

A public hearing was held pursuant to CW-019-20, adopted by the Legislature on August 4, 2020, for the purpose of hearing public comments on A Local Law Legislator Nemi opened the hearing at 6:46 p.m. and closed it at approximately 6:47 p.m.

OFFICIAL RECORD

Lockport, New York
September 15, 2020

The meeting was called to order by Chairman Wydysh at 7:00 p.m.

Clerk Tamburlin called the roll. All Legislators were present with the exception of Legislators Bradt and Steed.

CORRESPONDENCE / RECOGNITION:

Chairman Wydysh reminded everyone to Niagara County to complete the 2020 Census, which is due September 30th

Legislator Nemi gave kudos to the residents in the Town of Pendleton; they are currently number in the New York State Census response.

PRESENTATION:

Legislator Gooch called Myrla Gibbons-Doxey to the podium to read a proclamation on declaring the Month of September 2020 Suicide awareness Month.

Legislator Godfrey called Acting Sheriff Michael Filicetti to the lectern to read a proclamation declaring Sheriffs week 20th-26th 2020. Acting Sheriff Filicetti thanked all the legislators and department heads its about the men and women of the sheriff's office, all critical to get the job done.

Chairman Wydysh called Director of Public Health Dan Stapleton to the lectern to give an update on COVID-19. Dan thanked Chairman Wydysh for the amazing job she has done along with Public information Officer Kevin Schuler, Director of Emergency Management Jonathon Schultz, Acting Sheriff Michael Filicetti and all the Legislators.

0 citizens spoke.

Chairman Wydysh thanked Mary Taylor Brennan for displaying some pieces from the Art of suffrage in the Rotunda for the month of September

Recess.

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

Resolution No. AD-013-20

From: Administration Committee.

Dated: September 15, 2020

CREATE AND FILL TEMPORARY CLERK – BOARD OF ELECTIONS

WHEREAS, an employee in the Niagara County Board of Elections will be on a FMLA leave of absence, and

WHEREAS, the Board is charged with the administration of November Presidential elections, and

WHEREAS, it is imperative that the office be fully staffed, now, therefore, be it

RESOLVED, that a temporary clerk – Board of Elections be created and filled effective September 21, 2020 without benefits at an hourly rate of \$19.29 per hour in the Non-union Hourly Salary Grade 59, and be it further

RESOLVED, that the temporary position will be abolished upon the return of permanent incumbent, anticipated to be by the end of December 2020.

Moved by Godfrey, seconded by Virtuoso.

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

Resolution No. AD-014-20

From: Administration Committee.

Dated: September 15, 2020

CREATE AND FILL SIX (6) TEMPORARY FULL-TIME CLERKS

WHEREAS, the Board of Elections has an increased work-load due to the General Presidential Election, now, therefore, be it

RESOLVED, that six (6) full-time Clerk positions, without benefits, at an hourly rate of \$19.29 per hour in the Non-union Hourly Salary Grade 59, be created and filled effective September 21, 2020 until December 11, 2020, and be it further

RESOLVED, that the following budget modifications be effectuated to the 2020 budget:

INCREASE APPROPRIATIONS:

A.14.1450.000 71010.00	Positions	\$48,611
A.14.1450.000 78200.00	FICA	3,719
A.14.1450.000 78300.00	Workers' Comp	1,400

DECREASE APPROPRIATIONS:

A.08.1991.000 74500.01	General Gov't Support	\$53,730
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Moved by Godfrey, seconded by Virtuoso.

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

Resolution No. CS-030-20

From: Community Services and Administration Committees.

Dated: September 15, 2020

ABOLISH POSITIONS AND CREATE ACCOUNT CLERICAL III POSITION – SOCIAL SERVICES

WHEREAS, there exists within the Social Services Financial Recovery Unit a Clerical III position and within the Social Services Accounting Unit a Stenographic Secretary, both of which have become vacant as a result of retirements, and

WHEREAS, after completing a thorough duties evaluation, it has been determined that these two positions can be consolidated at significant savings to the County, and that the needs of the Department would be more appropriately and efficiently served by an Account Clerical III position, now, therefore, be it

RESOLVED, that the position of Clerical III, position #1229, job group VI, step 8, at \$40,495 per year, and Stenographic Secretary, position #4547, job group VII, step 8 at \$43,246 per year, be abolished effective September 21, 2020, and be it further

RESOLVED, that Social Services be authorized to create and fill an Account Clerical III position, job group VI, step 1, at \$35,305 per year, effective September 21, 2020, and be it further

RESOLVED, that the following line item transfers be effectuated to the 2020 Social Services budget:

FROM:

A6010.71010.00001229 Clerical III \$ 9,972

TO:

A6010.71010.XXXXXX Account Clerical III \$ 9,972

Moved by Godfrey, seconded by Virtuoso.

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

Resolution No. CS-031-20

From: Community Services and Administration Committees.

Dated: September 15, 2020

ADOPTION OF NEW YORK STATE ARCHIVES RECORD RETENTION SCHEDULE

WHEREAS, Resolution No. AD-0035-96 established the adoption of a Local Law providing for the creation of Records Management Program in the County of Niagara, and

WHEREAS, the Local Law establishes the County Clerk as the Records Management Officer, (RMO), and

WHEREAS, the New York State Archives has revised and consolidated its local government records retention and disposition schedules and has issued a single comprehensive retention schedule for all types of local governments, and

WHEREAS, the new schedule is known as the Retention and Disposition Schedule for New York Local Government Records (LGS-1), and

WHEREAS, LGS-1 will supersede and replace the CO-2 Schedule, now, therefore, be it

RESOLVED, that the Niagara County Legislature formally adopt to LGS-1 Retention and Disposition Schedule for use by all county departments in furtherance of the Niagara County Records Management Program.

Moved by Godfrey, seconded by Virtuoso.

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

Resolution No. CS-032-20

From: Community Services and Administration Committees.

Dated: September 15, 2020

**BUDGET MODIFICATION – ACCEPT COVID-19 FUNDS
EMERGENCY PLANNING- DEPARTMENT OF HEALTH**

WHEREAS, the Emergency Planning Program of the Niagara County Department of Health provides services, information and training to protect the health and safety of the citizens of Niagara County, and

WHEREAS, the New York State Department of Health has awarded Center for Disease Control ELC (Epidemiology & Laboratory Capacity) funds, CFDA # 93.323, of \$543,314 (based on population and burden) to Niagara County Department of Health for increasing capacity to conduct case and contact investigation for Corona Virus (COVID-19) to be used between July 1, 2020 and June 30, 2022, and

WHEREAS, part of the funding will be accepted for use in 2020 with the balance to be allocated in the 2021 budget, now, therefore, be it

RESOLVED, that the department is given authorization to accept the funding with the effectuation of the following budget modification:

INCREASE REVENUE:

CM.20.4189.406 44489.08 Other Health Response	\$200,000.00
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INCREASE APPROPRIATIONS:

CM.20.4189.406 71030.00 position #13590	\$ 10,240.00
CM.20.4189.406 71030.00 position #13591	\$ 10,240.00
CM.20.4189.406 71030.00 position #13592	\$ 10,240.00
CM.20.4189.406 71050.00 Overtime	\$ 27,891.00
.20.4189.406 74300.02 Mileage	\$ 2,257.00
CM.20.4189.406 74500.01 Contractual Expenses	\$126,935.56
CM.20.4189.406 78100.00 Retirement	\$ 6,024.70
CM.20.4189.406 78200.00 FICA	\$ 4,483.74
CM.20.4189.406 78300.00 Worker's Comp	\$ 1,688.00

Moved by Godfrey, seconded by Virtuoso.

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

Resolution No. CS-033-20

From: Community Services and Administration Committees.

Dated: September 15, 2020

**BUDGET MODIFICATION – ACCEPT IMMUNIZATION FUNDS
NURSING SERVICES - DEPARTMENT OF HEALTH**

WHEREAS, the Nursing Services Program of the Niagara County Department of Health provides services, information and training to protect the health and safety of the citizens of Niagara County, and

WHEREAS, the New York State Department of Health has awarded additional Immunization Action Plan funds (CFDA #93.268) to expand and enhance influenza vaccine outreach, promotion and mass vaccination activities to be used before March 31, 2021, now, therefore, be it

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

INCREASE REVENUE:

CM.20.4189.404 44489.07 Other Health Immunization	\$ 46,259.00
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INCREASE APPROPRIATIONS:

CM.20.4189.404 72100.04 Lab Equipment	\$ 5,700.00
CM.20.4189.404 74375.01 Advertising & Promotion	\$ 5,100.00
CM.20.4189.404 74750.11 Medical Supplies	\$ 1,000.00
CM.20.4189.404 74500.01 Contractual Expenses	\$ 33,859.00

CM.20.4189.404 74800.10 Misc Equip under \$500

\$ 600.00

Moved by Godfrey, seconded by Virtuoso.

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

Resolution No. CS-034-20

From: Community Services and Administration Committees.

Dated: September 15, 2020

**ABOLISH VAN DRIVER
CREATE AND FILL LEAD VAN DRIVER**

WHEREAS, due to a personnel vacancy within the Office for the Aging, the department has reviewed its operational needs for safely and efficiently transporting clients to medical appointments and providing meal delivery services 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 to abolish one (1) Van Driver and to create and fill one (1) Lead Van Driver position, and

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

RESOLVED, that Position No. 1387 Van Driver, be abolished, effective October 5, 2020, and be it further

RESOLVED that the position of Lead Van Driver, AFSCME, Grade 39, from \$12.82 per hour to \$16.95 per hour, be created and filled, effective September 21, 2020.

Moved by Godfrey, seconded by Virtuoso.

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

Resolution No. CS-035-20

From: Community Services and Administration Committees.

Dated: September 15, 2020

**ABOLISH HEAD VAN DRIVER
CREATE AND FILL TRANSPORTATION COORDINATOR**

WHEREAS, due to a personnel vacancy within the Office for the Aging, the department has reviewed its operational needs for safely and efficiently transporting clients to medical appointments and providing meal delivery services 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 to abolish one (1) Head Van Driver and to create and fill one (1) Transportation Coordinator position, and

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

RESOLVED, that Position No. 1272, Head Van Driver, be abolished, effective October 5, 2020, and be it further

RESOLVED, that the position of Transportation Coordinator, CSEA, Grade 4, from \$17.76 per hour to \$19.99 per hour, be created and filled, effective September 21, 2020.

Moved by Godfrey, seconded by Virtuoso.
Adopted. 13 Ayes, 0 Noes, 2 Absent- Bradt, Steed.

Resolution No. CS-036-20

From: Community Services and Administration Committees.

Dated: September 15, 2020

**BUDGET TRANSFER - A4310
COURT ORDERED COUNTY MANDATED COSTS**

WHEREAS, The County is required by Criminal Procedure Law Articles 730.20 and 730.50, and Family Court Act Article 120, to pay for Court ordered hospital in-patient stays and mental health examinations, and

WHEREAS, as a result of the bills generated by the length of hospital stay imposed by Court Orders for year 2020, outstanding expenses currently exist, and

WHEREAS, based on these current Court Orders the expenses to the end of the year will exceed budget, and

WHEREAS, during the State 2021 budget process, in Spring 2020, the State determined that 100% of the costs would be the responsibility of the Counties, negating the longstanding practice of the State paying 50% of the mandated costs, and

WHEREAS, this decision was effective April 1, 2020, and

WHEREAS, the Niagara County Department of Mental Health administers payment of these bills on behalf of the County, be it hereby

RESOLVED, should there be additional Court Ordered expenses before end of the year, another request will be necessary, and be it further

RESOLVED, the following budget transfer be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

A.40599.00	Appropriated Fund Balance	\$ 274,274
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DECREASE APPROPRIATIONS:

A.08.1990.000 74500.01	Contingency	\$ 40,000
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INCREASE APPROPRIATIONS:

A.21.4310.000 74550.17	Department of Mental Hygiene	\$ 314,274
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Moved by Godfrey, seconded by Virtuoso.

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

Resolution No. CSS-042-20

From: Community Safety & Security and Administration Committees.

Dated: September 15, 2020

ACCEPTANCE OF GUN INVOLVED VIOLENCE ELIMINATION INITIATIVE GRANT

WHEREAS, in 2014 the Division of Criminal Justice Services initiated a gun violence eradication initiative to target the rising incidents of gun involved violence across the State of New York and specifically the seventeen

counties that account for the vast majority of crime outside of the City of New York which includes the County of Niagara, and

WHEREAS, the GIVE (Gun Involved Violence Elimination) Initiative is a statewide comprehensive strategy, which was built on the successes of Operation IMPACT but now focuses exclusively on reducing shootings and homicides by promoting integrated, evidence based strategies, and

WHEREAS, the Niagara County District Attorney's Office, the Niagara County Sheriff's Office and the Niagara County Probation Department, in conjunction with the Niagara Falls Police Department, applied for the renewal of funding under the 2020-2021 GIVE Initiative, and

WHEREAS, the Niagara County District Attorney's Office and the Niagara County Probation Department have received notification that funding has been awarded in the amounts of \$167,405 and \$66,720 respectively, for the period of July 1, 2020 through June 30, 2021, with no required match from Niagara County, and

WHEREAS, the District Attorney's Office has an Assistant District Attorney position #4771, which is currently funded under this program, and will remain coterminous with grant funding, and

WHEREAS, revenue and appropriation figures for said program were calculated and are contained within the District Attorney's Office and Probation Department budgets for fiscal year 2020, now, therefore, be it

RESOLVED, that the County of Niagara does hereby accept this award, and be it further

RESOLVED, that prior to the execution of the grant award contract, the County Attorney will review the grant award contract for approval as to legal form, language and compliance, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Niagara County Legislature be, and is hereby authorized to execute the grant award documents.

Moved by Godfrey, seconded by Virtuoso.

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

Resolution No. CSS-043-20

From: Community Safety & Security and Administration Committees.

Dated: September 15, 2020

**EDWARD BYRNE MEMORIAL ASSISTANCE GRANT APPLICATION AND THE
MEMORANDUM OF UNDERSTANDING WITH THE CITY OF NIAGARA FALLS**

WHEREAS, the County and the City of Niagara Falls ("CITY") applied to the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, for grant funding under the FY 2018 Edward Byrne Memorial Assistance Grant in the amount of \$46,301, and

WHEREAS, the County and the City would like to allocate the full amount of the grant funds to be used by the Niagara Falls Police Department to retain civilian police liaison teams and purchase handheld radios, now, therefore, be it

RESOLVED, that the grant application is hereby approved, and the Chairman of the Legislature is authorized to execute any necessary documents conditioned on County Attorney approval, and be it further

RESOLVED, that the County and the City enter into a Memorandum of Understanding concerning the above, and the Chairman of the Legislature be authorized to execute the same, conditioned on County Attorney approval.

Moved by Godfrey, seconded by Virtuoso.
Adopted. 13 Ayes, 0 Noes, 2 Absent- Bradt, Steed.

Resolution No. CSS-044-20

From: Community Safety & Security and Administration Committees.

Dated: September 15, 2020

**EDWARD BYRNE MEMORIAL ASSISTANCE GRANT APPLICATION AND THE
MEMORANDUM OF UNDERSTANDING WITH THE CITY OF NIAGARA FALLS**

WHEREAS, the County and the City of Niagara Falls ("CITY") would like to apply to the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, for grant funding under the FY 2020 Edward Byrne Memorial Assistance Grant in the amount of \$37,926, and

WHEREAS, the County and the City would like to allocate the full amount of the grant funds to be used by the Niagara Falls Police Department to retain civilian police liaison teams and purchase handheld radios, now, therefore, be it

RESOLVED, that the grant application is hereby approved, and the Chairman of the Legislature is authorized to execute any necessary documents conditioned on County Attorney approval, and be it further

RESOLVED, that the County and the City enter into a Memorandum of Understanding concerning the above, and the Chairman of the Legislature be authorized to execute the same, conditioned on County Attorney approval.

Moved by Godfrey, seconded by Virtuoso.

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

Resolution No. CSS-045-20

From: Community Safety & Security and Administration Committees.

Dated: September 15, 2020

**NIAGARA COUNTY SHERIFF'S OFFICE
ACCEPT POLICE TRAFFIC SERVICES GRANT**

WHEREAS, the Niagara County Sheriff's Office has been awarded a grant from the Governor's Traffic Safety Committee for the period of October 1, 2020 through September 30, 2021 in the amount of \$20,600, and

WHEREAS, this grant is a continuation of an existing program and is fully funded by the New York State Governor's Traffic Safety Committee, and

WHEREAS, the funds are used for traffic enforcement overtime with the goal of increasing seat belt usage and reducing dangerous driving behaviors in an effort to reduce serious injury and deaths from traffic crashes in Niagara County, and

WHEREAS, the funds are included in the 2020 budget and will be included in the 2021 budget, however, the contract needs to be executed, now, therefore, be it

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

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

Moved by Godfrey, seconded by Virtuoso.
Adopted. 13 Ayes, 0 Noes, 2 Absent- Bradt, Steed.

Resolution No. CSS-046-20

From: Community Safety & Security and Administration Committees.

Dated: September 15, 2020

**NIAGARA COUNTY SHERIFF'S OFFICE
ACCEPT TRAFFIC SAFETY GRANT**

WHEREAS, the Niagara County Traffic Safety Office has been awarded a grant from the Governor's Traffic Safety Committee for the period of October 1, 2020 through September 30, 2021 in the amount of \$77,462 and

WHEREAS, this grant is a continuation of an existing program and is fully funded by the New York State Governor's Traffic Safety Committee, and

WHEREAS, the funds are used to ensure that child safety seats are installed and used correctly, to educate pre-k and school aged students on bicycle and car safety, as well as to educate in order to reduce the number of crashes, injuries and deaths on the roads in Niagara County, and

WHEREAS, the funds are included in the 2020 budget and will be included in the 2021 budget, however, the contract needs to be executed, now, therefore, be it

RESOLVED, that the Traffic Safety Educator position continue to be co-terminus with the grant, and be it further

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

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

Moved by Godfrey, seconded by Virtuoso.
Adopted. 13 Ayes, 0 Noes, 2 Absent- Bradt, Steed.

Resolution No. CSS-047-20

From: Community Safety & Security and Administration Committees.

Dated: September 15, 2020

**NIAGARA COUNTY SHERIFF'S OFFICE
ACCEPT CHILD PASSENGER SAFETY PROGRAM GRANT**

WHEREAS, the Niagara County Sheriff's Traffic Safety Office has been awarded a grant from the New York State Governor's Traffic Safety Committee for the period of October 1, 2020 through September 30, 2021 in the amount of \$14,000, and

WHEREAS, this grant is a continuation of an existing program and is fully funded by the New York State Governor's Traffic Safety Committee, and

WHEREAS, the goal of the grant is to increase the proper use and installation of child safety seats in New York State, and

WHEREAS, the 2020 budget needs to be amended to make part of the grant funds available in the current year, now, therefore, be it

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

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

RESOLVED, that the following modifications be made to the 2020 budget:

INCREASE REVENUE:

CM.17.3989.303 44389.09	Other Public Safety Traffic	\$4,000
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INCREASE APPROPRIATIONS:

CM.17.3989.303 74800.16	Supplies/Service Maintenance	\$4,000
	Safety Equipment under \$500	

Moved by Godfrey, seconded by Virtuoso.

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

Resolution No. CSS-048-20

From: Community Safety & Security and Administration Committees.

Dated: September 15, 2020

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION - EXPENDITURE OF CELLULAR E911 REVENUE
FOR COMMUNICATION RADIO BATTERIES**

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

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

WHEREAS, Niagara County has provided radios to partner agencies in the past to promote intercommunication, and

WHEREAS, these radios need battery replacements to continue the operation of the radios, and

WHEREAS, the purchase of replacement batteries will be made using Niagara County Purchasing Guidelines, and

WHEREAS, the batteries will be distributed to the Sheriff's Office's partner agencies according to the needs expressed by those agencies, now, therefore, be it

RESOLVED, that the following line item transfers be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

A.19.3020.000 40599.01	Appropriated Fund Balance – Committed Funds	\$ 21,300
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INCREASE APPROPRIATIONS:

A.19.3020.000 74750.05	Law Enforcement Supplies	\$ 21,300
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Moved by Godfrey, seconded by Virtuoso.

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

Resolution No. CSS-049-20

From: Community Safety & Security and Administration Committees.

Dated: September 15, 2020

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION –ASSETS FORFEITURE EXPENSES DIVE EQUIPMENT**

WHEREAS, the Niagara County Sheriff's has Federal Asset Forfeiture Funds which are in a Committed Fund and federally regulated on qualifying expenditures, and

WHEREAS, the Niagara County Sheriff's Office needs to do a budget amendment to spend asset forfeiture funds on dive equipment to expand the Niagara County Underwater Recovery Team, now, therefore, be it

RESOLVED, that the 2020 budget be modified as follows:

INCREASE REVENUE:

A.17.3110.000.40499.02	Appropriate Fund Balance	\$11,900.00
	Restricted Funds	

INCREASE APPROPRIATIONS:

A.17.3110.000.74500.05	Contractual Expenses	\$11,900.00
	Asset Forfeiture Dept Justice	

Moved by Godfrey, seconded by Virtuoso.

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

Resolution No. CW-020-20

From: Committee of the Whole.

Dated: September 15, 2020

**ADOPTION OF A LOCAL LAW AMENDING RESOLUTION NO. AD-009-19
ESTABLISHING A CODE OF ETHICS FOR THE COUNTY OF NIAGARA**

WHEREAS, the County Legislature recommends the adoption of the following Local Law:

A Local Law amending Resolution No. AD-009-19 establishing an A Code of Ethics for the County of Niagara:

WHEREAS, a public hearing was held on September 15, 2020 at 6:45 p.m. in the Legislative Chambers, Niagara County Courthouse, Lockport, New York, on said Local Law, and

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

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

WHEREAS, the County Legislature of the County of Niagara, does hereby amend such 1996 Local Law establishing a Code of Ethics for the County of Niagara, as amended by Resolution No. IL-0048-96, Resolution No AD-024-97, Resolution No IL-002-98, Resolution No AD-026-98, Resolution No AD-006-01, Resolution No IL-053-07 and Resolution No. AD-009-19 as follows:

....

SECTION 2. Disclosure of Interest; Legislative Abstention

1. Disclosure of interests regardless of conflict

The following individuals shall, by May 15th of every year or if newly elected or appointed within thirty (30) days after taking office file a statement with the Board of Ethics:

- A. Every County Legislator or any other county elected official;
- B. Members and Officers of the Industrial Development Agency (IDA);
- C. Every County Political Party Chairman;
- D. Candidates for County Elected Offices who file designating petitions for nominations at a primary election shall file such statement within seven (7) days after the last day allowed by law for the filing of designating petitions; and
- E. County Employees who hold policy-making positions as annually determined by the appointing authority and set forth in writing during January 31st of each year:

Such statement shall be adopted by the County and include the following:

- i. The name of any corporation for profit in which they, and/or their spouse, and/or minor children hold collectively 5% or more of the stock;
- ii. Real property situated in Niagara County which they, their spouse, or minor children hold for profit or from which they, their spouse, or minor children receive rents or income, excepting such real property as is maintained for use as their residence or the residence of their spouse or minor children, as the case may be;
- iii. Self-employment or employment by, or membership in or on the board of directors of, any corporation, partnership, association, person, or other entity from which the employee derives gross income in excess of \$500.00 per year.

Any such County officer or employee who does not have any such interests shall so file a statement to that effect. Such statements of disclosure shall be, indexed and maintained on file in an appropriate manner by the Board of Ethics.

It shall be the responsibility of the Director of Human Resources, prior to January 31 of each year, to review the list of those persons who, in the Director's judgement, are "policy making employees" and to forward any recommendations for additions and/or deletions to such list to the Chairman of the Niagara County Legislature who, subject to Legislative approval, may review and modify said list as deemed appropriate.

....

SECTION 19. The local law shall take effect upon filing with the New York State Secretary of State, after which it shall become a law.

Moved by Hill, seconded by Grozio.

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

Resolution No. CW-021-20

From: Committee of the Whole.

Dated: September 15, 2020

**STANDARD WORK DAY AND REPORTING RESOLUTION FOR ELECTED OFFICIALS
(NEW TIME REPORTINGS)**

RESOLVED, that the County of Niagara, hereby establishes the following as standard work days for these titles and will report the officials to the New York State and Local Retirement System based on time keeping system records or their record of activities:

Elected Officials

Title	Standard Work Day	Name	Social Security Number	Registration Number	Tier 1	Current Term Begin & End Dates	Participates in Employer's Time System	Record Results	Not Submitted
Legislator		Anita Mullane	xxxx	72211824		01/02/20-12/31/21	No	30	
Legislator		Irene M. Myers	xxxx	62761796		01/02/20-12/31/21	No	21.75	
Legislator		Christopher A. Robins	xxxx	72205354		01/02/20-12/31/21	No	22.3	

Moved by Godfrey, seconded by Virtuoso.

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

Resolution No. ED-009-20

From: Economic Development and Administration Committees.

Dated: September 15, 2020

**BUDGET MODIFICATION
CENSUS 2020 COMPLETE COUNT OUTREACH GRANT**

WHEREAS, the 2020 Census is currently being conducted, and the deadline to respond is September 30, 2020, and

WHEREAS, New York State allocated \$20 million from the FY 2020 Budget to be awarded to local governments in the form of a Census 2020 Complete Count Outreach Grant to support targeted efforts in hard-to reach communities in order to help ensure a complete count for New York State, and

WHEREAS, Niagara County applied for, and expected to receive a grant in the amount of \$219,101, in March, 2020, and

WHEREAS, the Niagara County Legislature unanimously approved resolution ED-001-20 on March 10, 2020 accepting the grant award, and

WHEREAS, with the focus on the emerging COVID-19 pandemic within New York State at that time, the State of New York elected not to award any Census 2020 Complete Count Outreach grants, and

WHEREAS, on July 31, 2020, Niagara County received subsequent notification from New York State that they planned to move forward with the Census 2020 Complete Count Outreach Grant, however, the amount of the grant would be reduced by 50%, and

WHEREAS, Niagara County submitted a revised application on August 6, 2020, and received a grant disbursement agreement on August 8, 2020 in the amount of \$109,551, and

WHEREAS, the grant disbursement agreement was approved by the County Attorney's Office and fully executed, now, therefore, be it

RESOLVED, that Niagara County will retain the allotted five percent (5%) administrative fee, as permitted in the grant disbursement agreement, to offset personnel costs associated with administering the grant, and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic development 2020 budget:

DECREASE REVENUE:

A.28.8020.000.43089.03	State Aid, Other Economic Development	\$104,073
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DECREASE APPROPRIATION:

A.28.8020.000.74500.01	Contractual Expenses	\$104,073
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Moved by Godfrey, seconded by Virtuoso.

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

Resolution No. ED-010-20

From: Economic Development Committee.

Dated: September 15, 2020

RESOLUTION TO SET A HEARING TO CONSIDER INCLUSION OF VIABLE AGRICULTURAL LAND INTO NIAGARA COUNTY'S AGRICULTURAL DISTRICT

WHEREAS, New York State Agriculture and Markets Law 25AA, Section 303-b requires a public hearing upon termination of the annual thirty (30) day period within which a land owner may submit a request for inclusion of land which is predominantly viable agricultural land within a certified agricultural district prior to the county established 8-year review period, and

WHEREAS, a notice of the public hearing shall contain a statement that one or more requests for inclusion of predominantly viable agricultural land within a certified agricultural district have been filed with the county legislative body and shall identify the land proposed to be included, now, therefore, be it

RESOLVED, that the Niagara County Legislature shall conduct a public hearing on the 20th day of October, at 6:00 p.m. for public and municipal input upon termination of the annual thirty (30) day period within which a land owner may submit a request for inclusion, and be it further

RESOLVED, that the Clerk of the Legislature shall publish the following notice in the Lockport Union Sun and Journal, and the Niagara Gazette, as well as, post such notice on the home page of the County's website, and such notice shall give in writing directly to those municipalities whose territory encompasses the lands which are proposed to be included in an agricultural district.

PLEASE TAKE NOTICE that the Niagara County Legislature will conduct a public hearing on the day of October 20, 2020 at 6:00 p.m. in the Legislative Chambers, Courthouse, Lockport, New York, for the purpose of hearing public comments on the inclusion of predominantly viable agricultural land within agricultural district #7. Thirteen (13) parcels have been proposed for inclusion. The Niagara County Agricultural and Farmland Protection Board recommends the inclusion of the following parcels of predominantly viable agricultural land into the Agricultural District: Parcel 137.00-1-65, consisting of 4.58 acres, located on Mapleton Road in Pendleton. Parcel 149.04-1-16.1, consisting of 14.95 acres, located on Aiken Road in Pendleton. Parcel 149.04-1-65.11, consisting of 7.61 acres, located on Aiken Road in Pendleton. Parcel 74.00-1-44.1, consisting of 32.2 acres, located on Pletcher Road in Youngstown. Parcel 81.04-1-62, consisting of 25.1 acres, located on Lake Road in Lockport. Parcel 149.00-3-22, consisting of 72.14 acres, located on Townline Road in Pendleton. Parcel 150.00-2-18.2, consisting of 122.33 acres, located on Bear Ridge Road in Pendleton. Parcel 150.00-2-14.111, consisting of 23.39 acres, located on Feigle Road in Pendleton. Parcel 149.00-3-23.1, consisting of 31.92 acres, located on Townline Road in Pendleton. Parcel 149.00-3-6, consisting of 99.93 acres, located on Aiken Road in Pendleton. Parcel 149.00-3-8.2, consisting of 4.03 acres, located on Aiken Road in Pendleton. Parcel 149.00-3-32.1, consisting of 65.45 acres, located on Aiken Road in Pendleton. Parcel 149.00-

3-7, consisting of 3.22 acres, located on Aiken Road in Pendleton. Questions about Agricultural District inclusion may be directed to Amanda Henning, Cornell Cooperative Extension at 716-433-8839 x231.

Moved by Godfrey, seconded by Virtuoso.

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

Resolution No. ED-011-20

From: Economic Development and Administration Committees.

Dated: September 15, 2020

**APPROVAL OF LOW COST POWER BENEFIT TO EDWARDS VACUUM, INC.
UNDER THE AGREEMENT FOR THE SALE & 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 recommendations to the Legislature of Niagara County, and

WHEREAS, the County of Niagara has previously awarded to Edwards Vacuum, Inc. for this same project under resolution ED-013-17, 190 kw (at 70% load factor), which agreement expired on July 29, 2020 and for which Edwards Vacuum, Inc. has met each part of the previous application, and

WHEREAS, the Empower Niagara Board has reviewed the application of Edwards Vacuum, Inc. for the use of low cost power for developing and expanding its business in a new mission maintaining 100 jobs and investing \$400,000, in Niagara County, and

WHEREAS, Edwards Vacuum, Inc. 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 Edwards Vacuum, Inc. has been reduced by energy programs from 190 kw to 120kw of low cost power, and

WHEREAS, the approval of the Edwards Vacuum, Inc. original application maintained economic development

in Niagara County; but also assisted Edwards Vacuum, Inc. to remain competitive in its manufacturing and distribution of vacuum systems for the semiconductor, solar, and LED industries, and

WHEREAS, the Empower Niagara Board will be recommending the low cost power allocation to Edwards Vacuum, Inc. be reduced to 120kw for a period of three (3) years, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby approves Edwards Vacuum Inc.'s application for a three-year extension of 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 with Edwards Vacuum, a modification and extension of the original agreement to include 120 kw for an additional three-year period.

Moved by Godfrey, seconded by Virtuoso.

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

Resolution No. ED-012-20

From: Economic Development and Administration Committees.

Dated: September 15, 2020

**BUDGET MODIFICATION - TO COVER
EMPOWER NIAGARA ALLOCATION EDWARDS VACUUM, INC.**

WHEREAS, Edwards Vacuum, Inc. is an existing Niagara County business that was approved to receive low cost hydropower allocations through the Empower Niagara Program, and

WHEREAS, Edwards Vacuum, Inc. has applied for an extension of its low cost hydropower allocations through the Empower Niagara Program, and

WHEREAS, these benefits will be applied to Edwards Vacuum, Inc. as stipulated in the Empower Niagara Program agreement, through the Niagara County Economic Development 2020 through 2023 budget, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated to the Niagara County Economic Development 2020 budget, and annually thereafter until 2023 as set forth below:

		<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
INCREASE REVENUE:					
A.15.1620.108 42655.03	Sale of Excess Power	\$16,333.00	Value of 120 kw at 70% load factor for 12 months	Value of 120 kw at 70% load factor for 12 months	Value of 120 kw at 70% load factor for 7 months
INCREASE APPROPRIATION:					
A.15.1620.108 74500.01	Contractual	\$16,333.00	Value of 120 kw at 70% load factor for 12 months	Value of 120 kw at 70% load factor for 12 months	Value of 120 kw at 70% load factor for 7 months
INCREASE REVENUE:					
A.28.8020.813 42189.01	Activities – Eco Dev	\$16,333.00	Value of 120 kw at 70% load factor for 12 months	Value of 120 kw at 70% load factor for 12 months	Value of 120 kw at 70% load factor for 7 months

INCREASE APPROPRIATION:

A.28.8020.813 74550.30	Empower Niagara	\$16,333.00	Value of 120 kw at 70% load factor for 12 months	Value of 120 kw at 70% load factor for 12 months	Value of 120 kw at 70% load factor for 7 months
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Moved by Godfrey, seconded by Virtuoso.

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

Resolution No. ED-013-20

From: Economic Development and Administration Committees.

Dated: September 15, 2020

**APPROVAL OF LOW COST POWER BENEFIT TO
LOCKPORT ICE ARENA AND SPORTS CENTER INC.
UNDER THE AGREEMENT FOR THE SALE & 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 recommendations to the Legislature of Niagara County, and

WHEREAS, the County of Niagara has previously awarded to Lockport Ice Arena and Sports Center Inc. for this same project under resolution ED-011-14, 400 kw (at 70% load factor), which agreement will expire August 31, 2020, and for which Lockport Ice Arena and Sports Center Inc. has met each part of the previous application have added additional programs and large part contributes to the hotel and restaurants through its activities, including the number of jobs, capital investment and expanding the restaurant area, and

WHEREAS, this approval includes 250 kw previously designated to the Town of Lockport, for its designation with approval of the Empower Niagara Board, and 150 kw solely approved through the Empower Board, and

WHEREAS, the Empower Niagara Board has reviewed the initial application of Lockport Ice Arena and Sports Center Inc. for the use of low cost power for developing, renovating and expanding its business in Niagara County, and

WHEREAS, Lockport Ice Arena and Sports Center Inc. has met all the criteria qualifying its project for consideration and the Empower Niagara Board is recommending approval of a three-year extension of the agreement, and

WHEREAS, the approval of the Lockport Ice Arena and Sports Center Inc. original application increased economic development in the City of Lockport, Town of Lockport, Pendleton and Niagara County as well as spurring job creation through economic activity within the City of Lockport, and

WHEREAS, the Empower Niagara Board will be recommending an extension of low cost power allocation application of 400 kw (at 70% load factor) for a period of three (3) years, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby approves Lockport Ice Arena and Sports Center Inc. application for a three-year extension of 400 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 the Empower User Agreement of the agreement for Low Cost Power with Lockport Ice Arena and Sports Center Inc. for an additional three-year period.

Moved by Godfrey, seconded by Virtuoso.

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

Resolution No. ED-014-20

From: Economic Development and Administration Committees.

Dated: September 15, 2020

**BUDGET MODIFICATION – TO COVER EMPOWER NIAGARA ALLOCATIONS
TO LOCKPORT ICE ARENA AND SPORTS CENTER INC.**

WHEREAS, Lockport Ice Arena and Sports Center Inc. is a Niagara County business that has been approved to receive low cost hydropower allocations through the Empower Niagara Program, and

WHEREAS, Lockport Ice Arena and Sports Center Inc. has applied for an extension of its low cost hydropower allocations through the Empower Niagara Program, and

WHEREAS, these benefits will be transferred to Lockport Ice Arena and Sports Center Inc. as stipulated in the Empower Niagara Program agreement, through the Niagara County Economic Development 2020-2023 budget, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated to the Niagara County Economic Development 2020 budget, and annually thereafter until 2023 as set forth below:

	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
INCREASE REVENUE:				
A.15.1620.108 42655.03 Sale of Excess Power \$43,554.66		Value of 400 kw at 70% load factor for 12 months	Value of 400 kw at 70% load factor for 12 months	Value of 400 kw at 70% load factor for 8 months
INCREASE APPROPRIATION:				
A.15.1620.108 74500.01 Contractual	\$43,554.66	Value of 400 kw at 70% load factor	Value of 400 kw at 70% load factor	Value of 400 kw at 70% load factor

for 12 months for 12 months for 8 months

INCREASE REVENUE:

A.28.8020.813 42189.01	Activities--Eco Dev	\$43,554.66	Value of 400 kw at 70% load factor for 12 months	Value of 400 kw at 70% load factor for 12 months	Value of 400 kw at 70% load factor for 8 months
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INCREASE APPROPRIATION:

A.28.8020.813 74550.30	Empower Niagara	\$43,554.66	Value of 400 kw at 70% load factor for 12 months	Value of 400 kw at 70% load factor for 12 months	Value of 400 kw at 70% load factor for 8 months
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Moved by Godfrey, seconded by Virtuoso.

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

Resolution No. ED-015-20

From: Economic Development and Administration Committees.

Dated: September 15, 2020

**FIXING DATE AND NOTICE FOR THE PUBLIC HEARING
FOR LOCKS & ERIE CANAL CRUISES
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

WHEREAS, the County Legislature wishes to assess the advisability of submitting a Community Development Block Grant ("CDBG") application to the New York State Office of Community Renewal (the "OCR") for a grant to support Locks & Erie Canal Cruises, located at 210 Market Street in the City of Lockport, New York, and

WHEREAS, Niagara County is required to hold a public hearing to provide information to the public and to consider citizen comments regarding community needs and the plan proposal prior to submitting an application for CDBG funding, now, therefore, be it

RESOLVED, that the Niagara County Legislature shall conduct a public hearing whereat all interested parties shall be heard regarding the CDBG program, the County's community development and economic development programs, and the proposed funding application at the Legislative Chambers, Courthouse, Lockport, New York on the 20th day of October, 2020 at 6:15 p.m., and be it further

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

Moved by Godfrey, seconded by Virtuoso.

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

Resolution No. ED-016-20

From: Economic Development and Administration Committees.

Dated: September 15, 2020

**FIXING DATE AND NOTICE FOR THE PUBLIC HEARING
FOR PLANT IQ COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

WHEREAS, the County Legislature wishes to assess the advisability of submitting a Community Development Block Grant ("CDBG") application to the New York State Office of Community Renewal (the "OCR") for a grant to support Plant IQ, an energy/automation engineering firm, with their planned relocation and expansion within Niagara County, and

WHEREAS, Niagara County is required to hold a public hearing to provide information to the public and to consider citizen comments regarding community needs and the plan proposal prior to submitting an application for CDBG funding, now, therefore, be it

RESOLVED, that the Niagara County Legislature shall conduct a public hearing whereat all interested parties shall be heard regarding the CDBG program, the County's community development and economic development programs, and the proposed funding application at the Legislative Chambers, Courthouse, Lockport, New York on the 20th day of October, 2020 at 6:30 p.m., and be it further

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

Moved by Godfrey, seconded by Virtuoso.

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

Resolution No. ED-017-20

From: Economic Development and Administration Committees.

Dated: September 15, 2020

**FIXING DATE AND NOTICE FOR THE PUBLIC HEARING
FOR ULTIMATE PHYSIQUE, INC.
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

WHEREAS, the County Legislature wishes to assess the advisability of submitting a Community Development Block Grant ("CDBG") application to the New York State Office of Community Renewal (the "OCR") for a grant to support Ultimate Physique, Inc., located in the former Washington Hunt School building at 50 Rogers Avenue in the City of Lockport, New York, and

WHEREAS, Niagara County is required to hold a public hearing to provide information to the public and to consider citizen comments regarding community needs and the plan proposal prior to submitting an application for CDBG funding, now, therefore, be it

RESOLVED, that the Niagara County Legislature shall conduct a public hearing whereat all interested parties shall be heard regarding the CDBG program, the County's community development and economic development programs, and the proposed funding application at the Legislative Chambers, Courthouse, Lockport, New York on the 20th day of October, 2020 at 6:45 p.m., and be it further

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

Moved by Godfrey, seconded by Virtuoso.

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

Resolution No. IF-099-20

From: Infrastructure & Facilities and Administration Committees.

Dated: September 15, 2020

BUDGET MODIFICATION
WILLIAMS ROAD PUMP STATION REHABILITATION - WATER DISTRICT

WHEREAS, the Niagara County Water District desires to create a capital project to upgrade the existing Williams Road Pump Station, and

WHEREAS, the project will consist of the demolition of the existing pumps, installation of two, horizontal split case pumps and Variable Frequency Drives, installation of an emergency generator, installation of new transformers, switchgear and panel boards and building envelope improvements, and

WHEREAS, the Niagara County Water District Administrative Board authorized the Administrative Director to go to bid for the Williams Road Pump Station Rehabilitation project which is estimated to be \$2,950,000 including construction, contingency, engineering and legal costs, and

WHEREAS, there are sufficient funds in the Water District's fund balance to cover the remainder of the cost of this project; now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

FX.40599.00	Appropriated Fund Balance	\$2,750,000
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INCREASE APPROPRIATIONS:

FX.31.9950.000.79010.00	Transfer to Capital Construction	\$2,750,000
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INCREASE REVENUE:

H712.31.8397.000.45031.00	Interfund Transfer, From Operating	\$2,750,000
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INCREASE APPROPRIATION:

H712.31.8397.000.72100.27	Water Williams Road Pump Station Rehabilitation	\$2,750,000
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Moved by Godfrey, seconded by Virtuoso.

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

Resolution No. IF-100-20

From: Infrastructure & Facilities and Administration Committees.

Dated: September 15, 2020

**NIAGARA COUNTY REFUSE DISPOSAL DISTRICT LANDFILL 1 CAP AND SITE UPGRADES
PROJECT CHANGE ORDER NO. 3-FINAL PAYMENT**

WHEREAS, Resolution No. IF-061-19, dated May 21, 2019, awarded the contract for Niagara County Refuse Disposal District Landfill 1 Landfill Cap and Site Upgrades Project to Zoladz Construction Corporation, 13600 Railroad Street, PO Box 157, Alden, New York 14004, for a contract amount of \$2,297,494.98, and

WHEREAS, Resolution No. IF-135-19, dated December 3, 2019, authorized Change Order No. 1 to accommodate field conditions and tank replacement, and

WHEREAS, Resolution No. IF-135-19, dated December 3, 2019, authorized an extension of the schedule to December 26, 2019, and

WHEREAS, Resolution No. IF-065-20, dated May 12, 2020, authorized Change Order No. 2 to accommodate delays related to the electrical installation and supply chain issues caused by the coronavirus pandemic, Zoladz Construction has requested an additional 115 working days to reach substantial completion on June 5, 2020, and

WHEREAS, it is necessary to reduce the contract in the amount of \$133,770.40, for a revised contract amount of \$2,163,724.52, 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, the revised, reduced, and final total contract amount is the amount of \$2,163,724.52, and be it further

RESOLVED, that final payment in the amount of \$108,186.72 is hereby authorized to be processed to Zoladz Construction Corporation, 13600 Railroad Street, PO Box 157, Alden, New York 14004, and be it further

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

Moved by Godfrey, seconded by Virtuoso.

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

Resolution No. IF-101-20

From: Infrastructure & Facilities and Administration Committees.

Dated: September 15, 2020

**AWARD CONSULTANT SERVICES - BEAR RIDGE ROAD BRIDGE
OVER UNNAMED STREAM**

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with the Bear Ridge Road Bridge over an Unnamed Stream project, and

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

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

INCREASE REVENUE:

H713.15.5197.000 43501.00	Consol Hwy Aid Revenue	\$150,000
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INCREASE APPROPRIATIONS:

H713.15.5197.000 72600.02	Infrastructure Bridges	\$150,000
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and be it further

RESOLVED, that the consultant services for the Bear Ridge Road Bridge over an Unnamed Stream project be awarded to C&S Engineers, Inc., 499 Col. Eileen Collins Blvd., Syracuse, NY 13212, for a contract amount not to exceed \$99,000, and be it further

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

Moved by Godfrey, seconded by Virtuoso.

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

Resolution No. IF-102-20

From: Infrastructure & Facilities and Administration Committees.

Dated: September 15, 2020

**BEAR RIDGE ROAD BRIDGE OVER TRIBUTARY TO TONAWANDA CREEK
CONSULTANT AMENDMENT NO. 1**

WHEREAS, Resolution No. IF-100-17, dated June 20, 2017, authorized the contract for consultant services for the Bear Ridge Road Bridge over a Tributary to Tonawanda Creek Project to Bergmann Associates Inc., Waterfront Village Center, 40 LaRiviere Drive, Suite 150, Buffalo, NY 14202, for a contract amount of \$46,858, and

WHEREAS, it is necessary to increase the contract in the amount of \$38,539 for additional design and construction administration, for a revised contract amount of \$85,397, and

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

RESOLVED, that Amendment No. 1 to increase the contract by \$38,539 for the Bear Ridge Road Bridge over a Tributary to Tonawanda Creek Project, for a revised contract amount of \$85,397, be approved, and be it further

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

Moved by Godfrey, seconded by Virtuoso.

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

Resolution No. IF-103-20

From: Infrastructure & Facilities and Administration Committees.

Dated: September 15, 2020

**ANGELO DELSIGNORE CIVIC BUILDING CURTAIN WALL RENOVATION
CHANGE ORDER NO. 1**

WHEREAS, by Resolution No. IF-023-20, dated February 18, 2020, the Legislature awarded the contract for the Angelo DelSignore Civic Building Curtain Wall Renovation Project to Huber Construction Inc., 136 Taylor Drive, Depew, NY 14043, for a contract amount of \$510,000, and

WHEREAS, it is necessary to increase the contract in the amount of \$28,559 for glass upgrades, deletion of blinds and temporary doors, and revisions to data drops, for a revised contract amount of \$538,559, and

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

RESOLVED, that Change Order No. 1 to increase the contract by \$28,559 for the Angelo DelSignore Civic Building Curtain Wall Renovation Project, for a revised contract amount of \$538,559 to Huber Construction Inc., 136 Taylor Drive, Depew, NY 14043, be approved, and be it further

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

Moved by Godfrey, seconded by Virtuoso.

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

Resolution No. IF-104-20

From: Infrastructure & Facilities and Administration Committees.

Dated: September 15, 2020

**NIAGARA COUNTY JAIL SANITARY LIFT PUMP REPLACEMENTS
FINAL PAYMENT**

WHEREAS, by Resolution No. IF-004-20, dated January 21, 2020, the Legislature awarded the contract for the Niagara County Jail Sanitary Lift Pump Replacements Project to Hohl Industrial Services, Inc., 770 Riverview Blvd., Tonawanda, NY 14150, for a contract amount of \$106,750, and

WHEREAS, Resolution No. IF-070-20, dated June 16, 2020, authorized Change Order No. 1 to decrease the contract in the amount of \$2,708 for the following adjustments: replace conduit and wire; additional bypass pumping; credit for fueling; and unused contingency allowance, for a revised contract amount of \$104,042, and

WHEREAS, the contract has been completed to specifications and drawings for the revised contract amount of \$104,042, and

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

RESOLVED, that final payment is authorized to be processed to Hohl Industrial Services, Inc., 770 Riverview Blvd., Tonawanda, NY 14150, and be it further

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

Moved by Godfrey, seconded by Virtuoso.

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

Resolution No. IF-105-20

From: Infrastructure & Facilities and Administration Committees.

Dated: September 15, 2020

**BRIDGE PAINTING OF ROBINSON ROAD
CONSULTANT AMENDMENT NO. 3**

WHEREAS, Resolution No. IF-139-18, dated November 20, 2018, selected Greenman-Pedersen Inc., 4950 Genesee St., Suite 100, Buffalo, NY 14225, to assist the County with the Bridge Painting of Robinson Road Project, for a price not to exceed \$45,000, and

WHEREAS, Resolution No. IF-114-19, dated October 15, 2019, increased the contract to allow for the design of structural steel repairs for the bridge in the amount of \$14,282, for a revised contract amount of \$59,282, and

WHEREAS, Resolution No. IF-025-20, dated February 18, 2020, increased the contract to allow for construction administration and construction inspection in the amount of \$29,990.84, for a revised contract amount of \$89,272.84, and

WHEREAS, the contract needs to be increased for additional construction inspection due to the decision to paint the entire bridge and additional steel design due to unforeseen steel deterioration once the paint was removed, in the amount of \$45,583.92, for a revised in the amount of \$134,856.76, 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 with Greenman-Pedersen Inc., 4950 Genesee St., Suite 100, Buffalo, NY 14225, be increased in the amount of \$45,583.92, for a revised contract amount of \$134,856.76, and be it further

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

Moved by Godfrey, seconded by Virtuoso.

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

Resolution No. IF-106-20

From: Infrastructure & Facilities Committee.

Dated: September 15, 2020

**AWARD CONSULTANT CONTRACT
CARMEN ROAD BRIDGE OVER JOHNSON CREEK**

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

WHEREAS, funds are available in account H621.15.5197.000 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 Johnson Creek Project be awarded to CHA Consulting Inc., 2200 Main Place Tower, Buffalo, NY 14202, for a contract amount not to exceed \$242,000, and be it further

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

Moved by Godfrey, seconded by Virtuoso.

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

Resolution No. IF-107-20

From: Infrastructure & Facilities Committee.

Dated: September 15, 2020

**AWARD CONSULTANT CONTRACT
WILSON-BURT ROAD BRIDGE OVER HOPKINS CREEK**

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with the Wilson-Burt Road Bridge Over Hopkins Creek Project, and

WHEREAS, funds are available in account H704.15.5197.000 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 Wilson-Burt Road Bridge over Hopkins Creek Project be awarded to DiDonato Associates, 689 Main Street, Buffalo, NY 14203, for a contract amount not to exceed \$90,075, and be it further

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

Moved by Godfrey, seconded by Virtuoso.

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

Resolution No. IF-108-20

From: Infrastructure & Facilities Committee.

Dated: September 15, 2020

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 Infrastructures and Facilities Committee recommends the attached 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 Chairman of the Legislature be, and hereby is, authorized to execute the required documents.

Moved by Godfrey, seconded by Virtuoso.

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

Resolution No. IF-109-20

From: Infrastructure & Facilities Committee.

Dated: September 15, 2020

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE NIAGARA COUNTY
SNOWMOBILE FEDERATION OF SNOWMOBILE CLUBS**

WHEREAS, the Niagara County Snowmobile Federation of Snowmobile Clubs has requested the County of Niagara to agree to act as a municipal sponsor for a grant available through the New York State Office of Parks, Recreation and Historic Preservation Snowmobile Trail Fund and,

WHEREAS, the grant would assist the Niagara County Snowmobile Federation of Snowmobile Clubs in maintaining and operating safe recreational snowmobile trails already existing in the County of Niagara, and

WHEREAS, this grant would assist in grooming and coordinating trails already existing or to be added by lease or other agreements with property owners, and

WHEREAS, this grant will build and maintain a better, safer trail system, which will in turn bring more snowmobiles here, adding dollars to the County economy, 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 terms and conditions of the agreement between the County of Niagara and the Niagara County Snowmobile Federation of Snowmobile Clubs as appears in the proposed agreement, attached as part of this resolution, is hereby approved in all respects and be it further

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

Moved by Godfrey, seconded by Virtuoso.

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

Resolution No. IL-027-20

From: Legislator John Syracuse

Dated: September 15, 2020

**NIAGARA COUNTY SHERIFF'S OFFICE
INTER-MUNICIPAL PATROL VEHICLE AGREEMENT – VILLAGE OF BARKER**

WHEREAS, Niagara County currently possesses a 2018 Ford Explorer previously used by the Niagara County Sheriff's Office with an odometer reading of approximately 166,908 which is no longer needed for County use and which the County wishes to declare as surplus property, and

WHEREAS, the Village of Barker has need of a vehicle matching the above description for use by the Village of Barker Police Department in the performance of their law enforcement duties, and

WHEREAS, an Inter-Municipal Agreement between the County of Niagara and the Village of Barker has been drafted by the County Attorney's Office which details the terms of a transfer of the aforementioned 2018 Ford Explorer, now, therefore, be it

RESOLVED, that the County of Niagara declares the 2018 Ford Explorer to be surplus property and authorizes an agreement with the Village of Barker to transfer the ownership of the 2018 Ford Explorer, 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 agreement with the Village of Barker.

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

Carried.

Moved by Syracuse, seconded by Andres.

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

Resolution No. IL-028-20

From: Legislator John Syracuse

Dated: September 15, 2020

**NIAGARA COUNTY SHERIFF'S OFFICE
INTER-MUNICIPAL PATROL VEHICLE AGREEMENT – OLCOTT FIRE COMPANY**

WHEREAS, Niagara County currently possesses a 2015 Chevrolet Tahoe previously used by the Niagara County Sheriff's Office with an odometer reading of approximately 155,687 which is no longer needed for County use and which the County wishes to declare as surplus property, and

WHEREAS, the Olcott Fire Company has need of a vehicle matching the above description for use by the Olcott Fire Company in the performance of their duties, and

WHEREAS, an Inter-Municipal Agreement between the County of Niagara and the Olcott Fire Department has been drafted by the County Attorney's Office which details the terms of a transfer of the aforementioned 2015 Chevrolet Tahoe, now, therefore, be it

RESOLVED, that the County of Niagara declares the 2015 Chevrolet Tahoe to be surplus property and authorizes an agreement with the Olcott Fire Company transfer the ownership of the 2015 Chevrolet Tahoe, 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 agreement with the Olcott Fire Company.

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

Carried.

Moved by Syracuse, seconded by Hill.

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

Resolution No. IL-029-20

From: Legislators Dennis F. Virtuoso, Anita Mullane, Mark J. Grozio and Christopher A. Robins.

Dated: September 15, 2020

FREEZING POSITIONS FOR 2020

WHEREAS, due to the Covid-19 pandemic Niagara County could have a short of revenue in the 2020 budget, and

WHEREAS, in this time of budget short falls, Niagara County must be proactive to address potential shortfalls in revenue, now, therefore, be it

RESOLVED, that the Niagara County Legislature establish a hiring freeze immediately, and be it further

RESOLVED, that when a position becomes vacant that it be not filled, and be it further

RESOLVED, if a position must be filled, that it is justified by the Department Head and County Manager and then approved by the Home Committee and Administration Committee in order for the position to be filled.

Moved by Virtuoso; seconded by Grozio to amend resolution.

Amendment:

Additional RESOLVED after the last WHEREAS. "RESOLVED, this excludes the Niagara County Public Health Department, be it further"

Moved by Virtuoso; seconded by Grozio on resolution as amended.

Referred to the Administration Committee.

Resolution No. IL-029-20

From: Legislator Randy R. Bradt.

Dated: September 15, 2020

**RESOLUTION OF NIAGARA COUNTY AUTHORIZING
THE RETENTION OF NAPOLI SHKOLNIK, PLLC**

WHEREAS, Napoli Shkolnik PLLC, attorneys at law, are uniquely familiar with the effects of perflourinated compounds (PFC's) or any unregulated contaminants in the water supply wells, and the ability to recover for damages in the event of its presence within the County's water supply wells, and

WHEREAS, Napoli Shkolnik PLLC, made a proposal to Niagara County to represent its interests to recover damages that have resulted and will result from such PFC's or other unregulated contaminants in the water, and

WHEREAS, law firm has agreed to do such litigation for Niagara County on a contingent fee basis and will not charge Niagara County for its services unless a recovery occurs for Niagara County, now, therefore, be it

RESOLVED, that Niagara County hereby authorizes the retention of the services of Napoli Shkolnik PLLC, pursuant to the terms of the fee proposal offered to Niagara County, as more fully set forth in the retainer agreement, and be it further

RESOLVED, that the County hereby authorizes Claude Joerg, as Niagara County Attorney to execute the Napoli Shkolnik PLLC retainer agreement, and be it further

RESOLVED, that the County hereby authorize Claude Joerg, to cause same to be delivered to Napoli Shkolnik PLLC.

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

Carried.

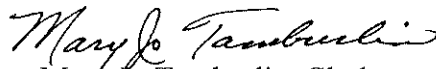
Moved by Collins, seconded by Myers.

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

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

The Chairman declared the Board adjourned at 8:33 p.m., subject to the call of the Clerk.

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


Mary Jo Tamburlin, Clerk