

Public Hearing: Held in the Chambers

5:15 p.m. Solar Panel Collection Local Law

5:45 p.m. A Local Law Establishing a Demonstration Program Imposing Owner Liability for Failure of an Operator to Stop for a School Bus Displaying a Red Visual Signal and Stop-Arm



**AGENDA
NIAGARA COUNTY LEGISLATURE**

April 20, 2021 – 6:00 P.M. LIVE ON LCTV 1303

1. CALL TO ORDER
2. CLERK CALLS THE ROLL
3. PRAYER & PLEDGE
4. CORRESPONDENCE/ RECOGNITION:
5. PRESENTATIONS: Child Abuse Prevention Month Proclamation
6. PUBLIC SPEAKERS: Clerk will read the names on the sheet for Public Speakers on Agenda items.
7. RECESS
8. RESOLUTIONS
9. COUNTY MANAGER
10. APPOINTMENTS:
11. EXECUTIVE SESSION
12. ADJOURNMENT
13. PUBLIC SPEAKERS: Clerk will read names on the sheet for Public Speakers for the General Welfare of the County

Alysa T. Moran

Alysa T. Moran, Clerk
Niagara County Legislature

The next meeting of the Legislature will be held on May 4, 2021



AGENDA
NIAGARA COUNTY LEGISLATURE
April 20, 2021 – 6:00 P.M. LIVE ON LCTV 1303

Regular Meeting – April 20, 2021

- *AD-006-21** Administration, re Summer Hours – 2021
- *CS-017-21** Community Services and Administration, re MH - Budget Modification – Accept NYS OASAS One-Time Only Funding for Cazenovia Recovery
- *CS-018-21** Community Services and Administration, re Budget Modification – Reappropriate Grant Funding – Federal - OFA
- *CS-019-21** Community Services and Administration, re Budget Modification – Reappropriate Grant Funding – HDC3 - OFA
- *CS-020-21** Community Services and Administration, re Budget Modification – Acceptance of Funds from Consolidated Appropriations Act COVID19-HDC5
- *CSS-037-21** Community Safety & Security and Administration, re Resolution to Enter into a Contract for Text to 911 Services for the Niagara County Sheriff's Office Dispatch Center
- *CSS-038-21** Community Safety & Security and Administration, re Niagara County Sheriff's Office Electronic Emergency Medical Dispatch Cards Purchase and Standardization of Emergency Medical Dispatch Training and Resource Equipment/Sole Source Determination
- *CSS-039-21** Community Safety & Security and Administration, re Resolution Issuing a Negative Declaration Pursuant to the State Environmental Quality Review Act ("SEQRA") for the Proposed Niagara County Public Safety Radio Expansion Project
- *CSS-040-21** Community Safety & Security and Administration, re Resolution Authorizing the Public Safety Radio Network Enhancement Project in the Towns of Somerset, Wheatfield and Wilson
- *CSS-041-21** Community Safety & Security and Administration, re Resolution Authorizing the Purchase of Radio and Network Communications Equipment from Motorola for use in the Public Safety Radio Network Enhancement Project in the Towns of Somerset, Wheatfield and Wilson
- *CSS-042-21** Community Safety & Security and Administration, re Niagara County Sheriff's Office Budget Modification-Coronavirus Emergency Supplemental Funding Program FY 2020 Formula Grant

- *CSS-043-21** Community Safety & Security and Administration, re Niagara County Sheriff's Office Budget Modification and Extension of FY17 Operation Stonegarden Grant
- *CSS-044-21** Community Safety & Security and Administration, re Niagara County Sheriff's Office Extension of Forensic Firearms Consultant Agreement
- *CSS-045-21** Community Safety & Security and Administration, re Niagara County Sheriff's Office Budget Modification-State Interoperable Communications Grants
- *CSS-046-21** Community Safety & Security and Administration, re Niagara County Sheriff's Office Budget Modification and Award of NCCF Hot Water Heater Replacement
- *CSS-047-21** Community Safety & Security and Administration, re Acceptance and Budget Modification of 2020 Hazardous Materials Emergency Preparedness (HMEP) Grant – Homeland Security Grants – Emergency Management
- *CSS-048-21** Community Safety & Security, re Inter-Municipal Haz-Mat Tow Vehicle Agreement – City of Lockport – Emergency Management
- *CSS-049-21** Community Safety & Security, re Inter-Municipal Haz-Mat Tow Vehicle Agreement – City of North Tonawanda – Emergency Management
- *CSS-050-21** Community Safety & Security, re Adoption of a Local Law Establishing a Demonstration Program Imposing Owner Liability for Failure of an Operator to Stop for a School Bus Displaying a Red Visual Signal and Stop-Arm
- CW-006-21** Committee of the Whole, re Security Information Management Capital Project Budget Modification
- *ED-015-21** Economic Development and Administration, re Calling for a Public Hearing to Utilize Community Development Block Grant CARES Act Funding to Implement the (NORA) Workplan
- *IF-030-21** Infrastructure & Facilities, re Bid Award for Highway Materials
- *IF-031-21** Infrastructure & Facilities, re Porter Center Road Paving Project - Sale of Millings - Agreement between Niagara County and Bailey Brothers Ent. Inc.
- *IF-032-21** Infrastructure & Facilities, re Agreement between the County of Niagara and the Newfane Youth Football League and Cheerleading
- *IF-033-21** Infrastructure & Facilities, re Agreement between the County of Niagara and the YMCA Fitness in the Parks Program
- *IF-034-21** Infrastructure & Facilities, re Agreement between the County of Niagara and the Pendleton Lion's Club
- *IF-035-21** Infrastructure & Facilities, re Agreement between the County of Niagara and the Lockport Soccer Club
- *IF-036-21** Infrastructure & Facilities, re Approval of Lease Agreement between the County of Niagara and Groff's Cafe on the Green, LLC, Regarding the Restaurant Concession at the Niagara County Golf Course, Lockport, New York

- *IF-037-21** Infrastructure & Facilities and Administration, re Department of Public Works - Capital Project Close-out and Budget Modification
- *IF-038-21** Infrastructure & Facilities and Administration, re Award of Contract - Sunset Drive Road and Drainage Improvements
- *IF-039-21** Infrastructure & Facilities and Administration, re Replacement of Wisterman Road Bridge over Mud Creek/Hosmer Road Bridge over Fish Creek - Change Order No. 1 - Final
- *IF-040-21** Infrastructure & Facilities and Administration, re Wisterman Road Bridge over Mud Creek/Hosmer Road Bridge over Fish Creek - Consultant Amendment No. 4-Final
- *IF-041-21** Infrastructure & Facilities and Administration, re Culvert Rehabilitation Final Payment
- *IF-042-21** Infrastructure & Facilities and Administration, re Akron Road Rehabilitation Consultant Amendment No. 1
- *IF-043-21** Infrastructure & Facilities and Administration, re Capital Project Creation Water-Pump Stations HVAC Upgrades- Water District
- *IF-044-21** Infrastructure & Facilities and Administration, re Capital Project Creation Water-Raw Water Pump Station Upgrade – Water District
- IL-009-21** Legislators Mark J. Grozio, Christopher A. Robins, Dennis F. Virtuoso, Owen T. Steed and Anita Mullane, re Resolution in Support of Stavatti Aerospace Ltd.
- IL-014-21** Legislators Michael A. Hill, John Syracuse, David E. Godfrey and Irene M. Myers, re Resolution Creating the Gun Owner's Rights Advisory Panel
- IL-015-21** Legislator Randy R. Bradt, re A Resolution Establishing the Redistricting Commission and Its Duties
- IL-016-21** Legislators Randy R. Bradt, John Syracuse, Jesse P. Gooch, Irene M. Myers, et al., re Resolution Regarding the Consolidation 911 between Niagara County and the City of Lockport
- IL-017-21** Legislators David E. Godfrey, Michael A. Hill, Rebecca J. Wydysh, Richard L. Andres, et al., A Local Law to Adopt Certain Benefits Under § 458-b of the Real Property Tax Law of the State of New York Authorizing an Alternative Tax Exemption for Cold War Veterans be Changed From 10% Option to 15% Option

Alysa T. Moran

Alysa T. Moran, Clerk
Niagara County Legislature

*** Indicates Preferred Agenda items**

Attachments for resolutions may be obtained in the office of the Clerk of the Legislature upon request.

The next meeting of the Legislature will be held on May 4, 2021

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee **DATE:** 04/20/21 **RESOLUTION #** AD-006-21

**APPROVED
CO. ATTORNEY**



**REVIEWED
CO. MANAGER**

COMMITTEE ACTION
AD - 4/12/21

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____
Rejected: Ayes _____ Abs. _____ Noes _____
Referred: _____

SUMMER HOURS – 2021

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 27, 2021 through September 4, 2021 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.

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services Committee **DATE:** 04/20/21 **RESOLUTION #** CS-017-21
Administration Committee

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	CS - 4/12/21	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 4/12/21	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

MH – BUDGET MODIFICATION - ACCEPT NYS OASAS ONE-TIME ONLY FUNDING FOR CAZENOVIA RECOVERY

WHEREAS, the Niagara County Department of Mental Health enters into contracts with not-for-profit agencies for the provision of mental health, alcohol and substance abuse, and developmental disabilities services, and

WHEREAS, the New York State Office of Alcoholism and Substance Abuse Services (OASAS) has awarded one-time only funding of \$167,167 to Cazenovia Recovery Systems for Intensive Residential services, providing rehabilitation treatment for women who need intensive substance use treatment, now, therefore, be it

RESOLVED, that the following budget modification be effectuated to the department's budget and the department is given authorization to accept NYS OASAS State funding effective April 20, 2021:

INCREASE REVENUE:

A.21.4322.424.43490.10	MH Program Alcoholism County	\$167,167
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INCREASE APPROPRIATION:


A.21.4322.424.74550.08	Alcoholism Services	\$167,167
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COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services Committee **DATE:** 04/20/21 **RESOLUTION #** CS-018-21
Administration Committee

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
		CS - 4/12/21	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 4/12/21	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

BUDGET MODIFICATION
REAPPROPRIATE GRANT FUNDING - FEDERAL

WHEREAS, the Niagara County Office for the Aging has received federal funding from the New York State Office for the Aging in the amount of \$504,647 for the period of January 1, 2020 through December 31, 2020, and

WHEREAS, funds were appropriated into the Office for the Aging 2020 operating budget but not fully expended prior to year-end and are permitted to be carried over to the following year, and

WHEREAS, it is necessary to re-appropriate those unspent funds into the 2021 operating budget to continue the initiative as directed by the New York State Office for the Aging, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated:

INCREASE REVENUE:

A.24.6772.000 44772.04	Programs for Aging, Title III	\$ 290,488
A.24.7610.702 44772.02	Programs for Aging Nutrition Program	214,159
A.40599.00	Fund Balance	50,465

INCREASE APPROPRIATIONS:


A.24.6772.000 74200.02	Rents/Leases Copier Rental	\$ 1,000
A.24.6772.000 74250.01	Office Expenses Office Supplies	1,488
A.24.6772.000 74375.05	Air Cards and Cell Phones	200
A.24.6772.000 74500.01	Contractual Expenses	187,765
A.24.6772.000 74675.01	Services, Central Postage	500
A.24.6772.000 74750.02	Supplies, General Supplies/Materials	50,000
A.24.6772.000 74750.06	Supplies, General Food & Kitchen Supplies	100,000
A.24.7610.702 74750.02	Supplies, General Food & Materials	1,000
A.24.7610.702 74750.06	Supplies, General Food & Kitchen Supplies	213,159

COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services Committee **DATE:** 04/20/21 **RESOLUTION #** CS-019-21
Administration Committee

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	CS - 4/12/21	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 4/12/21	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

BUDGET MODIFICATION REAPPROPRIATE GRANT FUNDING – HDC3

WHEREAS, the Niagara County Office for the Aging has received federal funding from the New York State Office for the Aging in the amount of \$311,591 for the period of April 1, 2020 through September 30, 2021, and

WHEREAS, funds were appropriated into the Office for the Aging operating budget but not fully expended prior to year-end, and

WHEREAS, it is necessary to re-appropriate those unspent funds into the 2021 operating budget to continue the initiative as directed by the New York State Office for the Aging, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated:

INCREASE REVENUE:

A.24.6772.000 44089.05	Federal Aid, Other (CARES Act)	\$ 92,738.99
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INCREASE APPROPRIATIONS:


A.24.6772.000 74200.02	Rents/Leases Copier Rental	\$ 3,000.00
A.24.6772.000 74750.02	Supplies, General Supplies/Materials	89,738.99

COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services Committee **DATE:** 04/20/21 **RESOLUTION #** CS-020-21
Administration Committee

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	CS - 4/12/21	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 4/12/21	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

BUDGET MODIFICATION ACCEPTANCE OF FUNDS FROM CONSOLIDATED APPROPRIATIONS ACT COVID19 - HDC5

WHEREAS, the Niagara County Office for the Aging (OFA) is the recipient of \$108,606 from the New York State Office for the Aging (NYSOFA) received from Coronavirus Aid, Relief and Economic Security (CARES) Act designated as HDC5 funds for the period December 27, 2020 through September 30, 2022, 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 eligible service; once the MDD is lifted, the allowable services under HDC5 will correspond with Title II-C-2 funding (Home Delivered Meals).

WHEREAS, such funds are not included in the 2021 Budget, now, therefore, be it

RESOLVED, that Niagara County accepts \$108,606 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	44089.05	Federal Aid, Other (CARES Act)	\$108,606
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INCREASE APPROPRIATION ACCOUNTS:


A.24.7610.702	74500.01	Contractual Expenses	\$ 100,000
A.24.7610.702	74750.02	General Supplies/Materials	8,606

COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security Committee **DATE:** 04/20/21 **RESOLUTION #** CSS-037-21
Administration Committee

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
		CSS - 4/12/21 AD - 4/12/21	Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____

RESOLUTION TO ENTER INTO A CONTRACT FOR TEXT TO 911 SERVICES FOR THE NIAGARA COUNTY SHERIFF'S OFFICE DISPATCH CENTER

WHEREAS, the Niagara County Sheriff's Office operates the Dispatch Center for police and fire dispatch located at the Niagara County Public Safety Training Facility, and

WHEREAS, the Dispatch Center is responsible to receive 911 and other calls for service through tradition telephone and wireless phone services, and

WHEREAS, the Dispatch Center does not currently have the capability to receive text to 911 messages, which can sometimes be the only communication available in an emergency situation, and

WHEREAS, the Sheriff's Office has received a quote from TeleCommunications Systems, Inc. to provide text to 911 service for the Niagara County Dispatch Center, and

WHEREAS, the quote from TeleCommunications Systems, Inc. was one of three quotes received and is the lowest, and

WHEREAS, the Niagara County Legislature passed Resolution CSS-050-20 on October 20, 2020 to use revenue from wireless E911 surcharge revenue to fund this project, and

WHEREAS, the funds were not used in 2020 due to a delay in the contract process so a budget modification needs to be done to add the funds to the 2021 budget, now, therefore, be it

RESOLVED, that the Niagara County Legislature authorize the Chairman of the Legislature to enter into a contract with TeleCommunications Systems, Inc. to provide Text to 911 services to the Niagara County Sheriff's Office Dispatch Center, not to exceed \$19,150.00; said contract to be subject to the review of the County Attorney for compliance with legal form and County policy, and be it further

RESOLVED, that the following budget modifications be effectuated

INCREASE APPROPRIATED FUND BALANCE:


A.19.3020.000 40599.01	Appropriated Fund Balance-Committed Funds	\$19,150
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INCREASE APPROPRIATIONS:

A.19.3020.000 74500.01	Contractual Expenses	\$19,150
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NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security Committee **DATE:** 04/20/21 **RESOLUTION #** CSS-038-21
Administration Committee

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	CSS - 4/12/21	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 4/12/21	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

NIAGARA COUNTY SHERIFF'S OFFICE ELECTRONIC EMERGENCY MEDICAL DISPATCH CARDS PURCHASE AND STANDARDIZATION OF EMERGENCY MEDICAL DISPATCH TRAINING AND RESOURCE EQUIPMENT/SOLE SOURCE DETERMINATION

WHEREAS, the Niagara County Sheriff's Office is committed to provide critical service in the County Dispatch Center including Emergency Medical Dispatch; to assist in this endeavor, the Dispatch Center currently utilizes manual Emergency Medical Dispatch cards, specifically designed for the Niagara County Sheriff's Office, and

WHEREAS, the Niagara County Sheriff's Office also trains each new dispatcher in Emergency Medical Dispatch and at the completion of training, a new dispatcher receives a certification in the system utilized by the Niagara County Sheriff's Office, and

WHEREAS, the Niagara County Sheriff's Office recognizes the importance of this service and maintaining continuity of service regarding Emergency Medical Dispatch for the safety of the citizens of Niagara County and the protection of the Dispatchers utilizing the system, and

WHEREAS, the system currently unitized by the Niagara County Sheriff's Office is provided by the Association of Public Safety Communications Officials (APCO); this system provides the training material, certification and the manual emergency medical dispatch cards used by the Niagara County Sheriff's Office, and

WHEREAS, the Niagara County Sheriff's Office is currently upgrading the Emergency Medical Dispatch system from manual cards to an electronic system provided by APCO and has been approved a capital project from Niagara County to purchase the electronic system, and

WHEREAS, purchasing an electronic emergency medical dispatch system from any other vendor would require retraining of every dispatcher in the Niagara County Dispatch Center and also require a change of the entire training process for any new dispatcher hired by the Niagara County Sheriff's Office, and

WHEREAS, by material provided by APCO, APCO has indicated that it is the sole source of APCO Electronic Emergency Medical Dispatch Cards and all of the related training material and certifications, and that such equipment and services are not available for purchase from any other vendor, now, therefore, be it

RESOLVED, that for reasons of efficiency and economy, pursuant to General Municipal Law §103(5), there is need for standardization for the Niagara County Sheriff's Office in the purchase of APCO Electronic Emergency Medical Dispatch Cards as well as training material and certification, and that the purchase of such be standardized to APCO brand equipment and services, and be it further

RESOLVED, that it is hereby determined that APCO is the sole source for such Emergency Medical Dispatch systems, training material and certification, and that the Sheriff's Office is hereby authorized to

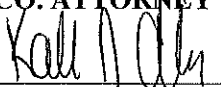
purchase such equipment and services directly from APCO without the need to solicit for alternate proposals or sealed bids, such purchases to be made in consultation with the Purchasing Department and in accordance with budgetary procedures.

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security Committee **DATE:** 04/20/21 **RESOLUTION #** CSS-039-21
Administration Committee

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	CSS - 4/12/21	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 4/12/21	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

RESOLUTION ISSUING A NEGATIVE DECLARATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQRA") FOR THE PROPOSED NIAGARA COUNTY PUBLIC SAFETY RADIO EXPANSION PROJECT

WHEREAS, Niagara County (the "County"), as part of its efforts to upgrade its emergency radio communications systems, proposes to improve the coverage of its existing radio communications system through the construction or installation of communications tower sites and/or equipment at up to three locations within the County to be known as the Niagara County Public Safety Radio Expansion Project (the "Project"), and

WHEREAS, the three locations will be referred to as (1) Shawnee Volunteer Fire Company, 3747 Lockport Road, Wheatfield, NY 14132; (2) Barker Central School, Haight Road, Barker, NY 14012; and (3) Wilson Historical Society, 641 Lake Street, Wilson, NY 14172, and

WHEREAS, the Legislature of the County of Niagara ("County") has previously identified the need and benefits associated with updating the current radio system infrastructure, and

WHEREAS, the County will approve funding for the Project, will approve and let contracts for construction and purchase of the equipment necessary for the Project and authorize the issuance of bonds as needed, and

WHEREAS, collectively, these components of the Project constitute the "Action" to be reviewed for purposes of review under the State Environmental Quality Review Act and its implementing regulations found at 6 NYCRR Part 617 (hereinafter collectively referred to as "SEQRA"), and

WHEREAS, the County has treated the Project as a Type 1 Action requiring a coordinated review by all involved agencies in accordance with applicable provisions of SEQRA, and

WHEREAS, the County is an involved agency for the review of the Project as the Legislature will have to appropriate funding, approve and let contracts and authorize the issuance of bonds as needed for the Project, and

WHEREAS, on October 20, 2020, the County declared its intent to be lead agency for review of this Project and directed that other potentially involved agencies be notified in accordance with SEQRA, and

WHEREAS, pursuant to SEQRA, such agencies have been notified of the County's intent to act as lead agency, and no involved agency other than the County has sought to act as lead agency, and

WHEREAS, on January 19, 2021, the County passed a resolution declaring lead agency status, and

WHEREAS, the County as lead agency has an address at the Niagara County Courthouse, First Floor, 175 Hawley Street, Lockport, NY 14094, and Chief Deputy Patrick G. Weidel of the Niagara County Sheriff's Office, with an address at 5526 Niagara Street Ext., PO Box 496, Lockport, NY 14095-0496 and telephone number (716) 438-3355, can provide additional information as to the Project in accordance with 6 NYCRR 617.12(a)(1), and

WHEREAS, a separate full SEQRA Environmental Assessment Form ("EAF"), including Parts 1, 2 and 3, annexed hereto and incorporated herein by reference, regarding the Project has been prepared and submitted to the County for each of the three locations, and

WHEREAS, the County as lead agency has considered the action as that term is defined by SEQRA, and has independently evaluated the EAFs for the Project together with the County's knowledge of the areas surrounding the Project, such further information as is available to the County and such other submissions and comments as have been provided to the County, and

WHEREAS, the Project will provide improved communications to public safety agencies in the County by improving the coverage of its existing radio communications system and is therefore in the public interest, and

WHEREAS, this Resolution with Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law ("ECL"), now, therefore, be it

RESOLVED, that the County has thoroughly considered relevant areas of environmental concern and applying the criteria set forth in 6 NYCRR 617.7(c), the County determines that the Project will result in no significant adverse impacts on the environment, in accordance with the reasons supporting this determination set forth in each EAF, including without limitation part 3 of the EAFs, which are annexed hereto and incorporated herein by reference, and be it further

RESOLVED, that the County accordingly makes and issues a negative declaration of significance pursuant to SEQRA, and be it further


RESOLVED, that the County authorizes the Niagara County Sheriff and his agents to take the necessary procedural steps to file and publish the negative declaration in accordance with 6 NYCRR 617.12 including without limitation providing notice to all entities identified therein as well as publication in the Environmental Notice Bulletin ("ENB").

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security Committee **DATE:** 04/20/21 **RESOLUTION #** CSS-040-21
Administration Committee

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	CSS - 4/12/21	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 4/12/21	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

RESOLUTION AUTHORIZING THE PUBLIC SAFETY RADIO NETWORK ENHANCEMENT PROJECT IN THE TOWNS OF SOMERSET, WHEATFIELD AND WILSON

WHEREAS, the County owns and operates a County-wide Public Safety Radio Network (the "System") which was designed and implemented by Motorola Solutions ("Motorola"), and

WHEREAS, the County has identified a need to modify and enhance the System to improve radio communications for emergency personnel and first responders working in certain areas of the County, and

WHEREAS, Motorola and the County's independent consultant, Mission Critical Partners, LLC ("Mission Critical") have recommended an enhancement to the County's System that includes the construction of a radio tower and installation of facilities at the Barker School District in the Town of Somerset, construction of a radio tower and installation of facilities at the Shawnee Volunteer Fire Company in the Town of Wheatfield and the construction of a radio tower and installation of facilities at the Wilson Historical Society in the Town of Wilson (the "Project"), as well as the addition of equipment at three existing radio tower locations, and

WHEREAS, the County Legislature passed a resolution to act as lead agency for the purpose of reviewing possible impacts on the environment pursuant to the State Environmental Quality Review Act ("SEQRA"), and after conducting the required review under SEQRA adopted a Resolution on 4/20/2021 finding that no significant adverse environmental impact would result from the Project and therefore issued a "negative declaration" under SEQRA, and

WHEREAS, the County has acquired property rights and/or agreements with the necessary property owners in order to implement the Project, and

WHEREAS, the Sheriff's Office has secured funding for the Project through a Targeted Interoperable Communications Grant provided by the New York State Department of Homeland Security, Office of Interoperable Communications, and has included the Project in its approved budget, now, therefore, be it


RESOLVED, that the Legislature of the County of Niagara hereby approves the Project and directs the Sheriff's Office and the County Manager to take such steps as are necessary to carry it out, including 1) Purchasing equipment, materials, and services as necessary from pertinent New York State Office of General Services approved contracts from Motorola Solutions Inc., in an amount not to exceed \$3,875,583.45; 2) in conjunction with the Purchasing Department soliciting sealed bids for necessary construction and ancillary work necessary in the Town of Somerset; and 3) in conjunction with the Purchasing Department soliciting sealed bids for the construction and ancillary work necessary in the Town of Wheatfield; and 4) in conjunction with the Purchasing Department soliciting sealed bids for the construction and ancillary work necessary in the Town of Wilson; 5) such other actions as are necessary for carrying out the Project, all contracts and agreements necessary hereunder are contingent on the review and approval of the Niagara County Attorney's Office.

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security Committee **DATE:** 04/20/21 **RESOLUTION #** CSS-041-21
Administration Committee

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	CSS - 4/12/21	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 4/12/21	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

RESOLUTION AUTHORIZING THE PURCHASE OF RADIO AND NETWORK COMMUNICATIONS EQUIPMENT FROM MOTOROLA FOR USE IN THE PUBLIC SAFETY RADIO NETWORK ENHANCEMENT PROJECT IN THE TOWNS OF SOMERSET, WHEATFIELD AND WILSON

WHEREAS, the County owns and operates a County-wide Public Safety Radio Network (the "System") which was designed and implemented by Motorola Solutions ("Motorola"), and

WHEREAS, the County has identified a need to modify and enhance the System to improve radio communications for emergency personnel and first responders working in Niagara County, and

WHEREAS, Motorola and the County's independent consultant, Mission Critical Partners, LLC ("Mission Critical") have recommended an enhancement to the County's System that includes the construction of a radio tower and installation of facilities at the Barker School District in the Town of Somerset, construction of a radio tower and installation of facilities at the Shawnee Volunteer Fire Company in the Town of Wheatfield and the construction of a radio tower and installation of facilities at the Wilson Historical Society in the Town of Wilson (the "Project"), as well as the addition of equipment at three existing radio tower locations, and

WHEREAS, Motorola has provided a detailed proposal to supply and install radio and microwave network equipment at 3 new radio tower sites and 3 existing radio tower sites in Niagara County and contained in the proposal is a detailed list of the necessary equipment and pricing, and

WHEREAS, Mission Critical has reviewed the proposal for accuracy and need and determined that the pricing and equipment list provided by Motorola is accurate and necessary and is priced according to New York State Contract PT #68722, RFP #32141 Group 77200, and

WHEREAS, the Sheriff's Office has secured funding for the Project through a Targeted Interoperable Communications Grant provided by the New York State Department of Homeland Security, Office of Interoperable Communications, and has included the Project in its approved budget, now, therefore, be it

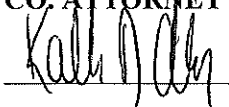
RESOLVED, that the Legislature of the County of Niagara hereby authorizes the Niagara County Sheriff's Office issue a purchase order to Motorola Solutions, in an amount not to exceed \$3,875,583.45 for the purchase of materials, equipment and services; said purchase order is to be issued in compliance with Niagara County Purchasing policy and is to be issued utilizing the New York State Contract PT #68722, RFP #32141 Group 77200; all contracts, agreements and purchase orders necessary hereunder are contingent on the review and approval of the Niagara County Attorney's Office.

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security Committee **DATE:** 04/20/21 **RESOLUTION #** CSS-042-21
Administration Committee

APPROVED CO. ATTORNEY 	REVIEWED CO. MANAGER _____	COMMITTEE ACTION <u>CSS - 4/12/21</u> <u>AD - 4/12/21</u> _____	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION - CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING
PROGRAM FY 2020 FORMULA GRANT

WHEREAS, the Niagara County Legislature passed a resolution on May 12, 2020 (CSS-023-20) to accept a US Department of Justice grant in the amount of \$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 is using the grant for the provision of necessary supplies as related to the prevention, preparation for and response to the Coronavirus, and

WHEREAS, the Coronavirus Emergency Supplemental Funding Program Grant has not been fully expended, and

WHEREAS, the 2021 budget needs to be amended to add the revenue and expense for the remainder of the grant, now, therefore, be it

RESOLVED that the following budget amendments be effectuated:

INCREASE REVENUE:

A.17.3645.000 44089.06	Coronavirus Emerg Suppl Funding Project 17GRTCESFP20	\$37,928
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INCREASE APPROPRIATIONS:


A.17.3645.000 72100.21	Law Enforcement Equipment Project 17GRTCESFP20	\$20,390
A.17.3645.000 74750.05	Law Enforcement Supplies Project 17GRTCESFP20	\$17,538

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security Committee **DATE:** 04/20/21 **RESOLUTION #** CSS-043-21
Administration Committee

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
		CSS - 4/12/21	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 4/12/21	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION AND EXTENSION OF FY17 OPERATION STONEGARDEN GRANT

WHEREAS, the Niagara County Legislature approved (Resolution # CSS-068-18) acceptance of a grant from the New York State Division of Homeland Security and Emergency Services that was awarded in the amount \$140,400 under the FY2017 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 was September 1, 2017 through August 31, 2020, 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 Niagara County Sheriff's Office has an approved extension of the FY17 Operation Stonegarden grant through June 30, 2021 along with a budget modification, and

WHEREAS, the remaining funds for FY17 Operation Stonegarden need to be added to the 2021 budget, 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 amendment, and be it further

RESOLVED, that the following amendments be made to the 2021 budget:

INCREASE REVENUE


A.17.3645.000 44305.02	Civil Defense, Homeland Security	\$7,070
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INCREASE APPROPRIATIONS:

A.17.3645.000 71050.00	Overtime Expense	\$4,523
A.17.3645.000 74750.21	Supplies, General Gas and Oil	969
A.17.3645.000 78100.00	Retirement Expense	1,115
A.17.3645.000 78200.00	FICA Expense	345
A.17.3645.000 78300.00	Workers Compensation Expense	118

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security Committee **DATE:** 04/20/21 **RESOLUTION #** CSS-044-21
Administration Committee

APPROVED CO. ATTORNEY 	REVIEWED CO. MANAGER _____	COMMITTEE ACTION <u>CSS - 4/12/21</u> <u>AD - 4/12/21</u>	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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**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 third 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.

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security Committee **DATE:** 04/20/21 **RESOLUTION #** CSS-045-21
Administration Committee

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION CSS - 4/12/21	LEGISLATIVE ACTION
		AD - 4/12/21	Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____

NIAGARA COUNTY SHERIFF'S OFFICE BUDGET MODIFICATION – STATE INTEROPERABLE COMMUNICATIONS GRANTS

WHEREAS, the Niagara County Legislature passed the following resolutions: on June 20, 2017 (CSS-031-17) to accept FY16 State Interoperable Communications Grant, on March 20, 2018 (CSS-025-18) to accept FY17 State Interoperable Communications Grant and on January 15, 2019 (CSS-002-19) to accept FY18 State Interoperable Communications Formula Grant, all of which are grants from the Division of Homeland Security and Emergency Services, and

WHEREAS, the State Interoperable Communications Grants allow the Sheriff's Office to continue the improvement of the interoperable communications network which benefits the residents of Niagara County by improved reliability of communication for their safety and protection, and

WHEREAS, the balance of the grants' revenue and expense funds exist in the Grant projects in New World, and

WHEREAS, the 2021 budget needs to be amended to add the revenue and expense for the remainder of the grants, now, therefore, be it

RESOLVED, that the following budget amendments be effectuated:

INCREASE REVENUE:

A.17.3645.000 43305.02 State Aid, Civil Defense Homeland Security \$439,732

INCREASE APPROPRIATIONS:


A.17.3645.000 72100.15 Machinery and Equipment Communications Equipment \$439,732

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security Committee **DATE:** 04/20/21 **RESOLUTION #** CSS-046-21
Administration Committee

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
		CSS - 4/12/21	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 4/12/21	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

NIAGARA COUNTY SHERIFF'S OFFICE BUDGET MODIFICATION AND AWARD OF NCCF HOT WATER HEATER REPLACEMENT

WHEREAS, the Niagara County Sheriff's Office worked with the Niagara County Department of Public Works to develop specifications for Hot Water Heater replacement at the Niagara County Correctional Facility, and

WHEREAS, the Niagara County Purchasing Department issued a bid for NCCF Water Heater Replacement, the proposals for which were opened and read by our Purchasing Department on March 25, 2021 at 2:00 pm, and

WHEREAS, six proposals were received for the project with the lowest bid of \$180,000 from Hoot Mechanical & Electrical, PO Box 428, Lockport NY 14094, and

WHEREAS, some of the funds are available in account number H694.17.3197.000 72200.01 Building Improvements, and additional funds are required to allow the project to proceed, 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 amendments be effectuated:

DECREASE ESTIMATED REVENUE:

H666.17.3197.000 45031.00	Transfer from Operating	\$37,474
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DECREASE APPROPRIATIONS:

H666.17.3197.000 72100.21	Machinery and Equip, Law Enforcement Equipment	\$37,474
A.17.3150.000 74800.03	Building Maintenance	\$61,000

INCREASE APPROPRIATIONS:

A.07.9950.0000 79010.00	Transfer to Capital	\$61,000
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INCREASE ESTIMATED REVENUE:

H694.17.3197.000 45031.00	Transfer from Operating	\$98,474
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INCREASE APPROPRIATIONS:

H694.17.3197.000 72200.01	Building Improvements	\$98,474
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and be it further,

RESOLVED, that the contract for the NCCF Hot Water Heater Replacement for Niagara County Correctional Facility be awarded to the lowest responsible bidder, Hoot Mechanical & Electrical, in the amount of \$180,000, 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.

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security Committee **DATE:** 04/20/21 **RESOLUTION #** CSS-047-21
Administration Committee

APPROVED CO. ATTORNEY 	REVIEWED CO. MANAGER _____	COMMITTEE ACTION <u>CSS - 4/12/21</u> <u>AD - 4/12/21</u> _____	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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**ACCEPTANCE AND BUDGET MODIFICATION OF 2020 HAZARDOUS MATERIALS
EMERGENCY PREPAREDNESS (HMEP) GRANT - HOMELAND SECURITY GRANTS**

WHEREAS, the County of Niagara is required to certify its acceptance of the 2020 Hazardous Materials Emergency Preparedness (HMEP) grant through the Department of Homeland Security for the period of 4/1/21 to 7/31/22, at some cost to the County, and

WHEREAS, the grant for HMEP 2020 to be awarded will be in the amount of \$4,000 (80%) and the matching County funds will be in the amount of \$1,000 (20%). The funds will be used to purchase Level A and B training suits, and, now, therefore, be it

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

RESOLVED, that the Department of Emergency Services is given authorization to accept the grant with the effectuation of the following budget modification, effective immediately:

INCREASE REVENUE:

A.19.3645.000 44305.02	Civil Defense Homeland Security Project: 19GRTHMEP20	\$ 5,000.00
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INCREASE APPROPRIATION:

A.19.3645.000 72100.33	HazMat Equipment Project: 19GRTHMEP20 E1 (\$4,000.00) and E2 (\$1,000.00)	\$ 5,000.00
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COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security Committee DATE: 04/20/21 RESOLUTION # CSS-048-21

APPROVED
CO. ATTORNEY

Kathleen J. Allen

REVIEWED
CO. MANAGER

COMMITTEE ACTION
CSS- 4/12/21

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____
Rejected: Ayes _____ Abs. _____ Noes _____
Referred: _____

INTER-MUNICIPAL TOW VEHICLE AGREEMENT CITY OF LOCKPORT

WHEREAS, Niagara County currently possesses a 2006 Ford Pick Up used by the Niagara County Fire & Emergency Services Office with an odometer reading of approximately 39,004 miles which is no longer needed for County use and which the County wishes to declare as surplus property, and

WHEREAS, the City of Lockport has need of a vehicle matching the above description for use by the Lockport Fire Department in the performance of their Haz-Mat duties, and

WHEREAS, an Inter-Municipal Agreement between the County of Niagara and the City of Lockport been drafted by the County Attorney's Office which details the terms of a transfer of the aforementioned 2006 Ford Pick Up, now, therefore, be it

RESOLVED, that the County of Niagara declares the 2006 Ford Pick Up to be surplus property and authorizes an agreement with the City of Lockport to transfer ownership of the 2006 Ford Pick Up 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 agreement with the City of Lockport.

COMMUNITY SAFETY & SECURITY
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security Committee DATE: 04/20/21 RESOLUTION # CSS-049-21

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION
CSS - 3/15/21

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____
Rejected: Ayes _____ Abs. _____ Noes _____
Referred: _____

INTER-MUNICIPAL HAZ-MAT TOW VEHICLE AGREEMENT CITY OF NORTH TONAWANDA

WHEREAS, Niagara County currently possesses a 2008 Chevrolet Suburban 4WD 2500 LS used by the Niagara County Fire & Emergency Services Office with an odometer reading of approximately 116,698 miles which is no longer needed for County use and which the County wishes to declare as surplus property, and

WHEREAS, the City of North Tonawanda has need of a vehicle matching the above description for use by the North Tonawanda Fire Department in the performance of their Haz-Mat duties, and

WHEREAS, an Inter-Municipal Agreement between the County of Niagara and the City of North Tonawanda has been drafted by the County Attorney's Office which details the terms of a transfer of the aforementioned 2008 Chevrolet Suburban, now, therefore, be it

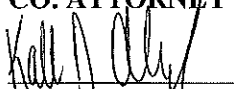
RESOLVED, that the County of Niagara declares the 2008 Chevrolet Suburban to be surplus property and authorizes an agreement with the City of North Tonawanda to transfer ownership of the 2008 Chevrolet Suburban, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the agreement with the City of North Tonawanda.

COMMUNITY SAFETY & SECURITY
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security Committee DATE: 04/20/21 RESOLUTION # CSS-050-21

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION CSS - 3/15/21	LEGISLATIVE ACTION
			Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

ADOPTION OF A LOCAL LAW ESTABLISHING A DEMONSTRATION PROGRAM IMPOSING OWNER LIABILITY FOR FAILURE OF AN OPERATOR TO STOP FOR A SCHOOL BUS DISPLAYING A RED VISUAL SIGNAL AND STOP-ARM

WHEREAS, the Community Safety & Security Committee recommends the adoption of the following Local Law:

A Local Law entitled “a local law establishing a demonstration program imposing owner liability for failure of an operator to stop for a school bus displaying a red visual signal and stop-arm.”

WHEREAS, a public hearing was held on the 20th day of April, 2021 at 5:45 p.m., in the Legislative Chambers, Courthouse, Lockport, New York, on said Local Law, and

WHEREAS, _____ people appeared to speak on said Local Law, and

WHEREAS, _____ amendment(s) was (were) made to said Local Law, now, therefore, be it

RESOLVED, that a Local Law of the County of Niagara, New York entitled “A local law Establishing a Demonstration Program Imposing Owner Liability for Failure of an Operator to Stop for a School Bus Displaying a Red Visual Signal and Stop-Arm” be it enacted by the County Legislature of the County of Niagara as follows:

A new Niagara County Local Law is hereby enacted to read as follows:

VEHICLE OWNER LIABILITY FOR FAILURE OF OPERATOR TO STOP FOR A SCHOOL BUS DISPLAYING A RED VISUAL SIGNAL AND STOP-ARM

Section 1. Program Established.

a. There is hereby established in Niagara County (“County”) a demonstration program imposing monetary liability on owners of vehicles for failure of the operators thereof to comply with Section 1174 of the New York Vehicle and Traffic Law when meeting a school bus marked and equipped as provided in subdivisions 20 and 21-c of section 375 of the New York Vehicle and Traffic Law.

b. Under such demonstration program the County is empowered to install and operate school bus photo violation monitoring systems which may be stationary or mobile, and which may be installed, pursuant to an agreement with a school district within the County or a privately owned and operated for compensation under said school district (via authorized resolutions by the school district and/or school bus company and the County Legislature) on school buses owned and operated by such school district or contracted bus company. Provided, however, that:

i. No stationary school bus photo violation monitoring system shall be installed or operated by the

County, except on roadways under the jurisdiction of the County; and

ii. No mobile school bus photo violation monitoring system shall be installed or operated on any such school buses unless the County and such district enter into an agreement for such installation and operation.

c. To carry out the demonstration program, the County is authorized to enter into agreements with school districts or privately owned and operated for compensation bus company for the installation, maintenance and use of school bus photo violation monitoring systems, for the proper handling and custody of photographs,

microphotographs, videotapes, other recorded images and data produced by such systems, and for the forwarding of such photographs, microphotographs, videotapes, other recorded images and data to the County, subject to the provisions of this section, Section 1174-a of the New York Vehicle and Traffic Law and approval of the County Legislature, provided however, that the County shall not enter into an agreement with any city school district wholly contained within a city.

d. Nothing in this local law shall be construed to prevent the County, or school district or school bus company at any time from withdrawing from or terminating an agreement for the installation, maintenance and use of school bus photo violation monitoring systems, provided, however, that the County, school district, or the bus company shall provide no less than twenty days' notice to other signatories of such agreements before withdrawing.

e. The total cost to the school district of the installation, maintenance and use of school bus photo violation monitoring systems pursuant to an agreement authorized by this local law shall be borne entirely by the County. On or before September first of each year, the school district or bus company shall determine and certify to the County the total cost to the school district or bus company for the school year ending the preceding June thirtieth of installing, maintaining and using such systems within the county, for the proper handling and custody of photographs, microphotographs, videotapes, other recorded images and data produced by such systems, and for the forwarding of such photographs, microphotographs, videotapes, other recorded images and data to the County. On or before the following December first of each year, the County shall pay to the school district such cost so certified to it on or before the preceding September first. Not later than twenty days after each such payment is submitted or is due, whichever occurs first, the school district or the bus company shall submit to the Niagara County Manager and the Chairperson of the Niagara County Legislature a report showing the amount of costs so certified and the amount of payments so received or due. If the County fails to make the payment required to the school district or the school bus company by the twentieth day after the date such payment was due, (i) the school district or the bus company shall notify Niagara County Manager and the Chairperson of the Niagara County Legislature of such occurrence within twenty-four hours of such day; and (ii) the demonstration program shall be suspended within the County until such time as the County makes the payment required to the school district or the school bus company. The school district or the school bus company shall notify the Niagara County Manager and the Chairperson of the Niagara County Legislature of such payment within seven business days of its receipt provided, however, that any notice of liability issued prior to such date shall not be voided.

The contract between the County and the school district/school bus company shall provide that any images or images captured by school bus photo violation monitoring systems shall be inadmissible in any disciplinary proceeding convened by such school district or any school bus contractor thereof, and any proceeding initiated by the New York State Department of Transportation involving licensure

privileges of school bus operators. Any school bus photo violation monitoring device mounted on a school bus shall be directed outwardly from such school bus to capture images of vehicles operated in violation of section 1174 of this chapter, and images produced by such device shall not be used for any other purpose.

f. Any school district or school bus company participating in the demonstration program shall be prohibited from accessing any photographs, microphotographs, videotapes, other recorded images and data from school bus photo violation monitoring systems but shall provide, pursuant to the agreement with the County, as provided in this local law, for the proper handling and custody of such photographs, microphotographs, videotapes, other recorded images and data produced by such systems, and for the forwarding of such photographs, microphotographs, videotapes, other recorded images and data to the County for the purpose of determining whether a motor vehicle was operated in violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law and imposing monetary liability on the owner of such motor vehicle therefor.

g. The agreement between the County and the school district/school bus company shall provide that photographs, microphotographs, videotapes, other recorded images and data produced by school bus photo violation monitoring systems shall be destroyed (a) ninety days after the date of the alleged imposition of liability if a notice of liability is not issued for such alleged imposition of liability pursuant to this local law or (b) upon final disposition of a notice of liability issued pursuant to this local law.

h. The County shall adopt and enforce measures to protect the privacy of drivers, passengers, pedestrians and cyclists whose identity and identifying information may be captured by a school bus photo monitoring device. Such measures shall include:

i. utilization of necessary technologies to ensure, to the extent practicable, that photographs produced by such school photo violation monitoring systems shall not include images that identify the driver, the passengers, the contents of the vehicle, pedestrians and cyclists provided, however, that no notice of liability issued pursuant to this section shall be dismissed solely because a photograph or photographs allow for the identification of the contents of a vehicle, provided that the County has made a reasonable effort to comply with the provisions of this paragraph; reasonable effort to comply with the provisions of this paragraph;

ii. a prohibition of the use or dissemination of vehicles' license plate information and other information and images captured by school bus photo violation monitoring systems except: (a) as required to establish liability under this section or collect payment of penalties; (b) as required by court order; or (c) as otherwise required by law;

iii. the installation of signage in conformance with standards established in the MUTCD at each roadway entrance of the jurisdictional boundaries of the County giving notice that school bus photo violation monitoring systems are used to enforce restrictions on vehicles violating section 1174 of the New York Vehicle and Traffic Law. For the purposes of this paragraph, the term "roadway" shall not include state expressway routes or state interstate routes but shall include controlled-access highway exit ramps that enter the boundaries of the County; and

- iv. oversight procedures to ensure compliance with the aforementioned privacy protection measures.

Section 2. Definitions.

For purposes of this local law, the following terms shall have the following meanings:

- a. "County" shall mean the County of Niagara:
- b. "Manual on uniform traffic control devices" or "MUTCD" shall mean the manual and specifications for a uniform system of traffic control devices maintained by the commissioner of transportation pursuant to section 680 of the New York Vehicle and Traffic Law:
- c. "Owner" shall have the meaning provided in article two-b the New York Vehicle and Traffic Law: and
- d. "School bus photo violation monitoring system" shall mean a device that is capable of operating independently of an enforcement officer which is installed to work in conjunction with a school bus stop-arm and which automatically produces two or more photographs, two or more microphotographs, a videotape or other recorded images of a vehicle at the time it is used or operated in violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law.
- e. "Motor Vehicle" Shall mean every vehicle operated or driven upon a public highway which is propelled by any power other than muscular power, except (a) electrically-driven mobility assistance devices operated or driven by a person with a disability (a-1) electric personal assistive mobility devices operated outside a city with a population of one million or more (b) vehicles which run only upon rails or tracks, (c) snowmobiles as defined in New York State Vehicle & Traffic Law article forty-seven, and (d) all terrain vehicles as defined in New York State Vehicle & Traffic Law article forty-eight-B. The term motor vehicle shall exclude fire and police vehicles other than ambulances, and shall exclude farm type tractors and all terrain type vehicles used exclusively for agricultural purposes, or for snow plowing, other than for hire, farm equipment, including self-propelled machines used exclusively in growing harvesting or handling farm produce, and self-propelled caterpillar or crawler-type equipment while being operated on the contract site.
- f. "Vehicle" shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Section 3. Penalties.

An owner liable for a violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law pursuant to this local law shall be liable for monetary penalties in accordance with the following schedule of fines and penalties.

- a. two hundred fifty dollars for a first violation;
- b. two hundred seventy-five dollars for a second violation committed within eighteen months of the first violation;
- c. three hundred dollars for a third or subsequent violation all of which were committed within eighteen

months from the first violation, and

d. an additional penalty of twenty-five dollars for each violation for the failure to respond to a notice of liability within the prescribed time period.

Section 4. Notice of Liability.

a. A notice of liability shall be sent by first class mail to each person alleged to be liable as an owner for a violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law. Personal delivery on the owner shall not be required. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the facts contained therein.

b. A notice of liability shall contain the name and address of the person alleged to be liable as an owner for a violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law, the registration number of the vehicle involved in such violation, the location where such violation took place, the date and time of such violation and the identification number of the camera which recorded the violation or other document locator number.

c. A notice of liability shall contain information advising the person charged of the manner and the time in which he or she may contest the liability alleged in the notice. Such notice of liability shall also contain a warning to advise the persons charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.

Section 5. Owner Liability.

a. The demonstration program established hereunder shall provide that the owner of a vehicle shall be liable for a penalty imposed pursuant to this local law if such vehicle was used or operated with the permission of the owner, express or implied, in violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law and such violation is evidenced by information obtained from a school bus photo violation monitoring system; provided however that no owner of a vehicle shall be liable for a penalty imposed by subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law where the operator of such vehicle has been convicted of the underlying violation of subdivision (a) of Section 1174 of the Vehicle and Traffic Law. For purpose of this subsection, there shall be a presumption that such vehicle was used and operated with the consent of the owner at the time it was used and operated in violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law.

b. If an owner receives a notice of liability pursuant to this local law for any time period during which the vehicle was reported to the police as having been stolen, it shall be a valid defense to an allegation of liability for a violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law pursuant to this local law that the vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. For purposes of asserting the defense provided by this subdivision, it shall be sufficient that a certified copy of the Police report be submitted to the court having jurisdiction.

c. An owner who is a lessor of a vehicle to which a notice of liability was issued pursuant to this local law shall not be liable for the violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law, provided that he or she sends to the Court of Competent Jurisdiction

a copy of the rental, lease or other such contract document covering such vehicle on the date of the

violation, with the name and address of the lessee clearly legible, within 37 days after receiving notice from the agency of the date and time of such violation, together with the other information contained in the original notice of liability. Failure to send such information within such 37-day time period shall render the owner liable for the penalty prescribed by this local law. Where the Lessor complies with the provisions of this paragraph, the lessee of such vehicle for purposes of this section, shall be deemed to be the owner of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for the purposes of this section, shall be subject to liability for the violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law pursuant to this local law and shall be sent a notice of liability pursuant to section 4 of this local law.

d. A certificate, sworn to or affirmed by a technician employed by the County, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotapes, other recorded images produced by a school bus photo violation monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotapes, other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation.

e. It shall be a defense to any prosecution for a violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law pursuant to this local law that such school bus stop-arms were malfunctioning at the time of the alleged violation.

f. For the purpose of informing and educating owners of motor vehicles in this County during the first thirty-day period in which a school bus photo violation monitoring system is in operation pursuant to the provisions of this local law, all owners of motor vehicles who would otherwise be held liable for failure of operators thereof to comply with section 1174 of the New York Vehicle and Traffic Law when meeting a school bus marked and equipped as provided in subdivisions 20-21-c of section 375 of such law, shall be issued a written warning in lieu of a notice of liability.

Section 6. Adjudication of Liability.

Liability pursuant to the demonstration program established hereunder shall be imposed upon owners by the Court of competent jurisdiction in Niagara County.

Section 7. Action for Indemnification.

If the owner held liable for a violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law pursuant to this local law was not the operator of the vehicle at the time of the violation, the owner may maintain an action for indemnification against the operator.

Section 8. Annual Report.

a. The County shall submit an annual report on the results of the use of a school bus photo violation monitoring system to the Governor, the temporary president of the Senate and the speaker of the Assembly on or before June 1 of each year in which the demonstration program is operable. Such report shall include, but not be limited to:

- i. The number of buses and a description of the routes where stationary and mobile school bus photo violation monitoring systems were used;

- ii. The aggregate number, type and severity of accidents reported at locations where a school bus photo violation monitoring system is used for the year preceding the installation of such system, to the extent the information is maintained by the department of motor vehicles of this state;
- iii. The aggregate number, type and severity of accidents reported at locations where a school bus photo violation monitoring system is used, to the extent the information is maintained by the department of motor vehicles of this state;
- iv. The number of violations recorded at each location where a school bus photo violation monitoring system is used and in the aggregate on a daily, weekly and monthly basis;
- v. The number of convictions for violations of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law recorded at each location where a school bus photo violation monitoring system is used on an annual basis, to the extent the information is maintained by the department of motor vehicles of this state.
- vi. The total number of notices of liability issued for violations recorded by such systems;
- vii. The number of fines and total amount of fines paid after the first notice of liability issued for violations recorded by such systems;
- viii. The number of violations adjudicated and results of such adjudications including breakdowns of dispositions made for violations recorded by such systems.
- ix. The total amount of revenue realized by the County from such adjudications;
- x. The expenses incurred by the County in connection with the program;
- xi. The quality of the adjudication process and its results including the total number of hearings scheduled, re-scheduled, and held; the total number of persons scheduled for such hearings; the total number of cases where fines were paid on or before the hearing date; and the total number of default judgments entered; and
- xii. A description of public education activities conducted to warn motorists of the dangers of overtaking and passing stopped school buses.

b. The County shall annually provide a copy of the annual report submitted pursuant to this local law, to each local law enforcement agency having jurisdiction to enforce violations of the vehicle and traffic law or any ordinance, rule or regulation relating to traffic adopted pursuant to such law on roadways within the County.

Section 9. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual,

corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 10. Effective Date.

This local law shall take effect immediately upon final adoption and shall remain in full force and effect only until December 1, 2024.

COMMUNITY SAFETY & SECURITY
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Committee of the Whole **DATE:** 04/20/21 **RESOLUTION #** CW-006-21

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION
CW – 04/20/21

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____
Rejected: Ayes _____ Abs. _____ Noes _____
Referred: _____

**SECURITY INFORMATION MANAGEMENT
CAPITAL PROJECT BUDGET MODIFICATION**

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

WHEREAS, the County has successfully secured funds from federal funding under the FY2019 Cyber Security Grant Program, Project ID #CY19-1015-E00, in the amount of \$50,000, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE REVENUE

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

A.16.3645.000.74750.12	Supplies/General Computer Supplies	\$15,000.00
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INCREASE APPROPRIATIONS

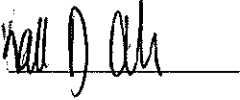
A.16.3645.000.74650.08	Services/Professional Consultants	\$35,000.00
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COMMITTEE OF THE WHOLE

NIAGARA COUNTY LEGISLATURE

FROM: Economic Development Committee **DATE:** 04/20/21 **RESOLUTION #** ED-015-21
Administration Committee

APPROVED
CO. ATTORNEY



REVIEWED
CO. MANAGER

COMMITTEE ACTION
ED - 4/14/21

AD - 4/12/21

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____
Rejected: Ayes _____ Abs. _____ Noes _____
Referred: _____

FIXING DATE AND NOTICE FOR THE PUBLIC HEARING FOR COMMUNITY DEVELOPMENT BLOCK GRANT CARES ACT APPLICATION TO IMPLEMENT THE NIAGARA ORLEANS REGIONAL ALLIANCE (NORA) WORKPLAN

WHEREAS, the County Legislature wishes to assess the advisability of submitting a Community Development Block Grant COVID-19 Response ("CDBG-CV") application to the New York State Office of Community Renewal (the "OCR") through the Coronavirus Aid, Relief, and Economic Securities Act ("CARES") to implement the Niagara Orleans Regional Alliance ("NORA") Workplan designed to bring broadband access to unserved and underserved areas of Niagara and Orleans Counties, and

WHEREAS, Niagara County is required to hold a public hearing to provide information to the public and to consider citizen comments regarding community needs and the plan proposal prior to submitting an application for CDBG-CV funding, now, therefore, be it

RESOLVED, that the County Legislature hereby calls for a Public Hearing whereat all interested parties shall be heard regarding the CDBG-CV program, the County's community development and economic development programs, the County's response to the Coronavirus, and the proposed funding application at the Legislative Chambers, Courthouse, Lockport, New York on the 4th day of May, 2021 at 5:45 P.M., and be it further

RESOLVED, that the Clerk of the Legislature, at least eight (8) days in advance of such hearing, shall post a notice upon the bulletin boards of the Courthouse at Lockport, and the Civic Building at Niagara Falls, and shall publish such notice once in the Lockport Union Sun & Journal, and the Niagara Gazette.

ECONOMIC DEVELOPMENT COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee **DATE:** 04/20/21 **RESOLUTION #** IF-030-21

**APPROVED
CO. ATTORNEY**

REVIEWED CO. MANAGER

COMMITTEE ACTION
IF - 4/12/21

LEGISLATIVE ACTION
 Approved: Ayes _____ Abs. _____ Noes _____
 Rejected: Ayes _____ Abs. _____ Noes _____
 Referred: _____

BID AWARD FOR HIGHWAY MATERIALS

WHEREAS, specifications for the 2021 Highway Maintenance Program have been prepared by the Highways, Bridges & Structures Division of the Department of Public Works, and

WHEREAS, the Purchasing Department advertised for bids and publicly opened and read bids on March 11, 2021, and

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

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

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

WHEREAS, funds are available in the 2021 budget of the Department of Public Works, now, therefore,
be it

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

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

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

INFRASTRUCTURE & FACILITIES COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee DATE: 04/20/21 RESOLUTION # IF-031-21

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION
IF - 4/12/21

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

PORTER CENTER ROAD PAVING PROJECT – SALE OF MILLINGS AGREEMENT BETWEEN NIAGARA COUNTY AND BAILEY BROTHERS ENT. INC.

WHEREAS, the Department of Public Works is in need of selling asphalt millings from the Porter Center Road paving project, and

WHEREAS, the County's Purchasing Department issued a request for quote and publicly opened the quotes on March 25, 2021, as tabulated below:

Bailey Brothers Ent. Inc.
2432 Balmer Road
Ransomville, NY 14131

\$7,501.00

WHEREAS, it is recommended by the Public Works Committee and the Department of Public Works that the County enter into an agreement with the only bidder for the asphalt millings, Bailey Brothers, Ent. Inc, at a price of seven thousand five hundred and one dollars, (\$7,501.00) and

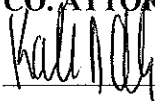
WHEREAS, prior to the execution of the required documents, the County Attorney will review the documents for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the required documents with Bailey Brothers Ent. Inc, 2432 Balmer Road, Ransomville, NY 14131, for a price of seven thousand five hundred and one dollars, (\$7,501.00).

INFRASTRUCTURE & FACILITIES
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee **DATE:** 04/20/21 **RESOLUTION #** IF-032-21

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	<u>IF - 4/12/21</u>	Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE NEWFANE YOUTH FOOTBALL LEAGUE AND CHEERLEADING

WHEREAS, the Newfane Youth Football League and Cheerleading has requested that the County of Niagara grant them exclusive rights to operate a football program in an area situated in the County owned property on Lake Road, and

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

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

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

WHEREAS, prior to the execution of the License Agreement between the County of Niagara and the Newfane Youth Football League and Cheerleading, the County Attorney will review said Agreement for approval as to legal form, language and compliance, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Newfane Youth Football League, now, therefore, be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Newfane Youth Football League and cheerleading, as appears on the proposed agreement, is hereby approved in all respects, and be it further

RESOLVED, that the Chairman of the Legislature is authorized and directed to execute and deliver the agreement with the Newfane Youth Football League and Cheerleading.

INFRASTRUCTURE & FACILITIES
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee DATE: 04/20/21 RESOLUTION # IF-033-21

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION
IF - 4/12/21

LEGISLATIVE ACTION

Approved: Ayes Abs. Noes
Rejected: Ayes Abs. Noes
Referred:

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

WHEREAS, the YMCA Fitness in the Parks Program has requested that the County of Niagara grant them rights to operate a Zumba and Yoga exercise program in an area situated in a section of Krull Park, and also a section of Day Road Park, and

WHEREAS, this program benefits the youth and other residents of Niagara County as a whole, and

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

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

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

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

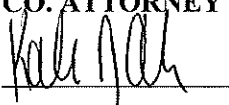
RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the YMCA Fitness in the Parks Program, as appears on the proposed agreement, is hereby approved in all respects, and be it further

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

INFRASTRUCTURE & FACILITIES
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee **DATE:** 04/20/21 **RESOLUTION #** IF-034-21

APPROVED CO. ATTORNEY 	REVIEWED CO. MANAGER _____	COMMITTEE ACTION <u>IF - 4/12/21</u> _____ _____	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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**AGREEMENT BETWEEN THE COUNTY OF NIAGARA
AND THE PENDLETON LIONS CLUB**

WHEREAS, the Pendleton Lions Club has requested that the County of Niagara grant them permission to use the West Canal Marina and Shelter #4, for the purpose of holding the 45th annual town Children's Fishing Derby to be held on June 12, 2021, and

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

WHEREAS, it is the wish of the organizers to hold the fishing derby on June 12, 2021, and

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

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

WHEREAS, prior to the execution of the License Agreement between the County of Niagara and the Pendleton Lions Club, the County Attorney will review said Agreement for approval as to legal form, language and compliance, now, therefore, be it

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

INFRASTRUCTURE & FACILITIES
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee DATE: 04/20/21 RESOLUTION # IF-035-21

APPROVED
CO. ATTORNEY

Kali J. Allen

REVIEWED
CO. MANAGER

COMMITTEE ACTION
IF - 4/12/21

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____
Rejected: Ayes _____ Abs. _____ Noes _____
Referred: _____

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE LOCKPORT SOCCER CLUB

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

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

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

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

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

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


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

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

INFRASTRUCTURE & FACILITIES
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee **DATE:** 04/20/21 **RESOLUTION #** IF-036-21

APPROVED CO. ATTORNEY 	REVIEWED CO. MANAGER _____	COMMITTEE ACTION <u>IF - 4/12/21</u> _____ _____	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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**APPROVAL OF LEASE AGREEMENT BETWEEN THE COUNTY OF NIAGARA
AND GROFF'S CAFÉ ON THE GREEN, LLC, REGARDING THE RESTAURANT CONCESSION AT
THE NIAGARA COUNTY GOLF COURSE, LOCKPORT, NEW YORK**

WHEREAS, Resolution No. IF-136-20, dated December 1, 2020, approved the lease with Groff's Tavern, LLC for the operation of the golf course concession, for two (2) years, beginning January 1, 2021, and

WHEREAS, Groff's Tavern, LLC has created Groff's Café on the Green, LLC for the operation of the golf course concession, which requires the lease agreement to be modified to Groff's Café on the Green, LLC, and

WHEREAS, no other terms or language will change within the current agreement with Groff's Tavern LLC, 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 proposed terms and conditions of the lease agreement, for the Niagara County Golf Course Concession Lease, be amended from Groff's Tavern, LLC, 92 Union Street, Lockport, NY 14094, to Groff's Café on the Green, LLC, 92 Union Street, Lockport, NY in the amount of \$13,200 for 2021 and \$14,400 for 2022, 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.

INFRASTRUCTURE & FACILITIES
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee **DATE:** 04/20/21 **RESOLUTION #** IF-037-21
Administration Committee

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY 	CO. MANAGER	<u>IF - 4/12/21</u> <u>AD - 4/12/21</u>	Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____

DEPARTMENT OF PUBLIC WORKS – CAPITAL PROJECT CLOSE-OUT AND BUDGET MODIFICATION

WHEREAS, the Buildings and Grounds Department provides support services to all office buildings and park land, and

WHEREAS, capital account H678.15.1620.000, was created from the sale proceeds of the Davison Road Office Complex, and

WHEREAS, funds remain in the account after they were used for paying the closing costs and the expenses of relocating the various utility meters, and

WHEREAS, additional ground/drainage improvements need to be completed on the various sport fields that remain under the County's ownership at this location, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated:

DECREASE REVENUE APPROPRIATION:

H678.15.1620.000.45031.00	Transfers from Operating	\$75,095.13
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DECREASE APPROPRIATION:

H678.15.1620.000.72200.01	Building Improvements	\$75,095.13
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INCREASE ESTIMATED REVENUE APPROPRIATION:

H714.15.7110.000.45031.00	Transfers from Operating	\$75,095.13
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INCREASE ESTIMATED APPROPRIATION:

H714.15.7110.000.72400.00	Land Improvements	\$75,095.13
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and be it further

RESOLVED, that capital project H678.15.1620.000 – Davison Road Rd be closed.

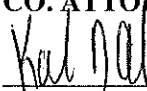
INFRASTRUCTURE & FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee DATE: 04/20/21 RESOLUTION # IF-038-21

Administration Committee

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
		<u>IF - 4/12/21</u>	Approved: Ayes _____ Abs. _____ Noes _____
		<u>AD - 4/12/21</u>	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

AWARD OF CONTRACT – SUNSET DRIVE ROAD AND DRAINAGE IMPROVEMENTS

WHEREAS, the Department of Public Works has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Sunset Drive Road and Drainage Improvements Project, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on March 25, 2021 as tabulated below:

- | | | |
|----|---|----------------|
| 1. | Union Concrete & Construction
PO Box 410
West Seneca, NY 14224 | \$1,460,346.50 |
| 2. | Concrete Applied Technologies Corp. (CATCO)
1266 Townline Road
Alden, NY 14004 | \$1,646,518.50 |
| 3. | Scott Lawn Yard Inc.
3305 Haseley Drive
Niagara Falls, NY 14304 | \$1,659,844.00 |
| 4. | Northeast Diversification
2 Cadby Industrial Park
Lancaster, NY 14086 | \$1,755,881.00 |
| 5. | Accadia Site Contracting
5636 Transit Road
Depew, NY 14043 | \$1,761,453.15 |
| 6. | Milherst Construction
10025 County Road
Clarence Center, NY 14032 | \$1,821,565.00 |
| 7. | Mark Cerrone Inc.
2368 Maryland Avenue
Niagara Falls, NY 14305 | \$1,918,623.00 |
| 8. | 4 th Generation Construction
5650 Simmons Avenue
Niagara Falls, NY 14304 | \$1,943,350.00 |
| 9. | Occhino Corp.
2650 Seneca Street
West Seneca, NY 14224 | \$1,993,692.00 |

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 following budget modification be effectuated to allow for the award of the construction contract and other incidentals as they arise, and to allow the project to proceed:

INCREASE REVENUE:

H706.15.5112.000 43501.00	Consol Highway Aid Revenue	\$1,500,000
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INCREASE APPROPRIATIONS:

H706.15.5112.000 72600.01	Infrastructure Roads	\$1,500,000
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and be it further

RESOLVED, that the contract for the Sunset Drive Road and Drainage Improvements Project be awarded to the lowest responsible bidder, Union Concrete & Construction, PO Box 410, West Seneca, NY 14224, in the amount of \$1,460,346.50, 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.

INFRASTRUCTURE & FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee **DATE:** 04/20/21 **RESOLUTION #** IF-039-21
Administration Committee

APPROVED CO. ATTORNEY 	REVIEWED CO. MANAGER _____	COMMITTEE ACTION <u>IF - 4/12/21</u> <u>AD - 4/12/21</u> _____	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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**REPLACEMENT OF WISTERMAN ROAD BRIDGE OVER MUD CREEK/HOSMER ROAD
BRIDGE OVER FISH CREEK - CHANGE ORDER NO. 1 - FINAL**

WHEREAS, by Resolution No. IF-053-19, dated April 9, 2019, the Legislature awarded the contract for the Wisterman Road Bridge over Mud Creek/Hosmer Road Bridge over Fish Creek Project to Edbauer Construction, 2790 Clinton Street, West Seneca, NY 14224, for a contract amount of \$1,695,351.25, and

WHEREAS, it is necessary to decrease the contract in the amount of \$131,463.89 due to final quantities adjustments, for a revised contract amount of \$1,563,887.36, 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-Final to decrease the contract by \$131,463.89 for the Wisterman Road Bridge over Mud Creek/Hosmer Road Bridge over Fish Creek Project, for a revised contract amount of 1,563,887.36, to Edbauer Construction, 2790 Clinton Street, West Seneca, NY 14224, 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.

INFRASTRUCTURE & FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee **DATE:** 04/20/21 **RESOLUTION #** IF-040-21
Administration Committee

APPROVED CO. ATTORNEY 	REVIEWED CO. MANAGER _____	COMMITTEE ACTION <u>IF - 4/12/21</u> <u>AD - 4/12/21</u> _____	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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WISTERMAN ROAD BRIDGE OVER MUD CREEK/HOSMER ROAD BRIDGE OVER FISH CREEK - CONSULTANT AMENDMENT NO. 4-FINAL

WHEREAS, Resolution No. IF-125-16, dated December 6, 2016, authorized the contract for consultant services for the Wisterman Road Bridge over Mud Creek Project to Bergmann Associates, Waterfront Village Center, 40 LaRiviere Drive, Suite 150, Buffalo, NY 14202, for a fee not to exceed \$910,932, and

WHEREAS, Resolution No. IF-114-18, dated September 18, 2018, increased the contract to allow for construction inspection and construction administration in the amount of \$215,072, for a revised contract amount of \$526,004, and

WHEREAS, Resolution No. IF-004-19, dated January 15, 2019, increased the contract in order to combine this contract with the Hosmer Road Bridge over Fish Creek Project, in the amount of \$14,243, for a revised contract amount of \$540,247, and

WHEREAS, Resolution No. IF-051-19, dated April 9, 2019, increased the contract for construction inspection and construction administration for the Hosmer Road Bridge, in the amount of \$67,650, for a revised contract amount of \$607,897, and

WHEREAS, it is necessary to reduce the contract in the amount of \$61,252.95 for unused billable hours on the project, for a final contract amount of \$546,644.03, and

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

RESOLVED, that the consultant services contract with Bergmann Associates, Waterfront Village Center, 40 LaRiviere Drive, Suite 150, Buffalo, NY 14202, be decreased by \$61,252.95, for a revised contract amount of \$546,644.03, 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.

INFRASTRUCTURE & FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee DATE: 04/20/21 RESOLUTION # IF-041-21
Administration Committee

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION
IF - 4/12/21
AD - 4/12/21

LEGISLATIVE ACTION
Approved: Ayes _____ Abs. _____ Noes _____
Rejected: Ayes _____ Abs. _____ Noes _____
Referred: _____

CULVERT REHABILITATION FINAL PAYMENT

WHEREAS, by Resolution No. IF-111-20, dated October 20, 2020, the Legislature awarded the contract for the Culvert Rehabilitation of four (4) County Culverts Project to Precision Trenchless LLC, 1710 Erie Blvd., Schenectady, NY 12308, for a contract amount of \$185,875, and

WHEREAS, Resolution No. IF-119-20, dated November 17, 2020, authorized Change Order No. 1 to increase the contract in the amount of \$3,000 for additional insurance requirements, for a revised contract amount of \$188,875, and

WHEREAS, the contract has been completed to specifications for the contract amount of \$188,875, 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 final payment is authorized to be processed to Precision Trenchless LLC, 1710 Erie Blvd., Schenectady, NY 12308, for a final contract amount of 188,875, 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.

INFRASTRUCTURE & FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee **DATE:** 04/20/21 **RESOLUTION #** IF-042-21
Administration Committee

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	IF - 4/12/21	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 4/12/21	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

AKRON ROAD REHABILITATION CONSULTANT AMENDMENT NO. 1

WHEREAS, Resolution No. IF-042-20, dated March 10, 2020, authorized the contract for consultant services for the Akron Road Rehabilitation Project to Mott MacDonald New York Inc., 438 Main Street, Suite 300, Buffalo, NY 14202, for a contract amount of \$220,273.26, and

WHEREAS, it is necessary to increase the contract in the amount of \$187,210.11 for construction inspection and construction administration, for a revised contract amount of \$407,483.37, 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 \$187,210.11 for the Akron Road Rehabilitation Project, for a revised contract amount of \$407,483.37 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.

INFRASTRUCTURE & FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee **DATE:** 04/20/21 **RESOLUTION #** IF-043-21
Administration Committee

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	IF - 4/12/21	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 4/12/21	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

CAPITAL PROJECT CREATION WATER -PUMP STATIONS HVAC UPGRADES

WHEREAS, Niagara County Water District has established an appropriation of \$800,000 from its Operating Budget and requested appropriate action by the Niagara County Legislature, and

WHEREAS, the appropriation is for the HVAC upgrades to both the Shawnee Road Drive Building and Robinson Road Drive Building and the addition of HVAC Upgrades associated with the Shawnee Road Pump Station, including engineering, legal and related work, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated to the Niagara County Water District 2021 budget:

DECREASE APPROPRIATIONS:

FX.31.8340.000 72200.01	Building Improvements	\$250,000
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INCREASE APPROPRIATED FUND BALANCE:

FX 40599.00	Appropriated Fund Balance	\$550,000
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INCREASE APPROPRIATIONS:

FX.31.9950.000 79010.00	Transfer to Capital Construction	\$800,000
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INCREASE REVENUE:

H710.31.8397.000 45031.00	Interfund Transfers from Operating	\$800,000
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INCREASE APPROPRIATIONS:

H710.31.8397.000 72200.01	Water -Pump Stations HVAC Upgrades	\$800,000
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INFRASTRUCTURE & FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee DATE: 04/20/21 RESOLUTION # IF-044-21

Administration Committee

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION
IF - 4/12/21
AD - 4/12/21

LEGISLATIVE ACTION
Approved: Ayes _____ Abs. _____ Noes _____
Rejected: Ayes _____ Abs. _____ Noes _____
Referred: _____

CAPITAL PROJECT CREATION WATER – RAW WATER PUMP STATION UPGRADES

WHEREAS, Niagara County Water District has established an appropriation of \$2,000,000 from its Capital Reserve Fund and \$1,500,000 from its Fund Balance and requests appropriate action by the Niagara County Legislature, and

WHEREAS, the appropriation is for the upgrades of the Raw Water Pump Station located in Grand Island, NY, including engineering, legal and related work, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated to the Niagara County Water District 2021 budget:

INCREASE APPROPRIATED RESERVE:

FXH 40511.00	Appropriated Capital Reserve	\$2,500,000
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INCREASE APPROPRIATIONS:

FXH.31.9950.000 79010.00	Transfer to Capital Construction	\$2,500,000
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INCREASE APPROPRIATED FUND BALANCE:

FX 40599.00	Appropriated Fund Balance	\$1,000,000
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INCREASE APPROPRIATIONS:

FX.31.9950.000 79010.00	Transfer to Capital Construction	\$1,000,000
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INCREASE REVENUE:

H709.31.9901.000 45031.10	Interfund Transfers from Capital Reserves	\$2,500,000
H709.31.9901.000 45031.00	Interfund Transfers from Operating	\$1,000,000

INCREASE APPROPRIATIONS:

H709.31.8397.000 72100.27	Water – Raw Water Pump Station Upgrades	\$3,500,000
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INFRASTRUCTURE & FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Mark J. Grozio, DATE: 04/20/21 RESOLUTION # IL-009-21
Christopher A. Robins, Dennis F. Virtuoso, Owen T. Steed and Anita Mullane

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER		Approved: Ayes Abs. Noes
			Rejected: Ayes Abs. Noes
			Referred:

RESOLUTION IN SUPPORT OF STAVATTI AEROSPACE LTD.

WHEREAS, Stavatti Aerospace Ltd. issued a Request for Information (RFI) in December of 2018 for site selection purposes for an Aircraft Prototype, Manufacturing and Assembly Plant, and

WHEREAS, Stavatti identified a site adjacent to the Niagara Falls International Airport (NFIA), siting its proximity to the NFIA and its nearly 11,000 foot runway, as one of 70 potential locations worldwide and one of the twelve sites identified in the United States at which to establish one or more production centers, and

WHEREAS, the Niagara County Center for Economic Development, working with Invest Buffalo Niagara, submitted a response to the RFI in March of 2019 containing the information requested for the NFIA site, and

WHEREAS, following Stavatti's review of all responses received, the NFIA site was selected by Stavatti as their preferred location for the Aircraft Prototype, Manufacturing and Assembly Plant, and

WHEREAS, Stavatti received approval from the Niagara County Industrial Development Agency for property, sales tax and mortgage recording tax abatements for the \$25.8 million project that entails the purchase and renovation of the vacant 150,000 sq. ft. former U.S. Army Reserve Station hangar in order to establish Stavatti's aircraft research, design and prototyping facility and to serve as a temporary headquarters for the company, and

WHEREAS, the project calls for the creation of 363 new family supporting jobs in the initial phases of the project with an annual payroll at the end of year three totaling \$48,440,258, and

WHEREAS, earlier this year Stavatti was also awarded a 2.7 Megawatt allocation of low-cost hydropower from the New York Power Authority as an incentive to support and complete the project, now, therefore, be it

RESOLVED, that the Niagara County Legislature go on record in support of the Stavatti Aerospace Ltd. project, and thanks the Niagara County Industrial Development Agency and the New York Power Authority for their support of the project which is estimated to have an \$85,170,821 economic impact over the life of the project in Niagara County and the Western New York region.

LEGISLATOR MARK J. GROZIO

LEGISLATOR CHRISTOPHER A. ROBINS


LEGISLATOR DENNIS F. VIRTUOSO

LEGISLATOR OWEN T. STEED

LEGISLATOR ANITA MULLANE

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Michael A. Hill, John Syracuse, _____ DATE: 04/20/21 RESOLUTION # IL-014-21
David E. Godfrey and Irene M. Myers

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER		
			Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

RESOLUTION CREATING THE GUN OWNER'S RIGHTS ADVISORY PANEL

WHEREAS, Niagara County has a long, proud tradition as a community that strongly supports the Second Amendment and the rights of gun owners, and

WHEREAS, in recent years, there seems to be constant efforts at the state and federal level to chip away at the rights of gun owners, adopting rules and regulations in the name of public safety that do nothing to keep the public safe and instead create barriers for legal gun ownership, and

WHEREAS, while Niagara County has consistently passed resolutions opposing such actions, there is a desire to find more concrete ways to support legal gun ownership within the enumerated powers of county government, and

WHEREAS, a Gun Owner's Rights Advisory Panel is one way to engage with the legal gun owner community, and

WHEREAS, such a panel could, among other actions, make recommendations to the Niagara County Legislature for resolutions and local laws, propose process improvements to things like pistol permitting, and help promote overall safe, legal gun ownership in Niagara County, now, therefore, be it

RESOLVED, that the Niagara County Legislature creates a Gun Owner's Rights Advisory Panel, and be it further

RESOLVED, all appointments to the panel are to be made by the Chairman of the Legislature, and all Niagara County Legislators are invited to submit names for consideration.

LEGISLATOR MICHAEL A. HILL

LEGISLATOR JOHN SYRACUSE

LEGISLATOR DAVID E. GODFREY

LEGISLATOR IRENE M. MYERS

NIAGARA COUNTY LEGISLATURE

FROM: Legislator Randy R. Bradt DATE: 04/20/21 RESOLUTION # IL-015-21

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____
Rejected: Ayes _____ Abs. _____ Noes _____
Referred: _____



A RESOLUTION ESTABLISHING THE REDISTRICTING COMMISSION AND ITS DUTIES

WHEREAS, once each decade, the United States Constitution mandates a census, which is the counting of every resident in the United States, with this census being use for many purposes including determining how many seats each state has in the U.S. House of Representatives through a process called reapportionment, and

WHEREAS, the 2020 census is now complete and the numbers from that census will be released soon, and

WHEREAS, the concept of one person, one vote also requires reapportionment following the completion of the census at other levels of government too, including Niagara County, to ensure residents are represented in a fair and equal manner, and

WHEREAS, reapportionment at the county level of government involves reviewing the lines of the 15 legislative districts to ensure roughly equal population in each district and adjusting such lines as is appropriate, and

WHEREAS, one decade ago, the Niagara County Legislature led the way in ensuring a robust and transparent process by creating a Redistricting Commission made up of citizens appointed by the Legislature to develop the redistricting plan, and

WHEREAS, the plan that was created by the independent Redistricting Commission was adopted unchanged by a unanimous vote of the Niagara County Legislature, proving the benefit of a non-partisan, citizen-led effort, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby establishes the Redistricting Commission (hereinafter the "Commission"), and be it further

RESOLVED, that the Commission shall be comprised of five members:

Two Members Appointed by the Chairman of the Niagara County Legislature

Two Members Appointed by the Majority Caucus

One Member Appointed by the Minority Caucus

and be it further

RESOLVED, that no member of the Commission shall be an officer of a political party, serve as a currently elected official or have served as a registered lobbyist within the past two years, and be it further

RESOLVED, that the members shall be appointed no later than May 31, 2021 and that the members of the Commission shall meet no later than June 11, 2021 to elect a Chairperson, and be it further

RESOLVED, the Commission is hereby allocated up to \$25,000.00 from the County's contingency budget to advertise public hearings and to obtain information, software and professional services to effectively do their job, and be it further

RESOLVED, that the Commission shall hold at least two public hearings before voting on its final proposed redistricting plan to listen to comments of the general public regarding a new redistricting map unless the Commission's redistricting proposal is to keep the same geographic legislative boundaries as the current map with only minor adjustments for population deviation, and be it further

RESOLVED, that the Commission shall submit its recommendation to this body for a vote on or before the regularly scheduled October 19, 2021 Legislature meeting and if the Commission's recommendation is rejected by this body, then the Legislature can amend and adopt a plan by Majority vote or send the plan back to the Commission for amendments and reconsider the amended plan.

LEGISLATOR RANDY R. BRADT

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Randy R. Bradt, John Syracuse, **DATE:** 04/20/21 **RESOLUTION #** IL-016-21
Jesse P. Gooch, Irene M. Myers, et al.

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____
Rejected: Ayes _____ Abs. _____ Noes _____
Referred: _____

RESOLUTION REGARDING THE CONSOLIDATION 911 BETWEEN NIAGARA COUNTY AND THE CITY OF LOCKPORT

WHEREAS, in January 2019, Niagara County and the City of Lockport began conversations about consolidating 911 dispatch between the city and county under the auspice of the Niagara County Sheriff's Office, and

WHEREAS, the Niagara County Legislature passed Resolution IL-045-19 and Resolution IL-073-19 agreeing to assume the City of Lockport's dispatch responsibility, and

WHEREAS, in the intervening two years there has been little to no communication from the City of Lockport in moving this initiative forward, and

WHEREAS, on March 19, 2021 New York State Attorney General Letitia James' Special Investigation and Prosecution Unit (SIPU) released its report on the death of Troy Hodge, and

WHEREAS, the SIPU report did make a series of recommendations, including that the Lockport Police Department discontinue its 911 call center and allow Niagara County to take over the dispatching responsibility in the area, and

WHEREAS, the SIPU determined that having two 911 systems at work in the City of Lockport hindered the emergency medical response to the Troy Hodge incident, as the report states, "clearly, a centralized dispatch system would have avoided many of the miscues that plagued this case -miscues that ultimately delayed the ambulance's arrival at Mr. Hodge's side by at least six minutes. Notably, Mr. Hodge remained conscious during the first five of those six minutes. Had the ambulance arrived in a timely manner, Mr. Hodge's chances for survival may have improved."

WHEREAS, the Mayor of Lockport has now formed a committee to apparently revisit the issue two years after the initial conversations with the Niagara County Manager, and

WHEREAS, Niagara County remains committed to the concept and is interested in moving forward in a way that makes economic sense for county taxpayers and above all else, enhances public safety for our community, now, therefore, be it

RESOLVED, that Niagara County supports the recommendations of the SIPU in the Troy Hodge investigation regarding consolidated dispatch services between Niagara County and the City of Lockport, and be it further

RESOLVED, in light of the fact that two years have passed with no progress and recognizing circumstances inevitably change, the Niagara County Legislature authorizes the Niagara County Manager to

engage in negotiations with the City of Lockport on consolidated dispatch, using the North Tonawanda consolidation as a model, and to bring a resolution enacting such back to this body for adoption once all necessary issues are resolved and further urges all sides to act expeditiously.

LEGISLATOR RANDY R. BRADT

LEGISLATOR JOHN SYRACUSE

LEGISLATOR JESSE P. GOOCH

LEGISLATOR IRENE MYERS

LEGISLATOR REBECCA J. WYDYSH

LEGISLATOR RICHARD L. ANDRES

LEGISLATOR DAVID E. GODFREY


LEGISLATOR WILLIAM J. COLLINS

LEGISLATOR ANTHONY J. NEMI

LEGISLATOR MICHAEL A. HILL

NIAGARA COUNTY LEGISLATURE

FROM: Legislators David E. Godfrey, Michael A. Hill, **DATE:** 04/20/21 **RESOLUTION #** IL-017-21
Rebecca J. Wydysh, Richard L. Andres, Randy R. Bradt,
Jesse P. Gooch, William J. Collins, Anthony J. Nemi, et al.

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	_____	Approved: Ayes _____ Abs. _____ Noes _____
	_____	_____	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

A LOCAL LAW TO ADOPT CERTAIN BENEFITS UNDER § 458-b OF THE REAL PROPERTY TAX LAW OF THE STATE OF NEW YORK AUTHORIZING AN ALTERNATIVE TAX EXEMPTION FOR COLD WAR VETERANS BE CHANGED FROM 10% OPTION TO 15% OPTION

WHEREAS, military personnel that served their country during the Cold War but not during actual, declared war, are not entitled to a veterans exemption from Real Property Taxation Law under § 458 and § 458-a thereof, and

WHEREAS, veterans, regardless if they were not serving during war time, should be entitled to receive property tax exemption from Niagara County under the passage of Chapter 655 of the Laws of 2007 (Senate Bill S-4697 from Senator Leibell), and

WHEREAS, Legislator David E. Godfrey, et al. presents in writing the following proposed Local Law:

A Local Law to adopt certain benefits under § 458-b of the Real Property Tax Law of the State of New York authorizing an alternative tax exemption for Cold War Veterans,

Be it enacted by the County Legislature of the County of Niagara as follows:

Section 1. Pursuant to subsection 2(a) of § 458-b of the Real Property Tax Law of the State of New York, the County of Niagara hereby adopts the qualifying residential real property exemption under subsection 2(a)(ii) of § 458-b of the Real Property Tax Law of the State of New York, that is, an exemption in the amount of fifteen percent of the assessed value of such property, provided however, that such exemption, as permitted by subsection 2(c)(iii), shall not exceed \$15,000 or the product of \$15,000 multiplied by the latest state equalization rate of such property's assessing unit, such exemption to be subject to the definitions, limitations and requirements of § 458-b.

Section 2. Pursuant to subsection 2(b) of § 458-b of the Real Property Tax Law of the State of New York, the County of Niagara hereby adopts the qualifying residential real property exemption under subsection 2(b) of § 458-b of the Real Property Tax Law of the State of New York, that is, an exemption in the amount equal to the extent of the product of the assessed value of such property, multiplied by fifty percent of the Cold War veteran disability rating; provided, however, that such exemption, as permitted by subsection 2(c)(iii) shall not exceed fifty thousand dollars or the product of fifty thousand dollars multiplied by the latest state equalization rate for the assessing unit.

Section 3. This Local Law shall take effect immediately upon its filing with the Secretary of State and shall be applicable to all assessment rolls prepared pursuant to the first taxable status date occurring on or after the effective date of this local law.

RESOLVED, that the Niagara County Legislature shall conduct a public hearing upon said proposed Local Law at the Legislative Chambers, Niagara County Courthouse, Lockport, New York, on the 4th day of May, 2021 at 5:30 p.m., and be it further

RESOLVED, that the Clerk of the Niagara County Legislature, at least six days in advance of such hearing, shall post a notice upon the bulletin boards in the Courthouse at Lockport and the Civic Building at Niagara Falls, and shall publish such notice in the Lockport Union Sun & Journal and the Niagara Gazette; such notice shall contain the title of the Local Law and an abstract of the text to be prepared by the Clerk of the Legislature, with the assistance of the County Attorney's Office.

LEGISLATOR DAVID E. GODFREY

LEGISLATOR MICHAEL A. HILL

LEGISLATOR REBECCA J. WYDYSH

LEGISLATOR RICHARD L. ANDRES

LEGISLATOR RANDY R. BRADT

LEGISLATOR JESSE P. GOOCH

LEGISLATOR WILLIAM J. COLLINS

LEGISLATOR ANTHONY J. NEMI

LEGISLATOR JOHN SYRACUSE

LEGISLATOR IRENE M. MYERS