

A public hearing was held pursuant to AD-019-21, adopted by the Legislature on November 16, 2021, for the purpose of hearing public comments on the Assessment Tax Roll for Niagara County Water District. Legislator Nemi opened the hearing at 5:10 p.m. and closed it at approximately 5:14 p.m.

A public hearing was held pursuant to AD-021-21, adopted by the Legislature on November 16, 2021, for the purpose of hearing public comments on the Assessment Tax Roll for the Niagara County Refuse District. Legislator Nemi opened the hearing at 5:20 p.m. and closed it at approximately 5:23 p.m.

A public hearing was held pursuant to AD-020-21, adopted by the Legislature on November 16, 2021, for the purpose of hearing public comments on The Assessment Tax Roll for the Niagara County Sewer District #1. Legislator Nemi opened the hearing at 5:30 p.m. and closed it at approximately 5:34 p.m.

A public hearing was held pursuant to AD-018-21, adopted by the Legislature on November 16, 2021, for the purpose of hearing public comments on Tentative Budget for Budget for the Year 2022. Legislator opened the hearing at 5:40 p.m. and closed it at approximately 6:00 p.m.

A public hearing was held pursuant to ED-029-21, adopted by the Legislature on November 16, 2021, for the purpose of hearing public comments on to consider citizen views on proposed activities and regarding community needs prior to submitting an application for community Development block grant / Micro-Enterprise funding . Legislator Nemi opened the hearing at 6:00 p.m. and closed it at approximately 6:05 p.m.

## OFFICIAL RECORD

Lockport, New York  
December 7, 2021

The meeting was called to order by Chairman Wydysh at 6:10 p.m.

Clerk Moran called the roll. All Legislators were present, with the exception of Legislators Collins, Mullane and Syracuse.

0 Citizens spoke in the Agenda

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

**Resolution No. IL-047-21 was read at this time. (Appears in numerical order)**

**Resolution No. CW-016-21**

From: Committee of the Whole.

Dated: December 7, 2021

### NIAGARA COUNTY RESOLUTION SUPPORT FOR NIAGARA COUNTY COMMUNITY COLLEGE CAPITAL FUNDING

WHEREAS, the Niagara County Legislative body recognizes a critical need to promote 21<sup>st</sup> century educational opportunities in the Niagara Region, and

WHEREAS, the Capital Funding for renovating the Student Hub is proposed to be new LED lighting, ceilings and creation of new collaborative conference and Club activity rooms, and

WHEREAS, the Capital Funding for renovating, purchasing furniture, and updating technology for the Student Hub on the Sanborn campus to ensure student recruitment, retention and success, and

WHEREAS, it is critical that NCCC remains competitive within the Western New York area as well as continuing to be an excellent choice for education, particularly for our Niagara County residents, and

WHEREAS, it is important to concentrate on upgrading NCCC's technology so the students have a competitive advantage for future employment, now, therefore, be it

RESOLVED, that the Niagara County Legislative body supports the College's Capital funding request for a total of \$500,000 contingent on the SUNY match and \$250,000 from the Niagara County Community College Foundation.

Moved by Andres, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Collins, Mullane and Syracuse.

**Resolution No. ED-028-21**

From: Economic Development and Administration Committee.

Dated: December 7, 2021

**DEPARTMENT OF ECONOMIC DEVELOPMENT  
CREATE CAPITAL PROJECT FOR SITE DEVELOPMENT**

WHEREAS, Niagara County suffers from a lack of development ready industrial space, and

WHEREAS, Niagara County cannot remain competitive with neighboring counties across the state or with other localities within the U.S., without available sites to attract new investment, and

WHEREAS, the Niagara County Economic Development Committee has recognized this issue and supports the prioritization of site development, and

WHEREAS, the Department of Economic Development continues to assess and identify sites that are feasible and marketable for future industrial and commercial use, and

WHEREAS, the Department of Economic Development determined that the County owned site at Junction Road (SBL # 107.00-2-32), in the Town of Cambria is ideally suited for an industrial park, and

WHEREAS, the Department of Economic Development will contract with engineering and construction firms to draft a master development plan, engineering drawings and site work for the development of the Junction Rd. site, and

WHEREAS, the Niagara County Department of Economic Development also created a list of tax delinquent and potentially contaminated sites that have potential industrial reuse, and

WHEREAS the Department of Economic Development recommends Phase II environmental site assessments for these sites, as the results of the environmental testing will determine the capacity for future development, and

WHEREAS, sites that are found to be clean may be foreclosed upon, thereby alleviating the existing real property tax liability being incurred by the county, and

WHEREAS, sites that are found to be contaminated may be cleaned or redeveloped and made available for future industrial use, and

WHEREAS, the County has received funds from the Coronavirus State and Local Fiscal Recovery Fund (CSLFRF), a part of the American Rescue Plan Act, and

WHEREAS, an eligible use of such federal funds includes using lost revenue for the provision of government services including environmental remediation, and

WHEREAS, according to the Interim Final Rule such federal funding must be spent by December 31, 2024, and

WHEREAS, the Department of Economic Development hereby requests the Niagara County Legislature allocate \$500,000 towards site development, now, therefore, be it

RESOLVED, that the following budget modification be effectuated and capital project created:

INCREASE ESTIMATED REVENUE:

H734.28.8020.000 44089.07 ARPA State/Local Rec Fund	\$500,000
---	-----------

INCREASE APPROPRIATIONS:

H734.28.8020.000 72400.00 Site Development Project	\$500,000
--	-----------

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Collins, Mullane and Syracuse.

**Resolution No. IL-047-21 Amended**

From: Legislator Randy R. Bradt.

Dated: December 7, 2021

**DIRECTION TO THE NIAGARA COUNTY LEGISLATIVE CLERK  
CONCERNING THE FILING OF LOCAL LAW IL-041-21**

WHEREAS, on November 9, 2021 the Niagara County Legislature adopted IL-041-21 a Local Law for the Reapportionment Plan to the County of Niagara, New York, and

WHEREAS, such Local Law for the Reapportionment Plan to the County of Niagara, New York, IL-041-21 was adopted following a public hearing which was conducted on November 9, 2021, and

WHEREAS, the Niagara County Legislature set such November 9, 2021 Public Hearing by IL-032-21 on October 19, 2021, and

WHEREAS, on October 19, 2021, the New York State Municipal Home Rule Law sections 34 and 10 provided that the “difference in population between the most and least populous district shall not exceed seven percent of the mean population of all districts.” and Local Law IL-041-21 complied with such deviation in all respects, and

WHEREAS, on October 27, 2021 the Governor of the State of New York signed into law Assembly Bill A00229C, which amended sections 34 and 10 of the New York State Municipal Home Rule Law to change the deviation rate as follows:

“If such plan of districting or redistricting includes only single member districts, such districts shall be as nearly equal in population as is practicable; the difference in population between the most and least populous district shall not exceed five percent of the mean population of all districts.”

WHEREAS, Local Law IL-041-21, which was adopted on November 9, 2021 does not comply with such amendments to the New York State Home Rule Law sections 34 and 10, and

WHEREAS, the Clerk of the Legislature is to file the adopted IL-041-21 Local Law with the New York Secretary of State within forty-five (45) days after its adoption, and

WHEREAS, due to the noncompliance of Local Law IL-041-21 with the October 27, 2021 amendment to sections 34 and 10 of the New York State Home Rule Law it is necessary to amend Local Law IL-041-21 prior to filing it with the Secretary of State’s Office, and

WHEREAS, it is recommended by the Niagara County Attorney that the deviation rate of the fifteen (15) election districts be amended prior to any Reapportionment Plan being filed with the New York State Secretary of State, now, therefore, be it

RESOLVED, that the Clerk of the Niagara County Legislature be directed by the Niagara County Legislature to not file “A Local Law for the Reapportionment Plan for the County of the Niagara, New York”, IL-041-21 until such time that the single member districts have been adjusted in population so that the difference in population between the most and least populous district shall not exceed five percent of the mean population of all districts”.

Approved for Submission.

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

Carried.

Moved by Bradt, seconded by Virtuoso to amend the resolution.

Amendment: delete Legislature in title and replace with Legislative Clerk

Delete the last RESOLVED, “...RESOLVED, that the Niagara County Attorney is directed to prepare a Local Law calling for a Public Hearing to so amend IL-041-21 for consideration by the Niagara County Legislature at its December 14, 2021 meeting.

Moved by Bradt, seconded by Virtuoso on the amendment

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Collins, Mullane and Syracuse.

APPOINTMENTS:

	<u>Appt.</u>	<u>Expires</u>
<u>COMMUNITY SERVICES BOARD:</u>		
Annette Dobraz	01/01/22	12/31/25
1318 Ridge Road, Lewiston, 14092		

Moved by Gooch, seconded by Godfrey.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Collins, Mullane and Syracuse.

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

The Chairman declared the Board adjourned at 6:24 p.m., subject to the call of the Clerk.

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

  
Alysa T. Moran, Clerk