

## OFFICIAL RECORD

Lockport, New York  
February 17, 2015

A public hearing was held pursuant IL-010-15, adopted by the Legislature on January 20, 2015, on a proposed Local Law of the County of Niagara, NY Allowing for Common, Safe Items to be Excluded from the Dangerous Fireworks Definition as Permitted by New York State Penal Law Section 405 (b). Legislator Andres opened the hearing at 6:45 p.m. and closed it at approximately 7:12 p.m.

The meeting was called to order by Chairman Ross at 7:22 p.m.

Clerk Tamburlin called the roll. All Legislators were present with the exception of Legislators Burmaster, Godfrey and Hill.

A moment of silence was held for recently retired Public Works Deputy Commissioner and Building and Grounds Commissioner Robin DeVoe who passed away on February 12<sup>th</sup>.

### APPOINTMENTS:

Moved by Updegrave, seconded by Virtuoso to appoint Willie Dunn as a member of the Niagara County Industrial Development Agency.  
Carried.

### PRESENTATIONS:

Legislator Updegrave went to the lectern to discuss the Safety Net and Medicaid resolutions on tonight's agenda and how these unfunded mandates impact the counties of New York State and in particular Niagara County. Niagara County has seen significant cost increases during the past five years related to these programs. Legislator Updegrave also commented on how New York State dictates how much and what the county will pay for with no input from the county. The Medicaid costs equal approximately 60% of the entire amount collected from Niagara County property taxpayers every year. Legislator Updegrave mentioned that the Niagara County also has no input as to what Medicaid services are provided and paid for by the county.

Legislator Updegrave invited Senator Robert Ortt and Assemblywoman Jane Corwin to the lectern. Senator Ortt discussed the bills that are being discussed in the NYS Senate related to residency and opt-out options for both Safety Net and Medicaid Services. Senator Ortt also briefly discussed his support for the continuation of the Brownsfield Redevelopment Program and how he will push for a ten year extension.

Assemblywoman Corwin thanked the Legislature for bringing the costs associated with unfunded mandates back to the forefront. Assemblywoman Corwin said that she will continue to push for Safety Net and Medicaid reforms both in the Assembly, through the sponsorship of bills, and in discussions with Governor Cuomo. Assemblywoman Corwin gave an update on the recent changes in the NYS Assembly leadership and how it has impacted the passage of bills; making this much slower than usual. Assemblywoman Corwin discussed how she is pushing for significant reforms to the way that the NYS Assembly conducts business to achieve more transparency and to better serve the citizens of New York State.

Chairman Ross invited County Historian Kate Emerson along with Deputy County Historians Craig Bacon and Ronald Cary to the lectern to discuss the book "History of Niagara County, NY". Ms. Emerson presented a copy to Senator Ortt, Assemblywoman Corwin and Chairman Ross.

No citizens spoke at this time.

Chairman Ross announced that the Administration meeting has been rescheduled to Monday, February 23<sup>rd</sup> at 6:00 p.m.

Recess.

Chairman Ross announced that IL-030-15 is being removed from the agenda and will be brought back at a later date.

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

## **RESOLUTIONS:**

### **Resolution No. AD-001-15**

From: Administration Committee

Dated: February 17, 2015

### **AUTHORIZATION FOR REAL PROPERTY TAX REFUNDS/CORRECTIONS - 2015**

WHEREAS, New York State Real Property Tax Law, sections 554 and section 556, provides for an administrative correction of error process that assists property owners in obtaining refunds and/or corrections for real property tax payments or billings, and

WHEREAS, certain clerical errors, unlawful entries and errors in essential fact, as defined in the New York State Real Property Tax Law, are permitted to be corrected by a taxing jurisdiction based upon the recommendation of the Director of Real Property Tax Services, and

WHEREAS, the taxing jurisdiction can delegate, by resolution, on an annual basis, to an official who is empowered to authorize payment of bills without prior audit, the authority to perform the duties of the tax levying body in regard to Real Property Tax Law, Sections 554 and 556, now, therefore, be it

RESOLVED, that the Niagara County Treasurer is hereby delegated the authority to perform the duties of the tax levying body during 2015 when the Real Property Tax Director's recommended refund and/or correction is twenty-five hundred dollars or less, and be it further,

RESOLVED, that on or before the fifteenth day of each month, the Niagara County Treasurer shall submit a report to the Niagara County Legislature of the refunds and or corrections processed during the preceding month, containing the name of each recipient, the location of the property, and the amount of the refund.

Moved by Updegrove, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

### **Resolution No. AD-002-15**



From: Administration Committee  
Dated: February 17, 2015

**A LOCAL LAW AMENDING LOCAL LAW NO. 4 OF 2003 ESTABLISHING AN  
ADMINISTRATIVE CODE FOR THE COUNTY OF NIAGARA**

WHEREAS, the County Legislature of the County of Niagara, enacted Local Law No. 4 of 2003 establishing an Administrative Code for the County of Niagara, and

WHEREAS, the County Legislature of the County of Niagara, amended Local Law No. 4 of 2003 by Local Law No. 1 of 2006, Local Law No. 5 of 2008, and Local Law No. 2 of 2011, and

WHEREAS, the County Legislature of the County of Niagara, does hereby rename the Public Works Committee as the Infrastructure and Facilities Committee, and

WHEREAS, the County Legislature of the County of Niagara, does hereby remove the Information Technology, from the jurisdiction of the Administration Committee and does hereby designate the Infrastructure and Facilities Committee for the oversight and jurisdiction of Information Technology, and

WHEREAS, the County Legislature of the County of Niagara, does hereby create a Buildings and Grounds department and does hereby designate the Infrastructure and Facilities Committee for the oversight and jurisdiction of such Buildings and Grounds Department, and

WHEREAS, the County Legislature of the County of Niagara, does hereby designate the County Manager to make the appointment for the Director of Buildings and Grounds Department and therefore Section A3-3 (i) shall be amended to reflect such addition, and

WHEREAS, the County Legislature of the County of Niagara, by Local Law No. 5 of 2008, did delete the Title of Commissioner Parks and Recreation, therefore the County Manager no longer makes an appointment for such position and therefore Section A3-3 (i) shall be amended to reflect such deletion, and

WHEREAS, the County Legislature of the County of Niagara, does hereby designate the County Manager to appointment the Director of Risk and Insurance Services and therefore Section A3-3 (i) shall be amended to reflect such appointment, and

WHEREAS, the County Legislature of the County of Niagara, by Local Law No. 5 of 2008 amended the Administrative Code to create the position of Homeland Security and Emergency Management and such position became responsible for those duties which had previously been performed by Fire Coordinator/Emergency Services [Administrative code Sections A2-9(2)€ and A3-3(1)(i)(6)], and

WHEREAS, the County Legislature of the County of Niagara, did not fill the position of director of Homeland Security and Emergency Management as permitted by such amendment to the Administrative Code by Local Law No. 5 of 2008, and

WHEREAS, the County Legislature of the County of Niagara, desires to amend the Administrative Code to make the positions consistent with the duties that are presently being performed and Fire and Emergency Services are being provided and therefore the title of Director of Homeland Security and Emergency Management shall be amended to Fire Coordinator/Emergency Services [Administrative Code Sections A2-9(2)€ and A3-3(1)(i)(6)], and

WHEREAS, the County Legislature of the County of Niagara, does hereby amend Local Law No. 4 of 2003 establishing an Administrative Code for the County of Niagara, as amended by Local Law No. 1 of 2006, Local Law No. 5 of 2008, and Local Law No. 2 of 2011, by a Local Law of the County of Niagara, New York for the year 2015 as follows:

## **ARTICLE II. THE COUNTY LEGISLATURE**

### **§A2-9. Committees of the County Legislature: Jurisdiction, Powers and Duties**

A. The jurisdiction of the committees shall be as follows:

- (1) Administration
  - (a) County Manager
  - (b) County Attorney
  - (c) Management & Budget
  - (d) Treasurer
  - (e) Audit
  - (f) Real Property
  - (g) Clerk of the Legislature
  - (h) Printing/Mailing
  - (i) Human Resources
  - (j) Civil Service
  - (k) Risk Management
  - (l) Board of Elections
- (2) Community Safety and Security
  - (e) Fire Coordinator/Emergency Services
- .....
- (5) Infrastructure and Facilities
  - (a) Public Works
  - (b) Parks/Golf Course
  - (c) Refuse District
  - (d) Water District
  - (e) Sewer District
  - (f) Weights and Measures
  - (g) **Information Technology**
  - (h) **Buildings and Grounds**

### **A3-3. Powers and Duties**

1. Without curtailing, diminishing or transferring the powers of any elected County official, the County Manager shall be responsible for the overall administration of county government and shall provide and coordinate staff services to the County Legislature, Chair of the Legislature and its committees. The County Manager shall perform all the duties now and hereafter conferred or imposed upon the officer by law and directed by the County Legislature and shall have all powers and perform all the duties necessarily implied or incidental thereto. Among such powers and duties, but not by way of limitation, are:



- (a) To serve as the Chief Executive and Administrative Director of County Government;
- (b) To exercise supervision and control over the activities of County department directors and supervise the administration of all units of County government to most effectively implement the directives of the Legislature in accordance with applicable law, but shall not exercise administrative control over the County Auditor, the County Treasurer, the County Attorney, the District Attorney, the County Sheriff, the Public Defender, the County Clerk, or any other publicly elected official;
- (c) To determine which employees of the County shall perform particular duties not clearly defined by law or this Local Law;
- (d) To execute and enforce all Local Laws, legalizing acts, ordinances and resolutions of the County Legislature and all other acts required by law;
- (e) To serve as an advisor to the County Legislature and develop policy and procedural recommendations for consideration of the Legislature;
- (f) To undertake research and submit to the County Legislature reports and recommendations regarding governmental operations as may be deemed appropriate or the County Legislature may request, and provide such assistance to the Legislature and its committees as may be requested by the Legislature;
- (g) To serve as liaison between the County Legislature and the boards, commissions, agencies, and advisory committees established by the Legislature;
- (h) To maintain liaison and represent the County Legislature in contacts with political subdivisions, State and Federal officials and agencies;
- (i) To make appointments for the heads of units of County government listed below, subject to the confirmation of the County Legislature:
  - 1. Director of the Office of the Aging
  - 2. Commissioner of Public Works
  - 3. Director of Information Technology
  - 4. Director of Human Resources
  - 5. Director of Employment and Training
  - 6. Fire Coordinator and Director of Emergency Services
  - 7. Commissioner of Economic Development
  - 8. Director of Probation
  - 9. Director of Real Property Tax Services
  - 10. Commissioner of Social Services
  - 11. Director of Veterans' Services
  - 12. County Historian
  - 13. Director of Risk & Insurance Services
  - 14. Director, Office of Management and Budget
  - 15. Director of Building and Grounds

and such other officers, department heads and employees as the County Legislature shall designate by Local Law or Resolution, with the exception that the County Legislature retains appointing and removal powers for the position of Civil Service Personnel Officer pursuant to the Civil Service Law of the State of New York.

RESOLVED, that the Niagara County Legislature shall conduct a public hearing upon said proposed Local Law at the Legislative Chambers, Courthouse, Lockport, New York, on the 3<sup>rd</sup> day of March, 2015, 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.

This Local Law shall take effect immediately.

Moved by Updegrove, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

**Resolution No. AD-003-15**

From: Administration Committee

Dated: February 17, 2015

**PERMISSION TO CREATE/FILL  
GIS SEASONAL ASSISTANT POSITION IN INFORMATION TECHNOLOGY**

WHEREAS, the Niagara County Data Information Technology Department is requesting permission to create and fill a GIS Seasonal Assistant position this summer, and

WHEREAS, this seasonal 10-week temporary position will assist our current full-time GIS Coordinator with GIS mapping changes, now, therefore, be it

RESOLVED, the Information Technology Department is given authorization to create and fill one GIS Seasonal Assistant position, at an hourly rate of \$10.00 per hour, and be it further

RESOLVED, that the GIS Seasonal Assistant position be effective on Monday, May 11, 2015, with the following budget modifications:

**DECREASE APPROPRIATIONS:**

A.16.1680.109.74500.01	Contractual	\$3,549.00
A.16.1680.000.71010.00010772	Positions	671.00

**INCREASE APPROPRIATIONS:**

A.16.1680.109.71011.0000xxxx	Positions	\$3,500.00
A.16.1680.109.78100.00	Retirement	327.00
A.16.1680.109.78200.00	FICA	268.00
A.16.1680.109.78300.00	Wrkr's Comp	126.00

Moved by Updegrove, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

**Resolution No. CS-001-15**

From: Community Services & Administration Committees

Dated: February 17, 2015

**BUDGET MODIFICATION – ACCEPT MEDICAL RESERVE CORPS AWARD  
EMERGENCY PLANNING PROGRAM - DEPARTMENT OF HEALTH**

WHEREAS, the Emergency Planning Program of the Niagara County Department of Health provides services, information and training to protect the health and safety of the citizens of Niagara County, and



WHEREAS, the National Association of County and City Health Officials (passed through from the Department of Health and Human Services CFDA # 93.008) awarded \$3,500 & \$15,000 to Niagara County Emergency Planning Program to build the capacity of the Medical Reserve Corps Units, now, therefore, be it

RESOLVED, that the department is given authorization to accept the awards with the effectuation of the following budget modification, effective immediately:

**INCREASE REVENUE:**

CM.20.4189.406 44489.24	Other Health MRC	\$18,500.00
-------------------------	------------------	-------------

**INCREASE APPROPRIATIONS:**

CM.20.4189.406 71050.00	Overtime	\$2,504.96
CM.20.4189.406 74750.02	Supplies & Materials	14,160.00
CM.20.4189.406 74300.03	Mileage	1,099.84
CM.20.4189.406 78100.00	Retirement Expense	475.94
CM.20.4189.406 78200.00	FICA	191.63
CM.20.4189.406 78300.00	Worker's Comp	67.63

Moved by Updegrove, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

**Resolution No. CS-002-15**

From: Community Services & Administration Committees

Dated: February 17, 2015

**BUDGET MODIFICATION – RE-APPROPRIATE GRANT FUNDING  
NURSING DIVISION - DEPARTMENT OF HEALTH**

WHEREAS, the Nursing Division of the Niagara County Department of Health provides a wide array of essential services, and

WHEREAS, the Oshei Foundation awarded the Nursing Division funds to promote health in Niagara County approved through resolution #CS-023-14, and

WHEREAS, the Department of Health requests re-appropriation of fund balance, now, therefore, be it

RESOLVED, that the following budget modification, be effectuated:

**INCREASE REVENUE:**

A.20.4189.401 41689.07	Other Income Collaboration	\$20,025.35
------------------------	----------------------------	-------------

**INCREASE APPROPRIATIONS:**

CM.20.4189.401 71050.00	Overtime	\$4,490.93
CM.20.4189.401 74250.01	Office Supplies	7,927.44
CM.20.4189.401 74300.03	Mileage	5,628.89
CM.20.4189.401 74500.01	Contractual	660.00
CM.20.4189.401 78100.00	Retirement Expense	853.27
CM.20.4189.401 78200.00	FICA	343.56
CM.20.4189.401 78300.00	Workers Comp	121.26

Moved by Updegrove, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

**Resolution No. CS-003-15**

From: Community Services & Administration Committees

Dated: February 17, 2015

**BUDGET MODIFICATION – RE-APPROPRIATE GRANT FUNDING  
EMERGENCY PLANNING PROGRAM - DEPARTMENT OF HEALTH**

WHEREAS, the Emergency Planning Program of the Niagara County Department of Health provides services, information and training to protect the health and safety of the citizens of Niagara County, and

WHEREAS, the National Association of County and City Health Officials (passed through from the Department of Health and Human Services CFDA # 93.008) awarded Niagara County Emergency Planning Program a \$18,875 to build the capacity of the Medical Reserve Corps Units approved through resolution #CS-003-14, and

WHEREAS, the Department of Health requests re-appropriation of fund balance, now, therefore, be it

RESOLVED, that the following budget modification, be effectuated:

**INCREASE REVENUE:**

CM.20.4189.406 44489.24	Other Health MRC	\$13,910.83
-------------------------	------------------	-------------

**INCREASE APPROPRIATIONS:**

CM.20.4189.406 71050.00	Overtime	\$2,797.15
CM.20.4189.406 74250.01	Office Supplies	596.16
CM.20.4189.406 74300.01	Travel Conf	99.76
CM.20.4189.406 74375.01	Adv & Promo	1,743.48
CM.20.4189.406 74375.05	Cell Phone	89.46
CM.20.4189.406 74600.03	Training & Education	7,268.42
CM.20.4189.406 74675.01	Central Postage	136.98
CM.20.4189.406 74675.03	Print Shop Supply	51.00
CM.20.4189.406 74700.01	Waste/Refuse	52.80
CM.20.4189.406 74750.02	Supplies/Materials	229.28
CM.20.4189.406 74800.11	Maintenance Vehicle	25.37
CM.20.4189.406 78100.00	Retirement Expense	531.47
CM.20.4189.406 78200.00	FICA	213.98
CM.20.4189.406 78300.00	Workers Comp	75.52

Moved by Updegrove, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

**Resolution No. CS-004-15**

From: Community Services & Administration Committees

Dated: February 17, 2015

**SECTION 5311 CONSOLIDATED GRANT APPLICATION**

WHEREAS, the County of Niagara is submitting a request for a consolidated grant of funds to the New York State Department of Transportation, pursuant to Section 5311, Title 49 United States Code, for federal



financial operating assistance in the amount of \$94,000 for 2015 and \$103,000 for 2016 for a project to provide a route deviation public transportation service for the non-urbanized areas of Niagara County including the towns of Cambria, Hartland, Lewiston, Lockport, Newfane, Niagara, Pendleton, Porter, Royalton, Wheatfield, Wilson, and the Cities of Lockport, Niagara Falls and North Tonawanda, to be serviced by Niagara Falls Coach Lines, Inc. during the period January 1, 2015 through December 31, 2016, and for federal financial capital assistance in the amount of \$240,000 for a project to purchase two type IV buses and related equipment to be used to provide said service, and

WHEREAS, the County of Niagara and the State of New York have entered into a continuing Agreement which authorizes the undertaking of the projects and payment of the federal share, and

WHEREAS, the County of Niagara, is contracting with a third party subcontractor, Niagara Falls Coach Lines, Inc., for the projects described above, and

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

RESOLVED, that the Chairman of the Niagara County Legislature is authorized to act on behalf of the County of Niagara to sign the application and progress and complete the above named projects, and be it further

RESOLVED, the Chairman of the Niagara County Legislature is authorized to sign any contracts or agreements between the County of Niagara and any third party subcontractor necessary to complete the public transportation projects, subject to the approval of the County Attorney, and be it further

RESOLVED, that the County of Niagara certifies through this resolution that the estimated local share of Thirty Thousand (\$30,000) Dollars for the purchase of two type IV buses described in the federal Section 5311 Project Application is committed to this Project from the third party subcontractor.

Moved by Nemi, seconded by McNall.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

**Resolution No. CS-005-15**

From: Community Services & Administration Committees

Dated: February 17, 2015

**POSITION APPOINTMENT  
COMMISSIONER OF SOCIAL SERVICES**

WHEREAS, the term of appointment for the Commissioner of Social Services expires April 4, 2015, and

WHEREAS, under the Local Law establishing an Administrative Code for the County of Niagara, the County Manager shall make appointments for the position of Commissioner of Social Services, subject to the confirmation of the County Legislature, and

WHEREAS, the County Manager has conducted a performance evaluation of the incumbent in this position, and

WHEREAS, the County Manager has determined that the incumbent has demonstrated outstanding leadership ability and performed in a manner of excellence, and

WHEREAS, upon review, consideration, and recommendation for appointment by the County Manager, it has been determined that Anthony J. Restaino best meets the qualifications for the position, now, therefore, be it

RESOLVED that Anthony J. Restaino be reappointed for a five (5) year term of office to the position of Commissioner of Social Services commencing April 5, 2015 through April 4, 2020, and be it further

RESOLVED that Anthony J. Restaino shall receive a 2% annual salary increase each year beginning January 1, 2016, and each year thereafter, and be it further

RESOLVED, that Mr. Restaino will continue to serve as Commissioner of Social Services until a successor is duly appointed and confirmed for said office, and be it further

Moved by Updegrove, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

**Resolution No. CSS-012-15**

From: Community Safety & Security & Administration Committees

Dated: February 17, 2015

**2015 BUDGET MODIFICATION - ACCEPTANCE OF MULTI-JURISDICTIONAL  
HAZARD MITIGATION PLAN UPDATE HOMELAND SECURITY GRANT**

WHEREAS, the County of Niagara is required to certify its acceptance of the Multi-Jurisdictional Hazard Mitigation Plan Update Grant through the Department of Homeland Security for the period of August 15, 2014 to June 19, 2015, at no cost to the County, and

WHEREAS, the grant for the Multi-Jurisdictional Hazard Mitigation Plan Update is in the amount of \$66,792 and the funds will be used for any pending costs associated with the Hazard Mitigation Plan being executed after FEMA reviews it, now, therefore, be it

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

RESOLVED, that the Emergency Management Services is given authorization to accept the grant with the effectuation of the following budget modification, effective immediately,

**INCREASE REVENUE:**

A. 19.3640.000	43389.05	Other public safety emergency management	\$66,792
----------------	----------	------------------------------------------	----------

**INCREASE APPROPRIATIONS:**

A.19.3640.000	74650.08	Services, Professional Consultants/Expert Services	\$66,792
---------------	----------	----------------------------------------------------	----------

Moved by Updegrove, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

**Resolution No. CSS-013-15**

From: Community Safety & Security & Administration Committees

Dated: February 17, 2015

**2015 BUDGET MODIFICATION  
HOMELAND SECURITY**



WHEREAS, Homeland Security funds were not fully expended in 2014, now, therefore, be it

RESOLVED, that the remaining funds from the Homeland Security grants be re-appropriated into the 2015 budget, and be it further

RESOLVED, that the following 2015 budget modification be effectuated:

**INCREASE REVENUE:**

A.19.3645.000 44305.02	Civil Defense Homeland Security	\$280,138.58
------------------------	---------------------------------	--------------

**INCREASE APPROPRIATIONS:**

A.19.3645.000 72100.14	Machinery/Equip-Misc Equip	\$9,690.40
A.19.3645.000 72100.15	Machinery/Equip-Comm Equip	2,058.48
A.19.3645.000 74250.01	Office Expenses Office Supplies	1,000.00
A.19.3645.000 74375.04	Communications-Leased Lines	24,942.04
A.19.3645.000 74500.02	Contractual Exp-Maint Service Exp	139,676.68
A.19.3645.000 74800.01	Communication-Supplies/Service	95,256.11
A.19.3645.000 74800.06	Supplies/Services, Maint Repairs	98.00
A.19.3645.000 74800.10	Supplies/Services, Maint-Misc Equip	7,416.87

Moved by Updegrave, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

**Resolution No. CSS-014-15**

From: Community Safety & Security & Administration Committees

Dated: February 17, 2015

**RESOLUTION TO APPROVE A LEASE AGREEMENT FOR STORAGE OF  
THE NIAGARA COUNTY SHERIFF'S SPECIAL ASSETS**

WHEREAS, the Niagara County Sheriff's Office possesses various assets, which are used to carry out the duties and responsibilities of the Sheriff's Office, and

WHEREAS, the Niagara County Sheriff's Office is in need of space to house such assets, the nature of which make housing at the County's existing facilities untenable, and

WHEREAS, the County has identified a suitable structure and location for housing such asset(s), now, therefore, be it

RESOLVED, the County enter into a lease with the owner of said structure for a term not to exceed five years, with an option to renew for an additional term or terms, at an initial rate of \$650 per month for years 1 through 3 and \$682.50 per month for years 4 through 5, and with the monthly rental amounts increasing to \$709.80 per month for renewal term years 1 through 3 and 745.29 per month for years 4 through 5, and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to sign said lease agreement on behalf of the County subject to the review and approval by the County Attorney's Office.

Moved by Updegrave, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

**Resolution No. CSS-015-15**

From: Community Safety & Security & Administration Committees

Dated: February 17, 2015

**ABOLISH TWO (2) PART-TIME CORRECTION OFFICERS  
CREATE TWO (2) PART-TIME DISPATCHERS**

WHEREAS, the Sheriff continuously conducts a review of staffing levels within the Sheriff's Office, and

WHEREAS, the needs continue to change to provide the best possible safety for the residents of Niagara County, and

WHEREAS, it is in the best interest of the Sheriff's Office, as well as the County, to realign the personnel to better fit the needs of the Office, and

WHEREAS, there are currently several vacant part-time Correction Officers, and

WHEREAS, due to an increase in call volume within the Communication Center, there exists a need to adjust the staffing levels, and

WHEREAS, the Sheriff is recommending that two (2) part-time Correction Officers be abolished and that two (2) part-time Dispatchers be created, with no adverse effect on the correctional facility, and

WHEREAS, this change will not result in a cost increase to the County, now, therefore, be it

RESOLVED, that two (2) vacant part-time Correction Officers, position numbers 9857 and 9852, at an hourly rate of \$16.11 be abolished effective February 28, 2015, and be it further

RESOLVED, that two (2) part-time Dispatchers, position numbers xxxx and xxxx, at an hourly rate of \$16.11 be created and filled effective March 1, 2015, and be it further

RESOLVED, that the following budget modification be made:

**FROM:**

A.17.3150.000.71030.00	Part time	\$28,442.72
	(Position number 9857-\$14,112.36)	
	(Position number 9852-\$14,112.36)	
A.17.3150.000.78100.00	Retirement	2,634.00
A.17.3150.000.78200.00	FICA	2,160.00
A.17.3150.000.78300.00	Workers Compensation	1,016.00

**TO:**

A.17.3020.000.71030.00	Part time	\$28,442.72
	Position number xxxx-\$14,112.36)	
	Position number xxxx-\$14,112.36)	
A.17.3020.000.78100.00	Retirement	2,634.00
A.17.3020.000.78300.00	FICA	2,160.00
A.17.3020.000.78300.00	Workers Compensation	1,016.00

Moved by Updegrove, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

**Resolution No. IL-004-15**

From: Legislator Richard L. Andres & Economic Development Committee

Dated: February 17, 2015

**RESOLUTION IN SUPPORT OF FUNDING HOLIDAY BEAUTIFICATION PROJECT  
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, small businesses are the backbone of the economy and the success of Niagara County, and

WHEREAS, the City of North Tonawanda did embark on a holiday beautification project in preparation of its annual Winter Walk which promotes the holiday season throughout the downtown business district, and

WHEREAS, the beautification project and planned events encourage thousands of people to visit the downtown North Tonawanda area, which increases foot traffic to the local businesses and restaurants and bring in greater sales tax revenue, now, therefore, be it

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

City of North Tonawanda	\$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
------------------------	---------------------------------------------	------------

**INCREASE APPROPRIATIONS:**

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$1,500.00
------------------------	-------------------------------------------	------------

Moved by Andres, seconded by Bradt.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

**Resolution No. IL-005-15**

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

Dated: February 17, 2015

**RESOLUTION IN SUPPORT OF FUNDING THE COATS FOR KIDS CAMPAIGN  
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 Coats for Kids Campaign started by Reverend Doctor A.W. Moldenhauer of St. Matthew's Lutheran Church and has served thousands of underprivileged kids by providing them with winter coats and shoes to keep them warm and dry during the winter season, and



WHEREAS, the campaign also provides food to those in need during the holiday season, and

WHEREAS, the food, shoes and coats for the drive are all purchased locally from businesses in North Tonawanda, and

WHEREAS, this collaborative effort is a testament to the good men and women of the Police and Fire Department of North Tonawanda and members of the community who are working to meet the needs of the neediest among us, now, therefore, be it

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

North Tonawanda Police Benevolent Association	\$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	\$500.00
------------------------	---------------------------------------------	----------

**INCREASE APPROPRIATION:**

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$500.00
------------------------	-------------------------------------------	----------

Moved by Andres, seconded by Bradt.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

**Resolution No. IL-006-15**

From: Legislator Randy R. Bradt & Economic Development Committee

Dated: February 17, 2015

**RESOLUTION IN SUPPORT OF FUNDING SPORT FISHING PROMOTION  
THROUGH THE USE OF CASINO FUNDS**

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

WHEREAS, Niagara County is always looking for ways to increase the tourism industry throughout the county, and

WHEREAS, sport fishing is a large tourist draw in Niagara County as evident by the numerous derbies and tournaments which take place annually throughout the county, and

WHEREAS, these sport fishing events benefit hotels, restaurants and retail businesses throughout Niagara County and provide substantial sales tax revenue, and

WHEREAS, the economies of New York State and Niagara County are heavily reliant upon Lake Ontario, Lake Erie, the Niagara River waterway, and the Tonawanda Creek, and

WHEREAS, the economic impact of sport fishing on those counties bordering Lake Ontario alone is in the tens of millions of dollars annually, and

WHEREAS, the Niagara Tourism and Convention Corporation is tasked with promoting sport fishing throughout the County of Niagara, now, therefore, be it

RESOLVED, that Niagara County is desirous of promoting economic initiatives, especially as a partner that will bring returns such as sales tax revenues to our citizens as well as visitors, and be it further

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

NTCC – Sport Fishing	\$5,500.00
----------------------	------------

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	\$5,500.00
------------------------	---------------------------------------------	------------

**INCREASE APPROPRIATIONS:**

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$5,500.00
------------------------	-------------------------------------------	------------

Moved by Bradt, seconded by Lance.

Adopted. 11 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill, 1 Abstain – Syracuse

**Resolution No. IL-007-15**

From: Legislators Wm. Keith McNall, Richard E. Updegrave, Anthony J. Nemi, Randy R. Bradt, Kathryn L. Lance, Richard L. Andres & Economic Development Committee

Dated: February 17, 2015

**RESOLUTION IN SUPPORT OF YWCA OF NIAGARA  
THROUGH THE USE OF CASINO FUNDS**

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

WHEREAS, the YWCA of Niagara did, in 2005, establish Carolyn's House, a 19-unit apartment building with three-, two-, and one-bedroom and studio apartments for low-income women and their children, and provides support programs that address poverty reduction and improve the potential of economic self-sufficiency, and

WHEREAS, Carolyn's House is unique in that it provides on-site support services designed to transition homeless and low income women to independence through extensive case management and counseling, vocational culinary training, employment preparation programs promoting occupations with a living wage, remedial education and GED, financial literacy, parenting and health and wellness programs, and

WHEREAS, 2015 does mark the 10<sup>th</sup> anniversary of the Carolyn's House initiative, and

WHEREAS, in a decade of operation, Carolyn's House has provided 127 women and 196 children with support services in a safe and secure environment, with more than 75% having moved on to independent living, and has seen a substantial proportion of Carolyn's House residents succeed in obtaining work in the food service industry, and

WHEREAS, this Legislature does endorse, as essential to economic development, those non-governmental services that successfully transition individuals to fuller participation in the economy and a self-sufficient lifestyle, and

WHEREAS, the YWCA of Niagara has demonstrated a commitment to moving people beyond government services and into successful self-reliance, now, therefore, be it

RESOLVED, that Niagara County believes a financial commitment to the ongoing mission of the YWCA of Niagara is of value to the public at large, and be it further

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

YWCA of Niagara	\$10,000.00
-----------------	-------------

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	\$10,000.00
--------------------------------------------------------------------	-------------

INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund	\$10,000.00
------------------------------------------------------------------	-------------

Moved by McNall, seconded by Nemi.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

**Resolution No. IL-008-15**

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

Dated: February 17, 2015

**RESOLUTION IN SUPPORT OF FUNDING NORTH TONAWANDA ATHLETIC  
ASSOCIATION SAFETY AND TRAINING EQUIPMENT PROVISION THROUGH THE USE  
OF CASINO FUNDS**

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

WHEREAS, “quality of life” is a critical component of economic development strategy, with “Area Development” magazine noting in a January 2009 article that “While companies seldom base their site-selection decisions solely on quality-of-life issues - housing, schools, healthcare, amenities, crime - these factors do play an increasingly important role in this decision-making process, especially for those dependent on the talents of highly educated workers,” and

WHEREAS, Niagara County supports those activities designed to enhance quality of life for residents as a critical facet in convincing businesses to locate high-wage jobs in this county, and deems a “family-friendly” environment essential to the economic development of the Western New York region, and

WHEREAS, youth athletics have long been a critical part of the appeal of municipalities in this county as “bedroom communities” for the local workforce, and



WHEREAS, North Tonawanda Athletic Association youth football and cheerleading has long provided youth athletics for boys and girls ages 6 to 13, encouraging physical fitness, competition, and respect for rules and authority, and providing a positive outlet for energetic youth, with competition throughout Niagara County and northern Erie County, and

WHEREAS, adequate safety and training equipment is essential to the management of youth athletics and to lower liabilities, now, therefore, be it

RESOLVED, that Niagara County supports youth athletics and specifically wishes to see North Tonawanda Athletic Association sports continue to provide a positive outlet for youth that enhances quality of life in the Western New York region, and be it further

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

NTAA Youth Athletics	\$5,000.00
----------------------	------------

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	\$5,000.00
--------------------------------------------------------------------	------------

**INCREASE APPROPRIATIONS:**

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund	\$5,000.00
------------------------------------------------------------------	------------

Moved by Bradt, seconded by Andres.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

**Resolution No. IL-011-15**

From: Legislators Anthony J. Nemi, Richard E. Updegrave, Wm. Keith McNall & Economic Development Committee

Dated: February 17, 2015

**RESOLUTION IN SUPPORT OF FUNDING LOCKPORT IN BLOOM  
THROUGH THE USE OF CASINO FUNDING**

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

WHEREAS, Lockport in Bloom is a not-for-profit organization, chartered in 2005, that promotes the beautification of Lockport by encouraging residents to share with others their beautiful and creative gardens, and

WHEREAS, by encouraging neighborhood beautification, Lockport in Bloom helps promote community pride by bringing people to the area to view the many beautiful gardens, and

WHEREAS, through their annual Garden Festival, Lockport in Bloom brings thousands of visitors to the City of Lockport to view the 40 plus gardens that are put on display every summer, and

WHEREAS, local businesses and restaurants benefit greatly from the increase in foot traffic that Lockport in Bloom generates throughout the City of Lockport, and

WHEREAS, Niagara County is interested in supporting efforts that generate increased revenue for businesses and create a sense of pride throughout the community, now, therefore, be it

RESOLVED, that Niagara County supports Lockport in Bloom as follows:

Lockport in Bloom	\$3,000.00
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	\$3,000.00
------------------------	---------------------------------------------	------------

**INCREASE APPROPRIATIONS:**

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

Moved by Nemi, seconded by Updegrave.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

**Resolution No. IL-012-15**

From: Legislator Clyde L. Burmaster & Economic Development Committee

Dated: February 17, 2015

**IN SUPPORT OF THE OLD FORT NIAGARA ARTILLERY BATTERY  
RESTORATION PROJECT THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the War of 1812 Bicentennial offered a compelling opportunity for our area to shine while the eyes of the nation were upon us, and

WHEREAS, the war between the United States and Britain was one of the most important historical and cultural events in American history, and the center of the conflict occurred right here in Niagara County with over half of the casualties of the entire war inflicted within a 30 mile radius of Niagara Falls, and

WHEREAS, last year a commemoration of the significant part played by locals in the War of 1812 and of the great sacrifice of life at Old Fort Niagara brought thousands of visitors to the Fort, and

WHEREAS, the historical significance of Old Fort Niagara, the oldest continuously occupied fortress east of the Mississippi and verifies the importance to our local economy as well, and

WHEREAS, Old Fort Niagara is operated and maintained by a private, not-for-profit organization, and

WHEREAS, the Fort is in need of \$5,000.00 to restore currently unsightly and unserviceable cannon carriages that are always desirable attractions and important to the preservation of the Fort, now, therefore, be it

RESOLVED, that the Niagara County Legislature wishes to support the Fort's mission in recognition of the sacrifices made that make this great country free, and be it further

RESOLVED, that the sum of \$5,000.00 be allotted to the Old Fort Niagara 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	\$5,000.00
------------------------	---------------------------------------------	------------

INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$5,000.00
------------------------	-------------------------------------------	------------

Moved by Ross, seconded by Andres.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

**Resolution No. IL-013-15**

From: Legislator Clyde L. Burmaster & Economic Development Committee

Dated: February 17, 2015

**IN SUPPORT OF ENHANCEMENTS TO THE TOWN OF PORTER PARK  
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, a few years ago the Town of Porter acquired a plot of land along beautiful Lake Ontario to preserve it for not only town residents, but for visitors for their enjoyment and access to the lake, and

WHEREAS, land along the lake is rapidly being purchased for private use and the Town of Porter is committed to provide this picnic and recreation area for all to use and enjoy for decades to come, and

WHEREAS, the park is in need of further improvements such as; shelters, grills and other amenities, now, therefore, be it

RESOLVED, that the sum of \$1,000.00 be allotted from casino funds awarded to the County of Niagara and allocated to the Town of Porter for future enhancements of the park, 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
------------------------	-------------------------------------------	------------

Moved by Ross, seconded by Syracuse.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

**Resolution No. IL-014-15**

From: Legislator Clyde L. Burmaster & Economic Development Committee

Dated: February 17, 2015



**IN SUPPORT OF THE HISTORICAL ASSOCIATION OF LEWISTON FOR THE  
FURTHERANCE OF THEIR QUEST TO PRESERVE & DEVELOP HISTORICAL  
ENDEAVORS**

WHEREAS, the Lewiston Historical Society has just completed a major effort to preserve the memory of local citizens to honor their sacrifices during the War of 1812, and

WHEREAS, through their very professional research, their portrayal of the poignant events of that most tragic time which required even such tragic sacrifice as loss of life they gave that we may enjoy the freedoms they provided, and

WHEREAS, the Lewiston Historical Association is to be thanked and commended for their respect for our ancestors and struggles which led to our freedom today, now, therefore, be it

RESOLVED, that the sum of \$1,000.00 be allotted from casino funds awarded to the County of Niagara and allocated to the Lewiston Historical Association to further its efforts in the preservation of our history, 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
------------------------	-------------------------------------------	------------

Moved by Ross, seconded by Andres.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

**Resolution No. IL-015-15**

From: Legislator Clyde L. Burmaster & Economic Development Committee

Dated: February 17, 2015

**IN SUPPORT OF FUNDING THE HISTORICAL PRESERVATION PROJECT AT THE  
RANSOMVILLE FREE LIBRARY FOR CREATION OF LOCAL HISTORY RETENTION  
AND DISPLAY THROUGH THE USE OF CASINO FUNDING**

WHEREAS, Our Niagara County is so very rich in history of this United States, and

WHEREAS, the Ransomville area played a large part in the earliest settlement of the county with its shoreline being very important to shipping trade from Europe and its favorable climate for farming, and

WHEREAS, some of the markers dating back to those earliest days are falling into disrepair due to lack of funds and as the caretakers of that history, it is our duty to preserve and protect that which has been entrusted to us, now, therefore, be it

RESOLVED, that the sum of \$1,000.00 be allotted from casino funds awarded to the County of Niagara and allocated to the Hamlet through its caretakers, the Town of Porter for the restoration and preservation of historical markers, 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

Moved by Syracuse, seconded by Lance.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

**Resolution No. IL-016-15**

From: Legislator Clyde L. Burmaster & Economic Development Committee

Dated: February 17, 2015

**IN SUPPORT OF THE PRESERVATION OF HISTORICAL ARTIFACTS IN  
THE HAMLET OF RANSOMVILLE THROUGH THE USE OF CASINO FUNDING**

WHEREAS, it is important to preserve the memory of sacrifices made that played significant roles in the establishment of this free and beautiful Niagara County, and

WHEREAS, the preservation of the historical markers defining our heritage is so important to the pride of the community and respect for our ancestors, and

WHEREAS, it is important that as the caretakers of the history and landmarks that we make our best effort to preserve and protect history for the benefits of all who follow, now, therefore, be it

RESOLVED, that the sum of \$1,000.00 be allotted from casino funds awarded to the County of Niagara and allocated to the Hamlet of Ransomville for the restoration and preservation of historical markers, 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

Moved by Syracuse, seconded by Andres.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

**Resolution No. IL-017-15**

From: Legislator Clyde L. Burmaster & Economic Development Committee

Dated: February 17, 2015

**IN SUPPORT OF PRESERVATION OF HISTORICAL ARTIFACTS IN THE VILLAGE OF  
YOUNGSTOWN THROUGH THE USE OF CASINO FUNDING**



WHEREAS, it is important to preserve the memory of sacrifices made that played a significant role in the establishment of this free and beautiful Niagara Frontier, and

WHEREAS, the significance of the past in this historic village became very evident this past year with the War of 1812 remembrances and its economic, as well as, historic impact by the thousands of visitors, and

WHEREAS, it is our duty as the caretakers of the history and landmarks that we do our best effort to preserve and protect history for the benefit of all who follow, now, therefore, be it

RESOLVED, that the sum of \$1,000.00 be allotted from casino funds awarded to the County of Niagara and allocated to the Village of Youngstown for the restoration and preservation of historical markers, 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
------------------------------------------------------------------	------------

Moved by Ross, seconded by Lance.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

**Resolution No. IL-018-15**

From: Legislators Anthony J. Nemi, Wm. Keith McNall, Richard E. Updegrove & Economic Development Committee

Dated: February 17, 2015

**RESOLUTION IN SUPPORT OF THE LOCKPORT COMMUNITY MARKET  
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, communities in Niagara County are always looking for ways to attract visitors whose monies are needed to sustain the economy, and

WHEREAS, the Lockport Community Market, located on Historic Canal Street, will be celebrating its 5<sup>th</sup> season in 2015, and

WHEREAS, the Lockport Community Market continues to grow year after year, with more than 40 vendors, farmers and crafters attracting visitors each week to the market from throughout Western New York, and

WHEREAS, the Lockport Community Market is a wonderful venue for local farmers to sell their fruits and vegetables and to educate the public about the benefits of buying locally grown produce, and

WHEREAS, the Lockport Community Market participates in the SNAP Food Stamps program and accepts Electronic Benefit Cards, providing city residents an opportunity to purchase fresh produce, meats, baked goods within walking distance of the residences of many market customers, and



WHEREAS, each week from July through September visitors to the market enjoy a variety of family friendly events including; yoga, music, and activities for the children, just to name a few, and

WHEREAS, in 2014, it is estimated that the Lockport Community Market brought an average that exceeded 500 people into the City of Lockport, with turnout peaking at approximate 800 during the season, which benefits many local shops, restaurants and businesses throughout the downtown area, and

WHEREAS, it is estimated that market attendees spent more than \$70,000 during the 2014 season, and the Lockport Community Market draws tourists and tourism-derived revenue, which benefits the region as a whole, now, therefore, be it

RESOLVED, that Niagara County is desirous of promoting economic initiatives, especially as a partner that will bring returns such as sales tax revenues to our citizens as well as visitors, and be it further

RESOLVED, that Niagara County would like to support the efforts of the Lockport Community Market to attract visitors through a contribution of \$5,000.00, 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	\$5,000.00
------------------------	---------------------------------------------	------------

**INCREASE APPROPRIATIONS:**

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$5,000.00
------------------------	-------------------------------------------	------------

Moved by Nemi, seconded by McNall.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

**Resolution No. IL-019-15**

From: Legislators William L. Ross & Richard E. Updegrove

Dated: February 17, 2015

**CALLING ON NEW YORK STATE TO PROVIDE NEEDED FUNDING  
TO THE NIAGARA FRONTIER TRANSPORTATION AUTHORITY**

WHEREAS, the Niagara Frontier Transportation Authority (NFTA) is the public transit and aviation service provider for the Buffalo Niagara region, and

WHEREAS, the NFTA provides over 30 million rides on public transit each year, supports close to 100 non-stop flights per day, employs 1,500 Western New Yorker's and provides transportation to and throughout the region for residents and tourists, and

WHEREAS, the public transit and aviation services provided by the NFTA enable Western New York's counties, cities, towns and villages to achieve the mobility and quality of life goals and objectives collectively embraced and adopted in local and regional comprehensive plans, and

WHEREAS, the NFTA is faced with a multi-million dollar deficit in the fiscal year set to begin on March 31, 2015 and increasing deficits in future fiscal years because New York State public transit operating and capital assistance has not been provided at a level that is required to meet the public transit needs of Western New York's municipalities, and

WHEREAS, a 2013 financial assessment of the NFTA by the federal government concluded that the “NFTA has managed its operations efficiently and effectively, but has been hampered by zero growth in the revenue sources used to provide operating assistance”, and

WHEREAS, New York State public transit operating assistance to Downstate systems has increased over 8.5 percent since 2008 while the NFTA’s state transit operating assistance has increased by only 2.5 percent over the same 6 year time period, and

WHEREAS, New York State public transit capital assistance is essential to the effective and efficient operation of the NFTA’s public transit assets and frequently been budgeted for the NFTA, but not released, and

WHEREAS, the NFTA does not have taxing ability and therefore is reliant upon user fees and federal, state and local operating and capital assistance to provide services, and

WHEREAS, additional New York State public transit operating and capital assistance is required to prevent further deterioration in the availability of public transit service that Western New Yorkers rely on to get to work, school or health care, now, therefore, be it

RESOLVED, that Niagara County relies on the public transit and aviation services provided by the NFTA to improve its economy and quality of life, and be it further

RESOLVED, that Niagara County calls on New York State to provide the additional capital and operating assistance necessary to prevent further negative impacts on public transit and aviation services that are critical to the economy of life in Western New York.

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

Carried.

Moved by Ross, seconded by Updegrave.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

#### **Resolution No. IL-020-15**

From: Legislator William L. Ross

Dated: February 17, 2015

### **SUPPORT FOR NIMAC THROUGH THE USE OF CASINO FUNDING**

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

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

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

NIMAC	Retention of Niagara Falls Air Reserve Station	\$5,000.00
-------	------------------------------------------------	------------

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	\$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-021-15**

From: Legislator William L. Ross

Dated: February 17, 2015

**SUPPORT FOR FUNDING FOR THE NIAGARA COUNTY  
BUILDERS ASSOCIATION THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Niagara County Builders Association is an economic engine in Niagara County in the construction of residential and commercial building, and

WHEREAS, the Niagara County Legislature realizes the economic importance of the building industry in the county, and

WHEREAS, the Niagara County Builders Association sponsors an Annual Home Show to display various builders' new homes which generates sales, now, therefore, be it

RESOLVED, Niagara County Casino Funds be used to help sponsor the publicity of the Home Show, and be it further

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

Niagara County Builders Association	Annual Home Show	\$2,000.00
-------------------------------------	------------------	------------

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	\$2,000.00
------------------------	---------------------------------------------	------------

INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$2,000.00
------------------------	-------------------------------------------	------------

Referred to Economic Development Committee.

**Resolution No. IL-022-15**

From: Legislator Jason A. Zona & Economic Development Committee

Dated: February 17, 2015

**IN SUPPORT OF THE TOWN OF NIAGARA BEAUTIFICATION COMMITTEE**

## **THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Town of Niagara Beautification Committee works to enhance the beauty of the Business District in the Town of Niagara, and

WHEREAS, each year, thousands attend the Niagara Electric Lights Holiday Parade held on the busiest business corridor in Niagara County, and

WHEREAS, each weekend the population of Town of Niagara doubles with the visitors to the shopping district, and

WHEREAS, the Town of Niagara Beautification Committee strives to make all residents and visitors alike to Town of Niagara and Niagara County a pleasant, welcoming experience, and

WHEREAS, the Town of Niagara Beautification Committee has been decorating Military Road for over 15 years with holiday decorations and improving each year, and

WHEREAS, the Town of Niagara Beautification is need of replacing old fixtures, enhancing existing fixtures and purchasing additional decorations to enhance the beauty of Town of Niagara for the holidays, now, therefore, be it

RESOLVED, that the Niagara County Legislature wishes to support the Town of Niagara Beautification Committee mission to beautify and enhance the business district in Niagara County through the use of casino revenues, and be it further

RESOLVED, that the sum of \$2500.00 be allotted to The Town of Niagara Beautification Committee for this continuous 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	\$2,500.00
------------------------	---------------------------------------------	------------

### **INCREASE APPROPRIATIONS:**

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$2,500.00
------------------------	-------------------------------------------	------------

Moved by Zona, seconded by Grozio.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

### **Resolution No. IL-023-15**

From: Legislators Richard L. Andres, Randy R. Bradt, Kathryn L. Lance & Economic Development Committee

Dated: February 17, 2015

## **RESOLUTION IN SUPPORT OF FUNDING THE CONTINUED DEVELOPMENT OF THE TONAWANDAS GATEWAY HARBOR PARK THROUGH THE USE OF CASINO FUNDING**

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



WHEREAS, the Tonawandas Gateway Harbor Inc. is a 501(C)3 not-for-profit corporation whose mission is to promote economic growth, tourism, recreation and cultural and historic heritage through the utilization of the Tonawandas Gateway Harbor Park, and

WHEREAS, numerous events are organized from the spring through fall season including the Wednesday Canal Concert Series, Annual Taste of the Tonawandas and Chocolate Festival, the Gateway Market Thursdays and Food Truck Thursdays, just to name a few, and

WHEREAS, the Tonawandas Gateway Harbor Inc. is interested in providing improved seating and activities for the visitors to Gateway Harbor Park, and

WHEREAS, through these improvements Gateway Harbor Park will continue to have an increase in the number of visitors and tourists frequenting Gateway Harbor during the boating season, and

WHEREAS, through improved amenities Gateway Harbor Park will continue to draw tens of thousands of visitors and tourists into the downtown North Tonawanda area, which will increase foot traffic to local businesses and restaurants and bring in greater sale tax revenue, now, therefore, be it

RESOLVED, that Niagara County supports the improved amenities of the Tonawandas Gateway Harbor Park as follows:

Tonawandas Gateway Harbor, Inc.	\$3,900.00
---------------------------------	------------

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	\$3,900.00
------------------------	---------------------------------------------	------------

INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$3,900.00
------------------------	-------------------------------------------	------------

Moved by Andres, seconded by Lance.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

**Resolution No. IL-024-15**

From: Legislators Richard E. Updegrove & Economic Development Committee

Dated: February 17, 2015

**RESOLUTION IN SUPPORT OF FUNDING A MARKETING INITIATIVE TO ATTRACT INDUSTRIAL MANUFACTURING COMPANIES THROUGH THE USE OF CASINO FUNDS**

WHEREAS, Niagara County is in receipt of funds generated from the Seneca Niagara Casino, as per New York State Finance Law § 99-h, Subdivision 3(a), and

WHEREAS, the Niagara County Legislature identified economic development as an optimal use for these funds, per provisions of Resolution B-03-14, which directed that those casino funds not appropriated to the various municipal governments of Niagara County would be placed in Niagara County Community Development Fund 1, which would be disbursed upon the advice of the Economic Development Committee and a majority vote of said Legislature, and

WHEREAS, the Niagara County Legislature fully supports marketing initiatives that will result in the attraction of new investment and job creation, and

WHEREAS, the Niagara County Legislature promotes Niagara County through its unique strengths which can be leveraged to lure companies to our region, and

WHEREAS, the National Oceanographic and Atmospheric Administration identifies several key regions, many of which serve as homes to industries in growth sectors of the U.S. economy, most notably the high-tech sector, as experiencing a “persistent or intensifying drought” according to the seasonal projection for the period January 15 to April 30, 2015, with notable droughts persisting in northern California, Oregon, and Washington, as well as Central Texas, and with persistent droughts in the Memphis Metropolitan Statistical Area and Little Rock Metropolitan Statistical Area projected as likely to expand throughout western Tennessee, northeast Arkansas, southeastern Missouri, and southern Illinois, and

WHEREAS, in the State of Georgia, issues of access to water in the Tennessee River watershed, Savannah River watershed, and the Apalachicola-Chattahoochee-Flint River Basin has resulted in legal disputes with the neighboring states of South Carolina, Tennessee, Alabama, and Florida, stretching back as far as 1990, and with the State of Georgia having experienced widespread drought as recently as 2012 is problematic for Georgia’s industry and residents, and

WHEREAS, the Niagara County Legislatures Economic Development Committee has directed that our overabundance of fresh water be marketed to industry located in drought-stricken areas across the nation to attract further local and regional private investment, and

WHEREAS, the Niagara County Legislature’s Economic Development Committee views this marketing initiative as a strategic and targeted use of Casino Funds that will result in job creation for our community, now, therefore, be it

RESOLVED, that Niagara County Legislature supports the directive of the Economic Development Committee, 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	\$13,000.00
------------------------	---------------------------------------------	-------------

**INCREASE APPROPRIATIONS:**

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$13,000.00
------------------------	-------------------------------------------	-------------

Moved by Updegrove, seconded by Lance.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

**Resolution No. IL-025-15**

From: Legislators Richard E. Updegrove, John Syracuse, et al.

Dated: February 17, 2015

**RESOLUTION CALLING ON GOVERNOR CUOMO AND THE NEW YORK STATE**



**LEGISLATURE TO ENACT LEGISLATION PROVIDING AN "OPT-OUT" OPTION  
ALLOWING COUNTY GOVERNMENTS TO ELECT TO NOT PROVIDE MEDICAID  
SERVICES NOT MANDATED BY THE FEDERAL GOVERNMENT**

WHEREAS, the 2015 Niagara County budget included \$45.2 million in projected expenditures for Medicaid, which may be quantified as 60% of the County's property tax levy of \$74.9 million, and

WHEREAS, the State of New York provides the most wide-ranging and expensive Medicaid program in the United States of America, and provides all federally-mandated services, as well as all but two optional services not mandated by the federal government, and

WHEREAS, the 2015-2016 New York State Executive Budget anticipates spending in excess of \$62 billion this year on Medicaid, while the entire state budget is projected at \$141.6 billion, and

WHEREAS, the various counties of the State of New York are projected to \$8.5 billion in additional Medicaid payments in 2015, and

WHEREAS, the cost of Medicaid in New York State has increased by 19% since 2011, and

WHEREAS, such costs have precipitated a situation in which New York, with a population of 19.7 million, exceeds the Medicaid expenditures of California, with a population of 38.3 million, and

WHEREAS, the Honorable Andrew M. Cuomo, Governor of the State of New York did initiate, upon taking office, a Medicaid Redesign Team, charged with revamping this costly program, and

WHEREAS, the Honorable Brian Kolb, Assembly Minority Leader, Member of the Assembly Jane L. Corwin of the 144<sup>th</sup> Assembly District, and Member of the Assembly John D. Ceretto of the 145<sup>th</sup> Assembly District did, on January 29, 2015, submit Assembly Bill A.4072, which would establish a mechanism allowing the counties of New York State to opt out of those costly non-federally-mandated services currently mandated by the State of New York for new enrollees, and

WHEREAS, the Legislature of the County of Niagara does fully endorse A.4072, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby petition the New York State Legislature to impose and Governor Andrew M. Cuomo to sign into law, such revisions to the New York State Medicaid program that shall allow the various counties of the State of New York to opt out of non-federally-mandated services as are specified in A.4072, 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 and Majority Leader Dean G. Skelos; 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 Heastie; U.S. Representative Chris Collins and all others deemed necessary and proper.

Moved by Updegrave, 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 Updegrave, seconded by Syracuse.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

Legislator Lance was not present for voting on the following resolutions.



**Resolution No. IL-026-15**

From: Legislators Richard E. Updegrove, Anthony J. Nemi, et al.

Dated: February 17, 2015

**RESOLUTION CALLING ON GOVERNOR CUOMO AND THE NEW YORK STATE  
LEGISLATURE TO ENACT LEGISLATION IMPOSING A RESIDENCY  
REQUIREMENT FOR MEDICAID BENEFITS**

WHEREAS, the 2015 Niagara County budget included \$45.2 million in projected expenditures for Medicaid, which may be quantified as 60% of the County's property tax levy of \$74.9 million, and

WHEREAS, the State of New York does not require residency in either the State or any county in which an individual seeks Medicaid coverage, and

WHEREAS, data shows that in a recent year, approximately 7% of eligible applicants for Medicaid in Niagara County were not county residents, with approximately 2% of applicants being non-New York State residents, and

WHEREAS, the Niagara County Legislature unanimously enacted, on January 21, 1992, a resolution demanding that New York State take such actions as necessary to impose residency requirements and refusing to provide such benefits for non-residents, and

WHEREAS, the Niagara County Legislature unanimously enacted, on February 1, 2011, a resolution asking Governor Andrew M. Cuomo and the New York State Legislature to impose residency requirements for Medicaid eligibility and refusing to provide such benefits for non-residents, and

WHEREAS, legislation including Assembly Bill A.3663, introduced by the Honorable David DiPietro of the 147<sup>th</sup> Assembly District and the Honorable John D. Ceretto of the 145<sup>th</sup> Assembly District setting a one-year residency requirement for Medicaid, and Senate Bill S.1814 of 2011, introduced by the Honorable Michael H. Ranzenhofer of the 61<sup>st</sup> Senate District, which established a 90-day residency requirement, both accomplish this goal, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby petition the New York State Legislature to impose and Governor Andrew M. Cuomo to sign into law, county, state, and national residency requirements for said Medicaid programs, through enactment of A.3663 or the reintroduction and enactment of S.1814 of 2011, or similar legislation, 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 and Majority Leader Dean G. Skelos; 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 Heastie; U.S. Representative Chris Collins and all others deemed necessary and proper.

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

Carried.

Moved by Updegrove, seconded by Nemi.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Burmaster, Godfrey, Hill & Lance

**Resolution No. IL-027-15**

From: Legislators Richard E. Updegrove, Randy R. Bradt, et al.  
Dated: February 17, 2015

**RESOLUTION CALLING ON THE GOVERNOR AND LEGISLATURE OF THE STATE TO  
IMPLEMENT A FULL TAKEOVER OF ALL LOCAL COSTS OF THE MEDICAID PROGRAM  
IN ORDER TO REDUCE NEW YORK'S HIGHEST IN THE NATION LOCAL TAX BURDEN  
AS SET FORTH IN SENATE BILL S.429A**

WHEREAS, Medicaid is a federal and state health care program, which costs more than \$62 billion annually, and

WHEREAS, Medicaid is the largest state mandate imposed on counties causing the vast majority of local taxes, which now exceeds \$8.5 billion annually statewide, and

WHEREAS, Medicaid financing at the local level forced increases in property taxes for decades, along with a decline in the number and comprehensiveness of local services, and

WHEREAS, the 2015 Niagara County budget included \$45.2 million in projected expenditures for Medicaid, which may be quantified as 60% of the County's property tax levy of \$74.9 million, and

WHEREAS, the 2015-2016 Executive Budget continues the expansion of Medicaid as a component of the so-called Affordable Care Act, and

WHEREAS, New York's Medicaid program and all public health spending must be reevaluated in the context of the numerous federal and state program reforms with a focus on a modern, patient-driven system that ensures public integrity, improves patient outcomes, and places it on a fiscally sustainable path, and

WHEREAS, legislation proposed by the Honorable Patrick Gallivan of Erie County would provide for the state takeover of the local share of Medicaid costs, a reform this Legislature fully endorses, now, therefore, be it

RESOLVED, that the Niagara County Legislature urges the Governor and State Legislature to freeze the local share of Medicaid and implement a gradual state takeover of all local government Medicaid costs, as set forth in Senate Bill S.429A, and be it further

RESOLVED, that by taking such action, this will lead to significant property tax and budget relief for all counties and New York City and lower tax burdens for property taxpayers across the State, vastly improving the State's economic competitiveness, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Andrew M. Cuomo; Senator Robert G. Ort; Senate Temporary President and Majority Leader Dean G. Skelos; Senator Patrick Gallivan; 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 Schimming; Speaker of the Assembly Carl Heastie; U.S. Representative Chris Collins and all others deemed necessary and proper.

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

Carried.

Moved by Updegrove, seconded by Bradt.



Adopted. 11 Ayes, 0 Noes, 4 Absent – Burmaster, Godfrey, Hill & Lance

**Resolution No. IL-028-15**

From: Legislator Randy R. Bradt

Dated: February 17, 2015

**RESOLUTION DIRECTING MEMBERS OF THE NIAGARA COUNTY  
INDUSTRIAL DEVELOPMENT AGENCY BOARD OF DIRECTORS TO FILE FINANCIAL  
DISCLOSURE FORMS PURSUANT TO PUBLIC OFFICER'S LAW 87(2) (b) and (g)**

WHEREAS, New York State Public Officers Law, Article 6, outlines the state's Freedom of Information Laws as they pertain to public officials and agencies, and

WHEREAS, the law states that "the people's right to know the process of governmental decision-making and to review the documents and statistics leading to determinations is basic to our society", and

WHEREAS, each member of this body willingly fulfills his responsibility to file annual financial disclosure forms with the Niagara County Board of Ethics as required by New York State, and

WHEREAS, it is the belief of this body that it is in the best interests of the people of Niagara County for all county agencies to be as transparent to the public as possible, and

WHEREAS, there has been public discourse on the interpretation of Freedom of Information Laws as they apply to the requiring of members of an Industrial Development Agency's Board of Directors to file the aforementioned financial disclosure forms, and

WHEREAS, it is the belief of this body that New York State Public Officers Law, Article 6 would indeed to apply to members of the Niagara County Industrial Development Agency Board of Directors, and

WHEREAS, members of this body have spoken to members of the Niagara County Industrial Development Agency leadership team, and they concur that filing of the financial disclosure forms by the Board is in the best interest of the agency and the public, now, therefore, be it

RESOLVED, effective April 1, 2015, that the Niagara County Legislature does hereby formally request members of the Niagara County Industrial Development Agency Board of Directors to complete and file the aforementioned financial disclosure forms.

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

Carried.

Moved by Bradt, seconded by McNall.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Burmaster, Godfrey, Hill & Lance

**Resolution No. IL-029-15**

From: Legislators Anthony J. Nemi & Randy R. Bradt

Dated: February 17, 2015

**RESOLUTION TO DISTRIBUTE 2014 CASINO REVENUE  
TO THE TOWN OF NIAGARA**



WHEREAS, a Seneca Nation gambling casino governed by the Tribal-State Class III Gaming Compact and disbursing monies according to provisions of § 99-h Subdivision 3-a 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 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 New York State Finance Law § 99-h, 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 § 99-h Subdivision 3, 25% of revenues arising from the Seneca Niagara Casino are disbursed to the City of Niagara Falls, and

WHEREAS, per the provisions of New York State Finance Law § 99-h 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 § 99-h] 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 [§ 99-h]. 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 § 99-h]", and

WHEREAS, per § 99-h 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 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 Office of Niagara County Treasurer 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 § 99-h 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% of said monies being deposited in Niagara County Tax Relief Fund, with these percentages of distribution remaining in force until December 31, 2015, and

WHEREAS, in December of 2014, this body did vote on a resolution creating both the Niagara County Community Development Fund and the Niagara County Tax Relief Fund, and

WHEREAS, this resolution was passed by this body by a vote of 11-4, with Legislators Zona, Virtuoso, Steed, and Grozio voting in the negative for the legislation, and

WHEREAS, Niagara County has received \$698,221.14 for the year 2014 and 2015 to date, and will distribute the funds to the respective municipalities per the aforementioned formula, despite the opposition from Niagara County Legislator Jason Zona, et al, and



WHEREAS, the Town of Niagara is appropriated \$26,385.48 for the 2014 year based on the municipality's population, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby approve the disbursement of \$26,385.48 to the Town of Niagara for their planning and budgeting purposes.

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

Carried.

Moved by Nemi, seconded by Bradt.

Adopted. 8 Ayes, 3 Noes – Grozio, Steed, Virtuoso, 4 Absent – Burmaster, Godfrey, Hill & Lance

**Resolution No. IL-030-15 was withdrawn.**

**Resolution No. IL-031-15**

From: Legislators Richard E. Updegrove, Michael A. Hill, et al.

Dated: February 17, 2015

**RESOLUTION CALLING ON GOVERNOR CUOMO AND THE NEW YORK STATE  
LEGISLATURE TO ENACT LEGISLATION IMPOSING A RESIDENCY  
REQUIREMENT FOR PUBLIC ASSISTANCE BENEFITS**

WHEREAS, Temporary Assistance for Needy Families, or TANF, is a federally-mandated program that provides assistance to indigent persons, but is limited by the federal government to five years of benefit payments, and

WHEREAS, Safety Net Assistance is a program mandated by the State of New York which provides benefits to those persons who are no longer eligible for TANF benefits, including those that have exhausted the 60-month limit on said federal benefits and continue to not move into gainful employment, and

WHEREAS, the Safety Net is not a federally mandated program, but instead is mandated solely by the State of New York, and that is 71% funded at the county level, in addition to a small contribution from the state, and

WHEREAS, the caseload for this non-federally-mandated welfare program has increased by 51% since 2006 according to data providing by the Niagara County Department of Social Services, and

WHEREAS, the same time period has seen a 167% increase in local costs since 2006 for a state-mandated, but not federally-mandated, program, and

WHEREAS, per data provided by the Department of Social Services, 30% of local applicants for cash assistance under Safety Net in the four year period 2011 to 2014 are non-residents of Niagara County, with a substantial portion being non-New York residents and foreign nationals, and

WHEREAS, the Honorable Al Graf of the 5<sup>th</sup> Assembly District and the Honorable John D. Ceretto of the 145<sup>th</sup> Assembly District did introduce legislation, Assembly Bill A.2444, amending § 158 of Social Services Law and mandating a residency requirement for public assistance benefits, the goal of which this Legislature endorses, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby petition the New York State Legislature to impose and Governor Andrew M. Cuomo to sign into law, county, state, and national residency requirements for said public assistance programs, through enactment of A.2444, or similar legislation, 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 and Majority Leader Dean G. Skelos; 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 Heastie; U.S. Representative Chris Collins and all others deemed necessary and proper.

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

Carried.

Moved by Updegrove, seconded by Bradt.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Burmaster, Godfrey, Hill & Lance

**Resolution No. IL-032-15**

From: Legislators Richard E. Updegrove, Clyde L. Burmaster, et al.

Dated: February 17, 2015

**RESOLUTION CALLING UPON THE GOVERNOR AND NEW YORK STATE LEGISLATORS  
TO PROVIDE FULL FUNDING FOR THE STATE'S "SAFETY NET" WELFARE MANDATE  
TO COUNTIES OR TO REVERT TO PRE-2011 FUNDING PARTNERSHIP**

WHEREAS, Temporary Assistance for Needy Families, or TANF, is a federally-mandated welfare program that provides assistance to indigent persons, but is limited by the federal government to five years of benefit payments, and

WHEREAS Safety Net Assistance is a welfare program mandated by the State of New York which provides benefits to those persons who are no longer eligible for TANF benefits, including those that have exhausted the 60-month limit on said federal benefits and continue to not move into gainful employment, and

WHEREAS, the Safety Net is not a federally mandated program, but instead is mandated solely by the State of New York, and

WHEREAS, the caseload for this non-federally-mandated welfare program has increased by 51% since 2006 according to data providing by the Niagara County Department of Social Services, and

WHEREAS, the State of New York has traditionally required county taxpayers to contribute 50% of the cost of said Safety Net welfare benefits, and

WHEREAS, the State of New York has unilaterally changed its contribution level to 29% beginning with the 2011 New York State Budget, and

WHEREAS, this has resulted in cumulative additional costs to Niagara County taxpayers of \$7.4 million since 2010, the last year of the 50%-50% cost-sharing was in effect, with the annual local cost as of 2013 at \$7.8 million and expected to continue increasing, and



WHEREAS, said increase has constituted a local 89% rise in costs to local taxpayers during the period since adoption of the 2011 State Budget, and

WHEREAS, the total local expenditure on the Safety Net welfare program has been \$26 million since the funding formula was revised in the 2011 budget, and

WHEREAS, current annual county expenditures on Safety Net constitute more than 10% of the local property tax levy, and

WHEREAS, due to New York State's property tax cap, the County of Niagara may be mandated to reduce essential services utilized by all county taxpayers to offset the increase in this unfunded, state-mandated welfare program, now, therefore, be it

RESOLVED, that the County of Niagara does request that the Governor and the State Legislature, in the 2015 budget, take over full funding for this state-mandated program, rather than passing the majority of costs off to municipalities, or, absent that, revert to the pre-2011 50%-50% cost-sharing arrangement, 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 and Majority Leader Dean G. Skelos; 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 Schimming; Speaker of the Assembly Carl Heastie; U.S. Representative Chris Collins and all others deemed necessary and proper.

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

Carried.

Moved by Updegrove, seconded by Nemi.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Burmaster, Godfrey, Hill & Lance

#### **Resolution No. IL-033-15**

From: Legislators Richard E. Updegrove, Wm Keith McNall, et al.

Dated: February 17, 2015

### **RESOLUTION CALLING UPON GOVERNOR CUOMO AND NEW YORK STATE LEGISLATORS TO OFFER COUNTIES THE OPTION OF PROVIDING OR OPTING OUT OF "SAFETY NET" WELFARE BENEFITS IN ADDITION TO FEDERALLY-MANDATED TANF PROGRAM**

WHEREAS, Temporary Assistance for Needy Families, or TANF, is a federally-mandated program that provides assistance to indigent persons, but is limited by the federal government to five years of benefit payments, and

WHEREAS, Safety Net Assistance is a program mandated by the State of New York which provides benefits to those persons who are no longer eligible for TANF benefits, including those that have exhausted the 60-month limit on said federal benefits and continue to not move into gainful employment, and

WHEREAS, the Safety Net is not a federally mandated program, but instead is mandated solely by the State of New York, and that is 71% funded at the county level, in addition to a small contribution from the state, and

WHEREAS, the caseload for this non-federally-mandated welfare program has increased by 51% since 2006 according to data providing by the Niagara County Department of Social Services, and

WHEREAS, the same time period has seen a 167% increase in local costs since 2006 for a state-mandated, but not federally-mandated, program, and

WHEREAS, current local expenditures on Safety Net constitute more than 10% of the local property tax levy, and

WHEREAS, due to New York State's property tax cap, the County of Niagara may be mandated to reduce essential services utilized by all county taxpayers to offset the increase in this unfunded mandate from the state, now, therefore, be it

RESOLVED, that the County of Niagara does request that the Governor and the State Legislature, in the 2015 budget, elect to offer local counties the option of whether to offer this program, which is not mandated by federal welfare statutes, and in light of the fact that the federally-mandated TANF program, which provides five years of support, already provides generous benefits and a long period of time for recipients to make such changes in their lives as shall be necessary to become self-sufficient, 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 and Majority Leader Dean G. Skelos; 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 Heastie; U.S. Representative Chris Collins and all others deemed necessary and proper.

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

Carried.

Moved by Updegrove, seconded by McNall.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Burmaster, Godfrey, Hill & Lance

#### **Resolution No. IL-034-15**

From: Legislators Clyde L. Burmaster, Wm Keith McNall, et al.

Dated: February 17, 2015

### **RESOLUTION SUPPORTING MAINTAINING A BUILDING TRADES COUNCIL WITHIN NIAGARA COUNTY AND URGING LABORERS IN MEMBER UNIONS TO FULLY CONSIDER THE RAMIFICATIONS OF JOINING A BUILDING TRADES COUNCIL BASED OUTSIDE NIAGARA COUNTY**

WHEREAS the Niagara County Building Trades Council serves as the Niagara County business agent for members of International Association of Heat and Frost Insulators and Allied Workers Local #4, International Brotherhood of Boilermakers Union Local #7, Bricklayers and Allied Craftworkers Local #3 NY, Empire State Regional Council of Carpenters Local #276, Cement Masons Local #111, Electrical Workers Local 237, International Union of Elevator Constructors Local #14, Ironworkers Local 9, Operating Engineers Local 17, IUPAT Painters District Council #4, Plasterers Local #9, U.A. Plumbers & Steamfitters Local #22, Road Sprinkler Fitters Local #669, Roofers Local #74, Sheet Metal Workers Local #71, and Teamsters Local #449, and



WHEREAS some voices have recently urged the dissolution of the Niagara County Building Trades Council and its absorption into the Buffalo Building Trades Council, and

WHEREAS the Mission State of the Niagara County Building Trades Council does state that "the mission of the Trades Council [is] to provide our members with the necessary professional education and training to better their skills and to maintain productive and safe working environments...The Trades Council is also dedicated to completing our projects on time and under budget, which is attained by fostering positive relationships between organized labor and management," goals which the Niagara County Legislature fully endorses, and

WHEREAS more than 90% of all state-approved construction training programs across New York are operated by Building Trades Unions and each of the 18-member unions of the Niagara County Building Trades offers apprentice and continued journeyman training to its members, many of whom are Niagara County residents, and

WHEREAS the Niagara County Building Trades Council has worked to mitigate worksite injuries by requiring members to complete OSHA-approved safety courses, providing a potential cost-savings to entities undertaking construction projects, and

WHEREAS the Niagara County Building Trades Council has been a strong advocate for the inclusion of "Lowest Responsible Bidder" requirements in construction bid specifications by government and large non-profit entities, thereby ameliorating cost overruns while positioning workers meeting the stringent safety and education criteria of the Niagara County Building Trades Council to win work on large construction projects, and

WHEREAS the presence of a Building Trades Council within Niagara County ensures an active local voice advocating for union labor within Niagara County and Western New York, and ensuring that Niagara County-based unionized companies and workers are well-positioned to competitively bid on major projects, and

WHEREAS the County of Niagara affirms the value of unionized county-based labor having adequate business management, now, therefore, be it

RESOLVED, that the County of Niagara does affirm the valuable role the Niagara County Building Trades Council plays in local labor negotiations and workforce development, and supports maintaining a Niagara County-based Building Trades Council, and be it further

RESOLVED, that the County of Niagara does urge laborers in the member unions of the Niagara County Building Trades Council to fully weigh the negative, as well as positive, ramifications of losing local business management to a business management entity in a major urban area with a significantly larger population and already representing entrenched interests with existing long-term relationships, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Mr. Clyde Johnston, Business Manager and President of the Niagara County Building Trades Council, Mr. Robert F. Hess, Business Agent for the International Association of Heat and Frost Insulators and Allied Workers Local #4, Mr. Joseph D. Brown, Business Manager for the International Brotherhood of Boilermakers Union Local #7, Mr. Eugene Caccamise, President of Bricklayers and Allied Craftworkers Local #3 NY, Mr. Peter Woodward, Niagara County Service Representative for the Empire State Regional Council of Carpenters Local #276, Mr. Anthony LoCurto, Business Manager for the Cement Masons Local #111,



Mr. Russ Quarantillo, President of the Electrical Workers Local 237, Mr. William Martens Jr., President of the International Union of Elevator Constructors Local #14, Mr. Thomas Pryce, President of the Ironworkers Local 9, Mr. Daniel M. Boody, Business Manager of the IUPAT Painters District Council #4, Mr. Paul Brown, Business Agent of the Plasterers Local #9, Mr. Michael W. McNally, Business Agent of the U.A. Plumbers & Steamfitters Local #22, Mr. John W. Hope, Business Agent of the Road Sprinkler Fitters Local #669, Mr. John J. Bernas, Business Manager of the Roofers Local #74, Mr. John Helak, Business Manager of the Sheet Metal Workers Local #71, Mr. George Harrigan, Principal Officer of the Teamsters Local #449, and all others deemed necessary and proper.

Approved for submission.

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

Carried.

Moved by McNall, seconded by Ross.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Burmaster, Godfrey, Hill & Lance

#### **Resolution No. PW-002-15**

From: Public Works & Administration Committees

Dated: February 17, 2015

### **LOCKPORT ROAD INTERSECTIONS RECONSTRUCTION PROJECT CONSULTANT AMENDMENT NO. 5**

WHEREAS, Resolution No. PW-079-08, dated July 22, 2008, awarded the contract for engineering services to Erdman Anthony, 8608 Main St., Buffalo, NY 14221, in the amount of \$857,715.00, and

WHEREAS, Resolution No. PW-099-10, dated October 5, 2010, amended the contract to allow for additional survey work to incorporate highway alignment for standard taper lengths, for a cost not to exceed \$18,082.00, for a revised contract of \$875,797.00, and

WHEREAS, Resolution No. PW-035-12, dated March 6, 2012, amended the contract to allow for archeological and architectural studies, as required by New York State Department of Transportation, in the amount of \$154,461.00, for a revised contract of \$1,030,258.00, and

WHEREAS, Resolution No. PW-025-13, dated February 19, 2013, authorized the extension of the contract to December 31, 2013, at no additional cost, and

WHEREAS, Resolution No. PW-088-13, dated October 15, 2013, amended the contract for right-of-way incidentals and acquisition phase, for a fee not to exceed \$29,925, for a revised contract of \$1,060,183.00, and extended the contract completion date to December 31, 2016, at no cost to the County, and

WHEREAS, it is necessary to amend the contract for construction administration and construction inspection services, for a fee not to exceed \$412,269, for a revised contract of \$1,472,452.00, 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 Amendment No. 5 to amend the contract for construction administration and construction inspection services, in the amount of \$412,269, for a revised contract amount of \$1,472,452.00, 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 Updegrove, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

**Resolution No. PW-003-15**

From: Public Works & Administration Committees

Dated: February 17, 2015

**YOUNGSTOWN ROAD BRIDGE REHABILITATION  
CONSULTANT AMENDMENT NO. 2**

WHEREAS, by Resolution No. PW-109-11, dated October 2, 2012, the Legislature selected C&S Engineers, 499 Eileen Collins Boulevard, Syracuse, NY 13212, in the amount of \$100,000, for assistance with design services for the Youngstown Road Bridge Rehabilitation Project, and

WHEREAS, by Resolution No. PW-097-13, dated December 3, 2013, amended the agreement to allow for final design services, in the amount of \$85,000, for a revised contract amount of \$185,000, and

WHEREAS, it is necessary to amend the agreement with C&S Engineers for construction administration and construction inspection services, for an amount not to exceed \$91,000, for a revised contract amount of \$276,000, 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, in the amount of \$91,000.00 for construction administration and construction inspection services, for a revised contract amount of \$276,000.00, to C & S Engineers, 499 Eileen Collins Boulevard, Syracuse, NY 13212, 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 Updegrove, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

**Resolution No. PW-004-15**

From: Public Works & Administration Committees

Dated: February 17, 2015

**FEIGLE ROAD RECONSTRUCTION PROJECT  
CONSULTANT AMENDMENT NO. 1**

WHEREAS, Resolution No. PW-124-11, dated November 1, 2011, authorized the contract for consultant services for the Feigle Road Reconstruction Project, to Clough Harbour Associates, LLP, 2200 Main Place Tower, Buffalo, NY 14202, for a fee not to exceed \$148,000, and

WHEREAS, it is necessary to amend the contract to allow for final design, construction administration and construction inspection services, for a fee not to exceed \$278,900, for a revised contract amount of \$426,900, and



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

RESOLVED, that the contract for consulting services be amended by \$278,900, for final design, construction administration and construction inspection services to Clough Harbour Associates LLP, 2200 Main Place Tower, Buffalo, NY 14202, for a fee not to exceed \$426,900.00, 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 Updegrove, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

**Resolution No. PW-005-15**

From: Public Works & Administration Committees

Dated: February 17, 2015

**CEDAR STREET BRIDGE REPLACEMENT PROJECT  
CONSULTANT AMENDMENT NO. 5**

WHEREAS, Resolution No. PW-109-07, dated October 2, 2007, selected Abate Engineering Associates, PC, 4455 Genesee Street, PO Box 400, Buffalo, NY 14225, for engineering services related to the Cedar Street Bridge Replacement Project, in the amount of \$384,502.00, and

WHEREAS, Resolution No. PW-083-09, dated June 2, 2009, approved Consultant Amendment No. 1, in the amount of \$288,606.00, for construction administration and inspection services, for a revised agreement amount of \$673,108.00, and

WHEREAS, Resolution No. PW-083-10, dated July 27, 2010, approved Consultant Amendment No. 2, in the amount of \$77,357.19, for additional construction administration and inspection services, for a revised agreement amount of \$750,465.19, and

WHEREAS, Resolution No. PW-082-11, dated July 26, 2011, approved Consultant Amendment No. 3, in the amount of \$68,056.74, for additional construction administration and inspection services required to comply with the ARRA guidelines and for 2<sup>nd</sup> shift inspection services, for a revised contract amount of \$818,521.93, and

WHEREAS, Resolution No. PW-024-13, dated February 19, 2013, approved Consultant Amendment No. 4, to extend the contract completion date to December 31, 2013, at no additional cost to the County, and

WHEREAS, it is necessary to approve Consultant Amendment No. 5 to decrease the contract in the amount of \$52,911.76, due to adjustments in contract quantities, 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 Consultant Amendment No. 5, to decrease the contract in the amount of \$52,911.76, for a revised contract price of \$765,610.17, 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. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

**Resolution No. PW-006-15**

From: Public Works & Administration Committees

Dated: February 17, 2015

**YOUNGSTOWN ROAD EMBANKMENT STABILIZATION  
PROJECT CONSULTANT AMENDMENT NO. 2**

WHEREAS, Resolution No. PW-075-13, dated August 6, 2013, selected GPI, 4950 Genesee St, Suite 165, Buffalo, NY 14225, to assist the County with the Youngstown Road Embankment Stabilization Project, for a price not to exceed, \$6,500, and

WHEREAS, Resolution No. PW-134-14, dated December 2, 2014, approved the increase to the contract for design services, in the amount of \$41,304, for a revised contract amount of \$47,804, and

WHEREAS, it is necessary to increase the contract to allow for a time extension to December 31, 2016, at no cost to the County, 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 consultant services contract to assist the County with the design services for the Youngstown Road Embankment Stabilization Project, be extended to December 31, 2016, at no cost to the County, to GPI, 4950 Genesee St, Suite 165, Buffalo, NY 14225, 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. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

**Resolution No. PW-007-15**

From: Public Works & Administration Committees

Dated: February 17, 2015

**CONSULTANT SERVICES FOR THE JAIL ROOF AND  
HVAC REPLACEMENT PROJECT CONSULTANT AMENDMENT NO. 1**

WHEREAS, Resolution No. PW-141-14, dated December 9, 2014, selected Foit-Albert Associates, 763 Main Street, Buffalo, NY 14203, to assist the County with the design for the replacement of the Jail Roof and HVAC replacement project on Building No. 2, for a fee not to exceed \$221,583, and

WHEREAS, the County wishes to have Foit-Alber Associates to include Building No. 1 in the HVAC replacement project for a fee not to exceed \$42,765, for a revised contract price of \$263,348, 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 consultant contract to assist the County with design services for the replacement of the Jail Roof and HVAC be amended by \$42,765 to allow for Building No. 1 HVAC to be included in the design phase of the project, for a fee not to exceed \$263,348 to Foit-Albert Associates, 763 Main Street, Buffalo, NY 14203, and be it further

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

Moved by Updegrove, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

**Resolution No. PW-008-15**

From: Public Works & Administration Committees

Dated: February 17, 2015

**COURT HOUSE HISTORICAL REPAIRS CONSULTANT AMENDMENT NO. 2**

WHEREAS, Resolution No. PW-084-14, dated June 17, 2014, authorized the contract for design services for the Court House Historical Corner Joint repairs to Bernier Carr & Associates, 327 Mullin St, Watertown, NY 13601, for a fee not to exceed \$12,000, and

WHEREAS, Resolution No. PW-102-14, dated August 5, 2014, amended the consultant agreement by an additional \$5,000, and

WHEREAS, an additional \$1,350 is required for an additional pre-bid meeting to be held, 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 consultant services to assist the County with design services for the Court House Historical corner joint repairs, be amended by \$1,350 to Bernier Carr & Associates, 327 Mullin St, Watertown, NY 13601, for a fee not to exceed \$18,350, 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 Updegrove, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

**Resolution No. PW-009-15**

From: Public Works Committee

Dated: February 17, 2015

**TOWN OF LOCKPORT TEMPORARY AND PERMANENT EASEMENT  
SOUTHEAST CORNER OF INTERSECTION OF TRANSIT ROAD  
AND ROBINSON ROAD WATERLINE PROJECT**

WHEREAS, the Town of Lockport is preparing to install a new waterline along Transit Road, and

WHEREAS, the installation of the new line will replace the aging line currently under Transit Road, and

WHEREAS, the subject property is currently owned by Niagara County, 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 Niagara County Legislature approves the Temporary and Permanent Easement to the Town of Lockport for the southeast corner of the intersection of Transit Road and Robinson Road property, and be it further

RESOLVED, following the Niagara County Attorney's review, the Chairman of the Niagara County Legislature is authorized to execute the temporary and permanent easement and any agreements that are necessary to implement these Easements.

Moved by Updegrave, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

**Resolution No. PW-010-15**

From: Public Works Committee

Dated: February 17, 2015

**AWARD STORMWATER CONSULTANT SERVICES**

WHEREAS, the Department of Public Works, in accordance with Federal/State guidelines, evaluated proposals from pre-qualified consulting engineering firms to assist the county with the implementation of the Phase II Stormwater Regulations, and

WHEREAS, funds are available in account D.15.5140.000.74650.08, Consultant Services, 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 consultant services to assist the County with the implementation of the Phase II Stormwater Regulations, be awarded to GHD Consulting Engineers, LLC, 200 John James Audubon Parkway, Suite 101, Amherst, NY 14228, for a contract amount of \$58,100, 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. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

**Resolution No. PW-011-15**

From: Public Works & Administration Committees

Dated: February 17, 2015

**REHABILITATION OF SETTLED BRIDGE APPROACHES, BRIDGE  
WEARING COURSE, STRUCTURAL SLAB, BACK WALL CAP AND JOINT FILLER  
REPLACEMENT CHANGE ORDER NO. 1 - FINAL**

WHEREAS, by Resolution No. PW-026-14, dated March 4, 2014, the Legislature awarded the contract for the rehabilitation of settled bridge approaches, bridge wearing course, structural slab, back wall cap and joint filler replacement, in the amount of \$333,917.93, and



WHEREAS, it is necessary to approve Change Order No. 1 – Final, in the amount of (\$5,593.68) due to adjustments in contract quantities, for a revised contract price of \$328,324.25, 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, in the amount of (\$5,593.68) due to adjustments in contract quantities be approved, for a revised contract amount of \$328,324.25, 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. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

**Resolution No. PW-012-15**

From: Public Works & Administration Committees

Dated: February 17, 2015

**DPW – HIGHWAY  
EXPENDITURE OF COUNTY ROAD FUND MONIES**

WHEREAS, the Commissioner of Public Works recommends the expenditure of County Road Fund monies for maintenance of roads under Section 129 of the Highway Law, as set forth on the attached form, in the sum of \$7,200,534 and

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

RESOLVED, that the attached recommendation of the commissioner of Public Works be approved and the sum of \$7,200,534 be appropriated from the County Road Fund for maintenance during the year 2015, 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. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

**Resolution No. PW-013-15**

From: Public Works Committee

Dated: February 17, 2015

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA  
AND THE OLCOTT LION'S CLUB**

WHEREAS, the Olcott Lions Club has requested that the County of Niagara grant them permission to use the north section of Krull Park on March 1, 2015 for the purpose of holding the annual charity event known as the Lion's Club Polar Swim for Sight, and

WHEREAS, this event has been successful for many years in attracting thousands of visitors from across Niagara County and Greater Western New York in order to raise money for Lion's Club sight and other charity programs, and

WHEREAS, The Lion's Club has also raised money through this event for improvements which benefit Krull Park, the surrounding community and Niagara County as a whole, and

WHEREAS, it is the wish of the Olcott Lion's Club to hold the Lion's Club Polar Bear Swim for Sight on March 1, 2015, and

WHEREAS, the event coordinator will provide all insurances required by the Risk Management Office, and agree to cover all extraordinary expenses associated with event, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Olcott Lion's Club, 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 terms and conditions of the agreement between the County of Niagara and the Olcott Lion's Club, as appears on the proposed agreement, is hereby approved in all respects, 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 Updegrove, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

**Resolution No. PW-014-15**

From: Public Works Committee

Dated: February 17, 2015

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND  
THE BOND LAKE ENVIRONMENTAL COMMITTEE  
INVASIVE SPECIES IDENTIFICATION AND MANAGEMENT SEMINAR**

WHEREAS, by Resolution IL-003-95 the Bond Lake Environmental Committee was established as an advisory board to assist in the planning of Bond Lake Park improvements and enhancing Bond Lake Park as an educational asset for the County of Niagara, and

WHEREAS, the Bond Lake Environmental Committee has been responsible for securing funds for major educational and conservational improvements at Bond Lake Park, and

WHEREAS, the Bond Lake Environmental Committee has promoted these improvements to increase the awareness and use of Bond Lake Park and its environmental assets through community awareness and educational events, and

WHEREAS, Bond Lake Environmental Committee has requested that the County of Niagara allow them to continue these educational events and grant them permission to use portions of Bond Lake Park and the Nature Center for the purpose of holding an Invasive Species Identification and Management seminar, and



WHEREAS, it is the wish of the Bond Lake Environmental Committee to hold the Invasive Species Identification and Management seminar on February 28, 2015, and

WHEREAS, the event coordinator will provide all insurances required by the Risk Management Office, and agree to cover all extraordinary expenses associated with event, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Bond Lake Environmental Committee, and

WHEREAS, prior to the execution of the license agreement between the County of Niagara and Bond Lake Environmental Committee, the County Attorney will review said Agreement for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that following the County Attorney's review, the Chair of the County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and Bond Lake Environmental Committee.

Moved by Updegrove, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Godfrey & Hill

**Resolution No. PW-015-15**

From: Public Works Committee

Dated: February 17, 2015

**AWARD CONSULTANT SERVICES FOR THE DESIGN, BID AND CONSTRUCTION SERVICES ASSOCIATED WITH THE REPLACEMENT OF THE FLEET GARAGE ROOF**

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with the design, bid and construction services associated with the replacement of the Fleet Garage Roof, 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 consultant services to assist the County with the design, bid and construction services for the Fleet Garage Roof, be awarded to Watts Architecture & Engineering, 95 Perry Street, Suite 300, Buffalo, NY 14203, for a fee not to exceed \$13,693, 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.

Approved for submission.

Moved by Syracuse, seconded by Bradt.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Burmaster, Godfrey, Hill & Lance

**Resolution No. IL-034-15 was read at this time. (Appears in numerical order)**

**Resolution No. PW-015-15 was read at this time. (Appears in numerical order)**

**APPOINTMENTS:**

	<u>Appt.</u>	<u>Expires</u>
<u>BOARD OF ETHICS</u>		
Mary Brennan-Taylor (Dem)	02/17/15	12/31/17



32 Cottage Street, Lockport 14094

FIRE ADVISORY BOARD

Gary Snyder (Fire Chief's Assoc., Miller Hose Fire Co.) (replaces Williams) 5984 Applewood Lane, PO Box 231, Newfane 14108	02/17/15	12/31/15
Bruce Mack (Chief, Frontier Fire Co.) (replaces Hunt) 2234 River Road, Niagara Falls 14304	02/17/15	12/31/15

FISHERIES BOARD

1. Frank Campbell 914 Morley Ave., Niagara Falls 14305	02/17/15	12/31/17
2. Matthew Yablonsky 965 Pletcher Road, Youngstown 14174	02/17/15	12/31/15
3. Brad Clark 2407 Harwood Drive, Wilson 14172	02/17/15	12/31/16
4. Vince Pierleoni 3526-1 Murphy Road, Newfane 14108	02/17/15	12/31/16
5. Tom Danaher PO Box 4, 9 Tannery St., Waterport 14571	02/17/15	12/31/16
6. Richard Conley 515 Locust Street M-2, Lockport 14094	02/17/15	12/31/16
7. Daniel Evans 3043 Maple Road, Newfane 14108	02/17/15	12/31/15
8. Paul Phillips 6246 Westwood Dr., Newfane 14108	02/17/15	12/31/15
9. Timothy Sylvester 43 N. Jesella Drive, North Tonawanda 14120	02/17/15	12/31/16
10. Robert Cinelli PO Box 1773, Olcott 14126	02/17/15	12/31/17
11. Connie Adams-Meesig 4786 Lower River Rd., Lewiston 14092	02/17/15	12/31/17
12. Wesley Walker 5780 W. Main St., Olcott 14126	02/17/15	12/31/17
13. Capt. Michael Johannes 3313 Ridge Rd., Ransomville 14131	02/17/15	12/31/17

SOIL & WATER CONSERVATION DISTRICT

1. Scott White (replaces Lang) (Grange at Large) 8596 Mountain Rd., Gasport 14067	02/17/15	12/31/17
2. Gerald Farnham (replaces Butski) (Community at Large) 4923 Saunders Settlement Rd., Lockport 14094	02/17/15	12/31/16

Moved by Updegrove, seconded by Virtuoso.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Burmaster, Godfrey, Hill & Lance

Legislator Bradt invited members of the North Tonawanda Athletic Association to the lectern. The members thanked the Legislators for their support of allotting casino funds to assist with the purchase of safety and training equipment of the students.


Niagara County Public Health Commissioner Dan Stapleton provided an update of the recent outbreak of measles across the country and in nearby Canada. He also touched on the current situation of the Ebola outbreak and also mentioned that the flu season is peaking and that it is not too late to get a flu shot.

Legislator Bradt announced that the next Facilities Space Utilization Ad Hoc Committee Meeting is scheduled for March 12<sup>th</sup> at 6:00 p.m.

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

The Chairman declared the Board adjourned at 9:25 p. m., subject to the call of the Clerk.

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

  
Mary Jo Tamburlin, Clerk