

OFFICIAL RECORD

Lockport, New York
March 22, 2016

A public hearing was held pursuant to IL-011-16, adopted by the Legislature on February 23, 2016, for the purpose of considering a proposed Local Law Amending the Code of Ethics Local Law # 2-96 for the County of Niagara. Legislator Nemi opened the hearing at 6:45 p.m. and closed it at approximately 6:50 p.m.

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

Clerk Tamburlin called the roll. All Legislators were present with the exception of Legislators Burmaster, Lance, Zona.

CORRESPONDENCE:

Chairman spoke of extending Jeffrey Glatz, County Manager's retirement date to April 30, 2016 for of the transition of the New County Manager, Richard Updegrave.

PRESENTATIONS:

Chairman invited Niagara County Clerk Joseph Jastrzemski to the podium with Legislator Richard Andres; Ms. Amanda Farrell; Deputy Clerk for DMV- Niagara Falls, Patti Weiss; Deputy Clerk for DMV- North Tonawanda, Matt Parish and Deputy Clerk for DMV- Lockport, Jim Pulito. Mr. Jastrzemski spoke of April being Organ and Tissue Donation Month and is challenging the Niagara County DMVs to register new organ donors within their offices. Legislator Richard Andres spoke of how his Aunt had passed away while waiting for a transplant. Amanda Farrell spoke how everyday an average of 20 people die while waiting for a transplant.

No citizens spoke at this time.

Recess

Moved by Bradt, seconded by Syracuse to enter executive session.

Moved by Andres, seconded by Syracuse to adjourn executive session.

Chairman called Infrastructure and Facilities and Administration Committees to meet.

Motion made by Nemi to remove Resolutions AD-007-16 and CS-017-16 from the preferred agenda.

Moved by Nemi; seconded by Andres.

Carried

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

Carried.

RESOLUTIONS:

Resolution No. AD-006-16

From: Administration Committee

Dated: March 22, 2016

BUDGET AMENDMENTS FOR RATIFIED AGREEMENT BETWEEN NIAGARA COUNTY UNIT 7650 OF LOCAL 832, CIVIL SERVICE EMPLOYEES ASSOCIATION, INC. LOCAL 1000, AFSCME, AFL-CIO AND THE COUNTY OF NIAGARA, NEW YORK

WHEREAS, the County of Niagara, and the Niagara County Unit 7650 of Local 832, Civil Service Employees Association, Inc. Local 1000, AFSCME, AFL-CIO (CSEA) have ratified an agreement for the period of January 1, 2012 through December 31, 2019 (resolution CW-003-16), and

WHEREAS, funds are available in fund balance, as well as in the 2016 budgeted appropriations to carry out the fiscal obligations of the agreement, now, therefore, be it

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

RESOLVED, that the following budget modification be effectuated.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. AD-007-16 (Amended)

From: Administration Committee

Dated: March 22, 2016

WAGE PARITY ADJUSTMENT FOR NON-BARGAINING POSITIONS

WHEREAS, THE Niagara County workforce includes positions not covered by any collective bargaining agreement ("non-union positions"), and

WHEREAS, the County Manager recommends and the County Legislature desires to effectuate wage parity with the 2012 – 2019 Civil Service Employees Association ("CSEA") contract for this group of non-bargaining positions, and

WHEREAS, funds are available in fund balance, as well as in 2016 budgeted appropriations to carry out the fiscal obligations, now, therefore, be it

RESOLVED, that the County Manager shall direct the Human Resources, Budget, and Treasurer's Departments to administer the wage adjustment for the appropriate salary scheduled as they relate to all non-union positions, with the exception of elected officials or certain appointed positions, and be it further

RESOLVED, to adjust the aforementioned wages for those employees on the active payroll at the time of this resolution according to the following schedule:

2013 – Lump Sum (\$1,000 FTEs, \$500 PTEs) for those hired prior to 6/30/2013; half of the amount if hired 7/1/2013-12/31/2013

2015 - .5% General Wage Increase

2017 – 2% General Wage Increase

2018 – 2% General Wage Increase

2019 – 2% General Wage Increase

and be it further

RESOLVED, to provide for step wage increase effective March 22, 2016, to the level that they would have reached had there been no step freeze, without retroactive pay, and be if further

RESOLVED, that part-time non-union employees whose titles are in the CSEA contract will be entitled to the same wage adjustments as full-time CSEA employees.

Moved by Nemi; seconded by Bradt to amend resolution.

Amendment:

Addition to the RESOLVED, "RESOLVED, that the following 2016 budget modifications be effectuated as per the attached schedule:"

Moved by Bradt; seconded by Hill on resolution as amended.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. AD-008-16

From: Administration Committee

Dated: March 22, 2016

BOND RESOLUTION OF THE COUNTY LEGISLATURE OF THE COUNTY OF NIAGARA, NEW YORK (THE "COUNTY"), AUTHORIZING THE ISSUANCE OF UP TO \$10,000,000 IN SERIAL BONDS OF THE COUNTY TO FINANCE THE COUNTY'S PORTION OF THE COST OF THE IMPROVEMENTS TO THE NIAGARA COUNTY COMMUNITY COLLEGE INCLUDED IN THE "LEARNING COMMONS" PROJECT

WHEREAS, by resolution dated September 16, 2009, the Board of Trustees of the Niagara County Community College (the "College") determined that (i) they wish to move forward with the development of the "Learnings Common" project (the "Project") at an estimated cost of \$25,000,000 as set forth in the "Learnings Common Concept Study" developed by JMZ Architects and Planners, P.C., dated September, 2009 and (ii) directed the President of the College to seek capital funding of at least fifty percent (50%) of the local sponsor's share from the Niagara County Legislature, and

WHEREAS, by resolution dated June 16, 2015 and numbered IL-078-15 of the Niagara County Legislature (the "Legislature"), the Legislature formally committed to fund its matching share of \$10,000,000 to the cost of the Project, and

WHEREAS, the Project shall consist of renovations, alterations and improvements to the buildings and improvements situated on the College's campus located at 3111 Saunders Settlement Road, Sanborn, New York, and shall consist principally of the (i) construction of an atrium enclosure between the existing D and E buildings, the reconstruction of a wall on the west side of the E building and the expansion of classrooms into the atrium, the construction of a common area to include open and enclosed group study areas, individual workstation/study spaces, conference spaces, a café and lounges, (ii) renovations, alterations and improvements to include the reconfiguration of the first floor of the D building including the expansion of the Child Development Center and the Faculty Resource Center, the relocation of the art gallery and the entrance to the library, the reconfiguration of the second, third and fourth floors of the library, and (iii) all ancillary and related work in connection therewith, (iv) the acquisition and installation of machinery, equipment, furniture and fixtures in and around the foregoing improvements, and (v) all architectural, engineering, design and other preliminary costs, legal expenses and other costs incidental thereto (collectively, the "Project"), and

WHEREAS, by resolution dated January 12, 2016, the Board of Trustees of the College, acting as lead agency under the State Environmental Quality Review Act and the regulations thereunder ("SEQRA"), determined that the actions to be undertaken as part of the Project constitute a "Type II" action within the meaning of SEQRA, and that no further actions need to be undertaken under SEQRA in connection with the Project, and

WHEREAS, the Legislature now wishes to appropriate funds for such public improvements and purposes and to authorize the issuance of the County's serial bonds or bond anticipation notes to finance the County's portion of said appropriation.

NOW, THEREFORE, THE COUNTY LEGISLATURE OF COUNTY OF NIAGARA HEREBY RESOLVES (by the favorable vote of at least two-thirds of all the members of such Board), AS FOLLOWS:

SECTION 1. The County is hereby authorized to issue \$10,000,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the County's share of the cost of the Project.

SECTION 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$10,000,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of up to \$10,000,000 in serial bonds of the County, or bond anticipation notes issued in anticipation of such serial bonds, and the levy and collection of taxes on all taxable real property within the County to pay the principal of said bonds and notes and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the period of probable usefulness for the aforementioned object or purpose is twenty-five (25) years, pursuant to subdivision 12(a)(1). of paragraph a. of Section 11.00 of the Law.

SECTION 4. The temporary use of available funds of the County, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in Section 1 of this resolution. The County shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 5. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the such serial bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and the said serial bonds and any bond anticipation notes issued in anticipation of the Bonds shall be general obligations of the County, payable as to both principal and interest by a general tax upon all the real property within the County without legal or constitutional limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal and interest on the serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 6. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00 and Section 63.00 of the Law, the powers and duties of the County Legislature relative to authorizing serial bonds and bond anticipation notes, including without limitation the determination of whether to issue bonds providing for substantially level or declining debt service, and all matters incidental thereto, and prescribing the terms, form and contents as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of the such bonds, and the renewals of said bond anticipation notes, are hereby delegated to the County Treasurer of the County, as the chief fiscal officer of the County (the "County Treasurer"). Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other bond resolutions of the County Legislature of the County, then the power of the County Legislature to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the County Treasurer, as the chief fiscal officer of the County.

SECTION 7. The County Treasurer is hereby further authorized to take such actions and execute such documents as may be necessary (i) to ensure the continued status of the interest on the bonds authorized by this resolution and any bond anticipation notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and (ii) to designate the bonds authorized by this resolution and any bond anticipation notes issued in anticipation thereof, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 8. The County Treasurer is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchaser of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 9. The intent of this resolution is to give the County Treasurer sufficient authority to execute those applications, agreements, instruments, certificates or to do any similar acts necessary or in the opinion of the County Treasurer advisable to effect the issuance of the bonds or bond anticipation notes authorized by this resolution without resorting to further action of the County Legislature.

SECTION 10. Based upon the information provided by the College with respect to the Project and the determination made by the Board of Trustees of the College in its resolution dated January 12, 2016 that the actions to be undertaken as part of the Project constitutes a "Type II" action within the meaning of SEQRA, it is hereby determined that the Project, the County's participation therein, and its contribution to the cost thereof through the issuance of the Bonds constitute a "Type II" action under SEQRA (6 N.Y.C.R.R. 617.5(c)(7) and (27)) and as such no further action under SEQRA need be taken by the County in connection with the Project, or as a condition precedent to the adoption of this resolution.

SECTION 11. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

- (c) such obligations are authorized in violation of the provisions of the Constitution.

SECTION 12. This resolution shall take effect immediately and the Clerk of the County Legislature is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in full, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the County for such purpose.

SECTION 13. This resolution shall take effect immediately upon its adoption.

Moved by Nemi, seconded by Syracuse.

Roll Call

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. CS-009-16

From: Community Services & Administration Committees
Dated: March 22, 2016

**BUDGET MODIFICATION
HEALTHY FAMILIES NEW YORK PROGRAM**

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

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

WHEREAS, effective July 1, 2015, Niagara County did receive a revised 100% State funded allocation of \$481,710, not all of which has been fully expended, now, therefore, be it

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

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

INCREASE REVENUE:

A.22.6010.000 43610.01	DSS Admin General	\$180,636
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INCREASE APPROPRIATION:

A.22.6010.000 74500.01	Contractual Exp-Contractual	\$180,636
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Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. CS-010-16

From: Community Services & Administration Committees
Dated: March 22, 2016

**BUDGET MODIFICATION
CHILD CARE AND DEVELOPMENT FUND**

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

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

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

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

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

INCREASE REVENUE:

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

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

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. CS-011-16

From: Community Services & Administration Committees

Dated: March 22, 2016

**BUDGET MODIFICATION
FLEXIBLE FUND FOR FAMILY SERVICES**

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

WHEREAS, these funds enable Niagara County to direct resources toward a number of areas of program needs, including, but not limited to Employment related activities, Child Welfare Services, PINS Detention Diversion Services, Substance Abuse Assessments, Domestic Violence Screenings, Title XX Services, JD/PINS Fostercare Costs, Child Care & Development, and

WHEREAS, Niagara County did receive a 100 % federally funded allocation, effective 7/15, – 6/16, not all of which has been expended, now, therefore, be it

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

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

INCREASE REVENUE:

A.22.6010.000 44610.00	DSS Admin Revenue	\$275,000
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INCREASE APPROPRIATION:

A.22.6010.000 74500.01	Contractual Exp-Contractual	\$275,000
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Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. CS-012-16

From: Community Services & Administration Committees

Dated: March 22, 2016

CREATE AND FILL DEPUTY COUNTY CLERK ADMINISTRATION

WHEREAS, the Niagara County Clerk serves as the Clerk of Supreme and County Courts, as well as register of all Niagara County land transactions, and

WHEREAS, the Clerk acts as receiver of all filings and recordings of numerous and varied instruments, and

WHEREAS, the Clerk acts as the Records Management Officer (RMO) for all departments of Niagara County government to facilitate and manage the systematic, cost efficient control of records created by our local government, and

WHEREAS, the County Clerk is responsible for the effective management and administrative, financial and operational functions of many large and diverse areas, including the Recording Office, Records Management, three Offices of the Department of Motor Vehicles, Veterans Service Agency, Pistol Permit Issuing Office, U.S. Passport Acceptance Agent, and the Office of Niagara County Historian, and

WHEREAS, these programs must be maintained in accordance with statute, and

WHEREAS, over the past two years the office has lost nearly 200 years of institutional knowledge due to retirements, and

WHEREAS, this position will allow proactive performance in financial management, revenue maximization, budget analysis and public outreach, while strengthening the department administrative capabilities, and

WHEREAS, this position will act in the capacity of the County Clerk during a concurrent absence of the County Clerk and First Deputy County Clerk, and

WHEREAS, this position will not impact the 2016 budget, and going forward will be partially supported through County Clerk revenues, now, therefore, be it

RESOLVED, that the Deputy County Clerk - Administration will have the authority to act for and in the place of the County Clerk when necessary, and be it further

RESOLVED, that one Deputy County Clerk-Administration, Grade 7 – 35 hours, Flat Annual Salary \$44,772, Step I, be created within the Office of the Niagara County Clerk, and filled effective March 28, 2016, and be it further

RESOLVED, that the following budget modifications be effectuated to the 2016 County Clerk budget:

INCREASE APPROPRIATIONS:

A.10.1410.000.71010.00	POSITIONS	\$34,440
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DECREASE APPROPRIATIONS:

A.10.1410.000.71010.11065	POSITIONS	\$8,399
A.10.1410.000.71010.122	POSITIONS	\$8,373
A.10.1410.000.71010.4443	POSITIONS	\$7,011
A.10.1410.000.71010.4450	POSITIONS	\$4,146
A.10.1410.000.74675.03	RECORDS MAINTENANCE	\$6,511

Moved by Andres, seconded by Collins.

Adopted. 9 Ayes, 3 Noes – Grozio, Steed, Virtuoso, 3 Absent – Burmaster, Lance, Zona

Resolution No. CS-013-16

From: Community Services & Administration Committees

Dated: March 22, 2016

**INCREASE IN PISTOL PERMIT CASH DRAWER FUNDS
COUNTY CLERK**

WHEREAS, the Niagara County Clerk Pistol Permit Office cash drawer currently functions with a total of \$100.00 in cash "opening" drawer funds, and

WHEREAS, increased customer transactions have necessitated an increase in the cash drawer total amounts from \$100.00 to \$200.00 to be divided between four (4) cash drawers for the purpose of maintaining adequate cash for customer transactions, now, therefore, be it

RESOLVED, that the sum of \$200.00 be authorized as the maximum limit for cash drawer funds, and be it further

RESOLVED, that the following line item transfer be effectuated immediately.

FROM:

A.1200.10	Cash – M&T General Depository	\$100.00
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TO:

A.210.02	Petty Cash – County Clerk	\$100.00
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Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. CS-014-16

From: Community Services Committee

Dated: March 22, 2016

APRIL IS ORGAN AND TISSUE DONATION MONTH

WHEREAS, through our membership with (NYSAC) NYS Association of Counties and (NYSACC) NYS Association of County Clerks, New York Counties have come together to collectively support Organ Donation Month, and

WHEREAS, currently, nearly 124,000 men, women and children are awaiting organ transplants in the United States, and

WHEREAS, organ, tissue, marrow and blood donation are life-giving acts recognized worldwide as expressions of compassion to those in need, and

WHEREAS, a single individual's donation of the heart, lungs, liver, kidneys, pancreas and small intestine can save up to eight lives; donation of tissue can save and heal the lives of up to 50 others; and a single blood donation can help three people in need, and

WHEREAS, in New York State there are approximately 10,000 people waiting for an organ transplant which represents the third highest need in the nation; and there is an estimated 500 New Yorker's that die every year while waiting for an organ transplant, and

WHEREAS, the Niagara County Clerk's Office through the Department of Motor Vehicles wishes to promote the month of April as Organ Donation Month and will participate in many activities throughout the month in order to increase the number of organ and tissue donors and to promote awareness in Niagara County, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby proclaim the month of April 2016 as Organ Donation Month and in doing so encourages all residents of Niagara County to enroll as an organ and tissue donor at our local DMV Office.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. CS-015-16

From: Community Services & Administration Committees

Dated: March 22, 2016

**BUDGET MODIFICATION ACCEPTANCE OF GRANT
OFFICE OF NIAGARA COUNTY CLERK ON BEHALF OF
NIAGARA COUNTY VETERANS SERVICE AGENCY**

WHEREAS, the Office of the Niagara County Clerk oversees and administers the Niagara County Veterans Service Agency, and

WHEREAS, Senator Robert G. Ortt, as Chairman of the Senate Committee on Mental Health and member of the Committee on Veterans, Homeland Security and Military Affairs was able to secure a \$185,000 grant from the PFC Joseph P. Dwyer Peer Support Program, and

WHEREAS, the program is designed as a non-clinical peer-to-peer counseling between veterans who personally understand the psychological and emotional effects of combat, and

WHEREAS, more than 18,000 veterans live throughout Niagara County, and

WHEREAS, the funds will be used to implement such a program for veterans throughout Niagara County, now, therefore, be it

RESOLVED, the Niagara County Clerk's Office is given authorization to accept the grant with the effectuation of the following budget modification, effective immediately, and be it further

RESOLVED, that all documents are reviewed by the County Attorney's office.

INCREASE ESTIMATED REVENUE:

A.10.1410.000 43490.01	Mental Health Program - General	\$185,000.00
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INCREASE APPROPRIATIONS:

A.10.1410.000 74400.09	Payments Other Agencies	\$185,000.00
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Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. CS-016-16

From: Community Services & Administration Committees

Dated: March 22, 2016

**BUDGET MODIFICATION – ACCEPTANCE OF
AGING MASTERY PROGRAM (AMP) GRANT**

WHEREAS, the Niagara County Office for the Aging (NCOFA) provides community-based services to help older adults remain active and independent in the community, and

WHEREAS, the NCOFA receives various recurring and one-time state and federal grants each year to fund a portion of these services provided, and

WHEREAS, the NCOFA has recently been advised that it has been selected to participate with New York State Office for the Aging (NYSOFA), National Council on Aging (NCOA), and SUNY Albany's Center for Excellence in Aging & Community Wellness (SUNY) in the implementation of the Aging Mastery Program (AMP), and

WHEREAS, AMP is a behavior change incentive program for aging well that encourages developing sustainable behaviors across many dimensions that will lead to improved health, stronger financial security, and overall well-being. The program incorporates evidence-based materials, expert speakers, group discussion, peer support and a rewards system to give participants the skills and tools they need to achieve measureable improvements, and

WHEREAS, as a participant in this program, NCOFA has been awarded a grant of \$20,000 for the period of January 1, 2016 to March 31, 2017, with no county match required, and

WHEREAS, NCOFA will be partnering with the Dale Association, who will administer the program in two series of wellness and education programs at their site in Lockport and the Wellness Center located at Niagara Falls Memorial Medical Center in Niagara Falls; NCOA will be working with SUNY to evaluate the efficacy of the program in changing behavior and improving health care outcomes in order to determine if it can become nationally recognized as Evidence-Based, now, therefore, be it

RESOLVED, that the department is given authorization to accept the grant increase with the effectuation of the following budget modification:

INCREASE REVENUE:

A.24.6772.000 43772.01	Programs for Aging General	\$20,000
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INCREASE APPROPRIATION:

A.24.6772.000 74500.01	Contractual	\$20,000
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Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. CS-017-16 (Amended)

From: Community Services & Administration Committees

Dated: March 22, 2016

**BUDGET MODIFICATION – ACCEPTANCE OF
ALZHEIMER'S DISEASE CAREGIVER SERVICE SUPPORT INITIATIVE GRANT**

WHEREAS, the Niagara County Office for the Aging (NCOFA) provides community-based services to help older adults remain active and independent in the community, and

WHEREAS, the NCOFA receives various recurring and one-time state and federal grants each year to fund a portion of these services provided, and

WHEREAS, the NCOFA, in a regional collaborative partnership with Catholic Charities of WNY, the Alzheimer's Association of WNY and six other WNY Area Agencies on Aging (AAA), have been awarded an Alzheimer's Disease Caregiver Support Initiative from the New York State Department of Health. The grant is

a 5 year, \$7.5 million grant, with no matching cost, to enhance its support for caregivers of clients of individuals with Alzheimer's Disease, and

WHEREAS, this grant will allow the grant partners to introduce counseling and case management services in each county AAA office specifically related to Alzheimer's Disease, and will include the creation of a co-terminus Case Manager – Senior Service position for the 5 year grant period, in the NCOFA; the NCOFA will also provide additional services to these clients, including respite and transportation, and enhance the level of expertise across our staff on recognizing and assisting those caring for individuals with Alzheimer's Disease and memory loss, and

WHEREAS, in addition to enhancing services in the NCOFA, they will be collaborating with grant partners to develop and enhance county-wide and regional support for caregivers, including support groups, volunteer respite programs, education programs, and others, now, therefore, be it

RESOLVED, that the department is given authorization to accept the grant increase with the effectuation of the following budget modification:

INCREASE REVENUE:

A.24.6772.000 43772.01	Programs for Aging General	\$114,999
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INCREASE APPROPRIATIONS:

A.24.6772.000 71010.00	Positions Expense	\$27,438
A.24.6772.000 72100.01	Machinery and Equipment Furniture and Fixtures	3,857
A.24.6772.000 72100.05	Machinery and Equipment Computer Equipment	3,804
A.24.6772.000 74500.01	Contractual	60,805
A.24.6772.000 74300.01	Reimbursements Travel, Conference	1,256
A.24.6772.000 74300.03	Reimbursements Travel, Mileage	2,453
A.24.6772.000 78100.00	Retirement Expense	2,560
A.24.6772.000 78200.00	FICA Expense	\$2,099
A.24.6772.000 78300.00	Worker's Compensation Expense	138
A.24.6772.000 78400.01	Insurance, Health Active Hospital/Medical Ins	9,333
A.24.6772.000 78400.05	Insurance, Health HRA Employer Contribution	850
A.24.6772.000 78700.00	NYS Disability Expense	55
A.24.6772.000 78800.00	Flex 125 Employer Contribution Expense	351

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

Amendment:

Addition after fifth WHEREAS, "RESOLVED, that one co-terminus Case Manager – Senior Services position be created and filled effective March 28, 2016 at CSEA Grade 9 – 35 hours per week, \$21.46 - \$25.16, and be it further

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

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. CS-018-16

From: Community Services & Administration Committees

Dated: March 22, 2016

**BUDGET MODIFICATION – ACCEPTANCE OF
BALANCING INCENTIVE PROGRAM (BIP) CAREGIVER SUPPORT PROGRAM GRANT**

WHEREAS, the Niagara County Office for the Aging (NCOFA) provides community-based services to help older adults remain active and independent in the community, and

Dated: March 22, 2016

**RESCINDING PETTY CASH FUND
EMPLOYMENT & TRAINING**

WHEREAS, by resolution No. 448-91, the department established a petty cash in the sum of \$500.00 for use by the department of various minimal expenditures, and

WHEREAS, by resolution SS -009-00, the petty cash amount was reduced from \$500.00 to \$100.00, and

WHEREAS, it has become evident that the petty cash account is no longer needed and therefore desire to rescind the petty cash account, now, therefore, be it

RESOLVED, that the previously authorized petty cash within Employment in Training of \$100.00 be turned over to the County Treasurer's Office, and be it further

RESOLVED, upon receipt of said petty cash, the County Treasurer is hereby authorized to reduce account CD 1210.00 Employment and Training Petty Cash to \$0.00.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. CSS-020-16

From: Community Safety & Security & Administration Committees

Dated: March 22, 2016

**NIAGARA COUNTY SHERIFF'S OFFICE BUDGET MODIFICATION
ABOLISH DEPUTY SHERIFF CAPTAIN/CREATE DIRECTOR OF
EMERGENCY COMMUNICATION**

WHEREAS, a Deputy Sheriff Captain position will become vacant due to a retirement, and

WHEREAS, a Deputy Sheriff Captain position currently oversees the operation of the Communication Center, and

WHEREAS, the Communications Division has grown not only in the number of employees assigned to the center, but also in the number of agencies that are services by its operation, and

WHEREAS, this position is vital in the coordination of all police, fire and emergency services, and

WHEREAS, this position has become a managerial and technical position which requires an individual who possesses a strong background in supervision, as well as all aspects of the 911 Center, and

WHEREAS, AFTER REVIEW OF THE Communications Division personnel and rank structure, the Sheriff is recommending a change to the position that oversees the Communications Center, and

WHEREAS, it would be in the best interest of the Sheriff's Office to abolish the Deputy Sheriff Captain position in the Communications budget and replace it with a civilian Director of Emergency Communications to manage and supervise the E-911 Center, now therefore, be it

RESOLVED, that the position of Deputy Sheriff Captain, position number 10537, Job Group SD, Step 14 at an hourly rate of \$34.77 be abolished effective May 7, 2016, and be it further

RESOLVED, that the position of Director of Emergency Services be created and filled effective May 8, 2016 at an hourly rate of \$35.23, and be it further

RESOLVED, that the increase in the hourly rate of \$.46 cents per hour or \$960 per year will be offset by the savings of \$7,178 in retirement costs, and be it further

RESOLVED, that the following budget modification be made:

FROM:

A.17.3020.000.71010.00 Positions \$47,288
(Position No. 10537 – D.S. Captain)

A.17.3020.000.71010.00-Retirement 625

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

TO:

A.17.3020.000.71010.00 Positions \$47,913

Position No. xxxxx Director of Emerg. Comm.)

Resolution No. CSS-021-16

From: Community Safety & Security & Administration Committees

Dated: March 22, 2016

**NIAGARA COUNTY SHERIFF'S OFFICE
ACCEPT MOTOR VEHICLE THEFT & INSURANCE FRAUD GRANT**

WHEREAS, the Niagara County Sheriff's Office received notification from the New York State Division of Criminal Justice Services that we have been awarded a grant in the amount of \$19,050 for the period January 1, 2016 through December 31, 2016, and

WHEREAS, this is an ongoing grant to combat and deter motor vehicle theft as well as insurance fraud by increased patrols, surveillance, processing crime scenes and assigning investigators to follow up on reports of motor vehicle thefts, and

WHEREAS, these funds have been appropriated in the 2016 budget overtime line, now therefore, be it

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. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. CSS-022-16

From: Community Safety & Security & Administration Committees

Dated: March 22, 2016

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

WHEREAS, the Niagara County Sheriff's Office wishes to enter into an agreement with the U.S. Department of Justice, Drug Enforcement Administration for the 2016 year, and

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

WHEREAS, the DEA will reimburse Niagara County for costs incurred with this project, now, therefore, be it

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

RESOLVED, that the following budget modification be made:

INCREASE REVENUE

A.17.3110.000.44380.04	Federal Gov't. Reimbursement	\$30,000
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INCREASE APPROPRIATIONS:

A.17.3110.000.71050.00	Overtime	\$14,425
A.17.3110.000.74750.05	Law Enforcement Supplies	3,075
A.17.3110.000.74600.03	Training/Education	2,500
A.17.3110.000.74800.11	Vehicle Maintenance (Helicopter)	5,000
A.17.3110.000.74400.09	Payments to Other Agencies	5,000

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. CSS-023-16

From: Community Safety & Security & Administration Committees

Dated: March 22, 2016

**NIAGARA COUNTY SHERIFF'S OFFICE-BUDGET MODIFICATION
FORENSIC LAB GRANT**

WHEREAS, Niagara County Sheriff's Office has been awarded a grant in the amount of \$17,000 from the New York State Division of Criminal Justice Services to enhance the efficiency, effectiveness, reliability and accuracy of our Forensic Laboratory services, and

WHEREAS, the grant will allow the Sheriff's Office Forensic Lab to purchase new software and equipment to enhance our LIMS system and to purchase and validate instrumentation to help identify synthetic cannabinoids, and

WHEREAS, the 2016 budget will need to be modified to allow for the spending of this grant, now, therefore, be it

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

RESOLVED that the 2016 budget be modified as follows:

INCREASE REVENUE:

A.17.3110.000.43389.15	Forensic Lab	\$17,000
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INCREASE APPROPRIATIONS:

A.17.3110.000.71050.00	Overtime	9,361
A.17.3110.000.78200.00	FICA	717
A.17.3110.000.78300.00	Workers Compensation	47
A.17.3110.000.78100.00	Retirement	1,460
A.17.3110.000.72100.04	Lab Equipment	2,080
A.17.3110.000.74750.11	Lab Supplies	3,335

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. CSS-024-16

From: Community Safety & Security & Administration Committees

Dated: March 22, 2016

BODY TRANSPORT FEE – CORONER’S OFFICE

WHEREAS, there has been increasing costs over the current resolution governing the transport fees for the removal vendors, and

WHEREAS, the vendors provide a necessary service and are on call for the Coroners of Niagara County 24 hours a day, and

WHEREAS, it is important to set a flat rate for all removals, now, therefore, be it

RESOLVED, that the fee for transport be set at a flat rate of \$250 per removal effective March 22, 2016.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent - Burmaster, Lance, Zona

Resolution No. CSS-025-16

From: Community Safety & Security Committee

Dated: March 22, 2016

2016 JUVENILE RISK INTERVENTION SERVICES COORDINATION (J-RISC) CONTRACTS

WHEREAS, the Niagara County Probation Department receives funding from the New York State Division of Criminal Justice Services Office of Probation and Correctional Alternatives to provide the Juvenile Risk Intervention Services Coordination (J-RISC) program as part of the Annual Probation Regular State Aid Plan, and

WHEREAS, the J-RISC Initiative is part of a comprehensive strategy to reduce recidivism and increase public safety through effective community-based interventions for high risk youth, and

WHEREAS, pursuant to the funding provided through the J-RISC program the Niagara County Probation Department has implemented a “Family Solutions Program” (FSP), and “Aggression Replacement Therapy” (ART) which have been provided in recent years by Community Missions, Inc. Community Missions, Inc. is willing to continue to provide these services to the County at an annual cost of \$60,309; in addition, the Probation Department has initiated Multisystemic Therapy (MST) which has been provided in recent years by Catholic Charities of Western New York; Catholic Charities of Western New York is willing to continue to provide this service to the County at an annual cost of \$38,727, and

WHEREAS, the provision of FSP, ART, and MST services constitute professional services requiring specialized skills and training, and in order to provide them special certificates and/or licensure is required; Community Missions, Inc., is currently the sole source provider for FSP and ART in Niagara County and Catholic Charities of Western New York, is currently the sole source provider of MST in Niagara County, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby waive purchasing guidelines requiring the solicitation of alternate price quotations and/or advertisement of a Request For Proposals as Community Missions, Inc. and Catholic Charities of WNY are the sole providers of the professional services required in Niagara County, and be it further

RESOLVED, that, following the County Attorney’s review and approval the Chairman of the Legislature be, and hereby is, authorized to sign the contractual agreements for the provision of FSP and ART services with Community Missions, Inc. at an annual cost of \$60,309, and for MST services with Catholic Charities of

Western New York at an annual cost of \$38,727 subject to approval by the County Attorney's Office, and be it further

RESOLVED, that this resolution and authorization to enter into contractual agreements remain in effect for subsequent years so long as funding for these services continues to be provided by New York State Division of Criminal Justice Services and the above mentioned entities continue to be the sole source provider of such services.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. CSS-026-16

From: Community Safety & Security & Administration Committees

Dated: March 22, 2016

**2016 BUDGET MODIFICATION
EMERGENCY MANAGEMENT OFFICE**

WHEREAS, the Emergency Management Office did not fully expend the Legislative Award from 2006, and

WHEREAS, the remaining balance of the Legislative Award is \$8,938.92, and

WHEREAS, the Fire Coordinator's Office will purchase the following equipment for the TRT team: Jon Boat for flood rescue and assistance, lifejackets for victims of flooding, and rope, oars, and other miscellaneous equipment for the aluminum rescue boat, and

WHEREAS, the Fire Coordinator's Office will also purchase lumber and equipment for fire training at both the Lockport and Wheatfield fire training facilities for the Shoring Class being held for the TRT team and the fire service, and

WHEREAS, the Fire Coordinator's Office will also purchase materials to build fire investigation simulators to enhance the skills of the Fire Investigation Team, now, therefore, be it

RESOLVED, that the following 2016 budget modifications be effectuated:

INCREASE REVENUE:

A 40599.00	Appropriated Fund Balance-Assigned	\$8,938.92
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INCREASE APPROPRIATION:

A.19.3640.000 74800.10	Supplies/Services Maint./Misc. Equip	\$7,138.92
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Under \$500

A.19.3640.000 72100.14	M&E Misc. Equipment	\$1,800.00
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Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Chairman McNall implemented Rule 28 and turned the floor over to Legislator Nemi for discussion on CW-005-16.

Resolution No. CW-005-16

From: Committee of the Whole

Dated: March 22, 2016

RATIFICATION OF AGREEMENT BETWEEN NIAGARA COUNTY AND

**THE SHERIFF OF THE COUNTY OF NIAGARA AND USW 2001
NIAGARA COUNTY SHERIFF'S POLICE BENEVOLENT ASSOCIATION**

WHEREAS, Niagara County, and the Sheriff of the County of Niagara, and the USW 2001 Niagara County Sheriff's Police Benevolent Association (PBA) have reached a tentative agreement for the period of January 1, 2012 through December 31, 2021, (the Tentative Agreement), and

WHEREAS, said Tentative Agreement was ratified by PBA on March 18, 2016, and

WHEREAS, funds are available in fund balance, as well as in 2016 budgeted appropriations to carry out the fiscal obligations in the tentative agreement with a detailed resolution to follow, 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 upon a vote and approval of the County Legislature on March 22, 2016, the Tentative Agreement will be approved as the final ratified agreement between the parties for the period of January 1, 2012 through December 31, 2021 (the "Agreement"), and be it further

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

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to execute said agreement on behalf of the County of Niagara, subject to the approval of the County Attorney.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Chairman McNall implemented Rule 28 and turned the floor over to Legislator Nemi for discussion on CW-006-16.

Resolution No. CW-006-16

From: Committee of the Whole

Dated: March 22, 2016

**RATIFICATION OF AGREEMENT BETWEEN NIAGARA COUNTY
DEPUTY SHERIFFS ASSOCIATION AND THE COUNTY OF NIAGARA AND
THE SHERIFF OF THE COUNTY OF NIAGARA**

WHEREAS, the County of Niagara, and the Sheriff of the County of Niagara, and the Niagara County Deputy Sheriffs Association (DSA) have reached a tentative agreement for the period of January 1, 2012 through December 31, 2019, (the Tentative Agreement), and

WHEREAS, said Tentative Agreement was ratified by DSA on March 18, 2016, and

WHEREAS, funds are available in fund balance, as well as in 2016 budgeted appropriations to carry out the fiscal obligations in the tentative agreement with a detailed resolution to follow, 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 upon a vote and approval of the County Legislature on March 22, 2016, the Tentative Agreement will be approved as the final ratified agreement between the parties for the period of January 1, 2012 through December 31, 2019 (the "Agreement"), and be it further

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

RESOLVED, that the Chairman of the Legislature be, and hereby is authorized to execute said agreement on behalf of the County of Niagara, subject to the approval of the County Attorney.

Moved by Godfrey, seconded by Steed.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. ED-001-16

From: Economic Development & Administration Committees

Dated: March 22, 2016

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

WHEREAS, Resolution ED-010-11 authorized acceptance of a grant in the amount of Two Hundred Thousand Dollars (\$200,000) from the United States Environmental Protection Agency for a Brownfield Petroleum Assessment Project that is 100% reimbursable, and

WHEREAS, Six Thousand Seven Hundred Fifty-Six Dollars (\$6,756) was budgeted for the 2016 Budget, and

WHEREAS, one project was under budget and less money was spent than anticipated from the 2015 Budget, in the amount of Five Hundred Sixty-Nine Dollars (\$569), and

WHEREAS, One Thousand Eight Hundred and Eighty-Six Dollars (\$1,886) was allocated to the Travel line item in the 2016 budget and this line item is no longer required, and

WHEREAS, the One Thousand Eight Hundred and Eighty-Six Dollars (\$1,886) previously allocated to the Travel line item will be added to the Contractual Expenses line item in the 2016 budget, now, therefore, be it,

RESOLVED, that the following budget modification be effectuated:

INCREASE REVENUE:

CM.28.6989.610.44989.04	Other Home and Community Services	\$569
	EPA Brownfields Revenue	

INCREASE APPROPRIATION:

CM.28.6989.610.74500.01	Contractual Expenses	\$2,455
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DECREASE APPROPRIATION:

CM.28.6989.610.74300.01	Travel - Conference	\$1,886
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Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. ED-002-16

From: Economic Development Committee

Dated: March 22, 2016

**RESOLUTION TO CONTINUE AGRICULTURAL DISTRICT 4
(HARTLAND, LOCKPORT, NEWFANE, ROYALTON)**

WHEREAS, a 30-day review period and a public hearing (September 15, 2015) were held with respect to Niagara County Agricultural District #4, Towns of Hartland, Lockport, Newfane and Royalton, and no objection to the continuation of the district was raised, and

WHEREAS, the Niagara County Agricultural and Farmland Protection Board's recommendation is to continue the district, now, therefore, be it

RESOLVED, that the Niagara County Legislature recommends to the New York State Commissioner of Agriculture that Niagara County Agriculture District #4 be continued as constituted in 2008 and amended in 2015.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. ED-003-16

From: Economic Development & Administration Committees

Dated: March 22, 2016

**APPROVAL OF LOW COST POWER BENEFIT TO
NIAGARA ENVELOPE, INC. UNDER AGREEMENT FOR THE
SALE AND PURCHASE OF NIAGARA PROJECT POWER & ENERGY (ASPNPPE)**

WHEREAS, the County of Niagara entered into the Host Community Relicensing and Settlement Agreement ("HCRSA") on June 25, 2005, and

WHEREAS, the HCRSA entitles the County of Niagara to 9 megawatts of low cost power allocation (at 70% load) from the New York Power Authority, and

WHEREAS, the County of Niagara has made the use of this low cost power allocation for economic development purposes as the top priority for that allocation, and

WHEREAS, there is presently an Agreement for the Sale and Purchase of Niagara Project Power and Energy ("ASPNPPE") that has been approved by the County of Niagara and NYPA and the Governor of the State of New York, and

WHEREAS, the ASPNPPE specifically provides that the County of Niagara, could use its low cost power allocation for economic development purposes, and

WHEREAS, the County of Niagara has taken the necessary actions to fully implement the benefits contained in the HCRSA and the ASPNPPE, and

WHEREAS, the County of Niagara established the Empower Niagara Board by resolution ED-021-07 to review applications for the use of low cost power for economic development by reviewing applications and to make recommendation to Legislature of Niagara County, and

WHEREAS, the County of Niagara has previously awarded to Niagara Envelope, Inc. for this same project under resolution ED-023-12, 150 Kw (at 70% load factor), which agreement expired on January 1, 2016 and for which Niagara Envelope, Inc. has met each part of the previous application, including the number of jobs and capital investment, and

WHEREAS, the Empower Niagara Board has reviewed the initial application of Niagara Envelope, Inc. for the use of low cost power for developing and expanding its business in Niagara County, and

WHEREAS, Niagara Envelope, Inc. has exceeded its job and capital investment for its project for consideration and the Empower Niagara Board is recommending approval of a three (3)-year extension of the agreement, and

WHEREAS, the demand usage of Niagara Envelope, Inc. has increased from its original demand of 145 kw of low cost power benefits to 195 kw (at 70% load factor) of low cost power due to expansion, addition of services and maintaining job levels, based on its average usage, and

WHEREAS, the approval of this expansion and Niagara County's extension of low cost power will not only maintain economic development in the Town of Wheatfield and Niagara County; but also assist Niagara Envelope, Inc. to remain competitive in the printing and manufacturing industry and have a good economic effect on the community in Niagara County, and

WHEREAS, the Empower Niagara board will be recommending the extension and increase of the low cost power allocations of 195kw (at 70% load factor) for a period of three (3) years commencing January 1, 2016, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby approves Niagara Envelope, Inc. agreement extension for three (3) years commencing January 1, 2016 for 195kw (at 70% load factor) low cost power benefits from Niagara County, pursuant to low cost power allocation received through the June 25, 2005 HCRSA and ASPNPPE, 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 Empower User Agreement extension of the agreement for Low Cost Power with Niagara Envelope, Inc.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. ED-004-16

From: Economic Development & Administration Committees

Dated: March 22, 2016

**BUDGET MODIFICATION – TO COVER
EMPOWER NIAGARA ALLOCATIONS TO NIAGARA ENVELOPE, INC.**

WHEREAS, Niagara Envelope, Inc. is a Niagara County business that has been approved to receive low cost hydropower allocations through the Empower Niagara Program, and

WHEREAS, these benefits will be transferred to Niagara Envelope, Inc. as stipulated in the Empower Niagara Program agreement, through the Niagara County Economic Development 2016 through 2018 budget, now therefore, be it

RESOLVED, that the following budget modifications be effectuated to the Niagara County Economic Development 2016 budget, and annually thereafter until December 31, 2018 as set forth below:

	<u>2016</u>	<u>2017</u>	<u>2018</u>
INCREASE REVENUE:			
A.15.1620.108 42655.03	Sale of Excess Power Value of 195 kw	Value of 195 kw	Value of 195 kw

INCREASE APPROPRIATION:

A.15.1620.108 74500.01	Contractual	Value of 195 kw	Value of 195 kw	Value of 195 kw
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INCREASE REVENUE:

A.28.8020.813 42189.01	Activities – Eco Dev	Value of 195 kw	Value of 195 kw	Value of 195 kw
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INCREASE APPROPRIATION:

A.28.8020.813 74550.30	Empower Niagara	Value of 195 kw	Value of 195 kw	Value of 195 kw
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Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. IF-027-16

From: Infrastructure & Facilities & Administration Committees

Dated: March 22, 2016

**AMENDED 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.31.8330.000.72100.27	Water System Improvements	\$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	\$2,560,000
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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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and be it further

RESOLVED, that prior resolution IF-027-16, passed by the Legislature on February 23, 2016, is hereby rescinded.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. IF-030-16

From: Infrastructure & Facilities & Administration Committees

Dated: March 22, 2016

**WILSON BURT ROAD BRIDGE OVER
EIGHTEEN MILE CREEK REPLACEMENT
BIN 3329720, SUPPLEMENTAL AGREEMENT NO. 3**

WHEREAS, the Wilson Burt Road Bridge over Eighteen Mile Creek Replacement project, Town of Newfane, Niagara County, BIN 3329720 (the "Project"), is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal Funds and 20% Non-Federal Funds, and

WHEREAS, the County of Niagara desires to advance the Project by making a commitment of 100% of the non-federal share of the costs for the project's Preliminary Engineering (Design I-VI), and Construction/Construction Inspection phases, and

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

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

RESOLVED, that the Legislature of the County of Niagara hereby authorizes the County of Niagara to pay in the first instance 100% of the federal and non-federal shares of the cost of the project's Preliminary Engineering (Design I-VI) and Construction/Construction Inspection phases or portions thereof, and be it further

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

ESTIMATED REVENUE APPROPRIATIONS:

H566.15.5197.000 43591.00	State Aid Capital Construction	\$100,517
H566.15.5197.000 44597.01	Federal Aid Capital Construction	(\$267,909)

ESTIMATED EXPENSE APPROPRIATIONS:

H566.15.5197.000 72600.02	Infrastructure Bridges	(\$167,392)
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and be it further

RESOLVED, that funds are available to cover the cost of participation in the above phases of the Project in account number H566.15.5197.000 72600.02, Wilson Burt Road Bridge over Eighteen Mile Creek Replacement, and be it further

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

RESOLVED, that the Chairman of the Legislature of the County of Niagara be, and hereby is, authorized to execute all necessary Agreements, certifications, or reimbursement requests for Federal Aid and/or Marchiselli

Aid on behalf of the County of Niagara with the New York State Department of Transportation, in connection with the advancement or approval of the Project providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal Aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and be it further

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

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

RESOLVED, that this Resolution shall take effect immediately.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. IF-031-16

From: Infrastructure & Facilities & Administration Committees

Dated: March 22, 2016

**WILSON BURT ROAD BRIDGE REHABILITATION
CHANGE ORDER NO. 2**

WHEREAS, by Resolution No. PW-105-14, dated August 5, 2014, the Legislature awarded the contract for the rehabilitation of Wilson Burt Road Bridge to Edbauer Construction, 2790 Clinton Street, West Seneca, NY 14224, for a contract amount of \$4,581,921, and

WHEREAS, Resolution No. IF-134-15, dated November 17, 2015, increased the contract by \$115,810 for underwater repairs, for a revised contract amount of \$4,697,731, and

WHEREAS, it is necessary to increase the contract in the amount of \$62,682.95 for the final negotiated cost for underwater repairs, for a revised contract amount of \$4,760,413.95, 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 to increase the contract by \$62,682.95 for the rehabilitation of Wilson Burt Road Bridge, for a revised contract amount of \$4,760,413.95, to Edbauer Construction, 2790 Clinton Street, West Seneca, NY 14224, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. IF-032-16

From: Infrastructure & Facilities Committee

Dated: March 22, 2016

**HIGHWAY FLEET MAINTENANCE GARAGE ROOF REPLACEMENT
FINAL PAYMENT CORRECTION**

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

WHEREAS, Resolution No. IF-123-15, dated October 20, 2015, increased the contract amount by \$3,355.00 for a new metal roof deck, for a revised contract amount of \$250,855.00, said increase being the final change order for the contract, and

WHEREAS, by Resolution No. IF-008-16, dated February 23, 2016, the Legislature authorized final payment to Jameson Roofing Co., Inc., 3761 East Lake Road, Dunkirk, NY 14048, for the Highway Fleet Maintenance Garage Roof Replacement, and

WHEREAS, the contract amount listed in Resolution No. IF-008-16, \$247,500.00, was the original amount of the contract, and this resolution was duplicative of Resolution No. IF-123-15, dated October 20, 2015, now, therefore, be it

RESOLVED, that resolution No. IF-008-16, dated February 23, 2016, be rescinded in its entirety.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. IF-033-16

From: Infrastructure & Facilities & Administration Committees

Dated: March 22, 2016

**CONSULTANT AMENDMENT NO. 1-FINAL
HIGHWAY FLEET MAINTENANCE GARAGE ROOF**

WHEREAS, Resolution No. PW-015-15, dated February 17, 2015, authorized the contract for consultant services for the design, bid, and construction services associated with the replacement of the Highway Fleet Maintenance Garage Roof to Watts Architecture & Engineering, 95 Perry Street, Suite 300, Buffalo, NY 14203, for a fee not to exceed \$13,693, and

WHEREAS, it is necessary to reduce the contract in the amount of \$879.76, for a revised contract amount of \$12,813.24, and

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

RESOLVED, that Amendment No. 1-Final to deduct \$879.76 from the contract for the Highway Fleet Maintenance Garage Roof, for a revised contract amount of \$12,813.24, to Watts Architecture & Engineering, 95 Perry Street, Suite 300, Buffalo, NY 14203, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. IF-034-16

From: Infrastructure & Facilities Committee

Dated: March 22, 2016

BID AWARD FOR HIGHWAY MATERIALS

WHEREAS, specifications for the 2016 Highway Maintenance Program have been prepared by the Highways, Bridges & Structures Division of the Department of Public Works, and

WHEREAS, the Purchasing Department advertised for bids and publicly opened and read bids on March 4, 2016, and

WHEREAS, the New York State Department of Audit and Control, has, in the past, requested the Purchasing Agent to refer the results of the bid to the Niagara County Legislature for its approval, and

WHEREAS, the Public Works Committee has examined and found the bids acceptable, and

WHEREAS, the bids have traditionally been used or made available to all the Niagara County municipalities, and

WHEREAS, funds are available in the 2016 budget of the Department of Public Works, now, therefore, be it

RESOLVED, that the below bids, as outlined on the result sheets, be awarded to the respective lowest responsible bidder, and be it further

RESOLVED, that the Commissioner of Public Works is authorized to purchase the required materials from the bid awards, and be it further

RESOLVED, that copies of the bid results be distributed to the Niagara County municipalities for their use.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. IF-035-16

From: Infrastructure & Facilities Committee

Dated: March 22, 2016

AWARD OF CONTRACT FOR CONTROL OF ROADSIDE VEGETATION

WHEREAS, the Commissioner of Public Works prepared specifications and the Niagara County Purchasing Department advertised for bids for the chemical weed control of roadside vegetation on County roadways, and

WHEREAS, funds are available in the 2016 budget of the Department of Public Works, and

WHEREAS, the Purchasing Department advertised for bids and publicly opened and read bids on March 4, 2016, and

	Guide Railing Per Side Mile	Vegetation Control Per Gal. Mat. Applied
1. Allen Chase Enterprises, Inc. 24 County Route 1A Oswego, NY 13126	\$22.50	\$0.75
2. DeAngelo Brothers, LLC 100 N. Conahan Drive Hazleton, PA 18201	\$23.50	\$1.00

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 roadside vegetation control be awarded to Allen Chase Enterprises, Inc, 24 County Route 1A, Oswego, NY 13126, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. IF-036-16

From: Infrastructure & Facilities Committee

Dated: March 22, 2016

AWARD OF CONTRACT - COUNTY ROAD PAINTING AND STRIPING

WHEREAS, the Department of Public Works, Division of Highways, Bridges & Structures has prepared specifications and the Niagara County Purchasing Department has advertised for bids for painting traffic lines on County roads, and

WHEREAS, funds are available in the 2016 budget of the Highways, Bridges & Structures Division of the Department of Public Works, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on March 4, 2016, and tabulated below:

<u>Waterborne Paint Application</u>	<u>Price Per Mile of Centerline</u>	<u>Price Per Mile of Edge Line</u>
1. Seneca Pavement Marking Inc. 3526 Watkins Road Horseheads, NY 14845	\$302.00	\$182.00
2. Accent Stripe, Inc. 3275 N. Benzing Road Orchard Park, NY 14127	\$322.00	\$197.90

and

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

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

RESOLVED, that the contract for painting traffic lines on County roadways be awarded to the lowest responsible bidder, Seneca Pavement Marking Inc., 3526 Watkins Road, Horsehead, NY 14845, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. IF-037-16

From: Infrastructure & Facilities Committee

Dated: March 22, 2016

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

WHEREAS, the Pendleton Lions Club has requested that the County of Niagara grant them permission to use the West Canal Marina and Shelter #4, for the purpose of holding the 39th annual town children's fishing derby to be held on June 6th, 2015, and

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

WHEREAS, it is the wish of the organizers to hold the fishing derby on June 6th, 2015, and

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

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Pendleton Lions Club, and

WHEREAS, prior to the execution of the license agreement between the County of Niagara and the Pendleton Lions Club, the County Attorney will review said agreement for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that following the County Attorney's review, the Chairman of the County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and the Pendleton Lions Club.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. IF-038-16

From: Infrastructure & Facilities Committee

Dated: March 22, 2016

**APPROVAL OF AGREEMENT BETWEEN THE COUNTY OF NIAGARA
AND THE AN-JO BASEBALL LEAGUE**

WHEREAS, the AN-JO Baseball League has requested that the County of Niagara grant them permission to use the existing fields on Davison Road in the City of Lockport for the purpose of a youth baseball league, and

WHEREAS, this program benefits the youth and other residents of Niagara County, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the AN-JO Baseball League, 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 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 AN-JO Baseball League as appears on the proposed agreement, is hereby approved in all respects, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the agreement with the AN-JO Baseball League.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. IF-038-16

From: Infrastructure & Facilities Committee

Dated: March 22, 2016

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

WHEREAS, the Lockport 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 Davison Road, and

WHEREAS, this program benefits the youth and other residents of both the Town 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 Youth Soccer Club, and

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

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Lockport 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 Legislature be, and hereby is, authorized to execute the required documents.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. IF-040-16

From: Infrastructure & Facilities Committee

Dated: March 22, 2016

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

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

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

WHEREAS, it is the wish of the local community to hold the Pirate's Festival on July 8-10, 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 Krull Olcott Development Committee and the Olcott Fire Company, and

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

RESOLVED, 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 Krull Olcott Development Committee and the Olcott Fire Company.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. IF-041-16

From: Infrastructure & Facilities Committee

Dated: March 22, 2016

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND
THE NEWFANE YOUTH FOOTBALL LEAGUE AND CHEERLEADING**

WHEREAS, the Newfane Youth Football League and Cheerleading has requested that the County of Niagara grant them exclusive rights to operate a football 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 Youth Football League and Cheerleading, 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 Football League, now, therefore, be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Newfane Youth Football League and cheerleading, as appears on the proposed agreement, is hereby approved in all respects, and be it further

RESOLVED, that the Chairman of the Legislature is authorized and directed to execute and deliver the agreement with the Newfane Youth Football League and Cheerleading.

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. IF-042-16

From: Infrastructure & Facilities Committee

Dated: March 22, 2016

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

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

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

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

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

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Lockport High School Cross Country Club, and

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

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. IF-043-16

From: Infrastructure & Facilities & Administration Committees

Dated: March 22, 2016

APPOINTMENT OF ENGINEER – NIAGARA COUNTY SEWER DISTRICT #1

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

WHEREAS, the District met on January 27, 2016 and approved the appointment of GHD as the engineer for the District for the two-year period commencing January 1, 2016 and ending with the District's re-organizational meeting in 2018, and

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

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

RESOLVED, that the contract be effectuated to carry out the Administrative Board direction
Moved by Bradt, seconded by Virtuoso.
Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. IF-044-16

From: Infrastructure & Facilities & Administration Committees
Dated: March 22, 2016

APPOINTMENT OF ATTORNEY – NIAGARA COUNTY SEWER DISTRICT #1

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

WHEREAS, the District met on January 27, 2016 and approved the appointment of P. Andrew Vona as attorney for the District for the two-year period commencing January 1, 2016 and ending with the District's re-organizational meeting in 2018, and

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

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

RESOLVED, that the contract be effectuated to carry out the Administrative Board direction.
Moved by Bradt, seconded by Virtuoso.
Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. IF-045-16

From: Infrastructure & Facilities & Administration Committees
Dated: March 22, 2016

**CAPITAL PROJECTS CLOSE OUT
SEWER DISTRICT**

WHEREAS, the following capital projects have been completed and have account balances remaining that need to be transferred back to the original funding sources, now, therefore, be it

RESOLVED, that the following capital projects be closed and the remaining account balances be transferred to the original funding source or existing capital project within the same asset class (useful life):

DECREASE ESTIMATED REVENUES:

H594.32.8197.000	45031.00	Interfund Transfers from Operating	\$36,580.50
H595.32.8197.000	45710.13	Serial Bonds Bond Year 2013	\$320,863.12

DECREASE APPROPRIATIONS:

H594.32.8197.000 72100.30	Machinery & Equipment Sewer System Improvement	\$36,580.50
H595.32.8197.000 72100.30	Machinery & Equipment Sewer System Improvement	\$320,863.12

and be it further

RESOLVED, that the cash balance in the amount of \$320,863.12, is to be returned to the Sewer District Debt Reserve:

Debt Reserve:	\$320,863.12
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Moved by Bradt, seconded by Virtuoso.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. IL-010-16

From: Legislators Randy R. Bradt, et al. and Community Safety & Security and Administration Committees

Dated: March 22, 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
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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	\$5,000.00
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INCREASE APPROPRIATIONS:

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

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. IL-014-16

From: Legislator Kathryn L. Lance and Economic Development Committee

Dated: March 22, 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

INCREASE APPROPRIATIONS:		
A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$4,275.00

Moved by Andres, seconded by Bradt.
Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. IL-015-16
From: Legislator Rebecca J. Wydysh
Dated: March 22, 2016

**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 230,800 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 Mainstage 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
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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	\$2,500.00
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INCREASE APPROPRIATION:

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

Resolution No. IL-016-16

From: Legislators Anthony J. Nemi, William J.

Collins and Wm. Keith McNall

Dated: March 22, 2016

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

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

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

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

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

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

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

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

Lockport in Bloom	\$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
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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-017-16

From: Legislator Rebecca J. Wydysh

Dated: March 22, 2016

**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	\$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
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INCREASE APPROPRIATIONS:

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

Resolution No. IL-018-16

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

Dated: March 22, 2016

**RESOLUTION IN SUPPORT OF STATE LEGISLATION TO
ENACT SAFE STAFFING FOR THE QUALITY CARE ACT**

WHEREAS, Assembly Bill A.01548 and Senate Bill S.00782 have been introduced in the New York State Legislature to amend public health laws to require all acute care facilities and nursing homes to meet standards for appropriate staffing ratios of nursing and unlicensed direct care staff, and

WHEREAS, the Journal of American Medical Association (JAMA) published research that associated a higher incidence of patient deaths with odds of patients death increased by 7% for each additional patient the healthcare worker must care for at one time, and

WHEREAS, professional staffing organizations, healthcare facilities, and community groups have worked with local and state elected officials to address their growing concerns, the NYS Legislature has introduced legislation that will require all acute care facilities and nursing homes to meet standards for appropriate staffing ratios, and

WHEREAS, the proposed state legislation would establish minimal nurse to patient ratios based on peer reviewed academic research and evidence based recommendations, along with public disclosure of facility staffing requirements, now, therefore, be it

RESOLVED, the Niagara County Legislature goes on record supporting Assembly Bill A.01548 and Senate Bill S.00782 that aims to address inadequate staffing ratios that create the potential for harm to patients and healthcare workers, and urges passage of the "Safe Staffing for Quality Care Act, and be it further

RESOLVED, that the Clerk of the Legislature forward copies of this resolution to the Honorable Andrew M. Cuomo, Governor New York State, John J. Flanagan, Majority Leader New York State Senate, Carl E. Heastie, Speaker of the New York State Assembly, Robert Ort, New York State Senate, John Ceretto, Jane Corwin, Robin Schimminger, and Ray Walter, New York State Assembly Members.

Referred to Community Services Committee.

Resolution No. IL-0019-16

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

Dated: March 22, 2016

RFP FOR THIRD PARTY ADMINISTRATOR

WHEREAS, there has not been a Request for Proposals (RFP) for Third Party Administrator (TPA) of our healthcare plan in several years, and

WHEREAS, it is beneficial to the taxpayers of Niagara County and the employees of Niagara County who pay a portion of their healthcare cost to provide the lowest cost possible, and

WHEREAS, the RFP should be prepared by a professional consultant to all TPA's including Blue Cross Blue Shield of Western NY, Independent Health, Univera and others and their corresponding Third Party Administrators, now, therefore, be it

RESOLVED, the Niagara County Legislature is directing the County Manger to hire a professional consultant to prepare a formal RFP for a Third Party Administrator of the Niagara County Health Plan; this will ensure that the taxpayers and the employees of Niagara County that the healthcare coverage vendor they have selected meets the cost and quality criteria set forth in the RFP.

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

Carried.

Moved by Virtuoso, seconded by Grozio.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

Resolution No. IL-020-16

From: Legislator Randy R. Bradt

Dated: March 22, 2016

**RESOLUTION IN SUPPORT OF FUNDING THE LAKE ONTARIO PRO-AM SERIES
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, the economies of New York State and Niagara County are heavily reliant upon Lake Ontario, Lake Erie, the Niagara River waterway, and the Tonawanda Creek, and

WHEREAS, the economic impact of sport fishing on those counties bordering Lake Ontario, namely the Counties of Niagara, Orleans, Monroe, Wayne, Cayuga, Oswego and Jefferson, was \$54 million in 2007, per research by Cornell University's Department of Natural Resources, and

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

WHEREAS, the Lake Ontario Pro-Am Series is among the most prominent of these fishing derbies, and specifically features the Lake Ontario Pro-Am Salmon Team Tournament in Niagara County May 20-22 of this year, and

WHEREAS, the 2016 Lake Ontario Pro-Am Series includes a "Reelin' for a Cure" fishing derby in Olcott that will raise funds for cancer research, now, therefore, be it

RESOLVED, that Niagara County disburses § 99-h funding for the purpose of defraying costs associated with development and promotion of the 2016 Lake Ontario Pro-Am Series:

NTCC—Sport Fishing

\$7,500.00

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	\$7,500.00
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INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$7,500.00
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Referred to Economic Development Committee.

Resolution No. IL-021-16

From: Legislators Wm. Keith McNall, William Collins, Anthony J. Nemi, John Syracuse and Michael A. Hill

Dated: March 22, 2016

RESOLUTION CALLING UPON EMPIRE STATE DEVELOPMENT CORP. PRESIDENT HOWARD ZEMSKY TO RESCIND POLICY EXCLUDING YAHOO! HOST COMMUNITIES FROM RECEIVING YAHOO! COMMUNITY FUND FOR NIAGARA COUNTY AND GIVE FULL CONSIDERATION TO APPLICATIONS FROM THE CITY AND TOWN OF LOCKPORT

WHEREAS, the Empire State Development Corp. did issue a press release on March 14, 2016, announcing the availability of economic development funds for Niagara County communities through the Yahoo! Community Fund for Niagara County, and

WHEREAS, said press release did state "Projects must be located in or provide services to Niagara County but excludes the Town and City of Lockport," and

WHEREAS, Yahoo! is located in the Town of Lockport, and was attracted to the region largely through the efforts of the Town of Lockport Industrial Development Agency, which, among other services, sold the 61 acres of land to Yahoo! on which its facilities are sited at a price that the Town of Lockport IDA Board acknowledged in documents at the time of sale was "below fair market value," and

WHEREAS, the Empire State Development Corp. press release further states "The mission of [Empire State Development] is to promote a vigorous and growing economy, encourage the creation of new job and economic opportunities, increase revenues to the State and its municipalities, and achieve stable and diversified local economies," despite specifically excluding the host communities that made economic sacrifices to allow Yahoo! to be sited in their midst, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara does hereby admonish the Empire State Development Corp. for instituting policies that discriminate against the host communities of the Town and City of Lockport by blocking their access to \$250,000 in annual economic development funds generated as a result of the Yahoo! facility that was sited in their community, and be it further

RESOLVED, that the Legislature of the County of Niagara does hereby call upon ESD President Howard Zemsky, who is quoted in the ESD press release promoting the community fund, to immediately rescind the restrictions on the Town and City of Lockport being allowed to apply for Yahoo! Community Fund for Niagara County monies generated through economic activity brought about in large part because of their business promotion climate and their willingness to make financial sacrifices to attract Yahoo! to the region, and be it further

RESOLVED, that this Legislature directs that copies of this Resolution be sent to Mr. Howard Zemsky, Mr. Marc Smith, executive director, Town of Lockport Industrial Development Agency, Mr. Michael J. Norris, Town of Lockport Attorney, Mr. Brian Smith, president/CEO, Greater Lockport Development Corp.,

Supervisor Mark Crocker, Mayor Anne McCaffrey, John J. Ottaviano, Lockport City Attorney, Senator Robert G. Ort, Member of the Assembly Jane L. Corwin, and Governor Andrew M. Cuomo.

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

Carried.

Moved by Nemi, seconded by Bradt.

Adopted. 9 Ayes, 3 Noes – Grozio, Steed, Virtuoso, 3 Absent – Burmaster, Lance, Zona

Resolution No. IL-022-16

From: Legislators Wm. Keith McNall, Anthony J. Nemi and William Collins

Dated: March 22, 2016

**RESOLUTION IN SUPPORT OF VARIOUS CITY OF LOCKPORT FUNDING
PRIORITIES
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 Historic Palace Theatre serves as both an entertainment venue and an outlet for residents wishing to participate in various aspects of community theater, and has identified a need for stairway rails at its main stage to reduce safety and liability concerns as they relate to theater players and the general public, and

WHEREAS, Lockport Main Street, Inc., has established a calendar of annual events designed to boost downtown business district foot traffic, including holiday promotions that serve to introduce members of the public to Main Street businesses and increase total receipts for the same, and

WHEREAS, the City of Lockport has identified various community development and renovations priorities aligned with maintenance and improvements along several residential blocks, now, therefore, be it

RESOLVED, that Niagara County disburses § 99-h funding for City of Lockport priorities as follows:

Historic Palace Theatre	\$2,500.00
Lockport Main Street, Inc.	\$2,500.00
City of Lockport Community Development & Renovations	\$5,000.00

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	\$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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Referred to Economic Development Committee.

Resolution No. IL-023-16

From: Legislators Anthony J. Nemi,
Wm. Keith McNall and William J. Collins

Dated: March 22, 2016

**IN SUPPORT OF SENECA NIAGARA COMMUNITY DEVELOPMENT FUNDING FOR
LITERACY NEW YORK BUFFALO NIAGARA, INC.**

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

WHEREAS, Literacy New York Buffalo Niagara, Inc. (LNYBN) is the region's sole provider of free, one-on-one adult literacy services serving Erie and Niagara Counties, and

WHEREAS, LNYBN serves the growing population of recently relocated refugees and immigrants in the area who may not speak or read English, or who may not have had any formal education in their native countries, and

WHEREAS, LNYBN programs address various social, economic, and educational issues and they strive to break the crippling cycle of intergenerational illiteracy and poverty in Western New York, in an effort to combat social ills, improve the local economy and achieve higher education objectives , and

WHEREAS, LNYBN Lockport currently has over 110 adult students that are receiving tutoring services to assist with their reading and writing, or HSE diploma, and

WHEREAS, Niagara County is interested in supporting efforts of LNYBN by purchasing books, materials and resources to support our tutors and students in Lockport, now, therefore, be it

RESOLVED, that Niagara County would like to support the effects of LNYBN through a contribution of \$5,000.00, and be 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
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INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$5,000.00
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Referred to Economic Development Committee.

Resolution No. IL-024-16

From: Legislator John Syracuse

Dated: March 22, 2016

REQUEST FOR PROPOSAL FOR HEALTH BENEFITS CONSULTANT – NIAGARA COUNTY

WHEREAS, the health benefits consultant is an integral component in Niagara County's endeavor to control employee-related healthcare costs for the taxpayers and maximize the benefits for the employees, retirees, and

WHEREAS, the health benefits consultant must be able to market and place as an appointed consultant/broker with stop loss carriers and with health plan and third party administrators, including but not limited to, Blue Cross Blue Shield of WNY, Independent Health, Univera and others, and

WHEREAS, Niagara County is seeking the most qualified health benefits consultant to assist the county to continuously conduct comprehensive review and analysis of the County's benefit plans to seek cost control measures and maximize efficiencies, to assist in achieving competitive marketing and placement of our plans and policies, and to act as a resource during collective bargaining unit interactions as well as other duties, and

WHEREAS, Niagara County has not competitively marketed for a health benefits consultant within the past ten years and in order to openly solicit for the most qualified consultant at this time, now, therefore, be it

RESOLVED, that the Niagara County Legislature seeks to select and award a contract for a health benefits consultant and directs the county manager to publicly release a Request for Proposal for such consultant within 30 days and be it further,

RESOLVED, that the county manager shall review all submittals and make a recommendation to identify the top three proposers to the Legislature for consideration within 30 days after the opening of the proposals and be it further.

Approved for submission.

Rule 15 Moved by Syracuse, 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 Syracuse; seconded by Collins to amend resolution.

Amendment:

Change the Second last RESOLVED, "...consideration within 60 days..."

Deletion to the Last RESOLVED, "...and be it further"

Moved by Syracuse; seconded by Collins on resolution as amended.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Burmaster, Lance, Zona

APPOINTMENTS:

MICROENTERPRISE ASSISTANCE PROGRAM LOAN PANEL

Wm. Keith McNall, Chairman

Appt.

03/22/2016

WORKFORCE INVESTMENT BOARD

John Helak 24 Liberty Avenue, Buffalo, NY 14215

03/22/2016

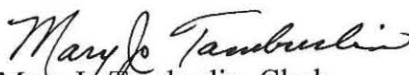
Moved by Syracuse; seconded by Hill

Adopted. 12 Ayes, 0 Noes, 3 Absent - Burmaster, Lance, Zona

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

The Chairman declared the Board adjourned at 8:53 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