

OFFICIAL RECORD

Lockport, New York
November 19, 2019

The meeting was called to order by Chairman McNall at 7:00 p.m.

Clerk Tamburlin called the roll. All Legislators were present, with the exception of Legislators Godfrey and Zona.

Moment of Silence was held for former Legislators Anthony Quaranto and Dominic Penale.

PRESENTATIONS:

Legislator Gooch invited Anthony Restaino the Commissioner of Social Services to the lectern to read a proclamation in recognition of Adoption Awareness Month in Niagara County. Mr. Restaino thanked his staff and families who have adopted children in Niagara County this year.

Legislator Andres called Kyle Nickerson and his family to the lectern read a Proclamation on Kyle's achievement on becoming an Eagle Scout.

Legislator Hill and Refuse Director Dawn Timm to the lectern to give a presentation on Niagara County Refuse Districts operations and budget

Chairman McNall introduced the new interns.

0 Citizens spoke

Recess

Motion by Bradt, Second by Andres to remove AD-024-19 from the agenda.
Carried

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

Resolution No. IL-065-19 was read at this time. (Appears in numerical order)

Resolution No. AD-023-19

From: Administration Committee.

Dated: November 19, 2019

DISTRIBUTION OF MORTGAGE TAX

WHEREAS, Niagara County has received mortgage tax monies for the period April, 2019 through September, 2019 in the amount of \$3,137,424.76, and

WHEREAS, the Recording Officer has previously distributed \$768,457.27 to the Niagara Frontier Transportation Authority, \$694,007.23 to the State Mortgage Tax Agency, and retained \$129,690.33 for approved county administrative expenses, and

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

RESOLVED, that the sum of \$1,545,269.93 reflects mortgage tax monies for the period April 1, 2019 through September 30, 2019 to be distributed, and the same be and hereby is, apportioned as follows among the various towns, villages and cities of the County of Niagara:

TOWNS	Cambria	\$ 44,310.63
	Hartland	21,672.49
	Lewiston	147,016.90
	Lockport	184,540.52
	Newfane	62,578.03
	Niagara	54,212.42
	Pendleton	86,653.87
	Porter	49,995.17
	Royalton	56,496.27
	Somerset	12,712.92
	Wheatfield	198,946.00
	Wilson	39,661.70
VILLAGES	Middleport (Hartland)	\$ 257.49
	Middleport (Royalton)	4,381.43
	Lewiston	17,813.80
	Youngstown	9,537.42
	Barker	1,051.38
	Wilson	4,288.66
CITIES	Lockport	\$ 127,206.21
	Niagara Falls	188,386.36
	North Tonawanda	<u>233,550.26</u>
	TOTAL:	\$1,545,269.93

and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Godfrey, Zona.

Resolution No. AD-025-19

From: Administration Committee.

Dated: November 19, 2019

**SET PUBLIC HEARING FOR THE TENTATIVE BUDGET FOR
THE YEAR 2020**

WHEREAS, the County Manager of the County of Niagara has submitted a tentative budget to the Niagara County Legislature, and

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

RESOLVED, that a public hearing be held in the Niagara County Courthouse, Lockport, New York at 6:50 p.m. on the 3rd day of December 2019, to review the tentative budget for the year 2020, and, be it further

RESOLVED, that the maximum salaries that may be fixed and payable during said fiscal year 2020 to members of the Legislature and the Chairman thereof, respectively, remain at the 2019 salary level and are specified as follows:

MEMBERS OF THE LEGISLATURE:	\$19,075 Annually
MAJORITY LEADER, MINORITY LEADER:	\$19,575 Annually
CHAIRMAN OF THE LEGISLATURE:	\$22,075 Annually

and be it further

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

Moved by Bradt, seconded by Nemi.

Adopted. 12 Ayes, 0 Noes, 2 Absent –Godfrey, Zona.

Resolution No. AD-026-19

From: Administration Committee.

Dated: November 19, 2019

**SET PUBLIC HEARING FOR ASSESSMENT TAX ROLL FOR
THE NIAGARA COUNTY WATER DISTRICT**

WHEREAS, the Niagara County Water District has submitted an assessment tax roll through the County Manager of the County of Niagara to the Niagara County Legislature, and

WHEREAS, pursuant to Section 271 of the County Law, a public hearing must be held, now, therefore, be it

RESOLVED, that a public hearing be held in the Niagara County Courthouse, Lockport, New York at 6:20 p.m. on the 3rd day of December 2019, to review the assessment tax roll for the Niagara County Water District, and, be it further

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

Moved by Bradt, seconded by Nemi.

Adopted. 12 Ayes, 0 Noes, 2 Absent –Godfrey, Zona.

Resolution No. AD-027-19

From: Administration Committee.

Dated: November 19, 2019

**SET PUBLIC HEARING FOR ASSESSMENT TAX ROLL FOR
THE NIAGARA COUNTY SEWER DISTRICT**

WHEREAS, the Niagara County Sewer District #1 has submitted an assessment tax roll through the County Manager of the County of Niagara to the Niagara County Legislature, and

WHEREAS, pursuant to Section 271 of the County Law, a public hearing must be held, now, therefore, be it

RESOLVED, that a public hearing be held in the Niagara County Courthouse, Lockport, New York at 6:30 p.m. on the 3rd day of December 2019, to review the assessment tax roll for the Niagara County Sewer District #1, and, be it further

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

Moved by Bradt, seconded by Nemi.

Adopted. 12 Ayes, 0 Noes, 2 Absent –Godfrey, Zona.

Resolution No. AD-028-19

From: Administration Committee.

Dated: November 19, 2019

**SET PUBLIC HEARING FOR ASSESSMENT TAX ROLL FOR
THE NIAGARA COUNTY REFUSE DISTRICT**

WHEREAS, the Niagara County Refuse District has submitted an assessment tax roll through the County Manager of the County of Niagara to the Niagara County Legislature, and

WHEREAS, pursuant to Section 271 of the County Law, a public hearing must be held, now, therefore, be it

RESOLVED, that a public hearing be held in the Niagara County Courthouse, Lockport, New York at 6:40 p.m. on the 3rd day of December 2019, to review the assessment tax roll for the Niagara County Refuse District, and, be it further

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

Moved by Bradt, seconded by Nemi.

Adopted. 12 Ayes, 0 Noes, 2 Absent –Godfrey, Zona.

Resolution No. CS-053-19

From: Community Services and Administration Committees.

Dated: November 19, 2019

2020 CONTRACTS - MENTAL HEALTH DEPARTMENT

WHEREAS, funds are available in the Year 2020 Tentative Budget under the various line items of the Mental Health Department, and

WHEREAS, the Mental Health Department upon the advice of the Niagara County Community Services Board, recommends that contracts between the Mental Health Department and the following agencies be approved for 2020, now, therefore, be it

RESOLVED, contingent upon approval of the Year 2020 Tentative Budget, the Director of Community Services be and 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.

.74500.01	Community Missions	\$ 664,190
.74500.01	New Directions (Wyndham Lawn)	75,492
.74500.01	Mental Health Association	172,995
.74500.01	Dale Association	52,864
.74500.01	Spectrum Human Services	69,012
.74500.01	United Cerebral Palsy	<u>37,284</u>
		\$1,071,837
CM.21.4322.415.74550.06	Reinvestment Programming	
.74550.06	Community Missions	\$ 179,395
.74550.06	Mental Health Association	175,464
.74550.06	New Directions (Wyndham Lawn)	99,438
.74550.06	Niagara Falls Memorial Medical Center	203,504
.74550.06	Dale Association	<u>120,292</u>
		\$ 778,093
CM.21.4322.416.74500.01	Case Management Programs	
.74500.01	Pinnacle (formerly Family & Children's)	\$ 673,524
.74500.01	New Directions (Wyndham Lawn)	157,354
.74500.01	Community Missions	133,180
.74500.01	Niagara Falls Memorial Medical Center	<u>84,498</u>
		\$1,048,556
CM.21.4322.423.74500.01	Supported Housing	
.74500.01	Community Missions	\$ 262,607
.74500.01	Living Opportunities of DePaul	<u>171,739</u>
		\$ 434,346
A.21.4310.000.74500.01	Best Self	
.74500.01	Contractual	\$ 250,000
A.21.4322.412.74500.01	Mental Health Association	
.74500.01	Contractual	\$ 102,366
A.21.4322.413.74500.01	NYS OASAS Peer Engagement Services	
.74500.01	Western New York Independent Living	\$ 146,444
A.21.4322.424	Cazenovia Recovery	
.74550.08	Alcoholism	\$1,479,391
A.21.4322.414	Northpointe Council	
.74550.08	Alcoholism	\$2,351,546

Moved by Gooch, seconded by Nemi.

Legislator Wydysh abstained from voting.

Adopted. 11 Ayes, 0 Noes, 2 Absent –Godfrey, Zona.

Resolution No. CS-054-19

From: Community Services and Administration Committees.

Dated: November 19, 2019

MH – BUDGET MODIFICATION – UTILIZE NYS OFFICE OF MENTAL HEALTH

ONE-TIME ONLY FEDERAL FUNDING - ADULT INTEGRATED CARE CLINICS

WHEREAS, the Niagara County Department of Mental Health and Substance Abuse Services (NCDMH) is committed to providing quality Mental Health and Substance Use Disorder treatment and services to County residents in need, and

WHEREAS, the department is committed to and has demonstrated operating the department in a fiscally conservative manner, and

WHEREAS, this resolution will allow the Adult Integrated Care Clinics to replace outdated and worn furniture, and refurbish the offices and client areas to make better use of space, resources, and create better organization, and

WHEREAS, the New York State Office of Mental Health (OMH) has given permission to utilize one-time only Federal funding (Federal Salary Sharing) to refurbish the Adult Integrated Care Clinic offices and client areas, and

WHEREAS, the funds will be used to update the Adult Integrated Care Clinic offices and client areas to create a more professional appearance, make more efficient use of the available space, and create a more welcoming atmosphere for clients, now, therefore, be it

RESOLVED, that the following budget modification be effectuated to the department's budget and the department authorized to work with Eaton Office Supply to purchase necessary furnishings effective November 20, 2019:

INCREASE REVENUE:

A.21.4310.000.44490.00	Mental Health Revenue	\$107,998
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INCREASE APPROPRIATION:

A.21.4310.000.72100.01	Furniture & Fixtures (Lockport Clinic)	\$ 53,160
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A.21.4310.000.72100.01	Furniture & Fixtures (Niagara Falls Clinic)	\$ 54,838
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Moved by Nemi, seconded by Hill.

Adopted. 12 Ayes, 0 Noes, 2 Absent –Godfrey, Zona.

Resolution No. CS-055-19

From: Community Services and Administration Committees.

Dated: November 19, 2019

2019 CONTRACT AGENCY COLA - MENTAL HEALTH DEPARTMENT

WHEREAS, the New York State Office of Alcoholism & Substance Abuse Services has approved an additional State Aid Cost of Living Adjustment (COLA) for the calendar year of 2019 for Cazenovia Recovery Systems, 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 Cazenovia Recovery Systems 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:

A.21.4322.424.43490.10	Alcoholism Agency	
.43490.10	Cazenovia Recovery Systems	\$ 16,291

INCREASE APPROPRIATIONS:

A.21.4322.424.74500.08	Alcoholism	
.74550.08	Cazenovia Recovery Systems	\$ 16,291

Moved by Wydysh, seconded by Syracuse.

Adopted. 12 Ayes, 0 Noes, 2 Absent –Godfrey, Zona.

Resolution No. CS-056-19

From: Community Services and Administration Committee.

Dated: November 19, 2019

**AWARD FOR OFA HOME DELIVERED MEALS
(RFP 2019-57)**

WHEREAS, the Office for the Aging has prepared specifications and the Purchasing Department requested sealed bids for the Niagara County Elderly Nutrition Program preparation and delivery, and

WHEREAS, the sealed bids were publicly opened and read by our Purchasing Department on November 12, 2019, as tabulated below, and

FeedMore WNY	Single Hot \$6.20	Hot/Cold Combo \$9.20
100 James E. Casey Drive		
Buffalo, NY 14206		
716-822-2002		

*Twin Cities Meals on Wheels, Inc.	Single Hot \$6.50	Hot/Cold Combo \$7.50
100 Ridge Road		
North Tonawanda NY 14120		
716-693-1663		

*Serving the City of North Tonawanda only

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

RESOLVED, that the contract for the Niagara County Elderly Nutrition Program for the Niagara County Office for the Aging (RFP 2019-57) be awarded to the following bidders, FeedMore WNY, 100 James E. Casey Drive, Buffalo NY 14206 for the following amounts \$6.20 Single Hot and \$9.20 Hot/Cold Combo serving all areas of Niagara County and Twin Cities Meals on Wheels, Inc. for City of North Tonawanda for \$6.50 Single Hot and \$7.50 Hot/Cold Combo, 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 Hill, seconded by Andres.

Adopted. 12 Ayes, 0 Noes, 2 Absent –Godfrey, Zona.

Resolution No. CSS-086-19

From: Community Safety & Security and Administration Committees.

Dated: November 19, 2019

DISTRICT ATTORNEY CRIMES AGAINST REVENUE 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 Crimes Against Revenue Program grant has been renewed for the calendar year 2020, and

WHEREAS, funding has been awarded in the amount of \$68,810 for the period January 1, 2020 through December 31, 2020, and

WHEREAS, basic revenue and appropriation figures for said program were calculated and are contained within the District Attorney's operating budget for the 2020 budget year, and

WHEREAS, the program will continue to fund one full time Assistant District Attorney, Position #10969, ATT II, Step 5, \$75,445 annually, with fringe benefits which shall remain coterminous with grant funding, now, therefore, be it

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Godfrey, Zona.

Resolution No. CSS-087-19

From: Community Safety & Security and Administration Committees.

Dated: November 19, 2019

RESOLUTION AUTHORIZING THE PUBLIC SAFETY RADIO NETWORK ENHANCEMENT PROJECT IN THE TOWNS OF NIAGARA AND LEWISTON

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

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

WHEREAS, Motorola and the County's independent consultant, Mission Critical Partners, LLC ("Mission Critical") have recommended an enhancement to the County's System that includes installation of facilities and antennas at the Fashion Outlet Mall in the Town of Niagara, installation of facilities on the water tower located at Town Hall in the Town of Niagara, and the construction of a radio tower and installation of facilities at the Highway Garage in the Town of Lewiston (the "Project"), and

WHEREAS, the County Legislature passed a resolution to act as lead agency for the purpose of reviewing possible impacts on the environment pursuant to the State Environmental Quality Review Act ("SEQRA"), and after conducting the required review under SEQRA adopted a Resolution on 9/19/19 finding that no significant adverse environmental impact would result from the Project and therefore issued a "negative declaration" under SEQRA, and

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

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

RESOLVED, that the Legislature of the County of Niagara hereby approves the Project and directs the Sheriff's Office and the County Manager to take such steps as are necessary to carry it out, including 1) Purchasing equipment, materials, and services as necessary from pertinent New York State Office of General Services approved contracts from Motorola Solutions Inc., in an amount not to exceed \$1,900,000.00; 2) in conjunction with the Purchasing Department soliciting sealed bids for necessary construction and ancillary work necessary in the Town of Niagara; and 3) in conjunction with the Purchasing Department soliciting sealed bids for the construction and ancillary work necessary in the Town of Lewiston; and 4) such other actions as are necessary for carrying out the Project, all contracts and agreements necessary hereunder are contingent on the review and approval of the Niagara County Attorney's Office.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Godfrey, Zona.

Resolution No. CSS-087-19

From: Community Safety & Security and Administration Committees.

Dated: November 19, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION –ASSETS FORFEITURE EXPENSES**

WHEREAS, the Niagara County Sheriff's has Federal Asset Forfeiture Funds which are in a Committed Fund and federally regulated on qualifying expenditures, and

WHEREAS, the Niagara County Sheriff's Office needs to do a budget amendment to spend asset forfeiture funds on propane for the helicopter storage hanger and computer monitors for the Drug Task Force Unit, now therefore, be it

RESOLVED, that the 2019 budget be modified as follows:

INCREASE REVENUE:

A.17.3110.000.44389.02	Other Public Safety	\$2,000.00
	Other Public Safety Asset Forfeiture	

INCREASE APPROPRIATIONS:

A.17.3110.000.74500.05	Contractual Expenses	\$2,000.00
	Asset Forfeiture Dept Justice	

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Godfrey, Zona.

Resolution No. CSS-089-19

From: Community Safety & Security and Administration Committees.

Dated: November 19, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION – TRANSPORT VEHICLES**

WHEREAS, the Raise the Age Law has changed the way that 16 year olds (as of October 1, 2018) and 17 year olds (as of October 1, 2019) are housed once they are arrested, and

WHEREAS, the Niagara County Sheriff's Office is transporting these juveniles to appropriate detention facilities, and

WHEREAS, there is a shortage of available beds for juvenile detainees so the Sheriff's Office is often traveling long distances including Albany and Long Island, and

WHEREAS, the extra mileage is wearing down the Sheriff's Office vehicles at a much faster rate than previous to the law, and

WHEREAS, the Niagara County Sheriff's Office requested transport vehicles in the Raise the Age Plan which was denied by New York State, and

WHEREAS, the Niagara County Sheriff's Office will have an excess revenue in the jail for 2019, the Sheriff's Office has determined that the best way to maintain our current fleet is to purchase three vehicles to be used for transports, now, therefore, be it

RESOLVED, that the 2019 budget be modified as follows:

INCREASE REVENUE:

A.17.3150.000 42264.00	Jail Facilities Services, Other Gov Revenue	\$112,900
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INCREASE APPROPRIATIONS:

A.17.3110.000.72100.12	Machinery and Equipment Cars/Vans/Light Trucks	\$ 91,000
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A.17.3110.000 74800.11	Maintenance Vehicle Maintenance	\$ 21,900
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Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Godfrey, Zona.

Resolution No. CSS-090-19

From: Community Safety & Security and Administration Committees.

Dated: November 19, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE
ACCEPT STOP VAWA FORMULA AWARD**

WHEREAS, the Niagara County Sheriff's Office received notification from the New York State Department of Criminal Justice Services that they were awarded \$66,750.00, with \$22,250.00 match through STOP Violence Against Women Act Formula Grant for the period of January 1, 2020 through December 31, 2020, and

WHEREAS, the Niagara County Sheriff's Office has received this grant for many years, and

WHEREAS, these grant funds provide funding for our Domestic Violence Intervention Program to enhance and improve the services for all affected residents of Niagara County by providing comprehensive and consistent intervention to victims of Domestic Violence, and

WHEREAS, the funds are built into the 2020 proposed budget, and

WHEREAS, the grant needs to be accepted, 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. 12 Ayes, 0 Noes, 2 Absent – Godfrey, Zona.

Resolution No. CSS-091-19

From: Community Safety & Security and Administration Committees.

Dated: November 19, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION - EXPENDITURE OF CELLULAR E911 REVENUE**

WHEREAS, the Niagara County Legislature passed a Local Law on November 5, 2017 which established an E911 surcharge for cellular phones to establish a dedicated revenue to be used for future payments for system costs, eligible wireless 911 service costs, or other costs associated with the administration, design, enhanced wireless 911 service costs serving Niagara County, and

WHEREAS, such expenditures require the authorization of the Niagara County Legislature, and

WHEREAS, the 911 Communication System is in need of a five year hardware refresh which is essential to update the servers and PCs that are more than five years old and out of warranty as well as refreshing the system and hardware support and warranties for the 911 center, and

WHEREAS, the Niagara County Division of Purchasing issued Bid # 2019-51 911 System Hardware Refresh with Support for Niagara County Sheriff's Office, and

WHEREAS, there were three bids and the bid was awarded to Kraus Associates, Inc. d/b/a AK Associates for the amount of \$288,646.94 which was the lowest bid, now, therefore, be it

RESOLVED, that the County enter into an agreement with AK Associates for the services as outlined in Bid # 2019-51, and be it further

RESOLVED, that the following line item transfers be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

A.19.3020.000 40599.01	Appropriated Fund Balance – Committed Funds	\$ 288,647
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INCREASE APPROPRIATIONS:

A.19.3020.000 74500.01	Contractual Expenses	\$ 288,647
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Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Godfrey, Zona.

Resolution No. CSS-092-19

From: Community Safety & Security and Administration Committees.

Dated: November 19, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION - EXPENDITURE OF CELLULAR E911 REVENUE (GPS)**

WHEREAS, the Niagara County Legislature passed a Local Law on November 5, 2017 which established an E911 surcharge for cellular phones to establish a dedicated revenue to be used for future payments for system costs, eligible wireless 911 service costs, or other costs associated with the administration, design, enhanced wireless 911 service costs serving Niagara County, and

WHEREAS, such expenditures require the authorization of the Niagara County Legislature, and

WHEREAS, the 911 Communication System is in need of a five year hardware refresh which also requires GPS Equipment to be updated, and

WHEREAS, the Niagara County Sheriff's Office has one quote and is in the process of pursuing additional quotes per the Niagara County Purchasing Guidelines, and

WHEREAS, the first quote was for \$16,705 so the resulting expense will not be more than this amount since the lowest quote will be used, now, therefore, be it

RESOLVED, that the following line item transfers be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

A.19.3020.000 40599.01	Appropriated Fund Balance – Committed Funds	\$ 16,705
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INCREASE APPROPRIATIONS:

A.19.3020.000 72100.15	Communications Equipment	\$ 16,705
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Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Godfrey, Zona.

Resolution No. CSS-093-19

From: Community Safety & Security and Administration Committees.

Dated: November 19, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE
ACCEPT FORENSIC LABORATORY COVERDELL GRANT**

WHEREAS, the Niagara County Sheriff's Office received a renewal grant from the New York State Department of Criminal Justice Services for the Forensic Laboratory in the amount of \$53,518.00 for the period of January 1, 2020 through December 31, 2020, and

WHEREAS, this grant funds a part-time clerical position, lab overtime expenses and opioid testing laboratory supplies, and

WHEREAS, it is desirable to continue such a position to answer the phones, input data and other clerical duties that relieve the chemists from the interruptions of such duties, and

WHEREAS, the position (# 10931) is budgeted in the 2020 budget so no modifications need to be made for the position, now, therefore, be it

RESOLVED, that the part-time clerical position continue to be co-terminus with the grant, and be it further

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. 12 Ayes, 0 Noes, 2 Absent – Godfrey, Zona.

Resolution No. CSS-094-19

From: Community Safety & Security and Administration Committees.

Dated: November 19, 2019

2020 PROBATION SOFTWARE MAINTENANCE AGREEMENT FOR CASELOAD EXPLORER

WHEREAS, the Niagara County Probation Department has been using the Caseload Explorer case management software system since 2008, and

WHEREAS, Caseload Explorer is used by the Probation Department to track and manage all aspects of Probation cases, generate reports used to effectively manage and ensure efficiency in the Probation Department, automatically update the NYS Integrated Probation Registration System, NYS criminal history records, the DCJS Sex Offender Registry, and the statewide Pre-Sentence Investigation Repository as well as generate data and reports required by NYS to ensure continued funding, and

WHEREAS, AutoMon, LLC is the only company to offer Caseload Explorer, and Caseload Explorer is the only probation case management software system with access to the aforementioned state systems and the ability to generate the specific data reports required by NYS Department of Criminal Justice Services, and

WHEREAS, the maintenance costs and user fees associated with Caseload Explorer are included in the 2020 Niagara County Budget Request, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby determine that AutoMon, LLC is the "sole source" of the software needed by the Probation Department, and soliciting alternate proposals is therefore not feasible, and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to sign the software maintenance agreement for Caseload Explorer in the amount of \$13,766 for the period of 1/1/2020 through 12/31/2020, subject to approval by the County Attorney's Office.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Godfrey, Zona.

Resolution No. CSS-095-19

From: Community Safety & Security and Administration Committees.

Dated: November 19, 2019

**ACCEPTANCE OF 2019 HAZARDOUS MATERIALS
EMERGENCY PREPAREDNESS (HMEP) GRANT - HOMELAND SECURITY GRANTS**

WHEREAS, the County of Niagara is required to certify its acceptance of the 2019 Hazardous Materials Emergency Preparedness (HMEP) grant through the Department of Homeland Security for the period of 10/1/19 to 9/30/20, at some cost to the County, and

WHEREAS, the grant for HMEP 2019 to be awarded will be in the amount of \$1,750 (80%) and the matching County funds will be in the amount of \$437.50 (20%). The funds will be used to purchase training board equipment and supplies, and, now, therefore, be it

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Godfrey, Zona.

Resolution No. CW-023-19

From: Committee of the Whole.

Dated: November 19, 2019

**RATIFICATION OF AGREEMENT BETWEEN NIAGARA COUNTY
UNIT 7650 OF LOCAL 832, CIVIL SERVICE EMPLOYEES ASSOCIATION, INC.
LOCAL 1000, AFSCME, AFL-CIO AND THE COUNTY OF NIAGARA, NEW YORK**

WHEREAS, the County of Niagara, and the Niagara County Unit 7650 of Local 832, Civil Service Employees Association, Inc. Local 1000, AFSCME, AFL-CIO (CSEA) have reached a tentative agreement for the period of January 1, 2020 through December 31, 2023, (the Tentative Agreement), and

WHEREAS, said Tentative Agreement was ratified by CSEA on November 14, 2019, and

WHEREAS, funds are available in the 2020 tentative budget appropriations to carry out the fiscal obligations in the tentative agreement, and

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

RESOLVED, that upon a vote and approval of the County Legislature on November 19, 2019, the Tentative Agreement will be approved as the final ratified agreement between the parties for the period of January 1, 2020 through December 31, 2023 (the "Agreement"), and be it further

RESOLVED, that the County Manager is authorized to direct the Departments of Human Resources, Risk Management, Budget, and the Treasurer's Office to implement and administer the provisions of the Agreement, and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to execute said agreement on behalf of the County of Niagara, subject to the approval of the County Attorney.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Godfrey, Zona.

Resolution No. ED-025-19

From: Economic Development and Administration Committees.

Dated: November 19, 2019

**RESOLUTION AUTHORIZING NIAGARA COUNTY TO ENTERING
INTO AN AGREEMENT WITH NYSDEC, THE OIL SPILL FUND
AND NORLIC REGARDING IN REM PROPERTIES**

WHEREAS, the Niagara County Legislature passed Resolution IL-029-00 on October 17, 2000, that requires certain County departments to review properties with unpaid Niagara County tax liens prior to the commencement of the In Rem process to ensure that contaminated properties are not taken by In Rem, and

WHEREAS, if the County were to acquire a contaminated property through the In Rem process the County would be burdened with cost of remediation, and

WHEREAS, certain tax delinquent properties have been identified as contaminated and removed from the In Rem foreclosure list due to environmental liability issues, and

WHEREAS, Niagara County has been working with New York State Department of Environmental Conservation (NYSDEC) on a method to address this issue, and

WHEREAS, the environmental liability associated with petroleum contaminated properties is also regulated by the Office of State Comptroller, New York Environmental Protection and Spill Compensation Fund (Oil Spill Fund), and

WHEREAS, Niagara County is a member of the Niagara Orleans Regional Land Improvement Corporation (NORLIC) which was created to assist local communities with problems associated with vacant, abandoned, underutilized and contaminated properties, and

WHEREAS, an agreement has been prepared among Niagara County, NORLIC, NYSDEC, and the Oil Spill Fund to release the County and NORLIC from cleanup liability for contaminated tax delinquent properties in Niagara County, now, therefore, be it

RESOLVED, that the Chairman be, and hereby is, authorized and directed to execute an Agreement among the County, NORLIC, NYSDEC, the Oil Spill Fund, and be it further

RESOLVED, the Agreement shall be subject to the approval of the County Attorney.

Moved by Andres, seconded by Syracuse.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Godfrey, Zona.

Resolution No. IF-121-19

From: Infrastructure & Facilities and Administration Committees.

Dated: November 19, 2019

**BUDGET MODIFICATION FOR WATER TREATMENT PLANT
GENERATOR UPGRADES – WATER DISTRICT**

WHEREAS, Niagara County Water District Administrative Board authorized the Administrative Director to go to bid for the Water Treatment Plant Generator Upgrades, and

WHEREAS, bids received were above the estimated project cost in the 2019 operating budget, and

WHEREAS, the Niagara County Water District Administrative Board has accepted the bids, under Contract No. 19-2, WPN 3146-19-02, and

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

RESOLVED, that the following 2019 budget modification be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

FX.40599.00	Appropriated Fund Balance	\$325,000
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INCREASE APPROPRIATION:

FX.31.8330.000 72100.27	Water System Improvements	\$325,000
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Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Godfrey, Zona.

Resolution No. IF-122-19

From: Infrastructure & Facilities and Administration Committees.

Dated: November 19, 2019

**APPROVAL OF CONTRACT ADDENDUM FOR ADDITIONAL SERVICES TO
BE PERFORMED BY CHA CONSULTING, INC. FOR
THE NIAGARA COUNTY REFUSE DISPOSAL DISTRICT**

WHEREAS, the Niagara County Refuse Disposal District and CHA Consulting, Inc. entered into a contract whereby CHA Consulting, Inc. agreed to provide certain specified services for Niagara County Refuse Disposal District in regards to C&D Landfill. Landfill #1 and Landfill #2, and

WHEREAS, said contract was fully executed by the Niagara County Refuse Disposal District and CHA Consulting, Inc. on June 26, 2014, and

WHEREAS, said June 24, 2014 contract contains clauses which contemplate the eventuality of additional services to be performed by CHA Consulting, Inc. for the Niagara County Refuse Disposal District in regards to C&D Landfill, Landfill #1 and Landfill #2, and

WHEREAS, said June 24, 2014 contract contains clauses which permit said additional services to be performed pursuant to a valid written Amendment/Addendum to said June 24, 2014 contract, which is to be signed by authorized representatives of Niagara County Refuse Disposal District and CHA Consulting, Inc., and

WHEREAS, additional services to be performed by CHA Consulting, Inc. for the Niagara County Refuse Disposal District in regards to the addition of tasks associated with data management, review, interpretation and optimization of leachate collection at C&D, Landfill 1 and Landfill 2 and surface water management and alternate site inspection options through use of drone footage, and

WHEREAS, CHA Consulting, Inc. has submitted a detailed Scope of Work and the corresponding Professional Fees to be charged by CHA Consulting, Inc. to Niagara County Refuse Disposal District to complete the above-referenced additional services in regards to the addition of tasks associated with data management, review, interpretation and optimization of leachate collection at C&D, Landfill 1 and Landfill 2 and surface water management and alternate site inspection options through use of drone footage, and

WHEREAS, the proposed Professional Fees to be charged by CHA Consulting, Inc. to Niagara County Refuse Disposal District to complete the above-referenced additional services in regards to the monitoring network shall not exceed \$65,000.00, and

WHEREAS, the Niagara County Refuse Disposal District wishes to enter into an Amendment/Addendum to the June 24, 2014 contract with CHA Consulting, Inc. for above-referenced additional services, and

WHEREAS, prior to the execution of the such contract Amendment/Addendum, the County Attorney will review all documents for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that the Niagara County Refuse Disposal District is hereby authorized to enter into an Amendment/Addendum to the June 24, 2014 contract with CHA Consulting, Inc. Amendment/Addendum to complete the above-referenced additional services in regards to C&D Landfill, Landfill #1 and Landfill #2 and the amount to be paid by the Niagara County Refuse Disposal District to CHA Consulting Inc. for said additional services shall not exceed the amount of \$65,000.00, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Godfrey, Zona.

Resolution No. IF-123-19

From: Infrastructure & Facilities and Administration Committees.

Dated: November 19, 2019

DPW-PARKS BUDGET MODIFICATION

WHEREAS, the Clyde L. Burmaster Bond Lake Park Warming House is rented out for various functions throughout the year, in compliance with the Niagara County Parks Policy, and

WHEREAS, in some cases, the County retains the security deposit from these various functions due to damage or cancelations, and

WHEREAS, in some cases, people have been sentenced to make restitution for various damages caused outside of the Warming House, and

WHEREAS, the Public Works Department wishes to appropriate this revenue, that has been accumulating, for the purchase of miscellaneous items, such as tables and chairs, for the Clyde L. Burmaster Bond Lake Park Warming House, now, therefore, be it

RESOLVED, that the following budget modification be effectuated for the purchase of miscellaneous items for the Clyde L. Burmaster Bond Lake Park Warming House.

INCREASE ESTIMATED REVENUE:

A.15.7110.000. 40080.00	Event Security Deposits	\$2,400.00
A.15.7110.000.42690.01	Compensation for Loss – Restitution	270.74

INCREASE APPROPRIATIONS:

A.15.7110.000. 74800.10	Misc. Equipment under \$500	\$2,670.74
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Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Godfrey, Zona.

Resolution No. IF-124-19

From: Infrastructure & Facilities Committee.

Dated: November 19, 2019

**AWARD NIAGARA COUNTY GOLF COURSE
RESTAURANT CONCESSION LEASE**

WHEREAS, the Department of Public Works, Parks Division has prepared specifications and the Niagara County Purchasing Department has advertised for proposals for the Niagara County Golf Course Restaurant Concession Lease, and

WHEREAS, the Department of Public Works, along with the Purchasing Department, has received and reviewed the two (2) proposals submitted, and

WHEREAS, after review of the proposals, the Department of Public Works ranked CW's 19th Hole Bar and Grill as the vendor that best meets the goals and objectives of 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 the contract for the Niagara County Golf Course Restaurant Concession Lease be awarded to Anissa Lee Webb, 2545 NE Coachman Road Apt. 51, Clearwater, FL 33765, in the amount of \$15,000 for 2020 and \$15,500 for 2021, and \$16,000 for 2022, with a possible three (3) separate one-year extensions with an annual increase of an additional five-hundred dollars, 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. 12 Ayes, 0 Noes, 2 Absent – Godfrey, Zona.

Resolution No. IF-125-19

From: Infrastructure & Facilities Committee.

Dated: November 19, 2019

**RESCINDING THE RESOLUTION ENTITLED
"NIAGARA COUNTY HIGHWAY DEPARTMENT DRESSER ROLLER AS SURPLUS"**

WHEREAS, the Niagara County Highway Department previously purchased and utilized a Dresser Roller for Highway improvement projects, and

WHEREAS, by Resolution No. IF-079-19 dated June 18, 2019, the Niagara County Highway Department declared that the Department no longer had a use for this Dresser Roller equipment, and authorized the Department in conjunction with the Office of Management and Budget, to notify the various villages, towns and cities of the surplus equipment, and

WHEREAS, pursuant to the responses received from the various villages, towns and cities the Niagara County Highway Department has no desire to transfer its ownership of said equipment, now, therefore, be it

RESOLVED, that the County Legislature hereby rescinds Resolution No. IF-079-19, and further authorizes the Niagara County Highway Department to retain said equipment for future use.

Moved by Bradt, seconded by Virtuoso.
Adopted. 12 Ayes, 0 Noes, 2 Absent – Godfrey, Zona.

Resolution No. IF-126-19

From: Infrastructure & Facilities Committee.

Dated: November 19, 2019

**RESOLUTION FOR AN AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF
TRANSPORTATION FOR THE ACCEPTANCE OF COMPENSATION
RELATING TO APPROPRIATED LAND**

WHEREAS, the County of Niagara, as owner, has allowed the state to appropriate a certain parcel(s) of land(s) located in the town of Cambria (shown and described in Map(s) 73, Parcel(s) 69 filed with the Niagara County Clerks) for a right-of way, relating to the State of New York Department of Transportation's project PIN 581149221, Project SH9094 Sanborn-Lockport, and

WHEREAS, the compensation to be paid by the State for the total value of the property appropriated and for all legal damages caused by such appropriation, including all damages incurred by virtue and during the pendency of said appropriation proceedings, and including all damages to the remainder of said affected property, if any, of which the appropriated area formed a part, whether caused by said appropriation or by the use of said appropriated property, excepting the aggregate value, if any, of claims if any, is the sum of Five Hundred and 00/100 dollars (\$500.00), and

WHEREAS, the County of Niagara desires to enter into a proposed agreement with the Commissioner of Transportation for the People of the State of New York (the "State") that provides for acceptance of said compensation, and

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Godfrey, Zona.

Resolution No. IF-127-19

From: Infrastructure & Facilities Committee.

Dated: November 19, 2019

**AWARD KRULL PARK SHORELINE REHABILITATION PROJECT
CONSULTANT CONTRACT**

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with the Krull Park Shoreline Rehabilitation Project, and

WHEREAS, Niagara County has received a notice of award for a Federal Emergency Management Agency Grant, which covers seventy-five percent (75%) of the associated costs for the removal and replacement of a concrete barrier sea wall, and for the restoration of the embankment slope to pre-disaster design and functions, and

WHEREAS, the Department of Public Works will pursue other funding opportunities to assist the County with covering the twenty-five percent (25%) match required with this notice of award, and

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

RESOLVED, that the following budget modification be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

A 40599.00	Appropriated Fund Balance	\$314,749
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INCREASE APPROPRIATIONS:

A.07.9901.000 79010.10	Transfer to Capital Reserve	\$314,749
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INCREASE APPROPRIATED FUND BALANCE:

AH.07.9901.000.45031.00	Transfer from Operations	\$314,749
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INCREASE CAPITAL CONSTRUCTION:

AH.07.9950.000.79010.00	Transfer to Capital	\$314,749
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INCREASE ANTICIPATED REVENUE:

H705.15.7110.000.44960.01	Federal Aid –	\$1,888,493
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H705.15.7110.000.45031.10	Emergency Disaster Asst. - General Capital Reserve	\$314,749
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INCREASE ANTICIPATED EXPENSES:

H705.15.7110.000.72400.00	Land Improvements – Krull Park Shoreline	\$2,203,242
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RESOLVED, that the consultant services contract for the Krull Park Shoreline Rehabilitation Project be awarded to WSP USA Inc., 50 Lakefront Boulevard, Suite 111, Buffalo, NY 14202, for a contract amount not to exceed \$375,979, 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 award is contingent upon approval of WSP's scope of services and fee by the Department of Homeland Security and Emergency Services.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Godfrey, Zona.

Resolution No. IF-128-19

From: Infrastructure & Facilities Committee.

Dated: November 19, 2019

**BOND LAKE MAINTENANCE BUILDING
CHANGE ORDER NO. 1**

WHEREAS, by Resolution No. IF-103-19, dated September 19, 2019, the Legislature awarded the contract for the Bond Lake Maintenance Building Project to Rickard General Construction, 4919 Black Nose Spring Road, Sanborn, NY 14132, for a contract amount of \$97,862, and

WHEREAS, it is necessary to increase the contract in the amount of \$3,050 for the removal of tree stumps and backfilling, for a revised contract amount of \$100,912, 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 \$3,050 for the Bond Lake Maintenance Building Project, for a revised contract amount of \$100,912, to Rickard General Construction, 4919 Black Nose Spring Road, Sanborn, NY 14132, 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. 12 Ayes, 0 Noes, 2 Absent – Godfrey, Zona.

Resolution No. IF-129-19

From: Infrastructure & Facilities Committee.

Dated: November 19, 2019

**APPROVAL OF THE PURCHASE OF PROPERTY AT 6755 NORTH CANAL ROAD, LOCKPORT,
NEW YORK FOR THE CONSTRUCTION OF AN END SECTION**

WHEREAS, John M. Morton is the owner of property situated at 6755 North Canal Road, Lockport, New York 14094, and

WHEREAS, Niagara County has negotiated with the property owner, John M. Morton, for installation of an end section to an existing cross road culvert that is beyond the road's right-of-way, and

WHEREAS, as compensation, the County and John M. Morton have agreed to the sum of three hundred fifty seven dollars, (\$357.00), and

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

RESOLVED, that the Niagara County Legislature approves the purchase of property particularly shown and described in Map 1607-2 as Parcel 2, in the amount of three hundred fifty seven dollars (\$357.00), payable to John M. Morton, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Godfrey, Zona.

Resolution No. IF-130-19

From: Infrastructure & Facilities Committee.

Dated: November 19, 2019

**APPROVAL OF THE PURCHASE OF PROPERTY AT 6683 NORTH CANAL ROAD, LOCKPORT,
NEW YORK FOR THE CONSTRUCTION OF DRAINAGE STRUCTURES AND PIPING**

WHEREAS, David T. and Paula J. Devereaux are the owners of property situated at 6683 North Canal Road, Lockport, New York 14094, and

WHEREAS, Niagara County has negotiated with the property owner, David T. and Paula J. Devereaux, for installation of drainage structures and piping off of the road's Right-of-Way, and

WHEREAS, as compensation, the County and David T. and Paula J. Devereaux have agreed to the sum of one thousand ninety four dollars, (\$1,094.00), and

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

RESOLVED, that the Niagara County Legislature approves the purchase of property particularly shown and described in Map 1607-1 as Parcel 1, in the amount of one thousand ninety four dollars (\$1,094.00), payable to David T. and Paula J. Devereaux, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Godfrey, Zona.

Resolution No. IF-131-19

From: Infrastructure & Facilities Committee.

Dated: November 19, 2019

**APPROVAL OF THE PERMANENT EASEMENT AGREEMENT BETWEEN NIAGARA COUNTY
AND NEW ROYAL FARMS AKA NEWROYAL FARMS**

WHEREAS, New Royal Farms is the owner of property situated along North Canal Road, Lockport, New York 14094, and

WHEREAS, Niagara County has negotiated with the property owner, New Royal Farms, for a permanent easement to construct an extension to an existing cross road culvert, and the extension is beyond the right-of-way, and

WHEREAS, as compensation, the County and New Royal Farms has agreed to the sum of one hundred twenty three dollars, (\$123.00), and

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

RESOLVED, that the Niagara County Legislature approves the Permanent Easement for Niagara County to construct an extension to an existing cross culvert that is beyond the right-of-way, in the amount of one hundred twenty three dollars (\$123.00), payable to New Royal Farms, 7577 Slayton Settlement Road, Gasport, NY 14067, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Godfrey, Zona.

Resolution No. IF-132-19

From: Infrastructure & Facilities Committee.

Dated: November 19, 2019

**APPROVAL OF THE PERMANENT EASEMENT AGREEMENT BETWEEN
NIAGARA COUNTY AND JOHN E. WULF**

WHEREAS, John E. Wulf, is the owner of property situated at 7188 North Canal Road, Lockport, New York 14094, and

WHEREAS, Niagara County has negotiated with the property owner, John E. Wulf, for a permanent easement to allow the maintenance of an existing drainage structure, and the extension is beyond the right-of-way, and

WHEREAS, as compensation, the County and John E. Wulf, has agreed to the sum of one thousand two hundred fifty dollars, (\$1,250.00), and

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

RESOLVED, that the Niagara County Legislature approves the Permanent Easement for Niagara County to maintain an existing drainage structure that is beyond the right-of-way, in the amount of one thousand two hundred fifty dollars (\$1,250.00), payable to John E. Wulf, 7188 North Canal Road, Lockport, NY 14094, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Godfrey, Zona.

Resolution No. IF-134-19

From: Infrastructure & Facilities Committee.

Dated: November 19, 2019

**BRIDGE DECK OVERLAYS PROJECT, TOWNS OF HARTLAND, PENDLETON,
AND WILSON - FEDERAL AID LOCAL PROJECT AGREEMENT**

WHEREAS, the Bridge Deck Overlays Project, Towns of Hartland, Pendleton, and Wilson, Niagara County, BINs 3090250, 3328930, 3329000, 3329550, 3329620, and 3329640 (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 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 Construction/Construction Inspection phases of the project or portions thereof, and be it further

RESOLVED, that the sum of \$191,000 is hereby appropriated in account H689.15.5197.000 72600.02, Bridges, 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 Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Godfrey, Zona.

Resolution No. IF-134-19

From: Infrastructure & Facilities Committee.

Dated: November 19, 2019

**WAIVER OF RESIDENCY REQUIREMENT
MICRO COMPUTER LEGAL SYSTEMS SPECIALIST – IT DEPARTMENT**

WHEREAS, the Niagara County IT Department has permission to fill a Micro Computer Legal Specialist position vacancy, which is vital to satisfy requirements as mandated by NYS Criminal Justice Reform Act and Article 245 of the Criminal Procedure Law, and

WHEREAS, due to challenges with recruitment for this important position, Niagara County Civil Service opened the Micro Computer Legal Specialist position to residents of counties contiguous to Niagara County, and

WHEREAS, all Niagara candidates who were qualified and interviewed for the Micro Computer Legal Systems Specialist position either declined said position, or were not deemed qualified after said interviews, and

WHEREAS, the Department has made a diligent and sincere effort to recruit candidates for the position from within Niagara County, including newspaper announcements and job recruitment sites, and

WHEREAS, there are no remaining Niagara County applicants for this position at this time, now, therefore, be it

RESOLVED, that a Waiver of Residence from the policy to hire only Niagara County residents be approved to fill the vacant Micro Computer Legal Systems Specialist when the most qualified applicant resides outside Niagara County.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Godfrey, Zona.

Resolution No. IL-060-19

From: Legislator Wm. Keith McNall and Administration Committee.

Dated: November 19, 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.

Moved by McNall, seconded by Andres.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Godfrey, Zona.

Resolution No. IL-060-19

From: Legislator Wm. Keith McNall and Administration Committee.

Dated: November 19, 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 6th 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 Andres; seconded by Nemi to amend resolution.

Amendment:

Additional RESOLVED after the last RESOLVED:

RESOLVED, that the following budget modifications are effectuated:

INCREASE REVENUE:

A.28.8020.811.40599.01 Appropriated Fund Balance Committed Funds \$75,000.00

INCREASE APPROPRIATIONS:

A.28.8020.811.74550.29 Programs Beautification Program \$75,000.00

Moved by Andres, seconded by Andres.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Godfrey, Zona.

Executive Session moved by Andres, seconded by Bradt. Contract negotiations. 7:58pm. Executive Session ended at

Moved by Andres, seconded by Bradt to enter into Executive Session at 7:58pm re: Contract Negotiations. Carried.

Moved by Andres, seconded by Syracuse to adjourn Executive Session at 8:14pm. Carried.

Resolution No. CW-023-19 was read at this time. (Appears in numerical order)

APPOINTMENTS:

	<u>Appt.</u>	<u>Expires</u>
<u>AGRICULTURE AND FARMLAND PROTECTION BOARD:</u>		
Jeremy Silsby (Replaces Andrew Milleville)	11/19/19	12/31/21

Justin Rogers, Executive Director (Replace Cathy Lovejoy Maloney)	11/19/19	12/31/20
Cornell Cooperative Extension, 4487 Lake Ave., Lockport 14094		

<u>COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY COMMITTEE:</u>		
Justin Rogers, Executive Director (Replaces James Fallon)	11/19/19	12/31/19
Cornell Cooperative Extension 4487 Lake Ave., Lockport 14094		

<u>PLANNING BOARD</u>		
J. Anthony Collard	11/19/19	12/31/21
840 Lockport Road, Youngstown, 14174		
Moved by McNall, seconded by Andres.		
Adopted. 12 Ayes, 0 Noes, 2 Absent – Godfrey, Zona.		

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

The Chairman declared the Board adjourned at 8:18 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