

Public Hearings:

5:50 PM – Local Law Requiring Contractors, Desiring to Bid on Construction Work for the County of Niagara to Provide Proof of the New York State Certified Worker Training



AGENDA
NIAGARA COUNTY LEGISLATURE
December 12, 2023 – 6:00 P.M.

1. CALL TO ORDER
2. CLERK CALLS THE ROLL
3. PRAYER & PLEDGE
4. PRESENTATIONS:
5. PUBLIC SPEAKERS: Clerk will read the names on the sheet for Public Speakers on Agenda items.
6. RECESS
7. RESOLUTIONS
8. COUNTY MANAGER
9. APPOINTMENTS:
10. EXECUTIVE SESSION
11. ADJOURNMENT
12. PUBLIC SPEAKERS: Clerk will read names on the sheet for Public Speakers for the General Welfare of the County

Alysa T. Tomasino

Alysa T. Tomasino, Clerk
Niagara County Legislature

The next meeting of the Legislature will be held on January 2, 2024



AGENDA
NIAGARA COUNTY LEGISLATURE
December 12, 2023 – 6:00 P.M.

Resolutions not on Previous Agenda:

CW-038-23 Committee of the Whole, re District Attorney Crimes Against Revenue Program Grant Acceptance

Regular Meeting – December 12, 2023

CW-039-23 Committee of the Whole, re Budget Fund Balance Transfer to County Attorney's Special Litigation, Contractual Expense Line

CW-040-23 Committee of the Whole, re Resolution to Authorize the County Attorney to Use Funds from the Committed Fund Balance for Environmental Litigation Matters

CW-041-23 Committee of the Whole, re Contract with WellNow Urgent Care PC. For Occupational Medicine Services

IL-161-23 Legislators Irene M. Myers, Mark J. Grozio and Administration Committee, re Adoption of a Local Law Requiring Contractors, Desiring to Bid on Construction Work for the County of Niagara to Provide Proof of the New York State Certified Worker Training Program

Alysa T. Tomasino

Alysa T. Tomasino, Clerk
Niagara County Legislature

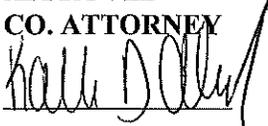
* Indicates Preferred Agenda items

Attachments for resolutions may be obtained in the office of the Clerk of the Legislature upon request.

The next meeting of the Legislature will be held on January 2, 2024

NIAGARA COUNTY LEGISLATURE

FROM: Committee of the Whole DATE: 12/12/23 RESOLUTION # CW-039-23

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	<u>CW - 12/12/23</u>	Approved: Ayes _____ Abs. _____ Noes _____
		_____	Rejected: Ayes _____ Abs. _____ Noes _____
		_____	Referred: _____

**BUDGET – FUND BALANCE TRANSFER TO
COUNTY ATTORNEY’S SPECIAL LITIGATION, CONTRACTUAL EXPENSE LINE**

WHEREAS, as a result of an unanticipated litigation with respect to illegal immigrants, refugees and/or asylum seekers, funds are needed for this special litigation as the County Attorney’s expense line for such legal services have been exhausted and there are outstanding expenses that currently exist, and

WHEREAS, the unanticipated litigation includes the matter of the City of New York v. Niagara County et al, and Palisades Estates et al v. the County of Niagara et al; with both matters it was found to be necessary to refer to outside counsel for special litigation to protect the County’s best interest, and

WHEREAS, Niagara County Attorney’s Office administers payment of these bills on behalf of the County, now, therefore, be it

RESOLVED, the following budget transfer be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

A.40599.00	Appropriated Fund Balance	\$70,000
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INCREASE APPROPRIATIONS:

A.11.1930.110 74500.01	Special Litigations Contractual Expense	\$70,000
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COMMITTEE OF THE WHOLE

NIAGARA COUNTY LEGISLATURE

FROM: Committee of the Whole DATE: 12/12/23 RESOLUTION # CW-040-23

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	CW - 12/12/23	Approved: Ayes _____ Abs. _____ Noes _____
<i>Kau Dau</i>			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

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

WHEREAS, by resolution AD-029-19, any unspent funds in account A.11.19030.110 74350.01 were set aside as a committed fund balance (A.11.1930.110 40599.01) and to be used for future litigation concerning the toxic hazardous waste facility Chemical Waste Management, and

WHEREAS, the County Attorney’s special litigation (Environmental) line A.11.1930.110 74350.01 is almost depleted due to the cost of the defense of the CWM Environmental matters, and therefore it is necessary to use the Committed Fund balance set aside to pay for this Environmental Litigation matters concerning CWM Chemical Services LLC to pay for legal services for the remainder of the year (2023), now, therefore, be it

RESOLVED, that the following 2023 budget modification be effectuated to fund such services:

INCREASE COMMMITTED FUND BALANCE:

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

INCREASE APPROPRIATIONS:

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

COMMITTEE OF THE WHOLE

NIAGARA COUNTY LEGISLATURE

FROM: Committee of the Whole DATE: 12/12/23 RESOLUTION # CW-041-23

APPROVED BY	REVIEWED BY	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	<u>CW - 12/12/23</u>	Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

CONTRACT WITH WELLNOW URGENT CARE PC. FOR OCCUPATIONAL MEDICINE SERVICES

WHEREAS, Niagara County requires occupational medicine services to be provided to the Human Resources Department in support of Niagara County Departments and its workforce for occupational medicine professional services for the County of Niagara, and

WHEREAS, due to bankruptcy filing by Eastern Niagara Hospital and the acquisition of Eastern Niagara Hospital/Western New York Occupational Medicine, P.C. by Catholic Health Mount St. Mary's Hospital and Catholic Health Mount St. Mary's Hospital's inability to provide occupational medicine services the County will require to enter into new contract term with a firm that can provide professional occupational medicines services under contract, and

WHEREAS, Niagara County issued RFP 2023-73 seeking competitive bids for professional services, and

WHEREAS, as a result of the RFP 2023-73, the County of Niagara desires to enter into a contractual relationship and enter into a new contract term with WellNow Urgent Care, PC. for the period of January 1, 2024 through December 31, 2028, and

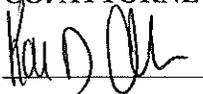
WHEREAS, prior to the execution of the contract, the County Attorney will review the contract for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature is hereby authorized to execute said contract on behalf of Niagara County.

COMMITTEE OF THE WHOLE

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Irene M. Myers, Mark J. Gozio **DATE:** 12/05/23 **RESOLUTION #** IL-161-23
and Administration Committee

APPROVED CO. ATTORNEY 	REVIEWED CO. MANAGER _____	COMMITTEE ACTION AD - 11/27/23 _____ _____	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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ADOPTION OF A LOCAL LAW REQUIRING CONTRACTORS, DESIRING TO BID ON CONSTRUCTION WORK FOR THE COUNTY OF NIAGARA TO PROVIDE PROOF OF THE NEW YORK STATE CERTIFIED WORKER TRAINING PROGRAM

WHEREAS, Legislator Irene M. Myers, Legislator Mark J. Grozio and the Administration Committee recommend the adoption of the following Local Law:

A Local Law Requiring Contractors, Desiring to bid on Construction Work for the County of Niagara to Provide Proof of the New York State Certified Worker Training Program;

WHEREAS, a public hearing was held on December 12, 2023 at 5:50 p.m. in the Legislative Chambers, Courthouse, Lockport, New York, on said Local Law, and

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

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

RESOLVED, that a Local Law Requiring Contractors, Desiring to bid on Construction Work for the County of Niagara to Provide Proof of the New York State Certified Worker Training Program be enacted by the Legislature of the County of Niagara, New York, as follows:

Section 1. Short Title.

This Local Law shall be known as “The Niagara County Workforce Development and Diversification New York State Certified Worker Training Program.”

Section 2. Definitions.

- A. “New York State Certified Worker Training Program” Shall mean: a state registered and regulated apprenticeship program through the New York State Department of Labor that has been approved by the New York State Commissioner of Labor in accordance with Article 23 of the New York Labor Law, that includes the following standards:
 - (i) An organized, written plan in place that embodies the terms and conditions of employment, and training and supervision of one or more workers;

- (ii) A schedule of wages to be paid to the worker consistent with the skills required and approved by the New York State Department of Labor;
- B. "Commissioner" shall mean the Commissioner of the Niagara County Department of Public Works.
- C. "Construction contract" shall mean projects with a value in excess of one million and 00/100 dollars [\$1,000,000.00], where Niagara County is a direct party to the contract which includes an incidental amount of construction type activity intended to benefit the public, including all work which is necessary, incidental or connected with the execution of the contract which is performed by construction workers. A construction contract includes: projects that Niagara County funds directly, projects that Niagara County funds indirectly by providing funds to a separate entity to perform the construction type activity and construction projects built under Niagara County's direction and later paid for with Niagara County funds except for construction contracts wherein Niagara County is partnered with other counties.
- D. "Construction subcontract" shall mean any subcontract between a contractor who has a construction contract as defined in Section 3, subdivision C above.
- E. "Contractor" or "subcontractor" shall mean a contractor or subcontractor that directly employs construction workers, as defined below, under a construction contract or construction subcontract, as defined herein, for which a New York Certified Worker Training Program is required.
- F. "Construction worker" shall mean an individual directly involved in the construction, reconstruction, improvement, rehabilitation, installation, alteration, renovation, demolition or otherwise providing for any building, facility, roads, highways, bridges, or physical structure of any kind, but does not include professional services employees or those construction workers for which a New York State certified Worker Training Program does not exist.

Section 3. Requirements.

- A. Any contractor, prior to entering into a construction contract set forth in section 3. (C.) above, or any subcontractor entering into a construction subcontract with a contractor who has a construction contract with the County of Niagara is required to have in place and provide written proof of same at the time of bid a New York State Certified Worker Training Program, either internally to the contractor or subcontractor and/or through an organization servicing several contractors or subcontractors, appropriate the type and scope of work to be performed.

Section 4. Penalties.

Violation of any provision of this Local Law shall constitute cause, grounds or other legal justification for Niagara County to refuse to award the construction contract to the lowest bid and/or the termination of any contractual agreement with any contractor or subcontractor engaged in a construction contract or construction subcontract with the County, in accordance with County and state law, rules and regulations governing the termination of such contractual agreements.

Section 5. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this Local 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 Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in which such judgment or order shall be rendered.

Section 6. Applicability.

This Local Law shall apply to construction contracts advertised for bids on or after the effective date.

Section 7. Effective Dates.

This Local Law shall take effect 30 days after the filing with the Secretary of State, in accordance with Section 27 of the New York State Municipal Home Rule Law.

LEGISLATOR IRENE M. MYERS

LEGISLATOR MARK J. GROZIO

ADMINISTRATION COMMITTEE