

## OFFICIAL RECORD

Lockport, New York  
June 20, 2023

The meeting was called to order by Chairman Wydysh at 6:06 p.m.

Clerk Tomasino called the roll. All Legislators were present with the exception of Legislators Bradt and Hill.

Chairman Wydysh called Legislator Myers and Joshua Centner to the lectern to present him a proclamation as one of the winners of the NACo's I love my County because.. Student Art Contest.

Chairman Wydysh called Legislator Elder to the lectern to speak on the Meaning, Importance and Understanding of Juneteenth.

Chairman Wydysh called Legislator Godfrey and Probation Director John Cicchetti to the lectern to read a proclamation declaring July 16-23, 2023 as "Pretrial, Probation, and Parole Supervision Week" in Niagara County.

Chairman Wydysh called Legislator Gooch and Office of the Aging Director Darlene DiCarlo to the lectern to read a proclamation declaring the month of June 2023 as "Elder Abuse Awareness Month" in Niagara County.

No citizens spoke on the Agenda.

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

**Resolution No. CW-023-23 was read at this time. (Appears in numerical order)**

**Resolution No. CW-024-23 was read at this time. (Appears in numerical order)**

**Resolution No. CW-025-23 was read at this time. (Appears in numerical order)**

**Resolution No. CS-020-23**

From: Community Services and Administration Committees.

Dated: June 20, 2023

### **PUBLIC HEARING FOR NCCC FY 2023-2024 MAINTENANCE AND OPERATING BUDGET**

WHEREAS, the County Manager and Budget Director have filed with the Legislative Clerk the tentative budget for the Niagara County Community College for their fiscal year commencing September 1, 2023 and ending August 31, 2024, and

WHEREAS, pursuant to Section 359 of the County Law, a public hearing must be held, now, therefore, be it

RESOLVED, that a public hearing be held in the Legislative Chambers, Courthouse, Lockport, New York at 5:45 p.m. on the 1<sup>st</sup> day of August, 2023 to review the tentative budget, and be it further

RESOLVED, that the Clerk of the Legislature is hereby authorized and directed to publish notice of same in the Union Sun & Journal and the Niagara Gazette.

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. CS-021-23**

From: Community Services and Administration Committees.

Dated: June 20, 2023

**ABOLISH & CREATE POSITIONS –SOCIAL SERVICES**

WHEREAS, the Niagara County Department of Social Services (NCDSS) is responsible for helping families through the administration of state and federally funded programs, and

WHEREAS, NCDSS has reviewed position vacancies and operational needs to provide better support to our staff and clients who rely on our services, and

WHEREAS, the Children's Services division is experiencing staff turnover which requires significant training and supervision of new employees, and a Deputy Director of Social Services would assist the division with management of new employees and consultation on difficult cases, and

WHEREAS, and Child Support division requires additional oversight due to an increase in new employees who require more training and supervision, and a Senior Social Services Worker would assist the unit with training and oversight of new employees, and

WHEREAS, after review of the current structure of the Children's Services and Child Support divisions, it has been determined that reorganization would better meet the needs of the department to provide more supervisory support for our staff, now, therefore, be it,

RESOLVED, that one (1) vacant Account Clerical I position #1156, at Job Group 4 Step 8 at \$ 42,533 annually, and two (2) vacant Social Services Workers, position #901, Job Group 7, step 8, at \$ 49,486 annually and # 4001, Job Group 6, step 1, at \$ 41,096 annually each be abolished effective June 26, 2023, and be it further

RESOLVED, that (1) Deputy Director of Social Services, Job Group Salary 10, step 4 at \$73,476 annually and one (1) Senior Social Services Worker (Support Collection), Group 8, step 5 at \$ 50,978 annually each be created and filled effective June 26, 2023, and be it further

RESOLVED, that the following line item transfer be effectuated to the Social Services 2023 Budget:

**FROM:**

A.22.6010.000 71010.1156	Acct Clerical I	\$ 42,533
A.22.6010.000 71010.0901	Social Services Worker	\$ 22,087

**TO:**

A.22.6010.000 71010.XXXX	Deputy Dir of Social Services	\$ 38,151
A.22.6010.000 71010.XXXX	Sr Social Services Worker (Support Coll)	\$ 26,469

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. CS-022-23**

From: Community Services and Administration Committees.

Dated: June 20, 2023

**MH – BUDGET MODIFICATION - ACCEPT NYS OASAS ONE-TIME ONLY  
FUNDING FOR CAZENOVIA RECOVERY**

WHEREAS, the Niagara County Department of Mental Health enters into contracts with not-for-profit agencies for the provision of mental health, alcohol and substance abuse, and developmental disabilities services, and

WHEREAS, the New York State Office of Alcoholism and Substance Abuse Services (OASAS) has awarded one-time only funding of \$340,577 to Cazenovia Recovery Systems for Intensive Residential services, for Sundram Manor and Somerset House, to support additional staffing costs related to enhanced reintegration services under OASAS' Part 820 Conversion Funding initiative, now, therefore, be it

RESOLVED, that the following budget modification be effectuated to the department's budget and the department is given authorization to accept NYS OASAS State funding effective June 20, 2023:

**INCREASE REVENUE:**

A.21.4322.424.43490.10	MH Program Alcoholism County	\$340,577
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**INCREASE APPROPRIATION:**

A.21.4322.424.74550.08	Alcoholism Services	\$340,577
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Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. CS-023-23**

From: Community Services and Administration Committees.

Dated: June 20, 2023

**MH - BUDGET MODIFICATION - CONTRACT AGENCY STATE AID  
COLA/MINIMUM WAGE INCREASES**

WHEREAS, the New York State Office of Mental Health and New York State Office of Alcoholism & Substance Abuse Services has approved additional State Aid COLA/Minimum Wage for the calendar year of 2023 for various agencies, now, therefore, be it

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

RESOLVED, that the following budget modifications be effectuated:

**INCREASE REVENUES:**

A.21.4322.412.43490.09	Mental Health Association	\$ 728
A.21.4322.424.43490.10	Cazenovia Recovery	\$ 458
CM.21.4322.415.43490.01	Mental Health Programs (Community Missions, Dale Association, Mental Health Association, United Cerebral Palsy, Spectrum)	\$72,191
CM.21.4322.415.43490.05	Reinvestment Programming (Community Missions, Mental Health Association, New Directions)	\$ 8,368
CM.21.4322.415.43490.08	Community Support Services (Community Missions)	\$14,292
CM.21.4322.416.43489.04	Case Management Programs (Community Missions)	\$ 7,644
CM.21.4322.423.43490.14	Supported Housing (Community Missions, DePaul)	\$90,397

**INCREASE APPROPRIATIONS:**

A.21.4322.412.74500.01	Mental Health Association	\$ 728
A.21.4322.424.74500.08	Cazenovia Recovery	\$ 458
CM.21.4322.415.74500.01	Community Support Services Programs (Community Missions, Dale Association, Mental Health Association, United Cerebral Palsy, Spectrum)	\$86,483

CM.21.4322.415.74550.06	Reinvestment Programming (Community Missions, Mental Health Association, New Directions)	\$ 8,368
CM.21.4322.416.74500.01	Case Management Programs (Community Missions)	\$ 7,644
CM.21.4322.423.74500.01	Supported Housing (Community Missions, DePaul)	\$90,397

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

#### **Resolution No. CS-024-23**

From: Community Services and Administration Committees.

Dated: June 20, 2023

### **CREATE AND FILL CLERICAL II POSITION – EMPLOYMENT AND TRAINING**

WHEREAS, the Department of Employment & Training has one (1) vacant position due to employee retirement, and

WHEREAS, the Department of Employment & Training's objective under the Workforce Innovation and Opportunity Act of 2014 is to provide eligible recipients with funding to help achieve a living wage through its programs, and

WHEREAS, the Department of Employment & Training has had to re-assign certain duties to other staff to maintain customer relations in our Career Center, and

WHEREAS, the Department of Employment & Training has experienced steady growth through additional sources of funding, which has placed an undo burden on current staff, and

WHEREAS, current staff is unable to maintain this workload and as a result has caused problems for Employment & Training Counselors, and

WHEREAS, Federal funds are available for additional staffing at no cost to the County, now, therefore, be it

RESOLVED, that one (1) Clerical II position, CSEA Job Group IV at a salary of \$38,201 - \$42,533 be created and filled effective June 21, 2023 and be co-terminus with the grant, and be it further

RESOLVED, that the following budget modification be effectuated to the 2023 Employment & Training Budget:

#### **INCREASE REVENUE:**

CD.29.6290.000.44791.00	WIOA Revenue	\$ 31,256.00
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#### **INCREASE APPROPRIATIONS:**

CD.29.6290.000.71010.00	Position Expense	\$ 20,277.00
CD.29.6290.000.78100.00	Retirement Expense	\$ 1,926.00
CD.29.6290.000.78200.00	FICA Expense	\$ 1,551.00
CD.29.6290.000.78300.00	Worker's Comp. Expense	\$ 511.00
CD.29.6290.000.78400.01	Health Ins. Expense	\$ 6,089.00
CD.29.6290.000.78400.05	Health HRA Expense	\$ 425.00
CD.29.6290.000.78700.00	NYS Disability Expense	\$ 45.00
CD.29.6290.000.78800.00	FLEX 125 Expense	\$ 432.00

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. CS-025-23**

From: Community Services and Administration Committees.

Dated: June 20, 2023

**ABOLISH CASE B SUPERVISOR  
CREATE AND FILL CASE MANAGER SENIOR SERVICES**

WHEREAS, due to a position vacancy within the Office for the Aging, the department has reviewed its operational needs in order to provide information and assistance to the older adults that rely on the valuable services offered through the OFA, and

WHEREAS, after studying the services we provide and evaluating all options, it has been determined that it would be in the best interest of the department to abolish one (1) FT Case B Supervisor which, is shared 50/50 between the OFA and the Department of Social Services and to create and fill one (1) FT Case Manager Senior Services to manage client cases currently not supported by existing programs and will now be funded completely by the Office for the Aging, and

WHEREAS, the Office for the Aging and The Department of Social Services have mutually agreed on the plan to abolish this shared position, and

WHEREAS, the supervision of Case Managers in the Office for the Aging will be permanently assigned to the Deputy Director moving forward, and

WHEREAS, funding for this newly created position is readily available in the current OFA budget, now, therefore, be it

RESOLVED, that Position No. 1289, Case Supervisor – Grade B, CSEA, Group 12, be abolished, effective June 3, 2023, and be it further

RESOLVED that the position of Case Manager – Senior Services, CSEA, Group 9, from \$26.82 per hour to \$31.08 per hour, be created and filled, effective June 12, 2023

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. CS-026-23**

From: Community Services and Administration Committees.

Dated: June 20, 2023

**BUDGET MODIFICATION  
ACCEPTANCE OF GRANT FUNDS  
CENTER FOR ELDER LAW AND JUSTICE**

WHEREAS, the Niagara County Office for the Aging (OFA) is the recipient of \$67,992 from the Center for Elder Law and Justice as a project partner for the purpose of providing case management and advocacy to older adults who are victims of sexual violence, domestic/family violence and financial exploitation; the grant period is for expenses incurred for the timeframe of June 1, 2023 through September 30, 2024, and

WHEREAS, such funds are to be utilized to support a FT Case Manager – Senior Services to work with older adults in need of assistance who are victims of elder abuse and mistreatment, and

WHEREAS, such funds are not included in the 2023 Budget, now, therefore, be it

RESOLVED, that Niagara County accepts \$67,992 to provide needed services to older adults with \$24,414 for June – December 2023 being added to the current budget year and the remaining \$43,578 going to the 2024 budget, and be it further

RESOLVED, that the county is given authorization to accept this additional funding with the effectuation of the following OFA budget modification:

**INCREASE REVENUE ACCOUNT:**

A.24.6772.000 41289.09 Other General Gvt Income Salary Reimbursement \$ 24,414

**INCREASE APPROPRIATION ACCOUNTS:**

A.24.6772.000 71010.00 Positions Expense \$ 24,414

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. CSS-056-23**

From: Community Safety & Security and Administration Committees.

Dated: June 20, 2023

**NIAGARA COUNTY SHERIFF'S OFFICE  
MCP ACQUISITION STANDARDIZATION FOR  
EMERGENCY COMMUNICATIONS SYSTEM CONSULTATION**

WHEREAS, the Niagara County Legislature passed Resolution #CSS-073-18 on 9/18/18 to enter into a job specific contract with MCP Acquisition DBA Mission Critical Partners LLC ("Mission Critical") to review, examine and negotiate the Motorola Proposal for a Countywide Public Safety Radio Project, and

WHEREAS, the Niagara County Legislature passed Resolution #CSS-007-19 on 2/19/19 to waive the Request for Proposal and enter into a professional services contract with Mission Critical to manage the Radio System Two Site Implementation Project, and

WHEREAS, the Niagara County Legislature passed Resolution #CSS-004-20 on 1/21/20 to waive the Request for Proposal and enter into a professional services contract with Mission Critical to technically review, procurement review, project management, contract negotiations and implementation of the Radio System Six Site Project, and

WHEREAS, the Niagara County Sheriff's Office has identified the need for the ongoing services of a consultant with the highly technical knowledge of emergency communications systems as well as the Niagara County system to continuously assess and plan for the needs of the Niagara County Public Safety Communications System moving forward, and

WHEREAS, Mission Critical has been managing the implementation of the construction and integration of new tower sites in the Niagara County Public Safety Communications System since 2018 which gives the firm unique expertise and system knowledge, and

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

WHEREAS, Mission Critical has prepared a proposal for ongoing general consulting services at a cost of \$100,000 per year which will be paid for out of Statewide Interoperable Communications Grants for the first year and each subsequent year that the grants are available, 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 County finds that the services to be provided by Mission Critical consist of “professional services” and further waives the RFP requirement and/or requirement that additional cost proposals be sought or obtained, and be it further

RESOLVED, that following the County Attorney review and approval of the contract, that the Mission Critical contract for General Consulting may be executed pursuant to the Niagara County Contract Policy.

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. CSS-057-23**

From: Community Safety & Security and Administration Committees.

Dated: June 20, 2023

**NIAGARA COUNTY SHERIFF’S OFFICE  
PRIME CARE MEDICAL OF NEW YORK, INC., FIRST AMENDMENT**

WHEREAS, on January 19, 2021 the Niagara County Legislature approved in Resolution CSS-011-21 for the Niagara County Sheriff’s Office to enter into a contract with Prime Care Medical of New York, Inc., Personalcare Registered Professional Nursing P.C., Professional Care Medical Practice P.C., and Professional Care Dental Services PC to continue to provide medical care for the incarcerated individuals at the Niagara County Correctional Facility, and

WHEREAS, New York State has mandated that each correctional facility in the state have a Medicated Assisted Treatment (“MAT”) Program which is designed to help incarcerated individuals who have a substance use disorder, and

WHEREAS, the MAT Program requires additional medical testing, medications and dispensing of medications, all of which create extra expense for the medical care provider in each correctional facility, and

WHEREAS, Prime Care Medical of New York Inc., and the PCs have been managing and executing the MAT program at the Niagara County Correctional Facility since January 1, 2023 which has demanded significant time and resources at additional expense to the provider, now, therefore, be it

RESOLVED, that Niagara County’s agreement with Prime Care Medical of New York Inc. and the PCs be amended to include compensation in the amount of \$153,000 for administration and management of the facility’s MAT program for the 2023 calendar year, and be it further

RESOLVED, that following the County Attorney review, the First Amendment to the Prime Care Medical agreement may be executed pursuant to the Niagara County Contract Policy.

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. CSS-058-23**

From: Community Safety & Security and Administration Committees.

Dated: June 20, 2023

**NIAGARA COUNTY SHERIFF’S OFFICE  
PUBLIC SAFETY RADIO NETWORK ENHANCEMENT PROJECT  
GEO REDUNDANT PRIME SITE**

WHEREAS, the County owns and operates a County-wide Public Safety Radio Network (the "System") which was designed and implemented by Motorola Solutions ("Motorola"), and

WHEREAS, the County has identified a need to modify and enhance the System to improve the reliability of radio communications for emergency personnel and first responders in Niagara County, and

WHEREAS, Motorola and the County's independent consultant, Mission Critical Partners, LLC ("Mission Critical") have recommended an enhancement to the County's System which includes the creation of a Geo Redundant Prime Site with GRV Backup Comparator for the Fire Paging System, and

WHEREAS, a Geo Redundant Prime Site will keep the E911 Communications Center working in the event that the Prime Communications Lines are lost due to natural or man-made circumstances which is critical to the function of Niagara County for ongoing emergency communications, and

WHEREAS, the Sheriff's Office has secured funding for the project through a Statewide Interoperable Communications Grant provided by the New York State Department of Homeland Security, Office of Interoperable Communications, and has included the Project in its approved budget, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara hereby approves the Project and directs the Sheriff's Office and the County Manager to take such steps as are necessary to carry it out, including purchasing equipment, materials and services as necessary from pertinent New York State Office of General Services approved contracts from Motorola Solutions Inc., in an amount not to exceed \$999,000 and such other actions as are necessary for carrying out the Project, all contracts and agreements necessary hereunder are contingent on the review and approval of the Niagara County Attorney's Office.

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. CSS-059-23**

From: Community Safety & Security and Administration Committees.

Dated: June 20, 2023

**NIAGARA COUNTY SHERIFF'S OFFICE  
EXTENSION OF TRINITY FOOD SERVICES CONTRACT FOR INMATE FOOD SERVICE  
MANAGEMENT AND OFFICE FOR THE AGING FOOD SERVICE MANAGEMENT**

WHEREAS, the Niagara County Legislature passed Resolution CSS-034-21 on March 23, 2021 to enter into a contract with Trinity Food Services for Inmate Food Service Management and Office for the Aging Food Service Management pursuant to Sealed Bid #2021-02 Food Service Management for Niagara County Office for the Aging Senior Nutrition Program and Niagara County Jail, and

WHEREAS, the contract which is dated July 19, 2021 has an initial term beginning July 8, 2021, effective for two (2) years from the date thereof with the option of extending the contract for three (3) additional one (1) year periods, and

WHEREAS, the Niagara County Sheriff's Office and the Niagara County Office for the Aging would like to exercise the option now to extend the Trinity Food Services management contract for the first 12 month extension resulting in a modified end date of July 7, 2024 under the same terms and conditions of the current 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 following the County Attorney review, the Trinity Food Services contract extension may be executed pursuant to the Niagara County Contract Policy

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. CSS-060-23**

From: Community Safety & Security and Administration Committees.

Dated: June 20, 2023

**NIAGARA COUNTY SHERIFF'S OFFICE  
INFINIGY SOLUTIONS CONTRACT CHANGE ORDER NO. 2**

WHEREAS, on August 16, 2021, pursuant to a sealed bid, the County of Niagara Entered into a contract for the development of three radio sites in Barker, Wilson and at the Shawnee Fire Hall for a contract amount of \$1,562,907, and

WHEREAS, a change order was approved by the Niagara County Legislature in Resolution CSS-099-22 on November 15, 2022 in the amount of \$5,380 due to a scope of work change to bring the total contract amount to \$1,568,287, and

WHEREAS, it is necessary to increase the contract again in the amount of \$5,499 for a revised contract amount of \$1,573,786, in order to furnish and install gates for the access road at the Wilson site location, and

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

RESOLVED, that Change Order No. 2 increase the contract by \$5,499 for the Development of Three Radio Sites, and be it further

RESOLVED, that following the County Attorney review, the Infinigy Solutions Contract Change No. 2 may be executed pursuant to the Niagara County Contract Policy

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. CSS-061-23**

From: Community Safety & Security and Administration Committees.

Dated: June 20, 2023

**NIAGARA COUNTY SHERIFF'S OFFICE  
CREATE AND FILL QUALITY ASSURANCE MANAGER POSITION FOR FORENSIC  
LABORATORY**

WHEREAS, Niagara County has a forensic laboratory which is accredited by New York State and must maintain high standards to ensure accuracy and credibility within the law enforcement community as well as the court system, and

WHEREAS, the Sheriff's Office has identified the need for a Quality Assurance Manager position which would be an autonomous position that will allow the laboratory to continue to meet ever-changing accreditation standards, and

WHEREAS, the Quality Assurance Manager position would be created following Civil Service guidelines and would report to the Director of the Forensic Laboratory, and

WHEREAS, due to the highly technical nature of the forensic laboratory positions the ability to attract qualified candidates within Niagara County may be limited, now, therefore, be it

RESOLVED, that a Quality Manager Position be created and filled in the 2023 Budget at Flat Salary Grade 15A Step 6 \$110,926 per year, and be it further

RESOLVED, that the Niagara County Sheriff's Office be granted a one-time residency waiver to fill the Quality Assurance Manager position if the most qualified candidate resides outside of Niagara County, and, be it further

RESOLVED, that the following budget modification be effectuated:

**DECREASE APPROPRIATIONS:**

A.08.1990.000 74500.01	Contingency Fund	\$61,343
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**INCREASE APPROPRIATIONS:**

A.17.3110.000 71010.00	Position Expense	\$46,504
	Quality Assurance Manager (#NEW)	
A.17.3110.000 78100.00	Retirement Expense	\$ 4,418
A.17.3110.000 78200.00	FICA Expense	\$ 3,558
A.17.3110.000 78300.00	Worker's Comp Expense	\$ 1,204
A.17.3110.000 78400.01	Health Insurance Expense	\$ 4,872
A.17.3110.000 78400.05	Health HRA Expense	\$ 355
A.17.3110.000 78800.00	FLEX 125 Expense	\$ 432

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. CSS-062-23**

From: Community Safety & Security and Administration Committees.

Dated: June 20, 2023

**WAIVER OF RESIDENCY REQUIREMENT  
ASSISTANT PUBLIC DEFENDER**

WHEREAS, the Niagara County Public Defender's Office has permission to fill presently a vacant Assistant Public Defender position, as these are important positions that are required to provide legal representation of indigent persons entitled to public defense, and

WHEREAS, due to recent challenges with recruitment efforts of Niagara County residents that are experienced criminal court attorneys for these vacant positions of the Public Defender, and

WHEREAS, the Public Defender's Office has made diligent and sincere efforts to recruit highly qualified candidates for these vacant positions from within Niagara County, including multiple advertisements and postings for an extended period of time, now, therefore, be it

RESOLVED, that a Waiver of Residence from the policy to hire only Niagara County residents be approved to fill this vacant position of Assistant Public Defender when the most qualified applicant or only qualified candidates resides outside Niagara County.

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. CSS-063-23**

From: Community Safety & Security and Administration Committees.

Dated: June 20, 2023

**SATELLITE TRACKING OF PEOPLE (STOP) CONTRACT EXTENSION**

WHEREAS, the Niagara County Probation Department has been using equipment and monitoring services of Satellite Tracking of People, LLC since June 2013 for the electronic monitoring of offenders, and

WHEREAS, the current contract with Satellite Tracking of People LLC expired May 31, 2023, and the Niagara County Probation Department wishes to extend the current contract for an additional twelve (12) months under the same terms as the previous contract, and

WHEREAS, Satellite Tracking of People is an approved contractor with the New York State Office of General Services Procurement Services, and therefore Niagara County Probation Department is receiving the lowest price available in New York State, \$3.10 per unit per day, and

WHEREAS, the cost associated with electronic monitoring is covered by grant funding, and

WHEREAS, the costs associated with electronic monitoring of offenders is included in the Probation Department's 2023 Budget, now, therefore, be it

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

RESOLVED, that the Niagara County Legislature does hereby permit extension of the contract between the Niagara County Probation Department and Satellite Tracking of People, LLC and that following the County Attorney review, the contract/agreement may be executed pursuant to the Niagara County Contract Policy

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. CSS-064-23**

From: Community Safety & Security and Administration Committees.

Dated: June 20, 2023

**PROBATION 2023 BUDGET MODIFICATION -  
ACCEPT GIVE X FUNDS**

WHEREAS, the New York State Division of Criminal Justice Services has made additional funding available for the Gun Involved Violence Elimination (GIVE) X contract year including July 1, 2023 through December 31, 2023 to the Niagara County Probation Department in the amount of \$141,964.50, and

WHEREAS, these funds will reimburse the County for two full time officer positions within the Probation Department, co-terminus with the grant, in addition to funding increased field activities, GPS monitoring of offenders, and staff training, now, therefore, be it

RESOLVED, that the Niagara County Probation Department will contract with the New York State Division of Criminal Justice Services to carry out the roles and responsibilities related to GIVE X, 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	\$20,530.50
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**INCREASE EXPENSE:**

A.18.3140.000.71050.00	Overtime Expense	\$9,544.50
A.18.3410.000.74500.01	Contractual Expenses	\$8,486.00
A.18.3410.000.74600.03	Professional Development Training & Education	\$2,500.00

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. CSS-065-23**

From: Community Safety & Security and Administration Committees.

Dated: June 20, 2023

**CONTINUATION OF  
NIAGARA UNIVERSITY AGREEMENT  
FOR BORDER COMMUNITY SERVICE (BCS) PROGRAM THROUGH 8/31/24**

WHEREAS, Niagara County wishes to continue its commitment to Niagara University's Border Community Service Program (BCS) initiatives as outlined in Resolution #CSS-073-19, and in an agreement between the County and the University executed by the County on September 18, 2019 ("the Agreement"), and

WHEREAS, the County wishes to extend the Agreement for a new term commencing September 1, 2023 and continuing through August 31, 2024, in an amount of \$30,000 funded by Homeland Security SHSP-21 grant funds to provide professional and technical services to assist the County in completing intended community preparedness initiatives, and

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

RESOLVED, that the Legislature determine that the services to be provided by Niagara University constitute professional Services requiring a high degree of expertise and professional knowledge, and waive any requirement to seek additional or alternative proposals, and be it further

RESOLVED, that following the County Attorney's review, an extension to the Agreement extending the term through August 31, 2024, all other terms remaining the same, may be executed pursuant to the Niagara County Contract Policy.

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. CSS-066-23**

From: Community Safety & Security and Administration Committees.

Dated: June 20, 2023

**2023 BUDGET MODIFICATION - FIRE COORDINATOR'S OFFICE  
ACCEPT PAYMENTS FOR FIRE INVESTIGATION REPORT FEES**

WHEREAS, the County Fire Investigation team collected fees for reproducing requested fire investigation reports pertaining to multiple investigations, and

WHEREAS, under Public Officers Law §87(1), an agency is allowed to charge a fee for reproducing requested records, and

WHEREAS, the Fire Coordinator's Office received payments from various insurance companies requesting fire investigation reports totaling an amount of \$100.00 for January through May 2023, and

WHEREAS, the Fire Coordinator's Office is reallocating the collected fees to the Fire Investigation Team for needed supplies, at no cost to the County, now, therefore, be it

RESOLVED, that the following 2023 budget modification be effectuated:

**INCREASE REVENUE:**

A.19.3410.000 41289.08	Other General Gov Income	\$ 100.00
	Reimbursement	

**INCREASE APPROPRIATION:**

A.19.3410.000 74550.32	Programs Special Task Force	\$ 100.00
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Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. CSS-067-23**

From: Community Safety & Security and Administration Committees.

Dated: June 20, 2023

**ACCEPTANCE OF EMPG FY23 HOMELAND SECURITY GRANT**

WHEREAS, the County of Niagara is required to certify its acceptance of the EMPG 2023 grant through the Department of Homeland Security for the period of October 1, 2022 through September 30, 2025, at some cost to the County, and

WHEREAS, the grant for EMPG 2023 is in the amount of \$159,730. Grant funds will be in the amount of \$79,865 and the 50% matching county funds will be in the amount of \$79,865. The funds will be used for drone enhancements for search and rescue operations, GPS tracking units, logistical support equipment (MRE's), prevention and response watercraft, and travel for approved emergency management training, now, therefore, be it

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

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. CW-019-23**

From: Committee of the Whole.

Dated: June 20, 2023

**BOND RESOLUTION OF THE COUNTY LEGISLATURE OF  
THE COUNTY OF NIAGARA, NEW YORK (THE "COUNTY"), AUTHORIZING  
THE ISSUANCE OF UP TO \$6,460,000 IN SERIAL BONDS OF THE COUNTY TO  
FINANCE IMPROVEMENTS TO COUNTY BUILDINGS**

WHEREAS, the County Legislature (the "Legislature") of the County of Niagara, New York (the "County") proposes to authorize the issuance of \$6,460,000 in serial bonds of the County to finance improvements to County buildings, as described herein; and

WHEREAS, the Legislature now wishes to appropriate funds for such public improvements and purposes and to authorize the issuance of the County's serial bonds or bond anticipation notes to finance said appropriation.

NOW THEREFORE, THE COUNTY LEGISLATURE OF THE COUNTY OF NIAGARA, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

SECTION 1. The County is hereby authorized to issue \$6,460,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the construction of additions or alterations to certain County buildings, including:

(i) at the Niagara County Correctional Facility, consisting of (a) the replacement of coolers and freezers in the Facility's kitchen and recreational yard floors for PODs 1, 2, 3 and 4; and (b) the acquisition, construction and installation of mezzanine level fencing for PODs 1, 2, 3 and 4 and security card readers; and

(ii) at the Niagara County Sheriff's Office Building One, consisting of (a) renovations to the interior and exterior of the building, including windows, doors, flooring and the acquisition and installation of new technological equipment throughout; and (b) the construction of an expansion to the Niagara County Forensic Laboratory, including the acquisition and installation of DNA testing equipment.

It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purpose is \$6,460,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (a) the issuance of up to \$6,460,000 in serial bonds of the County authorized pursuant to this section or bond anticipation notes issued in anticipation of such serial bonds; and

(b) the levy and collection of taxes on all taxable real property within the County to pay the principal of said bonds and notes and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is twenty-five (25) years, pursuant to subdivision 12(a)(1) of paragraph a. of Section 11.00 of the Law.

SECTION 2. The temporary use of available funds of the County, not immediately required for the purpose or purposes for which the same were raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in Section 1 of this resolution. The County shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 3. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the County, payable as to both principal and interest by a general tax upon all the real property

within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 4. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations and of Sections 21.00, 50.00, 54.90, 56.00 through 60.00, 62.10, 63.00 and 168.00 of the Law, the powers and duties of the Legislature relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters relating thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Treasurer of the County, as the chief fiscal officer of the County (the "County Treasurer"). Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for any of the objects or purposes authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more other objects or purposes authorized by this resolution or other resolutions of the Legislature, then the power of the Legislature to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined object or purpose is hereby delegated to the County Treasurer.

SECTION 5. The County Treasurer is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax-exempt bonds" within the meaning of and in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 6. The County Treasurer is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchaser of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 7. The intent of this resolution is to give the County Treasurer sufficient authority to execute those applications, agreements, instruments, certificates or to do any similar acts necessary or in the opinion of the County Treasurer advisable to effect the issuance of the serial bonds or bond anticipation notes without resorting to further action of the Legislature.

SECTION 8. In the absence of the County Treasurer, the Deputy County Treasurer is hereby specifically authorized to exercise the powers delegated to the County Treasurer in this resolution.

SECTION 9. The Legislature hereby determines that the projects authorized herein, the financing thereof as authorized by this resolution, and the adoption of this resolution, individually and collectively constitute a "Type II" action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (collectively, "SEQRA") and that no further action under SEQRA with respect to any of said projects need be taken by the Legislature as a condition precedent to the adoption of this resolution.

SECTION 10. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

SECTION 11. This resolution shall take effect immediately and the Clerk of the Legislature is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in full, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the County for such purpose.

The following resolution was offered by Legislator Christopher A. Robins, who moved its adoption, seconded by Legislator Anthony J. Nemi

	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
Legislator Richard E. Abbott	[ X ]	[ ]	[ ]	[ ]
Legislator Richard L. Andres	[ X ]	[ ]	[ ]	[ ]
Legislator Randy R. Bradt	[ ]	[ ]	[ X ]	[ ]
Legislator William J. Collins, Sr.	[ X ]	[ ]	[ ]	[ ]
Legislator Jeffrey Elder	[ X ]	[ ]	[ ]	[ ]
Legislator Shawn A. Foti	[ X ]	[ ]	[ ]	[ ]
Legislator David E. Godfrey	[ X ]	[ ]	[ ]	[ ]
Legislator Jesse P. Gooch	[ X ]	[ ]	[ ]	[ ]
Legislator Mark J. Grozio	[ X ]	[ ]	[ ]	[ ]
Legislator Michael A. Hill	[ ]	[ ]	[ X ]	[ ]
Legislator Irene M. Myers	[ X ]	[ ]	[ ]	[ ]
Legislator Anthony J. Nemi	[ X ]	[ ]	[ ]	[ ]
Legislator Christopher A. Robins	[ X ]	[ ]	[ ]	[ ]
Legislator Christopher Voccio	[ X ]	[ ]	[ ]	[ ]
Legislator Rebecca J. Wydysh	[ X ]	[ ]	[ ]	[ ]

The resolution was thereupon declared duly adopted by a vote of 13 ayes and 0 nays.

#### **Resolution No. CW-020-23**

From: Committee of the Whole.

Dated: June 20, 2023

### **AWARD OF CONTRACT – WORKFORCE TIMEKEEPING & SCHEDULING SYSTEM**

WHEREAS, the Information Technology Department has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Workforce Timekeeping & Scheduling System, and

WHEREAS, funds are available in account number H567.16.1680.000 72100.26, Information Technology Systems – Capital, and



WHEREAS, the bids were publicly opened and read by our Purchasing Department on January 19, 2023, and the finalists selected by the Workforce Timekeeping & Scheduling System Selection Subcommittee are tabulated below:

- |    |   |              |
|----|---|--------------|
| 1. | Time & Attendance (Tyler Technologies)<br>One Tyler Drive<br>Yarmouth, ME 04096             | \$412,982.19 |
| 2. | IntelliTime (IntelliTime Systems Corporation)<br>1118 E. 17th Street<br>Santa Ana, CA 92701 | \$633,892.00 |
| 3. | UKG Ready (UKG)<br>900 Chelmsford Street<br>Lowell, MA 01851                                | \$647,365.96 |

WHEREAS, the Workforce Timekeeping & Scheduling System Selection Subcommittee including County Manager, Budget, Purchasing, Public Health, Treasurer's Office, Public Works, Human Resources, Social Services, Risk Management, Audit, and Information Technology examined bid proposals, attended a vendor demonstration of software and selected software, 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 Workforce Timekeeping & Scheduling System be awarded to the lowest responsible bidder, Tyler Technologies, One Tyler Drive, Yarmouth, ME 04096, and not to exceed \$412,982.19 and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature or County Manager is hereby authorized and directed to execute the required documents pursuant to the Niagara County Contract Policy.

Moved by Abbott, seconded by Elder.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. CW-021-23**

From: Committee of the Whole.

Dated: June 20, 2023

**ASSIGNMENT OF CONTRACT BETWEEN NIAGARA COUNTY AND EASTERN NIAGARA HOSPITAL/WESTERN NEW YORK OCCUPATIONAL MEDICINE, P.C. TO CATHOLIC HEALTH MOUNT ST. MARY'S HOSPITAL PURSUANT TO ACQUISITION**

WHEREAS, Niagara County has a contractual agreement with Eastern Niagara Hospital/Western New York Occupational Medicine, P.C., to provide professional occupational medicine services for the County of Niagara, and

WHEREAS, Niagara County issued RFP 2021-49 seeking competitive bids for professional occupational medicine services, and

WHEREAS, as a result of the RFP 2021-49 and resolution AD-002-22, the County of Niagara awarded the contract to Eastern Niagara Hospital/Western New York Occupational Medicine, P.C. for the period of January 1, 2022 through December 31, 2024, and

WHEREAS, Eastern Niagara Hospital/Western New York Occupational Medicine, P.C. has been acquired by Catholic Health Mount St. Mary's Hospital effective mid-June 2023, and

WHEREAS, on June 8, 2023 the Western District of New York Federal Court granted a motion to assign the contracts for Eastern Niagara Hospital to Catholic Health, and

WHEREAS, in the interest of continuity of required professional occupational medicine services, the County with the consultation of the County Attorney, after the Bankruptcy Order is entered, will negotiate between the parties to amend the current contract assigning the contract to Catholic Health Mount St. Mary's Hospital, with fees for services remaining unchanged, in accordance with legal form, language and compliance, now, therefore, be it

RESOLVED, that following the County Attorney's Office review, the contract amendment for assignment per the above on behalf of Niagara County shall be executed pursuant to the Niagara County Contract Policy.

Moved by Collins, seconded by Foti.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. CW-022-23**

From: Committee of the Whole.

Dated: June 20, 2023

**AWARD OF CONTRACT – REPLACEMENT OF QUAKER ROAD CULVERT  
OVER MUD CREEK, CULVERT NO. 15-9**

WHEREAS, the Department of Public Works has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Replacement of Quaker Road Culvert over Mud Creek, Culvert No. 15-9, Project, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on June 15, 2023 as tabulated below:

- |    |  |              |
|----|--|--------------|
| 1. | J. Bognar Construction<br>P.O. Box 4<br>Sardinia, NY 14134           | \$491,311.97 |
| 2. | Edbauer Construction<br>2790 Clinton Street<br>West Seneca, NY 14224 | \$688,125.00 |
| 3. | CATCO<br>1266 Townline Road<br>Alden, NY 14004                       | \$817,926.00 |

and

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

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

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

INCREASE REVENUE:

H.757.15.5197.000 43501.00	Consol Hwy Aid Revenue	\$550,000
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INCREASE APPROPRIATIONS:

H757.15.5197.000 72600.02	Bridges	\$550,000
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and be it further

RESOLVED, that the contract for the Replacement of Quaker Road Culvert over Mud Creek, Culvert No. 15-9, Project, be awarded to the lowest responsible bidder, J. Bognar Construction, P.O. Box 4, Sardinia, NY 14134, in the amount of \$491,311.97, and be it further

RESOLVED, that, following the County Attorney's review, the Agreement for the Replacement of Quaker Road Culvert over Mud Creek, Culvert No. 15-9, Project, may be executed pursuant to the Niagara County Contract Policy.

Moved by Gooch, seconded by Andres.

Adopted. 13 Ayes, 0 Noes, 2 Absent -- Bradt, Hill.

**Resolution No. CW-023-23**

From: Committee of the Whole.

Dated: June 20, 2023

**POSITION APPOINTMENT  
PROBATION DIRECTOR**

WHEREAS, the current Probation Director will be retired effective June 30, 2023, and

WHEREAS, under the Local law establishing an Administrative Code for the County of Niagara, the County Manager shall make appointments for the position of Probation Director subject to the confirmation of the County Legislature, and

WHEREAS, the provision of probation services is mandated pursuant to New York State Executive Law Section 256.4 and the Probation Department cannot function without a department head, and

WHEREAS, the County Manager has conducted an administrative review of the functions assigned and performed by the Probation Director, and

WHEREAS, a Civil Service Exam for the position of Probation Director was given and a resultant Civil Service Certified Eligible list for this position was established, and

WHEREAS, eligible candidates on the Civil Service list for this position were interviewed, the resumes, their experience, expertise, and qualifications were considered, and

WHEREAS, based on the outcome of the candidate interviews, and recommendation of the interview panel, the County Manager recommends the permanent appointment of the selected candidate as Probation Director subject to the appointment being confirmed by the County Legislature, and subject to the successful completion of a 52 week probationary period, and

WHEREAS, the position is fully funded for 2023 in the Probation Department budget, now, therefore, be it

RESOLVED, that Deborah M. LaRock be appointed as Probation Director, at the FLSA Exempt Flat Salary Schedule, Job Group 17, Step 5, \$114,652 annual salary, effective June 30, 2023, position number 483. Future step increases will be based on a performance evaluation and as recommended by the County Manager. Moved by Robins, seconded by Myers.  
Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. CW-024-23**

From: Committee of the Whole.

Dated: June 20, 2023

**2023 CAPITAL IMPROVEMENT PROJECTS  
FUNDING FROM BOND ISSUANCE**

WHEREAS, the authorization of the issuance of \$6,460,000 has been proposed to finance improvements to County buildings; and

WHEREAS, the County wishes to place these bonded funds into the following capital projects: Jail Kitchen Improvements to replace the Jail Kitchen Coolers and Freezer including layout changes for secure access, Jail Recreation Yard Floors Replacement for the safety of incarcerated individuals, fencing for PODs mezzanine level of the Jail for the safety of incarcerated individuals, building remodel of part of building #1 with lab expansion and equipment, and technology system of security card reader improvements to replace outdated technology, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

**INCREASE ESTIMATED REVENUE:**

H785.17.3150.000 45710.23	Serial Bonds Bond Year 2023	\$ 950,000
H786.17.3150.000 45710.23	Serial Bonds Bond Year 2023	150,000
H787.17.3150.000 45710.23	Serial Bonds Bond Year 2023	160,000
H788.17.3197.000 45710.23	Serial Bonds Bond Year 2023	5,000,000
H789.17.3197.000 45710.23	Serial Bonds Bond Year 2023	200,000

**INCREASE APPROPRIATIONS:**

H785.17.3150.000 72200.01	Building Improvements	\$ 950,000
	Jail Kitchen Improvements	
H786.17.3150.000 72200.01	Building Improvements – Jail Recreation Yard	150,000
H787.17.3150.000 72200.01	Building Improvements – Fencing for PODs	160,000
H788.17.3197.000 72200.01	Building Improvements – Building Remodel	5,000,000
H789.17.3197.000 72100.26	Machinery & Equipment – Technology System	200,000

Moved by Grozio, seconded by Nemi.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. CW-025-23**

From: Committee of the Whole.

Dated: June 20, 2023

**EMERGENCY AND TEMPORARY CONTRACT BETWEEN NIAGARA COUNTY AND WELLNOW  
URGENT CARE, P.C. FOR OCCUPATIONAL MEDICINE SERVICES**

WHEREAS, Niagara County has a contractual agreement with Eastern Niagara Hospital/Western New York Occupational Medicine, P.C., to provide professional occupational medicine services for the County of Niagara, and

WHEREAS, Niagara County issued RFP 2021-49 seeking competitive bids for professional occupational medicine services, and

WHEREAS, as a result of the RFP 2021-49 and resolution AD-002-22, the County of Niagara awarded the contract to Eastern Niagara Hospital/Western New York Occupational Medicine, P.C. for the period of January 1, 2022 through December 31, 2024, and

WHEREAS, Eastern Niagara Hospital/Western New York Occupational Medicine, P.C. has been acquired by Catholic Health Mount St. Mary's Hospital effective mid-June 2023, and

WHEREAS, on June 8, 2023 the Western District of New York Federal Court granted a motion to assign the contracts for Eastern Niagara Hospital to Catholic Health, and

WHEREAS, on June 16, 2023 Niagara County learned that Catholic Health Mount St. Mary's Hospital would need transition time in order for it to maintain these services to Niagara County and could not immediately take over the service, and

WHEREAS, professional occupational medical services are an immediate need for the County's Departments, and services must be available for our current and future employees, and

WHEREAS, Catholic Health Mount St. Mary's Hospital is searching for a suitable partner to provide said occupational medicine services under a subcontract arrangement and does not oppose to Niagara County entering into a short-term emergency and temporary contract to obtain occupational medicine services in the interim, and be it further

RESOLVED, that following the County Attorney's Office review of the gap of coverage for occupational medicine service that a temporary contract in the interim with WellNow Urgent Care, P.C. pursuant to the Niagara County Contract Policy will be implemented for a 60 day period with possibility of an extension as required until December 31, 2023.

Moved by Voccio, seconded by Elder.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. CW-026-23**

From: Committee of the Whole.

Dated: June 20, 2023

**CLAIM SETTLEMENT ALEXIS KRAFT & RICHARD HILL, AS PARENT  
AND NATURAL GUARDIAN OF RENEE HILL AGAINST COUNTY OF NIAGARA**

WHEREAS, Niagara County self-insures its general liability coverage, and

WHEREAS, such loss fund is fully funded and separate from the General fund, and

WHEREAS, the Niagara County Legislature is authorized under Section 6-N of the General Municipal Law to approve claim settlements in excess of \$25, 000.00, and

WHEREAS, on February 6, 2021 Renee Hill was fatally injured in an accident at the sledding hill of the Clyde L. Burmaster Park (formerly Bond Lake Park), and

WHEREAS, Alexis R. Kraft as Parent and Natural Guardian of Renee Hill commenced the law suit against the County of Niagara entitled and captioned as, Alexis R. Kraft, as Administrator of the Estate of Renee Lynn Hill, Deceased v. County of Niagara, New York State Supreme Court, County of Niagara, Index No.: E175540/2021

WHEREAS, Niagara County has the opportunity to settle the case, Alexis R. Kraft, as Administrator of the Estate of Renee Lynn Hill, Deceased v. County of Niagara, New York State Supreme Court, County of Niagara, Index No.: E175540/2021, thereby avoiding additional litigation, trial and adverse judicial determinations, now, therefore, be it

RESOLVED that the Niagara County Legislature approves the settlement of Alexis R. Kraft, as Administrator of the Estate of Renee Lynn Hill, Deceased v. County of Niagara, New York State Supreme Court, County of Niagara, Index No.: E175540/2021 for the total amount of \$750,000.00, and be it further

RESOLVED, that the authority to disburse the necessary settlement funds to settle Alexis R. Kraft, as Administrator of the Estate of Renee Lynn Hill, Deceased v. County of Niagara, New York State Supreme Court, County of Niagara, Index No.: E175540/2021, in settlement, is given to the Risk & Insurance Director in the amount of \$750,000.00 upon completion and receipt of a General Release for County of Niagara and all other agents and employees of Niagara County and Stipulation of Discontinuance from plaintiff's and Niagara County's counsel.

Moved by Nemi, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. ED-005-23**

From: Economic Development Committee.

Dated: June 20, 2023

**APPROVAL OF LOW COST POWER BENEFIT TO STEAKS OF BUFFALO, INC.  
DBA PELLICANO'S MARKETPLACE UNDER AGREEMENT FOR THE  
SALE AND PURCHASE OF NIAGARA PROJECT POWER & ENERGY (ASPNPPE)**

WHEREAS, the County of Niagara entered into the Host Community Relicensing and Settlement Agreement ("HCRSA") on June 25, 2005, and

WHEREAS, the HCRSA entitles the County of Niagara to 9 megawatts of low cost power allocation (at 70% load) from the New York Power Authority, and

WHEREAS, the County of Niagara has made the use of this low cost power allocation for economic development purposes as the top priority for that allocation, and

WHEREAS, there is presently an Agreement for the Sale and Purchase of Niagara Project Power and Energy ("ASPNPPE") that has been approved by the County of Niagara and NYPA and the Governor of the State of New York, and

WHEREAS, the ASPNPPE specifically provides that the County of Niagara, could use its low cost power allocation for economic development purposes, and

WHEREAS, the County of Niagara has taken the necessary actions to fully implement the benefits contained in the HCRSA and the ASPNPPE, and

WHEREAS, the County of Niagara established the Empower Niagara Board by resolution ED-021-07 to review applications for the use of low cost power for economic development by reviewing applications and to make recommendation to Legislature of Niagara County, and

WHEREAS, the County of Niagara has previously awarded to Steaks of Buffalo, Inc. dba Pellicano's Marketplace for this same project under resolution ED-005-20, 80 kw (at 70% load factor), which agreement expired on April 30, 2023, and

WHEREAS, the Empower Niagara Board has reviewed the renewal request of Steaks of Buffalo, Inc. dba Pellicano's Marketplace for the use of low cost power to allow it to remain competitive in Niagara County and for which Steaks of Buffalo, Inc. dba Pellicano's Marketplace has met or exceeded each part of the previous application, including adding to its workforce, which now totals 70 employees, by signing a three-year agreement with Instacart and exploring additional capital improvements to better serve their current customers and allow the company to tap into additional markets, and

WHEREAS, Steaks of Buffalo, Inc. dba Pellicano's Marketplace has met or exceeded all the criteria qualifying its original project for consideration and the Empower Niagara Board is recommending approval of a three-year extension of the agreement, and

WHEREAS, the demand usage of Steaks of Buffalo, Inc. – dba Pellicano's Marketplace will remain at 80 kw (at 70% load factor), based on its average usage, and

WHEREAS, the approval of the Steaks of Buffalo, Inc. - DBA Pellicano's Marketplace extension for 80 kw (at 70% load factor) of low cost power will not only increase economic development in the Town of Wheatfield and Niagara County, but will also assist Steaks of Buffalo, Inc. - DBA Pellicano's Marketplace to remain competitive in the specialty grocery business, with a focus on Italian products and fresh cut meats and fresh produce, and will also have a good economic effect on the community in Niagara County, and

WHEREAS, the Empower Niagara Board has recommended the approval of the extension of low cost power allocation of 80 kw (at 70% load factor) for a period of three (3) years commencing May 1, 2023, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby approves the application of Steaks of Buffalo, Inc. - DBA Pellicano's Marketplace for 80 kw (at 70% load factor) low cost power benefits from Niagara County, pursuant to low cost power allocation received through the June 25, 2005 HCRSA and ASPNPPE, 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 Empower User Agreement for Low Cost Power with Steaks of Buffalo, Inc. - DBA Pellicano's Marketplace.

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

#### **Resolution No. IF-091-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: June 20, 2023

### **APPROVAL OF CAPITAL PROJECTS - 2023**

WHEREAS, Niagara County Departments have submitted various Capital Project Requests, such projects to be funded by Federal, State, Local and other revenue sources, and

WHEREAS, the Niagara County Legislature, has established the strengthening of Public Works and County Infrastructure as a priority, and

WHEREAS, the Niagara County Legislature as part of its efforts to strengthen Public Works and County infrastructure supports: continuing to pursue road and bridge development and maintenance in accordance with limited resources, continuing to pursue building and park structure development and maintenance in accordance

with limited resources, the purchase or replacement of sheriff/jail equipment and highway heavy equipment, now, therefore, be it

RESOLVED, that the Capital Projects, per the attached list, are hereby reviewed and approved in the 2023 Capital Program.

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. IF-092-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: June 20, 2023

**2023 CAPITAL IMPROVEMENT PROJECTS  
FUNDING FROM FUND BALANCE AND FEDERAL/STATE AID**

WHEREAS, the County Manager and Budget Director recommend that the following capital improvement projects be funded using funds from Assigned Fund Balance in the General Fund, General Fund appropriations, and American Rescue Plan Funds: Public Safety Building Improvements, Asbestos Floor Abatement, Parking Lot/Sidewalk Improvements, Security Improvements, Trott ACCESS Center Improvements, Golf Course Improvements, Oppenheim Park Improvements, Parks Equipment, Krull Park Improvements, Royalton Ravine Park Entrance Improvements, Forestry Plan, Park Pavement Improvements, Burmaster Park Improvements, Security Cameras, Executime/Advance Scheduling, Jail Feasibility and Design, Balmer Rd. Culvert Replacement Project, Ewings Rd/18 Mile & Quaker Rd/Golden Hill, Carmen Rd Bridge over Golden Hill, Culvert Lining Project, Hess Road Culvert, Hunt St. Bridge over Bergholz Creek, Mann Rd. Bridge over Mud Creek, Royalton Center Road Bridge over Mud Creek, Willow Rd. Bridge over Twelve Mile Creek, Wilson Burt Road Bridge over Eighteen Mile Creek, Culvert Replacement Project, Johnson Creek Road Bridge, East Canal Road Bridge, Highway Heavy Equipment, Townline Road Rehabilitation, Bridge Rail/Guiderail Safety Improvements, Rapids Road Rehabilitation, Rehabilitate Slayton Settlement Road Pavement, and NCCC Capital Improvements, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

**INCREASE APPROPRIATED FUND BALANCE**

A 40599.00	Appropriated Fund Balance	\$ 4,989,100
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**INCREASE APPROPRIATIONS**

A.07.9901.000.79010.10	Transfer to Capital Reserve	\$ 4,989,100
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**INCREASE APPROPRIATED FUND BALANCE:**

AH40511.00	Appropriated Capital Reserve	\$ 4,989,100
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**INCREASE CAPITAL CONSTRUCTION:**

AH.07.9950.000.79010.00	Transfer to Capital Construction	\$ 4,989,100
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**INCREASE ESTIMATED REVENUE**

H567.16.1680.000 45031.10	Interfund Transfers – From Capital Reserve	\$ 350,000
H785.15.2497.000 45031.10	Interfund Transfers – From Capital Reserve	\$ 250,000
H780.17.3197.000 44089.07	Federal Aid – ARPA – Jail Remodel/Replacement	\$ 3,000,000
H782.15.1620.000 44089.07	Federal Aid – ARPA– PSTF Imp	\$ 870,000
H687.15.1620.000 45031.10	Interfund Transfers – From Capital Reserve	\$ 100,000
H661.15.1620.000 45031.10	Interfund Transfers – From Capital Reserve	\$ 300,000
H719.15.1620.000 45031.10	Interfund Transfers – From Capital Reserve	\$ 200,000



H770.15.7110.000 44089.07	Federal Aid – ARPA Golf Course Improvements	\$ 920,000
H771.15.7110.000 44089.07	Federal Aid – ARPA Oppenheim Improvements	\$ 610,000
H772.15.7110.000 44089.07	Federal Aid – ARPA Parks Equipment 2023	\$ 365,000
H747.15.7110.000 44089.07	Federal Aid – ARPA Forestry	\$ 100,000
H720.15.7110.000 44089.07	Federal Aid – ARPA Park Pavement	\$ 650,000
H783.15.7110.000 44089.07	Federal Aid – ARPA Burmaster Park Improvements	\$1,180,000
H748.15.7110.000 44089.07	Federal Aid – ARPA Krull Park Improvements	\$ 705,000
H749.15.7110.000 44089.07	Federal Aid – ARPA RR Entrance and roadway	\$ 150,000
H657.16.1680.000 45031.10	Interfund Transfers – From Capital Reserve	\$ 100,000
H773.15.5197.000 45031.10	Interfund Transfers – From Capital Reserve	\$ 150,000
H583.15.5197.000 45031.10	Interfund Transfers – From Capital Reserve	\$ 150,000
H774.15.5197.000 45031.10	Interfund Transfers – From Capital Reserve	\$ 300,000
H775.15.5197.000 45031.10	Interfund Transfers – From Capital Reserve	\$ 230,000
H729.15.5197.000 45031.10	Interfund Transfers – From Capital Reserve	\$ 20,000
H729.15.5197.000 44597.01	Federal Aid Capital Construction Highway –Hunt St	\$ 80,000
H698.15.5197.000 45031.10	Interfund Transfers – From Capital Reserve	\$ 139,000
H698.15.5197.000 44597.01	Federal Aid Capital Construction Highway	\$ 820,000
H776.15.5197.000 45031.10	Interfund Transfers – From Capital Reserve	\$ 150,000
H776.15.5197.000 43501.00	Consolidated Highway Aid Revenue	\$ 65,000
H777.15.5197.000 45031.10	Interfund Transfers – From Capital Reserve	\$ 150,000
H777.15.5197.000 43501.00	Consolidated Highway Aid Revenue	\$ 65,000
H781.15.5197.000 45031.10	Interfund Transfers – From Capital Reserve	\$ 150,000
H781.15.5197.000 43501.00	Consolidated Highway Aid Revenue	\$ 65,000
H698.15.5197.000 45031.10	Interfund Transfers – From Capital Reserve	\$ 413,100
H699.15.5197.000 45031.10	Interfund Transfers – From Capital Reserve	\$ 300,000
H765.15.5197.000 45031.10	Interfund Transfers – From Capital Reserve	\$ 150,000
H778.15.5197.000 45031.10	Interfund Transfers – From Capital Reserve	\$ 150,000
H778.15.5197.000 43501.00	Consolidated Highway Aid Revenue	\$ 50,000
H741.15.5197.000 45031.10	Interfund Transfers – From Capital Reserve	\$ 150,000
H784.15.5112.000 43501.00	Consolidated Highway Aid Revenue	\$ 900,000
H779.15.5112.000 45031.10	Interfund Transfers – From Capital Reserve	\$ 360,000
H702.15.5197.000 45031.10	Interfund Transfers – From Capital Reserve	\$ 400,000
H708.15.5112.000 44597.01	Federal Aid - Rapids Rd Rehabilitation	\$5,226,000
H708.15.5112.000 43591.01	State Aid - Rapids Rd Rehabilitation	\$ 980,000
H708.15.5112.000 45031.10	Interfund Transfers – From Capital Reserve	\$ 327,000

INCREASE ESTIMATED REVENUE TOTALS:

\$ 21,790,100

INCREASE APPROPRIATIONS:

H567.16.1680.000 72100.26	Machinery & Equipment – Technology Systems	\$ 350,000
H785.15.2497.000 72200.02	Building Improvements - NCCC	\$ 250,000
H780.17.3197.000 72200.01	Building Improvements - Jail Remodel/Replacement	\$3,000,000
H782.15.1620.000 72200.01	Building Improvements – PSTF	\$ 870,000
H687.15.1620.000 72200.01	Building Improvements – Flooring Prep	\$ 100,000
H661.15.1620.000 72400.01	Land Improvements – parking lots	\$ 300,000
H719.15.1620.000 72200.01	Building Improvements - Trott Improvements	\$ 200,000
H770.15.7110.000 72400.00	Land Improvements - Golf Course Improvements	\$ 395,000
H770.15.7110.000 72200.01	Building Improvements – Golf Course	\$ 525,000
H771.15.7110.000 72400.00	Land Improvements - Oppenheim Improvements	\$ 610,000
H772.15.7110.000 72100.10	Machinery and Equipment - Parks Equipment	\$ 365,000
H747.15.7110.000 72400.00	Land Improvements - Forestry	\$ 100,000
H720.15.7110.000 72400.00	Land Improvements - Park Pavement	\$ 650,000

H783.15.7110.000 72200.01	Building Improvements - Burmaster Park Improvements	\$ 450,000
H783.15.7110.000 72400.00	Land Improvements – Burmaster Park Improvements	\$ 730,000
H748.15.7110.000 72400.00	Land Improvements - Krull Park Improvements	\$ 705,000
H749.15.7110.000 72400.00	Land Improvements - RR Entrance and roadway	\$ 150,000
H657.16.1680.000 72200.01	Building Improvements – Security Cameras	\$ 100,000
H773.15.5197.000 72600.02	Infrastructure Bridges - Balmer Rd Culvert	\$ 150,000
H583.15.5197.000 72600.02	Infrastructure Bridges - Carmen Rd Br o Golden Hill Ck-SO	\$ 150,000
H774.15.5197.000 72600.02	Infrastructure Bridges - Culvert Lining Project 2023	\$ 300,000
H775.15.5197.000 72600.02	Infrastructure Bridges - Hess Road Culvert	\$ 230,000
H729.15.5197.000 72600.02	Infrastructure Bridges - Hunt St Bridge Replacement	\$ 100,000
H698.15.5197.000 72600.02	Infrastructure Bridges - Jacques Rd/18 & W Somerset/Fish	\$ 959,000
H776.15.5197.000 72600.02	Infrastructure Bridges -Mann Rd Bridge over Mud Creek	\$ 215,000
H777.15.5197.000 72600.02	Infrastructure Bridges -Royalton Center Rd Br over Mud Crk	\$ 215,000
H781.15.5197.000 72600.02	Infrastructure Bridges - Willow Rd Br over Twelve Mile Crk	\$ 215,000
H698.15.5197.000 72600.02	Infrastructure Bridges - Wilson Burt Rd Br o 18 Mile Crk	\$ 413,100
H699.15.5197.000 72600.02	Infrastructure Bridges - Culvert Replacement Project	\$ 300,000
H765.15.5197.000 72600.02	Infrastructure Br - Ewings Rd/18 Mi & Quaker Rd/Gold Hill	\$ 150,000
H778.15.5197.000 72600.02	Infrastructure Bridges - Johnson Creek Road Bridge	\$ 200,000
H741.15.5197.000 72600.02	Infrastructure Bridges - East Canal Road Bridge EPN 2131	\$ 150,000
H784.15.5112.000 72100.10	Highway Heavy Equipment	\$ 900,000
H779.15.5112.000 72600.01	Infrastructure Roads - Townline Road Rehabilitation	\$ 360,000
H702.15.5197.000 72600.01	Infrastructure Roads - Bridge/Guide Rail	\$ 400,000
H708.15.5112.000 72600.01	Infrastructure Roads - Rapids Rd Rehabilitation	\$ 6,533,000
INCREASE APPROPRIATIONS TOTAL:		\$21,790,100

and, be it further

RESOLVED, that the Niagara County Treasurer is authorized to complete the payment to NCCC in the amount of \$250,000.

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

#### **Resolution No. IF-093-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: June 20, 2023

### **AWARD OF CONTRACT REFUSE DISPOSAL DISTRICT TRANSPORTATION OF LEACHATE**

WHEREAS, the Refuse Disposal District has prepared specifications and the Purchasing Department advertised for bids for transportation of leachate from the NCRDD Lockport landfills, and

WHEREAS, funds are available in the 2023 budget of the Niagara County Refuse Disposal District, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on June 1, 2023, and tabulated below:

<u>Leachate Transportation</u>	Price Per 1,000
The Environmental Service Group	<u>Gallons</u>
177 Wales Ave.	\$220.00
Tonawanda, New York 14150	

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 low bid of The Environmental Service Group 177 Wales Ave., Tonawanda, New York 14150, for leachate transportation from the NCRDD Lockport landfills, be accepted as the lowest responsible bid meeting specifications, and be it further

RESOLVED, that, following the County Attorney's review, the contract be executed pursuant to the Niagara County Contract policy.

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. IF-094-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: June 20, 2023

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE NEWFANE YOUTH  
FOOTBALL LEAGUE AND CHEERLEADING**

WHEREAS, the Newfane Youth Football League and Cheerleading has requested that the County of Niagara grant them exclusive rights to operate a football program in an area situated in the County owned property on Lake Road, and

WHEREAS, this program benefits the youth and other residents of both the Town of Newfane 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 Newfane Youth Football League, and

WHEREAS, prior to the execution of the License Agreement between the County of Niagara and the Newfane Youth Football League and Cheerleading, 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 between the County of Niagara and the Newfane Youth Football League and Cheerleading may be executed pursuant to the Niagara County Contract Policy.

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. IF-095-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: June 20, 2023

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND  
NATIONAL MULTIPLE SCLEROSIS SOCIETY**

WHEREAS, the National Multiple Sclerosis Society has requested that the County of Niagara grant them permission to use a portion of Krull Park for the purpose of holding a cycling event, and

WHEREAS, it is the wish of the National Multiple Sclerosis Society to hold the Bike MS: ROC the Great Lakes on August 12, 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 National Multiple Sclerosis Society, and

WHEREAS, prior to the execution of the License Agreement between the County of Niagara and the National Multiple Sclerosis Society, 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 between the County of Niagara and the National Multiple Sclerosis Society may be executed pursuant to the Niagara County Contract Policy.

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. IF-096-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: June 20, 2023

**ABOLISH TWO P/T CLEANER POSITIONS  
CREATE AND FILL ONE CLEANER/LABORER POSITION**

WHEREAS, due to personnel vacancies within the Buildings and Grounds Division of the Public Works Department, the department has reviewed its operational needs for maintaining the various office buildings throughout Niagara County, and

WHEREAS, after studying the services we provide and evaluating all options it has been determined that it would be in the best interest of the department, as well as the taxpayers, to abolish two (2) P/T Cleaner position and to create and fill one (1) Cleaner/Laborer position, and

WHEREAS, funding for this newly created position will be from the mentioned abolished positions, and a currently vacant Building Maintenance Mechanic position, now, therefore, be it

RESOLVED, that Position No. 13478 and 13521, P/T Cleaner, be abolished, effective June 21, 2023, and be it further

RESOLVED that the one (1) position of Cleaner/Laborer, AFSCME, Grade 42, Step 1, at an annual salary of \$34,139, be created and filled, effective June 26, 2023, and be it further

RESOLVED that the following budget modification be made:

FROM:

A.15.1620.000.71030.00	P/T Positions (P/T Cleaner-Pos. #13478)	\$10,935.26
A.15.1620.000.71030.00	P/T Positions (P/T Cleaner-Pos. #13521)	\$12,702.50
A.15.1620.000.71010.00	Positions (Building Maintenance Mechanic- Position #13351)	\$ 4,497.24

TO:

A.15.1620.000.71010.00	Positions (Cleaner/Laborer – Pos. #xxxxxx)	\$28,135.00
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Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. IF-097-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: June 20, 2023

**AGREEMENT BETWEEN THE STATE OF NEW YORK UNIFIED COURT SYSTEM  
AND THE COUNTY OF NIAGARA**

WHEREAS, this Agreement between the State of New York Unified Court System, 110 Franklin Street, Buffalo, New York 14202, (UCS), and the County of Niagara, 175 Hawley Street, Lockport, New York 14094, (MUNICIPALITY), is for the purposed of obtaining cleaning services for the interior of the Niagara County Court House, Lockport, New York; and the Angelo DelSignore Civic Building, Niagara Falls, New York; and

WHEREAS, counties and cities are required by law to furnish and maintain adequate court facilities for use by trial courts of the State of New York, and

WHEREAS, Chapter 686 of the Laws of 1996, was enacted to invest the State of New York with the fiscal responsibility of managing the interior cleaning of court facilities and the performance of minor repairs therein and with the ability to cover the costs thereof, and

WHEREAS, Chapter 686 of the Laws of 1996, requires the State of New York to contract with the political sub-divisions of the State for the cleaning of court facilities, as well as minor and emergency repairs thereof, and

WHEREAS, Niagara County is responsible for furnishing and maintaining the Niagara County Court House, Lockport, New York, and the Angelo DelSignore Civic Building, Niagara Falls, New York, 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 County of Niagara enters into this Agreement with the State of New York for the cleaning and maintenance of the above mentioned buildings, and be it further

RESOLVED, that this agreement shall be effective beginning April 1, 2023, for a maximum of five (5) years through March 31, 2028, unless terminated earlier or extended pursuant to its terms; this term shall consist of parts or periods (hereinafter "Period"), each of which shall have its own maximum amount of monetary reimbursement by UCS to MUNICIPALITY for that Period, as provided in Section IV and Appendix C of this Agreement; the initial period of this maximum five (5) year term shall commence on April 1, 2023 and terminate on March 31, 2028, and be it further

RESOLVED, that the required documents, subject to the approval of the County Attorney, shall be executed per the Niagara County Contract Policy.

Moved by Godfrey, seconded by Robins.  
Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. IF-098-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: June 20, 2023

**LEASE AGREEMENT WITH NCCC FOR THE TROTT ACCESS CENTER**

WHEREAS, the Niagara County Community College (NCCC), Sanborn, New York, is a partner in the Trott ACCESS Center, Niagara Falls, New York, and

WHEREAS, the County provides space to NCCC for this activity, and

WHEREAS, NCCC is able to obtain New York State Reimbursement for a portion of the costs of the space used in delivering its programs, and

WHEREAS, NCCC needs to have a lease agreement to serve as a basis for its reimbursement claims, 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 Infrastructure and Facilities Committee recommends the lease agreement to be entered into with NCCC for office space at the Trott ACCESS Center, and be it further

RESOLVED, that following the County Attorney's review, the Lease for Niagara County Community College may be executed pursuant to the Niagara County Contract Policy.

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. IF-099-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: June 20, 2023

**AWARD CONSULTANT CONTRACT  
MANN ROAD BRIDGE OVER MUD CREEK – BRIDGE REPLACEMENT**

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with the Mann Road Bridge over Mud Creek Bridge Replacement Project, and

WHEREAS, funds are available in account H776.15.5197.000 72600.02, Bridges, and

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

RESOLVED, that the consultant services contract for the Mann Road Bridge over Mud Creek Bridge Replacement Project be awarded to Greenman-Pedersen Inc., 4950 Genesee Street, Suite 100, Cheektowaga, NY 14225, for a contract amount not to exceed \$135,322, and be it further

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

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. IF-100-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: June 20, 2023

**AWARD CONSULTANT CONTRACT  
ROYALTON CENTER ROAD BRIDGE OVER MUD CREEK – BRIDGE REPLACEMENT**

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with the Royalton Center Road Bridge over Mud Creek Bridge Replacement Project, and

WHEREAS, funds are available in account H777.15.5197.000 72600.02, Bridges, and

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

RESOLVED, that the consultant services contract for the Royalton Center Road Bridge over Mud Creek Bridge Replacement Project be awarded to Greenman-Pedersen Inc., 4950 Genesee Street, Suite 100, Cheektowaga, NY 14225, for a contract amount not to exceed \$135,362, and be it further

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

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. IF-101-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: June 20, 2023

**AWARD CONSULTANT CONTRACT  
CARMEN ROAD BRIDGE OVER GOLDEN HILL CREEK-SOUTH BRIDGE REPLACEMENT**

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with the Carmen Road Bridge over Golden Hill Creek-South Bridge Replacement Project, and

WHEREAS, funds are available in account H583.15.5197.000 72600.02, Bridges, and

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

RESOLVED, that the consultant services contract for the Carmen Road Bridge over Golden Hill Creek-South Bridge Replacement Project be awarded to Mott MacDonald NY Inc., 438 Main Street, Suite 300, Buffalo, NY 14202, for a contract amount not to exceed \$202,520, and be it further

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

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. IF-102-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: June 20, 2023

**AWARD CONSULTANT CONTRACT**

**JOHNSON CREEK ROAD BRIDGE OVER GOLDEN HILL CREEK BRIDGE REPLACEMENT**

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with the Johnson Creek Road Bridge over Golden Hill Creek Bridge Replacement Project, and

WHEREAS, funds are available in account H778.15.5197.000 72600.02, Bridges, and

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

RESOLVED, that the consultant services contract for the Johnson Creek Road Bridge over Golden Hill Creek Bridge Bridge Replacement Project be awarded to Mott MacDonald NY Inc., 438 Main Street, Suite 300, Buffalo, NY 14202, for a contract amount not to exceed \$197,787, and be it further

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

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. IF-103-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: June 20, 2023

**AWARD CONSULTANT CONTRACT**

**WILLOW ROAD BRIDGE OVER EAST BRANCH OF TWELVE MILE CREEK**

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with the Willow Road Bridge over the East Branch of Twelve Mile Creek Project, and

WHEREAS, funds are available in account H781.15.5197.000 72600.02, Bridges, and

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

RESOLVED, that the consultant services contract for the Willow Road Bridge over the East Branch of Twelve Mile Creek Project be awarded to Mott MacDonald NY Inc., 438 Main Street, Suite 300, Buffalo, NY 14202, for a contract amount not to exceed \$199,524, and be it further

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

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.



**Resolution No. IF-104-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: June 20, 2023

**AWARD OF CONTRACT – PREVENTIVE MAINTENANCE OF TWO BRIDGES**

WHEREAS, the Department of Public Works has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Preventive Maintenance of Two Bridges Project, BINs 3329220 and 3362330, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on May 25, 2023 as tabulated below:

- |    |  |                |
|----|--|----------------|
| 4. | Edbauer Construction<br>2790 Clinton Street<br>West Seneca, NY 14224                 | \$ 982,177.00  |
| 5. | Concrete Applied Technologies Corp. (CATCO)<br>1266 Townline Road<br>Alden, NY 14004 | \$1,001,707.40 |

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 following budget modification be effectuated to allow the project to proceed:

**INCREASE REVENUE:**

H698.15.5197.000 43501.00	Consol Hwy Aid Rev	\$ 200,000.00
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**INCREASE APPROPRIATIONS:**

H698.15.5197.000 72600.02	Bridges	\$ 200,000.00
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RESOLVED, that the contract for the Preventive Maintenance of Two Bridges Project, BINs 3329220 and 3362330, be awarded to the lowest responsible bidder, Edbauer Construction, 2790 Clinton Street, West Seneca, NY 14224, in the amount of \$982,177.00, and be it further

RESOLVED, that, following the County Attorney's review, the Agreement for the Preventive Maintenance of Two Bridges Project, BINs 3329220 and 3362330, may be executed pursuant to the Niagara County Contract Policy.

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. IF-105-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: June 20, 2023

**AWARD OF CONTRACT – CULVERT REPLACEMENTS 2023**

WHEREAS, the Department of Public Works has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Culvert Replacements 2023 Project, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on June 1, 2023 as tabulated below:

- |    |  |                |
|----|--|----------------|
| 1. | Edbauer Construction<br>2790 Clinton Street<br>West Seneca, NY 14224                 | \$ 948,628.80  |
| 2. | Concrete Applied Technologies Corp. (CATCO)<br>1266 Townline Road<br>Alden, NY 14004 | \$1,124,039.50 |
| 3. | J. Bognar Construction<br>P.O. Box 4<br>Sardinia, NY 14134                           | \$1,167,726.98 |

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 following budget modification be effectuated to allow the project to proceed:

INCREASE REVENUE:

H774.15.5197.000 43501.00	Consol Hwy Aid Revenue	\$700,000
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INCREASE APPROPRIATIONS:

H774.15.5197.000 72600.02	Culvert Replacements 2023	\$700,000
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and be it further

RESOLVED, that the contract for the Culvert Replacements 2023 Project, be awarded to the lowest responsible bidder, Edbauer Construction, 2790 Clinton Street, West Seneca, NY 14224, in the amount of \$948,628.80, and be it further

RESOLVED, that, following the County Attorney's review, the Agreement for the Culvert Replacements 2023 Project may be executed pursuant to the Niagara County Contract Policy.

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. IF-106-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: June 20, 2023

**AWARD OF CONTRACT – TESTING AND INSPECTION SERVICES**

WHEREAS, Resolution No. IF-030-23, dated February 21, 2023, awarded the contract for testing and inspection services, to the lowest, responsive bidder, Terracon Consultants-NY, Inc, 461 Tonawanda St., Buffalo, NY 14207, and

WHEREAS, Terracon Consultants-NY, Inc. and the County could not come to agreement on contract terms and conditions, thus making it necessary to go to the next responsible bidder, Atlantic Testing Laboratories, Limited, 6431 US Highway 11, Canton, NY 13617, and

WHEREAS, Resolution No. IF-030-23, dated February 21, 2023, awarding the contract for testing and inspection services to Terracon Consultants-NY, Inc., be rescinded, 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, Resolution No. IF-030-23, dated February 21, 2023, awarding the contract for testing and inspection services to Terracon Consultants-NY, Inc., be rescinded, and be it further

RESOLVED, that the contract for the Professional Services Contract to supply Testing and Inspection Services on a time and material basis be awarded to the lowest responsible bidder, Atlantic Testing Laboratories, Limited, 6431 US Highway 11, Canton, NY 13617, for an amount not to exceed \$144,011, and be it further

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

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

#### **Resolution No. IF-107-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: June 20, 2023

### **EAST CANAL ROAD CULVERT REHABILITATION CONSULTANT AMENDMENT NO. 1-FINAL**

WHEREAS, Resolution No. IF-116-22, dated September 13, 2022, authorized the contract for consultant services for the East Canal Road Culvert No. 130-2 Rehabilitation Project to CHA Consulting Inc., 2200 Main Place Tower, Buffalo, NY 14202, for a contract amount not to exceed \$36,000, and

WHEREAS, it is necessary to decrease the contract in the amount of \$7,560, as the project is now complete, for a revised contract amount of \$28,440, 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-Final to decrease the contract by \$7,560 for the East Canal Road Culvert No. 130-2 Rehabilitation Project, for a revised contract amount of \$28,440, 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 Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. IF-108-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: June 20, 2023

**PAVEMENT RESURFACING OF UPPER MOUNTAIN ROAD FROM LOCKPORT JUNCTION  
ROAD TO 700' NORTH OF NY 31, TOWN OF LOCKPORT  
FEDERAL AID LOCAL PROJECT AGREEMENT**

WHEREAS, the Pavement Resurfacing of Upper Mountain Road from Lockport Junction Road to 700' North of NY Route 31 Project, Town of Lockport, Niagara County, (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 Engineering Design Phases I-VI and Right-of-Way Incidentals 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 Engineering Design Phases I-VI and Right-of-Way Incidentals phases of the Project or portions thereof, and be it further

RESOLVED, that the following budget modification be effectuated:

**INCREASE ANTICIPATED REVENUE:**

H769.15.5112.000 44597.01	Federal Aid Capital Const Hwy	\$248,000
H769.15.5112.000 43591.00	State Aid Capital Const Hw Rev	\$ 46,500
H769.15.5112.000 43501.00	Consol Hwy Aid Revenue	\$ 15,500

**INCREASE ANTICIPATED APPROPRIATIONS:**

H769.15.5112.000 72600.01	Infrastructure-Roads	\$310,000
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and be it further

RESOLVED, that the sum of \$310,000 is hereby appropriated in account H769.15.5112.000 72600.01 and made available to cover the cost of participation in the above phases of the project, and be it further

RESOLVED, that in the event the amount required to pay the full federal and non-federal shares of the cost of the project's design 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 Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. IF-109-23**

From: Infrastructure & Facilities and Administration Committees.

Dated: June 20, 2023

**BRIDGE NY LOCAL PROJECT AGREEMENT, PIN 5763.81  
SUPPLEMENTAL AGREEMENT NO. 1  
EAST CANAL ROAD OVER UNNAMED STREAM, TOWN OF PENDLETON**

WHEREAS, the East Canal Road Bridge over an Unnamed Stream Project, PIN 5763.81 (the "Project"), Town of Pendleton, Niagara County, is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 95% Bridge NY funds and 5% non-Bridge NY funds, and

WHEREAS, the County of Niagara will design, let, and construct the Project, and

WHEREAS, the County of Niagara desires to advance the Project by making a commitment of 100% of the costs of the work for the Project or portions thereof, 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 100% of the costs of the Preliminary Engineering (Design I-VI) and Construction/Construction Inspection phases of the Project or portions thereof, with the understanding that qualified costs may be eligible for federal aid, state aid, or reimbursement from Bridge NY funds, 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 ESTIMATED REVENUE:**

H741.15.5197.000 44597.01	Fed Aid Cap Const Hwy Revenue	\$680,200
H741.15.5197.000 43501.00	Consol Hwy Aid Revenue	\$198,800

**INCREASE ESTIMATED APPROPRIATIONS:**

H741.15.5197.000 72600.02	Infrastructure Bridges	\$879,000
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and be it further

RESOLVED, that the sum of \$1,034,000 is hereby appropriated in account H741.15.5197.000 72600.02, Infrastructure Bridges, and is made available to cover the cost of participation in the above phases of the Project, and be it further

RESOLVED, that the Niagara County Legislature hereby agrees that the County of Niagara shall be responsible for all costs of the Project, including costs which, exceed the amount of federal aid, state aid, or Bridge NY funding awarded to the County of Niagara, and be it further

RESOLVED, that in the event the Project costs not covered by federal aid, state aid, or Bridge NY funding exceed 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 County of Niagara hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months, and be it further

RESOLVED, that the Chairman of the Legislature of the County of Niagara be, and hereby is, authorized to execute all necessary agreements, certifications, or reimbursement requests for federal aid and/or state aid with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the County of Niagara's funding of Project costs and permanent funding of the local share of federal aid and state aid eligible Project costs and all Project costs within appropriations therefore 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 Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

#### **Resolution No. IL-056-23**

From: Legislators Richard L. Andres, Randy R. Bradt, Jesse P. Gooch and Economic Development Committee.

Dated: June 20, 2023

### **RESOLUTION IN SUPPORT OF THE NORTH TONAWANDA BOTANICAL GARDEN ORGANIZATION THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the North Tonawanda Botanical Garden Organization, Inc. is a 501(c) nonprofit organization established in 2018, and

WHEREAS, the North Tonawanda Botanical Garden Organization teaches citizens about native plants and pollinators, water wise practices, sustainable gardening and environmental stewardship, and

WHEREAS, the North Tonawanda Botanical Garden Organization is committed to maintaining the North Tonawanda Botanical Gardens as a scenic destination for the community, 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 North Tonawanda Botanical Garden Organization by appropriating monies from said Community Partnership Program Fund as follows:

North Tonawanda Botanical Garden Organization	\$2,400.00
Moved by Godfrey, seconded by Robins.	
Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.	

**Resolution No. IL-057-23**

From: Legislators Richard L. Andres, Randy R. Bradt, Jesse P. Gooch and Economic Development Committee.  
Dated: June 20, 2023

**RESOLUTION IN SUPPORT OF TWIN CITIES MEALS ON WHEELS, INC.  
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the Twin Cities Meals on Wheels, Inc. is a nonprofit, volunteer-based service organization dedicated to providing nourishing food to individuals whose mobility has diminished, and

WHEREAS, the Twin Cities Meals on Wheels, Inc. began at St. Mark's Lutheran Church in October 1973, serving a total of six clients, in 1992 they relocated to 100 Ridge Road where they currently serve approximately 26,000 meals annually, and

WHEREAS, the Twin Cities Meals on Wheels, Inc. contributes to the overall well-being of seniors by providing regular nutrition and daily contact with a caring volunteer, and

WHEREAS, the Twin Cities Meals on Wheels, Inc. cooler/freezer is in need of repairs in order to keep serving the residents in the community, 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 Twin Cities Meals on Wheels, Inc. by appropriating monies from said Community Partnership Program Fund as follows:

Twin Cities Meals on Wheels, Inc.	\$10,500.00
Moved by Godfrey, seconded by Robins.	
Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.	

**Resolution No. IL-058-23**

From: Legislators Shawn A. Foti, Michael A. Hill and Economic Development Committee.  
Dated: June 20, 2023

**RESOLUTION IN SUPPORT OF LIGHTHOUSE SOCCER LEAGUE  
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the Lighthouse Soccer League (LSL) is a recreational soccer league dedicated to meeting the needs of young people in the Town of Somerset and surrounding areas since its inception over 28 years ago, and

WHEREAS, this year LSL has over 300 children registered for 5 weeks of game play from local communities that include Barker, Newfane, Lockport, Middleport, Gasport, Medina, and Lyndonville, and

WHEREAS, the mission of LSL is to provide youth with a recreational program that helps them develop soccer skills, foster team participation and sportsmanship, and most importantly, to have fun, and

WHEREAS, funding is needed in order to purchase new jerseys and equipment, offset rising costs of insurance, and keep registration rates low in order to increase accessibility for all residents, 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 Lighthouse Soccer League by appropriating monies from said Community Partnership Program Fund as follows:

Lighthouse Soccer League	\$1,000.00
Moved by Godfrey, seconded by Robins.	
Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.	

**Resolution No. IL-059-23**

From: Legislators Shawn A. Foti, Richard E. Abbott, Anthony J. Nemi, Irene M. Myers, Rebecca J. Wydysh, William J. Collins and Economic Development Committee.

Dated: June 20, 2023

**RESOLUTION IN SUPPORT OF THE NIAGARA CELTIC HERITAGE SOCIETY  
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the Niagara Celtic Heritage Society Inc. is an official not-for-profit society, established in 2001 to help restore, preserve, and promote Celtic culture in Niagara County, and

WHEREAS, the Niagara Celtic Festival is one of the best upscale heritage destinations in upstate NY, hosting some of the best artists, performers, artisans and vendors from around the world, and

WHEREAS, the festival includes many incredible activities such as; 5 music stages w/40+ performers, 2 event fields, 5 regions to explore, 60+ vendors, Highland games, pipe bands, history groups, story tellers, animals, and events for children, and

WHEREAS, events such as this help to promote cultural heritage and tourism in Niagara County, 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 Celtic Heritage Society by appropriating monies from said Community Partnership Program Fund as follows:

Niagara Celtic Heritage Society	\$4,000.00
Moved by Godfrey, seconded by Robins.	
Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.	

**Resolution No. IL-060-23**

From: Legislator Christopher Voccio and Economic Development Committee.

Dated: June 20, 2023



**RESOLUTION IN SUPPORT OF COMMUNITY MISSIONS, INC.  
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, Community Missions, Inc. is a critical service provider in Niagara Falls, and

WHEREAS, Community Missions, Inc. operates an adopt-a-family program that ensures every child has a happy holiday season, and

WHEREAS, Community Missions, Inc. needs assistance to kick off the holiday toy drive, 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 Community Missions, Inc. by appropriating monies from said Community Partnership Fund as follows:

Community Missions, Inc.

\$750.00

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. IL-061-23**

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

Dated: June 20, 2023

**RESOLUTION IN SUPPORT OF FIELD AND FORK NETWORK  
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the Field and Fork Network is working to improve the operations of the farmers market in the City Market in Niagara Falls, and

WHEREAS, the Field and Fork Network has developed sponsorship opportunities to help fund their efforts to improve the market, 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 Field and Fork Network efforts by appropriating monies from said Community Partnership Fund as follows:

Field and Fork Network

\$2,000.00

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. IL-062-23**

From: Legislator Christopher Voccio and Economic Development Committee.

Dated: June 20, 2023

**RESOLUTION IN SUPPORT OF NIAGARA HERITAGE OF HOPE AND SERVICE  
(HOLY TRINITY) THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the Niagara Heritage of Hope and Service is a non-profit organization that maintains the Holy Trinity historic complex on Falls Street in Niagara Falls, and

WHEREAS, the Niagara Heritage of Hope and Service provides much needed services to the community in and beyond the Falls Street corridor, and

WHEREAS, the Niagara Heritage of Hope and Service is bringing back its Polka Fest event, dormant since COVID, to help sustain the organization, and is in need of sponsorships to help put on the event, 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 Heritage of Hope and Service by appropriating monies from said Community Partnership Fund as follows:

Niagara Heritage of Hope and Service	\$2,000.00
Moved by Godfrey, seconded by Robins.	
Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.	

**Resolution No. IL-063-23**

From: Legislator Christopher Voccio and Economic Development Committee.

Dated: June 20, 2023

**RESOLUTION IN SUPPORT OF SALVATION ARMY OF NIAGARA FALLS  
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the Salvation Army of Niagara Falls is an important part of the fabric of Niagara Falls, and

WHEREAS, the Salvation Army of Niagara Falls sends kids to Long Point camp each year to help them develop, and

WHEREAS, the Salvation Army of Niagara Falls will use County funding to help send kids to camp, 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 Salvation Army of Niagara Falls by appropriating monies from said Community Partnership Fund as follows:

Salvation Army of Niagara Falls	\$750.00
Moved by Godfrey, seconded by Robins.	
Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.	

**Resolution No. IL-064-23**

From: Legislator Anthony J. Nemi and Economic Development Committee.

Dated: June 20, 2023

**RESOLUTION IN SUPPORT OF ORGANIZATIONS IN THE TOWN OF PENDLETON  
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, Community Partnership funds help support numerous organizations across Niagara County that are important to local communities, and

WHEREAS, the Pendleton Business & Community Association helps promote local businesses and community pride, and

WHEREAS, the Pendleton Veterans Association exists to recognize the veterans of our community with gratitude for their distinguished service, and are working on a Home Town Heroes project, and

WHEREAS, the Pendleton Lions Club serves the community by helping the blind, deaf, physically handicapped and anyone in our community that needs assistance, and

WHEREAS, the Pendleton Seniors offers important services to our local senior citizen community, and

WHEREAS, the Pendleton Historical Society plays an important part in preserving and promoting the town's tremendous history for both local residents and visitors, and

WHEREAS, the Wendelville Volunteer Fire Company is an all-volunteer emergency services provider that protects the Town of Pendleton, and

WHEREAS, the Pendleton Food Pantry provides food to persons in need residing in the Starpoint School District area, and

WHEREAS, the Boy Scouts of America (BSA) provides the nation's foremost youth program of character development and values-based leadership training, serving 2.2 million youth members between the ages of 5 and 21, including Boy Scout Troop 98 out of Pendleton Church Center and Boy Scout Troop 78 out of Good Shepard Church, and

WHEREAS, the Pendleton Ski Club aims to provide opportunities for residents of all skill levels to enjoy skiing, now, therefore, be it

RESOLVED, that the Niagara County Legislature authorized the allocation of funding for the Community Partnership

RESOLVED, that Niagara County supports the above mentioned organizations as follows:

Pendleton Community & Business Association	\$2,500.00
Pendleton Veterans Association	\$2,000.00
Pendleton Lions Club	\$1,000.00
Pendleton Seniors	\$1,000.00
Pendleton Historical Society	\$1,000.00
Wendelville Volunteer Fire Company	\$2,500.00
Pendleton Food Pantry	\$1,000.00
Boy Scout Troop 98	\$250.00
Boy Scout Troop 78	\$250.00
Pendleton Ski Club	\$500.00

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. IL-065-23**

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

Dated: June 20, 2023

**RESOLUTION IN SUPPORT OF THE LOCKPORT MIDGET LEAGUE  
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, Community Partnership funds help support numerous organizations across Niagara County that are important to local communities, and

WHEREAS, the Lockport Midget League has been providing baseball opportunities for area youth since 1939, and

WHEREAS, through the Lockport Midget League children not only learn to play baseball, but also the importance of teamwork and sportsmanship, 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 Lockport Midget League by appropriating monies from said Community Partnership Program Fund as follows:

Lockport Midget League

\$600.00

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. IL-066-23**

From: Legislator Shawn A. Foti and Economic Development Committee.

Dated: June 20, 2023

**RESOLUTION IN SUPPORT OF THE TOWN OF NEWFANE  
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the Town of Newfane is working diligently to host and promote events throughout the year, which help to establish and expand the sense of community in the town, and

WHEREAS, the Town of Newfane partners with organizations such as Olcott Beach Community Association, Newfane Business Association, and Newfane & Olcott Tourism Committee, and

WHEREAS, these organizations are hosting new events such as the Celebration of life for Ron Altbach, 2023 Newfane Community Days, and the upcoming 2024 Newfane Bicentennial Celebration , and

WHEREAS, it is beneficial for the town to host events such as this in order to create and promote community togetherness and support for residents, and

WHEREAS, financial support from the Community Partnership Fund will help offset costs for the events including bands, entertainment, dunk tank, community groups, vendors, prizes, etc., 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 Newfane by appropriating monies from said Community Partnership Program Fund as follows:

Town of Newfane

\$5,000.00

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. IL-067-23**

From: Legislator Christopher A. Robins and Economic Development Committee.

Dated: June 20, 2023

**RESOLUTION IN SUPPORT OF GIRL SCOUT TROOP 74180  
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, Girl Scout Troop 74180 is a not-for-profit organization that prepares young people to bring their dreams to life and work together to build a better world, and

WHEREAS, Girl Scout Troop 74180 is an asset to the City of Niagara Falls, and

WHEREAS, Girl Scout Troop 74180, has been constantly contributing to the community, and

WHEREAS, Girl Scout Troop 74180 would like to take a camping trip in August, 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 Girl Scout Troop 74180 by appropriating monies from said Community Partnership Program Fund as follows:

Girl Scout Troop 74180

\$1,000.00

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. IL-068-23**

From: Legislator Jeffrey Elder and Economic Development Committee.

Dated: June 20, 2023

**RESOLUTION IN SUPPORT OF THE HIGHLAND COMMUNITY BLOCK CLUB INC.  
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the Garden and Highland Community Block Club Inc., of Niagara Falls, NY mission is to inspire its residents by empowering our community to build a better place one block at a time, and

WHEREAS, the Garden and Highland Community Block Club is hosting a Community Block Party on July 15<sup>th</sup>, 2023, and

WHEREAS, the event will focus on adding pole banners, signage, murals, sculptures, a community garden with flowers, healthy eating information, helping seniors with their lawn care, providing residents information on grant programs to go back to school, and or job/business opportunities, and

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

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 celebratory efforts of the Garden and Highland Community Block Club of Niagara Falls, NY by appropriating monies from said Community Partnership Fund as follows:

The Garden and Highland Community Block Club, Inc.	\$1,200.00
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Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. IL-069-23**

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

Dated: June 20, 2023

**RESOLUTION IN SUPPORT OF THE WESTERN DOOR PLAYHOUSE  
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the Western Door Playhouse is a not-for-profit 501c, that has been housed in the Niagara Arts & Cultural Center (NACC), and

WHEREAS the Theater draws audiences and actors together to create an intimate theatrical experience, and

WHEREAS, the Western Door Playhouse continues to be an ambassador of the arts, and is committed to keeping live theater in the City of Niagara Falls, and

WHEREAS, the NACC is currently upgrading its lighting system, 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 the Western Door Playhouse by appropriating monies from said Community Partnership Program Fund as follows:

Western Door Playhouse	\$1,500.00
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Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. IL-070-23**

From: Legislator Mark J. Grozio and Economic Development Committee.

Dated: June 20, 2023

**RESOLUTION IN SUPPORT OF ST JOHN DE LASALLE  
ROMAN CATHOLIC SOCIETY OF NIAGARA FALLS FOOD PANTRY  
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the St. John De LaSalle Roman Catholic Society of Niagara Falls Food Pantry, located at 8477 Buffalo Avenue in the City of Niagara Falls, provides weekly food distribution at no cost to residents in need in the 14304 district of LaSalle and surrounding areas, and

WHEREAS, these well-balanced meals may be the only nourishing food that some residents receive throughout the week, and

WHEREAS, the St. John De LaSalle Roman Catholic Society of Niagara Falls Food Pantry purchases food and supplies from supermarkets and local farmers for their weekly meals, as well as specialty meals for holidays (Easter, Thanksgiving and Christmas), and

WHEREAS, high food costs put a strain on the St. John De LaSalle Catholic Society of Niagara Falls Food Pantry as they work to serve the community, and

WHEREAS, the Niagara County Legislature commends the staff and volunteers of St. John De LaSalle Roman Catholic Society of Niagara Falls Food Pantry for their ongoing commitment to the residents 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 St. John De LaSalle Roman Catholic Society of Niagara Falls Food Pantry by appropriating monies from said Community Partnership Fund as follows:

St. John De LaSalle Roman Catholic Society of Niagara Falls Food Pantry	\$1,000.00
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Moved by Godfrey, seconded by Robins.  
Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. IL-071-23**

From: Legislator Mark J. Grozio and Economic Development Committee.

Dated: June 20, 2023

**RESOLUTION IN SUPPORT OF LASALLE HIGH SCHOOL ALUMNI ASSOCIATION  
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the LaSalle High School Alumni Association, located on Buffalo Avenue in the City of Niagara Falls, provides acts of charity contributing to organizations to promote educational opportunities, good will and community support in the City of Niagara Falls, and

WHEREAS, the LaSalle High School Alumni Association is a non-profit organization that exists to serve our alma mater and all former students of LaSalle High School, as well as past and present secondary schools in LaSalle, and

WHEREAS, the LaSalle High School Alumni Association provides for families of the four public schools in the LaSalle neighborhood and those less fortunate during the holiday season, and

WHEREAS, the LaSalle High School Alumni Association also provides monetary support during the holiday season to non-profit agencies that assist community residents with food, shelter and at times 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 LaSalle High School Alumni Association by appropriating monies from said Community Partnership Fund as follows:

LaSalle High School Alumni Association  
Moved by Godfrey, seconded by Robins.  
Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

\$1,500.00

**Resolution No. IL-072-23**

From: Legislator Shawn A. Foti and Economic Development Committee.  
Dated: June 20, 2023

**RESOLUTION IN SUPPORT OF LASALLE BUSINESS AND PROFESSIONAL ASSOCIATION  
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the LaSalle Business and Professional Association is located in the City of Niagara Falls, and assists with the beautification of the LaSalle area, and

WHEREAS, the LaSalle Business and Professional Association provides fresh flowers, flower pots, planting at the Vineyard and seasonal decorations in the LaSalle area on an annual basis, and

WHEREAS, continued community beautification efforts by the LaSalle Business and Professional Association are dependent on available funds, and

WHEREAS, the Niagara County Legislature appreciates the efforts of the LaSalle Business and Professional Association, and their commitment to the community, 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 LaSalle Business and Professional Association by appropriating monies from said Community Partnership Fund as follows:

LaSalle Business and Professional Association  
Moved by Godfrey, seconded by Robins.  
Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

\$2,000.00

**Resolution No. IL-073-23**

From: Legislator Irene M. Myers and Economic Development Committee.  
Dated: June 20, 2023

**RESOLUTION IN SUPPORT OF SCOUTS OF AMERICA  
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the Scouts of America provide the nation's foremost youth program of character development and values-based leadership training, serving approximately 2.2 million youth members between the ages of 5 and 21, and

WHEREAS, the Cub Scout Pack #829 and Boy Scout Troop #829 out of Youngstown, New York are very active in our community, and

WHEREAS, monies raised help offset and support several activities and initiatives including educational materials, equipment purchases, and uniforms, now, therefore, be it



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

RESOLVED, that Niagara County supports Cub Scout Pack #829 and Boy Scout Pack #829 by appropriating monies from the said Community Partnership Fund as follows:

Cub Scout Pack #829	\$750.00
Boy Scout Troop #829	\$750.00

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. IL-074-23**

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

Dated: June 20, 2023

**RESOLUTION IN SUPPORT OF THE VILLAGE OF LEWISTON HISTORIC PRESERVATION COMMISSION THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the Village of Lewiston Historic Preservation Commission seeks to protect, enhance, and perpetuate such buildings, structures, sites, or districts as is necessary to promote the health, prosperity, and safety of village citizens; safeguard the area's heritage by preserving elements of its cultural, political, economic, and aesthetic history; foster civic pride in the beauty and noble accomplishments of the past; and promote the use of such buildings, structures, sites, or districts for the education, pleasure and welfare of the people of the area, and

WHEREAS, the Commission members are committed to identifying and protecting architecturally significant properties, enhancing the Village of Lewiston's attractiveness to visitors, and educating the public and residents on its heritage and history, and

WHEREAS, the Commission seeks to purchase and install historic light posts and informational signs for the Historic Plain Street District in the Village of Lewiston, and

WHEREAS, the Lewiston Museum, located within the Historic Plain Street District, attracts many residents, visitors, and school children to the district as an educational tourist destination, 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 Village of Lewiston Historic Preservation Commission by appropriating monies from said Community Partnership Program Fund as follows:

Village of Lewiston	\$2,250.00
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Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. IL-075-23**

From: Legislator Christopher A. Robins and Economic Development Committee.

Dated: June 20, 2023

**RESOLUTION IN SUPPORT OF THE BOY SCOUT TROOP 841 THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the Boy Scout Troop 841 is a not-for-profit organization that prepares young people to make ethical and moral choices over their lifetimes by instilling in them the values of the Scout Oath and Law, and

WHEREAS, Boy Scout Troop 841 is an asset to the City of Niagara Falls, and

WHEREAS, Boy Scout Troop 841, has had nineteen Eagle Scouts over the past nine years, and

WHEREAS, Boy Scout Troop 841 would like to promote scouting, in order to attempt to acquire new Scouts into the Troop, 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 Boy Scout Troop 841 by appropriating monies from said Community Partnership Program Fund as follows:

Boy Scout Troop 841

\$1,000.00

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. IL-076-23**

From: Legislators Jesse P. Gooch, Rebecca J. Wydysh and Economic Development Committee.

Dated: June 20, 2023

**RESOLUTION IN SUPPORT OF ADAMS FIRE COMPANY  
THROUGH THE USE OF COMMUNITY PARTERSHIP FUNDING**

WHEREAS, the Adams Fire Company was founded in 1924 to serve the residents of Wheatfield, NY by responding to emergency calls and spending countless hours each year training and recertifying to keep up with modern technologies present in everyday life and fire service, and

WHEREAS, the volunteer members of the fire company proudly supply these services twenty four hours a day, 365 days year, and

WHEREAS, this priceless service could not be provided without continuous support and financial contributions from the community they serve, and

WHEREAS, the fire company is in need of a new thermal imaging camera to enhance situational awareness and increase firefighter safety during emergency calls, 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 Adams Fire Company by appropriating monies from said Community Partnership Fund as follows:

Adams Fire Company

\$4,000.00

Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. IL-077-23**

From: Legislator Christopher Voccio and Economic Development Committee.

Dated: June 20, 2023

**RESOLUTION IN SUPPORT OF NIAGARA STREET NEIGHBORHOOD REVITALIZATION  
ORGANIZATION THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the Niagara Street Neighborhood Revitalization Organization is a group dedicated to improving the Niagara Street corridor in Niagara Falls, and

WHEREAS, the Niagara Street Neighborhood Revitalization Organization is in need of funding for a First Responders and Fallen Heroes Memorial at Gill Creek Park, 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 Street Neighborhood Revitalization Organization by appropriating monies from said Community Partnership Fund as follows:

Niagara Street Neighborhood Revitalization Organization	\$6,000.00
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Moved by Godfrey, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. IL-078-23**

From: Legislators Rebecca J. Wydysh and Irene M. Myers.

Dated: June 20, 2023

**A RESOLUTION IN SUPPORT OF ESTABLISHING A NIAGARA COUNTY 250<sup>TH</sup> AMERICAN  
REVOLUTION COMMITTEE**

WHEREAS, milestone anniversaries commemorating significant historical events give our citizens the opportunity to reflect on our past and celebrate the manner in which certain events and ideas shaped our county, state and nation, and

WHEREAS, the year 2026 will mark the 250<sup>th</sup> Anniversary of the signing of the Declaration of Independence, and

WHEREAS, adoption of the Declaration of Independence marked the forming of a new nation, conceived in liberty and dedicated to the proposition that all are created equal, and

WHEREAS, Niagara County is home to a Revolutionary War site, Old Fort Niagara, and

WHEREAS, many local communities across the country are forming committees to plan and coordinate events in celebrations of the seminal event in the history of the United States, and

WHEREAS, Niagara County desires to form such a committee to commemorate this anniversary by planning events and activities that engage its citizens and provide an opportunity to learn about our common heritage, develop pride of place and celebrate our shared history, now, therefore, be it

RESOLVED, the Niagara County Legislature authorizes the creation of an Ad Hoc 250<sup>th</sup> American Revolution Committee tasked with coordinating with groups, organizations and other interested parties across the county to celebrate this anniversary, and be it further

RESOLVED, that appointments to this Ad Hoc Committee shall be made by the Chairman of the Niagara County Legislature, with all county legislators welcome to offer names for appointment, and be it further

RESOLVED, that the functions, scope and activity of the Niagara County Ad Hoc 250th American Revolution Committee shall be solely and strictly of an advisory nature and the acts or statements of the committee or any of its members individually or collectively shall in no way bind or be deemed to bind the County of Niagara its agents, or employees in any manner.

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

Carried.

Moved by Myers, seconded by Voccio.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Bradt, Hill.

**Resolution No. IL-079-23**

From: Legislator Anthony J. Nemi.

Dated: June 20, 2023

**A RESOLUTION TO AUTHORIZE NIAGARA COUNTY TO INVESTIGATE, ENGAGE COUNSEL,  
AND COMMENCE ANY AND ALL LITIGATION TO ENJOIN IMPLEMENTATION  
AND ENFORCEMENT OF THE 2023 MODIFICATION AND  
AMENDMENT OF N.Y. RAC. PARI-MUT. WAG. & BREED. LAW § 502**

WHEREAS, in July 1973, the State of New York (the "State") enacted Chapter 346 of the Laws of 1973 to create regional off-track betting corporations with the purpose to: (i) create legal venues in which off-track horse race wagering could take place, with the goal of curbing unlawful bookmaking and other illegal wagering; and (ii) provide an added source of revenue for participating local governments, the State's horse racing industry and the State itself. Pursuant to the authorizing legislation, in order for a regional off-track betting corporation to file a certificate with the secretary of state, at least 3 participating jurisdictions within the region representing at least 30% of the applicable region's population had to pass local enabling legislation to participate in the regional off-track betting corporation. Once a region satisfied the above mentioned requirements, it was then able to legally form, and thereafter affect certain organizational steps to commence operations, and

WHEREAS, a fundamental consideration of the local jurisdictions [i.e.. County or City] prior to participating in a regional off-track betting corporation impacting their communities was their ability to appoint their own member to the board of directors of such gaming entity to ensure their community interests and concerns were represented in the management and administration of such gaming entity, and

WHEREAS, in passing Chapter 346 of the Laws of 1973, the New York State legislature recognized the need for local governmental oversight, and explicitly provided for such oversight in Section 172, when it authorized that each participating jurisdiction of a regional off-track betting corporation to appoint one member to the board of directors of the regional off-track betting corporation, and

WHEREAS, in 1973, pursuant to such enabling legislation, the Niagara County Legislature passed companion legislation that authorized and empowered Niagara County to participate in the Western Region Off-Track Betting Corporation (WROTB) as had been created by the state and signed into law by then Governor Nelson Rockefeller, and

WHEREAS, such 1973 legislation of the Niagara County Legislature specifically provided that it was "subject to permissive referendum and shall become effective in accordance with Section 24 of the Municipal Home Rule Law of the State of New York", and

WHEREAS, WROTB was established in September 1973 as "a body corporate and politic constituting a public benefit corporation," with headquarters in Batavia, New York, to operate a system of off-track horse racing

pari-mutuel betting facilities in a region of Western New York. Eleven counties and two cities initially chose to participate in the management and administration of WROTB with the understanding that each would have the ability to appoint a single member to its board of directors. Four additional counties elected to participate in WROTB between 1976 and 1979 under the same understanding. Each of the participating jurisdictions joined WROTB pursuant to local enabling legislation pursuant to the Home Rule Law [See: N.Y. Rac. Pari-Mut. Wag. & Breed. Law § 502 and 1988 N.Y. Op. Att'y Gen. (Inf.) 147 (1988), and

WHEREAS, WROTB is administered by a board of directors consisting of one member appointed by each of the fifteen [15] participating counties (i.e. Cattaraugus, Cayuga, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, Oswego, Schuyler, Seneca, Steuben, Wayne and Wyoming), as well as directors for the cities of Rochester and Buffalo [See: N.Y. Rac. Pari-Mut. Wag. & Breed. Law § 502 (McKinney)], and

WHEREAS, when originally enacted, Section 502 of the Racing, Pari-Mutuel Wagering and Breeding Law (the "PML") directed that the operations of regional off-track betting corporations "be administered by a board of directors . . . one member from each . . . participating county." (PML § 502). Members to the board of directors were to be appointed by the county governing body. (Id.). Similarly, the mayors of Rochester and Buffalo each appointed a single member to the board of directors of WROTB with the approval of the city's legislative body. (Id.). Each Director had one vote, such votes were all of equal weight, and

WHEREAS for the past nearly 50 years, all New York State regional off-track betting corporations have operated under local administration and management but also with general state oversight. Each participating local jurisdiction of the WROTB corporation elected to join WROTB with the understanding that it would have the ability to participate in the administration and management of the same. In addition, each participating jurisdiction had equal control of the operations of WROTB, and

WHEREAS, WROTB owns and operates 11 off-track betting branches, 27 E-Z Bet locations and a telephone wagering service in 15 Western New York counties, as well as Batavia Downs Gaming, a standardbred racetrack and gaming facility, and

WHEREAS, since its inception, WROTB has generated **over \$250 million** in operating and surcharge revenues to the taxpayers of those participating municipalities, and

WHEREAS, throughout its long history of serving the 15 counties and two cities that comprise the corporation, the enabling legislation provided that the Board of Directors of WROTB would be comprised of one representative from each of the 17 affected municipalities [See: N.Y. Rac. Pari-Mut. Wag. & Breed. Law § 502 (McKinney), and

WHEREAS, in 2021 and 2022, Batavia Downs once again shattered attendance and wager records, with more than 625,000 attendees wagering nearly \$700 million in that year alone, leading to record earnings distributions for the 17 municipalities that have come to rely on their WROTB distributions to contribute to their local budgets thereby reducing the property tax burden for businesses and homeowners, and

WHEREAS, WROTB's financial success and stable leadership enabled it to secure a \$30 million loan for multiple improvements, upgrades and restructuring of debt, as well as the purchase of an 84-room hotel, and

WHEREAS, commencing in January 2022, in light of the success of WROTB, New York State Senator Timothy M. Kennedy (D – Buffalo) proposed New York State Senate bills to "amend the racing, pari-mutuel wagering and breeding law, in relation to the membership of the Board of Directors of the Western Regional Off-Track Betting Corporation and thereby seize control of WROTB from the founding municipalities, and

WHEREAS, in January 2023 New York State Senator Timothy M. Kennedy (D – Buffalo) again proposed a Senate Bill to “amend the racing, pari-mutuel wagering and breeding law, in relation to the membership of the Board of Directors of the Western Regional Off-Track Betting Corporation, and

WHEREAS, Sen. Kennedy’s proposals would have violated nearly 50 years of statutory precedent in the statutory formation of WROTB and attempted to destroy the equal representation held by the local municipalities who have contributed to the success of WROTB, and

WHEREAS, Sen. Kennedy did not consult with the local municipalities who comprise the Board of Directors of WROTB before introducing his legislation, that sought to destroy the equal representation held by the local municipalities who contributed to the success of WROTB further underscoring the gross partisan politics of the Kennedy Senate Bill proposals, and

WHEREAS, Sen. Kennedy’s partisan proposal violated N.Y. Rac. Pari-Mut. Wag. & Breed. Law § 502 [5][[a] which provided that the present corporate existence of WROTB shall continue until terminated by law; provided, however, that no such law shall take effect so long as the corporation shall have bonds, notes or other obligations outstanding. The Kennedy Senate Bills not only violated the enabling legislation for WROTB but would have destabilizing the organizational structure of WROTB and harming WROTB’s credit worthiness in the eyes of lenders and thereby harm to its member counties, and

WHEREAS, both of Sen. Kennedy’s proposals, that sought to change the nearly 50 years of statutory precedent in the statutory formation of WROTB, failed, and

WHEREAS, on May 2, 2023 as a part of the New York State Budget, changes were effected through the 2023 Budget process and amendments to N.Y. Rac. Pari-Mut. Wag. & Breed. Law § 502 and control of WROTB was taken from the founding counties and given to Erie County, Monroe County, City of Rochester and the City of Buffalo through weighted voting by all of the WROTB members, and

WHEREAS, Article IX, Section 2(b)(2) of the Constitution (the "Home Rule Law") restricts the State legislature’s ability to act in relation to the "property, affairs or government" of any local government, the Municipal Home Rule Clause (NY Const, art IX, § 2 [b] [2]) allows the legislature to

(2) Shall have the power to act in relation to the property, affairs or government of any local government only by general law, or by special law only (a) on request of two-thirds of the total membership of its legislative body or on request of its chief executive officer concurred in by a majority of such membership, or (b), except in the case of the city of New York, on certificate of necessity from the governor reciting facts which in the judgment of the governor constitute an emergency requiring enactment of such law and, in such latter case, with the concurrence of two-thirds of the members elected to each house of the legislature.

WHEREAS, it is unknown whether the Governor's message of necessity comported with the New York State Constitution, in particular, article III, § 14. That provision requires that bills be “printed and upon the desks of the members” of the Legislature at least three calendar legislative days before final passage (N.Y. Const., art. III, § 14; Although, this mandate may be circumvented if the Governor “certifie[s] ... the facts which in his or her opinion necessitate an immediate vote” on the bill (N.Y. Const., art. III, § 14. It is unknown whether any facts are stated by the Governor in a certificate of necessity that form the basis in her opinion that necessitated an immediate vote, and

WHEREAS, the New York State Court of Appeals recognized in *Matter of Moran v. La Guardia*, 270 N.Y. 450, 452 that “To repeal or modify a statute requires a legislative act of equal dignity and import.” Nothing less than a Home Rule Message from a majority of the founding counties will suffice. [i.e. the doctrine of

Legislative Equivalency”] The doctrine of legislative equivalency has uniformly been applied with respect to the modification and or amendment of prior legislation, and

WHEREAS, none of the founding counties, especially Niagara County, enacted Home Rule Messages requesting that N.Y. Rac. Pari-Mut. Wag. & Breed. Law § 502, be modified and/or amended, especially a relinquishment of control of WROTB to Erie County, Monroe County, City of Rochester and/or the City of Buffalo, now, therefore, be it

RESOLVED, that the Niagara County Attorney is hereby authorized to commence all necessary litigation to enjoin implementation and enforcement of the 2023 modification and or amendment to N.Y. Rac. Pari-Mut. Wag. & Breed. Law § 502, passed on May 2, 2023 and name the following as potential Defendants in such legal action, The State of New York, The Governor of the State of New York, The Assembly of the State of New York, and The Senate of the State of New York, and any other party deemed necessary to bring full relief to the residents of Niagara County

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

Carried.

Moved by Nemi, seconded by Godfrey.

Adopted. 10 Ayes, 3 Noes – Elder, Grozio, Robins, 2 Absent – Bradt, Hill.

APPOINTMENTS:

FISHERIES BOARD:

Kevin Noon

6468 Phillips Rd., Burt 14208

Appt.

Expires

06/20/23

12/31/25

WORKFORCE DEVELOPMENT BOARD:

Jim Scordato, Union Representative 1199 SEIU

2421 Main Street, Buffalo 14214

06/20/23

Bill Robbins, President and Founder

Rubberform Recycled Products, LLC

75 Michigan Street, Lockport, 14094

Moved by Godfrey, second by Robins.

Approved.

06/20/23

Moved by Collins, second by Andres to enter into Executive Session at 6:46 p.m. to discuss pending litigation

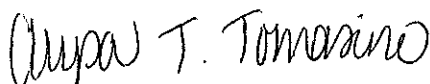
Moved by Andres, second by Robins to adjourn Executive Session at 6:59 p.m.

**Resolution No. CW-026-23 was read at this time. (Appears in numerical order)**

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

The Chairman declared the Board adjourned 7:01 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