

A public hearing was held pursuant to ED-021-18, adopted by the Legislature on November 20, 2018, for the purpose of hearing public comments on Views and Recommendations for the Niagara County Agricultural and Farmland Protection Plan . Legislator Syracuse opened the hearing at 5:50 p.m. and closed it at approximately 6:00 p.m.

A public hearing was held pursuant to AD-023-18, adopted by the Legislature on November 20, 2018, for the purpose of hearing public comments on the Assessment Tax Roll for the Niagara County Water District. Legislator Syracuse opened the hearing at 6:12 p.m. and closed it at approximately 6:13 p.m.

A public hearing was held pursuant to AD-024-18, adopted by the Legislature on November 20, 2018, for the purpose of hearing public comments on the Assessment Tax Roll for the Niagara County Sewer District #1. Legislator Syracuse opened the hearing at 6:14 p.m. and closed it at approximately 6:15 p.m.

A public hearing was held pursuant to AD-025-18, adopted by the Legislature on November, 2018, for the purpose of hearing public comments on Assessment Tax Roll for the Niagara County Disposal District. Legislator Syracuse opened the hearing at 6:20 p.m. and closed it at approximately 6:22 p.m.

A public hearing was held pursuant to AD-022-18, adopted by the Legislature on November 20, 2018, for the purpose of hearing public comments on the Tentative Budget for the Year 2019. Legislator Nemi opened the hearing at 6:32 p.m. and closed it at approximately 6:33 p.m.

A public hearing was held pursuant to CSS-081-18, adopted by the Legislature on November 20, 2018, for the purpose of hearing public comments on A Local Law Entitled "The Niagara County Pawn Law". Legislator Godfrey opened the hearing at 6:45 p.m. and closed it at approximately 6:46 p.m.

## **OFFICIAL RECORD**

Lockport, New York  
December 4, 2018

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

Clerk Tamburlin called the roll. All Legislators were present.

Moment of silence was held for the 41<sup>st</sup> President George H.W. Bush.

Chairman McNall reminded everyone that December 11<sup>th</sup> Legislature meeting will be voting on the Niagara County Budget.

0 citizens spoke at this time.

### **Resolution No. AD-031-18**

From: Administration Committee.

Dated: December 4, 2018

## DISTRIBUTION OF MORTGAGE TAX

WHEREAS, Niagara County has received mortgage tax monies for the period April, 2018 through September, 2018 in the amount of \$3,032,767.79, and

WHEREAS, the Recording Officer has previously distributed \$709,914.32 to the Niagara Frontier Transportation Authority, \$680,365.12 to the State Mortgage Tax Agency, and retained \$131,294.85 for approved county administrative expenses, and

WHEREAS, that Recording Officer has remitted the remaining monies collected to the County Treasurer for distribution to various Niagara County towns, villages and cities, now, therefore, be it

RESOLVED, that the sum of \$1,511,193.50 reflects mortgage tax monies for the period April 1, 2018 through September 30, 2018 to be distributed, and the same be and hereby is, apportioned as follows among the various towns, villages and cities of the County of Niagara:

TOWNS	Cambria	\$ 46,823.98
	Hartland	22,143.31
	Lewiston	143,679.08
	Lockport	180,363.92
	Newfane	64,443.54
	Niagara	34,313.08
	Pendleton	87,644.78
	Porter	51,835.33
	Royalton	44,421.32
	Somerset	17,646.49
	Wheatfield	194,663.00
	Wilson	51,338.67
VILLAGES	Middleport (Hartland)	\$ 348.43
	Middleport (Royalton)	3,458.91
	Lewiston	16,996.32
	Youngstown	9,940.59
	Barker	1,468.76
	Wilson	5,570.88
CITIES	Lockport	123,814.22
	Niagara Falls	203,003.78
	North Tonawanda	207,275.11
	TOTAL:	\$1,511,193.50

and be it further

RESOLVED, that the County Treasurer be, and hereby is, directed to pay the Supervisors of the various towns, village treasurers, and city treasurers the amounts recorded above and that this document shall be sufficient authorization to the County Treasurer to make the payments in accordance with the above direction.

Moved by Virtuoso, seconded by Bradt.

Adopted. 14 Ayes, 0 Noes, 0 Absent



**Resolution No. AD-032-18**

From: Administration Committee.

Dated: December 4, 2018

**AWARD OF FLEXIBLE BENEFITS ADMINISTRATION CONTRACT BETWEEN AND AMONG  
NIAGARA COUNTY, THE NIAGARA COUNTY HEALTH PLAN ("NCHP"), AND PRO-FLEX  
ADMINISTRATORS, LLC ("PRO-FLEX")**

WHEREAS, the NCHP and the Joint Labor/Management Healthcare Committee ("JLMHC"), through Niagara County Purchasing, and pursuant to County Union collective bargaining agreements, conducted a Request for Proposal ("RFP") for Third Party Plan Administration ("TPA") services, RX Administration Services and ancillary services, issued on or about February 20, 2018 for a January 1, 2019 contract start, and

WHEREAS, the JLMHC conducted a review of responses, data analysis and finalist interviews with the NCHP Plan Administrator, Administration Committee Chairman and County Manager, Management Team and 4 of 6 Unions participating, led by Labor and Management Co-Chairs, with the assistance of the County's healthcare consultant, and

WHEREAS, the RFP resulted in an award to Nova Healthcare Administrators and Independent Health Pharmacy Benefits Dimensions for medical and RX claims administration, previously passed by Niagara County Legislature Resolution AD-016-18, and

WHEREAS, 5 vendors responded to the flexible benefits administration ancillary services portion of the RFP, all responses were reviewed and 3 finalists were interviewed, and

WHEREAS, the Plan Administrator and interview team, as delegated by the JLMHC - based on customer service, available technology, favorable references and a reduction in per employee per month costs - have chosen to award Pro-Flex the contract for the NCHP's flexible benefit administration for the years 2019 through 2020, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby approves the award of an agreement between and among Niagara County, NCHP and Pro-Flex, for the period beginning January 1, 2019 to December 31, 2020, with renewable extensions of one year, for flexible benefits administration for the self-funded Niagara County Health Plan and be it further

RESOLVED, that the Chairman of the Legislature or County Manager is hereby authorized and directed to execute said contract in form and content as reviewed and approved as to legal form by the Niagara County Attorney.

Moved by Virtuoso, seconded by Bradt.

Adopted. 14 Ayes, 0 Noes, 0 Absent

**Resolution No. AD-033-18**

From: Administration Committee.

Dated: December 4, 2018

**CONTRACT WITH ENTERPRISE TRAINING SOLUTIONS, INC. FOR  
e-LEARNING/DISTANCE LEARNING TRAINING SERVICES**

WHEREAS, the County of Niagara is required to comply with new NYS requirements to provide annual training to all employees and separate higher level training for supervisors/managers on the Niagara County Sexual Harassment Prevention Policy, and

WHEREAS, the County of Niagara has determined that the most efficient means to comply with this new requirement is to provide the majority of the training with the use of technology whereby employees conduct interactive online training in a self-paced approach, on an annualized basis as required by regulation, and

WHEREAS, the County of Niagara has selected to engage in a professional services contract with Enterprise Training Solutions, Inc. which is on State contract through the Office of General Services (OGS), award # 22883 for Group 73016 – e-Learning/Distance Learning Training Services (statewide) for the time period of January 15, 2019 through January 14, 2022, and

WHEREAS, the fee for the two aforementioned online trainings, and a third training topic (to be determined) per each year of the contract shall be \$14,950, and

WHEREAS, prior to the execution of the contract, the County Attorney will review the contract 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 is hereby authorized to execute said contract on behalf of Niagara County.

Moved by Virtuoso, seconded by Bradt.

Adopted. 14 Ayes, 0 Noes, 0 Absent

**Resolution No. CS-049-18**

From: Community Services and Administration Committees.

Dated: December 4, 2018

**NIAGARA COUNTY EMPLOYMENT & TRAINING DEPARTMENT  
BUDGET MODIFICATION - ACCEPT \$50,000 TRADE AND ECONOMIC TRANSITION  
NATIONAL DISLOCATED WORKER GRANT (TET-NDWG)**

WHEREAS, the Niagara County Local Workforce Development Area has been approved for \$50,000 under the Trade and Economic Transition National Dislocated Worker Grant (TET-NDWG), and

WHEREAS, these funds are being passed-through from the New York State Department of Labor to the Niagara County Employment and Training (NCET) Department, and

WHEREAS, NCET will be expending these funds for the training and service purposes identified by the grant Subrecipient Agreement, and

WHEREAS, these funds need to be added into the NCET 2018 budget, now, therefore, be it

RESOLVED, that the 2018 NCET Department Budget be modified as follows:

INCREASE REVENUE:

CD.29.6291.000 44791.00	WIOA Revenue	\$50,000
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INCREASE APPROPRIATIONS:

CD.29.6291.000 74500.01	Contractual Expenses	\$50,000
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Moved by Virtuoso, seconded by Bradt.  
Adopted. 14 Ayes, 0 Noes, 0 Absent

**Resolution No. CS-050-18**

From: Community Services and Administration Committees.

Dated: December 4, 2018

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

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

WHEREAS, as a result of the bills generated by the length of hospital stay imposed by Court Orders for year 2018, outstanding expenses currently exist, and

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

WHEREAS, the County is responsible for 50% of the costs of the stays, and

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

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

RESOLVED, the following budget transfer be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

A.40599.00	Appropriated Fund Balance	\$ 96,655
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DECREASE APPROPRIATIONS:

A.08.1990.000 74500.01	Contingency	\$ 19,333
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INCREASE APPROPRIATIONS:

A.21.4310.000 74550.17	Department of Mental Hygiene	\$ 115,988
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Moved by Virtuoso, seconded by Bradt.

Adopted. 14 Ayes, 0 Noes, 0 Absent

**Resolution No. CSS-086-18**

From: Community Safety & Security and Administration Committees.

Dated: December 4, 2018

**2018 BUDGET MODIFICATION - FIRE COORDINATOR'S OFFICE  
HAZ-MAT INCIDENT PAYMENT FOR MAY 31, 2018**

WHEREAS, the County Haz-Mat team responded to an incident on May 31, 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 \$627.57, 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 2018 budget modifications be effectuated:

INCREASE REVENUE:

A.19.3410.000 42690.02	Other Compensation for Loss Reimbursements	\$ 627.57
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INCREASE APPROPRIATION:

A.19.3410.000 74750.10	Supplies, Gen Hazmat Inventory	\$ 627.57
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Moved by Virtuoso, seconded by Bradt.

Adopted. 14 Ayes, 0 Noes, 0 Absent

**Resolution No. CSS-087-18**

From: Community Safety & Security and Administration Committees.

Dated: December 4, 2018

**NIAGARA COUNTY SHERIFF'S OFFICE  
AGREEMENT WITH NIAGARA UNIVERSITY AND  
NIAGARA FALLS POLICE DEPARTMENT TO JOINTLY OPERATE  
THE NIAGARA COUNTY LAW ENFORCEMENT ACADEMY**

WHEREAS, the Niagara County Law Enforcement Academy is currently held at Niagara University with direction from a representative of the Sheriff's Office and a representative of the City of Niagara Falls Police Department, and

WHEREAS, the Niagara County Law Enforcement Academy enables the Niagara County Sheriff's Office to train new deputies and police officers as well as provide programs to strengthen existing procedures to create a solid foundation for the agency's future, and

WHEREAS, the current Niagara County Law Enforcement Academy agreement expires at the end of December 2018, and

WHEREAS, the Niagara County Sheriff's Office would like to enter into a new "Joint Agreement to Operate" the Niagara County Law Enforcement Academy with Niagara University and the Niagara Falls City Police Department, and

WHEREAS, the Joint Agreement to Operate has been approved as to form by the Niagara County Attorney's Office, now, therefore, be it

RESOLVED, that the Niagara County Legislature approve and the Chairman of the Legislature sign the Joint Agreement to Operate without any effect to budgeting.



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

**Resolution No. CSS-088-18**

From: Community Safety & Security Committee.

Dated: December 4, 2018

**ADOPTION OF A LOCAL LAW ENTITLED "THE NIAGARA COUNTY PAWN LAW"**

WHEREAS, the Community Safety & Security Committee recommends the adoption of the following Local Law:

A Local Law entitled "The Niagara County Pawn Law";

WHEREAS, a public hearing was held on the 4<sup>th</sup> day of December at 6:45 p.m., in the Legislative Chambers, Courthouse, Lockport, New York, on said Local Law, and

WHEREAS, 0 people appeared to speak on said Local Law, and

WHEREAS, 0 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 entitled "The Niagara County Pawn Law" be it enacted by the County Legislature of the County of Niagara as follows:

**SECTION 1. Name of Local Law**

This Local Law shall be known as "Regulating Pawnbrokers, Secondhand Dealers, Junk Dealers, Scrap Processors, Jewelry, Precious Metals and Coin Exchange Dealers."

**SECTION 2. Legislative Intent**

A. The Niagara County Legislature finds and determines that the creation of a uniform countywide licensing and reporting program for tangible personal property acquired by pawnbrokers, secondhand dealers, junk dealers, scrap processors, jewelry, precious metals and coin exchange dealers will curtail the distribution and facilitate the recovery of stolen property throughout Niagara County.

**SECTION 3. Purpose**

The purpose of this local law is to establish a uniform system for tracking the sale and/or transactions of precious metal exchanges, pawnshops, junk and scrap processors, and secondhand merchants to assist the law enforcement community in tracking and recovering stolen property. This purpose shall be fulfilled by the uniform licensing and reporting system hereby established.

This local law is necessary for the protection of the citizens of Niagara County and is reasonable and appropriate for such precious metal exchange establishments, pawnshops and secondhand dealers.

**SECTION 4. Definitions**

As used in this local law, the following terms shall have the meanings indicated:

“Antiques” – Such items or collectibles recognized as such by established dealer associations within the industry.

“Antique Dealer” – Person engages exclusively in the business of purchasing and selling antique, collectible, vintage, or estate articles whose value is determined by age, condition, and rarity.

“Bullion” – Any gold, silver, platinum, or other precious metal in the form of bars, ingots, or coins, where the value of the item is primarily derived from underlying value of the composite metals.

“Dealer” – Any party required to be licensed under this law, including, but not limited to “pawn brokers,” “secondhand dealers,” “junk dealers,” “scrap processors,” “jewelry and coin exchange dealers” and/or “precious metal exchanges” located within Niagara County.

“Identification” – A valid New York State driver’s license, passport, or equivalent photo identification that contains the person’s name, physical description, and current address.

“Jewelry” – Articles composed (in whole or in part) of gold, silver, or other precious metals, gems or gemstones which, as constructed, are designed to be worn for personal adornment.

“Jewelry and Coin Exchange Dealer” – Persons or business establishments engaged in the business of sale, purchase, or exchange of precious metals and/or jewelry for other objects of precious metal, jewelry, United States currency, bank drafts, other negotiable instruments as defined in the Uniform Commercial Code or any other object or thing of value.

“Junk Dealer” – Persons or business establishments engaged in the business of purchasing and reselling valuable metal either at a permanently established place of business or in connection with a business of an itinerant nature, including junk shops, junk yards, junk stores, auto wreckers, salvage yards, collectors of or dealers in junk and junk cars or trucks.

“Law Enforcement Agency” – A representative of any local, state or federal law enforcement agency operating within Niagara County with jurisdiction over the jewelry and coin exchange dealer, secondhand dealer, and/or pawnbroker, acting in his/her official capacity in the investigation of criminal activity.

“Numismatic Coins” – coins with a market value greater than that of their face value.

a) This sections is not intended to include bullion coins whose value is determined by the market value of their underlying precious metal content plus a mint mark-up.

“Operator” – Person(s) responsible for the day-to-day operations of the business as indicated under this law.

“Pawnbroker” – Any person or business establishment who holds goods as collateral on short-term, high-interest loans or a person who qualifies as a “collateral loan broker” pursuant to section 52 of the New York General Business Law.

“Precious Metals” – Includes, but is not limited to, gold, silver, platinum, palladium, copper, or any combination thereof purchased and sold by weight and any secondhand manufactured article composed wholly or in part of gold, silver, platinum, or palladium.



“Precious Metals Exchange” – Person or corporation engaged in the business of purchase or exchange of precious metals for other objects of precious metal, U.S. currency, bank drafts, and other negotiable instruments as defined in the Uniform Commercial Code or any other object or thing of value.

“Scrap Processor” – Persons or business establishments operating and maintaining a scrap metal processing facility or engaged in the purchase, processing and shipment of ferrous and/or nonferrous scrap, the end product of which is the production of raw material for re-melting purposes for steel mills, foundries, smelters, refiners, and similar users.

“Secondhand Article” – Any article or object, with the exception of clothing and books, that has previously been bought or sold at retail and/or which has been previously used and/or is not in a new condition. This shall include any “gift card” or other electronic payment device that is usable at a single merchant or an affiliated group of merchants that share the same name, mark, or logo, is issued in a specific amount, and may or may not be increased in value or reloaded, or as otherwise defined in Article 26 section 396(I), or Article 13, section 1315, of the New York State General Business Law. This also includes, but is not limited to, electronics, gaming devices and video games.

“Secondhand Dealer” – Any person or business establishment who deals in the purchase, sale, exchange, or pledge as security for a sum of money any secondhand article. This shall not include providers of commercial mobile services as defined in 47 U.S.C. 332(d), and such providers’ authorized agents and retailers that have contractual relationships with the provider to sell the provider’s authorized products and services.

## **SECTION 5. Prohibited Acts**

A. It shall be unlawful for a dealer, or his or her designee, to purchase any articles, jewelry or precious metals from any person whom such dealer knows to be or has reason to believe to be under the age of 18 years.

B. It shall be unlawful for any dealer, or his or her designee, to sell, dispose of, destroy, alter or remove from such dealer’s premises any articles, jewelry or precious metals until the expiration 14 calendar days after the acquisition by such dealer of any such articles, jewelry or precious metals, unless otherwise exempted herein.

C. When requested to do so by the appropriate local law enforcement agency in connection with a law enforcement investigation, it shall be unlawful for any dealer to sell, dispose of, destroy, alter or remove from such dealer’s premises any articles, jewelry or precious metals until the expiration 30 calendar days from the date of the request. Upon the written request of the law enforcement agency, the property shall be held up for up to two additional thirty-day periods.

D. No dealer shall employ any person who has been convicted, within three years, of any felony related to the operation of business or who has had dealer’s license revoked or denied within the past year.

E. No secondhand dealer shall permit his or her place of business to remain open for the transaction of business any time except between the hours of 8:00 a.m. and 11:00 p.m.

## **SECTION 6. Licensing**

A. Every pawnbroker, secondhand dealer, junk dealer, scrap processor, jewelry and coin exchanged dealer, or precious metal exchange operating within Niagara County is required to be licensed according to this local law.

B. Every permanent, physical location in which a pawnbroker, secondhand dealer, junk dealer, scrap processor, jewelry and coin exchanged dealer, or precious metal exchange is operating in within Niagara County is required to be separately licensed.

C. The Niagara County Sheriff shall be the licensing authority authorized to issue dealer licenses under this law.

D. Any local police agency that has jurisdiction of the geographical area wherein the dealer is located may provide input to the Niagara County Sheriff on the issuance of a license to any vendor.

E. Licenses shall be valid for one year from date of issuance.

F. The annual license fee shall be \$250 per license, per location. There shall be a fee of \$10 for replacement of a lost license.

G. An application for a pawnbroker's, secondhand dealer's, junk dealer's, scrap processor's, jewelry, precious metals or coin exchange dealer's license (hereinafter "dealers license") shall be made by the owner on forms provided by and filed with the Niagara County Sheriff. The application shall include the following requirements:

Employee names, date of birth, and dates of employment, kept and made available for inspection by the Sheriff or his/her representatives for the duration of the license;

2. Where the owner is not directly involved with the day-to-day operation of said business;

a) The operator must also be included on the application; or

b) If a partnership, corporation or other business entity is involved, the application must designate an individual as operator who is involved in the day-to-day operation of the business. In this situation, the secondhand dealer's license shall be issued to the operator; the names, addresses and phone numbers of the partners, officers or principal shall also be listed on the application. All addresses of persons involved shall be home addresses listing street and number.

3. The legal address of the premises where such business is to be carried out; and

4. Whether the applicant or any officer and operator has previously been involved in the purchase or sale of secondhand articles and, if so, the name of the business, its location and the dates of involvement.

5. Any and all e-commerce websites, including Internet storefronts, third-party sales outlets, as well as any and all written or electronic classified advertisements. The application shall further include any seller names or otherwise identifying names used within those e-commerce sites;

6. The application shall be signed and sworn to before a notary public or other official authorized to administer oaths in the County;

H. Before the issuance of a dealer's license, the Sheriff or his or her representative, and/or any local police agency which has jurisdiction of the geographical area wherein the dealer is located or his or her representative, shall have the right to enter upon such premises during normal business hours for the purpose of conducting



inspections, related to the security systems and layout of the premises. After a dealer=s license has been issued, further inspections of the premises, to ensure compliance with the laws, ordinances and rules and regulations relating to secondhand business, may be made in areas open to the public or other areas with consent.

I. Any change in the facts or information required on said application that occurs after the application has been filed shall be reported by the licensee, in writing, to the Niagara County Sheriff within 10 days of the change.

J. All applications for dealer=s licenses shall be issued or denied within 30 days after a fully completed application has been received by the Niagara County Sheriff=s Office. The applicant shall be notified, in writing, of any delay which is due to incomplete application, investigative delays, or other reasonable cause.

K. Except as provided in Article 23-A of the New York State Correction Law, the Sheriff reserves the right to deny dealer=s license to any person convicted of any crime related to the operation of the business.

L. No person who stands convicted of a felony charge involving burglary, theft, or robbery may be eligible for a license pursuant to this law (other than those defined by the Vehicle and Traffic Law).

M. No dealer=s license shall be issued for a period of one year to an applicant that has been found guilty of operating a business without a secondhand dealer=s license.

N. Dealer=s licenses shall not be transferred. In the event of any change involving the owner or operator of the business or the business location, a new dealer=s license shall be required. A dealer=s license shall not be transferred to any person who holds power of attorney.

O. The Niagara County Sheriff may deny or revoke any license granted herein in the following situations:

1. Where the dealer has made a false statement in connection with its application; or
2. Where the dealer revokes the consent to examine such records and items or refuses to allow inspection of its premises.
3. Where it is proven that the dealer or his or her designee has knowingly received stolen property.
4. Where the home rule policing agency can show cause that the dealer is in violation of this law.

P. If an application for a license is denied, or an existing license is revoked, the applicant or holder of the revoked license shall, within 10 business days of notice of denial or revocation, request reconsideration by the Niagara County Sheriff=s Office by providing that office with any additional, relevant information. The Niagara County Sheriff=s Office shall, within 10 business days of receipt of the reconsideration of materials, issue a final notice of denial or revocation setting forth the grounds upon which the license was either denied or revoked. Such final notice shall be transmitted by certified or registered mail.

## **SECTION 7. Licensing Explanations**

A. The following entities are exempt from the licensing requirements of this chapter:

1. Any secondhand dealer that is exempt from taxation under section 501(c)(3) or section 501(c)(4) of the Internal Revenue Code; or
2. Garage sales, basement sales, porch sales, yard sales, and other such events at which a person desires to sell or trade his or her personal used items, household goods, furniture or equipment upon his or her premises, said premises not being a regular place of business for purchase or sale of secondhand items, shall be exempted from the license requirement of this chapter. No more than three such sales shall be conducted by the same person or persons upon the same premises within one calendar year, and each such sale shall not exceed three consecutive days.
3. Any dealer in secondhand or used motor vehicles.
4. The sale of antiques by an antique dealer, or his/her employee associates, provided the antique dealer:
  - a) Has an established antique shop advertised and promoted as such; or
  - b) Exhibits at least twice a year at established advertised and/or promoted antique shows; or
  - c) Is a private dealer working from home and/or a nonretail location and has applied for and has been granted a New York State resale number for collection and submission of sales tax.
5. Any stores selling secondhand clothing, or sporting goods equipment where 50% or more of its gross revenues are related to items of clothing. Any clothing store claiming this exemption must provide written proof of its applicability by a certified public accountant within 20 days upon request of any law enforcement agency.

## **SECTION 8. General Operations**

- A. Dealers shall comply with all provisions of federal, state and local laws and ordinances relating to the conduct business and occupation, use and maintenance of the premises and shall ensure that all of their employees and agents do so also. Where the dealer is also a pawn broker, the dealer shall comply with Article 5 of the New York State General Business Law entitled ACollateral Loan Brokers Law@. Where the dealer is also a junk dealer, the dealer shall comply with Article 6 of the New York State General Business Law entitled AJunk Dealers Law@.
- B. All dealers covered under this local law shall cause the dealer=s license and business permit to be posted in a conspicuous place immediately visible upon entering the business establishment.
- C. If the dealer or an employee of any establishment covered by this chapter has reason to believe from the circumstances presented that an item has been stolen or acquired by dishonest means, it shall be his or her duty to immediately report same to the Sheriff or his or her representatives, or any local law enforcement agency having jurisdiction.
- D. Any law enforcement agency that confiscates property from a business covered under this chapter, as evidence or for safekeeping in an investigation or to return to an owner, shall issue a receipt to the business. The receipt shall contain a crime report number which references the investigation.
- E. Any dealer covered under this chapter shall release to a law enforcement agency, with valid jurisdiction, any item in the dealer=s possession when:



1. The item is established to be stolen; and
  2. The owner of the item or victim of a theft has positively identified the item and provided an affidavit of ownership and had made a report of the theft to a law enforcement agency; and
  3. The stolen property report describes the item by one or more of the following: date, initials, an insurance record, a photograph, a sales receipt, a serial number, specific damage, or a statement of facts that show the item is one of a kind or has a unique engraving; and
  4. The dealer is given a receipt from the law enforcement agency for the item released.
- F. Any dealer covered under this chapter, who is required to relinquish an item pursuant to this provision, is not entitled to demand or condition the release upon a reimbursement from the law enforcement agency, the owner of the item, or the victim of the theft. A dealer who is himself or herself a victim of a crime may seek restitution or reparation in accordance with the New York State Penal Law.
- G. Any party either implicitly or explicitly exempted from licensing pursuant to this law shall not be subject to any other provision herein.

## **SECTION 9. Identification Required**

- A. It shall be the duty of the dealer to verify the identity of every person from whom a purchase is made through acceptable photographic identification (as detailed below) and to make and to keep a written record of the nature of the evidence submitted by such person to prove identity. The signature of the dealer shall be included in the recording of each transaction.
- B. Only the following shall be deemed acceptable evidence of identity: any official document (except a social security account number card) issued by the United States government, any state, county, municipality or subdivision thereof, any public agency or department thereof, or any public or private employer, which requires and bears the name, date of birth, signature, and picture of the person to whom issued.
- C. It shall be the duty of every dealer to require that every person from whom any article, jewelry or precious metal is purchased sign his/her name in the presence of the dealer, and to compare the signature on the identifying document, if any, and retain on said premises the person=s signature together with the number and description of the identifying document, if any.
- D. If the individual is acting as an agent for a principal, proof of the principal=s true name, date of birth and residence address must be provided.
- E. It shall further be the duty of every dealer, to take, and maintain, a copy or digital photo of the identification required by Section 9(B) of this law.
- F. It shall further be the duty of every dealer to take, and maintain, a digital photograph of each article, jewelry or precious metal purchased. The photograph must include the serial number and model number or product key of the item(s) containing those features. The photo must be high definition of at least 10 megapixel and the item must be clearly identifiable in the photo.

## **SECTION 10. Electronic Records**

A. Every dealer covered by this chapter shall upload to the electronic records of all reportable transactions to the LeadsOnline reporting service at [www.leadsonline.com](http://www.leadsonline.com), or any other electronic reporting system as determined by the Niagara County Sheriff. Each transaction record shall contain all information required by this chapter and shall be uploaded via internet connection to this electronic reporting service according to the following procedures:

Using point of sale software, all dealers covered by this chapter shall review the compatibility of their software with the Leads Online electronic reporting service, and dealers with compliant point of sale software shall electronically upload all required information from their point of sale software to the specified electronic reporting service via internet connection using the upload process or reporting service; or

All dealers covered by this chapter and using point of sale software noncompliant with the Leads Online reporting service or not using point of sale software shall manually enter all reportable transactions into the electronic reporting service via internet connection.

Every dealer is required to provide to the electronic reporting service, at a minimum, the following information for each transaction:

- a) Type of transaction: (pawn, trade, buy, scrap, etc.).
- b) Transaction date & time.
- c) Cashier name or identification number.
- d) Customer identification type, number and state of issuance.
- e) Digital photo of customer identification.
- f) Customer first and last name, date of birth, and complete address.
- g) Item price, detailed description including identifying marks, color, quantity, make, model, year and serial or vehicle identification number.
- h) In the case of jewelry or precious metals:
  - i) Weight of precious metal in karats (10K, 14K, etc.).
  - ii) Number and type of precious stones on item.
  - iii) Unique marks or inscriptions, specifically any engravings.
  - iv) Any visible alterations or modifications to item.
- i) Item weight (scrap only).
- j) License plate number (scrap only).
- k) Digital photos clearly identifying the article and any distinguishing marks.

Every dealer must complete all required fields with accuracy. Any misspellings or omissions will constitute an incomplete submission and a violation of the provisions of this chapter.

5. In the event that any dealer covered by this chapter is unable to successfully upload transaction records via the electronic reporting service within the required 48 hours, the dealer shall, within 24 hours of the unsuccessful upload, notify the Niagara County Sheriff's Office of the reason for the submission failure and provide an estimated time of compliance. Under these circumstances, the dealer shall provide the Niagara County Sheriff's Office a daily electronic data table or spreadsheet of all transactions that would otherwise have been submitted via the electronic reporting service. This data shall either be hand delivered or e-mailed to the Niagara County Sheriff's Office no later than one business day after the transaction date.



B. Every dealer shall furnish to any law enforcement agency, as defined in Section 4, all information requested by said agency relative to all records required to be kept under this chapter no later than three (3) days after receipt of any item covered by this local law.

C. If any items composed wholly or in part of articles, jewelry or precious metals shall be advertised in any newspaper printed in the County of Niagara as having been lost or stolen, and if any items matching such advertised description or any part thereof shall be in or come into possession of any dealer upon receiving actual written or oral notice of the similarity of description of such articles, said dealer shall immediately give information relating thereto to the appropriate local law enforcement agency. No disposition of such items shall be affected until authorization to do so is given to such dealer by the appropriate local law enforcement agency.

### **Section 11. Record Maintenance & Holding Period Exemptions**

A. The following transactions are exempt from the record keeping and holding period requirements under this law:

1. Any transaction by a party not required to be licensed pursuant to this law.
2. Any sale conducted pursuant to statute or by order of any court.
3. The sale or purchase of any item(s) for less than \$15.
4. This chapter shall not apply to the return of secondhand items for credit, exchange or refund to the person from whom said items were originally obtained, provided that the items were not secondhand items when originally obtained.
5. The sale of secondhand articles at antique shows or trade shows, where such shows are advertised and/or promoted as such.
6. Dealer to dealer or dealer to government transaction.
7. Transactions primarily involving the exchange of bullion:
  - a) The value of the bullion must exceed 90% of the dollar value of the entire transaction to qualify for this exemption.
8. Numismatic coin transactions.

### **SECTION 12. Release of Stolen Property**

A. Any dealer covered under this chapter shall release to a law enforcement agency, with valid jurisdiction, any item in the dealer's possession when:

1. The item is established to be stolen; and
2. The owner of the item or victim of a theft has positively identified the item and provided an affidavit of ownership and had made a report of the theft to a law enforcement agency; and

3. The stolen property report describes the item by one or more of the following: date, initials, an insurance record, a photograph, a sales receipt, a serial number, specific damage, or a statement of facts that show the item is one of a kind or has a unique engraving; and

4. The dealer is given a receipt from the law enforcement agency for the item released.

B. When the law enforcement agency no longer needs an item for evidence, it shall be returned to the rightful owner.

### **SECTION 13. Penalties for offenses; Enforcement**

A. Any violation of the provisions of this chapter shall constitute an offense and shall be punished as follows:

1. Any person violating the provisions of this chapter shall be guilty of a violation, and shall be awarded a fine not to exceed \$200 for the first offense, \$1,000 for the second offense, and \$3,000 for each subsequent offense. Each such violation shall constitute a separate and distinct offense.

a) A violation, for the purposes of this section of the local law, shall be enforced once per transaction, regardless of the number of violations occurring in said transaction.

b) A transaction shall consist of any single bargained for exchange committed between the same two parties within any 24 hour period.

2. This chapter shall be enforced by any local law enforcement agency having appropriate jurisdiction.

B. No provision of this law is intended to alter or interfere with any party=s right against self-incrimination.

C. All penalties will inure to the license holder and shall be payable by said licensee.

D. Five (5) violations in any consecutive twelve (12) month period shall cause a revocation of the dealer=s license.

E. In the event a dealer is inappropriately operating as a secondhand dealer without a valid license, said dealer, after appropriate notice from the Sheriff, shall be fined in an amount not to exceed \$1,000 and shall be charged with operating a secondhand dealership without a license.

1. Appropriate notice shall be in writing and the secondhand dealer shall be afforded thirty (30) days from the receipt of notice within which to come into compliance with this local law.

2. Three (3) violations in any consecutive twelve (12) month span of operating a secondhand dealership without a license shall result in a misdemeanor charge against the operator of the secondhand dealership for operating a secondhand dealership without a license and shall be punishable by a fine of \$1,000 or not more than five (5) days in jail.

### **SECTION 14. Applicability**



For the purposes of this law, any license granted under any town, village, or city ordinance of the same matter, which is already in effect prior to the enactment of this law, shall be considered a valid dealer's license.

#### **SECTION 15. Due Process**

Nothing in this law shall infringe upon the due process rights of the parties involved. After following proper procedure as laid out above any unresolved issues may be appealed to any court of competent jurisdiction.

#### **SECTION 16. Severability**

If any clauses, sentence, paragraph, section or article of this chapter shall adjudge by any court of competent jurisdiction to be invalid, such determination shall not affect, impair or invalidate the remainder

thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the proceeding in which such adjudication shall have been rendered.

#### **SECTION 17. Effective Date**

This Local Law shall become effective immediately upon the filing with the Secretary of State pursuant to Moved by Virtuoso, seconded by Bradt.

Adopted. 14 Ayes, 0 Noes, 0 Absent

#### **Resolution No. CSS-089-18**

From: Community Safety & Security Committee.

Dated: December 4, 2018

#### **ACCEPTANCE AND DESIGNATION OF NIAGARA COUNTY PAWN LAW FEES AND FINES**

WHEREAS, the local law entitled the Niagara County Pawn Law has been established to create a uniform countywide licensing and reporting program for tangible personal property acquired by pawnbrokers, secondhand dealers, junk dealers, scrap processors, jewelry, precious metal and coin exchange dealers to curtail the distribution and facilitate the recovery of stolen property throughout Niagara County, and

WHEREAS, the Niagara County Pawn Law establishes fees and fines that are payable to the Niagara County Sheriff, and

WHEREAS, the fees and fines collected will aid the Niagara County Sheriff's Office in offsetting the costs associated with implementation and enforcement of Niagara County Pawn Law, now, therefore, be it

RESOLVED, that all fee revenue collected through fees associated with the Niagara County Pawn Law be placed in the Niagara County Sheriff's Office budget using line A.17.3110.000 41510.04 Pawn Law Fees and be it further

RESOLVED, that all fines levied as result of non-compliance or violations of the Niagara County Pawn Law be placed in a committed fund balance line in the Niagara County Sheriff's Office budget using line A.17.3110.000 41589.06 Pawn Law Fines for the purpose of enforcement actions and future public safety initiatives.

Moved by Virtuoso, seconded by Bradt.

Adopted. 14 Ayes, 0 Noes, 0 Absent

**Resolution No. IF-143-18**

From: Infrastructure & Facilities and Administration Committees.

Dated: December 4, 2018

**AWARD ANGELO DELSIGNORE CIVIC BUILDING CURTAIN WALL ENGINEERING  
SERVICES CONSULTANT CONTRACT**

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with the Angelo DelSignore Civic Building Curtain Wall, and

WHEREAS, funds are available in account H623.15.1620.000 72200.01, Building Improvements, and

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

RESOLVED, that the consultant services contract for the Angelo DelSignore Civic Building Curtain Wall be awarded to Watts Engineering & Architecture PC, 95 Perry Street, Suite 300, Buffalo, NY 14203, for a contract amount not to exceed \$84,400, and be it further

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

Moved by Virtuoso, seconded by Bradt.

Adopted. 14 Ayes, 0 Noes, 0 Absent

**Resolution No. IF-144-18**

From: Infrastructure & Facilities Committee.

Dated: December 4, 2018

**SHARED SERVICES AGREEMENT BETWEEN NIAGARA COUNTY AND  
THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION**

WHEREAS, the New York State Department of Transportation (NYSDOT), has offered this contract, and

WHEREAS, the NYSDOT and Niagara County desire to share services, exchange or lend materials, or equipment which shall promote and assist the maintenance of State and County highways, and provide a cost savings by maximizing the effective utilization of both parties resources, and

WHEREAS, it is the intent of this contract for the NYSDOT and the Niagara County Public Works Department to share highway services that will help deliver these services in a more efficient and cost effective manner in the local communities of Niagara County through this shared service effort, and

WHEREAS, prior to the execution of the contract, the County Attorney will review the contract 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 Niagara County Legislature be, and hereby is, authorized to sign the contract for shared highway services along with the NYSDOT, and be it further



RESOLVED, that this contract shall be for four (4) years, notwithstanding the proviso that any party to the contract may revoke its inclusion therein by filing a notice of revocation with each signatory, effective within 60 days of such revocation.

Moved by Virtuoso, seconded by Bradt.

Adopted. 14 Ayes, 0 Noes, 0 Absent

**Resolution No. IF-145-18**

From: Infrastructure & Facilities Committee.

Dated: December 4, 2018

**ACCEPTANCE OF AMENDMENT B  
2017-2018 NYSDOT SNOW AND ICE AGREEMENT  
DPW - HIGHWAY**

WHEREAS, the Niagara county Highway Department is under agreement with the New York State Department of Transportation for snow and ice removal, and

WHEREAS, the type of agreement for the 2017-2018 winter season is an indexed lump sum and the reimbursement payment is based on an estimated expenditure, and

WHEREAS, the New York State Department of Transportation amended the estimated expenditure to more accurately reflect the season, and

WHEREAS, the amendment will enable the New York State Department of Transportation to reimburse Niagara County an additional \$36,287.30 over the estimated expenditure, and

WHEREAS, the acceptance of Amendment B will allow the processing of said reimbursement now, therefore, be it

RESOLVED, the Chairman of the Legislature be, and hereby is, authorized to execute Amendment B.

Moved by Virtuoso, seconded by Bradt.

Adopted. 14 Ayes, 0 Noes, 0 Absent

**Resolution No. IF-146-18**

From: Infrastructure & Facilities and Administration Committees.

Dated: December 4, 2018

**WEST CANAL MARINA WALKWAY IMPROVEMENTS  
CHANGE ORDER NO. 1**

WHEREAS, Resolution No. IF-081-18, dated June 19, 2018, awarded the contract for the West Canal Marina Walkway Improvements Project to Scott Lawn Yard, 3305 Haseley Drive, Niagara Falls, NY 14304, for a contract amount of \$327,759, and

WHEREAS, it is necessary to extend the contract completion date to June 30, 2019, at no additional cost to the County, 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 to Scott Lawn Yard, 3305 Haseley Drive, Niagara Falls, NY 14304, be extended to June 30, 2019, at no additional cost to the County, and be it further

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

Moved by Virtuoso, seconded by Bradt.

Adopted. 14 Ayes, 0 Noes, 0 Absent

**Resolution No. IF-147-18**

From: Infrastructure & Facilities and Administration Committees.

Dated: December 4, 2018

**CHESTNUT ROAD BRIDGE OVER E. TWELVE MILE CREEK  
FEDERAL AID LOCAL PROJECT AGREEMENT  
SUPPLEMENTAL AGREEMENT NO. 1**

WHEREAS, the Chestnut Road Bridge over E. Twelve Mile Creek Project, Town of Wilson, Niagara County, 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 Design Phases I-VI, Right-of-Way Incidentals, and Construction/Construction Inspection 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 federal and non-federal shares of the cost of the Design Phases I-VI, Right-of-Way Incidentals, and Construction/Construction Inspection phases of the Project or portions thereof, and be it further

RESOLVED, that the sum of \$1,345,000 is hereby appropriated in account H605.15.5197.000 72600.02 and made available to cover the cost of participation in the above phases of the project, and be it further

RESOLVED, that the following budget modification be effectuated to reflect the funding levels set forth by Schedule A in the attached agreement:

**INCREASE REVENUE:**

H.605.15.5197.000 43501.00	Consol Highway Aid Revenue	\$ 118,000
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**DECREASE REVENUE:**

H605.15.5197.000 44597.01	Federal Aid Revenue	1,078,400
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**DECREASE APPROPRIATIONS:**

H605.15.5197.000 72600.02	Infrastructure-Bridges	960,400
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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 Construction/Construction Inspection 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.

Moved by Virtuoso, seconded by Bradt.

Adopted. 14 Ayes, 0 Noes, 0 Absent

**Resolution No. IF-148-18**

From: Infrastructure & Facilities and Administration Committees.

Dated: December 4, 2018

**APPROVAL OF CONTRACT ADDENDUM FOR ADDITIONAL SERVICES TO  
BE PERFORMED BY CHA CONSULTING, INC. FOR THE  
NIAGARA COUNTY REFUSE DISPOSAL DISTRICT**

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

WHEREAS, said contract was fully executed by the Niagara County Refuse Disposal District and CHA Consulting, Inc. on June 26, 2014, and

WHEREAS, said June 24, 2014 contract contains clauses which contemplate the eventuality of additional services to be performed by CHA Consulting, Inc. for the Niagara County Refuse Disposal District in regards to C&D Landfill, Landfill #1 and Landfill #2, and

WHEREAS, said June 24, 2014 contract contains clauses which permit said additional services to be performed pursuant to a valid written Amendment/Addendum to said June 24, 2014 contract which is to be signed by authorized representatives of Niagara County Refuse Disposal District and CHA Consulting, Inc., and

WHEREAS, additional services to be performed by CHA Consulting, Inc. for the Niagara County Refuse Disposal District in regards to the addition tasks associated with the preparation of plans and specifications to account for modifications made to the Leachate Collection System, reroute of overhead electrical system, confirm limits of



waste around landfill, improvements to Stormwater system and the addition of oversight and administration tasks to carry out design changes at Landfill 1, and

WHEREAS, CHA Consulting, Inc. has submitted a detailed Scope of Work and the corresponding Professional Fees to be charged by CHA Consulting, Inc. to Niagara County Refuse Disposal District to complete the above-referenced additional services in regards to the preparation of plans and specifications to account for modifications made to the Leachate Collection System, reroute of overhead electrical system, confirm limits of waste around landfill, improvements to Stormwater system and the addition of oversight and administration tasks to carry out design changes at Landfill 1, and

WHEREAS, the proposed Professional Fees to be charged by CHA Consulting, Inc. to Niagara County Refuse Disposal District to complete the above-referenced additional services in regards to the monitoring network shall not exceed \$65,000.00, and

WHEREAS, the Niagara County Refuse Disposal District wishes to enter into an Amendment/Addendum to the June 24, 2014 contract with CHA Consulting, Inc. for above-referenced additional services, and

WHEREAS, prior to the execution of the such contract Amendment/Addendum, the County Attorney will review all documents for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that the Niagara County Refuse Disposal District is hereby authorized to enter into an Amendment/Addendum to the June 24, 2014 contract with CHA Consulting, Inc. Amendment/Addendum to complete the above-referenced additional services in regards to C&D Landfill, Landfill #1 and Landfill #2 and the amount to be paid by the Niagara County Refuse Disposal District to CHA Consulting Inc. for said additional services shall not exceed the amount of \$65,000.00, and be it further

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

Moved by Virtuoso, seconded by Bradt.

Adopted. 14 Ayes, 0 Noes, 0 Absent

#### **Resolution No. IF-149-18**

From: Infrastructure & Facilities and Administration Committees.

Dated: December 4, 2018

### **WEST SOMERSET ROAD SURVEY PROJECT CONSULTANT AMENDMENT NO. 4**

WHEREAS, Resolution No. PW-113-14, dated September 16, 2014, authorized the contract for survey work required along West Somerset Road in the towns of Newfane and Somerset to Erdman Anthony, 8608 Main Street, Buffalo, NY 14221, in the amount of \$96,900, and

WHEREAS, Resolution No. IF-112-15, dated September 15, 2015, authorized Amendment No. 1 to allow the project to proceed with Design Phase I, Quaker Road to Hosmer Road, in the amount of \$381,000, for a revised contract amount of \$477,900, and

WHEREAS, Resolution No. IF-088-16, dated September 22, 2016, authorized Amendment No. 2 for wetland delineation and survey in the amount of \$29,600, for a revised contract amount of \$507,500, and



WHEREAS, Resolution No. IF-082-17, dated May 16, 2017, authorized Amendment No. 3 to allow the project to proceed with design services from Hess Road to Hosmer Road, in the amount of \$402,500, for a revised contract amount of \$910,000, and

WHEREAS, the contract needs to be increased for the design of emergency bridge and guide rail repair for the Walmore Road Bridge over Bergholz Creek, in the amount of \$9,000, for a revised contract amount of \$919,000, and

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

RESOLVED, that the consultant services contract with Erdman Anthony, 8608 Main Street, Buffalo, NY 14221, be increased in the amount of \$9,000, for a revised contract amount of \$919,000, and be it further

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

Moved by Virtuoso, seconded by Bradt.

Adopted. 14 Ayes, 0 Noes, 0 Absent

**Resolution No. IF-150-18**

From: Infrastructure & Facilities Committee.

Dated: December 4, 2018

**LEASE AGREEMENT BETWEEN  
NIAGARA COUNTY AND THE CITY OF LOCKPORT**

WHEREAS, Niagara County offered this lease agreement between the City of Lockport, a municipal corporation of the State of New York with offices at One Locks Plaza, Lockport, New York 14094 (hereinafter referred to as "CITY") and the County of Niagara, a municipal subdivision of the State of New York with offices at 175 Hawley Street, Lockport, New York 14094 (hereinafter referred to as "COUNTY").

WHEREAS, the COUNTY owns property located at 59 Park Avenue in the City of Lockport, New York (hereinafter referred to as the "Brooks Building"), and

WHEREAS, the parties wish to enter into a Lease Agreement to memorialize the arrangement whereby the CITY is allowed to affix a temporary sled on the Brooks Building upon which it may attach communications equipment, and

WHEREAS, the parties wish to enter into a Lease Agreement in order to delineate their respective future obligations and responsibilities thereto, and

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

RESOLVED, that following the County Attorney's review, the Chairman of the Niagara County Legislature be, and hereby is, authorized to sign the Lease Agreement whereby the CITY is allowed to affix a temporary sled on the Brooks Building upon which it may attach communications equipment, and be it further

RESOLVED, that this lease agreement shall be for five (5) years, with an option to renew for up to four (4) additional periods of five (5) years upon mutual consent of the parties, notwithstanding the proviso that any

party to the lease agreement may revoke its inclusion therein by providing six (6) months' prior written notice to the other party at the address set forth hereinabove.

Moved by Virtuoso, seconded by Bradt.

Adopted. 14 Ayes, 0 Noes, 0 Absent

**Resolution No. IF-151-18**

From: Infrastructure & Facilities Committee.

Dated: December 4, 2018

**SHARED SERVICES AGREEMENT BETWEEN  
NIAGARA COUNTY AND THE TOWN OF PENDLETON**

WHEREAS, Niagara County offered this contract, and

WHEREAS, the County desires to support the Town of Pendleton's IT requirements by and through providing the services of the County's IT support staff, as assigned by the Director of Information Technology, in exchange for the Town of Pendleton sharing the costs and expenses associated with said services provided by the County, and

WHEREAS, it is the intent of this contract for Niagara County to provide information technology support for the Town of Pendleton and to share resources that will help deliver these services in a more efficient and cost effective manner in the local communities of Niagara County through this shared service effort, and

WHEREAS, prior to the execution of the contract, the County Attorney will review the contract 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 Niagara County Legislature be, and hereby is, authorized to sign the contract for shared IT services, including technologies, licensing and utilization of the same hardware and/or software products and vendors, along with the Town of Pendleton, and be it further

RESOLVED, that this contract shall be for one (1) year, with an option for four (4) one year renewals notwithstanding the proviso that any party to the contract may revoke its inclusion therein by filing a notice of revocation with each signatory, effective within six (6) months of such revocation.

Moved by Virtuoso, seconded by Bradt.

Adopted. 14 Ayes, 0 Noes, 0 Absent

**Resolution No. IF-152-18**

From: Infrastructure & Facilities and Administration Committees.

Dated: December 4, 2018

**ASBESTOS ABATEMENT AND FLOOR PREPARATION-  
COURT HOUSE AND CIVIC BUILDING  
CHANGE ORDER NO. 1**

WHEREAS, by Resolution No. IF-090-18, dated June 19, 2018, the Legislature awarded the contract for the Asbestos Abatement and Floor Preparation-Court House and Civic Building Project to Metro Environmental, 2939 Lockport Road, Niagara Falls, NY 14305, for a contract amount of \$184,000, and



WHEREAS, it is necessary to increase the contract in the amount of \$9,336 for abatement of additional pipe joint elbow mudded fittings, for a revised contract amount of \$193,336, and

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

RESOLVED, that Change Order No. 1 to increase the contract by \$9,336 for the Asbestos Abatement and Floor Preparation-Court House and Civic Building Project, for a revised contract amount of \$193,336, to Metro Environmental, 2939 Lockport Road, Niagara Falls, NY 14305, be approved, and be it further

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

Moved by Syracuse, seconded by Nemi.

Adopted. 14 Ayes, 0 Noes, 0 Absent

**Resolution No. IL-045-18**

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

Dated: December 4, 2018

**RENEWAL OF ELIMINATION OF NIAGARA COUNTY TAX FOR  
CITY OF LOCKPORT WATER SUPPLY LINE**

WHEREAS, the City of Lockport raw water intake is in North Tonawanda, and

WHEREAS, the raw water line intake travels from the North Tonawanda through the municipalities of Pendleton, Wheatfield, Lockport (Town) and North Tonawanda for a total of 13 miles to get to the City of Lockport Summit Street filtration plant, and

WHEREAS, the City of Lockport prior to June 17, 2007, paid Niagara County property tax based upon the assessment of the raw water line which resulted in a water bill increases for each homeowner in the City of Lockport, and

WHEREAS, a 100% tax exemption for the City of Lockport from the Niagara County taxes on the above described 13 mile raw water line resulted in a tax levy impact of less than one cent per thousand of assessed property values, and

WHEREAS, the County passed resolution IL-046-08 on June 17, 2008 granting a tax exemption for a period of five years upon the condition that the savings be deposited into a fund designed for and used to repair or replace damaged Lockport City owned water lines thereby providing lower water bill costs to the City of Lockport residents who are residents of the County of Niagara as well, and

WHEREAS, the County passed Resolution IL-007-14 and the City of Lockport passed Resolution 2114.16F in 2014 extending the exemption for an additional five (5) years until March 1, 2019, and

WHEREAS, the City of Lockport and County of Niagara desires to renew said exemption for another five years, and

WHEREAS, the City of Lockport set up an account to deposit said savings for repairs and improvement, and the Department of Utilities prepared and submitted a plan each year to the Mayor and Common Council for expenditure in accordance with the above, now, therefore, be it

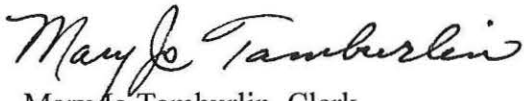
RESOLVED, that the County Attorney be directed to prepare the proper documents between the City of Lockport and the County of Niagara to finalize a 100% county tax exemption arrangement on the above described water intake line for an additional five years until March 1, 2024.

Moved by Bradt, seconded by Virtuoso to table resolution.

Moved by Syracuse, seconded by Andres that the Board adjourn.

The Chairman declared the Board adjourned at 7:18 p.m., subject to the call of the Clerk.

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

  
Mary Jo Tamburlin, Clerk