

OFFICIAL RECORD

Lockport, New York
June 16, 2020

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

Chairman Wydysh gave Niagara County COVID-19 update.

Clerk Tamburlin called the roll. All Legislators were present.

PRESENTATIONS:

Chairman Wydysh read a proclamation declaring June Elder Abuse Awareness Month in Niagara County.

Legislator Godfrey gave an update on public CISCO internet hotspots being deployed across Niagara County courtesy of Microsoft, who have purchased these devices and placed at the Middleport Village Hall, Wheatfield Town Hall, Wilson Central School and in the Town of Porter.

Chairman Wydysh asked Laura Kelemen, Director of Mental Health and Substance Abuse to give an overview on a Federal Grant that was awarded to Niagara County

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

Resolution No. AD-011-20

From: Administration Committee.

Dated: June 16, 2020

REVISION OF NIAGARA COUNTY PURCHASING GUIDELINES

WHEREAS, Section 104-b of the New York State General Municipal Law requires that the governing board of every political subdivision shall adopt, by resolution, internal policies and procedures governing all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of Section 103 of New York State General Municipal Law or of any other general, special or local law, and

WHEREAS, said guidelines will be an addition to existing purchasing rules and regulations as established by Resolution 161-78 and Resolution 399-91, and will supersede Resolution AD-034-17 (the "Purchasing Guidelines"), and

WHEREAS, the Office of Management and Budget, Division of Purchasing, proposes that the County's Purchasing Guidelines be amended to include specific reference to the handling of micro-purchases under Uniform Guidance for Federal Awards – Procurement, Suspension and Disbarment as shown on the annexed Schedule, and

RESOLVED, that the Legislature of Niagara County hereby approves the amendment to the Niagara County Purchasing Guidelines and authorizes the Department of Management and Budget, Division of Purchasing to make such amendment to the Purchasing Guidelines as shown on the annexed Schedule (D.), effective immediately.

NIAGARA COUNTY PURCHASING PROCEDURES AND GUIDELINES

New York State law (General Municipal Law, Section 104-b) requires that specific guidelines be established regulating the procurement of goods and services with a value of \$20,000 or less for purchase of commodities, equipment or goods and \$35,000 or less for public works contracts. The following Niagara County guidelines are meant to facilitate the acquisition of goods and services of appropriate quality from the appropriate source at the best possible price.

PROCEDURES AND GUIDELINES FOR THE PURCHASE OF COMMODITIES, EQUIPMENT OR GOODS

<u>Dollar Limits</u>	<u>Guideline</u>
\$0 - \$3,499	At the discretion of the Office of Management and Budget, Purchasing Division, solicit documented telephone and/or written quotations from one or more vendors (if available).
\$3,500 - \$19,999	Solicit written quotations from at least two (2) vendors (if available).
\$20,000 and up	Advertise for sealed bids in conformance with General Municipal Law, Sect. 103.

If low bidder is not selected, proper justification and documentation is required from the user department in accordance with section 104-b(2)(e) of the General Municipal Law. Otherwise, purchases will be awarded to the lowest responsible and responsive bidder.

GUIDELINES FOR PUBLIC WORKS PROJECTS/CONTRACTS (Projects/contracts that require the joint procurement of labor, services, and materials for capital projects.)

<u>Dollar Limits</u>	<u>Guideline</u>
\$0 – \$3,499	At the discretion of the Public Works Department, and/or Office of Management and Budget, Purchasing Division.
\$3,500 - \$34,999	Solicit written quotations from at least two (2) vendors (if available).
\$35,000 and up	Advertise for sealed bids in conformance with General Municipal Law, Sect. 103.

If low bidder is not selected, proper justification and documentation is required from the Department of Public Works in accordance with section 104-b(2)(e) of the General Municipal Law. Otherwise, projects/contracts will be awarded to the lowest responsible and responsive bidder.

GUIDELINES FOR LEASING/RENTALS

The lease or rental agreement must be a true lease or rental and not an arrangement to lease or rent where the effect is a purchase. The Purchasing Department will solicit written quotations from at least two (2) vendors (if available) for all lease or rental agreements.

If the low bidder is not selected, proper justification and documentation is required from the user department in accordance with section 104-b(2)(e) of the General Municipal Law. Otherwise, lease or rental will be awarded to the lowest responsible and responsive bidder.

GUIDELINES FOR PROFESSIONAL SERVICES CONTRACTS (These guidelines are also used for Contracted Services)

\$0 - \$3,499	Departmental discretion with either Purchase Order or Contract.
\$3,500 - \$19,999	Solicit written quotations from at least two (2) vendors (if available).
\$20,000 and up	Advertise for Request for Proposals.

The Home Committee with subsequent Legislative approval can waive the aforementioned "Purchasing Guideline" regardless of dollar amount for any professional service contract.

The Purchasing Guidelines are not part of a Local Law and because there is no New York State Law on Professional Services no Local Law is necessary. It is within the purview of the Niagara County Legislature to waive the guidelines on any purchase of professional services as deemed necessary by a majority of the Legislature.

AUDIT SERVICES CONTRACTS

For the purpose of entering into a contractual agreement with an outside firm for auditing services, the user departments are required to follow the guidelines set forth in Resolution 165-92 dated May 5, 1992.

If low bidder is not selected, proper justification and documentation is required from the user department in accordance with section 104-b(2)(e) of the General Municipal Law. Such justification and documentation should be kept on file in user department with copy going to Purchasing Department.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. AD-012-20

From: Administration Committee.

Dated: June 16, 2020

DISTRIBUTION OF MORTGAGE TAX

WHEREAS, Niagara County has received mortgage tax monies for the period October, 2019 through March, 2020 in the amount of \$3,208,618.96, and

WHEREAS, the Recording Officer has previously distributed \$760,349.32 to the Niagara Frontier Transportation Authority, \$722,012.00 to the State Mortgage Tax Agency, and retained \$130,742.50 for approved county administrative expenses, and

WHEREAS, that Recording Officer has remitted the remaining monies collected to the County Treasurer for distribution to various Niagara County towns, villages and cities, now, therefore, be it

RESOLVED, that the sum of \$1,595,544.64 reflects mortgage tax monies for the period October 1, 2019 through March 31, 2020 to be distributed, and the same be and hereby is, apportioned as follows among the various towns, villages and cities of the County of Niagara:

TOWNS	Cambria	\$	68,882.61
	Hartland		25,393.83
	Lewiston		173,861.72
	Lockport		176,590.04
	Newfane		70,604.97
	Niagara		42,065.56
	Pendleton		89,578.72
	Porter		57,321.13
	Royalton		44,848.35
	Somerset		16,982.90
	Wheatfield		205,028.98
	Wilson		41,293.65
VILLAGES	Middleport (Hartland)	\$	491.10

	Middleport (Royalton)	3,446.01
	Lewiston	21,104.68
	Youngstown	10,875.67
	Barker	1,439.53
	Wilson	4,495.76
CITIES	Lockport	\$ 111,961.46
	Niagara Falls	201,479.45
	North Tonawanda	<u>227,798.52</u>
	TOTAL:	\$1,595,544.64

and be it further

RESOLVED, that the County Treasurer be, and hereby is, directed to pay the Supervisors of the various towns, village treasurers, and city treasurers the amounts recorded above and that this document shall be sufficient authorization to the County Treasurer to make the payments in accordance with the above direction.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CS-024-20

From: Community Services and Administration Committees.

Dated: June 16, 2020

**PUBLIC HEARING FOR
NCCC FY 2020-2021 MAINTENANCE AND OPERATING BUDGET**

WHEREAS, the County Manager and Budget Director have filed with the Legislative Clerk the tentative budget for the Niagara County Community College for their fiscal year commencing September 1, 2020 and ending August 31, 2021, and

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

RESOLVED, that a public hearing be held in the Legislative Chambers, Courthouse, Lockport, New York at 6:45 p.m. on the 4th day of August, 2020 to review the tentative budget, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-028-20

From: Community Safety & Security and Administration Committees.

Dated: June 16, 2020

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

WHEREAS, the County and the City of Niagara Falls ("CITY") would like to apply to the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, for grant funding under the Edward Byrne Memorial Assistance Grant in the amount of \$44,114.00, and

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

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-029-20

From: Community Safety & Security and Administration Committees.

Dated: June 16, 2020

**NIAGARA COUNTY SHERIFF'S OFFICE
SCHOOL RESOURCE OFFICER AGREEMENT WITH
STARPOINT CENTRAL SCHOOL DISTRICT**

WHEREAS, the Niagara County Sheriff's Office has been in an agreement with Starpoint Central School District to provide a Deputy Sheriff as a School Resource Officer in exchange for compensation from the School District, and

WHEREAS, the term of the original agreement was July 1, 2016 through June 30, 2019, and

WHEREAS, the Niagara County Legislature voted on June 18, 2019 to approve an extension of the contract through June 30, 2020, and

WHEREAS, school safety remains a high priority for Niagara County and the Starpoint Central School District, and

WHEREAS, the Niagara County Sheriff's Office and the Starpoint Central School District would like to extend the current agreement, now, therefore, be it

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-030-20

From: Community Safety & Security and Administration Committees.

Dated: June 16, 2020

**2020 BUDGET MODIFICATION - FIRE COORDINATOR'S OFFICE
ACCEPT PAYMENT FOR HAZ-MAT INCIDENT ON 3/28/20**

WHEREAS, the County Haz-Mat team responded to an incident on March 28, 2020 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 \$4,599.82, 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	\$ 4,599.82
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INCREASE APPROPRIATION:

A.19.3410.000 74750.10	Supplies, Gen Hazmat Inventory	\$ 4,599.82
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-031-20

From: Community Safety & Security and Administration Committees.

Dated: June 16, 2020

**NIAGARA COUNTY PUBLIC DEFENDER'S OFFICE
ACCEPT OFFICE OF INDIGENT LEGAL SERVICES (OILS)
DISTRIBUTION #'s 4 (C000529), #5 (C000729), and #8 (C800029) GRANTS**

WHEREAS, the Niagara County Public Defender's Office has received an award from the New York State Office of Indigent Legal Services (OILS) in the aggregate amount of \$ 1,646,445; these individual grants cover distinct Periods; Distribution #4 (C000529) in the amount of US\$ 329,289 covering the years 2014-2016 solely, #5 (C000729) in the amount of US\$ 658,578 covering the years 2015-2017 solely, and #8 (C800029) in the amount of US\$ 658,578 covering the years 2018-2020 solely, and

WHEREAS, funding from the New York State Office of Indigent Legal Services for the above items is necessary so that the Niagara County Public Defender's Office can continue providing quality services pursuant to Article 18-B of the County Law, now, therefore, be it

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CW-017-20

From: Committee of the Whole.

Dated: June 16, 2020

SUPPORT FOR NORTH TONAWANDA CHARLES FLEISCHMANN PARK

WHEREAS, the Niagara Power Coalition (“NPC”) and the New York Power Authority agreed to a licensing settlement for the next 50 years for the Niagara Power Project, and

WHEREAS, that settlement allows Niagara County to receive, through NPC Host Community Standing Committee (“HCSC”), up to \$390,000 annually to fund projects which are found to be consistent with the Niagara Greenway projects along the Greenway Trail, and

WHEREAS, North Tonawanda has made application to the Niagara County’s Ad Hoc Committee on Parks, Recreation and Tourism for Greenway funds for funding the Charles Fleischmann Park project which is necessary to complete the total Downtown Placemaking project which includes the Charles Fleischmann Park, and

WHEREAS, the objective of the Charles Fleischmann Park project is to provide residents and visitors with a more appropriate destination and safer access to the park, and

WHEREAS, the Charles Fleischmann Park improvement project is a park to be used for events, fairs, and parades, and

WHEREAS, the Charles Fleischmann Park is a central public square to be more than doubled in size by the project, allowing safer access for tourists and residents alike, and

WHEREAS, this funding will fill a budget gap to allow the complete redevelopment of Charles Fleischmann Park including the signature clock tower that could not be constructed without the Niagara County Greenway funds, and

WHEREAS, the funding will allow the City of North Tonawanda to continue making it a destination spot in Western New York and specifically Niagara County, and

WHEREAS, the Charles Fleischmann Park project meets the guiding principles of the Niagara Greenway, and

WHEREAS, the Niagara River Greenway Commission’s guiding principles promote high quality ecologically sensitive and sustainable activities and development, and

WHEREAS, the Charles Fleischmann Park project will promote increased access to the City of North Tonawanda and the County’s historical and cultural sites, and

WHEREAS, the Charles Fleischmann Park project has the support and approval of the Niagara County Legislator Richard L. Andres, and the City of North Tonawanda, and

WHEREAS, the Ad Hoc Committee for Parks, Recreation and Tourism Fund appointed by the Niagara County Legislature to review projects brought to Niagara County seeking funding from Niagara County through the Niagara Power Coalition and the Host Community Standing Committee, recommends that Niagara County approve and support this project, and

WHEREAS, the Charles Fleischmann Park project has utilized great effort and is complimented for being able to receive additional funding and support from other organizations whereby they are requesting the sum of \$200,000.00 for said project on the total overall project costing over 1.3 million dollars, and

WHEREAS, the City of North Tonawanda has embraced this project as a vital component of the continued revitalization of the recreational and cultural points of interest in the City of North Tonawanda, and

WHEREAS, after receipt of grants and other funding for the project and in-kind services to be performed by the City of North Tonawanda, the remaining \$200,000.00 of funds is being requested for the Charles Fleischmann Park project, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the funding of \$200,000.00 subject to NYPA Funding for Greenway Projects for North Tonawanda Charles Fleischmann Park Project when presented to the Niagara Power Coalition and the Host Community Standing Committee.

Moved by Gooch, seconded by Bradt.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CW-018-20

From: Committee of the Whole.

Dated: June 16, 2020

**IMPOSITION OF ADDITIONAL ONE PERCENT (1%) SALES AND
USE TAX PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF
NEW YORK AND CHAPTER 58 OF LAWS OF 2020**

WHEREAS, the State of New York has enacted legislation allowing the County of Niagara to impose an additional one percent (1%) rate of sales and compensating use taxes from March 1, 2003 to November 30, 2005, and enacted legislation allowing the County of Niagara to continue to impose the additional one percent (1%) rate from December 1, 2005 to November 30, 2007, and enacted legislation allowing the County of Niagara to continue to impose the additional 1% rate from December 1, 2007 to November 30, 2009, and enacted legislation allowing the County of Niagara to continue to impose the additional 1% rate from December 1, 2009 to November 30, 2011, and enacted legislation allowing the County of Niagara to continue to impose the additional 1% rate from December 1, 2011 to November 30, 2013, and enacted legislation allowing the County of Niagara to continue to impose the additional 1% rate from December 1, 2013 to November 30, 2015, and enacted legislation allowing the county of Niagara to continue to impose the additional 1% rate from December 1, 2017 to November 30, 2020, and enacted legislation allowing the county of Niagara to continue to impose the additional 1% rate from December 1, 2020 to November 30, 2023, all in addition to the three percent (3%) said County is authorized to impose, and to dedicate the revenues from the additional rate to pay the County's share of Medicaid costs, and

WHEREAS, the Niagara County Legislature, by Home Rule Message Resolution FN-005-03 enacted January 21, 2003 and by imposition resolution FN-006-03 enacted January 22, 2003, enacted and imposed an additional one percent (1%) sales and use taxes pursuant to Article 29 of the Tax Law of the State of New York and Chapter 4 of Laws of 2003 effective March 1, 2003 and ending November 30, 2005, and

WHEREAS, the Niagara County Legislature, by Home Rule Message Resolution AD-017-05 enacted April 19, 2005 and by imposition resolution AD-027-05 enacted July 12, 2005, enacted and imposed an extension of the additional one percent (1%) sales and use taxes pursuant to Article 29 of the Tax Law of the State of New York and Chapter 91 of Laws of 2005 effective December 1, 2005 and ending November 30, 2007, and

WHEREAS, the Niagara County Legislature, by Home Rule Message Resolution AD-017-07 enacted May 1, 2007 and by imposition resolution CW-001-07 enacted August 7, 2007, enacted and imposed an extension of the additional 1% sales and use taxes pursuant to Article 29 of the Tax Law of the State of New York and Chapter 460 of Laws of 2007 effective December 1, 2007 and ending November 30, 2009, and

WHEREAS, the Niagara County Legislature, by Home Rule Message Resolution AD-012-09 enacted May 5, 2009, and by imposition resolution CW-001-09 enacted July 28, 2009, enacted and imposed an extension of the

additional 1% sales and use taxes pursuant to Article 29 of the Tax Law of the State of New York and Chapter 140 of Laws of 2009 effective December 1, 2009 ending November 30, 2011, and

WHEREAS, the Niagara County Legislature, by Home Rule Message Resolution AD-015-11 enacted May 17, 2011, and by imposition resolution CW-001-11 enacted August 22, 2011, enacted and imposed an extension of the additional 1% sales and use taxes pursuant to Article 29 of the Tax Law of the State of New York and Chapter 240 of Laws of 2011 effective December 1, 2011 ending November 30, 2013, and

WHEREAS, the Niagara County Legislature, by Home Rule Message Resolution AD-009-13 enacted May 21, 2013, and by imposition resolution AD-019-13 enacted August 6, 2013, enacted and imposed an extension of the additional one percent (1%) rate of sales and use taxes pursuant to Article 29 of the Tax Law of the State of New York and Chapter 219 of Laws of 2013 effective December 1, 2013 ending November 30, 2015, and

WHEREAS, the Niagara County Legislature, by Home Rule Message Resolution CW-009-15 enacted May 19, 2015, and by imposition resolution CW-013-15 enacted September 15, 2015, enacted and imposed an extension of the additional one percent (1%) rate of sales and use taxes pursuant to Article 29 of the Tax Law of the State of New York and Chapter 183 of Laws of 2015 effective December 1, 2015 ending November 30, 2017, and

WHEREAS, the Niagara County Legislature, by Home Rule Message Resolution CW-003-17 enacted May 2, 2017, requested the New York Legislature to amend the Tax Law to authorize Niagara County to continue to impose said additional one percent (1%) rate of sales and use taxes from December 1, 2017 to November 30, 2019, and

WHEREAS, the New York Legislature by passage of A40001 Part A subpart cc, June 28, 2017, amended the Tax Law to authorize such extension in relation to continuing to authorize Niagara County to impose an additional rate of sales and compensating use tax for such county for the period ending November thirtieth, two thousand and [~~seventeen~~] twenty, and

WHEREAS, the New York Legislature, by passage of Chapter 61 of Laws of 2017, amended the Tax Law to authorize such extension, and

WHEREAS, the Niagara County Legislature, by Home Rule Message Resolution CW-007-20 enacted March 10, 2020 requested the New York Legislature to amend the Tax Law, to authorize Niagara County to continue to impose said additional one percent (1%) rate of sales and use taxes from December 1, 2020 to November 30, 2023 and

WHEREAS, the New York Legislature, by passage of S.7508-B on April 3, 2020, amended the Tax Law section 1. Clause 29 of subparagraph (i) of the opening paragraph of section 1210 of the tax law as amended by section 1 of subpart cc of part A of chapter 58 of the Laws of the Laws of 2020 to authorize such extension in relation to continuing to authorize Niagara county to impose an additional rate of sales and compensating use tax for such county for the period ending November thirtieth, two thousand [~~twenty~~] twenty-three, and

WHEREAS, the New York Legislature, by passage of Chapter 58 of Laws of 2020, amended the Tax Law to authorize such extension, now, therefore, be it

BE IT RESOLVED, by the County Legislature of the County of Niagara, New York as follows:

SECTION 1. Section 4-A of a resolution enacted by the Legislature of the County of Niagara on December 3, 1968, as amended, imposing sales and compensating use taxes, is amended to read as follows:

SECTION 4-A. Imposition of additional rate of sales and compensating use taxes.

Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and shall be paid an additional one percent rate of sales and compensating use taxes, for the period beginning March 1, 2003, and ending November 30, 2023. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating to or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exceptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

SECTION 2. Paragraph (B) of subdivision (1) of section 11 of a resolution enacted by the Legislature of the County of Niagara on December 3, 1968, as amended, imposing sales and compensating use taxes, is amended to read as follows:

(B) With respect to the additional tax of one percent imposed for the period beginning March 1, 2003, and ending November 30, 2023, in respect to the use of property used by the purchaser in this County prior to March 1, 2003.

SECTION 3. Subdivision (d) of section 14 of a resolution enacted by the Legislature of the County of Niagara on December 3, 1968 as amended, imposing sales and compensating use taxes, is amended to read as follows:

(d) Notwithstanding any contrary provision of the law, if the County imposes the additional one percent rate of sales and compensating use taxes authorized by section 1210 of the New York State Tax Law for all or any portion of the period beginning March 1, 2003, and ending November 30, 2023, the County shall use all net collections from such additional one percent rate to pay the County's expenses for Medicaid. The net collections from the additional one percent rate imposed pursuant to such section 1210 shall be deposited in a special fund to be created by the County separate and apart from any other funds and accounts of the County. Any and all remaining net collections from such additional one percent tax, after the Medicaid expenses are paid, shall be deposited by the County in the County's general fund for any County purpose.

SECTION 4. This enactment shall take effect December 1, 2020.

Moved by Robins, seconded by Collins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-070-20

From: Infrastructure & Facilities and Administration Committees.

Dated: June 16, 2020

**NIAGARA COUNTY JAIL SANITARY LIFT PUMP REPLACEMENTS-
CHANGE ORDER NO. 1**

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

WHEREAS, it is necessary to decrease the contract in the amount of \$2,708 for the following adjustments: replace conduit and wire; additional bypass pumping; credit for fueling; and unused contingency allowance, for a revised contract amount of \$104,042, and

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

RESOLVED, that Change Order No. 1 to decrease the contract by \$2,708 for the Sanitary Lift Pump Replacements for the Niagara County Jail Project, for a revised contract amount of \$104,042, to Hohl Industrial Services Inc., 770 Riverview Blvd., Tonawanda, NY 14150, 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-071-20

From: Infrastructure & Facilities and Administration Committees.

Dated: June 16, 2020

**NIAGARA COUNTY ROOF REPLACEMENT PROJECT
CHANGE ORDER NO. 2**

WHEREAS, by Resolution No. IF-090-19, dated August 6, 2019, the Legislature awarded the contract for the Niagara County Roof Replacement Project to Weaver Metal & Roofing, 40 Appenheimer Avenue, Buffalo, NY 14214, for a contract amount of \$2,868,000, and

WHEREAS, Resolution No. IF-005-20, dated January 21, 2020, authorized Change Order No. 1 to decrease the contract in the amount of \$27,446.46 for installing retrofit drain pipes in lieu of roof drain replacement and installing additional ½" exterior grade plywood, for a revised contract amount of \$2,840,553.54, and

WHEREAS, it is necessary to increase the contract in the amount of \$139,012.71 for the following: removal of tapered insulation and installation of flat insulation at the Ross Building; removal of tapered insulation in select roof areas and installation of flat insulation in those areas; removal of existing concrete curb and infill with steel deck at the Trott Building; replacement of roof top units 1-5 with new Trane units at the Trott Building; and replacement of air handler units 1-3 and refrigeration a/c coils at the Trott Building, for a revised contract amount of \$2,979,566.25, 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 Niagara County Roof Replacement Project to proceed:

DECREASE ESTIMATED REVENUE:

H611.15.1620.000 45730.14	Bond Anticipation Notes 2014	\$50,000
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DECREASE APPROPRIATIONS:

H611.15.1620.000 72200.01	Building Improvements 2014	\$50,000
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INCREASE ESTIMATED REVENUE:

H664.15.1620.000 45730.14	Bond Anticipation Notes 2014	\$50,000
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INCREASE APPROPRIATIONS:

H664.15.1620.000 72200.01	Building Improvements 2014	\$50,000
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and be it further

RESOLVED, that Change Order No. 2 to increase the contract by \$139,012.71 for the Niagara County Roof Replacement Project, for a revised contract amount of \$2,979,566.25, to Weaver Metal & Roofing, 40 Appenheimer Avenue, Buffalo, NY 14214, 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-072-20

From: Infrastructure & Facilities and Administration Committees.

Dated: June 16, 2020

**BRIDGE BEARINGS AND LUBRICATION CONTRACT
CONSULTANT AMENDMENT NO. 1**

WHEREAS, Resolution No. IF-052-19, dated April 9, 2019, authorized the contract for consultant services for the Bridge Bearings and Lubrication Project to Greenman Pedersen Inc., 4950 Genesee Street, Suite 100, Buffalo, NY 14225, for a contract amount of \$76,000, and

WHEREAS, it is necessary to increase the contract in the amount of \$18,451.20 to allow for four (4) additional weeks of full-time inspection services to match the Contractor's proposed work schedule, for a revised contract amount of \$94,451.20, 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 \$18,451.20 for the Bridge Bearings and Lubrication Project, for a revised contract amount of \$94,451.20, 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-073-20

From: Infrastructure & Facilities and Administration Committees.

Dated: June 16, 2020

**SLAYTON SETTLEMENT ROAD BRIDGE OVER EIGHTEEN MILE CREEK
CONSULTANT AMENDMENT NO. 1**

WHEREAS, Resolution No. IF-001-19, dated January 15, 2019, authorized the contract for consultant services for the Slayton Settlement Road Bridge over Eighteen Mile Creek Project to CHA Consulting Inc., 2200 Main Place Tower, Buffalo, NY 14202, for a contract amount of \$290,000, and

WHEREAS, it is necessary to increase the contract in the amount of \$200,000 for construction inspection and construction administration, for a revised contract amount of \$490,000, and

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

RESOLVED, that Amendment No. 1 to increase the contract by \$200,000 for the Slayton Settlement Road Bridge over Eighteen Mile Creek Project, for a revised contract amount of \$490,000 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-074-20

From: Infrastructure & Facilities Committee.

Dated: June 16, 2020

**AWARD OF CONTRACT – SLAYTON SETTLEMENT ROAD BRIDGE
OVER EIGHTEEN MILE CREEK**

WHEREAS, the Department of Public Works has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Slayton Settlement Road Bridge over Eighteen Mile Creek Project, and

WHEREAS, funds are available in account number H670.15.5197.000 72600.02, Bridges,
and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on June 5, 2020 as tabulated below:

- | | |
|---|----------------|
| 1. Edbauer Construction
2790 Clinton Street
West Seneca, NY 14224 | \$1,254,188.50 |
| 2. Concrete Applied Technologies Corp.
1266 Townline Road
Alden, NY 14004 | \$1,264,499.00 |
| 3. Oakgrove Construction
6900 Seneca St., PO Box 103
Elma, NY 14059 | \$1,399,653.00 |
| 4. Hunting Valley Construction
825 Rein Road
Cheektowaga, NY 14225 | \$1,467,698.25 |
| 5. Keeler Construction
13519 West Lee Road
Albion, NY 14411 | \$1,576,516.00 |
| 6. Mark Cerrone Inc.
2368 Maryland Ave., PO Box 3009 | \$1,588,468.00 |

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 Slayton Settlement Road Bridge over Eighteen Mile Creek Project be awarded to the lowest responsible bidder, Edbauer Construction, 2790 Clinton Street, West Seneca, NY 14224, in the amount of \$1,254,188.50, 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-075-20

From: Infrastructure & Facilities and Administration Committees.

Dated: June 16, 2020

**AWARD SUNSET DRIVE REHABILITATION AND DRAINAGE IMPROVEMENTS
CONSULTANT CONTRACT FOR SURVEYING SERVICES**

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with surveying the Sunset Drive Rehabilitation and Drainage Improvements Project, and

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

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

INCREASE REVENUE:

H706.15.5112.000 43501.00	Consol Highway Aid Revenue	\$150,000
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INCREASE APPROPRIATIONS:

H706.15.5112.000 72600.01	Infrastructure Roads	\$150,000
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and be it further

RESOLVED, that the consultant services contract for surveying of the Sunset Drive Rehabilitation and Drainage Improvements Project be awarded to Popli Design Group, 555 Penbrooke Drive, Penfield, NY 14526, for a contract amount not to exceed \$44,981, 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-076-20

From: Infrastructure & Facilities and Administration Committees.

Dated: June 16, 2020

**AKRON ROAD PAVEMENT REHABILITATION
FEDERAL AID LOCAL PROJECT AGREEMENT**

WHEREAS, the Akron Road Pavement Rehabilitation Project, Dysinger Rd-Lockport City Line, Town of Lockport, Niagara County, PIN 5763.13 (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 (Design I-VI) phases of the project, and

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

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

RESOLVED, that the Legislature of the County of Niagara hereby authorizes the County of Niagara to pay in the first instance 100% of the federal and non-federal shares of the cost of the Preliminary Engineering (Design I-VI) phases of the Project or portions thereof, and be it further

RESOLVED, that the sum of \$200,000 is hereby appropriated in account H701.15.5112.000 72600.01 and made available to cover the cost of participation in the above phases of the project, and be it further

RESOLVED, that in the event the amount required to pay the full federal and non-federal shares of the cost of the project's Preliminary Engineering (Design I-VI) 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. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-077-20

From: Infrastructure & Facilities and Administration Committees.

Dated: June 16, 2020

SLAYTON SETTLEMENT ROAD BRIDGE OVER EIGHTEEN MILE CREEK
PIN 5762.96
BRIDGE NY - SUPPLEMENTAL AGREEMENT NO. 1

WHEREAS, the Slayton Settlement Road Bridge over Eighteen Mile Creek Project, PIN 5762.96 (the "Project"), Town of Royalton, 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 agreement:

INCREASE ESTIMATED REVENUE:

H670.15.5197.000 44597.01	Fed Aid Cap Const Hwy Revenue	\$1,898,755.50
H670.15.5197.000 43501.00	CHIPS	\$ 64,934.50

INCREASE ESTIMATED APPROPRIATIONS:

H670.15.5197.000 72600.02	Infrastructure Bridges	\$1,963,690.00
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and be it further

RESOLVED, that the sum of \$2,288,690.00 is hereby appropriated in account H670.15.5197.000 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 three (3) years, 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. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-078-20

From: Infrastructure & Facilities and Administration Committees.

Dated: June 16, 2020

**BUDGET MODIFICATION
ACCEPTANCE OF FUND FROM CARES ACT – COVID 19**

WHEREAS, the Niagara County Department of Public Works is the recipient of \$461,744 from the New York State Department of Transportation, to support the rural public transportation system, from the Coronavirus Aid, Relief and Economic Security (CARES) Act for the period of January 20, 2020 through December 31, 2022, and

WHEREAS, such funds are to be used for the operating activities related to COVID-19, 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 Niagara County accepts the \$461,744 to assist with the operation of the Rural Transportation Program within Niagara County, 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-079-20

From: Infrastructure & Facilities Committee.

Dated: June 16, 2020

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND NEWFANE CENTRAL SCHOOL

WHEREAS, the Newfane Central School has requested that the County of Niagara grant them permission to use a portion of Krull Park for the purpose of holding a Graduation Ceremony, and

WHEREAS, it is the wish of the Newfane Central School to hold the Graduation Ceremony on June 27, 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 Newfane Central School, and

WHEREAS, prior to the execution of the License Agreement between the County of Niagara and Newfane Central School, 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 Newfane Central School.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-080-20

From: Infrastructure & Facilities Committee.

Dated: June 16, 2020

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND ANCHORING HOPE OF NY, INC.

WHEREAS, Anchoring Hope of NY, Inc. has requested that the County of Niagara grant them permission to use a portion of Krull Park for the purpose of holding a 5K Walk and Basket Raffle, and

WHEREAS, it is the wish of Anchoring Hope of NY, Inc. to hold the 5K Walk and Basket Raffle on September 19, 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 Anchoring Hope of NY, Inc., and

WHEREAS, prior to the execution of the License Agreement between the County of Niagara and Anchoring

Hope of NY, Inc., 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 Anchoring Hope of NY, Inc.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-081-20

From: Infrastructure & Facilities and Administration Committees.

Dated: June 16, 2020

**BRIDGE PAINTING AND STEEL REPAIRS:
ROBINSON ROAD BRIDGE OVER THE ERIE CANAL
CHANGE ORDER NO. 1**

WHEREAS, by Resolution No. IF-040-20, dated March 10, 2020, the Legislature awarded the contract for the Bridge Painting and Steel Repairs of Robinson Road Bridge over the Erie Canal Project to Niagara Coatings, 8025 Quarry Road, Niagara Falls, NY 14304, for a contract amount of \$273,999.54, and

WHEREAS, this award was to perform some steel repairs, clean, and repaint the ends of each girder and the outside girders, and

WHEREAS, upon closer inspection it is necessary to increase the contract in the amount of \$197,777.46 in order to paint the steel on the entire bridge, for a revised contract amount of \$471,777.00, and

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

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

INCREASE REVENUE:

D.15.5120.000 43501.00	Consol Highway Aid Revenue	\$250,000
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INCREASE APPROPRIATIONS:

D.15.5120.000 74800.06	Bridge Repairs and Maintenance	\$250,000
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and be it further

RESOLVED, that Change Order No. 1 to increase the contract by \$197,777.46 for the Bridge Painting and Steel Repairs for the Robinson Road Bridge over the Erie Canal Project, for a revised contract amount of \$471,777.00, to Niagara Coatings, 8025 Quarry Road, Niagara Falls, NY 14304, 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.

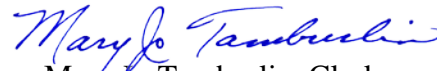
APPOINTMENTS:

	<u>Appt.</u>	<u>Expires</u>
<u>COMMUNITY SERVICES BOARD:</u>		
<i>People with Developmental Disabilities Subcommittee</i>		
Jackie McGrath (Replaces Katrina Spina)	06/16/20	12/31/23
1151 Saunders Settlement Road, Niagara Falls 14305		
Moved by Gooch, seconded by Mullane.		
Adopted. 15 Ayes, 0 Noes, 0 Absent		

A moment of Silence was held for John Burmaster, former Niagara County Employee.

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

The Chairman declared the Board adjourned at 6:08 p.m., subject to the call of the Clerk.


Mary Jo Tamburlin, Clerk