

OFFICIAL RECORD

Lockport, New York
September 19, 2017

The meeting was called to order by Chairman McNall at 7:03 p.m.

Clerk Tamburlin called the roll. All Legislators were present.

A Moment of Silence was held for former Legislator James Wallace Ward and Leo Butera

Legislator Syracuse and Legislator Burmaster called Linda and Tracey Ward to the lectern to present them with a proclamation honoring Legislator James Wallace Ward for Scholarship, Leadership and Dedication to Niagara County.

Former State Senator George D. Maziarz spoke on how James Ward was a one of a kind guy, who loved his family and community very much. He was honored to have worked with him.

Moved by Bradt, second by Virtuoso to remove IL-083-17 from the regular agenda and be voted on now.

Carried

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

Carried.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Chairman McNall recognized County Clerk Joseph A. Jastrzemski for being elected as the chairman of the Western Region of the New York State Association of County Clerks.

Chairman McNall recognized District Attorney Caroline A. Wojtaszek on her outstanding work on the new Niagara Intelligence & Crime Center. (NICAC).

PRESENTATIONS:

1. Legislator Wydysh invited Legislator Steed and Director of Mental Health, Laura Kelemen to the lectern to read a proclamation declaring the month of September "Recovery Month" in Niagara County.

2. Legislator David Godfrey invited Undersheriff Filicetti and his staff to the lectern and presented a proclamation declaring September 17-23, 2017 Sheriff's Week in Niagara County.

Undersheriff Filicetti thanked the many men and women of the Sheriff's Department, Correctional Officers, Road Patrol, Dispatchers and all the support from the Niagara County Legislators.

3. Legislator Collins invited Robert "Robbie" Cehulik and his family to the lectern to read a proclamation on Robbie excelling in the highly competitive game of golf to the level of achieving Priority status and a invitation to compete in the U.S. Kids Golf Championship in Pinehurst, N.C.

1 citizen spoke at this time.

Employment & Training Director Donald Jablonski announced the Fall Job Fair will be held on September 27th from 1:00-3:30pm at the Four Points Sheraton on Buffalo Avenue in Niagara Falls.

Information Technology Director William Flynn announced the Technology and Security Forum will be held on October 11th from 8:00-3:30 p.m. at the Niagara Falls Conference Center in Niagara Falls.

Office for the Aging Director Kenneth Genewick announced the Healthy Connections Information and Resource Fair held on September 21st starting at 1:00 pm at the Cornell Cooperative Extension.

Recess

Moved by Bradt, second by Virtuoso to remove IL-017-17 from the regular agenda and replaced with IL-090-017.

Carried

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

Resolution No. AD-016-17

From: Administration Committee.

Dated: September 19, 2017

**EXTENSION OF MEDICAL CLAIMS ADMINISTRATION CONTRACT BETWEEN AND AMONG
NIAGARA COUNTY, THE NIAGARA COUNTY HEALTH PLAN AND NOVA HEALTHCARE
ADMINISTRATORS, INC.**

WHEREAS, Niagara County, the Niagara County Health Plan ("NCHP") and the Niagara County Legislature previously authorized the signing and delivery of a current contract between NCHP and Nova Healthcare Administrators, Inc. ("NOVA") for the provision of medical claims administration services from January 1, 2013 to December 31, 2017 for the NCHP, and

WHEREAS, NOVA has rendered professional and competent services to the County and to NCHP pursuant to said contract, and

WHEREAS, NCHP requires, and Nova has offered, to render the same professional services set forth in said agreement at the same per employee per month fee and menu of services pricing attached (in Exhibit C) as it charged NCHP for the period covered by the previous agreement, and

WHEREAS, the NCHP and the Joint Labor/Management Healthcare Committee have reached consensus to conduct a Request for Proposal ("RFP") for Third Party Plan Administration ("TPA") services through Niagara County Purchasing in 2018 for a January 1, 2019 contract start, and

WHEREAS, such measures serve to strategically align the TPA medical claims services contract with the current Pharmacy Benefit Administration Services contract term; now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby approves the extension to the agreement between NCHP and Nova extending such engagement to an additional one year period beginning January 1, 2018 to December 31, 2018 on the same terms and conditions as set forth in the previous agreement referenced above, and be it further

RESOLVED, that the Chairman of the Legislature or County Manager is hereby authorized and directed to execute said contract in form and content as reviewed and approved as to legal form by the Niagara County Attorney.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. AD-017-17

From: Administration Committee.

Dated: September 19, 2017

PURCHASE OF IN REM PROPERTY

WHEREAS, on Saturday, August 12, 2017, a public auction was held for the sale of properties acquired by the County of Niagara by its In Rem Action, and

WHEREAS, as a result of said auction, the attached list of properties was struck down to each of the named individuals for the price indicated for each parcel, said price being the highest bid price received, now, therefore, be it

RESOLVED, that the purchase offers set forth in the attached list be, and the same hereby are, accepted and the Chairman of the Legislature is hereby authorized and directed to execute suitable quit-claim deeds, subject to the approval of the County Attorney, upon the receipt by the County Treasurer of the entire balance due on the purchase price of said properties, at which time said deeds, as provided in the terms of sale shall be recorded in the Niagara County Clerk's Office in the name of the respective purchaser.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. CS-036-17

From: Community Services and Administration Committees.

Dated: September 19, 2017

MH – BUDGET MODIFICATION - ACCEPT NYS OMH FUNDING FOR ASSERTIVE COMMUNITY TREATMENT (ACT) AND CONTRACT WITH SPECTRUM HUMAN SERVICES

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

WHEREAS, the New York State Office of Mental Health (OMH) has awarded funding to expand Assertive Community Treatment (ACT) services into Niagara County, and

WHEREAS, Spectrum Human Services goal is to expand Assertive Community Treatment (ACT) services and replicate the ACT services currently funded for Erie County, to reach and provide highly individualized, locally based treatment, rehabilitation, and support services to individuals that have been diagnosed with a serious and persistent mental illness, and who reside in the rural, urban and suburban communities throughout the borders of Niagara County, and

WHEREAS, Spectrum Human Service's purpose is to provide Assertive Community Treatment (ACT) services via an ACT team which strives to lessen or eliminate the debilitating symptoms of mental illness each individual client experiences and to minimize or prevent recurrent acute episodes of the illness, to meet basic

needs and enhance quality of life, to improve functioning in adult social and employment roles, to enhance an individual's ability to live independently in his or her own community, and to lessen the family's burden of providing care, now, therefore, be it

RESOLVED, that the following budget modification be effectuated to the department's budget and the department is given authorization to enter into contract with Spectrum Human Services to begin implementation of services effective October 1, 2017:

INCREASE REVENUE:

A.21.4310.000.43490.01	Mental Health Program	\$110,942
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INCREASE APPROPRIATION:

A.21.4310.000.74500.01	Contractual	\$110,942
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. CS-037-17

From: Community Services and Administration Committees.

Dated: September 19, 2017

**SECTION 5311 CAPITAL PROJECT
SUPPLEMENTAL CONTRACT AGREEMENT #2 - DSS**

WHEREAS, the County of Niagara has been approved for a grant of funds by the New York State Department of Transportation, pursuant to Section 5311, Title 49, United States Code, for a project described as purchase two replacement 35' buses and related equipment, previously approved in Resolution CS-029-16, and

WHEREAS, the County of Niagara has been approved Accelerated Transit Capital funds reassigning the required local 10% share of \$26,116 of the total project cost, as described in the Section 5311 Project Application, and

WHEREAS, the County of Niagara and the State of New York are entering into a Supplemental Contract Agreement #2 which authorizes the undertaking of the Project and payment of the federal and state shares for the project, now, therefore, be it

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

RESOLVED, that the County of Niagara certifies through this Resolution that the local share of at least 10% of the total project cost, as described in the Section 5311 Project application, is committed to this Project from additional Accelerated Transit Capital funds approved in the amount of \$26,116.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. CS-038-17

From: Community Services and Administration Committees.

Dated: September 19, 2017

**BUDGET MODIFICATION – ACCEPT GRANT FUNDING
NURSING DIVISION - DEPARTMENT OF HEALTH**

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

WHEREAS, the Quality & Technical Assistance Center of New York supported by the federal Balancing Incentives Program (CFDA# 93.778), has presented the Nursing Division funds to help support the health education of adult Medicaid recipients participating in the National Diabetes Prevention Program, now, therefore, be it

RESOLVED, that the following budget modification, be effectuated:

INCREASE REVENUE:

A.20.4189.401 44401.00	Federal Aid	\$3,580.00
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INCREASE APPROPRIATIONS:

A.20.4189.401 74375.01	Advertising /Promotion	\$2,850.00
A.20.4189.401 74600.03	Training & Education	730.00

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. CS-039-17

From: Community Services and Administration Committees.

Dated: September 19, 2017

**BUDGET MODIFICATION – EDUCATION OF HANDICAPPED CHILDREN
DEPARTMENT OF HEALTH**

WHEREAS, the Education of Handicapped Children Program of the Niagara County Department of Health provides essential mandated services to preschool age children with disabilities, and

WHEREAS, funds enable the Niagara County Department of Health to satisfy New York State Education Department requirements, as they relate to Education of Handicapped Preschool Children, as well as the corresponding reporting requirements, and

WHEREAS, an increased number of children needing services has resulted in increased cost, and

WHEREAS, the Niagara County Education of Handicapped Children Program requests a budget modification for additional revenues and appropriations, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE REVENUE:

A.20.2960.000 43277.01	Ed Handicapped Children General	\$200,000
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INCREASE APPROPRIATIONS:

A.20.2960.000 74550.09	Program Ed Handicapped Children	\$200,000
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. CS-040-17

From: Community Services and Administration Committees.

Dated: September 19, 2017

BUDGET MODIFICATION –EMERGENCY PLANNING - DEPARTMENT OF HEALTH

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

WHEREAS, a New York State Department of Health Public Health Emergency Planning grant modification was approved resulting in increased revenue, now, therefore, be it

RESOLVED, that the following budget modification, be effectuated:

INCREASE REVENUE:

CM.20.4189.406 43401.00	State Aid	\$4,000
CM.20.4189.406 44960.01	Emergency Assistance General	14,591
CM.20.4189.406 44960.02	Assistance City Readiness	9,788

DECREASE APPROPRIATIONS:

CM.20.4189.406 71010.00	Position #10636	\$8,431
CM.20.4189.406 71010.00	Position #601	1,579
CM.20.4189.406 71012.00	Longevity	820
CM.20.4189.406 78100.00	Retirement	8,000
CM.20.4189.406 78200.00	FICA	1,850
CM.20.4189.406 78400.01	Health Insurance	5,000

INCREASE APPROPRIATIONS:

CM.20.4189.406 72100.05	Computer Equipment	\$1,249
CM.20.4189.406 72100.12	Machinery & Equip, car/van	46,000
CM.20.4189.406 74250.01	Office Supplies	1,500
CM.20.4189.406 74300.03	Travel/Mileage	400
CM.20.4189.406 74375.01	Advertising & Promotion	1,410
CM.20.4189.406 74600.03	Training & Development	2,500
CM.20.4189.406 74750.12	Computer Supplies	500
CM.20.4189.406 74750.21	Gas & Oil	200
CM.20.4189.406 74800.10	Misc Equip under \$500	300

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. CSS-041-17

From: Community Safety & Security and Administration Committees.

Dated: September 19, 2017

2017 PROBATION BUDGET MODIFICATION - REENTRY PROGRAM

WHEREAS, the Niagara County Probation Department applied for funding from the New York Division of Criminal Justice Services for a Niagara County Reentry Program for the contract period of October 1, 2017

through September 30, 2018 under the Local Reentry Task Force Initiative for Upstate Counties, and

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

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

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

WHEREAS, the Niagara County Probation Department has received notification from the New York State Division of Criminal Justice Services of a financial award in the amount of \$111,109 for the period of October 1, 2017 through September 30, 2018 to contract with Community Missions, Inc. to establish and manage a comprehensive parole reentry program, and

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

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

WHEREAS, it is necessary to modify revenue and appropriations in cost center A.18.3140, to meet actual anticipated expenditures for 2017, and

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

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

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

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

RESOLVED that the following budget modifications to the 2017 Probation budget be effectuated immediately:

INCREASE REVENUE:

A.18.3140.43310.04 - Probation Services NYS DCJS \$ 27,777.25

INCREASE APPROPRIATIONS:

A.18.3140.74500.01 - CONTRACTUAL EXPENSES \$ 27,777.25

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. CSS-042-17

From: Community Safety & Security and Administration Committees.

Dated: September 19, 2017

**REGIONAL AGREEMENT BETWEEN NIAGARA AND ERIE COUNTY
TO PERFORM AUTOPSY SERVICES**

WHEREAS, Niagara County and Erie County entered into an agreement in 2002 that allows the Erie County Medical Examiner's Office to perform all of Niagara County's autopsies, which agreement has subsequently been renewed, and

WHEREAS, the current agreement will expire December 31, 2017, and

WHEREAS, Erie County has offered us a three year agreement at \$1,839/full autopsy and \$1,171/external exam, along with other associated fees, said fees increasing by 3%/year for 2019 and 2020, and

WHEREAS, it is beneficial for Niagara County to continue this practice and promote regionalism and shared services between the counties of Niagara and Erie, and

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

RESOLVED, that following the County Attorney's review, the County of Niagara does hereby agree to the terms and conditions in said agreement and authorizes the Chairman of the Legislature to execute the contract with Erie County and the Erie County Medical Examiner's Office.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. CSS-044-17

From: Community Safety & Security and Administration Committees.

Dated: September 19, 2017

ACCEPTANCE OF SHSP 2017 HOMELAND SECURITY GRANTS

WHEREAS, the County of Niagara is required to certify its acceptance of the SHSP 2017 grant through the Department of Homeland Security for the period of September 1, 2017 to August 31, 2020, at no cost to the County, and

WHEREAS, the grant for SHSP 2017 is in the amount of \$562,426 and the funds will be used for law enforcement air cards, continuation of citizen preparedness planning and training, mass casualty incident management preparedness, CBRNE equipment for first responders, T1 line operations, CAD system

improvements and maintenance, UASI conference costs, Iam Responding and EOC Ready maintenance costs and end user subscribers, now, therefore, be it

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. CSS-044-17

From: Community Safety & Security and Administration Committees.

Dated: September 19, 2017

**CONTINUATION OF
NIAGARA UNIVERSITY AGREEMENT
FOR BORDER COMMUNITY SERVICE (BCS) THROUGH AUGUST 31, 2018**

WHEREAS, Niagara County wishes to continue its commitment to Niagara University's Community Preparedness and Participation initiatives as outlined in Resolution #CSS-030-07 and continued in CSS-038-08, and CSS-019-15, and in an agreement between the County and the University executed by the County on October 7, 2016 ("the Agreement"), and

WHEREAS, the County wishes to extend the Agreement for a new term commencing September 1, 2017 and continuing through August 31, 2018, in an amount of \$30,000 funded by Homeland Security SHSP-15 grant funds to provide professional and technical services to assist the County in completing intended community preparedness initiatives, and

WHEREAS, prior to the execution of the Niagara University Extension Agreement, the County Attorney will review the same for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that the Legislature determines that the services to be provided by Niagara University constitute professional Services requiring a high degree of expertise and professional knowledge, and waive any requirement to seek additional or alternative proposals, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute an extension to the Agreement extending the term through August 31, 2018, all other terms remaining the same.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. CSS-045-17

From: Community Safety & Security and Administration Committees.

Dated: September 19, 2017

CREATION OF A NIAGARA COUNTY FIRE POLICE TEAM

WHEREAS, the Niagara County Fire Coordinator and Niagara County Sheriff's Office have developed a Policy for the organization of the Niagara County Fire Police Team, and

WHEREAS, the Fire Coordinator and Sheriff recommend the organization of a Niagara County Fire Police Team to serve the residents of Niagara County, and

WHEREAS, under General Municipal Law 209bb, a County may organize a specialty team for the purpose of providing a specialized service at the County Level, and

WHEREAS, the proposed Policy is reasonable and necessary for the effective and responsible organization of operation of the Niagara County Fire Police Team to serve Niagara County, and

WHEREAS, the Niagara County Legislature believes the organization and operation of a Niagara County Fire Police Team is in the best interests of the County and its residents, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby authorizes the organization and operation of the Niagara County Fire Police Team, in accordance with the proposed Policy to serve the residents of Niagara County.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. CSS-046-17

From: Community Safety & Security and Administration Committees.

Dated: September 19, 2017

**2017 BUDGET MODIFICATION - FIRE COORDINATOR'S OFFICE
ACCEPT DONATION FROM NATIONAL FUEL GAS COMPANY**

WHEREAS, the Fire Investigation Unit has received a donation of \$1,000 through the Fire Coordinator's Office by National Fuel Gas Company for the purchase of two portable scene lighting systems. These will be used to assist in the Unit's safety during fire investigations, and

WHEREAS, the Fire Investigation Unit will purchase these items through their Special Task Force budget, now, therefore, be it

RESOLVED, that the following 2017 budget modification be effectuated:

INCREASE REVENUE:

A.19.3410.000 42705.00	Gift & Donate	\$1,000.00
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INCREASE APPROPRIATION:

A.19.3410.000 74550.32	Special Task Force	\$1,000.00
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. CSS-047-17

From: Community Safety & Security and Administration Committees.

Dated: September 19, 2017

**ACCEPTANCE OF SECOND COUNSEL AT FIRST APPEARANCE GRANT &
CREATE & FILL ASSISTANT PUBLIC DEFENDER POSITION**

WHEREAS, the Niagara County Public Defender's Office was created pursuant to Article 18-A, §716 and §717 of the County Law to provide for the defense of indigent persons accused of crimes in Niagara County, and

WHEREAS, the New York State Office of Indigent Legal Services has offered grant funding to the County of Niagara to provide attorneys and support staff at client's first appearance/arraignment before the Court, and

WHEREAS, the Court of Appeals has recognized that an arraignment is a "critical stage of the proceeding" which requires the presence of counsel, and

WHEREAS, all cases being represented either by the Niagara County Public Defender, Niagara County Conflicts Office or further assigned counsel have their first contact with the Niagara County Public Defender's Office to determine eligibility for services and to determine whether a conflict of interest exists, and

WHEREAS, the Niagara County Public Defender's Office applied for and was awarded funding from the New York State Office of Indigent Legal Services for the purpose of maintaining a full-time Assistant Public Defender with benefits, and a full-time Clerical I with benefits, to improve the delivery of indigent defense services at first Court appearance/arraignment in the City of Niagara Falls Courts that were created under the First Counsel at First Arraignment Grant, and

WHEREAS, the Niagara County Public Defender's Office was also awarded under the same grant funding to create a new part-time Assistant Public Defender, with benefits to improve the delivery of indigent defense services at first Court appearance/arraignment in the City of Lockport and the Town of Lockport Courts, and

WHEREAS, funding has been awarded in the amount of \$750,000 for a three-year period, at \$250,000 per year, 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 sign the grant award documents, and be it further

RESOLVED, that effective October 8, 2017, the Niagara County Public Defender's Office be authorized to create and fill one part-time Assistant Public Defender position budgeted \$46,500 annually, and be it further

RESOLVED, that the full-time Assistant Public Defender position and the full-time Clerical I position that are already established and the newly created part-time Assistant Public Defender position be co-terminous with the grant funded program, and be it further

RESOLVED, that the following budget modifications be made to the 2017 budget:

INCREASE APPROPRIATIONS:

A.03.1170.000.71010-00	Assistant Public Defender	\$10,731
A.03.1170.000.78100.00	Retirement	998
A.03.1170.000.78200.00	FICA	821
A.03.1170.000.78300.00	Worker's Compensation	145
A.03.1170.000.78400.01	Health Insurance	3,203
A.03.1170.000.78400.05	Health HRA	850
A.03.1170.000.78800.00	Flex 125 Employer Contribution	356

INCREASE REVENUE:

A.03.1170.000.43025.01 Indigent Legal Service \$17,104
Counsel at First Appearance

Moved by Bradt, seconded by Virtuoso.
Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. CSS-041-17

From: Community Safety & Security and Administration Committees.
Dated: September 19, 2017

**NIAGARA COUNTY SHERIFF'S OFFICE-BUDGET MODIFICATION
RED TEAM EXERCISE**

WHEREAS, the Niagara County Sheriff's Office has been notified by the New York State Homeland Security and Emergency Services Counter Terrorism Office that it would like the Niagara County Sheriff's Office to participate in their Red Team Exercise , and

WHEREAS, the Red Team Exercise is designed to test the effectiveness of Operation Safeguard; Safeguard New York is an outreach initiative designed to educate individuals, community groups and other public and private sector organizations on how to recognize and report suspicious activity. Safeguard New York promotes the "See Something, Say Something" campaign and the State's Terrorism Tip Line. Information is also provided on the eight signs of terrorism, and

WHEREAS, the New York State Homeland Security and Emergency Services will reimburse the Sheriff's Office for the costs incurred with this exercise, now, therefore, be it

RESOLVED, that the County enter into a Letter of Agreement with the New York State Homeland Security and Emergency Services Office, and be it further

RESOLVED, that the following budget modifications be made:

INCREASE REVENUE:

A.17.3645.000.43305.02	State Aid, Civil Defense Homeland Security	\$ 4,583
	Other Public Safety Operation Green Monster	

INCREASE APPROPRIATIONS:

A.17.3645.000.71050.00	Overtime	\$ 3,395
A.17.3645.000.78100.00	Retirement Expense	882
A.17.3645.000.78200.00	FICA Expense	260
A.17.3645.000.78300.00	Worker's Compensation Expense	46

Moved by Bradt, seconded by Virtuoso.
Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. CSS-049-17

From: Community Safety & Security and Administration Committees.
Dated: September 19, 2017

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION – STOP DWI FOUNDATION GRANT**

WHEREAS, the New York State Governor's Traffic Safety Committee, STOP-DWI Foundation has notified the Niagara County Sheriff's Office of an additional \$3,000 in grant funds available to use for Labor Day crackdowns this year, and

WHEREAS, the grant funds are utilized for enforcement efforts by multiple law enforcement agencies during peak holidays with the goal of reducing the number of crashes, injuries and deaths on Niagara County roads, and

WHEREAS, it is necessary to modify revenue and appropriations to utilize these funds, now, therefore, be it

RESOLVED, that the following line item transfers be effectuated:

INCREASE REVENUE:

A.17.3315.000.44389.09 Other Public Safety Traffic \$ 3,000

INCREASE APPROPRIATIONS:

A.17.3315.000.74400.09 Miscellaneous Expenses Payments Other Agencies \$ 3,000

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. CSS-050-17

From: Community Safety & Security and Administration Committees.

Dated: September 19, 2017

**NIAGARA COUNTY SHERIFF'S OFFICE-BUDGET MODIFICATION
MARINE PATROL GRANT**

WHEREAS, the Niagara County Sheriff's Office has been awarded a grant in the amount of \$40,000.00 from the New York State Canal Corporation to enhance the safety of the Erie Canal waterway and paths, and

WHEREAS, the grant will allow the Niagara County Sheriff's Office to increase both marine and bike patrols along the Erie Canal for the safety of Niagara County residents, and

WHEREAS, the 2017 budget will need to be modified to allow for the spending of this grant, now therefore, be it

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

RESOLVED that the 2017 budget be modified:

INCREASE REVENUE:

A.17.3110.000.43315.00 Navigation Law Enforcement Marine Patrol \$40,000

INCREASE APPROPRIATION:

A.17.3110.000.71050.00 Overtime Expense \$40,000

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. CSS-051-17

From: Community Safety & Security Committee.

Dated: September 19, 2017

**NIAGARA COUNTY SHERIFF'S OFFICE
EMERGENCY RESPONSE TEAM-MEMORANDUM OF UNDERSTANDING**

WHEREAS, the Niagara County Sheriff's Office has a long history of working with our municipal partners during critical events, and

WHEREAS, the Niagara Falls Police Department Emergency Response Team wishes to enter into a Memorandum of Understanding for sharing resources during an emergency, and

WHEREAS, the Niagara County Sheriff's Office has similar Memorandums of Understanding with the City of Lockport and Town of Lewiston Police Departments, and

WHEREAS, this Memorandum of Understanding benefits both municipalities, and

WHEREAS, the Memorandum of Understanding has been approved as to form by the Niagara County Attorney's Office, now, therefore, be it

RESOLVED, that the Niagara County Legislature approve the Memorandum of Understanding without any effect to budgeting.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. CW-006-17

From: Committee of the Whole

Dated: September 19, 2017

**CLAIM SETTLEMENT
JOHN J. DIETZ, INDIVIDUALLY AND AS ADMINISTRATOR OF THE
ESTATE OF LISA ANN DIETZ, DECEASED VS. COUNTY OF NIAGARA**

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

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

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

WHEREAS, John J. Dietz, Individually and as Administrator of the Estate of Lisa Ann Dietz, Deceased vs. County of Niagara presents an opportunity for settlement and thereby avoiding additional litigation, trial, and a potential adverse judicial determination, now, therefore, be it

RESOLVED, that the authority to disburse settlement funds In the Matter John J. Dietz, Individually and as Administrator of the Estate of Lisa Ann Dietz, Deceased vs. County of Niagara litigation, is given to the Risk & Insurance Manager in the amount of \$75,000.00, and upon completion of said settlement disbursement and receipt of a General Release, a Stipulation of Discontinuance from plaintiff's and County's Counsel shall be fully executed.

Moved by Lance, seconded by Andres.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. IF-114-17

From: Infrastructure & Facilities and Administration Committees.

Dated: September 19, 2017

**LANDFILL 2 LEACHATE COLLECTION SYSTEM UPGRADES
FINAL PAYMENT**

WHEREAS, Resolution No. CW-012-16, dated May 3, 2016, awarded the contract for Landfill 2 Leachate Collection System Upgrades to NRC Environmental Services, 6392 Deere Rd. Syracuse, NY 13206, for a contract amount of \$205,609.29, and

WHEREAS, Resolution No. IF-097-16, dated September 22, 2016, authorized Change Order No. 1 to the contract, extending substantial completion to October 31, 2016, at no additional cost to the County, and

WHEREAS, the contract has been completed to specifications for the contract amount of \$204,722.19, 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 NRC Environmental Services, 6392 Deere Rd. Syracuse, NY 13206, for a final contract amount of \$204,722.19, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. IF-115-17

From: Infrastructure & Facilities and Administration Committees.

Dated: September 19, 2017

**APPROVAL OF CONTRACT ADDENDUM FOR ADDITIONAL SERVICES TO
BE PERFORMED BY CHA CONSULTING, INC. FOR THE NIAGARA COUNTY REFUSE
DISPOSAL DISTRICT REGARDING LANDFILL #1**

WHEREAS, the Niagara County Refuse Disposal District and CHA Consulting, Inc. entered into a contract whereby CHA Consulting, Inc. agreed to provide certain specified services for Niagara County Refuse Disposal District in regards to C&D Landfill. Landfill #1 and Landfill #2, and

WHEREAS, said contract was fully executed by the Niagara County Refuse Disposal District and CHA Consulting, Inc. on June 26, 2014, and

WHEREAS, said June 24, 2014 contract contains clauses which contemplate the eventuality of additional services to be performed by CHA Consulting, Inc. for the Niagara County Refuse Disposal District in regards to C&D Landfill, Landfill #1 and Landfill #2, and

WHEREAS, said June 24, 2014 contract contains clauses which permit said additional services to be performed pursuant to a valid written Amendment/Addendum to said June 24, 2014 contract which is to be signed by authorized representatives of Niagara County Refuse Disposal District and CHA Consulting, Inc., and

WHEREAS, additional services to be performed by CHA Consulting, Inc. for the Niagara County Refuse Disposal District in regards to Landfill #1 are necessary, and

WHEREAS, CHA Consulting, Inc. has submitted a detailed Scope of Work and the corresponding Professional Fees to be charged by CHA Consulting, Inc. to Niagara County Refuse Disposal District to complete the above-referenced additional services in regards to Landfill #1, and

WHEREAS, the proposed Professional Fees to be charged by CHA Consulting, Inc. to Niagara County Refuse Disposal District to complete the above-referenced additional services in regards to Landfill #1 shall not exceed \$155,000.00, and

WHEREAS, the Niagara County Refuse Disposal District wishes to enter into an Amendment/Addendum to the June 24, 2014 contract with CHA Consulting, Inc. for above-referenced additional services, and

WHEREAS, prior to the execution of the such contract Amendment/Addendum, the County Attorney will review all documents for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that the Niagara County Refuse Disposal District is hereby authorized to enter into an Amendment/Addendum to the June 24, 2014 contract with CHA Consulting, Inc. Amendment/Addendum to complete the above-referenced additional services in regards to C&D Landfill, Landfill #1 and Landfill #2 and the amount to be paid by the Niagara County Refuse Disposal District to CHA Consulting Inc. for said additional services shall not exceed the amount of \$155,000.00, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. IF-116-17

From: Infrastructure & Facilities and Administration Committees.

Dated: September 19, 2017

**BUDGET MODIFICATION
NIAGARA COUNTY WATER DISTRICT HIGH SERVICE PUMP #3**

WHEREAS, Niagara County Water District has established an appropriation of \$500,000 from its Repair Reserve Fund and requested appropriate action by the Niagara County Legislature, and

WHEREAS, the appropriation is for the replacement, including engineering, legal and related work for a water treatment pump, and

WHEREAS, the required public hearing has been held on August 17, 2017, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated to the Niagara County Water District 2017 budget:

INCREASE APPROPRIATED RESERVE:

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

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

FX.31.9901.000 45031.30	Interfund Transfers from Repair Reserves	\$500,000
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INCREASE APPROPRIATIONS:

FX.31.8330.000 74800.06	Repairs and Maintenance	\$500,000
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. IF-117-17

From: Infrastructure & Facilities and Administration Committees.

Dated: September 19, 2017

**A RESOLUTION PROVIDING FOR A PUBLIC HEARING TO CONSIDER A CERTAIN
AMENDMENT INCREASING WATER RATES OF THE NIAGARA COUNTY WATER DISTRICT**

WHEREAS, the Niagara County Water District is a wholesale water producer that sells water to the twelve Towns located within Niagara County, as well as certain Villages and certain “out of district” users, which municipalities in turn sell water to retail users at prices that each determines, and

WHEREAS, the three Cities located within Niagara County each maintain their own water filtration and treatment facilities, and do not rely on the Niagara County Water District for their ordinary supply of water for retail sale within the Cities, and

WHEREAS, the Administrative Board of the Niagara County Water District has determined to establish a certain amendment to the water rates for the Niagara County Water District,

WHEREAS, it is necessary to hold a public hearing before said water rates become finally established, and

WHEREAS, said rates are subject to the approval of the Niagara County Legislature, now, therefore, be it

RESOLVED, that a public hearing be held by the County Legislature of the County of Niagara, with the Administrative Board of the Niagara County Water District, at the Niagara County Courthouse in the City of Lockport, New York, on the 17th day of October, 2017 at 6:45 p.m. to consider said amendment to the water rates, and that at least ten days’ notice of said hearing be published in the official papers of the County of Niagara. A copy of said Notice together with the proposed amendment is as follows:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Administrative Board of the Niagara County Water District and the County Legislature of the County of Niagara will meet at the Niagara County Courthouse in the City of Lockport, New York on the 17th day of October, 2017 at 6:45 p.m. to consider a certain amendment to the water rates as proposed and recommended by the Administrative Board of the Niagara County Water District and to hear all parties interested therein concerning the same. A copy of said proposed amendment to the water rates is on file in the Office of the Niagara County Water District, 5450 Ernest Road, Lockport, New York and in the

Office of the Clerk of the County Legislature, located in the Niagara County Courthouse, Lockport, New York, where the same may be examined by any interested person during regular business hours.

The proposed amendment to the Niagara County Water District Rules and Regulations establishing rates, effective January 1, 2018 is as follows:

Section XII – Water Service Classifications and Rates

Classification No. 1 – Rates are hereby established as follows:

Rates for water used by Corporations located within the District with properties subject to Water District Taxes:

Rates for water used by Corporations located outside the District and contributing to District deficits by annual payment in lieu of taxes as set forth by contract between the District and said Corporations.

Water Rate.....\$0.90/1,000 gallons

Classification No. 1A – Rates are hereby established as follows:

Rates for water used by Corporations or other entities located outside the District (out of District rate)

Water Rate.....\$1.80/1,000 gallons

or such other rate that shall be determined by contract between the Niagara County Water District and Corporations or other entities.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. IF-118-17

From: Infrastructure & Facilities and Administration Committees.

Dated: September 19, 2017

**WILSON BURT ROAD BRIDGE REPLACEMENT PROJECT
BUDGET MODIFICATION**

WHEREAS, the Wilson Burt Road Bridge replacement project was funded using federal, state and local funds, and

WHEREAS, the project is complete, and

WHEREAS, it is necessary to adjust the appropriations for the Federal and State Aid to match the current New York State Department of Transportation Agreement, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

DECREASE ESTIMATED REVENUE APPROPRIATIONS:

H566.15.5197.000 44597.01 Federal Aid Capital Construction \$45,000

INCREASE ESTIMATED REVENUE APPROPRIATIONS:

H566.15.5197.000 3591.00 State Aid Capital Construction \$33,750

DECREASE ESTIMATED EXPENSE APPROPRIATIONS:

H566.15.5197.000 72600.02

Infrastructure Bridges
H566-04 Construction

\$11,250

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. IF-119-17

From: Infrastructure & Facilities and Administration Committees.

Dated: September 19, 2017

**NIAGARA COUNTY JAIL SALLY PORT
CHANGE ORDER NO. 1**

WHEREAS, by Resolution No. IF-102-16, dated October 18, 2016, the Legislature awarded the contract for the Niagara County Jail Sally Port Reconstruction Project to R.B. Mac Construction Co., Inc., P.O. Box 424, Lockport, NY 14095, for a contract amount of \$161,000.00, and

WHEREAS, it is necessary to increase the contract in the amount of \$13,820.00 to allow for necessary electrical modifications, for a revised contract amount of \$174,820.00, 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 to increase the contract in the amount of \$13,820.00, for the Niagara County Jail Sally Port Reconstruction Project, for a revised contract amount not to exceed \$174,820.00, to R.B. Mac Construction Co., Inc., P.O. Box 424, Lockport, NY 14095, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. IF-120-17

From: Infrastructure & Facilities and Administration Committees.

Dated: September 19, 2017

**TROTT STEPS AND HANDICAPPED ACCESSIBILITY RAMP
CHANGE ORDER NO. 2**

WHEREAS, by Resolution No. IF-049-17, dated March 21, 2017, the Legislature awarded the contract for the Trott Steps and Handicapped Accessibility Ramp to Millennium Construction Inc., 248 North Brier Road, Amherst, NY 14228, for a contract amount of \$93,960.00, and

WHEREAS, by Resolution No. IF-106-17, dated August 1, 2017, the contract completion date was extended to August 31, 2017, at no additional cost to the County, and

WHEREAS, it is necessary to increase the contract in the amount of \$47,000.00 for curb cut and additional handicapped parking off of Ashland Avenue, for a revised contract amount of \$140,960.00, 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. 2 to increase the contract by \$47,000.00 for the Trott Steps and Handicapped Accessibility Ramp, for a revised contract amount of \$140,960.00, to Millennium Construction Inc., 248 North Brier Road, Amherst, NY 14228, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. IF-121-17

From: Infrastructure & Facilities and Administration Committees.

Dated: September 19, 2017

**NIAGARA COUNTY COURT HOUSE AND BROOKS BUILDING
PARKING LOT REPAVING**

WHEREAS, the Niagara County Purchasing Department prepared specifications and advertised for bids for the Niagara County Niagara County Court House and Brooks Building Repaving Project, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on September 8, 2017 as tabulated below:

- | | | |
|----|--|-----------|
| 1. | Milherst Construction, Inc.
P.O. Box 430
Clarence Center, NY 14032 | \$169,650 |
| 2. | Louis Del Prince & Sons Inc.
580 Cayuga Road
Cheektowaga, NY 14225 | \$189,960 |

and

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

WHEREAS, additional funds are required in the project to award the contract and allow the project to proceed, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated to allow the Court House and Brooks Building Parking Lot Paving Project to proceed:

DECREASE REVENUE:

H502.15.1620.000 45031.10	Interfund Transfers-Capital Reserves	\$10,000
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DECREASE APPROPRIATIONS:

H502.15.1620.000 72400.00	Land Improvements Expense	\$10,000
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INCREASE APPROPRIATIONS:

A07.9950.000 79010	Transfer to Capital	\$90,000
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DECREASE APPROPRIATIONS:

A.25.1620.000 72400.00	Land Improvements Expense	\$90,000
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INCREASE REVENUE:

H624.15.1620.000 45031.10	Interfund Transfers- From Capital Reserve	\$100,000
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INCREASE APPROPRIATIONS:

H624.15.1620.000 72400.00	Land Improvements-Parking Lots	\$100,000
	Folder 07-Parking Lot Improvements	

and be it further

RESOLVED, that prior to the execution of the required documents, the County Attorney will review them for approval as to legal form, language and compliance, and be it further

RESOLVED, that the contract for the Niagara County Niagara County Court House and Brooks Building Repaving Project be awarded to the lowest responsible bidder, Milherst Construction, Inc., P.O. Box 430, Clarence Center, NY 14032, in the amount of \$169,650, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. IF-122-17

From: Infrastructure & Facilities and Administration Committees.

Dated: September 19, 2017

**BRIDGE WEARING COURSES AND JOINT REPLACEMENTS
FINAL PAYMENT**

WHEREAS, Resolution No. IF-079-16, dated August 2, 2016, awarded the contract for Bridge Deck Overlays and Joint Repairs to Yarussi Construction, Inc., 5650 Simmons Avenue, Niagara Falls, NY 14304, for a contract amount of \$286,000, and

WHEREAS, Resolution No. IF-135-16, dated December 13, 2016, authorized Change Order No. 1 to the contract, extending it to June 30, 2017, at no additional cost to the County, and

WHEREAS, Resolution No. IF-107-17, dated August 1, 2017, authorized Change Order No. 2 to the contract, extending it to August 31, 2017 and increasing the contract in the amount of \$31,453.53, for a revised contract amount of \$317,453.53, and

WHEREAS, the contract has been completed to specifications for the contract amount of \$317,453.53, and

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

RESOLVED, that final payment is authorized to be processed to Yarussi Construction, Inc., 5650 Simmons Avenue, Niagara Falls, NY 14304, for a final contract amount of \$317,453.53, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. IF-123-17

From: Infrastructure & Facilities and Administration Committees.

Dated: September 19, 2017

**NIAGARA COUNTY JAIL BUILDING #1 HVAC SYSTEM REPLACEMENTS-
MECHANICAL CONTRACT
CHANGE ORDER NO. 1 - FINAL**

WHEREAS, by Resolution No. IF-045-17, dated February 21, 2017, the Legislature awarded the contract for the Niagara County Jail Building #1 HVAC System Replacements-Mechanical Contract to D.V. Brown & Associates, 567 Vickers Street, Tonawanda, NY 14150, for a contract amount of \$1,056,000.00, and

WHEREAS, it is necessary to decrease the contract in the amount of \$21,476.00, for a revised contract amount of \$1,034,524.00, 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 decrease the contract by \$21,476.00 for the Niagara County Jail Building #1 HVAC System Replacements-Mechanical Contract, for a revised contract amount of \$1,034,524.00, to D.V. Brown & Associates, 567 Vickers Street, Tonawanda, NY 14150, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. IF-124-17

From: Infrastructure & Facilities and Administration Committees.

Dated: September 19, 2017

**NIAGARA COUNTY JAIL BUILDING #1 HVAC SYSTEM REPLACEMENTS-
ELECTRICAL CONTRACT
CHANGE ORDER NO. 1 - FINAL**

WHEREAS, by Resolution No. IF-046-17, dated February 21, 2017, the Legislature awarded the contract for the Niagara County Jail Building #1 HVAC System Replacements-Electrical Contract to CIR Electrical Construction Corp., 400 Ingham Avenue, Buffalo, NY 14218, for a contract amount of \$50,900.00, and

WHEREAS, it is necessary to decrease the contract in the amount of \$5,000.00, for a revised contract amount of \$45,900.00, 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 decrease the contract by \$5,000.00 for the Niagara County Jail Building #1 HVAC System Replacements-Electrical Contract, for a revised contract amount of \$45,900.00, to CIR Electrical Construction Corp., 400 Ingham Avenue, Buffalo, NY 14218, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. IF-125-17

From: Infrastructure & Facilities and Administration Committees.

Dated: September 19, 2017

**NIAGARA COUNTY SHERIFF'S OFFICE FENCING/SECURITY PROJECT
CHANGE ORDER NO. 1 - FINAL**

WHEREAS, by Resolution No. IF-050-17, dated March 21, 2017, the Legislature awarded the contract for the Niagara County Sheriff's Office Fencing/Security Project to Rommel Fence, LLC, 17 Railroad Street, P.O. Box 367, Poland, NY 13431, for a contract amount of \$250,000.00, and

WHEREAS, it is necessary to decrease the contract in the amount of \$3,842.32, for a revised contract amount of \$246,157.68, and

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

RESOLVED, that Change Order No. 1-Final to decrease the contract by \$3,842.32 for the Niagara County Sheriff's Office Fencing/Security Project, for a revised contract amount of \$246,157.68, to Rommel Fence, LLC, 17 Railroad Street, P.O. Box 367, Poland, NY 13431, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. IF-126-17

From: Infrastructure & Facilities and Administration Committees.

Dated: September 19, 2017

**UPPER MOUNTAIN ROAD REHABILITATION PROJECT
CHANGE ORDER NO. 2-FINAL (REVISED)**

WHEREAS, by Resolution No. IF-024-16, dated February 23, 2016, the Legislature awarded the contract for the Upper Mountain Road Rehabilitation Project to Accadia Site Contracting, 5636 Transit Road, Depew, NY 14043, for a contract amount of \$799,695.10, and

WHEREAS, Resolution No. IF-127-16, dated December 6, 2016, authorized Change Order No. 1 to increase the contract by \$65,105.01 for final quantities adjustments, for a revised contract amount of \$864,800.11, and

WHEREAS, it is necessary to increase the contract in the amount of \$28,880.69 for final quantities adjustments and a dispute resolution with the Contractor, for a revised contract amount of \$893,680.80; 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. 2-Final (Revised) to increase the contract by \$28,880.69 for the Upper Mountain Road Rehabilitation Project, for a revised contract amount of \$893,680.80, 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 Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. IF-127-17

From: Infrastructure & Facilities and Administration Committees.

Dated: September 19, 2017

**INTER-MUNICIPAL AGREEMENT WITH THE TOWN OF PENDLETON
RELEASE TO PERFORM CONTRACT WORK ON PUBLIC LAND
TOWN OF PENDLETON RECREATIONAL PATHWAYS EXPANSION PROJECT**

WHEREAS, the Town of Pendleton wishes to construct a pathway on public land located along CR 20, Townline Road, which is owned by Niagara County, and

WHEREAS, Niagara County wishes to grant permission and give consent to the Town of Pendleton to enter onto the property identified in connection with construction of the said pathway, and

WHEREAS, the Town of Pendleton will enter into a federal aid local project agreement with the New York State Department of Transportation (NYSDOT) for the Recreational Pathways Expansion Project explained above, and

WHEREAS, Niagara County and the Town of Pendleton are both acceptable project applicants and sponsors of these federal aid highway projects as determined by NYSDOT, and

WHEREAS, the Niagara County Department of Public Works and the Town of Pendleton wish to enter into an agreement, and

WHEREAS, the Town of Pendleton is responsible for providing any local funding shares needed in reference to this federally funded project, and

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

RESOLVED, that the agreement between the County of Niagara and the Town of Pendleton for the Town of Pendleton Recreational Pathways Expansion Project be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. IF-128-17

From: Infrastructure & Facilities and Administration Committees.

Dated: September 19, 2017

**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 Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. IF-129-17

From: Infrastructure & Facilities and Administration Committees.

Dated: September 19, 2017

LEASE AGREEMENT WITH NCCC FOR THE TROTT ACCESS CENTER

WHEREAS, the Niagara County Community College (NCCC), Sanborn, New York, is a partner in the Trott ACCESS Center, Niagara Falls, New York, and

WHEREAS, the County provides space to NCCC for this activity, and

WHEREAS, NCCC is able to obtain New York State Reimbursement for a portion of the costs of the space used in delivering its programs, and

WHEREAS, NCCC needs to have a lease agreement to serve as a basis for its reimbursement claims, 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 Infrastructures and Facilities Committee recommends the attached lease agreement to be entered into with NCCC 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 Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. IF-130-17

From: Infrastructure & Facilities and Administration Committees.

Dated: September 19, 2017

DEPARTMENT OF PUBLIC WORKS – PARKS DEPARTMENT BUDGET MODIFICATION

WHEREAS, the five (5) Niagara County Parks have experienced an increase in the number of shelter rentals for the 2017 summer season, and

WHEREAS, the Parks Department has received revenue in excess of the original budgeted amount of \$74,000, and

WHEREAS, these additional funds are required to allow for continued improvements at the various parks, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated:

INCREASE ESTIMATED REVENUE:

A.25.7110.000.42001.02	Shelter Reservations	\$5,741.00
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INCREASE APPROPRIATIONS:

A.07.9950.000 79010.00	Transfer to Capital	\$5,741.00
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INCREASE ESTIMATED REVENUE:

H600.15.9901.000 45031.00	Transfer from Operating	\$5,741.00
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INCREASE ESTIMATED APPROPRIATION:

H600.15.7110.000.72400.00	Land Improvements	\$5,741.00
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. IF-131-17

From: Infrastructure & Facilities and Administration Committees.

Dated: September 19, 2017

DPW-PARKS BUDGET MODIFICATION

WHEREAS, the Bond Lake Warming House is rented out for various functions throughout the year, in compliance with the Niagara County Parks Policy, and

WHEREAS, in some cases, the County retains the security deposit from these various functions due to damage or cancelations, and

WHEREAS, it is necessary to appropriate this revenue that has been accumulating over the years, for various improvement projects at Bond Lake Park, now, therefore, be it

RESOLVED, that the following budget modification be effectuated for various improvement projects in and around the Bond Lake Warming House.

INCREASE ESTIMATED REVENUE:

A.25.7110.000.40080.00	Event Security Deposits	\$5,636.00
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INCREASE APPROPRIATIONS:

A.07.9950.000.79010.00	Transfer to Capital	\$5,636.00
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INCREASE ESTIMATED REVENUE:

H600.15.9901.000.45031.00	Transfer from Operating	\$5,636.00
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INCREASE APPROPRIATION:

H600.15.7110.000.72200.01	Building Improvements	\$5,636.00
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. IL-070-17

From: Legislator David E. Godfrey and Economic Development Committee.

Dated: September 19, 2017

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

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

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

WHEREAS, the Town of Cambria has established a 6-week summer recreation program that is in receipt of \$61,000 from the Town, and which charges a participation fee for resident and non-resident children, and

WHEREAS, the Town of Cambria Summer Recreation Program serves children ages 5 to 15, and there are currently 171 youth registered in the program, and

WHEREAS, the program currently employs 16 paid counselors, and

WHEREAS, this program offers area youth arts and crafts projects, physical activities, and field trips, and is designed to provide a safe, structured environment where valuable life skills can be taught to youth in a fun setting, and

WHEREAS, this county government fully endorses youth programs as critical to meeting the above-stated goal of attracting businesses to locate high-wage jobs in this county, now, therefore, be it

RESOLVED, that Niagara County supports the Cambria Summer Recreation Program through appropriation as follows:

The Town of Cambria	\$1,500.00
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and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

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

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$1,500.00
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. IL-071-17

From: Legislator David E. Godfrey and Economic Development Committee.

Dated: September 19, 2017

**RESOLUTION IN SUPPORT OF WILSON HARBOR REVITALIZATION AND REPAIR
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Town of Wilson has devised a multi-year Wilson Harbor Revitalization Project that includes plans to dredge the harbor and restore its navigable channel, and

WHEREAS, Wilson Harbor is the largest naturally protected harbor on the southern shore of Lake Ontario; home to over 500 boats distributed among three yacht clubs and four marinas, and

WHEREAS, New York State's Tuscarora Park flanks the western end of the channel with a boat ramp that averages over 2,000 launches each season, and also hosts a U.S. Customs Port-of-Entry, and

WHEREAS, the eastern end shelters Tuscarora Yacht Club, the Wilson Boat House restaurant and marina, and small boutique shops along a boardwalk, and Mid-harbor features the Moyer Marina, the member-owned and – operated Wilson Yacht Club, and the Sunset Bay Grille, and the southwest end houses the Sunset Bay Marina and the Island Yacht Club, and

WHEREAS, anglers from throughout the Northeast and Ohio Valley routinely travel to the Lake Ontario shore, with sport fishing generating an annual \$30 million annual impact, with more than 1,000 of the regular visitors to restaurants and shops are water-access only, and

WHEREAS, Wilson Harbor is classified as an international harbor of refuge for any vessel in distress and need of assistance on Lake Ontario, regardless of flag origin, and

WHEREAS, natural silting in the lake has adversely impacted the harbor, decreasing the navigability of the channel, and

WHEREAS, this has reduced access to the maintenance yards during the off-season for local and Canadian boats, and has generated an estimated loss of \$100,000-\$200,000 at just one marina, and

WHEREAS, funds are being sought to help offset the costs associated with revitalization of the Wilson Harbor in accordance with the vision set out in the 2012 Revitalization Project study, now, therefore, be it

RESOLVED, that Niagara County supports the economic development benefit of pursuing the Town of Wilson's Wilson Harbor Revitalization Project through appropriation as follows:

The Town of Wilson	\$5,000.00
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and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

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

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

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. IL-072-17

From: Legislator David E. Godfrey and Economic Development Committee.

Dated: September 19, 2017

**RESOLUTION IN SUPPORT OF WHEATFIELD VETERANS' MEMORIAL PARK
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Town of Wheatfield has established a capital reserve fund for a veterans monument at Fairmount Park, and

WHEREAS, town planners have estimated that construction of an appropriate monument will cost the community \$500,000, and

WHEREAS, the monument is being funded strictly through donations, and

WHEREAS, the Legislature has appropriated Seneca Niagara Casino revenues for veterans memorial construction in other municipalities, now, therefore, be it

RESOLVED, that Niagara County supports the establishment of the Wheatfield Veterans' Memorial Park through appropriation as follows:

The Town of Wheatfield	\$5,000.00
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and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

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

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

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. IL-074-17

From: Legislator John Syracuse and Economic Development Committee.

Dated: September 19, 2017

**RESOLUTION IN SUPPORT OF THE NEWFANE SPORTS BOOSTERS
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Newfane Sports Boosters is a 501(c) non-profit organization with a mission to stimulate the interest and enthusiasm of the Newfane Schools and community in their interscholastic sports program by creating a supportive partnership between parents, coaches, faculty, alumni and friends, and

WHEREAS, for the second time in Newfane's history, the Newfane Sports Boosters will be hosting the Newfane Varsity Football Team in a match against the Lewiston Porter Lancers on September 9th at 7:00 p.m. under the lights, and

WHEREAS, the local interest in response to this football game will ensure a large crowd and positive economic impact for the Town of Newfane and other nearby communities, and

WHEREAS, the Newfane Sports Boosters is seeking assistance to offset the cost of the lighting for this event, and

WHEREAS, Niagara County is desirous in supporting events that highlight community pride and promote economic growth, now, therefore, be it

RESOLVED, that Niagara County supports the Newfane Sports Boosters as follows:

Newfane Sports Boosters	\$1,500.00
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and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

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

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

Moved by Syracuse, seconded by Godfrey.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. IL-076-17

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

Dated: September 19, 2017

RESOLUTION IN SUPPORT OF FUNDING THE LAKE ONTARIO TROUT AND SALMON ASSOCIATION PURCHASE OF AUTOMATION EQUIPMENT FOR FISH STOCKING PROGRAMS

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

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

WHEREAS, the economies of New York State and Niagara County are heavily reliant upon Lake Ontario, Lake Erie, the Niagara River waterway, and the Tonawanda Creek, and

WHEREAS, the economic impact of sport fishing on those counties bordering Lake Ontario, namely the Counties of Niagara, Orleans, Monroe, Wayne, Cayuga, Oswego, and Jefferson, was \$54 million in 2007, per research by Cornell University's Department of Natural Resources, and

WHEREAS, these sport fishing events benefit hotels, restaurants and retail businesses throughout Niagara County and provide substantial sales tax revenue, and

WHEREAS, the Lake Ontario Trout and Salmon Association is a not-for-profit organization whose membership is comprised primarily of recreational fishermen who are dedicated to the enhancement and promotion of Lake Ontario sport fishery, placing a heavy emphasis on education and recruiting new anglers to Lake Ontario sport fishing, and

WHEREAS, the Lake Ontario Trout and Salmon Association does pen-rear salmon and trout for the purpose of stocking fishing waters, and

WHEREAS, the Lake Ontario Trout and Salmon Association's membership has taken the time-consuming burden of feeding the pen-reared fish over the years and is seeking relief through automation, and

WHEREAS, LOTSA has purchased a belt-fed feeding system to mitigate this burden placed on its membership and enhancing the fish population available to anglers, and thus having a positive economic impact on the regional lakeshore economy, and

WHEREAS, LOTSA has been invoiced \$4160.88 plus tax for the installation of said system by Pentair Aquatic Eco-System, and

WHEREAS, the Niagara County Legislature considers the expansion of sport fishing and other agribusiness in Niagara County a critical part of economic development and a worthwhile expenditure of said casino revenues, now, therefore, be it

RESOLVED, that Niagara County disburses §99-h funding for the purpose of defraying costs associated with installation of said belt-fed feeding system:

LOTS—Feeder Installation Costs	\$1,000.00
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and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

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

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$1,000.00
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Moved by Syracuse, seconded by Godfrey.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. IL-077-17

From: Legislators Randy R. Bradt, Rebecca J. Wydysh, Wm. Keith McNall, David E. Godfrey, Kathryn L. Lance, John Syracuse, William J. Collins and Community Safety & Security Committee.

Dated: September 19, 2017

RESOLUTION URGING THE UNITED STATES CONGRESS TO ENACT, AND PRESIDENT TRUMP TO SIGN INTO LAW, H.R. 3576, THE SECOND AMENDMENT GUARANTEE ACT

WHEREAS, the Second Amendment to the Constitution of the United States clearly states that “the right of the people to keep and bear Arms, shall not be infringed,” and

WHEREAS, Article XII of the Constitution of the State of New York clearly states, “The defense and protection of the state and of the United States is an obligation of all persons within the state,” and

WHEREAS, the NY SAFE Act signed by Governor Andrew M. Cuomo on January 15, 2013 amended various provisions of New York Law in relation to firearms and ammunition, and

WHEREAS, the NY SAFE Act abridges the rights of law-abiding citizens of the State of New York as enumerated in the Second Amendment to the United States Constitution, and

WHEREAS, the Legislature of the County of Niagara did, on February 19, 2013, unanimously oppose the SAFE Act and call for its immediate repeal, and

WHEREAS, on July 31, 2017, the Honorable Chris Collins of Clarence, United States Representative for the 27th District of New York, did introduce House Resolution 3576, The Second Amendment Guarantee Act, and

WHEREAS, under The Second Amendment Guarantee Act states or local governments would not be able to regulate, prohibit, or impose registration and licensing that are any more restrictive under federal law for the sale, manufacturing, importation, transfer, possession, or marketing of a rifle or shotgun, under the authority granted exclusively to Congress to regulate interstate commerce, and

WHEREAS, under The Second Amendment Guarantee Act states or local governments would not be able to enact restrictions on any part of a rifle or shotgun including any detachable magazine or ammunition feeding devise and any type of pistol grip or stock design, and

WHEREAS, under The Second Amendment Guarantee Act, any current or future laws enacted by a state or political subdivision that exceeds federal law for rifles and shotguns would be void, including the NY SAFE Act, and

WHEREAS, the Legislature of the County of Niagara again declares its complete opposition to the NY SAFE Act, now, therefore be it

RESOLVED, that the Legislature of the County of Niagara commends Representative Collins for acting to preserve the freedoms of New Yorkers as guaranteed under the Bill of Rights, and be it further

RESOLVED, that the Legislature of the County of Niagara does hereby call upon the Honorable Paul Ryan of Wisconsin, Speaker of the House of Representatives, and the Honorable Mitch McConnell of Kentucky, Senate Majority Leader, to rapidly advance H.R. 3576 to the floors of their respective houses for a vote, and upon the members of both houses to take up and enact the same, and be it further

RESOLVED, that the Legislature of the County of Niagara does hereby call upon the Honorable Donald J. Trump, President of the United States, to act to protect the Constitutional rights of all Americans by signing H.R. 3576 into law, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Representative Collins, President Trump, Speaker Ryan, Senate Majority Leader McConnell, Mr. Wayne LaPierre, Executive Vice President and CEO of the National Rifle Association, Mr. Jacob Rieper, Legislative Director and Vice President of the New York State Rifle and Pistol Association, Mr. John Peracciny, Niagara County Scope Chairman, the Niagara County Federation of Conservation Clubs, and all others deemed necessary and proper.

Moved by Bradt, seconded by Lance.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. IL-081-17

From: Legislator Kathryn L. Lance and Economic Development Committee.

Dated: September 19, 2017

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

WHEREAS, St. Johnsburg Fire Company, Inc. has been serving the residents of the Town of Wheatfield, NY since 1926, and

WHEREAS, St. Johnsburg Fire Company's volunteer members are committed to improving the lives of the citizens of Niagara County both through fire service, as well as, hosting many community events at the fire hall, and

WHEREAS, the St. Johnsburg Fire Companies roof is in need of replacement to ensure the safety of all of those that serve and those that attend events at the fire hall, and

WHEREAS, the Niagara County Legislature supports the St. Johnsburg Fire Company roof replacement project, now, therefore, be it

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

St. Johnsburg Fire Company, Inc. – Roof Replacement Project	\$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 2017 budget:

INCREASE APPROPRIATED FUND BALANCE:

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

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$2,000.00
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Moved by Syracuse, seconded by Godfrey.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. IL-082-17

From: Legislator Wm. Keith McNall and Economic Development Committee.

Dated: September 19, 2017

**RESOLUTION IN SUPPORT OF THE DALE ASSOCIATION OF LOCKPORT
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Dale Association of Lockport was founded in 1951 in response to a concern for older adults living alone and in the need of social and recreational opportunities, and

WHEREAS, the Dale Association serves 36,500 community members through all combined programs annually, and with wellness programs, numerous supportive needs and advocacy initiatives to help improve quality of life, and

WHEREAS, the Dale Association offers Wellness services, Supportive services, Advocacy services, Social and Recreational services, and

RESOLVED, that Niagara County supports the initiatives of the Dale Association as follows:

The Dale Association	\$2,500.00
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and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

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

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$2,500.00
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Moved by Syracuse, seconded by Godfrey.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. IL-083-17

From: Legislators John Syracuse, Wm. Keith McNall, Randy R. Bradt, Rebecca Wydysh, Kathryn L. Lance, et al.

Dated: September 19, 2017

RESOLUTION NAMING THE KRULL PARK ATHLETIC FIELDS "THE JAMES W. WARD SPORTS COMPLEX"

WHEREAS, the Honorable James W. Ward, "Jim" to his friends, has served Niagara County and the communities of Newfane and Somerset with excellence and commitment for decades, including eight years as a Legislator in this body, representing his hometown, and

WHEREAS, the vision, diligence, and perseverance Jim displayed in his efforts to develop the athletic fields at Krull Park have, over time, led to the development of a full-capacity family sports venue that is the jewel of Krull Park's offerings, and

WHEREAS, Jim did serve for 22 years as an executive aide in the New York State Senate, where he helped Niagara County's elected representatives in Albany attain resources for our residents, including resources used to improve Krull Park, and

WHEREAS, Jim played an active role in our community, serving as the director on a number of non-profit boards including: Eastern Niagara Hospitals, the Health Association of Niagara County, the Niagara County Community Action Program, the Niagara County Historical Society, the Town of Newfane Tourism Board, the Newfane Lions Club, the Krull-Olcott Development Committee, the Olcott Beach Community Association and the Olcott Beach Carousel Association, and as president of the Niagara County Community College Board of Trustees, and

WHEREAS, Jim's commitment to youth athletics was total, as he was enthusiastic about coaching soccer, baseball, basketball and announcing at little league football games when his children were younger, and

WHEREAS, this Legislature joins the community in mourning the passing of this great Son of Niagara County, and extends the condolences of this Government to the entire Ward family, now, therefore be it

RESOLVED, that the Niagara County Legislature does hereby designate the athletic fields incorporated in Krull Park as The James W. Ward Sports Complex, and be it further

RESOLVED, that the Niagara County Legislature does hereby direct that county-owned property, including the Warming House at Krull Park, be posted with signage designating the athletic fields as The James W. Ward Sports Complex, and be it further

RESOLVED, that the Niagara County Legislature does direct the County Manager and the Commissioner of Public Works to appropriate funds as shall be necessary to properly signify the same on the north-facing Warming House building at Krull Park, and in letters which shall be visible from a minimum distance of 150 feet.

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

Carried.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. IL-084-17

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

Dated: September 19, 2017

**RESOLUTION IN SUPPORT OF NORTH TONAWANDA FIRE DEPARTMENT
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the North Tonawanda Fire Department is committed to serve the community and residents of North Tonawanda, New York, and

WHEREAS, the City of North Tonawanda is bordered by water on three sides with Gateway Harbor and the Niagara River with high volumes of boat use during the summer months, and

WHEREAS, in the event of a boat fire there could be a delay in getting apparatus access and establishing a water source during special events at the Gateway Harbor, and

WHEREAS, the North Tonawanda Fire Department would like to purchase a Darley Floating Pump which can be directly deployed into water and provide a water source in the matter of minutes , and

WHEREAS, the Niagara County Legislature recognizes the significant contribution that the fire departments make towards ensuring public safety, now, therefore, be it

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

North Tonawanda Fire Department, Darley Floating Pump	\$2,500.00
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and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

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

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$2,500.00
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Moved by Syracuse, seconded by Godfrey.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. IL-085-17

From: Legislators Kathryn L. Lance, David E. Godfrey and Economic Development

Dated: September 19, 2017

**RESOLUTION IN SUPPORT OF PROVIDING FUNDS FOR THE
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 aims to provide the best possible service to their community with highly trained personnel and the best equipment possible, and

WHEREAS, the Adams Fire Company is in need of a new automated external defibrillator, which has helped save many lives, 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	\$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 2017 budget:

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01	Appropriated Fund Balance - Committed Funds	\$2000.00
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INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$2,000.00
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Moved by Syracuse, seconded by Godfrey.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. IL-086-17

From: Legislators Rebecca J. Wydysh, Clyde Burmaster and Economic Development Committee.

Dated: September 19, 2017

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

WHEREAS, the Lewiston Kiwanis Club each year makes a tremendous effort to provide an enjoyable weekend of fun activities for not only the Lewiston residents, but also attracts people from all over western New York and Ontario, Canada, and

WHEREAS, this Peach Festival has been successful fund raising event in addition to providing a great parade, good food, many rides and games and of course the greatest Peach shortcake, and

WHEREAS, the festival has grown through the years because of the unselfish volunteer efforts of many of our citizens, and

WHEREAS, it is one of the premier activities in Niagara County, signals the end of summer and ushers in the colorful autumn atmosphere that is the beauty of Niagara County, and

WHEREAS, the profits of this enormous effort are awarded too many needy causes in Niagara and the County Legislature wishes to do its part of assisting financially, now, therefore, be it

Peach Festival \$4,000.00

and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

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

INCREASE APPROPRIATION:

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

Moved by Syracuse, seconded by Godfrey.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. IL-087-17

From: Legislator Clyde L. Burmaster and Economic Development Committee.

Dated: September 19, 2017

RESOLUTION IN SUPPORT OF THE YOUNGSTOWN ARTS AND MUSIC FESTIVAL OCTOBER 7, 2017 THROUGH THE USE OF CASINO FUNDS

WHEREAS, the Youngstown Business and Professional Association is once again planning to have a beginning of fall event where local businesses offer a “Taste of Youngstown” which will showcase the many wonderful activities that residents and visitors can enjoy, and

WHEREAS, the business Association has been increasing its activity each year and these wholesome, entertaining and fun events add to the ambiance that typifies Youngstown as a great place to live, work and raise a family, and

WHEREAS, it takes many unselfish volunteers donating many hours of their time to make these events successful, and

WHEREAS, the success of these events adds the quality of life of the entire County, attracts others from around the County and brings needed revenues into local businesses, and

WHEREAS, the exposure gotten from these fun times also attracts some who may wish to make this quiet, peaceful community their home, and

WHEREAS, since what helps Youngstown helps all the county, now, therefore be it

RESOLVED, that this Legislature wishes to help make this event a success by awarding the sum of \$500.00 from the Seneca Niagara Casino funds to the Youngstown Business Association

Youngstown Business Association \$500.00

and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

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

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$500.00
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Moved by Syracuse, seconded by Godfrey.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. IL-088-17

From: Legislator Clyde L. Burmaster and Economic Development

Dated: September 19, 2017

**RESOLUTION IN SUPPORT OF RANSOMVILLE GARDEN CLUB FOR THE PURCHASE OF
PLANTERS AND IMPROVEMENTS OF AESTHETIC NATURE
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the hamlet of Ransomville, by the volunteer efforts of the Garden Club, has been improving the quality of life in this community for many years and is in need of financial assistance to replace weathered and unsightly planter, plants and banners, and

WHEREAS, these items go a long way to make this an attractive welcome into the community and show a real pride to motorists passing through which has been successful in attracting businesses to open here and residents to move here, and

WHEREAS, keeping the community appealing also goes to the greater good of making Niagara County, as a whole a great place to live and raise a family, and

WHEREAS, the County wishes to help the Garden Club effort by use of Community Development funds, now, therefore be it

RESOLVED, that the Ransomville Garden Club be awarded the sum of \$1,000.00 payable through the Ransomville Free Library, from the Seneca Niagara Casino Funds, for the purchase of beautification improvements in the business district of the hamlet

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

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

INCREASE APPROPRIATED FUND BALANCE:

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

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$1,000.00
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Moved by Syracuse, seconded by Godfrey.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. IL-089-17

From: Legislators Owen T. Steed, Mark J. Grozio, Jason A. Zona and Dennis F. Virtuoso

Dated: September 19, 2017

**RESOLUTION CALLING ON NIAGARA COUNTY, RESIDENTS AND BUSINESS OWNERS TO
ADOPT THE “THINK DIFFERENTLY” INITIATIVE TO ASSIST INDIVIDUALS WITH SPECIAL
NEEDS AND THEIR FAMILIES**

WHEREAS, the “Think Differently” initiative is about promoting awareness and acceptance of all people, and advocating for the inclusion of all individuals living on the Autism Spectrum and with Special needs, and

WHEREAS, our state and communities are stronger because of our diversity and differences, and

WHEREAS, according to the Center for Disease Control (CDC) over 55 million people, or approximately 19% of Americans, have a type of disability or special need, and

WHEREAS, for some people with special needs, the very thing that makes use unique can also keep them on the sidelines, separate from those who might not understand their differences or uniqueness, and

WHEREAS, it is important to promote and provide guidance to those with special needs on how to access publically supported services available to them in the community, and

WHEREAS, it is important to encourage and educate the community and businesses on ways they can make facilities and services more accessible and how to train staff to welcome and support special needs customers and co-worker, and

WHEREAS, the goal of this initiative is to provide a supportive and inclusive environment for individuals of all abilities by supporting community events that expend family friendly opportunities for people with special needs and their families, and

WHEREAS, adopting the “Think Differently” initiative is an important statement that Niagara County Officials, business owners and residents can make to show their support for the differently-abled children and adults with special needs and their families, now, therefore, be it

RESOLVED, that the Niagara County residents and business owners to adopt the “Think Differently” initiative so that all are better prepared to communicate with, provide for, and support those living on the Autism Spectrum and with special needs

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

Carried.

Moved by Steed, seconded by Grozio.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Resolution No. IL-090-17

From: Legislators Kathryn L. Lance, David E. Godfrey, Rebecca J. Wydysh, Jason A. Zona, Economic Development and Administration Committees.

Dated: September 19, 2017

**RESOLUTION IN SUPPORT OF PROTECTION OF THE NIAGARA FALLS AIR RESERVE
STATION'S MAIN RUNWAY APPROACHES BY ELIMINATING POTENTIAL HEIGHT
OBSTRUCTIONS**

WHEREAS, the Niagara County Legislature over the past 20 years has supported the Niagara Falls Air Reserve Station (N.F.A.R.S.) due to its economic and strategic importance to the Niagara Region, and

WHEREAS, the Niagara County Legislature considers N.F.A.R.S. a driving force in improving economic prosperity and the quality of life in Niagara County, and

WHEREAS, N.F.A.R.S. has been contemplated for foreclosure under prior rounds of Base Realignment and Closures (BRAC), ultimately remaining in operation, and the Niagara County Legislature desires to protect N.F.A.R.S. from closure under future rounds of BRAC, and

WHEREAS, the Town of Wheatfield intend to purchase the Property Development Rights (PDR) from current farmland owners if necessary to eliminate the construction of any obstacle on the east to west approaches of the main runway, and

WHEREAS, the objective is to compensate active farmers for not turning over building rights to their property, thus eliminating the construction of any obstacle which would constitute an encroachment, while allowing the farmers to continue to operate their farmland in turn for a fair financial compensation, and

WHEREAS, BRAC and the United States Air Force can then be assured of an encroachment free environment, which is so important to the sustainability and growth at the Niagara Falls Air Reserve Station, and

WHEREAS, a land assessment study of the farmland properties contiguous to the Niagara Air Reserve Station and the Niagara Falls International Airport Runway Protection Zone (RPZ), is a necessary step to a grant application, which is funded by the New York State Agriculture & Markets Commission; funding 75-87.5% of the cost of purchasing the development rights, and

WHEREAS, the Town of Wheatfield has identified additional grant funding through the Department of Defense Readiness and Environmental Protection Integrator (REPI) Program Buffer Partnership, and

WHEREAS, the additional funding of REPI can be utilized to close the gap of the actual cost of the purchase of the Development Rights and the 75-87.5% funding from the New York State Department of Agriculture and Markets, and

WHEREAS, the Town of Wheatfield will be doing a request for proposal for a land appraiser to analyze the purchase value of the developmental rights of the properties identified for consideration by Western New York Land Conservancy, and

WHEREAS, to fund this land assessment, the Town of Wheatfield, has reached an agreement with the Western New York Land Conservancy; who are well recognized and respected by the NY Agriculture and Markets Commission, to identify properties to be appraised, and

WHEREAS, the Western New York Land Conservancy, in conjunction with the Town of Wheatfield will arrange to engage a land assessment realtor recognized by the NY Agriculture and Markets Commission, and

WHEREAS, this Land Assessment Study is designed to ensure the elimination of encroachments to flight operations at both flying activities, which is a necessary step to survive the next BRAC study of military facilities throughout the United States, and

WHEREAS, to generate the necessary financials, funding was contemplated with the following entities participating:

Niagara Frontier Transportation Authority	\$7,500
Town of Wheatfield	\$7,500
Niagara Military Affairs Council	\$3,000

and

WHEREAS, any unused funds shall be returned to the contributing entities under prorate formula as to their contributions, now, therefore, be it

RESOLVED, that the Niagara County Legislature approves the allocation of \$7,500 to the Town of Wheatfield for the land assessment study, and be it further

RESOLVED, that the following budget modification be effectuated:

DECREASE APPROPRIATIONS:

A.08.1990.000 74500.01	Contingency	\$7,500
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INCREASE APPROPRIATIONS:

A.28.8020.000 74500.01	Contractual Expenses	\$7,500
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Moved by Nemi, seconded by Godfrey.

Adopted. 15 Ayes, 0 Noes, Absent – 0

Chairman McNall announced that the Scheduled Standing Committee Meetings for Tuesday October 10th have been rescheduled to Wednesday October 11th.

Moved by Steed, seconded by Wydysh to enter into Executive Session re negotiations related to CW-006-17.

Moved by Bradt, seconded by Virtuoso to adjourn Executive Session.

Carried.

Resolution No. CW-006-17 was read at this time. (Appears in numerical order)

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

The Chairman declared the Board adjourned at 9:10 p.m., subject to the call of the Clerk.

0 citizen spoke at this time on the General Welfare of the County.



Mary Jo Tamburlin, Clerk