

## OFFICIAL RECORD

Lockport, New York  
March 17, 2015

The meeting was called to order by Chairman Ross at 7:01 p.m.

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

Legislators John Syracuse and Richard Updegrave invited Chairman William Ross to the lectern to congratulate him for being named as a member of the "WNY Power 250" from Buffalo Business First. Chairman Ross thanked the Legislature for recognizing him for this award and said that award reflects the hardworking people that he has the pleasure to work with on a daily basis to make Niagara County great.

### PRESENTATIONS:

1. Legislator Richard Updegrave discussed resolution ED-003-15, Opposing Part W of the Governor's Proposed NYS Budget and how it would negatively impact local IDAs, the Niagara County IDA, and as a result economic development in Niagara County. The proposal would shift power to the state level when it comes to awarding incentives. Legislator Updegrave thanked the NYS Assembly and Senate for their opposition to this proposal.

Legislator Updegrave invited Laura Smith, Vice President of Economic Development for the Buffalo Niagara Partnership to the lectern. She discussed the incentives that NYS offers to attract businesses and how Part W would seriously impact this in a negative way. Local IDAs would lose control of how to attract businesses to the areas. Training of employee incentives would also be negatively impacted. Control would be shifted away from local agencies and taken over by the state who would not understand how to best market local areas to interested companies.

2. Legislator Richard Updegrave gave a brief description of the Niagara Power Proceeds Program and invited Richard Smith, NYPA Business and Development Program Director to the lectern to discuss the NYPA Power Proceeds Program in more detail. Mr. Smith is responsible for managing to program. Mr. Smith also introduced Angela Rossi, Special Assistant to the President of the Empire State Development and Henry Wojtaszek, Member of the Power Proceeds Board. In Niagara County 30 projects have been submitted since the program's inception and eight of those projects have been sent to NYPA for approved allocation, which has resulted in an economic impact of \$15.5 million.. To date 32 projects have received funding through NYPA, meaning a quarter of the approved projects have been in Niagara County. Three Niagara County projects are currently in the application stages for consideration of funding.

Three citizens spoke at this time.

Recess.

Chairman Ross announced that there will be a Special Legislature Meeting on Thursday, March 19, 2015 at 11:00 a.m. regarding the Authorization for Continued Participation in Title Auction of Certain Real Properties.

Chairman Ross announced the upcoming Spring Career Fair on April 15<sup>th</sup> at the Four Points Sheraton Niagara Falls from 1:00-3:30p.m.

Chairman Ross announced that the next Public Works & Refuse Disposal District Committee meetings are scheduled for March 23<sup>rd</sup> at 6:00 p.m. and the next Economic Development meeting will take place on April 8<sup>th</sup> at 6:00 p.m.

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

## **RESOLUTIONS:**

### **Resolution No. AD-005-15**

From: Administration Committee

Dated: March 17, 2015

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

WHEREAS, the Niagara Falls City School District will be conducting an election on May 19, 2015 and requires the use of the Niagara County Board of Elections voting equipment in connection with this election, and

WHEREAS, the Niagara County Attorney's Office has prepared a formal agreement for use between the County of Niagara and the Niagara Falls City School District, which has been fully approved by the School District, a copy of which has been filed with the Clerk of the Legislature, and

WHEREAS, time is of the essence in connection with the approvals by the Niagara County Legislature, and

WHEREAS, under the terms of the agreement the County will provide, and be reimbursed for transportation of the voting machine preparation, programming, and packaging of the voting machine and all necessary Niagara County personnel; the District, among other things, shall furnish at its expense, election custodians and inspectors and also insurance in form, content and amounts as approved by the Niagara County Attorney, and

WHEREAS, the final written agreement between the parties is subject to the review and approval by the parties' respective legal counsel, now, therefore, be it

RESOLVED, that pursuant to the provisions of §3-224 of New York State Election Law, the Chairman of the Niagara County Legislature and the Niagara County Election Commissioners are authorized and directed to execute and deliver an agreement, in substantially the form of agreement now filed with the Clerk of the Legislature between and among the County of Niagara, the Niagara County Election Commissioners and the Niagara Falls City School District for the provision, by the County of Niagara, of sufficient voting equipment, including the programming thereof, to the Niagara Falls City School District in connection with an election scheduled to be held the 19<sup>th</sup> day of May 2015, and be it further

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



RESOLVED, that a true copy of the fully signed and approved agreement be filed by the Clerk of this Legislature simultaneously with the delivery of the or as soon as reasonably possible thereafter.  
Moved by Updegrove, seconded by Virtuoso.  
Adopted. 14 Ayes, 0 Noes, 1 Absent – Burmaster

**Resolution No. CSS-016-15**

From: Community Safety & Security & Administration Committees

Dated: March 17, 2015

**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 \$50,000.00 for the period January 1, 2015 through December 31, 2015, and

WHEREAS, basic revenue and appropriation figures for said program were calculated and are contained within the District Attorney's operating budget for the 2015 budget year, and

WHEREAS, the program will continue to fund one full time Assistant District Attorney, Position #10969, ATTI, Step 3, \$53,795 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 Updegrove, seconded by Virtuoso.

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

**Resolution No. CSS-017-15**

From: Community Safety & Security & Administration Committees

Dated: March 17, 2015

**NIAGARA COUNTY SHERIFF'S OFFICE – BUDGET MODIFICATION  
RE-APPROPRIATE OPERATION STONEGARDEN 2012**

WHEREAS, the Niagara County Sheriff's Office was awarded a grant in the amount of \$124,220 from the Department of Homeland Security and Emergency Services for protecting our borders, and

WHEREAS, this grant has not been fully expended and was not included in the 2015 county budget, and

WHEREAS, the DHSES has agreed to extend the contract through December 31, 2015, now, therefore, be it

RESOLVED, that the following budget modification be made:

INCREASE REVENUE:

A.17.3110.000.44305.02	Homeland Security	\$26,428.00
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INCREASE APPROPRIATION:

A.17.3110.000.72100.21	Law Enforcement Equipment	\$26,428.00
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Moved by Updegrove, seconded by Virtuoso.

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

**Resolution No. CSS-018-15**

From: Community Safety & Security & Administration Committees

Dated: March 17, 2015

**BUDGET MODIFICATION – SHERIFF’S OFFICE  
NYS CANAL CORPORATION MARINE PATROL PROGRAM**

WHEREAS, the Niagara County Sheriff’s Office was awarded a grant from the New York State Canal Corporation in the amount of \$40,000 for the period April 1, 2015 through March 30, 2016, and

WHEREAS, this grant will be used to patrol the canal to help facilitate new and existing local canal public safety patrols, and

WHEREAS, the Sheriff’s Office will provide additional patrols on an overtime basis to meet the requirements of this grant, now, therefore, be it

RESOLVED, that the following budget modification be made:

INCREASE APPROPRIATIONS:

A.17.3110.000.71050.00	Overtime	\$24,000
A.17.3110.000.74750.21	Gas/Oil	6,196
A.17.3110.000.78100.00	Retirement	5,439
A.17.3110.000.78200.00	FICA	1,836
A.17.3110.000.78300.00	Workers Compensation	648

INCREASE REVENUE:

A.17.3110.000.43315	Marine Patrol	\$40,000
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Moved by Updegrove, seconded by Virtuoso.

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

Legislator Syracuse called a Committee of the Whole to order related to CW-003-15.

County Manager Glatz spoke about CW-003-15.

Moved by Andres, seconded by Hill.

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

Legislator Syracuse declared the Committee of the Whole adjourned.

**Resolution No. CW-003-15**

From: Committee of the Whole

Dated: March 17, 2015

**ABOLISH/CREATE POSITION IN PUBLIC WORKS AND INFORMATION TECHNOLOGY**



WHEREAS, the Senior Safety and Security Coordinator (Position #280) in the Department of Public Works became vacant on January 31, 2015, and

WHEREAS, the County Manager, Commissioner of Public Works, Director of Information Technology, and Director of Human Resources have collaborated to study the duties performed by this position, and

WHEREAS, a capital project to update security cameras and card access in county buildings is being developed, and

WHEREAS, previous duties of scheduling and responding to fire and emergency alarms have been transferred to the Emergency Management Office, and

WHEREAS, several of the duties of creating keys and installing equipment will remain in the Building and Grounds Department, and

WHEREAS, it has been determined that the position of Senior Safety and Security Coordinator should be abolished and a Deputy Director created in order to provide essential project management functions and oversight of critical infrastructure security and alarm systems, and

WHEREAS, it has been determined that technological advances in security and alarm systems and reliance on County computer network systems requires that the position be moved from the Department of Public Works to the Information Technology Department, now, therefore, be it

RESOLVED, that effective March 29, 2015, the Senior Safety and Security Coordinator (Position #280) be abolished from the Department of Public Works, and

RESOLVED, that effective March 29, 2015, the position of Deputy Director, 35-hour per week Flat Salary Grade 8 at \$45,433 to \$56,401 per year, be created and filled in the Information Technology Department, and be it further

RESOLVED, that the following budget modifications be effectuated:

INCREASE APPROPRIATIONS:

A.16.1680.000 71010.00	xxx	Position	\$36,696
A.16.1680.000 78100.00		Retirement	3,230
A.16.1680.000 78200.00		FICA	2,808
A.16.1680.000 78300.00		Worker's Comp	991
A.16.1680.000 78400.01		Health Ins.	9,800
A.16.1680.000 78400.05		HRA	850
A.16.1680.000 78800.00		Flex	350

DECREASE APPROPRIATIONS:

A.15.1620.000 71010.00	280	Position	\$36,696
A.15.1620.000 78100.00		Retirement	4,430
A.15.1620.000 78200.00		FICA	2,808
A.15.1620.000 78300.00		Worker's Comp	991
A.15.1620.000 78400.01		Health Ins.	9,800

Moved by Andres, seconded by Hill.

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

**Resolution No. ED-003-15**

From: Economic Development Committee

Dated: March 17, 2015

**RESOLUTION OPPOSING PART W OF GOVERNOR'S PROPOSED 2015 BUDGET**

WHEREAS, Governor Cuomo has submitted a budget for New York State for 2015 for the Legislature's consideration, and

WHEREAS, Part W of the proposed budget severely restricts the ability of Industrial Development Agencies to respond to the needs of businesses by removing home rule decisions and placing certain incentive decisions with the Regional Economic Development Council and Empire State Development, and

WHEREAS, Part W of the proposed budget would require that Niagara County obtain Albany's approval to grant sales tax breaks and mortgage recording tax breaks; Empire State Development Corporation and New York State Office of Taxation and Finance would have to sign off and assuming that they would both agree to do that, it could add month(s) to the approval process for a project, and

WHEREAS, this proposal inserts the ABO into the IDA statute and imposes unique enforcement powers on one class of public authorities,

WHEREAS, Part W of this budget also grants the Authorities Budget Office greater power over local Industrial Development Agencies; inhibits the County's ability to build industry clusters, and significantly slows Industrial Development Agencies' ability to respond to "at the speed of business," now, therefore, be it

RESOLVED, that following the Niagara County Attorney's review, the Chairman of the Niagara County Legislature, be and hereby is authorized to execute and deliver the letter in opposition to Part W of the proposed 2015 New York State Budget, and be it further

RESOLVED, that a copy of this Resolution along with the letter in opposition to Part W of the proposed 2015 New York State Budget, be forwarded to: Governor Andrew Cuomo; Senate Majority Leader Dean Skelos; Assembly Speaker Carl Heastie; Assembly Minority Leader Brian Kolb; Senator Robert Ort; Senator Marc Panepinto; Assembly Member John Ceretto, 145<sup>th</sup> District; Assembly Member Jane Corwin, 144<sup>th</sup> District; Assembly Member Robin Schimminger, 140<sup>th</sup> District; Assembly Member Raymond Walter, 146<sup>th</sup> District; Senator Richard Funke; Senator Michael Nozzolio; NYS Finance Department; President Howard Zemsky, Empire State Development Corporation; Executive Director Brian McMahon, NYS Economic Development Council; Henry M. Sloma, Chairman of the Board, NCIDA; and NCIDA Board Members.

Moved by Updegrove, seconded by Virtuoso.

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

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

From: Legislators William L. Ross, Jason A. Zona & Economic Development Committee

Dated: March 17, 2015

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



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

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

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

NIMAC	Retention of Niagara Falls Air Reserve Station	\$10,000.00
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and be it further

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

**INCREASE APPROPRIATED FUND BALANCE:**

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

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

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

**Resolution No. IL-021-15**

From: Legislator William L. Ross & Economic Development Committee

Dated: March 17, 2015

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

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

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

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

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

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

Niagara County Builders Association	Annual Home Show	\$2,000.00
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and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01      Appropriated Fund Balance - Committed Funds      \$2,000.00

INCREASE APPROPRIATIONS:

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

Moved by Ross, seconded by Lance.

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

**Resolution No. IL-035-15**

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

Dated: March 17, 2015

**RESOLUTION IN SUPPORT OF FUNDING THE NORTH TONAWANDA HISTORY MUSEUM THROUGH THE USE OF CASINO REVENUE**

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

WHEREAS, the North Tonawanda History Museum is committed to assemble, preserve, protect and exhibit collections pertaining to the history of North Tonawanda, its people and community life, and

WHEREAS, the North Tonawanda History Museum is at the Gateway of Niagara County and is also a tourist information center for the county, and

WHEREAS, the North Tonawanda History Museum draws thousands of visitors into North Tonawanda every year, thus having a positive impact on the many restaurants, shops and businesses in the area, and

WHEREAS, the North Tonawanda History Museum is currently working on an exterior restoration project to ensure that the priceless collections inside the museum are properly shielded from outside elements, now, therefore, be it

RESOLVED, that Niagara County supports the North Tonawanda History Museum as follows:

North Tonawanda History Museum      \$2,000.00  
and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01 Appropriated Fund Balance - Committed Funds      \$2,000.00

INCREASE APPROPRIATIONS:

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

Moved by Andres, seconded by Lance.

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

**Resolution No. IL-039-15**



From: Legislators Richard L. Andres, Randy R. Bradt & Kathryn L. Lance  
Dated: March 17, 2015

**IN SUPPORT OF THE NORTH TONAWANDA FOOTBALL HALL OF FAME  
THROUGH THE USE OF CASINO FUNDING**

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

WHEREAS, the North Tonawanda Football Hall of Fame is committed to supporting the youth involved in North Tonawanda Football and also to the preservation and promotion of the esteemed history of North Tonawanda Football which includes the Class AA Championship Team of 2009, and

WHEREAS, the North Tonawanda Football Hall of Fame contains inductees dating back to 1967 and is a testament to the talented athletes that played for North Tonawanda, and

WHEREAS, the North Tonawanda Football Hall of Fame is committed to assisting the North Tonawanda Football Team and has supported former athletes by providing uniforms and creating a scholarship, and

WHEREAS, the North Tonawanda Football Hall of Fame Facility is in need of a front porch rehabilitation to ensure the safety of staff, volunteers and visitors, now, therefore, be it

RESOLVED, that Niagara County supports the North Tonawanda Football Hall of Fame as follows:

North Tonawanda Football Hall of Fame	\$2,000.00
and be it further	

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

**INCREASE APPROPRIATED FUND BALANCE:**

A.28.8020.812 40599.01 Appropriated Fund Balance - Committed Funds	\$2,000.00
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**INCREASE APPROPRIATIONS:**

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund	\$2,000.00
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Referred to Economic Development Committee.

**Resolution No. IL-040-15**

From: Legislator Randy R. Bradt  
Dated: March 17, 2015

**RESOLUTION TO ANALYZE THE CAPABILITY OF NIAGARA COUNTY  
PRINTING ELECTION BALLOTS IN-HOUSE**

WHEREAS, each year there is voting in Niagara County for various local, county, state and federal elections, and

WHEREAS, for those elections, Niagara County spends approximately \$100,000 each year for ballots for the residents of the county to cast their votes, and

WHEREAS, Niagara County currently is contracted with Phoenix Printing to produce the aforementioned ballots each year, and

WHEREAS, this body is continuously looking at new ways to reduce expenses and deliver services in the most economical manner possible, and

WHEREAS, Niagara County does have an in-house print shop that may be able to print ballots each year, potentially saving the county a significant sum of money, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby approve the formation of a committee to analyze the feasibility of printing election ballots in-house, and be it further

RESOLVED, that said committee will be made up of Niagara County Republican Elections Commissioner Jennifer Fronczak or her appointee, Niagara County Democratic Elections Commissioner Lora Allen or her appointee, and Niagara County Legislature Majority Leader Richard Updegrove or his appointee, and be it further

RESOLVED, that the committee will report its findings, including the costs and manpower requirements of such a transition, to this body in a timely manner.

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

Carried.

Moved by Bradt, seconded by Nemi.

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

Legislator Bradt announced that Chairman Ross and a Democrat will be added to the committee.

#### **Resolution No. IL-041-15 (Amended)**

From: Legislator Randy R. Bradt

Dated: March 17, 2015

#### **RESOLUTION TO ANALYZE POLLING PLACES THROUGHOUT NIAGARA COUNTY**

WHEREAS, each year there is voting in Niagara County for various local, county, state and federal elections, and

WHEREAS, for those elections, Niagara County must obtain polling places throughout the county for residents to cast their votes, and

WHEREAS, concerns have been raised in municipalities across the county related to the viability and costs associated with some of the current polling places, and

WHEREAS, issues with polling places include a lack of accessibility, a lack of parking, and a lack of lighting, as well costs associated with some polling locations, as some locations are free and some have costs to the county, and

WHEREAS, it has also been stated that due to recent redistricting across the county, some polling locations are not appropriately located, creating confusion and additional travel time for voters, and

WHEREAS, this body is continuously looking at new ways to deliver services in the most efficient manner possible, and



WHEREAS, it is in the best interests of Niagara County to encourage and increase voter turn-out for its residents each year, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby approve the formation of a committee to analyze polling places throughout Niagara County with the goal of assessing all aspects of the respective polling places, and be it further

RESOLVED, that said committee will be made up of Niagara County Republican Elections Commissioner Jennifer Fronczak or her appointee, Niagara County Democratic Elections Commissioner Lora Allen or her appointee, and Niagara County Legislature Majority Leader Richard Updegrove or his appointee, and be it further

RESOLVED, that the committee will report its analysis to this body on or before April 17<sup>th</sup> of this calendar year.

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

Carried.

Moved by Bradt, seconded by Lance to amend the resolution.

Amendment:

Addition to the end of the second RESOLVED, "...Chairman William Ross or his appointee, Minority Leader Dennis Virtuoso or his appointee, and be it further."

Moved by Bradt, seconded by Lance on resolution as amended.

Adopted. 11 Ayes, 3 Noes – Grozio, Steed, Virtuoso, 1 Absent – Burmaster

**Resolution No. IL-042-15**

From: Legislators Kathryn L. Lance & Clyde L. Burmaster

Dated: March 17, 2015

**RESOLUTION IN SUPPORT OF GRANTING A LICENSE TO  
GROW MEDICAL MARIHUANA TO HERBAL AGRICULTURE, LLC  
OF LEWISTON, NEW YORK**

WHEREAS, the use of medical marihuana has proven effective in treating symptoms of cancer, HIV, post-traumatic stress disorder, muscle spasms caused by multiple sclerosis, nausea from cancer chemotherapy, appetite and weight loss caused by chronic illness such as HIV, nerve pain, seizure disorders, and Crohn's disease, and

WHEREAS, twenty-three states and the District of Columbia currently have laws legalizing marihuana in some form, including New York's Compassionate Care Act, which Governor Andrew Cuomo signed into law on July 5, 2014, and

WHEREAS, New York's program allows marihuana to be administered to people with illnesses including epilepsy, multiple sclerosis, A.L.S., Parkinson's disease, Huntington's disease, neuropathies, spinal cord injuries, cancer and HIV/AIDS, with the state health department to decide within 18 months whether to add Alzheimer's, muscular dystrophy, dystonia, post-traumatic stress disorder and rheumatoid arthritis, with the addition of further conditions at the discretion of the Commissioner of Health, and

WHEREAS, the Compassionate Care Act requires the following indications for the prescription of medical marihuana in New York: a serious condition defined as: "having one of the following severe



debilitating or life-threatening conditions: cancer, positive status for human immunodeficiency virus or acquired immune deficiency syndrome, amyotrophic lateral sclerosis, Parkinson's disease, multiple sclerosis, damage to the nervous tissue of the spinal cord with objective neurological indication or intractable spasticity, epilepsy, inflammatory bowel disease, neuropathies, Huntington's disease, or as added by the commissioner; and (ii) any of the following conditions where it is clinically associated with, or a complication of, a condition under this paragraph or its treatment: cachexia or wasting syndrome; severe or chronic pain; severe nausea; seizures; severe or persistent muscle spasms; or such conditions as are added by the commissioner," and

WHEREAS, the Compassionate Care Act establishes a stringent regulation regime requiring any medical marihuana grown in New York not exceed Department of Health-approved concentrations of cannabinoids like Tetrahydrocannabinol (THC), allowing manufacture and prescription of drugs derived from extracted cannabinoids, and not the administration of smokable marihuana, and

WHEREAS, any manufacturer seeking a license to farm medical marihuana in New York will have to meet a series of qualifications, under the direction of the New York State Department of Health and its commissioner, and must demonstrate facility security common to the pharmaceutical industry, and

WHEREAS, the law also stipulates that only five manufacturers will be licensed to grow medical marihuana, with each being allowed to run up to four dispensaries around the state, and that the growing of the medical marihuana must be done indoors, and

WHEREAS, in the Town of Lewiston in Niagara County, Herbal Agriculture, LLC is expected to submit an application to the state of New York to be granted the right to grow medical marihuana at their H2gro facility, a 12-acre greenhouse on Pletcher Road, and

WHEREAS, Herbal Agriculture, LLC holds the exclusive New York license for Charlotte's Web, a variety of the marihuana plant with an extremely low Tetrahydrocannabinol concentration measured at 0.3% THC, a THC level incapable of producing a psychoactive "high", and

WHEREAS, the issue has bi-partisan support in Lewiston, with Supervisor Dennis Brochey and Town Council members Ron Winkley, Alphonso Bax, William Conrad, and Beth Ceretto all having expressed their support for the concept of medical marihuana, a significant point since support from local legislative bodies is a condition of the application process for companies that wish to grow medical marihuana in the state, and

WHEREAS, the awarding of a license to grow medical marihuana to Herbal Agriculture, LLC will have significant economic development benefits to the county and its taxpayers, as counties where medical marihuana is grown in New York will receive 22.5 percent of the state's seven percent excise tax charged for medical marihuana, and

WHEREAS, this body also recognizes the benefits of medical marihuana for individuals suffering from the aforementioned diseases and/or ailments, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support the granting of a license to grow medical marihuana to Herbal Agriculture, LLC of Lewiston New York, with the stipulations put in place by the State of New York, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Cuomo; Senator Robert G. Ort; Senate Temporary President and Majority Leader Dean G. Skelos; Member of the



Assembly Jane L. Corwin; Member of the Assembly Ray Walter; Member of the Assembly John D. Ceretto; Member of the Assembly Robin Schimminger; Speaker of the Assembly Carl Heastie; U.S. Representative Chris Collins; Mr. Gary Smith and all others deemed necessary and proper.

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

Carried.

Moved by Lance, seconded by Godfrey.

Legislator Lance said as a cancer survivor she is honored to bring this legislation forward in hopes that medical marihuana will relieve the painful symptoms associated with cancer treatments and also other debilitating diseases that affect our society.

Legislator Godfrey said as the Community Safety & Security Chairman he believes that the safety of the citizens of Niagara County is of the utmost importance and upon speaking with resolution co-sponsor Legislator Burmaster they both feel the same with regards to their confidence that Herbal Agriculture, LLC will meet or exceed all security regulations put in place by NYS. The security system of the plant will be state-of-the-art, which will assist in producing a top-notch product. Legislator Godfrey discussed the low levels of THC concentration in medical marihuana and how this is produced in a liquid form.

Legislator Hill discussed that as a member of law enforcement he also takes public safety very seriously and he is confident that this is not a smokable form of medical marihuana and it will greatly help those patients who are in need.

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

#### **Resolution No. IL-043-15**

From: Legislator William L. Ross

Dated: March 17, 2015

### **RESOLUTION IN SUPPORT OF ARTPARK FAMILY AND CHILDREN'S PROGRAMMING THROUGH THE USE OF CASINO FUNDING**

WHEREAS, Artpark, located in the Village of Lewiston, has over 225,000 visitors from the United States and Canada attend the four month schedule of events and programs, and

WHEREAS, Artpark generates an \$11.5 million economic impact to the Niagara Region by providing a summer schedule of exciting Main Stage Theatre shows and a diverse offering of family and children's programs, and

WHEREAS, funding support, corporate sponsorships and donations are a key to the continuation of Artpark programs, and

WHEREAS, Artpark's popular free and low cost family and children's events are a Western New York tradition, but recent funding cuts resulted in the loss of some of Artpark's family programs, now, therefore, be it

RESOLVED, that Niagara County Casino Funds help support some of the lost family and children's programs, and be it further

RESOLVED, that Niagara County supports Artpark as follows:

Artpark                                 \$2,500.00  
and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01 Appropriated Fund Balance - Committed Funds                 \$2,500.00

INCREASE APPROPRIATION:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund                 \$2,500.00  
Referred to Economic Development Committee.

**Resolution No. IL-044-15**

From: Legislator William L. Ross

Dated: March 17, 2015

**RESOLUTION IN SUPPORT OF THE PEACH FESTIVAL  
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Village of Lewiston is blessed with great natural beauty and its local organizations sponsor a multitude of extremely exciting events which draw thousands of people from all over Western New York, Southern Ontario and beyond, and

WHEREAS, these festival events generate a positive economic impact on the businesses, which include first class restaurants and interesting shops, and

WHEREAS, the Peach Festival, which is sponsored by the Lewiston Kiwanis Club, is Niagara County's premier family event which has been held for over 50 years, and

WHEREAS, the Lewiston Kiwanis Club will use the casino funds for marketing the 2015 Peach Festival, now, therefore, be it

RESOLVED, that Niagara County supports the economic initiatives of the Peach Festival as follows:

Peach Festival Marketing and Promotion                                 \$1,500.00  
and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

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

INCREASE APPROPRIATION:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund                 \$1,500.00  
Referred to Economic Development Committee.

**Resolution No. IL-045-15**

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



Dated: March 17, 2015

### **RESOLUTION AMENDING RESOLUTION B-03-14**

WHEREAS, on December 9, 2014, the Legislature passed resolution B-03-14 Establishing Niagara County Tax Relief Fund and Niagara County Community Development Fund 1, and Providing Procedures for Disbursal of Funds Arising from New York State Finance Law Section 99-h and Tribal-State Gaming, and

WHEREAS, said resolution stated that New York State Finance Law Section 99-h Subdivision 3-a required casino funds to be distributed to all towns and cities within the County with the exception of the City of Niagara Falls, and

WHEREAS, after the resolution was passed into law, New York State Senator Robert Ortt and New York State Assemblyman John Ceretto both publicly announced that section 99-h did not preclude the disbursement of casino funds to the City of Niagara Falls, and

WHEREAS, in order for the resolution to be proper and legal, it must encompass all municipalities in Niagara County, including the City of Niagara Falls, now, therefore, be it

RESOLVED, that resolution B-03-14, as passed, shall be amended to include the City of Niagara Falls in the distribution of Niagara County's share of casino funds.

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

Carried.

Moved by Virtuoso, seconded by Zona.

Moved by Virtuoso, seconded by Zona to amend the resolution.

#### Amendment:

Addition to the RESOLVED

"RESOLVED, that the resolution B-03-14, as passed shall be amended to include all municipalities in Niagara County, including the City of Niagara Falls in the distribution of Niagara County's share of casino funds."

Carried.

Legislator Syracuse read a correspondence from Senator Ortt for the record. It reads as follows:

"As I previously stated at a public meeting of the Niagara County Legislature, as well as many other times, the letter of the law does not preclude the legislature from allocating casino funds to any specific municipality in the county. It is clear to me, as well as a majority of the legislature that the intent of the law was to allow the rest of the county to receive a share of the casino revenue. I am confident the legislature has acted according to the law in distributing the funds as they have."

Moved by Virtuoso, seconded by Zona on the resolution as amended.

Failed. 4 Ayes – Grozio, Steed, Virtuoso, Zona, 10 Noes, 1 Absent – Burmaster

### **Resolution No. IL-046-15**

From: Legislators Dennis F. Virtuoso & Mark J. Grozio

Dated: March 17, 2015

### **CENSURE AND ADMONISHMENT OF LEGISLATOR RICHARD E. UPDEGROVE FOR HIS BREACH OF FIDUCIARY DUTY AND MISREPRESENTATION OF STATE LAW**

WHEREAS, on December 9, 2014, Legislator Richard E. Updegrove sponsored resolution B-03-14 Establishing Niagara County Tax Relief Fund and Niagara County Community Development Fund 1, and Providing Procedures for Disbursal of Funds Arising from New York State Finance Law Section 99-h and Tribal-State Gaming Compact, and

WHEREAS, the resolution, as drafted by Legislator Updegrove, states that “per section 99-h subdivision 3-a, revenues arising from the Seneca Niagara Casino that are disbursed to the County of Niagara are to be apportioned by population for such purposes as shall benefit residents of the Towns of Cambria, Hartland, Lewiston, Lockport, Newfane, Niagara, Pendleton, Porter, Royalton, Somerset, Wheatfield and Wilson and the Cities of Lockport and North Tonawanda, and

WHEREAS, said resolution excluded the City of Niagara Falls from receiving a portion of the County’s share of casino funds, and

WHEREAS, prior to proposing said resolution, Legislator Updegrove was advised that he was misconstruing the language in section 99-h, and

WHEREAS, after the resolution was passed into law, New York State Senator Robert Ortt and New York State Assemblyman John Ceretto both publicly announced that section 99-h did not preclude the disbursement of casino funds to the City of Niagara Falls, and

WHEREAS, in fact, section 99-h subdivision 3-a does not state what is purported by Legislator Updegrove, and

WHEREAS, in the meeting on December 9, 2014, Legislator Updegrove publicly stated that the State Law prohibited the distribution of casino money to the City of Niagara Falls despite the fact that his statement was inaccurate and deceptive, and

WHEREAS, the Niagara County Legislators have an obligation to be truthful to their colleagues, the press and taxpayers, and

WHEREAS, Legislator Updegrove misused his position of leadership and breached his fiduciary duty to all of the residents of Niagara County for his misrepresentation of the New York State Finance Law 99-h, and

WHEREAS, censure by a public body is a judgment of stern condemnation of one of its members for behaviors or actions that breach the fiduciary duty to the residents of the County, and

WHEREAS, censure is also a public act of rebuking a member for unacceptable acts through an official reprimand, now, therefore, be it

RESOLVED, that the Niagara County Legislature publicly censures and admonishes Legislator Richard E. Updegrove for his breach of fiduciary duty to all of the residents of Niagara County, and be it further

RESOLVED, that the Niagara County Legislature publicly censures and admonishes Legislator Richard E. Updegrove for his misrepresentation of New York State Law to the entire Legislative body, the press, and the public, and be it further

RESOLVED, that Niagara County Legislator Richard E. Updegrove shall publicly apologize for his misrepresentation of the New York State Finance Law Section 99-h.



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

Carried.

Moved by Virtuoso, seconded by Grozio.

Failed. 4 Ayes – Grozio, Steed, Virtuoso, Zona, 10 Noes, 1 Absent – Burmaster

**Resolution No. IL-047-15**

From: Legislator William L. Ross

Dated: March 17, 2015

**RESOLUTION IN SUPPORT OF THE HISTORIC LEWISTON JAZZ FESTIVAL  
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Village of Lewiston is blessed with great natural beauty and its local organizations sponsor a multitude of extremely exciting events which draw thousands of people from all over Western New York, Southern Ontario and beyond, and

WHEREAS, these festival events generate a positive economic impact on the businesses which include first class restaurants and interesting shops, and

WHEREAS, the Historic Lewiston Jazz Festival is the premier Jazz Festival in Western New York and has the total support of the residents and companies for funding this regional music jewel, and

WHEREAS, the Niagara County Legislature casino fund contribution will support the marketing effort of the Lewiston Jazz Festival Board of Directors, now, therefore, be it

RESOLVED, that the Niagara County Legislature support this outstanding musical event as follows:

Historic Lewiston Jazz Festival	\$1,500.00
and be it further	

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

**INCREASE APPROPRIATED FUND BALANCE:**

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

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund	\$1,500.00
Referred to Economic Development Committee	

**Resolution No. IL-048-15**

From: Legislator William L. Ross

Dated: March 17, 2015

**RESOLUTION IN SUPPORT OF NIAGARA RIVER REGION CHAMBER OF COMMERCE  
MISSION OF MARKETING BUSINESSES IN THE LEWISTON PORTER AREA  
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Town of Lewiston and Town of Porter are blessed with great natural beauty and the local businesses and organizational sponsoring exciting events draw thousands of people from all over Western New York and Southern Ontario, and

WHEREAS, the businesses of the Town of Lewiston and the Town of Porter with the Village of Lewiston and the Village of Youngstown located within their respective boundaries, generate a positive economic impact which includes first class restaurants and interesting shops, and

WHEREAS, the communities within the boundaries of the Niagara River Region Chamber of Commerce draw thousands of visitors every year, bringing tourism dollars to the area which are vital to the Niagara County economy, now, therefore, be it

RESOLVED, that the Niagara County Legislature supports funding to the Niagara River Region Chamber of Commerce for marketing purposes as follows:

Niagara River Region Chamber of Commerce	\$2,000.00
and be it further	

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

**INCREASE APPROPRIATED FUND BALANCE:**

A.28.8020.812 40599.01 Appropriated Fund Balance - Committed Funds	\$2,000.00
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**INCREASE APPROPRIATION:**

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund	\$2,000.00
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Referred to Economic Development Committee.

**Resolution No. IL-049-15**

From: Legislators Richard L. Andres, Kathryn L. Lance, Anthony J. Nemi, John Syracuse, et al. & Parks, Recreation & Tourism Ad Hoc Committee

Dated: March 17, 2015

**SUPPORT FOR THE TOWN OF NEWFANE – YE OLDE LOG CABIN**

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

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

WHEREAS, the Town of Newfane has made application to the Niagara County’s Ad Hoc Committee on Recreation and Tourism for Greenway funds to support the Town of Newfane Ye Olde Log Cabin Project, and

WHEREAS, these funds are to be utilized by the Town of Newfane to complete this Project, and



WHEREAS, the Town of Newfane's application for the building of Ye Olde Log Cabin in Niagara County's Olcott Park which draws thousands of visitors and residents of Niagara County every year, who enjoy all of its services, and

WHEREAS, this application will assist the local citizens, taxpayers and business people being able to establish an additional tourist attraction and museum along with the playgrounds, parks and sport facilities, costing a total of over one half million dollars, and

WHEREAS, the Town of Newfane, its residents and businesses intend to continue to improve their own facilities, creating accessibility to other Greenway Projects, and

WHEREAS, this project enhances the quality of life for our residents and visitors alike, and

WHEREAS, the tourists, visitors and residents it will attract will cause a positive economic impact in the Town and County, and

WHEREAS, the application is requesting \$170,000.00 to be utilized, along with previous efforts, for a total project cost of their request of over \$200,000.00, and a total investment of over a half million dollars in Newfane park areas and improvements, and

WHEREAS, the Town of Newfane is aware that actual funding will not take place until after July 1, 2015, and

WHEREAS, the Town of Newfane Ye Olde Log Cabin Project has the support and approval of Legislator John Syracuse, Carousel Park, Niagara County Historical Society along with various organizations in the Town of Newfane, and

WHEREAS, the County of Niagara and Town of Newfane will need a lease agreement covering the premises to be utilized in Niagara County in Olcott Park, and

WHEREAS, the Lease will be of no cost to Niagara County and the Town of Newfane will bear all costs of construction, improvements and maintenance of the building, and

WHEREAS, the County of Niagara will continue to maintain all grass, park areas not a part of the structure itself, and

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

WHEREAS, the Town of Newfane has utilized great efforts and the other funds, including in kind services of \$20,000 placed in the financial breakdown and any funds necessary for signage giving credit for funding to Niagara County and dedication to other Greenway projects, and

WHEREAS, after receipt of in-kind services and town funds, the remaining \$170,000.00 needed for the matching grant is being requested, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the funding of \$170,000.00 for the Town of Newfane Ye Olde Log Cabin Project when presented to the Niagara Power Coalition and the Host Community Standing Committee, and be it further

RESOLVED, that following the Niagara County Attorney's review and approval, the Chairman of the Niagara County Legislature be, and hereby is, authorized to execute the Lease Agreement between the County of Niagara and the Town of Newfane for the Ye Olde Log Cabin Project.

Moved by Andres , seconded by Lance.

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

**Resolution No. IL-050-15**

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

Dated: March 17, 2015

**RESOLUTION TO DISTRIBUTE 2014 CASINO REVENUE  
TO THE CITY OF LOCKPORT**

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 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 Upstate 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 residents of the Towns of Cambria, Hartland, Lewiston, Lockport, Newfane, Niagara, Pendleton, Porter, Royalton, Somerset, Wheatfield and Wilson, and the Cities of Lockport and North Tonawanda, and

WHEREAS, the Office of Niagara County Treasurer and the Niagara County Office of Management and Budget jointly established two interest-bearing revenue accounts, which shall be designated "Niagara County Community Development Fund 1" and "Niagara County Tax Relief Fund", with all revenues appropriated to the county under 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, this resolution was passed by this body by a vote of 11-4, with Legislators Nemi, McNall, and Updegrove voting in the affirmative for the legislation, and

WHEREAS, Niagara County has received \$698,221.14 for the year 2014 and 2015 to date, and will distribute the funds to the respective municipalities per the aforementioned formula, and

WHEREAS, the City of Lockport is appropriated \$66,656.57 for the 2014 year based on the municipality's population, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby approve the disbursement of \$66,656.57 to the City of Lockport for their planning and budgeting purposes.

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

Carried.

Moved by Updegrove, seconded by Nemi.

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

#### **Resolution No. IL-051-15**

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

Dated: March 17, 2015

### **RESOLUTION TO DISTRIBUTE 2014 CASINO REVENUE TO THE CITY OF NORTH TONAWANDA**

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 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 Upstate 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 residents of the Towns of Cambria, Hartland, Lewiston, Lockport, Newfane, Niagara, Pendleton, Porter, Royalton, Somerset, Wheatfield and Wilson, and the Cities of Lockport and North Tonawanda, and

WHEREAS, the Office of Niagara County Treasurer and the Niagara County Office of Management and Budget jointly established two interest-bearing revenue accounts, which shall be designated "Niagara County Community Development Fund 1" and "Niagara County Tax Relief Fund", with all revenues appropriated to the county under 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, this resolution was passed by this body by a vote of 11-4, with Legislators Bradt, Andres, and Lance voting in the affirmative for the legislation, and

WHEREAS, Niagara County has received \$698,221.14 for the year 2014 and 2015 to date, and will distribute the funds to the respective municipalities per the aforementioned formula, and

WHEREAS, the City of North Tonawanda is appropriated \$99,419.54 for the 2014 year based on the municipality's population, now, therefore, be it



RESOLVED, that the Niagara County Legislature does hereby approve the disbursement of \$99,419.54 to the City of North Tonawanda for their planning and budgeting purposes.

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

Carried.

Moved by Bradt, seconded by Andres.

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

**Resolution No. IL-053-15**

From: Legislators Kathryn L. Lance, William L. Ross & David E. Godfrey

Dated: March 17, 2015

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

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 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 Upstate 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 residents of the Towns of Cambria, Hartland,

Lewiston, Lockport, Newfane, Niagara, Pendleton, Porter, Royalton, Somerset, Wheatfield and Wilson, and the Cities of Lockport and North Tonawanda, and

WHEREAS, the Office of Niagara County Treasurer and the Niagara County Office of Management and Budget jointly established two interest-bearing revenue accounts, which shall be designated "Niagara County Community Development Fund 1" and "Niagara County Tax Relief Fund", with all revenues appropriated to the county under 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, this resolution was passed by this body by a vote of 11-4, with Legislators Lance, Ross, and Godfrey voting in the affirmative for the legislation, and

WHEREAS, Niagara County has received \$698,221.14 for the year 2014 and 2015 to date, and will distribute the funds to the respective municipalities per the aforementioned formula, and

WHEREAS, the Town of Wheatfield is appropriated \$57,057.27 for the 2014 year based on the municipality's population, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby approve the disbursement of \$57,057.27 to the Town of Wheatfield for their planning and budgeting purposes.

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

Carried.

Moved by Lance, seconded by Godfrey.

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

#### **Resolution No. IL-054-15**

From: Legislators Richard E. Updegrove, Anthony J. Nemi, Michael A. Hill & John Syracuse

Dated: March 17, 2015

### **RESOLUTION TO DISTRIBUTE 2014 CASINO REVENUE TO THE TOWN OF LOCKPORT**

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 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 Upstate 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 residents of the Towns of Cambria, Hartland, Lewiston, Lockport, Newfane, Niagara, Pendleton, Porter, Royalton, Somerset, Wheatfield and Wilson, and the Cities of Lockport and North Tonawanda, and

WHEREAS, the Office of Niagara County Treasurer and the Niagara County Office of Management and Budget jointly established two interest-bearing revenue accounts, which shall be designated "Niagara County Community Development Fund 1" and "Niagara County Tax Relief Fund", with all revenues appropriated to the county under 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, this resolution was passed by this body by a vote of 11-4, with Legislators Nemi and Updegrave voting in the affirmative for the legislation, and

WHEREAS, Niagara County has received \$698,221.14 for the year 2014 and 2015 to date, and will distribute the funds to the respective municipalities per the aforementioned formula, and

WHEREAS, the Town of Lockport is appropriated \$64,653.57 for the 2014 year based on the municipality's population, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby approve the disbursement of \$64,653.57 to the Town of Lockport for their planning and budgeting purposes.

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

Carried.

Moved by Updegrove, seconded by Nemi.

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

**Resolution No. IL-050-15 was read at this time. (Appears in numerical order)**

**Resolution No. IL-051-15 was read at this time. (Appears in numerical order)**

**Resolution No. IL-052-15 was read at this time. (Appears in numerical order)**

**Resolution No. IL-054-15 was read at this time. (Appears in numerical order)**

#### **APPOINTMENTS:**


	<u>Appt.</u>	<u>Expires</u>
<u>COMMUNITY SERVICES BOARD</u>		
Bruce Shields, PhD. (replaces Siegwarth) 425 Wingate Place, Youngstown 14174	03/17/15	12/31/18
Kathryn Dolpp (replaces Veltri) 655 Payne Avenue, North Tonawanda 14120	03/17/15	12/13/18
Daniel Norton (replaces Booth) 185 Marilyn Drive, Grand Island 14072 Representative of USAFR Niagara Falls Airbase	03/17/15	12/31/18
Peter Butera, PhD. (replaces Woodruff) 627 Morgan Drive, Lewiston 14092	03/17/15	12/31/15
<u>Developmental Disabilities Subcommittee</u>		
Katrina Spina (replaces Bevacqua) 655 Payne Avenue, North Tonawanda 14120	03/17/15	12/31/18
Peter Drew (replaces Reardon) 2439 Lake Mead Road, Niagara Falls 14304	03/17/15	12/31/18
<u>Mental Health Subcommittee</u>		
Phyllis Badali (replaces Herman) 509 84 <sup>th</sup> Street, Niagara Falls 14304	03/17/15	12/31/18
<u>FIRE ADVISORY BOARD</u>		
<u>Ex-officio</u>		
Richard "Red" Kennerson, Chief, 914 AW/SPTG (replaces McDonald) 2250 Franklin Drive, Niagara Falls 14304	03/17/15	
Les Myers, TRT (Technical Rescue Team) Deputy Coordinator 335 Merrie Road, Lewiston 14092	03/17/15	
Mark Hain, Haz-Mat Deputy Coordinator 7818 Ridge Road, Gasport 14067	03/17/15	
<u>OFFICE FOR THE AGING ADVISORY COMMITTEE</u>		
Cynthia Printup-Harms, WNY Independent Living, Inc. 3108 Main Street, Buffalo 14214	03/17/15	12/31/17
<u>YOUTH BOARD</u>		
Lewis Cunningham, Jr. 14 Bewley Parkway, Lockport 14094	03/17/15	12/31/17
Moved by Updegrove, seconded by Virtuoso.		
Carried.		



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

The Chairman declared the Board adjourned at 10:18 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