



ADMINISTRATION COMMITTEE AGENDA

DECEMBER 6, 2022

5:45 PM

1. Call to Order

2. Approval of Minutes

3. Economic Development

- a. Resolution of the Niagara County Legislature, as the elected Legislative Body of Niagara County, New York, in accordance with Section 147(F) of the Internal Revenue Code of 1986, as amended (the "Code"), approving the issuance by the Niagara County IDA in one or more series, of up to \$19,000 maximum principal amount of tax-exempt multi-family housing revenue bonds (OAHS Urban Park TC LLC Apartments), Series 2022
- b. Resolution of the Niagara County Legislature, as the elected Legislative Body of Niagara County, New York, in accordance with Section 147(F) of the Internal Revenue Code of 1986, as amended (the "Code"), approving the issuance by the Niagara County IDA in one or more series, of up to \$22,000 maximum principal amount of tax-exempt multi-family housing revenue bonds (OAHS Niagara Towers TC LLC Apartments), Series 2022

4. Community Safety and Security Committee Agenda

5. Community Services Committee Agenda

6. Infrastructure Committee Agenda

7. County Attorney

- a. Resolution Authorizing PILOT Agreement Between City of Lockport, Lockport School District and Niagara County And OYA Ruhlmann A LLC for Property Located at 125 Ruhlmann Road, City of Lockport, NY
- b. Resolution Authorizing PILOT Agreement Between Niagara County And DG Niagara LLC for property Located at 2645 Ridge Road, Town of Lewiston, NY
- c. Resolution to Authorize the County Attorney to use Funds from Contingency Funds and Appropriated Fund Balance for Article 7 Tax Assessment Litigation Matters
- d. Public Hearing for a Local Law of the County of Niagara, New York Authorizing the Award of Purchase Contracts on the Basis of Best Value Criteria Pursuant to General Municipal and State Finance Law

8. Information and Adjournment

**NIAGARA COUNTY ADMINISTRATION COMMITTEE
MEETING MINUTES
November 7, 2022
5:30 PM**

PRESENT: ADMINISTRATION

A. Nemi
R. Bradt
W. Collins
M. Grozio
I. Myers
C. Robins

Others:
R. Wydysh

Excused:
D. Godfrey

STAFF

R. Updegrove
K. Alexander
K. Andrews
P. Lopes
D. Huntington
J. Pitarresi
H. Soles

OTHERS

M. Casale, Economic Development
M. Filicetti, Sheriff
D. LaRock, Probation
J. Schultz, Fire Coordinator
M. Lutz, Social Services
L. Kelemen, Mental Health
G. Meal, Public Works
J. Gaston, B&G/Parks
N. Allen, Engineering
D. Timm, Solid Waste
M. Bergman, Public Works
W. Flynn, Information Technology

1. Call to Order

Legislator A. Nemi called the meeting of the Administration Committee to order at 5:33 p.m.

2. Approval of Minutes

Legislator A. Nemi asked for the approval of the minutes to the meeting of October 11, 2022. The minutes were approved by R Bradt. C. Robins seconded them. The minutes passed unanimously.

3. Economic Development

a. Authorization to Submit a Grant Application to the New York State Office of Community Renewal for Block Grant Funding to Replenish the Micro-Enterprise Grant Fund

W. Collins made a motion. M. Grozio seconded it. Passed unanimously.

4. Community Safety and Security Committee Agenda

Resolutions:

NCSO Renew Inter-Municipal Laboratory Agreement with Orleans County
NCSO Acceptance of FY20 Explosive Detection Canine Team Grant
NCSO Infinigy Solutions Contract Change Order No. 1
NCSO Acceptance of FY22 Gun Involved Violence Elimination Grant
NCSO Committee Approval to Apply for Body Worn Camera Grant and Law Enforcement Technology Grant
Public Defender Assignment of Lease 170 East Ave in the City of Lockport
Probation Budget Modification – NYS Pretrial Services Award
Probation Resolution to Accept 2023 Alternatives to Jail Detention Grant
Probation Resolution to Accept 2023 Employment Focused Services Program Grant

**NIAGARA COUNTY ADMINISTRATION COMMITTEE
MEETING MINUTES
November 7, 2022
5:30 PM**

Emergency Services Budget Modification – Accept FY2020 Technical Rescue & Urban Search and Rescue Grant Program

I. Myers made a motion. R. Bradt seconded it. Passed unanimously.

Award of Contract – County Ambulance Services Medical Director for the Department of Emergency Services was pulled from the Community Safety and Security Agenda for further review.

5. Community Services Committee Agenda

Resolutions:

Mental Health Department 2023 Contracts
Niagara County Youth Bureau – New York State Aid Application
Support Funding for Niagara County Community College HVAC System Replacement

W. Collins made a motion, C. Robins seconded it. Passed unanimously.

6. Infrastructure Committee Agenda

Resolutions:

Approving Rules and Regulations for Solar Panel Local Law No. 4 of 2021 Compliance
Lease Agreement with Cassadaga Job Corps Academy for the Trott Access Center
Purple Heart Veterans Monument Budget Modification
2023 Niagara County Golf Course Rates
Budget Modification – Parks Department for Golf Cart Purchase
Krull Park Shoreline Wall and Bank Reconstruction Project Award
Award of Contract - Angelo DelSignore Civic Building Roof Replacement
Akron Road Rehabilitation Consultant Amendment No. 2 - Final
Culvert Replacements 2022 Change Order No. 1 – Final
Court House Boiler Replacement Project Budget Modification
DelSignore Civic Building Boiler Replacement Project Budget Modification
Extension of Snow and Ice Agreement with NYS Department of Transportation 2022-2023
Budget Modification – Highway Heavy Equipment

W. Collins made a motion. M. Grozio seconded it. Passed unanimously.

7. County Manager

a. Position Appointment Commissioner of Niagara County Department of Economic Development

A. Nemi made a motion. R. Bradt seconded it. Passed unanimously.

b. Set Public Hearing for the Tentative Budget for the Year 2023

c. Set Public Hearing for Assessment Tax Roll for the Niagara County Water District

d. Set Public Hearing for Assessment Tax Roll for the Niagara County Refuse District

e. Set Public Hearing for Assessment Tax Roll for the Niagara County Sewer District

I. Myers made a motion. C. Robins seconded it. The four public hearing resolutions passed unanimously.

**NIAGARA COUNTY ADMINISTRATION COMMITTEE
MEETING MINUTES
November 7, 2022
5:30 PM**

8. Treasurer's Office

a. Distribution of Mortgage Tax

R. Bradt made a motion. M. Grozio seconded it. Passed unanimously.

9. Human Resources

a. Resolution to Participate in and Receive Funds from NYS Frontline Health Care Worker Bonus Program Second Vesting Period

W. Collins made a motion. C. Robins seconded it. Passed unanimously.

b. Resolution to Participate in and Receive Office of Mental Health (OMH) Funds for Worker Recruitment and Retention

I. Myers made a motion. R. Bradt seconded it. Passed unanimously.

10. Risk Management

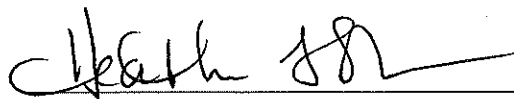
a. Award of Niagara County Pharmacy Benefit Management Services RFP #2022-44

M. Grozio made a motion. A. Nemi seconded it. Passed unanimously.

11. Adjournment

A motion was made by R. Bradt to adjourn. C. Robins seconded it. Passed unanimously. The Administration Committee meeting adjourned at 6:13 p.m.

Minutes Transcribed By:



Heather Soles, Budget Assistant
Office of Management & Budget

Minutes Approved By:

David E. Godfrey, Chairman
Administration Committee



Administration Committee

Complete this form, save in Committee folder and name using this format yyyyymmdd dept desc (example 20170111 cdp budget adjustment)

Today's Date:

November 29, 2022

Department Submitting agenda item:

Economic Development

Date of Committee Meeting:

December 6, 2022

Title: Resolution of the Niagara County Legislature, as the Elected Legislative Body of Niagara County, New York, in Accordance With Section 147(F) of the Internal Revenue Code of 1986, as Amended (The "Code"), Approving the Issuance by the Niagara County Industrial Development Agency in One or More Series, of up to \$19,000,000 Maximum Principal Amount of Tax-Exempt Multi-Family Housing Revenue Bonds (OAHS Urban Park TC LLC Apartments), Series 2022

Brief Summary: Approval is required by the Niagara County Legislature in order for the Niagara Area Development Corporation to issue bonds related to the OAHS Urban Park TC LLC Apartments Project.

If this item pertains to a position(s), it must be sent to the Human Resources Department to be reviewed and approved before going to the Administration Committee.

Please provide date approved: N/A

Action Requested:

Associated Costs:

Benefits & Risks:

**RESOLUTION OF THE NIAGARA COUNTY LEGISLATURE, AS THE ELECTED
LEGISLATIVE BODY OF NIAGARA COUNTY, NEW YORK, IN ACCORDANCE
WITH SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS
AMENDED (THE "CODE"), APPROVING THE ISSUANCE BY THE NIAGARA
COUNTY INDUSTRIAL DEVELOPMENT AGENCY IN ONE OR MORE SERIES, OF
UP TO \$19,000,000 MAXIMUM PRINCIPAL AMOUNT OF TAX-EXEMPT MULTI-
FAMILY HOUSING REVENUE BONDS (OAHS URBAN PARK TC LLC
APARTMENTS), SERIES 2022**

WHEREAS, the Niagara County Legislature (the "Legislature"), as the elected legislative body of Niagara County, New York (the "County") has been advised by the Niagara County Industrial Development Agency (the "Issuer") that, in order to assist in the financing of a certain Project (as defined below) for the benefit of OAHS Urban Park TC LLC, a New York limited liability company, or an entity formed or to be formed by or on behalf of itself (collectively, the "Company"), the Issuer proposes to issue, contingent upon the adoption of this Resolution, its Tax-Exempt Multi-Family Housing Revenue Bonds (OAHS Urban Park TC LLC Apartments), Series 2022 in the maximum aggregate principal amount not to exceed \$19,000,000 (the "Series 2022 Bonds"), in one or more series, for the purpose of assisting with the Project (the "Project"), consisting of: (A) the acquisition of a leasehold interest in approximately 0.73-acre parcel of land located at 77 Main Street in the City of Lockport, Niagara County, New York 14094 (the "Land", being more particularly identified as tax parcel number 109.55-1-7), together with the existing approximately 103,713 square-foot, twelve-story, 150-unit senior affordable housing complex thereon (the "Existing Improvements"); (B)(i) the renovation, refurbishment and upgrading of the Existing Improvements; (ii) upgrades to electrical equipment; (iii) updates to all major systems including elevators and heating systems; and (iv) improvements to various site features (collectively, the "Improvements"); (C) the acquisition and installation in and around the Improvements of certain items of machinery, equipment, fixtures, furniture and other incidental tangible personal property (collectively, the "Equipment", and together with the Land, the Existing Improvements and the Improvements, the "Facility"); (D) the payment of all or a portion of the costs of issuing the Bonds, credit enhancement fees relating to the Bonds, if any, funding a debt service reserve fund, if any, and capitalized interest, if any; and (E) the retention by the Issuer of a leasehold or other interest in the Facility and the lease or sale of the Issuer's interest in the Facility back to the Company pursuant to an agreement which shall require the Company to make payments sufficient to fund the debt service payments on the Bonds and make certain other payments. All of the facilities financed and/or refinanced with the Bonds are or will be owned and/or operated by the Company, and are or will be located at 77 Main Street in the City and Town of Lockport, Niagara County, New York 14094, and

WHEREAS, pursuant to Article 8 of the New York Environmental Conservation Law and the regulations promulgated thereto at 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"), the Issuer determined that the Project constitutes a "Type II Action" as said term is defined in SEQRA, and therefore no further action is required to be taken under SEQRA, and

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), interest on the Series 2022 Bonds will not be excluded from gross income for Federal income tax purposes

unless the issuance of the Series 2022 Bonds is approved by the County Legislature after a public hearing to consider both the issuance of the Series 2022 Bonds and the nature and location of the facilities located within the County financed therewith has been conducted following reasonable public notice, and

WHEREAS, on November 29, 2022, the Issuer held such a public hearing (the "Public Hearing") upon proper notice in compliance with the Code and Section 859-a of Title 1 of Article 18-a of the General Municipal Law of the State of New York, as amended, and Chapter 569 of the Laws of 1972 of the State of New York (hereinafter collectively called the "Act"), with notice of such Public Hearing having been submitted to the *Niagara Gazette* for publication, and

WHEREAS, to aid the Legislature in its deliberations, the Issuer has made available to the members of the Legislature prior to this meeting (a) the Company's application to the Issuer for financial assistance; (b) the notice of public hearing published in the *Niagara Gazette* on November 16, 2022, together with proof of publication, and (c) the minutes of such public hearing held on November 29, 2022; and

WHEREAS, the Legislature, after due consideration of the foregoing, as the "applicable elected representative" of Niagara County, New York, within the meaning of Section 147(f)(2)(E) of the Code, desires to approve the issuance of the Series 2022 Bonds and the application of up to \$19,000,000 maximum principal amount thereof to undertake the Project, provided the principal, premium, if any, and interest on the Series 2022 Bonds shall be special obligations of the Issuer and shall never be a debt of the State of New York (the "State") or any political subdivision thereof including, without limitation, Niagara County, New York and neither the State nor any political subdivision thereof including, without limitation, Niagara County, New York shall be liable thereon.

NOW, THEREFORE, BE IT RESOLVED, by the Niagara County Legislature as follows:

Section 1. For the purpose of satisfying the approval requirement of Section 147(f) of the Code, the Legislature hereby gives its approval of the issuance by the Issuer of the Series 2022 Bonds, and the application thereof to finance Project; *provided that*, the Series 2022 Bonds, and the premium (if any) and interest thereon, shall be special obligations of the Issuer and shall never be a debt of the State of New York or any political subdivision thereof including, without limitation, Niagara County, New York and neither the State of New York nor any political subdivision thereof including, without limitation, Niagara County, New York, shall be liable thereon.

Section 2. This Resolution shall be deemed to be made for the benefit of the holders of the Series 2022 Bonds.

Section 3. This Resolution shall take effect immediately.

ECONOMIC DEVELOPMENT COMMITTEE

ADMINISTRATION COMMITTEE

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Irene M. Myers	[]	[]	[]	[]
Rebecca J. Wydysh	[]	[]	[]	[]
Mark J. Grozio	[]	[]	[]	[]
Jeffrey Elder	[]	[]	[]	[]
Christopher A. Robins	[]	[]	[]	[]
Christopher Voccio	[]	[]	[]	[]
Jesse P. Gooch	[]	[]	[]	[]
Richard L. Andres	[]	[]	[]	[]
Randy R. Bradt	[]	[]	[]	[]
David E. Godfrey	[]	[]	[]	[]
Anthony J. Nemi	[]	[]	[]	[]
William J. Collins Sr.	[]	[]	[]	[]
Richard E. Abbott	[]	[]	[]	[]
Shawn A. Foti	[]	[]	[]	[]
Michael A. Hill	[]	[]	[]	[]

The Resolutions were thereupon duly adopted.

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STATE OF NEW YORK)
) ss.:
COUNTY OF NIAGARA)

This is to certify that I, the undersigned, Clerk of the Niagara County Legislature have compared the foregoing copy of resolution with the original resolution now on file in the office and which was passed by the Niagara County Legislature on the ____ day of _____, 2022, a majority of all the members elected to the Niagara County Legislature voting in favor thereof, and that the same is a correct and true transcript of such original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal of the Niagara County Legislature, this _____ day of _____, 2022.

Clerk of the Niagara County Legislature

[SEAL]



Administration Committee

Complete this form, save in Committee folder and name using this format yyyyymmdd dept desc (example 20170111 cdp budget adjustment)

Today's Date:

November 29, 2022

Department Submitting agenda item:

Economic Development

Date of Committee Meeting:

December 6, 2022

Title: Resolution of the Niagara County Legislature, as the Elected Legislative Body of Niagara County, New York, in Accordance With Section 147(F) of the Internal Revenue Code of 1986, as Amended (The "Code"), Approving the Issuance by the Niagara County Industrial Development Agency in One or More Series, of up to \$22,000,000 Maximum Principal Amount of Tax-Exempt Multi-Family Housing Revenue Bonds (OAHS Niagara Towers TC LLC Apartments), Series 2022

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If this item pertains to a position(s), it must be sent to the Human Resources Department to be reviewed and approved before going to the Administration Committee.

Please provide date approved: N/A

Action Requested:

Associated Costs:

Benefits & Risks:

RESOLUTION OF THE NIAGARA COUNTY LEGISLATURE, AS THE ELECTED LEGISLATIVE BODY OF NIAGARA COUNTY, NEW YORK, IN ACCORDANCE WITH SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED (THE "CODE"), APPROVING THE ISSUANCE BY THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY IN ONE OR MORE SERIES, OF UP TO \$22,000,000 MAXIMUM PRINCIPAL AMOUNT OF TAX-EXEMPT MULTI-FAMILY HOUSING REVENUE BONDS (OAHS NIAGARA TOWERS TC LLC APARTMENTS), SERIES 2022

WHEREAS, the Niagara County Legislature (the "Legislature"), as the elected legislative body of Niagara County, New York (the "County") has been advised by the Niagara County Industrial Development Agency (the "Issuer") that, in order to assist in the financing of a certain Project (as defined below) for the benefit of OAHS Niagara Towers TC LLC, a New York limited liability company, or an entity formed or to be formed by or on behalf of itself (collectively, the "Company"), the Issuer proposes to issue, contingent upon the adoption of this Resolution, its Tax-Exempt Multi-Family Housing Revenue Bonds (OAHS Niagara Towers TC LLC Apartments), Series 2022 in the maximum aggregate principal amount not to exceed \$22,000,000 (the "Series 2022 Bonds"), in one or more series, for the purpose of assisting with the Project (the "Project"), consisting of: (A) the acquisition of a leasehold interest in approximately 2.56-acre parcel of land located at 821 Cedar Avenue and 901 Cedar Avenue in the City of Niagara Falls, Niagara County, New York 14301 (the "Land", being more particularly identified as tax parcel numbers 144.78-2-48 and 144.78-3-2.2), together with the existing approximately 144,300 square-foot, eighteen-story, 200-unit senior affordable housing complex thereon (the "Existing Improvements"); (B)(i) the renovation, refurbishment and upgrading of the Existing Improvements; (ii) upgrades to electrical equipment; (iii) updates to all major systems including elevators and heating systems; and (iv) improvements to various site features (collectively, the "Improvements"); (C) the acquisition and installation in and around the Improvements of certain items of machinery, equipment, fixtures, furniture and other incidental tangible personal property (collectively, the "Equipment", and together with the Land, the Existing Improvements and the Improvements, the "Facility"); (D) the payment of all or a portion of the costs of issuing the Bonds, credit enhancement fees relating to the Bonds, if any, funding a debt service reserve fund, if any, and capitalized interest, if any; and (E) the retention by the Issuer of a leasehold or other interest in the Facility and the lease or sale of the Issuer's interest in the Facility back to the Company pursuant to an agreement which shall require the Company to make payments sufficient to fund the debt service payments on the Bonds and make certain other payments. All of the facilities financed and/or refinanced with the Bonds are or will be owned and/or operated by the Company, and are or will be located at 821 Cedar Avenue and 901 Cedar Avenue in the City of Niagara Falls, Niagara County, New York 14301; and

WHEREAS, pursuant to Article 8 of the New York Environmental Conservation Law and the regulations promulgated thereto at 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"), the Issuer determined that the Project constitutes a "Type II Action" as said term is defined in SEQRA, and therefore no further action is required to be taken under SEQRA; and

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), interest on the Series 2022 Bonds will not be excluded from gross income for Federal income tax purposes unless the issuance of the Series 2022 Bonds is approved by the County Legislature after a public hearing to

consider both the issuance of the Series 2022 Bonds and the nature and location of the facilities located within the County financed therewith has been conducted following reasonable public notice; and

WHEREAS, on November 30, 2022, the Issuer held such a public hearing (the "Public Hearing") upon proper notice in compliance with the Code and Section 859-a of Title 1 of Article 18-a of the General Municipal Law of the State of New York, as amended, and Chapter 569 of the Laws of 1972 of the State of New York (hereinafter collectively called the "Act"), with notice of such Public Hearing having been submitted to the *Niagara Gazette* for publication; and

WHEREAS, to aid the Legislature in its deliberations, the Issuer has made available to the members of the Legislature prior to this meeting (a) the Company's application to the Issuer for financial assistance; (b) the notice of public hearing published in the *Niagara Gazette* on November 16, 2022, together with proof of publication, and (c) the minutes of such public hearing held on November 30, 2022; and

WHEREAS, the Legislature, after due consideration of the foregoing, as the "applicable elected representative" of Niagara County, New York, within the meaning of Section 147(f)(2)(E) of the Code, desires to approve the issuance of the Series 2022 Bonds and the application of up to \$22,000,000 maximum principal amount thereof to undertake the Project, provided the principal, premium, if any, and interest on the Series 2022 Bonds shall be special obligations of the Issuer and shall never be a debt of the State of New York (the "State") or any political subdivision thereof including, without limitation, Niagara County, New York and neither the State nor any political subdivision thereof including, without limitation, Niagara County, New York shall be liable thereon.

NOW, THEREFORE, BE IT RESOLVED, by the Niagara County Legislature as follows:

Section 1. For the purpose of satisfying the approval requirement of Section 147(f) of the Code, the Legislature hereby gives its approval of the issuance by the Issuer of the Series 2022 Bonds, and the application thereof to finance Project; *provided that*, the Series 2022 Bonds, and the premium (if any) and interest thereon, shall be special obligations of the Issuer and shall never be a debt of the State of New York or any political subdivision thereof including, without limitation, Niagara County, New York and neither the State of New York nor any political subdivision thereof including, without limitation, Niagara County, New York, shall be liable thereon.

Section 2. This Resolution shall be deemed to be made for the benefit of the holders of the Series 2022 Bonds.

Section 3. This Resolution shall take effect immediately.

ECONOMIC DEVELOPMENT COMMITTEE

ADMINISTRATION COMMITTEE

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Irene M. Myers	[]	[]	[]	[]
Rebecca J. Wydysh	[]	[]	[]	[]
Mark J. Grozio	[]	[]	[]	[]
Jeffrey Elder	[]	[]	[]	[]
Christopher A. Robins	[]	[]	[]	[]
Christopher Voccio	[]	[]	[]	[]
Jesse P. Gooch	[]	[]	[]	[]
Richard L. Andres	[]	[]	[]	[]
Randy R. Bradt	[]	[]	[]	[]
David E. Godfrey	[]	[]	[]	[]
Anthony J. Nemi	[]	[]	[]	[]
William J. Collins Sr.	[]	[]	[]	[]
Richard E. Abbott	[]	[]	[]	[]
Shawn A. Foti	[]	[]	[]	[]
Michael A. Hill	[]	[]	[]	[]

The Resolutions were thereupon duly adopted.

[Remainder of Page Intentionally Left Blank]

STATE OF NEW YORK)
) ss.:
COUNTY OF NIAGARA)

This is to certify that I, the undersigned, Clerk of the Niagara County Legislature have compared the foregoing copy of resolution with the original resolution now on file in the office and which was passed by the Niagara County Legislature on the ____ day of _____, 2022, a majority of all the members elected to the Niagara County Legislature voting in favor thereof, and that the same is a correct and true transcript of such original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal of the Niagara County Legislature, this _____ day of _____, 2022.

Clerk of the Niagara County Legislature

[SEAL]



COMMUNITY SAFETY AND SECURITY COMMITTEE AGENDA December 6, 2022

1. Call to Order

2. Approval of minutes from previous meeting

3. Sheriff

**Res- Budget Mod. Accept BJA FY2021 Criminal
Alien Assistance Program Grant.**

**Res- Jail Health Care Business Associate and
Qualified Service Organization Agreement**

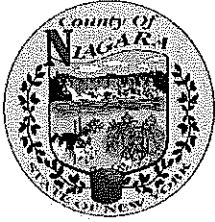
Res-Contract For Immunalysis Corporation

**Res-Accept Motor Vehicle Theft & Insurance Fraud
Prevention Grant**

4. District Attorney

Res-Section 825 Increase

**Res-Motor Vehicle Theft & Insurance Fraud Prev.
Program Grant Acceptance**



Community Services Committee

AGENDA - Meeting of December 6, 2022

1. Call to Order

2. Approval of Minutes of October 11, 2022

3. Office of Mental Health

- a) Budget Modification – Accept Opioid Settlement Funds
- b) Abolish Full Time Licensed Clinician Position/Create and Fill Two Part Time Licensed Clinicians

4. Motion to Adjourn



INFRASTRUCTURES COMMITTEE AGENDA
NIAGARA COUNTY COURT HOUSE
LOCKPORT, NEW YORK
MEETING NO. 11
December 6, 2022
5:45 pm

- 1. Call to Order**
- 2. Meeting Minutes – November 7, 2022**
- 3. Water District – Approval**
 - a. Approval of the Increase to the Water Rate
 - b. Budget Modification – STAMP Water Supply 2nd Amendment
- 4. Information Technology – Approval**
 - a. Inter-Governmental Agreement with NYS IT/Homeland Security
- 5. Administration – Approval**
 - a. Capital Project Close-Outs
- 6. Parks – Approval**
 - a. Budget Modification for Royalton Ravine Park Drainage Project
- 7. Highway – Approval**
 - a. Budget Modification – Chloride Abrasives & Town Payments
 - b. NYSDOT Shared Services Agreement
- 8. Engineering – Approval**
 - a. Project Awards
 - i. Purple Heart Monument Award for Design Services
 - b. Change Order
 - i. Ewings Road Final
 - ii. Bridge Deck Overlays 2022 Final
 - iii. Shaw Waterline Project Final
 - iv. Krull Park Shoreline – Consultant Amendment
 - v. Courthouse Boiler – Consultant Amendment
- 9. Adjourn**



Administration Committee

Complete this form, save in Committee folder and name using this format yyyyymmdd dept desc (example 20170111 cdp budget adjustment)

Today's Date: 11/29/2022

Department Submitting agenda item: Co Atty

Date of Committee Meeting: 12/06/2022

Title: Resolution Authorizing PILOT Agreement Between City of Lockport, Lckport School District and Niagara County And OYA Ruhlmann A LLC for Property Located at 125 Ruhlmann Road, City of Lockport, NY

Brief Summary: PILOT Agreement for Solar Energy Systems

If this item pertains to a position(s), it must be sent to the Human Resources Department to be reviewed and approved before going to the Administration Committee.

Please provide date approved: N/A

Action Requested:

Associated Costs:

Benefits & Risks:

**RESOLUTION AUTHORIZING PILOT AGREEMENT BETWEEN
CITY OF LOCKPORT, LOCKPORT SCHOOL DISTRICT AND
NIAGARA COUNTY AND OYA RUHLMANN A LLC FOR PROPERTY LOCATED AT
125 RUHLMANN ROAD, CITY OF LOCKPORT, NEW YORK**

WHEREAS, pursuant to RPTL § 487, the County of Niagara may grant a real property tax exemption for the special ad valorem levies, special assessments and real property taxes attributable to the increase in value on a property from the construction of a solar system specified by the statute ("Solar Systems"). Under the existing law, the County of Niagara may provide a tax exemption for such a Solar System up to the full amount of taxes otherwise owed for a period of fifteen (15) years. The exact dollar amount of payments to be made under an RPTL § 487 tax exemption is set forth in a contract for payments in lieu of taxes ("PILOT Agreement"), and

WHEREAS, pursuant to Local Law No. 3 for 2020, passed by the Niagara County Legislature on October 20, 2020, the County removed the real property exemption for solar and wind energy as provided under RPTL §487, and

WHEREAS, prior to the passage of the Local Law, the County was officially notified of the project on 125 Ruhlmann Road, City of Lockport, New York that the company was seeking a Payment in Lieu of Taxes Agreement (PILOT) pursuant to RPTL § 487, and

WHEREAS, Oya Ruhlmann A, LLC (the "System Owner") has received approval to build and completed construction for a "Solar Energy System" as defined in New York Real Property Tax Law ("RPTL") §487 (1)(b) (herein the "System") on a parcel of land located within the City of Lockport at 125 Ruhlmann Road and identified on the County of Niagara Tax Maps as Tax Parcel # 122.12-2-2.111; and

WHEREAS, upon receiving the Notice of Intent to Construct the System the County of Niagara exercised its right to require a PILOT Agreement with the System Owner, under which the System Owner (or any successor owner of the System) will be required to make annual payments to the County for the fifteen-year term of the proposed PILOT Agreement, now therefore be it

RESOLVED, the PILOT Agreement for 125 Ruhlmann Road, Lockport, N.Y., for Solar Energy Systems between OYA RUHLMANN A, LLC, the County of Niagara, the City of Lockport and the Lockport City School District for a total payment of \$37,500 in the first year split between the three jurisdiction, with said annual payments to be escalated two percent (2%) annually is hereby approved, and be it further

RESOLVED, that following the County Attorney's review and approval, the PILOT Agreement shall be executed pursuant to Niagara County's Contract Policy.

Administration Committee



Administration Committee

Complete this form, save in Committee folder and name using this format yyyyymmdd dept desc (example 20170111 cdp budget adjustment)

Today's Date: 11/29/2022

Department Submitting agenda item: Co Atty

Date of Committee Meeting: 12/06/2022

Title: Resolution Authorizing PILOT Agreement Between Niagara County And DG Niagara LLC for property Located at 2645 Ridge Road, Town of Lewiston, NY

Brief Summary: PILOT Agreement for Solar Energy Systems

If this item pertains to a position(s), it must be sent to the Human Resources Department to be reviewed and approved before going to the Administration Committee.

Please provide date approved: N/A

Action Requested:

Associated Costs:

Benefits & Risks:

**RESOLUTION AUTHORIZING PILOT AGREEMENT BETWEEN
NIAGARA COUNTY AND DG NIAGARA, LLC FOR PROPERTY LOCATED AT
2645 RIDGE ROAD, TOWN OF LEWISTON, NEW YORK**

WHEREAS, pursuant to RPTL § 487, the County of Niagara may grant a real property tax exemption for the special ad valorem levies, special assessments and real property taxes attributable to the increase in value on a property from the construction of a solar system specified by the statute ("Solar Systems"). Under the existing law, the County of Niagara may provide a tax exemption for such a Solar System up to the full amount of taxes otherwise owed for a period of fifteen (15) years. The exact dollar amount of payments to be made under an RPTL § 487 tax exemption is set forth in a contract for payments in lieu of taxes ("PILOT Agreement"), and

WHEREAS, pursuant to Local Law No. 3 for 2020, passed by the Niagara County Legislature on October 20, 2020, the County removed the real property exemption for solar and wind energy as provided under RPTL §487, and

WHEREAS, prior to the passage of the Local Law, the County was officially notified of the project on 2645 Ridge Road, Town of Lewiston, New York that the company was seeking a Payment in Lieu of Taxes Agreement (PILOT) pursuant to RPTL § 487, and

WHEREAS, DG Niagara, LLC (the "System Owner") has received approval to build and completed construction for a "Solar Energy System" as defined in New York Real Property Tax Law ("RPTL") §487 (1)(b) (herein the "System") with an expected nameplate capacity ("Capacity") of approximately 5.0 Megawatts AC on a parcel of land located within the Town of Lewiston at 2645 Ridge Road and identified on the County of Niagara Tax Maps as Tax Parcel # 76.00-2-12.1; and

WHEREAS, upon receiving the Notice of Intent to Construct the System the County of Niagara exercised its right to require a PILOT Agreement with the System Owner, under which the System Owner (or any successor owner of the System) will be required to make annual payments to the County for the fifteen-year term of the proposed PILOT Agreement, now therefore be it

RESOLVED, the PILOT Agreement for 2645 Ridge Road, Lewiston, N.Y., for Solar Energy Systems between DG Niagara, LLC and the County of Niagara for \$2,000.00 per megawatt/AC of Nameplate Capacity for a total payment of \$10,000 in the first year, with said annual payments to be escalated two percent (2%) annually is hereby approved, and be it further

RESOLVED, that following the County Attorney's review and approval, the PILOT Agreement shall be executed pursuant to Niagara County's Contract Policy.

Administration Committee

**RESOLUTION TO AUTHORIZE THE COUNTY ATTORNEY TO USE FUNDS
FROM CONTINGENCY FUNDS AND APPROPRIATED FUND BALANCE FOR
ARTICLE 7 TAX ASSESSMENT LITIGATION MATTERS**

WHEREAS, the County Attorney's Special Litigation line A.1930.110 74500.01 has been depleted due to the cost of the defense of the CWM Chemical Services, LLC and Republic Services tax assessment cases, which includes an appraisal of the property owned by CWM , therefore it is necessary to use the Contingency and Appropriated Fund Balance to pay for these litigation matters concerning Republic Services and CWM Chemical Services LLC tax assessment matters, now, therefore, be it

RESOLVED, that the following 2022 budget modification be effectuated to fund such services:

INCREASE APPROPRIATED FUND BALANCE:

A.40599.00	Appropriated Fund Balance	\$31,054.00
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DECREASE APPROPRIATIONS:

A.08.1990.000 74500.01	Contingency Funds	\$69,507.00
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INCREASE APPROPRIATIONS:

A.11.1930.110 74500.01	Special Litigations Contractual Expenses	\$100,561.00
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ADMINISTRATION COMMITTEE

**A LOCAL LAW OF THE COUNTY OF NIAGARA, NEW YORK AUTHORIZING THE
AWARD OF PURCHASE CONTRACTS ON THE BASIS OF BEST VALUE CRITERIA
PURSUANT TO GENERAL MUNICIPAL AND STATE FINANCE LAW**

WHEREAS, The State Legislature and Governor amended General Municipal Law, §103 on January 27, 2012 to provide local governments greater flexibility in awarding contracts by authorizing the award of purchase contracts, including contracts for service work on the basis of best value. The state legislation requires County's with a population of less than one million to pass a local law authorizing the use of the best value award process.

WHEREAS, enactment of this legislation is intended to provide greater flexibility in awarding contracts and to ensure that the County obtains the highest quality goods at a low cost. Award contracts on the basis of Best Value standards is further intended to promote competition, foster fairness among vendors and competitors, expedite contract awards, optimize quality, control costs and enhance efficiency among responsible bidders. This local law authorizes the Purchasing Agent to award purchase contracts that have been procured pursuant to competitive bidding under General Municipal Law §103 by either lowest responsible bidder or best value.

WHEREAS, a Local Law of the County of Niagara, New York, for the year 2022 titled "Niagara County Best Value Contract Award Law"

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

Section 1. Purpose

The "best value" standard for selecting goods and services vendors is critical to efforts to use strategic sourcing principles to modernize the supply chain and ensure that taxpayers obtain the highest quality goods and services at the lowest potential cost, while also ensuring fairness to all competitors.

After passage of Section 16 in NYS GML §103 a large number of local municipalities throughout the state have passed Local Laws authorized under said section. With the increased complexity of the goods and services that municipalities must obtain in order to serve taxpayers, it is critical to consider selection and evaluation criteria that measure factors other than cost in the strictest sense.

Taxpayers are not well served in situations where public procurement results in low unit costs at the outset, but ultimately engenders cost escalations due to factors such as inferior quality, poor reliability and difficulty of maintenance. Best value links the procurement process directly to the municipality's performance requirements, incorporating selection factors such as useful lifespan, quality and options and incentives for more timely performance and/or additional services.

Award contracts on the basis of best value standards is further intended to promote competition, foster fairness among vendors and competitors, expedite contract awards, optimize quality control costs and enhance efficiency among responsible bidders. The local law would authorize the Purchasing Agent to award purchase contracts that have been procured pursuant to competitive bidding under General Municipal Law Sec. 103 by either lowest responsible bidder or best value.

Section 2. Definitions

Purchase Contracts. Contracts for goods, commodities and equipment, including technology.

Best Value. The basis for awarding contracts for services to a responsible bidder who optimizes quality, cost and efficiency for the County based upon objective and quantifiable analysis. Goods procured and awarded on the basis of best value are those that are determined will be of the highest quality while being the most cost efficient.

Section 3. Requirements

- A. Whenever any contract is awarded on the basis of best value instead of lowest responsible bidder the basis for determining best value shall be thoroughly and accurately documented.
- B. The determination of quality and cost efficiency shall be based on objectively quantified and clearly described and documented criteria, which may include, but shall not be limited to, any or all of the following: cost of maintenance; proximity to the end user if distance or response time is a significant term; durability; availability of replacement parts or maintenance contractors; longer product life; product performance criteria; and quality of craftsmanship.
- C. General evaluation criteria shall be identified and shall be maintained in the Office of Management and Budget, Division of Purchasing and be made available to the public.
- D. The Director of Budget and Management shall establish specific evaluation criterion that will be relied upon for procuring goods based upon best value, which shall be maintained in the Office of Management and Budget, Division of Purchasing and made available to the public.
- E. Solicitation documents shall state the minimum requirements and specifications that must be met in order for the bidder to be deemed responsible and shall identify the general procedure and manner in which the evaluation and selection shall be conducted.
- F. The Niagara County Manager must approve the use of best value for each purchase contract that wishes to utilize the method.

Section 4. Severability

If any clause, sentence paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or

judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the New York State Secretary of State.

Now, therefore, be it

RESOLVED, that the Niagara County Legislature shall conduct a public hearing upon said proposed Local Law at the Legislative Chambers, Niagara County Courthouse, Lockport, New York on the 13th day of December, 2022 at 5:50PM, and be it further

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

ADMINISTRATION COMMITTEE