

OFFICIAL RECORD

Lockport, New York
February 19, 2019

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 Legislator Burmaster, Collins and Zona.

Moment of Silence was held for former Public Works Commissioner Donald J. Smith and County Manager Richard Updegroves Father, John Updegrove.

CORRESPONDENCE & RECOGNITION:

Chairman McNall announced no cost Business Workshops across Niagara County sponsored by Niagara County Employment & Training and Niagara County's Economic Development.

PRESENTATIONS

Legislator Rebecca J. Wydysh was called Ruth Verratti, Director of Living Well Program at Lockport Cares to the lectern to talk about the mission of Lockport Cares and how grateful she was to have Reverend Alan Bauch, President of the Board and Marty Nagy, Executive Director joining her. Lockport cares opens its doors to woman, men and families with children who find themselves in need by providing emergency shelter, material needs and compassionate care with dignity and respect. Legislator Wydysh Thanked Ruth and Lockport Cares for giving back to our community

Legislator Wydysh called Lockport students Nick Doxey, Heather Chatt and Heidi Chatt to the lectern to receive a Proclamation on their extraordinary work as youth anti-tobacco advocates and for educating young people on the dangers and peril of smoking, tobacco use and vaping.

Legislator Syracuse called the Village of Barker Mayor Aaron Nellist to the lectern with him was also Deputy Mayor Gregory P. Kerth, Village Trustees James Baker, Seanna Corwin-Bradley, Benjamin Seaward and Clerk Amanda M. Detschiner to recognize and thank Niagara County as a whole for their response and guidance when the Town of Barkers City Hall caught on fire. A special thank you to Fire Coordinator Jonathan Schultz, Sheriff James Voutour and his staff, IT Department and Legislator John Syracuse for all of his help and guidance.

County Clerk Joseph Jastrzemski called Commander of Military Order, Mike Targon, fellow members of the Purple Heart Chapter 264 and Director of Veterans Service Agency, Jeffery Glatz the lectern to thank all the Legislators whole heartedly for their support to claim Niagara County as a "Purple Heart County".

0 citizens spoke at this time.

Chairman McNall announced that resolution ED-006-19 was being removed from the Agenda. Moved by Andres, seconded by Bradt.

Chairman McNall announced that resolution IL-003-19 was being removed from the Agenda. Moved by Gooch, seconded by Andres.

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

Resolution No. AD-002-19

From: Administration Committee.

Dated: February 15, 2019

**AUTHORIZATION TO CONVEY CERTAIN TAX SALE PROPERTY TO THE TOWN OF
WHEATFIELD
(PROPERTY COMMONLY KNOWN AS 2839 THORNWOODS DRIVE, TOWN OF WHEATFIELD)**

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 filing a verified petition (commenced in Niagara County Supreme Court under Clerk's Index No. 157229) against property assessed under SBL# 147.16-2-4, commonly known as 2839 Thornwoods Drive in the Town of Wheatfield, New York (the "Property"), owned by Samuel D. Messana – Elayne M., and

WHEREAS, the Judgment of Foreclosure granted July 26, 2017 by Daniel J. Furlong Supreme Court Justice, in the Proceeding, Kyle R. Andrews, Niagara County Treasurer (as the "Tax Enforcing Officer") awarded possession of the Property and, among other things, authorized the Niagara County Treasurer/Tax Enforcing Officer to execute and deliver a deed conveying full and complete title to the Property free and clear of all liens and encumbrances, and

WHEREAS, the Town of Wheatfield, has notified the County of Niagara of its desire to accept ownership of the Property from the Tax Enforcing Officer in the Proceeding, in consideration of said transfer, the Town of Wheatfield will execute a hold harmless and indemnity agreement, and

WHEREAS, the Niagara County Legislature hereby finds and determines that the property is not needed for a municipal purpose, and

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

WHEREAS, the terms and conditions under which the property is to be conveyed to the Town of Wheatfield are subject to the final review and approval by the Niagara county Attorney's Office and the attorney of the Town of Wheatfield and must include legally binding assurances by the Town of Wheatfield 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 Wheatfield, 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 2839 Thornwoods Drive Town of Wheatfield, to the Town of Wheatfield, 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 Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. AD-003-19

From: Administration Committee.

Dated: February 15, 2019

**REAL PROPERTY TAX CORRECTIONS/CANCELLATIONS
NO. COE-2019 A**

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-2019 A 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 Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. CS-005-19

From: Community Services and Administration Committees.

Dated: February 15, 2019

BUDGET MODIFICATION FLEXIBLE FUND FOR FAMILY SERVICES

WHEREAS, the Executive Budget did make federal funds available to local districts to provide a comprehensive array of services to meet the needs of eligible Temporary Assistance for Needy Families (TANF) and individuals, and

WHEREAS, these funds enable Niagara County to direct resources toward a number of areas of program needs, including, but not limited to employment related activities, Child Welfare Services, PINS Detention Diversion Services, Substance Abuse Assessments, Domestic Violence Screenings & Non-residential Domestic Violence services, Title XX Services, JD/PINS Fostercare Costs, Child Care & Development, and

WHEREAS, Niagara County did receive a 100 % federally funded allocation, effective July 2018 – June 2019, not all of which has been expended, now, therefore, be it

RESOLVED, that Niagara County Department of Social Services will continue to contract with various agencies that will provide the necessary services in accordance with the Niagara County Flexible Fund for Family Services Plan submitted to NYS Office of Temporary and Disability Assistance (OTDA) and NYS Office of Children and Family Services (OCFS) at no additional cost to the County, and be it further

RESOLVED, that the following budget modification be effectuated to the Social Services 2019 budget:

INCREASE REVENUE:

A.22.6010.000 44610.00	DSS Admin Revenue	\$ 325,000
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INCREASE APPROPRIATION:

A.22.6010.000 74500.01	Contractual Exp-Contractual	\$ 325,000
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Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. CS-006-19

From: Community Services and Administration Committees.

Dated: February 15, 2019

**BUDGET MODIFICATION
CHILD CARE AND DEVELOPMENT FUND**

WHEREAS, Executive Budget did make federal funds available to local districts for the provision of early childhood development and before-and-after school child care services and of quality improvement activities under the Federal Child Care and Development Block Grant Program, and

WHEREAS, these funds enable Niagara County to direct resources to satisfy federal requirements, as they relate to the registration and inspection of Child Care Centers, as well as the corresponding reporting requirements, and

WHEREAS, Niagara County did receive a renewed allocation which is 100% federally funded, effective January 1, 2019, now, therefore, be it

RESOLVED, that Niagara County Department of Social Services will continue to contract with Niagara Community Action Program, Inc. to carry out the required roles and responsibilities under the Child Care and Development Program, and be it further

RESOLVED, that the following budget modification be effectuated to the Social Services 2019 budget:

INCREASE REVENUE:

A.22.6010.000 44610.00	DSS Admin Revenue	\$ 174,084
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INCREASE APPROPRIATION:

A.22.6010.000 74500.01	Contractual Exp – Contractual	\$ 174,084
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Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. CS-007-19

From: Community Services and Administration Committees.

Dated: February 15, 2019

**BUDGET MODIFICATION
HEALTHY FAMILIES NEW YORK PROGRAM**

WHEREAS, the New York State Office Of Children & Family Services, in conjunction with the New York State Department of Health, did make state-wide funds available for the provision and expansion of Healthy Families New York Home Visiting Programs, and

WHEREAS, these resources are directed toward expectant and new parents in an effort to promote positive growth and development to improve health and social outcomes for families at high risk of abuse and neglect, and

WHEREAS, effective July 1, 2018, Niagara County did receive a revised 100% state funded allocation of \$481,710, not all of which has been fully expended, now, therefore, be it

RESOLVED, that Niagara County Department of Social Services will continue to contract with Family & Children's Services of Niagara, Inc. to provide the necessary services as outlined in the Healthy Families New York Program requirements, and be it further

RESOLVED, that the following budget modification be effectuated to the Social Services 2019 budget:

INCREASE REVENUE:

A.22.6010.000 43610.01 DSS Admin General \$ 180,650

INCREASE APPROPRIATION:

A.22.6010.000 74500.01 Contractual Exp-Contractual \$ 180,650

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. CS-008-19

From: Community Services and Administration Committees.

Dated: February 15, 2019

**Budget Modification
Safe Harbor Initiative**

WHEREAS, 2008 New York State legislation, the Safe Harbor for Exploited Children Act, ended the prosecution of minors under prostitution charges and instead identified minors as victims of commercial sexual exploitation by adults, and

WHEREAS, The Safe Harbor Act is the result of years of advocacy work in New York and around the country in advancing the cause for child victims; The number of sexually exploited children, in addition to data surrounding the correlation between abuse and mental health concerns, highlighted the need for a model shift from criminalizing to protecting victims, and

WHEREAS, resources have been made available for the identification of Commercially Sexually Exploited (CSE) youth, the provision of case coordination and advocacy for CSE youth, assisting youth with access to medical care, mental health counseling, financial assistance, emergency shelter and other basic living and safety needs, crisis intervention, problem solving, action planning, and skill building, and

WHEREAS, Niagara County was selected as one of few counties across the state to receive funds to support the Safe Harbor program, and did receive a renewed allocation of \$86,700 effective January 1, 2019 – December 31, 2019, which is 100% state funded, now, therefore, be it

RESOLVED, that Niagara County Department of Social Services will continue to contract and collaborate with Niagara Falls Memorial Medical Center - Child Advocacy Center, with the goal of providing immediate and intensive services to youth who are sexually exploited, and reduce the risk of continued sexual exploitation and abuse, in accordance with the Safe Harbor Initiative, and be it further

RESOLVED, that the following budget modification be effectuated to the Social Services 2019 budget:

INCREASE REVENUE:

A.22.6010.000 43610.01 DSS Admin General \$ 86,700

INCREASE APPROPRIATION:

A.22.6010.000 74500.01 Contractual Exp-Contractual \$ 86,700

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. CS-009-19

From: Community Services and Administration Committees.

Dated: February 15, 2019

**BUDGET MODIFICATION
REAPPROPRIATE HEALTHY NEIGHBORHOODS PROGRAM
DEPARTMENT OF HEALTH**

WHEREAS, the Healthy Neighborhoods Program under the Environmental Division of the Niagara County Department of Health provides services, information and education to protect the health and safety of the citizens of Niagara county, and

WHEREAS, the New York State Department of Health Bureau of Community Environmental Health & Food Protection awarded grant funds to support neighborhood health approved through the 2018 budget process, and

WHEREAS, the Department of Health requests re-appropriation of 2018 funds to 2019 budget, now, therefore, be it

RESOLVED, that the following budget modification, be effectuated:

INCREASE REVENUE:

CM.20.4189.405 44489.06	Other Healthy Neighborhoods	\$15,000
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INCREASE APPROPRIATIONS:

CM.20.4189.405 74250.01	Office Supplies	\$ 700
CM.20.4189.405 74300.06	Uniforms/clothing	800
CM.20.4189.405 74375.01	Advertising & Promotion	1,000
CM.20.4189.405 74600.03	Training & Education	1,000
CM.20.4189.405 74675.02	Central Printing	500
CM.20.4189.405 74675.03	Central Print Shop Supplies	500
CM.20.4189.405 74750.02	General Supplies	10,425
CM.20.4189.405 74800.10	Maintenance Misc equip <\$500	75

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. CS-010-19

From: Community Services and Administration Committees.

Dated: February 15, 2019

**BUDGET MODIFICATION
REAPPROPRIATE CHILDHOOD LEAD PREVENTION FUNDING
DEPARTMENT OF HEALTH**

WHEREAS, the Childhood Lead Prevention Program under the Environmental Division of the Niagara County Department of Health provides testing, information and education to protect the health and safety of children living in Niagara County, and

WHEREAS, the New York State Department of Health Bureau of Community Environmental Health & Food Protection awarded grant funds to support childhood lead prevention approved through the 2018 budget process, and

WHEREAS, the Department of Health requests re-appropriation of 2018 funds to 2019 budget, now, therefore, be it

RESOLVED, that the following budget modification, be effectuated:

INCREASE REVENUE:

CM.20.4070.419 43450.03	Other Lead Grant	\$ 4,000
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INCREASE APPROPRIATIONS:

CM.20.4070.419 74250.01	Office Supplies	\$ 100
CM.20.4070.419 74300.06	Uniforms/clothing	400
CM.20.4070.419 74600.03	Training & Education	1,000
CM.20.4070.419 74750.02	General Supplies	2,500

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. CS-011-19

From: Community Services and Administration Committees.

Dated: February 15, 2019

MH – BUDGET MODIFICATION - ACCEPT NYS OASAS ONE-TIME ONLY PILOT FUNDING FOR JAIL-BASED SUBSTANCE USE DISORDER TREATMENT AND TRANSITION SERVICES AND CONTRACT WITH BEST SELF BEHAVIORAL HEALTH, INC.

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

WHEREAS, the New York State Office of Alcoholism and Substance Abuse Services (OASAS) has awarded one-time only pilot funding to implement jail-based substance use disorder and treatment and transition services in Niagara County Jail, and

WHEREAS, Best Self Behavioral Health, Incorporated's goal is to expand jail-based substance use disorder and treatment and transition services in Niagara County, and

WHEREAS, Best Self Behavioral Health, Incorporated's purpose is to provide jail-based substance use disorder and treatment and transition services in the Niagara County Jail, now, therefore, be it

RESOLVED, that the following budget modification be effectuated to the department's budget and the department is given authorization to accept NYS OASAS State funding and enter into contract with Best Self Behavioral Health, Inc. to begin implementation of services effective March 1, 2019:

INCREASE REVENUE:

A.21.4310.000.43490.07	MH Program Alcoholism County	\$200,000
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INCREASE APPROPRIATION:

A.21.4310.000.74500.01	Contractual	\$200,000
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Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. CSS-005-19

From: Community Safety & Security and Administration Committees.

Dated: February 15, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE
LEASE AGREEMENT WITH THE FASHION OUTLET MALL**

WHEREAS, the Niagara County Sheriff's Office is required to maintain, for public safety purposes, a fully functioning Land Mobile Radio (LMR) System, and

WHEREAS, the Sheriff's Office has identified a need to place additional LMR equipment to support and expand the existing LMR System within the Fashion Outlet Mall, and

WHEREAS, Macerich Niagara LLC, owner of the Fashion Outlet Mall has identified space within their facility that would be suitable to meet the needs to support expanding the current LMR System in Niagara County, and

WHEREAS, Macerich Niagara LLC has agreed to allow a no cost lease of this space to be utilized as an equipment room and antennae location, now, therefore, be it

RESOLVED, that Niagara County enter into a Lease Agreement with Macerich Niagara LLC for the space, and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to execute this lease, subject to approval as to legal form by the County Attorney's Office.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. CSS-006-19

From: Community Safety & Security and Administration Committees.

Dated: February 15, 2019

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

WHEREAS, the Niagara County Legislature passed Resolution # CSS-083-18 on November 20, 2018 to accept the COPS Office STOP School Violence: School Violence Prevention Program (SVPP) grant 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, the grant budget includes match contributions from the Niagara County schools which are benefitting from safety equipment purchases, and

WHEREAS, the 2019 budget needs to be modified to allow for the acceptance of this revenue and allocation to the expense line for the purchase of the planned safety equipment, now therefore, be it

RESOLVED, that the following line item transfers be effectuated:

INCREASE REVENUE:

A.17.3110.000 42210.01	General Services, Other Gov General	\$25,000
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INCREASE APPROPRIATIONS:

A.17.3110.000 72100.21	Machinery and Equipment	\$25,000
	Law Enforcement Equipment	

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. CSS-007-19

From: Community Safety & Security and Administration Committees.

Dated: February 15, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE
PROJECT MANAGEMENT AND IMPLEMENTATION SERVICES FOR ENHANCEMENT OF
COUNTYWIDE PUBLIC SAFETY RADIO NETWORK**

WHEREAS, the Niagara County Legislature passed Resolution #CSS-073-18 on September 18, 2018 to enter into a job specific contract with Mission Critical Partners to review, examine and negotiate the Motorola proposal for necessary infrastructure and equipment (the "Project") to enhance the current Countywide Public Safety Radio Project, and

WHEREAS, Mission Critical Partners continues to work through negotiations with Motorola after reviewing the contract and identifying cost savings, and

WHEREAS, the Project will soon move to the next step of project start up and implementation, and

WHEREAS, the New York State Department of Homeland Security and Emergency Services has approved the use of Mission Critical Partners as a Single Source professional service for the Project, and

WHEREAS, under Niagara County's Purchasing Guidelines, the Niagara County Legislature and the requisite committee(s) have the discretion to waive Requests for Proposal for a professional service contract, and

WHEREAS, Mission Critical Partners has the unique expertise and Project knowledge needed for the management and implementation of this highly technical Project, and

WHEREAS, Mission Critical Partners has submitted a Radio System Two Site Implementation Proposal which provides project management and implementation for a fixed fee of \$123,312 which will be paid through the current FY16 State Interoperable Communications Formula Grant, now, therefore, be it

RESOLVED, that following the County Attorney's review and approval of the contract, that Niagara County enter into a contract with Mission Critical Partners for Project Management and Implementation on this Project, and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to execute this contract.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. CSS-008-19

From: Community Safety & Security and Administration Committees.

Dated: February 15, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE
EXPENDITURE OF ALARM FINES REVENUE**

WHEREAS, the Niagara County Legislature passed Resolution # CSS-034-10 on August 24, 2010 which established avoidable alarm fine fees as a dedicated revenue to be used for future purchases for the Niagara County Sheriff's Office Police and Fire Communications System, and

WHEREAS, the Sheriff's Office has identified an opportunity for the Sheriff's Office Communications Division to better serve the residents of Niagara County through the use of WeatherTAPpro custom weather solutions, and

WHEREAS, the WeatherTAPpro system will provide national, regional, state and local weather information constantly displaying in the Communications Dispatch center, and

WHEREAS, the weather information will enable the Niagara County Dispatchers to better manage and facilitate weather related events in Niagara County, and

WHEREAS, the 2019 budget needs to be modified to allow for the expenditure of the alarm fines revenue for the service and necessary equipment, now, therefore, be it

RESOLVED, that the following line item transfers be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

A.17.3020.000 40599.01	Appropriated Fund Balance	\$ 7,615
	Committed Funds	

INCREASE APPROPRIATIONS:

A.17.3020.000 72100.05	Machinery and Equipment Computer Equipment	\$ 5,400
A.17.3020.000 74500.01	Contractual Expenses	1,800
A.17.3020.000 74750.02	Supplies, General Supplies/Materials	415

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. CSS-009-19

From: Community Safety & Security and Administration Committees.

Dated: February 15, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION – CREATE AND FILL TEMPORARY ACCOUNT CLERICAL I**

WHEREAS, the Niagara County Sheriff's Office has a mandated Civil Division which is responsible for enforcing evictions, court orders and monetary judgements in Niagara County, and

WHEREAS, the Sheriff's Office Civil Division generates revenue for the county from these services, and

WHEREAS, the Civil Division has an Account Clerical I that is out on medical leave and will not be a position cost to the county as of March 12, 2019, and

WHEREAS, a temporary Account Clerical I position is needed to ensure the efficiency of the Civil Division, and

WHEREAS, the temporary position will be funded from the position of the person on medical leave so there will not be an additional cost to the County, now, therefore, be it

RESOLVED, that one (1) temporary Account Clerical I position be created and filled effective March 24, 2019, and be it further

RESOLVED, that the following budget modification be effectuated:

DECREASE APPROPRIATIONS

A.17.3110.000 71010.00	Positions expense (Position # 3718)	\$10,827
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INCREASE APPROPRIATION

A.17.3110.000 71010.00	Positions expense (Position # to be determined)	\$ 9,604
A.17.3110.000 78400.05	HRA Employer Contribution	850
A.17.3110.000 788500.00	Flex 125 Employer Contribution	373

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. CSS-010-19

From: Community Safety & Security and Administration Committees.

Dated: February 15, 2019

NIAGARA COUNTY SHERIFF'S OFFICE FEDERAL EQUITABLE SHARING ANNUAL RECERTIFICATION

WHEREAS, the United States Department of Justice requires that the Niagara County Sheriff's Office file an annual Federal Equitable Sharing Program Agreement and Certification Report to be eligible to submit requests for federal forfeited property or proceeds, and

WHEREAS, the Agreement is entered into by the United States Department of Justice, the County of Niagara and the Niagara County Sheriff's Office, now, therefore, be it

RESOLVED, that the Niagara County Sheriff's Office be authorized to participate in the Federal Equitable Sharing Program, and be it further

RESOLVED, that prior to the execution of the Federal Equitable Sharing Agreement and Certification, the County Attorney will review the Federal Equitable Sharing Agreement and Certification for approval as to legal form, language and compliance, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Niagara County Legislature be, and hereby is, authorized to execute the Annual Equitable Sharing Agreement and Certification.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. CSS-011-19

From: Community Safety & Security and Administration Committees.

Dated: February 15, 2019

2019 BUDGET MODIFICATION TO HMEP18 HOMELAND SECURITY GRANT

WHEREAS, the HMEP18 Homeland Security fund were not fully expended in 2018, now, therefore, be it

RESOLVED, that the remaining funds for 2018 HMEP grant (approved #CSS-075-18) be re-appropriated into the 2019 budget, and be it further

RESOLVED, that the following 2019 budget modification be effectuated effective immediately:

INCREASE APPROPRIATION FUND BALANCE - ASSIGNED:

A.40599.00	Appropriated Fund Balance	\$ 442.00
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INCREASE REVENUE: **HMEP18**

A.3645.000 44305.02	Civil Defense Homeland Security	\$ 1,768.00
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INCREASE APPROPRIATION: **HMEP18**

A.3645.000 72100.05	M&E Computer Equipment	\$ 2,210.00
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Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. CSS-012-19

From: Community Safety & Security and Administration Committees.

Dated: February 15, 2019

2019 BUDGET MODIFICATIONS TO HOMELAND SECURITY

WHEREAS, Homeland Security funds were not fully expended in 2018, now, therefore, be it

RESOLVED, that the remaining funds for 2016 State Homeland Security Program (approved #CSS-053-16) and 2017 State Homeland Security Program (approved #CSS-043-17), be re-appropriated into the 2019 budget, and be it further

RESOLVED, that the remaining funds for 2017 Emergency Management Preparedness Grant (approved #CSS-018-18) and 2018 Emergency Management Preparedness Grant (approved #CSS-076-18) be re-appropriated into the 2019 budget and county contributions be re-appropriated from the Fund Balance, and be it further

RESOLVED, that the following 2019 budget modification be effectuated effective immediately

INCREASE REVENUE: **SHSP16**

A.19.3645.000 44305.02	Civil Defense Homeland Security	\$ 282,475.36
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INCREASE APPROPRIATION: **SHSP16**

A.19.3645.000 72100.05	M&E Computer Equipment	\$ 188,100.00
A.19.3645.000 72100.14	M&E Equipment Misc Equipment	800.00
A.19.3645.000 72100.15	M&E-Communications Equip	77,580.03
A.19.3645.000 74375.04	Communications Leased Lines	10,111.15
A.19.3645.000 74800.01	Maint. Communication Supplies/Svc	5,884.18

INCREASE REVENUE: **SHSP17**

A.19.3645.000 44305.02	Civil Defense Homeland Security	\$ 463,858.93
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INCREASE APPROPRIATION: **SHSP17**

A.19.3645.000 72100.05	M&E Computer Equipment	\$ 150,000.00
A.19.3645.000 72100.15	M&E-Communications Equip	97,851.71
A.19.3645.000 74250.01	Office Supplies	470.79
A.19.3645.000 74300.01	Reimbursements Travel, Conference	3,444.62
A.19.3645.000 74375.04	Communications Leased Lines	45,000.00
A.19.3645.000 74500.01	Contractual Exp.	22,711.59
A.19.3645.000 74800.01	Maint. Communication Supplies/Svc	131,867.34
A.19.3645.000 74800.10	Maint. Misc Equip Under \$500	12,512.88

INCREASE APPROPRIATION FUND BALANCE - ASSIGNED:

A.40599.00	Appropriated Fund Balance	216.97
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INCREASE REVENUE: **EMPG17**

A.3645.000 44305.02	Civil Defense Homeland Security	216.97
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INCREASE APPROPRIATION: **EMPG17**

A.3645.000 74300.01	Reimbursements-Travel/Conf	433.94
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INCREASE APPROPRIATION FUND BALANCE - ASSIGNED:

A.40599.00	Appropriated Fund Balance	415.56
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INCREASE REVENUE: **EMPG18**

A.19.3645.000 44305.02	Civil Defense Homeland Security	415.56
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INCREASE APPROPRIATION: **EMPG18**

A.19.3645.000 72100.14	M&E Equipment Misc Equipment	831.12
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Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. CSS-013-19

From: Community Safety & Security and Administration Committees.

Dated: February 15, 2019

2019 BUDGET MODIFICATION – EMERGENCY SERVICES – SAM GRANT

WHEREAS, the State and Municipal Facilities Program (“SAM”) grant monies through the Dormitory Authority State of New York (DASNY) at no cost to the County were not yet expended, and

WHEREAS, the “SAM” grant funds in the amount of \$100,000.00 will be used to purchase a Technical Rescue Team Emergency Response Vehicle, Project ID #7929 (approved #CSS-021-18) in 2019, now, therefore, be it

RESOLVED, that the following 2019 budget modification be effectuated, effective immediately:

INCREASE REVENUE:

A.19.3640.000 43097.01	State Aid Capitol Projects -	\$100,000.00
	SAMS Grant	

INCREASE APPROPRIATIONS:

A.19.3640.000 72100.11	Other Vehicles	\$100,000.00
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Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. CSS-014-19

From: Community Safety & Security and Administration Committees.

Dated: February 15, 2019

**2019 BUDGET MODIFICATION - FIRE COORDINATOR'S OFFICE
HAZ-MAT INCIDENT PAYMENT ON 6/5/18**

WHEREAS, the County Haz-Mat team responded to an incident on June 5, 2018 and some supplies used at the scene are not reusable, and

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

WHEREAS, the Fire Coordinator's Office invoiced and received payment for the replacement of these supplies from the responsible party in the amount of \$1,838.56, and

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

RESOLVED, that the following 2019 budget modification be effectuated:

INCREASE REVENUE:

A.19.3410.000 42690.02	Other Compensation for Loss Reimbursements	\$ 1,838.56
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INCREASE APPROPRIATION:

A.19.3410.000 74750.10	Supplies, Gen Hazmat Inventory	\$ 1,838.56
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Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. CSS-013-19

From: Community Safety & Security Committee.

Dated: February 15, 2019

**FEDERAL EQUITABLE SHARING PROGRAM AGREEMENT
AND ANNUAL CERTIFICATION REPORT**

WHEREAS, the United States Department of Justice requires that the Niagara County District Attorney's Office file an annual Federal Equitable Sharing Program Agreement and Certification Report to be eligible to submit requests for federally forfeited property or proceeds, and

WHEREAS, said Agreement is entered into by the United States Department of Justice, the County of Niagara, and the Niagara County District Attorney's Office, now, therefore, be it

RESOLVED, that the Niagara County District Attorney's office be authorized to participate in the Federal Equitable Sharing Program, and be it further

RESOLVED, that prior to the execution of the Federal Equitable Sharing Agreement and Certification, the County Attorney will review the Federal Equitable Sharing Agreement and Certification for approval as to legal form, language, and compliance, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Niagara County Legislature be, and hereby is, authorized to execute an Agreement between the County of Niagara on behalf of the Niagara County District Attorney's Office and the United States Department of Justice.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. CSS-016-19

From: Community Safety & Security Committee.

Dated: February 15, 2019

**AID TO DEFENSE PROGRAM RENEWAL 2018-2019
PUBLIC DEFENDER**

WHEREAS, the Niagara County Public Defender's Office has applied for and was awarded funding from the New York State Division of Criminal Justice Services under the Aid to Defense Program for the purpose of continuing aid in the defense of repeat violent and serious felony offenders in Niagara County, and

WHEREAS, funding has been awarded in the amount of \$16,900 for the period October 1, 2018 through September 30, 2019 with no matching funds requirement, and

WHEREAS, the funds have been appropriated in the Niagara County Public Defender's 2019 budget, now, therefore be it

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

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. CW-004-19

From: Committee of the Whole

Dated: February 15, 2019

**HOME RULE MESSAGE TO AN ACT TO AMEND THE TAX LAW, IN
RELATION TO IMPOSING AN ADDITIONAL ONE PERCENT
OCCUPANCY TAX IN THE COUNTY OF NIAGARA TO INCREASE BENEFIT
THE DISCOVER NIAGARA SHUTTLE, PURSUANT
TO SENATE BILL NO. S01765 AND ASSEMBLY BILL NO. A02163**

WHEREAS, the County of Niagara requested the State of New York to amend New York State Tax Law §1202-t to authorize the County of Niagara to impose an additional 1% rate of tax in addition to the existing 1% and pursuant to New York Senate Bill No. S01765 and New York State Assembly Bill No. A02163 thereto the County impose the additional one percent (1%) dedicating the funds specifically to the Discover Niagara Shuttle, and

WHEREAS, Niagara County sees an advantage to an additional 1% increase of the current Bed tax to aid and promote tourism in Niagara County, and

WHEREAS, the County has an opportunity to assist the Niagara Falls National Heritage Area in its operation of the Discover Niagara Shuttle or other entities for transportation or economic development purposes pursuant to New York State Tax Law Article 29 § 1201-d(a) authority to impose tax, and

WHEREAS, the Discover Niagara Shuttle service presently serves the city of Niagara Falls, and along the Niagara River Corridor to the village of Youngstown, and

WHEREAS, Niagara County anticipates several benefits to an additional 1% increase of the current Bed tax, which would include:

1. Promote Tourism by the ease of Transportation to and from all the tourist sites in the city of Niagara Falls, town of Lewiston, Village of Youngstown and in the future the city of Lockport and city of North Tonawanda;
2. Increase Shuttle connections to the city of Lockport and city of North Tonawanda;
3. Relieve congestion of tourism traffic on the roads, parking, and provide a scenic commute throughout the existing Niagara County tourist locations.

and

WHEREAS, there are several attractions in the city of Lockport; the Flight of Five Locks, Lockport Discovery Center, and the Lockport caves; and in North Tonawanda the Carousel Factory Museum, the Canal Fest, thus the shuttle service would promote these attractions, and

WHEREAS, this additional 1% rate shall be imposed from the period beginning immediately following the adoption, and upon filing in the office of the Secretary of State and as provided by the Municipal Home Rule Law, the New York State Tax Law §1202-t and pursuant to any provisions of the New York State Department of Taxation and Finance, now, therefore, be it

RESOLVED, that the Niagara County Legislature requests the State of New York Legislature authorize the County of Niagara to increase the existing bed tax by 1% for, with all proceeds to be specifically designated to the Discover Niagara Shuttle, and be it further

Moved by McNall, seconded by Bradt.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. CW-005-19

From: Committee of the Whole

Dated: February 15, 2019

**AWARD OF CONTRACT – TROTT ACCESS CENTER
NORTHPOINTE RENOVATIONS – CEILING AND DOOR INSTALLATION**

WHEREAS, the Department of Public Works, Buildings and Grounds Division has solicited quotes, per the purchasing guidelines set forth in Resolution AD-034-17, dated December 12, 2017, for the mechanical tasks associated with the installation of the ceiling and interior doors, and

WHEREAS, the following quotes were received:

- | | |
|---|----------|
| 1. Clarence Wall & Ceiling Inc.
9393 Main Street
PO Box 176
Clarence, NY 14031 | \$33,020 |
| 2. KT Construction Services
50 James Street
Tonawanda, NY 14150 | \$35,780 |

and

WHEREAS, there are funds available in H649.25.1620.000 72200.01, Building Improvements, and

WHEREAS, the Infrastructure & Facilities Committee has examined the bid, and

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

RESOLVED, that the contract for the Northpointe Renovations – Ceiling and Door Installation work be awarded to the lowest responsible bidder, Clarence Wall and Ceiling, Inc. 9393 Main Street, PO Box 176, Clarence NY 14031, 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 Gooch, seconded by Wydysh.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. CW-006-19

From: Committee of the Whole

Dated: February 15, 2019

RESOLUTION INVITING AMAZON TO OPEN HEADQUARTERS IN NIAGARA COUNTY

WHEREAS, Niagara County is business friendly region, and is home to one of the world's greatest natural wonders – Niagara Falls, and

WHEREAS, Niagara County is home to two official "Build Now New York Shovel-Ready" sites, which are large enough to accommodate a corporate campus of nearly any size, and

WHEREAS, Niagara County is in close proximity to the Greater Toronto Area (GTA) of southern Ontario, Canada, which makes up 39% of the United States and Canadian population, and

WHEREAS, Niagara County is home to the New York Power Authority Niagara Power Project, which makes clean "green" low-cost hydroelectric power available to businesses, and

WHEREAS, the Niagara County Industrial Agency offers tax incentive programs that can work in conjunction with tax incentive programs from the State of New York, and

WHEREAS, Niagara County provides access to available utility infrastructure, including high speed fiber-optic networks, and

WHEREAS, Niagara County provides access to a robust transportation system, including interstate highways, railways, and air cargo, and

WHEREAS, Niagara County offers a skilled workforce, as well as workforce development and training resources for existing workers and new-hires, and

WHEREAS, Niagara County is home to, and in close proximity to high quality institutions of higher education, and

WHEREAS, Niagara County has a low cost of living, as well as a high quality of life, and

WHEREAS, Western New York is already home to a 525,000 square foot Amazon "sortation center" in Lancaster, NY near Buffalo, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara invites Amazon to open their headquarters in Niagara County, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Andrew M. Cuomo, Senate Majority Leader Andrea Stewart-Cousins; Senate Minority Leader John Flanagan; Senator Robert G. Ort; Speaker of the Assembly Carl Heastie; Assembly Majority Leader Crystal Peoples-Stokes; Assembly Minority Leader Brian M. Kolb; Member of the Assembly Michael J. Norris; Member of the Assembly Angelo Morinello; Member of the Assembly Karen McMahon; Member of the Assembly Robin Schimminger; and all others deemed necessary and proper.

Moved by _____, seconded by _____.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. ED-004-19

From: Economic Development and Administration Committees.

Dated: February 15, 2019

**APPROVAL OF LOW COST POWER BENEFIT TO
NIAGARA ENVELOPE, INC. UNDER AGREEMENT FOR THE
SALE AND PURCHASE OF NIAGARA PROJECT POWER & ENERGY (ASPNPPE)**

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

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

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

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

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

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

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

WHEREAS, the County of Niagara has previously awarded to Niagara Envelope, Inc. for this same project under resolution ED-003-16, 195 Kw (at 70% load factor), which agreement expired on December 31, 2018 and for which Niagara Envelope, Inc. has met each part of the previous application, including the number of jobs and capital investment, and

WHEREAS, the Empower Niagara Board has reviewed the initial application of Niagara Envelope, Inc. for the use of low cost power for developing and expanding its business in Niagara County, and

WHEREAS, Niagara Envelope, Inc. has exceeded its job and capital investment for its project for consideration and the Empower Niagara Board is recommending approval of a three (3)-year extension of the agreement, and

WHEREAS, the demand usage of Niagara Envelope, Inc. has increased from its demand of 195 kw of low cost power benefits to 225 kw (at 70% load factor) of low cost power due to expansion, addition of services and maintaining job levels, based on its average usage, and

WHEREAS, the approval of Niagara County's extension of low cost power will not only maintain economic development in the Town of Wheatfield and Niagara County; but also assist Niagara Envelope, Inc. to remain competitive in the printing and manufacturing industry and have a good economic effect on the community in Niagara County, and

WHEREAS, the Empower Niagara board will be recommending the extension and increase of the low cost power allocations of 225kw (at 70% load factor) for a period of three (3) years commencing January 1, 2019, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby approves Niagara Envelope, Inc. agreement extension for three (3) years commencing January 1, 2019 for 225kw (at 70% load factor) low cost power benefits from Niagara County, pursuant to low cost power allocation received through the June 25, 2005 HCRSA and ASPNPPE, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. ED-005-19

From: Economic Development and Administration Committees.

Dated: February 15, 2019

**BUDGET MODIFICATION – TO COVER
EMPOWER NIAGARA ALLOCATIONS TO NIAGARA ENVELOPE, INC.**

WHEREAS, Niagara Envelope, Inc. is a Niagara County business that has been approved to receive low cost hydropower allocations through the Empower Niagara Program, and

WHEREAS, these benefits will be transferred to Niagara Envelope, Inc. as stipulated in the Empower Niagara Program agreement, through the Niagara County Economic Development 2019 through 2021 budget, now therefore, be it

RESOLVED, that the following budget modifications be effectuated to the Niagara County Economic Development 2019 budget, and annually thereafter until December 31, 2021 as set forth below:

		<u>2019</u>	<u>2020</u>	<u>2021</u>
INCREASE REVENUE:				
A.15.1620.108 42655.03	Sale of Excess Power	\$73,498.50	\$73,498.50	\$73,498.50
INCREASE APPROPRIATION:				
A.15.1620.108 74500.01	Contractual	\$73,498.50	\$73,498.50	\$73,498.50

INCREASE REVENUE:

A.28.8020.813 42189.01	Activities – Eco Dev	\$73,498.50	\$73,498.50	\$73,498.50
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INCREASE APPROPRIATION:

A.28.8020.813 74550.30	Empower Niagara	\$73,498.50	\$73,498.50	\$73,498.50
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Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. ED-006-19

From: Economic Development Committee.

Dated: February 15, 2019

**ADOPTION OF A LOCAL LAW TO ESTABLISH A SUSTAINABLE
ENERGY LOAN PROGRAM IN THE COUNTY OF NIAGARA**

WHEREAS, the Economic Development recommends the adoption of the following Local Law:

A Local Law entitled “A Local Law to Establish a Sustainable Energy Loan Program in the County of Niagara”;

WHEREAS, a public hearing was held on the 19th day of February at 6:45 p.m., in the Legislative Chambers, Courthouse, Lockport, New York, on said Local Law, and

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

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

RESOLVED, that a Local Law of the County of Niagara, New York to Establish a Sustainable Energy Loan Program in the County of Niagara be it enacted by the County Legislature of the County of Niagara as follows:

§1. Legislative findings, intent and purpose, authority.

A. It is the policy of both the County of Niagara and the State of New York to achieve energy efficiency and renewable energy goals, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The County of Niagara finds that it can fulfill this policy by providing property assessed clean energy financing to property owners for the installation of renewable energy systems and energy efficiency measures. This chapter establishes a program that will allow the Energy Improvement Corporation (“EIC”), a local development corporation, acting on behalf of the County of Niagara, to make funds available to qualified property owners that will be repaid by such property owners through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this chapter and fulfilling an important public purpose.

B. The County of Niagara is authorized to implement this Energize NY Benefit Financing Program pursuant to Article 5-L of the New York General Municipal Law.

C. This chapter shall be known and may be cited as the “Energize NY Benefit Financing Program Law of the County of Niagara”.

§2. Definitions

For purposes of this chapter, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meaning indicated:

Authority – The New York State Energy Research and Development Authority, as defined by subdivision two of section eighteen hundred fifty-one of the public authorities' law, or its successor.

EIC – The Energy Improvement Corporation, a local development corporation, duly organized under section fourteen hundred eleven of the Not-For-Profit Corporation Law, authorized hereby on behalf of the County of Niagara to implement the Energize NY Benefit Financing Program by providing funds to qualified property owners (as defined in this chapter) and providing for repayment of such funds from monies collected by the County of Niagara tax collector as a charge to be levied on the real property and collected in the same manner and same form as the real property taxes.

Energy Audit – A formal evaluation or “assessment” of the energy consumption of permanent building or structural improvement to real property, conduct by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of identifying appropriate energy efficiency improvements that could be made to the property.

Energy Efficiency Improvement – Any renovation or retrofitting of a building to reduce energy consumption, such as window and door replacement, lighting, caulking, weather-stripping, air sealing, insulation, and heating and cooling system upgrades, and similar improvements, determined to be cost-effective pursuant to criteria established by the Authority, not including lighting measures or house hold appliances that are not permanently fixed to real property.

Qualified Property Owner – An owner of residential or commercial real property located within the boundaries of the County of Niagara that is determined to be eligible to participate in the Energize NY Benefit Financing Program under the procedures for eligibility set forth under this chapter.

Renewable Energy System – An energy generating system for the gyration of electric or thermal energy, to be used primarily at such property, by means of solar thermal, solar photovoltaic, wind, geothermal, anaerobic digester gas-to-electricity systems, fuel cell technologies, or other renewable energy technology approved by the Authority not including the combustion or pyrolysis of solid waste.

Renewable Energy System Feasibility Study – A written study, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of determining the feasibility of installing a renewable energy system.

§3. Establishment of an Energize NY Benefit Financing Program

A. An Energize NY Benefit Financing Program is hereby established by the County of Niagara, whereby EIC acting on its behalf, may provide funds to Qualified Property Owners in accordance with the procedures set forth under this chapter, to finance the acquisition, construction and installation of Renewable Energy Systems and Energy Efficiency Improvements and the verification n of the installation of such systems and improvements.

B. The funds provided shall not exceed the lesser of ten percent of the appraised value of the real property where the Renewable Energy Systems and/or Energy Efficiency Improvements will be located, or the actual cost of installing the Renewable Energy Systems and/or Energy Efficiency Improvements, including the costs of necessary equipment, materials, and labor and the cost of verification of such systems and improvements.

§4. Procedures for eligibility

A. Any property owner in the County of Niagara except for the City of Lockport, City of Niagara Falls and the City of North Tonawanda may submit application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the Niagara County offices.

B. Every application submitted by a property owner shall be reviewed by EIC acting on behalf of the County of Niagara, which shall make a positive or negative determination on such application based upon the criteria for making a financing enumerated in subsection A of section 5 of this chapter. EIC may also request further information from the property owner where necessary to aid in its determination.

C. If a positive determination on an application is made by EIC acting on behalf of the County of Niagara, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Energize NY Benefit Financing Program in accordance with the procedure set forth under section 6 of this chapter; provided that in no case shall a property owner that has received funds from another municipal corporation for the acquisition, construction and installation of Energy Efficiency Improvements and/or Renewable Energy Systems be deemed a Qualified Property Owner.

§5 Application criteria

A. Upon the submission of an application, EIC acting on behalf of the County of Niagara shall make a positive or negative determination on such application based upon the following criteria for the making of financing:

1. The proposed Energy Efficiency Improvements and/or Renewable Energy Systems are determined to be cost effective by the Authority;
2. The proposed Energy Efficiency Improvements and/or Renewable Energy Systems will generate an estimated annual cost savings greater than the annual charge payments;
3. Sufficient funds are available to provide to the property owner;
4. The property owner is current in payments on any existing mortgage;
5. The property owner is current in payments on any existing real property taxes and has been current on real property taxes for the previous three years; and
6. Such additional criteria, not inconsistent with the criteria set forth above, as the county of Niagara, or EIC acting on its behalf, may set from time to time.

§6. Opt-in, Energize Finance Agreement

A. A Qualified Property Owner may participate in the Energize NY Benefit Financing Program through the execution of an Energize Finance Agreement made by and between the Qualified Property Owner and EIC, acting on the behalf of the County of Niagara.

B. Upon execution of the Energize Finance Agreement the qualified Property Owner shall be eligible to receive funds from EIC acting on behalf of County of Niagara for the acquisition, construction, and installation of qualifying Renewable Energy Systems and Energy Efficiency Improvements; provided the requirements of section 7 of this chapter have been met.

C. The Energize finance Agreement shall include the terms and conditions of repayment set forth under section 8 of this chapter.

§7. Energy audit, renewable energy system feasibility study

A. No funds shall be made available for Energy Efficiency Improvements unless determined to be appropriate through an Energy Audit as defined in Section 2.

B. No funds shall be made available for Energy Efficiency Improvements unless determined to be feasible through a Renewable Energy System Feasibility Study as defined in Section 2.

C. The cost of such Energy Audit and/or Renewable Energy System Feasibility Study shall be borne solely by the property owner but may be included in the financed amount if the work is approved.

§8. Terms and conditions of repayment

The Energize Finance Agreement between the Qualified Property Owner and EIC acting on behalf of the County of Niagara, shall set forth the terms and conditions of repayment in accordance with the following:

A. The principal amount of the funds paid to the Qualified Property Owner hereunder, together with the interest thereon, shall be paid by the property owner as a charge on their real property tax bill and shall be levied and collected at the same time and in the same manner as real property taxes, provided that such charge shall be separately listed on the tax bill. The County of Niagara shall make payment to EIC or its designee in the amount of all such separately listed charges within 30 days of the receipt of tax due date.

B. The term of such repayment shall be determined at the time the Energize Finance Agreement is executed by the property owner and EIC, provided that in no case shall the term exceed the weighted average of the useful life of the systems and improvements as determined by EIC acting on behalf of the County of Niagara.

C. The rate of interest for the charge shall be fixed by EIC acting on behalf of the County of Niagara at the time the Energize Finance Agreement is executed by the property owner and EIC.

D. The charge shall constitute a lien upon the real property benefited by the Energize NY Benefit Financing Program and shall run with the land. A transferee of title to the benefited real property shall be required to pay any future installments, including interest thereon.

§9. Verification and report

A. EIC shall be responsible for verifying and reporting to the County of Niagara on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by such program.

B. The County of Niagara shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Energize NY Benefit Financing Program in such form and manner as the Authority, may establish.

Section 2. This local law shall take effect upon filing with the Secretary of State.

Removed from the Agenda. Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. IF-012-19

From: Infrastructure & Facilities and Administration Committee.

Dated: February 15, 2019

CARMEN ROAD OVER GOLDEN HILL CREEK BRIDGE- NORTH REPLACEMENT PROJECT, TOWN OF SOMERSET SUPPLEMENTAL AGREEMENT NO. 1

WHEREAS, the Carmen Road over Golden Hill Creek Bridge-North Replacement Project, Town of Somerset, Niagara County, PIN 5759.96 (the "Project"), is eligible for funding under Title 23 US Code, as amended, that

calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal Funds and 20% non-federal funds, and

WHEREAS, the County of Niagara desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Preliminary Engineering (Design I-VI) and Construction/Construction Inspection phases of the project, and

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

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

RESOLVED, that the Legislature of the County of Niagara hereby authorizes the County of Niagara to pay in the first instance 100% of the Preliminary Engineering (Design I-VI) and Construction/Construction Inspection phases of the project or portions thereof, and be it further

RESOLVED, that the following budget modification be effectuated:

DECREASE REVENUE:

H640.15.5197.000 44597.01	Federal Aid Cap Const Hwy	\$868,600
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INCREASE REVENUE:

H640.15.5197.000 43591.00	State Aid Cap Const Hwy	\$187,950
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DECREASE APPROPRIATIONS:

H640.15.5197.000 72600.02	Bridges	\$680,650
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RESOLVED, that the sum of \$1,253,000 is hereby appropriated in account H640.15.5197.000 72600.02 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 Preliminary Engineering (Design I-VI) and Construction/Construction Inspection phases exceeds the amount appropriated above, the County of Niagara shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation, and be it further

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

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

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

RESOLVED, that this Resolution shall take effect immediately.
Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. IF-013-19

From: Infrastructure & Facilities Committee.

Dated: February 15, 2019

**AWARD OF CONTRACT – GRISWOLD STREET BRIDGE OVER A
TRIBUTARY OF MUD CREEK**

WHEREAS, the Department of Public Works, Engineering Division has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Griswold Street Bridge over a Tributary of Mud Creek Project, and

WHEREAS, funds are available in account number H651.15.5197.000 72600.02, Bridges, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on January 24, 2019 as tabulated below:

1.	Accadia Site Contracting 5636 Transit Road Depew, NY 14043	\$434,999.00
2.	Edbauer Construction 2790 Clinton Street West Seneca, NY 14224	\$462,264.00
3.	4 th Generation Construction 5650 Simmons Avenue Niagara Falls, NY 14304	\$519,809.00
4.	Concrete Applied Technologies Corp. (CATCO) 1266 Townline Road Alden, NY 14004	\$522,625.25
5.	Keeler Construction 13519 West Lee Road Albion, NY 14411	\$546,293.00
6.	Mark Cerrone Inc. 2368 Maryland Ave., PO Box 3009 Niagara Falls, NY 14304	\$549,995.00
7.	Nichols Long & Moore 770 Riverview Blvd. Tonawanda, NY 14150	\$550,128.70
8.	Occhino Corp. 2650 Seneca Street West Seneca, NY 14224	\$597,821.50
9.	Hunting Valley Construction 825 Rein Road	\$614,463.00

Cheektowaga, NY 14225

and

WHEREAS, the Infrastructure & Facilities Committee has examined the bid, and

WHEREAS, the top two (2) low bidders, Accadia Site Contracting and Edbauer Construction, did not bid in accordance with the bid specifications, and

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

RESOLVED, that the contract for the Griswold Street Bridge over a Tributary of Mud Creek Project be awarded to the lowest responsible bidder, 4th Generation Construction, 5650 Simmons Avenue, Niagara Falls, NY 14304, in the amount of \$519,809, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. IF-013-19

From: Infrastructure & Facilities Committee.

Dated: February 15, 2019

**AWARD OF CONTRACT – CHESTNUT ROAD BRIDGE OVER
EAST BRANCH OF TWELVE MILE CREEK**

WHEREAS, the Department of Public Works, Engineering Division has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Chestnut Road Bridge over the East Branch of Twelve Mile Creek project, and

WHEREAS, funds are available in account number H605.15.5197.000 72600.02, Bridges, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on February 5, 2019 as tabulated below:

- | | | |
|----|---|----------------|
| 1. | Edbauer Construction
2790 Clinton Street
West Seneca, NY 14224 | \$ 893,795.00 |
| 2. | Concrete Applied Technologies Corp. (CATCO)
1266 Townline Road
Alden, NY 14004 | \$ 943,692.88 |
| 3. | 4 th Generation Construction
5650 Simmons Avenue
Niagara Falls, NY 14304 | \$1,054,179.00 |

and

WHEREAS, the Infrastructure & Facilities Committee has examined the bid, and

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

RESOLVED, that the contract for the Chestnut Road Bridge over the East Branch of Twelve Mile Creek project be awarded to the lowest responsible bidder, Edbauer Construction, 2790 Clinton Street, West Seneca, NY 14224, in the amount of \$893,795.00, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. IF-015-19

From: Infrastructure & Facilities Committee.

Dated: February 15, 2019

**AWARD OF CONTRACT – REPLACEMENT OF CARMEN ROAD BRIDGE
OVER GOLDEN HILL CREEK - NORTH**

WHEREAS, the Department of Public Works, Engineering Division has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Replacement of Carmen Road Bridge over Golden Hill Creek-North project, and

WHEREAS, funds are available in account number H640.15.5197.000 72600.02, Bridges, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on February 7, 2019 as tabulated below:

- | | | |
|----|---|--------------|
| 1. | 4 th Generation Construction
5650 Simmons Avenue
Niagara Falls, NY 14304 | \$793,891.00 |
| 2. | Concrete Applied Technologies Corp. (CATCO)
1266 Townline Road
Alden, NY 14004 | \$846,499.90 |

and

WHEREAS, the Infrastructure & Facilities Committee has examined the bid, and

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

RESOLVED, that the contract for the Replacement of Carmen Road Bridge over Golden Hill Creek-North project be awarded to the lowest responsible bidder, 4th Generation Construction, 5650 Simmons Avenue, Niagara Falls, NY 14304, in the amount of \$793,891.00, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. IF-016-19

From: Infrastructure & Facilities Committee.

Dated: February 15, 2019

**AWARD UPPER MOUNTAIN ROAD OVER FISH CREEK
CULVERT REPLACEMENT CONSULTANT CONTRACT**

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with the Upper Mountain Road over Fish Creek Culvert Replacement Project, and

WHEREAS, funds are available in account H680.15.5197.000 72600.02, Bridges, 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 Upper Mountain Road over Fish Creek Culvert Replacement Project be awarded to CHA Consulting Inc., 2200 Main Place Tower, Buffalo, NY 14202, for a contract amount not to exceed \$176,000, 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 Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. IF-018-19

From: Infrastructure & Facilities Committee.

Dated: February 15, 2019

**AWARD GRISWOLD STREET OVER TRIBUTARY TO JEDDO CREEK
CULVERT REPLACEMENT CONSULTANT CONTRACT**

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with the Griswold Street over Tributary to Jeddo Creek Culvert Replacement Project, and

WHEREAS, funds are available in account H681.15.5197.000 72600.02, Bridges, 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 Griswold Street over Tributary to Jeddo Creek Culvert Replacement Project be awarded to CHA Consulting Inc., 2200 Main Place Tower, Buffalo, NY 14202, for a contract amount not to exceed \$233,000, 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 Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. IF-019-19

From: Infrastructure & Facilities Committee.

Dated: February 15, 2019

**AWARD PORTER CENTER ROAD OVER SIXMILE CREEK
BRIDGE REPLACEMENT CONSULTANT CONTRACT**

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with the Porter Center Road over Sixmile Creek Bridge Replacement Project, and

WHEREAS, funds are available in account H679.15.5197.000 72600.02, Bridges, 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 Porter Center Road over Sixmile Creek Bridge Replacement Project be awarded to Bergmann Associates Inc., 280 East Broad Street, Suite 200, Rochester, NY 14604, for a contract amount not to exceed \$243,000, 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 Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. IF-018-19

From: Infrastructure & Facilities Committee.

Dated: February 15, 2019

**RESOLUTION REJECTING BIDS FOR THE HIGHWAY DEPARTMENT
FUEL FACILITY MODIFICATIONS**

WHEREAS, the County of Niagara, Department of Public Works, advertised for sealed bids to be received on Thursday, January 10, 2019 for the Highway Department Fuel Facility Modifications Project, and

WHEREAS, the lowest responsible bidder, The Pump Doctor, Inc., submitted a bid in the amount of \$714,000, and

WHEREAS, the budgeted amount for the project was \$400,000, and

WHEREAS, the lowest bid far exceeds the available funds for the project, now, therefore, be it

RESOLVED, that the sealed bids which were received on Thursday, January 10, 2019 are hereby rejected and the County of Niagara, Department of Public Works, shall re-advertise for the Highway Department Fuel Facility Modifications Project.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. IF-021-19

From: Infrastructure & Facilities Committee.

Dated: February 15, 2019

CAPITAL PROJECT BUDGET MODIFICATION

WHEREAS, immediate road repairs were required on a portion of Tonawanda Creek Road within the Town of Pendleton, and

WHEREAS, a load rating study was done on the Carmen Road Bridge over Johnson Creek, and

WHEREAS, these expenses, for both locations, are not eligible for reimbursement, and

WHEREAS, funds are available in the Niagara Road Bridge project, now, therefore, be it,

RESOLVED, that the following budget modification be effectuated:

DECREASE ESTIMATED REVENUE:

H604.15.5197.000.45031.10	Transfer from Capital Reserves	\$54,063
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DECREASE ANTICIPATED APPROPRIATIONS:

H604.15.5197.000.72600.02	Bridges – Niagara Rd Bridge	\$54,063
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INCREASE ESTIMATED REVENUE:

H659.15.5112.000.45031.10	Transfer from Capital Reserves	\$51,563
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H621.15.5197.000.45031.10	Transfer from Capital Reserves	\$ 2,500
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INCREASE ANTICIPATED EXPENSES:

H659.15.5112.000.72600.01	Roads – Highway Maint. Initiative	\$51,563
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H621.15.5197.000.72600.02	Bridges – Carmen Rd o/ Johnson Crk	\$ 2,500
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Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. IF-022-19

From: Infrastructure & Facilities and Administration Committees.

Dated: February 15, 2019

**ABOLISH CLEANER POSITION-FULL TIME
CREATE AND FILL TWO CLEANER POSITIONS- PART TIME**

WHEREAS, due to personnel vacancies within the Buildings and Grounds Division of the Public Works Department, the department has reviewed its operational needs for maintaining the various office buildings throughout Niagara County, and

WHEREAS, after studying the services we provide and evaluating all options it has been determined that it would be in the best interest of the department, as well as the taxpayers, to abolish one (1) Fulltime Cleaner at thirty (30) hours per week, and create and fill two (2) Cleaner positions, part-time, at seventeen and one half hours (17.5) per week, and

WHEREAS, funding for these newly created positions will be from the mentioned abolished position, now, therefore be it

RESOLVED, that Position No. 13371, Cleaner, be abolished, effective March 3, 2019, and be it further

RESOLVED, that two (2) positions of Cleaner, Part-time, AFSCME, Grade 14, Step 1, at an annual rate of \$15,205, be created and filled, effective March 4, 2019, and be if further

RESOLVED that the following budget modification be made:

FROM:

A.15.1620.000.71010 .00	Positions (Cleaner – Pos. No. 13371)	\$19,642
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TO:

A.15.1620.000.71030.00	Positions (Cleaner P/T – Pos. No.)	\$9,821
	Positions (Cleaner P/T – Pos. No.)	\$9,821

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. IF-023-19

From: Infrastructure & Facilities and Administration Committees.

Dated: February 15, 2019

LEASE AGREEMENT WITH NCCC FOR THE TROTT ACCESS CENTER

WHEREAS, the Niagara County Community College (NCCC), Sanborn, New York, is a partner in the Trott ACCESS Center, Niagara Falls, New York, and

WHEREAS, the County provides space to NCCC for this activity, and

WHEREAS, NCCC is able to obtain New York State Reimbursement for a portion of the costs of the space used in delivering its programs, and

WHEREAS, NCCC needs to have a lease agreement to serve as a basis for its reimbursement claims, 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 Infrastructures and Facilities Committee recommends the attached lease agreement to be entered into with NCCC for office space at the Trott ACCESS Center, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. IF-024-19

From: Infrastructure & Facilities and Administration Committees.

Dated: February 15, 2019

**RESOLUTION TO DECLARE 171 NIAGARA STREET, LOCKPORT, NY
SURPLUS PROPERTY**

WHEREAS, the parcel of property located at 171 Niagara Street, Lockport New York, owned by the County of Niagara has been cited by the City of Lockport for numerous deficiencies is currently uninhabitable, and

WHEREAS, the County has no plan to develop this property and it will not be utilized, and

WHEREAS, the expense to remediate, demolish or otherwise utilize the property at 171 Niagara Street, would exceed any return to the County, and

WHEREAS, the cost of demolition alone would be in excess of \$30,000, and

WHEREAS, the value of, after demolition, would not likely recover the costs, and

WHEREAS, the County has no use for the building, and the expense of upkeep or needed repairs would only burden the taxpayers, and

WHEREAS, Niagara County is a member of Niagara Orleans Regional Land Improvement Corporation which accepts real property in need of rehabilitation and works with development to place their type of properties back on the tax roll to pay taxes as a remediated property, and

WHEREAS, Niagara County's best interest would be to transfer 171 Niagara Street, Lockport, NY to NORLIC in order to see it placed back on the tax rolls and paying revenue to the Niagara County taxing, and

WHEREAS, the County has no public use for the property and/or facility 171 Niagara Street, Lockport, NY, now, therefore, be it

RESOLVED, that the County of Niagara declares the property at 171 Niagara Street, Lockport, NY, surplus property, and be it further

RESOLVED, the County will transfer 171 Niagara Street, Lockport, NY to NORLIC; and the required deed and necessary documents for such transfer shall be prepared for the review and approval of the Niagara County Attorney's office, and be it further

RESOLVED, that the Chairman of the Legislature is authorized to execute all such documents required to accomplish the transfer of 171 Niagara Street, Lockport, NY to NORLIC.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. IF-025-19

From: Infrastructure & Facilities Committee.

Dated: February 15, 2019

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA
AND THE OLCOTT LION'S CLUB**

WHEREAS, the Olcott Lions Club has requested that the County of Niagara grant them permission to use the north section of Krull Park on March 3, 2019 for the purpose of holding the annual charity event known as the Lion's Club Polar Swim for Sight, and

WHEREAS, this event has been successful for many years in attracting thousands of visitors from across Niagara County and Greater Western New York in order to raise money for Lion's Club sight and other charity programs, and

WHEREAS, The Lion's Club has also raised money through this event for improvements which benefit Krull Park, the surrounding community and Niagara County as a whole, and

WHEREAS, it is the wish of the Olcott Lion's Club to hold the Lion's Club Polar Bear Swim for Sight on March 6, 2017, and

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

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Olcott Lion's Club, and

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

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. IF-026-19

From: Infrastructure & Facilities Committee.

Dated: February 15, 2019

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA
AND OLCOTT BEACH CAR SHOW**

WHEREAS, the Olcott Beach Car Show has requested that the County of Niagara grant them permission to use the north section of Krull Park on August 31, 2019 for the purpose of holding the Olcott Beach Car Show, and

WHEREAS, this car show has been successful for the past sixteen years in attracting thousands of visitors from across Niagara County and Greater Western New York, and

WHEREAS, it is the wish of the Olcott Beach Car Show, to hold the Olcott Beach Car Show on August 31, 2019, and

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

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Olcott Beach Car Show, and

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

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Olcott Beach Car Show, as appears on the proposed agreement, is hereby approved in all respects, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature is authorized and directed to execute and deliver the agreement with the Olcott Beach Car Show,

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. IF-027-19

From: Infrastructure & Facilities Committee.

Dated: February 15, 2019

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE KRULL OLCOTT
DEVELOPMENT COMMITTEE AND OLCOTT FIRE COMPANY**

WHEREAS, the Krull Olcott Development Committee and the Olcott Fire Company have requested that the County of Niagara grant them permission to use the north section of Krull Park for the purpose of holding a Pirate's Festival, and

WHEREAS, this Festival has been successful for the past several years in attracting thousands of visitors from across Niagara County and Greater Western New York, and

WHEREAS, it is the wish of the local community to hold the Pirate's Festival on July 12-14, 2019, and

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

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Krull Olcott Development Committee and the Olcott Fire Company, and

WHEREAS, prior to the execution of the license agreement between the County of Niagara and the Krull Olcott Development Committee and the Olcott Fire Company, the County Attorney will review said Agreement for approval as to legal form, language and compliance, now, therefore, it is

RESOLVED, that, following the County Attorney's review, the Chair of the County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and the Krull Olcott Development Committee and the Olcott Fire Company.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. IF-028-19

From: Infrastructure & Facilities Committee.

Dated: February 15, 2019

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE SOCCER SHOTS BUFFALO

WHEREAS, Soccer Shots Buffalo has requested that the County of Niagara grant them exclusive rights to operate a youth soccer program in a section of Oppenheim Park, and in a section at the West Canal Marina, and

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

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

WHEREAS, prior to the execution of the license agreement between the County of Niagara and Soccer Shots Buffalo, the County Attorney will review said agreement for approval as to legal form, language, and compliance, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Soccer Shots Buffalo, now, therefore, be it

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. IF-029-19

From: Infrastructure & Facilities Committee.

Dated: February 15, 2019

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE TOWN OF WHEATFIELD

WHEREAS, the Town of Wheatfield has requested that the County of Niagara grant them permission to use Oppenheim Park for the purpose of holding a July 4th fireworks display, and

WHEREAS, it is the wish of the Town of Wheatfield to hold the fireworks display on July 4, 2019, and

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

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Town of Wheatfield, now, therefore, be it

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. IF-030-19

From: Infrastructure & Facilities Committee.

Dated: February 15, 2019

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE
LOCKPORT SOCCER CLUB**

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

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

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

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

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

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

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. IF-031-19

From: Infrastructure & Facilities Committee.

Dated: February 15, 2019

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA
AND THE BOND LAKE ENVIRONMENTAL COMMITTEE**

WHEREAS, by Resolution IL-003-95 the Bond Lake Environmental Committee was established as an advisory board to assist in the planning of Bond Lake Park improvements and enhancing Bond Lake Park as an educational asset for the County of Niagara, and

WHEREAS, the Bond Lake Environmental Committee has been responsible for securing funds for major educational and conservational improvements at Bond Lake Park, and

WHEREAS, the Bond Lake Environmental Committee has promoted these improvements to increase the awareness and use of Bond Lake Park and its environmental assets through community awareness and educational events, and

WHEREAS, Bond Lake Environmental Committee has requested that the County of Niagara allow them to continue these educational events and grant them permission to use portions of Bond Lake Park and the Nature Center for the purpose of holding these events, and

WHEREAS, it is the wish of the Bond Lake Environmental Committee to hold these events, and

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

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Bond Lake Environmental Committee, and

WHEREAS, prior to the execution of the license agreement between the County of Niagara and Bond Lake Environmental Committee, the County Attorney will review said agreement for approval as to legal form, language and compliance, now, therefore, it is

RESOLVED, that, following the County Attorney's review, the Chair of the County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and Bond Lake Environmental Committee.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. IL-002-19

From: Legislator Clyde L. Burmaster and Economic Development Committee.

Dated: February 15, 2019

**FUNDING TO THE YOUNGSTOWN BUSINESS & PROFESSIONAL ASSOCIATION FOR
MARKETING INITIATIVE 2019**

WHEREAS, having a successful tourist season requires targeting, advertising and highlighting attractions offered, and

WHEREAS, the business association is the prime organization that has taken upon themselves to insure travelers will know of the many historic, recreational, business and entertainment venues this area is famous for, and

WHEREAS, funds are needed to embark on a new, improved shared services initiative for 2019, now, therefore, be it

RESOLVED, that the sum of \$1,500 be granted to the Youngstown Business and Professional Association for production of new advertising:

Youngstown Business and Professional Association	Advertising	\$1,500.00
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and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01	Appropriated Fund Balance - Committed Funds	\$1,500.00
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INCREASE APPROPRIATION:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$1,500.00
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Moved by Andres, seconded by Syracuse.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. IL-003-19

From: Legislator Jesse P. Gooch.

Dated: February 15, 2019

**RESOLUTION CALLING ON NEW YORK STATE GOVERNOR ANDREW M. CUOMO TO
RESCIND HIS 2020 BUDGET PROPOSAL TO CUTS AIM (AID AND INCENTIVES FOR
MUNICIPALITIES) FUNDING**

WHEREAS, in New York State's 2005-06 fiscal year, the AIM (Aid and Incentives for Municipalities) program was created to pull together various aid programs for cities, towns and villages in New York, while limiting local property tax growth and encouraging shared services, and

WHEREAS, municipalities across the state have utilized these proceeds in their general funds, helping to reduce the burden on taxpayers while maintaining critical services, and

WHEREAS, over the past seven years of the AIM program, funding has remained steady each year, allowing municipalities to properly budget the forecasted proceeds, and

WHEREAS, in his 2020 budget plan, Governor Andrew M. Cuomo has proposed slashing AIM funds to towns and villages across New York State by a whopping 87%, and

WHEREAS, every single town and village in Niagara County will be adversely impacted by the governor's proposal thus impacting taxpayers in each respective municipality, and

WHEREAS, this proposal would be detrimental to the affected communities, leading to cuts in spending or raised taxes to meet established obligations, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby oppose Governor Andrew M. Cuomo's proposed cuts to the AIM program, and be it further

RESOLVED, that the Niagara County Legislature does hereby ask Governor Cuomo to reinstate the full funding of AIM consistent with prior funding levels, and be it further

RESOLVED, that copies of this resolution be sent that the clerk of the Legislature shall forward certified copies of this Resolution to the Governor of the State of New York Andrew Cuomo, Senate Minority Leader John Flanagan, Senator Robert Ortt, Speaker of the New York State Assembly Carl Heastie, Assembly Minority Leader Brian M. Kolb, Assemblyman Angelo Morinello, Assemblyman Michael J. Norris and others deemed necessary and proper.

Moved by Gooch, seconded by Andres to remove resolution from the agenda.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. IL-004-19

From: Legislator John Syracuse.

Dated: February 15, 2019

RESOLUTION CALLING ON THE GOVERNOR TO DIRECT THE ARTICLE 10 SITING BOARD TO REQUIRE WIND TURBINE PROJECTS TO INCLUDE ALL THE STANDARD ENVIRONMENTAL AND COMPREHENSIVE HEALTH IMPACT AND ENVIRONMENTAL STUDIES INCLUDING CONSIDERATION OF THE ADDED POTENTIAL FOR SLEEP DISTURBANCES FROM PULSATING NIGHT NOISE DOMINATED BY LOW FREQUENCY AND INFRASOUND, ESPECIALLY UNDER STABLE ATMOSPHERIC CONDITIONS

WHEREAS, this Niagara County Legislature has routinely gone on record unanimously protecting the residents of Niagara County from the dangers toxic industrial waste pose to our people and the environment, and

WHEREAS, resolution IL-26-18 which passed unanimously by this legislature, highlighted some of the potential negative side effects to the health and safety of our residents created by industrial wind turbines, and

WHEREAS, the Western New York Public Health Alliance, Inc. (WNYPHA) in their letter of June 12, 2018 to the Honorable Kathleen H. Burgess Secretary To The Commissioner, Public Service Commission, stated "several Western New York boards of health have been in engaged in wide public interest and public concern over the proposal by APEX to construct industrial wind turbines in Western New York counties," and

WHEREAS, these WNYPHA members include Niagara, Erie, Allegany, Cattaraugus, Chautauqua, Genesee, Orleans and Wyoming counties and under New York State public health law are "charged with protecting residents' health," and

WHEREAS, WNYPHA officials and members "believe that any project of this nature and magnitude (apex industrial wind turbine project) only be considered following a complete and transparent process including all the standard environmental and health impact studies and local input," and

WHEREAS, in addition to WNYPHA, the New York State Association Of County Health Officials' (NYSACHO) who's mission statement reads that they "support, advocate for, and empower local health departments in their work to promote health and wellness and prevent disease, disability and injury throughout New York State," and

WHEREAS, in addition to NYSACHO supporting the Western New York Public Health Alliance's position, they further state that the article 10 process "places at risk our local boards of health home rule ability, which allows them to take steps to safeguard the health and wellness of our residents and protect the environment within our counties," now, therefore, be it

RESOLVED, that the Niagara County Legislature fully supports the positions of both the Western New York Public Health Alliance, Inc. (WNYPHA) and New York State Association Of County Health Officials (NYSACHO) calling for the article 10 process to include a comprehensive health and environmental impact study, and be it further

RESOLVED, that copies of this resolution be forwarded to the Honorable Governor Andrew M. Cuomo, Senator Robert G. Ort, Member of Assembly Michael J. Norris, Member of Assembly Angelo Morinello, Secretary to the Commissioner Public Service Commission Kathleen H Burgess, Niagara County Public Health Director Daniel J. Stapleton, Town of Somerset Supervisor Daniel M. Engert, Town of Yates Supervisor James Simon and all others deemed necessary and proper.

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

Carried.

Moved by Syracuse, seconded by Bradt.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. IL-005-19

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

Dated: February 15, 2019

RESOLUTION IN SUPPORT OF THE SALVATION ARMY THROUGH THE USE OF CASINO FUNDING

WHEREAS, the Salvation Army of Lockport has been serving the community since 1884, by bringing help to the needy, nourishment to the hungry, encouragement to the distressed and spiritual enlightenment to the helpless and hopeless, and

WHEREAS, the Code Blue program is a service provided to the homeless or displaced while the temperature falls to 15 degrees and below, and

WHEREAS, the Salvation Army of Lockport is in need for funding to provide the Code Blue program to ensure no one is left out in the cold, now, therefore, be it

RESOLVED, that Niagara County would like to support the efforts of the Salvation Army of Lockport through a contribution of \$2,000.00, and be it further

RESOLVED, that Niagara County supports the Salvation Army of Lockport as follows:

The Salvation Army Lockport Corps	\$2,000.00
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and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01 Appropriated Fund Balance - Committed Funds \$2,000.00

INCREASE APPROPRIATION:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund \$2,000.00

Moved by Nemi, seconded by Wydys.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. IL-006-19

From: Legislators Randy R. Bradt, John Syracuse, Jesse P. Gooch and Wm. Keith McNall.

Dated: February 15, 2019

**RESOLUTION OPPOSING GOVERNOR ANDREW M. CUOMO'S
RED FLAG GUN SEIZURE PROPOSAL**

WHEREAS, the Second Amendment to the Constitution of the United States clearly states that "the right of the people to keep and bear Arms, shall not be infringed," and

WHEREAS, Article XII of the Constitution of the State of New York clearly states, "The defense and protection of the state and of the United States is an obligation of all persons within the state," and

WHEREAS, the "Red Flag" proposal is in clear violation of our constitutionally afforded Second Amendment rights, as well as the right to due process of law, and

WHEREAS, the Niagara County Legislature has consistently gone on record unanimously opposing New York State's infringement on an individual's Second Amendment "right of the people to keep and bear arms", and

WHEREAS, the "Red Flag" proposal would permit family members, teachers, doctors, or any other concerned party to petition the state court to order the temporary removal of firearms from a person who may present a danger to others or themselves, and

WHEREAS, the rationale that the "Red Flag" proposal would prevent a criminal from harming the public, is doubtful due to the fact that criminals, by definition, do not abide by the law and use illegal means in which they obtain firearms, regardless of the temporary gun seizure that this proposal calls for, and

WHEREAS, there are over 30,000 registered gun owners in Niagara County, whom of which are law abiding citizens, would therefore be subject to the seizure of their legally obtained firearms if a person deems them to be a threat to themselves or the public, and

WHEREAS, any new state legislation responding to firearm violence should focus on increasing penalties for criminals who use firearms to harm or threaten law abiding citizens and address the issues of mental illness related to violence, now, therefore, be it

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Andrew M. Cuomo; Senate Majority Leader Andrea Stewart-Cousins; Senate Minority Leader John Flanagan; Senator Robert G. Ort; Speaker of the Assembly Carl Heastie; Assembly Majority Leader Crystal Peoples-Stokes; Assembly Minority Leader Brian M. Kolb; Member of the Assembly Michael J. Norris; Member of the Assembly Angelo Morinello; Member of the Assembly Karen McMahon; Member of the Assembly Robin Schimminger; and all others deemed necessary and proper.

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

Carried.

Moved by Gooch, seconded by Hill.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. IL-007-19

From: Legislators Rebecca J. Wydysh, Jesse L. Gooch, Randy R. Bradt, Richard L. Andres, et al.

Dated: February 15, 2019

**NIAGARA COUNTY
A PURPLE HEART COUNTY**

WHEREAS, the people of Niagara County have great admiration and the utmost gratitude for all the men and women who have selflessly served their country and this community in the Armed Forces, and

WHEREAS, veterans have paid the high price of freedom by leaving their families and communities and placing themselves in harm's way for the good of all, and

WHEREAS, the contributions and sacrifices of the men and women from Niagara County who have served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens, and

WHEREAS, many men and women in uniform have given their lives while serving in the Armed Forces, and

WHEREAS, many citizens of our community have earned the Purple Heart Medal as a result of being wounded while engaged in combat with an enemy force construed as a singularly meritorious act of essential service, and

WHEREAS, August 7, 2019 has officially been designated as the day in which we remember and recognize veterans who are recipients of the Purple Heart Medal, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby proclaim Niagara County as a Purple Heart County, honoring the service and sacrifice of our nation's men and women in uniform wounded or killed by the enemy or friendly fire while serving to protect the freedom enjoyed by all Americans.

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

Carried.

Moved by Wydysh, seconded by Andres.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. IL-008-19

From: Legislators Richard L. Andres, Anthony J. Nemi, Randy R. Bradt, Jesse P. Gooch et al.

Dated: February 15, 2019

**RESOLUTION URGING NEW YORK STATE TO FUND THE PURCHASE ELECTRONIC POLL
BOOKS FOR COUNTY BOARDS OF ELECTIONS**

WHEREAS, counties, through local Boards of Elections, are responsible for managing election operations, and paying for all or most of the costs of these operations, and

WHEREAS, in January, State Lawmakers have passed and the Governor has signed into law series of voting reforms to the New York State Election Law, and

WHEREAS, these reforms include early voting, voter registration transfers, same day voter registrations, and pre-registering 16 and 17 year olds to vote, and

WHEREAS, implementing these reforms will require counties to purchase and use electronic polling books, estimated to cost up to \$1 million per county, and

WHEREAS, despite their desire to improve voter turnout, state leaders have not invested in our voting system infrastructure in more than a decade, now, therefore, be it

RESOLVED, the Niagara County Legislature calls upon Governor Andrew M. Cuomo and the New York State Legislature to fund the electronic poll books that counties will have to purchase to effectively implement many of the state's new voting reforms, and be it further

RESOLVED, that the state fund the costs associated with the new reforms of which include equipment, education and training for poll workers, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Andrew M. Cuomo; Senate Majority Leader Andrea Stewart-Cousins; Senate Minority Leader John Flanagan; Senator Robert G. Ort; Speaker of the Assembly Carl Heastie; Assembly Majority Leader Crystal Peoples-Stokes; Assembly Minority Leader Brian M. Kolb; Member of the Assembly Michael J. Norris; Member of the Assembly Angelo Morinello; Member of the Assembly Karen McMahon; Member of the Assembly Robin Schimminger the New York State Board of Elections, and all others deemed necessary and proper.

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

Carried.

Moved by Andres, seconded by Nemi.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. IL-009-19

From: Legislators David E. Godfrey, John Syracuse, Rebecca J. Wydysh, Randy R. Bradt, et al.

Dated: February 15, 2019

RESOLUTION CALLING ON GOVERNOR ANDREW M. CUOMO AND THE STATE LEGISLATURE TO FUND UNATTENDED DEATH INVESTIGATIONS INCLUDING COSTS ASSOCIATED WITH PERFORMING AUTOPSY AND TOXICOLOGY SERVICES

WHEREAS, our State is grappling with a widespread opioid epidemic causing havoc on the lives of New Yorkers while placing a tremendous fiscal strain on county budgets, and

WHEREAS, counties are responsible for investigating unattended deaths; violent deaths; a death caused by an unlawful act or criminal neglect; deaths occurring in a suspicious, unusual or unexplained manner; deaths caused by a suspected criminal abortion; a death of an individual confined in an institution (Gail or nursing home), and

WHEREAS, coroners and medical examiners are county officers who make official inquiries about the cause and manner of an individual's death, especially those that occur under unnatural, unexplained, or suspicious circumstances, and

WHEREAS, coroners or medical examiners are required by law to investigate deaths by violence or accident and, due to the opioid epidemic, coroners and medical examiners are seeing a dramatic increase in their caseload, and

WHEREAS, in 2018, counties across New York State and New York City, seeing a dramatic increase in caseload due to the opioid epidemic, budgeted over \$122 million for coroner and medical examiner expenses, and

WHEREAS, prior to 2011, county coroner's and medical examiners were reimbursed up to 36 percent with state aid from Article 6 funding to local health departments, and

WHEREAS, in 2011, the State Budget shifted the reimbursement for medical examiners from the New York State Department of Health (NYSDOH) to the New York State Department of Criminal Justice Services (DCJS) and the funding was no longer available as the state deemed this activity to be a public safety and not a public health function, and

WHEREAS, just recently one medical provider used by a sixteen-county region in eastern New York doubled their fee for autopsy services and cut toxicology services, and

WHEREAS, many counties across New York State are forced to use one provider as many medical institutions have suspended autopsy and toxicology services, and

WHEREAS, in addition to a lack of affordable autopsy and toxicology providers, our state and nation is experiencing a dramatic shortfall in pathologists, particularly forensic pathologists, now, therefore, be it

RESOLVED, the Niagara County Legislature urges Governor Andrew M. Cuomo and State lawmakers to restore funding to counties to help offset the costs for state-mandated autopsy services, which are rapidly increasing due to the changing pathology landscape in NYS and the opioid epidemic, and be it further

RESOLVED, the Niagara County Legislature further advocates that Governor Andrew M. Cuomo and the State Legislature shift coroner and medical examiner funding from the New York State Division of Criminal Justice Services back to the New York State Department of Health, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Andrew M. Cuomo; Senate Majority Leader Andrea Stewart-Cousins; Senate Minority Leader John Flanagan; Senator Robert G. Ort; Speaker of the Assembly Carl Heastie; Assembly Majority Leader Crystal Peoples-Stokes; Assembly Minority Leader Brian M. Kolb; Member of the Assembly Michael J. Norris; Member of the Assembly Angelo Morinello; Member of the Assembly Karen McMahon; Member of the Assembly Robin Schimminger; and all others deemed necessary and proper.

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

Carried.

Moved by Godfrey, seconded by Syracuse.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. IL-010-19

From: Legislators David E. Godfrey, John Syracuse, Rebecca J. Wydysh, Randy R. Bradt, et al.

Dated: February 15, 2019

**RESOLUTION TO AUTHORIZE THE NIAGARA COUNTY TREASURER TO ENTER INTO
A VOLUNTARY COLLECTION AGREEMENT WITH AIRBNB FOR THE COLLECTION OF
HOTEL MOTEL TAX PURSUANT TO LOCAL LAW NO. 5.**

WHEREAS, on October 15, 2018 Local Law No. 5 was adopted by Resolution ED-018-18 imposing a Tax on the Occupancy of Hotel Motel Rooms Pursuant to Tax Law §1202-t Hotel Motel Taxes in Niagara County, and

WHEREAS, §3(c) of Local Law No. 5 defines "Hotel" to include: "bed and breakfast and Tourist homes, Air BNB, rentals (including through online booking sites)," and

WHEREAS, §7 of Local Law No. 5 authorizes the County Treasurer to administer and collect the tax imposed by Local Law No. 5, and

WHEREAS, the County of Niagara desires to include bed and breakfast and tourist homes, Airbnb, rentals (including through online booking sites) in its collection of Hotel Motel tax to level the playing field so that all accommodation hosts are collecting a bed tax from their customer, which is returned to the community for tourism promotion efforts, and

WHEREAS, Airbnb provides internet-based platform through which third parties offering accommodations ("Hosts") and third parties booking such accommodations ("Guests") may communicate, negotiate and consummate a direct booking transaction for accommodations, and

WHEREAS, Delaware County, Essex County, Franklin County, Otsego County, St. Lawrence County, Sullivan County, Tomkins County, Schuyler County, Dutchess County, Schoharie County, and Livingston County have signed agreements with Airbnb for the voluntary collection of bed tax from Airbnb Guests and Hosts, and

WHEREAS, a Voluntary Collection Agreement between Airbnb and Niagara County would ease the challenge faced by the County to collect bed tax from the numerous independent hosts, and

WHEREAS, Airbnb has approximately 50,000 hosts across the state that recorded 2.1 million stays in 2016 and generated over 160 million in tax revenue for state and local governments, and

WHEREAS, the County of Niagara wishes to enter into a Voluntary Collection Agreement with Airbnb in order to facilitate the reporting, collection and remittance of applicable transient occupancy taxes imposed under the applicable Niagara County Hotel Motel Occupancy Tax Law on behalf of Hosts for Booking transactions complete by Hosts and Guests, now, therefore, be it

RESOLVED, that the County Treasurer be and is hereby authorized and directed to enter into a Voluntary Collection Agreement with Airbnb for the collection of Hotel Motel Tax pursuant to Local Law No. 5.

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

Carried.

Moved by Andres, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

Resolution No. IL-011-19

From: Legislators John Syracuse and Wm. Keith McNall

Dated: February 15, 2019

RESOLUTION CALLING ON GOVERNOR ANDREW M. CUOMO; SENATE MAJORITY LEADER ANDREA STEWART-COUSINS; AND ASSEMBLY LEADER CRYSTAL PEOPLES-STOKES, TO REPEAL THE NEW YORK STATE REPRODUCTIVE HEALTH ACT

WHEREAS, the Legislature of the County of Niagara undoubtedly defends, protects, and values all human life, that every person, from conception to natural death, possesses inherent dignity and immeasurable worth, and WHEREAS, while Niagara County agrees that women should have the access to safe and affordable reproductive healthcare, we can't forget that a fetus is not merely a fetus, but a human being. Certainly, women's lives matter, however, we must also remember that the lives of voiceless infants equally matter, and

WHEREAS, the Reproductive Health Act, which Governor Cuomo signed into law on January 22, 2019, gives women the right to have an abortion at any stage of their pregnancy, with all criminal aspects expunged from the records, and

WHEREAS, the Reproductive Health Act lacks clarity regarding a "health" justification for late-term abortions, as the term "health" has been interpreted by the Supreme Court to include essentially any matter related to a woman's physical, psychological, or emotional health, and

WHEREAS, according to the most recent official statistic from the New York State Department of Health , there were over 87,000 abortions reported in 2018, therefore making New York State's abortion rate the highest of any state, and

WHEREAS, inevitably, more abortions will result from this legislation, allowing access when the infant is fully developed inside the womb, consequently making the mothers' womb the most dangerous place for a child to be in New York State, and

WHEREAS, under the Reproductive Health Act, New York State no longer requires licensed physicians to perform abortions, which then permits the state government to allow other health care professionals to perform abortions, which could include nurse practitioners, physician assistants, and even midwives, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara does hereby call upon Governor Cuomo to repeal the Reproductive Health Act, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Andrew M. Cuomo; Senate Majority Leader Andre Stewart-Cousins; Senate Minority Leader John Flanagan; Senator Robert G. Ort; Speaker of the Assembly Carl Heastie; Assembly Majority Leader Crystal Peoples-Stokes; Assembly Minority Leader Brian M. Kolb; Member of the Assembly Michael J. Norris; Member of the Assembly Angelo Morinello; Member of the Assembly Karen McMahon; Member of the Assembly Robin Schimminger; and all others deemed necessary and proper.

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

Carried.

Moved by Syracuse, seconded by Bradt.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

APPOINTMENTS:

AGRICULTURE AND FARMLAND PROTECTION BOARD:

	<u>Appt.</u>	<u>Expires</u>
John Syracuse	02/19/19	12/31/19
Andrew Milleville	02/19/19	12/31/21

4727 Lockport Rd., Lockport 14094

COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY COMMITTEE:

Richard L. Andres, Chair, Economic Development Committee 448 Goundry Street, North Tonawanda 14120	02/19/19	12/31/19
William J. Collins, Niagara County Legislature 5913 Beattie Ave., Lockport 14094	02/19/19	12/31/19
Michael A. Casale, Commissioner Economic Development Samuel M. Ferraro Ctr. for Ec. Dev. 6311 Inducon Corp Dr., Sanborn 14132	02/19/19	12/31/19
Andres Klyczek, Assistant Director, NCIDA Samuel M. Ferraro Ctr. for Ec.Dev., 6311 Inducon Corp Dr., Sanborn 14132	02/19/19	12/31/19
Lynn Oswald, Dir., Small Business Development Ctr. NCCC, 3111 Sauders Settlement Rd., Sanborn 14132	02/19/19	12/31/19
Brian Smith, Director, Community Development, City of Lockport One Locks Plaza, Lockport 14094	02/19/19	12/31/19
Paul E. Brown 1065 Walck Rd., North Tonawanda 14120	02/19/19	12/31/19
Kory Schuler, Executive Director, Niagara USA Chamber of Comm. Vantage Ctr., 6311 Inducon Corp Dr., Sanborn 14132	02/19/19	12/31/19
Don MacSwan , Supervisor, Town of Wheatfield 2800 Church Rd., North Tonawanda 14120	02/19/19	12/31/19
Cathy Oddo, Ex. Dir., Chamber of Comm. of the Tonawandas 254 Sweeny St, North Tonawanda 14120	02/19/19	12/31/19
Michael Zimmerman, North Tonawanda Community Development City Hall, 216 Payne Ave., No Tonawanda 14120	02/19/19	12/31/19
Donald Jablonski , Employment & Training Trott ACCESS Ctr., 1001 11th St., Niagara Falls 14301	02/19/19	12/31/19
Anthony Restaino, Commissioner of Social Services 20-40 East Ave., Lockport 14094	02/19/19	12/31/19
Wright Ellis, Supervisor, Town of Cambria 4160 Upper Mountain Rd., Sanborn 14132	02/19/19	12/31/19
Lee Wallace, Supervisor, Town of Niagara 7105 Lockport Rd., Niagara Falls 14305	02/19/19	12/31/19
Cathy Lovejoy Maloney, Cornell Cooperative Extension 4487 Lake Ave., Lockport 14094	02/19/19	12/31/19
Jerald Wolfgang, Dir., WNY Regional Education Center 355 Harlem Rd., West Seneca 14224	02/19/19	12/31/19
Thomas Weeks, Grand Island Transit Corp. 5355 Junction Rd., Lockport 14094	02/19/19	12/31/19
John Butcher, Summit Print & Mail 6042 Old Beattie Rd., Lockport 14094	02/19/19	12/31/19
Marc Smith, Coordinator of Economic Development, Town of Lockport 6560 Dysinger Rd., Lockport 14094	02/19/19	12/31/19
Tom DeSantis, NFC Development Corp. 1022 Main St., PO Box 69, Niagara Falls 14302-0069	02/19/19	12/31/19
Erik M. Solomon, National Fuel Gas Distribution Corp. Headquarters 6363 Main St., Williamsville 14221-5887	02/19/19	12/31/19
Robert F. Bilson 9918 Cayuga Dr., Niagara Falls 14304	02/19/19	12/31/19
Daryl Bodewes 2462 Woodthrush Court, Niagara Falls 14304	02/19/19	12/31/19
Jennifer Pauly, President, Niagara River Region Chamber of Commerce 895 Center St. Lewiston 14092	02/19/19	12/31/19

Joseph Steinmetz, Director of CTE, Orleans –Niagara 3181 Saunders Settlement Rd., Sanborn 14132	02/19/19	12/31/19
John King, President Niagara County Farm Bureau 8999 Ridge Rd., Gasport,	02/19/19	12/31/19
John Percy, President & CEO, Destination Niagara USA 10 Rainbow Blvd., Niagara Falls 14303	02/19/19	12/31/19

Ex-officio:

Hon. Robert Ortt, State Senator, 175 Walnut St., Suite 6, Lockport 14094
 Hon. Angelo Morinello, Assemblyman, 800 Main St., Suite 2C, Niagara Falls 14301
 Hon. Michael Norris, Assemblyman, 8180 Main St., Clarence 14221
 Hon. Robin Schimminger, Assemblyman, 3514 Delaware Ave., Kenmore 14217
 Hon. Karen McMahon, Assemblywoman, 5500 Main St., Williamsville 14221
 Hon. Chris Collins, Congressman, 8203 Main St., Williamsville, 14221
 Hon. Brian Higgins, Congressman, 800 Main St., Suite 3C, Niagara Falls 14301
 Amanda Mayes, WNY Regional Dir., Empire State Development Corp., 95 Perry St., Suite 500, Buffalo 14203
 Richard Updegrove, Niagara County Manager, 59 Park Ave., Lockport 14094
 Moved by Syracuse, Second by Nemi.
 Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Collins and Zona

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

The Chairman declared the Board adjourned at 8:19 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