

OFFICIAL RECORD

Lockport, New York
June 21, 2016

A public hearing was held pursuant to AD-016-16 adopted by the Legislature on June 21, 2016, for the purposed local law adjusting the salary of the Niagara County Deputy District Attorney during the vacancy in the Office of the Niagara County District Attorney in the County of Niagara, New York. Legislator Nemi 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-023-16, adopted by the Legislature on June 21, 2016, for the NCCC FY 2016-2017 Maintenance & Operating Budget. Legislator Wydysh opened the hearing at 6:45 p.m. and closed it at approximately 6:50 p.m.

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

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

Legislator Andres lead a moment of silence for retired North Tonawanda Fire Chief Joseph Belczak

PRESENTATIONS:

1. Chairman McNall invited Ken Kujawa, 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. He also discussed the National Grid STEM partnership in which 45 teachers in Niagara County will attend Niagara University for graduate level class on how to tech STEM and help run the summer STEM camps.

2. Legislator Andres called Anthony Restaino, Commissioner of Social Services to the podium to congratulate Pam Gatto on her retirement from Social Services as Director of Eligibility and thanked her for all her years of dedicated service to the citizen of Niagara County.

One citizen spoke at this time.

Recess.

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

Carried

RESOLUTIONS:

Resolution No. AD-019-16

From: Administration Committee

Dated: June 21, 2016

CREATE AND FILL TEMPORARY CLERK – BOARD OF ELECTIONS

WHEREAS, an employee in the Niagara County Board of Elections will be on a leave of absence, and

WHEREAS, the Board is charged with the administration of November Presidential elections, and

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Dated: June 21, 2016

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WHEREAS, an employee in the Niagara County Board of Elections will be on a leave of absence, and

WHEREAS, the Board is charged with the administration of November Presidential elections, and

WHEREAS, it is imperative that the Office be fully staffed, now, therefore, be it

RESOLVED, that a temporary Clerk – Board of Elections be created and filled effective August 25, 2016 without benefits at an hourly rate of \$17.74 per hour in the non-union hourly salary grade 59, and be it further

RESOLVED, that the temporary position will be abolished upon the return of the permanent incumbent, anticipated to be by the end of December 2016, and be it further

RESOLVED, that the following budget modifications be effectuated

DECREASE APPROPRIATION:

A.08.1990.000 74500.01	Contingency	\$13,126
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INCREASE APPROPRIATION:

A.14.1450.000 71010.00	Positions	\$11,176
A.14.1450.000 78200.000	FICA	855
A.14.1450.000 78300.00	Worker's Comp	\$56
A.14.1450.000 78100.00	Retirement	1,039

Moved by Bradt seconded by Zona

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

Resolution No. AD-020-16

From: Administration Committee

Dated: June 21, 2016

CREATE AND FILL TWO (2) FULL-TIME CLERKS

WHEREAS, the Board of Elections has an increased work-load due to the General Presidential Election, now, therefore, be it

RESOLVED, that two (2) full-time Clerk positions, without benefits, Non-Union hourly, Job Group 59, be created and filled effective July 1, 2016 until November 30, 2016, and be it further

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

DECREASE APPROPRIATION:

A.08.1990.000 74500.01	Contingency	\$31,796
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INCREASE APPROPRIATION:

A.14.1450.000 71010.00	Positions	\$27,072
A.14.1450.000 78200.000	FICA	2,070
A.14.1450.000 78300.00	Worker's Comp	136
A.14.1450.000 78100.00	Retirement	2,518

Moved by Bradt seconded by Zona

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

Resolution No. AD-021-16

From: Administration Committee

Dated: June 21, 2016

BUDGET MODIFICATION – BEAUTIFICATION FUNDING

WHEREAS, the Niagara Falls Bridge Commission continues to make voluntary in lieu of tax payments to Niagara County on an annual basis, and

WHEREAS, the Niagara Falls Bridge Commission continues to support the use of these funds for various activities of the Niagara County Center for Economic Development related to economic and tourism development, and

WHEREAS, Niagara County is hosting the New York State Association of Counties (NYSAC) statewide fall conference, which will bring hundreds of elected and appointed county officials from all over New York State to Niagara Falls and Niagara County from September 19th to the 21st, 2016, and

WHEREAS, Niagara County is hosting NYSAC's President's Reception on the evening of September 20th, and the Niagara Falls Bridge Commission has approved using a portion of its 2016 funds granted to the County for this event, which will draw upwards of 600 people to Niagara Falls and Niagara County, creating a significant positive economic impact, now, therefore, be it

RESOLVED, that Niagara County allocate up to \$125,000 in Niagara Falls Bridge Commission funding for the 2016 NYSAC Fall Conference, and be it further

RESOLVED, that the following budget modification be effectuated:

INCREASE REVENUE:

A.28.8020.811 41081.02	Payment in Lieu of Tax Bridge Commission Beautification	\$125,000.00
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INCREASE APPROPRIATION:

A.28.8020.811 74550.29	Beautification Program	\$125,000.00
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Moved by Bradt seconded by Zona

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

Resolution No. AD-022-16

From: Administration Committee

Dated: June 21, 2016

**ADOPTION OF A LOCAL LAW INCREASING THE SALARY OF
NIAGARA COUNTY DEPUTY DISTRICT ATTORNEY**

WHEREAS, the Administration Committee recommends the adoption of the following Local Law:

Local Law of the County of Niagara, New York for the year 2016 increasing the salary of Niagara County Deputy District Attorney, and

WHEREAS, a public hearing was held on the 21st day of June, 2016 at 6:45 p.m., in the Legislative Chambers, 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 of the County of Niagara, New York increasing the salary of the Deputy District Attorney be enacted by the County Legislature of the County of Niagara as follows:

1. During the term of a vacancy in the office of the Niagara County District Attorney, the attorney designated to perform the functions and duties of the Niagara County District Attorney during such vacancy shall receive the same compensation as the elected Niagara County District Attorney would have been entitled to receive.
2. On March 22, 2016, the date of the resignation of the Niagara County District Attorney, the salary established for the Niagara County District Attorney was \$152,500.00; effective April 1, 2016 the salary of the Niagara County District Attorney was increased to \$183,400.00 by operation of law due to the increases in salaries of the County Court Judges of the State of New York. [See Judiciary Law 183-a];
3. Prior to his resignation, the elected Niagara County District Attorney designated a particular Niagara County Deputy District Attorney to perform the functions and duties of the Niagara County District Attorney during his absence and/or a vacancy in such office, therefore, such designated Niagara County Deputy District Attorney shall receive a salary of \$152,500.00, effective March 22, 2016; and effective April 1, 2016 the salary of the Niagara County District Attorney shall be increased to \$183,400.00 during the period of a vacancy in the office of the Niagara County District Attorney.

This Local Law shall become effective in accordance with the statutes of the State of New York.

Moved by Burmaster seconded by Bradt

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

Resolution No. CS-026-16

From: Community Services and Administration Committees

Dated: June 21, 2016

NCCC FY 2016-2017 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, 2016 and ending August 31, 2017, 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 21st day of June, 2016 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 2016-17, beginning September 1, 2016 and ending August 31, 2017, is hereby approved and adopted with any amendments as heretofore approved this date by this legislature and which results in a total figure of \$49,971,766, with the Sponsor's contribution from taxes of \$8,871,000.

Moved by Bradt seconded by Zona

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

Resolution No. CS-027-16

From: Community Services and Administration Committees

Dated: June 21, 2016

**BUDGET MODIFICATION – ACCEPT MEDICAL RESERVE CORPS FUNDS
EMERGENCY PLANNING PROGRAM - DEPARTMENT OF HEALTH**

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

WHEREAS, the National Association of County & City Health Officials (passed through from the Department of Health and Human Services CFDA #93.008) awarded \$15,000 to Niagara County Emergency Planning Program for building resilience and supporting maternal mental health through breastfeeding and stress reduction, now, therefore, be it

RESOLVED, that the following budget modification, be effectuated:

INCREASE REVENUE:

CM.20.4189.406 44489.24	Other Health MRC	\$15,000.00
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INCREASE APPROPRIATIONS:

CM.20.4189.406 74000.02	Miscellaneous Fees	\$7,005.00
CM.20.4189.406 74250.01	Office Supplies	210.00
CM.20.4189.406 74375.05	Cellular Phone	1,763.00
CM.20.4189.406 74750.02	Supplies	2,908.50
CM.20.4189.406 74300.03	Travel, Mileage	270.00
CM.20.4189.406 74375.01	Advertising & Promotion	150.00
CM.20.4189.406 74600.03	Training & Education	2,693.50

Moved by Bradt seconded by Zona

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

Resolution No. CS-028-16

From: Community Services and Administration Committees

Dated: June 21, 2016

**BUDGET MODIFICATION – ACCEPT NEW YORK STATE HEALTH FOUNDATION GRANT
NURSING DIVISION - DEPARTMENT OF HEALTH**

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

WHEREAS, the New York State Health Foundation awarded \$3,337 to Niagara County Nursing Division for travel and attendance at the 2016 National Association for County and City Health Officials conference, now, therefore, be it

RESOLVED, that the following budget modification, be effectuated:

INCREASE REVENUE:

A.20.4189.401 41689.01	Other Health Dept. other Agencies	\$3,337.00
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INCREASE APPROPRIATIONS:

A.20.4189.401 74600.03	Training & Education	\$3,337.00
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Moved by Bradt seconded by Zona

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

Resolution No. CS-029-16

From: Community Services and Administration Committees

Dated: June 21, 2016

SECTION 5311 CAPITAL PROJECT - DSS

WHEREAS, the County of Niagara has been approved for a grant of funds by the New York State Department of Transportation, pursuant to Section 5311, Title 49, United States Code, for a project described as purchase two replacement buses and related equipment, and

WHEREAS, the County of Niagara and the State of New York are entering into a supplemental grant agreement which authorizes the undertaking of the project and payment of the federal and state shares for the project, now, therefore, be it

RESOLVED, that following the County Attorney's review, the Chairman of the Niagara County Legislature is authorized to sign any and all agreements between the County of Niagara and State of New York for the above named project; any and all agreements between the County of Niagara and any third party subcontractors necessary to complete the project; any and all agreements between the County of Niagara and any vendor for the purchase and/or installation of vehicles and/or equipment, and be it further

RESOLVED, that the County of Niagara certifies through this Resolution that the estimated local share of at least 10% of the total project cost, as described in the Section 5311 Project Application, is committed to this Project from the third party contractor, and be it further

RESOLVED, that the following budget modifications be effectuated:

INCREASE REVENUE:

A.22.6010.000 43589.04	Rural Transportation Grant (State)	\$30,000
A.22.6010.000 44589.01	Rural Transportation Grant (Federal)	240,000
A.22.6010.000 41750.00	Bus Operations	30,000

INCREASE APPROPRIATION:

A.22.6010.000 72100.11	Other Vehicle	\$300,000
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Moved by Bradt seconded by Zona

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

Resolution No. CS-030-16

From: Community Services and Administration Committees

Dated: June 21, 2016

CREATE AND FILL POSITION/BUDGET MODIFICATION ALCOHOLISM AND/OR SUBSTANCE ABUSE COUNSELING

WHEREAS, the Niagara County Department of Mental Health is part of a New York State treatment system that is rapidly moving toward the required provision of integrated care, including addressing the mental health, brief physical health and substance abuse issues of our clients, and

WHEREAS, the Niagara County Department of Mental Health seeks to provide integrated care as required and mandated by managed care organizations, health homes and other planned treatment system changes, treating the whole person by providing behavioral health, medical, and substance abuse services in a single treatment site, and

WHEREAS, the New York State Department of Alcoholism and Substance Abuse has re-issued an Article 32 License to Niagara County Department of Mental Health to provide alcohol and substance abuse services in their Adult Mental Health Clinics and

WHEREAS, chemical dependence, especially as a co-occurring disorder with mental health, is a chronic illness

that can be treated effectively with counseling, approved medications used consistent with their pharmacological efficacy, and supportive services such as treatment for co-occurring disorders and medical services, and

WHEREAS, the added treatment component will mean additional clients, with a regulatory staff to client ratio of 1 staff per 35 clients mandated by Office of Alcoholism and Substance Abuse Services, therefore will require additional staff, and

WHEREAS, the services rendered will be reimbursed through third party insurance, Medicaid and self-pay with no impact to current County budget, now, therefore, be it

RESOLVED, that one Mental Hygiene Practitioner position, Grade 11, Step 1, at an hourly rate of \$25.29 be created within the Niagara County Department of Mental Health, and filled effective June 21, 2016, to carry out the required roles and responsibilities of the Integrated Mental Health and Article 32 Chemical Dependence Medically Supervised Outpatient Clinics, and be it further

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

INCREASE REVENUE:

A.21.4310.000 43489.04	Case Management Fees	\$ 35,185
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INCREASE APPROPRIATIONS:

A.21.4310.000 71010.00	Mental Hygiene Practitioner	\$ 24,607
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A.21.4310.000 78100.00	Retirement Expense	2,288
A.21.4310.000 78200.00	FICA Expense	1,882
A.21.4310.000 78300.00	Worker's Compensation	123
A.21.4310.000 78400.01	Insurance, Health Active	5,036
A.21.4310.000 78400.05	Insurance, Health HRA Employer	850
A.21.4310.000 78700.00	NYS Disability	48
A.21.4310.000 78800.00	Flex 125 Employer	351

Moved by Bradt seconded by Zona

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

Resolution No. CSS-036-16

From: Community Safety & Security and Administration Committees

Dated: June 21, 2016

**NIAGARA COUNTY SHERIFF'S OFFICE
ACCEPT GRANT-LIVE SCAN EQUIPMENT**

WHEREAS, the Niagara County Sheriff's Office applied for and received notification that the County is being awarded \$26,495.00 from the New York State Department of Criminal Justice Services for the period of July 1, 2016 through June 30, 2017, and

WHEREAS, this grant will be used to enhance our electronic fingerprint system that is currently being used, and

WHEREAS, the current system costs the county approximately \$45,000 per year; this grant will reduce the county cost by \$26,495, and

WHEREAS, the funds will be budgeted in the 2017 budget, now, therefore, be it

RESOLVED, that Niagara County accepts the New York State grant funding, and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to execute the contract subject to the approval of the County Attorney.

Moved by Bradt seconded by Zona

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

Resolution No. CSS-037-16

From: Community Safety & Security and Administration Committees

Dated: June 21, 2016

**NIAGARA COUNTY SHERIFF'S OFFICE
CREATE DEPUTY SHERIFF – SCHOOL RESOURCE OFFICER**

WHEREAS, the Starpoint Central School District had a School Resource Officer; and after the School's recent discussion with the Sheriff's Office, the School once again wishes to retain the services of a Deputy Sheriff, and

WHEREAS, this Deputy Sheriff School Resource Officer would be assigned to Starpoint on a full-time basis to deter criminal behavior and otherwise benefit the student population through positive interactions, and

WHEREAS, the Sheriff's Office is desirous of providing such services to Starpoint Central School District, in order to benefit the district's student population, as well as the community at large, and

WHEREAS, Starpoint Central School District has agreed to reimburse the Sheriff's Office for the cost of providing the Deputy Sheriff School Resource Officer, now, therefore, be it

RESOLVED, that the Sheriff's Office create and fill a Deputy Sheriff position, number XXXX, at an hourly rate of \$24.32, effective July 1, 2016 to be assigned to Starpoint Central School District, and be it further

RESOLVED, the above position be co-terminus with the funding, and be it further

RESOLVED, that the following budget modification be made:

INCREASE REVENUE:

A.17.3110.000.42210.01	Reimburse Other Governments	\$40,821
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INCREASE APPROPRIATIONS:

A.17.3110.000.71010.00	Positions (Deputy Sheriff)	\$25,293
A.17.3110.000.71032.00	Training Allowance	573
A.17.3110.000.71034.00	Briefing Time	1,185
A.17.3110.000.71035.00	Uniform Allowance	249
A.17.3110.000.78100.00	Retirement	5,105
A.17.3110.000.78200.00	FICA	2,045
A.17.3110.000.78300.00	Workers Comp.	134
A.17.3110.000.78400.01	Insurance	5,036
A.17.3110.000.78400.05	HRA	850
A.17.3110.000.78800.00	Flex Spending	351

Moved by Bradt seconded by Zona

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

Resolution No. CSS-038-16

From: Community Safety & Security and Administration Committees
Dated: June 21, 2016

**NIAGARA COUNTY SHERIFF'S OFFICE
CREATE TEMPORARY ADMINISTRATIVE ASSISTANT**

WHEREAS, the Sheriff's Office received notice of an impending retirement from the Administrative Assistant, and

WHEREAS, this retirement would be effective July 30, 2016, and

WHEREAS, the Sheriff's Office called for the Civil Service examination for this position, however, the test is only offered in June and the pending results of the exam will not be known prior to the retirement, and

WHEREAS, this position is vital to the Sheriff's Office organization and the position responsibilities are vast and include the preparation of the budget, and

WHEREAS, the Sheriff's Office wishes to create a temporary position to allow this individual to continue to work in a part-time capacity to continue the duties and to train the new hire, now, therefore, be it

RESOLVED, that a temporary, part- time position, Administrative Assistant/Sheriff be created and filled effective August 1, 2016 for a period of 120 days from the permanent appointment of the new Administrative Assistant/Sheriff, and be it further

RESOLVED, that the position will not be entitled to any benefits and will work a maximum of thirty (30) hours per week at a rate of \$37.06/hour, and be it further

RESOLVED, that the cost for this temporary position will come from personnel lines within the Sheriff's Office budget, therefore, will not incur any additional county cost, and be it further

RESOLVED, that the following line item transfer be effectuated:

FROM:

A.17.3110.000.71010.00	Positions (No. 338)	\$19,889
	No. 6006	4,571

TO:

A.17.3110.000.71030.00	Part Time (Adm. Ass't-Sheriff)	\$24,460
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Moved by Bradt seconded by Zona
Adopted. 14 Ayes, 0 Noes, 1 Absent – Virtuoso

Resolution No. CSS-039-16

From: Community Safety & Security and Administration Committees
Dated: June 21, 2016

2016 PROBATION BUDGET MODIFICATION – RENEW DCJS ATI GRANT

WHEREAS, effective 1/1/14 the Niagara County Probation Department received funding from the New York State Division of Criminal Justice Services (DCJS)/Office of Probation and Correctional Alternatives (OPCA) for an Alternatives to Jail Detention program for 18 months with two (2) one (1) year renewal options under the DCJS Alternatives To Incarceration Programs Grant, and

WHEREAS, the program has been successful in meeting its required program milestones, generating savings for Niagara County by reducing the use of unnecessary jail detention, and promoting public safety, and

WHEREAS, New York State DCJS has approved and extended the grant renewal option effective July 1, 2016 from 12 to 18 months now making the renewal option effective from July 1, 2016 through December 31, 2017 and has increased the amount of available funds accordingly for a total of \$121,880, and

WHEREAS, the initiative is part of a state-wide comprehensive strategy developed to reduce recidivism in local jurisdictions, safely reduce the unsentenced jail population, and increase public safety through effective community-based interventions for offenders through the use of evidence based interventions, and

WHEREAS, the Niagara County Probation Department expanded the Pretrial Release Program by creating and filling a TASC Case Manager position, co-terminous with the grant, to facilitate the successful expansion of the program, and,

WHEREAS, the Niagara County Probation Department has received notification from the New York State DCJS of renewal of the grant for the period of July 1, 2016 through December 31, 2017 in the amount of \$121,880 to provide support in the form of salary and benefits for a TASC Case Manager, now, therefore, be it

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

RESOLVED, that the TASC Case Manager position be continued coterminous with the grant, and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to sign the Grant Award and Special Conditions documents subject to approval by the County Attorney's Office, and be it further

RESOLVED, that the 2016 Probation Department Budget be modified as follows:

INCREASE REVENUE:

A.18.3989.302.43310.02	Probation Services Alternatives to Incarceration	\$39,750.00
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INCREASE APPROPRIATIONS:

A.18.3989.302.71010.00	Positions Expense	\$27,070.00
A.18.3989.302.78100.0	Retirement Expense	2,517.00
A.18.3989.302.78200.00	FICA Expense	\$2,071.00
A.18.3989.302.78300.00	Worker's Compensation Expense	135.00
A.18.3989.302.78400.01	Insurance, Health, Active Hospital /Medical Ins.	6,715.00
A.18.3989.302.78400.05	Insurance, HRA Employer Contribution	850.00
A.18.3989.302.78700.00	NYS Disability Expense	41.00
A.18.3989.302.78800.00	Flex 125 Employer Contribution Expense	351.00

Moved by Bradt seconded by Zona

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

Resolution No. CSS-040-16

From: Community Safety & Security and Administration Committees

Dated: June 21, 2016

2016 PROBATION BUDGET MODIFICATION - REENTRY PROGRAM

WHEREAS, the Niagara County Probation Department applied for funding from the New York Division of

Criminal Justice Services, Bureau of Justice Funding for the contract period of July 1, 2016 through September 30, 2016 under the Local Reentry Task Force Initiative for upstate counties, and

WHEREAS, the Local Reentry Task Force Initiative is part of a state-wide comprehensive strategy developed under Governor Andrew M. Cuomo and the Division of Criminal Justice Services Executive Deputy Commissioner Michael C. Green, to reduce recidivism in local jurisdictions and increase public safety through improved coordination and collaboration among criminal justice, social services, educational, health and mental health systems, and

WHEREAS, the role of the Local Reentry Task Force is to provide these coordinated services to high-risk offenders, including housing, employment, education, family support and reunification, substance abuse services, mental and physical health and other transitional needs, and

WHEREAS, the Local Reentry Task Force will collaborate with state criminal justice agencies, particularly with the Division of Parole and the Niagara County Probation Department, as well as human service providers to develop well-crafted transition plans for high-risk offenders transitioning from prison or jail back into the community, and

WHEREAS, the Niagara County Probation Department has received notification from the New York State Division of Criminal Justice Services of a financial award in the amount of \$25,000 for the period of July 1, 2016 through September 30, 2016 to contract with Community Missions, Inc. to establish and manage a comprehensive Parole Reentry Program, and

WHEREAS, Community Missions, Inc. has been the only agency providing reentry services in Niagara County since 2008, is the only agency able to adequately provide crises housing to the population served by the program, is the only agency with an experienced Reentry Coordinator, and has staff trained and certified to provide required cognitive behavioral interventions, and,

WHEREAS, the provision of the services described above constitute professional services requiring specialized skills and training. Community Missions, Inc., is currently the sole source provider for such services in Niagara County, and

WHEREAS, it is necessary to modify revenue and appropriations in cost center A.18.3140, to meet actual anticipated expenditures for 2016, and

WHEREAS, it is also necessary to appropriate the funds in the Probation Department Budget, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby waive purchasing guidelines requiring the solicitation of alternate price quotations and/or advertisement of a Request For Proposals as the Parole Reentry Program provided by Community Missions, Inc. is the sole provider of the professional services required in Niagara County, and be it further

RESOLVED, that the County of Niagara does hereby accept this grant and continue to fund the Niagara County Reentry Program through Community Missions, Inc. co-terminus with this grant, and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to sign the Grant Award and Special Conditions documents subject to approval by the County Attorney's Office, and be it further

RESOLVED, that the following budget modifications to the 2016 Probation budget be effectuated immediately:

INCREASE REVENUE:

A.18.3140.43310.04 NYSDCJS \$25,000

INCREASE APPROPRIATIONS:

A.18.3140.74500.01 Contractual Expenses \$25,000

Moved by Bradt seconded by Zona

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

Resolution No. IF-067-16

From: Infrastructures & Facilities and Administration Committees

Dated: June 21, 2016

BUILDING RENOVATIONS CAPITAL PROJECT BUDGET MODIFICATION

WHEREAS, the Mental Health Department was able to secure reimbursement for renovations at the Trott Access Center, in the amount of \$11,368, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE ANTICIPATED REVENUE:

H.624.15.1620.000.41289.02 Other Government Reimbursement \$11,368

INCREASE ANTICIPATED EXPENSES:

H.624.15.1620.000.72200.01 Building Improvements – Folder 05-A \$11,368

Moved by Bradt seconded by Zona

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

Resolution No. IF-068-16

From: Infrastructures & Facilities Committee

Dated: June 21, 2016

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND PAINTERS PLUS

WHEREAS, Painters Plus has requested that the County of Niagara grant them permission to use Oppenheim Park for the purpose of holding a WNY Heroes Fundraiser Event, and

WHEREAS, it is the wish of Painters Plus to hold the WNY Heroes Fundraiser Event on August 27, 2016, and

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

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Painters Plus, and

WHEREAS, prior to the execution of the license agreement between the County of Niagara and Painters Plus, the County Attorney will review said Agreement for approval as to legal form, language and compliance, now, therefore, it is

RESOLVED, that, following the County Attorney's review, the Chair of the County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and Painters Plus.

Moved by Bradt seconded by Zona

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

Resolution No. IF-069-16

From: Infrastructures & Facilities Committees
Dated: June 21, 2016

**EXTENSION OF SNOW AND ICE AGREEMENT
WITH NYS DEPARTMENT OF TRANSPORTATION 2016-2017**

WHEREAS, the County of Niagara, pursuant of Section 12 of the Highway Law, relating to the control of snow and ice on State highways in towns and incorporated villages, has heretofore entered into an agreement with the State of New York for such purposes, and

WHEREAS, Section 7 of said agreement provides that the Commissioner of Public Works shall furnish the municipality with a suitable map for each term of the agreement, and

WHEREAS, Section 190 of the said agreement provides for an annual update of the estimated expenditure to be determined by the Commissioner of Public Works, subject to the provisions of Section 10 at the time for extension of the agreement, and

WHEREAS, it would be in the best interest of Niagara County to extend the agreement, as modified and updated, for the 2016-2017, 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 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 Zona

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

Resolution No. IF-070-16

From: Infrastructures & Facilities and Administration Committees

Dated: June 21, 2016

**RESCIND PETTY CASH FUND
NIAGARA COUNTY WATER DISTRICT**

WHEREAS, the Niagara County Board of Supervisors adopted a Resolution dated March 21, 1961 establishing a petty cash fund of \$300 for the Niagara County Water District, for various minimal expenditures by the District, and

WHEREAS, an additional \$5 was added to the account in 2002 for a total of \$305, and

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

RESOLVED, that the previously authorized petty cash within the Niagara County Water District in the amount of \$305.00 be turned over to the County Treasurer's Office, and be it further

RESOLVED, that upon receipt of said petty cash the County Treasurer is hereby authorized to reduce account FX 1210.00 Water District Petty Cash to \$0.00.

Moved by Bradt seconded by Zona

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

Resolution No. IL-037-16

From: Legislator Clyde L. Burmaster and Economic Development Committee

Dated: June 21, 2016

**RESOLUTION IN SUPPORT OF OLD FORT NIAGARA LOG CABIN COOLING SYSTEM
PROJECT THROUGH THE USE OF CASINO FUNDS**

WHEREAS, Old Fort Niagara is one of the oldest historical sites in the Eastern United States and a major tourist attraction, and

WHEREAS, the attraction brings over 100,000 visitors a year to the Niagara Economy, and

WHEREAS, these visitors also patronize many other business which brings jobs and revenue to Niagara County, and

WHEREAS, Niagara County has always been a strong supporter of this great historical venue and supports the improvement which enhances the visitors experience, and

WHEREAS, Niagara County wishes to show its support by contributing \$5,000 toward the Cooling System Project, now, therefore, be it

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

Old Fort Niagara Cooling System Project Expenses	\$5,000.00
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and be it further

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

INCREASE REVENUE:

A.28.8020.812 40599.01	Appropriated Fund Balance	\$5,000.00
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INCREASE APPROPRIATION:

A.28.8020.812 74400.15	Seneca Niagara Monies	\$5,000.00
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Moved by Burmaster seconded by Godfrey

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

Resolution No. IL-038-16

From: Legislator Rebecca J. Wydysh and Economic Committee

Dated: June 21, 2016

**RESOLUTION IN SUPPORT FOR THE TOWN OF WHEATFIELD LIONS CLUB
FIVE SENSES NATURE PARK THROUGH THE USE OF CASINO FUNDS**

WHEREAS, the Town of Wheatfield Lions Club Five Senses Nature Park was established to serve the blind or visually impaired people of Western New York, and

WHEREAS, the Town of Wheatfield Lions Club also has a loan Closet which provides the Niagara Community free use of medical assistant equipment such as wheelchairs, medical beds, walkers, crutches and portable commodes, and

WHEREAS, the Town of Wheatfield Lions Club Five Senses Nature Park and it's building are over 20 years old and in need of updating, which began last year with Niagara County Legislature Casino Funding, and

WHEREAS, the Town of Wheatfield Lions Club wants to continue its policy of providing the free use by youth organizations (Boy Scouts, Girl Scouts, etc.) of the clubhouse, pavilion and 13 acres of grounds, now, therefore, be it

RESOLVED, the Niagara County Legislature wishes to support the Wheatfield Lions Club in their mission of providing the use of Five Senses Nature Park for the blind and visually impaired, providing the people of the Niagara County Community with free use of medical assistant equipment and the use of the clubhouse, by non-profit Youth Organizations, and be it further

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

The Town of Wheatfield Lions Club Five Senses Nature Park Repairs and Updates	\$1,500.00
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and be it further

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

INCREASE REVENUE:	
A.28.8020.812 40599.01	Appropriated Fund Balance
	\$1,500.00

INCREASE APPROPRIATION:	
A.28.8020.812 74400.15	Seneca Niagara Monies
	\$1,500.00
Moved by Wydysh seconded by Lance	
Adopted. 14 Ayes, 0 Noes, 1 Absent – Virtuoso	

Resolution No. IL-040-16
From: Legislators Clyde L. Burmaster, Rebecca J. Wydysh and Economic Committee
Dated: June 21, 2016

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

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

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

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

WHEREAS, the Lewiston Kiwanis Club will use the casino funds for marketing the 2016 Peach Festival, now, therefore, be it

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

Peach Festival Marketing and Promotion	\$4,000.00
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and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01 Appropriated Fund Balance - Committed Funds \$4,000.00

INCREASE APPROPRIATION:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund \$4,000.00

Moved by Burmaster seconded by Wydysh

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

Resolution No. IL-041-16

From: Legislator Rebecca J. Wydysh and Economic Committee

Dated: June 21, 2016

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

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

WHEREAS, the Lewiston Art Festival, which is sponsored by the Lewiston Council on the Arts, has become a highlight of the summer season in Niagara County, and

WHEREAS, the Lewiston Art Festival attracts artists and vendors from across the country, and

WHEREAS, the Lewiston Art Festival is an economic driver that supports jobs, generates government revenue and is a cornerstone of local tourism, and

WHEREAS, the Niagara County Legislature casino fund contribution will support the continuous marketing effort of the Lewiston Art Festival by the Lewiston Council on the Arts, now, therefore, be it

RESOLVED, that Niagara County supports this outstanding Art event as follows:

Lewiston Art Festival Marketing \$1,500.00

and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

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

INCREASE APPROPRIATION:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund \$1,500.00

Moved by Wydysh seconded by Nemi

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

Resolution No. IL-038-16

From: Legislators Anthony J. Nemi, Wm. Keith McNall, William J. Collins and Economic Committee
Dated: June 21, 2016

**RESOLUTION IN SUPPORT OF THE LOCKPORT COMMUNITY MARKET
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, communities in Niagara County are always looking for ways to attract visitors whose monies are needed to sustain the local economy, and

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

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

WHEREAS, the State of Illinois Department of Agriculture stated in analysis of the importance of farmers' and community markets to that state's economy that "Farmers markets serve as integral links between urban, suburban, and rural communities, affording farmers and their consumers the opportunity to interact; the popularity of farmers markets continues to rise, as more and more consumers discover the joys of shopping for unique ingredients sold direct from the farm, and the pleasure of buying familiar products in their freshest possible state," making the presence of farmers' and community markets a critical part of the appeal of municipalities in this county as "bedroom communities" for the local workforce, and

WHEREAS, Millennial Marketing (millennialmarketing.com) in a 2012 article stated that "Millennials believe they consume healthier, more expensive, more natural/organic, less processed and better tasting foods and brands than their parents. They also are more likely than previous generations to be gender neutral when it comes to the role of cooking (61% of females and 60% of males enjoy cooking). They consider food an adventure and seek out different, ethnic and artisan foods (40% like to try new kinds of ethnic cuisines and "anything new and different," compared to 34% and 32% respectively of GenX/Boomers combined)," making access to farmers' and community markets desirable for attracting young workforce entrants to live in Niagara County, and

WHEREAS, the Lockport Community Market, located on Historic Canal Street, will be celebrating its 6th season in 2016, and

WHEREAS, the Lockport Community Market is a wonderful venue for local farmers to sell their fruits and vegetables and to educate the public about the benefits of buying locally grown produce, and

WHEREAS, this season's community market is set to expand by three weeks, and will now run every Saturday from June 8 to October 18, offering fresh produce, butchered meat, and banked goods, as well as free sessions of yoga, music, and activities for the children, just to name a few, and

WHEREAS, the 2015 community market featured 72 vendors from throughout Western New York and drew in excess of 10,000 visitors to downtown Lockport, and anticipates both figures growing again, for the sixth consecutive year, and

WHEREAS, the Lockport Community Market brings people into the City of Lockport each week during the season which benefits many local shops, restaurants and businesses throughout the downtown area, and draws tourists and tourism-derived revenue, which benefits the region as a whole, and

WHEREAS, the 2015 Lockport Community Market expended \$12,195 on costs including advertising, professional market management, printing and signage, entertainment, web design, supplies, and yoga instruction, coming in below the targeted budget, and

WHEREAS, the 2016 Lockport Community Market's proposed budget is \$12,131, now, therefore, be it

RESOLVED, that Niagara County is desirous of promoting economic initiatives, especially in combination with a partner that will bring returns such as sales tax revenues to our citizens as well as visitors, and be it further

RESOLVED, that the Lockport Community Market be funded with monies as follows:

Lockport Community Market	\$5,000.00
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and be it further

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

INCREASE REVENUE:

A.28.8020.812 40599.01	Appropriated Fund Balance	\$5,000.00
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INCREASE APPROPRIATION:

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

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

Resolution No. IL-045-16

From: Legislator Anthony J. Nemi and Economic Committee

Dated: June 21, 2016

**RESOLUTION IN SUPPORT OF 2016 COMMUNITY FUNDING
FOR PENDLETON ORGANIZATIONS**

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

WHEREAS, the Town of Pendleton is blessed with various not-for-profit organizations that promotes civil engagement and community pride, and

WHEREAS, these organizations play an important role throughout the community by teaching and promoting good citizenship, honoring veterans, helping seniors, preserving history, promoting local business, and

WHEREAS, the Pendleton Lions Club would like to purchase and donate a child handicap playground equipment for Pendleton Town Park, and

WHEREAS, the Pendleton Food Pantry would like to purchase additional food stock for their yearly family in need distribution, and

WHEREAS, the Pendleton Business & Community Association would sponsor and promote its annual Community Faire & Business Expo, and

WHEREAS, the Pendleton Veterans would like to build a permanent monument to honor all veterans, and

WHEREAS, the Pendleton Historical Society would like to improve their exhibit area for visitors and school children, and

WHEREAS, the Pendleton Seniors and Wendelville Seniors would like improve and expand their monthly programs to include wellness and fitness instructions, and

WHEREAS, Niagara County is interested in supporting efforts of community service, promoting local business, and create a sense of pride throughout the community, now, therefore, be it

RESOLVED, that Niagara County supports the following Pendleton organizations as follows:

Pendleton Food Pantry	\$500.00
Pendleton Community & Business Assoc.	\$1,000.00
Pendleton Lions Club	\$2,500.00
Pendleton Veterans	\$500.00
Pendleton Historical Society	\$1,000.00
Pendleton Seniors	\$500.00
Wendelville Seniors	\$500.00

and be it further

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

INCREASE APPROPRIATIONS FUND BALANCE:

A.28.8020.812 40599.01 Appropriated Fund Balance – Committed Funds \$6,500.00

INCREASE APPROPRIATION:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund \$6,500.00

Moved by Nemi seconded by Lance

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

Resolution No. IL-046-16

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

Dated: June 21, 2016

**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 Tonawandans 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 by funded with monies as follows:

The Active Hose Fire Company #2 – "Flicks in the Park"	\$2,900.00
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and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01	Appropriated Fund Balance - Committed Funds	\$2,900.00
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INCREASE APPROPRIATION:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$2,900.00
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Moved by Andres seconded by Lance

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

Resolution No. IL-048-16

From: Legislator Randy R. Bradt, Richard L. Andres and Kathryn L. Lance

Dated: June 21, 2016

**RESOLUTION IN SUPPORT OF THE NORTH TONAWANDA CATHOLIC CLUB
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, The North Tonawanda Catholic Club Inc. was founded in 1947 and is the charity arm of Madonna Council, and is owner of the Knights of Columbus Hall located at 755 Erie Avenue in North Tonawanda, New York, and

WHEREAS, The North Tonawanda Catholic Club is a charitable organization with a goal to help those in need, work with the senior citizens and work with the youth of our community they also provide the use of their hall free for non-profit organization events, and

WHEREAS, The North Tonawanda Catholic Club is in need of improving the properties drainage system and repairing hazardous holes to create a safer parking lot for their guests, and

WHEREAS, the Niagara County Legislature recognizes the significant contribution that The North Tonawanda Catholic Club makes to help our community, now, therefore, be it

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

and be it further

INCREASE APPROPRIATED FUND BALANCE:

INCREASE APPROPRIATIONS:

Resolution No. IL-049-16

From: Legislator John Syracuse

Dated: June 21, 2016

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 2016 Celtic Festival is scheduled to take place on September 17th and 18th 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	\$3,000.00
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and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

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

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

Resolution No. IL-050-16

From: Legislator Clyde L. Burmaster
Dated: June 21, 2016

**RESOLUTION IN SUPPORT OF THE YOUNGSTOWN FREE LIBRARY
FOR THE YEAR 2016 THROUGH THE USE OF CASINO FUNDING**

WHEREAS, it is generally accepted that Libraries are the center of our daily information needs as well as gathering locations, and

WHEREAS, Libraries are free to use all over Niagara County and often provide the only link, some may not be able to afford computers, can use the Library to be able to compete academically with those who have computers, and

WHEREAS, Libraries only exist because our taxpayers understand the importance of educated communities and have supported them over many years, and

WHEREAS, Niagara County makes every effort to help when it can, with the special projects at the Libraries such as children's reading and entertainment programs which cost money outside of their budget, now, therefore, be it

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

Youngstown Free Library	\$1,000.00
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and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01	Appropriated Fund Balance - Committed Funds	\$1,000.00
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INCREASE APPROPRIATION:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$1,000.00
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Referred to Economic Development Committee

Resolution No. IL-051-16

From: Legislator Clyde L. Burmaster
Dated: June 21, 2016

**RESOLUTION IN SUPPORT OF HISTORICAL ARTIFACTS
IN THE HAMLET OF RANSOMVILLE THROUGH THE USE OF CASINO FUNDING**

WHEREAS, it is important to preserve the memory of sacrifices made that played a significant role in the establishment of this free and beautiful Niagara County, and

WHEREAS, the preservation of this historical marker defining our heritage is so important to the pride of this community and respect for our ancestors, and

WHEREAS, it is important that we as care takers of the history and landmarks make our best effort to preserve and protect history for the benefit of all who follows, and

WHEREAS, funds are needed to repair and replace damaged markers, now, therefore, be it

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

Historical Artifacts in the Hamlet of Ransomville	\$5,000.00
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and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

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

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

Resolution No. IL-052-16

From: Legislator Clyde L. Burmaster

Dated: June 21, 2016

**RESOLUTION IN SUPPORT OF THE RANSOMVILLE FREE LIBRARY FOR THE YEAR 2016
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, it is generally accepted that Libraries are the center of our daily information needs as well as gathering locations, and

WHEREAS, Libraries are free to use all over Niagara County and often provide the only link, some who may not be able to afford computers can use the Library to be able to compete academically with those who have computers, and

WHEREAS, Libraries only exist because our taxpayers understand the importance of education in our communities and have supported them over many years, and

WHEREAS, Niagara County makes every effort to help when it can, with the special projects at the Libraries such as children's reading and entertainment programs which cost money outside of their budget, now, therefore, be it

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

Ransomville Free Library	\$1,000.00
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and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01 Appropriated Fund Balance - Committed Funds \$1,000.00

INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund \$1,000.00
Referred to Economic Development Committee

Resolution No. IL-053-16

From: Legislator Clyde L. Burmaster

Dated: June 21, 2016

**RESOLUTION IN SUPPORT OF THE COMMUNITY FAIRE
HELD AT THE RANSOMVILLE FREE LIBRARY
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Community Faire in Ransomville has been the premier festival for the residents of Ransomville and the surrounding towns for several years, and

WHEREAS, the Faire is comprised of many local vendors of crafts and entertainers for young and old alike, and

WHEREAS, the Faire is a great opportunity for the citizens to gather with many, such as the collaboration with the Ransomville Free Library, the Antique Car and Antique Tractor group, local churches, the Fire Company and the Historical Association, and

WHEREAS, funds are needed each year to pay associated costs with putting on such events, with the group raising a good share themselves, now, therefore, be it

RESOLVED, that this Community Faire be partially funded by Casino funds.

RESOLVED, that Niagara County supports this event as follows:

Ransomville History Association Community Faire	\$2,000.00
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and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

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

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

Resolution No. IL-054-16

From: Legislator Anthony J. Nemi

Dated: June 21, 2016

**RESOLUTION DIRECTING NIAGARA COUNTY DEPARTMENT OF PUBLIC WORKS TO
FORMALLY REQUEST THAT THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION**

**LOWER THE SPEED LIMIT ON MAPLETON ROAD IN THE VICINITY OF STARPOINT
CENTRAL SCHOOL DISTRICT TO 40 MILES PER HOUR DURING SCHOOL HOURS**

WHEREAS, a radar speed study undertaken at Starpoint Central School, Mapleton Road, Pendleton, did identify a substantial portion of motorists exceeding the posted limit of 45 miles per hour by more than 10 miles per hour, and

WHEREAS, Starpoint is responsible for the education of 2,700 area youth, and

WHEREAS, this portion of Mapleton Road is a county road, and under state law, the speed limit may be further reduced to 40 miles per hour in the school zone, upon a petitioning effort, and

WHEREAS, a serious automobile collision occurred in front of the Starpoint campus in May, when a car attempted to pass a construction vehicle, and

WHEREAS, representatives of the Starpoint Central School District, the Town of Pendleton, the Niagara County Sheriff's Office, and state officeholders indicated a preference to lower the speed limit to 40 miles per hour in the vicinity of Starpoint Central School District, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara does hereby direct that the Department of Public Works shall, upon enactment of this legislation, formally request that the New York State Department of Transportation lower the speed limit on Mapleton Road in the vicinity of Starpoint Central School District immediately to 40 miles per hour.

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

Carried.

Moved by Nemi, seconded by Lance

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

Resolution No. IL-055-16

From: Legislator Anthony J. Nemi

Dated: June 21, 2016

**RESOLUTION DIRECTING NIAGARA COUNTY DEPARTMENT OF PUBLIC WORKS
TO UNDERTAKE REVIEW OF AREA DESIGNATED AS PASSING ZONE
IN VICINITY OF STARPOINT CENTRAL SCHOOL**

WHEREAS, a radar speed study undertaken at Starpoint Central School, Mapleton Road, Pendleton, did identify a substantial portion of motorists exceeding the posted limit by more than 10 miles per hour, and

WHEREAS, Starpoint is responsible for the education of 2,700 area youth, and

WHEREAS, this portion of Mapleton Road is a county road, and includes a passing zone from Aiken Drive to Access Road 1 at Starpoint, and

WHEREAS, a serious automobile collision occurred in front of the Starpoint campus in May, when a car attempted to pass a construction vehicle, and

WHEREAS, the location of a passing zone in close proximity to the school's entrance increases the risk of similar automobile accidents, and

WHEREAS, the county has full discretion in assigning passing zones on county highways, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara does hereby direct that the Department of Public Works shall, upon enactment of this legislation, undertake a study, not to exceed 90 days, to determine whether to eliminate the passing zone altogether, or to relocate it to an area significantly away from the school, and be it further

RESOLVED, that this Legislature directs that the Public Works Department shall, upon issuing such recommendations, immediately rescind the passing zone and repaint the county highway with a double-solid line in the vicinity of Starpoint Central School.

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

Carried.

Moved by Nemi, seconded by Lance

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

Resolution No. IL-056-16

From: Legislator Anthony J. Nemi

Dated: June 21, 2016

**RESOLUTION DIRECTING NIAGARA COUNTY DEPARTMENT OF PUBLIC WORKS TO
FORMALLY REQUEST THAT THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION
LOWER THE BASE SPEED LIMIT ON COUNTY PORTIONS OF MAPLETON ROAD FROM 55
MILES PER HOUR TO 45 MILES PER HOUR TO MAKE COUNTY PORTION OF ROAD
CONSISTENT WITH TOWN PORTION SPEED LIMIT**

WHEREAS, a radar speed study undertaken at Starpoint Central School, Mapleton Road, Pendleton, did identify a substantial portion of motorists exceeding the posted limit of 45 miles per hour by more than 10 miles per hour, and

WHEREAS, Starpoint is responsible for the education of 2,700 area youth, and

WHEREAS, this portion of Mapleton Road in the vicinity of Starpoint Central School is a county road, and a petitioning process may be undertaken to lower the speed limit under state Transportation law, and

WHEREAS, a serious automobile collision occurred in front of the Starpoint campus in May, when a car attempted to pass a construction vehicle, and

WHEREAS, representatives of the Starpoint Central School District, the Town of Pendleton, the Niagara County Sheriff's Office, and state officeholders indicated a preference to lower the speed limit to 45 miles per hour on the entirety of Mapleton Road, making the county portion of the road's speed limit consistent with the town portion's, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara does hereby direct that the Department of Public Works shall, upon receipt of a PE-9 form initiated by the Town of Pendleton, provide full support for the goals stated in this resolution.

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

Carried.

Moved by Nemi, seconded by Lance

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

Resolution No. IL-057-16

From: Legislators Jason Zona, Mark J. Grozio, Dennis Virtuoso and Owen T. Steed
Dated: June 21, 2016

**RESOLUTION SUPPORTING ELIMINATING THE LIMITED LIABILITY LOOPHOLE FOR
CAMPAIGN CONTRIBUTIONS**

WHEREAS, under NYS Law, corporations are limited to political donations of five thousand (\$5000) dollars a year, and individuals are allowed to donate sixty thousand eight hundred dollars (\$60,800) a year to state wide election candidate to a total of one hundred fifty thousand (\$150,000) dollars per year, and

WHEREAS, forming a Limited Liability Company (LLC) is easy to do and they do not have to disclose the names and officers of the LLC, and millions of dollars of campaign donations are now flowing to candidates in ways not in the spirit of state campaign finance laws, and

WHEREAS, the fact that special interests and the wealthy are able to donate as much money as they want to candidates without disclosing their names is wrong and pollutes the election process, and

WHEREAS, in 2014, according to analysis by Senator Daniel Squadron, LLC's contributed over 20.3 million dollars to political candidates and committees and there were 13 addresses where 20 or more LLC's were registered and two New York City addresses has over 100 LLC's registered that made political contributions, and

WHEREAS, such excessive contributions are made with the expectation of gaining access and influence which open the door to corruption and unethical behavior in government, now therefore, be it

RESOLVED, that the Niagara County Legislature goes on record supporting the elimination of the Limited Liability Loophole through state legislation that treats such companies as corporations and not individuals, and be it further

RESOLVED, that this body goes on record in support of Assembly Bill A02614 and Senate Bill S02052 which would amend the election law in regards to contributions from LLC's, and be it further

RESERVED, that the Clerk of the Legislature forward copies of this resolution to the Honorable Governor Andrew Cuomo, New York State Senator Robert Ort, and New York State Assemblyman John Ceretto, Jane Corwin, Robin Schimminger, and Ray Walter
Referred to Administration Committee

Resolution No. IL-058-16

From: Legislator Anthony J. Nemi
Dated: June 21, 2016

**A LOCAL LAW AMENDING LOCAL LAW NO. 7 FOR THE YEAR 2006
APPLICABLE TO THE REAL PROPERTY TAX EXEMPTION
FOR PERSONS SIXTY-FIVE YEARS OF AGE OR OVER**

WHEREAS, Legislator Anthony Nemi presents in writing the following proposed Local Law:

A Local Law amending Local Law No. 7 for the year 2006 applicable to the real property tax exemption for persons sixty-five years of age or over:

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

1. Local Law No. 7 for the year 2006, and the same hereby is, amended so as to increase the income levels for the real property tax exemption for persons sixty-five years of age or older from a base of \$18,025.00 - \$25,524.99 to \$21,000.00 - \$28,499.99:

Section 1. Real property owned by one or more persons, each of whom is sixty-five years of age or over, or real property owned by husband and wife, or by siblings, one of whom is sixty-five years of age or over, shall be exempt from taxation for County purposes to the extent as provided in the following schedule:

	<u>ANNUAL INCOME</u>	<u>EXEMPTION PERCENT</u>
Less than:	\$21,000	50%
From:	\$21,000 to \$21,999.99	45%
	\$22,000 to \$22,999.99	40%
	\$23,000 to \$23,999.99	35%
	\$24,000 to \$24,899.99	30%
	\$24,900 to \$25,799.99	25%
	\$25,800 to \$26,699.99	20%
	\$26,700 to \$27,599.99	15%
	\$27,600 to \$28,499.99	10%

2. That any person otherwise qualifying under this section shall not be denied the exemption under this section if he becomes sixty-five years of age after the appropriate taxable status date and on or before December thirty first of the same year.

3. This Local Law shall become effective January 1, 2017 and this schedule shall be employed by all Niagara County assessing units in the preparation of any assessment roll prepared subsequent to such date.

RESOLVED, that the Niagara County Legislature shall conduct a public hearing upon said proposed Local Law at the Legislative Chambers, Niagara County Courthouse, Lockport, New York on the 20th day of September, 2016 at 6:30 p.m., and be it further

RESOLVED, that the Clerk of the Legislature, at least six (6) days in advance of such hearing, shall post a notice upon the bulletin boards in the Courthouse in Lockport, the Civic Building in Niagara Falls shall publish such notice once in the Union Sun & Journal, and the Niagara Gazette; such notice shall contain the title of the Local Law and an abstract of the text to be prepared by the Clerk of the Legislature, with the assistance of the County Attorney's Office

Referred to Administration Committee

Resolution No. IL-058-16

From: Legislator Anthony J. Nemi

Dated: June 21, 2016

**A LOCAL LAW AMENDING LOCAL LAW NO. 3 FOR THE YEAR 2006
ESTABLISHING REAL PROPERTY TAX EXEMPTION FOR
PERSONS WITH DISABILITIES AND LIMITED INCOMES IN ACCORDANCE
WITH SECTION 459-c OF THE NEW YORK STATE REAL PROPERTY TAX LAW**

WHEREAS, Legislator Anthony Nemi presents in writing the following proposed Local Law:

A Local Law amending Local Law No. 3 for the year 2006 Establishing Real Property Tax Exemption for Persons with Disabilities and Limited Incomes in accordance with Section 459-c of the New York State Real Property Tax Law:

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

1. Real property owned by one or more persons with disabilities, or real property owned by a husband, wife or both, or by siblings, at least one of whom has a disability, and whose income, as hereafter defined, is limited by reason of such disability, shall be exempt from taxation for County purposes to the extent as provided in the following schedule:

Annual Income			
More than:	Less than:	\$Change	Exemption %
\$ 0.00	\$17,500		50%
17,500	18,500	+\$1,000	45%
18,500	19,500	+2,000	40%
19,500	20,500	+3,000	35%
20,500	21,400	+3,900	30%
21,400	22,300	+4,800	25%
22,300	23,200	+5,700	20%
23,200	24,100	+6,600	15%
24,100	25,000	+7,500	10%
25,000	25,900	+8,400	5%
25,900			0%

2. For purposes of this Local Law, the following provisions and definitions shall apply:

a. "Sibling" shall mean a brother or a sister, whether related through half blood, whole blood or adoption.

b. A person with a disability is one who has a physical or mental impairment, not due to current use of alcohol or illegal drug use, which substantially limits such person's ability to engage in one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working, and who (i) is certified to receive social security disability insurance (SSDI) or supplemental security income (SSI) benefits under the federal Social Security Act, or(ii) is certified to receive Railroad Retirement Disability benefits under the federal railroad Retirement Act, or (iii) has received a certificate from the state commission for the blind and visually handicapped stating that such person is legally blind.

c. An award letter from the Social Security Administration or the Railroad Retirement Board or a certificate from the state commission for the blind and visually handicapped shall be submitted as proof of disability.

3. Any exemption provided by this section shall be computed after all other partial exemptions allowed by law have been subtracted from the total amount assessed; provided, however, that no parcel may receive an exemption for the same municipal tax purpose pursuant to both this section and section four hundred sixty-seven of this title.

4. No exemption shall be granted:

a. if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of twenty-five thousand and nine-hundred dollars (\$25,900). Income tax year shall mean the twelve month period for which the owner or owners filed a federal income tax return, or if no such return is filed, the calender year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum, except where the husband or wife, or ex-husband or ex-wife is absent from the property due to divorce, legal separation or abandonment, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not

exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts, inheritances or monies earned through employment in the federal foster grandparent program and any such income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance. (In computing net rental income and net income from self-employment no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income);

b. unless the property is used exclusively for residential purposes, provided, however, that in the event any portion of such property is not so used exclusively for residential purposes but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section;

c. unless the real property is the legal residence of and is occupied in whole or in part by the disabled person; except where the disabled person is absent from the residence while receiving health-related care as an inpatient of a residential health care facility, as defined in section twenty-eight hundred one of the public health law, provided that any income accruing to that person shall be considered income for purposes of this section only to the extent that it exceeds the amount paid by such person or spouse or sibling of such person for care in the facility.

5a. Title to that portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resides, and which is represented by his/her share or shares of stock in such corporation as determined by its or their proportional relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder.

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b. That portion of the assessment of such real property owned by a cooperative apartment corporation determined by the relationship of such real property vested in such tenant-stockholder to such entire parcel and the buildings thereon owned by such cooperative apartment corporation in which such tenant-stockholder resides shall be subject to exemption from taxation pursuant to this section and any exemption so granted shall be credited by the appropriate taxing authority against the assessed valuation of such real property; the reduction in real property taxes realized thereby shall be credited by the cooperative apartment corporation against the amount of such taxes otherwise payable by or chargeable to such tenant-stockholder.

6. Application for such exemption must be made annually by the owner, or all of the owners of the property, on forms prescribed by the state board, and shall be filed in such assessor's office on or before the appropriate taxable status date; provided, however, proof of a permanent disability need be submitted only in the year exemption pursuant to this section is first sought or the disability is first determined to be permanent.

7. At least sixty days prior to the appropriate taxable status date, the assessor shall mail to each person who was granted exemption pursuant to this section on the latest completed assessment roll an application form and a notice that such application must be filed on or before taxable status date and be approved in order for the exemption to continue to be granted. Failure to mail such application for or the failure of such person to receive the same shall not prevent the levy, collection and enforcement of the payment of the taxes on property owned by such person.

8. Notwithstanding any other provision of law to the contrary, the provisions of this section shall apply to real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for a real property tax exemption, pursuant to subdivision one of this section, were such person or persons the owner or owners of such real property.

9. This Local Law shall take effect January 1, 2017.

RESOLVED, that the Niagara County Legislature shall conduct a public hearing upon said proposed Local Law at the Legislative Chambers, Niagara County Courthouse, Lockport, New York, on the 20th day of September, 2016 at 6:45 p.m., and be it further

RESOLVED, that the Clerk of the Legislature, at least six (6) days in advance of such hearing, shall post a notice upon the bulletin boards in the Courthouse in Lockport, the Civic Building in Niagara Falls shall publish such notice once in the Union Sun & Journal, and the Niagara Gazette; such notice shall contain the title of the Local Law and an abstract of the text to be prepared by the Clerk of the Legislature, with the assistance of the County Attorney's Office

Referred to Administration Committee

Chairman McNall implemented Rule 28 and turned the floor over to Legislator Nemi for discussion on CW-013-16.

Resolution No. CW-013-16

From: Committee Of the Whole

Dated: June 21, 2016

**CLAIM SETTLEMENT
MICHAEL LOMBARDO VS. COUNTY OF NIAGARA**

WHEREAS, the County of Niagara self-insures its general liability coverage, and

WHEREAS, such loss fund is fully funded and separate from the General fund, and

WHEREAS, the County Legislature is authorized under Section 6-N of the General Municipal Law to approve claim settlements in excess of \$25,000.00, and

WHEREAS, on May 27, 2008 Michael Lombardo was injured while performing work at the Niagara County Community College, premises owned by Niagara County, and

WHEREAS, Michael Lombardo presented his claims at a trial in the New York State Supreme Court and a verdict was rendered in his favor in the amount of \$7,250,000.00 against Niagara County, and

WHEREAS, the case Michael Lombardo vs. County of Niagara now presents an opportunity for settlement thereby avoiding additional litigation, trial and adverse judicial determinations, now, therefore, be it

RESOLVED, that the authority to disburse in the case of Michael Lombardo vs. County of Niagara, for settlement, is given to the Risk & Insurance Manager in the initial amount of \$2,000,000.00 upon completion and receipt of a General Release and Stipulation of Discontinuance from plaintiff's and County's counsel, and be it further

RESOLVED, that in addition to such initial payment amount, there shall be five (5) equal annual payments in the amount of \$300,000.00 commencing on July 1, 2017 and on the 1st day of July for the four successive years thereafter.

Moved by Godfrey seconded by Hill

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

APPOINTMENTS:

	<u>Appt.</u>	<u>Expires</u>
<u>COMMUNITY SERVICES BOARD</u>		
ALCOHOLISM & SUBSTANCE ABUSE SUBCOMMITTEE:		
Anthony Massaro 26 69 th Street, Niagara Falls NY 14304 Moved by Andres, seconded by Hill	06/21/16	12/31/19
Amanda Alexander 30 Cave Street, Lockport, NY 14094 Moved by Hill, seconded by Collins	06/21/16	12/31/19
<u>EMERGENCY MEDICAL SERVICES COUNCIL</u>		
COMMERCIAL AMBULANCE:		
Bob Cleveland, Rural Metro Ambulance 4821 Tomson Avenue, Niagara Falls, NY 14304 Moved by Zona, seconded by Bradt	06/21/16	12/31/17
<u>NIAGARA FALLS FIRE DEPARTMENT:</u>		
David McGovern, 2926 Michigan Avenue, Niagara Falls, NY 14305 Moved by Hill, seconded by Zona	06/21/16	12/31/17
<u>NCCC - BOARD OF TRUSTEES</u>		
Vincent M. Sandonato 824 91 st Street, Niagara Falls, NY 14304 Moved by Hill, seconded by Bradt Adopted. 10 Ayes, 3 Noes, 1 Absent – Virtuoso	06/21/16	06/30/17
<u>OFF TRACK BETTING CORPORATION</u>		
Elliott Winter 712 Deerfield Drive, North Tonawanda, NY 14120 Moved by Andres, seconded by Bradt	06/21/16	
Moved by Andres, seconded by Burmaster to enter into Executive Session re: litigation.		
Moved by Syracuse, seconded by Hill to adjourn Executive Session.		
Carried.		
Moved by Syracuse, seconded by Hill that the Board adjourn.		
The Chairman declared the Board adjourned at 8:53 p.m., subject to the call of the Clerk.		
No citizens spoke at this time on the General Welfare of the County.		


 Mary Jo Tamburlin, Clerk