

OFFICIAL RECORD

Lockport, New York
September 19, 2023

The meeting was called to order by Chairman Wydysh at 6:04 p.m.

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

Chairman Wydysh welcomed the new interns.

Chairman Wydysh called Legislator Elder to the lectern to speak on the importance of always remembering September 11, 2001.

Chairman Wydysh called Deputy Director Myrla Gibbons Doxey of Mental Health to the lectern to give recognition on a project the Orleans/Niagara BOCES Graphic Design students worked on for the Niagara County Opioid Task Force Public Awareness Subcommittee & Niagara County Crisis Services Line.

Chairman Wydysh called legislator Gooch and Deputy Director of Mental Health Myrla Gibbons Doxey to the lectern to read a proclamation declaring the month of September as Suicide Prevention & Recovery Month.

Chairman Wydysh called Legislator Abbott and Sheriff Michael Filicetti and his staff to the lectern to read a proclamation declaring September 17th-23rd, 2023 as Sheriffs Week in Niagara County.

Legislator Abbott announced it was National Prostate Cancer Awareness Month.

No citizens spoke on the Agenda.

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

Resolution No. CW-029-23 was read at this time. (Appears in numerical order)

Resolution No. CW-030-23 was read at this time. (Appears in numerical order)

Resolution No. CW-031-23 was read at this time. (Appears in numerical order)

Resolution No. CW-032-23 was read at this time. (Appears in numerical order)

Resolution No. IL-103-23 was read at this time. (Appears in numerical order)

Resolution No. AD-022-23

From: Administration Committee.

Dated: September 19, 2023

**REQUEST TO REPURCHASE TAX LIENS AND ACCEPTANCE OF PAYMENT
SBL 130.15-5-8 AND SBL 130.15-5-15, KNOWN AS PENNSYLVANIA AVENUE AND
DELAWARE AVENUE, NIAGARA FALLS, NEW YORK IN THE TOWN OF NIAGARA**

WHEREAS, pursuant to County Law Section 215 and Real Property Tax Law Section 902, the Niagara County Legislature approved Resolution ED-024-22 on October 18, 2022 conveying junkyard tax liens to Niagara Orleans Land Improvement Corporation, and

WHEREAS, the County and NORLIC executed an agreement for the conveyance of the tax liens, and

WHEREAS, SBL 130.15-5-8 and SBL 130.15-5-15, known as Pennsylvania Avenue and Delaware Avenue, Niagara Falls, New York in the Town of Niagara were two of the properties included in the transferred tax liens, and

WHEREAS, there is a request to redeem the properties and pay the amount of taxes owed in full, and

WHEREAS, the County has the option pursuant to the agreement to repurchase the tax liens prior to foreclosure by NORLIC, now, therefore, be it

RESOLVED, that the County is exercising its option to repurchase the tax liens from NORLIC for SBL 130.15-5-8 and SBL 130.15-5-15, known as Pennsylvania Avenue and Delaware Avenue, Niagara Falls, New York in the Town of Niagara, for one dollar, and be it further

RESOLVED, that upon the repurchase of the tax liens, the Niagara County Treasurer is directed to accept the delinquent tax payment for SBL 130.15-5-8 and SBL 130.15-5-15, known as Pennsylvania Avenue and Delaware Avenue, Niagara Falls, New York in the Town of Niagara

Moved by Nemi, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. CS-033-23

From: Community Services and Administration Committees.

Dated: September 19, 2023

NIAGARA COUNTY YOUTH BUREAU – NEW YORK STATE AID APPLICATION

WHEREAS, the County of Niagara has been designated as eligible to receive State Aid for 2023-24 youth programs through its Youth Bureau from the New York State Office of Children and Family Services in the amount of \$255,751, \$54,734, \$102,280, and

WHEREAS, the Comprehensive Planning Law mandates the Niagara County Youth Bureau must apply for such funds, and

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

RESOLVED, that the Director of the County Youth Bureau be, and hereby is, authorized to make application for the following program funds:

Youth Development Program	\$255,751
Youth Sports and Education Opportunity	\$ 54,734
Youth Team Sports	\$102,280
TOTAL	\$412,765

and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to execute any and all documents relating to the application, subject to the review by the County Manager and the approval of the County Attorney.

Moved by Nemi, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. CS-034-23

From: Community Services and Administration Committees.

Dated: September 19, 2023

**BUDGET MODIFICATION – ACCEPT CENTER FOR DISEASE CONTROL FUNDS -
EMERGENCY PLANNING - DEPARTMENT OF HEALTH**

WHEREAS, the Emergency Planning Program of the Niagara County Department of Health provides essential 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 passed through grant funding from the Center for Disease Control (CFDA #93.323/93.354) to the Niagara County Department of Health to manage the Niagara County Portion of New York State Public Health Corps Fellowship Program, and

WHEREAS, there is no increase cost to the county, and

WHEREAS, the Niagara County Department of Health requests authorization to accept part of the \$117,958 funds in 2023, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE REVENUE:

CM.20.4189.406 44489.11	other Health Fellowship Program	\$ 67,958
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INCREASE APPROPRIATIONS:

CM.20.4189.406 72100.05	Mach & Equip	\$ 23,346
CM.20.4189.406 74300.01	Travel Conference	30,958
CM.20.4189.406 74250.01	Office Supplies	1,654
CM.20.4189.406 74600.03	Education & Training	8,000
CM.20.4189.406 74675.03	Print Shop Supplies	1,000
CM.20.4189.406 74750.02	Supplies & Materials	3,000

Moved by Nemi, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. CS-035-23

From: Community Services and Administration Committees.

Dated: September 19, 2023

**BUDGET MODIFICATION – ACCEPT CENTER FOR DISEASE CONTROL
INFRASTRUCTURE FUNDS-DEPARTMENT OF HEALTH**

WHEREAS, the Niagara County Department of Health provides essential 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 passed through grant funding from the Center for Disease Control (CFDA #93.967) to the Niagara County Department of Health to Strengthen Public Health Workforce and Foundational Capabilities through 2027, and

WHEREAS, there is no increase cost to the county, and

WHEREAS the Department of Health requests authorization to accept part of the \$774,908 funds in 2023, now, therefore, be it

RESOLVED, the budget modification be effectuated:

INCREASE REVENUE:

CM.20.4189.426 44401.00	Public Health Federal Aid	\$ 15,497
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INCREASE APPROPRIATIONS:

CM.20.4189.426 71050.00	Overtime	\$ 3,009
CM.20.4189.426 72100.12	Mach & Equip	7,000
CM.20.4189.426 74600.03	Education & Training	1,661
CM.20.4189.426 74750.02	Supplies & Materials	3,200
CM.20.4189.426 78100.00	Retirement	321
CM.20.4189.426 78200.00	FICA	230
CM.20.4189.426 78300.00	Worker's Comp	76

Moved by Nemi, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. CS-036-23

From: Community Services and Administration Committees.

Dated: September 19, 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	\$ 2,131
CM.21.4322.415.43490.01	Mental Health Programs (Community Missions, Dale Association, Mental Health Association, New Directions, United Cerebral Palsy, Spectrum)	18,767
CM.21.4322.415.43490.05	Reinvestment Programming (Community Missions, Mental Health Association, New Directions, Niagara Falls Memorial Medical Center)	25,378
CM.21.4322.415.43490.08	Community Support Services (Community Missions, MHA)	11,489
CM.21.4322.416.43489.04	Case Management Programs (Community Missions, Pinnacle, New Directions, Niagara Falls Memorial Medical Center)	28,463
CM.21.4322.423.43490.14	Supported Housing (Community Missions, DePaul)	29,727

INCREASE APPROPRIATIONS:

A.21.4322.412.74500.01	Mental Health Association	\$ 2,131
CM.21.4322.415.74500.01	Community Support Services Programs (Community Missions, Dale Association, Mental Health Association, New Directions, United Cerebral Palsy, Spectrum)	30,256

CM.21.4322.415.74550.06	Reinvestment Programming (Community Missions, Dale Association, Mental Health Association, New Directions, Niagara Falls Memorial Medical Center)	25,378
CM.21.4322.416.74500.01	Case Management Programs (Community Missions, Pinnacle, New Directions, Niagara Falls Memorial Medical Center)	28,463
CM.21.4322.423.74500.01	Supported Housing (Community Missions, DePaul)	29,727

Moved by Nemi, seconded by Robins.
Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. CSS-082-23

From: Community Safety & Security and Administration Committees.

Dated: September 19, 2023

**PROBATION 2023 BUDGET MODIFICATION -
ACCEPT SRT BWC PROGRAM FUNDS**

WHEREAS, the Niagara County Probation Department has been awarded grant monies totaling \$3,397.01 from the Small Rural Tribal Body Worn Camera Program, with a county match of \$3,397.01, and

WHEREAS, the Niagara County Probation Department wishes to continue purchasing related law enforcement equipment for the department's officers, the current grant allowing for all officers within the department to be issued a Body Worn Camera, and

WHEREAS, the matching funds are available in the Probation Department's 2023 budget, now, therefore, be it

RESOLVED, that the following budget modification be made:

INCREASE REVENUE:

18.3140.00044310.01	Federal Aid Probation Services General	\$3,397.01
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INCREASE EXPENSE:

A.18.3140.000.74750.05	Supplies, General Law Enforcement	\$3,397.01
	Supplies	

Moved by Nemi, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. CSS-083-23

From: Community Safety & Security and Administration Committees.

Dated: September 19, 2023

**BUILDING IMPROVEMENTS PAYMENT AND REIMBURSEMENT
CONFLICT AND ASSIGNED COUNSEL OFFICE**

WHEREAS, the Conflict and Assigned Counsel Office previously operated on the first floor of the white house located at 169 Hawley Street, Lockport, and

WHEREAS, the Conflict Office required additional office space as a result of the New York State Indigent Legal Services Hurrell-Harring Settlement which grant funded additional staff and attorneys in the office and as a result the department moved to the Civil Defense Building, 139 Hawley Street, Lockport where renovations were needed to this larger office space, and

WHEREAS, the Department of Public Works performed and completed the office renovations and the Conflict Office agreed to reimburse Niagara County for the costs incurred for such renovation, not to exceed eighteen thousand dollars (\$18,000.00) pursuant to the grant funded contract, and

WHEREAS, the Conflict Office has received a detailed invoice for the completion of renovations and supplies in the amount of seventeen thousand nine hundred and ninety-five dollars and seventy cents (\$17,995.70), and

WHEREAS, the Conflict Office shall receive reimbursement of the stated amount of seventeen thousand nine hundred and ninety-five dollars and seventy cents (\$17,995.70) after submitting a claim to New York State Indigent Legal Services with confirmation of payment to Niagara County, now, therefore, be it

RESOLVED, that the following budget modification be effectuated to allow the payment and reimbursement for the building renovations:

INCREASE ANTICIPATED REVENUE:

A.04.1170.43025.03 Indigent Legal Service Hurrell-Harring Settlement \$17,995.70

INCREASE ANTICIPATED EXPENSES:

A.04.1170.74800.03 Supplies/Services, Maintenance/Building Maint \$17,995.70

Moved by Nemi, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. CSS-084-23

From: Community Safety & Security and Administration Committees.

Dated: September 19, 2023

**NIAGARA COUNTY SHERIFF'S OFFICE
ACCEPT EXTENSION OF CRITICAL INFRASTRUCTURE GRANT**

WHEREAS, the Niagara County Legislature passed Resolution CSS-058-21 on May 11, 2021 to accept a Critical Infrastructure grant in the amount of \$50,000 from the New York State Division of Homeland Security and Emergency Services to update and enhance the video security system at the Niagara County 911 Dispatch Center/Public Safety Training Facility for the performance period April 1, 2021 through August 31, 2022, and

WHEREAS, the Niagara County Legislature passed Resolution CSS-049-22 on August 2, 2022 to extend the performance period of the grant to August 31, 2023, and

WHEREAS, the work on the project has been delayed but is now scheduled, and

WHEREAS, a budget amendment has been made to extend the Critical Infrastructure Grant program performance period until December 31, 2023, now, therefore, be it

RESOLVED, that following the County Attorney's review, the FY19 Critical Infrastructure Grant Amendment may be executed pursuant to the Niagara County Contract Policy

Moved by Nemi, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. CSS-085-23

From: Community Safety & Security and Administration Committees.

Dated: September 19, 2023

**NIAGARA COUNTY SHERIFF'S OFFICE
ACCEPT EXTENSION OF FY20 STONEGARDEN GRANT**

WHEREAS, the Niagara County Legislature passed Resolution CSS-006-21 on January 19, 2021 to accept FY20 Stonegarden grant in the amount of \$275,400 from the New York State Division of Homeland Security and Emergency Services for the performance period September 1, 2020 through August 31, 2023, and

WHEREAS, the grant allows for expenses to assist the County in conducting border centric, intelligence driven operations with the goal of reduction or elimination of threat, risk and vulnerability along our Nation's borders, and

WHEREAS, a grant amendment has been made to extend the FY20 Stonegarden Grant performance period until August 31, 2024, now, therefore, be it

RESOLVED, that following the County Attorney's review, the FY20 Stonegarden Grant Amendment may be executed pursuant to the Niagara County Contract Policy

Moved by Nemi, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. CSS-086-23

From: Community Safety & Security and Administration Committees.

Dated: September 19, 2023

**NIAGARA COUNTY SHERIFF'S OFFICE
ACCEPT EXTENSION OF FY20 EXPLOSIVE DETECTION CANINE TEAM GRANT**

WHEREAS, the Niagara County Legislature passed Resolution CSS-098-22 on November 15, 2022 to accept FY20 Explosive Detection Canine Team grant in the amount of \$14,999 from the New York State Division of Homeland Security and Emergency Service for the performance period October 1, 2022 through August 31, 2023, and

WHEREAS, the grant allows the Niagara County Sheriff's Office to purchase equipment and provide training to enhance explosive detection canine team capabilities, and

WHEREAS, a grant amendment has been made to extend the FY20 Explosive Detection Canine Team Grant performance period until August 31, 2024, now, therefore, be it

RESOLVED, that following the County Attorney's review, the FY20 Explosive Detection Canine Team Grant Amendment may be executed pursuant to the Niagara County Contract Policy

Moved by Nemi, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. CSS-087-23

From: Community Safety & Security and Administration Committees.

Dated: September 19, 2023

**NIAGARA COUNTY SHERIFF'S OFFICE
ACCEPT AID TO CRIME LABORATORIES GRANT**

WHEREAS, the Niagara County Sheriff's Office has been awarded an Aid to Crime Laboratories Grant from the New York State Division of Criminal Justice Services in the amount of \$191,053 for the performance period July 1, 2023 through June 30, 2024, and

WHEREAS, the funds are used for expenses of crime laboratories for accreditation, training, capacity enhancement and lab related services to maintain the quality and reliability of forensic services which the Niagara County Sheriff's Office Forensic Lab provides to Niagara County agencies, and

WHEREAS, this grant is an additional year of funding for an existing grant and is included in the 2023 budget and will be built into the 2024 budget, now, therefore, be it

RESOLVED, that following the County Attorney's review, the Aid to Crime Laboratories Grant may be executed pursuant to the Niagara County Contract Policy

Moved by Nemi, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. CSS-088-23

From: Community Safety & Security and Administration Committees.

Dated: September 19, 2023

**NIAGARA COUNTY SHERIFF'S OFFICE BUDGET MODIFICATION
ACCEPT HIGHWAY SAFETY GRANT FOR FORENSIC LABORATORY**

WHEREAS, the Niagara County Sheriff's Office has been awarded a Highway Safety Grant for the Forensic Laboratory from the New York State Governor's Traffic Safety Committee in the amount of \$40,000 for the performance period October 1, 2023 through September 30, 2024, and

WHEREAS, the Niagara County Sheriff's Office Forensic Laboratory is going to assist in raising people's awareness in drugged driving and reduce traffic fatalities by providing timely Toxicology services, participate in data sharing with ITSMR and by providing better testimony in court cases, and

WHEREAS, the Forensic Lab will use the funds to accomplish these goals by purchasing more costly supplies for the Toxicology unit's analysis in driving involved cases as well as by sending 2 Forensic Scientists to the Borkenstein Drug Course, and

WHEREAS, the 2023 budget needs to be amended to include the costs and revenue for the Borkenstein Drug course to be attended in 2023, now, therefore, be it

RESOLVED, that following the County Attorney's review, the Highway Safety Grant for the Forensic Laboratory may be executed pursuant to the Niagara County Contract Policy, and be it further

RESOLVED, that the following budget modification be effectuated:

INCREASE ESTIMATED REVENUE:

A.17.3110.000 44389.07	Other Public Safety Forensic Lab	\$5,000
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INCREASE APPROPRIATIONS:

A.17.3110.000 74600.03	Training and Education	\$5,000
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Moved by Nemi, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. CSS-089-23

From: Community Safety & Security and Administration Committees.

Dated: September 19, 2023

**NIAGARA COUNTY SHERIFF'S OFFICE BUDGET MODIFICATION
ACCEPT FUNDING FOR NIAGARA COUNTY LAW ENFORCEMENT ACADEMY**

WHEREAS, Niagara County and Niagara County Community College are working on a joint project to construct and equip a new Niagara County Law Enforcement Academy on the Niagara County Community College Campus, and

WHEREAS, the Niagara County Law Enforcement Academy benefits all law enforcement agencies within Niagara County for training of new recruits and continued training of existing officers, and

WHEREAS, the Niagara County Law Enforcement Academy (NCLEA) is run jointly by the Niagara County Sheriff's Office and the Niagara Falls Police Department, and

WHEREAS, the City of Niagara Falls has committed \$250,000 in funding to be used to equip the new NCLEA, now, therefore, be it

RESOLVED, Niagara County accept the funding from the City of Niagara Falls to be used for the Niagara County Law Enforcement Academy, and be it further

RESOLVED, that the following budget modification be effectuated:

INCREASE ESTIMATED REVENUE:

H762.17.2497.000 42706.00	Grants from Local Government Revenue	\$250,000
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INCREASE APPROPRIATIONS:

H762.17.2497.000 72100.26	Technology Systems	\$250,000
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Moved by Nemi, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. CSS-090-23

From: Community Safety & Security and Administration Committees.

Dated: September 19, 2023

**NIAGARA COUNTY SHERIFF'S OFFICE
AWARD CONTRACT FOR RFP 2023-58 FLOOR REPLACEMENT
AT THE JAIL POD RECREATION AREA**

WHEREAS, the Niagara County Legislature approved Resolution CW-024-23 on June 20, 2023 to fund a Capital Project to replace floors in the Niagara County Jail POD recreation yards, and

WHEREAS, the Niagara County Purchasing Division issued Bid # 2023-58 Floor Replacement at the Jail POD Recreation Area, and

WHEREAS, the following bid responses were received: Sierra Contracts Corp. \$124,800.00; Millenium Construction \$116,209.90; and Impressive Facility Services \$106,000.00, now, therefore, be it

RESOLVED, that RFP 2023-58 Floor Replacement at the Jail POD Recreation Area be awarded to the lowest responsible bidder, Impressive Facility Services dba Pro Squared Facility Solutions, 1243 Military Rd #2 Kenmore, NY 14217 in the amount of \$106,000.00, and be it further

RESOLVED, that following the County Attorney's review, the Floor Replacement at the Jail POD Recreation Area contract with Impressive Facility Services dba Pro Squared Facility Services may be executed pursuant to the Niagara County Contract Policy
Moved by Nemi, seconded by Robins.
Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. CSS-091-23

From: Community Safety & Security and Administration Committees.

Dated: September 19, 2023

**NIAGARA COUNTY SHERIFF'S OFFICE
EXTENSION OF FORENSIC FIREARMS CONSULTANT AGREEMENT**

WHEREAS, the Niagara County Legislature passed Resolution CSS-089-21 on September 21, 2021 to enter into an agreement with Cody McKellar as a consultant for forensic firearms testing and examinations for the Niagara County Sheriff's Office Forensic Laboratory, and

WHEREAS, the Niagara County Legislature passed Resolution CSS-075-22 on September 13, 2022 to extend the Firearms Consultant Agreement with Cody McKellar for a year, and

WHEREAS, the Sheriff's Office Forensic Laboratory has a continued need for an independent contractor to perform required firearms verifications and technical reviews, and

WHEREAS, the Sheriff's Office wishes to extend the agreement with Cody McKellar for a second one-year extension period with the contract being paid out of existing funds in the 2023 Budget, now, therefore, be it

RESOLVED, that the Niagara County Legislature has determined that the services to be provided by the consultant requires a high degree of specialized skill constituting "professional services" and hereby waives any requirement that additional proposals be obtained or solicited, and be it further

RESOLVED, that the County Attorney will draft an amendment for a one year extension, and be it further

RESOLVED, that the Forensic Firearms Consultant Agreement extension with Cody McKellar may be executed pursuant to the Niagara County Contract Policy.

Moved by Nemi, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. CSS-092-23

From: Community Safety & Security and Administration Committees.

Dated: September 19, 2023

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION – STOP DWI FOUNDATION GRANT**

WHEREAS, the New York State STOP-DWI Foundation, Inc. has notified the Niagara County Sheriff's Office of an additional \$5,000 in grant funds available to use for High Visibility Engagement Campaigns this year, and

WHEREAS, the grant funds are utilized for enforcement efforts by multiple law enforcement agencies during peak holidays with the goal of reducing the number of crashes, injuries and deaths on Niagara County roads, and

WHEREAS, it is necessary to modify the 2023 budget to utilize these funds, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE ESTIMATED REVENUE:

A.17.3315.000 44389.09	Other Public Safety Traffic	\$5,000
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INCREASE APPROPRIATIONS:

A.17.3315.000 74400.09	Miscellaneous Expenses Payments Other Agencies	\$5,000
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Moved by Nemi, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. CSS-093-23

From: Community Safety & Security and Administration Committees.

Dated: September 19, 2023

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

WHEREAS, the Niagara County Sheriff's Office has been awarded a Highway Traffic Safety Grant from the New York State Governor's Traffic Safety Committee in the amount of \$93,191 for the performance period October 1, 2023 through September 30, 2024, 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 children 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 2023 budget and will be included in the 2024 budget, 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 following the County Attorney's review, the Highway Traffic Safety Grant may be executed pursuant to the Niagara County Contract Policy

Moved by Nemi, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. CSS-094-23

From: Community Safety & Security and Administration Committees.

Dated: September 19, 2023

**NIAGARA COUNTY SHERIFF'S OFFICE
AWARD CONTRACT FOR RFP 2023-51 FORENSIC FIREARMS/TOOL MARK EXAMINER
TRAINER FOR NIAGARA COUNTY SHERIFF'S OFFICE FORENSIC LABORATORY**

WHEREAS, the Niagara County Purchasing Division issued RFP # 2023-51 Forensic Firearms/Tool Mark Examiner Trainer for Niagara County Sheriff's Office Forensic Laboratory, and

WHEREAS, the project will provide training for a Forensic Scientist I Firearms/Tool Mark Examiner to be trained for certification to perform firearms analysis for the NCSO Forensic Laboratory, and

WHEREAS, only one bid response was received from Nichols Forensic Science Consulting Inc. in the amount of \$48,950, and

WHEREAS, the Nichols Forensic Science Consulting RFP response has been reviewed and has been found to be comprehensive and meets the needs of the NCSO Forensic Laboratory, now, therefore, be it

RESOLVED, that RFP 2023-51 Forensic Firearms/Tool Mark Examiner Trainer for Niagara County Sheriff's Office Forensic Laboratory be awarded to Nichols Forensic Science Consulting, Inc., 1315 B Street Antioch, CA 94509 in the amount of \$48,950.00, and be it further

RESOLVED, that following the County Attorney's review, the Forensic Firearms/Tool Mark Examiner Trainer for Niagara County Sheriff's Office Forensic Laboratory contract with Nichols Forensic Science Consulting, Inc. may be executed pursuant to the Niagara County Contract Policy

Moved by Nemi, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. CSS-095-23

From: Community Safety & Security and Administration Committees.

Dated: September 19, 2023

**NIAGARA COUNTY SHERIFF'S OFFICE
OVERHEAD DOOR OF GREATER ERIE CHANGE ORDER NO. 1**

WHEREAS, the Niagara County Legislature passed Resolution CSS-091-22 on October 18, 2022 which authorized the execution of an agreement with Overhead Door of Erie to replace the defective rolling gates around the perimeter of the Niagara County Jail, and

WHEREAS, the Niagara County Legislature passed Resolution #CSS-021-23 on February 21, 2023 to authorize funding of the County portion of the project expense in the 2023 budget, and

WHEREAS, the upon replacement of the rolling gates, additional issues with encoders were found on the gates which need to be replaced, and

WHEREAS, the Niagara County Sheriff's Office has received a quote of \$6,968.56 for a change order to the contract, and

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

RESOLVED, that following the County Attorney's review, the Overhead Door of Greater Erie Change Order No.1 may be executed pursuant to the Niagara County Contract Policy

Moved by Nemi, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. CW-029-23

From: Committee of the Whole.

Dated: September 19, 2023

AWARD OF CONTRACT – OPPENHEIM PARK PAVING AND DRAINAGE

WHEREAS, the Department of Public Works has prepared specifications and the Niagara County Purchasing

Department has advertised for bids for the Oppenheim Park Paving and Drainage Project, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on September 14, 2023 as tabulated below:

- | | |
|---|----------------|
| 1. Concrete Applied Technologies Corp. (CATCO)
1266 Townline Road
Alden, NY 14004 | \$ 781,798.50 |
| 2. Northeast Diversification, Inc.
2 Cadby Industrial Park
Lancaster, NY 14086 | \$ 829,326.00 |
| 3. Milherst Construction
10025 County Road
Clarence Center, NY 14032 | \$ 874,713.06 |
| 4. Scott Lawn Yard
3305 Haseley Drive
Niagara Falls, NY 14304 | \$ 889,585.00 |
| 5. Occhino Corp.
2650 Seneca Street
West Seneca, NY 14224 | \$ 943,435.75 |
| 6. Edbauer Construction
2790 Clinton Street
West Seneca, NY 14224 | \$ 990,548.53 |
| 7. American Paving & Excavating
5880 Thompson Road
Clarence Center, NY 14032 | \$ 996,984.05 |
| 8. Sutton Paving & Excavating
P.O. Box 253
East Amherst, NY 14051 | \$1,027,000.00 |

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:

H771.15.7110.000 44089.07	Federal Aid, ARPA Oppenheim Improvements	\$500,000
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INCREASE APPROPRIATIONS:

H771.15.7110.000 72400.00	Land Improvements Oppenheim Park	\$500,000
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and be it further

RESOLVED, that the contract for the Oppenheim Park Paving and Drainage Project be awarded to the lowest responsible bidder, Concrete Applied Technologies Corp. (CATCO), 1266 Townline Road, Alden, NY 14004, in the amount of \$781,798.50, and be it further

RESOLVED, that, following the County Attorney's review, the Agreement for the Oppenheim Park Paving and Drainage Project, may be executed pursuant to the Niagara County Contract Policy.

Moved by Gooch, seconded by Foti.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. CSS-030-23

From: Committee of the Whole.

Dated: September 19, 2023

**BUDGET MODIFICATION – PURCHASING GUIDELINES WAIVER REQUEST-
DEPARTMENT OF HEALTH**

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

WHEREAS, the Niagara County Department of Health wishes to expand its' ability to provide resources to the public regarding possible dangers within the environment, and

WHEREAS, the Niagara County Department of Health has been researching different resources that will provide diverse educational accessibility to the public, and

WHEREAS Story Board Enterprises, Inc. has a patent on the product and the sole supplier integrating educational story board exhibits regarding lead and healthy homes providing this information in a bi-lingual, visual, auditory, and tactile nature, and

WHEREAS, these story board exhibits are portable, interactive, and visualize dangers within the home and regarding lead in the environment, and

WHEREAS, the story boards cost of \$8,685 will be covered 100% by the Childhood Lead Primary Prevention Program with no cost to the county, and

WHEREAS the Department of Health requests a waiver to Niagara County Purchasing Guidelines to purchase the storyboards from a sole source, now, therefore, be it

RESOLVED, a waiver to the Niagara County Purchasing Guidelines is approved.

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

Moved by Voccio, seconded by Elder.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. CW-031-23

From: Committee of the Whole.

Dated: September 19, 2023

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

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

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

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

RESOLVED, the following budget transfer be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

A.40599.00	Appropriated Fund Balance	\$100,000
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INCREASE APPROPRIATIONS:

A.11.1930.110 74500.01	Special Litigations Contractual Expense	\$100,000
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Moved by Collins, seconded by Grozio.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. CW-032-23

From: Committee of the Whole.

Dated: September 19, 2023

**CLAIM SETTLEMENT MORGAN CHRYSLER, AS PARENT
AND NATURAL GUARDIAN OF R.K., INFANT AGAINST COUNTY OF NIAGARA ET AL.**

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 R.K., Infant was injured in an accident at the sledding hill of the Clyde L. Burmaster Park (formerly Bond Lake Park), and

WHEREAS, R.K., Infant was injured while in the course of sledding and did forcibly strike a tree at the base of the sledding hill, and

WHEREAS, Morgan Chrysler commenced the law suit against the County of Niagara entitled and captioned as, Morgan Chrysler, Ind. and as mother and natural guardian of R.K., Infant vs. County of Niagara, New York, Town of Lewiston, New York, Index No.: E176806/2022, and

WHEREAS, Niagara County has the opportunity to settle the case entitled and captioned as, Morgan Chrysler, Ind. as mother and natural guardian of R.K., Infant vs. County of Niagara, New York, Town of Lewiston, New York, Index No.: E176806/2022, thereby avoiding additional litigation, trial and adverse judicial determinations, now, therefore, be it

RESOLVED that the Niagara County Legislature approves the settlement of Morgan Chrysler, Ind. and as mother and natural guardian of R.K., Infant vs. County of Niagara, New York, Town of Lewiston, New York, Index No.: E176806/2022, for the total amount of \$50,000.00, and be it further

RESOLVED, that the authority to disburse the necessary settlement funds to settle Morgan Chrysler, Ind. as mother and natural guardian of R.K., Infant vs. County of Niagara, New York, Town of Lewiston, New York, Index No.: E176806/2022, in settlement, is given to the Risk & Insurance Director in the amount of \$50,000.00 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 Andres, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. ED-009-23

From: Economic Development Committee.

Dated: September 19, 2023

**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), and then in 2020 a three-year extension of that agreement was granted under resolution ED-013-20, which will expire August 31, 2023, and

WHEREAS, it is the desire of the Lockport Ice Arena and Sports Center, Inc. to enter into a third three-year renewal, as the Empower Agreement has created savings to allow them to continue to employ various professional, make capital improvements to the arena/center, and provide economic growth to the community and

WHEREAS, Lockport Ice Arena and Sports Center Inc. has met each part of the previous agreement and they have continued to maintain several programs which draws nearly 200,000 visitors through its doors, thus the arena has become a large contributor to the local hotel and restaurant revenue through its programs and community activities, 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 renewal request from 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 an additional 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 has recommended the third 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 the Lockport Ice Arena and Sports Center Inc. application for a third 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 Nemi, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. IF-129-23

From: Infrastructure & Facilities and Administration Committees.

Dated: September 19, 2023

BUDGET MODIFICATION – PARKS MISCELLANEOUS FEES

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

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

WHEREAS, due to the increase in golf activities and credit card usage, additional funds are required, and

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

RESOLVED, that the following budget modifications be effectuated:

DECREASE APPROPRIATION

A.15.1440.000 71010.00	Positions – No. 13720	\$9,000
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INCREASE APPROPRIATION:

A.15.1375.000 74000.02	Miscellaneous Fees	\$9,000
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Moved by Nemi, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. IF-130-23

From: Infrastructure & Facilities and Administration Committees.

Dated: September 19, 2023

**CREATE AND FILL
ONE (1) CLEANER/LABORER TEMPORARY POSITION**

WHEREAS, the Department of Public Works Buildings and Grounds Division provides janitorial service functions for all county owned office buildings, and

WHEREAS, DPW needs to provide this service in order to provide a safe and clean environment for workers and visitors to these office areas, and

WHEREAS, current staff is unable to maintain the additional workload that will be occurring due to a temporary medical leave, and

WHEREAS, funds are available in other vacant positions, to create one (1) six (6) month temporary position to assist staff members during this leave, now, therefore, be it

RESOLVED, that one (1) Cleaner/Laborer Position, AFSCME Job Group 42-561, at a salary of \$16.35-18.07 be created and filled temporarily for six months, effective September 20, 2023, and be it further

RESOLVED, the following budget modification be effectuated:

DECREASE APPROPRIATIONS:

A.15.1620.000 71010.00	Positions – Buildings Maintenance Mechanic #13351	\$7,500
A.15.1620.000 71010.00	Positions – Building Maintenance Mechanic #13353	\$7,500

INCREASE APPROPRIATIONS:

A.15.1620.000 71010.00	Positions – Cleaner/Laborer #xxxxxx	\$15,000
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Moved by Nemi, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. IF-131-23

From: Infrastructure & Facilities and Administration Committees.

Dated: September 19, 2023

**ABOLISH GENERAL REPAIR PERSON POSITION/CREATE & FILL GENERAL REPAIR
PERSON II POSITION- BUILDING AND GROUNDS**

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 one (1) General Repair Person position and to create and fill one (1) General Repair Person II 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. 13595, General Repair Person, be abolished, effective October 16, 2023, and be it further

RESOLVED that the one (1) position of General Repair Person II, AFSCME, Grade 13, Step 1, at an annual salary of \$52,805.52, be created and filled, effective October 16, 2023, and be it further

RESOLVED that the following budget modification be made:

FROM:

A.15.1620.000.71010.00	Positions (General Repair Person – Position #13595)	\$15,000.00
A.15.1620.000.71010.00	Positions (Building Maintenance Mechanic- Position #13351)	\$ 1,608.32

TO:

A.15.1620.000.71010.00	Positions (General Repair Person II – Pos. #xxxxx)	\$16,608.32
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Moved by Nemi, seconded by Robins.
Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. IF-132-23

From: Infrastructure & Facilities and Administration Committees.

Dated: September 19, 2023

COURT HOUSE HVAC IMPROVEMENTS – PHASE II ELECTRICAL CONTRACT - CHANGE ORDER NO. 1

WHEREAS, Resolution No. CW-004-23, dated January 17, 2023, awarded the contract for the Court House HVAC Improvements – Phase II Electrical Project to CIR Electrical, 2527 Long Road, Grand Island, NY 14072, for a contract amount not to exceed \$160,250, and

WHEREAS, it is necessary to increase the contract in the amount of \$80,056.10, for electrical work associated with the addition of electric heat coils in various locations, for a revised contract amount of \$240,306.10, 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 \$80,056.10 for the Court House HVAC Improvements – Phase II Electrical Project, for a revised contract amount of \$240,306.10, be approved, and be it further

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

Moved by Nemi, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. IF-133-23

From: Infrastructure & Facilities and Administration Committees.

Dated: September 19, 2023

**COURT HOUSE HVAC IMPROVEMENTS – PHASE II
MECHANICAL CONTRACT - CHANGE ORDER NO. 1**

WHEREAS, Resolution No. CW-005-23, dated January 17, 2023, awarded the contract for the Court House HVAC Improvements – Phase II Mechanical Project to Greater Niagara Mechanical, 7311 Ward Road, North Tonawanda, NY 14120, for a contract amount not to exceed \$1,772,500, and

WHEREAS, it is necessary to increase the contract in the amount of \$75,651, for mechanical work associated with the addition of electric heat coils in various locations, for a revised contract amount of \$1,848,151, 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 \$75,651 for the Court House HVAC Improvements – Phase II Mechanical Project, for a revised contract amount of \$1,848,151, be approved, and be it further

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

Moved by Nemi, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. IF-134-23

From: Infrastructure & Facilities and Administration Committees.

Dated: September 19, 2023

**COURT HOUSE HVAC IMPROVEMENTS – PHASE II
GENERAL CONSTRUCTION CONTRACT - CHANGE ORDER NO. 1**

WHEREAS, Resolution No. IF-051-23, dated March 21, 2023, awarded the contract for the Court House HVAC Improvements – Phase II General Construction Project to D.R. Chamberlain Corp., 50 Simons Street, Lockport, NY 14094, for a contract amount not to exceed \$925,735, and

WHEREAS, it is necessary to increase the contract in an amount not to exceed \$35,157, for general construction work associated with the addition of electric heat coils in various locations, and to repair plaster and paint the 2nd floor court room, for a revised contract amount of \$960,892, 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 in an amount not to exceed \$35,157 for the Court House HVAC Improvements – Phase II General Construction Project, for a revised contract amount of \$960,892, be approved, and be it further

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

Moved by Nemi, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. IF-135-23

From: Infrastructure & Facilities and Administration Committees.

Dated: September 19, 2023

**KRULL PARK SHORELINE REHABILITATION PROJECT
DESIGN SERVICES CONTRACT – CHANGE ORDER NO. 6**

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

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

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

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

WHEREAS, Resolution No. IF-089-23, dated May 16, 2023, increased the contract by \$110,137.50, due to the project schedule being extended due to contractor challenges with the project and the need for additional inspections and site supervision, for a total contract amount of \$670,606.50, and

WHEREAS, Resolution No. IF-117-23, dated August 1, 2023, increased the contract by \$93,458, due to extending the contract to September and contractor challenges adding additional inspections and site supervision, for a total contract amount of \$764,064.50, and

WHEREAS, it is necessary to increase the contract by \$112,365.88, due to the project schedule being extended to November 3, 2023, due to contractor challenges and the need for additional inspections and site supervision, for a total contract amount of \$876,430.38, and

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

RESOLVED, that the contract to WSP USA, 50 Lakefront Blvd, Suite 111, Buffalo, NY 14202, be, increased by \$112,365.88, for a total contract amount of \$876,430.38, and be it further

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

Moved by Nemi, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. IF-136-23

From: Infrastructure & Facilities and Administration Committees.

Dated: September 19, 2023

**DRAINAGE FOR NIAGARA COUNTY GOLF COURSE
DRIVING RANGE PROJECT - CHANGE ORDER NO. 1**

WHEREAS, Resolution No. IF-127-23, dated August 1, 2023, awarded the contract for the Drainage for the Niagara County Golf Course Driving Range Project to Palladino Excavating & Concrete, 5653 Wendy Circle, Lockport, NY 14094, for a contract amount not to exceed \$135,000, and

WHEREAS, it is necessary to increase the contract in the amount of \$41,000 for digging 1,600 feet of a new ditch, installing culverts at the cart crossings, and adding stone around said culverts at the Golf Course, for a revised contract amount of \$176,000, and

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

RESOLVED, that Change Order No. 1 to increase the contract by \$41,000 for the Drainage for the Niagara County Golf Course Driving Range Project, for a revised contract amount of \$176,000, be approved, and be it further

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

Moved by Nemi, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. IF-137-23

From: Infrastructure & Facilities and Administration Committees.

Dated: September 19, 2023

SURVEY SERVICES-EWINGS ROAD FROM JACQUES TO ROUTE 78 AND EAST CANAL ROAD FROM LOCKPORT TO FEIGLE

WHEREAS, Resolution No. IF-110-21, dated October 19, 2021, authorized the contract for Survey Services for Ewings Road from Jacques to Route 78 and East Canal Road from Lockport to Feigle Project to Popli Design Group, 555 Penbrooke Drive, Penfield, NY 14526, for a contract amount of \$103,594, and

WHEREAS, it is necessary to decrease the contract in the amount of \$15,616.76, as the project is now complete, for a revised contract amount of \$87,977.24, 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 \$15,616.76 for the Survey Services for Ewings Road from Jacques to Route 78 and East Canal Road from Lockport to Feigle Project, for a revised contract amount of \$87,977.24, 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 Nemi, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. IF-138-23

From: Infrastructure & Facilities and Administration Committees.

Dated: September 19, 2023

PURPLE HEART VETERANS MONUMENT CHANGE ORDER NO. 2-FINAL

WHEREAS, Resolution No. IF-072-23, dated April 25, 2023, awarded the contract for the Purple Heart Veterans Monument to Mark Cerrone, 2368 Maryland Ave, Niagara Falls, NY 14305, in the amount of \$129,000, and

WHEREAS, Resolution No. IF-119-23, dated August 1, 2023, authorized Change Order No. 1 to extend the contract date to August 31, 2023, at no additional cost to the County, and

WHEREAS, the contract needs to be reduced in the amount of \$8,000, as the contingency allowance was not used and the project is now complete, 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-Final, for the contract for the Purple Heart Veterans Monument project be reduced in the amount of \$8,000, for a revised contract amount of \$121,000.00, and be it further

RESOLVED, that final payment is authorized to be made to Mark Cerrone, 2368 Maryland Ave, Niagara Falls, NY 14305, and be it further

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

Moved by Nemi, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. IF-139-23

From: Infrastructure & Facilities and Administration Committees.

Dated: September 19, 2023

**AWARD CONSULTANT CONTRACT – UPPER MOUNTAIN ROAD FROM
700' NORTH OF ROUTE 31 TO LOCKPORT JUNCTION ROAD**

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with design services for the Upper Mountain Road from 700' North of Route 31 to Lockport Junction Road Project, and

WHEREAS, C & S Engineers provided a proposal for the design of said 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:

H769.15.5112.000 43501.00	Consol Highway Aid Revenue	\$30,000
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INCREASE APPROPRIATIONS:

H769.15.5112.000 72600.01	Infrastructure Roads-Upper Mountain Rd.	\$30,000
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and be it further

RESOLVED, that the consultant services contract for the design of Upper Mountain Road from 700' North of Route 31 to Lockport Junction Road Project, be awarded to C & S Engineers, 499 Col. Eileen Collins Blvd., Syracuse, NY 13212, for a contract amount not to exceed \$320,000, 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 Nemi, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. IF-140-23

From: Infrastructure & Facilities and Administration Committees.

Dated: September 19, 2023

**RESOLUTION REJECTING BIDS FOR BRIDGE AND HIGHWAY RAIL UPGRADES-
BRALEY ROAD OVER THE EAST BRANCH OF TWELVE MILE CREEK**

WHEREAS, the Department of Public Works has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Bridge and Highway Rail Upgrades at the Braley Road Bridge over the East Branch of Twelve Mile Creek, and

WHEREAS, the lowest responsible bidder, Edbauer Construction, 2790 Clinton Street, West Seneca, NY 14224, submitted a bid in the amount of \$372,141, and

WHEREAS, the engineer's estimate for the project was \$150,000, and

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

RESOLVED, that the sealed bids which were received on Thursday, July 20, 2023 are hereby rejected and the County of Niagara, Department of Public Works, shall re-advertise for the Bridge and Highway Rail Upgrades at the Braley Road Bridge over the East Branch of Twelve Mile Creek.

Moved by Nemi, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. IF-141-23

From: Infrastructure & Facilities and Administration Committees.

Dated: September 19, 2023

**AUTHORIZATION TO COMMENCE ACTION AGAINST
THE NEXTERA ENERGY TRANSMISSION NEW YORK**

WHEREAS, NextEra Energy Transmission New York commenced a large construction project on Block Church Road (the "Road") without obtaining a highway permit to do so, at which time the County of Niagara instructed NextEra Energy Transmission New York to cease its operations, and

WHEREAS, NextEra Energy Transmission New York requested a permit in response to the County of Niagara's instructions and indicated in writing, that it would repair any damages to the Road after completion of the project, and

WHEREAS, the County of Niagara assessed the Roadway and shoulder area of Block Church Road for repairs and reconstruction and has estimated the repairs to cost \$328,137.00, and

WHEREAS, the Niagara County Attorney's Office and the Department of Public Works have made several attempts to be reimbursed by NextEra Energy Transmission New York, as all costs and expenses incurred as a result of any roadway and shoulder damage, should be paid by NextEra Energy Transmission New York, and

WHEREAS, NextEra Energy Transmission New York has an obligation to reimburse Niagara County for the repair and reconstruction expenses of Block Church Road damage, now, therefore, be it

RESOLVED, that pursuant to County Law §501(3), the Legislature of the County of Niagara hereby directs the Niagara County Attorney to commence legal action against the NextEra Energy Transmission New York seeking the \$328,137.00 for the cost and expenses for the repair and reconstruction of Block Church Road which was damage directly resulting from the NextEra Energy Transmission New York operations, and be it further

RESOLVED, that the Legislature of the County of Niagara directs the County Attorney to take any and all necessary measures and legal procedures to provide for the legal action commenced by this resolution.

Moved by Nemi, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. IF-142-23

From: Infrastructure & Facilities and Administration Committees.

Dated: September 19, 2023

**NIAGARA COUNTY DEPARTMENT OF PUBLIC WORKS
BUDGET MODIFICATION – AMERICAN RESCUE PLAN ACT FUNDS**

WHEREAS, Niagara County has received fund through the American Rescue Plan Act Funds to address negative economic impacts caused by the COVID-19 public health emergency, and

WHEREAS, the Niagara County Office for the Aging utilizes vehicles for a variety of services for the seniors over 60 within Niagara County, and

WHEREAS, funds are required to allow for the replacement of four (4) Office for the Aging vehicles, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated:

INCREASE ESTIMATED REVENUE:

DM.15.5132.000 44089.07	Federal Aid, Other ARPA	\$176,000
	State/Local Fiscal Recovery Fund	

INCREASE APPROPRIATIONS:

DM.15.5132.000 72100.12	Machinery and Equipment Cars, Vans, Light Trucks	\$176,000
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Moved by Nemi, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. IL-092-23

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

Dated: September 19, 2023

**RESOLUTION IN SUPPORT OF THE LEWISTON COMMUNITY LIONS CLUB
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the mission of the Lewiston Community Lions Club is to empower volunteers to serve their communities, meet humanitarian needs, to encourage peace and promote international understanding, and

WHEREAS, the Lewiston Community Lions Club volunteers for many different kinds of community projects – including caring for the environment, feeding the hungry, and aiding seniors and the disabled, and

WHEREAS, their current “Village of Trees” project aims to enrich public spaces by introducing trees that create natural shaded outdoor areas, promoting the health and well-being of Lewiston Village residents and visitors while enhancing the area’s aesthetics, and

WHEREAS, the project will encompass three publicly accessible properties, including two parks and one cemetery, portions of which serve as venues for various festivals, music events, a farmers market, and other community historical and recreational events, and

WHEREAS, the “Village of Trees” project is an essential endeavor to create inviting and nurturing outdoor spaces for the community, encouraging a sense of unity and appreciation for nature’s beauty and historical significance, now, therefore, be it

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

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

Lewiston Community Lions Club	\$2,000.00
Moved by Nemi, seconded by Robins.	
Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.	

Resolution No. IL-093-23

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

Dated: September 19, 2023

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

WHEREAS, the Newfane Parent Teacher Student Association (PTSA) goal is to work cooperatively with the Newfane Central School District’s Board of Education, Administration, Teachers and Staff to enhance our students’ learning experience, and

WHEREAS, the PTSA participates and hosts many events such as Movie Night, Halloween Trunk or Treat, Holiday Shop, and food concessions at many youth sporting events, and

WHEREAS, this organization is volunteer and community based, comprising of incredible parents who seek to connect students and parents to the school staff and to enhance activities around the school, and

WHEREAS, funding is needed in order to continue their efforts as well as expand the services they seek to provide, 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 Newfane PTSA by appropriating monies from said Community Partnership Program Fund as follows:

Newfane PTSA

\$1,000.00

Moved by Nemi, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. IL-094-23

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

Dated: September 19, 2023

**RESOLUTION IN SUPPORT OF SOMERSET CONSERVATION CLUB
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, Somerset Conservation Club was founded in 1961 and for over 60 years generations of hunters and outdoor lovers have enjoyed the camaraderie of fellow sportsmen all year long, and

WHEREAS, the sprawling 35 acre property offers a fishing pond, acres of woods for hunting, a rifle range, trap field, and is available to rent for private parties, and

WHEREAS, a conservation club is not just about hunting and shooting, the Outdoor Life Conservation Pledge states “I pledge to protect and conserve the natural resources of America. I promise to educate future generations so they may become caretakers of our water, air, land, and wildlife.”, and

WHEREAS, conservation clubs are a vital partner in our community and offer our youth lifelong skills and safety training that will benefit them for 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 Somerset Conservation Club by appropriating monies from said Community Partnership Program Fund as follows:

Somerset Conservation Club

\$500.00

Moved by Nemi, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. IL-095-23

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

Dated: September 19, 2023

**RESOLUTION IN SUPPORT OF BARKER FIRE DEPARTMENT
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the Barker Fire Department (BFD) was founded in 1917, and has provided fire and EMS services ever since inception, and

WHEREAS, BFD members work tirelessly to protect our community and be public servants to our residents during all times of need, and

WHEREAS, rising costs, Covid pandemic, work and family responsibilities, and increasing regulations from NYS have made it more costly and time consuming to be a volunteer, and

WHEREAS, additional funds are necessary to offset these rising costs and help support our Niagara County volunteer fire departments, 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 volunteer firefighters at Barker Fire Dept by appropriating monies from said Community Partnership Fund as follows:

Barker Fire Department	\$1,500.00
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Moved by Nemi, seconded by Robins.
Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. IL-096-23

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

Dated: September 19, 2023

**RESOLUTION IN SUPPORT OF MILLER HOSE FIRE COMPANY
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the Miller Hose Fire Company (MHC) was founded in 1911, and has provided fire and EMS services ever since inception, and

WHEREAS, MHC members work tirelessly to protect our community and be public servants to our residents during all times of need, and

WHEREAS, rising costs, Covid pandemic, work and family responsibilities, and increasing regulations from NYS have made it more costly and time consuming to be a volunteer, and

WHEREAS, additional funds are necessary to offset these rising costs and help support our Niagara County volunteer fire departments, 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 volunteer firefighters at Miller Hose Co by appropriating monies from said Community Partnership Fund as follows:

Miller Hose Fire Company	\$1,500.00
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Moved by Nemi, seconded by Robins.
Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. IL-097-23

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

Dated: September 19, 2023

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

WHEREAS, the Town of Newfane has a Newfane & Olcott Tourism committee which focuses on showcasing the amazing opportunities to work, eat, play, explore, and have fun within the region, and

WHEREAS, the Tourism Committee creates an annual Visitors Guide which highlights all of the offerings around the community, and

WHEREAS, over 20,000 of these guides are printed and distributed around WNY every year, and

WHEREAS, costs to produce and distribute these guides has increased drastically due to many factors, and

WHEREAS, funds are necessary to offset cost increases and to continue the promotion of Newfane and Olcott tourism, 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 Tourism Board by appropriating monies from said Community Partnership Fund as follows:

Town of Newfane "Tourism Committee"	\$1,000.00
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Moved by Nemi, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. IL-098-23

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

Dated: September 19, 2023

**RESOLUTION IN SUPPORT OF OLCOTT FIRE COMPANY
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the Olcott Fire Company (OFC) was founded in 1928, and has provided fire and EMS services ever since inception, and

WHEREAS, OFC members work tirelessly to protect our community and be public servants to our residents during all times of need, and

WHEREAS, rising costs, Covid pandemic, work and family responsibilities, and increasing regulations from NYS have made it more costly and time consuming to be a volunteer, and

WHEREAS, additional funds are necessary to offset these rising costs and help support our Niagara County volunteer fire departments, 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 volunteer firefighters at Olcott Fire Co by appropriating monies from said Community Partnership Fund as follows:

Olcott Fire Company	\$1,500.00
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Moved by Nemi, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. IL-099-23

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

Dated: September 19, 2023

**RESOLUTION IN SUPPORT OF WRIGHTS CORNERS FIRE COMPANY
THROUGH THE USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the Wrights Corners Fire Company (WCFC) was founded in 1939, and has provided fire and EMS services ever since inception, and

WHEREAS, WCFC members work tirelessly to protect our community and be public servants to our residents during all times of need, and

WHEREAS, rising costs, Covid pandemic, work and family responsibilities, and increasing regulations from NYS have made it more costly and time consuming to be a volunteer, and

WHEREAS, additional funds are necessary to offset these rising costs and help support our Niagara County volunteer fire departments, 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 volunteer firefighters at Wrights Corners Fire Company by appropriating monies from said Community Partnership Fund as follows:

Wrights Corners Fire Company	\$1,500.00
Moved by Nemi, seconded by Robins.	
Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.	

Resolution No. IL-100-23

From: Legislators Irene M. Myers, Rebecca J. Wydysh, Richard E. Abbott Shawn A. Foti, Randy R. Brant, Anthony J. Nemi, William J. Collins, Mark J. Grozio, Christopher Voccio, Christopher A. Robins and Economic Development Committee.

Dated: September 19, 2023

**RESOLUTION IN SUPPORT OF OLD FORT NIAGARA
THROUGH COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, Old Fort Niagara's history spans more than 300 years and features one of the nation's finest collections of original 18th and early 19th century military architecture and related artifacts depicting people and events throughout the site's history, and

WHEREAS, Niagara County will have the honor to receive wartime medals of US Army Private First-Class Frank Gaffney (12/18-/1883-5/25/1948), and

WHEREAS, as a Niagara County resident, Frank was regarded as the "human hurricane" during his enlistment, with his war time honors include Medal of Honor, Purple Heart and many other honors and awards for his bravery from other countries, and

WHEREAS, the medals will be kept and displayed in the "Rotunda" of the Niagara County Courthouse to honor this war hero, and

WHEREAS, Old Fort Niagara will make provisions for the keepsake, preservation and display of these medals and other wartime memorabilia, as they continue to educate, share and preserve the history of our Niagara County veterans, wartime heroes, historic structures and memorabilia, 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 Old Fort Niagara by appropriating monies from said Community Partnership Fund as follows:

Old Fort Niagara	\$3,000.00
Moved by Nemi, seconded by Robins.	
Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.	

Resolution No. IL-101-23

From: Legislator Richard L. Andres.

Dated: September 19, 2023

**RESOLUTION IN SUPPORT OF THE PENDLETON ATHLETIC BOOSTER ASSOCIATION
THROUGH THE USE OF COMMUNITY PARTERSHIP FUNDING**

WHEREAS, the Pendleton Athletic Boosters Association (PABA), a 501(c)(3) nonprofit organization dedicated to creating and sustaining youth athletic programs of the highest standards in our community, was founded in 1971 to offer programs in youth football, cheerleading, wrestling and, more recently, lacrosse and flag football, and

WHEREAS, PABA is an important part of the Pendleton community, offering many children their first opportunity to play organized sports and learn the values of teamwork and sportsmanship; and

WHEREAS, Community Partnership funds help support numerous organizations across Niagara County that are important to local communities like PABA, now, therefore, be it

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

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

RESOLVED, that Niagara County supports the efforts of the Pendleton Athletic Booster Association by appropriating monies from said Community Partnership Program Fund as follows:

Pendleton Athletic Booster Association	\$500.00
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and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.814 40599.01	Appropriated Fund Balance – Committed Funds	\$500.00
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INCREASE APPROPRIATION:

A.28.8020.814 74500.01	Community Partnership Fund Expense	\$500.00
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Moved by Nemi, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. IL-102-23

From: Legislator Richard L. Andres.

Dated: September 19, 2023

A RESOLUTION CALLING ON GOVERNOR HOCHUL TO VETO A.04282B/S.3505B

WHEREAS, the Niagara County Legislature believes that increasing participation in the election process and reducing costs of government operations is good for our republic, and

WHEREAS, during the 2023 legislative session, Assembly Member Amy Paulin and State Senator James Skoufis reintroduced this legislation, which would move local elections to even-numbered years, and

WHEREAS, versions of this legislation were introduced in previous years and failed to reach the floor for a vote due to lack of support, and

WHEREAS, after the 2022 session concluded, the bill sponsor indicated that hearings would be held on the proposal through the Election Committee process, and

WHEREAS, no such hearings were held, and

WHEREAS, the proposed legislation circumvented the legislative committee process during the legislative session, limiting public input and understanding of the impacts, and

WHEREAS, there has been no financial analysis or operational analysis of the impacts on local Boards of Elections, and

WHEREAS, this legislation passed in the middle of the night on the last days of the legislative session, which is counter to the idea of an open and transparent government, and

WHEREAS, the Niagara County Legislature has many concerns with this bill, especially its diminishment of adequate attention to local issues and local voices, and

WHEREAS, by forcing local elections to compete against national and state-level campaigns, this legislation will decrease voters' attention to important local issues and deprive local candidates of appropriate platforms to explain their stance on issues, and

WHEREAS, moving local elections to even-numbered years would increase the cost of campaigns for local office due to advertising prices being driven up by demand from national and state level campaigns, thereby reducing the ability of local campaigns to get their messages out, and

WHEREAS, this legislation excludes elections to offices in New York City and all other cities and villages in New York State, as well as certain offices within all counties and towns, thereby negating any possible savings to local Boards of Election, and

WHEREAS, this legislation usurps Home Rule powers reserved by local governments and protected by the Constitution of the State of New York, raising questions of legality and constitutional authority, and

WHEREAS, local municipalities have had the ability to change their elections to even-numbered years for decades, and have chosen not to do so, and

WHEREAS, establishing the schedule of local elections is the right of the local government, supported by more than a century of precedent, and

WHEREAS, the Assembly Bill sponsor indicated that she had not received any messages of support for this proposal from any of the 57 Counties and 933 Towns across New York State impacted by this legislation, now, therefore, be it

RESOLVED, that the Niagara County Legislature calls on Governor Hochul to strongly oppose this legislation and utilize her veto authority to reject this proposal, and be it further

RESOLVED, that the Clerk of the Niagara County Legislature be, and hereby is, directed to forward certified copies of this resolution to Governor Kathy Hochul, Senate Majority Leader Andrea Stewart Cousins, Assembly Speaker Carl Heastie, Senate Minority Leader Robert Ort, Assembly Minority Leader William Barclay, Assembly Bill Sponsor Amy Paulin, Senate Bill Sponsor James Skoufis, Assemblyman Angelo Morinello, Assemblyman Michael Norris, as well as to any others deemed necessary and appropriate.

Moved by Andres, seconded by Collins, 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 Robins.

Adopted. 8 Ayes, 3 Noes – Elder, Grozio, Robins, 4 Absent – Bradt, Godfrey, Hill, Myers.

Resolution No. IL-103-23

From: Legislator David E. Godfrey.

Dated: September 19, 2023

A RESOLUTION TO SHARE THE SERVICES OF PUBLIC INFORMATION OFFICER WITH ORLEANS COUNTY

WHEREAS, communicating county information is an important function of county government as recognized when Niagara County created the office of Public Information Office, and

WHEREAS, Orleans County has a need for the same function of Public Information Officer, and

WHEREAS, Niagara County and Orleans County have a long history of collaboration, as exemplified by our Niagara Orleans Regional Alliance and our Niagara Orleans Regional Land Improvement Corporation, and

WHEREAS, Orleans County desires to share the services of the Niagara County Public Information Officer, now, therefore, be it

RESOLVED, Niagara County is authorized to enter into an agreement with Orleans County for PIO services, and be it further

RESOLVED, the PIO position will be increased from 35 hours per week to 40 hour per week to provide the services of a Public Information Officer to Orleans County effective September 27, 2023 through September 26, 2025, at a total cost not to exceed \$19,600.00 for year one with a COLA for year two, for the commitment of 5 hours per week to Orleans County.

Approved for Submission.

Moved by Nemi, seconded by Abbott, 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 Abbott.

Adopted. 8 Ayes, 3 Noes – Elder, Grozio, Robins, 4 Absent – Bradt, Godfrey, Hill, Myers.

APPOINTMENTS:

INDUSTRIAL DEVELOPMENT AGENCY:

William Fekete

Moved by Andres, second by Voccio.

Approved.

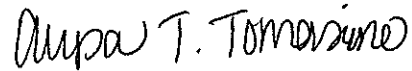
Appt.

09/19/23

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

The Chairman declared the Board adjourned 6:44 p.m., subject to the call of the Clerk.

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

A handwritten signature in black ink that reads "Alysa T. Tomasino". The signature is written in a cursive, flowing style.

Alysa T. Tomasino, Clerk