

OFFICIAL RECORD

Lockport, New York
November 15, 2016

The meeting was called to order by Chairman McNall at 7:10 p.m.

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

A motion was made by Legislator Collins, seconded by Legislator Virtuoso to appoint Jackie Decarlo as the 3rd District Coroner effective November 15, 2016 through December 31, 2017.

PRESENTATIONS:

1. Legislator Andres invited Anthony Restaino the Commissioner of Social Services to the lectern to read a proclamation in recognition of Adoption Awareness Month in Niagara County. Mr. Restaino thanked his staff and families who have in 26 adoptions of children in Niagara County this year

2. Chairman called Pete Robinson to the lectern to discuss the Peanut Butter & Jelly Drive it was started in Lockport 7 years ago due to the shortage of Peanut Butter in the local food banks. This organization has grown into something bigger than expected.

0 citizens spoke at this time.

Recess.

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

Carried

Resolution No. AD-030-16

From: Administration Committees

Dated: November 15, 2016

SET PUBLIC HEARING FOR THE TENTATIVE BUDGET FOR THE YEAR 2017

WHEREAS, the County Manager of the County of Niagara has submitted a tentative budget to the Niagara County Legislature, and

WHEREAS, pursuant to Section 359 of the County Law, a public hearing must be held, now, therefore, be it

RESOLVED, that a public hearing be held in the Niagara County Courthouse, Lockport, New York at 6:30 p.m. on the 6th day of December 2016, to review the tentative budget for the year 2017, and be it further

RESOLVED, that the maximum salaries that may be fixed and payable during said fiscal year 2017 to members of the Legislature and the Chairman thereof, respectively, remain at the 2016 salary level and are specified as follows:

Members of the Legislature:	\$15,075 Annually
Majority Leader, Minority Leader:	\$15,575 Annually
Chairman of the Legislature:	\$18,075 Annually

and be it further

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. AD-031-16

From: Administration Committees

Dated: November 15, 2016

**SET PUBLIC HEARING FOR ASSESSMENT TAX ROLL FOR
THE NIAGARA COUNTY WATER DISTRICT**

WHEREAS, the Niagara County Water District has submitted an assessment tax roll through the County Manager of the County of Niagara to the Niagara County Legislature, and

WHEREAS, pursuant to Section 271 of the County Law, a public hearing must be held, now, therefore, be it

RESOLVED, that a public hearing be held in the Niagara County Courthouse, Lockport, New York at 6:00 p.m. on the 6th day of December 2016, to review the assessment tax roll for the Niagara County Water District, and, be it further

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. AD-032-16

From: Administration Committees

Dated: November 15, 2016

**SET PUBLIC HEARING FOR ASSESSMENT TAX ROLL FOR
THE NIAGARA COUNTY SEWER DISTRICT**

WHEREAS, the Niagara County Sewer District #1 has submitted an assessment tax roll through the County Manager of the County of Niagara to the Niagara County Legislature, and

WHEREAS, pursuant to Section 271 of the County Law, a public hearing must be held, now, therefore, be it

RESOLVED, that a public hearing be held in the Niagara County Courthouse, Lockport, New York at 6:10 p.m. on the 6th day of December 2016, to review the assessment tax roll for the Niagara County Sewer District #1, and, be it further

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. AD-033-16

From: Administration Committees

Dated: November 15, 2016

**SET PUBLIC HEARING FOR ASSESSMENT TAX ROLL FOR
THE NIAGARA COUNTY REFUSE DISTRICT**

WHEREAS, the Niagara County Refuse District has submitted an assessment tax roll through the County Manager of the County of Niagara to the Niagara County Legislature, and

WHEREAS, pursuant to Section 271 of the County Law, a public hearing must be held, now, therefore, be it

RESOLVED, that a public hearing be held in the Niagara County Courthouse, Lockport, New York at 6:20 p.m. on the 6th day of December 2016, to review the assessment tax roll for the Niagara County Refuse District, and, be it further

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. AD-034-16

From: Administration Committees

Dated: November 15, 2016

**DISTRIBUTION OF APRIL THROUGH JUNE 2016 CASINO REVENUE
TO VARIOUS MUNICIPALITIES**

WHEREAS, a Seneca Nation gambling casino governed by the Tribal-State Class III Gaming Compact and disbursing monies according to provisions of Subdivision 3-a of the Upstate New York Gaming and Economic Development Act continues to operate Class III gaming activities within the County of Niagara, and

WHEREAS, said casino is operated and owned by the Seneca Nation of Indians, a sovereign and foreign nation which is not subject to any taxation by the County of Niagara, and

WHEREAS, the Tribal-State Class III Gaming Compact and its authorizing legislation, provide for compensation for the “host municipalities” of the Seneca Niagara Casino and said Compact was submitted to and approved by the Secretary of the Interior of the United States as required, and

WHEREAS, pursuant to the Upstate New York Gaming and Economic Development Act, a special separate revenue account denominated “Tribal-State Compact Revenue Account” was established in the joint custody of the State Comptroller and the State Commissioner to receive the gaming revenues payable to the State and the host municipalities, and

WHEREAS, per the provisions of Subdivision 3 of the Upstate New York Gaming and Economic Development Act, 25% of revenues arising from the Seneca Niagara Casino are disbursed to the City of Niagara Falls, and

WHEREAS, per the provisions of the Update New York Gaming and Economic Development Act Subdivision 3-a, “Ten Percent of any of the funds actually received by the state pursuant to the tribal-state compacts and agreements described in [subdivision 2 of the Upstate New York Gaming and Economic Development Act] prior to the transfer of moneys to the general fund required by such subdivision, shall be distributed to counties in each respective exclusivity zone provided they do not otherwise receive a share of said revenues pursuant to [the Upstate New York Gaming and Economic Development Act]. Such distribution shall be made among such

counties on a per capita basis, excluding the population of any municipality that receives a distribution pursuant to [Subdivision 3 of the Upstate New York Gaming and Economic Development Act],” and

WHEREAS, per the Upstate New York Gaming and Economic Development Act Subdivision 3-a, revenues arising from the Seneca Niagara Casino that are disbursed to the County of Niagara are to be apportioned by population for such purposes as shall benefit the residents of the Towns of Cambria, Hartland, Lewiston, Lockport, Newfane, Niagara, Pendleton, Porter, Royalton, Somerset, Wheatfield and Wilson, and the Cities of Lockport and North Tonawanda, and

WHEREAS, the Niagara County Treasurer’s Office and the Niagara County Office of Management and Budget jointly established two interest-bearing revenue accounts, which shall be designated “Niagara County Community Development Fund 1” and “Niagara County Tax Relief Fund,” with all revenues appropriated to the county under Upstate New York Gaming and Economic Development Act Subdivision 3-a divided and deposited into said accounts, with 25% of said monies being deposited in Niagara County Community Development Fund 1 and 75% not to exceed \$300,000, of said monies being deposited in Niagara County Tax Relief Fund, with these percentages of distribution remaining in force until December 31, 2016, and

WHEREAS, in December of 2015, this body did vote on a resolution continuing both the Niagara County Community Development Fund and the Niagara County Tax Relief Fund, and

WHEREAS, Niagara County has received \$170,561.17 for the period of April 1, 2016 through June 30, 2016 towards the Niagara County Tax Relief Fund, and will distribute \$140,021.57 of the funds to the respective municipalities per the aforementioned formula bringing the amount distributed for the fiscal year to the maximum of \$300,000, and

RESOLVED, that the Niagara County Legislature does hereby approve the disbursement of the balance in the Niagara County Tax Relief Fund of \$140,021.57 for the period of April 1, 2016 through June 30, 2016, to the following municipalities within the County of Niagara

TOWNS	Cambria	\$4,917.04
	Hartland	\$3,466.94
	Lewiston	\$14,664.39
	Lockport	\$17,287.54
	Newfane	\$8,139.77
	Niagara	\$7,055.14
	Pendleton	\$5,386.93
	Porter	\$5,701.88
	Royalton	\$6,450.51
	Somerset	\$2,241.68
	Wheatfield	\$15,256.39
	Wilson	\$5,046.73
CITIES	Lockport	\$17,823.12
	North Tonawanda	\$26,583.51

and be it further

RESOLVED, that the County Treasurer be, and hereby is, directed to pay the Supervisors of the various towns and city Treasurers the amounts recorded above and that this document shall be sufficient authorization to the County Treasurer to make the payments in accordance with the above direction.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. AD-035-16

From: Administration Committees

Dated: November 15, 2016

**APPROVAL OF VOTING MACHINE AGREEMENT BETWEEN
THE COUNTY OF NIAGARA AND THE LOCKPORT CITY SCHOOL DISTRICT
(§3-224, NEW YORK STATE ELECTION LAW)**

WHEREAS, the Lockport City School Districts will be conducting an election on December 6, 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 Lockport City 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 Chair 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 Lockport City School Districts for the provision, by the County of Niagara, of sufficient voting equipment, including the programming thereof, to the Lockport City School Districts in connection with an election scheduled to be held the 6th day of December 2016, and be it further

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

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CS-046-16

From: Community Services and Administration Committees

Dated: November 15, 2016

**BUDGET MODIFICATION – ALZHEIMER'S DISEASE CAREGIVERS SERVICES
INITIATIVE GRANT FOR OFFICE FOR THE AGING**

WHEREAS, the Niagara County Office for the Aging provides services to older adults and caregivers in Niagara County.

WHEREAS, the NCOFA receives various recurring state and federal grants each year to fund a portion of these services provided, and

WHEREAS, the NCOFA, in a regional collaborative partnership with Catholic Charities of WNY, the Alzheimer's Association of WNY and six other WNY Area Agencies on Aging (AAA), have been awarded an Alzheimer's Disease Caregiver Support Initiative from the New York State Department of Health. The grant is a 5 year, \$7.5 million grant, with no matching cost, to enhance its support for caregivers of clients of individuals with Alzheimer's Disease, and

WHEREAS, the grant included the hiring of one FT employee beginning April 1, 2016. This FT employee was not hired until August 30, 2016 and did not opt for medical insurance, leaving a surplus in personnel and fringe benefit lines. This surplus in personnel allows the NCOFA to redirect these funds to be expended on other areas to build our capacity and programming, including supplies, equipment, advertising and promotion, etc., now, therefore, be it

RESOLVED, that the department is given authorization to modify our 2016 budget with the effectuation of the following modifications:

DECREASE APPROPRIATIONS:

A.24.6772.000 71010.00.13263	Positions Expense	\$14,068
A.24.6772.000 78100.00	Retirement Expense	\$1,123
A.24.6772.000 78200.00	FICA Expense	\$1,076
A.24.6772.000 78300.00	Worker's Compensation Expense	\$71
A.24.6772.000 78400.01	Insurance, Health Active Hospital/Medical Ins	\$8,833
A.24.6772.000 78400.05	Insurance, Health HRA Employer Contribution	\$850

INCREASE APPROPRIATIONS:

A.24.6772.000 74250.01	Office Expenses Office Supplies	\$5,000
A.24.6772.000 74750.02	Supplies, General Supplies/Materials	\$11,021
A.24.6772.000 74375.01	Communications Advertising & Promotion	\$10,000

Moved by Andres, seconded by Collins.

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

Resolution No. CS-047-16

From: Community Services and Administration Committees

Dated: November 15, 2016

**BUDGET MODIFICATION ACCEPTANCE OF ADDITIONAL GRANT FUNDS
OFFICE OF NIAGARA COUNTY CLERK ON BEHALF OF
NIAGARA COUNTY VETERANS SERVICE AGENCY**

WHEREAS, the Office of the Niagara County Clerk oversees and administers the Niagara County Veterans Service Agency, and

WHEREAS, Senator Robert G. Ort, as Chairman of the Senate Committee on Mental Health and member of the Committee on Veterans, Homeland Security and Military Affairs was able to secure a \$185,000 grant from the PFC Joseph P. Dwyer Peer Support Program, and

WHEREAS, resolution CS-015-16 provided authorization for the Niagara County Clerk's Office to accept the grant, and

WHEREAS, the grant funds are already being used to successfully provide non-clinical peer-to-peer counseling between veterans who personally understand the psychological and emotional effects of combat, and

WHEREAS, an additional allocation of funds in the amount of \$92,500.00 has been secured to serve more than 18,000 veterans living in Niagara County, and

WHEREAS, the additional funds will be used to implement further such programs for veterans throughout Niagara County, now therefore be it

RESOLVED, the Niagara County Clerk's Office is given authorization to accept the additional grant funds with the effectuation of the following budget modification, effective immediately:

INCREASE ESTIMATED REVENUE:

A.10.1410.000 43490.01	Mental Health Program – General	\$92,500.00
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INCREASE APPROPRIATIONS:

A.10.1410.000 74400.09	Payments Other Agencies	\$92,500.00
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Moved by Nemi, seconded by Andres.

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

Resolution No. CSS-066-16

From: Community Safety & Security and Administration Committees

Dated: November 15, 2016

2016 PROBATION BUDGET MODIFICATION - REENTRY PROGRAM

WHEREAS, the Niagara County Probation Department applied for funding from the New York Division of Criminal Justice Services, Bureau of Justice Funding for the contract period of October 1, 2016 through September 30, 2017 under the Local Reentry Task Force Initiative for upstate counties, and

WHEREAS, the Local Reentry Task Force Initiative is part of a state-wide comprehensive strategy developed under Governor Andrew M. Cuomo and the Division of Criminal Justice Services Executive Deputy Commissioner Michael C. Green, to reduce recidivism in local jurisdictions and increase public safety through improved coordination and collaboration among criminal justice, social services, educational, health and mental health systems, and

WHEREAS, the role of the Local Reentry Task Force is to provide these coordinated services to high-risk offenders, including housing, employment, education, family support and reunification, substance abuse services, mental and physical health and other transitional needs, and

WHEREAS, the Local Reentry Task Force will collaborate with state criminal justice agencies, particularly with the Division of Parole and the Niagara County Probation Department, as well as human service providers to develop well-crafted transition plans for high-risk offenders transitioning from prison or jail back into the community, and

WHEREAS, the Niagara County Probation Department has received notification from the New York State Division of Criminal Justice Services of a financial award in the amount of \$117,500 for the period of October 1, 2016 through September 30, 2017 to contract with Community Missions, Inc. to establish and manage a comprehensive Parole Reentry Program, and

WHEREAS, Community Missions, Inc. has been the only agency providing reentry services in Niagara County since 2008, is the only agency able to adequately provide crises housing to the population served by the

program, is the only agency with an experienced Reentry Coordinator, and has staff trained and certified to provide the required cognitive behavioral interventions, and

WHEREAS, the provision of the services described above constitute professional services requiring specialized skills and training. Community Missions, Inc., is currently the sole source provider for such services in Niagara County, and

WHEREAS, it is necessary to modify revenue and appropriations in cost center A.18.3140, to meet actual anticipated expenditures for 2016, and

WHEREAS, it is also necessary to appropriate the funds in the Probation Department Budget, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby waive purchasing guidelines requiring the solicitation of alternate price quotations and/or advertisement of a Request For Proposals as the Parole Reentry Program provided by Community Missions, Inc. is the sole provider of the professional services required in Niagara County, and be it further

RESOLVED, that the County of Niagara does hereby accept this grant and continue to fund the Niagara County Reentry Program through Community Missions, Inc., co-terminus with this grant, and be it further

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

RESOLVED that the following budget modifications to the 2016 Probation budget be effectuated immediately:

INCREASE REVENUE:

A.18.3140. 43310.04	Probation Services NYS DCJS	\$29,375
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INCREASE APPROPRIATIONS:

A.18.3140. 74500.01	Contractual Expenses	\$29,375
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Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-067-16

From: Community Safety & Security and Administration Committees

Dated: November 15, 2016

**NIAGARA COUNTY SHERIFF'S OFFICE
REAPPROPRIATE GRANT FUNDS**

WHEREAS, the Niagara County Sheriff's Office and the Niagara County District Attorney's Office each received a legislative grant from Senator Ortt for Anti-Crime Initiatives in the amount of \$10,000 each, and

WHEREAS, the funds were included in the 2016 budget for a Crime Analyst position funded by both grants, and

WHEREAS, the Crime Analyst position is currently vacant and being abolished in the 2017 budget due to budget constraints, and

WHEREAS, the Sheriff's Office did not expend any of its grant funds, and

WHEREAS, the grant is being amended to allow the Sheriff's Office to expend the grant funds on equipment rather than personnel, now, therefore, be it

RESOLVED, that the following line item transfer be made:

FROM:

A.17.3110.000.71010.00	Positions (#13131)	\$10,000
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TO:

A.17.3110.000.72100.21	Law Enforcement Equipment	\$10,000
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Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-068-16

From: Community Safety & Security

Dated: November 15, 2016

**NIAGARA COUNTY PUBLIC DEFENDER'S OFFICE
EXTEND OFFICE OF INDIGENT LEGAL SERVICES (OILS)
COUNSEL AT FIRST APPEARANCE (CAFA) GRANT**

WHEREAS, the Niagara County Public Defender's Office has received an award from the New York State Office of Indigent Legal Services (OILS) in the amount of \$488,688.43 for the period of June 1, 2013, through May 31, 2016, and

WHEREAS, these funds are to be used to provide an attorney and support staff at client's first appearance/arraignment before the Court, and

WHEREAS, Niagara County did not receive the approved contract until several months into the grant, and

WHEREAS, funds remain in the grant to be claimed, and

WHEREAS, a one-year extension is being requested to claim available funds, now, therefore, be it

RESOLVED that prior to the execution of the grant extension, the County Attorney will review the grant extension 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 extension.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-069-16

From: Community Safety & Security Community

Dated: November 15, 2016

**NIAGARA COUNTY PUBLIC DEFENDER'S OFFICE
ACCEPT OFFICE OF INDIGENT LEGAL SERVICES (OILS) DISTRIBUTION #6 GRANT**

WHEREAS, the Niagara County Public Defender's Office has received an award from the New York State Office of Indigent Legal Services (OILS) in the amount of \$329,289 for the period of January 1, 2016, through December 31, 2018, and

WHEREAS, these funds are to be used to improve the quality of legally mandated representation in Niagara County, and

WHEREAS, the Public Defender's Office will use these funds for counsel fees, books and subscriptions, expert services, transcripts and also to continue funding a Clerical II position, now, therefore, be it

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 Bradt, seconded by Virtuoso.

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

Resolution No. CSS-070-16

From: Community Safety & Security and Administration Committees

Dated: November 15, 2016

**ACCEPTANCE OF EMERGENCY RESPONSE VEHICLE
FROM TOWN OF LEWISTON**

WHEREAS, the Town of Lewiston agrees to give the County of Niagara their emergency response vehicle, VIN #1HTSDADRXTH315201, A 1996 International 4900 with 22,380 miles on it free of charge for the duration of viability of said vehicle, and

WHEREAS, both parties agree that the transfer of the emergency response vehicle is in the best interest of both the Town of Lewiston and the County of Niagara, and

WHEREAS, the County shall provide response to any requested hazardous materials release within the Town of Lewiston for both emergency and non-emergency incidents as requested by any Town of Lewiston Incident Commander and shall also provide response for WMD/CBRNE incidents, drill and exercises, and

WHEREAS, the Town of Lewiston will ensure that the emergency response vehicle is in good working order and inspected prior to its transfer to County, and

WHEREAS, the County will have sole responsibility of the vehicle now, therefore, be it

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the Inter-Municipal Memorandum Agreement with the Town of Lewiston.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-071-16

From: Community Safety & Security and Administration Committees

Dated: November 15, 2016

**A LOCAL LAW TO CREATE AN EXCEPTION TO THE RESIDENCY REQUIREMENT
FOR ASSISTANT DISTRICT ATTORNEY LISA BAEHRE**

WHEREAS, the Administration Committee presents in writing the following proposed Local Law:

A Local Law to supersede the residency requirement contained in the Public Officers Law for Assistant District Attorney Lisa Baehre:

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

Section 1. Preface: It is the strong desire of the Niagara County community to install Niagara County residents in the position of Assistant District Attorney of Niagara County. It is a strong belief of Niagara County that Niagara County residents are knowledgeable about and concerned with the affairs of Niagara County. Niagara County also recognizes that it is important to retain employees with exceptional qualifications when they locate to an adjoining county. Lisa Baehre, a current Assistant District Attorney, and a lifelong resident of Niagara County brings such skills and qualifications to the position she currently holds. She has been on Staff of the District Attorney's Office for 19 years and is the Domestic Violence Bureau Chief. She has been instrumental in training other prosecutors in the State of New York on such issues and also is a staff member of the Niagara County Law Enforcement Academy wherein she trains local law enforcement.

Section 2. Purpose: It is the purpose of this Local Law to confirm the commitment of Niagara County to hire residents who have the necessary qualifications and skills to meet the requirements of the position of Assistant District Attorney of Niagara County. This law will permit Niagara County to make an exception to the residency requirement of the Public Officers Law for Assistant District Attorney Lisa Baehre in order to retain her experience in the Office of the District Attorney.

Section 3. Authority: An assistant district attorney is a local public officer. Those holding that office are, therefore, subject to the provisions of section 3 of the Public Officers Law, which requires residency in the county within which their functions are exercised. Section 10(1)(ii)(a)(1) of the Municipal Home Rule Law, empowers a county to adopt local laws that are not inconsistent with the constitution or any general law, including the residency of its officers and employees. The County of Niagara can supersede Section 3 of the Public Officer's Law with respect to the office of Assistant District Attorney, in that section 3 has become a special rather than a general law due to the exemption of the counties of Essex, Fulton, Madison, Montgomery, Putnam, Schuyler, Wyoming, and Yates, in that it does not by its terms, apply alike to the office of district attorney in every county.

Section 4. Authorization: The District Attorney is hereby authorized to make an exception to the residency requirement to retain Lisa Baehre in Niagara County as an Assistant District Attorney.

Section 5. Effect: This Local Law shall take effect upon filing in the Office of the Secretary of State pursuant to the provisions of Article 3 section 27 of the Municipal Home Rule Law.

2. For purposes of this Local Law, the following provisions and definitions shall apply:

RESOLVED, that the Niagara County Legislature shall conduct a public hearing upon said proposed Local Law at the Legislative Chambers, Niagara County Courthouse, Lockport, New York, on the 6th day of December, 2016 at 6:45 p.m., and be it further

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

Gazette; such notice shall contain the title of the Local Law and an abstract of the text to be prepared by the Clerk of the Legislature, with the assistance of the County Attorney's Office.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. ED-009-16

From: Economic Development and Administration Committees

Dated: November 15, 2016

**APPROVAL OF LOW COST POWER BENEFIT TO
DELFINGEN US – NEW YORK INC. UNDER AGREEMENT FOR THE
SALE AND PURCHASE OF NIAGARA PROJECT POWER & ENERGY (ASPNPPE)**

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

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

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

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

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

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

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

WHEREAS, the County of Niagara has previously awarded to Delfingen US – New York Inc. for this same project under resolution ED-011-13, 150 kw (at 70% load factor), which agreement will expire on October 31, 2016 and for which Delfingen US – New York Inc. has met each part of the previous application, including the number of jobs and capital investment, and

WHEREAS, the Empower Niagara Board has reviewed the initial application of Delfingen US – New York Inc. for the use of low cost power for developing and expanding its business in Niagara County, and

WHEREAS, Delfingen US – New York Inc. has exceeded its job and capital investment for its project for consideration and the Empower Niagara Board is recommending approval of a three (3)-year extension of the agreement, and

WHEREAS, the demand usage of Delfingen US – New York Inc. has increased from its original demand of 150 kw of low cost power benefits to 300 kw (at 70% load factor) of low cost power due to the 30 to 40% increased production at the facility, and

WHEREAS, the approval of this extension and Niagara County's extension of low cost power will not only maintain economic development in the Town of Wheatfield and Niagara County; but also assist Delfingen US – New York Inc. to remain competitive in the manufacture of insulation and wire harness protection industry and have a good economic effect on the community in Niagara County, and

WHEREAS, the Empower Niagara board will be recommending the extension of and continue the low cost power allocations of 150 kw (at 70% load factor) for a period of three (3) years commencing November 1, 2016, for a period of 36 months, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby approves Delfingen US – New York Inc. agreement extension for three (3) years commencing November 1, 2016 for 150 kw (at 70% load factor) low cost power benefits from Niagara County, pursuant to low cost power allocation received through the June 25, 2005 HCRSA and ASPNPPE, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute this Empower User Agreement extension of the agreement for Low Cost Power with Delfingen US – New York Inc.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. ED-010-16

From: Economic Development and Administration Committees

Dated: November 15, 2016

**BUDGET MODIFICATION – TO COVER
EMPOWER NIAGARA ALLOCATIONS TO DELFINGEN US – NEW YORK INC.**

WHEREAS, Delfingen US – New York Inc. is a Niagara County business that has been approved to receive low cost hydropower allocations Delfingen US – New York Inc. through the Empower Niagara Program, and

WHEREAS, these benefits will be transferred to Delfingen US – New York Inc. as stipulated in the Empower Niagara Program agreement, through the Niagara County Economic Development 2016 through 2019 budget, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated to the Niagara County Economic Development 2016 budget, and annually thereafter until October 31, 2019 as set forth below:

	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
INCREASE REVENUE:				
A.15.1620.108 42655.03 Sale of Excess Power	Value of 25 kw	Value of 150 kw	Value of 150 kw	Value of 125 kw
INCREASE APPROPRIATION:				
A.15.1620.108 74500.01 Contractual	Value of 25 kw	Value of 150 kw	Value of 150 kw	Value of 125 kw
INCREASE REVENUE:				
A.28.8020.813 42189.01 Activities–Eco Dev	Value of 25 kw	Value of 150 kw	Value of 150 kw	Value of 125 kw
INCREASE APPROPRIATION:				
A.28.8020.813 74550.30 Empower Niagara	Value of 25 kw	Value of 150 kw	Value of 150 kw	Value of 125 kw

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

Resolution No. IF-104-16

From: Infrastructure & Facilities and Administration Committees
Dated: November 15, 2016

**AWARD ENVIRONMENTAL MONITORING FOR
NIAGARA COUNTY REFUSE DISPOSAL DISTRICT (RFP 2016-41)**

WHEREAS, the Refuse Disposal District Construction and Demolition Debris Landfill Operational Permit requires the facility be monitored and maintained in accordance with 6 NYCRR Part 360-7.6 and approved Post-Closure Monitoring and Maintenance Plan, and

WHEREAS, the County issued a Request for Proposals due on September 1, 2016 for Environmental Monitoring to identify and select the most qualified firm to conduct quarterly Environmental Monitoring, monthly Landfill Gas Monitoring and required quarterly reporting for the landfill at the Lockport site of the Refuse Disposal District, and

WHEREAS, three proposals were publicly opened and read by our Purchasing Department on September 1, 2016 and were independently evaluated, and

WHEREAS, Labella Associates P.C. was ranked number one (1) with the highest score from these independent evaluations, and

WHEREAS, Labella Associates P.C. obtained a number one (1) ranking because Labella Associates P.C. proposal met all requirements for responsiveness, performance and cost of service, 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 Environmental Monitoring for Niagara County Refuse Disposal District (RFP 2016-41) be awarded to Labella Associates P.C, 300 Pearl Street, Suite 130, Buffalo, New York 14202, and be it further

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

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

Resolution No. IF-105-16

From: Infrastructure & Facilities and Administration Committees
Dated: November 15, 2016

**NIAGARA COUNTY REFUSE DISPOSAL DISTRICT
LANDFILL NO. 2 LEACHATE COLLECTION SYSTEM UPGRADES PROJECT
CHANGE ORDER NO. 2**

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

WHEREAS, significant sediment buildup in manholes was required for removal, and a custom fabricated underground storage tank riser is necessary, and

WHEREAS, a time extension to December 31, 2016 is necessary to complete the tasks, now, therefore, be it

RESOLVED, that Change Order No. 2 to the contract with NRC Environmental Services, 6392 Deere Rd. Syracuse, NY 13206, to allow for the removal and disposal of sediment buildup in manholes, custom fabrication of a underground tank riser and extension of the contract to December 31, 2016, at no additional cost, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-106-16

From: Infrastructure & Facilities and Administration Committees

Dated: November 15, 2016

2016 CAPITAL IMPROVEMENT PROJECTS FUNDING FROM FUND BALANCE, CAPITAL RESERVE, COMMITTED FUNDS AND FEDERAL/STATE AID

WHEREAS, the County Manager and Budget Director recommend that the following capital improvement projects be funded using funds from Fund Balance in the D Fund, Capital Reserve, NYPA Energy Credits, and Federal/State Aid: 1. Tonawanda Creek Road @ Lockwood Estates Slide Area, 2. Youngstown Road Stabilization Project, 3. North Canal Road Rehabilitation, 4. Human Resource Building Roof Replacement and Roof Top Units, 5. Wisterman Road over Mud Creek, 6. Chestnut Street Bridge over East Branch of Twelve Mile Creek, 7. Carmen Road Bridge over Golden Hill Creek, 8. Highway Facility Renovations, 9. Hosmer Road Bridge over Fish Creek, 10. Walmore Road Pavement Project, 11. Jail Plumbing –Water System Improvements, 12. Park Facilities Improvements, 13. In Car Video System, 14. Bridge Rail/Guiderail Safety Improvements, and 15. Environmental Study, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE APPROPRIATED FUND BALANCE

A 40599.01	Appropriated Fund Balance – NYPA	\$300,000
D 40599.00	Appropriated Fund Balance	\$298,400

INCREASE ESTIMATED REVENUE:

A.17.3150.000.42264.00	Federal Inmates	\$200,000
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INCREASE APPROPRIATIONS:

A.07.9950.000.79010.00	Transfer to Capital Projects	\$500,000
D.15.9901.000.79010.10	Transfer to Capital Reserve	\$298,400

INCREASE APPROPRIATED FUND BALANCE:

AH40511.00	Appropriated Capital Reserve	\$1,224,972
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INCREASE CAPITAL CONSTRUCTION:

AH.07.9950.000.79010.00	Transfer to Capital Projects	\$1,224,972
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INCREASE ESTIMATED REVENUE:

H599.15.5112.000.43501.00	Consolidated Highway Aid	\$1,000,000
H645.25.7110.000.43097.01	State Aid - SAMS Grant - Parks	\$125,000
H641.25.1620.000.43097.01	State Aid - SAMS Grant – Highway	\$150,000
H637.25.1620.000.45031.10	Interfund Transfers – From Capital Reserve-HR Roof	\$400,000
H637.25.1620.000.45031.00	Interfund Transfers – Committed Funds-HR AC	\$300,000
H645.25.7110.000.45031.10	Interfund Transfers – From Capital Reserve-Parks	\$53,572
H647.25.1620.000.45031.10	Interfund Transfers – From Capital Reserve-Env Study	\$100,000
H641.25.1620.000.45031.10	Interfund Transfers – From Capital Reserve-Diesel	\$150,000
H646.17.3197.000.45031.10	Interfund Transfers – From Capital Reserve-In Car	\$175,000
H601.15.5112.000.45031.10	Interfund Transfers – From Capital Reserve – Guiderail	\$100,000
H630.15.5112.000.44597.01	Federal Aid Capital Construction – Tonawanda	\$1,120,000
H630.15.5112.000.43591.00	State Aid Capital Construction – Tonawanda	\$280,000
H638.15.5112.000.44597.01	Federal Aid Capital Construction – North Canal	\$720,000
H638.15.5112.000.43591.00	State Aid Capital Construction – North Canal	\$180,000
H639.15.5197.000.44597.01	Federal Aid Capital Construction – Wisterman	\$290,000
H639.15.5197.000.45031.10	Interfund Transfers – From Capital Reserve – Wisterman	\$74,000
H605.15.5197.000.44597.01	Federal Aid Capital Construction – Chestnut	\$324,000
H605.15.5197.000.45031.10	Interfund Transfers – From Capital Reserve – Chestnut	\$80,000
H640.15.5197.000.44597.01	Federal Aid Capital Construction – Carmen	\$195,000
H640.15.5197.000.45031.10	Interfund Transfers – From Capital Reserve-Carmen	\$48,000
H642.15.5197.000.44597.01	Federal Aid Capital Construction – Hosmer	\$248,000
H642.15.5197.000.43591.00	State Aid Capital Construction – Hosmer	\$62,000
H643.15.5112.000.44597.01	Federal Aid Capital Construction – Walmore	\$177,600
H643.15.5112.000.45031.10	Interfund Transfers – From Capital Reserve – Walmore	\$44,400
H644.17.3197.000.45031.00	Transfer from Operating – Jail Water	\$200,000

INCREASE ESTIMATED REVENUE TOTALS: \$6,596,572

INCREASE ESTIMATED APPROPRIATIONS:

H630.15.5112.000.72600.01	Infrastructures Road - Tonawanda Creek Rd Slide Area	\$1,400,000
H599.15.5112.000.72600.01	Infrastructures Road - Youngstown Road Embankment	\$1,000,000
H638.15.5112.000.72600.01	Infrastructures Road - North Canal Road Rehabilitation	\$900,000
H637.25.1620.000.72200.01	Human Resource Bldg Roof Replacement/Roof Top Units	\$700,000
H639.15.5197.000.72600.02	Infrastructures Bridge - Wisterman Rd Bridge/ Mud Crk	\$364,000
H640.15.5197.000.72600.02	Infrastructures Bridge - Carmen Rd Bridge/Golden Hill Crk	\$243,000
H605.15.5197.000.72600.02	Infrastructures Bridge - Chestnut Rd Brdg E Br 12 Mile Crk	\$404,000
H641.25.1620.000.72400.00	Land Improvements - Diesel Fuel Island Rehabilitation	\$300,000
H642.15.5197.000.72600.02	Infrastructures Bridge - Hosmer Rd Bridge over Fish Creek	\$310,000
H643.15.5112.000.72600.01	Infrastructures Road - Walmore Rd Pavement Project	\$222,000
H645.25.7110.000.72400.00	Land Improvements - Park Facilities Improvements	\$178,572
H646.17.3197.000.72100.21	Deputy Equipment - In Car Video Systems II	\$175,000
H601.15.5112.000.72600.02	Infrastructures Bridge - Bridge Rail/Guiderail Safety	\$100,000
H647.25.1620.000.72200.01	Building Improvements - Environmental Projects	\$100,000
H644.17.3197.000.72200.01	Sheriff's Building Improvement – Water System	\$200,000

INCREASE ESTIMATED APPROPRIATIONS TOTAL: \$6,596,572

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-107-16

From: Infrastructure & Facilities and Administration Committees

Dated: November 15, 2016

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

WHEREAS, by Resolution No. IF-124-15, dated October 20, 2015, the Legislature awarded the mechanical contract for the Niagara County Sheriff's Office Building #2 Jail Roof System/HVAC System Replacements to D.V. Brown & Associates, Inc., 567 Vickers Street, Tonawanda, NY 14150, for a contract amount of \$2,096,000, and

WHEREAS, Resolution No. IF-138-15, dated December 1, 2015, authorized Change Order No. 1 for plumbing work for an additional \$138,855.00, for a revised contract amount of \$2,234,855.00, and

WHEREAS, Resolution No. IF-075-16, dated August 2, 2016, authorized Change Order No. 2-Final to reduce the contract by \$70,505.00, for a revised contract amount of \$2,164,350.00, and

WHEREAS, the Infrastructure & Facilities Committee recommends that the retainage held be reduced to \$10,000, as the work is substantially complete, 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 retainage held for the mechanical contract for the Niagara County Sheriff's Office Building #2 Jail Roof System/HVAC System Replacements to D.V. Brown & Associates, Inc., 567 Vickers Street, Tonawanda, NY 14150, be reduced to \$10,000.00, 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 Bradt, seconded by Virtuoso.

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

Resolution No. IF-108-16

From: Infrastructure & Facilities Committees

Dated: November 15, 2016

**LOCKPORT ROAD RESURFACING PROJECT PHASE 3
TOWNLINER ROAD TO BEAR RIDGE ROAD FEDERAL AID LOCAL PROJECT AGREEMENT**

WHEREAS, the Lockport Road Resurfacing Project Phase 3, Townline Road to Bear Ridge Road, Town of Pendleton, Niagara County, (the "Project"), is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% federal funds and 20% non-federal funds, and

WHEREAS, the County of Niagara desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Construction/Inspection phases of the project, and

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

RESOLVED, that the Legislature of the County of Niagara hereby approves the above-subject project, and be it further

RESOLVED, that the Legislature of the County of Niagara hereby authorizes the County of Niagara to pay in the first instance 100% of the federal and non-federal shares of the cost of the Construction/Inspection phases of the Project or portions thereof, and be it further

RESOLVED, that the sum of \$2,118,000.00 is hereby appropriated in account H491.15.5112.000 72600.01 and made available to cover the cost of participation in the above phases of the project, and be it further

RESOLVED, that in the event the amount required to pay the full Federal and Non-Federal shares of the cost of the project's Construction/Inspection phases exceeds the amount appropriated above, the County of Niagara shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation, and be it further

RESOLVED, that the Chair of the Legislature of the County of Niagara be, and hereby is, authorized to execute all necessary agreements, certifications, or reimbursement requests for Federal Aid on behalf of the County of Niagara with the New York State Department of Transportation, in connection with the advancement or approval of the Project providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal Aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and be it further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project, and be it further

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

RESOLVED, that this Resolution shall take effect immediately.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-109-16

From: Infrastructure & Facilities Committee

Dated: November 15, 2016

**SHARED SERVICES AGREEMENT BETWEEN NIAGARA COUNTY
AND THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION**

WHEREAS, the New York State Department of Transportation (NYSDOT), has offered this contract, and

WHEREAS, the NYSDOT and Niagara County desire to share services, exchange or lend materials, or equipment which shall promote and assist the maintenance of State and County highways, and provide a cost savings by maximizing the effective utilization of both parties resources, and

WHEREAS, it is the intent of this contract for the NYSDOT and the Niagara County Public Works Department to share highway services that will help deliver these services in a more efficient and cost effective manner in the local communities of Niagara County through this shared service effort, and

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

RESOLVED, that following the County Attorney's review, the Chairman of the Niagara County Legislature be, and hereby is, authorized to sign the contract for shared highway services along with the NYSDOT, and be it further

RESOLVED, that this contract shall be for four (4) years, notwithstanding the proviso that any party to the contract may revoke its inclusion therein by filing a notice of revocation with each signatory, effective within 60 days of such revocation.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-110-16

From: Infrastructure & Facilities and Administration Committees

Dated: November 15, 2016

**GRISWOLD STREET CULVERT REPLACEMENT PROJECT
CONSULTANT AMENDMENT NO. 2**

WHEREAS, Resolution No. IF-114-15, dated September 15, 2015, authorized the contract for consultant services for the Griswold Street Culvert Replacement Project to Wendel WD Architecture, Engineering, Surveying & Landscape Architecture PC, 375 Essjay Road, Suite 200, Williamsville, NY 14221, for a fee not to exceed \$29,900, and

WHEREAS, Resolution No. IF-006-16, dated February 23, 2016, authorized Amendment No. 1, to comply with wetland regulations, in the amount of \$900, for a revised contract of \$30,800, and

WHEREAS, it is necessary to amend the contract for final design, construction administration, and construction inspection, in the amount of \$56,200, for a revised contract amount of \$87,000, and

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

RESOLVED, that Amendment No. 2 to increase the contract by \$56,200 for the Griswold Street Culvert Replacement project, for a revised contract amount of \$87,000, to Wendel WD Architecture, Engineering, Surveying & Landscape Architecture PC, 375 Essjay Road, Suite 200, Williamsville, NY 14221, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-111-16

From: Infrastructure & Facilities and Administration Committees

Dated: November 15, 2016

BUDGET MODIFICATION – WEIGHTS AND MEASURES

WHEREAS, the Department of Weights and Measures has funds available in the Director's position in the 2016 Budget, and

WHEREAS, the department is in need of new scales for the testing of packages at various retail locations, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated:

DECREASE APPROPRIATION:

A.15.6610.000.71010.00	Positions	\$4,000
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INCREASE APPROPRIATION:

A.15.6610.000.2100.14	Misc. Equipment	\$4,000
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Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-112-16

From: Infrastructure & Facilities and Administration Committees

Dated: November 15, 2016

BUDGET MODIFICATION – HIGHWAY HEAVY EQUIPMENT

WHEREAS, funds are remaining in the Road Construction Materials line item, due to the use of new methods of road maintenance, and

WHEREAS, the Highway Department has equipment needs that can be met with the available funds, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

DECREASE ESTIMATED REVENUE:

D.15.5110.000.43501.00	Consolidated Highway Aid	\$496,553.88
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DECREASE APPROPRIATIONS:

D.15.5110.000.74800.12	Road Construction Materials	\$896,553.88
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INCREASE APPROPRIATIONS

D.15.9901.000.79010.10	Transfer to Capital Reserve	\$400,000.00
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INCREASE APPROPRIATED FUND BALANCE:

AH40511.00	Appropriated Capital Reserve	\$400,000.00
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INCREASE CAPITAL CONSTRUCTION:

AH.07.9950.000.79010.00	Transfer to Capital Projects	\$400,000.00
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INCREASE ESTIMATED REVENUE:

H648.15.5112.000.43501.00	Consolidated Highway Aid	\$496,553.88
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H648.15.5112.000.45031.10	Interfund Transfers – From Capital Reserve	\$400,000.00
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INCREASE APPROPRIATIONS:

H648.15.5197.000.72100.10	Highway Heavy Equipment	\$896,553.88
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Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-113-16

From: Infrastructure & Facilities Committee
Dated: November 15, 2016

LEASE AGREEMENT WITH NCCC FOR THE TROTT ACCESS CENTER

WHEREAS, the Niagara County Community College (NCCC), Sanborn, New York, is a partner in the Trott ACCESS Center, Niagara Falls, New York, and

WHEREAS, the County provides space to NCCC for this activity, and

WHEREAS, NCCC is able to obtain New York State Reimbursement for a portion of the costs of the space used in delivering its programs, and

WHEREAS, NCCC needs to have a lease agreement to serve as a basis for its reimbursement claims, and

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

RESOLVED, that the Infrastructures and Facilities Committee recommends the attached lease agreement to be entered into with NCCC for office space at the Trott ACCESS Center, and be it further

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-114-16

From: Infrastructure & Facilities and Administration Committees
Dated: November 15, 2016

RESOLUTION TO DECLARE THE OLD RECORDS STORAGE BUILDING ON DAVISON ROAD PROPERTY TO BE SURPLUS PROPERTY

WHEREAS, the Old Records Storage Facility has not been utilized since spring of 2014, and

WHEREAS, Exhibit A, attached hereto (all Exhibits will be made available upon request) demonstrates the relationship of the Old Record Storage Building to the balance of the Davison Road Property, and

WHEREAS, the County Public Works and Buildings and Grounds Departments have deemed the Stone Records Storage Facility as not necessary for County operations, and

WHEREAS, all surveys and descriptions of unutilized property has been accomplished and the surveys of such property are attached hereto and marked Exhibit B, and

WHEREAS, the expense to remediate, demolish or otherwise utilize the Old Records Storage Facility Building at Davison Road would exceed any return, and

WHEREAS, the County no longer has any use for the buildings, expense of upkeep or needed repairs that would and are only burdening the taxpayers, and

WHEREAS, the County has no further public use for the property and/or facility on Davison Road marked as Exhibit B, now, therefore, be it

RESOLVED, that the County of Niagara declares the Old Records Storage Facility at its Davison Road Property as described on Exhibit B no longer necessary or required for public use.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-115-16

From: Infrastructure & Facilities and Administration Committees

Dated: November 15, 2016

BUILDINGS AND GROUNDS DEPARTMENT – GOLF COURSE BUDGET MODIFICATION

WHEREAS, the Golf Course is an Enterprise Fund and receives no Real Property Tax Dollars to operate, and

WHEREAS, funds are needed to pay the utility bills for the remainder of the year, and

WHEREAS, funds are available in Retiree Health Care, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated

DECREASE ESTIMATED APPROPRIATION:

ER.26.7140.000.78400.04 Retirees Health Insurance	\$3,100
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INCREASE ESTIMATED APPROPRIATIONS:

ER.26.7140.000.74850.01 Water	\$2,000
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ER.26.7140.000.74850.02 Electric	\$600
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ER.26.7140.000.74800.06 Supplies	\$500
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Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IL-069-16

From: Legislators Rebecca J. Wydysh, Kathryn L. Lance and David E. Godfrey

Dated: November 15, 2016

**RESOLUTION IN SUPPORT OF TOWN OF WHEATFIELD
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, Town of Wheatfield is committed to the safety of its Volunteer Firefighters and the citizens on the roadway, and

WHEREAS, Adams Fire Company, Bergholz Fire Company and Frontier Fire Company use highly traveled routes when responding to fire calls, and

WHEREAS, the Town is requesting a One way signal light at Niagara Falls Boulevard and Nash Road for Adams Fire Company, and

WHEREAS, Bergholz Fire company is requesting all the lights at 6 corners (Niagara Falls Blvd, Niagara Road and Walmore Road) to be completed, and

WHEREAS, Frontier Fire Company is requesting the code emitter for their vehicle, since they enter the Bergholz area for mutual aid calls, and

WHEREAS, the Niagara County Legislature supports the efforts of the Town of Wheatfield to ensure the safety of their Firefighters and citizens, now, therefore, be it

RESOLVED, that the above initiative be funded with monies as follows:

Town of Wheatfield	\$7,000.00
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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	\$7,000.00
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INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$7,000.00
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Moved by Wydysh, seconded by Lance

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

Resolution No. IL-070-16

From: Legislators Rebecca J. Wydysh, Kathryn L. Lance and David E. Godfrey

Dated: November 15, 2016

**RESOLUTION IN SUPPORT OF THE HISTORIC PALACE THEATRE
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Palace Theatre participates in Lockport's annual Light up Lockport, and

WHEREAS, this event draws hundreds of families to downtown Lockport to celebrate the start of the Holiday Season, and

WHEREAS, new LED lights are needed to decorate the trees on Main Street for this event, now therefore, be it

RESOLVED, that a sum of \$500.00 be allocated to the Palace Theatre for LED Lights through the use of Casino Funds.

The Palace Theater	\$500.00
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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	\$500.00
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INCREASE APPROPRIATION:

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

Resolution No. IL-071-16

From: Legislators David E. Godfrey, Richard I. Andres, Kathryn L. Lance, Anthony J. Nemi, John Syracuse, Owen T. Steed and Parks, Recreation & Tourism Ad Hoc Committee

Dated: November 15, 2016

SUPPORT FOR THE TOWN OF CAMBRIA COMFORT STATION

WHEREAS, the Niagara Power Coalition (“NPC”) and the New York Power Authority agreed to a licensing settlement for the next 50 years for the Niagara Power Project, and

WHEREAS, that settlement allows Niagara County to receive, through NPC Host Community Standing Committee (“HCSC”), up to \$390,000 annually to fund projects which are found to be consistent with the Niagara Greenway projects along the Greenway Trail, and

WHEREAS, the Town of Cambria has made application to the Niagara County’s Ad Hoc Committee on Recreation and Tourism for Greenway funds for Phase 2 of the Town of Cambria Town Park Comfort Station Project, and

WHEREAS, the Town of Cambria Town Park features trails, roads, soccer fields, baseball diamonds, extensive signage, picnic shelters, and grills and gazebos, and is being utilized by many residents and recreational groups and teams, and

WHEREAS, the Town of Cambria’s application for construction of a comfort station within the Town of Cambria Town Park will include a concession stand and restroom facilities, with parking areas and walkways; and

WHEREAS, these funds are to be utilized by the Town of Cambria to assist in the completion of the overall Project, and

WHEREAS, this project will enhance the quality of life for residents and visitors alike by improving the Town of Cambria’s Town Park, by providing recreational opportunity to hikers, joggers and cyclists from the community, as well as visitors, and will attract will cause a positive economic impact in the Town of Cambria and the County, and

WHEREAS, the Town of Cambria has requested \$90,000.00 to be utilized for completion of the overall project, and

WHEREAS, the Town of Cambria Town Park Comfort Station has the support and approval of Legislator David Godfrey, along with various organizations in the Town of Cambria, and

WHEREAS, the ad hoc committee for recreation and tourism fund appointed by the Niagara County Legislature to review projects brought to Niagara County seeking funding from Niagara County through the Niagara Power Coalition and the Host Community Standing Committee; has recommended that Niagara County approve and support this project, and

WHEREAS, the Town of Cambria Town Park Comfort Station has utilized great effort and is complimented for being able to receive additional funds for further projects to lower their actual request for funds, and

WHEREAS, after receipt of in-kind services and other funding, the remaining \$90,000.00 needed for the project is being requested, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the funding of \$90,000.00 for Phase 2 of the Town of Cambria Town Park Comfort Station project when presented to the Niagara Power Coalition and the Host Community Standing Committee.

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

Carried.

Moved by Andres, seconded by Lance

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

Resolution No. IL-072-16

From: Legislators David E. Godfrey, Richard I. Andres, Kathryn L. Lance, Anthony J. Nemi, John Syracuse, Owen T. Steed, Clyde L. Burmaster and Parks, Recreation & Tourism Ad Hoc Committee

Dated: November 15, 2016

SUPPORT FOR THE VILLAGE OF YOUNGSTOWN SIDEWALK

WHEREAS, the Niagara Power Coalition (“NPC”) and the New York Power Authority agreed to a licensing settlement for the next 50 years for the Niagara Power Project, and

WHEREAS, that settlement allows Niagara County to receive, through NPC Host Community Standing Committee (“HCSC”), up to \$390,000 annually to fund projects which are found to be consistent with the Niagara Greenway projects along the Greenway Trail, and

WHEREAS, the Village of Youngstown has made application to the Niagara County’s Ad Hoc Committee on Recreation and Tourism for Greenway funds for its Village of Youngstown Sidewalk Project, and

WHEREAS, the Village of Youngstown is a quaint and historic village which is situated on the mouth of the Niagara River where it meets Lake Ontario, and

WHEREAS, the Village of Youngstown’s application is for construction of 4-foot wide sidewalk which will connect Water Street to Main Street and will offer a safe means for pedestrians as well as handicapped individuals to access the Niagara River waterfront; and

WHEREAS, these funds are to be utilized by the Village of Youngstown to complete this Project, and

WHEREAS, this project will enhance the quality of life for residents and visitors and tourists alike by improving the Village of Youngstown’s access to the scenic waterfront, and will cause a positive economic impact in the Village of Youngstown and Niagara County, and

WHEREAS, the Village of Youngstown has requested \$131,675.00 in its application which is to be utilized for the construction of a sidewalk connecting Water Street and Main Street in the Village of Youngstown, and

WHEREAS, the Village of Youngstown has the support and approval of Legislator Clyde Burmaster, along with various organizations in the Village of Youngstown, and

WHEREAS, the ad hoc committee for recreation and tourism fund appointed by the Niagara County Legislature to review projects brought to Niagara County seeking funding from Niagara County through the Niagara Power

Coalition and the Host Community Standing Committee; has recommended that Niagara County approve and support this project, and

WHEREAS, the Village of Youngstown has utilized great effort and is complimented for being able to receive additional funds for further projects to lower their actual request for funds, and

WHEREAS, after receipt of in-kind services and other funding, the remaining \$100,000.00 needed for the project is being requested, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the funding of \$100,000.00 for the Village of Youngstown Sidewalk project when presented to the Niagara Power Coalition and the Host Community Standing Committee.

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

Carried.

Moved by Burmaster, seconded by Andres.

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

Resolution No. IL-073-16

From: Legislators Randy R. Bradt, David E. Godfrey, Richard I. Andres, Kathryn L. Lance, Anthony J. Nemi, John Syracuse, Owen T. Steed and Parks, Recreation & Tourism Ad Hoc Committee

Dated: November 15, 2016

**SUPPORT FOR THE RAYMOND KLIMEK VETERANS PARK BANDSHELL PROJECT
IN THE CITY OF NORTH TONAWANDA**

WHEREAS, the Niagara Power Coalition (“NPC”) and the New York Power Authority agreed to a licensing settlement for the next 50 years for the Niagara Power Project, and

WHEREAS, that settlement allows Niagara County to receive, through NPC Host Community Standing Committee (“HCSC”), up to \$390,000 annually to fund projects which are found to be consistent with the Niagara Greenway projects along the Greenway Trail, and

WHEREAS, the City of North Tonawanda has made application to the Niagara County’s Ad Hoc Committee on Recreation and Tourism for Greenway funds for the Raymond Klimek Veterans Park Bandshell Project, and

WHEREAS, these funds are to be utilized by the City of North Tonawanda to construct a permanent bandshell to replace the temporary bandshell at the Raymond Klimek Veterans Park, and

WHEREAS, the City of North Tonawanda’s application for construction of a permanent bandshell at the Raymond Klimek Veterans Park will allow for all Niagara County residents and tourists to enjoy several free concerts each year, and

WHEREAS, Raymond Klimek Veterans Park is located on the Niagara River in the City of North Tonawanda and features two pavilion areas, restrooms, boat slips and a temporary band shelter and is enjoyed by many residents and tourists alike, and

WHEREAS, the permanent bandshell installation will enhance the quality of life for residents and visitors by improving the facilities at Raymond Klimek Veterans Park along the Niagara River, and will cause a positive economic impact in the City of North Tonawanda and Niagara County, and

WHEREAS, the City of North Tonawanda has requested \$165,070.00 in its application, which is to be utilized for the construction of the permanent bandshell, and

WHEREAS, the City of North Tonawanda will also be responsible for all future maintenance and repairs of the bandshell, and

WHEREAS, the City of North Tonawanda Raymond Klimek Veterans Park Bandshell Project has the support and approval of Legislators Richard Andres, Randy Bradt and Kathryn Lance, along with various organizations in the City of North Tonawanda, and

WHEREAS, the ad hoc committee for recreation and tourism fund appointed by the Niagara County Legislature to review projects brought to Niagara County seeking funding from Niagara County through the Niagara Power Coalition and the Host Community Standing Committee; has recommended that Niagara County approve and support this project, and

WHEREAS, the City of North Tonawanda has utilized great effort and is complimented for being able to receive other funding as well as in kind services, and

WHEREAS, after receipt of in-kind services and other funding, the remaining \$165,070.00 needed for the project is being requested, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the funding of \$90,000.00 for the City of North Tonawanda Raymond Klimek Veterans Park Bandshell Project when presented to the Niagara Power Coalition and the Host Community Standing Committee.

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

Carried.

Moved by Lance, seconded by Andres.

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

APPOINTMENTS:

	<u>Appt.</u>	<u>Expires</u>
<u>BOARD OF HEALTH</u>		
John Gotowko	1/01/17	12/31/23
72 Dale Drive North Tonawanda		
Moved by Andres, seconded by Bradt.		
Carried		

AD HOC TO STUDY AND EXAMINE BENEFITS OF REPLACING CURRENT CORONER OFFICE WITH COUNTY MEDICAL EXAMINER(S) COMMITTEE

Legislator John Syracuse (Chairman)

Legislator David E. Godfrey

Legislator Jason Zona

Assistant County Attorney Brian D. Seaman

County Treasurer Kyle Andrews

Coroner Joseph Mantione

Sheriff James R. Voutour

Public Health Director Daniel Stapleton

District Attorney Caroline Wojtaszek

Moved by Bradt, seconded by Virtuoso.

Carried.

Ad Hoc RFP for Health Benefits Consultant Committee

Chairman Wm. Keith McNall
Legislator Randy R. Bradt
Legislator John Syracuse (Chairman)
Legislator Rebecca J. Wydysch
Legislator Jason Zona
Legislator William J. Collins
County Manager Richard Updegrove
Director of Risk Management Jennifer R. Pitarresi or her designee
County Attorney Claude Joerg
Moved by Nemi, seconded by Zona
Carried.

Moved by Syracuse, seconded by Zona that the Board adjourn.

The Chairman declared the Board adjourned at 8:13 p.m., subject to the call of the Clerk.

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


Mary Jo Tamburlin, Clerk