

A public hearing was held pursuant to ED-019-18, adopted by the Legislature on October 16, 2018, for the purpose of hearing public comments on Considering the Use of Community Development Block Grant Program Income Funds . Legislator Collins opened the hearing at 6:30 p.m. and closed it at approximately 6:35 p.m.

A public hearing was held pursuant to ED-020-18, adopted by the Legislature on October 16, 2018, for the purpose of hearing public comments on community needs and proposal for the application for CDBG . Legislator Collins opened the hearing at 6:45 p.m. and closed it at approximately 6:50 p.m

## **OFFICIAL RECORD**

Lockport, New York  
November 20, 2018

The meeting was called to order by Chairman McNall at 7:02 p.m.

Clerk Tamburlin called the roll. All Legislators were Present with the exception of Legislators Bradt and Grozio.

Legislator Steed thanked Sheriff Voutour, Undersheriff Filicetti and Captain Patrick Weidel for volunteering a Thanksgiving Day Feast at Doris Jones Family Resource Center on Monday November 20, 2018.

Chairman introduced the new interns.

### **CORRESPONDENCE & RECOGNITION:**

Chairman McNall announced Governor Cuomo will be awarding Niagara County \$6.4 million in grant funding for bridge repairs throughout the County.

Chairman McNall announced with the resignation of Legislator Kathryn L. Lance, he will be forming a committee for the 7<sup>th</sup> district vacancy. On that committee will be Legislators Bradt, Wydysh and Steed. Applications will be accepted until December 6<sup>th</sup>.

Chairman McNall announced all Standing Committees will meet on December 4<sup>th</sup> 5:00 pm.

### **PRESENTATIONS:**

1. Legislators Godfrey and Syracuse called Senator Ortt, Sheriff James Voutour and Undersheriff Michael Filicetti to the lectern to recognize Sheriff Deputy John Vosburgh who saved a life of a 4 year old child from the waters of Lake Ontario. Legislators Godfrey and Syracuse read a proclamation and thanked the Deputy for his unselfish service.
2. Legislator Andres 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.
3. Legislator Nemi invited John Lomeo, President and CEO of Niagara Hospice to the lectern to read a proclamation on their 30<sup>th</sup> anniversary declaring November 2018 Hospice Month in Niagara County.
4. Legislator Syracuse invited Amanda Henning, Cornell Cooperative Extension and Ed Flynn, Planning Division Director for LaBella to the lectern to give a presentation on the recommendations benefiting Niagara County Agricultural and Farmland Protection Plan.

0 citizens spoke at this time.

Recess

Moved by Wydysh, second by Andres, to remove CS-048-18 from the preferred agenda.  
Carried.

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

Moved by Syracuse, seconded by Virtuoso.  
Adopted. 12 Ayes, 0 Noes, 2 Absent – Bradt, Grozio

**Resolution No. AD-021-18**

From: Administration Committee.

Dated: November 20, 2018

**REAL PROPERTY TAX CORRECTIONS/CANCELLATIONS  
NO. COE-2018C**

WHEREAS, the Director of Real Property Tax Services has received applications for refunds and/or corrections applicable to various outstanding Niagara County tax liens, or has been made aware that unenforceable tax liens exist upon certain real property owned by the State of New York and/or the United States, and

WHEREAS, the Director has investigated the claimed erroneous assessments and/or unenforceable liens in accordance with sections 554, 556, and 558 of the New York State Real Property Tax Law, now, therefore, be it

RESOLVED, that the applications and/or lien cancellations be approved and/or denied as set forth in the attached Exhibit No. COE-2018C which is made a part hereof, and subsequently be charged back to the applicable town, city, special district and school district within the County of Niagara.

Moved by Syracuse, seconded by Virtuoso.  
Adopted. 12 Ayes, 0 Noes, 2 Absent – Bradt, Grozio

**Resolution No. AD-022-18**

From: Administration Committee.

Dated: November 20, 2018

**SET PUBLIC HEARING FOR THE TENTATIVE BUDGET FOR  
THE YEAR 2019**

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 6:30 p.m. on the 4th day of December 2018, to review the tentative budget for the year 2019, and be it further

RESOLVED, that the maximum salaries that may be fixed and payable during said fiscal year 2019 to members of the Legislature and the Chairman thereof, respectively, remain at the 2018 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 Buffalo News.

Moved by Syracuse, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Bradt, Grozio

**Resolution No. AD-023-18**

From: Administration Committee.

Dated: November 20, 2018

**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 6:00 p.m. on the 4th day of December 2018, 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 Buffalo News.

Moved by Syracuse, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Bradt, Grozio

**Resolution No. AD-024-18**

From: Administration Committee.

Dated: November 20, 2018

**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 6:10 p.m. on the 4th day of December 2018, 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 Buffalo News.

Moved by Syracuse, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Bradt, Grozio

**Resolution No. AD-025-18**

From: Administration Committee.

Dated: November 20, 2018

**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 6:20 p.m. on the 4th day of December 2018, 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 Buffalo News.

Moved by Syracuse, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Bradt, Grozio

**Resolution No. AD-026-18**

From: Administration Committee.

Dated: November 20, 2018

**RESOLUTION SETTING THE SALARY OF THE BOARD OF ELECTION COMMISSIONERS**

WHEREAS, the Board of Election Commissioner salaries must be set prior to the start of a new term of office, and

WHEREAS, the Board of Election Commissioners will begin a new four year term of office on January 1, 2019, and

WHEREAS, this resolution sets the salary of the Board of Election Commissioners for the years 2019 through 2022, now, therefore, be it

RESOLVED, that the salary of the Board of Election Commissioners shall be set as follows: \$71,000 per year commencing January 1, 2019, \$73,000 per year commencing January 1, 2020, \$75,000 per year commencing January 1, 2021 and \$77,000 commencing January 1, 2022, and be it further

RESOLVED, that a Grade 64 be created in the non-union hourly schedule as follows:

GRADE	STEPS					
	1	2	3	4	5	8
64	27.26	28.29	29.22	30.19	31.17	32.12

and be it further

RESOLVED, that the salary of the Board of Elections Deputy Commissioner position be increased from Grade 63 to Grade 64 effective January 1, 2019.

Moved by Syracuse, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Bradt, Grozio

**Resolution No. AD-027-18**

From: Administration Committee.

Dated: November 20, 2018

**RESOLUTION TO AUTHORIZE THE COUNTY  
TO ENTER INTO AN AGREEMENT WITH RDS SERVICES, LLC  
TO PROVIDE PAYMENT MANAGEMENT ADVISEMENT AND SERVICES**

WHEREAS, RDS Services, LLC is a commercial payment management advisor in the business of providing its clients with data collection, record keeping and submission to reopen retiree drug subsidies and payment services and expertise, and

WHEREAS, the management and payment services which RDS Services, LLC provides would save the County and the taxpayers a substantial amount of money should the County enter into an agreement with RDS Services, LLC to facilitate and manage the County's retiree drug subsidies reopening and payment activities as directed and in accordance with any scope of services set forth in exhibit A of the proposed agreement, and

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

RESOLVED, that the Legislature of the County of Niagara hereby authorizes the County to enter into an agreement with RDS Services, LLC, and be it further

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

Moved by Syracuse, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Bradt, Grozio

**Resolution No. AD-028-18**

From: Administration Committee.

Dated: November 20, 2018

**AUTHORIZATION TO CONVEY CERTAIN TAX SALE PROPERTY  
TO THE ROY-HART CENTRAL SCHOOL DISTRICT**

WHEREAS, the County of Niagara by foreclosure of tax liens under Article 11, Title 3 of the Real Property Tax Law of the State of New York (the "proceeding") has acquired jurisdiction, by the filing of a verified petition (commenced in Niagara County Supreme Court under Clerk's Index No. 159886) over property assessed under SBL# 86.17-1-77 and commonly known as Elizabeth Street in the Village of Middleport, Roy-Hart Central School District, New York (the "Property"), owned by Sally K. Coe, and

WHEREAS, by order contained in the Judgment of Foreclosure and Sale by Sara Sheldon Supreme Court Justice, granted July 19, 2018 in the Proceeding, Kyle R. Andrews (the "Tax Enforcing Officer") was awarded

possession of the Property and, among other things, was authorized to execute and deliver a deed conveying full and complete title to the Property free and clear of all liens and encumbrances to a designee of assignee of the Tax Enforcing Officer, and

WHEREAS, the Roy-Hart Central School District, has notified the County of Niagara of its desire to accept ownership of the Property from the Tax Enforcing Officer in the Proceeding, pursuant to the approval of the School Board and, in consideration of said transfer, has also represented and warranted to the Tax Enforcing Officer that it shall take title to the Property and shall waive any right said School District may have by lien, claim or otherwise, arising from the cost of such claim, and

WHEREAS, the Niagara county Legislature hereby finds and determines that an indispensable condition of conveyance in this matter is protection of the County's interests is the additional consideration of a hold harmless and indemnity agreement from the Roy-Hart Central School District, and

WHEREAS, conveyance of the Property by the Tax Enforcing Officer to the Roy-Hart Central School District is in the best interests of both the County of Niagara and the Roy-Hart Central School District in that it will foster real property development, and

WHEREAS, the terms and conditions under which the property is to be conveyed to the Roy-Hart Central School District are subject to the final review and approval by the Niagara county Attorney's Office and the attorney of the Roy-Hart Central School District but must include legally bring assurances by the Roy-Hart Central School District holding harmless and fully indemnifying the County of Niagara from any liability, damage, claims or judgments arising from the condition and use of the Property including the condition and use of the Property thereafter by the Roy-Hart Central School District, its transferees, grantees, successors and assigns, now therefore, be it

RESOLVED, Pursuant to §215 (8) of the County Law the Niagara County Legislature hereby authorizes the Tax Enforcing Officer to convey tax sale property commonly known as Elizabeth Street, Town of Middleport, to the Roy-Hart Central School District, subject to review by the Niagara County Attorney and including terms and conditions consistent with the findings and conditions set forth in this resolution and in any and all order, judgments and decrees made and entered by the Assigned Justice in the Proceeding.

Moved by Syracuse, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Bradt, Grozio

**Resolution No. AD-029-18**

From: Administration Committee.

Dated: November 20, 2018

**AUTHORIZATION TO CONVEY CERTAIN TAX SALE PROPERTY  
TO THE TOWN OF WILSON**

WHEREAS, the County of Niagara by foreclosure of tax liens under Article 11, Title 3 of the Real Property Tax Law of the State of New York (the "proceeding") has acquired jurisdiction, by the filing of a verified petition (commenced in Niagara County Supreme Court under Clerk's Index No. 159886) over property assessed under SBL# 12.15-1-16 and commonly known as 4333.5 East Lake Road in the Town of Wilson, New York (the "Property"), owned by Reiner Wehle and Guess Wehle, and

WHEREAS, by order contained in the Judgment of Foreclosure and Sale by Honorable Sara Sheldon Supreme Court Justice, granted July 19, 2018 and entered July 20, 2018 in the Proceeding, Kyle R. Andrews (the "Tax Enforcing Officer") was awarded possession of the Property and, among other things, was authorized to execute

and deliver a deed conveying full and complete title to the Property free and clear of all liens and encumbrances to a designee of assignee of the Tax Enforcing Officer, and

WHEREAS, the Town of Wilson, a municipal subdivision of the State of New York, has notified the County of Niagara of its desire to accept ownership of the Property from County in the consideration of said transfer, and before delivery of the deed conveying title to the Property and shall waive any right said Town may have by lien, claim or otherwise, arising from the cost of any such claim and, subsequent to transfer, will take all action reasonable and necessary to sell and and/or transfer Property to a private taxpaying entity, and

WHEREAS, the Niagara county Legislature hereby finds and determines that an indispensable condition of conveyance in this matter is protection of the County's interests is the additional consideration of a hold harmless and indemnity agreement form the Town of Wilson, and

WHEREAS, conveyance of the Property by the Tax Enforcing Officer to the Town of Wilson is in the best interests of both the County of Niagara and the Town of Wilson in that it will foster real property development and restore the property to the tax roll, and

WHEREAS, the terms and conditions under which the property is to be conveyed to the Town of Wilson are subject to the final review and approval by the Niagara county Attorney's Office and the attorney of the Town of Wilson but must include legally bring assurances by the Town of Wilson holding harmless and fully indemnifying the County of Niagara from any liability, damage, claims or judgments arising from the condition and use of the Property including the condition and use of the Property thereafter by the Town of Wilson, its transferees, grantees, successors and assigns, now therefore, be it

RESOLVED, Pursuant to §215 (8) of the County Law the Niagara County Legislature hereby authorizes the County to convey tax sale property commonly known as 4333.5 East Lake Road, located in the Town of Wilson, to the Town of Wilson, subject to review by the Niagara County Attorney and including terms and conditions consistent with the findings and conditions set forth in this resolution and in any and all order, judgments and decrees made and entered by the Assigned Justice in the Proceeding.

Moved by Syracuse, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Bradt, Grozio

**Resolution No. AD-030-18**

From: Administration Committee.

Dated: November 20, 2018

**AUTHORIZATION TO TRANSFER THE COUNTY'S QUARTER OWNERSHIP  
OF 2311-1 RIVERVIEW DR, WILSON, NEW YORK TO AN ADJOINING PROPERTY OWNER**

WHEREAS, the County of Niagara is the owner of record of a certain tax sale parcel 2311-1 Riverview Drive located in the Town of Wilson, New York and which is more fully shown on a survey prepared by Wendel dated September 16, 1987 and assessment map, and

WHEREAS, Bonnie Benton, an adjoining owner, has notified the County of Niagara of her interest in receiving title to the County's quarter ownership of said parcel in return for nominal consideration of one dollars (and no more), and

WHEREAS, the other adjoining property owner have declined to accept title and said parcel has no market value and the transfer of title of said parcel to Bonnie Benton is in best interest of the County of Niagara and its taxpayers to return said parcel to the tax roll, and

WHEREAS, the transfer of said parcel to Bonnie Benton will not result in the termination or impairment of any rights of the County Niagara or any abutting owner, now, therefore, be it

RESOLVED, that, pursuant to County Law §215 (8) the Niagara County Legislature hereby authorizes and directs the Wm. Keith McNall as Chairman of the Niagara County Legislature to convey title a tax sale parcel known as 2311-1 Riverview Drive assessed as SBL#22.23-2-24 located in the Town of Wilson, County of Niagara and State New York to Bonnie Benton by quit claim deed incorporating the legal description set forth in exhibit "C" of the deed, subject to view by the Niagara County Attorney of all transfer documents and, be it further

RESOLVED, that Wm. Keith McNall as Chairman of the Niagara County Legislature as determined by the Niagara County Attorney, are authorized to execute and deliver the quit claim deed and any and all documents reasonable and necessary to accomplish the transfer authorized by this resolution.

Moved by Syracuse, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Bradt, Grozio

**Resolution No. CS-047-18**

From: Community Services and Administration Committees.

Dated: November 20, 2018

**BUDGET MODIFICATION  
COUNTY CLERK**

WHEREAS, the County Clerk's office serves hundreds of customers at the courthouse each day, and

WHEREAS, the current recording office staff desk configuration, which encompasses the area where the public presents their documents and payments for recording was designed for delivery of services as they were needed more than 50 years ago, and

WHEREAS, the current desk configurations do not allow for the proper placement of technology and equipment necessary for staff to properly serve the public and successfully complete their job tasks, and

WHEREAS, the wiring in this area of the office is being upgraded and reconfigured to provide enhanced safety for our equipment, and

WHEREAS, a modern and enhanced desk/task system that is consistent with and provides for our use of technologies, will promote a safer and more efficient work environment and protection of equipment, now, therefore, be it

RESOLVED, that the existing office desk/task configurations be replaced with modular units that are more suitable to the daily use of scanners, bar code readers, computers, cash drawers and associated needs of the office, and be it further

RESOLVED, that the following budget modification be effectuated:

**INCREASE REVENUE:**

A.10.1410.000 40599.01	Appropriated Fund Bal-Committed Funds	\$5,614.51
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**INCREASE APPROPRIATIONS:**

A.10.1410.000 72100.01	Machinery & Equipment Furniture and Fixtures	\$5,614.51
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Moved by Syracuse, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Bradt, Grozio

**Resolution No. CS-048-18**

From: Community Services and Administration Committees.

Dated: November 20, 2018

**2019 CONTRACTS - MENTAL HEALTH DEPARTMENT**

WHEREAS, funds are available in the Year 2019 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 2019, now, therefore, be it

RESOLVED, contingent upon approval of the Year 2019 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.

CM.21.4322.415.74500.01	CSS Programs	
.74500.01	Community Missions	\$ 587,424
.74500.01	Family & Children	61,422
.74500.01	New Directions (Wyndham Lawn)	109,212
.74500.01	Mental Health Association	238,532
.74500.01	Dale Association	59,136
.74500.01	Spectrum Human Services	350,079
.74500.01	United Cerebral Palsy	<u>36,825</u>
		\$1,442,630
CM.21.4322.415.74550.06	Reinvestment Programming	
.74550.06	Community Missions	\$ 171,108
.74550.06	Mental Health Association	75,308
.74550.06	New Directions (Wyndham Lawn)	98,709
.74550.06	Niagara Falls Memorial Medical Center	193,777
.74550.06	Dale Association	<u>119,600</u>
		\$ 758,502
CM.21.4322.416.74500.01	Case Management Programs	
.74500.01	Family & Children's	\$ 673,524
.74500.01	New Directions (Wyndham Lawn)	123,262
.74500.01	Community Missions	132,704
.74500.01	Niagara Falls Memorial Medical Center	<u>83,283</u>
		\$1,012,773
CM.21.4322.423.74500.01	Supported Housing	
.74500.01	Community Missions	\$ 255,503
.74500.01	Living Opportunities of DePaul	<u>158,675</u>
		\$414,178
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	<u>\$1,458,264</u>
		\$1,458,264
A.21.4322.414	Northpointe Council	
.74500.01	Contractual	\$ 546,363
.74550.08	Alcoholism	<u>1,628,109</u>
		\$2,174,472

Legislator Wydysh abstained from voting on this resolution.

Moved by Andres, seconded by Syracuse.

Adopted. 11 Ayes, 0 Noes, 2 Absent – Bradt, Grozio

#### **Resolution No. CSS-081-18**

From: Community Safety & Security Committee.

Dated: November 20, 2018

### **A LOCAL LAW ENTITLED “THE NIAGARA COUNTY PAWN LAW”**

WHEREAS, the Community Safety & Security Committee present in writing the following proposed Local Law:

A Local Law entitled “The Niagara County Pawn Law”;

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

#### **SECTION 1. Name of Local Law**

This Local Law shall be known as "Regulating Pawnbrokers, Secondhand Dealers, Junk Dealers, Scrap Processors, Jewelry, Precious Metals and Coin Exchange Dealers."

#### **SECTION 2. Legislative Intent**

A. The Niagara County Legislature finds and determines that the creation of a uniform countywide licensing and reporting program for tangible personal property acquired by pawnbrokers, secondhand dealers, junk dealers, scrap processors, jewelry, precious metals and coin exchange dealers will curtail the distribution and facilitate the recovery of stolen property throughout Niagara County.

#### **SECTION 3. Purpose**

The purpose of this local law is to establish a uniform system for tracking the sale and/or transactions of precious metal exchanges, pawnshops, junk and scrap processors, and secondhand merchants to assist the law enforcement community in tracking and recovering stolen property. This purpose shall be fulfilled by the uniform licensing and reporting system hereby established.

This local law is necessary for the protection of the citizens of Niagara County and is reasonable and appropriate for such precious metal exchange establishments, pawnshops and secondhand dealers.

#### SECTION 4. Definitions

As used in this local law, the following terms shall have the meanings indicated:

“Antiques” – Such items or collectibles recognized as such by established dealer associations within the industry.

“Antique Dealer” – Person engages exclusively in the business of purchasing and selling antique, collectible, vintage, or estate articles whose value is determined by age, condition, and rarity.

“Bullion” – Any gold, silver, platinum, or other precious metal in the form of bars, ingots, or coins, where the value of the item is primarily derived from underlying value of the composite metals.

“Dealer” – Any party required to be licensed under this law, including, but not limited to “pawn brokers,” “secondhand dealers,” “junk dealers,” “scrap processors,” “jewelry and coin exchange dealers” and/or “precious metal exchanges” located within Niagara County.

“Identification” – A valid New York State driver’s license, passport, or equivalent photo identification that contains the person’s name, physical description, and current address.

“Jewelry” – Articles composed (in whole or in part) of gold, silver, or other precious metals, gems or gemstones which, as constructed, are designed to be worn for personal adornment.

“Jewelry and Coin Exchange Dealer” – Persons or business establishments engaged in the business of sale, purchase, or exchange of precious metals and/or jewelry for other objects of precious metal, jewelry, United States currency, bank drafts, other negotiable instruments as defined in the Uniform Commercial Code or any other object or thing of value.

“Junk Dealer” – Persons or business establishments engaged in the business of purchasing and reselling valuable metal either at a permanently established place of business or in connection with a business of an itinerant nature, including junk shops, junk yards, junk stores, auto wreckers, salvage yards, collectors of or dealers in junk and junk cars or trucks.

“Law Enforcement Agency” – A representative of any local, state or federal law enforcement agency operating within Niagara County with jurisdiction over the jewelry and coin exchange dealer, secondhand dealer, and/or pawnbroker, acting in his/her official capacity in the investigation of criminal activity.

“Numismatic Coins” – coins with a market value greater than that of their face value.

a) This sections is not intended to include bullion coins whose value is determined by the market value of their underlying precious metal content plus a mint mark-up.

“Operator” – Person(s) responsible for the day-to-day operations of the business as indicated under this law.

“Pawnbroker” – Any person or business establishment who holds goods as collateral on short-term, high-interest loans or a person who qualifies as a “collateral loan broker” pursuant to section 52 of the New York General Business Law.

“Precious Metals” – Includes, but is not limited to, gold, silver, platinum, palladium, copper, or any combination thereof purchased and sold by weight and any secondhand manufactured article composed wholly or in part of gold, silver, platinum, or palladium.

“Precious Metals Exchange” – Person or corporation engaged in the business of purchase or exchange of precious metals for other objects of precious metal, U.S. currency, bank drafts, and other negotiable instruments as defined in the Uniform Commercial Code or any other object or thing of value.

“Scrap Processor” – Persons or business establishments operating and maintaining a scrap metal processing facility or engaged in the purchase, processing and shipment of ferrous and/or nonferrous scrap, the end product of which is the production of raw material for re-melting purposes for steel mills, foundries, smelters, refiners, and similar users.

“Secondhand Article” – Any article or object, with the exception of clothing and books, that has previously been bought or sold at retail and/or which has been previously used and/or is not in a new condition. This shall include any “gift card” or other electronic payment device that is usable at a single merchant or an affiliated group of merchants that share the same name, mark, or logo, is issued in a specific amount, and may or may not be increased in value or reloaded, or as otherwise defined in Article 26 section 396(I), or Article 13, section 1315, of the New York State General Business Law. This also includes, but is not limited to, electronics, gaming devices and video games.

“Secondhand Dealer” – Any person or business establishment who deals in the purchase, sale, exchange, or pledge as security for a sum of money any secondhand article. This shall not include providers of commercial mobile services as defined in 47 U.S.C. 332(d), and such providers’ authorized agents and retailers that have contractual relationships with the provider to sell the provider’s authorized products and services.

## SECTION 5. Prohibited Acts

A. It shall be unlawful for a dealer, or his or her designee, to purchase any articles, jewelry or precious metals from any person whom such dealer knows to be or has reason to believe to be under the age of 18 years.

B. It shall be unlawful for any dealer, or his or her designee, to sell, dispose of, destroy, alter or remove from such dealer’s premises any articles, jewelry or precious metals until the expiration 14 calendar days after the acquisition by such dealer of any such articles, jewelry or precious metals, unless otherwise exempted herein.

C. When requested to do so by the appropriate local law enforcement agency in connection with a law enforcement investigation, it shall be unlawful for any dealer to sell, dispose of, destroy, alter or remove from such dealer’s premises any articles, jewelry or precious metals until the expiration 30 calendar days from the date of the request. Upon the written request of the law enforcement agency, the property shall be held up for up to two additional thirty-day periods.

D. No dealer shall employ any person who has been convicted, within three years, of any felony related to the operation of business or who has had dealer’s license revoked or denied within the past year.

E. No secondhand dealer shall permit his or her place of business to remain open for the transaction of business any time except between the hours of 8:00 a.m. and 11:00 p.m.

## SECTION 6. Licensing

- A. Every pawnbroker, secondhand dealer, junk dealer, scrap processor, jewelry and coin exchanged dealer, or precious metal exchange operating within Niagara County is required to be licensed according to this local law.
- B. Every permanent, physical location in which a pawnbroker, secondhand dealer, junk dealer, scrap processor, jewelry and coin exchanged dealer, or precious metal exchange is operating in within Niagara County is required to be separately licensed.
- C. The Niagara County Sheriff shall be the licensing authority authorized to issue dealer licenses under this law.
- D. Any local police agency that has jurisdiction of the geographical area wherein the dealer is located may provide input to the Niagara County Sheriff on the issuance of a license to any vendor.
- E. Licenses shall be valid for one year from date of issuance.
- F. The annual license fee shall be \$250 per license, per location. There shall be a fee of \$10 for replacement of a lost license.
- G. An application for a pawnbroker's, secondhand dealer's, junk dealer's, scrap processor's, jewelry, precious metals or coin exchange dealer's license (hereinafter "dealers license") shall be made by the owner on forms provided by and filed with the Niagara County Sheriff. The application shall include the following requirements:
1. Employee names, date of birth, and dates of employment, kept and made available for inspection by the Sheriff or his/her representatives for the duration of the license;
  2. Where the owner is not directly involved with the day-to-day operation of said business;
    - a) The operator must also be included on the application; or
    - b) If a partnership, corporation or other business entity is involved, the application must designate an individual as operator who is involved in the day-to-day operation of the business. In this situation, the secondhand dealer's license shall be issued to the operator; the names, addresses and phone numbers of the partners, officers or principal shall also be listed on the application. All addresses of persons involved shall be home addresses listing street and number.
  3. The legal address of the premises where such business is to be carried out; and
  4. Whether the applicant or any officer and operator has previously been involved in the purchase or sale of secondhand articles and, if so, the name of the business, its location and the dates of involvement.
  5. Any and all e-commerce websites, including Internet storefronts, third-party sales outlets, as well as any and all written or electronic classified advertisements. The application shall further include any seller names or otherwise identifying names used within those e-commerce sites;

6. The application shall be signed and sworn to before a notary public or other official authorized to administer oaths in the County;

H. Before the issuance of a dealer=s license, the Sheriff or his or her representative, and/or any local police agency which has jurisdiction of the geographical area wherein the dealer is located or his or her representative, shall have the right to enter upon such premises during normal business hours for the purpose of conducting inspections, related to the security systems and layout of the premises. After a dealer=s license has been issued, further inspections of the premises, to ensure compliance with the laws, ordinances and rules and regulations relating to secondhand business, may be made in areas open to the public or other areas with consent.

I. Any change in the facts or information required on said application that occurs after the application has been filed shall be reported by the licensee, in writing, to the Niagara County Sheriff within 10 days of the change.

J. All applications for dealer=s licenses shall be issued or denied within 30 days after a fully completed application has been received by the Niagara County Sheriff=s Office. The applicant shall be notified, in writing, of any delay which is due to incomplete application, investigative delays, or other reasonable cause.

K. Except as provided in Article 23-A of the New York State Correction Law, the Sheriff reserves the right to deny dealer=s license to any person convicted of any crime related to the operation of the business.

L. No person who stands convicted of a felony charge involving burglary, theft, or robbery may be eligible for a license pursuant to this law (other than those defined by the Vehicle and Traffic Law).

M. No dealer=s license shall be issued for a period of one year to an applicant that has been found guilty of operating a business without a secondhand dealer=s license.

N. Dealer=s licenses shall not be transferred. In the event of any change involving the owner or operator of the business or the business location, a new dealer=s license shall be required. A dealer=s license shall not be transferred to any person who holds power of attorney.

O. The Niagara County Sheriff may deny or revoke any license granted herein in the following situations:

1. Where the dealer has made a false statement in connection with its application; or
2. Where the dealer revokes the consent to examine such records and items or refuses to allow inspection of its premises.
3. Where it is proven that the dealer or his or her designee has knowingly received stolen property.
4. Where the home rule policing agency can show cause that the dealer is in violation of this law.

P. If an application for a license is denied, or an existing license is revoked, the applicant or holder of the revoked license shall, within 10 business days of notice of denial or revocation, request reconsideration by the Niagara County Sheriff=s Office by providing that office with any additional, relevant information. The Niagara County Sheriff=s Office shall, within 10 business days of receipt of the reconsideration of materials, issue a final notice of denial or revocation setting forth the grounds upon which the license was either denied or revoked. Such final notice shall be transmitted by certified or registered mail.

## SECTION 7. Licensing Explanations

A. The following entities are exempt from the licensing requirements of this chapter:

1. Any secondhand dealer that is exempt from taxation under section 501(c)(3) or section 501(c)(4) of the Internal Revenue Code; or

2. Garage sales, basement sales, porch sales, yard sales, and other such events at which a person desires to sell or trade his or her personal used items, household goods, furniture or equipment upon his or her premises, said premises not being a regular place of business for purchase or sale of secondhand items, shall be exempted from the license requirement of this chapter. No more than three such sales shall be conducted by the same person or persons upon the same premises within one calendar year, and each such sale shall not exceed three consecutive days.

3. Any dealer in secondhand or used motor vehicles.

4. The sale of antiques by an antique dealer, or his/her employee associates, provided the antique dealer:

a) Has an established antique shop advertised and promoted as such; or

b) Exhibits at least twice a year at established advertised and/or promoted antique shows; or

c) Is a private dealer working from home and/or a nonretail location and has applied for and has been granted a New York State resale number for collection and submission of sales tax.

5. Any stores selling secondhand clothing, or sporting goods equipment where 50% or more of its gross revenues are related to items of clothing. Any clothing store claiming this exemption must provide written proof of its applicability by a certified public accountant within 20 days upon request of any law enforcement agency.

## SECTION 8. General Operations

A. Dealers shall comply with all provisions of federal, state and local laws and ordinances relating to the conduct business and occupation, use and maintenance of the premises and shall ensure that all of their employees and agents do so also. Where the dealer is also a pawn broker, the dealer shall comply with Article 5 of the New York State General Business Law entitled ACollateral Loan Brokers Law@. Where the dealer is also a junk dealer, the dealer shall comply with Article 6 of the New York State General Business Law entitled AJunk Dealers Law@.

B. All dealers covered under this local law shall cause the dealer=s license and business permit to be posted in a conspicuous place immediately visible upon entering the business establishment.

C. If the dealer or an employee of any establishment covered by this chapter has reason to believe from the circumstances presented that an item has been stolen or acquired by dishonest means, it shall be his or

her duty to immediately report same to the Sheriff or his or her representatives, or any local law enforcement agency having jurisdiction.

D. Any law enforcement agency that confiscates property from a business covered under this chapter, as evidence or for safekeeping in an investigation or to return to an owner, shall issue a receipt to the business. The receipt shall contain a crime report number which references the investigation.

E. Any dealer covered under this chapter shall release to a law enforcement agency, with valid jurisdiction, any item in the dealer=s possession when:

1. The item is established to be stolen; and
2. The owner of the item or victim of a theft has positively identified the item and provided an affidavit of ownership and had made a report of the theft to a law enforcement agency; and
3. The stolen property report describes the item by one or more of the following: date, initials, an insurance record, a photograph, a sales receipt, a serial number, specific damage, or a statement of facts that show the item is one of a kind or has a unique engraving; and
4. The dealer is given a receipt from the law enforcement agency for the item released.

F. Any dealer covered under this chapter, who is required to relinquish an item pursuant to this provision, is not entitled to demand or condition the release upon a reimbursement from the law enforcement agency, the owner of the item, or the victim of the theft. A dealer who is himself or herself a victim of a crime may seek restitution or reparation in accordance with the New York State Penal Law.

G. Any party either implicitly or explicitly exempted from licensing pursuant to this law shall not be subject to any other provision herein.

#### SECTION 9. Identification Required

A. It shall be the duty of the dealer to verify the identity of every person from whom a purchase is made through acceptable photographic identification (as detailed below) and to make and to keep a written record of the nature of the evidence submitted by such person to prove identity. The signature of the dealer shall be included in the recording of each transaction.

B. Only the following shall be deemed acceptable evidence of identity: any official document (except a social security account number card) issued by the United States government, any state, county, municipality or subdivision thereof, any public agency or department thereof, or any public or private employer, which requires and bears the name, date of birth, signature, and picture of the person to whom issued.

C. It shall be the duty of every dealer to require that every person from whom any article, jewelry or precious metal is purchased sign his/her name in the presence of the dealer, and to compare the signature on the identifying document, if any, and retain on said premises the person=s signature together with the number and description of the identifying document, if any.

D. If the individual is acting as an agent for a principal, proof of the principal's true name, date of birth and residence address must be provided.

E. It shall further be the duty of every dealer, to take, and maintain, a copy or digital photo of the identification required by Section 9(B) of this law.

F. It shall further be the duty of every dealer to take, and maintain, a digital photograph of each article, jewelry or precious metal purchased. The photograph must include the serial number and model number or product key of the item(s) containing those features. The photo must be high definition of at least 10 megapixel and the item must be clearly identifiable in the photo.

## SECTION 10. Electronic Records

A. Every dealer covered by this chapter shall upload to the electronic records of all reportable transactions to the LeadsOnline reporting service at [www.leadsonline.com](http://www.leadsonline.com), or any other electronic reporting system as determined by the Niagara County Sheriff. Each transaction record shall contain all information required by this chapter and shall be uploaded via internet connection to this electronic reporting service according to the following procedures:

1. Using point of sale software, all dealers covered by this chapter shall review the compatibility of their software with the Leads Online electronic reporting service, and dealers with compliant point of sale software shall electronically upload all required information from their point of sale software to the specified electronic reporting service via internet connection using the upload process or reporting service; or

2. All dealers covered by this chapter and using point of sale software noncompliant with the Leads Online reporting service or not using point of sale software shall manually enter all reportable transactions into the electronic reporting service via internet connection.

3. Every dealer is required to provide to the electronic reporting service, at a minimum, the following information for each transaction:

- a) Type of transaction: (pawn, trade, buy, scrap, etc.).
- b) Transaction date & time.
- c) Cashier name of identification number.
- d) Customer identification type, number and state of issuance.
- e) Digital photo of customer identification.
- f) Customer first and last name, date of birth, and complete address.
- g) Item price, detailed description including identifying marks, color, quantity, make, model, year and serial or vehicle identification number.
- h) In the case of jewelry or precious metals:

- i) Weight of precious metal in karats (10K, 14K, etc.).
- ii) Number and type of precious stones on item.
- iii) Unique marks or inscriptions, specifically any engravings.
  - iv) Any visible alterations or modifications to item.
- i) Item weight (scrap only).
- j) License plate number (scrap only).
- k) Digital photos clearly identifying the article and any distinguishing marks.

4. Every dealer must complete all required fields with accuracy. Any misspellings or omissions will constitute an incomplete submission and a violation of the provisions of this chapter.

5. In the event that any dealer covered by this chapter is unable to successfully upload transaction records via the electronic reporting service within the required 48 hours, the dealer shall, within 24 hours of the unsuccessful upload, notify the Niagara County Sheriff's Office of the reason for the submission failure and provide an estimated time of compliance. Under these circumstances, the dealer shall provide the Niagara County Sheriff's Office a daily electronic data table or spreadsheet of all transactions that would otherwise have been submitted via the electronic reporting service. This data shall either be hand delivered or e-mailed to the Niagara County Sheriff's Office no later than one business day after the transaction date.

B. Every dealer shall furnish to any law enforcement agency, as defined in Section 4, all information requested by said agency relative to all records required to be kept under this chapter no later than three (3) days after receipt of any item covered by this local law.

C. If any items composed wholly or in part of articles, jewelry or precious metals shall be advertised in any newspaper printed in the County of Niagara as having been lost or stolen, and if any items matching such advertised description or any part thereof shall be in or come into possession of any dealer upon receiving actual written or oral notice of the similarity of description of such articles, said dealer shall immediately give information relating thereto to the appropriate local law enforcement agency. No disposition of such items shall be affected until authorization to do so is given to such dealer by the appropriate local law enforcement agency.

## Section 11. Record Maintenance & Holding Period Exemptions

A. The following transactions are exempt from the record keeping and holding period requirements under this law:

- 1. Any transaction by a party not required to be licensed pursuant to this law.
- 2. Any sale conducted pursuant to statute or by order of any court.

3. The sale or purchase of any item(s) for less than \$15.

4. This chapter shall not apply to the return of secondhand items for credit, exchange or refund to the person from whom said items were originally obtained, provided that the items were not secondhand items when originally obtained.

5. The sale of secondhand articles at antique shows or trade shows, where such shows are advertised and/or promoted as such.

6. Dealer to dealer or dealer to government transaction.

7. Transactions primarily involving the exchange of bullion:

a) The value of the bullion must exceed 90% of the dollar value of the entire transaction to qualify for this exemption.

8. Numismatic coin transactions.

#### SECTION 12. Release of Stolen Property

A. Any dealer covered under this chapter shall release to a law enforcement agency, with valid jurisdiction, any item in the dealer's possession when:

1. The item is established to be stolen; and

2. The owner of the item or victim of a theft has positively identified the item and provided an affidavit of ownership and had made a report of the theft to a law enforcement agency; and

3. The stolen property report describes the item by one or more of the following: date, initials, an insurance record, a photograph, a sales receipt, a serial number, specific damage, or a statement of facts that show the item is one of a kind or has a unique engraving; and

4. The dealer is given a receipt from the law enforcement agency for the item released.

B. When the law enforcement agency no longer needs an item for evidence, it shall be returned to the rightful owner.

#### SECTION 13. Penalties for offenses; Enforcement

A. Any violation of the provisions of this chapter shall constitute an offense and shall be punished as follows:

1. Any person violating the provisions of this chapter shall be guilty of a violation, and shall be awarded a fine not to exceed \$200 for the first offense, \$1,000 for the second offense, and \$3,000 for each subsequent offense. Each such violation shall constitute a separate and distinct offense.

a) A violation, for the purposes of this section of the local law, shall be enforced once per transaction, regardless of the number of violations occurring in said transaction.

b) A transaction shall consist of any single bargained for exchange committed between the same two parties within any 24 hour period.

2. This chapter shall be enforced by any local law enforcement agency having appropriate jurisdiction.

B. No provision of this law is intended to alter or interfere with any party=s right against self-incrimination.

C. All penalties will inure to the license holder and shall be payable by said licensee.

D. Five (5) violations in any consecutive twelve (12) month period shall cause a revocation of the dealer=s license.

E. In the event a dealer is inappropriately operating as a secondhand dealer without a valid license, said dealer, after appropriate notice from the Sheriff, shall be fined in an amount not to exceed \$1,000 and shall be charged with operating a secondhand dealership without a license.

1. Appropriate notice shall be in writing and the secondhand dealer shall be afforded thirty (30) days from the receipt of notice within which to come into compliance with this local law.

2. Three (3) violations in any consecutive twelve (12) month span of operating a secondhand dealership without a license shall result in a misdemeanor charge against the operator of the secondhand dealership for operating a secondhand dealership without a license and shall be punishable by a fine of \$1,000 or not more than five (5) days in jail.

#### SECTION 14. Applicability

For the purposes of this law, any license granted under any town, village, or city ordinance of the same matter, which is already in effect prior to the enactment of this law, shall be considered a valid dealer's license.

#### SECTION 15. Due Process

Nothing in this law shall infringe upon the due process rights of the parties involved. After following proper procedure as laid out above any unresolved issues may be appealed to any court of competent jurisdiction.

#### SECTION 16. Severability

If any clauses, sentence, paragraph, section or article of this chapter shall adjudge by any court of competent jurisdiction to be invalid, such determination shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the proceeding in which such adjudication shall have been rendered.

#### SECTION 17. Effective Date

This Local Law shall become effective immediately upon the filing with the Secretary of State pursuant to

RESOLVED, that the Niagara County Legislature shall conduct a public hearing upon said proposed Local Law at the Legislative Chambers, Niagara County Courthouse, Lockport, New York, on the 4<sup>th</sup> day of December, 2018 at 6:45 p.m., and be it further

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

Moved by Syracuse, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Bradt, Grozio

**Resolution No. CSS-082-18**

From: Community Safety & Security and Administration Committees.

Dated: November 20, 2018

**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, 2019 through December 31, 2019, 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 2019 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 Syracuse, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Bradt, Grozio

**Resolution No. CSS-083-18**

From: Community Safety & Security and Administration Committees.

Dated: November 20, 2018

**NIAGARA COUNTY SHERIFF'S OFFICE  
ACCEPT COPS SCHOOL VIOLENCE PREVENTION PROGRAM**

WHEREAS, the US Department of Justice has notified the Niagara County Sheriff's Office that the COPS Office STOP School Violence: School Violence Prevention Program (SVPP) has made an award to the Niagara

County Sheriff's Office in the amount of \$215,383 with a match of \$71,794 for the period of October 1, 2018 through September 30, 2020, and

WHEREAS, only two federal awards were made in New York State under this program, and

WHEREAS, school violence is an area of high concern in Niagara County and throughout the country, and

WHEREAS, this grant will provide a School Violence Coordinator that will work with targeted Niagara County school districts to coordinate site assessments and school emergency plans along with necessary equipment to begin better preparing schools to handle school violence situations, and

WHEREAS, the budget for this grant is going through the finalization process, 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 Syracuse, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Bradt, Grozio

**Resolution No. CSS-084-18**

From: Community Safety & Security and Administration Committees.

Dated: November 20, 2018

**NIAGARA COUNTY SHERIFF'S OFFICE  
ACCEPT PORT SECURITY GRANT**

WHEREAS, the Niagara County Sheriff's Office has been awarded a grant from the Department of Homeland Security for the period of September 1, 2018 through August 31, 2021 in the amount of \$120,000 with a match of \$40,000, and

WHEREAS, the grant funds will be used to purchase, install and train personnel on an Airborne Mission Management System for the Niagara County Sheriff's helicopter, and

WHEREAS, this equipment will aid Niagara County Sheriff's Office personnel by giving the pilot the ability to more quickly and accurately identify locations and then communicate them to Deputies on the ground, and

WHEREAS, the funds in the 2019 budget, however, the contract needs to be executed, 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 Syracuse, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Bradt, Grozio

**Resolution No. CSS-085-18**

From: Community Safety & Security and Administration Committees.

Dated: November 20, 2018

**NIAGARA COUNTY SHERIFF'S OFFICE  
ACCEPT POLICE TRAFFIC SERVICES GRANT**

WHEREAS, the Niagara County Sheriff's Office has been awarded a grant from the Governor's Traffic Safety Committee for the period of October 1, 2018 through September 30, 2019 in the amount of \$18,000, and

WHEREAS, this grant is a continuation of an existing program and is fully funded by the New York State Governor's Traffic Safety Committee, and

WHEREAS, the funds are used for traffic enforcement overtime with the goal of increasing seat belt usage and reducing dangerous driving behaviors in an effort to reduce serious injury and deaths from traffic crashes, and

WHEREAS, the funds are included in the 2018 budget and will be included in the 2019 budget, however, the contract needs to be executed, 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 Syracuse, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Bradt, Grozio

**Resolution No. ED-021-18**

From: Economic Development Committee.

Dated: November 20, 2018

**RESOLUTION TO SET A HEARING TO SOLICIT VIEWS AND RECOMMENDATIONS FOR THE  
NIAGARA COUNTY AGRICULTURAL AND FARMLAND PROTECTION PLAN**

WHEREAS, the Niagara County Agricultural and Farmland Protection Board has recommended that the Niagara County Agricultural and Farmland Protection plan, last updated in 1999, be revised, and

WHEREAS, the Niagara County Agricultural and Farmland Protection Board has hired LaBella Associates, PC to complete the plan revisions, and

WHEREAS, New York State Agriculture and Markets Law 1 CRR-NY, Part 390, Section 390.3, requires a public hearing to solicit citizen views and recommendations for the Niagara County Agricultural and Farmland Protection Plan, now, therefore, be it

RESOLVED, that the Niagara County Legislature shall conduct a public hearing to solicit citizen views and recommendations for the Niagara County Agricultural and Farmland Protection Plan at the Legislative Chambers, Courthouse, Lockport, New York on December 4, 2018, at 5:50 p.m., and be it further

RESOLVED, that the Clerk of the Legislature, at least six days in advance of such hearing, shall publish the following notice in at least one newspaper having general circulation within the county, post such notice on the home page of the county's website, and shall be given in writing by first class mail to all municipalities in the county.

**PLEASE TAKE NOTICE** that the Niagara County Legislature will conduct a public hearing on the 4<sup>th</sup> day of December, 2018 at 5:50 p.m. in the Legislative Chambers, Courthouse, Lockport, New York, for the purpose of soliciting citizen views and recommendations for the Niagara County Agricultural and Farmland Protection Plan, as required by NYS Agricultural and Markets Law. The plan draft can be viewed at [www.ccenigaracounty.org](http://www.ccenigaracounty.org), or at Cornell Cooperative Extension. Questions about the plan may be directed to Amanda Henning, Cornell Cooperative Extension at 716-433-8839 x231.

Moved by Syracuse, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Bradt, Grozio

**Resolution No. ED-022-18**

From: Economic Development and Administration Committees.

Dated: November 20, 2018

**AUTHORIZING THE USE OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM  
INCOME FOR ELIGIBLE ECONOMIC AND COMMUNITY DEVELOPMENT PROJECTS**

WHEREAS, Niagara County was the recipient of New York State administered grants from the New York State Housing Trust Fund Corporation through the Community Development Block Grant (CDBG) Program, and

WHEREAS, the use of the CDBG Grants by the County resulted in the generation of Program Income, as defined in the CDBG regulations which is subject to certain rules and regulations promulgated by the United States Department of Housing and Urban Development and the New York State Office of Community Renewal (NYSOCR) regarding its use, and

WHEREAS, NYSOCR has notified the County and other recipients of CDBG funds that it is requiring that all Program Income not spent on, or committed to, CDBG-eligible activities by March 31, 2019 be paid to the NYSOCR by April 30, 2019, and

WHEREAS, any proposed use of Program Income prior to March 31, 2019 must be approved by NYSOCR, and

WHEREAS, the County wishes to utilize the Program Income to advance community and economic development projects within Niagara County that conform with CDBG rules and regulations, and

WHEREAS, the County, has identified CDBG-eligible projects that meet community needs within the Town of Newfane, the City of Lockport, and the City of North Tonawanda, now, therefore, be it

RESOLVED, that, subject to the approval of NYSOCR, the County of Niagara commits Program Income to support the following projects as described herein:

- Not-to-exceed \$150,000 for the construction of handicap-accessible restrooms at Krull Park in the Town of Newfane
- Not-to-exceed \$172,000 for repointing and related masonry at Harrison Place in the City of Lockport

- Not-to-exceed \$73,535 for side walk repairs and street scape along Oliver and Webster

and be it further

RESOLVED, that the County submit a request for approval of the projects to the OCR, along with such supporting documentation as OCR shall require, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute agreements and any other documentation as is required to effectuate the actions approved in this Resolution, and be it further

RESOLVED, that the Chairman is hereby designated as the Certifying Officer responsible for all activities associated with the federal environmental review process to be completed in conjunction with the projects.

Moved by Syracuse, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Bradt, Grozio

**Resolution No. ED-023-18**

From: Economic Development and Administration Committees.

Dated: November 20, 2018

**AUTHORIZATION TO SUBMIT A GRANT APPLICATION TO THE NEW YORK STATE OFFICE  
OF COMMUNITY RENEWAL FOR BLOCK GRANT FUNDING**

WHEREAS, Empire Emergency Apparatus, Inc. (the "Company") plans to expand their existing facility located at 3995 Lockport Road, in the Town of Niagara, New York (the "Project"), and

WHEREAS, the Company has requested that Niagara County apply for funding on its behalf from the New York State Office of Community Renewal (the "OCR") to finance a portion of the Project costs, and

WHEREAS, the Niagara County Development Corporation (the "NCDC") is assisting in the facilitation of the Project and has requested that the County provide the OCR funding to the NCDC as a grant for the purpose of making a loan or loans to the Company, and

WHEREAS, the Project will result in substantial benefit to Niagara County in the form of new investment and new employment positions, and

WHEREAS, the County has held a public hearing to obtain citizens' views regarding the CDBG program as administered by OCR and the project, now, therefore, be it

RESOLVED, that the Chairman of the Legislature is hereby authorized to submit a grant application on behalf of Niagara County to the OCR to support the Project, and be it further

RESOLVED, that the Chairman is hereby authorized to execute a grant agreement between the County and the OCR and all related documents associated with the OCR grant, including entering into a grant agreement with the NCDC for the implementation of the Project and administration of the OCR grant, all such documents to be subject to review and approval by the County Attorney, and be it further

RESOLVED, that the Chairman is hereby designated as the Certifying Officer responsible for all activities associated with the federal environmental review process to be completed in conjunction with the Project.

Moved by Syracuse, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Bradt, Grozio

**Resolution No. IF-132-18**

From: Infrastructure & Facilities and Administration Committees.

Dated: November 20, 2018

**DEPARTMENT OF PUBLIC WORKS – BUILDINGS AND GROUNDS BUDGET MODIFICATION**

WHEREAS, the Department of Public Works, Buildings and Grounds Division, is responsible for the maintenance and upkeep of all Niagara County Office Buildings, and

WHEREAS, the Buildings and Grounds Department is also responsible for the remodeling of office space at the Trott ACCESS Center for the Northpointe Council, and

WHEREAS, several of the remodeling tasks are best accomplished after hours or on weekends, to eliminate disruption to the other agencies located within the Trott ACCESS Center, and

WHEREAS, funds are available in the Capital Project to cover the overtime expenses incurred, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

**INCREASE ESTIMATED REVENUE:**

A.15.1620.000.41289.09	Income Salary Reimbursement	\$25,000
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**INCREASE ESTIMATED APPROPRIATION:**

A.15.1620.000.71050.00	Overtime	\$25,000
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Moved by Syracuse, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Bradt, Grozio

**Resolution No. IF-133-18**

From: Infrastructure & Facilities and Administration Committees.

Dated: November 20, 2018

**FREY ELECTRIC CONSTRUCTION CO. - TROTT NORTHPOINTE RENOVATIONS  
CHANGE ORDER NO. 1**

WHEREAS, by Resolution No. IF-089-18, dated June 19, 2018, the Legislature awarded the contract for the Trott Northpointe Electrical Renovations project to Frey Electric Construction Co., 100 Pearce Avenue, Tonawanda, NY 14150, for a contract amount of \$111,0000, and

WHEREAS, it is necessary to increase the contract in the amount of \$7,781 for increased scope of the work, for a revised contract amount of \$118,781, 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 \$7,781 for the Trott Northpointe Electrical Renovations project, for a revised contract amount of \$118,781, to Frey Electric Construction Co., 100 Pearce Avenue, Tonawanda, NY 14150, be approved, and be it further

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

Moved by Syracuse, seconded by Virtuoso.  
Adopted. 12 Ayes, 0 Noes, 2 Absent – Bradt, Grozio

**Resolution No. IF-134-18**

From: Infrastructure & Facilities and Administration Committees.

Dated: November 20, 2018

**GRISWOLD STREET CULVERT REPLACEMENT  
CHANGE ORDER NO. 1**

WHEREAS, by Resolution No. IF-014-18, dated February 20, 2018, the Legislature awarded the contract for the Griswold Street Culvert Replacement Project to Accadia Site Contracting, Inc., 5636 Transit Road, Depew, NY 14043, for a contract amount of \$361,984.11, and

WHEREAS, it is necessary to decrease the contract in the amount of \$7,604.14 for final quantities adjustments, for a revised contract amount of \$354,379.97, and

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

RESOLVED, that Change Order No. 1 to decrease the contract by \$7,604.14 for the Griswold Street Culvert Replacement Project, for a revised contract amount of \$354,379.97, to Accadia Site Contracting, Inc., 5636 Transit Road, Depew, NY 14043, 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 Syracuse, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Bradt, Grozio

**Resolution No. IF-135-18**

From: Infrastructure & Facilities and Administration Committees.

Dated: November 20, 2018

**NIAGARA ROAD BRIDGE OVER BERGHOLZ CREEK  
CHANGE ORDER NO. 1 - FINAL**

WHEREAS, by Resolution No. IF-013-18, dated February 20, 2018, the Legislature awarded the contract for the Niagara Road Bridge over Bergholz Creek Project to Concrete Applied Technologies Corp. (CATCO), 1266 Townline Road, Alden, NY 14004, for a contract amount of \$952,110.40, and

WHEREAS, it is necessary to decrease the contract in the amount of \$91,330.21 for final quantities adjustments, for a revised contract amount of \$860,780.19, and

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

RESOLVED, that Change Order No. 1-Final to decrease the contract by \$91,330.21 for the Niagara Road Bridge over Bergholz Creek Project, for a revised contract amount of \$860,780.19, to Concrete Applied Technologies Corp. (CATCO), 1266 Townline Road, Alden, NY 14004, 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 Syracuse, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Bradt, Grozio

**Resolution No. IF-136-18**

From: Infrastructure & Facilities and Administration Committees.

Dated: November 20, 2018

**CHESTNUT STREET BRIDGE OVER EAST BRANCH OF TWELVE MILE CREEK  
CONSULTANT AMENDMENT NO. 1**

WHEREAS, Resolution No. IF-028-17, dated February 21, 2017, authorized the contract for consultant services for the Chestnut Street Bridge over East Branch of Twelve Mile Creek Project to Mott MacDonald New York, Inc., 438 Main Street, Suite 300, Buffalo, NY 14202, for a fee not to exceed \$204,443.03, and

WHEREAS, it is necessary to amend the contract to allow for construction inspection and construction administration services in the amount of \$165,432.66, for a revised contract amount of \$369,875.69, 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 \$165,432.66 for construction inspection and construction administration services to Mott MacDonald New York, Inc., 438 Main Street, Suite 300, Buffalo, NY 14202, for a fee not to exceed \$369,875.69, 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 Syracuse, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Bradt, Grozio

**Resolution No. IF-137-18**

From: Infrastructure & Facilities and Administration Committees.

Dated: November 20, 2018

**NORTH CANAL ROAD REHABILITATION PROJECT  
CONSULTANT AMENDMENT NO. 2**

WHEREAS, Resolution No. IF-083-17, dated May 16, 2017, authorized the contract for consultant services for the preliminary design for the Rehabilitation of North Canal Road from Old Niagara Road to the Erie Canal Project, to Urban Engineers of New York D.P.C., 403 Main Street, Suite 530, Buffalo, NY 14203, for a fee not to exceed \$202,028, and

WHEREAS, Resolution No. IF-129-18, dated October 16, 2018, authorized Amendment No. 1, to allow for acquisition of right-of-way, in the amount of \$49,583.24, for a revised contract of \$251,611.24, and

WHEREAS, it is necessary to amend the contract for Design Phases V and VI, in the amount of \$207,403, for a revised contract amount of \$459,014.24, and

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

RESOLVED, that Amendment No. 2 to increase the contract by \$207,403 for the Rehabilitation of North Canal Road from Old Niagara Road to the Erie Canal Project, for a revised contract amount of \$459,014.24, to Urban Engineers of New York D.P.C., 403 Main Street, Suite 530, Buffalo, NY 14203, 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 Syracuse, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Bradt, Grozio

**Resolution No. IF-138-18**

From: Infrastructure & Facilities Committees.

Dated: November 20, 2018

**AWARD LINCOLN AVENUE HYDRAULIC ANALYSIS  
CONSULTANT CONTRACT**

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with the Lincoln Avenue Hydraulic Analysis 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 Lincoln Avenue Hydraulic Analysis Project be awarded to Bergmann Associates, Waterfront Village Center, 40 LaRiviere Drive, Suite 150, Buffalo, NY 14202, for a contract amount not to exceed \$2,891, 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 Syracuse, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Bradt, Grozio

**Resolution No. IF-139-18**

From: Infrastructure & Facilities Committees.

Dated: November 20, 2018

**AWARD BRIDGE PAINTING OF ROBINSON ROAD  
CONSULTANT CONTRACT**

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with the painting of the Robinson Road Bridge, and

WHEREAS, funds are available in account D.15.5120.000 74800.06, Bridge Maintenance, 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 painting of the Robinson Road Bridge be awarded to Greenman Pedersen Inc., 4950 Genesee Street, Suite 100, Buffalo, NY 14225, for a contract amount not to exceed \$45,000, and be it further

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

Moved by Syracuse, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Bradt, Grozio

**Resolution No. IF-140-18**

From: Infrastructure & Facilities Committees.

Dated: November 20, 2018

**NORTH CANAL ROAD REHABILITATION  
OLD NIAGARA ROAD TO ERIE CANAL, TOWN OF LOCKPORT  
SUPPLEMENTAL AGREEMENT NO. 1**

WHEREAS, the North Canal Road Rehabilitation Project, Old Niagara Road to Erie Canal, Town of Lockport, Niagara County, PIN 5761.65 (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 Detailed Design Phases V-VI and Right-of-Way Acquisition 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 Detailed Design Phases V-VI and Right-of-Way Acquisition phases of the project or portions thereof, and be it further

RESOLVED, that the sum of \$833,500 is hereby appropriated in account H638.15.5112.000 72600.01 and made available to cover the cost of participation in the above phases of the project, and be it further

RESOLVED, that in the event the amount required to pay the full Federal and Non-Federal shares of the cost of the project's Detailed Design Phases V-VI and Right-of-Way Acquisition 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 Syracuse, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Bradt, Grozio

**Resolution No. IF-141-18**

From: Infrastructure & Facilities and Administration Committees.

Dated: November 20, 2018

**DEPARTMENT OF PUBLIC WORKS – HIGHWAY MAINTENANCE BUDGET MODIFICATION**

WHEREAS, the Department of Public Works, Highway Division, is recommending the purchase of one (1) snow plow truck with an extended box, and

WHEREAS, Consolidated Highway Improvement Program funds will pay 100% of this expense, now, therefore, be it

RESOLVED, that the following budget modification be effectuated to allow for the purchase of equipment:

**INCREASE ESTIMATED REVENUE:**

H.648.15.5112.000.43501.00	Consolidated Highway Aid Revenue	\$250,000
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**INCREASE ESTIMATED APPROPRIATION:**

H648.15.5112.000.72100.10	Highway Heavy Equipment	\$250,000
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Moved by Syracuse, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Bradt, Grozio

**Resolution No. IF-142-18**

From: Infrastructure & Facilities and Administration Committees.

Dated: November 20, 2018

**DEPARTMENT OF PUBLIC WORKS – HIGHWAY MACHINERY FUND**

WHEREAS, the Highway Machinery Fund requires additional funds to cover the purchase of repair parts for the County fleet of vehicles, and

WHEREAS, funds are available in account D.15.5120.000.74800.06, Maintenance and Repairs, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated:

**DECREASE APPROPRIATIONS:**

D.15.5120.000.74800.06	Maintenance and Repairs	\$30,000.00
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**INCREASE APPROPRIATIONS:**

D.15.9901.000 79010.00	Interfund Transfers – To Other Funds	\$30,000.00
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INCREASE ESTIMATED REVENUES:

DM.15.9901.000 45031.00	Interfund Transfers – From Operating	\$30,000.00
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INCREASE APPROPRIATIONS:

DM.15.5132.000.74800.13	Repair Parts and Supplies	\$30,000.00
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Moved by Syracuse, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Bradt, Grozio

**Resolution No. IL-041-18**

From: Legislators Richard L. Andres, Randy R. Bradt and Economic Development Committee.

Dated: November 20, 2018

**RESOLUTION IN SUPPORT OF THE NORTH TONAWANDA CHILDREN'S REMEMBRANCE  
GARDEN WALK THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the City of North Tonawanda Children's Remembrance Garden Walk is a quiet place where families can go to remember their children and heal, and

WHEREAS, the Children's Remembrance Garden Walk is to provide a place of healing, support, compassion and hope for family members, friends, and the community who have experienced the death of child of any age, and

WHEREAS, funds to purchase a sculpture by a local artist are needed, this sculpture will only enhance this beautiful garden, now, therefore, be it

RESOLVED, that the Niagara County Legislature supports funding to the City of North Tonawanda Children's Remembrance Garden Walk as follows:

City of North Tonawanda	Sculpture	\$4,500.00
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and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2018 budget:

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01	Appropriated Fund Balance - Committed Funds	\$4,500.00
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INCREASE APPROPRIATION:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$4,500.00
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Moved by Andres, seconded by Hill.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Bradt, Grozio

**Resolution No. IL-043-18**

From: Legislator Clyde L. Burmaster.

Dated: November 20, 2018

**AUTHORIZATION TO FORGIVE TAXES ON CERTAIN PROPERTY IN THE TOWN OF PORTER  
AND RETURN THIS PROPERTY TO THE TAX ROLLS**

WHEREAS, certain property located in the Town of Porter and identified as Parcel ID 293489: SBL # 60.00-3-9-9.1 located on Balmer Road, consisting of 39.40 acres in the Lewiston-Porter School District has been delinquent on taxes, and

WHEREAS, said property is flagged hazardous and it part of the former Lake Ontario Ordinance Works (L.O.O.W) site, and

WHEREAS, county, town and school taxes were not paid for decades and Niagara County currently recognizes unpaid taxes in the amount of \$152,146.90 (inclusive of interest and penalties), dating back to 1994, and

WHEREAS, Mr. Robert MacVie of Youngstown, New York, has recently acquired this parcel and from the former delinquent owner and wished to develop this property as an above ground storage area for contracting equipment, and

WHEREAS, Mr. MacVie has paid the most recent 2018-19 Lewiston-Porter School tax bill and is committed to remaining current on taxes due and owing his time as owner, and

WHEREAS, this resolution allows for the positive usage of an otherwise contaminated parcel and for the collection of property taxes upon the same, now, therefore, be it

RESOLVED, the Niagara County does agree to forgive County tax liens on the above described property from 1994 through 2018.

Moved by Nemi, 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 Burmaster, seconded by Hill.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Bradt, Grozio

**Resolution No. IL-044-18**

From: Legislators Richard L. Andres, Anthony J. Nemi, John Syracuse, Owen T. Steed and Parks, Recreation & Tourism Ad Hoc Committee..

Dated: November 20, 2018

**SUPPORT FOR THE INSTALLATION OF FENCING AT  
CENTER COURT – D'AMELIO PARK**

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

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

WHEREAS, the City of Niagara Falls has been rebuilding its parks and replacing old equipment which has become outdated and unsafe with new equipment that entices both children and adults to venture outdoors and take part in recreational activities to become more active, and

WHEREAS, the City of Niagara Falls has made application to the Niagara County's Ad Hoc Committee on Recreation and Tourism for Greenway funds to assist in the restoration and upgrade of Center Court– D'Amelio Park project which is located in the center of a Hope VI grant project in the City of Niagara Falls, and

WHEREAS, the City of Niagara Falls Center Court – D'Amelio Park project was approved through Resolution IL-103-17 and includes the installation of various energy stations to be installed at the park, and

WHEREAS, the City of Niagara Falls has requested an additional \$3,000.00 for the purpose of installing fencing on certain areas for safety and security at the City of Niagara Falls Center Court – D'Amelio Park; and

WHEREAS, the request for additional funds by City of Niagara Falls Center Court– D'Amelio Park project for fencing meets the guiding principles of the Niagara Greenway, and

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

WHEREAS, the City of Niagara Falls Center Court – D'Amelio Park project will assist in the promotion of increased recreation opportunities for residents and visitors within the City of Niagara Falls and Niagara County, and

WHEREAS, the City of Niagara Falls Center Court – D'Amelio Park project has the support and approval of Niagara County Legislators Anthony J. Nemi and Owen T. Steed, City of Niagara Falls Mayor Paul Dyster, City of Niagara Falls Council Chairman Charles Walker, and

WHEREAS, the Ad Hoc Committee for Recreation and Tourism fund appointed by the Niagara County Legislature to review projects brought to Niagara County seeking funding from Niagara County through the Niagara Power Coalition and the Host Community Standing Committee; has recommended that Niagara County approve and support the request for additional funding for this project, and

WHEREAS, after receipt of grants and other funding for the project and in-kind services to be performed by the City of Niagara Falls, an additional \$3,000.00 of funds is being requested, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the funding of \$3,000.00 for fencing to be installed at the City of Niagara Falls Center Court – D'Amelio Park project when presented to the Niagara Power Coalition and the Host Community Standing Committee.

Moved by Nemi, seconded by Steed, 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 Steed.

Adopted. 12 Ayes, 0 Noes, 2 Absent – Bradt, Grozio

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

The Chairman declared the Board adjourned at 8:26 p.m., subject to the call of the Clerk.

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

  
Mary Jo Tamburlin, Clerk

