

OFFICIAL RECORD

Lockport, New York
February 20, 2018

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

A moment of silence was held for Marjory Stoneman Douglas High School.

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

CORRESPONDENCE:

Chairman McNall announced all annual financial disclosure forms due March 1st.

Chairman McNall announced there will be security procedures in effect for all subcommittee meetings held in the Chambers.

Chairman McNall Announced starting the April Meeting Department Heads will be giving the chance to announce what changes or updates being made in their departments.

Chairman McNall read a letter from David Watroba, who recently retired as Manager of Labor Relations expressing his gratitude on serving Niagara County for all these years.

Legislator Burmaster announced that the United States Army Corps. Of Engineers plan on removing radioactive material from the sites, a date is to be determined.

No citizens spoke at this time.

Recess.

Chairman McNall announced that resolution IF-011-18 was being removed from the preferred and being brought back to the floor at a later date.

Moved by Syracuse, seconded by Andres.

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

Carried.

Resolution No. AD-003-18

From: Administration Committee

Dated: February 20, 2018

REAL PROPERTY TAX CORRECTIONS/CANCELLATIONS NO. COE-2018A

WHEREAS, the Director of Real Property Tax Services has received applications for refunds and / or corrections applicable to various outstanding Niagara County tax liens, or has been made aware that unenforceable tax liens exist upon certain real property owned by the State of New York and / or the United States, and

WHEREAS, the Director has investigated the claimed erroneous assessments and / or unenforceable liens in accordance with sections 554, 556, and 558 of the New York State Real Property Tax Law, now therefore, be it

RESOLVED, that the applications and / or lien cancellations be approved and / or denied as set forth in the attached Exhibit No. COE-2018A which is made a part hereof, and subsequently be charged back to the applicable town, city, special district and school district within the County of Niagara.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. CS-001-18

From: Community Services and Administration Committees

Dated: February 20, 2018

APPOINTMENT – NIAGARA COUNTY YOUTH BUREAU DIRECTOR

WHEREAS, the Deputy Commissioner of Social Services has acted as Niagara County Youth Bureau Director since February 27, 2017, and,

WHEREAS, in accordance with New York State Regulations, Niagara County's youth population requires that a full-time Youth Bureau Director be appointed by the County Legislature, and,

WHEREAS, on September 7, 2011 the County Legislature merged the Youth Bureau under the Department of Social Services, and,

WHEREAS, following a review of the experience and qualifications of all applicants, and based upon interviews conducted by the Commissioner of Social Services and the Deputy Commissioner of Social Services, the County Manager is recommending that the County Legislature appoint Benjamin Bunker to the position of Youth Bureau Director, now, therefore, be it

RESOLVED, that Benjamin Bunker be appointed to the position of Director, Niagara County Youth Bureau at the FLSA Exempt Flat Salary Schedule, Job Group 9, Level 1, \$50,714 annual salary, effective March 12, 2018, position number 1337.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. CS-002-18

From: Community Services and Administration Committees

Dated: February 20, 2018

**COUNTY CLERK OFFICE CONTRACT AMENDMENT
MAP INDICES**

WHEREAS, the appropriate management of local government records is essential for efficient and effective government, and

WHEREAS, the County Clerk performs the duties prescribed by law as register and must provide all books, files, and other necessary equipment for the filing, recording and depositing of documents for indexing as directed by law, and

WHEREAS, the County has entered into a five year lease agreement with Info Quick Solutions, Inc. (IQS) to provide comprehensive and integrated indexing, recording, imaging, cash fee management and online public records access system services, and

WHEREAS, the County Clerk has determined that bound paper manual map indices ranging in date from 1800 to 2009 are in immediate need of conversion to electronic format and archival microfilm production, thereby improving records access and reducing further wear, tear and eventual loss of the paper indices, and

WHEREAS, IQS possesses the necessary skill and expertise to assist in this endeavor, now therefore, be it

RESOLVED, that Niagara County enter a contract addendum with Info Quick Solutions, Inc. commencing immediately to convert said paper bound indices into electronic and archival microfilm format in adherence to ANSI, AIIM, and LGRMIF standards, and be it further

RESOLVED, that such recreation of said indices will generate TIFF IV images of the index pages for programming into the Infodex system to enable the electronic search of the map indices, now therefore be it

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to execute the attached agreement, subject to the review by the County Manager and the approval of the County Attorney.

INCREASE REVENUE:

A.10.1410.000 40599.01 Appropriated Fund Bal-Committed Funds \$3,050.00

INCREASE APPROPRIATION:

A.10.1410.000 74550.25 Records Maintenance \$3,050.00

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. CS-003-18

From: Community Services and Administration Committees

Dated: February 20, 2018

**RECLASSIFY REGISTERED PROFESSIONAL NURSE (HEALTH) POSITION TO PUBLIC
HEALTH NURSE POSITION – 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, testing changes for the Sexually Transmitted Disease clinic justifies a higher level of skill and responsibility than the Registered Professional Nurse position currently assigned, and

WHEREAS, the department proposes reclassifying the Registered Professional Nurse position #616 to a Public Health Nurse position, and

WHEREAS, there will be no cost increase to the county as funds from the Registered Professional Nurse position will be transferred, and State Aid Performance Incentive funds will cover the balance, now, therefore, be it

RESOLVED, that Registered Professional Nurse(Health) position, Job Group X, position #616, salary \$45,511, be reclassified to Public Health Nurse position, Job Group 11, position number to be determined, salary \$48,087

effective February 25, 2018, and be it further

RESOLVED, the following budget modification be effectuated:

INCREASE REVENUE:

A.20.4189.401 43401.00 Public Health State Aid	\$2,588.00
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DECREASE APPROPRIATIONS:

A.20.4189.401 71010.00 Position #616	\$38,536.00
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INCREASE APPROPRIATIONS:

A.20.4189.401 71010.00 Position xxxx	\$40,717.00
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A.20.4189.401 78100.00 Retirement	\$ 203.00
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A.20.4189.401 78200.00 FICA	\$ 167.00
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A.20.4189.401 78300.00 Worker's Comp	\$ 37.00
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Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. CS-004-18

From: Community Services and Administration Committees

Dated: February 20, 2018

**BUDGET MODIFICATION –
ACCEPT STATE AID PERFORMANCE INCENTIVE FUNDS
DEPARTMENT OF HEALTH**

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

WHEREAS, the New York State Department of Health awarded the Public Health Nursing Division Article 6 Chronic Disease Performance Improvement funds to use on Article 6 mandated services, and

WHEREAS, the department wishes to accept these funds, now, therefore, be it

RESOLVED, the following budget modification be effectuated:

INCREASE REVENUE:

A.20.4189.401 43401.00 Public Health State Aid	\$ 28,917.00
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INCREASE APPROPRIATIONS:

A.20.4189.401 74375.01 Advertising & Promotion	\$ 8,800.00
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A.20.4189.401 74750.11 Med/Lab/Clinic Supplies	\$ 2,078.40
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A.20.4189.401 74800.17 Software	\$ 15,000.00
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A.20.4189.401 71050.00 Overtime	\$ 2,400.00
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A.20.4189.401 78100.00 Retirement	\$ 451.20
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A.20.4189.401 78200.00 FICA	\$ 155.00
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A.20.4189.401 78300.00 Worker's Comp	\$ 32.40
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Moved by Bradt, seconded by Virtuoso.
Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. CS-006-18

From: Community Services and Administration Committees
Dated: February 20, 2018

**BUDGET MODIFICATION – ACCEPT IMPACT 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 New York State Department of Health through the P2 collaborative of Western New York, a New York non-for-profit corporation, has awarded the Nursing Division IMPACT (Initiatives for Multi-Sector Public Action) funds to support the implementation of the National Diabetes Prevention Program, now, therefore, be it

RESOLVED, the following budget modification be effectuated:

INCREASE REVENUE:

A.20.4189.401 43489.06	Healthy Community Initiatives	\$ 4,724.52
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INCREASE APPROPRIATIONS:

A.20.4189.401 71050.00	Overtime	\$ 2,077.00
A.20.4189.401 74250.01	Office Supplies	\$ 300.00
A.20.4189.401 74250.03	Printing/duplicating	\$ 500.00
A.20.4189.401 74300.03	Travel/mileage	\$ 185.30
A.20.4189.401 74375.01	Advertising & Promotion	\$ 375.00
A.20.3189.401 74750.02	General Supplies	\$ 250.00
A.20.4189.401 74750.11	Med/Lab/Clinic Supplies	\$ 650.00
A.20.4189.401 78100.00	Retirement	\$ 193.02
A.20.4189.401 78200.00	FICA	\$ 158.89
A.20.4189.401 78300.00	Worker's Comp	\$ 35.31

Moved by Bradt, seconded by Virtuoso.
Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. CS-007-18

From: Community Services and Administration Committees
Dated: February 20, 2018

**BUDGET MODIFICATION – ACCEPT 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

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. CS-006-18

From: Community Services and Administration Committees

Dated: February 20, 2018

**BUDGET MODIFICATION – ACCEPT IMPACT 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 New York State Department of Health through the P2 collaborative of Western New York, a New York non-for-profit corporation, has awarded the Nursing Division IMPACT (Initiatives for Multi-Sector Public Action) funds to support the implementation of the National Diabetes Prevention Program, now, therefore, be it

RESOLVED, the following budget modification be effectuated:

INCREASE REVENUE:

A.20.4189.401 43489.06	Healthy Community Initiatives	\$ 4,724.52
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INCREASE APPROPRIATIONS:

A.20.4189.401 71050.00	Overtime	\$ 2,077.00
A.20.4189.401 74250.01	Office Supplies	\$ 300.00
A.20.4189.401 74250.03	Printing/duplicating	\$ 500.00
A.20.4189.401 74300.03	Travel/mileage	\$ 185.30
A.20.4189.401 74375.01	Advertising & Promotion	\$ 375.00
A.20.3189.401 74750.02	General Supplies	\$ 250.00
A.20.4189.401 74750.11	Med/Lab/Clinic Supplies	\$ 650.00
A.20.4189.401 78100.00	Retirement	\$ 193.02
A.20.4189.40178200.00	FICA	\$ 158.89
A.20.4189.401 78300.00	Worker's Comp	\$ 35.31

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. CS-007-18

From: Community Services and Administration Committees

Dated: February 20, 2018

**BUDGET MODIFICATION – ACCEPT 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 Quality & Technical Assistance Center of New York supported by the federal Balancing Incentives Program (CFDA# 93.778), has presented the Nursing Division funds in recognition of educating adult Medicaid recipients through the National Diabetes Prevention Program, now, therefore, be it

RESOLVED, the following budget modification be effectuated:

INCREASE REVENUE:

A.20.4189.401 44401.00	Public Health Federal Aid	\$ 1,880.00
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INCREASE APPROPRIATIONS:

A.20.4189.401 74500.02	Maintenance Service contracts	\$ 275.00
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A.20.4189.401 74600.03	Training and Education	\$ 1,605.00
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Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. CS-008-18

From: Community Services and Administration Committees

Dated: February 20, 2018

**BUDGET MODIFICATION – ACCEPT PUBLIC HEALTH ACTIVITIES AND SERVICES
TRACKING PROJECT FUNDS
ADMINISTRATION - DEPARTMENT OF HEALTH**

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

WHEREAS, the Niagara County Department of Health received additional funding from the Robert Wood Johnson Foundation to work in collaboration with other public health partners to develop a uniform chart of accounts, now, therefore, be it

RESOLVED, the following budget modification be effectuated:

INCREASE REVENUE:

A.20.4010.000 41689.01	Other Health Dept. Income Other agencies	\$ 7,500.00
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INCREASE APPROPRIATIONS:

A.20.4010.000 74250.01	Office Supplies	\$3,300.00
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A.20.4010.000 74300.01	Travel, Conference	\$2,000.00
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A.20.4010.000 74375.01	Advertising & Promotion	\$ 500.00
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A.20.4010.000 74750.21	Gas & Oil	\$ 700.00
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A.20.4010.000 74800.11	Maintenance Vehicle	\$1,000.00
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Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. CS-009-18

From: Community Services and Administration Committees
Dated: February 20, 2018

**BUDGET MODIFICATION – ACCEPT MEDICAL RESERVE CORPS FUNDS
EMERGENCY PLANNING- 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 & City Health Officials (passed through from the Department of Health and Human Services CFDA #93.008) awarded \$7,500 to Niagara County Emergency Planning Program for Niagara County Medical Reserve Corp in collaboration with Erie County SMART Team to build and sustain community resiliency through implementation of a Train-the-Trainer Stop the Bleed concept program, now, therefore, be it

RESOLVED, the following budget modification be effectuated:

INCREASE REVENUE:

CM.20.4189.406 44489.24	Other Health MRC	\$7,500.00
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INCREASE APPROPRIATIONS:

CM.20.4189.406 74750.19	General Medical Supplies	\$7,500.00
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Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. CS-010-18

From: Community Services Committee

Dated: February 20, 2018

**RESOLUTION CALLING ON THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE
SERVICES AND THE NEW YORK STATE GOVERNOR TO PROVIDE STATE FUNDING TO
SUPPORT TREATMENT AND TRANSITION SERVICES TO INDIVIDUALS WITH SUBSTANCE
USE DISORDERS (SUD) WHO ARE INCARCERATED IN COUNTY JAILS**

WHEREAS, New York State is engaged in a significant effort to address the rising rate of substance use disorders, including the epidemic of opioid and heroin addiction and the increasing number of deaths due to overdose, and

WHEREAS, the state is taking aggressive steps to address the heroin/opioid epidemic, including the rapid expansion of community-based treatment and support services to create a continuum of care to support the individual and family in their recovery, and

WHEREAS, there remains a significant gap in the treatment and support continuum care being developed by the state and that is the local jail, and

WHEREAS, individuals who suffer from SUD's frequently come into contact with the criminal justice system, and

WHEREAS, the link between offending and SUDs is well established, bringing significant numbers of individuals suffering from addiction into NYS jails. Alcohol and drugs are implicated in roughly eighty (80) percent of offenses, including domestic violence, DWIs, property offenses, drug offenses, and public-order offenses, and

WHEREAS, according to a report conducted by Policy Research Associates on behalf of the NYS Conference of Local Mental Hygiene Directors, County Sheriff's indicated that of the individuals detained in their jail on drug-related charges, sixty-eight (68) percent had been in their jail before, and

WHEREAS, greater than sixty (60) percent of all inmates in the Niagara County Jail openly acknowledge a history of drug and alcohol problems, including heroin and other opiates, and

WHEREAS, jail incarceration provides a unique opportunity to offer treatment supports during periods when people are clean and sober, and

WHEREAS, in NYS, the counties bear the overwhelming portion of the financial burden for supporting SUD services in jails, and it is an ever-increasing burden with substantial unmet need, and

WHEREAS; fifty-one (51) percent of jails have no funding for substance use disorder treatment services despite strong evidence that these services reduce crime, save money, and save lives and fifty-three (53) percent of jails do not have the capacity to directly transition addicted inmates to community treatment programs upon re-entry, and

WHEREAS, a New England Journal of Medicine study found that in the first two weeks after release, former inmates with an opioid use disorder were 12.7 times more likely than other individuals to die of an overdose, and

WHEREAS, a comprehensive re-entry and transition plan is critically important to minimizing the possibility of drug use, overdose and recidivism and for those jails that do have some treatment services, those services are far outpaced by the escalating need for them, and

WHEREAS, the benefits of providing effective SUD services in the jail setting have proven significant where they occur. In Albany County, the jail-based Sheriff's Heroin Addiction Recovery Program (SHARP) provides SUD treatment during incarceration and support services after release. The program has resulted in a 28% reduction in the recidivism rate, and

WHEREAS, New York State's own cost-benefit analysis of providing jail-based SUD treatment determined that taxpayers could realize a savings over time of \$2,170 per participant through reductions in recidivism costs which include, local and state incarceration costs, community supervision costs, court and prosecutions costs and police/field law enforcement costs, and

WHEREAS, the same New York State analysis determined that SUD treatment in the jails would save \$676 per participant in costs incurred by victims which include, medical expenses, mental health care, damage to personal property and lost earnings due to harm or injury, and

WHEREAS, New York State has recognized the serious need to implement substance abuse counseling in local jails as evidenced by the receipt of temporary federal grant funding for the implementation of pilot SUD programs, modeled on evidence-based practices, in designated local jails including in the Niagara County Jail;

WHEREAS, this temporary funding is provided through the SAMHSA State Targeted Response Grants under specific and measured terms for effectiveness over a short, two year period and in anticipation of positive results, the Niagara County Sheriff's Office and Department of Mental Health and Substance Abuse Services are seeking a dedicated, permanent State funding stream to counties to ensure ongoing ability to provide desperately needed SUD treatment services in the jails, including screening and assessment at entry, education and counseling services, peer support, medication assisted treatment and discharge planning to continue treatment post-incarceration, and

WHEREAS, Counties are requesting funding of \$12.8 million annually to the LGUs to address the existing gap in the SUD treatment continuum and support efforts to reduce the human cost of the heroin/opioid epidemic on New Yorkers, and reduce recidivism and victimization, now, therefore, be it

RESOLVED, that the County of Niagara calls on the Governor and the Office of Alcoholism and Substance Abuse Services to help combat the heroin and opioid epidemic, save lives and reduce the rate of recidivism, by providing state funding for the treatment and transition of incarcerated individuals with substance use disorders in our county jails.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. CSS-008-18

From: Community Safety & Security and Administration Committees

Dated: February 20, 2018

PROBATION BUDGET MODIFICATION – SUPPLEMENTAL AJD FUNDS

WHEREAS, the Department of Criminal Justice Services (DCJS) notified the Niagara County Probation Department that the New York State Budget includes an appropriation of funds to enhance the Niagara County Probation Alternatives to Jail Detention (AJD) Program for \$16,129 to be used for non-reoccurring expenditures, and this supplemental funding will be for a contract term starting no later than April 1, 2018 and ending December 31, 2018, and

WHEREAS, the Niagara County AJD Program does have the need for supplemental funding from DCJS to pay the cost of training, equipment, and office supplies, among other things, and

WHEREAS, the Niagara County Probation Department is seeking to accept this funding for the Department's AJD Program, now, therefore be it

RESOLVED, that Probation Department's 2018 Budget be amended as follows,

INCREASE REVENUE:

A.18.3989.302.43310.07	Probation Services NC Alt to Jail Detention Program	\$16,129
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INCREASE APPROPRIATIONS:

A.18.3989.302.72100.05	Machinery and Equipment Computer Equipment	\$3,400
A.18.3989.302.74250.01	Office Expenses Office Supplies	\$9,929
A.18.3989.302.74300.01	Reimbursements Travel, Conference	\$700
A.18.3989.302.74600.03	Professional Development Training and Education	\$2,100

and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. CSS-009-18

From: Community Safety & Security and Administration Committees

Dated: February 20, 2018

PROBATION BUDGET MODIFICATION – SUPPLEMENTAL TASC FUNDS

WHEREAS, the Niagara County Probation Department was notified by the Department of Criminal Justice Services (DCJS) that the New York State Budget includes an appropriation of funds to enhance the Niagara County Probation TASC Program in the amount of \$16,129 to be used for non-reoccurring expenditures, and this supplemental funding will be for a contract term starting no later than April 1, 2018 and ending December 31, 2018, and

WHEREAS, the Niagara County TASC Program does have the need for supplemental funding from DCJS to pay the cost of training, equipment, and office supplies, among other things, and

WHEREAS, the Niagara County Probation Department is seeking to accept this funding to be used for the Department's TASC Program, now, therefore be it

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

RESOLVED, that Probation Department's 2018 Budget be amended as follows,

INCREASE REVENUE:

A.18.3989.302.43310.07	Probation Services Niagara County TASC Expansion	\$16,129
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INCREASE APPROPRIATIONS:

A.18.3989.302.72100.05	Machinery and Equipment Computer Equipment	\$2,600
A.18.3989.302.74250.01	Office Expenses Office Supplies	\$10,329
A.18.3989.302.74300.01	Reimbursements Travel, Conference	\$700

A.18.3989.302.74600.03 Professional Development Training and Education \$2,500

and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. CSS-010-18

From: Community Safety & Security and Administration Committees

Dated: February 20, 2018

PROBATION BUDGET MODIFICATION – PROJECT SAFE NEIGHBORHOODS

WHEREAS, the Center for Public Safety Initiatives (CPSI) at the Rochester Institute of Technology (RIT) was awarded a federal Project Safe Neighborhoods grant to implement the Niagara Falls Dispute Related Violence Reduction Project in the City of Niagara Falls, NY, and

WHEREAS, the CPSI is seeking to partner with the Niagara County Probation Department and the Niagara Falls Police Department to implement this two (2) year pilot project, and

WHEREAS, the CPSI has made funding in the amount of \$20,000 for 2018 and \$20,000 for 2019 available to be used for Probation Officers to perform duties related to the project including home compliance checks, community outreach, and participation in project planning, among other things, and

WHEREAS, participation in this project promotes public safety as it is designed to reduce violent crime, and

WHEREAS, the Probation Department wishes to partner with the CPSI to implement this project, now, therefore be it

RESOLVED, that the Probation Department accepts the funding from the CPSI, and be it further

RESOLVED, that the Probation Department will participate in this violence reduction project, and be it further

RESOLVED, that the 2018 Probation Department Budget be modified as followed:

INCREASE REVENUE:

A.18.3140.000 44320.02	Project Safe Neighborhoods Grant	\$20,000
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INCREASE APPROPRIATIONS:

A.18.3140.000 71050.00	Overtime Expense	\$16,000
A.18.3140.000 78100.00	Retirement	2,504
A.18.3140.000 78200.00	FICA	1,224
A.18.3140.000 78300.00	Worker's Comp	272

and be it further

RESOLVED, that the Chairman of the Legislature be and hereby is authorized to sign the memorandum of understanding between the Center for Public Safety Initiatives and the Niagara County Probation Department subject to approval by the County Attorney's Office.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. CSS-011-18

From: Community Safety & Security Committee

Dated: February 20, 2018

**FEDERAL EQUITABLE SHARING PROGRAM AGREEMENT
AND ANNUAL CERTIFICATION REPORT**

WHEREAS, the United States Department of Justice requires that the Niagara County District Attorney's Office file an annual Federal Equitable Sharing Program Agreement and Certification Report to be eligible to submit requests for federally forfeited property or proceeds, and

WHEREAS, said Agreement is entered into by the United States Department of Justice, the County of Niagara, and the Niagara County District Attorney's Office, now, therefore be it

RESOLVED, that the Niagara County District Attorney's office be authorized to participate in the Federal Equitable Sharing Program, and be it further

RESOLVED, that prior to the execution of the Federal Equitable Sharing Agreement and Certification, the County Attorney will review the Federal Equitable Sharing Agreement and Certification for approval as to legal form, language, and compliance, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Niagara County Legislature be, and hereby is, authorized to execute an Agreement between the County of Niagara on behalf of the Niagara County District Attorney's Office and the United States Department of Justice.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. CSS-012-18

From: Community Safety & Security Committee

Dated: February 20, 2018

**NIAGARA COUNTY SHERIFF'S OFFICE
NIAGARA REGIONAL TRAFFIC SAFETY PROGRAM**

WHEREAS, the Niagara Regional Traffic Safety Program will be held from May 8th – 11th and May 14th – 17th of this year, and

WHEREAS, Young men and women need to know that the choices they make every day affect their lives and the lives of people around them, and

WHEREAS, high school juniors and seniors from Niagara County schools will participate in the Niagara Regional Traffic Safety Program at the Cornell Cooperative Extension, and

WHEREAS, Erie County will be invited to send students during this time, along with Orleans, Cattaraugus and Alleghany Counties, and

WHEREAS, each school will be responsible for their own expenses incurred throughout the program, now therefore, be it

RESOLVED, that the twenty third annual Niagara Regional Traffic Safety program will be held May 8th – 11th and May 14th – 17th of this year

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. CSS-013-18

From: Community Safety & Security Committee

Dated: February 20, 2018

**NIAGARA COUNTY SHERIFF'S OFFICE-BUDGET MODIFICATION
INTER-MUNICIPAL LABORATORY AGREEMENT**

WHEREAS, the Niagara County Sheriff's Office currently has a contract with the County of Orleans for the provision of forensic laboratory services, and

WHEREAS, the municipalities located within Orleans County are in need of forensic laboratory services, and

WHEREAS, the Niagara County Sheriff's Office has negotiated rates with Orleans County which hold steady for 2018 and then increase, giving the municipalities time for budget planning, and

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

RESOLVED, that the County of Niagara enter into an agreement with the County of Orleans for the rendering of forensic laboratory services to the County of Orleans, and to the law enforcement agencies for which the County of Orleans requests services be provided, for the years of 2018, 2019, 2020, 2021 and 2022, and be it further

RESOLVED, that the cost to County of Orleans for such services will be \$16,335 in 2018, \$31,212 in 2019, \$31,837 in 2020, \$32,473 in 2021 and \$33,122 in 2022, 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 agreement with the County of Orleans.

Moved by Bradt, seconded by Virtuoso.
Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. CSS-014-18

From: Community Safety & Security Committee

Dated: February 20, 2018

**NIAGARA COUNTY SHERIFF'S OFFICE-BUDGET MODIFICATION
DOMESTIC CANNABIS ERADICATION AND SUPPRESSION PROGRAM**

WHEREAS, the Niagara County Sheriff's Office wishes to continue an agreement with the U.S. Department of Justice Drug Enforcement Administration for the year 2018, and

WHEREAS, this agreement allows the Sheriff's Office to work in conjunction with the local DEA Office to curtail illegal cannabis trafficking and in eradication of illicit cannabis plants throughout Niagara County, and

WHEREAS, the DEA will reimburse the Sheriff's Office for the costs incurred with this project, now therefore be it

RESOLVED, that Niagara County continue an agreement with the U.S. Department of Justice, and be it further

RESOLVED that the 2018 budget be modified as follows:

INCREASE REVENUE

A.17.3110.000.44389.04	Other Public Safety Operation Green Monster	\$42,000
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INCREASE APPROPRIATIONS

A.17.3110.000.71050.00	Overtime	\$25,000
A.17.3110.000.74750.05	Law Enforcement Supplies	\$ 2,000
A.17.3110.000.74600.03	Training/Education	\$ 2,000
A.17.3110.000.74800.11	Vehicle Maintenance (Helicopter)	\$ 5,000
A.17.3110.000.74400.09	Payments to Other Agencies	\$ 8,000

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. CSS-015-18

From: Community Safety & Security and Administration Committees

Dated: February 20, 2018

ACCEPTANCE AND COMMITMENT OF WIRELESS COMMUNICATIONS SURCHARGES

WHEREAS, resolution AD-32-17 adopted a local law imposing wireless communications surcharges pursuant to the authority of Tax Law §186-g, and

WHEREAS, net surcharges received by the County of Niagara must be used for payment of system costs, eligible wireless 911 service costs or other costs associated with the administration, design, enhanced wireless

911 service serving such county, as provided in paragraph (9) of Tax Law §186-g, including but not limited to hardware, software, consultants, financing and other acquisition costs, and

WHEREAS, if at the end of any fiscal year, the total amount of all such monies exceeds the amount necessary for payment of the above-mentioned costs in such fiscal year, such excess shall be reserved and carried over for the payment of those costs in the following fiscal year, and

WHEREAS, the Governmental Accounting Standards Board (GASB) issued Statement Number 54 Fund Balance Reporting and Governmental Fund Type Definitions which requires legal authority from the Federal, State or Local government to commit funds to a particular purpose, now, therefore be it

RESOLVED, the Niagara County Legislature authorizes continued commitment of the wireless communications surcharges for the purposes state above, and be it further

RESOLVED, the following budget modification be effectuated:

INCREASE ESTIMATED REVENUE:

A.19.3020.000 41140.02	Emergency Telephone System – E-911 Surcharge Cell Phone	\$375,000
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INCREASE ANTICIPATED APPROPRIATION:

A.19.3020.000 72100.15	Communications Equipment	\$300,000
A.19.3020.000 74800.01	Communication Supplies/Equipment	\$ 25,000
A.19.3020.000 74800.10	Miscellaneous Equipment Under \$500	\$ 50,000

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. CSS-016-18

From: Community Safety & Security and Administration Committees

Dated: February 20, 2018

**2018 BUDGET MODIFICATION - FIRE COORDINATOR'S OFFICE
HAZ-MAT INCIDENTS PAYMENTS**

WHEREAS, the County Haz-Mat team responded to incidents on 9/18/17 and 10/13/17 and some supplies used at the scene are not reusable, and

WHEREAS, under New York State's Navigation and Environmental Conservation Laws, the responsible party is liable for all costs associated with containment, cleanup and removal of spilled and contaminated materials, and

WHEREAS, the Fire Coordinator's Office invoiced and received payments for the replacement of these supplies from the insurance companies in the amount of \$169.24 and \$2,522.84 for a total of \$2,692.08, and,

WHEREAS, the incidents occurred in September and October of 2017 and the re-imbursement for used and damaged equipment was not received until late 2017, and

WHEREAS, the Fire Coordinator's Office needs to replenish the supplies used by the Haz-Mat, at no cost to the County, now, therefore, be it

RESOLVED, that the following 2018 budget modifications be effectuated:

INCREASE REVENUE:

A.19.3410.000 42690.02	Other Compensation for Loss Reimbursements	\$ 2,692.08
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INCREASE APPROPRIATION:

A.19.3410.000 74750.10	Supplies, Gen Hazmat Inventory	\$2,692.08
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Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. CSS-017-18

From: Community Safety & Security and Administration Committees

Dated: February 20, 2018

**2018 BUDGET MODIFICATION - FIRE COORDINATOR'S OFFICE
HAZ-MAT INCIDENT PAYMENT FOR INCIDENT ON 10/23/17**

WHEREAS, the County Haz-Mat team responded to an incident on 10/23 and 10/24/17 for an over the road hydrogen gas tanker that struck a light pole in the Town of Niagara causing a significant leak, and,

WHEREAS, under New York State's Navigation and Environmental Conservation Laws, the responsible party is liable for all costs associated with containment, cleanup and removal of spilled and contaminated materials, and

WHEREAS, the Fire Coordinator's Office invoiced the spiller and received payment for apparatus usage, fuel, generator usage and replacement of equipment from the insurance company in the amount of \$11,020.60, and,

WHEREAS, the incident occurred in October 2017 and the re-imbursement for used and damaged equipment was not received until 2018, and,

WHEREAS, the Fire Coordinator's Office will replenish the Haz-Mat Team's equipment and supplies that were expended and discarded to alleviate the leaking hydrogen gas for the safety of Niagara County citizens as noted above, at no cost to the County, now, therefore, be it

RESOLVED, that the following 2018 budget modifications be effectuated:

INCREASE REVENUE:

A.19.3410.000 42690.02	Other Compensation for Loss Reimbursements	\$ 11,020.60
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INCREASE APPROPRIATION:

A.19.3410.000 74750.10	Supplies, Gen Hazmat Inventory	\$ 11,020.60
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Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. CSS-018-18

From: Community Safety & Security and Administration Committees

Dated: February 20, 2018

ACCEPTANCE OF EMPG 2017 HOMELAND SECURITY GRANT

WHEREAS, the County of Niagara is required to certify its acceptance of the EMPG 2017 grant through the Department of Homeland Security for the period of 10/1/16 through 9/30/18, at some cost to the County, and

WHEREAS, the grant for EMPG 2017 is in the total amount of \$171,114. Grant funds will be in the amount of \$85,557 and the 50% matching county funds will be in the amount of \$85,557. The funds will be used for maintenance of the current interoperable communications, to procure more P-25 compliant portables to deploy into the field for first responders and to procure a portable communications tower to be utilized in the county in the event of a catastrophic event at a communications tower site or a major disaster where the tower may need to be deployed in county or anywhere requested, and, now, therefore, be it

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

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

INCREASE APPROPRIATION FUND BALANCE - ASSIGNED:

A.40599.00	Appropriated Fund Balance	\$ 85,557.00
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INCREASE REVENUE:

A.19.3645.000 44305.02	Civil Defense HS	\$ 85,557.00
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INCREASE APPROPRIATION:

A.19.3645.000 72100.15	M&E Comm. Equip.	\$120,000.00
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Project Codes: E1 (60,000) & E3 (60,000)

A.19.3645.000 74800.01	Comm Supp/Svc	\$ 27,114.00
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Project Codes: E1 (13,557) & E3 (13,557)

A.19.3645.000 74800.06	Repair/Main.	\$ 20,000.00
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Project Codes: E1 (10,000) & E3 (10,000)

A.19.3645.000 74300.01	Travel	\$4,000.00
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Project Codes: E2 (2,000) & E3 (2,000)

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. CSS-019-18

From: Community Safety & Security and Administration Committees

Dated: February 20, 2018

**2018 BUDGET MODIFICATION – 2017 HMEP GRANT PROGRAM
HOMELAND SECURITY GRANTS**

WHEREAS, the County of Niagara has certified its acceptance of the 2017 HMEP Grant Program through the Department of Homeland Security (Resolution #CSS-056-17) for the period of 9/30/17 to 9/30/18 at some cost to the County, and

WHEREAS, the grant for HMEP 2017 is in the total amount of \$3,750. Grant funds will be in the amount of \$3,000 and the 20% matching County funds will be in the amount of \$750. The funds will be used for the purchase of firefighting foam 1% x 3% alcohol resistant aqueous film forming foam. This foam will be used for a training exercise simulating a tanker roll over leaking a flammable substance, and, now, therefore, be it

RESOLVED, that the following 2018 budget modification be effectuated:

DECREASE APPROPRIATION:

A.19.3410.000 74800.06	Repair and Maintenance	\$ 750.00
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INCREASE REVENUE:

A.19.3645.000 44305.0	Civil Defense HS	\$3,000.00
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INCREASE APPROPRIATION:

A.19.3645.000 74750.10	HazMat Inventory	\$3,750.00
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*Project Codes: E1 (3000.00) and E2 (750.00)

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. CSS-020-18

From: Community Safety & Security and Administration Committees

Dated: February 20, 2018

2018 BUDGET MODIFICATIONS TO HOMELAND SECURITY

WHEREAS, Homeland Security funds were not fully expended in 2017, now, therefore, be it

RESOLVED, that the remaining funds for 2015 State Homeland Security Program (approved #CSS-009-16) and 2016 State Homeland Security Program (approved #CSS-053-16), be re-appropriated into the 2018 budget, and be it further

RESOLVED, that the remaining funds for 2016 Emergency Management Preparedness Grant (approved #CSS-051-16) and 2016 Hazardous Materials Emergency Preparedness Grant (approved #CSS-052-16) be re-appropriated into the 2018 budget and county contributions be re-appropriated from the Fund Balance

RESOLVED, that the following 2018 budget modification be effectuated:

INCREASE REVENUE: **SHSP15**

A.19.3645.000 44305.02	Civil Defense Homeland Security	\$ 98,863.95
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INCREASE APPROPRIATION: **SHSP15**

A.19.3645.000 72100.14	M&E Equipment Misc Equipment	\$ 57,071.00
A.19.3645.000 74750.10	Hazardous Material Inventory	\$ 18,517.71
A.19.3645.000 74800.18	Tactical Rescue Team Inventory	\$ 23,275.24

INCREASE REVENUE: **SHSP16**

A.19.3645.000 44305.02	Civil Defense Homeland Security	\$ 475,952.49
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INCREASE APPROPRIATION: **SHSP16**

A.19.3645.000 72100.05	M&E Computer Equipment	\$ 190,500.00
A.19.3645.000 74300.01	Reimbursements Travel, Conference	\$ 4,375.00
A.19.3645.000 74375.04	Communications Leased Lines	\$ 42,823.00
A.19.3645.000 74750.10	Hazardous Material Inventory	\$ 3,000.00
A.19.3645.000 74800.01	Maint. Communication Supplies/Svc	\$ 208,606.00
A.19.3645.000 74800.10	Maint. Misc Equip Under \$500	\$ 26,648.49

INCREASE APPROPRIATION FUND BALANCE - ASSIGNED:

A.40599.00	Appropriated Fund Balance	\$ 1,293.00
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INCREASE REVENUE: **HMEP16**

A.3645.000 44305.02	Civil Defense Homeland Security	\$ 5,172.00
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INCREASE APPROPRIATION: **HMEP16**

A.3645.000 74750.20	Training Materials	\$ 6,465.00
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INCREASE APPROPRIATION FUND BALANCE - ASSIGNED:

A.40599.00	Appropriated Fund Balance	\$ 84,249.88
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INCREASE REVENUE: **EMPG16**

A.19.3645.000 44305.02	Civil Defense Homeland Security	\$ 84,249.88
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INCREASE APPROPRIATION: **EMPG16**

A.19.3645.000 74300.01	Reimbursements-Travel/Conf	\$ 2,077.76
A.19.3645.000 72100.15	M&E-Communications Equip	\$ 12,000.00
A.19.3645.000 74650.08	Professional Consultants	\$ 144,174.00
A.19.3645.000 74800.01	Communication-Supplies/Service	\$ 10,248.00

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. CSS-021-18

From: Community Safety & Security and Administration Committees

Dated: February 20, 2018

**2018 BUDGET MODIFICATION – FIRE COORDINATOR’S OFFICE
STATE AND MUNICIPAL FACILITIES PROGRAM (“SAM”) GRANT**

WHEREAS, the County of Niagara certified the acceptance of the State and Municipal Facilities Program (“SAM”) grant through the Dormitory Authority State of New York (DASNY) in Resolution #CSS-006-17 at no cost to the County, and

WHEREAS, the “SAM” grant is in the amount of \$100,000 and the funds will be used to purchase a Technical Rescue Team Emergency Response Vehicle, Project ID #7929, and

WHEREAS, this vehicle will be equipped for specialized response with confined space and high-angle rope equipment pre-staged to be easily and rapidly deployed at an incident, and

WHEREAS, this vehicle will help the team respond rapidly when time is of the essence for all Niagara County residents now, therefore, be it

RESOLVED, that the following 2018 budget modification be effectuated:

INCREASE REVENUE:

A.19.3640.000	43097.01	State Aid Capitol Projects -	\$100,000.00
		SAM Grant	

INCREASE APPROPRIATIONS:

A.19.3640.000	72100.11	Other Vehicles	\$100,000.00
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Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. CW-001-18

From: Committee of the Whole

Dated: February 20, 2018

**AUTHORIZING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTIES
OF NIAGARA, ORLEANS, CAYUGA AND WAYNE FOR THE LAKE ONTARIO
REGIONAL DREDGING PROGRAM**

WHEREAS, the small harbors serving recreational boating along the south shore of Lake Ontario generate approximately \$94 million annually in economic activity, support over 1,350 jobs, and provide sales tax revenues of approximately \$7.6 million annually for the local counties and New York State, and

WHEREAS, these same small harbors provide safe harbors of refuge for vessels on Lake Ontario, and

WHEREAS, these harbors can only provide these important benefits if adequate water depths are maintained in their access channels by regular, periodic dredging of accumulated sediments, and

WHEREAS, the dredging needs from the Lake Ontario harbor access channels, even those under the responsibility of the US Army Corps of Engineers, are not being met due to federal budget constraints, lack of responsibility by other levels of government, and the limitations of sporadic privately funded dredging, and

WHEREAS, the dredging needs are anticipated to be exacerbated under a new regulation plan (Plan 2014) recently adopted and implemented by the International Joint commission, and

WHEREAS, the County of Niagara, the County of Orleans, County of Cayuga and the County of Wayne desire to enter into a Memorandum of Understanding for the Lake Ontario Regional Dredging Program, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby approves the Memorandum of Understanding between the Counties, at a cost of \$5,000, to aid in accomplishing the first steps of implementation of a Regional Dredging Management Plan for the Harbors serving along the south shore of Lake Ontario, 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 Memorandum of Understanding between the Counties.

Chairman McNall declared Rule 28 is in effect for this resolution and turned the floor over to Legislator Burmaster.

Moved by Syracuse, seconded by Burmaster.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. ED-001-18

From: Economic Development Committee

Dated: February 20, 2018

**RESOLUTION TO AUTHORIZE THE PUBLICATION AND POSTING OF A NOTICE OF
THE 30-DAY PERIOD FOR MUNICIPALITIES AND LANDOWNERS WITHIN
NIAGARA COUNTY AGRICULTURAL DISTRICT #6**

WHEREAS, Niagara County Agricultural District #6 (Cambria, Lockport, Pendleton, Wheatfield, Wilson) have an anniversary on June 26, 2018 and

WHEREAS, New York State Department of Agriculture and Markets Law, Art. AA, 303-a requires that a 30-day public notice be published in an area newspaper, on the home page of the county's website, provide such notice in writing by first class mail to those municipalities whose territory encompasses the district, and posted in at least 5 conspicuous places within each district notifying municipalities and landowners within the district that they may request modifications of the district, now, therefore, be it

RESOLVED, the Clerk of the Niagara County Legislature is authorized to publish the following notice in at least one newspaper with general circulation in the aforementioned agricultural district, on the home page of the

county's website, posting the notice in at least 5 conspicuous places in each district, and provide such notice in writing by first class mail to those municipalities whose territory encompasses the district:

PLEASE TAKE NOTICE that Niagara County Agricultural District #6, in the Towns of Cambria, Lockport, Pendleton, Wheatfield, and Wilson is now subject to an 8-year review for purposes of renewal, modification or termination. Maps of the district are on file and open to the public for inspection in the office of the Clerk of the Legislature. Municipalities and landowners within the district may propose modifications of a district by filing such a proposal with the Clerk of the Legislature within thirty (30) days of the publication of this notice. Questions about the District may be directed to Amanda Henning, Cornell Cooperative Extension at 716-433-8839 x231.

Moved by Bradt, seconded by Syracuse.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. ED-002-18

From: Economic Development Committee

Dated: February 20, 2018

**RESOLUTION TO SET A HEARING ON THE RENEWAL OF
NIAGARA COUNTY AGRICULTURAL DISTRICT #6**

WHEREAS, Niagara County Agricultural District #6 with portions of the district in the towns of Cambria, Lockport, Pendleton, Wheatfield, and Wilson has an 8-year anniversary date of June 26, 2018, and

WHEREAS, New York State Agriculture and Markets Law 25AA, Section 303-a requires a public hearing prior to the anniversary date of an agricultural district, now, therefore, be it

RESOLVED, that the Niagara County Legislature shall conduct a public hearing for public and municipal input upon the review of Agricultural District #6 at the Legislative Chambers, Courthouse, Lockport, New York on March 20, 2018 at 6:45pm, and be it further

RESOLVED, that the Clerk of the Legislature, at least six days in advance of such hearing, shall publish the following notice in at least one newspaper having general circulation within the district, post such notice on the home page of the county's website, and shall be given in writing by first class mail to those municipalities whose territories encompass the district, and to the commissioner:

PLEASE TAKE NOTICE that the Niagara County Legislature will conduct a public hearing on the 20th day of March, 2018 at 6:45 p.m. in the Legislative Chambers, Courthouse, Lockport, New York, for the purpose of hearing public comments on the 8-year review of Niagara County Agricultural District #6, Towns of Cambria, Lockport, Pendleton, Wheatfield and Wilson.

Moved by Bradt, seconded by Syracuse.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. ED-003-18

From: Economic Development and Administration Committees

Dated: February 20, 2018

**BUDGET MODIFICATION – REAPPROPRIATE GRANT FUNDS
EPA BROWNFIELD PETROLEUM ASSESSMENT**

WHEREAS, Resolution ED-020-15 authorized acceptance of a grant in the amount of Two Hundred Thousand Dollars (\$200,000) from the United States Environmental Protection Agency for a Brownfield Petroleum Assessment Project that is 100% reimbursable, and

WHEREAS, Twenty Thousand Nine Hundred Forty Seven Dollars (\$20,947) was budgeted for the 2018 Budget, and

WHEREAS, projects were under budget and less money was spent than anticipated from the 2017 Budget, in the amount of twelve thousand two hundred eighty-five dollars (\$12,285), now, therefore, be it,

RESOLVED, that the following budget modification be effectuated:

INCREASE REVENUE:

CM.28.6989.612.44989.04	Other Home and Community Services	\$12,285
	EPA Brownfields Revenue	

INCREASE APPROPRIATION:

CM.28.6989.612.74300.01	Travel Expenses	\$ 1,485
CM.28.6989.612.74500.01	Contractual Expenses	\$10,800

Moved by Bradt, seconded by Syracuse.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. IF-001-18

From: Infrastructure & Facilities and Administration Committees

Dated: February 20, 2018

NIAGARA COUNTY REFUSE DISPOSAL DISTRICT BUDGET MODIFICATION – FUNDING OF ANNUAL PAYMENT TO NIAGARA COUNTY REFUSE SITE TRUST

WHEREAS, the Niagara County Refuse Disposal District is responsible for an annual payment to the Niagara County Refuse Site Trust, and

WHEREAS, the annual payment for services throughout 2016 was erroneously withdrawn from the 2017 operating budget leaving a budget surplus in the 2016 budget, and

WHEREAS, the annual payment for services throughout 2017 needs to be paid from the 2017 budget, and

WHEREAS, budget modifications for the 2017 fiscal year can continue to be made into the first quarter of 2017, now, therefore, be it

RESOLVED, that the following budget modification for the Niagara County Refuse Disposal Wheatfield Landfill be effectuated for the 2017 County budget:

INCREASE APPROPRIATED FUND BALANCE:

EL 40599.00	Appropriated Fund Balance	\$14,426.48
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INCREASE APPROPRIATIONS:

EL.30.8161.806.74500.01	Contractual Expenses	\$14,426.48
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Moved by Bradt, seconded by Syracuse.
Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. IF-002-18

From: Infrastructure & Facilities and Administration Committees
Dated: February 20, 2018

**BUDGET MODIFICATION
FILTER BASINS #7-10 REHABILITATION - WATER DISTRICT**

WHEREAS, Resolution #IF-047-17 created and partially funded the Niagara County Water District Filter Basins #1-7 Rehabilitation project, and

WHEREAS, now that the project has been bid, a transfer of the remainder of funds for the project needs to be accomplished, and

WHEREAS, there are sufficient funds in the Water District's fund balance to cover the remainder of the cost of this project; now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

FX.40599.00	Appropriated Fund Balance	\$2,150,000
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INCREASE APPROPRIATIONS:

FX.31.9950.000.79010.00	Transfer to Capital Construction	\$2,150,000
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INCREASE REVENUE:

H618.31.8397.000.45031.00	Interfund Transfer, From Operating	\$2,150,000
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INCREASE APPROPRIATION:

H618.31.8397.000.72100.27	Water -Filter Basins Rehabilitation	\$2,150,000
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Moved by Bradt, seconded by Syracuse.
Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. IF-003-18

From: Infrastructure & Facilities and Administration Committees
Dated: February 20, 2018

REAPPOINTMENT OF ATTORNEY – NIAGARA COUNTY SEWER DISTRICT #1

WHEREAS, the Administrative Board of the Niagara County Sewer District #1 (District) has reviewed the needs of the District, and

WHEREAS, the District met on January 24, 2018 and approved the reappointment of P. Andrew Vona as a attorney for the District for the two-year period commencing January 1, 2018 and ending with the District's re-organizational meeting in 2020, and

WHEREAS, the District has agreed to pay the attorney a general retainer of thirty thousand (\$30,000) per year to be paid on pro-rata monthly fee basis of two thousand five hundred (\$2,500.00) per month, and

WHEREAS, the district has agreed to pay one hundred and twenty five dollars (\$125.00) per hour for litigation, legal services in connection with increase in facilities and capital projects, easements or real property acquisitions if required with a capital project or increase of facilities and one percent for all services in connection with increase in facilities and capital projects, exclusive of litigation, now, therefore, be it

RESOLVED, that the contract be effectuated to carry out the Administrative Board direction

Moved by Bradt, seconded by Syracuse.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. IF-004-18

From: Infrastructure & Facilities and Administration Committees

Dated: February 20, 2018

REAPPOINTMENT OF ENGINEER – NIAGARA COUNTY SEWER DISTRICT #1

WHEREAS, the Administrative Board of the Niagara County Sewer District #1 (District) has reviewed the needs of the District, and

WHEREAS, the District met on January 24, 2018 and approved the reappointment of GHD as the engineer for the District for the two-year period commencing January 1, 2018 and ending with the District's re-organizational meeting in 2020, and

WHEREAS, the District has agreed to pay the engineer a general retainer of nine thousand (\$9,000) per year to be paid on pro-rata monthly fee basis of seven hundred fifty (\$750.00) per month, and

WHEREAS, the district has agreed to pay an hourly fee based on the personnel support for projects requested by the district, now, therefore, be it

RESOLVED, that the contract be effectuated to carry out the Administrative Board direction

Moved by Bradt, seconded by Syracuse.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. IF-005-18

From: Infrastructure & Facilities and Administration Committees

Dated: February 20, 2018

**SHARED SERVICES AGREEMENT BETWEEN
NIAGARA COUNTY AND THE CITY OF LOCKPORT**

WHEREAS, Niagara County offered this contract, and

WHEREAS, the County desires to support the City's IT requirements by and through providing the services of the County's IT support staff, as assigned by the Director of Information Technology, in exchange for the City sharing the costs and expenses associated with said services provided by the County.

WHEREAS, it is the intent of this contract for Niagara County to provide information technology support for the City of Lockport and to share resources that will help deliver these services in a more efficient and cost effective manner in the local communities of Niagara County through this shared service effort, and

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

RESOLVED, that following the County Attorney's review, the Chairman of the Niagara County Legislature be, and hereby is, authorized to sign the contract for shared IT services, including technologies, licensing and utilization of the same hardware and/or software products and vendors, along with the City of Lockport, and be it further

RESOLVED, that this contract shall be for one (1) year, with an option for four (4) one year renewals notwithstanding the proviso that any party to the contract may revoke its inclusion therein by filing a notice of revocation with each signatory, effective within six (6) months of such revocation.

Moved by Bradt, seconded by Syracuse.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. IF-006-18

From: Infrastructure & Facilities and Administration Committees

Dated: February 20, 2018

**FEIGLE ROAD RECONSTRUCTION PROJECT
CONSULTANT AMENDMENT NO. 2-FINAL**

WHEREAS, Resolution No. PW-124-11, dated November 1, 2011, selected Clough Harbour Associates LLP (n/k/a CHA Consulting Inc.), 2200 Main Place Tower, Buffalo, NY 14202, to assist the County with consultant services for the Feigle Road Reconstruction Project, in the amount of \$148,000, and

WHEREAS, Resolution No. PW-004-15, dated February 17, 2015, amended the contract for final design, construction administration, and construction inspection services in the amount of \$278,900, for a revised contract amount of \$426,900, and

WHEREAS, it is necessary to decrease the contract by \$15.61 for unused construction inspection, for a revised contract amount of \$426,884.39, 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 with Clough Harbour Associates LLP, now known as CHA Consulting Inc., 2200 Main Place Tower, Buffalo, NY 14202, be decreased by \$15.61, for a revised contract amount of \$426,884.39, and be it further

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

Moved by Bradt, seconded by Syracuse.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. IF-007-18

From: Infrastructure & Facilities and Administration Committees

Dated: February 20, 2018

**HVAC STUDY FOR 111 MAIN STREET AND 20-40 EAST AVENUE
CONSULTANT AMENDMENT NO. 1-FINAL**

WHEREAS, Resolution No. IF-094-15, dated August 4, 2015, authorized the contract for consultant services to assist the County with the HVAC study for 111 Main Street and 20-40 East Avenue to Wendel WD Architecture, Engineering, Surveying & Landscape Architecture P.C., 375 Essjay Road, Suite 200, Williamsville, NY 14221, for a fee not to exceed \$15,500, and

WHEREAS, it is necessary to reduce the contract in the amount of \$11,244.12 because the study was completed and no further work was needed, for a revised contract amount of \$4,255.88, 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. 1-Final to deduct \$11,244.12 from the contract for the HVAC study for 111 Main Street and 20-40 East Avenue, for a revised contract amount of \$4,255.88, to Wendel WD Architecture, Engineering, Surveying & Landscape Architecture P.C., be approved, and be it further

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

Moved by Bradt, seconded by Syracuse.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. IF-008-18

From: Infrastructure & Facilities and Administration Committees

Dated: February 20, 2018

**HUMAN RESOURCES BUILDING ROOF REPLACEMENT-
GENERAL CONTRACTOR
CHANGE ORDER NO. 1 - FINAL**

WHEREAS, by Resolution No. IF-096-17, dated June 20, 2017, the Legislature awarded the contract for the Human Resources Building Roof Replacement project to Weaver Metal and Roofing, Inc., 40 Appenheimer Avenue, Buffalo, NY 14214, for a contract amount of \$611,825.00, and

WHEREAS, it is necessary to decrease the contract in the amount of \$19,222.80 for final quantity adjustments and unused contingency allowance, for a revised contract amount of \$592,602.20, and

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

RESOLVED, that Change Order No. 1-Final to decrease the contract by \$19,222.80 for the Human Resources Building Roof Replacement project, for a revised contract amount of \$592,602.20, to Weaver Metal and Roofing, Inc., 40 Appenheimer Avenue, Buffalo, NY 14214, be approved, and be it further

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

Moved by Bradt, seconded by Syracuse.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. IF-009-18

From: Infrastructure & Facilities and Administration Committees

Dated: February 20, 2018

**HUMAN RESOURCES BUILDING
ROOF REPLACEMENT PROJECT - ELECTRICAL
CHANGE ORDER NO. 1 - FINAL**

WHEREAS, by Resolution No. IF-095-17, dated June 20, 2017, the Legislature awarded the contract for the Human Resources Building Roof Replacement Project to Frey Electric Construction Co., 100 Pearce Avenue, Tonawanda, NY 14150, for a contract amount of \$46,000, and

WHEREAS, it is necessary to decrease the contract in the amount of \$2,560 for unused contingency allowance, for a revised contract amount of \$43,440, and

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

RESOLVED, that Change Order No. 1-Final to decrease the contract by \$2,560 for the Human Resources Building Roof Replacement Project, for a revised contract amount of \$43,440, to Frey Electric Construction Co., 100 Pearce Avenue, Tonawanda, NY 14150, be approved, and be it further

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

Moved by Bradt, seconded by Syracuse.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. IF-010-18

From: Infrastructure & Facilities and Administration Committees

Dated: February 20, 2018

**BRIDGE WEARING COURSES AND JOINT REPLACEMENTS PROJECT
CONSULTANT AMENDMENT NO. 2-FINAL**

WHEREAS, Resolution No. IF-028-16, dated February 23, 2016, authorized the contract for consultant services for the Bridge Wearing Courses and Joint Replacements Project to Mott MacDonald NY Inc., f/k/a Hatch Mott MacDonald NY, Inc., 438 Main Street, Suite 300, Buffalo, NY 14202, for a fee not to exceed \$70,000, and

WHEREAS, Resolution No. IF-005-17, dated February 21, 2017, amended the contract for construction administration and construction inspection services in the amount of \$21,089.77, for a revised contract amount of \$91,089.77, and

WHEREAS, it is necessary to decrease the contract by \$1,844.23 for unused construction inspection, for a revised contract amount of \$89,245.54, 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 for the Bridge Wearing Courses and Joint Replacements Project with Mott MacDonald NY Inc., 438 Main Street, Suite 300, Buffalo, NY 14202, be decreased by \$1,844.23, for a revised contract amount of \$89,245.54, and be it further

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

Moved by Bradt, seconded by Syracuse.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. IF-012-18

From: Infrastructure & Facilities and Administration Committees

Dated: February 20, 2018

**YOUNGSTOWN ROAD EMBANKMENT STABILIZATION PROJECT
CHANGE ORDER NO. 1 - FINAL**

WHEREAS, by Resolution No. IF-101-17, dated June 20, 2017, the Legislature awarded the contract for the Youngstown Road Slope Stabilization Project to Edbauer Construction, 2790 Clinton Street, West Seneca, NY 14224, for a contract amount of \$410,615.00, and

WHEREAS, it is necessary to decrease the contract in the amount of \$52,389.88 for final quantities adjustments, for a revised contract amount of \$358,225.12, and

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

RESOLVED, that Change Order No. 1-Final to decrease the contract by \$52,389.88 for the Youngstown Road Slope Stabilization Project, for a revised contract amount of \$358,225.12, to Edbauer Construction, 2790 Clinton Street, West Seneca, NY 14224, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. IF-013-18

From: Infrastructure & Facilities and Administration Committees

Dated: February 20, 2018

AWARD OF CONTRACT – NIAGARA ROAD BRIDGE OVER BERGHOLZ CREEK

WHEREAS, the Department of Public Works, Engineering Division has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Niagara Road Bridge over Bergholz Creek project, and

WHEREAS, funds are available in account number H604.15.5197.000 72600.02, Infrastructure-Bridges, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on January 25, 2018, as tabulated below:

- | | | |
|----|---|----------------|
| 1. | Concrete Applied Technologies Corp.
d/b/a CATCO
1266 Townline Road
Alden, NY 14004 | \$ 952,110.40 |
| 2. | Edbauer Construction
2790 Clinton Street
West Seneca, NY 14224 | \$ 964,500.00 |
| 3. | Pinto Construction
1 Babcock Street
Buffalo, NY 14210 | \$1,021,365.32 |
| 4. | Nichols Long & Moore
770 Riverview Blvd.
Tonawanda, NY 14150 | \$1,079,741.90 |
| 5. | Mark Cerrone Inc.
2368 Maryland Ave., PO Box 3009
Niagara Falls, NY 14304 | \$1,096,999.00 |

and

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

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

RESOLVED, that the contract for the Niagara Road Bridge over Bergholz Creek project be awarded to the lowest responsible bidder, Concrete Applied Technologies Corp. d/b/a CATCO, 1266 Townline Road, Alden, NY 14004, in the amount of \$952,110.40, and be it further

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

Moved by Bradt, seconded by Virtuoso

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. IF-014-18

From: Infrastructure & Facilities and Administration Committees

Dated: February 20, 2018

AWARD OF CONTRACT – GRISWOLD STREET CULVERT REPLACEMENT PROJECT

WHEREAS, the Department of Public Works, Engineering Division has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Griswold Street Culvert Replacement project, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on January 25, 2018, as tabulated below:

- | | | |
|----|---|--------------|
| 1. | Accadia Site Contracting
5636 Transit Road
Depew, NY 14043 | \$361,984.11 |
| 2. | Pinto Construction
1 Babcock Street
Buffalo, NY 14210 | \$409,000.00 |
| 3. | Edbauer Construction
2790 Clinton Street
West Seneca, NY 14224 | \$435,850.00 |
| 4. | Nichols Long & Moore
770 Riverview Blvd.
Tonawanda, NY 14150 | \$488,866.50 |
| 5. | Mar-Wal Construction Co. Inc.
440 Gould Avenue
Depew, NY 14043 | \$495,153.50 |
| 6. | Mark Cerrone Inc.
2368 Maryland Ave., PO Box 3009
Niagara Falls, NY 14304 | \$497,000.00 |
| 7. | 4th Generation Construction
5650 Simmons Avenue
Niagara Falls, NY 14304 | \$506,295.00 |
| 8. | Ledge Creek Development
10100 County Road
Clarence Center, NY 14032 | \$548,626.90 |
| 9. | Keeler Construction
13519 West Lee Road
Albion, NY 14411 | \$565,347.50 |

and

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

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

RESOLVED, that the following budget modification be effectuated to allow the project to proceed:

INCREASE REVENUE:

H631.15.5112.000 43501.00 Consol Highway Aid Revenue	\$300,000
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INCREASE APPROPRIATIONS:

H631.15.5112.000 72600.01 Infrastructure Roads

\$300,000

and be it further

RESOLVED, that the contract for the Griswold Street Culvert Replacement project be awarded to the lowest responsible bidder, Accadia Site Contracting, 5636 Transit Road, Depew, NY 14043 in the amount of \$361,984.11, and be it further

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

Moved by Bradt, seconded by Virtuoso

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. IF-015-18

From: Infrastructure & Facilities Committee

Dated: February 20, 2018

AWARD STORMWATER CONSULTANT SERVICES

WHEREAS, the Department of Public Works evaluated a proposal from the City of Tonawanda to assist the County with the compliance of Phase II Stormwater Regulations, and

WHEREAS, a shared services agreement with the City of Tonawanda would be beneficial to both municipalities, 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 for the implementation of the Phase II Stormwater Regulations be awarded to the City of Tonawanda, 200 Niagara Street, Tonawanda, NY 14150, for a contract amount not to exceed \$43,300 for the period March 1, 2018 through February 28, 2019, and be it further

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

Moved by Bradt, seconded by Virtuoso

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. IF-016-18

From: Infrastructure & Facilities Committee

Dated: February 20, 2018

**YOUNGSTOWN ROAD SLOPE STABILIZATION PROJECT
BUDGET MODIFICATION**

WHEREAS, the Niagara County Soil and Water Conservation District, obtained funding through the NYS Department of Agriculture and Markets to implement a project in 2017 that protects public lands, prevents soil erosion and/or improves water quality in Niagara County, and

WHEREAS, the Youngstown Road Slope Stabilization project was selected to receive this funding in 2017, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE ANTICIPATED REVENUE:

H599.15.5112.000.41289.02	Other Government Reimbursement	\$73,236
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DECREASE ANTICIPATED REVENUE:

H599.15.5112.000.43501.01	Consolidated Highway Aid	\$73,236
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Moved by Bradt, seconded by Virtuoso

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. IF-017-18

From: Infrastructure & Facilities and Administration Committees

Dated: February 20, 2018

**UPPER MOUNTAIN ROAD PAVEMENT PRESERVATION PROJECT
THRALL ROAD TO LOCKPORT JUNCTION ROAD
SUPPLEMENTAL AGREEMENT NO. 2**

WHEREAS, the Upper Mountain Road Pavement Preservation Project, Thrall Road to Lockport Junction Road, Town of Cambria, Niagara County, PIN 5758.54 (the "Project"), is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal Funds and 20% Non-Federal Funds, and

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

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

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

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

RESOLVED, that the following budget modification be effectuated to reflect the funding levels set forth by Schedule A in the attached agreement:

INCREASE REVENUE:

H596.15.5112.000 44597.01	Federal Aid Cap Const Hwy Rev	\$348,368.00
H596.15.5112.000 43591.00	State Aid Cap Const Hwy Rev	\$ 13,700.00

INCREASE APPROPRIATIONS:

H596.15.5112.000 72600.01	Infrastructure Roads Folder 05-Construction	\$362,068.00
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and be it further

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

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

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

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

RESOLVED, that this Resolution shall take effect immediately.

Moved by Bradt, seconded by Virtuoso

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. IF-018-18

From: Infrastructure & Facilities and Administration Committees

Dated: February 20, 2018

NORTHPOINTE RENOVATIONS CAPITAL PROJECT BUDGET MODIFICATION

WHEREAS, the Northpointe Council, Inc. was able to secure reimbursement for renovations at the Trott ACCESS Center, in the amount of \$226,625, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE ANTICIPATED REVENUE:

H649.25.1620.000.41289.02	Other Government Reimbursement	\$226,625
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INCREASE ANTICIPATED EXPENSES:

H649.25.1620.000.72200.01	Building Improvements – Folder 03	\$226,625
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Moved by Bradt, seconded by Virtuoso

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. IF-019-18

From: Infrastructure & Facilities and Administration Committees

Dated: February 20, 2018

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

WHEREAS, the County applied for funds from the Host Community Standing Committee for Phase II of the West Canal Marina and Park Paddle Sport Launch System, and

WHEREAS, the project was also submitted to the Niagara River Greenway Commission for consultation, and

WHEREAS, the County has successfully secured funds from the Host Community Standing Committee for Phase II of the West Canal Marina and Park Paddle Sport Launch Systems, in the amount of \$61,500, to allow the installation of shore water and power, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE ANTICIPATED REVENUE:

H633.15.7110.000.42089.01	Income Greenway Grant	\$61,500
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INCREASE ANTICIPATED EXPENSES:

H633.15.7110.000.72400.00	Land Improvements	\$61,500
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Moved by Bradt, seconded by Virtuoso

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. IF-020-18

From: Infrastructure & Facilities Committee

Dated: February 20, 2018

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE SOCCER SHOTS BUFFALO

WHEREAS, Soccer Shots Buffalo has requested that the County of Niagara grant them exclusive rights to operate a youth soccer program in a section of Oppenheim Park, and also a section at the West Canal Marina, and

WHEREAS, such program is operated on a not-for-profit basis, 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, prior to the execution of the License Agreement between the County of Niagara and Soccer Shots Buffalo, the County Attorney will review said Agreement for approval as to legal form, language, and compliance, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Soccer Shots Buffalo, now, therefore be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and Soccer Shots Buffalo, 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 County Legislature be, and hereby is, authorized to execute the License Agreement between the County of Niagara and Soccer Shots Buffalo.

Moved by Bradt, seconded by Virtuoso

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. IF-021-18

From: Infrastructure & Facilities Committee
Dated: February 20, 2018

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND NIAGARA COMMUNITY CHURCH
POWER ZONE SPORTS**

WHEREAS, Niagara Community Church Power Zone Sports has requested that the County of Niagara grant them permission to use a section of Oppenheim Park for the purpose of an organized youth baseball league in the back portion of Oppenheim Park, and

WHEREAS, this league will be held May 1st through October 31, 2018, 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 Niagara Community Church Power Zone Sports, and

WHEREAS, prior to execution of the agreement between the County of Niagara and Niagara Community Church Power Zone Sports, 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 Chairman of the County Legislature be, and hereby is, authorized to execute the agreement.

Moved by Bradt, seconded by Virtuoso

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. IF-022-18

From: Infrastructure & Facilities Committee
Dated: February 20, 2018

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA
AND THE PENDLETON LIONS CLUB**

WHEREAS, the Pendleton Lions Club has requested that the County of Niagara grant them permission to use the West Canal Marina and Shelter #4, for the purpose of holding the 42nd annual town children's fishing derby to be held on June 3rd, 2018, and

WHEREAS, the fishing derby has been successful for the past several years in attracting hundreds of adults and children from the area, and

WHEREAS, it is the wish of the organizers to hold the fishing derby on June 3rd, 2018, 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 Pendleton Lions Club, and

WHEREAS, prior to the execution of the License Agreement between the County of Niagara and the Pendleton Lions Club, 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 Chairman of the County Legislature be, and hereby is authorized to execute the License Agreement between the County of Niagara and the Pendleton Lions Club.

Moved by Bradt, seconded by Virtuoso

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. IF-023-18

From: Infrastructure & Facilities Committee

Dated: February 20, 2018

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA
AND OLCOTT BEACH CAR SHOW**

WHEREAS, the Olcott Beach Car Show has requested that the County of Niagara grant them permission to use the north section of Krull Park on September 1, 2018 for the purpose of holding the Olcott Beach Car Show, and

WHEREAS, this car show has been successful for the past sixteen years in attracting thousands of visitors from across Niagara County and Greater Western New York, and

WHEREAS, it is the wish of the Olcott Beach Car Show, to hold the Olcott Beach Car Show on September 1, 2018, 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 to enter into a formal agreement with the Olcott Beach Car Show, and

WHEREAS, prior to the execution of the agreement, the County Attorney will review the agreement 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 Beach Car Show, 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 is authorized and directed to execute and deliver the agreement with the Olcott Beach Car Show.

Moved by Bradt, seconded by Virtuoso

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. IF-024-18

From: Infrastructure & Facilities Committee

Dated: February 20, 2018

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE NEWFANE WOMEN'S
LACROSSE CLUB**

WHEREAS, the Newfane Women's Lacrosse Club has requested that the County of Niagara grant them rights to operate a lacrosse program in an area situated in the County owned property on Lake Road, and

WHEREAS, this program benefits the residents of the Town of Newfane in addition to Niagara County as a whole, and

WHEREAS, such program is operated on a not-for-profit basis, 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 Newfane Women's Lacrosse 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 Newfane Women's Lacrosse Club, as appears in 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 is hereby authorized to execute the required documents.

Moved by Bradt, seconded by Virtuoso

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. IF-025-18

From: Infrastructure & Facilities Committee

Dated: February 20, 2018

**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 4, 2018 for the purpose of holding the annual charity event known as the Lions 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 Lions Club sight and other charity programs, and

WHEREAS, the Lions 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 Lions Club to hold the Lions Club Polar Bear Swim for Sight on March 6, 2017, 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 Lions 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 Lions 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 is hereby authorized to execute the required documents.

Moved by Bradt, seconded by Virtuoso

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. IF-026-18

From: Infrastructure & Facilities Committee

Dated: February 20, 2018

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE NEWFANE LACROSSE CLUB

WHEREAS, the Newfane Lacrosse Club has requested that the County of Niagara grant them exclusive rights to operate a lacrosse program in an area situated in the County owned property on Lake Road, and

WHEREAS, this program benefits the youth and other residents of the Town of Newfane in addition to Niagara County as a whole, and

WHEREAS, such program is operated on a not-for-profit basis, 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 Newfane Lacrosse 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 Newfane Lacrosse Club, as appears in 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 is hereby

authorized to execute the required documents.

Moved by Bradt, seconded by Virtuoso

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. IF-027-18

From: Infrastructure & Facilities Committee

Dated: February 20, 2018

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND NEWFANE CENTRAL SCHOOL

WHEREAS, the Newfane Central School has requested that the County of Niagara grant them permission to use a portion of Krull Park for the purpose of holding a Band Concert and Chicken BBQ, and

WHEREAS, it is the wish of the Newfane Central School to hold the Band Concert and Chicken BBQ on May 31, 2018, 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 Newfane Central School, and

WHEREAS, prior to the execution of the License Agreement between the County of Niagara and Newfane Central School, 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 Chairman of the County Legislature be, and hereby is, authorized to execute the License Agreement between the County of Niagara and Newfane Central School.

Moved by Bradt, seconded by Virtuoso

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. IF-028-18

From: Infrastructure & Facilities Committee

Dated: February 20, 2018

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE BOND LAKE ENVIRONMENTAL COMMITTEE

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 these events, and

WHEREAS, it is the wish of the Bond Lake Environmental Committee to hold these events, 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 Chairman 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 Bradt, seconded by Virtuoso

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. IF-029-18

From: Infrastructure & Facilities Committee

Dated: February 20, 2018

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE
ROY-HART CROSS COUNTRY TEAM**

WHEREAS, the Roy-Hart Cross Country Team has requested that the County of Niagara grant them exclusive rights to operate a cross country program in an area situated in the County owned property on Gasport Road, and

WHEREAS, this program benefits the youth and other residents of both the Towns of Royalton and Hartland in addition to Niagara County as a whole, and

WHEREAS, such program is operated on a not-for-profit basis, 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, prior to the execution of the License Agreement between the County of Niagara and the Roy-Hart Cross Country Team, the County Attorney will review said Agreement for approval as to legal form, language, and compliance; and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Roy-Hart Cross Country Team, now, therefore, be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Roy-Hart Cross Country Team, 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 is hereby authorized to execute the required documents.

Moved by Bradt, seconded by Virtuoso

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. IF-030-18

From: Infrastructure & Facilities Committee
Dated: February 20, 2018

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE LOCKPORT HIGH SCHOOL
CROSS COUNTRY CLUB**

WHEREAS, the Lockport High School Cross Country Club has requested that the County of Niagara grant them exclusive rights to operate a Cross Country program in an area situated in the County owned property near Day Road Park, and

WHEREAS, this program benefits the residents of the Town and City of Lockport in addition to Niagara County as a whole, and

WHEREAS, such program is operated on a not-for-profit basis, 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 Lockport High School Cross Country 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 Lockport High School Cross Country 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 is hereby authorized to execute the required documents

Moved by Bradt, seconded by Virtuoso

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. IF-031-18

From: Infrastructure & Facilities and Administration Committee
Dated: February 20, 2018

**CREATE CAPITAL PROJECT
BUILDING SECURITY CAMERAS SYSTEMS**

WHEREAS, Niagara County relies on security cameras with electronic recording and storage equipment for safety, security and risk management purposes, and

WHEREAS, Niagara County has identified the need to furnish, install, and operate new security cameras with electronic recording and storage equipment for various County buildings, and

WHEREAS, the need exists in Niagara County to replace aging and obsolete security cameras and electronic recording and storage technology, and

WHEREAS, funds are available within existing capital projects to be transferred for this purpose, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated:

DECREASE ESTIMATED REVENUES:

H644.17.3197.000 45031.00	Interfund Transfers from Operating	\$40,000
H625.15.1620.000 45031.10	Interfund Transfers from Capital Reserves	\$15,000
H582.15.5197.000 45031.10	Interfund Transfers from Capital Reserves	\$45,000

DECREASE APPROPRIATIONS:

H644.17.3197.000 72200.01	Jail Water Systems	\$40,000
H625.15.1620.000 72200.01	Building Security Improv.	\$15,000
H582.15.5197.000 72600.02	Youngstown Road Bridge	\$45,000

INCREASE ESTIMATED REVENUES:

H657.16.1680.000 45031.00	Interfund Transfers from Operating	\$40,000
H657.16.1680.000 45031.10	Interfund Transfers from Capital Reserves	\$60,000

INCREASE APPROPRIATIONS:

H657.16.1680.000 72200.01	Building Security Cameras	\$100,000
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Approved for Submission

Moved by Syracuse, seconded by Bradt

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. IL-007-18

From: Legislators Richard L. Andres, Randy R. Bradt and Kathryn L. Lance

Dated: February 20, 2018

RESOLUTION IN SUPPORT OF TONAWANDAS GATEWAY HARBOR, INC. THROUGH THE USE OF CASINO FUNDING

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 Pizza Fest, 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, 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 the following budget modification be effectuated to the Niagara County Economic Development 2018 budget:

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01 Appropriated Fund Balance - Committed Funds \$1,800.00

INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund \$1,800.00
Referred to Economic Development.

Resolution No. IL-008-18

From: Legislators Wm. Keith McNall, Randy R. Bradt, Clyde L. Burmaster, Rebecca J. Wydysh, et al.

Dated: February 20, 2018

**RESOLUTION URGING THE GOVERNOR AND LEGISLATURE TO RENEW THEIR
COMMITMENT TO FULLY FUND THE STATE SHARE OF COMMUNITY COLLEGE COSTS
AND TO FULLY FUND THE COSTS OF FIT CHARGEBACKS FOR STUDENTS WORKING
TOWARD BACHELORS AND MASTERS DEGREES**

WHEREAS, under state law, funding for community colleges is to be provided through state aid, a county sponsor contribution and student tuition and fees; and

WHEREAS, the establishment and continued operation of the statewide community college system was based on a commitment to ongoing State aid funding of at least one-third of community college operating costs, and

WHEREAS, the State funding amount has declined over the years below the historic one-third commitment, and

WHEREAS, the Legislature and Governor have been providing modest increases in state aid over the last few years, but that commitment remains far below the intended one-third commitment, and

WHEREAS, this year the Governor's Executive 2018-19 State Budget proposal cuts funding to Community Colleges by \$24.4 million or five percent under last year's funding, and

WHEREAS, Section 6305 of the State education law requires the state to reimburse counties for Fashion Institute of Technology chargebacks, but the state has not provided the necessary appropriations to comply with this state law requirement, and

WHEREAS, counties are currently being charged back for students attending FIT for bachelor's and master's degrees, which was not the intent of the community college charge back funding requirement, now, therefore, be it

RESOLVED, the Niagara County Legislature and New York State Association of Counties (NYSAC) calls on the Governor and State Legislature to make continued state investment in community college operating costs a priority, be it further

RESOLVED, the state should restore the full funding of FIT chargebacks to counties related to all educational instruction provided after two years (coursework necessary for a 4-year, and/or master's degree), and

RESOLVED, that the clerk of the Legislature shall forward certified copies of this Resolution to the Governor of the State of New York Andrew Cuomo, Senate Majority Leader John Flanagan, Senator Robert Ort, Speaker of the New York State Assembly Carl Heastie, Assembly Minority Leader Brian M. Kolb, Assemblyman Angelo Morinello, Assemblyman Michael J. Norris and others deemed necessary and proper.

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

Carried.

Moved by Bradt, seconded by Burmaster

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. IL-009-18

From: Legislators Wm. Keith McNall and Clyde L. Burmaster

Dated: February 20, 2018

**RESOLUTION URGING THE STATE OF NEW YORK AND THE SENECA NATION TO COME TO
AGREEMENT ON GAMING REVENUE SHARING**

WHEREAS, in 2002, the State of New York and the Seneca Nation entered into a compact with a provision that gaming revenue would be shared with the State in return for certain gaming exclusivity rights in Western New York, and

WHEREAS, as part the of legislation, the State of New York shares with local governments, including 16 counties in Western New York, a portion of the revenue they receive from the Seneca Nation, and

WHEREAS, the Counties rely on that revenue to maintain infrastructure and provide public safety for all residents as well as provide services needed to help support this growing gaming industry, and

WHEREAS, in 2017 a dispute between the Seneca Nation and the state arose over the language within the compact, leading the Nation to stop revenue sharing payments to the State, and

WHEREAS, this revenue loss amounts to approximately \$50 million annually to the 16 counties in Western New York, and

WHEREAS, due to flat sales tax and a state imposed property tax cap, counties are finding it increasingly difficult to maintain critical local services residents demand and expect, and

WHEREAS, the Seneca Nation and the counties of New York have a long history of productive partnerships and respect, and the Nation leaders have recently expressed that they wish to continue their valued partnership with local governments, and

WHEREAS, the long-term viability of the region depends, in part, on all parties coming to an agreement on the involved issues, and

WHEREAS, the Seneca Nation and the State of New York have elected to attempt to resolve this issue through arbitration, a process which can take months or even years, now, therefore, be it

RESOLVED, that Niagara County and NYSAC call on the State of New York and the Seneca Nation to expeditiously resolve their differences and reach an agreement to avoid catastrophic harm to public safety and public services, and be it further

RESOLVED, Niagara County and NYSAC call on the State to make counties whole for past and current losses caused by this negotiation process and to the extent that such losses have been caused directly or indirectly, by the failure of the Seneca Nation to abide by the terms of the compact that the Seneca Nation make the counties whole so that local services and the residents that rely on those services are not impacted, and be it further

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

RESOLVED, that the clerk of the Legislature shall forward certified copies of this Resolution to the Governor of the State of New York Andrew Cuomo, Senate Majority Leader John Flanagan, Senator Robert Ortt, Speaker of the New York State Assembly Carl Heastie, Assembly Minority Leader Brian M. Kolb, Assemblyman Angelo Morinello, Assemblyman Michael J. Norris and others deemed necessary and proper

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

Carried.

Moved by Burmaster, seconded by Grozio.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. IL-010-18

From: Legislators Rebecca J. Wydysh and Randy R. Bradt

Dated: February 20, 2018

A LOCAL LAW OF THE LEGISLATURE OF THE COUNTY OF NIAGARA DECLARING THE OPIOID EPIDEMIC AND ITS EFFECT ON NIAGARA COUNTY A PUBLIC NUISANCE

WHEREAS, Legislators Rebecca J. Wydysh, Randy R. Bradt and the Administration Committee present in writing the following proposed Local Law:

A Local Law declaring the opioid epidemic and its effects on the County a public nuisance.

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

I. Purpose and intent.

The opioid epidemic is sweeping the country. Indeed, addiction to and abuse of opioids is one of the greatest challenges facing Niagara County, New York (the "County"). A cause of this increasing crisis is the overabundance of prescription opioids. Vast amounts of prescription opioids were sold, distributed, and prescribed in the County over the past several years, a practice that continues today. The selling, distributing, and prescribing of large amounts of opioids in our community has created a public health and safety hazard affecting the residents of the County. This crisis has devastated families, wreaked havoc on our economy, and produced a generation of narcotic dependence. As a result of the opioid epidemic, costs related to healthcare, family and social services, criminal justice, addiction and rehabilitation, and many other areas have significantly increased. Many of these costs are paid by the County.

The purpose and intent of this legislation is to allow the County to recover these costs, despite the existence of the common-law municipal cost recovery rule (a.k.a. free public services doctrine) and declare the opioid epidemic and its effects on the County a public nuisance. Specifically, the County provides services related to the opioid epidemic, which are funded by tax revenues. This statute clarifies that reimbursement may be sought for the costs of providing such services, whenever practicable, from the responsible party. To

accomplish this, the County establishes this cost recovery procedure and declares the opioid epidemic and its effects on the County a public nuisance.

II. Definitions.

“Costs” means all expenditures related to the opioid epidemic that directly or indirectly arise from the County’s response to a responsible party’s action or inaction.

“Responsible party” means any person or corporation whose negligent, intentional, or otherwise wrongful conduct causes the incident resulting in the County incurring costs or who is found liable or made responsible by a court for the costs incurred by the County in the form of damages, regardless of the cause of action.

III. Governmental function cost recovery.

The County may recover the costs of governmental functions related to opioids marketed, sold, manufactured, dispensed, prescribed, and/or distributed by the responsible party. If a responsible party fails to pay the costs demanded, the County may initiate and recover costs through administrative, civil, and/or criminal action against the responsible party. In that case, the County may also recover attorney’s fees, interest, and any other payment or type of damages the court deems proper.

IV. Effect of criminal or civil proceedings on governmental function cost recovery.

The initiation of administrative or civil proceedings for governmental function cost recovery does not bar the criminal prosecution of a responsible party for any associated violation. Similarly, criminal prosecution does not bar civil collection of costs for the violation giving rise to the criminal prosecution.

V. Public nuisance.

The County hereby finds and declares the following:

- 1) That addiction to and abuse of opioids is one of the greatest challenges facing the County;
- 2) A cause of this increasing crisis is the overabundance of prescription opioids. Vast amounts of prescription opioid pain pills were sold, distributed and prescribed in the County over the past several years which practice continues today;
- 3) There is evidence showing that approximately four in five heroin users began their addiction by first using and then misusing prescription pain medications containing opioids;
- 4) The selling, distributing, and prescribing of large amounts of opioid pain pills in the County has created a public health and safety hazard affecting the residents of the County, resulting in devastation to County families, a negative effect on the County economy, wasted public resources, and a generation of narcotic dependence;
- 5) That selling, distributing, and prescribing of prescription opioid pain pills is a hazard to public health and safety, which has created a public nuisance to the citizens of the County, and said nuisance remains unabated;
- 6) That, in addition to all other powers and duties now conferred by law upon the County, the County is authorized to enact ordinances, issue orders, and take other appropriate and necessary actions for the

elimination of hazards to public health and safety and to abate or cause to be abated anything which the commission determines to be a public nuisance;

7) That during the process of manufacturing and distribution of opioids, in some cases, there have been a breakdown of responsibility that some have taken advantage of and the negligence and intentional wrongful conduct of those manufacturers and distributors causing harm to our citizens; and

8) That it is the duty of the County to protect and enforce the rights of the citizens of the County and take action to abate this public nuisance.

9) That opioid addiction has been declared a disease and those responsible parties who have benefited should also bear the costs and expenses created.

VI. Retroactive application.

This legislation applies retroactively.

RESOLVED, that the Niagara County Legislature shall conduct a public hearing upon said proposed Local Law at the Legislative Chambers, Niagara County Courthouse, Lockport, New York, on the 20th day of March, 2018 at 6:30 p.m., and be it further

RESOLVED, that the Clerk of the Legislature, at least six days in advance of such hearing, shall post a notice upon the bulletin boards in the Courthouse at Lockport, the Civic Building at Niagara Falls, and the County Building at North Tonawanda and shall publish such notice in the Lockport Union Sun & Journal and the Buffalo News; such notice shall contain the title of the Local Law and an abstract of the text to be prepared by the Clerk of the Legislature, with the assistance of the County Attorney's Office.

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

Carried.

Moved by Burmaster, seconded by Grozio.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. IL-011-18

From: Legislators Rebecca J. Wydysh and Randy R. Bradt

Dated: February 20, 2018

RESOLUTION SUPPORTING STATEWIDE DRUG TAKE BACK PROGRAM FOR SAFE DISPOSAL OF DRUGS

WHEREAS, it is estimated that over four billion prescription medications are annually dispensed in the United States, many of which go unused and become accessible to abusers or lead to accidental poisonings, and

WHEREAS, deaths from drug overdoses and chronic abuse in New York State have increased at an alarming rate of 71 percent between 2010 and 2015, and

WHEREAS, the National Institute on Drug Abuse studies indicate that 86% of current heroin users began using opioids first through the non-medicinal use of opioids obtained from friends and family members, or their own prescription misuse, and

WHEREAS, the lack of safe disposal options is perpetuating the antiquated and harmful practices of flushing unwanted drugs to sewage treatment plants and septic systems that are not designed to remove these contaminants, and

WHEREAS, mounting evidence demonstrates the need for safe and secure disposal options for pharmaceuticals that match the convenience of purchasing pharmaceuticals, and

WHEREAS, safe and secure disposal of unneeded or excess pharmaceuticals is part of a comprehensive strategy to prevent opioid use, abuse, addiction, and subsequent fatalities, and

WHEREAS, sixteen municipal laws and two state laws, including Massachusetts and Vermont, have passed and are in the process of implementing manufacturer funded safe disposal programs, and

WHEREAS, while New York State has invested millions of dollars in expanding safe disposal and Niagara County coordinates take back from six locations in the County, many residents still do not have convenient access to safe disposal options, and

WHEREAS, the Niagara County Legislature therefore wishes to express its support for a manufacturer funded statewide pharmaceutical waste collection system that includes mandatory drop boxes at all retail pharmacy locations with 10 or more locations in the state, and a statewide convenience standard to enhance rural community participation; now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby urges the New York State Legislature to enact a manufacturer funded, sustainable funding mechanism for a statewide disposal program that would require the pharmaceutical industry to be responsible for collecting and managing their leftover products throughout the entire product life cycle, instead of solely relying on taxpayers to fund management of these products at the end of their useful life, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Andrew M. Cuomo, Senate Temporary President and Majority Leader John Flanagan; Senator Robert G. Ort; Speaker of the Assembly Carl Heastie; Assembly Majority Leader Joseph D. Morelle; Assembly Minority Leader Brian M. Kolb; Member of the Assembly Michael J. Norris; Member of the Assembly Angelo Morinello; Member of the Assembly Ray Walter; Member of the Assembly Robin Schimminger; and all others deemed necessary and proper.

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

Carried.

Moved by Andres, seconded by Steed.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. IL-012-18

From: Legislator Randy R. Bradt

Dated: February 20, 2018

**RESOLUTION URGING THE GOVERNOR AND THE STATE LEGISLATURE TO CONTINUE
BROWNFIELD TAX CREDITS IN THE 2018-2019 STATE BUDGET**

WHEREAS, Governor Andrew M. Cuomo did release his Fiscal Year 2019 Executive Budget and said document proposes deferring 34 various tax credits above \$2 million for Tax Years 2018 and 2019 under Part S of Revenue Article VIII, and

WHEREAS, among those tax credits Governor Cuomo has proposed deferring in Tax Years 2018 and 2019 is the Brownfield Redevelopment Tax Credit, and

WHEREAS, similar proposals in the 2010 budget resulted in litigation, and

WHEREAS, the president of the Niagara County Brownfield Development Corp. did indicate to members of the Legislature that “any change in tax credit structure could hamper economic development...often times the tax credits are what makes a project financially viable and without the incentives many projects would not come to fruition,” and

WHEREAS, the Brownfield Development Corp. further indicated that “Without the lucrative and immediate tax credits most brownfield sites in Niagara County would not be developed,” now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara does hereby urge Governor Cuomo and the State Legislature to continue providing the 34 tax credits currently available to developers in New York State, and most notably the Brownfield Redevelopment Tax Credit, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Cuomo, Senate Temporary President and Majority Leader John Flanagan; Senator Robert G. Ortt; Speaker of the Assembly Carl Heastie; Assembly Majority Leader Joseph D. Morelle; Assembly Minority Leader Brian M. Kolb; Member of the Assembly Michael J. Norris; Member of the Assembly Angelo Morinello; Member of the Assembly Ray Walter; Member of the Assembly Robin Schimminger; and all others deemed necessary and proper.

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

Carried.

Moved by Bradt, seconded by Collins

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. IL-013-18

From: Legislators Randy R. Bradt, Kathryn L. Lance, Richard L. Andres, Dennis F. Virtuoso and Jason A. Zona

Dated: February 20, 2018

RESOLUTION FUNDING PURCHASE OF FOUR SECURITY CAMERAS TO BE UTILIZED IN AREAS OF NORTH TONAWANDA AND NIAGARA FALLS BUSINESS DISTRICTS IDENTIFIED AS POSSIBLE HIGH-CRIME AREAS TO PRESERVE COUNTY TAXPAYERS' INVESTMENT IN DOWNTOWN ECONOMIC DEVELOPMENT

WHEREAS, Niagara County is dedicated to promoting economic development and a high quality of life for its residents, 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, the Niagara County Industrial Development Agency has, since 2014, spearheaded initiatives that have led to \$28.6 million in private sector investments, and efforts by the Lumber City Development Corp. have resulted in \$3.8 million in private sector investments in the same period, and

WHEREAS, Sperling’s Best Places has noted that North Tonawanda’s economic growth is favorable, with a projected 10-year job growth rate of 36.95%, and

WHEREAS, the economic development strategy pursued in North Tonawanda has included development of both commercial and residential sites, with venues such as the Remington Lofts gaining a high prestige factor, and

WHEREAS, the New York State Office of Community Renewal has shown a strong propensity to support grants to redevelop multi-story business facades as mixed commercial/residential buildings in agency development strategy in recent years, which is of particular note on Webster, Oliver, Sweeney, and nearby streets, and

WHEREAS, New York State Governor Andrew M. Cuomo and the Regional Economic Development Council did award North Tonawanda \$2.5 million on October 4, 2017 for development and expansion of its business districts in recognition of growth and progress that has occurred in the same in recent years, and

WHEREAS, the development of a “bedroom community” brand by North Tonawanda is of value given its proximity to the highly-urbanized Buffalo area which is set to grow under provisions of the Buffalo Billion, and

WHEREAS, the Buffalo Billion has also generated significant state and private investment targeted for Niagara Falls, and

WHEREAS, the State of New York has invested substantial public monies in the redevelopment of the Niagara Falls State Park and various downtown projects, including a \$150 million redevelopment helmed by Uniland Development Co., and this is likely to substantially increase foot traffic, and potentially the opportunity for crime to take place, and

WHEREAS, local government and private developers have invested significantly in the Third Street entertainment district and the Niagara County Community College Culinary Institute in recent years, also increasing foot traffic, and

WHEREAS, the Seneca Niagara Casino continues to be a significant draw for indoor and outdoor entertainment, and

WHEREAS, AreaVibes.com states “The overall crime rate in Niagara Falls is 121% higher than the national average. For every 100,000 people, there are 17.91 daily crimes that occur in Niagara Falls. Niagara Falls is safer than 3% of the cities in the United States.” and

WHEREAS, Niagara County believes that public safety is a critical factor in development of residential spaces, and that security against property theft and vandalism is a particular potent incentive for developing commercial spaces and safeguarding public and private investments in North Tonawanda and Niagara Falls, and

WHEREAS, FBI crime statistics released for Niagara County and its municipalities suggest a spike in crime activity occurring in 2016 and 2017, and

WHEREAS, the Opioid epidemic may be exacerbating other crimes, including property crimes and nuisance activity, as the Bureau of Justice Statistics noted that “In 2002 about a quarter of convicted property and drug offenders in local jails had committed their crimes to get money for drugs” in a pair of papers on the topic, *Substance Dependence, Abuse, and Treatment of Jail Inmates, 2002*, NCJ 209588, July 2005 and *Drug Use and Dependence, State and Federal Prisoners, 2004*, NCJ 213530, October 2006.and

WHEREAS, the District Attorney’s Office has allocated funding from asset forfeiture monies for the purchase of two security cameras to be utilized in North Tonawanda in conjunction with the Niagara Intelligence and Crime Analysis Center, and

WHEREAS, based upon consultation with the District Attorney, it is the judgment of this Legislature that the purchase of two additional cameras to be utilized in North Tonawanda and two additional cameras to be utilized in Niagara Falls would be prudent to establish fuller coverage of potential crime areas and to preserve the county taxpayers’ investment in the economic development of said downtown, now, therefore, be it

RESOLVED, that the following budget modification be effectuated to the Niagara County District Attorney 2018 budget:

INCREASE APPROPRIATION:

A.02.1165.000 72100.17	Security Equipment	\$32,000
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DECREASE APPROPRIATION:

A.08.1990.000 74500.01	Contingency	\$32,000
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Moved by Bradt, seconded by Andres, to implement the portion of Rule 15 that pertains to voting on a resolution as opposed to referring it to committee.

Carried.

Moved by Nemi, seconded by Lance.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Godfrey and Hill

Resolution No. CW-001-18 was read at this time. (Appears in numerical order)

Resolution No. IF-031-18 was read at this time. (Appears in numerical order)

APPOINTMENTS:

	<u>Appt.</u>	<u>Expires</u>
<u>FISH & WILDLIFE MANAGEMENT BOARD – REGION 9</u>		
Matt Foe	02/20/18	12/31/19
4517 Upper Mountain Road, Lockport 14094		
ALT: Peter Smith	02/20/18	12/31/19
4472 Van Dusen Road, Lockport 14094		
Robert Kerns	02/20/18	12/31/19
PO Box 547, Sanborn 14132		
ALT: William Loeschke	02/20/18	12/31/19

2098 Maple Rd., Wilson 14172

John Syracuse	02/20/18	12/31/19
ALT: David E. Godfrey	02/20/18	12/31/19
<u>FISHERIES BOARD</u>		
Frank Campbell	02/20/18	12/31/20
914 Morley Ave. Niagara Falls 14305		
Robert Cinelli	02/20/18	12/31/20
PO Box 1773, Olcott 14126		
Connie Adams-Meesig	02/20/18	12/31/20
4786 Lower River Rd., Lewiston 14092		
Wesley Walker	02/20/18	12/31/20
5780 W. Main St., Olcott 14126		
Capt. Michael Johannes	02/20/18	12/31/20
3313 Ridge Rd., Ransomville 14131		
<u>TRAFFIC SAFETY BOARD:</u>		
Clyde L. Burmaster, Vice Chairman, Niagara County Legislature	02/20/18	12/31/20
2512 Parker Rd., Ransomville 14131		
Michael Filicetti., Undersheriff	02/20/18	12/31/20
5526 Niagara St. Ext., Lockport 14094		
Clyde Doty, NYS Parks Police	02/20/18	12/31/20
4578 Ide Rd., Wilson 14172		
Angela Munn	02/20/18	12/31/20
Police Dept., 1925 Main St., Niagara Falls 14305		
Michael Niethe, Chief, Lockport Police Dept	02/20/18	12/31/20
Police Headquarters, Municipal Bldg., Lockport 14094		
Roger Zgolak, No. Tonawanda Police Dept.	02/20/18	12/31/20
216 Payne Ave, North Tonawanda 14120		
Garret Meal , Commissioner Public Works	02/20/18	12/31/20
Anthony Nemi, Chr., Administration Comm.	02/20/18	12/31/20
Robert Richards, Deputy, Stop DWI Coordinator	02/20/18	12/31/20
5526 Niagara St. Ext., Lockport 14094		
Robert Frank, Lt. No. Tonawanda Police Dept. (Replaces W. Ross Annable)	02/20/18	12/31/20
216 Payne Ave., North Tonawanda 14120		
Corey Harmon, Zone Sgt., NYS Police (Replaces Samuel Taglienti)	02/20/18	12/31/20
6568 Dysinger Rd., Lockport 14094		
Moved by Bradt , seconded by Virtuoso.		
Carried.		

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

The Chairman declared the Board adjourned at 7:45 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