

OFFICIAL RECORD

Lockport, New York
March 19, 2019

The meeting was called to order by Chairman McNall at 7: 03 p.m.

Clerk Tamburlin called the roll. All Legislators were present.

Moment of Silence was held for former North Tonawanda Alderman Dennis Pasiak.

CORRESPONDENCE & RECOGNITION:

Chairman McNall congratulated Director of Public Health Dan Stapleton and the Niagara County Department of Health, Nursing Division on their Awarded CDC Recognition for their participation in a Diabetes Prevention Recognition Program.

Legislator Collins read a proclamation honoring the AM Lockport Toast Meters on their 35th anniversary as a club.

Chairman McNall announced Friday April 5th the Niagara County Agribusiness Outreach Forum will be taking place at the Cornell Cooperative Extension Training Center.

PRESENTATIONS

Chairman McNall called on Maureen James and Zoe Dobo to the lectern to read a proclamation honoring them on their heroic and selfless actions.

Legislator Hill called the RoyHart girls swim team to the lectern to read a proclamation congratulating them on their 10-0 season.

Legislators Steed, Virtuoso, Grozio and Zona invited members from the Links Inc. the Niagara Falls Chapter to the lectern to read a proclamation declaring March 30, 2019 as Uncrowned Queens day.

5 citizens spoke at this time.

Chairman McNall announced that resolution IL-015-19 was being removed from the Agenda.
Moved by Andres, seconded by Hill.

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

Resolution No. CW-007-19 was read at this time. (Appears in numerical order)

Resolution No. AD-004-19

From: Administration Committee.

Dated: March 19, 2019

BUDGET MODIFICATION – DISTRIBUTION OF SALES TAX

WHEREAS, the County Treasurer's Office has reviewed the year-to-date distribution of county-wide sales tax revenue for 2018, and

WHEREAS, sales tax revenue for the month of December, which is received in January 2019 came in higher than anticipated and must be accrued back to 2018 per Generally Accepted Accounting Principles (GAAP), and

WHEREAS, such unanticipated increase in sales tax revenue has led the County to distribute higher than anticipated amounts of revenue to the local municipalities, and

WHEREAS, budget modifications for the 2018 fiscal year can continue to be made into the first quarter of 2019, now, therefore, be it

RESOLVED, the following budget modification be effectuated to the 2018 County budget:

INCREASE ESTIMATED REVENUE:

A.07.1995.000 41110.01	Sales and Use Tax General Distribution	\$2,613,414
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INCREASE APPROPRIATION:

A.07.1995.000 74500.01	Distribution of Sales Tax	\$2,613,414
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CS-012-19

From: Community Services and Administration Committees.

Dated: March 19, 2019

DSS SECTION 5311 CAPITAL PROJECT

WHEREAS, the County of Niagara has been approved for a grant of funds by the New York State Department of Transportation, pursuant to Section 5311, Title 49, United States Code, for a project described as purchase three replacement 35' buses and related equipment, and

WHEREAS, the County of Niagara and the State of New York are entering into a Supplemental Grant Agreement which authorizes the undertaking of the Project and payment of the Federal and State shares for the project, now, therefore, be it

RESOLVED, that following the County Attorney's review, the Chairman of the Niagara County Legislature is authorized to sign any and all agreements between the County of Niagara and State of New York for the above named project; any and all agreements between the County of Niagara and any third party subcontractors necessary to complete the project; any and all agreements between the County of Niagara and any vendor for the purchase and/or installation of vehicles and/or equipment, and be it further

RESOLVED, that the County of Niagara certifies through this Resolution that the estimated local share of at least 10% of the total project cost, as described in the Section 5311 Project Application, is committed to this Project from the third party contractor, and be it further

RESOLVED, that the following budget modifications be effectuated:

INCREASE REVENUE:

A22601000043589.04	Rural Transportation Grant (State)	\$100,110
A22601000044589.01	Rural Transportation Grant (Federal)	\$325,241
A22601000041750.00	Bus Operations	\$ 40,655

INCREASE APPROPRIATION:

A22601000072100.11 Other Vehicle \$466,006

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CS-013-19

From: Community Services and Administration Committees.

Dated: March 19, 2019

**BUDGET MODIFICATION – ACCEPTANCE OF
AGING MASTERY PROGRAM (AMP) GRANT FUNDING**

WHEREAS, the Niagara County Office for the Aging (NCOFA) provides community-based services to help older adults remain active and independent in the community, and

WHEREAS, the NCOFA receives various recurring and one-time grants each year to fund a portion of these services provided, and

WHEREAS, the NCOFA had been selected to participate with P2 Collaborative of WNY, dba Population Health Collaborative in the implementation of the Aging Mastery Program (AMP), and

WHEREAS, AMP is a behavior change incentive program for aging well that encourages developing sustainable behaviors across many dimensions that will lead to improved health, stronger financial security, and overall well-being. The program incorporates evidence-based materials, expert speakers, group discussion, peer support and a rewards system to give participants the skills and tools they need to achieve measureable improvements, and

WHEREAS, as a participant in this program, NCOFA had initially been awarded a grant of up to \$30,000 for the period of May 15, 2018 to May 15, 2020, with no county match required, and

WHEREAS, NCOFA will be partnering with The Dale Association, who will continue to administer the program in a series of AMP wellness and education programs throughout Niagara County, and

WHEREAS, NCOFA can shift expenses from other grants utilizing those funding sources in areas not covered by this grant, now, therefore, be it

RESOLVED, that the department is given authorization to accept the grant increase with the effectuation of the following budget modification:

INCREASE REVENUE:

A.24.6772.000 41289.09 Other General Gov. Income Salary Reimbursement \$14,800.00

INCREASE APPROPRIATIONS:

A.24.6772.000 74500.01	Contractual Expenses	\$13,650.00
A.24.6772.000 74250.01	Office Supplies	100.00
A.24.6772.000 74675.01	Postage	100.00
A.24.6772.000 74200.02	Copier Rental	150.00
A.24.6772.000 74675.07	Information Technology Services	300.00
A.24.6772.000 74675.06	Maintenance in Lieu of Rent	500.00

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CS-014-19

From: Community Services and Administration Committees.

Dated: March 19, 2019

**BUDGET MODIFICATION – ACCEPT HUD LEAD HAZARD CONTROL FUNDING
ENVIRONMENTAL DIVISION- DEPARTMENT OF HEALTH
ABOLISH/CREATE CO-TERMINUS POSITIONS**

WHEREAS, the Environmental Division of the Niagara County Department of Health provides a wide array of essential public health services in a cost effective manner, and

WHEREAS, the U.S. Department of Housing and Urban Development Office of Lead Hazard Control and Healthy Homes awarded a 42 month (April 1, 2019 to March 31, 2022) \$2 million Lead-Based Paint Hazard Reduction Program grant (CFDA #14.900) to Niagara County Department of Health Environmental Division to assist in identifying and reducing lead-based paint hazards in eligible homes, and

WHEREAS, a supervisor is needed to oversee this grant as well as the current lead program in the form of an upgrade (abolish/create) from Public Health Sanitarian position #10868 with Lead grant CSEA Job Group 11, Step 8, \$31.39/hr. to Associate Supervising Public Health Sanitarian 50% charged to Childhood Lead Prevention grant and 50% funded by new (HUD) Lead Hazard Control funds CSEA Job Group 14, Step 1, \$34.17/hr., and

WHEREAS, additional 100% grant funded staff is needed in the HUD grant (1) Public Health Sanitarian CSEA Job Group 11, step 1, \$26.85/hr., and (1) Public Health Technician CSEA Job Group 6, step 1, \$18.87/hr., and

WHEREAS, the Department of Health requests approval to accept the 2019 portion of these funds, now, therefore, be it

RESOLVED, that (1) Public Health Technician, (1) Public Health Sanitarian, and (1) Associate Supervising Public Health Sanitarian be created and filled co-terminus with grant funding and that Public Health Sanitarian position #10868 be abolished; and be it further

RESOLVED, that the following budget modification, be effectuated with all created and filled positions to be co-terminus with the grant:

INCREASE REVENUE:

CM.20.4070.420 44489.03	Other Health Lead Hazard Reduction	\$606,560
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INCREASE APPROPRIATIONS:

CM.20.4070.420 71010.00	Position # Assoc Sup Sanitarian	\$ 22,962
CM.20.4070.420 71010.00	Position # PH Sanitarian	36,086
CM.20.4070.420 71010.00	Position # PH Technician	25,361
CM.20.4070.420 71012.00	Longevity	78
CM.20.4070.420 74000.02	Misc fees	1,900
CM.20.4070.420 74250.01	Office Supplies	1,117
CM.20.4070.420 74300.03	Travel/mileage	2,453
CM.20.4070.420 74375.01	Advertising & Promo	13,539
CM.20.4070.420 74375.02	Telephone usage	20
CM.20.4070.420 74375.02	Telephone System	322
CM.20.4070.420 74500.01	Contractual	436,677
CM.20.4070.420 74600.03	Training & Education	13,000

CM.20.4070.420 74675.01	Central Postage	1,278
CM.20.4070.420 74675.02	Central Printing	450
CM.20.4070.420 74675.06	MILOR	2,829
CM.20.4070.420 74800.10	Misc equipment under \$500	1,500
CM.20.4070.420 78100.00	Retirement	11,703
CM.20.4070.420 78200.00	FICA	6,465
CM.20.4070.420 78300.00	Worker's Comp	2,238
CM.20.4070.420 78400.01	Health Insurance	23,993
CM.20.4070.420 74800.05	HRA	1,700
CM.20.4070.420 78700.00	NYS Disability	143
CM.20.4070.420 78800.00	Flex	746

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CS-015-19

From: Community Services and Administration Committees.

Dated: March 19, 2019

NIAGARA COUNTY CLERK CONTRACT ACCEPTANCE ON BEHALF OF NIAGARA COUNTY VETERANS SERVICE AGENCY

WHEREAS, the Office of the Niagara County Clerk, acting on behalf of the Niagara County Veterans Service Agency, receives funds from the Niagara County Department of Mental Health via the New York State Office of Mental Health, and

WHEREAS, such funding is derived from New York State's budget PFC Joseph P. Dwyer Peer Support Program, and

WHEREAS, the purpose of the funding is to provide non-clinical peer-to-peer counseling between veterans who personally understand the psychological and emotional effects of combat, and

WHEREAS, the funding specifically requires services to Niagara County veterans suffering from PTSD via individual and small group peer-to-peer counseling, and

WHEREAS, the Veterans One-stop Center of WNY, Inc. has successfully provided these services for Niagara County veterans since 2015, and

WHEREAS, the County wishes to continue such services by execution of a contract with Veterans One-stop Center of WNY, Inc., and

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

RESOLVED, that Niagara County enter into a contract with Veterans One-stop Center of WNY, Inc. for a period commencing April 1, 2019 to June 30, 2020 for services to be provided as per the terms of the contract, and be it further

RESOLVED, that the contract be accepted and approved and following the County Attorney's review, the Chairman of the Legislature be authorized to execute said contract.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CSS-017-19

From: Community Safety & Security and Administration Committees.

Dated: March 19, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE BUDGET MODIFICATION
ACCEPT FY18 STATEWIDE INTEROPERABLE COMMUNICATIONS TARGETED GRANTS
PROGRAM**

WHEREAS, the Niagara County Sheriff's Office was notified in writing that the New York State Division of Homeland Security and Emergency Services has awarded \$6,000,000 to the Niagara County Sheriff's Office under the New York State FY2018 Statewide Interoperable Communications Targeted Grant Program for the grant period of December 1, 2018 through November 30, 2022, and

WHEREAS, this grant will allow the Sheriff's Office to continue the improvement of the interoperable communications network which will have the benefit to the residents of Niagara County of improved reliability of communication for their safety and protection, and

WHEREAS, an improved interoperable communications network will also enhance interoperable communications with other counties and agencies when participating in Mutual Aid emergencies, and

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

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the agreement for the grant period of December 1, 2018 through November 30, 2022 and be it further

RESOLVED that the following line item transfers be effectuated:

INCREASE REVENUE:

H.683.17.3020.000 43397.00	State Interoperable Communications Public Safety Capital Projects	\$6,000,000
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INCREASE APPROPRIATIONS:

H.683.17.3020.000 72100.15	Machinery and Equipment Communications Equipment	\$4,505,937
H.683.17.3020.000 72400.00	Land Improvement Expense	\$1,494,063

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CSS-018-19

From: Community Safety & Security and Administration Committees.

Dated: March 19, 2019

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

WHEREAS, the Niagara County Sheriff's Office is in possession of a 2002 Workhorse Panel Van which was purchased with Asset Forfeiture funds, and

WHEREAS, the Niagara County Sheriff's Office is purchasing a 2019 Chevrolet Express Commercial Cutaway Van through the FY16 Tactical Team Targeted Grant for use by the NCSO Emergency Response Team, and

WHEREAS, the 2002 Workhorse Panel Van was valued at \$5,500 by the Joe Basil Chevrolet dealership, and

WHEREAS, the Orleans County Sheriff's Office is in need of a tactical team transport vehicle for their Emergency Response Team, in the spirit of inter-county cooperation, now, therefore, be it

RESOLVED, that Niagara County Sheriff's Office sell the 2002 Workhorse Panel Van to the Orleans County Sheriff's Office for the fair market value of \$5,500, and be it further

RESOLVED, that the 2019 budget be modified as follows:

INCREASE REVENUE:

A.17.3110.000.44389.02	Other Public Safety	\$5,500
	Other Public Safety Asset Forfeiture	

INCREASE APPROPRIATIONS:

A.17.3110.000.72100.31	Machinery and Equipment	\$5,500
	Asset Forfeiture	

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CSS-019-19

From: Community Safety & Security and Administration Committees.

Dated: March 19, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE BUDGET MODIFICATION
ACCEPT DOMESTIC CANNABIS ERADICATION/SUPPRESSION PROGRAM**

WHEREAS, the Niagara County Sheriff's Office wishes to continue an agreement with the U.S. Department of Justice Drug Enforcement Administration for the year 2019, and

WHEREAS, this agreement allows the Sheriff's Office to work in conjunction with the local DEA Office to curtail illegal cannabis trafficking and in eradication of illicit cannabis plants throughout Niagara County, and

WHEREAS, the DEA will reimburse the Sheriff's Office for the costs incurred with this project, now, therefore, be it

RESOLVED, that Niagara County continue an agreement with the U.S. Department of Justice, and be it further

RESOLVED, that the 2019 budget be modified as follows:

INCREASE REVENUE:

A.17.3110.000.44389.04	Other Public Safety Operation Green Monster	\$60,000
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INCREASE APPROPRIATIONS:

A.17.3110.000.71050.00	Overtime	\$40,000
A.17.3110.000.74400.09	Payments to Other Agencies	10,000
A.17.3110.000.74600.03	Training/Education	2,000
A.17.3110.000.74750.05	Law Enforcement Supplies	4,000
A.17.3110.000.74800.11	Vehicle Maintenance (Helicopter)	4,000

Moved by Bradt, seconded by Virtuoso.
Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CSS-020-19

From: Community Safety & Security and Administration Committees.

Dated: March 19, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE BUDGET MODIFICATION.
TOWN OF PENDLETON TRAFFIC ENFORCEMENT**

WHEREAS, the Niagara County Sheriff's Office entered into an agreement with the Town of Pendleton which is in effect from May 1, 2018 through April 30, 2023, and

WHEREAS, the agreement allows for additional shifts to be added for traffic enforcement in the Town of Pendleton which are then reimbursed by the Town, and

WHEREAS, the Town of Pendleton has asked the Niagara County Sheriff's Office to provide additional patrol shifts in 2019, and

WHEREAS, the 2019 budget needs to be revised to include the revenue and expense, now, therefore, be it

RESOLVED, that the 2019 budget be revised as follows

INCREASE REVENUE:

A.17.3110.000.42210.01	General Services, Other Gov General	\$5,000
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INCREASE APPROPRIATIONS:

A.17.3110.000.71050.00	Overtime expense	\$3,867
A.17.3110.000.78100.00	Retirement expense	735
A.17.3110.000.78200.00	FICA Expense	296
A.17.3110.000.78300.00	Worker's Compensation	102

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CSS-020-19

From: Community Safety & Security and Administration Committees.

Dated: March 19, 2019

PROBATION 2019 BUDGET MODIFICATION - ACCEPT T4C TRAINING FEES

WHEREAS, the Niagara County Probation Department has an officer certified as a Thinking for Change (T4C) instructor able to train individuals to facilitate the T4C curriculum, and

WHEREAS, the Niagara County Probation Department has provided a T4C Facilitator training held March 5 through 8, 2019, and

WHEREAS, Catholic Charities of Livingston County requested to participate in the T4C training, agreed to pay registration fees for the training in the amount of \$400.00, and did participate in the training, now, therefore, be it

RESOLVED, that the County of Niagara does hereby accept the funds, and be it further

RESOLVED, that the following budget modifications to the 2019 Probation budget be effectuated immediately:

INCREASE REVENUE:

A.18.3140.41289.01	Other General Gov Income- General	\$ 400.00
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INCREASE APPROPRIATIONS:

A.18.3140.74450.03	Special Activities	\$ 400.00
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CSS-022-19

From: Community Safety & Security and Administration Committees.

Dated: March 19, 2019

**2019 BUDGET MODIFICATION - FIRE COORDINATOR'S OFFICE
TECHNICAL RESCUE TEAM INCIDENT PAYMENT ON 1/16/19**

WHEREAS, the County Technical Rescue Team (TRT) responded to an incident on January 16, 2019 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 \$845.00, and

WHEREAS, the Fire Coordinator's Office needs to replenish the supplies used by the TRT, 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	\$845.00
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INCREASE APPROPRIATION:

A.19.3410.000 74800.16	Safety Equip Under 500	\$845.00
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CW-007-19

From: Committee of the Whole.

Dated: March 19, 2019

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

WHEREAS, most energy consumed by Niagara County businesses is used for heating and lighting buildings and operating equipment, making retrofitting existing facilities key to reducing energy use in the community, and

WHEREAS, energy efficiency improvement measures and renewable energy systems can greatly reduce operating costs for businesses making them more competitive, and

WHEREAS, in November 2009, by Chapter 497 of the Laws of 2009, the State of New York authorized an amendment of the General Municipal Law by creating Article 5-L to allow municipalities to create Property Assessed Clean Energy Programs ("PACE") to promote energy efficiency improvement measures and the deployment of renewable energy systems in New York State, and

WHEREAS, PACE Programs can assist businesses interested in making energy efficiency improvements or installing renewable energy systems in their buildings by providing a new financing mechanism to augment federal and state incentive programs, and

WHEREAS, PACE Programs can finance up to 100% of the costs of energy efficiency improvements or renewable energy systems, making it a valuable economic development tool, and

WHEREAS, the Energy Improvement Corporation ("EIC") is a local development corporation duly formed under Section 1411 of the Not-for-Profit Corporation Law of the State of New York for the purpose of providing PACE Programs, including promoting, facilitating and financing energy audits and renewable energy system feasibility studies, energy efficiency improvements and alternative or renewable energy generating systems, for properties within its Participating Municipalities, and

WHEREAS, Niagara County wishes to participate in PACE Programs in order to increase the energy efficiency of existing buildings, reduce energy costs for businesses, create and retain local jobs in the energy audit and energy contracting sector, and bolster the local economy by saving companies monies which would otherwise be spent on energy costs, and

WHEREAS, Economic Development Committee presents in writing the following proposed local law:

A Local Law entitled "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:

Section 1. This local law shall be known as the "Energize NY Open C-PACE Financing Program" and shall read as follows:

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

A. It is the policy of both the Municipality and the State of New York (the "State") to achieve energy efficiency and renewable energy improvements, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The Municipality finds that it can fulfill this policy by providing property assessed clean energy financing to Qualified Property Owners (as defined below) for the installation of renewable energy systems and energy efficiency measures. This local law establishes a program that will allow the Energy Improvement Corporation (as defined below, "EIC"), a local development corporation, acting on behalf of the Municipality pursuant to the municipal agreement (the "Municipal Agreement") to be entered into between the Municipality and EIC, to make funds available to Qualified Property Owners that will be repaid through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this local law and accomplishing an important public purpose. This local law provides a method of implementing the public policies expressed by, and exercising the authority provided by, Article 5-L of the General Municipal Law (as defined below, the "Enabling Act").

B. The Municipality is authorized to execute, deliver and perform the Municipal Agreement and otherwise to implement this Energize NY Open C-PACE Financing Program pursuant to the Constitution and

laws of New York, including particularly Article IX of the Constitution, Section 10 of the Municipal Home Rule Law, the Enabling Act and this local law.

C. This local law, which is adopted pursuant to Section 10 of the Municipal Home Rule Law and the Enabling Act shall be known and may be cited as the “Energize NY Open C-PACE Local Law”.

§2. Definitions

A. Capitalized terms used but not defined herein have the meanings assigned in the Enabling Act.

B. For purposes of this local law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

Annual Installment Amount – shall have the meaning assigned in Section 8, paragraph B.

Annual Installment Lien – shall have the meaning assigned in Section 8 paragraph B.

Authority – the New York State Energy Research and Development Authority.

Benefit Assessment Lien – shall have the meaning assigned in Section 3, paragraph A.

Benefited Property – Qualified Property for which the Qualified Property Owner has entered into a Finance Agreement for a Qualified Project.

Benefited Property Owner – the owner of record of a Benefited Property.

EIC – the Energy Improvement Corporation, a local development corporation, duly organized under section 1411 of the Not-For-Profit Corporation Law of the State, authorized hereby on behalf of the Municipality to implement the Program by providing funds to Qualified Property Owners and providing for repayment of such funds from money collected by or on behalf of the Municipality as a charge to be levied on the real property and collected at the same time and in the same manner as municipal taxes, as may be provided for in the Finance Agreement.

Eligible Costs – costs incurred by the Benefited Property Owner in connection with a Qualified Project, including application fees, EIC’s Program administration fee, closing fees, title and appraisal fees, engineering fees, permits, fees for design and drawings, as approved by EIC and the Financing Party under the Finance Agreement.

Enabling Act – Article 5-L of the General Municipal Law of the State, or a successor law, as in effect from time to time.

Finance Agreement – the finance agreement described in Section 6A of this local law.

Financing Charges – all charges, fees and expenses related to the Loan including accrued interest, capitalized interest, prepayment premiums, and penalties as a result of a default or late payment and costs and reasonable attorneys’ fees incurred by the Financing Party as a result of a foreclosure or other legal proceeding brought against the Benefited Property to enforce any delinquent Annual Installment Liens..

Financing Parties – Third party capital providers approved by EIC to provide financing to Qualified Property Owners or other financial support to the Program.

Municipality – the County of Niagara, a municipality of the State constituting a tax district as defined in Section 1102 of the Real Property Tax Law of the State.

Municipal Lien – a lien on Qualified Property which secures the obligation to pay real property taxes, municipal charges, or governmentally imposed assessments in respect of services or benefits to a Qualified Property.

Non-Municipal Lien – a lien on Qualified Property which secures any obligation other than the obligation to pay real property taxes, municipal charges, or governmentally-imposed assessments in respect of services or benefits to a Qualified Property Owner or Qualified Property.

Program – the Energize NY Open C-PACE Financing Program authorized hereby.

Qualified Project – the acquisition, construction, reconstruction or equipping of Energy Efficiency Improvements or Renewable Energy Systems or other projects authorized under the Enabling Act on a Qualified Property, together with a related Energy Audit and/or Renewable Energy System Feasibility Study, with funds provided in whole or in part by Financing Parties under the Program to achieve the purposes of the Enabling Act.

Qualified Property – Any real property other than a residential building containing less than five dwelling units for rent, within the boundaries of the Municipality that has been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this local law and has become the site of a Qualified Project.

Qualified Property Owner – the owner of record of Qualified Property which has been determined by EIC to meet the requirements for participation in the Program as an owner, and any transferee owner of such Qualified Property.

Secured Amount – as of any date, the aggregate amount of principal loaned to the Qualified Property Owner for a Qualified Project, together with Eligible Costs and Financing Charges, as provided herein or in the Finance Agreement, as reduced pursuant to Section 8, paragraph C.

State – the State of New York.

§3. Establishment of an Energize NY Open C-PACE Financing Program

A. An Energize NY Open C-PACE Financing Program is hereby established by the Municipality, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may arrange for the provision of funds by Financing Parties to Qualified Property Owners in accordance with the Enabling Act and the procedures set forth under this local law, to finance the acquisition, construction, reconstruction, and installation of Qualified Projects and Eligible Costs and Financing Charges approved by EIC and the Financing Party under the Finance Agreement. EIC, on behalf of the Municipality, and with the consent of the Benefited Property Owner, will record a Benefit Assessment Lien on the Benefited Property in the Secured Amount (the “Benefit Assessment Lien”) on the land records of the Municipality. Such recording shall be exempt from tax.

B. Before EIC, acting on behalf of the Municipality, may enter into a Finance Agreement with a Qualified Property Owner and Financing Party which will result in a loan to finance a Qualified Project repayment of which is secured by a Benefit Assessment Lien: a written consent from each existing mortgage holder of the Qualified Property shall be obtained, permitting the Benefit Assessment Lien to take priority over all existing mortgages.

§4. Procedures for eligibility

A. Any property owner in the Municipality may submit an 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 Municipality's offices.

B. Every application submitted by a property owner shall be reviewed by EIC, acting on behalf of the Municipality, which shall make a positive or negative determination on such application based upon the criteria enumerated in the Enabling Act and § 5 of this local law. 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 Municipality, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Program in accordance with § 6 of this local law.

§5 Application criteria

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

- A. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;
 - B. The amount financed under the Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;
 - C. Sufficient funds are available from Financing Parties to provide financing to the property owner;
 - D. The property owner is current in payments on any existing mortgage on the Qualified Property;
 - E. The property owner is current in payments on any real property taxes on the Qualified Property;
- and
- F. Such additional criteria, not inconsistent with the criteria set forth above, as the State, the Municipality, or EIC acting on its behalf, or other Financing Parties may set from time to time.

§6 Energize NY Finance Agreement

A. A Qualified Property Owner may participate in the Program through the execution of an Energize NY finance agreement made by and between EIC, acting on behalf of the Municipality, the Qualified Property Owner and a Financing Party (the "Finance Agreement"). Upon execution and delivery of the Finance Agreement, the property that is the subject of the Finance Agreement shall be deemed a "Benefited Property".

B. Upon execution and delivery of the Finance Agreement, the Benefited Property Owner shall be eligible to receive funds from the Financing Party for the acquisition, construction, and installation of a Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and the Financing Party, provided the requirements of the Enabling Act, the Municipal Agreement and this local law have been met.

C. The Finance Agreement shall include the terms and conditions of repayment set forth in the Enabling Act and this local law.

D. EIC may charge fees to offset the costs of administering the Program and such fees, if not paid by the Benefited Property Owner, shall be added to the Secured Amount, as provided in the Finance Agreement.

§7. Terms and conditions of repayment

The Finance Agreement shall set forth the terms and conditions of repayment in accordance with the following:

A. The principal amount of the funds loaned to the Benefited Property Owner for the Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and the Financing Party, shall be specially assessed against the Benefited Property and will be evidenced by a Benefit Assessment Lien recorded against the Benefited Property on the land records on which liens are recorded for properties within the Municipality. The special benefit assessment shall be collected in annual installments in the amounts certified by the Financing Party in a schedule provided at closing and made part of the Benefit Assessment Lien. Said amount shall be annually levied, billed and collected by EIC, on behalf of the Municipality, and shall be paid to the Financing Party as provided in the Finance Agreement.

B. The term of such repayment shall be determined at the time the Finance Agreement is executed by the Benefited Property Owner, the Financing Party and EIC, on behalf of the Municipality, not to exceed the weighted average of the useful life of the systems and improvements as determined by EIC, acting on behalf of the Municipality.

C. The rate of interest for the Secured Amount shall be fixed by the Financing Party in conjunction with EIC, acting on behalf of the Municipality, as provided in the Finance Agreement.

§8. Levy of Annual Installment Amount and Creation of Annual Installment Lien

A. Upon the making of the loan pursuant to the Finance Agreement, the Secured Amount shall become a special Benefit Assessment Lien on the Benefited Property in favor of the Municipality. The amount of the Benefit Assessment Lien shall be the Secured Amount. Evidence of the Benefit Assessment Lien shall be recorded by EIC, on behalf of the Municipality, in the land records for properties in the Municipality. Such recording shall be exempt from taxation. The Benefit Assessment Lien shall not be foreclosed upon by or otherwise enforced by the Municipality.

B. The Finance Agreement shall provide for the repayment of the Secured Amount in installments made at least annually, as provided in a schedule attached to the Benefit Assessment Lien (the "Annual Installment Amount"). The Annual Installment Amount shall be levied by EIC, on behalf of the Municipality, on the Benefited Property in the same manner as levies for municipal taxes, shall become a lien on the Benefited Property as of the first day of January of the fiscal year for which levied (the "Annual Installment Lien") and shall remain a lien until paid. The creation or any recording of the Annual Installment Lien shall be exempt from tax. Payment to the Financing Party shall be considered payment for this purpose. The Annual Installment Amount need not be included as a separate item in the tax bill for the Benefited Property if the Finance Agreement provides an alternate method of informing the Benefited Property Owner of the amount and due date of each payment to be made under the Finance Agreement for such year. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement, but the rate of interest shall not exceed the rate applicable to delinquent tax payments. Any additional Financing Charges imposed by the Financing Party pursuant to the Finance Agreement shall increase the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.

C. The Benefit Assessment Lien shall be reduced annually by the amount of each Annual Installment Lien when each Annual Installment Lien becomes a lien. Each Annual Installment Lien shall be subordinate to all Municipal Liens, whether created by Section 902 of the Real Property Tax Law or by any other analogous State or local law. No portion of a Secured Amount shall be recovered by the Municipality,

EIC, or an assignee upon foreclosure, sale or other disposition of Benefited Property by or on behalf of the Municipality in enforcement of any Municipal Lien or Annual Installment Lien unless and until all Municipal Liens are fully discharged, in the same manner as provided for tax liens in Section 912 of the Real Property Tax Law. Each Annual Installment Lien, however, shall have priority over all Non-Municipal Liens, irrespective of when created.

D. Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall, if not collected by EIC, on behalf of the Municipality, be collected at the same time and in the same manner as real property taxes. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in respect of an Annual Installment Lien shall be remitted to EIC, on behalf of the Municipality, or the Financing Party, as may be provided in the Finance Agreement.

E. EIC shall act as the Municipality's agent in collection of the Annual Installment Amounts. If any Benefited Property Owner fails to pay an Annual Installment Amount EIC may request in writing that the enforcing officer of the Municipality add the delinquent Annual Installment Amount to the list of delinquent tax pursuant to Section 1122 of the Real Property Tax Law and pursue collection of such delinquent Annual Installment Amount with the same diligence and in the same manner it employs in collection of the Municipality's real property taxes, including the commencement of foreclosure proceedings to the extent provided by the then-current statutes of the State of New York. If (i) of the Municipality and the Financing Party agree that the Financing Party shall have the right to pursue the collection of the delinquent Annual Installment Amount(s) including by the commencement of foreclosure proceedings against the Benefited Property, or (ii) the Municipality does not proceed with commencement of foreclosure proceedings within six months of the end of the redemption period established by Section 1123 of the Real Property Tax Law and the Annual Installment Amount(s) remains unpaid, then the Financing Party shall have the right to take over the enforcement of any delinquent Annual Installment Amount(s) upon written notice to the Municipality, and thereupon the Municipality will have no further responsibility to collect such amount.

F. EIC, on behalf of the Municipality, may sell or assign, for consideration any and all Benefit Assessment Liens and Annual Installment Liens to Financing Parties that provide financing to Qualified Properties pursuant to Finance Agreements. The Financing Parties may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens received from EIC, on behalf of the Municipality. The assignee or assignees of such Benefit Assessment Liens and Annual Installment Liens shall have and possess the same powers and rights at law or in equity as the Municipality would have had if the Benefit Assessment Lien and the Annual Installment Liens had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection.

G. For the avoidance of doubt, if the Municipality forecloses on a Benefited Property and takes title thereto, the Municipality will not be obligated to satisfy the delinquent Annual Installment Amounts until the Benefited Property has been sold and all prior Municipal Liens have been satisfied in full from the proceeds of such sale.

§9. Verification and report

EIC, on behalf of the Municipality, shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Program in such form and manner as the Authority may establish.

§10. Separability.

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof involved in the controversy in which such judgment shall have been rendered.

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

RESOLVED, that the Niagara county Legislature shall conduct a public hearing upon said proposed Local Law at the Legislative Chambers, Niagara County Courthouse, Lockport, New York on the 9th day of April, 2019 at 6:45 p.m., and be it further

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

Moved by Nemi, seconded by Bradt.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. ED-007-19

From: Economic Development and Administration Committees.

Dated: March 19, 2019

**BUDGET MODIFICATION – REAPPROPRIATE GRANT FUNDS
EPA BROWNFIELD PETRO**

WHEREAS, Resolution ED-025-17 authorized acceptance of a grant in the amount of One Hundred Thousand Dollars (\$100,000) from the United States Environmental Protection Agency for a Brownfield Petroleum Assessment Project that is 100% reimbursable, and

WHEREAS, Thirty One Thousand Nine Hundred and Ninety Six Dollars (\$31,996) was budgeted for the 2019 Budget, and

WHEREAS, additional projects were undertaken and more money was spent than anticipated from the 2018 Budget, in the amount of Eighteen Thousand Seven Hundred Sixty Seven Dollars (\$18,767), now therefore, be it,

RESOLVED, that the following budget modification be effectuated:

DECREASE REVENUE:		
CM.28.6989.610.44989.04	Other Home and Community Services	\$18,767
	EPA Brownfield Revenue	

DECREASE APPROPRIATION:		
CM.28.6989.610.74500.01	Contractual Expenses	\$18,767
Moved by Bradt, seconded by Virtuoso.		
Adopted. 15 Ayes, 0 Noes, 0 Absent		

Resolution No. ED-008-19

From: Economic Development and Administration Committees.

Dated: March 19, 2019

**BUDGET MODIFICATION – REAPPROPRIATE GRANT FUNDS
HAZARDOUS WASTE ASSESSMENT**

WHEREAS, Resolution ED-024-17 authorized acceptance of a grant in the amount of Two Hundred Thousand Dollars (\$200,000) from the United States Environmental Protection Agency for a Brownfield Hazardous Waste Assessment Project that is 100% reimbursable, and

WHEREAS, One Hundred Fifty Three Thousand Six Hundred and Thirty Six Dollars (\$153,636) was budgeted for the 2019 Budget, and

WHEREAS, projects came in under budget and less money was spent than anticipated from the 2018 Budget, in the amount of One Thousand Nine Hundred Sixty Three Dollars (\$1,963), now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE REVENUE:		
CM.28.6989.609.44989.04	Other Home and Community Services	\$1,963
	EPA Brownfield Revenue	

INCREASE APPROPRIATION:		
CM.28.6989.609.74500.01	Contractual Expenses	\$1,963
Moved by Bradt, seconded by Virtuoso.		
Adopted. 15 Ayes, 0 Noes, 0 Absent		

Resolution No. ED-009-19

From: Economic Development and Administration Committees.
Dated: March 19, 2019

**RESOLUTION OF THE NIAGARA COUNTY LEGISLATURE AUTHORIZING AMENDMENTS TO
AGREEMENTS RELATING TO THE MICROENTERPRISE REVOLVING LOAN FUND, AS
ADMINISTERED BY THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY AND
THE NIAGARA COUNTY DEVELOPMENT CORPORATION**

WHEREAS, Niagara County (the "County") was the recipient of grant assistance from the New York State Housing Trust Fund Corporation represented by the Governor's Office for Small Cities through the Community Development Block Grant (CDBG) Program under Grant #2000-206 and Grant #806ME131-04 (the "Grants"), the proceeds of which were used to establish and capitalize the Niagara County Microenterprise Loan Fund (the "MLF"), and

WHEREAS, the County entered into agreements with the Niagara County Industrial Development Agency ("IDA") and the Niagara County Development Corporation ("NCDC") (the "Agreements") pursuant to which the County provided the CDBG Grant proceeds to the IDA and NCDC for the purpose of implementing and administering the MLF, and

WHEREAS, NCDC currently operates the MLF with the administrative support of the IDA and has continued to make loans to support business development and job creation in Niagara County, and

WHEREAS, the funds held in the MLF and the loans receivable contained in the MLF constitute Program Income (as defined by CDBG regulations) of the County which is subject to certain rules and regulations promulgated by the United States Department of Housing and Urban Development (hereinafter "HUD") and the New York State Office of Community Renewal (hereinafter "OCR") regarding their use, and

WHEREAS, OCR has notified the County and other recipients of CDBG funds that it is requiring that all Program Income not spent on, or committed to, CDBG-eligible activities by March 31, 2019 be paid to the OCR by April 30, 2019, and that any loan repayments received by revolving loan funds which constitute Program Income after March 31, 2019 must be remitted to OCR and, as a result, repayments received on loans in the MLF after such date will no longer be available to make loans in Niagara County, and

WHEREAS, any proposed use of Program Income prior to April 1, 2019 must be approved by OCR, and

WHEREAS, the County Legislature, by a resolution adopted on November 20, 2018, authorized use of its Program Income to fund CDGB-eligible projects within the City of North Tonawanda, the Town of Newfane, and the City of Lockport, and

WHEREAS, the Agreements contemplate use of Program Income to make loans through the MLF and, in light of the OCR's directive and the County's commitment of Program Income for CDBG-eligible activities, the County, the IDA and the NCDC have determined that it is advisable to amend the Agreements to prohibit future loans and to provide for the return of Program Income to the County to fund CDBG-eligible activities as approved by the County and OCR, now, therefore, be it

RESOLVED, that the County enter into an amendment to the Agreements to (i) prohibit use of Program Income in the MLF to make loans, with the intent that the MLF shall no longer constitute a revolving loan fund and shall be referred to herein as the "Loan Fund", (ii) provide for the continued servicing and administration of the Loan Fund by the IDA and NCDC in accordance with CDBG requirements, (iii) provide for remittance to the County of the Program Income in the form of cash on hand in the Loan Fund as of March 31, 2019 (or earlier as may be needed to fund CDBG-eligible activities which have been approved by the County and OCR), with all cash on hand in the Loan Fund to be remitted to the County by no later than April 10, 2019, (iv) provide for remittance to the County of any Loan Fund loan repayments received by the IDA and/or NCDC on or after April 1, 2019 that constitute Program Income, with such funds to be remitted by April 10 of each year, (v) provide that any future income generated by Loan Fund loans held by the NCDC and administered by the IDA that is not "Program Income" under HUD regulations be deemed unrestricted funds to be retained and used by the NCDC without restriction, with such determination to be made on March 31 of each year, and (vi) make such further amendments as shall be mutually agreed to by the County, NCDC and the IDA, such amendment agreement to be subject to the approval of the County Attorney as to form and content, and be it further RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute such amendment agreement and any other documentation as is required to effectuate the actions approved in this Resolution.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. ED-009-19

From: Economic Development and Administration Committees.

Dated: March 19, 2019

ADOPTION OF THE SECTION 3 PARTICIPATION PLAN BY THE COUNTY OF NIAGARA AS REQUIRED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, the County is anticipated to receive Federal grant assistance in the amount of two hundred sixteen thousand dollars (\$216,000.00), the ("Grant") from the New York State Housing Trust Fund Corporation (hereinafter the "HTFC") represented by the New York State Office of Community Renewal (hereinafter the "OCR") through the Community Development Block Grant (hereinafter "CDBG") Program (CDBG Application #85560) for the purpose of providing a deferred loan to assist Empire Emergency Apparatus, Inc. in its physical expansion in the Town of Niagara (the "Project"), and

WHEREAS, it is anticipated future application will result in additional grants from the HTFC as represented by OCR through the CDBG Program, and

WHEREAS, for all projects that would result in CDBG assistance in excess of \$200,000, OCR requires that the county receiving the grant adopt a Section 3 Participation Plan, which describes how the County will, to the greatest extent possible, provide job training, employment, and contract opportunities for low-or very-low income residents in connection with housing rehabilitation, housing construction or other public construction projects, in accordance with Section 3 of the Housing and Urban Development Act of 1968, and

WHEREAS, not all grants will require the implementation of the County's Section 3 Participation Plan as adopted, and

WHEREAS, while the Grant proceeds of the present grant will be used to fund the purchase of machinery and equipment and not for construction, and the Section 3 Participation Plan would not be applicable, but it is required as set forth above, and

WHEREAS, the County wishes to adopt a Section 3 Participation Plan in order to meet OCR requirements for its present grant and all future grants, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby adopts the Section 3 Participation Plan for Section 3 Covered Contracts, as presented to the Legislature.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-032-19

From: Infrastructure & Facilities and Administration Committees.

Dated: March 19, 2019

BOND RESOLUTION OF THE COUNTY LEGISLATURE OF THE COUNTY OF NIAGARA, NEW YORK (THE "COUNTY"), AUTHORIZING THE ISSUANCE OF \$4,500,000 IN SERIAL BONDS OF THE COUNTY TO FINANCE IMPROVEMENTS TO THE FACILITIES OF THE NIAGARA COUNTY REFUSE DISPOSAL DISTRICT IN SAID COUNTY

WHEREAS, the County Legislature (the "Legislature") of the County of Niagara, New York (the "County"), by proceedings heretofore duly had and taken pursuant to the provisions of Section 268 of the New York County Law (the "County Law"), including in particular a resolution adopted on October 16, 2018, which resolution determined that is in the public interest to increase and improve the facilities of the Niagara County Refuse Disposal District (the "District"), such increase and improvements consisting of the construction and placement of a cap on Landfill No. 1 (the "Landfill No. 1") located off County Route 93 Bypass, Lockport, New York, and the construction of improvements to the leachate collection system for Landfill No. 1 once capped, including all related, incidental and ancillary improvements, equipment, machinery, apparatus, costs and expenses in connection therewith (collectively, the "Project"), all at a total maximum estimated cost not to exceed \$4,500,000; and

WHEREAS, the Legislature, by resolution adopted on June 19, 2018, determined that the actions to be undertaken as part of the Project constitute a "Type II action" pursuant to 6 N.Y.C.R.R. § 617.5 and therefore require no further action or review under the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto at 6 N.Y.C.R.R. Part 617.1 et seq., as amended (collectively referred to as "SEQRA"); and

WHEREAS, upon application submitted by the Legislature to the Comptroller of State of New York (the "State Comptroller") in accordance with paragraph 3. of Section 268 of the County Law, the State Comptroller, by an Order dated February 27, 2019, has granted permission to increase and improve the facilities of the District at a maximum cost of \$4,500,000; and

WHEREAS, the Legislature now desires to authorize the issuance of \$4,500,000 serial bonds of the County to pay the cost of the Project; and

WHEREAS, the Legislature now intends to appropriate funds for such public improvements and to authorize the issuance of the County's serial bonds to finance the cost thereof.

NOW THEREFORE, THE LEGISLATURE OF THE COUNTY OF NIAGARA, NEW YORK, HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

Section 1. The County is hereby authorized to issue up to \$4,500,000 principal amount in serial bonds pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the cost of increasing and improving the facilities of the District, such increase and improvements consisting of the construction and placement of a cap on Landfill No. 1 (the "Landfill No. 1") located off County Route 93 Bypass, Lockport, New York, and the construction of improvements to the leachate collection system for Landfill No. 1 once capped, including all related, incidental and ancillary improvements, equipment, machinery, apparatus, costs and expenses in connection therewith (collectively, the "Project").

Section 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$4,500,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$4,500,000 in serial bonds of the County authorized to be issued pursuant to this resolution, or bond anticipation notes issued in anticipation of such serial bonds and (ii) the levy and collection of assessments on the several lots and parcels of land within the District and thereafter, to the extent necessary, the levy and collection of taxes on all taxable real property within the County, to pay the principal of said serial bonds and notes and the interest thereon as the same shall become due and payable.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty (20) years, pursuant to subdivision 6-b. of paragraph a of Section 11.00 of the Law.

Section 4. The temporary use of available funds of the County, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in Section 1 of this resolution. This resolution shall constitute a declaration of official intent to reimburse the expenditures authorized by this Resolution with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

Section 5. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the County, payable as to both principal and interest by a general tax upon all the real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such

year. There shall annually be levied on all the taxable real property in said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations and of Sections 21.00, 50.00, 54.90, 56.00 through 60.00, 62.10, 63.00 and 168.00 of the Law, the powers and duties of the Legislature relative to authorizing bond anticipation notes and prescribing the terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the County Treasurer, the chief fiscal officer of the County (the "County Treasurer"). Further, in connection with the issuance of bonds or bond anticipation notes authorized under the authority of Section 1 hereof, the power to issue and sell bonds or bond anticipation notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Law is hereby delegated to the County Treasurer. Such notes shall be of such terms, form and contents as may be prescribed by said County Treasurer consistent with the provisions of the Law. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for any of the object or purpose authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for any of the other objects or purposes authorized by this resolution and/or with bonds to be issued for one or more objects or purposes authorized by other resolutions of the Legislature, then the power of the Legislature to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the County Treasurer.

Section 7. The County Treasurer is hereby further authorized, at his sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific objects or purposes described in Section 1 hereof, or a portion thereof, by a serial bond, a statutory installment bond and/or a bond anticipation note issue in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 8. The County Treasurer is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax-exempt obligations" in accordance with Section 265(b)(3)(B)(i) of the Code.

Section 9. The County Treasurer is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchaser of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

Section 10. The intent of this resolution is to give the County Treasurer sufficient authority to execute those applications, agreements, instruments, or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of the Legislature.

Section 11. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

- 1) such obligations are authorized for an object or purpose for which the County is not authorized to expend money; or

2) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

3) such obligations are authorized in violation of the provisions of the Constitution.

Section 12. This resolution shall take effect immediately and the Clerk of the Legislature is hereby authorized and directed to cause a copy of this resolution or a summary thereof, to be published, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the County for such purpose.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-033-19

From: Infrastructure & Facilities and Administration Committees.

Dated: March 19, 2019

WALMORE ROAD PAVEMENT PROJECT ROUTE 62 TO LOCKPORT ROAD, TOWN OF WHEATFIELD SUPPLEMENTAL AGREEMENT NO. 1

WHEREAS, the Walmore Road Pavement Project, Route 62 to Lockport Road, Town of Wheatfield, Niagara County, PIN 5761.79 (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), Right-of-Way Incidentals, and Right-of-Way Acquisition phases of the project, and

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

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

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

RESOLVED, that the following budget modification be effectuated:

INCREASE REVENUE:

H643.15.5112.000 44597.01	Federal Aid Cap Const Hwy	\$150,400
H643.15.5112.000 43591.00	State Aid Cap Const Hwy	33,150
H643.15.5112.000 45031.10	Interfund Transfers-Cap Res	4,450

INCREASE APPROPRIATIONS:

H643.15.5112.000 72600.01	Roads	\$188,000
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RESOLVED, that the sum of \$410,000 is hereby appropriated in account H643.15.5112.000 72600.01 and made available to cover the cost of participation in the above phases of the project, and be it further

RESOLVED, that in the event the amount required to pay the full Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Design I-VI), Right-of-Way Incidentals, and Right-of-Way Acquisition phases exceeds the amount appropriated above, the County of Niagara shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation, and be it further

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

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

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

RESOLVED, that this Resolution shall take effect immediately.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-034-19

From: Infrastructure & Facilities and Administration Committees.

Dated: March 19, 2019

WALMORE ROAD PAVEMENT PROJECT CONSULTANT AMENDMENT NO. 1

WHEREAS, Resolution No. IF-072-17, dated May 2, 2017, selected C&S Engineers, 499 Col Eileen Collins Blvd., Syracuse, NY 13212, to assist the County with the Walmore Road Pavement Project, in the amount of \$185,000, and

WHEREAS, it is necessary to increase the contract by \$187,500, to modify the preliminary design, add final design, and modify right-of-way, for a revised contract amount of \$372,500, 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 with C&S Engineers, 499 Col Eileen Collins Blvd., Syracuse, NY 13212, be increased by \$187,500, for a revised contract amount of \$372,500, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-035-19

From: Infrastructure & Facilities and Administration Committees.

Dated: March 19, 2019

**TONAWANDA CREEK ROAD REHABILITATION AND SLIDE STABILIZATION
CONSULTANT AMENDMENT NO. 2**

WHEREAS, Resolution No. IF-030-17, dated February 21, 2017, awarded the consulting contract for the Tonawanda Creek Road Rehabilitation and Slide Stabilization Project to Greenman-Pedersen Inc., 4950 Genesee Street, Suite 100, Buffalo, NY 14225, for a contract amount of \$1,034,037, and

WHEREAS, it is necessary to revise the Consultant's fee breakdown to align with state funding categories, at no additional cost to the county, and

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

RESOLVED, that the contract with Greenman-Pedersen Inc., 4950 Genesee Street, Suite 100, Buffalo, NY 14225, be amended so that the fee breakdown aligns with State funding categories, at no additional cost to the County, 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. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-036-19

From: Infrastructure & Facilities Committee.

Dated: March 19, 2019

BID AWARD FOR HIGHWAY MATERIALS

WHEREAS, specifications for the 2019 Highway Maintenance Program have been prepared by the Highways, Bridges & Structures Division of the Department of Public Works, and

WHEREAS, the Purchasing Department advertised for bids and publicly opened and read bids on March 27, 2019, and

WHEREAS, the New York State Department of Audit and Control, has, in the past, requested the Purchasing Agent to refer the results of the bid to the Niagara County Legislature for its approval, and

WHEREAS, the Public Works Committee has examined and found the bids acceptable, and

WHEREAS, the bids have traditionally been used or made available to all the Niagara County municipalities, and

WHEREAS, funds are available in the 2019 budget of the Department of Public Works, now, therefore, be it

RESOLVED, that the bids, as outlined on the result sheets, be awarded to the respective lowest responsible bidder, and be it further

RESOLVED, that the Commissioner of Public Works is authorized to purchase the required materials from the bid awards, and be it further

RESOLVED, that copies of the bid results be distributed to the Niagara County municipalities for their use.
Moved by Bradt, seconded by Virtuoso.
Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-037-19

From: Infrastructure & Facilities Committee.

Dated: March 19, 2019

AWARD OF CONTRACT - COUNTY ROAD PAINTING AND STRIPING

WHEREAS, the Department of Public Works, Division of Highways, Bridges & Structures has prepared specifications and the Niagara County Purchasing Department has advertised for bids for painting traffic lines on County roads, and

WHEREAS, funds are available in the 2019 budget of the Highways, Bridges & Structures Division of the Department of Public Works, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on February 26, 2019, and tabulated below:

<u>Waterborne Paint Application</u>	<u>Price Per Mile Of Centerline</u>	<u>Price Per Mile Of Edge Line</u>
1. Seneca Pavement Marking Inc. 3526 Watkins Road Horseheads, NY 14845	\$299.00	\$184.00
2. Accent Stripe, Inc. 3275 N. Benzing Road Orchard Park, NY 14127	\$322.90	\$197.90

and

WHEREAS, the Public Works 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 painting traffic lines on County roadways be awarded to the lowest responsible bidder, Seneca Pavement Marking Inc., 3526 Watkins Road, Horsehead, NY 14845, 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. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-038-19

From: Infrastructure & Facilities Committee.

Dated: March 19, 2019

AWARD OF CONTRACT FOR CONTROL OF ROADSIDE VEGETATION

WHEREAS, the Commissioner of Public Works prepared specifications and the Niagara County Purchasing Department advertised for bids for the chemical weed control of roadside vegetation on County roadways, and

WHEREAS, funds are available in the 2019 budget of the Department of Public Works, and

WHEREAS, the Purchasing Department advertised for bids and publicly opened and read bids on February 26, 2019, and

	Guide Railing Per Side Mile	Vegetation Control Per Gal. Mat. Applied
1. Allen Chase Enterprises, Inc. 24 County Route 1A Oswego, NY 13126	\$21.70	\$.55
2. DeAngelo Brothers, LLC 100 N. Conahan Drive Hazleton, PA 18201	\$21.99	\$0.99

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 roadside vegetation control be awarded to Allen Chase Enterprises, Inc., 24 County Route 1A, Oswego, NY 13126, and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to execute the required documents.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-039-19

From: Infrastructure & Facilities Committee.

Dated: March 19, 2019

AWARD ARC FLASH HAZARD ANALYSIS CONSULTANT CONTRACT

WHEREAS, the Department of Public Works has advertised and evaluated qualifications and proposals from consulting engineering firms to assist the County with the Arc Flash Hazard Analysis Project, and

WHEREAS, funds are available in account H660.15.1620.000 72200.01, Building Improvements, 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 Arc Flash Hazard Analysis Project be awarded to GHD Consulting Services Inc., 285 Delaware Ave., Suite 500, Buffalo, NY 14202, for a contract amount not to exceed \$31,710, 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. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-040-19

From: Infrastructure & Facilities Committee.

Dated: March 19, 2019

**KRULL PARK ADA COMPLIANT RESTROOM CONSTRUCTION
CAPITAL PROJECT BUDGET**

WHEREAS, the County applied for funds from the Community Development Block Grant Program for the funding for the construction of new ADA Compliant restrooms in Krull Park, and

WHEREAS, the County has successfully secured funds from the Community Development Block Grant Program, in the amount of \$150,000, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE ANTICIPATED REVENUE:

HXXX.15.1620.000.44910.00	Community Development Act Revenue	\$150,000
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INCREASE ANTICIPATED EXPENSES:

HXXX.15.1620.000.72200.01	Building Improvements	\$150,000
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-041-19

From: Infrastructure & Facilities Committee.

Dated: March 19, 2019

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA
AND THE OLCOTT FIRE COMPANY SOFTBALL LEAGUE**

WHEREAS, the Olcott Fire Company Softball League has requested that the County of Niagara grant them permission to use existing ball fields in an area situated in the eastern portion of Krull Park for the purpose of softball games, and

WHEREAS, this program benefits the residents of 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 to enter into a formal agreement with the Olcott Fire Company Softball League, 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 Fire Company Softball League, 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 the Olcott Fire Company Softball League.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-042-19

From: Infrastructure & Facilities Committee.

Dated: March 19, 2019

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE NEWFANE SOCCER CLUB

WHEREAS, the Newfane 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 Lake Road, and

WHEREAS, this program benefits the youth and other residents of both the Town of Newfane 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, prior to the execution of the license agreement between the County of Niagara and the Newfane Soccer Club, 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 the Newfane Youth Soccer Club, now, therefore, be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Newfane 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 County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and the Newfane Soccer Club.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-043-19

From: Infrastructure & Facilities Committee.

Dated: March 19, 2019

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE TOWN OF NEWFANE

WHEREAS, the Town of Newfane has requested that the County of Niagara grant them permission to use Krull Park for the purpose of hosting the Olcott Beach Jazz Trail Jazz Concert, and

WHEREAS, it is the wish of the Town of Newfane to hold the Olcott Beach Jazz Trail Jazz Concert on July 21, 2019, and

WHEREAS, the Town 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 Newfane, now, therefore be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Town of Newfane, 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. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-044-19

From: Infrastructure & Facilities Committee.

Dated: March 19, 2019

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA
AND THE LIGHTHOUSE OPTIMIST CLUB OF BARKER**

WHEREAS, the Lighthouse Optimist Club of Barker has requested that the County of Niagara grant them permission to use Krull Park, and the field east of the softball diamonds, for the purpose of holding a Kite Flying Event, to be held on June 15, 2019, and

WHEREAS, the kite event will be successful in attracting many children from the area, and

WHEREAS, it is the wish of the organizers to hold the kite event on June 15, 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 Lighthouse Optimist Club of Barker, and

WHEREAS, prior to the execution of the license agreement between the County of Niagara and the Lighthouse Optimist Club of Barker, the County Attorney will review said Agreement for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that following the County Attorney's review, the Chairman of the County Legislature be, and hereby is authorized to execute the license agreement between the County of Niagara and the Lighthouse Optimist Club of Barker.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-045-19

From: Infrastructure & Facilities Committee.

Dated: March 19, 2019

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE
ROY-HART CROSS COUNTRY TEAM**

WHEREAS, the Roy-Hart Cross Country Team has requested that the County of Niagara grant them exclusive rights to operate a cross country program in an area situated in the County owned property on Gasport Road, and

WHEREAS, this program benefits the youth and other residents of both the Towns of Royalton and Hartland 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, prior to the execution of the license agreement between the County of Niagara and the Roy-Hart Cross Country Team, 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 the Roy-Hart Cross Country Team, now, therefore, be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Roy-Hart Cross Country Team, 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. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-045-19

From: Infrastructure & Facilities Committee.

Dated: March 19, 2019

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA
AND THE PENDLETON LIONS CLUB**

WHEREAS, the Pendleton Lions Club has requested that the County of Niagara grant them permission to use the West Canal Marina and Shelter #4, for the purpose of holding the 43rd annual town children's fishing derby to be held on June 8th, 2019, and

WHEREAS, the fishing derby has been successful for the past several years in attracting hundreds of adults and children from the area, and

WHEREAS, it is the wish of the organizers to hold the fishing derby on June 8th, 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 Pendleton Lions Club, and

WHEREAS, prior to the execution of the license agreement between the County of Niagara and the Pendleton Lions Club, the County Attorney will review said agreement for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that following the County Attorney's review, the Chairman of the County Legislature be, and hereby is authorized to execute the license agreement between the County of Niagara and the Pendleton Lions Club.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-047-19

From: Infrastructure & Facilities Committee.

Dated: March 19, 2019

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA
AND INTERNATIONAL ALL BREED CANINE ASSOCIATION**

WHEREAS, International All Breed Canine Association has requested that the County of Niagara grant them permission to use West Canal Marina Park, for the purpose of holding a Dog Show Event, to be held May 18 & 19, 2019, and

WHEREAS, the event will be successful in attracting many families from the area, and

WHEREAS, it is the wish of the organizers to hold the event on May 18 & 19, 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 International All Breed Canine Association, and

WHEREAS, prior to the execution of the license agreement between the County of Niagara and the International All Breed Canine Association, the County Attorney will review said Agreement for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that following the County Attorney's review, the Chairman of the County Legislature be, and hereby is authorized to execute the license agreement between the County of Niagara and the International All Breed Canine Association.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-048-19

From: Infrastructure & Facilities Committee.

Dated: March 19, 2019

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA
AND THE BOND LAKE ATHLETIC CLUB**

WHEREAS, the Bond Lake Athletic Club has requested that the County of Niagara grant them permission to

use the north section of Bond Lake and the Warming House for the purpose of holding a "Rut Race", and

WHEREAS, this race has been successful for the past several years in attracting hundreds of visitors from across Greater Western New York and southern Canada, and

WHEREAS, it is the wish of the organizers to hold the Bond Lake Rut Race on August 12, 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 Bond Lake Athletic Club, and

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IL-012-19

From: Legislators Clyde L. Burmaster and Rebecca J. Wydysh.

Dated: March 19, 2019

RESOLUTION IN SUPPORT OF GREENWAY FUNDING FOR LOCAL VETERANS "CIRCLE OF HONOR" PROJECT TO RECOGNIZE, INSPIRE AND RESPECT

WHEREAS, Niagara County Veterans have contributed to the Nations defense over the past 200 year, and

WHEREAS, our democracy, our society and our way of life, have been made possible by the courage and sacrifices made by our military veterans for their service, and

WHEREAS, Niagara County is proud to support efforts to recognize and honor our local veterans our local veterans for their services, and

WHEREAS, the Lewiston V.F.W., Downriver Post 7487 under taking the now "Circle of Honor" project that dramatically redesign the Veterans Memorial located at Academy Park in Lewiston, with the purpose of becoming one of the most distinctive small town Veteran Memorials in America, and

WHEREAS, the "Circle of Honor" will include an eternal flame and the inscription "America's flame burns brightly, fueled by the courage and sacrifice of those who have defended out freedom", and

WHEREAS, the "Circle of Honor" will be a beacon of inspiration and education for future generations who will understand the importance of Americas defense and role in the world over countries, and

WHEREAS, the Lewiston VFW is in the process of a fundraising campaign with the goal of unveiling the "Circle of Honor" on Veterans Day November 11, 2019, with over \$140,000 already committed to the project, now, therefore, be it

RESOLVED, the Niagara County Legislature enthusiastically supports the "Circle of Honor" project, not only for its positive economic impact in destination tourism, but also for recognizing those brave men and woman throughout the ages who have protected our quality of life, and be it further

RESOLVED, the Niagara County Legislature fully supports the use of \$30,000.00 of Greenway funds to supplement committed funds to the project, with the intent and hope that the brave service of all veterans continues to be respected and admired by all our citizens.

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

Carried.

Moved by Burmaster, seconded by Wydysh.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IL-013-19

From: Legislators David E. Godfrey, Wm. Keith McNall, Clyde L. Burmaster, Randy R. Bradt, Jesse P. Gooch, William J. Collins, Anthony J. Nemi, Richard L. Andres, John Syracuse, Rebecca J. Wydysh and Michael A. Hill

Dated: March 19, 2019

RESOLUTION OPPOSING ASSEMBLY BILL A1413 TO AMEND THE GENERAL MUNICIPAL LAW, IN RELATION TO PROHIBITING FIREARMS AS PRIZES IN ANY GAME OF CHANCE

WHEREAS, volunteer fire departments and charity organizations frequently conduct gun raffles, and

WHEREAS, this legislation will cause an immense hardship for those non-profit organizations in Niagara County who depend on these raffles to supplement their annual budgets, and

WHEREAS, it would create a barrier on the revenue of many fire departments, which purchase much needed equipment to keep their members safe and to protect their communities without having to place a burden on taxpayers, and

WHEREAS, there is no evidence that gun raffles perpetuate gun violence, and

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

RESOLVED, that the Niagara County Legislature opposes Assembly Bill A1413 and the tyranny it represents, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Andrew M. Cuomo; Senate Majority Leader Andrea Stewart-Cousins; Senate Minority Leader John Flanagan; Senator Robert G. 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 Schimming; and all others deemed necessary and proper.

Moved by Godfrey, 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 Godfrey, seconded by Bradt.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IL-014-19

From: Legislators Jesse P. Gooch, Rebecca J. Wydysh, Clyde L. Burmaster, David E. Godfrey and William J. Collins.

Dated: March 19, 2019

**RESOLUTION CALLING ON NEW YORK STATE GOVERNOR ANDREW M. CUOMO TO
RESCIND HIS 2020 BUDGET PROPOSAL TO CUT 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, the Governor has submitted a new proposal to restore AIM funding by mandating that counties backfill the \$60 million in AIM funding using county sales tax revenue that may or may not materialize with the implementation of the Internet Marketplace Fairness Act, and

WHEREAS, this proposal from the Governor is only hypothetical, as the County of Niagara has never collected internet sales tax, due to the fact that legislation has not been passed, and

WHEREAS, while the Governor has estimated that local governments will gain \$390 million in new sales tax revenues from these changes, the projected revenue accruing to counties is about \$185 million on a full annual basis, before sales tax is even shared with other local governments, 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 through use of existing revenue streams and not a new tax, 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 Wydysh, to implement the portion of Rule 15 that pertains to voting on a resolution as opposed to referring it to committee.

Carried.

Moved by Gooch, seconded by Wydysh.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IL-016-19

From: Legislators Randy R. Bradt, Jesse P. Gooch and Rebecca J. Wydysh

Dated: March 19, 2019

**RESOLUTION FOR NIAGARA COUNTY GOVERNMENT TO REMAIN EFFECTIVE IN
TRANSPARENCY**

WHEREAS, the County of Niagara recognizes National Sunshine Week, an annual initiative organized by the American Society of News Editors to promote dialogue about the importance of open government and the federal Freedom of Information Act (FOIA) in addition to New York State's Freedom of Information Law (FOIL), and

WHEREAS, the County of Niagara intends to remain effectively open and transparent with its agenda to the citizens of Niagara County, and

WHEREAS, the County of Niagara has, and always will, allow citizens to speak to the agenda and good of the county at legislative meetings, and

WHEREAS, the Freedom of Information Law permits the public to request information from the taxpayer-financed public sector, which Niagara County successfully operates under, and

WHEREAS, the County of Niagara effectively operates under New York State's Open Meetings Law, declaring all meetings of public bodies be open to the general public so that citizens of the state are fully aware of and able to observe the performance of public officials, as well as attend to the deliberations that go into the making of public policy, and be it

RESOLVED, that the County of Niagara shall remain effectively transparent with its agenda to the citizens of 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 Schimming; and all others deemed necessary and proper.

Moved by Andres; seconded by Zona to amend resolution.

Amendment:

Addition in the first RESOLVED, "...does hereby encourage all other governmental bodies to allow public comment and does support..."

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

Carried.

Moved by Bradt, seconded by Gooch.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IL-017-19

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

Dated: March 19, 2019

BACKGROUND CHECKS ON LEGISLATURE APPOINTMENTS FOR COUNTY LEGISLATOR

WHEREAS, the people's faith in government is the highest priority, and

WHEREAS, when a legislative appointment occurs due to a vacancy and

WHEREAS, a committee is appointed to interview, select and recommend to the Legislature a candidate for appointment, and

WHEREAS, it is upon this committee to interview and evaluate each candidate, and

WHEREAS, during this interview candidates are to supply to the committee their resume, with their residency, job experience, education, and community involvement, and

WHEREAS, it is incumbent upon the candidate to tell the committee anything that could impede upon their trust and integrity, and

WHEREAS, this is important because the public must have a sense of trust in their public officials, and

WHEREAS, the public trust is of the utmost importance, now, therefore, be it

RESOLVED, that the Niagara County Legislature requires that full financial and criminal background checks on all candidates that apply to be interviewed for vacancies on the Niagara County Legislature.

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

Carried.

Moved by Virtuoso, seconded by Grozio.

Adopted. 14 Ayes, 0 Noes, 0 Absent. Legislator Zona abstained from the vote.

Resolution No. IL-018-19

From: Legislator Wm. Keith McNall

Dated: March 19, 2019

**RESOLUTION IN SUPPORT OF FUNDING LOCKPORT IN BLOOM
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, Lockport in Bloom is a not-for-profit organization, chartered in 2005, that promotes the beautification of Lockport by encouraging residents to share with others their beautiful and creative gardens, and

WHEREAS, by encouraging neighborhood beautification, Lockport in Bloom helps promote community pride by bringing people to the area to view the many beautiful gardens, and

WHEREAS, through their annual Garden Festival, Lockport in Bloom brings thousands of visitors to the City of Lockport to view the 40 plus gardens that are put on display every summer, and

WHEREAS, local businesses and restaurants benefit greatly from the increase in foot traffic that Lockport in Bloom generates throughout the City of Lockport, and

WHEREAS, Niagara County is interested in supporting efforts that generate increased revenue for businesses and create a sense of pride throughout the community, now, therefore, be it

RESOLVED, that Niagara County supports Lockport in Bloom as follows:

Lockport in Bloom	\$1,000.00
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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	\$1,000.00
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INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$1,000.00
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Referred to Economic Development Committee.

Resolution No. IL-019-19

From: Legislator Clyde L. Burmaster

Dated: March 19, 2019

**URGENT NEED FOR THE ARMY CORPS OF ENGINEERS ASSISTANT SECRETARY FOR CIVIL
WORKS TO IMMEDIATELY SIGN RECORD OF DECISION FOR THE ARMY CORPS TO
COMPLETE THE NFSS PROPOSED PLAN**

WHEREAS, the Niagara Falls Storage Site is 131-acre federal property located in the Town of Lewiston, and

WHEREAS, this temporary storage site has held 2,000 curies of Radium-226 and other dangerous radioactive material since World War II, and

WHEREAS, in December of 2015 the U.S. Army Corps of Engineers (Army Corp) issued it proposed Plan to remove all radioactive material from the Niagara Storage Site with the full support of Niagara County, the NY State Department of Health, the U.S. EPA, and numerous other Stakeholders, and

WHEREAS, the Army Corps' proposed plan includes \$490 million dollars over several years to construct substantial infrastructure at the site and other expenses required for remediation, and

WHEREAS, the Army Corps anticipated issuing a Record of Decision for public comment 18 months ago and has not yet done so, and

WHEREAS, Congress removed the FURRAP cleanup program from the Department of Energy in 1997 due to ineffective management and vested program authority with the Army Corps, and

WHEREAS, last week the federal administration proposed a budget that would return FUSRAP clean-up

authority to the polluter to the Niagara Falls Storage Site, namely the Department of Energy Leaving the Army Corps as a Contractor with no authority to move clean-up forward, and

WHEREAS, the Niagara Falls storage Site is the only Army Corps FUSRAP project in the entire United States with a Record of Decision Being help up in Washington D.C, now, therefore, be it

RESOLVED, that the Niagara County Legislature call on the Army Corps of Engineers Assistant Secretary for Civil Works to immediately sign the Record of Decision allowing the Army Corps to proceed and complete the NFSS proposed plan, be it further

RESOLVED, that copies of this resolution be sent to U.S. Senator Charles Schumer, U.S. Senator Kristen Gillibrand, U.S. Congressman Chris Collins, U.S. Congressman Brian Higgins, U.s. Army Corps of Engineers Assistant Secretary for Civil Works "RD" James, U.S. Army Corps of Engineers Chief of Engineers and Commanding General Todd T. Semonite and U.S. Army Corps of Engineers Director of Civil Works James C. Dalton

Approved for Submission.

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

Carried.

Moved by Burmaster, seconded by Godfrey.

Adopted. 15 Ayes, 0 Noes, 0 Absent

APPOINTMENTS:

	<u>Appt.</u>	<u>Expires</u>
<u>BOARD OF ETHICS:</u>		
Roger W. Andrews	03/19/19	12/31/21
6825 Walmore Rd., Niagara Falls 14304		
Bradley Rowles Jr. (replaces Rev. William Lowery)	03/19/19	12/31/21
5892 Bear Rd., Sanborn 14132		

HISTORIAN BOARD:

Jean Linn	03/19/19	12/31/19
5525 Leete Rd. Lockport, 14094		

Moved by Burmaster, Second by Syracuse.

Moved by Burmaster, seconded by Syracuse that the Board adjourn.

The Chairman declared the Board adjourned at 8:57 p.m., subject to the call of the Clerk.

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


Mary Jo Tamburlin, Clerk