

OFFICIAL RECORD

Lockport, New York
October 18, 2016

A public hearing was held pursuant to ED-009-16, adopted by the Legislature on October 18, 2016, for the purpose of hearing public comments on Considering Inclusion of Viable Agricultural Land into Niagara County's Agricultural Districts. Legislator Syracuse opened the hearing at 6:30 p.m. and closed it at approximately 6:35 p.m.

The meeting was called to order by Chairman McNall at 7:05p.m.

Clerk Tamburlin called the roll. All Legislators were present.

A motion was made by Legislator Bradt, seconded by Legislator Nemi to reappoint Jennifer Fronczak as the Republican Election Commissioner with a term commencing on January 1, 2017.

A motion was made by Legislator Virtuoso, seconded by Legislator Steed to reappoint Lora Allen as the Democratic Election Commissioner with a term commencing on January 1, 2017.

PRESENTATIONS:

1. Legislator Lance went to the lectern and read a proclamation declaring October 2016 as National Breast Cancer Awareness Month in Niagara County.

2. Chairman McNall and Legislators Nemi and Collins went to the lectern to present a proclamation to Mr. Todd to congratulate him on his award a 2016 WNY Chapter of the US Lacrosse "Man of the Year" Award and a his dedication to the children of Lockport School and serving his county in three different military branches.

No citizen spoke at this time.

Recess.

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

Chairman McNall announced that resolution CS-045-16 was being removed from the preferred and placed on the regular agenda.

Moved by Bradt, seconded by Nemi.

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

Carried

Resolution No. AD-029-16

From: Administration Committee

Dated: October 18, 2016

APPROVAL OF VOTING MACHINE AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE NIAGARA WHEATFIELD CENTRAL SCHOOL DISTRICT

WHEREAS, the Niagara Wheatfield Central School Districts will be conducting an election on November 15,

2016 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 Central 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 Central School Districts for the provision, by the County of Niagara, of sufficient voting equipment, including the programming thereof, to the Niagara Wheatfield Central School Districts in connection with an election scheduled to be held the 15th day of November 2016, 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 Central School District and the review and approval of the Niagara County Attorney's Office and counsel to the Niagara Wheatfield Central 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. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CS-039-16

From: Community Services and Administration Committees

Dated: October 18, 2016

BUDGET MODIFICATION – EDUCATION OF HANDICAPPED CHILDREN DEPARTMENT OF HEALTH

WHEREAS, the Education of Handicapped Children Program of the Niagara County Department of Health provides essential mandated services to preschool age children with disabilities, and

WHEREAS, funds enable the Niagara County Department of Health to satisfy New York State Education Department requirements, as they relate to education of handicapped preschool children, as well as the corresponding reporting requirements, and

WHEREAS, an increased number of services has resulted in increased cost, and

WHEREAS, the Niagara County Education of Handicapped Children Program requests a budget modification for additional revenues and appropriations, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE REVENUE:

A.20.2960.000 41601.03	Medicaid Fees	\$151,733
A.20.2960.000 42701.01	Prior Year's Expense	10,267
A.20.2960.000 43277.01	Ed Handicapped Children General	238,000

INCREASE APPROPRIATIONS:

A.20.2960.000 74550.09	Program Ed Handicapped Children	\$400,000
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CS-040-16

From: Community Services and Administration Committees

Dated: October 18, 2016

**BUDGET MODIFICATION – NURSING & ENVIRONMENTAL DIVISIONS
DEPARTMENT OF HEALTH**

WHEREAS, the Nursing & Environmental Divisions of the Niagara County Department of Health provides a wide array of essential services to the citizens of Niagara County, and

WHEREAS, vaccine and rabies supply needs restocked due to an increase in request for vaccines, an increase in rabies cases and cost, and

WHEREAS, state aid and a transfer of funds from a temporary nurse vacancy will result in no additional cost to the county, now, therefore, be it

RESOLVED, that the following budget modification, be effectuated:

INCREASE REVENUE:

A.20.4090.000 43401.00	Public Health State Aid	\$3,000.00
A.20.4189.401 43401.00	Public Health State Aid	7,684.00

DECREASE APPROPRIATIONS:

A.20.4189.401 71010.00	Position # 661	\$13,661.00
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INCREASE APPROPRIATIONS:

A.20.4090.000 74550.15	Rabies Control	\$3,000.00
A.20.4189.401 74750.11	Med/Lab/Clinic Supplies	\$11,345.00
A.20.4189.401 74550.15	Rabies Control	\$10,000.00

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CS-041-16

From: Community Services and Administration Committees

Dated: October 18, 2016

**BUDGET MODIFICATION – ACCEPT LEAD PROGRAM COLA FUNDS
DEPARTMENT OF HEALTH**

WHEREAS, the Nursing Division of the Niagara County Department of Health provide a wide array of essential services, information and training to the citizens of Niagara County, and

WHEREAS, New York State has awarded cost of living increases (COLA) to Nursing Division of the Niagara County Department of Health, now, therefore, be it

RESOLVED, that the following budget modification, be effectuated:

INCREASE REVENUE:

CM.20.4189.403 43401.01	Public Health State Aid COLA	\$4,041.00
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INCREASE APPROPRIATION:

CM.20.4189.403 74375.01	Advertising & Promotion	\$4,041.00
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CS-042-16

From: Community Services and Administration Committees

Dated: October 18, 2016

NIAGARA COUNTY OFFICE FOR THE AGING REGISTERED DIETICIAN SERVICES

WHEREAS, the Niagara County Office for the Aging (NCOFA) provides community-based services to help older adults remain active and independent in the community, including a congregate dining and home delivered meals nutrition programs, and

WHEREAS, the Niagara County Office for the Aging (NCOFA) is in need of Registered Dietician oversight of its nutrition program to meet state and federal grant requirements, and

WHEREAS, The NCOFA has been without a Registered Dietician (RD) for 2016, after the expiration of a contract our office had with our previous contracted dietician; during this time our office conducted two Request For Proposals (RFPs), but were unable to secure a contract due to lack of responses both times, and

WHEREAS, after several attempts to identify a contractor, our office has identified and are in the process of finalizing a contract with a RD who meets all qualifications and has previously submitted all necessary documents in a previous RFP response, and

WHEREAS, NCOFA is requesting the ability to enter into an agreement with this RD through the remainder of 2016 and the entire fiscal year of 2017 not to exceed \$69,874 in order to bring the required RD oversight to our nutrition program, and continuity our operations, now, therefore, be it

RESOLVED, that waiver of the request for proposal process is granted and said amount is authorized to be paid through NCOFA nutrition grant funds.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CS-043-16

From: Community Services and Administration Committees

Dated: October 18, 2016

MH – ACCEPT PARTNERSHIP INNOVATION FOR OLDER ADULTS (PIOA) GRANT

WHEREAS, the Niagara County Department of Mental Health provides services to adults with mental illness and substance use disorders who are living in Niagara County, the Niagara County Office for the Aging provides services to older adults, families, caregivers and people with disabilities of all ages living in Niagara County, and Northpointe Council, Inc. provides a full range of substance abuse treatment services in Niagara County, and

WHEREAS, the Niagara County Department of Mental Health has recently been advised that it has been selected to participate with Niagara County Office for the Aging (NCOFA), and Northpointe Council, Inc. in the implementation of the Partnership Innovation for Older Adults (PIOA), and

WHEREAS, Niagara County Department of Mental Health has been awarded grant funding from the New York State Office of Mental Health, to create a "triple partnership" of mental health, substance use disorder, and aging services to support and improve the service delivery of demonstration programs for geriatrics through the Partnership Innovation for Older Adults (PIOA) program, and

WHEREAS, the purpose of this program is to address the unmet needs of older adults for mental health, substance use disorder, and aging services. Requirements include, but are not limited to, (1) the provision of substantial mobile outreach and off-site services and (2) the utilization of technological innovations such as telecare and mobile technologies. The target population is older adults age 55 or older whose independence, tenure, or survival in the community is in jeopardy because of a behavioral health (mental health and/or substance use disorder) problem, and

WHEREAS, the services that will be included in this 5-year initiative will build upon existing resources, enhance and expand linkage for those services, and provide a range of new services. New services will include screening and assessment for older adults for behavioral health and aging needs as well as mobile outreach and community-based therapy for isolated older adults; integration, tracking and coordination of these services to be achieved through the "triple partnership" and coordinated care planning, and

WHEREAS, this funding will allow Niagara County Department of Mental Health to fully integrate and coordinate with Niagara County Office for the Aging and Northpointe Council, Inc. to provide these vital services to the target population, and

WHEREAS, the New York State Office of Mental Health Partnership Innovation for Older Adults (PIOA) grant totals \$963,500.00 spread over a period of 5 years, now, therefore, be it

RESOLVED, that the department is given authorization to accept the full PIOA grant to begin implementation January 1, 2017.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CS-044-16

From: Community Services and Administration Committees

Dated: October 18, 2016

**MH - 2016 BUDGET MODIFICATION – ACCEPT SAMHSA PRIMARY AND
BEHAVIORAL HEALTH CARE INTEGRATION (PBHCI) GRANT**

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

WHEREAS, Niagara County Department of Mental Health has been awarded grant funding from the Substance Abuse and Mental Health Services Administration, Center for Mental Health Services, to participate in the Primary and Behavioral Health Care Integration (PBHCI) program, and

WHEREAS, the purpose of this program is to establish projects for the provision of coordinated and integrated services through the co-location of primary and specialty care medical services in community-based behavioral health settings; the goal is to improve the physical health status of adults with serious mental illnesses (SMI) and those with co-occurring substance use disorders who have or are at risk for co-morbid primary care conditions and chronic diseases. The program's objective is to support the triple aim of improving the health of individuals with SMI; enhancing the consumer experience of care (including quality, access, and reliability); and reducing/controlling the per capita cost of care, and

WHEREAS, SAMHSA launched the PBHCI program in FY 2009 with the knowledge that adults with serious mental illness experience heightened morbidity and mortality, dying an average of 25 years earlier than the general population due to obesity, diabetes, hypertension, and heart disease. This increased morbidity and mortality can be attributed to a number of issues, including inadequate physical activity and poor nutrition; smoking; side effects from atypical antipsychotic medications; and lack of access to health care services. Many of these health conditions are preventable through routine health promotion activities, primary care screening, monitoring, treatment and care management /coordination strategies and/or other outreach programs; much of the national effort towards achieving the triple aim of improved health, enhanced care, and reduced costs are associated with developing person-centered systems of care that address an individual's holistic health and wellness, and

WHEREAS, this funding will allow Niagara County Department of Mental Health to fully integrate and coordinate behavioral health, physical health, and wellness services for Seriously Mentally Ill adults, including those with co-occurring substance use disorders, in Niagara County, NY through the expansion of our primary care services, the development of health and wellness classes, and the expansion of our partnership with community agencies, such as Northpointe Council and the Mental Health Association of Niagara County, and

WHEREAS, the SAMHSA Primary and Behavioral Health Care Integration (PBHCI) grant funding requirements give specific staffing criteria to provide direct care services, supervision, and assistance to Niagara County Department of Mental Health administration to ensure the success of the integrated care services, and to be consistent with the rules and regulations of the New York State Office of Mental Health and New York State Office of Alcoholism and Substance Abuse Services, and

WHEREAS, the SAMHSA Primary and Behavioral Health Care Integration (PBHCI) grant totals \$1,512,803.00 spread over a period of 4 years and Niagara County Department of Mental Health intends to convert the positions created for this program to be fully revenue supported; in the event that this does not occur and the positions cannot support themselves through generated revenue at the end of the 4 year grant period, these positions will be coterminous with the grant funding, now, therefore, be it

RESOLVED, that the following three (3) positions: one (1) Supervising Community Mental Health Nurse position, Grade 13, Step 1, at an hourly rate of \$29.52, one (1) Community Mental Health Aide position, Grade 8, Step 1, at an hourly rate of \$19.76, and one (1) Account Clerical I position, Grade 4, Step 1, at an hourly rate of \$16.41, be created within the Niagara County Department of Mental Health, and filled effective December 1, 2016, to carry out the required roles and responsibilities to integrate and coordinate behavioral health, physical health, and wellness services for Seriously Mentally Ill adults, including those with co-occurring substance use disorders under the guidelines and requirements of the SAMHSA Primary and Behavioral Health Care Integration (PBHCI) grant, and be it further

RESOLVED, that the department is given authorization to accept the full PBHCI grant with the increase in the 2016 budget and the effectuation of the following 2016 budget modification:

INCREASE REVENUES:

A.21.4310.000.44490	Mental Health Revenue	\$16,786
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INCREASE APPROPRIATIONS:

A.21.4310.000.71010	Positions	\$10,116
A.21.4310.000.74000.03	Administrative Cost	230
A.21.4310.000.74500.01	Contractual Expense	3,600
A.21.4310.000.78100	Retirement	941
A.21.4310.000.78200	FICA	774
A.21.4310.000.78300	Worker's Comp	51
A.21.4310.000.78700	Disability	21
A.21.4310.000.78800	Flex 125 (Dental/Vision)	1,053

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CS-045-16

From: Community Services and Administration Committees

Dated: October 18, 2016

2017 CONTRACTS - MENTAL HEALTH DEPARTMENT

WHEREAS, funds are available in the Year 2017 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 2017, now, therefore, be it

RESOLVED, contingent upon approval of the Year 2017 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	\$561,216
	.74500.01 Family & Children	61,367
	.74500.01 New Directions (Wyndham Lawn)	111,172
	.74500.01 Mental Health Association	173,385
	.74500.01 Dale Association	65,668
	.74500.01 United Cerebral Palsy	<u>61,853</u>
		\$1,034,661

CM.21.4322.415	.74550.06 Reinvestment Programming	
	.74550.06 Community Missions	\$169,073
	.74550.06 Mental Health Association	64,766
	.74550.06 New Directions (Wyndham Lawn)	98,178
	.74550.06 Niagara Falls Memorial Medical Center	167,564
	.74550.06 Dale Association	<u>104,250</u>
		\$603,831

CM.21.4322.416	.74500.01 Case Management Programs
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	.74500.01 Family & Children's	\$708,969
	.74500.01 New Directions (Wyndham Lawn)	140,657
	.74500.01 Community Missions	133,861
	.74500.01 Niagara Falls Memorial Medical Center	146,627
	.74500.01 Mental Health Association	<u>109,258</u>
		\$1,239,372
CM.21.4322.423	.74500.01 Supported Housing	
	.74500.01 Community Missions	\$250,927
	.74500.01 Living Opportunities of DePaul	<u>127,245</u>
		\$378,172
A.21.4322.412	.74500.01 Mental Health Association	
	.74500.01 Contractual	\$101,302
A.21.4322.424	Cazenovia Recovery	
	.74500.01 Contractual	\$52,738
	.74550.08 Alcoholism	<u>\$1,391,185</u>
		\$1,443,923
A.21.4322.414	Northpointe Council	
	.74500.01 Contractual	\$248,613
	.74550.08 Alcoholism	<u>1,896,788</u>
		\$2,145,401
	Total Resolution	\$6,946,662

Moved by Nemi, seconded by Syracuse.

Adopted. 14 Ayes, 0 Noes, 0 Absent

Legislator Wydysh asked to recuse herself.

Resolution No. CSS-057-16

From: Community Safety and Security Committees

Dated: October 18, 2016

ACCEPTANCE OF AID TO PROSECUTION PROGRAM GRANT

WHEREAS, the Niagara County District Attorney=s Office applied for and was awarded funding from the New York State Division of Criminal Justice Services under the Aid To Prosecution Program for the purpose of continuing aid in the prosecution of repeat violent and serious felony offenders in Niagara County, and

WHEREAS, funding has been awarded in the amount of \$63,700 for the period October 1, 2016 through September 30, 2017, with no matching funds requirement, and

WHEREAS, the funds have been appropriated in the Niagara County District Attorney's 2016 and 2017 budgets, now, therefore, be it

RESOLVED, that the County of Niagara does hereby accept this grant award, and be it further

RESOLVED, that prior to the execution of the grant award contract, the County Attorney will review the grant award contract for approval as to legal form, language and compliance, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CSS-058-16

From: Community Safety and Security Committees

Dated: October 18, 2016

DISTRICT ATTORNEY CRIMES AGAINST REVENUE PROGRAM GRANT ACCEPTANCE

WHEREAS, the Niagara County District Attorney's Office has been notified by the New York State Division of Criminal Justice Services that the Crimes Against Revenue Program grant has been renewed for the calendar years 2017 and 2018, and

WHEREAS, funding has been awarded in the amount of \$42,500 for the period January 1, 2017 through December 31, 2017, and

WHEREAS, basic revenue and appropriation figures for said program were calculated and are contained within the District Attorney's operating budget for the 2017 budget year, and

WHEREAS, the program will continue to fund one full-time Assistant District Attorney, Position #10969, ATT I, Step 5, \$61,550 annually, with fringe benefits, which shall remain co-terminous with grant funding, now, therefore, be it

RESOLVED, that the County of Niagara does hereby accept this grant award, and be it further

RESOLVED, following the County Attorney's review, the Chairman of the Niagara County Legislature be, and hereby is, authorized to sign the grant award documents.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CSS-059-16

From: Community Safety & Security Committees

Dated: October 18, 2016

**DISTRICT ATTORNEY MOTOR VEHICLE THEFT AND INSURANCE FRAUD
PREVENTION PROGRAM GRANT ACCEPTANCE**

WHEREAS, The Niagara County District Attorney's Office has been notified by the New York State Division of Criminal Justice Services that the Motor Vehicle Theft and Insurance Fraud Prevention Program grant has been renewed for the period of January 1, 2017 through December 31, 2017, and

WHEREAS, funding has been awarded in the amount of \$109,966 and said funds are used to offset expenses for the District Attorney's Motor Vehicle Theft and Insurance Fraud Prevention Unit, and

WHEREAS, basic revenue and appropriation figures for said program were calculated and are contained within the CM.02.1989.114 Motor Vehicle Theft and Insurance Fraud Prevention cost center for the 2017 budget year, and

WHEREAS, this program will continue to fund one full-time Assistant District Attorney, Position #9700, ATT I, Step 5, \$61,550 annually and one full-time Criminal Investigator, Position #9701, NUH 6, Step 6, \$51,779

annually, with fringe benefits which shall remain co-terminus with grant funding, now, therefore, be it

RESOLVED, that the County of Niagara does hereby accept this grant award, and be it further

RESOLVED, that prior to the execution of the grant award contract, the County Attorney will review the grant award contract for approval as to legal form, language and compliance, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CSS-060-16

From: Community Safety & Security and Administration Committees

Dated: October 18, 2016

ACCEPTANCE OF LAW ENFORCEMENT LEGISLATIVE GRANT

WHEREAS, the Niagara County District Attorney's Office has been awarded funding from the New York State Division of Criminal Justice Services secured by Senator Robert G. Ort to enhance law enforcement initiatives, and

WHEREAS, funding has been awarded in the amount of \$15,000 for the period October 1, 2016 through September 30, 2017, with no matching funds requirement, for the purchase of technology to be utilized in courtroom and Grand Jury presentations, and

WHEREAS, the funds need to be appropriated by the District Attorney's Office in their 2016 budget, now, therefore, be it

RESOLVED, that the County of Niagara does hereby accept this grant award, and be it further

RESOLVED, that prior to the execution of the grant award contract, the County Attorney will review the grant award contract for approval as to legal form, language and compliance, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Niagara County Legislature be, and hereby is, authorized to execute the grant award documents, and be it further

RESOLVED, that the following budget modifications are effectuated:

INCREASE REVENUE:

A.02.1165.000.43389.25	Division of Criminal Justice DA	\$15,000
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INCREASE APPROPRIATIONS:

A.02.1165.000.72100.02	Audiovisual Equipment	\$15,000
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CSS-061-16

From: Community Safety & Security and Administration Committees

Dated: October 18, 2016

LINE ITEM TRANSFER – CORONERS OFFICE

WHEREAS, due to a rate increase in the transport fee there is a shortfall in the transport line for the Coroner's office, and

WHEREAS, transports have been averaging \$5,000 per month, and

WHEREAS, additional funds will be required to pay invoices from September 2016 to December 2016, now, therefore, be it

RESOLVED, that the following line item transfer be effectuated:

FROM:

A.08.1991.000 74500.01	General Government Support	\$20,000.00
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TO:

A.01.1185.000.74650.09	Services, Professional Transport	\$20,000.00
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CSS-062-16

From: Community Safety and Security and Administration Committees

Dated: October 18, 2016

NIAGARA COUNTY SHERIFF'S OFFICE BUDGET MODIFICATION – 2016

WHEREAS, the Niagara County Sheriff's Office and Homeland Security Investigations (HSI) SAC Buffalo, New York have entered into an agreement to participate in joint operations/task forces, and

WHEREAS, Homeland Security Investigations will reimburse Niagara County Sheriff's Office for any expenses related to these operations, and

WHEREAS, HSI has approved the purchase of a special piece of equipment used to analyze and identify heroin and other special narcotics, now therefore, be it

RESOLVED, that the following budget modification be made:

INCREASE REVENUE:

A.17.3110.000.41510.01	Sheriff Fees General	\$28,200
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INCREASE APPROPRIATIONS:

A.17.3110.000.72100.21	Law Enforcement Equipment	\$27,770
A.17.3110.000.74750.05	Law Enforcement Supplies	430

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CSS-062-16

From: Community Safety and Security and Administration Committees

Dated: October 18, 2016

**NIAGARA COUNTY SHERIFF'S OFFICE
CREATE TEMPORARY DEPUTY SHERIFF POSITION**

WHEREAS, the Niagara County Sheriff's Office is responsible for law enforcement and safeguarding the citizens of Niagara County, and

WHEREAS, to ensure that the safety and welfare of our citizens, as well as our Deputy Sheriffs, it is imperative that the Sheriff's Office be properly staffed, and

WHEREAS, a Deputy Sheriff has been off on military leave of absence, which is expected to continue for a period of up to five (5) years, and

WHEREAS, the Sheriff's Office would like to create a temporary Deputy Sheriff position, which will result in no additional county cost, to fill until the incumbent employee either returns or his military leave expires, now, therefore, be it

RESOLVED, that a temporary Deputy Sheriff position, Step 2, at an hourly rate of \$24.32 per hour be created and filled effective October 23, 2016 and continue until the incumbent vacates the position, and be it further

RESOLVED, that the cost of this temporary Deputy Sheriff position be funded by the incumbent's position until the incumbent vacates the position, and be it further

RESOLVED, that the following budget modification be made:

FROM:

A.17.3110.000.71010.00	Positions (Deputy Sheriff-#6006)	\$9,728
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TO:

A.17.3110.000.71010.00	Positions (Deputy Sheriff-#XXXX)	\$9,728
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CSS-064-16

From: Community Safety & Security and Administration Committees

Dated: October 18, 2016

**AID TO DEFENSE PROGRAM RENEWAL 2016-2017
PUBLIC DEFENDER**

WHEREAS, the Niagara County Public Defender's Office has applied for and was awarded funding from the New York State Division of Criminal Justice Services under the Aid to Defense Program for the purpose of continuing aid in the defense of repeat violent and serious felony offenders in Niagara County, and

WHEREAS, funding has been awarded in the amount of \$16,900 for the period October 1, 2016 through September 30, 2017 with no matching funds requirement, and

WHEREAS, the funds have been appropriated in the Niagara County Public Defender's 2017 budget, now, therefore, be it

RESOLVED, that the County of Niagara does hereby accept the renewal of this grant, and be it further

RESOLVED, that prior to the execution of the grant award contract, the County Attorney will review the grant award contract for approval as to legal form, language and compliance, and be it further

RESOLVED, that following the County Attorney=s review, the Chairman of the Niagara County Legislature be, and hereby is, authorized to execute the grant award documents.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CSS-065-16

From: Community Safety and Safety and Administration Committee

Dated: October 18, 2016

ACCEPT 2017 EMPLOYMENT FOCUSED SERVICES GRANT

WHEREAS, the 200% of Poverty Grant, which provided funding in the amount of \$126,997 to provide support for the salary and fringe benefits of a probation officer (coterminous with the grant) and an employment counselor (coterminous with the grant), will be terminated effective December 31, 2016, and

WHEREAS, the Niagara County Probation Department in collaboration with the Niagara County Employment and Training Department applied for Employment Focused Services grant funding from the New York State Division of Criminal Justice Services (DCJS)/Office of Probation and Correctional Alternatives (OPCA) in the amount \$187,864 for the period of January 1, 2017 through December 31, 2017, with up to four (4) one (1) year options to renew in 2018, 2019, 2020, and 2021, and

WHEREAS, the initiative is part of a state-wide comprehensive strategy developed to reduce recidivism in local jurisdictions and increase public safety through effective community-based interventions for high risk offenders through the use of evidence based practices, and

WHEREAS, DCJS/DPCA, under this initiative, awarded this grant on a competitive basis to those local agencies that proposed using evidence-based interventions which target criminal thinking, job readiness, obtainment of employment, and employment retention, and

WHEREAS, the Niagara County Probation Department has received notification from the DCJS/OPCA of a financial award for Year 2017 in the amount of \$187,864, with four one year renewal options, to provide support in the form of salary, benefits, and training for a probation officer (coterminous with the grant) and an employment counselor (coterminous with the grant), as well as for other costs associated with the program, and

WHEREAS, the Employment Focused Services Grant is replacing the 200% of Poverty Grant and the two positions formerly funded by 200% of Poverty funds will now be funded by Employment Focused Services funds, and

WHEREAS, no new positions are being created, and

WHEREAS, the grant revenue and associated expense will be included in the 2017 requested budget, and

WHEREAS, the Probation Department will submit the required quarterly progress reports and financial claim forms for the project, and will receive the revenue budgeted for that department on a quarterly basis as reimbursement is received from DCJS totaling \$110,453 for Year 2017, and

WHEREAS, the Employment and Training Department will receive the revenue budgeted for that department on a quarterly basis as reimbursement is received from DCJS totaling \$77,411 for Year 2017, now, therefore, be it

RESOLVED, that the County of Niagara does hereby accept this grant, and be it further

RESOLVED, that the probation officer position and employment counselor position that were previously coterminous with the 200% of Poverty Grant be continued and now be deemed coterminous with the Employment Focused Service Grant, and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to sign the Grant Award and Special Conditions documents subject to approval by the County Attorney's Office.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CSS-065-16

From: Community Safety and Safety and Administration Committee

Dated: October 18, 2016

**RESOLUTION TO DECLARE SURPLUS PROPERTY LOCATED AT 1746 JAMES AVENUE,
NIAGARA FALLS, NEW YORK AND AUTHORIZE THE CONVEYANCE
TO THE CITY OF NIAGARA FALLS**

WHEREAS, the parcel of property located at 1746 James Avenue, Niagara Falls, New York was conveyed to the County of Niagara by the city of Niagara Falls, New York in 1967 for the purpose of a fire training facility, and

WHEREAS, the County of Niagara no longer has a use for the property, and the expense of upkeep would only burden the taxpayers, and

WHEREAS, the expense to remediate or otherwise utilize the property located at 1746 James Avenue, Niagara Falls, New York, would exceed any return to the County, and

WHEREAS, the County of Niagara on September 9, 2016 received a request from the mayor of the city of Niagara Falls, New York to convey back the property located at 1746 James Avenue, Niagara Falls, New York for the use of the grounds and constructing a fire training tower for utilization not only by the city of Niagara Falls Fire Department but also by the various volunteer fire companies located within the county, and

WHEREAS, 1746 James Avenue, Niagara Falls, New York previously had a fire training tower on such premises, and

WHEREAS, the County of Niagara hereby determines the transfer of said parcel to the city of Niagara Falls would be in the best interest of the County and its taxpayers, and

WHEREAS, the County of Niagara finds and determines prior to the conveyance as protection of the County's interests the execution and delivery of a transfer and indemnity agreement received from the city of Niagara Falls is necessary, and

WHEREAS, the terms and conditions under which the property is to be conveyed to the city of Niagara Falls are subject to the final review and approval by the Niagara County Attorney's Office and the attorney of the city of Niagara Falls, and must include legally binding assurances of the city of Niagara Falls holding harmless and fully indemnifying the County of Niagara from any liability, damage, claims or judgments arising after the

transfer of said property from the condition and use of the Property including the condition and use of the Property thereafter by the city of Niagara Falls, its transferees, grantees, successors and assigns, now, therefore, be it

RESOLVED, that the County of Niagara declare the property at 1746 James Street, Niagara Falls, New York, as surplus property, and be it further

RESOLVED, that the County of Niagara agrees to sell the premises located at 1746 James Avenue, parcel SBL# 130.15-1-1, in city of Niagara Falls to the city of Niagara Falls for the amount of one dollar (\$1.00), and be it further

RESOLVED, that the County of Niagara agrees to transfer title to the premises in "as is condition," and be it further

RESOLVED, that the city of Niagara Falls agrees to maintain the facilities and grounds, pay all utilities, and assume all liability issues for the facilities and grounds, and be it further

RESOLVED, that the city of Niagara Falls shall use such premises for the construction of a fire training tower for utilization not only by the city of Niagara Falls Fire Department but also, by the various volunteer fire companies located within the County, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to convey said property to the city of Niagara Falls, by the execution and delivery of a deed and all other required documents for transfer of 1746 James Avenue, Niagara Falls, New York, SBL#130.15-1-1.

Moved by Virtuoso, seconded by Bradt.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-098-16

From: Infrastructure & Facilities and Administration Committees

Dated: October 18, 2016

APPROVING THE INCLUSION OF VIABLE AGRICULTURAL LAND WITHIN CERTIFIED AGRICULTURAL DISTRICTS PURSUANT TO SECTION 303-B OF THE NEW YORK STATE AGRICULTURE AND MARKETS LAW

WHEREAS, Section 303-b of Agriculture and Markets Law provides land owners with an annual thirty day period to submit requests for the inclusion of predominantly viable agricultural lands within certified agricultural districts; and

WHEREAS, that thirty day period began June 1, 2016, and ended June 30, 2016; and

WHEREAS, one land owner has filed a request for inclusion of predominantly viable agricultural land within a certified agricultural district; and

WHEREAS, the County Legislature referred the requests to the Niagara County Agricultural and Farmland Protection Board, and that Board has reviewed the requests and provided its recommendations that such property consists predominantly of viable agricultural land and that the inclusion of such land would serve the public interest by assisting in maintaining a viable agricultural industry within the district; and

WHEREAS, a public hearing was held on Tuesday, October 18, 2016 at 6:30 p.m. relating to such requested inclusions; now, therefore be it

RESOLVED, that based on the recommendations of the Agricultural and Farmland Protection Board and information provided through the public hearing, this Niagara County Legislature hereby adopts and approves the inclusion of the requested viable agricultural land within certified Agricultural District #8; and, be it further

RESOLVED, that in accordance with Section 303-b of Agriculture and Markets Law the modifications to Agricultural District #8 are hereby described as follows, and include the following parcels listed by agricultural district, town, owner, tax map number, and acreage:

2016 Additions

Agricultural District	Town	Owner	Tax Map Number	Acreage
8	Wilson	David Avery	23.00-3-36.1	8.5

and, be it further

RESOLVED, that the Clerk of this Legislature is to submit a copy of this resolution, together with the report of the Niagara County Agricultural and Farmland Protection Board, including tax map numbers and maps for each parcel of land to be included in an agricultural district to the Commissioner of the New York State Department of Agriculture and Markets.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-098-16

From: Infrastructure & Facilities and Administration Committees

Dated: October 18, 2016

**LOCKPORT ROAD BRIDGE OVER BULL CREEK
CHANGE ORDER NO. 2-FINAL**

WHEREAS, by Resolution No. IF-001-16, dated February 23, 2016, the Legislature awarded the contract for the replacement of Lockport Road Bridge over Bull Creek to Concrete Applied Technologies Corp., 1266 Townline Road, Alden, NY 14004, for a contract amount of \$533,942.50, and

WHEREAS, Resolution No. IF-064-16, dated May 24, 2016, authorized Change Order No. 1 to add culvert wingwalls to the northeast and southwest corners, for a revised contract amount of \$553,315.60, and

WHEREAS, it is necessary to reduce the contract in the amount of \$20,105.67 for final quantities adjustments, for a revised contract amount of \$533,209.93, and

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

RESOLVED, that Change Order No. 2-Final to deduct \$20,105.67 from the contract for the replacement of Lockport Road Bridge over Bull Creek, for a revised contract amount of \$533,209.93, to Concrete Applied Technologies Corp., 1266 Townline Road, Alden, NY 14004, be approved, and be it further

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

Moved by Syracuse, seconded by Hill.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-099-16

From: Infrastructure & Facilities Committee

Dated: October 18, 2016

**RESOLUTION REJECTING BIDS FOR THE TROTT STEPS AND
HANDICAPPED ACCESSIBILITY PROJECT**

WHEREAS, the County of Niagara, Department of Public Works, advertised for sealed bids to be received on April 14, 2016 for the Trott Steps and Handicapped Accessibility project, and

WHEREAS, the lowest responsible bidder, Walter S. Johnson Building Co., submitted a bid in the amount of \$142,700, and

WHEREAS, there are insufficient funds to award the project, now, therefore, be it

RESOLVED, that the sealed bids which were received on April 14, 2016 are hereby rejected and the County of Niagara, Department of Public Works, shall re-advertise for the Trott Steps and Handicapped Accessibility Ramp project.

Moved by Syracuse, seconded by Burmaster

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-100-16

From: Infrastructure & Facilities and Administration Committee

Dated: October 18, 2016

**STONE ROAD RECONSTRUCTION
CONSULTANT AMENDMENT NO. 4 - FINAL**

WHEREAS, Resolution No. PW-096-09, dated July 28, 2009, awarded the contract for consulting services for the Stone Road Reconstruction Project to Clough Harbour & Associates, LLP, 2200 Main Place Tower, Buffalo, NY 14202-3722, for a contract amount of \$214,000, and

WHEREAS, Resolution No. PW-102-12, dated December 4, 2014, approved the amendment for additional construction services, additional survey for right-of-way, and right-of-way acquisition services in the amount of \$289,500, for a revised contract amount of \$503,500, and

WHEREAS, Resolution No. PW-026-13, dated February 19, 2013, approved the extension of the contract to December 31, 2013, at no additional cost, and

WHEREAS, Resolution No. PW-066-14, dated May 6, 2014, approved the extension of the contract to December 31, 2014, at no additional cost, and

WHEREAS, it is necessary to reduce the contract by \$62,725.26, for a revised contract amount of \$440,774.74, and

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

RESOLVED, that Amendment No. 4-Final to reduce the contract by \$62,725.26, for a revised contract amount of \$440,774.74, to Clough Harbour & Associates, LLP, 2200 Main Place Tower, Buffalo, NY 14202-3722, be approved, and be it further

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

Moved by Syracuse, seconded by Nemi

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-101-16

From: Infrastructure & Facilities and Administration Committee

Dated: October 18, 2016

**YOUNGSTOWN ROAD BRIDGE OVER SIXMILE CREEK
CHANGE ORDER NO. 2-FINAL**

WHEREAS, by Resolution No. PW-016-15, dated March 3, 2015, the Legislature awarded the contract for the reconstruction of Youngstown Road Bridge to Mark Cerrone, Inc., 2358 Maryland Avenue, Niagara Falls, NY 14304, in the amount of \$782,340.50, and

WHEREAS, Resolution No. IF-139-15, dated December 1, 2015, authorized Change Order No. 1 to allow for Youngstown Road to be open to traffic on or before December 15, 2015 and to extend the contract to May 31, 2016, at no additional cost, and

WHEREAS, it is necessary to extend the contract to December 31, 2016, at no additional cost, and to reduce the contract in the amount of \$40,307.64 for final quantities adjustments, for a revised contract amount of \$742,032.86, and

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

RESOLVED, that Change Order No. 2-Final to extend the contract to December 31, 2016, at no additional cost, and to deduct \$40,307.64 from the contract for the reconstruction of Youngstown Road Bridge, for a revised contract amount of \$742,032.86, to Mark Cerrone, Inc., 2358 Maryland Avenue, Niagara Falls, NY 14304, be approved, and be it further

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

Moved by Bradt, seconded by Syracuse

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-102-16

From: Infrastructure & Facilities and Administration Committee

Dated: October 18, 2016

**AWARD OF CONTRACT – NIAGARA COUNTY JAIL
SALLY PORT RECONSTRUCTION**

WHEREAS, the Department of Public Works, Engineering Division has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Niagara County Jail Sally Port Reconstruction project, and

WHEREAS, funds are available in the 2015 capital budget, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on October 13, 2016 as tabulated below:

- | | |
|--|--------------|
| 1.R.B. Mac Construction Co., Inc.
P.O. Box 424
Lockport, NY 14095 | \$161,000.00 |
| 2. Walter S. Johnson Building Co., Inc.
P.O. Box 688
Niagara Falls, NY 14302 | \$197,000.00 |
| 3. Sicoli & Massaro, Inc.
8525 Porter Road
Niagara Falls, NY 14304 | \$236,600.00 |

and

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

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

RESOLVED, that the contract for the Niagara County Jail Sally Port Reconstruction project be awarded to the lowest responsible bidder, R.B. Mac Construction Co., Inc., P.O. Box 424, Lockport, NY 14095, in the amount of \$161,000.00, and be it further

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

Moved by Godfrey, seconded by Lance

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-103-16

From: Infrastructure & Facilities and Administration Committee

Dated: October 18, 2016

**AWARD CONSULTANT SERVICES FOR THE
HUMAN RESOURCES BUILDING ROOF REPLACEMENT PROJECT**

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with the Human Resources Building Roof Replacement 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 following budget modification be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

AH40511.00	Appropriated Capital Reserve	\$50,000
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INCREASE CAPITAL CONSTRUCTION:

AH.07.9950.000 79010.00	Transfer to Capital Construction	\$50,000
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INCREASE REVENUE:

H637.15.1620.000 45031.10	Capital Reserve	\$50,000
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INCREASE APPROPRIATIONS:

H637.15.1620.000 72200.01 Building Improvements-HR Roof \$50,000

and be it further

RESOLVED, that the consultant services for the Human Resources Building Roof Replacement project be awarded to Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, PC, Centerpointe Corporate Park, 375 Essjay Road, Suite 200, Williamsville, NY 14221, for a contract amount not to exceed \$46,500, 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 Wydysh

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IL-063-16

From: Legislators Wydysh, Zona, Lance & Godfrey and Economic Development

Dated: October 18, 2016

SUPPORT FOR NIMAC THROUGH THE USE OF CASINO FUNDING

WHEREAS, the Niagara Military Affairs Council (NIMAC) has worked diligently over the past 20 years to retain the Niagara Falls Air Reserve Station which is Niagara County largest employer and has the largest weekly payroll, and

WHEREAS, the Niagara County Legislature realizes the economic and strategic importance of the Niagara Falls Air Reserve Station and supports the effort of retention by an annual contribution to NIMAC, now, therefore, be it

RESOLVED, that the following initiatives be funded with Niagara County Casino Funds:

NIMAC Retention of Niagara Falls Air Reserve Station \$12,000.00

and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2016 budget:

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01 Appropriated Fund Balance - Committed Funds	\$12,000.00
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INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15 Seneca Niagara Community Development Funds	\$12,000.00
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Moved by Wydysh, seconded by Zona.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IL-065-16

From: Legislator John Syracuse and Economic Development

Dated: October 18, 2016

RESOLUTION IN SUPPORT OF THE NEWFANE HISTORICAL SOCIETY

THROUGH THE USE OF CASINO FUNDING

WHEREAS, the Town of Newfane Historical Society is a non-profit organization, which was formed in 1975 and is tasked with preserving the past for future generation to enjoy, and

WHEREAS, the Town of Newfane Historical Society collects, preserves and interprets the history of the Newfane and Olcott communities and shares this heritage through education, exhibits and special events, and

WHEREAS, the Town of Newfane Historical Society maintains two historical locations: the Van Horn Mansion and Country Village, and has an extensive collection of archives and artifacts at both locations, and

WHEREAS, the Town of Newfane Historical Society offers weekly tours through the Van Horn Mansion and hosts the Apple Blossom and Harvest Festivals every Spring and Fall, and

WHEREAS, through these events the Historical Society creates a positive economic impact on area businesses through increased foot traffic in the Newfane and Olcott area, now, therefore, be it

RESOLVED, that Niagara County supports the economic initiatives of the Town of Newfane Historical Society as follows:

Town of Newfane Historical Society –	Advertising	\$1000.00
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and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2016 budget:

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01	Appropriated Fund Balance - Committed Funds	\$1,000.00
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INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$1,000.00
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Moved by Syracuse, seconded by Godfrey.

Adopted. 15 Ayes, 0 Noes, 0 Absent

APPOINTMENTS:

	<u>Appt.</u>	<u>Expires</u>
<u>GREATER BUFFALO NIAGARA REGIONAL TRANSPORTATION COUNCIL</u>		
PLANNING & COORDINATING COMMITTEE:		
Garret A. Meal, Commissioner of Public Works	10/18/16	12/31/16

PLANNING BOARD

Garret A. Meal, Commissioner of Public Works

REFUSE DISPOSAL DISTRICT ADMINISTRATIVE BOARD

Garret Meal, Commissioner of Public Works

TRAFFIC SAFETY BOARD

Garret A. Meal, Commissioner Public Works	10/18/16	12/31/17
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Moved by Syracuse, seconded by Zona.

Adopted. 14 Ayes, 0 Noes, 0 Absent

Moved by Godfrey, seconded by Nemi that the Board adjourn.

The Chairman declared the Board adjourned at 8:04 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