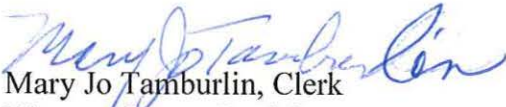




AGENDA
NIAGARA COUNTY LEGISLATURE
May 21, 2019 – 7:00 P.M.

1. CALL TO ORDER
2. CLERK CALLS THE ROLL
3. PRAYER & PLEDGE
4. CORRESPONDENCE/ RECOGNITION:
5. PRESENTATIONS: Legislator Richard L. Andres presents the Economic Address; 2019 Senior of the Year Amy Lobczowski; Youth Appreciation Award Jaden Reid; Peter Kehoe from the NYS Sheriffs Association; Mental Health Awareness Month and Foster Parent Month.
6. PUBLIC SPEAKERS: Clerk will read the names on the sheet for Public Speakers on Agenda items.
7. RECESS
8. RESOLUTIONS
5. COUNTY MANAGER
6. APPOINTMENTS:
7. EXECUTIVE SESSION
8. ADJOURNMENT
9. PUBLIC SPEAKERS: Clerk will read names on the sheet for Public Speakers for the General Welfare of the County


Mary Jo Tamburlin, Clerk
Niagara County Legislature

The next meeting of the Legislature will be held on June 18, 2019



AGENDA
NIAGARA COUNTY LEGISLATURE
May 21, 2019 – 7:00 P.M.

Resolutions not on previous agenda:

- IL-036-19** Legislators Jesse P. Gooch, Wm. Keith McNall, David E. Godfrey and Clyde L. Burmaster, re In Recognition of the 75th Anniversary of the Battle of Normandy, Niagara County Shall Find and Honor the U.S. Military Veterans Who Served in the Battle

Resolution Tabled on 05/07/19:

- IF-061-19** Infrastructure & Facilities and Administration, re Accept Bids for Niagara County Refuse Disposal District Landfill 1 Landfill Cap and Site Upgrades Project and Create Capital Project (REF-03-2016 LF1)

Regular Meeting –May 21, 2019

- *AD-010-19** Administration, re Distribution of Mortgage Tax
- CS-023-19** Community Services and Administration, re Public Hearing for NCCC FY 2019-2020 Maintenance & Operating Budget
- CS-024-19** Community Services and Administration, re Document Clerk Create and Fill Document Clerk Cashier
- CS-025-19** Community Services, re Niagara County Youth Board By-Laws Revision
- *CSS-031-19** Community Safety & Security and Administration, re Niagara County Sheriff's Office Extension of Forensic Firearms Consultant Agreement – Mike Shaw
- *CSS-032-19** Community Safety & Security and Administration, re Niagara County Sheriff's Office Extension of Forensic Firearms Consultant Agreement – Michael Dujonovich
- *CSS-033-19** Community Safety & Security and Administration, re Niagara County Sheriff's Office Extend Inmate Health Care Services Agreement
- *CSS-034-19** Community Safety & Security and Administration, re Niagara County Sheriff's Office Extend Jail Food Service Contract

- *CSS-035-19** Community Safety & Security and Administration, re Niagara County Sheriff's Office Accept FY18 Operation Stonegarden Grant
- CW-008-19** County of Niagara Extension of Lease with Northpointe Council, Inc.
- CW-009-19** Authorization to Cancel Taxes on Certain Properties in the Town of Wheatfield
- *ED-016-19** Economic Development, re Resolution Approving Sustainable Energy Program Agreement between Niagara County and Energy Improvement Corporation
- *ED-017-19** Economic Development, re Fixing Date and Notice for the Public Hearing Consolidation Funding Application for Micro-Enterprise Grant Funds
- *IF-067-19** Infrastructure & Facilities and Administration, re Asbestos Abatement and Floor Preparation – Court House and Civic Building Change Order No2
- *IF-068-19** Infrastructure & Facilities and Administration, re Budget Modification – Parks Improvement Project
- *IF-069-19** Infrastructure & Facilities, re Award of Contract-Trott Access Center Northpointe Renovations Mechanical Contract – Side B
- *IF-070-19** Infrastructure & Facilities, re Award of Contract – Highway Department Fuel Facility Modifications
- *IF-071-19** Infrastructure & Facilities, re Forest Management Consultant Service Selection
- *IF-072-19** Infrastructure & Facilities, re Agreement between the County of Niagara and the Lockport Rugby Club
- IL-030-19** Legislator Wm. Keith McNall and Economic Development, re Resolution in Support of the Lockport Monday Night Cruise Optimist Club through the use of Casino Funding
- IL-031-19** Legislator Michael A. Hill and Economic Development Resolution in Support of EquiStar Through the use of Casino Funding
- IL-037-19** Legislators Randy R. Bradt and John Syracuse, Rebecca J. Wydysh and Richard L. Andres, re Resolution in Opposition to make New York State a Sanctuary State
- IL-038-19** Legislator Rebecca J. Wydysh, re Resolution Urging New York State Legislature to Increase Recycling and Reduce Municipal Waste Management Expenses by Expanding the NYS Returnable Container Act



Mary Jo Tamburlin, Clerk
Niagara County Legislature


*** Indicates Preferred Agenda items**

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

The next meeting of the Legislature will be held on June 18, 2019

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee DATE: 05/07/19 RESOLUTION # IF-061-19
Administration Committee

APPROVED BY	REVIEWED BY	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	<u>IF - 4/29/19</u>	Approved: Ayes _____ Abs. _____ Noes _____
		<u>AD - 4/29/19</u>	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: <u>Tabled on 5/7/19</u>

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.


INFRASTRUCTURE & FACILITIES
COMMITTEE


ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 05/21/19 RESOLUTION # AD-010-19

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION <u>AD - 5/13/19</u>	LEGISLATIVE ACTION
			Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

DISTRIBUTION OF MORTGAGE TAX

WHEREAS, Niagara County has received mortgage tax monies for the period 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.

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services Committee **DATE:** 05/21/19 **RESOLUTION #** CS-023-19
and Administration Committee

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CS - 5/21/19

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____



**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.

COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services Committee DATE: 05/21/19 RESOLUTION # CS-024-19
and Administration Committee

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CS - 5/21/19

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

**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

TO:

A.10.1410.71010.00 Document Clerk and Cashier (xxxxx) \$33,946.00

NIAGARA COUNTY LEGISLATURE

FROM: Community Services Committee DATE: 05/21/19 RESOLUTION # CS-025-19

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CS - 5/21/19

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

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.

COMMUNITY SERVICES COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security Committee **DATE:** 05/21/19 **RESOLUTION #** CSS-031-19
and Administration Committee

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CSS - 5/13/19

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____



**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.

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security Committee **DATE:** 05/21/19 **RESOLUTION #** CSS-032-19
and Administration Committee

APPROVED BY CO. ATTORNEY 	REVIEWED BY CO. MANAGER	COMMITTEE ACTION <u>CSS - 5/13/19</u> <u>AD - 5/13/19</u>	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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**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.

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security Committee DATE: 05/21/19 RESOLUTION # CSS-033-19
and Administration Committee

APPROVED BY	REVIEWED BY	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	<u>CSS - 5/13/19</u>	Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

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.

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security Committee **DATE:** 05/21/19 **RESOLUTION #** CSS-034-19
and Administration Committee

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CSS - 5/13/19
AD - 5/13/19

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____
Rejected: Ayes _____ Abs. _____ Noes _____
Referred: _____

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.

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security Committee and Administration Committee DATE: 05/21/19 RESOLUTION # CSS-035-19

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CSS - 5/13/19
AD - 5/13/19

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____
Rejected: Ayes _____ Abs. _____ Noes _____
Referred: _____

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

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Committee of the Whole DATE: 05/21/19 RESOLUTION # CW-008-19

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CW - 5/21/19

LEGISLATIVE ACTION
Approved: Ayes _____ Abs. _____ Noes _____
Rejected: Ayes _____ Abs. _____ Noes _____
Referred: _____

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.

COMMITTEE OF THE WHOLE

NIAGARA COUNTY LEGISLATURE

FROM: Committee of the Whole DATE: 05/21/19 RESOLUTION # CW-009-19

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CW - 5/21/19

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

**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.

COMMITTEE OF THE WHOLE

NIAGARA COUNTY LEGISLATURE

FROM: Economic Development Committee **DATE:** 05/21/19 **RESOLUTION #** ED-016-19

**APPROVED BY
CO. ATTORNEY**

**REVIEWED BY
CO. MANAGER**

COMMITTEE ACTION
ED - 5/8/19

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

**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.

ECONOMIC DEVELOPMENT COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Economic Development Committee
and Administration Committee

DATE: 05/21/19

RESOLUTION # ED-017-19

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
ED - 5/8/19

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

**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.

ECONOMIC DEVELOPMENT COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee DATE: 05/21/19 RESOLUTION # IF-067-19
and Administration Committee

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

IF - 5/13/19
AD - 5/13/19

Approved: Ayes _____ Abs. _____ Noes _____
Rejected: Ayes _____ Abs. _____ Noes _____
Referred: _____

**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.

INFRASTRUCTURE & FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee DATE: 05/21/19 RESOLUTION # IF-068-19
and Administration Committee

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
		<u>IF - 5/13/19</u>	Approved: Ayes _____ Abs. _____ Noes _____
		<u>AD - 5/13/19</u>	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

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
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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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 INFRASTRUCTURES & FACILITIES
 COMMITTEE

 ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee **DATE:** 05/21/19 **RESOLUTION #** IF-069-19

**APPROVED BY
CO. ATTORNEY**

**REVIEWED BY
CO. MANAGER**

COMMITTEE ACTION
IF - 5/13/19

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

**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.

INFRASTRUCTURE & FACILITIES
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee DATE: 05/21/19 RESOLUTION # IF-070-19

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
IF - 5/13/19

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

**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.

INFRASTRUCTURE & FACILITIES
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee DATE: 05/21/19 RESOLUTION # IF-071-19

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
IF - 5/13/19

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

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.

INFRASTRUCTURES & FACILITIES
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee DATE: 05/21/19 RESOLUTION # IF-072-19

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
IF - 5/13/19

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

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.

INFRASTRUCTURE & FACILITIES
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Legislator Wm. Keith McNall DATE: 05/21/19 RESOLUTION # IL-030-19
Economic Development Committee

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
ED - 5/8/19

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

**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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LEGISLATOR WM. KEITH MCNALL

ECONOMIC DEVELOPMENT COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Legislator Michael A. Hill DATE: 05/21/19 RESOLUTION # IL-031-19
Economic Development Committee

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
ED - 5/8/19

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____
Rejected: Ayes _____ Abs. _____ Noes _____
Referred: _____

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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LEGISLATOR MICHAEL A. HILL

ECONOMIC DEVELOPMENT COMMITTEE

NIAGARA COUNTY LEGISLATURE

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

DATE: 05/21/19 RESOLUTION # IL-037-19

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

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.

LEGISLATOR RANDY R. BRADT

LEGISLATOR JOHN SYRACUSE

LEGISLATOR REBECCA J. WYDYSH

LEGISLATOR RICHARD L. ANDRES

NIAGARA COUNTY LEGISLATURE

FROM: Legislator Rebecca J. Wydysh DATE: 05/21/19 RESOLUTION # IL-038-19

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

**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, spirt 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.

LEGISLATOR REBECCA J. WYDYSH