

Public Hearings:

6:20 PM – Set Public Hearing for Assessment Tax Roll for the Niagara County Water District

6:30 PM – Set Public Hearing for Assessment Tax Roll for the Niagara County Sewer District #1

6:40 PM – Set Public Hearing for Assessment Tax Roll for the Niagara County Refuse District

6:50 PM – Tentative Budget for the Year 2021



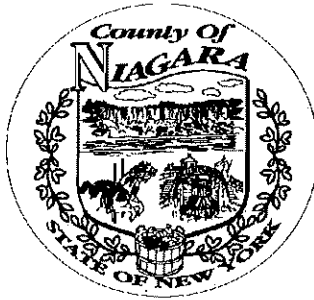
AGENDA
NIAGARA COUNTY LEGISLATURE
December 1, 2020 – 7:00 P.M.

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

Mary Jo Tamburlin

Mary Jo Tamburlin, Clerk
Niagara County Legislature

The next meeting of the Legislature will be held on December 8, 2020



AGENDA
NIAGARA COUNTY LEGISLATURE
December 1, 2020 – 7:00 P.M.

Regular Meeting – December 1, 2020

- AD-021-20** Administration, re Revision of Niagara County Purchasing Guidelines
- AD-023-20** Administration, re Distribution of Mortgage Tax – Treasurer
- AD-024-20** Administration, re Capital Project Close Out – Treasurer
- AD-025-20** Administration, re Formal Update of the Niagara County Investment Policy – Treasurer
- CS-045-20** Community Services and Administration, re 2020 Contract COLA/Minimum Wage – Mental Health Department
- CS-046-20** Community Services and Administration, re Budget Transfer – A4310 Court Ordered County Mandated Costs - MH
- CSS-062-20** Community Safety & Security and Administration, re 2020 Budget Modification – Accept Donation from Occidental Chemical Corporation
- CSS-063-20** Community Safety & Security and Administration, re Niagara County Sheriff's Office Budget Modification – Forensic Lab Equipment
- *ED-022-20** Economic Development, re Approval of Low Cost Power Benefit to Aquarium of Niagara Under the Agreement for the Sale & Purchase of Niagara Project Power & Energy (ASPNPPE)
- *ED-023-20** Economic Development, re Approval of an Agreement with Niagara Tourism & Convention Corporation
- *ED-024-20** Economic Development, re Approving the Inclusion of Viable Agricultural Land within Certified Agricultural Districts Pursuant to Section 303-B of the New York State Agriculture and Markets Law
- IF-132-20** Infrastructure & Facilities and Administration, re Angelo Delsignore Civic Building Curtain Wall Engineering Services Consultant Contract Final Payment

- IF-133-20** Infrastructure & Facilities and Administration, re Orangeport and Quaker Roads over Eighteen Mile Creek Bridge Deck Repairs Change Order No. 1 – Final
- IF-134-20** Infrastructure & Facilities and Administration, re Niagara County Roof Replacement Project Change Order No. 4
- IF-135-20** Infrastructure & Facilities, re Membership Contract Western New York Stormwater Coalition



Mary Jo Tamburlin, Clerk
Niagara County Legislature

*** Indicates Preferred Agenda items**

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

The next meeting of the Legislature will be held on December 8, 2020

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 12/01/20 RESOLUTION # AD-021-20

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	<u>AD - 12/1/20</u>	Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

REVISION OF NIAGARA COUNTY PURCHASING GUIDELINES

WHEREAS, Section 104-b of the New York State General Municipal Law requires that the governing board of every political subdivision shall adopt, by resolution, internal policies and procedures governing all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of Section 103 of New York State General Municipal Law or of any other general, special or local law, and

WHEREAS, said guidelines will be an addition to existing purchasing rules and regulations as established by Resolution 161-78, Resolution 399-91, Resolution AD-009-11, Resolution AD-034-17 and will supersede Resolution AD-011-20 (the "Purchasing Guidelines"), and

WHEREAS, New York State General Municipal Law Section 103, Advertising for bids and offers, letting of contracts; criminal conspiracies; requires authorization by resolution to allow electronic bidding, and

WHEREAS, the Office of Management and Budget, Division of Purchasing, proposes that the County's Purchasing Guidelines be amended to allow acceptance of "sealed bids" and "sealed offers" as the term applies to purchase contracts, (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to article eight of the labor law) shall include bids and offers submitted in an electronic format including submission of the statement of non-collusion required by section one hundred three-d. Submission in electronic format may, for technology contracts only, be required as the sole method for the submission of bids and offers. Bids and offers submitted in an electronic format shall be transmitted by bidders and offerors to the receiving device designated by the Office of Management and Budget, Division of Purchasing. Any method used to receive electronic bids and offers shall comply with article three of the state technology law, and any rules and regulations promulgated and guidelines thereunder and, at a minimum, must (a) document the time and date of receipt of each bid and offer received electronically; (b) authenticate the identity of the sender; (c) ensure the security of the information transmitted; and (d) ensure the confidentiality of the bid or offer until the time and date established for the opening of bids or offers. Niagara County shall not incur any liability from delays of or interruptions in the receiving device designated for the submission and receipt of electronic bids and offer, now, therefore, be it

RESOLVED, that the Legislature of Niagara County hereby approves the amendment to the Niagara County Purchasing Guidelines and authorizes the Department of Management and Budget, Division of Purchasing to make such amendments to the Purchasing Guidelines and include acceptance of bid and offer submissions in an electronic format effective immediately.

NIAGARA COUNTY PURCHASING PROCEDURES AND GUIDELINES

New York State law (General Municipal Law, Section 104-b) requires that specific guidelines be established regulating the procurement of goods and services with a value of \$20,000 or less for purchase of commodities, equipment or goods and \$35,000 or less for public works contracts. The following Niagara County guidelines are meant to facilitate the acquisition of goods and services of appropriate quality from the

appropriate source at the best possible price.

PROCEDURES AND GUIDELINES FOR THE PURCHASE OF COMMODITIES, EQUIPMENT OR GOODS

<u>Dollar Limits</u>	<u>Guideline</u>
\$0 - \$3,499	At the discretion of the Office of Management and Budget, Purchasing Division, solicit documented telephone and/or written quotations from one or more vendors (if available).
\$3,500 - \$19,999	Solicit written quotations from at least two (2) vendors (if available).
\$20,000 and up	Advertise for sealed bids in conformance with General Municipal Law, Sect. 103.

If low bidder is not selected, proper justification and documentation is required from the user department in accordance with section 104-b(2)(e) of the General Municipal Law. Otherwise, purchases will be awarded to the lowest responsible and responsive bidder.

GUIDELINES FOR PUBLIC WORKS PROJECTS/CONTRACTS

(Projects/contracts that require the joint procurement of labor, services, and materials for capital projects.)

<u>Dollar Limits</u>	<u>Guideline</u>
\$0 - \$3,499	At the discretion of the Public Works Department, and/or Office of Management and Budget, Purchasing Division.
\$3,500 - \$34,999	Solicit written quotations from at least two (2) vendors (if available).
\$35,000 and up	Advertise for sealed bids in conformance with General Municipal Law, Sect. 103.

If low bidder is not selected, proper justification and documentation is required from the Department of Public Works in accordance with section 104-b(2)(e) of the General Municipal Law. Otherwise, projects/contracts will be awarded to the lowest responsible and responsive bidder.

GUIDELINES FOR LEASING/RENTALS

The lease or rental agreement must be a true lease or rental and not an arrangement to lease or rent where the effect is a purchase. The Purchasing Department will solicit written quotations from at least two (2) vendors (if available) for all lease or rental agreements.

If the low bidder is not selected, proper justification and documentation is required from the user department in accordance with section 104-b(2)(e) of the General Municipal Law. Otherwise, lease or rental will be awarded to the lowest responsible and responsive bidder.

GUIDELINES FOR PROFESSIONAL SERVICES CONTRACTS

(These guidelines are also used for Contracted Services)

\$0 - \$3,499	Departmental discretion with either Purchase Order or Contract.
\$3,500 - \$19,999	Solicit written quotations from at least two (2) vendors (if available).
\$20,000 and up	Advertise for Request for Proposals.

The Home Committee with subsequent Legislative approval can waive the aforementioned "Purchasing Guideline" regardless of dollar amount for any professional service contract.

The Purchasing Guidelines are not part of a Local Law and because there is no New York State Law on Professional Services no Local Law is necessary. It is within the purview of the Niagara County Legislature to waive the guidelines on any purchase of professional services as deemed necessary by a majority of the Legislature.

AUDIT SERVICES CONTRACTS

For the purpose of entering into a contractual agreement with an outside firm for auditing services, the user departments are required to follow the guidelines set forth in Resolution 165-92 dated May 5, 1992.

If low bidder is not selected, proper justification and documentation is required from the user department in accordance with section 104-b(2)(e) of the General Municipal Law. Such justification and documentation should be kept on file in user department with copy going to Purchasing Department.

AUTHORIZATION FOR ELECTRONIC BIDDING

Sealed bids and sealed offers may be submitted in an electronic format (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to article eight of the labor law) in accordance with section 103 of the General Municipal Law. Electronic access to opening sealed bids and sealed offers will only be available through procurement software and in no instance will access to opening and/or viewing bids and offers be possible prior to the date and time established for that specific sealed bid or sealed offer.

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee **DATE:** 12/01/20 **RESOLUTION #** AD-023-20

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION AD - 12/1/20	LEGISLATIVE ACTION
			Approved: Ayes Abs. Noes
			Rejected: Ayes Abs. Noes
			Referred:

DISTRIBUTION OF MORTGAGE TAX

WHEREAS, Niagara County has received mortgage tax monies for the period April, 2020 through September, 2020 in the amount of \$3,557,454.25, and

WHEREAS, the Recording Officer has previously distributed \$841,775.03 to the Niagara Frontier Transportation Authority, \$780,819.16 to the State Mortgage Tax Agency, and retained \$132,833.72 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 \$1,802,026.34 reflects mortgage tax monies for the period April 1, 2020 through September 30, 2020 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	\$ 66,968.98
	Hartland	25,442.79
	Lewiston	172,334.74
	Lockport	243,086.10
	Newfane	65,037.83
	Niagara	66,269.07
	Pendleton	138,563.03
	Porter	62,186.89
	Royalton	48,716.75
	Somerset	21,307.17
	Wheatfield	267,605.83
	Wilson	52,571.29

VILLAGES	Middleport (Hartland)	\$ 405.35
	Middleport (Royalton)	3,743.24
	Lewiston	20,919.32
	Youngstown	11,798.86
	Barker	1,806.07
	Wilson	5,723.59

CITIES	Lockport	\$ 141,784.84
	Niagara Falls	182,698.64
	North Tonawanda	<u>203,055.96</u>
	TOTAL:	\$1,802,026.34

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.

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee **DATE:** 12/01/20 **RESOLUTION #** AD-024-20

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	<u>AD - 12/1/20</u>	Approved: Ayes _____ Abs. _____ Noes _____
_____	_____	_____	Rejected: Ayes _____ Abs. _____ Noes _____
_____	_____	_____	Referred: _____

CAPITAL PROJECT CLOSE OUT – BUILDING IMPROVEMENTS 2014

WHEREAS, capital project H611 Building Improvements 2014 has been completed and has account balances remaining that need to be transferred to a similar project or returned to the original funding source, now, therefore, be it

RESOLVED, that capital project H611 Building Improvements 2014 be closed and the remaining account balance be transferred to the original funding source:

DECREASE ESTIMATED REVENUES:

H611.15.1620.000 45031.00	Transfer from Operating - NYPA	\$ 243,218.19
H611.15.1620.000 45031.00	Transfer from Operating	\$ 15,000.00
H611.15.1620.000 45031.10	Transfer from Capital Reserve	\$ 65,470.01

INCREASE ESTIMATED REVENUS:

H611.15.1620.000 42705.00	Gifts and Donations	\$ 38,098.98
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DECREASE APPROPRIATIONS:

H611.15.1620.000 72200.01	Building Improvements 2014	\$ 285,589.22
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INCREASE ESTIMATED REVENUES:

H624.15.1620.000 45031.10	Transfer from Capital Reserve	\$ 65,470.01
H624.15.1620.000 45031.00	Transfer from Operating	\$ 15,000.00

INCREASE APPROPRIATIONS:

H624.15.1620.000 72200.01	Building Improvements 2015 Project 07	\$ 80,470.01
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and be it further

RESOLVED, that the cash balance for this account in the amount of \$243,218.19 is to be returned to the original funding sources as follows:

NYPA Committed Fund Balance:	\$ 243,218.19
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ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee **DATE:** 12/01/20 **RESOLUTION #** AD-025-20

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
		<u>AD - 12/1/20</u>	Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

FORMAL UPDATE OF THE NIAGARA COUNTY INVESTMENT POLICY

WHEREAS, Section 39 of General Municipal Law requires each local government to adopt by resolution a comprehensive investment policy detailing the local government's operative policy and instructions to officers and staff regarding the investing, monitoring and reporting of funds of the local government, and

WHEREAS, The County investment policy was originally adopted in 1993 and has not been updated since, and

WHEREAS, the New York State Office of the State Comptroller recommends that said investment policy be reviewed annually, and

WHEREAS, the revised investment policy meets the requirements of said General Municipal Law and the guidelines of the Office of the State Comptroller, now, therefore, be it,

RESOLVED, that the Niagara County Legislature hereby adopts the attached investment policy as the investment policy of the County of Niagara.

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services Committee
and Administration Committee

DATE: 12/01/20

RESOLUTION # CS-045-20

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
		CS - 12/1/20	Approved: Ayes Abs. Noes
		AD - 12/1/20	Rejected: Ayes Abs. Noes
			Referred:

2020 CONTRACT COLA/MINIMUM WAGE - MENTAL HEALTH DEPARTMENT

WHEREAS, the New York State Office of Mental Health and New York State Office of Alcoholism & Substance Abuse Services has approved additional State Aid COLA/Minimum Wage for the calendar year of 2020 for various agencies, and

WHEREAS, previously allocated COLA is to be allocated to Mental Health Programs rather than Case Management Programs per the New York State Office of Mental Health, and

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

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

RESOLVED, that the following budget modifications be effectuated:

INCREASE REVENUES:

CM.21.4322.415.43490.01	Mental Health Programs (New Directions)	\$	717
CM.21.4322.423.43490.14	Supported Housing		387

INCREASE APPROPRIATIONS:

CM.21.4322.415.74500.01	Mental Health Programs (New Directions)	\$	717
CM.21.4322.423.74500.01	Supported Housing		387

DECREASE REVENUES:

CM.21.4322.416.43489.04	Case Management Programs (New Directions)	\$	717
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DECREASE APPROPRIATIONS:

CM.21.4322.416.74500.01	Case Management Programs (New Directions)	\$	717
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NIAGARA COUNTY LEGISLATURE

FROM: Community Services Committee
and Administration Committee

DATE: 12/01/20

RESOLUTION # CS-046-20

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
		CS - 12/1/20	Approved: Ayes Abs. Noes
		AD - 12/1/20	Rejected: Ayes Abs. Noes
			Referred:

BUDGET TRANSFER - A4310 COURT ORDERED COUNTY MANDATED COSTS

WHEREAS, the County is required by Criminal Procedure Law Articles 730.20 and 730.50, and Family Court Act Article 120, to pay for Court ordered hospital in-patient stays and mental health examinations, and

WHEREAS, as a result of the bills generated by the length of hospital stay imposed by Court Orders for year 2020, outstanding expenses currently exist, and

WHEREAS, based on these current Court Orders the expenses to the end of the year will exceed budget, and

WHEREAS, during the State 2021 budget process, in Spring 2020, the State determined that 100% of the costs would be the responsibility of the Counties, negating the longstanding practice of the State paying 50% of the mandated costs, and

WHEREAS, this decision was effective April 1, 2020, and

WHEREAS, the Niagara County Department of Mental Health administers payment of these bills on behalf of the County, now, therefore, be it

RESOLVED, should there be additional Court Ordered expenses before end of the year, another request will be necessary, and be it further

RESOLVED, the following budget transfer be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

A.40599.00	Appropriated Fund Balance	\$ 132,498
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DECREASE APPROPRIATIONS:

A.08.1990.000 74500.01	Contingency	\$ 55,000
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INCREASE APPROPRIATIONS:

A.21.4310.000 74550.17	Department of Mental Hygiene	\$ 187,498
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COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security Committee **DATE:** 12/01/20 **RESOLUTION #** CSS-062-20
and Administration Committee

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	<u>CSS - 12/1/20</u>	Approved: Ayes _____ Abs. _____ Noes _____
		<u>AD - 12/1/20</u>	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

2020 BUDGET MODIFICATION - FIRE COORDINATOR'S OFFICE – ACCEPT DONATION FROM OCCIDENTAL CHEMICAL CORPORATION

WHEREAS, Niagara County Emergency Services has received a donation of \$2,000 through the Fire Coordinator's Office by Occidental Chemical Corporation (OxyChem) to be used for the Local Emergency Planning Committee (LEPC), and

WHEREAS, the LEPC will utilize these funds to purchase PPE (personal protective equipment) for the Haz-Mat team, now, therefore, be it

RESOLVED, that the following 2020 budget modification be effectuated:

INCREASE REVENUE:

A.19.3410.000 42705.00	Gift & Donate	\$2,000.00
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INCREASE APPROPRIATION:

A.19.3410.000 74750.10	HazMat Inventory	\$2,000.00
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COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security Committee **DATE:** 12/01/20 **RESOLUTION #** CSS-063-20
and Administration Committee

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
		CSS - 12/01/20	Approved: Ayes Abs. Noes
		AD - 12/01/20	Rejected: Ayes Abs. Noes
			Referred:

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION – FORENSIC LAB EQUIPMENT**

WHEREAS, New York State enacted a law effective March 8, 2020 which requires that Marijuana be quantified for verification of all marijuana related charges, and

WHEREAS, New York State Laboratories are not equipped to perform this analysis, and

WHEREAS, the Niagara County Sheriff's Office Forensic Laboratory supports all of Niagara County and Orleans County law enforcement agencies, and

WHEREAS, the Niagara County Sheriff's Office Forensic Laboratory needs to purchase a GCMS Instrument dedicated to marijuana quantification, and

WHEREAS, the Niagara County Sheriff's Office has realized significant payroll savings in 2020 with vacant positions, now, therefore, be it

RESOLVED, that the following line item transfers be effectuated:

DECREASE APPROPRIATIONS:

A.17.3110.000 71010.00	Positions Expense Position #437	\$ 87,000
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INCREASE APPROPRIATIONS:

H711.17.3197.000 72100.21	Forensic Lab Equipment	\$ 87,000
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COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Economic Development Committee **DATE:** 12/01/20 **RESOLUTION #** ED-022-20

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	<u>ED - 11/18/20</u>	Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

APPROVAL OF LOW COST POWER BENEFIT TO AQUARIUM OF NIAGARA UNDER THE AGREEMENT FOR THE SALE & PURCHASE OF NIAGARA PROJECT POWER & ENERGY (ASPNPPE)

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

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

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

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

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

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

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

WHEREAS, the County of Niagara has previously awarded the Aquarium of Niagara for this same project under resolution ED-022-17, 75 kw (at 70% load factor), which agreement will expire November 1, 2020, and for which the Aquarium of Niagara has met each part of the previous application, having added the Humbolt Penguin Exhibit, Aliens of the Sea Jellyfish Exhibit and the Shark and Ray Bay Touch Pool, and

WHEREAS, the Empower Niagara Board has reviewed the initial application of Aquarium of Niagara for the use of low cost power for developing, renovating and expanding its business, and

WHEREAS, the Aquarium of Niagara has met and exceeded all the criteria qualifying its project for consideration and the Empower Niagara Board is recommending approval of a three-year extension of the agreement, and

WHEREAS, the approval of the Aquarium of Niagara original application has allowed the Aquarium to serves the community as a center for education, destination for recreation, and a year-round tourist attraction, and

WHEREAS, the Empower Niagara Board will be recommending the approval of the low cost power allocation application of 75 kw (at 70% load factor) for a period of three (3) years, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby approves the application of Aquarium of Niagara for 75kw (at 70% load factor) low cost power benefits from Niagara County, pursuant to low cost power allocation received through the June 25, 2005 HCRSA and ASPNPPE, and be it further

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

ECONOMIC DEVELOPMENT COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Economic Development Committee **DATE:** 12/01/20 **RESOLUTION #** ED-023-20

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	<u>ED - 11/18/20</u>	Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

APPROVAL OF AN AGREEMENT WITH NIAGARA TOURISM & CONVENTION CORPORATION

WHEREAS, the renewal of an agreement has been proposed by and between the County of Niagara (COUNTY) and the Niagara Tourism and Convention Corporation (NTCC), dba Destination Niagara USA, wherein the two parties have agreed to accomplish various tasks and duties in a more economical and efficient manner by working together, and

WHEREAS, NTCC, in consideration of funding and other resources provided by both parties for this agreement, and

WHEREAS, the County through its Department of Economic Development promotes Niagara County sportfishing and water resources assets, and

WHEREAS, NTCC as part of its purposes promotes Niagara County's sportfishing and water resources assets and the intent of all parties to this agreement is to accomplish various tasks and duties in a more economical and efficient manner, and

WHEREAS, it is in the best interest of the COUNTY, NTCC and for the residents of Niagara County for certain tasks and duties to be performed in a most efficient and economical manner, and

WHEREAS, both agencies would be providing funding and other resources for the marketing program for 2021 and 2022 in an order not to duplicate efforts and cost, they both feel that it would be in the best interest of the residents of Niagara County, now, therefore, be it

RESOLVED, that the County of Niagara does hereby approve the agreement for 2021 and 2022 between the parties and authorizes its Chairman to execute said agreement and all documents necessary to implement the terms and conditions of said agreement, subject to the review by the County Manager and the approval of the County Attorney.

ECONOMIC DEVELOPMENT COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Economic Development Committee **DATE:** 12/01/20 **RESOLUTION #** ED-024-20

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	<u>ED - 11/18/20</u>	Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

APPROVING THE INCLUSION OF VIABLE AGRICULTURAL LAND WITHIN CERTIFIED AGRICULTURAL DISTRICTS PURSUANT TO SECTION 303-B OF THE NEW YORK STATE AGRICULTURE AND MARKETS LAW

WHEREAS, Section 303-b of Agriculture and Markets Law provides land owners with an annual thirty-day period to submit requests for the inclusion of predominantly viable agricultural lands within certified agricultural districts, and

WHEREAS, that thirty-day period began June 1, 2020, and ended June 30, 2020, and

WHEREAS, land owners have filed a request for inclusion of predominantly viable agricultural land within the certified agricultural district, and

WHEREAS, the County Legislature referred the requests to the Niagara County Agricultural and Farmland Protection Board, and that Board has reviewed the requests and provided its recommendations that such property consists predominantly of viable agricultural land and that the inclusion of such land would serve the public interest by assisting in maintaining a viable agricultural industry within the district, and

WHEREAS, a public hearing was held on Tuesday, October 20, 2020 at 6:00 p.m. relating to such requested inclusions, now, therefore, be it

RESOLVED, that based on the recommendations of the Agricultural and Farmland Protection Board, this Niagara County Legislature hereby adopts and approves the inclusion of the requested viable agricultural land within certified Agricultural District #7, and be it further

RESOLVED, that in accordance with Section 303-b of Agriculture and Markets Law the modifications to Agricultural District #7, are hereby described as follows, and include the following parcels listed by agricultural district, town, owner, tax map number, and acreage:

2020 Additions

Agricultural District	Town	Owner	Tax Map Number	Acreage
7	Pendleton	Walter and Cecelia Matyjas Trust	137.00-1-65	4.58
7	Pendleton	Charles Dispenza	149.04-1-16.1	14.95
7	Pendleton	Charles Dispenza	149.04-1-65.11	7.61
7	Youngstown	Martin and Jamie Kukovica	74.00-1-44.1	32.2
7	Lockport	Robert A. Marotta	81.04-1-62	25.1
7	Pendleton	David Wasik	149.00-3-22	72.14
7	Pendleton	David Wasik	150.00-2-18.2	122.33
7	Pendleton	David Wasik	150.00-2-14.111	23.39
7	Pendleton	David Wasik	149.00-3-23.1	31.92
7	Pendleton	David Wasik	149.00-3-6	99.93
7	Pendleton	David Wasik	149.00-3-8.2	4.03
7	Pendleton	David Wasik	149.00-3-32.1	65.45
7	Pendleton	David Wasik	149.00-3-7	3.22

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee **DATE:** 12/01/20 **RESOLUTION #** IF-132-20
and Administration Committee

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	IF – 12/01/20	Approved: Ayes _____ Abs. _____ Noes _____
		AD- 12/01/20	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

ANGELO DELSIGNORE CIVIC BUILDING CURTAIN WALL ENGINEERING SERVICES CONSULTANT CONTRACT FINAL PAYMENT

WHEREAS, by Resolution No. IF-143-18, dated December 4, 2018, the Legislature awarded the contract for the Angelo DelSignore Civic Building Curtain Wall Project to Watts Engineering & Architecture PC, 95 Perry Street, Suite 300, Buffalo, NY 14203, in the amount of \$84,400, and

WHEREAS, the contract has been completed to specifications and drawings for the original contract amount of \$84,400, and

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

RESOLVED, that final payment is authorized to be processed to Watts Engineering & Architecture PC, 95 Perry Street, Suite 300, Buffalo, NY 14203, and be it further

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

INFRASTRUCTURE & FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee **DATE:** 12/01/20 **RESOLUTION #** IF-133-20
and Administration Committee

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
		<u>IF – 12/01/20</u>	Approved: Ayes _____ Abs. _____ Noes _____
		<u>AD- 12/01/20</u>	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

**ORANGEPORT AND QUAKER ROADS OVER EIGHTEEN MILE CREEK
BRIDGE DECK REPAIRS
CHANGE ORDER NO. 1 - FINAL**

WHEREAS, by Resolution No. IF-084-20, dated August 4, 2020, the Legislature awarded the contract for the Orangeport and Quaker Roads over Eighteen Mile Creek Bridge Deck Repairs Project to Oakgrove Construction, 6900 Seneca Street, PO Box 103, Elma, NY 14059, for a contract amount of \$273,875.02, and

WHEREAS, it is necessary to decrease the contract in the amount of \$4,832.50, due to the actual amount of quantities installed being less than the contracted quantities, for a revised contract amount of \$269,042.52, 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 \$4,832.50 for the Orangeport and Quaker Roads over Eighteen Mile Creek Bridge Deck Repairs Project, for a revised contract amount of \$269,042.52, to Oakgrove Construction, 6900 Seneca Street, PO Box 103, Elma, NY 14059, be approved, and be it further

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

INFRASTRUCTURE & FACILITIES COMMITTEES

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee **DATE:** 12/01/20 **RESOLUTION #** IF-134-20
and Administration Committee

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	IF – 12/01/20	Approved: Ayes _____ Abs. _____ Noes _____
		AD- 12/01/20	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

NIAGARA COUNTY ROOF REPLACEMENT PROJECT CHANGE ORDER NO. 4

WHEREAS, by Resolution No. IF-090-19, dated August 6, 2019, the Legislature awarded the contract for the Niagara County Roof Replacement Project to Weaver Metal & Roofing, 40 Appenheimer Avenue, Buffalo, NY 14214, for a contract amount of \$2,868,000, and

WHEREAS, Resolution No. IF-005-20, dated January 21, 2020, authorized Change Order No. 1 to decrease the contract in the amount of \$27,446.46 for installing retrofit drain pipes in lieu of roof drain replacement and installing additional ½” exterior grade plywood, for a revised contract amount of \$2,840,553.54, and

WHEREAS, Resolution No. IF-071-20, dated June 16, 2020, authorized Change Order No. 2 to increase the contract in the amount of \$139,012.71 for the following: removal of tapered insulation and installation of flat insulation at the Ross Building; removal of tapered insulation in select roof areas and installation of flat insulation in those areas; removal of existing concrete curb and infill with steel deck at the Trott Building; replacement of roof top units 1-5 with new Trane units at the Trott Building; and replacement of air handler units 1-3 and refrigeration a/c coils at the Trott Building, for a revised contract amount of \$2,979,566.25, and

WHEREAS, Resolution No. IF-086-20, dated August 4, 2020, authorized Change Order No. 3 to increase the contract in the amount of \$53,517.65 for the following work: reinforce structural steel supports at the Ross Building for two roof top units; add plywood to various parapets at the Trott Building; revise steel perimeter angle supports and repair a section of the parapet wall at the Ross Building; and install an additional parapet wall at the Ross Building, for a revised contract amount of \$3,033,083.90, and

WHEREAS, it is necessary to decrease the contract in the amount of \$1,843.75 for: removal of tapered insulation and installation of flat insulation at the high roof of area C at the Trott Building; repair of drywall on a time and material basis at the Trott Building; and installation of a metal cap for the chimney no longer needed at the Ross Building; for a revised contract amount of \$3,031,240.15, and

WHEREAS, it is necessary to increase the contract completion date by sixty (60) days due to loss of work days resulting from COVID-19 work restrictions, 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. 4 to decrease the contract by \$1,843.75 for the Niagara County Roof Replacement Project, for a revised contract amount of \$3,031,240.15 to Weaver Metal & Roofing, 40 Appenheimer Avenue, Buffalo, NY 14214, be approved, and be it further

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee DATE: 12/01/20 RESOLUTION # IF-135-20

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
		<u>IF – 12/01/20</u>	Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

MEMBERSHIP CONTRACT WESTERN NEW YORK STORMWATER COALITION

WHEREAS, the Western New York Stormwater Coalition (the Coalition) was created by a Memorandum of Agreement dated December 31, 2005, and

WHEREAS, the Coalition coordinates and cooperates in efforts to meet the requirements of the Phase II Stormwater regulations (40 C.F.R. Sections 9, 122, 123, and 124 [1999], as amended), and the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from MS4s (GP-0-15-003 and subsequent renewals for the term of the Agreement), and

WHEREAS, Niagara County has been a member of the Coalition since its inception, and

WHEREAS, Niagara County would like to continue its membership in the Coalition, and

WHEREAS, funds are available in account D.15.5140.000 74600.04, Dues and Memberships, 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 contract for the Western New York Stormwater Coalition be executed by Niagara County so as to remain a partner in the Coalition, at an annual cost of \$1,800, for a term of five (5) years, ending on December 31, 2025, and be it further

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

INFRASTRUCTURE & FACILITIES
COMMITTEE