

A public hearing was held pursuant to CW-007-19, adopted by the Legislature on March 19, 2019, for the purpose of hearing public comments on the A Local Law with Amendments to Establish a Sustainable Energy Loan Program in the County of Niagara. Legislator Andres opened the hearing at 6:45 p.m. and closed it at approximately 6:47 p.m.

OFFICIAL RECORD

Lockport, New York
April 9, 2019

The meeting was called to order by Chairman McNall at 7:01 p.m.

Clerk Tamburlin called the roll. All Legislators were present.

A moment of silence was held for John F. "The Flag Man" Lukasik.

CORRESPONDENCE & RECOGNITION:

Chairman McNall announced May 5-18th is Armed Services Week.

Chairman McNall asked Commissioner of Economic Development Mike Casale to speak Agricultural Outreach Forum, Mike thanked his staff, Cornell Cooperative Extension and the Legislature for all their support. The Forum was a huge success.

Director of Employment and Training Don Jablonski spoke on the recent Job Fair that was held in Niagara County, which had over 300 job seekers and 70 newer businesses.

PRESENTATIONS

Legislator Gooch and Bradt called the Don and Steve Miller to the lectern to read a proclamation honoring them for their many years of coaching the Niagara Wheatfield Falcons Basketball Team.

Legislator Wydysh call County Clerk Joe Jastrzemski, his staff and Joseph Baschnagel to the lectern to read a proclamation declaring the month of April in Donate Life Month.

Legislator Wydysh called Commissioner of Social Services Anthony Restaino and his staff to the Lectern to read a proclamation declaring April Child Abuse Prevention Month. Commissioner Restaino thanked his staff for their dedication with the family and children in the county and the Legislators for all their support over the years.

Legislator Godfrey called Undersheriff Michael J. Filicetti lectern to read a proclamation in honor of National Safety Telecommunications Week. Undersheriff Michael Filicetti thanked all his staff and the Legislature for all their support.

0 citizens spoke at this time.

Moved by Bradt, seconded by Nemi to removed IF-050-19 from the Preferred Agenda.
Carried.

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

Carried.

Moved by Andres, seconded by Collins to remove ED-015-19 from the Agenda and bring back at a later date.
Carried.

Resolution No. AD-005-19

From: Administration Committee.

Dated: April 9, 2019

**APPROVAL OF VOTING MACHINE AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND
THE NIAGARA FALLS, LOCKPORT, NORTH TONAWANDA, BARKER, LEW-PORT, NEWFANE,
NIAGARA WHEATFIELD, ROY-HART, STARPOINT, SCHOOL DISTRICTS
(§3-224, NEW YORK STATE ELECTION LAW)**

WHEREAS, the Niagara Falls, Lockport, North Tonawanda, Barker, Lew-port, Newfane, Niagara Wheatfield, Roy-Hart, Starpoint School Districts will be conducting an election on May 21, 2019 and requires the use of the Niagara County Board of Elections voting equipment in connection with this election, and

WHEREAS, the Niagara County Attorney's Office has prepared a formal agreement for use between the County of Niagara and the Niagara Falls, Lockport, North Tonawanda, Barker, Lew-port, Newfane, Niagara Wheatfield, Roy-Hart, Starpoint School District, which has been fully approved by the District, a copy of which has been filed with the Clerk of the Legislature, and

WHEREAS, time is of the essence in connection with the approvals by the Niagara County Legislature, and

WHEREAS, under the terms of the agreement the County will provide, and be reimbursed for transportation of the voting machine preparation, programming, and packaging of the voting machine and all necessary Niagara County personnel: the District, among other things, shall furnish at its expense, election custodians and inspectors and also insurance in form, content and amounts as approved by the Niagara County Attorney, and

WHEREAS, the final written agreement between the parties is subject to the review and approval by the parties' respective legal counsel, now, therefore, be it

RESOLVED, that pursuant to the provisions of §3-224 of New York State Election Law, the Chair of the Niagara County Legislature and the Niagara County Election Commissioners are authorized and directed to execute and deliver an agreement, in substantially the form of agreement now filed with the Clerk of the Legislature between and among the County of Niagara, the Niagara County Election Commissioners and the Niagara Falls, Lockport, North Tonawanda, Barker, Lew-port, Newfane, Niagara Wheatfield, Roy-Hart, Starpoint School Districts for the provision, by the County of Niagara, of sufficient voting equipment, including the programming thereof, to the Niagara Falls, Lockport, North Tonawanda, Barker, Lew-port, Newfane, Niagara Wheatfield, Roy-Hart, Starpoint School Districts in connection with any election scheduled to be held during 2019, and be it further

RESOLVED, that the execution and delivery of this equipment, is subject to the approval of the Board of the Niagara Falls, Lockport, North Tonawanda, Barker, Lew-port, Newfane, Niagara Wheatfield, Roy-Hart, Starpoint School Districts and the review and approval of the Niagara County Attorney's Office and counsel to the Niagara Falls, Lockport, North Tonawanda, Barker, Lew-port, Newfane, Niagara Wheatfield, Roy-Hart, Starpoint School Districts, and be it further

RESOLVED, that a true copy of the fully signed and approved agreement be filed by the Clerk of this Legislature simultaneously with the delivery of the or as soon as reasonably possible thereafter.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. AD-006-19

From: Administration Committee.

Dated: April 9, 2019

**A LOCAL LAW AMENDING RESOLUTION NO. AD-0005-96 – ESTABLISHING
A CODE OF ETHICS FOR THE COUNTY OF NIAGARA**

WHEREAS, the County Legislature of the County of Niagara, enacted a Local Law No. by Resolution No. AD-0005-96 establishing a Code of Ethics for the County of Niagara, and

WHEREAS, the County Legislature of the County of Niagara, amended such 1996 Local Law by Resolution No. IL-0048-96, Resolution No AD-024-97, Resolution No IL-002-98, Resolution No AD-026-98, Resolution No AD-006-01 and Resolution No IL-053-07, and

WHEREAS, the County Legislature of the County of Niagara, does hereby amend such 1996 Local Law establishing a Code of Ethics for the County of Niagara, as amended by Resolution No. IL-0048-96, Resolution No AD-024-97, Resolution No IL-002-98, Resolution No AD-026-98, Resolution No AD-006-01 and Resolution No IL-053-07 as follows:

....

SECTION 2. Disclosure of Interest; Legislative Abstention

1. Disclosure of interests regardless of conflict

The following individuals shall, by May 15th of every year or if newly elected or appointed within thirty (30) days after taking office file a statement with the Board of Ethics:

- A. Every County Legislator or any other county elected official;
- B. Members and Officers of the Industrial Development Agency (IDA);
- C. Niagara Community College trustees;
- D. Every County Political Party Chairman;
- E. Candidates for County Elected Offices who file designating petitions for nominations at a primary election shall file such statement within seven (7) days after the last day allowed by law for the filing of designating petitions; and
- F. County Employees who hold policy-making positions as annually determined by the appointing authority and set forth in writing during January 31st of each year:

Such statement shall be adopted by the County and include the following:

- i. The name of any corporation for profit in which they, and/or their spouse, and/or minor children hold collectively 5% or more of the stock;
- ii. Real property situated in Niagara County which they, their spouse, or minor children hold for profit or from which they, their spouse, or minor children receive rents or income, excepting such real property as is maintained for use as their residence or the residence of their spouse or minor children, as the case may be;

iii. Self-employment or employment by, or membership in or on the board of directors of, any corporation, partnership, association, person, or other entity from which the employee derives gross income in excess of \$500.00 per year.

Any such County officer or employee who does not have any such interests shall so file a statement to that effect. Such statements of disclosure shall be, indexed and maintained on file in an appropriate manner by the Board of Ethics.

It shall be the responsibility of the Director of Human Resources, prior to January 31 of each year, to review the list of those persons who, in the Director's judgement, are "policy making employees" and to forward any recommendations for additions and/or deletions to such list to the Chairman of the Niagara County Legislature who, subject to Legislative approval, may review and modify said list as deemed appropriate.

2. Disclosure of interest in County business

To the extent that he or she knows thereof, a member of the Legislature and any public officer or employee of the County of Niagara who participates in the discussion or gives official opinion to the Legislature, or any other officer or employee, on any matter before the Legislature, shall disclose the nature and extent of any direct or indirect financial or other private interest he or she has in such matter in a concise written statement to the Chairman of the Legislature, who shall direct such statement to be printed in the official record of the proceedings of the Legislature. 3. Disclosure and abstention in proceedings of County Legislature

When a member of the Niagara County Legislature must take official action on a manner in which he or she has a personal or economic interest distinct from that of the general community, their constituents, or a substantial class of the general community or their constituents, the Legislator should consider divesting that interest, if it can be feasibly done without undue hardship. The Legislator's decision in that regard shall be conclusive. If the Legislator does not divest that interest, considering both the seriousness of any appearance of impropriety and the seriousness of the public's need for participation in the action under consideration, the Legislator must abstain from participation in such action.

4. Maintenance of disclosure statements

Transactional disclosure statements filed pursuant to this Code of Ethics and annual statements shall be sealed, indexed and maintained on file for five (5) years, in an appropriate manner, by the Board of Ethics.

Such Disclosure Statements shall be destroyed upon the expiration of this five (5) year period. Such Disclosure Statements filed in 2019, and all subsequent years, by those individual listed in section 2 above, shall be made available to the public upon proper written request pursuant to the disclosure requirements of the New York State Freedom of Information Law (FOIL).

5. Failure to file disclosure statements

In addition to the filing requirements set forth in Section 2, subdivision 1 herein, each person who is subject to the filing requirements of this Code of Ethics shall file his or her Disclosure Statement on or before May 15th of each year.

Upon failure to file a Disclosure Statement, the Board shall notify the reporting person in writing, state the failure to file, and provide the person with a fifteen (15) day period to cure the deficiency. If the person fails to make such filing or fails to cure the deficiency within the specified time period, the Board shall send a notice of

delinquency to: (a) the reporting person; (b) and (b) the Chairman of the Legislature. The Chairman of the Legislature shall cause the list of those persons who have failed to file reporting statements to be published in the Minutes of the Niagara County Legislature. Any person who fails to file shall be subject to the appropriate sanctions as set forth in Section 14 of this Code of Ethics.

A person who is subject to the filing requirements of this Code of Ethics, who enters into his or her official duties after May 15th of any year, shall have thirty (30) days within which to file his or her transactional disclosure statement.

SECTION 19. The local law shall take effect upon filing with the New York State Secretary of State, after which it shall become a law.

RESOLVED, that the Niagara County Legislature shall conduct a public hearing upon said proposed Local Law at the Legislative Chambers, Courthouse, Lockport, New York, on the 7th day of May, at 6:45 p.m., and be it further

RESOLVED, that the Clerk of the Legislature, at least six (6) days in advance of such hearing, shall post a notice upon the bulletin boards in the Courthouse at Lockport and the Civic Building in Niagara Falls and shall publish such notice once in the 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.

Approved for Submission.

Moved by Andres, seconded by Bradt.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. AD-007-19

From: Administration Committee.

Dated: April 9, 2019

**COMPENSATION OF THE MEMBERS OF THE
NIAGARA COUNTY SOIL AND WATER CONSERVATION DISTRICT**

WHEREAS, by a resolution dated April 23, 1940 and pursuant to those provision contained within Chapter 9-B of the Consolidated Laws of the State of New York, Niagara County determined that conservation of soil and water resources and control and prevention of soil erosion and prevention of floodwater and sediment damages are problems of public concern in the county, and further determined that a substantial proportion of the rural land occupiers of the county favors such a resolution, and therefore Niagara County, by a resolution declared the county to be a soil and water conservation district N.Y. Soil & Water Conservation Dist. Law § 5, and

WHEREAS, the purpose of declaring the county to be a soil and water conservation district was to preserve soil and water resources, and for the improvement of water quality, and for the control and prevention of soil erosion and for the prevention of floodwater and sediment damages and for furthering the conservation, development, utilization and disposal of water, and thereby to preserve natural resources, control and abate nonpoint sources of water pollution, assist in the control of floods, assist in the drainage and irrigation of agricultural lands, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, protect public lands, and protect and promote the health, safety and general welfare of the people of Niagara County, and

WHEREAS, on April 23, 1964 such Original Law was amended by Niagara County to include soil and water districts and such entity is now known as the Niagara County Soil and Water Conservation District, and

WHEREAS, the compensation of the members of the governing body of the Niagara County Soil and Water Conservation District, for performing services as directors of the district shall be fixed by the Niagara County Legislature for each calendar day they are actually engaged in the performance of their duties, and mileage in going and returning from places where they are required to go in the performance of their duties, utilizing those funds that are made available by Niagara County Legislature for this purpose. See: N.Y. Soil & Water Conservation District Law § 7, and

WHEREAS, the compensation of the members of the Niagara County Soil and Water Conservation District has not been increased in over thirty [30] years and remains at the rate of eight and 00/100 dollars [\$8.00] per meeting/function, and

WHEREAS, the compensation of the members of the Niagara County Soil and Water Conservation District is much lower than received by similar Board members in similar Soil and Water Conservation Districts within Western New York, and

WHEREAS, Niagara County Soil and Water Conservation District requests an increase in the compensation of the members of the Niagara County Soil and Water Conservation District to twenty and 00/100 [\$20.00] per meeting/function; now, therefore, be it

RESOLVED, that pursuant to the authority of N.Y. Soil & Water Conservation District Law § 7 the compensation of the members of the Niagara County Soil and Water Conservation District is hereby increased to twenty and 00/100 [\$20.00] per meeting/function
Approved for Submission.

Moved by Nemi, seconded by Hill.
Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CS-016-19

From: Community Services and Administration Committees.

Dated: April 9, 2019

**MH – BUDGET MODIFICATION - UTILIZE NYS OFFICE OF MENTAL HEALTH
ONE-TIME ONLY FEDERAL FUNDING TO PURCHASE ELECTRONIC HEALTH RECORD
AND CONTRACT WITH TENELEVEN GROUP**

WHEREAS, Niagara County Purchasing, through the Request for Proposal (RFP) process, received proposals from various Electronic Health Record (EHR) providers, and

WHEREAS, through the Request for Proposal (RFP) process, TenEleven Group has been selected as the provider that best meets the NCDMH's requirements for the provision of the EHR, and

WHEREAS, the New York State Office of Mental Health (OMH) has given permission to utilize one-time only Federal funding (Federal Salary Sharing) that allows for the purchase of the EHR, and

WHEREAS, utilization of EHR Technology is an OMH/OASAS requirement for the LGU, and

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

RESOLVED, that the following budget modification be effectuated to the department's budget and the department authorized to enter into contract with TenEleven Group to begin implementation of the Electronic Health Record effective April 24, 2019:

INCREASE REVENUE:

A.21.4310.000.44490.00	Mental Health Revenue	\$165,000
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INCREASE APPROPRIATION:

A.21.4310.000.72100.05	Machinery & Equip Computer Equip	\$140,047
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A.21.4310.000.74500.01	Contractual	24,953
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CS-016-19

From: Community Services and Administration Committees.

Dated: April 9, 2019

**WAIVER OF RESIDENCY REQUIREMENT
MENTAL HYGIENE PRACTITIONER – DEPARTMENT OF MENTAL HEALTH**

WHEREAS, the Niagara County Department of Mental Health & Substance Abuse Services has permission to fill a Mental Hygiene Practitioner position vacancy, which is critical for providing Substance Abuse Screenings and Assessments to parents whose babies are born toxicology positive for drugs, and for developing and monitoring Safe Parenting Plans; in conjunction with the Department of Social Services staff; and

WHEREAS, due to long standing challenges with recruitment for this position, Niagara County Civil Service opened the Mental Hygiene Practitioner Civil Service Exam to residents of counties contiguous to Niagara County, and

WHEREAS, all Niagara County candidates who were qualified and present for the Mental Hygiene Practitioner examination, given December 1, 2018, have been hired by the Department, and

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

WHEREAS, there are no remaining qualified Niagara County applicants for this position, and

WHEREAS, this position will be filled provisionally until the next Mental Hygiene Practitioner exam is given, and

WHEREAS, any provisional employee must pass and be reachable on the Civil Service examination, now, therefore, be it

RESOLVED, that a Waiver of Residency from the policy to hire only Niagara County residents be approved to fill the vacant Mental Hygiene Practitioner position.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CS-018-19

From: Community Services and Administration Committees.

Dated: April 9, 2019

**BUDGET MODIFICATION
PURPLE HEART**

WHEREAS, the Niagara County Legislature has designated Niagara County as a Purple Heart County, and

WHEREAS, Niagara County recognizes the importance of honoring veterans who have served and fought bravely in defense of our great nation, and

WHEREAS, a special event of recognition for those who are recipients of the Purple Heart has been established, and will be held on National Purple Heart Day – Wednesday, August 7th at 6:30 pm at Joseph Klimek Veterans Park, 700 River Rd., North Tonawanda, and

WHEREAS, this special event of honor and recognition includes the creation of the Frank J. Gaffney Purple Heart Book of Honor, and

WHEREAS, funding is necessary to create the event as well as the book of honor, and

WHEREAS, private businesses and corporations have graciously offered donations of funds in furtherance of this important project, now, therefore, be it

RESOLVED, that the Niagara County Legislature approve the following budget modification to be effectuated in the 2019 budget:

INCREASE REVENUE:

A.10.1410.000 42705.00	Gifts & Donations	\$4500.00
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INCREASE EXPENSE:

A.10.1410.000 74375.01	Communications Advertising & Promotion	\$2250.00
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A.10.1410.000 74250.03	Office Expenses Printing/Duplicating	\$2250.00
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CS-019-19

From: Community Services and Administration Committees.

Dated: April 9, 2019

**COUNTY CLERK OFFICE INTEGRATED
RECORD MANAGEMENT SYSTEM
CONTRACT AMENDMENT**

WHEREAS, the appropriate management of local government records is essential for efficient and effective government, and

WHEREAS, the County Clerk performs the duties prescribed by law as register and must provide, at the expense of the County, all books, files, and other necessary equipment for the filing, recording and depositing of documents for indexing as directed by law, and

WHEREAS, the proper custodial facilitation of the Niagara County records includes a comprehensive integrated record management system that provides for indexing, recording, imaging, archiving and cash fee functions, and

WHEREAS, the County entered into a contract with Info Quick Solutions, Inc. (IQS) for professional services to provide integrated records management services commencing February, 2014 for a five-year period, and

WHEREAS, the County has an option to renew for one 2-year period and one three-year period, and

WHEREAS, the County Clerk recommends an amendment to the contract to include a 2-year renewal in accordance with the contract, now, therefore, be it

RESOLVED, that Niagara County enter into a contract renewal for professional services (integrated record management for the Niagara County Clerk's Office) with Info Quick Solutions, Inc. (IQS) for a 24 month period commencing immediately, with all terms of the original Contract between the parties executed on February 18, 2014 remaining unchanged and in full force and effect except for said Amendment, 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-023-19

From: Community Safety & Security and Administration Committees.

Dated: April 9, 2019

BUDGET MODIFICATION – IN CAR VIDEO SYSTEM CAPITAL PROJECT

WHEREAS, resolution IF-106-16 previously approved the creation of a capital project for In Car Video System Technology to be funded with Capital Reserve, and

WHEREAS, after following proper purchasing guidelines Axon Enterprise was selected to provide the hardware and maintenance related to the capital project, and

WHEREAS, Axon Enterprise provided the equipment and was fully paid during 2018, and

WHEREAS, while performing year-end account analysis, the County Treasurer's Office believes these transactions are more appropriately recorded in the General Fund as they consist of continued maintenance on the included equipment from 2018 through 2022, and

WHEREAS, the equipment purchased does not fall within the definition of a capital asset set by the Capital Asset Policy formally adopted by resolution AD-041-11, and

WHEREAS, budget modifications for the prior fiscal year can continue to be made prior to filing the Annual Update Document with the State Comptroller's Office, now, therefore, be it

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

INCREASE ESTIMATED REVENUE:

A.07.9901.000 45031.10	Transfer from Capital Reserve	\$175,000.00
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INCREASE APPROPRIATIONS:

A.17.3110.000 74500.01	Contractual Expenses	\$124,457.25
A.17.3110.000 72100.21	Law Enforcement Equipment	50,542.75

DECREASE ESTIMATED REVENUE:

H646.17.3197.000 45031.10	Transfer from Capital Reserve	\$175,000.00
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DECREASE APPROPRIATIONS:

H646.17.3197.000 72100.21	Law Enforcement Equipment	\$175,000.00
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-024-19

From: Community Safety & Security and Administration Committees.

Dated: April 9, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE
TRANSFER OF CAPITAL PROJECT FUNDS**

WHEREAS, the Niagara County Sheriff's Office has a current capital project to address issues with the Jail Water System which was funded through interfund transfers from the Operating Fund and is approaching completion, and

WHEREAS, the Sheriff's Office also has a current capital project for jail equipment replacement, and

WHEREAS, there is a need within the Sheriff's Office to replace an aging fork lift which has needed repairs and is designed only to be used inside the building, and

WHEREAS, the Sheriff's Office often has the need to unload skids from outside delivery trucks, and

WHEREAS, an opportunity has been identified to better serve the needs of the Sheriff's Office and jail by purchasing a skid-steer loader, now, therefore, be it

RESOLVED, that funds be transferred from the Jail Water System Capital Project to the Jail Equipment Replacement Project with the following line item transfers

DECREASE ESTIMATED REVENUE:

H644.17.3197.000 45031.11	Interfund Transfers from Operating	\$30,500
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DECREASE APPROPRIATIONS

H644.17.3197.000 72200.01	Jail Water System Building Improvements	\$30,500
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INCREASE ESTIMATED REVENUE:

H666.17.3197.000 45031.00	Interfund Transfers From Operating	\$30,500
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INCREASE APPROPRIATIONS

H666.17.3197.000 72100.21	Jail Equipment Replacement 2018	\$30,500
	Machinery and Equipment Law Enforcement Equipment	

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-025-19

From: Community Safety & Security and Administration Committees.

Dated: April 9, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE
BOCES REVENUE FOR JAIL**

WHEREAS, the Niagara County Sheriff's Office currently has a partnership with Orleans Niagara BOCES to provide skills classes to inmates of the Niagara County Jail, and

WHEREAS, the BOCES classes serve to provide inmates with skills which can be built upon and utilized for life management and employment opportunities, and

WHEREAS, Orleans Niagara BOCES has a grant to provide additional classes through June 2019 and would include payment to the Niagara County Jail for use of the space for classes, and

WHEREAS, the 2019 budget would need to be amended to accept the revenue, now, therefore, be it

RESOLVED, the following budget amendments be effectuated:

INCREASE REVENUE

A.17.3150.000 41289.08	Other General Gov Income Reimbursement	\$ 13,500
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INCREASE APPROPRIATIONS

A.17.3150.000 71050.00	Overtime Expense	\$ 11,130
A.17.3150.000 78100.00	Retirement Expense	1,224
A.17.3150.000 78200.00	FICA Expense	851
A.17.3150.000 78300.00	Workers Compensation Expense	295

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-026-19

From: Community Safety & Security and Administration Committees.

Dated: April 9, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE BUDGET MODIFICATION
STATEWIDE INTEROPERABLE COMMUNICATIONS FORMULA GRANT**

WHEREAS, on June 20, 2017 the Niagara County Legislature voted to accept revenue from the New York State Division of Homeland Security and Emergency Services under the Statewide Interoperable Communications Formula Grant FY2016 in the amount of \$673,193 for the performance period of January 1, 2017 through December 31, 2018 (Resolution #CSS-031-17), 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 performance period of this grant was extended by the NYS Division of Homeland Security and Emergency Services to end as of December 31, 2019, and

WHEREAS, the extension was made after the 2019 budget was closed to changes so the 2019 Budget will need to be amended to include the revenue and expenses from the grant, now, therefore, be it

RESOLVED, that the following line item transfers be effectuated:

INCREASE REVENUE:

A.17.3645.000.43305.02 State Aid, Civil Defense Homeland Security \$673,193

INCREASE APPROPRIATIONS:

A.17.3645.000.72100.15 Machinery and Equipment Communications Equipment \$673,193

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-027-19

From: Community Safety & Security and Administration Committees.

Dated: April 9, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE
AGREEMENT WITH MOTOROLA FOR ENHANCEMENT OF
COUNTYWIDE PUBLIC SAFETY RADIO NETWORK**

WHEREAS, the Niagara County Legislature passed Resolution #CSS-007-19 on February 19, 2019 to enter into a job specific contract with Mission Critical Partners for project management for the Motorola proposal for necessary infrastructure and equipment (the "Project") to enhance the current Countywide Public Safety Radio Project, and

WHEREAS, the Project for two(2) new emergency communication sites will expand the current system to provide better inside buildings coverage to critical infrastructure, including the Fashion Outlet Mall and some schools in Niagara County, and

WHEREAS, Motorola has brought forth a proposal for the Project which Mission Critical Partners will review for accuracy in specifications, and

WHEREAS, the Motorola proposal is under New York State OGS Contract pricing and will be no more than \$1,937,000, and

WHEREAS, funds for the Project are currently in the 2019 budget under State Interoperable Communications Grants for FY2016, FY2017 and FY2018, now, therefore, be it

RESOLVED, that following the County Attorney's review and approval of the contract, that Niagara County enter into a contract with Motorola Solutions for the implementation of this Project, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-028-19

From: Community Safety & Security Committee.

Dated: April 9, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE
NIAGARA REGIONAL TRAFFIC SAFETY PROGRAM**

WHEREAS, the Niagara Regional Traffic Safety Program will be held on May 1st and May 2nd of this year, and

WHEREAS, young men and women need to know that the choices they make every day affect their lives and the lives of people around them, and

WHEREAS, high school juniors and seniors from Niagara County schools will participate in the Niagara Regional Traffic Safety Program at the Kenan Center, and

WHEREAS, each school will be responsible for their own expenses incurred throughout the program, now, therefore, be it

RESOLVED, that the twenty fourth annual Niagara Regional Traffic Safety program will be held May 1st and May 2nd of this year

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-029-19

From: Community Safety & Security and Administration Committees.

Dated: April 9, 2019

**2019 BUDGET MODIFICATION - FIRE COORDINATOR'S OFFICE
HAZ-MAT INCIDENT PAYMENT ON 10/26/18**

WHEREAS, the County Haz-Mat team responded to an incident on October 26, 2018 and some supplies used at the scene are not reusable, and

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

WHEREAS, the Fire Coordinator's Office invoiced and received payment for the replacement of these supplies from the responsible party in the amount of \$3,903.32, and

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

RESOLVED, that the following 2019 budget modification be effectuated:

INCREASE REVENUE:

A.19.3410.000 42690.02	Other Compensation for Loss	\$ 3,903.32
	Reimbursements	

INCREASE APPROPRIATION:

A.19.3410.000 74750.10	Supplies, Gen Hazmat Inventory	\$ 3,903.32
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-030-19

From: Community Safety & Security and Administration Committees.

Dated: April 9, 2019

2019 PROBATION SOFTWARE MAINTENANCE AGREEMENT FOR CASELOAD EXPLORER

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

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

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

WHEREAS, the maintenance costs and user fees associated with Caseload Explorer are included in the approved 2019 Niagara County Budget, now, therefore, be it

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

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to sign the software maintenance agreement for Caseload Explorer in the amount of \$13,111 for the period of January 1, 2019 through 12/31/2019, subject to approval by the County Attorney’s Office.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. ED-011-19

From: Economic Development and Administration Committees.

Dated: April 9, 2019

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

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

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

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

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

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

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

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

WHEREAS, the application of Water Haus Waterjet, Inc. has met and exceeded all the criteria qualifying its project for consideration and the Empower Niagara Board is recommending approval of this application, and

WHEREAS, Water Haus Waterjet, Inc., an existing machine shop business in North Tonawanda with a focus on waterjet cutting which employs 4 full-time people, has outgrown its current location in the City of North Tonawanda, and

WHEREAS, the application was approved for 200 kw (at 70% load factor) of low cost power, which will allow Water Haus Waterjet, Inc. to relocate its existing business to a new, larger building in the Town of Lockport, acquire additional machinery and equipment to help accommodate the increased demand for product, and hire 4 additional full-time employees, and

WHEREAS, the approval of the Water Haus Waterjet, Inc. application for 200 kw (at 70% load factor) of low cost power will not only increase economic development in the Town of Lockport and Niagara County, but will also assist Water Haus Waterjet, Inc. to remain competitive in the machine shop and waterjet cutting industry and will also have a good economic effect on the community in Niagara County, and

WHEREAS, the Empower Niagara Board will be recommending the approval of the application for low cost power allocation of 200 kw (at 70% load factor) for a period of three (3) years commencing April 1, 2019, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby approves the application of Water Haus Waterjet, Inc. for 200 kw (at 70% load factor) low cost power benefits from Niagara County, pursuant to low cost power allocation received through the June 25, 2005 HCRSA and ASPNPPE, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. ED-012-19

From: Economic Development and Administration Committees.

Dated: April 9, 2019

**BUDGET MODIFICATION – TO COVER
EMPOWER NIAGARA ALLOCATIONS TO WATER HAUS WATERJET, INC.**

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

WHEREAS, these benefits will be applied to Water Haus Waterjet, Inc. as stipulated in the Empower Niagara Program agreement, through the Niagara County Economic Development 2019-2021 budget, now, therefore, be it

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

		<u>2019</u>	<u>2020</u>	<u>2021</u>
INCREASE REVENUE:				
A.15.1620.108 42655.03	Sale of Excess Power	\$43,554.66	Value of 200 kw at 70% load factor for 12 months	Value of 200 kw at 70% load factor for 4 months
INCREASE APPROPRIATION:				
A.15.1620.108 74500.01	Contractual	\$43,554.66	Value of 200 kw at 70% load factor for 12 months	Value of 200 kw at 70% load factor for 4 months
INCREASE REVENUE:				
A.28.8020.813 42189.01	Activities – Eco Dev	\$43,554.66	Value of 200 kw at 70% load factor for 12 months	Value of 200 kw at 70% load factor for 4 months
INCREASE APPROPRIATION:				
A.28.8020.813 74550.30	Empower Niagara	\$43,554.66	Value of 200 kw at 70% load factor for 12 months	Value of 200 kw at 70% load factor for 4 months

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

Resolution No. ED-013-19

From: Economic Development and Administration Committees.

Dated: April 9, 2019

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

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

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

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

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

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

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

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

WHEREAS, the application of Woodcock Brothers Brewing Co. Inc. has met and exceeded all the criteria qualifying its project for consideration and the Empower Niagara Board is recommending approval of this application, and

WHEREAS, Woodcock Brothers Brewing Co. Inc. opened a microbrewery and restaurant in Wilson, New York, in November, 2012, which employs 36 people, and

WHEREAS, the application was approved for 115 kw (at 70% load factor) of low cost power, which will allow Woodcock Brothers Brewing Co. Inc. to expand production by opening a second location of its microbrewery and restaurant facility at the Wurlitzer complex in North Tonawanda, through the renovation of 5,500 square feet of warehouse space and the purchase of new machinery and equipment, furniture and fixtures, and

WHEREAS, this project will assist in providing residents and visitors with a microbrewery and restaurant facility in North Tonawanda and will also create 55 new jobs, and

WHEREAS, the approval of the Woodcock Brothers Brewing Co. Inc. application for 115 kw (at 70% load factor) of low cost power will not only increase economic development in the City of North Tonawanda and Niagara County, but will also assist Woodcock Brothers Brewing Co. Inc. to remain competitive in the microbrewery and restaurant business and will have a good economic effect on the community in Niagara County, and

WHEREAS, the Empower Niagara Board will be recommending the approval of the application for low cost power allocation of 115kw (at 70% load factor) for a period of three (3) years commencing April 1, 2019, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby approves the application of Woodcock Brothers Brewing Co. Inc. for 115kw (at 70% load factor) low cost power benefits from Niagara County, pursuant to low cost power allocation received through the June 25, 2005 HCRSA and ASPNPPE, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute this Empower User Agreement for Low Cost Power with Woodcock Brothers Brewing Co. Inc.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. ED-014-19

From: Economic Development and Administration Committees.

Dated: April 9, 2019

**BUDGET MODIFICATION – TO COVER
EMPOWER NIAGARA ALLOCATIONS TO WOODCOCK BROTHERS BREWING CO. INC.**

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

WHEREAS, these benefits will be applied to Woodcock Brothers Brewing Co. Inc. as stipulated in the Empower Niagara Program agreement, through the Niagara County Economic Development 2019-2021 budget, now, therefore, be it

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

		<u>2019</u>	<u>2020</u>	<u>2021</u>
INCREASE REVENUE:				
A.15.1620.108 42655.03	Sale of Excess Power	\$25,043.93	Value of 115 kw at 70% load factor for 12 months	Value of 115 kw at 70% load factor for 4 months
INCREASE APPROPRIATION:				
A.15.1620.108 74500.01	Contractual	\$25,043.93	Value of 115 kw at 70% load factor for 12 months	Value of 115 kw at 70% load factor for 4 months
INCREASE REVENUE:				
A.28.8020.813 42189.01	Activities – Eco Dev	\$25,043.93	Value of 115 kw at 70% load factor for 12 months	Value of 115 kw at 70% load factor for 4 months
INCREASE APPROPRIATION:				
A.28.8020.813 74550.30	Empower Niagara	\$25,043.93	Value of 115 kw at 70% load factor for 12 months	Value of 115 kw at 70% load factor for 4 months

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

Resolution No. ED-013-19

From: Economic Development and Administration Committees.

Dated: April 9, 2019

**HOSMER ROAD/FISH CREEK BRIDGE REPLACEMENT, TOWN OF SOMERSET
WISTERMAN ROAD/MUD CREEK BRIDGE REPLACEMENT, TOWN OF LOCKPORT
SUPPLEMENTAL AGREEMENT NO. 1**

WHEREAS, the Hosmer Road/Fish Creek Bridge Replacement and Wisterman Road/Mud Creek Bridge Replacement Project, Niagara County, PIN 5761.68 (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 Construction Inspection and Construction Administration 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, Construction Inspection and Construction Administration phases of the project or portions thereof, and be it further

RESOLVED, that the following budget modification be effectuated:

INCREASE ESTIMATED REVENUE:

H639.15.5197.000.43591.00	State Aid Capital Construction	\$331,050
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DECREASE ESTIMATED REVENUE:

H639.15.5197.000.43591.00	Federal Aid Capital Construction	\$729,200
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DECREASE ESTIMATED APPROPRIATIONS:

H639.15.5197.000.72600.02	Bridges	\$398,150
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RESOLVED, that the sum of \$1,800,800 is hereby appropriated in account H639.15.5197.000 72600.02 and made available to cover the cost of participation in the above phases of the project, and be it further

RESOLVED, that in the event the amount required to pay the full federal and non-federal shares of the cost of the project's Preliminary Engineering (Design I-VI), Right-of-Way Incidentals, Construction Inspection and Construction Administration 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-050-19

From: Infrastructure & Facilities and Administration Committees.

Dated: April 9, 2019

**TONAWANDA CREEK ROAD REHABILITATION AND SLIDE STABILIZATION
CONSULTANT AMENDMENT NO. 3**

WHEREAS, Resolution No. IF-030-17, dated February 21, 2017, authorized the contract for consultant services 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, Resolution No. IF-116-18, dated September 18, 2018, authorized Amendment No. 1 to increase the contract and allow for construction inspection and construction administration services, in the amount of \$579,293.41, for a revised contract amount of \$1,613,330.41, and

WHEREAS, Resolution No. IF-035-19, dated March 19, 2019, authorized Amendment No. 2 to revise the Consultant's fee breakdown to align with the state funding categories, at no additional cost to the county, and

WHEREAS, it is necessary to increase the contract in the amount of \$10,880, to add right-of-way acquisition and to modify the fee breakdown, for a revised contract amount of \$1,624,210.41, and

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

RESOLVED, that Amendment No. 3 to increase the contract by \$10,880 for the Tonawanda Creek Road Rehabilitation and Slide Stabilization Project, for a revised contract amount of \$1,624,210.41, to Greenman-Pedersen Inc., 4950 Genesee Street, Suite 100, Buffalo, NY 14225, be approved, and be it further

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

Moved by Syracuse; seconded by Andres to amend resolution.

Amendment:

Additional RESOLVED after the last WHEREAS

(..."RESOLVED, that the following budget modification be effectuated:

INCREASE REVENUE:

H630.15.5112.000 43501.001	Consol Highway Aid Revenue	\$106,310
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INCREASE APPROPRIATIONS:

H630.15.5112.000 72600.01	Infrastructure Roads	\$106,310
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and be it further..."

Moved by Syracuse, seconded by Andres.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-051-19

From: Infrastructure & Facilities and Administration Committees.

Dated: April 9, 2019

**WISTERMAN ROAD BRIDGE OVER MUD CREEK / HOSMER ROAD BRIDGE
OVER FISH CREEK CONSULTANT AMENDMENT NO. 3**

WHEREAS, Resolution No. IF-125-16, dated December 6, 2016, authorized the contract for consultant services for the Wisterman Road Bridge over Mud Creek Project to Bergmann Associates, Waterfront Village Center, 40 LaRiviere Drive, Suite 150, Buffalo, NY 14202, for a fee not to exceed \$310,932, and

WHEREAS, Resolution No. IF-114-18, dated September 18, 2018, increased the contract to allow for construction inspection and construction administration in the amount of \$215,072, for a revised contract of \$526,004, and

WHEREAS, Resolution No. IF-004-19, dated January 15, 2019, increased the contract in order to combine this contract with the Hosmer Road Bridge over Fish Creek Project, in the amount of \$14,243, for a revised contract amount of \$540,247, and

WHEREAS, it is necessary to amend the contract for construction inspection and construction administration for the Hosmer Road Bridge, in the amount of \$67,650, for a revised contract amount of \$607,897, and

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

RESOLVED, that Amendment No. 3 to increase the contract by \$67,650 for the Wisterman Road Bridge over Mud Creek Project/Hosmer Road Bridge over Fish Creek Project, for a revised contract amount of \$607,897, to Bergmann Associates, Waterfront Village Center, 40 LaRiviere Drive, Suite 150, Buffalo, NY 14202, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-052-19

From: Infrastructure & Facilities Committee.

Dated: April 9, 2019

**AWARD BRIDGE BEARINGS AND LUBRICATION
CONSULTANT CONTRACT**

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with the Bridge Bearings and Lubrication Project, and

WHEREAS, funds are available in account D.15.5120.000 74800.06, Bridge Maintenance, and

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

RESOLVED, that the consultant services contract for the Bridge Bearings and Lubrication Project be awarded to Greenman Pedersen Inc., 4950 Genesee Street, Suite 100, Buffalo, NY 14225, for a contract amount not to exceed \$76,000, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-053-19

From: Infrastructure & Facilities Committee.

Dated: April 9, 2019

**AWARD OF CONTRACT – REPLACEMENT OF WISTERMAN ROAD BRIDGE
OVER MUD CREEK / HOSMER ROAD BRIDGE OVER FISH CREEK**

WHEREAS, the Department of Public Works, Engineering Division has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Replacement of Wisterman Road Bridge over Mud Creek/Hosmer Road Bridge over Fish Creek project, and

WHEREAS, funds are available in account number H639.15.5197.000 72600.02, Bridges, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on March 29, 2019 as tabulated below:

1.	Edbauer Construction 2790 Clinton Street West Seneca, NY 14224	\$1,695,351.25
2.	Concrete Applied Technologies Corp. 1266 Townline Road Alden, NY 14004	\$1,718,653.25
3.	Nichols Long & Moore 770 Riverview Blvd. Tonawanda, NY 14150	\$1,775,101.70
4.	4 th Generation Construction 5650 Simmons Avenue Niagara Falls, NY 14304	\$1,823,192.00

and

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

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

RESOLVED, that the contract for the Replacement of Wisterman Road Bridge over Mud Creek/Hosmer Road Bridge over Fish Creek project be awarded to the lowest responsible bidder, Edbauer Construction, 2790 Clinton Street, West Seneca, NY 14224, in the amount of \$1,695,351.25, and be it further

RESOLVED, that following the New York State Department of Transportation's review and approval and 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-054-19

From: Infrastructure & Facilities and Administration Committees.

Dated: April 9, 2019

MOWING AGREEMENT BETWEEN NIAGARA COUNTY AND TOWN OF NIAGARA

WHEREAS, under Section 135-0 of the Highway Law, the County is empowered to enter into agreements with towns for the cutting of noxious weeds, briars and brush within the boundary of County roads, hereafter referred to as "mowing", and

WHEREAS, it is recommended by the Infrastructures and Facilities Committee and the Department of Public Works that the County enter into an agreement with the Town of Niagara for mowing, said town to receive an annual payment based upon the actual costs incurred upon presentation of certified cost records for equipment, rental of same, and labor by said town, and

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-055-19

From: Infrastructure & Facilities Committee.

Dated: April 9, 2019

CREATE AND FILL TEMPORARY GROUNDSKEEPER POSITION

WHEREAS, due to a personnel vacancy within the Buildings and Grounds Division of the Public Works Department, the department has reviewed its operational needs for maintaining the various county buildings, and

WHEREAS, after studying the services we provide and evaluating all options it has been determined that it would be in the best interest of the department, as well as the taxpayers, to create and fill one (1) temporary Groundskeeper position, and

WHEREAS, funding for this newly created position will only be for ninety days or until the full-time employee returns to employment, and

WHEREAS, funds will come from the current open position and other positions that have been vacant throughout the course of 2019, now, therefore, be it

RESOLVED, that the position of Groundskeeper, temporary, AFSCME, Grade 23, Step 1, at an annual salary of \$33,239, be created and filled, effective April 8, 2019, with an end date of July 31, 2019, and be it further

RESOLVED that the following budget modification be made:

FROM:

A.15.1620.000.71010.01	Positions (Groundskeeper Pos. # 13391)	\$22,226
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TO:

A.15.1620.000.71010 .01	Positions (Groundskeeper - Pos. #xxxxx)	\$22,226
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-056-19

From: Infrastructure & Facilities and Administration Committee.

Dated: April 9, 2019

**FREY ELECTRIC CONSTRUCTION CO. - TROTT NORTHPOINTE RENOVATIONS
CHANGE ORDER NO. 2**

WHEREAS, by Resolution No. IF-089-18, dated June 19, 2018, the Legislature awarded the contract for the Trott Northpointe Electrical Renovations Project to Frey Electric Construction Co., 100 Pearce Avenue, Tonawanda, NY 14150, for a contract amount of \$111,000, and

WHEREAS, Resolution No. IF-133-18, dated November 20, 2018, authorized Change Order No. 1 to increase the contract in the amount of \$7,781 for increased scope of the work, for a revised contract amount of \$118,781, and

WHEREAS, it is necessary to increase the contract in the amount of \$34,185 since the Northpointe fire system must be connected as a zone to the new fire panel at Trott and a fire panel upgrade is needed to support the new fire zone, for a revised contract amount of \$152,966, and

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

RESOLVED, that Change Order No. 2 to increase the contract by \$34,185 for the Trott Northpointe Electrical Renovations Project, for a revised contract amount of \$152,966, to Frey Electric Construction Co., 100 Pearce Avenue, Tonawanda, NY 14150, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-057-19

From: Infrastructure & Facilities Committee.

Dated: April 9, 2019

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA
AND THE YMCA FITNESS IN THE PARKS PROGRAM**

WHEREAS, the YMCA Fitness in the Parks Program has requested that the County of Niagara grant them rights to operate a Zumba and Yoga exercise 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 YMCA Fitness in the Parks Program, 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 YMCA Fitness in the Parks Program, now, therefore, be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the YMCA Fitness in the Parks Program, 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 YMCA Fitness in the Parks Program.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-058-19

From: Infrastructure & Facilities Committee.

Dated: April 9, 2019

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND
THE NEWFANE YOUTH FOOTBALL LEAGUE AND CHEERLEADING**

WHEREAS, the Newfane Youth Football League and Cheerleading has requested that the County of Niagara grant them exclusive rights to operate a football 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 Youth Football League and Cheerleading, 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 Football League and Cheerleading, now, therefore, be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Newfane Youth Football League and Cheerleading, as appears on the proposed agreement, is hereby approved in all respects, and be it further

RESOLVED, that the Chairman of the Legislature is authorized and directed to execute and deliver the agreement with the Newfane Youth Football League and Cheerleading.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-059-19

From: Infrastructure & Facilities Committee.

Dated: April 9, 2019

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND
THE NIAGARA FRONTIER CROSS COUNTRY CLUB**

WHEREAS, the Niagara Frontier Cross Country Club 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 at Bond

Lake Park, and

WHEREAS, this program benefits the residents of the Town of Wheatfield in addition to Niagara County as a whole, and

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

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

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Niagara Frontier Cross Country Club, and

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

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IL-018-19

From: Legislator Wm. Keith McNall.

Dated: April 9, 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

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

INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund \$1,000.00

Moved by Nemi, seconded by Collins.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IL-020-19

From: Legislators Rebecca J. Wydysh, Clyde L. Burmaster, Jesse P. Gooch, Wm. Keith McNall, Randy R. Bradt and Richard L. Andres.

Dated: April 9, 2019

OPPOSITION TO DRIVER'S LICENSE ACCESS AND PRIVACY ACT

WHEREAS, holding a driver's license in New York State is a privilege, not a right, and

WHEREAS, the Driver's License Access and Privacy Act, if passed, would permit undocumented persons who are present in the United States illegally under federal law to obtain a driver's license, and

WHEREAS, New York State currently suspends or revokes driver's licenses for various illegal acts, including non-payment of child support, delinquent taxes, and refusal to submit to a breath test, yet this Act would reward entry into the United States with a driver's license, and

WHEREAS, New York State REAL ID compliant documents cannot be issued to an undocumented individual under federal law, and

WHEREAS, adoption of the Act would create unacceptable security risks because:

- There is no guarantee that the identity of undocumented individuals can be properly verified by the State of New York if the federal government has not issued a green card or visa, and the Act's proposed privacy protections may frustrate federal immigration enforcement efforts.
- Local DMV offices do not have the considerable expertise needed to determine the authenticity of foreign birth certificates, foreign passports, or consular cards, nor verify evidence of undocumented individuals' residency in the state.
- Driver's Licenses can be used to obtain additional official identification documents intended only for United States citizens.

WHEREAS, there is no guarantee that passage would make New York State roads safer, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara hereby opposes the adoption of the Driver's License Access and Privacy Act as it concerns issuance of licenses to undocumented individuals, for the reason of security risks and because driving is a privilege, not a right, 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. Ortt, Speaker of the Assembly Carl Heastie, Assembly Majority Leader Crystal Peoples-Stokes, Assembly Minority Leader Brian M. Kolb, Member of the Assembly Michael J. Norris, Member of the Assembly Angelo Morinello, Member of the Assembly Karen McMahon, Member of the Assembly Robin Schimminger, and all others deemed necessary and proper.

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

Carried.

Moved by Wydysh, seconded by Burmaster.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IL-021-19

From: Legislators Jesse P. Gooch, Randy R. Bradt, Rebecca J. Wydysh, David E. Godfrey and Wm. Keith McNall.

Dated: April 9, 2019

RESOLUTION IN OPPOSITION TO PAPER BAG TAX

WHEREAS, in the 2019-20 fiscal year, the New York State Budget banned the use of plastic carryout bags, and

WHEREAS, New York State Budget also authorized local governments to impose a \$0.05 cent tax on paper carryout bags, and

WHEREAS, the paper bag tax will not be imposed unless a local government opts in to the tax, and

WHEREAS, New York State is already among the highest taxed states in the nation, and many Niagara County families are struggling to make ends meet, and

WHEREAS, imposing a new paper bag tax would place an additional financial burden on Niagara County families, and

WHEREAS, the Legislature of the County of Niagara recognizes the environmental benefits of using paper bags instead of plastic, and

WHEREAS, the Legislature of the County of Niagara does not wish to increase the cost of living in Niagara County, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara shall not impose a new tax on paper carryout bags, 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. Ortt, Speaker of the Assembly Carl Heastie, Assembly Majority Leader Crystal Peoples-Stokes, Assembly Minority Leader Brian M. Kolb, Member of the Assembly Michael J. Norris, Member of the Assembly Angelo Morinello, Member of the Assembly Karen McMahon, Member of the Assembly Robin Schimminger, and all others deemed necessary and proper.

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

Resolution No. IL-022-19

From: Legislator Jesse P. Gooch.

Dated: April 9, 2019

RESOLUTION IN SUPPORT OF CHICK-FIL-A

WHEREAS, Chick-Fil-A is a popular restaurant chain that appeals to consumers across the United States, and

WHEREAS, Chick-Fil-A is a restaurant enjoyed and supported widely in our community, and

WHEREAS, Western New York's first and only Chick-Fil-A restaurant in Cheektowaga has been an incredible success, bringing new customers, sales tax revenue, and jobs to Cheektowaga, and

WHEREAS, in late March 2019, news broke that concession contractor Delaware North considered bringing Chick-Fil-A into the Buffalo Niagara International Airport, and

WHEREAS, Buffalo Assemblyman Sean Ryan spoke out against the proposal due to personal political differences with Chick-Fil-A, and

WHEREAS, under pressure from Assemblyman Ryan, the Niagara Frontier Transportation Authority announced it would not be bringing Chick-Fil-A to the Buffalo Niagara International Airport, and

WHEREAS, a Chick-Fil-A location in the airport would create job opportunities and attract new travelers, and

WHEREAS, the Legislature of the County of Niagara recognizes that a Chick-Fil-A location in Niagara County would greatly benefit the economy and quality-of-life for its residents, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara supports the presence of a Chick-Fil-A location in the Buffalo Niagara International Airport, and be it further

RESOLVED, that the Legislature of the County of Niagara does hereby invite Chick-Fil-A to open a location in Niagara County, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Andrew M. Cuomo, Senate Majority Leader Andrea Stewart-Cousins, Senate Minority Leader John Flanagan, Senator Robert G. Ort, Speaker of the Assembly Carl Heastie, Assembly Majority Leader Crystal Peoples-Stokes, Assembly Minority Leader Brian M. Kolb, Member of the Assembly Michael J. Norris, Member of the Assembly Angelo Morinello, Member of the Assembly Karen McMahon, Member of the Assembly Robin Schimminger, Member of the Assembly Sean Ryan, Chick-Fil-A CEO Dan T. Cathy, NFTA CEO Kimberly Minkel, Delaware North Chairman Jeremy Jacobs and all others deemed necessary and proper.

Moved by Gooch, 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 Gooch, seconded by Bradt.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IL-023-19

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

Dated: April 9, 2019

**NIAGARA COUNTY LEGISLATURE DEMANDS TRANSPARENCY AT WESTERN NEW YORK
OFF TRACK BETTING**

WHEREAS, Resolution IL-016-19 titled Niagara County Government to Remain Effective in Transparency, and

WHEREAS, this resolution passed unanimously, and

WHEREAS, Western Regional Off Track Betting Corp. is a public benefit corporation owned by several counties and cities, and

WHEREAS, Niagara County has shared ownership in Western New York OTB, and

WHEREAS, Ex State Senator George Maziarz has pointed out abuse by officials of WNYOTB in giving out tickets for sporting and concert events in Box Suites owned by WNYOTB, and

WHEREAS, several press outlets have filed Freedom of Information Request (FOIL) to this public benefit corporation for the list of people that attended these events with taxpayers monies, and

WHEREAS, the press were denied this information by the president of WNYOTB, and

WHEREAS, Robert Freeman Executive Director of New York State Committee on open Government has called this action by the president of WNYOTB as "Ridiculous and Contrary to Law", now, therefore, be it

RESOLVED, that the Niagara County Legislature believes in transparency in government and demands that this list become public, and be it further

RESOLVED, that copies of this resolution be sent to all board members of WNYOTB and all counties and cities that have ownership in WNYOTB.

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

Carried.

Moved by Virtuoso, seconded by Zona.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IL-024-19

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

Dated: April 9, 2019

**RESOLUTION CALLING UPON THE GOVERNOR AND NEW YORK STATE LEGISLATORS TO
PROVIDE FULL FUNDING FOR THE STATE'S "SAFETY NET" WELFARE MANDATE TO
COUNTIES OR TO REVERT TO PRE-2011 FUNDING PARTNERSHIP**

WHEREAS, Temporary Assistance for Needy Families, or TANF, is a federally-mandated welfare program that provides assistance to indigent persons, but is limited by the federal government to five years of benefit payments, and

WHEREAS, Safety Net Assistance is a welfare program mandated by the State of New York which provides benefits to those persons who are no longer eligible for TANF benefits, including those that have exhausted the 60 month-limit on said federal benefits and continue to not move into gainful employment, and

WHEREAS, the Safety Net is not a federally mandated program, but instead is mandated solely by the State of New York, and

WHEREAS, the caseload for this non-federally-mandated welfare program has increased by 51% since 2006, and

WHEREAS, the State of New York has traditionally required county taxpayers to contribute 50% of the cost of said Safety Net welfare benefits, and

WHEREAS, the State of New York has unilaterally changed its contribution level to 29% beginning with the 2011 New York State Budget, and

WHEREAS, this has resulted in cumulative additional costs to Niagara County taxpayers of \$12.8 million since 2010, the last year of the 50%-50% cost-sharing was in effect, with the annual county cost as of 2018 at \$4.1 million and expected to continue increasing, and

WHEREAS, said increase has constituted a local 25% rise in costs to local taxpayers during the period since adoption of the 2011 State Budget, and

WHEREAS, the total local expenditure on the Safety Net welfare program has been \$43.7 million since the funding formula was revised in the 2011 budget, and

WHEREAS, current annual county expenditures on Safety Net constitute more than 5.2% of the local property tax levy, and

WHEREAS, due to New York State's property tax cap, the County of Niagara may be mandated to reduce essential services utilized by all county taxpayers to offset the increase in this unfunded, state-mandated welfare program, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara does hereby call upon Governor Andrew Cuomo and New York State Legislature to provide full funding for the "Safety Net" welfare mandate to counties or revert to pre-2011 funding partnership, and be it further

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

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

Carried.

Moved by Wydysh, seconded by Burmaster.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IL-025-19

From: Legislators Clyde L. Burmaster, Rebecca J. Wydysh and Parks, Recreation & Tourism Ad Hoc Committee.

Dated: April 9, 2019

**RESOLUTION IN SUPPORT OF THE GREENWAY FUNDING FOR THE
VETERANS MEMORIAL “LEWISTON CIRCLE OF HONOR”**

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

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

WHEREAS, the Lewiston VFW Downriver Post 7487 has made application to the Niagara County’s Ad Hoc Committee on Parks, Recreation and Tourism for Greenway funds to support their Veterans Memorial “Lewiston Circle of Honor” project, and

WHEREAS, the Lewiston VFW Downriver Post 7487 Veterans Memorial project would expand the efforts to improve the community’s recognition and appreciation for those military veterans who have honorably served this nation, and

WHEREAS, the Lewiston V.F.W., Downriver Post 7487 under taking the now “Lewiston Circle of Honor” project that dramatically redesigns 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 “Lewiston Circle of Honor” will be a beacon of inspiration and education for future generations who will understand the importance of America’s defense and role in countries the world over, and

WHEREAS, the Lewiston V.F.W., Downriver Post 7487 is in the process of a fundraising campaign with the goal of unveiling the “Lewiston Circle of Honor” on Veterans Day November 11, 2019, with over \$140,000 already committed to the project, and

WHEREAS, the application is requesting \$30,000, for a total project cost of \$200,000 and

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

WHEREAS, the Town of Lewiston has utilized great effort and is complimented for being able to receive additional funds to lower their need for Niagara County funds, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the funding of \$30,000.00 for the Town of Lewiston Veteran Memorial “Lewiston Circle of Honor” project when presented to the Niagara Power Coalition and the Host Community Standing Committee.

Moved by Wydysh, seconded by Burmaster.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IL-026-19

From: Legislators John Syracuse, David E. Godfrey and Clyde L. Burmaster.

Dated: April 9, 2019

**RESOLUTION URGING THE INTERNATIONAL JOINT COMMISSION TO MAXIMIZE LAKE
ONTARIO- ST. LAWRENCE RIVER OUTFLOWS TO PREVENT POTENTIAL FLOODING IN 2019**

WHEREAS, the International Joint Commission (IJC), through its appointed International Lake Ontario - St. Lawrence River Board, regulates the outflow of waters through the Moses-Saunders Dam, and regulates the water levels of the St. Lawrence River and Lake Ontario according to the 2016 Supplementary Order initiating the new "Plan 2014", and

WHEREAS, the 2017 lake and river flooding event, which was exacerbated by Plan 2014's "higher-highs" water level strategy, caused over \$100 million in damages to public and private property, and

WHEREAS, damages included destroyed septic systems and wastewater infrastructure, flooded homes and businesses that had to be abandoned or rebuilt, closed businesses, inoperable marinas, and severely damaged public and private shoreline infrastructure, and

WHEREAS, the US Army Corp of Engineers is currently reporting that Lake Ontario water levels have risen 16 inches above the long-term average for February, and

WHEREAS, the current level of Lake Ontario as of 11:00 a.m. today, April 9th, 2019, measures 246.17 feet compared to established flood stage levels of 247.1 feet, and

WHEREAS, the current outflow at the Moses-Saunders Dam as of April 6th, 2019 measures 306,000 cubic feet/sec. which are well below the consensus of an average of 330,000 cubic feet/sec. as determined by those experts at our 2019 Lake Ontario Rising-Planning and Preparedness meeting led by our Director of Emergency Services and Fire Coordinator Jonathan Schultz on March 7th, 2019, now, therefore, be it

RESOLVED, the Niagara County Legislature urges the International Joint Commission and the International – St. Lawrence River Board to immediately take all necessary actions to maximize the outflow of Lake Ontario and the St. Lawrence River to prevent a repeat of the 2017 flooding events along Lake Ontario, the St. Lawrence River and Montreal, and be it further

RESOLVED, the Clerk of the Niagara County Legislature is directed to provide certified copies of this Resolution to President Donald J. Trump, Prime Minister Justin Trudeau, Minister of Foreign Affairs Christina Freeland, Governor Andrew Cuomo, Congressman Chris Collins, Senate Majority Leader Andrea Stewart-Cousins, Senate Minority Leader John Flanagan, Senator Robert G. Ort, Speaker of the Assembly Carl Heastie, Assembly Majority Leader Crystal Peoples-Stokes, Assembly Minority Leader Brian M. Kolb, Member of the Assembly Michael J. Norris, Member of the Assembly Angelo Morinello, Member of the Assembly Karen McMahon, Member of the Assembly Robin Schimminger and all others deemed necessary and proper.
Approved for Submission.

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

Moved by Wydysh, seconded by Burmaster.
Adopted. 15 Ayes, 0 Noes, 0 Absent

APPOINTMENTS:

	<u>Appt.</u>	<u>Expires</u>
<u>FIRE ADVISORY BOARD</u>		
Chris McClune-Case (Fire Chief's Assn) 615 Walnut St., Lockport 14094	04/09/19	12/31/19
Mickey Suitor (Fire Chief's Assn) 270 Glenvale Rd., Youngstown 14174	04/09/19	12/31/19
Danial Guiher (Fire Chief's Assn)	04/02/19	12/31/19

NC Fire Chief's Assoc., 742 Mary Lane, Lewiston 14092		
Paul Gurnett (Fire Chief's Assn) 5964 Southwood Dr., Lockport 14094	04/09/19	12/31/19
Gary Snyder (Fire Chief's Assn) 5984 Applewood Lane, PO Box 231, Newfane 14108	04/09/19	12/31/19
Arthur Kroening (Vol. Firemens Assn) 2553 Niagara Rd., Niagara Falls 14304	04/09/19	12/31/19
Bruce Mack (Vol. Firemens Assn) 2234 River Rd., Niagara Falls 14304	04/09/19	12/31/19
Andrew E. Pilecki (Vol. Firemens Assn) 4660 Kriston Lane, No. Ton. 14120	04/09/19	12/31/19
Greg Robertson (Vol. Firemens Assn) 526 East Oak Terrace, Youngstown 14174	04/09/19	12/31/19
Harold Wollaber (Vol. Firemens Assn) 3581 Lower Mountain Rd., Sanborn 14132	04/09/19	12/31/19
Joe Pedulla, Chief Fire Headquarters, Box 69, 3115 Walnut Ave., NF 14302	04/09/19	12/31/19
Clifford Mayes, Battalion Chief of Training Fire Headquarters, Box 69, 3115 Walnut Ave., NF 14302	04/04/19	12/31/19
Patrick K. Brady, Fire Chief Fire Headquarters, One Locks Plaza, Lockport 14094	04/09/19	12/31/19
Luca Quagliano Fire Headquarters, One Locks Plaza, Lockport 14094	04/09/19	12/31/19
James Diermyer Jr. Fire Headquarters 495 Zimmerman St., No. Ton. 14120	04/09/19	12/31/19
Joseph Sikora, Fire Chief Fire Headquarters 495 Zimmerman St., No. Ton. 14120	04/09/19	12/31/19
Marc Kasprzak, Director of Communications Niagara County Sheriff	04/09/19	12/31/19
Glenn Christman 4365 Beach Ridge Rd. N. Tonawanda 14120	04/09/19	12/31/19

Legislators: Gooch, Bradt, Godfrey, Nemi, Zona

Ex-officio:

Jonathan Schultz, Niagara County Fire Coordinator, 5574 Niagara St. Ext., PO Box 496 Lockport 14095
 Pat J. Barney, Dep. Fire Coord., 3014 Savannah St., NF 14305-2326
 Robert Walker, 2754 Stenzel Ave., North Tonawanda 14120
 Jeff Dewart, Area 3 Deputy Coord., PO Box 187, 8686 Coleman Rd., Barker 14012
 Jeffrey Baes, Dep. Fire Coord. Area 4, 4011 Wruck Rd., Gasport 14067
 Chad Shepherd, Dep. Fire Coord, 3292 Saunders Settlement Rd, Sanborn 14132
 Dennis McAvoy, Deputy Coord, Fire Investigations, 10 Church St., Middleport 14150
 Les Myers, TRT (Technical Rescue Team) Deputy Coord., 335 Merrie Rd., Lewiston 14092
 Mark Hain, Haz-Mat Deputy Coord., 7818 Ridge Rd., Gasport 14067
 Capt. Todd Ostrowski, Sheriff Dept.
 Richard "Red" Kennerson, Chief, 914 AW/SPTG, 2250 Franklin Dr., Niagara Falls 14304
 Tim Balunis Sr., LEPC Chr., 50 Sweeney Ct., North Tonawanda 14120
 Moved by Bradt, Second by Virtuoso.

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

The Chairman declared the Board adjourned at 8:22 p.m., subject to the call of the Clerk.

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

Moved by Hill, second by Nemi to enter into Executive Session at 8:23 p.m. re: Contract Update.
Carried.

Moved by Zona, seconded by Bradt to adjourn Executive Session at 8:55 p.m.
Carried.


Mary Jo Tamburlin, Clerk