

OFFICIAL RECORD

Lockport, New York
June 20, 2017

A public hearing was held pursuant to IL-057-17, adopted by the Legislature on June 20, 2017, for the Local Law Authorizing Lease of County Property (i.e. Trott Access Center) to Northpointe for a Lease Term in Excess of Five Years. Legislator Syracuse opened the hearing at 6:00 p.m. and closed it at approximately 6:07 p.m.

A public hearing was held pursuant to AD-008-17, adopted by the Legislature on June 20, 2017, for a Local Law Amending Local Law No. 4 of 2003 Establishing an Administrative Code for the County of Niagara. Legislator Syracuse opened the hearing at 6:15 p.m. and closed it at approximately 6:20 p.m.

A public hearing was held pursuant to CS-024-17, adopted by the Legislature on June 20, 2017, for a Local Law Authorizing the Lease of County Owned Property for a Lease Term in Excess of Five Years. Legislator Syracuse opened the hearing at 6:30 p.m. and closed it at approximately 6:35 p.m.

A public hearing was held pursuant to CS-020-17, adopted by the Legislature on June 20, 2017, for the NCCC FY 2017-2018 Maintenance & Operating Budget. Legislator Syracuse 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 7:03 p.m.

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

Moment of Silence held for Geraldine Mondì.

PRESENTATIONS:

1. Chairman McNall and Legislator Collins called Shirley Nicholas to the lectern to read a Proclamation and congratulate her on receiving the U.S. environmental Protection Agency's Highest Award for her advocacy on the thorough cleanup of Eighteen Mile Creek.
2. Chairman McNall invited Daniel Keating, Manager of Customer and Community Management for National Grid, to the lectern to give a brief presentation on ongoing rate agreements and what National Grid is currently doing in Niagara County to better serve its Niagara County's customers. He discussed the ongoing efforts of National Grid to provide grants to businesses within Niagara County to aid in their economic success and also discussed the National Grid STEM partnership with Niagara Falls High School Students and Niagara University Summer Camps.
3. Legislator Michael Hill invited the 2017 Niagara Orleans County Dairy Princess Erica Van Buren to the lectern and read a proclamation declaring June 2017 as Dairy Month in Niagara County.
4. Legislator Andres invited Office for the Aging Director Kenneth Genewick to the lectern to speak on June as being "Elder Abuse Awareness Month" and the efforts the County is putting forth to help protect our vulnerable seniors in our county.
5. Legislator Andres invited Department of Social Services Commissioner Anthony Restaino to the lectern to read a proclamation thanking the staff in Program Eligibility for their hard work and dedication that goes into helping families.

0 citizens spoke at this time.

Recess

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

Carried.

Resolution No. CSS-005-17 was read at this time. (Appears in numerical order)

Resolution No. IF-100-17 was read at this time. (Appears in numerical order)

Resolution No. IF-101-17 was read at this time. (Appears in numerical order)

Resolution No. IF-102-17 was read at this time. (Appears in numerical order)

Resolution No. IF-103-17 was read at this time. (Appears in numerical order)

Resolution No. IF-104-17 was read at this time. (Appears in numerical order)

Resolution No. CSS-033-17 was read at this time. (Appears in numerical order)

Resolution No. IL-069-17 was read at this time. (Appears in numerical order)

Resolution No. AD-009-17

From: Administration Committee.

Dated: June 20, 2017

DISTRIBUTION OF MORTGAGE TAX

WHEREAS, Niagara County has received mortgage tax monies for the period October, 2016 through March, 2017 in the amount of \$2,615,520.17 and

WHEREAS, the Recording Officer has previously distributed \$631,416.06 to the Niagara Frontier Transportation Authority, \$574,619.95 to the State Mortgage Tax Agency, and retained \$130,176.89 for approved county administrative expenses, and

WHEREAS, that Recording Officer has remitted the remaining monies collected to the County Treasurer for distribution to various Niagara County towns, villages and cities, now therefore be it

RESOLVED, that the sum of \$1,279,307.27 reflects mortgage tax monies for the period October 1, 2016 through March 31, 2017 to be distributed, and the same be and hereby is, apportioned as follows among the various towns, villages and cities of the County of Niagara:

TOWNS	Cambria	\$ 43,815.52
	Hartland	23,573.02
	Lewiston	110,889.30
	Lockport	160,086.05
	Newfane	50,610.74
	Niagara	39,732.69
	Pendleton	79,340.93
	Porter	39,580.44
	Royalton	52,028.23
	Somerset	10,911.67
	Wheatfield	146,859.91
	Wilson	38,593.15

VILLAGES	Middleport (Hartland)	\$	372.40
	Middleport (Royalton)		4,058.95
	Lewiston		13,356.48
	Youngstown		7,540.71
	Barker		896.75
	Wilson		4,218.52
CITIES	Lockport	\$	95,666.17
	Niagara Falls		146,058.26
	North Tonawanda		<u>211,117.38</u>
	TOTAL:		\$1,279,307.27

and be it further

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. AD-010-17

From: Administration Committee.

Dated: June 20, 2017

ADOPTION OF A LOCAL LAW AMENDING LOCAL LAW NO. 4 OF 2003 ESTABLISHING AN ADMINISTRATIVE CODE FOR THE COUNTY OF NIAGARA

WHEREAS, the County Legislature recommends the adoption of the following Local Law:

A Local Law amending Local Law No. 4 of 2003 establishing an Administrative Code for the County of Niagara:

WHEREAS, a public hearing was held on June 20, 2017 at 6:15 p.m. in the Legislative Chambers, Niagara County Courthouse, Lockport, New York, on said Local Law, and

WHEREAS, no one appeared to speak on said Local Law, and

WHEREAS, no amendment(s) was (were) made to said Local Law, now, therefore, be it

RESOLVED, the Buildings and Grounds Department and Parks/Golf Course Department shall remain as divisions of the Department of Public Works, and be it further

RESOLVED, the division of Buildings and Grounds, and division of Parks/Golf Course shall be under the control of the respective Deputy Commissioner of Public Works, ~~for Buildings, Grounds, and Parks~~, who reports to the Commissioner of Public Works, and be it further

RESOLVED, the County Legislature of the County of Niagara, does hereby amend Local Law No. 4 of 2003 establishing an Administrative Code for the County of Niagara, as amended by Local Law No. 1 of 2006 Local Law No. 5 of 2008, and Local Law No. 2 of 2011, and Local Law No. 1 of 2015 by a Local Law of the County of Niagara, New York for the year 2017 as follows:

ARTICLE II. THE COUNTY LEGISLATURE

§A2-9. Committees of the County Legislature: Jurisdiction, Powers and Duties

A. The jurisdiction of the committees shall be as follows:

- (5) Infrastructure and Facilities
 - (a) Public Works
 - ~~Parks/Golf Course~~
 - (eb) Refuse District
 - (dc) Water District
 - (ed) Sewer District
 - (fe) Weights and Measures
 - (gf) Information Technology
 - (hg) Buildings & grounds

A3-3. Powers and Duties

1. Without curtailing, diminishing or transferring the powers of any elected County official, the County Manager shall be responsible for the overall administration of county government and shall provide and coordinate staff services to the County Legislature, Chair of the Legislature and its committees. The County Manager shall perform all the duties now and hereafter conferred or imposed upon the officer by law and directed by the County Legislature and shall have all powers and perform all the duties necessarily implied or incidental thereto. Among such powers and duties, but not by way of limitation, are:

- (a) To serve as the Chief Executive and Administrative Director of County Government;
- (b) To exercise supervision and control over the activities of County department directors and supervise the administration of all units of County government to most effectively implement the directives of the Legislature in accordance with applicable law, but shall not exercise administrative control over the County Auditor, the County Treasurer, the County Attorney, the District Attorney, the County Sheriff, the Public Defender, the County Clerk, or any other publicly elected official;
- (c) To determine which employees of the County shall perform particular duties not clearly defined by law or this Local Law;
- (d) To execute and enforce all Local Laws, legalizing acts, ordinances and resolutions of the County Legislature and all other acts required by law;
- (e) To serve as an advisor to the County Legislature and develop policy and procedural recommendations for consideration of the Legislature;
- (f) To undertake research and submit to the County Legislature reports and recommendations regarding governmental operations as may be deemed appropriate or the County Legislature may request, and provide such assistance to the Legislature and its committees as may be requested by the Legislature;
- (g) To serve as liaison between the County Legislature and the boards, commissions, agencies, and advisory committees established by the Legislature;
- (h) To maintain liaison and represent the County Legislature in contacts with political subdivisions, State and Federal officials and agencies;
- (i) To make appointments for the heads of units of County government listed below, subject to the confirmation of the County Legislature:

- 1. Director of the Office of the Aging
- 2. Commissioner of Public Works
- 3. Director of Information Technology
- 4. Director of Human Resources
- 5. Director of Employment and Training

6. Fire Coordinator and Director of Emergency Services
7. Commissioner of Economic Development
8. Director of Probation
9. Director of Real Property Tax Services
10. Commissioner of Social Services
11. Director of Veterans' Services
12. County Historian
13. Director of Risk & Insurance Services
14. Director, Office of Management and Budget
15. ~~Director of Buildings and Grounds~~

and such other officers, department heads and employees as the County Legislature shall designate by Local Law or Resolution, with the exception that the County Legislature retains appointing and removal powers for the position of Civil Service Personnel Officer pursuant to the Civil Service Law of the State of New York;

This Local Law shall take effect immediately upon filing with the State.

Moved by Nemi, seconded by Bradt.

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

Resolution No. AD-011-17

From: Administration Committee.

Dated: June 20, 2017

ADOPTION OF THE COUNTY OF NIAGARA TITLE VI CIVIL RIGHTS PLAN

WHEREAS, it is the policy of the County of Niagara to prevent and eliminate discrimination in all of its operations and services as well as all aspects of employment, and

WHEREAS, the goal of the County of Niagara is that all Department, Divisions, Offices, and Bureaus plan, develop and implement their programs and activities so that no person is subjected to unlawful discrimination based on race, creed, color, gender, age, national origin, religion, disability, sexual orientation, marital status, or Vietnam era veteran status, and

WHEREAS, the County of Niagara shall incorporate throughout all of its operations the requirements of applicable state and federal laws and executive orders to prohibit any discriminatory practices, procedures and policies, and

WHEREAS, all administrators, managers, supervisors and employees will be directed to comply with these laws and orders, and

WHEREAS, the county of Niagara is committed to maintaining an agency which recognizes and values the inherent worth and dignity of every person; fosters tolerance, sensitivity, understanding, and mutual respect among its members; and encourages each individual to strive to reach their own potential, and

WHEREAS, this policy will be placed on all Niagara County bulletin boards and made available to all organizations and entities doing business with the county of Niagara, and

WHEREAS, any complaints involving allegations of discrimination will be sent to the Human Resources Director, Niagara County Human Resources Department, 111 Main Street, Suite G2, Lockport, New York 14094 (716) 438-4068, who will act as the initial Title VI Coordinator until such time as a full time Title VI Coordinator is hired, and

WHEREAS, the county of Niagara shall continue to develop short term and long term transit and transportation projects, including roads, bridges, and infrastructure construction, maintenance, and repairs and regular servicing projects for the efficient transportation services to the citizens of the County, and

WHEREAS, the county of Niagara shall continue to plan, develop and provide and maintain many other critical support services to the citizens of the County, and

WHEREAS, the county of Niagara as an organization shall continue to coordinate and administer a wide array of critical services and support that will ensure that all segments of the population have been informed of these available services including, where applicable, the involvement with the planning process, and

WHEREAS, the goal of Title VI is to ensure that services and benefits are fairly distributed to all people regardless of race, national origin or income, and they have access to meaningful participation, and

WHEREAS, the County of Niagara has developed a Title VI (Civil Rights) Plan that outlines the plan for the County of Niagara to address the Title VI requirements for the County of Niagara, now, therefore, be it

RESOLVED, that the County of Niagara hereby adopts the Title VI (Civil Rights) Plan incorporated herein and made a part hereof by reference.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CS-025-17

From: Community Services and Administration Committees.

Dated: June 20, 2017

NCCC FY 2017-2018 MAINTENANCE AND OPERATING BUDGET

WHEREAS, the Administration Committee and the Community Services Committee, which are also the Budget Review Committees, have had under consideration the Niagara County Community College Board of Trustees recommended budget for the conduct of the Niagara County Community College fiscal year commencing September 1, 2017 and ending August 31, 2018, and

WHEREAS, the said budget has had careful consideration by the Administration Committee, the Community Services Committee, the Budget Office, and the County Manager, and

WHEREAS, a public hearing was held on the 20th day of June, 2017 with regard to the tentative budget for the College, now, therefore be it

RESOLVED, that the foregoing tentative Niagara County Community College budget for the fiscal year 2017-18, beginning September 1, 2017 and ending August 31, 2018, is hereby approved and adopted with any amendments as heretofore approved this date by this legislature and which results in a total figure of \$48,363,131, with the Sponsor's contribution from taxes of \$8,871,000

Moved by Andres, seconded by Nemi.

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

Resolution No. CS-026-17

From: Community Services and Administration Committees.

Dated: June 20, 2017

BUDGET MODIFICATION –EMERGENCY PLANNING - DEPARTMENT OF HEALTH

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

WHEREAS, the Emergency Planning Division Director retirement and temporary vacancy resulted in a CDC Public Health Emergency Preparedness fund budget modification, now, therefore, be it

RESOLVED, that the following budget modification, be effectuated:

DECREASE APPROPRIATIONS:

CM.20.4189.406 71010.00	Position #10636	\$12,000
CM.20.4189/406 78200.00	FICA	918

INCREASE APPROPRIATIONS:

CM.20.4189.406 72100.05	Computer Equipment	\$5,050
CM.20.4189.406 74300.06	Reimbursement Uniforms/Clothing	5,318
CM.20.4189.406 74375.05	Cellular Phones	1,330
CM.20.4189.406 74750.02	General Supplies	500
CM.20.4189.406 74750.12	Computer Supplies	720

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CS-027-17

From: Community Services and Administration Committees.

Dated: June 20, 2017

MH – BUDGET MODIFICATION - ACCEPT NYS OASAS FUNDING FOR PEER ENGAGEMENT SERVICES AND CONTRACT WITH WESTERN NEW YORK INDEPENDENT LIVING

WHEREAS, the Niagara County Department of Mental Health enters into contracts with not-for-profit agencies for the provision of mental health, alcohol and substance abuse, and developmental disabilities services, and

WHEREAS, the New York State Office of Alcoholism and Substance Abuse Services (OASAS) has awarded funding to expand Peer Outreach & Engagement services in Niagara County, and

WHEREAS, Western New York Independent Living, Inc., Independent Living of Niagara County's (ILNC) purpose is to provide a Niagara County Peer Response Team staffed with individuals who can utilize their own "lived experience" associated with addiction/substance use and recovery to support others in their recovery journey and their family/caregivers. The model provides a proven non-traditional, non-clinical approach to reduce hospitalization, emergency room visits, overdoses and deaths through on-call peer support in any setting the individual/family presents with an overdose, or who have shown signs of substance use disorder (SUD), and

WHEREAS, Western New York Independent Living, Inc., Independent Living of Niagara County's (ILNC) goal is to expand current peer services and replicate the Peer Engagement Program currently funded for Erie County called "Addict-2-Addict" to reach and provide services to under-served or un-served individuals using substances and presenting in after hour clinics, urgent cares, emergency rooms and in the community, and who reside in the rural, urban and suburban communities throughout the borders of Niagara County, now, therefore, be it

RESOLVED, that the following budget modification be effectuated to the department's budget and the department is given authorization enter into contract with Western New York Independent Living, Inc. to begin implementation of services effective July 1, 2017:

INCREASE REVENUE:

A.21.4310.000.44490.00	NYS Div. of Alcoholism	\$109,833
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INCREASE APPROPRIATION:

A.21.4310.000.74500.01	Contractual	\$109,833
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Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CS-028-17

From: Community Services and Administration Committees.

Dated: June 20, 2017

**ABOLISH, CREATE AND FILL POSITION / BUDGET MODIFICATION
ADULT MENTAL HEALTH CLINICS
NIAGARA COUNTY DEPARTMENT OF MENTAL HEALTH**

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

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

WHEREAS, the current need for clinical supervision in the Adult Mental Health Clinics is being met through the position of Behavioral Health Clinical Supervisor, and

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

WHEREAS, this newly created position will be supported through Clinic revenue and will incur no current County cost, now, therefore, be it

RESOLVED, that one vacant Staff Social Worker, Grade 13, Step 1, position number MHD300100.06011, salary range \$54,800.20 - \$63,827.40 be abolished effective June 20, 2017 and be it further

RESOLVED, that one Mental Hygiene Practitioner, Grade 11, Step 1, position number MHD300100.XXXXX, salary range \$46,956.00 - \$54,909.40 be created within the Niagara County Department of Mental Health, and filled effective June 20, 2017 to carry out the required roles and responsibilities in the Adult Mental Health Clinics, and be it further

RESOLVED, the following 2017 budget transfer be effectuated:

INCREASE REVENUE:

A.21.4310.000.41620.00	Mental Health Fees	\$36,285
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INCREASE APPROPRIATIONS:

A.21.4310.000.71010.00xxxxx	Positions (Mental Hygiene Practitioner)	\$25,103
A.21.4310.000.78100.00	Retirement Expense	2,335

A.21.4310.000.78200.00	FICA	1,920
A.21.4310.000.78400.01	Insurance, Health Active Hospital/Medical	5,338
A.21.4310.000.78300.00	Worker's Comp	339
A.21.4310.000.78400.05	Insurance HRS Employer Contribution	850
A.21.4310.000.78700	Disability	45
A.21.4310.000.78800.00	Flex 125 Employer Contribution Expense	355

DECREASE REVENUE:

A.21.4310.000.41620.00	Mental Health Fees	\$41,103
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DECREASE APPROPRIATIONS:

A.21.4310.000.71010.0006011	Positions (Staff Social Worker)	\$29,297
A.21.4310.000.78100.00	Retirement Expense	2,725
A.21.4310.000.78200.00	FICA	2,241
A.21.4310.000.78400.01	Insurance, Health Active Hospital/Medical	6,406
A.21.4310.000.78300.00	Worker's Comp	396
A.21.4310.000.78700	Disability	38

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CS-029-17

From: Community Services and Administration Committees.

Dated: June 20, 2017

**ADOPTION OF A LOCAL LAW AUTHORIZING THE LEASE
OF COUNTY OWNED PROPERTY FOR A LEASE TERM IN
EXCESS OF FIVE YEARS (CAZENOVIA)**

Whereas, the County Legislature recommends the adoption of the following Local Law:

A Local Law for the county of Niagara Authorizing the Lease of County Owned Property for a Lease Term in Excess of Five Years, and

WHEREAS, a public hearing was held on June 20, 2017 at 6:30 p.m. in the Legislative Chambers, Niagara County Courthouse, Lockport, New York, on said Local Law, and

WHEREAS, no one appeared to speak on said Local Law, and

WHEREAS, no amendment(s) was (were) made to said Local Law, now, therefore, be it

RESOLVED, that a Local Law authorizing the lease of County property no longer necessary for public use, commonly described as the real property with structure located at the intersection of Niagara Street and Sunset Drive, in the town of Lockport, county of Niagara, State of New York, specifically seven (7) acres (with a portion of said seven (7) acres, namely a 1.9 acre parcel off the westerly portion of the leased property, being retained by county of Niagara) for a private lease to Cazenovia Recovery Systems, Inc. for an initial twenty-five (25) year Lease Term, with the privilege of renewal.

Be it enacted by the Legislature of the county of Niagara, New York, as follows:

1. That the county of Niagara be allowed to lease certain real property with structure described above inasmuch as said property is no longer necessary for any County public use and inasmuch as the lease of the property will have no environmental significance on the area.

2. That the county of Niagara is authorized to conduct private negotiations for the lease of said premises without public bidding.
3. That said lease will be for a fair and adequate consideration subject to final approval by the Niagara County Legislature.
4. That said consideration would be the annual rent of one dollar and no cents (\$1.00) per year by the tenant Cazenovia Recovery Systems, Inc. along with the maintenance.
5. That the said leasehold be restricted to allowing Cazenovia Recovery Systems, Inc. to utilize the real property and facilities thereon for the sole purpose of maintaining services for a program for female recovering alcoholics/substance abusers and their children, of Niagara County.
6. That Cazenovia Recovery Systems, Inc., may make alterations, additions or improvements to the premises with reasonable consent and approval of the Niagara County Legislature prior to any alteration addition or improvement being made by Cazenovia Recovery Systems, Inc.
7. Any alterations, additions or improvements to the premises under the leasehold shall revert to the county of Niagara at the end of the Lease Term, which shall be designated as twenty-five (25) years, or any extensions thereof.
8. That the chairman of the Niagara County Legislature execute all documents necessary to effectuate such lease, including, but not limited to, contracts with Cazenovia Recovery Systems, Inc. and any governmental agency providing funding for any renovations or improvements to the facilities on said real property for the operation of programs for female recovering alcoholics/substance abusers and their children, after review and approval by the County Attorney.
9. That the property to be leased is described as follows:

Real property with structure located at the intersection of Niagara Street and Sunset Drive, in the town of Lockport, county of Niagara, State of New York, specifically seven (7) acres (with a portion of said seven (7) acres, namely a 1.9 acre parcel off the westerly portion of the leased property, being retained by county of Niagara), to be more particularly described in the lease.

This Local Law shall take effect immediately.

Moved by Syracuse, seconded by Hill.

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

Resolution No. CSS-005-17

From: Community Safety & Security and Administration Committees

Dated: February 21, 2017

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

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

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

Services, and

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

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

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

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

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

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

RESOLVED, that the County enter into an extension of the agreement with Masiello Martucci Calabrese and Associates in an amount not to exceed \$60,000 annually at a fixed monthly fee of \$5,000 plus travel expenses to provide consulting and lobbying services to Niagara County for a period of one year with the option to renew for one more additional 1-year period, and be it further

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

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the extension of the Masiello Martucci Calabrese and Associates (MMCA) contract.

Moved by Bradt, seconded by Syracuse, to untale resolution.
Carried.

Moved by Bradt, seconded by Syracuse.
Adopted. 14 Ayes, 0 Noes, 1 Absent – Grozio

Resolution No. CSS-030-17

From: Community Safety & Security and Administration Committees.

Dated: June 20, 2017

**NIAGARA COUNTY SHERIFF'S OFFICE BUDGET MODIFICATION
GUN INVOLVED VIOLENCE ELIMINATION INITIATIVE GRANT**

WHEREAS, the Niagara County Legislature voted on May 16, 2017, to accept a grant for the Niagara County District Attorney's Office, the Niagara County Sheriff's Office and the Niagara County Probation Department from the Division of Criminal Justice Services for Gun Involved Violence Elimination, and

WHEREAS, the grant amount for the Sheriff's Office is \$102,549 for the period July 1, 2017 through June 30, 2018, and

WHEREAS, the grant funds a Correction Officer position #10442 which is already in the 2017 fiscal year budget, and

WHEREAS, the grant also funds overtime costs for Violent Crime/Directive Patrols to support GIVE strategy and Highway Gun Interdiction, and

WHEREAS, it is necessary to modify revenue and appropriations to utilize this grant, now, therefore, be it

RESOLVED that the following line item transfers be effectuated:

INCREASE REVENUE:

A.17.3110.000.43389.13	Other Public Safety Crime Prevention	\$4,000
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INCREASE APPROPRIATION:

A.17.3110.000.71050.00	Overtime Expense	\$4,000
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Moved by Bradt, seconded by Virtuoso.

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

Resolution No. CSS-031-17

From: Community Safety & Security and Administration Committees.

Dated: June 20, 2017

**NIAGARA COUNTY SHERIFF'S OFFICE
STATEWIDE INTEROPERABLE COMMUNICATIONS FORMULA GRANT**

WHEREAS, the Niagara County Sheriff's Office was notified in writing that the New York State Division of Homeland Security and Emergency Services has awarded \$673,193 to the Niagara County Sheriff's Office for the grant period of January 1, 2017 through December 31, 2018, and

WHEREAS, this grant will allow the Sheriff's Office to continue the improvement of the interoperable communications network which will have the benefit to the residents of Niagara County of improved reliability of communication for their safety and protection, and

WHEREAS, an improved interoperable communications network will also enhance interoperable communications with other counties and agencies when participating in mutual aid emergencies, and

WHEREAS, the 2017 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 for the grant period of January 1, 2017 through December 31, 2018 and be it further

RESOLVED that the following line item transfer be effectuated:

INCREASE REVENUE:

A.17.3645.000.43305.02	State Aid, Civil Defense Homeland Security	\$673,193
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INCREASE APPROPRIATIONS:

A.17.3645.000.72100.15	Machinery & Equipment/Communications Equipment	\$673,193
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Moved by Bradt, seconded by Virtuoso.
Adopted. 14 Ayes, 0 Noes, 1 Absent – Grozio

Resolution No. CSS-032-17

From: Community Safety & Security and Administration Committees.
Dated: June 20, 2017

**NIAGARA COUNTY SHERIFF'S OFFICE
LEASE AGREEMENT WITH TERRY'S CORNERS**

WHEREAS, the Niagara County Sheriff's Office is required to maintain, for public safety purposes, a back-up dispatch center in the event of an emergency, and

WHEREAS, the Sheriff's Office has been looking for a suitable location to meet their needs, and

WHEREAS, a Request for Proposal for a location for the back-up dispatch center was performed, and

WHEREAS, the Terry's Corners Volunteer Fire Company has identified space within their facility that would be suitable to meet the needs of a back-up dispatch center and was the only bid received from our Request for Proposal, and

WHEREAS, the Terry's Corners Volunteer Fire Company has agreed to allow the lease of this space to be utilized as the back-up dispatch center, and

WHEREAS, the Lease Agreement has been reviewed and approved as to form by the County Attorney, now, therefore, be it

RESOLVED, that Niagara County enter into a Lease Agreement with Terry's Corners Volunteer Fire Company for the space.

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

Resolution No. CSS-033-17

From: Community Safety & Security and Administration Committees.
Dated: June 20, 2017

**RESOLUTION DIRECTING COMPENSATORY RESTRUCTURING AND REFORM FOR OFFICE
OF COUNTY CORONER**

WHEREAS, the Ad Hoc Committee to Study and Examine Benefits of Replacing Current Coroner Office with Medical Examiner has undertaken a review of the physical and overhead requirements associated with the performance of duties arising from the Office of County Coroner, and

WHEREAS, the Ad Hoc Committee to Study and Examine Benefits of Replacing Current Coroner Office with Medical Examiner has concluded that the current compensation structure offered to the incumbents of this Office by the County of Niagara is insufficient given the various costs and hardships imposed by both the execution of legal requirements associated with the office and with the requirements associated with pronouncement of death and investigation of its causes, and given the great social and legal import of the functions of this office, considers it a matter of utmost urgency that limited reforms be enacted now while the committee continues to study additional restructuring, and

WHEREAS, the Niagara County Legislature is mindful that the characteristics of decedents have changed in part due to a higher incidence of narcotic-related deaths, both due to the opiate epidemic and a greater propensity toward prescription overdose in the last stages of life, resulting in additional work and travel requirements placed on coroners where medical examination at sites external to Niagara County is required, and

WHEREAS, the Niagara County Legislature is further mindful that the eldest members of the very large "Baby Boom" generation are now approaching the actuarial age of mortality, and may produce additional stressors upon this office as deaths increase due to generational changeover and growth in the most elderly quintile of the population as the post-65 age cohort increases in number, resulting in an increase in service calls, and

WHEREAS, the County of Niagara must retain and attract high quality candidates to fill this vital public office, now, therefore, be it

RESOLVED, that the Niagara County Legislature directs that, effective immediately, an account shall be established from which payments to County Coroners for certain costs incurred in the execution of their office shall be disbursed, and be it further

RESOLVED, that said account shall fund the following:

- 1) itemized requests for reimbursement, up to \$75.00 per month, submitted coroners for mobile telephone and hot-spot mobile Internet service, and
- 2) such mileage as shall be incurred by coroners answering calls occurring outside their districts, and
- 3) such travel as shall be required of coroners, to include attendance at legislative meetings and other government functions at which their attendance shall be compelled, and
- 4) such travel external to their districts as shall be required of coroners in the conduct of medical examination/investigation of decedents' remains, or of paperwork arising from the same, and
- 5) such travel as shall be required to provide testimony at court trials and other inquests, or to cooperate with police investigations, and
- 6) such additional travel as shall be approved on a per-case basis by the Chairman of the Niagara County Legislature, and
- 7) costs of printer toner, and be it further

RESOLVED, that the Niagara County Legislature directs that funds from said account may be disbursed to coroners for all qualified expenses having arisen since May 18 of this year, and be it further

RESOLVED, that the Niagara County Legislature directs the Director of Information Technology to provide the following technical support to the Office of Niagara Coroner:

- 1) assignment of one (1) notebook PC, per coroner, issued upon the date of the individual's oath of office, or within a reasonable period thereafter, and returnable upon the last day of their term of office, and to be replaced on a four-year replacement schedule that shall coincide with the term of office of the coroner, with initial issuance to all four coroners to be made as soon as practicable, but with an effective date of January 1, 2018, and then replaced upon the completion of terms subsequent to that date,
- 2) to establish automated cloud backup of all files generated on said computers, and
- 3) to establish access to a common, shared drive on the Niagara County servers, from which coroners may access and exchange files with each other, and with authorized personnel, to include the Clerk of the Legislature and Assistant Clerks of the Legislature, and
- 4) to issue such software as shall be directed by the Ad Hoc Committee to Study and Examine Benefits of Replacing Current Coroner Office with Medical Examiner in consultation with the Senior Coroner, but to initially consist of Microsoft Word, Microsoft Excel, Microsoft PowerPoint, and Adobe Acrobat, and such other software as would be present on a standard government workstation, and
- 5) assignment of one (1) "all-in-one" laser printer with integrated document scanner, effective at the soonest practicable date, with said printers issued until such time as the Information Technology Office deems them

unsupportable and in need of upgrade, and with such issuance terminated upon conclusion of the incumbent's term of office, and be it further

RESOLVED, that the following budget modification be made to the 2017 Niagara County Budget:

INCREASE APPROPRIATIONS:

A.01.1185.000 74300.03	Mileage	\$5,000
A.01.1185.000 74375.05	Cellular Phones/Hot Spots	\$2,100

DECREASE APPROPRIATION:

A.08.1990.000 74500.01	Contingency	\$7,100
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Approved for Submission.

Moved by Godfrey, seconded by Nemi.

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

Resolution No. IF-090-17

From: Infrastructure & Facilities and Administration Committees.

Dated: June 20, 2017

**BUDGET MODIFICATION FOR SLUDGE LAGOON CLEANING
NIAGARA COUNTY WATER DISTRICT**

WHEREAS, on Thursday, May 18, 2017 at 4:00 p.m., a public hearing was held at the Niagara County Water District Service Center to consider the appropriation of \$600,000 from the Niagara County Water District's reserve-sludge lagoon fund for the payment of lagoon cleaning and removal of water treatment residuals at the south lagoon located at the water treatment plant, and

WHEREAS, no interested parties appeared to address the Board, and

WHEREAS, the Niagara County Water District Administrative Board has approved the budget modification listed below, now, therefore, be it

RESOLVED, by the County Legislature of the County of Niagara, New York, that the following budget modification be effectuated:

INCREASE REVENUE:

FXS.40511.00	Appropriated Reserve	\$600,000
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INCREASE APPROPRIATIONS:

FXS.31.9901.000 79010.00	Contribution to other funds	\$600,000
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INCREASE REVENUE:

FX.31.9901.000 45131.31	Interfund Transfers from Sludge Reserves	\$600,000
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INCREASE APPROPRIATIONS:

FX.31.8330.000 74700.02	Sludge Disposal	\$600,000
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Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-091-17

From: Infrastructure & Facilities and Administration Committees.

Dated: June 20, 2017

**FEIGLE ROAD PAVEMENT REHABILITATION
SUPPLEMENTAL AGREEMENT NO. 2**

WHEREAS, the Feigle Road Pavement Rehabilitation Project, Campbell Boulevard to Bear Ridge Road, Town of Pendleton, Niagara County, PIN 5758.57 (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 federal and non-federal share of the costs of the construction/Inspection phases of the project, and

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

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

RESOLVED, that the Legislature of the County of Niagara hereby authorizes the County of Niagara to pay in the first instance 100% of the federal and non-federal shares of the cost of the Construction/Inspection phases of the Project 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:

DECREASE REVENUE:

H568.15.5112.000 44597.01	Federal Aid Capital Construction	\$100,800
H568.15.5112.000 43591.00	State Aid	\$ 11,600

DECREASE APPROPRIATIONS:

H568.15.5112.000 72600.01	Infrastructure Roads	\$112,400
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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 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 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. 14 Ayes, 0 Noes, 1 Absent – Grozio

Resolution No. IF-092-17

From: Infrastructure & Facilities and Administration Committees.

Dated: June 20, 2017

**WILSON BURT ROAD BRIDGE REHABILITATION
CONSULTANT AMENDMENT NO. 4-FINAL**

WHEREAS, Resolution No. PW-037-11, dated March 15, 2011, awarded the contract for consulting services for the Wilson Burt Road Bridge Rehabilitation Project for scoping services to Abate Associates, 4455 Genesee St., P.O. Box 218, Buffalo, NY 14225-0215, in the amount of \$55,934, and

WHEREAS, Resolution No. PW-056-12, dated May 1, 2012, increased the contract to allow for design services for this project in the amount of \$304,151, for a revised contract amount of \$360,085, and

WHEREAS, Resolution No. PW-085-14, dated June 17, 2014, increased the contract for construction administration and inspection services in the amount of \$564,024, for a revised contract amount of \$924,109, and

WHEREAS, Resolution No. IF-135-15, dated November 17, 2015, extended the contract with Abate Associates to December 31, 2016, at no additional cost to the County, and

WHEREAS, this same resolution also stated that Abate Associates assigned all its assets by purchase or transfer to Greenman-Pedersen Inc., 325 West Main Street, Babylon, NY 11702, effective January 2, 2012, including said contract for the reconstruction of Wilson Burt Road Bridge, and

WHEREAS, it is necessary to decrease the contract by \$108,234.78 for unused construction inspection, as the project is now complete and under budget, and

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

RESOLVED, that the consultant services contract with Abate Associates, now known as Greenman-Pedersen Inc., 325 West Main Street, Babylon, NY 11702, be decreased by \$108,234.78, for a revised contract amount of \$815,874.22, and be it further

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-093-17

From: Infrastructure & Facilities and Administration Committees.

Dated: June 20, 2017

**YOUNGSTOWN ROAD EMBANKMENT STABILIZATION
PROJECT CONSULTANT AMENDMENT NO. 3**

WHEREAS, Resolution No. PW-075-13, dated August 6, 2013, selected Greenman-Pedersen Inc., 4950 Genesee St., Suite 165, Buffalo, NY 14225, to assist the County with the Youngstown Road Embankment Stabilization Project, for a price not to exceed \$6,500, and

WHEREAS, Resolution No. PW-134-14, dated December 2, 2014, increased the contract to allow for design services in the amount of \$41,304, for a revised contract amount of \$47,804, and

WHEREAS, Resolution No. PW-006-15, dated February 17, 2015, extended the contract to December 31, 2016, at no additional cost to the County, and

WHEREAS, the contract needs to be increased for construction administration and inspection in order to allow the project to proceed, in the amount of \$77,104.53, and

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

RESOLVED, that the consultant services contract with Greenman-Pedersen Inc., 4950 Genesee St., Suite 165, Buffalo, NY 14225, be increased in the amount of \$77,104.53, for a revised contract amount of \$124,908.53, and be it further

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-094-17

From: Infrastructure & Facilities and Administration Committees.

Dated: June 20, 2017

**YOUNGSTOWN ROAD BRIDGE REHABILITATION PROJECT
CONSULTANT AMENDMENT NO. 5-FINAL**

WHEREAS, Resolution No. PW-084-12, dated October 2, 2012, awarded the contract for assistance with design services for the Youngstown Road Bridge Rehabilitation Project to C & S Engineers, 499 Eileen Collins Blvd., Syracuse, NY 13212, in the amount of \$100,000.00, and

WHEREAS, Resolution No. PW-097-13, dated December 3, 2013, amended the contract to allow for final design services in the amount of \$85,000.00, for a revised contract amount of \$185,000.00, and

WHEREAS, Resolution No. PW-003-15, dated February 17, 2015, amended the contract with C & S Engineers for construction administration and construction inspection services, for an amount not to exceed \$91,000.00, for a revised contract amount of \$276,000.00, and

WHEREAS, Resolution No. IF-093-15, dated August 4, 2015, amended the contract for construction administration to allow the project to proceed, in the amount of \$17,000.00, for a revised contract amount of \$293,000.00, and

WHEREAS, Resolution No. IF-130-16, dated December 6, 2016, amended the contract for additional time for construction administration and construction inspection, in the amount of \$40,000.00, for a revised contract amount of \$333,000.00, and

WHEREAS, the project is complete and on budget, and

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

RESOLVED, that the consultant services contract with C & S Engineers, 499 Eileen Collins Blvd., Syracuse, NY 13212, be accepted in the amount of \$333,000.00, as the project is complete, and be it further

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-095-17

From: Infrastructure & Facilities Committee.

Dated: June 20, 2017

**AWARD OF CONTRACT – HUMAN RESOURCES BUILDING
ROOF REPLACEMENT PROJECT - ELECTRICAL**

WHEREAS, the Department of Public Works, Engineering Division has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Human Resources Building Roof Replacement Project, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on May 4, 2017 as tabulated below for the electrical work:

- | | |
|-----------------------------------|-------------|
| 1. Frey Electric Construction Co. | \$46,000.00 |
| 100 Pearce Avenue | |
| Tonawanda, NY 14150 | |

and

WHEREAS, there are funds available in H637.15.1620.000 72200.01, Building Improvements, and

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

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

RESOLVED, that the contract for the Human Resources Building Roof Replacement Project - electrical work be awarded to the lowest responsible bidder, Frey Electric Construction Co., 100 Pearce Avenue, Tonawanda, NY 14150, in the amount of \$46,000.00, and be it further

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-096-17

From: Infrastructure & Facilities Committee.

Dated: June 20, 2017

**AWARD OF CONTRACT – HUMAN RESOURCES BUILDING
ROOF REPLACEMENT**

WHEREAS, the Department of Public Works, Engineering Division has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Niagara County Human Resources Building Roof Replacement project, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on May 4, 2017 as tabulated below:

- | | | |
|----|--|--------------|
| 1. | Weaver Metal and Roofing, Inc.
40 Appenheimer Avenue
Buffalo, NY 14214 | \$611,825.00 |
| 2. | Jameson Roofing
106 Evans Street
Hamburg, NY 14075 | \$830,000.00 |
| 3. | Jos. A. Sanders & Sons, Inc.
107 Lathrop Street
Buffalo, NY 14212 | bid not read |

and

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

WHEREAS, additional funds are required to allow the project to proceed to the next phase, 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 following budget modification be effectuated:

INCREASE APPROPRIATION:

A.07.9901.000 79010.10	Contribution to Other Funds, Capital Reserve	\$310,000.00
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INCREASE APPROPRIATED FUND BALANCE:

A 40599.00	Appropriated Fund Balance	\$310,000.00
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INCREASE APPROPRIATED RESERVE:

AH 40511.00	Appropriated Capital Reserve	\$310,000
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INCREASE APPROPRIATION:

AH.07.9950.000.79010.00	Transfer to Capital Projects	\$310,000
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and be it further

RESOLVED, that the following Capital Project be modified:

INCREASE REVENUE:

H637.1620.000.45031.10	Interfund Transfers, From Capital Reserves (Project – 01 Revenue)	\$310,000.00
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INCREASE APPROPRIATIONS:

H637.1620.000.72200.01	Building Improvements, Expense	\$310,000.00
	(Project – 02 Project Expenditures)	

and be it further

RESOLVED, that the contract for the Niagara County Human Resources Building Roof Replacement project be awarded to the lowest responsible bidder, Weaver Metal and Roofing, Inc., 40 Appenheimer Avenue, Buffalo, NY 14214, in the amount of \$611,825.00, and be it further

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-097-17

From: Infrastructure & Facilities and Administration Committees.

Dated: June 20, 2017

**BEAR RIDGE ROAD BRIDGE OVER
TRIBUTARY OF TONAWANDA CREEK**

WHEREAS, the Bear Ridge Road Bridge over Tributary of Tonawanda Creek is in need of replacement, and

WHEREAS, funds are required to allow the project to proceed, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE REVENUE:

H652.15.5197.000 43501.00	Consol Highway Aid Revenue	\$180,000
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INCREASE APPROPRIATIONS:

H652.15.5197.000 72600.02	Infrastructure Bridges	\$180,000
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Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-098-17

From: Infrastructure & Facilities Committee.

Dated: June 20, 2017

**BRIDGE WASHING AND DECK SEALING
CHANGE ORDER NO. 1 - FINAL**

WHEREAS, by Resolution No. IF-061-16, dated May 3, 2016, the Legislature awarded the contract for Niagara County Bridge Washing and Deck Sealing to Dandrow's Painting, Inc., 5 Trade Road, Plattsburgh, NY 12901, for a contract amount of \$182,775.50, and

WHEREAS, it is necessary to decrease the contract in the amount of \$1,989.24, as the project is complete and under budget, for a revised contract amount of \$180,786.26, and

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

RESOLVED, that Change Order No. 1-Final to decrease the contract by \$1,989.24 for Niagara County Bridge Washing and Deck Sealing, for a revised contract amount of \$180,786.26, to Dandrow's Painting Inc., 5 Trade Road, Plattsburgh, NY 12901, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-099-17

From: Infrastructure & Facilities Committee.

Dated: June 20, 2017

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND
THE YMCA FITNESS IN THE PARKS PROGRAM**

WHEREAS, the YMCA Fitness in the Parks Program has requested that the County of Niagara grant them rights to operate a Zumba and Yoga exercise 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 YMCA Fitness in the Parks Program, 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 YMCA Fitness in the Parks Program, now, therefore, be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the YMCA Fitness in the Parks Program, as appears on the proposed agreement, is hereby approved in all respects, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the County Legislature be, and hereby is, authorized to execute the License Agreement between the County of Niagara and the YMCA Fitness in the Parks Program.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-100-17

From: Infrastructure & Facilities Committee

Dated: June 20, 2017

AWARD CONSULTANT SERVICES - BEAR RIDGE ROAD BRIDGE

OVER TRIBUTARY OF TONAWANDA CREEK

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with design services for the Bear Ridge Road Bridge over Tributary of Tonawanda Creek project, and

WHEREAS, funds are available in account number H652.15.5197.000 72600.02, Infrastructure Bridges-Bear Ridge Road Bridge, and

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

RESOLVED, that the consultant services for the Bear Ridge Road Bridge over Tributary of Tonawanda Creek project for design services be awarded to Bergmann Associates Inc., P.O. Box 6000, Dept. 238, Buffalo, NY 14267, for a contract amount not to exceed \$46,858.00, and be it further

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

Moved by Syracuse, seconded by Burmaster.
Adopted. 14 Ayes, 0 Noes, 1 Absent – Grozio

Resolution No. IF-101-17

From: Infrastructure & Facilities Committee

Dated: June 20, 2017

AWARD OF CONTRACT – YOUNGSTOWN RD SLOPE STABLIZATION PROJECT

WHEREAS, the Department of Public Works, Engineering Division has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Youngstown Road Slope Stabilization project, and

WHEREAS, funds are available in account number H599.15.5112.000 72600.01, Infrastructure Roads, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on June 15, 2017 as tabulated below:

- | | | |
|----|---|--------------|
| 1. | Edbauer Construction
2790 Clinton Street
West Seneca, NY 14224 | \$410,615.00 |
| 2. | NFP & Sons
7311 Ward Road
North Tonawanda, NY 14120 | \$453,332.50 |
| 3. | Mark Cerrone Inc.
2368 Maryland Ave., P.O. Box 3009
Niagara Falls, NY 14304 | \$457,600.00 |
| 4. | Scott Lawn Yard
5552 Townline Road | \$477,410.00 |

Sanborn, NY 14132

5. BVR Construction \$491,000.00
8 King Road
Churchville, NY 14428

and

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

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

RESOLVED, that the contract for the Youngstown Road Slope Stabilization project be awarded to the lowest responsible bidder, Edbauer Construction, 2790 Clinton Street, West Seneca, NY 14424, in the amount of \$410,615.00, and be it further

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

Approved for Submission.

Moved by Godfrey, seconded by Burmaster.

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

Resolution No. IF-102-17

From: Infrastructure & Facilities and Administration Committees.

Dated: June 20, 2017

ABOLISH/CREATE POSITION IN PUBLIC WORKS

WHEREAS, the Senior Civil Engineer position number 2178 in the Department of Public Works Department became vacant on February 26, 2016, and

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

WHEREAS, it has been determined as a result of a demonstrated recruitment difficulty that the position of Senior Civil Engineer should be abolished and replaced with a Civil Engineer position in order to provide essential and critical civil engineering functions and activities within the Engineering Division of DPW, and

WHEREAS, it has been determined that the current work load levels and anticipated increased demand for engineering and construction projects necessitates that this position be created and filled in order to meet operational demands, now, therefore, be it

RESOLVED, that effective June 20, 2017, the Senior Civil Engineer position number 2178 be abolished from the Department of Public Works, and, be it further

RESOLVED, that effective June 20, 2017, a Civil Engineer position number XXXX be created and filled in the Department of Public Works at 35-hour per week, CSEA, Grade 14 at \$59,768.80 - \$69,833.40, 2017 rates, and be it further

RESOLVED, that the following budget modifications be effectuated:

DECREASE A15.1440.000.71010 2178 \$46,943

INCREASE A15.1440.000.71010 XXXX \$46,943

Approved for Submission.

Moved by Nemi, seconded by Godfrey.

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

Resolution No. IF-103-17

From: Infrastructure & Facilities and Administration Committees.

Dated: June 20, 2017

**INTER-MUNICIPAL AGREEMENT BETWEEN
NIAGARA COUNTY AND THE CITY OF NIAGARA FALLS
TO IMPROVE TROTT ACCESS CENTER FOR NORTHPOINTE**

WHEREAS, opioid addiction overdose death has increased in epidemic proportions driven by both prescription opioid abuse and misuse as well as heroin abuse, and

WHEREAS, opioid and heroin abuse and addiction impact both rural and urban areas, and

WHEREAS, the epidemic of heroin and opioid use, abuse and overdose that is plaguing our country is growing in Niagara County and the number of deaths has skyrocketed over the last few years; our county must continue to fight against the disease of drug addiction, through coordination with private health care providers in the treatment of this disease, and

WHEREAS, a methadone treatment center has operated at the Trott Building for approximately thirty [30] years and Northpointe Council, Inc. has operated such methadone treatment center for the past seven [7] years, and

WHEREAS, Northpointe Council, Inc. wishes to expand its methadone treatment program in the Trott Building so that it may treat approximately 250 individuals per year rather than the current level of 85 individuals per year, and

WHEREAS, the county of Niagara is the owner of the Trott Building and such building has additional unused space which can be utilized for the expansion of the services offered by Northpointe Council, Inc. so that Northpointe Council, Inc. will occupy an additional 5,327 square feet of space for a total of 9,165 sq. feet of space in the Trott Building, and

WHEREAS, the county of Niagara recognizes the value and importance that Northpointe Council, Inc. plays in the community and its effort to treat individuals addicted to opiates and intends to facilitate the Northpointe Council, Inc. expansion by the commitment of the sum of \$50,000.00 to the expansion of the existing Northpointe Council, Inc. facility in the Trott Building, and

WHEREAS, the city of Niagara Falls recognizes the value and importance that Northpointe Council, Inc. plays in the community and its effort to treat individuals addicted to opiates and intends to facilitate the Northpointe Council, Inc. expansion by the commitment of the sum of \$50,000.00 to the expansion of the existing Northpointe Council, Inc. facility in the Trott Building, and

WHEREAS, New York State Senator Robert G. Ort, recognizes the value and importance that Northpointe Council, Inc. plays in the community and its effort to treat individuals addicted to opiates and intends to

facilitate the Northpointe Council, Inc. expansion by the commitment of the sum of \$100,000.00 of New York State funding to the expansion of the existing Northpointe Council, Inc. facility in the Trott Building, and

WHEREAS, in furtherance of these purposes, the County of Niagara and the city of Niagara Falls have agreed to make equal financial commitments of \$50,000 each for the improvement of the Trott Access Center by an Intermunicipal Agreement whereby both municipalities pledge their commitment to eradicate this plague, now, therefore, be it

RESOLVED, that the County of Niagara and the city of Niagara Falls each commit \$50,000 to improve the Trott Access Center facilities for Northpointe 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.

Approved for Submission.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-104-17

From: Infrastructure & Facilities Committee.

Dated: June 20, 2017

**AMENDMENT TO THE LEASE AGREEMENT WITH
THE NIAGARA FALLS CITY SCHOOL DISTRICT FOR LAND LOCATED AT
1170 ELMWOOD AVENUE, NIAGARA FALLS NY**

WHEREAS, the Niagara Falls City School District owns property at 1170 Elmwood Avenue, Niagara Falls, NY (vacant land), which has parking spaces available for Niagara County use, and

WHEREAS, Niagara County and Niagara Falls City School District entered into a lease dated February 1, 2014 to lease this area from the Niagara Falls City School District for additional parking spaces for Trott ACCESS Center staff and visitors, and

WHEREAS, Resolution No. PW-029-14, dated March 4, 2014, authorized the said lease between Niagara County and Niagara Falls City School District for a specified portion of the vacant land located at 1170 Elmwood Avenue, Niagara Falls, New York, and

WHEREAS, Niagara County desires to lease additional vacant land further described in the proposed lease amendment, and shall have a term of five (5) years commencing June 13, 2017 and ending May 22, 2022, and

WHEREAS, prior to execution of a lease amendment, the County Attorney will review 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 hereby is, authorized to execute the amended lease agreement with the Niagara Falls City School District for additional parking spaces at 1170 Elmwood Avenue, Niagara Falls, NY.

Approved for Submission.

Moved by Syracuse, seconded by Virtuoso.

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

Resolution No. IL-052-17

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

Dated: June 20, 2017

**RESOLUTION IN SUPPORT OF THE ACTIVE HOSE FIRE COMPANY #2
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Active Hose Fire Company #2 was established in 1894 to serve the community and residents of North Tonawanda, New York, and

WHEREAS, the Active Hose Fire Company #2 is a volunteer fire company with 150 members that are committed to improving the lives of North Tonawanda residents both through the fire service, as well as, many other community service efforts, and

WHEREAS, "Flicks in the Park" is The Active Hose Fire Company's community service event and will blend community and fire education where families will be invited to enjoy a full length feature film at a park in the city and will also learn about fire safety and have the opportunity to tour fire trucks and see fire safety demonstrations, and

WHEREAS, "Flicks in the Park" is just one more example of how the Active Hose Fire Company #2 reaches out to the children and families in the community to education them about proper fire safety and survival techniques, and

WHEREAS, Niagara County encourages programs such as "Flicks in the Park" which promote public safety, now, therefore, be it

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

The Active Hose Fire Company #2 – "Flicks in the Park"	\$2,100.00
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and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01	Appropriated Fund Balance - Committed Funds	\$2,100.00
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INCREASE APPROPRIATION:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$2,100.00
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Moved by Andres, seconded by Lance.

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

Resolution No. IL-053-17

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

Dated: June 20, 2017

**RESOLUTION 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 2017 budget:

INCREASE APPROPRIATED FUND BALANCE:

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

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

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

Resolution No. IL-054-17

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

Dated: June 20, 2017

RESOLUTION IN SUPPORT OF LIVE HOSE CO. THROUGH THE USE OF CASINO FUNDING

WHEREAS, Live Hose Co. was established in 1887 to serve the community and residents of North Tonawanda, New York, and

WHEREAS, the fire hall is in need of beautification on the outside of the property which will be a significant improvement to the neighborhood, now, therefore, be it

RESOLVED, that the Niagara County Legislature supports funding to Live Hose Co. for beautification purposes as follows:

Live Hose Co.	\$1,800.00
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and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01	Appropriated Fund Balance - Committed Funds	\$1,800.00
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INCREASE APPROPRIATION:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$1,800.00
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Moved by Bradt, seconded by Lance.

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

Resolution No. IL-055-17

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

Dated: June 20, 2017

**RESOLUTION IN SUPPORT OF PROJECT PRIDE OF NORTH TONAWANDA
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the goal of Project Pride is to promote a sense of identity and pride among residents of North Tonawanda while attracting visitors to the community, and

WHEREAS, with the installation of numerous bike trails along the canal and the river the area has seen a increase of visitors coming by bike, and

WHEREAS, Project Pride of North Tonawanda is seeking funds to help purchase wave bicycle racks to be located on Webster and Oliver Streets, now, therefore, be it

RESOLVED, that the Niagara County Legislature supports funding to Project Pride of North Tonawanda as follows:

Project Pride of North Tonawanda	Wave Bike Racks	\$2,100.00
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and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01	Appropriated Fund Balance - Committed Funds	\$2,100.00
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INCREASE APPROPRIATION:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$2,100.00
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Moved by Bradt, seconded by Lance.

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

Resolution No. IL-056-17

From: Legislator Jason A. Zona and Economic Development Committee

Dated: June 20, 2017

**RESOLUTION IN SUPPORT OF THE TOWN OF NIAGARA ACTIVE HOSE COMPANY
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, Active Hose Company is the sole fire department in the town of Niagara, and

WHEREAS, Active Hose Company is committed to providing Fire, Rescue and Emergency Medical Services for the protection of the residents and businesses in and around the town of Niagara, and

WHEREAS, in 2016, there was an absence of ambulance service for the town of Niagara and Mercy EMS came forward to provide ambulance services, and

WHEREAS, due to the urgency of the situation Mercy EMS did not have quarters to provide services and temporarily took up space at Active Hose Company on Lockport Road, and

WHEREAS, now Active Hose Company is in need of providing a long-term location for Mercy EMS' headquarters within the town of Niagara, and

WHEREAS, Active Hose Company is requesting architectural designs for the building of the Mercy EMS headquarters, now, therefore, be it

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

Active Hose Company – Architectural Designs for Mercy EMS Headquarters	\$6,000.00
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and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

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

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

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

Resolution No. IL-059-17

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

Dated: June 20, 2017

**RESOLUTION ENDORSING NIAGARA COUNTY COMMUNITIES' APPLICATIONS FOR
WESTERN NEW YORK REGIONAL ECONOMIC DEVELOPMENT COUNCIL
DOWNTOWN REVITALIZATION INITIATIVE GRANT**

WHEREAS, New York State's Regional Economic Development Councils are each holding a competitive application process for a \$10 million Downtown Revitalization Initiative grant to be awarded to a single community in each region deemed "ripe for development" into "vibrant communities where tomorrow's workforce will want to live, work and raise families", and

WHEREAS, the Western New York Regional Economic Development Council, of which the Honorable Wm. Keith McNall, Chairman of the Legislature, is a member, has issued a Downtown Revitalization Grant application, and

WHEREAS, two Niagara County communities submitted applications for the Western New York Regional Economic Development Council's Downtown Revitalization Initiative, and

WHEREAS, the applications submitted by Niagara County communities are synopsized by those respective communities' economic development agencies as follows:

The city of Lockport's Downtown Revitalization Initiative builds upon the recent economic development successes in downtown Lockport, such as progress at Harrison Place, the continued restoration of the Flight of Five locks, and the construction of Cornerstone CFCU Arena. The nomination request highlights the potential for an even greater impact on Lockport, Niagara County, and throughout the Western New York region by enhancing existing assets in the City's downtown, like The Historic Palace Theatre and vacant and under-utilized mixed-use properties;

The North Tonawanda Momentum project is a clear strategy to capitalize on the success to bring new investment into the downtown area. The developments envisioned by the North Tonawanda Momentum project will bring new life to the Niagara River waterfront, Tonawanda Island, former industrial brownfield properties, and the oldest historic neighborhoods in North Tonawanda. This additional investment will help strengthen the community through a variety of new housing developments, office and professional development, unique retail and entertainment amenities, overnight lodging, and investments in critical public infrastructure and green spaces, and

WHEREAS, it is the judgment of the Niagara County Center for Economic Development that these applications are of similar weight and value, and are in line with the vision of development set forth in the Niagara County Comprehensive Plan, and

WHEREAS, this Legislature is prepared to support implementation efforts by any Niagara County community awarded the Downtown Revitalization Initiative grant, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara does hereby endorse the Downtown Revitalization Initiative grant applications for the City of Lockport and the City of North Tonawanda, and be it further

RESOLVED, that the Legislature of the county of Niagara does hereby direct Commissioner Sam Ferraro and the Center for Economic Development to provide any assistance or information sought by the Western New York Regional Economic Development Council in its efforts to evaluate the strengths of the applications from the two Niagara County communities, and be it further

RESOLVED, that the Legislature of the County of Niagara does hereby direct Commissioner Sam Ferraro and the Center for Economic Development to provide full assistance to any Niagara County community that should be awarded the DRI funding as it implements the project outlined in its application, and be it further

RESOLVED, that this Legislature directs that individual copies of this resolution be sent to all representatives seated on the Western New York Regional Economic Development Council, namely Jeff Belt, Virginia Horvath, Crystal Abers, Aaron Bartley, Robert T. Brady, Deanna Alterio Brennen, Byron W. Brown, Paul Brown, Dr. Katherine S. Conway-Turner, Curtis Crandall, Michael Cropp, Colleen C. DiPirro, Paul A. Dyster, Vince Horrigan, Dottie Gallagher-Cohen, Dr. Roas Gonzalez, John R. Koelmel, Thomas A. Kucharski, Brenda W. McDuffie, Wm. Keith McNall, Michael Metzger, Jennifer J. Parker, Mark Poloncarz, Senator Michael H. Ranzenhofer, Member of the Assembly Robin Schimminger, Samuel Teresi, Melinda Vizcarra, and Mark

Zupan, and Empire State Development Western New York Regional Director Christopher Schoepflin, as well as representatives of the two Niagara County municipal economic development agencies submitting applications.

Moved by Lance, seconded by Nemi.

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

Resolution No. IL-060-17

From: Legislators Richard L. Andres, Anthony J. Nemi, John Syracuse, Kathryn L. Lance, Owen T. Steed, David e. Godfrey and Parks, Recreation & Tourism Ad hoc Committee

Dated: June 20, 2017

**SUPPORT FOR THE LOCKPORT LOCKS HERITAGE DISTRICT CORPORATION
LOCK TENDERS TRIBUTE**

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

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

WHEREAS, the Lockport Locks Heritage District Corporation has made application to the Niagara County’s Ad Hoc Committee on Recreation and Tourism for Greenway funds for its Lock Tenders Tribute project which is inspired by an iconic 19th century photograph of locks tenders seated on the steps of the famed Flight of Five Locks in Lockport taken by C.J. Cleve in 1897, and

WHEREAS, the objective of the Lock Tenders Tribute is to provide residents and visitors with a glimpse in to the past through the creation by acclaimed sculptor Susan Geissler of life-size, bronze sculptures of those same lock tenders who labored to “lock through” over 1,000 packets, line boats and tows a year in the 1890s, working 12 hours days, 7 days a week from April through November, to enable boats to traverse the Niagara Escarpment which are five locks up and five locks down, and

WHEREAS, the restored Flight of Five Locks and their associated interpretational elements, including the Lock Tenders Tribute, operating alongside Locks 34 and 35, will constitute a historic and cultural exhibit unmatched anywhere else along the entire Erie Canal National Heritage Corridor, and

WHEREAS, Lockport Locks Heritage District Corporation Lock Tenders Tribute project meets the guiding principles of the Niagara Greenway, and

WHEREAS, the Niagara River Greenway Commission’s guiding principles promote high quality ecologically sensitive and sustainable activities and development, and

WHEREAS, the proposed Lockport Locks Heritage District Corporation Lock Tenders Tribute project will promote increased access to the County’s historical and cultural sites, and

WHEREAS, the Lockport Locks Heritage District Corporation Lock Tenders Tribute project has the support and approval of the New York State Thruway Authority, Niagara County Legislator Anthony J. Nemi, and the city of Lockport, and

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

WHEREAS, the Lockport Locks Heritage District Corporation has utilized great effort and is complimented for being able to receive additional funding and support whereby they are requesting the sum of \$133,000.00 on the total overall project of first phase costing \$350,000.00, and

WHEREAS, the city of Lockport has embraced this project as a vital component of the revitalization of the Lockport Erie Canal Heritage Park; the New York State Canal Corporation has incorporate the Erie Canal Flight of Five in its New York State Canal Revitalization Place; and the Erie Canalway National Heritage Corridor Commission has also identified it is a demonstration project in recognition of the industrial and technological contributions to this area and to the heritage of the Erie Canalway, and

WHEREAS, after receipt of grants and other funding for the project and in-kind services to be performed by the Lockport Locks Heritage District Corporation, the remaining \$133,000.00 of funds is being requested, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the funding of \$133,000.00 for the Lockport Locks Heritage District Corporation Lock Tenders Tribute project when presented to the Niagara Power Coalition and the Host Community Standing Committee.

Moved by Nemi, seconded by Steed.

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

Resolution No. IL-061-17

From: Legislators Richard L. Andres, Anthony J. Nemi, John Syracuse, Kathryn L. Lance, Owen T. Steed, David E.. Godfrey and Parks, Recreation & Tourism Ad hoc Committee

Dated: June 20, 2017

**SUPPORT FOR THE CAROUSEL SOCIETY OF THE NIAGARA FRONTIER
MUSIC ROOM PROJECT**

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

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

WHEREAS, the Carousel Society of the Niagara Frontier Carousel runs the Herschell Carrousel Factory Museum and has made application to the Niagara County’s Ad Hoc Committee on Recreation and Tourism for additional Greenway funds for its Herschell Carrousel Music Room project, and

WHEREAS, the Carousel Society runs the Herschell Carrousel Factory Museum which provides preservation of the Allan Herschell Company’s history where they were once the largest producer of rides in the world, and

WHEREAS, the Carousel Society wishes to restore to the Allan Herschell Company complex, a portion which collapsed in 1995, in order to house and display its band organ collection which consists of four band organs, the original Wurlitzer Company music roll making equipment and the BAB perforator and master rolls, which are demonstrated for visitors and sold to organ owners across the country, and

WHEREAS, the restoration will encompass the renovation of the current two-story complex to a single story building, utilizing historical photographs, a 1920 Sanborn map, and saved door and wall parts, and

WHEREAS, Carousel Society project meets the guiding principles of the Niagara Greenway, and

WHEREAS, the Niagara River Greenway Commission's guiding principles promote high quality ecologically sensitive and sustainable activities and development, and

WHEREAS, the proposed Carousel Society of the Niagara Frontier Music Room project will promote increased access to the County's historical and cultural sites, and

WHEREAS, the Carousel Society of the Niagara Frontier Music Room project has the support and approval of the City of North Tonawanda and Senator Robert G. Ort, and

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

WHEREAS, the Carousel Society of the Niagara Frontier has utilized great effort and is complimented for being able to receive additional funding and support whereby they are requesting the sum of \$113,200.00 on the total overall project costing \$286,500.00, and

WHEREAS, the New York State Office of Parks, Recreation, and Historical Preservation has certified the Allan Herschell Carrousel Factory and is listed on the State Register of Historic Places as of March 6, 1985, one of the provisions of the State for Historical Preservation Act of 1980 is on the National Register Historical Places as of April 18, 1985 under provisions of the National Historic Preservation Act of 1966, and

WHEREAS, after receipt of grants and other funding for the project and in-kind services to be performed by the Society, the remaining \$113,200.00 of funds is being requested, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the funding of \$110,000.00 for the Carousel Society of the Niagara Frontier project when presented to the Niagara Power Coalition and the Host Community Standing Committee.

Moved by Lance, seconded by Godfrey.

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

Resolution No. IL-062-17

From: Legislators Richard L. Andres, Anthony J. Nemi, John Syracuse, Kathryn L. Lance, Owen T. Steed, David E. Godfrey and Parks, Recreation & Tourism Ad hoc Committee

Dated: June 20, 2017

**SUPPORT FOR THE NIAGARA COUNTY PARKS DEPARTMENT
WEST CANAL MARINA & PARK PADDLE SPORT LAUNCH PROJECT
PHASE II - SHORE POWER AND FRESH WATER SYSTEM**

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

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

WHEREAS, the Erie Canal waterfront is a shared natural, scenic and recreational asset for Niagara County and the Town of Pendleton where great strides have been taken by both communities to work collaboratively to study, plan and implement development and preservation efforts that will enhance accessibility while

maintaining the natural integrity of the area, and

WHEREAS, the Niagara County Parks Department is proposing to improve waterfront access and recreational opportunities offered to the community at the West Canal Marina & Park, a 30-acre park that features a marina, parkland and a natural open space and is open to all residents and youth groups for hiking, nature study, wildlife and conservation training, camping, kayaking, boating, canoeing, soccer and archery, and

WHEREAS, the Niagara County Parks Department proposal is the next step in utilizing greenway funds to execute the goals of the Niagara County Comprehensive Plan and the comprehensive plan in the "Vision for the Amherst/Pendleton Waterfront Revitalization Area", and

WHEREAS, Phase I improvements included the installation of a kayak, canoe launch and special access fishing dock, transforming the existing site condition by dedicating one boat launch ramp and creating a safer and handicap accessible pathway, and

WHEREAS, the Niagara County Parks Department has made application to the Niagara County's Ad Hoc Committee on Recreation and Tourism for Greenway funds for Phase II of the West Canal Marina & Park Paddle Sport Launch Project for Shore Power and Fresh Water System, and

WHEREAS, the current Phase II proposal includes the installation of power and fresh water stations at the dock area of the West Canal Marina & Park Paddle Sport Launch, which will close a key gap for boaters as they travel from Lockport to Buffalo along the Erie Canal, and

WHEREAS, Phase II of the West Canal Marina & Park Paddle Sport Launch for Shore Power and Fresh Water System meets the guiding principles of the Niagara River Greenway Commission, and

WHEREAS, the Niagara River Greenway Commission's guiding principles promote high-quality, ecologically sensitive and sustainable activities and development, and

WHEREAS, the proposed Phase II of the West Canal Marina & Park Shore Power and Fresh Water System will increase traffic to the County's waterfront and parks; restoring environmental integrity, and

WHEREAS, Niagara County's Park request has the support of the town of Pendleton, and

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

WHEREAS, the county of Niagara is to be complimented on the ability to utilize the Greenway available funds for this and other projects, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the funding of \$61,500.00 for the County of Niagara West Canal Marina & Parks Paddle Sport Launch – Phase II Power and Water Installation Project when presented to the Host Community Standing Committee, 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 Nemi, seconded by Steed.

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

Resolution No. IL-063-17

From: Legislator Michael A. Hill
Dated: June 20, 2017

**RESOLUTION IN SUPPORT OF GASPORT BOY SCOUT TROOP 18
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the mission and goal of Boy Scout Troop 18 and the Boy Scouts of America is “to prepare young people to make ethical and moral choices over their lifetimes by instilling in them the values of the Scout Oath and Law”, and

WHEREAS this preparation is done through various activities outdoors, community service and accomplishment of merit badges, which serves as lessons throughout life and to be able to do this there are certain requirements needed in equipment so everyone is able to participate, and

WHEREAS, the Gasport Boy Scout Troop 18 is requesting funds to help repair their trailer and camping equipment, now, therefore, be it

RESOLVED, that the Niagara County Legislature supports funding to Gasport Boy Scout Troop 18 as follows:

Gasport Boy Scout Troop 18	\$3,500.00
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and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01	Appropriated Fund Balance - Committed Funds	\$3,500.00
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INCREASE APPROPRIATION:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$3,500.00
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Referred to Economic Development Committee

Resolution No. IL-064-17

From: Legislator Michael A. Hill
Dated: June 20, 2017

**RESOLUTION IN SUPPORT OF MIDDLEPORT BOY SCOUT TROOP 23
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the mission and goal of Boy Scout Troop 23 and the Boy Scouts of America is “to prepare young people to make ethical and moral choices over their lifetimes by instilling in them the values of the Scout Oath and Law”, and

WHEREAS this preparation is done through various activities outdoors, community service and accomplishment of merit badges, which serves as lessons throughout life and to be able to do this there are certain requirements needed in equipment so everyone are able to participate, and

WHEREAS, the Middleport Boy Scout Troop 23 is requesting funds to help purchase an enclosed trailer to take to camp and for fundraisers, now, therefore, be it

RESOLVED, that the Niagara County Legislature supports funding to the Middleport Boy Scout Troop 23 as follows:

Middleport Boy Scout Troop 23	\$3,500.00
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and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01	Appropriated Fund Balance - Committed Funds	\$3,500.00
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INCREASE APPROPRIATION:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$3,500.00
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Referred to Economic Development Committee

Resolution No. IL-065-17

From: Legislator John Syracuse

Dated: June 20, 2017

**RESOLUTION IN SUPPORT OF THE NIAGARA CELTIC FESTIVAL
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Celtic Festival is Western New York's Primer Festival to celebrate everything Irish, Scottish and Welch, and

WHEREAS, the Celtic 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 over 12,000 people during the festival and bringing significant economic impact to the community, and

WHEREAS, the 2017 Celtic Festival is scheduled to take place on September 16th and 17th at Krull Park in picturesque Olcott, New York, and

WHEREAS, the festival offers Celtic-themed rides, food vendors, music and live entertainment for the whole family to enjoy, and

WHEREAS, this 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 the festival, now, therefore, be it

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

The Niagara Celtic Festival	\$3,500.00
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and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01 Appropriated Fund Balance - Committed Funds \$3,500.00

INCREASE APPROPRIATION:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund \$3,500.00
Referred to Economic Development Committee

Resolution No. IL-066-17

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

Dated: June 20, 2017

**RESOLUTION IN SUPPORT OF THE FRONTIER VOLUNTEER FIRE CO., INC./ST. JOHNSBURG
FIRE COMPANY, INC. THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Frontier Volunteer Fire Co., Inc./St. Johnsburg Fire Company, Inc. will be hosting the 118th Annual Western New York Volunteer Fireman's Association Convention to be held on July 27-29, 2017 at the Wheatfield Town Hall Campus, and

WHEREAS, this event will bring 1,500 volunteer firefighters and visitors to the area from all over Western New York, and

WHEREAS, funds are being sought to help offset the costs associated with advertising this event to the public and printing program books which will promote local business in the county, now, therefore, be it

RESOLVED, that Niagara County supports the economic initiatives of the Frontier Volunteer Fire Co., Inc.:

Frontier Volunteer Fire Co., Inc./St. Johnsburg Fire company, Inc. \$3,000.00

and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01 Appropriated Fund Balance - Committed Funds \$3,000.00

INCREASE APPROPRIATION:

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

Resolution No. IL-067-17

From: Legislators Randy R. Bradt and Rebecca J. Wydysh

Dated: June 20, 2017

**RESOLUTION DIRECTING COUNTY ATTORNEY'S OFFICE TO PREPARE RESEARCH INTO
FEASIBILITY OF INDIVIDUALLY FILING OR JOINING MULTI-PLAINTIFF LAWSUIT
AGAINST MAJOR DRUG MANUFACTURERS TO RECOVER CURRENT AND FUTURE
DAMAGES TO THE COUNTY TAXPAYERS FROM ABUSE OF OPIOID PHARMACEUTICALS**

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 opiate abuse and misuse as well as heroin abuse, the latter often brought on by prescription opiate abuse, and

WHEREAS, news reports state that “the number of opioid-related deaths rose 47 percent in New York between 2010 and 2014, fueled by a surge in heroin abuse, state records show,” that “26 of the state’s 62 counties saw the number of deaths double during the five-year span,” that “a total of 5,860 deaths occurred in New York between 2010 and 2014, compared to 2,931 from 2003 through 2007,” and that in neighboring Erie County, more than 300 people died from opioid-related drug overdoses in 2016, and

WHEREAS, Niagara County has a rate of 2.8 deaths per 100,000 of population as of 2016, with 20 overdose fatalities from January through September 2016, ranking Niagara County the 21st highest statewide, and Niagara Falls even featured prominently in a negative anecdote about heroin abuse in the March 6, 2016 New York Times, and

WHEREAS, Niagara County established a heroin and opioid task force to address the issue on February 23, 2016, with the same engaging in fact-finding and public education on the opioid crisis, and

WHEREAS, various entities, including Erie County, Nassau County, and the State of Ohio have pursued lawsuits against the manufacturers of pharmaceuticals containing opioids, alleging, in the words of the Buffalo Law Journal, “pharmaceutical manufacturers misled doctors and patients into believing that opioid painkillers were not addictive” and that “the drug manufacturers aggressively marketed opioid pain relievers despite growing addiction rates, misrepresented the dangers of long-term opioid use to physicians and ignored that continued use of opioids diminishes the drugs intended result, requiring increases in dosage and ups the risk of addiction,” and

WHEREAS, the Nassau County lawsuit states that the pharmaceutical manufacturers “knew that opioids were effective treatments for short-term post-surgical and trauma-related pain, and for palliative (end-of-life) care. Yet they also knew—and had known for years—that opioids were addictive and subject to abuse, particularly when used long-term for chronic non-cancer pain (pain lasting three months or longer, hereinafter referred to as “chronic pain”), and should there not be used except as a last-resort” and that “the U.S. Food and Drug Administration (“FDA”) has expressly recognized that there have been no long-term studies demonstrating the safety and efficacy of opioids for long-term use,” and

WHEREAS, it is the view of this Legislature that the Government of Niagara County should recover damages from those parties directly contributing to high costs to the taxpayers in the form of increased social services, policing, and other expenditures, so as to mitigate the impact of the same, and

WHEREAS, this Legislature further notes that the abuse of both recreational and prescription drugs has led to a decline in quality of life and public safety, particularly for those residents located in communities particularly impacted by the presence of narcotics, and the documented surge in opiate abuse throughout Western New York and America at large has notably impacted those communities, and

WHEREAS, Napoli Shkolnik PLLC, 360 Lexington Avenue, 11th Floor, N.Y., N.Y. 10017, is a New York law firm with extensive experience in pharmaceutical litigation and a history of representing States, Counties, Cities and other municipalities across the Country, and

WHEREAS, Napoli Shkolnik, PLLC presently represents Nassau County, the Cities of Lorain and Dayton, Ohio and the City of Manchester, New Hampshire as plaintiffs in opioid litigation, and

WHEREAS, the defendants in the above opioid litigation include Purdue, Pharma L.P.; Purdue Pharma Inc.; the Purdue Frederick Company, Inc.; Teva Pharmaceuticals USA, Inc.; Cephalon, Inc.; Johnson & Johnson; Janssen Pharmaceuticals, Inc.; Janssen Pharmaceutica, Inc.n/k/a Janssen Pharmaceuticals, Inc.; Ortho-McNeil-

Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals, Inc.; Endo Health Solutions Inc.; Endo Pharmaceuticals, Inc.; Allergan plc f/k/a Actavis plc; Actavis, Inc. f/k/a Watson Pharmaceuticals, Inc.; Watson Laboratories, Inc.; Actavis LLC; and Actavis Pharma, Inc. f/k/a Watson Pharma, Inc. (collectively, "Manufacturers" or "Defendants"); and McKesson Corporation, Cardinal Health Inc., Amerisource Drug Corporation (Collectively, "Distributor Defendants" or "Defendants"), and

WHEREAS, Napoli Shkolnik, PLLC has the requisite experience, staff and resources to pursue litigation against the above international pharmaceutical litigation and has agreed to represent the County of Niagara on a contingent fee basis without a fee unless a monetary recovery is acceptable to the County of Niagara and advance all costs associated with prosecuting the litigation, and

WHEREAS, the contingent fee basis is 7.5% of pre-complaint recovery; 15% of recovery after ruling on motion to dismiss; 20% recovery after close of pretrial discovery; and 25% after ruling on summary judgment or trial, and

WHEREAS, at the direction of the County Attorney, Claude A. Joerg, John J. Ottaviano, First Assistant County Attorney vetted Napoli Shkolnik, PLLC and the County Attorney recommended that the County employ their services to commence opioid litigation subject to the approval of the Opioid Addiction/Overdose Strategy Implementation Standing Committee, and

WHEREAS, this Legislature must act to preserve both the financial wellbeing of the County of Niagara and to ensure the safety of its people, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara does hereby direct the County Attorney's Office to research ongoing lawsuits against manufacturers of opiate-based pharmaceuticals, and be it further

RESOLVED, that this Legislature directs the County Attorney's Office to determine which pharmaceutical manufacturers have demonstrated culpability in manufacturing and promoting products that were not safe, per the complaint stated in the Nassau County lawsuit, and be it further

RESOLVED, that this Legislature directs the County Attorney's Office to make recommendations as to whether the County of Niagara should join another multi-plaintiff suit, file our own individual lawsuit, take no action, or pursue some other legal strategy, and to report the same jointly to this Legislature and the Opioid Addiction/Overdose Strategy Implementation Standing Committee within 60 days of the enactment of this Resolution, and be it further

RESOLVED, that this Legislature directs the Office of County Manager, the Mental Health Department, the Health Department, the Public Information Office, the Department of Social Services, the Niagara County Sheriff's Office, Niagara County Emergency Management, the Center for Economic Development, Real Property Services, and such other departments as may provide services, data, or knowledge pertinent to the pursuit of a lawsuit to provide the same upon request from the County Attorney, and be it further

RESOLVED, that upon completion of the above tasks by the County Attorney's Office the County Attorney be and is hereby authorized to retain Napoli Shkolnik PLLC as Special Counsel pursuant to the above terms and conditions upon approval by the Opioid Addiction/Overdose Strategy Implementation Standing Committee. Moved by Bradt, seconded by Wydysh, to implement the portion of Rule 15 that pertains to voting on a resolution as opposed to referring it to committee. Carried.

Moved by Bradt, seconded by Wydysh.
Adopted. 14 Ayes, 0 Noes, 1 Absent – Grozio

Resolution No. IL-068-17

From: Legislator Michael A. Hill

Dated: June 20, 2017

**ADOPTION OF A LOCAL LAW AUTHORIZING THE LEASE
OF COUNTY OWNED PROPERTY [I.E. TROTT ACCESS CENTER TO NORTHPOINTE]
FOR A LEASE TERM IN EXCESS OF FIVE YEARS**

Whereas, the County Legislature recommends the adoption of the following Local Law:

A Local Law for the County of Niagara authorizing the lease of county owned property [i.e. Trott access center to Northpointe] for a Lease Term In Excess of Five Years, and

WHEREAS, a public hearing was held on June 20, 2017 at 6:00 p.m. in the Legislative Chambers, Niagara County Courthouse, Lockport, New York, on said Local Law, and

WHEREAS, one person appeared to speak on said Local Law, and

WHEREAS, no amendment(s) was (were) made to said Local Law, now, therefore, be it

RESOLVED, that the County of Niagara adopts of the following Local Law:

A Local Law authorizing the lease of County property no longer necessary for public use, that being an additional 5,327 square feet of space for a total of 9,165 sq. feet of space in the Trott Building to the Northpointe Council, Inc. for an initial five (5) year Lease Term, with the privilege of three [3] five [5] year renewals, for a maximum lease term of twenty [20] years, and

Be it enacted by the Legislature of the County of Niagara, New York, as follows:

1. That the County of Niagara be allowed to lease certain real property described above inasmuch said property is no longer necessary for any County public use.
2. That the County of Niagara is authorized to conduct private negotiations for the lease of said premises without public bidding.
3. That said lease will be for a fair and adequate consideration subject to final approval by the Niagara County Legislature.
4. That said consideration would be the initial annual rent of \$122,811.00 per year by the tenant Northpointe Council, Inc.
5. That the said leasehold be restricted to allowing Northpointe Council, Inc. to utilize the real property and facilities thereon for the sole purpose of maintaining a methadone treatment center in Niagara County.
6. That Niagara County will may make alterations, additions or improvements to the premises for Northpointe Council, Inc. at the approximate cost of \$200,000.00 prior to the occupancy by Northpointe Council, Inc.
7. Any alterations, additions or improvements to the premises under the leasehold shall revert to the County of Niagara at the end of the Lease Term.
8. That the chairman of the Niagara County Legislature execute all documents necessary to effectuate such lease, including, but not limited to, contracts with Northpointe Council, Inc. and any governmental agency

providing funding for any renovations or improvements to the facilities on said real property for the operation of a methadone treatment center, after review and approval by the County Attorney.

9. That the property to be leased is described as follows:

Real property located at the City of Niagara Falls, County of Niagara, state of New York, specifically a total of 9,165 sq. feet of space in the Trott Building as more particularly described in the lease, and be it further

This Local Law shall take effect immediately.

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

Carried.

Moved by Wydysh, seconded by Wydysh.

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

Resolution No. IL-069-17

From: Legislator Randy R. Bradt, Rebecca J. Wydysh, Clyde L. Burmaster, Kathryn L. Lance, et al.

Dated: June 20, 2017

RESOLUTION CALLING ON GOVERNOR CUOMO TO IMMEDIATELY CONVENE A SPECIAL SESSION OF THE NEW YORK STATE ASSEMBLY AND, IF NECESSARY, THE NEW YORK STATE SENATE, AND TO KEEP SAID BODY IN SESSION UNTIL SUCH TIME AS IT TAKES UP AND PASSES HOME RULE MESSAGES FOR ALL 53 COUNTIES RELIANT UPON SALES TAX EXTENDERS TO FUND THE STATE-IMPOSED MEDICAID BURDEN

WHEREAS, the state Legislative calendar currently calls for adjournment of the 2017 session this week, and

WHEREAS, the county governments of 53 counties are reliant upon sales tax revenue generated under provisions of Section 1 Clause 29 of Subparagraph (i) of § 1210 of the Tax Law, and has required passage of biennial extenders acting upon home rule messages submitted by the legislative bodies of those 53 counties impacted, and

WHEREAS, the Senate has taken up and passed S.5656, and various other Home Rule bills authorizing the passage of sales tax extenders for an additional two years, but the Assembly has failed to bring the same to the floor for a vote due to a political fight over New York City mayoral control of said city's schools, and

WHEREAS, the State of New York has imposed a funding structure for Medicaid which is reliant upon partial payments by county governments of the bills arising from individuals deemed eligible for this taxpayer-financed program, and

WHEREAS, the 2017 Niagara County budget included \$43.7 million in projected expenditures for Medicaid, which may be quantified as 56% of the County's property tax levy of \$77.6 million, and

WHEREAS, the Niagara County Legislature biennially seeks to relieve the tax burden placed on property tax payers in Niagara County via a one-cent-per-dollar "Medicaid Penny" sales tax, which ensures that the cost of the state's unfunded Medicaid mandate does not fall solely on the property tax payers, as do 52 other counties, and

WHEREAS, the State of New York has substantially adds to the cost of Medicaid by mandating various services not mandated under federal law, and requiring property taxpayers to fund this mandate via county property taxes, and

WHEREAS the Niagara County Legislature must urge the Assembly in the strongest possible terms to take up and pass home rule authorization of the sales tax extender, as not doing so could have potentially catastrophic impacts on the budgets of the 53 counties utilizing this tax revenue, as, in the case of Niagara County alone, the resultant shortfall would be approximately \$31.5 million, and per figures generated by the Niagara County Treasurer's Office, would require an estimated 41% increase in the property tax levy to maintain the current level of spending, which is largely driven by state-mandated programs, and to maintain the current level of service provided by this government, including such non-mandated programs as Sheriff's road patrol and continued maintenance of county highways and bridges, and

WHEREAS, the lack of home rule authorization of the sales tax extender would impose a significant hardship on those county and municipal governments that are currently preparing Fiscal Year 2018 budgets and will lack accurate information upon which to generate revenue forecasts, now, therefore be it

RESOLVED, that the Niagara County Legislature does hereby call upon Governor Andrew M. Cuomo to recall the New York State Assembly for a Special Session, and require said Legislative body to remain in Albany until such time as all 53 counties' sales tax extenders have been enacted, and be it further

RESOLVED, that the Niagara County Legislature does hereby call upon the Senate Temporary President to, should it become necessary to enact legislation in the Senate arising from modification of the state Tax Law in relation to the sales tax extender or the home rule requests of the 53 counties that shall occur in addition to those bills already passed by the Senate, recall the Senate for a Special Session to take up said legislation, and be it further

RESOLVED, that the Niagara County Legislature does hereby admonish the Assembly for its disruptive actions potentially adversely impacting the taxpayers of the entire state in pursuit of policy outcomes relevant only to New York City, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Andrew M. Cuomo, Senate Temporary President John J. Flanagan, Senator Robert G. Ort, Senator Patrick M. Gallivan, Senator Tony Avella, Member of the Assembly Michael J. Norris, Member of the Assembly Angelo J. Morinello, Member of the Assembly Ray Walter, Member of the Assembly Robin Schimming, and all others deemed necessary and proper.

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

Carried.

Moved by Bradt, seconded by Nemi.

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

Legislator Syracuse thanked County Manager Richard Updegrove, Commissioner of Public Works Garret Meal, Deputy Commissioner of Highways, Bridges and Structures Dean Lapp and Director of Emergency Management Jonathan Schultz and all of their employees for the outstanding job they doing to protect residents along Lake Ontario from the high water levels.

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

The Chairman declared the Board adjourned at 8:46 p.m., subject to the call of the Clerk.

No citizen spoke at this time on the General Welfare of the County.



Mary Jo Tamburlin, Clerk