

OFFICIAL RECORD

Lockport, New York
May 21, 2019

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

Clerk Tamburlin called the roll. All Legislators were present, with the exception of Legislators Burmaster, Virtuoso and Zona.

CORRESPONDENCE & RECOGNITION:

Chairman McNall announced Director of Emergency Management Jonathan Schultz has called a State of Emergency for the town and villages along the lake coast. Director Shultz thanked the Legislature for all their support. Legislator Syracuse thanked Jonathan Shultz and Governor Cuomo for all services they have been providing.

Chairman McNall announced the privilege he had on welcoming the attendees to the Eastern Child Support Conference held at the Niagara Falls Conference Center. Commissioner Tony Restaino was recognized on his dedication and commitment.

County Clerk Joseph Jastrzemski reminded everyone the deadline for the Purple Heart applications is June 3rd.

Chairman McNall announced a Flag Day ceremony will be held at noon, Friday June 14th in the front of the Courthouse.

PRESENTATIONS:

1. Legislator Godfrey called New York State Sheriffs Association Executive Director Peter Kehoe, Sheriff James Voutour, Undersheriff Michael Filicetti, Chief Deputy Patrick Weidel and Lieutenant Cory Diez to the lectern to accept a Plaque to commemorate the Sheriff's Office Civil Division on receiving their re-accreditation.
2. Legislator Wydysh called Commissioner Tony Restaino to the lectern to read a proclamation declaring May 2019 Foster Parent Appreciation Month. Commissioner Restaino announced Frank and Tammy Day as the 2019 Foster Parents of the year and Teresa Siejak as Case Worker of the Year.
3. Legislator Wydysh called Legislator Hill, Director of the Office for the Aging Darlene DiCarlo and Amy Lobczowski to the lectern to read a proclamation naming Amy as 2019's Outstanding Senior Citizen of the Year.
4. Legislator Wydysh and Director for the Office of the Aging Darlene DiCarlo called Jaden Reid to the lectern to present him with a proclamation naming him 2019 Niagara County Office of the Aging Youth Appreciation Award.
5. Legislator Wydysh called Director of Mental Health Laura Kelemen to the lectern to read a proclamation declaring "May 2019 Mental Health Awareness Month".
6. Legislator Bradt and Andres called Pastor Chad from the Lumber City Church to the lectern to present check to Lumber City Church and also home of the North Tonawanda Recreational Center for the installation of a wheelchair elevator lift. Pastor Chad thanked the Legislators for their support.

7. Legislator Collins read a proclamation declaring May 25, 2019 as "National Wine Day".

8. Legislator Andres, Chairman of the Economic Development Committee called Commissioner of Economic Michael Casale to the lectern to present the 2019 the Economic Address. Commissioner Casale went on to announce the significant strides put into the last year, with most of the accomplishments put into motion by Sam Ferraro. Legislator Andres spoke on the strong business growth and how people feel good investing into Niagara County.

Recess.

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

Carried.

Resolution No. IF-061-19 was read at this time. (Appears in numerical order)

Resolution No. CW-010-19 was read at this time. (Appears in numerical order)

Resolution No. CW-011-19 was read at this time. (Appears in numerical order)

Resolution No. CW-012-19 was read at this time. (Appears in numerical order)

Resolution No. AD-011-19 was read at this time. (Appears in numerical order)

Resolution No. IL-039-19 was read at this time. (Appears in numerical order)

Resolution No. AD-010-19

From: Administration Committee.

Dated: May 21, 2019

DISTRIBUTION OF MORTGAGE TAX

WHEREAS, Niagara County has received mortgage tax monies for the period October, 2018 through March, 2019 in the amount of \$2,521,176.75, and

WHEREAS, the Recording Officer has previously distributed \$618,807.83 to the Niagara Frontier Transportation Authority, \$552,051.55 to the State Mortgage Tax Agency, and retained \$128,696.63 for approved county administrative expenses, and

WHEREAS, that Recording Officer has remitted the remaining monies collected to the County Treasurer for distribution to various Niagara County towns, villages and cities, now, therefore, be it

RESOLVED, that the sum of \$1,221,620.74 reflects mortgage tax monies for the period October 1, 2018 through March 31, 2019 to be distributed, and the same be and hereby is, apportioned as follows among the various towns, villages and cities of the County of Niagara:

TOWNS	Cambria	\$ 33,948.38
	Hartland	16,221.62
	Lewiston	99,383.20
	Lockport	132,021.52
	Newfane	67,587.25
	Niagara	47,327.18
	Pendleton	74,770.50
	Porter	49,254.41
	Royalton	31,270.16
	Somerset	22,447.91
	Wheatfield	181,883.21

	Wilson	30,379.11
VILLAGES	Middleport (Hartland)	\$ 257.49
	Middleport (Royalton)	2,425.08
	Lewiston	12,042.10
	Youngstown	9,396.10
	Barker	1,856.48
	Wilson	3,284.92
CITIES	Lockport	\$ 105,124.69
	Niagara Falls	137,993.59
	North Tonawanda	162,745.84
	TOTAL:	\$1,221,620.74

and be it further

RESOLVED, that the County Treasurer be, and hereby is, directed to pay the Supervisors of the various towns, village treasurers, and city treasurers the amounts recorded above and that this document shall be sufficient authorization to the County Treasurer to make the payments in accordance with the above direction.

Moved by Bradt, seconded by Grozio.

Adopted. 12 Ayes, 0 Noes, 3 Absent –Burmester, Virtuoso, Zona.

Resolution No. AD-011-19

From: Administration Committee.

Dated: May 21, 2019

NIAGARA COUNTY GRANT WRITING SERVICES EXTENSION OF AGREEMENT

WHEREAS, the County of Niagara contracts with an outside company for the grant writing services for assistance regarding Homeland Security Technology Innovative Government Public Safety and Security, Public Works and Public Health, and

WHEREAS, the current contract was entered into with Rotella Grant Management after the County solicited bids, and

WHEREAS, the current contract is term date May 16, 2018 and has a contract period of one (1) year from the date of award with the option of extending the contract for two additional one (1) year periods, and

WHEREAS, the County wishes to now extend the contract with Rotella Grant Management for a one year extension period, now, therefore, be it

RESOLVED, that the County Attorney will draft a one year extension contract, 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 contract.

Approved for Submission.

Moved by Nemi; seconded by Andres to amend resolution.

Amendment:

Deletion in the fourth WHEREAS "...one year extension period..." and replace with "for a period to commence May 16, 2019 and terminate August 16, 2019, now, therefore..."

Deletion in the first RESOLVED "...a one year..." and replaced with "... will draft said extension contract..."

Moved by Nemi, seconded by Andres.

Adopted. 12 Ayes, 0 Noes, 3 Absent –Burmester, Virtuoso, Zona.

Resolution No. CS-023-19

From: Community Services and Administration Committees.

Dated: May 21, 2019

**PUBLIC HEARING FOR
NCCC FY 2019-2020 MAINTENANCE AND OPERATING BUDGET**

WHEREAS, the County Manager and Budget Director have filed with the Legislative Clerk the tentative budget for the Niagara County Community College for their fiscal year commencing September 1, 2019 and ending August 31, 2020, and

WHEREAS, pursuant to Section 359 of the County Law, a public hearing must be held, now, therefore, be it

RESOLVED, that a public hearing be held in the Legislative Chambers, Courthouse, Lockport, New York at 6:30 p.m. on the 18th day of June, 2019 to review the tentative budget, and be it further

RESOLVED, that the Clerk of the Legislature is hereby authorized and directed to publish notice of same in the Union Sun & Journal and the Niagara Gazette.

Moved by Wydysh, seconded by Nemi.

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

Resolution No. CS-024-19

From: Community Services and Administration Committees.

Dated: May 21, 2019

**ABOLISH DOCUMENT CLERK CREATE AND
FILL DOCUMENT CLERK AND CASHIER COUNTY CLERK**

WHEREAS, the Niagara County Clerk serves as the Clerk of Supreme and County Courts as well as register of all land transactions and receiver of filings and recordings of numerous and varied documents, and

WHEREAS, the administration of these activities requires overseeing the flow and conformance to standards of land, court and associated legal documents requiring a high degree of accuracy and attention to detail and utilization of good judgment in the filing, recording, verifying, scanning, editing and indexing of legal documents, as well as cashiering/acceptance of fees, all as prescribed by statute, and

WHEREAS, upon evaluation of these functions it has been determined that the position of Document Clerk does not meet the present and future needs of the office operation in properly performing these duties, and

WHEREAS, a Document Clerk position became vacant due to the incumbent seeking other employment, and

WHEREAS, the demands of the duties performed in this position are more in keeping with that of a Document Clerk and Cashier, and

WHEREAS, a Document Clerk and Cashier position will provide greater flexibility in assisting with service to customers in civil, criminal, land and other associated areas overseen by the Office of the County Clerk, now, therefore, be it

RESOLVED, that the County Clerk's office be authorized to abolish Full Time Document Clerk position 11067 effective May 21, 2019 and be it further

RESOLVED, that the County Clerk's office be authorized to create and fill one (1) Document Clerk and Cashier position, CSEA Grade VI, Step 1, CSC Salary Plan, Salary \$18.87 per hour effective May 21, 2019, and be it further

RESOLVED, that the following transfer of position funds be effectuated:

FROM:

A.10.1410.71010.00	Document Clerk (#11067)	\$33,946.00
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TO:

A.10.1410.71010.00	Document Clerk and Cashier (xxxxx)	\$33,946.00
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Moved by Wydysh, seconded by Nemi.

Adopted. 12 Ayes, 0 Noes, 3 Absent –Burmester, Virtuoso, Zona.

Resolution No. CS-025-19

From: Community Services and Administration Committees.

Dated: May 21, 2019

NIAGARA COUNTY YOUTH BOARD BY-LAWS REVISION

WHEREAS, the Niagara County Youth Board is an Advisory Board whose members are appointed by the County Legislature, and

WHEREAS, the Niagara County Youth Board works directly with the Niagara County Youth Bureau to investigate the way in which the County can best fulfill its responsibilities to the County youth, and

WHEREAS, the Niagara County Youth Board is governed by a set of By-laws that were most recently updated on February 3, 2004, and

WHEREAS, a committee was formed consisting of 3 board members who reviewed the current By-laws and proposed appropriate updates, and

WHEREAS, recommended updates were presented to the Niagara County Youth Board membership on Thursday, April 18, 2019, and were voted on and approved unanimously, and

WHEREAS, the By-laws state that any change must be approved by the County Legislature, now, therefore, be it

RESOLVED, that the Niagara County Youth Board By-laws be accepted as amended, effective Wednesday, May 22, 2019.

Moved by Wydysh, seconded by Gooch.

Adopted. 12 Ayes, 0 Noes, 3 Absent –Burmester, Virtuoso, Zona.

Resolution No. CSS-031-19

From: Community Safety & Security and Administration Committees.

Dated: May 21, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE
EXTENSION OF FORENSIC FIREARMS CONSULTANT AGREEMENT**

WHEREAS, the County of Niagara has entered into A Consulting Agreement with a consultant for forensic firearms related testing and examinations for the Niagara County Sheriff's Office, and

WHEREAS, the current agreement was entered into with Mark Shaw, and

WHEREAS, the current agreement is dated May 1, 2017 and has a term period of two (2) years from that date with the option of extending the agreement by an amendment, and

WHEREAS, the County wishes to extend the agreement with Mark Shaw for a one year extension period, now, therefore, be it

RESOLVED, that the Niagara County Legislature has determined that the services to be provided by the consultant requires a high degree of specialized skill constituting “professional services” and hereby waives any requirement that additional proposals must be obtained or solicited, and be it further

RESOLVED, that County Attorney will draft an amendment for a one year extension, 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 amendment to extend the Consulting Agreement.

Moved by Bradt, seconded by Grozio.

Adopted. 12 Ayes, 0 Noes, 3 Absent –Burmester, Virtuoso, Zona.

Resolution No. CSS-032-19

From: Community Safety & Security and Administration Committees.

Dated: May 21, 2019

**NIAGARA COUNTY SHERIFF’S OFFICE
EXTENSION OF FORENSIC FIREARMS CONSULTANT AGREEMENT**

WHEREAS, the County of Niagara has entered into an agreement with a consultant for forensic firearms related testing and examinations for the Niagara County Sheriff’s Office, and

WHEREAS, the current agreement was entered into with Michael Dujonovich, and

WHEREAS, the current agreement is dated May 1, 2017 and has a term period of two (2) years from that date with the option of extending the agreement by an amendment, and

WHEREAS, the County wishes to extend the agreement with Michael Dujonovich for a one year extension period, now, therefore, be it

RESOLVED, that the Niagara County Legislature has determined that the services to be provided by the consultant requires a high degree of specialized skill constituting “professional services” and hereby waives any requirement that additional proposals must be obtained or solicited, and be it further

RESOLVED, that County Attorney will draft an amendment for a one year extension, 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 amendment to extend the Consulting Agreement.

Moved by Bradt, seconded by Grozio.

Adopted. 12 Ayes, 0 Noes, 3 Absent –Burmester, Virtuoso, Zona.

Resolution No. CSS-033-19

From: Community Safety & Security and Administration Committees.

Dated: May 21, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE
EXTEND INMATE HEALTH CARE SERVICES AGREEMENT**

WHEREAS, the County of Niagara entered into an agreement with outside companies for the comprehensive correctional health care services to detainees and inmates who are lawfully remanded to the care, custody and under control of the Sheriff in accordance with applicable law, and

WHEREAS, the Agreement was entered into with the following Entities: Primecare Medical of New York, Inc., Buffalo Diagnostic Radiology, P.C., and Union Street Dentistry, PLLC, after the County issued a Request for Proposals, and

WHEREAS, Personalcare Registered Professional Nursing P.C., Professional Care Medical Practice PC., and Professional Care Dental Services PC, were substituted for Buffalo Diagnostic Radiology, P.C., and Union Street Dentistry, PLLC, by substitution executed August 3, 2017 and consented to August 4, 2017, and

WHEREAS, the Agreement is dated August 12, 2016, and has a term of three (3) years from August 15, 2016 through August 14, 2019 with the option of extending the agreement for two additional one (1) year periods, and

WHEREAS, the County wishes to extend the Agreement with Primecare Medical of New York, Inc., Personalcare Registered Professional Nursing PC, Professional Care Medical Practice PC, and Professional Care Dental Services PC., for the first one year extension period, and

WHEREAS, the annual compensation for the additional one year extension shall be as provided in the August 12, 2016 Agreement, and also in accordance with the Agreement and Request for Proposal increased in accordance with the consumer price index or 2.9%, whichever is less, now, therefore, be it

RESOLVED, that the County Attorney will draft a one year extension agreement, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute an extension agreement for the comprehensive correctional health care services.

Moved by Bradt, seconded by Grozio.

Adopted. 12 Ayes, 0 Noes, 3 Absent –Burmester, Virtuoso, Zona.

Resolution No. CSS-034-19

From: Community Safety & Security and Administration Committees.

Dated: May 21, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE
EXTEND JAIL FOOD SERVICE CONTRACT**

WHEREAS, the County of Niagara contracts with an outside company for the food supply and food management services for the Niagara County Jail and the Office for the Aging Nutrition Program, and

WHEREAS, the current contract was entered into with Trinity Services Group, Inc. after the County solicited bids, and

WHEREAS, the current contract is dated July 8, 2016 and has a contract period of two (2) years from the date of award with the option of extending the contract for three additional one (1) year periods, and

WHEREAS, having previously exercised the first extension period, the County wishes to now extend the contract with Trinity Services Group for the second one year extension period, now, therefore, be it

RESOLVED, that the County Attorney will draft a one year extension contract, 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 contract.

Moved by Bradt, seconded by Grozio.

Adopted. 12 Ayes, 0 Noes, 3 Absent –Burmester, Virtuoso, Zona.

Resolution No. CSS-035-19

From: Community Safety & Security and Administration Committees.

Dated: May 21, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE
ACCEPT FY18 OPERATION STONEGARDEN GRANT**

WHEREAS, the Niagara County Sheriff's Office was notified by the New York State Division of Homeland Security and Emergency Services that it has been awarded \$228,000 under the FY2018 Operation Stonegarden Program, whose funding is provided by the U.S Department of Homeland Security Federal Management Agency, and

WHEREAS, Operation Stonegarden has been awarded to the Niagara County Sheriff's Office for many years, and

WHEREAS, the performance period for this grant is September 1, 2018 through August 31, 2021, and

WHEREAS, the grant is used for expenses to assist the County in conducting border centric, intelligence driven operations with the goal of reduction or elimination of threat, risk and vulnerability along our Nation's borders, and

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

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

RESOLVED, that the following budget amendments be effectuated:

INCREASE REVENUE:

A.17.3645.000 44305.02	Civil Defense Homeland Security	\$228,000
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INCREASE APPROPRIATIONS:

A.17.3645.000 71050.00	Overtime Expense	\$ 64,055
A.17.3645.000 72100.21	Law Enforcement Equipment	61,000
A.17.3645.000 74400.09	Payments Other Agencies	66,000
A.17.3645.000 74800.11	Vehicle Maintenance	22,000
A.17.3645.000 78100.00	Retirement Expense	8,346
A.17.3645.000 78200.00	FICA Expense	4,901
A.17.3645.000 78300.00	Worker's Compensation Expense	1,698

Moved by Bradt, seconded by Grozio.

Adopted. 12 Ayes, 0 Noes, 3 Absent –Burmester, Virtuoso, Zona.

Resolution No. CW-008-19

From: Committee of the Whole.

Dated: May 21, 2019

COUNTY OF NIAGARA EXTENSION OF LEASE WITH NORTHPOINTE COUNCIL, INC.

WHEREAS, the County of Niagara entered into a Lease Agreement with Northpointe Council, Inc., dated as of June 20, 2017 (the "Lease"), in connection with approximately 9,165 square feet of space in the building commonly known as Trott Access Center, located at 1001 11th Street, Niagara Falls, New York 14301, together with certain off-street parking rights (the "Leased Premises"), and

WHEREAS, the Commencement Date on said Lease was defined as the date on which the County delivered the Leased Premises in a substantially completed condition, as defined in said Lease, and

WHEREAS, the County has substantially completed the work relating to the Leased Premises, and

WHEREAS, the County wishes to extend said Lease with Northpointe Council, Inc. for an initial term of five (5) years commencing June 1, 2019, now, therefore, be it

RESOLVED, that the County Attorney will draft an extension agreement, and be it further;

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute an extension agreement for the Lease with Northpointe Council, Inc.

Moved by Gooch, seconded by Syracuse.

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

Resolution No. CW-009-19

From: Committee of the Whole.

Dated: May 21, 2019

**AUTHORIZATION TO CANCEL TAXES ON
CERTAIN PROPERTIES IN THE TOWN OF WHEATFIELD**

WHEREAS, the County of Niagara entered into an agreement ("the Agreement") with the Niagara County Industrial Development Agency ("NCIDA") on October 21, 1999 and subsequently transferred real property to the NCIDA on April 18, 2000, and

WHEREAS, the NCIDA has marketed and sold real property in the industrial park commonly known as Vantage Industrial Pointe since that time, and

WHEREAS, in accordance with the Agreement net proceeds were returned to the County upon the sale of each parcel that were applied to any liabilities outstanding and/or current special district fees owing, and

WHEREAS, the most recent sales of Vantage Industrial Pointe lands have substantially resulted in the effective completion of obligations as set forth in the Agreement, and

WHEREAS, the process as outlined above, has resulted in the creation, deletion and modification of various parcels, resulting in historical liabilities remaining on certain lands and gores identified below:

147.00-1-1.22, 147.00-1-4.2, 147.00-1-77, 147.00-1-79.1, 147.00-1-81, 147.00-1-81.1, 147.00-1-81.3, 147.00-1-81.4, 147.00-1-81.5, 147.00-1-81.11, 147.00-1-81.21, 147.00-1-81.41, 147.00-1-81.111A, 147.00-1-81.211, 147.00-1-81.411, 147.00-1-84, 147.00-1-105, and 147.00-1-106.

WHEREAS, this resolution allows the NCIDA, tax enforcing officer, and office of Real Property to move towards successful administrative completion of the Agreement, now, therefore, be it

RESOLVED, the Niagara County does agree to forgive County tax liens on the above identified parcels in accordance with New York State Real Property Tax Law, section 1182, following application of any remaining payments previously remitted by the NCIDA and currently held by the County.

Moved by Gooch, seconded by Godfrey.

Adopted. 12 Ayes, 0 Noes, 3 Absent –Burmester, Virtuoso, Zona.

Resolution No. CW-010-19

From: Committee of the Whole.

Dated: May 21, 2019

**PUBLIC HEARING FOR LOCAL LAW AUTHORIZING THE LEASE
OF COUNTY OWNED PROPERTY [I.E. TROTT ACCESS CENTER
TO THE NEW YORK STATE DEPARTMENT OF LABOR]
FOR A LEASE TERM IN EXCESS OF FIVE YEARS**

WHEREAS, the County of Niagara is the owner of the Trott ACCESS Center located at 1101 11th Street, Niagara Falls, New York and such building has rentable space which in the past has been utilized by The New York Department of Labor, and

WHEREAS, the New York State Department of Labor has operated official business of the State at the Trott ACCESS Center for approximately twenty-two (22) years, and

WHEREAS, The New York State Department of Labor wishes to continue to rent 10,835 square feet located at the Trott ACCESS Center for the official business of the State by the New York Department of Labor or by such other departments, commissions, boards or officers of the State of New York, and

WHEREAS, the County of Niagara recognizes the value and importance that the New York State Department of Labor plays in the community, and

WHEREAS, said lease of a total of 10,835 sq. feet of space in the Trott ACCESS Center by the New York State Department of Labor will be for ten [10] successive years for the purpose of conducting official state business, and

WHEREAS, New York County Law §215(4) allows the Niagara County Legislature to lease county real property not required for public use “for a term not exceeding five years upon such terms and conditions as may be prescribed by the board in the same manner and with the same rights and privileges as if owned by an individual.”; however, a local law may be adopted by the Niagara County Legislature authorizing such lease for a term in excess of five (5) years. now, therefore, be it

RESOLVED, that the County of Niagara proposes the adoption of the following proposed Local Law:

A Local Law authorizing the lease of County property no longer necessary for public use, that being a total of 10,835 sq. feet of space in the Trott ACCESS Center, to the New York State Department of Labor for a ten (10) year Lease Term, with no renewal.

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

1. That the County of Niagara be allowed to lease certain real property described as 10,835 sq. feet of space within the County Trott ACCESS Center located at 1101 11th Street, Niagara Falls, New York

and as described in the proposed Memorandum of Understanding, said property is no longer necessary for any County public use.

2. That the County of Niagara is authorized to conduct private negotiations for the lease of said premises without public bidding.
3. That said lease will be for a fair and adequate consideration subject to final approval by the Niagara County Legislature.
4. That said consideration would be the annual rent of \$171,951.45 per year by the tenant the New York State Department of Labor.
5. That the said leasehold be restricted to allowing the New York State Department of Labor to utilize the real property and facilities thereon for the sole purpose of official state business in Niagara County.
6. Any alterations, repairs and/or improvements to the premises under the leasehold shall revert to the County of Niagara at the end of the Lease Term.
7. That the chairman of the Niagara County Legislature execute all documents necessary to effectuate such lease, including, but not limited to, contracts with the New York State Department of Labor for the operation of official State business, after review and approval by the County Attorney.
8. That the property to be leased is described as follows:

Real property located at the City of Niagara Falls, County of Niagara, State of New York, specifically a total of 10,835 sq. feet of space in the Trott ACCESS Center as more particularly described in the Memorandum of Understanding, and be it further

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 18th day of June, 2019 at 6:15 p.m., and be it further

RESOLVED, that the Clerk of the Legislature, at least six days in advance of such hearing, shall post a notice upon the bulletin boards in the Courthouse at Lockport, and the Civic Building at Niagara Falls, and shall publish such notice in the Lockport Union Sun & Journal and the 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 Syracuse, seconded by Hill.

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

Resolution No. CW-011-19

From: Committee of the Whole.

Dated: May 21, 2019

**RESOLUTION AUTHORIZING THE COUNTY MANAGER TO ENTER INTO A
ENGAGEMENT AGREEMENT WITH THE LAW FIRM OF NAPOLI SHKOLNIK, PLLC
TO JOIN OTHER COUNTIES OF NEW YORK IN CIVIL LITIGATION ALLEGING
PRICE FIXING, MARKET DIVISION AND OTHER ANTITRUST VIOLATIONS**

WHEREAS, three New York counties have filed suit against pharmaceutical companies and doctors engaged in making, marketing, and selling prescription opioid painkillers, and

WHEREAS, the Department of Justice been investigating price fixing and market allocation agreements involving 16 companies and over 300 drugs, including numerous generic pharmaceutical products, including doxycycline, an antibiotic, and glyburide, a treatment for diabetes, and

WHEREAS, the states attorneys' general of 48 states brought a civil action alleging price fixing, market division, and other antitrust violations by 20 defendant pharmaceutical companies related to fifteen (15) generic prescription drugs, and

WHEREAS, many, if not a majority of the Counties in New York like the County of Niagara "self-insure," meaning that they themselves pay the costs of workers compensation, health insurance and pharmaceuticals for their employees, dependents and retirees, and

WHEREAS, because the County of Niagara directly purchases, indirectly reimburses for, or otherwise pays for the generic drugs at issue, the County of Niagara should join the legal action that the Counties are contemplating, now, therefore, be it

RESOLVED, that the County Manager upon approval of the County Attorney be, and hereby is, authorized to join the other counties of New York in civil litigation alleging price fixing, market division, and other antitrust violations, and be it further

RESOLVED, that upon the approval of the County Attorney, the County Manager be, and hereby is, authorized to execute an engagement agreement with the law firm that is presently representing the County of Niagara in the Opioid litigation, Napoli Shkolnik, PLLC, upon similar terms and conditions as the Opioid litigation matter. Moved by Bradt, seconded by Steed.

Adopted. 12 Ayes, 0 Noes, 3 Absent –Burmester, Virtuoso, Zona.

Resolution No. CW-012-19

From: Committee of the Whole.

Dated: May 21, 2019

**RESOLUTION AUTHORIZING THE COUNTY MANAGER TO ENTER INTO A
RETAINER AGREEMENT WITH THE LAW FIRM OF NAPOLI SHKOLNIK, PLLC
TO INVESTIGATE AND MAKE RECOMMENDATIONS REGARDING
COMMENCEMENT OF LITIGATION ON BEHALF OF THE COUNTY OF NIAGARA
AGAINST TELECOMMUNICATIONS COMPANIES REGARDING 911 SURCHARGES**

WHEREAS, pursuant to New York State law, telecommunications companies are required to collect a 911 surcharge from their customers and to remit such funds collected to the appropriate county, and

WHEREAS, it has been reported that some counties may not have received the amount due from the telecommunications companies either due to their failure to collect the surcharge and/or their failure to remit such 911 surcharges to the counties, and

WHEREAS, Napoli Shkolnik, PLLC represents several municipalities across New York State and other states regarding collection and remittance of 911 surcharges by various telecommunications companies and said law

firm has presented a retainer agreement regarding investigation into the 911 collections and determination of the feasibility of litigation regarding said 911 surcharges, and now, therefore, be it

RESOLVED, that the County of Niagara is authorized to retain Napoli Shkolnik, PLLC to investigate and determinate the feasibility of bringing litigation against telecommunication companies for their failure to collect or remit 911 surcharges to the County, and be it further

RESOLVED, that said retainer shall be on a contingency fee basis, with all costs to be paid by Napoli Shkolnik unless recovery is made on the County's behalf and said contingency fee to be no greater than 25% of the amount recovered, and be it further

RESOLVED, that the County Manager is authorized to negotiate and execute a contingency fee agreement with Napoli Shkolnik, PLLC, subject to approval by the County Attorney and said agreement to contain such other terms and conditions as are in the best interests of the County of Niagara.

Moved by Bradt, seconded by Steed.

Adopted. 12 Ayes, 0 Noes, 3 Absent –Burmester, Virtuoso, Zona.

Resolution No. ED-016-19

From: Economic Development Committee.

Dated: May 21, 2019

RESOLUTION APPROVING A SUSTAINABLE ENERGY AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND ENERGY IMPROVEMENT CORPORATION

WHEREAS, on May 7, 2019, the Niagara County Legislature adopted a local law to Establish a Sustainable Energy Loan Program in the County of Niagara known as the Energize NY Open C-PACE Financing Program ("PACE"), and

WHEREAS, the local law requires an agreement to be entered into by and between the County of Niagara and the Energy Improvement Corporation ("EIC"), a local development corporation formed under the laws of the State of New York, to operate the Open C-PACE Financing Program, and

WHEREAS, such agreement will set forth the provision to allow EIC to act on behalf of the County of Niagara pursuant to the local law Establishing the Sustainable Energy Loan Program, and

WHEREAS, such agreement is necessary for the PACE Program to be established in the County of Niagara and will allow EIC to represent the County, and

WHEREAS, an agreement has been proposed between the parties, and

WHEREAS, pursuant to the proposed agreement, the County of Niagara may at any time modify the types of properties that may receive PACE financing by providing EIC with written notice of such proposed modifications, which shall become effective upon written approval from EIC, and

WHEREAS, the County of Niagara has prepared written notice to EIC of proposed PACE Program modifications, and

WHEREAS, prior to executing the proposed agreement between the County of Niagara and EIC, the County Attorney will review as to legal form, language and compliance, and

WHEREAS, prior to signing the written notice of proposed PACE Program modifications from the County of Niagara to EIC, the County Attorney will review as to legal form, language and compliance, now, therefore, be it

RESOLVED, that, following the County Attorney's review and approval, the Chairman of the County Legislature be, and hereby is, authorized to execute the agreement and any required documents between the County of Niagara and EIC.

Moved by Bradt, seconded by Grozio.

Adopted. 12 Ayes, 0 Noes, 3 Absent –Burmester, Virtuoso, Zona.

Resolution No. ED-017-19

From: Economic Development and Administration Committee.

Dated: May 21, 2019

**FIXING DATE AND NOTICE FOR THE PUBLIC HEARING
CONSOLIDATION FUNDING APPLICATION FOR MICRO-ENTERPRISE GRANT FUNDS**

WHEREAS, the County Legislature wishes to assess the advisability of submitting a Consolidated Funding Application (CFA) to the New York State Office of Community Renewal (the “OCR”) for a micro enterprise grant that will support small businesses throughout Niagara County, and

WHEREAS, Niagara County is required to hold a public hearing to provide information to the public and to consider citizens’ views on proposed activities and regarding community needs prior to submitting an application for CDBG funding, now, therefore, be it

RESOLVED, that the Niagara County Legislature shall conduct a public hearing whereat all interested parties shall be heard regarding the CDBG microenterprise program, the County’s community needs, and the proposed funding application for CDBG Funds at the Legislative Chambers, Courthouse, Lockport, New York on the 18th day of June, 2019 at 6:45 p.m., and be it further

RESOLVED, that the Clerk of the Legislature, at least eight days in advance of such hearing, shall post a notice upon the bulletin boards in the Courthouse at Lockport, and the Civic building at Niagara Falls, and shall publish such notice once in the Lockport Union Sun & Journal, and the Buffalo News; such notice shall contain the title of the application to be submitted for CDBD funds, and be it further

RESOLVED, that copies of proposed application will be available for review by any interested party with the Clerk of the Niagara County Legislature.

Moved by Bradt, seconded by Grozio.

Adopted. 12 Ayes, 0 Noes, 3 Absent –Burmester, Virtuoso, Zona.

Resolution No. IF-061-19

From: Infrastructure & Facilities and Administration.

Dated: May 21, 2019

**ACCEPT BIDS FOR NIAGARA COUNTY REFUSE DISPOSAL DISTRICT LANDFILL 1
LANDFILL CAP AND SITE UPGRADES PROJECT AND CREATE CAPITAL PROJECT
(REF-03-2016 LF1)**

WHEREAS, the Niagara County Refuse Disposal District has prepared specifications in conjunction with the Department of Public Works Engineering Division, to proceed with the installation of a landfill cap and implementation of site upgrades at Landfill 1 located in the City and Town of Lockport, and

WHEREAS, sealed bid for the General Contract Work for the Landfill 1 Project were received and publically opened by the Purchasing Department on April 18, 2019, as tabulated below:

Contractor

Bid Price

- | | |
|---|----------------|
| 1. Zoladz Construction
13600 Railroad Street, PO Box 157
Alden, NY 14004 | \$2,297,494.98 |
| 2. Environmental Service Group
177 Wales Avenue
Tonawanda, NY 14150 | \$2,591,605.00 |
| 3. Mark Cerrone Inc.
2368 Maryland Ave.
Niagara Falls, NY 14305 | \$2,793,000.00 |
| 4. 4 th Generation
5650 Simmons Avenue
Niagara Falls, NY 14304 | \$2,917,045.00 |

and,

WHEREAS, the contract for the Landfill 1 Cap and Site Upgrades Project be awarded to the lowest responsible bidder, Zoladz Construction, and

WHEREAS, the Refuse Disposal District/County will procure a sole source turf cap closure system and related installation materials from WaterhsedGeo as specified in Schedule A, Item No. 4 of Order on Consent 01-13, signed on April 24, 2018, and

WHEREAS, resolution IF-032-19 authorized the issuance of up to \$4,500,000 in serial bonds to finance improvements to the facilities of the Niagara County Refuse Disposal District, and

WHEREAS, based on the results of this bid and other anticipated expenditures, the Refuse District currently anticipates only borrowing \$3,320,000 to cover the necessary 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 Zoladz Construction, 13600 Railroad Street, Alden, New York 14004, be awarded the bid for the Landfill 1 Cap and Site Upgrades Project in the amount of \$2,297,494.98, subject to the passage of the 20 day Estoppel period with no challenge to the accompanied bond resolution, and be it further

RESOLVED, that the following capital project be created to be funded by the issuance of serial bonds in 2019:
INCREASE ANTICIPATED REVENUE:

H685.30.8997.000.45710.19	Serial Bonds 2019	\$3,320,000
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INCREASE ANTICIPATED EXPENSE:

H685.30.8997.000.72400.00	Land Improvements	\$3,320,000
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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 Hill, to Untable Resolution.

Carried.

Moved by Nemi, seconded by Collins.

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

Resolution No. IF-067-19

From: Infrastructure & Facilities and Administration Committees.

Dated: May 21, 2019

**ASBESTOS ABATEMENT AND FLOOR PREPARATION-
COURT HOUSE AND CIVIC BUILDING
CHANGE ORDER NO. 2**

WHEREAS, by Resolution IF-090-18, dated June 19, 2018, the Legislature awarded the contract for the Asbestos Abatement and Floor Preparation-Court House and Civic Building Project to Metro Environmental, 2939 Lockport Road, Niagara Falls, NY 14305, for a contract amount of \$184,000, and

WHEREAS, Resolution No. IF-152-18, dated December 4, 2018, authorized the increase of the contract in the amount of \$9,336 for abatement of additional pipe joint elbow mudded fittings, for a revised contract amount of \$193,336, and

WHEREAS, it is necessary to extend the contract completion date to December 31, 2019, 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 to Metro Environmental, 2939 Lockport Road, Niagara Falls, NY 14305, be extended to December 31, 2019, 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 Grozio.

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

Resolution No. IF-068-19

From: Infrastructure & Facilities and Administration Committees.

Dated: May 21, 2019

BUDGET MODIFICATION – PARK IMPROVEMENT PROJECT

WHEREAS, the County has substantially completed the Splash Park Improvement Project at Krull and Oppenheim Parks, and

WHEREAS, additional funds are required to complete the Park Improvement 2018 Capital Improvement Project for playground Upgrades at Krull, Oppenheim and West Canal Marina Parks, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

DECREASE ANTICIPATED REVENUE:

H553.15.7110.000.45031.10

Interfund Transfers from Capital Reserve

\$99,305.00

DECREASE ANTICIPATED EXPENSES:

H553.15.7110.000.72400.00	Land Improvements Expense	\$99,305.00
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INCREASE ANTICIPATED REVENUE:

H672.15.7110.000.45031.10	Interfund Transfers – From Capital Reserve	\$99,305.00
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INCREASE ANTICIPATED EXPENSES

H672.15.7110.000.72400.00	Land Improvements Expense	\$99,305.00
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Moved by Bradt, seconded by Grozio.

Adopted. 12 Ayes, 0 Noes, 3 Absent –Burmester, Virtuoso, Zona.

Resolution No. IF-069-19

From: Infrastructure & Facilities Committee.

Dated: May 21, 2019

**AWARD OF CONTRACT – TROTT ACCESS CENTER
NORTHPOINTE RENOVATIONS MECHANICAL CONTRACT – SIDE B**

WHEREAS, the Department of Public Works, Buildings and Grounds Division has solicited quotes, per the purchasing guidelines set forth in Resolution AD-034-17, dated December 12, 2017, for the mechanical tasks associated with the renovation of space for the Northpointe Clinic - Side B area, and

WHEREAS, the following quotes were received:

- | | | |
|----|--|----------|
| 1. | Parise Mechanical Inc.
1106 Sheridan Drive
Tonawanda, NY 14150 | \$11,570 |
| 2. | JR Swanson Plumbing Co Inc.
413 103 rd Street
Niagara Falls, NY 14304 | \$14,750 |

and

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

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

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

RESOLVED, that the contract for the Northpointe Renovations Mechanical – Side B area work be awarded to the lowest responsible bidder, Parise Mechanical, 1106 Sheridan Drive, Tonawanda NY 14150, in the amount of \$11,570.00, and be it further

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

Moved by Bradt, seconded by Grozio.

Adopted. 12 Ayes, 0 Noes, 3 Absent –Burmester, Virtuoso, Zona.

Resolution No. IF-070-19

From: Infrastructure & Facilities Committees.

Dated: May 21, 2019

**AWARD OF CONTRACT – HIGHWAY DEPARTMENT
FUEL FACILITY MODIFICATIONS**

WHEREAS, the Department of Public Works has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Highway Department Fuel Facility Modifications project, and

WHEREAS, funds are available in account number H641.25.1620.000 72400.00, Land Improvements, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on May 9, 2019 as tabulated below:

- | | | |
|----|--|-----------|
| 1. | The Pump Doctor
2706 Hemlock Road
Eden, NY 14047 | \$325,000 |
| 2. | Empire State Mechanical Contractors
3039 Sherwood Road
Palmyra, NY 14522 | \$404,900 |
| 3. | Nature's Way Environmental
3553 Crittenden Road
Alden, NY 14004 | \$471,450 |

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 Highway Department Fuel Facility Modifications project be awarded to the lowest responsible bidder, The Pump Doctor, 2706 Hemlock Road, Eden, NY 14047, in the amount of \$325,000, 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 Grozio.

Adopted. 12 Ayes, 0 Noes, 3 Absent –Burmester, Virtuoso, Zona.

Resolution No. IF-071-19

From: Infrastructure & Facilities Committee.

Dated: May 21, 2019

FOREST MANAGEMENT CONSULTANT SERVICES SELECTION

WHEREAS, the Department of Public Works, in accordance with Federal/State guidelines, evaluated proposals from firms for services related to compiling a Forest Management inventory and providing a Tree Management Plan for Oppenheim Park, 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 Forest Management inventory and Oppenheim Park Tree Management Plan, be awarded to the consultant Davey Resource Group, Inc., 1500 North Mantua Street, Kent, Ohio 44240, for a fee not to exceed \$17,660.00, and

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 Grozio.

Adopted. 12 Ayes, 0 Noes, 3 Absent –Burmester, Virtuoso, Zona.

Resolution No. IF-072-19

From: Infrastructure & Facilities Committee.

Dated: May 21, 2019

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE LOCKPORT RUGBY CLUB

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

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

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

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

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Lockport Rugby Club, now, therefore, be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Lockport Rugby 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 agreement with the Lockport Rugby Club.

Moved by Bradt, seconded by Grozio.

Adopted. 12 Ayes, 0 Noes, 3 Absent –Burmester, Virtuoso, Zona.

Resolution No. IL-030-19

From: Legislator Wm. Keith McNall and Economic Development Committee.

Dated: May 21, 2019

**RESOLUTION IN SUPPORT OF THE LOCKPORT MONDAY NIGHT CRUISE OPTIMIST CLUB
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Lockport Monday Night Cruise Optimist Club is a group of volunteers dedicated to keeping the Monday Night Car Cruise in downtown Lockport a fun, family oriented and free event, and

WHEREAS, this event runs every Monday beginning early May until Labor Day, and

WHEREAS, the Monday Cruise nights offer the exhibit of various vintage cars and entertainment promoting an atmosphere of historical interest for many community seniors and residents, now, therefore, be it

RESOLVED, that the Niagara County Legislature supports funding to the Lockport Monday Night Cruise Optimist Club as follows:

Lockport Monday Night Cruise Optimist Club	\$500.00
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and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

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

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$500.00
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Moved by Nemi, seconded by Collins.

Adopted. 12 Ayes, 0 Noes, 3 Absent –Burmester, Virtuoso, Zona.

Resolution No. IL-031-19

From: Legislator Michael A. Hill and Economic Development Committee.

Dated: May 21, 2019

RESOLUTION IN SUPPORT OF EQUISTAR THROUGH THE USE OF CASINO FUNDING

WHEREAS, EquiStar provides equestrian-related activities that offer therapeutic benefits for children and adults with varying conditions, including Cerebral Palsy, developmental delays, Autism Spectrum Disorder, Trisomy 21, anxiety and more, and

WHEREAS, EquiStar's mission is to enrich the lives of people with disabilities through equine related activities, and

WHEREAS, the horseback riding program helps riders reach milestones in their physical development and communication skills, now, therefore, be it

RESOLVED, that the Niagara County Legislature supports funding to EquiStar as follows:

EquiStar	\$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 APPROPRIATION:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$1,000.00
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Moved by Hill, seconded by Syracuse.

Adopted. 12 Ayes, 0 Noes, 3 Absent –Burmester, Virtuoso, Zona.

Resolution No. IL-037-19

From: Legislators Randy R. Bradt, John Syracuse, Rebecca J. Wydysh and Richard L. Andres.

Dated: May 21, 2019

RESOLUTION IN OPPOSITION TO MAKE NEW YORK STATE A SANCTUARY STATE

WHEREAS, the County of Niagara values the social, cultural and economic contributions that have been made by immigrants for the benefit of the County, and

WHEREAS, the County of Niagara strives to ensure equal protection of human rights for all residents, workers and visitors, and

WHEREAS, the Legislature of the County of Niagara supports legislation that is intended to keep all citizens safe, and

WHEREAS, making New York State a sanctuary state would promote crime and jeopardize our citizens and law enforcement, and

WHEREAS, making New York State a sanctuary state will impose costs on citizens and legal immigrants that they should not have to bear, and

WHEREAS, the tax dollars that ought properly to benefit the people who paid them, go instead to underwrite hospital, police, prison, and education services for those who are here illegally, and

WHEREAS, making New York State a sanctuary state will only facilitate and encourage illegal immigration, creating an unfair immigration process for legal immigrants who follow the law, and

WHEREAS, the County of Niagara opposes any legislation that prevents or hinders the enforcement of federal immigration law, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara hereby opposes the Sanctuary State bill, 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 Syracuse, seconded by Bradt, to implement the portion of Rule 15 that pertains to voting on a resolution as opposed to referring it to committee.

Carried.

Moved by Syracuse, seconded by Bradt.

Adopted. 12 Ayes, 0 Noes, 3 Absent –Burmester, Virtuoso, Zona.

Resolution No. IL-038-19

From: Legislator Rebecca J. Wydysh.

Dated: May 21, 2019

RESOLUTION URGING NEW YORK STATE LEGISLATURE TO INCREASE RECYCLING

**AND REDUCE MUNICIPAL WASTE MANAGEMENT EXPENSES
BY EXPANDING THE NYS RETURNABLE CONTAINER ACT**

WHEREAS, restrictions imposed by China, the world leading importer of plastics, mixed papers and metals collected from domestic curbside recycling programs, has resulted in increased recycling processing fees for local municipalities across the Country, including Niagara County, and

WHEREAS, historically low commodity values for materials commonly recycled in single stream curbside recycling collection programs no longer offset rising processing expenses and force many programs in the country to suspend, stockpile or dispose of recyclable materials, and

WHEREAS, General Municipal Law GMU 120-aa requires source separation and segregation of recyclable or reusable materials from solid waste for which economic markets for alternate uses exist, and

WHEREAS, empty wine, spirit and beverage glass containers comprise and estimated 300,000 tons of curbside recyclables statewide, and

WHEREAS, such empty glass containers are not economically viable to recycle as part of single stream curbside recycling programs because the bottles break and become contaminated with paper, plastic, and other non-glass materials at local recycling and sorting facilities, and

WHEREAS, there are no economically viable markets to recycle this contaminated, broken glass materials into new glass bottles, and therefore, the unwanted glass becomes a significant financial burden to New York State's local communities to sort, transport, and properly dispose of, which totals millions of dollars, and

WHEREAS, such broken glass ends up contaminating other recyclable materials such as paper and corrugated cardboard at local materials recovery facilities, thereby diminishing the value and marketability of recovered paper products, and

WHEREAS, significant environmental benefits would be realized, including the avoidance of one ton of carbon dioxide for every six tons of container glass recycled if breaking and contaminating this glass could be prevented, and

WHEREAS, if this glass could be recovered for recycling it could be endlessly reprocessed into new glass containers with no loss in quality or purity, and

WHEREAS, the New York State Returnable Container Act, also known as the Bottle Bill, has proven to be the most effective method for the recovery and recycling of various glass beverage containers, including beer and soda bottles, and

WHEREAS, glass beverage containers with a deposit, such as beer and soda, have an economically viable market because they are source separated, and

WHEREAS, the combined impact of global market conditions and low commodity values have significantly increased expenses associated with providing curbside collection of recyclable materials in Niagara County, and

WHEREAS, the Niagara County Legislature believes that expansion of the New York State Returnable Container Act to include wine, liquor and other glass beverage bottles will dramatically increase recycling of these other glass containers, create new recycling jobs for clean, uncontaminated glass, and reduce municipal costs to manage these materials as part of municipal curbside recycling collection programs, and

WHEREAS, the Niagara County Legislature is committed to the New York State solid waste management hierarchy which emphasizes waste reduction, reuse and recycling first, all of which would be better served by expanding the bottle deposit system to include these additional glass containers thereby creating more recycling of these containers and fewer disposed, now, therefore, be it

RESOLVED, any expansion of the New York State Returnable Container Act should exclude plastic containers already recovered in curbside recycling programs and avoid further detrimental impacts to the value of the domestic recycling stream in an effort to mitigate costs increases to local governments, and be it further

RESOLVED, Niagara County encourages Governor Cuomo to evaluate the expansion of the Returnable Container Act to include a deposit on glass wine and spirit containers to effectively remove glass from curbside recycling where it is difficult to market and contaminates valuable commodities, 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 Andres, to implement the portion of Rule 15 that pertains to voting on a resolution as opposed to referring it to committee.

Carried.

Moved by Wydysh, seconded by Andres.

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

Resolution No. IL-039-19

From: Legislator David E. Godfrey.

Dated: May 21, 2019

RESOLUTION APPROVING SUPPORT FOR THE BLUE WIRELESS MAKING APPLICATION FOR FEDERAL FUNDS THROUGH THE USDA RECONNECT PROGRAM FOR HIGH-SPEED BROADBAND FOR UNSERVED OR UNDERSERVED AREAS OF NIAGARA COUNTY

WHEREAS, interest exists to explore viable options to provide high-speed broadband to unserved or underserved areas of Niagara County, and

WHEREAS, federal funding is available for certain approved projects through the USDA ReConnect Program, and

WHEREAS, the deadline to apply for funds through the USDA ReConnect program is May 31, 2019, and

WHEREAS, Blue Wireless has offered to apply to the USDA ReConnect program in an attempt to secure funding to implement the creation of an infrastructure supporting the transmission of high-speed broadband to unserved or underserved areas in Niagara County, and

WHEREAS, it is necessary for Niagara County to pledge its support as part of the application to the USDA ReConnect program, now, therefore, be it

RESOLVED, that the Niagara County Legislature lends its support to Blue Wireless applying for federal funding through the USDA ReConnect program, and be it further

RESOLVED, that Niagara County agrees to engage in future discussions associated with the prospect of leasing county-owned buildings, towers and structures as part of an infrastructure buildout supporting the transmission of high-speed broadband to unserved or underserved areas of Niagara County with terms to be negotiated at a later date should the application be approved by the USDA ReConnect program.

Approved for Submission.

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

Carried.

Moved by Wydysh, seconded by Andres.

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

APPOINTMENTS:

	<u>Appt.</u>	<u>Expires</u>
<u>NIAGARA COUNTY COMMUNITY COLLEGE BOARD OF TRUSTEES:</u>		
William L. Ross	05/21/19	06/30/26
6761 Walmore Rd., Niagara Falls 14304		

Moved by Andres, seconded by Bradt.

Carried.

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

The Chairman declared the Board adjourned at 9:11 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