

OFFICIAL RECORD

Lockport, New York
January 15, 2019

The meeting was called to order by Chairman McNall at 7:07 p.m.

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

Moment of Silence for former Historian Dorothy Rolling.

CORRESPONDENCE & RECOGNITION:

Chairman McNall recognized the Cub Scout Troop for attending tonight's Legislature meeting.

0 citizens spoke at this time.

Chairman McNall gave is State of the County of Address. He provided a summary a summary of the past year, while highlighting some key imitative and discusses goals for the upcoming year.

Recess

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

Resolution No. CW-003-19 was read at this time. (Appears in numerical order)

Resolution No. AD-001-19

From: Administration Committee.

Dated: January 15, 2019

AUTHORIZATION FOR REAL PROPERTY TAX REFUNDS/CORRECTIONS - 2019

WHEREAS, New York State Real Property Tax Law, sections 554 and section 556, provides for an administrative correction of error process that assists property owners in obtaining refunds and/or corrections for real property tax payments or billings, and

WHEREAS, certain clerical errors, unlawful entries and errors in essential fact, as defined in the New York State Real Property Tax Law, are permitted to be corrected by a taxing jurisdiction based upon the recommendation of the Director of Real Property Tax Services, and

WHEREAS, the taxing jurisdiction can delegate, by resolution, on an annual basis, to an official who is empowered to authorize payment of bills without prior audit, the authority to perform the duties of the tax levying body in regard to Real Property Tax Law, Sections 554 and 556, now, therefore, be it

RESOLVED, that the Niagara County Treasurer is hereby delegated the authority to perform the duties of the tax levying body during 2019 when the Real Property Tax Director's recommended refund and/or correction is twenty-five hundred dollars or less, and be it further

RESOLVED, that on or before the fifteenth day of each month, the Niagara County Treasurer shall submit a report to the Niagara County Legislature of the refunds and or corrections processed during the preceding month, containing the name of each recipient, the location of the property, and the amount of the refund.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CS-001-19

From: Community Services and Administration Committees.

Dated: January 15, 2019

**BUDGET MODIFICATION – REAPPROPRIATE MATERNAL CHILD HEALTH FUNDING
EMERGENCY PLANNING - DEPARTMENT OF HEALTH**

WHEREAS, the Emergency Planning Division of the Niagara County Department of Health provides services, information and training to protect the health and safety of the citizens of Niagara County, and

WHEREAS, the Health Foundation for Western & Central New York awarded Niagara County Department of Health funds for a Maternal Child Health Positive Pregnancy and Parenting Project approved in the 2018 budget, and

WHEREAS, the Niagara County Department of Health requests re-appropriation of the grant's balance, now, therefore, be it

RESOLVED, that the following budget modification, be effectuated:

INCREASE REVENUE:

CM.20.4189.406 41689.01	Income Other Agencies	\$ 2,713.35
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INCREASE APPROPRIATIONS:

CM.20.4189.406 72100.05	Machine & Equipment	\$.76
	Project line E8 Equipment	
CM.20.4189.406 74000.02	Miscellaneous Fees	423.00
	Project line E7 Contractual	
CM.20.4189.406 74300.03	Travel Mileage	408.25
	Project line E2 Mileage	
CM.20.4189.406 74375.01	Advertising & Promotion	64.42
	Project line E4 food	
CM.20.4189.406 74750.02	General Supplies	1,816.92
	Project line E3 supplies	

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CS-002-19

From: Community Services and Administration Committees.

Dated: January 15, 2019

**BUDGET MODIFICATION – REAPPROPRIATE OPIOID CRISIS FUNDING
EMERGENCY PLANNING - DEPARTMENT OF HEALTH**

WHEREAS, the Emergency Planning Division of the Niagara County Department of Health provides services, information and training to protect the health and safety of the citizens of Niagara County, and

WHEREAS, the Center for Disease Control (CDC) through the New York State Department of Health Public Health Emergency Planning program has awarded Niagara County Department of Health funds to address the opioid epidemic approved through Resolution No. CS-044-18, and

WHEREAS, the Niagara County Department of Health requests re-appropriation of the grant's balance to 2019, now, therefore, be it

RESOLVED, that the following budget modification, be effectuated:

INCREASE REVENUE:

CM.20.4189.406 44401.00	Public Health Federal Aid	\$ 75,000.00
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INCREASE APPROPRIATIONS:

CM.20.4189.406 71050.00	Overtime	\$ 1,378.89
CM.20.4189.406 74250.01	Office Supplies	2,950.00
CM.20.4189.406 74250.03	Printing/Duplicating	2,900.00
CM.20.4189.406 74300.01	Travel Conference	2,557.00
CM.20.4189.406 74300.03	Travel/Mileage	3,300.00
CM.20.4189.406 74500.01	Contractual	58,893.00
CM.20.4189.406 74650.09	Professional Transportation	2,400.00
CM.20.4189.406 78100.00	Retirement	258.04
CM.20.4189.406 78200.00	FICA	344.47
CM.20.4189.406 78300.00	Worker's Comp	18.60

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CS-003-19

From: Community Services and Administration Committees.

Dated: January 15, 2019

**BUDGET MODIFICATION – REAPPROPRIATE PERFORMANCE INCENTIVE FUNDS
NURSING DIVISION DEPARTMENT OF HEALTH**

WHEREAS, the Nursing Division of the Niagara County Department of Health provides a wide array of essential services, and

WHEREAS, the New York State Department of Health awarded the Public Health Nursing Division Article 6 Chronic Disease Performance Improvement funds to use on Article 6 services approved through Resolution CS-004-18, and

WHEREAS, the Department of Health requests re-appropriation of funds, now, therefore, be it

RESOLVED, the following budget modification be effectuated:

INCREASE REVENUE:

A.20.4189.401 43401.00	Public Health State Aid	\$6,075.43
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INCREASE APPROPRIATIONS:

A.20.4189.401 74375.01	Advertising & Promotion	\$4,594.68
A.20.4189.401 74250.01	Office Supplies	419.67
A.20.4189.401 74800.17	Software	1,061.08

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

Resolution No. CSS-004-19

From: Community Services and Administration Committees.

Dated: January 15, 2019

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

WHEREAS, the Niagara County Department of Mental Health & Substance Abuse Services has permission to fill a Mental Hygiene Practitioner position vacancy, which is revenue producing and vital to the operation of the Adult Integrated (Mental Health & Substance Abuse) Care Clinic, and

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

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

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

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

WHEREAS, the sole remaining candidate who was qualified for and present for the Mental Hygiene Practitioner examination is an Erie County resident, now, therefore, be it

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-001-19

From: Community Safety & Security and Administration Committees.

Dated: January 15, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE
ACCEPT RESIDENTIAL SUBSTANCE ABUSE TREATMENT GRANT**

WHEREAS, the Niagara County Sheriff's Office been notified by the New York State Department of Criminal Justice Services that a grant award in the amount of \$49,999.00 is being offered for a second year to support a Residential Substance Abuse Treatment (RSAT) Cognitive-Behavioral Intervention program within the Niagara County Jail for the period of January 1, 2019 through December 31, 2019, and

WHEREAS, it is well known that jails and prisons are dealing with inmates who have substance abuse and addiction problems, and

WHEREAS, it is desirable to have a program which addresses the substance abuse and addiction issues with the goal of changing the inmates addiction behaviors to improve their lives and reduce recidivism , and

WHEREAS, this grant will allow the Niagara County Jail to continue this program which was started in 2018 by contracting with an outside agency to provide a substance abuse treatment cognitive-behavioral intervention program, and

WHEREAS, the 2019 budget needs to be amended to accept and expend this grant, now, therefore, be it

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

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

RESOLVED, that the following line item transfers be effectuated:

INCREASE REVENUE:

A.17.3150.000.43389.13	Other Public Safety Crime Prevention	\$49,999.00
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INCREASE APPROPRIATIONS:

A.17.3150.000.74400.09	Payments Other Agencies	\$49,999.00
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Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-002-19

From: Community Safety & Security and Administration Committees.

Dated: January 15, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE BUDGET MODIFICATION
FY18 STATEWIDE INTEROPERABLE COMMUNICATIONS GRANT**

WHEREAS, the Niagara County Sheriff's Office was notified in writing that the New York State Division of Homeland Security and Emergency Services has awarded \$669,712.00 to the Niagara County Sheriff's Office for the grant period of January 1, 2019 through December 31, 2020, and

WHEREAS, this grant will allow the Sheriff's Office to continue the improvement of the interoperable communications network which will have the benefit to the residents of Niagara County of improved reliability of communication for their safety and protection, and

WHEREAS, an improved interoperable communications network will also enhance interoperable communications with other counties and agencies when participating in Mutual Aid emergencies, and

WHEREAS, the 2019 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 grant period of January 1, 2019 through December 31, 2020 and be it further

RESOLVED that the following line item transfers be effectuated:

INCREASE REVENUE:

A.17.3645.000.43305.02	State Aid, Civil Defense Homeland Security	\$669,712
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INCREASE APPROPRIATIONS:

A.17.3645.000.72100.15	Machinery and Equipment Communications Equipment	\$669,712
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Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-003-19

From: Community Safety & Security and Administration Committees.

Dated: January 15, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE BUDGET MODIFICATION
ACCEPT FORENSIC LABORATORY COVERDELL GRANT**

WHEREAS, the Niagara County Sheriff's Office received a renewal grant from the New York State Department of Criminal Justice Services for the Forensic Laboratory in the amount of \$56,959.00 for the period of January 1, 2019 through December 31, 2019 ,and

WHEREAS, this grant funds a part-time clerical position, lab overtime expenses and opioid testing laboratory supplies, and

WHEREAS, it is desirable to continue such a position to answer the phones, input data and other clerical duties that relieve the chemists from the interruptions of such duties, and

WHEREAS, the position (# 10931) is budgeted in the 2019 budget so no modifications need to be made for the position, and

WHEREAS, the 2019 budget was created for a grant of \$54,017.00 and the 2019 budget would need to be modified to accept the additional revenue, now, therefore, be it

RESOLVED, that the part-time clerical position continue to be co-terminus with the grant, and be it further

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

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

RESOLVED, that the following modifications be made to the 2019 budget:

INCREASE REVENUE:

A.17.3110.000 44389.07	Other Public Safety Forensic Lab	\$2,942.00
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INCREASE APPROPRIATION:

A.17.3110.000 74750.11	General Medical/Lab/Clinic Supplies	\$2,942.00
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Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-004-19

From: Community Safety & Security and Administration Committees.

Dated: January 15, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE
ABOLISH CRIMINAL INVESTIGATOR POSITION AND CREATE
AND FILL DEPUTY SHERIFF POSITION**

WHEREAS, the Niagara County Sheriff reviews all positions in the Sheriff's Office budget to ensure that positions, duties and supervision are at an appropriate level to ensure the most effective operation of the Sheriff's Office for the safety and security of the Niagara County residents, and

WHEREAS, the Sheriff has determined that additional supervision is needed in the Drug Task Force Division, and

WHEREAS, a Lieutenant position is being moved from the Crime Scene Investigation Unit to the Drug Task Force and replaced with a Deputy Sheriff in the CSI Unit, and

WHEREAS, a Criminal Investigator is being promoted to the open Lieutenant position, and

WHEREAS, the Criminal Investigator Step 1 rate is \$36.57/hour and the Deputy Sheriff Step 2 rate is less at \$25.94/hour so there is no cost to the County, now therefore, be it

RESOLVED, that the position #00447 Criminal Investigator be abolished and a Deputy Sheriff Step 2 position be created and filled, and be it further

RESOLVED that the following modifications to the 2019 budget be effectuated:

DECREASE APPROPRIATION:

A.17.3110.000.71010.00	Position Expense	\$52,100
	(Investigator Position #00447)	

INCREASE APPROPRIATION:

A.17.3110.000.71010.00	Position Expense	\$52,100
	(Deputy Sheriff Position #to be determined)	

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CW-003-19

From: Committee of the Whole.

Dated: January 15, 2019

**POSITION APPOINTMENT
PUBLIC INFORMATION OFFICER**

WHEREAS, resolution B-15 of 12/18/2007 created the Public Information Officer to disseminate information regarding the programs and activities of the County to the public, and

WHEREAS, it is an essential function to provide the residents of Niagara County with relevant information regarding their government, and

WHEREAS, the management of communications, media relations and public relations is a necessary duty of the County Government, and

WHEREAS, effective communication of the message of the County and its agencies, including economic development successes, programs, and available resources is an integral part of any efforts to attract and retain business, and

WHEREAS, the position of Public Information Officer is presently vacant, and

WHEREAS, the Search Committee has determined that Douglas Hoover 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 FY2019 in the Niagara County Legislature Office's budget, now, therefore, be it

RESOLVED, that Douglas Hoover be appointed to the position of Niagara County Public Information Officer, at FLSA Exempt, Flat Salary Grade 11, Step I, at an annualized salary of \$57,137 effective January 28, 2019 with future step increases in accordance with the policy for flat salaried, non-union employees, and be it further

RESOLVED, that Douglas Hoover appointment shall be subject to a minimum eight (8) week to maximum fifty-two (52) week probationary period and that continued employment shall be contingent upon satisfactory work performance in meeting established standards.

Moved by Bradt, seconded by Andres.

Adopted. 13 Ayes, 1 Noes - Nemi, 1 Absent – Collins

Resolution No. ED-001-19

From: Economic Development Committee.

Dated: January 15, 2019

**RESOLUTION TO ADOPT THE NIAGARA COUNTY AGRICULTURAL
AND FARMLAND PROTECTION PLAN**

WHEREAS, Niagara County has a rich agricultural heritage. In order to preserve Niagara County's agricultural economy the Niagara County Agricultural and Farmland Protection Board developed the first Niagara County Agricultural and Farmland Protection Plan in 1999, and

WHEREAS, to further enhance Niagara County's Agricultural economy an update to Niagara County's Agricultural and Farmland Protection Plan was necessary. Niagara County was awarded grant funding from New York State Agriculture and Markets to update the Niagara County Agriculture and Farmland Protection Plan in collaboration with Cornell Cooperative Extension of Niagara County, and

WHEREAS, in accordance with New York State Agriculture and Markets Law 25AA, Section 324, all the requirements for the Niagara County Agricultural and Farmland Protection Plan update have been satisfied, now, therefore, be it

RESOLVED, that the Niagara County Legislature now adopts the updated Niagara County Agriculture and Farmland Protection Plan and will send the aforementioned plan to the New York State Commissioner of Agriculture for approval.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. ED-002-19

From: Economic Development Committee.

Dated: January 15, 2019

**A LOCAL LAW TO ESTABLISH A SUSTAINABLE
ENERGY LOAN PROGRAM IN THE COUNTY OF NIAGARA**

WHEREAS, most energy consumed by Niagara County businesses is used for heating and lighting buildings and operating equipment, making retrofitting existing facilities key to reducing energy use in the community, and

WHEREAS, energy efficiency improvement measures and renewable energy systems can greatly reduce operating costs for businesses making them more competitive, and

WHEREAS, in November 2009, by Chapter 497 of the Laws of 2009, the State of New York authorized an amendment of the General Municipal Law by creating Article 5-L to allow municipalities to create Property Assessed Clean Energy Programs ("PACE") to promote energy efficiency improvement measures and the deployment of renewable energy systems in New York State, and

WHEREAS, PACE Programs can assist businesses interested in making energy efficiency improvements or installing renewable energy systems in their buildings by providing a new financing mechanism to augment federal and state incentive programs, and

WHEREAS, PACE Programs can finance up to 100% of the costs of energy efficiency improvements or renewable energy systems, making it a valuable economic development tool, and

WHEREAS, the Energy Improvement Corporation ("EIC") is a local development corporation duly formed under Section 1411 of the Not-for-Profit Corporation Law of the State of New York for the purpose of providing PACE Programs, including promoting, facilitating and financing energy audits and renewable energy system feasibility studies, energy efficiency improvements and alternative or renewable energy generating systems, for properties within its Participating Municipalities, and

WHEREAS, Niagara County wishes to participate in PACE Programs in order to increase the energy efficiency of existing buildings, reduce energy costs for businesses, create and retain local jobs in the energy audit and energy contracting sector, and bolster the local economy by saving companies monies which would otherwise be spent on energy costs, and

WHEREAS, Economic Development Committee presents in writing the following proposed local law:

A Local Law entitled "To Establish a Sustainable Energy Loan Program in the County of Niagara";

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

§1. Legislative findings, intent and purpose, authority.

- A. It is the policy of both the County of Niagara and the State of New York to achieve energy efficiency and renewable energy goals, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The County of Niagara finds that it can fulfill this policy by providing property assessed clean energy financing to property owners for the installation of renewable energy systems and energy efficiency measures. This chapter establishes a program that will allow the Energy Improvement Corporation ("EIC"), a local development corporation, acting on behalf of the County of Niagara, to make funds available to qualified property owners that will be repaid by such property owners

through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this chapter and fulfilling an important public purpose.

- B. The County of Niagara is authorized to implement this Energize NY Benefit Financing Program pursuant to Article 5-L of the New York General Municipal Law.
- C. This chapter shall be known and may be cited as the “Energize NY Benefit Financing Program Law of the County of Niagara”.

§2. Definitions

For purposes of this chapter, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meaning indicated:

Authority – The New York State Energy Research and Development Authority, as defined by subdivision two of section eighteen hundred fifty-one of the public authorities’ law, or its successor.

EIC – The Energy Improvement Corporation, a local development corporation, duly organized under section fourteen hundred eleven of the Not-For-Profit Corporation Law, authorized hereby on behalf of the County of Niagara to implement the Energize NY Benefit Financing Program by providing funds to qualified property owners (as defined in this chapter) and providing for repayment of such funds from monies collected by the County of Niagara tax collector as a charge to be levied on the real property and collected in the same manner and same form as the real property taxes.

Energy Audit – A formal evaluation or “assessment” of the energy consumption of permanent building or structural improvement to real property, conduct by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of identifying appropriate energy efficiency improvements that could be made to the property.

Energy Efficiency Improvement – Any renovation or retrofitting of a building to reduce energy consumption, such as window and door replacement, lighting, caulking, weather-stripping, air sealing, insulation, and heating and cooling system upgrades, and similar improvements, determined to be cost-effective pursuant to criteria established by the Authority, not including lighting measures or house hold appliances that are not permanently fixed to real property.

Qualified Property Owner – An owner of residential or commercial real property located within the boundaries of the County of Niagara that is determined to be eligible to participate in the Energize NY Benefit Financing Program under the procedures for eligibility set forth under this chapter.

Renewable Energy System – An energy generating system for the gyration of electric or thermal energy, to be used primarily at such property, by means of solar thermal, solar photovoltaic, wind, geothermal, anaerobic digester gas-to-electricity systems, fuel cell technologies, or other renewable energy technology approved by the Authority not including the combustion or pyrolysis of solid waste.

Renewable Energy System Feasibility Study – A written study, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of determining the feasibility of installing a renewable energy system.

§3. Establishment of an Energize NY Benefit Financing Program

- A. An Energize NY Benefit Financing Program is hereby established by the County of Niagara, whereby EIC acting on its behalf, may provide funds to Qualified Property Owners in accordance with the procedures set

forth under this chapter, to finance the acquisition, construction and installation of Renewable Energy Systems and Energy Efficiency Improvements and the verification of the installation of such systems and improvements.

- B. The funds provided shall not exceed the lesser of ten percent of the appraised value of the real property where the Renewable Energy Systems and/or Energy Efficiency Improvements will be located, or the actual cost of installing the Renewable Energy Systems and/or Energy Efficiency Improvements, including the costs of necessary equipment, materials, and labor and the cost of verification of such systems and improvements.

§4. Procedures for eligibility

- A. Any property owner in the County of Niagara except for the City of Lockport, City of Niagara Falls and the City of North Tonawanda may submit application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the Niagara County offices.
- B. Every application submitted by a property owner shall be reviewed by EIC acting on behalf of the County of Niagara, which shall make a positive or negative determination on such application based upon the criteria for making a financing enumerated in subsection A of section 5 of this chapter. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC acting on behalf of the County of Niagara, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Energize NY Benefit Financing Program in accordance with the procedure set forth under section 6 of this chapter; provided that in no case shall a property owner that has received funds from another municipal corporation for the acquisition, construction and installation of Energy Efficiency Improvements and/or Renewable Energy Systems be deemed a Qualified Property Owner.

§5 Application criteria

- A. Upon the submission of an application, EIC acting on behalf of the County of Niagara shall make a positive or negative determination on such application based upon the following criteria for the making of financing:
 - 1. The proposed Energy Efficiency Improvements and/or Renewable Energy Systems are determined to be cost effective by the Authority;
 - 2. The proposed Energy Efficiency Improvements and/or Renewable Energy Systems will generate an estimated annual cost savings greater than the annual charge payments;
 - 3. Sufficient funds are available to provide to the property owner;
 - 4. The property owner is current in payments on any existing mortgage;
 - 5. The property owner is current in payments on any existing real property taxes and has been current on real property taxes for the previous three years; and
 - 6. Such additional criteria, not inconsistent with the criteria set forth above, as the county of Niagara, or EIC acting on its behalf, may set from time to time.

§6. Opt-in, Energize Finance Agreement

- A. A Qualified Property Owner may participate in the Energize NY Benefit Financing Program through the execution of an Energize Finance Agreement made by and between the Qualified Property Owner and EIC, acting on the behalf of the County of Niagara.
- B. Upon execution of the Energize Finance Agreement the qualified Property Owner shall be eligible to receive funds from EIC acting on behalf of County of Niagara for the acquisition, construction, and

installation of qualifying Renewable Energy Systems and Energy Efficiency Improvements; provided the requirements of section 7 of this chapter have been met.

- C. The Energize finance Agreement shall include the terms and conditions of repayment set forth under section 8 of this chapter.

§7. Energy audit, renewable energy system feasibility study

- A. No funds shall be made available for Energy Efficiency Improvements unless determined to be appropriate through an Energy Audit as defined in Section 2.
- B. No funds shall be made available for Energy Efficiency Improvements unless determined to be feasible through a Renewable Energy System Feasibility Study as defined in Section 2.
- C. The cost of such Energy Audit and/or Renewable Energy System Feasibility Study shall be borne solely by the property owner but may be included in the financed amount if the work is approved.

§8. Terms and conditions of repayment

The Energize Finance Agreement between the Qualified Property Owner and EIC acting on behalf of the County of Niagara, shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds paid to the Qualified Property Owner hereunder, together with the interest thereon, shall be paid by the property owner as a charge on their real property tax bill and shall be levied and collected at the same time and in the same manner as real property taxes, provided that such charge shall be separately listed on the tax bill. The County of Niagara shall make payment to EIC or its designee in the amount of all such separately listed charges within 30 days of the receipt of tax due date.
- B. The term of such repayment shall be determined at the time the Energize Finance Agreement is executed by the property owner and EIC, provided that in no case shall the term exceed the weighted average of the useful life of the systems and improvements as determined by EIC acting on behalf of the County of Niagara.
- C. The rate of interest for the charge shall be fixed by EIC acting on behalf of the County of Niagara at the time the Energize Finance Agreement is executed by the property owner and EIC.
- D. The charge shall constitute a lien upon the real property benefited by the Energize NY Benefit Financing Program and shall run with the land. A transferee of title to the benefited real property shall be required to pay any future installments, including interest thereon.

§9. Verification and report

- A. EIC shall be responsible for verifying and reporting to the County of Niagara on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by such program.
- B. The County of Niagara shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Energize NY Benefit Financing Program in such form and manner as the Authority, may establish.

Section 2. This local law shall take effect upon filing with the Secretary of State.

RESOLVED, that the Niagara county Legislature shall conduct a public hearing upon said proposed Local Law at the Legislative Chambers, Niagara County Courthouse, Lockport, New York on the 19th day of February, 2019 at 6:45 p.m., and be it further

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. ED-003-19

From: Economic Development Committee.

Dated: January 15, 2019

**AUTHORIZATION FOR NIAGARA COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT
TO JOIN INVEST BUFFALO NIAGARA (InBN) FOR ONE YEAR**

WHEREAS, Invest Buffalo Niagara (InBN) is the regional organization whose mission is to market the eight-county region of Western New York as a world-recognized place to expand and attract capital investment and quality jobs, and

WHEREAS, the Niagara County Department of Economic Development (NCDED), working with the Niagara County Industrial Development Agency (NCIDA) and its other partners in the Niagara County Economic Development Alliance (EDA) has a mission to bring new investment and jobs as well as to retain existing companies and jobs in Niagara County, and

WHEREAS, it is the desire of the NCDDED to become an investor with InBN at the \$20,000 per year level, which would provide the following benefits:

- Representation on the Board of Directors
- Eligibility to be nominated to participate on the Executive Committee and to Chair InBN Task Forces
- Opportunity to participate with InBN staff at trade shows, industry conferences and business development missions and also to host prospects, media and other interested parties
- Access to regional marketing materials such as the Buffalo Niagara Relocation Guide
- Opportunity to market Niagara County through Buffalo Niagara industry newsletters, blogs and podcasts and a hyperlink listing on the InBN website
- Participation in all business development and networking events
- Access to Business Intelligence: customized community and client research for competitive assessment purposes, internal company business development and access to information in research databases
- Exclusive showings of regional studies i.e., Labor Market Assessment and Target Industry Studies
- Receive quarterly confidential emails/updates from InBN President/CEO
- Set-up a link between InBN and Niagara County websites for improved search engine optimization
- Niagara County to be listed in InBN Investor Directory as well as in select key InBN marketing materials

and

WHEREAS, the NCDED will request InBN provide assistant with the NCDED Site Development Team with the promotion of our shovel-ready and other featured sites, including brownfield and rail-served sites and also business attraction including assistance with targeting, outreach, and marketing to Canadian companies, and

WHEREAS, the NCDED membership with InBN will be a one-year period, (February 1, 2019 through January 31, 2020), and

WHEREAS, at the end of said year the NCDED will provide a report to the Niagara County Legislature outlining the value and experiences of its membership, and

WHEREAS, funding is available in the NCDED budget in the beautification funds cost center to cover the above-referenced cost for annual membership, now, therefore, be it

RESOLVED, that the Niagara County Legislature authorizes the NCDED to join InBN at the \$20,000 per year level for one year, and be it further

RESOLVED, that a copy of the approved resolution be sent to Thomas Kucharski, President & CEO, Invest Buffalo Niagara.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-001-19

From: Infrastructure & Facilities Committee.

Dated: January 15, 2019

**AWARD SLAYTON SETTLEMENT RD BRIDGE OVER EIGHTEEN MILE CREEK
REPLACEMENT CONSULTANT CONTRACT**

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with the Slayton Settlement Road Bridge over Eighteen Mile Creek Replacement Project, and

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

RESOLVED, that the consultant services contract for the Slayton Settlement Road Bridge over Eighteen Mile Creek Replacement Project be awarded to CHA Consulting Inc., 2200 Main Place Tower, Buffalo, NY 14202, for a contract amount not to exceed \$290,000, and be it further

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-002-19

From: Infrastructure & Facilities Committee.

Dated: January 15, 2019

AWARD STORMWATER CONSULTANT SERVICES

WHEREAS, the Department of Public Works evaluated a proposal from the City of Tonawanda to assist the County with the compliance of Phase II Stormwater Regulations, and

WHEREAS, a shared services agreement with the City of Tonawanda would be beneficial to both municipalities, and

WHEREAS, funds are available in account D.15.5140.000 74650.08, Consultant Services, 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 for the implementation of the Phase II Stormwater Regulations be awarded to the City of Tonawanda, 200 Niagara Street, Tonawanda, NY 14150, for a contract amount not to exceed \$44,500 for the period March 1, 2019 through February 28, 2020, 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 – Collins

Resolution No. IF-003-19

From: Infrastructure & Facilities and Administration Committees.

Dated: January 15, 2019

**CARMEN ROAD BRIDGE OVER GOLDEN HILL CREEK-NORTH
CONSULTANT AMENDMENT NO. 2**

WHEREAS, Resolution No. IF-126-16, dated December 6, 2016, selected CHA Consulting, Inc., 2200 Main Place Tower, Buffalo, NY 14202-3722, to assist the County with the Carmen Road Bridge over Golden Hill Project, in the amount of \$234,000, and

WHEREAS, Resolution No. IF-100-18, dated August 7, 2018, increased the contract by \$4,000 for pile inspection and pile capacity, for a revised contract amount of \$238,000, and

WHEREAS, it is necessary to increase the contract by \$125,000 for construction inspection and construction administration, for a revised contract amount of \$363,000, and

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

RESOLVED, that the consultant services contract with CHA Consulting, Inc., 2200 Main Place Tower, Buffalo, NY 14202-3722, be increased by \$125,000, for a revised contract amount of \$363,000, and be it further

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-004-19

From: Infrastructure & Facilities and Administration Committees.

Dated: January 15, 2019

**WISTERMAN ROAD BRIDGE OVER MUD CREEK
CONSULTANT AMENDMENT NO. 2**

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 price not to exceed \$310,932, and

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

WHEREAS, the contract needs to be increased in order to combine this project with the Hosmer Road Bridge over Fish Creek project, in the amount of \$14,243, for a revised contract amount of \$540,247, and

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

RESOLVED, that the consultant services contract with Bergmann Associates, Waterfront Village Center, 40 LaRiviere Drive, Suite 150, Buffalo, NY 14202, be increased in the amount of \$14,243, for a revised contract amount of \$540,247, 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 – Collins

Resolution No. IF-005-19

From: Infrastructure & Facilities and Administration Committees.

Dated: January 15, 2019

**GRISWOLD STREET CULVERT REPLACEMENT
CHANGE ORDER NO. 2-FINAL**

WHEREAS, Resolution No. IF-014-18, dated February 20, 2018, the Legislature awarded the contract for the Griswold Street Culvert Replacement Project to Accadia Site Contracting Inc., 5636 Transit Road, Depew, NY 14043, for a contract amount of \$361,984.11, and

WHEREAS, Resolution No. IF-134-18, dated November 20, 2018, authorized Change Order No. 1 to decrease the contract by \$7,604.14 for final quantities adjustments, for a revised contract amount of \$354,379.97, and

WHEREAS, it is necessary to reduce the contract in the amount of \$3,000 for final pavement restoration, for a revised contract amount of \$351,379.97, and

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

RESOLVED, that Change Order No. 2-Final to deduct \$3,000 from the contract for the Griswold Street Culvert Replacement Project, for a revised contract amount of \$351,379.97, to Accadia Site Contracting Inc., 5636 Transit Road, Depew, NY 14043, 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 – Collins

Resolution No. IF-006-19

From: Infrastructure & Facilities and Administration Committees.

Dated: January 15, 2019

**BRIDGE NY RESOLUTION BY NIAGARA COUNTY AUTHORIZING
THE IMPLEMENTATION AND FUNDING OF THE COSTS OF 100% OF THE COSTS OF
A TRANSPORTATION PROJECT, WHICH MAY BE ELIGIBLE FOR FEDERAL-AID
AND/OR STATE-AID, OR REIMBURSEMENT FROM BRIDGE NY FUNDS SLAYTON
SETTLEMENT ROAD BRIDGE OVER EIGHTEEN MILE CREEK PIN 5762.96**

WHEREAS, a project for the Slayton Settlement Road Bridge over Eighteen Mile Creek, PIN 5762.96 (the "Project") is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs, such program to be borne at the ratio of 95% federal funds and 5% non-federal funds, and

WHEREAS, the County of Niagara will design, let, and construct the Project, and

WHEREAS, the County of Niagara desires to advance the Project by making a commitment of 100% of the costs of the work for the Project or portions thereof, now, therefore, be it

RESOLVED, that the Niagara County Legislature, duly convened does hereby approve the above subject Project, and it is hereby further

RESOLVED, that the Niagara County Legislature hereby authorizes the County of Niagara to pay 100% of the cost of Preliminary Engineering (Design I-VI) phase work for the Project or portions thereof, with the understanding that qualified costs may be eligible for federal-aid, state-aid, or reimbursement from Bridge NY funds, and be it further

RESOLVED, that the following budget modification be effectuated:

INCREASE ANTICIPATED REVENUE:

H670.15.5197.000.44597.01	Capital Projects – Federal Aid	\$275,500
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INCREASE ANTICIPATED APPROPRIATION:

H670.15.5197.000.72600.02	Bridges – Slayton Settlement Rd	\$275,500
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and be it further,

RESOLVED, that the sum of \$290,000 is hereby appropriated in account H670.15.5197.000.72600.02, and is made available to cover the cost of participation in the above phase(s) of the Project, and be it further

RESOLVED, that the Niagara County Legislature hereby agrees that the County of Niagara shall be responsible for all costs of the Project which exceed the amount of the federal-aid, state-aid or NY Bridge funding awarded to the County of Niagara, and be it further

RESOLVED, that in the event the Project costs not covered by federal-aid, state-aid or NY Bridge funding exceed the amount appropriated above, the County of Niagara shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation, thereof, and be it further

RESOLVED, that the County of Niagara hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months, and be it further

RESOLVED, that the Chairman of the Legislature of the County of Niagara be and is hereby authorized to execute on behalf of the County of Niagara all necessary agreements, certifications or reimbursement requests for federal-aid and/or state-aid with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the County of Niagara 's funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations, therefore that are not so eligible, and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project, and be it further

RESOLVED, this Resolution shall take effect immediately.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-007-19

From: Infrastructure & Facilities and Administration Committees.

Dated: January 15, 2019

**BRIDGE NY RESOLUTION BY NIAGARA COUNTY AUTHORIZING
THE IMPLEMENTATION AND FUNDING OF THE COSTS OF 100% OF THE COSTS
OF A TRANSPORTATION PROJECT, WHICH MAY BE ELIGIBLE FOR FEDERAL-AID
AND/OR STATE-AID, OR REIMBURSEMENT FROM BRIDGE NY FUNDS
PORTER CENTER ROAD BRIDGE OVER SIXMILE CREEK, PIN 5762.93**

WHEREAS, a project for the Porter Center Road Bridge over Sixmile Creek, PIN 5762.93 (the "Project") is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs, such program to be borne at the ratio of 95% federal funds and 5% non-federal funds, and

WHEREAS, the County of Niagara will design, let, and construct the Project, and

WHEREAS, the County of Niagara desires to advance the Project by making a commitment of 100% of the costs of the work for the Project or portions thereof, now, therefore, be it

RESOLVED, that the Niagara County Legislature, duly convened does hereby approve the above subject Project, and it is hereby further

RESOLVED, that the Niagara County Legislature hereby authorizes the County of Niagara to pay 100% of the cost of Preliminary Engineering (Design I-VI) phase work for the Project or portions thereof, with the understanding that qualified costs may be eligible for federal-aid, state-aid, or reimbursement from Bridge NY funds, and be it further

RESOLVED, that the following budget modification be effectuated:

INCREASE ANTICIPATED REVENUE:

H6xx.15.5197.000.44597.01	Capital Projects – Federal Aid	\$230,850
H6xx.15.5197.000.43501.00	Consolidated Highway Aid Revenue	\$ 12,150

INCREASE ANTICIPATED APPROPRIATION:

H6xx.15.5197.000.72600.02

Bridges – Porter Center Rd

\$243,000

and be it further

RESOLVED, that the sum of \$243,000 is hereby appropriated in account H6xx.15.5197.000.72600.02, and is made available to cover the cost of participation in the above phase(s) of the Project, and be it further

RESOLVED, that the Niagara County Legislature hereby agrees that the County of Niagara shall be responsible for all costs of the Project which exceed the amount of the federal-aid, state-aid or NY Bridge funding awarded to the County of Niagara, and be it further

RESOLVED, that in the event the Project costs not covered by federal-aid, state-aid or NY Bridge funding exceed the amount appropriated above, the County of Niagara shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation, thereof, and be it further

RESOLVED, that the County of Niagara hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months, and be it further

RESOLVED, that the Chairman of the Legislature of the County of Niagara be and is hereby authorized to execute on behalf of the County of Niagara all necessary agreements, certifications or reimbursement requests for federal-aid and/or state-aid with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the County of Niagara 's funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and be it further

RESOLVED, this Resolution shall take effect immediately.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-008-19

From: Infrastructure & Facilities and Administration Committees.

Dated: January 15, 2019

**BRIDGE NY RESOLUTION BY NIAGARA COUNTY AUTHORIZING
THE IMPLEMENTATION AND FUNDING OF THE COSTS OF 100% OF THE COSTS OF
A TRANSPORTATION PROJECT, WHICH MAY BE ELIGIBLE FOR FEDERAL-AID
AND/OR STATE-AID, OR REIMBURSEMENT FROM BRIDGE NY FUNDS
UPPER MOUNTAIN ROAD CULVERT REPLACEMENT OVER FISH CREEK, PIN 5762.98**

WHEREAS, a project for the Upper Mountain Road Culvert over Fish Creek, PIN 5762.98 (the "Project") is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs, such program to be borne at the ratio of 100% federal funds, and

WHEREAS, the County of Niagara will design, let, and construct the Project, and

WHEREAS, the County of Niagara desires to advance the Project by making a commitment of 100% of the costs of the work for the Project or portions thereof, now, therefore, be it

RESOLVED, that the Niagara County Legislature, duly convened does hereby approve the above subject Project, and it is hereby further

RESOLVED, that the Niagara County Legislature hereby authorizes the County of Niagara to pay 100% of the cost of Preliminary Engineering (Design I-VI) and Construction/Construction Inspection phases for the Project or portions thereof, with the understanding that qualified costs may be eligible for federal-aid, state-aid, or reimbursement from Bridge NY funds, and be it further

RESOLVED, that the following budget modification be effectuated:

INCREASE ANTICIPATED REVENUE:

H6xx.15.5197.000.43591.00	State Aid Capital Construction Revenue	\$656,000
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INCREASE ANTICIPATED APPROPRIATION:

H6xx.15.5197.000.72600.02	Bridges – Upper Mtn Rd Culvert	\$656,000
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and be it further

RESOLVED, that the sum of \$656,000 is hereby appropriated in account H6xx.15.5197.000.72600.02, and is made available to cover the cost of participation in the above phase(s) of the Project, and be it further

RESOLVED, that the Niagara County Legislature hereby agrees that the County of Niagara shall be responsible for all costs of the Project which exceed the amount of the federal-aid, state-aid or NY Bridge funding awarded to the County of Niagara, and be it further

RESOLVED, that in the event the Project costs not covered by federal-aid, state-aid or NY Bridge funding exceed the amount appropriated above, the County of Niagara shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation, thereof, and be it further

RESOLVED, that the County of Niagara hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months, and be it further

RESOLVED, that the Chairman of the Legislature of the County of Niagara be and is hereby authorized to execute on behalf of the County of Niagara all necessary agreements, certifications or reimbursement requests for federal-aid and/or state-aid with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the County of Niagara 's funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and be it further

RESOLVED, this Resolution shall take effect immediately.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-009-19

From: Infrastructure & Facilities and Administration Committees.

Dated: January 15, 2019

**BRIDGE NY RESOLUTION BY NIAGARA COUNTY AUTHORIZING
THE IMPLEMENTATION AND FUNDING OF THE COSTS OF 100% OF THE COSTS
OF A TRANSPORTATION PROJECT, WHICH MAY BE ELIGIBLE FOR FEDERAL-AID
AND/OR STATE-AID, OR REIMBURSEMENT FROM BRIDGE NY FUNDS
GRISWOLD STREET CULVERT REPLACEMENT OVER JEDDO CREEK, PIN 5763.02**

WHEREAS, a project for the Griswold Street Culvert over Jeddo Creek, PIN 5763.02 (the "Project") is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs, such program to be borne at the ratio of 100% federal funds, and

WHEREAS, the County of Niagara will design, let, and construct the Project, and

WHEREAS, the County of Niagara desires to advance the Project by making a commitment of 100% of the costs of the work for the Project or portions thereof, now, therefore, be it

RESOLVED, that the Niagara County Legislature, duly convened does hereby approve the above subject Project, and it is hereby further

RESOLVED, that the Niagara County Legislature hereby authorizes the County of Niagara to pay 100% of the cost of Preliminary Engineering (Design I-VI) and Construction/Construction Inspection phases for the Project or portions thereof, with the understanding that qualified costs may be eligible for federal-aid, state-aid, or reimbursement from Bridge NY funds, and be it further

RESOLVED, that the following budget modification be effectuated:

INCREASE ANTICIPATED REVENUE:

H6xx.15.5197.000.43591.00	State Aid Capital Construction Revenue	\$887,000
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INCREASE ANTICIPATED APPROPRIATION:

H6xx.15.5197.000.72600.02	Bridges – Griswold St Culvert	\$887,000
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and be it further

RESOLVED, that the sum of \$887,000 is hereby appropriated in account H6xx.15.5197.000.72600.02, and is made available to cover the cost of participation in the above phase(s) of the Project, and be it further

RESOLVED, that the Niagara County Legislature hereby agrees that the County of Niagara shall be responsible for all costs of the Project which exceed the amount of the federal-aid, state-aid or NY Bridge funding awarded to the County of Niagara, and be it further

RESOLVED, that in the event the Project costs not covered by federal-aid, state-aid or NY Bridge funding exceed the amount appropriated above, the County of Niagara shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation, thereof, and be it further

RESOLVED, that the County of Niagara hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months, and be it further

RESOLVED, that the Chairman of the Legislature of the County of Niagara be and is hereby authorized to execute on behalf of the County of Niagara all necessary agreements, certifications or reimbursement requests for federal-aid and/or state-aid with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the County of Niagara 's funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and be it further

RESOLVED, this Resolution shall take effect immediately.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-010-19

From: Infrastructure & Facilities and Administration Committees.

Dated: January 15, 2019

**BRIDGE NY RESOLUTION BY NIAGARA COUNTY AUTHORIZING
THE IMPLEMENTATION AND FUNDING OF THE COSTS OF 100% OF THE COSTS
OF A TRANSPORTATION PROJECT, WHICH MAY BE ELIGIBLE FOR FEDERAL-AID
AND/OR STATE-AID, OR REIMBURSEMENT FROM BRIDGE NY FUNDS
LOCKPORT ROAD CULVERT OVER CAYUGA CREEK, PIN 5762.99**

WHEREAS, a project for the Lockport Road Culvert over Cayuga Creek, PIN 5762.99 (the "Project") is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs, such program to be borne at the ratio of 100% federal funds, and

WHEREAS, the County of Niagara will design, let, and construct the Project, and

WHEREAS, the County of Niagara desires to advance the Project by making a commitment of 100% of the costs of the work for the Project or portions thereof, now, therefore, be it

RESOLVED, that the Niagara County Legislature, duly convened does hereby approve the above subject Project, and it is hereby further

RESOLVED, that the Niagara County Legislature hereby authorizes the County of Niagara to pay 100% of the cost of Preliminary Engineering (Design I-VI) and Construction/Construction Inspection phases for the Project or portions thereof, with the understanding that qualified costs may be eligible for federal-aid, state-aid, or reimbursement from Bridge NY funds, and be it further

RESOLVED, that the following budget modification be effectuated:

INCREASE ANTICIPATED REVENUE;

H6xx.15.5197.000.43591.00	State Aid Capital Construction Revenue	\$839,000
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INCREASE ANTICIPATED APPROPRIATION:

H6xx.15.5197.000.72600.02	Bridges – Lockport Rd Culvert	\$839,000
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and be it further

RESOLVED, that the sum of \$839,000 is hereby appropriated in account H6xx.15.5197.000.72600.02, and is made available to cover the cost of participation in the above phase(s) of the Project, and be it further

RESOLVED, that the Niagara County Legislature hereby agrees that the County of Niagara shall be responsible for all costs of the Project which exceed the amount of the federal-aid, state-aid or NY Bridge funding awarded to the County of Niagara, and be it further

RESOLVED, that in the event the Project costs not covered by federal-aid, state-aid or NY Bridge funding exceed the amount appropriated above, the County of Niagara shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation, thereof, and be it further

RESOLVED, that the County of Niagara hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months, and be it further

RESOLVED, that the Chairman of the Legislature of the County of Niagara be and is hereby authorized to execute on behalf of the County of Niagara all necessary agreements, certifications or reimbursement requests for federal-aid and/or state-aid with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the County of Niagara 's funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and be it further

RESOLVED, this Resolution shall take effect immediately.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-011-19

From: Infrastructure & Facilities and Administration Committees.

Dated: January 15, 2019

DPW – HIGHWAY EXPENDITURE OF COUNTY ROAD FUND MONIES

WHEREAS, the Commissioner of Public Works recommends the expenditure of County Road Fund monies for maintenance of roads under Section 129 of the Highway Law, as set forth on the attached form, in the sum of \$7,858,543, and

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

RESOLVED, that the attached recommendation of the commissioner of Public Works be approved and the sum of \$7,858,543 be appropriated from the County Road Fund for maintenance during the year 2019, 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 – Collins

Resolution No. IL-001-19

From: Legislators Randy R. Bradt, Richard L. Andres and Economic Development Committee.

Dated: January 15, 2019

**RESOLUTION IN SUPPORT OF THE HOPE CENTER
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Hope Center's mission is to meet the real felt needs of families in our community and is also home to the City of North Tonawanda's Park and Recreational indoor winter programming, and

WHEREAS, the Hope Center has undertaken a large ADA improvement project to make their facility more accessible to anyone regardless of their mobility, and

WHEREAS, the centerpiece of this project will be a three level wheelchair lift, that will make it possible for people with limited mobility to access every area of the Hope Center for the first time since it was built, now, therefore, be it

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

The Hope Center	Three Level Wheelchair Lift	\$4,000.00
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and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01	Appropriated Fund Balance - Committed Funds	\$4,000.00
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INCREASE APPROPRIATION:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$4,000.00
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Moved by Andres, seconded by Bradt.

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

Resolution No. IL-002-19

From: Legislator Clyde L. Burmaster.

Dated: January 15, 2019

**FUNDING TO THE YOUNGSTOWN BUSINESS & PROFESSIONAL ASSOCIATION FOR
MARKETING INITIATIVE 2019**

WHEREAS, having a successful tourist season requires targeting, advertising and highlighting attractions offered, and

WHEREAS, the business association is the prime organization that has taken upon themselves to insure travelers will know of the many historic, recreational, business and entertainment venues this area is famous for, and

WHEREAS, funds are needed to embark on a new, improved shared services initiative for 2019, now, therefore, be it

RESOLVED, that the sum of \$1,500 be granted to the Youngstown Business and Professional Association for production of new advertising:

Youngstown Business and Professional Association	Advertising	\$1,500.00
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and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01	Appropriated Fund Balance - Committed Funds	\$1,500.00
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INCREASE APPROPRIATION:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$1,500.00
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Referred to Economic Development Committee.

APPOINTMENTS:

	Appt.	Expires
<u>YOUTH BOARD:</u>		
Dennis Stachera	01/15/19	12/31/21
20 Regent St., Lockport 14094		
Richard Laskowski	01/15/19	12/31/21
3725 Youngstown-Lockport Rd., Ransomville 14131		
Sandra Tonellato	01/15/19	12/31/21
1424 Byrd Ave., Niagara Falls 14303		
Rick Sweney	01/15/19	12/31/20
3609 Woodland Ave., Niagara Falls 14304		
Gregg Tessman	01/15/19	12/31/21
3216 Checkered Tavern Rd., Gasport 14067		
Chereé J. Copelin	01/15/19	12/31/20
9302 Hennepin Ave., Niagara Falls 14304		
Reggie Rosati	01/15/19	12/31/21
6981 Dysinger Rd., Lockport 14094		
Zachary S. Niemiec	01/15/19	12/31/21
384 Robinson St. Upper, North Tonawanda 14120		
Reanna Bradt	01/15/19	12/31/21
403 Deerfield Dr., North Tonawanda 14120		

Moved by Wydysh , seconded by Hill.
 Adopted. 14 Ayes, 0 Noes, 1 Absent – Collins

<u>Appt.</u>	<u>Expires</u>
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AD HOC ALTERNATIVES TO INCARCERATION ADVISORY BOARD:

Wm. Keith McNall, Chr., Niagara County Legislature	01/15/19	12/31/19
739 Willow St. Lockport, 14094		
David E. Godfrey, Chr. Community Safety/Security Comm.	01/15/19	12/31/19
4821 Lake Rd., Burt 14028		
Hon. Sara Sheldon, County Judge	01/15/19	12/31/19
Courthouse, Lockport 14094-2740		

Caroline Wojtaszek, District Attorney Courthouse, Lockport 14094-2740	01/15/19	12/31/19
David Farrugia, Public Defender Courthouse, Lockport 14094-2740	01/15/19	12/31/19
John Cicchetti, Probation Director II 111 Main St., Lockport 14094	01/15/19	12/31/19
James Voutour, Sheriff PO Box 496, Lockport 14095	01/15/19	12/31/19
Kevin Payne, Chief Jail Administrator PO Box 496, Lockport 14095	01/15/19	12/31/19
Frank Zelinsky, Pre-Trial Serv. Coord., Probation Dept. 111 Main St., Lockport 14094	01/15/19	12/31/19
Wayne Reinbolt (ex-offender) 6262 Dale Rd., Newfane 14108	01/15/19	12/31/19
Laura Kelemen, Dir. of Mental Health 5467 Upper Mountain Rd., Lockport 14094	01/15/19	12/31/19
Stephan Preisch, Interm Chief of Police City of Lockport, Municipal Bldg., Lockport 14094	01/15/19	12/31/19
Robert J. Botzer, Town Justice Town of Wilson, 375 Lake St., Wilson 14172	01/15/19	12/31/19
Marc McClellan, ATI Work Program Coordinator PO Box 496, Lockport 14095	01/15/19	12/31/19
Kristen Mack, Crime Victim Advocate PO Box 496, Lockport 14095	01/15/19	12/31/19
Angela Beightol, TASC Program Coordinator PO Box 496, Lockport NY 14095	01/15/19	12/31/19
Hon. Mark A. Violante, Chief Justice NF City Court City Hall, 745 Main St., Niagara Falls 14302	01/15/19	12/31/19
William Watson, City Court Justice Municipal Bldg., One Locks Pl., Lockport 14094	01/15/19	12/31/19
Karen Hogan, Treatment Provider Rep	01/15/19	12/31/19
Kelly Scinta, AJD program	01/15/19	12/31/19

BOARD OF HEALTH:

Marietta Schrader 32 Gaffnery Rd., Lockport 14094	01/15/19	12/31/24
John Syracuse	01/15/19	01/15/19

COMMUNITY SERVICES BOARD

Daniel Norton (replaces Booth) 185 Marilyn Drive, Grand Island 14072 Representative of USAFR Niagara Falls Airbase	01/15/19	12/31/22
Bruce Shields, PhD. 425 Wingate Place, Youngstown 14174	01/15/19	12/31/22
Robert Spuller 2718 LaSalle Ave., Niagara Falls 14301	01/15/19	12/31/22
Sally Dedicke 8541 East Ave., Gasport, 14067	01/15/19	12/31/22
Daniel Neal 21 Cave St., Lockport 14094	01/15/19	12/31/22
Phyllis Badali 509 84 th Street, Niagara Falls 14304	01/15/19	12/31/22

Mark Bonacci, Ph.D 151 Buffalo Ave. #304, Niagara Falls 14303	01/15/19	12/31/22
Michelle McGovern 3923 Fair Court West, Sanborn 14132	01/15/19	12/31/22
Jeffrey Paterson 9353 Hennepin Ave., Niagara Falls 14304	01/15/19	12/31/22
Peter Drew 2439 Lake Mead Road, Niagara Falls 14304	01/15/19	12/31/22

FISHERIES BOARD:

Matthew Yablonsky 965 Pletcher Road, Youngstown 14174	01/12/19	12/31/21
Michael J. Fox 3015 Johnson Creek Rd., Middleport 14105	01/12/19	12/31/21
Daniel Evans 3043 Maple Road, Newfane 14108	01/12/19	12/31/21
Scott Sheffler 3423 Ewings Rd., Lockport 14094	01/12/19	12/31/21
Paul Phillips 6246 Westwood Dr., Newfane 14108	01/12/19	12/31/21
Joseph Oakes 4335 Cambria Wilson Rd. Lockport, 14094	01/15/19	12/31/20

FISH & WILDLIFE MANAGEMENT BOARD – REGION 9:

Matt Foe(Landowner Rep.) 4517 Upper Mountain Road, Lockport 14094	01/12/19	12/31/20
ALT: Peter Smith 4472 Van Dusen Road, Lockport 14094	01/12/19	12/31/20

HISTORIANS BOARD:

Rebecca J. Wydysh	01/15/19	12/31/19
Brooke Morse 4160 Upper Mountain Rd., Sanborn 14132	Tn. of Cambria 01/15/19	12/31/19
Gail Reinbird, Deputy 3106 Upper Mountain Rd., Sanborn 14132	Tn. of Cambria 01/15/19	12/31/19
Norman LaJoie 9453 Ridge Rd., Middleport 14105	Tn. of Hartland 01/15/19	12/31/19
Majorie L. Maggard 5893 Garlow Rd., Niagara Falls, 14304	Tn. of Lewiston 01/15/19	12/31/19
Laurence Haseley 6843 Lockhaven Dr., Lockport 14094	Tn. of Lockport 01/15/19	12/31/19
William Clark 2737 Main Street, Newfane 14108	Tn. of Newfane 01/15/19	12/31/19
Pete Ames 800 Porter Rd. Lot 10 Niagara Falls 1304	Tn. of Niagara 01/15/19	12/31/19
Stephanie M. Chase 6570 Campbell Blvd., Lockport 14094	Tn. Of Pendleton 01/15/19	12/31/19
Lynn Zanardi 3265 Creek Rd. Youngstown, 14174	Tn. of Porter 01/15/19	12/31/19
Gary Zanardi, Deputy 3265 Creek Rd. Youngstown, 14174	Tn. of Porter 01/15/19	12/31/19

Jesse Bieber 9269 Chestnut Ridge Rd., Middleport 14105	Tn. of Royalton	01/15/19	12/31/19
Peter Devereaux 8504 Lake Rd., Barker 14012	Tn. of Somerset-Vill. of Barker	01/15/19	12/31/19
Justin J. Higner 6815 Ward Rd, Niagara Falls 14304	Tn. of Wheatfield	01/15/19	12/31/19
Francis Gallagher 2773 Maple Rd., Wilson 14172	Tn. of Wilson-Vill. of Wilson	01/15/19	12/31/19
Joseph Midura 115 10 th St., No. Tonawanda 14120	City of NT	01/15/19	12/31/19
Margaret Truax 29 Spruce St., Lockport 14094	City of Lockport	01/15/19	12/31/19
Elaine Timm 1283 93 rd Street, Niagara Falls 14304	City of Niagara Falls	01/15/19	12/31/19
Russ Piper P.O. Box 325	Village of Lewiston	01/15/19	12/31/19
Christa Lutz 51 State St., Middleport 14105	Village of Middleport	01/15/19	12/31/19
Barbara Albone, Deputy 34 Church St., Middleport 14105	Village of Middleport	01/15/19	12/31/19
Catherine Emerson, County Historian		01/15/19	12/31/19
Craig Bacon, Deputy County Historian		01/15/19	12/31/19
Ronald Cary, Deputy County Historian		01/15/19	12/31/19

INTER-COUNTY ASSOCIATION OF WNY:

Wm. Keith McNall, Chr., Niagara County Legislature	01/12/19	12/31/19
Anthony J. Nemi, Legislator	01/12/19	12/31/19
Mary Jo Tamburlin, Clerk	01/12/19	12/31/19

LAW LIBRARY BOARD OF TRUSTEES:

Wm. Keith McNall, Chairman Niagara County Legislature	01/15/19	10/01/19
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MICROENTERPRISE ASSISTANCE PROGRAM LOAN PANEL:

Wm. Keith McNall, Chairman	01/15/19
Anthony Nemi, Legislator	01/15/19

NIMAC:

Jesse P. Gooch, Legislator	01/15/19	12/31/19
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PLANNING BOARD:

Andrea Klyczek 6004 Colony Crt., Lockport 14094	01/15/19	12/31/21
Joseph C. Kibler 16 Cleveland Pl., Lockport 14094	01/15/19	12/31/21
James Sobczyk 5201 Tonawanda Creek Rd., No. Tonawanda 14120	01/15/19	12/31/21

EMPOWER REVIEW BOARD:

Marc Gschwend, National Grid 144 Kensington Avenue, Buffalo NY 14214	01/15/19
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REFUSE DISPOSAL DISTRICT ADMINISTRATIVE BOARD:

Jesse P. Gooch – Town of Wheatfield, City of North Tonawanda	01/15/19	12/31/19
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SOIL & WATER CONSERVATION DISTRICT:

James Bittner (Farm Bureau) 6620 Lake Rd., Appleton 14008	01/15/19	12/31/21
Mary Gumaer (Farmer at Large) 9335 Pearson Rd., Middleport 14105	01/15/19	12/31/21
David Godfrey, Legislator	01/15/19	12/31/19
William Collins, Legislator	01/15/19	12/31/19

WORKFORCE DEVELOPMENT BOARD:

Cathy Lattanzio, General Manager Chameleon Color Cards Ltd. 6530 S. Transit Rd., Lockport 14094	01/15/19
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Moved by Zona, seconded by Syracuse.

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

Moved by Bradt, seconded by Hill that the Board adjourn.

The Chairman declared the Board adjourned at 8:13 p.m., subject to the call of the Clerk.

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


Mary Jo Tamburlin, Clerk