

OFFICIAL RECORD

Lockport, New York
August 4, 2015

A public hearing was held pursuant to ED-011-15, adopted by the Legislature on June 16, 2015, for the purpose of hearing public comments on the inclusion of predominantly viable agricultural land within agricultural districts #4 and #6. Legislator Updegrove 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 Ross at 7:02 p.m.

Clerk Tamburlin called the roll. All Legislators were present with the exception of Legislators Andres and Hill.

PRESENTATIONS:

1. Legislators Owen Steed & William Ross invited Legislator Clyde Burmaster and NiaCap Executive Director Suzanne Shears to the lectern to recognize the accomplishments that Legislator Burmaster has achieved with NiaCap during his 27 years as a board member. Legislator Steed read a citation on behalf of the Legislature.

2. Legislator Godfrey invited Niagara County Probation Director John Cicchetti to the lectern. Mr. Cicchetti received the NYS Sara Tullar Fasoldt Leadership and Humanitarian Award for his work within the Probation Department. Legislator Godfrey read a citation in recognition. Several members of the Probation Department have also been recognized by NYS for their hard work and dedication and are recipients of the Jeannie Farrell Award. They include Tiffany Harper-Giansante, Marcella Carson, Richelle Nuwer and Supervisor Debra LaRock.

3. Legislators Jason Zona, Dennis Virtuoso, Owen Steed and Mark Grozio invited Pints for Progress Tom and Danielle to the lectern who formed the grassroots movement group and who's members get together and discuss ways to improve the economic development of Niagara Falls and Niagara County. Legislator Zona presented them a proclamation.

Moved Zona, seconded by Grozio.

Carried.

4. Legislators Jason Zona, Dennis Virtuoso, Owen Steed and Mark Grozio invited Niagara Falls Music and Art Festival Promoter Rick Crogan to the lectern to discuss the recent 3 day music festival. Over 33,000 people attended the festival. They also recognized Joe Colato inventor of the Regal Drum Stick who was honored with the 2015 Lifetime Achievement Award during the Niagara Falls Music and Art Festival. Legislator Virtuoso presented a proclamation.

Moved by Virtuoso, seconded by Steed.

Carried.

5. Legislators Wm. Keith McNall, Anthony Nemi and Richard Updegrove invited Katherine Granchelli, Executive Director of the YWCA of Niagara, to the lectern and presented a citation in recognition of the YWCA of Niagara's 100th Anniversary.

Moved by McNall, seconded by Nemi.

Carried.

6. Legislator Wm. Keith McNall invited Public Health Director Dan Stapleton to the lectern to read a proclamation declaring August, 2015 as National Immunization Awareness Month in Niagara County.

Moved by McNall, seconded by Steed.
Carried.

7. County Manager Glatz went to the lectern to give a brief update on the recent asbestos issues at the Shaw Building. He discussed the noted violations and the plans in place for correcting these items. The investigation is ongoing and interviews are still being conducted.

Ten citizens spoke at this time.

Recess.

Moved by Updegrove, seconded by Virtuoso to move IL-083-15 and IL-094-15 up to be voted on now.
Carried.

Resolution No. IL-083-15 was read at this time. (Appears in numerical order)
Resolution No. IL-094-15 was read at this time. (Appears in numerical order)

Moved by Updegrove, seconded by Virtuoso to accept the preferred agenda.
Carried.

RESOLUTIONS:

Resolution No. AD-016-15

From: Administration Committee

Dated: August 4, 2015

BUDGET MODIFICATION – APPROPRIATE FUNDS FOR DEPOSIT ON PURCHASE OF CERTAIN PROPERTIES IN THE CITY OF LOCKPORT

WHEREAS, the Niagara County Legislature recognized the potential for substantial long-term savings by purchasing the two leased properties when they, along with 50 Main Street, Lockport, were listed for sale at public auction, and

WHEREAS, the Niagara County Legislature authorized a bid of \$3,600,000.00 for said properties at a Special Meeting on March 19, 2015, by the unanimous passage of resolution CW-004-15, and

WHEREAS, the Niagara County Legislature approved the purchase of 111 Main Street, 20-40 East Avenue, and 50 Main Street, Lockport, New York and approved a total commitment of \$3,874,823.85 inclusive of the purchase price, buyer's premium, proration and purchaser's closing costs, by unanimous passing of resolution CW-005-15, and

WHEREAS, resolution CW-005-15 authorized the Niagara County Treasurer to complete the payment to seller's escrow agent, but did not include a budget modification for the buyer's premium and deposit, now, therefore, be it

RESOLVED, that following budget modification be effectuated in 2015:

INCREASE APPROPRIATED FUND BALANCE:

A 40599.00	Appropriated Fund Balance	\$378,000
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INCREASE APPROPRIATIONS:

A.15.1620.000 72200.00 Buildings \$378,000

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. AD-017-15

From: Administration Committee

Dated: August 4, 2015

**NIAGARA COUNTY TREASURER'S OFFICE
BUDGET MODIFICATION – BAN PRINCIPAL PAYOFF DUE TO BAN RENEWAL**

WHEREAS, the Niagara County Legislature approved the authorization of \$10,362,615 in serial bonds of the County to finance various public improvements on May 20, 2014, and

WHEREAS, the County Treasurer, as designated Chief Fiscal Officer of the County, has authorization to issue either bonds or bond anticipation notes, and

WHEREAS, only particular projects included in the original bond resolution required immediate funding, and

WHEREAS, the Chief Fiscal Officer issued a bond anticipation note on August 18, 2014 in the amount of \$7,362,615, and

WHEREAS, the same 2014 General fund bond anticipation note was renewed with an additional funds for a total of \$9,017,615 on May 13, 2015 in order to complete funding for the various public improvements, and

WHEREAS, the bond anticipation note was paid in full from the proceeds of the bond anticipation note renewal, now, therefore, be it

RESOLVED, that the following budget modification be effectuated to the 2015 County budget:

INCREASE ESTIMATED REVENUES:

A.07.9730.000 45710.15 Bond Anticipation Notes BAN Year 2015 \$7,017,615

INCREASE APPROPRIATIONS:

A.07.9730.000 76001.00 Principal Expense \$7,017,615

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. AD-018-15

From: Administration Committee

Dated: August 4, 2015

**DISTRIBUTION OF JANUARY THROUGH MARCH 2015
CASINO REVENUE TO VARIOUS MUNICIPALITIES**

WHEREAS, a Seneca Nation gambling casino governed by the Tribal-State Class III Gaming Compact and disbursing monies according to provisions of Subdivision 3-a of the Upstate New York Gaming and Economic Development Act continues to operate Class III gaming activities within the County of Niagara, and

WHEREAS, said casino is operated and owned by the Seneca Nation of Indians, a sovereign and foreign nation which is not subject to any taxation by the County of Niagara, and

WHEREAS, the Tribal-State Class III Gaming Compact and its authorizing legislation, provide for compensation for the "host municipalities" of the Seneca Niagara Casino and said Compact was submitted to and approved by the Secretary of the Interior of the United States as required, and

WHEREAS, pursuant to the Upstate New York Gaming and Economic Development Act, a special separate revenue account denominated "Tribal-State Compact Revenue Account" was established in the joint custody of the State Comptroller and the State Commissioner to receive the gaming revenues payable to the State and the host municipalities, and

WHEREAS, per the provisions of Subdivision 3 of the Upstate New York Gaming and Economic Development Act, 25% of revenues arising from the Seneca Niagara Casino are disbursed to the City of Niagara Falls, and

WHEREAS, per the provisions of the Update New York Gaming and Economic Development Act Subdivision 3-a, "Ten Percent of any of the funds actually received by the state pursuant to the tribal-state compacts and agreements described in [subdivision 2 of the Upstate New York Gaming and Economic Development Act] prior to the transfer of moneys to the general fund required by such subdivision, shall be distributed to counties in each respective exclusivity zone provided they do not otherwise receive a share of said revenues pursuant to [the Upstate New York Gaming and Economic Development Act]. Such distribution shall be made among such counties on a per capital basis, excluding the population of any municipality that receives a distribution pursuant to [Subdivision 3 of the Upstate New York Gaming and Economic Development Act]," and

WHEREAS, per the Upstate New York Gaming and Economic Development Act Subdivision 3-a, revenues arising from the Seneca Niagara Casino that are disbursed to the County of Niagara are to be apportioned by population for such purposes as shall benefit the residents of the Towns of Cambria, Hartland, Lewiston, Lockport, Newfane, Niagara, Pendleton, Porter, Royalton, Somerset, Wheatfield and Wilson, and the Cities of Lockport and North Tonawanda, and

WHEREAS, the Niagara County Treasurer's Office and the Niagara County Office of Management and Budget jointly established two interest-bearing revenue accounts, which shall be designated "Niagara County Community Development Fund 1" and "Niagara County Tax Relief Fund," with all revenues appropriated to the county under Upstate New York Gaming and Economic Development Act Subdivision 3-a divided and deposited into said accounts, with 25% of said monies being deposited in Niagara County Community Development Fund 1 and 75% of said monies being deposited in Niagara County Tax Relief Fund, with these percentages of distribution remaining in force until December 31, 2015, and

WHEREAS, in December of 2014, this body did vote on a resolution creating both the Niagara County Community Development Fund and the Niagara County Tax Relief Fund, and

WHEREAS, Niagara County has received \$160,640.04 for the period of January 1, 2015 through March 31, 2015 towards the Niagara County Tax Relief Fund, and will distribute the funds to the respective municipalities per the aforementioned formula, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby approve the disbursement of the balance in the Niagara County Tax Relief Fund of \$160,640.04 for the period of January 1, 2015 through March 31, 2015 to the following municipalities within the County of Niagara:

TOWNS

Cambria

\$ 5,641.09

Hartland	\$ 3,977.45
Lewiston	\$16,823.75
Lockport	\$19,833.17
Newfane	\$ 9,338.37
Niagara	\$ 8,094.02
Pendleton	\$ 6,180.17
Porter	\$ 6,541.49
Royalton	\$ 7,400.36
Somerset	\$ 2,571.77
Wheatfield	\$17,502.92
Wilson	\$ 5,789.87

CITIES	Lockport	\$20,447.61
	North Tonawanda	\$30,498.00

and be it further

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

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. AD-019-15

From: Administration Committee

Dated: August 4, 2015

**RESOLUTION APPROVING EXECUTION AND DELIVERY OF AN AGREEMENT
BETWEEN THE COUNTY OF NIAGARA AND THE CITY OF NIAGARA FALLS
FOR SHARING PROCEEDS OF SALE OF THE CITY OF NIAGARA FALLS
IN REM PROCEEDING, INDEX NO. 156206**

WHEREAS, the City of Niagara Falls has instituted an action In Rem for the foreclosure of certain tax liens against various parcels of real property within the City of Niagara Falls, pursuant to Article 11, title 3 of the Real Property Tax Law of the State New York (Niagara County Supreme Court Index #156206), and

WHEREAS, the County of Niagara has a claim for Niagara County tax liens against all or some of the parcels of real property which are the subject of said action, and

WHEREAS, the provisions of the Real Property Tax Law authorize tax districts having an interest by way of tax lien in real property, such as the City of Niagara Falls and County of Niagara, to enter into an agreement making provision for the sale of real property without public sale and for the sharing of the net proceeds of such sale between the City of Niagara Falls and the County of Niagara, and

WHEREAS, the City of Niagara Falls has tendered to the County of Niagara such an agreement, which agreement, among other things, provides that the interests of said City and this County in each parcel and in the proceeds of any sale of such parcel shall be apportioned based on the fraction that the unpaid taxes, tax liens and other charges accessible against the parcel owed to or owned by the City and County respectively bear to the total City and County taxes, tax liens and other such charges, but without reference to the penalties or interest accrued on any unpaid tax or tax lien, and

WHEREAS, the proposed agreement is fair and reasonable and allows the County to avoid the cost and expense of a separate In Rem foreclosure action against the same parcels, now, therefore, be it

RESOLVED, that the Niagara County Legislature finds and determines that the proposed agreement, a true copy of which is attached to the Clerk's file copy of this resolution, is fair and reasonable in all respects and advances the interests of the County of Niagara in its collection of taxes and tax liens on real property located within the City of Niagara Falls, and it be further

RESOLVED, that the Chairman of the Legislature is authorized and directed to execute and deliver said agreement in behalf of the County of Niagara.

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. CS-019-15

From: Community Services & Administration Committees

Dated: August 4, 2015

**ACCEPTANCE OF HEALTHY NEIGHBORHOODS GRANT/CREATE & FILL
POSITIONS - DEPARTMENT OF HEALTH**

WHEREAS, the Environmental Division of the Niagara County Department of Health provides essential services, information and training to protect the health and safety of the citizens of Niagara County, and

WHEREAS, the Bureau of Community Environmental Health and Food Protection under the NYS Department of Health awarded Niagara County Department of Health Healthy Neighborhoods Program funding(CFDA #93.991) to decrease morbidity and/or environmental hazards in Niagara County, and

WHEREAS, the Healthy Neighborhoods Program funding is for 3.75 years; \$150,000 for July 1, 2015 – March 3, 2016 and \$200,000 per year for the next 3 state fiscal years through March 31, 2019, and

WHEREAS, it is necessary to create & fill two Public Health Technician positions CSEA grade VI \$17.09/hr, and one Public Health Educator position CSEA grade X \$24.58/hr; all positions to be co-terminus with the grant, now, therefore, be it

RESOLVED, that the Healthy Neighborhoods Program funding be accepted, two Public Health Technician positions and one Public Health Educator position created & filled and the following budget modification, be effectuated:

INCREASE REVENUE:

CM.20.4189.405 44489.06	Healthy Neighborhoods	\$150,000.00
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INCREASE APPROPRIATIONS:

CM.20.4189.405 71010.00	Positions	\$58,972.00
CM.20.4189.405 71050.00	Overtime	100.00
CM.20.4189.405 72100.01	Machinery & equipment	25,000.00
CM.20.4189.405 72100.02	computer equipment	1,700.00
CM.20.4189.405 74250.01	office supplies	410.00
CM.20.4189.405 74300.03	Travel Mileage	4,925.00
CM.20.4189.405 74300.03	clothing	534.00
CM.20.4189.405 74375.01	adv & promo	8,465.00

CM.20.4189.405 74375.02	telephone usage	19.00
CM.20.4189.405 74375.03	telephone system	156.00
CM.20.4189.405 74375.05	cellular phone	420.00
CM.20.4189.405 74650.11	physical exams	200.00
CM.20.4189.405 74675.01	central postage	57.00
CM.20.4189.405 74675.02	central printing	20.00
CM.20.4189.405 74675.03	print shop supplies	320.00
CM.20.4189.405 74750.02	general supplies	17,631.00
CM.20.4189.405 74750.21	gas & oil	2,000.00
CM.20.4189.405 78100.00	Retirement	11,224.00
CM.20.4189.405 78200.00	FICA	4,519.00
CM.20.4189.405 78300.00	Worker's Comp	1,595.00
CM.20.4189.405 78400.01	Health Insurance	8,122.00
CM.20.4189.405 78400.05	HRA	2,550.00
CM.20.4189.405 74700.00	Disability	11.00
CM.20.4189.405	Flex 125	1,050.00

Moved by Updegrave, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. CS-020-15

From: Community Services & Administration Committees

Dated: August 4, 2015

NEW YORK STATE AID APPLICATION - NIAGARA COUNTY YOUTH BUREAU

WHEREAS, the County of Niagara has been designated as eligible to receive State Aid for 2015 youth programs through its Youth Bureau from the New York State Office of Children and Family Services in the amount of \$358,583, and

WHEREAS, the Comprehensive Planning Law mandates the Niagara County Youth Bureau must apply for such funds, and

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

RESOLVED, that the Director of the County Youth Bureau be, and hereby is, authorized to make application for the following program funds:

Youth Development Program	\$252,282
Runaway and Homeless Youth	\$106,301

and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to execute any and all documents relating to the application, subject to the review by the County Manager and the approval of the County Attorney, and be it further

RESOLVED, that the Youth Bureau's 2015 budget be amended as follows:

INCREASE REVENUE:

A.22.7310.700.43820.02 Youth Programs Runaway \$36,793

INCREASE APPROPRIATIONS:

A.22.7310.700.74550.33 Programs Runaway 36,793

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. CS-021-15

From: Community Services & Administration Committees

Dated: August 4, 2015

**BUDGET MODIFICATION
HEALTHY FAMILIES NEW YORK PROGRAM**

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

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

WHEREAS, Niagara County has received an allocation of \$481,710, which is 100% state funded, now, therefore, be it

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

RESOLVED, that the following budget modification be effectuated to the Social Services 2015 budget:

INCREASE REVENUE:

A.22.6010.000 43610.01 DSS Admin General \$481,710

INCREASE APPROPRIATION:

A.22.6010.000 74500.01 Contractual Exp-Contractual \$481,710

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. CS-022-15

From: Community Services & Administration Committees

Dated: August 4, 2015

**BUDGET MODIFICATION
FLEXIBLE FUND FOR FAMILY SERVICES**

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

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

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

RESOLVED, that the following budget modification be effectuated to the Social Services 2015 budget:

INCREASE REVENUE:

A.22.6010.000 44610.00	DSS Admin Revenue	\$125,000
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INCREASE APPROPRIATION:

A.22.6010.000 74500.01	Contractual Exp-Contractual	\$125,000
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Moved by Updegrove, seconded by Virtuoso.

Adopted. 13Ayes, 0 Noes, 2 Absent – Hill

Resolution No. CS-023-15

From: Community Services & Administration Committees

Dated: August 4, 2015

**ABOLISH PISTOL PERMIT EXAMINER/COURT LIAISON AND
DOCUMENT CLERK & CASHIER POSITIONS
CREATE AND FILL TWO CLERICAL II POSITIONS**

WHEREAS, the NYSafe Act signed by Gov. Cuomo on January 15, 2013 amended various provisions of New York law in relation to firearms, long guns, assault weapons & ammunition, and

WHEREAS, many of the provisions of the NYSafe Act have been implemented and local impact on the application of this law is significant, and

WHEREAS, Resolution IL-012-14 passed unanimously by the Niagara County Legislature on April 18, 2014 identified the NYSafe Act as "another unfunded mandate", and

WHEREAS, the NYSafe Act has resulted in continually increasing numbers of pistol permit applicants, gun purchases, amendments to permits and an increase in phone calls and correspondence, placing an undue burden on the clerical staff and often longer response times for nearly 30,000 Niagara County Pistol Permit holders, and

WHEREAS, the implementation of the required NYSafe Act Pistol Permit Recertification requirement looms in the future as a factor that will impact the operation and administration of the Niagara County Pistol Permit Office, and

WHEREAS, the retirement of the incumbent from the position of Pistol Permit Examiner/Court Liaison has created a vacancy in that position, and

WHEREAS, many of the typical work activities of that position were developed in 2002 and are now performed by clerical staff, particularly since the development of enhanced databases since that time, and said typical work activities include functions performed under the recently updated job specifications for Deputy County Clerk, and

WHEREAS, the recent retirement of a Document Clerk and Cashier has provided the opportunity to create better use and flexibility of personnel across several areas of the County Clerk's office, now, therefore, be it

RESOLVED, that the Niagara County Clerk's office be authorized to abolish the Document Clerk and Cashier position, CSEA Job Group Grade VI, position number 4764, with a salary range of \$17.09 - \$19.61 per hour, effective August 5, 2015, and be it further

RESOLVED, that the Niagara County Clerk's Office be authorized to abolish the Pistol Permit Examiner/Court Liaison position, CSEA Job Group Grade V, position number 4275, with a salary range of \$16.42 - \$18.51 per hour, 35 hours per week effective August 5, 2015, and be it further

RESOLVED, that the Niagara County Clerk's office be authorized to create and fill two (2) Clerical II positions, CSEA Job Group Grade IV, Step I, salary \$15.77 per hour, effective August 5, 2015, and be it further

RESOLVED, that these moves will provide a savings of over \$14,000, and be it further

RESOLVED, that the following budget modifications be effectuated:

TO:		
A.10.1410.71010.00	Positions	\$21,858.00
A.10.1410.78100.00	Retirement	2,040.00
A.10.1410.78200.00	FICA	1,672.00
A.10.1410.78300.00	Workers Comp	786.00
A.10.1410.78400.01	Health Insurance	7,000.00
A.10.1410.78400.05	HRA	1,700.00
A.10.1410.78700.00	NYS Disability	68.00
A.10.1410.78800.00	flex	700.00

FROM:		
A.10.1410.000.71010.4275	Positions	\$17,912.00
A.10.1410.000.71010.4764	Positions	17,912.00

Moved by Updegrove, seconded by Virtuoso.
Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. CS-024-15
From: Community Services & Administration Committees
Dated: August 4, 2015

**BUDGET MODIFICATION – CREATION OF CO-TERMINUS AGING
AND DISABILITIES RESOURCE COORDINATOR POSITION TO ENHANCE
AND EXPAND NY CONNECTS PROGRAM**

WHEREAS, the Niagara County Office for the Aging provides services to older adults, families, caregivers and people with disabilities of all ages living in Niagara County, and

WHEREAS, Niagara County OFA has been awarded funding as part of a larger New York State award to participate in the Balance Incentive Program (BIP); one of the requirements of BIP is the implementation of a statewide No Wrong Door/Single Entry Point for information and assistance with aging and disability services; to accomplish this, New York State is building upon the existing NY Connects system, and working with local Offices for the Aging to implement needed enhancements, and

WHEREAS, as the lead "Hub" in this structure, NCOFA will expand and enhance its NY Connects program to serve as a comprehensive resource for all LTSS population, while partnering with other local agencies who will act as population-specific No Wrong Doors, such as Department of Social Services, Office of Mental Health, and Independent Living Center of Niagara County, in order to work closely together to serve individuals, families, and caregivers in a person centered manner, while conducting screening and assistance with applying for eligible public programs, including Medicaid, and

WHEREAS, this co-terminus coordinator position, which will be completely funded by this grant with no cost to the county, will lead the department in meeting the deliverables and maximize the impact of this grant, both building our office's staff, technical, and technological capacity, as well as developing a network of service providers to create effective hubs for the community to seamlessly access needed services and benefits to remain in the community, now, therefore, be it

RESOLVED, that the department is given authorization to create and fill an Aging and Disabilities Services Coordinator position effective August 17, 2015 at CSEA Grade 10 at \$22.24 - \$26.09/hour, and be it further

RESOLVED, that this position will be co-terminus with grant funding available through December 31, 2016; and be it further

RESOLVED, that the following budget modifications be effectuated:

DECREASE APPROPRIATIONS:

CM.24.6772.603.72100.05	Machinery and Equipment Computer Equipment	\$20,079
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INCREASE APPROPRIATIONS:

CM.24.6772.603.71010.00	Positions Expense	\$13,700
CM.24.6772.603.78100.00	Retirement Expense	\$1,278
CM.24.6772.603.78200.00	FICA	1,048
CM.24.6772.603.78300.00	Workers Compensation	493
CM.24.6772.603.78400.01	Insurance, Health Active Hospital/Med Ins.	2,333
CM.24.6772.603.78400.05	Insurance, Health HRA Employer Contribution	850
CM.24.6772.603.78700.00	NYS Disability Expense	27
CM.24.6772.603.7800.00	Flex 125 Employer Contribution Expense	350

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. CSS-040-15

From: Community Safety & Security Committee

Dated: August 4, 2015

ACCEPTANCE OF AID TO PROSECUTION PROGRAM GRANT

WHEREAS, the Niagara County District Attorney's Office applied for and was awarded funding from the New York State Division of Criminal Justice Services under the Aid To Prosecution Program for the purpose of continuing aid in the prosecution of repeat violent and serious felony offenders in Niagara County, and

WHEREAS, funding has been awarded in the amount of \$95,550 for the period April 1, 2015 through September 30, 2016, with no matching funds requirement, and

WHEREAS, the funds have been appropriated in the Niagara County District Attorney's 2015 budget, now, therefore, be it

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

RESOLVED, that prior to the execution of the grant award contract, the County Attorney will review the grant award contract for approval as to legal form, language and compliance, and be it further

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

Moved by Updegrave, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. CSS-041-15

From: Community Safety & Security & Administration Committees

Dated: August 4, 2015

BUDGET MODIFICATION - USE OF ASSETS FORFEITURE FUNDS – DISTRICT ATTORNEY

WHEREAS, the Niagara County District Attorney's Office maintains its Local Asset Forfeiture Trust Account for the prosecution and reduction of targeted drug crimes, and

WHEREAS, the use of locally forfeited funds is restricted by the New York State Department of Criminal Justice Services to the enhancement of the prosecution of related crimes and can be used to supplement, but not supplant current resources, and

WHEREAS, the Niagara County District Attorney's Office will allocate \$500 to the Niagara Falls Block Club Council to fund their annual Crime Night Out, and

WHEREAS, this is an allowable use under the guidelines, now, therefore, be it

RESOLVED, that the Niagara County Treasurer's Office is hereby authorized to disburse \$500 from the District Attorney's Local Assets Forfeiture Account A.02.1165.000.40036 into the District Attorney's operating budget, and be it further

RESOLVED, that the following budget modifications are effectuated:

INCREASE REVENUE:

A.02.1165.000.40599.02	Appropriated Fund Balance Restricted Funds	\$500
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INCREASE APPROPRIATIONS:

A.02.1165.000.74400.09	Payments to Other Agencies	\$500
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Moved by Updegrave, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. CSS-042-15

From: Community Safety & Security & Administration Committees

Dated: August 4, 2015

**WITT O'BRIEN'S LLC AWARD FOR NIAGARA COUNTY MASS CASUALTY AND
MASS FATALITY PLANS – HOMELAND SECURITY GRANT**

WHEREAS, RFP #2015-26 was issued by Niagara County Emergency Services to Consultant Services to Update the Mass Casualty and Mass Fatality Plans, and

WHEREAS, the awarded vendor shall be responsible for reviewing the current Mass Fatality Plan and Mass Casualty Plan for Niagara County and working with the Niagara County Department of Health and Niagara County Emergency Services Office to update the plans to meet current requirements and needs of the County, and

WHEREAS, responses were received from Witt O'Brien's LLC, Ecology and Environment, Inc., Tidal Basin Group, and Filler Security Strategies, Inc., and

WHEREAS, the bid pricing from Ecology and Environment, Inc., was \$51,600; the bid pricing from Tidal Basin Group was \$89,000; the bid pricing from Filler Security Strategies, Inc. was \$79,500; and the bid pricing from Witt O'Brien's LLC was \$87,350, and

WHEREAS, the bid from Tidal Basin Group was not chosen because of their was a lack of mention of job aids for the project as well as the unrealistic timeline for the project and lack of experience in Niagara County, and

WHEREAS, the bid from Ecology and Environment, Inc. was not chosen because their plan did not identify all critical partners, and there was concern for the incorporation of the project into present planning processes in Niagara County, and

WHEREAS, the bid from Filler Security Strategies, Inc. was not chosen because of their lack of experience in Niagara County as well as incorporation into present planning strategies, and

WHEREAS, the Witt O'Brien's LLC professional services proposal shows proven emergency management and planning experience to deliver an updated Mass Fatality Plan that will include specific tactical operational procedures for County coroners and details their responsibilities for a mass fatality event and includes project tasks and elements that are clearly defined and delineated, and

WHEREAS, Witt O'Brien's LLC has proven their expertise as professional consultants in their prior work with Niagara County and their work on updating Niagara County All Hazards Mitigation Plan clearly demonstrates that their subject matter experts with high levels of education, experience and credentials and prior experience will bring Niagara County to where they need to be for all planning aspects of this proposal, and

WHEREAS, funding is available in the Homeland Security Budget A3645 through Homeland Security Funding (Hazard Mitigation), now, therefore, be it

RESOLVED, that the County enter into an agreement with Witt O'Brien's LLC in an amount not to exceed \$87,350 to provide professional consulting services to Niagara County Emergency Management Department, and be it further

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

RESOLVED, that the Chairman of the Niagara County Legislature be, and hereby is, authorized to execute the Witt O'Brien's LLC contract.

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. CSS-043-15

From: Community Safety & Security & Administration Committees

Dated: August 4, 2015

**WITT O'BRIEN'S LLC AWARD FOR NIAGARA COUNTY DISASTER DEBRIS
MANAGEMENT PLAN – HOMELAND SECURITY GRANTS**

WHEREAS, RFP #2015-25 was issued by Niagara County Emergency Services for Consulting Services for Niagara County Disaster Debris Management Plan, and

WHEREAS, a debris management plan will be created that will address capabilities to respond to a disaster event based on the current readiness status, and

WHEREAS, this debris management plan will elaborate on the management and operational processes and procedures required to prepare for, respond to and recover from either a natural or manmade debris generating disaster event for a "cradle-to-grave" disaster removal and disposal operation, and

WHEREAS, responses were received from Witt O'Brien's LLC, Ecology and Environment, Inc., and Tetra Tech, and

WHEREAS, the bid pricing from Ecology and Environment, Inc., was \$95,225; the bid pricing from Tetra Tech was \$59,489; and the bid pricing from Witt O'Brien's LLC was \$58,750, and

WHEREAS, bids from both Ecology and Environment, Inc., and Tetra Tech were rejected because of higher price bids, and

WHEREAS, Witt O'Brien's LLC has proven their expertise in prior planning projects for which Niagara County has utilized them, and

WHEREAS, these projects have brought Niagara Counties plans and procedures to the forefront of planning in New York State, and

WHEREAS, funding is available in the Homeland Security Budget A3645 through Homeland Security Funding (Hazard Mitigation Grant), now, therefore, be it

RESOLVED, that the County enter into an agreement with Witt O'Brien's LLC in an amount not to exceed \$58,750.00 to provide professional consulting services to Niagara County Emergency Management Department, and be it further

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

RESOLVED, that the Chair of the County Legislature be, and hereby is, authorized to execute the Witt O'Brien's LLC contract.

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. CSS-044-15

From: Community Safety & Security & Administration Committees

Dated: August 4, 2015

BUDGET MODIFICATION – LOCAL GOVERNMENT EFFICIENCY GRANT

WHEREAS, Resolution CSS-013-13 adopted and approved a \$400,000 grant for the consolidation of the City of North Tonawanda and Niagara County police dispatch, and

WHEREAS, this grant was appropriated in the 2013 and 2014 budget, but has not been fully expended, and

WHEREAS, the grant has been extended until March 31, 2016, and

WHEREAS, it would be beneficial to both municipalities to re-appropriate the funds to continue the purchase of necessary equipment, now, therefore, be it

RESOLVED, that the following budget modification be made:

INCREASE REVENUE:

A.17.3020.000.43389.23	Other Public Safety/Local Gov't Eff. Grant	\$40,000
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INCREASE APPROPRIATION:

A.17.3020.000.72100.05	Computer Equipment	\$40,000
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Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. CSS-045-15

From: Community Safety & Security & Administration Committees

Dated: August 4, 2015

**NIAGARA COUNTY SHERIFF'S OFFICE BUDGET MODIFICATION
CREATE ONE (1) DEPUTY SHERIFF-SOCIAL SERVICES**

WHEREAS, the Niagara County Department of Social Services wishes to contract with the Niagara County Sheriff's Office for additional security services at the Niagara Falls site, and

WHEREAS, to provide this service the Sheriff's Office will need to hire an additional Deputy Sheriff, and

WHEREAS, Social Services will reimburse the Sheriff's Office for 100% of the cost of this position, now, therefore, be it

RESOLVED, that one (1) Deputy Sheriff position, Job Group SB, Step 3, at an hourly rate of \$25.36 be created and filled effective August 16, 2015 and be co-terminus with the funding, and be it further

RESOLVED, that the following budget modification be made:

INCREASE REVENUE:

A.17.3110.000.41289.08	Reimburse Other Departments	\$45,340
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INCREASE APPROPRIATION:

A.17.3110.000.71010.00	Positions	\$20,085
A.17.3110.000.71032.00	Training Allowance	316
A.17.3110.000.71034.00	Briefing Time	941
A.17.3110.000.71035.00	Uniform Allowance	190
A.17.3110.000.71050.00	Overtime	7,200
A.17.3110.000.78100.00	Retirement	8,934
A.17.3110.000.78200.00	FICA	2,198
A.17.3110.000.78300.00	Worker's Compensation	776
A.17.3110.000.78400.00	Insurance, Health Active	3,500
A.17.3110.000.78400.05	Insurance, HRA	850
A.17.3110.000.8800.00	Flex 125 Employer Contribution	350

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. CSS-046-15

From: Community Safety & Security Committee

Dated: August 4, 2015

NIAGARA COUNTY SHERIFF'S OFFICE – NYS STRIKE FORCE

WHEREAS, New York State Department of Taxation and Finance set up a task force in 2014, and

WHEREAS, the Niagara County Sheriff's Office is participating by assigning a Deputy Sheriff to this task force, and

WHEREAS, this position was included in the 2015 budget, therefore, no budget modification is necessary, and

WHEREAS, NYS wishes to continue the operation and has agreed to reimburse the County for all other costs relating to this position, now, therefore, be it

RESOLVED, that the position be coterminous with said agreement and that the Sheriff's Office continue to participate in this operation, and be it further

RESOLVED, that this Resolution authorize the Sheriff's Office to continue with this task force until such time that the parties agree to discontinue or when the funding is no longer available.

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. CSS-047-15

From: Community Safety & Security Committee

Dated: August 4, 2015

**ACCEPT GRANT – NIAGARA COUNTY SHERIFF'S OFFICE
FORENSIC LABORATORY**

WHEREAS, the New York State Division of Criminal Justice Services awarded the Niagara County Sheriff's Office Forensic Laboratory a grant in the amount of \$176,577 for the period of July 1, 2015 through June 30, 2016, and

WHEREAS, this grant provides funding to ensure that the Niagara County Forensic Laboratory continues to meet New York State Accreditation Standards, and

WHEREAS, funding allows the County to purchase supplies and to continue to fund a position that performs DNA analysis that works collaboratively with the Erie County Forensic Laboratory, and

WHEREAS, the Sheriff's Office wishes to continue funding a Senior Criminalist to perform DNA analysis and other functions that will allow the Forensic Laboratory to maintain their accreditation, said position is in the 2015 budget, and

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

RESOLVED, that the Senior Criminalist position continue to be co-terminus with the grant, and be it further

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

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IF-086-15

From: Infrastructure & Facilities & Administration Committees

Dated: August 4, 2015

**BUDGET MODIFICATION FOR COAGULATION BASINS 1, 2 & 3 UPGRADE
WATER DISTRICT**

WHEREAS, Niagara County Water District Administrative Board authorized the Administrative Director to go to bid for the Coagulation Basins 1, 2, & 3 Upgrade Project in the Water District's 2015 operating budget, and

WHEREAS, bids received were above the estimated project cost of \$1,000,000, and

WHEREAS, the Niagara County Water District Administrative Board has accepted the bids, under Contract No. 15-1, WPN 3146-15-03, and

WHEREAS, there are sufficient funds in the Water District's Fund Balance to cover the balance of the cost of this project, now, therefore, be it

RESOLVED, that the following budget modification be made to the 2015 Water District operating budget:

INCREASE APPROPRIATED FUND BALANCE:

FX.40599.00	Appropriated Fund Balance	\$450,000
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INCREASE APPROPRIATION:

FX.31.8330.000 72100.27	Water System Improvements	\$450,000
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Moved by Updegrove, seconded by Virtuoso.
Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IF-087-15

From: Infrastructure & Facilities & Administration Committees

Dated: August 4, 2015

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

WHEREAS, on Thursday, July 16, 2015 at 4:00 p.m., a public hearing was held at the Niagara County Water District Service Center to consider the appropriation of \$500,000 from the Niagara County Water District's reserve-sludge lagoon fund for the payment of lagoon cleaning and removal of water treatment residuals at the south lagoon located at the water treatment plant, and

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

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

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

INCREASE REVENUE:

FXS.40511.00	Appropriated Reserve	\$500,000
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INCREASE APPROPRIATIONS:

FXS.31.9901.000 79010.00	Contribution to other funds	\$500,000
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INCREASE REVENUE:

FX.31.9901.000 45131.31	Interfund Transfers from Sludge Reserves	\$500,000
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INCREASE APPROPRIATIONS:

FX.31.8330.000 74700.02	Sludge Disposal	\$500,000
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Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IF-088-15

From: Infrastructure & Facilities Committee

Dated: August 4, 2015

**NIAGARA COUNTY REFUSE DISPOSAL DISTRICT OFFICE TRAILER AND ATTACHED
IMPROVEMENT AS SURPLUS AND DEMOLITION**

WHEREAS, the Niagara County Refuse Disposal District (NCRDD) has previously utilized an office trailer and attached improvement to manage daily landfill operations, and

WHEREAS, NCRDD has ceased all active site operations and has abandoned all operations taking place with the office trailer and attached improvement, and

WHEREAS, the office trailer and attached improvement are fully depreciated, and

WHEREAS, the office trailer and attached improvement are located on a parcel of land not owned by the County, and

WHEREAS, the age and condition of the structure prevent safe and cost effective transportation to an alternate location, and

WHEREAS, the timing of the demolition of the office trailer and attached improvement are beneficial to the county as it can be placed within the Construction and Demolition (C&D) Debris Landfill prior to closure and will prevent the purchase/use of virgin soils as fill prior to closure, now, therefore, be it

RESOLVED, that the Niagara County Legislature authorize the Niagara County Refuse Disposal District to demolish the former office trailer and attached improvement as part of the C&D Landfill Cap Site Upgrades Project in 2015.

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IF-089-15

From: Infrastructure & Facilities Committee

Dated: August 4, 2015

MUNICIPAL CLOSURE GRANT APPLICATION

WHEREAS, the Niagara County Refuse Disposal District (NCRDD) has operated a landfill facility in Lockport, New York designated as the Construction and Demolition (C&D) Debris Landfill and operated the facility in accordance with New York State Department of Environmental Conservation Operating Permit No. 32-D-10, and

WHEREAS, NCRDD has ceased operation of the facility effective July 3, 2013 and plans to initiate the construction of a Final Closure Cap in 2015, and

WHEREAS, The Environmental Quality Bond Act of 1986, the Clean Water/Clean Air Bond Act of 1996, and the Environmental Protection Fund designated monies to be used to fund Municipal Landfill Closure Projects, and

WHEREAS, an application for these certain grant monies cannot be deemed complete by NYSDEC Staff without a statement of authorization from the submission of such grant application from the Municipal Governing Body, now, therefore, be it

RESOLVED, that the Niagara County Legislature authorize the Niagara County Refuse Disposal District to submit an application for a Municipal Landfill Closure Grant through the prescribed Grant Application Process as designated by the 6 NYCRR Part 360 Solid Waste Management Facilities for the Construction and Demolition Debris Landfill.

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IF-090-15

From: Infrastructure & Facilities & Administration Committees

Dated: August 4, 2015

APPROVAL OF CAPITAL PROJECTS

WHEREAS, Niagara County Departments have submitted various Capital Project Requests, such projects to be funded by Federal, State, Local and other revenue sources, and a 2015 Bonding program with the first principal and interest payment due in 2016, and

WHEREAS, the Niagara County Legislature, has established the strengthening of Public Works and County Infrastructure as a priority, and

WHEREAS, the Niagara County Legislature as part of its efforts to strengthen Public Works and County infrastructure supports: continuing to pursue road and bridge development and maintenance in accordance with limited resources, continuing to pursue building and park structure development and maintenance in accordance with limited resources, the purchase or replacement of sheriff/jail equipment and highway heavy equipment, now, therefore, be it

RESOLVED, that the Capital Projects, per the attached list, are hereby reviewed and approved in the 2015 Bonding Program.

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IF-091-15

From: Infrastructure & Facilities & Administration Committees

Dated: August 4, 2015

2015 CAPITAL IMPROVEMENT PROJECTS

FUNDING FROM FUND BALANCE, COMMITTED FUNDS, AND FEDERAL/STATE AID

WHEREAS, the County Manager and Budget Director recommend that the following capital improvement projects be funded using funds from Fund Balance in the A, and DM Funds, NYPA Energy Credits, and Federal/State Aid: Jail Boiler Replacement Bldg #2, Niagara Road Bridge Rehabilitation, Carmen Road Bridge Rehabilitation, Angelo DelSignore Civic Building Window Replacement Project, Building Security Improvements, Highway Heavy Equipment, Highway Facility Roof Repair, and Park Facilities Improvements, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE APPROPRIATED FUND BALANCE

A 40599.00	Appropriated Fund Balance	\$250,000
A 40599.01	Appropriated Fund Balance – NYPA	\$650,000
DM 40599.00	Appropriated Fund Balance	\$370,000

INCREASE APPROPRIATIONS

A.07.9901.000.79010.10	Transfer to Capital Reserve	\$620,000
A.07.9950.000.79010.00	Transfer to Capital	\$650,000

INCREASE APPROPRIATED FUND BALANCE:

AH40511.00	Appropriated Capital Reserve	\$620,000
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INCREASE CAPITAL CONSTRUCTION:

AH.07.9950.000.79010.00	Transfer to Capital Construction	\$620,000
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INCREASE ESTIMATED REVENUE

H583.15.5197.000.43501.00	Consolidated Highway Improvement Program	\$200,000
H619.17.3197.000.45031.00	Interfund Transfers – Committed Funds	\$150,000
H621.15.5197.000.43501.00	Consolidated Highway Improvement Program	\$1,200,000
H623.15.1620.000.45031.00	Interfund Transfers – Committed Funds	\$500,000
H625.15.1620.000.45031.10	Interfund Transfers – From Capital Reserve	\$100,000
H626.15.5197.000.45031.10	Interfund Transfers – From Capital Reserve	\$340,000
H627.15.5197.000.45031.10	Interfund Transfers – From Capital Reserve	\$30,000
H628.15.7110.000.45031.10	Interfund Transfers – From Capital Reserve	\$50,000
H622.15.1620.000.45031.10	Interfund Transfers – From Capital Reserve	\$100,000

INCREASE ESTIMATED REVENUE TOTALS:	\$2,670,000
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INCREASE ESTIMATED APPROPRIATIONS:

H583.15.5197.000.72600.02	Carmen Rd Bridge over Johnson Creek	\$200,000
H619.17.3197.000.72200.01	Jail Boiler Replacement – Bldg #2	\$150,000
H621.15.5197.000.72600.02	Niagara Rd Bridge over Bergholz Creek	\$1,200,000
H623.15.1620.000.72200.01	Angelo DelSignore Civic Bldg Window Replace	\$500,000
H625.15.1620.000.72200.01	Building Security Improvements	\$100,000
H626.15.5130.000.72100.10	Highway Heavy Equipment	\$340,000
H627.15.5130.000.72200.01	Highway Facility Salt Shed Roof	\$30,000
H628.15.7110.000.72100.10	Park Equipment	\$50,000
H622.15.1620.000.72200.01	Building Improvements	\$100,000

INCREASE ESTIMATED APPROPRIATIONS TOTAL:	\$2,670,000
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Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IF-092-15

From: Infrastructure & Facilities & Administration Committees

Dated: August 4, 2015

FIEGLE ROAD PAVEMENT REHABILITATION PROJECT, CAMPBELL BLVD. TO BEAR RIDGE ROAD, TOWN OF PENDLETON, NIAGARA COUNTY, PIN 5758.57, SUPPLEMENTAL AGREEMENT NO. 1

WHEREAS, the Feigle Road Pavement Rehabilitation Project, Campbell Blvd, to Bear Ridge Road, Town of Pendleton, Niagara County, PIN 5758.57, (“the Project”) is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal Funds and 20% Non-Federal Funds, and

WHEREAS, the County of Niagara desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-VI) and Construction and Construction Inspection phases of the project PIN 5758.57, and

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

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

RESOLVED, that the Legislature of the County of Niagara hereby authorizes the County of Niagara to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) and Construction and Construction Inspection phases of the Project or portions thereof; and be it further

RESOLVED, that the sum of \$1,864,800 will be made available to cover the cost of participation in the above phase of the Project in account H568.15.5112.000.72600.01, Fiegle Road Pavement Rehabilitation, and be it further

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

RESOLVED, that the Chair of the Legislature of the County of Niagara be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Niagara with the New York State Department of Transportation in connection with the advancement or approval of the Project providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal Aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and be it further

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

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

RESOLVED, this Resolution shall take effect immediately.

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IF-093-15

From: Infrastructure & Facilities & Administration Committees

Dated: August 4, 2015

**YOUNGSTOWN ROAD BRIDGE REHABILITATION
PROJECT CONSULTANT AMENDMENT NO. 3**

WHEREAS, by Resolution No. PW-109-11, dated October 2, 2012, the Legislature selected C&S Engineers, 499 Eileen Collins Boulevard, Syracuse, NY 13212, in the amount of \$100,000, for assistance with design services for the Youngstown Road Bridge Rehabilitation Project, and

WHEREAS, Resolution No. PW-097-13, dated December 3, 2013, amended the agreement to allow for final design services in the amount of \$85,000, for a revised contract amount of \$185,000, and

WHEREAS, Resolution No. PW-003-15, dated February 17, 2015, amended the agreement with C&S Engineers for construction administration and construction inspection services, for an amount not to exceed \$91,000, for a revised contract amount of \$276,000, and

WHEREAS, it is necessary to increase the contract by \$17,000.00 for construction administration to allow the project to proceed, for a revised contract amount of \$293,000.00, and

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

RESOLVED, that the consultant services contract with C&S Engineers, 499 Eileen Collins Boulevard, Syracuse, NY 13212, be increased by \$17,000.00, for a revised contract amount of \$293,000.00, and be it further

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

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IF-094-15

From: Infrastructure & Facilities Committee

Dated: August 4, 2015

**AWARD CONSULTANT SERVICES FOR HVAC STUDY FOR
111 MAIN STREET AND 20-40 EAST AVENUE**

WHEREAS, the Department of Public Works evaluated a proposal from a pre-qualified consulting engineering firm to assist the County with the HVAC study for 111 Main Street and 20-40 East Avenue, and

WHEREAS, funds are available in account H611.15.1620.000 72200.01, Building Improvements, and

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

RESOLVED, that the consultant services to assist the County with the HVAC study for 111 Main Street and 20-40 East Avenue be awarded to Wendel WD Architecture, Engineering, Surveying & Landscape Architecture P.C., 375 Essjay Road, Suite 200, Williamsville, NY 14221, for a fee not to exceed \$15,500, and be it further

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

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IF-095-15

From: Infrastructure & Facilities & Administration Committees

Dated: August 4, 2015

**LINCOLN AVENUE REHABILITATION
CHANGE ORDER NO. 1**

WHEREAS, by Resolution No. PW-081-14, dated June 17, 2014, the Legislature awarded the contract for the rehabilitation of Lincoln Avenue between Akron Road and Beattie Avenue to Accadia Site Contracting, 5636 Transit Road, Depew, NY 14043, for a contract amount of \$6,893,160.20, and

WHEREAS, it is necessary to increase the contract in the amount of \$355,475.66 for interim quantities adjustments and to allow the project to proceed to completion, for a revised contract amount of \$7,248,635.86, and

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

RESOLVED, that Change Order No. 1 to increase the contract by \$355,475.66 for the rehabilitation of Lincoln Avenue between Akron Road and Beattie Avenue, for a revised contract amount of \$7,248,635.86, to Accadia Site Contracting, 5636 Transit Road, Depew, NY 14043, be approved, and be it further

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

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IF-096-15

From: Infrastructure & Facilities & Administration Committees

Dated: August 4, 2015

**COUNTY BRIDGE WASHING
CHANGE ORDER NO. 1 - FINAL**

WHEREAS, by Resolution No. PW-054-14, dated April 8, 2014, the Legislature awarded the contract for County bridge washing to Acme Powerwashing Inc., 15590 Powerline Road, Holley, NY 14470, in the amount of \$121,680.00, and

WHEREAS, it is necessary to reduce the contract in the amount of \$6,545.00, for a revised contract amount of \$115,135.00, and

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

RESOLVED, that Change Order No. 1 – Final to deduct \$6,545.00 from the contract for the county bridge washing project, for a revised contract amount of \$115,135.00, to Acme Powerwashing Inc., 15590 Powerline Road, Holley, NY 14470, be approved, and be it further

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

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IF-097-15

From: Infrastructure & Facilities & Administration Committees

Dated: August 4, 2015

**HISTORIC COUNTY COURTHOUSE MASONRY REPAIR
FINAL PAYMENT**

WHEREAS, by Resolution No. PW-050-15, dated April 21, 2015, the Legislature awarded the contract for the Historic County Courthouse Masonry Repair project to Morris Masonry Restoration, LLC, 441 Bailey Avenue, Buffalo, NY 14210, in the amount of \$58,286, and

WHEREAS, the contract has been completed to specifications and drawings for the original contract amount of \$58,286, 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 final payment is authorized to be processed to Morris Masonry Repair, 441 Bailey Avenue, Buffalo, NY 14210, and be it further

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

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IF-098-15

From: Infrastructure & Facilities Committee

Dated: August 4, 2015

**RESOLUTION TO WAIVE THE PLA REQUIREMENT FOR THE
NIAGARA COUNTY JAIL BUILDING NO. 2 ROOF SYSTEM
AND HVAC SYSTEM REPLACEMENTS**

WHEREAS, the County of Niagara, Department of Public Works, has appropriated funds for the Niagara County Jail Building No. 2 Roof System and HVAC System Replacements project, and

WHEREAS, it is anticipated that the cost for the Niagara County Jail Building No. 2 Roof System and HVAC System Replacements project will be in excess of 1.5 million dollars, and

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

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

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

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

and

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

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

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

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

and

WHEREAS, the Commissioner of Public Works for Niagara County has reviewed the specifications for the Niagara County Jail Building No. 2 Roof System and HVAC System Replacements project and has prepared a report for the Niagara County Legislature to review, which shows that there will be no cost savings anticipated to Niagara County if there were to be a negotiated PLA in such project. In addition, the report further reveals that the project is not extraordinary in size or complexity, and contains no unique feature, and

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

RESOLVED, that that the Commissioner of Public Works for Niagara County shall not negotiate and/or otherwise cause Niagara County to enter into a PLA for the Niagara County Jail Building No. 2 Roof System and HVAC System Replacements projects and a PLA shall not be included within the bid documents.

Moved by Updegrave, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IF-099-15

From: Infrastructure & Facilities & Administration Committees

Dated: August 4, 2015

AWARD MECHANICAL CONTRACT FOR THE NIAGARA COUNTY SHERIFF'S OFFICE BUILDING #2 JAIL ROOF SYSTEM/HVAC SYSTEM REPLACEMENTS

WHEREAS, the Niagara County Sheriff's Office has prepared specifications in conjunction with the Department of Public Works, Engineering Division, to proceed with the Building #2 Jail Roof System/HVAC System Replacements project, and

WHEREAS, sealed bids for the Mechanical Contract Work for the Niagara County Sheriff's Office Building #2 Jail Roof System/HVAC System Replacements Project were publicly opened and read by our Purchasing Department on July 23, 2015 as tabulated below:

- | | |
|--|----------------|
| 1. D.V. Brown & Associates, Inc.
567 Vickers Street
Tonawanda, NY 14150 | \$2,096,000.00 |
| 2. John W. Danforth Company
300 Colvin Woods Parkway
Tonawanda, NY 14150 | \$2,179,500.00 |
| 3. Parise Mechanical Inc.
1106 Sheridan Drive
Tonawanda, NY 14150 | \$2,159,000.00 |

and

WHEREAS, the Public Works Committee has examined the bid, and

WHEREAS, additional funds are required to allow the project to move forward, and

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

RESOLVED, that the following budget modification be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

A 40599.01	Appropriated Fund Balance-NYPA	\$250,000.00
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INCREASE APPROPRIATIONS:

A.07.9950.000.79010.00	Transfer to Capital	\$250,000.00
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INCREASE ESTIMATED REVENUE:

H609.15.3197.000.45031.00	Interfund Transfers – Committed Funds	\$250,000.00
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INCREASE ESTIMATED APPROPRIATIONS:

H609.15.3197.000.72200.01-03	Jail Bldg #2 Roof & HVAC	\$250,000.00
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RESOLVED, that the Mechanical Contract for the Niagara County Sheriff's Office Building #2 Jail Roof System/HVAC System Replacements project be awarded to the lowest responsible bidder, D.V. Brown & Associates, Inc., 567 Vickers Street, Tonawanda, NY 14150, in the amount of \$2,096,000.00, and be it further

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

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IF-100-15

From: Infrastructure & Facilities & Administration Committees

Dated: August 4, 2015

**AWARD ELECTRICAL CONTRACT FOR THE NIAGARA COUNTY SHERIFF'S OFFICE
BUILDING #2 JAIL ROOF SYSTEM/HVAC SYSTEM REPLACEMENTS**

WHEREAS, the Niagara County Sheriff's Office has prepared specifications in conjunction with the Department of Public Works, Engineering Division, to proceed with the Building #2 Jail Roof System/HVAC System Replacements project, and

WHEREAS, sealed bids for the Electrical Contract Work for the Niagara County Sheriff's Office Building #2 Jail Roof System/HVAC System Replacements Project were publicly opened and read by our Purchasing Department on July 23, 2015 as tabulated below:

- | | |
|--------------------------------------|--------------|
| 1. CIR Electrical Construction Corp. | \$133,600.00 |
| 400 Ingham Avenue | |
| Buffalo, NY 14218 | |

and

WHEREAS, the Public Works Committee has examined the bid, and

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

RESOLVED, that the Electrical Contract for the Niagara County Sheriff's Office Building #2 Jail Roof System/HVAC System Replacements project be awarded to the lowest responsible bidder, CIR Electrical Construction Corp., 400 Ingham Avenue, Buffalo, NY 14218, in the amount of \$133,600.00, and be it further

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

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IF-101-15

From: Infrastructure & Facilities & Administration Committees

Dated: August 4, 2015

**AWARD ROOF/GENERAL CONTRACT FOR THE NIAGARA COUNTY SHERIFF'S OFFICE
BUILDING #2 JAIL ROOF SYSTEM/HVAC SYSTEM REPLACEMENTS**

WHEREAS, the Niagara County Sheriff's Office has prepared specifications in conjunction with the Department of Public Works, Engineering Division, to proceed with the Building #2 Jail Roof System/HVAC System Replacements project, and

WHEREAS, sealed bids for the Roof/General Contract Work for the Niagara County Sheriff's Office Building #2 Jail Roof System/HVAC System Replacements Project were publicly opened and read by our Purchasing Department on July 23, 2015 as tabulated below:

- | | |
|--|----------------|
| 1. Jameson Roofing Co., Inc.
3761 East Lake Road
Dunkirk, NY 14048 | \$2,171,800.00 |
| 2. Grove Roofing Services, Inc.
131 Reading Street
Buffalo, NY 14220 | \$2,265,400.00 |

and

WHEREAS, the Public Works Committee has examined the bid, and

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

RESOLVED, that the Roof/General Contract for the Niagara County Sheriff's Office Building #2 Jail Roof System/HVAC System Replacements project be awarded to the lowest responsible bidder, Jameson Roofing Co., Inc., 3761 East Lake Road, Dunkirk, NY 14048, in the amount of \$2,171,800.00, and be it further

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

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IF-102-15

From: Infrastructure & Facilities Committee

Dated: August 4, 2015

AWARD OF CONTRACT – MURPHY COURT ROOM HVAC RENOVATION

WHEREAS, the Department of Public Works, Engineering Division has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Murphy Court Room HVAC Renovation project, and

WHEREAS, funds are available in the 2015 capital budget, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on July 23, 2015 as tabulated below:

- | | |
|---|--------------|
| 1. Parise Mechanical Inc.
1106 Sheridan Drive
Tonawanda, NY 14150 | \$ 49,600.00 |
| 2. Greater Niagara Mechanical Inc.
7311 Ward Road
North Tonawanda, NY 14120 | \$ 52,600.00 |

and

WHEREAS, the Public Works Committee has examined the bid, and

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

RESOLVED, that the contract for the Murphy Court Room HVAC Renovation project be awarded to the lowest responsible bidder, Parise Mechanical Inc., 1106 Sheridan Drive, Tonawanda, NY 14150, in the amount of \$49,600.00, and be it further

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

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IF-103-15

From: Infrastructure & Facilities Committee

Dated: August 4, 2015

**LEASE AGREEMENT WITH NIAGARA ORLEANS BOCES
FOR THE TROTT ACCESS CENTER**

WHEREAS, Niagara Orleans BOCES, desires to continue the lease for office/classroom space at the Trott ACCESS Center, Niagara Falls, New York, and

WHEREAS, the County has available space for this activity, 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 your Public Works Committee recommends the attached lease agreement to be entered into with Niagara Orleans BOCES for office/classroom space at the Trott ACCESS Center, and be it further

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

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IF-104-15

From: Infrastructure & Facilities Committee

Dated: August 4, 2015

**LEASE AGREEMENT WITH NORTHPOINTE COUNCIL INC.
FOR THE TROTT ACCESS CENTER**

WHEREAS, Northpointe Council Inc., provides clinic services to residents of Niagara County, and

WHEREAS, Northpointe Council Inc., desires to lease office space at the Trott ACCESS Center, Niagara Falls for this program, and

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

RESOLVED, that the Infrastructure and Facilities Committee recommends a lease agreement be entered into with Northpointe Council Inc. for office space at the Trott ACCESS Center, and be it further

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

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IF-105-15

From: Infrastructure & Facilities Committee

Dated: August 4, 2015

**ACCEPTANCE OF AMENDMENT B
2014-2015 NYSDOT SNOW AND ICE AGREEMENT
DPW - HIGHWAY**

WHEREAS, the Niagara county Highway Department is under agreement with the New York State Department of Transportation for snow and ice removal, and

WHEREAS, the type of agreement for the 2014-2015 winter season is an indexed lump sum and the reimbursement payment is based on an estimated expenditure, and

WHEREAS, the New York State Department of Transportation amended the estimated expenditure to more accurately reflect the season, and

WHEREAS, the amendment will enable the New York State Department of Transportation to reimburse Niagara County an additional \$22,384.69 over the estimated expenditure, and

WHEREAS, the acceptance of Amendment B will allow the processing of said reimbursement; now, therefore, be it

RESOLVED, the Chairman of the Legislature be, and hereby is, authorized to execute Amendment B.

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IF-106-15

From: Infrastructure & Facilities Committee

Dated: August 4, 2015

**DETOUR RESOLUTION STATE ROUTE 93, TOWN OF PORTER
AND STATE ROUTE 18, TOWN OF WILSON**

WHEREAS, the New York State Department of Transportation proposes to replace two existing culverts on SR 93 (Location #1) and SR 18 (Location #2) in the Towns of Porter and Wilson, New York, and

WHEREAS, in conformance with Section 42 of the New York State Highway Law, the New York State Department of Transportation proposes to utilize the following roads as a detour during the period of construction:

Location # 1 – SR 93

County Road 36, Youngstown-Wilson Road and County Road 57, Porter Center Road.

Location # 2 – SR 18

County Road 36, Youngstown-Wilson Road, County Road 17, Ransomville Road and West Lake Road, County Road 78.

WHEREAS, the New York State Department of Transportation will provide traffic control devices and the Department's maintenance responsibility will be limited to those devices, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara does hereby authorize the New York State Department of Transportation to utilize the above-mentioned roads as a detour during the period of construction, and be it further

RESOLVED, that the County of Niagara will continue to provide routine maintenance on County Roads 36, 57, 17 and 78 including snow and ice control; please note: The County of Niagara will monitor the condition of the existing pavement and structures to determine if the impact of detoured traffic is causing increased deterioration to same; if so, the Department of Transportation will be notified so that proper repairs are completed at their expense, and be it further

RESOLVED, that the clerk of this County Legislature is hereby directed to transmit five (5) certified copies of this resolution to the New York State Department of Transportation.

Moved by Updegrave, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IF-107-15

From: Infrastructure & Facilities Committee

Dated: August 4, 2015

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE NIAGARA COUNTY
SNOWMOBILE FEDERATION OF SNOWMOBILE CLUBS**

WHEREAS, the Niagara County Snowmobile Federation of Snowmobile Clubs has requested the County of Niagara to agree to act as a municipal sponsor for a grant available through the New York State Office of Parks, Recreation and Historic Preservation Snowmobile Trail Fund, and

WHEREAS, the grant would assist the Niagara County Snowmobile Federation of Snowmobile Clubs in maintaining and operating safe recreational snowmobile trails already existing in the County of Niagara, and

WHEREAS, this grant would assist in grooming and coordinating trails already existing or to be added by lease or other agreements with property owners, and

WHEREAS, this grant will build and maintain a better, safer trail system, which will in turn bring more snowmobiles here, adding dollars to the County economy, now, therefore, be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Niagara County Snowmobile Federation of Snowmobile Clubs as appears in the proposed agreement, is hereby approved in all respects, and be it further

RESOLVED, that the Chairman of the Niagara County Legislature is authorized and directed to execute and deliver the agreement with the Niagara County Snowmobile Federation of Snowmobile Clubs in the same form attached to this resolution.

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IF-108-15

From: Infrastructure & Facilities Committee

Dated: August 4, 2015

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA
AND HEART OF NIAGARA ANIMAL RESCUE INC.**

WHEREAS, Heart of Niagara Animal Rescue Inc. has requested that the County of Niagara grant them permission to use Oppenheim Park, for the purpose of holding an Animal Lover Annual Summer Picnic Event, to be held on July 18, 2015, and

WHEREAS, the event will be successful in attracting many families from the area, and

WHEREAS, it is the wish of the organizers to hold the event on July 18th, 2015, and

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

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Niagara Animal Rescue Inc., and

WHEREAS, prior to the execution of the License Agreement between the County of Niagara and Niagara Animal Rescue Inc., the County Attorney will review said Agreement for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that following the County Attorney's review, the Chairman of the County Legislature be, and hereby is, authorized to execute the License Agreement between the County of Niagara and Niagara Animal Rescue Inc..

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IL-069-15

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

Dated: August 4, 2015

**IN SUPPORT OF THE CHAMBER OF COMMERCE OF THE TONAWANDAS
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Chamber of Commerce of the Tonawandas is a non-profit member organization that provides a strong source of services, support and networking for business and industry for the cities of both North Tonawanda and Tonawanda, and

WHEREAS, to better serve the community the Chamber of Commerce of the Tonawandas is relocating to a new location where it can continue in its mission and also be a welcome center, and

WHEREAS, this new location will be accessible to handicapped visitors and walk-in residents, as well as, current and future members and will also be able to host events on-site, and

WHEREAS, this new location is in need of proper signage to increase visibility to assist in meeting the goals of serving both communities and all visitors to the area, now, therefore, be it

RESOLVED, that the Niagara County Legislature supports the Chamber of Commerce of the Tonawandas as follows:

Chamber of Commerce of the Tonawandas	Signage	\$3,000
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and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2015 budget:

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01	Appropriated Fund Balance - Committed Funds	\$3,000
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INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$3,000
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Moved by Bradt, seconded by Lance.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IL-070-15

From: Legislator David E. Godfrey & Economic Development Committee

Dated: August 4, 2015

**IN SUPPORT OF FUNDING UPGRADES TO THE TOWN OF CAMBRIA TOWN PARK
THROUGH THE USE OF CASINO FUNDS**

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

WHEREAS, the Town of Cambria is currently planning upgrades to its Town Park which include building a Comfort Station, and

WHEREAS, the upgrades to the Town Park will create a more enjoyable experience for park patrons and will allow the park to expand the services and events offered to the community, now, therefore, be it

RESOLVED, that Niagara County supports the improved amenities of the Town of Cambria Town Park as follows:

Town of Cambria	Town Park Upgrades	\$5,000
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and be it further,

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2015 budget:

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01 Appropriated Fund Balance - Committed Funds \$5,000

INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund \$5,000

Moved by Godfrey, seconded by Burmaster.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IL-071-15

From: Legislator David E. Godfrey & Economic Development Committee

Dated: August 4, 2015

**IN SUPPORT OF THE WILSON FREE LIBRARY
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Wilson Free Library has been serving the citizens of the Wilson area since 1910, and

WHEREAS, the Wilson Free Library has seen a significant increase in foot traffic for materials, meetings and programs recently, and

WHEREAS, the Wilson Free Library is in the process of renovating its external and inside signage to better serve the community, now, therefore, be it

RESOLVED, that the Niagara County Legislature support the Wilson Free Library as it strives to better meet the needs of its community as follows:

Wilson Free Library	Signage	\$2,000
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and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2015 budget:

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01 Appropriated Fund Balance - Committed Funds \$2,000

INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund \$2,000

Moved by Godfrey, seconded by Syracuse.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IL-072-15

From: Legislator David E. Godfrey & Economic Development Committee

Dated: August 4, 2015

**IN SUPPORT OF THE CROSSBORDER BLUES, BREWS AND QUE EVENT
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the 5th Annual Crossborder Blues, Brews & Que Event will take place in Wilson, New York, and

WHEREAS, the BBQ Competition is officially sanctioned by the Kansas City Barbecue Society, the New England Barbecue Society, as an Empire State BBQ Championship competition, and officially recognized as a major state BBQ competition by the State of New York, and

WHEREAS, in excess of 50 teams from the United States and Canada participate in this BBQ competition, and

WHEREAS, the Crossborder Blues, Brews and Que Event also features a two day Blues Competition and a Junior Blues Showcase where up-and-coming Junior Blues talent is showcased, and

WHEREAS, the Junior Blues showcase will feature local talent and blues artists from Ohio, Pennsylvania and Tennessee, and

WHEREAS, the Crossborder Blues, Brews & Que Event attracts thousands of visitors to the Wilson area and provides a significant economic boost to businesses, shops and restaurants in Wilson and throughout Niagara County, now, therefore, be it

RESOLVED, that Niagara County supports Crossborder Blues, Brews & Que Event and the positive economic impact that it creates as follows:

Crossborder Recreation & Tourism Alliance – Crossborder Blues, Brews & Que Event \$2,500
and be it further,

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2015 budget:

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01 Appropriated Fund Balance - Committed Funds \$2,500

INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund \$2,500

Moved by Godfrey, seconded by Bradt.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IL-073-15

From: Legislator David E. Godfrey & Economic Development Committee

Dated: August 4, 2015

**IN SUPPORT OF FUNDING CAMBRIA BOY SCOUT TROOP 8
THROUGH THE USE OF CASINO FUNDS**

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

WHEREAS, the Cambria Boy Scout Troop 8 has been in existence for 50 years and is currently the largest troop in Niagara County with 56 boy scouts, and

WHEREAS, the Cambria Boy Scout Troop 8 participates in many community improvement projects including the Adopt-A-Highway Program where they keep a large stretch of Route 425 free from trash, and

WHEREAS, nearly 50 Eagle Scouts have done projects throughout the towns and villages of Niagara County that have had a positive impact on making Niagara County a wonderful place to live, and

WHEREAS, the Cambria Boy Scout Troop 8 is currently planning upgrades to its storage facilities which would allow for the proper storage and shelter for all of the Boy Scout and Cub Scout gear, camping equipment, items used on Eagle Scout Projects and proper winter storage of the Boy Scout trailer, now, therefore, be it

RESOLVED, that Niagara County supports the upgrades of the Cambria Boy Scout Troop 8 storage facility as follows:

Cambria Volunteer Fire Co.	Cambria Boy Scout Troop 8 Storage Facility	\$5,300
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and be it further,

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2015 budget:

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01	Appropriated Fund Balance - Committed Funds	\$5,300
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INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$5,300
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Moved by Godfrey, seconded by McNall.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IL-074-15

From: Legislator David E. Godfrey & Economic Development Committee

Dated: August 4, 2015

**IN SUPPORT OF THE WILSON HISTORICAL SOCIETY
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Wilson Historical Society has been a staple in the Wilson community since its founding in 1972, and

WHEREAS, the Society grounds are used to host a variety of fairs, festivals, community forums and other activities hosting people from around Niagara County and Western New York, and

WHEREAS, events such as the Wilson Historical Society Memorial Day Fair and the Crossborder Blues, Brews, and Barbeque utilize these grounds in order to draw tremendous crowds and bring economic development to northern Niagara County, and

WHEREAS, the Society grounds are in desperate need an outdoor shelter to expand these events and enable an expanded event series in the summer months, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby appropriate \$5,200.00 to the Wilson Historical Society for construction of a new outdoor shelter, and repair of an existing one, for utilization in various tourism related activities, and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2015 budget:

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01 Appropriated Fund Balance - Committed Funds \$5,200

INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund \$5,200

Moved by Godfrey, seconded by Syracuse.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IL-075-15

From: Legislator John Syracuse & Economic Development Committee

Dated: August 4, 2015

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

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

WHEREAS, the Celtic Festival has been a mainstay in Niagara County's tourism offerings in the Town of Newfane and Eastern Niagara County, increasing the foot traffic in Olcott by over 12,000 people during the festival and bringing significant economic impact to the community, and

WHEREAS, the 2015 Celtic Festival is scheduled to take place on September 19th and 20th 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:

Celtic Festival \$2,500.00
and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2015 budget:

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01 Appropriated Fund Balance - Committed Funds \$2,500.00

INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund \$2,500.00

Moved by Syracuse, seconded by McNall.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IL-077-15

From: Legislators David E. Godfrey, Kathryn L. Lance, William L. Ross & Economic Development Committee

Dated: August 4, 2015

**IN SUPPORT OF PROVIDING FUNDS FOR THE HANDICAPPED ENTRANCES
OF ADAMS FIRE COMPANY THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Adams Fire Company provides Fire and Ambulance Service to the residents of the Town of Wheatfield covered by Adams Fire Company's area of responsibility, and

WHEREAS, the Adams Fire Company sponsors many events to defer the operational costs of the Fire Company, and

WHEREAS, the Handicapped Accessibility at the entrance to the Adams Fire Company Hall will provide safe entrance and departure for people afflicted with mobility problems, and

WHEREAS, the Niagara County Legislature Casino Fund contributions will support the Adams Fire Company's efforts to generate funds through sponsored events, now, therefore, be it

RESOLVED, that the Niagara County Legislature support the Adams Fire Company as follows:

Adams Fire Company	\$6,000
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and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2015 budget:

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01	Appropriated Fund Balance - Committed Funds	\$6,000
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INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$6,000
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Moved by Lance, seconded by Godfrey.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IL-079-15

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

Dated: August 4, 2015

**RESOLUTION IN SUPPORT OF THE GHOSTLIGHT THEATRE COMPANY
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, Niagara County is in receipt of funds generated from the Seneca Niagara Casino, as per New York State Finance Law § 99-h, and

WHEREAS, this Legislature is committed to utilizing said funds for economic and community development goals that enhance our community and make it more desirable to businesses looking to expand and relocate operations, and

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

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

WHEREAS, the Ghostlight Theatre Company was founded in 1972 as the NT Summer Theatre Workshop, and has operated continuously since then, producing more than 100 main stage productions including musicals, classics, dramas, comedies, children's theater, and world premieres, and

WHEREAS, the Ghostlight Theatre serves as an incubator for the dramatic arts, having launched 18 new plays that have since been published and produced in 42 states, Guam, and British Columbia, and

WHEREAS, arts and cultural programs have long been a critical part of the appeal of municipalities in this county as "bedroom communities" for the local workforce, now, therefore, be it

RESOLVED, that Niagara County supports the economic initiatives of the Ghostlight Theatre as follows:

Starry Night Theatre, Inc. \$6,000.00
and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2015 budget:

INCREASE APPROPRIATED FUND BALANCE:

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

INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund \$6,000.00

Moved by Bradt, seconded by Lance.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IL-080-15

From: Legislators Anthony J. Nemi, Richard E. Updegrove & Wm. Keith McNall

Dated: August 4, 2015

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

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

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

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

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

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

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

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

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2015 budget:

INCREASE APPROPRIATED FUND BALANCE:

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

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

Resolution No. IL-081-15

From: Legislator Anthony J. Nemi

Dated: August 4, 2015

IN SUPPORT OF 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 promote 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 and promoting local business, and

WHEREAS, Niagara County is interested in supporting efforts the efforts of these organizations, now, therefore, be it

RESOLVED, that Niagara County supports the following Pendleton organizations:

Pendleton Food Pantry	\$500.00
Pendleton Community & Business Assoc.	500.00
Scout Troop # 98	500.00
Pendleton Girl Scout Troop	500.00
Pendleton Veterans	500.00
Pendleton 4-H Club	500.00

and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2015 budget:

INCREASE APPROPRIATIONS FUND BALANCE:

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

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

Resolution No. IL-082-15

From: Legislator Jason A. Zona

Dated: August 4, 2015

RESOLUTION IN SUPPORT OF TOWN OF NIAGARA BUSINESS & PROFESSIONAL ASSOCIATION THROUGH USE OF CASINO FUNDING

WHEREAS, the mission of the Town of Niagara Business & Professional Association (TNBPA) is to develop, promote, and improve the business climate in the Town of Niagara, while acting as a bridge between the business community, local and county government and the community at large, and

WHEREAS, the TNBPA membership is made up of area business owners, managers, as well as other professionals who voluntarily work together to create opportunities for business to grow and develop, and

WHEREAS, the Military Road business corridor, anchored by the Fashion Outlets of Niagara produce some of the largest amounts of sales tax revenue in Niagara County which supports all residents of Niagara County, and

WHEREAS, the Military Road business corridor is one of the busiest business corridors in all of Niagara County acting as a Welcome Entrance to Niagara County from Canada and surrounding borders in Western New York, and

WHEREAS, to continue the growth of the Military Road business corridor, the TNBPA is in need of banners that will assist with beautifying and promoting the business district, now, therefore, be it

RESOLVED, the Niagara County Legislature supports the Town of Niagara Business & Professional Association with the purchase of banners for the Military Road business corridor through the use of casino revenues, and be it further

RESOLVED, that the sum of \$3,000.00 be allotted to the TNBPA for this worthwhile project, and be it further

RESOLVED, that the following budget modification be effectuated to the 2015 Niagara County economic development budget:

INCREASE APPROPRIATED FUND BALANCE:

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

INCREASE APPROPRIATIONS:

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

Referred to Economic Development Committee

Resolution No. IL-083-15

From: Legislator John Syracuse

Dated: August 4, 2015

**RESOLUTION OPPOSING THE SITING OF COMMERCIAL WIND TURBINES
IN THE TOWN OF SOMERSET**

WHEREAS, a large scale wind energy developer, APEX Clean Energy of Charlottesville, Virginia has submitted a Public Involvement Plan with the NYS Public Service Commission for the potential siting of an Article 10 Commercial Wind Project within the Town of Somerset otherwise known as Lighthouse Wind LLC, and

WHEREAS, Article 10 was enacted by Governor Cuomo in 2011 and summarily strips away the ability of any community in New York State with their constitutional right to make local "home rule" decisions about energy production projects being proposed within their community, and

WHEREAS, Somerset Town Supervisor Daniel M. Engert and the Somerset Town Board carefully listened to the residents, attended several informational and constituent meetings over several months and developed and commissioned a town-wide survey in order to provide a further opportunity for all voices to be heard and to gain feedback from its taxpayers to identify their wishes concerning their support for this project and the siting of commercial wind turbines within the Town of Somerset, and

WHEREAS, Somerset Town Supervisor Daniel M. Engert announced the results of the survey on June 17, 2015 and the response to this survey "was overwhelming" with more than 67% of the taxpayers of Somerset decisively communicating that 60-70 massive, industrial wind turbines reaching heights of almost 600 feet should not be placed all throughout their community, now, therefore, be it

RESERVED, that the Niagara County Legislature shall hereby go on record supporting the overwhelming majority of taxpayers in the Town of Somerset to oppose this project to place commercial wind turbines within this quaint, beautiful Town of Somerset, and be it further

RESOLVED, that the Niagara County Legislature shall hereby go on record opposing the Article 10 law, which removed the authority of the local municipalities to carry the voices of their constituents and to make their own decisions regarding potential energy generation projects and instead places the ultimate authority for forcing and imposing these projects upon them, with unelected appointed officials of the State.

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

Carried.

Moved by Syracuse, seconded by Godfrey.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Legislator Syracuse went to the lectern and read a letter from Tipton County Indiana Commissioner Jane Harper related to the negative effects of a Wind Turbine Farm located within her county.

Resolution No. IL-084-15

From: Legislator David E. Godfrey & Community Safety & Security Committee

Dated: August 4, 2015

NON SUPPORT OF A6430 AS UNFUNDED MANDATE

WHEREAS, in the waning days of the legislative session NYS Assembly Bill A6430 was discharged expeditiously through committees of both houses and various entities were never given an opportunity to make comments, and

WHEREAS, NYS Assembly Bill A6430 and NYS Senate Bill S983A make amendments to the current law on security restraints for female pregnant prisoners on how and when they may be used, as well as "no restraint" provisions, and that a sheriff must find extraordinary circumstances exist, must seek medical consultation, must justify use in writing, must not have correction staff present during birth yet be responsible for security, must give written notice to any female incarcerated and again if pregnant, must provide annual training for all correctional transport staff, and must report in writing annually to the (1) Governor, (2) the Temporary President of the Senate, (3) the Minority Leader of the Senate, (4) the Speaker of the Assembly, (5) the Minority Leader of the Assembly, (6) the Chairperson of the Senate Crime Victims, (7) Crime and Correction Committee and (8) the Chairperson of the Assembly Correction Committee every time the use of restraints on a woman under this bill, and

WHEREAS, everyone involved in the custody of a pregnant female needs to understand the different medical issues involved and that she be dealt with accordingly and safely, however, the language in this bill is excessive, overstated, and extraordinary burdensome in many ways resulting in an unfunded mandate, and an increase in the overtime of corrections costs to the counties, and in some circumstances will jeopardize safety, create escape possibilities, and security concerns of all involved, and this is not the time for such issues, now, therefore, be it

RESOLVED, that the Niagara County Legislature urges the nonsupport of this legislation, and that the extreme provisions be amended to avoid the unfunded mandate to counties while maintaining the safety of the female and the security of the incarceration for everyone, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Cuomo, Senator Robert G. Ort, Member of the Assembly Jane L. Corwin, Member of the Assembly John D. Ceretto, the State Commission of Corrections, the NYS Association of Counties, the NYS Sheriffs' Association, Sheriff Voutour, Stephen J. Acquario, Executive Director of the New York State Associate of Counties, and all others deemed necessary and proper.

Moved by Godfrey, seconded by Burmaster.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IL-085-15

From: Legislators Kathryn L. Lance, Anthony J. Nemi, Wm. Keith McNall, John Syracuse & Michael A. Hill

Dated: August 4, 2015

**RESOLUTION IN SUPPORT OF UPDATING THE NIAGARA COUNTY FARMLAND
PROTECTION PLAN THROUGH THE USE OF CASINO FUNDING**

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

WHEREAS, the Niagara County Agriculture and Farmland Protection Board drafted the current Niagara County Farmland Protection Plan on August 17, 1999, and

WHEREAS, the Niagara County Legislature adopted the current Niagara County Farmland Protection Plan through Resolution #CT-043-99 on September 21, 1999, and

WHEREAS, the Niagara County Agriculture and Farmland Protection Board has recently been reviewing Agricultural Districts throughout the county and has determined that the current Farmland Protection Plan is outdated for the needs of Niagara County and should be redone, and

WHEREAS, the Niagara County Legislature recognizes the importance of agriculture to the citizens and economy of Niagara County and is committed to providing the leadership necessary to ensure growth and prosperity, now, therefore, be it

RESOLVED, that Niagara County supports the proposed update of the Niagara County Farmland Protection Plan as follows:

Niagara County Agriculture & Farmland Protection Board – Farmland Protection Plan \$6,500.00
and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2015 budget:

INCREASE APPROPRIATED FUND BALANCE:

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

INCREASE APPROPRIATIONS:

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

Referred to Economic Development Committee.

Resolution No. IL-086-15

From: Legislators Richard L. Andres & Randy R. Bradt

Dated: August 4, 2015

**RESOLUTION IN SUPPORT OF ACTIVE HOSE FIRE COMPANY NO. 2
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, Active Hose Fire Company No. 2 was founded on March 6, 1886 to serve the community and residents of North Tonawanda, New York, and

WHEREAS, Active Hose Fire Company No. 2 is a volunteer fire company with members that are committed to improving the lives of North Tonawandas both through fire service, as well as, many other community service efforts, and

WHEREAS, Active Hose Fire Company No. 2 is in the process of renovating and restoring the fire hall's club room in an effort to better serve the community, and

WHEREAS, the Niagara County Legislature recognizes the significant contribution that volunteer fire companies make towards ensuring public safety and creating a sense of community pride throughout the county, now, therefore, be it

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

Active Hose Fire Company No. 2 – Fire Hall Club Room Renovations	\$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 2015 budget:

INCREASE APPROPRIATED FUND BALANCE:

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

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

Resolution No. IL-087-15

From: Legislators Randy R. Bradt, Richard L. Andres & Kathryn L. Lance

Dated: August 4, 2015

**RESOLUTION IN SUPPORT OF STEPHEN SIKORA POST 1322 SAFETY IMPROVEMENTS
THROUGH THE USE OF CASINO FUNDING**

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

WHEREAS, Stephen Sikora Post 1322 Inc., located at 950 Payne Avenue in North Tonawanda, serves as a critical community hub, providing not only a meeting place for the large veteran community of North Tonawanda, Wheatfield, Pendleton, and other neighboring communities, but also as a bingo hall and a rental facility for weddings, fundraisers and other community-oriented events, and

WHEREAS, Sikora Post is undertaking a vehicle safety project, making necessary upgrades to their Payne Avenue facility's front parking lot including the removal of two concrete light pole bases and one intact light pole deemed potentially hazardous to motorists, now, therefore, be it

RESOLVED, that Niagara County would like to support the efforts of the Stephen Sikora Post 1322 to ensure the safety of their visitors as follows:

Stephen Sikora Post 1322 Inc.	\$2,000.00
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and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2015 budget:

INCREASE APPROPRIATED FUND BALANCE:

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

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

Resolution No. IL-088-15

From: Legislators Richard L. Andres, Kathryn L. Lance & Randy R. Bradt

Dated: August 4, 2015

**RESOLUTION IN SUPPORT OF THE HERSCHELL CARROUSEL MUSEUM
THROUGH THE USE OF CASINO FUNDING**

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

WHEREAS, 15,000 visitors every year go to the historic Herschell Carrousel Museum which has been given the distinction of being on the National Registry of Historic Sites, and

WHEREAS, the Herschell Carrousel Museum brings great economic impact to the City of North Tonawanda, as well as the County of Niagara, by providing a variety of educational and recreational opportunities to children and their families, and

WHEREAS, the Carousel Society of the Niagara Frontier has embarked on a capital project to restore the original Allan Herschell Company Office Building for use as a new Education and Event Center for the Museum, and

WHEREAS, this project will not only improve an eyesore in the neighborhood, but will significantly increase the ability of the museum to serve its visitors, especially the students of Niagara County, now, therefore, be it

RESOLVED, that the Niagara County Legislature support the Herschell Carrousel Museum as follows:

Allan Herschell Company Office Building Restoration Project \$10,000.00
and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2015 budget:

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01 Appropriated Fund Balance - Committed Funds \$10,000.00

INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund \$10,000.00
Referred to Economic Development Committee.

Resolution No. IL-089-15

From: Legislators Richard L. Andres, Kathryn L. Lance, Anthony J. Nemi, et al. & Parks, Recreation & Tourism Ad Hoc Committee

Dated: August 4, 2015

SUPPORT FOR THE RIVIERA THEATRE AND ORGAN

PRESERVATION SOCIETY, INC. EXPANSION PROJECT

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

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

WHEREAS, the Riviera Theatre and Organ Preservation Society, Inc. has made application to the Niagara County's Ad Hoc Committee on Recreation and Tourism for Greenway funds to support the Riviera Theatre Expansion Project, and

WHEREAS, these funds are to be utilized by the Riviera Theatre and Organ Preservation Society to complete this Project, and

WHEREAS, the Riviera Theatre and Organ Preservation Society's application for the Riviera Theatre Expansion Project will consist of a black box theatre, event space, changing rooms and new lobby, and

WHEREAS, the Riviera Theatre currently attracts more than 150,000 patrons annually to downtown North Tonawanda through more than 250 events, and

WHEREAS, this application will allow the Riviera Theatre to increase the variety and scope of cultural programs offered, which will generate revenue, increase the comfort of patrons, generate foot traffic along the Erie Canal and in the City of North Tonawanda and increase the visibility of the Niagara River Greenway as a cultural and arts destination, and

WHEREAS, the residents and tourists this project will attract will cause a positive economic impact in the City of North Tonawanda and County, and

WHEREAS, the application is requesting \$350,000.00 to be utilized, along with previous efforts, for a total project cost of over six million dollars, and

WHEREAS, the City of North Tonawanda has the support and approval of Legislator Richard Andres, Legislator Kathryn Lance, Assemblyman Robin Schimminger, Congressman Brian Higgins, along with various organizations in the City of North Tonawanda, and

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

WHEREAS, the City of North Tonawanda has utilized great and is complimented for being able to receive additional funds for further projects to lower their actual request for funds, and

WHEREAS, after receipt of in-kind services and City of North Tonawanda funds, \$350,000.00 is being requested, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the funding of \$50,000.00 for the City of North Tonawanda Riviera Theatre Expansion and Development Project when presented to the Niagara Power Coalition and the Host Community Standing Committee.

Moved by Lance, seconded by Nemi .

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IL-090-15

From: Legislators Richard L. Andres, Kathryn L. Lance, Anthony J. Nemi, et al. & Parks, Recreation & Tourism Ad Hoc Committee

Dated: August 4, 2015

SUPPORT FOR THE TOWN OF CAMBRIA COMFORT STATION

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

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

WHEREAS, the Town of Cambria has made application to the Niagara County’s Ad Hoc Committee on Recreation and Tourism for Greenway funds for its Town of Cambria Town Park Comfort Station Project, and

WHEREAS, the Town of Cambria Town Park features trails, roads, soccer fields, baseball diamonds, extensive signage, picnic shelters, and grills and gazebos, and is being utilized by many residents and recreational groups and teams, and

WHEREAS, the Town of Cambria’s application for construction of a comfort station within the Town of Cambria Town Park will include a concession stand and restroom facilities, with parking areas and walkways, and

WHEREAS, these funds are to be utilized by the Town of Cambria for complete this Project, and

WHEREAS, this project will enhance the quality of life for residents and visitors alike by improving the Town of Cambria’s Town Park, by providing recreational opportunity to hikers, joggers and cyclists from the community, as well as visitors, and will attract will cause a positive economic impact in the Town of Cambria and the County, and

WHEREAS, the application is requesting \$250,000 to be utilized, and

WHEREAS, the Town of Cambria Town Park Comfort Station has the support and approval of Legislator David Godfrey, along with various organizations in the Town of Cambria, and

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

WHEREAS, the Town of Cambria Town Park Comfort Station has utilized great effort and is complimented for being able to receive additional funds for further projects to lower their actual request for funds, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the funding of \$80,000.00 for the Town of Cambria Town Park Comfort Station project when presented to the Niagara Power Coalition and the Host Community Standing Committee.

Moved by Lance, seconded by Nemi .

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IL-091-15

From: Legislators Richard L. Andres, Kathryn L. Lance, Anthony J. Nemi, et al. & Parks, Recreation & Tourism Ad Hoc Committee

Dated: August 4, 2015

SUPPORT FOR THE WHEATFIELD RIVER ROAD TRAIL PROJECT

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

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

WHEREAS, the Town of Wheatfield has made application to the Niagara County’s Ad Hoc Committee on Recreation and Tourism for Greenway funds to support Phase 2 of the Town of Wheatfield River Road Trail Project, and

WHEREAS, these funds are to be utilized by the Town of Wheatfield to complete the construction of the trail Project and install interpretive signage, and

WHEREAS, the Town of Wheatfield’s application for Phase 2 of the River Road Trail Project will establish continuous recreational trails between Lake Erie and Lake Ontario by linking existing trails at Gratwick Park in North Tonawanda with Griffon Park in Niagara Falls and provide interpretive signage which will highlight the importance of Niagara, its rich history and provide those who utilize the trail with information about the area, and

WHEREAS, this project will provide recreational opportunities for hikers, joggers and cyclists from the community as well as visitors, and will also draw local citizens and tourists by providing waterfront access to the Niagara River which will offer on-shore fishing, pristine natural beauty and scenic vistas, and

WHEREAS, this project enhances the quality of life for our residents and visitors alike, and

WHEREAS, the tourists, visitors and residents it will attract will cause a positive economic impact in the Town and County, and

WHEREAS, the application is requesting \$150,000 per year over four years to be utilized, for a total project cost of \$600,000.00, and

WHEREAS, the Town of Wheatfield River Road Trail Project has the support and approval of Legislator David Godfrey, Senator Robert Ortt, Congressman Chris Collins, along with various organizations in the Town of Wheatfield, and

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

WHEREAS, the Town of Wheatfield has utilized great effort and is complimented for being able to receive additional funds to lower its actual request for funds, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the funding of \$70,000.00 for the Town of Wheatfield's Phase 2 of the River Road Trail Project when presented to the Niagara Power Coalition and the Host Community Standing Committee.

Moved by Lance, seconded by Nemi.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IL-092-15

From: Legislators Richard L. Andres, Kathryn L. Lance, Anthony J. Nemi, et al. & Parks, Recreation & Tourism Ad Hoc Committee

Dated: August 4, 2015

**SUPPORT FOR THE HISTORICAL SOCIETIES OF THE TONAWANDAS
NIAGARA RIVER & ERIE CANAL SIGNAGE**

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

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

WHEREAS, the Historical Society of the Tonawandas has made application to the Niagara County's Ad Hoc Committee on Recreation and Tourism for Greenway funds to support the Niagara River & Erie Canal Signage Expansion Project, and

WHEREAS, these funds are to be utilized by the Historical Societies of the Tonawandas to expand the historical, cultural, heritage and ecological signage along the shorelines of the Erie Barge Canal and the Niagara River in the City of North Tonawanda, and

WHEREAS, the Historical Societies of the Tonawandas application will significantly improve residents and visitor's interpretation of the Niagara River Greenway and the diversity of historical, cultural and ecological resources in the community, and

WHEREAS, the total signage to be installed in Niagara County is 14 signs and will encompass 400 years of combined history through the implementation of a signage system that will be consistent and coherent through the community and the Greenway corridor, and

WHEREAS, this project enhances the quality of life for our residents and visitors alike, and

WHEREAS, the tourists, visitors and residents it will attract will cause a positive economic impact in the Town and County, and

WHEREAS, the application is requesting \$63,000 for a total project cost, and

WHEREAS, the Historical Society of the Tonawandas application for Niagara River & Erie Canal Signage Expansion Project has the support and approval of Legislator Richard L. Andres, Mayor Robert Ortt (now Senator Robert Ortt), along with various organizations in the City of North Tonawanda, and

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

WHEREAS, the Historical Society of the Tonawandas has sought assistance from the City of Tonawanda for its portion of the project (8 signs), and

WHEREAS, \$63,000.00 needed for the project is being requested, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the funding of \$28,000.00 for the Historical Society of the Tonawandas Niagara River & Erie Canal Signage Expansion Project when presented to the Niagara Power Coalition and the Host Community Standing Committee.

Moved by Lance, seconded by Nemi.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IL-093-15

From: Legislators Richard L. Andres, Kathryn L. Lance, Anthony J. Nemi, et al. & Parks, Recreation & Tourism Ad Hoc Committee

Dated: August 4, 2015

SUPPORT FOR THE NIAGARA COUNTY PARKS DEPARTMENT PROPOSED ADAPTIVE PADDLE SPORT LAUNCH SYSTEM

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

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

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

WHEREAS, the Niagara County Parks Department is proposing to improve waterfront access and recreational opportunities offered to the community at the West Canal Marina & Park site, which proposal is the next step in utilizing greenway funds to execute the goals of the Niagara County Comprehensive Plan and the comprehensive plan in the "Vision for the Amherst/Pendleton Waterfront Revitalization Area," and

WHEREAS, Niagara County Parks has a series of parks throughout the County, which serve families of Niagara County and Western New York, and includes the West Canal Marina & Park, a 30-acre park that features a marina, parkland and a natural open space and is open to all residents and youth groups for hiking, nature study, wildlife and conservation training, camping, kayaking, boating, canoeing, soccer and archery, and

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

WHEREAS, the West Canal Marina & Park Paddle Sport Launch Project meets the guiding principles of the Niagara River Greenway Commission, and

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

WHEREAS, the proposed West Canal Marina & Park Paddle Sport Launch Project will increase access to the County's waterfront and parks, restoring environmental integrity, and

WHEREAS, Niagara County Parks' request has the support and approval of the Town of Pendleton, and

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

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

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the funding of \$31,500.000 for the County of Niagara Adaptive Paddle Sport Launch System for the West Canal Marina & Park when presented to the Niagara Power Coalition – Host Community Standing Committee.

Moved by Nemi, seconded by Lance.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IL-094-15

From: Legislator Anthony J. Nemi

Dated: August 4, 2015

**RESOLUTION REGARDING NATURAL GAS COMPRESSOR STATION
IN TOWN OF PENDLETON**

WHEREAS, Agencies of the Federal Government are currently reviewing the siting and possible construction of a natural gas compressor station in the Town of Pendleton that will be owned and operated by National Fuel Gas Supply Corporation and Empire Pipeline Inc., and

WHEREAS, natural gas compressor stations pose many potential hazards to people, to property and to the environment, and

WHEREAS, the Niagara County Legislature along with the Pendleton Town Board and a private citizens group known as Pendleton Action Team have identified potentially harmful issues associated with the operation of natural gas compressor stations, and

WHEREAS, it is the mission of the Niagara County Legislature along with the Pendleton Town Board and the Pendleton Action Team to preserve the health, safety, and welfare of Pendleton citizens and the community at large from any potential harm that may affect people, property, and the environment due to the operation of the natural gas compressor station, and

WHEREAS, The Niagara County Legislature along with the Pendleton Town Board and the Pendleton Action Team have called upon many Federal and State Agencies that have approval authority and who regulate and have oversight over the operations of natural gas compressor stations including the Federal Energy Regulatory Commission (FERC), the United States Department of Transportation (USDOT) and the departments within the DOT including Pipeline and Hazardous Material Safety Administration (PHMSA), the US Department of Homeland Security, and the New York Department of Environmental Conservation (NYDEC), and

WHEREAS, the concerned parties have enlisted the assistance of our Federal and State representatives to help protect the residents from any potentially disastrous events from the natural gas compressor station, and

WHEREAS, it is the Niagara County Legislature's belief that these concerns are serious and genuine and we are passionate about protecting our residents from potentially harmful and devastating consequences resulting from any event at the facility situated in our community, and

WHEREAS, the Niagara County Legislature support the advocacy for an independent study which should be funded by the operator of the gas compressor station and or the federal agencies that have approval and oversight of the natural gas compressor station, now, therefore, be it

RESOLVED that the Niagara County Legislature calls upon the Federal and State Agencies that have approval authority and who have oversight over the operation of the natural gas compressor station and associated natural gas transportation pipeline to take immediate and ongoing action to protect our community and the broader community from any type of potential adverse effects to people and property that could be imposed as a result of the natural gas compressor station operating in our community and to furnish to us materials and information at regular intervals evidencing the actions that these agencies have taken to protect Niagara County from harm, and be it further

RESOLVED, that the Niagara County Legislature recommends that the owner/operator of the aforementioned compressor station and/or the Federal agencies fund an independent safety study relative to this project, and be it further

RESOLVED, that the Clerk of the Legislature shall forwarded copies of this resolution to The FERC, USDOT, PHMSA, US Department of Homeland Security, NYDEC, Honorable Andrew Cuomo, Governor, State of New York; Hon. Charles E. Schumer, U.S. Senator; Hon. Kirsten E. Gillibrand, U.S. Senator; Hon. Chris Collins, Congressman; Hon. Robert G. Ort, NYS Senator; Hon. Ray Walter, NYS Assemblyman and all others deemed necessary.

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. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Resolution No. IL-095-15

From: Legislators David E. Godfrey, Anthony J. Nemi & Michael A. Hill

Dated: August 4, 2015

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

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

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

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

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

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

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

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

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

WHEREAS, after meetings with representatives of Seneca Solutions and Resolute Partners, LLC, and receiving Seneca/Resolute' s unsolicited proposal to provide service, Niagara and Orleans Counties, Seneca and Resolute desire to enter into an agreement to work together to obtain funding for, design, install, operate and maintain a Rural Broadband network for both Niagara and Orleans Counties, and

WHEREAS, this Memorandum of Understanding will enable each party to complement the unique capabilities of the other and will provide Niagara, Orleans and NORA (sometimes hereinafter collectively the "Client") with

the best combination of expertise to achieve the Client's objective, now, therefore, be it

RESOLVED, that this Legislature approves a Memorandum of Understanding between Orleans County, Niagara County, Seneca Telecommunications LLC, d/b/a Seneca Solutions, Salamanca, New York and Resolute Partners, LLC, Southington, Connecticut as a NORA Broadband Initiative to work together to obtain funding for, design, install and operate and maintain a Rural Broadband network for both Niagara and Orleans Counties with the term of this Memorandum to be effective for 180 days of signed agreement by all parties and all parties may extend the relationship upon mutual consent as more particularly provided in the MOU.

Approved for submission.

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

Carried.

Moved by Godfrey, seconded by Nemi.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Andres & Hill

Move by Syracuse, seconded by Bradt to enter Executive Session re: litigation.

Carried.


Moved by Burmaster, seconded by McNall to adjourn Executive Session.

Carried.

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

The Chairman declared the Board adjourned at 10:20 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