



AGENDA
NIAGARA COUNTY LEGISLATURE
OCTOBER 17, 2017 – 7:00 P.M.

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

Mary Jo Tamburlin, Clerk
Niagara County Legislature

The next meeting of the Legislature will be held on November 21, 2017.



AGENDA
NIAGARA COUNTY LEGISLATURE
October 17, 2017 – 7:00 P.M.

Resolutions not on previous agenda:

- IL-090-17** Legislators Kathryn L. Lance, David E. Godfrey, Rebecca J. Wydysh, Jason A. Zona, Economic Development & Administration Committee, re Resolution in Support of Protection of the Niagara Falls Air Reserve stations main runway Approaches by elimination potential Height Obstructions

Regular Meeting – October 17, 2017

- *AD-018-17** Administration, re Approval of Voting Machine Agreement between County and Niagara Wheatfield School District - Human Resources
- *AD-019-17** Administration, re Increase in Civil Service Examination Monitor Fees - County Attorney
- *AD-020-17** Administration Committee, re Resolution Approving Execution and Delivery of an Agreement Between the County of Niagara and The City of Niagara Falls For Sharing Proceeds of Sale of the City of Niagara Falls In Rem Proceeding, Index No. 162265 - County Attorney
- *CS-040-17** Community Services & Administration Committee, re Budget Modification – Emergency Planning Grant – Public Health
- *CS-041-17** Community Services & Administration Committee, re Budget Modification-Early Intervention Program- Public Health
- *CS-042-17** Community Services & Administration Committee, re Audit Firm Contract for –Medicaid Provider- DSS
- CS-043-17** Community Services & Administration Committee, re 2018 Contracts for - Mental Health
- *CSS-052-17** Community Safety & Security & Administration Committee, re 2017 Budget Modification- Homeland Security Investigations- Sheriff
- *CSS-053-17** Community Safety & Security & Administration Committee, re 2017 Budget Modification-FBI Regional Computer Forensics Laboratory-Sheriff

- *CSS-054-17** Community Safety & Security & Administration Committee, re Bid Acceptance for Terry's Corner Renovation Work- Sheriff
- *CSS-055-17** Community Safety & Security & Administration Committee, re Reimburse Overtime from the Mental Health Department- Sheriff
- *CSS-056-17** Community Safety & Security & Administration Committee, re Acceptance of HMEP 2017 Homeland Security Grant- Fire Coordinator
- *CSS-057-17** Community Safety & Security & Administration Committee, re Assignment of Community Development Block Grant (CDBG) Authorized Representative- Fire Coordinator
- *CSS-058-17** Community Safety & Security & Administration Committee, re Public Hearing for Community Development Block Grant (CDBG) - Fire Coordinator
- *ED-020-17** Economic Development & Administration Committee, re Approval of Low Cost Power Benefit to NFNY Hotel Management LLC Under the Agreement for the Sale & Purchase of Niagara Project Power & Energy (ASPNPPE)
- *ED-021-17** Economic Development & Administration Committee, re Budget Modification - To Cover Empower Niagara Allocation NFNY Hotel Management LLC
- *ED-022-17** Economic Development & Administration Committee, re Approval of Low Cost Power Benefit to Aquarium of Niagara Under the Agreement for the Sale & Purchase of Niagara Project Power & Energy (ASPNPPE)
- *ED-023-17** Economic Development & Administration Committee, re Budget Modification - To Cover Empower Niagara Allocation Aquarium of Niagara
- *ED-024-17** Economic Development & Administration Committee, re Acceptance of USEPA Brownfields Hazardous Substances Assessment Grant
- *ED-025-17** Economic Development & Administration Committee, re Acceptance of USEPA Brownfields Petroleum Assessment Grant
- *IF-132-17** Infrastructure & Facilities & Administration Committee, re Landfill@ Leachate Collection System Upgrades Final Payment
- *IF-133-17** Infrastructure & Facilities & Administration Committee, re Niagara County Refuse Disposal District Construction and Demolition Debris Landfill Closure and Site Upgrades Project – Change Order No. 11- Final
- *IF-134-17** Infrastructure & Facilities & Administration Committee, re Highway Excavators- Capital Project Budget Modification

- *IF-135-17** Infrastructure & Facilities & Administration Committee, re Bridge Asphalt Concrete Deck Overlays & Joint Repairs Supplemental Agreement No. 1
- *IF-136-17** Infrastructure & Facilities & Administration Committee, re Niagara Road Bridge over Bergholz Creek Federal Aid Local Project Agreement- Supplemental No. 1
- *IF-137-17** Infrastructure & Facilities & Administration Committee, re Consultant Services for Niagara County Jail Building No. 1 Front Façade Repairs and Roof Safety Rails - Final Payment
- *IF-138-17** Infrastructure & Facilities & Administration Committee, re Lockport Road Repaving Project – Consultant Amendment No. 1
- *IF-139-17** Infrastructure & Facilities & Administration Committee, re Department of Public Works – NC Power Management Budget Modification
- *IF-140-17** Infrastructure & Facilities & Administration Committee, re West Canal Marina Park Improvements Capital Project Budget Modification
- *IF-141-17** Infrastructure & Facilities & Administration Committee, re Resolution Approving and Confirming an Increase to the Water Rate Schedule of the Niagara County Water District in the County of Niagara, New York
- IL-091-17** Legislators Mark J. Grozio, Owen T. Steed, Jason A. Zona, Dennis F. Virtuoso, re Resolution in Support For The Somerset Solar Project In The Town Of Somerset
- IL-092-17** Legislators Kathryn L. Lance, Anthony J. Nemi, David E. Godfrey, Rebecca J. Wydysh, et. al, re A Local Law to Amend Local Law No. 8 of 2007 to eliminate the Ten Year Limitation on Alternative Tax Exemption for Cold War Veterans
- IL-093-17** Legislator Michael A. Hill and Economic Development Committee, re Resolution in support of the Middleport community choirs, Inc. Through the use of casino funding
- IL-095-17** Legislators Wm. Keith McNall, William J. Collins, Anthony J. Nemi and Economic Development Committee, re Resolution in Support of Lockport Blue



Mary Jo Tamburlin, Clerk
Niagara County Legislature

*** Indicates Preferred Agenda items**

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

The next meeting of the Legislature will be held on November 21, 2017.

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee

DATE: 10/17/17

RESOLUTION # AD-018-17

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
AD - 10/11/17

LEGISLATIVE ACTION

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

APPROVAL OF VOTING MACHINE AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE NIAGARA WHEATFIELD SCHOOL DISTRICTS (§3-224, NEW YORK STATE ELECTION LAW)

WHEREAS, the Niagara Wheatfield School Districts will be conducting an election on November 13, 2017 and requires the use of the Niagara County Board of Elections voting equipment in connection with this election, and

WHEREAS, the Niagara County Attorney's Office has prepared a formal agreement for use between the County of Niagara and the Niagara Wheatfield School District, which has been fully approved by the District, a copy of which has been filed with the Clerk of the Legislature, and

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

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

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

RESOLVED, that pursuant to the provisions of §3-224 of New York State Election Law, the Chairman of the Niagara County Legislature and the Niagara County Election Commissioners are authorized and directed to execute and deliver an agreement, in substantially the form of agreement now filed with the Clerk of the Legislature between and among the County of Niagara, the Niagara County Election Commissioners and the Niagara Wheatfield School Districts for the provision, by the County of Niagara, of sufficient voting equipment, including the programming thereof, to the Niagara Wheatfield School Districts in connection with an election scheduled to be held the 13th day of November 2017, and be it further

RESOLVED, that the execution and delivery of this equipment, is subject to the approval of the Board of the Niagara Wheatfield School Districts and the review and approval of the Niagara County Attorney's Office and counsel to the Niagara Wheatfield School Districts, and be it further

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

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee

DATE: 10/17/17

RESOLUTION# AD-019-17

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
AD - 10/11/17

LEGISLATIVE ACTION

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

INCREASE OF CIVIL SERVICE EXAMINATIONS MONITOR FEES

WHEREAS, the exam monitor fee paid to a person working for Niagara County during an examination has not been increased from \$50.00 since April 21, 1998, and

WHEREAS, the monitors work an average of five hours per examination session, oftentimes working over the average, up to the maximum allowable time of eight hours, and

WHEREAS, the New York State Minimum wage rate will increase to \$10.40 on December 31, 2017 per hour, therefore, the monitors will earn less than the minimum wage hourly rate, and

WHEREAS, the monitors are not paid mileage to the examination site, and

WHEREAS, due to the extraordinary amount of security procedures mandated by the New York State Department of Civil Service, it is necessary to recruit monitors that are reliable, honest, able to follow directions, patient, and assertive, and

WHEREAS, revenues from Civil Service examinations fees averaged more than \$28,000 for the last three years, and

WHEREAS, Niagara County Human Resources budgets \$1,200 annually for twenty-four (24) occasions requiring monitors and the fee increase would require a budget increase of \$240, now, therefore, be it

RESOLVED, that the exam monitor fee for persons working Civil Service examinations be increased from \$50.00 to \$60.00 effective January 1, 2018.

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 10/17/17 RESOLUTION # AD-020-17

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
AD - 10/11/17

LEGISLATIVE ACTION

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

RESOLUTION APPROVING EXECUTION AND DELIVERY OF AN AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE CITY OF NIAGARA FALLS FOR SHARING PROCEEDS OF SALE OF THE CITY OF NIAGARA FALLS IN REM PROCEEDING, INDEX NO. 162265

WHEREAS, the City of Niagara Falls has instituted an action In Rem for the foreclosure of certain tax liens against various parcels of real property within the City of Niagara Falls, pursuant to Article 11, title 3 of the Real Property Tax Law of the State New York (Niagara County Supreme Court Index #162265), and

WHEREAS, the County of Niagara has a claim for Niagara County tax liens against all or some of the parcels of real property which are the subject of said action, and

WHEREAS, the provisions of the Real Property Tax Law authorize tax districts having an interest by way of tax lien in real property, such as the City of Niagara Falls and County of Niagara, to enter into an agreement making provision for the sale of real property without public sale and for the sharing of the net proceeds of such sale between the City of Niagara Falls and the County of Niagara, and

WHEREAS, the City of Niagara Falls has tendered to the County of Niagara such an agreement, which agreement, among other things, provides that the interests of said City and this County in each parcel and in the proceeds of any sale of such parcel shall be apportioned based on the fraction that the unpaid taxes, tax liens and other charges accessible against the parcel owed to or owned by the City and County respectively bear to the total City and County taxes, tax liens and other such charges, but without reference to the penalties or interest accrued on any unpaid tax or tax lien, and

WHEREAS, the proposed agreement is fair and reasonable and allows the County to avoid the cost and expense of a separate In Rem foreclosure action against the same parcels, now, therefore, be it

RESOLVED, that the Niagara County Legislature finds and determines that the proposed agreement, a true copy of which is attached to the Clerk's file copy of this resolution, is fair and reasonable in all respects and advances the interests of the County of Niagara in its collection of taxes and tax liens on real property located within the City of Niagara Falls, and it be further

RESOLVED, that the Chairman of the Legislature is authorized and directed to execute and deliver said agreement in behalf of the County of Niagara.

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services Committee DATE: 10/17/17 RESOLUTION # CS-041-17
and Administration Committee

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION CS - 10/11/17 AD - 10/11/17	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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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 Early Intervention program has increased transportation costs due to the addition of a classroom where there are no preschool children to share the bus expense, and

WHEREAS, 88% of the expense will be reimbursed by Medicaid or State aid, now, therefore, be it

RESOLVED, that the following budget modification, be effectuated:

INCREASE REVENUE:

A.20.4059.000 43449.01	EIP State Aid General	\$ 8,624
A.20.4059.000 44402.00	Medical Assistance	62,400
A.08.1990.000 74500.0	Contingency Fund	8,976

INCREASE APPROPRIATIONS:

A.20.4059.000.74650.0	Transportation Expense	\$80,000
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COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services Committee and Administration Committee DATE: 10/17/17 RESOLUTION # CS-042-17

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CS - 10/11/17
AD - 10/11/17

LEGISLATIVE ACTION

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

AUDIT FIRM CONTRACT -- MEDICAID PROVIDER FRAUD

WHEREAS, a Request for Proposal (RFP) was issued for Medicaid Auditing and Data Analysis Services for the Medicaid Provider Fraud Demonstration Project on June 25, 2017, and

WHEREAS, bids were opened on Thursday July 20, 2017 where it was found that the only bid was submitted by The Bonadio Group, 171 Sully's Trail, Pittsford, New York, and

WHEREAS, The Bonadio Group has satisfactorily served in this capacity for Niagara County since 2009 and it is being recommended that they be awarded the contract for Medicaid Auditing and Data Analysis Services, now, therefore, be it

RESOLVED, that The Bonadio Group is awarded the contract to provide Medicaid Auditing and Data Analysis Services for Niagara County's Medicaid Provider Fraud Project, and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to execute said contract, subject to approval of the County Attorney's Office.

COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services Committee and DATE: 10/17/17 RESOLUTION # CS-043-17
Administration Committee

APPROVED BY	REVIEWED BY	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	CS - 10/17/17	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 10/17/17	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

2018 CONTRACTS - MENTAL HEALTH DEPARTMENT

WHEREAS, funds are available in the Year 2018 Tentative Budget under the various line items of the Mental Health Department, and

WHEREAS, the Mental Health Department upon the advice of the Niagara County Community Services Board, recommends that contracts between the Mental Health Department and the following agencies be approved for 2018, now, therefore, be it

RESOLVED, contingent upon approval of the Year 2018 Tentative Budget, the Director of Community Services be and is hereby, authorized to execute the necessary agreements between the County and the various sub-contractors as aforesaid, subject to the approval of the County Attorney's Office.

CM.21.4322.415	.74500.01 CSS Programs	
	.74500.01 Community Missions	\$ 560,910
	.74500.01 Family & Children	60,284
	.74500.01 New Directions (Wyndham Lawn)	109,212
	.74500.01 Mental Health Association	170,325
	.74500.01 Dale Association	58,240
	.74500.01 United Cerebral Palsy	35,448
		\$ 994,419

CM.21.4322.415	.74550.06 Reinvestment Programming	
	.74550.06 Community Missions	\$ 166,091
	.74550.06 Mental Health Association	63,623
	.74550.06 New Directions (Wyndham Lawn)	96,445
	.74550.06 Niagara Falls Memorial Medical Center	164,606
	.74550.06 Dale Association	116,402
		\$ 607,167

CM.21.4322.416	.74500.01 Case Management Programs	
	.74500.01 Family & Children's	\$ 673,523
	.74500.01 New Directions (Wyndham Lawn)	122,114
	.74500.01 Community Missions	131,499
	.74500.01 Niagara Falls Memorial Medical Center	80,337
	.74500.01 Mental Health Association	107,331
		\$1,114,804

CM.21.4322.423	.74500.01 Supported Housing	
	.74500.01 Community Missions	\$ 246,500

	.74500.01 Living Opportunities of DePaul	<u>144,500</u>
		\$ 391,000
A.21.4310.000	.74500.01 Assertive Community Treatment (ACT) Services	
	.74500.01 Spectrum Human Services	\$ 350,079
A.21.4310.000	.74500.01 NYS OASAS Peer Engagement Services	
	.74500.01 Western New York Independent Living	\$ 146,444
A.21.4322.412	.74500.01 Mental Health Association	
	.74500.01 Contractual	\$ 103,096
A.21.4322.424	Cazenovia Recovery	
	.74550.08 Alcoholism	<u>\$1,395,264</u>
		\$1,395,264
A.21.4322.414	Northpointe Council	
	.74500.01 Contractual	\$ 211,664
	.74550.08 Alcoholism	<u>1,931,078</u>
		\$2,142,742
	Total Resolution	\$7,245,015

COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security DATE: 10/17/17 RESOLUTION # CSS-052-1
Committee and Administration Committee

APPROVED BY
 CO. ATTORNEY

REVIEWED BY
 CO. MANAGER

COMMITTEE ACTION
CSS - 10/11/17
AD - 10/11/17

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

NIAGARA COUNTY SHERIFF'S OFFICE-BUDGET MODIFICATION HOMELAND SECURITY INVESTIGATIONS

WHEREAS, the Niagara County Sheriff's Office has been notified by the U.S. Department of Homeland Security, Homeland Security Investigations Office that it has budgetary funds available to be used by September 30, 2017, and

WHEREAS, the U.S. Department of Homeland Security, Homeland Security Investigations Office has offered to purchase a 2-Camera License Plate Reader to be installed in a Niagara County Sheriff's Office patrol vehicle, and

WHEREAS, the license plate readers have been proven to improve the effectiveness of information gathered by patrol, and

WHEREAS, a modification to the 2017 budget is needed to accept the revenue and reimburse the expense, now, therefore, be it

RESOLVED, that the following budget modifications be made:

INCREASE REVENUE:

A.17.3645.000.44305.02	Civil Defense Homeland Security	\$13,146
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INCREASE APPROPRIATIONS:

A.17.3645.000.72100.21	Machinery and Equipment	\$10,964
	Law Enforcement Equipment	
A.17.3645.000.74500.02	Contractual Expenses	957
	Maintenance Service Contracts	
A.17.3645.000.74750.05	Supplies	1,225
	General Law Enforcement Supplies	

COMMUNITY SAFETY & SECURITY
 COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security DATE: 10/17/17 RESOLUTION # CSS-053-17
Committee and Administration Committee

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION <u>CSS - 10/11/17</u> <u>AD - 10/11/17</u>	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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NIAGARA COUNTY SHERIFF'S OFFICE-BUDGET MODIFICATION FBI REGIONAL COMPUTER FORENSICS LABORATORY

WHEREAS, the Niagara County Sheriff's Office has been notified by the FBI Regional Computer Forensics Laboratory that it has budgetary funds available to be used by September 30, 2017, and

WHEREAS, the FBI Regional Computer Forensics Laboratory has offered to purchase a computer and monitors to be used in the Niagara County Sheriff's Office Criminal Investigation Bureau to view the investigations from the FBI Regional Computer Forensics Laboratory, and

WHEREAS, a modification to the 2017 budget is needed to accept the revenue and reimburse the expense, now, therefore, be it

RESOLVED, that the following budget modifications be made:

INCREASE REVENUE:

A.17.3110.000.44389.09	Other Public Safety Traffic	\$2,189
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INCREASE APPROPRIATIONS:


A.17.3110.000.72100.21	Machinery and Equipment	\$2,189
	Law Enforcement Equipment	

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security DATE: 10/17/17 RESOLUTION# CSS-054-17
Committee and Administration Committee

APPROVED BY	REVIEWED BY	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	CSS - 10/11/17	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 10/11/17	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

**NIAGARA COUNTY SHERIFF'S OFFICE
ACCEPT BID FOR TERRY'S CORNERS RENOVATION WORK**

WHEREAS, the Niagara County Sheriff's Office is required to maintain, for public safety purposes, a back-up dispatch center in the event of an emergency, and

WHEREAS, the Niagara County Legislature approved a lease with Terry's Corners Volunteer Fire Company for the back-up center, and

WHEREAS, changes need to be made to the space in Terry's Corners Fire Hall to accommodate the technical equipment for the back-up center, and

WHEREAS, a Request for Proposal for a contractor to perform the renovations/electrical work needed for the back-up dispatch center was performed, and

WHEREAS, Collectric Electrical Corporation submitted the only bid per the required specifications from our Request for Proposal, now, therefore, be it

RESOLVED, that Niagara County accept the bid from Collectric Electrical Corporation for \$284,900.00 to perform the renovations at Terrys Corners Fire Hall for the Niagara County Dispatch Backup Center.

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security DATE: 10/17/17 RESOLUTION # CSS-055-1
Committee and Administration Committee

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION CSS - 10/11/17 AD - 10/11/17	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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NIAGARA COUNTY SHERIFF'S OFFICE – REIMBURSE OVERTIME FROM MENTAL HEALTH DEPARTMENT

WHEREAS, the Niagara County Sheriff's Office participated in the Mental Health Snapshot with the Niagara County Mental Health Department in May 2017, and

WHEREAS, it is a well-known fact that jail populations have a high percentage of inmates with mental health issues, and

WHEREAS, this Mental Health Snapshot is a comprehensive study to assess the mental health needs of the Niagara County Jail population, and

WHEREAS, the Niagara County Mental Health Department has agreed to reimburse the Sheriff's Office for the cost of personnel for this study, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE REVENUE:

A.17.3150.000.41289.08	Reimburse other departments	\$986
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INCREASE APPROPRIATION:

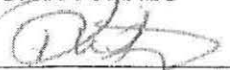
A.17.3150.000.71050.00	Overtime	\$789
A.17.3150.000.78100.00	Retirement	126
A.17.3150.000.78200.00	FICA	60
A.17.3150.000.78300.00	Workers Compensation	11

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security DATE: 10/17/17 RESOLUTION # CSS-056-1
Committee and Administration Committee

APPROVED BY CO. ATTORNEY 	REVIEWED BY CO. MANAGER _____	COMMITTEE ACTION CSS - 10/11/17 AD - 10/11/17	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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ACCEPTANCE OF HMEP 2017 HOMELAND SECURITY GRANT

WHEREAS, the County of Niagara is required to certify its acceptance of the HMEP 2017 grant through the Department of Homeland Security for the period of September 30, 2017 to September 30, 2018, at some cost to the County, and

WHEREAS, the grant for HMEP 2017 is in the total amount of \$3,750. Grant funds will be in the amount of \$3,000 and the 25% matching County funds will be in the amount of \$750; the funds will be used for the purchase of firefighting foam 1% x 3% alcohol resistant aqueous film forming foam, to be used for a training exercise simulating a tanker roll over leaking a flammable substance, 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.

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security DATE: 10/17/17 RESOLUTION# CSS-057-17
Committee and Administration Committee

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CSS - 10/11/17
AD - 10/11/17

LEGISLATIVE ACTION

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

**ASSIGNMENT OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
AUTHORIZED REPRESENTATIVE**

WHEREAS, the County of Niagara is required to identify an official representative to act in connection with the submission of the application of the Community Development Block Grant (CDBG) for the 2017 Imminent Threat Program Lake Ontario Flood Relief Program, and

WHEREAS, the CDBG program is administered by the New York State Office of Community Renewal (OCR), and will make available to eligible local governments approximately \$10 Million for the 2017 program year for funding to assist local municipalities impacted by the recent flooding along the Lake Ontario coastline, and, now, therefore, be it

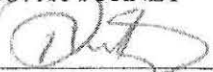
RESOLVED, that Jonathan Schultz, Fire Coordinator and Director of Emergency Management be authorized as the official representative for Niagara County.

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security DATE: 10/17/17 RESOLUTION # CSS-058-1
Committee and Administration Committee

APPROVED BY	REVIEWED BY	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	CSS - 10/11/17	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 10/11/17	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

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

WHEREAS, the County of Niagara will hold a public hearing on November 21, 2017 at 175 Hawley St. in Lockport, NY for the purpose of hearing public comments on the County's community development needs, and to discuss the possible submission of one or more Community Development Block Grant (CDBG) applications for the 2017 program year, and

WHEREAS, the CDBG program is administered by the New York State Office of Community Renewal (OCR), and will make available to eligible local governments approximately \$10 Million 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 will provide further information about the CDBG program and will allow for citizen participation in the development of any proposed grant applications and/or to provide technical assistance to develop alternate proposals; comments on the CDBG program or proposed project(s) will be received at this time, 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 proposed Community Development Block Grant (CDBG) at the Legislative Chambers, Niagara County Courthouse, Lockport, New York, on the 21st day of November, 2017 at 6:45 p.m.; 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 November 16, 2017, 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.

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Economic Development Committee
and Administration Committee

DATE: 10/17/17

RESOLUTION# ED-020-17

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
ED - 10/11/17
AD - 10/11/17

LEGISLATIVE ACTION

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

APPROVAL OF LOW COST POWER BENEFIT TO NFNH HOTEL MANAGEMENT, LLC UNDER THE AGREEMENT FOR THE SALE & PURCHASE OF NIAGARA PROJECT POWER & ENERGY (ASPNPPE)

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

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

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

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

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

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

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

WHEREAS, the application of NFNH Hotel Management LLC has met and exceeded all the criteria qualifying its project for consideration and the Empower Niagara Board is recommending approval of this application, and

WHEREAS, the application was approved for 320kw (at 70% load factor) of low cost power, which will allow the NFNH Hotel Management LLC to construct an indoor water park at its Sheraton at the Falls Hotel & Restaurant in downtown Niagara Falls, and

WHEREAS, this project will assist in bringing additional year-round visitors to Niagara Falls and off-season activity in the downtown core and will also create 50 new jobs with a payroll and benefit package totaling \$1.7 million, and

WHEREAS, the approval of the NFNY Hotel Management LLC application for 320kw (at 70% load factor) will allow its business in Niagara County to support, increase and maintain economic development in the City of Niagara Falls and Niagara County, and

WHEREAS, the Empower Niagara Board will be recommending the approval of the low cost power allocation application approval for a period of three (3) years, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby approves the application of NFNY Hotel Management LLC for 320kw (at 70% load factor) low cost power benefits from Niagara County, pursuant to low cost power allocation received through the June 25, 2005 HCRSA and ASPNPPE, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the Empower User Agreement for Low Cost Power with NFNY Hotel Management LLC.

ECONOMIC DEVELOPMENT COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Economic Development Committee
and Administration Committee

DATE: 10/17/17

RESOLUTION # ED-021-17

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
ED - 10/11/17
AD - 10/11/17

LEGISLATIVE ACTION

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

BUDGET MODIFICATION - TO COVER EMPOWER NIAGARA ALLOCATION NFNH HOTEL MANAGEMENT LLC

WHEREAS, NFNH Hotel Management LLC is an existing Niagara County business that was approved to receive low cost hydropower allocations through the Empower Niagara Program, and

WHEREAS, these benefits will be applied to NFNH Hotel Management LLC as stipulated in the Empower Niagara Program agreement, through the Niagara County Economic Development 2017 through 2020 budget, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated to the Niagara County Economic Development 2017 budget, and annually thereafter until 2020 as set forth below:

	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
INCREASE REVENUE:				
A.25.1620.108 42655.03 Sale of Excess Power	\$17,421.86	Value of 320 kw at 70% load factor for 12 months	Value of 320 kw at 70% load factor for 12 months	Value of 320 kw at 70% load factor for 10 months
INCREASE APPROPRIATION:				
A.25.1620.108 74500.01 Contractual	\$17,421.86	Value of 320 kw at 70% load factor for 12 months	Value of 320 kw at 70% load factor for 12 months	Value of 320 kw at 70% load factor for 10 months
INCREASE REVENUE:				
A.28.8020.000 42189.01 Activities – Eco Dev	\$17,421.86	Value of 320 kw at 70% load factor for 12 months	Value of 320 kw at 70% load factor for 12 months	Value of 320 kw at 70% load factor for 10 months
INCREASE APPROPRIATION:				
A.28.8020.000 74550.30 Empower Niagara	\$17,421.86	Value of 320 kw at 70% load factor for 12 months	Value of 320 kw at 70% load factor for 12 months	Value of 320 kw at 70% load factor for 10 months

ECONOMIC DEVELOPMENT COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Economic Development Committee
and Administration Committee

DATE: 10/17/17

RESOLUTION # ED-022-17

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
ED - 10/11/17
AD - 10/11/17

LEGISLATIVE ACTION

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

APPROVAL OF LOW COST POWER BENEFIT TO AQUARIUM OF NIAGARA UNDER THE AGREEMENT FOR THE SALE & PURCHASE OF NIAGARA PROJECT POWER & ENERGY (ASPNPPE)

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

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

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

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

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

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

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

WHEREAS, the application of Aquarium of Niagara has met and exceeded all the criteria qualifying its project for consideration and the Empower Niagara Board is recommending approval of this application, and

WHEREAS, the application was approved for 75kw (at 70% load factor) of low cost power, which will allow the Aquarium of Niagara to construct and renovate a new Humboldt Penguin exhibit, a \$3.5 million project, which will bring state-of-the-art technology to the Aquarium of Niagara and allow it to participate in the breeding of this threatened species, and

WHEREAS, this project will also bring increased tourism and educational opportunities to draw new and repeat visitors to the Aquarium of Niagara, as well as support the 27 full-time and 14 part-time positions currently at the facility and create two new full-time positions, and

WHEREAS, the approval of the Aquarium of Niagara application for 75kw (at 70% load factor) will allow its business in Niagara County to support, increase and maintain economic development in the City of

Niagara Falls and Niagara County, and

WHEREAS, the Empower Niagara Board will be recommending the approval of the low cost power allocation application approval for a period of three (3) years, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby approves the application of Aquarium of Niagara for 75kw (at 70% load factor) low cost power benefits from Niagara County, pursuant to low cost power allocation received through the June 25, 2005 HCRSA and ASPNPPE, and be it further

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

ECONOMIC DEVELOPMENT COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Economic Development Committee and DATE: 10/17/17 RESOLUTION # ED-023-17
Administration Committee

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION ED - 10/11/17 AD - 10/11/17	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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BUDGET MODIFICATION - TO COVER EMPOWER NIAGARA ALLOCATION AQUARIUM OF NIAGARA

WHEREAS, Aquarium of Niagara is an existing Niagara County business that was approved to receive low cost hydropower allocations through the Empower Niagara Program, and

WHEREAS, these benefits will be applied to Aquarium of Niagara as stipulated in the Empower Niagara Program agreement, through the Niagara County Economic Development 2017 through 2020 budget, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated to the Niagara County Economic Development 2017 budget, and annually thereafter until 2020 as set forth below:

		<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
INCREASE REVENUE:					
A.25.1620.108 42655.03	Sale of Excess Power	\$4,083.25	Value of 75 kw at 70% load factor for 12 months	Value of 75 kw at 70% load factor for 12 months	Value of 75 kw at 70% load factor for 10 months
INCREASE APPROPRIATION:					
A.25.1620.108 74500.01	Contractual	\$4,083.25	Value of 75 kw at 70% load factor for 12 months	Value of 75 kw at 70% load factor for 12 months	Value of 75 kw at 70% load factor for 10 months
INCREASE REVENUE:					
A.28.8020.000 42189.01	Activities – Eco Dev	\$4,083.25	Value of 75 kw at 70% load factor for 12 months	Value of 75 kw at 70% load factor for 12 months	Value of 75 kw at 70% load factor for 10 months
INCREASE APPROPRIATION:					
A.28.8020.000 74550.30	Empower Niagara	\$4,083.25	Value of 75 kw at 70% load factor for 12 months	Value of 75 kw at 70% load factor for 12 months	Value of 75 kw at 70% load factor for 10 months

ECONOMIC DEVELOPMENT COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Economic Development Committee DATE: 10/17/17 RESOLUTION # ED-024-17

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
ED - 10/11/17

LEGISLATIVE ACTION

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

ACCEPTANCE OF USEPA BROWNFIELDS HAZARDOUS SUBSTANCES ASSESSMENT GRANT

WHEREAS, the Niagara County Legislature has identified brownfield remediation and redevelopment as an economic development priority as evidenced by establishment of the Niagara County Brownfields Program in 1999, and

WHEREAS, on October 12, 2016, the Economic Development Committee authorized the Niagara County Department of Economic Development to apply for a brownfields assessment grant from the United States Environmental Protection Agency, and

WHEREAS, the Niagara County Department of Economic Development was awarded a grant from the United States Environmental Protection Agency in the amount of Two Hundred Thousand Dollars (\$200,000), and

WHEREAS, the grant will be used to perform Phase I and II Environmental Site Assessments at prioritized hazardous substance brownfield sites throughout Niagara County, and

WHEREAS, the Two Hundred Thousand Dollars (\$200,000) grant award has no county cost share and will be included in the 2018 Niagara County proposed budget, now, therefore, be it

RESOLVED, that following the County Attorney's review and approval, the Chairman of the Niagara County Legislature be, and hereby is authorized to sign and/or execute any grant documents in this regard, and be it further

RESOLVED, that the Two Hundred Thousand Dollars (\$200,000) grant award become part of the 2018 Niagara County proposed budget.

ECONOMIC DEVELOPMENT COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Economic Development Committee

DATE: 10/17/17

RESOLUTION # ED-025-17

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
ED - 10/17/17

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

ACCEPTANCE OF USEPA BROWNFIELDS PETROLEUM ASSESSMENT GRANT

WHEREAS, the Niagara County Legislature has identified brownfield remediation and redevelopment as an economic development priority as evidenced by establishment of the Niagara County Brownfields Program in 1999, and

WHEREAS, on October 12, 2016, the Economic Development Committee authorized the Niagara County Department of Economic Development to apply for a brownfields assessment grant from the United States Environmental Protection Agency, and

WHEREAS, the Niagara County Department of Economic Development was awarded a grant from the United States Environmental Protection Agency in the amount of One Hundred Thousand Dollars (\$100,000), and

WHEREAS, the grant will be used to perform Phase I and II Environmental Site Assessments at prioritized petroleum brownfield sites throughout Niagara County, and

WHEREAS, the One Hundred Thousand Dollars (\$100,000) grant award has no county cost share and will be included in the 2018 Niagara County proposed budget, now, therefore, be it

RESOLVED, that following the County Attorney's review and approval, the Chairman of the Niagara County Legislature be, and hereby is authorized to sign and/or execute any grant documents in this regard, and be it further

RESOLVED, that the One Hundred Thousand Dollars (\$100,000) grant award become part of the 2018 Niagara County proposed budget.

ECONOMIC DEVELOPMENT COMMITTEE