

A public hearing was held pursuant to CW-010-19, adopted by the Legislature on May 21, 2019, for the purpose of hearing public comments on 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. Legislator Syracuse opened the hearing at 6:15 p.m. and closed it at approximately 6:18 p.m.

A public hearing was held pursuant to CS-023-19, adopted by the Legislature on May 21, 2019, for the purpose of hearing public comments on NCCC FY2019-2020 Maintenance and Operating Budget. Legislator Wydysh opened the hearing at 6:30 p.m. and closed it at approximately 6:35 p.m.

A public hearing was held pursuant to ED-017-19, adopted by the Legislature on May 21, 2019 for the purpose of hearing public comments on Consolidation Funding Application for Micro-Enterprise Grant Funds. Legislator Collins opened the hearing at 6:45 p.m. and closed it at approximately 6:49 p.m.

## **OFFICIAL RECORD**

Lockport, New York  
June 18, 2019

The meeting was called to order by Chairman McNall at 7: 00 p.m.

Clerk Tamburlin called the roll. All Legislators were present, with the exception of Legislator Godfrey.

### **CORRESPONDENCE & RECOGNITION:**

Chairman McNall called COE of Eastern Niagara Hospital Anne Mccaffery to the lectern to speak on resolution IL-044-19.

Chairman McNall recognized County Clerk Joe Jastrzemski for the Historic Dedication on raising the three flags, on Flag Day. Chairman MaNall Also thanked Jeff Gaston, Scott Kehoe and Jason Tower for their work going above and beyond.

Chairman McNall recognized Director of Public Health Dan Stapleton on being named as President of the New York State Association of Health NYS.

Chairman McNall read a letter received from GM Motors of Lockport, on the excellent job the Niagara County Mental Health Services depart did assisting with grief counselors for all shifts after the loss of an employee.

Chairman McNall announced Employment & Training will be hosting Lockport Career Fair on Wednesday June 19<sup>th</sup> from 1-3.

### **PRESENTATIONS:**

Legislator Hill invited the 2018 Niagara Orleans County Ambassador for the Dairy Princess Hailey Roelhing and Sadie Klumpp to the lectern and read a proclamation declaring June 2019 as Dairy Month in Niagara County

Legislator Wydysh called Director of Public Health Dan Stapleton and Public Health Nurse Kristen Wolf to the lectern to give a presentation on how important HIV testing is and

Legislator Andres called President and CEO of Destination Niagara USA John Percy to the lectern to give their annual report on the progress of Destination Niagara USA and what else we can see in the future. John thanked the legislature and is most pleased with the partnership they have has with the County for 16 years.

Legislator Gooch called Laney Wieclaw to the lectern to read a Proclamation on receiving the 2019 Thomas E. Hewitt Sports award.

Legislator Gooch called Mackenzie Patterson and Lamey Wieclaw to the lectern to read a Proclamation honoring the Niagara Wheatfield Girls Track Team on having such a successful year.

Chairman McNall called Mr. Walker from the Census Bureau 2020 Census to the lectern to give a update on what to expect with the 2020 Census

8 citizens spoke.

Recess

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

**Resolution No. CW-017-19 was read at this time. (Appears in numerical order)**

**Resolution No. AD-012-19**

From: Administration Committee.

Dated: June 21, 2019

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

WHEREAS, the Town of Wheatfield notified the County of Niagara of its desire to accept ownership of certain Tax Sale property from the Tax Enforcing Officer, and

WHEREAS, by Resolution No. AD-002-19, dated February 19, 2019, the Tax Enforcing Officer was given Authorization to transfer County owned property, commonly known as 2839 Thornwoods Drive located in the town of Wheatfield, to the Town of Wheatfield, and

WHEREAS, the pursuant to a letter the County has received from the Town of Wheatfield dated May 21, 2019, the Town has now respectfully declined the acceptance of the transfer of said parcel, as the Town has stated that the Town has no purpose or need for the parcel, now, therefore, be it

RESOLVED, that the County Legislature hereby rescinds resolution no. AD-002-19, and further authorizes the Tax Enforcing Officer to include said parcel in the next in rem tax foreclosure auction.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

**Resolution No. CS-026-19**

From: Community Services and Administration Committees.

Dated: June 18, 2019

## **NCCC FY 2019-2020 MAINTENANCE AND OPERATING BUDGET**

WHEREAS, the Administration Committee and the Community Services Committee, which are also the Budget Review Committees, have had under consideration the Niagara County Community College Board of Trustees recommended budget for the conduct of the Niagara County Community College fiscal year commencing September 1, 2019 and ending August 31, 2020, and

WHEREAS, the said budget has had careful consideration by the Administration Committee, the Community Services Committee, the Budget Office, and the County Manager, and

WHEREAS, a public hearing was held on the 18<sup>th</sup> day of June, 2019 with regard to the tentative budget for the College, now, therefore, be it

RESOLVED, that the foregoing tentative Niagara County Community College budget for the fiscal year 2019-20, beginning September 1, 2019 and ending August 31, 2020, is hereby approved and adopted with any amendments as heretofore approved this date by this legislature and which results in a total figure of \$47,808,820, with the Sponsor's contribution from taxes of \$8,971,000

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

### **Resolution No. CS-027-19**

From: Community Services and Administration Committees.

Dated: June 18, 2019

## **BUDGET MODIFICATION ACCEPTANCE OF FUNDS FROM NYSOFA TO ADDRESS UNMET NEEDS AND CREATE 2 PART-TIME POSITIONS**

WHEREAS, the Niagara County Office for the Aging (OFA) is the recipient of \$323,217 from the New York State Office for the Aging (NYSOFA) for the period April 1, 2019-March 31, 2020 with further renewals of at least 5 years, and

WHEREAS, such funds are to be utilized to provide case management, meals, home care, home repairs, and other needs and services to customers on OFA's waiting list for services, and

WHEREAS, such funds shall be reoccurring in future years provided OFA spends its allocation each year on OFA customers' unmet needs, and

WHEREAS, such funds are not included in the 2019 Budget, now, therefore, be it

RESOLVED, that Niagara County accepts \$323,217 from NYSOFA to provide various services to address OFA customers' unmet needs, and be it further

RESOLVED, to create and fill two part-time Aging Services Aides positions with no benefits co-terminus with grant funding, and be it further

RESOLVED, that the following budget modifications be effectuated:

### **INCREASE REVENUE:**

CM.24.6772.602.43772.01	Programs for Aging - General	\$242,406.00
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### **INCREASE APPROPRIATION:**

CM.24.6772.602 71030.00	Part Time Expense	\$ 16,242.00
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CM.24.6772.602.72100.05	Machinery & Equipment Computer Equip	1,669.00
CM.24.6772.602 74250.01	Office Expenses Office Supplies	500.00
CM.24.6772.602 74300.03	Reimbursements Travel, Mileage	2,000.00
CM.24.6772.602 74375.05	Communications - Cell Phone	600.00
CM.24.6772.602 74500.01	Contractual Expenses	115,919.00
CM.24.6772.602 74675.01	Services, Central Postage	300.00
CM.24.6772.602 74675.02	Services, Central Printing	800.00
CM.24.6772.602 74750.02	Supplies, General Supplies/Materials	32,000.00
CM.24.6772.602 74750.06	Supplies, General Food & Kitchen Supplies	43,000.00
CM.24.6772.602 74800.10	Supplies/Services, Equip under \$500	6,000.00
CM.24.6772.602 74650.11	Services Professional, Drug/Physical	194.00
CM.24.6772.602.74800.06	Supplies/Services Maint. Repairs/Maintenance	\$ 20,000.00
CM.24.6772.602 78100.00	Retirement Expense	1,510.00
CM.24.6772.602 78200.00	FICA Expense	1,242.00
CM.24.6772.602 78300.00	Worker's Compensation Expense	430.00

Total \$242,406.00

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

#### **Resolution No. CS-028-19**

From: Community Services and Administration Committees.

Dated: June 18, 2019

### **BUDGET MODIFICATION – CREATE TEMPORARY FULL TIME COOK POSITION**

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

WHEREAS, the NCOFA provides home delivered meals for homebound seniors as well as congregate sites for those able to get out of the home for socialization, and

WHEREAS, the only Full Time Cook (40 hrs per week) in the kitchen is off work on an extended medical leave with an undetermined return to work date which leaves the kitchen unable to operate within NYS DOH guidelines and the Full Time Cook is the only coverage for the Head Cook in her absence, and

WHEREAS, the NCOFA is requesting to create a temporary Full Time Cook position in order to be able to operate the kitchen and provide meals for seniors as required by the Older Americans Act for a period expected not to exceed December 31, 2019, now, therefore, be it

RESOLVED, that the department is given authorization to create a temporary Full Time Cook position, and be it further

RESOLVED, that the following budget modifications be effectuated:

#### **DECREASE APPROPRIATIONS:**

A.24.7610.702 71030.00	Part Time Expense	\$ 27,741.00
	Position ID 1350	\$18,566
	Position ID 1374	\$ 4,687
	Position ID 1349	\$ 1,964
	Position ID 1375	\$ 2,524



**INCREASE APPROPRIATIONS:**

A.24.7610.702 71010.00	Positions Expense	\$ 17,676.00
A.24.7310.702 78100.00	Retirement Expense	1,644.00
A.24.7310.702 78400.01	Insurance, Health Active Expense	7,198.00
A.24.7310.702 78400.05	Insurance, Health HRA Employer Contribution	850.00
A.24.7310.702 78800.00	Flex 125 Employer Contribution Expense	373.00

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

**Resolution No. CS-029-19**

From: Community Services and Administration Committees.

Dated: June 18, 2019

**MH – BUDGET MODIFICATION**

**ACCEPT NYS OASAS ONE-TIME ONLY FUNDING FOR NORTHPOINTE COUNCIL**

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

WHEREAS, the New York State Office of Alcoholism and Substance Abuse Services (OASAS) has awarded one-time only funding of \$170,000 to Northpointe Council's Outpatient Opioid Treatment Program for completion of renovations and relocation/start-up costs at the new space at Trott, and

WHEREAS, this will enable Northpointe Council to pay the County and other vendors involved in the renovation work, and

WHEREAS, completion of the renovations and payment of financial obligations will allow Northpointe to begin using the new space to provide services to existing patients and those on wait lists, now, therefore, be it

RESOLVED, that the following budget modification be effectuated to the department's budget and the department is given authorization to accept NYS OASAS State funding effective June 18, 2019:

**INCREASE REVENUE:**

A.21.4322.414.43490.10	MH Program Alcoholism County	\$170,000
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**INCREASE APPROPRIATION:**

A.21.4322.414.74500.01	Contractual	\$170,000
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Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

**Resolution No. CS-030-19**

From: Community Services and Administration Committees.

Dated: June 18, 2019

**MH – BUDGET MODIFICATION**

**ACCEPT NYS OASAS ONE-TIME ONLY FUNDING FOR CAZENOVIA RECOVERY**

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

WHEREAS, the New York State Office of Alcoholism and Substance Abuse Services (OASAS) has awarded one-time only funding of \$5,500 to cover the purchase and installation of an oven for Cazenovia Recovery Systems Community Residential Program, and

WHEREAS, the timely replacement of the oven will enable Cazenovia Recovery Systems to continue to provide meals for their residents, now, therefore, be it

RESOLVED, that the following budget modification be effectuated to the department's budget and the department is given authorization to accept NYS OASAS State funding effective June 18, 2019:

INCREASE REVENUE:

A.21.4322.424.43490.10	MH Program Alcoholism County	\$5,500
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INCREASE APPROPRIATION:

A.21.4322.414.74550.08	Alcoholism Services	\$5,500
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Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

**Resolution No. CSS-036-19**

From: Community Safety & Security Committee.

Dated: June 18, 2019

**NIAGARA COUNTY PUBLIC DEFENDER'S OFFICE  
ACCEPT OFFICE OF INDIGENT LEGAL SERVICES (OILS)  
DISTRIBUTION #7 (C700029) GRANT**

WHEREAS, the Niagara County Public Defender's Office has received an award from the New York State Office of Indigent Legal Services (OILS) in the amount of \$329,289 for the period of January 1, 2017, through December 31, 2019, and

WHEREAS, these funds are to be used to improve the quality of legally mandated representation in Niagara County, and

WHEREAS, the Public Defender's Office will use these funds for the Public Defender salary and fringe benefits and Maintenance in Lieu of Rent (MILOR), and

WHEREAS, funding from the New York State Office of Indigent Legal Services for the above items is necessary so that the Niagara County Public Defender's Office can continue providing quality services pursuant to Article 18-B of the County Law, now, therefore, be it

RESOLVED, that prior to the execution of the grant, the County Attorney will review the grant for approval to legal form, language and compliance, 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 grant.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

**Resolution No. CSS-037-19**

From: Community Safety & Security and Administration Committees.

Dated: June 18, 2019



**ACCEPTANCE OF FY2018-2019  
RECRUITMENT AND RETENTION GRANT**

WHEREAS, the County of Niagara is required to certify its acceptance of the 2018-2019 Recruitment and Retention Grant through the NYS Department of Homeland Security and Emergency Services for the period of 4/1/19 through 3/31/20, at no cost to the County, and

WHEREAS, the grant for Recruitment and Retention to be awarded will be in the amount of \$25,000 and the funds will be used to create and distribute publications to help promote all efforts in recruitment for the fire service, now, therefore, be it

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

RESOLVED, that the Department of Emergency Services is given authorization to accept the grant with the effectuation of the following budget modification, effective immediately:

**INCREASE REVENUE:**

A.19.3645.000	44305.02	Civil Defense Homeland Security	\$25,000.00
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**INCREASE APPROPRIATIONS:**

A.19.3645.000	74650.08	Professional Consultants	\$12,500.00
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Proj: 19GRTRR18 – E2

A.19.3645.000	74750.02	General-Supplies/Materials	\$12,500.00
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Proj: 19GRTRR18 – E1

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

**Resolution No. CSS-038-19**

From: Community Safety & Security and Administration Committees.

Dated: June 18, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE  
STANDARDIZATION OF CAMERA EQUIPMENT/EVIDENCE STORAGE  
SOLE SOURCE DETERMINATION**

WHEREAS, the Niagara County Sheriff's Office has been utilizing in-car camera and body camera video equipment for the past ten (10 years), and currently uses in-car cameras, body cameras, related hardware, software, and digital storage which function together as a cohesive system, and

WHEREAS, the Niagara County Sheriff's Office recognizes the importance of this technology for evidence collection, officer safety, and the safety of the citizens of Niagara County, and

WHEREAS, throughout its use, technology has been procured through the County bid process and each time the vendor selected has been Axon Enterprise, Inc.; all of the in-car camera and body camera equipment, including cameras, related hardware, software, and data storage currently owned and used by the Sheriff's Office is manufactured and/or provided by Axon Enterprise, Inc. (including Evidence.com data management services which is a division of Axon Enterprise, Inc.)(hereafter "Axon"), and

WHEREAS, the evidence captured by the cameras is stored in a secure, cloud-based storage platform operated by Axon; Axon's software that allows the data to be transferred from the cameras to the secure storage and to be later accessed by the Sheriff's Office and law enforcement is proprietary to Axon, and

WHEREAS, the Niagara County Sheriff's Office from time to time has need of purchasing additional or replacement equipment, additional or updated software, and related items, and the additional or replacement equipment and software must integrate with and function with the existing system, and

WHEREAS, purchasing in-car camera and body camera equipment, including cameras, related hardware, software, and storage from different or multiple manufactures would be uneconomical and inefficient and would require the Sheriff's Office to maintain multiple or separate systems which would not be compatible with one another, and

WHEREAS, by letter dated July 31, 2018 Axon has indicated that it is the sole source of Axon brand in-car cameras, body cameras, related hardware, software, and digital storage services, and that such equipment and services are not available for purchase from any other vendor, now, therefore, be it

RESOLVED, that for reasons of efficiency and economy, pursuant to General Municipal Law §103(5), there is need for standardization for the Niagara County Sheriff's Office in the purchase of in-car cameras, body cameras, related hardware, software, and digital storage, and that the purchase of such be standardized to Axon brand equipment and services, and be it further

RESOLVED, that it is hereby determined that Axon is the sole source for such in-car cameras, body cameras, related hardware, software, and digital storage services, and that the Sheriff's Office is hereby authorized to purchase such equipment and services directly from Axon without the need to solicit for alternate proposals or sealed bids, such purchases to be made in consultation with the Purchasing Department and in accordance with budgetary procedures.

Moved by Bradt, seconded by Andres.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

**Resolution No. CSS-039-19**

From: Community Safety & Security and Administration Committees.

Dated: June 18, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE  
ACCEPT BID FOR CASE MANAGEMENT SOFTWARE  
FOR VICTIM ASSISTANCE UNIT**

WHEREAS, the Niagara County Sheriff's Office Victim Assistance Unit is funded by a grant from the Office of Victim Services (OVS), and

WHEREAS, the 2018/2019 OVS grant included approval for purchase of Case Management Software, and

WHEREAS, Request for Proposal #2019-21 was sent out and sealed bids were solicited and received for various forms of case management software from thirteen companies, and

WHEREAS, following the Niagara County Request for Proposal procedures, all of the proposals were rated by the evaluation team using the Niagara County Purchasing provided scoring matrix, and

WHEREAS, the bid with the highest score was selected, which is the second lowest cost, and

WHEREAS, the bid with the highest score was reviewed and approved by the Niagara County Information Technology Department to ensure compliance with County standards, and

WHEREAS, the lowest bid did not meet the needs of the Victim Assistance Unit and consequently did not score in the top three proposals, now, therefore, be it



RESOLVED, that Niagara County accept the bid from Main Street Computing for \$41,750 to provide a Case Management Software package for the Niagara County Sheriff's Office Victim Assistance Unit, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

**Resolution No. CSS-040-19**

From: Community Safety & Security and Administration Committees.

Dated: June 18, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE  
SCHOOL RESOURCE OFFICER AGREEMENT WITH  
STARPOINT CENTRAL SCHOOL DISTRICT**

WHEREAS, the Niagara County Sheriff's Office has been in an agreement with Starpoint Central School District to provide a Deputy Sheriff as a School Resource Officer in exchange for compensation from the School District, and

WHEREAS, the term of the current agreement is July 1, 2016 through June 30, 2019, and

WHEREAS, school safety remains a high priority for Niagara County and the Starpoint Central School District, and

WHEREAS, the Niagara County Sheriff's Office and the Starpoint Central School District would like to extend the current agreement, now, therefore, be it

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

**Resolution No. CW-013-19**

From: Committee of the Whole.

Dated: June 18, 2019

**ADOPTION OF A 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 Legislature recommends the adoption of the following Local Law:

A Local Law for the County of Niagara 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, and

WHEREAS, a public hearing was held on June 18, 2019 at 6:45 p.m. in the Legislative Chambers, Niagara County Courthouse, Lockport, New York, on said Local Law, and

WHEREAS, no one appeared to speak on said Local Law, and

WHEREAS, no amendment(s) was (were) made to said Local Law, now, therefore, be it

RESOLVED, that the County of Niagara adopts the following 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 11<sup>th</sup> 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.

Moved by Syracuse, seconded by Hill.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

**Resolution No. CW-014-19**

From: Committee of the Whole.

Dated: June 18, 2019



## **AUTHORIZATION TO APPLY FOR BUILD TRANSPORTATION DISCRETIONARY GRANT**

WHEREAS, Niagara County would like to take advantage of federal infrastructure funds targeted for rural projects to address multiple needs throughout Niagara County's rural road network, including bridges that are in disrepair from consistent farm-related activity and have not been upgraded or improved in decades, and

WHEREAS, this initiative will package a number of bridge projects strategic to Niagara County's agribusiness network and are in the most need of improvements for consideration through the federal Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grant Program, and

WHEREAS, more than 40% of Niagara County's total acreage is dedicated to farms, representing more than \$120 Million in annual sales and employment for more than 1,000 people, and

WHEREAS, per the FY 2018 Appropriations Act, BUILD Transportation Discretionary Grants may be used for 80% of a project, and

WHEREAS, Niagara County has needs for rural bridge improvements totaling \$6.5 Million Dollars, which would require a 20% match or \$1.3 Million, to be funded with Consolidated Highway Improvement Program Funds, and

WHEREAS, applications for the FY 2018 Appropriations Act, BUILD Transportation Discretionary Grants are due by July 15, 2019, and

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

RESOLVED, that Garret Meal, Niagara County Commissioner Public Works, is hereby authorized and directed to file an application for funds from the FY 2018 Appropriations Act, BUILD Discretionary Grant program in the amount of \$6.5 Million for rural bridge improvements which would require a 20% match or \$1.3 Million, to be funded with Consolidated Highway Improvements Program Funds, and be it further

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

Moved by Zona, seconded by Andres.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

### **Resolution No. CW-015-19**

From: Committee of the Whole.

Dated: June 18, 2019

## **AWARD OF CONTRACT – TROTT AND HUMAN RESOURCES BUILDING PARKING LOT RESTORATION 2019**

WHEREAS, the Department of Public Works has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Trott and Human Resources Building Parking Lot Restoration project, and

WHEREAS, funds are available in account number H661.15.1620.000 72400.00, Land Improvements, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on June 13, 2019 as tabulated below:

- |    |   |           |
|----|---|-----------|
| 1. | Milherst Construction<br>10025 County Rd., PO Box 430<br>Clarence Center, NY 14032        | \$349,744 |
| 2. | Mark Cerrone Inc.<br>2368 Maryland Ave., PO Box 3009<br>Niagara Falls, NY 14304           | \$387,420 |
| 3. | 4 <sup>th</sup> Generation Construction<br>5650 Simmons Avenue<br>Niagara Falls, NY 14304 | \$522,260 |

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 Trott and Human Resources Building Parking Lot Restoration project be awarded to the lowest responsible bidder, Milherst Construction, 10025 County Rd., PO Box 430, Clarence Center, NY 14032, in the amount of \$349,744, 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 Zona.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

**Resolution No. CW-016-19**

From: Committee of the Whole.

Dated: June 18, 2019

**AUTHORIZATION TO APPLY FOR ENVIRONMENTAL PROTECTION FUNDS FOR COUNTY COURT HOUSE AND CLERK'S BUILDING HISTORIC PRESERVATION PLANNING PROJECT**

WHEREAS, Niagara County is desirous to preserve the County Court House and Clerk's Building, and

WHEREAS, sufficient funds do not exist in the budget of Niagara County to perform this study for these buildings, and

WHEREAS, under the terms of Title 9 of the Environmental Protection Act of 1993, funds are available to assist Niagara County with a historic preservation planning project, and

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

RESOLVED, that Garret Meal, Niagara County Commissioner of Parks and Public Works, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$25,000, and be it further

RESOLVED, that Niagara County is authorized and directed to agree to the terms and conditions of the Master Contract and any required deed easement granted to OPRHP that affects title to real property owned by the



municipality and improved by grant funds, which may be a duly recorded public access covenant, conservation easement, and/or preservation covenant, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

**Resolution No. CW-017-19**

From: Committee of the Whole.

Dated: June 18, 2019

**RESOLUTION AUTHORIZING INTERMUNICIPAL AGREEMENT WITH  
THE CITY OF NIAGARA FALLS FOR 2016 CITY IN REM PROCEEDING**

WHEREAS, the City Of Niagara Falls has instituted an In Rem action under Niagara County Supreme Court Index #168221/2019, for the foreclosure of certain tax liens for the year 2016 against various parcels of land situate within the City of Niagara Falls, New York, pursuant to the provisions of Article 11, Title 3 of the Real Property Tax Law of the State of New York, and

WHEREAS, the provisions of said law authorize and empower tax districts having an interest in various parcels to enter into an agreement making provisions for conveyance of said parcels without public sale, and upon such terms as said districts may agree upon between themselves, and

WHEREAS, the parties hereto have conferred and negotiated as to the method of handling the various parcels included in said action, and

WHEREAS, the parties wish to memorialize their agreement with the execution of an Inter-Municipal Cooperation Agreement, a copy of which is incorporated by reference, now, therefore, be it

RESOLVED, that the Chairman be, and hereby is, authorized and directed to enter into an inter-municipal cooperation agreement with the City of Niagara regarding the City of Niagara Falls 2016 In Rem action filed with the Niagara County Supreme Court under Index #168221/2019.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

**Resolution No. ED-018-19**

From: Economic Development and Administration Committees.

Dated: June 18, 2019

**AUTHORIZATION TO SUBMIT A GRANT APPLICATION TO THE NEW YORK STATE  
OFFICE OF COMMUNITY RENEWAL FOR BLOCK GRANT FUNDING  
TO CREATE A MICRO-ENTERPRISE GRANT FUND**

WHEREAS, the Niagara County Legislature has requested that the Niagara County Department of Economic Development apply for funding on its behalf from the New York State Office of Community Renewal (the "OCR") to finance a portion of the micro-enterprise grant fund, and

WHEREAS, the Niagara County Development Corporation (the "NCDC") is assisting in the facilitation of the Program and has requested that the County provide the OCR funding to the NCDC as a grant for the purpose of assisting small businesses throughout the County, and

WHEREAS, the Program will result in substantial benefit to Niagara County in the form of new investment and new employment positions, and

WHEREAS, the County held a public hearing at the Legislative Chambers, Courthouse, Lockport, New York on the 18<sup>th</sup> day of June at 6:45 p.m., to obtain citizens' views regarding the CDBG program as administered by OCR and the program, now, therefore, be it

RESOLVED, that the Chairman of the Legislature is hereby authorized to submit a grant application on behalf of Niagara County to the OCR to support the Program, and be it further

RESOLVED, that the Chairman of the Legislature is hereby authorized to execute a grant agreement between the County and the OCR and all related documents associated with the OCR grant, including entering into a grant agreement with the NCDC for the implementation of the Program and administration of the OCR grant, all such documents to be subject to review and approval by the County Attorney, and be it further

RESOLVED, that the Chairman is hereby designated as the Certifying Officer responsible for all activities associated with the federal environmental review process to be completed in conjunction with the Project.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

#### **Resolution No. IF-073-19**

From: Infrastructure & Facilities and Administration Committees.

Dated: June 18, 2019

### **AWARD OF CONTRACT – ENTERPRISE DOCUMENT MANAGEMENT SYSTEM**

WHEREAS, the Information Technology Department has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Enterprise Document Management System (EDMS), and

WHEREAS, funds are available in account number H656.16.1680.000 72100.26, Information Technology Systems – Capital, and

WHEREAS, the bids were publicly opened and read by our Purchasing Department on February 28, 2019, and the three finalists selected by the EDMS Selection Subcommittee are tabulated below:

- |    |  |              |
|----|--|--------------|
| 1. | FileBound (GBS)<br>1035 North Meridican Road<br>Youngstown, OH 44509                     | \$331,000.00 |
| 2. | OnBase (DataBank)<br>620 Freedom Business Center, Suite 120<br>King of Prussia, PA 19406 | \$489,656.00 |
| 3. | LaserFiche (General Code)<br>781 Elmgrove Road<br>Rochester, NY 14624                    | \$669,563.00 |

and

WHEREAS, the EDMS Selection Subcommittee including County Manager, Budget, Purchasing, Health, Treasurer, Public Works, Risk Management, and Information Technology analyzed results from consultant-led EDMS Needs Assessment, examined bids, attended vendor demonstrations of software and selected software, and



WHEREAS, implementing an EDMS will require upgrade and expansion of existing Niagara County Data Center hardware, and

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

RESOLVED, that the following budget modification be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

A 40599.00	Appropriated Fund Balance	\$277,241
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DECREASE APPROPRIATIONS:

A.05.1230.000 71010.00 13328	Position Expense	\$41,305
A.05.1230.000 78100.00	Retirement	3,841
A.05.1230.000 78200.00	FICA	3,160
A.05.1230.000 78300.00	Worker's Compensation	1,094
A.05.1230.000 78400.01	Health Insurance	\$8,097
A.16.1680.000 71010.00 4581	Position Expense	26,132
A.16.1680.000 78100.00	Retirement	\$2,430
A.16.1680.000 78200.00	FICA	1,999
A.16.1680.000 78300.00	Worker's Compensation	692
A.16.1680.000 78400.01	Health Insurance	8,097
A.16.1680.000 78700.00	Disability	41
		<u>\$96,888</u>

INCREASE APPROPRIATIONS:

A.07.9901.000 79010.10	Transfer to Capital Reserve	\$374,129
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INCREASE ESTIMATED REVENUE:

AH.07.1325.000 45031.00	Transfer from Operating	\$374,129
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INCREASE APPROPRIATIONS:

AH.07.9950.000 79010.00	Transfer to Capital Project	\$374,129
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INCREASE ESTIMATED REVENUE:

H656.16.1680.000 45031.00	Interfund Transfers from Operating	\$374,129
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INCREASE APPROPRIATIONS:

H656.16.1680.000 72100.26	Technology Systems	\$374,129
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RESOLVED, that the contract for the Enterprise Document Management System be awarded to the lowest responsible bidder, GBS, 1035 North Meridian Road, Youngstown, Ohio, in the amount of \$331,000.00, and be it further

RESOLVED, that funds will be allocated in the amount of \$43,129.00 for the purchase of hardware for upgrade and expansion of existing Niagara County Data Center hardware, and be it further

RESOLVED, that the Chairman of the Legislature or County Manager is hereby authorized and directed to execute said contract in form and content as reviewed and approved as to legal form by the Niagara County Attorney.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

**Resolution No. IF-074-19**

From: Infrastructure & Facilities and Administration Committees.

Dated: June 18, 2019

**DPW-ENGINEERING PART TIME POSITION CREATE AND FILL**

WHEREAS, the Department of Public Works, Engineering Division is led by the Deputy Commissioner of Public Works- Engineering, and

WHEREAS, the Deputy Commissioner of Public Works-Engineering has recently retired, and

WHEREAS, the Commissioner of DPW has determined that in order to enable for a successful transition of a successor Deputy Commissioner of Public Works-Engineering that a temporary Part-time Engineer position be created to allow the outgoing Deputy Commissioner to provide on the job training and guidance to the newly hired Deputy Commissioner, and

WHEREAS, this approach will enable the successful knowledge transfer of the outgoing Deputy Commissioner to the newly hired Deputy Commissioner, now, therefore, be it

RESOLVED, that one (1) Senior Transportation Engineer-part time position at a rate of \$50.00 per hour with no benefits be created effective, June 18, 2019, and last for the duration of the 2019 calendar year with a total cost not to exceed \$15,000, and be it further

RESOLVED, that the following budget modification be effectuated:

**DECREASE APPROPRIATIONS:**

A.15.1440.000.71010.00.4638	Positions – Deputy Commissioner	\$15,000
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**INCREASE APPROPRIATIONS:**

A.15.1440.000 71010.00 XX	Senior Transportation Engineer – P/T	\$15,000
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Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

**Resolution No. IF-075-19**

From: Infrastructure & Facilities and Administration Committees.

Dated: June 18, 2019

**GASPORT ROAD CULVERT OVER EAST BRANCH OF  
EIGHTEEN MILE CREEK EMERGENCY REPAIRS**

WHEREAS, the Gasport Road Culvert over the East Branch of Eighteen Mile Creek is damaged beyond repair, resulting in water flow washing out the west bank, and

WHEREAS, continued erosion will severely damage the guide rail and the roadway, causing closure and very costly damages,

WHEREAS, emergency repairs would present a permanent solution to the failing conditions in need of immediate repair, and

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



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

RESOLVED, that the following budget modification be effectuated:

INCREASE ANTICIPATED REVENUE:

H686.15.5197.000 43501.00	Consol Hwy Aid Revenue	\$250,000
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INCREASE ANTICIPATED APPROPRIATIONS:

H686.15.5197.000 72600.02	Infrastructure-Bridges	\$250,000
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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 Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

**Resolution No. IF-076-19**

From: Infrastructure & Facilities and Administration Committees.

Dated: June 18, 2019

**BUDGET MODIFICATION – PARKING LOT IMPROVEMENTS**

WHEREAS, funds were budgeted in the 2019 operational budget for Buildings and Grounds - Land Improvements line item, and

WHEREAS, these funds need to be moved to the Capital Account H661.15.1620.000, so an award can be done using only one account on a purchase order, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

DECREASE APPROPRIATIONS:

A.15.1620.000.72400.00	Land Improvements	\$112,000
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INCREASE APPROPRIATIONS:

A.15.9901.000.79010.10	Transfer to Capital Reserve	\$112,000
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INCREASE APPROPRIATED FUND BALANCE:

AH40511.00	Appropriated Capital Reserve	\$112,000
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INCREASE CAPITAL CONSTRUCTION:

AH.07.9950.000.79010.00	Transfer to Capital Projects	\$112,000
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INCREASE ESTIMATED REVENUE:

H624.15.1620.000.45031.10	Interfund Transfers – From Capital Reserve	\$112,000
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INCREASE APPROPRIATIONS:

H661.15.1620.000.72400.00	Land Improvements – Parking Lots	\$112,000
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Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

**Resolution No. IF-077-19**

From: Infrastructure & Facilities and Administration Committees.

Dated: June 18, 2019

**REPLACEMENT OF HOSMER ROAD BRIDGE OVER FISH CREEK  
CONSULTANT AMENDMENT NO. 2-FINAL**

WHEREAS, Resolution No. IF-084-17, dated May 16, 2017, authorized the contract for consultant services for the preliminary design for the Hosmer Road Bridge over Fish Creek project to Clark Patterson Lee, 26 Mississippi Street, Suite 300, Buffalo, NY 14203, for a fee not to exceed \$111,669.56, and

WHEREAS, Resolution No. IF-113-18, dated September 18, 2018, amended the contract to allow for construction inspection and construction administration services for the project, in the amount of \$66,238.79, for a revised contract amount of \$177,908.35, and

WHEREAS, it is necessary to decrease the contract by \$76,855.88 due to unused design, construction inspection, and construction administration funds and because the project merged with Wisterman Road Bridge over Mud Creek, for a revised contract amount of \$101,052.47, and

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

RESOLVED, that the consultant services contract with Clark Patterson Lee, 26 Mississippi Street, Suite 300, Buffalo, NY 14203, be decreased by \$76,855.88, for a revised contract amount of \$101,052.47, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

**Resolution No. IF-078-19**

From: Infrastructure & Facilities Committee.

Dated: June 18, 2019

**MUNICIPAL COOPERATION AGREEMENT BETWEEN THE  
COUNTIES OF ERIE AND NIAGARA  
TONAWANDA CREEK ROAD REHABILITATION AND  
TONAWANDA CREEK SLIDE STABILIZATION – AMENDMENT NO. 1**

WHEREAS, the Tonawanda Creek Road Rehabilitation and Tonawanda Creek Slide Stabilization Project, towns of Pendleton and Lockport, Niagara County, and the town of Clarence, Erie County, is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% federal funds and 20% non-federal funds, and

WHEREAS, Niagara County has already advanced the project by making a commitment of 100% of the non-federal share of the costs of the project by Resolution No. IF-023-17 dated February 21, 2017, and

WHEREAS, the County of Erie, as a partner, desires to cooperate with the County of Niagara as sponsor in undertaking the above named project, as approved in Resolution No. IF-149-17, dated December 5, 2017, and



WHEREAS, an amendment to the current inter-municipal agreement is necessary between the County of Niagara and the County of Erie in order to establish how the allocation of funds would be handled by the County of Erie in paying its share of the cost of the project to the County of Niagara, and how the County of Niagara would reimburse the County of Erie its portion of the state reimbursement, and

WHEREAS, prior to the execution of the Inter-municipal Agreement Amendment No. 1, the County Attorney will review the agreement for approval as to legal form, language, and compliance, and subject to the approval of Amendment No. 1 by the County of Erie Attorney and/or Erie County Legislature, now, therefore, be it

RESOLVED, that the Niagara County Legislature approves the Amendment No. 1 to the agreement between the County of Niagara and the County of Erie for the advancement of the project, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute Amendment No. 1 to the Inter-Municipal Agreement with the County of Erie.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

**Resolution No. IF-079-19**

From: Infrastructure & Facilities Committee.

Dated: June 18, 2019

**NIAGARA COUNTY HIGHWAY DEPARTMENT DRESSER ROLLER AS SURPLUS**

WHEREAS, the Niagara County Highway Department has previously utilized Dresser Roller for Highway improvement projects, and

WHEREAS, the Niagara County Highway Department has purchased roller equipment that meets the needs of the department more accurately, and

WHEREAS, the Niagara County Highway Department no longer has a use for this Dresser Roller equipment, and

WHEREAS, the roller is fully depreciated, now, therefore, be it

RESOLVED, that the Niagara County Legislature authorize the Niagara County Highway Department to work in conjunction with the Office of Management and Budget to notify the various villages, towns and cities of the surplus equipment.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

**Resolution No. IF-080-19**

From: Infrastructure & Facilities and Administration Committees.

Dated: June 18, 2019

**AUTHORIZATION TO ENTER INTO A FRANCHISE AGREEMENT WITH CROSSLAKE FIBRE**

WHEREAS, the company, Crosslake Fiber USA LP, ("Crosslake Fibre") an active telecommunications company has contacted the County of Niagara, as the company desires to construct, maintain, operate, replace and repair a fiber optic cable network, in, across, over, under, through and below certain designated public rights-of way of the County of Niagara, and

WHEREAS, Crosslake Fibre, in order to comply with the New York State Public Service requirements must obtain consent of the municipal authorities before commencing construction of such fiber optic cable lines, and

WHEREAS, the County Attorney and the Department of Public Works have discussed and reviewed the plans of the Crosslake Fibre project, and the impact said project will have on the County lands and roadways, and

WHEREAS, the County of Niagara finds it necessary to enter into a Franchise Agreement with Crosslake Fibre to consent and authorize the right and privilege to construct, maintain operate, replace and repair a fiber optic cable network, in, across, over, under, through and below certain designated public rights-of way located in the County of Niagara, and

WHEREAS, the County shall receive an annual franchise fee, which will be received throughout the term of said agreement, and

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

RESOLVED, that the County of Niagara grants Crosslake Fibre a twenty year (20) utility easement in an area located along Beebe Road in the Town of Wilson for the installation and maintenance of a fiber optic cable network by entering into said Franchise 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 the required documents.  
Moved by Bradt, seconded by Virtuoso.  
Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

**Resolution No. IF-081-19**  
From: Infrastructure & Facilities and Administration Committees.  
Dated: June 18, 2019

**CAPITAL PROJECT BUDGET MODIFICATION  
PARK IMPROVEMENTS**

WHEREAS, the County Parks Department is responsible for 1,143 acres of parkland, and

WHEREAS, the department has procured Davey Resource Group, to provide a forestry inventory and plan for tree management, and

WHEREAS, the consultant identified various trees that were dying or dead and required removal, and

WHEREAS, the disposition of the excess of lumber has provided funds to be set aside for future park improvements at the various parks, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE ANTICIPATED REVENUE:		
H497.15.7110.000.42650.00	Sale of Scrap Excess Materials	\$3,623.50
INCREASE ANTICIPATED EXPENSES:		
H497.15.7110.000.72400.00	Land Improvements	\$3,623.50

Moved by Bradt, seconded by Virtuoso.  
Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.



**Resolution No. IF-082-19**

From: Infrastructure & Facilities and Administration Committees.

Dated: June 18, 2019

**LEASE AGREEMENT WITH NCCC FOR THE TROTT ACCESS CENTER**

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

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

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

WHEREAS, NCCC needs to have a lease agreement to serve as a basis for its reimbursement claims, and

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

RESOLVED, that the Infrastructures and Facilities Committee recommends the attached lease agreement to be entered into with NCCC for office space at the Trott ACCESS Center, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

**Resolution No. IF-083-19**

From: Infrastructure & Facilities and Administration Committees.

Dated: June 18, 2019

**SUPPORT THE NIAGARA COUNTY SHAWNEE SNO-CHIEFS SNOWMOBILE CLUB IN THE APPLICATION FOR A RECREATIONAL TRAILS PROGRAM (RTP) GRANT TITLED "SHAWNEE SNO-CHIEFS TRAIL GROOMER PROJECT"**

WHEREAS, the Niagara County Shawnee Sno-Chiefs Snowmobile Club has asked the County of Niagara for support in the application for a Recreational Trails Program (RTP) Grant through the New York State Office of Parks, Recreation and Historic Preservation, and

WHEREAS, the grant (up to \$250,000.00) would assist the Niagara County Shawnee Sno-Chiefs Snowmobile Club in the purchase of a new groomer and planer, and

WHEREAS, this groomer and planer will assist the Club in maintaining over 40 miles of motorized single-use snowmobile trails, which will in turn bring more snowmobiles here, adding dollars to the County economy, now, therefore, be it

RESOLVED, that the County of Niagara supports the Niagara County Shawnee Sno-Chiefs Snowmobile Club in the application for a Recreational Trails Program (RTP) Grant, and is hereby approved in all respects.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

**Resolution No. IL-040-19**

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

Dated: June 18, 2019

**REQUESTING PRESIDENT TRUMP TO IMMEDIATELY RENEGOTIATE PLAN 2014**

WHEREAS, Niagara County has, on multiple occasions, expressed its opposition to the International Joint Commission's imposition of Plan 2014, most notably through the passage of Resolution IL-061-15, "Expressing the Opposition of the Niagara County Legislature to the IJC Plan 2014 & Supporting the Efforts of U.S. Representative Chris Collins to Block Enactment of the Same," IL-041-13, "Request to the International Joint Commission to Reject the Proposed Plan 2014 in its Entirety," and IL-035-14, "Niagara-Orleans Regional Alliance (NORA) Requests Governor Andrew M. Cuomo to Veto the International Joint Commission's Plan 2014 for Controlling the Levels of Lake Ontario Should the US Department of State Recommend It" and IL-050-17 "Resolution Urging President Trump to Immediately Appoint New Commissioners to the International Joint Commission and said Commissioners to Enact Policies Rescinding the IJC'S 'Plan 2014' Lake Level Management Scheme", and

WHEREAS, said resolutions have clearly warned "qualified observers with expertise in civil engineering have indicated Plan 2014 will have a devastating impact on the communities along the Lake's southern shoreline" and "Plan 2014 will increase the frequency of raising and lowering the water levels in Lake Ontario and the fluctuations in water levels will result in increased erosion damage to the shoreline, including the properties of businesses and homeowners," and

WHEREAS, said resolutions noted "the effects of Plan 2014 span six counties in Upstate New York and would cause damage to land assessed at nearly \$4 billion," and

WHEREAS, said resolutions also warned "the IJC working group stated the proposed lake levels are going to reduce recreational boating/sport fishing benefits by 25%, resulting in a devastating negative impact on the economics in Niagara County which is estimated at \$30 million per year, and in Orleans County which is estimated \$12 million per year, thus an area-wide loss of revenue of over \$10.5 million annually," and

WHEREAS, the County of Niagara and its lakeshore towns have issued a "State of Emergency" due to Lake levels approaching those of the 2017 devastation, and

WHEREAS, the implementation of Plan 2014 has proven an absolute disaster for our lakeshore communities, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara does hereby call upon the International Joint Commission to immediately suspend Plan 2014 and re-implement previous regulatory rules, and be it further

RESOLVED, that the Legislature of the County of Niagara calls upon President Trump to renegotiate Plan 2014 with Canada to alleviate the water devastation of residences, businesses and government infrastructure, and be it further

RESOLVED, that the County of Niagara shall forward copies of this resolution to President Donald J. Trump; Secretary of State Michael R. Pompeo; U.S. Rep. Chris Collins; U.S. Senator Charles E. Schumer; U.S. Senator Kirsten E. Gillibrand; U.S. Senate Majority Leader Mitch McConnell; International Joint Commission Jane L. Corwin as the U.S. Chairwoman; Commissioner Robert C. Sisson; Commissioner Lance V. Yohe; Senator Robert G. Ortt, Member of Assembly Michael Norris; Member of the Assembly Angelo Morinello; Member of Assembly Stephen Hawley and all others deemed necessary and proper.

Moved by Burmaster; seconded by Syracuse to amend resolution.

Amendment:



Additional RESOLVED after the first RESOLVED. "...RESOLVED, that the Legislature of the County of Niagara does hereby request that the International Joint Commission be requested to attend the next regular meeting of the Legislature to explain their activity so far and what we can expect and when, and

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

Moved by Burmaster, seconded by Syracuse.  
Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

**Resolution No. IL-041-19**

From: Legislators David E. Godfrey and Anthony J. Nemi.

Dated: June 18, 2019

**RESOLUTION OPPOSING THE BEAR RIDGE SOLAR PROJECT**

WHEREAS, New York State has replaced the local home rule review and approval process for the siting of electrical generation projects greater than 25MW, and

WHEREAS, Cypress Creek Renewables is proposing to construct Bear Ridge Solar, a 100 MW solar energy generation facility in the Town of Cambria, and

WHEREAS, the Bear Ridge Solar project represents one of the largest utility-scale solar power plants in New York State, and

WHEREAS, the proposed Bear Ridge Solar project is expected to be sited on approximately 750 acres of farmland in the Town of Cambria, and

WHEREAS, the New York State Department of Agriculture and Markets considers utility-scale solar projects to be permanent conversion of agricultural lands, and

WHEREAS, the Niagara County Legislature is concerned about the impact Bear Ridge Solar will have on local agriculture, and

WHEREAS, New York State Public Service Law § 168(3)(e) requires "that the facility is designed to operate in compliance with applicable state and local laws and regulations issued thereunder concerning, among other matters, the environment, public health and safety, all of which shall be binding upon the applicant", and

WHEREAS, the Town of Cambria's local zoning laws allow for large-scale and utility-scale solar energy systems in the Industrial Zoning District, and

WHEREAS, almost all of the Bear Ridge Solar project is currently proposed to be located outside of the Town of Cambria's Industrial Zoning District, and

WHEREAS, Cypress Creek Renewables is currently proposing to locate portions of the Bear Ridge Solar project in the Town of Cambria's New York State Shovel Ready Certified Site, a site prepared and designated to produce full-time, well paying, technical jobs, and

WHEREAS, Cypress Creek Renewables is aware that Bear Ridge Solar does not comply with Cambria's local laws, and

WHEREAS, Cypress Creek Renewables has refused to discuss the Town of Cambria's local zoning laws with members of the Town Board, and

WHEREAS, Cypress Creek Renewables has failed to specify what benefits the Bear Ridge Solar project will bring to the Town of Cambria, now, therefore, be it

RESOLVED, that the Niagara County Legislature is opposed to the Bear Ridge Solar project because it does not comply with the Town's local zoning laws and comprehensive plan, and be it further

RESOLVED, that the Niagara County Legislature calls upon the Article 10 Siting Board, Governor Andrew Cuomo, and the Department of Public Service to require that the Bear Ridge Solar project comply with the Town of Cambria's local zoning laws and comprehensive plan, and be further

RESOLVED, that a copy of this resolution shall be transmitted to the Governor, Lt. Governor, members of the Article 10 Siting Board, and members of the Western New York Senate and Assembly delegation.

RESOLVED, that the Niagara County Legislature shall forward copies of this Resolution to Governor Andrew M. Cuomo; Lieutenant Governor Kathy Hochul; 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; Members of the Article 10 Siting Board and all others deemed necessary and proper.

Moved by Nemi; seconded by Gooch to amend resolution.

Amendment:

Additional in second WHEREAS, "...Town of Cambria and Town of Pendleton, and..."

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

Carried.

Moved by Nemi, seconded by Gooch.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

#### **Resolution No. IL-042-19**

From: Legislator John Syracuse.

Dated: June 18, 2019

### **RESOLUTION URGING GOVERNOR CUOMO, THE NEW YORK POWER AUTHORITY (NYPA) AND THE EMPIRE STATE DEVELOPMENT CORPORATION (ESD) TO SUPPORT SOMERSET OPERATING COMPANY'S PROPOSAL TO DEACTIVATE COAL PLANT AND REPURPOSE TO \$550 MILLION DATA CENTER USING RENEWABLE ENERGY**

WHEREAS, the Somerset Operating Company, LLC (Somerset) a 675 mw coal-fired generating plant in Barker, NY has proposed to retire the plant ahead of the governor's 2020 "no coal" deadline and repurpose the facility as a 500 mw data center using renewable energy, and

WHEREAS, the plan to repurpose the 1800-acre Somerset plant is a component of the "empire state data hub," a \$650 million capital investment plan which seeks to close the last two operating coal plants in New York State (the other being the 309 mw Cayuga coal plant in Tompkins County) by taking advantage of skilled local work forces and valuable on-site attributes that include existing electric infrastructure, expansive land, and a moderate climate critical to large-scale data centers, and



WHEREAS, the empire state data hub would represent a significant boon for the upstate economy, creating 600 union construction jobs and 200 full time jobs in aggregate, with average salaries in the \$40,000 to \$60,000 range, while also creating stable, increasing revenue model for local governments, and

WHEREAS, the Somerset campus of the empire state data hub would represent a \$550 million investment, one of the largest capital investments in Niagara County history, and would create 500 union construction jobs, and 160 full-time employees, and

WHEREAS, the Somerset data center, which would focus on the growing demand for computational power necessary in the burgeoning business of artificial intelligence, machine learning and high performance computing, and

WHEREAS, the town of Somerset has taken a strong and unanimous position in support of this redevelopment plan which is fully in line with the goals of the town's comprehensive plan and LWRP, and

WHEREAS, the data hub proposal has been enthusiastically supported by a broad and unified coalition of key stakeholders including environmentalists, unions, local elected officials, business leaders, and local school district officials, and

WHEREAS, an application seeking 125mw's of renewable energy is currently being considered by NYPA, as well as an application seeking economic assistance from empire state development corporation to transition the Somerset site, and

WHEREAS, a strong and unified position by the Niagara County Legislature, in addition to the support of the town of Somerset, of the company's proposal will be critical to its success, now, therefore, be it

RESOLVED, the Niagara County Legislature finds the Somerset Operating Company's proposal to deactivate the coal plant and convert the site into a large-scale data center powered by renewable energy from nearby Niagara Falls will greatly benefit the economy and the environment of this region, and be it further

RESOLVED, the Niagara County Legislature understands the empire state data hub plan recognizes the economic opportunity inherent in this energy transition by seeking to shift from the old economy of coal to the new economy of high technology, and using renewable energy to power the new business, and be it further

RESOLVED, the Niagara County Legislature urges NYPA to approve the empire state data hub application seeking a 125 mw allocation of fair and reasonably priced renewable energy representing an almost 10 to 1 mw shift from fossil to green energy, and be it further

RESOLVED, the Niagara County Legislature urges ESD to approve the empire state data hub's application for \$65 million in economic assistance as part of the overall \$650 million capital investment to transition the site from an aging coal plant location to a modern large-scale data hub, and be it further

RESOLVED, copies of this resolution be sent to Governor Andrew M. Cuomo, NYPA President Gil Quiniones, NYPA Board Of Trustees Chair John Koelmel, ESD Executive Director Howard Zemsky, NYS Senator Robert Ort, NYS Senator Pamela Helming, Assemblyman Michael Norris, Assemblyman Angelo Morinello, Assemblywoman Barbara Lifton, Somerset Town Supervisor Daniel Engert, Lansing Town Supervisor Ed Lavigne, Deputy Secretary For Energy And Environment Dale Bryk, Senior Advisor to Governor Cuomo Mr. John Maggiore.

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

Carried.

Moved by Syracuse, seconded by Burmaster.  
Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

**Resolution No. IL-043-19**

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

Dated: June 18, 2019

**PUBLIC SPEAKING POLICY**

WHEREAS, hearing from the public is of the utmost importance, and

WHEREAS, the public should be given every opportunity to express their concerns and issues to the Niagara County Legislature, and

WHEREAS, if a person has a issue that is for the good of the county they must wait until the legislature meeting is adjourned to bring their issues or concerns to the legislature, and

WHEREAS, meetings could last several hours, and

WHEREAS, the public should have the opportunity to express their concerns and issues in the beginning of the meeting, now, therefore, be it

RESOLVED, that the public can speak for three minutes in the beginning of the meeting on resolutions and for the good of the county, and be it further

RESOLVED, if they need more time to talk for the good of the county, that they be given that opportunity at the end of the meeting also.

Referred to Administration Committee

**Resolution No. IL-044-19**

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

Dated: June 18, 2019

**COMPTROLLER APPROVAL FOR FUNDING OF EASTERN NIAGARA HOSPITAL**

WHEREAS, access to emergency psychiatric evaluation and inpatient psychiatric treatment for children and adolescents continue to be a significant need for Niagara County residents, and

WHEREAS, over 800 emergency psychiatric evaluations were conducted in 2018 at Eastern Niagara Hospital in Niagara County, and over 300 children and adolescents were admitted into the inpatient psychiatric unit "Transitions Program" because they were in psychiatric crisis and were a danger to themselves or others, and 500 children and adolescents were evaluated and discharged to outpatient counseling and mental health services, and

WHEREAS, Eastern Niagara Hospital is the sole provider of emergency psychiatric evaluations and inpatient psychiatric treatment for children and adolescents ages 5-18 in Niagara County, and

WHEREAS, without this critical service, children and adolescents and their families in Niagara County would not have access to these important services and would have to travel great distances to facilities in other counties, wait long periods of time while in psychiatric crisis, or forego the ability to obtain these critical and lifesaving services altogether; and



WHEREAS, providing emergency psychiatric evaluations and inpatient psychiatric treatment for children and adolescents ages 5-18 in Niagara County poses a great financial burden upon Eastern Niagara Hospital and without this funding for the services described, the existence of the services would be in jeopardy and may cease to exist in Niagara County, and

WHEREAS, Eastern Niagara Hospital desires to enter into an agreement with the Niagara County to continue to provide psychiatric evaluations and treatment at the Transitions Program and requires Niagara County funding to do so, and

WHEREAS, Niagara County funding will assist the Transitions Program to perform psychiatric evaluations, medication initiation and management, psychotherapy, behavior modification, family counseling, and daily individual counseling with the psychiatrist, and

WHEREAS, Eastern Niagara Hospital is in need of \$315,000 to assist in providing these services for 2019, and

WHEREAS, an additional amount of \$60,000 is needed for one-time building modifications to ensure that the unit meets the building safety requirements of the NYS Office of Mental Health, and

WHEREAS, without this program and the necessary funding assistance for staff and capital improvements, children and adolescents would lack access to psychiatric evaluations and inpatient psychiatric services in Niagara County, and

WHEREAS, the County of Niagara desires to enter into a contract with Eastern Niagara Hospital for the continuation of the above services to Niagara County residents, and

WHEREAS, it is unclear whether the County of Niagara may legally contract with Eastern Niagara Hospital for such services for its residents and therefore, believes it is in the best interest of the County to seek an opinion from the Office of the New York State Comptroller, now, therefore, be it

RESOLVED, that a copy of this resolution be forwarded to the Office of the New York State Comptroller along with the corresponding proposed agreement for review and an opinion.

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

Carried.

Moved by Collins seconded by Nemi.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.

#### **APPOINTMENTS:**

	<u>Appt.</u>	<u>Expires</u>
<u>COMMUNITY SERVICES BOARD</u>		
Rachel Considine (replace Tracy Demmin) 6910 Ward Road, Niagara Falls 14304	06/18/19	12/31/23
Ronald Barstys (replace Kathryn Dolpp) 226 Council St. Niagara Falls 14304	06/18/19	12/31/23
<u>OFFICE FOR THE AGING ADVISORY COMMITTEE</u>		
Rebecca J. Wydysh, Legislator	06/18/19	12/31/21
Nancy Bowes 180 Corinthia St., Lockport 14094	06/18/19	12/31/21

Jeffery Glatz, Director of Veterans Affairs (replaces Nina Cabrera) 111 Main St., Suite 200, Lockport 14094	06/18/19	12/31/21
Joe Kibler 16 Cleveland Pl., Lockport 14094	06/18/19	12/31/21
Phil Lange 111 Autunmville Dr., Lockport 14094	06/18/19	12/31/21
Mary Jo Tamburlin, Clerk of the Legislature 226 Falconer St., North Tonawanda 14120	06/18/19	12/31/21
Kathy Harrington, Wheatfield Town Clerk 2800 Church Rd., North Tonawanda 14120	06/18/19	12/31/21

PLANNING BOARD

Jonathon Welka (replaces Norman R. Machelor) 7174 Pendale Circle, North Tonawanda 14120	06/18/19	12/31/20
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WORKFORCE DEVELOPMENT BOARD

Paul J. Accardo, President & CEO of Crown Benefits Group, Inc. 2914 Pine Avenue Niagara Falls, 14301	06/18/19	
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YOUTH BOARD

Renee Zapp 291 West Ave. Lockport 14094 Moved by Collins seconded by Nemi. Adopted. 14 Ayes, 0 Noes, 1 Absent – Godfrey.	06/18/19	12/31/21
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Chairman McNall announced that the September Legislature Meeting will be moved from Tuesday September 17<sup>th</sup> to Thursday September 19<sup>th</sup>.

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

The Chairman declared the Board adjourned at 9:40 p.m., subject to the call of the Clerk.

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

  
Mary Jo Tamburlin, Clerk