

A public hearing was held pursuant to CW-013-23, adopted by the Legislature on April 25, 2023, for the purpose of hearing public comments on A Local Law Authorizing Real Property Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Service Workers. Legislator Godfrey opened the hearing at 5:40 p.m. and closed it at approximately 5:41 p.m.

A public hearing was held pursuant to CW-014-23, adopted by the Legislature on April 25, 2023, for the purpose of hearing public comments on A Local Law Entitled "Operation of Off-Road Vehicles on Public Highways in Niagara County". Legislator Godfrey opened the hearing at 5:45 p.m. and closed it at approximately 5:47 p.m.

A public hearing was held pursuant to ED-004-23, adopted by the Legislature on April 25, 2023, for the purpose of hearing public comments on Micro-Enterprise Grant Funds. Legislator Andres opened the hearing at 5:50 p.m. and closed it at approximately 5:52 p.m.

OFFICIAL RECORD

Lockport, New York
May 16, 2023

The meeting was called to order by Vice Chairman Nemi at 6:00 p.m.

Clerk Tomasino called the roll. All Legislators were present with the exception of Legislators Abbott and Wydysh.

Vice Chairman Nemi called Legislator Hill and Sheriff Michael Filicetti to the lectern to read a proclamation declaring May 14th-20th, 2023 as "Niagara County Police Week".

Vice Chairman Nemi called Legislator Gooch and Commissioner of Social Services Meghan Lutz to the lectern to read a proclamation declaring May 2023 as "Foster Parent Month" in Niagara County.

Vice Chairman Nemi called Legislator Hill and Director of Emergency Services Jonathan Schultz to the lectern to read a proclamation declaring May 21st-27th, 2023 as "National EMS Week" in Niagara County.

Vice Chairman Nemi called Legislator Andres and Cathie Synor to the lectern to present the 2023 William G. Mayne Jr. Business Community Enhancement Program Awards.

No citizens spoke on the Agenda.

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

Legislator Grozio excused himself.

Resolution No. AD-012-23

From: Administration Committee.

Dated: May 16, 2023

PURCHASE OF IN REM PROPERTY

WHEREAS, online bidding took place from April 10, 2023 commencing at noon through April 25, 2023, at 10:00 am for the public auction for the sale of properties acquired by the County of Niagara by its In Rem Action, and

WHEREAS, as a result of said auction, the attached list of properties were struck down to each of the named individuals for the price indicated for each parcel, said price being the highest bid price received, now, therefore, be it

RESOLVED, that the purchase offers set forth in the attached list be, and the same hereby are, accepted and the Chairman of the Legislature is hereby authorized and directed to execute suitable quit-claim deeds, subject to the approval of the County Attorney, upon the receipt by the County Treasurer of the entire balance due on the purchase price of said properties, at which time said deeds, as provided in the terms of sale shall be recorded in the Niagara County Clerk's Office in the name of the respective purchaser.

Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 3 Absent – Abbott, Grozio, Wydysh.

Resolution No. AD-013-23

From: Administration Committee.

Dated: May 16, 2023

DISTRIBUTION OF MORTGAGE TAX

WHEREAS, Niagara County has received mortgage tax monies for the period October, 2022 through March, 2023 in the amount of \$3,366,765.17 and

WHEREAS, the Recording Officer has previously distributed \$874,657.48 to the Niagara Frontier Transportation Authority, \$735,395.32 to the State Mortgage Tax Agency, and retained \$126,416.43 for approved county administrative expenses, and

WHEREAS, that Recording Officer has remitted the remaining monies collected to the County Treasurer for distribution to various Niagara County towns, villages and cities, now therefore be it

RESOLVED, that the sum of \$1,630,295.94 reflects mortgage tax monies for the period October 1, 2022 through March 31, 2023 to be distributed, and the same be and hereby is, apportioned as follows among the various towns, villages and cities of the County of Niagara:

TOWNS	Cambria	\$ 57,912.36
	Hartland	24,461.86
	Lewiston	114,682.23
	Lockport	207,835.99
	Newfane	60,267.26
	Niagara	83,201.97
	Pendleton	113,719.46
	Porter	47,735.09
	Royalton	40,766.53
	Somerset	16,557.15
	Wheatfield	184,700.58
	Wilson	49,438.17
VILLAGES	Middleport (Hartland)	\$ 378.47
	Middleport (Royalton)	2,539.10
	Lewiston	14,177.97
	Youngstown	9,002.50
	Barker	1,129.73
CITIES	Wilson	5,423.33
	Lockport	\$ 167,537.88

Niagara Falls	198,723.47
North Tonawanda	<u>230,104.84</u>
TOTAL:	\$1,630,295.94

and be it further

RESOLVED, that the County Treasurer be, and hereby is, directed to pay the various towns, village treasurers, and city treasurers the amounts recorded above and that this document shall be sufficient authorization to the County Treasurer to make the payments in accordance with the above direction.

Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 3 Absent – Abbott, Grozio, Wydysh.

Resolution No. AD-014-23

From: Administration Committee.

Dated: May 16, 2023

**WAIVER OF RESIDENCY REQUIREMENT FOR
EXPERIENCING RECRUITMENT DIFFICULTIES**

WHEREAS, the Niagara County Personnel Officer and Human Resources Director have reviewed recruitment trends over the last five years and have recognized a tremendous decrease in the number of qualified candidates applying for certain professional and technical positions in County Departments including Information Technology, Mental Health, Public Health, Public Works, and the Sheriff's Office, and

WHEREAS, Legislative Resolution #243-80 established a policy that candidates be a resident of Niagara County at time of appointment; #211-82 permits the Health Department to hire applicants residing outside Niagara County for professional positions where no applications have been received from a qualified County resident; and #IL-012-98 resolved that every exempt and unclassified employee shall maintain permanent Niagara County residency, and

WHEREAS, County Departments have requested and been granted residency waivers when a demonstrated recruitment difficulty exists, and

WHEREAS, in order to expand the recruitment field and to streamline the recruitment process, the Personnel Officer and Human Resources Director recommend that the residency requirement be waived where there is a demonstrated recruitment difficulty, now, therefore, be it

RESOLVED, that the Niagara County residency requirement be waived for the following job classifications,

- Information Technology – All technical job classifications
- Mental Health Department – All titles that require advanced degrees or a professional license, plus Crisis Services and Community Mental Health Aide positions
- Public Health Department – all titles related to engineering, sanitation and health technician positions, plus Care Services Coordinator - EIP
- Public Works Department – All titles related to engineering and environmental science
- Sheriff's Office – All Forensic job classifications, Helicopter Mechanic, and Helicopter Pilot

and be it further

RESOLVED, that all departments should continue to give Niagara County residents preference in hiring decisions, and be it further

RESOLVED, that all Niagara County departments may waive residency in order to accept a lateral transfer, and be it further

RESOLVED, that as the Personnel Officer adopts new job classifications within these departments, residency may be waived for similar professional and/or technical titles and for others where a demonstrated recruitment difficulty exists, and be it further

RESOLVED, that this resolution be reviewed by the Niagara County Personnel Officer and Human resources Director on an annual basis to ensure that this residency waiver policy is still required and that any revisions to this policy be submitted to the legislature for their action.

Moved by Bradt, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Abbott, Grozio, Wydysh.

Resolution No. CSS-052-23

From: Community Safety & Security and Administration Committees.

Dated: May 16, 2023

**NIAGARA COUNTY SHERIFF'S OFFICE
ACCEPT FY19 TACTICAL TEAM TARGETED GRANT BUDGET MODIFICATION**

WHEREAS, the Niagara County Legislature passed Resolution CSS-056-21 on May 11, 2021 to accept a grant in the amount of \$75,000 from the New York State Division of Homeland Security and Emergency Services to enhance the capabilities of the Emergency Response Team for the performance period April 1, 2021 through August 31, 2022, and

WHEREAS, the Niagara County Legislature passed Resolution CSS-069-22 on September 13, 2022 to extend the performance period of the grant to August 31, 2023, and

WHEREAS, the grant allows the Niagara County Sheriff's Office to purchase Emergency Response Team equipment and training that would facilitate the team's advancement of Tactical Team Capabilities, and

WHEREAS, a budget amendment has been made to the Tactical Team Targeted Grant to best address the Emergency Response Team's needs with the remaining grant funds, now, therefore, be it

RESOLVED, that following the County Attorney's review, the FY19 Tactical Team Targeted Grant Budget Amendment may be executed pursuant to the Niagara County Contract Policy

Moved by Bradt, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Abbott, Grozio, Wydysh.

Resolution No. CSS-053-23

From: Community Safety & Security and Administration Committees.

Dated: May 16, 2023

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION – ACCEPT 2023 MARINE CANAL PATROL GRANT**

WHEREAS, the Niagara County Sheriff's Office has been notified by the New York State Canal Corporation that it has received a grant for \$40,000 for the performance period of April 1, 2023 through March 31, 2024, and

WHEREAS, this grant provides a 75% grant, 25% match formula to enhance Marine Patrols on waters on or contiguous to the New York State Canal System as well as Bike Patrols along the Canalway Trail, and

WHEREAS, the enhanced patrols increase the safety of Niagara County residents, now, therefore, be it

RESOLVED, that following the County Attorney review, the 2023 Marine Canal Patrol Grant may be executed pursuant to the Niagara County Contract Policy, and be it further

RESOLVED, that the following budget modification be effectuated:

INCREASE ESTIMATED REVENUE:

A.17.3110.00 43315.00	Navigation Law Enforcement Marine Patrol	\$40,000
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INCREASE APPROPRIATIONS:

A.17.3110.000 71050.00	Overtime Expense	\$35,000
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A.17.3110.000 74750.21	Supplies, General Gas and Oil	\$ 5,000
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Moved by Bradt, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Abbott, Grozio, Wydysh.

Resolution No. CSS-054-23

From: Community Safety & Security and Administration Committees.

Dated: May 16, 2023

**NIAGARA COUNTY SHERIFF'S OFFICE
BURROWS SOLE/SINGLE SOURCE DESIGNATION FOR RADIO SYSTEM CONSULTANT**

WHEREAS, the Niagara County Sheriff's Office has a very complex communications system with radio towers, the portable and mobile radio system for law enforcement and fire control, and the dispatch center, and

WHEREAS, the highly technical nature of the system often requires a consultant to handle the additional duties of being a liaison with the vendors involved in building and equipping the new communication towers, troubleshooting issues with the communication towers and radio systems, and reprogramming mobile radios for multiple police and fire agencies throughout Niagara County, and

WHEREAS, the Niagara County Sheriff's Office has worked with Donald Burrows since the inception of the County's 911 System, and

WHEREAS, due to the highly technical nature of the Niagara County Communications System and the extreme value of the history of the system in order to troubleshoot and plan for the future, now, therefore, be it

RESOLVED, that the Niagara County Sheriff's Office be authorized to waive the requirement for a Request for Proposal for a Communications Consultant and that Donald Burrows be recognized as the sole source provider for Niagara County Communications System Consultant.

Moved by Bradt, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Abbott, Grozio, Wydysh.

Resolution No. CSS-055-23

From: Community Safety & Security and Administration Committees.

Dated: May 16, 2023

**NIAGARA COUNTY SHERIFF'S OFFICE
MOTOROLA SOLUTIONS PHASE 2A CHANGE ORDER NO. 1**

WHEREAS, the Niagara County Legislature passed Resolution CSS-041-21 on April 20, 2021, which authorized the purchase of materials, equipment and services in an amount not to exceed \$3,875,583.45 under New York State Contract Pricing for the Phase 2A Public Safety Radio Network Enhancement Project, and

WHEREAS, it is necessary to amend the scope of the project to delete a planned microwave link and add work in the electrical scope, and

WHEREAS, the change order does not have an additional cost to the County and has a contract credit to use toward other ongoing projects, 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 following the County Attorney's review, the Motorola Solutions Phase 2A Interop and System Expansion Change Order No.1 may be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Abbott, Grozio, Wydysh.

Resolution No. CW-014-23

From: Committee of the Whole.

Dated: May 16, 2023

**ADOPTION OF A LOCAL LAW ENTITLED "OPERATION OF OFF-ROAD VEHICLES
ON PUBLIC HIGHWAYS IN NIAGARA COUNTY"**

WHEREAS, the Committee of the Whole recommends the adoption of the following Local Law:

Enact a Local Law Entitled "Operation of Off-Road Vehicles on Public Highways in Niagara County."

WHEREAS, a public hearing was held on May 16, 2023 at 5:45 p.m. in the Legislative Chambers, Courthouse, Lockport, New York, on said Local Law, and

WHEREAS, no people appeared to speak on said Local Law, and

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

RESOLVED, that a Local Law of the County of Niagara, New York, for the year 2022 titled "Operation of Off-Road Vehicles on Public Highways in Niagara County" as follows:

Section 1. Purpose

The use of off-road vehicles on public highways are a threat to the safety of pedestrians, motorists and bicyclists, as well as the fact that many off-road vehicle operators and passengers are not equipped with proper protective gear. Law enforcement has requested assistance from the Legislature, in the form of a local law giving law enforcement the power to impound illegally operated off-road vehicles. The safety, health and welfare of the residents of Niagara County is furthered by curtailing the illegal and unsafe use of off-road vehicles on public highways.

Section 2. Definitions

1. Off-Road Vehicle. Includes All-Terrain Vehicles (ATVs) as defined in Section 2281(1) of the New York State Vehicle and Traffic Law, all off-highway motorcycles as defined by Section 125-a of the New York State Vehicle and Traffic Law, and motocross and dirt bikes, dune buggies, go-carts, and any and all other types of motorized trail bikes or vehicles with a primary intention for off-road use but not including non-motorized bikes.
2. Operate. To ride in or on, other than as a passenger, or use or control the operation of an off-road vehicle in any manner regardless of if said off-road vehicle is underway.
3. Public Highway. Any highway, road, alley, street, avenue, public place, public driveway, or any other public way.

Section 3. Unlawful Conduct and Hazardous Operation of Off-Road Vehicles

1. Unless otherwise permitted by Article 48-c of the New York State Vehicle and Traffic Law or other applicable law, it shall be unlawful to operate an off-road vehicle on any public highway in Niagara County.
2. No person shall operate an ATV or any vehicle on the roadways of Niagara County unless it is covered by liability insurance; nonetheless, said ATV, or any vehicle that is not street legal may be operated by authorized government officials in furtherance of their official duties.

Section 4. Operation of Off-Road Vehicles in County Parks

1. The Niagara County Parks Policy, adopted by the Niagara County Legislature on June 2, 2008, specifically Section XXXVI of said policy shall continue to govern the use of off-road vehicles in Niagara County Parks.

Section 5. Required Protective Gears:

Operators and passengers must wear a United States Department of Transportation (USDOT) approved helmet while riding an ATV.

Section 6. Penalties

1. In addition to any other applicable penalties permitted by law, a police officer or peace officer may immediately impound any off-road vehicle that has been operated in breach of Section 3 and Section 5 of this local law.
2. Any off-road vehicle impounded pursuant to this section shall be stored pursuant to the policies and procedures of the pertinent law enforcement agency pending identification of the owner.
 - a. Proof of Ownership. Acceptable proof of ownership are:
 - i. For a new off-road vehicle-the Manufacturer's Certificate or Statement of Origin (MCO or MSO), an out-of-state title certificate or registration certificate; or
 - ii. For a used off-road vehicle-a completed "certification of Sale or Transfer" (MV-51) plus the MCO or MSO; or a New York State transferrable registration signed over to the current operator by the previous owner;
 - iii. If an off-road vehicle has never been registered and current operator/owner do not have these acceptable documents, one must complete and submit a "Statement of Ownership" through the Department of Motor Vehicle (MV 51B)
 1. Law Enforcement shall record the Vehicle Identification Number (VIN) and provide the same to the alleged owner upon request.

- b. Off-Road Vehicles Without Required Registration
 - i. If registration of off-road vehicle is not so required, other indicia of ownership may be utilized to identify the proper off-road vehicle owner
3. Such owner shall be sent notice of such impoundment by certified mail within five days after the impoundment.
4. The law enforcement agency shall not be liable for any damages arising out of the provision of an erroneous name or address of such owner.
5. The owner of the impounded off-road vehicle may redeem the same upon satisfactory proof of ownership and payment of a redemption fee of \$250 to the impounding police department if it is the first time such vehicle has been impounded pursuant to this Local Law or \$1000 if such vehicle has previously been impounded pursuant to this Local Law. Such impounded off-road vehicle may only be released to the owner of the off-road vehicle or to his or her agent as evidenced by a written, notarized agreement or duly executed power of attorney.
6. At no time shall this Local Law apply to the operation of an off-road vehicle as an emergency vehicle by any authorized emergency, police or civil department.

Section 9. 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 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 the controversy in which such order or judgment shall be rendered.

Section 10. Effective Date

This Local Law shall be effective upon its filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Moved by Foti, seconded by Hill.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Abbott, Grozio, Wydysh.

Resolution No. CW-015-23

From: Committee of the Whole.

Dated: May 16, 2023

ADOPTION OF A LOCAL LAW AUTHORIZING REAL PROPERTY TAX EXEMPTION FOR VOLUNTEER FIREFIGHTERS AND VOLUNTEER AMBULANCE SERVICE WORKERS

WHEREAS, the Committee of the Whole recommends the adoption of the following Local Law:

A Local Law Authorizing Real Property Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Service Workers;

WHEREAS, a public hearing was held on the 16th day of May, 2023 at 5:50 p.m. in the Legislative Chambers, Courthouse, Lockport, New York, on said Local Law, and

WHEREAS, no one appeared to speak on said Local Law, and

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

RESOLVED, that a Local Law of the County of Niagara, New Authorizing Real Property Tax Exemption For Volunteer Firefighters And Volunteer Ambulance Service Workers be enacted by the County Legislature of the County of Niagara, as follows:

Section 1. Purpose

New York State Real Property Tax Law was amended by the Laws of 2022, Chapter 670 adding a new provision §466-a. This section provides for an up to ten percent partial real property county tax exemption for the assessed value of the primary residence owned by a qualified and certified enrolled member of the incorporated volunteer fire company, fire department or incorporated volunteer ambulance service. The intent of this Local law is to permit the partial real property tax exemption for such qualified enrolled members of said emergency services organizations for real property taxes imposed by the County. Members of volunteer fire departments and ambulance corps provide valuable services to the people of Niagara County. In order to be certified and recertified, such volunteers must undertake numerous hours of training on their own time and often their own expense. The purpose of this exemption is to maintain the ranks of the volunteers while encouraging other volunteers to join.

Section 2. Authority

Pursuant to Chapter 670 of the Laws of 2022, effective December 9, 2022, the state Real Property Tax Law was amended by adding a new §466-a authorizing local governments including towns to enact by local law, ordinance or resolution such partial tax exemption for County real property taxes to qualified enrolled members of said emergency services organizations, following public hearing.

Section 3. Requirements

Pursuant to Section 466-a of the New York State Real Property Tax Law, real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in Niagara County shall be exempt from taxation to the extent of 10 (10) percent of the assessed value of such property for County purposes, exclusive of special assessments. A ten percent (10%) exemption from taxation shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in Niagara County or such enrolled member and spouse unless:

1. The applicant resides in the city, town or village which is served by such incorporated volunteer fire company, fire department or incorporated voluntary ambulance service; and
2. The property is the primary residence of the applicant; and
3. The property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and
4. The applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or voluntary ambulance service as an enrolled member of such incorporated volunteer fire company, fire department or voluntary ambulance service for a period of five years of service
5. The applicant must file a certificate from his or her qualifying organization that he or she is an enrolled member. Such certification of membership must certify that the member received credit under a service award program defined by Article 11-A, 11-AA, 11-AAA or 11-AAAA of the General Municipal Law for the period of service claimed in the application.

Section 4. Lifetime Exemption

Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within such county.

Section 5. Spousal Exemption Where Member is Killed in the Line of Duty.

Un-remarried spouses of volunteer firefighters or volunteer ambulance workers killed in the line of duty

1. An exemption granted under this Local law shall be continued, and a pre-existing exemption shall be reinstated, where the exemption was previously claimed by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service to such deceased enrolled member's un-remarried spouse if such member is killed in the line of duty provided, however that
 - a. Such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who was killed in the line of duty; and
 - b. Such deceased volunteer had been an enrolled member for at least five years; and
 - c. Such deceased volunteer had been receiving the exemption prior to his or her death.

Section 6. Spousal Exemption Where Member is Deceased.

Un-remarried spouses of deceased volunteer firefighters or volunteer ambulance workers

1. An exemption granted under this Local Law shall be continued, and a pre-existing exemption shall be reinstated, to an un-remarried spouse of a deceased enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service provided however that
 - a. Such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service as an un-remarried spouse of a deceased enrolled member of such incorporated volunteer fire company, fire department or incorporated voluntary ambulance service; and
 - b. Such deceased volunteer had been an enrolled member for at least twenty years; and
 - c. Such deceased volunteer and un-remarried spouse had been receiving the exemption for such property prior to the death of such volunteer

Section 9. Application for Exemption

1. Application for such exemption, along with the certificate of membership defined above, shall be filed with the applicable town assessor on or before the taxable status date on a form as prescribed by New York State
2. Certification shall be required for any period of time claimed by an applicant that is not already on file with the applicable town assessor.
3. The assessor shall review the application and certification to ensure they have satisfied the requirements of this law.

Section 10. No Diminution of Benefits

No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provision of Article 4 of the state Real Property Tax Law pm the effective date of this Local Law shall suffer any diminution of such benefit because of the provisions of this Local Law.

Section 11. Effective Date

This Local Law shall be effective upon its filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Moved by Myers, seconded by Andres.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Abbott, Grozio, Wydysh.

Resolution No. CW-016-23

From: Committee of the Whole.

Dated: May 16, 2023

DECLARING A PUBLIC EMERGENCY WITHIN NIAGARA COUNTY, AND AUTHORIZING A WRITTEN CONTRACT FOR EMS SERVICES

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

WHEREAS, the hospitals in Niagara County include Eastern Niagara Hospital located in the City of Lockport, which services the eastern end of Niagara County, with other hospitals in Niagara County being located in the cities of North Tonawanda, Niagara Falls and the town of Lewiston, and

WHEREAS, Eastern Niagara Hospital has announced the permanent closure of its current facility in the City of Lockport will take place in mid-June, while the emergency room in the new hospital that Catholic Health currently has under construction in the Town of Lockport is not expected to open until mid-September, and

WHEREAS, this closure has created a new burden upon the existing EMS services in Niagara County due to the additional distance to transport residents to other hospitals based on the temporary closure of Eastern Niagara Hospital, and

WHEREAS, the additional distance to remaining area hospitals will create a gap in the EMS coverage by leaving each ambulance that is called out of service, that is unavailable for new calls, as the additional time that it takes to transport to the remaining hospitals in Niagara County or surrounding counties could be between 30 and 45 minutes or longer each way, depending on where in the County the EMS call has originated, and

WHEREAS, based upon the foregoing, a public emergency has arisen in Niagara County which has put both public health and public safety of the residents as a vital concern, and therefore, the Chairman of the Niagara County Legislature has declared the unforeseen occurrences and conditions, a public emergency, and

WHEREAS, with such public emergency, the County determined that it is impractical to advertise bids to provide the required services to supplement the existing EMS services to handle to the remaining servicing hospitals, and

WHEREAS, the County, through its department of Emergency Management Services, developed a plan based upon the requirements for the County to meet this public emergency, and to institute its own coverage, if coverage was unavailable through private ambulance services, and

WHEREAS, the County met with Mercy Flight and Twin City Ambulance, to discuss their availability to provide the services required to handle the gap in services that creates this public emergency, and

WHEREAS, Mercy Flight and Twin City Ambulance, were both requested to submit proposals that include the cost to handle this public emergency, and

WHEREAS, Mercy Flight submitted a proposal with four options for additional ambulance services in Niagara County; option two of said proposal covers the necessary service to supplement the existing ambulance service for the period that Eastern Niagara Hospital will be closed, and

WHEREAS, the public emergency having been declared by the Chairman of the Niagara County Legislature, and by at least a two-thirds vote of the Niagara County Legislature, this legislature has determined that it is impracticable to advertise bids for EMS transportation; or to provide the required additional ambulance service to meet the public emergency need, now, 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, the County and Mercy Flight are hereby authorized to enter into a written contract not to exceed \$593,850, which includes Mercy Flight's proposal option 2 that includes providing two-twelve hour ALS units at the rate of \$2775 per day with the revenue generated from those transports reducing that amount up to the total cost, and the contract will have a term of June 1, 2023 to October 31, 2023, unless the public emergency is extended up until the end of 2023, be it further

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

RESOLVED, that the following budget modification be effectuated:

INCREASE REVENUE:

A.19.3640.000 44089.07	Federal Aid, Other ARPA State/Local Fiscal Recovery Fund	\$593,850
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INCREASE APPROPRIATIONS:

A.19.3640.000 74500.01	Contractual Expenses	\$593,850
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Moved by Voccio, seconded by Elder.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Abbott, Grozio, Wydysh.

Resolution No. CW-017-23

From: Committee of the Whole.

Dated: May 16, 2023

AWARD OF CONTRACT – BROADBAND EXPANSION FOR NIAGARA COUNTY

WHEREAS, the County of Niagara is seeking proposals for the design, furnishing, installation, operation, and maintenance of high speed broadband internet service using fiber optic or coaxial cable to the unserved areas within the County, and

WHEREAS, the Niagara County Purchasing Department has solicited for bids for the Broadband Expansion for Niagara County as directed in the Request for Proposal No. 2023-02 prepared by the Purchasing Department, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on March 2, 2023:

1. Charter Communications
355 Chicago Street
Buffalo, NY 14204

and

WHEREAS, the Office of Management & Budget, County Manager, County Attorney and representatives from Niagara County have examined the bids, and

WHEREAS, Charter Communications has met all of the project scope objectives and proposed a comprehensive scope of work with desired project deliverables, 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 Broadband Expansion for Niagara County be awarded to Charter Communications, 355 Chicago Street, Buffalo, NY 14204 for an amount of \$663,610, subject to budget appropriations, to design, furnish, install, operate and maintain high-speed broadband internet service using fiber optic or coaxial cable to the unserved areas within the County, and be it further

RESOLVED, that the contract with Charter Communications will contain provisions subjecting the same to the providing of a performance, labor and material payment bond pursuant to the RFP and the successful county allotted funding from the United States Department of Agriculture (USDA) Rural Utilities Service (RUS) Consolidated Appropriations Act, 2022 (Public Law 107-103, the CAA) ReConnect Program Community Project Funding, and be it further

RESOLVED, that, following the County Attorney's review, the contract may be executed pursuant to the Niagara County Contract Policy to engage the services of Charter Communications.

Moved by Bradt, seconded by Robins to amend the resolution.

Amendment: Second RESOLVED, "...same to the providing of performance, labor and material payment bond pursuant to the RFP and..."

Moved by Bradt, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Abbott, Grozio, Wydysh.

Resolution No. CW-018-23

From: Committee of the Whole.

Dated: May 16, 2023

AWARD OF CONTRACT – SLAYTON SETTLEMENT ROAD REHABILITATION PROJECT

WHEREAS, the Department of Public Works has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Slayton Settlement Road Rehabilitation Project, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on May 11, 2023, as tabulated below:

- | | |
|---|----------------|
| 1. Concrete Applied Technologies Corp.
1266 Townline Road
Alden, NY 14004 | \$2,560,370.77 |
| 2. Edbauer Construction
2790 Clinton Street
West Seneca, NY 14224 | \$3,324,533.46 |

and

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

WHEREAS, additional funds are required to allow the project to proceed, and

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

RESOLVED, that the following budget modification be effectuated:

INCREASE ANTICIPATED REVENUE:

H752.15.5112.000 43501.00	Consol Hwy Aid Revenue	\$1,500,000.00
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INCREASE ANTICIPATED APPROPRIATIONS:

H752.15.5112.000 72600.01	Infrastructure Roads	\$1,500,000.00
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and be it further

RESOLVED, that the contract for the Slayton Settlement Road Rehabilitation Project, be awarded to the lowest responsible bidder, Concrete Applied Technologies Corp., 1266 Townline Road, Alden, NY 14004, in the amount of \$2,560,370.77, and be it further

RESOLVED, that, following the County Attorney's review, the Agreement for the Slayton Settlement Road Rehabilitation Project, may be executed pursuant to the Niagara County Contract Policy.

Moved by Gooch, seconded by Collins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Abbott, Grozio, Wydysk.

Resolution No. IF-078-23

From: Infrastructure & Facilities and Administration Committees.

Dated: May 16, 2023

THIRTEENTH AMENDMENT TO CONTRACT BETWEEN NIAGARA COUNTY REFUSE SITE TRUST AND PARSONS ENVIRONMENT & INFRASTRUCTURE GROUP INC. FOR PROJECT MANAGEMENT SERVICES AT THE NIAGARA COUNTY REFUSE SITE

WHEREAS, in July 1998, Parsons and Niagara County entered into a contract for Construction Management/Quality Assurance Services (the "Contract") at the Niagara County Refuse Site (the "Site"), and

WHEREAS, in August 2000, Parsons, Niagara County and the Trust entered into a First Amendment and Assignment of the Contract, with the Trust succeeding to the rights and obligations of Niagara County under the Contract subsequent to the execution thereof, and

WHEREAS, Niagara Refuse Site Trust or Lumsden & McCormick, LLP have succeeded Arthur Andersen, LLP as Trustee of the Trust, and

WHEREAS, the Trust has entered into a Contract with GHD to conduct the work specified in the O&M Plan for the Site, except for Section 7.0 thereof, and

WHEREAS, the Trust and Parsons agree to extend the term of this Contract for an additional two-years beginning July 1, 2023, subject to the terms of Parsons' April 29, 2023 proposal for oversight, reporting, and management of operations, maintenance, and monitoring activities at the Site; the current Exhibit A shall be

deleted and the above stated proposal incorporated as Exhibit A of this Contract to define the work performed during the above stated period of July 1, 2023 through June 30, 2025, 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, in consideration of the mutual promises and covenants set forth herein and in the Contract, the adequacy of which is acknowledged, the parties hereto, intending to be legally bound, agree the term of the contract shall be extended for two-years beginning as of July 1, 2023, and ending on June 30, 2025, and be it further

RESOLVED, that except as modified above in paragraph 1 and 7 hereof, all other terms and conditions of the Contract shall remain in full force and effect, and be it further

RESOLVED, that, following the County Attorney's review, the Thirteenth Amendment to the Contract between Niagara County Refuse Site Trust Fund and Parsons Environment & Infrastructure, Inc. for Project Management Services at the Niagara County Refuse Site may be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Abbott, Grozio, Wydysh.

Resolution No. IF-079-23

From: Infrastructure & Facilities and Administration Committees.

Dated: May 16, 2023

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

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 proof of notification by the Entity Applying under Section 2(8)(g) to 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. 12 Ayes, 0 Noes, 3 Absent – Abbott, Grozio, Wydysh.

Resolution No. IF-080-23

From: Infrastructure & Facilities and Administration Committees.

Dated: May 16, 2023

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA
AND THE PENDLETON LIONS CLUB**

WHEREAS, the Pendleton Lions Club has requested that the County of Niagara grant them permission to use the West Canal Marina and Shelter #4, for the purpose of holding the Pendleton Lion's Club Fishing Derby to be held on June 10, 2023, and

WHEREAS, the fishing derby has been successful for the past several years in attracting hundreds of adults and children from the area, and

WHEREAS, it is the wish of the organizers to hold the fishing derby on June 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 Pendleton Lions Club, and

WHEREAS, prior to the execution of the license agreement between the County of Niagara and the Pendleton Lions Club, 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 license agreement may be executed pursuant to the Niagara County Contract Policy, and be it further

Moved by Bradt, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Abbott, Grozio, Wydysh.

Resolution No. IF-081-23

From: Infrastructure & Facilities and Administration Committees.

Dated: May 16, 2023

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND
THE PROFESSIONAL DISCFLECT ASSOCIATION**

WHEREAS, the Professional Discflect Association has requested that the County of Niagara grant them exclusive

rights to operate a Discflect Tournament in an area situated in the county owned property at West Canal Marina, and shelter #5, and

WHEREAS, it is the desire of the Discflect Club to hold the event, June 10, 2023, 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 event, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Professional Discflect Association for this event, and

WHEREAS, prior to the execution of the agreement, between the County of Niagara and the Professional Discflect Association, 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 agreement may be executed pursuant to the Niagara County Contract Policy, and be it further

Moved by Bradt, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Abbott, Grozio, Wydysh.

Resolution No. IF-082-23

From: Infrastructure & Facilities and Administration Committees.

Dated: May 16, 2023

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE TOWN OF NEWFANE

WHEREAS, the Town Of Newfane has requested that the County of Niagara grant them permission to use Krull Park Amphitheater for the purpose of hosting a concert to celebrate the life of Ron Altbach, and

WHEREAS, it is the wish of the Town of Newfane to hold the concert to celebrate the life of Ron Altbach on July 29th and 30th of 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 Newfane, and

WHEREAS, prior to the execution of the license agreement between the County of Niagara and the Town of Newfane, the County Attorney will review said agreement for approval to legal form, language and compliance, now, therefore, be it

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. 12 Ayes, 0 Noes, 3 Absent – Abbott, Grozio, Wydysh.

Resolution No. IF-083-23

From: Infrastructure & Facilities and Administration Committees.

Dated: May 16, 2023

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE SQUALLA DISC GOLF CLUB

WHEREAS, the Squalla Disc Golf Club has requested that the County of Niagara grant them exclusive rights to operate a disc golf tournament in an area situated in the county owned property at Clyde L. Burmaster Park, and 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 event, and

WHEREAS, it is the desire of the Disc Golf Club to hold a two (2) day event, August 19th and 20th of 2023, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Squalla Disc Golf Club for this 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, now, therefore, be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Squalla 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 may be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Abbott, Grozio, Wydys.

Resolution No. IF-084-23

From: Infrastructure & Facilities and Administration Committees.

Dated: May 16, 2023

JACQUES ROAD BRIDGE OVER EIGHTEEN MILE CREEK AND WEST SOMERSET ROAD OVER FISH CREEK CONSULTANT AMENDMENT NO. 1

WHEREAS, Resolution No. IF-092-22, dated June 21, 2022, authorized the contract for consultant services for the Jacques Road Bridge over Eighteen Mile Creek and West Somerset Road over Fish Creek to Popli Architecture & Engineering, 555 Penbrooke Drive, Penfield, NY 14526, for a fee not to exceed \$96,000, and

WHEREAS, it is necessary to amend the contract for construction administration and construction inspection services in the amount of \$104,000, for a revised contract amount of \$200,000, and

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

RESOLVED, that Amendment No. 1 to increase the contract by \$104,000 for the Jacques Road Bridge over Eighteen Mile Creek and West Somerset Road over Fish Creek Project, for a revised contract amount of \$200,000, to Popli Architecture & Engineering, 555 Penbrooke Drive, Penfield, NY 14526, 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. 12 Ayes, 0 Noes, 3 Absent – Abbott, Grozio, Wydysh.

Resolution No. IF-085-23

From: Infrastructure & Facilities and Administration Committees.

Dated: May 16, 2023

**JACQUES ROAD BRIDGE OVER EIGHTEEN MILE CREEK AND
WEST SOMERSET ROAD BRIDGE OVER FISH CREEK
LOCAL PROJECT AGREEMENT**

WHEREAS, the Jacques Road Bridge over Eighteen Mile Creek and West Somerset Road Bridge over Fish Creek Project, towns of Newfane and Somerset, Niagara County, BINs 3329220 and 3362330 (the "Project"), is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal Funds and 20% Non-Federal Funds, and

WHEREAS, the County of Niagara desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Construction/Construction Inspection phases of the project, and

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

RESOLVED, that the Legislature of the County of Niagara hereby approves the above-subject project, and be it further

RESOLVED, that the Legislature of the County of Niagara hereby authorizes the County of Niagara to pay in the first instance 100% of the federal and non-federal shares of the cost of the Construction/Construction Inspection phases of the Project or portions thereof, and be it further

RESOLVED, that the following budget modification be effectuated to reflect the funding levels set forth by Schedule A in the agreement:

INCREASE ANTICIPATED REVENUE:

H698.15.5197.000 44597.01	Federal Aid Cap Const Hwy Rev	\$683,670
H698.15.5197.000 43591.00	State Aid Cap Const Hwy Rev	\$147,876

INCREASE ANTICIPATED APPROPRIATIONS:

H698.15.5197.000 72600.02	Infrastructure Bridges	\$831,546
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and be it further

RESOLVED, that in the event the amount required to pay the full federal and non-federal shares of the cost of the project's Construction/Construction Inspection phases exceeds the amount appropriated above, the County of Niagara shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation, and be it further

RESOLVED, that the Chair of the Legislature of the County of Niagara be, and hereby is, authorized to execute all necessary Agreements, certifications, or reimbursement requests for Federal Aid on behalf of the County of Niagara with the New York State Department of Transportation, in connection with the advancement or approval of the Project providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal Aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and be it further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and be it further

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

RESOLVED, that this Resolution shall take effect immediately.

Moved by Bradt, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Abbott, Grozio, Wydys.

Resolution No. IF-086-23

From: Infrastructure & Facilities and Administration Committees.

Dated: May 16, 2023

**ENGINEERING SERVICES AWARD – HIGHWAY FACILITY
FEASIBILITY STUDY AND MASTER PLAN**

WHEREAS, Request For Qualifications 2019-42, for General Architectural and Engineering Services, for the period of May 1, 2020 through April 30, 2023, were provided and reviewed, and

WHEREAS, C & S Engineers, Inc., 141 Elm Street, Suite 100, Buffalo, NY 14203, was selected to be part of the firms selected under this term agreement, and

WHEREAS, C & S Engineers, Inc., provided a proposal to perform a Highway Facility – Feasibility Study and Master Plan in relation to the DPW Facilities at 225 South Niagara Street, Lockport NY for a lump sum fee of \$38,720, now, therefore, be it

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

RESOLVED, that the Engineering Services required for the Feasibility Study and Master Plan be awarded to C & S Engineers, Inc., 141 Elm Street, Suite 100, Buffalo NY 14203, for a fee not to exceed \$38,720, and be it further

RESOLVED, that following the County Attorney's review, the Highway Facility – Feasibility Study and Master Plan agreement may be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Abbott, Grozio, Wydys.

Resolution No. IF-087-23

From: Infrastructure & Facilities and Administration Committees.

Dated: May 16, 2023

**AMAZON DISTRIBUTION CENTER – PROJECT FIFI
IMPROVEMENTS TO LOCKPORT AND PACKARD ROADS
CAPITAL PROJECT BUDGET MODIFICATION**

WHEREAS, Amazon is constructing a warehouse/distribution facility in the Town of Niagara on Lockport Road, and

WHEREAS, improvements are necessary to both Lockport and Packard Roads to handle the increased heavy truck loads, and

WHEREAS, the County has been in negotiations with Amazon for the improvements necessary to Lockport and Packard Roads, and Amazon will reimburse Niagara County for the hiring of a third-party consultant to perform design review and construction inspection services for this project, and

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

RESOLVED, that the following budget modification be effectuated:

INCREASE ANTICIPATED REVENUE:

H768.15.5112.000 42770.01	Other Unclassified Revenue	\$56,050
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INCREASE EXPENSES:

H768.15.5112.000 726000.01	Infrastructure Roads	\$56,050
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and be it further

RESOLVED, that the contract for the design review and construction inspection services be awarded to Erdman Anthony, 8608 Main Street, Buffalo, NY 14221, for a fee not to exceed \$56,050, and be it further

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

Moved by Bradt, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Abbott, Grozio, Wydysh.

Resolution No. IF-088-23

From: Infrastructure & Facilities and Administration Committees.

Dated: May 16, 2023

**PURPLE HEART VETERANS MONUMENT
CHANGE ORDER NO. 1-FINAL**

WHEREAS, Resolution No. IF-143-22, dated November 15, 2022, authorized funds to allow for the placement of a Purple Heart Veterans Monument at the Niagara County Court House, Lockport, NY, and

WHEREAS, Resolution No. IF-156-22, dated December 6, 2022, awarded the professional services contract for the design of the Purple Heart Veterans Monument to Nussbaumer & Clarke, Inc., with an office at 3556 Lake Shore Road, Suite 500, Buffalo, NY 14219, for a fee not to exceed \$15,000, and

WHEREAS, the design services contract has been completed at the original contract sum of \$15,000, and

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

RESOLVED, that the final payment is authorized to be processed to Nussbaumer & Clarke, Inc., 3556 Lake Shore Road, Suite 500, Buffalo NY 14219, and be it further

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

Moved by Bradt, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Abbott, Grozio, Wydysh.

Resolution No. IF-089-23

From: Infrastructure & Facilities and Administration Committees.

Dated: May 16, 2023

**KRULL PARK SHORELINE REHABILITATION PROJECT
DESIGN SERVICES CONTRACT – CHANGE ORDER NO. 4**

WHEREAS, Resolution No. IF-127-19, dated November 19, 2019, awarded the design services contract for the Krull Park Shoreline Rehabilitation project to WSP USA, 50 Lakefront Blvd, Suite 111, Buffalo, NY 14202, for a contract amount of \$375,979, and

WHEREAS, Resolution No. IF-102-21 dated September 21, 2021, extended the contract completion date to December 31, 2022, at no additional cost to the county, to allow for final design services, and

WHEREAS, Resolution No. IF-158-22, dated December 6, 2022, increased the contract by \$184,490, for construction administration and construction inspection, for a total contract amount of \$560,469, and

WHEREAS, Resolution No. IF-004-23, dated January 17, 2023, authorized the extension of the contract to May 31, 2024, at no additional cost to the County, and

WHEREAS, it is necessary to increase the contract by \$110,137.50, due to the project schedule being extended due to contractor challenges with the project additional inspections and site supervision, for a total contract amount of \$670,606.50, 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 to, WSP USA, 50 Lakefront Blvd, Suite 111, Buffalo, NY 14202, be, increased by \$110,137.50, for a total contract amount of \$670,606.50, and be it further

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

Moved by Bradt, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Abbott, Grozio, Wydysh.

Resolution No. IF-090-23

From: Infrastructure & Facilities and Administration Committees.

Dated: May 16, 2023

**ABOLISH TWO (2) PT TRUCK DRIVERS AND CREATE AND FILL
ONE (1) TRUCK DRIVER/CDL TRAINER POSITION**

WHEREAS, the Department of Public Works, Highway Maintenance Division, is in need of qualified Truck Drivers to complete various road maintenance activities that occur throughout the year, and

WHEREAS, the department has decided the way to best staff the department is through the implementation of a CDL driver training program, and

WHEREAS, it is necessary to create and fill one (1) Truck Driver/cdl Trainer position to accomplish this effort,

and

WHEREAS, funds are available in vacant PT Truck Driver positions to fund this position in 2023, now, therefore, be it

RESOLVED, that two (2) PT Truck Driver positions, AFSCME Group 47-592, at a salary of \$20,909, be abolished, and be it further

RESOLVED, that one (1) Truck Driver/CDL Trainer position, AFSCME group 53-599, at an hourly rate of \$24.62 through \$29.03, be created and filled effective May 22, 2023, and be it further

RESOLVED, that the following budget modification be effectuated to the 2023 Highway Maintenance Budget:

DECREASE APPROPRIATION:

D.15.5110.000 71030.00	Part Time Expense Position No. 13753	\$20.909
D.15.5110.000 71030.00	Part Time Expense Position No. 13754	\$20.909
D.15.5110.000 71030.00	Part Time Expense Position No. 13755	\$ 659

INCREASE APPROPRIATION:

D.15.5110.000 71010.00	Positions - Position No. xxx	\$42,477
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Moved by Bradt, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Abbott, Grozio, Wydysh.

Resolution No. IL-044-23

From: Legislators Richard L. Andres, Anthony J. Nemi, Shawn A. Foti, Randy R. Brady, Jeffery Elder and Parks, Recreation & Tourism Ad Hoc Committee.

Dated: May 16, 2023

SUPPORT FOR ROYALTON RAVINE MEMORIAL PAVILION PROJECT

WHEREAS, the Niagara Power Coalition (“NPC”) and the New York Power Authority agreed to a licensing settlement for the next 50 years for the Niagara Power Project, and

WHEREAS, that settlement allows Niagara County to receive, through NPC Host Community Standing Committee (“HCSC”), up to \$390,000 annually to fund projects which are found to be consistent with the Niagara Greenway projects along the Greenway Trail, and

WHEREAS, Niagara County Parks and the Gasport Beautification Committee have made application to Niagara County’s Ad Hoc Committee on Parks, Recreation and Tourism for Greenway funds to support its Royalton Ravine Memorial Pavilion Project, and

WHEREAS, Niagara County Parks and the Gasport Beautification Committee Royalton Ravine Memorial Pavilion Project would expand the efforts to improve and develop the community’s Royalton Ravine Park in order to create a new and large pavilion for many events to take place in the Town of Royalton and enhance the historic Royalton Ravine park and trail way, and

WHEREAS, Niagara County Parks and the Gasport Beautification Committee Royalton Ravine Memorial Pavilion Project, will provide the community (school groups, residents and visitors) with a beautiful and historic park area to hold and celebrate public and/or private events, and

WHEREAS, the Niagara County Parks and the Gasport Beautification Committee are requesting \$189,352, of the total project cost of \$425,000, and

WHEREAS, Niagara County Parks and the Gasport Beautification Committee Royalton Ravine Memorial Pavilion Project meets the guiding principles of the Niagara River Greenway and will enhance the existing public trails of the Niagara River Greenway and connect to other Greenway Projects along State Bike Route 5, and

WHEREAS, the Ad Hoc Committee for Parks, Recreation and Tourism appointed by the Niagara County Legislature to review projects brought to Niagara County seeking funding from Niagara County through the Niagara Power Coalition and the Host Community Standing Committee, has recommended that Niagara County approve and support this project, and

WHEREAS, the Royalton Ravine Memorial Pavilion Project has the support and approval of the Niagara County Legislator Michael Hill, and

WHEREAS, the Niagara County Parks and the Gasport Beautification Committee have notified the Ad Hoc Committee on Recreation and Tourism Fund that the Royalton Ravine Memorial Pavilion Project has received a grant from Willima G. Maynes in the amount of \$5,000, and has requested funding from the Royalton Historical Society and from Grigg Lewis for this project, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the funding of up to \$189,352, for the Niagara County Parks and the Gasport Beautification Committee Royalton Ravine Memorial Pavilion Project when presented to the Niagara Power Coalition and the Host Community Standing Committee. Moved by Bradt, seconded by Robins.
Adopted. 12 Ayes, 0 Noes, 3 Absent – Abbott, Grozio, Wydysh.

Resolution No. IL-045-23

From: Legislators Richard L. Andres, Anthony J. Nemi, Shawn A. Foti, Randy R. Brady, Jeffery Elder and Parks, Recreation & Tourism Ad Hoc Committee.

Dated: May 16, 2023

**SUPPORT FOR THE TOWN OF PORTER
FITNESS COURT IMPROVEMENTS PROJECT AT PORTER-ON-THE-LAKE PARK**

WHEREAS, the Niagara Power Coalition (“NPC”) and the New York Power Authority agreed to a licensing settlement for the next 50 years for the Niagara Power Project, and

WHEREAS, that settlement allows Niagara County to receive, through NPC Host Community Standing Committee (“HCSC”), up to \$390,000 annually to fund projects which are found to be consistent with the Niagara Greenway projects along the Greenway Trail, and

WHEREAS, the Town of Porter made application to the Niagara County’s Ad Hoc Committee on Recreation and Tourism for Greenway funds to assist in the improvement of Porter-On-The-Lake, which is 30 beautiful acres of parkland located on the shore of Lake Ontario and is adjacent to Four Mile State Park (which offers camping) in the Town Porter, allowing this to be a destination gateway within the Niagara River Greenway Plan, and

WHEREAS, the Town of Porter continues to make improvements at Porter-On-The-Lake park, which has a goal to make strides of improvements of the park for the community, which will provide a park for all ages and destination place for many to enjoy and take part in recreational activities, as the fitness court improvement project will consist of a body weight training wall, training wall elements (rings, pull-up bars, etc.), sports flooring and signs to give fitness guidance, and

WHEREAS, the fitness court improvement project is in alignment with the Greenway's philosophy by providing a destination for the community, in which there is access to the water, and the connections to the Greenway Trail-Bike Path, and

WHEREAS, funding up to One Hundred Thirty-Five Thousand (\$135,000.00) was approved for the project, and

WHEREAS, the Town of Porter has notified the Ad Hoc Committee on Recreation and Tourism Fund that the Porter-on-the-Lake Park Improvement Project has received a grant from MVP Health in the amount of \$30,000 for the project, and

WHEREAS the Town of Porter Porter-On-The-Lake Park Improvement Project has the support and approval of Niagara County Legislator Irene Myers, Congressman Brian Higgins, Senator Robert G. Ort, Assemblymen Angelo J. Morinello and Michael J. Norris, the Village of Youngstown Mayor Rob Reisman, and

WHEREAS, the Ad Hoc Committee for Recreation and Tourism Fund appointed by the Niagara County Legislature to review projects brought to Niagara County seeking funding from Niagara County through the Niagara Power Coalition and the Host Community Standing Committee, has recommended that Niagara County approve and support this project, and

WHEREAS, the Town of Porter is hereby requesting the sum of \$135,000 on the total overall project costing \$165,000, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the funding of up to \$135,000 for the Porter-on-the-Lake Park Improvement Project, subject to the receipt of Greenway funding July, 2023 from the New York State Power Authority, when presented to the Niagara Power Coalition and the Host Community Standing Committee.

Moved by Bradt, seconded by Robins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Abbott, Grozio, Wydysh.

Resolution No. IL-046-23

From: Legislators Richard E. Abbott, William J. Collins and Anthony J. Nemi.

Dated: May 16, 2023

RESOLUTION IN SUPPORT OF DESALES CATHOLIC SCHOOL THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING

WHEREAS, DeSales Catholic School located in Lockport NY and the County of Niagara was established in 1946, and

WHEREAS, DeSales Catholic School is a regional elementary school serving our area, and

WHEREAS, DeSales Catholic School is a designated STREAM school promoting excellence inside and outside of the classroom, and

WHEREAS, DeSales Catholic School is in the process of renovating and rebuilding an outside recreational area for students, and

WHEREAS, this project will require the purchase and installation of recreational equipment, 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 DeSales Catholic School by appropriating monies from said Community Partnership Program Fund as follows:

DeSales Catholic School

\$8,000.00

Moved by Collins, 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 Collins, seconded by Myers.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Abbott, Grozio, Wydysh.

Resolution No. IL-047-23

From: Legislators Richard E. Abbott and William J. Collins.

Dated: May 16, 2023

**RESOLUTION IN SUPPORT OF NAVY MARINE AUXILIARY SOCIAL CLUB THROUGH THE
USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the Navy Marine Club is located at 37 Park Ave in Lockport, NY, and the County of Niagara, and

WHEREAS, the Navy Marine Club is a service organization where veterans of all branches are welcome, and

WHEREAS, the Navy Marine Auxiliary is an integral part of the organization, and

WHEREAS, the Navy Marine Auxiliary has initiated and is sponsoring a Hometown Heroes Banner Program for the immediate downtown area of East Avenue and Main Street in Lockport, and

WHEREAS, the banners will honor past and present members of the Armed Forces, First Responders, and their family members and Lockport will become a Hometown Heroes Community, and

WHEREAS, the Auxiliary will need funds for installation and purchase of banners for individuals that may not be able to afford the purchase, 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 Navy Marine Auxiliary by appropriating monies from said Community Partnership Program Fund as follows:

Navy Marine Club Auxiliary

\$6,000.00

Moved by Collins, 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 Collins, seconded by Myers.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Abbott, Grozio, Wydysh.

Resolution No. IL-048-23

From: Legislator Christopher A. Robins.

Dated: May 16, 2023

**RESOLUTION IN SUPPORT OF NIAGARA FALLS LITTLE LEAGUE
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the Niagara Falls Little League serves the youth of Niagara Falls in giving them an opportunity to participate in baseball and softball, and

WHEREAS, the Niagara Falls Little League has many participants that come from low income families, and

WHEREAS, the Niagara Falls Little League is constantly hosting tournaments and out of city teams, and

WHEREAS, the Niagara Falls Little League is stressing positive character in all its participants, 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 Niagara Falls Little League by appropriating monies from said Community Partnership Fund as follows:

Niagara Falls Little League

\$2,000.00

Moved by Collins, 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 Collins, seconded by Myers.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Abbott, Grozio, Wydysh.

Resolution No. IL-049-23

From: Legislator Christopher A. Robins.

Dated: May 16, 2023

**RESOLUTION IN SUPPORT OF THE TOWN OF NIAGARA BEAUTIFICATION COMMITTEE
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the Town of Niagara would like to upgrade the two entrance signs located on Military Road, and

WHEREAS, the Town of Niagara has a beautiful landscape plan for the entrances, and

WHEREAS, this landscaping will make the Town of Niagara more inviting to locals as well as visitors, 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 Town of Niagara Beautification Committee by appropriating monies from said Community Partnership Fund as follows:

Town of Niagara Beautification Committee

\$4,000.00

Moved by Collins, 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 Collins, seconded by Myers.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Abbott, Grozio, Wydysh.

Resolution No. IL-050-23

From: Legislators Christopher Voccio and Christopher A. Robins.

Dated: May 16, 2023

**RESOLUTION IN SUPPORT OF NIAGARA FALLS ITALIAN FESTIVAL
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the Niagara Falls Italian Festival has been a long-time tradition in the City of Niagara Falls, and

WHEREAS, the Niagara Falls Italian Festival had a wonderful event in 2022, and

WHEREAS, the Niagara Falls Italian Festival celebrates the great accomplishment of the many residents of Italian culture, and

WHEREAS, the Niagara Falls Italian Festival is a wonderful event for the City of Niagara Falls, 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 Niagara Falls Italian Festival (Pax Romana) by appropriating monies from said Community Partnership Fund as follows:

Niagara Falls Italian Festival (Pax Romana)

\$1,500.00

Moved by Collins, 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 Collins, seconded by Myers.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Abbott, Grozio, Wydysh.

Resolution No. IL-051-23

From: Legislators Jeffrey Elder.

Dated: May 16, 2023

**RESOLUTION IN SUPPORT OF NIAGARA UNITED VISION INC.
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, Niagara United Vision partners with people in our community, universities, local and government agencies, to help build or improve the quality of life for our citizens, and

WHEREAS, Niagara United Vision, Inc. help build businesses alongside volunteers and pay an affordable mortgage, and

WHEREAS, with your support, Niagara United Vision strives to achieve the strength, stability and independence individuals and businesses need to build a better life for themselves and their community, and

WHEREAS, Niagara United Vision works to decrease crime and poverty that inhibits the growth of community ownership, and the Niagara County Legislature wishes to support their efforts, 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 Niagara United Vision, Inc. by appropriating monies from said Community Partnership Program Fund as follows:

Niagara United Vision, Inc.

\$1,500.00

Moved by Collins, 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 Collins, seconded by Myers.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Abbott, Grozio, Wydysh.

Resolution No. IL-052-23

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

Dated: May 16, 2023

**RESOLUTION IN SUPPORT OF THE NIAGARA FALLS HABITAT FOR HUMANITY
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, Niagara Falls Area Habitat for Humanity recognizes the great need for affordable housing in the City of Niagara Falls and Niagara County, and

WHEREAS, Habitat for Humanity brings people together to build homes, communities, and hope, and

WHEREAS, decent, affordable homeownership allows families to lead better, healthier, more financially stable lives, and

WHEREAS, strong, stable homes help build strong and stable communities, and

WHEREAS, families owning homes are less likely to rely on government assistance and are able to build net family wealth, and the Niagara County Legislature wishes to support this project, 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 Niagara Falls Habitat for Humanity by appropriating monies from said Community Partnership Program Fund as follows:

Niagara Falls Habitat for Humanity

\$2,500.00

Moved by Collins, 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 Collins, seconded by Myers.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Abbott, Grozio, Wydysh.

Resolution No. IL-053-23

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

Dated: May 16, 2023

**RESOLUTION IN SUPPORT OF HANDS HEALING HEROES
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the Hands Healing Heroes, located in the City of Niagara Falls, was created to provide complimentary chiropractic care to U.S. Veterans injured or wounded, as well as to provide annual events to celebrate our local Veterans, and

WHEREAS, the appreciation group determined to go above and beyond serving the men and women who serve our country with genuine tangible outreach, and

WHEREAS, installing a "field of flags" in the City of Niagara Falls, will honor the fallen soldiers of Niagara Falls and New York State, and

WHEREAS, this effort will bring attention to the true meaning of Memorial Day and bring in the community to view the Veterans Memorial at Hyde Park, and

WHEREAS, the Niagara County Legislature wishes to support Hand Healing Heroes for the recognition to our Veterans, 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 Hands Healing Heroes by appropriating monies from said Community Partnership Program Fund as follows:

Hands Healing Heroes

\$2,000.00

Moved by Collins, 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 Collins, seconded by Myers.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Abbott, Grozio, Wydysh.

Resolution No. IL-054-23

From: Legislator Rebecca J. Wydysh.

Dated: May 16, 2023

**RESOLUTION IN SUPPORT OF THE LEWISTON CHRISTMAS WALK
THROUGH THE USE OF COMMUNITY PARTERSHIP FUNDING**

WHEREAS, the mission of the Niagara River Region Chamber of Commerce is to unify the Niagara River Region and to promote it as a premiere place to live, work and play while promoting tourism, business development, quality of life and the history and culture of the region, and

WHEREAS, the 2023 Lewiston Christmas Walk has been planned for November 30th through December 3rd, 2023, and

WHEREAS, this over 40-year old tradition highlights the Village of Lewiston merchants, the arrival of Santa Claus to the Village, a weekend of family events and activities, culminating in the Lewiston Christmas Lights Parade, and

WHEREAS, the event will draw large crowds of visitors to the river region from surrounding Western New York communities and Canada, to the benefit of local businesses, and

WHEREAS, an event of this magnitude can only be successful through full community participation and sponsorships, 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 Christmas Walk Weekend by appropriating monies from said Community Partnership Program Fund as follows:

Niagara River Region Chamber of Commerce \$2,500.00

Moved by Collins, 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 Collins, seconded by Myers.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Abbott, Grozio, Wydysh.

Resolution No. IL-055-23

From: Legislator Jesse P. Gooch.

Dated: May 16, 2023

**RESOLUTION IN SUPPORT OF THE WHEATFIELD BUSINESS ASSOCIATION THROUGH THE
USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the Wheatfield Business Association was established in 1970, to promote, develop and improve the business climate in the Town of Wheatfield and surrounding communities, and

WHEREAS, the Wheatfield Business Association is dedicated to serving the community through their scholarship fund, donations and support to community organizations and improving overall quality of life, 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 Wheatfield Business Association by appropriating monies from said Community Partnership Program Fund as follows:

Wheatfield Business Association \$1,500.00

Moved by Collins, 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 Collins, seconded by Myers.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Abbott, Grozio, Wydysh.

APPOINTMENTS:

OFF TRACK BETTING CORPORATION:

Elliott Winter

712 Deerfield Drive, North Tonawanda, NY 14120

Appt.

05/16/23

WORKFORCE DEVELOPMENT BOARD:

David J. Haylett Jr., Esq., Seaman Norris LLP

744 Davison Road, Lockport

05/16/23

Moved by Hill, seconded by Foti.

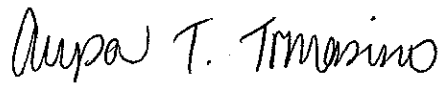
Approved. 10 Ayes, 2 Noes – Elder, Robins, 3 Absent – Abbott, Grozio, Wydysh.

Clerk Tomasino read a statement that the Niagara County's Municipal Separate Storm Sewer Systems (MS4) Draft Annual Report, March 2022 – March 2023 and Stormwater Management Program Plan are available for Public Review and Comment until May 24, 2023 at the Niagara County Department of Public Works, Administration Office, 2nd Floor, 59 Park Avenue, Lockport, NY 14094 or on the County's Website (niagaracounty.com/CountyInformation/StormwaterManagement)

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

The Chairman declared the Board adjourned 6:54 p.m., subject to the call of the Clerk.

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

A handwritten signature in cursive script that reads "Alysa T. Tomasino".

Alysa T. Tomasino, Clerk