

OFFICIAL RECORD

Lockport, New York
May 12, 2020

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

Clerk Tamburlin called the roll. All Legislators were present.

Chairman Wydysh gave an Niagara County COVID-19 update.

PRESENTATIONS:

Chairman Wydysh read a proclamation declaring May 3rd- 9th, 2020 as Correctional Officer Week in Niagara County.

Chairman Wydysh called on Mary Jo Tamburlin, Clerk of the Legislature to read a proclamation declaring May 6th-12th, 2020 as National Nurses Week.

Chairman Wydysh read a proclamation declaring May 10th-16th, 2020 as Police Week in Niagara County. Chairman Wydysh thanked Acting Sheriff Michael Filicetti and his entire staff for everything they do.

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

Resolution No. IL-018-20 was read at this time. (Appears in numerical order)

Resolution No. AD-009-20

From: Administration Committee.

Dated: May 12, 2020

DESIGNATION OF DEPOSITORY AND DEPOSIT AMOUNT

WHEREAS, pursuant to Section 212 of the County Law and Section 10 of the General Municipal Law, the Niagara County Legislature shall designate the depositories within the State of New York and the maximum which may be kept on deposit at any time in each depository, and

WHEREAS, the last designation by the County Legislature occurred on December 10, 2019, and

WHEREAS, since the last designation by the County Legislature, banks have changed due to mergers and acquisitions or expansion into the county marketplace, and

WHEREAS, it is beneficial to have numerous regional banks involved in the bidding process for investments and borrowings, now, therefore, be it

RESOLVED, that the maximum amounts to be deposited in the following bank depositories are as follows:

JP Morgan Chase Bank	\$90,000,000
Bank of America	\$90,000,000
Key Bank	\$90,000,000
M&T Bank	\$90,000,000
Evans Bank	\$90,000,000

Bank of Akron \$90,000,000

Bank on Buffalo \$90,000,000

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. AD-010-20

From: Administration Committee.

Dated: May 12, 2020

SUMMER HOURS – 2020

WHEREAS, the County has agreed to a ten-week period for a summer work schedule change and,

WHEREAS, it was agreed that this new schedule will apply only to those departments and employees who are on a Monday through Friday, 9:00 a.m. to 5:00 p.m. schedule, now, therefore, be it

RESOLVED, that effective June 28, 2020 through September 5, 2020 the work schedule of the County employees mentioned above will be 8:30 a.m. to 4:30 p.m. with the following regulations:

1. Any department required by local regulations or law to remain open until 5:00 p.m. may be exempt from this schedule.
2. Each Department Head is authorized to return to the 9:00 a.m. to 5:00 p.m. schedule if the new hours cause operational problems, or if the employees abuse the new work schedule.
3. This agreement is for the ten-week period as stated above and will not be repeated without further Legislative action.
4. Public notice of the hours will be posted in all County offices affected.
5. Any deviation from the above must be cleared with the Human Resources Department.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-021-20

From: Community Safety & Security and Administration Committees.

Dated: May 12, 2020

**NIAGARA COUNTY SHERIFF'S OFFICE
EXTEND INMATE HEALTH CARE SERVICES AGREEMENT**

WHEREAS, the County of Niagara entered into an agreement with outside companies for the comprehensive correctional health care services to detainees and inmates who are lawfully remanded to the care, custody and under control of the Sheriff in accordance with applicable law, and

WHEREAS, the Agreement was entered into with the following Entities: Primecare Medical of New York, Inc., Buffalo Diagnostic Radiology, P.C., and Union Street Dentistry, PLLC, after the County issued a Request for Proposals, and

WHEREAS, Personalcare Registered Professional Nursing P.C., Professional Care Medical Practice PC., and Professional Care Dental Services PC, were substituted for Buffalo Diagnostic Radiology, P.C., and Union Street Dentistry, PLLC, by substitution executed August 3, 2017 and consented to August 4, 2017, and

WHEREAS, the Agreement is dated August 12, 2016, and has a term of three (3) years from August 15, 2016 through August 14, 2019 with the option of extending the agreement for two additional one (1) year periods, and

WHEREAS, the County wishes to extend the Agreement with Primecare Medical of New York, Inc., Personalcare Registered Professional Nursing PC, Professional Care Medical Practice PC, and Professional Care Dental Services PC., for the second one year extension period, and

WHEREAS, the annual compensation for the additional one year extension shall be as provided in the August 12, 2016 Agreement, and also in accordance with the Agreement and Request for Proposal increased in accordance with the consumer price index or 2.9%, whichever is less, now, therefore, be it

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

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute an extension agreement for the comprehensive correctional health care services.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-022-20

From: Community Safety & Security and Administration Committees.

Dated: May 12, 2020

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION - ACCEPT RESIDENTIAL SUBSTANCE ABUSE TREATMENT GRANT**

WHEREAS, the Niagara County Sheriff's Office been notified by the New York State Department of Criminal Justice Services that a grant award in the amount of \$50,000 is being offered for a third year to support a Residential Substance Abuse Treatment (RSAT) Cognitive-Behavioral Intervention program within the Niagara County Jail for the period of January 1, 2020 through December 31, 2020, and

WHEREAS, it is well known that jails and prisons are dealing with inmates who have substance abuse and addiction problems, and

WHEREAS, it is desirable to have a program which addresses the substance abuse and addiction issues with the goal of changing the inmates addiction behaviors to improve their lives and reduce recidivism, and

WHEREAS, this grant will allow the Niagara County Jail to continue this program which was started in 2018 by contracting with an outside agency to provide a substance abuse treatment cognitive-behavioral intervention program, and

WHEREAS, the 2020 budget needs to be amended to accept and expend this grant, now, therefore, be it

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

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

RESOLVED, that the following line item transfers be effectuated:

INCREASE REVENUE:

A.17.3150.000.44089.00 Federal Aid, Other Revenue \$50,000

INCREASE APPROPRIATIONS:

A.17.3150.000.74400.09 Payments Other Agencies \$50,000

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-023-20

From: Community Safety & Security and Administration Committees.

Dated: May 12, 2020

**NIAGARA COUNTY SHERIFF'S OFFICE
ACCEPT CORONAVIRUS EMERGENCY SUPPLEMENTAL
FUNDING PROGRAM FY 2020 FORMULA GRANT**

WHEREAS, the Niagara County Sheriff's Office was notified by the US Department of Justice that it has been awarded \$58,008 under the Coronavirus Emergency Supplemental Funding (CESF) Program FY2020 Grant, and

WHEREAS, the CESF Program Grant is designed to provide funding to assist in preventing, preparing for and responding to the coronavirus without the burden of matching funds, and

WHEREAS, the performance period for this grant is January 20, 2020 through January 19, 2022, and

WHEREAS, the Niagara County Sheriff's Office intends to use the grant for the provision of necessary supplies as related to the prevention, preparation for and response to the Coronavirus, 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 following budget amendments be effectuated:

INCREASE REVENUE:

A.17.3645.000 44089.06 Coronavirus Emerg Suppl Funding \$58,008

INCREASE APPROPRIATIONS:

A.17.3645.000 74750.05 Law Enforcement Equipment \$ 58,008

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-024-20

From: Community Safety & Security and Administration Committees.

Dated: May 12, 2020

**NIAGARA COUNTY SHERIFF'S OFFICE
ACCEPT FY19 OPERATION STONEGARDEN GRANT**

WHEREAS, the Niagara County Sheriff's Office was notified by the New York State Division of Homeland Security and Emergency Services that it has been awarded \$257,800 under the FY2019 Operation Stonegarden Program, whose funding is provided by the U.S Department of Homeland Security Federal Management Agency, and

WHEREAS, Operation Stonegarden has been awarded to the Niagara County Sheriff's Office for many years, and

WHEREAS, the performance period for this grant is September 1, 2019 through August 31, 2022, and

WHEREAS, the grant is used 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, 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 following budget amendments be effectuated:

INCREASE REVENUE:

A.17.3645.000 44305.02	Civil Defense Homeland Security	\$257,800
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INCREASE APPROPRIATIONS:

A.17.3645.000 71050.00	Overtime Expense	\$ 35,009
A.17.3645.000 72100.12	Cars, Vans Light Trucks	95,000
A.17.3645.000 72100.21	Law Enforcement Equipment	24,500
A.17.3645.000 74400.09	Payments Other Agencies	73,113
A.17.3645.000 74750.21	Supplies, General Gas and Oil	19,000
A.17.3645.000 78100.00	Retirement Expense	7,492
A.17.3645.000 78200.00	FICA Expense	2,678
A.17.3645.000 78300.00	Worker's Compensation Expense	1,008

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-025-20

From: Community Safety & Security and Administration Committees.

Dated: May 12, 2020

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

WHEREAS, the County of Niagara has entered into A Consulting Agreement with a consultant for forensic firearms related testing and examinations for the Niagara County Sheriff's Office, and

WHEREAS, the current agreement was entered into with Mark Shaw, and

WHEREAS, the current agreement is dated May 1, 2017 and has a term period of two (2) years from that date with the option of extending the agreement by an amendment, and

WHEREAS, the County wishes to extend the agreement with Mark Shaw for a second one year extension period, 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 must be obtained or solicited, and be it further

RESOLVED, that County Attorney will draft an amendment for a one year extension, 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 amendment to extend the Consulting Agreement.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-025-20

From: Community Safety & Security and Administration Committees.

Dated: May 12, 2020

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

WHEREAS, the County of Niagara has entered into an agreement with a consultant for forensic firearms related testing and examinations for the Niagara County Sheriff’s Office, and

WHEREAS, the current agreement was entered into with Michael Dujonovich, and

WHEREAS, the current agreement is dated May 1, 2017 and has a term period of two (2) years from that date with the option of extending the agreement by an amendment, and

WHEREAS, the County wishes to extend the agreement with Michael Dujonovich for a second one year extension period, 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 must be obtained or solicited, and be it further

RESOLVED, that County Attorney will draft an amendment for a one year extension, 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 amendment to extend the Consulting Agreement.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-026-20

From: Community Safety & Security and Administration Committees.

Dated: May 12, 2020

**2020 BUDGET MODIFICATION - FIRE COORDINATOR'S OFFICE
RECEIPT OF PAYMENT FOR HAZ-MAT INCIDENT ON 9/12/19**

WHEREAS, the County Haz-Mat team responded to an incident on September 12, 2019 and some supplies used at the scene are not reusable, and

WHEREAS, under New York State's Navigation and Environmental Conservation Laws, the responsible party is liable for all costs associated with containment, cleanup and removal of spilled and contaminated materials, and

WHEREAS, the Fire Coordinator's Office invoiced and received payment for the replacement of these supplies from the responsible party in the amount of \$19,202.91, and

WHEREAS, the Fire Coordinator's Office needs to replenish the supplies used by the Haz-Mat, at no cost to the County, now, therefore, be it

RESOLVED, that the following 2020 budget modification be effectuated:

INCREASE REVENUE:

A.19.3410.000 42690.02	Other Compensation for Loss Reimbursements	\$ 19,202.91
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INCREASE APPROPRIATION:

A.19.3410.000 74750.10	Supplies, Gen Hazmat Inventory	\$ 19,202.91
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CW-010-20

From: Committee of the Whole.

Dated: May 12, 2020

**BUDGET MODIFICATION –
ACCEPTANCE OF FUNDS FROM CARES ACT – COVID19**

WHEREAS, the Niagara County Office for the Aging (OFA) is the recipient of \$510,329 from the New York State Office for the Aging (NYSOFA) received from Coronavirus Aid, Relief and Economic Security (CARES) Act for the period April 1, 2020 through September 30, 2021, and

WHEREAS, such funds are to be utilized to provide services for any services needed under the Older Americans Act due to the Major Disaster Declaration (MDD) from the federal government, these grants can be used for any disaster relief services for older adults but are issued as such, Nutrition Services \$311,591, Caregiver Support Services \$69,454 and Supportive Services \$129,284, and

WHEREAS, such funds are not included in the 2020 Budget, now, therefore, be it

RESOLVED, That Niagara County accepts \$510,329 to provide needed services to older adults under the Older Americans Act Disaster Relief, and be it further

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

INCREASE REVENUE ACCOUNT:

A.24.6772.000	44089.05	Federal Aid, Other (CARES Act)	\$470,329.00
A.24.7610.702	44089.04	Federal Aid, Other (FFCRA)	40,000.00

INCREASE APPROPRIATION ACCOUNTS:

A.24.6772.000	74500.01	Contractual Expenses	\$ 220,329.00
A.24.6772.000	74500.02	General Supplies/Materials	115,000.00
A.24.6772.000	74750.06	Supplies, General Food and Kitchen Supplies	75,000.00
A.24.6772.000	74675.06	Services, Central Maint in Lieu of Rent	50,000.00
A.24.6772.000	74800.10	Supplies/Services Equipment under \$500	10,000.00
A.24.7610.702	72100.07	Machinery & Equipment Food Service	40,000.00

Moved by Nemi, seconded by Mullane.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CW-011-20

From: Committee of the Whole.

Dated: May 12, 2020

**BUDGET MODIFICATION –
ACCEPTANCE OF FUNDS FROM FAMILIES FIRST CORONAVIRUS RESPONSE ACT**

WHEREAS, the Niagara County Office for the Aging (OFA) is the recipient of \$155,809 from the New York State Office for the Aging (NYSOFA) received from Families First Coronavirus Response Act (FFCRA) for the period March 20, 2020 through September 30, 2021, and

WHEREAS, such funds are to be utilized to provide services for Congregate and Home Delivered Meals but because of the Major Disaster Declaration (MDD) from the federal government, these grants can be used for any disaster relief services for older adults, and

WHEREAS, such funds are not included in the 2020 Budget, now, therefore, be it

RESOLVED, that Niagara County accepts \$155,809 to provide needed services to older adults under the Older Americans Act Disaster Relief, and be it further

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

INCREASE REVENUE ACCOUNT:

A.24.7610.702	44089.04	Federal Aid, Other (FFCRA)	\$155,809.00
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INCREASE APPROPRIATION ACCOUNTS:

A.24.7610.702	74500.01	Contractual Expenses	\$ 75,000.00
A.24.7610.702	74500.02	General Supplies/Materials	5,809.00
A.24.7610.702	74750.06	Supplies, General Food and Kitchen Supplies	75,000.00

Moved by Nemi, seconded by Mullane.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CW-012-20

From: Committee of the Whole.

Dated: May 12, 2020

**NIAGARA COUNTY BOARD OF ELECTIONS
BUDGET MODIFICATION – GRANT ACCEPTANCE (CARES ACT)**

WHEREAS, the Niagara County Board of Elections Office has been awarded a grant in the amount of \$274,596 for the period of March 28, 2020 through December 31, 2020 from the New York State Board of Elections to prevent, prepare for, and respond to the coronavirus for the 2020 Federal election cycle, and

WHEREAS, the grant will allow the Niagara County Board of Elections Office to reimburse for the cost of printing additional ballots and envelopes, additional mailing and postage, pre and post election deep cleaning of polling places, overtime salary, 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, and be it further

RESOLVED, that the 2020 budget be modified as follows:

INCREASE REVENUE:

A.14.1450.000 44089.05 - Federal Aid, Other - Coronavirus Aid (CARES Act)	\$219,677
A.14.1450.000 43089.06 - State Aid, Other - Coronavirus Aid (CARES Act)	54,919

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CW-013-20

From: Committee of the Whole.

Dated: May 12, 2020

**NIAGARA COUNTY BOARD OF ELECTIONS
BUDGET MODIFICATION – GRANT ACCEPTANCE (EARLY VOTING)**

WHEREAS, the Niagara County Board of Elections Office has been awarded a grant in the amount of \$100,645 for the period of April 12, 2019 through December 31, 2020 from the New York State Board of Elections to implement early voting and the various accompanying services and/or accessories required, and

WHEREAS, the grant will allow the Niagara County Board of Elections Office to reimburse for the purchase electronic poll books, ballot on demand printers, and training for the staff, 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, and be it further

RESOLVED, that the 2020 budget be modified as follows:

INCREASE REVENUE

A.14.1450.000 43089.05	State Aid, Early Voting	\$100,645
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Moved by Syracuse, seconded by Grozio.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CW-014-20

From: Committee of the Whole.

Dated: May 12, 2020

AWARD OF CONTRACT – PORTER CENTER ROAD BRIDGE OVER SIXMILE CREEK

WHEREAS, the Department of Public Works has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Porter Center Road Bridge over Sixmile Creek Project, and

WHEREAS, funds are available in account number H679.15.5197.000 72600.02, Bridges, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on May 7, 2020 as tabulated below:

- | | | |
|----|---|----------------|
| 1. | Mark Cerrone Inc.
2368 Maryland Ave., PO Box 3009
Niagara Falls, NY 14304 | \$ 881,482.00 |
| 2. | Pinto Construction Services
132 Dingens Street
Buffalo, NY 14206 | \$ 886,818.00 |
| 3. | 4 th Generation Construction
5650 Simmons Avenue
Niagara Falls, NY 14304 | \$ 893,000.00 |
| 4. | Edbauer Construction
2790 Clinton Street
West Seneca, NY 14224 | \$1,290,785.00 |

and

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

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

RESOLVED, that the contract for the Porter Center Road Bridge over Sixmile Creek Project be awarded to the lowest responsible bidder, Mark Cerrone Inc., 2368 Maryland Avenue, PO Box 3009, Niagara Falls, NY 14304, in the amount of \$881,482.00, 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 Myers, seconded by Grozio.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CW-015-20

From: Committee of the Whole.

Dated: May 12, 2020

AWARD OF CONTRACT – REPLACEMENT OF UPPER MOUNTAIN ROAD CULVERT OVER FISH CREEK AND REPLACEMENT OF LOCKPORT ROAD CULVERT OVER CAYUGA CREEK

WHEREAS, the Department of Public Works has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Replacement of Upper Mountain Road Culvert over Fish Creek and Replacement of Lockport Road Culvert over Cayuga Creek Project, and

WHEREAS, funds are available in account numbers H680.15.5197.000 72600.02, Bridges, and H682.15.5197.000 72600.02, Bridges, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on May 7, 2020 as tabulated below:

- | | | |
|----|---|----------------|
| 1. | Hunting Valley Construction
825 Rein Road
Cheektowaga, NY 14225 | \$1,096,351.00 |
| 2. | J. Bogner Construction
PO Box 4, 12489 Genesee Road
Sardinia, NY 14134 | \$1,171,954.09 |
| 3. | 4 th Generation Construction
5650 Simmons Avenue
Niagara Falls, NY 14304 | \$1,188,000.00 |
| 4. | Edbauer Construction
2790 Clinton Street
West Seneca, NY 14224 | \$1,228,709.75 |
| 5. | Pinto Construction Services
132 Dingens Street
Buffalo, NY 14206 | \$1,229,981.15 |
| 6. | Mark Cerrone Inc.
2368 Maryland Ave., PO Box 3000
Niagara Falls, NY 14304 | \$1,291,429.50 |

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 Replacement of Upper Mountain Road Culvert over Fish Creek and Replacement of Lockport Road Culvert over Cayuga Creek Project be awarded to the lowest responsible bidder, Hunting Valley Construction, 825 Rein Road, Cheektowaga, NY 14225, in the amount of \$1,096,351.00, 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 Robins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CW-016-20

From: Committee of the Whole.

Dated: May 12, 2020

**POSITION APPOINTMENT
COMMISSIONER OF SOCIAL SERVICES**

WHEREAS, the term of appointment for the Commissioner of Social Services expires May 12, 2020, and

WHEREAS, under the Local Law establishing an Administrative Code for the County of Niagara, the County Manager shall make appointments for the position of Commissioner of Social Services, subject to the confirmation of the County Legislature, and

WHEREAS, the County Manager has conducted a performance evaluation of the incumbent in this position, and

WHEREAS, the County Manager has determined that the incumbent has demonstrated outstanding leadership ability and performed in a manner of excellence, and

WHEREAS, upon review, consideration, and recommendation for appointment by the County Manager, it has been determined that Meghan T. Lutz best meets the qualifications for the position, now, therefore, be it

RESOLVED, that Meghan T. Lutz be appointed for a five (5) year term of office to the position of Commissioner of Social Services commencing May 12, 2020 through May 12, 2025, and be it further

RESOLVED, that Meghan T. Lutz shall be compensated an annual salary of \$93,275 and shall receive a 2% salary increase beginning January 1, 2022, and each year thereafter, and be it further

RESOLVED, that Meghan T. Lutz will continue to serve as Commissioner of Social Services until a successor is duly appointed and confirmed for said office.

Moved by Gooch, seconded by Mullane.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-065-20

From: Infrastructure & Facilities and Administration Committees.

Dated: May 12, 2020

**NIAGARA COUNTY REFUSE DISPOSAL DISTRICT LANDFILL 1 LANDFILL CAP AND SITE
UPGRADES PROJECT CHANGE ORDER NO. 2**

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

WHEREAS, the contractor has had numerous complications related to the completion of the pump station control panels outlined in the bid specifications, and

WHEREAS, supply chain issues as a result of the global coronavirus pandemic have further delayed the arrival of required parts and supplies, and

WHEREAS, as a result of delays related to the electrical installation and supply chain issues related to the coronavirus pandemic, Zoladz Construction has requested an additional 115 working days to reach substantial completion on June 5, 2020, 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 approval of Change Order #2 and the granting of the said extension of the “Substantial Completion” date shall not be, nor shall it be construed or interpreted as, a waiver of any other terms and obligations of the Niagara County Refuse Disposal District Landfill 1 Landfill Cap and Site Upgrades 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.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-066-20

From: Infrastructure & Facilities and Administration Committees.

Dated: May 12, 2020

**WALMORE ROAD PAVEMENT PROJECT
CONSULTANT AMENDMENT NO. 2**

WHEREAS, Resolution No. IF-072-17, dated May 2, 2017, authorized the contract for consultant services for the Walmore Road Pavement Project to C&S Engineers, 499 Col Eileen Collins Blvd., Syracuse, NY 13212, for a contract amount of \$185,000, and

WHEREAS, Resolution No. IF-034-19, dated March 19, 2019, authorized Amendment No. 1 to increase the contract to modify the preliminary design, add final design, and modify right-of-way, in the amount of \$187,500, for a revised contract amount of \$372,500, and

WHEREAS, it is necessary to increase the contract in the amount of \$412,000 for construction inspection and construction administration, for a revised contract amount of \$784,500, 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:

DECREASE ESTIMATED REVENUE:

H673.15.5112.000 45710.18	2018 Serial Bonds	\$229,085.22
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DECREASE APPROPRIATIONS:

H673.15.5112.000 72600.01	Roads	\$229,085.22
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INCREASE ESTIMATED REVENUE:

H643.15.5112.000 45710.18	2018 Serial Bonds	\$229,085.22
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INCREASE APPROPRIATIONS:

H643.15.5112.000 72600.01	Roads	\$229,085.22
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and be it further

RESOLVED, that Amendment No. 2 to increase the contract by \$412,000 for the Walmore Road Pavement Project, for a revised contract amount of \$784,500, to C&S Engineers, 499 Col Eileen Collins Blvd., Syracuse, NY 13212, 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. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-067-20

From: Infrastructure & Facilities and Administration Committees.

Dated: May 12, 2020

**PORTER CENTER ROAD OVER SIX MILE CREEK
CONSULTANT AMENDMENT NO. 1**

WHEREAS, Resolution No. IF-019-19, dated February 19, 2019, authorized the contract for consultant services for the Porter Center Road Bridge over Six Mile Creek Project to Bergmann Associates Inc., 280 East Broad Street, Suite 200, Rochester, NY 14604, for a contract amount of \$243,000, and

WHEREAS, it is necessary to increase the contract in the amount of \$102,914 for construction inspection and construction administration, for a revised contract amount of \$345,914, and

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

RESOLVED, that Amendment No. 1 to increase the contract by \$102,914 for the Porter Center Road Bridge over Sixmile Creek Project, for a revised contract amount of \$345,914, 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. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-068-20

From: Infrastructure & Facilities Committee.

Dated: May 12, 2020

AUTHORIZATION TO APPLY FOR BUILD TRANSPORTATION DISCRETIONARY GRANT

WHEREAS, Niagara County would like to take advantage of federal infrastructure funds targeted for rural projects to address multiple needs throughout Niagara County's rural road network, including bridges that are in disrepair from consistent farm-related activity and have not been upgraded or improved in decades, and

WHEREAS, this initiative will package a number of bridge projects strategic to Niagara County's agribusiness network and are in the most need of improvements for consideration through the federal Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grant Program, and

WHEREAS, more than 40% of Niagara County's total acreage is dedicated to farms, representing more than \$120 Million in annual sales and employment for more than 1,000 people, and

WHEREAS, per the FY 2020 Appropriations Act, BUILD Transportation Discretionary Grants may be used for funding of a project, and

WHEREAS, Niagara County has needs for rural bridge improvements totaling \$7.4 Million Dollars, with a projected 10% match or \$740,000, to be funded with Consolidated Highway Improvement Program Funds, and

WHEREAS, applications for the FY 2020 Appropriations Act, BUILD Transportation Discretionary Grants are due by May 18, 2020, and

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

RESOLVED that Garret Meal, Niagara County Commissioner Public Works, is hereby authorized and directed to file an application for funds from the FY 2020 Appropriations Act, BUILD Discretionary Grant program in the amount of \$7.4 Million for rural bridge improvements, 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. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-069-20

From: Infrastructure & Facilities Committee.

Dated: May 12, 2020

INTERMUNICIPAL AGREEMENT FOR HIGHWAY SPOILS

WHEREAS, the Niagara County Legislature is dedicated to providing the most effective government to the people of Niagara County, and

WHEREAS, the Legislature has and will continue to work with all other municipal governments when it is more efficient and cost effective to the taxpayers of Niagara County, and

WHEREAS, it is in the best interest of the County and the local municipalities to share the spoils removed from the highway right-of-way for the use by the municipality as a fill material or for other purposes, 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 Legislature is hereby authorized to execute the required documents, subject to the review of the County Manager and approval of the County Attorney to enter into an inter-municipal agreement with the various municipalities within Niagara County.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IL-018-20

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

Dated: May 12, 2020

**RESOLUTION CALLING UPON GOVERNMENT-OWNED WESTERN REGION OTB/BATAVIA
DOWNS CASINO TO RETURN \$3.2 MILLION IN FUNDS INTENDED FOR SMALL BUSINESS**

WHEREAS, Investigative Post reported on May 6 that Western Region OTB and the Batavia Downs Casino, which are currently closed, took \$3.2 million from the federal Payroll Protection Program, which is administered by the Small Business Administration, and

WHEREAS, this program was intended to aid small, privately owned businesses, and not publicly-traded corporations and government-owned entities, and

WHEREAS, according to Investigative Post, Western Region OTB CEO Henry “Wojtaszek, who has doubled his salary since joining OTB nine years ago as general counsel, will be among the beneficiaries. So will his three senior managers, who took a 50 percent pay cut April 16, and some 450 full and part-time employees, most of whom were furloughed without pay at the same time. Meanwhile, Wojtaszek and his chief fiscal officer have continued to receive full pay”, and

WHEREAS, various media outlets indicate that the SBA’s PPP program ran out of money in just 13 days, with many small businesses unable to secure loans before the program was out of funding, and

WHEREAS, according to the May 8 Milwaukee Business Journal, the average PPP loan was \$74,304.17— meaning Western Region OTB received the equivalent of 43 average-sized loans that could have been awarded to small, family-owned businesses, and used this to offset the \$191,938 salary paid to Wojtaszek, even though WROTB had \$3.1 million in the bank, and

WHEREAS, Wojtaszek’s \$191,938 salary exceeds the SBA program’s \$100,000 cap, and

WHEREAS, the Niagara County Legislature has always repeatedly endorsed a preference for private sector investment and development over tax dollars flowing to government-run agencies, now, therefore, be it

RESOLVED, the Niagara County Legislature calls upon Western Region OTB to return the \$3.2 million grant it received so this money can be used to support the small businesses intended, and be it further

RESOLVED, the Niagara County Legislature, as an owner of Western Region OTB, calls upon Mr. Wojtaszek to demonstrate leadership and empathy and apply the same salary cuts to himself that he applied to WROTB employees, and be it further

RESOLVED, the Niagara County Legislature calls upon Congress to close any loopholes that might allow further government-owned entities like WROTB to take funding that was intended to support our small, family-owned businesses.

Approved for Submission.

Moved by Virtuoso, seconded by Grozio, 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.

Rejected. 5 Ayes- Grozio, Mullane, Robins, Steed, Virtuoso, 10 Noes, 0 Absent

Clerk Tamburlin read a statement that the Niagara County’s Municipal Separate Storm Sewer Systems (MS4) Draft Annual Report, March 2019 – March 2020 is available for Public Review and Comment until May 26, 2020 at the Niagara County Department of Public Works, Administrative Office, 2nd Floor, 59 Park Avenue, Lockport, NY 14094 or on the county’s website under County Information, Stormwater.

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

The Chairman declared the Board adjourned at 7:07 p.m., subject to the call of the Clerk.



Mary Jo Tamburlin, Clerk

