

## OFFICIAL RECORD

Lockport, New York  
March 21, 2023

The meeting was called to order by Chairman Wydysh at 6:03 p.m.

Clerk Tomasino called the roll. All Legislators were present.

Chairman Wydysh called Legislator Elder, Godfrey and Director of Veteran Affairs Jeffery Glatz to the lectern to recognize and welcome home Vietnam Veterans.

Chairman Wydysh called Legislator Hill, Sheriff Filicetti along with staff to the lectern to read a proclamation declaring April 9<sup>th</sup>-15<sup>th</sup>, 2023 National Public Safety Telecommunicators Week in Niagara County.

Chairman Wydysh called Director of Emergency Management Jonathan Schultz and Accurso from the U.S. Small Business Administration Disaster Loan Program to the lectern to give a presentation on the different loan programs available from the December 2022 Blizzard.

No citizens spoke on the Agenda.

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

### **Resolution No. AD-009-23**

From: Administration Committee.

Dated: March 21, 2023

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

WHEREAS, the Niagara Falls, Lockport, North Tonawanda, Lew-port, Newfane, Niagara Wheatfield, Roy-Hart, Starpoint School Districts and the Village of Youngstown will be conducting an election on May 16, 2023 and requires the use of the Niagara County Board of Elections voting equipment in connection with this election and

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

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

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

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

RESOLVED, that pursuant to the provisions of §3-224 of New York State Election Law, the Chair of the Niagara County Legislature and the Niagara County Election Commissioners are authorized and directed to execute and deliver an agreement, in substantially the form of agreement now filed with the Clerk of the Legislature between and among the County of Niagara, the Niagara County Election Commissioners and the Niagara Falls, Lockport, North Tonawanda, Lew-port, Newfane, Niagara Wheatfield, Roy-Hart, Starpoint School Districts and the Village of Youngstown for the provision, by the County of Niagara, of sufficient voting equipment, including the programming thereof, to the Niagara Falls, Lockport, North Tonawanda, Lew-port, Newfane, Niagara Wheatfield, Roy-Hart, Starpoint School Districts and the Village of Youngstown in connection with any election scheduled to be held during 2023, and be it further

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

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

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

**Resolution No. AD-010-23**

From: Administration Committee.

Dated: March 21, 2023

**WAIVER OF RESIDENCY REQUIREMENT  
FOR LICENSED CLINICIAN  
POSITIONS – CURRENT VACANCIES -  
DEPARTMENT OF MENTAL HEALTH & SUBSTANCE ABUSE SERVICES**

WHEREAS, the Niagara County Department of Mental Health & Substance Abuse Services has received permission to fill several vacant positions within the Department of Mental Health and Substance Abuse Services, which are critical for maintaining quality service to Niagara County residents, and

WHEREAS, due to long standing challenges with recruitment and professional workforce shortages for Master's Level Clinical positions, Niagara County has opened the Licensed Clinician Civil Service Exams to residents of counties contiguous to Niagara County, and

WHEREAS, all Niagara County candidates who are currently on the eligible Civil Service lists for these positions have been hired by the Department, and

WHEREAS, the Department has made a diligent and sincere effort to recruit candidates for these positions from within Niagara County, including through the County website, social media pages, job/career fairs, and job recruitment sites, and

WHEREAS, the department continues to prioritize the hiring of Niagara County residents for these positions when available, and

WHEREAS, these positions will be filled provisionally until the next round of Civil Service Exams is given, and

WHEREAS, any provisional employee must pass and be reachable on the Civil Service examination, now, therefore, be it

RESOLVED, that a Waiver of Residency from the policy to hire only Niagara County residents be approved to fill the following position numbers: #4266 Licensed Clinician, #13758 Licensed Clinician, #10531 Licensed Clinician, #13536 Licensed Clinician, #13100 Licensed Clinician, #13665 Licensed Clinician .

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

**Resolution No. CSS-035-23**

From: Community Safety & Security and Administration Committees.

Dated: March 21, 2023

**NIAGARA COUNTY SHERIFF'S OFFICE  
CIR ELECTRICAL CONSTRUCTION CO. CONTRACT CHANGE ORDER NO. 1**

WHEREAS, the County of Niagara entered into a contract effective December 1, 2022 with CIR Electrical Construction Company to replace breakers and transformers in the Niagara County Jail for a contract amount of \$22,500, and

WHEREAS, it is necessary to increase the contract in the amount of \$5,950 for a revised contract amount of \$28,450 due to a request by the Niagara County Jail for the provision of temporary power during the project to avoid two days without any electricity in the Jail, and

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

RESOLVED, that Change Order No.1 increase the contract by \$5,950 for the transformers and breakers replacement for the Niagara County Sheriff's Office, and be it further

RESOLVED, that following the County Attorney's review, the CIR Electrical Construction Co. Contract Change No.1 may be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

**Resolution No. CSS-036-23**

From: Community Safety & Security and Administration Committees.

Dated: March 21, 2023

**NIAGARA COUNTY SHERIFF'S OFFICE  
A & D BOIVIN DESIGN INC SOLE/ SINGLE SOURCE DESIGNATION FOR PURCHASE OF  
SNOW TRACKS FOR TRUCKS**

WHEREAS, the Niagara County Legislature passed Resolution CSS-012-23 on February 21, 2023 approving the Niagara County Sheriff's Office and the Niagara County Emergency Management Office to purchase equipment for better snow emergency preparedness, and

WHEREAS, one identified need was to improve the ability to travel during an extreme snow emergency into areas that traditional vehicles cannot travel, and

WHEREAS, the Trackngo system is a unique track system which is designed for emergency applications and will convert an all-wheel drive truck into a track system within 15 minutes thus allowing it to rapidly respond during a snow emergency, and

WHEREAS, A & D Boivin Design Inc. has a patent on the Trackngo system and is the sole distributor, now, therefore, be it

RESOLVED, that the Niagara County Sheriff's Office and the Niagara County Emergency Management Office be authorized to waive the requirement for a Sealed Bid to purchase the Trackngo Systems and that A & D Boivin Design Inc. be recognized as the sole source provider.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

**Resolution No. CSS-037-23**

From: Community Safety & Security and Administration Committees.

Dated: March 21, 2023

**NIAGARA COUNTY SHERIFF'S OFFICE  
EXPENDITURE OF CELLULAR E911 FUNDS  
TO CONNECT THE JAIL TOWER GENERATOR INTO THE ALARM SYSTEM**

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, the Sheriff's Office has identified a need to connect the Jail Communications Tower Generator into the alarm system to alert the Sheriff's Office Communications Center in the event of a power issue or generator issue with the tower, and

WHEREAS, the Sheriff's Office already monitors the other Communications Towers so it is critical to have the same information on the Jail Tower in order to ensure rapid communication of any issues, and

WHEREAS, the funds are already in the 2023 Budget, now, therefore, be it

RESOLVED, that the Niagara County Sheriff's Office be authorized to spend up to \$10,000 in cellular E911 funds for the necessary project to connect the jail tower generator into the alarm system, following Purchasing Guidelines.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

**Resolution No. CSS-038-23**

From: Community Safety & Security and Administration Committees.

Dated: March 21, 2023

**NIAGARA COUNTY SHERIFF'S OFFICE  
MCP ACQUISITION CORPORATION CONTRACT CHANGE ORDER NO. 1**

WHEREAS, the County of Niagara entered into a contract in February 2020 with MCP Acquisition Corporation (Mission Critical Partners) for a Radio System Six Site Procurement and Implementation in the amount of \$497,192.00, and

WHEREAS, Niagara County has had issues with one of the tower construction contractors and changes from National Grid which required additional onsite visits and project management by Mission Critical Partners which was beyond the normal scope, and

WHEREAS, it is necessary to increase the contract in the amount of \$20,000 for a revised contract amount of \$517,192 to account for the additional project management needed, and

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

RESOLVED, that Change Order No.1 increase the contract by \$20,000 for the Radio System Six Site Procurement and Implementation, and be it further

RESOLVED, that following the County Attorney's review, the MCP Acquisition Corporation Contract Change No.1 may be executed pursuant to the Niagara County Contract Policy

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

**Resolution No. CSS-039-23**

From: Community Safety & Security and Administration Committees.

Dated: March 21, 2023

**NIAGARA COUNTY SHERIFF'S OFFICE  
ANSI-ASQ NATIONAL ACCREDITATION BOARD, LLC SOLE SOURCE/ STANDARDIZATION  
FOR FORENSIC LAB ACCREDITATION**

WHEREAS, the Niagara County Sheriff's Office is required to have national accreditation in order to operate, and

WHEREAS, the Forensic Laboratory needs to meet International Organization for Standardization ISO/IEC 17025:2017 which specifies the general requirements for competence to carry out tests and/or calibrations, including sampling, and

WHEREAS, ANSI-ASQ National Accreditation Board's (ANAB) forensic accreditation program requirements adds forensic-specific requirements, and

WHEREAS, New York State mandates that all forensic laboratories in the state are accredited by ANSI-ASQ National Accreditation Board(ANAB) under New York Codes, Rules and Regulations Title 9 – EXECUTIVE DEPARTMENT Subtitle U – Division of Criminal Justice Services Chapter VIII – Forensic Services Part 6190 – New York State Accreditation Program for Forensic Laboratories Section 3 – NYS accreditation standards which eliminates the possibility of using the services of another company, now, therefore, be it

RESOLVED, that the Niagara County Sheriff's Office be authorized to waive the requirement for bids or quotes to perform national forensic lab accreditation and that ANSI-ASQ National Accreditation Board, LLC be recognized as the sole source and standardized provider.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

**Resolution No. CSS-040-23**

From: Community Safety & Security and Administration Committees.

Dated: March 21, 2023

**NIAGARA COUNTY PUBLIC DEFENDER'S OFFICE  
ACCEPT OFFICE OF INDIGENT LEGAL SERVICES (OILS)  
DISTRIBUTION #13 (C130029) 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, 2023, through December 31, 2025, 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 two part-time Assistant Public Defender positions for Family Court; the funding will cover the full salary and fringe of a new part-time Family Court Assistant Public Defender and a portion of the salary and fringe of another part-time Family Court Assistant Public Defender, 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 Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

**Resolution No. CSS-041-23**

From: Community Safety & Security and Administration Committees.

Dated: March 21, 2023

**PROBATION 2023 BUDGET MODIFICATION -  
ACCEPT STSJP FUNDS FOR CBI CLASSES**

WHEREAS, the Niagara County Department of Social Services has made available Supervision and Treatment Services for Juveniles Program (STSJP) funds in the amount of \$16,014 for Program Year (PY) 2022-2023 to the Niagara County Probation Department to teach cognitive behavioral intervention programs for probation involved youth, and

WHEREAS, these funds will serve probation involved Juvenile Delinquents, Adolescent Offenders, and PINS youth by allowing them to participate in cognitive behavioral interventions of Thinking for a Change (24 classes) and/or Career University (10 classes) as taught by Probation Officers who are trained program facilitators, and

WHEREAS, Niagara County Probation is willing and able to facilitate the cognitive behavioral interventions, now, therefore, be it

RESOLVED, that the Niagara County Probation Department will contract with Niagara County Department of Social Services to carry out the roles and responsibilities related to execution of the cognitive behavioral intervention classes of T4C and Career University, and be it further

RESOLVED, that the following budget modification be effectuated to the Probation Department 2023 budget:

INCREASE REVENUE:

A.18.3140.000.41289.12	Other General Gov. Income STSJP	\$16,014
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INCREASE EXPENSE:

A.18.3140.000.71050.00	Overtime Expense	\$12,814
A.18.3140.000.78100.00	Retirement Expense	\$1,057
A.18.3140.000.78200.00	FICA Expense	\$800
A.18.3140.000.78300.00	Worker's Compensation Expense	\$343
A.18.3140.000.74450.02	Special Activities/Wellness Activities	\$1,000

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

**Resolution No. CSS-042-23**

From: Community Safety & Security and Administration Committees.

Dated: March 21, 2023

**PROBATION BUDGET MODIFICATION - ACCEPT GIVE IX SUPPLIMENTAL  
ELECTRONIC MONITORING FUNDS**

WHEREAS, the GIVE (Gun Involved Violence Elimination) Initiative is a statewide comprehensive strategy that focuses exclusively on reducing shootings and homicides by promoting integrated, evidence based strategies, and

WHEREAS, the Niagara County Probation Department is part of the Niagara Falls GIVE Partnership and currently receives reimbursement from NYS Department of Criminal Justice services (DCJS) for certain services provided as part of the GIVE Initiative, and

WHEREAS, as part of the 2022-2023 GIVE Initiative, the NYS Office of Probation and Correctional Alternatives required probation departments receiving GIVE funding to comply with the new GIVE Probation Model, which requires, among other things, that individuals convicted of a gun offense in the GIVE jurisdiction, be placed on GPS monitoring for a minimum of six months if they are sentenced to probation supervision, and

WHEREAS, the NYS DCJS provided \$5,402 to pay for the cost of the GPS monitoring for the contract period of 7/1/22 – 6/30/23, and

WHEREAS, upon notification from Niagara County Probation that the GIVE funding for providing GPS monitoring would be expended on or about 2/28/23, DCJS has increased the funds available to reimburse Probation for the cost of GPS monitoring in an amount of up to \$5,402 for the remainder of the current contract period, and

WHEREAS, the Probation Department seeks to accept these funds to continue providing GPS monitoring as required by the GIVE Probation Model and in the interest of public safety, and now, therefore, be it

RESOLVED, that the County of Niagara does hereby accept these funds, and, be it further

RESOLVED, that the following budget modification be effectuated to the Probation Department 2023 budget:

**INCREASE REVENUE:**

A.18.3140.000.43310.04 Probation Services NYS Dept. of Criminal Justice \$5,402

**INCREASE EXPENSE:**

A.18.3140.000.74500.01 Contractual Expenses \$5,402

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

**Resolution No. CSS-043-23**

From: Community Safety & Security and Administration Committees.

Dated: March 21, 2023

**NIAGARA COUNTY SUPPORT FOR NYSAC AND NYSCOPA PROPOSALS TO IMPROVE PROBATION AND ALTERNATIVES TO INCARCERATION PROGRAMS IN NEW YORK STATE**

WHEREAS, County Probation Departments are an integral part of the Criminal Justice System and operate within the legal framework of the Criminal Procedure Law, the Penal Law and the Family Court Act, and WHEREAS, it is the mission of probation to protect the community through intervention in the lives of those under supervision by facilitating compliance with court orders and serving as a catalyst for positive change, and

WHEREAS, state funding for probation was drastically reduced between 1990 and 2022 from a 46.5 percent State share in 1990 to less than 10 percent in 2022, putting a huge strain on counties and cost to county property taxpayers, and

WHEREAS, at the same time there have been increases in the number of mandated programs and services county probation departments are required to provide, and

WHEREAS, the New York State Council of Probation Administrators (NYSCOPA), representing New York State Probation Directors, Administrators, and Commissioners has diligently worked with the New York State Association of Counties (NYSAC) and State leaders to bring more awareness to the important work that Probation does to protect the public, now, therefore, be it

RESOLVED, that the Niagara County Legislature supports proposals put forward by NYSAC to immediately enact statutory and regulatory changes that improve Probation and Alternatives to Incarceration in the following ways:

- 1) In response to raise the age legislation:
  - a) Mandate that the state's evidence-based criteria should account for existing local best practice programs.
  - b) Allow probation the ability to make an application to Family Court for a temporary order of protection as a part of the adjustment process.
  - c) Authorize law enforcement agencies to issue appearance tickets if deemed appropriate by the arresting officer, instead of physical arrest, when adolescent offenders and juvenile offenders are charged with most D felonies.
  - d) Allow law enforcement agencies to deliver adolescent offenders and juvenile offenders to be held in detention facilities after hours without a securing order until the youth part is in session.
- 2) Establish a dedicated funding stream through Division of Criminal Justice Services (DCJS) Office of Probation and Correctional Alternatives (OPCA) for 100 percent of all local probation costs including but not limited to probation personnel and evidence-based programming associated with raise the age legislation.



- 3) Eliminate the requirement of a sentence of a conditional discharge or probation for Leandra's Law cases when a defendant has been sentenced to a definite jail term or a term of imprisonment.
- 4) That local probation departments receive reimbursement for 100 percent of all pre-trial services cost including but not limited to probation personnel associated with bail reform.
- 5) That the executive chamber and the Office of Children and Families Services (OCFS) work towards transitioning some of the closed OCFS or department of correctional and community supervision facilities to accommodate the lack of specialized secure detention beds as well as allowing county consortiums to open specialized secure detention facilities if desired.

and be it further

RESOLVED, that copies of this resolution be sent to the counties of New York State encouraging member counties to enact similar resolutions, and be it further

RESOLVED that the Clerk of the Legislature shall forward copies of this Resolution to Governor Kathy Hochul, the County's Representatives in the State Legislature and all others deemed necessary and proper.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

**Resolution No. CW-006-23**

From: Committee of the Whole.

Dated: March 21, 2023

**RESOLUTION APPROVING ENGAGEMENT OF OUTSIDE AUDITING FIRM  
FOR PROFESSIONAL AUDITING SERVICES TO NIAGARA COUNTY**

WHEREAS, the County of Niagara issued a Request for Proposal for auditing services for the years ending December 31, 2019, 2020, 2021, and 2022 relating to all reasonable and necessary outside auditing services to the County of Niagara, including all departments thereof except Niagara County Community College, and

WHEREAS, four accounting organizations filed bids on or about mid September 2019, of which all bids have been reviewed by the Department of Purchasing, Office of Treasurer, and the Department of Audit, and

WHEREAS, in accordance with the bidding procedures applicable to bids sought from professional organizations and further based on the current, general and specific auditing needs of the County of Niagara, the Department of Audit has recommended acceptance of contract option of Drescher & Malecki LLP, CPA in the amount of \$69,187.00 for year ending December 31, 2022, and

WHEREAS, Drescher & Malecki LLP, CPA is experienced in performing government audits and consulting services in New York State. Their reputation, knowledge, and experience in auditing numerous Counties, Schools and local municipalities are an advantage in the selection of this firm. Drescher & Malecki LLP, CPA was founded on the principle of providing their clients with the same high quality level of service expected from a national firm yet with the dedicated involvement that can only be developed by personal attention. They are dedicated to the pursuit of imaginative, intelligent and proactive solutions to all of our accounting and consulting service needs, all are positive factors in the Department of Audit's recommendation, and

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

RESOLVED, that following the County Attorney's review, the County Manager be, and hereby is, authorized to sign and deliver an engagement agreement engaging Drescher & Malecki LLP., CPAs for all reasonable and necessary outside auditing services as may be required by the County of Niagara in the amount of \$69,187.00 for year ending December 31, 2022.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

**Resolution No. ED-003-23**

From: Economic Development and Administration Committees.

Dated: March 21, 2023

**RESOLUTION FOR MODIFICATION AND EXTENSION OF THE AGREEMENT WITH NIAGARA  
TOURISM & CONVENTION CORPORATION**

WHEREAS, the County of Niagara pursuant to section 1202-T of the tax law collects a bed tax of 5%, and

WHEREAS, pursuant to section 1202-T of the tax law section 13 the county is to distribute, that is allocate and pay 95% of the first 4% to a not-for-profit corporation under the contract for the promotion of tourism in the county and 95% of the remaining 1% shall be dedicated to the operation of the Discover Niagara Shuttle, and

WHEREAS, the County of Niagara and the Niagara Tourism & Convention Corporation (NTCC) had entered into a certain agreement dated February 20, 2003, and

WHEREAS, the agreement and certain extensions and modifications of that agreement expire May 31, 2023, and

WHEREAS, the parties to that agreement desire to modify and also extend said agreement from the original date of its expiration through May 31, 2026, and

WHEREAS, NTCC is equipped and staffed to achieve the goals and purposes set forth in the agreement and has hired and retained persons and entities which are required and necessary, and

WHEREAS, the municipality desires to engage NTCC to continue those services specified in said agreement of February 20th, 2003 and all amendments thereto, until May 31, 2026, and

WHEREAS, the County of Niagara and NTCC have agreed on certain additional terms to be incorporated in the modification and extension in consideration of the above, now, therefore, be it

RESOLVED, that the County of Niagara is hereby authorized to enter into the agreement with the modification and extension with NTCC and the Chairman of the Niagara County Legislature is authorized to execute the agreement any and all documents necessary to effectuate said agreement after review by the Niagara County manager and review and approval by the Niagara County attorney.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

**Resolution No. IF-035-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: March 21, 2023

**RESOLUTION APPROVING RULES AND REGULATIONS  
FOR LOCAL LAW NO. 4 OF 2021  
SECTION 2(8)(g) DESIGNATION**

WHEREAS, Local Law No. 4 of 2021 established Solar Panel Recycling Regulations, and

WHEREAS, pursuant to Section 9 of said Local Law, the County may adopt rules as necessary for the purpose of implementing, administering and enforcing this Local Law, and

WHEREAS, Section 2 (8)(g) of said Local Law defines Manufacturer as any person in business or no longer in business but having a successor interest who, irrespective of the selling technique used, including by means of distance or remote sale, who elects to assume the responsibility and register in lieu of a manufacturer as defined under (a) through (d) of Section 2, and

WHEREAS, while the intent of the Local Law was to place the liability for end-of-life of solar panels squarely on the Manufacturers, Project Developers/Project Owners have expressed an interest in assuming the responsibility and liability on behalf of manufacturers for the site Developers/Owners specific projects, and

WHEREAS, a Project Developer/Project Owner or any other entity may wish to assume liability under Section 2(8)(g) and have a Stewardship Plan approved without having been able to obtain acknowledgement from the selected Panel Manufacturer whose panels are being used on a project, and

WHEREAS, rules and regulations are needed to fully set forth the assumption of liability that is assumed by someone beyond a Manufacturer, or a Stewardship Organization that is explicitly representing the Manufacturer, now, therefore, be it

RESOLVED, that Rules and Regulations for acknowledgement and assumption of responsibility and liability beyond that acknowledged by a Manufacturer are as follows:

- (1) Should an entity applying pursuant to Section 2(8)(g) submit a Stewardship Plan not have acknowledgement by the manufacturer of their selected panels may assume the responsibility and liabilities of Local Law No. 4 of 2021 by submitting the following:
  - a. Proof of attempt to contact the Panel Manufacturer of said project(s) in their plan by either supplying a copy of an electronic or hard copy letter correspondence that was sent to the Manufacturer requesting their acknowledgement, and
  - b. Section 2(8)(g) Designation Form, which includes signatures by the Entity Applying under Section 2(8)(g) and the Land Owner(s) should they be different individuals/groups, as well as the included language of assumption of all requirements and liabilities under Local Law No. 4 for 2021.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

**Resolution No. IF-036-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: March 21, 2023

**RESOLUTION APPROVING RULES AND REGULATIONS  
FOR LOCAL LAW NO. 4 OF 2021  
MANUFACTURER SELECTION**

WHEREAS, Local Law No. 4 of 2021 established Solar Panel Recycling Regulations, and

WHEREAS, pursuant to Section 9 of said Local Law, the County may adopt rules as necessary for the purpose of implementing, administering and enforcing this Local Law, and

WHEREAS, Section 4 of said Local Law requires that each manufacturer or Stewardship Organization must submit their plan by August 1, 2022 or within 30 days of sale of a photovoltaic module in or into the County, and

WHEREAS, a site specific Stewardship Organization or applicant under Section 2 (8)(g) may not know at time of Stewardship Plan submission what manufacturer of panels they will be using, however they wish to comply with Local Law No. 4 of 2021, now, therefore, be it

RESOLVED, that Rules and Regulations for Photovoltaic Module identification be as follows:

- (1) Should a Stewardship Organization or applicant under Section 2(8)(g) Submit a Plan to the County but has yet to identify the specific manufacturer and Photovoltaic Module that plan shall include the following language: "The Stewardship Organization acknowledges that it has yet to select a manufacturer and Module for our project. Within sixty (60) days of selection or within thirty (30) days of sale of the panels in or into Niagara County, we will amend our Stewardship Plan with Niagara County. We acknowledge that failure to amend within the 30 days shall lead to enforcement and penalties under Niagara County's Local Law #4 for 2021 and the County's rules and regulations under said Local Law."
- (2) Upon the selection of the manufacturer and photovoltaic Module, the Stewardship Organization or applicant under Section 2 (8)(g) shall amend the plan, with said submission being in the same fashion as required pursuant to Local Law No. 4 for 2021 and the subsequent rules and regulations.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

**Resolution No. IF-037-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: March 21, 2023

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA  
AND THE WESTERN NEW YORK DISC GOLF CLUB**

WHEREAS, the Western New York Disc Golf Club has requested that the County of Niagara grant them exclusive rights to operate several Disc Golf Tournaments in an area situated on the County owned property at Clyde L. Burmaster (f/k/a: Bond Lake) Park, and in an area situated on the County owned property at Royalton Ravine Park, and

WHEREAS, this program benefits the residents of Niagara County as a whole, and

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

WHEREAS, it is the desire of the Disc Golf Club to hold seven (7) tournaments May 6, 2023, June 4 & 17 2023, July 8-9, 2023, August 19-20, 2023, September 30, 2023, and October 7, 2023, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Western New York Disc Golf Club for these seven (7) tournaments, and

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

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Western New

York Disc Golf Club, as appears on the proposed agreement, is hereby approved in all respects, and be it further

RESOLVED, that, following the County Attorney's review, the agreement with the Western New York Disc Golf Club may be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

**Resolution No. IF-038-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: March 21, 2023

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA  
AND THE OLCOTT FIRE COMPANY SOFTBALL LEAGUE**

WHEREAS, the Olcott Fire Company Softball League has requested that the County of Niagara grant them permission to use existing ball fields in an area situated in the eastern portion of Krull Park for the purpose of softball games, and

WHEREAS, this program benefits the residents of Niagara County as a whole, and

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

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

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

WHEREAS, it is the desire of Niagara to enter into a formal agreement with the Olcott Fire Company Softball League, now, therefore, be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Olcott Fire Company Softball League, as appears on the proposed agreement, is hereby approved in all respects, and be it further

RESOLVED, that following the County Attorney's review, the Olcott Fire Company Softball League agreement may be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

**Resolution No. IF-039-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: March 21, 2023

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE  
LOCKPORT SOCCER CLUB**

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

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

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

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

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Lockport Youth Soccer Club, and

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

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

RESOLVED, that following the County Attorney's review, the agreement with the Lockport Soccer Club may be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

**Resolution No. IF-040-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: March 21, 2023

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA  
AND iRUN WNY, INC.**

WHEREAS, iRun WNY, Inc. has requested that the County of Niagara grant them permission to use the north section of Clyde L Burmaster Park and the available shelters for the purpose of holding a "Bond Lake Trail Run", and

WHEREAS, it is the wish of the organizers to hold the Bond Lake Trail Run on May 20, 2023, June 17, 2023, and July 29, 2023, and

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

WHEREAS, prior to the execution of the License Agreement between the County of Niagara and iRun WNY, Inc., the County Attorney will review said Agreement for approval as to legal form, language and compliance, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with iRun WNY, Inc., now, therefore, be it

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

RESOLVED, that following the County Attorney's review, the iRun WNY, Inc. agreement may be executed pursuant to the Niagara County Contract Policy

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

**Resolution No. IF-041-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: March 21, 2023

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

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

WHEREAS, it is the wish of the Newfane Central School to hold the band concert on May 24 & 25, 2023, and

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

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

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

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

RESOLVED, that, following the County Attorney's review, the agreement with the Newfane Central School may be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

**Resolution No. IF-042-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: March 21, 2023

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA  
AND NIAGARA COUNTY SOIL & WATER**

WHEREAS, Niagara County Soil & Water has requested that the County of Niagara grant them permission to use Royalton Ravine for the purpose of holding an Environmental Field Day June 7, 2023 with a rain date of June 8, 2023, and

WHEREAS, it is the wish of Niagara County Soil & Water to hold the Environmental Field Day on June 7, 2023 with a rain date of June 8, 2023, and

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

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Niagara County Soil & Water, now, therefore, be it

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

RESOLVED, that following the County Attorney's review, Niagara County Soil & Water agreement may be executed pursuant to the Niagara County Contract Policy.

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

**Resolution No. IF-043-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: March 21, 2023

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE KRULL OLCOTT  
DEVELOPMENT COMMITTEE AND OLCOTT FIRE COMPANY**

WHEREAS, the Krull Olcott Development Committee and the Olcott Fire Company have requested that the County of Niagara grant them permission to use the north section of Krull Park for the purpose of holding a Pirate's Festival, and

WHEREAS, this Festival has been successful for the past several years in attracting thousands of visitors from across Niagara County and Greater Western New York, and

WHEREAS, it is the wish of the local community to hold the Pirate's Festival on July 7-9, 2023, and

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

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Krull Olcott Development Committee and the Olcott Fire Company, and

WHEREAS, prior to the execution of the License Agreement between the County of Niagara and the Krull Olcott Development Committee and the Olcott Fire Company, the County Attorney will review said Agreement for approval as to legal form, language, and compliance, now, therefore, be it

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

RESOLVED, that, following the County Attorney's review, the agreement with the Krull Olcott Development Committee and the Olcott Fire Company may be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

**Resolution No. IF-044-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: March 21, 2023

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE TOWN OF WHEATFIELD**

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

WHEREAS, it is the wish of the Town of Wheatfield to hold the fireworks display on July 4, 2023, and

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

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



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

RESOLVED, that following the County Attorney's review, the Town of Wheatfield agreement may be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

**Resolution No. IF-045-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: March 21, 2023

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

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

WHEREAS, it is the wish of Reelin' for a Cure to hold the fishing tournament on August 18, 2023, and

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

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

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

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and Reelin' for a cure, as appears on the proposed agreement, is hereby approved in all respects, and be it further

RESOLVED, that, following the County Attorney's review, the Reelin' for a Cure agreement may be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

**Resolution No. IF-046-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: March 21, 2023

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND TOWN OF WHEATFIELD**

WHEREAS, the Town of Wheatfield Summer Camp has requested that the County of Niagara grant them permission to use a portion of Oppenheim Park for the purpose of holding a summer camp program, and

WHEREAS, it is the wish of the Town of Wheatfield Summer Camp to hold the program from June 29 through August 10, 2023, and

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

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

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

RESOLVED, that, following the County Attorney's review, the Town of Wheatfield agreement may be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

**Resolution No. IF-047-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: March 21, 2023

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND  
THE NIAGARA REGION DISC GOLF CLUB**

WHEREAS, the Niagara Region Disc Golf Club has requested that the County of Niagara grant them exclusive rights to operate several Disc Golf Tournaments in an area situated on the County owned property at Clyde L. Burmaster Park (f/k/a Bond Lake Park), and in an area situated on the county owned property at Royalton Ravine Park, and

WHEREAS, this program benefits the residents of Niagara County as a whole, and

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

WHEREAS, it is the desire of the Disc Golf Club to hold five (5) tournaments May 17, 2023, June 7, 2023, June 14, 2023, July 12 & 19, 2023, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Niagara Region Disc Golf Club for these FIVE (5) tournaments, and

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

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

RESOLVED, that, following the County Attorney's review, the agreement with the Niagara Region Disc Golf Club may be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

**Resolution No. IF-048-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: March 21, 2023

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE BURMASTER LAKE  
ENVIRONMENTAL COMMITTEE**

WHEREAS, Resolution IL-003-95 the Burmaster Lake Environmental Committee was established as an advisory board to assist in the planning of the Clyde L. Burmaster Park improvements and enhancing the Clyde L. Burmaster Park as an educational asset for the County of Niagara, and

WHEREAS, Resolution IF 021-23, dated February 21, 2023, re-established the Burmaster Park Environmental Committee to re-establish an active committee, and

WHEREAS, in past years, the Burmaster Lake Environmental Committee has been responsible for securing funds for major educational and conservational improvements at the Clyde L. Burmaster Park, and

WHEREAS, the Burmaster Lake Environmental Committee has promoted these improvements to increase the awareness and use of the Clyde L. Burmaster Park and its environmental assets through community awareness and educational events, and

WHEREAS, Burmaster Lake Environmental Committee has requested that the County of Niagara allow them to continue these educational events and grant them permission to use portions of the Clyde L. Burmaster Park for the purpose of holding these events, and

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

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Burmaster Lake Environmental Committee, for planned events in 2023, pursuant to the agreement, and

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

RESOLVED, that, following the County Attorney's review, the Burmaster Lake Environmental Committee agreement may be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

**Resolution No. IF-049-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: March 21, 2023

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA  
AND THE WNY PRISM WATERCRAFT INSPECTION STEWARDSHIP PROGRAM**

WHEREAS, the WNY PRISM Watercraft Inspection Stewardship Program has requested that the County of Niagara grant them permission to use the West Canal Marina, for the purpose of holding a Research Program for SUNY Buffalo State and WNY partnership for Regional Invasive Species Management, and

WHEREAS, this program benefits Niagara County as a whole, and is operated on a non-for-profit basis, and

WHEREAS, it is the wish of the organizers to hold the program from May 22, 2023 through September 4, 2023, and

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

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

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with WNY PRISM Watercraft Inspection Stewardship Program, now, therefore, be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the WNY PRISM Watercraft Inspection Stewardship Program, as appears on the proposed agreement, is hereby approved in all respects, and be it further,

RESOLVED, that following the County Attorney's review, the WNY PRISM Watercraft Inspection Stewardship Program agreement may be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

**Resolution No. IF-050-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: March 21, 2023

**BUDGET MODIFICATION – PARKS MISCELLANEOUS FEES**

WHEREAS, the Department of Public Works, Parks Division, accepts credit card payments for cart rental, rounds of golf, purchase of golf balls, etc., and

WHEREAS, the fee for the use of credit cards is assumed by the department, and

WHEREAS, funds were not budgeted in the 2023 Budget for this expense, and

WHEREAS, funds are available in vacant positions, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated:

**DECREASE APPROPRIATION:**

A.15.1620.000 71010.00	Positions – No. 13351	\$7,000
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**INCREASE APPROPRIATION:**

A.15.1375.000 74000.02	Miscellaneous Fees	\$7,000
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Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

**Resolution No. IF-051-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: March 21, 2023

**AWARD OF CONTRACT – NIAGARA COUNTY COURTHOUSE HVAC IMPROVEMENTS  
PHASE II – GENERAL CONTRACTOR**

WHEREAS, the Department of Public Works has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Niagara County Courthouse HVAC Improvements Project, Phase II, and

WHEREAS, the original advertisement for bids did not produce any bidders for the General Construction portion of the contract, so that part of the project had to be rebid,

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on March 9, 2023 for the General Construction portion of the contract, as tabulated below:

	<u>Base Bid</u>	<u>Alternate #1</u>
1. D.R. Chamberlain Corp. 50 Simons Street Lockport, NY 14094	\$ 894,500	\$31,235
2. Huber Construction 136 Taylor Drive Depew, NY 14043	\$1,331,000	\$30,000

and

WHEREAS, funds are available in account number H763.15.1620.000 72200.01, Building Improvements, 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 Niagara County Courthouse HVAC Improvements Project, Phase II- General Construction, be awarded to the lowest responsible bidder, D.R. Chamberlain Corp., 50 Simons Street, Lockport, NY 14094, in the amount of \$925,735, which is the base bid and alternate #1, and be it further

RESOLVED, that, following the County Attorney's review, the Agreement for the Niagara County Courthouse HVAC Improvements Project, Phase II-General Construction, may be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

**Resolution No. IF-052-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: March 21, 2023

**AWARD OF CONTRACT – CULVERT LININGS 2023**

WHEREAS, the Department of Public Works would like to rehabilitate the following six (6) box culverts: #36-24, 2651 Youngstown Road; #36-26, 2830 Youngstown Road; #52-17, 5803 Wilson-Burt Road; #2-3, 8714-8723 Coleman Road; #2-6, 8714-8723 Coleman Road; and #55-22, 4891 Royalton Center 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, the Infrastructure and Facilities Committee has examined the Onondaga County contract, 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 Six (6) County Culverts be awarded to Precision Trenchless, LLC, 1710 Erie Blvd., Schenectady, NY 12308, in an amount not to exceed \$265,000, and be it further

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

DECREASE ANTICIPATED REVENUE:

H699.15.5197.000 43501.00	Consol Hwy Aid Revenue	\$48,618.65
H743.15.5197.000 43501.00	Consol Hwy Aid Revenue	\$24,194.92

DECREASE APPROPRIATION:

H699.15.5197.000 72600.02	Infrastructure Bridges	\$48,618.65
H743.15.5197.000 72600.02	Infrastructure Bridges	\$24,194.92

INCREASE ANTICIPATED REVENUE:

H7XX.15.5197.000 43501.00	Consol Hwy Aid Revenue	\$300,000.00
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INCREASE ANTICIPATED APPROPRIATIONS:

H7XX.15.5197.000 72600.02	Infrastructure Bridges	\$300,000.00
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and be it further

RESOLVED, that capital account H699 and H743 be closed, and be it further

RESOLVED, that, following the County Attorney's review, the Agreement may be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

**Resolution No. IF-053-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: March 21, 2023

**SLAYTON SETTLEMENT ROAD SURVEY SERVICES  
CONSULTANT AMENDMENT NO. 2**

WHEREAS, Resolution No. IF-102-22, dated August 2, 2022, authorized the contract for professional surveying services for the Slayton Settlement Road Survey Project to Greenman Pedersen Inc., 4950 Genesee Street, Suite 100, Buffalo, NY 14225, for a contract amount not to exceed \$118,000, and

WHEREAS, Resolution No. IF-027-23, dated February 21, 2023, authorized Amendment No. 1 to the contract in the amount of \$3,900 for an assessment of the guiderail sections along 6.7 miles of Slayton Settlement Road between Lake Avenue on the west and Root Road on the east, for a revised contract amount of \$121,900, and

WHEREAS, it is necessary to amend the contract completion date to June 30, 2023, at no additional cost to the County, 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 Amendment No. 2 to amend the contract completion date to June 30, 2023 for the Slayton Settlement Road Survey Project, for the contract amount of \$121,900, to Greenman Pedersen Inc., 4950 Genesee Street, Suite 100, Buffalo, NY 14225, be approved, and be it further

RESOLVED, that following the County Attorney's review, the Amendment may be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

**Resolution No. IF-054-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: March 21, 2023

**SLAYTON SETTLEMENT ROAD PAVEMENT INVESTIGATION AND REPORT  
CONSULTANT AMENDMENT NO. 1**

WHEREAS, Resolution No. IF-008-23, dated January 17, 2023, authorized the contract for consultant services for the Slayton Settlement Road Pavement Investigation and Report Project to SJB Services, Inc., 5167 South Park Avenue, Hamburg, NY 14075, for a contract amount not to exceed \$39,050, and

WHEREAS, it is necessary to amend the contract completion date to May 31, 2023, at no additional cost to the County, 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 Amendment No. 1 to amend the contract completion date to May 31, 2023 for the Slayton Settlement Road Pavement Investigation and Report Project, for the contract amount of \$39,050, to SJB Services, Inc., 5167 South Park Avenue, Hamburg, NY 14075, be approved, and be it further

RESOLVED, that, following the County Attorney's review, the Amendment may be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

**Resolution No. IF-055-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: March 21, 2023

**RESOLUTION REJECTING BIDS FOR THE WILSON-BURT ROAD BRIDGE  
OVER EIGHTEEN MILE CREEK REHABILITATION PROJECT**

WHEREAS, the Department of Public Works has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Wilson-Burt Road Bridge over Eighteen Mile Creek Rehabilitation Project, and

WHEREAS, bids were publicly opened and read by our Purchasing Department on February 16, 2023, and

WHEREAS, the lowest responsible bidder, Edbauer Construction, submitted a bid in the amount of \$2,487,784.00, and

WHEREAS, the budgeted amount for the project was \$1.5 million, and

WHEREAS, the lowest bid far exceeds the available funds for the project, now, therefore, be it

RESOLVED, that the sealed bids which were received on February 16, 2023 are hereby rejected and the County of Niagara, Department of Public Works, shall re-advertise for the Wilson-Burt Road Bridge over Eighteen Mile Creek Rehabilitation Project.

Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

**Resolution No. IF-056-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: March 21, 2023

**CAPITAL PROJECT BUDGET MODIFICATION, CLOSE OUT  
AND REALLOCATION OF PROJECT FUNDS**

WHEREAS, work has been completed to meet the needs of the New York State Court System, using various capital projects, the claims have been submitted for reimbursement, and the revenue account must be added to these capital project accounts, and

WHEREAS, there are capital projects that have additional funding that will not be needed in completion of the projects and that needs to be transferred back to the original funding sources to prevent additional spending, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated:

**INCREASE ESTIMATED REVENUES:**

H623.15.1620.000 43021.00	State Court Facilities Revenue	\$ 4,185.00
H661.15.1620.000 43021.00	State Court Facilities Revenue	\$ 3,721.57
H689.15.1620.000 43021.00	State Court Facilities Revenue	\$ 331.04
H690.15.1620.000 43021.00	State Court Facilities Revenue	\$ 1,277.95
H716.15.1620.000 43021.00	State Court Facilities Revenue	\$26,383.20
H738.15.1620.000 43021.00	State Court Facilities Revenue	\$ 6,550.33

**DECREASE ESTIMATED REVENUES:**

H684.15.1620.000 44910.00	Community Development Act Revenue	\$22,204.85
H716.15.1620.000 45031.00	Interfund Transfers from Operating	\$16,500.00
H716.15.1620.000 45031.10	Interfund Transfers from Capital Reserves	\$15,239.02

**DECREASE APPROPRIATIONS:**

H684.15.1620.000 72200.01	Building Improvements	\$22,404.85
H716.15.1620.000 72200.01	Building Improvements	\$ 5,355.82

**INCREASE APPROPRIATIONS**

H623.15.1620.000 72200.01	Building Improvements	\$ 4,185.00
H661.15.1620.000 72200.01	Building Improvements	\$ 3,721.57
H689.15.1620.000 72200.01	Building Improvements	\$ 331.04
H690.15.1620.000 72200.01	Building Improvements	\$ 1,277.95
H738.15.1620.000 72200.01	Building Improvements	\$ 6,550.33



and be it further

RESOLVED, that the following capital projects be closed and the remaining account balances be transferred to the original funding source:

H684 – Krull Park Restroom Construction

and be it further

RESOLVED, that the cash balances for these accounts in the amount of \$31,739.02 is to be returned to the original funding source as follows:

Capital Reserves	\$15,239.02
General Fund Operating	\$16,500.00

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

**Resolution No. IF-057-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: March 21, 2023

**BUDGET MODIFICATION – VEHICLE PURCHASES**

WHEREAS, the Department of Public Works, Highway Fleet Maintenance Division, is responsible for the maintenance and procurement of the County's vehicle fleet, and

WHEREAS, due to the lack of available vehicles the past few years, the department has been unable to procure the necessary vehicles that have been marked for replacement, and

WHEREAS, funds have been depleted in account DM.15.5132.000 72100.12, Machinery and Equipment Cars, Vans, Light Trucks, and

WHEREAS, additional funds are required for to complete the purchases for 2023, and

WHEREAS, funds are available in vacant positions, and

WHEREAS, one of the remaining vehicles is designated for Highway Sign Shop use and would be eligible for funding through the Consolidated Highway Improvement Projects funds, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated:

**DECREASE APPROPRIATION:**

A.15.1440.000 71010.00	Positions – Jr. Civil Engineer No. 13720	\$28,000
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**INCREASE REVENUE:**

DM.15.5132.000 43501.00	Consolidated Highway Aid Revenue	\$45,000
DM.15.9901.000 45031.00	Interfund Transfers from Operating	\$28,000

**INCREASE APPROPRIATION:**

DM.15.5132.000 72100.12	Machinery and Equipment Cars, Vans, Light Trucks	\$73,000
A.07.9901.000 79010.00	Contributions to Other Funds	\$28,000

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

**Resolution No. IL-021-23**

From: Legislator Richard L. Andres and Economic Development Committee.  
Dated: March 21, 2023

**RESOLUTION IN SUPPORT OF CITY OF NORTH TONAWANDA  
RECREATION DEPARTMENT THROUGH THE USE OF  
COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the City of North Tonawanda Recreation Department holds a Student Government Day, a tradition at the North Tonawanda High School dating back many years, and

WHEREAS, Student Government Day is an all-day event for a select group of high school youth who were elected by their classmates, and

WHEREAS, the City of North Tonawanda Recreation is requesting funds to help cover the costs for the 2023 Student Government Day, such as use of election machines and official voting ballots, now, therefore, be it

RESOLVED, that the Niagara County Legislature authorized the allocation of funding for the Community Partnership Program Fund through resolution CW-001-23, and be it further

RESOLVED, that funding for the program not allocated in 2022, was assigned to a committed fund balance for future use, and be it further

RESOLVED, that Niagara County supports the City of North Tonawanda Recreation Department by appropriating monies from said Community Partnership Program Fund as follows:

City of North Tonawanda Recreation Department	\$749.00
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and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2023 budget:

**INCREASE APPROPRIATED FUND BALANCE:**

A.28.8020.814 40599.01	Appropriated Fund Balance – Committed Funds	\$749.00
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**INCREASE APPROPRIATION:**

A.28.8020.814 74500.01	Community Partnership Fund Expense	\$749.00
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Moved by Bradt, seconded by Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

**Resolution No. IL-022-23**

From: Legislators Jeffrey Elder, Mark J. Grozio, Christopher A. Robins, Christopher Voccio and Economic Development Committee.  
Dated: March 21, 2023

**RESOLUTION IN SUPPORT OF 716 UNITED – BOYS AND GIRLS CLUB OF NIAGARA FALLS  
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, 716 United Through Sports is a program of the Boys and Girls Club of Niagara Falls, a not-for-profit organization, and

WHEREAS, 716 United Through Sports/Boys and Girls Club of Niagara Falls helps youths in grades 5th through 9th, and

WHEREAS, 716 United Through Sports/Boys and Girls Club of Niagara Falls manages a youth basketball league that also helps with healthy living, street smarts and other much needed off-court skill sets, now, therefore, be it

RESOLVED, that the Niagara County Legislature authorized the allocation of funding for the Community Partnership Program Fund through resolution CW-001-23, and be it further

RESOLVED, that Niagara County supports 716 United/Boys and Girls Club of Niagara Falls by appropriating monies from said Community Partnership Program Fund as follows:

716 United/Boys and Girls Club of Niagara Falls	\$1,000.00
Moved by Bradt, seconded by Robins.	
Adopted. 15 Ayes, 0 Noes, 0 Absent.	

**Resolution No. IL-023-23**

From: Legislators Rebecca J. Wydysh, Irene M. Myers and Economic Development Committee.

Dated: March 21, 2023

**RESOLUTION IN SUPPORT OF THE 2023 LEWISTON KIWANIS PEACH FESTIVAL  
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the mission of the Lewiston Kiwanis Club is community-focused service, striving to improve the lives of individuals and families from all walks of life, and

WHEREAS, the club has several fundraisers throughout the year that help support more than 50 nonprofit organizations in the Niagara Frontier, including the annual Peach Festival, and

WHEREAS, the Lewiston Kiwanis Club each year makes a tremendous effort to provide an enjoyable weekend of fun activities for not only the Lewiston residents, but also attracts people from all over Western New York and Ontario, Canada, and

WHEREAS, this Peach Festival has been a successful fund raising event in addition to providing a great parade, good food, many rides and games and of course the greatest Peach shortcake, and

WHEREAS, an event of this magnitude can only be successful through full community participation and sponsorships, and

WHEREAS, the profits of this enormous effort are awarded too many needy causes in Niagara County and the County Legislature wishes to do its part of assisting financially, now, therefore, be it

RESOLVED, that the Niagara County Legislature authorized the allocation of funding for the Community Partnership Program Fund through resolution CW-001-23, and be it further

RESOLVED, that Niagara County supports the Lewiston Kiwanis Peach Festival by appropriating monies from said Community Partnership Program Fund as follows:

Kiwanis Club of Lewiston  
Moved by Bradt, seconded by Robins.  
Adopted. 15 Ayes, 0 Noes, 0 Absent.

\$5,000.00

**Resolution No. IL-024-23**

From: Legislators Rebecca J. Wydysh and Economic Development Committee.

Dated: March 21, 2023

**RESOLUTION IN SUPPORT OF THE LEWISTON ART FESTIVAL  
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the Lewiston Council on the Arts is dedicated to improving the quality of life for all by nurturing a thriving environment for the arts and for cultural activities, promoting opportunities for artists, encouraging public participation in the arts, and actively advocating for the arts, and

WHEREAS, the Lewiston Art Festival, which is sponsored by the Lewiston Council on the Arts, has become a highlight of the summer season in Niagara County, and

WHEREAS, the Lewiston Council on the Arts has scheduled the 2022 Lewiston Art Festival for August 12<sup>th</sup> & 13<sup>th</sup>, 2023, and

WHEREAS, the Lewiston Art Festival will feature over 175 artists and vendors from across the country and draw thousands of visitors from all over Western New York, Southern Ontario and beyond, and

WHEREAS, an event of this magnitude can only be successful through full community participation and sponsorships, and

WHEREAS, the Lewiston Art Festival is an economic driver that supports jobs, generates government revenue and is a cornerstone of local tourism, and the Niagara County Legislature wishes to support this influx of revenue, now, therefore, be it

RESOLVED, that the Niagara County Legislature authorized the allocation of funding for the Community Partnership Program Fund through resolution CW-001-23, and be it further

RESOLVED, that Niagara County supports the Lewiston Art Festival by appropriating monies from said Community Partnership Program Fund as follows:

Lewiston Council on the Arts  
Moved by Bradt, seconded by Robins.  
Adopted. 15 Ayes, 0 Noes, 0 Absent.

\$2,500.00

**Resolution No. IL-025-23**

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

Dated: March 21, 2023

**A RESOLUTION PROCLAIMING APRIL AS DONATE LIFE MONTH IN NIAGARA COUNTY**

WHEREAS, through their membership in the New York State Association of Counties (NYSAC), New York's Counties have come together to collectively support several important causes, and

WHEREAS, in New York State there are approximately 8,100 people waiting for an organ transplant which represents the third highest need in the nation; and there are an estimated 400 New Yorkers that die every year while waiting for an organ transplant, and

WHEREAS, a single individual's donation of the heart, lungs, liver, kidneys, pancreas and small intestine can save up to eight lives; donation of tissue can save and heal the lives of up to 75 others, and

WHEREAS, organ, eye and tissue donation are life-giving and healing acts recognized worldwide as expressions of compassion to those in need, and

WHEREAS, New York State's County governments play a key role in raising awareness of the need for organ, eye and tissue donation through the interactions County officials have with the public with regard to this subject through local DMV offices, local boards of elections, departments of health, naturalization ceremonies and veterans' programs, and

WHEREAS, such interactions by Niagara County officials with the public provide opportunities for the provision of information on how individuals can help their fellow New Yorkers by signing up as organ and tissue donors, and

WHEREAS, counties across New York State are proclaiming the month of April 2023 as "Donate Life Month," and engaging in various awareness activities designed to promote an increase in the number of registered organ, eye and tissue donations, and

WHEREAS, the Niagara County Clerk's Office, through its Department of Motor Vehicles, wish to promote the month of April 2023 as "Donate Life Month" in Niagara County, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby proclaims the month of April 2023 as "Donate Life Month" in Niagara County, and encourages those Niagara County departments and agencies involved in providing information on organ and tissue donations and enrolling residents in the New York State Donate Life Registry to engage in activities throughout the month to increase the number of organ and tissue donors and promote awareness of the need for organ and tissue donations in Niagara County.

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

Carried.

Moved by Gooch, seconded by Myers.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

**APPOINTMENTS:**

**YOUTH BOARD:**

Jason Myers

5845 Griffin St. Sanborn, 14132

Moved by Bradt, seconded by Robins.

Carried.

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

The Chairman declared the Board adjourned 6:49 p.m., subject to the call of the Clerk.

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

  
Alysa T. Tomasino, Clerk