

A public hearing was held pursuant to IL-156-23, adopted by the Legislature on December 5, 2023, for the purpose of hearing public comments on A Local Law Requiring Contractors, Desiring to Bid on Construction Work for the County of Niagara to Provide Proof of the New York State Certified Worker Training Program. Legislator Godfrey opened the hearing at 5:50 p.m. and closed it at approximately 5:55 p.m.

## OFFICIAL RECORD

Lockport, New York  
December 12, 2023

Chairman Wydysh called the meeting to order at 6:01 p.m.

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

Chairman Wydysh thanked Legislator Collins and Grozio for their years of service.

Chairman Wydysh introduced the new intern.

Chairman Wydysh thanked the Niagara Falls Firefighters for the delivery of toys they dropped off for the giving tree.

Chairman Wydysh called Environmental Science Coordinator, Dawn Timm and the Town of Lockport Supervisor Mark Crocker to the lectern. Supervisor Crocker thanked Dawn for all her work with helping covert the Town of Lockport to cart based refuse services beginning 2024.

No citizens spoke on the Agenda.

### **Resolution No. CW-039-23**

From: Committee of the Whole.

Dated: December 12, 2023

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

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

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

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

RESOLVED, the following budget transfer be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

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

A.11.1930.110 74500.01	Special Litigations Contractual Expense	\$70,000
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Moved by Nemi, seconded by Grozio.

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

**Resolution No. CW-040-23**

From: Committee of the Whole.

Dated: December 12, 2023

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

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

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

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

**INCREASE COMMITTED FUND BALANCE:**

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

**INCREASE APPROPRIATIONS:**

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

Moved by Collins, seconded by Myers.

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

**Resolution No. CW-041-23**

From: Committee of the Whole.

Dated: December 12, 2023

**CONTRACT WITH WELLNOW URGENT CARE PC. FOR OCCUPATIONAL MEDICINE  
SERVICES**

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

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

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

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

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

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

Moved by Elder, seconded by Foti.

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

**Resolution No. IL-161-23**

From: Legislators Irene M. Myers, Mark J. Grozio and Administration Committee.

Dated: December 12, 2023

**ADOPTION OF A LOCAL LAW REQUIRING CONTRACTORS, DESIRING TO BID ON CONSTRUCTION WORK FOR THE COUNTY OF NIAGARA TO PROVIDE PROOF OF THE NEW YORK STATE CERTIFIED WORKER TRAINING PROGRAM**

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

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

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

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

WHEREAS, no amendments(s) was (were) made to said Local Law, now, therefore, be it

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

Section 1. Short Title.

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

Section 2. Definitions.

- A. “New York State Certified Worker Training Program” Shall mean: a state registered and regulated apprenticeship program through the New York State Department of Labor that has been approved by the New York State Commissioner of Labor in accordance with Article 23 of the New York Labor Law, that includes the following standards:

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

### Section 3. Requirements.

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

### Section 4. Penalties.

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

### Section 5. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by

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

Section 6. Applicability.

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

Section 7. Effective Dates.

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

Moved by Myers, seconded by Grozio.

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

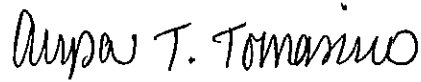
**APPOINTMENTS:**

	<u>Appt.</u>	<u>Expires</u>
<b><u>NCCC BOARD OF TRUSTEES:</u></b>		
Lee S. Wallace (replace Jerald I. Wolfgang) 5826 Grauer Rd. NF 14305	12/12/23	12/31/27
Motion by Nemi, second by Collins.		

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

The Chairman declared the Board adjourned 6:16 p.m., subject to the call of the Clerk.

No citizens spoke at this time on the General Welfare of the County.



Alysya T. Tomasino, Clerk

Chairman Wydysh Called to order the Budget Vote Meeting at 6:34 p.m.

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

**BUDGET RESOLUTIONS:**

**Resolution No. B-01-23**

From: Legislators Christopher A. Robins, Mark J. Grozio and Jeffrey Elder.

Dated: December 12, 2023

**BUDGET MODIFICATION  
SALES TAX**

WHEREAS, the Sales Tax amount appropriated in the 2024 budget is \$91,350,000, now, therefore, be it

RESOLVED, that sales tax revenue be increased in the 2024 Budget by \$2,193,550, and be if further

RESOLVED, that the following 2024 budget modification be effectuated:

INCREASE REVENUE:

A.07.1325.000 41110.01	Sales & Use Tax-General	\$1,162,582
A.07.1325.000 41110.02	Sales & Use Tax-Medicaid	<u>\$1,030,968</u>
		\$2,193,550

DECREASE REVENUE:

A.07.1325.000 41001.00	Real Property Tax	\$2,193,550
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Moved by Robins, seconded by Grozio.

Rejected. 3 Ayes – Elder, Grozio, Robins, 11 Noes, 1 Absent – Gooch.

**Resolution No. B-02-23**

From: Legislators Rebecca J. Wydysz, Randy R. Bradt, David E. Godfrey, Richard L. Andres, Irene M. Myers, Jesse P. Gooch, William J. Collins, Michael A. Hill, Anthony J. Nemi, Shawn A. Foti, Christopher Voccio and Richard E. Abbott.

Dated: December 12, 2023

**BUDGET MODIFICATION  
SALES TAX**

WHEREAS, the Sales Tax amount appropriated in the 2024 budget is \$91,350,000, now, therefore be it

RESOLVED, that the sales tax amount be increased in the 2024 budget by \$500,000, and be if further

RESOLVED, that the following 2024 budget modification be effectuated:

INCREASE REVENUE:

A.07.1325.000 41110.01	Sales & Use Tax-General	\$265,000
A.07.1325.000 41110.02	Sales & Use Tax-Medicaid	\$235,000

DECREASE REVENUE:

A.07.1325.000 41001.00	Real Property Tax	\$500,000
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Moved by Bradt, seconded by Andres.

Approved. 3 Ayes – Elder, Grozio, Robins, 11 Noes, 1 Absent – Gooch.

**Resolution No. B-03-23**

From: Community Safety & Security and Administration Committees.

Dated: December 12, 2023

**BUDGET MODIFICATION FOR  
EMERGENCY SERVICES CONTRACTUAL EXPENSES**

WHEREAS, the residents of the County of Niagara depend and rely on ambulance services provided by a combination of Niagara County, EMS volunteers, through the firefighting agencies in Niagara County, and private ambulance services to provide transportation to hospitals, and

WHEREAS, the County of Niagara will utilize funds from the Coronavirus State and Local Fiscal Recovery Fund (CSLFRF), a part of the American Rescue Plan Act, to fund a contract for EMS Service, now, therefore, be it

RESOLVED, that the following 2024 budget be effectuated:

INCREASE REVENUE:

A.19.3640.000 44089.07 Federal Aid, Other ARPA State/Local Fiscal Recovery Fund \$165,600

INCREASE APPROPRIATIONS:

A.19.3640.000 74500.01 Contractual Expenses \$165,600

Moved by Hill, seconded by Foti.

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

**Resolution No. B-04-23**

From: Administration Committee.

Dated: December 12, 2023

**ADOPTION FOR 2024 ASSESSMENT ROLL & BUDGET - WATER DISTRICT**

WHEREAS, a public hearing was held on December 5, 2023, at 5:10 p.m., in the Legislative Chambers, Courthouse, Lockport, New York on the 2024 assessment roll and budget for the Niagara County Water District, and

WHEREAS, 0 addition(s) and/or deletion(s) were offered on said budget, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby affirms and adopts said 2024 assessment roll and budget for the Niagara County Water District, at \$ 13,115,755, and directs that the necessary taxes be levied to fund said budget pursuant to the provisions of the County law.

Moved by Godfrey, seconded by Nemi.

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

**Resolution No. B-05-23**

From: Administration Committee.

Dated: December 12, 2023

**ADOPTION FOR 2024 ASSESSMENT ROLL & BUDGET - SEWER DISTRICT**

WHEREAS, a public hearing was held on December 5, 2023, at 5:30 p.m., in the Legislative Chambers, Courthouse, Lockport, New York on the 2024 assessment roll and budget for the Niagara County Sewer District #1, and

WHEREAS, 0 addition(s) and/or deletion(s) were offered on said budget, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby affirms and adopts said 2024 assessment roll and budget for the Niagara County Sewer District #1, at \$ 7,549,236, and directs that the necessary taxes be levied to fund said budget pursuant to the provisions of the County law.

Moved by Godfrey, seconded by Nemi.

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

**Resolution No. B-06-23**

From: Administration Committee.

Dated: December 12, 2023

**ADOPTION FOR 2024 ASSESSMENT ROLL & BUDGET  
REFUSE DISPOSAL DISTRICT**

WHEREAS, a public hearing was held on December 5, 2023, at 5:20 p.m., in the Legislative Chambers, Courthouse, Lockport, New York on the 2024 assessment roll and budget for the Niagara County Refuse

Disposal District, and

WHEREAS,   0   addition(s) and/or deletion(s) were offered on said budget, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby affirms and adopts said 2024 assessment roll and budget for the Niagara County Refuse Disposal District, at \$ 841,823, and directs that the necessary taxes be levied to fund said budget pursuant to the provisions of the County law.

Moved by Godfrey, seconded by Nemi.

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

**Resolution No. B-07-23**

From: Administration Committee.

Dated: December 12, 2023

**AUTHORIZATION FOR COUNTY MANAGER AND BUDGET DIRECTOR TO MAKE CHANGES TO BUDGET**

RESOLVED, that the County Manager and Budget Director be and are hereby authorized, empowered, and directed to make any corrections, modifications, changes, additions and/or correct typographical errors not affecting the substance of the approved budget in order to balance accounts. This shall include any budget transfer within the same account classification and within the same fund which will maintain the integrity of the budget required for the close of the fiscal year.

Moved by Godfrey, seconded by Nemi.

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

**Resolution No. B-08-23**

From: Administration Committee.

Dated: December 12, 2023

**ADOPTION OF 2024 BUDGET**

WHEREAS, the Office of the County Manager and the Budget Office have submitted a tentative budget for the conduct of the County government of the County of Niagara, New York, the conduct of the Niagara County Water District, the conduct of the Sewer District #1, and the conduct of the Refuse Disposal District for the year 2024, and

WHEREAS, pursuant to Section 359 of the County Law, public hearings were held on December 5, 2023, on the Niagara County Water District's budget at 5:10 p.m., Sewer District #1's budget at 5:30 p.m., Refuse Disposal District at 5:20 p.m., and the County's budget at 5:40 p.m., in the Legislative Chambers, Courthouse, Lockport, New York, and

WHEREAS, certain additions and/or deletions to said budget were thereafter approved by this Legislature, now, therefore, be it

RESOLVED, that the tentative budget for the year 2024, together with certain additions and/or deletions heretofore approved this date by this Legislature, be and the same is hereby approved and adopted, and that the several amounts specified and set forth in said budgets as appropriation and revenues in the column "ADOPTED" be and are hereby appropriated for the objects and purposes specified.

Moved by Godfrey, seconded by Nemi.

Approved. 11 Ayes, 3 Noes – Elder, Grozio, Robins, 1 Absent – Gooch.



**Resolution No. B-09-23**

From: Administration Committee.

Dated: December 12, 2023

**LEVYING OF TAXES**

WHEREAS, the Niagara County Legislature has, by resolution, made amendments to the tentative budget submitted for the year 2024 by the County Manager and the Budget Director, thereby making appropriations for the conduct of the County for calendar year 2024, now, therefore, be it

RESOLVED, that to meet the amount of the said appropriations, less the anticipated revenue from sources other than the real property tax levy, this Legislature hereby levies the following taxes pursuant to the provisions of Section 361 of the County Law and Section 900 of the Real Property Tax Law upon the taxable property in the County, upon the valuation are equalized by it, to wit:

Upon all taxable property in the County, the sum of \$ 91,208,488 .

Upon all the taxable property in the area comprising the Sewer District #1, the sum of \$ 3,546,217 .

Upon all the taxable property in the area comprising the County Water District, the sum of \$ 5,599,727 .

Upon all the taxable property in the area comprising the County Refuse Disposal District, the sum of \$ 698,529 .

Moved by Godfrey, seconded by Nemi.

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

**Resolution No. B-10-23**

From: Administration Committee.

Dated: December 12, 2023

**APPROVAL OF TAX ROLLS**

WHEREAS, upon the tax rolls of the several towns and cities, the several taxes have been by the Legislators thereof duly extended as provided by law and by the several resolutions of this Legislature, and the said completed tax rolls have been laid before this Legislature for its approval, now, therefore, be it

RESOLVED, that the said tax rolls be approved as so completed; that the taxes so extended upon the tax rolls in the several amounts extended against each parcel of property upon the said rolls are hereby determined to be the taxes due thereon as set forth therein, and be it further

RESOLVED, that there be annexed to each of said rolls a tax warrant in the form prepared by the Clerk and heretofore laid before this Legislature for its approval, as provided for by Section 904 of the Real Property Tax Law; that such warrants shall be in the respective amounts heretofore authorized to be levied upon each of said rolls; that the several warrants be signed by the Chairman and the Clerk of the Legislature under the seal of the Legislature; and that the said rolls with the said warrants annexed thereto be forthwith delivered to the respective collectors of the several tax districts within the County.

Moved by Godfrey, seconded by Nemi.

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

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

The Chairman declared the Board adjourned at 6:58 p.m., subject to the call of the Clerk.

A handwritten signature in black ink that reads "Alysia T. Tomasino". The signature is written in a cursive, slightly slanted style.

Alysia T. Tomasino, Clerk