

OFFICIAL RECORD

Lockport, New York
February 23, 2016

The meeting was called to order by Chairman McNall at 7:05 p.m.

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

Chairman McNall introduce new assistance clerk, Antoinette Galyen.

Chairman McNall reminded everyone that financial disclosures are due by March 1st, 2016.

PRESENTATIONS:

Mr. Robert Emerson, Executive Director of Fort Niagara was introduced by Legislator Burmaster. Mr. Emerson announced that on May 18th, 2016, Fort Niagara will be hosting a Community Night for all Niagara County residents. Admission is free with many fun events.

Mr. John Cooper of NIMAC was introduced by Legislators Godfrey & Zona. Mr. Cooper spoke of NIMAC's history in aiding with keeping the Niagara Falls Air Base in service here in Niagara County. He spoke of the return of a tanker refueling facility creating 27 new jobs. They are also trying bring future technology to the base.

No citizens spoke at this time.

Recess – Administration Meeting

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

Resolution No. AD-001-16

From: Administration Committee

Dated: February 23, 2016

AUTHORIZATION FOR REAL PROPERTY TAX REFUNDS/CORRECTIONS – 2016

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

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

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

RESOLVED, that the Niagara County Treasurer is hereby delegated the authority to perform the duties the tax levying body during 2016 when the Real Property Tax Director's recommended refund and/or correction is twenty-five hundred dollars or less, and be it further,

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. AD-002-16

From: Administration Committee

Dated: February 23, 2016

**REAL PROPERTY TAX CORRECTIONS/CANCELLATIONS
NO. COE-2016-A**

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

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

RESOLVED, that the applications and/or lien cancellations be approved and/or denied as set forth in the attached Exhibit No. COE-2016-A which is made a part hereof and subsequently be charged back to the applicable town, city, special district and school district within the County of Niagara.

Corrections to previously issued Niagara County tax billings

Filename: COE-16 A

Date: January 25, 2016

EXHIBIT # COE-2016 A-PAGE 1 OF 1

Town of Wheatfield

Owner: Elm Holdings Inc.

<u>SBL #</u>	<u>Tax Year</u>	<u>Refund Amount</u>
132.00-1-16.12	2016	\$12,747.00

Due to a clerical error in the calculation of water usage, this parcel was assigned an incorrect number of sewer units. Instead of 250 units, the parcel was charged for 310. In light of this, the 2016 Niagara County tax billing shall be reduced by the amount of \$12,747.00 and the Niagara County Treasurer's Department shall accept the revised tax amount due without interest or penalty if paid within 8 days of the mailing of the notice of this approval to the property owner.

A refund/credit in the amount of \$12,747.00 shall be issued to Elm Holdings, Inc.

Original billing: \$68,001.78 Revised billing: \$55,254.78

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. AD-003-16

From: Administration Committee

Dated: February 23, 2016

**DISTRIBUTION OF JULY THROUGH SEPTEMBER 2015 CASINO REVENUE
TO VARIOUS MUNICIPALITIES**

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

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

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

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

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

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

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

WHEREAS, the Niagara County Treasurer’s Office and the Niagara County Office of Management and Budget jointly established two interest-bearing revenue accounts, which shall be designated “Niagara County Community Development Fund 1” and “Niagara County Tax Relief Fund,” with all revenues appropriated to the county under Upstate New York Gaming and Economic Development Act Subdivision 3-a divided and deposited into said accounts, with 25% of said monies being deposited in Niagara County Community Development Fund 1 and 75% of said monies being deposited in Niagara County Tax Relief Fund, with these percentages of distribution remaining in force until December 31, 2015, and

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

WHEREAS, Niagara County has received \$175,511.57 for the period of July 1, 2015 through September 30, 2015 towards the Niagara County Tax Relief Fund, and will distribute the funds to the respective municipalities the aforementioned formula, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby approve the disbursement of the balance in the Niagara County Tax Relief Fund of \$175,511.57 for the period of July 1, 2015 through September 30, 2015 to the following municipalities within the County of Niagara:

TOWNS	Cambria	\$ 6,163.32
	Hartland	\$ 4,345.67
	Lewiston	\$18,381.24
	Lockport	\$21,669.27
	Newfane	\$10,202.88
	Newfane	\$10,202.88
	Pendleton	\$ 6,752.31
	Porter	\$ 7,147.09
	Royalton	\$ 8,085.46
	Somerset	\$ 2,809.86
	Wheatfield	\$19,123.28
	Wilson	\$ 6,325.87
CITIES	Lockport	\$22,340.58
	North Tonawanda	\$33,321.40

and be it further

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. AD-004-16

From: Administration Committee

Dated: February 23, 2016

NIAGARA COUNTY GRANT WRITING SERVICES

WHEREAS, it has been determined that Niagara County could benefit from the services of a qualified firm or person to assist with the identification and preparation of grant applications, in cooperation with several county department and local agencies to secure State and Federal funding in a number of areas, and

WHEREAS, these areas have been identified to include Homeland Security, Economic Development, Technology, Public Safety Planning and Implementation, and Public Health Planning and Implementation, and

WHEREAS, a Request for Proposal (RFP) for grant writing services was issued and publicly opened by the Purchasing Division on November 24, 2015 with three (3) grant writing firms responding, and

WHEREAS, the Grants Committee was designated to evaluate proposals and select the firm or person best qualified to effectively and efficiently accomplish the work outlined in the Request for Proposal, and

WHEREAS, the three firms received a scored evaluation and the Grants Committee determined Clifton Communications to be the best match for Niagara County to perform grant writing services based on experience, staffing, capability, and cost appropriate to the job, and

WHEREAS, the County Manager's Budget includes an appropriation for \$72,000 in the Contractual Expenses line for grant writing services, now, therefore, be it

RESOLVED, that Niagara County enters into a three-year renewable contractual agreement with Clifton Communications in the amount of \$6,000 per month effective March 1, 2016 through February 28, 2019. Clifton Communications would be required under the terms of the contract to write an unlimited number of grants with a minimum of twelve (12) grants annually, and be it further

RESOLVED, that reimbursable departments applying for and receiving grants will apply for New York state or federal reimbursement for grant writing services where applicable.

Moved by Nemi, seconded by Bradt.

Adopted. 10 Ayes, 4 Noes – Grozio, Steed, Virtuoso, Zona, 1 Absent – Hill

Resolution No. CS-001-16

From: Community Services & Administration Committees

Dated: February 23, 2016

**ABOLISH, CREATE AND FILL POSITION / BUDGET MODIFICATION
CRISIS SERVICES PROGRAM
NIAGARA COUNTY DEPARTMENT OF MENTAL HEALTH**

WHEREAS, the Niagara County Department of Mental Health (NCDMH) is committed to providing quality treatment and services to County residents in need, and

WHEREAS, the department is committed to and has demonstrated operating the department in a fiscally conservative manner, and

WHEREAS, the expansion of community based services requires a dedicated supervisor to ensure that the program runs in accordance with NYS Office of Mental Health rules and regulations and complies with fiscal, billing, and audit readiness standards, and

WHEREAS, there is a need for clinical supervision and management for community mental hygiene services related to community based mental health programs in hospital and placement diversion, Home and Community Based Services (HCBS), peer run services, family treatment services, and forensic care through both providing direct services and managing the services of community based programs serving this population, and

WHEREAS, these programs need to be maintained in accordance with compliance and regulatory requirements from the Niagara County Department of Mental Health, Office of Mental Hygiene Laws, NYS Office of Mental Health, NYS Office of Alcoholism and Substance Abuse and where appropriate, the NYS Office for People with Developmental Disabilities, and

WHEREAS, these programs will cover the entire life span from children to the geriatric population and work in coordination with Crisis Services, Assisted Outpatient Treatment (AOT), Adult and Children's Single Point of Access (SPOA) and other community programs, and

WHEREAS, the HCBS services will need to be overseen and provided in a variety of settings, i.e.; inpatient, outpatient, community and respite programs, and

WHEREAS, except for services provided in inpatient settings, the majority of the contacts with recipients will be off site in the community, including a person's home, homeless shelters and other public locations for the purpose of engaging clients into care and facilitating their use of skills in the community, and

WHEREAS, creating this new position, which will be required to hold the credential of Licensed Master Social Worker (LMSW) or Licensed Clinic Social Worker (LCSW), for the provision and oversight of services in the community, thereby meeting the need for client access to professional staff who will engage the clients into care in their own community, and

WHEREAS, this abolish and create resolution will help minimize the additional cost in personnel lines overall across both actions while allowing all required work to be performed to regulatory standards without costing the County additional funds, and

WHEREAS, this newly created position will be supported through State Aid and will incur no County cost, now, therefore, be it

RESOLVED, that one vacant Staff Social Worker, Grade 13, Step 1, position number MHD300100.03713, salary range \$51,831.99 - \$60,382.35 be abolished effective March 1, 2016, and be it further

RESOLVED, that one Home & Community Based Services Supervisor, Grade 14, Step 1, position number MHD300100.XXXXX, salary range \$56,545.65 - \$66,064.32 be created within the Niagara County Department of Mental Health, and filled effective March 1, 2016 to carry out the required roles and responsibilities in the Crisis Services Program, and be it further

RESOLVED, that the following budget modification be effectuated to the Mental Health 2016 budget:

INCREASE REVENUE:		
A.21.4310.000 43490.05	Reinvestment Programs	\$4,769
INCREASE APPROPRIATION:		
A.21.4310.000 71010.00 xxxx	Home & Community Based Services Supervisor	\$3,955
A.21.4310.000 78100.00	Retirement Expense	369
A.21.4310.000 78200.00	FICA Expense	303
A.21.4310.000 78300.00	Worker's Compensation	142

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CS-002-16

From: Community Services & Administration Committees

Dated: February 23, 2016

**CREATE POSITION / BUDGET MODIFICATION
CO-LOCATION/COLLABORATION OF
BEHAVIORAL HEALTH & PROBATION SERVICES**

WHEREAS, a cooperative effort between the NYS Office of Mental Health (NYS OMH) and the NYS Office of Probation and Correctional Alternatives (OPCA) did make State funds available to local districts for the provision of services in accordance with the Youth in Probation Joint Initiative, with regard to mental and/or behavioral health, and

WHEREAS, these funds will allow for the formation of professional partnerships through this joint initiative of The Children's Plan to provide additional resources to assist probation in addressing the mental health needs of children involved in the juvenile justice system and their families, and

WHEREAS, Niagara County did receive an allocation which is 100% State funded, effective January 1, 2016, now, therefore, be it

RESOLVED, that one Mental Hygiene Practitioner position, Grade 11, Step 1, at an hourly rate of \$24.30 be created within the Niagara County Department of Mental Health, and filled effective March 1, 2016, co-terminus with any funding termination to carry out the required roles and responsibilities of the Behavioral Health and Probation Collaboration program, and be it further

RESOLVED, that Niagara County Department of Mental Health will collaborate with the Niagara County Department of Probation regarding this position, which will be co-located amongst the Probation Services staff at Probation, and be it further

RESOLVED, that the following budget modification be effectuated to the Mental Health 2016 budget:

INCREASE REVENUE:

A.21.4310.000 43489.04	Case Management Fees	\$56,682
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INCREASE APPROPRIATION:

A.21.4310.000 71010.00 xxxx	Mental Hygiene Practitioner	\$37,252
A.21.4310.000 78100.00	Retirement Expense	3,476
A.21.4310.000 78200.00	FICA Expense	2,850
A.21.4310.000 78300.00	Worker's Compensation	1,341
A.21.4310.000 78400.01	Insurance, Health Active	10,500
A.21.4310.000 78400.05	Insurance, Health HRA Employer	850
A.21.4310.000 78700.00	NYS Disability	62
A.21.4310.000 78800.00	Flex 125 Employer	351

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CS-003-16

From: Community Services & Administration Committees

Dated: February 23, 2016

**BUDGET MODIFICATION-ACCEPT HPV GRANT FUNDING
DIVISION OF NURSING-DEPARTMENT OF HEALTH**

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

WHEREAS, the National Association of County and City Health Officials has awarded Niagara County Department of Health CDC funds (CDFA #93.524) to increase human papillomavirus (HPV) vaccination rates in Western New York, now, therefore, be it

RESOLVED, the Niagara County Public Health Nursing Division be given authorization to accept the grant with effectuation of the following budget modification, effective immediately:

INCREASE REVENUE:

A.20.4189.401 44401.00	PH Federal Aid	\$34,976.00
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INCREASE APPROPRIATION:

A.20.4189.401 71050.00	Overtime	\$2,035.00
A.20.4189.401 74250.01	office supplies	250.00
A.20.4189.401 74250.03	Printing	4,500.00
A.20.4189.401 74300.03	Travel, Mileage	1,200.00
A.20.4189.401 74375.01	Advertising & Promo	8,800.00
A.20.4189.401 74550.16	STI Control	17,393.73
A.20.4189.401 74675.01	Postage	200.00
A.20.4189.401 78100.00	Retirement	386.65
A.20.4189.401 78200.00	FICA	155.68
A.20.4189.401 78300.00	Worker's Comp	54.94

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CS-004-16

From: Community Services & Administration Committees

Dated: February 23, 2016

**BUDGET MODIFICATION – ADDITIONAL FUNDING
EMERGENCY PLANNING PROGRAM - DEPARTMENT OF HEALTH**

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

WHEREAS, the Center for Disease Control increased the Ebola and other infectious disease funding awarded through CS-013-15, now, therefore, be it

RESOLVED, that the following budget modification, be effectuated:

INCREASE REVENUE:

CM.20.4189.406 44489.08	Other Health	\$2,878.00
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INCREASE APPROPRIATIONS:

CM.20.4189.406 74300.03	travel mileage	\$2,878.00
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Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CS-005-16

From: Community Services & Administration Committees

Dated: February 23, 2016

**BUDGET MODIFICATION – RE-APPROPRIATION GRANT FUNDING
MEDICAL RESERVE CORPS AWARD - EMERGENCY PLANNING PROGRAM
DEPARTMENT OF HEALTH**

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

WHEREAS, the National Association of County and City Health Officials (passed through from the Department of Health and Human Services CFDA # 93.008) awarded \$3,500 & \$15,000 to Niagara County

Emergency Planning Program to build the capacity of the Medical Reserve Corps Units approved through resolution CS-001-15, and

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

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

INCREASE REVENUE:

CM.20.4189.406 44489.24	Other Health MRC	\$7,187.89
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INCREASE APPROPRIATIONS:

CM.20.4189.406 71050.00	Overtime	\$134.43
CM.20.4189.406 74300.03	Mileage	314.41
CM.20.4189.406 74600.03	Training & Education	6,700.00
CM.20.4189.406 78100.00	Retirement Expense	25.27
CM.20.4189.406 78200.00	FICA	10.28
CM.20.4189.406 78300.00	Worker's Comp	3.50

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CS-006-16

From: Community Services & Administration Committees

Dated: February 23, 2016

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

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

WHEREAS, the Center for Disease Control (passed through NYS Department of Health CFDA # 93.074) awarded Niagara County Department of Health Public Health Emergency Preparedness Program \$109,075 to accelerate local public health preparedness planning and operational readiness for responding to Ebola and other infectious diseases approved through resolution CS-013-15, 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 44489.08	Other Health	\$75,978.88
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INCREASE APPROPRIATIONS:

CM.20.4189.406 71050.00	Overtime	\$1,412.87
CM.20.4189.406 72100.05	Computer Equipment	2,372.84
CM.20.4189.406 72100.14	Equipment	6,020.18
CM.20.4189.406 74250.01	office supplies	89.86
CM.20.4189.406 74300.01	Travel Conf	309.73
CM.20.4189.406 74300.03	Travel Mileage	3,074.27
CM.20.4189.406 74500.01	Contractual Services	46,571.00
CM.20.4189.406 74600.03	Training & Education	7,037.47

CM.20.4189.406 74750.02	Supplies/Materials	6,809.62
CM.20.4189.406 74750.12	Comp Supplies	1,847.10
CM.20.4189.406 78100.00	Retirement Expense	288.15
CM.20.4189.406 78200.00	FICA	108.09
CM.20.4189.406 78300.00	Worker's Compensation	37.70

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CS-007-16

From: Community Services & Administration Committees

Dated: February 23, 2016

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

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

WHEREAS, the Oshei Foundation awarded the Nursing Division funds to promote health in Niagara County approved through resolution #CS-002-15, and

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

RESOLVED, that the following budget modification, be effectuated:

INCREASE REVENUE:

A.20.4189.401 41689.07 Other Income Collaboration	\$4,373.00
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INCREASE APPROPRIATIONS:

A.20.4189.401 71050.00 Overtime	\$2,071.06
A.20.4189.401 74250.01 Office Supplies	405.25
A.20.4189.401 74300.03 Mileage	1,295.04
A.20.4189.401 78100.00 Retirement Expense	389.36
A.20.4189.401 78200.00 FICA	158.44
A.20.4189.401 78300.00 Workers Comp	53.85

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CS-008-16

From: Community Services & Administration Committees

Dated: February 23, 2016

ABOLISH ACCOUNT CLERICAL I POSITION/CREATE & FILL CLERICAL I POSITION DEPARTMENT OF SOCIAL SERVICES

WHEREAS, the Department of Social Services continuously reviews utilization of positions in order to determine what is best for the delivery of services, and

WHEREAS, there is currently a vacant Account Clerical I position, Job Group IV at \$18.46 per hour in the Daycare Unit and it has been determined that these functions can be performed by the Accounting Unit, and

WHEREAS, said vacant position also provides clerical support for the Nursing Home unit and as a result it has been determined that a Clerical I position, Job Group III, at \$15.85 per hour would best meet the needs of the Nursing Home unit, now, therefore, be it,

RESOLVED, that the vacant Account Clerical I position #1144, Job Group IV, step 8 at \$18.46 per hour be abolished effective February 29, 2016, and be it further

RESOLVED, that a Clerical I position, Job Group III, step 1 at \$15.85 per hour be created and filled effective February 29, 2016, and be it further

RESOLVED, that the following line item transfer be effectuated:

FROM:

A.22.6010.000 71010.1144	Account Clerical I	\$24,409
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TO:

A.22.6010.000 71010.xxxx	Clerical I	\$24,409
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Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-001-16

From: Community Safety & Security Committee

Dated: February 23, 2016

**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. 14 Ayes, 0 Noes, 1 Absent – Hill

Resolution No. CSS-002-16

From: Community Safety & Security Committee

Dated: February 23, 2016

ACCEPTANCE OF LAW ENFORCEMENT LEGISLATIVE GRANT

WHEREAS, the Niagara County District Attorney's Office and the Niagara County Sheriff's Office have been awarded funding from the New York State Division of Criminal Justice Services secured by Senator Robert G. Ort to enhance law enforcement initiatives, and

WHEREAS, funding has been awarded in the amount of \$10,000 to each of the offices for the period January 1, 2016 through December 31, 2016, with no matching funds requirement, and

WHEREAS, the funds have been appropriated in the District Attorney's Office and the Sheriff's Office in their 2016 budget, now, therefore be it

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

RESOLVED, that prior to the execution of the grant award contract, the County Attorney will review the grant award contract 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 the grant award documents.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-003-16

From: Community Safety & Security Committee

Dated: February 23, 2016

DISTRICT ATTORNEY CRIMES AGAINST REVENUE PROGRAM GRANT ACCEPTANCE

WHEREAS, the Niagara County District Attorney's Office applied for and was awarded funding from the New York State Division of Criminal Justice Services for the Crimes Against Revenue Program to enhance prosecution of crimes against the revenue of New York State which include Income and Sales Tax evasion and fraud and Unemployment Insurance fraud, and

WHEREAS, funding has been awarded in the amount of \$42,500 for the period January 1, 2016 through December 31, 2016, and

WHEREAS, basic revenue and appropriation figures for said program were calculated and are contained within the District Attorney's operating budget for the 2016 budget year, and

WHEREAS, the program will continue to fund one full time Assistant District Attorney, Position #10969, ATT I, Step 4, \$57,460 annually, with fringe benefits which shall remain coterminous with grant funding, now, therefore, be it

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

RESOLVED, following the County Attorney's review, the Chairman of the Niagara County Legislature be, and hereby is, authorized to sign the grant award documents.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-004-16

From: Community Safety & Security Committee

Dated: February 23, 2016

**DISTRICT ATTORNEY MOTOR VEHICLE THEFT AND INSURANCE FRAUD
PREVENTION PROGRAM GRANT ACCEPTANCE**

WHEREAS, The Niagara County District Attorney's Office has been notified by the New York State Division of Criminal Justice Services that the Motor Vehicle Theft and Insurance Fraud Prevention Program grant has been renewed for the period of January 1, 2016 through December 31, 2016, and

WHEREAS, funding has been awarded in the amount of \$109,966 and said funds are used to offset expenses for the District Attorney's Motor Vehicle Theft and Insurance Fraud Prevention Unit, and

WHEREAS, basic revenue and appropriation figures for said program were calculated and are contained within the CM.02.1989.114 Motor Vehicle Theft and Insurance Fraud Prevention cost center for the 2016 budget year, and

WHEREAS, this program will continue to fund one full time Assistant District Attorney, Position #9700, ATT I, Step 3, \$54,871 annually and one full time Criminal Investigator, Position #9701, NUH 6, Step 6, \$50,681 annually, with fringe benefits which shall remain co-terminus with grant funding, now, therefore, be it

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

RESOLVED, that prior to the execution of the grant award contract, the County Attorney will review the grant award contract 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 the grant award documents.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-005-16

From: Community Safety & Security & Administration Committees

Dated: February 23, 2016

**DISTRICT ATTORNEY BUDGET MODIFICATION - USE OF ASSETS
FORFEITURE FUNDS – CRIME NIGHT OUT**

WHEREAS, the Niagara County District Attorney's Office maintains its Local Asset Forfeiture Trust Account for the prosecution and reduction of targeted drug crimes, and

WHEREAS, the use of locally forfeited funds is restricted by the New York State Department of Criminal Justice Services to the enhancement of the prosecution of related crimes and can be used to supplement but not supplant current resources, and

WHEREAS, the Niagara County District Attorney's Office will allocate \$500 to the Niagara Falls Block Club Council to fund their annual Crime Night Out, and

WHEREAS, this is an allowable use under the Guidelines, now, therefore, be it

RESOLVED, that the Niagara County Treasurer's Office is hereby authorized to disburse \$500 from the District Attorney's Local Assets Forfeiture Account A.02.1165.000.40036 into the District Attorney's operating budget, and be it further

RESOLVED, that the following budget modifications are effectuated:

INCREASE REVENUE:

A.02.1165.000.40599.02	Appropriated Fund Balance Restricted Funds	\$500
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INCREASE APPROPRIATIONS:

A.02.1165.000.74400.09	Payments to Other Agencies	\$500
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Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-006-16

From: Community Safety & Security & Administration Committees

Dated: February 23, 2016

DISTRICT ATTORNEY BUDGET MODIFICATION - USE OF ASSETS FORFEITURE FUNDS

WHEREAS, the Niagara County District Attorney's Office maintains its Local Asset Forfeiture Trust Account for the prosecution and reduction of targeted crimes, and

WHEREAS, the use of locally forfeited funds is restricted by the New York State Department of Criminal Justice Services to the enhancement of the prosecution of crimes and can be used to supplement but not supplant current resources, and

WHEREAS, the Niagara County District Attorney's Office will allocate \$6,134 for the purchase of various computers, equipment and supplies for the District Attorney's Office and local law enforcement agencies, and

WHEREAS, this is an allowable use under the Guidelines, now, therefore, be it

RESOLVED, that the Niagara County Treasurer's Office is hereby authorized to disburse \$6,134 from the District Attorney's Local Assets Forfeiture Account A.02.1165.000.40036 into the District Attorney's operating budget, and be it further

RESOLVED, that the following budget modifications are effectuated:

INCREASE REVENUE:

A.02.1165.000.40599.02	Appropriated Fund Balance Restricted Funds	\$6,134
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INCREASE APPROPRIATIONS:

A.02.1165.000.72100.05	Computer Equipment	\$1,959
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A.02.1165.000.74400.10	Other Expenses	\$4,175
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Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-007-16

From: Community Safety & Security & Administration Committees

Dated: February 23, 2016

DISTRICT ATTORNEY- BUDGET MODIFICATION- PROJECT GIVE II

WHEREAS, during the 2015 budget process, expenses were estimated and funds were appropriated into cost center CM.02.1989.115 for the District Attorney's Gun Involved Violence Elimination (GIVE) initiative budget, and

WHEREAS, it is necessary to re-appropriate unspent 2015 funds in cost center CM.02.1989.115 into the 2016 GIVE operating budget to continue the initiative as directed by the Division of Criminal Justice Services, now, therefore, be it

RESOLVED, that the following budget modifications be made:

INCREASE REVENUE:

CM.02.1989.115.43389.13	Other Public Safety Crime Prevention	\$19,589
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INCREASE APPROPRIATIONS:

CM.02.1989.115.74400.09	Payments to Other Agencies	\$19,589
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Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-008-16

From: Community Safety & Security & Administration Committees

Dated: February 23, 2016

**2016 BUDGET MODIFICATION
HOMELAND SECURITY**

WHEREAS, Homeland Security funds were not fully expended in 2015, now, therefore, be it

RESOLVED, that the remaining funds from the Homeland Security grants be re-appropriated into the 2016 budget, and be it further

RESOLVED, that the following 2016 budget modification be effectuated:

INCREASE REVENUE:

A.19.3645.000 44305.02	Civil Defense Homeland Security	\$331,762.28
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INCREASE APPROPRIATIONS:

A.19.3645.000 72100.05	Machinery/Equip-Computers	\$60,582.54
A.19.3645.000 72100.14	Machinery/Equip-Misc Equip	43,697.36
A.19.3645.000 72100.15	Machinery/Equip-Comm Equip	2,474.48
A.19.3645.000 74250.01	Office Expenses Office Supplies	41.72
A.19.3645.000 74300.01	Reimbursements-Travel/Conf	4,676.00
A.19.3645.000 74375.04	Communications-Leased Lines	46,923.88
A.19.3645.000 74500.01	Contractual Expense	35,000.00
A.19.3645.000 74500.02	Contractual Exp-Maint Service Exp	22,260.18
A.19.3645.000 74650.08	Professional Consultants/Expert Services	24,103.73
A.19.3645.000 74800.01	Communication-Supplies/Service	83,610.77
A.19.3645.000 74800.10	Supplies/Services, Maint-Misc Equip	8,391.62

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-009-16

From: Community Safety & Security & Administration Committees

Dated: February 23, 2016

ACCEPTANCE OF SHSP 2015 HOMELAND SECURITY GRANTS

WHEREAS, the County of Niagara is required to certify its acceptance of the SHSP 2015 Grant through the Department of Homeland Security for the period of September 1, 2015 to August 31, 2018, at no cost to the County, and

WHEREAS, the grant for SHSP 2015 is in the amount of \$562,651 and the funds will be used for citizen preparedness initiatives, interoperable communication site monitoring system, PPE for HazMat, CAD mobile software, life safety rope, TRT PPE, air card service, web-based crisis management system maintenance, CAD maintenance, and T1 line maintenance, now, therefore, be it

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-010-16

From: Community Safety & Security & Administration Committees

Dated: February 23, 2016

**ACCEPTANCE OF 2015 CRITICAL INFRASTRUCTURE GRANT PROGRAM
HOMELAND SECURITY GRANTS**

WHEREAS, the County of Niagara is required to certify its acceptance of the 2015 Critical Infrastructure Grant Program through the Department of Homeland Security for the period of December 15, 2015 to August 31, 2018 at no cost to the County, and

WHEREAS, the 2015 Critical Infrastructure Grant Program is in the amount of \$49,000 and the funds will be used for the purchase and installation of IP cameras at the communication tower sites with connectivity back to Dispatch for monitoring now, therefore, be it

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-011-16

From: Community Safety & Security & Administration Committees

Dated: February 23, 2016

**ACCEPTANCE OF 2015 EMERGENCY
MANAGEMENT PERFORMANCE (EMPG) GRANT-
HOMELAND SECURITY GRANTS**

WHEREAS, the County of Niagara is required to certify its acceptance of the 2015 Emergency Management Performance (EMPG) Grant through the Department of Homeland Security, Federal Emergency Management Agency (FEMA) for the period of October 1, 2014 to September 30, 2016 at no cost to the County, and

WHEREAS, the 2015 EMPG is in the amount of \$86,449 and the funds will be used for Consultant expenses for Communication Plan Update, Emergency Support Function and HazMat Plan Update, interoperable communications maintenance expenses and travel expenses for the Director of Emergency Management now, therefore, be it

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-012-16

From: Community Safety & Security & Administration Committees

Dated: February 23, 2016

**ACCEPTANCE OF 2014 HAZARDOUS MATERIALS
EMERGENCY PREPAREDNESS GRANT PROGRAM -
HOMELAND SECURITY GRANTS**

WHEREAS, the County of Niagara is required to certify its acceptance of the 2014 Hazardous Materials Emergency Preparedness Grant through the Department of Homeland Security for the period of October 1, 2014 to September 31, 2016 at no cost to the County, and

WHEREAS, the 2014 HMEP is in the amount of \$21,433.75 and the funds will be used for crude oil training for Haz-Mat team members. This training will send up to 6 members to training to be able to bring the knowledge, skills and abilities back to the team to be prepared and ready to respond to crude oil incidents now, therefore, be it

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-013-16

From: Community Safety & Security & Administration Committees

Dated: February 23, 2016

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

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

WHEREAS, Masiello Martucci Calabrese and Associates (MMCA) will develop 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 will pursue 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 will be responsible for drafting all policy summary memos that County officials require and request, and

WHEREAS, MMCA will work with and report 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, a Request for Proposals was issued for this work and MMCA was the sole bidder for this RFP, and

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

RESOLVED, that the County enter into an 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 two additional 1-year periods, 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 the Chair of the County Legislature be, and hereby is, authorized to execute the contract.

Moved by Godfrey, seconded by Collins.

Adopted. 10 Ayes, 4 Noes – Grozio, Steed, Virtuoso, Zona, 1 Absent – Hill

Resolution No. CSS-014-16

From: Community Safety & Security & Administration Committees

Dated: February 23, 2016

**NIAGARA COUNTY SHERIFF'S OFFICE
ACCEPT GRANT HOMELAND SECURITY-
TACTICAL TEAM TARGETED (TTT) GRANT PROGRAM**

WHEREAS, the Niagara County Sheriff's Office received notification from the Department of Homeland Security and Emergency Services that we have been awarded a second Tactical Team Targeted Grant in the amount of \$100,000.00, and

WHEREAS, the funds will be used to enhance the skills of the Sheriff's Office Emergency Response Team by providing additional skills and abilities to remain safe and successful in their mission, and

WHEREAS, the Sheriff's Office will be purchasing surveillance and safety equipment, as well as additional training, to improve skills and capabilities, now, therefore, be it

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to execute the agreement, subject to the approval of the County Attorney, and be it further

RESOLVED, that the following budget modification be made:

INCREASE REVENUE:

A.17.3645.000.44305.02	Homeland Security	\$100,000
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INCREASE EXPENSES:

A.17.3645.000.71050.00	Overtime	\$10,000
A.17.3645.000.72100.21	Law Enforcement Equipment	83,000
A.17.3645.000.74750.11	Medical Supplies	7,000

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-015-16

From: Community Safety & Security & Administration Committees

Dated: February 23, 2016

NIAGARA COUNTY SHERIFF'S OFFICE – ACCEPT PSAP GRANT

WHEREAS, the Niagara County Sheriff's Office has received an award from the New York State Department of Homeland Security and Emergency Services in the amount of \$195,149 for the period of January 1, 2016 through December 31, 2016, and

WHEREAS, these funds are to be used to improve interoperable communications through operational efficiency and effectiveness by consolidating public safety answering points and promoting cross-jurisdictional standard operating procedures, and

WHEREAS, the Sheriff's Office has included these funds in their budget to offset the cost of the County E-911 Center, now, therefore, be it

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

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-016-16

From: Community Safety & Security Committee

Dated: February 23, 2016

NIAGARA COUNTY SHERIFF'S OFFICE FORENSIC LABORATORY COVERDELL GRANT

WHEREAS, the Niagara County Sheriff's Office received a renewal grant from the New York State Department of Criminal Justice Services for the Forensic Laboratory in the amount of \$21,542 for the period of October 1, 2015 through September 30, 2016, and

WHEREAS, this grant funds a part-time clerical position and training expenses, and

WHEREAS, it is desirable to continue such a position to answer the phones, input data and other clerical duties that would relieve the chemists from the interruptions of such duty, and

WHEREAS, the position is budgeted in the 2016 budget so no modification needs to be made for the position, now therefore, be it

RESOLVED, that the part-time clerical position continue to be co-terminus with the grant, and be it further

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

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-017-16

From: Community Safety & Security Committee

Dated: February 23, 2016

NIAGARA REGIONAL TRAFFIC SAFETY PROGRAM

WHEREAS, the Niagara Regional Traffic Safety Program will be held in the month of May, 2016, 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 junior and seniors from Niagara County schools will participate in the above at the Cornell Cooperative Extension, and

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

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

RESOLVED, that the twenty-first annual Niagara Regional Traffic Safety Program will be held in May, 2016.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-018-16

From: Community Safety & Security & Administration Committees

Dated: February 23, 2016

**BUDGET MODIFICATION/GRANT ACCEPTANCE – SHERIFF’S OFFICE
OPERATION STONEGARDEN GRANT**

WHEREAS, the Niagara County Sheriff’s Office was recently awarded the 2015 Operation Stonegarden Grant from the New York State Office of Homeland Security and Emergency Services in the amount of \$123,143, and

WHEREAS, this grant is for the purpose of protecting our borders and allows for the continuation of multi-law enforcement agencies to jointly support and secure international borders and waterways, and

WHEREAS, the 2016 budget did not include these funds as the grant award was just recently finalized, and

WHEREAS, the grant includes overtime and equipment to be shared by the agencies, and now therefore, be it

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

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

RESOLVED, that the following budget modification be made:

INCREASE REVENUE:

A.17.3645.000.44305.02

Homeland Security

\$123,143

INCREASE APPROPRIATION:

A.17.3645.000.71050.00	Overtime	\$36,628
A.17.3645.000.72100.21	Law Enforcement Equipment	43,400
A.17.3645.000.74750.21	Gas/Oil	10,100
A.17.3645.000.74400.09	Payments to Other Agencies	25,887
A.17.3645.000.78200.00	FICA	2,802
A.17.3645.000.7400.00	Retirement	4,326

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-019-16

From: Community Safety & Security & Administration Committees

Dated: February 23, 2016

**NIAGARA COUNTY SHERIFF'S OFFICE-CORRECTIONAL FACILITY
RESTRUCTURE STAFFING**

WHEREAS, the Niagara County Correctional Facility is governed by the New York State Commission of Corrections, and

WHEREAS, in addition to the oversight of the Sheriff's Office daily operation, the Commission also periodically conducts staffing analysis to ensure the safety and security of the personnel, as well as the inmates, and

WHEREAS, such an analysis was recently conducted and requires the Sheriff's Office to increase staffing levels for command staff, and

WHEREAS, after much discussion with the NYSCOC the Sheriff's Office has devised a plan that will allow for more direct oversight for the facility, and

WHEREAS, it is imperative that the Sheriff's Office initiate the change so as to follow the mandates set forth by the NYSCOC, and

WHEREAS, these changes will include the abolishment and creation of certain titles within the Corrections Division, and

WHEREAS, a new title and creation of seven (7) Correction Officer Lieutenant positions will be created within the Correctional Facility with funding for the positions generated from the abolishment of one (1) Correction Officer Captain position, three (3) Correction Officer Sergeant positions and three (3) Correction Officer positions, and

WHEREAS, the cost of the personnel changes will be negligible and not add additional county cost to the budget, now, therefore, be it

RESOLVED, that the following seven (7) Correction Officer Lieutenant positions, job grade, be created and filled effective March 27, 2016 of which five (5) will be Step 14 at an hourly rate of \$33.65 per hour and two (2) will be at Step 20 at an hourly rate of \$33.84 per hour, and be it further

RESOLVED, that the following positions be abolished effective March 27, 2016, one (1) Correction Officer Captain, position number 540, abolish three (3) Correction Officer Sergeant position numbers 576, 4662 and 517, abolish three (3) Correction Officer position numbers 4284, 4038 and 4034, and be it further

RESOLVED, that the following budget modification be made:

FROM:

A.17.3150.000.71010	Positions (540)	\$ 56,368.00
A.17.3150.000.71010	Positions (517)	\$ 50,976.00
A.17.3150.000.71010	Positions (576)	\$ 51,312.00
A.17.3150.000.71010	Positions (4662)	\$ 51,312.00
A.17.3150.000.71010	Positions (4284)	\$ 46,224.00
A.17.3150.000.71010	Positions (4038)	\$ 46,224.00
A.17.3150.000.71010	Positions (4034)	\$ 46,224.00
A.17.3150.000.71010	Positions (505)	\$ 28,848.00

TO:

A.17.3150.000.71010	Positions (C.O. Lieutenant)	\$ 54,144.00
A.17.3150.000.71010	Positions (C.O. Lieutenant)	\$ 54,144.00
A.17.3150.000.71010	Positions (C.O. Lieutenant)	\$ 53,840.00
A.17.3150.000.71010	Positions (C.O. Lieutenant)	\$ 53,840.00
A.17.3150.000.71010	Positions (C.O. Lieutenant)	\$ 53,840.00
A.17.3150.000.71010	Positions (C.O. Lieutenant)	\$ 53,840.00
A.17.3150.000.71010	Positions (C.O. Lieutenant)	\$ 53,840.00

Moved by Godfrey, seconded by Nemi.

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

Resolution No. IF-001-16

From: Infrastructure & Facilities Committee

Dated: February 23, 2016

**AWARD OF CONTRACT – REPLACEMENT OF LOCKPORT ROAD BRIDGE
OVER BULL CREEK**

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

WHEREAS, funds are available in the 2016 capital budget, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on December 15, 2015 as tabulated below:

1.	Concrete Applied Technologies Corp. 1266 Townline Road Alden, NY 14004	\$533,942.50
2.	Accadia Site Contracting 5636 Transit Road Depew, NY 14043	\$568,975.29
3.	Oakgrove Construction Inc. 6900 Seneca St., PO Box 103 Elma, NY 14059	\$569,240.40
4.	Edbauer Construction	\$611,884.60

2790 Clinton Street
West Seneca, NY 14224

- | | | |
|----|---|--------------|
| 5. | Lakestone Development
17 Limestone Dr., Suite 2
Williamsville, NY 14221 | \$632,097.81 |
| 6. | Nichols, Long & Moore
149 Gunnville Road
Lancaster, NY 14086 | \$635,105.80 |
| 7. | Yarussi Construction, Inc.
5650 Simmons Avenue
Niagara Falls, NY 14304 | \$658,376.00 |
| 8. | Northeast Diversification
2 Cadby Industrial Park
Lancaster, NY 14086 | \$675,808.64 |
| 9. | Mark Cerrone Inc.
2368 Maryland Avenue, PO Box 3009
Niagara Falls, NY 14304 | \$683,530.50 |

and

WHEREAS, the Infrastructure and 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 replacement of Lockport Road Bridge over Bull Creek project be awarded to the lowest responsible bidder, Concrete Applied Technologies Corp., 1266 Townline Road, Alden, NY, in the amount of \$533,942.50, and be it further

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-002-16

From: Infrastructure & Facilities & Administration Committees

Dated: February 23, 2016

**AWARD CONSULTANT SERVICES FOR
TONAWANDA CREEK ROAD SLIDE AREA**

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with the Tonawanda Creek Road Slide Area project design of preservation of highway right-of-way, 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, and

WHEREAS, additional funds are required to allow this project to proceed to the next phase, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

DECREASE ANTICIPATED REVENUE:

H603.15.5197.000 43501.00	Consolidated Highway Aid-Lockport Bridge over Bull Creek	\$50,000
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DECREASE ANTICIPATED EXPENSES:

H603.15.5197.000 72600.02	Infrastructure Bridges-Lockport Road Bridge over Bull Creek	\$50,000
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INCREASE ANTICIPATED REVENUE:

H630.15.5112.000 43501.00	Consolidated Highway Aid-Tonawanda Creek Road Slide Area	\$50,000
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INCREASE ANTICIPATED EXPENSES:

H630.15.5112.000 72600.01	Infrastructure Roads-Tonawanda Creek Road Slide Area	\$50,000
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and be it further

RESOLVED, that the consultant services for the Tonawanda Creek Road Slide Area project be awarded to Greenman-Pedersen Inc., 4950 Genesee Street, Suite 100, Buffalo, NY 14225, for a contract amount not to exceed \$175,935.00, and be it further

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-003-16

From: Infrastructure & Facilities & Administration Committees

Dated: February 23, 2016

**AWARD CONSULTANT CONTRACT
JAIL SALLY PORT**

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with the design for the enclosure of the existing Niagara County Jail Sally Port, and

WHEREAS, funds are available in account H620.15.3150.000 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 Niagara County Jail Sally Port project be awarded to Foit Albert Associates, 763 Main Street, Buffalo, NY 14203, for a contract amount not to exceed \$80,997.00, and be it further

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

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

Resolution No. IF-004-16

From: Infrastructure & Facilities Committee

Dated: February 23, 2016

AWARD STORMWATER CONSULTANT SERVICES

WHEREAS, the Department of Public Works, in accordance with Federal/State guidelines, evaluated proposals from pre-qualified consulting engineering firms to assist the County with compliance with Phase II of the Federal Clean Water Act, and

WHEREAS, funds are available in account D.15.5140.000 74650.08, Consultant Services, and

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

RESOLVED, that the consultant services to assist the County with the implementation of the Phase II Stormwater Regulations, be awarded to GHD Consulting Services Inc., 285 Delaware Avenue, Suite 500, Buffalo, NY 14202, for a contract amount not to exceed \$58,100.00, and be it further

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-005-16

From: Infrastructure & Facilities & Administration Committees

Dated: February 23, 2016

**LOCKPORT ROAD BRIDGE OVER BULL CREEK
CONSULTANT AMENDMENT NO. 2**

WHEREAS, Resolution No. PW-067-14, dated May 6, 2014, authorized the contract for consultant 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, authorized Amendment No. 1 to allow for consultant services for property acquisition for an additional \$9,200, for a revised contract of \$38,300, and

WHEREAS, it is necessary to increase the contract by \$164,770.00 to allow the project to proceed, for a revised contract amount of \$203,070.00, and

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

RESOLVED, that Amendment No. 2 to increase the contract by \$164,770.00, for a revised contract amount of \$203,070.00, to Bergmann Associates, Waterfront Village Center, 40 LaRiviere Drive, Suite 150, Buffalo, NY 14202, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-006-16

From: Infrastructure & Facilities & Administration Committees

Dated: February 23, 2016

**GRISWOLD STREET CULVERT REPLACEMENT PROJECT
CONSULTANT AMENDMENT NO. 1**

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

WHEREAS, it is necessary to amend the contract to comply with wetland regulations, in the amount of \$900, for a revised contract amount of \$30,800, and

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

RESOLVED, that the contract for consulting services be amended by \$900 to comply with wetland regulations, to Wendel WD Architecture, Engineering, Surveying & Landscape Architecture PC, 375 Essjay Road, Suite 200, Williamsville, NY 14221, for a fee not to exceed \$30,800, and be it further

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-007-16

From: Infrastructure & Facilities & Administration Committees

Dated: February 23, 2016

**UPPER MOUNTAIN ROAD PAVEMENT PRESERVATION PROJECT
CONSULTANT AMENDMENT NO. 1**

WHEREAS, Resolution No. PW-019-14, dated February 18, 2014, authorized the contract for consultant services for Upper Mountain Road Pavement Preservation to CHA Consulting Inc., 2200 Main Place Tower, Buffalo, NY 14202, for a fee not to exceed \$93,900, and

WHEREAS, it is necessary to amend the contract to allow the project to proceed to the construction phase, in the amount of \$140,000.00, for a revised contract amount of \$233,900.00, and

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

RESOLVED, that the contract for consulting services be amended by \$140,000.00 to allow the project to proceed to the construction phase, to CHA Consulting Inc., 2200 Main Place Tower, Buffalo, NY 14202, for a fee not to exceed \$233,900.00, 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 Bradt, seconded by Virtuoso.

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

Resolution No. IF-008-16

From: Infrastructure & Facilities & Administration Committees

Dated: February 23, 2016

FLEET ROOF FINAL PAYMENT

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

WHEREAS, the contract has been completed to specifications and drawings for the original contract amount of \$247,500.00, and

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

RESOLVED, that final payment in the amount of \$12,542.75 is authorized to be processed to Jameson Roofing Co., Inc., 3761 East Lake Road, Dunkirk, NY 14048, and be it further

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-009-16

From: Infrastructure & Facilities Committee

Dated: February 23, 2016

**UPPER MOUNTAIN ROAD PAVEMENT PRESERVATION PROJECT, THRALL ROAD TO
LOCKPORT ROAD JUNCTION ROAD, TOWN OF CAMBRIA, NIAGARA COUNTY,
PIN 5758.54-CR 5, SUPPLEMENTAL AGREEMENT NO. 1**

WHEREAS, a Project for the Pavement Preservation of CR 5, Upper Mountain Road, from Thrall Road to Lockport Junction Road, in the Town of Cambria, Niagara County, PIN 5758.54, the "Project", is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs 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 Engineering (Design I-VI), Construction and Construction Inspection phases of the Project, PIN 5758.54, now, therefore, be it

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

RESOLVED, that the County 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 Engineering

(Design I-VI), Construction and Construction Inspection phases of the Project or portions thereof, and be it further

RESOLVED, that the sum of \$1,314,000 is hereby appropriated in account H596.15.5112.000.72600.01 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 full federal and non-federal share costs of project 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 thereof; 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 and 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 and State-Aid eligible Project costs and all Project costs within appropriations therefore 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.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-010-16

From: Infrastructure & Facilities & Administration Committees

Dated: February 23, 2016

GRISWOLD STREET CULVERT REPLACEMENT BUDGET MODIFICATION

WHEREAS, as part of the Niagara County Water District's water line replacement project on Griswold Street, the Department of Public Works requested to make the replacement of one culvert as part of the project as well, and

WHEREAS, the Department of Public Works would reimburse the Niagara County Water District for the expenses associated with the replacement of this culvert, and

WHEREAS, funds are available in the Upper Mountain Pavement Rehabilitation Project, now, therefore, be it

RESOLVED, the following budget modification be effectuated:

DECREASE ESTIMATED REVENUE:

H614.15.5112.000.43501	Consolidated Highway Aid-Upper Mtn Road	\$176,265.21
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DECREASE ESTIMATED APPROPRIATIONS:

H614.15.5112.000.72600.01	Infrastructure Roads – Upper Mtn Road	\$176,265.21
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INCREASE ESTIMATED REVENUE:

H631.15.5112.000.43501.00	Consolidated Highway Aid – Griswold St	\$176,265.21
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INCREASE ESTIMATED APPROPRIATIONS:

H631.15.5112.000.72600.01	Infrastructure Roads – Griswold St	\$176,265.21
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and be it further

RESOLVED, that account H614.15.5112.000.72600.01, Upper Mountain Road be closed.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-011-16

From: Infrastructure & Facilities & Administration Committees

Dated: February 23, 2016

**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 \$7,566,939 and

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

RESOLVED, that the attached recommendation of the commissioner of Public Works be approved and the sum of \$7,566,939 be appropriated from the County Road Fund for maintenance during the year 2016, and be it further

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-012-16

From: Infrastructure & Facilities & Administration Committees

Dated: February 23, 2016

**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. 14 Ayes, 0 Noes, 1 Absent – Hill

Resolution No. IF-013-16

From: Infrastructure & Facilities Committee

Dated: February 23, 2016

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA
AND THE BOND LAKE ATHLETIC CLUB**

WHEREAS, the Bond Lake Athletic Club has requested that the County of Niagara grant them permission to use the north section of Bond Lake and the Warming House for the purpose of holding a “Rut Race”, and

WHEREAS, this race has been successful for the past several years in attracting hundreds of visitors from across Greater Western New York and southern Canada, and

WHEREAS, it is the wish of the organizers to hold the Bond Lake Rut Race on August 8, 2016, 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 Bond Lake Athletic Club, and

WHEREAS, prior to the execution of the License Agreement between the County of Niagara and the Bond Lake Athletic 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 Bond Lake Athletic Club.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-014-16

From: Infrastructure & Facilities Committee

Dated: February 23, 2016

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 3, 2016 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 3, 2016, 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. 14 Ayes, 0 Noes, 1 Absent – Hill

Resolution No. IF-015-16

From: Infrastructure & Facilities Committee

Dated: February 23, 2016

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. 14 Ayes, 0 Noes, 1 Absent – Hill

Resolution No. IF-016-16

From: Infrastructure & Facilities Committee

Dated: February 23, 2016

**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. 14 Ayes, 0 Noes, 1 Absent – Hill

Resolution No. IF-017-16

From: Infrastructure & Facilities Committee

Dated: February 23, 2016

**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 6, 2016 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, 2016, and

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

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Olcott Lion's Club, and

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

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

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-018-16

From: Infrastructure & Facilities Committee

Dated: February 23, 2016

**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, 2016, 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. 14 Ayes, 0 Noes, 1 Absent – Hill

Resolution No. IF-019-16

From: Infrastructure & Facilities Committee
Dated: February 23, 2016

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

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

WHEREAS, this league will be held May 1st through October 31, 2016, 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. 14 Ayes, 0 Noes, 1 Absent – Hill

Resolution No. IF-020-16

From: Infrastructure & Facilities Committee
Dated: February 23, 2016

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND
THE LOCKPORT RUGBY CLUB**

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

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

WHEREAS, such program is operated on a not-for-profit basis, and

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

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Lockport Rugby Club, now, therefore be it

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

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the agreement with the Lockport Rugby Club.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-021-16

From: Infrastructure & Facilities Committee

Dated: February 23, 2016

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 17 - 18, 2016, 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, be it

RESOLVED, that, following the County Attorney's review, the Chair of the County Legislature be, and hereby is, authorized to execute the License Agreement between the County of Niagara and the NIAGARA CELTIC HERITAGE SOCIETY, INC.

Moved by Syracuse, seconded by Andres.

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

Resolution No. IF-022-16

From: Infrastructure & Facilities Committee

Dated: February 23, 2016

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 Syracuse, seconded by Collins

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

Resolution No. IF-023-16

From: Infrastructure & Facilities & Administration Committees

Dated: February 23, 2016

**LINCOLN AVENUE REHABILITATION
CHANGE ORDER NO. 2-FINAL**

WHEREAS, by Resolution No. PW-081-14, dated June 17, 2014, the Legislature awarded the contract for the rehabilitation of Lincoln Avenue between Akron Road and Beattie Avenue to Accadia Site Contracting, 5636 Transit Road, Depew, NY 14043, for a contract amount of \$6,893,160.20, and

WHEREAS, Resolution No. IF-095-15, dated August 4, 2015, increased the contract by \$355,475.66 for interim quantities adjustments and to allow the project proceed, for a revised contract amount of \$7,248,635.86, and

WHEREAS, it is necessary to decrease the contract in the amount of \$528,241.67 for final quantities adjustments, for a revised contract amount of \$6,720,394.19, 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. 2-Final to decrease the contract by \$528,241.67 for the rehabilitation of Lincoln Avenue between Akron Road and Beattie Avenue, for a revised contract amount of \$6,720,394.19, to Accadia Site Contracting, 5636 Transit Road, Depew, NY 14043, 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. 14 Ayes, 0 Noes, 1 Absent – Hill

Resolution No. IF-024-16

From: Infrastructure & Facilities Committee

Dated: February 23, 2016

**AWARD OF CONTRACT – REHABILITATION OF UPPER MOUNTAIN ROAD
FROM THRALL ROAD TO NY ROUTE 93**

WHEREAS, the Department of Public Works, Engineering Division has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the rehabilitation of Upper Mountain Road from Thrall Road to NY Route 93, and

WHEREAS, funds are available in the 2016 capital budget, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on February 11, 2016 as tabulated below:

- | | | |
|----|---|----------------|
| 1. | Accadia Site Contracting
5636 Transit Road
Depew, NY 14043 | \$ 799,695.10 |
| 2. | Yarussi Construction, Inc.
5650 Simmons Avenue
Niagara Falls, NY 14304 | \$ 837,480.50 |
| 3. | Oakgrove Construction Inc.
6900 Seneca Street, PO Box 103
Elma, NY 14059 | \$ 898,608.00 |
| 4. | Concrete Applied Technologies Corp.
(dba CATCO)
1266 Townline Road
Alden, NY 14004 | \$ 997,919.00 |
| 5. | Zoladz Construction
13600 Railroad Street
Alden, NY 14004 | \$1,016,317.25 |
| 6. | Edbauer Construction
2790 Clinton Street
West Seneca, NY 14224 | \$1,149,140.50 |
| 7. | Mark Cerrone Inc.
2368 Maryland Avenue
Niagara Falls, NY 14305 | \$1,248,885.00 |

and

WHEREAS, the Infrastructure and 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 Rehabilitation of Upper Mountain Road from Thrall Road to NY Route 93 be awarded to the lowest responsible bidder, Accadia Site Contracting, 5636 Transit Road, Depew, NY 14043, in the amount of \$799,695.10, 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 Collins, seconded by Godfrey

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

Resolution No. IF-025-16

From: Infrastructure & Facilities Committee

Dated: February 23, 2016

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE SOCCOR 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 Nemi, seconded by Collins

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

Resolution No. IF-026-16

From: Infrastructure & Facilities Committee

Dated: February 23, 2016

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE NIAGARA FRONTIER CROSS COUNTRY CLUB

WHEREAS, the NIAGARA FRONTIER CROSS COUNTRY CLUB has requested that the County of Niagara grant them exclusive rights to operate a Cross Country program in an area situated in the County owned property at BOND LAKE Park, and

WHEREAS, this program benefits the residents of the Town of Wheatfield 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 Niagara Frontier Cross Country Club, and

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

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Niagara Frontier Cross Country Club, as appears on the proposed agreement, is hereby approved in all respects, and be it further

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

Moved by Bradt, seconded by Collins

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

Resolution No. IF-027-16

From: Infrastructure & Facilities & Administration Committees

Dated: February 23, 2016

**BUDGET MODIFICATION
FILTER BASINS #1-6 REHABILITATION - WATER DISTRICT**

WHEREAS, Resolution #IF-068-15 created and partially funded the Niagara County Water District Filter Basins #1-6 Rehabilitation project, and

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

WHEREAS, there are sufficient funds in the Water District's 2016 Operating Budget and fund balance to cover the remainder of the cost of this project; now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

DECREASE APPROPRIATIONS:

FX.31.8330.000.74800.06	Repairs and Maintenance	\$540,000
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INCREASE APPROPRIATED FUND BALANCE:

FX.40599.00	Appropriated Fund Balance	\$2,020,000
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INCREASE APPROPRIATIONS:

FX.31.9950.000.79010.00	Transfer to Capital Construction	\$2,560,000
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INCREASE REVENUE:

H618.31.8397.000.45031.00	Interfund Transfer, From Operating	\$540,000
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INCREASE APPROPRIATION:

H618.31.8397.000.72100.27	Water -Filter Basins #1-6 Rehabilitation	\$2,560,000
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Moved by Bradt, seconded by Lance

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

Resolution No. IF-028-16

From: Infrastructure & Facilities Committee

Dated: February 23, 2016

**CONSULTANT SELECTION FOR BRIDGE WEARING COURSES
AND JOINT REPLACEMENTS**

WHEREAS, the Department of Public Works, in accordance with Federal/State guidelines, evaluated proposals from pre-qualified consulting engineering firms to assist the County with the Bridge Wearing Courses and Joint Replacements project, and

WHEREAS, funds are available in account D.15.5120.000 74800.06, Repairs and Maintenance, and

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

RESOLVED, that the consultant services to assist the County with the Bridge Wearing Courses and Joint Replacements project be awarded to Hatch Mott MacDonald NY Inc., 438 Main Street, Suite 300, Buffalo, NY 14202, for a contract amount not to exceed \$70,000, 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 Collins

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

Resolution No. IF-029-16

From: Infrastructure & Facilities Committee

Dated: February 23, 2016

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

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

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

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

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

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

RESOLVED, that this contract shall be for one (1) year, notwithstanding the proviso that any party to the contract may revoke its inclusion therein by filing a notice of revocation with each signatory, effective within 60 days of such revocation.

Moved by Andres, seconded by Bradt

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

Resolution No. IL-007-16

From: Legislators Rebecca J. Wydysh & Clyde L. Burmaster

Dated: February 23, 2016

**RESOLUTION PROPOSED NAME CHANGE OF THE ROBERT MOSES STATE PARKWAY TO
“THE NIAGARA SCENIC PARKWAY”**

WHEREAS, Our Niagara County Area is one of scenic beauty and popular as one of the top tourist attractions in the world, and

WHEREAS, Tourism prospers where attractive directions and signs make it easy to get around in a strange place, avoiding confusion with numerous other signs in the attractions area, and

WHEREAS, the name Robert Moses means little to tourists and is no longer descriptive of today's purpose of informing visitors this roadway will take you to the prime viewing areas, and

WHEREAS, due to current plans to improve the parkway to enhance the area appearance, making it more friendly and as acknowledged by support of the respondents to an online poll by the Historical Association of Lewiston as well as the City of Niagara Falls and many other organization, and

WHEREAS, the proposed name change to the Niagara Scenic Parkway is timely and updates the desire to maximize our image of being a worthy heritage tourism area, now, therefore, be it

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

RESOLVED, that copies of this resolution be directed to N.Y. State Governor Andrew Cuomo, N.Y. State Senator Robert Ort and N.Y. State Assemblyman John Cerretto.

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

Carried.

Moved by Wydysh, seconded by Burmaster.

Adopted. 14 Ayes, 0 Noes, 1 Absent - Hill

Resolution No. IL-008-16

From: Legislators Clyde L. Burmaster & Rebecca J. Wydysh

Dated: February 23, 2016

**RESOLUTION IN SUPPORT OF THE PREFERRED ALTERNATIVE FOR THE INTERIM WASTER
CONTAINMENT STRUCTURE (IWCS) OPERABLE UNIT OF THE NIAGARA FALLS STORAGE
SITE LOCATED IN LEWISTON, NY**

WHEREAS, there exists a radioactive material burial site in the Town of Lewiston in which dangerous radioactive materials, remaining from World War II experimental operation of the Lake Ontario Ordinance Works (L.O.O.W.), and

WHEREAS, the final disposition of these dangerous threats to the health and well being of the residents of Lewiston, Youngstown and Ransomville has been the subject of many studies to determine where, when and how best to deal with this serious problem which remains in a temporary, encapsulated area, and

WHEREAS, the United States Army Corps of Engineers has finally determined that the best, safest and final disposition is the complete removal of this material and disposition of it in an area where the threats to human health would be mitigated, and

WHEREAS, there is great relief by the many residents, organizations and this Legislature who have opposed this site remaining over these many trying years, and

WHEREAS, the Legislature wishes to thank the Corps of Engineers for its efforts to resolve this most difficult problem to the satisfaction of the populace and urges every effort be made to complete this mission as soon as possible, now, therefore, be it

RESOLVED, that the Legislature joins with the Town of Lewiston and their Environmental Commission in giving total support to the preferred alternative for the Interim Waste Containment Structure (IWCS) Operable Unit of the Niagara Falls Storage Site (NFSS), located in Lewiston, N.Y., which is Alternative 4, excavation, partial treatment and off-site disposal of the entire contents of the IWCS, and be it further

RESOLVED, that copies of this resolution be sent to Lt. Col. Karl D. Jansen, District Commander, Department of the Army, Buffalo, N.Y., U.S. Senator Charles Schumer, U.S. Senator Kirsten Gillibrand, N.Y. State Senator Robert Ort, N.Y. Assemblywoman Jane Corwin, Town of Lewiston Supervisor Steven Broderick, Board Members and the Environmental Commission.

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

Carried.

Moved by Burmaster, seconded by Wydysh.

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

Resolution No. IL-009-16

From: Legislators John Syracuse, William J. Collins, Rebecca J. Wydysh & Michael A. Hill

Dated: February 23, 2016

RESOLUTION URGING STATE OF NEW YORK TO AUTHORIZE REIMBURSEMENT FOR CHIROPRACTIC AND OTHER ALTERNATIVE MEDICAL THERAPIES AS AN ALTERNATIVE TO OPIOID-BASED PRESCRIPTION PAINKILLERS FOR RECIPIENTS OF MEDICAID AND WORKERS COMPENSATION BENEFITS

WHEREAS, opioid and heroin abuse and addiction impact both rural and urban areas, as demonstrated by the fact that, in the first four months of 2015, there were 27 overdoses in the 12 non-urban towns of Niagara County, the City of Niagara Falls alone saw 16 opioid-related overdoses, the City of Lockport saw 11 overdoses, and the City of North Tonawanda saw 10 overdoses, with many of these cases resulting in death, and

WHEREAS, per a February 9, 2016 news report on WGRZ Channel 2, “the opioid epidemic in Western New York is getting worse...over the course of the last ten days, 23 people have died from suspected overdoses, according to the [Erie County] medical examiner,” with the dangerous substance Fentanyl used as a heroin cutter increasing fatalities, and

WHEREAS, according to statistics provided by the Centers for Disease Control and Prevention, in 2014, there were 28,647 opioid overdose deaths nationwide, or 78 people per day, and a 14% increase in one year, driven by both prescription opioid abuse and misuse as well as heroin abuse, and

WHEREAS, on the New York State Workers Compensation Board did issue Medical Treatment Guidelines on June 30, 2010, that effectively removed chiropractic treatment as an option for chronic pain management for many recipients of Workers Compensation in New York State, drastically limiting both the number of chiropractic manipulation sessions and length of chiropractic intervention, forcing many individuals to utilize painkiller medications in place of effective therapies, as the state Workers Compensation Board termed chiropractic care a “cost driver,” and

WHEREAS, the New York State Chiropractic Association has specifically objected to these Guidelines, as developed under former Governor Eliot Spitzer, and urged their replacement with Guidelines that respect the patient-doctor relationship and place treating the source of medical problems, rather than the symptoms, as the treatment priority, and

WHEREAS, an article in the October 15, 2014 edition of Psychology Today argued that “The use of opioids for chronic non-cancer pain has increased dramatically over the past several decades. This has been accompanied by a major increase in opioid addiction and overdose deaths. The evidence ([link is external](#)) does not support the safety and effectiveness of opioids for chronic pain and is causing an epidemic of tragic drug overdoses. ... An estimated 2.1 million people in the United States suffered from substance use disorders related to prescription opioid pain relievers ([link is external](#)) in 2012 and an estimated 467,000 addicted to heroin. ... Studies show that roughly half of patients taking opioids for at least three months are still on opioids five years later. Research shows that in many cases, those patients' doses have increased and their level of function has not improved. In addition, the premise that tolerance can be overcome by dose escalation is now seriously questioned. ... If a patient's pain is not under control, they should seek the help of a pain specialist and consider more successful alternative therapies than opioid medication on its own. Evidence now supports several holistic treatment options that are effective to help alleviate pain. We are able to promote mental, physical and spiritual healing without the need for what are now being regarded as generally ineffective ([link is external](#)) opioid medication,” and

WHEREAS, a paper published in the May 2015 volume of the Journal of the American Academy of Orthopaedic Surgeons stated, “The past few decades have seen an alarming rise in opioid use in the United States, and the negative consequences from diversion of opioids for nontherapeutic use are dramatically increasing. A significant number of orthopaedic patients are at risk for repercussions from both therapeutic and nontherapeutic opioid use. Orthopaedic surgeons are the third highest prescribers of opioid prescriptions among physicians in the United States. Thus, it is important for orthopaedic surgeons to understand the detrimental effects of opioid abuse on individuals and society and to recognize objective measures to identify patients at risk for nontherapeutic opioid use,” and noted the increased usage of opioids has led to unanticipated consequences such as a tolerance among some patients to the drug hydrocodone and negative treatment outcomes for conditions such as work-related musculoskeletal disorders, joint replacements and spine surgery, and

WHEREAS, Dr. Gerald Clum, D.C., spokesman for the Foundation for Chiropractic Progress, said, “Opioid painkillers have become a catalyst fueling this nation’s drug crisis...Evidence confirms that the drug-free care provided by a doctor of chiropractic often yields better clinical outcomes and greater patient satisfaction,” and

WHEREAS, Dr. Anthony Hamm, D.C., president of the American Chiropractic Association, stated, “Opioid medications involve the risk of overuse and addiction. Beyond this, prescription drugs that numb pain may convince a patient that a musculoskeletal condition is less severe than it is, or that it has healed. This misunderstanding can lead to overexertion and a delay in the healing process or even to permanent injury,” and

WHEREAS, this Legislature believes that while cost containment must remain a priority for New York State government, specifically endorsing treatment regimens that are likely to expand opioid addiction in the midst of an opioid addiction epidemic is not in the best interests of this state, this county, or its people, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara does hereby urge the Governor and the State Legislature to initiate a process to replace the 2010 Workers Compensation Medical Treatment Guidelines with Guidelines that authorize greater usage of alternative medicine for pain management rather than the use of opioid-based prescription painkillers and be it further

RESOLVED, that this Legislature urges the state to undertake a similar process to review treatment currently authorized under its Medicaid program to ensure that patients utilizing Medicaid are authorized access to chiropractic and other alternative medicines, rather than being prescribed highly addictive substances, when such a course of conservative treatment is found to be in the patient's best interest, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Cuomo; Senator Robert G. Ort, co-chairman, Senate Joint Task Force on Heroin and Opioid Addiction; Senate Temporary President and Majority Leader John J. Flanagan; Member of the Assembly Jane L. Corwin; Member of the Assembly Ray Walter; Member of the Assembly John D. Ceretto; Member of the Assembly Robin Schimminger; Speaker of the Assembly Carl Heastie; Robert E. Beloten, chairman, Workers Compensation Board; the New York State Chiropractic Association; the American Chiropractic Association; and all others deemed necessary and proper.

Moved by Syracuse, seconded by Collins, 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 Collins.

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

Resolution No. IL-010-16

From: Legislators Randy R. Bradt, John Syracuse, Rebecca J. Wydysh, Owen T. Steed & Anthony J. Nemi

Dated: February 23, 2016

RESOLUTION ESTABLISHING OPIOID ADDICTION/OVERDOSE STRATEGY IMPLEMENTATION STANDING COMMITTEE (OASIS), INVESTIGATING EXPANDED USE OF INTRANASAL NALOXONE (NARCAN) BY POLICE AGENCIES THROUGHOUT NIAGARA COUNTY, AND APPROPRIATING FUNDING FOR SEMIANNUAL TRAINING IN NARCAN USE BY BASIC EMS STAFF

WHEREAS, opioid and heroin abuse and addiction impact both rural and urban areas, as demonstrated by the fact that, in the first four months of 2015, there were 27 overdoses, 4 deaths, and 7 lives saved by the administration of Naloxone Hydrochloride (Narcan) in the 12 non-urban towns of Niagara County, the City of Niagara Falls alone saw 16 opioid-related overdoses, including 4 fatalities and 4 lives saved by Narcan; the City of Lockport saw 11 overdoses, 3 deaths, and 4 lives saved by Narcan; and the City of North Tonawanda saw 10 overdoses, 3 deaths, and 6 lives saved by Narcan, and

WHEREAS, per a February 9, 2016 news report on WGRZ Channel 2, "the opioid epidemic in Western New York is getting worse...over the course of the last ten days, 23 people have died from suspected overdoses, according to the [Erie County] medical examiner," with the dangerous substance Fentanyl used as a heroin cutter increasing fatalities, and

WHEREAS, according to statistics provided by the Centers for Disease Control and Prevention, in 2014, there were 28,647 opioid overdose deaths nationwide, or 78 people per day, and a 14% increase in one year, driven by both prescription opioid abuse and misuse as well as heroin abuse, and

WHEREAS, on February 2, 2016, a Niagara County Sheriff's Deputy did successfully revive a Lockport man from a heroin overdose using Naloxone Hydrochloride, better known as Narcan, a first for Niagara County, and

WHEREAS, the use of Intranasal Narcan by police agencies and other EMS personnel is increasingly widespread, with individual Narcan kits as standard load-out for the Niagara County Sheriff's Office and the New York State Police, and

WHEREAS, Erie County established a heroin and opioid task force to address the issue that began work on February 1 of this year, and

WHEREAS, this Legislature believes that greater inter-agency coordination of training, policy, and resources is the best way to protect our citizens from this epidemic, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara does hereby establish the Opioid Addiction/Overdose Strategy Implementation Standing Committee (OASIS), and be it further

RESOLVED, that this Legislature appoints the following individuals to permanent, voting seats on the same:

Three (3) Majority Caucus legislators

One (1) Minority Caucus legislator

Director, Public Health

Niagara County Sheriff or Designee

Director of Emergency Services

Commissioner of Social Services

Three (3) Community Members involved in emergency services, counseling services, hospital services, or other affected areas

Chiefs of Police or Designees, Cities of Lockport, North Tonawanda, and Niagara Falls,

and be it further

RESOLVED, that this Legislature directs that OASIS shall hold its first meeting to coordinate multi-agency Narcan policy no later than March 31 of this year, and be it further

RESOLVED, that this Legislature directs that the Office of County Manager shall provide grant-writing support to OASIS, and be it further

RESOLVED, that this Legislature directs that Niagara County establish and advertise twice-annual training/re-training sessions for all Basic EMS and higher personnel of all agencies authorized to dispense Narcan for the purpose of standardizing training and procedures across all responder agencies and maintaining/updating knowledge and training of personnel authorized to administer Narcan, and be it further

RESOLVED, that Niagara County supports expanded use of Narcan by trained EMS personnel, as well as regular retraining of the same, and appropriates the following funding:

Niagara County Opioid Response Training Fund 1

\$5,000.00

and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

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

INCREASE APPROPRIATIONS:

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

Referred to Community Safety & Security & Administration Committees

Resolution No. IL-011-16

From: Legislators Randy R. Bradt & Michael A. Hill

Dated: February 23, 2016

**AMENDMENT TO THE CODE OF ETHICS LOCAL LAW #2-96
FOR THE COUNTY OF NIAGARA, NEW YORK**

WHEREAS, Legislator Randy R. Bradt presents in writing the following proposed Local Law:

A Local Law Amending Local Law #2-96 Establishing a Code of Ethics for the County of Niagara, now, therefore,

Be It Enacted by the County Legislature of Niagara as follows:

Section 7: Future Employment, add Second Paragraph: No County Legislator may act as a registered lobbyist, to lobby issues before the Niagara County Legislature for a period of two years after he or she leaves the Office of County Legislator.

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 22nd day of March, 2016 at 6:45 p.m., and be it further

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

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

Resolution No. IL-012-16

From: Legislators Randy R. Bradt & Kathryn L. Lance

Dated: February 23, 2016

**RESOLUTION DIRECTING COUNTY TO SOLICIT PROPOSALS FOR PRIVATE MANAGEMENT
OF NIAGARA COUNTY GOLF COURSE TO ENSURE OPERATING LOSSES ARE NOT PASSED
ON TO TAXPAYERS**

WHEREAS, the County of Niagara owns and operates a municipal golf course, located at 314 Davison Road in the Town of Lockport, and

WHEREAS, municipalities nationwide have increasingly elected to privatize the management and operation of their municipal courses, with the City of New York placing 13 courses under private management and the County of Los Angeles placing 16 courses under private management, with a 67% increase in private management of municipal courses between 1987 and 1995, and

WHEREAS, a Policy Study by the Reason Foundation concluded that privatization of municipal golf courses "benefits [municipal taxpayers] through the receipt of guaranteed revenues and efficient operation of the facility for public benefit and enjoyment," and

WHEREAS, the Reason Foundation Policy Study noted that "[Private Management firms say] profit is most often achieved through the following means: Increasing the number of rounds played; cutting overhead costs; purchasing materials and supplies in volume; improving golf-course management techniques; improving course conditions; Actively marketing programs and cooperative arrangements with golf associations; Reaching out to local high schools, youth groups, and community groups; reinvesting revenues in capital improvements; and increasing productivity by applying industry best practices and efficiency. While government-run golf courses can make these kinds of improvements, they face many competing demands for limited government dollars. In contrast, a private-management company has an incentive to actually invest in the quality of the golf course because the company gets to keep a percentage of the extra revenue they generate," and

WHEREAS, in practice, privatization of management has resulted in significant increases in use and profitability of municipal golf courses, as demonstrated by financial information disclosed by Arnold Palmer Golf Management in July 1998 that noted, "Since Arnold Palmer Golf took over operation of [Taquitz Creek Municipal Golf Course] in 1995, rounds, revenues, and incomes to the city [of Palm Springs, Calif.] have significantly exceeded expectations. Since February 1995, which marked the beginning of the contract, revenues have increased 270 percent, rounds have increased 40 percent, and the city has gone from losing \$433,000 in 1994 to net revenues of \$370,000 in 1997," and

WHEREAS, the typical municipal facility spends about \$80,000, or 13%, more on annual payroll than a similar privately owned course, and

WHEREAS, according to information provided by the American Golf Corporation, "Of [six California cities studied], five cities achieved revenue increases between 24 percent and 400 percent in the first year of private operation," and

WHEREAS, this Legislature believes that greater access to quality athletic facilities is of benefit to our citizens, and the investments in upgrades to physical infrastructure that may be provided by a capable private management company, as well as the documented increases in the number of rounds played at privately-managed municipal courses suggests a favorable impact from such a management policy, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara does hereby direct that a Request for Proposals shall be submitted and advertised seeking proposals from private management companies for operation of the Niagara County Golf Course, and be it further

RESOLVED, that this Legislature directs that said RFP shall be advertised no later than the 18th day of March, 2016.

Referred to Infrastructure & Facilities Committee

Resolution No. IL-013-16

From: Legislators Randy R. Bradt & John Syracuse

Dated: February 23, 2016

**RESOLUTION FORMING STUDY COMMITTEE TO EXAMINE BENEFITS OF REPLACING
CURRENT CORONER OFFICE STRUCTURE WITH COUNTY MEDICAL EXAMINER(S) AND
SUCH SUBORDINATE PERSONNEL AS SHALL BE NEEDED TO MEET NEEDS OF COUNTY**

WHEREAS, the County of Niagara does currently employ four elected coroners, providing services to four distinct districts, and

WHEREAS, the County of Niagara has contracted with the Erie County Medical Examiner for various services, including autopsies, as there is no Medical Examiner serving Niagara County, for which said office has an exclusive contract, and

WHEREAS, the County of Niagara is charged approximately \$1,700 per full autopsy case and \$1,100 per partial examination, and

WHEREAS, this Legislature is committed to cost containment and restructuring Government to produce both cost savings and better delivery of services, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara does hereby direct its Chairman to establish an ad hoc committee charged with studying possible alternative structures to the current district-based coroners model and absorbing the powers of said offices into a Medical Examiner, and be it further

RESOLVED, that the ad hoc committee shall have access to all coroner records not governed by the Privacy Act of 1974, the Health Insurance Portability and Accountability Act, or other laws designed to protect private and personal information, and exclusively for the purposes of analyzing cost and performance, and be it further

RESOLVED, that the ad hoc committee shall have authority to seek contract proposals from regionally-located medical facilities for the purpose of providing an operating theater for said Medical Examiner should such an office be established, and be it further

RESOLVED, that the ad hoc committee shall report its findings and recommendations, up to and including local laws or ballot initiatives, to this Legislature no later than the 24th day of May, 2016.

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

Carried.

Moved by Bradt, seconded by Syracuse.

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

Resolution No. IL-014-16

From: Legislators Kathryn L. Lance & Economic Development Committee

Dated: February 23, 2016

**RESOLUTION IN SUPPORT OF THE TOWN OF WHEATFIELD RADAR TRAILER ACQUISITION
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, this Legislature is committed to utilizing said funds for economic and community development goals that enhance our community and make it more desirable to businesses looking to expand and relocate operations, and

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

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

WHEREAS, the Town of Wheatfield has, as part of an effort to increase motor vehicle safety and reduce the danger to members of the public from speeding and erratic automobile operation, sought to acquire a SpeedAlert 18B Radar Message Sign, and

WHEREAS, studies cited by the Traffic Safety Corp. show that radar signs produce 10-20% reductions in average roadway speeds, along with an increase in compliance with the posted speed limit, and

WHEREAS, the cost to the Town of Wheatfield to acquire said sign is \$8,550, now, therefore be it

RESOLVED, that Niagara County disburses § 99-h funding for the purpose of acquiring a mobile speed radar sign to improve public safety and quality of life as follows:

Town of Wheatfield	\$4,275.00
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and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2016 budget:

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01	Appropriated Fund Balance - Committed Funds	\$4,275.00
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INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$4,275.00
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Referred to Economic Development Committee.

Resolution No. IF-021-16 was read at this time. (Appears in numerical order)
Resolution No. IF-022-16 was read at this time. (Appears in numerical order)
Resolution No. IF-023-16 was read at this time. (Appears in numerical order)
Resolution No. IF-024-16 was read at this time. (Appears in numerical order)
Resolution No. IF-025-16 was read at this time. (Appears in numerical order)
Resolution No. IF-026-16 was read at this time. (Appears in numerical order)
Resolution No. IF-027-16 was read at this time. (Appears in numerical order)
Resolution No. IF-028-16 was read at this time. (Appears in numerical order)
Resolution No. IF-029-16 was read at this time. (Appears in numerical order)

APPOINTMENTS:

Appt.

Expires

COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY COMMITTEE

Daryl Bodewes

02/23/16

12/31/16

2462 Woodthrush Court, Niagara Falls 14304

Moved by Grozio, seconded by Steed.

Carried.

Facilities Space Utilization Ad Hoc Committee

Legislator William Collins

Legislator Rebecca Wydysh

Moved by Bradt, seconded by Virtuoso.

Carried.

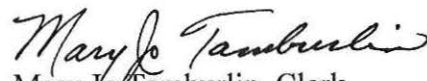
Legislator Steed announced Summer Youth Job applications are available.

Legislator Lance announced Center of Economic Development holding free business workshops. If interested contact Center of Economic Development.

Moved by Andres, seconded by Burmaster that the Board adjourned.

The Chairman declared the Board adjourned at 8:39 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