

OFFICIAL RECORD

Lockport, New York
April 21, 2020

The meeting was called to order by Chairman Wydysh at 5:30 p.m.

Clerk Tamburlin called the roll. All Legislators were present with the exception of Legislator Myers.

PRESENTATIONS:

Chairman Wydysh read a proclamation for the Department of Social Services declaring the month of April 2020 “Child Abuse Prevention Month”. Chairman Wydysh Thanked Megan Lutz, Interim Director of Social Services and her staff for everything they have been doing, especially in these trying times.

Moved by Bradt, second by Virtuoso to accept Preferred Agenda.
Roll Call Vote. Carried. 14 Ayes, 0 Noes, 1 Absent - Myers.

Resolution No. IL-017-20 was read at this time. (Appears in numerical order)

Resolution No. AD-008-20

From: Administration Committee.
Dated: April 21, 2020

**REAL PROPERTY TAX CORRECTIONS/CANCELLATIONS
NO. COE-2020 C**

WHEREAS, the Director of Real Property Tax Services has received applications for refunds and/or corrections applicable to various outstanding Niagara County tax liens, or has been made aware that unenforceable tax liens exist upon certain real property owned by the State of New York and/or the United States, and

WHEREAS, the Director has investigated the claimed erroneous assessments and/or unenforceable liens in accordance with sections 554, 556, and 558 of the New York State Real Property Tax Law, now, therefore, be it

RESOLVED, that the applications and/or lien cancellations be approved and/or denied as set forth in the attached Exhibit No. COE-2020 C, which is made a part hereof, and subsequently be charged back to the applicable town, city, special district and school district within the County of Niagara.

Corrections to previously issued Niagara County Tax Billings

Filename: COE-2020 C

Date: April 21, 2020

Town of Pendleton

RPTS # 59-2020

Owner: Chameleon Pools & Concrete, Inc.

SBL #

Tax Year

Tax Warrant Reduction

The property owner paid the 2020 school tax bill in a timely fashion, but it was included on the 2020 tax roll as unpaid.

This constitutes an erroneous school re-levy according to Real Property Tax Law. In light of this, the 2020 Niagara County/Town of Pendleton tax billing in the amount of \$11,277.78 shall be reduced by \$7,660.76 to \$3,617.02.

Original billings: \$ 11,277.78 Revised billings: \$ 3,617.02

Moved by Bradt, seconded by Virtuoso.
Adopted. 14 Ayes, 0 Noes, 1 Absent - Myers.

Resolution No. CS-020-20

From: Community Services and Administration Committees.

Dated: April 21, 2020

**BUDGET MODIFICATION –COVID-19 RESPONSE 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 awarded additional funds of \$68,118 to Niagara County Department of Health Emergency Planning Program (CFDA #93.354) for COVID-19 response to be used though March 15, 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.20.4189.406 44401.00 Public Health Federal Aid	\$ 68,118.00
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INCREASE APPROPRIATIONS:

CM.20.4189.406 74750.02 General Supplies	\$ 20,000.00
CM.20.4189.406 74750.19 Medical Supplies	29,845.18
CM.20.4189.406 71030.00 position #TBD	8,266.00
CM.20.4189.406 71030.00 position #TBD	8,266.00
CM.20.4189.406 78200.00 FICA	1,264.70
CM.20.4189.406 78300.00 Worker's Comp	476.12

Moved by Bradt, seconded by Virtuoso.
Adopted. 14 Ayes, 0 Noes, 1 Absent - Myers.

Resolution No. CS-021-20

From: Community Services and Administration Committees.

Dated: April 21, 2020

DIRECTOR OF NURSING SERVICES UPGRADE-PUBLIC HEALTH

WHEREAS, the Department of Health employs New York State licensed and specially trained Public Health Nurses to perform various public health nursing responsibilities as required to ensure Niagara County Public Health goals and initiatives are achieved and maintained, and

WHEREAS, due to a multitude of factors such as low unemployment rates, hyper competitive wage rates offered by hospitals and institutions for New York State licensed nurses, the Department of Health has been experiencing and continues to experience difficulty in the retaining and recruitment of qualified Public Health Nurses, and the Department of Health has worked with the Human Resources Department and the County Manager to review the nursing wage rates for Public Health Nurses, and

WHEREAS, the County of Niagara and the CSEA Union have entered into a Memorandum of Agreement to allow for the wage level upgrades of all Public Health Department Nurses positions by two grades, and

WHEREAS, the Niagara County Legislature has approved upgrades to all union Nursing positions in 2020 and to ensure wage equity between union and non-union positions, the department requests that the Director of Nursing Services position be upgraded, and

WHEREAS, 100% of the upgrade is covered by existing funds, now, therefore, be it

RESOLVED, that the Director of Nursing Services wage level be upgraded by one grade, from Flat Grade 14 to Flat Grade 15, effective February 23, 2020, and be it further

RESOLVED, that the following budget modification be effectuated:

FROM:

A.20.4189.401 71010 Position #4413 \$4,585

TO:

A.20.4189.401 71010 Position #610 \$4,585

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Myers.

Resolution No. CS-022-20

From: Community Services and Administration Committees.

Dated: April 21, 2020

**MENTAL HEALTH DEPARTMENT – A4310
ABOLISH, CREATE & FILL POSITION -
CRISIS SERVICES PROGRAM MANAGER**

WHEREAS, the Department of Mental Health's Crisis Services Program provides mandated Crisis Intervention Services to Niagara County residents on a 24 hour per day, seven day per week basis through 24-hour telephone Crisis Intervention information and referral services, 24-hour Crisis Intervention telephone support, 24-hour lethality and risk assessment of potential suicide and homicide risk, 24-hour Mobile Crisis Outreach, and telephonic follow-up post Mobile Crisis Outreach and linkage to short-term Community Based Crisis Intervention and Hospital Diversion services, and

WHEREAS, Niagara County has been providing this service since 1972 and responds to more than 24,000 calls annually, and

WHEREAS, a Supervising Social Worker, a CSEA employee, has had the responsibility to oversee, coordinate,

and supervise this 24-hour per day, seven day per week program and its staff, and,

WHEREAS, due to OMH regulatory changes, the program's responsibilities have increased broadly to include billing for services, expanded community-based programming, expanded corporate compliance, audit readiness and clinical oversight, and

WHEREAS, the Department of Mental Health Crisis Services Program has entered into contracts to provide Crisis Intervention services for other counties and contract agencies, and

WHEREAS, the nature of Department Operations and services being provided to other counties and contract agencies have greater rules and regulations that drive increased confidential oversight and reporting, and

WHEREAS, Niagara County Department of Mental Health recognizes the need for greater confidentiality internally and with contract Agencies, both fiscally and programmatically, and

WHEREAS, these changes in service operation and oversight are consistent with the Department of Mental Health's mission and strategic plan, and

WHEREAS, a review of the job responsibilities necessitated by this mandated service resulted in a revised job description including strong fiscal oversight, evaluation of the appropriateness of crisis services plans, and employee discipline, that is more appropriately located in the Flat Salary Grade scale, and

WHEREAS, having a CSEA member conduct these functions creates a potential for a conflict of interest, and,

WHEREAS, the Supervising Social Worker position that previously was assigned to these programs is currently vacant due to retirement, and

WHEREAS, this action has been reviewed and approved by HR, the County Manager, and the CSEA Union, and

WHEREAS, 100% of the reclassified position is covered by existing funds and results in a net cost savings for the current fiscal year, now, therefore, be it

RESOLVED, that (1) currently vacant position of Supervising Social Worker, Job Group 14, position number MHD30100.00782, salary range \$63,915-\$74,680 be abolished effective May 3, 2020, and be it further

RESOLVED, that (1) position of Crisis Services Program Manager, Flat Salary Job Group 14, position number MHD300100.XXXXX, salary range \$72,335 – \$95,352, be created and filled effective May 3, 2020, and be it further

RESOLVED, the following 2020 budget transfer be effectuated:

DECREASE REVENUE:

A.21.4310.000.43490.01	Mental Health Program (LGU)	\$ 2,885
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INCREASE APPROPRIATIONS:

A.21.4310.000.71010.00xxxxx	Crisis Services Program Manager	\$ 50,823
A.21.4310.000.78100.00	Retirement Expense	4,879
A.21.4310.000.78200.00	FICA	3,888
A.21.4310.000.78300.00	Worker's Comp	1,464
A.21.4310.000.78400.01	Insurance, Health Active Hospital/Med	8,901
A.21.4310.000.78400.05	Insurance HRS Employer Contribution	850
A.21.4310.000.78800.00	Flex 125 Employer Contribution Expense	379

DECREASE APPROPRIATIONS:

A.21.4310.000.71010.0000782	Supervising Social Worker	\$ 49,597
A.21.4310.000.71050.00	Overtime Expense	3,828
A.21.4310.000.71055.00	On Call Expense	780
A.21.4310.000.78100.00	Retirement Expense	5,204
A.21.4310.000.78200.00	FICA	4,147
A.21.4310.000.78300.00	Worker's Comp	1,561
A.21.4310.000.78400.01	Insurance, Health Active Hospital/Med	8,901
A.21.4310.000.78700.00	NYS Disability Expense	51

Moved by Gooch, seconded by Nemi.

Roll Call Vote. Adopted. 14 Ayes, 0 Noes, 1 Absent - Myers.

Resolution No. CS-023-20

From: Community Services and Administration Committees.

Dated: April 21, 2020

**MH - 2020 BUDGET MODIFICATION –
RE-GRADE OF MENTAL HEALTH DEPUTY DIRECTOR**

WHEREAS, the work of the Mental Health Department has grown substantially with the Opiate Crisis, Medicaid Redesign, and with the decrease in State Mental Health hospital beds (non-forensic) and with bail reform and other related “reforms”, there are more people experiencing Mental Health and Substance use issues in the community, and

WHEREAS, the current Deputy Director has increasing monitoring and oversight responsibilities of contract and non-contract agencies in a multi-million dollar service system to identify gaps through the Mental Hygiene Services Local Services Plan, and

WHEREAS, the current Deputy Director works well above and beyond in this role, doing phenomenal work and proving value to the Mental Health Department and the County, and

WHEREAS, the current Deputy Directors accomplishments have been many and significant and have furthered the Directors effective management and operation of the Niagara County Department of Mental Health, and

WHEREAS, re-grading to a Job Group 15 places Mental Health’s Deputy Director in line with the Health Department Deputy Director position, and

WHEREAS, the Niagara County Department of Mental Health has covered all negotiated increases for employees with captured State aid, third party insurance, and self-pay reimbursement, and would cover this increase as well, and

WHEREAS, there is available State Aid and there is no new fiscal impact to the County for this change, now, therefore, be it

RESOLVED, that the Department of Mental Health, Deputy Director, position number 4343, salary be re-graded from Job Group 14, Step 3 at \$80,676, to Job Group 15, Step 2 at \$82,240, effective May 3, 2020, and be it further

RESOLVED, the following 2020 budget modification be effectuated:

INCREASE REVENUE:

A.21.4310.000.43490.05	Reinvestment Programs	\$ 1,246
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INCREASE APPROPRIATIONS:

A.21.4310.000.71010.00.4343	Mental Health Deputy Director	\$ 1,038
A.21.4310.000.78100.00	Retirement Expense	100
A.21.4310.000.78200.00	FICA	79
A.21.4310.000.78300.00	Worker's Comp	29

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Myers.

Resolution No. CSS-017-20

From: Community Safety & Security and Administration Committees.

Dated: April 21, 2020

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION – ACCEPT LIVESCAN GRANT**

WHEREAS, the Niagara County Sheriff's Office has been notified by the New York State Division of Criminal Justice Services that they have been awarded a Livescan Equipment Program Grant for the performance period April 1, 2020 through June 30, 2021, and

WHEREAS, the purpose of the grant is the purchase and installation of Livescan equipment to replace outdated equipment, and

WHEREAS, the Livescan equipment would be installed in the Niagara County Jail to collect and transmit fingerprints to the NYS Division of Criminal Justice Services as required by law, and

WHEREAS, the amount of the grant is \$9,347 and requires a 50% match which will be used from the current Sheriff's Office budget, and

WHEREAS, the 2020 budget needs to be amended to accept the revenue, now, therefore, be it

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 2020 budget be modified as follows:

INCREASE REVENUE:

A.17.3645.000 44305.02	Civil Defense Homeland Security	\$9,347
	Other Public Safety Asset Forfeiture	

INCREASE APPROPRIATIONS:

A.17.3645.000 72100.21	Machinery and Equipment	\$9,347
	Law Enforcement Equipment	

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Myers.

Resolution No. CSS-018-20

From: Community Safety & Security and Administration Committees.

Dated: April 21, 2020

**NIAGARA COUNTY SHERIFF'S OFFICE
FORENSIC CRIMINALIST II RESIDENCY WAIVER**

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

WHEREAS, the Niagara County Sheriff's Office forensic laboratory will be experiencing a vacancy in a Forensic Criminalist II position, and

WHEREAS, this position is highly technical and vital to the Sheriff's Office Forensic Laboratory and the position responsibilities are critical for the proper functioning of the forensic laboratory with accreditation and legal ramifications, and

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

RESOLVED, that the Niagara County Sheriff's Office be granted a one-time residency waiver to fill the Forensic Criminalist II position if no qualified candidates are found that reside in Niagara County.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Myers.

Resolution No. CSS-019-20

From: Community Safety & Security and Administration Committees.

Dated: April 21, 2020

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION – FY19 STATEWIDE INTEROPERABLE COMMUNICATIONS GRANT**

WHEREAS, the Niagara County Sheriff's Office was notified in writing by the New York State Division of Homeland Security and Emergency Services that it has been awarded \$680,557 for the grant period of January 1, 2020 through December 31, 2021, and

WHEREAS, this grant will allow the Sheriff's Office to continue the improvement of the interoperable communications network which will have the benefit to the residents of Niagara County of improved reliability of communication for their safety and protection, and

WHEREAS, an improved interoperable communications network will also enhance interoperable communications with other counties and agencies when participating in Mutual Aid emergencies, and

WHEREAS, the 2020 budget will need to be modified to allow for the spending of this grant, now, therefore, be it

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the agreement for the grant period of January 1, 2020 through December 31, 2021 and be it further

RESOLVED, that the 2020 Budget be modified as follows:

INCREASE REVENUE:

A.17.3645.000.43305.02	State Aid, Civil Defense Homeland Security	\$680,557
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INCREASE APPROPRIATIONS:

A.17.3645.000.72100.15	Machinery and Equipment Communications Equipment	\$680,557
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Moved by Bradt, seconded by Virtuoso.
Adopted. 14 Ayes, 0 Noes, 1 Absent - Myers.

Resolution No. CSS-020-20

From: Community Safety & Security and Administration Committees.

Dated: April 21, 2020

2020 BUDGET MODIFICATIONS FOR EMERGENCY SERVICES

WHEREAS, the Emergency Services Office provides services to protect the safety of the citizens of Niagara County, and

WHEREAS, the COVID-19 pandemic response has required modifications to the budget to cover expenses including distribution of Personal Protective Equipment (PPE) to first responders, hospitals, nursing homes and other health agencies, as the situation is evolving, now, therefore, be it

RESOLVED, that the following 2020 budget modification be effectuated effective immediately:

INCREASE APPROPRIATED FUND BALANCE:

A.40599.00 \$400,000

DECREASE APPROPRIATION:

A.08.1990.000 74500.01 Contingency \$100,000

INCREASE APPROPRIATION:

A.19.3410.000 71050.00 Overtime \$ 2,500

A.19.3410.000 74250.01 Office Supplies \$ 10

A.19.3410.000 74750.02 Supplies/Materials \$ 163

A.19.3410.000 74750.10 Hazardous Materials \$ 736

A.19.3640.000 71050.00 Overtime \$ 2,500

A.19.3640.000 72100.11 Other Vehicles \$ 10,000

A.19.3640.000 72100.14 Misc. Equipment \$ 5,985

A.19.3640.000 74450.02 Safety/Wellness Activities \$ 1,802

A.19.3640.000 74750.11 Medical/Lab/Clinical Supplies \$ 459,824

A.19.3640.000 74800.10 Misc. Equipment Under \$500 \$ 16,480

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Myers.

Resolution No. CW-009-20

From: Committee of the Whole.

Dated: April 21, 2020

AUTHORIZATION TO PROVIDE TEMPORARY RELIEF OF INTEREST AND EXTENSION OF TIME TO PAY 2020 COUNTY TAX LIENS

WHEREAS, the Niagara County Legislature wishes to assist county taxpayers who have been affected by the spread of the COVID-19 virus and who have been unable to pay their 2020 county tax bill for various logistical and financial reasons, and

WHEREAS, this temporary relief is intended to provide a bridge in timing allowing county taxpayers to receive Coronavirus Tax Relief and Economic Impact Payments from the federal treasury, and

WHEREAS, this temporary relief will not otherwise impede the ability of the county to meet its financial obligations, and

WHEREAS, this temporary relief applies to 2020 county tax liens being collected by the Niagara County Treasurer, along with similar liens currently being collected by the cities of North Tonawanda, Lockport, and Niagara Falls, now, therefore, be it

RESOLVED, the Niagara County Treasurer, in his capacity as enforcing officer, is authorized to accept payment of 2020 county tax liens, not to include those properties within the City of Niagara Falls, thru May 31, 2020 at the same amount otherwise owing thru March 31, 2020, and be it further,

RESOLVED, that 2020 taxes not paid by May 31, 2020, not to include those properties within the City of Niagara Falls, shall be subject to the same interest and penalties that otherwise would apply in the absence of this temporary relief, and be it further

RESOLVED, that for properties located within the City of Niagara Falls, the Niagara County Treasurer, in his capacity as enforcing officer, shall accept payment of 2020 county tax liens thru May 31, 2020 at the amount otherwise owing on April 15, 2020, and be it further,

RESOLVED, that for properties located within the City of Niagara Falls, 2020 county tax liens not paid by May 31, 2020 shall be subject to the same interest and penalties that otherwise would apply in the absence of this temporary relief.

Moved by Syracuse, seconded by Grozio.

Roll Call Vote. Adopted. 14 Ayes, 0 Noes, 1 Absent - Myers.

Resolution No. ED-003-20

From: Economic Development and Administration Committees.

Dated: April 21, 2020

**BUDGET MODIFICATION – REAPPROPRIATE GRANT FUNDS
EPA BROWNFIELD PETRO**

WHEREAS, Resolution ED-025-17 authorized acceptance of a grant in the amount of One Hundred Thousand Dollars (\$100,000) from the United States Environmental Protection Agency for a Brownfield Petroleum Assessment Project that is 100% reimbursable, and

WHEREAS, Nine Thousand Two Hundred and Twenty Nine Dollars (\$9,229) was budgeted for the 2020 Budget, and

WHEREAS, less money was spent than anticipated from the 2019 Budget, in the amount of Three Thousand Nine Hundred and Ninety Nine Dollars (\$3,999), now, therefore, be it,

RESOLVED, that the following budget modification be effectuated:

INCREASE REVENUE:

CM.28.6989.610.44989.04	Other Home and Community Services	\$3,999
	EPA Brownfield Revenue	

INCREASE APPROPRIATION:

CM.28.6989.610.74500.01	Contractual Expenses	\$3,999
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Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Myers.

Resolution No. ED-004-20

From: Economic Development and Administration Committees.

Dated: April 21, 2020

**BUDGET MODIFICATION – REAPPROPRIATE GRANT FUNDS
HAZARDOUS WASTE ASSESSMENT**

WHEREAS, Resolution ED-024-17 authorized acceptance of a grant in the amount of Two Hundred Thousand Dollars (\$200,000) from the United States Environmental Protection Agency for a Brownfield Hazardous Waste Assessment Project that is 100% reimbursable, and

WHEREAS, Eighty Eight Thousand Eight Hundred and Forty Two Dollars (\$88,842) was budgeted for the 2020 Budget, and

WHEREAS, less money was spent than anticipated from the 2019 Budget, in the amount of Three Thousand One Hundred Eighty Two Dollars (\$3,182), now, therefore, be it,

RESOLVED, that the following budget modification be effectuated:

INCREASE REVENUE:

CM.28.6989.609.44989.04	Other Home and Community Services	\$3,182
	EPA Brownfield Revenue	

INCREASE APPROPRIATION:

CM.28.6989.609.74500.01	Contractual Expenses	\$3,182
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Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Myers.

Resolution No. ED-005-20

From: Economic Development and Administration Committees.

Dated: April 21, 2020

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

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

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

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

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

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

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

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

WHEREAS, the application of Steaks of Buffalo, Inc. - DBA Pellicano's Marketplace, a specialty grocery business, focusing on Italian products and fresh cut meats, currently located on Niagara Falls Boulevard, in the Town of Wheatfield, which employs 11 full-time and 18 part-time employees, has met and exceeded all the criteria qualifying its project for consideration and the Empower Niagara Board is recommending approval of this application, and

WHEREAS, the application was approved for 80 kw (at 70% load factor) of low cost power, which will enable Steaks of Buffalo, Inc. - DBA Pellicano's Marketplace, to construct a new 8,335 square foot building less than a mile from its current location on Niagara Falls Boulevard, in the Town of Wheatfield, which will double its current space and allow for the retention of 29 jobs while creating an additional 24 jobs within the next three years, and

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

WHEREAS, the Empower Niagara Board will be recommending the approval of the application for low cost power allocation of 80 kw (at 70% load factor) for a period of three (3) years commencing May 1, 2020, now, therefore, be it

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

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute this Empower User Agreement for Low Cost Power with Steaks of Buffalo, Inc. - DBA Pellicano's Marketplace.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Myers.

Resolution No. ED-006-20

From: Economic Development and Administration Committees.

Dated: April 21, 2020

**BUDGET MODIFICATION – TO COVER
EMPOWER NIAGARA ALLOCATIONS TO STEAKS OF BUFFALO, INC.
- DBA PELLICANO'S MARKETPLACE**

WHEREAS, Steaks of Buffalo, Inc. - DBA Pellicano's Marketplace is a Niagara County business that has been approved to receive low cost hydropower allocations through the Empower Niagara Program, and

WHEREAS, these benefits will be applied to Steaks of Buffalo, Inc. - DBA Pellicano's Marketplace 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	\$15,244.13	Value of 80 kw at 70% load factor for 12 months	Value of 80 kw at 70% load factor for 12 months	Value of 80 kw at 70% load factor for 5 months

INCREASE APPROPRIATION:

A.15.1620.108 74500.01	Contractual	\$15,244.13	Value of 80 kw at 70% load factor for 12 months	Value of 80 kw at 70% load factor for 12 months	Value of 80 kw at 70% load factor for 5 months
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INCREASE REVENUE:

A.28.8020.813 42189.01	Activities – Eco Dev	\$15,244.13	Value of 80 kw at 70% load factor for 12 months	Value of 80 kw at 70% load factor for 12 months	Value of 80 kw at 70% load factor for 5 months
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INCREASE APPROPRIATION:

A.28.8020.813 74550.30	Empower Niagara	\$15,244.13	Value of 80 kw at 70% load factor for 12 months	Value of 80 kw at 70% load factor for 12 months	Value of 80 kw at 70% load factor for 5 months
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Moved by Bradt, seconded by Virtuoso.
Adopted. 14 Ayes, 0 Noes, 1 Absent - Myers.

Resolution No. IF-046-20

From: Infrastructure & Facilities Committee.
Dated: April 21, 2020

NIAGARA COUNTY SECTION 5311 CONSOLIDATED GRANT APPLICATION

WHEREAS, the County of Niagara is submitting a request for a consolidated grant of funds to the New York State Department of Transportation, pursuant to Section 5311, Title 49 US Code, for federal financial operating assistance in the amount of \$110,000 for 2019 and \$110,000 for 2020 for a project to provide a route deviation public transportation service for the non-urbanized areas of Niagara County including the towns, Cambria, Hartland, Lewiston, Lockport, Newfane, Niagara, Pendleton, Porter, Royalton, Wheatfield, Wilson and the cities of Lockport, Niagara Falls, and North Tonawanda, to be serviced by Niagara Falls Coach Lines, Inc., during the period January 1, 2019 through December 31, 2020, and

WHEREAS, the County of Niagara and the State of New York have entered into a continuing agreement which authorizes the undertaking of the Project and reimbursement of the federal and applicable state share, and

WHEREAS, the County of Niagara, is contracting with a third party subcontractor, Niagara Falls Coach Lines, Inc, for the project described above, 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 Chairman of the Niagara County Legislature is authorized to act on behalf of the County of Niagara to sign the application and progress and completed the above mentioned project, and be it further

RESOLVED, that, following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the required documents between the County of Niagara and any third party subcontractor necessary to complete the public transportation project.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Myers.

Resolution No. IF-046-20

From: Infrastructure & Facilities Committee.

Dated: April 21, 2020

AWARD OF CONTRACT – WALMORE ROAD PAVEMENT PROJECT

WHEREAS, the Department of Public Works has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Walmore Road Pavement Project, and

WHEREAS, funds are available in account number H643.15.5112.000 72600.01, Infrastructure Roads, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on April 9, 2020 as tabulated below:

1. Edbauer Construction 2790 Clinton Street West Seneca, NY 14224	\$3,214,947.25
2. L.J. Quigliano 2395 Lockport Road Sanborn, NY 14132	\$3,378,265.70
3. 4 th Generation Construction 5650 Simmons Avenue Niagara Falls, NY 14304	\$3,470,254.00
4. Mark Cerrone, Inc. 2368 Maryland Avenue Niagara Falls, NY 14304	\$3,483,874.90
5. Pinto Construction Services 132 Dingens Street Buffalo, NY 14206	\$3,558,092.40
6. Milherst Construction 10025 County Road Clarence Center, NY 14032	\$3,789,873.00
7. Accadia Site Contracting 5636 Transit Road	\$3,921,000.00

Depew, NY 14043

8. Scott Lawn Yard Inc.
3305 Haseley Drive
Niagara Falls, NY 14304

\$4,197,018.65

and

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

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

RESOLVED, that the contract for the Walmore Road Pavement Project be awarded to the lowest responsible bidder, Edbauer Construction, 2790 Clinton Street, West Seneca, NY 14224, in the amount of 3,214,947.25, 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 Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Myers.

Resolution No. IF-048-20

From: Infrastructure & Facilities and Administration Committees.

Dated: April 21, 2020

**BOND LAKE MAINTENANCE BUILDING
CHANGE ORDER NO. 2-FINAL**

WHEREAS, Resolution No. IF-103-19, dated September 19, 2019, awarded the contract for the Bond Lake Maintenance Building Project to Rickard General Construction, 4919 Black Nose Spring Road, Sanborn, NY 14132, for a contract amount of \$97,862, and

WHEREAS, Resolution No. IF-128-19, dated November 19, 2019, increased the contract by \$3,050 for the removal of tree stumps and backfilling, for a revised contract amount of \$100,912, and

WHEREAS, it is necessary to reduce the contract in the amount of \$5,000, for a revised contract amount of \$95,912, 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 to deduct \$5,000 from the contract for the Bond Lake Maintenance Building Project for a revised contract amount of \$95,912, to Rickard General Construction, 4919 Black Nose Spring Road, Sanborn, NY 14132, 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 Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Myers.

Resolution No. IF-049-20

From: Infrastructure & Facilities and Administration Committees.

Dated: April 21, 2020

**CARMEN ROAD BRIDGE OVER GOLDEN HILL CREEK-NORTH
CONSULTANT AMENDMENT NO. 3 - FINAL**

WHEREAS, Resolution No. IF-126-16, dated December 6, 2016, selected CHA Consulting, Inc., 2200 Main Place Tower, Buffalo, NY 14202-3722, to assist the County with the Carmen Road Bridge over Golden Hill Project, in the amount of \$234,000, and

WHEREAS, Resolution No. IF-100-18, dated August 7, 2018, increased the contract by \$4,000 for pile inspection and pile capacity, for a revised contract amount of \$238,000, and

WHEREAS, Resolution No. IF-003-19, dated January 15, 2019, increased the contract by \$125,000 for construction inspection and construction administration, for a revised contract amount of \$363,000, and

WHEREAS, it is necessary to reduce the contract by \$10,108.41, for a final contract price of \$352,891.59, 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 CHA Consulting, Inc., 2200 Main Place Tower, Buffalo, NY 14202-3722, be decreased by \$10,108.41, for a revised contract amount of \$352,891.59, 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 Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Myers.

Resolution No. IF-050-20

From: Infrastructure & Facilities and Administration Committee.

Dated: April 21, 2020

**HIGHWAY DEPT. FUEL FACILITY MODIFICATIONS
CHANGE ORDER NO. 2**

WHEREAS, by Resolution No. IF-070-19, dated May 21, 2019, the Legislature awarded the contract for the Highway Department Fuel Facility Modifications Project to The Pump Doctor, 2706 Hemlock Road, Eden, NY 14047, for a contract amount of \$325,000, and

WHEREAS, Resolution No. IF-104-19, dated September 19, 2019, authorized Change Order No. 1 to increase the contract in the amount of \$16,800 for electrical labor work and travel hours for additional work on outside electrical, island setup, and elevations, with materials being supplied by Niagara County, for a revised contract amount of \$341,800, and

WHEREAS, it is necessary to increase the contract in the amount of \$9,842.18 for further electrical labor work, travel hours, and additional insurance for the work, for a revised contract amount of \$351,642.18, 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 to increase the contract by \$9,842.18 for the Highway Department Fuel Facility Modifications Project, for a revised contract amount of \$351,642.18, to The Pump Doctor, 2706 Hemlock Road, Eden, NY 14047, 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 Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Myers.

Resolution No. IF-051-20

From: Infrastructure & Facilities and Administration Committees.

Dated: April 21, 2020

**TONAWANDA CREEK ROAD PAVEMENT REHABILITATION PROJECT
CAMPBELL BLVD TO ERIE CANAL BRIDGE AND
SLIDE STABILIZATION WORK, ERIE AND NIAGARA COUNTIES
SUPPLEMENTAL AGREEMENT NO. 3**

WHEREAS, the Tonawanda Creek Road Pavement Rehabilitation Project, Campbell Blvd. to Erie Canal Bridge, and Slide Stabilization Work, Towns of Pendleton, Lockport, and Clarence, Niagara and Erie Counties, PIN 5761.66 (the "Project"), is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% federal funds and 20% non-federal funds, and

WHEREAS, the County of Niagara desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Preliminary Engineering (Phases I-VI), Right-of-Way Incidentals, Right-of-Way Acquisition, and Construction/ Construction Inspection phases of the project, and

WHEREAS, Supplemental Agreement No. 3 supersedes Supplemental Agreement No. 2 by moving funding from Detail Design Phases I-VI to Right-of-Way Acquisition, and

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

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

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

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

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

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

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

RESOLVED, that this Resolution shall take effect immediately.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Myers.

Resolution No. IF-052-20

From: Infrastructure & Facilities and Administration Committees.

Dated: April 21, 2020

**PORTER CENTER ROAD OVER SIXMILE CREEK, PIN 5762.93
BRIDGE NY - SUPPLEMENTAL AGREEMENT NO. 1**

WHEREAS, the Porter Center Road Bridge over Sixmile Creek Project, PIN 5762.93 (the "Project"), Town of Porter, Niagara County, is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 95% Federal Funds and 5% Non-Federal Funds, and

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

WHEREAS, the County of Niagara desires to advance the Project by making a commitment of 100% of the costs of the work for the Project or portions thereof, now, therefore, be it

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

RESOLVED, that the Legislature of the County of Niagara hereby authorizes the County of Niagara to pay 100% of the costs of the Preliminary Engineering (Design I-VI) and Construction/Construction Inspection phases of the Project or portions thereof, with the understanding that qualified costs may be eligible for federal aid, state aid, or reimbursement from Bridge NY funds, and be it further

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

INCREASE REVENUE:

H679.15.5197.000 43501.00	Consol Hwy Aid Revenue	\$ 55,545
H679.15.5197.000 44597.01	Fed Aid Cap Const Hwy Revenue	\$1,055,355

INCREASE APPROPRIATIONS:

H679.15.5197.000 72600.02	Infrastructure Bridges	\$1,110,900
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and be it further

RESOLVED, that the sum of \$1,353,900 is hereby appropriated in account H679.15.5197.000 72600.02, Infrastructure Bridges, and is made available to cover the cost of participation in the above phases of the Project, and be it further

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

RESOLVED, that in the event the Project costs not covered by federal aid, state aid, or Bridge NY funding exceed the amount appropriated above, the County of Niagara shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation, and be it further

RESOLVED, that the County of Niagara hereby agrees that construction of the Project shall begin no later than eighteen (18) months after award and the construction phase of the Project shall be completed within thirty-six (36) months, and be it further

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

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

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

RESOLVED, that this Resolution shall take effect immediately.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Myers.

Resolution No. IF-053-20

From: Infrastructure & Facilities Committee.

Dated: April 21, 2020

BID AWARD FOR HIGHWAY MATERIALS

WHEREAS, specifications for the 2020 Highway Maintenance Program have been prepared by the Highways, Bridges & Structures Division of the Department of Public Works, and

WHEREAS, the Purchasing Department advertised for bids and publicly opened and read bids on March 12, 2020, and

WHEREAS, the New York State Department of Audit and Control, has, in the past, requested the Purchasing Agent to refer the results of the bid to the Niagara County Legislature for its approval, and

WHEREAS, the Public Works Committee has examined and found the bids acceptable, and

WHEREAS, the bids have traditionally been used or made available to all the Niagara County municipalities, and

WHEREAS, funds are available in the 2020 budget of the Department of Public Works, now, therefore, be it

RESOLVED, that the below bids, as outlined on the result sheets, be awarded to the respective lowest responsible bidder, and be it further

RESOLVED, that the Commissioner of Public Works is authorized to purchase the required materials from the bid awards, and be it further

RESOLVED, that copies of the bid results be distributed to the Niagara County municipalities for their use.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Myers.

Resolution No. IF-054-20

From: Infrastructure & Facilities Committee.

Dated: April 21, 2020

AWARD OF CONTRACT FOR CONTROL OF ROADSIDE VEGETATION

WHEREAS, the Commissioner of Public Works prepared specifications and the Niagara County Purchasing Department advertised for bids for the chemical weed control of roadside vegetation on County roadways, and

WHEREAS, funds are available in the 2020 budget of the Department of Public Works, and

WHEREAS, the Purchasing Department advertised for bids and publicly opened and read bids on March 12, 2020, and

	Guide Railing Vegetation Control	
	Per Side Mile	Per Gal. Mat. Applied
1. DeAngelo Brothers, Inc. 100 N. Conahan Drive Hazleton, PA 18201	\$21.89	\$0.79
2. Allen Chase Enterprises, Inc. 24 County Route 1A Oswego, NY 13126	\$24.20	\$0.59

and

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

RESOLVED, that the contract for roadside vegetation control be awarded to DeAngelo Brothers, Inc., 100 N Conahan Drive, Hazleton, PA 18201 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 Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Myers.

Resolution No. IF-055-20

From: Infrastructure & Facilities Committee.

Dated: April 21, 2020

AWARD OF CONTRACT

COUNTY ROAD PAINTING AND STRIPING

WHEREAS, the Department of Public Works, Division of Highways, Bridges & Structures has prepared specifications and the Purchasing Department advertised for bids for painting traffic lines on County roads, and

WHEREAS, funds are available in the 2020 budget of the Highways, Bridges & Structures Division of the Department of Public Works, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on March 12, 2020 and tabulated below:

Waterborne Paint Application	Price Per Mile Of Centerline	Price Per Mile Of Edge Line
Atlantic Pavement Marking Inc. 15 Industrial Road Prospect, CT 06712	\$288.00	\$173.00
SPM Inc. 3526 Watkins Road Horseheads, NY 14854	\$297.00	\$183.00
Accent Stripe, Inc. 3275 N. Benzing Road Orchard Park, NY 14127	\$317.90	\$197.90
OH Striping Inc. 11016 River Road Corning, NY 14830	\$320.00	\$185.00

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 low bid of Atlantic Pavement Marking, Inc., for painting traffic lines on County roads be accepted as the lowest responsible bid meeting specifications, 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 Bradt, seconded by Virtuoso.
Adopted. 14 Ayes, 0 Noes, 1 Absent - Myers.

Resolution No. IF-056-20

From: Infrastructure & Facilities and Administration Committees.
Dated: April 21, 2020

ABOLISH MASONRY WORKER POSITION

CREATE AND FILL GENERAL REPAIRPERSON II

WHEREAS, due to recent retirements and 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) Masonry Worker position and to create and fill one (1) General Repair Person II, and

WHEREAS, funding for this newly created position will be from the mentioned abolished position, and a presently vacant Building Attendant position, now, therefore, be it

RESOLVED, that Position No. 13404, Masonry Worker, be abolished, and be it further

RESOLVED that the position of General Repair Person II, AFSCME, Grade 42, Step 1, at an annual salary of \$46,531, be created and filled, effective April 22, 2020, and be it further

RESOLVED that the following budget modification be made:

FROM:

A.15.1620.000.71010.01	Positions (Masonry Worker-Pos. #13404)	\$30,317
A.15.1620.000.71010.01	Positions (Building Attendant Pos. # 13359)	\$ 585

TO:

A.15.1620.000.71010 .01	Positions (General Repair Person II – Pos. #xxxxxx)	\$30,902
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Moved by Collins, seconded by Robins.

Roll Call Vote. Adopted. 14 Ayes, 0 Noes, 1 Absent - Myers.

Resolution No. IF-057-20

From: Infrastructure & Facilities and Administration Committees.

Dated: April 21, 2020

**ABOLISH BUILDING MAINTENANCE MECHANIC POSITIONS
CREATE AND FILL GENERAL REPAIR PERSON**

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

WHEREAS, after studying the services we provide and evaluating all options it has been determined that it would be in the best interest of the department, as well as the taxpayers, to abolish two (2) Building Maintenance Mechanic positions and to create and fill two (2) General Repair Person positions, and

WHEREAS, 2020 funding for these newly created positions will be from the above mentioned abolished positions, now, therefore, be it

RESOLVED, that Position No. 13350 and 13352, Building Maintenance Mechanic, be abolished, and be it further

RESOLVED that two (2) positions of General Repair Person, AFSCME, Grade 22, Step 1, at an annual salary of \$36,379, be created and filled, effective April 22, 2020, and be it further

RESOLVED that the following budget modification be made:

FROM:

A.15.1620.000.71010.01	Positions (Building Maintenance Mechanic-Pos. #13350)	\$33,620
A.15.1620.000.71010.01	Positions (Building Maintenance Mechanic-Pos. #13352)	\$33,620

TO:

A.15.1620.000.71010.01	Positions (General Repair Person – Pos. #xxxxxx)	\$33,620
A.15.1620.000.71010.01	Positions (General Repair Person – Pos. #xxxxxx)	\$33,620

Moved by Collins, seconded by Robins.

Roll Call Vote. Adopted. 14 Ayes, 0 Noes, 1 Absent - Myers.

Resolution No. IF-058-20

From: Infrastructure & Facilities Committee.

Dated: April 21, 2020

**ACCEPT RECEIPT OF GREENWAY FUNDS FOR
THE NIAGARA COUNTY KRULL PARK AND OPPENHEIM PARK PLAYGROUND
IMPROVEMENT PROJECT – PHASE II**

WHEREAS, Niagara County Parks has a series of parks throughout the County, serving the families of Niagara County and Western New York, and

WHEREAS, Niagara County applied to the Host Communities Standing Committee for permission to use the funds remaining from Phase I to fund Phase II of the Krull Park and Oppenheim Park Playground Improvement Project, and

WHEREAS, approval for funding, in the amount of \$88,006.66, was obtained on January 21, 2020 by the Host Communities Standing Committee, and

RESOLVED, that the Niagara County Legislature does hereby accept the funding from NPC HCSC in the amount of \$88,006.66, and be it further

RESOLVED, that the funds shall be transferred by the County Treasurer to the Krull Park and Oppenheim Park Playground Improvement Project as approved by the Niagara County Parks, Recreation & Tourism Ad Hoc Committee and such authority is designated to this committee by this resolution, and be it further

RESOLVED, that the following budget modification be effectuated:

DECREASE ESTIMATED REVENUE:

H553.15.7110.000.42089.01	Greenway Grant	\$88,006.66
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DECREASE ANTICIPATED APPROPRIATION:

H553.15.7110.000.72400.00	Land Improvement Expense	\$88,006.66
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INCREASE ESTIMATED REVENUE:

H672.15.7110.000.42089.01	Greenway Grant	\$88,006.66
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INCREASE ANTICIPATED APPROPRIATION:

H672.15.7110.000.72400.00	Land Improvements	\$88,006.66
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Moved by Bradt, seconded by Virtuoso.
Adopted. 14 Ayes, 0 Noes, 1 Absent - Myers.

Resolution No. IF-059-20

From: Infrastructure & Facilities Committee.

Dated: April 21, 2020

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

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

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

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

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

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

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

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Myers.

Resolution No. IF-060-20

From: Infrastructure & Facilities Committee.

Dated: April 21, 2020

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA
AND THE LIGHTHOUSE OPTIMIST CLUB OF BARKER**

WHEREAS, the Lighthouse Optimist Club of Barker has requested that the County of Niagara grant them permission to use Krull Park, and the field East of the Softball diamonds, for the purpose of holding a Kite Flying Event, to be held on June 20, 2020, and

WHEREAS, the kite event will be successful in attracting many children from the area, and

WHEREAS, it is the wish of the organizers to hold the kite event on June 20, 2020, and

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

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Lighthouse Optimist Club of Barker, and

WHEREAS, prior to the execution of the license agreement between the County of Niagara and the Lighthouse Optimist Club of Barker, the County Attorney will review said Agreement for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that following the County Attorney's review, the Chairman of the County Legislature be, and hereby is authorized to execute the license agreement between the County of Niagara and the Lighthouse Optimist Club of Barker.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Myers.

Resolution No. IF-061-20

From: Infrastructure & Facilities Committee.

Dated: April 21, 2020

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND
THE YMCA FITNESS IN THE PARKS PROGRAM**

WHEREAS, the YMCA Fitness in the Parks Program has requested that the County of Niagara grant them rights to operate a Zumba and Yoga exercise program in an area situated in the County owned property on Lake Road, and

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

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

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

WHEREAS, prior to the execution of the license agreement between the County of Niagara and the YMCA Fitness in the Parks Program, the County Attorney will review said Agreement for approval as to legal form, language and compliance, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the YMCA Fitness in the Parks Program, now, therefore, be it

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

RESOLVED, that following the County Attorney's review, the Chairman of the County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and the YMCA Fitness in the Parks Program.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Myers.

Resolution No. IF-062-20

From: Infrastructure & Facilities Committee.

Dated: April 21, 2020

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND
THE NEWFANE WOMEN'S LACROSSE CLUB**

WHEREAS, the Newfane Lacrosse Association has requested that the County of Niagara grant them rights to operate a lacrosse program in an area situated in the County owned property on Lake Road, and

WHEREAS, this program benefits the residents of the Town of Newfane in addition to Niagara County as a whole, and

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

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

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

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

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Myers.

Resolution No. IF-063-20

From: Infrastructure & Facilities Committee.

Dated: April 21, 2020

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

WHEREAS, the Pendleton Lions Club has requested that the County of Niagara grant them permission to use the West Canal Marina and Shelter #4, for the purpose of holding the 44th annual town Children's Fishing Derby to be held on June 13, 2020, and

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

WHEREAS, it is the wish of the organizers to hold the fishing derby on June 13, 2020, and

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

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Pendleton Lions Club, and

WHEREAS, prior to the execution of the license agreement between the County of Niagara and the Pendleton Lions Club, the County Attorney will review said Agreement for approval as to legal form, language and

compliance, now, therefore, be it

RESOLVED, that following the County Attorney's review, the Chairman of the County Legislature be, and hereby is authorized to execute the license agreement between the County of Niagara and the Pendleton Lions Club.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Myers.

Resolution No. IF-064-20

From: Infrastructure & Facilities and Administration Committees.

Dated: April 21, 2020

**BUDGET MODIFICATION – REAPPROPRIATE
DEPARTMENT OF HOMELAND SECURITY (DHS) FEDERAL FUNDING**

WHEREAS, the Information Technology Department provides services and ensures that the Niagara County information systems are secure and protected by cyber incidents, and

WHEREAS, the Information Technology applied for funds from the us Department of Homeland Security (DHS) Federal Funding (Administered by NY State Division of Homeland Security and Emergency Services (DHSES) to enhance and sustain Niagara County's cyber security posture as well as ensure that their information systems are secure and protected from cyber incidents, and

WHEREAS, a Budget Modification was approved by Resolution #IF-110-19, dated 10/15/19, to increase appropriations to account A.16.3645.000.44305.02 in the amount of \$97,763.83, and

WHEREAS, the Niagara County Information Technology Department requests reappropriation of the grant's 2019 balance, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

A.40599.00		\$47,763.83
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INCREASE ESTIMATED REVENUE:

A.16.3645.000.44305.02	Civil Defense, Homeland Security	\$50,000.00
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INCREASE APPROPRIATIONS:

A.16.3645.000.72100.26	Machinery & Equipment Technology System	\$97,763.83
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Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Myers.

Resolution No. IL-016-20

From: Legislators David E. Godfrey, John Syracuse and Michael A. Hill.

Dated: April 21, 2020

**APPROVING APPLICATION FOR THE USDA RECONNECT PROGRAM FUNDING TO
HELP DEPLOY HIGH SPEED BROADBAND INTERNET IN RURAL AMERICA**

WHEREAS, Niagara County, in partnership with Orleans County under the “Niagara-Orleans Regional Alliance (NORA),” has long sought to expand access to high speed broadband internet access in unserved and underserved rural areas, and

WHEREAS, the United States Department of Agriculture, through the ReConnect Program is making hundreds of millions of dollars available grants, loans, and grant/loan combinations to facilitate broadband deployment in areas of rural America that do not have sufficient broadband access, defined as 10 Mbps downstream, and 1 Mbps upstream, and

WHEREAS, the ReConnect Program will generate private sector investment in broadband infrastructure to provide high-speed internet e-connectivity to as many rural premises as possible, now, therefore, be it

RESOLVED, that Niagara County, in partnership with Orleans County but with Orleans County as the lead applicant, intends to apply for a ReConnect Program 100% grant in the current Round 2 and/or Round 3 of the offering anticipated for later this spring; and be it further

RESOLVED, that for the purposes of initiating an application through the USDA on-line portal, Acting Chief Administrative Officer Lynne Johnson shall have the assigned Representative-Signature-Certifier security role on behalf of Orleans County (acting on behalf of NORA), who shall be responsible for providing signatures, authorizing certifications, entering/updating applications, submitting applications for consideration, and assigning access to new users in USDA’s ReConnect Program Online Application System. If application(s) are awarded, the Representative-Signature-Certifier security role on behalf of Orleans County (acting on behalf of NORA) shall also be responsible for authorizing certifications, entering/updating compliance reports, submitting compliance reports, and assigning access to new users in USDA’s Online Financial Reporting and Compliance System, and be it further

RESOLVED, at a later date Orleans County (acting on behalf of NORA) may assign an individual(s) to the Administrator(s) security role on behalf of Orleans County (acting on behalf of NORA), who shall be responsible for assigning access to new users and entering/updating applications in USDA’s ReConnect Program Online Application System; if application(s) are awarded, the Administrator(s) security role on behalf of Orleans County (acting on behalf of NORA) shall also be responsible for assigning access to new users and entering/updating compliance reports in USDA’s Online Financial Reporting and Compliance System, and be it further

RESOLVED, that the Representative-Signature-Certifier and Administrator(s) for Orleans County (acting on behalf of NORA) shall comply fully with all security procedures and policies of the ReConnect Program Online Application System and USDA’s Online Financial Reporting and Compliance System.

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

Carried.

Roll Call Vote. Moved by Godfrey, seconded by Syracuse.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers

Resolution No. IL-017-20

From: Legislators Dennis F. Virtuoso, Owen T. Steed, Mark J. Grozio, Anita Mullane, Christopher A. Robins, Rebecca J. Wydysh, Irene M. Myers, Randy R. Bradt, Richard L. Andres, Jesse P. Gooch, David E. Godfrey, Anthony J. Nemi, William J. Collins, John Syracuse and Michael A. Hill.

Dated: April 21, 2020

SUPPORTING HEALTHCARE WORKERS AND FIRST RESPONDERS AND THE ACQUISITION OF PERSONAL PROTECTIVE EQUIPMENT FROM THE FEDERAL GOVERNMENT

WHEREAS, Niagara County, like all other local governments across the country is facing a public health crisis unlike any other in recent memory, and

WHEREAS, the COVID-19 pandemic is putting a significant stress on public and private healthcare systems that are already stretched very thin, and

WHEREAS, Niagara County is experiencing a dramatic increase in COVID-19 cases and deaths, and the County and its healthcare partners are taking unprecedented steps aimed at slowing down or reducing the rate of infections and providing care to the ill, and

WHEREAS, our healthcare workers and first responders are on the front lines of this pandemic and need Personal Protective Equipment (PPEs), which are in such short supply, and

WHEREAS, healthcare organizations across the country, state, and our region report significant shortages in PPEs and difficulty in obtaining PPEs, even when funding is available to purchase such equipment, thus revealing gaps and problems at the national level and with the federal government in obtaining, coordinating and distributing PPEs to those places that need it most, and

WHEREAS, for instance, revealing the magnitude of the problem, and the extreme lengths organizations are going to try and protect their workers with limited equipment, media reported on April 14, 2020 that facing a shortage of medical gowns at New York City-area hospitals, city officials have recruited private businesses and other entities, such as the New York Yankees, New York Giants, Macy's and others to provide tens of thousands of plastic rain ponchos to be used as gowns by healthcare workers, and Walt Disney Company has given 150,000 ponchos to hospitals across America, and

WHEREAS, healthcare workers are putting themselves in personal danger while providing a life-saving service and they deserve proper equipment to protect themselves and those around them, including patients, colleagues and their family members, now, therefore, be it

RESOLVED, that the Niagara County Legislature expresses its support for our brave and dedicated healthcare workers and first responders who are doing their best every day, at great personal risk to themselves, and be it further

RESOLVED, that this Honorable Body calls on the federal government to make every effort necessary to ensure that healthcare workers and first responders get the personal protective equipment that they need to protect their patients and themselves, and be it further

RESOLVED, that this Honorable Body calls on the federal government to institute a national protective equipment supply chain, fully utilize the National Strategic Stockpile to support localities and their healthcare partners, ban exports of personal protective equipment out of the US, and fully employ the Defense Production Act to require and support additional manufacturing of such equipment immediately, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the President, US Secretary of Health and Human Services, US Senators Charles Schumer and Kirsten Gillibrand, US Representative Brian Higgins, the Governor, the New York State Commissioner of Health, the Healthcare Association of New York State, SEIU 1199, Communication Workers of America, Daniel Stapleton Director of Public Health and President of New

York State Association of County Health Officials, and the Chief executive officers of Kaleida Health, Catholic Health, Erie County Medical Center Corporation, and Roswell Park Cancer Institute.

Approved for Submission.

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

Carried.

Moved by Virtuoso, seconded by Bradt.

Roll Call Vote. Adopted. 14 Ayes, 0 Noes, 1 Absent – Myers

Moved by Andres, seconded by Mullane that the Board adjourn.

The Chairman declared the Board adjourned at 6:04 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