

OFFICIAL RECORD

Lockport, New York
April 19, 2016

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 Legislator Virtuoso.

A moment of silence was held for former Legislator Frank N. Conde.

PRESENTATIONS:

1. Legislator Andres invited Social Services Commissioner Anthony Restaino to the lectern and read a proclamation declaring the month of April, 2016 as Child Abuse Awareness Month in Niagara County.

Moved by Andres, seconded by Syracuse.

Carried.

Commissioner Restaino discussed the issue of child abuse in Niagara County and handed out blue ribbons in recognition of prevention awareness.

2. Vicki Landers, RN, BSN, Niagara Falls Memorial Medical Center, Director of Niagara County Health Home gave a brief presentation of the Health Home Program and the benefits it offers county residents. Legislator Zona praised Ms. Landers for her efforts with the program.

3. Legislator Syracuse invited Margo Bitner, Oscar Vizcarra and Erik Gustafson to the lectern to read a proclamation declaring April, 2016 as Wine Month in Niagara County.

Moved by Syracuse, seconded by Andres.

Carried.

No citizens spoke at this time.

Recess.

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

Carried.

RESOLUTIONS:

Resolution No. CW-008-16 was read at this time. (Appears in numerical order)

Resolution No. CW-009-16 was read at this time. (Appears in numerical order)

Resolution No. AD-009-16

From: Administration Committee

Dated: April 19, 2016

**APPROVAL OF VOTING MACHINE AGREEMENT BETWEEN THE COUNTY OF NIAGARA
AND THE NIAGARA FALLS, LOCKPORT, NORTH TONAWANDA, BARKER, LEW-PORT,**

**NEWFANE, NIAGARA WHEATFIELD, ROY-HART, STARPOINT, AND SCHOOL
DISTRICTS (§3-224, NEW YORK STATE ELECTION LAW)**

WHEREAS, the Niagara Falls, Lockport, North Tonawanda, Barker, Lew-port, Newfane, Niagara Wheatfield, Roy-Hart, Starpoint, Wilson School Districts will be conducting an election on May 17, 2016 and requires the use of the Niagara County Board of Elections voting equipment in connection with this election, and

WHEREAS, the Niagara County Attorney's Office has prepared a formal agreement for use between the County of Niagara and the Niagara Falls, Lockport, North Tonawanda, Barker, Lew-port, Newfane, Niagara Wheatfield, Roy-Hart, Starpoint, Wilson School District, which has been fully approved by the District, a copy of which has been filed with the Clerk of the Legislature, and

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

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

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

RESOLVED, that pursuant to the provisions of §3-224 of New York State Election Law, the Chair of the Niagara County Legislature and the Niagara County Election Commissioners are authorized and directed to execute and deliver an agreement, in substantially the form of agreement now filed with the Clerk of the Legislature between and among the County of Niagara, the Niagara County Election Commissioners and the Niagara Falls, Lockport, North Tonawanda, Barker, Lew-port, Newfane, Niagara Wheatfield, Roy-Hart, Starpoint, Wilson School Districts for the provision, by the County of Niagara, of sufficient voting equipment, including the programming thereof, to the Niagara Falls, Lockport, North Tonawanda, Barker, Lew-port, Newfane, Niagara Wheatfield, Roy-Hart, Starpoint, Wilson School Districts in connection with an election scheduled to be held the 17th day of May 2016, and be it further

RESOLVED, that the execution and delivery of this equipment, is subject to the approval of the Board of the Lockport City School District and the review and approval of the Niagara County Attorney's Office and counsel to the Niagara Falls, Lockport, North Tonawanda, Barker, Lew-port, Newfane, Niagara Wheatfield, Roy-Hart, Starpoint, Wilson School Districts, and be it further

RESOLVED, that a true copy of the fully signed and approved agreement be filed by the Clerk of this Legislature simultaneously with the delivery of the or as soon as reasonably possible thereafter.

Moved by Bradt, seconded by Zona.

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

Resolution No. AD-010-16

From: Administration Committee

Dated: April 19, 2016

BUILDINGS AND GROUNDS BUDGET MODIFICATION

WHEREAS, Resolution CW-015-15, dated October 20, 2015, authorized the County to enter into an Inter-Municipal Agreement with the City of Lockport, for parking spaces, to minimize the budget impact as a result of the County purchasing 111 Main Street, 20-40 East Avenue and 50 Main Street, within the City of Lockport, and

WHEREAS, funds are required to pay the City of Lockport as per the agreement, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated:

DECREASE APPROPRIATION:

A.08.1991.000.74500.01	General Government Support	\$60,000
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INCREASE APPROPRIATION:

A.25.1620.000.74200.01	Rent/Leases	\$60,000
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Moved by Bradt, seconded by Zona.

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

Resolution No. AD-011-16

From: Administration Committee

Dated: April 19, 2016

**BUDGET AMENDMENTS FOR RATIFIED 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 ratified an agreement for the period of January 1, 2012 through December 31, 2019 (resolution CW-006-16), 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 part-time non-union employees whose titles are in the DSA contract will be entitled to the same general wage adjustments (no lump sum payments) as full-time DSA employees, 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 appropriate budget modification be effectuated.

Moved by Bradt, seconded by Zona.

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

Resolution No. AD-012-16

From: Administration Committee

Dated: April 19, 2016

**BUDGET AMENDMENTS FOR RATIFIED AGREEMENT BETWEEN USW 2001 NIAGARA
COUNTY SHERIFF'S POLICE BENEVOLENT 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 USW 2001 Niagara County Sheriff's Police Benevolent Association (PBA) have ratified an agreement for the period of January 1, 2012 through December 31, 2021 (resolution CW-005-16), 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 appropriate budget modification be effectuated.

Moved by Bradt, seconded by Zona.

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

Resolution No. CS-021-16

From: Community Services and Administration Committees

Dated: April 19, 2016

**BUDGET MODIFICATION
SAFE HARBOR INITIATIVE**

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

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

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

WHEREAS, Niagara County was selected as one of few counties across the state to receive funds to support the Safe Harbor program, and did receive an allocation of \$120,000, effective January 1, 2016 – December 31, 2016, which is 100% state funded, now, therefore, be it

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

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

INCREASE REVENUE:

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

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

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

Resolution No. CS-022-16

From: Community Services and Administration Committees

Dated: April 19, 2016

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

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

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

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

WHEREAS, Niagara County did receive an additional allocation which is 100% federally funded, effective May 1, 2016 – April 30, 2017, now, therefore, be it

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

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

INCREASE REVENUE:

A.22.6010.000 44610.00	DSS Admin Revenue	\$73,414
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INCREASE APPROPRIATION:

A.22.6010.000 74500.01	Contractual Exp – Contractual	\$73,414
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Moved by Bradt, seconded by Zona.

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

Resolution No. CSS-027-16

From: Community Safety & Security and Administration Committees

Dated: April 19, 2016

AWARD FOOD SERVICES CONTRACT FOR THE NIAGARA COUNTY

CORRECTIONAL FACILITY INMATE FOOD SERVICE AND OFFICE FOR THE AGING

WHEREAS, the Niagara County Sheriff's Office and the Office For the Aging have solicited bids from companies to supply food and food management services to the Niagara County Jail and Office For the Aging nutrition program, and

WHEREAS, Trinity Services Group, Inc. is the largest independent, comprehensive food and commissary service provider in the corrections industry, and

WHEREAS, Trinity Services Group, Inc. is the current food supplier and food management service for Niagara County and submitted the only bid to provide these services pursuant to Bid number 2015-23, and

WHEREAS, further negotiation between the County and Trinity Services Group, Inc. have reduced the cost of the per meal price provided to the Niagara County Jail and the Niagara County Office For the Aging which constitutes a change order to be incorporated into the terms of the contract, 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 Food Services Contract for the Niagara County Correctional Facility and Office For the Aging, be awarded to Trinity Services, Inc. 477 Commerce Boulevard, Oldsmar Florida 34677, 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 Andres, seconded by Godfrey.

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

Resolution No. CSS-028-16

From: Community Safety & Security and Administration Committees

Dated: April 19, 2016

BUDGET MODIFICATION ABOLISH AND CREATE MAINTENANCE POSITION

WHEREAS, due to a resignation effective February 25, 2016, there exists a full time General Repair Person vacancy in the Maintenance Division at the Sheriff's Office Correctional Facility, and

WHEREAS, the Sheriff's Office has attempted without success to fill the vacant incumbent position (General Repair Person), and

WHEREAS, after evaluating all options it has been determined that it would be in the best interest of the facility to restructure our Maintenance Division, and

WHEREAS, after a review of the existing job classifications it has been determined that it is in the best interest in the Sheriff's operation to reclassify and upgrade the current vacancy to the position of General Repair Person II, and

WHEREAS, funds exist in the current position line of General Repair Person to fund this upgrade, now, therefore, be it

RESOLVED, that the General Repair Person position number 13093, grade 22, step 2 at an hourly rate of \$16.26 be abolished effective May 8, 2016, and be it further

RESOLVED, that the position of General Repair Person II, position number xxx, grade 13, step 1 at an hourly rate of \$18.14 be created and filled effective May 9, 2016, and be it further

RESOLVED, that the following budget modification be made:

DECREASE APPROPRIATION:

A.17.3150.000.71010.000	Positions	\$25,872
	(Position No. 13093 General Repair Person)	

INCREASE APPROPRIATIONS:

A.17.3150.000.71010.000	(Gen. Repair II)Positions	\$24,671
A.17.3150.000.78400.005	HRA	850
A.17.3150.000.78800.000	Flex 125	351

Moved by Bradt, seconded by Zona.

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

Resolution No. CSS-029-16

From: Community Safety & Security and Administration Committees

Dated: April 19, 2016

**BUDGET MODIFICATION – NIAGARA COUNTY SHERIFF'S OFFICE
FORENSIC LABORATORY – ARSON GRANT**

WHEREAS, the Division of Homeland Security and Emergency Services has renewed the Niagara County Sheriff's Office funding in the amount of \$5,000 for the period of 2016 through 2020, and

WHEREAS, the funding is designated to the Sheriff's Office Forensic Laboratory for the purpose of improving arson evidence analysis and testing, and

WHEREAS, this grant has been increased from \$4,000 to \$5,000 for the period of 2016 -2020, and

WHEREAS, the 2016 budget reflects the grant in the amount of \$4,000, therefore, a budget modification is necessary, now, therefore, be it

RESOLVED, that prior to the execution of the contract, the County Attorney will review it 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 Legislature be, and is hereby authorized to execute the contract with the New York State Department of Homeland Security and Emergency Services, and be it further

RESOLVED, that a budget modification be made to expend the increase in the grant:

INCREASE REVENUE:

A.17.3110.000.43389.10	Fire Prevention	\$1,000
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INCREASE APPROPRIATION:

A.17.3110.000.74750.11 Lab Supplies \$1,000
Moved by Bradt, seconded by Zona.
Adopted. 14 Ayes, 0 Noes, 1 Absent – Virtuoso

Resolution No. CSS-030-16

From: Community Safety & Security and Administration Committees

Dated: April 19, 2016

**NIAGARA COUNTY SHERIFF'S OFFICE
CREATE PT TYPIST – ABOLISH 2 SEASONAL POSITIONS**

WHEREAS, protocol for surrendering weapons in Niagara County was previously shared by the Niagara County Pistol Permit Office and the Sheriff's Office, and

WHEREAS, weapons are surrendered for various reasons such as court orders or from families of individuals who have passed away and must surrender their guns for proper disposal, and

WHEREAS, there has been a change in the procedure of surrendering handguns and the Sheriff's Office has become the sole repository for the weapons, and

WHEREAS, the Sheriff's Office will more than double the number of weapons we receive, and

WHEREAS, the Sheriff's Office must inventory, store, maintain and dispose of these weapons when legally required, and

WHEREAS, the process of returning or disposing of the weapons may take years to resolve due to court action or legal requirements, and

WHEREAS, the increase in paperwork for handling this necessitates the need to hire a part-time Clerical 1, and

WHEREAS, the Sheriff's Office has part-time seasonal positions and we will abolish two of these positions to help fund the creation of the part-time Typist, now, therefore, be it

RESOLVED, that the position of part-time Typist, job group 3, at an hourly rate of \$15.85 with no fringe benefits be created and filled effective May 9, 2016, and be it further

RESOLVED, that seasonal Laborer position No. 13116 at an hourly rate of \$10.00 per hour and seasonal Clerical, position No. 13121 at an hourly rate of \$10.00 per hour be abolished effective May 8, 2016, and be it further

RESOLVED that the following line item transfer be effectuated:

DECREASE APPROPRIATIONS:

A.17.3150.000.71011.00	Positions	\$8,892
	(Seasonal #13116-\$4,800; #13121-\$4,092)	
A.17.3150.000.78100.00	Retirement	853
A.17.3150.000.78200.00	FICA	681
A.17.3150.000.78300.00	Workers Compensation	45

INCREASE APPROPRIATIONS:

A.17.3110.000.71010.00	Positions	\$8,892
A.17.3110.000.78100.00	Retirement	853
A.17.3110.000.78200.00	FICA	681
A.17.3110.000.78300.00	Workers Compensation	45

Moved by Bradt, seconded by Zona.

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

Resolution No. CSS-031-16

From: Community Safety & Security and Administration Committees

Dated: April 19, 2016

**2016 BUDGET MODIFICATION - 2015 HAZARDOUS MATERIALS
EMERGENCY PREPAREDNESS (HMEP) GRANT PROGRAM
HOMELAND SECURITY GRANTS**

WHEREAS, the County of Niagara is required to certify its acceptance of the 2015 Hazardous Materials Emergency Preparedness (HMEP) Grant Program through the Department of Homeland Security for the period of September 30, 2015 to September 30, 2016 at no cost to the County, and

WHEREAS, the 2015 Hazardous Materials Emergency Preparedness (HMEP) Grant Program is in the amount of \$11,740.00 and the funds will be used to purchase supplies to print manuals and booklet associated with holding an exercise to test the capabilities learned and educate the LEPC about the crude oil being carried over local railways, now, therefore, be it

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

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

INCREASE REVENUE:

A.19.3645.000 44305.02	Civil Defense Homeland Security	\$11,740.00
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INCREASE APPROPRIATION:

A.19.3645.000 74800.10	Misc. Equipment Under \$500	\$11,740.00
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Moved by Bradt, seconded by Zona.

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

Resolution No. CSS-032-16

From: Community Safety & Security and Administration Committees

Dated: April 19, 2016

**2016 BUDGET MODIFICATION - 2015 CRITICAL INFRASTRUCTURE GRANT PROGRAM
HOMELAND SECURITY GRANTS**

WHEREAS, the County of Niagara has certified its acceptance of the 2015 Critical Infrastructure Grant Program through the Department of Homeland Security for the period of December 17, 2015 to August 31, 2018 at no cost to the County, and

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

RESOLVED, that the following 2016 budget modification be effectuated:

INCREASE REVENUE:

A.19.3645.000 44305.02 Civil Defense Homeland Security \$49,000.00

INCREASE APPROPRIATION:

A.19.3645.000 72100.14 Machinery/Equip-Misc Equip \$49,000.00

Moved by Bradt, seconded by Zona.

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

Chairman McNall implemented Rule 28 and turned the floor over to Legislator Nemi for discussion on CW-007-16 and CW-008-16.

Resolution No. CW-007-16

From: Committee of the Whole

Dated: April 19, 2016

**RATIFICATION OF AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND
UNITED STEEL WORKERS INTERNATIONAL UNION FOR AND ON BEHALF OF ITS
LOCAL 2002 NIAGARA COUNTY PROBATIONS ASSOCIATION**

WHEREAS, the County of Niagara, and the United Steel Workers International Union for and on behalf of its Local 2002 Niagara County Probations Association (Probations Union) have reached a tentative agreement for the period of January 1, 2012 through December 31, 2021, and

WHEREAS, said tentative agreement was ratified by the Probations Union on April 6, 2016, and

WHEREAS, funds are available in fund balance to carry out the fiscal obligations in the tentative agreement, 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 April 19, 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, and be it further

RESOLVED, that the following budget modification be effectuated:

INCREASE APPROPRIATED FUND BALANCE: (2014 Lump Sum and 2015 Wages)

A 40599.00	Appropriated Fund Balance	\$120,221.43
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INCREASE APPROPRIATIONS:

A.18.3140.000 71020.00	Contract Settlement Expense	\$ 97,754.21
A.18.3140.000 78100.00	Retirement Expense	14,989.01
A.18.3140.000 78200.00	FICA Expense	7,478.21

INCREASE APPROPRIATED FUND BALANCE: (2016 increase)

A 40599.00	Appropriated Fund Balance	\$121,495.00
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INCREASE APPROPRIATIONS:

A.18.3140.000 71010.00	Position Expense	\$105,005.00
A.18.3140.000 71050.00	Overtime Expense	330.00
A.18.3140.000 78100.00	Retirement Expense	16,269.00
A.18.3140.000 78200.00	FICA Expense	8,112.00
A.18.3140.000 78300.00	Worker's Compensation Expense	529.00
A.18.3140.000 78400.01	Insurance, Health – Active	8,750.00

Moved by Godfrey, seconded by Bradt.

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

Resolution No. CW-008-16

From: Committee of the Whole

Dated: April 19, 2016

**RESOLUTION CONCERNING PROJECT LABOR AGREEMENT FOR THE
NIAGARA COUNTY REFUSE DISPOSAL DISTRICT CONSTRUCTION AND PLACEMENT
OF A CAP ON THE C&D LANDFILL AND IMPROVEMENTS TO
THE DISTRICT'S LEACHATE COLLECTION SYSTEMS PROJECT**

WHEREAS, the County of Niagara has previously issued a "public interest resolution" authorizing the Interim Administrator of the Refuse Disposal District to proceed with a project to place a cap on the District's C&D landfill and to construct certain improvements to the leachate collection systems at the District's landfills, and

WHEREAS, it is anticipated that the cost for the said project will be in excess of 1.5 million dollars, and

WHEREAS, pursuant to Niagara County Legislature Resolutions IL-047-99 and the subsequent Resolution of the Niagara County Legislature PW-052-00, which amended Resolution IL-047-99, the Niagara County Legislature is required to consider a Project Labor Agreement [PLA] for any Niagara County Public Works project which has an anticipated cost in excess of 1.5 million dollars, and

WHEREAS, Niagara County is required to follow the law of the State of New York when determining the propriety of the use of a PLA in the administration of a public works project; among those relevant and controlling cases are: New York State Ch., Inc. v New York State Thruway Auth., 88 NY2d 56, 65-69 [1996]; and Empire State Ch. of Associated Builders and Contractors, Inc. v City of Oswego, 239 AD2d 875 [4th Dept 1997]; In addition, the holding of the court in Nelcorp Electrical Contracting Corp. v. County of Broome, 859 NYS2d 896 [Sup. Ct, Broome County 2008], and

WHEREAS, the New York State Court of Appeals in New York State Ch., Inc. v New York State Thruway Auth., 88 NY2d 56, 65-69 [1996] has rejected the following reason for entering into a PLA for a public works project:

The adoption of the PLA is not justified simply by the county's desire for labor stability so that the work will be completed on time; such a rationalization is tantamount to wholesale approval of PLAs—every public entity wants its projects completed on time, and public projects are presumptively important to the public. The competitive bidding requirements, however, demand that something more be shown in order to justify the significant restrictions imposed by PLAs,

and

WHEREAS, the New York State Court of Appeals in New York State Ch., Inc. v New York State Thruway Auth., 88 NY2d 56, 65-69 [1996] stated:

New York has a multitude of procurement statutes applicable to public entities, but the underlying purpose is uniform: to assure prudent use of public moneys and to facilitate the acquisition of high quality goods and services at the lowest possible cost (*see, e.g., General Municipal Law § 100-a*),

and

WHEREAS, the New York State Court of Appeals in New York State Ch., Inc. v New York State Thruway Auth., 88 NY2d 56, 65-69 [1996] set forth the following considerations before a PLA can be entered into for a project:

- Contemporaneous projection of cost savings as a result of a PLA;
- Any unique feature of the project;
- An exceptional specification; or
- Labor unrest threatening the project,

and

WHEREAS, the Deputy Commissioner of Public Works-Engineering for Niagara County and the Interim Administrator of the Refuse Disposal District have reviewed the specifications for the Cap on the C&D Landfill and improvements to leachate systems project and have prepared a memorandum for the Niagara County Legislature to review which opines that there will be no cost savings anticipated to Niagara County if there were to be a negotiated PLA in such project, and in addition, that that the project is not extraordinary in size or complexity, and contains no unique features, and

WHEREAS, based upon the specifications and the review of the Deputy Commissioner of Public Works-Engineering and the Interim Administrator of the Refuse Disposal District, the standard of "more than a rational basis" required by the court in New York State Ch., Inc. v New York State Thruway Auth., 88 NY2d 56, 65-69 [1996] to permit the use of a PLA for a Niagara County Public Works project has not been satisfied, now, therefore, be it

RESOLVED, that that the Interim Administrator of the Refuse Disposal District shall not negotiate and/or otherwise cause the District or the County to enter into a PLA for the C&D Landfill and improvements to leachate systems project shall go forward without a PLA.

Moved by Syracuse, seconded by Bradt.

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

Chairman McNall implemented Rule 28 and turned the floor over to Legislator Godfrey for discussion on CW-009-16.

Resolution No. CW-009-16

From: Committee of the Whole

Dated: April 19, 2016

**RESOLUTION APPROVING AN EXTENSION OF THE MEMORANDUM OF
UNDERSTANDING BETWEEN ORLEANS COUNTY, NIAGARA COUNTY, SENECA
TELECOMMUNICATIONS LLC AND RESOLUTE PARTNERS LLC FOR THE NORA RURAL
BROADBAND INITIATIVE**

WHEREAS, through the NIAGARA-ORLEANS REGIONAL ALLIANCE (hereinafter "NORA");, an intermunicipal collaboration between the Counties of Niagara and Orleans, an initiative has been undertaken to deliver broadband Internet services to the unserved areas of each county, and

WHEREAS, Seneca Telecommunications, LLC, d/b/a Seneca Solutions is a tribally owned, Native American 8a Small Disadvantaged Business located on the Cattaraugus Territory of the Seneca Nation of Indians outside of Buffalo New York. Seneca is an experienced government contractor with strong credentials and past performance in broadband construction, Information Technology and Construction Management with the management expertise and resources to oversee large programs, and

WHEREAS, Resolute Partners, LLC, is a Delaware based information technology company and is one of the largest wireless Internet Service Providers (WISP) in the US military. Resolute brings extensive knowledge, experience and insight in the rural broadband, network construction and network operations and management, including specific expertise with regards to the Seneca Nation's rural broadband project located on its Cattaraugus Territory, and

WHEREAS, Seneca Solutions and Resolute together have the ability to engineer, install, maintain and service an Internet solution as demonstrated by its efforts on the Cattaraugus rural WiFi project, and

WHEREAS, as part of the effort to bring high-speed broadband service to the region, NORA embarked on a multi-year effort to quantify the extent of its needs and position itself to receive funding from the New York State Broadband Office, and

WHEREAS, these efforts have ranked Niagara and Orleans Counties as several of the highest scoring counties out of the entire State, and

WHEREAS, since the NORA alliance sits in two different Regional Economic Development Councils, both Councils have made this effort a priority; Niagara and Orleans Counties have indicated that their grant writing teams are available to assist Seneca and Resolute in acquiring broadband funding, and

WHEREAS, the NYS Broadband office has been allocated \$500M in funding from the State of New York in an effort to ensure every New Yorker has access to affordable, high-speed broadband services in urban and rural communities, and

WHEREAS, pursuant to Niagara County Resolution IL-095-15, representatives of Seneca Solutions, Niagara and Orleans Counties, entered into an agreement to work together to obtain funding for, design, install, operate and maintain a Rural Broadband network for both Niagara and Orleans Counties, and

WHEREAS, it is necessary to extend the duration of the Memorandum of Understanding [MOU] that was entered into pursuant to Resolution IL-095-15 to enable each party to complement the unique capabilities of the other and provide Niagara, Orleans and NORA (sometimes hereinafter collectively the "Client") with the best combination of expertise to achieve the Client's objective, now, therefore, be it

RESOLVED, that this Legislature approves an extension of the Memorandum of Understanding between Orleans County, Niagara County, Seneca Telecommunications LLC, d/b/a Seneca Solutions, Salamanca, New York and Resolute Partners, LLC, Southington, Connecticut as a NORA Broadband Initiative to work together to obtain funding for, design, install and operate and maintain a Rural Broadband network for both Niagara and Orleans Counties with the term of this Memorandum to be effective for 365 days of signed agreement by all parties and all parties may extend the relationship upon mutual consent as more particularly provided in the MOU.

Moved by Syracuse, seconded by Hill.

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

Resolution No. IL-015-16

From: Legislator Rebecca J. Wydysh and Economic Development Committee

Dated: April 19, 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 2016 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

Moved by Wydysh, seconded by Bradt.

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

Resolution No. IL-016-16

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

Dated: April 19, 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

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 \$2,000.00

INCREASE APPROPRIATIONS:

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

Moved by Nemi, seconded by Collins.

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

Resolution No. IL-017-16

From: Legislator Rebecca J. Wydysh and Economic Development Committee

Dated: April 19, 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
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	\$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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Moved by Wydysh, seconded by Andres.

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

Resolution No. IL-020-16

From: Legislator Randy R. Bradt and Economic Development Committee

Dated: April 19, 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
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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	\$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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Moved by Bradt, seconded by Wydysh.

Adopted. 13 Ayes, 0 Noes, 1 Abstained – Syracuse, 1 Absent – Virtuoso

Resolution No. IL-022-16

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

Dated: April 19, 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	\$7,500.00
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	\$15,000.00
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INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$15,000.00
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Moved by Nemi, seconded by Collins.

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

Resolution No. IL-023-16

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

Dated: April 19, 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 2016 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 Nemi, seconded by Collins.

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

Resolution No. IL-025-16

From: Legislator David E. Godfrey

Dated: April 19, 2016

RESOLUTION TO SUPPORT STATE LEGISLATION S.1000A (FUNKE) / A.5133 (MORELLE), PERMANENT TOTAL DISABILITY BENEFITS RECEIVED BY DISABLED VOLUNTEER FIREFIGHTERS

WHEREAS, volunteer firefighters in Niagara County and across New York State put themselves in life-threatening situations without reservations at a moment's notice to protect our communities, and

WHEREAS, sometimes, while answering the call of duty, these brave men and women fall victim to serious injuries that leave them disabled and unable to provide for their families, and

WHEREAS, as of March of 2015, New York State had 38 total/permanently disabled volunteer firefighters that are dependent on volunteer firefighter disability benefits that has no cost of living adjustment provision from the Workers Compensation Board of New York State, and

WHEREAS, New York State Senator Richard Funke, along with Assemblyman Joseph Morelle, have introduced companion bills in the state legislature to adjust the benefits received by disabled volunteer firefighters annually based on the consumer price index, and

WHEREAS, New York State Senator Robert G. Ort is among 15 state senators who wrote the leadership of the Senate urging passage of S.1000A, a position this Legislature shares, and

WHEREAS, the New York State Senate has previously passed this bill while it did not pass the Assembly, now, therefore, be it

RESOLVED, with the brave men and women who protect our communities in mind, the Niagara County Legislature adds its support to S.1000A Funke/A.5133 Morelle, and be it further

RESOLVED, this Legislature does urge the Senate to again pass S.1000A and the Assembly to reconsider its past stance and to pass the legislation contained in A.5133 this year, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Cuomo, Senate Majority Leader John Flanagan; Senator Robert G. Ort; Senator Richard Funke; Assembly Majority Leader Joseph D. Morelle; Member of the Assembly Jane L. Corwin; Member of the Assembly Ray Walter; Member of the Assembly Robin Schimminger; Member of the Assembly John D. Ceretto; and all others deemed necessary and proper.

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

Carried.

Moved by Godfrey, seconded by Hill.

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

Resolution No. IL-026-16

From: Legislator Richard L. Andres

Dated: April 19, 2016

RESOLUTION IN SUPPORT OF THE RAILROAD MUSEUM OF THE NIAGARA FRONTIER

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, communities in Niagara County are always looking for ways to attract visitors whose monies are needed to sustain the economy, and it bears noting that the tourism sector is now ranked as the 4th largest employer in New York State, and

WHEREAS, as a component of New York State's \$100 billion tourism industry, history tourism is a vital tool for economic development, serving to draw visitors to historic business districts of our communities, and

WHEREAS, tourism centered on the western terminus of the Erie Canal drew more than 1 million visitors in 2014, with a substantial portion drawn by the canal's role in transportation history, and

WHEREAS, the Niagara Frontier Chapter of the National Railway Historical Society has established the Railroad Museum of the Niagara Frontier at the Erie Railroad freight station in North Tonawanda to convey the rich history of railroads in our area, and

WHEREAS, the Railroad Museum of the Niagara Frontier has sought to establish adequate signage to draw railroad history enthusiasts to their location, but is in need of funds to support that effort, now, therefore, be it

RESOLVED, that Niagara County disburses § 99-h funding as follows:

Niagara Frontier Chapter, National Railway Historical Society	\$3,000.00
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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	\$3,000.00
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INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$3,000.00
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Referred to Economic Development Committee.

Resolution No. IL-027-16

From: Legislator Richard L. Andres

Dated: April 19, 2016

**RESOLUTION IN SUPPORT OF CARNEGIE ART CENTER GALLERY HANGING SYSTEM
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Carnegie Art Center, has served the Community of North Tonawanda for over 100 years, initially as North Tonawanda's First Library, the Carnegie Library, beginning in 1904 and continuing until 1976, and

WHEREAS, the Carnegie Art Center promotes and encourages the development of the arts through exhibits, events and classes, including Student Spotlight – North Tonawanda City School District's Art Show, and

WHEREAS, funding support, membership and donations are key to the continuation of public access for over 31,000 people each year to the building and the creation of revenue generating programming that will support the future of the organization, and

WHEREAS, the Carnegie Art Center, operated by the Tonawandas' Council on the Arts, is in need of a gallery hanging system to accommodate future showcase world class art exhibits, now, therefore, be it

RESOLVED, that Niagara County Casino Funds help support some of the cost incurred by the purchase of a new gallery hanging system, and be it further

RESOLVED, that Niagara County supports the Carnegie Arts Center as follows:

The Carnegie Arts Center \$3,000.00

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 \$3,000.00

INCREASED APPROPRIATION:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund \$3,000.00

Referred to Economic Development Committee.

Resolution No. IL-028-16

From: Legislator John Syracuse

Dated: April 19, 2016

**RESOLUTION IN SUPPORT OF THE OLCOTT PIRATE'S FESTIVAL
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Pirates Festival was established in 1998 by the Olcott Fire Department, and

WHEREAS, the Pirates Festival has been a mainstay in Niagara County's tourism offerings in the Town of Newfane and Eastern Niagara County, increasing the foot traffic in Olcott by nearly 16,000 people during the festival and bringing significant economic impact to the community, and

WHEREAS, the 2016 Pirate's Festival is scheduled to take place from July 8th through July 10th at Krull Park in picturesque Olcott, New York, and

WHEREAS, the festival offers pirate-themed rides, food vendors, music and live entertainment for the whole family to enjoy, and is well known for its premiere events; the Pirate's Parade and the Car Show, and

WHEREAS, this free, family-friendly event brings thousands of visitors to the area and creates a positive benefit for local restaurants, shops and various other business owners and has a positive impact on all of Niagara County in the form of sales tax revenues, and

WHEREAS, funds are being sought to help offset the costs associated with hosting a festival of this magnitude, now, therefore, be it

RESOLVED, that Niagara County supports the economic initiatives of the Pirate's Festival as follows:

Pirate's Festival – Rental Fees \$3,500.00

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 \$3,500.00

INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund \$3,500.00

Referred to Economic Development Committee.

Resolution No. IL-029-16

From: Legislator Rebecca J. Wydysh

Dated: April 19, 2016

**RESOLUTION IN SUPPORT OF THE HISTORICAL SOCIETY OF NORTH GERMAN
SETTLEMENTS "DAS HAUS" THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Historical Society of North German Settlements has maintained the "Das Haus" museum in the community of Bergholz, located in the Town of Wheatfield, and

WHEREAS, the Historical Society of North German Settlements is very excited for the grand opening of the latest building addition, the "EinHaus", and

WHEREAS, the Historical Society has this and other positive things happening at the museum, it has been found they need to re-do all their marketing materials, and

WHEREAS, the partial funding would be of help towards the update of new marketing materials, such as tri-fold brochures, business cards, letterhead, signage and other materials, now, therefore, be it

RESOLVED, that Niagara County Casino Funds help support some of the cost incurred to update marketing materials, and be it further

RESOLVED, that Niagara County supports the Historical Society of North German Settlements as follows:

The Historical Society of North German Settlements \$2,000.00
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 \$2,000.00

INCREASED APPROPRIATION:

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

Referred to Economic Development Committee.

Resolution No. IL-030-16

From: Legislators Randy R. Bradt, Richard L. Andres, Kathryn L. Lance, David E. Godfrey and Rebecca J. Wydysh

Dated: April 19, 2016

**RESOLUTION IN SUPPORT OF FUNDING NIAGARA ERIE YOUTH SPORTS ASSOCIATION
AED PROVISION THROUGH THE USE OF CASINO FUNDS**

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

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

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

WHEREAS, youth athletics have long been a critical part of the appeal of municipalities in this county as "bedroom communities" for the local workforce, and

WHEREAS, the Niagara Erie Youth Sports Association administers a 16-club, four weight-division youth football league in Niagara and Erie counties, and is responsible for the health and safety of youth athletes aged 6 to 14, as well as spectators and support personnel at NEYSA football games, and

WHEREAS, according to information provided by the American Heart Association, 56% of cardiac-arrest deaths in athletes were attributable to cardiovascular disease, with 82% of those deaths occurring as a result of physical exertion during competition or training, and a National Collegiate Athletic Association study of high school and college-aged athletes found an incidence of cardiac arrest of 1 per 22,903 athlete participant years, and that the survival rate among children with non-traumatic cardiac arrest is just 7.8%, and

WHEREAS, a Harvard study indicated that utilization of an Automated External Defibrillator (AED) in combination with cardiopulmonary resuscitation increased the survival rate to 23%, and

WHEREAS, adequate safety equipment is essential to the management of youth athletics and to lower liabilities, and

WHEREAS, NEYSA has received a quoted price of \$5,250 to acquire 6 AED devices, now, therefore, be it

RESOLVED, that Niagara County supports youth athletics and specifically wishes to see the Niagara Erie Youth Sports Association's regional football league continue to provide a positive outlet for youth that enhances quality of life for families residing in the Western New York region, and be it further

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

NEYSA AED Acquisition	\$5,250.00
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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 REVENUE:

A.28.8020.812 40599.02	Appropriated Fund Balance	\$5,250.00
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INCREASE APPROPRIATION:

A.28.8020.812 74400.08	Seneca Niagara Monies	\$5,250.00
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Referred to Economic Development Committee.

Resolution No. IL-031-16

From: Legislator Clyde L. Burmaster

Dated: April 19, 2016

RESOLUTION IN SUPPORT OF LAKE ONTARIO VFW POST 313 THROUGH THE USE OF CASINO FUNDS

WHEREAS, the Lake Ontario VFW Post 313 is planning and event on this Memorial Day weekend as a tribute to our armed forces during the Vietnam War, and

WHEREAS, it is important that we never forget the sacrifices made by our United States soldiers in the fight for freedom anywhere in the world, including the loss of their lives, and

WHEREAS, the VFW has partnered with the American Huey 369 Museum Association from Peru, Indiana to bring two Bell UH-1 (Huey) helicopters to the Old Fort Niagara State Park in Youngstown, N.Y. on Memorial Day weekend, May 28 - 29, 2016, and

WHEREAS, the public will be able to actually take a once in a lifetime flight on these helicopters as well as witness a re-enactment of the 25th Infantry Division who served in Vietnam, and

WHEREAS, Niagara County is proud of our servicemen who served and wants to do its part to honor them, now, therefore, be it

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

Lake Ontario VFW Post 313 Helicopter Expenses	\$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 2016 budget:

INCREASE REVENUE:

A.28.8020.812 40599.02	Appropriated Fund Balance	\$2,000.00
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INCREASE APPROPRIATION:

A.28.8020.812 74400.08	Seneca Niagara Monies	\$2,000.00
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Referred to Economic Development

APPOINTMENTS:

<u>Appt.</u>	<u>Expires</u>
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INDUSTRIAL DEVELOPMENT AGENCY

Arthur G. Pappas

04/19/16

1417 Forbes St. No. Ton. 14120

EMERGENCY MEDICAL SERVICES COUNCIL

VOLUNTEER FIRE SERVICE

Joseph Sikora, Fire Chief

04/19/16

12/31/17

495 Zimmerman St. No. Ton. 14120

FIRE ADVISORY BOARD

Joseph Sikora, Fire Chief

04/19/16

12/31/16

495 Zimmerman St., No. Ton. 14120

WORKFORCE DEVELOPMENT BOARD

Kathleen Granchelli, CEO, YWCA of Niagara Frontier

04/19/16

Shawn Williams

04/19/16

865 Deerfield Drive No. Ton. 14120

COMMUNITY SERVICES BOARD

MENTAL HEALTH SUBCOMMITTEE

Dr. David Skiba, Ph.D

3235 Beechwood Circle Niagara Falls, 14304

04/19/16

12/31/19

DEVELOPMENTAL DISABILITIES SUBCOMMITTEE

Carly Lapp

04/19/16

12/31/19

6011 Frontier Avenue Niagara Falls 14304

Moved by Bradt, seconded by Syracuse

Carried.

Chairman McNall announced the formation of an Ad Hoc Committee related to NYSAC fall conference in Niagara County. The members are as follows:

Richard Updegrove

Sam Ferraro

Legislator Anthony Nemi

Legislator Jason Zona

John Percy (NTCC)

Mary Jo Tamburlin

Wendy Roberson

William Ross


Andrea Klyczek (IDA)

Heather Peck

Moved by Hill, seconded by Syracuse that the Board adjourn.

The Chairman declared the Board adjourned at 8:35 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