

Public Hearing:

6:45pm -A Local Law with Amendments to Establish a Sustainable Energy Loan Program in the County of Niagara



**AGENDA
NIAGARA COUNTY LEGISLATURE
April 9, 2019 – 7:00 P.M.**

1. CALL TO ORDER
2. CLERK CALLS THE ROLL
3. PRAYER & PLEDGE
4. CORRESPONDENCE/ RECOGNITION:
5. PRESENTATIONS:
6. PUBLIC SPEAKERS: Clerk will read the names on the sheet for Public Speakers on Agenda items.
7. RECESS
8. RESOLUTIONS
9. COUNTY MANAGER
10. APPOINTMENTS:
11. EXECUTIVE SESSION: Contract Update
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 7, 2019



AGENDA
NIAGARA COUNTY LEGISLATURE
April 9, 2019 – 7:00 P.M.

Resolutions not on previous agenda:

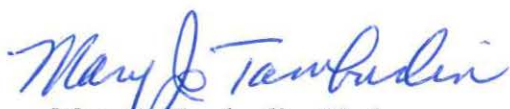
CW-007-19 Committee of the Whole, re A Local Law to Establish A Sustainable Energy Loan Program in the County of Niagara

Regular Meeting – April 9, 2019

- *AD-005-19** Administration, re Approval of Voting Machine Agreement between the County of Niagara and the Niagara Falls, Lockport, North Tonawanda, Barker, Lew-Port, Newfane, Niagara Wheatfield, Roy-Hart, Starpoint School Districts (3-224, New York State Election Law)
- *CS-016-19** Community Services and Administration, re Budget Modification – Utilize NYS Office of Mental Health One-Time Only Federal Funding to Purchase Electronic Health Record and Contract with Teneleven Group - MH
- *CS-017-19** Community Services and Administration, re Waiver of Residency Requirement Mental Hygiene Practitioner – Department of Mental Health
- *CS-018-19** Community Services and Administration, re Budget Modification Purple Heart – County Clerk
- *CS-019-19** Community Services and Administration, re County Clerk Office Integrated Record Management System Contract Amendment
- *CSS-023-19** Community Safety & Security and Administration, re Budget Modification - In Car Video System Capital Project – Sheriff
- *CSS-024-19** Community Safety & Security and Administration, re Niagara County Sheriff's Office Transfer of Capital Project Funds
- *CSS-025-19** Community Safety & Security and Administration, re Niagara County Sheriff's Office BOCES Revenue for Jail
- *CSS-026-19** Community Safety & Security and Administration, re Niagara County Sheriff's Office Budget Modification Statewide Interoperable Communications Formula Grant
- *CSS-027-19** Community Safety & Security and Administration, re Niagara County Sheriff's Office Agreement with Motorola for Enhancement of Countywide Public Safety Radio Network

- *CSS-028-19** Community Safety & Security, re Niagara County Sheriff's Office Niagara County Regional Traffic Safety Program
- *CSS-029-19** Community Safety & Security and Administration, re 2019 Budget Modification – Fire Coordinator's Office Haz-Mat Incident Payment on 10/26/18
- *CSS-030-19** Community Safety & Security and Administration, re 2019 Probation Software Maintenance Agreement for Caseload Explorer
- *ED-011-19** Approval of Low Cost Power Benefit to Water Haus Waterjet, Inc. Under Agreement for the Sale and Purchase of Niagara Project Power & Energy (ASPNPPE)
- *ED-012-19** Economic Development and Administration, re Budget Modification – To Cover Empower Niagara Allocations to Water Haus Waterjet, Inc.
- *ED-013-19** Economic Development and Administration, re Approval of Low Cost power Benefit to Woodcock Brothers Brewing Co. Inc. Under Agreement for the Sale and Purchase of Niagara Project Power & Energy (ASPNPPE)
- *ED-014-19** Economic Development and Administration, re Budget Modification – to cover Empower Niagara Allocations to Woodcock Brothers Brewing Co. Inc.
- ED-015-19** Economic Development and Administration, re Adoption of a Local Law to Establish a Sustainable Energy Loan Program in the County of Niagara
- *IF-049-19** Infrastructure & Facilities and Administration, re Hosmer Road/Fish Creek Bridge Replacement, Town of Lockport Supplemental Agreement No. 1
- *IF-050-19** Infrastructure & Facilities and Administration, re Tonawanda Creek Road Rehabilitation and Slide Stabilization Consultant Amendment No. 3
- *IF-051-19** Infrastructure & Facilities and Administration, re Wiserman Road Bridge Over Mud Creek / Hosmer Road Bridge Over Fish Creek Consultant Amendment No. 3
- *IF-052-19** Infrastructure & Facilities, Award Bridge Bearings and Lubrication Consultant Contract
- *IF-053-19** Infrastructure & Facilities, re Award of Contract – Replacement of Wisterman Road Bridge over Mud Creek / Hosmer Road Bridge over Fish Creek
- *IF-054-19** Infrastructure & Facilities, re Mowing Agreement Between Niagara County and Town of Niagara
- *IF-055-19** Infrastructure & Facilities, re Create and Fill Temporary Groundskeeper Position
- *IF-056-19** Infrastructure & Facilities and Administration, re Frey Electric Construction Co. – Trott Northpointe Renovations Change Order No. 2
- *IF-057-19** Infrastructure & Facilities, re Agreement between the County of Niagara and the YMCA Fitness in the Parks Program
- *IF-058-19** Infrastructure & Faculties, re Agreement between the County of Niagara and the Newfane Youth Football League and Cheerleading

- *IF-059-19** Infrastructure & Facilities, re Agreement between the County of Niagara and the Niagara Frontier Cross Country Club
- IL-018-19** Legislator Wm. Keith McNall and Economic Development, re Resolution in Support of Funding Lockport in Bloom through the use of Casino Funding
- IL-020-19** Legislators Rebecca J. Wydysh, Clyde L. Burmaster, Jesse P. Gooch, Wm. Keith McNall, Randy R. Bradt and Richard L. Andres, re Opposition to Driver's License Access and Privacy Act
- IL-021-19** Legislators Jesse P. Gooch, Randy R. Bradt, Rebecca J. Wydysh, David E. Godfrey and Wm. Keith McNall , re Resolution in Opposition to Paper Bag Tax
- IL-022-19** Legislator Jesse P. Gooch, re Resolution in Support of Chick-Fil-A
- IL-023-19** Legislators Dennis F. Virtuoso, Jason A. Zona, Owen T. Steed and Mark J. Grozio, re Niagara County Legislature Demands Transparency at Western New York Off Track Betting
- IL-024-19** Legislators Rebecca J. Wydysh and Clyde L. Burmaster, re Resolution Calling Upon the Governor and New York State Legislators to Provide Full Funding for the State's "Safety Net" Welfare Mandate to Counties or to Revert to Pre-2011 Funding Partnership
- IL-025-19** Legislators Clyde L. Burmaster, Rebecca J. Wydysh, Richard L. Andres and Parks, Recreation & Tourism Ad Hoc Committee, re Resolution in Support of the Greenway Funding for the Veterans Memorial "Lewiston Circle of Honor"



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 7, 2019

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 04/09/19 RESOLUTION # AD-005-19

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

AD - 4/1/19

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

APPROVAL OF VOTING MACHINE AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE NIAGARA FALLS, LOCKPORT, NORTH TONAWANDA, BARKER, LEW-PORT, NEWFANE, NIAGARA WHEATFIELD, ROY-HART, STARPOINT, SCHOOL DISTRICTS (§3-224, NEW YORK STATE ELECTION LAW)

WHEREAS, the Niagara Falls, Lockport, North Tonawanda, Barker, Lew-port, Newfane, Niagara Wheatfield, Roy-Hart, Starpoint School Districts will be conducting an election on May 21, 2019 and requires the use of the Niagara County Board of Elections voting equipment in connection with this election, and

WHEREAS, the Niagara County Attorney's Office has prepared a formal agreement for use between the County of Niagara and the Niagara Falls, Lockport, North Tonawanda, Barker, Lew-port, Newfane, Niagara Wheatfield, Roy-Hart, Starpoint School District, which has been fully approved by the District, a copy of which has been filed with the Clerk of the Legislature, and

WHEREAS, time is of the essence in connection with the approvals by the Niagara County Legislature, and

WHEREAS, under the terms of the agreement the County will provide, and be reimbursed for transportation of the voting machine preparation, programming, and packaging of the voting machine and all necessary Niagara County personnel: the District, among other things, shall furnish at its expense, election custodians and inspectors and also insurance in form, content and amounts as approved by the Niagara County Attorney, and

WHEREAS, the final written agreement between the parties is subject to the review and approval by the parties' respective legal counsel, now, therefore, be it

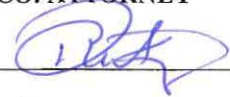
RESOLVED, that pursuant to the provisions of §3-224 of New York State Election Law, the Chair of the Niagara County Legislature and the Niagara County Election Commissioners are authorized and directed to execute and deliver an agreement, in substantially the form of agreement now filed with the Clerk of the Legislature between and among the County of Niagara, the Niagara County Election Commissioners and the Niagara Falls, Lockport, North Tonawanda, Barker, Lew-port, Newfane, Niagara Wheatfield, Roy-Hart, Starpoint School Districts for the provision, by the County of Niagara, of sufficient voting equipment, including the programming thereof, to the Niagara Falls, Lockport, North Tonawanda, Barker, Lew-port, Newfane, Niagara Wheatfield, Roy-Hart, Starpoint School Districts in connection with any election scheduled to be held during 2019, and be it further

RESOLVED, that the execution and delivery of this equipment, is subject to the approval of the Board of the Niagara Falls, Lockport, North Tonawanda, Barker, Lew-port, Newfane, Niagara Wheatfield, Roy-Hart, Starpoint School Districts and the review and approval of the Niagara County Attorney's Office and counsel to the Niagara Falls, Lockport, North Tonawanda, Barker, Lew-port, Newfane, Niagara Wheatfield, Roy-Hart, Starpoint School Districts, and be it further

RESOLVED, that a true copy of the fully signed and approved agreement be filed by the Clerk of this Legislature simultaneously with the delivery of the or as soon as reasonably possible thereafter.

NIAGARA COUNTY LEGISLATURE

FROM: Community Services Committee DATE: 04/09/19 RESOLUTION # CS-016-19
and Administration Committee

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
		<u>CS - 4/1/19</u>	Approved: Ayes _____ Abs. _____ Noes _____
		<u>AD - 4/1/19</u>	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

MH – BUDGET MODIFICATION - UTILIZE NYS OFFICE OF MENTAL HEALTH ONE-TIME ONLY FEDERAL FUNDING TO PURCHASE ELECTRONIC HEALTH RECORD AND CONTRACT WITH TENELEVEN GROUP

WHEREAS, Niagara County Purchasing, through the Request for Proposal (RFP) process, received proposals from various Electronic Health Record (EHR) providers, and

WHEREAS, through the Request for Proposal (RFP) process, TenEleven Group has been selected as the provider that best meets the NCDMH's requirements for the provision of the EHR, and

WHEREAS, the New York State Office of Mental Health (OMH) has given permission to utilize one-time only Federal funding (Federal Salary Sharing) that allows for the purchase of the EHR, and

WHEREAS, utilization of EHR Technology is an OMH/OASAS requirement for the LGU, and

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

RESOLVED, that the following budget modification be effectuated to the department's budget and the department authorized to enter into contract with TenEleven Group to begin implementation of the Electronic Health Record effective April 24, 2019:

INCREASE REVENUE:

A.21.4310.000.44490.00	Mental Health Revenue	\$165,000
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INCREASE APPROPRIATION:

A.21.4310.000.72100.05	Machinery & Equip Computer Equip	\$140,047
A.21.4310.000.74500.01	Contractual	24,953

 COMMUNITY SERVICES COMMITTEE

 ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services Committee and Administration Committee DATE: 04/09/19 RESOLUTION # CS-017-19

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

CS - 4/1/19

AD - 4/1/19

Approved: Ayes Abs. Noes

Rejected: Ayes Abs. Noes

Referred:

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

WHEREAS, the Niagara County Department of Mental Health & Substance Abuse Services has permission to fill a Mental Hygiene Practitioner position vacancy, which is critical for providing Substance Abuse Screenings and Assessments to parents whose babies are born toxicology positive for drugs, and for developing and monitoring Safe Parenting Plans; in conjunction with the Department of Social Services staff; and

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

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

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

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

WHEREAS, this position will be filled provisionally until the next Mental Hygiene Practitioner 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 Mental Hygiene Practitioner position.

COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services Committee DATE: 04/09/19 RESOLUTION # CS-018-19
and Administration Committee

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

CS - 4/1/19

Approved: Ayes _____ Abs. _____ Noes _____

AD - 4/1/19

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

BUDGET MODIFICATION PURPLE HEART

WHEREAS, the Niagara County Legislature has designated Niagara County as a Purple Heart County,
and

WHEREAS, Niagara County recognizes the importance of honoring veterans who have served and fought
bravely in defense of our great nation, and

WHEREAS, a special event of recognition for those who are recipients of the Purple Heart has been
established, and will be held on National Purple Heart Day – Wednesday, August 7th at 6:30 pm at Joseph Klimek
Veterans Park, 700 River Rd., North Tonawanda, and

WHEREAS, this special event of honor and recognition includes the creation of the Frank J. Gaffney
Purple Heart Book of Honor, and

WHEREAS, funding is necessary to create the event as well as the book of honor, and

WHEREAS, private businesses and corporations have graciously offered donations of funds in furtherance
of this important project, now, therefore, be it

RESOLVED, that the Niagara County Legislature approve the following budget modification to be
effectuated in the 2019 budget:

INCREASE REVENUE:

A.10.1410.000 42705.00	Gifts & Donations	\$4500.00
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INCREASE EXPENSE:

A.10.1410.000 74375.01	Communications Advertising & Promotion	\$2250.00
A.10.1410.000 74250.03	Office Expenses Printing/Duplicating	\$2250.00

COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services Committee
and Administration Committee

DATE: 04/09/19

RESOLUTION # CS-019-19

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

CS - 4/1/19

Approved: Ayes _____ Abs. _____ Noes _____

AD - 4/1/19

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

**COUNTY CLERK OFFICE INTEGRATED
RECORD MANAGEMENT SYSTEM
CONTRACT AMENDMENT**

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, at the expense of the County, all books, files, and other necessary equipment for the filing, recording and depositing of documents for indexing as directed by law, and

WHEREAS, the proper custodial facilitation of the Niagara County records includes a comprehensive integrated record management system that provides for indexing, recording, imaging, archiving and cash fee functions, and

WHEREAS, the County entered into a contract with Info Quick Solutions, Inc. (IQS) for professional services to provide integrated records management services commencing February, 2014 for a five-year period, and

WHEREAS, the County has an option to renew for one 2-year period and one three-year period, and

WHEREAS, the County Clerk recommends an amendment to the contract to include a 2-year renewal in accordance with the contract, now, therefore, be it

RESOLVED, that Niagara County enter into a contract renewal for professional services (integrated record management for the Niagara County Clerk's Office) with Info Quick Solutions, Inc. (IQS) for a 24 month period commencing immediately, with all terms of the original Contract between the parties executed on February 18, 2014 remaining unchanged and in full force and effect except for said Amendment, and be it further

RESOLVED, that the contract be accepted and approved and following the County Attorney's review, the Chairman of the Legislature be authorized to execute said contract.

COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security Committee DATE: 04/09/19 RESOLUTION # CSS-023-19
and Administration Committee

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

CSS - 4/1/19

Approved: Ayes _____ Abs. _____ Noes _____

AD - 4/1/19

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

BUDGET MODIFICATION – IN CAR VIDEO SYSTEM CAPITAL PROJECT

WHEREAS, resolution IF-106-16 previously approved the creation of a capital project for In Car Video System Technology to be funded with Capital Reserve, and

WHEREAS, after following proper purchasing guidelines Axon Enterprise was selected to provide the hardware and maintenance related to the capital project, and

WHEREAS, Axon Enterprise provided the equipment and was fully paid during 2018, and

WHEREAS, while performing year-end account analysis, the County Treasurer's Office believes these transactions are more appropriately recorded in the General Fund as they consist of continued maintenance on the included equipment from 2018 through 2022, and

WHEREAS, the equipment purchased does not fall within the definition of a capital asset set by the Capital Asset Policy formally adopted by resolution AD-041-11, and

WHEREAS, budget modifications for the prior fiscal year can continue to be made prior to filing the Annual Update Document with the State Comptroller's Office, now, therefore, be it

RESOLVED, the following budget modification be effectuated to the 2018 County budget:

INCREASE ESTIMATED REVENUE:

A.07.9901.000 45031.10	Transfer from Capital Reserve	\$175,000.00
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INCREASE APPROPRIATIONS:

A.17.3110.000 74500.01	Contractual Expenses	\$124,457.25
A.17.3110.000 72100.21	Law Enforcement Equipment	50,542.75

DECREASE ESTIMATED REVENUE:

H646.17.3197.000 45031.10	Transfer from Capital Reserve	\$175,000.00
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DECREASE APPROPRIATIONS:

H646.17.3197.000 72100.21	Law Enforcement Equipment	\$175,000.00
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COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security Committee DATE: 04/09/19 RESOLUTION # CSS-024-19
and Administration Committee

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

CSS - 4/1/19

Approved: Ayes _____ Abs. _____ Noes _____

AD - 4/1/19

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

NIAGARA COUNTY SHERIFF'S OFFICE TRANSFER OF CAPITAL PROJECT FUNDS

WHEREAS, the Niagara County Sheriff's Office has a current capital project to address issues with the Jail Water System which was funded through interfund transfers from the Operating Fund and is approaching completion, and

WHEREAS, the Sheriff's Office also has a current capital project for jail equipment replacement, and

WHEREAS, there is a need within the Sheriff's Office to replace an aging fork lift which has needed repairs and is designed only to be used inside the building, and

WHEREAS, the Sheriff's Office often has the need to unload skids from outside delivery trucks, and

WHEREAS, an opportunity has been identified to better serve the needs of the Sheriff's Office and jail by purchasing a skid-steer loader, now, therefore, be it

RESOLVED, that funds be transferred from the Jail Water System Capital Project to the Jail Equipment Replacement Project with the following line item transfers

DECREASE ESTIMATED REVENUE:

H644.17.3197.000 45031.11	Interfund Transfers from Operating	\$30,500
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DECREASE APPROPRIATIONS

H644.17.3197.000 72200.01	Jail Water System Building Improvements	\$30,500
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INCREASE ESTIMATED REVENUE:

H666.17.3197.000 45031.00	Interfund Transfers From Operating	\$30,500
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INCREASE APPROPRIATIONS

H666.17.3197.000 72100.21	Jail Equipment Replacement 2018 Machinery and Equipment Law Enforcement Equipment	\$30,500
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COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security Committee DATE: 04/09/19 RESOLUTION # CSS-025-19
and Administration Committee

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CSS - 4/1/19
AD - 4/1/19

LEGISLATIVE ACTION

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

NIAGARA COUNTY SHERIFF'S OFFICE BOCES REVENUE FOR JAIL

WHEREAS, the Niagara County Sheriff's Office currently has a partnership with Orleans Niagara BOCES to provide skills classes to inmates of the Niagara County Jail, and

WHEREAS, the BOCES classes serve to provide inmates with skills which can be built upon and utilized for life management and employment opportunities, and

WHEREAS, Orleans Niagara BOCES has a grant to provide additional classes through June 2019 and would include payment to the Niagara County Jail for use of the space for classes, and

WHEREAS, the 2019 budget would need to be amended to accept the revenue, now, therefore, be it

RESOLVED, the following budget amendments be effectuated:

INCREASE REVENUE

A.17.3150.000 41289.08	Other General Gov Income Reimbursement	\$ 13,500
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INCREASE APPROPRIATIONS

A.17.3150.000 71050.00	Overtime Expense	\$ 11,130
A.17.3150.000 78100.00	Retirement Expense	1,224
A.17.3150.000 78200.00	FICA Expense	851
A.17.3150.000 78300.00	Workers Compensation Expense	295

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security Committee **DATE:** 04/09/19 **RESOLUTION #** CSS-026-19
and Administration Committee

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CSS - 4/1/19
AD - 1/4/19

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

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

WHEREAS, on June 20, 2017 the Niagara County Legislature voted to accept revenue from the New York State Division of Homeland Security and Emergency Services under the Statewide Interoperable Communications Formula Grant FY2016 in the amount of \$673,193 for the performance period of January 1, 2017 through December 31, 2018 (Resolution #CSS-031-17), and

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

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

WHEREAS, the performance period of this grant was extended by the NYS Division of Homeland Security and Emergency Services to end as of December 31, 2019, and

WHEREAS, the extension was made after the 2019 budget was closed to changes so the 2019 Budget will need to be amended to include the revenue and expenses from the grant, now, therefore, be it

RESOLVED, that the following line item transfers be effectuated:

INCREASE REVENUE:

A.17.3645.000.43305.02 State Aid, Civil Defense Homeland Security \$673,193

INCREASE APPROPRIATIONS:

A.17.3645.000.72100.15 Machinery and Equipment Communications Equipment \$673,193

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security Committee DATE: 04/09/19 RESOLUTION #CSS-027-19
and Administration Committee

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CSS - 4/1/19
AD - 4/1/19

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

NIAGARA COUNTY SHERIFF'S OFFICE AGREEMENT WITH MOTOROLA FOR ENHANCEMENT OF COUNTYWIDE PUBLIC SAFETY RADIO NETWORK

WHEREAS, the Niagara County Legislature passed Resolution #CSS-007-19 on February 19, 2019 to enter into a job specific contract with Mission Critical Partners for project management for the Motorola proposal for necessary infrastructure and equipment (the "Project") to enhance the current Countywide Public Safety Radio Project, and

WHEREAS, the Project for two(2) new emergency communication sites will expand the current system to provide better inside buildings coverage to critical infrastructure, including the Fashion Outlet Mall and some schools in Niagara County, and

WHEREAS, Motorola has brought forth a proposal for the Project which Mission Critical Partners will review for accuracy in specifications, and

WHEREAS, the Motorola proposal is under New York State OGS Contract pricing and will be no more than \$1,937,000, and

WHEREAS, funds for the Project are currently in the 2019 budget under State Interoperable Communications Grants for FY2016, FY2017 and FY2018, now, therefore, be it

RESOLVED, that following the County Attorney's review and approval of the contract, that Niagara County enter into a contract with Motorola Solutions for the implementation of this Project, and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to execute this contract.

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security Committee **DATE:** 04/09/19 **RESOLUTION #** CSS-028-19

**APPROVED BY
CO. ATTORNEY**

**REVIEWED BY
CO. MANAGER**

COMMITTEE ACTION
CSS - 4/1/19

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

**NIAGARA COUNTY SHERIFF'S OFFICE
NIAGARA REGIONAL TRAFFIC SAFETY PROGRAM**

WHEREAS, the Niagara Regional Traffic Safety Program will be held on May 1st and May 2nd of this year, and

WHEREAS, young men and women need to know that the choices they make every day affect their lives and the lives of people around them, and

WHEREAS, high school juniors and seniors from Niagara County schools will participate in the Niagara Regional Traffic Safety Program at the Kenan Center, and

WHEREAS, each school will be responsible for their own expenses incurred throughout the program, now, therefore, be it

RESOLVED, that the twenty fourth annual Niagara Regional Traffic Safety program will be held May 1st and May 2nd of this year

COMMUNITY SAFETY & SECURITY
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security Committee
and Administration Committee

DATE: 04/09/19

RESOLUTION # CSS-029-19

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

CSS - 4/1/19

Approved: Ayes _____ Abs. _____ Noes _____

AD - 4/1/19

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

**2019 BUDGET MODIFICATION - FIRE COORDINATOR'S OFFICE
HAZ-MAT INCIDENT PAYMENT ON 10/26/18**

WHEREAS, the County Haz-Mat team responded to an incident on October 26, 2018 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 \$3,903.32, 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 modification be effectuated:

INCREASE REVENUE:

A.19.3410.000 42690.02	Other Compensation for Loss	\$ 3,903.32
	Reimbursements	

INCREASE APPROPRIATION:

A.19.3410.000 74750.10	Supplies, Gen Hazmat Inventory	\$ 3,903.32
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COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security Committee
and Administration Committee

DATE: 04/09/19

RESOLUTION # CSS-030-19

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

CSS - 4/1/19

Approved: Ayes _____ Abs. _____ Noes _____

AD - 4/1/19

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

2019 PROBATION SOFTWARE MAINTENANCE AGREEMENT FOR CASELOAD EXPLORER

WHEREAS, the Niagara County Probation Department has been using the Caseload Explorer case management software system since 2008, and

WHEREAS, Caseload Explorer is used by the Probation Department to track and manage all aspects of Probation cases, generate reports used to effectively manage and ensure efficiency in the Probation Department, automatically update the NYS Integrated Probation Registration System, NYS criminal history records, the DCJS Sex Offender Registry, and the statewide Pre-Sentence Investigation Repository as well as generate data and reports required by NYS to ensure continued funding, and

WHEREAS, AutoMon, LLC is the only company to offer Caseload Explorer, and Caseload Explorer is the only probation case management software system with access to the aforementioned state systems and the ability to generate the specific data reports required by NYS Department of Criminal Justice Services, and

WHEREAS, the maintenance costs and user fees associated with Caseload Explorer are included in the approved 2019 Niagara County Budget, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby determine that AutoMon, LLC is the "sole source" of the software needed by the Probation Department, and soliciting alternate proposals is therefore not feasible, and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to sign the software maintenance agreement for Caseload Explorer in the amount of \$13,111 for the period of January 1, 2019 through 12/31/2019, subject to approval by the County Attorney's Office.

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Economic Development Committee and DATE: 04/09/19 RESOLUTION # ED-011-19
Administration Committee

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
ED - 4/1/19
AD - 4/1/19

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

APPROVAL OF LOW COST POWER BENEFIT TO WATER HAUS WATERJET, INC. UNDER AGREEMENT FOR THE SALE AND PURCHASE OF NIAGARA PROJECT POWER & ENERGY (ASPNPPE)

WHEREAS, the County of Niagara entered into the Host Community Relicensing and Settlement Agreement ("HCRSA") on June 25, 2005, and

WHEREAS, the HCRSA entitles the County of Niagara to 9 megawatts of low cost power allocation (at 70% load) from the New York Power Authority, and

WHEREAS, the County of Niagara has made the use of this low cost power allocation for economic development purposes as the top priority for that allocation, and

WHEREAS, there is presently an Agreement for the Sale and Purchase of Niagara Project Power and Energy ("ASPNPPE") that has been approved by the County of Niagara and NYPA and the Governor of the State of New York, and

WHEREAS, the ASPNPPE specifically provides that the County of Niagara, could use its low cost power allocation for economic development purposes, and

WHEREAS, the County of Niagara has taken the necessary actions to fully implement the benefits contained in the HCRSA and the ASPNPPE, and

WHEREAS, the County of Niagara established the Empower Niagara Board by resolution ED-021-07 to review applications for the use of low cost power for economic development by reviewing applications and to make recommendations to the Legislature of Niagara County, and

WHEREAS, the application of Water Haus Waterjet, Inc. has met and exceeded all the criteria qualifying its project for consideration and the Empower Niagara Board is recommending approval of this application, and

WHEREAS, Water Haus Waterjet, Inc., an existing machine shop business in North Tonawanda with a focus on waterjet cutting which employs 4 full-time people, has outgrown its current location in the City of North Tonawanda, and

WHEREAS, the application was approved for 200 kw (at 70% load factor) of low cost power, which will allow Water Haus Waterjet, Inc. to relocate its existing business to a new, larger building in the Town of Lockport, acquire additional machinery and equipment to help accommodate the increased demand for product, and hire 4 additional full-time employees, and

WHEREAS, the approval of the Water Haus Waterjet, Inc. application for 200 kw (at 70% load factor) of low cost power will not only increase economic development in the Town of Lockport and Niagara County, but will also assist Water Haus Waterjet, Inc. to remain competitive in the machine shop and waterjet cutting industry and will also have a good economic effect on the community in Niagara County, and

WHEREAS, the Empower Niagara Board will be recommending the approval of the application for low cost power allocation of 200 kw (at 70% load factor) for a period of three (3) years commencing April 1, 2019, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby approves the application of Water Haus Waterjet, Inc. for 200 kw (at 70% load factor) low cost power benefits from Niagara County, pursuant to low cost power allocation received through the June 25, 2005 HCRSA and ASPNPPE, and be it further

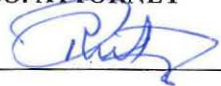
RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute this Empower User Agreement for Low Cost Power with Water Haus Waterjet, Inc.

ECONOMIC DEVELOPMENT COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Economic Development Committee DATE: 04/09/19 RESOLUTION # ED-012-19
and Administration Committee

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
		ED - <u>4/1/19</u> AD - <u>4/1/19</u>	Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____

BUDGET MODIFICATION – TO COVER EMPOWER NIAGARA ALLOCATIONS TO WATER HAUS WATERJET, INC.

WHEREAS, Water Haus Waterjet, Inc. is a Niagara County business that has been approved to receive low cost hydropower allocations through the Empower Niagara Program, and

WHEREAS, these benefits will be applied to Water Haus Waterjet, Inc. as stipulated in the Empower Niagara Program agreement, through the Niagara County Economic Development 2019-2021 budget, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated to the Niagara County Economic Development 2019 budget, and annually thereafter until 2021 as set forth below:

		<u>2019</u>	<u>2020</u>	<u>2021</u>
INCREASE REVENUE:				
A.15.1620.108 42655.03	Sale of Excess Power	\$43,554.66	Value of 200 kw at 70% load factor for 12 months	Value of 200 kw at 70% load factor for 4 months
INCREASE APPROPRIATION:				
A.15.1620.108 74500.01	Contractual	\$43,554.66	Value of 200 kw at 70% load factor for 12 months	Value of 200 kw at 70% load factor for 4 months
INCREASE REVENUE:				
A.28.8020.813 42189.01	Activities – Eco Dev	\$43,554.66	Value of 200 kw at 70% load factor for 12 months	Value of 200 kw at 70% load factor for 4 months
INCREASE APPROPRIATION:				
A.28.8020.813 74550.30	Empower Niagara	\$43,554.66	Value of 200 kw at 70% load factor for 12 months	Value of 200 kw at 70% load factor for 4 months

 ECONOMIC DEVELOPMENT COMMITTEE

 ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Economic Development Committee
and Administration Committee

DATE: 04/09/19

RESOLUTION # ED-013-19

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

ED - 4/1/19

Approved: Ayes _____ Abs. _____ Noes _____

AD - 4/1/19

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

**APPROVAL OF LOW COST POWER BENEFIT TO
WOODCOCK BROTHERS BREWING CO. INC. UNDER AGREEMENT FOR THE
SALE AND PURCHASE OF NIAGARA PROJECT POWER & ENERGY (ASPNPPE)**

WHEREAS, the County of Niagara entered into the Host Community Relicensing and Settlement Agreement ("HCRSA") on June 25, 2005, and

WHEREAS, the HCRSA entitles the County of Niagara to 9 megawatts of low cost power allocation (at 70% load) from the New York Power Authority, and

WHEREAS, the County of Niagara has made the use of this low cost power allocation for economic development purposes as the top priority for that allocation, and

WHEREAS, there is presently an Agreement for the Sale and Purchase of Niagara Project Power and Energy ("ASPNPPE") that has been approved by the County of Niagara and NYPA and the Governor of the State of New York, and

WHEREAS, the ASPNPPE specifically provides that the County of Niagara, could use its low cost power allocation for economic development purposes, and

WHEREAS, the County of Niagara has taken the necessary actions to fully implement the benefits contained in the HCRSA and the ASPNPPE, and

WHEREAS, the County of Niagara established the Empower Niagara Board by resolution ED-021-07 to review applications for the use of low cost power for economic development by reviewing applications and to make recommendations to Legislature of Niagara County, and

WHEREAS, the application of Woodcock Brothers Brewing Co. Inc. has met and exceeded all the criteria qualifying its project for consideration and the Empower Niagara Board is recommending approval of this application, and

WHEREAS, Woodcock Brothers Brewing Co. Inc. opened a microbrewery and restaurant in Wilson, New York, in November, 2012, which employs 36 people, and

WHEREAS, the application was approved for 115 kw (at 70% load factor) of low cost power, which will allow Woodcock Brothers Brewing Co. Inc. to expand production by opening a second location of its microbrewery and restaurant facility at the Wurlitzer complex in North Tonawanda, through the renovation of 5,500 square feet of warehouse space and the purchase of new machinery and equipment, furniture and fixtures, and

WHEREAS, this project will assist in providing residents and visitors with a microbrewery and restaurant facility in North Tonawanda and will also create 55 new jobs, and

WHEREAS, the approval of the Woodcock Brothers Brewing Co. Inc. application for 115 kw (at 70% load factor) of low cost power will not only increase economic development in the City of North Tonawanda and Niagara County, but will also assist Woodcock Brothers Brewing Co. Inc. to remain competitive in the microbrewery and restaurant business and will have a good economic effect on the community in Niagara County, and

WHEREAS, the Empower Niagara Board will be recommending the approval of the application for low cost power allocation of 115kw (at 70% load factor) for a period of three (3) years commencing April 1, 2019, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby approves the application of Woodcock Brothers Brewing Co. Inc. for 115kw (at 70% load factor) low cost power benefits from Niagara County, pursuant to low cost power allocation received through the June 25, 2005 HCRSA and ASPNPPE, 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 Empower User Agreement for Low Cost Power with Woodcock Brothers Brewing Co. Inc.

ECONOMIC DEVELOPMENT COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Economic Development Committee DATE: 04/09/19 RESOLUTION # ED-014-19
and Administration Committee

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION <u>ED - 4/1/19</u> <u>AD - 4/1/19</u>	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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BUDGET MODIFICATION – TO COVER EMPOWER NIAGARA ALLOCATIONS TO WOODCOCK BROTHERS BREWING CO. INC.

WHEREAS, Woodcock Brothers Brewing Co. Inc. is a Niagara County business that has been approved to receive low cost hydropower allocations through the Empower Niagara Program, and

WHEREAS, these benefits will be applied to Woodcock Brothers Brewing Co. Inc. as stipulated in the Empower Niagara Program agreement, through the Niagara County Economic Development 2019-2021 budget, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated to the Niagara County Economic Development 2019 budget, and annually thereafter until 2021 as set forth below:

		<u>2019</u>	<u>2020</u>	<u>2021</u>
INCREASE REVENUE:				
A.15.1620.108 42655.03	Sale of Excess Power	\$25,043.93	Value of 115 kw at 70% load factor for 12 months	Value of 115 kw at 70% load factor for 4 months
INCREASE APPROPRIATION:				
A.15.1620.108 74500.01	Contractual	\$25,043.93	Value of 115 kw at 70% load factor for 12 months	Value of 115 kw at 70% load factor for 4 months
INCREASE REVENUE:				
A.28.8020.813 42189.01	Activities – Eco Dev	\$25,043.93	Value of 115 kw at 70% load factor for 12 months	Value of 115 kw at 70% load factor for 4 months
INCREASE APPROPRIATION:				
A.28.8020.813 74550.30	Empower Niagara	\$25,043.93	Value of 115 kw at 70% load factor for 12 months	Value of 115 kw at 70% load factor for 4 months

ECONOMIC DEVELOPMENT COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Economic Development Committee **DATE:** 04/09/19 **RESOLUTION #** ED-015-19
and Administration Committee

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION <u>ED - 4/1/19</u>	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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**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, _____ appeared to speak on said Local Law, and

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

RESOLVED, that a Local Law of the County of Niagara, New York 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 and collected at the same time and in the same manner as municipal taxes, as may be provided for in the Finance Agreement.

Eligible Costs – costs incurred by the Benefited Property Owner in connection with a Qualified Project, including application fees, EIC's Program administration fee, closing fees, title and appraisal fees, engineering fees, permits, fees for design and drawings, 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 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.

Municipality – the County of Niagara, a municipality of the State constituting a tax district as defined in Section 1102 of the Real Property Tax Law 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 and/or Renewable Energy System Feasibility Study, 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 five dwelling units for rent, 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 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.

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 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 of the Municipality. Such recording shall be exempt from tax.
- B. Before EIC, acting on behalf of the Municipality, may enter into a Finance Agreement with a Qualified Property Owner and Financing Party which will result 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 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 an Energize NY finance agreement made by and between EIC, acting on behalf of the Municipality, the Qualified Property Owner and a Financing Party (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 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 set forth in the Enabling Act and this local law.
- D. EIC may charge fees to offset the costs of administering the Program and such fees, if not paid by the Benefited Property Owner, shall be added to the Secured Amount, as provided in the Finance Agreement.

§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 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 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, the Financing Party and EIC, on behalf of the Municipality, 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 taxation. 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 taxes, 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 tax. Payment to the Financing Party shall be considered payment for this purpose. The Annual Installment Amount need not be included as a separate item in the tax bill for the Benefited Property if the Finance Agreement provides an alternate method of informing the Benefited Property Owner of the amount and due date of each payment to be made under the Finance Agreement for such year. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement, but the rate of interest shall not exceed the rate applicable to delinquent tax payments. 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 Real Property Tax Law or by any other analogous 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 Benefited Property unless and until all Municipal Liens are fully discharged, in the same manner as provided for tax liens in Section 912 of the Real Property Tax Law or by any other analogous State or local law. 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, if not collected by EIC, on behalf of the Municipality, be collected at the same time and in the same manner as real property taxes. 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.
- 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. 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.
- G. For the avoidance of doubt, if the Municipality forecloses on a Benefited Property and takes title thereto, the Municipality will not be obligated to satisfy the delinquent Annual Installment Amounts until the Benefited Property has been sold and all prior Municipal Liens have been satisfied in full from the proceeds of such sale.

§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 effect, 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:** 04/09/19 **RESOLUTION #** IF-049-19
and Administration Committee

APPROVED BY
CO. ATTORNEY



REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

IF - 4/1/19
AD - 4/1/19

LEGISLATIVE ACTION

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

**HOSMER ROAD/FISH CREEK BRIDGE REPLACEMENT, TOWN OF SOMERSET
WISTERMAN ROAD/MUD CREEK BRIDGE REPLACEMENT, TOWN OF LOCKPORT
SUPPLEMENTAL AGREEMENT NO. 1**

WHEREAS, the Hosmer Road/Fish Creek Bridge Replacement and Wisterman Road/Mud Creek Bridge Replacement Project, Niagara County, PIN 5761.68 (the "Project"), is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% federal funds and 20% non-federal funds, and

WHEREAS, the County of Niagara desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-VI), Right-of-Way Incidentals, and Construction Inspection and Construction Administration phases of the project, and

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

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

RESOLVED, that the Legislature of the County of Niagara hereby authorizes the County of Niagara to pay in the first instance 100% of the Preliminary Engineering (Design I-VI), Right-of-Way Incidentals, Construction Inspection and Construction Administration phases of the project or portions thereof, and be it further

RESOLVED, that the following budget modification be effectuated:

INCREASE ESTIMATED REVENUE:

H639.15.5197.000.43591.00	State Aid Capital Construction	\$331,050
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DECREASE ESTIMATED REVENUE:

H639.15.5197.000.43591.00	Federal Aid Capital Construction	\$729,200
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DECREASE ESTIMATED APPROPRIATIONS:

H639.15.5197.000.72600.02	Bridges	\$398,150
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RESOLVED, that the sum of \$1,800,800 is hereby appropriated in account H639.15.5197.000 72600.02 and made available to cover the cost of participation in the above phases of the project, and be it further

RESOLVED, that in the event the amount required to pay the full federal and non-federal shares of the cost of the project's Preliminary Engineering (Design I-VI), Right-of-Way Incidentals, Construction Inspection and Construction Administration phases exceeds the amount appropriated above, the County of Niagara shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation, and be it further

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

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

RESOLVED, 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 this Resolution shall take effect immediately.

INFRASTRUCTURE & FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee DATE: 04/09/19 RESOLUTION # IF-050-19
and Administration Committee

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
IF - 4/1/19

LEGISLATIVE ACTION

Approved: Ayes Abs. Noes

Rejected: Ayes Abs. Noes

Referred:

TONAWANDA CREEK ROAD REHABILITATION AND SLIDE STABILIZATION CONSULTANT AMENDMENT NO. 3

WHEREAS, Resolution No. IF-030-17, dated February 21, 2017, authorized the contract for consultant services for the Tonawanda Creek Road Rehabilitation and Slide Stabilization Project to Greenman-Pedersen Inc., 4950 Genesee Street, Suite 100, Buffalo, NY 14225, for a contract amount of \$1,034,037, and

WHEREAS, Resolution No. IF-116-18, dated September 18, 2018, authorized Amendment No. 1 to increase the contract and allow for construction inspection and construction administration services, in the amount of \$579,293.41, for a revised contract amount of \$1,613,330.41, and

WHEREAS, Resolution No. IF-035-19, dated March 19, 2019, authorized Amendment No. 2 to revise the Consultant's fee breakdown to align with the state funding categories, at no additional cost to the county, and

WHEREAS, it is necessary to increase the contract in the amount of \$10,880, to add right-of-way acquisition and to modify the fee breakdown, for a revised contract amount of \$1,624,210.41, and

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

RESOLVED, that Amendment No. 3 to increase the contract by \$10,880 for the Tonawanda Creek Road Rehabilitation and Slide Stabilization Project, for a revised contract amount of \$1,624,210.41, to Greenman-Pedersen Inc., 4950 Genesee Street, Suite 100, Buffalo, NY 14225, 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.

INFRASTRUCTURE & FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee **DATE:** 04/09/19 **RESOLUTION #** IF-051-19
and Administration Committee

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
IF - 4/1/19
AD - 4/1/19

LEGISLATIVE ACTION

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

**WISTERMAN ROAD BRIDGE OVER MUD CREEK / HOSMER ROAD BRIDGE
OVER FISH CREEK CONSULTANT AMENDMENT NO. 3**

WHEREAS, Resolution No. IF-125-16, dated December 6, 2016, authorized the contract for consultant services for the Wisterman Road Bridge over Mud Creek Project to Bergmann Associates, Waterfront Village Center, 40 LaRiviere Drive, Suite 150, Buffalo, NY 14202, for a fee not to exceed \$310,932, and

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

WHEREAS, Resolution No. IF-004-19, dated January 15, 2019, increased the contract in order to combine this contract with the Hosmer Road Bridge over Fish Creek Project, in the amount of \$14,243, for a revised contract amount of \$540,247, and

WHEREAS, it is necessary to amend the contract for construction inspection and construction administration for the Hosmer Road Bridge, in the amount of \$67,650, for a revised contract amount of \$607,897, 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 Amendment No. 3 to increase the contract by \$67,650 for the Wisterman Road Bridge over Mud Creek Project/Hosmer Road Bridge over Fish Creek Project, for a revised contract amount of \$607,897, to Bergmann Associates, Waterfront Village Center, 40 LaRiviere Drive, Suite 150, Buffalo, NY 14202, 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.

INFRASTRUCTURE & FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee **DATE:** 04/09/19 **RESOLUTION #** IF-052-19

**APPROVED BY
CO. ATTORNEY**

**REVIEWED BY
CO. MANAGER**

COMMITTEE ACTION
IF - 4/1/19

LEGISLATIVE ACTION

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

**AWARD BRIDGE BEARINGS AND LUBRICATION
CONSULTANT CONTRACT**

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with the Bridge Bearings and Lubrication Project, and

WHEREAS, funds are available in account D.15.5120.000 74800.06, Bridge Maintenance, 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 Bridge Bearings and Lubrication Project be awarded to Greenman Pedersen Inc., 4950 Genesee Street, Suite 100, Buffalo, NY 14225, for a contract amount not to exceed \$76,000, 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: 04/09/19 RESOLUTION # IF-053-19

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
IF - 4/1/19

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

AWARD OF CONTRACT – REPLACEMENT OF WISTERMAN ROAD BRIDGE OVER MUD CREEK / HOSMER ROAD BRIDGE OVER FISH CREEK

WHEREAS, the Department of Public Works, Engineering Division has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Replacement of Wisterman Road Bridge over Mud Creek/Hosmer Road Bridge over Fish Creek project, and

WHEREAS, funds are available in account number H639.15.5197.000 72600.02, Bridges, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on March 29, 2019 as tabulated below:

- | | | |
|----|---|----------------|
| 1. | Edbauer Construction
2790 Clinton Street
West Seneca, NY 14224 | \$1,695,351.25 |
| 2. | Concrete Applied Technologies Corp.
1266 Townline Road
Alden, NY 14004 | \$1,718,653.25 |
| 3. | Nichols Long & Moore
770 Riverview Blvd.
Tonawanda, NY 14150 | \$1,775,101.70 |
| 4. | 4 th Generation Construction
5650 Simmons Avenue
Niagara Falls, NY 14304 | \$1,823,192.00 |

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 Replacement of Wisterman Road Bridge over Mud Creek/Hosmer Road Bridge over Fish Creek project be awarded to the lowest responsible bidder, Edbauer Construction, 2790 Clinton Street, West Seneca, NY 14224, in the amount of \$1,695,351.25, and be it further

RESOLVED, that following the New York State Department of Transportation's review and approval and 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: 04/09/19 RESOLUTION # IF-054-19

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
IF - 4/1/19

LEGISLATIVE ACTION

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

MOWING AGREEMENT BETWEEN NIAGARA COUNTY AND TOWN OF NIAGARA

WHEREAS, under Section 135-0 of the Highway Law, the County is empowered to enter into agreements with towns for the cutting of noxious weeds, briars and brush within the boundary of County roads, hereafter referred to as "mowing", and

WHEREAS, it is recommended by the Infrastructures and Facilities Committee and the Department of Public Works that the County enter into an agreement with the Town of Niagara for mowing, said town to receive an annual payment based upon the actual costs incurred upon presentation of certified cost records for equipment, rental of same, and labor by said town, 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.

INFRASTRUCTURE & FACILITIES
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee DATE: 04/09/19 RESOLUTION # IF-055-19
and Administration Committee

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
IF - 4/1/19
AD - 4/1/19

LEGISLATIVE ACTION

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

CREATE AND FILL TEMPORARY GROUNDSKEEPER POSITION

WHEREAS, due to a personnel vacancy within the Buildings and Grounds Division of the Public Works Department, the department has reviewed its operational needs for maintaining the various county buildings, and

WHEREAS, after studying the services we provide and evaluating all 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) temporary Groundskeeper position, and

WHEREAS, funding for this newly created position will only be for ninety days or until the full-time employee returns to employment, and

WHEREAS, funds will come from the current open position and other positions that have been vacant throughout the course of 2019, now, therefore, be it

RESOLVED, that the position of Groundskeeper, temporary, AFSCME, Grade 23, Step 1, at an annual salary of \$33,239, be created and filled, effective April 8, 2019, with an end date of July 31, 2019, and be it further

RESOLVED that the following budget modification be made:

FROM:

A.15.1620.000.71010.01 Positions (Groundskeeper Pos. # 13391) \$22,226

TO:

A.15.1620.000.71010 .01 Positions (Groundskeeper - Pos. #xxxxx) \$22,226

INFRASTRUCTURE & FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee DATE: 04/09/19 RESOLUTION # IF-056-19
and Administration Committee

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

IF - 4/1/19

Approved: Ayes _____ Abs. _____ Noes _____

AD - 4/1/19

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

FREY ELECTRIC CONSTRUCTION CO. - TROTT NORTHPOINTE RENOVATIONS CHANGE ORDER NO. 2

WHEREAS, by Resolution No. IF-089-18, dated June 19, 2018, the Legislature 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 increased scope of the work, for a revised contract amount of \$118,781, and

WHEREAS, it is necessary to increase the contract in the amount of \$34,185 since the Northpointe fire system must be connected as a zone to the new fire panel at Trott and a fire panel upgrade is needed to support the new fire zone, for a revised 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 Change Order No. 2 to increase the contract by \$34,185 for the Trott Northpointe Electrical Renovations Project, for a revised contract amount of \$152,966, to Frey Electric Construction Co., 100 Pearce Avenue, Tonawanda, NY 14150, be approved, and be it further

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

INFRASTRUCTURE & FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee DATE: 04/09/19 RESOLUTION # IF-057-19

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
IF - 4/1/19

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE YMCA FITNESS IN THE PARKS PROGRAM

WHEREAS, the YMCA Fitness in the Parks Program has requested that the County of Niagara grant them rights to operate a Zumba and Yoga exercise program in an area situated in the County owned property on Lake Road, and

WHEREAS, this program benefits the youth and other residents of both 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, prior to the execution of the license agreement between the County of Niagara and the YMCA Fitness in the Parks Program, the County Attorney will review said Agreement for approval as to legal form, language and compliance, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the YMCA Fitness in the Parks Program, now, therefore, be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the YMCA Fitness in the Parks Program, as appears on 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 County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and the YMCA Fitness in the Parks Program.

INFRASTRUCTURE & FACILITIES
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee DATE: 04/09/19 RESOLUTION # IF-058-19

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
IF - 4/1/19

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND
THE NEWFANE YOUTH FOOTBALL LEAGUE AND CHEERLEADING**

WHEREAS, the Newfane Youth Football League and Cheerleading has requested that the County of Niagara grant them exclusive rights to operate a football program in an area situated in the County owned property on Lake Road, and

WHEREAS, this program benefits the youth and other residents of both 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, prior to the execution of the license agreement between the County of Niagara and the Newfane Youth Football League and Cheerleading, the County Attorney will review said agreement for approval as to legal form, language and compliance, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Newfane Youth Football League and Cheerleading, now, therefore, be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Newfane Youth Football League and Cheerleading, as appears on the proposed agreement, is hereby approved in all respects, and be it further

RESOLVED, that the Chairman of the Legislature is authorized and directed to execute and deliver the agreement with the Newfane Youth Football League and Cheerleading.

INFRASTRUCTURE & FACILITIES
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee **DATE:** 04/09/19 **RESOLUTION #** IF-059-19

**APPROVED BY
CO. ATTORNEY**

**REVIEWED BY
CO. MANAGER**

COMMITTEE ACTION
IF - 4/1/19

LEGISLATIVE ACTION

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

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND
THE NIAGARA FRONTIER CROSS COUNTRY CLUB**

WHEREAS, the Niagara Frontier Cross Country Club has requested that the County of Niagara grant them exclusive rights to operate a Cross Country program in an area situated in the County owned property at Bond Lake Park, and

WHEREAS, this program benefits the residents of the Town of Wheatfield 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 Niagara Frontier Cross Country 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 Niagara Frontier Cross Country Club, as appears on 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: Legislator Wm. Keith McNall and DATE: 04/01/19 RESOLUTION # IL-018-19
Economic Development Committee

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: _____

RESOLUTION IN SUPPORT OF FUNDING LOCKPORT IN BLOOM THROUGH THE USE OF CASINO FUNDING

WHEREAS, Lockport in Bloom is a not-for-profit organization, chartered in 2005, that promotes the beautification of Lockport by encouraging residents to share with others their beautiful and creative gardens, and

WHEREAS, by encouraging neighborhood beautification, Lockport in Bloom helps promote community pride by bringing people to the area to view the many beautiful gardens, and

WHEREAS, through their annual Garden Festival, Lockport in Bloom brings thousands of visitors to the City of Lockport to view the 40 plus gardens that are put on display every summer, and

WHEREAS, local businesses and restaurants benefit greatly from the increase in foot traffic that Lockport in Bloom generates throughout the City of Lockport, 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 in Bloom as follows:

Lockport in Bloom \$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 APPROPRIATIONS:

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

LEGISLATOR WM. KEITH MCNALL

ECONOMIC DEVELOPMENT COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Rebecca J. Wydysh, Clyde L. Burmaster
Jesse P. Gooch, Wm. Keith McNall, Randy R. Bradt
and Richard L. Andres **DATE:** 04/09/19 **RESOLUTION #** IL-020-19

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

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



OPPOSITION TO DRIVER'S LICENSE ACCESS AND PRIVACY ACT

WHEREAS, holding a driver's license in New York State is a privilege, not a right, and

WHEREAS, the Driver's License Access and Privacy Act, if passed, would permit undocumented persons who are present in the United States illegally under federal law to obtain a driver's license, and

WHEREAS, New York State currently suspends or revokes driver's licenses for various illegal acts, including non-payment of child support, delinquent taxes, and refusal to submit to a breath test, yet this Act would reward entry into the United States with a driver's license, and

WHEREAS, New York State REAL ID compliant documents cannot be issued to an undocumented individual under federal law, and

WHEREAS, adoption of the Act would create unacceptable security risks because:

- There is no guarantee that the identity of undocumented individuals can be properly verified by the State of New York if the federal government has not issued a green card or visa, and the Act's proposed privacy protections may frustrate federal immigration enforcement efforts.
- Local DMV offices do not have the considerable expertise needed to determine the authenticity of foreign birth certificates, foreign passports, or consular cards, nor verify evidence of undocumented individuals' residency in the state.
- Driver's Licenses can be used to obtain additional official identification documents intended only for United States citizens.

WHEREAS, there is no guarantee that passage would make New York State roads safer, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara hereby opposes the adoption of the Driver's License Access and Privacy Act as it concerns issuance of licenses to undocumented individuals, for the reason of security risks and because driving is a privilege, not a right, 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, and all others deemed necessary and proper.

LEGISLATOR REBECCA J. WYDYSH

LEGISLATOR CLYDE L. BURMASTER

LEGISLATOR JESSE P. GOOCH

LEGISLATOR WM. KEITH MCNALL

LEGISLATOR RANDY R. BRADT

LEGISLATOR RICHARD L. ANDRES

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Jesse P. Gooch, Randy R. Bradt, **DATE:** 04/09/19 **RESOLUTION #** IL-021-19
Rebecca J. Wydysh, David E. Godfrey and Wm. Keith McNall

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

RESOLUTION IN OPPOSITION TO PAPER BAG TAX

WHEREAS, in the 2019-20 fiscal year, the New York State Budget banned the use of plastic carryout bags, and

WHEREAS, New York State Budget also authorized local governments to impose a \$0.05 cent tax on paper carryout bags, and

WHEREAS, the paper bag tax will not be imposed unless a local government opts in to the tax, and

WHEREAS, New York State is already among the highest taxed states in the nation, and many Niagara County families are struggling to make ends meet, and

WHEREAS, imposing a new paper bag tax would place an additional financial burden on Niagara County families, and

WHEREAS, the Legislature of the County of Niagara recognizes the environmental benefits of using paper bags instead of plastic, and

WHEREAS, the Legislature of the County of Niagara does not wish to increase the cost of living in Niagara County, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara shall not impose a new tax on paper carryout bags, 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, and all others deemed necessary and proper.

LEGISLATOR JESSE P. GOOCH

LEGISLATOR RANDY R. BRADT

LEGISLATOR REBECCA J. WYDYSH

LEGISLATOR DAVID E. GODFREY

LEGISLATOR WM. KEITH MCNALL

NIAGARA COUNTY LEGISLATURE

FROM: Legislator Jesse P. Gooch DATE: 04/09/19 RESOLUTION # IL-022-19

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

RESOLUTION IN SUPPORT OF CHICK-FIL-A

WHEREAS, Chick-Fil-A is a popular restaurant chain that appeals to consumers across the United States, and

WHEREAS, Chick-Fil-A is a restaurant enjoyed and supported widely in our community, and

WHEREAS, Western New York's first and only Chick-Fil-A restaurant in Cheektowaga has been an incredible success, bringing new customers, sales tax revenue, and jobs to Cheektowaga, and

WHEREAS, in late March 2019, news broke that concession contractor Delaware North considered bringing Chick-Fil-A into the Buffalo Niagara International Airport, and

WHEREAS, Buffalo Assemblyman Sean Ryan spoke out against the proposal due to personal political differences with Chick-Fil-A, and

WHEREAS, under pressure from Assemblyman Ryan, the Niagara Frontier Transportation Authority announced it would not be bringing Chick-Fil-A to the Buffalo Niagara International Airport, and

WHEREAS, a Chick-Fil-A location in the airport would create job opportunities and attract new travelers, and

WHEREAS, the Legislature of the County of Niagara recognizes that a Chick-Fil-A location in Niagara County would greatly benefit the economy and quality-of-life for its residents, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara supports the presence of a Chick-Fil-A location in the Buffalo Niagara International Airport, and be it further

RESOLVED, that the Legislature of the County of Niagara does hereby invite Chick-Fil-A to open a location in Niagara County, 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, Member of the Assembly Sean Ryan, Chick-Fil-A CEO Dan T. Cathy, NFTA CEO Kimberly Minkel, Delaware North Chairman Jeremy Jacobs and all others deemed necessary and proper.

LEGISLATOR JESSE P. GOOCH

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Dennis F. Virtuoso, Jason A. Zona, **DATE:** 04/09/19 **RESOLUTION #** IL-023-19
Owen T. Steed and Mark J. Grozio

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

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

NIAGARA COUNTY LEGISLATURE DEMANDS TRANSPARENCY AT WESTERN NEW YORK OFF TRACK BETTING

WHEREAS, Resolution IL-016-19 titled Niagara County Government to Remain Effective in Transparency, and

WHEREAS, this resolution passed unanimously, and

WHEREAS, Western Regional Off Track Betting Corp. is a public benefit corporation owned by several counties and cities, and

WHEREAS, Niagara County has shared ownership in Western New York OTB, and

WHEREAS, Ex State Senator George Maziarz has pointed out abuse by officials of WNYOTB in giving out tickets for sporting and concert events in Box Suites owned by WNYOTB, and

WHEREAS, several press outlets have filed Freedom of Information Request (FOIL) to this public benefit corporation for the list of people that attended these events with taxpayers monies, and

WHEREAS, the press were denied this information by the president of WNYOTB, and

WHEREAS, Robert Freeman Executive Director of New York State Committee on open Government has called this action by the president of WNYOTB as "Ridiculous and Contrary to Law", now, therefore, be it

RESOLVED, that the Niagara County Legislature believes in transparency in government and demands that this list become public, and be it further

RESOLVED, that copies of this resolution be sent to all board members of WNYOTB and all counties and cities that have ownership in WNYOTB.

LEGISLATOR DENNIS F. VIRTUOSO

LEGISLATOR JASON A. ZONA

LEGISLATOR OWEN T. STEED

LEGISLATOR MARK J. GROZIO

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Clyde L. Burmaster
and Rebecca J. Wydysch

DATE: 04/09/19

RESOLUTION # IL-024-19

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

RESOLUTION CALLING UPON THE GOVERNOR AND NEW YORK STATE LEGISLATORS TO PROVIDE FULL FUNDING FOR THE STATE'S "SAFETY NET" WELFARE MANDATE TO COUNTIES OR TO REVERT TO PRE-2011 FUNDING PARTNERSHIP

WHEREAS, Temporary Assistance for Needy Families, or TANF, is a federally-mandated welfare program that provides assistance to indigent persons, but is limited by the federal government to five years of benefit payments, and

WHEREAS, Safety Net Assistance is a welfare program mandated by the State of New York which provides benefits to those persons who are no longer eligible for TANF benefits, including those that have exhausted the 60 month-limit on said federal benefits and continue to not move into gainful employment, and

WHEREAS, the Safety Net is not a federally mandated program, but instead is mandated solely by the State of New York, and

WHEREAS, the caseload for this non-federally-mandated welfare program has increased by 51% since 2006, and

WHEREAS, the State of New York has traditionally required county taxpayers to contribute 50% of the cost of said Safety Net welfare benefits, and

WHEREAS, the State of New York has unilaterally changed its contribution level to 29% beginning with the 2011 New York State Budget, and

WHEREAS, this has resulted in cumulative additional costs to Niagara County taxpayers of \$12.8 million since 2010, the last year of the 50%-50% cost-sharing was in effect, with the annual county cost as of 2018 at \$4.1 million and expected to continue increasing, and

WHEREAS, said increase has constituted a local 25% rise in costs to local taxpayers during the period since adoption of the 2011 State Budget, and

WHEREAS, the total local expenditure on the Safety Net welfare program has been \$43.7 million since the funding formula was revised in the 2011 budget, and

WHEREAS, current annual county expenditures on Safety Net constitute more than 5.2% of the local property tax levy, and

WHEREAS, due to New York State's property tax cap, the County of Niagara may be mandated to reduce essential services utilized by all county taxpayers to offset the increase in this unfunded, state-mandated welfare program, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara does hereby call upon Governor Andrew Cuomo and New York State Legislature to provide full funding for the "Safety Net" welfare mandate to counties or revert to pre-2011 funding partnership, 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 and all others deemed necessary and proper.

LEGISLATOR REBECCA J. WYDYSH

LEGISLATOR CLYDE L. BURMASTER

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Clyde L. Burmaster, Rebecca J. Wydysh, DATE: 04/09/19 RESOLUTION # IL-025-19
and Parks, Recreation & Tourism Ad Hoc Committee

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
		Ad hoc - 4/1/19	Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

RESOLUTION IN SUPPORT OF THE GREENWAY FUNDING FOR THE VETERANS MEMORIAL "LEWISTON CIRCLE OF HONOR"

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 Lewiston VFW Downriver Post 7487 has made application to the Niagara County's Ad Hoc Committee on Parks, Recreation and Tourism for Greenway funds to support their Veterans Memorial "Lewiston Circle of Honor" project, and

WHEREAS, the Lewiston VFW Downriver Post 7487 Veterans Memorial project would expand the efforts to improve the community's recognition and appreciation for those military veterans who have honorably served this nation, and

WHEREAS, the Lewiston V.F.W., Downriver Post 7487 under taking the now "Lewiston Circle of Honor" project that dramatically redesigns the Veterans Memorial located at Academy Park in Lewiston, with the purpose of becoming one of the most distinctive small town Veteran Memorials in America, and

WHEREAS, the "Lewiston Circle of Honor" will be a beacon of inspiration and education for future generations who will understand the importance of America's defense and role in countries the world over, and

WHEREAS, the Lewiston V.F.W., Downriver Post 7487 is in the process of a fundraising campaign with the goal of unveiling the "Lewiston Circle of Honor" on Veterans Day November 11, 2019, with over \$140,000 already committed to the project, and

WHEREAS, the application is requesting \$30,000, for a total project cost of \$200,000 and

WHEREAS, the Ad Hoc Committee for Parks, Recreation and Tourism 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 Town of Lewiston has utilized great effort and is complimented for being able to receive additional funds to lower their need for Niagara County funds, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the funding of \$30,000.00 for the Town of Lewiston Veteran Memorial "Lewiston Circle of Honor" project when presented to the Niagara Power Coalition and the Host Community Standing Committee.

LEGISLATOR CLYDE L. BURMASTER

LEGISLATOR REBECCA J. WYDYSH

PARKS, RECREATION & TOURISM
AD HOC COMMITTEE