

OFFICIAL RECORD

Lockport, New York
October 17, 2017

A public hearing was held pursuant to IF-117-17, adopted by the Legislature on September 19, 2017, for the purpose of considering a proposed Amendment Increasing Water Rates of the Niagara County Water District. Legislator Syracuse opened the hearing at 6:45 p.m. and closed it at approximately 6:55 p.m.

The meeting was called to order by Chairman McNall at 7:02 p.m.

Roll Call.

Present: Andres, Bradt, Burmaster, Collins, Godfrey, Grozio, Hill, Lance, McNall, Nemi Steed, Syracuse, Virtuoso, Wydysh – 14

Absent: Zona -1

Chairman McNall welcomed the interns for this year's Intern Program.

CORRESPONDENCE:

Legislator Syracuse read a letter he had wrote supporting the clean energy project that Somerset Operating Company is developing, the Somerset Solar project.

PRESENTATIONS:

1. Legislator Lance went to the lectern and read a proclamation declaring October 2017 as National Breast Cancer Awareness Month in Niagara County.
2. Charman McNall called Legislator Nemi, Legislator Collins and Mary Brennan Taylor to the lectern to read a proclamation declaring November 2017 as Lockport Blue Month. Mary thanked the Legislature and Community
3. Chairman McNall called Legislator Bradt and Legislator Virtuoso to the lectern to read a proclamation honoring Legislator Nemi for his induction into the Lockport Umpires Association Hall of Fame for his 40 years of service as an umpire.
4. Chairman McNall called Commissioner of Public Works Garret Meal and Hal Morse, Executive Director of Greater Buffalo Niagara Regional Transportation Council to the lectern to give a summary on some of the projects GBNRTC long range 2050 plan will be working on and how this will benefit Niagara County.

0 citizens spoke at this time.

Recess

Chairman McNall announced that resolution IF-141-17 was being removed from the preferred and placed on the regular agenda.

Moved by Wydysh, seconded by Bradt

Chairman McNall announced that resolution CSS-054-17 was being removed from the preferred and placed on the regular agenda.

Moved by Godfrey, seconded by Nemi.

Moved by Bradt, seconded by Virtuoso to accept the preferred agenda.

Carried.

Resolution No. AD-018-17

From: Administration Committee.

Dated: October 17, 2017

**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.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. AD-019-17

From: Administration Committee.

Dated: October 17, 2017

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.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. AD-020-17

From: Administration Committee.

Dated: October 17, 2017

**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.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CS-041-17

From: Community Services and Administration Committees.

Dated: October 17, 2017

**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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Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CS-042-17

From: Community Service and Administration Committees.

Dated: October 17, 2017

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.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CS-043-17

From: Community Services and Administration Committees.

Dated: October 17, 2017

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	<u>35,448</u>
		\$ 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	<u>116,402</u>
		\$ 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	<u>107,331</u>
		\$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

Moved by Bradt, seconded by Virtuoso.
 Adopted. 14 Ayes, 0 Noes, 1 Absent – Zona
 Legislator Wydysh asked to recuse herself.

Resolution No. CSS-052-17

From: Community Safety & Security and Administration Committees.

Dated: October 17, 2017

**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
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	Law Enforcement Equipment	
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A.17.3645.000.74500.02	Contractual Expenses	957
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	Maintenance Service Contracts	
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A.17.3645.000.74750.05	Supplies	1,225
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	General Law Enforcement Supplies	
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Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-053-17

From: Community Safety & Security and Administration Committees.

Dated: October 17, 2017

**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
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	Law Enforcement Equipment	
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Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-054-17

From: Community Safety & Security and Administration Committees.

Dated: October 17, 2017

**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, Cellectric 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 Cellectric Electrical Corporation for \$284,900.00 to perform the renovations at Terrys Corners Fire Hall for the Niagara County Dispatch Backup Center.

Moved by Bradt, seconded by Virtuoso.

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

Moved by Godfrey; seconded by Collins to amend resolution.

Amendment:

Deletion of "a Request for a proposal" in the fourth WHEREAS and replaced with" a sealed bids were solicited and reviewed..."

Moved by Godfrey, seconded by Collins

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

Resolution No. CSS-055-17

From: Community Safety & Security and Administration Committees.

Dated: October 17, 2017

**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

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-056-17

From: Community Safety & Security and Administration Committees.

Dated: October 17, 2017

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.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-057-17

From: Community Safety & Security and Administration Committees.

Dated: October 17, 2017

**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.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-058-17

From: Community Safety & Security and Administration Committees.

Dated: October 17, 2017

**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 Legislature¹ 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 – Zona

Resolution No. ED-020-17

From: Economic Development and Administration Committees.

Dated: October 17, 2017

**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 NFNY 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 NFNY 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. Moved by Bradt, seconded by Virtuoso.

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

Resolution No. ED-021-17

From: Economic Development and Administration Committees.

Dated: October 17, 2017

**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

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

Resolution No. ED-022-17

From: Economic Development and Administration Committees.

Dated: October 17, 2017

**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.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. ED-023-17

From: Economic Development and Administration Committees.

Dated: October 17, 2017

**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

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

Resolution No. ED-024-17

From: Economic Development and Administration Committees.

Dated: October 17, 2017

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.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. ED-025-17

From: Community Safety & Security and Administration Committees.

Dated: October 17, 2017

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.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-132-17

From: Infrastructure & Facilities and Administration Committees.

Dated: October 17, 2017

**LANDFILL 2 LEACHATE COLLECTION SYSTEM UPGRADES
FINAL PAYMENT**

WHEREAS, Resolution No. CW-012-16, dated May 3, 2016, awarded the contract for Landfill 2 Leachate Collection System Upgrades to NRC Environmental Services, 6392 Deere Rd. Syracuse, NY 13206, for a contract amount of \$205,609.29, and

WHEREAS, Resolution No. IF-097-16, dated September 22, 2016, authorized Change Order No. 1 to the contract, extending substantial completion to October 31, 2016, at no additional cost to the County, and

WHEREAS, the contract has been completed to specifications for the contract amount of \$204,722.19, 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 NRC Environmental Services, 6392 Deere Rd. Syracuse, NY 13206, for a final contract amount of \$204,722.19, 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 – Zona

Resolution No. IF-133-17

From: Infrastructure & Facilities and Administration Committees.

Dated: October 17, 2017

**NIAGARA COUNTY REFUSE DISPOSAL DISTRICT CONSTRUCTION AND DEMOLITION
DEBRIS LANDFILL CLOSURE AND SITE UPGRADES PROJECT
CHANGE ORDER NO. 11-FINAL PAYMENT**

WHEREAS, Resolution No. CW-011-16, dated May 3, 2016, awarded the contract for Niagara County Refuse Disposal District Construction and Demolition Debris Landfill Closure and Site Upgrades to Mark Cerrone, Inc. 2368 Maryland Ave. Niagara Falls, New York 14305, for a contract amount of \$1,997,000, and

WHEREAS, Resolution No. IF-116-16, dated December 6, 2016, authorized Change Order No. 1 for pipe substitutions, and

WHEREAS, Resolution No. IF-117-16, dated December 6, 2016, authorized Change Order No. 2 for modifications to the leachate storage tank, and

WHEREAS, Resolution No. IF-118-16, dated December 6, 2016, authorized Change Order No. 4 for debris fence removal, and

WHEREAS, Resolution No. IF-119-16, dated December 6, 2016, authorized Change Order No. 6 for the installation of utility pole guy wires, and

WHEREAS, Resolution No. IF-120-16, dated December 6, 2016, authorized Change Order No. 7 for the installation of an air vacuum release valve, and

WHEREAS, Resolution No. IF-121-16, dated December 6, 2016, authorized Change Order No. 8 for the installation of a flow meter junction box, and

WHEREAS, Resolution No. IF-122-16, dated December 6, 2016, authorized Change Order No. 9 for a no cost time extension of substantial completion, and

WHEREAS, Change Order requests No. 3, No.5 and No. 10 were denied, and

WHEREAS, it is necessary to reduce the contract in the amount of \$66,852.69, for a revised contract amount of \$1,930,147.31, 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 Mark Cerrone, Inc. 2368 Maryland Ave. Niagara Falls, New York 14305, for a final contract amount of \$1,930,147.31, 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 – Zona

Resolution No. IF-134-17

From: Infrastructure & Facilities and Administration Committees.

Dated: October 17, 2017

**HIGHWAY EXCAVATORS
CAPITAL PROJECT BUDGET MODIFICATION**

WHEREAS, the County applied for funds from the State and Municipal Facilities Program for various types of highway heavy equipment, which require a thirty-percent match, and

WHEREAS, the County has successfully secured funds from the State and Municipal Facilities Program, Project ID #9215, in the amount of \$224,000, requiring a match of \$96,000, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

A 40599.00	Appropriated Fund Balance	\$96,000
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INCREASE APPROPRIATION:

A.07.9901.000.79010.10	Transfer to Capital Reserve	\$96,000
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INCREASE APPROPRIATED FUND BALANCE:

AH 40511.00	Appropriated Capital Reserve	\$96,000
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INCREASE APPROPRIATION:

AH.07.9950.000.79010.00	Transfer to Capital Projects	\$96,000
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INCREASE ANTICIPATED REVENUE:

HXXX.15.5110.000.43097.01	SAMS Grant	\$224,000
HXXX.15.5110.000.45031.10	Interfund Transfers – From Capital Reserve	\$ 96,000

INCREASE ANTICIPATED EXPENSES:

HXXX.15.5110.000.72100.10 Heavy Equipment \$320,000

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

Resolution No. IF-135-17

From: Infrastructure & Facilities and Administration Committees.

Dated: October 17, 2017

**BRIDGE ASPHALT CONCRETE DECK OVERLAYS & JOINT REPAIRS
SUPPLEMENTAL AGREEMENT NO. 1**

WHEREAS, the Bridge Asphalt Concrete Deck Overlays & Joint Repairs Project, Towns of Hartland, Newfane, Niagara, Pendleton, Royalton, Somerset, Wheatfield, and Wilson, Niagara County, PIN 5761.36 (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/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:

INCREASE REVENUE:

D.15.5120.000 44597.01	Federal Aid Capital Construction	\$ 54,937
D.15.5120.000 43591.00	State Aid Capital Construction	\$ 42,000

INCREASE APPROPRIATIONS:

D.15.5120.000 74800.06	Repairs and Maintenance-Bridges	\$ 96,937
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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 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 – Zona

Resolution No. IF-136-17

From: Infrastructure & Facilities and Administration Committees.

Dated: October 17, 2017

**NIAGARA ROAD BRIDGE OVER BERGHOLZ CREEK
FEDERAL AID LOCAL PROJECT AGREEMENT
SUPPLEMENTAL AGREEMENT NO. 1**

WHEREAS, the Niagara Road Bridge over Bergholz Creek Project, Town of Wheatfield, Niagara County, PIN 5762.19 (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 REVENUE:

H604.15.5197.000 43501.00	Consol Highway Aid Revenue	\$ 920,779.65
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INCREASE REVENUE:

H604.15.5197.000 44597.01	Federal Aid Capital Const Hwy	\$1,433,550.00
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INCREASE APPROPRIATIONS:

H604.15.5107.000 72600.02	Infrastructure Bridges	\$ 512,770.35
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and be it further

RESOLVED, that the Legislature of the County of Niagara hereby agrees that the County of Niagara shall be responsible for all costs of the project which exceed the amount of the NY Bridge Funding awarded to the County, and be it further

RESOLVED, that the sum of \$1,559,000 is hereby appropriated in account H604.15.5197.000 72600.02 and made available to cover the cost of participation in the above phases of the project, and be it further

RESOLVED, that in the event the amount required to pay the full federal and non-federal shares of the cost of the project's 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 County of Niagara 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 Chairman 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 therefore, 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 – Zona

Resolution No. IF-137-17

From: Infrastructure & Facilities and Administration Committees.

Dated: October 17, 2017

**CONSULTANT SERVICES FOR NIAGARA COUNTY JAIL BUILDING NO. 1
FRONT FACADE REPAIRS AND ROOF SAFETY RAILS FINAL PAYMENT**

WHEREAS, by Resolution No. IF-072-15, dated May 5, 2015, the Legislature awarded the contract for consulting services for the Niagara County Jail Building No. 1 Front Facade Repairs and Roof Safety Rails Project to Watts Architecture and Engineering, 95 Perry Street, Suite 300, Buffalo, NY 14203, in the amount of \$43,314, and

WHEREAS, the contract has been completed for the original contract amount of \$43,314, 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 Architecture and Engineering, 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 – Zona

Resolution No. IF-138-17

From: Infrastructure & Facilities and Administration Committees.

Dated: October 17, 2017

**LOCKPORT ROAD REPAVING PROJECT
CONSULTANT AMENDMENT NO. 1**

WHEREAS, Resolution No. IF-080-16, dated August 2, 2016, authorized the contract for consultant services for Lockport Road Repaving project to complete design and perform construction administration and construction inspection to Erdman, Anthony & Associates Inc., 8608 Main Street, Buffalo, NY 14221, for a fee not to exceed \$112,818, and

WHEREAS, it is necessary to amend the contract to allow for additional construction inspection and construction administration in the amount of \$23,461, for a revised contract amount of \$136,279, 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 \$23,461 for additional construction administration and construction inspection to Erdman, Anthony & Associates Inc., 8608 Main Street, Buffalo, NY 14221, for a fee not to exceed \$136,279, 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 – Zona

Resolution No. IF-139-17

From: Infrastructure & Facilities and Administration Committees.

Dated: October 17, 2017

DEPARTMENT OF PUBLIC WORKS – NC POWER BUDGET MODIFICATION

WHEREAS, Niagara County receives low cost power from the New York Power Authority (NYPA), and

WHEREAS, additional funds are required to cover the remainder of expenses for 2017 in the line item for electric transportation charges, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated:

INCREASE ESTIMATED REVENUE:

A.25.1620.108.42655.03	Sale of Excess Power	\$105,000.00
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INCREASE ESTIMATED APPROPRIATION:

A.25.1620.108.74850.02	Electric	\$105,000.00
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Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-140-17

From: Infrastructure & Facilities and Administration Committees.

Dated: October 17, 2017

**WEST CANAL MARINA PARK IMPROVEMENTS
CAPITAL PROJECT BUDGET MODIFICATION**

WHEREAS, the County applied for funds from the State and Municipal Facilities Program for various improvements at the West Canal Marina Park, which require a thirty-percent match, and

WHEREAS, the County has successfully secured funds from the State and Municipal Facilities Program, Project ID #9216, in the amount of \$245,000, requiring a match of \$105,000, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

A 40599.00	Appropriated Fund Balance	\$105,000
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INCREASE APPROPRIATION:

A.07.9901.000.79010.10	Transfer to Capital Reserve	\$105,000
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INCREASE APPROPRIATED FUND BALANCE:

AH 40511.00	Appropriated Capital Reserve	\$105,000
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INCREASE APPROPRIATION:

AH.07.9950.000.79010.00	Transfer to Capital Projects	\$105,000
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INCREASE ANTICIPATED REVENUE:

HXXX.15.7110.000.43097.01	SAMS Grant	\$245,000
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HXXX.15.7110.000.45031.10	Interfund Transfers – From Capital Reserve	\$105,000
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INCREASE ANTICIPATED EXPENSES:

HXXX.15.7110.000.72400.00	Land Improvements	\$350,000
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Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-141-17

From: Infrastructure & Facilities and Administration Committees.

Dated: October 17, 2017

**A RESOLUTION APPROVING AND CONFIRMING AN INCREASE TO THE
WATER RATE SCHEDULE OF THE NIAGARA COUNTY WATER DISTRICT
IN THE COUNTY OF NIAGARA, NEW YORK**

WHEREAS, the Administrative Board of the Niagara County Water District duly adopted a Resolution on April 20, 2017 which calls for increases in the Water Rate Schedule of said Water District, and,

WHEREAS, pursuant to the provisions of Section 266 of the County Law, a Public Hearing on such proposed increase was called, notice thereof was duly published in accordance with law and the same held in the

Chambers of the County Legislature, Lockport, New York, on October 17, 2017 at 6:45 p.m., and all persons appearing thereat were heard and allowed to offer evidence on such proposed increase, now, therefore, be it

RESOLVED, by the Niagara County Legislature of the County of Niagara, New York, as follows:

Section 1. The amendment to the Niagara County Water District Rules and Regulations establishing rates are hereby approved as follows, effective January 1, 2018.

Section XII – Water Service Classifications and Rates

Classification No. 1 – Rates are hereby established as follows:

Rates for water used by Corporations located within the District with properties subject to Water District Taxes:

Rates for water used by Corporations located outside the District and contributing to District deficits by annual payment in lieu of taxes as set forth by contract between the District and said Corporations.

Water Rate.....\$0.90/1,000 gallons

Classification No. 1A – Rates are hereby established as follows:

Rates for water used by Corporations or other entities located outside the District (out of District rate)

Water Rate.....\$1.80/1,000 gallons or such other rate that shall be determined by contract between the Niagara County Water District and Corporations or other entities.

Section 2. This Resolution shall take effect as hereinbefore set forth.

Moved by Wydysh, seconded by Burmaster to table resolution to allow for further discussion and input.

Resolution No. IL-091-17

From: Legislators Mark J. Grozio, Owen T. Steed, Jason A. Zona and Dennis F. Virtuoso

Dated: October 17, 2017

**RESOLUTION IN SUPPORT FOR THE SOMERSET SOLAR PROJECT
IN THE TOWN OF SOMERSET**

WHEREAS, Somerset Operating Company has announced plans to construct one of New York’s largest solar farms in its existing 1,800- acre site on Lake Road in the Town of Somerset becoming the fourth coal generation plant in the country that has a large solar farm co-located on it, and

WHEREAS, the proposed large-scale clean energy project, called Somerset Solar is a very unique, balanced energy generation model that will generate 18 megawatts of solar electricity, which is enough to power the equivalent of an estimated 3,100 homes, and

WHEREAS, the construction cost is estimated to be \$25 million and the project would create up to 150 union jobs during construction resulting in a significant positive economic impact on Niagara County, and

WHEREAS, Somerset Operating company formally bid into a request for proposals for large-scale renewable energy purchase by the New York Power Authority that will allow for the construction of Somerset Solar and provide new revenue opportunities for the Somerset Power Plant, and

WHEREAS, the Niagara County Legislature fully supports Somerset Operating Company's pursuit of the Somerset Solar project, now, therefore, be it

RESOLVED, that the Niagara County Legislature endorses Somerset Operating Company's application to the New York Power Authority for construction of the Somerset Solar project, be it further

RESOLVED, copies of this resolution are sent to New York Power Authority Chairman John R. Koelmel, New York State Governor Andrew Cuomo, President and CEO of Empire State Development Howard Zemsky and Town of Somerset Supervisor Dan Engert.

Moved by Bradt, seconded by Andres, 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 Andres.

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

Resolution No. IL-092-17

From: Legislators Kathryn L. Lance, Anthony J. Nemi, David E. Godfrey, Wm. Keith McNall and Rebecca J. Wydysh

Dated: October 17, 2017

**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**

WHEREAS, on November 20, 2007, the Niagara County Legislature adopted Local Law No. 8 entitling veterans that served their country during the Cold War but not during actual, declared war, to a veterans exemption from real property taxation under § 458-b of the Real Property Tax Law of the State of New York, and

WHEREAS, on September 12, 2017, the Governor signed into law Senate Bill 5659-A (same as A-6510-A) amending section 485-b of the Real Property Tax Law to afford local governments the option to continue to provide a real property tax exemption to cold war veterans without regard to the ten-year limitation.

WHEREAS, Legislator Kathryn L. Lance, et al. presents in writing the following Local Law:

A Local Law to amend Local Law No. 8 of 2007 to continue to provide a real property tax exemption to cold war veterans without regard to the ten-year limitation.

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

Section 1. Pursuant to subsection 2(c) (iii) of § 458-b of the Real Property Tax Law of the State of New York the County of Niagara hereby amends Local Law No. 8 of 2007, to provide that the exemption adopted in Local Law No. 8 of 2007 shall continue to apply to qualifying owners of qualifying real property for as so long as they remain qualifying owners, without regard to the ten-year limitation.

Section 2. This Local Law shall take effect immediately upon its filing with the Secretary of State and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after January 1, 2018.

RESOLVED, that the Niagara County Legislature shall conduct a public hearing upon said proposed Local Law at the Legislative Chambers, Niagara County Courthouse, Lockport, New York, on the 21st day of November, 2017 at 6:30 p.m., 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 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 Lance, 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 Lance, seconded by Godfrey.

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

Resolution No. IL-093-17

From: Legislator Michael A. Hill and Economic Development Committee.

Dated: October 17, 2017

RESOLUTION IN SUPPORT OF THE MIDDLEPORT COMMUNITY CHOIRS, INC. THROUGH THE USE OF CASINO FUNDING

WHEREAS, the Middleport Community Choirs is made up of two different choirs, the vocal choir (The Middleport Community Choir) and the hand bell choir (The Middleport Bell Tones), and

WHEREAS, the Middleport Community Choirs is a voluntary organization which is made up of approximately 40 active members from Middleport, Medina, Gasport, Lockport, Akron and Lyndonville, and

WHEREAS, the Middleport Community Choirs performs at many local functions throughout the year and present an annual Cantata to the community, and

WHEREAS, the Middleport Community Choirs are in need of new choral and hand bell music, hand bell supplies and advertising and printing of concert programs, and

WHEREAS, the Niagara County Legislature Casino Fund contributions will support the Middleport Community Choir, now, therefore, be it

RESOLVED, that the Niagara County Legislature support the Middleport Community Choirs as follows:

Middleport Community Choirs	\$1,500.00
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and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2017 budget:

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01	Appropriated Fund Balance - Committed Funds	\$1,500.00
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INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$1,500.00
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Moved by Hill, seconded by Syracuse.
Adopted. 14 Ayes, 0 Noes, 1 Absent – Zona

Resolution No. IL-094-17

From: Legislator Michael A. Hill and Economic Development Committee.

Dated: October 17, 2017

RESOLUTION IN SUPPORT OF THE TOWN OF ROYALTON VETERANS PARK THROUGH THE USE OF CASINO FUNDING

WHEREAS, town residents come to visit Veterans Park, and

WHEREAS, the Town of Royalton wishes to update the playground at Veterans Park so children of all ages can enjoy, now, therefore, be it

RESOLVED, that the Niagara County Legislature supports the Town of Royalton Veterans Park as follows:

Veterans Park in Gasport	\$4,000.00
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and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2017 budget:

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01	Appropriated Fund Balance - Committed Funds	\$4,000.00
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INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$4,000.00
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Moved by Hill, seconded by Syracuse, to pull this Resolution (Duplicate).

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

Resolution No. IL-095-17

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

Dated: October 17, 2017

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

WHEREAS, “Lockport Blue” is a month long community-wide campaign to support and show appreciation to the men and women in Law Enforcement, and

WHEREAS, there will be weekly events scheduled throughout the month including Coffee with a Cop and an exhibit of uniforms from the three different branches on display in the windows of the Union Sun and Journal, and

WHEREAS, the creativity and enthusiasm of the kids, teachers, staff from local schools and the residents from the community come together to show their appreciation for all that the officers do, now, therefore, be it

RESOLVED, that the Niagara County Legislature supports Lockport Blue campaign as follows:

Lockport Blue	\$3,000.00
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and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2017 budget:

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01 Appropriated Fund Balance - Committed Funds \$3,000.00

INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund \$3,000.00

Moved by Nemi, seconded by Collins.

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

Resolution No. IL-096-17

From: Legislators Randy R. Bradt, Dennis F. Virtuoso, Wm. Keith McNall, et al.

Dated: October 17, 2017

RESOLUTION URGING GOVERNOR CUOMO TO TAKE STEPS RESULTING IN THE PAYMENT TO PAYMENT TO THE CITY OF NIAGARA FALLS OF ANTICIPATED MONIES CURRENTLY WITHHELD BY THE SENECA NATION/SENECA GAMING IN ITS DISPUTE WITH NEW YORK STATE

WHEREAS, the City of Niagara Falls has been in receipt of funds generated from the Seneca Niagara Casino, as per New York State Finance Law § 99-h, and

WHEREAS, those funds have been vital to the operation of the city, providing revenues critical to meeting general fund obligations without excessive tax increases on the property owners and businesses of said city, and

WHEREAS, the Seneca Nation did, in February of this year, suspend payments of slot revenues to the State of New York and those “host communities” existing within exclusion zones, stating that the nation’s obligation under the original Tribal-State Gaming Compact had been met, and

WHEREAS, said exclusion zone is an area where local governments may not permit the operation of casinos and other large-scale gaming operations, providing the Seneca Nation with an unrestricted monopoly on gaming activities, and

WHEREAS, Niagara County is unable to directly benefit from expansion of gaming under the Upstate New York Gaming Economic Development Act, while our sponsored racino at Batavia Downs operates under a heavy set of restrictions on the nature and scope of its gaming, and

WHEREAS, the Honorable Andrew Cuomo did indicate his contention that for the state to provide such funds as have been denied to the communities in the exclusion zone would be “unfair,” and

WHEREAS, the City is contemplating significant tax increases that will harm its businesses and residents, absent these funds, therefore be it

RESOLVED, that the Legislature of the County of Niagara does hereby call upon Governor Cuomo to take such actions as rapidly resolve the dispute between the Seneca Nation and the State of New York and results in disbursement of withheld funds to the City of Niagara Falls, and other communities in the exclusion zone, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Cuomo, Senate Temporary President and Majority Leader John Flanagan; Senator Robert G. Ortt; Speaker of the Assembly

Carl Heastie; Assembly Majority Leader Joseph D. Morelle; Assembly Minority Leader Brian M. Kolb; Member of the Assembly Michael J. Norris; Member of the Assembly Ray Walter; Member of the Assembly Angelo Morinello; Member of the Assembly Robin Schimminger; and all others deemed necessary and proper. Approved for Submission.

Moved by Bradt, seconded by Virtuoso, 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 Virtuoso.

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

Resolution No. IL-097-17

From: Legislators Randy R. Bradt, Dennis F. Virtuoso, Wm. Keith McNall, et al.

Dated: October 17, 2017

RESOLUTION URGING GOVERNOR CUOMO TO TAKE STEPS RESULTING IN THE PAYMENT TO NIAGARA COUNTY OF ANTICIPATED MONIES CURRENTLY WITHHELD BY THE SENECA NATION/SENECA GAMING IN ITS DISPUTE WITH NEW YORK STATE

WHEREAS, Niagara County has been in receipt of funds generated from the Seneca Niagara Casino, as per New York State Finance Law § 99-h, and

WHEREAS, this Legislature is committed to utilizing said funds for economic and community development goals that enhance our community and make it more desirable to businesses looking to expand and relocate operations, and

WHEREAS, the Seneca Nation did, in February of this year, suspend payments of slot revenues to the State of New York and those “host communities” existing within exclusion zones, stating that the nation’s obligation under the original Tribal-State Gaming Compact had been met, and

WHEREAS, said exclusion zone is an area where local governments may not permit the operation of casinos and other large-scale gaming operations, providing the Seneca Nation with an unrestricted monopoly on gaming activities, and

WHEREAS, Niagara County is unable to directly benefit from expansion of gaming under the Upstate New York Gaming Economic Development Act, while our sponsored racino at Batavia Downs operates under a heavy set of restrictions on the nature and scope of its gaming, and

WHEREAS, the Honorable Andrew Cuomo did indicate his contention that for the state to provide such funds as have been denied to the communities in the exclusion zone would be “unfair,” and

WHEREAS, in contrast, Niagara County must make its member municipalities whole for situations where tax dollars are not received until such time as those delinquent taxes may be collected, and

WHEREAS, the County is unable to fund worthy quality-of-life community development activities, now, therefore be it

RESOLVED, that the Legislature of the County of Niagara does hereby call upon Governor Cuomo to take such actions as shall rapidly produce a favorable outcome for the communities in the exclusion zone, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Cuomo, Senate Temporary President and Majority Leader John Flanagan; Senator Robert G. Ortt; Speaker of the Assembly

Carl Heastie; Assembly Majority Leader Joseph D. Morelle; Assembly Minority Leader Brian M. Kolb; Member of the Assembly Michael J. Norris; Member of the Assembly Ray Walter; Member of the Assembly Angelo Morinello; Member of the Assembly Robin Schimminger; and all others deemed necessary and proper.
Approved for Submission.

Moved by Bradt, seconded by Virtuoso, 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 Virtuoso.

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

Resolution No. IL-096-17 was read at this time. (Appears in numerical order)

Resolution No. IL-097-17 was read at this time. (Appears in numerical order)

APPOINTMENTS:

	<u>Appt.</u>	<u>Expires</u>
<u>BOARD OF HEALTH:</u>		
Dr. Thomas Hughes - 64 Davison Ct., Lockport 14094	01/01/18	12/31/23
Dr. Donna Feldman (replaces Dr. Justin D. Miller) 5927 Military Rd. Lewiston 14092	01/01/18	12/31/23
Susan Delong PO Box 2282, Niagara Falls 14302	01/01/18	12/31/23

Moved by Andres, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, Absent – 1- Zona


Legislator Syracuse announced there will be a Shared Services Meeting on Health Care Consortium on October 19th at 6:00 p.m. in the Somerset Town Hall building.

Legislator Andres asked for a moment of silence be held for fallen Buffalo Police Officer Craig Lehner.

Moved by Virtuoso, seconded by Bradt that the Board adjourn.

The Chairman declared the Board adjourned at 8:36 p.m., subject to the call of the Clerk.

No citizens spoke at this time on the General Welfare of the County.


Mary Jo Tamburlin, Clerk