

OFFICIAL RECORD

Lockport, New York
October 20, 2015

A public hearing was held pursuant to IL-103-15, adopted by the Legislature on September 15, 2015, for the purpose of hearing public comments on a Local Law Establishing the Niagara County Animal Abuser Registry. Legislator Godfrey 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 Ross at 7:05 p.m.

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

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

PRESENTATIONS:

1. Legislator McNall invited Daniel Stapleton, Niagara County Public Health Director and recently retired Niagara County Environmental Health Director James Devald to the lectern and read a citation in recognition of the 45 years of services that Mr. Devald provided to the citizens of Niagara County.

Moved by McNall, seconded by Steed.

Carried.

2. Legislator McNall invited Laura Kelemen, Niagara County Mental Health Director to the lectern who gave a brief overview of the efforts of the county to treat people with mental illness. Legislator McNall read a proclamation declaring October 2015 as Mental Health Awareness Month in Niagara County.

Moved by McNall, seconded by Andres.

Carried.

3. Niagara County Information & Technology Director Larry Helwig gave a brief presentation on the 15th Annual Technology & Homeland Security Forum which will take place on Thursday, October 22nd from 8:00 a.m. until 4:00 p.m. Over 450 participants have signed up for the forum, which will make it the best attended.

4. Legislator Lance went to the lectern and read a proclamation declaring October 2015 as National Breast Cancer Awareness Month in Niagara County.

Moved by Lance, seconded by Bradt.

Carried.

5. Niagara County Social Services Commissioner Anthony Restaino went to the lectern to discuss the recent changes to the Social Services Alternate Work Schedule. He stated that the decision was made by himself and the CSEA representative and the Niagara County Legislature was not involved in making the decision to change the work schedule. He has already seen a reduction in comp time at the end of the workday as a result of the schedule change. A new alternate schedule has been proposed by the union. Discussions regarding the possibility of a revised alternate schedule will be postponed until the New Year due to the recent union sponsored events (pickets, etc.) which have been an attempt to say that the county is carrying out poor labor practices.

Six citizens spoke at this time.

Legislator Godfrey discussed Veteran's Day and encouraged everyone to participate in upcoming services throughout the county. He also discussed the Niagara County Thank A Vet Program and how it offers veteran's discounts throughout the community.

Recess.

Sheriff Voutour went to the lectern announced that on Saturday, October 24th Deputy Joseph Tortorella will be in Chicago as one of four finalist for the 2015 Police Officer of the Year Award in recognition for his heroic actions in Wheatfield on April 17, 2015. Sheriff Voutour said that this is the first time that an officer from Niagara County has ever been nominated for such a prestigious award.

Legislator Virtuoso thanked DSS Commissioner Anthony Restaino for his hard work to make the Kids and Kites event in September such a success.

Moved by Updegrave, seconded by Virtuoso to accept the preferred agenda.
Carried.

RESOLUTIONS:

Resolution No. CS-027-15

From: Community Services & Administration Committees

Dated: October 20, 2015

2016 CONTRACTS - MENTAL HEALTH DEPARTMENT

WHEREAS, funds are available in the Year 2016 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 2016, now, therefore, be it

RESOLVED, contingent upon approval of the Year 2016 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	Catholic Charities	\$60,000
.74500.01	Community Missions	549,314
.74500.01	Family & Children	60,164
.74500.01	New Directions (Wyndham Lawn)	108,992
.74500.01	Mental Health Association	169,985
.74500.01	Dale Association	59,014
.74500.01	United Cerebral Palsy	<u>60,640</u>
		\$1,068,109
CM.21.4322.415.74550.06	Reinvestment Programming	
.74500.06	Community Missions	165,758
.74500.06	Mental Health Association	63,496
.74500.06	New Directions (Wyndham Lawn)	96,253

.74500.06	Niagara Falls Memorial Medical Center	164,278
.74500.06	Dale Association	<u>116,905</u>
		\$606,690
CM.21.4322.416.74500.01	Case Management Programs	
.74500.01	Family & Children's	684,128
.74500.01	New Directions (Wyndham Lawn)	112,371
.74500.01	Community Missions	131,236
.74500.01	Niagara Falls Memorial Medical Center	143,752
.74500.01	Mental Health Association	<u>107,116</u>
		\$1,178,603
CM.21.4322.423.74500.01	Supported Housing	
.74500.01	Community Missions	244,994
A.21.4322.412.74500.01	Mental Health Association	
.74500.01	Contractual	100,016
A.21.4322.424	Cazenovia Recovery	
.74550.08	Alcoholism	1,180,187
A.21.4322.414	Northpointe Council	
.74500.01	Contractual	269,779
.74550.08	Alcoholism	<u>1,559,280</u>
		\$1,829,059
	Total Resolution	\$6,207,658

Approved for submission.

Moved by McNall, seconded by Syracuse.

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

Resolution No. CS-028-15

From: Community Services & Administration Committees

Dated: October 20, 2015

**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	\$ 481,450
A.20.2960.000 42701.01	Prior Year's Expense	4,550
A.20.2960.000 43277.01	Ed Handicapped Children General	714,000

INCREASE APPROPRIATION:

A.20.2960.000 74550.09	Program Ed Handicapped Children	\$1,200,000
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Approved for submission.

Moved by McNall, seconded by Hill.

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

Resolution No. CS-029-15

From: Community Services & Administration Committees

Dated: October 20, 2015

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

WHEREAS, the Niagara County Department Nursing Division provides essential services to the Niagara County community, and

WHEREAS, the Niagara County Department of Health Division of Lead Program have been awarded, and wish to accept, a cost of living increase (COLA) of 8.02% from the New York State Department of Health, now, therefore, be it

RESOLVED, that following budget modification be effectuated:

INCREASE REVENUE:

CM20.4189.403 43401.01	PH State Aid COLA	\$3,841
CM20.4070.419 43401.01	PH State Aid COLA	18,582

INCREASE APPROPRIATIONS:

CM20.4189.403 74375.01	Adv & Promotions	\$3,841
CM20.4070.419 74300.06	Uniforms/Clothing	500
CM20.4070.419 74375.01	Adv & Promotion	5,500
CM20.4070.419 74600.03	Training & Education	1,500
CM20.4070.419 74750.02	General Supplies/Materials	11,082

Approved for submission.

Moved by McNall, seconded by Steed.

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

Resolution No. CSS-054-15

From: Community Safety & Security & Administration Committees

Dated: October 20, 2015

ACCEPT FEDERAL REVENUE – SCAAP PROGRAM

WHEREAS, Resolution PS-018-00 authorized the County to enter into an agreement with Justice Benefits, Inc., to secure revenue opportunities not currently being utilized, and

WHEREAS, since the inception of the agreement with Justice Benefits, Inc. in 2000, Niagara County has received more than \$377,291 in revenue, and

WHEREAS, we have been notified that Justice Benefits, Inc., has secured \$7,720 for the 2015 award from the federal government for the State Criminal Alien Assistance Program (SCAAP), now, therefore, be it

RESOLVED, that Niagara County accept this award and remit to Justice Benefits, Inc. their share as per the contract, and be it further

RESOLVED, that the 2015 budget be modified as follows:

INCREASE REVENUE:

A.17.3150.000.42264.00	Jail Facility Services	\$1,699
	Other Government Revenue	

INCREASE APPROPRIATION:

A.17.3150.000.74500.01	Contractual Expense	\$1,699
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Moved by Updegrave, seconded by Virtuoso.
Adopted. 14 Ayes, 0 Noes, 1 Absent – Burmaster

Resolution No. CSS-055-15

From: Community Safety & Security & Administration Committees

Dated: October 20, 2015

ACCEPT TRAFFIC SAFETY GRANT

WHEREAS, the Niagara County Traffic Safety Office has been awarded a grant from the Governor's Traffic Safety Committee for the period of October 1, 2015 through September 30, 2016 in the amount of \$69,960, and

WHEREAS, this grant is a continuation of an existing program and is fully funded by the New York State Governor's Traffic Safety Committee, and

WHEREAS, the funds are used to ensure that child safety seats are installed and used correctly, educate pre-k and school aged students bicycle and car safety, as well as to educate to reduce the number of crashes, injuries and deaths on the roads in Niagara County, and

WHEREAS, the funds are included in the 2015 and 2016 budget, however, the contract needs to be executed, now, therefore, be it

RESOLVED, that the Traffic Safety Educator position continue to be co-terminus with the grant, and be it further

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

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

Moved by Updegrove, seconded by Virtuoso.
Adopted. 14 Ayes, 0 Noes, 1 Absent – Burmaster

Resolution No. CSS-056-15

From: Community Safety & Security & Administration Committees
Dated: October 20, 2015

**BUDGET MODIFICATION-NIAGARA COUNTY SHERIFF'S OFFICE
U.S. MARSHALS TASK FORCE**

WHEREAS, the Niagara County Sheriff's Office participates in the United States Marshal Service Joint Law Enforcement Operations Task Force, under the direction of the U.S. Department of Justice, and

WHEREAS, the Marshal's service provides the Sheriff's Office with certain equipment necessary for the employees assigned to the task force as well as reimbursing for overtime costs, and

WHEREAS, the Marshals Service has purchased a new vehicle and has obligated \$5,000 to the Sheriff's Office to retro fit the vehicle with certain emergency equipment, now, therefore, be it

RESOLVED, that the Sheriff's Office accept the \$5,000 to purchase the necessary equipment, and be it further

RESOLVED, that the following budget modification be made:

INCREASE REVENUE:

A.17.3110.000.42210.01	Reimb.-Other Gov't.	\$5,000
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INCREASE APPROPRIATION:

A.17.3110.000.72100.21	Law Enforcement Equipment	\$5,000
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Moved by Updegrove, seconded by Virtuoso.
Adopted. 14 Ayes, 0 Noes, 1 Absent – Burmaster

Resolution No. CSS-057-15

From: Community Safety & Security & Administration Committees
Dated: October 20, 2015

NIAGARA COUNTY SHERIFF'S OFFICE – STOP DWI FOUNDATION GRANT

WHEREAS, the Niagara County Sheriff's Office applied for a grant through the New York State Governor's Traffic Safety Committee, STOP DWI Foundation, and

WHEREAS, the Sheriff's Office received notification that we have been awarded \$69,902 for the period of October 1, 2015 through September 30, 2016, and

WHEREAS, the funds are used for additional DWI crackdowns to be held in 2015 and 2016 during specified dates with multi-agency participation, and will be included in the 2016 budget allocation, and

WHEREAS, the Sheriff's Office will be participating with local law enforcement agencies to enforce and enhance our current efforts to arrest DWI offenders, now, therefore, be it

RESOLVED, that the following budget modification be made to the 2015 STOP DWI budget:

INCREASE REVENUE:

A.17.3315.000.44389.09	Traffic Safety	\$42,000
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INCREASE APPROPRIATION:

A.17.3315.000.74400.09	Payments to Other Agencies	\$42,000
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INCREASE REVENUE:

A.17.3110.000.41289.08	Reimburse Other Department	\$5,000
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INCREASE APPROPRIATION:

A.17.3110.000.71050.00	Overtime	\$5,000
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Moved by Updegrove, seconded by Virtuoso.

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

Resolution No. CSS-058-15

From: Community Safety & Security & Administration Committees

Dated: October 20, 2015

**NIAGARA COUNTY SHERIFF'S OFFICE
TERMINATION OF ARMOR CORRECTIONAL HEALTH SERVICES CONTRACT**

WHEREAS, Resolution CSS-040-12 authorized the Sheriff's Office to privatize medical and to enter into an agreement with Armor Correctional Health Services for a period of three (3) years with an option to renew for an additional two (2) years, and

WHEREAS, the initial three (3) year period expires December 2015, however, both parties have met and determined that it is in the best interest of the Sheriff's Office and Armor Correctional to terminate the contract effective midnight October 31, 2015, and

WHEREAS, the contract allows an early termination as long as it has been mutually agreed upon, and

WHEREAS, Niagara County and Armor Correctional Health Services have mutually agreed to terminate the contract early, now, therefore, be it

RESOLVED, that the contract between Armor Correctional Health Services and Niagara County be terminated as mutually agreed upon effective at midnight on October 31, 2015, and be it further

RESOLVED, that the Chairman of the Legislature be authorized to sign said termination agreement after review and approved by the County Attorney.

Moved by Updegrove, seconded by Virtuoso.

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

Resolution No. CW-015-15

From: Committee of the Whole

Dated: October 20, 2015

**APPROVAL OF THE AGREEMENT BETWEEN NIAGARA COUNTY AND
CITY OF LOCKPORT FOR PARKING FOR COUNTY BUILDINGS**

WHEREAS, the County of Niagara purchased 50 Main Street, 111 Main Street and 20-40 East Avenue, Lockport, NY, removing those parcels from the tax rolls and creating a possible tax impact on the City of Lockport taxpayers, and

WHEREAS, the County of Niagara, by Resolution CW-007-15, allowed for the Niagara County Legislature to enter into negotiations with the City of Lockport subject to County Legislature approval for the lease of City parking, and

WHEREAS, prior to the auction, the Niagara County Legislature reached out to the City of Lockport concerning services they could provide to alleviate a parking problem that has existed for 12 years, and in lieu the County could reimburse the City for these services; also, helping to reduce the impact of its purchase on tax revenue to City, and

WHEREAS, these preemptively considered measures were investigated to find ways to minimize the budget impact on the taxing jurisdiction; by Niagara County purchasing the properties, and

WHEREAS, Niagara County Legislature seeks to lessen any negative budget impact on the taxpayers of the City of Lockport, and

WHEREAS, Niagara County Legislature also seeks to improve its parking availability for its buildings, and

WHEREAS, the Niagara County Legislature authorized the entering into negotiations with the City of Lockport to reach an agreement for services including additional parking for its buildings purchased at 20-40 East Avenue and 111 Main Street, and

WHEREAS, Niagara County and the City of Lockport have agreed to include a term of three (3) years, along with three (3) year renewal option to the agreement, and

WHEREAS, Niagara County agreed to reimburse the City of Lockport for the lease of City parking in the amount of Sixty Thousand dollars (\$60,000.00) per year, reducing the impact on the City and the taxpayers for the loss of revenue due to the County's property purchase and those said properties being removed from the tax rolls, and

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

RESOLVED, that the Niagara County Legislature authorize the entering into of an agreement with the City of Lockport for the use of additional parking, with some parking to be exclusive to County employees, and be it further

RESOLVED, that the Niagara County Legislature approves this agreement and following the County Attorney's review, authorizes the Chairman of the Niagara County Legislature to execute this agreement.

Chairman Ross instituted Rule 28 of the Rules of Order and turned the floor over to Legislator Syracuse. Moved by Syracuse, seconded by McNall.

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

Resolution No. ED-019-15

From: Economic Development Committee
Dated: October 20, 2015

**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 August 13, 2014, 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 is included in the 2016 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 2016 Niagara County proposed budget.

Moved by Updegrove, seconded by Virtuoso.

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

Resolution No. ED-020-15

From: Economic Development Committee
Dated: October 20, 2015

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 August 13, 2014, 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 petroleum brownfield sites throughout Niagara County, and

WHEREAS, the Two Hundred Thousand Dollars (\$200,000) grant award has no county cost share and is included in the 2016 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 2016 Niagara County proposed budget.

Moved by Updegrave, seconded by Virtuoso.

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

Resolution No. ED-021-15

From: Economic Development & Administration Committees

Dated: October 20, 2015

RESOLUTION AUTHORIZING NIAGARA COUNTY TO PROVIDE THE NIAGARA FALLS INTERNATIONAL AIRPORT STAKEHOLDERS GROUP, INC. REIMBURSEMENT FUNDS TO COMPLETE NIAGARA COUNTY FIBER-OPTIC INFRASTRUCTURE ASSESSMENT

WHEREAS, the Niagara Falls International Airport Stakeholders Group Inc. (NFIASG) has received grant funding to complete a Niagara County Fiber-Optic Assessment Study from the New York Power Authority's (NYPA) Western New York Economic Development Fund and National Grid's Strategic Economic Development Outreach Program, and

WHEREAS, the NFIASG procured the services of Magellan Advisors to complete said study at a cost of \$49,500, and

WHEREAS, the NYPA advanced the NFIASG \$24,750, or 50% of the total project cost to begin the study, advancing the funds as payment #1 to Magellan Advisors, with the final payment of \$24,750 to be paid to Magellan Advisors upon completion of the project with grant funds from National Grid, and

WHEREAS, National Grid's Strategic Economic Development Outreach Program is a reimbursement only grant program as stipulated in an agreement executed between National Grid and the NFIASG, which states that all funds, or \$49,500, should be expended upon completion of the project, now, therefore, be it

RESOLVED, authorization is hereby granted to provide the NFIASG \$24,750 in reimbursement funding to pay the final invoice to Magellan Advisors, as stipulated by National Grid upon project completion, and be it further,

RESOLVED, that the NFIASG will agree to reimburse Niagara County \$24,750 upon receiving the grant reimbursement check from National Grid, with no cost being incurred by Niagara County, and be it further,

RESOLVED, that the funds to be provided to the NFIASG be taken from and reimbursed to the following budget line:

INCREASE REVENUE:

A.28.8020.000 42189.01	Other Home & Comm. Svc Income Activities	
	- Economic Dev	\$24,750

INCREASE APPROPRIATION:

A.28.8020.000 74500.01	Contractual Expenses	\$24,750
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Moved by Andres, seconded by Lance.
Adopted. 14 Ayes, 0 Noes, 1 Absent – Burmaster

Resolution No. IF-122-15

From: Infrastructure & Facilities & Administration Committees

Dated: October 20, 2015

**NIAGARA COUNTY REFUSE DISPOSAL DISTRICT
SITE MAINTENANCE CONTRACT - FINAL PAYMENT**

WHEREAS, Resolution No. PW-127-14, dated October 28, 2014, awarded the contract for site maintenance at the Refuse Disposal District Lockport Site to The Environmental Service Group, 177 Wales Ave, Tonawanda, NY, in the amount of \$118,300, and

WHEREAS, it was necessary to approve Change Order No. 1 to increase the contract by \$5,000, for additional labor, equipment and materials to perform a manhole penetration and one exploratory elevation to verify waste elevations and ground water levels, and

WHEREAS, the contract has been completed to specifications and drawings for the original contract amount of \$123,300, 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, final payment is authorized to be processed for The Environmental Service Group, 177 Wales Ave, Tonawanda, NY, 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 Lance.

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

Resolution No. IF-123-15

From: Infrastructure & Facilities & Administration Committees

Dated: October 20, 2015

**HIGHWAY FLEET MAINTENANCE GARAGE ROOF REPLACEMENT
CHANGE ORDER NO. 1 - FINAL**

WHEREAS, by Resolution No. IF-085-15, dated June 16, 2015, the Legislature awarded the contract for the replacement of the Highway Fleet Maintenance Garage Roof project to Jameson Roofing Co., Inc., 3761 East Lake Road, Dunkirk, NY 14048, for a contract amount of \$247,500.00, and

WHEREAS, it is necessary to increase the contract in the amount of \$3,355.00 for a new metal roof deck, for a revised contract amount of \$250,855.00, and

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

RESOLVED, that Change Order No. 1-Final to increase the contract by \$3,355.00 for the replacement of the Highway Fleet Maintenance Garage Roof project, for a revised contract amount of \$250,855.00, to Jameson Roofing Co., Inc., 3761 East Lake Road, Dunkirk, NY 14048, 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 Updegrave, seconded by Virtuoso.

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

Resolution No. IF-124-15

From: Infrastructure & Facilities & Administration Committees

Dated: October 20, 2015

**AMENDED - AWARD MECHANICAL CONTRACT FOR THE
NIAGARA COUNTY SHERIFF'S OFFICE
BUILDING #2 JAIL ROOF SYSTEM/HVAC SYSTEM REPLACEMENTS**

WHEREAS, the Niagara County Sheriff's Office has prepared specifications in conjunction with the Department of Public Works, Engineering Division, to proceed with the Building #2 Jail Roof System/HVAC System Replacements project, and

WHEREAS, sealed bids for the Mechanical Contract Work for the Niagara County Sheriff's Office Building #2 Jail Roof System/HVAC System Replacements Project were publicly opened and read by our Purchasing Department on July 23, 2015 as tabulated below:

- | | | |
|----|---|----------------|
| 1. | D.V. Brown & Associates, Inc.
567 Vickers Street
Tonawanda, NY 14150 | \$2,096,000.00 |
| 2. | John W. Danforth Company
300 Colvin Woods Parkway
Tonawanda, NY 14150 | \$2,179,500.00 |
| 3. | Parise Mechanical Inc.
1106 Sheridan Drive
Tonawanda, NY 14150 | \$2,159,000.00 |

and

WHEREAS, the Public Works Committee has examined the bid, and

WHEREAS, additional funds are required to allow the project to move forward, and

WHEREAS, the Niagara Tobacco Asset Securitization Corporation refinanced the 2000 Series Tobacco Bonds and the 2005 S4 Bonds in August of 2014, and

WHEREAS, pursuant to written agreement between Niagara Tobacco Asset Securitization Corporation and the Residual Trust, the excess funds \$2,000,000 were deposited into the Residual Trust Account, and subsequently paid to Niagara County for use with capital improvement projects or the payment of debt related to capital improvement projects, and

WHEREAS, the Niagara County Treasurer bonded for \$1,000,000 less than was authorized for the Jail Roof/HVAC project in anticipation of receiving the NTASC refunding payment, 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:

A 40599.01	Appropriated Fund Balance-NYPA	\$250,000.00
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INCREASE APPROPRIATION:

A.07.9950.000.79010.00	Transfer to Capital	250,000.00
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INCREASE ESTIMATED REVENUE:

H609.15.3197.000.45031.00	Interfund Transfers – Committed Funds	250,000.00
H609.15.3197.000.42655.04	Sales, Other Tobacco Revenue	1,000,000.00

INCREASE ESTIMATED APPROPRIATION:

H609.15.3197.000.72200.01-03	Jail Bldg #2 Roof & HVAC	1,250,000.00
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and be it further

RESOLVED, that the Mechanical Contract for the Niagara County Sheriff's Office Building #2 Jail Roof System/HVAC System Replacements project be awarded to the lowest responsible bidder, D.V. Brown & Associates, Inc., 567 Vickers Street, Tonawanda, NY 14150, in the amount of \$2,096,000.00, and be it further

RESOLVED, that prior resolution IF-099-15, passed by the Legislature on 8/4/15, is hereby rescinded and prior resolution IF-099-15, passed by the Legislature on 9/15/15, is hereby amended pursuant to passage of this resolution, 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 Updegrave, seconded by Virtuoso.

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

Resolution No. IF-125-15

From: Infrastructure & Facilities Committee

Dated: October 20, 2015

**APPROVAL OF THE AGREEMENT BETWEEN NIAGARA COUNTY AND
THE LOCKPORT CITY SCHOOL DISTRICT AS AN ULTIMATE USER
UNDER NIAGARA COUNTY'S AGREEMENT FOR THE SALE OF
NIAGARA PROJECT POWER AND ENERGY EFFECTIVE SEPTEMBER 1, 2007**

WHEREAS, Niagara County is a member of the Niagara Power Coalition (NPC) and has negotiated with the New York Power Authority (NYPA) the Host Community Relicensing Settlement Agreement (HCRSA) dated June 27, 2005, and

WHEREAS, Niagara County has entered into an agreement with NYPA known as the "Agreement for the Sale of Niagara Project Power and Energy" (ASNPPE) effective September 1, 2007, and

WHEREAS, under the ASNPPE, Niagara County has the ability to be able to provide low cost power allocation by methods described in that document under Appendix A thereof, and

WHEREAS, the County of Niagara purchased 50 Main Street, 111 Main Street and 20-40 East Avenue, Lockport, NY, removing those parcels from the tax rolls and creating a possible impact on the Lockport City School District's budget, and

WHEREAS, the County of Niagara, by Resolution CW-007-15, allows for the Niagara County Legislature to enter into negotiations with the Lockport City School District (the "Ultimate User"), subject to County Legislature approval, for the use of an allocation of low cost power or its equivalent for the electric needs of the Lockport City School District until needed for economic development as to be determined by the County of Niagara, and

WHEREAS, the agreement negotiated provides that the Lockport City School District receive a total of up to .3 megawatts (or 300 kilowatts) of low cost power allocation (at 70% load factor) for up to three (3) years subject to paragraph IV. Rates, subparagraph b. Billing of the agreement as to maximum credit/cash reimbursement to Ultimate User, and

WHEREAS, it is the intent of the Lockport City School District and the County of Niagara to enter into an agreement in order for the Lockport City School District to be allowed to receive an allocation of low cost power of up to 0.3 megawatts (at 70% load factor) or its equivalent in order to spell out the terms, costs and other necessary provisions and required to formulate an agreement between the parties, and

WHEREAS, it is the intent of the County of Niagara to be able to provide an economic benefit of an allocation of low cost power and energy to the Lockport City School District, and

WHEREAS, the agreement provides, pursuant to Resolution CW-007-15, the amount of the power allocation to be provided, the terms and provisions underneath which that power allocation is provided and for the Chairman of the Legislature to execute the agreement required in this regard, and

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

RESOLVED, that the Niagara County Legislature approves this agreement and following the County Attorney's review, authorizes the Chairman of the Niagara County Legislature to execute this agreement.

Moved by Updegrove, seconded by Virtuoso.

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

Resolution No. IF-126-15

From: Infrastructure & Facilities & Administration Committees

Dated: October 20, 2015

BUDGET MODIFICATION-HIGHWAY MACHINERY

WHEREAS, 2015 Budget Funds are depleted and additional funds are required in DM.15.5132.000.74800.13, Repair-Parts, to allow for further current and future purchases of repair parts for various motor vehicles that are part of the County Fleet, and

WHEREAS, funds are available in the DM Fund Unappropriated Fund Balance, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

DM 40599.00	Appropriated Fund Balance	\$25,000
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INCREASE APPROPRIATION:

DM.15.5132.000.74800.13	Repair-Parts	\$25,000
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Moved by Updegrave, seconded by Virtuoso.

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

Resolution No. IF-127-15

From: Infrastructure & Facilities & Administration Committees

Dated: October 20, 2015

**BUDGET MODIFICATION
SALT SHED ROOF REPLACEMENT PROJECT**

WHEREAS, the current roofing system on the existing salt shed is leaking and in need of replacement, and

WHEREAS, bids were opened on September 24, 2015, and were higher than anticipated and budgeted, and

WHEREAS, additional funds are required and are available in the D Fund Unappropriated Fund Balance, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

D 40599.00	Appropriated Fund Balance	\$60,000
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INCREASE APPROPRIATION:

D.15.9950.000 79010.00	Transfer to Capital Construction	\$60,000
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INCREASE ESTIMATED REVENUE:

H627.15.5130.000 45031.00	Interfund Transfers from Operating (D Fund)	\$60,000
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INCREASE APPROPRIATION:

H627.15.5130.000 72200.01 Building Improvement – Salt Shed Roof \$60,000

Moved by Updegrove, seconded by Virtuoso.

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

Resolution No. IF-128-15

From: Infrastructure & Facilities & Administration Committees

Dated: October 20, 2015

**BUILDINGS AND GROUNDS – PARKS DEPARTMENT BUDGET MODIFICATION
FOR NIAGARA COUNTY SNOWMOBILE FEDERATION**

WHEREAS, Niagara County is the sponsor for the Niagara County Snowmobile Federation, and

WHEREAS, the Parks Department has budgeted \$20,000.00 for the NYS Office of Parks, Recreation & Historic Preservation Snowmobile Grant in 2015, and

WHEREAS, Niagara County has received \$22,995.00 from NYSOPHP for the 2014/2015 grant, and

WHEREAS, the Snowmobile Federation has received their 70% check (less the County's grant processing fee of \$1,200.00) in the amount of \$14,896.50, and

WHEREAS, additional funds are required to make the 30% payment in the amount of \$6,898.50, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated:

INCREASE ESTIMATED REVENUE:

A.15.7110.000.43889.01 Other Culture & Recreation Snowmobile Trail Grant \$2,995.00

INCREASE ESTIMATED APPROPRIATION:

A.15.7110.000.74500.01 Contractual Expenses/Contractual Expenses \$2,995.00

Moved by Updegrove, seconded by Virtuoso.

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

Resolution No. IF-129-15

From: Infrastructure & Facilities & Administration Committees

Dated: October 20, 2015

BUILDINGS AND GROUNDS - PARKS DEPARTMENT BUDGET MODIFICATION

WHEREAS, the five (5) Niagara County Parks have experienced an increase in the number of shelter rentals for the 2015 summer season, and

WHEREAS, the Parks Department has received revenue in excess of the original budgeted amount of \$64,000, and

WHEREAS, funds are required to purchase turf rollers for Krull Park, and additional picnic tables for the parks, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated:

INCREASE ESTIMATED REVENUE:

A.15.7110.000.42001.02	Shelter Reservations	\$11,810.00
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INCREASE ESTIMATED APPROPRIATIONS:

A.15.7110.000.74800.10	Misc. Equipment under \$500	\$10,510.00
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A.15.7110.000.74800.03	Supplies/Svc, Building Maintenance/Repair	\$1,300.00
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Moved by Updegrove, seconded by Virtuoso.

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

Resolution No. IL-105-15

From: Legislators Richard L. Andres, Randy R. Bradt, Anthony J. Nemi & Economic Development Committee

Dated: October 20, 2015

**RESOLUTION IN SUPPORT OF THE NIAGARA RIVER YACHT CLUB
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Niagara River Yacht Club was founded in 1957, as the Niagara Park Marina, and is located on the shore of the Little Niagara River in North Tonawanda, New York, and

WHEREAS, the Niagara River Yacht Club consists of a Marina and Clubhouse and offers boat slips as an access point to the Niagara River, Great Lakes and other nearby waterways, and

WHEREAS, fishing and boating is a multi-million dollar industry in Niagara County and the Niagara River Yacht Club's location makes them a big contributor to this key economic driver, and

WHEREAS, the Niagara County Sheriff's Office docks their patrol boats at the Niagara River Yacht Club because of the quick access that is provided to the surrounding waterways, and

WHEREAS, the Niagara River Yacht Club is undertaking a shoreline restoration and grounds improvement project which is vital to the long-term stability of the club and to their mission to provide safe, reliable water access, now, therefore, be it

RESOLVED, that the Niagara County Legislature supports funding the shoreline restoration and grounds improvement project of the Niagara River Yacht Club as follows:

Niagara River Yacht Club	\$10,000.00
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and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2015 budget:

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01	Appropriated Fund Balance - Committed Funds	\$10,000.00
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INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$10,000.00
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Moved by Andres, seconded by Bradt.

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

Resolution No. IL-106-15

From: Legislator William L. Ross & Economic Development Committee

Dated: October 20, 2015

**SUPPORT FOR THE WHEATFIELD LIONS CLUB FIVE SENSES PARK
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Wheatfield Lions Club Five Senses Park was established to serve blind or visually impaired people of Western New York, and

WHEREAS, the Five Senses Park is 20 years old and needs to be updated with repairs to the gazebo, the bridge over the fishing ponds and the benches, and

WHEREAS, the Five Senses Park has also become a private sector community center for the residents and organizations of the Wheatfield area that use its clubhouse, pavilion and gazebo, now, therefore, be it

RESOLVED, that the Niagara County Legislature wishes to support the Wheatfield Lions Club in their mission of the Five Senses Park for blind and visually impaired people, and be it further

RESOLVED, that the sum of \$1,500.00 be allotted to the Wheatfield Lions Club for this special project, and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2015 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 Lance, seconded by Ross.

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

Resolution No. IL-107-15

From: Legislators Dennis F. Virtuoso, Clyde L. Burmaster, Jason A. Zona, Mark J. Grozio & Owen T. Steed

Dated: October 20, 2015

**SUPPORT TO CHANGE THE NAME OF THE ROBERT MOSES PARKWAY
TO THE “NIAGARA SCENIC PARKWAY”**

WHEREAS, tourists, visitors and the motoring public are presented signs to the Robert Moses State Parkway throughout Niagara County, and

WHEREAS, the name of the parkway is not helpful or descriptive in directing tourists or visitors to their destinations, and in fact, can actually confuse the motoring public since the name Robert Moses does not explain or denote the parkway’s features or purpose, and

WHEREAS, because the parkway is undergoing reconfiguration and redesign at the present time, this presents a golden opportunity to rename the parkway and make it more tourist and visitor friendly, and

WHEREAS, the idea of a name change has received support of 80% of the respondents to an online poll conducted by the Historical Association of Lewiston, indicating public approval for the name change, and

WHEREAS, the name "Niagara Scenic Parkway" provides a logical solution and is a simple direct and clear description which enables visitors to quickly understand the parkway's purpose and benefits, now, therefore, be it

RESOLVED, that the County of Niagara supports changing the name of the Robert Moses Parkway to the Niagara Scenic Parkway, and be it further

RESOLVED, that copies of this resolution be directed to Governor Andrew Cuomo, Senator Robert Ort and Assemblyman John Ceretto, in an effort to encourage our state leaders to take the necessary actions to implement this name change as soon as possible.

Referred to Infrastructure and Facilities Committee.

Resolution No. IL-108-15

From: Legislator Michael A. Hill

Dated: October 20, 2015

**IN SUPPORT OF THE TOWN OF ROYALTON BICENTENNIAL CELEBRATION
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, Niagara County is in receipt of funds generated from the Seneca Niagara Casino, as per New York State statute, and

WHEREAS, the Town of Royalton will be celebrating its bicentennial in 2017, and

WHEREAS, this much anticipated event will provide the opportunity to celebrate the history of the Town of Royalton and to showcase all of the wonderful aspects of its area and residents, and

WHEREAS, the Town of Royalton Bicentennial Committee is planning many different events and activities which will draw thousands of visitors and provide an economic boost for the businesses within the Town of Royalton, as well as the surrounding areas in Niagara County, and

WHEREAS, the Niagara County Legislature is committed to supporting efforts that create a sense of pride throughout the community and generate economic opportunities for area businesses, now, therefore, be it

RESOLVED, that Niagara County supports the Town of Royalton Bicentennial Celebration as follows:

Town of Royalton Bicentennial Committee	\$5,000.00
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and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2015 budget:

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01 Appropriated Fund Balance - Committed Funds \$5,000.00

INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund \$5,000.00
Referred to Economic Development Committee.

Resolution No. IL-109-15

From: Legislator John Syracuse

Dated: October 20, 2015

**RESOLUTION IN SUPPORT OF THE MERMAID PARADE
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the second annual Mermaid Parade will take place on June 18, 2016 as part of the Olcott Lakeview Village Fair in picturesque Olcott, New York, and

WHEREAS, the Mermaid Parade is a family-oriented event which will include awards for best costume, best parade participant and best children's costume, and parade goers will enjoy live music and activities for the whole family on the Lakeview Village Boardwalk, and

WHEREAS, local shops and businesses will be decorated in honor of this event, and

WHEREAS, this free, family-friendly event brings many visitors to the Olcott area and creates a positive economic benefit for local restaurants, shops and various other business owners, and

WHEREAS, funds are being sought to help offset the costs associated with hosting this annual event, now, therefore, be it

RESOLVED, that Niagara County supports the initiatives of the Mermaid Parade as follows:

Town of Newfane – Mermaid Parade \$1,000.00
and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2015 budget:

INCREASE APPROPRIATED FUND BALANCE:

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

INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund \$1,000.00
Referred to Economic Development Committee.

Resolution No. IL-110-15

From: Legislators Wm. Keith McNall & Anthony J. Nemi

Dated: October 20, 2015

**RESOLUTION CALLING TO INCREASE THE SHARE OF REVENUE COUNTIES
RETAIN FOR PROVIDING STATE DMV SERVICES**

WHEREAS, 51 of the 62 New York Counties are mandated by the State to operate a local Department of Motor Vehicles (DMV) Office, and

WHEREAS, this local DMV operation is one of many examples of shared services that counties provide for the state, and

WHEREAS, under current law the State of New York takes 87.3% of all fees collected from the work performed by the county operated DMV's, and

WHEREAS, the remaining 12.7% county share has not been increased since 1999, yet the amount of work required by the local DMV offices has increased in that same time period, and

WHEREAS, the Governor and the State Legislature have repeatedly stated that lowering the property tax burden on local residents is a key priority, and

WHEREAS, increasing the county DMV revenue sharing rate with the state will not result in any increased cost or fees to local residents or taxpayers and will provide counties with the needed revenue to continue to provide necessary local government services, and

WHEREAS, there is a clear inequity present when a county DMV provides all the services including overhead and staffing to fulfill these DMV needs for state residents, yet the State takes 87.3% of the revenue generated from providing said services, and

WHEREAS, the State Senate recognized this inequity placed on counties and attempted to reduce the burden of local property tax payers by overwhelmingly passing Senator Richie's bill S.4964, which would raise the 12.7% county share up to a 25% share, and

WHEREAS, the counties recognize the important function of the State DMV in providing both support to counties and resident services; accordingly, any loss in State DMV operational budget that occurs from an increased county revenue should be made whole through the State General Fund, now, therefore, be it

RESOLVED, that the County of Niagara calls on Governor Andrew M. Cuomo and members of the State Legislature to require a substantial increase of the county DMV revenue share with the State, and be it further

RESOLVED, that copies of this resolution be sent to the sixty-one other counties of New York State encouraging member counties to enact similar resolutions, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Cuomo, Senator Robert G. Ort, Senate Temporary President John J. Flanagan, Senate Deputy Majority Leader John DeFrancisco, Member of the Assembly Jane L. Corwin, Member of the Assembly Ray Walter, Member of the Assembly John D. Ceretto, Member of the Assembly Robin Schimminger, Speaker of the Assembly Carl E. Heastie, Assembly Majority Leader Joseph D. Morelle, Assembly Minority Leader Brian M. Kolb, and all others deemed necessary and proper.

Referred to Community Services Committee.

Resolution No. IL-111-15

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

Dated: October 20, 2015

**A LOCAL LAW PROHIBITING THE SALE OF PERSONAL COSMETIC PRODUCTS
CONTAINING MICROBEADS IN NIAGARA COUNTY**

WHEREAS, the Niagara County Legislature understands one of its most treasured assets is the water of the Niagara River and Lake Ontario that surrounds much of Niagara County, and

WHEREAS, a microbead shall mean any intentionally added plastic particle measured to be 5 millimeters or less in size used to exfoliate or cleanse in a personal care product, and

WHEREAS, microbeads, a synthetic alternative ingredient, found in over one hundred personal cosmetic products pose a serious threat to Niagara County's water and environment, and

WHEREAS, without costly improvements to the multiple sewage treatment facilities in Niagara County, microbeads, contained on personal cosmetic products will continue to pollute our water, and

WHEREAS, absent federal legislation to protect the water that surrounds our county, Niagara County has a responsibility to protect our valued natural resources, now, therefore, be it

RESOLVED, the Niagara County Legislature pass a local law banning any person, firm, corporation or any other entity, no matter how constructed to sell, offer or expose for sale, give or furnish any personal cosmetic product which contains microbeads as defined as follows:

- (a) Any article intended to be rubbed, poured, sprinkled or sprayed on, introduced into, or otherwise applied to the human body, or any part thereof for cleansing or beautifying, promoting attractiveness, including, but not limited to soap, exfoliates, shampoo, toothpastes and scrubs and (b) article intended for use as a component of any such article. The term "personal cosmetic product" shall not include any product for which a prescription is required for distribution or dispensation as provided in section two hundred eighty- one of New York State Public Health Law or section six thousand eight hundred ten of New York State Education Law

and, be it further

RESOLVED, any person, firm, corporation, or other entity who violates this local law shall be liable for a civil penalty not to exceed twenty five hundred dollars for each day this violation continues. For a second violation, any person, firm, corporation, or other who violates this local law shall be liable for a civil penalty not to exceed five thousand dollars for each day this violation continues, and, be it further

RESOLVED, that this local law will take effect one hundred and eighty days after this local law is filed with the NYS Secretary of State's Office, and be it further

RESOLVED, the Niagara County Attorney may bring action in the name of Niagara County to recover the civil penalty provided by this local law, and, be it further

RESOLVED, this law will become null and void on the day state wide or federal legislation goes into effect banning personal care products containing microbeads from being sold

Referred to Community Services Committee

Resolution No. IL-112-15

From: Legislator Michael A. Hill

Dated: October 20, 2015

**IN SUPPORT OF THE GASPORT BEAUTIFICATION COMMITTEE
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the hamlet of Gasport has benefited from the Gasport Beautification Committee and the community pride which its members inspire throughout the region, and

WHEREAS, the efforts of the Gasport Beautification Committee generate a positive economic impact on the local businesses in the Gasport area and surrounding communities, and

WHEREAS, the Gasport Beautification Committee is dedicated to enhancing the community of Gasport and to hosting several family friendly events throughout the year, and

WHEREAS, the Gasport Beautification Committee's signature event is the Annual Gasport Community Christmas Party which includes, horse-drawn wagons, crafts and games, a visit from Santa, toys for the children and refreshments for the families to enjoy, now, therefore, be it

RESOLVED, that the Niagara County Legislature wishes to support the efforts of the Gasport Beautification Committee as they continue to enhance Gasport's beauty and community pride as follows:

Gasport Beautification Committee Annual Community Christmas Party	\$1,500.00
and be it further	

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2015 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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Referred to Economic Development Committee.

Resolution No. IL-113-15

From: Legislators Jason A. Zona

Dated: October 20, 2015

**IN SUPPORT OF TOWN OF NIAGARA ACTIVE HOSE FIRE COMPANY
THROUGH USE OF CASINO FUNDING**

WHEREAS, the Town of Niagara Active Hose Fire Company has been serving the people of the Town of Niagara for seventy five years, and

WHEREAS, the Town of Niagara Active Hose Fire Company members are committed to providing service to the people of Niagara County, while improving lives through many community efforts, and

WHEREAS, the Town of Niagara Active Hose Fire Company is looking to update their outdated lifesaving defibrillators to ensure the life and safety of those they serve, and

WHEREAS, a defibrillator can mean the difference between life and death for a patient having a life threatening emergency, and

WHEREAS, the Niagara County Legislature supports the efforts of the Town of Niagara Active Hose Fire Company as it works to protect the citizens of Town of Niagara and Niagara County, now, therefore, be it

RESOLVED, the Niagara County Legislature supports the Town of Niagara Active Hose Fire Company and that the above initiative be funded with monies as follows:

Town of Niagara Active Hose Defibrillator Upgrades	\$4,000.00
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and, be it further

RESOLVED, that the following budget modification be effectuated to the 2015 Niagara County economic development 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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Referred to Economic Development Committee.

Resolution No. IL-114-15

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

Dated: October 20, 2015

**ADOPTION OF A LOCAL LAW OF THE COUNTY OF NIAGARA NEW YORK,
ESTABLISHING THE NIAGARA COUNTY ANIMAL ABUSER REGISTRY**

WHEREAS, the Niagara County Legislature recommends the adoption of the following Local Law:

A Local Law of the County of Niagara, New York, which establishes the Niagara County Animal Abuser Registry, and

WHEREAS, a public hearing was held on October 20, 2015 at 6:45 p.m. in the Legislative Chambers, Courthouse, Lockport, New York, on said Local Law, and

WHEREAS, two appeared to speak on said Local Law, and

WHEREAS, no amendment(s) was (were) made to said Local Law, now, therefore, be it

RESOLVED, that a Local Law Establishing the Niagara County Animal Abuser Registry be enacted by the Legislature of the County of Niagara, New York, as follows:

Section 1. Title:

This Local Law shall be known as "The Niagara County Animal Abuser Registry Law."

Section 2. Legislative Findings:

Animal cruelty is a serious problem resulting in the abuse of many animals each year and that while the State of New York has criminalized the cruel treatment of animals, animal abuse and cruelty continues to occur in Niagara County and throughout New York State. Studies show that people who have abused animals in the past are likely to do so in the future and that there is a near 100% recidivism rate for certain types of abuse such as animal hoarding. It has also been documented that individuals who abuse animals are statistically more likely to commit violent acts against humans and there has been a strong correlation established linking individuals who abuse animals with incidents of domestic violence. Animals in need of homes need to be protected from potential abusers. The Niagara County Legislature further finds and determines that it is in the best interest of the residents of Niagara County and their animals that an online registry be established identifying individuals residing in Niagara County convicted of animal abuse crimes that will prevent these individuals convicted of animal cruelty from adopting, purchasing or otherwise obtaining animals from any animal shelter, pet seller, or other person or entity involved in the exchange of animals by adoption, sale or other means.

Section 3. Definitions:

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

“Animal Abuse Crime” – Any of the following crimes:

- a) A Violation of any of the following provisions of the NYS Agriculture Markets Law (AML) Article 26:
 - Section 351 – Prohibition of animal fighting
 - Section 353 – Torturing and injuring animals; failure to provide proper sustenance
 - Section 353-A – Aggravated cruelty to animals
 - Section 355 – Abandonment of animals
 - Section 356 – Failure to provide proper food and drink to impounded animals
 - Section 359 – Carrying animal in a cruel manner
 - Section 360 – Poisoning or attempting to poison animals
 - Section 361 – Interference with or injury to certain domestic animals
 - Section 362 – Throwing substance injurious to animals in public place
 - Section 365 – Clipping or cutting the ears of dogs
 - Section 366 – Companion animal stealing
 - Section 366-A – Removing, seizing or transporting dogs for research purposes
- b) Sexual misconduct with an animal in violation of NYS Penal Law (PL) §130.20(a)
- c) Harming a service animal in violation of PL §242.10 and PL §242.15
- d) Killing or injuring a police animal in violation of PL §195.06
- e) Harming an animal trained to aid a person with a disability in violation of PL §195.12

“Animal” – Any living mammal (except a human being), bird, reptile, amphibian or fish

“Animal Abuse Offender” – Any person eighteen (18) years of age or older, convicted of an Animal Abuse Crime, except youthful offenders whose convictions or adjudications include sealed records.

“Animal Abuser Registry” – The online registry established by this Local Law for registering any person residing in Niagara County convicted of an Animal Abuse Crime.

“Animal Shelter” – Any public or privately owned organization including, but not limited to, any duly incorporated humane society, pound, animal protective association or animal rescue group which maintains buildings, structures or other property for the purpose of harboring animals which may be stray,

unwanted, lost, abandoned or abused and seeks to find appropriate temporary or permanent homes for such animals.

“Conviction” – An adjudication of guilt by any court of competent jurisdiction whether upon verdict after trial, plea of guilty or nolo contendere plea.

“Farm Animal” – An animal used in the production of human or animal food, feed or fiber.

“Pet Seller” – Any individual, person, partnership, firm, corporation or other entity which offers animals for sale or is engaged in the sale, exchange or other transfer of ownership of animals.

“Service Animal” – Any dog or miniature horse that has been individually trained to do work or perform tasks for people with disabilities as defined under the ADA (Americans with Disabilities Act).

Section 4. Establishing an Animal Abuser Registry:

The Niagara County Sheriff, or his/her designee, is hereby authorized, empowered and directed to establish an online Animal Abuser Registry that shall contain the names and residence information of all available Animal Abuse Offenders living in Niagara County who are convicted of an animal abuse crime on or after the effective date of this law. The online Registry will be maintained by the Niagara County Sheriff's Office and shall be listed on the Niagara County official website within the Niagara County Sheriff's Office webpage. The online Animal Abuser Registry shall also contain links to other county Animal Abuser Registries that are available, or as they become available in the future, in the state of New York, with such other county registries to be used as informational resources by Animal Shelters, Pet Sellers or other persons or entities located in Niagara County when they shall sell, exchange or otherwise transfer the ownership of any animal. The Registry shall contain the required information about each Animal Abuse Offender for a period of fifteen (15) years following his or her release from incarceration or, if not incarcerated, from the date of the judgment of conviction. Any currently or previously registered Animal Abuse Officer convicted of a subsequent Animal Abuse Crime shall be placed on the Animal Abuser Registry for life following the second conviction. Upon notification to the Niagara County Sheriff's Office of a successful appeal of a conviction of an Animal Abuse Crime by an individual that has been required to register pursuant to this local law, the registration information for that individual shall be removed from the Niagara County Animal Abuse Registry within five (5) days following the notification.

Section 5. Registry Requirements:

- a) All Animal Abuse Offenders who reside in Niagara County and who are convicted of an Animal Abuse Crime on or after the effective date of this article must register with the Niagara County Animal Abuser Registry within five (5) days of their release from incarceration or, if not incarcerated, from the date of the rendering of judgment.
- b) When a person is convicted of an Animal Abuse Crime, the prosecuting agency shall forward to the Sheriff's Office the name and address of the convicted person along with the name of the Animal Abuse Crime the person was convicted of, thereby notifying the Sheriff's Office that the person is required to register with the Animal Abuser Registry.
- c) Each person required to register with the Animal Abuser Registry shall submit to the Niagara County Sheriff's Office:
 - i) Their name and any aliases they may be known by
 - ii) Their residence address
 - iii) Their date of birth, and

- iv) A photograph of the front of their head and shoulders not less than 2" by 3" or a digital image commonly known as a digital photograph of the front of their head and shoulders.
- d) Every person required to register with the Animal Abuser Registry shall update their registry information within five (5) days of any change of residential address and/or upon any official change of name.
- e) Every person required to register with the Animal Abuser Registry shall pay a fee of one hundred twenty-five dollars (\$125.00) to the Niagara County Sheriff's Office at the time of Registration. All such fees shall be used to help pay the administrative and maintenance costs of maintaining the Registry.
- f) The Niagara County Sheriff is hereby authorized and empowered to promulgate such rules and regulations as may be necessary to implement the Animal Abuser Registry.

Section 6. Animal Shelters and Pet Sellers Prohibited from Transferring Animal Ownership to Animal Abuse Offenders

No Animal Shelter, Pet Seller, or other person or entity located in Niagara County shall sell, exchange or otherwise transfer the ownership of any animal to any person having resided in Niagara County and listed as an Animal Abuse Offender on the Animal Abuser Registry, nor shall such Animal Abuse Offender be allowed to retain possession of any currently owned animals. Prior to the sale, exchange or other transfer of ownership of any animal, the Animal Shelter, Pet Seller or other person or entity is required to examine the Animal Abuser Registry to confirm that the name of the potential owner of the animal is not listed.

This section shall not apply to Farm Animals for farmers, nor to Service Animals for people with disabilities.

Section 7. Penalties

- a) Any Animal Abuse Offender required to register with the Animal Abuse Registry who fails to so register shall be guilty of a misdemeanor punishable by incarceration for a period of not more than one (1) year and/or a fine not to exceed two thousand dollars (\$2,000.00).
- b) Any Animal Abuse Offender who violates the prohibition against possessing, owning, adopting or purchasing an animal – except for Farm Animals for farmers and Service Animals for people with disabilities – shall be guilty of a misdemeanor punishable by incarceration for a period of not more than one (1) year and/or a fine not to exceed five thousand dollars (\$5,000.00).
- c) Any Animal Shelter, Pet Seller or other individual or entity that violates Section 6 of this Local Law shall be guilty of a violation and subject to a fine not to exceed five thousand dollars (\$5,000.00). It shall not be a violation of this law if the Animal Shelter, Pet Seller, or other individual or entity checked with the Niagara County Animal Abuser Registry and the name did not appear thereon.

Section 8. Severability:

If any clause, sentence, paragraph, section, subdivision or other part of this Local Law or its applications shall be adjudged by a Court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or otherwise invalidate the remainder of this Local Law which shall remain in full force and effect except as limited by such order or judgment.

Section 9. Effective Date:

This Local Law shall take effect as provided by the New York State Municipal Home Rule Law and upon completion of the requisite filings and procedures.

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

Carried.

Moved by Virtuoso, seconded by Zona.

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

Resolution No. IL-115-15

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

Dated: October 20, 2015

TO IMPROVE SECURITY AT THE NIAGARA COUNTY BOARD OF ELECTIONS

WHEREAS, the Niagara County Board of Elections has been charged to faithfully execute and uphold the NYS Election Law in Niagara County, and to ensure that the electoral process is conducted fairly and efficiently in a bipartisan manner, and

WHEREAS, the Niagara County Board of Elections is responsible for maintaining sensitive public records, as well as certifying all election results within their jurisdiction, and

WHEREAS, proper security is necessary to maintain the integrity of the election process in Niagara County and to prevent covert political operatives from interfering in our electoral process, and

WHEREAS, on September 18, 2015, while preparing for an official count of paper ballots as well as absentee ballots for the 2015 Niagara County Primary Elections, it was witnessed by elected officials and the general public that political operatives Henry Wojtaszek and Vincent Sandonato were entering through the gated front entrance to the Niagara County Board of Elections office without proper supervision or escort, as well as entering in and out of Board of Election offices prior to ballots being counted, and

WHEREAS, this kind of unsupervised entrance into an office area that houses sensitive election material, including official election ballots may call into question the integrity of the election process in Niagara County, now, therefore, be it

RESOLVED, that in order to maintain the integrity of the election process in Niagara County, the Niagara County Legislature hereby prohibits all non Niagara County Board of Elections personnel from entering into the office area, past the gated entranceway without being escorted by an employee of the Niagara County Board of Elections, and be it further

RESOLVED, that all non Board of Elections personnel must sign in to enter the office area and all doors leading into the office area have card reader access to ensure security and integrity.
Referred to Administration Committee.

Resolution No. IL-116-15

From: Legislators Dennis F. Virtuoso & Jason A. Zona

Dated: October 20, 2015

**MONITORING INCREASED COSTS DUE TO
ALTERNATE WORK SCHEDULE DISCONTINUATION**

WHEREAS, recently the administration of the Department of Social Services (DSS) discontinued the Alternate Work Schedule for DSS staff, and

WHEREAS, it has been a concern that this decision will cost the county more money in overtime and compensatory time, and

WHEREAS, it is in the best interest of the taxpayers of Niagara County that the county monitor these potential increases in costs, now, therefore, be it

RESOLVED, that the Niagara County Legislature receive monthly updates on the increase in overtime and compensatory time paid out in the Department of Social Services so we can properly budget those lines in the 2016 and beyond budgets.

Referred to Community Services Committee.

Resolution No. CS-027-15 was read at this time. (Appears in numerical order)

Resolution No. CS-028-15 was read at this time. (Appears in numerical order)

Resolution No. CS-029-15 was read at this time. (Appears in numerical order)

APPOINTMENTS:

	<u>Appt.</u>	<u>Expires</u>
<u>TRAFFIC SAFETY BOARD</u>		
Frank J. Previte III, Chief, Lewiston Police Dept. (replaces Salada) 145 N. Fourth St., Lewiston 14092	10/20/15	12/31/16
Michael J. Schuey, Chief Youngstown Police Dept. (replaces Winkley) P.O. Box 168, 240 Lockport, St., Youngstown 14174	10/20/15	12/31/15

Moved by Updegrove, seconded by Virtuoso.

Carried.

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

The Chairman declared the Board adjourned at 9:04 p.m., subject to the call of the Clerk.

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


Mary Jo Tamburlin, Clerk