

A public hearing was held pursuant to CW-011-18, adopted by the Legislature on August 7, 2018, for the purpose of hearing public comments on a Local Law Increasing the Salary of the County Personnel Officer in Line with that of Counties with Similar Characteristics. Legislator Nemi opened the hearing at 6:30 p.m. and closed it at approximately 6:45 p.m.

A public hearing was held pursuant to IF-106-18, adopted by the Legislature on August 07, 2018, for the purpose of considering a proposed Increase and Improvement of the Facilities of the Niagara County Refuse Disposal District. Legislator Collins opened the hearing at 6:45 p.m. and closed it at approximately 6:52 p.m.

## **OFFICIAL RECORD**

Lockport, New York  
September 18, 2018

The meeting was called to order by Chairman McNall at 7:04 p.m.

Roll Call.

Present: Andres, Bradt, Burmaster, Collins, Godfrey, Grozio, Lance, McNall, Nemi, Steed, Syracuse, Virtuoso, Wydysh, Zona – 14

Absent: Hill - 1

### **CORRESPONDENCE & RECOGNITION:**

Chairman McNall thanked and recognized Senator Rob Ortt for joining us this evening

Chairman McNall recognized Jonathan Schultz on being elected as President of the New York State Division of Homeland Security and Emergency Services (DHSES).

Chairman McNall announced on Sept 7<sup>th</sup> he attended a committee meeting for the renaming of the Vantage Center as the Samuel M. Ferraro Center for Economic Development at the Vantage Center, himself and the members of this committee have selected a tentative date of Tuesday October 23<sup>rd</sup> at 4:30 p.m. for the official dedication ceremony.

Chairman McNall read correspondence from the Buffalo Niagara Coalition on Open Government comments in regards to the public speakers at the end of the Legislative meeting and finical disclosures. Chairman McNall stated these topics will remain as been practiced. Chairman McNall discussed the formation of the Ad Hoc Committee related to the review of the County's Ethic Law. Chairman McNall asked Legislator Andres to serve as Chairman of the committee and asked Legislators Bradt, Virtuoso, Burmaster, Nemi, Wydysh, County Attorney Claude Jorge and Clerk of the Legislature Mary Jo Tamburlin to serve as members of this committee.

### **PRESENTATIONS:**

1. Legislator Godfrey and Senator Ortt called Sheriff James Voutour to the lectern to read a proclamation honoring the Sheriff with special recognition as National Sheriff of the year 2018 recipient in the category of the J. Stannard Baker Award for Highway Safety, sponsored by the US Department of Transportation/National Highway Traffic Safety Administration, the Center for Public Safety at Northwestern University, OnStar, and NSA at the 2018 National Sheriff's Association Conference to the Lectern.

2. Legislator David Godfrey invited Sheriff Voutour and Undersheriff Filicetti to the lectern and presented a proclamation declaring September 16-22, 2017 Sheriff's Week in Niagara County.

3. Legislator Wydysh invited Legislators Andres, Steed and Director of Mental Health, Laura Kelemen to the lectern to read a proclamation declaring the month of September "Recovery Month" in Niagara County.

1 citizens spoke at this time.

**Amendment made to Resolution No. CW-012-18 was read at this time. (Appears in numerical order)**  
**Amendment made to Resolution No. IF-096-18 was read at this time. (Appears in numerical order)**

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

**Resolution No. CW-017-18 was read at this time. (Appears in numerical order)**  
**Resolution No. CW-018-18 was read at this time. (Appears in numerical order)**  
**Resolution No. CW-019-18 was read at this time. (Appears in numerical order)**  
**Resolution No. CW-020-18 was read at this time. (Appears in numerical order)**  
**Resolution No. CW-021-18 was read at this time. (Appears in numerical order)**

**Resolution No. AD-026-18**

From: Administration Committee.  
Dated: September 18, 2018

**REAL PROPERTY TAX CORRECTIONS/CANCELLATIONS  
NO. COE-2018 B**

WHEREAS, the Director of Real Property Tax Services has received applications for refunds and / or corrections applicable to various outstanding Niagara County tax liens, or has been made aware that unenforceable tax liens exist upon certain real property owned by the State of New York and / or the United States, and

WHEREAS, the Director has investigated the claimed erroneous assessments and / or unenforceable liens in accordance with sections 554, 556, and 558 of the New York State Real Property Tax Law, now therefore, be it

RESOLVED, that the applications and / or lien cancellations be approved and / or denied as set forth in the attached Exhibit No. COE-2018 B which is made a part hereof and subsequently is charged back to the applicable town, city, special district and school district within the County of Niagara.

Moved by Bradt, seconded by Virtuoso.  
Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. AD-018-18**

From: Administration Committee.  
Dated: September 18, 2018

**PURCHASE OF IN REM PROPERTY**

WHEREAS, on Saturday, August 11, 2018, a public auction was held for the sale of properties acquired by the County of Niagara by its In Rem Action, and

WHEREAS, as a result of said auction, the attached list of properties was struck down to each of the named individuals for the price indicated for each parcel, said price being the highest bid price received, now, therefore, be it

RESOLVED, that the purchase offers set forth in the attached list be, and the same hereby are, accepted and the Chairman of the Legislature is hereby authorized and directed to execute suitable quit-claim deeds, subject to the approval of the County Attorney, upon the receipt by the County Treasurer of the entire balance due on the

purchase price of said properties, at which time said deeds, AS provided in the terms of sale shall be recorded in the Niagara County Clerk's Office in the name of the respective purchaser.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. AD-018-18**

From: Administration Committee.

Dated: September 18, 2018

**AUTHORIZATION TO CONVEY CERTAIN TAX SALE PROPERTY  
(PROPERTY COMMONLY KNOWN AS 4435-4445 MILITARY ROAD)  
TO THE TOWN OF NIAGARA**

WHEREAS, the Niagara County Treasurer, acting in his capacity as Tax Enforcing Officer, acquired title to tax sale property commonly known as 4435-4445 Military Road, in the Town of Niagara, New York assessed as SBL# 131.10-2-29 pursuant to the Niagara County in rem tax foreclosure proceeding filed in the Niagara County Clerk's Office under Index No.: 16372/2018 (the "Property"), and

WHEREAS, the Town of Niagara, a municipal subdivision of the State of New York, has notified the County of Niagara of its desire to accept ownership of the Property from the Tax Enforcing Officer in the Proceeding, by resolution duly passed the 17<sup>th</sup> day of July, 2018 by the Town Board of the Town of Niagara and, in consideration of said transfer, has also represented and warranted to the Tax Enforcing Officer that it shall rehabilitate the real property and sell it to a private taxpaying entity or fully demolish all improvements on the Property before such sale, and shall waive any right said Town may have by lien, claim or otherwise, arising from the cost of such rehabilitation or demolition, and

WHEREAS, the Niagara County Legislature hereby finds and determines that an indispensable condition of conveyance in this matter is protection of the County's interests is the execution and delivery by the Town of Niagara of a hold harmless and indemnity agreement from the Town of Niagara, and

WHEREAS, conveyance of the Property by the Tax Enforcing Officer to the Town of Niagara is in the best interests of both the County of Niagara and the Town of Niagara in that it will foster real property development and restore the property to the tax roll, and

WHEREAS, the terms and conditions under which the property is to be conveyed to the Town of Niagara are subject to the final review and approval by the Niagara county Attorney's Office and the attorney of the Town of Niagara but must include legally binding assurances of the Town of Niagara holding harmless and fully indemnifying the County of Niagara from any liability, damage, claims or judgments arising from the condition and use of the Property including the condition and use of the Property thereafter by the Town of Niagara, its transferees, grantees, successors and assigns, now, therefore, be it

RESOLVED, Pursuant to §215 (8) of the County Law the Niagara County Legislature hereby authorizes the Tax Enforcing Officer to convey tax sale property commonly known as 4435-4445 Military Road, located in the Town of Niagara, New York, to the Town of Niagara, and is hereby authorized and directed to sign and deliver a deed, along with any and all other necessary title transfer documents to the Town of Niagara, subject to review by the Niagara County Attorney.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. CS-038-18**

From: Community Services and Administration Committees.

Dated: September 18, 2018

## ABOLISH AND CREATE POSITION – SOCIAL SERVICES SR PAYROLL CLERK

WHEREAS, the Department of Social Services has 439 employees at various salary groups and steps with varying years of seniority which impacts certain employee benefits, and

WHEREAS, the Department of social Services has its own Payroll Unit, which processes the payroll and benefits for all of the department's employees, and

WHEREAS, it has been determined that a Senior Payroll Clerk position, Job Group VI is needed to ensure continued accurate payroll processing, provide training and direct supervision to Payroll Unit staff, and provide information to employees regarding their benefit time and procedures for various types of leave of absences, and

WHEREAS, after careful review, it has been determined that a vacant Clerical III position, Job Group VI is no longer needed as a result of a reorganization of our Financial Recovery Unit, now, therefore, be it

RESOLVED, that a vacant Clerical III position #10840, Job Group VI, step 8 at \$21.23 per hour be abolished effective September 24, 2018, and be it further

RESOLVED, that a Senior Payroll Clerk position, Job Group VI, step 5 at \$20.67 per hour be created and filled effective September 24, 2018, and be it further

RESOLVED, that the following line item transfer be effectuated September 24, 2018:

FROM:

A.22.6010.000 71010.10840	Clerical III	\$ 11,487
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TO:

A.22.6010.000 71010.xxxx	Senior Payroll Clerk	\$ 10,273
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A.22.6010.000 78400.05	Health HRA Employer Cont	850
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A.22.6010.000 78800.00	Flex 125 Employer Cont	364
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Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

### Resolution No. CS-039-18

From: Community Services and Administration Committees.

Dated: September 18, 2018

## ABOLISH AND CREATE POSITION – SOCIAL SERVICES SYSTEMS COORDINATOR

WHEREAS, the Department of Social Services has 439 employees located in two offices, one in Niagara Falls, one in Lockport, and

WHEREAS, these employees utilize a mass variety of State and Federal systems in order to carry out their work as mandated by the State of New York, and

WHEREAS, currently the Department's IT Unit is staffed by one (1) Micro Computer Specialist, two (2) Micro Computer Coordinators and one (1) Clerical I positions, and

WHEREAS, with all of the department dependent upon the various systems needed to perform their work in serving the public, it has been determined that it is necessary to have a technical position with a higher level of supervisory and management skills due to the complexity of the various systems at Social Services, and

WHEREAS, said position would be responsible for overseeing the operations of the Department's IT Unit and act as a liaison with the County Information Technology Department and the New York State Office of Information Technology Services, now, therefore, be it

RESOLVED, that the following positions be abolished effective October 22, 2018: one (1) vacant Clerical I position #2168 Job Group III, step 1 at \$16.49 per hour and one (1) Account Clerical IV position #1173 Job Group VIII, step 1 at \$20.56 per hour, and be it further

RESOLVED, that a Social Services Systems Coordinator position, Job Group XII, step 1 at \$28.37 per hour be created and filled effective October 22, 2018, and be it further

RESOLVED, that the following line item transfer be effectuated October 22, 2018:

FROM:		
A.22.6010.000 71010.2168	Clerical I	\$ 11,343
TO:		
A.22.6010.000 71010.xxxx	Social Services Systems Coordinator	\$ 10,129
A.22.6010.000 78400.05	Health HRA Employer Cont.	850
A.22.6010.000 78800.00	Flex 125 Employer Cont	364

Moved by Bradt, seconded by Virtuoso.  
Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. CS-040-18**  
From: Community Services and Administration Committees.  
Dated: September 18, 2018

**BUDGET MODIFICATION ACCEPTANCE OF GRANT  
OFFICE OF NIAGARA COUNTY CLERK ON BEHALF OF  
NIAGARA COUNTY VETERANS SERVICE AGENCY**

WHEREAS, the Office of the Niagara County Clerk oversees and administers the Niagara County Veterans Service Agency, and

WHEREAS, Senator Robert G. Ort, as Chairman of the Senate Committee on Mental Health and member of the Committee on Veterans, Homeland Security and Military Affairs was able to secure a \$46,250.00 grant from the PFC Joseph P. Dwyer Peer Support Program, and

WHEREAS, the program is designed as a non-clinical peer-to-peer counseling between veterans who personally understand the psychological and emotional effects of combat, and

WHEREAS, more than 18,000 veterans live throughout Niagara County, and

WHEREAS, the funds will be used to implement such a program for veterans throughout Niagara County, now, therefore, be it

RESOLVED, the Niagara County Clerk's Office is given authorization to accept the grant with the effectuation of the following budget modification, effective immediately, and be it further

RESOLVED, that all documents are reviewed by the County Attorney's office.

INCREASE ESTIMATED REVENUE:

A.10.1410.000 43490.01	Mental Health Program - General	\$46,250.00
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INCREASE APPROPRIATIONS:

A.10.1410.000 74400.09	Payments Other Agencies	\$46,250.00
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Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. CSS-057-18**

From: Community Safety & Security and Administration Committees.

Dated: September 18, 2018

**CREATE AND FILL PART TIME POSITION  
DISTRICT ATTORNEY'S OFFICE**

WHEREAS, the Niagara County District Attorney's Office has absorbed the duties of court notifications for the 14 Town Justice Courts which has resulted in a significantly increased workload, and

WHEREAS, this additional workload has created a need for an additional part time Court Assistant to fulfill the requirement of timely notifications, and

WHEREAS, the District Attorney has the funds available in the 2018 operating budget, now, therefore, be it

RESOLVED, that effective October 1, 2018, a Court Assistant part time position, Grade CSEA 5, Step 1, \$17.78 per hour, 17.5 hours per week, be created and filled, and be it further

RESOLVED, that the following budget modifications be effectuated in the District Attorney's 2018 operating budget:

DECREASE APPROPRIATIONS:

A.02.1165.000.71010.00.13295	Positions-Asst. District Attorney	\$ 4,107
A.02.1165.000.78100.00	Retirement	382
A.02.1165.000.78200.00	FICA	314
A.02.1165.000.78300.00	Worker's Compensation	70

INCREASE APPROPRIATIONS:

A.02.1165.000.71030.00.xxxxx	DA Court Assistant Part Time	\$ 4,107
A.02.1165.000.78100.00	Retirement	382
A.02.1165.000.78200.00	FICA	314
A.02.1165.000.78300.00	Worker's Compensation	70

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. CSS-058-18**

From: Community Safety & Security and Administration Committees.

Dated: September 18, 2018

**ACCEPTANCE OF AID TO PROSECUTION PROGRAM GRANT**

WHEREAS, the Niagara County District Attorney's Office has been awarded renewed funding from the New York State Division of Criminal Justice Services under the Aid To Prosecution Program for the purpose of continuing aid in the prosecution of repeat violent and serious felony offenders in Niagara County, and

WHEREAS, funding has been awarded in the amount of \$89,180 for the period October 1, 2018 through September 30, 2019, with no matching funds requirement, and

WHEREAS, the funds have been appropriated in the Niagara County District Attorney's budget, now, therefore, be it

RESOLVED, that the County of Niagara does hereby accept this grant award, and be it further

RESOLVED, that prior to the execution of the grant award contract, the County Attorney will review the grant award contract for approval as to legal form, language and compliance, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. CSS-059-18**

From: Community Safety & Security and Administration Committees.

Dated: September 18, 2018

**DISTRICT ATTORNEY MOTOR VEHICLE THEFT AND INSURANCE FRAUD  
PREVENTION PROGRAM GRANT ACCEPTANCE**

WHEREAS, The Niagara County District Attorney's Office has been notified by the New York State Division of Criminal Justice Services that the Motor Vehicle Theft and Insurance Fraud Prevention Program grant has been renewed for the period of January 1, 2019 through December 31, 2019, and

WHEREAS, funding has been awarded in the amount of \$109,443 and said funds are used to offset expenses for the District Attorney's Motor Vehicle Theft and Insurance Fraud Prevention Unit, and

WHEREAS, basic revenue and appropriation figures for said program were calculated and are contained within the CM.02.1989.114 Motor Vehicle Theft and Insurance Fraud Prevention cost center for the 2019 budget year, and

WHEREAS, this program will continue to fund one full time Assistant District Attorney, Position #9700, ATT II, Step 3, \$71,007 annually and one full time Criminal Investigator, Position #9701, NUH 6, Step 3, \$48,160 annually, with fringe benefits which shall remain co-terminus with grant funding, now, therefore be it

RESOLVED, that the County of Niagara does hereby accept this grant award, and be it further

RESOLVED, that prior to the execution of the grant award contract, the County Attorney will review the grant award contract for approval as to legal form, language and compliance, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. CSS-060-18**

From: Community Safety & Security and Administration Committees.

Dated: September 18, 2018

**CONTINUATION OF  
NIAGARA UNIVERSITY AGREEMENT  
FOR BORDER COMMUNITY SERVICE (BCS) PROGRAM THROUGH 8/31/19**

WHEREAS, Niagara County wishes to continue its commitment to Niagara University's Border Community Service Program (BCS) initiatives as outlined in Resolution #CSS-030-07 and continued in CSS-044-08, and CSS-044-17, and in an agreement between the County and the University executed by the County on October 7, 2016 ("the Agreement"), and

WHEREAS, the County wishes to extend the Agreement for a new term commencing September 1, 2018 and continuing through August 31, 2019, in an amount of \$30,000 funded by Homeland Security SHSP-16 grant funds to provide professional and technical services to assist the County in completing intended community preparedness initiatives, and

WHEREAS, prior to the execution of the Niagara University Extension Agreement, the County Attorney will review the same for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that the Legislature determines that the services to be provided by Niagara University constitute professional Services requiring a high degree of expertise and professional knowledge, and waive any requirement to seek additional or alternative proposals, 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 to the Agreement extending the term through August 31, 2019, all other terms remaining the same.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. CSS-061-18**

From: Community Safety & Security and Administration Committees.

Dated: September 18, 2018

**DETERMINATION THAT PROPOSED ACTION IS A TYPE II ACTION  
FOR NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR)  
FOR CDBG IMMINENT THREAT GRANT, #806IT213-17**

WHEREAS, Niagara County has performed work to protect life, health, property and natural resources and expended funds for flood recovery efforts as allowed for in the approved Community Development Block Grant Agreement, NYS CDBG Project #806IT213-17, and

WHEREAS, the County desires to comply with New York State Environmental Quality Review Act (SEQR) and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR § 617.5, as amended (the Regulations) with respect to the Project, and

WHEREAS, the actions taken are not subject to any further review under SEQR since they have been found categorically to not have significant adverse impacts on the environment; the subject actions based on 6 NYCRR Part 617.5(c)(33) were emergency actions that were immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources, directly related to the emergency and were performed to cause the least change or disturbance, practicable under the circumstances to

the environment. These emergency actions, taken in 2017, consisted of measures to build up the shoreline with shoreline materials to keep the rising water from flooding out residences and critical infrastructures and are listed as Type II Action under 6 NYCRR § 617.5(c)(33), now, therefore, be it

RESOLVED, that the Legislature declares the Project constitutes a "Type II Action" under 6 NYCRR § 617.5(c)(33) and that no further action under the SEQRA Act and the Regulations is required.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. CSS-062-18**

From: Community Safety & Security and Administration Committees.

Dated: September 18, 2018

**2018 BUDGET MODIFICATION - FIRE COORDINATOR'S OFFICE  
TECHNICAL RESCUE TEAM INCIDENT PAYMENT**

WHEREAS, the County Technical Rescue Team responded to an incident on 6/25/18 and the supplies used at the scene are not reusable, and

WHEREAS, the Fire Coordinator's Office invoiced and received payment for the replacement of these supplies from the responsible party in the amount of \$565.00, and

WHEREAS, the Fire Coordinator's Office needs to replenish the supplies used by the Technical Rescue Team, at no cost to the County, now, therefore, be it

RESOLVED, that the following 2018 budget modifications be effectuated:

INCREASE REVENUE:

A.19.3410.000 42690.02	Other Compensation for Loss	\$ 565.00
	Reimbursements	

INCREASE APPROPRIATION:

A.19.3410.000 74800.16	Safety Equip Under 500	\$ 565.00
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Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. CSS-063-18**

From: Community Safety & Security and Administration Committees.

Dated: September 18, 2018

**ACCEPTANCE OF CRITICAL INFRASTRUCTURE  
2017 HOMELAND SECURITY GRANT**

WHEREAS, the County of Niagara is required to certify its acceptance of the Critical Infrastructure 2017 grant through the Department of Homeland Security for the period of August 1, 2018 to August 31, 2020, at no cost to the County, and

WHEREAS, the grant for CI 2017 is in the amount of \$48,000 and the funds will be used for deployable remote surveillance cameras, 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.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. CSS-064-18**

From: Community Safety & Security and Administration Committees.

Dated: September 18, 2018

**ACCEPTANCE OF SHSP 2018 HOMELAND SECURITY GRANTS**

WHEREAS, the County of Niagara is required to certify its acceptance of the SHSP 2018 grant through the Department of Homeland Security for the period of 9/1/18 to 8/31/21, at no cost to the County, and

WHEREAS, the grant for SHSP 2018 is in the amount of \$562,426 and the funds will be used for consultant to provide Citizen Preparedness Initiatives, interoperable communications equipment and related equipment (portable and mobile radios), cyber security enhancement equipment and related software, CAD software/hardware, PPE, mobile data terminals, EOC office supplies, travel for preparedness planning activities and conferences, credentialing software maintenance, alerting system updates and maintenance (IamResponding and EOC ready), CAD maintenance, T1 line maintenance and air cards, 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.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. CSS-065-18**

From: Community Safety & Security and Administration Committees.

Dated: September 18, 2018

**NIAGARA COUNTY SHERIFF'S OFFICE  
ACCEPT ARSON LABORATORY IMPROVEMENT PROGRAM**

WHEREAS, the Niagara County Sheriff's Office has been awarded a grant from the New York State Division of Homeland Security and Emergency Services Office of Fire Prevention and Control for the period of January 1, 2018 through December 31, 2018 in the amount of \$5,000, and

WHEREAS, this grant is an additional year of funding of an existing grant, and

WHEREAS, the funds are used to reimburse the County for Arson Investigation supplies, and

WHEREAS, the funds are included in the 2018 budget, and

WHEREAS, the Letter of Agreement needs to be executed, now, therefore, be it

RESOLVED, that prior to the execution of the Letter of Agreement, the County Attorney will review 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 - Hill

**Resolution No. CSS-067-18**

From: Community Safety & Security and Administration Committees.

Dated: September 18, 2018

**NIAGARA COUNTY SHERIFF'S OFFICE**

**ACCEPT OFFICE OF VICTIM SERVICES – ABOLISH PART TIME CRIME VICTIM ADVOCATE POSITION – CREATE AND FILL FULL TIME CRIME VICTIM ADVOCATE POSITION**

WHEREAS, the Niagara County Sheriff's Office was notified in writing that the New York State Office of Victim Services has increased the grant funding from \$320,655 for the 2017/2018 grant fiscal year to \$344,840.60 for the 2018/2019 grant fiscal year, and

WHEREAS, this grant funds the Niagara County Sheriff's Office Crime Victim Assistance Unit which provides a vital service to Niagara County residents by helping crime victims through the aftermath of their victimization by connecting them with needed legal, financial, safety and emotional resources, and

WHEREAS, the number of crime victims continues to grow along with the number of needed services, and

WHEREAS, an upgrade of one part time benefit eligible crime victim advocate position to a full time crime victim advocate position, coterminous with the grant, would expand the unit's ability to assist crime victims in their recovery, and

WHEREAS, the 2018 budget will need to be modified to allow for the spending of this grant, now, therefore, be it

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be and hereby is authorized to execute the agreement for the 2018/2019 grant fiscal year, and be it further

RESOLVED, that the Part Time Benefit Eligible Crime Victim Advocate position (#13310) be abolished effective September 30, 2018, and be it further

RESOLVED, that one Full Time Crime Victim Advocate (40 hours per week) position be created and filled effective October 1, 2018, and be it further

RESOLVED, that the following line item transfers be effectuated:

INCREASE REVENUE:

A.17.3389.300 44389.06	Other Public Safety Crime Victims	\$7,682
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DECREASE APPROPRIATIONS:

A.17.3989.300 71030.00	Part time positions (P/T Crime Victim Advocate #13310)	\$ 4,805
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INCREASE APPROPRIATIONS:

A.17.3110.000.71010.00	Positions (F/T Crime Victim Advocate-#XXXX)	\$ 9,610
A.17.3989.300 78100.00	Retirement Expense	447
A.17.3989.300 78200.00	FICA Expense	367
A.17.3989.300 78300.00	Worker's Compensation Expense	81
A.17.3989.300 78400.01	Insurance Health Active/Medical	1,132
A.17.3989.300 78400.05	Insurance Health HRA Employer Contribution	850

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. CSS-068-18**

From: Community Safety & Security and Administration Committees.

Dated: September 18, 2018

**NIAGARA COUNTY SHERIFF'S OFFICE  
ACCEPT FY17 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 \$140,400 under the FY2017 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, 2017 through August 31, 2020, 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 funds are included in the 2019 budget, 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.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. CSS-069-18**

From: Community Safety & Security and Administration Committees.

Dated: September 18, 2018

**NIAGARA COUNTY SHERIFF'S OFFICE  
BUDGET MODIFICATION - ACCEPT CHILD PASSENGER SAFETY PROGRAM GRANT**

WHEREAS, the Niagara County Sheriff's Traffic Safety Office has been awarded a grant from the New York State Governor's Traffic Safety Committee for the period of October 1, 2018 through September 30, 2019 in the amount of \$7,000, and

WHEREAS, this grant is a continuation of an existing program and is fully funded by the New York State Governor's Traffic Safety Committee, and

WHEREAS, the goal of the grant is to increase the proper use and installation of child safety seats in New York State, and

WHEREAS, the 2018 budget will need to be modified to accept part of this revenue and the remainder will be in the 2019 budget, now, therefore, be it

RESOLVED, that Niagara County hereby accept the Child Passenger Safety Program Award, and be it further

RESOLVED, that the 2018 budget be revised as follows:

INCREASE REVENUE:

CM.17.3989.303 44389.09	Other Public Safety Traffic	\$3,000
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INCREASE APPROPRIATIONS:

CM.17.3989.303 74800.16	Safety Equipment under \$500	\$3,000
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Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. CSS-070-18**

From: Community Safety & Security and Administration Committees.

Dated: September 18, 2018

**NIAGARA COUNTY SHERIFF'S OFFICE  
BUDGET MODIFICATION - STATE AND LOCAL OVERTIME REIMBURSEMENT**

WHEREAS, the Niagara County Sheriff's Office has a Memorandum of Understanding with Homeland Security Investigations for the reimbursement of Joint Operations expenses from the Treasury Forfeiture Fund, and

WHEREAS, the involvement of the Niagara County Sheriff's Office in joint cases aids with the resolution of these cases which is a benefit to the residents of Niagara County, and

WHEREAS, the Niagara County Sheriff's Office has been working on some major cases with Homeland Security Investigations in 2018, and

WHEREAS, the Memorandum of Agreement allows for reimbursement of overtime hours spent on these cases, and

WHEREAS, the 2018 budget would need to be revised to accept the revenue, now, therefore be it

RESOLVED, that the 2018 budget be revised as follows:

INCREASE REVENUE:

A.17.3110.000 42210.01	General Services, Other Gov General	\$39,700
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INCREASE APPROPRIATIONS:

A.17.3110.000 71050.00	Overtime Expense	\$39,700
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Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. CSS-071-18**

From: Community Safety & Security and Administration Committees.

Dated: September 18, 2018

**NIAGARA COUNTY SHERIFF'S OFFICE  
BUDGET MODIFICATION - MARINE PATROL GRANT**

WHEREAS, the Niagara County Sheriff's Office has been awarded a grant in the amount of \$40,000.00 from the New York State Canal Corporation to enhance the safety of the Erie Canal waterway and paths, and

WHEREAS, the grant will allow the Niagara County Sheriff's Office to increase both marine and bike patrols along the Erie Canal for the safety of Niagara County residents, and

WHEREAS, the 2018 budget will need to be modified to allow for the spending of this grant, now, therefore, be it

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

RESOLVED, that the 2018 budget be modified as follows:

INCREASE REVENUE:

A.17.3110.000.43315.00                      Navigation Law Enforcement Marine Patrol                      \$40,000

INCREASE APPROPRIATIONS:

A.17.3110.000.71050.00                      Overtime Expense                      \$40,000

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. CSS-072-18**

From: Community Safety & Security and Administration Committees.

Dated: September 18, 2018

**NIAGARA COUNTY SHERIFF'S OFFICE  
BUDGET MODIFICATION – RESCIND OF FEMA  
REIMBURSEMENT FOR LAKESHORE FLOODING**

WHEREAS, the Niagara County Legislature passed resolution CSS-034-18 on May 15, 2018 to accept from the Federal Emergency Management Agency (FEMA) partial reimbursement for costs associated with the Niagara County Lakeshore Flooding in 2017, and

WHEREAS, New York State has also made funding available for partial reimbursement for costs associated with the Niagara County Lakeshore Flooding in 2017, and

WHEREAS, FEMA has rescinded the offer of reimbursement due to New York State funding, and

WHEREAS, the Niagara County Emergency Management Office is applying for New York State reimbursement of costs from the Niagara County Lakeshore Flooding in 2017, and

WHEREAS, the 2018 budget will need to be modified to reverse the previous resolution, now therefore, be it

RESOLVED, that the following line item transfers be effectuated:

DECREASE REVENUE:

A.17.3110.000.44960.01                      Emergency Disaster Assistance General                      \$12,549.49

DECREASE APPROPRIATIONS:

A.17.3110.000.74800.11                      Vehicle Maintenance                      \$12,549.49

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. CSS-073-18**

From: Community Safety & Security and Administration Committees.

Dated: September 18, 2018

**EVALUATION OF MOTOROLA PROPOSAL TO ENHANCE  
THE COUNTYWIDE PUBLIC SAFETY RADIO NETWORK  
PROFESSIONAL SERVICES CONTRACT APPROVAL**

WHEREAS, the County of Niagara owns a Countywide Public Safety Radio Network which was constructed and maintained by Motorola Solutions; and

WHEREAS, the County of Niagara intends to initiate a project for purchase and implementation of necessary infrastructure and equipment (the "Project") to enhance the current Countywide Public Safety Radio Network; and

WHEREAS, due to the cost, complexity and importance of the Project and in accordance with best practices for a project of this scale to maximize efficiency and contain cost, the County Manager recommends the use of a consultant to examine the proposal for the Project, which is expected to include, but is not limited to, reviewing the Motorola Solutions proposal, a thorough review of all Motorola, subcontractor and County responsibilities, an identification of specific site requirements, additional negotiations with Motorola Solutions as needed to finalize the proposal into a contract; and

WHEREAS, Mission Critical Partners has many years of collective experience negotiating telecommunications and radio system contracts and expertise in examining proposals and negotiating cost benefits for involved municipalities; and

WHEREAS, the services to be provided by Mission Critical Partners involve a high degree of expertise and involve matters of professional judgment and trust and thus constitute "professional services," and

WHEREAS, under Niagara County's Purchasing Guidelines, the Niagara County Legislature and the requisite committee(s) have the discretion to waive Requests for Proposal for a professional service contract; and

WHEREAS, money is available through the operating funds in the Fire Coordinators Office and will be designated for this project; now, therefore, be it

RESOLVED, that the Niagara County Legislature and the requisite committee(s) hereby waive RFP and authorize the County Manager to enter into a job specific contract with Mission Critical Partners, not to exceed \$19,908.00, for proposal review, examination and negotiations related to the foregoing Project. Said contract to be subject to the review of the County Attorney for compliance with legal form and County policy.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. CW-013-18**

From: Committee of the Whole.

Dated: September 18, 2018

**ADOPTION OF A LOCAL LAW INCREASING THE SALARY  
OF THE NIAGARA COUNTY PERSONNEL OFFICER**

WHEREAS, the Committee of the Whole presents in writing the following proposed Local Law:

A Local Law of the County of Niagara, New York for the year 2018 increasing the salary of the Niagara County Personnel Officer, and

WHEREAS, a public hearing was held on the 18<sup>th</sup> day of September, 2018 at 6:30 p.m. in the Legislative Chambers, Courthouse, Lockport, New York, on said Local Law, and

WHEREAS, no people 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 a Local Law of the County of Niagara, New York increasing the salary of the Niagara County Personnel Officer be enacted by the County Legislature of the County of Niagara, as follows:

1. The annual salary of the Personnel Officer shall be increased from \$20,000 per year to \$25,000 per year for 2018 commencing upon the date that this Local Law becomes effective; the annual salary shall be increased for 2019 to \$27,500 per year and the annual salary shall be increased for 2020 to \$30,000 per year;

2. This Local Law shall become effective in accordance with the statutes of the State of New York.

Moved by Bradt, seconded by Andres..

Adopted. 9 Ayes, 5 Noes, 1 Absent - Hill

**Resolution No. CW-014-18**

From: Committee of the Whole.

Dated: September 18, 2018

**POSITION APPOINTMENT  
DIRECTOR OF VETERANS SERVICE AGENCY**

WHEREAS, resolution AD-020-02 placed the Niagara County Veterans Service Agency under the care and maintenance of the office of Niagara County Clerk, and

WHEREAS, the position of Veterans Service Director is vacant, and

WHEREAS, under the Local Law establishing an Administrative Code for the County of Niagara, the County Manager shall make appointments for the position of Veterans Service Director, subject to the confirmation of the County Legislature, and

WHEREAS, the position was advertised, resumes received and reviewed based upon experience, expertise, and qualifications, and

WHEREAS, each recommended candidate has received an interview, and

WHEREAS, the County Manager has determined that Jeffrey M. Glatz best meets the qualifications for the position and, therefore, should be appointed to the position, subject to the appointment being confirmed by the County Legislature, and

WHEREAS, the position is fully funded for FY2018 in the Niagara County Clerk's office budget, now, therefore, be it

RESOLVED, that Jeffrey M. Glatz be appointed to the position of Niagara County Veterans Service Director, at FLSA Exempt, Flat Salary Grade VII, Step I, at an annualized salary of \$47,039 effective September 24, 2018, and advance to Step 2 effective January 1, 2019 at an annualized salary of \$49,982.

Moved by Bradt, seconded by Nemi..

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. CW-015-18**

From: Committee of the Whole.

Dated: September 18, 2018

**AWARD OF CONTRACT – TROTT ACCESS CENTER  
NORTHPOINTE RENOVATIONS FLOORING CONTRACT**

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 application of an Epoxy Flooring System, for the area being renovated for the Northpointe Clinic, and

WHEREAS, the following quotes were received:

- |   |          |
|---|----------|
| 1. Millennium Construction<br>3024 Niagara Falls Boulevard<br>North Tonawanda, NY 14120 | \$32,275 |
| 2. QuestMark Flooring<br>256 Two Mile Creek Rd<br>Tonawanda, NY 14150                   | \$42,749 |

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 Epoxy Flooring System for the Northpointe Renovations area be awarded to the lowest responsible bidder, Millennium Construction, 3024 Niagara Falls Boulevard, North Tonawanda, NY 14120, in the amount of \$32,275.00, and be it further

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

Moved by Collins, seconded by Grozio.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. CW-016-18**

From: Committee of the Whole.

Dated: September 18, 2018

**RESOLUTION TO AUTHORIZE THE COUNTY  
TO ENTER INTO AN AGREEMENT WITH KONTROL LLC  
TO PROVIDE PAYMENT MANAGEMENT ADVISEMENT AND SERVICES**

WHEREAS, Kontrol, LLC is a commercial payment management advisor in the business of providing its clients with card-based virtual payment technology services and expertise, and

WHEREAS, the payment management services which Kontrol provides would save the County and the taxpayers a substantial amount of money should the County enter into an agreement with Kontrol to facilitate

and manage the County's card-based virtual payment activities as directed and in accordance with any scope of services set forth in an agreement, and

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

RESOLVED, that the Legislature of the County of Niagara hereby authorizes the County to enter into an agreement with Kontrol LLC, 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 agreement.

Moved by Wydysh, seconded by Collins.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. CW-017-18**

From: Committee of the Whole.

Dated: September 18, 2018

**CAPITAL BUDGET PROJECT CREATION  
ENERGY PERFORMANCE CONTRACT IMPLEMENTATION**

WHEREAS, the Department of Public Works, in accordance with Federal/State guidelines, evaluated proposals from firms to assist the County with performing an energy audit as the first step to evaluating the feasibility of executing an Energy Performance Contract, and

WHEREAS, Resolution Number IF-70-17, dated April 4, 2017, authorized JW Danforth, 930 Old Dutch Road, Victor, NY 14564, to assist the County with an energy audit, and

WHEREAS, Resolution Number IF-051-18, dated April 17, 2018, awarded the contract for facility improvements to JW Danforth, in the amount of \$6,647,851 and also authorized the Chief Fiscal Officer to secure financing for the energy performance contract, and

WHEREAS, a capital budget project needs to be established to record revenue and expenditures for the Energy Performance Contract, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE ANTICIPATED REVENUE:

H671.15.1620.000.45785.00	Installment Purchase Debt	\$6,495,147
H671.15.1620.000.42770.01	Project Rebates	\$ 152,704

INCREASE ANTICIPATED EXPENDITURES

H671.15.1620.72200.01	Building Improvements	\$6,647,851
	A – HR RTU	\$ 200,986
	B – Ross Bldg RTU	\$ 340,253
	C – Brooks RTU	\$ 553,048
	D – 111 Main St	\$ 574,333
	E – PSTF A/C	\$ 241,886
	F – 199 So Niagara	\$ 81,680
	G – CH Windows	\$1,607,618
	H – Lighting	\$1,000,843

I – Building Envelope	\$ 162,361
J – Digital Control Upgrades	\$ 203,017
K – Pipe Insulation	\$ 7,230
L – 111 Main St Meters	\$ 12,632
M – Mobilization	\$1,661,963

Moved by Bradt, seconded by Virtuoso..  
 Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. CW-018-18**

From: Committee of the Whole.

Dated: September 18, 2018

**RESOLUTION OF THE COUNTY LEGISLATURE OF THE COUNTY OF NIAGARA, NEW YORK (THE “COUNTY”), (I) AUTHORIZING THE COUNTY TO UNDERTAKE A LEASE-PURCHASE FINANCING IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$6,250,000 FOR THE EQUIPMENT AND OTHER PERSONAL PROPERTY TO BE ACQUIRED AND INSTALLED AS PART OF THE COUNTY’S ENERGY PERFORMANCE CONTRACT PROJECT; (II) APPROVING THE AWARD OF SUCH FINANCING; (III) AUTHORIZING THE EXECUTION AND DELIVERY OF AN EQUIPMENT LEASE/PURCHASE AGREEMENT WITH RESPECT THERETO AND OF OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AND (IV) AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION**

WHEREAS, County of Niagara, New York (the “County”), a body politic and corporate duly organized and existing as a political subdivision and municipal corporation of the State of New York (the “State”), is authorized by the laws of the State to purchase, acquire and lease personal property for the benefit of the County and its inhabitants and to enter into contracts with respect thereto, and

WHEREAS, in accordance with Article 9 of the State Energy Law (the “Energy Law”), and as authorized by Resolution No. IF-051-18, adopted on April 17, 2018, by the County Legislature (the “Legislature”) of the County, the County has entered into an energy performance contract (the “EPC”) with JW Danforth (“Danforth”) for purposes of undertaking energy-efficiency related improvements (collectively, the “Project”) located various County-owned facilities at an aggregate cost of \$6,647,851, and

WHEREAS, by Resolution IF-050-18, adopted on April 17, 2018, the Legislature determined that the Project constitutes a “Type II Action” within the meaning of State Environmental Quality Review Act and the regulations promulgated thereunder (collectively, “SEQRA”), and as such the Project is not subject to any further review or action under SEQRA, and

WHEREAS, for the purpose of pursuing financing for the equipment and other personal property to be acquired and installed at various County facilities as part of the Project (collectively, the “Equipment”), the County Treasurer, through County’s financial advisor, Capital Market Advisors (the “Financial Advisor”), issued a written Request for Proposals (the “RFP”) to qualified respondents to serve as the lessor under a lease-purchase agreement with the County in the principal amount of \$6,250,000 to finance the Equipment, and

WHEREAS, in response to the RFP, the County received seven (7) proposals from qualified respondents and it was determined by the County Treasurer, based on the recommendation of the of the Financial Advisor, that the proposal received from Banc of America Public Capital Corp (“BoFA”), was most advantageous to the County and meets the overall needs of the County for the lease-purchase financing of the Equipment, and was the lowest interest rate cost of all proposals received, and

WHEREAS, in order to acquire the Equipment and effectuate such lease-purchase financing, the County proposes to enter into an Equipment Lease/Purchase Agreement (the "Agreement") with BofA (or one of its affiliates), as lessor (the "Lessor") in substantially the form presented at this meeting, and

WHEREAS, the Legislature deems it for the benefit of the Lessee and for the efficient and effective administration thereof to enter into the Agreement and the documentation related to the financing of the Equipment for the purchase, acquisition and leasing of the Equipment to be therein described on the terms and conditions therein provided, and

WHEREAS, the Legislature now intends, among other things, to (i) authorize the County to undertake such lease-purchase financing for the Equipment in the principal amount of \$6,250,000, (ii) approve the award of such lease-purchase financing for the Equipment to BofA, (iii) approve the form of Agreement as submitted to this meeting and authorize the County Treasurer to approve the final form of the Agreement and all related documents, and to execute and deliver such documents on behalf of the County; and (iv) authorizing the taking of such other actions necessary in connection with the foregoing.

NOW THEREFORE, THE COUNTY LEGISLATURE OF THE COUNTY OF NIAGARA, NEW YORK HEREBY RESOLVES as follows:

Section 1. Authorization of Lease-Purchase Financing for Equipment. The County is hereby authorized to finance a portion of the cost of the acquisition and installation of the Equipment through a lease-purchase financing in the principal amount not to exceed \$6,250,000.

Section 2. Approval of Award. The award of such lease-purchase financing to BofA, based on the proposals submitted in response to the RFP and the recommendation of the County Treasurer and the County's Financial Advisor, is hereby ratified and approved.

Section 3. Approval of Documents. The form, terms and provisions of the Agreement are hereby approved in substantially the forms presented at this meeting, with such insertions, omissions and changes as shall be approved by the County Treasurer, as the chief fiscal officer of the County, the execution of such documents being conclusive evidence of such approval; and the County Treasurer is hereby authorized and directed to execute, and the County Clerk is hereby authorized and directed to attest and countersign, the Agreement and any related Exhibits attached thereto and to deliver the Agreement (including such Exhibits) to the respective parties thereto, and the County Clerk is hereby authorized to affix the seal of the County to such documents.

Section 4. Other Actions Authorized. The officers and employees of County shall take all actions necessary or reasonably required by the parties to the Agreement to carry out, give effect to and consummate the transactions contemplated thereby (including the execution and delivery of Acceptance Certificates and any tax certificate and agreement, as contemplated in the Agreement) and to take all action necessary in conformity therewith, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Agreement.

Section 5. No General Liability. Nothing contained in this Resolution, the Agreement nor any other instrument shall be construed with respect to the County as incurring a pecuniary liability or charge upon the general credit of the County or against its taxing power, nor shall the breach of any agreement contained in this Resolution, the Agreement or any other instrument or document executed in connection therewith impose any pecuniary liability upon the County or any charge upon its general credit or against its taxing power, except to the extent that the Rental Payments payable under the Agreement are special limited obligations of the County as provided in the Agreement.

Section 6. Appointment of Authorized County Representatives. The County Treasurer and County Manager of the County are each hereby designated to act as authorized representatives of the County for purposes of the Agreement until such time as the County Legislature shall designate any other or different authorized representative for purposes of the Agreement.

Section 7. Severability. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 8. Repealer. All bylaws, orders and resolutions or parts thereof, inconsistent herewith, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any bylaw, order, resolution or ordinance or part thereof.

Section 9. Effective Date. This Resolution shall be effective immediately upon its approval and adoption.

Moved by Syracuse, seconded by Zona.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. CW-019-18**

From: Committee of the Whole.

Dated: September 18, 2018

**NIAGARA COUNTY SHERIFF'S OFFICE**

**REJECT BIDS FOR RFP #2017-62**

WHEREAS, the County issued RFP #2017-62 for provision of Case Management Software for the Victim Assistance Unit of the Niagara County Sheriff's Office, and

WHEREAS, responses were received and opened, and

WHEREAS, the Sheriff's Office wishes to reject all proposals and to issue a new Request for Proposal with modified specifications, now, therefore, be it

RESOLVED, that all proposals for RFP #2017-62 are rejected, and be it further

RESOLVED, that the Purchasing Department modify the specifications and issue a new Request for Proposal for the desired services.

Moved by Burmaster, seconded by Wydysh.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. CW-020-18**

From: Committee of the Whole.

Dated: September 18, 2018

**APPOINTING COUNTY'S COMMISSIONERS OF ELECTIONS**

WHEREAS, Election Law §3-204 sets forth the procedure for the appointment of County Elections Commissioners, and

WHEREAS, the Niagara County Legislature has determined to enlarge the term of office of the Board of Elections Commissioners to a four year term pursuant to Election Law §3-202 (1), and

WHEREAS, the Chairs of the County Committees of the Republican and Democratic parties have filed certificates with the Clerk of the Niagara County Legislature recommending the Commissioners' reappointments, now, therefore, be it

RESOLVED, that Jennifer A. Sandonato, Town of Wheatfield and Lora Allen, City of Niagara Falls are hereby appointed Elections Commissioners for the County of Niagara for terms commencing on January 1, 2019 and ending December 31, 2022.

Moved by Burmaster, seconded by Grozio.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. CW-021-18**

From: Committee of the Whole.

Dated: September 18, 2018

**ELECTION COMMISSIONERS FOUR [4] YEAR TERM OF OFFICE**

WHEREAS, the Niagara County Board of Elections Commissioners are presently serving a two year term which commenced on January 1, 2017, and

WHEREAS, Election Law §3-202 [1] provides that the Niagara County Legislature may determine that the commissioners of elections shall serve for a term of four [4] years, and

WHEREAS, there are twenty six counties in New York State whose Board of Elections Commissions are appointed to four year terms, and

WHEREAS, the Niagara County Legislature hereby determines to enlarge the term of office of Elections Commissioners from a two year term to a four year term commencing on January 1, 2019, now, therefore, be it

RESOLVED, that terms of office of the Elections Commissioners for the County of Niagara shall be for a term of four [4] years for the term of office which shall commence on January 1, 2019 and thereafter ending on December 31, 2022.

Moved by Lance, seconded by Steed.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. ED-013-18**

From: Economic Development Committee..

Dated: September 18, 2018

**RESOLUTION TO SET A HEARING TO CONSIDER INCLUSION OF VIABLE AGRICULTURAL LAND INTO NIAGARA COUNTY'S AGRICULTURAL DISTRICTS**

WHEREAS, New York State Agriculture and Markets Law 25AA, Section 303-b requires a public hearing upon termination of the annual thirty (30) day period within which a land owner may submit a request for inclusion of land which is predominantly viable agricultural land within a certified agricultural district prior to the county established 8-year review period, and

WHEREAS, a notice of the public hearing shall contain a statement that one or more requests for inclusion of predominantly viable agricultural land within a certified agricultural district have been filed with the county legislative body and shall identify the land proposed to be included, now, therefore, be it

RESOLVED, that the Niagara County Legislature shall conduct a public hearing on the 16th day of October, at 6:30 p.m. for public and municipal input upon termination of the annual thirty (30) day period within which a land owner may submit a request for inclusion, and be it further

RESOLVED, that the Clerk of the Legislature shall publish the following notice in the Lockport Union Sun and Journal, and the Niagara Gazette, as well as, post such notice on the home page of the County's website, and such notice shall give in writing directly to those municipalities whose territory encompasses the lands which are proposed to be included in an agricultural district.

**PLEASE TAKE NOTICE that the Niagara County Legislature will conduct a public hearing on the 16<sup>th</sup> day of October 2018 at 6:30 p.m. in the Legislative Chambers, Courthouse, Lockport, New York, for the purpose of hearing public comments on the inclusion of predominantly viable agricultural land within agricultural district #2, #7, and #8. Six parcels have been proposed for inclusion. The Niagara County Agricultural and Farmland Protection Board recommends the inclusion of four the following parcels of predominantly viable agricultural land into the nearest Agricultural District: Parcel 69.00-1-35, consisting of 5 acres, located on Ridge Road in Gasport; Agricultural District #2. Parcel 165.01-1-2.2, consisting of 26 acres, located on Bear Ridge Road in Pendleton; Agricultural District #7. Parcel 137.00-2-38.1, consisting of 5 acres, located on Fisk Road in Pendleton; Agricultural District #7. Parcel 13.00-1-22.122, consisting of 20 acres, located on East Lake Road in Burt; Agricultural District #8. Questions about Agricultural District inclusion may be directed to Amanda Henning, Cornell Cooperative Extension at 716-433-8839 x231.**

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. ED-014-18**

From: Economic Development Committee..

Dated: September 18, 2018

**RESOLUTION TO SET A HEARING ON THE CONSOLIDATION OF  
NIAGARA COUNTY AGRICULTURAL DISTRICTS**

WHEREAS, Niagara County currently has 5 Agricultural Districts, with sections of the Districts in the Towns of Cambria, Hartland, Lewiston, Lockport, Newfane, Niagara, Pendleton, Porter, Royalton, Somerset, Wheatfield, and Wilson, and the City of Lockport, and

WHEREAS, to increase efficiency of 8-year Agricultural District Reviews, Niagara County's Agricultural and Farmland Protection Board has recommended to consolidate Niagara County's Agricultural Districts into one, and

WHEREAS, New York State Agriculture and Markets Law 25AA, Section 303-c requires a public hearing to allow land owners, municipalities, and interested citizens to make public comments on the consolidation of Niagara County's Agricultural Districts, now, therefore, be it

RESOLVED, that the Niagara County Legislature shall conduct a public hearing for public and municipal input on the consolidation of Niagara County's Agricultural Districts at the Legislative Chambers, Courthouse, Lockport, New York on October 16, 2018, at 6:45 p.m., and be it further

RESOLVED, that the Clerk of the Legislature, at least six days in advance of such hearing, shall publish the following notice in at least one newspaper having general circulation within the county, post such notice on the home page of the county's website, and shall be given in writing by first class mail to those municipalities whose territories encompass the districts proposed to be consolidated, as well as to all persons, as listed on the most recent assessment roll, whose land is the subject of the proposed consolidation.

**PLEASE TAKE NOTICE** that the Niagara County Legislature will conduct a public hearing on the 16<sup>th</sup> day of October, 2018 at 6:45 p.m. in the Legislative Chambers, Courthouse, Lockport, New York, for the purpose of hearing public comments on the consolidation of Niagara County's Agricultural Districts in the Towns of Cambria, Hartland, Lewiston, Lockport, Newfane, Niagara, Pendleton, Porter, Royalton, Somerset, Wheatfield, Wilson, and the City of Lockport. The Niagara County Agricultural and Farmland Protection Board recommends that all districts be consolidated into Agricultural District #7. The consolidated district will have an 8-year anniversary date of November 5<sup>th</sup>. One modification request has been received. A landowner has requested a parcel with SBL#149.03-1-2.1 in the town of Wheatfield be removed from the Agricultural District. Questions about Agricultural Districts may be directed to Amanda Henning, Cornell Cooperative Extension at 716-433-8839 x231.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. ED-015-18**

From: Economic Development Committee..

Dated: September 18, 2018

**LOCAL LAW IMPOSING A TAX ON THE OCCUPANCY OF HOTEL ROOMS  
PURSUANT TO TAX LAW § 1202-t HOTEL OR MOTEL TAXES IN NIAGARA COUNTY**

WHEREAS, the Economic Development and Administration Committees present in writing the following proposed Local Law:

A Local Law Imposing a Tax on the Occupancy of Hotel Rooms Pursuant to Tax Law §1202-t Hotel or Motel Taxes in Niagara County:

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

Section 1.     Short Title.

This Local Law shall be known as the Niagara County Hotel Room Occupancy Tax Law.

Section 2.     Definitions.

When used in this Local Law, the following terms shall mean:

(a)     Person.     An individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.

(b)     Operator.     Any person operating a hotel in the County of Niagara, including but not limited to, the owner or proprietor of such premises, lessee, sub-lessee, mortgagee in possession, licensee or any other person otherwise operating such hotel.

(c)     Hotel.     A building or portion of it which is regularly used and kept open as such for the lodging of guests on an overnight basis. The term "hotel" includes a motel, motor court, motor lodge or inn, bed and breakfast and tourist homes, AirBNB, rentals, (including through online booking sites) or similar hotel or motel type of accommodations by whatever name designated.

(d)     Occupancy.     The use or possession, or the right to use or possession of any room in a hotel.

(e) Occupant. A person who, for a consideration, uses, possesses, or has the right to use or possess, any room in a hotel under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.

(f) Permanent Resident. A person occupying any room or rooms in a hotel for at least thirty consecutive days shall be considered a permanent resident with regard to the period of such occupancy.

(g) Rent or Charge. The consideration received for occupancy valued in money, whether received in money or otherwise.

(h) Room. Any room or rooms of any kind in any part or portion of a hotel, which is available for or let out for any purpose other than a place of assembly.

(i) Return. Any return filed or required to be filed as herein provided.

(j) County Treasurer. The Treasurer of the County of Niagara, New York.

### Section 3. Imposition of Tax.

On and after the 1st day of December, two thousand eighteen, there is imposed and there shall be paid a tax of four percent (4%) per day upon the rent for every occupancy of a room or rooms in a hotel in the County of Niagara except that the tax shall not be imposed upon a permanent resident of a hotel or exempt organizations as hereinafter set forth.

### Section 4. Exempt Organizations.

(a) Except as otherwise provided in this section, any use or occupancy by any of the following shall not be subject to the tax imposed by this Local Law:

(1) The State of New York, or any public corporation (including a public corporation created pursuant to agreement or compact with another state or the Dominion of Canada) improvement district or political subdivision of the state;

(2) The United States of America, insofar as it is immune from taxation; and

(3) Any corporation, or association, or trust, or community chest, fund or foundation, organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this paragraph.

### Section 5. Territorial Limitations.

The tax imposed by this Local Law shall apply only within the territorial limits of the County of Niagara except for within the limits of any city of the County of Niagara imposing a hotel or motel tax pursuant to authority granted by the State of New York at any prior time. In the event that any city within the County of Niagara not currently imposing such a hotel and motel bed tax shall obtain authorization from the State of New York to impose such a tax; said city shall have the right to impose such tax up to the maximum rate of the tax authorized for such city by the State of New York. In the event that the imposition of the new tax by any such

city would require a reduction in the County tax rate imposed pursuant to this section and to this Local Law, then said tax shall not become effective before the commencement of the County's next succeeding fiscal year and then only if such city shall have given notice to such County of its imposition of such a tax at least six (6) months prior to the commencement of such fiscal year. The County of Niagara waives the right of said notice and the postponement of the effective date of such a hotel occupancy tax. Cities within the County of Niagara who currently are authorized to and who collect a hotel occupancy tax shall continue to maintain a prior right to collect such hotel and motel bed tax.

#### Section 6. Registration.

Within ten days after the effective date of this local law, or in the case of operators commencing business after such effective date, within three days after such commencement or opening, every operator shall file with the County Treasurer a certificate of registration in a form prescribed by the County Treasurer. The County Treasurer shall, within five days after such registration, issue without charge to each operator, a certificate of authority empowering such operator to collect the tax from the occupant and duplicate thereof for each additional hotel of such operator. Each certificate or duplicate shall state the hotel to which it is applicable. Such certificates of authority shall be prominently displayed by the operator in such manner that it may be seen and come to the notice of all occupants and persons seeking occupancy. Such Certificates shall be non-assignable and non-transferable and shall be surrendered immediately to the County Treasurer upon the cessation of business at the hotel named or upon its sale or transfer.

#### Section 7. Administration and Collection.

(a) The tax imposed by this Local Law shall be administered and collected by the County Treasurer.

(b) The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement or charge made for said occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the County, and the operator shall be liable for the collection thereof and for the tax. The operator and any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this Local Law, and the operator shall have the same right in respect to collecting the tax from the occupant, or in respect to non-payment of the tax by the occupant as if the tax were a part of the rent for the occupancy payable at the time such tax shall become due and owing, including all rights of eviction, dispossession, repossession and enforcement of any innkeeper's lien that he may have in the event of non-payment of rent by the occupant; provided, however, that the County Treasurer shall be joined as a party in any action or proceeding brought by the operator to collect or enforce collection of the tax.

(c) Where the occupant has failed to pay and the operator has failed to collect a tax as imposed by this Local Law, then in addition to all other rights, obligations and remedies provided, such tax shall be payable by the occupant directly to the County Treasurer, and it shall be the duty of the occupant to file a return thereof with the County Treasurer and to pay the tax imposed thereon to the County Treasurer within fifteen days after such tax was due.

(d) The County Treasurer may, wherever he deems it necessary for the proper enforcement of this Local Law, provide by regulation that the occupant shall file returns and pay directly to the County Treasurer the tax herein imposed, at such times as returns are required to be filed and payment over made by the operator.

(e) The tax imposed by this Local Law shall be paid upon any occupancy on and after December first, two thousand eighteen, although such occupancy is had pursuant to a contract, lease or other arrangement made prior to such date. Where rent is paid or charged or billed, or falls due on either a weekly, monthly or

other term basis, the rent so paid, charged, billed or failing due shall be subject to the tax herein imposed to the extent that it covers any portion of the period on and after December first, two thousand eighteen. Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the County Treasurer may by regulation provide for credit and/or refund of the amount of such tax application therefore as provided in section twelve of this Local Law.

(f) For the purpose of the proper administration of this Local Law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator or the occupant. Where an occupant claims exemptions from the tax under the provisions of section four hereof, the rent shall, be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption a copy of a certificate issued by the County Treasurer certifying that the corporation or association therein named is exempt from the tax under section four hereof, together with a certificate duly executed by the corporation or association named in the certificate of the County Treasurer certifying that the occupant is its agent, representative or employee and that his occupancy is paid or to be paid by, and is necessary or required in the course of or in connection with the affairs of said corporation or association.

#### Section 8. Records to be kept.

Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon, in such form as the County Treasurer may by regulation require. Such records shall be available for inspection and examination at any time upon demand by the County Treasurer or his duly authorized agent or employee and shall be preserved for a period of three years, except that the County Treasurer may consent to their destruction within that period or may require that they be kept longer.

#### Section 9. Returns.

(a) Every operator shall file with the County Treasurer a return of occupancy and of rents, and of the taxes payable thereon for the periods ending March thirty-first, June thirtieth, September thirtieth and December thirty-first of each year, on and after December first, two thousand eighteen. Such returns shall be filed within twenty days from the expiration of the period covered thereby. The County Treasurer may permit or require returns to be made by other periods and upon such dates as he may specify. If the County Treasurer deems it necessary in order to insure the payment of the tax imposed by this Local Law, he may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as he may specify.

(b) The forms of returns shall be prescribed by the County Treasurer and shall contain such information as he may deem necessary for the proper administration of this Local Law. The County Treasurer may require amended returns to be filed within twenty days after notice and to contain the information specified in the notice.

(c) If a return required by this Local Law is not filed, or if a return when filed is incorrect or insufficient on its face, the County Treasurer shall take the necessary steps to enforce the filing of such a return or of a corrected return.

#### Section 10. Payment of Tax.

At the time of filing a return of occupancy and of rents each operator shall pay to the County Treasurer the taxes imposed by this Local Law upon the rents required to be included in such return, as well as all other moneys collected by the operator acting or purporting to act under the provisions in this Local Law. Even though it be judicially determined that the tax collected is invalidly required to be filed, it shall be due from the

operator and payable to the County Treasurer on the date limited for the filing of the return for such period, without regard to whether a return is filed or whether the return which is filed correctly shows the amount of rents and the taxes due thereon. Where the County Treasurer, in his discretion, deems it necessary to protect revenues to be obtained under this Local Law he may require any operator required to collect the tax imposed by this local law to file with him a bond, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as the County Treasurer may fix to secure the payment of any tax and/or penalties and interest due or which may become due from such operator. In the event that the County Treasurer determines that an operator is to file such bond he shall give notice to such operator to that effect specifying the amount of the bond required. The operator shall file such bond within five days after the giving of such notice unless within such five days the operator shall request in writing a hearing before the County Treasurer at which the necessity, propriety and amount of the bond shall be determined by the County Treasurer. Such determination shall be final and shall be complied with within fifteen days after the giving of notices thereof. In lieu of such bond, securities approved by the County Treasurer or cash in such amount as he may prescribe, may be deposited which shall be kept in the custody of the County Treasurer who may at any time without notice to the depositor apply them to any tax and/or interest or penalties due, and for that purpose the securities may be sold by him at public or private sale without notice to the depositor thereof.

#### Section 11. Determination of Tax.

If a return required by this Local Law is not filed, or if a return when filed is incorrect or insufficient the amount of tax due shall be determined by the County Treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors. Notice of such determination shall be given to the person liable for the collection and/or payment of the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within thirty days after giving of notice of such determination, shall apply to the County Treasurer for a hearing, or unless the County Treasurer of his own motion shall re-determine the same. After such hearing, the County Treasurer shall give notice of his determination to the person against whom the tax is assessed. The determination of the County Treasurer shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under Article seventy-eight of the Civil Practice Law and Rules, provided however, that such proceeding is instituted in the Supreme Court within thirty days after the giving of the notice of such determination. A proceeding under Article seventy-eight of the Civil Practice Law and Rules shall not be instituted unless

(a) The amount of any tax sought to be reviewed, with penalties and interest thereon, if any, shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a Justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or (b) at the option of the petitioner such undertaking may be in a sum sufficient to cover the taxes, penalties and interest thereon stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, penalties and interest as a condition precedent to the application.

#### Section 12. Refunds.

(a) In the manner provided in this section, the County Treasurer shall refund or credit without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the County Treasurer for such refund shall be made within one year from the payment thereof. Whenever a refund is made by the County Treasurer, he shall state his reason therefore in writing. Such application may be

made by the occupant, operator or other person who has actually paid the tax. Such application when made by an operator who has collected and paid over such tax to the County Treasurer, provided that the application is made within one year of the payment by the occupant to the operators shall be acted upon and refunded any moneys, due, only after such operator shall first establish to the satisfaction of the County Treasurer, under such regulations as the County Treasurer may prescribe, that he has repaid or will simultaneously repay to the occupant the amount for which the application for refund is made. The County Treasurer may, in lieu of any refund required to be made, allow credit therefore on payments due from the petitioner.

(b) Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the County Treasurer, and such County Treasurer shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under Article seventy-eight of the Civil Practice Law and Rules, provided, however, that such proceeding is instituted within thirty days after the giving of the notice of such denial, that a final determination of tax due was not previously made, and that an undertaking be filed with the County Treasurer in such amount and with such sureties as a Justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

(c) A person shall not be entitled to a revision, refund or credit under this section of a tax, interest or penalty which had been determined to be due pursuant to the provisions of section twelve of this Local Law where he has had a hearing or an opportunity for a hearing, as provided in said section, or has failed to avail himself of the remedies therein provided. No refund or credit shall be made of a tax, interest or penalty paid after a determination by the County Treasurer made pursuant to section twelve of this Local Law unless it be found that such determination was erroneous, illegal or unconstitutional or otherwise improper by the County Treasurer after a hearing or of his own motion or in a proceeding under Article seventy-eight of the Civil Practice Law and Rules, pursuant to the provisions of said section, in which event refund or credit without interest shall be made of the tax, interest or penalty found to have been overpaid.

### Section 13. Disposition of Revenues.

All revenues resulting from the imposition of this tax under this Local Law shall be paid into the treasury of the County of Niagara and shall be credited to and deposited in the General Fund account of the County of Niagara. Thereafter, said funds are to be allocated and paid to a not-for-profit corporation under contract with the County for the promotion of tourism in the County. The County Treasurer is authorized to retain up to a maximum of five percent (5%) of such revenue to defer the necessary expenses of the County in administering such tax.

### Section 14. Reserves.

In cases where the occupant or operator has applied for a refund and has instituted a proceeding under Article seventy-eight of the Civil Practice Law and Rules to review a determination adverse to him on his application for refund, the County Treasurer shall set up appropriate reserves to meet any decision adverse to the County.

### Section 15. Remedies Exclusive.

The remedies provided by sections eleven and twelve of this Local Law shall be exclusive remedies available to any person for the review of tax liability imposed by this Local Law and no determination or proposed determination of tax or determination on any application for refund shall be enjoined or reviewed by an action for declaratory judgment, an action for money had and received or by any action or proceeding other than a proceeding in a nature of a certiorari proceeding under Article seventy-eight of the Civil Practice Law and Rules; provided, however, that a taxpayer may proceed by declaratory judgment if he institutes suit within thirty

days after a deficiency assessment is made and pays the amount of the deficiency assessment to the County Treasurer prior to the institution of such suit and posts a bond for costs as provided in section eleven of this Local Law.

Section 16. Proceedings to Recover Tax.

(a) Whenever any operator or any officer of a corporate operator or any occupant or other person shall fail to collect and pay over any tax and/or to pay any tax, penalty or interest imposed by this Local Law as therein provided, the Niagara County Attorney shall, upon the request of the County Treasurer, bring or cause to be brought an action to enforce the payment of the same on behalf of the County of Niagara in any court of the State of New York or of any other state or of United States. If, however, the County Treasurer, in his discretion, believes that any such operator, officer, occupant or other person is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, he may declare such tax or penalty to be immediately due and payable and may issue a warrant immediately.

(b) As an additional or alternate remedy, the County Treasurer may issue a warrant, directed to the sheriff commanding him to levy upon and sell the real and personal property of the operator or officer of a corporate operator or of the occupant or other person liable for the tax, which may be found within the County for the payment of the amount thereof, with any penalties and interest, and the cost of executing the warrant, and to return such warrant to the County Treasurer and to pay to him the money collected by virtue thereof within sixty days after the receipt of such warrant. The sheriff shall, within five days after the receipt of the warrant, file with the County Clerk a copy thereof, and thereupon such clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax, penalties and interest for which the warrant is issued and the date when such copy is filed. Thereupon the amount of such warrant so docketed shall become a lien upon any interest in real and personal property of the person against whom the warrant is issued. The sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as that provided by law in respect to executions issued against property upon judgments of a court of record and for services in citing the warrant he shall be entitled to the same fees, which he may collect in the same manner. In the discretion of the County Treasurer, a warrant of like terms, force and effect may be issued and directed to any officer or employee of the County Treasurer and in the execution thereof such officer or employee shall have all the powers conferred by law upon sheriffs, but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. If a warrant is returned not satisfied in full, the County Treasurer may, from time to time, issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the County has recovered judgment therefore and execution thereon has been returned unsatisfied.

(c) Whenever an operator shall make a sale, transfer, or assignment in bulk of any part or the whole of his hotel or his lease, license of other agreement or right to possess or operate such hotel, apartment hotel, or of the equipment, furnishings, fixtures, supplies or stock of merchandise, of the said premises or lease, license or other agreement or right to possess or operate such hotel, apartment hotel and the equipment, furnishings, fixtures, supplies and stock of merchandise pertaining to the conduct or operation of said hotel, otherwise than in the ordinary and regular prosecution of business, the purchaser, transferee or assignee shall at least ten days before taking possession of the subject of said sale, transfer or assignment, or paying therefor, notify the County Treasurer by registered mail of the proposed sale and of the price, terms and conditions thereof whether or not the seller, transferor or assignor, has represented to or informed the purchaser, transferee or assignee that it owes any tax pursuant to this Local Law, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing. Whenever the purchaser, transferee or assignee shall fail to give notice to the County Treasurer as required by the preceding paragraph or whenever the County Treasurer shall inform the purchaser, transferee or assignee that a possible claim for such tax or taxes exists, any sums of money, property or chooses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the seller, transferor or assignor shall be subject

to a first priority right and lien for any such taxes theretofore or thereafter determined to be due from the seller, transferor or assignor to the County, and the purchaser, transferee or assignee is forbidden to transfer to the seller, transferor or assignor any such sums of money, property or choses in action to the extent of the amount of the County's claim. For failure to comply with the provisions of this subdivision, the purchaser, transferee or assignee, in addition to being subject to the liabilities and remedies imposed under the provisions of section 6-101 through 6-111 of the Uniform Commercial Code, shall be personally liable for the payment to the County of any such taxes theretofore or thereafter determined to be due to the County from the seller, transferrer, or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this Local Law.

Section 17. General Powers of the County Treasurer.

In addition to the powers granted to the County Treasurer in this Local Law, he is hereby authorized and empowered:

(a) To make, adopt and amend rules and regulations appropriate to the carrying out of this Local Law and the purposes thereof;

(b) To extend for cause shown, the time of filing any return for a period not exceeding thirty days; and for cause shown, to waive penalties but not interest computed at the rate of six percent per annum; and to compromise disputed claims in connection with the taxes hereby imposed;

(c) To request information from the Tax Commission of the State of New York or the Treasury Department of the United States relative to any person; and to afford information to such tax commission or such treasury department relative to any person, any other provision of this Local Law to the contrary notwithstanding;

(d) To delegate his functions hereunder to a Deputy County Treasurer or any employee or employees of the office of County Treasurer;

(e) To prescribe methods for determining the rents for occupancy and to determine the taxable and nontaxable rents;

(f) To require any operator within the County to keep detailed records of the nature and type of hotel maintained, nature and type of service rendered, the rooms available and rooms occupied daily, leases or occupancy contracts or arrangements, rents received, charged and accrued, the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this Local Law, and to furnish such information upon request to the County Treasurer.

(g) To assess, determine, revise and readjust the taxes imposed under this Local Law.

Section 18. Administration of Oaths and Compelling Testimony.

(a) The County Treasurer or his employees or agents duly designated and authorized by him shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this Local Law. The County Treasurer shall have power to subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the performance of his duties hereunder and of the enforcement of this Local Law and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before him or excused from attendance.

(b) A Justice of the Supreme Court, either in court or at chambers, shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the County Treasurer under this Local Law.

(c) Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material manner pending before the County Treasurer under this Local Law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars or imprisonment for not more than one year, or both such fine and imprisonment.

(d) The officers who serve the summons or subpoena of the County Treasurer and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided. Such officers shall be the County Sheriff and his daily appointed deputies or any officers or employees of the County Treasurer, designated to serve such process.

#### Section 19. Reference to Tax.

Wherever reference is made in placards or advertisements or in any other publications to this tax, such reference shall be substantially in the following form: "Tax on occupancy of hotel rooms," except that in any bill, receipt, statement or other evidence or memorandum of occupancy or rent charge issued or employed by the operator, the words "occupancy tax" will suffice.

#### Section 20. Penalties and Interest.

(a) Any person failing to file a return or to pay or pay over any tax to the County Treasurer within the time required by this Local Law shall be subject to a penalty, of five percent of the amount of tax due; plus interest at the rate of one percent of such tax for each month of delay excepting the first month after such return was required to be filed or such tax became due; but the County Treasurer, if satisfied that the delay was excusable, may waive all or any part of such penalty, but not interest at the rate of six percent per year. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this Local Law. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this Local Law.

(b) Any operator or occupant and any officer of a corporate operator or occupant failing to file a return required by this Local Law, or filing or causing to be filed, or making or causing to be made or giving or causing to be given any return, certificate, affidavit, representation, information testimony or statement required or authorized by this Local Law, which is willfully false, and any operator and any officer of a corporate operator willfully failing to file a bond required to be filed pursuant to section eleven of this Local Law, or failing to file a registration certificate and such data in connection therewith as the County Treasurer may be regulation or otherwise require or to display or surrender the certificate of authority as required by this Local Law or assigning or transferring such certificate or authority and any operator and any officer of a corporate operator willfully failing to charge separately from the rent the tax herein imposed, or willfully failing to state such tax separately on any evidence of occupancy and on any bill of statement or receipt of rent issued or employed by the operator, or willfully failing or refusing to collect such tax from the occupant, and any operator and any officer of a corporate operator who shall refer or cause reference to be made to this tax in a form or manner other than that required by this Local Law, and any operator failing to keep the records required by section eight of this Local Law, shall, in addition to the penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars, or imprisonment for not more than one year, or both such fine and imprisonment. Officers of a corporate operator shall be personally liable for the tax collected or required to be collected by such corporation under this Local Law, and subject to the penalties herein above imposed.

(c) The certificate of the County Treasurer to the effect that a tax has not been paid, that a return, bond or registration certificate has not been filed, or that information has not been supplied pursuant to the provisions of this Local Law, shall be presumptive evidence thereof.

Section 21. Returns to be Secret.

(a) Except in accordance with proper judicial order, or as otherwise provided by law, it shall be unlawful for the County Treasurer or any officer or employee of the office of County Treasurer to divulge or make known in any manner the rents or either information relating to the business of a taxpayer contained in any return required under this Local Law. The officer charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the County Treasurer in an action or proceeding under the provisions of this Local Law, or on behalf of any party to any action or proceeding under the provisions of this Local Law when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby, as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer or his duly authorized representative of a certified copy of any return filed in connection with his tax nor to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof, or the inspection by the Niagara County Attorney or other legal representatives of the County or by the District Attorney of Niagara County, of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty. Returns shall be preserved for three years and thereafter until the County Treasurer permits them to be destroyed.

(b) Any violation of subdivision (a) of this section shall be punishable by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or both, in the discretion of the court, and if the offender be an officer or employee of the County he shall be dismissed from office and be incapable of holding any public office for a period of five years thereafter.

Section 22. Notices and Limitations of Time.

(a) Any notice authorized or required under the provisions of this local law may be given by mailing the same to the person for whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed by him pursuant to the provisions of this Local Law, or in any application made by him or, if no return has been filed or application made, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions of this Local Law by the giving of notice shall commence to run from the date of mailing of such notice.

(b) The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the County to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this Local Law. However, except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return; provided, however, that where no return has been filed as provided by law the tax may be assessed at any time.

(c) Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

Section 23. Separability.

If any provision of this Local Law, or the application thereof to any person or circumstance shall be held invalid, the remainder of this Local Law, and the application of such provisions to other persons or circumstances shall not be affected thereby.

Section 24. Effective Date.

This local law shall take effect upon filing in the office of the Secretary of State as provided by the Municipal Home Rule Law. The Hotel and Motel tax enacted herein shall remain in effect for a three (3) year period, from December 1, 2018. Nothing contained in Tax Law § 1202-t Hotel or Motel Taxes in Niagara County shall prohibit the adoption and enactment of Local Laws pursuant to provisions of this section upon the expiration and any other Local Law adopted pursuant to this section.

RESOLVED, that the Niagara County Legislature shall conduct a public hearing upon said proposed Local Law at the Legislative Chambers, Courthouse, Lockport, New York, on the 16<sup>th</sup> day of October, 2018 at \_\_\_ p.m., and be it further

RESOLVED, that the Clerk of the Legislature, at least six (6) days in advance of such hearing, shall post a notice upon the bulletin boards in the Courthouse at Lockport and the Civic Building in Niagara Falls, and shall publish such notice once in the Union-Sun & Journal and the Buffalo News; such notice shall contain the title of the Local Law and an abstract of the text to be prepared by the Clerk of the Legislature with the assistance of the County Attorney's Office.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. IF-107-18**

From: Infrastructure & Facilities Committee.

Dated: September 18, 2018

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE NIAGARA COUNTY  
SNOWMOBILE FEDERATION OF SNOWMOBILE CLUBS**

WHEREAS, the Niagara County Snowmobile Federation of Snowmobile Clubs has requested the County of Niagara to agree to act as a municipal sponsor for a grant available through the New York State Office of Parks, Recreation and Historic Preservation Snowmobile Trail Fund, and

WHEREAS, the grant would assist the Niagara County Snowmobile Federation of Snowmobile Clubs in maintaining and operating safe recreational snowmobile trails already existing in the County of Niagara, and

WHEREAS, this grant would assist in grooming and coordinating trails already existing or to be added by lease or other agreements with property owners, and

WHEREAS, this grant will build and maintain a better, safer trail system, which will in turn bring more snowmobiles here, adding dollars to the County economy, now, therefore, be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Niagara County Snowmobile Federation of Snowmobile Clubs as appears in the proposed agreement, attached as part of this resolution, is hereby approved in all respects and be it further



WHEREAS, by Resolution No. IF-084-18, dated June 19, 2018, the Legislature awarded the contract for the flooring tasks associated with the renovation of space for the Northpointe Clinic to Pro Squared Facility Solutions, 1243 Military Road, Kenmore, NY 14216, for a contract amount of \$31,500, and

WHEREAS, it is necessary to decrease the contract in the amount of \$19,293.32, as the floor is not suitable for polishing, for a revised contract amount of \$12,206.68, and

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

RESOLVED, that Change Order No. 1-Final to decrease the contract by \$19,293.32 for the flooring tasks associated with the renovation of space for the Northpointe Clinic, for a revised contract amount of \$12,206.68, to Pro Squared Facility Solutions, 1243 Military Road, Kenmore, NY 14216, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. IF-110-18**

From: Infrastructure & Facilities and Administration Committees.

Dated: September 18, 2018

**TROTT ACCESS CENTER-NORTHPOINTE RENOVATIONS  
MECHANICAL CONTRACT  
CHANGE ORDER NO. 1 - FINAL**

WHEREAS, by Resolution No. IF-088-18, dated June 19, 2018, the Legislature awarded the contract for the mechanical tasks associated with the renovation of space for the Northpointe Clinic-Side A area to Parise Mechanical Inc., 1106 Sheridan Drive, Tonawanda, NY 14150, for a contract amount of \$32,463, and

WHEREAS, it is necessary to increase the contract in the amount of \$1,862 to change the manual steam valve to an electronic steam valve, for a revised contract amount of \$34,325, and

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

RESOLVED, that Change Order No. 1-Final to increase the contract by \$1,862 for the mechanical tasks associated with the renovation of space for the Northpointe Clinic-Side A area, for a revised contract amount of \$34,325, to Parise Mechanical Inc., 1106 Sheridan Drive, Tonawanda, NY 14150, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. IF-111-18**

From: Infrastructure & Facilities and Administration Committees.

Dated: September 18, 2018

**TROTT ACCESS CENTER-NORTHPOINTE RENOVATIONS  
PLUMBING CONTRACT  
CHANGE ORDER NO. 1 - FINAL**

WHEREAS, by Resolution No. IF-087-18, dated June 19, 2018, the Legislature awarded the contract for the plumbing tasks associated with the renovation of space for the Northpointe Clinic-Side B area to Hoot Mechanical, PO Box 428, Lockport, NY 14095, for a contract amount of \$17,500, and

WHEREAS, it is necessary to increase the contract in the amount of \$938 for adjustments to contract quantities, for a revised contract amount of \$18,438, and

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

RESOLVED, that Change Order No. 1-Final to increase the contract by \$938 for the plumbing tasks associated with the renovation of space for the Northpointe Clinic-Side B area, for a revised contract amount of \$18,438, to Hoot Mechanical, PO Box 428, Lockport, NY 14095, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. IF-112-18**

From: Infrastructure & Facilities Committee.

Dated: September 18, 2018

**AWARD OF CONTRACT –TROTT AND HUMAN SERVICES PARKING  
LOT RESTORATION**

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

WHEREAS, funds are available in the following accounts:

H661.15.1620.000 72400.00	Land Improvements	\$200,000
A.15.1620.000 72400.00	Land Improvements	\$ 90,000
H6XX.15.1620.000 72400.00	Land Improvements	\$ 32,795

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on September 6, 2018 as tabulated below:

- |    |  |           |
|----|--|-----------|
| 1. | Mark Cerrone, Inc.<br>2368 Maryland Avenue<br>Niagara Falls, NY 14305              | \$322,795 |
| 2. | Milherst Construction<br>10025 County Rd., PO Box 430<br>Clarence Center, NY 14032 | \$379,749 |

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 Trott and Human Services Parking Lot Restoration project be awarded to the lowest responsible bidder, Mark Cerrone, Inc., 2368 Maryland Avenue, Niagara Falls, NY 14305, in the amount of \$322,795, 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 - Hill

**Resolution No. IF-113-18**

From: Infrastructure & Facilities and Administration Committees.

Dated: September 18, 2018

**REPLACEMENT OF HOSMER ROAD BRIDGE OVER FISH CREEK  
CONSULTANT AMENDMENT NO. 1**

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, it is necessary to amend the contract to allow for construction inspection and construction administration services in the amount of \$66,238.79, for a revised contract amount of \$177,908.35, 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 consulting services be amended by \$66,238.79 for construction inspection and construction administration services to Clark Patterson Lee, 26 Mississippi Street, Suite 300, Buffalo, NY 14203, for a fee not to exceed \$177,908.35, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. IF-114-18**

From: Infrastructure & Facilities and Administration Committees.

Dated: September 18, 2018

**WISTERMAN ROAD BRIDGE OVER MUD CREEK  
CONSULTANT AMENDMENT NO. 1**

WHEREAS, Resolution No. IF-125-16, dated December 6, 2016, authorized the contract for consultant services for the Wisterman Road Bridge over Mud Creek project to Bergmann Associates, Waterfront Village Center, 40 LaRiviere Drive, Suite 150, Buffalo, NY 14202, for a fee not to exceed \$310,932.00, and

WHEREAS, it is necessary to amend the contract to allow for construction inspection and construction administration services in the amount of \$215,072, for a revised contract amount of \$526,004, 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 consulting services be amended by \$215,072 for construction inspection and construction administration services to Bergmann Associates, Waterfront Village Center, 40 LaRiviere Drive, Suite 150, Buffalo, NY 14203, for a fee not to exceed \$526,004, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. IF-115-18**

From: Infrastructure & Facilities and Administration Committees.

Dated: September 18, 2018

**GRISWOLD STREET BRIDGE OVER TRIBUTARY OF MUD CREEK  
CONSULTANT AMENDMENT NO. 1**

WHEREAS, Resolution No. IF-074-17, dated May 2, 2017, authorized the contract for consultant services for the Griswold Street Bridge over Tributary of Mud Creek project to Watts Engineering & Architecture, PC, 95 Perry Street, Suite 300, Buffalo, NY 14203, for a fee not to exceed \$218,700, and

WHEREAS, it is necessary to amend the contract to allow for construction inspection and construction administration services in the amount of \$95,931, for a revised contract amount of \$314,631, 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 consulting services be amended by \$95,931 for construction inspection and construction administration services to Watts Engineering & Architecture, PC, 95 Perry Street, Suite 300, Buffalo, NY 14203, for a fee not to exceed \$314,631, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. IF-116-18**

From: Infrastructure & Facilities and Administration Committees.

Dated: September 18, 2018

**TONAWANDA CREEK ROAD REHABILITATION AND SLIDE STABILIZATION  
CONSULTANT AMENDMENT NO. 1**

WHEREAS, Resolution No. IF-030-17, dated February 21, 2017, authorized the contract for consultant services for the Tonawanda Creek Road Rehabilitation and Slide Stabilization project to Greenman-Pedersen Inc., 4950 Genesee Street, Suite 100, Buffalo, NY 14225, for a fee not to exceed \$1,034,037.00, and

WHEREAS, it is necessary to amend the contract to allow for construction inspection and construction administration services in the amount of \$579,293.41, for a revised contract amount of \$1,613,330.41, and

WHEREAS, 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 consulting services be amended by \$579,293.41 for construction inspection and construction administration services to Greenman-Pedersen Inc., 4950 Genesee Street, Suite 100, Buffalo, NY 14225, for a fee not to exceed \$1,613,330.41, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. IF-117-18**

From: Infrastructure & Facilities and Administration Committees.

Dated: September 18, 2018

**PUBLIC WORKS DIESEL FUEL ISLAND FACILITY  
CONSULTANT AMENDMENT NO. 1**

WHEREAS, Resolution No. IF-073-17, dated May 2, 2017, authorized the contract for consultant services for the Public Works Diesel Fuel Island Facility project to Foit-Albert Associates, 763 Main Street, Buffalo, NY 14203, for a fee not to exceed \$37,913, and

WHEREAS, it is necessary to amend the contract to allow for construction inspection and construction administration services in the amount of \$24,634, for a revised contract amount of \$62,547, 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 consulting services be amended by \$24,634 for construction inspection and construction administration services to Foit-Albert Associates, 763 Main Street, Buffalo, NY 14203, for a fee not to exceed \$62,547, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. IF-118-18**

From: Infrastructure & Facilities Committee.

Dated: September 18, 2018

**AWARD ROSS BUILDING ROOF REPLACEMENT AND TROTT ACCESS CENTER ROOF  
REPLACEMENT AND EXTERIOR WALL REPAIRS  
CONSULTANT CONTRACT**

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with the Ross Building Roof Replacement and Trott ACCESS Center Roof Replacement and Exterior Wall Repairs project, and

WHEREAS, funds are available in account H6XX.15.1620.000 72200.01, Building Improvements, and

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

RESOLVED, that the consultant services contract for the Ross Building Roof Replacement and Trott ACCESS Center Roof Replacement and Exterior Wall Repairs project be awarded to Watts Engineering & Architecture PC, 95 Perry Street, Suite 300, Buffalo, NY 14203, for a contract amount not to exceed \$87,200, 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 - Hill

**Resolution No. IF-119-18**

From: Infrastructure & Facilities Committee.

Dated: September 18, 2018

**WISTERMAN ROAD BRIDGE  
BUDGET MODIFICATION**

WHEREAS, the Wisterman Road Bridge over Mud Creek Project, Town of Lockport, Niagara County, PIN 5758.30 (the "Project"), is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds, and

WHEREAS, State Marchiselli funding is part of the funding on this project, and

WHEREAS, the County desires to create an account to accept this State funding, now, therefore, be it

RESOLVED, that the following budget modification be effectuated to reflect the funding levels set forth by Schedule A in Supplemental Agreement No. 1 for Wisterman Road Bridge:

INCREASE REVENUE:

H639.15.5197.000 43591.00	State Aid Cap Const Hwy Rev	\$48,600
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INCREASE APPROPRIATIONS:

H639.15.5197.000 72600.02	Infrastructure Bridges	\$48,600
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Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. IF-120-18**

From: Infrastructure & Facilities and Administration Committees.

Dated: September 18, 2018

**GAS AND OIL BUDGET MODIFICATION**

WHEREAS, the Machinery Fund purchases bulk fuel on behalf of the County Departments as well as participating municipalities, to obtain the best possible pricing, and

WHEREAS, due to the increased price of fuel, additional appropriations are required for the overall purchase of fuel, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated:

INCREASE REVENUE:

DM.15.5130.000.40999.43	Recovery of Shared Services	\$80,000
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INCREASE APPROPRIATION:

DM.15.5130.000.74750.22	External Gas and Oil Purchases	\$80,000
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and be it further

RESOLVED, that the following budget modification be effectuated for the departmental purchases:

INCREASE APPROPRIATED FUND BALANCE:

DM.40599.00	Appropriated Fund Balance	\$35,000
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INCREASE APPROPRIATION:

DM.15.5130.000.74750.21	Machinery Fund – Gas and Oil	\$35,000
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Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. IF-121-18**

From: Infrastructure & Facilities and Administration Committees.

Dated: September 18, 2018

**AGREEMENT BETWEEN THE STATE OF NEW YORK UNIFIED COURT SYSTEM  
AND THE COUNTY OF NIAGARA**

WHEREAS, this Agreement between the State of New York Unified Court System, 110 Franklin Street, Buffalo, New York 14202, (UCS), and the County of Niagara, 175 Hawley Street, Lockport, New York 14094, (MUNICIPALITY), is for the purposed of obtaining cleaning services for the interior of the Niagara County Court House, Lockport, New York; and the Angelo DelSignore Civic Building, Niagara Falls, New York, and

WHEREAS, counties and cities are required by law to furnish and maintain adequate court facilities for use by trial courts of the State of New York, and

WHEREAS, Chapter 686 of the Laws of 1996, was enacted to invest the State of New York with the fiscal responsibility of managing the interior cleaning of court facilities and the performance of minor repairs therein and with the ability to cover the costs thereof, and

WHEREAS, Chapter 686 of the Laws of 1996, requires the State of New York to contract with the political sub-divisions of the State for the cleaning of court facilities, as well as minor and emergency repairs thereof, and

WHEREAS, Niagara County is responsible for furnishing and maintaining the Niagara County Court House, Lockport, New York, and the Angelo DelSignore Civic Building, Niagara Falls, New York, 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 County of Niagara enters into this Agreement with the State of New York for the cleaning and maintenance of the above mentioned buildings, and be it further

RESOLVED, that this agreement shall be effective beginning April 1, 2018, for a maximum of five (5) years through March 31, 2023, unless terminated earlier or extended pursuant to its terms; this term shall consist of parts or periods (hereinafter "Period"), each of which shall have its own maximum amount of monetary reimbursement by UCS to Municipality for that Period, as provided in Section IV and Appendix C of this Agreement; the initial period of this maximum five (5) year term shall commence on April 1, 2018 and terminate on March 31, 2023, and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to execute the required documents, subject to the review of the County Manager and the approval of the County Attorney.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. IF-122-18**

From: Infrastructure & Facilities and Administration Committees.

Dated: September 18, 2018

**BUDGET MODIFICATION  
CHLORINE SYSTEM UPGRADES - WATER DISTRICT**

WHEREAS, the Niagara County Water District desires to upgrade the existing gaseous chlorine system at the Williams Road Water Treatment Plant, and

WHEREAS, the existing system is antiquated and does not provide the operational flexibility that the District desires, and

WHEREAS, the proposed system will upgrade the gaseous chlorine equipment in the chlorine storage room, chlorine feed room, chlorine system controls and miscellaneous including chlorine system room ventilation and chlorine system scrubber, and

WHEREAS, the Niagara County Water District Administrative Board authorized the Administrative Director to go to move forward with this project which is estimated to be \$920,000 including construction, contingency, engineering and legal costs, and

WHEREAS, there are sufficient funds in the Water District's 2018 Operating Budget and Capital Reserves to cover the cost of this project, and

WHEREAS, the Wendel Project Number will be 3146-18-01 and the project manager will be Brian Sibiga; now, therefore, be it

RESOLVED, that the following capital project be created and funded from the following 2018 Water District budget lines:

INCREASE APPROPRIATED FUND BALANCE:		
FXH.40511.00	Appropriated Capital Reserve	\$700,000

INCREASE APPROPRIATIONS:  
FXH.31.9950.000.79010.00            Transfer to Capital Projects            \$700,000

DECREASE APPROPRIATIONS:  
FX.31.8330.000.72100.27            Water System Improvements            \$220,000

INCREASE APPROPRIATIONS:  
FX.31.9950.000.79010.00            Transfer to Capital Projects            \$220,000

INCREASE ESTIMATED REVENUE:  
H669.31.8397.000.45031.10           Interfund Trans, From Capital Reserve    \$700,000  
H669.31.8397.000.45031.00           Interfund Trans, From Operating        \$220,000

INCREASE APPROPRIATIONS:  
H669.31.8397.000.72100.27           Water -Chlorine System Upgrades        \$920,000  
Moved by Bradt, seconded by Virtuoso.  
Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. IL-035-18**

From: Legislators Dennis F. Virtuoso, Jason A. Zona, Owen T. Steed and Mark Grozio  
Dated: September 18, 2018

**RESOLUTION TO ELIMINATE THE PUBLIC INFORMATION OFFICER OFFICE**

WHEREAS, the public Information has resigned, and

WHEREAS, Niagara County Legislature is always looking for ways to save the taxpayers' money and cut expenses and keep taxes low, now, therefore be it

RESOLVED, that the Niagara County Legislature eliminate The Public Information Officer position and office saving the taxpayers \$117,300 per year.  
Moved by Virtuoso, seconded by Steed, to implement the portion of Rule 15 that pertains to voting on a resolution as opposed to referring it to committee.  
Carried.

Moved by Virtuoso, seconded by Steed.  
Rejected. 4 Ayes, 10 Noes, 1 Absent - Hill

**Resolution No. IL-036-18**

From: Legislators Wm. Keith McNall, Anthony J. Nemi, Richard L. Andres and Economic Development.  
Dated: September 18, 2018

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

WHEREAS, "Lockport Blue" is a month long community-wide campaign to support and show appreciation to the men and women in Law Enforcement, and

WHEREAS, there will be weekly events scheduled throughout the month including Coffee with a Cop and an exhibit of uniforms from the three different branches on display in the windows of the Union Sun and Journal, and

WHEREAS, the creativity and enthusiasm of the kids, teachers, staff from local schools and the residents from the community come together to show their appreciation for all that the officers do, now, therefore, be it

RESOLVED, that the Niagara County Legislature supports Lockport Blue campaign as follows:

Lockport Blue \$3,000.00

and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2018 budget:

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01 Appropriated Fund Balance - Committed Funds \$3,000.00

INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund \$3,000.00

Moved by Burmaster, seconded by Collins.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

**Resolution No. IL-037-18**

From: Legislators Randy R. Bradt, Wm. Keith McNall, Richard L. Andres, et al.

Dated: September 18, 2018

**RESOLUTION IN OPPOSITION TO GOVERNOR ANDREW CUOMO'S EXECUTIVE ORDER 181**

WHEREAS, under Election Law of the State of New York, no person who has been convicted of a felony may register for or vote at any election unless they have been pardoned or restored to the rights of citizenship by the governor, or their maximum sentence of imprisonment has expired, or they have been discharged from parole, and

WHEREAS, Governor Andrew Cuomo issued Executive Order No. 181, on April 18, 2018, which, among other things, mandated that "individuals being released from incarceration onto parole supervision will be given consideration for a conditional pardon that will restore voting rights without undue delay," and

WHEREAS, as many as 24,000 sex offenders are included in the aforementioned amnesty, and

WHEREAS, 8 polling sites in Niagara County are located within public schools, and

WHEREAS, said Executive Order thus is in direct contravention to State rules, regulations and/or statutes which prohibit sex offenders from traveling to, or in close proximity to, public schools, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby oppose Executive Order No. 181 and respectfully requests that same be rescinded in its entirety, and be it further

RESOLVED, that the clerk of the Legislature shall forward certified copies of this Resolution to the Governor of the State of New York Andrew Cuomo, Senate Majority Leader John Flanagan, Senator Robert Ortt, Speaker of the New York State Assembly Carl Heastie, Assembly Minority Leader Brian M. Kolb, Assemblyman Angelo Morinello, Assemblyman Michael J. Norris and others deemed necessary and proper.

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

Carried.

Moved by Bradt, seconded by Wydysh.  
Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

APPOINTMENTS:

	<u>Appt.</u>	<u>Expires</u>
<u>COMMUNITY SERVICES BOARD:</u>		
Jay Mapstone 79 Pin Oak Drive Williamsville 14229	09/18/18	12/31/22
Burt Marshall 47 Lincolnshire Drive, Lockport 14097	09/18/18	12/31/22
Moved by Syracuse, seconded by Collins. Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill		

EMERGENCY MEDICAL SERVICES COUNCIL:

Jeff Abbott, Mercy EMS 100 Amherst Villa Rd., Buffalo, 14225	09/18/18	12/31/19
Andrew Knoell, Twin City Ambulance 222 Commerce Dr., Amherst, 14228	09/18/18	12/31/19
Anna Masters, Health Dept 1001 11 <sup>th</sup> St., Niagara Fall, 14301	09/18/18	12/31/19
Mackenzie Smith, Eastern Niagara Hospital-Lockport 521 East Ave Lockport, 14094	09/18/18	12/31/19
7. HEALTH AND ENVIRONMENTAL SERVICES		
Elise Pignatra, Health Dept., 5467 Upper Mt. Rd Lockport 14094	09/18/18	12/31/19
Alternate: Franciso G. MezaAguero	09/18/18	12/31/19
Moved by Wydysh, seconded by Collins. Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill		

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

The Chairman declared the Board adjourned at 8:57 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