




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

1. CALL TO ORDER
2. CLERK CALLS THE ROLL
3. PRAYER & PLEDGE
4. PRESENTATIONS: William G. Mayne, Jr. Business / Community Enhancement Grant Program Presentation & Corrections Officers Week and Police Officer Week
5. PUBLIC SPEAKERS: Clerk will read the names on the sheet for Public Speakers on Agenda items.
6. CORRESPONDENCE: Batavia Downs Board Representatives
7. RECESS
8. RESOLUTIONS
9. COUNTY MANAGER
10. APPOINTMENTS:
11. EXECUTIVE SESSION
12. ADJOURNMENT
13. PUBLIC SPEAKERS: Clerk will read names on the sheet for Public Speakers for the General Welfare of the County


Mary Jo Tamburlin, Clerk
Niagara County Legislature

The next meeting of the Legislature will be held on May 21, 2019



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

Resolutions not on previous agenda:

- AD-006-19** Administration, re A Local Law Amending Resolution No. AD-0005-96 – Establishing a Code of Ethics for the County of Niagara
- AD-007-19** Administration, re Compensation of the Members of the Niagara County Soil and Water Conservation District
- IL-026-19** Legislators John Syracuse, David E. Godfrey and Clyde L. Burmaster, re Resolution Urging the International Joint Commission to Maximize Lake Ontario- St. Lawrence River Outflows to Prevent Potential Flooding in 2019

Regular Meeting –May 7, 2019

- *AD-008-19** Administration, re Summer Hours – 2019 – HR
- AD-009-19** Administration, re Adoption of a Local Law Amending Resolution No. AD-0005-96 Establishing a Code of Ethics for the County of Niagara
- *CS-020-19** Community Services and Administration, re Budget Modification – Childhood Lead Poisoning Program – Environmental Division – Department of Health
- *CS-021-19** Community Services and Administration, re Budget Modification – Nursing Division – Department of Health
- *CS-022-19** Community Services and Administration, re County Clerk Office Contract Addendum
- ED-015-19** Economic Development Committee, re Adoption of a Local Law to Establish a Sustainable Energy Loan Program in the County of Niagara
- *IF-060-19** Infrastructure & Facilities and Administration, re Contract Addendum for Additional Services performed by CHA Consulting, Inc. for the Niagara County Refuse Disposal District-Consultant Amendment No. 2-Final and Capital Project Close Out
- *IF-061-19** Infrastructure & Facilities and Administration, re Accept Bids for Niagara County Refuse Disposal District Landfill 1 Landfill Cap and Site Upgrades Project and Create Capital Project (REF-03-2016 LF1)

- *IF-062-19** Infrastructure & Facilities and Administration, re Niagara Road Bridge over Bergholz Creek Consultant Amendment No. 1- Final
- *IF-063-19** Infrastructure & Facilities and Administration, re Youngstown Road Embankment Stabilization Project Consultant Amendment No. 4-Final
- *IF-064-19** Infrastructure & Facilities, re Award Krull Park ADA Compliant Restrooms Consultant Contract
- *IF-065-19** Infrastructure & Facilities, re Agreement between the County of Niagara and the Newfane Women's Lacrosse Club
- *IF-066-19** Infrastructure & Facilities, re Agreement between the County of Niagara and Newfane Central School
- IL-027-19** Legislators Randy R. Bradt, Dennis F. Virtuoso, David E. Godfrey, et al., re Niagara County Legislature Fully Supports College Tuition for Gold Star Families
- IL-028-19** Legislators Dennis F. Virtuoso, Mark J. Grozio, Jason A. Zona and Owen T. Steed, re Niagara County Legislature Asking the New York State Comptroller to Audit Western New York Off Track Betting
- IL-029-19** Legislator Dennis F. Virtuoso, Mark J. Grozio, Jason A. Zona and Owen T. Steed, re Release Names to the Public
- IL-030-19** Legislator Wm. Keith McNall, re Resolution in Support of the Lockport Monday Night Cruise Optimist Club through the use of Casino Funding
- IL-031-19** Legislator Michael A. Hill, re Resolution in Support of Equistar through the use of Casino Funding
- IL-032-19** Legislator David E. Godfrey, Clyde L. Burmaster, John Syracuse and Michael A. Hill, re A Resolution of the Niagara County Legislature Opposing New York State Senate Bill 2837 / Assembly Bill 2750 of 2019
- IL-033-19** Legislators Mark J. Grozio, Jason A. Zona, Dennis F. Virtuoso and Owen T. Steed, re Resolution Welcoming Director John Krasinski to Film his Latest Movie Hit in Niagara County
- IL-034-19** Legislators John Syracuse, Randy R. Bradt, Wm. Keith McNall, David E. Godfrey and William J. Collins re A Resolution Calling on Governor Cuomo to Veto A2686A and S2450A
- IL-035-19** Legislators Wm. Keith McNall, David E. Godfrey and Clyde L. Burmaster, re Niagara County Proclaims May 5, 2019 to May 18, 2019 as "Western New York Armed Forces Week"


 Mary Jo Tamburlin, Clerk
 Niagara County Legislature

*** Indicates Preferred Agenda items**

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

The next meeting of the Legislature will be held on May 21, 2019

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 05/07/19 RESOLUTION # AD-008-19

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
AD - 4/29/19

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

SUMMER HOURS – 2019

WHEREAS, the County has agreed to a ten-week period for a summer work schedule change, and

WHEREAS, it was agreed that this new schedule will apply only to those departments and employees who are on a Monday through Friday, 9:00 a.m. to 5:00 p.m. schedule, now, therefore, be it

RESOLVED, that effective June 23, 2019 through August 31, 2019 the work schedule of the County employees mentioned above will be 8:30 a.m. to 4:30 p.m. with the following regulations:

1. Any department required by local regulations or law to remain open until 5:00 p.m. may be exempt from this schedule.
2. Each Department Head is authorized to return to the 9:00 a.m. to 5:00 p.m. schedule if the new hours cause operational problems, or if the employees abuse the new work schedule.
3. This agreement is for the ten-week period as stated above and will not be repeated without further Legislative action.
4. Public notice of the hours will be posted in all County offices affected.
5. Any deviation from the above must be cleared with the Human Resources Department.

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 05/07/19 RESOLUTION # AD-009-19

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

ADOPTION OF A LOCAL LAW AMENDING RESOLUTION NO. AD-0005-96 ESTABLISHING A CODE OF ETHICS FOR THE COUNTY OF NIAGARA

WHEREAS, the County Legislature recommends the adoption of the following Local Law:

A Local Law amending Resolution No. AD-0005-96 establishing an A Code of Ethics for the County of Niagara:

WHEREAS, a public hearing was held on May 7, 2019 at 6:45 p.m. in the Legislative Chambers, Niagara County Courthouse, Lockport, New York, on said Local Law, and

WHEREAS, _____ appeared to speak on said Local Law, and

WHEREAS, _____ amendment(s) was (were) made to said Local Law, now, therefore, be it

WHEREAS, the County Legislature of the County of Niagara, does hereby amend such 1996 Local Law establishing a Code of Ethics for the County of Niagara, as amended by Resolution No. IL-0048-96, Resolution No AD-024-97, Resolution No IL-002-98, Resolution No AD-026-98, Resolution No AD-006-01 and Resolution No IL-053-07 as follows:

....

SECTION 2. Disclosure of Interest; Legislative Abstention

1. Disclosure of interests regardless of conflict

The following individuals shall, by May 15th of every year or if newly elected or appointed within thirty (30) days after taking office file a statement with the Board of Ethics:

- A. Every County Legislator or any other elected official to a Niagara County Office;
- B. Members and Officers of the Industrial Development Agency (IDA);
- C. Niagara Community College trustees;
- D. Every County Political Party Chairman;
- E. Candidates for County Elected Offices who file designating petitions for nominations at a primary election shall file such statement within seven (7) days after the last day allowed by law for the filing of designating petitions; and
- F. County Employees who hold policy-making positions as annually determined by the appointing authority and set forth in writing during January 31st of each year:

Such statement shall be adopted by the County and include the following:

- i. The name of any corporation for profit in which they, and/or their spouse, and/or minor children hold collectively 5% or more of the stock;
- ii. Real property situated in Niagara County which they, their spouse, or minor children hold for profit or from which they, their spouse, or minor children receive rents or income, excepting such real property as is maintained for use as their residence or the residence of their spouse or minor children, as the case may be;
- iii. Self-employment or employment by, or membership in or on the board of directors of, any corporation, partnership, association, person, or other entity from which the employee derives gross income in excess of \$500.00 per year.

Any such County officer or employee who does not have any such interests shall so file a statement to that effect. Such statements of disclosure shall be, indexed and maintained on file in an appropriate manner by the Board of Ethics.

It shall be the responsibility of the Director of Human Resources, prior to January 31 of each year, to review the list of those persons who, in the Director's judgement, are "policy making employees" and to forward any recommendations for additions and/or deletions to such list to the Chairman of the Niagara County Legislature who, subject to Legislative approval, may review and modify said list as deemed appropriate.

2. Disclosure of interest in County business

To the extent that he or she knows thereof, a member of the Legislature and any public officer or employee of the County of Niagara who participates in the discussion or gives official opinion to the Legislature, or any other officer or employee, on any matter before the Legislature, shall disclose the nature and extent of any direct or indirect financial or other private interest he or she has in such matter in a concise written statement to the Chairman of the Legislature, who shall direct such statement to be printed in the official record of the proceedings of the Legislature.

3. Disclosure and abstention in proceedings of County Legislature

When a member of the Niagara County Legislature must take official action on a manner in which he or she has a personal or economic interest distinct from that of the general community, their constituents, or a substantial class of the general community or their constituents, the Legislator should consider divesting that interest, if it can be feasibly done without undue hardship. The Legislator's decision in that regard shall be conclusive. If the Legislator does not divest that interest, considering both the seriousness of any appearance of impropriety and the seriousness of the public's need for participation in the action under consideration, the Legislator must abstain from participation in such action.

4. Maintenance of disclosure statements

Transactional disclosure statements filed pursuant to this Code of Ethics and annual statements shall be sealed, indexed and maintained on file for five (5) years, in an appropriate manner, by the Board of Ethics.

Such Disclosure Statements shall be destroyed upon the expiration of this five (5) year period. Such Disclosure Statements filed in 2019, and all subsequent years, by those individual listed in section 2 above, shall be made available to the public upon proper written request pursuant to the disclosure requirements of the New York State Freedom of Information Law (FOIL).

5. Failure to file disclosure statements

In addition to the filing requirements set forth in Section 2, subdivision 1 herein, each person who is subject to the filing requirements of this Code of Ethics shall file his or her Disclosure Statement on or before May 15th of each year.

Upon failure to file a Disclosure Statement, the Board shall notify the reporting person in writing, state the failure to file, and provide the person with a fifteen (15) day period to cure the deficiency. If the person fails to make such filing or fails to cure the deficiency within the specified time period, the Board shall send a notice of

delinquency to: (a) the reporting person; (b) and (b) the Chairman of the Legislature. The Chairman of the Legislature shall cause the list of those persons who have failed to file reporting statements to be published in the Minutes of the Niagara County Legislature. Any person who fails to file shall be subject to the appropriate sanctions as set forth in Section 14 of this Code of Ethics.

A person who is subject to the filing requirements of this Code of Ethics, who enters into his or her official duties after May 15th of any year, shall have thirty (30) days within which to file his or her transactional disclosure statement.

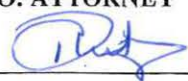
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SECTION 19. The local law shall take effect upon filing with the New York State Secretary of State, after which it shall become a law.

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services Committee DATE: 05/07/19 RESOLUTION # CS-020-19
and Administration Committee

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

BUDGET MODIFICATION – CHILDHOOD LEAD POISONING PROGRAM - ENVIRONMENTAL DIVISION- DEPARTMENT OF HEALTH

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

WHEREAS, the Childhood Lead Poisoning Primary Prevention Program grant was modified to accommodate sharing the Childhood Lead supervisor with a new HUD grant as well as a change in personnel in the public health technician position, and

WHEREAS, the grant modification created a balance in personal services to be moved into non-personal services, and

WHEREAS, the Department of Health requests approval to modify the Childhood Lead Poisoning program budget transferring funds from personal services to non-personal services, now, therefore, be it

RESOLVED, that the following budget modification, be effectuated:

DECREASE APPROPRIATIONS:

CM.20.4070.419 71010.00	Position #10868 PH Sanitarian	\$ 18,000
CM.20.4070.419 71010.00	Position # 11089 Public Health Technician	7,000
CM.20.4070.419 78100.00	Retirement	4,700
CM.20.4070.419 78200.00	FICA	1,618
CM.20.4070.419 78300.00	Worker's Comp	338
CM.20.4070.419 78400.01	Health Insurance	2,111

INCREASE APPROPRIATIONS:

CM.20.4070.419 72100.14	Misc Equipment	\$ 20,000
CM.20.4070.419 74250.01	Office Supplies	25
CM.20.4189.419 74300.06	Uniforms/Clothing	513
CM.20.4070.419 74375.01	Advertising & Promo	1,500
CM.20.4070.419 74500.01	Contractual	3,900
CM.20.4070.419 74600.03	Training & Education	3,160
CM.20.4070.419 74675.01	Central Postage	760
CM.20.4070.419 74725.02	Laboratory Services	1,400
CM.20.4070.419 74750.02	Supplies/Materials	2,509

 COMMUNITY SERVICES COMMITTEE

 ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services Committee
and Administration Committee

DATE: 05/07/19

RESOLUTION # CS-021-19

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CS - 4/29/19
AD - 4/29/19

LEGISLATIVE ACTION

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

BUDGET MODIFICATION – NURSING DIVISION - DEPARTMENT OF HEALTH

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

WHEREAS, the Nursing Division requests approval to purchase the Patagonia Electronic Medical Records System that will combine the work of several other software programs and reduce these expenses by over \$10,000 a year, and

WHEREAS, the startup funds are presently available due to a vacant nursing position, and

WHEREAS, the Department of Health requests approval to modify the Nursing division budget transferring funds from personal services to non-personal services, now, therefore, be it

RESOLVED, that the following budget modification, be effectuated:

DECREASE APPROPRIATIONS:

A.20.4189.401 71010.00 Position #649 PH Nurse	\$15,000
A.20.4189.401 78100.00 Retirement	2,820
A.20.4189.401 78200.00 FICA	1,247
A.20.4189.401 78300.00 Worker's Comp	202
A.20.4189.401 78400.01 Health Insurance	1,685

INCREASE APPROPRIATIONS:

A.20.4189.401 74500.01 Contractual	\$20,954
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COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services Committee

DATE: 05/07/19

RESOLUTION # CS-022-19

Administration Committee

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

CS - 4/29/19

Approved: Ayes _____ Abs. _____ Noes _____

AD - 4/29/19

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

COUNTY CLERK OFFICE CONTRACT ADDENDUM

WHEREAS, the appropriate management of local government records is essential for efficient and effective government, and

WHEREAS, the County Clerk performs the duties prescribed by law as register and must provide all books, files, and other necessary equipment for the filing, recording and depositing of documents for indexing as directed by law, and

WHEREAS, the County has entered into an agreement with Info Quick Solutions, Inc. (IQS) to provide comprehensive and integrated indexing, recording, imaging, cash fee management and online public records access system services, and

WHEREAS, the County Clerk has determined that 6,308 subdivision map images, all requiring permanent retention, and ranging in date from the early 1800's to 2017 are in need of conversion to electronic format via digitization and archival microfilm production, and

WHEREAS, this process will improve records access and reduce further wear, tear and eventual loss of the subdivision maps, and

WHEREAS, IQS possesses the necessary skill and expertise to assist in this endeavor, now, therefore, be it

RESOLVED, that Niagara County enter a contract addendum with Info Quick Solutions, Inc. commencing immediately to image all subdivision map images from source documents; generate TIFF IV images of source documents; edit for completeness and proper ordering; report and reconcile any missing pages or discrepancies with County Clerk staff; install Infodex software on all County Clerk workstations and web, to enable retrieval of source documents; pickup and return all maps; provide 35.M archival security microfilm; install and configure Infodex software on County Clerk's network; provide training to County Clerk staff and others identified by the County Clerk (ie. Abstractors and surveyors); follow up as needed to address any further training needs; install and configure web version, and be it further

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

INCREASE REVENUE:

A.10.1410.000 40599.01 Appropriated Fund Bal-Committed Funds \$59,926.00

INCREASE APPROPRIATION:

A.10.1410.000 74550.25 Program Records Maintenance \$59,926.00

COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Economic Development Committee DATE: 05/07/19 RESOLUTION # ED-015-19

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
ED - 4/1/19

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

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

WHEREAS, the Economic Development recommends the adoption of the following Local Law:

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

WHEREAS, a public hearing was held on the 9th day of April at 6:45 p.m., in the Legislative Chambers, Courthouse, Lockport, New York, on said Local Law, and

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

WHEREAS, eighteen amendment(s) was (were) made to said Local Law, and

WHEREAS, the eighteen amendments were for clarification and consistency, and there are not substantive changes to the Niagara County local law that affect Niagara County, now, therefore, be it

RESOLVED, that a Local Law of the County of Niagara, New York to Establish a Sustainable Energy Loan Program in the County of Niagara be it enacted by the County Legislature of the County of Niagara as follows:

Section 1. This local law shall be known as the "Energize NY Open C-PACE Financing Program" and shall read as follows:

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

- A. It is the policy of both the Municipality and the State of New York (the "State") to achieve energy efficiency and renewable energy improvements, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The Municipality finds that it can fulfill this policy by providing property assessed clean energy financing to Qualified Property Owners (as defined below) for the installation of renewable energy systems and energy efficiency measures. This local law establishes a program that will allow the Energy Improvement Corporation (as defined below, "EIC"), a local development corporation, acting on behalf of the Municipality pursuant to the municipal agreement (the "Municipal Agreement") to be entered into between the Municipality and EIC, to make funds available to Qualified Property Owners that will be repaid through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this local law and accomplishing an important public purpose. This local law provides a method of implementing the public policies expressed by, and exercising the authority provided by, Article 5-L of the General Municipal Law (as defined below, the "Enabling Act").

- B. The Municipality is authorized to execute, deliver and perform the Municipal Agreement and otherwise to implement this Energize NY Open C-PACE Financing Program pursuant to the Constitution and laws of New York, including particularly Article IX of the Constitution, Section 10 of the Municipal Home Rule Law, the Enabling Act and this local law.
- C. This local law, which is adopted pursuant to Section 10 of the Municipal Home Rule Law and the Enabling Act shall be known and may be cited as the "Energize NY Open C-PACE Local Law".

§2. Definitions

- A. Capitalized terms used but not defined herein have the meanings assigned in the Enabling Act.
- B. For purposes of this local law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

Annual Installment Amount – shall have the meaning assigned in Section 8, paragraph B.

Annual Installment Lien – shall have the meaning assigned in Section 8 paragraph B.

Authority – the New York State Energy Research and Development Authority.

Benefit Assessment Lien – shall have the meaning assigned in Section 3, paragraph A.

Benefited Property – Qualified Property for which the Qualified Property Owner has entered into a Finance Agreement for a Qualified Project.

Benefited Property Owner – the owner of record of a Benefited Property.

EIC – the Energy Improvement Corporation, a local development corporation, duly organized under section 1411 of the Not-For-Profit Corporation Law of the State, authorized hereby on behalf of the Municipality to implement the Program by providing funds to Qualified Property Owners and providing for repayment of such funds from money collected by or on behalf of the Municipality as a charge to be levied on the real property.

Eligible Costs – costs incurred by the Benefited Property Owner in connection with a Qualified Project and the related Finance Agreement, including application fees, EIC's Program administration fee, closing costs and fees, title and appraisal fees, professionals' fees, permits, fees for design and drawings and any other related fees, expenses and costs, in each case as approved by EIC and the Financing Party under the Finance Agreement

Enabling Act – Article 5-L of the General Municipal Law of the State, or a successor law, as in effect from time to time.

Finance Agreement – the finance agreement described in Section 6A of this local law.

Financing Charges – all charges, fees and expenses related to the loan under the Finance Agreement including accrued interest, capitalized interest, prepayment premiums, and penalties as a result of a default or late payment and costs and reasonable attorneys' fees incurred by the Financing Party as a result of a foreclosure or other legal proceeding brought against the Benefited Property to enforce any delinquent Annual Installment Liens.

Financing Parties – Third party capital providers approved by EIC to provide financing to Qualified Property Owners or other financial support to the Program which have entered into separate agreements with EIC to administer the Program in the Municipality.

Municipality – the County of Niagara, a municipality of the State constituting a tax district as defined in Section 1102 of the RPTL of the State.

Municipal Lien – a lien on Qualified Property which secures the obligation to pay real property taxes, municipal charges, or governmentally imposed assessments in respect of services or benefits to a Qualified Property.

Non-Municipal Lien – a lien on Qualified Property which secures any obligation other than the obligation to pay real property taxes, municipal charges, or governmentally-imposed assessments in respect of services or benefits to a Qualified Property Owner or Qualified Property.

Program – the Energize NY Open C-PACE Financing Program authorized hereby.

Qualified Project – the acquisition, construction, reconstruction or equipping of Energy Efficiency Improvements or Renewable Energy Systems or other projects authorized under the Enabling Act on a Qualified Property, together with a related Energy Audit, Renewable Energy System Feasibility Study and/or other requirements under or pursuant to the Enabling Act, with funds provided in whole or in part by Financing Parties under the Program to achieve the purposes of the Enabling Act.

Qualified Property – Any real property other than a residential building containing less than three dwelling units, which is within the boundaries of the Municipality that has been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this local law and the Enabling Act and has become the site of a Qualified Project.

Qualified Property Owner – the owner of record of Qualified Property which has been determined by EIC to meet the requirements for participation in the Program as an owner, and any transferee owner of such Qualified Property.

RPTL – the Real Property Tax Law of the State, as amended from time to time.

Secured Amount – as of any date, the aggregate amount of principal loaned to the Qualified Property Owner for a Qualified Project, together with Eligible Costs and Financing Charges, as provided herein or in the Finance Agreement, as reduced pursuant to Section 8, paragraph C.

State – the State of New York.

§3. Establishment of an Energize NY Open C-PACE Financing Program

- A. An Energize NY Open C-PACE Financing Program is hereby established by the Municipality, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may arrange for the provision of funds by Financing Parties to Qualified Property Owners in accordance with the Enabling Act and the procedures set forth under this local law, to finance the acquisition, construction, reconstruction, and installation of Qualified Projects and Eligible Costs and Financing Charges approved by EIC and by the Financing Party under the Finance Agreement. EIC, on behalf of the Municipality, and with the consent of the Benefited Property Owner, will record a Benefit

Assessment Lien on the Benefited Property in the Secured Amount (the "Benefit Assessment Lien") on the land records for the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality.

- B. Before a Qualified Property Owner and a Financing Party enter into a Finance Agreement which results in a loan to finance a Qualified Project, repayment of which is secured by a Benefit Assessment Lien, a written consent from each existing mortgage holder of the Qualified Property shall be obtained, permitting the Benefit Assessment Lien and each Annual Installment Lien to take priority over all existing mortgages.

§4. Procedures for eligibility

- A. Any property owner in the Municipality may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the Municipality's offices.
- B. Every application submitted by a property owner shall be reviewed by EIC, acting on behalf of the Municipality, which shall make a positive or negative determination on such application based upon the criteria enumerated in the Enabling Act and § 5 of this local law. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC, acting on behalf of the Municipality, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Program in accordance with § 6 of this local law.

§5. Application criteria

Upon the submission of an application, EIC, acting on behalf of the Municipality, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

- A. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;
- B. The amount financed under the Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;
- C. Sufficient funds are available from Financing Parties to provide financing to the property owner;
- D. The property owner is current in payments on any existing mortgage on the Qualified Property;
- E. The property owner is current in payments on any real property taxes on the Qualified Property; and
- F. Such additional criteria, not inconsistent with the criteria set forth above, as the State, the Municipality, or EIC acting on its behalf, or other Financing Parties may set from time to time.

§6. Energize NY Finance Agreement

- A. A Qualified Property Owner may participate in the Program through the execution of a finance agreement made by and between the Qualified Property Owner and a Financing Party, to which EIC,

on behalf of the Municipality, shall be a third-party beneficiary (the "Finance Agreement"). Upon execution and delivery of the Finance Agreement, the property that is the subject of the Finance Agreement shall be deemed a "Benefited Property").

- B. Upon execution and delivery of the Finance Agreement, the Benefited Property Owner shall be eligible to receive funds from the Financing Party for the acquisition, construction, and installation of a Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, provided the requirements of the Enabling Act, the Municipal Agreement and this local law have been met.
- C. The Finance Agreement shall include the terms and conditions of repayment of the Secured Amount and the Annual Installment Amounts.
- D. EIC may charge fees to offset the costs of administering the Program and such fees, if not paid by the Financing Party, shall be added to the Secured Amount.

§7. Terms and conditions of repayment

The Finance Agreement shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds loaned to the Benefited Property Owner for the Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, shall be specially assessed against the Benefited Property and will be evidenced by a Benefit Assessment Lien recorded against the Benefited Property on the land records on which liens are recorded for properties within the Municipality. The special benefit assessment shall constitute a "charge" within the meaning of the Enabling Act and shall be collected in annual installments in the amounts certified by the Financing Party in a schedule provided at closing and made part of the Benefit Assessment Lien. Said amount shall be annually levied, billed and collected by EIC, on behalf of the Municipality, and shall be paid to the Financing Party as provided in the Finance Agreement.
- B. The term of such repayment shall be determined at the time the Finance Agreement is executed by the Benefited Property Owner and the Financing Party, not to exceed the weighted average of the useful life of the systems and improvements as determined by EIC, acting on behalf of the Municipality.
- C. The rate of interest for the Secured Amount shall be fixed by the Financing Party in conjunction with EIC, acting on behalf of the Municipality, as provided in the Finance Agreement.

§8. Levy of Annual Installment Amount and Creation of Annual Installment Lien

- A. Upon the making of the loan pursuant to the Finance Agreement, the Secured Amount shall become a special Benefit Assessment Lien on the Benefited Property in favor of the Municipality. The amount of the Benefit Assessment Lien shall be the Secured Amount. Evidence of the Benefit Assessment Lien shall be recorded by EIC, on behalf of the Municipality, in the land records for properties in the Municipality. Such recording shall be exempt from any charge, mortgage recording

tax or other fee in the same manner as if recorded by the Municipality. The Benefit Assessment Lien shall not be foreclosed upon by or otherwise enforced by the Municipality.

- B. The Finance Agreement shall provide for the repayment of the Secured Amount in installments made at least annually, as provided in a schedule attached to the Benefit Assessment Lien (the “Annual Installment Amount”). The Annual Installment Amount shall be levied by EIC, on behalf of the Municipality, on the Benefited Property in the same manner as levies for municipal charges, shall become a lien on the Benefited Property as of the first day of January of the fiscal year for which levied (the “Annual Installment Lien”) and shall remain a lien until paid. The creation or any recording of the Annual Installment Lien shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. Payment to the Financing Party shall be considered payment for this purpose. Such payment shall partly or wholly discharge the Annual Installment Lien. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement. Any additional Financing Charges imposed by the Financing Party pursuant to the Finance Agreement shall increase the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.
- C. The Benefit Assessment Lien shall be reduced annually by the amount of each Annual Installment Lien when each Annual Installment Lien becomes a lien. Each Annual Installment Lien shall be subordinate to all Municipal Liens, whether created by Section 902 of the RPTL or by any other State or local law. No portion of a Secured Amount shall be recovered by the Municipality, EIC, or an assignee upon foreclosure, sale or other disposition of the Benefited Property unless and until all Municipal Liens are fully discharged. Each Annual Installment Lien, however, shall have priority over all Non-Municipal Liens, irrespective of when created, except as otherwise required by law.
- D. Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall be collected by EIC, on behalf of the Municipality, at the same time and in the same manner as real property taxes or municipal charges. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in respect of an Annual Installment Lien shall be remitted to EIC, on behalf of the Municipality, or the Financing Party, as may be provided in the Finance Agreement.
- E. EIC shall act as the Municipality’s agent in collection of the Annual Installment Amounts. If any Benefited Property Owner fails to pay an Annual Installment Amount, the Financing Party may redeem the Benefited Property by paying the amount of all unpaid Municipal Liens thereon, and thereafter shall have the right to collect any amounts in respect of an Annual Installment Lien by foreclosure or any other remedy available at law. Any foreclosure shall not affect any subsequent Annual Installment Liens.
- F. EIC, on behalf of the Municipality, may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens to Financing Parties that provide financing to Qualified Properties pursuant to Finance Agreements. The Financing Parties may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens received from EIC, on behalf of the Municipality, subject to certain conditions provided in the administration agreement between EIC and the Financing Party. The assignee or assignees of such Benefit Assessment Liens and Annual Installment Liens shall have and possess the same powers and rights

at law or in equity as the Municipality would have had if the Benefit Assessment Lien and the Annual Installment Liens had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection.

§9. Verification and report

EIC, on behalf of the Municipality, shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Program in such form and manner as the Authority may establish.


§10. Separability.

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof involved in the controversy in which such judgment shall have been rendered.

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

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee DATE: 05/07/19 RESOLUTION # IF-060-19
and Administration Committee

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

CONTRACT ADDENDUM FOR ADDITIONAL SERVICES PERFORMED BY CHA CONSULTING, INC. FOR THE NIAGARA COUNTY REFUSE DISPOSAL DISTRICT-CONSULTANT AMENDMENT NO. 2-FINAL AND CAPITAL PROJECT CLOSE OUT

WHEREAS, the Niagara County Refuse Disposal District and CHA Consulting, Inc. entered into a contract whereby CHA Consulting, Inc. agreed to provide certain specified services for the Niagara County Refuse Disposal District regarding C&D Landfill #1 and Landfill #2, and

WHEREAS, Resolution No. IF-001-17, dated March 21, 2017, authorized an Amendment/Addendum to said contract for additional services regarding the Landfills in the amount of \$72,096, and

WHEREAS, Resolution No. IF-073-18, dated June 19, 2018, authorized a second Amendment/Addendum to the contract for further services in the amount of \$27,650, for a revised Second Amendment/Addendum amount of \$99,746, and

WHEREAS, it is necessary to decrease the Second Amendment/Addendum by \$146.47, for a revised amount of \$99,599.53, as the project is now complete, 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, and

WHEREAS, the capital project has been completed and has an account balance remaining that needs to be transferred back to the original funding sources, now, therefore, be it

RESOLVED, that the consultant services second Amendment/Addendum with CHA Consulting, Inc., be decreased by \$146.47, for a revised second Amendment/Addendum amount of \$99,599.53, 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, and be it further

RESOLVED, that the Niagara County Refuse Disposal District regarding C&D Landfill #1 and Landfill #2 Project, H650.30.8997.000 be closed and the remaining funds be returned to the original funding source:

DECREASE ESTIMATED REVENUE:

H650.30.8997.000 45031.00	Transfer from Operating	\$ 1,089.15
H650.30.8997.000 45710.16	Serial Bonds 2016	39,147.01

DECREASE APPROPRIATIONS:

H650.30.8997.000 72400.00	Land Improvements	\$40,236.16
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NIAGARA COUNTY LEGISLATURE

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

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

IF - 4/29/19

Approved: Ayes _____ Abs. _____ Noes _____

AD - 4/29/19

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

ACCEPT BIDS FOR NIAGARA COUNTY REFUSE DISPOSAL DISTRICT LANDFILL 1 LANDFILL CAP AND SITE UPGRADES PROJECT AND CREATE CAPITAL PROJECT (REF-03-2016 LF1)

WHEREAS, the Niagara County Refuse Disposal District has prepared specifications in conjunction with the Department of Public Works Engineering Division, to proceed with the installation of a landfill cap and implementation of site upgrades at Landfill 1 located in the City and Town of Lockport, and

WHEREAS, sealed bid for the General Contract Work for the Landfill 1 Project were received and publically opened by the Purchasing Department on April 18, 2019, as tabulated below:

Contractor	Bid Price
1. Zoladz Construction 13600 Railroad Street, PO Box 157 Alden, NY 14004	\$2,297,494.98
2. Environmental Service Group 177 Wales Avenue Tonawanda, NY 14150	\$2,591,605.00
3. Mark Cerrone Inc. 2368 Maryland Ave. Niagara Falls, NY 14305	\$2,793,000.00
4. 4 th Generation 5650 Simmons Avenue Niagara Falls, NY 14304	\$2,917,045.00

and,

WHEREAS, the contract for the Landfill 1 Cap and Site Upgrades Project be awarded to the lowest responsible bidder, Zoladz Construction, and

WHEREAS, the Refuse Disposal District/County will procure a sole source turf cap closure system and related installation materials from WaterhsedGeo as specified in Schedule A, Item No. 4 of Order on Consent 01-13, signed on April 24, 2018, and

WHEREAS, resolution IF-032-19 authorized the issuance of up to \$4,500,000 in serial bonds to finance improvements to the facilities of the Niagara County Refuse Disposal District, and

WHEREAS, based on the results of this bid and other anticipated expenditures, the Refuse District currently anticipates only borrowing \$3,320,000 to cover the necessary improvements, and

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

RESOLVED, that Zoladz Construction, 13600 Railroad Street, Alden, New York 14004, be awarded the bid for the Landfill 1 Cap and Site Upgrades Project in the amount of \$2,297,494.98, subject to the passage of the 20 day Estoppel period with no challenge to the accompanied bond resolution, and be it further

RESOLVED, that the following capital project be created to be funded by the issuance of serial bonds in 2019:

INCREASE ANTICIPATED REVENUE:

H685.30.8997.000.45710.19	Serial Bonds 2019	\$3,320,000
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INCREASE ANTICIPATED EXPENSE:

H685.30.8997.000.72400.00	Land Improvements	\$3,320,000
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and be it further

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

INFRASTRUCTURE & FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee **DATE:** 05/07/19 **RESOLUTION #** IF-062-19

Administration Committee

**APPROVED BY
CO. ATTORNEY**

**REVIEWED BY
CO. MANAGER**

COMMITTEE ACTION

LEGISLATIVE ACTION

IF - 4/29/19

Approved: Ayes _____ Abs. _____ Noes _____

AD - 4/29/19

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

**NIAGARA ROAD BRIDGE OVER BERGHOLZ CREEK
CONSULTANT AMENDMENT NO. 1-FINAL**

WHEREAS, Resolution No. IF-029-17, dated February 21, 2017, selected Mott MacDonald NY Inc., 438 Main Street, Suite 300, Buffalo, NY 14202, to assist the County with the Niagara Road Bridge over Bergholz Creek project, in the amount of \$203,073.37, and

WHEREAS, it is necessary to decrease the contract by \$50,396.85, for a revised contract amount of \$152,676.52, 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 Mott MacDonald NY Inc., 438 Main Street, Suite 300, Buffalo, NY 14202, be decreased by \$50,396.85, for a revised contract amount of \$152,676.52, and be it further

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

INFRASTRUCTURE & FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee DATE: 05/07/19 RESOLUTION # IF-063-19
Administration Committee

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

IF - 4/29/19

Approved: Ayes Abs. Noes

AD - 4/29/19

Rejected: Ayes Abs. Noes

Referred:

YOUNGSTOWN ROAD EMBANKMENT STABILIZATION PROJECT
CONSULTANT AMENDMENT NO. 4-FINAL

WHEREAS, Resolution No. PW-075-13, dated August 6, 2013, selected Greenman-Pedersen Inc., 4950 Genesee Street, Suite 165, Buffalo, NY 14225, to assist the County with the Youngstown Road Embankment Stabilization Project, in the amount of \$6,500, and

WHEREAS, Resolution No. PW-134-14, dated December 2, 2014, increased the contract to allow for design services in the amount of \$41,304, for a revised contract amount of \$47,804, and

WHEREAS, Resolution No. PW-006-15, dated February 17, 2015, extended the contract to December 31, 2016, at no additional cost to the County, and

WHEREAS, Resolution No. IF-093-17, dated June 20, 2017, increased the contract for construction administration and inspection in the amount of \$77,104.53, for a revised contract amount of \$124,908.53, and

WHEREAS, it is necessary to decrease the contract by \$27,884, as the project is now complete, for a revised contract amount of \$97,024.53, 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 Greenman-Pedersen Inc., 4950 Genesee Street, Suite 165, Buffalo, NY 14225, be decreased by \$27,884, for a revised contract amount of \$97,024.53, and be it further

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

INFRASTRUCTURE & FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee DATE: 05/07/19 RESOLUTION # IF-064-19

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
IF - 4/29/19

LEGISLATIVE ACTION

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

AWARD KRULL PARK ADA COMPLIANT RESTROOMS CONSULTANT CONTRACT

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with the Krull Park ADA Compliant Restrooms Project, and

WHEREAS, funds are available in account H684.15.1620.000 72200.01, Building Improvements, and

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

RESOLVED, that the consultant services contract for the Krull Park ADA Compliant Restrooms Project be awarded to Watts Engineering & Architecture PC, 95 Perry Street, Suite 300, Buffalo, NY 14203, for a contract amount not to exceed \$28,000, and be it further

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

INFRASTRUCTURE & FACILITIES
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee DATE: 05/07/19 RESOLUTION # IF-065-19

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
IF - 4/29/19

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE NEWFANE WOMEN'S LACROSSE CLUB

WHEREAS, the Newfane Women's Lacrosse Club has requested that the County of Niagara grant them rights to operate a lacrosse program in an area situated in the County owned property on Lake Road, and

WHEREAS, this program benefits the residents of the Town of Newfane in addition to Niagara County as a whole, and

WHEREAS, such program is operated on a not-for-profit basis, and

WHEREAS, the event coordinator will provide all insurances required by the Risk Management Office, and agree to cover all extraordinary expenses associated with event, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Newfane Women's Lacrosse Club, and

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

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Newfane Women's Lacrosse Club, as appears in the proposed agreement, is hereby approved in all respects, and be it further

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

INFRASTRUCTURE & FACILITIES
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities DATE: 05/07/19 RESOLUTION # IF-066-19
Committee

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
IF - 4/29/19

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND NEWFANE CENTRAL SCHOOL

WHEREAS, the Newfane Central School has requested that the County of Niagara grant them permission to use a portion of Krull Park for the purpose of holding a Band Concert and Chicken BBQ, and

WHEREAS, it is the wish of the Newfane Central School to hold the Band Concert and Chicken BBQ on May 30, 2019, and

WHEREAS, the event coordinator will provide all insurances required by the Risk Management Office, and agree to cover all extraordinary expenses associated with event, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Newfane Central School, and

WHEREAS, prior to the execution of the license agreement between the County of Niagara and Newfane Central School, the County Attorney will review said agreement 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 County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and Newfane Central School.

INFRASTRUCTURE & FACILITIES
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Randy R. Bradt, Dennis F. Virtuoso, **DATE:** 05/07/19 **RESOLUTION #** IL-027-19
David E. Godfrey, et al.

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

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



NIAGARA COUNTY LEGISLATURE FULLY SUPPORTS COLLEGE TUITION FOR GOLD STAR FAMILIES

WHEREAS, those who made the ultimate sacrifice deserve our nation's utmost respect, and

WHEREAS, Gold Star families have endured terrible tragedy due to their loved ones' service to our nation, and

WHEREAS, higher education can be a gateway to a more successful life, but losing a loved one can be a barrier to higher education, and

WHEREAS, providing free tuition to Gold Star families would be a significant benefit that would show our state's appreciation for the sacrifice that our soldiers and their families make, now, therefore, be it

RESOLVED, the Niagara County Legislature fully supports Senate Bill s193 and Assembly Bill a2991 and urges their immediate passage and enactment, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Andrew M. Cuomo; Senate Majority Leader Andrea Stewart-Cousins; Senate Minority Leader John Flanagan; Senator Robert G. Ort; Speaker of the Assembly Carl Heastie; Assembly Majority Leader Crystal Peoples-Stokes; Assembly Minority Leader Brian M. Kolb; Member of the Assembly Michael J. Norris; Member of the Assembly Angelo Morinello; Member of the Assembly Karen McMahon; Member of the Assembly Robin Schimming; and all others deemed necessary and proper.

LEGISLATOR RANDY R. BRADT

LEGISLATOR DENNIS F. VIRTUOSO

LEGISLATOR DAVID E. GODFREY

LEGISLATOR REBECCA J. WYDYSH

LEGISLATOR JESSE P. GOOCH

LEGISLATOR MICHAEL A. HILL

LEGISLATOR WM. KEITH MCNALL

LEGISLATOR WILLIAM J. COLLINS

LEGISLATOR ANTHONY J. NEMI

LEGISLATOR CLYDE L. BURMASTER

LEGISLATOR JOHN SYRACUSE

LEGISLATOR RICHARD L. GROZIO

LEGISLATOR MARK J. GROZIO

LEGISLATOR OWEN T. STEED

LEGISLATOR JASON A. ZONA

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Dennis F. Virtuoso, Mark J. Grozio, Jazona A. Zona and Owen T. Steed DATE: 05/07/19 RESOLUTION # IL-028-19

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
			Approved: Ayes Abs. Noes
			Rejected: Ayes Abs. Noes
			Referred:

NIAGARA COUNTY LEGISLATURE ASKING THE NEW YORK STATE COMPTROLLER TO AUDIT WESTERN NEW YORK OFF TRACK BETTING

WHEREAS, Western New York Off Track Betting Corp. is a Public benefit corporation owned by 15 counties and the cities of Buffalo and Rochester, and

WHEREAS, the profits are split up between these municipalities bring extra revenue to help lower tax burdens to our taxpayers, and

WHEREAS, recent reports in the press that OTB is wasting millions of dollars on free tickets to football games, hockey games, golf outings and concerts, and

WHEREAS, there are also reports of unlawful benefits to Board Members and excessive wage increases to the management of OTB, and

WHEREAS, there is also reports of unkept records of car mileage and cell phone use and lucrative contract to political connected companies, and

WHEREAS, reports have also said that a FBI investigation is underway, now, therefore, be it

Resolved, that the Niagara County Legislature, as a owner is asking New York State Comptroller Thomas P. DiNapoli to do a full audit of Western New York Off Track Betting Corp., and be it further

RESOLVED, that an audit could potentially decrease needless and frivolous spending at OTB and increase profits to the taxpayers who are the true owners, and be it further

RESOLVED, that copies of this resolution be sent to the Board of Directors of WNYOTB, Governor Andrew Cuomo, Attorney General Letitia James, New York State Comptroller Thomas P. DiNapoli and all the Counties and Cities who are owners of Western New York Off Track Betting.

LEGISLATOR DENNIS F. VIRTUOSO

LEGISLATOR MARK J. GROZIO

LEGISLATOR JASON A. ZONA

LEGISLATOR OWEN T. STEED

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Dennis F. Virtuoso, Mark J. Grozio, DATE: 05/07/19 RESOLUTION # IL-029-19
Jason A. Zona and Owen T. Steed

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes Abs. Noes

Rejected: Ayes Abs. Noes

Referred:

RELEASE THE NAMES TO THE PUBLIC

WHEREAS, Resolution IL-023-19 from the Niagara County Legislature, as part owners of Western New York Off Track Betting Corp. demanded that all names of people who participated in receiving free tickets from OTB to Buffalo Bills games, Buffalo Sabers hockey games, golf outings and concert tickets to be made public, and

WHEREAS, to this date the management of OTB has not released this list, which was legally requested, pursuant to the Freedom of Information Law, by several Media outlets and ignored our request for the list of names in resolution IL-023-19, and

WHEREAS, this is a violation of New York State Public Officers Law, now, therefore, be it

RESOLVED, that the Niagara County Legislature orders the County Attorney to file suit against Western New York Off Track Betting Corp. to release the names of the people who received free tickets and to honor the requests, pursuant to the Freedom of Information Law.

LEGISLATOR DENNIS F. VIRTUOSO

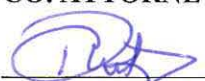
LEGISLATOR MARK J. GROZIO

LEGISLATOR JASON A. ZONA

LEGISLATOR OWEN T. STEED

NIAGARA COUNTY LEGISLATURE

FROM: Legislator Wm. Keith McNall DATE: 05/07/19 RESOLUTION # IL-030-19

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER		Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

**RESOLUTION IN SUPPORT OF THE LOCKPORT MONDAY NIGHT CRUISE OPTIMIST CLUB
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Lockport Monday Night Cruise Optimist Club is a group of volunteers dedicated to keeping the Monday Night Car Cruise in downtown Lockport a fun, family oriented and free event, and

WHEREAS, this event runs every Monday beginning early May until Labor Day, and

WHEREAS, the Monday Cruise nights offer the exhibit of various vintage cars and entertainment promoting an atmosphere of historical interest for many community seniors and residents, now, therefore, be it

RESOLVED, that the Niagara County Legislature supports funding to the Lockport Monday Night Cruise Optimist Club as follows:

Lockport Monday Night Cruise Optimist Club	\$500.00
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and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

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

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$500.00
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LEGISLATOR WM. KEITH MCNALL

NIAGARA COUNTY LEGISLATURE

FROM: Legislator Michael A. Hill DATE: 05/07/19 RESOLUTION # IL-031-19

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

RESOLUTION IN SUPPORT OF EQUISTAR THROUGH THE USE OF CASINO FUNDING

WHEREAS, EquiStar provides equestrian-related activities that offer therapeutic benefits for children and adults with varying conditions, including Cerebral Palsy, developmental delays, Autism Spectrum Disorder, Trisomy 21, anxiety and more, and

WHEREAS, EquiStar's mission is to enrich the lives of people with disabilities through equine related activities, and

WHEREAS, the horseback riding program helps riders reach milestones in their physical development and communication skills, now, therefore, be it

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

EquiStar \$1,000.00

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

INCREASE APPROPRIATION:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund \$1,000.00

LEGISLATOR MICHAEL A. HILL

NIAGARA COUNTY LEGISLATURE

FROM: Legislators David E. Godfrey, Clyde L. Burmaster DATE: 05/07/19 RESOLUTION # IL-032-19
John Syracuse and Michael A. Hill

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

A RESOLUTION OF THE NIAGARA COUNTY LEGISLATURE OPPOSING NEW YORK STATE SENATE BILL 2837 / ASSEMBLY BILL 2750 OF 2019

WHEREAS, Agriculture is one of Niagara County's most important industries. Farms directly and indirectly provide valuable jobs, support local businesses, and are a critical component of our County and region's economy, and

WHEREAS, farms must compete for workers in a tight labor market in our region so Niagara County farms value and respect their employees and pay a fair wage in order to retain their skilled workforce. According to the USDA, 98% of New York State farms are family owned, and

WHEREAS, Senator Jessica Ramos and Assemblywoman Catherine Nolan have introduced Senate Bill 2837 and Assembly Bill 2750 which would, among other things, provide for collective bargaining rights of farm workers and require overtime pay, and

WHEREAS, farming is already a highly regulated industry where animal agriculture requires a workforce to care for animals 24-hours a day, 7 days a week, 365 days a year and crop, vegetable and fruit farming requires seasonal, climate-sensitive and time-sensitive planting and harvest, and

WHEREAS, the effect of a labor strike on a farm could destroy an entire year's worth of crops, render perishable food not edible and adversely affect the health and care of animals, and

WHEREAS, New York State minimum wage rate ranks among the top five in the country (minimum wage in upstate New York is currently \$3.85 higher than the federal minimum wage); the prices paid to farmers for milk and most crops produced in Niagara County are set by market conditions out of farmers' control so they have no way to recoup added costs of production except by increasing the prices of their products. Proposed overtime will likely result in fewer hours for workers, rather than increased pay since current prices received for agricultural products at the farm level cannot justify overtime pay rates; and

WHEREAS, Niagara County and New York farmers must compete in regional, national and global marketplaces and this legislation will put them at an even greater competitive disadvantage; according to an analysis by Farm Credit East, overtime combined with the rising minimum wage would raise labor costs on New York farms by nearly \$300 million and reduce net farm income 23.4%, and

WHEREAS, family farming is already on the decline and the economic impact of these labor mandates will further reduce profitability and push further disincentive to continue family farming operations in New York State, and

WHEREAS, the net effect of increasing agricultural cost solely on New York farms will simply be to drive New York farm families out of business or out of the state, and

WHEREAS, agriculture provides and protects Niagara County's open spaces and beautiful landscapes, which are in jeopardy of falling to development and non-agriculture use if added costs force farms out of business, and

WHEREAS, in that unique capacity, Niagara County's request to oppose this legislation and stop its passage should be and must be critically considered by State Legislators, now, therefore, be it

RESOLVED, that the Niagara County Legislature opposes Senate Bill 2837 / Assembly Bill 2750 and hereby requests that Niagara County's State Legislators take such steps as they can to defeat such legislation, and be it further

RESOLVED, that copies of this resolution be sent to the counties of New York State encouraging member counties to enact similar resolutions, and be it further

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

LEGISLATOR DAVID E. GODFREY

LEGISLATOR CLYDE L. BURMASTER

LEGISLATOR JOHN SYRACUSE

LEGISLATOR MICHAEL A. HILL

NIAGARA COUNTY LEGISLATURE

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

DATE: 05/07/19

RESOLUTION # IL-033-19

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

RESOLUTION WELCOMING DIRECTOR JOHN KRASINSKI TO FILM HIS LATEST MOVIE HIT IN NIAGARA COUNTY

WHEREAS, as reported in the Niagara Gazette on Sunday April 28, 2019, Director John Krasinski is interested in scouting locations in Western NY to film a sequel to his "A Quiet Place 2", which follows his popular 2018 hit "A Quiet Place", and

WHEREAS, the original film in 2018, which was released via Paramount Pictures was a massive critical and commercial success and has spawned a sequel set for release in 2020, and

WHEREAS, Tim Clark, Commissioner of the Buffalo Niagara Film Office has stated Director Krasinski has scouted locations in Erie & Niagara County and will decide in the coming weeks where to film the sequel, and

WHEREAS, Niagara County would be an ideal location for the filming of the sequel due to its unique, picturesque scenery that is perfect for movie making along with a state tax credit for film makers that is crucial for drawing Hollywood films, and

WHEREAS, Commissioner Clark has stated the film credit has driven a recent surge in locally shot films and played a role in Director Krasinski's set choice of upstate NY for the original film, and

WHEREAS, the economic impact locally of the film industry producing movies in Western NY alone resulted in forty million dollars in 2017, with Senator Patrick Gallivan stating the film industry "has significant economic impact on WNY", and

WHEREAS, this legislative body supports all efforts in growing our local Niagara County economy, and the spinoff from films being produced in Niagara County benefits many local small businesses, now, therefore, be it

RESOLVED, the Niagara County Legislature goes on record welcoming Director John Krasinski to Niagara County to film his sequel "A Quiet Place 2", and be it further

RESOLVED, the Niagara County Legislature supports all efforts of Commissioner Clark and the Buffalo Niagara Film Office to promote Niagara County as a location for future films and thanks him for his help in growing our local economy through this popular industry, and be it further

RESOLVED, that copies of this resolution be forwarded to Director John Krasinski, Tim Clark, Commissioner of the Buffalo Niagara Film Office, Hon. NYS Senator Robert Ort, and members of the Niagara County NYS Assembly delegation, Hon Karen McMahon, Hon Robin Schimminger, Hon Angelo Morinello, and Hon Michael Norris

LEGISLATOR MARK J. GROZIO

LEGISLATOR JASON A. ZONA

LEGISLATOR DENNIS F. VIRTUOSO

LEGISLATOR OWEN T. STEED

NIAGARA COUNTY LEGISLATURE

FROM: Legislators John Syracuse, Randy R. Bradt, _____ **DATE:** 05/07/19 **RESOLUTION #** II-034-19
Wm. Keith McNall, David E. Godfrey and William J. Collins

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
_____	_____	_____	Approved: Ayes _____ Abs. _____ Noes _____
_____	_____	_____	Rejected: Ayes _____ Abs. _____ Noes _____
_____	_____	_____	Referred: _____

A RESOLUTION CALLING ON GOVERNOR CUOMO TO VETO A2686A AND S2450A

WHEREAS, the Niagara County Legislature has continually supported our Niagara County Federation of Conservation Clubs and our other outdoor hunting and fishing institutions along with the concurrent hunter safety and firearm possession training they provide, especially those focused on the youth, and

WHEREAS, the Niagara County Legislature supports safe storage of firearms when they are not in use, and

WHEREAS, certain provisions of A2686A and S2450 will needlessly negatively impact shooting events for both youth and adults, and

WHEREAS, an article published in the Watertown Daily Times, written by Patrick J. Morse summarizes this pending legislation as follows, "this bill will effectively outlaw all youth shooting activities, competitions and training for those individuals younger than 16 who are not hunting. The second portion of the law prohibits the owner of a firearm from knowingly allowing any person younger than 16 to have access to their firearms unless the firearm is in their "immediate possession or control" outside of the home, unless said youth has a hunting license and is hunting. The only way for a loaded firearm to be in the "immediate possession or control" of the owner is to be within arm's reach at all times." "There are no exemptions for high school trap, 4-H, Boy Scouts, or, for that matter, even the shooting portion of the hunter safety program or NRA firearm training program.", now, therefore, be it,

RESOLVED, The Niagara County Legislature goes on record calling on Governor Cuomo to veto A2686A and S2450A and advise both the NYS Assembly and Senate to draft a bill that will offer sensible gun safety storage measures, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Andrew M. Cuomo; Senate Majority Leader Andrea Stewart-Cousins; Senate Minority Leader John Flanagan; Senator Robert G. Ort; Speaker of the Assembly Carl Heastie; Assembly Majority Leader Crystal Peoples-Stokes; Assembly Minority Leader Brian M. Kolb; Member of the Assembly Michael J. Norris; Member of the Assembly Angelo Morinello; Member of the Assembly Karen McMahon; Member of the Assembly Robin Schimminger; President of the Second Amendment for EVER Chapter Niagara County Ed Pettitt, NYSDEC Conservation Fund Advisory Board Member, Portman Education Master Instructor in Firearms and Certified Archery Instructor for the NYSDEC Dale Dunkelburger and all others deemed necessary and proper.

LEGISLATOR JOHN SYRACUSE

LEGISLATOR RANDY R. BRADT

LEGISLATOR WM. KEITH MCNALL

LEGISLATOR DAVID E. GODFREY

LEGISLATOR WILLIAM J. COLLINS

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Wm. Keith McNall, David E. Godfrey DATE: 05/07/19 RESOLUTION # IL-035-19
and Clyde L. Burmaster

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	_____	Approved: Ayes _____ Abs. _____ Noes _____
_____	_____	_____	Rejected: Ayes _____ Abs. _____ Noes _____
_____	_____	_____	Referred: _____

NIAGARA COUNTY PROCLAIMS MAY 5, 2019 TO MAY 18, 2019 AS "WESTERN NEW YORK ARMED FORCES DAYS"

WHEREAS, Niagara County recognizes the 100th Anniversary of "The American Legion-A-Century of Service," and

WHEREAS, Niagara County gives special recognition to the Operation Comfort Warriors program, which the American Legion has given aid to recovering wounded warriors and disabled veterans and their families all across America, and

WHEREAS, we the people, remember and honor those members of the United States Armed Forces – Army, Navy, Marine Corps, Air Force and Coast Guard, and

WHEREAS, Western New York's Armed Forces Celebration offers our communities an opportunity to express their gratitude to our active duty members, reservists, military retirees, and veterans for their dedication, sacrifice, and service to our nation, and therefore, be it

RESOLVED, that the Legislature of the County of Niagara, alongside the Counties of Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Orleans, and Wyoming proclaim and recognize Sunday, May 5, 2019 through Saturday, May 18, 2019 as "Western New York Armed Forces Days," and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Andrew M. Cuomo; Senate Majority Leader Andrea Stewart-Cousins; Senate Minority Leader John Flanagan; Senator Robert G. Ort; Speaker of the Assembly Carl Heastie; Assembly Majority Leader Crystal Peoples-Stokes; Assembly Minority Leader Brian M. Kolb; Member of the Assembly Michael J. Norris; Member of the Assembly Angelo Morinello; Member of the Assembly Karen McMahon; Member of the Assembly Robin Schimming; and all others deemed necessary and proper.

LEGISLATOR WM. KEITH MCNALL

LEGISLATOR DAVID E. GODFREY

LEGISLATOR CLYDE L. BURMASTER