

OFFICIAL RECORD

Lockport, New York
September 19, 2019

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

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

A Moment of Silence was held for Vice Chairman Clyde L. Burmaster.

CORRESPONDENCE & RECOGNITION:

Chairman McNall announced the next Legislature Meeting on October 15th we will be having a ceremony in honor of Vice Chairman Clyde L. Burmaster.

Director of Employment and Training Director Donald Jablonski spoke on the upcoming Job Fair Job Fair happening on September 25th, 2019 from 1:00-3:30 pm in Niagara Falls. Don also announced because of the great turn out and positive feedback from the on the first job fair held in North Tonawanda Employment and Training will be hosting one every year. Legislator Bradt thanked Don for putting on an excellent job fair.

Chairman McNall announced Niagara County Emergency Services received a grant for \$2.1 million for portal radios for the entire county. Chairman McNall thanked Director of Emergency Services Jonathon Schultz for all his hard work.

PRESENTATIONS:

Chairman called District Attorney Caroline Wojtaszek, Sheriff James Voutour and Director of Probation John Cicchetti to the lectern to give a presentation on what to expect for the upcoming plan for new discovery & speedy trial reform.

Chairman called Legislator Godfrey called Sheriff James Voutour and Undersheriff Michael Filicetti to the lectern to read a proclamation proclaiming September 22-28th 2019 Sheriffs Week in Niagara County.

Legislator Gooch called NIMAC Chairman John Cooper to the lectern to give an update on what has been going on. John thanked the legislature and the residents for their support of the Niagara Falls Air Base.

Legislator Collins called Deputy Commissioner of Economic Development Andrea Klyczek to lectern to give a presentation on NORLIC Land bank. Andrea thanked the Legislature and all the municipalities who participate in this program.

Claude Jorge spoke on resolution IL-059-19. Claude thanked the legislators for bringing this resolution to the floor.

5 citizens spoke.

Recess.

Motion by Wydysh, Second by Bradt to remove CS-046-19 from the preferred agenda.
Carried

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

**2019 CAPITAL IMPROVEMENT PROJECTS
FUNDING FROM FUND BALANCE AND FEDERAL/STATE AID**

WHEREAS, the County Manager and Budget Director recommend that the following capital improvement projects be funded using funds from Assigned Fund Balance in the A, and D Funds, Consolidated Highway Aid Revenue, and Federal/State Aid: 20-4- East Ave. Roof Replacement, Angelo DelSignore Civic Building Window Replacement Project, Asbestos Floor Abatement, Human Resources Building Carpet/Tile/Window Replacement, HVAC Improvements, Security Improvements, Trott Boiler Improvements, Trott ACCESS Center Improvements, Human Resources Building Elevator Rehabilitation, Park Facilities Equipment, Jail Hot Water Steam Heaters Replacement, Jail Carpet Replacement, Forensic Lab Equipment, Electronic Emergency Medical Cards, Carmen Rd. Bridge over Johnson Creek, Slayton Settlement Rd. Bridge over Eighteen Mile Creek, Bridge Maintenance Projects, Culvert Replacement, Highway Heavy Equipment, North Canal Rd. Rehabilitation, Tonawanda Creek Rd. @ Lockwood Estates Slide Area, Walmore Rd. Pavement Project, Akron Rd. Rehabilitation, Bridge/Guiderail Replacement Improvements, now, therefore be it

RESOLVED, that the following budget modification be effectuated:

INCREASE APPROPRIATED FUND BALANCE

A 40599.00	Appropriated Fund Balance	\$4,639,300
D 40599.00	Appropriated Fund Balance	400,000

INCREASE APPROPRIATIONS

A.07.9901.000.79010.10	Transfer to Capital Reserve	\$4,639,300
D.15.9901.000 79010.10	Transfer to Capital Reserve	400,000

INCREASE APPROPRIATED FUND BALANCE:

AH40511.00	Appropriated Capital Reserve	\$5,039,300
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INCREASE CAPITAL CONSTRUCTION:

AH.07.9950.000.79010.00	Transfer to Capital Construction	\$5,039,300
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INCREASE ESTIMATED REVENUE

H583.15.5197.000.45031.10	Interfund Transfers – From Capital Reserve	\$100,000
H583.15.5197.000.44597.01	Capital Projects – Federal Aid	\$400,000
H623.15.1620.000.45031.10	Interfund Transfers – From Capital Reserve	\$500,000
H630.15.5112.000.44597.01	Capital Projects – Federal Aid	\$6,696,000
H630.15.5112.000.43591.00	State Aid – Capital Construction	\$1,674,000
H638.15.5112.000.44597.01	Capital Projects – Federal Aid	\$2,400,000
H638.15.5112.000.43591.00	State Aid – Capital Construction	\$600,000
H643.15.5112.000.44597.01	Capital Projects – Federal Aid	\$2,404,000
H643.15.5112.000.43591.00	State Aid – Capital Construction	\$360,600
H643.15.5112.000.45031.10	Interfund Transfers – From Capital Reserve	\$240,400
H664.15.1620.000.45031.10	Interfund Transfers – From Capital Reserve	\$1,868,000
H670.15.5197.000.45031.10	Interfund Transfers – From Capital Reserve	\$14,500
H687.15.1620.000.45031.10	Interfund Transfers – From Capital Reserve	\$100,000
H688.15.1620.000.45031.10	Interfund Transfers – From Capital Reserve	\$100,000
H689.15.1620.000.45031.10	Interfund Transfers – From Capital Reserve	\$200,000

H690.15.1620.000.45031.10	Interfund Transfers – From Capital Reserve	\$100,000
H691.15.1620.000.45031.10	Interfund Transfers – From Capital Reserve	\$50,000
H692.15.1620.000.45031.10	Interfund Transfers – From Capital Reserve	\$100,000
H693.15.1620.000.45031.10	Interfund Transfers – From Capital Reserve	\$70,000
H694.17.3197.000.45031.10	Interfund Transfers – From Capital Reserve	\$90,000
H695.17.3197.000.45031.10	Interfund Transfers – From Capital Reserve	\$50,000
H696.17.3197.000.45031.10	Interfund Transfers – From Capital Reserve	\$200,000
H697.17.3197.000.45031.10	Interfund Transfers – From Capital Reserve	\$125,000
H698.15.5197.000.44597.01	Capital Projects – Federal Aid	\$521,000
H698.15.5197.000.45031.10	Interfund Transfers – From Capital Reserve	\$166,000
H699.15.5197.000.45031.10	Interfund Transfers – From Capital Reserve	\$70,000
H700.15.5197.000.45031.10	Interfund Transfers – From Capital Reserve	\$575,000
H701.15.5112.000.44597.01	Capital Projects – Federal Aid	\$481,600
H701.15.5112.000.45031.10	Interfund Transfers – From Capital Reserve	\$120,400
H702.15.5197.000.45031.10	Interfund Transfers – From Capital Reserve	\$200,000

INCREASE ESTIMATED REVENUE TOTALS: \$20,576,500

INCREASE ESTIMATED APPROPRIATIONS:

H583.15.5197.000.72600.02	Carmen Rd Bridge over Johnson Creek	\$500,000
H623.15.1620.000.72200.01	Angelo DelSignore Civic Bldg Window Replace	\$500,000
H630.15.5112.000.72600.01	Tonawanda Creek Rd @ Lockwood Estates Slide Area	\$8,370,000
H638.15.5112.000.72600.01	North Canal Rd Rehabilitation	\$3,000,000
H643.15.5112.000.72600.01	Walmore Rd Pavement Project	\$3,005,000
H664.15.1620.000.72200.01	Trott ACCESS Center Improvements	\$1,868,000
H670.15.5197.000.72600.02	Slayton Settlement Rd Bridge	\$14,500
H687.15.1620.000.72200.01	Floor Abatement	\$100,000
H688.15.1620.000.72200.01	HR Bldg Carpet/Tile/Window Replacement	\$100,000
H689.15.1620.000.72200.01	HVAC Improvements	\$200,000
H690.15.1620.000.72200.01	Security Improvements	\$100,000
H691.15.1620.000.72200.01	Trott Boiler/Boiler Tubes	\$50,000
H692.15.1620.000.72200.01	HR Bldg Elevator Rehabilitation	\$100,000
H693.15.7110.000.72100.10	Park Facilities Equipment	\$70,000
H694.17.3197.000.72200.01	Hot Water Steam Heaters Replacement	\$90,000
H695.17.3197.000.72200.01	Carpet Replacement - Jail	\$50,000
H696.17.3197.000.72100.04	Forensic Lab Equipment	\$200,000
H697.17.3197.000.72100.26	Electronic Emergency Medical Cards	\$125,000
H698.15.5197.000.72600.02	Bridge Maintenance Projects	\$687,000
H699.15.5197.000.72600.02	Culvert Replacement	\$70,000
H700.15.5197.000.72100.10	Highway Heavy Equipment	\$575,000
H701.15.5112.000.72600.01	Akron Rd. Pavement Rehabilitation	\$602,000
H702.15.5197.000.72600.01	Bridge/Guide Rail Safety Improvements	\$200,000

INCREASE ESTIMATED APPROPRIATIONS TOTAL: \$20,576,500

Moved by Syracuse; seconded by Andres to amend resolution.

Amendment:

Page 2 under Increased Estimated Revenue:

Line 1 deletion of H583. and replaced with H621.

Line 19 deletion of .1620. and replaced .7110.

Page 2 under Increase Estimated Appropriations: Line 1 deletion of H583. and replaced with H621.

Moved by Syracuse, seconded by Andres to accept the amendment.
Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. AD-015-19

From: Administration Committee.

Dated: September 19, 2019

**RESOLUTION AUTHORIZING INTERMUNICIPAL AGREEMENT WITH
THE CITY OF LOCKPORT FOR 2018 CITY IN REM PROCEEDING**

WHEREAS, the City of Lockport has instituted an In Rem action under Niagara County Supreme Court Index #163540/2018, for the foreclosure of certain tax liens for the year 2018 against various parcels of land situate within the City of Lockport, New York, pursuant to the provisions of Article 11, Title 3 of the Real Property Tax Law of the State of New York, and

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

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

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

RESOLVED, that the Chairman be, and hereby is, authorized and directed to enter into an inter-municipal cooperation agreement with the City of Lockport regarding the City of Lockport 2018 In Rem action filed with the Niagara County Supreme Court under Index #163540/2018.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. AD-016-19

From: Administration Committee.

Dated: September 19, 2019

**REAUTHORIZE THE CONVEYENCE OF CERTAIN
TAX SALE PROPERTY TO THE TOWN OF WHEATFIELD
(PROPERTY COMMONLY KNOWN AS 2839 THORNWOODS DRIVE, TOWN OF WHEATFIELD)**

WHEREAS, the County of Niagara by foreclosure of tax liens under Article 11, Title 3 of the Real Property Tax Law of the State of New York (the "proceeding") acquired jurisdiction, by filing a verified petition (commenced in Niagara County Supreme Court under Clerk's Index No. 157229) against property assessed under SBL# 147.16-2-4, commonly known as 2839 Thornwoods Drive in the Town of Wheatfield, New York (the "Property"), owned by Samuel D. Messana – Elayne M., and

WHEREAS, the Judgment of Foreclosure granted July 26, 2017 by Daniel J. Furlong Supreme Court Justice, in the Proceeding, Kyle R. Andrews, Niagara County Treasurer (as the "Tax Enforcing Officer") awarded possession of the Property and, among other things, authorized the Niagara County Treasurer/Tax Enforcing

possession of the Property and, among other things, authorized the Niagara County Treasurer/Tax Enforcing Officer to execute and deliver a deed conveying full and complete title to the Property free and clear of all liens and encumbrances, and

WHEREAS, the Town of Wheatfield, notified the County of Niagara of its desire to accept ownership of the Property from the Tax Enforcing Officer in the Proceeding, in consideration of said transfer, the Town of Wheatfield will execute a hold harmless and indemnity agreement, and

WHEREAS, the Niagara County Legislature by resolution AD-002-19 authorized the transfer of said property to the Town of Wheatfield, and

WHEREAS, pursuant to a letter received from the Town of Wheatfield wherein, the town respectfully declined the acceptance of the transfer, the Niagara County Legislature by Resolution AD-012-19 rescinded the conveyance of the Property to the Town of Wheatfield, and

WHEREAS, the town has again expressed its desire to now accept said transfer of property and it is in the best interests of both the County of Niagara and the Town of Wheatfield in that it will foster real property development, and

WHEREAS, the terms and conditions under which the property is to be conveyed to the Town of Wheatfield are subject to the final review and approval by the Niagara county Attorney's Office and the attorney of the Town of Wheatfield and must include legally binding assurances by the Town of Wheatfield 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 Wheatfield, its transferees, grantees, successors and assigns, now, therefore, be it

RESOLVED, Pursuant to §215 (8) of the County Law the Niagara County Legislature hereby reauthorizes the Tax Enforcing Officer to convey tax sale property commonly known as 2839 Thornwoods Drive Town of Wheatfield, to the Town of Wheatfield, subject to review by the Niagara County Attorney and including terms and conditions consistent with the findings and conditions set forth in this resolution and in any and all order, judgments and decrees made and entered by the Assigned Justice in the Proceeding.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. AD-017-19

From: Administration Committee.

Dated: September 19, 2019

APPOINTMENT: DIRECTOR OF REAL PROPERTY TAX SERVICES III

WHEREAS, in accordance with Section 1530 of the New York State Real Property Tax Law, the Niagara County Legislature shall appoint a Director of the Real Property Tax Services Agency (RPTS) who shall have a six year term expiring on September 30, 2025, and

WHEREAS, the current Director, John E. Shoemaker, was appointed to a six year term which commenced on October 1, 2013 and ends on September 30, 2019, and

WHEREAS, the Director shall be appointed based upon his knowledge of principles and methods relating to the assessment of real property and his executive and administrative experience, and

WHEREAS, John E. Shoemaker is a New York State certified County Director of RPTS, thus meeting the qualifications standards for said office as established by the New York State Office of Real Property Tax Services, and

WHEREAS, John E. Shoemaker is an expert in the area of real property tax administration and tax services, and

WHEREAS, the County Manager has determined that John E. Shoemaker has performed successfully in the capacity of Director of Real Property Tax Services and recommends the appointment of John E. Shoemaker to Director of Real Property Tax Services III subject to confirmation by the County Legislature, now, therefore, be it

RESOLVED, that John E. Shoemaker, be appointed the Director of RPTS for a six (6) year term commencing October 1st, 2019 through September 30th, 2025, and be it further

RESOLVED, that for the period beginning January 1, 2020 until December 31, 2020 that John E. Shoemaker shall be compensated as FLSA exempt at an annualized salary of \$79,276; for the period beginning January 1, 2021 until December 31, 2021, John E. Shoemaker shall be compensated a salary of \$80,862; for the period beginning January 1, 2022 until December 31, 2022, John E. Shoemaker shall be compensated a salary of \$82,479; for the period beginning January 1, 2023 until December 31, 2023, John E. Shoemaker shall be compensated a salary of \$84,129; for the period beginning January 1, 2024 until December 31, 2024, John E. Shoemaker shall be compensated a salary of \$85,812; and for the period beginning January 1, 2025 through the end of his appointment, John E. Shoemaker shall be compensated an annualized salary of \$87,528, and be it further

RESOLVED, that a copy of this resolution be forwarded by the Clerk of the Legislature to the Executive Director of the New York State Office of Real Property Tax Services, WA Harriman State Campus, Albany, New York 12227.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. AD-018-19

From: Administration Committee.

Dated: September 19, 2019

PURCHASE OF IN REM PROPERTY

WHEREAS, on Saturday, August 10, 2019, 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.

LOT#	SERIAL#	SBL#	PURCHASOR	BID PRICE
3	2017-012	121.00-1-18.1	RL Kolasinski	\$40,000.00
4	2017-015	41.00-1-32	Nathan D Cudzilo	\$4,100.00
5	2017-020	54.00-3-7	Kristin W Washbon	\$4,000.00
8	2017-035	70.00-2-15	Jenny Pinkham	\$34,000.00
9	2017-038	82.00-3-27	Connie M Soeman	\$36,000.00
13	2017-048	88.00-1-29	Noble Sky Core, LLC	\$28,000.00
17	2017-054	118.20-1-40	Matthew J Martin	\$70,000.00
18	2016-061	118.20-2-36	Joseph Anderson, Jr	\$16,500.00
19	2017-057	131.06-3-37	Rickie P Sweney	\$105,000.00
21	2017-065	95.02-1-43	Michael J Gasiewicz	\$17,000.00
22	2017-070	110.00-1-29.112	David F Snediker	\$50,500.00
23	2017-071	110.00-1-41	David Eron	\$2,700.00
25	2017-076	138.00-1-52	Gunwant/Harpal Sodhi	\$5,100.00
26	2017-077	138.00-2-7	Eli/Catherine Pollinger	\$70,000.00
27	2017-080	138.07-2-26.2	Noor Ali Leghari	\$600.00
29	2017-088	14.07-1-59	Ted Ackley	\$35,000.00
35	2017-101	38.12-1-45	Noble Sky Core, LLC	\$41,000.00
38	2014-124	39.17-1-61	James M McDonough	\$14,000.00
39	2017-121	67.04-1-1	Noble Sky Core, LLC	\$20,000.00
40	2017-130	130.15-3-19	Noble Sky Core, LLC	\$1,600.00
41	2017-137	131.11-1-37	Main Street NF II, LLC	\$90,000.00
43	2016-149	131.46-2-19	Noble Sky Core, LLC	\$26,000.00
44	2017-141	132.13-1-14	Anthony C, Sr	\$10,000.00
45	2016-156	144.26-3-4	Derek Blazynski	\$2,700.00
46	2017-148	144.26-3-21.2	Zander Properties, LLC	\$1,000.00
47	2015-198	144.26-3-49	Douglas P Neumann	\$3,500.00
48	2017-151	144.26-3-52	Noble Sky Core, LLC	\$33,000.00
49	2017-158	145.06-4-312	Abraham Montes/ Manuel Simenez Coreles	\$1,500.00
50	2017-159	145.06-4-33	Abraham Montes/ Manuel Simenez Coreles	\$1,500.00
51	2017-161	145.11-1-13	Noble Sky Core, LLC	\$30,000.00
52	2017-163	145.16-3-7	Gavin Jamieson	\$1,600.00
55	2017-166	146.13-2-21	Michael C Williams	\$550.00
56	2017-167	146.13-2-5	Frank A DeDario	\$400.00
57	2017-168	146.13-2-82	Amber M Wollaber	\$850.00
58	2017-169	146.17-2-22	Liaquat Ali	\$6,500.00
59	2017-170	146.17-4-14	Eric Hinterberger	\$400.00
60	2017-171	146.17-4-49	Remi R Gonzalez	\$225.00
61	2017-172	146.17-4-50	Remi R Gonzalez	\$225.00
62	2017-173	146.17-4-51	Remi R Gonzalez	\$225.00
63	2017-174	146.17-4-52	Remi R Gonzalez	\$225.00
64	2017-175	146.17-4-53	Remi R Gonzalez	\$225.00
65	2017-176	146.17-4-79	Alford John	\$25.00
69	2017-190	59.07-2-30	Derek J Elson	\$375.00
70	2017-192	31.20-1-10.1	Matthew M Cole	\$25.00
71	2017-202	61.00-1-61	Jeffrey S Bishop	\$1,200.00
72	2017-203	61.00-1-62.1	Jeffrey S Bishop	\$1,200.00
74	2017-207	62.10-3-15	Five Grand Kids Prop., LLC	\$67,000.00
76	2015-276	98.00-1-35	Matthew J Martin	\$5,000.00
78	2016-224	111.01-1-83	Empire Improvement	\$800.00
79	2017-219	111.01-2-46	Kenneth K/Jeanne E Best	\$100.00
80	2017-221	113.00-1-47.12	Bright Co., LLC	\$6,100.00
81	2017-226	126.00-1-45.3	James R Mcquestion III	\$6,400.00
82	2017-228	127.00-1-43.12	Jeffrey K Lasal	\$9,000.00
83	2017-232	156.00-1-5.12	Michael E Kessler, Jr	\$19,000.00
85	2017-238	28.00-1-5.2	Noble Sky Core, LLC	\$22,000.00
86	2017-244	135.03-2-39.1	John A DePasquale	\$350.00

90	2017-255	22.56-1-34	Aaron Shiah	\$1,900.00
91	2016-303	23.00-2-12	Timothy S Perry	\$700.00
92	2017-258	37.00-1-22.2	Kevin B Brooks, Jr	\$74,000.00
93	2017-262	62.04-3-14	Noble Sky Core, LLC	\$50,000.00
94	2017-264	64.00-1-60.32	Dawn M Harris	\$375.00
95	2017-266	65.00-2-24	Nathan D Cudzilo	\$13,000.00
				\$1,084,275.00

Moved by Nemi, seconded by Collins.
Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. CS-043-19

From: Community Services and Administration Committees.
Dated: September 19, 2019

NIAGARA COUNTY YOUTH BUREAU – NEW YORK STATE AID APPLICATION

WHEREAS, the County of Niagara has been designated as eligible to receive State Aid for 2019 youth programs through its Youth Bureau from the New York State Office of Children and Family Services in the amount of \$356,528, and

WHEREAS, the Comprehensive Planning Law mandates the Niagara County Youth Bureau must apply for such funds, and

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

RESOLVED, that the Director of the County Youth Bureau be, and hereby is, authorized to make application for the following program funds:

Youth Development Program	\$255,750
Runaway and Homeless Youth	\$100,778
TOTAL	\$356,528

and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to execute any and all documents relating to the application, subject to the review by the County Manager and the approval of the County Attorney.

Moved by Bradt, seconded by Virtuoso.
Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. CS-044-19

From: Community Services and Administration Committees.
Dated: September 19, 2019

**ABOLISH PUBLIC HEALTH NURSE, CREATE & FILL PUBLIC HEALTH OFFICE
COORDINATOR POSITION-NURSING DIVISION-DEPARTMENT OF HEALTH**

WHEREAS, the Nursing Division of the Niagara County Department of Health provides a wide array of essential mandated services in a cost effective manner, and

WHEREAS, Public Health Nurse Positions have been hard to fill, and

WHEREAS, a reorganization of job duties will help efficiently manage nursing staff time, and

WHEREAS, a Public Health Office Coordinator can help alleviate non-essential nursing tasks, and

WHEREAS, there will be no cost increase to the county, now, therefore, be it

RESOLVED, that (1) currently vacant position of Public Health Nurse, Job Group 11, position # 2276, salary range \$48,867-\$57,130 be abolished effective September 22, 2019, and be it further

RESOLVED, that (1) position of Public Health Office Coordinator, Job Group 10, position number to be determined, salary range \$44,663-\$52,398, be created and filled effective September 23, 2019, and be it further

RESOLVED, the following budget modification be effectuated:

DECREASE APPROPRIATIONS:

A.20.4189.401 71010.00	Position#2276 PHN	\$12,368
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INCREASE APPROPRIATIONS:

A.20.4189.401 71010.00	Position# to be determined	\$12,368
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Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. CS-045-19

From: Community Services and Administration Committees.

Dated: September 19, 2019

**BUDGET MODIFICATION – ENVIRONMENTAL DIVISION- HEALTHY NEIGHBORHOODS
PROGRAM- DEPARTMENT OF HEALTH**

WHEREAS, the Environmental Division Healthy Neighborhoods Program of the Niagara County Department of Health provides essential services to reduce morbidity and/or environmental hazards in the home, and

WHEREAS, a grant fund balance due to a change in employees will enable the Niagara County Department of Health Healthy Neighborhoods Program to replenish home safety supplies, and

WHEREAS, the Niagara County Department of Health Environmental Division Healthy Neighborhoods Program requests a budget modification to transfer personnel funds to the supply line, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

DECREASE APPROPRIATIONS:

CM.20.4189.405 78400.01	Health Insurance	\$10,000.00
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INCREASE APPROPRIATIONS:

CM.20.4189.405 74750.02	Supplies/Materials	- \$10,000.00
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Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. CS-046-19

From: Community Services and Administration Committees.

Dated: September 19, 2019

**ABOLISH, CREATE AND FILL POSITION / BUDGET MODIFICATION
INCREASED MANDATES FOR INTEGRATED CARE SERVICES
NIAGARA COUNTY DEPARTMENT OF MENTAL HEALTH & SUBSTANCE ABUSE SVCS**

WHEREAS, the Niagara County Department of Mental Health and Substance Abuse Services (NCDMH) is committed to providing exceptional treatment and integrated care services to Niagara County residents in need, and

WHEREAS, increased mandates by New York State (NYS) Centers for Medicare and Medicaid and private health insurance companies, as well as additional required documentation under NYS Offices of Mental Health and Alcohol & Substance Abuse Services, requires a high-level of administration, and

WHEREAS, upon evaluation of the increased demands and the needs of the Department, it was determined that an Account Clerical II (ACII) position would allow for the higher level of administrative responsibility then that of an Account Clerical I (ACI) required to operate within the guidelines, rules and regulations of all NCDMH oversight agencies, and

WHEREAS, the ACII position is supported 100% through generated revenue; incurring no cost to the County, and

WHEREAS, NCDMH is committed to and has demonstrated operating in a responsible fiscal manner, now, therefore, be it

RESOLVED, that one Account Clerical I (vacant as of September 21, 2019), Grade 4, Step 3, position number MHD300100.9474, salary range \$31,686.20 - \$35,672.00 be abolished effective September 22, 2019, and be it further

RESOLVED, that one Account Clerical II, Grade 5, Step 2, position number, MHD300100.XXXXXX, salary range \$33,014.80- \$37,200.80 be created within the Niagara County Department of Mental Health, and filled effective September 22, 2019, and be it further

RESOLVED, that the following transfer of position funds in the 2019 budget be effectuated:

INCREASE REVENUE:

A.21.4310.000.41620.00	Mental Health Fees	\$14,847
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INCREASE APPROPRIATIONS:

A.21.4310.000.71010.00xxxxx	Positions (ACII)	\$ 9,364
A.21.4310.000.78100.00	Retirement Expense	871
A.21.4310.000.78200.00	FICA	716
A.21.4310.000.78400.01	Insurance, Health Active Hospital/Medical	2,399
A.21.4310.000.78300.00	Worker's Comp	248
A.21.4310.000.78400.05	Insurance HRA Employer Contribution	850
A.21.4310.000.78700.00	Disability	26
A.21.4310.000.78800.00	Flex 125 Employer Contribution Expense	373

DECREASE REVENUE:

A.21.4310.000.41620.00	Mental Health Fees	\$ 14,632
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DECREASE APPROPRIATIONS:

A.21.4310.000.71010.0009474	Positions (ACI)	\$ 9,203
A.21.4310.000.78100.00	Retirement Expense	856
A.21.4310.000.78200.00	FICA	704
A.21.4310.000.78400.01	Insurance, Health Active Hospital/Medical	3,599
A.21.4310.000.78300.00	Worker's Comp	244
A.21.4310.000.78700.00	Disability	26

Moved by Wydysh; seconded by Bradt to amend resolution.

Amendment:

In the first and second RESOLVED to remove the date of September 21, 2019 and replace it with October 7, 2019.

Moved by Wydysh, seconded by Bradt.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. CS-047-19

From: Community Services and Administration Committees.

Dated: September 19, 2019

**WAIVER OF RESIDENCY REQUIREMENT
LICENSED CLINICIAN – POSITION NO. 4266
DEPARTMENT OF MENTAL HEALTH & SUBSTANCE ABUSE SERVICES**

WHEREAS, the Niagara County Department of Mental Health & Substance Abuse Services has received permission to fill a Licensed Clinician vacancy within the Adult Integrated Care Clinic, which is critical for maintaining quality service to Niagara County residents, and

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

WHEREAS, all Niagara County candidates who were qualified and present for the last Mental Hygiene Practitioner (title since changed to Licensed Clinician) 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 the County website and job recruitment sites, and

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

WHEREAS, this position will be filled provisionally until the next Licensed Clinician exam is given, and

WHEREAS, any provisional employee must pass and be reachable on the Civil Service examination, 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 Licensed Clinician position.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. CS-048-19

From: Community Services and Administration Committees.
Dated: September 19, 2019

**BUDGET TRANSFER - A4310
COURT ORDERED COUNTY MANDATED COSTS**

WHEREAS, The County is required by Criminal Procedure Law Articles 730.20 and 730.50, and Family Court Act Article 120, to pay for Court ordered hospital in-patient stays and mental health examinations, and

WHEREAS, as a result of the bills generated by the length of hospital stay imposed by Court Orders for year 2019, outstanding expenses currently exist, and

WHEREAS, as a result of the volume of Court Orders for competency and mental health examinations, and

WHEREAS, based on these current Court Orders the expenses to the end of the year will exceed budget, and

WHEREAS, the County is responsible for 50% of the costs of the stays and 100% for the costs of the competency and mental health examinations, and

WHEREAS, the Niagara County Department of Mental Health administers payment of these bills on behalf of the County, now, therefore, be it

RESOLVED, should there be additional Court Ordered expenses before end of the year, another request will be necessary, and be it further

RESOLVED, the following budget transfer be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

A.40599.00	Appropriated Fund Balance	\$ 387,411
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DECREASE APPROPRIATIONS:

A.08.1990.000 74500.01	Contingency	\$ 75,000
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INCREASE APPROPRIATIONS:

A.21.4310.000 74550.17	Department of Mental Hygiene	\$ 452,411
A.21.4310.000 74400.02	Misc Expenses Court Expense	\$ 10,000

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. CS-049-19

From: Community Services and Administration Committees.
Dated: September 19, 2019

**NIAGARA COUNTY EMPLOYMENT & TRAINING DEPARTMENT
BUDGET MODIFICATION – INCREASE IN 2019
SUMMER YOUTH EMPLOYMENT PROGRAM (SYEP) FUNDING**

WHEREAS, the Niagara County Employment & Training (NCET) Department receives annual funding from the Office of Temporary and Disability Assistance (OTDA) for the operation and management of a Summer Youth Employment Program, and

WHEREAS, the NCET 2019 budget currently reflects an estimated amount of \$396,950 based upon the prior year's funding, and

WHEREAS, NCET received notification that the funding for the 2019 Summer Youth Employment Program will be \$436,694 now, therefore, be it

RESOLVED, that the 2019 NCET Department Budget be modified as follows:

INCREASE REVENUE:

CD.29.6291.000 44089.02	Other TANF Revenue	\$39,744
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INCREASE APPROPRIATIONS:

CD.29.6291.000 74500.01	Contractual Expenses	\$39,744
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Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. CSS-058-19

From: Community Safety & Security Committee.

Dated: September 19, 2019

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, 2019 through September 30, 2020, 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. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. CSS-058-19

From: Community Safety & Security and Administration Committees.

Dated: September 19, 2019

**CREATE AND FILL TWO (2) COURT ASSISTANT POSITIONS-
DISTRICT ATTORNEY'S OFFICE**

WHEREAS, the State of New York has recently enacted sweeping reforms to the criminal justice system, and

WHEREAS, this legislation includes substantial changes to, among others, Article 245 of the Criminal Procedure Law which governs the discovery obligations of the Niagara County District Attorney's Office, and

WHEREAS, this legislation requires the District Attorney's Office collect all items and information in its possession, including all information in the possession of any law enforcement agency, including reports, supplemental reports and investigative notes, 911 calls, radio transmissions, booking or surveillance video, photographs, body camera footage, witness and co-defendant statements, and the names of all law enforcement personnel and witnesses involved, for submittal to the defense within 15 days of arraignment for approximately 5,000 cases yearly, and

WHEREAS, this legislation has placed an extreme burden on the District Attorney's Offices of New York State, and

WHEREAS, the District Attorney's Office must put practices in place prior to January 1, 2020 in order to be prepared to meet the discovery mandates as outlined in Article 245 that take effect as of that date, and

WHEREAS, the District Attorney's Office must overhaul its entire office structure and work flow to properly prepare its cases and meet statutory demands and court requirements, and

WHEREAS, the New York Prosecutor's Training Institute has expanded their case management system to assist New York State District Attorney's Offices in complying with this mandatory legislation, and

WHEREAS, in order to meet these mandates and ensure proper case intake and flow of information, the District Attorney's Office will require additional litigation support services which include additional full time clerical and technical/computer systems support, and

WHEREAS, the District Attorney has the funds available in the 2019 operating budget due to personnel changes and unpaid leaves, now, therefore be it

RESOLVED, that effective October 7, 2019, two (2) permanent full time Court Assistant positions, Job Group V, \$18.14 - \$20.44 per hour, be created and filled, and be it further

RESOLVED, that the following budget modifications be effectuated in the District Attorney's 2019 operating budget:

DECREASE APPROPRIATIONS:

A.02.1165.000.71010.00.00032	Positions-Assistant District Attorney	\$8,809
A.02.1165.000.71010.00.10969	Positions-Assistant District Attorney	11,821
A.02.1165.000.78100.00	Retirement	1,464
A.02.1165.000.78200.00	FICA	1,204
A.02.1165.000.78300.00	Worker's Compensation	418

INCREASE APPROPRIATIONS:

A.02.1165.000.71010.00.xxxxx	Positions-Court Assistant	\$ 7,873
A.02.1165.000.71010.00.xxxxx	Positions-Court Assistant	7,873
A.02.1165.000.78100.00	Retirement	1,464
A.02.1165.000.78200.00	FICA	1,204
A.02.1165.000.78300.00	Worker's Compensation	418
A.02.1165.000.78400.01	Healthcare	2,400

A.02.1165.000.78400.05	Insurance, HRA	1,700
A.02.1165.000.78700.00	NYS Disability Expense	38
A.02.1165.000.78800.06	Flex 125	746

Moved by Bradt, seconded by Virtuoso.
Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. CSS-060-19

From: Community Safety & Security and Administration Committees.
Dated: September 19, 2019

RESOLUTION DECLARING THE LEGISLATURE OF THE COUNTY OF NIAGARA LEAD AGENCY FOR PURPOSES OF SEQRA REVIEW AND ISSUING A NEGATIVE DECLARATION FOR THE PROPOSED NIAGARA COUNTY PUBLIC SAFETY RADIO EXPANSION PROJECT

WHEREAS, Niagara County, as part of its efforts to upgrade its emergency radio communications systems, proposes to improve the coverage of its existing radio communications system through the construction or installation of communications tower sites and/or equipment at up to three locations within the County – two in the Town of Niagara and one in the Town of Lewiston – to be known as the Niagara County Public Safety Radio Expansion Project (the “Project”), and

WHEREAS, the three locations will be referred to as (1) Fashion Outlets of Niagara Falls USA, 1900 Military Road, Niagara Falls, NY 14304; (2) Town of Niagara Water Tower, Town of Niagara, 7105 Lockport Road, Niagara Falls, NY 14305; and (3) Town of Lewiston Highway Department, 1445 Swann Road, Lewiston, NY 14092, and

WHEREAS, the Legislature of the County of Niagara (“County”) has previously identified the need and benefits associated with updating the current radio system infrastructure, and

WHEREAS, the County will approve funding for the Project, will approve and let contracts for construction and purchase of the equipment necessary for the Project and authorize the issuance of bonds as needed, and

WHEREAS, collectively, these components of the Project constitute the “Action” to be reviewed for purposes of review under the State Environmental Quality Review Act and its implementing regulations found at 6 NYCRR Part 617 (hereinafter collectively referred to as “SEQRA”), and

WHEREAS, the County has treated the Project as a Type 1 Action requiring a coordinated review by all involved agencies in accordance with applicable provisions of SEQRA, and

WHEREAS, the County is an involved agency for the review of the Project as the Legislature will have to appropriate funding, approve and let contracts and authorize the issuance of bonds as needed for the Project, and

WHEREAS, on August 6, 2019, the County declared its intent to be lead agency for review of this Project and directed that other potentially involved agencies be notified in accordance with SEQRA, and

WHEREAS, pursuant to SEQRA, such agencies have been notified of the County’s intent to act as lead agency, and no involved agency other than the County has sought to act as lead agency, and

WHEREAS, the County as lead agency has an address at the Niagara County Courthouse, First Floor, 175 Hawley Street, Lockport, NY 14094, and Chief Deputy Patrick G. Weidel of the Niagara County Sheriff’s Office, with an address at 5526 Niagara Street Ext., PO Box 496, Lockport, NY 14095-0496 and telephone

number (716) 438-3355, can provide additional information as to the Project in accordance with 6 NYCRR 617.12(a)(1), and

WHEREAS, a separate full SEQRA Environmental Assessment Form ("EAF"), including Parts 1, 2 and 3, annexed hereto and incorporated herein by reference, regarding the Project has been prepared and submitted to the County for each of the three locations, and

WHEREAS, the County has considered the action as that term is defined by SEQRA, and has independently evaluated the EAFs for the Project together with the County's knowledge of the areas surrounding the Project, such further information as is available to the County and such other submissions and comments as have been provided to the County, and

WHEREAS, the Project will provide improved communications to public safety agencies in the County by improving the coverage of its existing radio communications system and is therefore in the public interest, and

WHEREAS, this Resolution with Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law ("ECL"), now, therefore be it,

RESOLVED, that the Legislature of the County of Niagara hereby declares its establishment as SEQRA lead agency for the review of this Project, and it is further

RESOLVED, that the County has thoroughly considered relevant areas of environmental concern and applying the criteria set forth in 6 NYCRR 617.7(c), the County determines that the Project will result in no significant adverse impacts on the environment, in accordance with the reasons supporting this determination set forth in each EAF, including without limitation part 3 of the EAFs, which are annexed hereto and incorporated herein by reference, and it is further

RESOLVED, that the County accordingly makes and issues a negative declaration of significance pursuant to SEQRA, and it is further

RESOLVED, that the County authorizes the Niagara County Sheriff and his agents to take the necessary procedural steps to file and publish the negative declaration in accordance with 6 NYCRR 617.12 including without limitation providing notice to all entities identified therein as well as publication in the Environmental Notice Bulletin ("ENB").

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. CSS-061-19

From: Community Safety & Security and Administration Committees.

Dated: September 19, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE
LEASE AGREEMENT WITH THE TOWN OF NIAGARA**

WHEREAS, the Niagara County Sheriff's Office is required to maintain, for public safety purposes, a fully functioning Land Mobile Radio (LMR) System, and

WHEREAS, part of LMR system is a microwave network, utilized to connect radio sites throughout the County to the core system located in Lockport, and

WHEREAS, the Sheriff's Office has identified a need to place additional microwave network equipment to support and expand the existing LMR System on the water tower located at 7105 Lockport Road which is owned by and located in the Town of Niagara, and

WHEREAS, the Town of Niagara has agreed to allow the Niagara County Sheriff's Office to mount two microwave dishes and a self-contained cabinet on the water tower structure to support expanding the current LMR System in Niagara County, and

WHEREAS, the Town of Niagara has agreed to allow the lease of this space at and on the water tower to be utilized as a microwave link to connect a site at the Fashion Outlet Mall into the existing LMR system, and

WHEREAS, the term of the lease is for a five year period, with 3 renewals at the cost of \$1 per year, now, therefore, be it

RESOLVED, that the above described lease between the County of Niagara and Town of Niagara is hereby approved, contingent on approval by the County Attorney's Office, and the Chairman of the Legislature is hereby authorized to execute the same.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. CSS-062-19

From: Community Safety & Security and Administration Committees.

Dated: September 19, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE
LEASE AGREEMENT WITH THE TOWN OF LEWISTON**

WHEREAS, the Niagara County Sheriff's Office is required to maintain, for public safety purposes, a fully functioning Land Mobile Radio (LMR) System, and

WHEREAS, the Sheriff's Office has identified a need to place additional LMR equipment to support and expand the existing LMR System within the Town of Lewiston, and

WHEREAS, land has been identified at the Town of Lewiston Highway Garage, 1445 Swann Road, that would be suitable to meet the needs to support expanding the current LMR system in Niagara County, and

WHEREAS, the term of the lease is for a five year period, with 3 renewals at the cost of \$1 per year, and

WHEREAS, the Town of Lewiston has agreed to allow the lease of this property to be utilized as a site for a new LMR radio tower and shelter, now, therefore, be it

RESOLVED, that the above described lease between the County of Niagara and Town of Lewiston is hereby approved, contingent on approval by the County Attorney's Office, and the Chairman of the Legislature is hereby authorized to execute the same.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. CSS-063-19

From: Community Safety & Security and Administration Committees.

Dated: September 19, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE
ACCEPT POLICE TRAFFIC SERVICES GRANT**

WHEREAS, the Niagara County Sheriff's Office has been awarded a grant from the Governor's Traffic Safety Committee for the period of October 1, 2019 through September 30, 2020 in the amount of \$18,000, 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 funds are used for traffic enforcement overtime with the goal of increasing seat belt usage and reducing dangerous driving behaviors in an effort to reduce serious injury and deaths from traffic crashes, and

WHEREAS, the funds are included in the 2019 budget and will be included in the 2020 budget, however, the contract needs to be executed, now, therefore, be it

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. CSS-064-19

From: Community Safety & Security and Administration Committees.

Dated: September 19, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE
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, 2019 through September 30, 2020 in the amount of \$11,000, 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, funds are included in the 2019 budget and will be included in the 2020 budget, however the contract need to be executed, now, therefore, be it

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. CSS-065-19

From: Community Safety & Security and Administration Committees.

Dated: September 19, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION –ASSETS FORFEITURE EXPENSES**

WHEREAS, the Niagara County Sheriff's has Federal Asset Forfeiture Funds which are in a Committed Fund and federally regulated on qualifying expenditures, and

WHEREAS, the Niagara County Sheriff's Office needs to do a budget amendment to spend asset forfeiture funds on a donation to the New York State Sheriff's Institute Summer Camp which is an outreach to underprivileged children run with positive law enforcement role models, now, therefore, be it

RESOLVED, that the 2019 budget be modified as follows:

INCREASE REVENUE:

A.17.3110.000.44389.02	Other Public Safety	\$5,000.00
	Other Public Safety Asset Forfeiture	

INCREASE APPROPRIATIONS:

A.17.3110.000.74500.05	Contractual Expenses	\$5,000.00
	Asset Forfeiture Dept Justice	

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. CSS-066-19

From: Community Safety & Security and Administration Committees.

Dated: September 19, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION - EXPENDITURE OF ALARM FINES REVENUE**

WHEREAS, the Niagara County Legislature passed Resolution # CSS-034-10 on August 24, 2010, which established avoidable alarm fine fees as a dedicated revenue to be used for future purchases for the Niagara County Sheriff's Office Police and Fire Communications System, and

WHEREAS, the Sheriff's Office has received new network equipment and servers which were purchased through a State Homeland Security Program Grant, and

WHEREAS, new equipment will be used for multiple essential operations for the Sheriff's Office including the communications systems, mobile operations for the patrol vehicles, forensic lab functions, LERMS, CAD, Corrections software, internet, fingerprints and more, and

WHEREAS, the correct configuration and installation of this equipment with minimal downtime is critical, and

WHEREAS, the Sheriff's Office has determined that due to the high level of technical knowledge needed, it would be most appropriate to hire a consultant to perform the installation, and

WHEREAS, County Purchasing Guidelines will be followed to select the company for the configuration and installation, and

WHEREAS, the 2019 budget needs to be modified to allow for the expenditure of the alarm fines revenue for the service, now, therefore, be it

RESOLVED, that the following line item transfers be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

A.17.3020.000 40599.01	Appropriated Fund Balance	\$ 13,000
	Committed Funds	

INCREASE APPROPRIATIONS:

A.17.3020.000 74500.01	Contractual Expenses	\$ 13,000
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Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. CSS-067-19

From: Community Safety & Security and Administration Committees.

Dated: September 19, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION – CREATE AND FILL CLEANER POSITION**

WHEREAS, the Niagara County Sheriff's Office has analyzed the current staffing needs, and

WHEREAS, the Sheriff's Office has identified a discrepancy between the standards that should be maintained in the unsecured areas of the buildings compared with what can reasonably be expected on one full time cleaner, and

WHEREAS, a new full time cleaner position can be funded from within the 2019 budget, now, therefore, be it

RESOLVED, that one (1) Cleaner Full Time position be created and filled effective October 6, 2019, and be it further

RESOLVED, that the following budget modification be effectuated:

DECREASE APPROPRIATIONS:

A.17.3150.000 71010.00	Positions expense	\$5000
	(Position # 573)	
A.17.3150.000 71030.00	Part time expense	4650
	(Position #3359)	

INCREASE APPROPRIATION:

A.17.3150.000 71010.00	Positions expense	\$ 6043
	(Position # to be determined)	
A.17.3150.000 78100.00	Retirement Expense	562
A.17.3150.000 78200.00	FICA Expense	462

A.17.3150.000 78300.00	Worker's Compensation Expense	160
A.17.3150.000 78400.01	Insurance, Health Active Hospital	1200
A.17.3150.000 78400.05	Insurance, HRA Employer Contribution	850
A.17.3150.000 78500.00	Flex 125 Employer Contribution	373

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. CSS-068-19

From: Community Safety & Security and Administration Committees.

Dated: September 19, 2019

NIAGARA COUNTY SHERIFF'S OFFICE BUDGET MODIFICATION – CREATE AND FILL FT LAUNDRY WORKER POSITION AND ABOLISH LAUNDRY WORKER P/T POSITION

WHEREAS, the Niagara County Sheriff's Office currently has a part time laundry worker to wash jail linens and uses an outside laundry company to launder inmate uniforms, and

WHEREAS, the Niagara County Purchasing Office issued a sealed bid for laundry services to be opened on July 16, 2019 but did not receive any bids, and

WHEREAS, the previous contract was an expense of approximately \$51,000 per year, the Sheriff's Office has reevaluated and would like to use in-house personnel exclusively for laundry at a cost savings to the County, now, therefore, be it

RESOLVED, that one (1) Full Time Laundry Worker position be created and filled effective October 6, 2019 and one (1) Laundry Worker P/T position (#4279) be abolished effective October 6, 2019, and be it further

RESOLVED, that the following budget modification be effectuated:

DECREASE APPROPRIATIONS:

A.17.3150.000 71030.00	Positions expense (Position # 4279)	\$4100
A.17.3150.000 71030.00	Part time expense (Position #4493)	7040

INCREASE APPROPRIATION:

A.17.3150.000 71010.00	Positions expense (Position # to be determined)	\$6644
A.17.3150.000 78100.00	Retirement Expense	618
A.17.3150.000 78200.00	FICA Expense	190
A.17.3150.000 78300.00	Worker's Compensation Expense	66
A.17.3150.000 78400.01	Insurance, Health Active Hospital	2399
A.17.3150.000 78400.05	Insurance, HRA Employer Contribution	850
A.17.3150.000 78500.00	Flex 125 Employer Contribution	373

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. CSS-069-19

From: Community Safety & Security and Administration Committees.

Dated: September 19, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE
SUPPORT 911 DISPATCHERS AS PROTECTIVE SERVICE OPERATIONS**

WHEREAS, the 911 SAVES Act directs the US Office of Management and Budget to reclassify public safety telecommunicators from "Office and Administrative Support Occupations" to the category of "Protective Service Occupations", and

WHEREAS, the federal government's Standard Occupational Classification System (SOCS) sorts workers into occupational categories for statistical purposes, according to the nature of the work performed and, in some cases, on the skills, education or training needed to perform the work, and

WHEREAS, America's 911 telecommunicators are currently incorrectly categorized in the SOCS as an "Office and Administrative Support Occupation" a category which includes secretaries, office clerks, and taxicab dispatchers, and

WHEREAS, classifying 911 telecommunicators as an "Office and Administrative Support Occupation" fails to recognize their central role in public safety and homeland security, their specialized training and skills, and their uniquely stressful work environment, and

WHEREAS, classifying public safety telecommunicators as "Protective Service Operations" – alongside police, firefighters, security guards, lifeguards, and others whose job it is to protect our communities – would better reflect the work they perform and align the SOCS with related classification systems, and

WHEREAS, the provisions of the 911 SAVES Act were included among numerous amendments to the National Defense Authorization Act (NDAA) which passed the House of Representatives in July 2019, now, therefore, be it

RESOLVED, that the Niagara County Legislature calls upon all members of the State of New York's U.S. House delegation to co-sponsor H.R. 1629, the Supporting Accurate Views of Emergency Services Act of 2019 (911 SAVES Act), which would direct the White House Office of Management and Budget (OMB) to reclassify public safety telecommunicators as a "Protective Service Occupation", and we also call upon our U.S. Senators to support the companion legislation, and be it further

RESOLVED, members of the Niagara County Legislature will continue to advocate for an accurate statistical classification for 911 professionals to support critical research into the nature and impacts of 911 jobs, which differ substantially from those encountered by non-public-safety "Office and Administrative Support Occupations".

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. CSS-070-19

From: Community Safety & Security Committee.

Dated: September 19, 2019

**NIAGARA COUNTY PUBLIC DEFENDER'S OFFICE
ACCEPT OFFICE OF INDIGENT LEGAL SERVICES (OILS)
DISTRIBUTION #8 (C800029) GRANT**

WHEREAS, the Niagara County Public Defender's Office has received an award from the New York State Office of Indigent Legal Services (OILS) in the amount of \$658,578 for the period of January 1, 2018, through December 31, 2020, and

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

WHEREAS, the Public Defender's Office will use these funds for the salary and fringe for one of two Assistant Public Defenders dedicated to perfecting appeals that we already have on staff. Funds will also be used for assigned counsel fees and IT fees, and

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

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. CSS-071-19

From: Community Safety & Security Committee.

Dated: September 19, 2019

**NIAGARA COUNTY PUBLIC DEFENDER'S OFFICE
ACCEPT OFFICE OF INDIGENT LEGAL SERVICES (OILS)
DISTRIBUTION #9 (C900029) GRANT**

WHEREAS, the Niagara County Public Defender's Office has received an award from the New York State Office of Indigent Legal Services (OILS) in the amount of \$329,289 for the period of January 1, 2019, through December 31, 2021, and

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

WHEREAS, the Public Defender's Office will use these funds for continue funding of a Clerical II position in the Public Defender's Office; this grant will also help fund books and subscriptions, expert services, and transcripts for both the Public Defender's Office and the Conflict Office, and the funds will also be used for Maintenance in Lieu of Rent (MILOR) for the Conflict Office, and

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

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. CSS-072-19

From: Community Safety & Security Committee.

Dated: September 19, 2019

ACCEPTANCE OF SHSP 2019 HOMELAND SECURITY GRANT

WHEREAS, the County of Niagara is required to certify its acceptance of the SHSP 2019 grant through the Department of Homeland Security for the period of 9/1/19 to 8/31/22, at no cost to the County, and

WHEREAS, the grant for SHSP 2019 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), CAD software/hardware, Mass Casualty medical supplies and equipment, 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. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. CSS-073-19

From: Community Safety & Security Committee.

Dated: September 19, 2019

**BID AWARD FOR COMMUNITY PREPAREDNESS TRAINING
TO NIAGARA UNIVERSITY**

WHEREAS, Niagara County issued a Notice of Intent to Award to Niagara University in response to RFP 2019-28 to provide services through its Border Community Service Initiative as outlined in Resolution #CSS-054-19, and

WHEREAS, Niagara University's Border Community Service Initiative (BCSI) will provide community preparedness training for three years with an option to renew for two additional one-year terms starting September 1, 2019 and ending on August 31, 2022, at an annual not to exceed rate of \$30,000, and

WHEREAS, the scope of service include widespread distribution of high-quality, multicultural, emergency preparedness information and materials by trained community outreach staff at community events, resource fairs, shopping center, faith-based organizations and other gathering places; working to assist appropriate agencies to identify residence with special needs requiring potential additional needs during an emergency; continuous engagement of CERT volunteers through periodic skills enhancement training and community volunteerism including participation in community preparedness outreach efforts; and to host at least one yearly emergency preparedness conference/workshop for CERT-certified individuals and the community at large, and to develop and distribute a monthly newsletter to inform CERT volunteers and the public-at-large of training opportunities and information related to preparedness topics, and

WHEREAS, funding is included in the SHSP Homeland Security Budget for professional and technical services to assist the County in completing intended community preparedness initiatives, and

WHEREAS, prior to the execution of the Niagara University Service Contract, the County Attorney will review the same for approval as to legal form, language and compliance, 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 contract and any ancillary required documents.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. CSS-074-19

From: Community Safety & Security and Administration Committees.

Dated: September 19, 2019

**2019 BUDGET MODIFICATION - FIRE COORDINATOR'S OFFICE
ACCEPT HAZ-MAT INCIDENT PAYMENT FOR MAY 6, 2019**

WHEREAS, the County Haz-Mat team responded to an incident on May 6, 2019 and some supplies used at the scene are not reusable, and

WHEREAS, under New York State's Navigation and Environmental Conservation Laws, the responsible party is liable for all costs associated with containment, cleanup and removal of spilled and contaminated materials, 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 \$3,302.07, and

WHEREAS, the Fire Coordinator's Office needs to replenish the supplies used by the Haz-Mat, at no cost to the County, now, therefore, be it

RESOLVED, that the following 2019 budget modifications be effectuated:

INCREASE REVENUE:

A.19.3410.000 42690.02	Other Compensation for Loss	\$ 3,302.07
	Reimbursements	

INCREASE APPROPRIATION:

A.19.3410.000 74750.10	Supplies, Gen Hazmat Inventory	\$ 3,302.07
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Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. CSS-075-19

From: Community Safety & Security Committee.

Dated: September 19, 2019

ACCEPTANCE OF EMPG 2019 HOMELAND SECURITY GRANT

WHEREAS, the County of Niagara is required to certify its acceptance of the EMPG 2019 grant through the Department of Homeland Security for the period of October 1, 2018 through September 30, 2021, at some cost to the County, and

WHEREAS, the grant for EMPG 2019 is in the total amount of \$168,094. Grant funds will be in the amount of \$84,047 and the 50% matching county funds will be in the amount of \$84,047; the funds will be used for replacing two old OEM vehicles, for attendance at the International Association of Emergency Managers Conference, and replacing end-of-life portable radios, 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. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. CSS-076-19

From: Community Safety & Security Committees.

Dated: September 19, 2019

ACCEPTANCE OF DHSES FY2018 ASSISTANCE TO FIREFIGHTERS GRANT (AFG)

WHEREAS, the County of Niagara is required to certify its acceptance of the FY2018 AFG grant through the Department of Homeland Security for the period of 9/20/19 through 9/19/20, at some cost to the County, and

WHEREAS, the grant for FY2018 AFG is in the total amount of \$1,956,272.72 with a 10% contribution from the County of \$195,627.28 for a total amount of \$2,151,900.00. The funds will be used to purchase all partner agencies P-25 compliant interoperable portable radios which will operate in both analog and digital mode, be programmable and scalable and have the ability to program all federal interoperable channels and talk-groups, 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.

Approved for Submission

Moved by Bradt, seconded by Godfrey.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. CW-021-19

From: Committee of the Whole.

Dated: September 19, 2019

RESOLUTION TO DECLARE NIAGARA COUNTY'S MILLINGS AS SURPLUS PROPERTY

WHEREAS, Niagara County has asphalt millings as a result of the Ransomville Road paving project, and

WHEREAS, the County has no use for the millings, and the expense of storing the asphalt millings would only burden the taxpayers, and

WHEREAS, since the millings from said project have not and will not be utilized by the County, and the millings are no longer necessary or required for public use, now, therefore, be it

RESOLVED, that the County of Niagara declares that the millings as surplus property.

Moved by Hill, seconded by Godfrey.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. ED-022-19

From: Economic Development Committee.

Dated: September 19, 2019

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

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 15th day of October, at 6:45 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 day of October 15, 2019 at 6:45 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 #7. Four parcels have been proposed for inclusion. The Niagara County Agricultural and Farmland Protection Board recommends the inclusion of the three following parcels of predominantly viable agricultural land into the nearest Agricultural District: Parcel 164.00-3-6, consisting of 45 acres, located on Beach Ridge Road in Pendleton. Parcel 163.02-1-71, consisting of 1.97 acres, located on Moyer Road in North Tonawanda. Parcel 137.00-2-372, consisting of 4.91 acres, located on Fisk Road in Pendleton. 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. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. IF-098-19

From: Infrastructure & Facilities Committee.

Dated: September 19, 2019

**RANSOMVILLE ROAD PAVING PROJECT – SALE OF MILLINGS
AGREEMENT BETWEEN NIAGARA COUNTY AND BAILEY BROTHERS ENT. INC.**

WHEREAS, the Department of Public Works is in need of selling asphalt millings from the Ransomville Road paving project, and

WHEREAS, the County's Purchasing Department issued a request for quote and publicly opened the quotes on August 9, 2019, as tabulated below:

- | | |
|---|-------------|
| 1. Bailey Brothers Ent. Inc.
2432 Balmer Road
Ransomville, NY 14131 | \$20,001.00 |
| 2. Track Vision, LLC
2315 Braley Road
Ransomville, NY 14131 | \$10,900.00 |

WHEREAS, it is recommended by the Public Works Committee and the Department of Public Works that the County enter into an agreement with the highest bidder for the asphalt millings, Bailey Brothers, Ent. Inc., at a price of twenty-thousand one dollar, (\$20,001) and

WHEREAS, prior to the execution of the required documents, the County Attorney will review the documents for approval as to legal form, language and compliance, 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 required documents with Bailey Brothers Ent. Inc., 2432 Balmer Road, Ransomville, NY 14131, for a price of twenty thousand and one dollar, (\$20,001).

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. IF-099-19

From: Infrastructure & Facilities and Administration Committee.

Dated: September 19, 2019

**DEPARTMENT OF PUBLIC WORKS – HIGHWAY MAINTENANCE
BUDGET MODIFICATION**

WHEREAS, the Highway Department is in need of two (2) foreman crew-cab pickup trucks, and

WHEREAS, these trucks are eligible for reimbursement through the Consolidated Highway Improvement Program, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE ESTIMATED REVENUE:

H700.15.5197.000.43501.00	Consolidated Highway Aid	\$180,000
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INCREASE ESTIMATED APPROPRIATION:

H700.15.5197.000.72100.10	Highway Heavy Equipment	\$180,000
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Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. IF-100-19

From: Infrastructure & Facilities Committee.

Dated: September 19, 2019

**DEPARTMENT OF PUBLIC WORKS – BUILDINGS AND GROUNDS
AWARD OF CONTRACT – SECURITY SERVICES**

WHEREAS, it is the responsibility of the Niagara County Department of Public Works, Buildings and Grounds Division, to provide security services to the departments/agencies housed at the Trott ACCESS Center, and

WHEREAS, the current vendor will not be able to provide this service beyond October 1, 2019, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department, on August 22, 2019, as tabulated below:

- | | |
|---------------------------|------------------|
| 1. Securitas USA | \$22.05 per hour |
| 502 Court St | |
| Ste 205 | |
| Utica, NY 13502 | |
| 2. Securemedy, Inc. | \$24.87 per hour |
| 8507 Oxon Hill Rd | |
| Ste 101 | |
| Fort Washington, MD 20744 | |

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

WHEREAS, the low bidder, Securitas USA, has been deemed a non-conforming 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 ACCESS Security be awarded to Securemedy, Inc., 8507 Oxon Hill Rd., Suite 101, Fort Washington, MD 20744, 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. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. IF-101-19

From: Infrastructure & Facilities and Administration Committees.

Dated: September 19, 2019

BUDGET MODIFICATION TROTT ACCESS CENTER PARKING LOT

WHEREAS, Resolution No. CW-010-18, dated August 7, 2018, authorized the allocation of three hundred thousand dollars (\$300,000) towards the renovation, reconfiguration and improvement of an area at the Trott ACCESS Center for the purpose of housing a substance abuse clinic, and

WHEREAS, the rear parking lot, which is adjacent to the entrance to the substance abuse clinic, is in need of repair/repaving at the Trott ACCESS Center, and

WHEREAS, funds are available from renovations, to complete the required repair/paving required, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

DECREASE REVENUE:
H649.25.1620.000.45710.18 Serial Bonds Year 2018 \$90,000

DECREASE ANTICIPATED APPROPRIATIONS:
H649.25.1620.000.72200.01 Building Improvements \$90,000

INCREASE REVENUE:
H661.15.1620.000.45710.18 Serial Bonds Year 2018 \$90,000

INCREASE ANTICIPATED APPROPRIATIONS:
H661.15.1620.000.72400.00 Land Improvements Expense \$90,000
Moved by Bradt, seconded by Virtuoso.
Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. IF-102-19

From: Infrastructure & Facilities Committee.

Dated: September 19, 2019

AGREEMENT BETWEEN NIAGARA COUNTY AND YOUTH SKILLS LIFE FOUNDATION, INC.

WHEREAS, the County is the owner of the Niagara County Golf Course, located at 314 Davison Road, Lockport, New York 14094 (hereinafter referred to as “Golf Course”), and

WHEREAS, the Youth Sills Life Foundation, Inc., a 501(c)(3) non-profit corporation, doing business as the First Tee of Western NY (hereinafter referred to as “Chapter”), wishes to utilize certain aspects of the Golf Course (including its 18 hole course, driving range, practice area, pro shop, storage and club house areas and space for indoor classes during inclement weather) in connection with providing golf and/or classroom instruction consistent with the goals of its program, and

WHEREAS, this agreement will have a term of two (2) years, commencing on July 1, 2019 and ending on June 30, 2021, and

WHEREAS, prior to the execution of the required documents, the County Attorney will review the documents for approval as to legal form, language and compliance, 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 required documents.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. IF-103-19

From: Infrastructure & Facilities Committee.

Dated: September 19, 2019

AWARD OF CONTRACT – BOND LAKE MAINTENANCE BUILDING

WHEREAS, the Department of Public Works has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Bond Lake Maintenance Building project, and

WHEREAS, funds are available in account number H645.25.7110.000 72200.00, Buildings, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on August 20, 2019 as tabulated below:

- | | | |
|----|--|-----------|
| 1. | Rickard General Construction
4919 Black Nose Spring Road
Sanborn, NY 14132 | \$ 97,862 |
| | | |
| 2. | Parco Building Systems
6140 - 1 st Street
Newfane, NY 14108 | \$132,888 |

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 Bond Lake Maintenance Building project be awarded to the lowest responsible bidder, Rickard General Construction, 4919 Black Nose Spring Road, Sanborn, NY 14132, in the amount of \$97,862, 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. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. IF-104-19

From: Infrastructure & Facilities and Facilities Committees.

Dated: September 19, 2019

**HIGHWAY DEPT. FUEL FACILITY MODIFICATIONSCHANGE ORDER NO. 1 AND BUDGET
MODIFICATION**

WHEREAS, by Resolution No. IF-070-19, dated May 21, 2019, the Legislature awarded the contract for the Highway Department Fuel Facility Modifications project to The Pump Doctor, 2706 Hemlock Road, Eden, NY 14047, for a contract amount of \$325,000, and

WHEREAS, it is necessary to increase the contract in the amount of \$16,800 for electrical labor work and travel hours for additional work on outside electrical, island setup, and elevations with materials being supplied by Niagara County, for a revised contract amount of \$341,800, 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 to increase the contract by \$16,800 for the Highway Department Fuel Facility Modifications project, for a revised contract amount of \$341,800, to The Pump Doctor, 2706 Hemlock Road, Eden, NY 14047, be approved, and be it further

RESOLVED, that the following budget modification be effectuated:

DECREASE APPROPRIATIONS:

D.15.5110.000.71010.00.1708	Positions – Truck Driver	\$12,000
D.15.5110.000.71010.00.1701	Positions – Highway Operations Supervisor	12,000
D.15.5110.000.71010.00.1683	Positions – Truck Driver	24,000
D.15.5110.000.71030.00.13513	P/T Positions – Truck Driver	7,991
D.15.5110.000.71030.00.13514	P/T Positions – Truck Driver	7,991
D.15.5110.000.71030.00.13515	P/T Positions – Truck Driver	7,991
D.15.5110.000.71030.00.13516	P/T Positions – Truck Driver	7,991
DM.15.5132.000.71010.00.3874	Positions – Auto Mechanic	12,000
DM.15.5132.000.71010.00.4165	Positions – Auto Mechanic	7,000

INCREASE APPROPRIATIONS:

D.15.9950.000 79010.00	Transfer to Capital Projects	\$79,964
DM.15.9950.000 79010.00	Transfer to Capital Projects	19,000

INCREASE ESTIMATED REVENUE:

H641.25.1620.000.45031.00	Interfund Transfers from Operating Fund	\$98,964
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INCREASE ANTICIPATED APPROPRIATIONS:

H641.25.1620.000.72400.00	Land Improvement Expense	\$98,964
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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. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. IF-105-19

From: Infrastructure & Facilities and Administration Committee.

Dated: September 19, 2019

**TROTT AND HUMAN RESOURCES BUILDING PARKING LOT
RESTORATION 2019 - CHANGE ORDER NO. 1**

WHEREAS, by Resolution No. CW-015-19, dated June 18, 2019, the Legislature awarded the contract for the Trott and Human Resources Building Parking Lot Restoration Project to Milherst Construction, 10025 County Rd., PO Box 430, Clarence Center, NY 14032, for a contract amount of \$349,744, and

WHEREAS, it is necessary to increase the contract in the amount of \$16,297 for the following work: additional undercut excavation, select fill and binder (add \$9,295.92); additional work to replace 160 feet of storm line (add (\$8,460.52); and a credit for storm line work deleted (deduct \$1,459.44), for a revised contract amount of \$366,041, 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 to increase the contract by \$16,297 for the Trott and Human Resources Building Parking Lot Restoration Project, for a revised contract amount of \$366,041, to Milherst Construction, 10025 County Rd., PO Box 430, Clarence Center, NY 14032, 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. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. IF-106-19

From: Infrastructure & Facilities and Administration Committee.

Dated: September 19, 2019

**TROTT NORTHPOINTE RENOVATIONS - FREY ELECTRIC CONSTRUCTION CO.
FINAL PAYMENT**

WHEREAS, Resolution No. IF-089-18, dated June 19, 2018, awarded the contract for the Trott Northpointe Electrical Renovations project to Frey Electric Construction Co., 100 Pearce Avenue, Tonawanda, NY 14150, for a contract amount of \$111,000, and

WHEREAS, Resolution No. IF-133-18, dated November 20, 2018, authorized Change Order No. 1 to increase the contract in the amount of \$7,781, for a revised contract amount of \$118,781, and

WHEREAS, Resolution No. IF-056-19, dated April 9, 2019, authorized Change Order No. 2 to increase the contract in the amount of \$34,185, for a revised contract amount of \$152,966, and

WHEREAS, the contract has been completed to specifications for the contract amount of \$152,966, 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 final payment is authorized to be processed to Frey Electric Construction Co., 100 Pearce Avenue, Tonawanda, NY 14150, for a final contract amount of \$152,966, 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. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. IF-107-19

From: Infrastructure & Facilities and Administration Committee.

Dated: September 19, 2019

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

WHEREAS, Resolution IF-075-19, dated June 18, 2019, provided funds for the emergency repair of the Gasport Road Culvert over the East Branch of Eighteen Mile Creek, and

WHEREAS, due to conditions unknown prior to construction, additional funds are required to complete the emergency repair to the culvert, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE ANTICIPATED REVENUE:

H686.15.5197.000 43501.00	Consol Hwy Aid Revenue	\$75,000
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INCREASE ANTICIPATED APPROPRIATIONS:

H686.15.5197.000 72600.02	Infrastructure-Bridges	\$75,000
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and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. IF-108-19

From: Infrastructure & Facilities and Administration Committee.

Dated: September 19, 2019

**TROTT BUILDING NORTHPOINTE RENOVATIONS PROJECT
CONSULTANT AMENDMENT NO. 2-FINAL**

WHEREAS, Resolution No. IF-004-17, dated February 21, 2017, authorized the contract for consultant services to assist the County with construction documents for the Trott Access Center to Foit Albert Associates, 763 Main Street, Buffalo, NY 14203, in the amount of \$49,089, and

WHEREAS, Resolution No. IF-048-18, dated April 17, 2018, increased the contract in the amount of \$48,113, for a revised contract amount of \$97,202, and

WHEREAS, it is necessary to decrease the contract by \$1,719, for a revised contract amount of \$95,483, 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 Foit Albert Associates, 763 Main Street, Buffalo, NY 14203, be decreased by \$1,719, for a revised contract amount of \$95,483, 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. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. IF-109-19

From: Infrastructure & Facilities and Administration Committee.

Dated: September 19, 2019

**CREATE AND FILL MICRO COMPUTER LEGAL SYSTEMS
SPECIALIST POSITION – FULL-TIME**

WHEREAS, the IT department has reviewed its operational needs for a Micro Computer Legal Systems Specialist to support the District Attorney's Office as necessary to satisfy requirements as mandated by NYS Criminal Justice Reform Act and Article 245 of the Criminal Procedure Law, and

WHEREAS, after reviewing the services we provide and evaluating options, it has been determined that it would be in the best interest of the department, as well as the taxpayers, to create and fill one (1), full-time Micro Computer Legal Systems Specialist in an effort to provide necessary support for information systems and personnel in the District Attorney's Office, and

WHEREAS, funding for this newly created position will be from the District Attorney's Office for the remainder of 2019 and from the IT Department's Budget for 2020 and beyond, now, therefore, be it

RESOLVED, that one (1) position of Micro Computer Specialist dedicated to the District Attorney's Office, CSEA, Grade 10, Step 1, at an annual rate of \$69,317, be created and filled, effective October 6, 2019, and be it further

RESOLVED that the following budget modification be made:

FROM:

A.02.1165.000 71010.51	Criminal Investigator-DA	\$15,180.00
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TO:

A.16.1680.000.71010.xxx	Micro Computer Legal Systems Specialist	\$10,650.00
A.16.1680.000 78100.00	Retirement	991.00
A.16.1680.000 78200.00	FICA	815.00
A.16.1680.000 78300.00	Worker's Comp	282.00
A.16.1680.000 78400.01	Health Insurance	1,200.00
A.16.1680.000 78400.05	HRA	850.00
A.16.1680.000 78700.00	NYS Disability	19.00
A.16.1680.000 78800.00	Flex 125	373.00

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. IL-049-19

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

Dated: September 19, 2019

RESOLUTION IN SUPPORT OF FUNDING LOCKPORT FOOD FEST THROUGH THE USE OF CASINO FUNDING

WHEREAS, Lockport Main Street, Inc. is launching a new food festival on Sunday August 11th, 2019, in the City of Lockport, and

WHEREAS, the Lockport Food Fest will be focused exclusively on local restaurants, food producers, wineries, distilleries, specialty food producers and farms, and

WHEREAS, the Lockport Food Fest will take place on Sunday August, 11th 2019 and will promote community pride by bringing people to the area, and

WHEREAS, local businesses and restaurants benefit greatly from the increase in foot traffic that the Lockport Food Fest will generate, and

WHEREAS, Niagara County is interested in supporting efforts that generate increased revenue for businesses and create a sense of pride throughout the community, now, therefore, be it

RESOLVED, that Niagara County supports Lockport Food Fest as follows:

Lockport Food Fest	\$1,000.00
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and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01	Appropriated Fund Balance - Committed Funds	\$1,000.00
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INCREASE APPROPRIATIONS:

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

Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. IL-052-19

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

Dated: September 19, 2019

CONDEMNING THE RISE OF HATE IN WESTERN NEW YORK

WHEREAS, the First Amendment to the Constitution of the United States was established to protect religious minorities from persecution, denying the enforcement of State religion on the public, denying the placement of restrictions on religious practice, and enforcing the right of the people to believe and worship as their conscience dictates, and

WHEREAS, Justice Robert Jackson wrote in 1943 that, "...no official, high or petty, can prescribe what shall be orthodox in politic, nationalism, religion, or force citizens to confess by word or act their faith therein," and

WHEREAS, the Fourteenth Amendment to the Constitution to the United States establishes equal protection of the laws for all citizens of our nation, stating, "nor shall any State deprive any person of life, liberty, or property," and

WHEREAS, Justice Anthony Kennedy once said in Lawrence v. Texas, "As the Constitution endures, persons in every generation can invoke its principles in their own search for greater Freedom," and

WHEREAS, adherence to these values is crucial to the growth and prosperity of our community and of all those who inhabit it, and

WHEREAS, propagators of hatred and bigotry whom manifest in the exploitation of hate and biases continue to target our community members of all ethnic backgrounds and heritage, those of the Jewish, Muslim, and all other faiths, and those of the LGBTQ community, immigrant families, and all other minority groups, and

WHEREAS, in 2016 alone, 598 incidents of hate crime were reported in New York State, of which 52.0% involved an anti-religious bias, 25.6% motivated by race, ethnicity, and national origin, and 20.6% targeted members of the LGBTQ community, and

WHEREAS, the FBI reported a 99% increase in hate crimes against Muslim peoples in the United States in recent years, and a 37% increase in hate crimes against those of the Jewish faith, and

WHEREAS, in the days following the shooting in El Paso, head of the Catholic Diocese of El Paso, Bishop Mark Seitz, stated, "We see the effects of a mind possessed by hatred. We see the effects of the sinful and insipid conviction that some of us are better than others of us because of race, religion, language or nationality;" and

WHEREAS, in 1964, Rev. Dr. Martin Luther King Jr. in accepting The Nobel Peace Prize exclaimed, " I refuse to accept despair as the final response to the ambiguities of history ... I refuse to accept the idea that man is mere flotsam and jetsam in the river of life, unable to influence the unfolding events which surround him;" and

WHEREAS, all members of our Western New York community, of all orientations and identities, of all faith and no faith, of all backgrounds and ethnicities, have a stake in fighting every form of hatred and bias against people based on their religion, race, origin, and orientation, now, therefore, be it

RESOLVED, that the following, representing municipalities that make up Western New York, hereby reject the perpetuation of hatred and bigotry in our communities, condemn acts and statements of hate and intolerance, and reinforce our commitment to eradicating racist practices and acts of malice that propagate hate, incite fear, and promote violence in our communities.

Moved by Virtuoso; seconded by Steed to amend resolution.

Amendment:

Addition in sixth WHEREAS, "...the Jewish, Muslim, Christian and..."

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.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. IL-053-19

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

Dated: September 19, 2019

**A LOCAL LAW TO STRENGTHEN AND ENCOURAGE LOWEST RESPONSIBLE BIDDER
REQUIREMENTS FOR NIAGARA COUNTY CONTRACTS**

WHEREAS, Legislator Dennis F. Virtuoso presents in writing the following proposed local law:

A Local Law of the County of Niagara to Strengthen and Encourage Lowest Responsible Bidder Requirements for Niagara County Contracts;

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

Section 1. Legislative intent.

The Niagara County Legislature hereby finds, declares and determines that:

- A. New York General Municipal Law Section 103 authorizes the letting of public contracts by the State of New York, local governments, public authorities and public benefit corporations to the "lowest responsible bidder."
- B. Taxpayers have a strong interest in an effective screening process in determining that appropriate "responsible" contractors be awarded public contracts. Without an effective screening process, a number of serious problems may occur, including cost overruns, schedule delays and defective or inferior work. Such problems have immediate costs which are readily apparent, as well as potential costs going forward.
- C. Taxpayers will experience increased costs and administrative efforts as a result of an award to an incompetent or dishonest contractor. Without good screening the low- bid system produces a "false

economy" due to schedule delays, poor quality and other problems caused by hiring unqualified contractors.

D. An appropriate system for determining those who qualify as responsible contractors avoids the project and administrative costs which may otherwise occur and makes it more likely that a project will be performed up to specifications and on time. Given all of the above a number of jurisdictions have enacted lowest responsible bidder laws to strengthen contractor screening capabilities.

E. The experience of elected officials in recent years has shown that lowest responsible bidder policies can provide opportunities to ensure the delivery of construction services and/or purchases on a high-quality basis while protecting the rights of employees of government contractors.

Section 2. Short Title.

This Local Law shall be known as "Niagara County's Lowest Responsible Bidder Law".

Section 3. Applicability.

This Local Law shall apply to construction or service contracts in excess of \$10,000 and advertised for bids on or after the effective date.

Section 4. Requirements.

A. All general bidders and sub-bidders (including sub-sub bidders) for projects funded by Niagara County, as set forth above in Section 3, shall as a condition for bidding agree in writing that they shall comply with the following obligations set forth below in this Section 4.

B. Niagara County will require all bidders to fill out the attached Experience Questionnaire in order to ascertain the pecuniary and financial responsibility, accountability, reliability, skill, capacity, ability, judgment, and integrity of the apparent lowest bidder.

C. The contractors and all subcontractors under the bidder shall properly classify their workers as employees rather than as independent contractors, unless those workers meet the definition of "independent contractor" as defined by the Internal Revenue Service, and shall treat said employees accordingly for purposes of workers' compensation insurance coverage, unemployment insurance, employment taxes, and social security taxes.

D. The contractors and all subcontractors for construction projects funded by Niagara County shall require each employee to sign in and out at the beginning and end of each day, and list next to his or her name his or her craft, and to provide such information to the Niagara County Commissioner of Public Works, Niagara County Department of Public Works [herein "Commissioner"], on a bi-weekly basis. Such information shall be kept in the Commissioner's office for a period of three (3) years, and copies of same shall be made available to the public immediately upon Freedom of Information Law (FOIL) request.

E. The County agrees to promptly pay contractors covered by this Local Law no later than forty two (42) days from the date of the invoice; and contractors agree to pay their subcontractors no later than fourteen (14) days after that, if funds are readily available as determined by the County.

Section 5 Compliance

A. The Commissioner shall distribute to all bidders a copy of this statute and the attached Experience Questionnaire, and thereafter collect from bidders all information required by this local law, and keep such information in his/her offices for a period of three (3) years, review of which will be made available to the public immediately upon Freedom of Information Law (FOIL) request.

B. If a bidder fails or refuses to provide all the information requested in this local law, or provides false information, the bidder's bid will be rejected.

C. If the amount of the lowest responsible bidder appears disproportionately low when compared with estimates undertaken by or on behalf of Niagara County, and/or compared to other bids submitted (10% or greater disparity), Niagara County reserves the right to inquire further of the apparent lowest bidder to determine whether the bid contains mathematical errors, omissions and/or erroneous assumptions, and whether the apparent lowest bidder has the capability to perform and complete the contract for the bid amount.

D. The Commissioner shall post on the Niagara County Website, one (1) week before Niagara County makes an award of work to a contractor or subcontractor for a project of \$10,000 or more, a listing of the three apparent lowest bidders.

E. After review of the experience questionnaire by the County Manager and the Commissioner of Public Works or their designee, a determination shall be made as to whether the bidder shall be deemed a non-responsible bidder, unless proven otherwise, and rejected. Otherwise, based on all of the information collected pursuant to this local law, the Commissioner shall determine if the apparent lowest bidder is in fact "responsible."

F. If the apparent lowest bidder is deemed not to be responsible, then the next lowest bidder will be reviewed and so on until the lowest bidder is deemed responsible and selected as the lowest responsible bidder. In the event a bidder fails to furnish the requested information, the bidder shall be deemed disqualified and determined to be not responsible, then the next lowest bidder shall become the apparent lowest bidder.

G. No later than five (5) calendar days prior to a final determination that the apparent lowest bidder is not responsible, Niagara County will notify the party of same, in writing, stating the reasons and setting forth a time, date and place for the apparent lowest bidder to appear and be heard, but no later than ten (10) calendar days thereafter, prior to a final determination being made.

H. Any resident of Niagara County who believes that the Commissioner improperly determined that the lowest responsible bidder is "responsible" may, within five (5) calendar days of the Award, request in writing to the Commissioner, a hearing as set forth in Section 5(G) above, and an opportunity to appear and be heard and present evidence and testimony as to why the contractor or subcontractor is not responsible. Such hearing shall be held within ten (10) calendar days of the written request for a hearing. After such hearing, the Commissioner may change his/her determination of the lowest responsible bidder.

Section 6. Sanctions.

A. Any bidder to subcontractor bidder, or its alter ego, or control group, of any bidder or subcontractor, who fails to comply with any of the obligations described in Sections 4 and 5 above as

determined by the Commissioner of Public Works for any period of time must be subject to one or more of the following sanctions:

1. Temporary suspension of work on the project until compliance is obtained; or
 2. Withholding by Niagara County of payment due under the contract until compliance is obtained;
- or
3. Permanent removal from any further work on the project; or
 4. Liquidated damages payable to Niagara County in an amount equal to five percent (5%) of the dollar value of the general contract.

B. In addition to the above sanctions, any contractor or subcontractor, its alter ego or control group, or principal officer who has been determined to have violated any of the provisions of this Local Law shall be barred from performing any work on future contracts awarded by Niagara county for six months for the first violation, three years for the second violation, and permanently for the third violation.

C. Any sum collected as a fine or penalty pursuant to this section shall be applied toward enforcement and administration costs.

Section 7. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 8. Effective Dates.

This Local Law shall take effect 30 days after the filing with the Secretary of State, in accordance with Section 27 of the New York State Municipal Home Rule Law.

Moved by Virtuoso; seconded by Zona to amend resolution.

Amendment:

Addition of first and second RESOLVED

“...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 15th day of October, 2019 at 6:30 p.m., and be it further

RESOLVED, that the Clerk of the Legislature, at least six days in advance of such hearing, shall post a notice upon the bulletin boards in the Courthouse at Lockport, the Civic Building at Niagara Falls, and the County Building at North Tonawanda and shall publish such notice once 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....”

Referred to Administration Committee and Infrastructure & Facilities Committee.

EXPERIENCE QUESTIONNAIRE
Attach Additional Sheets as Necessary

Submitted by, Name: _____ a(n):

_____ Corporation
_____ Co-Partnership
_____ Individual
_____ Joint Venture

Principal Office Address: _____

Telephone # _____ FAX # _____ E-MAIL _____

The Signatory of this questionnaire guarantees the truth and accuracy of all statements and of all answers to interrogatories hereinafter made.

How many years has your organization been in business under your present business name?

How many years experience in _____ government contracting work has your organization had:

As a General Contractor

As a Sub-Contractor

What contracts has your organization completed in the last 5 years

<u>Contract Amount</u>	<u>Class of Work</u>	<u>Date Completed</u>	<u>Name and Address of Owner</u>
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List the Names and Addresses of Officers and/or Partners of the organization:

Have you ever failed to complete any contract awarded to you? If so, provide the name of the project or contract, the date of the project or contract, if the failure was as a subcontractor, the name of the prime contractor and the reasons for the failure to complete the work.

Has any officer or partner of your organization ever been an Officer or Partner of some other organization that failed to complete a contract? If so, state the name of individual, other organization and reason therefore.

Has this organization or any of its directors, officers, partners or owners:

Been convicted of any business-related conduct constituting a crime under State or Federal law? If yes, provide dates and details.

Been debarred, suspended or in any way prohibited from bidding on government contracts? If yes, provide dates and details.

Had any of its bids rejected on the grounds that they were not a responsible bidder? If yes, provide dates and details.

Been determined to be in violation of any State or Federal Labor Law or regulation including OSHA violations? If yes, provide dates and details.

Had its DBE, MBE, or WBE certification revoked? If yes, provide dates and details.

Had a bid rejected on any competitive bid contract for failure to meet statutory affirmative action, MBE or WBE requirements? If yes, provide dates and details.

Been determined to be in violation of Federal or State environmental laws in conjunction with any project? If yes, provide dates and details.

Has any officer or partner of your organization ever failed to complete a contract in his own name? If so, state name of individual, name of owner and reason therefore.

Does your firm have a financial interest in any other business? If yes, state the firm's name and address.

List those projects upon which your firm will be actively engaged at the time bids are received for this contract. Please provide the name and address of the owner, the architect/engineer, the approximate contract amount and the approximate percentage of completion of your firm's work (as of the date of this project bid opening):

<u>Name and Address of Owner</u>	<u>Contract Amount</u>	<u>Percentage of Work Completed</u>
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List equipment and describe facilities which your firm has now or will have available to begin and complete the work to be performed under the contract.

What proportion of the work will be performed by your firm with your own force?

In the last five years have liquidated damages, penalties, liens, defaults or cancellations been imposed or filed against your firm on any project? If so, list those projects.

Within the last two years, has your firm been the lowest bidder in competitive bidding and not been awarded the contract? If so, list project name and give reasons why the contract was not awarded to you.

Within the past five years, have there been any contracts performed by your firm on which the final payment was the subject of litigation? If so, please list names of projects involved.

List corporations or individuals for whom your firm has performed work and the person who should be contacted for references.

List municipalities for whom your firm has performed work and the person who should be contacted for references.

List counties for whom your firm has performed work and the person who should be contacted for references.

List state bureaus or departments for whom your firm has performed work and the person who should be contacted for references.

Has your firm performed work for the federal government? If so, please list the projects and the person who should be contacted for references.

What is the government contracting experience of all principal individuals of your firm? Please include: the principal's name, current position in the firm, number of years of actual contracting experience, type and magnitude of work.

Has your firm filed performance record reports with the Bureau of Contract Information, Inc., Washington, D.C.?

Is any principal of the firm or any member of his/her immediate family employed by the County of Niagara?

If yes, what department? _____

Name of county employee _____

Has your organization employed persons who are illegal aliens?

Yes _____

No _____

[If "Yes," explain]

Has your organization had any violations, within the previous five (5) years of New York Labor Laws, including but not limited to prevailing wage law, wage and hour law, and unemployment insurance delinquency?

Yes _____ No _____

[If "Yes," explain]

Has your organization been found to have violated the National Labor Relations Act within the previous five (5) years?

Yes _____ No _____

[If "Yes," explain]

Has your organization been in violation of New York Workers' Compensation law, including, but not limited to the failure to provide proof of Workers' Compensation or Disability coverage, within the previous five (5) years?

Yes _____ No _____

[If "Yes," explain]

The above information and such other information as the Owner may request or obtain will be used by the Owner in determining the reliability and responsibility of the bidder.

Dated at _____ this _____ day of _____ 20____.

Name of Organization

By: _____
Signature and title of person signing

State of

County of

_____ Being duly sworn deposes and says that he/she is
_____ Of

Name of Organization

and that answers to the foregoing questions and all statements therein contained are true and correct.

Sworn to before me this

_____ Day of _____ 20_____

Notary Public

My Commission expires _____

Resolution No. IL-054-19

From: Legislators Richard L. Andres, Anthony J. Nemi. John Syracuse, Randy R. Bradt, Owen T. Steed and
Park, Recreation & Tourism Ad hoc Committee

Dated: September 19, 2019

**SUPPORT FOR THE NIAGARA COUNTY PUBLIC WORKS DEPARTMENT
KRULL PARK AND OPPENHEIM PARK
PLAYGROUND IMPROVEMENT PROJECT PHASE II**

WHEREAS, the Niagara Power Coalition ("NPC") and the New York Power Authority ("NYPA") agreed to a licensing settlement for the next 50 years for the Niagara Power Project, and

WHEREAS, that settlement allows Niagara County to receive, through NPC Host Community Standing Committee ("HCSC"), up to \$390,000 annually to fund projects which are found to be consistent with the Niagara Greenway projects along the Greenway Trail, and

WHEREAS, the Niagara County Public Works Department has made application to the Niagara County's Ad Hoc Committee on Parks, Recreation and Tourism Fund for its Playground Improvement Project at two of its parks located within Niagara County, to wit: Krull Park, which is located on Lake Road in Olcott, and Oppenheim Park, which is located on Niagara Falls Boulevard in the Town of Wheatfield, New York, and

WHEREAS, Krull Park was established in 1937 and covers 325 acres of parkland which is situate in the Town of Newfane and features many recreational opportunities, including shelters, softball diamonds, soccer and lacrosse fields, basketball and tennis courts, playgrounds, splash park, restrooms and skating rinks in the winter, and

WHEREAS, Oppenheim Park was established in 1963 and is a 92-acre park located in the Town of Wheatfield and features picnic shelters and a band shelter, basketball and volleyball courts, a new splash park, restrooms and

playgrounds, as well as a small lake located at the front of the park for fishing, and

WHEREAS, the Niagara County Public Works Department Playground Improvement Project will be tailored to each park in that Krull Park playground improvements will honor the historical "Pine Grove" history and take into account the natural attributes with pine tree elements and wooden log stairs for the playground theme, and the Oppenheim Park playground improvements will take into consideration the history of Oppenheim Park and the former zoo that was located in the area as the theme for this playground, and

WHEREAS, the proposed Niagara County Public Works Department Playground Improvement Project at Krull Park and Oppenheim Park will establish safe and fun playgrounds facilities, will provide ADA access to the new playground equipment thereby increasing recreational opportunities that improve the physical and emotional wellness of residents and visitors alike, and will be additions to the existing infrastructure at each park, with the integrity of the surrounding parkland being maintained, and

WHEREAS, the Niagara County Public Works Department Playground Improvement Project at Krull Park and Oppenheim Park meets the guiding principles of the Niagara Greenway, and

WHEREAS, the Niagara River Greenway's Commission's guiding principles promote high-quality, ecologically sensitive and sustainable activities and development, and

WHEREAS, Niagara County Public Works Department Playground Improvement Project at Krull Park and Oppenheim Park has the support of the Senator Robert Ortt as well as the Town of Newfane and Olcott Lion's Club, and

WHEREAS, the Ad Hoc Committee for Recreation and Tourism Fund appointed by the Niagara County Legislature to review projects brought to Niagara County seeking funding from Niagara County through the Niagara Power Coalition and the Host Community Standing Committee has recommended that Niagara County approve and support this project, and

WHEREAS, after receipt of grants and other funding for the project and in-kind services to be performed by the Niagara County Public Works Department, the remaining \$88,006.66 of funds is being requested for this project, and

WHEREAS, the Niagara County and its Ad Hoc Committee for Recreation and Tourism Fund has held surplus funds for Phase I of the project which was authorized by Resolution of the Niagara County Legislature in the balance amount of \$88,006.66 and which funds have never been utilized by the County of Niagara on Phase I of the Project, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the funding of \$88,006.66 for Niagara County Public Works Department Playground Improvement Project for Krull Park and Oppenheim Park when presented to the Niagara Power Coalition and the Host Community Standing Committee, and be it further

RESOLVED, that the Niagara County Ad Hoc Committee for Recreation and Tourism Fund surplus funds of Phase I of this Project in the amount of \$88,006.66 be drawn back and utilized for the current Phase II of this Project upon approval by the Niagara Power Coalition Host Community Standing Committee.

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

Carried.

Moved by Andres, seconded by Syracuse.
Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. IL-055-19

From: Legislators Richard L. Andres, Anthony J. Nemi. John Syracuse, Randy R. Bradt, Owen T. Steed and
Park, Recreation & Tourism Ad hoc Committee

Dated: September 19, 2019

**SUPPORT FOR THE CITY OF NORTH TONAWANDA
GRATWICK RIVERSIDE PARK IMPROVEMENTS**

WHEREAS, the Niagara Power Coalition (“NPC”) and the New York Power Authority agreed to a licensing settlement for the next 50 years for the Niagara Power Project, and

WHEREAS, that settlement allows Niagara County to receive, through NPC Host Community Standing Committee (“HCSC”), up to \$390,000 annually to fund projects which are found to be consistent with the Niagara Greenway projects along the Greenway Trail, and

WHEREAS, the City of North Tonawanda has been rebuilding its parks and replacing old equipment which has become outdated and unsafe with new equipment that entices both children and adults to venture outdoors and take part in recreational activities to become more active, and

WHEREAS, the City of North Tonawanda has made application to the Niagara County’s Ad Hoc Committee on Recreation and Tourism for Greenway funds to assist in the improvement of Gratwick Riverside Park which is located on River Road, North Tonawanda and has been identified as a destination gateway within the Niagara River Greenway Plan, and

WHEREAS, the City of North Tonawanda Gratwick Riverside Park project proposal includes the installation of two 30 foot ADA Portable Restroom Trailers, and two pavilions with furnishings, which will encourage social events and gatherings such as graduations, fundraisers and family parties, and

WHEREAS, the City of North Tonawanda Gratwick Riverside Park project meets the guiding principles of the Niagara Greenway, and

WHEREAS, the Niagara River Greenway Commission’s guiding principles promote high quality ecologically sensitive and sustainable activities and development, and

WHEREAS, the proposed City of North Tonawanda Gratwick Riverside Park project will assist in the promotion of increased recreation opportunities for residents and visitors within the City of North Tonawanda and Niagara County, and

WHEREAS, the City of North Tonawanda Gratwick Riverside Park project has the support and approval of Niagara County Legislators Anthony J. Nemi and Owen T. Steed, and City of North Tonawanda Mayor Arthur G. Pappas, and

WHEREAS, the Ad Hoc Committee for Recreation and Tourism Fund appointed by the Niagara County Legislature to review projects brought to Niagara County seeking funding from Niagara County through the

Niagara Power Coalition and the Host Community Standing Committee; has recommended that Niagara County approve and support this project, and

WHEREAS, the City of North Tonawanda is hereby requesting the sum of \$316,000.00 on the total overall project costing \$492,866.00, and

WHEREAS, after receipt of other funding for the project and in-kind services to be performed by the City of North Tonawanda, the remaining \$316,000.00 of funds is being requested for said project, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the funding of \$316,000.00 for the City of North Tonawanda Gratwick Riverside Park project when presented to the Niagara Power Coalition and the Host Community Standing Committee.

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

Carried.

Moved by Andres, seconded by Syracuse.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. IL-056-19

From: Legislators Richard L. Andres, Anthony J. Nemi. John Syracuse, Randy R. Bradt, Owen T. Steed and Park, Recreation & Tourism Ad hoc Committee

Dated: September 19, 2019

SUPPORT FOR THE NIAGARA POST THEATER PROJECT

WHEREAS, the Niagara Power Coalition (“NPC”) and the New York Power Authority agreed to a licensing settlement for the next 50 years for the Niagara Power Project, and

WHEREAS, that settlement allows Niagara County to receive, through NPC Host Community Standing Committee (“HCSC”), up to \$390,000 annually to fund projects which are found to be consistent with the Niagara Greenway projects along the Greenway Trail, and

WHEREAS, Niagara Post Theater Inc. has made application to the Niagara County’s Ad Hoc Committee on Recreation and Tourism for Greenway funds for the Niagara Post Theater project which involves the revitalization of a depression-era military movie theater, which is located in the Fort Niagara State Park, into a multimedia entertainment venue to facilitate awareness and learning through all disciplines of the performing arts, and

WHEREAS, the objective of the Niagara Post Theater project is to supplement live theater performances with a mix of classic and interpretive film, concerts, live acts, festivals, ceremonies, meetings and conferences, and a primary focus of a year-round children’s theater to promote confidence, team work, learning, friendship and community, and

WHEREAS, Niagara Post Theater Inc. was established as a 501-c3 Not-for-Profit corporation to pursue the goal of adaptive-reuse of the military post movie theater at Fort Niagara State Park which will involve the stabilization of the 1931 structure, re-establishing theater functionality and upgrading the facility to facilitate live theater productions, and

WHEREAS, Niagara Post Theater project meets the guiding principles of the Niagara Greenway, and

WHEREAS, the Niagara River Greenway Commission's guiding principles promote high quality ecologically sensitive and sustainable activities and development, and

WHEREAS, the proposed Niagara Post Theater project will promote increased access to education, participation and entertainment for thousands of visitors to Fort Niagara State Park and residents in the surrounding communities, and

WHEREAS, the Niagara Post Theater project has the support and approval of the Village Boards of the Villages of Youngstown and Lewiston, the Town Boards of the Towns of Wilson, Somerset, Royalton, Porter, Niagara, Newfane, Lockport, and Hartland, the Mayor of the City of Lockport, the late Niagara County Legislator Clyde Burmaster, New York State Assemblyman Angelo J. Morinello, and New York State Senator Robert G. Ort, and

WHEREAS, the Ad Hoc Committee for Recreation and Tourism Fund appointed by the Niagara County Legislature to review projects brought to Niagara County seeking funding from Niagara County through the Niagara Power Coalition and the Host Community Standing Committee has recommended that Niagara County approve and support this project, and

WHEREAS, the Niagara Post Theater project has utilized great effort and is complimented for being able to receive additional funding and support whereby they are requesting the sum of \$120,000.00 on the total cost of Phase 1 of the project costing \$600,000.00, and

WHEREAS, after receipt of grants and other funding for the project and in-kind services to be performed by Niagara Post Theater project, the sum of \$120,000.00 of funds for a new roof on the theater building is being requested, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the funding of \$120,000.00 for the Niagara Post Theater project when presented to the Niagara Power Coalition and the Host Community Standing Committee.

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

Carried.

Moved by Andres, seconded by Bradt.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. IL-057-19

From: Legislators Richard L. Andres, Anthony J. Nemi. John Syracuse, Randy R. Bradt, Owen T. Steed and Park, Recreation & Tourism Ad hoc Committee

Dated: September 19, 2019

**SUPPORT FOR PHASE III OF THE LOCKPORT LOCKS
HERITAGE DISTRICT CORPORATION LOCK TENDERS TRIBUTE**

WHEREAS, the Niagara Power Coalition ("NPC") and the New York Power Authority agreed to a licensing settlement for the next 50 years for the Niagara Power Project, and

WHEREAS, that settlement allows Niagara County to receive, through NPC Host Community Standing Committee ("HCSC"), up to \$390,000 annually to fund projects which are found to be consistent with the Niagara Greenway projects along the Greenway Trail, and

WHEREAS, the Lockport Locks Heritage District Corporation has made application to the Niagara County's Ad Hoc Committee on Parks, Recreation and Tourism for Greenway funds for Phase III of its Lock Tenders Tribute project which is inspired by an iconic 19th century photograph of locks tenders seated on the steps of the famed Flight of Five Locks in Lockport taken by C.J. Cleve in 1897, and

WHEREAS, the objective of the Lock Tenders Tribute project is to provide residents and visitors with a glimpse into the past through the creation by acclaimed sculptor Susan Geissler of life-size, bronze sculptures of those same lock tenders who labored to "lock through" over 1,000 packets, line boats and tows a year in the 1890s, working 12 hours days, 7 days a week from April through November, to enable boats to traverse the Niagara Escarpment, which are five locks up and five locks down, and

WHEREAS, the restored Flight of Five Locks and their associated interpretational elements, including the Lock Tenders Tribute, operating alongside Locks 34 and 35, will constitute a historic and cultural exhibit unmatched anywhere else along the entire Erie Canal National Heritage Corridor, and

WHEREAS, Phase III of the Lockport Locks Heritage District Corporation Lock Tenders Tribute project will allow for the third installment payment of \$134,000.00 to sculptor Susan Geissler, and

WHEREAS, Phase III of the Lockport Locks Heritage District Corporation Lock Tenders Tribute project meets the guiding principles of the Niagara Greenway, and

WHEREAS, the Niagara River Greenway Commission's guiding principles promote high quality ecologically sensitive and sustainable activities and development, and

WHEREAS, Phase III of the Lockport Locks Heritage District Corporation Lock Tenders Tribute project will promote increased access to the County's historical and cultural sites, and

WHEREAS, Phase III of the Lockport Locks Heritage District Corporation Lock Tenders Tribute project has the support and approval of the New York State Thruway Authority, Niagara County Legislator Anthony J. Nemi, and the City of Lockport, and

WHEREAS, the Ad Hoc Committee for Parks, Recreation and Tourism Fund appointed by the Niagara County Legislature to review projects brought to Niagara County seeking funding from Niagara County through the Niagara Power Coalition and the Host Community Standing Committee, has recommended that Niagara County approve and support Phase III of this project, and

WHEREAS, the Lockport Locks Heritage District Corporation has utilized great effort and is complimented for being able to receive additional funding and support whereby they are requesting the sum of \$134,000.00 for Phase III of said project on the total overall project costing \$400,000.00, and

WHEREAS, the City of Lockport has embraced this project as a vital component of the revitalization of the Lockport Erie Canal Heritage Park, the New York State Canal Corporation has incorporated the Erie Canal Flight of Five in its New York State Canal Revitalization Plan, and the Erie Canalway National Heritage Corridor Commission has also identified it is a demonstration project in recognition of the industrial and technological contributions to this area and to the heritage of the Erie Canalway, and

WHEREAS, after receipt of grants and other funding for the project and in-kind services to be performed by the Lockport Locks Heritage District Corporation, the remaining \$134,000.00 of funds is being requested for Phase III of said project, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the funding of \$134,000.00 for Phase III of the Lockport Locks Heritage District Corporation Lock Tenders Tribute project when presented to the Niagara Power Coalition and the Host Community Standing Committee.

Moved by Nemi, 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 Nemi, seconded by Steed.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Resolution No. IL-058-19

From: Legislator Jesse P. Gooch.

Dated: September 19, 2019

**RESOLUTION IN SUPPORT OF FUNDING WHEATFIELD VETERANS MEMORIAL INC.
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, a project was started by volunteers to preserve an icon of historical significance and high recognizable tribute to all service men and women, and

WHEREAS, this project includes a 1965 Huey helicopter that was manufactured by Bell Aerospace located in Wheatfield, a M48 tank and an service memorial, and

WHEREAS, funds for this project will be used to provide infrastructure, concrete foundations and walkways and support the memorial, and

WHEREAS, Niagara County supports the efforts that volunteers in the Town of Wheatfield are creating for reflection, ceremonial events and showing lasting support for all who have served both past and present, now, therefore, be it

RESOLVED, that Niagara County supports the Town of Wheatfield as follows:

Wheatfield Veterans Memorial, Inc

\$2,000.00

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	\$2,000.00
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INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$2,000.00
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Referred to Economic Development.

Resolution No. IL-059-19

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

Dated: September 19, 2019

RESOLUTION CALLING ON GOVERNOR ANDREW M. CUOMO AND THE PUBLIC SERVICE COMMISSION TO APPOINT TWO RESIDENTS FROM THE TOWN OF CAMBRIA TO SERVE AS THE TWO AD HOC MEMBERS TO THE SITING BOARD ON ELECTRIC GENERATION SITING AND THE ENVIRONMENT FOR THE TOWN OF CAMBRIA

WHEREAS, on June 18, 2019, the Niagara County Legislature passed resolution IL-041-19 that opposed the Bear Ridge Solar project because it did not comply with the Town of Cambria's local zoning ordinance and comprehensive plan, and

WHEREAS, Resolution IL-041-19 called upon the Siting Board on Electric Generation, Governor Andrew Cuomo and the Department of Public Service to require that the Bear Ridge Solar project comply with the Town of Cambria's local zoning ordinance and comprehensive plan, and

WHEREAS, Section 16 (4) of Article 10 of the New York State Public Service law states that the Siting Board on electric generation siting and the environment shall consist of seven persons: the chair of the department, who shall serve as chair of the board; the commissioner of environmental conservation; the commissioner of health; the chair of the New York state energy research and development authority; the commissioner of economic development and two ad hoc public members, both of whom shall reside within the municipality in which the facility is proposed to be located, and

WHEREAS, the proposed facility is located in the Town of Cambria and the Town of Pendleton, and

WHEREAS, pursuant to the above section of law, the Town of Cambria submitted two names to the Governor and the Public Service Commission of people who reside in the Town of Cambria to serve as the two ad hoc members on the Siting Board, and

WHEREAS, the Town of Pendleton supported the same two names submitted by the Town of Cambria as the two local residents to serve as the two ad hoc members of the Siting Board, and

WHEREAS, the 2012 New York Sponsors Memorandum for Assembly Bill 8510 states that Article 10 of the Public Service Law was revised by the New York State Legislature to provide for enhanced community input in siting decisions and provide additional studies related to environmental justice. The law was also amended to allow parties the right to participate in the Article X site selection review process, including the applicant, several involved state agencies, the municipality where the facility is to be sited and other municipalities that may have an interest in the proceeding, any individual resident in such municipality, any not-for-profits organizations, including those that represent commercial and industrial groups, that are devoted to a number of

interests, including protection of the environment and human health, and promotion of consumer interests. In sum, the new Article X provided greater certainty to the regulated community by providing a time-certain review process by a multi-agency board capable of granting all necessary permits, and would provide more meaningful input from those impacted by the siting of a facility, now, therefore, be it RESOLVED, that in accordance with the spirit and intent of the New York State Legislature's amendment to Article 10 of the New York State Public Service Law in 2012, the Niagara County Legislature once again calls upon the Governor of the State of New York and the Public Service Commission to appoint the two residents that reside in the Town of Cambria who were approved by both the Town of Cambria and the Town of Pendleton to serve as the two ad hoc members to the Siting Board on electric generation siting and the environment for the Town of Cambria, and be it further

RESOLVED, that the Niagara County Legislature forward copies of this Resolution to Governor Andrew M. Cuomo; Lieutenant Governor Kathy Hochul; Senate Majority Leader Andrea Stewart-Cousins; Senate Minority Leader John Flanagan; Senator Robert G. Ort; Speaker of the Assembly Carl Heastie; Assembly Majority Leader Crystal Peoples-Stokes; Assembly Minority Leader Brian M. Kolb; Member of the Assembly Michael J. Norris; Member of the Assembly Angelo Morinello; Member of the Assembly Karen McMahon; Member of the Assembly Robin Schimminger; Supervisor Wright H. Ellis, Supervisor Joel Maerten and Members of the Article 10 Siting Board and all others deemed necessary and proper.

Moved by Nemi, 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 Nemi, seconded by Steed.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Chairman McNall announced the following members to serve on the Ad Hoc Committee on IT Threat Assessment:

David E. Godfrey, Chair
Rebecca J. Wydysh
Randy R. Bradt
William J. Collins
William Flynn, Director of IT
Dave Koplas, County Attorney
Sheriff James Voutour

APPOINTMENTS:

	<u>Appt.</u>	<u>Expires</u>
<u>COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY COMMITTEE:</u>		
James Fallon (Replaces Cathy Lovejoy Maloney)	09/19/19	12/31/19
Cornell Cooperative Extension		
4487 Lake Ave., Lockport 14094		
Moved by Syracuse, seconded by Nemi.		
Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.		

OFFICE FOR THE AGING ADVISORY COMMITTEE

Alicia L. Scott

7604 Sunnydale Drive, Niagara Falls 14304

09/19/19

12/31/21

Moved by Steed, seconded by Wydysh.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Chairman McNall announced the appointment of Legislator Rebecca J. Wydysh as Vice Chair of the Legislator.

Moved by Bradt, seconded by Syracuse.

Adopted. 13 Ayes, 0 Noes, 1 Absent – Grozio.

Chairman McNall appointed Legislator Jesse P. Gooch as Chairman of the Community Services Committee.

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

The Chairman declared the Board adjourned at 9:43 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