

A public hearing was held pursuant to ED-022-19, adopted by the Legislature on September 19, 2019, for the purpose of hearing public comments on Public Hearing on the inclusion of predominantly viable agricultural land within agricultural district #7. Four parcels have been proposed for inclusion. Legislator Andres opened the hearing at 6:45 p.m. and closed it at approximately 6:50 p.m.

## **OFFICIAL RECORD**

Lockport, New York  
October 15, 2019

The meeting was called to order by Chairman McNall at 6:55 p.m.

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

A Moment of Silence was held for Vice Chairman Clyde L. Burmaster.

### **In Memory of Legislature Vice Chairman Clyde L. Burmaster**

1. Master of Ceremonies, Vice Chair Rebecca J. Wydysh  
Opening Remarks
2. My Country Tis of Thee  
Performed by Angela Stamm-Philipps -Deputy Chief Clerk of Niagara County Courts
3. Invocation, Rev. Lora Allen, Niagara County Democratic Elections Commissioner
4. Pledge of Allegiance, Legislator John Syracuse
5. Majority Leader Randy R. Bradt  
Minority Leader Dennis F. Virtuoso
6. County Attorney Claude A. Joerg
7. County Clerk Joseph A. Jastrzemski
8. Sheriff James R. Voutour
9. District Attorney Caroline A. Wojtaszek
10. County Treasurer Kyle R. Andrews
11. Senator Robert G. Ortt's Office - Legislator Jesse Gooch
12. Assemblyman Michael J. Norris' Office – Former Legislator Gerald Farnham
13. Suzanne Shears, Executive Director of NIACAP
14. Irene Myers, Councilwoman Town of Porter
15. Chairman Keith McNall

16. Lee Simonson, Past Legislator from the Town of Lewiston

17. Master of Ceremonies, Vice Chair Rebecca J. Wydysh  
Closing Remarks

**Resolution No. IL-062-19 was read at this time. (Appears in numerical order)**

**CORRESPONDENCE & RECOGNITION:**

Chairman McNall recognized Legislator Godfrey on his appointment by Congressman Collins to the Service Academy Review Board.

Chairman McNall called Thomas Kontak to the lectern to thank the Legislature and a special thanks to Legislator Jesse P. Gooch for the donation to the Wheatfield Veterans Memorial.

**PRESENTATIONS:**

Chairman McNall read a proclamation on Domestic Violence Awareness. Month of October

9 Citizens spoke

Chairman introduced this year's Legislative interns.

Recess.

Moved by Bradt, seconded by Virtuoso, to accept the preferred agenda.  
Carried.

**Resolution No. IL-073-19 was read at this time. (Appears in numerical order)**

**Resolution No. IL-074-19 was read at this time. (Appears in numerical order)**

**Resolution No. AD-019-19**

From: Administration Committee.

Dated: October 15, 2019

**AUTHORIZATION TO CANCEL TAXES ON CERTAIN PROPERTY  
THE TOWN OF WHEATFIELD**

WHEREAS, the County of Niagara entered into an agreement ("the Agreement") with the Niagara County Industrial Development Agency ("NCIDA") on October 21, 1999 and subsequently transferred real property to the NCIDA on April 18, 2000, and

WHEREAS, the NCIDA has marketed and sold real property in the industrial park commonly known as Vantage Industrial Pointe since that time, and

WHEREAS, in accordance with the Agreement net proceeds were returned to the County upon the sale of each parcel that were applied to any liabilities outstanding and/or current special district fees owing, and

WHEREAS, the most recent sales of Vantage Industrial Pointe lands have substantially resulted in the effective completion of obligations as set forth in the Agreement, and



WHEREAS, the Niagara County Legislature previously passed resolution CW-009-19 which cancelled liens on various parcels due to the creation, deletion and modification of various parcels, as outlined above, which had resulted in historical liabilities remaining on certain lands and gores, and

WHEREAS, the tax enforcing officer has identified one additional parcel, previously known as SBL # 147.00-1-81.2, that was inadvertently omitted from the prior resolution, and

WHEREAS, this resolution allows the NCIDA, tax enforcing officer, and office of Real Property to move towards successful administrative completion of the Agreement, now, therefore, be it

RESOLVED, the Niagara County does agree to forgive County tax liens on the above identified parcel in accordance with New York State Real Property Tax Law, section 1182.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.

**Resolution No. AD-020-19**

From: Administration Committee.

Dated: October 15, 2019

**REFUNDING BOND RESOLUTION OF THE COUNTY LEGISLATURE OF COUNTY OF NIAGARA, NEW YORK (THE “COUNTY”) AUTHORIZING THE ISSUANCE OF REFUNDING BONDS OF THE COUNTY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$12,500,000 PURSUANT TO THE LOCAL FINANCE LAW, AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY**

WHEREAS, the County of Niagara, New York (the “County”) heretofore issued its General Obligation Serial Bonds for Water Improvements, 2012, dated February 6, 2012 in the original aggregate principal amount of \$18,200,000 (the “Series 2012 Bonds”), pursuant to a bond resolution adopted by the County Legislature of the County on February 17, 2009, for the specific object or purpose identified in Exhibit A attached hereto, which bonds have an outstanding principal amount of \$12,910,000, and mature in the following respective years and principal amounts: \$835,000 in the year 2020, \$855,000 in the year 2021, \$870,000 in the year 2022, \$895,000 in the year 2023, \$920,000 in the year 2024, \$945,000 in the year 2025, \$975,000 in the year 2026, \$1,010,000 in the year 2027, \$1,040,000 in the year 2028, \$1,080,000 in the year 2029, \$1,120,000 in the year 2030, \$1,160,000 in the year 2031, and \$1,205,000 in the year 2032 (the “Prior Bonds”); and

WHEREAS, the County has the power and authority to issue refunding bonds of the County for the purpose of refunding and thereby refinancing the outstanding Prior Bonds, including provision for incidental costs of issuance in connection therewith, pursuant to the provisions of Section 90.10 of the Local Finance Law; and

WHEREAS, in order for the County to realize the potential for substantial long-term debt service savings with respect to the Prior Bonds, the County Legislature of the County has determined, acting in consultation with the financial advisory and bond counsel firms retained by the County, that it is advisable and prudent for the County to consider the refunding of all or a portion of the outstanding Prior Bonds maturing in the years 2021 and thereafter (the “Refunded Bonds”); and

WHEREAS, the County has received a draft refunding financial plan (the “Refunding Financial Plan”), a copy of which is attached hereto as Exhibit B, from Capital Markets Advisors, LLC, the financial advisory firm retained by the County, with respect to a proposed refunding of the Refunded Bonds, which refunding would result in present value savings in debt service as required by Section 90.10 of the Local Finance Law; and



WHEREAS, Section 90.10 of the Local Finance Law requires that the County adopt a refunding bond resolution which includes a refunding financial plan setting forth all of the details in connection with the proposed refunding transaction; and

WHEREAS, the County Legislature now intends to authorize the issuance of refunding bonds for the purpose of refunding all or a portion of the Refunded Bonds in accordance with the Refunding Financial Plan.

NOW, THEREFORE, BE IT RESOLVED, THAT THE COUNTY LEGISLATURE OF THE COUNTY OF NIAGARA, NEW YORK (BY THE FAVORABLE VOTE OF NOT LESS THAN TWO-THIRDS (2/3'S) OF ALL THE MEMBERS OF THE COUNTY LEGISLATURE) AS FOLLOWS:

SECTION 1. Based on the recommendation of Capital Markets Advisors, LLC, the financial advisory firm retained by the County, the County Legislature hereby determines to undertake a refunding of the Refunded Bonds, through the issuance of refunding bonds of the County, such refunding bonds to be offered and sold either at a public sale or, at the determination of the County Treasurer, in a negotiated sale with an underwriter selected by the County Treasurer, in accordance with the authority granted in Section 15 hereof.

SECTION 2. For the object or purpose of refunding the \$12,075,000 aggregate outstanding principal balance of the Refunded Bonds, including providing moneys which together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (a) the principal amount of the Refunded Bonds, (b) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date or dates on which the Refunded Bonds are to be called for redemption prior to their respective maturities in accordance with the refunding financial plan, (c) the redemption premiums, if any, payable on the Refunded Bonds which are to be called for redemption prior to their respective maturities, (d) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including without limitation the development of the refunding financial plan, compensation to the Underwriter, costs and expenses of executing and performing the terms and conditions of the Escrow Contract (as defined in Section 7 of this resolution), and fees and charges of the Escrow Holder (as defined in Section 7 of this resolution), financial advisory fees, printing fees and legal fees and (e) the premium or premiums for any policy or policies of municipal bond insurance or other form of credit enhancement facility or facilities for the refunding bonds as herein authorized, or any portion thereof, there are hereby authorized to be issued the "Public Improvement Refunding (Serial) Bonds" of the County in an aggregate principal amount not to exceed \$12,500,000 pursuant to the provisions of Section 90.10 of the Local Finance Law (the "Refunding Bonds"), it being currently anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$12,325,000 as described in Section 6 hereof. The Refunding Bonds shall be dated as of such date as shall hereinafter be determined by the County Treasurer pursuant to Section 6 hereof, and shall be of the denomination of \$5,000 or any integral multiple thereof not exceeding the principal amount of each respective maturity. The Refunding Bonds shall mature annually and shall bear interest payable semi-annually on such dates as shall be determined by the County Treasurer pursuant to Section 6 hereof, at the rate or rates of interest per annum as may be necessary to sell the same, all as shall be determined by the County Treasurer. Notwithstanding anything in this resolution to the contrary, the Refunded Bonds shall only be issued by the County if the refunding of the Refunding Bonds will result in present value savings as determined in accordance with the methodology set forth in Section 90.10(b)(2) of the Local Finance Law.

SECTION 3. The County Treasurer, as the chief fiscal officer, is hereby delegated all powers of the County Legislature with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

SECTION 4. The Refunding Bonds shall be executed in the name of the County by the manual or facsimile signature of the County Treasurer, and a facsimile of its corporate seal shall be imprinted thereon and



attested by the County Clerk. The Refunding Bonds shall contain the recital required by Section 90.10(j)(4) of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals as the County Treasurer shall determine.

SECTION 5. It is hereby determined that:

(a) The maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by Section 90.10(b)(1) of the Local Finance Law;

(b) The maximum period or periods of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for each of the objects or purposes for which the Refunded Bonds were issued is as shown in Exhibit A attached hereto.

(c) In accordance with Section 90.10(c)(1) of the Local Finance Law, the last installment of the Refunding Bonds or each separate series of Refunding Bonds will mature not later than the expiration of the remaining period of probable usefulness for each object or purpose for which the Refunded Bonds were issued, or the weighted average remaining period of probable usefulness of the objects or purposes (or classes of objects or purposes) financed with each series of the Refunded Bonds, or the weighted average remaining period of probable usefulness of the objects or purposes (or classes of objects or purposes) financed with all of the Refunded Bonds, in each case computed from the date of issuance of the Refunded Bonds, or the applicable series thereof, or from the date of issuance of the first bond anticipation note issued in anticipation thereof, whichever is earlier.

(d) The estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of Section 90.10(c)(1) of the Local Finance Law, is as shown in the Refunding financial plan described in Section 6 hereof.

SECTION 6. The financial plan for the refunding authorized by this resolution, showing the sources and amounts of all moneys required to accomplish such refunding, and the estimated present value of the total debt service savings computed in accordance with the requirements of Section 90.10(b)(2)(a) of the Local Finance Law are set forth in Exhibit B attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the principal amount of \$12,325,000 and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in Exhibit B. This County Legislature recognizes that the amount of the Refunding Bonds, and the maturities, terms, and interest rate and rates borne by the Refunding Bonds will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit B. The County Treasurer is hereby authorized and directed to determine the actual amount of the Refunding Bonds to be issued (not in excess of the maximum principal amount authorized by Section 2 of this resolution), the maturities and amount of the Refunded Bonds to be refunded, the details as to the redemption of the Refunded Bonds, including the date and amount of such redemption or redemptions in accordance with Section 12 hereof and authorizing and directing the Escrow Holder described in Section 7 hereof to cause notice of such redemption or redemptions to be given in the name of the County, the dated date of the Refunding Bonds, and the date of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds shall provide for substantially level or declining debt service as authorized by Section 21.00 of the Local Finance Law, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities pursuant to Section 168.00 of the Local Finance Law, the amount of the annual installments of the Refunding Bonds to be paid pursuant to Section 90.10(c)(3) of the Local Finance Law, whether the Refunding Bonds shall be sold at a discount in the manner authorized by Section 57.00(e) of the Local Finance Law, and the rate or rates of interest to be borne thereby, and to prepare, or cause to be provided, a final refunding financial plan (the "Final Refunding Financial Plan") for the Refunding Bonds, and,



pursuant to Sections 50.00 and 56.00 of the Local Finance Law, all powers in connection therewith are hereby delegated to the County Treasurer; provided that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The County Treasurer shall file with the County Clerk not later than the date of issuance of the Refunding Bonds, as herein provided, (a) a certificate determining the details of the Refunding Bonds and the Final Refunding Financial Plan and (b) the Certificate of the State Comptroller setting forth the present value of the total debt service savings, as required by Section 90.10(g) of the Local Finance Law.

SECTION 7. The County Treasurer is hereby authorized and directed to enter into an escrow contract (the "Escrow Contract") with a bank or trust company located and authorized to do business in this State as the County Treasurer shall designate (the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunded Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

SECTION 8. The faith and credit of said County are hereby irrevocably pledged for the payment of the principal of and interest on the Refunding Bonds herein authorized as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the County, a tax sufficient, after taking into consideration the amount of building aid to be received by the County from the State of New York for debt service on the Refunding Bonds, to pay the principal of and interest on such bonds as the same become due and payable.

#### SECTION 9.

(a) All of the proceeds from the sale of the Refunding Bonds, including the premium, if any (the "Proceeds of the Refunding Bonds"), shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. From the Proceeds of the Refunding Bonds, the portion thereof as is necessary to pay the outstanding principal amount of the Refunded Bonds, the aggregate amount of unmatured interest on the Refunded Bonds to and including the respective maturity dates or redemption dates thereof as set forth in the Final Refunding Financial Plan prepared by, or caused to be prepared by, the County Treasurer in accordance with Section 6 of this resolution, and the redemption premiums, if any, payable on the Refunded Bonds on such redemption dates (such amount being hereinafter referred to as the "Escrow Deposit Amount"), shall be deposited in the escrow deposit fund to be established pursuant to the Escrow Contract, and either held in cash or invested in direct obligations of the United States of America or in obligations, the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates such moneys will be required to make payments in accordance with the Final Refunding Financial Plan. Amounts held on deposit in the Escrow Fund, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of, interest on, and redemption price of the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such monies held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the Escrow Fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims or any kind in tort, contract or otherwise against the County irrespective of whether such parties have notice thereof. Neither this resolution, the Escrow Contract, nor any other instrument relating to such pledge and liens, need be filed or recorded.

(b) After depositing the Escrow Deposit Amount into the Escrow Fund, in accordance with paragraph (a) above, the remaining balance, if any, of the Proceeds of the Refunding Bonds not so



deposited shall immediately upon receipt thereof, be placed in escrow with the Escrow Holder for the Refunded Bonds and deposited in the expense fund to be established under the Escrow Contract by the Escrow Holder to pay, to the County Treasurer, as chief fiscal officer, or as the County Treasurer may direct and applied to pay (i) accrued interest on the Refunding Bonds from the dated date thereof to the date of issuance thereof, and (ii) costs of issuance or other administrative costs incurred in connection with the issuance of the Refunding Bonds.

SECTION 10. The County Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Refunding Bonds, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and, if applicable, to designate the Refunding Bonds authorized by this resolution as "qualified tax-exempt bonds" in accordance with Section 265 of the Code.

SECTION 11. The County Legislature hereby determines that issuance of the Refunding Bonds is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") is required.

SECTION 12. In accordance with the provisions of Section 53.00 and of paragraph (h) of Section 90.10 of the Local Finance Law, the County Legislature of the County hereby elects to call in and redeem the Refunded Bonds on February 1, 2020 or, such later date or dates as may be hereinafter determined by the County Treasurer and provided for in the Final Refunding Financial Plan (the "Redemption Date"). The sum to be paid therefor on each such Redemption Date shall be the par value of the Refunded Bonds being redeemed on such date plus the redemption premium, if any, and the accrued interest thereon to such Redemption Date. The Escrow Holder is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the County in the manner and within the times provided in the respective Refunded Bonds being redeemed or in the certificates or documentation of the County pursuant to which they were issued. Upon the issuance of the Refunding Bonds or a series thereof, the election to call in and redeem the applicable Refunded Bonds that are subject to redemption at the option of the County and the direction to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of Section 53.00(a) of the Local Finance Law, or any successor law thereto.

SECTION 13. In connection with the issuance of the Refunding Bonds, the County Treasurer is further authorized to enter into a continuing disclosure undertaking on behalf of the County, containing provisions in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 14. In the absence or unavailability of the County Treasurer, the Deputy Treasurer then in office is hereby specifically authorized to exercise the powers delegated to the County Treasurer in this resolution.

SECTION 15. Subject to compliance with the provisions of Section 90.10(f)(2) of the Local Finance Law, the Refunding Bonds shall be sold at either a public sale or a private sale, as determined by the County Treasurer to be in the best financial interest of the County. If the Refunding Bonds are sold at a private sale, the County Treasurer is hereby authorized to negotiate the terms of such private sale with such underwriter or underwriters as may be selected by the County Treasurer, consistent with the Refunding Financial Plan approved in Section 6 hereof. Subject to the approval of the terms and conditions of such sale by the State Comptroller as required by Section 90.10(f)(2) of the Local Finance Law, the County Treasurer is hereby authorized to execute and deliver a bond purchase agreement for the Refunding Bonds in the name and on behalf of the County providing the terms and conditions for the sale and delivery of the Refunding Bonds. After the Refunding Bonds have been duly executed, they shall be delivered by the County Treasurer in



accordance with said bond purchase agreement upon the receipt by the County of said purchase price, including accrued interest.

SECTION 16. The County Treasurer and the County Clerk and all other officers, employees and agents of the County are hereby authorized and directed for and on behalf of the County to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

SECTION 17. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the County Treasurer and all powers in connection therewith are hereby delegated to the County Treasurer.

SECTION 18. The validity of the Refunding Bonds may be contested only if:

- (a) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money; or
- (b) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

- (c) Such obligations are authorized in violation of the provisions of the Constitution.

SECTION 19. Upon this resolution taking effect, the Clerk of the Legislature is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, together with a notice in substantially the form set forth in Section 81.00 of the Local Finance Law in the official newspaper of the County for legal notices.

SECTION 20. This resolution shall take effect immediately upon its adoption.

	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
Legislator Richard L. Andres	[ X ]	[ ]	[ ]	[ ]
Legislator Randy R. Bradt	[ X ]	[ ]	[ ]	[ ]
Legislator William J. Collins	[ X ]	[ ]	[ ]	[ ]
Legislator David E. Godfrey	[ X ]	[ ]	[ ]	[ ]
Legislator Jesse P. Gooch	[ X ]	[ ]	[ ]	[ ]
Legislator Mark J. Grozio	[ X ]	[ ]	[ ]	[ ]
Legislator Michael A. Hill	[ ]	[ ]	[ X ]	[ ]
Legislator Wm. Keith McNall	[ X ]	[ ]	[ ]	[ ]
Legislator Anthony J. Nemi	[ X ]	[ ]	[ ]	[ ]
Legislator Owen T. Steed	[ X ]	[ ]	[ ]	[ ]
Legislator John Syracuse	[ X ]	[ ]	[ ]	[ ]
Legislator Dennis F. Virtuoso	[ X ]	[ ]	[ ]	[ ]
Legislator Rebecca J. Wydysh	[ X ]	[ ]	[ ]	[ ]
Legislator Jason A. Zona	[ X ]	[ ]	[ ]	[ ]

The foregoing resolution was thereupon declared duly adopted.



**Resolution No. AD-021-19**

From: Administration Committee.

Dated: October 15, 2019

**NIAGARA COUNTY BOARD OF ELECTIONS  
BUDGET MODIFICATION – GRANT ACCEPTANCE**

WHEREAS, the Niagara County Board of Elections Office has been awarded a grant in the amount of \$100,644 for the period of April 12, 2019 through December 31, 2020 from the New York State Board of Elections to implement early voting and the various accompanying services and/or accessories required<sup>1</sup>, and

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

WHEREAS, the 2019 budget will need to be modified to allow for the spending of this grant, now therefore, be it

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

RESOLVED that the 2019 budget be modified as follows:

**INCREASE REVENUE:**

A.14.1450.000 43089.05	State Aid, Early Voting	\$100,644
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**INCREASE APPROPRIATIONS:**

A.14.1450.000.72100.05	Computer Equipment	\$100,644
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Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.

**Resolution No. AD-022-19**

From: Administration Committee.

Dated: October 15, 2019

**RESOLUTION APPROVING ENGAGEMENT OF OUTSIDE AUDITING FIRM  
FOR PROFESSIONAL AUDITING SERVICES TO NIAGARA COUNTY**

WHEREAS, the County of Niagara issued a Request for Proposal for auditing services for the years ending December 31, 2019, 2020, 2021, and 2022 relating to all reasonable and necessary outside auditing services to the County of Niagara, including all departments thereof except Niagara County Community College, and

WHEREAS, four accounting organizations filed bids on or about mid-September 2019, of which all bids have been reviewed by the Department of Purchasing, Office of Treasurer, and the Department of Audit, and

WHEREAS, in accordance with the bidding procedures applicable to bids sought from professional organizations and further based on the current, general and specific auditing needs of the County of Niagara, the Department of Audit has recommended acceptance of the bid of Drescher & Malecki LLP, CPA in the amount of \$66,500.00 for year ending December 31, 2019, with the option to renewal at \$66,500.00 for year ending December 31, 2020, with the option to renewal at \$67,830.00 for year ending December 31, 2021, with the option to renewal at \$ 69,187.00 for year ending December 31 2022, and

WHEREAS, Drescher & Malecki LLP, CPA is experienced in performing government audits and consulting services in New York State. Their reputation, knowledge, and experience in auditing numerous Counties, Schools and local municipalities are an advantage in the selection of this firm. Drescher & Malecki LLP, CPA was founded on the principle of providing their clients with the same high quality level of service expected from a national firm yet with the dedicated involvement that can only be developed by personal attention. They are dedicated to the pursuit of imaginative, intelligent and proactive solutions to all of our accounting and consulting service needs, all are positive factors in the Department of Audit's recommendation, and

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

RESOLVED, that following the County Attorney's review, the Chair of the Legislature be, and hereby is, authorized to sign and deliver an engagement agreement engaging Drescher & Malecki LLP., CPAs for all reasonable and necessary outside auditing services as may be required by the County of Niagara in the amount of \$66,500.00 for year ending December 31, 2019, with the option to renewal at \$66,500.00 for year ending December 31, 2020, with the option to renewal at \$67,830.00 for year ending December 31, 2021, with the option to renewal at \$69,187.00 for year ending December 31, 2022,

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.

#### **Resolution No. AD-022-19**

From: Community Services and Administration Committees.

Dated: October 15, 2019

#### **2019 BUDGET MODIFICATION STATE AID COLAs - MENTAL HEALTH DEPARTMENT**

WHEREAS, the New York State Office of Mental Health and New York State Office of Alcoholism & Substance Abuse Services has approved additional State Aid COLA for the calendar year of 2019 for various agencies, and

WHEREAS, it will not cost the County additional funds, now, therefore, be it

RESOLVED, that the Director of Community Services is hereby authorized to execute the necessary agreements between the County and the various sub-contractors as aforesaid, subject to the approval of the County Attorney's Office, and be it further

RESOLVED, that the following budget modifications be effectuated:

#### **INCREASE REVENUES:**

CM.21.4322.415.43490.05	Reinvestment Programming	
.43490.05	Community Missions	\$ 8,287
.43490.05	Mental Health Association	585
.43490.05	New Directions (Wyndham Lawn)	729
.43490.05	Niagara Falls Memorial Medical Center	9,727
.43490.05	Dale Association	692
CM.21.4322.416.43489.04	Case Management Programs	
.43489.04	New Directions (Wyndham Lawn)	\$ 24,846
.43489.04	Community Missions	476
.43489.04	Niagara Falls Memorial Medical Center	1,214
CM.21.4322.423.43490.14	Supported Housing	
.43490.14	Community Missions	\$ 7,104



.43490.14	Living Opportunities of DePaul	13,064
A.21.4322.424.43490.10	Alcoholism Agency	
.43490.10	Cazenovia Recovery	\$ 4,836
A.21.4322.414.43490.10	Alcoholism Agency	
.43490.10	Northpointe Council	\$ 7,074

INCREASE APPROPRIATIONS:

CM.21.4322.415.74550.06	Reinvestment Programming	
.74550.06	Community Missions	\$ 8,287
.74550.06	Mental Health Association	585
.74550.06	New Directions (Wyndham Lawn)	729
.74550.06	Niagara Falls Memorial Medical Center	9,727
.74550.06	Dale Association	692
CM.21.4322.416.74500.01	Case Management Programs	
.74500.01	New Directions (Wyndham Lawn)	\$ 24,846
.74500.01	Community Missions	476
.74500.01	Niagara Falls Memorial Medical Center	1,214
CM.21.4322.423.74500.01	Supported Housing	
.74500.01	Community Missions	\$ 7,104
.74500.01	Living Opportunities of DePaul	13,064
A.21.4322.424.74500.08	Alcoholism	
.74550.08	Cazenovia Recovery	\$ 4,836
A.21.4322.414.74500.01	Contractual	
.74500.01	Northpointe Council	\$ 7,074

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.

**Resolution No. CS-051-19**

From: Community Services and Administration Committees.

Dated: October 15, 2019

**MH - 2019 BUDGET MODIFICATION – ACCEPT UNITED STATES DEPARTMENT OF JUSTICE (DOJ) COMPREHENSIVE OPIOID ABUSE SITE-BASED PROGRAM (COAP) GRANT**

WHEREAS, the Niagara County Department of Mental Health, as the Local Governmental Unit (LGU), is responsible for the planning and oversight of the services system to ensure the availability and continuance of services to adults with mental illness and substance use disorders who are living in Niagara County, and

WHEREAS, the Niagara County Department of Mental Health provides services to adults with mental illness and substance use disorders who are living in Niagara County, and

WHEREAS, Niagara County Department of Mental Health, on behalf of the Niagara County Opiate Taskforce (OASIS - Opioid Addiction/Overdose Strategy Implementation Standing Committee), has been awarded Comprehensive Opioid Abuse Site-based Program (COAP) Grant funding by the Office of Justice Programs at the U.S. Department of Justice, to participate in a locally driven response to the Opioid Epidemic, and

WHEREAS, the purpose of this program is to establish the Niagara County PATH (Presenting Alternatives for Treatment and Healing) Team, which is a two-pronged, harm-reduction approach that provides opportunities for Law Enforcement and First Responders to connect individuals struggling with opioid use disorders with community-based supports and services while diverting them from criminal justice settings, and

WHEREAS, through the PATH Team project, the Niagara Falls Police Department, along with the District Attorney, the Sheriff, the Department of Mental Health & Substance Abuse, community peer-supports and treatment providers, will implement Law Enforcement Assisted Diversion (LEAD), and

WHEREAS, the PATH Team, through the use of ODMAP, will also implement a Quick Response to Overdose Team (QRT). The QRT, comprised of a Certified Recovery Peer Specialist, Qualified Health Professional, and where applicable, harm-reduction trained Law Enforcement Officer, will be dispatched to conduct follow-up with individuals post non-fatal overdoses and may also serve family members, and

WHEREAS, the PATH Team will also include: NC Emergency Management, local Fire Companies, BestSelf Behavioral Health, Save the Michaels, Addict2Addict, local hospitals, treatment organizations, education/vocational service providers, and community support organizations, and

WHEREAS, the U.S. Department of Justice Comprehensive Opioid Abuse Site-based Program (COAP) Grant funding requirements give specific staffing criteria for the project management of grant activities and also to work within the Quick Response to Overdose Team (QRT), and

WHEREAS, the U.S. Department of Justice Comprehensive Opioid Abuse Site-based Program (COAP) Grant totals \$898,887.00 spread over a period of 3 years with the opportunity for ongoing and continued funding, as available, now, therefore, be it

RESOLVED, that the department is given authorization to accept the full COAP Grant and enter into contracts with BestSelf Behavioral Health (subrecipient), Niagara University (subrecipient), and Katal Center for Health, Equity, & Justice (subrecipient), and be it further

RESOLVED, that the following position: one (1) Senior Licensed Clinician position, Grade 13, Step 1, at an hourly rate of \$31.32, be created within the Niagara County Department of Mental Health, and filled effective December 1, 2019, to carry out the required roles and responsibilities to under the guidelines and requirements of the U.S. Department of Justice Comprehensive Opioid Abuse Site-based Program (COAP) Grant, position to be coterminous with funding availability for this position, and be it further

RESOLVED, that the following 2019 budget modifications be effectuated:

INCREASE REVENUES:

A.21.4310.000.44389.13	Comprehensive Opioid Abuse Site Program	\$ 23,557
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INCREASE APPROPRIATIONS:

A.21.4310.000.71010	Positions	\$ 4,823
A.21.4310.000.72100.01	Furniture & Fixtures	6,400
A.21.4310.000.72100.05	Computer Equipment	1,186
A.21.4310.000.74000.03	Administrative Cost	130
A.21.4310.000.74250.01	Office Supplies	350



A.21.4310.000.74375.01	Advertising & Promotion	500
A.21.4310.000.74375.05	Communications Cellular Phone	37
A.21.4310.000.74500.01	Contractual Expenses	7,984
A.21.4310.000.74650.11	Physical Exams/Testing	97
A.21.4310.000.74750.12	General Computer Supplies	1,098
A.21.4310.000.78100	Retirement	449
A.21.4310.000.78200	FICA	369
A.21.4310.000.78300	Worker's Comp	128
A.21.4310.000.78700	Disability	6

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.

#### **Resolution No. CS-052-19**

From: Community Services and Administration Committees.

Dated: October 15, 2019

### **MH - 2019 – AUTHORIZATION FOR NIAGARA COUNTY DEPARTMENT OF MENTAL HEALTH & SUBSTANCE USE SERVICES TO ENTER INTO AGREEMENT WITH GENESEE COUNTY AND TO PARTICIPATE IN INTEGRITY PARTNERS FOR BEHAVIORAL HEALTH**

WHEREAS, the Niagara County Department of Mental Health (NCDMH) provides integrated care services to individuals with mental illness and substance use disorders who are living in Niagara County and is committed to providing quality treatment and services, and

WHEREAS, the transformation from a fee-for-service based payment model to the Value Based Managed Care Service and Payment System, required by healthcare reform and Medicaid redesign, presents unique challenges to behavioral health clinics and programs across NY State, and

WHEREAS, these challenges are complicated in rural counties covering large geographic areas with diverse populations and while the basic tenets of the Value Based Payment Program Managed Care Model of coordinated physical & behavioral health care, data/value quality based outcomes and cost monitoring, provide a logical alternative to the fiscal challenges of a traditional fee-for-service model, achieving and operationalizing true fidelity to the managed care model for behavioral health requires a strong approach to manage these complexities within an integrated care system, and

WHEREAS, a partnership would be beneficial to navigate the changes in reimbursement and service delivery directly related to New York mandates through Delivery System Reform Incentive Payment Program (DSRIP) and the related transition from Fee-for-service Medicaid to Medicaid Managed Care, and

WHEREAS, Integrity Partners for Behavioral Health, Inc. (IPBH) has been incorporated to function as a Behavioral Health Care Collaborative (BHCC); and is able to provide, to counties, shared services such as data collection analytics, Continuous Quality Improvement (CQI), and clinical integration to assist in coordinating, improving, and assuring the delivery of accessible, high quality-cost effective behavioral health services to the residents of the predominantly rural counties represented within this partnership, and

WHEREAS, the following Western and Finger Lakes Counties are participating in this collaborative: Cattaraugus, Cayuga, Chautauqua, Genesee, Livingston, Ontario, Orleans, Schuyler, Seneca, Steuben, Tioga, Tompkins and Wayne Counties, and

WHEREAS, as the lead agency in the IPBH collaborative, Genesee County is in receipt of grant funding of \$3.3 million from New York State Behavioral Health Value Based Payment Readiness Program to distribute to IPBH for the purpose of developing the full infrastructure to support the above noted shared services, and



WHEREAS, the Niagara County Community Services Board has expressed its support for NCDMH to participate in the Behavioral Health Care Collaborative (BHCC), with Genesee County as the lead, as a network partner, and

WHEREAS, Niagara County Department of Mental Health & Substance Abuse Services desires to enter into this partnership with Integrity Partners for Behavioral Health, Inc., which better serves anticipated future cost savings through shared services and economies of scale, and

WHEREAS, as lead agency, Genesee County requests all partnering agencies to enter into an indemnification agreement with Genesee County for an equitable portion of the grant funds that may be subject to federal recoupment associated with this state-sponsored initiative under Health Care payment reform, now, therefore, be it

RESOLVED, that the Niagara County Legislature authorizes Niagara County Department of Mental Health & Substance Abuse Services to execute the indemnification agreement and participation, with Genesee and the partnering counties in the IPBH collaborative upon the review and approval of the agreement as to form, by the County Attorney's Office.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.

**Resolution No. CSS-077-19**

From: Community Safety & Security Committee.

Dated: October 15, 2019

**DISTRICT ATTORNEY MOTOR VEHICLE THEFT AND INSURANCE FRAUD PREVENTION  
PROGRAM GRANT ACCEPTANCE**

WHEREAS, the Niagara County District Attorney's Office has been notified by the New York State Division of Criminal Justice Services that the Motor Vehicle Theft and Insurance Fraud Prevention Program grant has been renewed for the period of January 1, 2019 through December 31, 2019, and

WHEREAS, funding has been awarded in the amount of \$109,443 and said funds are used to offset expenses for the District Attorney's Motor Vehicle Theft and Insurance Fraud Prevention Unit, and

WHEREAS, basic revenue and appropriation figures for said program were calculated and are contained within the CM.02.1989.114 Motor Vehicle Theft and Insurance Fraud Prevention cost center for the 2019 budget year, and

WHEREAS, this program will continue to fund one full time Assistant District Attorney, Position #9700, ATT II, Step 3, \$71,007 annually and one full time Criminal Investigator, Position #9701, NUH 6, Step 3, \$48,160 annually, with fringe benefits which shall remain co-terminus with grant funding, now, therefore, be it

RESOLVED, that the County of Niagara does hereby accept this grant award, and be it further

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.

**Resolution No. CSS-078-19**

From: Community Safety & Security and Administration Committees.

Dated: October 15, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE-BUDGET MODIFICATION  
EXPLOSIVE DETECTION CANINE TEAM GRANT PROGRAM**

WHEREAS, the Niagara County Sheriff's Office has been awarded a grant in the amount of \$50,000 from the New York State Division of Criminal Justice Services to protect Niagara County residents and infrastructure from terrorist attacks involving explosive devices for the period October 1, 2019 through August 31, 2021, and

WHEREAS, the grant will allow the Niagara County Sheriff's Office to purchase equipment and provide training to enhance explosive detection canine team capabilities, and

WHEREAS, the revenue and equal expenses are in the 2020 budget, now, therefore, be it

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.

**Resolution No. CSS-079-19**

From: Community Safety & Security and Administration Committees.

Dated: October 15, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE  
ACCEPT PUBLIC SAFETY ANSWERING POINTS GRANT**

WHEREAS, the Niagara County Sheriff's Office has been notified by the New York State Department of Homeland and Security Services that a grant in the amount of \$149,373 is being awarded to the Sheriff's Office through the Public Safety Answering Points Grant for the period January 1, 2020 through December 31, 2020, and

WHEREAS, the Public Safety Answering Points Grant assists with personnel operating costs in the Niagara County Communications Center, and

WHEREAS, the revenue and equal expense are in the 2020 budget, now, therefore, be it

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.

**Resolution No. CSS-080-19**

From: Community Safety & Security and Administration Committees.

Dated: October 15, 2019



**NIAGARA COUNTY SHERIFF'S OFFICE  
ACCEPT MOTOR VEHICLE THEFT AND INSURANCE FRAUD PREVENTION GRANT**

WHEREAS, the Niagara County Sheriff's Office was notified by the New York State Division of Criminal Justice Services that it has been awarded \$20,000 under the Motor Vehicle Theft and Insurance Fraud Prevention Program, and

WHEREAS, the Motor Vehicle Theft and Insurance Fraud Prevention Grant has been awarded to the Niagara County Sheriff's Office for many years, and

WHEREAS, the performance period for this grant is January 1, 2020 through December 31, 2020, and

WHEREAS, the grant is used to coordinate efforts to reduce the incidents of motor vehicle theft and motor vehicle insurance fraud County-wide; this partnership provides an integrated means to prevent and deter motor vehicle theft and insurance fraud related crime through the expanded use of crime data, crime analysts, technology and information sharing, and

WHEREAS, the funds are included in the 2020 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.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.

**Resolution No. CSS-081-19**

From: Community Safety & Security and Administration Committees.

Dated: October 15, 2019

**2019 BUDGET MODIFICATION - FIRE COORDINATOR'S OFFICE  
ACCEPT HAZ-MAT INCIDENT PAYMENT FOR OCTOBER 22, 2018**

WHEREAS, the County Haz-Mat team responded to an incident on October 22, 2018 and some supplies used at the scene are not reusable, and

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

WHEREAS, the Fire Coordinator's Office invoiced and received payment for the replacement of these supplies from the responsible party in the amount of \$1,482.78, and

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

RESOLVED, that the following 2019 budget modifications be effectuated:

**INCREASE REVENUE:**

A.19.3410.000 42690.02	Other Compensation for Loss	\$ 1,482.78
	Reimbursements	

**INCREASE APPROPRIATION:**

A.19.3410.000 74750.10      Supplies, Gen Hazmat Inventory      \$ 1,482.78

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.

**Resolution No. CSS-082-19**

From: Community Safety & Security and Administration Committees.

Dated: October 15, 2019

**2019 BUDGET MODIFICATION  
FIRE COORDINATOR'S OFFICE**

WHEREAS, on May 20, 2019 a State of Emergency was declared due to continued measures being taken as a result of the high water levels of Lake Ontario which created a long-term hazard, and

WHEREAS, the department pick-up truck with diesel fuel transfer tank was used throughout May, June, July and August to fill the water pumps with fuel at the lake and Emergency Management fuel budget monies were depleted at a rapid rate, and

WHEREAS, in order to recoup the monies already spent from the Emergency Management Office budget and to cover the need for fuel in the remainder of 2019, now, therefore, be it

RESOLVED, that the following 2019 budget modifications be effectuated:

**INCREASE REVENUE:**

A.08.1990.000 74500.01	Contingency Fund	\$ 4,050.00
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**INCREASE APPROPRIATION:**

A.19.3640.000 74750.21	General Gas & Oil	\$ 4,050.00
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Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.

**Resolution No. CSS-083-19**

From: Community Safety & Security and Administration Committees.

Dated: October 15, 2019

**BUDGET MODIFICATION - DHSES FY2018 ASSISTANCE TO FIREFIGHTERS GRANT (AFG)**

WHEREAS, the County of Niagara is required to certify its acceptance of the FY2018 AFG grant through the Department of Homeland Security for the period of 9/20/19 through 9/19/20, at some cost to the County, and

WHEREAS, the grant for FY2018 AFG is in the total amount of \$1,956,272.72 with a 10% contribution from the County of \$195,627.28 for a total amount of \$2,151,900.00. The funds will be used to purchase all partner agencies P-25 compliant interoperable portable radios which will operate in both analog and digital mode, be programmable and scalable and have the ability to program all federal interoperable channels and talk-groups, and

WHEREAS, the grant contribution from the County will be taken from the Wireless Communications Surcharges which is available for hardware, software, consultants, financing and other acquisition costs associated with the administration, design, enhanced wireless 911 service serving the county, 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.

INCREASE REVENUE:

A.19.3645.000 44305.02	Civil Defense Homeland Security	\$1,956,272.72
A.19.3645.000 41289.08	Reimbursement. Other Depts	\$ 195,627.28

INCREASE APPROPRIATIONS:

A.19.3645.000 72100.15	M&E Comm	\$2,151,900.00
	Proj: 19GRTAFG18-E1	

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.

**Resolution No. CSS-082-19**

From: Community Safety & Security and Administration Committees.

Dated: October 15, 2019

**PUBLIC SAFETY RADIO NETWORK  
SYSTEM ASSESSMENT AND MONITORING  
PROFESSIONAL SERVICES CONTRACT APPROVAL**

WHEREAS, the County of Niagara owns a Countywide Public Safety Radio Network (the “System”) which was constructed by Motorola Solutions, and

WHEREAS, due to the complexity and technical nature of the System, the County is unable to monitor, assess, and regularly troubleshoot the System on its own and requires the services of a professional or professionals who are trained and experienced in such work, and

WHEREAS, Skywave Communications Inc. (“Skywave”) is a company with offices in Rochester, New York which has personnel with technical training and experience with Motorola systems like the County’s System and is able to provide the services needed by the County, including regular assessment of the System, review of performance indicators, application of security related updates and Moto patches, coordination of devices returned to manufacturers for repair, troubleshooting of System and subscriber related issues, operator training and support of subscriber programming template development. Skywave has proposed to provide such services to the County for a 2-year period, commencing January 1, 2020, for a fee of \$49,000.00 in year 1 and \$49,980.00 in year 2, and

WHEREAS, the services to be provided by Skywave involve a high degree of technical expertise and involve matters of professional judgment and trust and thus constitute “professional services,” and

WHEREAS, under Niagara County’s Purchasing Guidelines, the Niagara County Legislature and the requisite committee(s) have the discretion to waive the requirement of issuing a Request for Proposals for a professional service contract, and

WHEREAS, money is available through the operating funds in the Fire Coordinators Office and will be designated for this project, now, therefore, be it

RESOLVED, that the Niagara County Legislature and the requisite committee(s) hereby waive the requirement of issuing a Request for Proposals for the above mentioned services and authorize the County Manager or Chairman of the Legislature to execute a 2-year contract with Skywave Communications Inc. for the above mentioned services, in an amount not to exceed \$98,980.00. Said contract to be subject to the review of the County Attorney for compliance with legal form and County policy.

Moved by Bradt, seconded by Virtuoso.  
Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.

**Resolution No. CSS-085-19**

From: Community Safety & Security Committee.

Dated: October 15, 2019

**ACCEPTANCE OF FY2018-2019  
RECRUITMENT AND RETENTION GRANT**

WHEREAS, the County of Niagara is required to certify its acceptance of the 2018-2019 Recruitment and Retention Grant through the NYS Department of Homeland Security and Emergency Services for the period of April 1, 2019 through March 31, 2020, at no cost to the County, and

WHEREAS, the grant for Recruitment and Retention was awarded \$25,000 and the funds will now be used for physical fitness equipment, Community Outreach equipment and recruitment materials, 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.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.

**Resolution No. CW-022-19**

From: Committee of the Whole.

Dated: October 15, 2019

**FEDERAL AID LOCAL PROJECT AGREEMENT  
BRIDGE BEARINGS FOR BRIDGES IN THE TOWNS OF HARTLAND, NEWFANE,  
NIAGARA, PENDLETON, AND ROYALTON IN NIAGARA COUNTY**

WHEREAS, the Bridge Bearings Project for various bridges in the towns of Hartland, Newfane, Niagara, Pendleton, and Royalton, Niagara County, is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal Funds and 20% Non-Federal Funds, and

WHEREAS, the County of Niagara desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Construction/Construction Inspection phases of the project, and

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

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

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

RESOLVED, that the sum of \$314,000 is hereby appropriated in account D.15.5120.000 74800.06 and made available to cover the cost of participation in the above phases of the project, and be it further



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

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

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

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

RESOLVED, that this Resolution shall take effect immediately.

Moved by Andres, seconded by Nemi.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.

**Resolution No. ED-020-19**

From: Economic Development and Administration Committees.

Dated: October 15, 2019

**APPROVAL OF LOW COST POWER BENEFIT TO  
RELIANCE FLUID TECHNOLOGIES, LLC UNDER AGREEMENT FOR THE  
SALE AND PURCHASE OF NIAGARA PROJECT POWER & ENERGY (ASPNPPE)**

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

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

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

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

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

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

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



WHEREAS, the application of Reliance Fluid Technologies, LLC, a private label manufacturer of lubricants and related products located in the City of Niagara Falls which employees 30 full-time employees, has met and exceeded all the criteria qualifying its project for consideration and the Empower Niagara Board is recommending approval of this application, and

WHEREAS, the application was approved for 125 kw (at 70% load factor) of low cost power, which will enable Reliance Fluid Technologies, LLC to purchase equipment to allow it to manufacture on site a new viscosity improver for its lubricants and related products and hire an additional two full-time employees, and

WHEREAS, the approval of the Reliance Fluid Technologies, LLC application for 125 kw (at 70% load factor) of low cost power will not only increase economic development in the City of Niagara Falls and Niagara County, but will also assist Reliance Fluid Technologies, LLC to remain competitive in the manufacture of lubricant and related products industry and will also have a good economic effect on the community in Niagara County, and

WHEREAS, the Empower Niagara Board will be recommending the approval of the application for low cost power allocation of 125 kw (at 70% load factor) for a period of three (3) years commencing October 1, 2019, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby approves the application of Reliance Fluid Technologies, LLC for 125 kw (at 70% load factor) low cost power benefits from Niagara County, pursuant to low cost power allocation received through the June 25, 2005 HCRSA and ASPNPPE, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute this Empower User Agreement for Low Cost Power with Reliance Fluid Technologies, LLC.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.

**Resolution No. ED-021-19**

From: Economic Development and Administration Committees.

Dated: October 15, 2019

**BUDGET MODIFICATION – TO COVER  
EMPOWER NIAGARA ALLOCATIONS TO RELIANCE FLUID TECHNOLOGIES, LLC**

WHEREAS, Reliance Fluid Technologies, LLC is a Niagara County business that has been approved to receive low cost hydropower allocations through the Empower Niagara Program, and

WHEREAS, these benefits will be applied to Reliance Fluid Technologies, LLC as stipulated in the Empower Niagara Program agreement, through the Niagara County Economic Development 2019-2022 budget, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated to the Niagara County Economic Development 2019 budget, and annually thereafter until 2022 as set forth below:

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
INCREASE REVENUE:				
A.15.1620.108 42655.03      Sale of Excess Power	\$10,208.12	Value of 125 kw at 70% load factor for 12 months	Value of 125 kw at 70% load factor for 12 months	Value of 125 kw at 70% load factor for 9 months

**INCREASE APPROPRIATION:**

A.15.1620.108 74500.01	Contractual	\$10,208.12	Value of 125 kw at 70% load factor for 12 months	Value of 125 kw at 70% load factor for 12 months	Value of 125 kw at 70% load factor for 9 months
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**INCREASE REVENUE:**

A.28.8020.813 42189.01	Activities – Eco Dev	\$10,208.12	Value of 125 kw at 70% load factor for 12 months	Value of 125 kw at 70% load factor for 12 months	Value of 125 kw at 70% load factor for 9 months
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**INCREASE APPROPRIATION:**

A.28.8020.813 74550.30	Empower Niagara	\$10,208.12	Value of 125 kw at 70% load factor for 12 months	Value of 125 kw at 70% load factor for 12 months	Value of 125 kw at 70% load factor for 9 months
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Moved by Bradt, seconded by Virtuoso.  
Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.

**Resolution No. ED-023-19**

From: Community Safety & Security and Administration Committees.

Dated: October 15, 2019

**ACCEPTANCE OF EMPIRE STATE DEVELOPMENT GRANT FOR  
NIAGARA COUNTY FIBER-OPTIC CABLE CAPITAL PROJECT**

WHEREAS, the NFIA Stakeholders Group, Inc., a 501(c)(6) nonprofit organization, was founded by Niagara County and regional airport stakeholders, in part, to encourage business development and to attract new business to the Niagara Falls International Airport (NFIA), and

WHEREAS, in November 2017, the NFIA Stakeholders Group, Inc. completed a Niagara Falls International Airport Area Fiber-optic Network Plan to construct a high-speed fiber-optic network connecting NFIA facilities and commercial and industrial buildings adjacent to the NFIA, and

WHEREAS, the purpose of the NFIA Area Fiber-optic Network is to increase bandwidth, improve reliability, and decrease the cost of internet service for the NFIA, airport tenants, and area businesses, while helping to attract new, high-tech companies to the area, and

WHEREAS, the Niagara County Department of Economic Development met with leaders of the Niagara Falls Air Reserve Station (NFARS) in June 2018 where a need was identified to replace a legacy communications link between the Fire Crash Rescue Station located at the NFARS and the Air Traffic Control Tower located at the NFIA with a dedicated fiber-optic link to support airport safety, and

WHEREAS, the Niagara County Legislature has identified the retention and growth of both the Niagara Falls International Airport and the Niagara Falls Air Reserve Station as economic development priorities, and

WHEREAS, on November 14, 2018, the Economic Development Committee authorized the Niagara County Department of Economic Development to apply for a grant from Empire State Development with Niagara County as Applicant and the Niagara Frontier Transportation Authority (NFTA) as Beneficiary, and

WHEREAS, the Niagara County Department of Economic Development was awarded a grant from Empire State Development in the amount of Four Hundred Thousand Dollars (\$400,000) for Niagara County Fiber-Optic Cable Capital Project #132,233, and



WHEREAS, the grant will be used to construct the NFIA Area Fiber-optic Network including the communications link between the Fire Crash Rescue Station at the NFARS and the Air Traffic Control Tower at the NFIA, and

WHEREAS, the fiber-optic network will be developed, owned, and operated by the Niagara Frontier Transportation Authority (NFTA), and

WHEREAS, a sub-grantee agreement between Niagara County and the NFTA will be prepared by the County Attorney for the purpose of providing pass-through of grant funding to the NFTA, and

WHEREAS, the Four Hundred Thousand Dollars (\$400,000) grant award has no county cost share and is included in the proposed 2020 Niagara County Department of Economic Development budget, now, therefore, be it

RESOLVED, that following the County Attorney's review and approval, the Chairman of the Niagara County Legislature be, and hereby is, authorized to sign and/or execute any grant documents in this regard, and be it further

RESOLVED, that the Four Hundred Thousand Dollars (\$400,000) grant award become part of the 2020 Niagara County budget.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.

#### **Resolution No. IF-110-19**

From: Infrastructure & Facilities and Administration Committees.

Dated: October 15, 2019

### **SECURITY INFORMATION MANAGEMENT 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 FY2018 Cyber Security Grant Program, Project ID #CY18-1026-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.16.3645.000.72100.26	Machinery & Equipment Technology System	\$97,763.83
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#### **DECREASE APPROPRIATIONS:**

A.08.1990.000.74500.01	Contingency	\$28,171.83
A.16.1680.000.71010.00 4581	Positions Expense	\$13,370.00
A.16.1680.000 78100.00	Retirement	1,243.00
A.16.1680.000 78200.00	FICA	1,022.00

A.16.1680.000 78300.00	Worker's Compensation	354.00
A.16.1680.000 78400.01	Health Insurance	3,597.00
A.16.1680.000 78700.00	Disability	6.00

Moved by Bradt, seconded by Virtuoso.  
Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.

**Resolution No. IF-111-19**

From: Infrastructure & Facilities and Administration Committees.

Dated: October 15, 2019

**GAS AND OIL BUDGET MODIFICATION**

WHEREAS, the Machinery Fund purchases bulk fuel on behalf of the County Departments as well as participating municipalities, to obtain the best possible pricing, and

WHEREAS, due to the increased price of fuel, additional appropriations are required for the overall purchase of fuel, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated:

**INCREASE REVENUE:**

DM.15.5130.000.40999.43	Recovery of Shared Services	\$35,000
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**INCREASE APPROPRIATION:**

DM.15.5130.000.74750.22	External Gas and Oil Purchases	\$35,000
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Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.

**Resolution No. IF-112-19**

From: Infrastructure & Facilities and Administration Committees.

Dated: October 15, 2019

**TOWN PAYMENT BUDGET MODIFICATION**

WHEREAS, the Niagara County Department of Public Works and the various towns maintain a contract for snow and ice control on county roadways, and

WHEREAS, additional funds are required in the Town Payment account line to allow payment of the first installment payment to all towns, which is due prior to October 15, 2019, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated:

**INCREASE APPROPRIATED FUND BALANCE:**

D.40599.00	Appropriated Fund Balance	\$300,000.00
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**INCREASE APPROPRIATION:**

D.15.5142.000.74725.04	Other Town Payments	\$300,000.00
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Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.



**Resolution No. IF-113-19**

From: Infrastructure & Facilities Committee.

Dated: October 15, 2019

**AWARD LOCKPORT AVENUE BRIDGE OVER SAWYER CREEK  
FASCIA REPAIRS CONSULTANT CONTRACT**

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with the design for fascia repairs for the Lockport Avenue Bridge over Sawyer Creek project, and

WHEREAS, funds are available in account D.15.5120.000 74650.07, Professional Engineering Services, 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 for the design for fascia repairs for the Lockport Avenue Bridge over Sawyer Creek project be awarded to CHA Consulting Inc., 2200 Main Place Tower, Buffalo, NY 14202, for a contract amount not to exceed \$1,500, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.

**Resolution No. IF-114-19**

From: Infrastructure & Facilities and Administration Committees.

Dated: October 15, 2019

**BRIDGE PAINTING OF ROBINSON ROAD  
CONSULTANT AMENDMENT NO. 1**

WHEREAS, Resolution No. IF-139-18, dated November 20, 2018, authorized the contract for consultant services for the painting of the Robinson Road Bridge to Greenman Pedersen Inc., 4950 Genesee Street, Suite 100, Buffalo, NY 14225, for a fee not to exceed \$45,000, and

WHEREAS, it is necessary to amend the contract in the amount of \$14,282 to allow for the design of structural steel repairs for the bridge, which must be completed before the bridge can be painted, for a revised contract amount of \$59,282, and

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

RESOLVED, that the contract for consulting services be amended by \$14,282 for the design of structural steel repairs to Greenman Pedersen Inc., 4950 Genesee Street, Suite 100, Buffalo, NY 14225, for a total fee not to exceed \$59,282, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.

**Resolution No. IF-115-19**

From: Infrastructure & Facilities and Administration Committees.

Dated: October 15, 2019

**GASPORT ROAD EMERGENCY CULVERT REPAIRS  
APPLICATION OF GROUT FOAMING AGENT  
CHANGE ORDER NO. 1 - FINAL**

WHEREAS, by Resolution No. IF-075-19, dated June 18, 2019, the Legislature authorized emergency repairs for the Gasport Road Culvert over the East Branch of Eighteen Mile Creek, and

WHEREAS, the County, pursuant to County purchasing guidelines, sent a quote request to three (3) area vendors for the labor and materials to add the foaming agent to the grout for the lining of the Gasport Road Culvert, and

WHEREAS, the application of grout foaming agent was awarded to KHM Inc., PO Box 2672, Binghamton, NY 13902, for a contract amount of \$12,950, and

WHEREAS, it is necessary to increase the contract in the amount of \$4,800 for additional labor to install the foaming agent for the grout beyond the contractual scope of work, for a revised contract amount of \$17,750, and

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

RESOLVED, that Change Order No. 1 to increase the contract by \$4,800 for the application of grout foaming agent for the Gasport Road Culvert over the East Branch of Eighteen Mile Creek Project, for a revised contract amount of \$17,750, to KHM Inc., PO Box 2672, Binghamton, NY 13902, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.

**Resolution No. IF-116-19**

From: Infrastructure & Facilities and Administration Committees.

Dated: October 15, 2019

**GASPORT ROAD EMERGENCY CULVERT REPAIRS  
CHANGE ORDER NO. 1-FINAL**

WHEREAS, by Resolution No. IF-075-19, dated June 18, 2019, the Legislature authorized emergency repairs for the Gasport Road Culvert over the East Branch of Eighteen Mile Creek, and

WHEREAS, the County, pursuant to County purchasing guidelines, sent a request to the Chairman of the Legislature to waive the said purchasing guidelines, to allow for the immediate repair of the Gasport Road Culvert, and

WHEREAS, the contract to provide labor and materials to perform the lining of the Gasport Road Culvert, Grouting, and Slope Stabilization was awarded to McLaughlin Construction Corp., DBA Edbauer Construction, 2790 Clinton Street, West Seneca, NY 14224, for a contract amount of \$169,200, and



WHEREAS, it is necessary to increase the contract in the amount of \$27,642.15 for additional labor and materials to install the culvert lining and grout beyond the estimated cost, for a revised contract amount of \$196,842.15, 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 increase the contract by \$27,642.15 for the labor and materials to perform the lining of the Gasport Road Culvert, Grouting, and Slope Stabilization, for a revised contract amount of \$196,842.15, to McLaughlin Construction Corp., DBA 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.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.

**Resolution No. IF-117-19**

From: Infrastructure & Facilities and Administration Committees.

Dated: October 15, 2019

**TONAWANDA CREEK ROAD PAVEMENT REHABILITATION PROJECT  
CAMPBELL BLVD TO ERIE CANAL BRIDGE AND  
SLIDE STABILIZATION WORK, ERIE AND NIAGARA COUNTIES  
SUPPLEMENTAL AGREEMENT NO. 2**

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

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

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

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

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

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

**DECREASE REVENUE:**

H630.15.5112.000 44597.01	Federal Aid Cap Const Hwy Rev	\$256,000
H630.15.5112.000 43591.00	State Aid Cap Const Hwy Rev	\$ 64,000

DECREASE APPROPRIATIONS:

H630.15.5112.000 72600.01	Infrastructure Roads	\$320,000
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and be it further

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

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

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

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

RESOLVED, that this Resolution shall take effect immediately.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.

**Resolution No. IF-119-19**

From: Infrastructure & Facilities and Administration Committees.

Dated: October 15, 2019

**WEST CANAL MARINA WALKWAY IMPROVEMENTS  
CHANGE ORDER NO. 1 - FINAL**

WHEREAS, by Resolution No. IF-081-18, dated June 19, 2018, the Legislature awarded the contract for the West Canal Marina Walkway Improvements project to Scott Lawn Yard, 3305 Haseley Drive, Niagara Falls, NY 14304, for a contract amount of \$327,759, and

WHEREAS, it is necessary to increase the contract in the amount of \$7,976.15 due to the following: contract increases for backflow device; upgraded plumbing size; cleat replacement; concrete testing; and electrical inspection; and decreases for the electrical pedestal, for a revised contract amount of \$335,735.15, and

WHEREAS, the change order also includes a time extension to the contract to June 30, 2019, at no additional cost to the County, 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 increase the contract by \$7,976.15 for the West Canal Marina Walkway Improvements project, for a revised contract amount of \$335,735.15, and a time extension on the



contract to June 30, 2019, to Scott Lawn Yard, 3305 Haseley Drive, Niagara Falls, NY 14304, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.

**Resolution No. IF-120-19**

From: Infrastructure & Facilities and Administration Committees.

Dated: October 15, 2019

**BUDGET MODIFICATION  
FILTER BASINS REHABILITATION - WATER DISTRICT**

WHEREAS, Resolution #IF-002-18 funded the construction phase Niagara County Water District Filter Basins #1-7 Rehabilitation project, and

WHEREAS, there's been a change in the scope of work with the addition of an upgrade of the Filter Control Panels (PLCs and HMIs) for all of the filters and a transfer of the remainder of funds needed for the project needs to be accomplished, and

WHEREAS, there are sufficient funds in the Water District's fund balance to cover the remainder of the cost of this project; now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

FX.40599.00	Appropriated Fund Balance	\$175,000
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INCREASE APPROPRIATIONS:

FX.31.9950.000.79010.00	Transfer to Capital Construction	\$175,000
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INCREASE REVENUE:

H618.31.8397.000.45031.00	Interfund Transfer, From Operating	\$175,000
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INCREASE APPROPRIATION:

H618.31.8397.000.72100.27	Water - Filter Basins Rehabilitation	\$175,000
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Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.

**Resolution No. IL-058-19**

From: Legislator Jesse P. Gooch and Economic Development.

Dated: October 15, 2019

**RESOLUTION IN SUPPORT OF FUNDING WHEATFIELD VETERANS MEMORIAL INC.  
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, a project was started by volunteers to preserve an icon of historical significance and high recognizable tribute to all service men and women, and

WHEREAS, this project includes a 1965 Huey helicopter that was manufactured by Bell Aerospace located in Wheatfield, a M48 tank and a service memorial, and

WHEREAS, funds for this project will be used to provide infrastructure, concrete foundations and walkways and support the memorial, and

WHEREAS, Niagara County supports the efforts that volunteers in the Town of Wheatfield are creating for reflection, ceremonial events and showing lasting support for all who have served both past and present, now, therefore, be it

RESOLVED, that Niagara County supports the Town of Wheatfield as follows:

Wheatfield Veterans Memorial, Inc.	\$2,000.00
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and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2019 budget:

**INCREASE APPROPRIATED FUND BALANCE:**

A.28.8020.812 40599.01	Appropriated Fund Balance - Committed Funds	\$2,000.00
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**INCREASE APPROPRIATIONS:**

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$2,000.00
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Moved by Gooch, seconded by Bradt.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.

**Resolution No. IL-058-19**

From: Legislator Jesse P. Gooch and Economic Development.

Dated: October 15, 2019

**INCIDENT REPORT TO THE NIAGARA COUNTY BOARD OF ETHICS**

WHEREAS, Section 8(5) of the Code of Ethics for the County of Niagara states, “no County officer or employee shall directly or indirectly compel any non-elected officer or employee of the County to participate in an election campaign,” and

WHEREAS, Section 8(5) also states: “No County property or equipment shall be used in connection with any election campaign or to aid any political party, political party organization, election campaign or candidate,” and

WHEREAS, On September 30, 2019, an email from the Public Information Office was sent to the press, public, County departments, and elected and appointed officials, and

WHEREAS, transparency in government is of the highest priority to this legislative body as well as all County departments and employees, now, therefore, be it

RESOLVED, that in accordance with Section 9 of the Code of Ethics the Niagara County Legislature does hereby report the above incident to the County Attorney and Board of Ethics for a determination as to whether a violation has occurred and if so for further proceedings in accordance with Sections 12, 14, 15 and 16 of the Code.

Referred to Administration Committee.



**Resolution No. IL-061-19**

From: Legislator Wm. Keith McNall.

Dated: October 15, 2019

**RESOLUTION IN SUPPORT OF THE MEN AND WOMEN OF UAW LOCAL 686**

WHEREAS, Americans recently celebrated Labor Day with parades, labor commemorations and picnics, celebrating the work and accomplishments – the labors – of our working men and women, especially those in unions that make our country great, and

WHEREAS, labor unions are democratic, voluntary, organized groups of workers who come together to make decisions about conditions affecting their work and unions strive to bring economic justice to the workplace and social justice to the nation, and

WHEREAS, on September 16, 2019, after negotiations with General Motors (GM) failed and their contract lapsed on September 14, 2019, the United Auto Workers (UAW) went on strike nationally, and

WHEREAS, UAW Local 686 represents employees at the Lockport GMCH and they are on strike against GM, and

WHEREAS, GM issued a statement saying "We have negotiated in good faith and with a sense of urgency" and "our goal remains to build a strong future for our employees and our business", and

WHEREAS, the UAW stated that the union had made sacrifices to "create a healthy, profitable industry" during troubled economic times, especially during and after the 2008-2009 recession and GM's near-collapse and \$50 billion bailout by the federal government, and

WHEREAS, in an environment in which GM has reported \$8 billion in profits for 2018, the union is seeking greater revenue-sharing with employees and the movement of "temporary" employees to permanent status, and

WHEREAS, Kristin Dziczek of the Center for Automotive Research stated the situation as follows: "In an era of solidly profitable operations, the automakers are seeking to contain labor cost growth, while the UAW is looking to make economic gains and secure its members' jobs and future income", and

WHEREAS, this community has benefitted from the Lockport GMCH plant, and the contributions, investment and commitment to excellence at the plant by GM and the UAW, and

WHEREAS, it is the sense of the Legislature that we should acknowledge the UAW employees and their contributions, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby offer our support to the men and women of UAW Local 686 and expresses our support for their intentions and desire to receive additional compensation and improved conditions from General Motors, including the transition of temporary employees to permanent status, and be it further

RESOLVED, that this Honorable Body urges the UAW and GM to work together to negotiate a satisfactory resolution to the strike as soon as possible, so as not to jeopardize the competitiveness and future of the Lockport GMCH plant, and be it further

RESOLVED, that certified copies of this resolution be transmitted to UAW Local President Michael Branch and Lockport GMCH plant manager Ken Johnson.

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

Carried

Moved by Nemi, seconded by Collins.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.

**Resolution No. IL-062-19**

From: Legislators Wm. Keith McNall, John Syracuse, Randy R. Bradt, Rebecca J. Wydysh, et al.

Dated: October 15, 2019

**RESOLUTION RENAMING BOND LAKE PARK “THE CLYDE L. BURMASTER PARK”**

WHEREAS, this Legislature joins the community in mourning the passing of Honorable Clyde L. Burmaster, a great Leader of Niagara County, and extends the condolences of this Government to the entire Burmaster family, and

WHEREAS, the Honorable Clyde L. Burmaster, “Clyde” to his friends, has served Niagara County and the communities of the town of Porter and the Town of Lewiston with excellence and commitment for decades, including 28 years as a Legislator in this body, representing his hometown, and

WHEREAS, Clyde played an active role in our community, serving on a number of non-profit boards including: Niagara Tobacco Asset Corporation, Niagara Community Action Program, the Ransomville Free Library Board, North Ridge Cemetery Association and Ransomville Volunteer Fire Company, among others, and

WHEREAS, the vision, diligence, and perseverance Clyde displayed in his efforts to develop recreation and conservation areas of Bond Lake have, over time, led to the development of a full-capacity family recreation and conservation area, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby designate Bond Lake as The Clyde L. Burmaster Park, and be it further

RESOLVED, that the Niagara County Legislature does hereby direct that county-owned property, including the Warming House at Bond Lake, be posted with signage designating the recreation and conservation areas as The Clyde L. Burmaster Park, and be it further

RESOLVED, that the Niagara County Legislature does direct the County Manager and the Commissioner of Public Works to appropriate funds as shall be necessary to properly signify the same as The Clyde L. Burmaster Park, and in letters which shall be visible from a minimum distance of 150 feet.

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

Carried

Moved by Syracuse, seconded by Wydysh.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.

**Resolution No. IL-063-19**

From: Legislators William J. Collins, John Syracuse and Michael A. Hill

Dated: October 15, 2019



## **NIAGARA COUNTY TO CONDUCT A COUNTY VEHICLE STUDY**

WHEREAS, the Niagara County Legislature must look at all areas of operation to effectively examine potential sources of savings, and

WHEREAS, there are a significant number of vehicles in the county fleet, and to effectively manage this fleet, the County must determine the necessity of each vehicle, and

WHEREAS, with fuel and vehicle maintenance costs being a significant budgetary expense for Niagara County, and

WHEREAS, efficient management of the county fleet, as well as a potential reduction in the number of County vehicles, may result in savings for the 2020 budget, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby authorize and direct the Niagara County Manager to conduct a study of all vehicles in the Niagara County fleet, and be it further

RESOLVED, that this study include an analysis of vehicle use, as well as a recommendation of the most cost-effective method of providing transportation including a determination of whether the County would be better off paying mileage on employee personal vehicles versus retaining ownership of County vehicles, and be it further

RESOLVED that this study also include an analysis of all County vehicles which are taken home by County employees, and the justification and necessity for such, and be it further

RESOLVED, that the results of this study be submitted to the Niagara County Legislature by December 1<sup>st</sup>, 2019.

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

Carried

Moved by Nemi, seconded by Collins.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.

### **Resolution No. IL-064-19**

From: Legislators Wm. Keith McNall, Rebecca J. Wydysh, Jesse P. Gooch and David E. Godfrey.

Dated: October 15, 2019

## **RESOLUTION IN SUPPORT OF PLACING MOBILE SCHOOL BUS PHOTO VIOLATION MONITORING SYSTEMS ON SCHOOL BUSES IN NIAGARA COUNTY**

WHEREAS, it is estimated that approximately 1.5 million students ride school buses to and from school each year in New York State, and

WHEREAS, out of concern for the safety of students, state law prohibits motor vehicles from passing a stopped school bus, and

WHEREAS, based on 2018 law enforcement efforts to target offenders passing school buses, it is estimated that instances of someone passing a stopped school bus occurred over 150,000 times in a 180-day school year, and

WHEREAS, on August 6<sup>th</sup> of this year, Governor Andrew M. Cuomo today signed legislation authorizing school districts to install stop-arm cameras on school buses in order to catch drivers who unlawfully pass a stopped school bus and ensure the safety of New York's students, and

WHEREAS, under the program, cameras would be mounted on some part of the bus to capture images of drivers failing to stop when a school bus has its red lights on, with the images to be sent to local municipalities and law enforcement for prosecution, and

WHEREAS, schools would have to pass a resolution authorizing the local municipality with legal jurisdiction over traffic enforcement laws, in this case Niagara County, to enter into a camera contract on its behalf, and

WHEREAS, while costs incurred would be paid for by the county, but the county and school districts will have the option of working with camera companies to install the cameras for no charge while allowing the private operators to keep a share of the fines, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support the use of school bus photo violation monitor systems throughout the county, and be it further

RESOLVED, the Niagara County Legislature will initiate the process of the installation of the aforementioned equipment with school districts and camera companies immediately.

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

Carried

Moved by Wydysh, seconded by Gooch.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.

#### **Resolution No. IL-065-19**

From: Legislator Wm. Keith McNall.

Dated: October 15, 2019

### **RESOLUTION IN SUPPORT OF FUNDING FOR THE LOCKPORT FLIGHT OF FIVE**

WHEREAS, the City of Lockport was founded around a series of five locks that allowed the Erie Canal to traverse the Niagara Escarpment and successfully connect the Hudson River to the Great Lakes, and

WHEREAS, this feat, now known as the Flight of Five Locks, was an engineering marvel constructed in the 1800s, and

WHEREAS, properly preserving and interpreting these historic locks and all of the rich Erie Canal heritage in the City of Lockport is critical to understand the history of Niagara County, New York State, and the United States, and

WHEREAS, people travel from across the globe to visit the Erie Canal and the communities that line its banks to learn more about the historic canal system, and

WHEREAS, the Lockport Locks Heritage District Corporation (LHDC) is a nonprofit organization formed by volunteers in the community that have worked for decades to preserve and leverage the Erie Canal as a targeted strategy for economic development in Lockport, and

WHEREAS, the efforts of the LHDC, including: Western New York Regional Economic Development Council “Regional Priority Project” the Flight of Five Locks Rehabilitation; the Lock Tender Tribute; the Locks District



Museum, Canal-themed events like Locktoberfest; and regional, national, and global marketing initiatives, have directly led to millions of public and private dollars invested in the Locks District and helped create an improved business climate in downtown Lockport, and

WHEREAS, the second phase of the rehabilitation of the Flight of Five has been completed, culminating with a rededication of Lock 68 at the 6<sup>th</sup> annual Locktoberfest, and

WHEREAS, the LHDC seeks funding for a third phase in an effort to complete the entire Flight of Five project by 2025, the bicentennial of the completion of the Erie Canal, and

WHEREAS, to date \$409,000 has been committed through Downtown Revitalization Initiative and Greenway funding for the Lock Tender Tribute, a major interpretive element of the Flight of Five project, and

WHEREAS, the LHDC has secured an additional \$250,000 in Dormitory Authority grant funds to rehabilitate the historic lock chamber walls and the middle island, separating the Flight of Five from Locks 34 and 35, including the steps where the Lock Tender Tribute will be installed, and

WHEREAS, the Niagara County Legislature believes the Flight of Five is a priority project that preserves Niagara County's history, and supports the economic vitality of the City of Lockport and the County of Niagara, and

WHEREAS, Niagara County annually receives funds from the Niagara Falls Bridge Commission, dedicated to the support of transformational economic development projects, and

WHEREAS, the Niagara County Legislature recognizes the regional significance of the Flight of Five as an important tourist attraction, and

WHEREAS, the Economic Impact Study commissioned by Camoin Associates, estimates the Flight of Five generates an additional \$1 million in visitor spending, which equates to significant sales tax revenue each year, now, therefore, be it

RESOLVED, that \$75,000 be dedicated to the Lockport Locks Heritage District Corporation to assist in the completion of the masonry work within the lock chamber walls and the installation of the steps to the Lock Tender Tribute, and be it further

RESOLVED, that the funding be transferred from Niagara Falls Bridge Commission funds provided to Niagara County for Economic Development projects to the LHDC.

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

Carried

Moved by Nemi, seconded by Collins.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.

#### **Resolution No. IL-066-19**

From: Legislators Dennis F. Virtuoso, Owen T. Steed, Mark J. Grozio and Jason A. Zona.

Dated: October 15, 2019

### **REQUEST FOR INFORMATION FROM WESTERN NEW YORK OFF TRACK BETTING**

WHEREAS, on two occasions a request for information was made to officials of OTB at a Niagara County Legislature meeting, and

WHEREAS, Legislator Dennis Virtuoso requested information on OTB policies on Auto use, cell phone use, ticket distribution and a copy for their annual budget, and

WHEREAS, Legislator Virtuoso was told by OTB officials that he would get this information, and

WHEREAS, it has been several months since this request was made and still the information has not been delivered, and

WHEREAS, Niagara County has a financial interest in WNYOTB and should be entitled to this information, now, therefore, be it

RESOLVED, that the Niagara County Legislature request that copies of the information requested be sent immediately and copies of this resolution be sent to all board members of OTB and Officials of OTB.

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

Carried

Moved by Virtuoso, seconded by Zona.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.

**Resolution No. IL-067-19**

From: Legislators Dennis F. Virtuoso, Owen T. Steed, Mark J. Grozio and Jason A. Zona.

Dated: October 15, 2019

**REQUEST TO RELEASE THE NAMES OF TICKET GIVEAWAYS AT OTB**

WHEREAS, resolution IL-023-19 requested the Western New York Off Track Betting to release the names of recipients of tickets to sporting events to box suites, concerts and golf outings that were given out as promotions by OTB to their customers, and

WHEREAS, this resolution was voted down by the majority of the county legislature, and

WHEREAS, OTB is a public benefit corporation owned by several counties and cities, and

WHEREAS, OTB has in their policy of giveaways that the acceptance of any prize constitutes permission for the sponsor to use winners name, photo, likeness, statements, biographical information, voice and address in all forms of media, in perpetuity without notice or further compensation, and

WHEREAS, ticket give a ways could be considered in this statement, now, therefore, be it

RESOLVED, that the Niagara County Legislature demands that the names of the recipients of these ticket promotions for box suites, concerts and golf outings be released immediately to have full transparency to the public.

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

Carried



Moved by Virtuoso, seconded by Zona.  
Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.

**Resolution No. IL-068-19**

From: Legislators John Syracuse, David E. Godfrey, Jesse P. Gooch, William J. Collins, Randy R. Bradt and Wm. Keith McNall

Dated: October 15, 2019

**RESOLUTION OPPOSING SENATE BILL S6738, IN RELATION TO PROHIBITING FIREARMS AS PRIZES IN A GAME OF CHANCE NOT ORGANIZED BY AN ORGANIZATION OF VETERANS, VOLUNTEER FIREFIGHTERS OR A POLICE BENEVOLENT ASSOCIATION**

WHEREAS, in March 2019, the Niagara County Legislature voted unanimously against Assembly Bill A1413 which sought to prohibit firearms as prizes in any game of chance, and

WHEREAS, similar to Assembly Bill A1413, the more recent Senate Bill S6738 prohibits firearms as prizes in any game of chance unless the authorized organization is a bona fide organization of veterans, volunteer firefighters, or police benevolent associations, and

WHEREAS, Senate Bill S6738 discriminates against other entities such as conservation clubs that aren't affiliated with veterans, police benevolent associations, or volunteer firefighters, and

WHEREAS, it would create a barrier on the revenue of many of these entities solely for the reason that they aren't an authorized organization of veterans, volunteer firefighters, or a police benevolent association, and

WHEREAS, a citizen who wins a gun is already required to meet existing standards for gun ownership and must pass a background check through FBI National Instant Check System (NICS) before taking possession of the gun, now, therefore, be it

RESOLVED, that the Niagara County Legislature opposes Senate Bill S6738 and the tyranny it represents, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Andrew M. Cuomo; Senate Majority Leader Andrea Stewart-Cousins; Senate Minority Leader John Flanagan; Senator Robert G. Ortt; Speaker of the Assembly Carl Heastie; Assembly Majority Leader Crystal Peoples-Stokes; Assembly Minority Leader Brian M. Kolb; Member of the Assembly Michael J. Norris; Member of the Assembly Angelo Morinello; Member of the Assembly Karen McMahon; Member of the Assembly Robin Schimminger; New York State DEC Commissioner Basil Seggos; and all others deemed necessary and proper. Moved by Syracuse, seconded by Godfrey, to implement the portion of Rule 15 that pertains to voting on a resolution as opposed to referring it to committee.

Carried

Moved by Syracuse, seconded by Godfrey.  
Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.

**Resolution No. IL-069-19**

From: Legislators William J. Collins and John Syracuse.

Dated: October 15, 2019

**RESOLUTION DIRECTING THE COMMISSIONER OF PUBLIC WORKS TO ASSESS AND ACHIEVE UNIFORMITY OF SIGNAGE AND FLAG POLES AT COUNTY BUILDINGS AND PARKS**

WHEREAS, the purpose of signs is to communicate and convey information designed to assist the receiver with decision-making based on the information provided, and

WHEREAS, the signage for Niagara County buildings and park grounds are not uniform in appearance and, in some locations, poor in condition, and

WHEREAS, signage uniformity will help residents, both motorist and pedestrian, travel to county buildings and parks with less difficulty, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby direct Department of Public Works Commissioner Garret Meal and his staff to assess and achieve uniformity of signage and flag poles at every county building and park.

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

Carried

Moved by Andres, seconded by Syracuse.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.

**Resolution No. IL-070-19**

From: Legislators David E. Godfrey and Anthony J. Nemi.

Dated: October 15, 2019

**RESOLUTION  
SOLAR ENERGY SECURITY REQUIREMENT FOR DECOMMISSIONING COSTS**

WHEREAS, for decades the solar industry benefited from generous federal, state and local subsidies to increase its footprint and those subsidies ignored the cost of disposal of solar panel toxic waste, and

WHEREAS, the Associated Press reported in 2013 that the heavily subsidized solar industry was creating millions of pounds of polluted sludge and contaminated water that is often shipped to landfills, and

WHEREAS, the average lifespan of a solar panel is about 20 years, but high temperatures can accelerate the aging process for solar cells, and snow, dust, and other natural events (tornados and earthquakes) can cause material fatigue on the surface and in the internal electric circuits gradually reducing the panels' power output, requiring early replacement, and

WHEREAS, solar panels generate 300 times more toxic waste per unit of energy they produce than nuclear power plants, and

WHEREAS, solar panels contain lead, cadmium and other toxic (even carcinogenic) chemicals that cannot be removed without breaking apart the entire panel, and rainwater can wash many of the toxics out of the fragments of solar modules over time, and

WHEREAS, nitrogen trifluoride (NF3) is used in the construction of solar panels and it is 17,200 times more potent than carbon dioxide as a greenhouse gas, and

WHEREAS, in 2018, the Institute of Energy Research suggested imposing a recycling fee on solar panel purchases to address the massive cost of decommissioning the solar panels, and



WHEREAS, section 487 (9) (a) of the Real Property Tax Law of the State of New York requires municipalities to respond within sixty (60) days of receiving notification from the owner or developer of the solar project of the municipalities intent to require a contract for the payments in lieu of taxes (PIOLT), and

WHEREAS, many local municipalities have either not adopted local zoning ordinances that require property owners to post a bond or other appropriate form of security to cover the cost of the removal of the entire solar energy system or the local zoning ordinance does not contain requirements to post security to cover the cost of the removal of the system, and

WHEREAS, the County of Niagara as a condition precedent to entering into a PILOT agreement with a developers desires to require the property owner and developer to enter into the County of Niagara Decommissioning Agreement and Solar Facility Decommissioning Bond when the local municipality where the proposed project is to be located does not have a local zoning ordinance with such security provisions, now, therefore, be it

RESOLVED, that the County of Niagara shall not enter into a Payment in Lieu of Taxes Agreement with an owner or developer of a solar project unless the local municipality where the project is to be located has a local zoning ordinance that requires a bond or other appropriate form of security to cover the cost of the removal of the entire solar energy system, and be it further

RESOLVED, that in the event the local municipality does not have a local zoning ordinance that requires a bond or other appropriate form of security to cover the cost of the removal of the entire solar energy system the property owner and developer shall be required to enter into a County of Niagara Decommissioning Agreement and post a Decommissioning Bond simultaneously with the PILOT Agreement.

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

Carried

Moved by Godfrey, seconded by Nemi.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Hill.

**Resolution No. IL-071-19**

From: Legislators Jason A. Zona and Owen T. Steed.

Dated: October 15, 2019

**RESOLUTION STRENGTHENING CRIMINAL BACKGROUND CHECK  
PROCEDURES FOR NEW EMPLOYEES HIRED BY NIAGARA COUNTY**

WHEREAS, the Niagara County Employee Policy and Procedure Manual was written in December 2008, and

WHEREAS, § 9 of the Niagara County Employee Policy and Procedure Manual (“Criminal History Record Check Policy”) directs that criminal background checks shall be performed “with the appointment of any employee to a job classification for which (a) a CHRC is required by law, or (b) duties include access to children, entry into private residences, or unsupervised physical access to vulnerable individuals. Where required under this policy CHRCs will be conducted pre-offer of employment, or where not feasible, an offer will be contingent upon the results of the CHRC,” and

WHEREAS, it is the estimation of this Legislature that such document should be amended and reconsidered regularly, and



WHEREAS, it is the express guidance of this Legislature that the safety of members of the public, especially vulnerable populations, and of our county workforce must be paramount in all policies and procedures adopted by this government, and

WHEREAS, the hiring of an individual convicted of or under investigation for the impaired operation of a motor vehicle as a county driver responsible for transporting vulnerable seniors would seem contradictory to good sense and prudent judgment on the part of the county's Department of Human Resources, as well as contravening the guidance in § 9 of the Employee Policy and Procedure Manual, and

WHEREAS, § 9 para. 3 of the Employee Policy and Procedure Manual states

"Niagara County does not unlawfully discriminate on the basis of arrests or convictions. No application for employment will be denied by reason of the applicant having been previously convicted of one or more criminal offenses, unless (1) disqualification is specifically permitted or required by law; (2) there is a direct relationship between one or more previous criminal offenses and the employment sought; or (3) the granting of the employment sought would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public. In evaluating these factors, the County will consider the duties of the position; the bearing of the conviction on the "fitness" to perform the duties of the position; the time elapsed since the conviction; the age of the applicant at the time of the conviction; the "seriousness" of the offense; evidence of rehabilitation; and the employer's legitimate interest in protecting property and safety of specific individuals and the public. The County will also consider any certificate of relief from disabilities or certificate of good conduct issued to a prospective employee. Subject to applicable law, the County may also deny employment on the basis of an arrest which is pending at the time an employment decision is made,"

and

WHEREAS, Driving While Intoxicated killed more than 10,000 people in 2018 nationwide, and injured 300,000 men, women and children, now, therefore, be it

RESOLVED, that the Niagara County Legislature does direct the Director of Human Resources to review and amend the Employee Policy and Procedure Manual §9 para. 3 to state

"Niagara County does not unlawfully discriminate on the basis of arrests or convictions. No application for employment will be denied by reason of the applicant having been previously convicted of one or more criminal offenses, unless (1) disqualification is specifically permitted or required by law; (2) there is a direct relationship between one or more previous criminal offenses and the employment sought; or (3) the granting of the employment sought would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public. In evaluating these factors, the County will consider the duties of the position; the bearing of the conviction on the "fitness" to perform the duties of the position; the time elapsed since the conviction; the age of the applicant at the time of the conviction; the "seriousness" of the offense; evidence of rehabilitation; and the employer's legitimate interest in protecting property and safety of specific individuals and the public. The County will also consider any certificate of relief from disabilities or certificate of good conduct issued to a prospective employee. Subject to applicable law, the County may also deny employment on the basis of an arrest which is pending at the time an employment decision is made. **No offer of employment where the principal duty of the employee is operating a motor vehicle or heavy equipment shall be made to an individual convicted or pending arrest for Driving While Intoxicated, Drive While Ability Impaired, or Driving Under the Influence under any circumstances, and failure to disclose a pre-employment DWI, DWAI or DUI conviction in**



**any jurisdiction within the United States, Canada, or under the Uniform Code of Military Justice shall be considered grounds for immediate termination,”**

and be it further

RESOLVED, that, should proper enforcement of the foregoing RESOLVED clause necessitate the execution of additional Criminal History Records Checks the Director of Human Resources shall, within 30 days of enactment of this legislation, transmit to the Chairman of the Administration Committee, the Director of Office of Management and Budget, and the County Manager projected additional costs and such funds shall be immediately appropriated from county fund reserves, and be it further

RESOLVED, that this policy shall take effect 30 days from the date of enactment by this Legislature.  
Referred to Administration Committee.

**Resolution No. IL-072-19**

From: Legislators Dennis F. Virtuoso, Owen T. Steed, Jason A. Zona and Mark J. Grozio.

Dated: October 15, 2019

**RESOLUTION INITIATING BOARD OF INQUIRY TO INVESTIGATE USE OF GOVERNMENT  
PROPERTY AND EMPLOYEE TIME TO SUPPORT A POLITICAL CAMPAIGN**

WHEREAS, Mr. Douglas Hoover, Public Information Officer, did transmit to the media via taxpayer-funded County email, and post on the Niagara County government's taxpayer-funded webpage, a political press release promoting the reelection campaign of Legislator Wm. Keith McNall at 3:23 p.m. on Sept. 30, 2019, and

WHEREAS, the Niagara County Code of Ethics, § 5, states “No County officer or employee shall directly or indirectly compel any non-elected officer or employee of the County to participate in an election campaign, or compel the payment of any assessment, subscription, or contribution to a political party, political party organization, election campaign, or candidate...No County property or equipment shall be used in connection with any election campaign or to aid any political party, political party organization, election campaign, or candidate,” and

WHEREAS, Mr. Hoover's press release originated from his County email address, and the Sept. 30 posting on the County website did identify Mr. Hoover as the author of the same, and

WHEREAS, the political press release included a candidate's official government headshot before the county seal, and such photograph was taken by professional photographer, which was paid for by taxpayer dollars, and

WHEREAS, New York Consolidated Laws, County Law - CNT § 209, Investigations, authorizes the County Legislature to convene a Board of Inquiry to “investigate the conduct and performance of official duties of any office or employee paid from county funds, and the accounting for all money or property owned by or under the control of the county. Any member of such committee may issue a subpoena requiring a person to attend before the Legislature or the Board of Inquiry and be examined in reference to any matter within the scope of the investigation, and in a proper case to produce all books, records, papers and documents material or relevant to the investigation. Any member of such committee may administer the oath to any witness and adjournments may be taken from time to time, now, therefore, be it

RESOLVED, that the Niagara County Legislature does declare that a Board of Inquiry shall investigate the incident that took place on September 30, 2019 involving the Public Information Officer, and any other officers or political appointees of County Government that may have amounted to utilizing taxpayer resources for political purposes or campaigns in violation of the Code of Ethics, § 5, and be it further

RESOLVED, that, given the political nature of the violations of the Code of Ethics, this investigation must be conducted in a non-partisan manner, membership of the Board of Inquiry shall contain an equal number of Republican and Democratic caucus members, and be it further

RESOLVED, that the Niagara County Legislature does direct the Niagara County Sheriff's Office to secure all electronic devices, communications lines, papers, and other items in possession of the Niagara County Public Information Officer

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

Carried

Moved by Virtuoso, seconded by Zona.

Rejected. 4 Ayes – Virtuoso, Steed, Zona, Grozio, 9 Noes, 1 Absent – Hill.

#### **Resolution No. IL-073-19**

From: Legislators Wm. Keith McNall, William J. Collins and Anthony J. Nemi.

Dated: October 15, 2019

### **911 CONSOLIDATION BETWEEN THE CITY OF LOCKPORT AND THE COUNTY OF NIAGARA SHERIFF'S DEPARTMENT DISPATCH**

WHEREAS, the Niagara County Legislature passed Resolution IL-045-19 on July 10<sup>th</sup>, 2019 that authorized and directed the Niagara County Sheriff to provide dispatch services to the City of Lockport at no cost to the city, and

WHEREAS, City and County officials met last week to discuss providing the City of Lockport with a separate frequency for its 911 calls, and

WHEREAS, Resolution IL-045-19 was subject to and contingent upon the City of Lockport providing the County of Niagara with a written agreement between the City of Lockport and the Lockport Police Department's union, the Hickory Club, consenting to a consolidation of the City of Lockport police dispatch with the County of Niagara Sheriff's Department Dispatch, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby authorize and direct the Niagara County Sheriff to provide dispatch services to the City of Lockport on a separate frequency at no cost to the city, and be it further

RESOLVED, that this resolution be and is hereby subject to and contingent upon the City of Lockport providing the County of Niagara with a written agreement between the City of Lockport and the Lockport Police Department's union, the Hickory Club, consenting to a consolidation of the City of Lockport police dispatch with the County of Niagara Sheriff's Department Dispatch.

Approved for Submission.

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

Carried

Moved by Collins, seconded by Nemi.

Approved. 13 Ayes, 0 Noes, 1 Absent – Hill.



**Resolution No. IL-074-19**

From: Legislators Randy R. Bradt, Richard L. Andres and Jesse P. Gooch.

Dated: October 15, 2019

**RESOLUTION TO AMEND THE INTERMUNICIPAL AGREEMENT OF AUGUST 1<sup>ST</sup>, 2017 BETWEEN THE COUNTY OF NIAGARA SHERIFF'S OFFICE AND THE CITY OF NORTH TONAWANDA**

WHEREAS, on August 1<sup>st</sup>, 2017, the County of Niagara adopted Resolution CSS-040-17 authorizing the County of Niagara to enter into an Inter-Municipal Cooperation Agreement with the City of North Tonawanda for the County to provide civilian dispatchers to the City so long as the City reimbursed the County for the additional costs associated therewith, and

WHEREAS, the City and the County entered into an Inter-Municipal Agreement in August 2017 and paragraph 5 of the Agreement estimated the following payment by the City to the County:

2019: \$262,596 (\$312,596-\$50,000 County share) due half on March 1, 2019 and half on September 1, 2019.

2020: \$278,416 (\$328,416-\$50,000 County share) due half on March 1, 2020 and half on September 1, 2020.

2021: \$293,130 (\$343,130-\$50,000 County share) due half on March 1, 2021 and half on September 1, 2021.

2022: \$175,377 (Jan. 1 to July 31) (\$204,544-\$29,167 County prorated share) due half on March 1, 2022, and

WHEREAS, the above figures were subject to change based on the cost of the additional employees, and

WHEREAS, the County desires to amend the aforesaid Inter-Municipal Agreement and budget to remove all payment requirements, now, therefore, be it

RESOLVED, that the Chairman be and is hereby authorized and directed to enter into an Amendment to the above Inter-Municipal Agreement and any and all amendments to that Agreement for the sole purpose of removing all payments previously required by the City of North Tonawanda to the County, and be it further

RESOLVED, that the Chairman be authorized and directed to execute any and all other related documents that may be required to ensure that the City of North Tonawanda is no longer required to pay the County for the employment of additional dispatchers.

Approved for Submission.

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

Carried

Moved by Bradt, seconded by Andres.

Approved. 13 Ayes, 0 Noes, 1 Absent – Hill.

**APPOINTMENTS:**

**YOUTH BOARD:**

Carmen A. Tonellato

Appt.	Expires
10/15/19	12/31/21

**TRAFFIC SAFETY BOARD**

David E. Godfrey (Replaces Clyde L. Burmaster)

10/15/19

12/31/20

Moved by Grozio, seconded by Andres.

Approved. 13 Ayes, 0 Noes, 1 Absent – Hill.

A Moment of Silence was held for former Legislator Ronald L. Perry.

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

The Chairman declared the Board adjourned at 10:27 p.m., subject to the call of the Clerk.

0 citizen spoke at this time on the General Welfare of the County.

  
Mary Jo Tamburlin, Clerk