

OFFICIAL RECORD

Lockport, New York
February 18, 2020

The meeting was called to order by Chairman Wydysh at 7:03 p.m.

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

CORRESPONDENCE / RECOGNITION:

Chairman Wydysh read a thank you letter from Heart Love and Soul to Sue Young, for CSEA; in regards to the annual food drive this past Holiday Season.

PRESENTATIONS:

Chairman Wydysh called Director of Audit James Sobczyk to the lectern to give an update on the Audit Department.

Legislator Andres invited Legislators Nemi, Collins and Mullane, Lockport City Mayor Michelle Roman and Administrative Director of Lockport Industrial Development Agency, Dave Kinyon to the lectern to present a check for the Locks Heritage District.

Vice Chairman Syracuse called John King, President of the Niagara County Farm Bureau to the lectern to give a PowerPoint presentation on several issues that affect the local farmers in the County. Vice Chairman Syracuse read a proclamation declaring March 2020 Agriculture Month in Niagara County.

Vice Chairman called Dalton Harloch from Newfane High School and his family to the lectern to read a proclamation for Daltons "Hole in One".

3 Citizens spoke

Vice Chairman Syracuse read a letter sent by Save Ontario Shores, Inc President Pamela Atwater to express their support for resolutions IL-006-20, IL-007-20 and IL-009-20 and their appreciation to the Legislature in their efforts to protect citizens on matters relating to the siting of industrial renewable energy projects in the County.

Moved by Syracuse, second by Collins to enter Executive Session at 8:02 pm: Contract negotiations

Moved by Virtuoso, Second by Steed to adjourn Executive Session at 8:11 pm.

Recess.

Moved by Bradt, second by Virtuoso to accept Preferred Agenda.

Resolution No. AD-004-20

From: Administration Committee.

Dated: February 18, 2020

**REAL PROPERTY TAX CORRECTIONS/CANCELLATIONS
NO. COE-2020 A**

WHEREAS, the Director of Real Property Tax Services has received applications for refunds and/or corrections applicable to various outstanding Niagara County tax liens, or has been made aware that unenforceable tax liens exist upon certain real property owned by the State of New York and/or the United States, and

WHEREAS, the Director has investigated the claimed erroneous assessments and/or unenforceable liens in accordance with sections 554, 556, and 558 of the New York State Real Property Tax Law, now, therefore, be it

RESOLVED, that the applications and/or lien cancellations be approved and/or denied as set forth in the attached Exhibit No. COE-2020 A, which is made a part hereof, and subsequently be charged back to the applicable town, city, special district and school district within the County of Niagara

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. AD-005-20

From: Administration Committee.

Dated: February 18, 2020

BUDGET MODIFICATION – DISTRIBUTION OF SALES TAX

WHEREAS, the County Treasurer's Office has reviewed the year-to-date distribution of county-wide sales tax revenue for 2019, and

WHEREAS, sales tax revenue for the month of December, which is received in January 2020 came in higher than anticipated and must be accrued back to 2019 per Generally Accepted Accounting Principles (GAAP), and

WHEREAS, such unanticipated increase in sales tax revenue has led the County to distribute higher than anticipated amounts of revenue to the local municipalities, and

WHEREAS, budget modifications for the 2019 fiscal year can continue to be made into the first quarter of 2020, now, therefore, be it

RESOLVED, the following budget modification be effectuated to the 2019 County budget:

INCREASE ESTIMATED REVENUE:

A.07.1995.000 41110.01 Sales and Use Tax General Distribution	\$2,444,112
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INCREASE APPROPRIATION:

A.07.1995.000 74500.01 Distribution of Sales Tax	\$2,444,112
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Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. AD-006-20

From: Administration Committee.

Dated: February 18, 2020

**RESOLUTION AUTHORIZING INTERMUNICIPAL AGREEMENT WITH
THE CITY OF LOCKPORT FOR 2019 CITY IN REM PROCEEDING**

WHEREAS, the City of Lockport has instituted an In Rem action under Niagara County Supreme Court Index #166982/2019, for the foreclosure of certain tax liens for the year 2019 against various parcels of land situate within the City of Lockport, New York, pursuant to the provisions of Article 11, Title 3 of the Real Property Tax Law of the State of New York, and

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

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

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

RESOLVED, that the Chairman be, and hereby is, authorized and directed to enter into an inter-municipal cooperation agreement with the City of Lockport regarding the City of Lockport 2019 In Rem action filed with the Niagara County Supreme Court under Index #166982/2019.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. CS-003-20

From: Community Services and Administration Committees.

Dated: February 18, 2020

**BUDGET MODIFICATION
CHILD CARE AND DEVELOPMENT FUND**

WHEREAS, Executive Budget did make federal funds available to local districts for the provision of early childhood development and before-and-after school child care services and of quality improvement activities under the Federal Child Care and Development Block Grant Program, and

WHEREAS, these funds enable Niagara County to direct resources to satisfy federal requirements, as they relate to the registration and inspection of Child Care Centers, as well as the corresponding reporting requirements, and

WHEREAS, Niagara County did receive a renewed allocation which is 100% federally funded, effective January 1, 2020, now, therefore, be it

RESOLVED, that Niagara County Department of Social Services will continue to contract with Niagara Community Action Program, Inc. to carry out the required roles and responsibilities under the Child Care and Development Program, and be it further

RESOLVED, that the following budget modification be effectuated to the Social Services 2020 budget:

INCREASE REVENUE:

A.22.6010.000 44610.00	DSS Admin Revenue	\$ 174,084
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INCREASE APPROPRIATION:

A.22.6010.000 74500.01	Contractual Exp – Contractual	\$ 174,084
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Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. CS-004-20

From: Community Services and Administration Committees.

Dated: February 18, 2020

**BUDGET MODIFICATION
FLEXIBLE FUND FOR FAMILY SERVICES**

WHEREAS, the Executive Budget did make federal funds available to local districts to provide a comprehensive array of services to meet the needs of eligible Temporary Assistance for Needy Families (TANF) and individuals, and

WHEREAS, these funds enable Niagara County to direct resources toward a number of areas of program needs, including, but not limited to Employment related activities, Child Welfare Services, PINS Detention Diversion Services, Substance Abuse Assessments, Domestic Violence Screenings & Non-residential Domestic Violence services, Title XX Services, JD/PINS Foster care Costs, Child Care & Development, and

WHEREAS, Niagara County did receive a 100 % federally funded allocation, effective 7/19 – 6/20, not all of which has been expended, now, therefore, be it

RESOLVED, that Niagara County Department of Social Services will continue to contract with various agencies that will provide the necessary services in accordance with the Niagara County Flexible Fund for Family Services Plan submitted to NYS Office of Temporary and Disability Assistance (OTDA) and NYS Office of Children and Family Services (OCFS) at no additional cost to the County, and be it further

RESOLVED, that the following budget modification be effectuated to the Social Services 2020 budget:

INCREASE REVENUE:

A.22.6010.000 44610.00	DSS Admin Revenue	\$ 315,000
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INCREASE APPROPRIATION:

A.22.6010.000 74500.01	Contractual Exp-Contractual	\$ 315,000
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Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. CS-005-20

From: Community Services and Administration Committees.

Dated: February 18, 2020

**BUDGET MODIFICATION
HEALTHY FAMILIES NEW YORK PROGRAM**

WHEREAS, the New York State Office Of Children & Family Services, in conjunction with the New York State Department of Health, did make state-wide funds available for the provision and expansion of Healthy Families New York Home Visiting Programs, and

WHEREAS, these resources are directed toward expectant and new parents in an effort to promote positive growth and development to improve health and social outcomes for families at high risk of abuse and neglect, and

WHEREAS, Effective July 1, 2019, Niagara County did receive a revised 100% state funded allocation of \$537,755, not all of which has been fully expended, now, therefore, be it

RESOLVED, that Niagara County Department of Social Services will continue to contract with Pinnacle Community Services to provide the necessary services as outlined in the Healthy Families New York Program requirements, and be it further

RESOLVED, that the following budget modification be effectuated to the Social Services 2020 budget:

INCREASE REVENUE:

A.22.6010.000 43610.01	DSS Admin General	\$ 201,660
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INCREASE APPROPRIATION:

A.22.6010.000 74500.01	Contractual Exp-Contractual	\$ 201,660
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Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. CS-006-20

From: Community Services and Administration Committees.

Dated: February 18, 2020

**BUDGET MODIFICATION
SAFE HARBOR INITIATIVE**

WHEREAS, 2008 New York State legislation, The Safe Harbor for Exploited Children Act, ended the prosecution of minors under prostitution charges and instead identified minors as victims of commercial sexual exploitation by adults, and

WHEREAS, The Safe Harbor Act is the result of years of advocacy work in New York and around the country in advancing the cause for child victims; the number of sexually exploited children, in addition to data surrounding the correlation between abuse and mental health concerns, highlighted the need for a model shift from criminalizing to protecting victims, and

WHEREAS, resources have been made available for the identification of Commercially Sexually Exploited (CSE) youth, the provision of case coordination and advocacy for CSE youth, assisting youth with access to medical care, mental health counseling, financial assistance, emergency shelter and other basic living and safety needs, crisis intervention, problem solving, action planning, and skill building, and

WHEREAS, Niagara County was selected as one of few counties across the state to receive funds to support the Safe Harbor program, and did receive a renewed allocation of \$43,350 effective January 1, 2020 – December 31, 2020, which is 100 % state funded, now, therefore, be it

RESOLVED, that Niagara County Department of Social Services will continue to contract and collaborate with Niagara Falls Memorial Medical Center - Child Advocacy Center, with the goal of providing immediate and intensive services to youth who are sexually exploited, and reduce the risk of continued sexual exploitation and abuse, in accordance with the Safe Harbor Initiative, and be it further

RESOLVED, that the following budget modification be effectuated to the Social Services 2020 budget:

INCREASE REVENUE:

A.22.6010.000 43610.01	DSS Admin General	\$ 43,350
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INCREASE APPROPRIATION:

A.22.6010.000 74500.01	Contractual Exp-Contractual	\$ 43,350
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Moved by Bradt, seconded by Virtuoso.
Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. CS-007-20

From: Community Services and Administration Committees.
Dated: February 18, 2020

CREATE AND FILL TEMPORARY NUTRITION SERVICES ASSISTANT POSITION

WHEREAS, the Niagara County Office for the Aging (NCOFA) hosts 24 congregate meal sites staffed with a Part-Time Nutrition Services Assistant at each congregate meal site, and

WHEREAS, due to an unforeseen and extended medical leave of absence of a Part-Time Nutrition Services Assistant, and

WHEREAS, the Director of the Department for the Aging has determined that in order to provide effective services a temporary Part-Time Nutrition Services Assistant is required, and

WHEREAS, there will be no additional cost or negative impact to the Department and Niagara County budgets as part-time employees do not receive paid time off for illnesses, now therefore be it

RESOLVED, that one (1) temporary Part-Time Nutrition Services Assistant position at the rate of \$14.53 per hour without benefits be created effective immediately and staffed for up to six months.

Moved by Bradt, seconded by Virtuoso.
Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. CS-008-20

From: Community Services and Administration Committees.
Dated: February 18, 2020

UPDATE OF DIRECTOR OF CHILDREN WITH SPECIAL NEEDS POSITION

WHEREAS, the Niagara County Department of Health provides a vast array of services, including the Early Intervention and Preschool programs, which comprises the Children With Special Needs Division, and

WHEREAS, the Children With Special Needs Division is highly complex, coordinating and providing federally mandated services to children with developmental delays with an annual appropriations budget of approximately \$23 million, and

WHEREAS, a review of the job responsibilities necessitated by this complexity resulted in a revised job description including strong fiscal oversight, appropriateness of children services plans, and employee discipline, that is more appropriately located in the Flat Salary Grade scale, and

WHEREAS, 100% of the reclassified position is covered by existing funds, now, therefore, be it

RESOLVED, that the Director of Children with Special Needs position be reclassified to Flat Salary Grade 15 FLSA/Exempt effective February 23, 2020.

Moved by Bradt, seconded by Virtuoso.
Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. CS-009-20

From: Community Services and Administration Committees.

Dated: February 18, 2020

UPGRADE TO CONFIDENTIAL SECRETARY POSITION-PUBLIC HEALTH

WHEREAS, the Department of Health provides a vast array of highly complex, mandated services that may have a high level of patient confidentiality required, and

WHEREAS, this requires a high level of effectiveness in all levels of the department including Confidential Secretary to the Public Health Director, which has recently undergone review and update to the job description and level of responsibility of the Confidential Secretary position, and

WHEREAS, comparison to other county job responsibilities have identified inequities in salary when compared to the Confidential Secretary salary in similar departments, causing a salary misalignment of these similar positions, and

WHEREAS, 100% of the upgrade is covered by existing funds, now, therefore, be it

RESOLVED, that the Confidential Secretary position in the Niagara County Department of Health be upgraded from Job Group 4 to a Job Group 6, effective February 23, 2020, and be it further

RESOLVED, the following budget modification be effectuated:

FROM:

A.20.4189.401 71010.00	Position #4413	\$ 6,234.00
A.20.4189.401 78100.00	Retirement	1,013.03
A.20.4189.401 78200.00	FICA	476.91
A.20.4189.401 78300.00	Workers Comp	182.04

TO:

A.20.4010.000 71010.00	Position #6015	\$ 6,234.00
A.20.4010.000 78100.00	Retirement	1,013.03
A.20.4010.000 78200.00	FICA	476.91
A.20.4010.000 78300.00	Worker's Comp	182.04

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. CS-010-20

From: Community Services and Administration Committees

Dated: February 18, 2020

**CREATE AND FILL ACCOUNT CLERICAL III POSITION
NURSING DIVISION-PUBLIC HEALTH**

WHEREAS, the Department of Health employs New York State licensed and specially trained Public Health Nurses to perform various public health nursing responsibilities as required to ensure Niagara County Public Health goals and initiatives are achieved and maintained, and

WHEREAS, upon evaluation of data management demands, billing and account reconciliation, it was determined that an Account Clerical III position would be more appropriate for Nursing division needs than that of a Clerical III, and

WHEREAS, the Clerical III position is vacant and both positions are Grade 6, 100% of the change to an Account Clerical III is covered by existing funds, now, therefore, be it

RESOLVED, that Clerical III position #3574, Grade 6, \$40,495 will be held vacant pending results of upcoming civil service examination, and be it further

RESOLVED, that effective February 23, 2020 the position of Account Clerical III, CSEA Job Group 6, Step I, position # to be determined, salary range \$35,035 - \$40,186 be created and filled effective February 24, 2020, and be it further

RESOLVED, that the following transfer of position funds in the 2020 budget be effectuated:

FROM:

A.20.4189.401 71010 Position #3574 \$40,495

TO:

A.20.4189.401 71010 Position #to be determined \$40,495

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. CS-011-20

From: Community Services and Administration Committees.

Dated: February 18, 2020

**BUDGET MODIFICATION-ACCEPT FUNDING-NURSING DIVISION
PUBLIC HEALTH**

WHEREAS, the Department of Health employs New York State licensed and specially trained Public Health Nurses to perform various public health nursing responsibilities as required to ensure Niagara County Public Health goals and initiatives are achieved and maintained, and

WHEREAS, New York State Department of Health Community Cancer Prevention Project fund has awarded the nursing division funds to promote the use of Human Papillomavirus (HPV) vaccine in preventing cancer, now, therefore, be it

RESOLVED, that the Department is given authorization to accept the funding with the effectuation of the following budget modification:

INCREASE REVENUE:

A.20.4189.401 43489.06 Healthy Community Initiatives \$1,000

INCREASE EXPENSE:

A.20.4189.401 74375.01 Advertising & Promotion \$1,000

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. CS-012-20

From: Community Services and Administration Committees.

Dated: February 18, 2020

**BUDGET MODIFICATION – ACCEPT MEDICAL RESERVE CORPS FUNDS
EMERGENCY PLANNING- DEPARTMENT OF HEALTH**

WHEREAS, the Emergency Planning Program of the Niagara County Department of Health provides services, information and training to protect the health and safety of the citizens of Niagara County, and

WHEREAS, the National Association of County & City Health Officials (passed through from the Department of Health and Human Services CFDA #93.008) awarded \$7,500 to Niagara County Emergency Planning Program to strengthen Medical Reserve Corp response capabilities, now, therefore, be it

RESOLVED, that the department is given authorization to accept the grant with the effectuation of the following budget modification:

INCREASE REVENUE:

CM.20.4189.406 44489.24	Other Health MRC	\$ 7,500.00
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INCREASE APPROPRIATIONS:

CM.20.4189.406 71050.00	Overtime	\$ 724.00
CM.20.4189.406 74300.06	Uniforms/Clothing	200.00
CM.20.4189.406 74375.05	Cell Phone	1,100.00
CM.20.4189.406 74600.03	Training & Education	5,326.00
CM.20.4189.406 78100.00	Retirement	71.29
CM.20.4189.406 78200.00	FICA	57.20
CM.20.4189.406 78300.00	Worker's Comp	21.51

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. CS-013-20

From: Community Services and Administration Committees.

Dated: February 18, 2020

**BUDGET MODIFICATION
EARLY INTERVENTION PROGRAM - DEPARTMENT OF HEALTH**

WHEREAS, the Early Intervention Program under the Niagara County Department of Health ensures that families of infants and toddlers with suspected or confirmed developmental delays receive services appropriate to their needs, and

WHEREAS, the state Department of Health will be implementing a 5% rate increase retroactive to 4/1/19 for OT, PT, & Speech services effective January 2020, and

WHEREAS, 49% is reimbursed through Early Intervention State Aid, and

WHEREAS, position and benefit balance due to temporary vacancies can be used to cover the increase expense balance, now, therefore, be it

RESOLVED, that the following 2019 budget modification, be effectuated:

INCREASE REVENUE:

A.20.4059.000 43449.01	EIP State Aid General	\$44,443.00
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DECREASE APPROPRIATIONS:

A.20.4059.000 71010.00	Position # 6226	16,616.00
A.20.4059.000 71012.00	Longevity	1,075.00
A.20.4059.000 78400.01	Active Health	28,566.00

INCREASE APPROPRIATIONS:

A.20.4059.000 74550.09	Ed Handicapped Children	90,700.00
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Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. CS-012-20

From: Community Services and Administration Committees.

Dated: February 18, 2020

**COUNTY CLERK OFFICE E-RECORDING MOA
INDECOMM**

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

WHEREAS, the County Clerk, acting as Recording Officer, performs the duties prescribed by law in the recordation, indexing, imaging and archiving of all Niagara County land records, and

WHEREAS, the County Clerk desires to increase the number of electronically recorded instruments affecting real property, subject to all applicable laws, rules and regulations, and

WHEREAS, Chapter 549 of the Laws of 2011 amended the laws of the State of New York in order to allow recording officers in the State of New York to accept electronic recording of instruments affecting real property, subject to the rules and regulations established by the State of New York's electronic facilitator (the "Electronic Facilitator"), and

WHEREAS, Title 9, Part 540.7(h), of the NYCRR provides that, prior to submitting electronic instruments to the Recording Officer for recording, the Registered Submitter shall be required by the Recording Officer to agree to terms and conditions required by the Recording Officer, which shall include the rights and responsibilities of both the Recording Officer and the Registered Submitter when participating in electronic recording, including, at a minimum, the terms and conditions set forth in Title 9, Part 540.7(i), of the NYCRR (the "Terms and Conditions Agreement"), and

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

RESOLVED, the County Clerk enter into the attached agreement, allowing for said agreement to facilitate the electronic filing/recording by its customers of documents with Niagara County, and be it further

RESOLVED, the agreement authorize qualifying documents for filing/recording in official records, and outlines the requirements of electronically recording documents to assure that recording transactions submitted are legally valid and enforceable, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. CS-015-20

From: Community Services and Administration Committees.

Dated: February 18, 2020

COUNTY CLERK OFFICE CONTRACT AMENDMENT

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

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

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

WHEREAS, the County Clerk has determined that 34 bound paper volumes of permanent Grantor/Grantee indices ranging in date from 1918 to 1940 and 280 Deed volumes covering the same date range are in need of conversion to electronic format and archival microfilm production thereby improving records access and reducing further wear, tear and eventual loss of the paper indices, and

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

RESOLVED, that Niagara County enter a contract addendum with Info Quick Solutions, Inc. commencing immediately to convert 34 bound paper volumes of permanent Grantor/Grantee indices, and 280 Deed volumes into electronic and archival microfilm format in adherence to ANSI, AIIM, and LGRMIF standards, and be it further

RESOLVED, that Info Quick Solutions will link all digitized materials into the Infodex program to allow electronic retrieval of deed images, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. CS-016-20

From: Community Services and Administration Committees.

Dated: February 18, 2020

VETERAN SERVICE AGENCY LICENSE AGREEMENT

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

WHEREAS, the Niagara County Veterans Service Agency performs the duties prescribed by law in service to over 17,000 Niagara County veterans and their dependents, and

WHEREAS, the proper custodial facilitation of the records of claims created on behalf of County veterans by the Niagara County Veterans Service Agency as their advocate, must include a software system that provides comprehensive digital records of case management files, and

WHEREAS, after conducting a thorough investigation and inquiry to determine the program that will best meet the needs in providing a system that will successfully address these functions, and

WHEREAS, the Niagara County Veterans Service Agency recommends Niagara County enter into a license agreement with DataSpec, Inc. (VetraSpec), and

WHEREAS, funds have been appropriated in the 2020 budget, and

WHEREAS, the license agreement has been presented and reviewed by the Information Technology Department, now, therefore, be it

RESOLVED, that Niagara County enter into a software license agreement with DataSpec, Inc. (VetraSpec) for services as outlined in the agreement at an initial cost of \$3,044.00 for year one, and a subsequent annual fee of \$1,745.00, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. CS-017-20

From: Community Services and Administration Committees.

Dated: February 18, 2020

MH - 2020 BUDGET MODIFICATION – REAPPROPRIATE UNITED STATES DEPARTMENT OF JUSTICE (DOJ) COMPREHENSIVE OPIOID ABUSE SITE-BASED PROGRAM (COAP) GRANT FUNDS

WHEREAS, the Niagara County Department of Mental Health, as the Local Governmental Unit (LGU), is responsible for the planning and oversight of the services system to ensure the availability and continuance of services to adults with mental illness and substance use disorders who are living in Niagara County, and

WHEREAS, the Niagara County Department of Mental Health provides services to adults with mental illness and substance use disorders who are living in Niagara County, and

WHEREAS, Niagara County Department of Mental Health, on behalf of the Niagara County Opiate Taskforce (OASIS - Opioid Addiction/Overdose Strategy Implementation Standing Committee), has been awarded Comprehensive Opioid Abuse Site-based Program (COAP) Grant funding by the Office of Justice Programs at the U.S. Department of Justice, to participate in a locally driven response to the Opioid Epidemic, approved through Resolution #CS-051-19, and

WHEREAS, the Niagara County Department of Mental Health requests re-appropriation of the grant's balance to 2020, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated:

INCREASE REVENUES:

A.21.4310.000.44389.13	Comprehensive Opioid Abuse Site Program	\$ 23,557
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INCREASE APPROPRIATIONS:

A.21.4310.000.72100.01	Furniture & Fixtures	\$ 6,400
A.21.4310.000.72100.05	Computer Equipment	1,186

A.21.4310.000.74500.01	Contractual Expenses	14,873
A.21.4310.000.74750.12	General Computer Supplies	1,098

Moved by Bradt, seconded by Virtuoso.
Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. CSS-005-20

From: Community Safety & Security Committee.
Dated: February 18, 2020

**NIAGARA COUNTY SHERIFF'S OFFICE
FEDERAL EQUITABLE SHARING ANNUAL RECERTIFICATION**

WHEREAS, the United States Department of Justice requires that the Niagara County Sheriff's Office file an annual Federal Equitable Sharing Program Agreement and Certification Report to be eligible to submit requests for federal forfeited property or proceeds, and

WHEREAS, the Agreement is entered into by the United States Department of Justice, the County of Niagara and the Niagara County Sheriff's Office, now therefore be it

RESOLVED, that the Niagara County Sheriff's Office be authorized to participate in the Federal Equitable Sharing Program, and be it further

RESOLVED, that prior to the execution of the Federal Equitable Sharing Agreement and Certification, the County Attorney will review the Federal Equitable Sharing Agreement and Certification for approval as to legal form, language and compliance, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Niagara County Legislature be, and hereby is, authorized to execute the Annual Equitable Sharing Agreement and Certification.

Moved by Bradt, seconded by Virtuoso.
Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. CSS-006-20

From: Community Safety & Security and Administration Committees.
Dated: February 18, 2020

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION – ACCEPT DOMESTIC CANNABIS
ERADICATION/SUPPRESSION PROGRAM**

WHEREAS, the Niagara County Sheriff's Office wishes to continue an agreement with the U.S. Department of Justice Drug Enforcement Administration for the year 2020, and

WHEREAS, this agreement allows the Sheriff's Office to work in conjunction with the local DEA Office to curtail illegal cannabis trafficking and in eradication of illicit cannabis plants throughout Niagara County, and

WHEREAS, the DEA will reimburse the Sheriff's Office for the costs incurred with this project, now, therefore, be it

RESOLVED, that Niagara County continue an agreement with the U.S. Department of Justice, and be it further

RESOLVED, that the 2020 budget be modified as follows:

INCREASE REVENUE:

A.17.3110.000.44389.04	Other Public Safety Operation Green Monster	\$80,000
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INCREASE APPROPRIATIONS:

A.17.3110.000.71050.00	Overtime	\$57,000
A.17.3110.000.74400.09	Payments to Other Agencies	10,000
A.17.3110.000.74600.03	Training/Education	4,000
A.17.3110.000.74750.05	Law Enforcement Supplies	4,500
A.17.3110.000.74800.11	Vehicle Maintenance (Helicopter)	4,500

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. CSS-006-20

From: Community Safety & Security and Administration Committees.

Dated: February 18, 2020

**FEDERAL EQUITABLE SHARING PROGRAM AGREEMENT
AND ANNUAL CERTIFICATION REPORT**

WHEREAS, the United States Department of Justice requires that the Niagara County District Attorney's Office file an annual Federal Equitable Sharing Program Agreement and Certification Report to be eligible to submit requests for federally forfeited property or proceeds, and

WHEREAS, said Agreement is entered into by the United States Department of Justice, the County of Niagara, and the Niagara County District Attorney's Office, now, therefore, be it

RESOLVED, that the Niagara County District Attorney's office be authorized to participate in the Federal Equitable Sharing Program, and be it further

RESOLVED, that prior to the execution of the Federal Equitable Sharing Agreement and Certification, the County Attorney will review the Federal Equitable Sharing Agreement and Certification for approval as to legal form, language, and compliance, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Niagara County Legislature be, and hereby is, authorized to execute an Agreement between the County of Niagara on behalf of the Niagara County District Attorney's Office and the United States Department of Justice.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. CSS-006-20

From: Community Safety & Security and Administration Committees.

Dated: February 18, 2020

**A RESOLUTION CALLING ON A PUBLIC HEARING FOR
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)**

WHEREAS, the County of Niagara will hold a public hearing on March 10, 2020 at 175 Hawley St. in Lockport, NY for the purpose of hearing public comments on the recently completed Community Development Block Grant (CDBG) project administered by the New York State Office of Community Renewal (OCR), and

WHEREAS, the CDBG program was made available to eligible local governments approximately \$10M for the 2017 program year for housing, economic development, public facilities, public infrastructure and planning activities with the principal purpose of benefitting low/moderate income persons, and

WHEREAS, the public hearing is being conducted pursuant to Section 570.486, Subpart 1 of the CFR and in compliance with the requirements of the Housing and Community Development Act of 1974, as amended, now, therefore, be it

RESOLVED, that the Niagara County Legislature shall conduct a public hearing upon said completed Community Development Block Grant (CDBG) at the Legislative Chambers, Niagara County Courthouse, Lockport, New York, on the 10th day of March 2020 at 6:45 pm; the location is accessible to persons with disabilities, and if special accommodations are needed for persons with disabilities, those with hearing impairments, or those in need of translation from English, those individuals should contact Mary Jo Tamburlin at 716-439-7177 at least one week in advance of the hearing date to allow for necessary arrangements; and written comments may be submitted to Mary Jo Tamburlin until March 2, 2020, 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, 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 Grant and an abstract of the text to be prepared by the Clerk of the Legislature, with the assistance of the County Attorney's Office.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. CSS-007-20

From: Community Safety & Security and Administration Committees.

Dated: February 18, 2020

**NIAGARA COUNTY SHERIFF'S OFFICE
AMENDMENT TO MT. VIEW RADIO TOWER LEASE AGREEMENT**

WHEREAS, the Niagara County Sheriff's Office desires to modify its equipment for installation at the Mt. View Radio Tower and enter the first amendment to the Tower Lease Agreement with Upstate Cellular Network which has been in existence since April 12, 2006, and

WHEREAS, the radio tower height will be corrected to allow for the modification of our equipment on the tower, and

WHEREAS, Niagara County will enter this amended agreement at no cost to the County, now, therefore, be it

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. CSS-011-20

From: Community Safety & Security and Administration Committees.

Dated: February 18, 2020

2020 BUDGET MODIFICATION TO HMEP19 HOMELAND SECURITY GRANT

WHEREAS, the HMEP19 Homeland Security funds were not fully expended in 2019, now, therefore, be it

RESOLVED, that the remaining funds for 2019 HMEP grant (approved #CSS-095-19) be re-appropriated into the 2020 budget, and be it further

RESOLVED, that the following 2020 budget modification be effectuated effective immediately:

INCREASE APPROPRIATION FUND BALANCE - ASSIGNED:

A.40599.00	Appropriated Fund Balance	\$ 568.75
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INCREASE REVENUE:

HMEP19

A.19.3645.000 44305.02	Civil Defense Homeland Security Project: 19GRTHMEP19	\$ 2,275.00
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INCREASE APPROPRIATION:

HMEP19

A.19.3645.000 72100.14	M&E Misc Equipment Project: 19GRTHMEP19 E1 (\$1,750.00) and E3 (\$437.50)	\$ 2,187.50
A.19.3645.000 74750.10	HazMat Inventory Project: 19GRTHMEP19 E2 (\$525.00) and E3 (\$131.25)	\$ 656.25

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. CSS-011-20

From: Community Safety & Security and Administration Committees.

Dated: February 18, 2020

2020 BUDGET MODIFICATIONS TO HOMELAND SECURITY

WHEREAS, Homeland Security funds were not fully expended in 2019, now, therefore, be it

RESOLVED, that the remaining funds for 2017 State Homeland Security Program (approved #CSS-043-17) and 2018 State Homeland Security Program (approved #CSS-064-18), be re-appropriated into the 2020 budget, and be it further

RESOLVED, that the remaining funds for 2018 Recruitment & Retention Grant (approved #CSS-037-19) and 2018 Assistance to Firefighters Grant Program (approved #CSS-037-19) be re-appropriated into the 2020 budget and county contributions be re-appropriated from the Fund Balance, and be it further

RESOLVED, that the following 2020 budget modification be effectuated effective immediately:

INCREASE REVENUE:

SHSP17

A.19.3645.000 44305.02	Civil Defense Homeland Security	\$ 190,251.66
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INCREASE APPROPRIATION:

SHSP17

A.19.3645.000 74500.01	Contractual Exp.	\$ 4,264.78
A.19.3645.000 74800.10	Maint. Misc. Equip. Under \$500	34,786.88
A.19.3645.000 72100.15	M&E-Communications Equip	97,000.00

A.19.3645.000 74375.04	Communications Leased Lines	9,200.00
A.19.3645.000 74800.01	Communication Supplies/Svc	45,000.00

INCREASE REVENUE:

****SHSP18****

A.19.3645.000 44305.02	Civil Defense Homeland Security	\$ 357,463.11
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INCREASE APPROPRIATION:

****SHSP18****

A.19.3645.000 72100.05	M&E Computer Equipment	\$ 42,304.74
A.19.3645.000 72100.15	M&E-Communications Equip	89,140.00
A.19.3645.000 74250.01	Office Supplies	6,311.55
A.19.3645.000 74300.01	Travel, Conference	917.34
A.19.3645.000 74375.04	Communications Leased Lines	45,000.00
A.19.3645.000 74400.09	Misc. Expense Payments	8,574.27
A.19.3645.000 74500.01	Contractual Exp.	27,725.59
A.19.3645.000 74500.02	Cont Expense-Maint Cont	40,048.14
A.19.3645.000 74750.10	HazMat Inventory	10,000.00
A.19.3645.000 74800.01	Communication Supplies/Svc	87,441.48

INCREASE REVENUE:

****RR18****

A.19.3645.000 44305.02	Civil Defense Homeland Security	\$ 14,116.88
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INCREASE APPROPRIATION:

****RR18****

A.19.3645.000 72100.11	M&E-Other Vehicles	\$ 3,915.00
A.19.3645.000 74750.02	General-Supplies/Mat	10,201.88

INCREASE APPROPRIATION FUND BALANCE - ASSIGNED:

****AFGP18****

A.40599.00	Appropriated Fund Balance	\$ 9,257.90
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INCREASE REVENUE:

****AFGP18****

A.19.3645.000 44305.02	Civil Defense HS	\$ 92,578.97
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INCREASE APPROPRIATION:

****AFGP18****

A.19.3645.000 72100.15	M&E-Communications Equip	\$ 101,836.87
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Moved by Bradt, seconded by Virtuoso.
 Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. CW-002-20

From: Committee of the Whole.

Dated: February 18, 2020

**A LOCAL LAW TO AMEND THE TAX LAW, IN RELATION TO IMPOSING AN ADDITIONAL
 ONE PERCENT OCCUPANCY TAX IN THE COUNTY OF NIAGARA
 TO BENEFIT THE DISCOVER NIAGARA SHUTTLE**

WHEREAS, the Committee of the Whole present in writing the following proposed Local Law:

A Local Law Imposing an Additional One Percent Occupancy Tax in the County of Niagara to benefit the Discover Niagara Shuttle:

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

Section 1. Short Title.

This Local Law shall be known as the Local Law Imposing an Additionally One Percent Occupancy Tax by the County of Niagara.

Section 2. Definitions.

When used in this Local Law, the following terms shall mean:

- (a) Person. An individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.
- (b) Operator. Any person operating a hotel in the County of Niagara, including but not limited to the owner or proprietor of such premises, lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such hotel.
- (c) Hotel. A building or portion of it which is regularly used and kept open as such for the lodging of guests on an overnight basis. The term "hotel" includes a motel, motor court, motor lodge or inn, bed and breakfast and tourist homes, or similar hotel or motel type of accommodations by whatever name designated.
- (d) Occupancy. The use or possession, or the right to use or possession of any room in a hotel.
- (e) Occupant. A person who, for a consideration, uses, possesses, or has the right to use or possess, any room in a hotel under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.
- (f) Permanent Resident. A person occupying any room or rooms in a hotel for at least thirty consecutive days shall be considered a permanent resident with regard to the period of such occupancy.
- (g) Rent or Charge. The consideration received for occupancy valued in money, whether received in money or otherwise.
- (h) Room. Any room or rooms of any kind in any part or portion of a hotel, which is available for or let out for any purpose other than a place of assembly.
- (i) Return. Any return filed or required to be filed as herein provided.
- (j) County Treasurer. The Treasurer of the County of Niagara, New York.

Section 3. Imposition of Tax.

On and after the 1st day of March, two thousand twenty, there is imposed and there shall be paid a tax of five percent (5%) per day upon the rent for every occupancy of a room or rooms in a hotel in the County of

Niagara except that the tax shall not be imposed upon a permanent resident of a hotel or exempt organizations as hereinafter set forth.

Section 4. Exempt Organizations.

(a) Except as otherwise provided in this section, any use or occupancy by any of the following shall not be subject to the tax imposed by this Local Law:

(1) The State of New York, or any public corporation (including a public corporation created pursuant to agreement or compact with another state or the Dominion of Canada) improvement district or political subdivision of the state;

(2) The United States of America, insofar as it is immune from taxation; and

(3) Any corporation, or association, or trust, or community chest, fund or foundation, organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this paragraph.

Section 5. Territorial Limitations.

The tax imposed by this Local Law shall apply only within the territorial limits of the County of Niagara except for within the limits of any city of the County of Niagara imposing a hotel or motel tax pursuant to authority granted by the State of New York at any prior time. In the event that any city within the County of Niagara not currently imposing such a hotel and motel bed tax shall obtain authorization from the State of New York to impose such a tax; said city shall have the right to impose such tax up to the maximum rate of the tax authorized for such city by the State of New York. In the event that the imposition of the new tax by any such city would require a reduction in the County tax rate imposed pursuant to this section and to this Local Law, then said tax shall not become effective before the commencement of the County's next succeeding fiscal year and then only if such city shall have given notice to such County of its imposition of such a tax at least six (6) months prior to the commencement of such fiscal year. The County of Niagara waives the right of said notice and the postponement of the effective date of such a hotel occupancy tax. Cities within the County of Niagara who currently are authorized to and who collect a hotel occupancy tax shall continue to maintain a prior right to collect such hotel and motel bed tax.

Section 6. Registration.

Within ten days after the effective date of this local law, or in the case of operators commencing business after such effective date, within three days after such commencement or opening, every operator shall file with the County Treasurer a certificate of registration in a form prescribed by the County Treasurer. The County Treasurer shall, within five days after such registration, issue without charge to each operator, a certificate of authority empowering such operator to collect the tax from the occupant and duplicate thereof for each additional hotel of such operator. Each certificate or duplicate shall state the hotel to which it is applicable. Such certificates of authority shall be prominently displayed by the operator in such manner that it may be seen and come to the notice of all occupants and persons seeking occupancy. Such Certificates shall be non-assignable and non-transferable and shall be surrendered immediately to the County Treasurer upon the cessation of business at the hotel named or upon its sale or transfer.

Section 7. Administration and Collection.

(a) The tax imposed by this Local Law shall be administered and collected by the County Treasurer.

(b) The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement or charge made for said occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the County, and the operator shall be liable for the collection thereof and for the tax. The operator and any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this Local Law, and the operator shall have the same right in respect to collecting the tax from the occupant, or in respect to non-payment of the tax by the occupant as if the tax were a part of the rent for the occupancy payable at the time such tax shall become due and owing, including all rights of eviction, dispossession, repossession and enforcement of any innkeeper's lien that he may have in the event of non-payment of rent by the occupant; provided, however, that the County Treasurer shall be joined as a party in any action or proceeding brought by the operator to collect or enforce collection of the tax.

(c) Where the occupant has failed to pay and the operator has failed to collect a tax as imposed by this Local Law, then in addition to all other rights, obligations and remedies provided, such tax shall be payable by the occupant directly to the County Treasurer, and it shall be the duty of the occupant to file a return thereof with the County Treasurer and to pay the tax imposed thereon to the County Treasurer within fifteen days after such tax was due.

(d) The County Treasurer may, wherever he deems it necessary for the proper enforcement of this Local Law, provide by regulation that the occupant shall file returns and pay directly to the County Treasurer the tax herein imposed, at such times as returns are required to be filed and payment over made by the operator.

(e) The tax imposed by this Local Law shall be paid upon any occupancy on and after March first, two thousand three, although such occupancy is had pursuant to a contract, lease or other arrangement made prior to such date. Where rent is paid or charged or billed, or falls due on either a weekly, monthly or other term basis, the rent so paid, charged, billed or falling due shall be subject to the tax herein imposed to the extent that it covers any portion of the period on and after March first, two thousand three. Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the County Treasurer may by regulation provide for credit and/or refund of the amount of such tax application therefore as provided in section twelve of this Local Law.

(f) The hotel and motel tax enacted herein shall remain in effect for a three (3) year period from the effective date thereof. Nothing contained in Chapter 243 of the Laws of 2002 of the State of New York shall prohibit the adoption and enactment of Local Laws pursuant to the provisions of this section upon the expiration and any other Local Law adopted pursuant to this section.

(g) For the purpose of the proper administration of this Local Law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator or the occupant. Where an occupant claims exemptions from the tax under the provisions of section four hereof, the rent shall be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption a copy of a certificate issued by the County Treasurer certifying that the corporation or association therein named is exempt from the tax under section four hereof, together with a certificate duly executed by the corporation or association named in the certificate of the County Treasurer certifying that the occupant is its agent, representative or employee and that his occupancy is paid or to be paid by, and is necessary or required in the course of or in connection with the affairs of said corporation or association.

Section 8. Records to be Kept.

Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon, in such form as the County Treasurer may by regulation require. Such records shall be available for inspection and examination at any time upon demand by the County Treasurer or his duly authorized agent or employee and shall be preserved for a period of three years, except that the County Treasurer may consent to their destruction within that period or may require that they be kept longer.

Section 9. Returns.

(a) Every operator shall file with the County Treasurer a return of occupancy and of rents, and of the taxes payable thereon for the periods ending March thirty-first, June thirtieth, September thirtieth and December thirty-first of each year, on and after April first of each year. Such returns shall be filed within twenty days from the expiration of the period covered thereby. The County Treasurer may permit or require returns to be made by other periods and upon such dates as he may specify. If the County Treasurer deems it necessary in order to insure the payment of the tax imposed by this Local Law, he may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as he may specify.

(b) The forms of returns shall be prescribed by the County Treasurer and shall contain such information as he may deem necessary for the proper administration of this Local Law. The County Treasurer may require amended returns to be filed within twenty days after notice and to contain the information specified in the notice.

(c) If a return required by this Local Law is not filed, or if a return when filed is incorrect or insufficient on its face, the County Treasurer shall take the necessary steps to enforce the filing of such a return or of a corrected return.

Section 10. Payment of Tax.

At the time of filing a return of occupancy and of rents each operator shall pay to the County Treasurer the taxes imposed by this Local Law upon the rents required to be included in such return, as well as all other moneys collected by the operator acting or purporting to act under the provisions in this Local Law. Even though it be judicially determined that the tax collected is invalidly required to be filed, it shall be due from the operator and payable to the County Treasurer on the date limited for the filing of the return for such period, without regard to whether a return is filed or whether the return which is filed correctly shows the amount of rents and the taxes due thereon. Where the County Treasurer, in his discretion, deems it necessary to protect revenues to be obtained under this Local Law he may require any operator required to collect the tax imposed by this local law to file with him a bond, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as the County Treasurer may fix to secure the payment of any tax and/or penalties and interest due or which may become due from such operator. In the event that the County Treasurer determines that an operator is to file such bond he shall give notice to such operator to that effect specifying the amount of the bond required. The operator shall file such bond within five days after the giving of such notice unless within such five days the operator shall request in writing a hearing before the County Treasurer at which the necessity, propriety and amount of the bond shall be determined by the County Treasurer. Such determination shall be final and shall be complied with within fifteen days after the giving of notices thereof. In lieu of such bond, securities approved by the County Treasurer or cash in such amount as he may prescribe, may be deposited which shall be kept in the custody of the County Treasurer who may at any time without notice to the depositor apply them to any tax and/or interest or penalties due, and for that purpose the securities may be sold by him at public or private sale without notice to the depositor thereof.

Section 11. Determination of Tax.

If a return required by this Local Law is not filed, or if a return when filed is incorrect or insufficient the amount of tax due shall be determined by the County Treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors. Notice of such determination shall be given to the person liable for the collection and/or payment of the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within thirty days after giving of notice of such determination, shall apply to the County Treasurer for a hearing, or unless the County Treasurer of his own motion shall redetermine the same. After such hearing, the County Treasurer shall give notice of his determination to the person against whom the tax is assessed. The determination of the County Treasurer shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under Article seventy-eight of the Civil Practice Law and Rules, provided however, that such proceeding is instituted in the Supreme Court within thirty days after the giving of the notice of such determination. A proceeding under Article seventy-eight of the Civil Practice Law and Rules shall not be instituted unless (a) the amount of any tax sought to be reviewed, with penalties and interest thereon, if any, shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a Justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or (b) at the option of the petitioner such undertaking may be in a sum sufficient to cover the taxes, penalties and interest thereon stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, penalties and interest as a condition precedent to the application.

Section 12. Refunds.

(a) In the manner provided in this section, the County Treasurer shall refund or credit without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the County Treasurer for such refund shall be made within one year from the payment thereof. Whenever a refund is made by the County Treasurer, he shall state his reason therefore in writing. Such application may be made by the occupant, operator or other person who has actually paid the tax. Such application when made by an operator who has collected and paid over such tax to the County Treasurer, provided that the application is made within one year of the payment by the occupant to the operators shall be acted upon and refunded any moneys, due, only after such operator shall first establish to the satisfaction of the County Treasurer, under such regulations as the County Treasurer may prescribe, that he has repaid or will simultaneously repay to the occupant the amount for which the application for refund is made. The County Treasurer may, in lieu of any refund required to be made, allow credit therefore on payments due from the petitioner.

(b) Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the County Treasurer, and such County Treasurer shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under Article seventy-eight of the Civil Practice Law and Rules, provided, however, that such proceeding is instituted within thirty days after the giving of the notice of such denial, that a final determination of tax due was not previously made, and that an undertaking be filed with the County Treasurer in such amount and with such sureties as a Justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

(c) A person shall not be entitled to a revision, refund or credit under this section of a tax, interest or penalty which had been determined to be due pursuant to the provisions of section twelve of this Local Law where he has had a hearing or an opportunity for a hearing, as provided in said section, or has failed to avail himself of the remedies therein provided. No refund or credit shall be made of a tax, interest or penalty paid

after a determination by the County Treasurer made pursuant to section twelve of this Local Law unless it be found that such determination was erroneous, illegal or unconstitutional or otherwise improper by the County Treasurer after a hearing or of his own motion or in a proceeding under Article seventy-eight of the Civil Practice Law and Rules, pursuant to the provisions of said section, in which event refund or credit without interest shall be made of the tax, interest or penalty found to have been overpaid.

Section 13. Disposition of Revenues.

All revenues resulting from the imposition of the tax under this local law shall be paid into the treasury of Niagara county and shall be credited to and deposited as follows: (a) the first four percentum (4%) shall be deposited in the general fund of the county [-] thereafter to be allocated and paid to a not-for-profit corporation under contract with the county for the promotion of tourism in the county; and (b) the additional one percentum (1%) of such revenue from this tax shall be dedicated to the operation of the Discover Niagara Shuttle. Provided, however, that the county shall be authorized to retain up to a maximum of five percent of such revenue to defer the necessary expenses of the county in administering such tax. §2. This act shall take effect on the first day of the month next succeeding the date on which it shall have become a law.

Section 14. Reserves.

In cases where the occupant or operator has applied for a refund and has instituted a proceeding under Article seventy-eight of the Civil Practice Law and Rules to review a determination adverse to him on his application for refund, the County Treasurer shall set up appropriate reserves to meet any decision adverse to the County.

Section 15. Remedies Exclusive.

The remedies provided by sections eleven and twelve of this Local Law shall be exclusive remedies available to any person for the review of tax liability imposed by this Local Law and no determination or proposed determination of tax or determination on any application for refund shall be enjoined or reviewed by an action for declaratory judgment, an action for money had and received or by any action or proceeding other than a proceeding in a nature of a certiorari proceeding under Article seventy-eight of the Civil Practice Law and Rules; provided, however, that a taxpayer may proceed by declaratory judgment if he institutes suit within thirty days after a deficiency assessment is made and pays the amount of the deficiency assessment to the County Treasurer prior to the institution of such suit and posts a bond for costs as provided in section eleven of this Local Law.

Section 16. Proceedings to Recover Tax.

(a) Whenever any operator or any officer of a corporate operator or any occupant or other person shall fail to collect and pay over any tax and/or to pay any tax, penalty or interest imposed by this Local Law as therein provided, the Niagara County Attorney shall, upon the request of the County Treasurer, bring or cause to be brought an action to enforce the payment of the same on behalf of the County of Niagara in any court of the State of New York or of any other state or of United States. If, however, the County Treasurer, in his discretion, believes that any such operator, officer, occupant or other person is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, he may declare such tax or penalty to be immediately due and payable and may issue a warrant immediately.

(b) As an additional or alternate remedy, the County Treasurer may issue a warrant, directed to the sheriff commanding him to levy upon and sell the real and personal property of the operator or officer of a corporate operator or of the occupant or other person liable for the tax, which may be found within the County

for the payment of the amount thereof, with any penalties and interest, and the cost of executing the warrant, and to return such warrant to the County Treasurer and to pay to him the money collected by virtue thereof within sixty days after the receipt of such warrant. The sheriff shall, within five days after the receipt of the warrant, file with the County Clerk a copy thereof, and thereupon such clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax, penalties and interest for which the warrant is issued and the date when such copy is filed. Thereupon the amount of such warrant so docketed shall become a lien upon any interest in real and personal property of the person against whom the warrant is issued. The sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as that provided by law in respect to executions issued against property upon judgments of a court of record and for services in citing the warrant he shall be entitled to the same fees, which he may collect in the same manner. In the discretion of the County Treasurer, a warrant of like terms, force and effect may be issued and directed to any officer or employee of the County Treasurer and in the execution thereof such officer or employee shall have all the powers conferred by law upon sheriffs, but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. If a warrant is returned not satisfied in full, the County Treasurer may, from time to time, issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the County has recovered judgment therefore and execution thereon has been returned unsatisfied.

(c) Whenever an operator shall make a sale, transfer, or assignment in bulk of any part or the whole of his hotel or his lease, license of other agreement or right to possess or operate such hotel, apartment hotel, or of the equipment, furnishings, fixtures, supplies or stock of merchandise, of the said premises or lease, license or other agreement or right to possess or operate such hotel, apartment hotel and the equipment, furnishings, fixtures, supplies and stock of merchandise pertaining to the conduct or operation of said hotel, otherwise than in the ordinary and regular prosecution of business, the purchaser, transferee or assignee shall at least ten days before taking possession of the subject of said sale, transfer or assignment, or paying therefore, notify the County Treasurer by registered mail of the proposed sale and of the price, terms and conditions thereof whether or not the seller, transferrer or assignor, has represented to or informed the purchaser, transferee or assignee that it owes any tax pursuant to this Local Law, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing. Whenever the purchaser, transferee or assignee shall fail to give notice to the County Treasurer as required by the preceding paragraph or whenever the County Treasurer shall inform the purchaser, transferee or assignee that a possible claim for such tax or taxes exists, any sums of money, property or choses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the seller, transferrer or assignor shall be subject to a first priority right and lien for any such taxes theretofore or thereafter determined to be due from the seller, transferrer or assignor to the County, and the purchaser, transferee or assignee is forbidden to transfer to the seller, transferrer or assignor any such sums of money, property or choses in action to the extent of the amount of the County's claim. For failure to comply with the provisions of this subdivision, the purchaser, transferee or assignee, in addition to being subject to the liabilities and remedies imposed under the provisions of section 6-101 through 6-111 of the Uniform Commercial Code, shall be personally liable for the payment to the County of any such taxes theretofore or thereafter determined to be due to the County from the seller, transferrer, or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this Local Law.

Section 17. General Powers of the County Treasurer.

In addition to the powers granted to the County Treasurer in this Local Law, he is hereby authorized and empowered:

(a) To make, adopt and amend rules and regulations appropriate to the carrying out of this Local Law and the purposes thereof;

(b) To extend for cause shown, the time of filing any return for a period not exceeding thirty days; and for cause shown, to waive penalties but not interest computed at the rate of six percent per annum; and to compromise disputed claims in connection with the taxes hereby imposed;

(c) To request information from the Tax Commission of the State of New York or the Treasury Department of the United States relative to any person; and to afford information to such tax commission or such treasury department relative to any person, any other provision of this Local Law to the contrary notwithstanding;

(d) To delegate his functions hereunder to a Deputy County Treasurer or any employee or employees of the office of County Treasurer;

(e) To prescribe methods for determining the rents for occupancy and to determine the taxable and nontaxable rents;

(f) To require any operator within the County to keep detailed records of the nature and type of hotel maintained, nature and type of service rendered, the rooms available and rooms occupied daily, leases or occupancy contracts or arrangements, rents received, charged and accrued, the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this Local Law, and to furnish such information upon request to the County Treasurer.

(g) To assess, determine, revise and readjust the taxes imposed under this Local Law.

Section 18. Administration of Oaths and Compelling Testimony.

(a) The County Treasurer or his employees or agents duly designated and authorized by him shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this Local Law. The County Treasurer shall have power to subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the performance of his duties hereunder and of the enforcement of this Local Law and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before him or excused from attendance.

(b) A Justice of the Supreme Court, either in court or at chambers, shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the County Treasurer under this Local Law.

(c) Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material manner pending before the County Treasurer under this Local Law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars or imprisonment for not more than one year, or both such fine and imprisonment.

(d) The officers who serve the summons or subpoena of the County Treasurer and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided. Such officers shall be the County Sheriff and his daily appointed deputies or any officers or employees of the County Treasurer, designated to serve such process.

Section 19. Reference to Tax.

Wherever reference is made in placards or advertisements or in any other publications to this tax, such reference shall be substantially in the following form: "Tax on occupancy of hotel rooms," except that in any

bill, receipt, statement or other evidence or memorandum of occupancy or rent charge issued or employed by the operator, the words "occupancy tax" will suffice.

Section 20. Penalties and Interest.

(a) Any person failing to file a return or to pay or pay over any tax to the County Treasurer within the time required by this Local Law shall be subject to a penalty, of five percent of the amount of tax due; plus interest at the rate of one percent of such tax for each month of delay excepting the first month after such return was required to be filed or such tax became due; but the County Treasurer, if satisfied that the delay was excusable, may waive all or any part of such penalty, but not interest at the rate of six percent per year. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this Local Law. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this Local Law.

(b) Any operator or occupant and any officer of a corporate operator or occupant failing to file a return required by this Local Law, or filing or causing to be filed, or making or causing to be made or giving or causing to be given any return, certificate, affidavit, representation, information testimony or statement required or authorized by this Local Law, which is willfully false, and any operator and any officer of a corporate operator willfully failing to file a bond required to be filed pursuant to section eleven of this Local Law, or failing to file a registration certificate and such data in connection therewith as the County Treasurer may be regulation or otherwise require or to display or surrender the certificate of authority as required by this Local Law or assigning or transferring such certificate or authority and any operator and any officer of a corporate operator willfully failing to charge separately from the rent the tax herein imposed, or willfully failing to state such tax separately on any evidence of occupancy and on any bill of statement or receipt of rent issued or employed by the operator, or willfully failing or refusing to collect such tax from the occupant, and any operator and any officer of a corporate operator who shall refer or cause reference to be made to this tax in a form or manner other than that required by this Local Law, and any operator failing to keep the records required by section eight of this Local Law, shall, in addition to the penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars, or imprisonment for not more than one year, or both such fine and imprisonment. Officers of a corporate operator shall be personally liable for the tax collected or required to be collected by such corporation under this Local Law, and subject to the penalties herein above imposed.

(c) The certificate of the County Treasurer to the effect that a tax has not been paid, that a return, bond or registration certificate has not been filed, or that information has not been supplied pursuant to the provisions of this Local Law, shall be presumptive evidence thereof.

Section 21. Returns to be Secret.

(a) Except in accordance with proper judicial order, or as otherwise provided by law, it shall be unlawful for the County Treasurer or any officer or employee of the office of County Treasurer to divulge or make known in any manner the rents or either information relating to the business of a taxpayer contained in any return required under this Local Law. The officer charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the County Treasurer in an action or proceeding under the provisions of this Local Law, or on behalf of any party to any action or proceeding under the provisions of this Local Law when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby, as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer or his duly authorized representative of a certified copy of any return filed in connection with his tax nor to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof, or the inspection by the Niagara County Attorney or other legal representatives of the County or by the District Attorney of Niagara County, of the return of any taxpayer who

shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty. Returns shall be preserved for three years and thereafter until the County Treasurer permits them to be destroyed.

(b) Any violation of subdivision (a) of this section shall be punishable by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or both, in the discretion of the court, and if the offender be an officer or employee of the County he shall be dismissed from office and be incapable of holding any public office for a period of five years thereafter.

Section 22. Notices and Limitations of Time.

(a) Any notice authorized or required under the provisions of this local law may be given by mailing the same to the person for whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed by him pursuant to the provisions of this Local Law, or in any application made by him or, if no return has been filed or application made, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions of this Local Law by the giving of notice shall commence to run from the date of mailing of such notice.

(b) The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the County to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this Local Law. However, except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return; provided, however, that where no return has been filed as provided by law the tax may be assessed at any time.

(c) Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

Section 23. Separability.

If any provision of this Local Law, or the application thereof to any person or circumstance shall be held invalid, the remainder of this Local Law, and the application of such provisions to other persons or circumstances shall not be affected thereby.

Section 24. Effective Date.

This local law shall take effect upon filing in the office of the Secretary of State as provided by the Municipal Home Rule Law.

RESOLVED, that the Niagara County Legislature shall conduct a public hearing upon said proposed Local Law at the Legislative Chambers, Courthouse, Lockport, New York, on the 10th day of March, 2020 at 6:30 p.m., and be it further

RESOLVED, that the Clerk of the Legislature, at least six (6) days in advance of such hearing, shall post a notice upon the bulletin boards in the Courthouse at Lockport and the Civic Building in Niagara Falls, and shall publish such notice once in the 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.

Moved by Gooch, seconded by Myers.
Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. CW-003-20

From: Committee of the Whole.

Dated: February 18, 2020

**MODIFICATION AND EXTENSION OF THE AGREEMENT WITH
NIAGARA TOURISM & CONVENTION CORPORATION**

WHEREAS, an agreement exists between the County of Niagara and the Niagara Tourism and Convention Corporation (NTCC) dated February 20, 2003, wherein the NTCC services were acquired to promote convention conferences, trade shows and the growth of tourist activities within the County, and

WHEREAS, the County has enacted Bed Tax ordinances whereby a bed tax has been imposed on the business of lodging in the County, which is in part designated for the purposes of advertising, publishing and promoting convention and tourist activities within the County of Niagara, and

WHEREAS, pursuant to the New York State Tax Law §1202-T, as now amended, the County under the agreement is paying NTCC for its services 95% of the first 4% from the Bed Tax revenues it collects in accordance with the Niagara County Hotel Room Occupancy Tax Law, and

WHEREAS, NTCC, in consideration of the bed tax funds to be received from the County, has agreed to provide advertising, publishing and promoting of convention and tourist activities as set forth in the agreement, now, therefore, be it

RESOLVED, the County of Niagara Legislature does hereby approve the modification and extension of the existing agreement of February 20, 2003, as modified and extended by the 2014 and 2017 Agreements between the County of Niagara and NTCC, until May 31, 2023 and the Chairman be, and hereby is, authorized to execute all documents necessary to implement the extension of said agreement after approval by the Niagara County Attorney's Office, and be it further

RESOLVED, that any and all line item transfers be approved, and be effectuated in order to provide funding to NTCC upon the signing of the modification and extension of the agreement by all of the parties.

Moved by Syracuse, seconded by Collins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. CW-004-20

From: Committee of the Whole.

Dated: February 18, 2020

**REQUESTING THE ENACTMENT OF A BILL AUTHORIZING AND EMPOWERING THE
COUNTY OF NIAGARA TO EXTEND THE ADDITIONAL RATE ONE PERCENT SALES AND
COMPENSATING USE TAX**

WHEREAS, the County of Niagara thereafter deemed it necessary to extend the additional one percent (1%) sales tax, as set forth in Home Rule Message Resolution CW-003-17 adopted May 2, 2017 and imposition resolution CW-005-17 adopted August 1, 2017 to enable the County of Niagara to continue to offset the cost of the local share of mandated Medicaid costs, and

WHEREAS, the extension of the one percent (1%) rate was imposed from the period beginning December 1, 2017 and ending November 30, 2020, and

WHEREAS, the Niagara County Legislature hereby finds that it is necessary to further extend the additional one percent (1%) sales tax for the period beginning December 1, 2020 and ending November 30, 2023 to enable the County of Niagara to continue to offset the cost of the local share of mandated Medicaid costs, now, therefore, be it

RESOLVED, that the Niagara County Legislature requests and urges the New York Senate to work with the New York State Assembly, along with the Governor to enact a bill to authorize the County of Niagara to continue to impose an additional one percent (1%) rate of tax for the period beginning December 1, 2020 and ending November 30, 2023 in addition to the three percent (3%) the County is authorized to impose and to dedicate the funds from the additional one percent (1%) rate to the payment of the local share of Medicaid costs, said authorization in the form of a Senate Bill and an Assembly Bill.

Moved by Bradt, seconded by Andres.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. CW-005-20

From: Committee of the Whole.

Dated: February 18, 2020

NIAGARA COUNTY GRANT IDENTIFICATION AND WRITING ASSISTANCE

WHEREAS, it has been determined that Niagara County could benefit from the services of a qualified firm or person to assist with the identification and preparation of grant applications, in cooperation with several county department and local agencies to secure State and Federal funding in a number of areas, and

WHEREAS, these areas have been identified to include Homeland Security, Technology, Innovative Government, Public Safety & Security, Public Works and Public Health and

WHEREAS, a Request for Proposal (RFP) for grant identification and writing assistance was issued and publicly opened by the Purchasing Division on October 3, 2019 with three (3) grant writing firms responding, and

WHEREAS, the Grants Committee was designated to evaluate proposals and select the firm or person best qualified to effectively and efficiently accomplish the work outlined in the Request for Proposal, and

WHEREAS, each of the three firms were interviewed by the Grants Committee and it was agreed upon that Upper Edge Consulting would be the best match for Niagara County to perform grant identification and writing assistance based on experience, staffing, capability, and cost appropriate to the job, now, therefore, be it

RESOLVED, that Niagara County enter into a two-year contractual agreement with the option to cancel upon thirty (30) day notice with Upper Edge Consulting in the amount of \$6,000 per month effective March 1, 2020 through February 28, 2022. Upper Edge Consulting would be required under the terms of the contract to write an unlimited number of grants, and be it further

RESOLVED, that reimbursable departments applying for and receiving grants will apply for New York State or Federal reimbursement for grant writing services where applicable.

Moved by Syracuse, seconded by Collins.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. IF-018-20

From: Infrastructure & Facilities and Administration Committees.

Dated: February 18, 2020

**RESOLUTION FOR INFORMATION TECHNOLOGY PURCHASE OF CYBER SECURITY
SOFTWARE TOOL AND CLOSING OF CAPITAL PROJECTS**

WHEREAS, the Information Technology Department desires to purchase Cyber Security Software Tool from Dell Marketing not to exceed \$100,000, without securing outside bids, and

WHEREAS, NYPA funds are available within two capital projects ready for closure to be transferred to the Information Technology budget to offset costs of energy-efficient computers and equipment allowing monies to be re-allocated for this purpose, and

WHEREAS, the remaining funds needed are available within fund balance to be used for said purpose, and

WHEREAS, the Information Technology Department understands that the software in question is listed on the New York State Microsoft Software Contract PS68202, Group 76000, Award 23116 awarded to Dell Marketing, and

WHEREAS, Dell Marketing is the only authorized reseller on Contract PS68202, Group 76000, Award 23116 and, therefore, it is not necessary to send requests for quote for this item, now, therefore, be it

RESOLVED, that the Information Technology Department is permitted to purchase Cyber Security Tool Software directly from Dell Marketing not to exceed \$100,000, without securing outside bids, and be it further

RESOLVED, that the following budget modification be effectuated to the 2020 County budget:

DECREASE ESTIMATED REVENUES:

H607.15.3197.000 45031.00	Transfer from Operating	\$ 49,780.00
H607.15.3197.000 45031.10	Transfer from Capital Reserve	25,326.99
H609.15.3197.000 45031.00	Transfer from Operating	24,000.00
H609.15.3197.000 45730.15	BAN Year 2015	111,908.24

DECREASE APPROPRIATIONS:

H607.15.3197.000 72200.01	Jail Building #1 Exterior Recon/Rails	75,106.99
H609.15.3197.000 72200.01	Jail Roof/HVAC Upgrade	135,908.24

INCREASE APPROPRIATED FUND BALANCE:

A 40599.00	Appropriated Fund Balance	26,220.00
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INCREASE ESTIMATED REVENUES:

A.07.9901.000 45031.00	Transfer from Capital Projects	\$ 73,780.00
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INCREASE APPROPRIATIONS:

A.16.1680.000 74500.01	Contractual Expenses	100,000.00
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and be it further,

RESOLVED, that the following capital projects be closed:

H607 Jail Building #1 Exterior Reconstruction/Rails

H609 Jail Roof/HVAC Upgrade

and be it further,

RESOLVED, that the cash balances for these accounts in the amount of \$137,235.23 is to be returned to the original funding sources as follows:

Capital Reserve: \$ 25,326.99

Debt Reserve \$ 111,908.24

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. IF-019-20

From: Infrastructure & Facilities and Administration Committees.

Dated: February 18, 2020

**NORTH CANAL ROAD REHABILITATION, OLD NIAGARA ROAD TO ERIE CANAL
FEDERAL AID LOCAL PROJECT AGREEMENT
SUPPLEMENTAL AGREEMENT NO. 2**

WHEREAS, the North Canal Road Rehabilitation Project, Old Niagara Road to the Erie Canal, town of Lockport, 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 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 Construction/Construction Inspection phases of the Project or portions thereof, and be it further

RESOLVED, that the following budget modification be effectuated:

DECREASE ANTICIPATED REVENUE:

H638.15.5112.000 44597.01	Federal Aid Cap Const Hwy	\$233,200
H638.15.5112.000 43591.00	State Aid Cap Const Hwy	\$ 58,300

DECREASE ANTICIPATED APPROPRIATIONS:

H638.15.5112.000 72600.01	Infrastructure Roads	\$291,500
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and be it further

RESOLVED, that the sum of \$3,608,500 is hereby appropriated in account H638.15.5112.000 72600.01 and made available to cover the cost of participation in the above phases of the project, and be it further

RESOLVED, that in the event the amount required to pay the full federal and non-federal shares of the cost of the project's 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 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 Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. IF-020-20

From: Infrastructure & Facilities and Administration Committees.

Dated: February 18, 2020

**GRISWOLD STREET BRIDGE OVER A TRIBUTARY OF MUD CREEK
SUPPLEMENTAL AGREEMENT NO. 2**

WHEREAS, the Griswold Street Bridge over a Tributary of Mud Creek Project, Town of Royalton, Niagara County, PIN 5762.18 (the "Project"), is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 95% federal funds and 5% 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 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 Construction/Inspection phases of the Project or portions thereof, 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:

DECREASE ANTICIPATED REVENUE:

H651.15.5197.000 44597.01	Federal Aid Cap Const Hwy Rev	\$160,814
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DECREASE ANTICIPATED APPROPRIATIONS:

H651.15.5197.000 72600.02	Infrastructure Bridges	\$160,814
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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/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 Niagara County Legislature hereby agrees that construction of the Project shall begin no later than eighteen (18) months after award and that the project shall be completed within three (3) years of commencing construction, 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 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 Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. IF-021-20

From: Infrastructure & Facilities and Administration Committees.

Dated: February 18, 2020

**WALMORE ROAD PAVEMENT PROJECT
ROUTE 62 TO LOCKPORT ROAD, TOWN OF WHEATFIELD
SUPPLEMENTAL AGREEMENT NO. 2**

WHEREAS, the Walmore Road Pavement Project, Route 62 to Lockport Road, town of Wheatfield, Niagara County, PIN 5761.79 ("the Project") is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal Funds and 20% Non-Federal Funds, and

WHEREAS, the County of Niagara desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the 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 Construction/Construction Inspection phases of the Project or portions thereof, and be it further

RESOLVED, that the following budget modification be effectuated:

INCREASE ANTICIPATED REVENUE:

H643.15.5112.000 44597.01	Federal Aid Cap Const Hwy	\$ 64,600
H643.15.5112.000 43591.00	State Aid Cap Const Hwy	70,800
H643.15.5112.000 43501.00	CHIPS	300,600

INCREASE ANTICIPATED APPROPRIATIONS:

H651.15.5197.000 72600.02	Infrastructure Roads	\$436,000
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and be it further

RESOLVED, that the sum of \$3,836,000 is hereby appropriated in account H643.15.5112.000 72600.01 and made available to cover the cost of participation in the above phases of the project, and be it further

RESOLVED, that in the event the amount required to pay the full federal and non-federal shares of the cost of the project's 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 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 Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. IF-022-20

From: Infrastructure & Facilities Committee.

Dated: February 18, 2020

AWARD OF CONTRACT – BRIDGE CLEANING AND DECK SEALING

WHEREAS, the Department of Public Works has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Bridge Cleaning and Deck Sealing project, and

WHEREAS, funds are available in account number D.15.5120.000 74800.06, Bridge Maintenance, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on January 23, 2020 as tabulated below:

- | | | |
|----|---|--------------|
| 1. | Hunting Valley Construction
825 Rein Road
Cheektowaga, NY 14225 | \$128,268.00 |
| 2. | DBI Services
113 Hindman Lane
Butler, PA 16001 | \$154,084.50 |
| 3. | Fleetwash
26 East Law Drive
Fairfield, NJ 07004 | \$155,208.50 |
| 4. | ARG Services of WNY Inc.
366 Washington Street
Albion, NY 14411 | \$214,147.62 |
| 5. | Edbauer Construction
2790 Clinton Street
West Seneca, NY 14224 | \$296,326.90 |
| 6. | 4 th Generation Construction
5650 Simmons Avenue
Niagara Falls, NY 14304 | \$307,218.50 |

and

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

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

RESOLVED, that the contract for the Bridge Cleaning and Deck Sealing project be awarded to the lowest responsible bidder, Hunting Valley Construction, 825 Rein Road, Cheektowaga, NY 14225, in the amount of \$128,268.00, 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 Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. IF-023-20

From: Infrastructure & Facilities Committee.

Dated: February 18, 2020

AWARD OF CONTRACT – ANGELO DELSIGNORE CIVIC BUILDING

CURTAIN WALL RENOVATION

WHEREAS, the Department of Public Works has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Angelo DelSignore Civic Building Curtain Wall Renovation project, and

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

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on January 23, 2020 as tabulated below:

- | | | |
|----|---|-----------|
| 1. | Huber Construction
136 Taylor Drive
Depew, NY 14043 | \$510,000 |
| 2. | Sicoli Construction Services
4800 Hyde Park Blvd.
Niagara Falls, NY 14305 | \$616,600 |

and

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

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

RESOLVED, that the contract for the Angelo DelSignore Civic Building Curtain Wall Renovation project be awarded to the lowest responsible bidder, Huber Construction, 136 Taylor Drive, Depew, NY 14043, in the amount of \$510,000, 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 Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. IF-024-20

From: Infrastructure & Facilities and Administration Committees.

Dated: February 18, 2020

NORTH CANAL ROAD REHABILITATION CONSULTANT AMENDMENT NO. 3

WHEREAS, Resolution No. IF-083-17, dated May 16, 2017, authorized the contract for consultant services for the preliminary design for the Rehabilitation of North Canal Road from Old Niagara Road to the Erie Canal Project, to Urban Engineers of New York D.P.C., 403 Main Street, Suite 530, Buffalo, NY 14203, for a fee not to exceed \$202,028, and

WHEREAS, Resolution No. IF-129-18, dated October 16, 2018, authorized Amendment No. 1 to allow for acquisition of right-of-way, in the amount of \$49,583.24, for a revised contract amount of \$251,611.24, and

WHEREAS, Resolution No. IF-137-18, dated November 20, 2018, authorized Amendment No. 2 to allow for Design Phases V and VI in the amount of \$207,403, for a revised contract amount of \$459,014.24, and

WHEREAS, it is necessary to increase the contract in the amount of \$232,132.71 to allow for construction administration and construction inspection, for a revised contract amount of \$691,146.95, and

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

RESOLVED, that the contract for consulting services be amended by \$232,132.71 for construction administration and construction inspection to Urban Engineers of New York D.P.C., 403 Main Street, Suite 530, Buffalo, NY 14203, for a total fee not to exceed \$691,146.95, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. IF-022-20

From: Infrastructure & Facilities and Administration Committees.

Dated: February 18, 2020

BRIDGE PAINTING OF ROBINSON ROAD CONSULTANT AMENDMENT NO. 2

WHEREAS, Resolution No. IF-139-18, dated November 20, 2018, authorized the contract for consultant services for the painting of the Robinson Road Bridge to Greenman Pedersen Inc., 4950 Genesee Street, Suite 100, Buffalo, NY 14225, for a fee not to exceed \$45,000, and

WHEREAS, Resolution No. IF-114-19, dated October 15, 2019, authorized Amendment No. 1 to the contract in the amount of \$14,282 to allow for the design of structural steel repairs for the bridge, which must be completed before the bridge can be painted, for a revised contract amount of \$59,282, and

WHEREAS, it is necessary to amend the contract for construction administration and construction inspection services in the amount of \$29,990.84, for a revised contract amount of \$89,272.84, and

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

RESOLVED, that Amendment No. 2 to increase the contract by \$29,990.84 for the Painting of the Robinson Road Bridge, for a revised contract amount of \$89,272.84, to Greenman Pedersen Inc., 4950 Genesee Street, Suite 100, Buffalo, NY 14225, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. IF-026-20

From: Infrastructure & Facilities and Administration Committees.

Dated: February 18, 2020

**ARC FLASH HAZARD ANALYSIS
CONSULTANT AMENDMENT NO. 2**

WHEREAS, Resolution No. IF-039-19, dated March 19, 2019, authorized the contract for consultant services for the Arc Flash Hazard Analysis Project to GHD Consulting Services, Inc., 285 Delaware Ave., Suite 500, Buffalo, NY 14202, for a fee not to exceed \$31,710, and

WHEREAS, it is necessary to increase the contract by \$18,000 to allow the analysis of the Ross Building and 111 Main Street, Lockport, NY, for a revised contract amount of \$49,710, 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 GHD Consulting Services Inc., 285 Delaware Ave., Suite 500, Buffalo, NY 14202, be increased by \$18,000, for a revised contract amount of \$49,710, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. IF-027-20

From: Infrastructure & Facilities and Administration Committees.

Dated: February 18, 2020

**GRISWOLD STREET BRIDGE OVER A TRIBUTARY OF MUD CREEK
FINAL PAYMENT**

WHEREAS, Resolution No. IF-074-17, dated May 2, 2017, authorized the contract for consultant services for the Griswold Street Bridge over a Tributary of Mud Creek Project to Watts Engineering & Architecture, PC, 95 Perry Street, Suite 300, Buffalo, NY 14203, for a fee not to exceed \$218,700, and

WHEREAS, Resolution No. IF-115-18, dated September 18, 2018, increased the contract to allow for construction inspection and construction administration services in the amount of \$95,931, for a revised contract amount of \$314,631, and

WHEREAS, the contract has been completed to specifications and drawings for the revised contract amount of \$314,631, and

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

RESOLVED, that final payment is authorized to be processed to Watts Engineering & Architecture, PC, 95 Perry Street, Suite 300, Buffalo, NY 14203, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. IF-028-20

From: Infrastructure & Facilities and Administration Committees.

Dated: February 18, 2020

**ASBESTOS ABATEMENT AND FLOOR PREPARATION-
COURT HOUSE AND CIVIC BUILDING
CHANGE ORDER NO. 3**

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, Resolution No. IF-152-18, dated December 4, 2018, authorized Change Order No. 1 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, Resolution No. IF-067-19 dated May 21, 2019, authorized the extension of the contract completion date to December 31, 2019, at no additional cost to the County, and

WHEREAS, it is necessary to increase the contract in the amount of \$2,300 for an additional notification fee required by the New York State Department of Labor due to project extension beyond one (1) year from commencement of the project, for a revised contract amount of \$195,636, and to extend the contract completion date to February 18, 2021, 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. 3 to increase the contract by \$2,300 for the Asbestos Abatement and Floor Preparation-Court House and Civic Building Project, for a revised contract amount of \$195,636, to Metro Environmental, 2939 Lockport Road, Niagara Falls, NY 14305, be approved, and to extend the contract completion date to February 18, 2021, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. IF-029-20

From: Infrastructure & Facilities and Administration Committees.

Dated: February 18, 2020

**TROTT NORTHPOINTE RENOVATIONS-EPOXY FLOORING SYSTEM
CHANGE ORDER NO. 1 - FINAL**

WHEREAS, the Department of Public Works, pursuant to County purchasing guidelines, sent out a Request for Proposals for labor and equipment for application of an epoxy flooring system at the Trott ACCESS Center Northpointe Clinic Renovation area, and

WHEREAS, Millennium Construction, 3024 Niagara Falls Boulevard, North Tonawanda, NY 14120, submitted the lowest quote and was awarded the contract in the amount of \$32,275, and

WHEREAS, it is necessary to decrease the contract in the amount of \$3,227.50, for a revised contract amount of \$29,047.50, 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-Final to decrease the contract by \$3,227.50 for the epoxy flooring system at the Trott ACCESS Center Northpointe Clinic Renovation area, for a revised contract amount of \$29,047.50, to Millennium Construction, 3024 Niagara Falls Boulevard, North Tonawanda, NY 14120, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. IF-030-20

From: Infrastructure & Facilities and Administration Committee.

Dated: February 18, 2020

**LEASE AGREEMENT WITH CASSADAGA JOB CORPS ACADEMY
FOR THE TROTT ACCESS CENTER**

WHEREAS, the Cassadaga Job Corps Academy, wants to rent space in the Trott ACCESS Center, Niagara Falls, New York, and

WHEREAS, the County has available space to accommodate the Cassadaga Job Corps Academy needs, 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 Infrastructures and Facilities Committee recommends the attached lease agreement to be entered into with Cassadaga Job Corps Academy for office space at the Trott ACCESS Center, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. IF-031-20

From: Infrastructure & Facilities Committee.

Dated: February 18, 2020

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA
AND THE BOND LAKE ATHLETIC CLUB**

WHEREAS, the Bond Lake Athletic Club has requested that the County of Niagara grant them permission to use the north section of Bond Lake and the Warming House for the purpose of holding a "Rut Race", and

WHEREAS, this race has been successful for the past several years in attracting hundreds of visitors from across Greater Western New York and southern Canada, and

WHEREAS, it is the wish of the organizers to hold the Bond Lake Rut Race on August 10, 2020, and

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

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Bond Lake Athletic Club, and

WHEREAS, prior to the execution of the License Agreement between the County of Niagara and the Bond Lake Athletic Club, the County Attorney will review said Agreement for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that following the County Attorney's review, the Chairman of the County Legislature be, and hereby is authorized to execute the License Agreement between the County of Niagara and the Bond Lake Athletic Club.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. IF-032-20

From: Infrastructure & Facilities Committee.

Dated: February 18, 2020

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA
AND THE OLCOTT LION'S CLUB**

WHEREAS, the Olcott Lions Club has requested that the County of Niagara grant them permission to use the north section of Krull Park on March 1, 2020 for the purpose of holding the annual charity event known as the Lion's Club Polar Swim for Sight, and

WHEREAS, this event has been successful for many years in attracting thousands of visitors from across Niagara County and Greater Western New York in order to raise money for Lion's Club sight and other charity programs, and

WHEREAS, The Lion's Club has also raised money through this event for improvements which benefit Krull Park, the surrounding community and Niagara County as a whole, and

WHEREAS, it is the wish of the Olcott Lion's Club to hold the Lion's Club Polar Bear Swim for Sight on March 1, 2020, and

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

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

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

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. IF-033-20

From: Infrastructure & Facilities Committee.

Dated: February 18, 2020

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND NEWFANE CENTRAL SCHOOL

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

WHEREAS, it is the wish of the Newfane Central School to hold the Band Concert and Chicken BBQ on May 28, 2020, and

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

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

WHEREAS, prior to the execution of the license agreement between the County of Niagara and Newfane Central School, the County Attorney will review said Agreement for approval as to legal form, language and compliance; and now therefore it is

RESOLVED, that, following the County Attorney's review, the Chair of the County Legislature be, and hereby is, authorized to execute the License Agreement between the County of Niagara and Newfane Central School.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. IF-035-20

From: Infrastructure & Facilities Committee.

Dated: February 18, 2020

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE NEWFANE SOCCER CLUB

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

WHEREAS, this program benefits the youth and other residents of both the Town of Newfane in addition to

Niagara County as a whole, and

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

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

WHEREAS, prior to the execution of the license agreement between the County of Niagara and the Newfane Soccer Club, the County Attorney will review said Agreement for approval as to legal form, language, and compliance, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Newfane Youth Soccer Club, now, therefore be it

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

RESOLVED, that following the County Attorney's review, the Chairman of the County Legislature be, and hereby is, authorized to execute the License Agreement between the County of Niagara and the Newfane Soccer Club.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. IF-035-20

From: Infrastructure & Facilities Committee.

Dated: February 18, 2020

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE KRULL OLCOTT
DEVELOPMENT COMMITTEE AND OLCOTT FIRE COMPANY**

WHEREAS, the Krull Olcott Development Committee and the Olcott Fire Company have requested that the County of Niagara grant them permission to use the north section of Krull Park for the purpose of holding a Pirate's Festival, and

WHEREAS, this Festival has been successful for the past several years in attracting thousands of visitors from across Niagara County and Greater Western New York, and

WHEREAS, it is the wish of the local community to hold the Pirate's Festival on July 10-12, 2020, and

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

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Krull Olcott Development Committee and the Olcott Fire Company, and

WHEREAS, prior to the execution of the License Agreement between the County of Niagara and the Krull Olcott Development Committee and the Olcott Fire Company, the County Attorney will review said Agreement for approval as to legal form, language, and compliance, now, therefore, it is

RESOLVED, that, following the County Attorney's review, the Chair of the County Legislature be, and hereby

is, authorized to execute the License Agreement between the County of Niagara and the Krull Olcott Development Committee and the Olcott Fire Company.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. IF-036-20

From: Infrastructure & Facilities Committee.

Dated: February 18, 2020

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE TOWN OF NEWFANE-
OLCOTT BEACH BAND ORGAN RALLY**

WHEREAS, the Town of Newfane has requested that the County of Niagara grant them permission to use Krull Park for the purpose of hosting the Olcott Beach Band Organ Rally, and

WHEREAS, it is the wish of the Town of Newfane to hold the Olcott Beach Band Organ Rally on July 24-26, 2020, and

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

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Town of Newfane, now, therefore, be it

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. IF-037-20

From: Infrastructure & Facilities Committee.

Dated: February 18, 2020

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA
AND TIME TRAVELERS OF WNY - OLCOTT BEACH CAR SHOW**

WHEREAS, the Time Travelers of WNY - Olcott Beach Car Show has requested that the County of Niagara grant them permission to use the north section of Krull Park on September 5, 2020 for the purpose of holding the Olcott Beach Car Show, and

WHEREAS, this car show has been successful for the past several years in attracting thousands of visitors from across Niagara County and Greater Western New York, and

WHEREAS, it is the wish of the Time Travelers of WNY - Olcott Beach Car Show, to hold the Olcott Beach Car Show on September 5, 2020, and

WHEREAS, the event coordinator will provide all insurances required by the Risk Management Office, and

agree to cover all extraordinary expenses associated with event, and

WHEREAS, it is the desire of Niagara to enter into a formal agreement with the Time Travelers of WNY - Olcott Beach Car Show, and

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

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Time Travelers of WNY - Olcott Beach Car Show, as appears on the proposed agreement, is hereby approved in all respects, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature is authorized and directed to execute and deliver the agreement with the Time Travelers of WNY - Olcott Beach Car Show.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. IF-038-20

From: Infrastructure & Facilities Committee.

Dated: February 18, 2020

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE TOWN OF WHEATFIELD

WHEREAS, the Town of Wheatfield has requested that the County of Niagara grant them permission to use Oppenheim Park for the purpose of holding a July 4th fireworks display, and

WHEREAS, it is the wish of the Town of Wheatfield to hold the fireworks display on July 4, 2020, and

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

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Town of Wheatfield, now, therefore, be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Town of Wheatfield, as appears on the proposed agreement, is hereby approved in all respects, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. IF-039-20

From: Infrastructure & Facilities Committee.

Dated: February 18, 2020

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE SOCCER SHOTS BUFFALO

WHEREAS, Soccer Shots Buffalo has requested that the County of Niagara grant them exclusive rights to operate a youth soccer program in a section of Oppenheim Park, and also a section at the West Canal Marina, and

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

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

WHEREAS, prior to the execution of the license agreement between the County of Niagara and Soccer Shots Buffalo, the County Attorney will review said Agreement for approval as to legal form, language and compliance, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Soccer Shots Buffalo, now, therefore, be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and Soccer Shots Buffalo, as appears on the proposed agreement, is hereby approved in all respects, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the County Legislature be, and hereby is, authorized to execute the License Agreement between the County of Niagara and Soccer Shots Buffalo.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. IL-003-20

From: Legislator David E. Godfrey.

Dated: February 18, 2020

APPROVING NIAGARA COUNTY'S MEMBERSHIP IN THE NATIONAL ASSOCIATION OF COUNTIES

WHEREAS, the National Association of Counties (NACo) is an organization that unites America's 3,069 county governments to advocate with a collective voice on national policy, exchange ideas, build new leadership skills and pursue transformational solutions to the issues facing county governments, and

WHEREAS, NACo has specific advocacy and expertise on matters of utmost importance to Niagara County, and

WHEREAS, these issues include advocacy and a leadership summits for counties with defense installations like the Niagara Falls Air Reserve Station whose preservation and expansion remain a top priority for Niagara County, and

WHEREAS, Niagara County is currently the only county in Western New York that is not a member of NACo, and

WHEREAS, the cost for Niagara County to join NACo is \$4329.00, now, therefore, be it

RESOLVED, Niagara County hereby approves membership in NACo, and be it further

RESOLVED, that County Manager is directed to use contingency funds to pay for the NACo membership.

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

Carried.

Moved by Godfrey, seconded by Collins.
Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. IL-004-20

From: Legislators Jesse P. Gooch, Irene M. Myers, Rebecca J. Wydysh, John Syracuse, Randy R. Bradt, Richard L. Andres, Anthony J. Nemi, William J. Collins and Michael Hill.

Dated: February 18, 2020

ENSURING NIAGARA COUNTY JOB OPENINGS ARE CONSISTENTLY PROMOTED

WHEREAS, Niagara County has an interest in ensuring that Niagara County residents are aware of all job openings with Niagara County government, and

WHEREAS, Niagara County typically posts its job openings on the employment portal, www.Niagaracounty.com website, and on Facebook at Niagara County Jobs & Careers, and

WHEREAS, Niagara County Employment and Training operates WorkSourceOne One Stop Center, which is the largest employment and training initiative in Niagara County, focused on employment, re-employment, training and recruitment assistance to job seekers and organizations to promote their companies and job opportunities, and

WHEREAS, the Niagara County Employment and Training Department administers the WorkSourceOne website which operates the “Hot Jobs” job board, a single location where Niagara County residents can look for employment opportunities by listed companies and organizations, and

WHEREAS, posting of job openings on “Hot Jobs” is a free service to all employers who choose to post their job openings on this website and job board, and

WHEREAS, there have been questions about the how some available jobs opportunities with Niagara County have been advertised, now, therefore, be it

RESOLVED, that Niagara County will post all open jobs including civil service exam announcements on the employment portal of Niagara County’s website, the Niagara County Jobs & Career Facebook page and Niagara County Employment and Trainings WorkSourceOne website, and be it further

RESOLVED, Niagara County will continue promote these sites through its regular communication channels to raise citizen awareness about where to go to learn more about employment opportunities with Niagara County, and be it further

RESOLVED, that nothing in this Resolution precludes the Niagara County Human Resources Department from using other job advertising sources and services to recruit applicants, especially for hard to fill positions, but rather this Resolution represents the minimum that is expected by the Niagara County Legislature for advertising open positions with the Niagara County.

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

Carried.

Moved by Gooch, seconded by Myers.
Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. IL-005-20

From: Legislators Owen T. Steed, Christopher A. Robins, Dennis F. Virtuoso, Mark J. Grozio and Anita Mullane.

Dated: February 18, 2020

**RESOLUTION CREATING AN AD HOC COMMITTEE ON MINORITY HIRING
BY NIAGARA COUNTY GOVERNMENT**

WHEREAS, Niagara County has a workforce consisting of 1,470 employees, and

WHEREAS, this workforce is composed of 864 females, or 59%, 606 males, or 41%, however of 1,470 employees, only 50 are members of minority groups, accounting for just 3.4%, and

WHEREAS, according to U.S. Census Bureau Niagara County has a population that is 12.6% minority, and

WHEREAS, out of the 50 minorities represented in the county workforce, there are only 33 black employees, 5 Asian, 4 American Indian, and 7 Hispanic, and

WHEREAS, it is further noteworthy that, other than the Democratic Party's appointed Elections Commissioner, not one single department head or leadership position is currently staffed by a member of a minority group, and this lack of representation is historical regardless of which party has been in the Majority in the Legislature, and

WHEREAS, Niagara County should endeavor to hire more minorities in the county workforce to better reflect the population of Niagara County, ensuring taxpayers and clients receiving various government services are fully represented by that workforce, now, therefore, be it

RESOLVED, the Niagara County Legislature establishes an Ad Hoc Committee on Minority Hiring to review why the minority population is underrepresented and to figure out how we can develop a strategy to address minority hiring that is consistent with Civil Service Law, and directs that this committee shall be formed and hold its first meeting no later than March 31, 2020, and be it further

RESOLVED, that this committee shall be charged with reviewing current county practices on minority recruitment and outreach, identify barriers that potentially limit minority pursuit of county employment and how to address those barriers, and make recommendations to the Legislature to enhance minority outreach, recruitment and hiring for both civil service jobs and those posts requiring direct legislative appointment, and be it further

RESOLVED, that this committee be comprised of three appointments by the Majority Caucus and three appointment of the Minority Caucus in addition to the Niagara County Civil Service Personnel Officer, the Human Resources Director, the Director of Employment & Training, and two legislators, one from the Majority and one from the Minority parties, and be it further

RESOLVED, that this committee should advise the Niagara County Legislature no later than September 1, 2020 on strategies and policy changes leading to the hiring and promotion of more minorities in Niagara County's government.

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

Carried.

Moved by Steed, seconded by Virtuoso.
Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. IL-006-20

From: Legislators David E. Godfrey, John Syracuse and Michael A. Hill.

Dated: February 18, 2020

**OPPOSITION TO APEX CLEAN ENERGY'S LIGHTHOUSE WIND PROJECT AND ANY ATTEMPT
BY THE ARTICLE 10 SITING BOARD TO WAIVE LOCAL LAWS**

WHEREAS, Apex Clean Energy, through its subsidiary Lighthouse Wind LLC, has advanced a proposed 201 MW industrial energy facility in the Town of Somerset and the Town of Yates since 2014, and

WHEREAS, under New York State's Article 10 Law, the New York State Board on Electric Generation Siting and the Environment must consider any local law or ordinance, but may disregard such local or ordinance if the Siting Board finds it unreasonably burdensome, and

WHEREAS, the Siting Board recently approved a wind project in Case No. 16-F-0328 Application of Number Three Wind LLC for a Certificate of Environmental Compatibility and Public Need pursuant to Article 10 for construction of a wind project in Lewis County, and

WHEREAS, in the decision approving Case No. 16-F-0328, the Siting Board stated, "Other ways a Town can make its intent known with respect to this issue is through the filing of testimony in the proceeding or a town resolution making clear that it does not object to the waiver of specific local laws," and

WHEREAS, both the Town of Somerset and the Town of Yates have passed resolutions to express to the New York State Board of Electric Generation Siting and Environment that these towns explicitly object to waivers of any local law or ordinance, and

WHEREAS, the Niagara County Legislature is in complete agreement with the Town of Somerset and the Town of Yates in explicitly opposing any effort by the Siting Board to waive local laws and ordinances, thereby taking away from local communities the right of home rule and ability to manage land use issues within their borders, now, therefore, be it

RESOLVED, the Niagara County Legislature categorically opposes any attempt to waive local laws or ordinances in regards to the application of Lighthouse Wind LLC, and be it further

RESOLVED, that the Niagara County Legislature calls on the New York State Board on Electric Generation Siting and the Environment to make it publicly known exactly what criteria the board has adopted in determining if a local law or ordinance is to be deemed unreasonably burdensome, and be it further

RESOLVED, that the Niagara County Attorney is directed to file a copy of this resolution with the New York State Public Service Commission under Case No. 14-F-0845.

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

Carried.

Moved by Syracuse; seconded by Godfrey to amend resolution.

Amendment:

Last RESOLVED, remove "...14-F-0845..." and replaced with "...14-F-0485..."

Moved by Godfrey, seconded by Syracuse.
Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. IL-007-20

From: Legislators David E. Godfrey, Legislator John Syracuse, Anthony J. Nemi and Michael A. Hill.
Dated: February 18, 2020

RESOLUTION IN SUPPORT OF ASSEMBLY BILL A.3340A

WHEREAS, Article 10 of New York State Public Service Law acts as the benchmark review process in considering applications to construct and operate electric generating facilities, and

WHEREAS, Article 10 created the Board on Electric Generation Siting and Environment (Siting Board) made up of 5 gubernatorial appointees from state departments and boards, and only allows for two ad hoc appointments on the Siting Board from municipalities where the facility is proposed, and state leaders have been very slow to appoint the local members, and

WHEREAS, this Siting Board has the ability to approve projects regardless of local laws and ordinances and over the objections of local residents, and

WHEREAS, there are multiple projects in Niagara County that have caused a community uproar and frustrated residents about what they feel is their lack of input into the decision-making, and

WHEREAS, Assembly Bill A.3440A seeks to restore municipal home rule when it comes to siting electric generating facilities, and

WHEREAS, this legislation would institute a public referendum on the approval of any electric generating project, thereby ensuring no decision regarding the placement of an electrical generating facility in New York State can be approved or denied without the consent of the host community, now, therefore, be it

RESOLVED, that the Niagara County Legislature fully supports Assembly Bill A.3440A, and be it further

RESOLVED, that copies of this resolution be sent to Senator Rob Ortt, Assemblyman Robin Schimminger, Assemblyman Michael Norris, Assemblyman Angelo Morinello, Assemblyman Steve Hawley, Leaders of the State Assembly and Senate, and Governor Cuomo.

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

Carried.

Moved by Godfrey, seconded by Syracuse.
Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. IL-008-20

From: Legislators Randy R. Bradt, John Syracuse, Jesse. P Gooch, Irene M. Myers, Rebecca J. Wydysh, Richard L. Andres, David E. Godfrey, William J. Collins, Anthony J. Nemi and Michael A. Hill.

Dated: February 18, 2020

OPPOSITION TO SENATE BILL S6457B

WHEREAS, on January 9, 2020, the New York State Senate passed Senate bill S6457B, known as the New York Automatic Voter Act of 2020, and

WHEREAS, this legislation adopts the “motor voter” concept where voter registration is initiated automatically as a result of interaction with one or more government agencies which are already recording and processing eligible individuals relevant information, and

WHEREAS, the Department of Motor Vehicles is such an agency, and

WHEREAS, New York State passed the Greenlight Law last year that allowed illegal immigrants the right to obtain New York State driver’s license, and

WHEREAS, S6457B automatically enrolls voters unless they specifically decline to register or self-admit that they are not eligible to vote with no additional governmental verification for eligibility allowed, and

WHEREAS, S6457B coupled with the Greenlight Law makes it very likely that illegal immigrants will be registered to vote in New York State, and

WHEREAS, the authors of S6457B, contrary to their public statements, already acknowledge in their legislation that ineligible voters like illegal immigrants will be registered to vote and specifically state in the legislation that those who are ineligible to vote but fail to decline registration are not guilty of any crime, and

WHEREAS, that provision essentially takes away any consequences and actually creates an incentive for illegal immigrants to improperly register to vote and participate in our elections even though non-citizen voting is not allowed, now, therefore, be it

RESOLVED, the Niagara County Legislature opposes S6457B because it encourages non-citizens to vote in our elections and eliminates any punishment for doing so, and be it further

RESOLVED, that copies of this resolution be shared with the Western New York delegation to the State Legislature, the Speaker of the Assembly, the Senator Majority Leader and Governor Cuomo.

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

Carried.

Moved by Bradt, seconded by Nemi.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. IL-009-20

From: Legislators Owen T. Steed, Christopher A. Robins, Dennis F. Virtuoso, Mark J. Grozio and Anita Mullane.

Dated: February 18, 2020

ESTABLISHING AN ARTICLE 10 AD HOC COMMITTEE

WHEREAS, On August 4, 2011, Governor Andrew Cuomo signed into law Chapter 388 of the Laws of 2011 that enacted Article 10 of the Public Service Law, and

WHEREAS, Article 10 provides for the siting review of new and repowered or modified major electric generating facilities in New York in a unified proceeding, allowing developers to circumvent local laws and ordinances, and

WHEREAS, Article 10 created the Board on Electric Generation Siting and Environment (Siting Board) made up of 5 gubernatorial appointees from state departments and boards, and only allows for two ad hoc appointments on

the Siting Board from municipalities where the facility is proposed, and state leaders have been very slow to appoint the local members, and

WHEREAS, this has led to local communities losing control of their land use planning and created an atmosphere of distrust, misinformation and frustration, and

WHEREAS, Niagara County has multiple developers seeking to build power generation projects in our community in spite of widespread community opposition, and

WHEREAS, local residents are concerned over safety, long-term health effects, land spoilage, tax revenue, legacy impacts, among many other questions, and

WHEREAS, these projects are dividing towns, turning neighbor against neighbor and leaving much of the community confused as what to believe, now, therefore, be it

RESOLVED, the Niagara County Legislature will create an Ad Hoc Article 10 Committee to bring the community together to discuss best practices, share information, jointly plan intervenor strategy and address any and all topics related to Article 10, and be it further

RESOLVED, such Ad Hoc Committee will include, but not be limited to, representatives of local advocacy groups, town officials, business leaders, labor leaders, energy experts and environmental groups, and all appointments will be made by the Chairman of the Niagara County Legislature, and be it further

RESOLVED, that Legislator David Godfrey is appointed Chairman of the Article 10 Ad Hoc Committee and Legislator John Syracuse is appointed Vice Chairman.

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

Carried.

Moved by Syracuse, seconded by Godfrey.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

Resolution No. IL-010-20

From: Legislators John Syracuse, Richard L. Andres, Randy R. Bradt, Jesse P. Gooch, William J. Collins, David E. Godfrey, Anthony J. Nemi, Rebecca J. Wydysh, Irene M. Myers and Michael A. Hill.

Dated: February 18, 2020

SET A PUBLIC HEARING OPTING OUT OF EXEMPTIONS FOR ANY SOLAR OR WIND ENERGY SYSTEM PURSUANT TO SECTION 487 OF THE NEW YORK REAL PROPERTY TAX LAW

WHEREAS, Section 487 of the New York Real Property Tax Law affords a tax exemption for solar or wind energy systems, unless a municipality requires the owner of said property to enter into a contract for payments in lieu of taxes, and

WHEREAS, the county may by local law provide that no exemption under this section shall be applicable within its jurisdiction with respect to any solar or wind energy system which began construction subsequent to January 1, 1991, or the effective date of such local law, whichever is later,

WHEREAS, pursuant to Section 487 of the Real Property Tax Law, a public hearing must be held, now, therefore, be it

RESOLVED, that a public hearing be held in the Niagara County Courthouse, Lockport, New York at 6:15 p.m. on the 10th day of March, 2020, and be it further

RESOLVED, that the Clerk of the Niagara County Legislature is hereby authorized to publish notice of same in the Union Sun & Journal and the Niagara Gazette.

Approved for Submission.

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

Carried.

APPOINTMENTS:

INDUSTRIAL DEVELOPMENT AGENCY:

Jason Krempa (Replaces Joan G. Aul)

3753 Colin Court, Wheatfield NY 14221

Moved by Bradt, seconded by Andres.

Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.

APPT.

02/18/20

Expires

COMMUNITY SERVICES BOARD:

Mental Health Subcommittee

Cindy Oberjosh

254 East Avenue, North Tonawanda 14120

02/18/20

12/31/23

Sarah Lanzo

129 Beattie Avenue, Lockport 14094

02/18/20

12/31/23

William Krayss (replaces Tanyetta Carter)

6525 Drake Settlement Road, Appleton 14008

02/18/20

12/31/23

Alcoholism & Substance Abuse Subcommittee

Desiree Wladarek

1121 Linwood Avenue, Niagara Falls 14305

02/18/20

12/31/23

COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY COMMITTEE:

Scott Bridges (replaces Daryl Bodewes)

5974 Diller Road, Sanborn NY 14132

02/18/20

12/31/20

HISTORIANS:

Jesse P. Gooch Chr. Community Services Committee – Chair

02/18/20

12/31/20

Brooke Morse, Deputy

Tn. of Cambria

02/18/20

12/31/20

4160 Upper Mountain Rd., Sanborn 14132

Gail Reinbird

Tn. of Cambria

02/18/20

12/31/20

3106 Upper Mountain Rd., Sanborn 14132

Norman LaJoie

Tn. of Hartland

02/18/20

12/31/20

9453 Ridge Rd., Middleport 14105

Majorie L. Maggard

Tn. of Lewiston

02/18/20

12/31/20

5893 Garlow Rd., Niagara Falls 14304

Jean Linn

Tn. of Lockport

02/18/20

12/31/20

5525 Leete Rd. Lockport, NY 14094

William Clark

Tn. of Newfane

02/18/20

12/31/20

2737 Main Street, Newfane 14108			
Pete Ames	Tn. of Niagara	02/18/20	12/31/20
800 Porter Rd. Lot 10 Niagara Falls 1304			
Carissa Smith (replaces Stephanie M. Chase)	Tn. Of Pendleton	02/18/20	12/31/20
6570 Campbell Blvd., Lockport 14094			
Jesse Bieber	Tn. of Royalton	02/18/20	12/31/20
9269 Chestnut Ridge Rd., Middleport 14105			
Peter Devereaux	Tn. of Somerset-Vill. of Barker	02/18/20	12/31/20
8504 Lake Rd., Barker 14012			
Justin J. Higner	Tn. of Wheatfield	02/18/20	12/31/20
6815 Ward Rd, Niagara Falls 14304			
Francis Gallagher	Tn. of Wilson-Vill. of Wilson	02/18/20	12/31/20
2773 Maple Rd., Wilson 14172			
Joseph Midura	City of NT	02/18/20	12/31/20
115 10 th St., No. Tonawanda 14120			
Margaret Truax	City of Lockport	02/18/20	12/31/20
29 Spruce St., Lockport 14094			
Elaine Timm	City of Niagara Falls	02/18/20	12/31/20
1283 93 rd Street, Niagara Falls 14304			
Russ Piper	Village of Lewiston	02/18/20	12/31/20
P.O. Box 325, Lewiston 14092			
Christa Lutz	Village of Middleport	02/18/20	12/31/20
51 State St., Middleport 14105			
Barbara Albone, Deputy	Village of Middleport	02/18/20	12/31/20
34 Church St., Middleport 14105			
Catherine Emerson, County Historian		02/18/20	12/31/20
Craig Bacon, Deputy County Historian		02/18/20	12/31/20
Ronald Cary, Deputy County Historian		02/18/20	12/31/20


TRAFFIC SAFETY BOARD:

Kendra Ditullio, Capt., Lockport Police Dept (replaces Doug Haak)	02/18/20	12/31/22
Police Headquarters, Municipal Bldg., Lockport 14094		
Moved by Bradt, seconded by Robins.		
Adopted. 14 Ayes, 0 Noes, 1 Absent – Hill.		

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

The Chairman declared the Board adjourned at 9:19 p.m., subject to the call of the Clerk.

2 citizens spoke at this time on the General Welfare of the County.


Mary Jo Tamburlin, Clerk