

OFFICIAL RECORD

Lockport, New York
August 10, 2017

The special meeting was called to order by Chairman McNall at 6:00 p.m.

Clerk Tamburlin called the roll. All Legislators were present with the exception of Legislators Grozio, Hill, Lance, Steed, Virtuoso and Zona.

Resolution No. IL-078-17

From: Legislators Randy R. Bradt, Rebecca J. Wydysh, Wm. Keith McNall, William J. Collins, Clyde L. Burmaster, Kathryn L. Lance, Richard L. Andres, David E. Godfrey, Anthony J. Nemi, John Syracuse and Michael A. Hill

Dated: August 10, 2017

RESOLUTION CALLING ON ATTORNEY GENERAL ERIC SCHNEIDERMAN TO CONDUCT A FULL INVESTIGATION, UP TO AND INCLUDING THE FILING OF CRIMINAL CHARGES AND RELEASE THE RESULTS OF THE SAME TO THE PUBLIC, RELATIVE TO THE DISCHARGE OF WASTEWATER INTO THE NIAGARA RIVER BY THE NIAGARA FALLS WATER BOARD THAT OCCURRED JULY 29, 2017

WHEREAS, the Niagara Falls Water Board did discharge wastewater into the Niagara River on July 29, 2017, and

WHEREAS, a spokesman for the Department of Environmental Conservation has stated in press accounts that the Niagara Falls Water Board "did not have permission to" discharge said wastewater at the base of the American Falls, and further, that "In this instance, the discharge clearly violated water quality standards which prohibit discharges that adversely affect color, cause odor, or cause a substantial visible contrast to natural conditions," and

WHEREAS, the Honorable Andrew M. Cuomo, Governor of the State of New York, has called upon the Department of Environmental Conservation to investigate the discharge, stating, "Any violations of the state's water quality standards are a serious issue, and I have directed DEC to immediately get to the bottom of why this event occurred and ensure steps are taken to ensure it doesn't happen again. Niagara Falls and the Niagara River are a world-class destination for tourists and we should not be polluting this unparalleled natural resource," and

WHEREAS, this Legislature is particularly concerned about the impacts on both the health of residents and of the environment resulting from this negligent discharge, and

WHEREAS, the Niagara Tourism & Convention Corp. states that, as of 2014, annual tourism spending in Niagara County reached \$827 million, much of that driven by the presence of a Natural Wonder of the World, and

WHEREAS, the July 29 discharge incident gained national and international media attention, with the Associated Press moving the story on its wires, and such publications and news sites as the Buffalo News, Politico, the Seattle Post Intelligencer, the New York Law Journal, the Toronto Sun, CBS, ABC News, NBC affiliates around the country, Fox News Channel, iflscience.com, Yahoo News, USA Today, and the Drudge Report, and

WHEREAS, this Legislature considers the likely damage to Buffalo-Niagara regional tourism a grave concern, as drops in revenue may adversely impact both tax revenues and tourism industry and spinoff job creation and retention, and

WHEREAS, the Niagara County Legislature, based upon the Department of Environmental Conservation's statement, is concerned that laws may have been violated by the actions of the Niagara Falls Water Board and said agency's personnel, with said criminal actions adversely impacting this county's environment, its residents' health, and its economic base, now, therefore be it

RESOLVED, that the Niagara County Legislature does hereby call upon the Honorable Eric T. Schneiderman, New York State Attorney General, to conduct a thorough investigation of the actions of the Niagara Falls Water Board on July 29, 2017, and in those days and months leading up to the incident, including changes in policy and personnel which may have resulted in the negligent discharge, and be it further

RESOLVED, that the Niagara County Legislature urges the Attorney General to, if said incident is found to be the result of negligence or other criminality, ensure that justice is pursued and charges brought against those individuals that acted with wanton disregard for our environment and residents' health, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Attorney General Eric T. Schneiderman, Governor Andrew M. Cuomo, Senate Temporary President John J. Flanagan, Senator Robert G. Ort, Member of the Assembly Angelo J. Morinello, Member of the Assembly Michael J. Norris, Member of the Assembly Ray Walter, Member of the Assembly Robin Schimminger, and all others deemed necessary and proper.

Moved by Bradt, second by Collins.

Roll Call.

Adopted. 9Ayes, 0 Noes, 6 Absent – Grozio, Hill, Lance, Steed, Virtuoso, Zona

Resolution No. IL-079-17

From: Legislators Randy R. Bradt, Rebecca J. Wydysh, Wm. Keith McNall, William J. Collins, Clyde L. Burmaster, Kathryn L. Lance, Richard L. Andres, David E. Godfrey, Anthony J. Nemi, John Syracuse and Michael A. Hill

Dated: August 10, 2017

**RESOLUTION CALLING ON DISTRICT ATTORNEY CAROLINE A. WOJTASZEK TO CONDUCT
A FULL INVESTIGATION, UP TO AND INCLUDING THE FILING OF CRIMINAL CHARGES
AND RELEASE THE RESULTS OF THE SAME TO THE PUBLIC, RELATIVE TO THE
DISCHARGE OF WASTEWATER INTO THE NIAGARA RIVER BY THE NIAGARA FALLS
WATER BOARD THAT OCCURRED JULY 29, 2017**

WHEREAS, the Niagara Falls Water Board did discharge wastewater into the Niagara River on July 29, 2017, and

WHEREAS, a spokesman for the Department of Environmental Conservation has stated in press accounts that the Niagara Falls Water Board "did not have permission to" discharge said wastewater at the base of the American Falls, and further, that "In this instance, the discharge clearly violated water quality standards which prohibit discharges that adversely affect color, cause odor, or cause a substantial visible contrast to natural conditions," and

WHEREAS, the Honorable Andrew M. Cuomo, Governor of the State of New York, has called upon the Department of Environmental Conservation to investigate the discharge, stating, "Any violations of the state's water quality standards are a serious issue, and I have directed DEC to immediately get to the bottom of why this event occurred and ensure steps are taken to ensure it doesn't happen again. Niagara Falls and the Niagara

River are a world-class destination for tourists and we should not be polluting this unparalleled natural resource,” and

WHEREAS, this Legislature is particularly concerned about the impacts on both the health of residents and of the environment resulting from this negligent discharge, and

WHEREAS, the Niagara Tourism & Convention Corp. states that, as of 2014, annual tourism spending in Niagara County reached \$827 million, much of that driven by the presence of a Natural Wonder of the World, and

WHEREAS, the July 29 discharge incident gained national and international media attention, with the Associated Press moving the story on its wires, and such publications and news sites as the Buffalo News, Politico, the Seattle Post Intelligencer, the New York Law Journal, the Toronto Sun, CBS, ABC News, NBC affiliates around the country, Fox News Channel, iflscience.com, Yahoo News, USA Today, and the Drudge Report, and

WHEREAS, this Legislature considers the likely damage to Buffalo-Niagara regional tourism a grave concern, as drops in revenue may adversely impact both tax revenues and tourism industry and spinoff job creation and retention, and

WHEREAS, the Niagara County Legislature, based upon the Department of Environmental Conservation’s statement, is concerned that laws may have been violated by the actions of the Niagara Falls Water Board and said agency’s personnel, with said criminal actions adversely impacting this county’s environment, its residents’ health, and its economic base, now, therefore be it

RESOLVED, that the Niagara County Legislature does hereby call upon the Honorable Caroline A. Wojtaszek, Niagara County District Attorney, to conduct a thorough investigation of the actions of the Niagara Falls Water Board on July 29, 2017, and in those days and months leading up to the incident, including changes in policy and personnel which may have resulted in the negligent discharge, and be it further

RESOLVED, that the Niagara County Legislature urges the District Attorney to, if said incident is found to be the result of negligence or other criminality, ensure that justice is pursued and charges brought against those individuals that acted with wanton disregard for our environment and residents’ health, and be it further

RESOLVED, that the Niagara County Legislature directs the Niagara County Health Department, the Niagara County Environmental Health Office, the Niagara County Center for Economic Development, and such other agencies as shall be able to provide expert analysis, to make themselves available to the District Attorney and such investigators as she shall appoint should she undertake an investigation for the furtherance of the same, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to District Attorney Caroline A. Wojtaszek, Governor Andrew M. Cuomo, Senate Temporary President John J. Flanagan, Senator Robert G. Ort, Member of the Assembly Angelo J. Morinello, Member of the Assembly Michael J. Norris, Member of the Assembly Ray Walter, Member of the Assembly Robin Schimminger, and all others deemed necessary and proper.

Moved by Bradt, second by Collins.

Roll Call.

Adopted. 9Ayes, 0 Noes, 6 Absent – Grozio, Hill, Lance, Steed, Virtuoso, Zona

Resolution No. IL-080-17

From: Legislators Randy R. Bradt, Rebecca J. Wydysh, Wm. Keith McNall, William J. Collins, Clyde L. Burmaster, Kathryn L. Lance, Richard L. Andres, David E. Godfrey, Anthony J. Nemi, John Syracuse and

Michael A. Hill
Dated: August 10, 2017

**RESOLUTION CALLING ON THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
TO CONDUCT A FULL INVESTIGATION, UP TO AND INCLUDING THE FILING OF CRIMINAL
CHARGES AND RELEASE THE RESULTS OF THE SAME TO THE PUBLIC, RELATIVE TO THE
DISCHARGE OF WASTEWATER INTO THE NIAGARA RIVER BY THE NIAGARA FALLS
WATER BOARD THAT OCCURRED JULY 29, 2017**

WHEREAS, the Niagara Falls Water Board did discharge wastewater into the Niagara River on July 29, 2017, and

WHEREAS, a spokesman for the Department of Environmental Conservation has stated in press accounts that the Niagara Falls Water Board "did not have permission to" discharge said wastewater at the base of the American Falls, and further, that "In this instance, the discharge clearly violated water quality standards which prohibit discharges that adversely affect color, cause odor, or cause a substantial visible contrast to natural conditions," and

WHEREAS, this Legislature is particularly concerned about the impacts on both the health of residents and of the environment resulting from this negligent discharge, and

WHEREAS, the Niagara Tourism & Convention Corp. states that, as of 2014, annual tourism spending in Niagara County reached \$827 million, much of that driven by the presence of a Natural Wonder of the World, and

WHEREAS, the July 29 discharge incident gained national and international media attention, with the Associated Press moving the story on its wires, and such publications and news sites as the Buffalo News, Politico, the Seattle Post Intelligencer, the New York Law Journal, the Toronto Sun, CBS, ABC News, NBC affiliates around the country, Fox News Channel, iflscience.com, Yahoo News, USA Today, and the Drudge Report, and

WHEREAS, this Legislature considers the likely damage to Buffalo-Niagara regional tourism a grave concern, as drops in revenue may adversely impact both tax revenues and tourism industry and spinoff job creation and retention, and

WHEREAS, the Niagara County Legislature, based upon the Department of Environmental Conservation's statement, is concerned that laws may have been violated by the actions of the Niagara Falls Water Board and said agency's personnel, with said criminal actions adversely impacting this county's environment, its residents' health, and its economic base, now, therefore be it

RESOLVED, that the Niagara County Legislature does hereby call upon the Honorable Scott Pruitt, Environmental Protection Agency Administrator, and EPA Region 2 Acting Administrator Catherine McCabe to conduct a thorough investigation of the actions of the Niagara Falls Water Board on July 29, 2017, and in those days and months leading up to the incident, including changes in policy and personnel which may have resulted in the negligent discharge, and be it further

RESOLVED, that the Niagara County Legislature urges the District Attorney to, if said incident is found to be the result of negligence or other criminality, ensure that justice is pursued and charges brought against those individuals that acted with wanton disregard for our environment and residents' health, and be it further

RESOLVED, that the Niagara County Legislature directs the Niagara County Health Department, the Niagara County Environmental Health Office, the Niagara County Center for Economic Development, and such other agencies as shall be able to provide expert analysis, to make themselves available to the EPA should they undertake an investigation, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to President Donald J. Trump, Environmental Protection Agency Administrator Scott Pruitt, EPA Region 2 Acting Administrator Catherine McCabe, United States Representative Chris Collins, Governor Andrew M. Cuomo, Senate Temporary President John J. Flanagan, Senator Robert G. Ort, Member of the Assembly Angelo J. Morinello, Member of the Assembly Michael J. Norris, Member of the Assembly Ray Walter, Member of the Assembly Robin Schimminger, and all others deemed necessary and proper.

Moved by Bradt, second by Collins.

Roll Call.

Adopted. 9Ayes, 0 Noes, 6 Absent – Grozio, Hill, Lance, Steed, Virtuoso, Zona

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

The Chairman declared the Board adjourned at 6:08 p.m., subject to the call of the Clerk.

A handwritten signature in cursive script, reading "Mary Jo Tamburlin".

Mary Jo Tamburlin, Clerk