

A public hearing was held pursuant to ED-010-20, adopted by the Legislature Syracuse on September 15, 2020, for the purpose of hearing public comments on Considering Inclusion of Viable Agricultural Land. Legislator Nemi opened the hearing approximately at 6:00 p.m. and closed it at approximately p.m.

A public hearing was held pursuant to ED-015-20, adopted by the Legislature on September 15, 2020, for the purpose of hearing public comments on Locks & Erie Canal Cruises Community Development Block Grant Application. Legislator Andres opened the hearing approximately at 6:15 p.m. and closed it at approximately 6:32 p.m.

A public hearing was held pursuant to ED-016-20, adopted by the Legislature on September 15, 2020, for the purpose of hearing public comments on plant IQ Community Develop Block Grant Application. Legislator Andres opened the hearing approximately at 6:30 p.m. and closed it at approximately 6:35 p.m.

A public hearing was held pursuant to ED-017-20, adopted by the Legislature on September 15, 2020, for the purpose of hearing public comments on Ultimate Physique, Inc. Community Block Grant Application. Legislator Andres opened the hearing at approximately 6:45 p.m. and closed it at approximately 6:50 p.m.

### **OFFICIAL RECORD**

Lockport, New York  
October 20, 2020

The meeting was called to order by Chairman Wydysh at 7:04 p.m.

Clerk Tamburlin called the roll. All Legislators were present with the exception of Legislator Hill.

### **CORRESPONDENCE / RECOGNITION:**

Chairman Wydysh introduced the interns from Leadership Niagara who is from afar watching live.

### **PRESENTATIONS:**

Chairman Wydysh called NIMAC Chairman John Cooper to the lectern to give an update on the Military Base and protecting its 3,000 jobs. Mr. Cooper mission statement, growth and prosperity strive for the present, prepare for the future.

Chairman Wydysh called the City of Niagara Falls School Superintendent Mark Laurie to the lectern, he thanked Chairman Wydysh, the Niagara Falls Legislators and Director of Emergency Management Jonathan Schultz for everything have they been doing and especially Director of Public Health Dan Stapleton and his staff for their quick response at Maple Avenue Elementary.

Chairman Wydysh called Legislator Myers to the lectern to read a proclamation declaring the month of October as Breast Cancer Awareness Month.

AD-016-20 was removed from the preferred agenda.

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

### **Resolution No. AD-015-20**

From: Administration Committee.

Dated: October 20, 2020

## **ADOPTION OF UPDATES TO THE COUNTY OF NIAGARA TITLE VI CIVIL RIGHTS PLAN**

WHEREAS, on June 20, 2017, Resolution # AD-011-17 Niagara County adopted the County of Niagara Title VI Civil Rights Plan as required, and

WHEREAS, NYSDOT requires that the Plan be updated every three (3) years, and submitted to and approved by the NYS DOT, and

WHEREAS, it is the policy of the County of Niagara to prevent and eliminate discrimination in all of its operations and services as well as all aspects of employment, and

WHEREAS, the goal of the County of Niagara is that all Department, Divisions, Offices, and Bureaus plan, develop and implement their programs and activities so that no person is subjected to unlawful discrimination based on race, creed, color, gender, age, national origin, religion, disability, sexual orientation, marital status, or veteran status, and

WHEREAS, the County of Niagara shall incorporate throughout all of its operations the requirements of applicable State and Federal laws and executive orders to prohibit any discriminatory practices, procedures and policies, and

WHEREAS, all administrators, managers, supervisors and employees will be directed to comply with these laws and orders, and

WHEREAS, the County of Niagara is committed to maintaining an agency which recognizes and values the inherent worth and dignity of every person; fosters tolerance, sensitivity, understanding, and mutual respect among its members; and encourages each individual to strive to reach their own potential, and

WHEREAS, this policy will be placed on all Niagara County bulletin boards and made available to all organizations and entities doing business with the County of Niagara, and

WHEREAS, any complaints involving allegations of discrimination will be sent to the Human Resources Director, Niagara County Human Resources Department, 111 Main Street, Suite G2, Lockport, New York 14094 (716) 438-4068, who will act as the initial Title VI Coordinator until such time as a full time Title VI Coordinator is hired, and

WHEREAS, the County of Niagara shall continue to develop short term and long term transit and transportation projects, including roads, bridges, and infrastructure construction, maintenance, and repairs and regular servicing projects for the efficient transportation services to the citizens of the County, and

WHEREAS, the County of Niagara shall continue to plan, develop and provide and maintain many other critical support services to the citizens of the County, and

WHEREAS, the County of Niagara as an organization shall continue to coordinate and administer a wide array of critical services and support that will ensure that all segments of the population have been informed of these available services including, where applicable, the involvement with the planning process, and

WHEREAS, the goal of Title VI is to ensure that services and benefits are fairly distributed to all people regardless of race, national origin or income, and they have access to meaningful participation, and

WHEREAS, the County of Niagara has developed a Title VI (Civil Rights) Plan that outlines the plan for the County of Niagara to address the Title VI requirements for the County of Niagara, now, therefore, be it

RESOLVED, that the County of Niagara hereby adopts the amended 2020 Title VI (Civil Rights) Plan incorporated herein and made a part hereof by reference, and be it further

RESOLVED, that the County Manager be and is hereby authorized and directed to sign the amended 2020 Title VI (Civil Rights) Plan and submit the same to the DOT for review and approval.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent- Hill.

**Resolution No. AD-016-20**

From: Administration Committee.

Dated: October 20, 2020

**ESTABLISHING A VOLUNTARY RETIREMENT INCENTIVE PROGRAM - COUNTY MANAGER**

WHEREAS, offering certain employees an incentive to voluntarily separate from the workforce provides a management tool for implementing the financial plan for the current and future fiscal years, saving taxpayer money, reshaping the County's workforce and continuing the reorganization of departments and administrative units, now, therefore, be it

RESOLVED, that the County hereby establishes a Voluntary Retirement Incentive Program ("PROGRAM") for the benefit of eligible individuals who choose to separate from the County's workforce, where such eligibility criteria are defined herein, and be it further

RESOLVED, the election period for choosing to participate in the PROGRAM is October 21, 2020 thru November 7, 2020, and be it further

RESOLVED, that eligible individuals opting into the PROGRAM will receive: (1) a one-time payment in the amount of Ten Thousand Dollars (\$10,000.00), to be paid in a lump sum as soon as practicable following their completion of all required paperwork and their actual separation from the County workforce; (2) normal terminal leave (i.e. vacation leave, compensatory time) payouts consistent with the Collective Bargaining Agreement and County custom and practice, and be it further

RESOLVED, that in order to be eligible to participate in the PROGRAM, an individual must: (1) be employed by the County in a full time budgeted position as of October 20, 2020; and (2) be a flat salaried or non-union hourly employee eligible and willing to apply for retirement benefits; and one of the following shall occur:

- (a) a new vacancy will be created in the department the individual is retiring from for the balance of 2020 and all of 2021, or
- (b) there will be a net savings to the county, calculated by subtracting the wages and benefits of the employee replacing the retiring employee, plus incentive payout, from the wages and benefits of the employee electing early retirement, and be it further

RESOLVED, the proposed retirement incentive is at the sole discretion of the Department Head and approved by the County Manager, and be it further

RESOLVED, that individuals opting into the PROGRAM will waive the one-time lump sum payment of Ten Thousand Dollars (\$10,000.00), if the individual accepts a retirement incentive pursuant to the NYS Retirement System, and be it further

RESOLVED, that elected officials are ineligible to participate in the PROGRAM, and be it further

RESOLVED, that the participation form provided by the Niagara County Human Resources Department shall contain, among other things, language affirming that the individual's participation is voluntary, and that the individual waives and otherwise releases the County from liability from claims of liability associated with the program or employment with the County, and be it further

RESOLVED, that the County Manager, or his designee, is requested to provide information regarding this PROGRAM upon conclusion of the election period.

Moved by Nemi; seconded by Gooch to amend resolution.

Amendment:

Addition in the third RESOLVED "...Dollars (\$10,000) plus applicable taxes to be..."

Addition in the forth RESOLVED "...employees selecting to participate in the program must have an effective date of retirement on or by December 31, 2020..."

Additional RESOLVED added before the last RESOLVED "RESOLVED, the voluntary retirement incentive program shall be offered to union covered employees if the respective union(s) agree to all terms of the program pursuant to this resolution and subject to a memorandum of agreement authorizing same between Niagara County and Union, and be it further"

Moved by Nemi, seconded by Gooch.

Adopted. 14 Ayes, 0 Noes, 1 Absent- Hill.

**Resolution No. CS-037-20**

From: Community Services and Administration Committees.

Dated: October 20, 2020

**BUDGET MODIFICATION  
CHILD FATALITY REVIEW TEAM INITIATIVE**

WHEREAS, the New York State Office Of Children & Family Services (OCFS), in conjunction with the New York State Department of Health (DOH), did make state-wide funds available for the provision and expansion of Child Fatality Review Teams (CFRT's), whose responsibility it is to review the death of any child whose care and custody or custody and guardianship has been transferred to an authorized agency, and

WHEREAS, demographic analysis have revealed that many children and families who are involved with the child welfare and juvenile justice systems in New York State are disproportionately black and latino, and many are poor, and

WHEREAS, resources have been made available for the assessment of relevant data, identification of affected communities across the state, and the identification of evidence based and/or best practice strategies which can be replicated in New York State, and

WHEREAS, Niagara County did receive a renewed allocation of \$50,000, which is 100 % state funded, now, therefore, be it

RESOLVED, that Niagara County Department of Social Services will continue to contract with Niagara Falls Memorial Medical Center - Child Advocacy Center to provide services to our most vulnerable children and families, and to implement activities in accordance with the CFRT Initiative, and be it further

RESOLVED, that the following budget modification be effectuated to the Social Services 2020 budget:

INCREASE REVENUE:

A.22.6010.000 43610.01 DSS Admin General \$ 50,000

INCREASE APPROPRIATION:

A.22.6010.000 74500.01 Contractual Exp-Contractual \$ 50,000

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent- Hill.

**Resolution No. CS-038-20**

From: Community Services and Administration Committees.

Dated: October 20, 2020

**BUDGET MODIFICATION  
FLEXIBLE FUND FOR FAMILY SERVICES**

WHEREAS, the Executive Budget did make Federal funds available to local districts to provide a comprehensive array of services to meet the needs of eligible Temporary Assistance for Needy Families (TANF) and individuals, and

WHEREAS, these funds enable Niagara County to direct resources toward a number of areas of program needs, including, but not limited to Employment related activities, Child Welfare Services, PINS Detention Diversion Services, Substance Abuse Assessments, Domestic Violence Screenings, Title XX Services, JD/PINS Fostercare Costs, Child Care & Development, now, therefore, be it

RESOLVED, that Niagara County Dept of Social Services will continue to contract with various agencies that will provide the necessary services in accordance with the Niagara County Flexible Fund for Family Services Plan submitted to NYS Office of Temporary and Disability Assistance (OTDA) and NYS Office of Children and Family Services (OCFS) at no additional cost to the County, and be it further

RESOLVED, that the following budget modification be effectuated to the Social Services 2020 budget:

INCREASE REVENUE:

A.22.6010.000 44610.00 DSS Admin Revenue \$ 175,000

INCREASE APPROPRIATION:

A.22.6010.000 74500.01 Contractual Exp-Contractual \$ 175,000

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent- Hill.

**Resolution No. CS-039-20**

From: Community Services and Administration Committees.

Dated: October 20, 2020

**BUDGET MODIFICATION  
HEALTHY FAMILIES NEW YORK PROGRAM**

WHEREAS, the New York State Office Of Children & Family Services, in conjunction with the New York State Department of Health, did make state-wide funds available for the provision and expansion of Healthy Families New York Home Visiting Programs, and

WHEREAS, these resources are directed toward expectant and new parents in an effort to promote positive growth and development to improve health and social outcomes for families at high risk of abuse and neglect, and

WHEREAS, Niagara County has received an allocation renewal of \$537,737, which is 100% state funded, now, therefore, be it

RESOLVED, that Niagara County Department of Social Services will continue to contract with Family & Children's Services of Niagara, Inc. to provide the necessary services as outlined in the Healthy Families New York Program requirements, and be it further

RESOLVED, that the following budget modification be effectuated to the Social Services 2020 budget:

INCREASE REVENUE:

A.22.6010.000 43610.01	DSS Admin General	\$ 537,737
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INCREASE APPROPRIATION:

A.22.6010.000 74500.01	Contractual Exp-Contractual	\$ 537,737
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Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent- Hill.

**Resolution No. CS-040-20**

From: Community Services and Administration Committees.

Dated: October 20, 2020

**2020 CONTRACT COLA/MINIMUM WAGE - MENTAL HEALTH DEPARTMENT**

WHEREAS, the New York State Office of Mental Health and New York State Office of Alcoholism & Substance Abuse Services has approved additional State Aid COLA/Minimum Wage for the calendar year of 2020 for various agencies, and

WHEREAS, it will not cost the County additional funds, now, therefore, be it

RESOLVED, that the Director of Community Services is hereby authorized to execute the necessary agreements between the County and the various sub-contractors as aforesaid, subject to the approval of the County Attorney's Office, and be it further

RESOLVED, that the following budget modifications be effectuated:

INCREASE REVENUES:

A.21.4322.412.43490.09	Mental Health Association	\$ 1,997
A.21.4322.413.43490.12	WNY Independent Living	\$ 2,503
A.21.4322.424.43490.10	Cazenovia Recovery	\$ 32,603
CM.21.4322.415.43490.01	Mental Health Programs	\$ 14,660
(Community Missions, Dale Association, Mental Health Association, New Directions, Niagara Cerebral Palsy)		
CM.21.4322.415.43490.05	Reinvestment Programming	\$ 26,671
(Community Missions, Dale Association, Mental Health Association, New Directions, Niagara Falls Memorial)		
CM.21.4322.415.43490.08	Community Support Programs	\$ 8,180
(Community Missions, Mental Health Association)		
CM.21.4322.416.43489.04	Case Management Programs (New Directions)	\$ 717
CM.21.4322.423.43490.14	Supported Housing	\$ 4,300

INCREASE APPROPRIATIONS:

A.21.4322.412.74500.01	Mental Health Association	\$ 1,997
A.21.4322.413.74500.01	WNY Independent Living	\$ 2,503
A.21.4322.424.74500.08	Cazenovia Recovery	\$ 32,603
CM.21.4322.415.74500.01	Mental Health Programs	\$ 14,660
(Community Missions, Dale Association, Mental Health Association, New Directions, Niagara Cerebral Palsy)		

CM.21.4322.415.74550.06	Reinvestment Programming	\$ 26,671
(Community Missions, Dale Association, Mental Health Association, New Directions, Niagara Falls Memorial)		
CM.21.4322.415.74500.01	Community Support Programs	\$ 8,180
(Community Missions, Mental Health Association)		
CM.21.4322.416.74500.01	Case Management Programs (New Directions)	\$ 717
CM.21.4322.423.74500.01	Supported Housing	\$ 4,300

Moved by Nemi, seconded by Gooch.

Adopted. 14 Ayes, 0 Noes, 1 Absent- Hill.

#### **Resolution No. CS-041-20**

From: Community Services and Administration Committees.

Dated: October 20, 2020

### **COUNTY CLERK OFFICE E-RECORDING MOA**

WHEREAS, the appropriate management of local government records is essential for efficient and effective government, and

WHEREAS, the County Clerk acting as the Recording Officer, performs the duties prescribed by law in the recordation, indexing, imaging and archiving of all Niagara County land records, and

WHEREAS, the County Clerk desires to increase the number of electronically recorded instruments affecting real property, subject to all applicable laws, rules and regulations, and

WHEREAS, Chapter 549 of the Laws of 2011 amended the laws of the State of New York in order to allow recording officers in the State of New York to accept electronic recording of instruments affecting real property, subject to the rules and regulations established by the State of New York's electronic facilitator (the "Electronic Facilitator"), and

WHEREAS, Title 9, Part 540.7(h), of the NYCRR provides that, prior to submitting electronic instruments to the Recording Officer for recording, the Registered Submitter shall be required by the Recording Officer to agree to terms and conditions required by the Recording Officer, which shall include the rights and responsibilities of both the Recording Officer and the Registered Submitter when participating in electronic recording, including, at a minimum, the terms and conditions set forth in Title 9, Part 540.7(i), of the NYCRR (the "Terms and Conditions 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, the County Clerk enter into the agreement, allowing for said agreement to facilitate the electronic filing/recording by its customers of documents with Niagara County, and be it further

RESOLVED, the agreement authorize qualifying documents for filing/recording in official records, and outlines the requirements of electronically recording documents to assure that recording transactions submitted are legally valid and enforceable, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent- Hill.

**Resolution No. CS-042-20**

From: Community Services and Administration Committees.

Dated: October 20, 2020

**APPOINTMENT OF THE NIAGARA COUNTY VETERAN SERVICES DIRECTOR, AS THE  
VETERAN INDIGENT BURIAL DESIGNEE FOR NIAGARA COUNTY**

WHEREAS, the Niagara County Legislature is required to appoint an appropriate designee to arrange and/or pay for indigent burials and headstones relative to Veterans pursuant to New York State General Municipal Law Section 148, and

WHEREAS, said designee shall also be responsible for compiling an annual report to the Legislature that encompasses the mandates of General Municipal Law Section 148(3), now, therefore, be it

RESOLVED, that the Niagara County Legislature, hereby appoints the Niagara County Veteran Services Director as the Veteran indigent burial designee for the County of Niagara.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent- Hill.

**Resolution No. CS-043-20**

From: Community Services and Administration Committees.

Dated: October 20, 2020

**ABOLISH (2) PT FOOD SERVICE HELPER AND (1) PT COOK  
CREATE AND FILL (1) FT COOK**

WHEREAS, due to a restructure of the Nutrition Program, and the desire to continue to provide meal preparation for seniors throughout Niagara County in the most efficient manner, and

WHEREAS, after studying the services we provide and evaluating all options, it has been determined that it would be in the best interest of the department to abolish two (2) Food Service Helpers and one (1) PT Cook and to create and fill one (1) FT Cook position, and

WHEREAS, funding for this newly created position will be from the mentioned abolished positions, now therefore, be it

RESOLVED, that Position No. 1347 and 1377, Food Service Helper as well as position 1350, PT Cook, be abolished, effective October 23, 2020, and be it further

RESOLVED that the position of FT Cook, AFSCME, Grade 16, from \$14.53 per hour to \$16.26 per hour, be created and filled, effective October 26, 2020

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent- Hill.

**Resolution No. CSS-050-20**

From: Community Safety & Security and Administration Committees.

Dated: October 20, 2020

**NIAGARA COUNTY SHERIFF'S OFFICE  
BUDGET MODIFICATION - EXPENDITURE OF CELLULAR E911 REVENUE  
FOR VPN TEXT TO 9-1-1 SERVICE**



WHEREAS, the Niagara County Legislature passed a Local Law on 11/5/2017 which established an E911 surcharge for cellular phones to establish a dedicated revenue to be used for future payments for system costs, eligible wireless 911 service costs, or other costs associated with the administration, design, enhanced wireless 911 service costs serving Niagara County, and

WHEREAS, such expenditures require the authorization of the Niagara County Legislature, and

WHEREAS, Niagara County is committed to implementing text to 9-1-1 services in Niagara County, and

WHEREAS, specific technical services and connection software are necessary to facilitate VPN text data conversion to 9-1-1 service, and

WHEREAS, the purchase of the technical services and connection software will be made using Niagara County Purchasing Guidelines, and

WHEREAS, the resultant purchase will provide lifesaving text to 9-1-1 service and make it available to all of the residents of Niagara County, now, therefore, be it

RESOLVED, that the following line item transfers be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

A.19.3020.000 40599.01	Appropriated Fund Balance – Committed Funds	\$19,150
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INCREASE APPROPRIATIONS:

A.19.3020.000 74500.01	Contractual Expenses Contractual Expenses	\$19,150
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Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent- Hill.

**Resolution No. CSS-051-20**

From: Community Safety & Security and Administration Committees.

Dated: October 20, 2020

**RESOLUTION DECLARING THE LEGISLATURE OF THE COUNTY OF NIAGARA'S INTENT TO  
BE LEAD AGENCY FOR ENVIRONMENTAL REVIEW PURSUANT TO THE STATE  
ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) FOR THE PROPOSED  
NIAGARA COUNTY PUBLIC SAFETY RADIO EXPANSION PROJECT**

WHEREAS, Niagara County (the "County"), as part of its efforts to upgrade its emergency radio communications systems, proposes to improve the coverage of its existing radio communications system through the construction or installation of communications tower sites and/or equipment at up to three locations within the County to be known as the Niagara County Public Safety Radio Expansion Project (the "Project"), and

WHEREAS, the three locations will be referred to as (1) Shawnee Volunteer Fire Company, 3747 Lockport Road, Wheatfield, NY 14132; (2) Barker Central School, Haight Road, Barker, NY 14012; and (3) Wilson Historical Society, 641 Lake Street, Wilson, NY 14108, and

WHEREAS, the County will approve funding for the Project, and will approve and let contracts for construction and purchase of the equipment necessary for the Project, and

WHEREAS, collectively, these components of the Project constitute the "Action" to be reviewed for

purposes of review under the State Environmental Quality Review Act and its implementing regulations found at 6 NYCRR Part 617 (hereinafter collectively referred to as "SEQRA"), and

WHEREAS, the County will treat the Project as a Type 1 Action requiring a coordinated review by all involved agencies in accordance with applicable provisions of SEQRA, and

WHEREAS, the Project will provide improved communications to public safety agencies in the County by improving the coverage of its existing radio communications system and is therefore in the public interest, and

WHEREAS, the Legislature of the County of Niagara is an involved agency for the review of the Project as the Legislature will have to appropriate funding for same and approve and let contracts for construction and purchase of the equipment necessary for the Project, and

WHEREAS, a separate full SEQRA Environmental Assessment Form ("EAF") Part I regarding the Project has been prepared and submitted to the Legislature for each of the three locations, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara hereby declares its intent to be SEQRA Lead Agency for the review of the Project and directs the County's attorneys to take the necessary procedural steps to start a thirty (30) day comment period by providing notice of adoption of this resolution and circulating the EAFs to all other involved or interested agencies to establish the County Legislature as Lead Agency for the purposes of this Project; and, it is further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to sign any and all necessary documents, notices or papers as may be necessary to initiate the comment period.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent- Hill.

**Resolution No. CSS-052-20**

From: Community Safety & Security Committee.

Dated: October 20, 2020

**NIAGARA COUNTY SHERIFF'S OFFICE  
ACCEPT ARSON LABORATORY IMPROVEMENT PROGRAM**

WHEREAS, the Niagara County Sheriff's Office has been awarded a grant from the New York State Division of Homeland Security and Emergency Services Office of Fire Prevention and Control for the period of January 1, 2020 through December 31, 2020 in the amount of \$5,000, and

WHEREAS, there is not a match requirement for the grant, and

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

WHEREAS, the funds are used to reimburse the County for Arson Investigation supplies, and

WHEREAS, the funds are included in the 2020 budget, and

WHEREAS, the Letter of Agreement needs to be executed, now, therefore, be it

RESOLVED, that prior to the execution of the Letter of Agreement, the County Attorney will review 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. 14 Ayes, 0 Noes, 1 Absent- Hill.

**Resolution No. CSS-053-20**

From: Community Safety & Security Committee.

Dated: October 20, 2020

**NIAGARA COUNTY SHERIFF'S OFFICE  
OFFICE OF VICTIM SERVICES GRANT**

WHEREAS, the Niagara County Sheriff's Office was notified in writing that the New York State Office of Victim Services has awarded a multi-year grant for a term of 10/1/19 to 9/30/22, and

WHEREAS, the Niagara County Legislature accepted the funding and contract execution for 2019-2020 in Resolution CSS-046-19 on 08/06/2019, and

WHEREAS, the grant amount for the 2020-2021 grant fiscal year is \$301,873.96, and

WHEREAS, the Office of Victim Services has issued a blanket waiver of the match requirement for all current OVS contracts utilizing this funding, and

WHEREAS, the grant funding is currently in the 2020 budget and will be included in the 2021 budget, and

WHEREAS, this grant funds the Niagara County Sheriff's Office Victim Assistance Unit with the personnel and services needed to provide legal, financial, safety and support services and referrals to Niagara County residents who are victims of crimes, and

WHEREAS, the Niagara County Sheriff's Office Victim Assistance Unit strives to provide the best service possible to our Niagara County residents, 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 for the 2020-2021 grant fiscal year.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent- Hill.

**Resolution No. CSS-054-20**

From: Community Safety & Security and Administration Committees.

Dated: October 20, 2020

**2021 PROBATION SOFTWARE MAINTENANCE AGREEMENT  
FOR CASELOAD EXPLORER**

WHEREAS, the Niagara County Probation Department has been using the Caseload Explorer case management software system since 2008, and

WHEREAS, Caseload Explorer is used by the Probation Department to track and manage all aspects of

Probation cases, generate reports used to effectively manage and ensure efficiency in the Probation Department, automatically update the NYS Integrated Probation Registration System, NYS criminal history records, the DCJS Sex Offender Registry, and the statewide Pre-Sentence Investigation Repository as well as generate data and reports required by NYS to ensure continued funding, and

WHEREAS, AutoMon, LLC is the only company to offer Caseload Explorer, and Caseload Explorer is the only probation case management software system with access to the aforementioned state systems and the ability to generate the specific data reports required by NYS Department of Criminal Justice Services, and

WHEREAS, the maintenance costs and user fees associated with Caseload Explorer are included in the 2021 Niagara County Budget Request, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby determine that AutoMon, LLC is the “sole source” of the software needed by the Probation Department, and soliciting alternate proposals is therefore not feasible, and be it further

RESOLVED, that the Chairman of the Legislature be and hereby is authorized to sign the software maintenance agreement for Caseload Explorer in the amount of \$16,169 for the period of 1/1/2021 through 12/31/2021, subject to approval by the County Attorney’s Office.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent- Hill.

**Resolution No. CSS-055-20**

From: Community Safety & Security Committee.

Dated: October 20, 2020

**ACCEPTANCE OF EMPG 2020 HOMELAND SECURITY GRANT**

WHEREAS, the County of Niagara is required to certify its acceptance of the EMPG 2020 grant through the Department of Homeland Security for the period of October 1, 2019 through September 30, 2022, at some cost to the County, and

WHEREAS, the grant for EMPG 2020 is in the amount of \$169,378. Grant funds will be in the amount of \$84,689 and the 50% matching county funds will be in the amount of \$84,689. The funds will be used for attendance at the International Association of Emergency Managers Conference, replacement of old CBRNE response vehicle, purchase of pallet rack enclosures for security of PPE in vehicle bay and EOC equipment upgrades including monitors, hardware, software and installation, now, therefore, be it

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent- Hill.

**Resolution No. CSS-056-20**

From: Community Safety & Security Committee.

Dated: October 20, 2020

**ACCEPTANCE OF SHSP 2020 HOMELAND SECURITY GRANT**

WHEREAS, the County of Niagara is required to certify its acceptance of the SHSP 2020 grant through the Department of Homeland Security for the period of 9/1/19 to 8/31/23, at no cost to the County, and

WHEREAS, the grant for SHSP 2020 is in the amount of \$536,646 and the funds will be used for consultants to provide Citizens Preparedness Initiatives, interoperable communications equipment, detection equipment, cyber security enhancements, Dive Team equipment, mobile data terminals, PPE and CAD equipment, now, therefore, be it

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent- Hill.

**Resolution No. CSS-057-20**

From: Community Safety & Security and Administration Committees.

Dated: October 20, 2020

**CONSULTANT AGREEMENT AWARD FOR FIRE TRAINING FACILITY  
REPAIRS TO WALTER S. JOHNSON BUILDING CO. INC.**

WHEREAS, RFP #2020-38 was issued by Niagara County to secure a firm or person with qualified licensed professional engineer experience and expertise in the field of live fire training structure to perform repairs to the Lockport Fire Training Facility which is unusable at this time, and

WHEREAS, responses were received from Scrufari Construction Co., LLC, Sicoli Construction Services, Inc., Walter S. Johnson Building Co., Inc., Harty, and Willett Builders, Inc. and

WHEREAS, the bid price from Scrufari Construction Co., LLC was \$225,215; the bid price from Sicoli Construction Services, Inc. was \$149,600; the bid price from Walter S. Johnson Building Co., Inc. was \$99,750; the bid price from Harty was \$146,840; the bid price from Willett Buildings, Inc. was \$125,500, and

WHEREAS, Walter S. Johnson Building Co., Inc. was the lowest bidder and was found to be the best qualified consultant for the work based on experience and services offered which meets all specifications in the bid, and

WHEREAS, it was decided to pursue a limited number of items from the bid which lowered the cost to \$66,103, and

WHEREAS, funding is allocated in the EMO budget, A.19.3410.000 74650.08, now, therefore, be it

RESOLVED, that the County enter into an agreement with Walter S. Johnson Building Co., Inc. in an amount not to exceed \$66,103 to provide professional consulting services to Niagara County Emergency Management Department, and be it further

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

RESOLVED, that the Chairman of the County Legislature be, and hereby is authorized to execute the Integrated Solutions contract.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent- Hill.

**Resolution No. CSS-058-20**

From: Community Safety & Security and Administration Committees.

Dated: October 20, 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 increase the 1<sup>st</sup> Assistant Public Defender, 2<sup>nd</sup> Assistant Public Defender, and two (2) Special at an annual salary two per centum (2%) higher than their 2020 salary which is to be fully funded by this grant, and

WHEREAS, the Public Defender's Office will abolish one part-time Assistant Public Defender position and create one full-time Special Assistant Public Defender at an annual salary of \$105,044.55. The County will continue to fund its current commitment of \$44,443.00 from the part-time salary, and this contract will fund the remaining 60,601.55, and

WHEREAS, The Public Defender's Office will abolish one part-time Assistant Public Defender position and create one full-time Senior Trial Attorney at an annual salary of \$87,000. The County will continue to fund its current commitment of \$44,443.00 from the part-time salary, and this contract will fund the remaining \$42,557, and

WHEREAS, the Public Defender's Office will abolish three part-time Assistant Public Defender positions and create three full-time Assistant Public Defender's at an annual salary of \$75,000.00 each. The County will continue to fund its current commitment of 44,443.00 from the part-time salary for each position, and this contract will fund the remaining \$30,557.00, and

WHEREAS, The Public Defender's Office will create one full-time Senior Paralegal position at grade 11, Step 1 at an hourly rate of \$27.39/hour, to be fully funded by this contract,

WHEREAS, The Public Defender's Office will create one full-time Paralegal position at grade 7, Step 1 at an hourly rate of \$20.27/hour, to be fully funded by this contract,

WHEREAS, The Public Defender's Office will create one part-time Confidential Secretary position at an annual salary of \$25,000, to be fully funded by this contract,

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

WHEREAS, the contract will provide funding at \$59,000.00 for Centralized Arraignments Part (CAP) 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 Public Defender's Office will provide funding for Public Defender's Case Management System (PDCMS) for the 2020 calendar year at a cost of \$1,500 which is to be fully funded from this contract, and

WHEREAS, the Public Defender's Office will provide funding for Legal Reference Materials and Transcripts at a cost of \$20,000 which is to be fully funded from this contract, and

WHEREAS, the Public Defender's Office will provide funding for Computers and Equipment at a cost of \$70,000 which is to be fully funded from this contract, and

WHEREAS, the Public Defender's Office will provide funding for phone services at a cost of \$500.00 which is to be fully funded from this contract, and

WHEREAS, the Public Defender's Office will provide funding for office furniture at a cost of \$54,427.46 which is to be fully funded from this contract, and

WHEREAS, the Public Defender's Office will provide funding for Continuing Legal Education (CLE) training and support at a cost of \$9,000.00 which is to be fully funded from this grant, and

WHEREAS, the Public Defender's Office will provide funding for postage at a cost of \$4,000.00 which is to be fully funded from this grant, and

WHEREAS, the Public Defender's Office will provide funding for office supplies which is to be fully funded from this grant, and

WHEREAS, these changes will be effective October 21, 2020 and reflect no cost increase to the County and will be coterminous with the 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 following 2020 budget be modified as follows:

INCREASE REVENUE:

A.03.1170.000.43025.03	Indigent Legal Service	\$312,984
	Hurrell-Harring Reform Grant	

INCREASE APPROPRIATIONS:

A.03.1170.000 71010.00	Positions	\$,57,798
A.03.1170.000 71030.00	Part Time	\$ 4,808
A.03.1170.000 71080.00	Stipend	\$ 59,000
A.03.1170.000 78100.00	Retirement	\$ 9,182
A.03.1170.000 78200.00	FICA	\$ 4,790
A.03.1170.000 78300.00	Worker's Comp	\$ 1,804
A.03.1170.000 78400.01	Health Insurance	\$ 7,632
A.03.1170.000 78400.05	HRA	\$ 284
A.03.1170.000 78800.00	Flex 125	\$ 758
A.03.1170.000 72100.01	Furniture & Fixtures	\$ 54,428
A.03.1170.000 72100.05	Computer Equipment	\$ 70,000
A.03.1170.000 74250.01	Office Supplies	\$ 1,500
A.03.1170.000 74375.03	Telephone System	\$ 500
A.03.1170.000 74375.06	Postage	\$ 4,000
A.03.1170.000 74500.01	Contractual	\$ 7,500
A.03.1170.000 74600.03	Training and Education	\$ 9,000
A.03.1170.000 74650.12	Transcripts	\$ 20,000
Total A.03.1170.000		\$312,984

Moved by Godfrey; seconded by Andres to amend resolution.

Amendment:

Deletion in the fifth WHEREAS "...Senior Trial Attorney..." and replaced with Assistant Public Defender

Moved by Bradt, seconded by Virtuoso.

Adopted. 11 Ayes, 3 Noes- Grozio, Mullane, Virtuoso, 1 Absent- Hill.

**Resolution No. ED-018-20**

From: Economic Development and Administration Committees.

Dated: October 20, 2020

**AUTHORIZATION TO SUBMIT A GRANT APPLICATION TO THE NEW YORK STATE OFFICE  
OF COMMUNITY RENEWAL FOR BLOCK GRANT FUNDING**

WHEREAS, Locks & Erie Canal Cruises (the "Company") was forced to shut down their canal cruise and banquet area located in at 210 Market Street in the City of Lockport, New York for an extended period of time due to State-imposed COVID-19 restrictions, and

WHEREAS, the Company is investing funds in order to resume and increase operations at said location (the "Project"), and

WHEREAS, the Company has requested that Niagara County apply for funding on its behalf from the New York State Office of Community Renewal (the "OCR") to finance a portion of the Project costs, and

WHEREAS, the Niagara County Development Corporation (the "NCDC") is assisting in the facilitation of the Project and has requested that the County provide the OCR funding to the NCDC as a grant for the purpose of making a loan or loans to the Company, and

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

WHEREAS, the County has held a public hearing to obtain citizens' views regarding the CDBG program as administered by OCR and the project, 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 Project, 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 Project and administration of the OCR grant, all such documents to be subject to review and approval by the County Attorney, 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. 14 Ayes, 0 Noes, 1 Absent- Hill.

**Resolution No. ED-019-20**

From: Economic Development and Administration Committees.

Dated: October 20, 2020

**AUTHORIZATION TO SUBMIT A GRANT APPLICATION TO THE NEW YORK STATE OFFICE  
OF COMMUNITY RENEWAL FOR BLOCK GRANT FUNDING**

WHEREAS, Plant IQ (the "Company") plans to relocate and expand their operations within Niagara County (County) and to incur the associated acquisition, renovation, and purchasing costs (the "Project"), and



WHEREAS, the Company has requested that the County apply for funding on its behalf from the New York State Office of Community Renewal (the “OCR”) to finance a portion of the Project costs, and

WHEREAS, the Niagara County Development Corporation (the “NCDC”) is assisting in the facilitation of the Project and has requested that the County provide the OCR funding to the NCDC as a grant for the purpose of making a loan or loans to the Company, and

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

WHEREAS, the County has held a public hearing to obtain citizens’ views regarding the CDBG program as administered by OCR and the project, 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 Project, 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 Project and administration of the OCR grant, all such documents to be subject to review and approval by the County Attorney, 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. 14 Ayes, 0 Noes, 1 Absent- Hill.

**Resolution No. ED-020-20**

From: Economic Development and Administration Committees.

Dated: October 20, 2020

**AUTHORIZATION TO SUBMIT A GRANT APPLICATION TO THE NEW YORK STATE OFFICE  
OF COMMUNITY RENEWAL FOR BLOCK GRANT FUNDING**

WHEREAS, Ultimate Physique, Inc. (the “Company”) was forced to shut down their health and fitness center located in the former Washington Hunt School building at 50 Rogers Avenue in the City of Lockport, New York for an extended period of time due to State-imposed COVID-19 restrictions, and

WHEREAS, the Company is investing funds in order to resume and increase operations at said location (the “Project”), and

WHEREAS, the Company has requested that Niagara County apply for funding on its behalf from the New York State Office of Community Renewal (the “OCR”) to finance a portion of the Project costs, and

WHEREAS, the Niagara County Development Corporation (the “NCDC”) is assisting in the facilitation of the Project and has requested that the County provide the OCR funding to the NCDC as a grant for the purpose of making a loan or loans to the Company, and

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

WHEREAS, the County has held a public hearing to obtain citizens' views regarding the CDBG program as administered by OCR and the project, 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 Project, 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 Project and administration of the OCR grant, all such documents to be subject to review and approval by the County Attorney, 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. 14 Ayes, 0 Noes, 1 Absent- Hill.

**Resolution No. ED-021-20**

From: Economic Development and Administration Committees.

Dated: October 20, 2020

**FIXING DATE AND NOTICE FOR THE SECOND PUBLIC HEARING  
FOR EMPIRE EMERGENCY APPARATUS, INC.  
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

WHEREAS, the County Legislature wishes to hear public comments relating to the recently completed Community Development Block Grant ("CDBG") project supporting the expansion of the Empire Emergency Apparatus, Inc. facility at 3995 Lockport Road, in the Town of Niagara, New York, and

WHEREAS, The CDBG program is administered by the New York State Office of Community Renewal (OCR), and provides resources to eligible local governments for housing, economic development, public facilities, public infrastructure, and planning activities, with the principal purpose of benefitting low/moderate income persons, and

WHEREAS, OCR requires grant recipients hold a public hearing to provide information to the public and to consider citizen comments regarding CDBG funded projects to help make determinations for the future use of CDBG funds, now, therefore, be it

RESOLVED, that the County Legislature shall conduct a public hearing whereat all interested parties shall be heard regarding the CDBG program, the county's community development and economic development programs, and the Empire Emergency Apparatus, Inc. CDBG project at the Legislative Chambers, Courthouse, Lockport, New York on the 17th day of November, 2020 at 6:45 p.m., and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent- Hill.

**Resolution No. IF-010-20**

From: Infrastructure & Facilities Committee.

Dated: October 20, 2020

**AWARD CONSULTANT CONTRACT  
ANGELO DELSIGNORE CIVIC BUILDING REMAINING WINDOWS**

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with the Angelo DelSignore Civic Building Remaining Windows Project, and

WHEREAS, the selected Consultant recently completed the design of the initial phase of window replacements at the Angelo DelSignore Civic Building, and

WHEREAS, funds are available in account H623.15.1620.000 72200.01, Building Improvements, 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 Angelo DelSignore Civic Building Remaining Windows Project be awarded to Watts Engineering & Architecture P.C., 95 Perry Street, Suite 300, Buffalo, NY 14203, for a contract amount not to exceed \$91,200, 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. 14 Ayes, 0 Noes, 1 Absent- Hill.

**Resolution No. IF-111-20**

From: Infrastructure & Facilities Committee.

Dated: October 20, 2020

**AWARD OF CONTRACT – CULVERT REHABILITATION**

WHEREAS, the Department of Public Works would like to rehabilitate the following four cross road culverts: Carmen Road 3,973' North of Pearson Road; Quaker Road 886' North of Hartland-Somerset Road; Hartland Road 3,918' North of Slayton Settlement Road; and East Canal Road 2,212' South of Dunnigan Road, and

WHEREAS, General Municipal Law Section 103 allows a county of New York State to utilize contractual services of another county of the state that contains the provision allowing said utilization, and

WHEREAS, Onondaga County has entered into agreement #4284 dated 7/1/2020 with Precision Trenchless LLC for cured in-place pipe lining, and

WHEREAS, the Department of Public Works, Engineering Division has determined that this would be a cost effective way to rehabilitate said culverts, 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 Culvert Rehabilitation of four (4) County Culverts be awarded to Precision Trenchless LLC, 1710 Erie Blvd., Schenectady, NY 12308, in the amount of \$185,875 plus any contingencies, and be it further

RESOLVED, that the following budget modification be effectuated so the project may proceed:

INCREASE ANTICIPATED REVENUE:

H699.15.5112.000 43501.00	Consol Highway Aid Revenue	\$200,000
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INCREASE ANTICIPATED APPROPRIATIONS:

H699.15.5112.000 72600.01	Roads	\$200,000
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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. 14 Ayes, 0 Noes, 1 Absent- Hill.

**Resolution No. IF-112-20**

From: Infrastructure & Facilities and Administration Committees.

Dated: October 20, 2020

**SUNSET DRIVE REHABILITATION AND DRAINAGE IMPROVEMENTS  
CONSULTANT CONTRACT FOR SURVEYING SERVICES- FINAL PAYMENT**

WHEREAS, by Resolution No. IF-075-20, dated June 16, 2020, the Legislature awarded the contract for the Sunset Drive Rehabilitation and Drainage Improvements-Surveying Services Project to Popli Design Group, 555 Penbrooke Drive, Penfield, NY 14526, in the amount of \$44,981, and

WHEREAS, the contract has been completed to the satisfaction of the Deputy Commissioner of Engineering for the original contract amount of \$44,981, 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 final payment is authorized to be processed to Popli Design Group, 555 Penbrooke Drive, Penfield, NY 14526, 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. 14 Ayes, 0 Noes, 1 Absent- Hill.

**Resolution No. IF-113-20**

From: Infrastructure & Facilities and Administration Committees.

Dated: October 20, 2020

**HIGHWAY DEPT. FUEL FACILITY MODIFICATIONS  
FINAL PAYMENT**

WHEREAS, by Resolution No. IF-070-19, dated May 21, 2019, the Legislature awarded the contract for the Highway Department Fuel Facility Modifications Project to The Pump Doctor, 2706 Hemlock Road, Eden, NY 14047, for a contract amount of \$325,000, and

WHEREAS, Resolution No. IF-104-19, dated September 19, 2019, authorized Change Order No. 1 to increase the contract in the amount of \$16,800 for electrical labor work and travel hours for additional work on outside

electrical, island setup, and elevations, with materials being supplied by Niagara County, for a revised contract amount of \$341,800, and

WHEREAS, Resolution No. IF-050-20, dated April 21, 2020, authorized Change Order No. 2 to increase the contract in the amount of \$9,842.18 for further electrical labor work, travel hours, and additional insurance for the work, for a revised contract amount of \$351,642.18, and

WHEREAS, the contract has been completed to specifications for the contract amount of \$351,642.18, 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 final payment is authorized to be processed to The Pump Doctor, 2706 Hemlock Road, Eden, NY 14047, for a final contract amount of \$351,642.18, 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. 14 Ayes, 0 Noes, 1 Absent- Hill.

**Resolution No. IF-114-20**

From: Infrastructure & Facilities and Administration Committees.

Dated: October 20, 2020

**BRIDGE BEARINGS AND LUBRICATION  
CHANGE ORDER NO. 1 - FINAL**

WHEREAS, by Resolution No. IF-002-20 dated January 21, 2020, the Legislature awarded the contract for the Bridge Bearings and Lubrication Project to Hohl Industrial Services, Inc., 770 Riverview Blvd., Tonawanda, NY 14150, for a contract amount of \$380,847.16, and

WHEREAS, it is necessary to decrease the contract in the amount of \$12,409.30 due to final adjustment of quantities, resulting in a net decrease in the final contract value, for a revised contract amount of \$368,437.86, 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-Final to decrease the contract by \$12,409.30 for the Bridge Bearings and Lubrication Project, for a revised contract amount of \$368,437.86 to Hohl Industrial Services, Inc., 770 Riverview Blvd., Tonawanda, NY 14150, 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. 14 Ayes, 0 Noes, 1 Absent- Hill.

**Resolution No. IF-115-20**

From: Infrastructure & Facilities and Administration Committees.

Dated: October 20, 2020

**CULVERT STUDY FOR COUNTY WIDE EVALUATION OF CONDITION  
FINAL PAYMENT**

WHEREAS, by Resolution No. IF-091-19, dated August 6, 2019, the Legislature awarded the contract for the County Wide Evaluation of Culvert Conditions Project to CHA Consulting Inc., 2200 Main Place Tower, Buffalo, NY 14202, in the amount of \$19,000, and

WHEREAS, the contract has been completed to the satisfaction of the Deputy Commissioner of Engineering for the original contract amount of \$19,000, 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 final payment is authorized to be processed to CHA Consulting Inc., 2200 Main Place Tower, Buffalo, NY 14202, 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. 14 Ayes, 0 Noes, 1 Absent- Hill.

**Resolution No. IF-116-20**

From: Infrastructure & Facilities Committee.

Dated: October 20, 2020

**BRIDGE DECK OVERLAYS PROJECT  
BUDGET MODIFICATION**

WHEREAS, Resolution No. IF-133-19, dated November 19, 2019, approved the Bridge Deck Overlays Project in the Towns of Hartland, Pendleton and Wilson, and

WHEREAS, the County committed to advance the project by making a commitment of 100% of the non-federal funds of the costs for the Construction/Construction Inspection Phase of the project, and

WHEREAS, Niagara County will receive state Marchiselli funding for the Construction/Construction Inspection phase of the project in the maximum amount of \$28,500, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

**INCREASE ANTICIPATED REVENUE:**

H698.15.5197.000 43591.00	State Aid	\$28,500
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**INCREASE ANTICIPATED APPROPRIATIONS:**

H698.15.5197.000 72600.02	Infrastructure Bridges	\$28,500
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Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent- Hill.

**Resolution No. IF-117-20**

From: Infrastructure & Facilities and Administration Committees.

Dated: October 20, 2020

**POSITION APPOINTMENT  
COMMISSIONER OF PUBLIC WORKS/SUPERINTENDENT OF HIGHWAYS**

WHEREAS, under the Local Law establishing an Administrative Code for the County of Niagara, the County Manager shall make appointments for the position of Commissioner of Public Works/Superintendent of Highways subject to the confirmation of the County Legislature, and

WHEREAS, Garret A. Meal, was appointed for a four-year term to the position of Commissioner of Public Works/Superintendent of Highways on October 3, 2016, and

WHEREAS, the County Manager has conducted annual performance evaluations of Garret A. Meal and has determined that Mr. Meal meets or exceeds the performance requirements for the position, and

WHEREAS, the term of appointment for the Commissioner of Public Works/Superintendent of Highways expires October 3, 2020, and

WHEREAS, upon review, consideration, and recommendation for appointment by the County Manager it has been determined that Garret A. Meal best meets the qualifications for the position, now, therefore, be it

RESOLVED, that Garret A. Meal be reappointed for a four (4) year term of office to the position of Commissioner of Public Works/Superintendent of Highways commencing on October 4, 2020 through October 3, 2024, and be it further

RESOLVED, that Garret A. Meal shall be compensated as a FLSA exempt Flat Salary Grade 16, step 99 at an annualized salary of \$104,751 (2020 Salary Schedule).

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent- Hill.

**Resolution No. IF-118-20**

From: Infrastructure & Facilities and Administration Committees.

Dated: October 20, 2020

**DEPARTMENT OF PUBLIC WORKS – PARKS DEPARTMENT BUDGET MODIFICATION**

WHEREAS, the department has rented various pieces of equipment in the past several years but it is recommended to purchase one (1) compact excavator to be used for various park and/or building improvement projects, now, therefore, be it

WHEREAS, funds are available in the vacant Confidential Assistant – Public Works, position, and in various line items in the Buildings and Grounds budgets, now, therefore be it

RESOLVED, that the following budget modifications be effectuated:

**DECREASE APPROPRIATIONS:**

A.15.1490.000.71010.00.13581	Positions-Conf Assistant – PW	\$19,150
A.15.1620.000.74650.07	Engineering Services	\$ 8,000
A.15.1620.000.74200.01	Rent	\$20,000

**INCREASE ESTIMATED APPROPRIATION:**

A.15.7110.000.72100.20	Buildings and Grounds Equipment	\$47,150
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Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent- Hill.

**Resolution No. IL-031-20**

From: Legislators John Syracuse and David E. Godfrey.

Dated: October 20, 2020

**ADOPTION OF A LOCAL LAW REMOVING THE REAL PROPERTY TAX EXEMPTION FOR  
SOLAR AND WIND ENERGY SYSTEMS UNDER  
SECTION 487 OF THE REAL PROPERTY TAX LAW**

WHEREAS, Section 487 of the New York Real Property Tax Law provides an exemption from Real Property Taxes any increase in the value of the real property by reason of the inclusion of a solar or wind energy system, and

WHEREAS, Section 487 (8)(a) of the Real Property Tax Law of the State of New York provides that a county may by local law provide that no exemption under Section 487 shall be applicable within its jurisdiction with respect to any solar or wind energy system or farm waste energy system which began construction subsequent to the effective date of a local law, and

WHEREAS, on March 10, 2020, the Niagara County Legislature held a public hearing on a local law to remove the real property exemption for solar and wind energy systems as provided for in Section 487 of the Real Property Tax Law, and

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

WHEREAS, no amendment(s) was (were) made to said Local Law, and

WHEREAS, after due consideration of comments and communications received at the public hearing the County of Niagara desires to adopt a local law opting out of the real property tax exemption for solar and wind energy systems, now, therefore, be it

RESOLVED, that a Local Law of the County of Niagara, New York to remove the real property exemption for solar and wind energy systems as provided for in Section 487 (8)(a) of the Real Property Law be it enacted by the County Legislature of the County of Niagara as follows:

A Local Law entitled "To Remove Real Property Tax Law Exemption for Solar and Wind Energy Systems" :

Section 1. Pursuant to Section 487 (8)(a) of the Real Property Tax Law of the State of New York no exemption under Section 487 of the Real Property Tax Law of the State of New York shall be applicable within the County of Niagara for any solar or wind energy system or farm waste energy system which began construction subsequent to the effective date of a local law.

Section 2. The County Manger is hereby authorized to execute PILOT agreements with the owners of solar and energy storage systems approved by the City, Village or Town prior to the adoption of this Local Law opting out of 487 of the Real Property Tax Law of the State of New York

Section. 3. This local law shall take effect upon filing with the Secretary of State. This Local Law shall be filed with the New York Department of Taxation and Finance and the New York Energy Research and Development Agency.

Moved by Syracuse, 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 Syracuse, seconded by Godfrey.  
Adopted. 9 Ayes, 5 Noes, 1 Absent- Hill.

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

The Chairman declared the Board adjourned at 8:24 p.m., subject to the call of the Clerk.

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

  
Mary Jo Tamburlin, Clerk