.
- ix. The total amount of revenue realized by the County from such adjudications;
- x. The expenses incurred by the County in connection with the program;
- xi. The quality of the adjudication process and its results including the total number of hearings scheduled, re-scheduled, and held; the total number of persons scheduled for such hearings; the total number of cases where fines were paid on or before the hearing date; and the total number of default judgments entered; and
- xii. A description of public education activities conducted to warn motorists of the dangers of overtaking and passing stopped school buses.

b. The County shall annually provide a copy of the annual report submitted pursuant to this local law, to each local law enforcement agency having jurisdiction to enforce violations of the vehicle and traffic law or any ordinance, rule or regulation relating to traffic adopted pursuant to such law on roadways within the County.

Section 9. Severability.

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

Section 10. Effective Date.

This local law shall take effect immediately upon final adoption and shall remain in full force and effect only until December 1, 2024.

RESOLVED, that the Niagara County Legislature shall conduct a public hearing upon said proposed Local Law at the Legislative Chambers, Niagara County Courthouse, Lockport, New York, on the 20th day of April, 2021 at 5:45 p.m., and be it further

RESOLVED, that the Clerk of the Niagara County Legislature, at least six 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 in the Lockport Union Sun & Journal and the Niagara Gazette; such

notice shall contain the title of the Local Law and an abstract of the text to be prepared by the Clerk of the Legislature, with the assistance of the County Attorney's Office.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-026-21

From: Community Safety & Security and Administration Committees.

Dated: March 23, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
PATRIOT TOWERS CONTRACT CHANGE ORDER NO. 1**

WHEREAS, on August 21, 2020, pursuant to a sealed bid, the County of Niagara entered into a contract for Radio Site Development and Tower Construction at the Lewiston Highway Garage, 4399 Harold Road, Town of Lewiston, NY to Patriot Towers, 870 Scottsville-Chili Road, Scottsville, NY 14546 for a contract amount of \$439,605.00, and

WHEREAS, it is necessary to increase the contract in the amount of \$23,975.00 for a revised contract amount of \$463,580.00, this change being occasioned by unforeseen circumstances involving the need for additional fill in lieu of existing material on site, and

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

RESOLVED, that Change Order No. 1 increase the contract by \$23,975.00 for Radio Site Development at the Lewiston Highway Garage, 4399 Harold Drive, Town of Lewiston to Patriot Towers, 870 Scottsville-Chili Road, Scottsville, NY 14546, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-027-21

From: Community Safety & Security and Administration Committees.

Dated: March 23, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
LEASE AGREEMENT WITH THE SHAWNEE VOLUNTEER FIRE COMPANY**

WHEREAS, the Niagara County Sheriff's Office is required to maintain, for public safety purposes, a fully functioning Land Mobile Radio (LMR) System, and

WHEREAS, the Sheriff's Office has identified a need to place additional LMR equipment to support and expand the existing LMR System within the Town of Wheatfield, and

WHEREAS, land has been identified at the Shawnee Volunteer Fire Company, 3747 Lockport Road, Sanborn, NY that would be suitable to meet the needs to support expanding the current LMR System in Niagara County, and

WHEREAS, the Shawnee Volunteer Fire Company has agreed to allow the lease of this property to be utilized as a site for a new LMR radio tower and shelter, now, therefore, be it

RESOLVED, that the above described lease between the County of Niagara and the Shawnee Volunteer Fire Company is hereby approved, contingent on approval by the County Attorney's Office, and the Chairman of the Legislature is hereby authorized to execute the same.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-028-21

From: Community Safety & Security and Administration Committees.

Dated: March 23, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
INTER-MUNICIPAL AGREEMENT WITH THE BARKER CENTRAL SCHOOL DISTRICT**

WHEREAS, the Niagara County Sheriff's Office is required to maintain, for public safety purposes, a fully functioning Land Mobile Radio (LMR) System, and

WHEREAS, the Sheriff's Office has identified a need to place additional LMR equipment to support and expand the existing LMR System within the Town of Somerset, and

WHEREAS, land has been identified at the Barker Central School District, 1628 Quaker Road, Barker, NY that would be suitable to meet the needs to support expanding the current LMR System in Niagara County, and

WHEREAS, the Barker Central School District has agreed to allow an inter-municipal agreement specifying this location to be utilized as a site for a new LMR radio tower and shelter, now, therefore, be it

RESOLVED, that the above described inter-municipal agreement between the County of Niagara and the Barker Central School District is hereby approved, contingent on approval by the County Attorney's Office, and the Chairman of the Legislature is hereby authorized to execute the same.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-029-21

From: Community Safety & Security and Administration Committees.

Dated: March 23, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION -TOWN OF PENDLETON TRAFFIC ENFORCEMENT**

WHEREAS, the Niagara County Sheriff's Office entered into an agreement with the Town of Pendleton which is in effect from May 1, 2018 through April 30, 2023, and

WHEREAS, the agreement allows for additional shifts to be added for traffic enforcement in the Town of Pendleton which are then reimbursed by the Town, and

WHEREAS, the Town of Pendleton has asked the Niagara County Sheriff's Office to provide additional patrol shifts in 2021, and

WHEREAS, the 2021 budget needs to be revised to include the revenue and expense, now, therefore, be it

RESOLVED, that the 2021 budget be revised as follows

INCREASE REVENUE:

A.17.3110.000.42210.01	General Services, Other Gov General	\$ 10,000
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INCREASE APPROPRIATIONS:

A.17.3110.000.71050.00	Overtime expense	\$ 7,580
A.17.3110.000.78100.00	Retirement expense	1,660
A.17.3110.000.78200.00	FICA Expense	570
A.17.3110.000.78300.00	Worker's Compensation	190

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-030-21

From: Community Safety & Security and Administration Committees.

Dated: March 23, 2021

NIAGARA COUNTY SHERIFF'S OFFICE

BUDGET MODIFICATION - ACCEPT RESIDENTIAL SUBSTANCE ABUSE TREATMENT GRANT

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 Sheriff's Office been notified by the New York State Department of Criminal Justice Services that the performance period for the grant has been extended through September 30, 2021, and

WHEREAS, it is well known that jails and prisons are dealing with inmates who have substance abuse and addiction problems, and

WHEREAS, it is desirable to have a program which addresses the substance abuse and addiction issues with the goal of changing the inmates addiction behaviors to improve their lives and reduce recidivism, and

WHEREAS, this grant will allow the Niagara County Jail to continue this program which was started in 2018 by contracting with an outside agency to provide a substance abuse treatment cognitive-behavioral intervention program, and

WHEREAS, the 2021 budget needs to be amended to accept and expend this grant extension, now, therefore, be it

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

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

RESOLVED that the following line item transfers be effectuated:

INCREASE REVENUE:

A.17.3150.000.44089.00	Federal Aid, Other Revenue	\$41,149
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INCREASE APPROPRIATIONS:

A.17.3150.000.74400.09	Payments Other Agencies	\$41,149
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Moved by Bradt, seconded by Virtuoso.
Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-031-21

From: Community Safety & Security and Administration Committees.

Dated: March 23, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
ACCEPT MOTOR VEHICLE THEFT AND INSURANCE FRAUD PREVENTION GRANT**

WHEREAS, the Niagara County Sheriff's Office was notified by the New York State Division of Criminal Justice Services that it has been awarded \$20,000 under the Motor Vehicle Theft and Insurance Fraud Prevention Program, and

WHEREAS, the Motor Vehicle Theft and Insurance Fraud Prevention Grant has been awarded to the Niagara County Sheriff's Office for many years, and

WHEREAS, the performance period for this grant is January 1, 2021 through December 31, 2021, and

WHEREAS, the grant is used to coordinate efforts to reduce the incidents of motor vehicle theft and motor vehicle insurance fraud county-wide; this partnership provides an integrated means to prevent and deter motor vehicle theft and insurance fraud related crime through the expanded use of crime data, crime analysts, technology and information sharing, and

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-032-21

From: Community Safety & Security and Administration Committees.

Dated: March 23, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION – STOP DWI FOUNDATION GRANT**

WHEREAS, the New York State Governor's Traffic Safety Committee, STOP-DWI Foundation has notified the Niagara County Sheriff's Office of an additional \$8,000 in grant funds available to use for crackdowns this year, and

WHEREAS, the grant funds are utilized for enforcement efforts by multiple law enforcement agencies during peak holidays with the goal of reducing the number of crashes, injuries and deaths on Niagara County roads, and

WHEREAS, it is necessary to modify revenue and appropriations to utilize these funds, now, therefore, be it

RESOLVED, that the following line item transfers be effectuated:

INCREASE REVENUE:

A.17.3315.000.44389.09	Other Public Safety Traffic	\$8,000
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INCREASE APPROPRIATIONS:

A.17.3315.000.74400.09 Miscellaneous Expenses Payments Other Agencies \$ 8,000

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-033-21

From: Community Safety & Security and Administration Committees.

Dated: March 23, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
CONTRACT FOR INMATE COMMUNICATIONS SERVICES**

WHEREAS, the Niagara County Sheriff's Office contracts with an outside agency for inmate communications services, and

WHEREAS, the current contract expires on June 14, 2021, and

WHEREAS, Request for Proposal # 2020-52 was sent out and sealed bids were solicited and received for Inmate Communications Services, and

WHEREAS, responses were received from three companies, and

WHEREAS, following the Niagara County Request for Proposal procedures, all of the proposals were rated by the Evaluation Team using the Niagara County Purchasing provided scoring matrix, and

WHEREAS, the bid with the highest score which qualified with the required insurance from the Request for Proposal was selected, which also has the highest commission return rate, now, therefore, be it

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to enter into a contract with Securus Technologies, LLC for inmate communication services at the Niagara County Jail.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-034-21

From: Community Safety & Security and Administration Committees.

Dated: March 23, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
CONTRACT FOR FOOD MANAGEMENT SERVICES**

WHEREAS, the Niagara County Sheriff's Office and the Niagara County Office for the Aging currently have a contract for Food Service Management which expires on July 7 , 2021 and

WHEREAS, the Niagara County Purchasing Office issued a Sealed Bid #2021-02 Food Service Management for Niagara County Office for the Aging Senior Nutrition Program and Niagara County Jail, and

WHEREAS, Food Service Management is necessary for the supply, management and oversight of the meal programs for the inmate population and the Senior Nutrition Program, and

WHEREAS, only one response was received from the bid which was from Trinity Food Services, and

WHEREAS, the Office for the Aging and the Sheriff's Office have reviewed the bid and are very satisfied with the pricing and terms of the proposal for these necessary services, and

WHEREAS, while the total cost of the contract will vary based upon the numbers of meals prepared, the contract will not exceed \$845,000.

WHEREAS, the funds for this contract are included in the 2021 budget, now therefore be it

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to enter into a contract with Trinity Food Services for food service management for the Niagara County Office for the Aging Senior Nutrition Program and the Niagara County Jail.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-035-21

From: Community Safety & Security and Administration Committees.

Dated: March 23, 2021

**PUBLIC DEFENDER'S OFFICE- BUDGET MODIFICATION
REAPPROPRIATE GRANT FUNDING**

WHEREAS, the Niagara County Public Defender's Office received funding from the New York State Office of Indigent Legal Services in the amount of \$10,307,506.56 for the period of April 1, 2018 through March 31, 2023, and

WHEREAS, funds were appropriated into the Public Defender's operating budget but not fully expended prior to year-end, and

WHEREAS, it is necessary to reappropriate those unspent funds into the 2021 operating budget to continue the initiative as directed by the New York State Office of Indigent Legal Services, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated:

INCREASE REVENUE:

A.03.1170.000.43025.03	Indigent Legal Service	\$164,704
	Hurrell-Harring Reform Grant	

INCREASE APPROPRIATIONS:

A.03.1170.000.72100.01	Furniture & Fixtures	\$ 53,763
A.03.1170.000.72100.05	Computer Equipment	63,029
A.03.1170.000.74675.01	Central Postage	550
A.03.1170.000.74500.01	Contractual	15,000
A.03.1170.000.7460002	Books and Subscriptions	4,362
A.03.1170.000.74600.03	Training & Education	8,000
A.03.1170.000.74650.12	Transcripts	20,000

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-036-21

From: Community Safety & Security and Administration Committees.

Dated: March 23, 2021

**CONFLICTS AND ASSIGNED COUNSEL OFFICE- BUDGET MODIFICATION-
REAPPROPRIATE GRANT FUNDING**

WHEREAS, the Niagara County Public Defender's Office; Conflicts and Assigned Counsel Office has received funding from the New York State Office of Indigent Legal Services in the amount of \$10,307,506.56 for the period of April 1, 2018 through March 31, 2023, and

WHEREAS, funds were appropriated into the Conflicts and Assigned Counsel Office's operating budget but not fully expended prior to year-end, and

WHEREAS, it is necessary to re-appropriate those unspent funds into the 2021 operating budget to continue the initiative as directed by the New York State Office of Indigent Legal Services, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated:

INCREASE REVENUE:

A.04.1170.102 43025.03	Hurrell-Harring Reform Grant	\$ 6,889.30
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INCREASE APPROPRIATIONS:

A.04.1170.102 72100.01	Furniture & Fixtures	\$ 21.00
A.04.1170.102 72100.05	Computer Equipment	4,733.00
A.04.1170.102 74250.06	Computer Service Contract	2,000.00
A.04.1170.102 74600.02	Books and Subscriptions	135.30

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. ED-010-21

From: Economic Development and Administration Committees.

Dated: March 23, 2021

**BUDGET MODIFICATION – REAPPROPRIATE GRANT FUNDS
HAZARDOUS WASTE ASSESSMENT**

WHEREAS, Resolution ED-024-17 authorized acceptance of a grant in the amount of Two Hundred Thousand Dollars (\$200,000) from the United States Environmental Protection Agency for a Brownfield Hazardous Waste Assessment Project that is 100% reimbursable, and

WHEREAS, Twenty Six Thousand Seven Hundred Thirty Three Dollars (\$26,733) was budgeted for the 2021 Budget, and

WHEREAS, more money was spent than anticipated from the 2020 Budget, in the amount of Ten Thousand Four Hundred Forty Two Dollars (\$10,442), now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

DECREASE REVENUE:

CM.28.6989.609.44989.04	Other Home and Community Services	\$10,442
	EPA Brownfield Revenue	

DECREASE APPROPRIATION:

CM.28.6989.609.74500.01	Contractual Expenses	\$10,442
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. ED-011-21

From: Economic Development and Administration Committees.

Dated: March 23, 2021

**BUDGET MODIFICATION – REAPPROPRIATE GRANT FUNDS
EPA BROWNFIELD PETRO**

WHEREAS, Resolution ED-025-17 authorized acceptance of a grant in the amount of One Hundred Thousand Dollars (\$100,000) from the United States Environmental Protection Agency for a Brownfield Petroleum Assessment Project that is 100% reimbursable, and

WHEREAS, Seven Thousand Two Hundred Seventy Nine Dollars (\$7,279) was budgeted for the 2021 Budget, and

WHEREAS, less money was spent than anticipated from the 2020 Budget, in the amount of Two Thousand Seven Hundred Fifty Dollars (\$2,750), now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE REVENUE:

CM.28.6989.610.44989.04	Other Home and Community Services	\$2,750
	EPA Brownfield Revenue	

INCREASE APPROPRIATION:

CM.28.6989.610.74500.01	Contractual Expenses	\$2,750
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. ED-012-21

From: Economic Development and Administration Committees.

Dated: March 23, 2021

**AUTHORIZATION TO SUBMIT A GRANT APPLICATION TO THE NEW YORK STATE OFFICE
OF COMMUNITY RENEWAL FOR BLOCK GRANT FUNDING TO REPLENISH THE
MICRO-ENTERPRISE GRANT FUND**

WHEREAS, the Niagara County Legislature has requested that the Niagara County Department of Economic Development apply for funding on its behalf from the New York State Office of Community Renewal (the “OCR”) to finance a portion of the micro-enterprise grant fund, and

WHEREAS, the Niagara County Development Corporation (the “NCDC”) is assisting in the facilitation of the Program and has requested that the County provide the OCR funding to the NCDC as a grant for the purpose of assisting small businesses throughout the County, and

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

WHEREAS, the County held a public hearing at the Legislative Chambers, Courthouse, Lockport, New York on the 23rd day of March at 5:45 p.m., to obtain citizens' views regarding the CDBG program as administered by OCR and the program, now, therefore, be it

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

RESOLVED, that the Chairman is hereby authorized to execute a grant agreement between the County and the OCR and all related documents associated with the OCR grant, including entering into a grant agreement with the NCDC for the implementation of the Program and administration of the OCR grant, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. ED-013-21

From: Economic Development Committee.

Dated: March 23, 2021

**RESOLUTION IN SUPPORT OF THE NORTHERN NIAGARA REGIONAL TRAIL NETWORK
COLLABORATIVE MEMORANDUM OF UNDERSTANDING**

WHEREAS, there is an effort among several municipalities in Niagara County that would support and empower the development of trail connections to one another as well as to a regional trail network, and

WHEREAS, these Niagara County municipalities have cited the need to work together to make the Niagara River, Lake Ontario and Erie Canal Region stronger and more connected to one another as well as to the existing regional trail network, and

WHEREAS, these Niagara County municipalities have entered into the Northern Niagara Regional Trail Network Memorandum of Understanding (MOU), and

WHEREAS, said MOU forms a foundation for coordination and collaboration necessary to successfully advance a shared vision and demonstrate a collective and cohesive effort to strengthen future funding applications for specific waterfront and multi-use trail projects, and

WHEREAS, by connecting regional trails throughout Niagara County and beyond to the benefit of residents, visitors, hikers and bikers will not only add to the quality of life of our county, but will also help strengthen our economy by bringing activity to the county's various business districts and village centers, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby supports the Northern Niagara Regional Trail Network Collaborative and the efforts of all its partners to work together to foster stronger, healthier communities and fulfill its stated vision.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. ED-014-21

From: Economic Development Committee.

Dated: March 23, 2021

REPRESENTATION IN ENERGY IMPROVEMENT CORPORATION

WHEREAS, Energy Improvement Corporation is a New York not-for-profit corporation established to facilitate the provisions and financing of qualified energy efficiency upgrades and alternative or distributive energy generating facilities for residents and/or businesses in participating municipalities in the State of New York, and

WHEREAS, Niagara County is a participating municipality by virtue of its Adoption of a Local Law to Establish a Sustainable Energy Loan Program in the County of Niagara (Local Law No. 2 of 2019) and its Resolution Approving a Sustainable Energy Agreement Between the County of Niagara and Energy Improvement Corporation (Resolution #ED-016-19), and

WHEREAS, Niagara County is a member of Energy Improvement Corporation pursuant to Section 2.1 of the Corporation's By-Laws, which states, "All members of the Corporation shall be municipalities of the State that have authorized the Corporation to implement and carry out a Sustainable Energy Loan program to finance the installation of Renewable Energy Systems and Energy Efficiency Improvements on properties located within the member municipality (hereinafter referred to as "Projects"), as such terms are defined under Article 5-L of the New York State General Municipal Law, as evidenced by the execution and delivery of a Municipal Agreement between the municipality and the Corporation," and

WHEREAS, Section 2.1 of Energy Improvement Corporation's By-Laws states, "Each member shall elect a representative to exercise all of the powers, rights and privileges of such member, provided such representative shall be either the chief executive officer (including mayor, supervisor, manager or administrator) or the chief fiscal officer of the municipality (the "Member Representative")," and

WHEREAS, Section 2.8 of Energy Improvement Corporation's By-Laws states, "A Member Representative may authorize another person to act on behalf of the member by proxy," now, therefore, be it

RESOLVED, that the Niagara County Manager is hereby authorized to serve as Niagara County's ex officio representative to Energy Improvement Corporation, and be it further

RESOLVED, that the County Manager may authorize another person to act by proxy as Niagara County's representative to Energy Improvement Corporation by furnishing a letter of proxy to the Corporation, and be it further

RESOLVED, that a copy of this resolution be sent to Energy Improvement Corporation.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-013-21

From: Infrastructure & Facilities Committee.

Dated: March 23, 2021

TRANSFER OF 6805 DAY ROAD PROPERTY REQUESTING ENACTMENT OF A SPECIAL LAW

WHEREAS, the County of Niagara received certain lands from transfers in 1962 on the condition that they be used for park and recreational purposes, and

WHEREAS, the County of Niagara has not pursued the development of these lands and does not have any immediate plans to do so and the Town of Lockport expressed an interest in acquiring this land and developing on the land, park and recreational activities, and

WHEREAS, the County of Niagara has declared the property at 6805 Day Road (SBL# 110.00-1-30.1) excess property, and

WHEREAS, the County and the Town of Lockport have agreed to transfer premises commonly known as 6805 Day Road (SBL #110.00-1-30.1) as part of the legislation, and to execute all further necessary paperwork to accomplish the transfer pursuant to that agreement, and

WHEREAS, as part of transfer, the Town of Lockport shall continue to make all park areas and improvements equally available to both Town and County residents and shall not enact and fees or charges which are higher for any County residents who are not Town residents, and

WHEREAS, the Town of Lockport shall continue to comply with Article 6-C of the Conservation Law of the State of New York as it existed at the time the County acquired title to said property, and

WHEREAS, the transfer of the Day Road property is dependent upon the approval of the New York State Legislature, now, therefore, be it

RESOLVED, that County agrees to transfer of 6805 Day Road (SBL #110.00-1-30.1), in the Town of Lockport to the Town of Lockport, subject to the approval of the New York State Legislature, and authorizes the execution of all documents by the Chairman of the Niagara County Legislature after review and approval of the Niagara County Attorney, and be it further

RESOLVED, that the Niagara County Legislature requests that the New York State Legislature enact legislation enabling the transfer of 6805 Day Road property, in the Town of Lockport (SBL #110.00-1-30.1) to the Town of Lockport, and be it further

RESOLVED, that copies of this resolution be forwarded to the New York State Senate, the New York State Assembly, Senator Robert G. Ort, Member of Assembly Michael J. Norris and Member of the Assembly Angelo Marinello.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-014-21

From: Infrastructure & Facilities Committee.

Dated: March 23, 2021

INTERSECTION SAFETY IMPROVEMENT & RESURFACING PROJECT US ROUTE 62, WITMER ROAD AND OPPENHEIM PARK ENTRANCE REALIGNMENT

WHEREAS, the County owns and operates Oppenheim Park in the Town of Wheatfield to provide recreation, picnic and other outdoor opportunities to the residents of Niagara County, and

WHEREAS, the County acquired the former Oppenheim Zoo property adjacent to the park to allow for safety improvements to be made to the entrance to the park, and

WHEREAS, the New York State Department Of Transportation (NYSDOT) has entered into design of a highway improvement project for intersection safety improvements and widening of State Route 62 (Niagara Falls Boulevard) including the intersection with Witmer Road directly across from Oppenheim Park, and

WHEREAS, the NYSDOT has agreed to include the Oppenheim Park entrance realignment as part of the project to provide park ingress and egress at the signalized intersection with Witmer Road, and

WHEREAS, to accommodate the project NYSDOT will need to obtain right-of-way from Oppenheim Park including purchase by fee of 5,530 square feet for road widening, permanent easements totaling 15,542 square feet for drainage and intersection improvements, and temporary easements totaling 65,953 square feet for relocation of the park entrance driveway, and

WHEREAS, as per Section 4(f) of the US Department of Transportation Act of 1966 and the 2005 revision of the Act established procedures for states to acquire minor amounts of right-of-way through Eminent Domain Procedures Law from public park lands as de minimus use, now, therefore, be it

RESOLVED, that the County Legislature of the County of Niagara hereby approves the inclusion of the entrance to Oppenheim Park as part of the above subject project, and be it further

RESOLVED, that the County of Niagara has no objections to the de minimus determination of the proposed action (FEE purchase of 5,530 square feet and acquisition of 15,452 square feet of permanent easement) in Oppenheim County Park, and that this action will not adversely impact the activities, features, and attributes that qualify this property (Oppenheim County Park) for protection under the Department of Transportation Act of 1966, Section 4(f), and be it further

RESOLVED, that the County Legislature of the County of Niagara hereby authorizes the Chairman of the Legislature to authorize further action required to accomplish all the actions set forth by the NYSDOT in a letter dated January 26, 2021 that alter the review and approval, and be it further

RESOLVED, that the County of Niagara agrees to pay the local share of 10% of the total costs of the improvements within Oppenheim Park for the new entrance, and be it further

RESOLVED, that a sum not-to-exceed \$100,000 will be appropriated and made available to cover the cost of participation in the above phases of the Project, and be it further

RESOLVED, that in the event the full costs of the local share of the project exceeds the amount appropriated above, the County of Niagara shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, after review and approval of the Office of the Niagara County Attorney, the Chairman of the Legislature of the County of Niagara be and is hereby authorized to execute all necessary agreements, certifications or requests from New York State Department of Transportation in connection with the advancement or approval of the Project.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-015-21

From: Infrastructure & Facilities Committee.

Dated: March 23, 2021

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE NEWFANE WOMEN'S LACROSSE CLUB

WHEREAS, the Newfane Lacrosse Association has requested that the County of Niagara grant them rights to operate a lacrosse program in an area situated in the County owned property on Lake Road, and

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

whole, and

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

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

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Newfane Lacrosse Association, and

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

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-016-21

From: Infrastructure & Facilities Committee.

Dated: March 23, 2021

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND REELIN' FOR A CURE

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

WHEREAS, it is the wish of Reelin' for a Cure to hold the fishing tournament on August 20, 2021, and

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

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Reelin' for a Cure, and

WHEREAS, prior to the execution of the License Agreement between the County of Niagara and Reelin' for a Cure, the County Attorney will review said Agreement for approval as to legal form, language and compliance, now, therefore, it is

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-017-21

From: Infrastructure & Facilities Committee.

Dated: March 23, 2021

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE NEWFANE SOCCER CLUB

WHEREAS, the Newfane Soccer Club has requested that the County of Niagara grant them exclusive rights to operate a Soccer program in an area situated in the County owned property on Lake Road, and

WHEREAS, this program benefits the youth and other residents of both the Town of Newfane in addition to Niagara County as a whole, and

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

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

WHEREAS, prior to the execution of the License Agreement between the County of Niagara and the Newfane Soccer Club, the County Attorney will review said Agreement for approval as to legal form, language and compliance, and

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

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-018-21

From: Infrastructure & Facilities Committee.

Dated: March 23, 2021

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA
AND NEWFANE CENTRAL SCHOOL**

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

WHEREAS, it is the wish of the Newfane Central School to hold the Graduation Ceremony on June 26, 2021, and

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

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Newfane Central School, and

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

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

Moved by Bradt, seconded by Virtuoso.
Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-019-21

From: Infrastructure & Facilities Committee.

Dated: March 23, 2021

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND ANCHORING HOPE OF NY, INC.

WHEREAS, Anchoring Hope of NY, Inc. has requested that the County of Niagara grant them permission to use a portion of Krull Park for the purpose of holding a 5K Walk and Basket Raffle, and

WHEREAS, it is the wish of Anchoring Hope of NY, Inc. to hold the 5K Walk and Basket Raffle on September 18, 2021, and

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

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Anchoring Hope of NY, Inc., and

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-020-21

From: Infrastructure & Facilities Committee.

Dated: March 23, 2021

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE SOCCER SHOTS BUFFALO

WHEREAS, Soccer Shots Buffalo has requested that the County of Niagara grant them exclusive rights to operate a youth soccer program in a section of Oppenheim Park, and also a section at the West Canal Marina, and

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

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

WHEREAS, prior to the execution of the License Agreement between the County of Niagara and Soccer Shots Buffalo, the County Attorney will review said Agreement for approval as to legal form, language and compliance, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Soccer Shots Buffalo, now, therefore, be it

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-021-21

From: Infrastructure & Facilities Committee.

Dated: March 23, 2021

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE TOWN OF WHEATFIELD

WHEREAS, the Town of Wheatfield has requested that the County of Niagara grant them permission to use Oppenheim Park for the purpose of holding a July 4th fireworks display, and

WHEREAS, it is the wish of the Town of Wheatfield to hold the fireworks display on July 4, 2021, and

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

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

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-022-21

From: Infrastructure & Facilities Committee.

Dated: March 23, 2021

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA
AND THE BOND LAKE ATHLETIC CLUB**

WHEREAS, the Bond Lake Athletic Club has requested that the County of Niagara grant them permission to use the north section of Bond Lake and the Warming House for the purpose of holding a "Rut Race", and

WHEREAS, this race has been successful for the past several years in attracting hundreds of visitors from across Greater Western New York and southern Canada, and

WHEREAS, it is the wish of the organizers to hold the Bond Lake Rut Race on August 9, 2021, and

WHEREAS, the event coordinator will provide all insurances required by the Risk Management Office, and

agree to cover all extraordinary expenses associated with event, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Bond Lake Athletic Club, and

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-023-21

From: Infrastructure & Facilities and Administration Committees.

Dated: March 23, 2021

**ASBESTOS ABATEMENT AND FLOOR PREPARATION-
COURT HOUSE AND CIVIC BUILDING
CHANGE ORDER NO. 5**

WHEREAS, by Resolution No. IF-090-18, dated June 19, 2018, the Legislature awarded the contract for the Asbestos Abatement and Floor Preparation-Court House and Civic Building Project to Metro Environmental, 2939 Lockport Road, Niagara Falls, NY 14305, for a contract amount of \$184,000, and

WHEREAS, Resolution No. IF-152-18, dated December 4, 2018, authorized Change Order No. 1 to increase the contract in the amount of \$9,336 for abatement of additional pipe joint elbow mudded fittings, for a revised contract amount of \$193,336, and

WHEREAS, Resolution No. IF-067-19, dated May 21, 2019, authorized the extension of the contract completion date to December 31, 2019, at no additional cost to the County, and

WHEREAS, Resolution No. IF-028-20, dated February 18, 2020, authorized Change Order No. 3 to allow for an additional notification fee required by the New York State Department of Labor due to project extension beyond one (1) year from commencement of the project, for a revised contract amount of \$195,636, and to extend the contract completion date to February 18, 2021, and

WHEREAS, Resolution No. IF-043-20, dated March 10, 2020, authorized Change Order No. 4, to allow for additional abatement of floor tiles and mastic and drilling for MEP work, in the amount of \$17,477.14, for a revised contract amount of \$213,113.14, and

WHEREAS, it is necessary to increase the contract in the amount of \$2,300 to allow for an additional notification fee required by the New York State Department of Labor due to a project extension beyond one (1) year from commencement of the project, for a revised contract amount of \$215,413.14, and

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

RESOLVED, that Change Order No. 5 to increase the contract by \$2,300 for the Asbestos Abatement and Floor Preparation-Court House and Civic Building Project, for a revised contract amount of \$215,413.14 to Metro Environmental, 2939 Lockport Road, Niagara Falls, NY 14305, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-024-21

From: Infrastructure & Facilities and Administration Committees.

Dated: March 23, 2021

**BRIDGE BEARINGS AND LUBRICATION CONTRACT
CONSULTANT AMENDMENT NO. 2-FINAL**

WHEREAS, Resolution No. IF-052-19, dated April 9, 2019, authorized the contract for consultant services for the Bridge Bearings and Lubrication Project to Greenman Pedersen Inc., 4950 Genesee Street, Suite 100, Buffalo, NY 14225, for a contract amount of \$76,000, and

WHEREAS, Resolution No. IF-072-20, dated June 16, 2020, authorized an increase in the contract in the amount of \$18,451.20 to allow for four (4) additional weeks of full-time inspection services to match the Contractor's proposed work schedule, for a revised contract amount of \$94,451.20, and

WHEREAS, it is necessary to decrease the contract by \$1,475.17, as the project is now complete, for a revised contract amount of \$92,976.03, and

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

RESOLVED, that the consultant services contract with Greenman Pedersen Inc., 4950 Genesee Street, Suite 100, Buffalo, NY 14225, be decreased by \$1,475.17, for a revised contract amount of \$92,976.03, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-025-21

From: Infrastructure & Facilities and Administration Committees.

Dated: March 23, 2021

AWARD BRIDGE NEW YORK CONSULTANT CONTRACT - 2021

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with developing and preparing applications for three (3) bridge and five (5) culvert projects for Bridge New York for 2021, and

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

RESOLVED, that the consultant services contract for developing and preparing applications for three (3) bridge and five (5) culvert projects for Bridge New York for 2021 be awarded to CHA Consulting Inc., 2200 Main Place Tower, Buffalo, NY 14202, for a contract amount not to exceed \$18,000, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-026-21

From: Infrastructure & Facilities Committee.

Dated: March 23, 2021

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

WHEREAS, the Rapids Road Pavement Reconstruction: Raymond Road to Goodrich Road Project, Town of Lockport, Niagara County, (the "Project"), is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal Funds and 20% Non-Federal Funds, and

WHEREAS, the County of Niagara desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Preliminary Engineering Design Phases I-VI and Right-of-Way Incidentals phases of the project, and

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

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

RESOLVED, that the Legislature of the County of Niagara hereby authorizes the County of Niagara to pay in the first instance 100% of the Design Phases I-VI and Right-of-Way Incidentals phases of the project or portions thereof, and be it further

RESOLVED, that the sum of \$600,000 is hereby appropriated in account H708.15.5112.000 72600.01 and made available to cover the cost of participation in the above phases of the project, and be it further

RESOLVED, that in the event the amount required to pay the full federal and non-federal shares of the cost of the project's Design Phases I-VI and Right-of-Way Incidentals phases exceeds the amount appropriated above, the County of Niagara shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation, and be it further

RESOLVED, that the Chair of the Legislature of the County of Niagara be, and hereby is, authorized to execute all necessary Agreements, certifications, or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Niagara with the New York State Department of Transportation, in connection with the advancement or approval of the Project providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal Aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and be it further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and be it further

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

RESOLVED, that this Resolution shall take effect immediately.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-027-21

From: Infrastructure & Facilities and Administration Committees.

Dated: March 23, 2021

**AWARD OF CONTRACT
COUNTY ROAD PAINTING AND STRIPING**

WHEREAS, the Department of Public Works, Division of Highways, Bridges & Structures has prepared specifications and the Purchasing Department advertised for bids for painting traffic lines on County roads, and

WHEREAS, funds are available in the 2020 budget of the Highways, Bridges & Structures Division of the Department of Public Works, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on March 11, 2021 and tabulated below:

<u>Waterborne Paint Application</u>	<u>Price Per Mile Of Centerline</u>	<u>Price Per Mile Of Edge Line</u>
SPM Inc. 3526 Watkins Road Horseheads, NY 14854	\$303.00	\$176.00
Accent Stripe, Inc. 3275 N. Benzing Road Orchard Park, NY 14127	\$317.90	\$197.90
Atlantic Pavement Marking Inc. 15 Industrial Road Prospect, CT 06712 and	\$379.99	\$229.99

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 low bid of Atlantic Pavement Marking, Inc., for painting traffic lines on County roads be accepted as the lowest responsible bid meeting specifications, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-028-21

From: Infrastructure & Facilities Committee.
Dated: March 23, 2021

AWARD OF CONTRACT FOR CONTROL OF ROADSIDE VEGETATION

WHEREAS, the Commissioner of Public Works prepared specifications and the Niagara County Purchasing Department advertised for bids for the chemical weed control of roadside vegetation on County roadways, and

WHEREAS, funds are available in the 2021 budget of the Department of Public Works, and

WHEREAS, the Purchasing Department advertised for bids and publicly opened and read bids on March 11, 2021, and

	Guide Railing Vegetation Control	
	Per Side Mile	Per Gal. Mat. Applied
1. DeAngelo Brothers, Inc. 100 N. Conahan Drive Hazleton, PA 18201	\$21.99	\$0.80
2. Allen Chase Enterprises, Inc. 24 County Route 1A Oswego, NY 13126	\$22.47	\$0.66

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 roadside vegetation control be awarded to DeAngelo Brothers, Inc., 100 N Conahan Drive, Hazleton, PA 18201 and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-029-21

From: Infrastructure & Facilities Committee.
Dated: March 23, 2021

APPROVAL OF GENERAL BIDDER QUESTIONNAIRE – NON-FEDERAL PROJECTS OVER TWO-HUNDRED FIFTY THOUSAND DOLLARS

WHEREAS, Section 104-b of the New York State General Municipal Law requires the governing board of every political subdivision shall adopt, by resolution, internal policies and procedures governing the procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of Section 102 of New York State General Municipal Law or of any other general, special or local law, and

RESOLVED, all bidders will complete the following questionnaire and submit with all bids that are a non-federal project, with a value greater than two hundred fifty thousand dollars (\$250,000),

In the event that you are refusing to submit a bid proposal please use this space to indicate the reason why, including if that reason is the fact that you do not wish to complete this Questionnaire. (Note that the mere completion of this Questionnaire, and any individual or series of potentially unfavorable responses contained herein, does not automatically exclude you from this or any future bid awards).

How many years in government contracting does your organization have?

As a General Contractor: _____ years

As a Sub-Contractor _____ years

What percentage of the total work associated with this project will be performed by your organization with your own work force?

_____ %

Does your organization have a financial interest in any other business(es)? If so, state the name, address and type of interest in said business(es):

Business Name	Business Address	Type of Interest
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_____	_____	_____
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_____	_____	_____
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_____	_____	_____
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2. Director/Officer/Partner/Owner Information:

Is any director/officer/partner/owner of the organization, or a member of his/her immediate family, employed by the County of Niagara?

If yes, what department? _____

Name of County employee: _____

What is the government contracting experience of all director/officer/partner/owner individuals of your organization? Please include the individual's name, current position in the firm, number of years of actual contracting experience, type and magnitude of work.

Name: _____ Position: _____ Years of Experience: _____

Type/Magnitude of Work: _____

Name: _____ Position: _____ Years of Experience: _____

Type/Magnitude of Work: _____

Name: _____ Position: _____ Years of Experience: _____

Type/Magnitude of Work: _____

Name: _____ Position: _____ Years of Experience: _____

Type/Magnitude of Work: _____

Name: _____ Position: _____ Years of Experience: _____

Type/Magnitude of Work: _____

Name: _____ Position: _____ Years of Experience: _____

Type/Magnitude of Work: _____

Has any Officer, Partner or Member of your organization ever failed to complete a project or contract in which he was involved in a professional capacity? If so, state the name of said Officer, Partner or Member, the name of the project or contract and the reason therefor:

3. General Bidder Experience

List the five (5) highest bid amount contracts your organization has completed in the last five (5) years?

Contract Amount	Class of Work	Date Completed	Name/Address of Owner
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_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Please provide the names of any person(s) that the County may contact as references for any corporate, local municipal, county, state or federal projects for which your organization has performed work over the past three (3) years. Provide a minimum of three (3) references in each category (if you have not performed work in any listed category then indicate "N/A").

Corporate: _____

Local Municipal:

County:

State:

Federal:

4. Bidder Integrity

Has this organization ever failed to complete any contract that it was awarded? ____ Yes ____ No

If Yes, provide the name of the project(s) or contract(s), the date of the project(s) or contract(s), indicate whether your failure was as a subcontractor and if so the name of the prime contractor, and the reason(s) for the failure to complete the work.

Has any Officer, Partner or Member of this organization ever been an officer, partner or member of some other organization that failed to complete any contract that it was awarded? If so, state the name of the Officer, Partner or Member, the name of the other organization and the reason(s) for the failure to compete the work.

Has this organization, or any of its directors, officers, partners or owners:

a) Been convicted of any business-related conduct within the past five (5) years which would constitute a crime under State or Federal law? If so, provide the dates and details:

b) Been debarred, suspended or in any way prohibited from bidding on government contracts within the past five (5) years? If so, provide the dates and details:

c) Had any of its bids rejected on the grounds that the organization, or any of its directors, officers, partners or owners were not a responsible bidder? If so, provide the dates and details:

d) Been determined to be in violation of any State or Federal Labor Law or regulation, including OSHA violations? If so, provide the dates and details:

e) Had its DBE, MBE or WBE certification revoked? If so, provide the dates and details:

f) Had a bid rejected on any competitive bid contract for failure to meet statutory affirmative action, MBE or WBE requirements? If so, provide the dates and details:

g) Been determined to be in violation of State or Federal environmental laws in conjunction with any project or contract? If so, provide the dates and details:

h) Ever employed persons who are illegal aliens? If so, provide the dates and details:

i) Been determined to be in violation, within the past five (5) years, of any New York State Labor Laws, including but not limited to the prevailing wage law, wage and hour law, and unemployment insurance delinquency? If so, provide the dates and details:

j) Been determined to be in violation of the National Labor Relations Act within the past five (5) years? If so, provide the dates and details:

k) Been determined to be in violation of New York State's Workers' Compensation laws, including but not limited to the failure to provide proof of Workers' Compensation or Disability Insurance coverage, within the past five (5) years? If so, provide the dates and details:

5. Capacity to Complete Project/Contract

List all projects/contracts upon which your organization will be actively engaged at the time bids are received for this project/contract and upon which your organization will be engaged during the schedule of this project/contract. Provide the name and address of the owner(s), the architect and/or engineer, the approximate contract amount and the approximate percentage of completion of your organization's work as of the date of this project/contract bid opening:

Name/Address of Owner	Contract Amount	% of Work Complete
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Provide a list of the equipment and describe the facilities which your organization anticipates being required for completion of this project/contract and how you anticipate meeting these requirements.

6. Miscellaneous:

Has your organization filed performance record reports with the Bureau of Contract Information, Inc., Washington, D.C.? ☐ Yes ☐ No

County of _____)

_____, being duly sworn, deposes and says that he/she is the _____ of _____ (name of organization) and that the answers to the foregoing questions and all statements therein contained are true and correct.

Sworn to before me this _____ day of _____, 20____. _____
Notary Public

This Bidder Responsibility Questionnaire is subject to renewal every two (2) years by the County Legislature. Furthermore, the County Legislature may at any time as it sees fit modify the content of this Questionnaire in order to ensure that the Questionnaire achieves its intended purpose and maximizes the number of potential bidders on County projects.

And be it further,

RESOLVED, this shall take effect immediately and the questionnaire is subject to review and renewal every two (2) years.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IL-004-21

From: Legislators Irene M. Myers, John Syracuse, Rebecca J. Wydysh, David E. Godfrey, William J. Collins, Michael A. Hill and Anthony J. Nemi.

Dated: March 23, 2021

**RESOLUTION IN SUPPORT OF CERTAIN NIAGARA COUNTY LOCAL GOVERNMENTS
ESTABLISHING A WORKING GROUP TO COLLABORATE ON A NORTHERN NIAGARA
REGIONAL TRAIL NETWORK**

WHEREAS, communities throughout Niagara County are benefitting from regional trail network connections that are being developed throughout Western New York, including projects related to the Empire State Trail and other local trails, and

WHEREAS, the Town of Lewiston, Village of Lewiston, Village of Youngstown, Town of Porter, Village of Wilson, Town of Wilson, Town of Newfane, Village of Barker, Town of Somerset, Town of Lockport, and City of Lockport believe there are additional opportunities in their communities that will strengthen the regional connectivity for the entire trail system and create additional benefits to residents, and

WHEREAS, these communities recognize that working collaboratively creates a more dynamic program and potential economies of scale that strengthen state and federal funding requests and other grant applications that will be necessary to move their trail efforts forward, and

WHEREAS, these municipalities have formalized their joint efforts by signing a Memorandum of Understanding to create the Northern Niagara Regional Trail Network Collaborative, and

WHEREAS, other groups have agreed to be partners in this effort including the Niagara River Greenway Commission, New York State Office of Parks, Recreation and Historic Preservation, Niagara Heritage Area,

and Old Fort Niagara, now, therefore, be it

RESOLVED, that the Niagara County Legislature fully supports the Northern Niagara County Regional Trail Network Collaborative, and be it further

RESOLVED, that Niagara County will join with other groups in partnering with the Collaborative in any appropriate manner that will help further their collective goals to create a Northern Niagara Regional Trail Network.

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

Carried.

Moved by Myers, seconded by Godfrey.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IL-004-21

From: Legislators Richard L. Andres, Anthony J. Nemi, John Syracuse, Randy R. Bradt, Owen T. Steed and Park Recreation & Tourism Ad Hoc Committee.

Dated: March 23, 2021

**SUPPORT FOR FINAL PHASE FOR THE LOCKPORT LOCKS
HERITAGE DISTRICT CORPORATION LOCK TENDERS TRIBUTE**

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

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

WHEREAS, the Lockport Locks Heritage District Corporation has made application to the Niagara County's Ad Hoc Committee on Parks, Recreation and Tourism for Greenway funds for the final phase of six sculptures of its Lock Tenders Tribute project which is inspired by an iconic 19th century photograph of locks tenders seated on the steps of the famed Flight of Five Locks in Lockport taken by C.J. Cleve in 1897, and

WHEREAS, the objective of the Lock Tenders Tribute project is to provide residents and visitors with a glimpse into the past through the creation, by acclaimed sculptor Susan Geissler, of life-size, bronze sculptures of those same lock tenders who labored to "lock through" over 1,000 packets, line boats and tows a year in the 1890s, working 12 hours days, 7 days a week from April through November, to enable boats to traverse the Niagara Escarpment, which are five locks up and five locks down, and

WHEREAS, the restored Flight of Five Locks and their associated interpretational elements, including the Lock Tenders Tribute, operating alongside Locks 34 and 35, will constitute a historic and cultural exhibit unmatched anywhere else along the entire Erie Canal National Heritage Corridor, and

WHEREAS, the Lockport Locks stairway was in disrepair and the repairs were necessary and the Lockport Locks Heritage District Corporation had relied on the New York State Canal Corporation's promise to repair the same, and

WHEREAS, the New York State Canal Corporation was unable to repair the stairway or provide funding for the repair of the stairway causing a \$200,000 shortfall in the Project's budget, and

WHEREAS, the Lockport Locks Heritage District Corporation is seeking \$100,000 towards this amount in Greenway funds from Niagara County, and

WHEREAS, the Lockport Locks Heritage District Corporation Lock Tenders Tribute project meets the guiding principles of the Niagara Greenway, and

WHEREAS, the Niagara River Greenway Commission's guiding principles promote high quality ecologically sensitive and sustainable activities and development, and

WHEREAS, Lockport Locks Heritage District Corporation Lock Tenders Tribute project will promote increased access to the County's historical and cultural sites, and

WHEREAS, Lockport Locks Heritage District Corporation Lock Tenders Tribute project has the support and approval of the New York State Thruway Authority, Niagara County Legislator Anthony J. Nemi, Niagara County Legislator William J. Collins, Sr., and the City of Lockport, and

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

WHEREAS, the Lockport Locks Heritage District Corporation has utilized great effort and is complimented for being able to receive additional funding and support whereby they are requesting the sum of \$100,000.00 to cover a portion of the unexpected shortfall in their budget due to the New York State Canal Corporation not following through on repairing the stairway, and

WHEREAS, the City of Lockport has embraced this project as a vital component of the revitalization of the Lockport Erie Canal Heritage Park, the New York State Canal Corporation has incorporated the Erie Canal Flight of Five in its New York State Canal Revitalization Plan, and the Erie Canalway National Heritage Corridor Commission has also identified it is a demonstration project in recognition of the industrial and technological contributions to this area and to the heritage of the Erie Canalway, and

WHEREAS, after receipt of grants and other funding for the project and in-kind services to be performed by the Lockport Locks Heritage District Corporation, \$100,000.00 is being requested for the final phase of said project, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the funding of \$100,000.00 for the final phase of the Lockport Locks Heritage District Corporation Lock Tenders Tribute project when presented to the Niagara Power Coalition and the Host Community Standing Committee.

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

Carried.

Moved by Andres, seconded by Nemi.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IL-006-21

From: Legislators Richard L. Andres, Anthony J. Nemi, John Syracuse, Randy R. Bradt, Owen T. Steed and Park Recreation & Tourism Ad Hoc Committee.

Dated: March 23, 2021

SUPPORT FOR THE CITY OF NORTH TONAWANDA PHASE ONE OF THE GRATWICK RIVERSIDE PARK IMPROVEMENTS PROJECT

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

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

WHEREAS, the City of North Tonawanda has been rebuilding its parks and replacing old equipment which has become outdated and unsafe with new equipment that entices both children and adults to venture outdoors and take part in recreational activities to become more active, and

WHEREAS, the City of North Tonawanda made application to the Niagara County's Ad Hoc Committee on Recreation and Tourism for Greenway funds to assist in the improvement of Gratwick Riverside Park which is located on River Road, North Tonawanda and has been identified as a destination gateway within the Niagara River Greenway Plan, and

WHEREAS, the Niagara County Legislature approved the City of North Tonawanda Gratwick Riverside Park Improvements Project by Resolution IL-055-19, and

WHEREAS, the Project was previously found consistent with the principals and goals of the Niagara Greenway, and

WHEREAS, funding in the amount of Three Hundred Sixteen Thousand (\$316,000.00) was approved for the original project, and

WHEREAS, the City of North Tonawanda Department of Youth, Recreation, Parks & Seniors has notified the Ad Hoc Committee on Recreation and Tourism Fund that the Gratwick Riverside Park Improvement Project is now on hold because the lowest bidder has pulled their bid due to the increase in steel prices, and

WHEREAS, the City of North Tonawanda Gratwick Riverside Park Improvements Project original proposal included the installation of two 30-foot ADA Portable Restroom Trailers, and two pavilions with furnishings, and

WHEREAS, the City of North Tonawanda now proposes to re-phase the project to include two phases, with the first phase to include the construction of one pavilion, a portable restroom, picnic tables and signage with a total project cost for phase one of \$288,417.36 with \$268,417.36 coming from Greenway funds and \$20,000 in City of North Tonawanda matching funds, and

WHEREAS, the second phase will include the balance of the original project and the second phase will be considered when presented by the City of North Tonawanda when they are prepared to proceed, and

WHEREAS, Phase I of City of North Tonawanda Gratwick Riverside Park Improvements Project has previously met the guiding principles of the Niagara Greenway, and

WHEREAS, the Niagara River Greenway Commission's guiding principles promote high quality ecologically sensitive and sustainable activities and development, and

WHEREAS, the proposed Phase I of the City of North Tonawanda Gratwick Riverside Park Improvements Project will assist in the promotion of increased recreation opportunities for residents and visitors within the City of North Tonawanda and Niagara County, and

WHEREAS, Phase I of the City of North Tonawanda Gratwick Riverside Park Improvements Project has the support and approval of Niagara County Legislators Richard L. Andres and Jesse P. Gooch, Niagara County Legislative Chairman Rebecca J. Wydysh and City of North Tonawanda Mayor Arthur G. Pappas, and

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

WHEREAS, the City of North Tonawanda is hereby requesting the sum of \$268,417.36 on the total overall project costing \$288,417.36, and

WHEREAS, after receipt of other funding for the project and in-kind services to be performed by the City of North Tonawanda, the remaining \$268,417.36 of funds is being requested for said project, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the funding of \$268,417.36 for Phase 1 of the City of North Tonawanda Gratwick Riverside Park Improvements Project when presented to the Niagara Power Coalition and the Host Community Standing Committee.

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

Carried.

Moved by Bradt, seconded by Gooch.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IL-007-21

From: Legislators Richard L. Andres, Anthony J. Nemi, John Syracuse, Randy R. Bradt, Owen T. Steed and Park Recreation & Tourism Ad Hoc Committee.

Dated: March 23, 2021

SUPPORT FOR THE VILLAGE OF YOUNGSTOWN WATER STREET SHORELINE STABILIZATION AND MITIGATION PROJECT

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

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

WHEREAS, the Village of Youngstown has made application to the Niagara County's Ad Hoc Committee on Recreation and Tourism for Greenway funds for its Village of Youngstown Water Street Shoreline Stabilization and Mitigation Project, and

WHEREAS, the Village of Youngstown is a quaint and historic village which is situated at the mouth of the Niagara River where it meets Lake Ontario, and

WHEREAS, the Village of Youngstown's waterfront along the Niagara River has been negatively impacted by flooding due to rising water levels over the years, which has resulted in lost revenue for local businesses, tourism and recreational boating, and

WHEREAS, the Village of Youngstown's Water Street Shoreline Stabilization and Mitigation Project involved the raising of sheet piling and adding floating docks and jetties to reduce wave action for boating activity and shoreline erosion, for a total project cost of \$2,103,000, and

WHEREAS, the Village of Youngstown has secured a New York State Resiliency and Economic Development Initiative (REDI) grant for \$1,997,850, which is 95% of the total project cost, and

WHEREAS, the Village of Youngstown must provide 5% in matching funds to complete the project, or \$105,150, and

WHEREAS, the Village of Youngstown has \$95,150 in Village funds already allocated towards this project, and is requesting the remaining \$10,000 in Niagara County Greenway funds to close the gap, and

WHEREAS, this project will enhance the quality of life for residents and visitors and tourists alike by improving the Village of Youngstown's Niagara River shoreline, and will cause a positive economic impact in the Village of Youngstown and Niagara County, and

WHEREAS, the Village of Youngstown has the support and approval of Niagara County Legislator Irene Myers, and

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

WHEREAS, the Village of Youngstown has utilized great effort and is complimented for being able to receive additional funds for further projects to lower their actual request for funds, and

WHEREAS, after receipt of in-kind services and other funding, the remaining \$10,000.00 needed for the project is being requested, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the funding of \$10,000.00 for the Village of Youngstown Shoreline Stabilization and Mitigation project when presented to the Niagara Power Coalition and the Host Community Standing Committee.

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

Carried.

Moved by Myers, seconded by Syracuse.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IL-008-21

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

Dated: March 23, 2021

**RESOLUTION OPPOSING THE ADDITION OF SECTION 575-B TO
THE REAL PROPERTY TAX LAW IN THE 2021-2022 NYS BUDGET**

WHEREAS, the New York Real Property Tax Law – Section 487 – provides a 15-year real property tax exemption for properties on which wind or solar energy projects are built, and

WHEREAS, the real property tax exemption is not mandatory under current law since Section 487 allows local governments to opt out of the exemption and tax wind or solar energy projects based on their full assessed value, and

WHEREAS, Niagara County has indeed implemented the opt out provision of Section 487 by a vote of the Niagara County Legislature in 2020, and

WHEREAS, the Niagara County Industrial Development Agency (IDA) developed a Payment in Lieu of Taxes (PILOT) which would offer a PILOT agreement to qualified wind and solar projects that have the support of the local city, town or village where they are to be located, and

WHEREAS, through the budget process, New York State seeks to add Section 575-b to the Real Property Tax Law, which will drastically change the way real property is assessed for wind and solar energy systems (equal to or greater than 1 megawatt) by establishing a state wide standardized approach for real property tax assessment for wind and solar energy projects, and

WHEREAS, through the budget process, the State also seeks to mandate that the assessed value for solar or wind energy projects will be determined by an income capitalization or discounted cash flow approach that considers an appraisal model created by the New York State Department of Taxation and Finance, and in consultation with the New York State Energy Research and Development Authority, and

WHEREAS, through the budget process, the State-determined assessment will also include a solar or wind energy discount rate that is set annually by the New York State Department of Taxation and Finance, and

WHEREAS, the 575-b process, if enacted, takes all discretion on tax and PILOT payments related to wind and solar projects out of the control of local governments, further eroding the concept of Home Rule in New York State, now, therefore, be it

RESOLVED, Niagara County holds strongly to the right to home rule established in Article 9 of the NY State Constitution, especially with regard to land use and real property taxation, and be it further

RESOLVED, Governor Cuomo has introduced Section 575-b in this year's budget bill in order to abolish the Niagara County's ability to assess real property used for renewable energy projects, and be it further

RESOLVED, Niagara County is adamantly opposed to the addition of Section 575-b to the Real Property Tax Law in the 2022 NYS budget, and be it further RESOLVED, that copies of this resolution be sent to Governor Cuomo, Speaker of the Assembly Heastie, Senator Majority Leader Stewart-Cousins, Senator Ortt, and Members of Assembly Morinello, Norris, Hawley, McMahon and Conrad with our strong demand they not adopt Section 575-b of the Real Property Tax Law.

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

Carried.

Moved by Godfrey, seconded by Syracuse.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Legislator Mark J. Grozio removed Resolution No. IL-008-21 from the agenda.

Resolution No. IL-010-21

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

Dated: March 23, 2021

FINANCIAL STABILITY FOR NIAGARA COUNTY

WHEREAS, on March 11, 2021 President Biden signed the 1.9 trillion dollar Coronavirus Relief Plan, The American Rescue Plan Act of 2021 {ARP} in an effort to speed up the United States recovery from the economic and health effects of the Covid-19 pandemic and ongoing recession, and

WHEREAS, in this bill there is relief for local governments, and

WHEREAS, Niagara County is to receive approximately 40 million dollars, and

WHEREAS, Niagara County should have a plan in affect to manage this money wisely and in the best interest of the Taxpayers of Niagara County, now, therefore, be it

RESOLVED, monies should be set aside in special accounts for Tax Relief, to offset any future tax increases, Capital Projects, so as not to increase our debt, and be it further

RESOLVED, that the General Fund shall be reimbursed for all expenses and losses related to the Covid-19 Pandemic, and be it further

RESOLVED, this plan should set aside these funds in special accounts only to be used for these appropriations, and be it further

RESOLVED, this plan would insure Financial Stability for all of Niagara County Residents.
Referred to the Administration Committee.

Resolution No. IL-011-21

From: Legislator David E. Godfrey

Dated: March 23, 2021

SUPPORT FOR COUNTY FUNDING TO HELP WITH LOCAL MATCH FOR TOWN OF WILSON REDI PROJECTS

WHEREAS, lakeshore towns in Niagara County have been faced with unprecedented damage due to Lake Ontario flooding in 2017 and 2019, and

WHEREAS, the Town of Wilson is working will all levels of government to find ways to mitigate damage from future flooding allowing for economic recovery, growth, and development, including tourism, and

WHEREAS, New York State created the Resiliency and Economic Development Initiative (REDI) to fund projects that increase the resilience of shoreline communities and bolster economic development, and

WHEREAS, three important projects in the Town of Wilson have been approved through the New York State Resiliency and Economic Development Initiative ~ Town of Wilson Water Tower (\$1,000,000), Sunset Island West Barrier Bar (\$210,000), and Roosevelt Beach Bridge Waterline (\$500,000), with the costs for these projects totaling \$1,710,000, and

WHEREAS, the New York State Resiliency and Economic Development Initiative will fund 95 percent of the total project costs or \$1,624,500, provided the local community can meet a 5 percent matching share, which works out to \$85,500 for the Town of Wilson, and

WHEREAS, the Town of Wilson had previously identified funds of \$63,870 from the Town's Water Fund leaving a shortfall of \$21,630 for the three projects, and

WHEREAS, in 2020 this body allocated of \$10,500 for the first two projects, leaving a funding shortfall of \$11,130 for the third project that is scheduled for this year, and

WHEREAS, the Town of Wilson is asking Niagara County to help with the remaining funds needed for the Town of Wilson Water Tower so the matching funds requirement will be met, the state grant funds will be unlocked, and this important project can move forward, now, therefore, be it

RESOLVED, that the Niagara County Legislature approves \$11,130 to be dedicated to the Town of Wilson's local match relating to the Town of Wilson project approved by New York State Resiliency and Economic Development Initiative, and be it further

RESOLVED, that this funding be transferred from the Niagara Falls Bridge Commission funds provided to Niagara County to the Town of Wilson.

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

Carried.

Moved by Virtuoso, seconded by Grozio to Table Resolution.

Carried. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IL-012-21

From: Legislator David E. Godfrey

Dated: March 23, 2021

**SUPPORT FOR COUNTY FUNDING TO HELP WITH LOCAL MATCH
FOR VILLAGE OF WILSON REDI PROJECTS**

WHEREAS, lakeshore towns in Niagara County have been faced with unprecedented damage due to Lake Ontario flooding in 2017 and 2019, and

WHEREAS, the Village of Wilson is working with all levels of government to find ways to mitigate damage from future flooding allowing for economic recovery, growth, and development, including tourism, and

WHEREAS, New York State created the Resiliency and Economic Development Initiative (REDI) to fund projects that increase the resilience of shoreline communities and bolster economic development, and

WHEREAS, two important projects in the Village of Wilson have been approved through the New York State Resiliency and Economic Development Initiative ~ Village of Wilson Wastewater Treatment Plant (\$4,461,000) and Village of Wilson Townline Pier (\$1,587,000), with the costs for these projects totaling \$6,048,000, and

WHEREAS, the New York State Resiliency and Economic Development Initiative will fund 95 percent of the total project costs or \$5,745,600, provided the local community can meet a 5 percent matching share, which works out to \$302,400 for the Village of Wilson, and

WHEREAS, the Village of Wilson has identified funds of \$167,288 from the Village's Sewer Fund for sewer projects and funds of \$59,513 from the Village's General Fund for infrastructure projects for a total Village Contribution of \$226,801 leaving a shortfall of \$75,600, and

WHEREAS, in 2020, this body approved funding for the first project of \$19,838, with the understanding it would address the second funding request of \$55,762 in 2021, and

WHEREAS, the Village of Wilson is asking Niagara County to help with the remaining funds needed for the Village of Wilson Wastewater Treatment Plant project so the matching funds requirement will be met, the state grant funds will be unlocked, and this project can move forward, now, therefore, be it

RESOLVED, that the Niagara County Legislature approves \$55,762 to be dedicated to the Village of Wilson's local match relating to the Village of Wilson project approved for New York State Resiliency and Economic Development Initiative, and be it further

RESOLVED, that this funding be transferred from the Niagara Falls Bridge Commission funds provided to Niagara County to the Village of Wilson.

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

Carried.

Moved by Virtuoso, seconded by Grozio to Table Resolution.

Carried. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IL-013-21

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

Dated: March 23, 2021

RESOLUTION TO SET A PUBLIC HEARING ON SOLAR PANEL COLLECTION LOCAL LAW

WHEREAS, as residents of New York State switch to alternative forms of energy in order to reduce dependence on fossil fuels we have seen a rise in the use of solar panels, and

WHEREAS, the immense growth of the solar energy industry could lead to an accumulation of photovoltaic (PV) waste, and

WHEREAS, eventually, all of this equipment will reach the end of their life and become PV waste, and

WHEREAS, these PV modules contain various valuable materials and rare metals, properly recycling will ensure that these materials and metals are able to be reused, and

WHEREAS, by recycling solar panels, we can ensure that solar panels do not prematurely arrive at landfills where they can have potential negative environmental effects, and

WHEREAS, it is essential that we take action that is both economically and environmentally friendly, and

WHEREAS, the Niagara County Legislature finds that a convenient, safe, and environmentally sound system for the recycling of photovoltaic modules, minimization of hazardous waste, and recovery of commercially valuable materials must be established, and

WHEREAS, the legislature further finds that the responsibility for this system must be shared among all stakeholders, with manufacturers financing the takeback and recycling system, now, therefore, be it

RESOLVED, that the Niagara County Legislature shall conduct a public hearing for public and municipal input regarding enactment of Solar Panel Collection Local Law at the Legislative Chambers, Courthouse, 175 Hawley Street, Lockport, New York 14094 on April 20, 2021 at 5:15 p.m., and be it further

RESOLVED, that the Clerk of the Legislature at least six 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 in the Lockport Union Sun and Journal and the Niagara Gazette.

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

Carried.

Moved by Godfrey, seconded by Collins.

Approved. 15 Ayes, 0 Noes, 0 Absent.

APPOINTMENTS:

	<u>Appt.</u>	<u>Expires</u>
<u>COMMUNITY SERVICES BOARD:</u>		
Suzanne Cassick (replaces Daniel Norton)	03/23/21	12/31/22
463 Westwood Avenue, Youngstown NY 14174		
Representative of USAFR Niagara Falls Airbase		
<u>Alcoholism & Substance Abuse Subcommittee:</u>		
Jessica Olscamp		
1312 Ridge Road, Lewiston NY 14092	03/23/21	12/31/24
<u>COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY COMMITTEE:</u>		
Sarah Nelson, Director of Marketing & Membership (Replaces Cathy Oddo)	03/23/21	12/31/21
Chamber of Commerce of the Tonawanda's, 254 Sweeny St, North Tonawanda 14120		
Thomas Tedesco, Executive Director. (Replaces Tom DeSantis)	03/23/21	12/31/21
NFC Development Corp. 1022 Main St., PO Box 69, Niagara Falls 14302-0069		
Karen Kwandras, Assistant VP of Academic Affairs	03/23/21	12/31/21
NCCC Workforce Development, 3111 Saunders Settlement Road, Sanborn NY 14132		
Bonnie Rice, Executive Director,	03/23/21	12/31/21
Niagara County Workforce Development Board, 1001 11 th Street, Floor 2 Niagara Falls NY 14301		
<u>MUTUAL SELF INSURANCE ADVISORY COMMITTEE (AD HOC):</u>		
Jennifer Pitarresi, Director of Risk Management	03/23/21	03/10/22
Niagara County Mu.S.I.P., 111 Main St., Lockport 14094		
Matthew Foe, Deputy Supervisor, Town of Cambria	03/23/21	03/10/22
4160 Upper Mountain Rd, Sanborn 14132		
Kimberly Roessler, Adm. Asst., Town of Hartland Hwy Dept.	03/23/21	03/10/22
8940 Ridge Rd, Gasport 14067		
Amy Smith, Confidential Secretary, Town of Lewiston	03/23/21	03/10/22
P.O. Box 330, Lewiston 14092		
Timothy Horanburg, Supervisor, Town of Newfane	03/23/21	03/10/22
2896 Transit Rd, Newfane 14108		
Mark Walter, Deputy Supervisor, Town of Pendleton	03/23/21	03/10/22
6570 Campbell Blvd., Lockport 14094		
Kim Boyer, Bookkeeper, Town of Porter	03/23/21	03/10/22
3265 Creek Road, Youngstown 14174		
James Muscoreil, Town Councilman	03/23/21	03/10/22
3505 Wilson-Cambria Rd., Wilson 14172		
Amanda Detschner, Clerk-Treasurer, Village of Barker	03/23/21	03/10/22
1697 East Ave. PO Box 298 Barker 14012		
Shannon Fundis, Clerk, Village of Lewiston	03/23/21	03/10/22
145 N. Fourth St., P.O. Box 325, Lewiston 14092-0325		
Lisa VanBuren, Clerk-Treasurer, Vill. of Middleport	03/23/21	03/10/22
P.O. Box 186, Middleport 14105		
Ellen M. Hibbard, Clerk, Tresurer & Registrar, Village of Wilson	03/23/21	03/10/22

240 Lake St., P.O. Box 371, Wilson 14172		
Religh Reynolds, Mayor of Youngstown	03/23/21	03/10/22
P.O. Box 168, Youngstown 14174		
Kevin Klumpp, Treasurer, Newfane Central School	03/23/21	03/10/22
6048 Godfrey Rd., Burt NY 14028		
Hank Stopinski, Superintendent, Royalton Hartland School	03/23/21	03/10/22
54 State St., Middleport NY 14105		
Gretchen Cerone, Director of HR, Starpoint School	03/23/21	03/10/22
4363 Mapleton Rd, Lockport 14094		
Carolyn Oliveri, Business Director, Wilson Central School	03/23/21	03/10/22
412 Lake St., P.O. Box 648, Wilson 14172-0648		
Catherine Brown, Assistant VP of Human Resources	03/23/21	03/10/22
NCCC, 3111 Saunders Settlement Rd, Sanborn 14132		
Jonathan Schultz, Niagara County Fire Coordinator	03/23/21	03/10/22
5574 Niagara St. Ext., PO Box 496 Lockport 14095		
Legislator Anthony J. Nemi, Chairman, Administration Committee	03/23/21	03/10/22

WORKFORCE DEVELOPMENT BOARD:

David J. Miller, Gothic Hill Golf Course	03/23/21
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5463 Niagara Street Ext., Lockport 14094

Moved by Bradt, seconded by Virtuoso.

Approved. 15 Ayes, 0 Noes, 0 Absent.

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

The Chairman declared the Board adjourned at 6:44 p.m., subject to the call of the Clerk.

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

Alysa T. Moran

Alysa T. Moran, Clerk