

OFFICIAL RECORD

Lockport, New York
January 21, 2020

The meeting was called to order by Chairman Wydysh at 7:00 p.m.

Clerk Tamburlin called the roll. All Legislators were present, with the exception of Legislator Myers and Nemi.

CORRESPONDENCE / RECOGNITION:

Chairman Wydysh congratulated Commissioner of Social Services Anthony J. Restaino on his retirement and his years of service with the county.

PRESENTATIONS:

Vice Chairman Syracuse and Godfrey called Ed Pettitt, President of 2nd Amendment Forever and Chris Schotz, President Niagara County Federation of Conservation Club to the lectern they announced the Legislature will be receiving the John Daly Memorial Award and thanked the Legislature for their support of gun owners.

Chairman Wydysh gave the 2020 State of the County Address. She provided a summary of the past year, while highlighting some key initiatives, and discussed goals for the upcoming year.

Chairman Wydysh read correspondence from Niagara Falls Mayor Robert Restaino.

0 Citizens spoke

Recess.

Moved by Andres, seconded by Collins to enter into Executive Session re: Contract Negotiations at 7:55 p.m.
Carried.

Moved by Virtuoso, seconded by Gooch to adjourn Executive Session at 8:12 p.m.
Carried.

Moved by Bradt, seconded by Virtuoso, to accept the preferred agenda.
Carried.

Resolution No. AD-001-20

From: Administration Committee.

Dated: January 21, 2020

AUTHORIZATION FOR REAL PROPERTY TAX REFUNDS/CORRECTIONS - 2020

WHEREAS, New York State Real Property Tax Law, sections 554 and section 556, provides for an administrative correction of error process that assists property owners in obtaining refunds and/or corrections for real property tax payments or billings, and

WHEREAS, certain clerical errors, unlawful entries and errors in essential fact, as defined in the New York State Real Property Tax Law, are permitted to be corrected by a taxing jurisdiction based upon the recommendation of the Director of Real Property Tax Services, and

WHEREAS, the taxing jurisdiction can delegate, by resolution, on an annual basis, to an official who is empowered to authorize payment of bills without prior audit, the authority to perform the duties of the tax levying body in regard to Real Property Tax Law, Sections 554 and 556, now, therefore, be it

RESOLVED, that the Niagara County Treasurer is hereby delegated the authority to perform the duties of the tax levying body during 2020 when the Real Property Tax Director's recommended refund and/or correction is twenty five hundred dollars or less, and be it further

RESOLVED, that on or before the fifteenth day of each month, the Niagara County Treasurer shall submit a report to the Niagara County Legislature of the refunds and or corrections processed during the preceding month, containing the name of each recipient, the location of the property, and the amount of the refund.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Myers & Nemi.

Resolution No. AD-002-20

From: Administration Committee.

Dated: January 21, 2020

WAGE PARTIY ADJUSTMENT FOR NON-BARGAINING POSITIONS

WHEREAS, the Niagara County workforce includes positions not covered by any collective bargaining agreement (“non-union positions”), and

WHEREAS, the County Manager recommends and the County Legislature desires to effectuate wage parity with the 2020 – 2023 Civil Service Employees Association (“CSEA”) contract for this group of non-bargaining positions, and

WHEREAS, funds are available and budgeted appropriations were allocated to carry out the fiscal obligations in the 2020 approved budget, now, therefore, be it

RESOLVED, that the County Manager shall direct the Human Resources, Budget, and Treasurer’s Departments to administer the wage adjustment for the appropriate salary schedule as they relate to all non-union positions, with the exception of elected officials or certain appointed positions, and be it further

RESOLVED, to adjust the aforementioned wages for those eligible employees on the active payroll in the covered period according to the following schedule

2020 - 2% General Wage Increase

2021 – 2% General Wage Increase

2022 – 2% General Wage Increase

2023 – 2% General Wage Increase

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Myers & Nemi.

Resolution No. AD-003-20

From: Administration Committee.

Dated: January 21, 2020

**RESOLUTION AUTHORIZING COLLECTION OF OVERDUE PILOT
PAYMENTS OF CHEROKEE NIAGARA LLC**

WHEREAS, by Payment in Lieu of Tax Agreement dated as of the 1st day of April, 2001, Cherokee Niagara, LLC, as Company, leased certain real property ("PROPERTY") from the Niagara County Industrial Development Agency ("NCIDA") as Agency, covering various properties in the City Niagara Falls, and the Town of Niagara, County of Niagara, State of New York, and

WHEREAS, under the lease Cherokee Niagara, LLC is obligated to make certain payments in lieu of taxes ("PILOT payments"), and

WHEREAS, based on the records of the Niagara County Real Property Tax Service, Cherokee Niagara, LLC has failed and/or refused to make certain PILOT payments, despite repeated demands by the Niagara County Industrial Development Agency and Niagara County Real Property Office, and

WHEREAS, it is in the financial interest of the County of Niagara to proceed in litigation aimed at collection of the PILOT payment arrearages, now, therefore, be it

RESOLVED, that the County Attorney's Office is authorized and directed to take all action reasonable and necessary including litigation in an appropriate court, to collect all PILOT payment arrears owed by Cherokee Niagara, LLC, County of Niagara, State of New York.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Myers & Nemi.

Resolution No. CS-001-20

From: Community Services and Administration Committees.

Dated: January 21, 2020

APPOINTMENT – INTERIM COMMISSIONER OF SOCIAL SERVICES

WHEREAS, the Commissioner of Social Services is responsible for the administration of programs involving Public Assistance, Supplemental Nutrition Assistance Program (SNAP), Medicaid, Child Support Establishment and Enforcement, Children Services, Child Protective Services, Adult Protective Services and other programs as mandated by the State of New York, and

WHEREAS, the Commissioner is responsible for authorizing various services to be provided to clients of the Department and submittals of reimbursement to the State and Federal governments, and

WHEREAS, Commissioner Anthony J. Restaino's last working day with Niagara County will be January 24, 2020 and as a result there is the need to appoint an interim Commissioner of Social Services to carry out the duties listed above until a permanent appointment is made for the position of Commissioner of Social Services, and

WHEREAS, the County Manager based upon the qualifications of Deputy Commissioner Meghan Lutz is recommending her appointment as interim Commissioner of Social Services until the appointment of a permanent Commissioner of Social Services now, therefore, be it

RESOLVED, that Meghan Lutz be appointed interim Commissioner of Social Services effective January 25, 2020 at an annual salary of \$93,275.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Myers & Nemi.

Resolution No. CS-002-20

From: Community Services and Administration Committees.

Dated: January 21, 2020

**AUTHORIZING THE CHAIR TO EXECUTE RENEWAL OF
INTER-MUNICIPAL AGREEMENT WITH THE COUNTIES OF ALLEGANY,
CATTARAUGUS, CHAUTAUQUA, ERIE, GENESEE, ORLEANS AND WYOMING
FOR PUBLIC HEALTH EMERGENCY PLANNING AND RESPONSE**

WHEREAS, the counties of Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans and Wyoming are collectively referred to as the "Western New York Counties", and

WHEREAS, the County Health Departments of the Western New York Counties all have responsibilities for public health emergency planning and response, and

WHEREAS, the County Health Departments of the Western New York Counties are desirous of renewing an inter-municipal agreement to provide mutual aid to each other during a public health emergency, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a renewal of the inter-municipal agreement, on behalf of Niagara County, with the counties of Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Orleans and Wyoming, for the provision of the public health emergency planning response, for a term commencing July 1, 2020 and terminating June 30, 2025, according to the above-described terms.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Myers & Nemi.

Resolution No. CSS-001-20

From: Community Safety & Security and Administration Committees.

Dated: January 21, 2020

**NIAGARA COUNTY PUBLIC DEFENDER'S OFFICE BUDGET MODIFICATION
CONTRACT FOR STATEWIDE EXPANSION OF HURRELL-HARRING REFORM
OFFICE OF INDIGENT LEGAL SERVICES (OILS) GRANT
CONTRACT NUMBER CSTWIDEHH30**

WHEREAS, Niagara County Public Defender's Office has received an award from the New York State Office of Indigent Legal Services (OILS) in the amount of \$10,307,506.56 for a term from April 1, 2018 through March 31, 2023, and

WHEREAS, the 2020 budget will need to be modified to allow for the spending of this grant, and

WHEREAS, the Public Defender's Office will create one full-time 1st Assistant Public Defender at an annual salary of \$117,220 to be fully funded by this grant, and

WHEREAS, the Public Defender's Office will create two Court Assistant positions, grade 5, step 1 at an hourly rate of \$18.50/hour for each position, to be fully funded by this grant, and

WHEREAS, the Conflict Office will create one part-time Assistant Conflict Defender position without health insurance at an annual salary of \$59,333 to be fully funded by this grant, and

WHEREAS, the Public Defender's Office will abolish one part-time Assistant Public Defender and create one full-time 2nd Assistant Public Defender with a starting annual salary of \$115,566.72. The County will continue to fund its current commitment of \$61,820 from the part-time salary, and this contract will fund the remaining \$53,746.72 of the salary, and

WHEREAS, the Public Defender's Office will abolish two part-time Assistant Public Defender positions to create two full-time Special Assistant Public Defender positions with an annual salary of \$102,984.85 each. The County will continue to fund its current commitment of \$44,443 from each part-time salary, and this contract will fund the remaining \$58,541.85 of each salary, and

WHEREAS, the Public Defender's Office will assign an attorney to handle Veteran's Court for the 2020 calendar year at the cost of \$7,500, and

WHEREAS, seven part-time Conflict Attorney positions will receive an annual salary increase of \$5,000 effective January 22, 2020, to achieve parity between the offices of the Conflict Defender and Public Defender. The Public Defender's Office provides full health insurance benefits for their Assistant Public Defender positions. The increase in salary for the Conflict Attorneys will permit them to independently purchase health insurance, and

WHEREAS, the part-time Assigned Counsel/Conflict Administrator will receive an annual increase in salary of \$16,722. This increase in salary is for the additional responsibility of the roll of Data Officer. This position will work with ILS to operationalize data requirements on behalf of Niagara County. In addition, this position will also receive an annual salary increase of \$5,000 to achieve parity between the office of the Conflict Defender and Public Defender. This position is not provided with health insurance benefits. The additional \$5,000 increase in salary for this position will permit the Assigned Counsel/Conflict Administrator to independently purchase health insurance. The total annual salary for this position will be \$63,190. Both the increase for the new Data Officer role of \$16,722 and the parity increase of \$5,000 will be funded by this contract. The County will continue its current commitment to fund \$41,468 from the part-time position, and

WHEREAS, the existing full-time Confidential Secretary position will receive a merit-based salary increase of \$3,949. This position will receive an increase in salary to take on the additional responsibility of supporting a new staff Conflict Defender position. The new annual salary of the Confidential Secretary position will be \$55,081; the County will continue its current commitment of \$51,132 and health insurance, and this contract will fund \$3,949, and

WHEREAS, the contract will provide funding for Counsel at First Appearance (CAFA) stipends for attorneys from the Public Defender's Office to be on-call during non-business hours and for off-hour arraignments during non-business hours, and

WHEREAS, the contract will provide funding for Other Than Personal Services (OTPS) to include two Public Defense Case Management (PDCMS) licenses; employment exams/physicals for new positions as required by the County as well as office supplies and furniture; legal references materials/subscriptions/books; transcripts; two computer/laptops; phone, email and internet service, now, therefore, be it

RESOLVED, these changes will be effective January 22, 2020 and reflect no cost increase to the County and will be coterminous with the grant, and be it further

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

RESOLVED that the following 2020 budget be modified as follows:

INCREASE REVENUE:

A.03.1170.000.43025.03	Indigent Legal Service	\$671,523.68
	Hurrell-Harring Reform Grant	

INCREASE APPROPRIATIONS:

A.03.1170.000 71010.00	Positions	\$323,218.38
A.03.1170.000 71080.00	Stipend	39,207.19
A.03.1170.000 78100.00	Retirement	45,031.47
A.03.1170.000 78200.00	FICA	24,726.21
A.03.1170.000 78300.00	Worker's Comp	9,308.69
A.03.1170.000 78400.01	Health Insurance	\$ 45,777.00
A.03.1170.000 78400.05	HRA	2,550.00
A.03.1170.000 78700.00	NYS Disability	140.00
A.03.1170.000 78800.00	Flex 125	1,137.00
A.03.1170.000 72100.05	Computer Equipment	23,560.00
A.03.1170.000 74250.01	Office Supplies	1,000.00
A.03.1170.000 74375.03	Telephone System	64.00
A.03.1170.000 74375.08	Internet Services	270.00
A.03.1170.000 74500.01	Contractual	7,500.00
A.03.1170.000 74600.02	Books and Subscriptions	16,500.00
A.03.1170.000 74650.11	Physical Exams	388.00
Total A.03.1170.000		\$540,377.94
A.04.1170.103 71010.00	Positions	\$108,003.60
A.04.1170.103 78100.00	Retirement	11,769.36
A.04.1170.103 78200.00	FICA	8,262.28
A.04.1170.103 78300.00	Worker's Comp	3,110.50
Total A.04.1170.103		\$131,145.74

Grand Total	\$671,523.68
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Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Myers & Nemi.

Resolution No. CSS-002-20

From: Community Safety & Security and Administration Committees.

Dated: January 21, 2020

**NIAGARA COUNTY PUBLIC DEFENDER'S OFFICE
ACCEPT OFFICE OF INDIGENT LEGAL SERVICES (OILS)
DISTRIBUTION #10 (C100029) GRANT**

WHEREAS, the Niagara County Public Defender's Office has received an award from the New York State Office of Indigent Legal Services (OILS) in the amount of \$329,289 for the period of January 1, 2020, through December 31, 2022, and

WHEREAS, these funds are to be used to improve the quality of legally mandated representation in Niagara County, and

WHEREAS, the Public Defender's Office will use these funds for the Public Defender salary and fringe benefits and Maintenance in Lieu of Rent (MILOR), and

WHEREAS, funding from the New York State Office of Indigent Legal Services for the above items is necessary so that the Niagara County Public Defender's Office can continue providing quality services pursuant to Article 18-B of the County Law, now, therefore, be it

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Myers & Nemi.

Resolution No. CSS-003-20

From: Community Safety & Security and Administration Committees.

Dated: January 21, 2020

**NIAGARA COUNTY SHERIFF'S OFFICE
AWARD OF CONTRACT – RADIO SITE DEVELOPMENT
FASHION OUTLETS MALL**

WHEREAS, the Sheriff's Office, with the contracted assistance of Mission Critical, has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Radio Site Development at the Fashion Outlets Mall of Niagara Falls, NY and

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

- | | | |
|-----|--|-----------|
| 1. | Cellectric Electrical, LLC
6615 Towpath Road
East Syracuse, NY 13057 | \$267,300 |
| and | | |

WHEREAS, the funds are available through the State Interoperable Communications Grant FY2018, and

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

RESOLVED, that the contract for the Radio Site Development at the Fashion Outlets Mall project be awarded to the lowest responsible bidder, Cellectric Electrical, LLC 6615 Towpath Road East Syracuse, NY 13057, in the amount of \$267,300, 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. 13 Ayes, 0 Noes, 2 Absent – Myers & Nemi.

Resolution No. CSS-004-20

From: Community Safety & Security and Administration Committees.

Dated: January 21, 2020

**NIAGARA COUNTY SHERIFF'S OFFICE
PROJECT MANAGEMENT AND IMPLEMENTATION SERVICES
FOR ENHANCEMENT OF NEW YORK STATE
INTEROPERABLE PUBLIC SAFETY RADIO NETWORK**

WHEREAS, the Niagara County Legislature passed Resolution #CSS-073-18 on 9/18/18 to enter into a job specific contract with Mission Critical Partners to review, examine and negotiate a Motorola proposal for necessary infrastructure and equipment to enhance the current Countywide Public Safety Radio Project, and

WHEREAS, the Niagara County Legislature passed Resolution #CSS-007-19 on 2/19/98 to enter into a job specific contract with Mission Critical Partners for Project Management and Implementation for necessary infrastructure and equipment to enhance the current Countywide Public Safety Radio Project, and

WHEREAS, the Niagara County Legislature passed Resolution #CSS-017-19 on 3/19/19 to accept a \$6 Million grant from the New York State Department of Homeland Security and Emergency Services to further enhance the interoperable communications network in Niagara County, including the addition of additional radio communication sites ("the Project"), and

WHEREAS, the Project will soon move to the next phase, which will necessitate that the County obtain further professional services to assist in negotiating a contract(s) with Motorola, technical review, project management, and implementation, and

WHEREAS, the New York State Department of Homeland Security and Emergency Services has approved the use of Mission Critical Partners as a Single Source professional service for the Project, and

WHEREAS, under Niagara County's Purchasing Guidelines, the Niagara County Legislature and the requisite committee(s) have the discretion to waive Requests for Proposal for a professional service contract, and

WHEREAS, Mission Critical Partners has assisted the County with the ongoing phases of the a Project and has the unique expertise and Project knowledge needed for technical review, procurement, project management, contract negotiations, and implementation of this highly technical Project, and

WHEREAS, Mission Critical Partners has submitted a Radio System Six Site Procurement and Implementation Proposal which provides for the above mentioned professional services for a fixed fee of \$497,192 which will be paid through the current FY18 State Interoperable Communications Targeted Grant, and

WHEREAS, the Mission Critical Partners proposal will have a cost breakdown for specific tasks to be performed by Mission Critical Partners in phases, and the ability for the County discontinue the services of Mission Critical Partners for any task or phase at the County's discretion, now, therefore, be it

RESOLVED, that the County finds that the services to be provided by Mission Critical Partners consist of "professional services" and further waives the RFP requirement and/or requirement that additional cost proposals be sought or obtained, and be it further

RESOLVED that following the County Attorney's review and approval of the contract, that Niagara County enter into a contract with Mission Critical Partners for the professional services outlined above at a cost of \$497,192, and be it further

RESOLVED that the Chairman of the Legislature be, and hereby is, authorized to execute said contract, subject to County Attorney approval.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Myers & Nemi.

Resolution No. CW-001-20

From: Committee of the Whole.

Dated: January 21, 2020

**RATIFICATION OF AGREEMENT BETWEEN LOCAL 182, AMERICAN FEDERATION OF
STATE, COUNTY & MUNICIPAL EMPLOYEES AFFILIATED WITH NEW YORK COUNCIL 66,
AFL-CIO AND THE COUNTY OF NIAGARA, NEW YORK**

WHEREAS, the County of Niagara, and Local 182, American Federation of State, County & Municipal Employees Affiliated with New York Council 66, AFL-CIO (AFSCME) have reached a tentative agreement for the period of January 1, 2019 through December 31, 2023, and

WHEREAS, said Tentative Agreement was ratified by AFSCME on December 18, 2019, and

WHEREAS, funds are available in the 2020 budget appropriations or available in fund balance to carry out the fiscal obligations in the tentative agreement, 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 upon a vote and approval of the County Legislature on January 21, 2020, the Tentative Agreement will be approved as the final ratified agreement between the parties for the period of January 1, 2019 through December 31, 2023 (the "Agreement"), and be it further

RESOLVED, that general wage increases will be effective retroactively to January 1, 2020, and be it further

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

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

RESOLVED, that the following budget modification be effectuated:

INCREASE APPROPRIATIONS:

A.15.1620.000 71010.00	Position Expense	\$ 47,305.00
A.15.1620.000 71030.00	Part Time Expense	1,436.00
A.15.1620.000 71070.00	Shift Differential	3,420.00
A.15.1620.000 78100.00	Retirement	6,679.62
A.15.1620.000 78200.00	FICA	3,987.63
A.15.1620.000 78300.00	Worker's Compensation	1,511.50
A.15.7110.000 71010.00	Position Expense	10,186.00
A.15.7110.000 71070.00	Shift Differential	190.00
A.15.7110.000 78100.00	Retirement	1,295.59
A.15.7110.000 78200.00	FICA	794.54
A.15.7110.000 78300.00	Worker's Compensation	295.47
A.17.3150.000 71010.00	Position Expense	14,252.00
A.17.3150.000 71070.00	Shift Differential	305.24
A.17.3150.000 78100.00	Retirement	1,468.21
A.17.3150.000 78200.00	FICA	1,111.35
A.17.3150.000 78300.00	Worker's Compensation	416.79
A.24.6772.000 71010.00	Position Expense	3,945.00
A.24.6772.000 71030.00	Part Time Expense	368.00
A.24.6772.000 78100.00	Retirement	543.00
A.24.6772.000 78200.00	FICA	330.00

A.24.6772.000 78300.00	Worker's Compensation	126.00
A.24.7610.702 71010.00	Position Expense	2,662.00
A.24.7610.702 71030.00	Part Time Expense	10,367.00
A.24.7610.702 78100.00	Retirement	1,239.00
A.24.7610.702 78200.00	FICA	1,005.00
A.24.7610.702 78300.00	Worker's Compensation	<u>368.00</u>
Total		\$115,607.94

DECREASE APPROPRIATION:

A.08.1991.000 74500.01	General Government Support	\$115,607.94
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INCREASE APPROPRIATED FUND BALANCE:

D 40599.00	Appropriated Fund Balance	\$ 74,595.15
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INCREASE APPROPRIATION:

D.15.5110.000 71010.00	Position Expense	\$ 59,903.00
D.15.5110.000 71030.00	Part Time Expense	773.00
D.15.5110.000 71070.00	Shift Differential	684.00
D.15.5110.000 78100.00	Retirement	6,777.12
D.15.5110.000 78200.00	FICA	4,688.33
D.15.5110.000 78300.00	Worker's Compensation	<u>1,769.70</u>
Total		\$ 74,595.15

INCREASE APPROPRIATED FUND BALANCE:

DM 40599.00	Appropriated Fund Balance	\$ 16,454.78
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INCREASE APPROPRIATIONS:

DM.15.5132.000 71010.00	Position Expense	\$ 11,633.00
DM.15.5132.000 71033.00	Job Parity	1,670.00
DM.15.5132.000 71070.00	Shift Differential	19.00
DM.15.5132.000 78100.00	Retirement	1,727.93
DM.15.5132.000 78200.00	FICA	1,021.21
DM.15.5132.000 78300.00	Worker's Compensation	<u>383.64</u>
Total		\$ 16,454.78

INCREASE APPROPRIATED FUND BALANCE:

EL 40599.00	Appropriated Fund Balance	\$ 1,948.00
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INCREASE APPROPRIATIONS:

EL.30.8160.807 71010.00	Position Expense	\$ 548.00
EL.30.8160.807 78100.00	Retirement	54.00
EL.30.8160.807 78200.00	FICA	42.00
EL.30.8160.807 78300.00	Worker's Compensation	16.00
EL.30.8161.803 71010.00	Position Expense	535.00
EL.30.8161.803 78100.00	Retirement	50.00
EL.30.8161.803 78200.00	FICA	41.00
EL.30.8161.803 78300.00	Worker's Compensation	15.00
EL.30.8161.804 71010.00	Position Expense	538.00
EL.30.8161.804 78100.00	Retirement	53.00
EL.30.8161.804 78200.00	FICA	40.00
EL.30.8161.804 78300.00	Worker's Compensation	<u>16.00</u>
Total		\$ 1,948.00

INCREASE APPROPRIATIONS:

ER.26.7140.000 71010.00	Position Expense	\$ 1,546.00
ER.26.7140.000 78100.00	Retirement	219.00
ER.26.7140.000 78200.00	FICA	117.00
ER.26.7140.000 78300.00	Worker's Compensation	<u>44.00</u>
Total		\$ 1,926.00

DECREASE APPROPRIATION:

ER.26.7140.000 71011.00	Seasonals	\$ 1,926.00
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INCREASE APPROPRIATED FUND BALANCE:

FX 40599.00	Appropriated Fund Balance	\$ 16,890.00
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INCREASE APPROPRIATIONS:

FX.31.8330.000 71010.00	Position Expense	\$ 796.00
FX.31.8330.000 78100.00	Retirement	128.00
FX.31.8330.000 78200.00	FICA	62.00
FX.31.8330.000 78300.00	Worker's Compensation	23.00
FX.31.8340.000 71010.00	Position Expense	12,597.00
FX.31.8340.000 71050.00	Overtime	350.00
FX.31.8340.000 78100.00	Retirement	1,570.00
FX.31.8340.000 78200.00	FICA	989.00
FX.31.8340.000 78300.00	Worker's Compensation	<u>375.00</u>
Total		\$ 16,890.00

Moved by Bradt, seconded by Andres.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Myers & Nemi.

Resolution No. IF-001-20

From: Infrastructure & Facilities Committee.

Dated: January 21, 2020

**FEDERAL AID LOCAL PROJECT AGREEMENT-SUPPLEMENTAL
AGREEMENT NO. 1-BRIDGE BEARINGS FOR BRIDGES IN THE TOWNS OF PENDLETON
AND ROYALTON AND THE CITY OF LOCKPORT IN NIAGARA COUNTY**

WHEREAS, the Bridge Bearings Project for various bridges in the towns of Hartland, Newfane, Niagara, Pendleton, and Royalton, Niagara County, 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 Construction/Construction Inspection 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 federal and non-federal shares of the cost of the Construction/Construction Inspection phases of the Project or portions thereof, and be it further

RESOLVED, that the sum of \$413,000 is hereby appropriated in account D.15.5120.000 74800.06 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 Construction/Construction Inspection 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. 13 Ayes, 0 Noes, 2 Absent – Myers & Nemi.

Resolution No. IF-002-20

From: Infrastructure & Facilities Committee.

Dated: January 21, 2020

AWARD OF CONTRACT – BRIDGE BEARING MAINTENANCE AND LUBRICATION

WHEREAS, the Department of Public Works has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Bridge Bearing Maintenance and Lubrication project, and

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

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on December 11, 2019 as tabulated below:

- | | | |
|----|---|--------------|
| 1. | Hohl Industrial Services
770 Riverview Blvd.
Tonawanda, NY 14150 | \$380,847.16 |
| 2. | 4 th Generation Construction
5650 Simmons Avenue
Niagara Falls, NY 14304 | \$428,000.00 |
| 3. | Edbauer Construction | \$517,252.00 |

2790 Clinton Street
West Seneca, NY 14224

and

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

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

RESOLVED, that the contract for the Bridge Bearing Maintenance and Lubrication project be awarded to the lowest responsible bidder, Hohl Industrial Services, 770 Riverview Blvd., Tonawanda, NY 14150, in the amount of \$380,847.16, 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. 13 Ayes, 0 Noes, 2 Absent – Myers & Nemi.

Resolution No. IF-002-20

From: Infrastructure & Facilities Committee.

Dated: January 21, 2020

AWARD OF CONTRACT – BRIDGE DECK OVERLAY PROJECT 2020

WHEREAS, the Department of Public Works has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Bridge Deck Overlay Project 2020, and

WHEREAS, funds are available in account number H698.15.5197.000 72600.02, Bridges, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on December 18, 2019 as tabulated below:

- | | | |
|----|---|--------------|
| 1. | Milherst Construction
10025 County Road
Clarence Center, NY 14032 | \$145,060.00 |
| 2. | 4 th Generation Construction
5650 Simmons Avenue
Niagara Falls, NY 14304 | \$159,794.00 |
| 3. | Edbauer Construction
2790 Clinton Street
West Seneca, NY 14224 | \$274,755.00 |
| 4. | L.C. Whitford
164 North Main Street
Wellsville, NY 14895 | \$308,887.00 |

and

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

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

RESOLVED, that the contract for the Bridge Deck Overlay Project 2020 be awarded to the lowest responsible bidder, Milherst Construction, 10025 County Road, Clarence Center, NY 14032, in the amount of \$145,060.00, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Myers & Nemi.

Resolution No. IF-002-20

From: Infrastructure & Facilities, Administration & Community Safety & Security Committees.

Dated: January 21, 2020

**AWARD OF CONTRACT – SANITARY LIFT PUMP REPLACEMENTS-
NIAGARA COUNTY JAIL**

WHEREAS, the Department of Public Works has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Sanitary Lift Pump Replacements for the Niagara County Jail, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on December 10, 2019 as tabulated below:

- | | | |
|----|-------------------------------|-----------|
| 1. | Hohl Industrial Services Inc. | \$106,750 |
| | 770 Riverview Blvd. | |
| | Tonawanda, NY 14150 | |
| | and | |

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

WHEREAS, the majority of funds are available in account number H665.15.3197.000 72200.00, Buildings Expense, and additional funds are required to allow the project to proceed, and

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

RESOLVED, that the following budget modification be effectuated to allow the project to proceed:

DECREASE ESTIMATED REVENUE:

H644.17.3197.000.45031.00	Transfer from Operating	\$7,500
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DECREASE APPROPRIATIONS:

H644.17.3197.000 72200.01	Building Improvements	\$7,500
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INCREASE ESTIMATED REVENUE:

H665.15.3197.000.45031.00	Transfer from Operating	\$7,500
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INCREASE APPROPRIATIONS:

H665.15.3197.000 72200.00	Buildings	\$7,500
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and be it further

RESOLVED, that the contract for the Sanitary Lift Pump Replacements for the Niagara County Jail project be awarded to the lowest responsible bidder, Hohl Industrial Services Inc., 770 Riverview Blvd., Tonawanda, NY 14150, in the amount of \$106,750, 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. 13 Ayes, 0 Noes, 2 Absent – Myers & Nemi.

Resolution No. IF-006-20

From: Infrastructure & Facilities Committee.

Dated: January 21, 2020

AWARD STORMWATER CONSULTANT CONTRACT

WHEREAS, the Department of Public Works evaluated a proposal from the City of Tonawanda to assist the County with the compliance of Phase II Stormwater Regulations, and

WHEREAS, a shared services agreement with the City of Tonawanda would be beneficial to both municipalities, and

WHEREAS, funds are available in account D.15.5140.000 74650.08, Consultant Services, and

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

RESOLVED, that the consultant services contract for the implementation of the Phase II Stormwater Regulations be awarded to the City of Tonawanda, 200 Niagara Street, Tonawanda, NY 14150, for a contract amount not to exceed \$45,800 for the period March 1, 2019 through February 28, 2020, 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. 13 Ayes, 0 Noes, 2 Absent – Myers & Nemi.

Resolution No. IF-007-20

From: Infrastructure & Facilities and Administration Committees.

Dated: January 21, 2020

**APPROVAL OF THE TEMPORARY EASEMENT AND PERMANENT EASEMENT AGREEMENT
AND THE PURCHASE OF PROPERTY AT 2270 LOCKPORT ROAD, NIAGARA FALLS, NEW
YORK FOR DRAINAGE IMPROVEMENTS AND PAVEMENT WIDENING**

WHEREAS, Lori Nicoletti is the owner of property situated at 2270 Walmore Road, Town of Wheatfield, and

WHEREAS, Niagara County has negotiated with the property owner, Lori Nicoletti, for a temporary easement, permanent easement, and fee taking to allow for drainage improvements, and

WHEREAS, as compensation, the County and Lori Nicoletti have agreed to the sum of seven thousand four hundred dollars (\$7,400.00), and

and be it further

RESOLVED, that the contract for the Sanitary Lift Pump Replacements for the Niagara County Jail project be awarded to the lowest responsible bidder, Hohl Industrial Services Inc., 770 Riverview Blvd., Tonawanda, NY 14150, in the amount of \$106,750, 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. 13 Ayes, 0 Noes, 2 Absent – Myers & Nemi.

Resolution No. IF-006-20

From: Infrastructure & Facilities Committee.

Dated: January 21, 2020

AWARD STORMWATER CONSULTANT CONTRACT

WHEREAS, the Department of Public Works evaluated a proposal from the City of Tonawanda to assist the County with the compliance of Phase II Stormwater Regulations, and

WHEREAS, a shared services agreement with the City of Tonawanda would be beneficial to both municipalities, and

WHEREAS, funds are available in account D.15.5140.000 74650.08, Consultant Services, and

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

RESOLVED, that the consultant services contract for the implementation of the Phase II Stormwater Regulations be awarded to the City of Tonawanda, 200 Niagara Street, Tonawanda, NY 14150, for a contract amount not to exceed \$45,800 for the period March 1, 2019 through February 28, 2020, 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. 13 Ayes, 0 Noes, 2 Absent – Myers & Nemi.

Resolution No. IF-007-20

From: Infrastructure & Facilities and Administration Committees.

Dated: January 21, 2020

**APPROVAL OF THE TEMPORARY EASEMENT AND PERMANENT EASEMENT AGREEMENT
AND THE PURCHASE OF PROPERTY AT 2270 LOCKPORT ROAD, NIAGARA FALLS, NEW
YORK FOR DRAINAGE IMPROVEMENTS AND PAVEMENT WIDENING**

WHEREAS, Lori Nicoletti is the owner of property situated at 2270 Walmore Road, Town of Wheatfield, and

WHEREAS, Niagara County has negotiated with the property owner, Lori Nicoletti, for a temporary easement, permanent easement, and fee taking to allow for drainage improvements, and

WHEREAS, as compensation, the County and Lori Nicoletti have agreed to the sum of seven thousand four hundred dollars (\$7,400.00), 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 Niagara County Legislature approves the Temporary Easement and Permanent Easement for Niagara County to allow for drainage improvements, and approves the purchase of property particularly shown and described in Map 1608-6 as Parcel 6, in the amount of seven thousand four hundred dollars (\$7,400.00), payable to Lori Nicoletti, 3503 Miller Road, Niagara Falls, NY 14304, and be it further

RESOLVED, that following the Niagara 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. 13 Ayes, 0 Noes, 2 Absent – Myers & Nemi.

Resolution No. IF-008-20

From: Infrastructure & Facilities Committee.

Dated: January 21, 2020

**APPROVAL OF THE TEMPORARY EASEMENT AGREEMENT BETWEEN
NIAGARA COUNTY AND GLENN TEETO**

WHEREAS, Glenn Teeto is the owner of property situated at 2292 Lockport Road, Town of Wheatfield, and

WHEREAS, Niagara County has negotiated with the property owner, Glenn Teeto, for a temporary easement to allow for drainage improvements, and

WHEREAS, as compensation, the County and Glenn Teeto have agreed to the sum of one hundred dollars (\$100.00), 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 Niagara County Legislature approves the Temporary Easement for Niagara County to allow for drainage improvements, in the amount of one hundred dollars (\$100.00), payable to Glenn Teeto, 3664 Moyer Road, North Tonawanda, NY 14120, and be it further

RESOLVED, that following the Niagara 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. 13 Ayes, 0 Noes, 2 Absent – Myers & Nemi.

Resolution No. IF-009-20

From: Infrastructure & Facilities Committee.

Dated: January 21, 2020

**APPROVAL OF THE TEMPORARY EASEMENT AGREEMENT BETWEEN
NIAGARA COUNTY AND DENNIS G. WALCK**

WHEREAS, Dennis G. Walck is the owner of property situated on Lockport Road, Town of Wheatfield, SBL# 132.04-1-21.2, and

WHEREAS, Niagara County has negotiated with the property owner, Dennis G. Walck, for a temporary easement to allow for drainage improvements, and

WHEREAS, as compensation, the County and Dennis G. Walck have agreed to the sum of four hundred fifty dollars (\$450.00), 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 Niagara County Legislature approves the Temporary Easement for Niagara County to allow for drainage improvements, in the amount of four hundred fifty dollars (\$450.00), payable to Dennis G. Walck, 2251 Lockport Road, Sanborn, NY 14132, and be it further

RESOLVED, that following the Niagara 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. 13 Ayes, 0 Noes, 2 Absent – Myers & Nemi.

Resolution No. IF-010-20

From: Infrastructure & Facilities Committee.

Dated: January 21, 2020

**APPROVAL OF THE PURCHASE OF PROPERTY ON LOCKPORT ROAD, TOWN OF
WHEATFIELD FOR NEW MAST ARM SIGNAL POLE**

WHEREAS, Glenn & Sandra Walck are the owners of property situated on Lockport Road, Town of Wheatfield, SBL# 132.04-1-21.1, and

WHEREAS, Niagara County has negotiated with the property owners, Glenn & Sandra Walck, for a fee taking for a new mast arm signal pole, and

WHEREAS, as compensation, the County and Glenn & Sandra Walck have agreed to the sum of nine hundred dollars (\$900.00), 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 Niagara County Legislature approves the purchase of property particularly shown and described in Map 1608-9 as Parcel 9, in the amount of nine hundred dollars (\$900.00), payable to Glenn & Sandra Walck, 2466 Saunders Settlement Road, Sanborn, NY 14132, and be it further

RESOLVED, that following the Niagara 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. 13 Ayes, 0 Noes, 2 Absent – Myers & Nemi.

Resolution No. IF-008-20

From: Infrastructure & Facilities Committee.

Dated: January 21, 2020

**APPROVAL OF THE TEMPORARY EASEMENT AGREEMENT BETWEEN
NIAGARA COUNTY AND CHARLES A. GUGINO**

WHEREAS, Charles A. Gugino is the owner of property situated at 6421 Walmore Road, Town of Wheatfield, and

WHEREAS, Niagara County has negotiated with the property owner, Charles A. Gugino, for a temporary easement to allow for drainage improvements, and

WHEREAS, as compensation, the County and Charles A. Gugino have agreed to the sum of two hundred fifty dollars (\$250.00), 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 Niagara County Legislature approves the Temporary Easement for Niagara County to allow for drainage improvements, in the amount of two hundred fifty dollars (\$250.00), payable to Charles A. Gugino, 1515 Loretta Drive, Niagara Falls, NY 14304, and be it further

RESOLVED, that following the Niagara 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. 13 Ayes, 0 Noes, 2 Absent – Myers & Nemi.

Resolution No. IF-008-20

From: Infrastructure & Facilities Committee.

Dated: January 21, 2020

**APPROVAL OF THE PURCHASE OF PROPERTY AT
6292 WALMORE ROAD, NIAGARA FALLS, NEW YORK FOR
DRAINAGE IMPROVEMENTS AND PAVEMENT WIDENING**

WHEREAS, CJP Industries is the owner of property situated at 6292 Walmore Road, Town of Wheatfield, and

WHEREAS, Niagara County has negotiated with the property owner, CJP Industries, for a fee taking for pavement widening and drainage improvements, and

WHEREAS, as compensation, the County and CJP Industries have agreed to the sum of six thousand four hundred dollars (\$6,400.00), 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 Niagara County Legislature approves the purchase of property particularly shown and described in Map 1608-7 as Parcel 7, in the amount of six thousand four hundred dollars (\$6,400.00), payable to CJP Industries, 6292 Walmore Road, Niagara Falls, NY 14304, and be it further

RESOLVED, that following the Niagara 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. 13 Ayes, 0 Noes, 2 Absent – Myers & Nemi.

Resolution No. IF-008-20

From: Infrastructure & Facilities Committee.

Dated: January 21, 2020

**APPROVAL OF THE TEMPORARY EASEMENT AGREEMENT BETWEEN
NIAGARA COUNTY AND ORLEN KIRBY KEITH AND LINDA M. KEITH**

WHEREAS, Orlen Kirby Keith & Linda M. Keith are the owners of property situated at 2284 Lockport Road, Town of Wheatfield, and

WHEREAS, Niagara County has negotiated with the property owners, Orlen Kirby Keith & Linda M. Keith, for a temporary easement to allow for drainage improvements, and

WHEREAS, as compensation, the County and Orlen Kirby Keith & Linda M. Keith have agreed to the sum of one hundred dollars (\$100.00), 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 Niagara County Legislature approves the Temporary Easement for Niagara County to allow for drainage improvements, in the amount of one hundred dollars (\$100.00), payable to Orlen Kirby Keith & Linda M. Keith, 2284 Lockport Road, Sanborn, NY 14132, and be it further

RESOLVED, that following the Niagara 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. 13 Ayes, 0 Noes, 2 Absent – Myers & Nemi.

Resolution No. IF-014-20

From: Infrastructure & Facilities Committee.

Dated: January 21, 2020

**APPROVAL OF THE TEMPORARY EASEMENT AGREEMENT BETWEEN
NIAGARA COUNTY AND INDUSTRIAL SERVICES OF NY INC.**

WHEREAS, Industrial Services of NY Inc. is the owner of property situated at 6431 Walmore Road, Town of Wheatfield, and

WHEREAS, Niagara County has negotiated with the property owner, Industrial Services of NY Inc., for a temporary easement to allow for drainage improvements, and

WHEREAS, as compensation, the County and Industrial Services of NY Inc. have agreed to the sum of five hundred dollars (\$500.00), 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 Niagara County Legislature approves the Temporary Easement for Niagara County to allow for drainage improvements, in the amount of five hundred dollars (\$500.00), payable to Industrial Services of NY Inc., 6431 Walmore Road, Niagara Falls, NY 14304, and be it further

RESOLVED, that following the Niagara 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. 13 Ayes, 0 Noes, 2 Absent – Myers & Nemi.

Resolution No. IF-015-20

From: Infrastructure & Facilities and Administration Committee.

Dated: January 21, 2020

**CHESTNUT STREET BRIDGE OVER EAST BRANCH OF TWELVE MILE CREEK
CONSULTANT AMENDMENT NO. 2-FINAL**

WHEREAS, Resolution No. IF-028-17, dated February 21, 2017, authorized the contract for consultant services for the Chestnut Street Bridge over East Branch of Twelve Mile Creek Project to Mott MacDonald NY Inc., 438 Main Street, Suite 300, Buffalo, NY 14202, for a fee not to exceed \$204,443.03, and

WHEREAS, Resolution No. IF-136-18, dated November 20, 2018, amended the contract to allow for construction inspection and construction administration services in the amount of \$165,432.66, for a revised contract amount of \$369,875.69, and

WHEREAS, it is necessary to decrease the contract by \$31,599.25 for unused right-of-way and construction inspection funds, for a revised contract amount of \$338,276.44, and

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

RESOLVED, that the consultant services contract with Mott MacDonald NY Inc., 438 Main Street, Suite 300, Buffalo, NY 14202, be decreased by \$31,599.25, for a revised contract amount of \$338,276.44, 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. 13 Ayes, 0 Noes, 2 Absent – Myers & Nemi.

Resolution No. IF-016-20

From: Infrastructure & Facilities Committee.

Dated: January 21, 2020

**DPW – HIGHWAY
EXPENDITURE OF COUNTY ROAD FUND MONIES**

WHEREAS, the Commissioner of Public Works recommends the expenditure of County Road Fund monies for maintenance of roads under Section 129 of the Highway Law, as set forth on the attached form, in the sum of \$8,310,933 and

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

RESOLVED, that the attached recommendation of the commissioner of Public Works be approved and the sum of \$8,310,933 be appropriated from the County Road Fund for maintenance during the year 2020, 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. 13 Ayes, 0 Noes, 2 Absent – Myers & Nemi.

Resolution No. IF-017-20

From: Infrastructure & Facilities and Administration Committees.

Dated: January 21, 2020

FUEL ISLAND BUDGET MODIFICATION

WHEREAS, additional funds are required to allow for the completion of the Diesel Fuel Island Rehabilitation Project, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

D.40599.00	Appropriated Fund Balance	\$40,000
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INCREASE APPROPRIATIONS:

D.15.9901.000 79010.00	Interfund Transfers – To Other Funds	\$40,000
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INCREASE ESTIMATED REVENUE:

H641.25.1620.45031.00	Interfund Transfers from Operating	\$40,000
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INCREASE APPROPRIATIONS:

H641.25.1620.72400.00	Land Improvements	\$40,000
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Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Myers & Nemi.

Resolution No. IL-001-20

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

Dated: January 21, 2020

**RESOLUTION DIRECTING HUMAN RESOURCES DEPARTMENT TO ESTABLISH POLICY
BANNING SEX OFFENDERS, INDIVIDUALS CONVICTED OF RAPE, SEXUAL ABUSE, AND
FORCIBLE TOUCHING, AND INDIVIDUALS SANCTIONED FOR SEXUAL DISCRIMINATION
OR SEXUAL HARASSMENT WITH SUCH SANCTION RESULTING IN A PAYMENT OF
TAXPAYER DOLLARS TO ANOTHER PARTY, FROM EMPLOYMENT BY NIAGARA COUNTY**

WHEREAS, the Niagara County Legislature believes the safety of its workforce of paramount concern and a primary mission of county government, and

WHEREAS, the Me Too movement has highlighted the prevalence of inappropriate sexual conduct in various industries, including government, and demonstrated a need to protect workers, and

WHEREAS, the Niagara County Legislature supports zero tolerance of rape, sexual abuse, and forcible touching committed against its employees by other employees or members of the public, and

WHEREAS, the Niagara County Legislature opposes sexual discrimination and sexual harassment, and has zero tolerance for either, as both create a hostile or unsafe work environment, and

WHEREAS, in addition to our desire to protect our employees from hostile work environments and quid pro quo sexual harassment situations, this Legislature is also desirous of protecting the taxpayers from expensive payouts to settle sexual harassment claims, now, therefore, be it

RESOLVED, the Niagara County Legislature directs the Department of Human Resources to, within 60 days, establish a policy barring from employment by Niagara County any individual convicted of a sexual offense including rape, sexual abuse, forcible touching, possession of child pornography, engaging in lewd contact or communication with a minor, and various other conduct which would require an individual to register as a sex offender, and be it further

RESOLVED, the Niagara County Legislature directs the Department of Human Resources to, within 60 days, establish a policy barring from employment by Niagara County any individual whose egregious conduct resulted in a successful lawsuit against a public entity, such as a municipal government, the state or federal government, or an authority, or in which a monetary settlement was reached with a party alleging impropriety on their part, with said payment being paid using taxpayer dollars, and be it further

RESOLVED, the Niagara County Legislature directs that all supervisory and managerial personnel, department heads, direct appointees of the Legislature, and individuals that may have unsupervised, isolated contact with county residents, such as public defenders, conflict attorneys, court-appointed guardians, and social workers shall be required annually to receive a multi-hour block of instruction in sexual harassment law and county policy.

Referred to the Administration Committee.

Resolution No. IL-002-20

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

Dated: January 21, 2020

RESOLUTION URGING AMENDMENT AND ENACTMENT OF A.8837, A BILL RESTRICTING INDIVIDUALS FROM OWNING A COMPANION ANIMAL AFTER BEING CONVICTED OF CERTAIN CRIMES INVOLVING ANIMALS

WHEREAS, the Niagara County Legislature did enact a Local Law establishing an animal abuser registry in resolution IL-103-15, and this registry has been extremely successful to date, with more than 50 individuals identified as ineligible to own domesticated animals due to their convictions for violating animal abuse statutes, and

WHEREAS, Assemblywoman Linda Rosenthal, D-District 67, has submitted a bill, A.8837, which “restricts individuals from owning a companion animal after being convicted of certain crimes involving animals,” and

WHEREAS, Assemblywoman Rosenthal’s bill amends the state Agriculture and Markets Law restricting those convicted of animal fighting; overdriving, torturing and injuring animals; failure to provide proper sustenance or aggravated cruelty to animals from owning a companion animal for five years, with provisions allowing a judge to lengthen the ban on pet ownership in certain circumstances, and

WHEREAS, this bill is a welcome change in state policy and fully endorsed by the Niagara County Legislature, and

WHEREAS, the bill does not provide for creation of an animal abuser registry, which would enable interdiction at the point of sale by pet store owners, animal shelters, and others engaging in animal sales and adoption, which this Legislature considers a flaw in an otherwise strong piece of legislation, now, therefore, be it

RESOLVED, the Niagara County Legislature applauds Assemblywoman Rosenthal and the New York State Assembly for their leadership on this issue, and be it further

RESOLVED, the Niagara County Legislature urges Assemblywoman Rosenthal to amend her bill to provide directives and funding establishing an online registry that can be accessed by pet store owners, animal shelters, and others engaging in animal sales and adoption, and to provide information/education to these individuals on accessing that registry, and be it further

RESOLVED, the Niagara County Legislature considers our Local Law Establishing the Niagara County Animal Abuser Registry a model that all municipalities and the state should look to when authoring their own laws, and directs the Clerk of the Legislature to forward a copy of this resolution and IL-103-15 to Assemblywoman Rosenthal with our compliments, and be it further

RESOLVED, the Niagara County Legislature hereby directs the County Attorney to provide any materials related to the creation and enactment of the Local Law Establishing the Niagara County Animal Abuser Registry to Assemblywoman Rosenthal to assist in this effort, and be it further

RESOLVED, the Niagara County Legislature hereby urges the New York State Assembly to take up and enact a duly amended A.8837, and be it further

RESOLVED, the Niagara County Legislature hereby urges the New York State Senate to take up and pass a companion bill to A.8837, and be it further

RESOLVED, the Niagara County Legislature hereby urges Gov. Andrew M. Cuomo to sign A.8837 into law so our companion animals can receive the protection that they need and deserve.

Moved by Virtuoso, seconded by Steed, 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 Steed.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Myers & Nemi.

Moved by Bradt, seconded by Andres to reappoint Malcolm Needler as the Niagara County Personnel Officer effective 2/9/20 with a term that will expire on 2/9/26.

APPOINTMENTS:

	<u>Appt.</u>	<u>Expires</u>
<u>INDUSTRIAL DEVELOPMENT AGENCY:</u>		
Scott Brydges (replaces Daryl Bodewes) 5974 Diller Road, Sanborn 14132	01/21/20	
Robert B. Cliffe (replaces Arthur Pappas) 6582 Ward Road Niagara Falls, 14304	01/21/20	
Mary Lynn Candella,(Replaces Stephen F. Brady) 552 Greenfield Drive, Lewiston 14092	01/21/20	
Clifford Scott (Replaces Willie C. Dunn) 250 Rainbow Blvd, #408 Niagara Falls, 14303	01/21/20	
<u>COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY COMMITTEE</u>		
Richard L. Andres, Chair, Economic Development Committee 448 Goundry Street, North Tonawanda 14120	01/21/20	12/31/20
William J. Collins, Niagara County Legislature 5913 Beattie Ave., Lockport 14094	01/21/20	12/31/20
Michael A. Casale, Commissioner Economic Development Samuel M. Ferraro Ctr. for Ec. Dev. 6311 Inducon Corp Dr., Sanborn 14132	01/21/20	12/31/20

Andres Klyczek, Assistant Director, NCIDA Samuel M. Ferraro Ctr. for Ec.Dev., 6311 Inducon Corp Dr., Sanborn 14132	01/21/20	12/31/20
Lynn Oswald, Dir., Small Business Development Ctr. NCCC, 3111 Sauders Settlement Rd., Sanborn 14132	01/21/20	12/31/20
Brian Smith, Director, Community Development, City of Lockport One Locks Plaza, Lockport 14094	01/21/20	12/31/20
Paul E. Brown 1065 Walck Rd., North Tonawanda 14120	01/21/20	12/31/20
Kory Schuler, Executive Director, Niagara USA Chamber of Comm. Vantage Ctr., 6311 Inducon Corp Dr., Sanborn 14132	01/21/20	12/31/20
Don MacSwan, Supervisor, Town of Wheatfield 2800 Church Rd., North Tonawanda 14120	01/21/20	12/31/20
Cathy Oddo, Ex. Dir., Chamber of Comm. of the Tonawandas 254 Sweeny St, North Tonawanda 14120	01/21/20	12/31/20
Michael Zimmerman, North Tonawanda Community Development City Hall, 216 Payne Ave., No Tonawanda 14120	01/21/20	12/31/20
Donald Jablonski, Employment & Training Trott ACCESS Ctr., 1001 11th St., Niagara Falls 14301	01/21/20	12/31/20
Megan Lutz, Interim Commissioner of Social Services 20-40 East Ave., Lockport 14094(replaces Anthony Restaino)	01/21/20	12/31/20
Wright Ellis, Supervisor, Town of Cambria 4160 Upper Mountain Rd., Sanborn 14132	01/21/20	12/31/20
Lee Wallace, Supervisor, Town of Niagara 7105 Lockport Rd., Niagara Falls 14305	01/21/20	12/31/20
Justin Rogers (Replaces Cathy Lovejoy Maloney) Cornell Cooperative Extension, 4487 Lake Ave., Lockport 14094	01/21/20	12/31/20
Jerald Wolfgang, Dir., WNY Regional Education Center 355 Harlem Rd., West Seneca 14224	01/21/20	12/31/20
Thomas Weeks, Grand Island Transit Corp. 5355 Junction Rd., Lockport 14094	01/21/20	12/31/20
John Butcher, Summit Print & Mail 6042 Old Beattie Rd., Lockport 14094	01/21/20	12/31/20
Thomas Sy, Coordinator of Economic Development, Town of Lockport 6560 Dysinger Rd., Lockport 14094 (replaces Marc Smith)	01/21/20	12/31/20
Tom DeSantis, NFC Development Corp. 1022 Main St., PO Box 69, Niagara Falls 14302-0069	01/21/20	12/31/20
Erik M. Solomon, National Fuel Gas Distribution Corp. Headquarters 6363 Main St., Williamsville 14221-5887	01/21/20	12/31/20
Robert F. Bilson 9918 Cayuga Dr., Niagara Falls 14304	01/21/20	12/31/20
Daryl Bodewes 2462 Woodthrush Court, Niagara Falls 14304	01/21/20	12/31/20
Jennifer Pauly, President, Niagara River Region Chamber of Commerce 895 Center St. Lewiston 14092	01/21/20	12/31/20
Joseph Steinmetz, Director of CTE, Orleans –Niagara 3181 Saunders Settlement Rd., Sanborn 14132	01/21/20	12/31/20
John King, President Niagara County Farm Bureau 8999 Ridge Rd., Gasport,	01/21/20	12/31/20
John Percy, President & CEO, Destination Niagara USA 10 Rainbow Blvd., Niagara Falls 14303	01/21/20	12/31/20
Ex-officio:		
Hon. Robert Ortt, State Senator, 175 Walnut St., Suite 6, Lockport 14094		
Hon. Angelo Morinello, Assemblyman, 800 Main St., Suite 2C, Niagara Falls 14301		
Hon. Michael Norris, Assemblyman, 8180 Main St., Clarence 14221		
Hon. Robin Schimminger, Assemblyman, 3514 Delaware Ave., Kenmore 14217		

Hon. Karen McMahon, Assemblywoman, 5500 Main St., Williamsville 14221
Hon. Brian Higgins, Congressman, 800 Main St., Suite 3C, Niagara Falls 14301
Amanda Mayes, WNY Regional Dir., Empire State Development Corp., 95 Perry St., Suite 500, Buffalo 14203
Richard Updegrave, Niagara County Manager, 59 Park Ave., Lockport 14094

FISHERIES BOARD:

Brad Clark	01/21/20	12/31/22
2407 Harwood Drive, Wilson 14172-9749		
Vince Pierleoni	01/21/20	12/31/22
3859 Coomer Road, Newfane 14108		
Tom Danaher	01/21/20	12/31/22
PO Box 4, 9 Tannery St., Waterport 14571		
Al Sauerland	01/21/20	12/31/22
3711 Lockport-Olcott Rd., Lockport 14094		
Timothy Sylvester	01/21/20	12/31/22
43 N. Jesella Drive, North Tonawanda 14120		

FISH & WILDLIFE MANAGEMENT BOARD – REGION 9:

William Loeschke	01/21/20	12/31/21
2098 Maple Rd., Wilson 14172		
John Syracuse (Leg. Rep.)	01/21/20	12/31/21
ALT: David E. Godfrey	01/21/20	12/31/21

MICROENTERPRISE ASSISTANCE PROGRAM LOAN PANEL:

Rebecca J. Wydysh, Chairman	01/21/20
Anthony Nemi, Legislator	01/21/20

TRAFFIC SAFETY BOARD:

Robert Frank, Lt. No. Tonawanda Police	01/21/20	12/31/22
216 Payne Ave., North Tonawanda 14120		
Keith Hurtgam, Supt. of Highways	01/21/20	12/31/22
8941 Ridge Rd., Gasport 14067		
Jonathan Schultz, Niagara County Fire Coordinator	01/21/20	12/31/22
5574 Niagara St. Ext., PO Box 496, Lockport 14095		
Frank J. Previte III, Chief, Lewiston Police Dept.	01/21/20	12/31/22
145 N. Fourth St., Lewiston 14092		
David E. Godfrey, Niagara County Legislature	01/21/20	12/31/20
4821 Lake Road, Burt 14028		
Steven Abbott, Chief, Lockport Police Dept (Replaces Michael Niethe)	01/21/20	12/31/20
Police Headquarters, Municipal Bldg., Lockport 14094		

WORKFORCE DEVELOPMENT BOARD:


Todd Zyra, Silipos	01/21/20
7049 Williams Road, Niagara Falls 14304	

Moved by Bradt, seconded by Collins.
Adopted. 13 Ayes, 0 Noes, 2 Absent – Myers & Nemi.

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

The Chairman declared the Board adjourned at 8:21 p.m., subject to the call of the Clerk.

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


Mary Jo Tamburlin, Clerk