

OFFICIAL RECORD

Lockport, New York
February 21, 2017

The meeting was called to order by Chairman McNall at 7:04 p.m.

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

PRESENTATIONS:

1. Legislator Nemi and Sheriff Voutour invited Father Bartko to the lectern to read a Proclamation to honor him for his 50 years service in priesthood and in the community, 49 of the years he spent offering Sunday Mass to the inmates in the Niagara County Jail. Father Bartko thanked the Niagara County Legislature and the Sheriff for such an honor.
2. Legislator Lance and County Manager Updegrove invited Kathi Argoni to the lectern to read a proclamation to congratulate her on her retirement after serving the Niagara County Economic Development Department for 20 years.
3. Legislator Andres called Mayor Soluri and Jean Lacesse Executive Director of the Niagara River Greenway Commission gave a update on the Niagara Scenic Trail project she is working on.
4. Legislator Syracuse called Commissioner of Public Works Garret Meal and Al Morris from the Greater Buffalo Niagara Regional Transportation Council to the lectern to give a summary on how our Infrastructure & Facilities Department and the GBNRTC work together on improving the safety and quality of our roadway and bridges in Niagara County.

No citizens spoke at this time.

CORRESPONDENCE:

Chairman McNall reminded the Legislatures disclosure statements are due by March 1, 2017.

Chairman McNall also invited the all to see the Westpoint Glee Club perform in the Niagara County Court House Rotunda Friday February 24, 2017 at 11:15 a.m.

Chairman McNall announced that resolution IF-033-17 was being removed from the preferred and placed on the regular agenda to discuss.

Moved by Bradt, seconded by Virtuoso.

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

Carried.

Resolution No. AD-002-17

From: Administration Committees

Dated: February 21, 2017

BUDGET AMENDMENT FOR RATIFIED AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE NIAGARA COUNTY SEWER DISTRICT #1 AND TEAMSTERS LOCAL #264

WHEREAS, the County of Niagara, and the Sewer District #1, and the Teamsters Local #264 have ratified an agreement for the period of January 1, 2012 through December 31, 2020 (resolution CW-001-17), and

WHEREAS, funds are available in fund balance to carry out the fiscal obligations of the agreement, now, therefore, be it

RESOLVED, that the County Manager is authorized to direct the Departments of Human Resources, Risk Management, Budget, and the Treasurer's Office to implement and administer the provisions of the Agreement, and be it further

RESOLVED, that the following budget modification be effectuated.

INCREASE APPROPRIATED FUND BALANCE:

G 40599.00	Appropriated Fund Balance	\$90,413.06
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INCREASE APPROPRIATIONS:

G.32.8130.000 71020.00	Contract Settlement	\$49,141.78
G.32.8130.000 71010.00	Positions	27,384.00
G.32.8130.000 71050.00	Overtime	1,760.00
G.32.8130.000 78100.00	Retirement	11,773.91
G.32.8130.000 78200.00	FICA	6,006.37
G.32.8130.000 78300.00	Worker's Comp	397.00

DECREASE APPROPRIATION:

G.32.8130.000 78400.01	Active Hospital/Medical Ins.	\$ 6,050.00
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Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. CS-002-17

From: Community Services and Administration Committees

Dated: February 21, 2017

**DSS BUDGET MODIFICATION
CO-LOCATION/COLLABORATION OF BEHAVIORAL
HEALTH & CHILD PROTECTIVE SERVICES**

WHEREAS, extensive research has identified numerous barriers impacting the preservation of family units and the protection of children, and

WHEREAS, executive budget did make federal funds available to local districts for the provision of services in accordance with the Child Abuse Prevention and Treatment Act, with regard to mental and/or behavioral health, and

WHEREAS, these funds have allowed for the formation of professional partnerships to provide effective support and coordination of services between the behavioral health systems for adults and/or children and the child welfare system, and

WHEREAS, Niagara County did receive an additional allocation, which is 100% federally funded, effective May 1, 2016 – April 30, 2017, which is not fully expended, now, therefore, be it

RESOLVED, that Niagara County Department of Social Services will continue to contract with the Niagara County Department of Mental Health to reimburse for the cost of a Mental Hygiene Practitioner, which is co-located amongst the Child Protective Services staff at DSS, and be it further

RESOLVED, that the following budget modification be effectuated to the Social Services 2017 budget:

INCREASE REVENUE:

A.22.6010.000 44610.00	DSS Admin Revenue	\$ 24,471
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INCREASE APPROPRIATION:

A.22.6010.000 74500.01	Contractual Exp – Contractual	\$ 24,471
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Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. CS-003-17

From: Community Services and Administration Committees

Dated: February 21, 2017

**BUDGET MODIFICATION
CHILD CARE AND DEVELOPMENT FUND**

WHEREAS, Executive Budget did make federal funds available to local districts for the provision of early childhood development and before-and-after school child care services and of quality improvement activities under the Federal Child Care and Development Block Grant Program, and

WHEREAS, these funds enable Niagara County to direct resources to satisfy federal requirements, as they relate to the registration and inspection of Child Care Centers, as well as the corresponding reporting requirements, and

WHEREAS, Niagara County did receive a renewed allocation which is 100% federally funded, effective January 1, 2017, now, therefore, be it

RESOLVED, that Niagara County Department of Social Services will continue to contract with Niagara Community Action Program, Inc. to carry out the required roles and responsibilities under the Child Care and Development Program, and be it further

RESOLVED, that the following budget modification be effectuated to the Social Services 2017 budget:

INCREASE REVENUE:

A.22.6010.000 44610.00	DSS Admin Revenue	\$174,084
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INCREASE APPROPRIATION:

A.22.6010.000 74500.01	Contractual Exp – Contractual	\$174,084
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Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. CS-004-17

From: Community Services and Administration Committees

Dated: February 21, 2017

**BUDGET MODIFICATION
FLEXIBLE FUND FOR FAMILY SERVICES**

WHEREAS, the executive budget did make federal funds available to local districts to provide a comprehensive array of services to meet the needs of eligible Temporary Assistance for Needy Families (TANF) and individuals, and

WHEREAS, these funds enable Niagara County to direct resources toward a number of areas of program needs, including, but not limited to employment related activities, child welfare services, PINS detention diversion services, substance abuse assessments, domestic violence screenings & non-residential domestic violence services, Title XX Services, JD/PINS Foster care Costs, Child Care & Development, and

WHEREAS, Niagara County did receive a 100% federally funded allocation, effective July 2016 – June 2017, not all of which has been expended, therefore, be it

RESOLVED, that Niagara County Department of Social Services will continue to contract with various agencies that will provide the necessary services in accordance with the Niagara County Flexible Fund for Family Services Plan submitted to NYS Office of Temporary and Disability Assistance (OTDA) and NYS Office of Children and Family Services (OCFS) at no additional cost to the County, and be it further

RESOLVED, that the following budget modification be effectuated to the Social Services 2016 budget:

INCREASE REVENUE:

A.22.6010.000 44610.00	DSS Admin Revenue	\$295,000
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INCREASE APPROPRIATION:

A.22.6010.000 74500.01	Contractual Exp-Contractual	\$295,000
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Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. CS-005-17

From: Community Services and Administration Committees

Dated: February 21, 2017

**BUDGET MODIFICATION
SAFE HARBOR INITIATIVE**

WHEREAS, 2008 New York State legislation, The Safe Harbor for Exploited Children Act, ended the prosecution of minors under prostitution charges and instead identified minors as victims of commercial sexual exploitation by adults, and

WHEREAS, The Safe Harbor Act is the result of years of advocacy work in New York and around the country in advancing the cause for child victims; the number of sexually exploited children, in addition to data surrounding the correlation between abuse and mental health concerns, highlighted the need for a model shift from criminalizing to protecting victims, and

WHEREAS, resources have been made available for the identification of Commercially Sexually Exploited (CSE) youth, the provision of case coordination and advocacy for CSE youth, assisting youth with access to medical care, mental health counseling, financial assistance, emergency shelter and other basic living and safety needs, crisis intervention, problem solving, action planning, and skill building, and

WHEREAS, Niagara County was selected as one of few counties across the state to receive funds to support the Safe Harbor program, and did receive a renewed allocation of \$120,000, effective January 1, 2017 – December 31, 2017, which is 100 % state funded, now, therefore, be it

RESOLVED, that Niagara County Department of Social Services will continue to contract and collaborate with Niagara Falls Memorial Medical Center - Child Advocacy Center, with the goal of providing immediate and intensive services to youth who are sexually exploited, and reduce the risk of continued sexual exploitation and abuse, in accordance with the Safe Harbor Initiative, and be it further

RESOLVED, that the following budget modification be effectuated to the Social Services 2017 budget:

INCREASE REVENUE:

A.22.6010.000 43610.01	DSS Admin General	\$120,000
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INCREASE APPROPRIATION:

A.22.6010.000 74500.01	Contractual Exp-Contractual	\$120,000
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Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. CS-006-17

From: Community Services and Administration Committees

Dated: February 21, 2017

**BUDGET MODIFICATION
HEALTHY FAMILIES NEW YORK PROGRAM**

WHEREAS, the New York State Office of Children & Family Services, in conjunction with the New York State Department of Health, did make state-wide funds available for the provision and expansion of Healthy Families New York Home Visiting Programs, and

WHEREAS, these resources are directed toward expectant and new parents in an effort to promote positive growth and development to improve health and social outcomes for families at high risk of abuse and neglect, and

WHEREAS, effective July 1, 2016, Niagara County did receive a revised 100% State funded allocation of \$481,710, not all of which has been fully expended, now, therefore be it

RESOLVED, that Niagara County Department of Social Services will continue to contract with Family & Children's Services of Niagara, Inc. to provide the necessary services as outlined in the Healthy Families New York Program requirements, and be it further

RESOLVED, that the following budget modification be effectuated to the Social Services 2017 budget:

INCREASE REVENUE:

A.22.6010.000 43610.01	DSS Admin General	\$240,855
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INCREASE APPROPRIATION:

A.22.6010.000 74500.01 Contractual Exp-Contractual \$240,855

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. CS-007-17

From: Community Services and Administration Committees

Dated: February 21, 2017

**BUDGET MODIFICATION –ACCEPT PUBLIC HEALTH
ACTIVITIES AND SERVICES TRACKING PROJECT FUNDS
ADMINISTRATION DIVISIONDEPARTMENT 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 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, that the following budget modification, be effectuated:

INCREASE REVENUE:

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

INCREASE APPROPRIATIONS:

A.20.4010.000 72100.01 Machinery and Equip Furniture & Fix \$800.00

A.20.4010.000 74250.01 Office Supplies 3,600.00

A.20.4010.000 74375.05 Cellular Phone 350.00

A.20.4010.000 74600.03 Training & Education 2,250.00

A.20.4010.000 74750.21 Gas & Oil 500.00

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. CS-008-17

From: Community Services and Administration Committees

Dated: February 21, 2017

**BUDGET MODIFICATION – REAPPROPRIATE 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 National Association of County and City Health Officials has awarded the Nursing Division funds to increase human papillomavirus (HPV) vaccination rate in Western New York approved through Resolution CS-003-16, and

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

RESOLVED, that the following budget modification, be effectuated:

INCREASE REVENUE:

A.20.4189.401 44401.00 Public Health Federal Aid	\$17,106.68
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INCREASE APPROPRIATIONS:

A.20.4189.401 71050.00	Overtime	\$939.00
A.20.4189.401 74250.01	Office Supplies	201.68
A.20.4189.401 74250.03	Printing	8,992.00
A.20.4189.401 74375.01	Advertising & Promotion	6,397.00
A.20.4189.401 74500.02	Maintenance Service Contracts	316.00
A.20.4189.401 78100.00	Retirement Expense	176.49
A.20.4189.401 78200.00	FICA	71.83
A.20.4189.401 78300.00	Workers Comp	12.68

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. CS-009-17

From: Community Services and Administration Committees

Dated: February 21, 2017

**BUDGET MODIFICATION – REAPPROPRIATE AWARD FUNDING
EMERGENCY PLANNING - DEPARTMENT OF HEALTH**

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

WHEREAS, the National Association of County and City Health Officials has awarded the Emergency Planning Division funds to support the strength of the medical reserve corps (passed through from the Department of Health and Human Services) approved through resolution CS-027-16, and

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

RESOLVED, that the following budget modification, be effectuated:

INCREASE REVENUE:

CM.20.4189.406 44489.24	Other Health MRC	\$2,866.39
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INCREASE APPROPRIATIONS:

CM.20.4189.406 7400.02	Misc Fees	\$1,114.40
CM.20.4189.406 74250.01	Office Supplies	70.44
CM.20.4189.406 74300.03	Mileage	22.61
CM.20.4189.406 74600.03	Training & Education	1,119.50
CM.20.4189.406 74750.02	General Supplies	539.44

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. CS-010-17

From: Community Services and Administration Committees
Dated: February 21, 2017

**AUTHORIZING THE CHAIR TO EXECUTE INTER-MUNICIPAL AGREEMENT WITH THE
COUNTIES OF ALLEGANY, CATTARAUGUS, CHAUTAUQUA, ERIE, GENESEE, ORLEANS
AND WYOMING FOR PUBLIC HEALTH EMERGENCY PLANNING AND RESPONSE**

WHEREAS, the counties of Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans and Wyoming are collectively referred to as the "Western New York Counties", and

WHEREAS, the County Health Departments of the Western New York Counties all have responsibilities for public health emergency planning and response, and

WHEREAS, the County Health Departments of the Western New York Counties are desirous of establishing an inter-municipal agreement to provide mutual aid to each other during a public health emergency, now, therefore, be it

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized and directed to execute an inter-municipal agreement, on behalf of Niagara County, with the counties of Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Orleans and Wyoming, for the provision of the public health emergency planning response, for a term commencing July 1, 2015 and terminating June 30, 2020, according to the above-described terms.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. CS-011-17

From: Community Services and Administration Committees
Dated: February 21, 2017

**MENTAL HEALTH DEPARTMENT – A4310
ABOLISH & CREATE POSITION**

WHEREAS, the Department of Mental Health is obligated to provide efficient financial oversight and quality treatment services to County residents in need, and

WHEREAS, the department is mandated to identify, plan and monitor financials for the provision of care coordination, emergency services, treatment and other needed services for persons who are identified as "high need," and

WHEREAS, these services are provided by contract agencies with mandated contracting and oversight by the Niagara County Department of Mental Health, from New York State and all funding, and

WHEREAS, there has been a consistent increase in the amount of dollars that come to, pass through and are contract for, within the Niagara County Department of Mental Health to provide a variety of community based services, and

WHEREAS, the growth of dollars coming into department operations and being managed through contract agencies have greater rules and regulations that drive receipt and management of the funds, and

WHEREAS, Niagara County Department of Mental Health has managed the flow of these growing funds and

increased responsibilities in the current structure with a budget clerk being supervised by the Deputy Director since 2008, but recognizing the need for a fiscal administrator with both financial and programmatic experience and education, and

WHEREAS, these changes in service operation and oversight are consistent with the department of Mental Health's long range transition plan including the transition of some responsibilities of the Deputy Director in 2018, and

WHEREAS, there will be a small increase in cost covered by revenue in 2017 and there will be an overall long-term savings in 2018 and after, with no additional County cost, now, therefore, be it

RESOLVED, that (1) current position of Budget Clerk, Job Group X, position number MHD30100.10448, salary range \$42,933.80-\$50,377.60, be abolished effective April 9, 2017, and be it further

RESOLVED, that (1) position of Mental Health Services Fiscal Administrator, Flat Salary Job Group XI, position number MHD300100.XXXXX, salary range \$54,651 – \$71,048, be created and filled effective April 9, 2017, and be it further

RESOLVED, the following 2017 budget transfer be effectuated:

INCREASE REVENUE:

A.21.4310.000.41620.00	Substance Abuse Fees	\$529
A.21.4310.000.41630.01	Mental Health Fees	3,171
A.21.4310.000.43490.05	Reinvestment Programs	6,870

INCREASE APPROPRIATIONS:

A.21.4310.000.71010.00xxxxx	Fiscal Administrator	\$44,730
A.21.4310.000.78100.00	Retirement Expense	4,160
A.21.4310.000.78200.00	FICA	3,422
A.21.4310.000.78300.00	Worker's Comp	604
A.21.4310.000.78400.05	Insurance HRS Employer Contribution	850
A.21.4310.000.78800.00	Flex 125 Employer Contribution Expense	355

DECREASE APPROPRIATIONS:

A.21.4310.000.71010.0010448	Budget Clerk	\$36,814
A.21.4310.000.78100.00	Retirement Expense	3,424
A.21.4310.000.78200.00	FICA	2,816
A.21.4310.000.78300.00	Worker's Comp	497

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. CSS-004-17

From: Community Safety & Security Committee

Dated: February 21, 2017

**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. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. CSS-005-17

From: Community Safety & Security and Administration Committees

Dated: February 21, 2017

**CONTINUATION OF SERVICES OF MASIELLO MARTUCCI CALABRESE
AND ASSOCIATES TO PROVIDE NIAGARA COUNTY HOMELAND SECURITY
CONSULTING AND LOBBYING SERVICES**

WHEREAS, Niagara County wishes to continue its commitment to Masiello Martucci Calabrese and Associates ("MMCA") initiatives as outlined in Resolution CSS-013-016, and

WHEREAS, RFP #2015-60 was issued by Niagara County for Homeland Security Consulting and Lobbying Services, and

WHEREAS, MMCA was the sole bidder for this RFP, and

WHEREAS, Masiello Martucci Calabrese and Associates (MMCA) is developing strategy for securing the future of the Niagara Falls Air Reserve Station (NFARS) by continuing their participation and involvement in a special working group of county elected and business leaders to retain the base and expand its mission at federal and state levels, and

WHEREAS, MMCA is pursuing leads of new sources of funding for planning, training and equipment in response to the increased threat of domestic terrorism as it relates to Niagara County's local major power generation plants, fuel storage and distribution facilities and chemical manufacturers, and

WHEREAS, MMCA is responsible for drafting all policy summary memos that County officials require and request, and

WHEREAS, MMCA is working with and reporting to the Niagara County Legislature/CSS Committee on a regular basis to submit a Monthly Activity Report to the County Manager for the length of this contract, and

WHEREAS, funding is available in the Emergency Management (3640) budget, now, therefore, be it

RESOLVED, that the County enter into an extension of the agreement with Masiello Martucci Calabrese and Associates in an amount not to exceed \$60,000 annually at a fixed monthly fee of \$5,000 plus travel expenses to provide

consulting and lobbying services to Niagara County for a period of one year with the option to renew for one more additional 1-year period, and be it further

RESOLVED, that prior to the execution of this agreement, the County Attorney will review the proposal 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 Legislature be, and hereby is, authorized to execute the extension of the Masiello Martucci Calabrese and Associates (MMCA) contract. Moved by Bradt, seconded by Collins to table resolution to allow for further discussion and input.

Resolution No. CSS-006-17

From: Community Safety & Security and Administration Committees

Dated: February 21, 2017

ACCEPTANCE OF STATE AND MUNICIPAL FACILITIES PROGRAM ("SAM") GRANT

WHEREAS, the County of Niagara is required to certify its acceptance of the State and Municipal Facilities Program ("SAM") grant through the Dormitory Authority State of New York (DASNY) 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 Department of Emergency Services is given authorization to accept the grant with the effectuation of the following budget modification, effective immediately:

INCREASE REVENUE:

A.19.3640.000 43097.01	State Aid Capitol Projects - SAMS Grant	\$100,000.00
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INCREASE APPROPRIATIONS:

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

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. CSS-007-17

From: Community Safety & Security and Administration Committees

Dated: February 21, 2017

**2017 MOTOROLA SOLUTIONS SERVICES AGREEMENT FOR
REPAIR AND MAINTENANCE OF COUNTYWIDE RADIO COMMUNICATION SYSTEM**

WHEREAS, Motorola Solutions has provided equipment, software and service for interoperable communications for all Niagara County First Responders and local public works departments, and

WHEREAS, continued customer support, maintenance, equipment support and repair service is essential to the

system, and

WHEREAS, customer support services include dispatch services for issue support, total radio network monitoring, onsite infrastructure response for hands-on support, infrastructure repair, advanced replacement for malfunctioning units, technical support 7 days a week, 24 hours a day for Severity 1 issues, Network preventative maintenance and NICE Gold logging equipment maintenance, and

WHEREAS, the provision of the needed services involves a high degree of specialized knowledge, skills, and expertise, and thus constitute "professional services," and

WHEREAS, Motorola Solutions has provided these professional services during the warranty period of the original agreement pursuant to the terms of such agreement, said warranty period expiring January 1, 2017, and the uninterrupted provision of these services is critical to the provision of County emergency services, and

WHEREAS, Motorola Solutions has agreed to provide the required services pursuant to a Service Agreement in the amount of \$269,607.24 for the timeframe of January 1, 2017 through December 31, 2017, and

WHEREAS, funding for this service is in the current Fire Coordinator's budget (A.19.3410.74500.01), now, therefore, be it

RESOLVED, that Niagara County enter into the 2017 services agreement with Motorola Solutions for the amount of \$269,607.24 for the period from January 1, 2017 through December 31, 2017 to provide the above-referenced professional services to Niagara County's Emergency Management Services, 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 Motorola Solutions Services Agreement.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. CSS-008-17

From: Community Safety & Security and Administration Committees

Dated: February 21, 2017

2017 BUDGET MODIFICATION HOMELAND SECURITY

WHEREAS, Homeland Security funds were not fully expended in 2016, now, therefore, be it

RESOLVED, that the remaining funds from the Homeland Security grants be re-appropriated into the 2017 budget, and be it further

RESOLVED, that the following 2017 budget modification be effectuated:

INCREASE REVENUE: **CI15**

A.19.3645.000 44305.02	Civil Defense Homeland Security	\$21,578.00
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INCREASE APPROPRIATION: **CI15**

A.19.3645.000 72100.14	Machinery/Equip-Misc. Equip	\$21,578.00
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INCREASE REVENUE: **SHSP15**

A.19.3645.000 44305.02	Civil Defense Homeland Security	\$ 486,027.39
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INCREASE APPROPRIATIONS: **SHSP15**

A.19.3645.000 72100.05	M&E Computer Equipment	\$40,000.00
A.19.3645.000 72100.14	M&E Equipment Misc Equipment	43,459.00
A.19.3645.000 72100.15	M&E Communications Equipment	197,911.28
A.19.3645.000 74300.01	Reimbursements Travel, Conference	4,360.86
A.19.3645.000 74375.04	Communications Leased Lines	31,975.00
A.19.3645.000 74500.01	Contractual Expenses	38,595.77
A.19.3645.000 74500.02	Contractual Exp. Maint. Service Contracts	59,521.71
A.19.3645.000 74800.01	Maint. Communication Supplies/Service	37,243.21
A.19.3645.000 74800.10	Maint. Misc Equip Under \$500	28,540.73
A.19.3645.000 71010.00	Positions Expense	1,534.58
A.19.3645.000 78100.00	Retirement Expense	1,258.21
A.19.3645.000 78200.00	FICA Expense	144.52
A.19.3645.000 78300.00	Worker's Compensation Expense	8.17
A.19.3645.000 78400.01	Health Active Hospital/Medical Ins.	1,468.60
A.19.3645.000 78700.00	NYS Disability Expense	5.25
A.19.3645.000 78800.00	Flex 125 Employer Contribution	.50

INCREASE REVENUE: **EMPG15**

A.19.3645.000 44305.02	Civil Defense Homeland Security	\$86,191.32
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INCREASE APPROPRIATIONS: **EMPG15**

A.19.3645.000 74300.01	Reimbursements-Travel/Conf	\$2,484.65
A.19.3645.000 74650.08	Professional Consultants/Expert Services	164,898.00
A.19.3645.000 74800.01	Communication-Supplies/Service	5,000.00

DECREASE APPROPRIATIONS: **EMPG15**

A.19.3645.000 74300.01	Reimbursements-Travel/Conf	\$1,242.32
A.19.3645.000 74650.08	Professional Consultants	82,449.00
A.19.3645.000 74800.01	Communication-Supplies/Service	2,500.0

INCREASE REVENUE: **HMEP15**

A.3645.000 44305.02	Civil Defense Homeland Security	\$11,740.00
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INCREASE APPROPRIATION: **HMEP15**

A.3645.000 74800.10	Misc. Equipment Under \$500	\$14,675.00
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DECREASE APPROPRIATION: **HMEP15**

A.3640.000 74800.10	Misc. Equipment Under \$500	\$2,935.00
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Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. CSS-009-17

From: Community Safety & Security and Administration Committees

Dated: February 21, 2017

**2017 BUDGET MODIFICATION
FIRE COORDINATOR'S OFFICE**

WHEREAS, when one of the County Teams responds to an incident, supplies are used and some of the supplies 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 a release, including relocation costs and third-party damages, and

WHEREAS, the Fire Coordinator's Office is in receipt of payment in the amount of \$5,702.02 for the replacement of supplies for the Haz-Mat team during the large tire fire incident which occurred on August 10, 2016 in the City of Lockport, and

WHEREAS, the Fire Coordinator's Office will replenish the supplies used at no cost to the County, now, therefore, be it

RESOLVED, that the following 2017 budget modifications be effectuated:

INCREASE REVENUE:

A.19.3410.000 42690.02	Other Compensation for Loss	\$5,702.02
Reimbursements		

INCREASE APPROPRIATION:

A.19.3410.000 74750.10	Supplies, Gen Hazmat Inventory	\$5,702.02
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Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. CSS-010-17

From: Community Safety & Security and Administration Committees

Dated: February 21, 2017

**ADOPTION OF THE NIAGARA COUNTY
HAZARD MITIGATION PLAN**

WHEREAS, the goal of Niagara County is to improve the safety and security of local residents, businesses and visitors and to reduce the impact of natural and manmade hazards on life, safety and property throughout the county by identifying community policies, actions and tools for implementation over the long-term that will result in a reduction of risk and future disaster-related losses within Niagara County, and

WHEREAS, the Niagara County Department of Emergency Services with assistance of local jurisdictions and from Witt O'Brien's, has gathered information and prepared the Niagara County Hazard Mitigation Plan, and

WHEREAS, the Niagara County Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000, and

WHEREAS, Niagara County is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan, and

WHEREAS, Niagara County has reviewed the Plan and affirms that the Plan will be updated no less than every five years now, therefore, be it

RESOLVED, that Niagara County adopts the Niagara County Hazard Mitigation Plan as this jurisdiction's guide to implementation of efforts to reduce the impact of likely natural and manmade disasters Countywide and resolves to execute the actions in the Plan.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. CSS-011-17

From: Community Safety & Security and Administration Committees

Dated: February 21, 2017

**ABOLISH D.S. FORENSIC CHEMIST/CREATE FORENSIC CRIMINALIST I
NIAGARA COUNTY SHERIFF'S OFFICE FORENSIC LABORATORY**

WHEREAS, Niagara County has a forensic laboratory which is accredited by New York State and must maintain high standards to ensure accuracy and credibility within the law enforcement community as well as the court system, and

WHEREAS, the Niagara County Sheriff's Office forensic laboratory will be experiencing another vacancy due to retirement within the next 3 months, and

WHEREAS, to continue to maintain the integrity of the laboratory we need to plan for a smooth transition, and

WHEREAS, the position of Deputy Sheriff Forensic Chemist has been reclassified by Civil Service as a civilian position upon the incumbent vacating, and

WHEREAS, we have been notified that one Deputy Sheriff Forensic Chemist will be retiring in April 2017, and

WHEREAS, with this retirement there is a need for a civilian position (Forensic Criminalist I), and

WHEREAS, the Sheriff's Office wishes to abolish one Deputy Sheriff Forensic Chemist, and

WHEREAS, due to the highly technical nature of the forensic laboratory positions the ability to attract qualified candidates within Niagara County may be limited, now, therefore, be it

RESOLVED, that the Deputy Sheriff Forensic Chemist position #429, at an hourly rate of \$36.59, be abolished effective May 6, 2017, and be it further

RESOLVED, that one Forensic Criminalist I (40 hours per week) position be created and filled in job group 12, step 1 at an hourly rate of \$27.81, effective May 7, 2017, and be it further

RESOLVED, that the Niagara County Sheriff's Office be granted a one-time residency waiver to fill the Forensic Criminalist I position if the most qualified candidate resides outside of Niagara County and be it further

RESOLVED, that the personnel changes will result in an approximate savings to the county of \$14,533, and be it further

RESOLVED, that the following line item transfers be effectuated:

FROM:

A.17.3110.000.71010.00	Positions	\$49,762
	(D.S. Forensic Chemist #429)	
A.17.3110.000.71032.00	Training Allowance	603
A.17.3110.000.71034.00	Briefing Time	1,990

TO:

A.17.3110.000.71010.00

Positions
(Forensic Criminalist I-#XXXX)

\$37,822

A.17.3110.000.74500.01

Contractual Expenses

14,533

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. CSS-012-17

From: Community Safety & Security Committee

Dated: February 21, 2017

NIAGARA REGIONAL TRAFFIC SAFETY PROGRAM

WHEREAS, the Niagara Regional Traffic Safety Program will be held from May 9 – May 12, 2017 and May 15 – May 18, 2017, and

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

WHEREAS, high school juniors and seniors from Niagara County schools will participate in the above-referenced program at the Cornell Cooperative Extension, and

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

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

RESOLVED, that the 22nd annual Niagara Regional Traffic Safety Program be held from May 9 – May 12, 2017 and May 15 – May 18, 2017.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. CSS-013-17

From: Community Safety & Security and Administration Committees

Dated: February 21, 2017

**RESOLUTION PERMITTING NIAGARA COUNTY SHERIFF'S LIEUTENANT
JAMES HILDRETH TO TAKE CARE AND CUSTODY OF K-9, SARGE**

WHEREAS, the Niagara County Sheriff's Office purchased K-9, Sarge, on January 9, 2009 and paid for its training, which cost the County \$7,000, and

WHEREAS, Sarge has diligently served the county as a K-9 Officer for the Niagara County Sheriff's Office since that date, and

WHEREAS, Sarge has exceeded his determined work life for functional performance, and

WHEREAS, the Niagara County Sheriff's Office intends to purchase and train another K-9 unit, and

WHEREAS, due to its specialized training in law enforcement, Sarge cannot be reasonably managed by an untrained individual, now, therefore, be it

RESOLVED, that Sarge be retired from service to the County, and be it further

RESOLVED, that Sarge's trainer, Lt. James Hildreth, be permitted to take custody and control over Sarge; to house and maintain care over Sarge at no cost to the County, as an alternative to euthanizing the dog, and that Lt. James Hildreth sign a release absolving the County from all liability related thereto.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. ED-001-17

From: Economic Development and Administration Committees

Dated: February 21, 2017

**BUDGET MODIFICATION - TO COVER
EMPOWER NIAGARA ALLOCATION ALESSI LEATHER CORP.**

WHEREAS, Alessi Leather Corp. is an existing Niagara County business that was approved to receive low cost hydropower allocations through the Empower Niagara Program, and

WHEREAS, these benefits will be applied to Alessi Leather Corp. as stipulated in the Empower Niagara Program agreement, through the Niagara County Economic Development 2017-2019 budget, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated to the Niagara County Economic Development 2017 budget, and annually thereafter until 2019 as set forth below:

		<u>2017</u>	<u>2018</u>	<u>2019</u>
INCREASE REVENUE:				
A.15.1620.108 42655.03	Sale of Excess Power	\$24,499.50	Value of of 75 kw at 70% load factor for 12 months	Value of of 75 kw at 70% load factor for 12 months
INCREASE APPROPRIATION:				
A.15.1620.108 74500.01	Contractual	\$24,499.50	Value of of 75 kw at 70% load factor for 12 months	Value of of 75 kw at 70% load factor for 12 months
INCREASE REVENUE:				
A.28.8020.000 42189.01	Activities – Economic Development	\$24,499.50	Value of of 75 kw at 70% load factor for 12 months	Value of of 75 kw at 70% load factor for 12 months
INCREASE APPROPRIATION:				
A.28.8020.000 74550.30	Empower Niagara	\$24,499.50	Value of of 75 kw at 70% load factor for 12 months	Value of of 75 kw at 70% load factor for 12 months

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. ED-002-17

From: Economic Development and Administration Committees

Dated: February 21, 2017

**BUDGET MODIFICATION – REAPPROPRIATE GRANT FUNDS
EPA BROWNFIELD HAZARDOUS SUBSTANCES ASSESSMENT**

WHEREAS, Resolution ED-019-15 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 Hazardous Substances Assessment Project, and

WHEREAS, two thousand eight hundred ninety-nine dollars (\$2,899) was budgeted for the 2017 Budget, and

WHEREAS, work was ahead of schedule and the remaining grant funds were allocated from the 2016 Budget in the amount of two thousand eight hundred ninety-nine dollars (\$2,899), now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

DECREASE REVENUE:

CM.28.6989.611.44989.04	Other Home and Community Service	\$2,899
	EPA Brownfield Revenue	

DECREASE APPROPRIATION:

CM.28.6989.611.74300.03	Reimbursements Travel, Mileage	\$ 100
CM.28.6989.611.74500.01	Contractual Expenses	\$2,799

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. ED-003-17

From: Economic Development and Administration Committees

Dated: February 21, 2017

**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, Sixty-seven thousand seven hundred two dollars (\$67,204) was budgeted for the 2017 Budget, and

WHEREAS, projects were under budget and less money was spent than anticipated from the 2016 Budget, in the amount of Twenty-four thousand five hundred seven dollars (\$24,507), 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	\$24,507
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EPA Brownfields Revenue

INCREASE APPROPRIATION:

CM.28.6989.612.74500.01

Contractual Expenses

\$24,507

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. ED-004-17

From: Economic Development and Administration Committees

Dated: February 21, 2017

**ACCEPTANCE OF NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS
GRANT FOR FARMLAND PROTECTION PLAN UPDATE**

WHEREAS, the Niagara County Legislature recognizes the importance of agriculture to the citizens and economy of Niagara County and is committed to providing the leadership necessary to ensure growth and prosperity, and

WHEREAS, the Niagara County Legislature adopted the current Niagara County Agricultural and Farmland Protection Plan through Resolution CT-043-99 on September 21, 1999, and

WHEREAS, the Niagara County Agriculture and Farmland Protection Board determined that the current Niagara County Agricultural and Farmland Protection Plan is outdated for the needs of Niagara County and should be updated, and

WHEREAS, Niagara County on behalf of Cornell Cooperative Extension of Niagara County applied for and received on April 15, 2016, a Thirty thousand dollar (\$30,000) grant from the New York State Department of Agriculture and Markets to update the Niagara County Agricultural and Farmland Protection Plan, and

WHEREAS, the Niagara County Legislature passed Resolution IL-085-15 on September 15, 2015 authorizing Six thousand five hundred dollars (\$6,500) from the Seneca Niagara Community Development Fund to be used for updating the Niagara County Agricultural and Farmland Protection Plan, and

WHEREAS, Cornell Cooperative Extension of Niagara County has been engaged to update the Niagara County Agricultural and Farmland Protection Plan and will be responsible for all work identified in Section C-1, Scope of Work in the contract between Niagara County and New York State Department of Agriculture and Markets and any other tasks required by New York State Department of Agriculture and Markets, and

WHEREAS, Cornell Cooperative Extension of Niagara County will oversee and manage all aspects of the consultant(s) who are performing work in conjunction with the Niagara County Agricultural and Farmland Protection Plan update, and

WHEREAS, Cornell Cooperative Extension of Niagara County will be responsible for preparing all reports, including but not limited to quarterly narrative reports, progress reports, semi-annual expenditure reports, and a final report in accordance with the provisions of the contract between Niagara County and New York State Department of Agriculture and Markets, and

WHEREAS, Cornell Cooperative Extension of Niagara County will prepare the required reports and submit the reports to the Niagara County Manager for approval and signature if required a minimum of ten days before the due date to ensure timely submission to New York State Department of Agriculture and Markets, and

WHEREAS, on Page 12, Form B-1 in the grant application it was stated that the Niagara County Department of Economic Development would allocate fifty (50) hours of existing staff time equating to \$1,650 of in-kind services towards the plan update, and

WHEREAS, Niagara County Department of Economic Development will serve as the financial manager for the plan update and will process invoices only after all documentation is provided by Cornell Cooperative Extension of Niagara County as required by the provisions of the contract between Niagara County and New York State Department of Agriculture and Markets, and

WHEREAS, there is a separation of services provided by Cornell Cooperative Extension of Niagara County and by the County of Niagara which will be documented in a Memorandum of Understanding drafted by the Niagara County Attorney's Office and signed by both parties, now, therefore, be it

RESOLVED, that the County Manager for the County of Niagara is authorized to execute the Memorandum of Understanding with Cornell Cooperative Extension of Niagara County after review and approval by the Niagara County Attorney's Office, and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2017 budget:

INCREASE REVENUE:

A.28.8020.000 43989.04	Other Home and Community Service	\$30,000
A.28.8020.000 41289.02	Other General Gov Income Misc Reimbursement	\$6,500

INCREASE APPROPRIATION:

A.28.8020.000 74500.01	Contractual	\$ 36,500
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Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-002-17

From: Infrastructure & Facilities Committee

Dated: February 21, 2017

**AWARD OF CONTRACT – LOCKPORT ROAD RESURFACING PROJECT
PHASE 3, TOWNLINE ROAD TO BEAR RIDGE ROAD**

WHEREAS, the Department of Public Works, Engineering Division has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Lockport Road Resurfacing Project, Phase 3, Townline Road to Bear Ridge Road, and

WHEREAS, funds are available in the 2017 capital budget, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on December 8, 2016 as tabulated below:

1. Keeler Construction Co., Inc.	\$1,389,183.10
13519 West Lee Road	
Albion, NY 14411	

- | | | |
|----|---|----------------|
| 2. | Amherst Paving
330 Meyer Road
Amherst, NY 14226 | \$1,424,464.00 |
| 3. | Concrete Applied Technologies Corp.
1266 Townline Road
Alden, NY 14004 | \$1,486,080.20 |
| 4. | Anastasi Trucking & Paving
4430 Walden Avenue
Lancaster, NY 14086 | \$1,665,486.76 |
| 5. | Mark Cerrone Inc.
2368 Maryland Ave., P.O. Box 3009
Niagara Falls, NY 14304 | \$1,693,542.00 |
| 6. | Zoladz Construction Co., Inc.
P.O. Box 157
Alden, NY 14004 | \$1,734,214.92 |
| 7. | Accadia Site Contracting
636 Transit Road
Depew, NY 14043 | \$1,802,245.30 |

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 Lockport Road Resurfacing Project, Phase 3, Townline Road to Bear Ridge Road, be awarded to the lowest responsible bidder, Keeler Construction Co., Inc., in the amount of \$1,389,183.10, 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. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-003-17

From: Infrastructure & Facilities Committee

Dated: February 21, 2017

AWARD ANGELO DELSIGNORE CIVIC BUILDING WINDOW UPGRADE PROJECT

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with the Angelo DelSignore Civic Building Window Upgrade project, and

WHEREAS, funds are available in account H623.15.1620.000 72200.01, Building Improvements, 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 Angelo DelSignore Civic Building Window Upgrade project be awarded to Watts Engineering and Architecture PC, 95 Perry Street, Suite 300, Buffalo, NY 14203, for a contract amount not to exceed \$7,500.00, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-004-17

From: Infrastructure & Facilities Committee

Dated: February 21, 2017

AWARD TROTT ACCESS CENTER SPACE RENOVATIONS PROJECT

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with construction documents for the Trott Access Center Space Renovations project, and

WHEREAS, funds are available in account H649.25.1620.000 72200.01, Building Improvements, 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 Trott Access Center Space Renovations Project be awarded to Foit Albert Associates, 763 Main Street, Buffalo, NY 14203, for a contract amount not to exceed \$49,089, 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. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-005-17

From: Infrastructure & Facilities and Administration Committees

Dated: February 21, 2017

**BRIDGE WEARING COURSES AND JOINT REPLACEMENTS
CONSULTANT AMENDMENT NO. 1**

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, it is necessary to amend the contract to allow for additional construction administration and construction inspection, in the amount of \$21,089.77, for a revised contract amount of \$91,089.77, and it is necessary to extend the contract completion date to December 31, 2017, and

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

RESOLVED, that the contract for consulting services for the Bridge Wearing Courses and Joint Replacements project be amended by \$21,089.77 for additional construction administration and construction inspection, 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 \$91,089.77, and the contract completion date is extended to December 31, 2017, 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. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-006-17

From: Infrastructure & Facilities and Administration Committees

Dated: February 21, 2017

**NIAGARA COUNTY JAIL SALLY PORT
CONSULTANT AMENDMENT NO. 2**

WHEREAS, by Resolution No. IF-003-16, dated February 23, 2016, the Legislature awarded the design for the enclosure of the existing Niagara County Jail Sally Port to Foit Albert Associates, 763 Main Street, Buffalo, NY 14203, for a fee not to exceed \$80,997, and

WHEREAS, Resolution No. IF-072-16, dated August 2, 2016, authorized Amendment No. 1, to decrease the contract by \$35,487, for a revised contract amount of \$45,510, and

WHEREAS, it is necessary to amend the contract for construction administration and construction inspection, in the amount of \$21,198, for a revised contract amount of \$66,708, and

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

RESOLVED, that Amendment No. 2 to increase the contract by \$21,198 for the Niagara County Jail Sally Port, for a revised contract amount of \$66,708, to Foit Albert Associates, 763 Main Street, Buffalo, NY 14203, be approved, and be it further

RESOLVED, 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. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-007-17

From: Infrastructure & Facilities and Administration Committees

Dated: February 21, 2017

**CHESTNUT STREET BRIDGE OVER EAST BRANCH OF TWELVE MILE CREEK
CONSULTANT AMENDMENT NO. 2-FINAL**

WHEREAS, Resolution No. PW-104-14, dated August 5, 2014, selected Hatch Mott MacDonald NY Inc., n/k/a Mott MacDonald NY Inc., 438 Main Street, Suite 700, Buffalo, NY 14202, to assist the County with surveying, mapping, and hydraulic services for the Chestnut Street Bridge over the east branch of Twelve Mile Creek, in the amount of \$37,045, and

WHEREAS, Resolution No. PW-047-15, dated April 21, 2015, amended the contract to allow for the preliminary design and final design phases of the project, in the amount of \$222,888.38, for a revised contract amount of \$259,933.38, and

WHEREAS, it is necessary to decrease the contract by \$228,140.32, for a revised contract amount of \$31,793.06, 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 Hatch Mott MacDonald NY Inc., n/k/a Mott MacDonald NY Inc., 438 Main Street, Suite 700, Buffalo, NY 14202, be decreased by \$228,140.32, for a revised contract amount of \$31,793.06, 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. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-008-17

From: Infrastructure & Facilities and Administration Committees

Dated: February 21, 2017

**TONAWANDA CREEK ROAD SLIDE AREA
CONSULTANT AMENDMENT NO. 1-FINAL**

WHEREAS, Resolution No. IF-002-16, dated February 23, 2016, authorized the contract for consultant services to assist the County with the Tonawanda Creek Road Slide Area project design of preservation of highway right-of-way to Greenman-Pedersen Inc., 4950 Genesee Street, Suite 100, Buffalo, NY 14225, for a fee not to exceed \$175,935, and

WHEREAS, it is necessary to reduce the contract in the amount of \$96,166.34, for a revised contract amount of \$79,768.66, 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 \$96,166.34 from the contract for the Tonawanda Creek Road Slide Area project design of preservation of highway right-of-way, for a revised contract amount of \$79,768.66, to Greenman-Pedersen Inc., 4950 Genesee Street, Suite 100, Buffalo, NY 14225, 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. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-009-17

From: Infrastructure & Facilities and Administration Committees

Dated: February 21, 2017

**LINCOLN AVENUE RECONSTRUCTION
CONSULTANT AMENDMENT NO. 5-FINAL**

WHEREAS, Resolution No. PW-092-08, dated September 2, 2008, awarded the contract for consulting services to Bergmann Associates, P.O. Box 8000, Buffalo, NY 14267, in the amount of \$555,113.28, and

WHEREAS, Resolution No. PW-073-09, dated May 5, 2009, amended the contract for subsurface exploration relative to hazardous waste/contaminated materials, in the amount of \$8,353.33, for a revised contract amount of \$563,466.61, and

WHEREAS, Resolution No. PW-077-11, dated July 26, 2011, amended the contract for right-of-way, temporary easements, and permanent easement services, in the amount of \$89,566.22, for a revised contract amount of \$653,032.83, and

WHEREAS, Resolution No. PW-078-12, dated September 4, 2012, amended the contract for waterline replacement that was not part of the original design, in the amount of \$41,587, for a revised contract amount of \$694,619.83, and

WHEREAS, Resolution No. PW-086-14, dated June 17, 2014, amended the contract for construction inspection and construction administration services, in the amount of \$1,000,007.00, for a revised contract amount of \$1,694,626.83, and also extended the completion date to December 31, 2015, and

WHEREAS, it is necessary to decrease the contract by \$329,804.74, for a revised contract amount of \$1,364,822.09, 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 Bergmann Associates, P.O. Box 8000, Buffalo, NY 14267, be decreased by \$329,804.74, for a revised contract amount of \$1,364,822.09, 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. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-010-17

From: Infrastructure & Facilities and Administration Committees

Dated: February 21, 2017

**LOCKPORT ROAD BRIDGE OVER BULL CREEK
CONSULTANT AMENDMENT NO. 3-FINAL**

WHEREAS, Resolution No. PW-067-14, dated May 6, 2014, awarded the contract for consulting services for the survey and hydraulics analysis of Lockport Road Bridge over Bull Creek to Bergmann Associates, Waterfront Village Center, 40 LaRiviere Drive, Suite 150, Buffalo, NY 14202, for a fee not to exceed \$29,100, and

WHEREAS, Resolution No. IF-069-15, dated May 5, 2015, amended the contract for consultant services for property acquisition, for an additional \$9,200, for a revised contract amount of \$38,300, and

WHEREAS, Resolution No. IF-005-16, dated February 23, 2016, amended the contract by \$164,770 to allow the project to proceed, for a revised contract amount of \$203,070, and

WHEREAS, it is necessary to decrease the contract by \$75,138.65, for a revised contract amount of \$127,931.35, 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 Bergmann Associates, Waterfront Village Center, 40 LaRiviere Drive, Suite 150, Buffalo, NY 14202, be decreased by \$75,138.65, for a revised contract amount of \$127,931.35, 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. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-011-17

From: Infrastructure & Facilities Committees

Dated: February 21, 2017

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

WHEREAS, the Commissioner of Public Works recommends the expenditure of County Road Fund monies for maintenance of roads under Section 129 of the Highway Law, as set forth on the attached form, in the sum of \$7,209,710, and

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

RESOLVED, that the recommendation of the Commissioner of Public Works be approved and the sum of \$7,209,710 be appropriated from the County Road Fund for maintenance during the year 2017, 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. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-012-17

From: Infrastructure & Facilities Committee

Dated: February 21, 2017

AWARD OF CONTRACT – AT NIAGARA COUNTY COURT HOUSE, LOCKPORT, NY

WHEREAS, the Buildings and Grounds Department has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Asbestos Abatement and Floor Preparation project at the Niagara County Court House, Lockport, NY, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on January 10, 2017, as tabulated below:

- | | |
|--|-------------|
| 1. Regional Environmental Demolition Inc.
6281 Wendt Drive
Niagara Falls, NY 14304 | \$32,200.00 |
| 2. Metro Environmental
2939 Lockport Road
Niagara Falls, NY 14305 | \$73,000.00 |

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 Asbestos Abatement and Floor Preparation project be awarded to the lowest responsible bidder, Regional Environmental Demolition, Inc., 6281 Wendt Drive, Niagara Falls, NY 14304, in the amount of \$32,200.00, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-013-17

From: Infrastructure & Facilities and Administration Committees

Dated: February 21, 2017

RESOLUTION TO DECLARE THE 50 MAIN STREET PROPERTY AS SURPLUS PROPERTY

WHEREAS, the property located at 50 Main Street in the City of Lockport, NY, has not been utilized by the County since the County acquired the property in April 2015, and

WHEREAS, the expense to remediate, demolish or otherwise utilize the property at 50 Main Street, would

exceed any return, and

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

WHEREAS, the County has no further public use for the property, and

RESOLVED, that the County of Niagara declares 50 Main Street, Lockport, NY as no longer necessary or required for public use.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-014-17

From: Infrastructure & Facilities Committee

Dated: February 21, 2017

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. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-015-17

From: Infrastructure & Facilities Committee

Dated: February 21, 2017

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND
THE TOWN OF WHEATFIELD**

WHEREAS, the town of Wheatfield has requested that the County of Niagara grant them permission to use

Oppenheim Park for the purpose of holding a July 4th fireworks display, and

WHEREAS, it is the wish of the town of Wheatfield to hold the fireworks display on July 4, 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 town of Wheatfield, now, therefore, be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Town of Wheatfield, 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 agreement.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-016-17

From: Infrastructure & Facilities Committee

Dated: February 21, 2017

**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 1, 2017 through October 31, 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 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. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-017-17

From: Infrastructure & Facilities Committee

Dated: February 21, 2017

**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 2, 2017 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 2, 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 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. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-018-17

From: Infrastructure & Facilities Committee

Dated: February 21, 2017

**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. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-019-17

From: Infrastructure & Facilities Committee

Dated: February 21, 2017

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND
THE TOWN OF ROYALTON**

WHEREAS, the town of Royalton has requested that the County of Niagara grant the town permission to use the Royalton Ravine Park for the purpose of holding a Royalton Community Days Event, and

WHEREAS, it is the wish of town of Royalton to hold the event on August 27, 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 town of Royalton, 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 town of Royalton, 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. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-020-17

From: Infrastructure & Facilities Committee

Dated: February 21, 2017

**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, it is

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-021-17

From: Infrastructure & Facilities and Administration Committees

Dated: February 21, 2017

**NIAGARA COUNTY REFUSE DISPOSAL DISTRICT CONSTRUCTION AND DEMOLITION
DEBRIS LANDFILL CLOSURE AND SITE UPGRADES PROJECT
CHANGE ORDER NO. 10 MATERIAL QUANTITY ADJUSTMENTS**

WHEREAS, by Resolution No. CW-011-16, dated May 3, 2016, the Legislature awarded the contract for the Construction and Demolition Debris Landfill Closure and Site Upgrades Project to Mark Cerrone Inc., 2368 Maryland Ave., Niagara Falls, NY 14305, in the amount of \$1,997,000, and

WHEREAS, the certified material quantities submitted by Mark Cerrone Inc., for bid item numbers 2, 3A, 3B, 4, 5, 6 and 8 result in a net increase of \$2,098.67 from the original bid design quantity values, and

WHEREAS, Niagara County Refuse Disposal District's design engineer from CHA has reviewed and approved the certified material quantities from "as built" files provided in AutoCAD by Mark Cerrone Inc. subcontractor Wendel, and

WHEREAS, the additional expense of \$2,098.67 shall be deducted from the Contract Contingency allowance and result in no increase to the Contract value, now, therefore, be it

RESOLVED, that Change Order No. 10 to the contract with to Mark Cerrone Inc., 2368 Maryland Ave., Niagara Falls, NY 14305, for material quantity adjustments to bid item numbers 2, 3A, 3B, 4, 5, 6 and 8 totaling \$2,098.67 shall be deducted from the contract contingency allowance, 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. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-022-17

From: Infrastructure & Facilities Committee

Dated: February 21, 2017

**A LOCAL LAW AMENDING LOCAL LAW NO. 1 OF 1994
ESTABLISHING A SEWER USE LAW FOR THE
NIAGARA COUNTY SEWER DISTRICT NO. 1**

WHEREAS, the Niagara County Legislature, and the Administrative Board of the Niagara County Sewer District No. 1 (District) enacted Local Law No. 1 of 1994 establishing a Sewer Use Law for said District, and

WHEREAS, certain revisions to said Sewer Use Law are necessary from time to time in order to maintain compliance with regulatory inspections and program modifications by the United States Environmental Protection Agency (USEPA) and the New York State Department of Environmental Conservation (NYSDEC), and

WHEREAS, the USEPA has directed the District to make a minor revision to its Sewer Use Law based on the most recent 5-year compliance inspection, and

WHEREAS, in order to be in compliance with the USEPA's request, the following modification is required to be made to clarify the language in Section 5, Item 12 of the Sewer Use Law:

“The District shall annually publish in its official newspapers of the County, a list of the Industrial Users which were in significant noncompliance with any Pretreatment Requirements or Standards at least once during the previous 12 months.”

WHEREAS, the Administrative Board of the Niagara County Sewer District approved said revision at its August 31, 2016 regular meeting, and be it

RESOLVED, that the Niagara County Legislature shall conduct a public hearing upon said revision to Local Law No. 1 of 1994 at the Legislative Chambers, Niagara County Courthouse, Lockport, New York, on the 21st day of March, 2017 at 6:45 p.m., and be it further

RESOLVED, that the Clerk of the Legislature, at least ten (10) days in advance of such hearing, shall post a notice upon the bulletin boards in the Courthouse in Lockport, the Civic Building in Niagara Falls, shall publish such notice once in the Lockport Union Sun & Journal, and the Niagara Gazette; such notice shall contain the title of the Local Law and an abstract of the text to be prepared by the Clerk of the Legislature, with the assistance of the County Attorney's Office.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-023-17

From: Infrastructure & Facilities Committee

Dated: February 21, 2017

**TONAWANDA CREEK ROAD REHABILITATION AND TONAWANDA CREEK
SLIDE STABILIZATION (NIAGARA AND ERIE COUNTIES)
FEDERAL AID LOCAL PROJECT AGREEMENT**

WHEREAS, the Tonawanda Creek Road Rehabilitation and Tonawanda Creek Slide Stabilization Project, towns of Pendleton and Lockport, Niagara County, and the town of Clarence, Erie County, (the "Project"), is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% federal funds and 20% non-federal funds, and

WHEREAS, the County of Niagara desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Preliminary Design and Right-of-Way 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 Preliminary Design and Right-of-Way phases of the Project or portions thereof, and be it further

RESOLVED, that the sum of \$620,000.00 is hereby appropriated in account H630.15.5112.000 72600.01 and made available to cover the cost of participation in the above phases of the project, and be it further

RESOLVED, that in the event the amount required to pay the full federal and non-federal shares of the cost of the project's Preliminary Design and Right-of-Way 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 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. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-024-17

From: Infrastructure & Facilities Committee

Dated: February 21, 2017

**HOSMER ROAD BRIDGE OVER FISH CREEK
FEDERAL AID LOCAL PROJECT AGREEMENT**

WHEREAS, the Hosmer Road Bridge over Fish Creek Project, town of Somerset, Niagara County, (the "Project"), is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% federal funds and 20% non-federal funds, and

WHEREAS, the County of Niagara desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Preliminary Design (I-IV) and Right-of-Way Incidentals 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 Preliminary Design (I-IV) and Right-of-Way Incidentals phases of the Project or portions thereof, and be it further

RESOLVED, that the sum of \$140,000.00 is hereby appropriated in account H642.15.5197.000 72600.02 and made available to cover the cost of participation in the above phases of the project, and be it further

RESOLVED, that in the event the amount required to pay the full federal and non-federal shares of the cost of the project's Preliminary Design (I-IV) and Right-of-Way Incidentals 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 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. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-025-17

From: Infrastructure & Facilities Committee

Dated: February 21, 2017

**WALMORE ROAD FROM NIAGARA FALLS BOULEVARD (RT 62) TO LOCKPORT ROAD
FEDERAL AID LOCAL PROJECT AGREEMENT**

WHEREAS, the Walmore Road from Niagara Falls Boulevard (Rt 62) to Lockport Road Project, town of Wheatfield, Niagara County, (the "Project"), is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% federal funds and 20% non-federal funds, and

WHEREAS, the County of Niagara desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Preliminary Design (I-IV) and Right-of-Way Incidentals 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 Preliminary Design (I-IV) and Right-of-Way Incidentals phases of the Project or portions thereof, and be it further

RESOLVED, that the sum of \$110,000.00 is hereby appropriated in account H643.15.5112.000 72600.01 and made available to cover the cost of participation in the above phases of the project, and be it further

RESOLVED, that in the event the amount required to pay the full federal and non-federal shares of the cost of the project's Preliminary Design (I-IV) and Right-of-Way Incidentals 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 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. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-026-17

From: Infrastructure & Facilities Committee

Dated: February 21, 2017

**CHESTNUT ROAD BRIDGE OVER EAST BRANCH TWELVE MILE CREEK
FEDERAL AID LOCAL PROJECT AGREEMENT**

WHEREAS, the Chestnut Road Bridge over East Brach Twelve Mile Creek Project, town of Wilson, Niagara County, (the "Project"), is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% federal funds and 20% non-federal Funds, and

WHEREAS, the County of Niagara desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Preliminary Design (I-IV) And Right-Of-Way Incidentals 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 Preliminary Design (I-IV) and Right-of-Way Incidentals phases of the Project or portions thereof, and be it further

RESOLVED, that the sum of \$120,000.00 is hereby appropriated in account H605.15.5197.000 72600.02 and made available to cover the cost of participation in the above phases of the project, and be it further

RESOLVED, that in the event the amount required to pay the full federal and non-federal shares of the cost of the project's Preliminary Design (I-IV) and Right-of-Way Incidentals 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 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. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-027-17

From: Infrastructure & Facilities Committee

Dated: February 21, 2017

**NORTH CANAL ROAD REHABILITATION FROM OLD NIAGARA ROAD TO ERIE CANAL
FEDERAL AID LOCAL PROJECT AGREEMENT**

WHEREAS, the North Canal Road rehabilitation from Old Niagara Road to the Erie Canal Project, town of Lockport, Niagara County, (the "Project"), is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% federal funds and 20% non-Federal Funds, and

WHEREAS, the County of Niagara desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Preliminary Design (I-IV) and Right-of-Way Incidentals 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 Preliminary Design (I-IV) and Right-of-Way Incidentals phases of the Project or portions thereof, and be it further

RESOLVED, that the sum of \$420,000.00 is hereby appropriated in account H638.15.5112.000 72600.01 and made available to cover the cost of participation in the above phases of the project, and be it further

RESOLVED, that in the event the amount required to pay the full federal and non-federal shares of the cost of the project's Preliminary Design (I-IV) and Right-of-Way Incidentals 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 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. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-028-17

From: Infrastructure & Facilities Committee

Dated: February 21, 2017

**AWARD CHESTNUT ROAD BRIDGE OVER EAST BRANCH
TWELVE MILE CREEK CONSULTANT CONTRACT**

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with the Chestnut Road Bridge over East Branch Twelve Mile Creek project, and

WHEREAS, funds are available in account H605.15.5197.000 72600.02, Infrastructure Bridges, 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 Chestnut Road Bridge over East Branch Twelve Mile Creek Project be awarded to Mott MacDonald New York, Inc., 438 Main Street, Suite 300, Buffalo, NY 14202, for a contract amount not to exceed \$204,443.03, 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. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-029-17

From: Infrastructure & Facilities Committee

Dated: February 21, 2017

**AWARD NIAGARA ROAD BRIDGE OVER
BERGHOLZ CREEK CONSULTANT CONTRACT**

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with the Niagara Road Bridge over Bergholz Creek project, and

WHEREAS, funds are available in account H604.15.5197.000 72600.02, Infrastructure Bridges, 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 Niagara Road Bridge over Bergholz Creek Project be awarded to Mott MacDonald New York, Inc., 438 Main Street, Suite 300, Buffalo, NY 14202, for a contract amount not to exceed \$203,073.37, 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. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-030-17

From: Infrastructure & Facilities Committee

Dated: February 21, 2017

AWARD TONAWANDA CREEK ROAD REHABILITATION AND TONAWANDA CREEK SLIDE STABILIZATION CONSULTANT CONTRACT

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with the Tonawanda Creek Road Rehabilitation and Tonawanda Creek Slide Stabilization project, and

WHEREAS, funds are available in account H630.15.5112.000 72600.01, Infrastructure Roads, 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 Tonawanda Creek Road Rehabilitation and Tonawanda Creek Slide Stabilization Project be awarded to Greenman-Pedersen Inc., 4950 Genesee Street, Suite 100, Buffalo, NY 14225, for a contract amount not to exceed \$1,034,037.00, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-031-17

From: Infrastructure & Facilities Committee

Dated: February 21, 2017

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 \$42,000 for the period March 1, 2017 through February 28, 2018, 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. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-032-17

From: Infrastructure & Facilities Committee

Dated: February 21, 2017

**NIAGARA ROAD BRIDGE OVER BERGHOLZ CREEK
CONSULTANT AMENDMENT NO. 2-FINAL**

WHEREAS, Resolution No. PW-103-14, dated August 5, 2014, selected Hatch Mott MacDonald NY Inc., n/k/a Mott MacDonald NY Inc., 438 Main Street, Suite 300, Buffalo, NY 14202, to assist the County with surveying, mapping, and hydraulic services for the Niagara Road Bridge over Bergholz Creek, in the amount of \$37,045, and

WHEREAS, Resolution No. IF-111-15, dated September 15, 2015, amended the contract to allow the project to proceed with the design phase, in the amount of \$222,409.40, for a revised contract amount of \$259,454.40, and

WHEREAS, it is necessary to decrease the contract by \$9,830.14, for a revised contract amount of \$249,624.26, 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 Hatch Mott MacDonald NY Inc., n/k/a Mott MacDonald NY Inc., 438 Main Street, Suite 300, Buffalo, NY 14202, be decreased by \$9,830.14, for a revised contract amount of \$249,624.26, 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. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-033-17

From: Infrastructure & Facilities and Administration Committees

Dated: February 21, 2017

**BROOKS BUILDING BOILER REPLACEMENT
CHANGE ORDER NO. 1 - FINAL**

WHEREAS, by Resolution No. IF-074-16, dated August 2, 2016, the Legislature awarded the contract for the

Brooks Building Boiler Replacement Project to Parise Mechanical, Inc., 1106 Sheridan Drive, Tonawanda, NY 14150, for a contract amount of \$57,800.00, and

WHEREAS, it is necessary to decrease the contract in the amount of \$1,241.06, for a revised contract amount of \$56,558.94, 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 \$1,241.06 for the Brooks Building Boiler Replacement Project, for a revised contract amount of \$56,558.94, to Parise Mechanical, Inc., 1106 Sheridan Drive, 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 Syracuse, seconded by Bradt

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-034-17

From: Infrastructure & Facilities Committee

Dated: February 21, 2017

**TOWN OF NEWFANE EASEMENT
LAKE ROAD WATERLINE**

WHEREAS, the town of Newfane is preparing to install a new waterline in front of and along the south side of Lake Road in front of Krull Park, and

WHEREAS, the Town is requesting a permanent easement for the installation of the waterline, and

WHEREAS, the subject property is currently owned by Niagara County, and

WHEREAS, the requested easement does not affect any future park plans, and

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

RESOLVED, that the Niagara County Legislature approves an easement and grants an easement to the town of Newfane for the Lake Road property, and be it further

RESOLVED, that following the Niagara County Attorney's review, the Chairman of the Niagara County Legislature be, and hereby is, authorized to execute an easement and any agreements that are necessary to implement said permanent easement for the town of Newfane's new waterline.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-035-17

From: Infrastructure & Facilities Committee

Dated: February 21, 2017

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE KRULL OLCOTT
DEVELOPMENT COMMITTEE AND OLCOTT FIRE COMPANY**

WHEREAS, the Krull Olcott Development Committee and the Olcott Fire Company have requested that the County of Niagara grant them permission to use the north section of Krull Park for the purpose of holding a Pirate's Festival, and

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

WHEREAS, it is the wish of the local community to hold the Pirate's Festival on July 7-9, 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 Krull Olcott Development Committee and the Olcott Fire Company, and

WHEREAS, prior to the execution of the license agreement between the County of Niagara and the Krull Olcott Development Committee and the Olcott Fire Company, the County Attorney will review said Agreement for approval as to legal form, language, and compliance, now, therefore, it is

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 Krull Olcott Development Committee and the Olcott Fire Company.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-036-17

From: Infrastructure & Facilities Committee

Dated: February 21, 2017

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND
THE NIAGARA CELTIC HERITAGE SOCIETY, INC.**

WHEREAS, the Niagara Celtic Heritage Society, Inc. has requested that the County of Niagara grant them permission to use the north section of Krull Park for the purpose of holding a Celtic Festival, and

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

WHEREAS, it is the wish of the local community to hold the Celtic Festival on September 15 - 17, 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 Niagara Celtic Heritage Society, Inc., and

WHEREAS, prior to the execution of the license agreement between the County of Niagara and the Niagara

Celtic Heritage Society, Inc., the County Attorney will review said agreement for approval as to legal form, language and compliance, now, therefore, it is

RESOLVED, that, following the County Attorney's review, the Chair of the County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and the Niagara Celtic Heritage Society, Inc.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-037-17

From: Infrastructure & Facilities Committee

Dated: February 21, 2017

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA
AND THE OLCOTT FIRE COMPANY SOFTBALL LEAGUE**

WHEREAS, the Olcott Fire Company Softball League has requested that the County of Niagara grant them permission to use existing ball fields in an area situated in the eastern portion of Krull Park for the purpose of softball games, and

WHEREAS, this program benefits the residents of 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 to enter into a formal agreement with the Olcott Fire Company Softball League, 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 Fire Company Softball League, 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 the Olcott Fire Company Softball League.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-038-17

From: Infrastructure & Facilities Committee

Dated: February 21, 2017

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE TOWN OF NEWFANE

WHEREAS, the town of Newfane has requested that the County of Niagara grant them permission to use Krull

Park for the purpose of hosting the Olcott Beach Jazz Trail Jazz Concert, and

WHEREAS, it is the wish of the town of Newfane to hold the Olcott Beach Jazz Trail Jazz Concert on July 23, 2017, and

WHEREAS, the Town 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 town of Newfane, now, therefore, be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the town of Newfane, 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 agreement.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-039-17

From: Infrastructure & Facilities Committee

Dated: February 21, 2017

**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 5, 2017 for the purpose of holding the annual charity event known as the Lion's Club Polar Swim for Sight, and

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

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

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

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

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Olcott Lion's Club, as appears on the proposed agreement, is hereby approved in all respects, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-040-17

From: Infrastructure & Facilities Committee

Dated: February 21, 2017

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE NEWFANE SOCCER CLUB

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

WHEREAS, this program benefits the youth and other residents of both 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, prior to the execution of the license agreement between the County of Niagara and the Newfane Soccer Club, 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 Newfane Youth Soccer Club, now, therefore, be it

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-041-17

From: Infrastructure & Facilities Committee

Dated: February 21, 2017

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE OLCOTT FIRE COMPANY

WHEREAS, the Olcott Fire Company has requested that the County of Niagara grant them permission to use Krull Park for the purpose of hosting a Beer and Wine Tasting Event, and

WHEREAS, it is the wish of the Olcott Fire Company to hold the Beer and Wine Tasting Event on August 12, 2017, and

WHEREAS, the Olcott Fire Company 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 Fire Company, now, therefore, be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Olcott Fire Company, 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 agreement.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-042-17

From: Infrastructure & Facilities Committee

Dated: February 21, 2017

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. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-043-17

From: Infrastructure & Facilities Committee

Dated: February 21, 2017

**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 41st annual town children's fishing derby to be held on June 10, 2017, 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 10th, 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 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. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-044-17

From: Infrastructure & Facilities Committee

Dated: February 21, 2017

**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 be, and hereby is, authorized to execute the required documents.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-045-17

From: Infrastructure & Facilities Committee

Dated: February 21, 2017

**AWARD OF CONTRACT – NIAGARA COUNTY JAIL BUILDING #1
HVAC SYSTEM REPLACEMENTS - MECHANICAL**

WHEREAS, the Department of Public Works, Engineering Division has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Niagara County Jail Building #1 HVAC System Replacements - Mechanical project, and

WHEREAS, funds are available in account number H607.15.3197.000 72200.01, Building Improvements, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on February 16, 2017 as tabulated below:

- | | | |
|----|---|----------------|
| 1. | D.V. Brown & Associates
567 Vickers Street
Tonawanda, NY 14150 | \$1,056,000.00 |
| 2. | Parise Mechanical Inc.
1106 Sheridan Drive
Tonawanda, NY 14150 | \$1,076,000.00 |
| 3. | John W. Danforth Co.
300 Colvin Woods Blvd.
Tonawanda, NY 14150 | \$1,171,700.00 |

and

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

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

RESOLVED, that the contract for the Niagara County Jail Building #1 HVAC System Replacements - Mechanical project be awarded to the lowest responsible bidder, D.V. Brown & Associates, 567 Vickers Street, Tonawanda, NY 14150, in the amount of \$1,056,000.00, and be it further

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

Moved by Syracuse, seconded by Grozio.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IF-046-17

From: Infrastructure & Facilities Committee

Dated: February 21, 2017

**AWARD OF CONTRACT – NIAGARA COUNTY JAIL BUILDING #1
HVAC SYSTEM REPLACEMENTS - ELECTRICAL**

WHEREAS, the Department of Public Works, Engineering Division has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Niagara County Jail Building #1 HVAC System Replacements - Electrical project, and

WHEREAS, funds are available in account number H607.15.3197.000 72200.01, Building Improvements, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on February 16, 2017 as tabulated below:

1.	CIR Electrical Construction Corp.	\$50,900.00
	400 Ingham Avenue	
	Buffalo, NY 14218	

and

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

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

RESOLVED, that the contract for the Niagara County Jail Building #1 HVAC System Replacements - Electrical project be awarded to the lowest responsible bidder, CIR Electrical Construction Corp., 400 Ingham Avenue, Buffalo, NY 14218, in the amount of \$50,900.00, and be it further

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

Moved by Burmaster, seconded by Wydysh.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IL-001-17

From: Legislators Anthony J. Nemi, Wm. Keith McNall, William J. Collins, Michael A. Hill and Economic Development Committee

Dated: February 21, 2017

**RESOLUTION IN SUPPORT OF THE AN-JO BASEBALL CLUB OF LOCKPORT
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, An-Jo Baseball Club of Lockport is over a 60 year old non-profit baseball organization located in

Lockport, and

WHEREAS, An-Jo league has always been to provide and administer a quality baseball program to children of all ages and abilities in Eastern Niagara County, and

WHEREAS, the An-Jo Baseball Club of Lockport desires to refurbish the baseball fields with new diamond dirt, diamond clay and surface, now, therefore, be it

RESOLVED, that Niagara County supports the as follows:

An-Jo Baseball Club of Lockport	Field Refurbishment	\$6,000.00
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and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2017 budget:

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01	Appropriated Fund Balance - Committed Funds	\$6,000.00
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INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$6,000.00
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Moved by Burmaster, seconded by Wydysh.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IL-003-17

From: Legislator Michael A. Hill and Economic Development Committee

Dated: February 21, 2017

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

WHEREAS, in 2017 the Town of Royalton will be celebrating its two hundredth birthday with year round festivities, and

WHEREAS, the Town of Royalton would like to enhance the events scheduled to make this celebration that much more special for the residents and visitors, some of these events include entertainment for the children at the Community day, community picnic and the breakfast to be held for First Responders and Veterans, and

WHEREAS, the Town of Royalton Bicentennial celebrations will act as a significant draw for residents, and visitors, now, therefore, be it

RESOLVED, that Niagara County would like to support the efforts of the Town of Royalton Bicentennial Committee to attract residents and visitors through a contribution of \$5,000.00 total to assist with the cost, and be it further

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

Royalton Historical Society	Bicentennial Committee	\$5,000.00
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and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2017 budget:

INCREASE APPROPRIATED FUND BALANCE:

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

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$5,000.00
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Moved by Syracuse, seconded by Andres.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IL-004-17

From: Legislator Michael A. Hill and Economic Development Committee

Dated: February 21, 2017

**RESOLUTION IN SUPPORT OF THE WOLCOTTSVILLE VOLUNTEER FIRE COMPANY
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Wolcottsville Volunteer Fire Company was established in 1947 to serve their community and residents, and

WHEREAS, the Wolcottsville Volunteer Fire Department will be giving away smoke and carbon monoxide detectors at the Annual Community Day event and throughout the year to help residents in the community protect their homes from fire, save lives and prevent injuries, now, therefore, be it

RESOLVED, that Niagara County would like to support the efforts of the Wolcottsville Volunteer Fire Company through a contribution of \$1,000.00 total to assist with the cost, and be it further

RESOLVED, that Niagara County supports the Wolcottsville Volunteer Fire Company as follows:

Wolcottsville Volunteer Fire Company	Smoke and CO2 Detectors	\$1,000.00
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and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2017 budget:

INCREASE APPROPRIATED FUND BALANCE:

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

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

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IL-005-17

From: Legislator Michael A. Hill and Economic Development Committee

Dated: February 21, 2017

**RESOLUTION IN SUPPORT OF THE TRINITY LUTHERAN CHURCH
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Trinity Lutheran Church of Wolcottville is a historic church within the Town of Royalton, and

WHEREAS, the Trinity Church is in need of many repairs and remodeling done to this historic building, and

WHEREAS, Trinity Church would like to complete the carpet in the upstairs of the church as well as some much needed repairs for their organ, now, therefore, be it

RESOLVED, that Niagara County supports the Trinity Lutheran Church as follows:

Trinity Lutheran Church	\$1,500.00
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and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2017 budget:

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01	Appropriated Fund Balance - Committed Funds	\$1,500.00
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INCREASE APPROPRIATION:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$1,500.00
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Moved by Nemi, seconded by Syracuse.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IL-006-17

From: Legislator Michael A. Hill and Economic Development Committee

Dated: February 21, 2017

**RESOLUTION IN SUPPORT OF THE TOWN OF HARTLAND SPLASH PAD
AND PAVILION THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Town of Hartland has plans for a splash pad and pavilion for its town park, and

WHEREAS, the project shall include a concrete splash pad with aquatic spray features and a pavilion next to the existing playground, this will provide a shaded picnic and seating area for visitors, and

WHEREAS, the plan is designed for young and old and will be utilized by the town summer recreation program, park events and the day to day public use of the facilities, now, therefore, be it

RESOLVED, that Niagara County supports the Town of Hartland Splash pad and Pavilion as follows:

Town of Hartland	Splash Pad and Pavilion	\$10,000.00
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and be it further

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

Development 2017 budget:

INCREASE APPROPRIATED FUND BALANCE:

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

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

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IL-007-17

From: Legislators William J. Collins, Wm. Keith McNall, Anthony J. Nemi, John Syracuse and Economic Development Committee

Dated: February 21, 2017

**RESOLUTION IN SUPPORT OF THE HISTORIC LOCKPORT MILL RACE, INC.
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Historic Lockport Mill Race, Inc. is a volunteer-driven organization that is focusing on renovating the old Lockport Gas & Electric ("LG&E") building and surrounding Mill Race area in the Lockport Heritage District, and

WHEREAS, a structural engineering study is required in order to reach their project goals, and

WHEREAS, the goals are to place a pavilion for public use on the top of the LG&E building, install ropes course inside the LG&E building and re-establish the Mill Race footprint as a part of the southern Erie Canal walking path, now, therefore, be it

RESOLVED, that Niagara County would like to support the efforts of the Historic Lockport Mill Race, Inc. through a contribution of \$10,000.00 total to assist with the cost, and be it further

RESOLVED, that Niagara County supports the Historic Lockport Mill Race, Inc. as follows:

Historic Lockport Mill Race, Inc.	Structural Engineering Study	\$10,000.00
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and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2017 budget:

INCREASE APPROPRIATED FUND BALANCE:

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

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

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IL-008-17

From: Legislator Michael A. Hill and Economic Development Committee

Dated: February 21, 2017

**RESOLUTION IN SUPPORT OF THE SALVATION ARMY
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Salvation Army of Lockport has been serving the community since 1884, by bringing help to the needy, nourishment to the hungry, encouragement to the distressed and spiritual enlightenment to the helpless and hopeless, and

WHEREAS, some of the many services the Salvation Army provides the community is the Youth Center that was established for the children and teens to enjoy a safe environment and engage in games, homework help and recreation, and

WHEREAS, the Youth Center also operates the Bridging the Gap program which focuses on either prevention or intervention for at risk and/or court involved youths and provides a head on approach of useful treatments for unhealthy behavior, and

WHEREAS, the Code Blue program is a another service provided to the homeless or displaced while the temperature falls to 15 degrees and below to ensure no one is left out in the cold, now, therefore, be it

RESOLVED, that Niagara County would like to support the efforts of the Salvation Army of Lockport through a contribution of \$10,000.00, and be it further

RESOLVED, that Niagara County supports the Salvation Army of Lockport as follows:

The Salvation Army Lockport Corps	\$10,000.00
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and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2017 budget:

INCREASE APPROPRIATED FUND BALANCE:

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

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

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IL-009-17

From: Legislators Wm. Keith McNall, Anthony J. Nemi, William J. Collins, Randy R. Bradt, Richard L. Andres, Kathryn L. Lance, Rebecca J. Wydysh and Economic Development Committee

Dated: February 21, 2017

**RESOLUTION IN SUPPORT OF THE COUNTYWIDE YWCA OF THE
NIAGARA FRONTIER'S ALTERNATIVES TO DOMESTIC VIOLENCE PROGRAM
THROUGH THE USE OF CASINO FUNDING**

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

WHEREAS, the YWCA of the Niagara Frontier did, in 1984 introduced domestic violence counseling and expanded to include 24-7 crisis and transitional supportive residential services in 1986, and

WHEREAS, the YWCA of the Niagara Frontier's Alternatives to Domestic Violence program is a unique, countywide program that provides life- saving services for the most fragile members of the community; the traumatized victims of domestic violence and their children, and

WHEREAS, these services are designed to empower and strengthen the clients through comprehensive individual and group counseling, case management, court advocacy, parenting training, financial literacy, therapeutic group counseling for children, job readiness (culinary and call center training) and safe housing, and

WHEREAS, an average of 100 women and children are provided with crisis shelter, 1000 calls are handled by a 24-7 crisis hotline and 3750 women and children receive domestic violence counseling and safety planning annually and 400 homeless women and children have received safe, affordable and supportive housing at Carolyn's House in Niagara Falls and Carrel House in the Tonawanda's, and

WHEREAS, the Legislature does endorse as essential to the safety and wellness of these victims and their children who are empowered through these critical services to transition to safe, independent and self-sufficient lifestyles, and

WHEREAS, the YWCA of the Niagara Frontier has demonstrated a deep and selfless commitment to improving the lives of the marginalized women and children, now, therefore, be it

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

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

YWCA of the Niagara Frontier	\$10,000.00
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and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2017 budget:

INCREASE APPROPRIATED FUND BALANCE:

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

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

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IL-010-17

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

Dated: February 21, 2017

**RESOLUTION IN SUPPORT OF STEPHAN SIKORA POST 1322
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, Stephan Sikora Post 1322 of North Tonawanda is comprised of over 300 proud Veterans, who have served in the United States military during times of conflict, and

WHEREAS, Stephan Sikora Post is the only Veteran's organization located in North Tonawanda, and

WHEREAS, the building and property is in desperate need of repairs, which include the front parking lot storm sewer and other sanitary sewer repairs inside and outside the building, and

WHEREAS, the Stephan Sikora Post 1322 is also asking the Niagara County Legislature to support the North Tonawanda Military Banner Program, now, therefore, be it

RESOLVED, Niagara County supports Stephan Sikora Post 1322 as follows:

Property Repairs	\$3,000.00
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North Tonawanda Military Street Banner Program	\$1,500.00
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and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2017 budget:

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01	Appropriated Fund Balance - Committed Funds	\$4,500.00
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INCREASE APPROPRIATION:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$4,500.00
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Referred to the Economic Development Committee

Resolution No. IL-011-17

From: Legislators David E. Godfrey and Anthony J. Nemi

Dated: February 21, 2017

**REQUESTING NEW YORK STATE LEGISLATURE TO ENACT LEGISLATION FOR THE
EXTENSION OR PERMANENT CONTINUATION OF THE COLD WAR REAL PROPERTY TAX
EXEMPTION AS PROVIDED IN RPTL SECTION 458-b**

WHEREAS, the New York State Legislature enacted section 458-b of the Real Property Tax Law in 2007, and

WHEREAS, section 458-b provides for a real property tax exemption for Cold War veterans and permits each county, city, town or village to adopt a local law to provide the exemption for qualifying residential real property, and

WHEREAS, under the State statute the duration of the basic exemption is 10 years, and commences with the first taxable status date occurring on or after the effective date of the local law allowing the exemption, and

WHEREAS, the Cold War 10% benefit is set to expire ten years after adoption, which for the County of Niagara is 2018, and

WHEREAS, this Legislature recognizes the services rendered by the Cold War veterans to our country and is desirous of the New York State Legislature amending the statutory provision so as to enable this county and other municipalities to grant an exemption for more than ten years, now, therefore, be it

RESOLVED, that the County of Niagara Legislature hereby requests the New York State Legislature to enact the appropriate legislation which will enable the granting of the Cold War real property tax exemption as provided in RPTL section 458-b for a term greater than ten years either by extension or permanent continuation, and be it further

RESOLVED, that the Clerk of this Legislature shall forward this resolution to Governor Andrew Cuomo, Senator Robert Ortt, Assemblyman Michael Norris, Assemblyman Angelo Morinello, Niagara County Real Property Taxation Committee and all others deemed necessary and appropriate.

Moved by Nemi, 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 Andres.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IL-012-17

From: Legislators Dennis F. Virtuoso, Jason Zona and Owen T. Steed

Dated: February 21, 2017

**RESOLUTION OPPOSING FURTHER COMMERCIALIZATION OF THE NIAGARA
RESERVATION STATE PARK WITH THE PROPOSAL OF
THE CREATION OF A WORLD CLASS LODGE ON GOAT ISLAND**

WHEREAS, in the 1860's, landscape architect Frederick Olmstead, along with other preservationists formed the Free Niagara Movement with the intent of protecting the natural beauty of Niagara Falls from commercial interests and exploitation, while keeping it free to the public, and

WHEREAS, after a fifteen year effort, Free Niagara was able to secure through the New York State Legislature the adoption of the Niagara Appropriations Bill which formed the Niagara Reservation, which would go on to be today's oldest state park in the country, and

WHEREAS, today, America's oldest state park, the Niagara Reservation State Park continues to maintain Olmsted's vision of staying committed to maintaining native vegetation, preserving its unparalleled vistas and providing public access, and

WHEREAS, during his 2017 State of the State address, Governor Andrew Cuomo proposed the creation of "a world class lodge" (Niagara Gazette 1/10/17) on Goat Island as part of the second phase of his "Buffalo Billion" program, and

WHEREAS, even in the late 1800's, Olmstead understood the problems with commercialization of this park as Olmsted implied: any commercial undertaking into which the state was entering, would be in competition with the people of the village of Niagara and... It is a sufficient answer to say that there is no point in the reservation at which a house can be placed that is more than ten minutes walk or five minutes drive from hotels and

restaurants standing on land of private ownership.” -- Thus giving any state sponsored development of the park an unfair and ... unjustified advantage over private ownership near the park, and

WHEREAS, this legislative body supports economic development efforts in the area around the Niagara Reservation State Park in conjunction with the City of Niagara Falls Comprehensive Plan, and feels a “lodge” such as this in the New York State Parks were serve as unfair advantage to private hoteliers in Niagara Falls, NY and efforts should continue to develop such a lodge outside of the New York State Park, now therefore, be it

RESOLVED, that the Niagara County Legislature goes on record opposing further commercialization of the Niagara Reservation State Park and respectfully requests that the office of Governor Andrew Cuomo cease any efforts to develop a “lodge hotel” anywhere in the state park, and be it further

RESOLVED, the Niagara County Legislature asks that New York State redirect state resources to assist with economic development efforts outside of the state park in conjunction with the City of Niagara Falls Comprehensive Plan, and be it further

RESOLVED, that copies of this resolution be forwarded to the Honorable Governor Andrew Cuomo, New York State Senator Robert Ortt, NYS Assemblyman Angelo Morinello, Howard Zensky, President and CEO of the Empire State Development Corp., Mayor Paul Dyster, City of Niagara Falls, NY and Mark Thomas, NYS Parks Western District.

Moved by Virtuoso, seconded by Steed to table resolution to allow for further discussion and input.

Resolution No. IL-013-17

From: Legislator Randy R. Bradt

Dated: February 21, 2017

REJECT BIDS FOR THE HEALTH BENEFITS CONSULTANT-NIAGARA COUNTY

WHEREAS, pursuant to IL-024-16 the Niagara county legislature directed the county manager to obtain requests for proposals for a health benefits consultant, and

WHEREAS, sealed bids for a health benefits consultant (RFP 2016-31), were received and publicly opened by the Niagara County Purchasing Department on August 18, 2016, as tabulated below:

- | | |
|--|--------------------|
| 1. Premier Consulting Associates, LLC
116 Sweet Home Road, Suite 5-6
Amherst, New York 14228 | No Charge |
| 2. Wilmington Trust – M&T Insurance
285 Delaware Ave., Suite 4000
Buffalo, New York 14202 | \$155,000.00, plus |
| 3. Crown Benefits Group, Inc.
2914 Pine Ave.
Niagara Falls, New York 14301 | \$75,000.00 |
| 4. Lawley Benefits Group
361 Delaware Ave.
Buffalo, New York 14202 | \$120,000.00 |

5. Arthur J. Gallagher & Co.
3300 Vickery Road
North Syracuse, New York 13212 \$90,000
6. Brown & Brown
Employee Benefits
45 East Avenue
Rochester, New York 14604 \$150,000.00, plus

WHEREAS, Niagara County has previously entered into a health benefits consultant contract through December 31, 2017, and to entered into the advertised contract would duplicate contracted services, now, therefore, be it

RESOLVED, that the bids be rejected, and be it further

RESOLVED, that the Chairman of Legislature is authorized to execute the required documents.

Moved by Bradt, seconded by Wydysh, 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 Nemi.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IL-014-17

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

Dated: February 21, 2017

**RESOLUTION IN SUPPORT OF NIAGARA FALLS WATER BOARD
REINSTATEMENT OF DRIP PROGRAM**

WHEREAS, certain Neighborhoods in the City of Niagara Falls have been adversely affected by water lines that tend to freeze during certain periods of inclement weather, and

WHEREAS, in prior years, the Niagara Falls Water Board ("NFWB") has enacted a "drip program" which allowed certain residents on a list developed by the NFWB to participate in a program that allowed those residents up to 2,500 cubic feet of water usage at no charge for keeping their faucets running at all times during periods of time in the winter months in an effort to keep pipes from freezing, and

WHEREAS, the Niagara Falls Water Board is planning to discontinue the drip program going forward and that the drip program is an important resource for residents in order to help guard against frozen water lines, now, therefore, be it

RESOLVED, the Niagara County Legislature does hereby request that the Niagara Falls Water Board reinstate the drip program and make it available to residents as it has in the past, and be it further

RESOLVED, that the Clerk of this Legislature shall forward this resolution to the Niagara Falls Water Board.

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

Carried.

Moved by Virtuoso, seconded by Grozio.
Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IL-015-17

From: Legislator John Syracuse
Dated: February 21, 2017

**NIAGARA COUNTY TO JOIN AS A PARTY TO
THE APPLICATION OF LIGHTHOUSE WIND, LLC**

WHEREAS, Lighthouse Wind, LLC has proposed a major industrial wind project in the town of Somerset, and

WHEREAS, the State of New York has eliminated local approval authority, and

WHEREAS, in order to receive information regarding the proposed, Niagara County is required to join as a party to the administrative case, now, therefore, be it

RESOLVED, that Niagara County will become a party to the Application of Lighthouse Wind LLC for a Certificate of Environmental Compatibility and Public need pursuant to Article 10 (Case Number 14-F-0485) with Legislature member John Syracuse acting on behalf of the county.

Moved by Syracuse; seconded by Bradt to amend resolution.

Amendment:

Addition to the RESOLVED, "... (Case Number 14-F-0485) with Legislative members Chairman Wm. Keith McNall and John Syracuse acting..."

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

Carried.

Moved by Syracuse, seconded by Bradt.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IL-016-17

From: Legislators Dennis F. Virtuoso, Mark J. Grozio, Jason Zona and Owen T. Steed
Dated: February 21, 2017

**RESOLUTION AMENDING LOCAL LAW 5 OF 2015
THE COUNTY OF NIAGARA NEW YORK, ESTABLISHING
THE NIAGARA COUNTY ANIMAL ABUSER REGISTRY**

WHEREAS, the Niagara County Legislature, enacted Local Law No. 5 of 2015 which establishes the Niagara County Animal Abuser Registry, and

WHEREAS, presents in writing the following proposed Local Law:

A Local Law Amending Local Law 5 of 2015, the Local Law of the County of Niagara, New York, which establishes the Niagara County Animal Abuser Registry, and

WHEREAS, the Niagara County Legislature, does hereby amend the requirements in Section 5. Registry Requirements as follows:

.....

Section 5. Registry Requirements:

- a) All Animal Abuse Offenders who reside in Niagara County and who are convicted of an Animal Abuse Crime on or after the effective date of this article must register with the Niagara County Animal Abuser Registry within five (5) days of their release from incarceration or, if not incarcerated, from the date of the rendering of judgment.
- b) Anyone who has been charged with an Animal Abuse Crime and is offered a plea to a reduced charge may be ordered by the court, with proper notice and after a hearing, to register with the Niagara County Animal Abuse Registry as part of the final judgment. The Niagara County District Attorney's Office, as part of a disposition may make it a condition of such reduced charge that the defendant consent to register with the Niagara County Animal Abuse Registry or request a hearing in accepting a reduction of the charge of an animal abuse crime.

Any hearing pursuant to this subsection shall be a summary hearing and necessary when the defendant has plead to a non-enumerated crime under this section. The hearing shall determine if the underlying conduct the defendant was charged with poses a risk to the safety and well-being of animals and therefore indicates a compelling interest to subject the defendant to registration under this local law. Any person who is required to register with the Niagara County Animal Abuse Registry pursuant to this subdivision shall comply with all remaining provisions of this section.

- c) When a person is convicted of an Animal Abuse Crime, the prosecuting agency shall forward to the Sheriff's Office the name and address of the convicted person along with the name of the Animal Abuse Crime the person was convicted of, thereby notifying the Sheriff's Office that the person is required to register with the Animal Abuser Registry.
- e) Each person required to register with the Animal Abuser Registry shall submit to the Niagara County Sheriff's Office:
 - i) Their name and any aliases they may be known by
 - ii) Their residence address
 - iii) Their date of birth, and
 - iv) A photograph of the front of their head and shoulders not less than 2" by 3" or a digital image commonly known as a digital photograph of the front of their head and shoulders.
- f) Every person required to register with the Animal Abuser Registry shall update their registry information within five (5) days of any change of residential address and/or upon any official change of name.
- g) Every person required to register with the Animal Abuser Registry shall pay a fee of one hundred twenty-five dollars (\$125.00) to the Niagara County Sheriff's Office at the time of Registration. All such fees shall be used to help pay the administrative and maintenance costs of maintaining the Registry.
- h) The Niagara County Sheriff is hereby authorized and empowered to promulgate such rules and regulations as may be necessary to implement the Animal Abuser Registry.

.....

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

RESOLVED, that the Niagara County Legislature shall conduct a public hearing upon said proposed Local Law at the Legislative Chambers Courthouse, Lockport, New York on the 21st day of March 2017 at 6:30 p.m., and be it further

RESOLVED, that the Clerk of the Legislature, at least six (6) days in advance of such hearing, shall post a notice upon the bulletin boards in the Courthouse in Lockport, the Civic Building in Niagara Falls and shall publish such notice once in the Union Sun & Journal, and the Niagara Gazette; such notice shall contain the title of the Local Law and an abstract of the text to be prepared by the Clerk of the Legislature, with the assistance of the County Attorney's Office

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

Carried.

Moved by Virtoso, seconded by Grozio

Adopted. 12 Ayes, 0 Noes, 3 Absent – Godfrey, Hill and Zona

Resolution No. IL-017-17

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

Dated: February 21, 2017

RESOLUTION IN SUPPORT OF PROTECTION OF THE NIAGARA FALLS AIR RESERVE STATIONS MAIN RUNWAY APPROACHES BY ELIMINATING POTENTIAL HEIGHT OBSTRUCTIONS THROUGH THE USE OF CASINO FUNDING

WHEREAS, the Niagara County Legislature over the past 20 years has supported the Niagara Falls Air Reserve Station due to its economic and strategic importance to the Niagara Region, and

WHEREAS, the Niagara County Legislature considers the Niagara Falls Air Reserve Station is a driving force in improving economic prosperity and the quality of life in Niagara County, and

WHEREAS, N.F.A.R.S. has been contemplated foreclosure under BRAC (Base Realignment and Closures) ultimately has remained in operation, and the Niagara County Legislature desires to protect N.F.A.R.S from Closure under future BRAC, and

WHEREAS, the NIMAC (Niagara Military Affairs Committee) through the Town of Wheatfield intend to purchase the PDR (Property Development Rights) from the current farmland owners to eliminate the construction of any obstacle on the east to west approaches the main runway, and

WHEREAS, A NIMAC committee contacted GAR Land Appraiser Company to analyze the farmland approaches to the main runway at a cost of \$30,000, and

WHEREAS, NIMAC has secured commitments totaling \$26,000 and the County Legislators representing the Town of Wheatfield have elected to close the remaining shortfall, now, therefore, be it

RESOLVED, that the Seneca Niagara Community Development funds through the County Legislators representing Wheatfield will contribute the sum of \$3,750.00 toward this farmland analysis, and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2017 budget:

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01 Appropriated Fund Balance - Committed Funds \$3,750.00

INCREASE APPROPRIATION:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund \$3,750.00
Referred to Economic Development Committee

Resolution No. IF-045-17 was read at this time. (Appears in numerical order)

Resolution No. IF-046-17 was read at this time. (Appears in numerical order)


APPOINTMENTS:

	<u>Appt.</u>	<u>Expires</u>
<u>HISTORIANS BOARD</u>		
Justin J. Higner 6815 Ward Rd. Niagara Falls 14304 Moved by Syracuse, seconded by Andres Carried.	Tn. of Wheatfield 02/21/17	12/31/17
<u>COMMUNITY SERVICES BOARD</u>		
Rosamond Siegwarth 574 Oak Street, Youngstown 14174 Moved by Andres, seconded by Collins Carried.	02/21/17	12/31/20
<u>TRAFFIC SAFETY BOARD</u>		
Doug Haak, Captain, Lockport Police Dept. Municipal Building, One Locks Plaza, Lockport 14094 Moved by Steed, seconded by Virtuoso Carried.	02/21/17	12/31/19

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

The Chairman declared the Board adjourned at 9:00 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