

## OFFICIAL RECORD

Lockport, New York  
September 22, 2016

A public hearing was held by the Legislature on September 22, 2016, for the purpose of hearing public comments on the Authorization to Submit a Grant Application to the NYS Office of Community Renewal for Small Cities Funding. Legislator Lance opened the hearing at 6:15 p.m. and closed it at approximately 6:20 p.m.

A public hearing was held pursuant to IL-059-16 adopted by the Legislature on September 22, 2016, for the purposed Local Law Amending Local Law Amending Local Law No. 7 for the Year 2006 applicable to the Real Property Tax Exemption for Persons Sixty-five years of age or over. Legislator Nemi opened the hearing at 6:30 p.m. and closed it at approximately 6:35 p.m.

A public hearing was held pursuant to IL-058-16 adopted by the Legislature on September 22, 2016, for the purposed Local Law Amending No. 3 for the Year 2006 Establishing Real Property Tax Exemption for Persons with Disabilities and Limited Incomes in Accordance with Section 459-c of the New York State Property Tax Law. Legislator Nemi opened the hearing at 6:45 p.m. and closed it at approximately 6:50 p.m.

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

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

### PRESENTATIONS:

1. Mayor Anne McCaffrey was called to the lectern, she expressed deep gratitude Niagara County Legislators, Department Heads and staff for their response to help with the Lockport Fire on August 10<sup>th</sup> 2016. Mayor McCaffrey Commends Niagara County Staff for its dedication to the residents of the County and Invited the County to the Steven Street Hero's on 10/10/16 at the Palace Theater to Honor all the first responders who helped with the fire.
2. Legislator David E. Godfrey and Legislator Jason Zona called Jonathan Schultz and Marc Kasprzak to the podium to discuss how the new dispatch system worked flawlessly with the amount of incoming calls dispatched received during the Stevens Street fire, not one busy line and the system was at only 44% usage between the hours of 7pm and 9pm when the amount of calls far exceeded the normal amount.
3. Legislator David Godfrey invited Sheriff Voutour and his staff to the lectern and presented a proclamation declaring September 18-24, 2016 Sheriff's Week in Niagara County
4. Legislator Kathryn L. Lance invited John Percy President and CEO of the Niagara Tourism and Convention Corporation to the lectern to give his annual report on the NTCC. Mr. Percy stated that 2015 was a record breaking year and is hearing 2016 will be even better and also stated USA Today Travel ranked Niagara Falls, NY as the #1 best kid- friendly destinations.
5. Legislator John Syracuse invited Larry Helwig and his staff to the lectern and presented a proclamation on his retirement as Niagara County's Information Technology Director.
6. William Flynn the new Information Technology Director informed the Legislature of the 16<sup>th</sup> Annual Technology & Homeland Security Forum to be held on October 27, 2016 at the Seneca Niagara Casino & Hotel

No citizen spoke at this time.

Recess.

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

Carried

**Resolution No. AD-026-16**

From: Administration Committee

Dated: September 22, 2016

**PURCHASE OF IN REM PROPERTY**

WHEREAS, on Saturday, August 13, 2016, 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. 14 Ayes, 0 Noes, 1 Absent – Andres

**NC IN REM 2014 AUCTION**

LOT#	SERIAL#	SBL#	PURCHASOR	BID PRICE
1	2014-003	92.00-1-5.111	Rodney & Frances Krisch	\$950.00
2	2014-004	92.00-1-5.112	Kevin Griffith	\$900.00
3	2014-005	92.00-1-5.123	Insherah M. Dwaik	\$1,050.00
4	2014-017	120.00-2-50.21	David J. Stickney	\$500.00
8	2014-044	74.00-1-26.21	Jeffrey Licht	\$800.00
9	2014-048	76.00-1-22	Charles Johnson Jr.	\$525.00
10	2014-063	115.07-1-25	Michael R. Draper	\$100.00
11	2014-066	116.05-1-24	Upper Mtn Fire Co.	\$100.00
12	2014-073	80.03-1-45	Carolyn M. Manning	\$850.00
13	2014-077	94.02-1-12	John A. Deck	\$21,000.00
14	2012-067	95.02-2-75	Gregory A. Cevaer	\$1,200.00
15	2014-087	123.14-1-40	Joseph Ohol	\$25.00
16	2014-096	138.13-1-9	WL Transit LLC	\$27,000.00
17	2014-102	168.00-1-20	Michael H. White	\$14,500.00
18	2014-103	168.02-1-18	Michael H. White	\$5,100.00
19	2014-109	16.00-1-10	Joanne A. Klein	\$1.00
20	2014-110	16.00-1-11	Joanne A. Klein	\$8,499.00
21	2014-111	16.09-1-35	Russell Farms, Inc.	\$26,000.00
23	2014-113	26.00-1-16.12	Christopher M Wieland	\$37,500.00



25	2014-126	40.00-1-60.122	BEI Property Mgmt Group L.	\$825.00
26	2014-127	53.00-1-75	Alexey Burdukov	\$300.00
27	2014-135	53.13-1-54	Charles Johnson Jr.	\$60,000.00
28	2013-136	130.15-2-10	Christopher D. Krajewski	\$1.00
29	2013-137	130.15-2-11	Christopher D. Krajewski	\$9,999.00
30	2014-149	130.82-2-30	Rick Sweney Sr.	\$1.00
31	2014-150	130.82-2-33	Rick Sweney Sr.	\$18,499.00
32	2011-161	130.83-1-13	Jeremy Tierney	\$500.00
33	2014-152	130.83-2-58	James W. Hexcox, Jr.	\$50.00
34	2014-153	130.84-1-41	Duane Brown	\$14,500.00
35	2014-154	130.84-1-55	Rick Sweney Sr.	\$21,000.00
37	2014-175	145.07-1-35	Gerald D. Zimmerman	\$1.00
38	2014-176	145.07-1-36	Gerald D. Zimmerman	\$40,999.00
40	2014-195	146.17-4-79	Global Holdings GTS LLC	\$100.00
41	2014-201	137.00-1-3.11	Silyeog Group LLC	\$7,000.00
42	2014-204	137.03-1-34.12	Marianne L Giancola	\$22,000.00
44	2014-214	59.07-2-30	Dream Team Construction	\$50.00
45	2012-146	33.08-1-22	Sharon L George	\$46,000.00
46	2014-227	85.20-1-44	Dominick L Ciliberto	\$17,000.00
48	2013-250	83.00-3-16.112	Craig W Smith	\$37,000.00
50	2014-235	97.03-1-27	Gordon Fizette	\$31,000.00
55	2014-259	126.00-2-21.112	Yvonne & Robert Greiner	\$101,000.00
56	2012-213	163.18-1-18	Daniel N Clark	\$10.00
57	2014-324	62.04-3-52	Eric & Alicia Hayes	\$1,600.00

\$576,035.00

**Resolution No. AD-027-16**

From: Administration Committee

Dated: September 22, 2016

**CREATE TEMPORARY PRINCIPAL INSURANCE PROGRAM ASSISTANT POSITION  
OFFICE OF RISK MANAGEMENT**

WHEREAS, the Office of Risk Management has had a recent long-term employee retire from the position of Principal Insurance Program Assistant, and

WHEREAS, a critical function of this position is to administer Open Enrollment annually in the fall for Healthcare benefits, for both active employees and retirees, and

WHEREAS, recent settlement of union contracts and changes in healthcare law resulted in plan changes and administrative complexities, and

WHEREAS, in order to provide training and oversight of this complex function, the Office of Risk Management wishes to re-hire this individual in a temporary capacity by creating a part-time position, not to exceed 40 hours per month, through the month of December 2016, now, therefore, be it

RESOLVED, that upon assessing this function of the Office and Niagara County Health Plan with the Human Resources Director and County Manager, it has been determined that this temporary position of Principal Insurance Program Assistant be granted and filled effective September 26, 2016, and be it further

RESOLVED, that this individual will be paid at the rate she retired at, \$31.96 per hour; the cost for this temporary position will be funded from the personnel line, position number 4598, within the Office of Risk Management's current budget; therefore, the County will incur no additional cost.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 – Absent - Andres

**Resolution No. AD-028-16**

From: Administration Committee

Dated: September 22, 2016

**CREATE FULL-TIME SENIOR INSURANCE PROGRAM ASSISTANT POSITION  
OFFICE OF RISK MANAGEMENT**

WHEREAS, the Office of Risk Management has had a recent senior employee retirement whose job duties are essential to the Niagara County Health Plan, and

WHEREAS, due to this retirement, distribution of some of these functions to another experienced employee is necessary, and

WHEREAS, these essential responsibilities affect the Healthcare benefits for active employees and retirees and require a high level of responsibility as well as accountability, and

WHEREAS, upon assessing these functions of the Department and Niagara County Health Plan with the County Manager, it has been determined that the position of Insurance Program Assistant should be upgraded to a Senior Insurance Program Assistant in order to continue to provide these higher level essential functions, now, therefore, be it

RESOLVED, the Civil Service examination for this position will be given promotionally on October 29, 2016; therefore, the Office of Risk Management wishes to leave the Insurance Program Assistant position vacant, funded with \$100.00, pending the results of the exam, and be it further

RESOLVED, to create a full-time Senior Insurance Program Assistant position, Job Group 9 at the pay scale of \$39,057.20 to \$45,791.20, effective November 06, 2016, and be it further

RESOLVED, that the cost for this position will be funded from the personnel line, position numbers 10737 and 4776, within the Office of Risk Management's current budget; therefore, the County will incur no additional cost.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 – Absent - Andres

**Resolution No. CS-036-16**

From: Community Services and Administration Committees

Dated: September 22, 2016

**BUDGET MODIFICATION – ACCEPT REVENUE  
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, clinic revenue has increased due to an increase in travel vaccinations provided, and



WHEREAS, the Department of Health has had an increase in need for rabies treatments, now, therefore, be it  
RESOLVED, that the following budget modification, be effectuated:

**INCREASE REVENUE:**

A.20.4189.401. 41601.02	Public Health Fees Clinic Fees	\$12,000.00
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**INCREASE APPROPRIATIONS:**

A.20.4189.401. 74550.15	Rabies Control	\$12,000.00
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Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 – Absent - Andres

**Resolution No. CS-037-16**

From: Community Services and Administration Committees

Dated: September 22, 2016

**BUDGET MODIFICATION-ACCEPT REVENUE  
EARLY INTERVENTION PROGRAM - DEPARTMENT OF HEALTH**

WHEREAS, the Early Intervention Program under the Niagara County Department of Health ensures that families of infants and toddlers with suspected or confirmed developmental delays receive services appropriate to their needs, and

WHEREAS, the Early Intervention Program has increased services and increased revenue for no cost to the County, and

WHEREAS, the Department of Health requests appropriation of funds, now, therefore, be it

RESOLVED, that the following budget modification, be effectuated:

**INCREASE REVENUE:**

A.20.4059.000. 41601.03	Public Health Fees Medicaid Fees	\$178,169
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**INCREASE APPROPRIATION:**

A.20.4059.000. 74550.09	Programs Education Handicapped Children	\$178,169
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Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 – Absent - Andres

**Resolution No. CS-038-16**

From: Community Services and Administration Committees

Dated: September 22, 2016

**BUDGET MODIFICATION – ABOLISH POSITIONS AND CREATE CO-TERMINUS POSITIONS  
RELATED TO NEW YORK CONNECTS EXPANSION AND ENHANCEMENT GRANT**

WHEREAS, the Niagara County Office for the Aging (NCOFA) provides community-based services to help older adults, people with disabilities and their caregivers throughout Niagara County, and

WHEREAS, the NCOFA receives various recurring and one-time state and federal grants each year to fund a portion of these services provided, and

WHEREAS, the NCOFA has been the recipient of the Balancing Incentive Program (BIP) New York Connects Expansion and Enhancement Grant over the past two years and has utilized this grant to significantly enhance its operations and information and referral services to older adults, people with disabilities and caregivers which was to expire at the end of the calendar year 2016, and

WHEREAS, the NCOFA has been notified that a state-wide multi-year sustainability plan has been created to carry this funding forward in the future, with a tentative allocation that includes an approximate ten percent increase in funding for the 2017-18 grant cycle, and

WHEREAS, the NCOFA has unexpended funds available for 2016 for this grant, and has three open Part-Time Aging Services Aide positions and one currently filled part-time Aging Services Aide position, and NCOFA has determined that abolishing these four positions and creating one full-time Aging Services Aide position, thereby promoting our current part-time employee, as well as two full-time Case Manager-Senior Services positions would significantly increase our capacity and ability to provide enhanced services for our clients, and

WHEREAS, due to the work that these newly created positions would be providing on behalf of this grant, position funding would allow our office to decrease our A-General Fund budget cost by over \$4000 through the end of 2016, and over \$16,000 in 2017, thereby creating an enhancement in services with lower county cost, now, therefore, be it

RESOLVED, that the department is given authorization to abolish four part-time Aging Services Aide positions and create one co-terminus full-time Aging Services Aide position, and two co-terminus Case Manager-Senior Services positions with the effectuation of the following budget modification:

**DECREASE APPROPRIATIONS:**

A.24.6772.000 71030.00	Part Time Expense	\$9,457
A.24.6772.000 78100.00	Retirement Expense	478
A.24.6772.000 78200.00	FICA Expense	394
A.24.6772.000 78300.00	Worker's Compensation Expense	26
A.24.6772.000 78700.00	NYS Disability Expense	40
CM.24.6772.603 72100.05	Machinery and Equipment Computer Equipment	30,366

**INCREASE APPROPRIATIONS:**

CM.24.6772.603 71010.00	Positions Expense	\$18,73
CM.24.6772.603 78100.00	Retirement	1,742
CM.24.6772.603 78200.00	FICA	1,432
CM.24.6772.603 78300.00	Worker's Compensation Expense	218
CM.24.6772.603 78400.01	Health Insurance	5,136
CM.24.6772.603 78400.05	Health HRA Employer Contribution	2,168
CM.24.6772.603 78700.00	NYS Disability Expense	37
CM.24.6772.603 78800.00	Flex 125 Employer Contribution Expense	895
A.24.6772.000 71010.00	Positions Expense	4,320
A.24.6772.000 72100.05	Machinery and Equipment Computer Equipment	4,628
A.24.6772.000 78400.01	Health Insurance	906
A.24.6772.000 78400.05	Health HRA Employer Contribution	383
A.24.6772.000 78800.00	Flex 125 Employer Contribution Expense	158

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 – Absent - Andres

**Resolution No. CSS-052-16**

From: Community Safety & Security and Administration Committees

Dated: September 22, 2016

**NIAGARA COUNTY SHERIFF'S OFFICE – STOP DWI GRANT**



WHEREAS, the Niagara County Sheriff's Office applied for a grant through the New York State Governor's Traffic Safety Committee, STOP DWI Foundation, and

WHEREAS, the Sheriff's Office received notification that we have been awarded \$69,901 for the period October 1, 2015 through September 30, 2016, and

WHEREAS, the Sheriff's Office has been notified of an increase in funding for this initiative, and

WHEREAS, the funds are to be used for additional DWI crackdowns during specified dates with multi-agency participation, and

WHEREAS, the Sheriff's Office will be participating with local law enforcement agencies to enforce and enhance our current efforts to arrest DWI offenders, now, therefore, be it

RESOLVED, that the following budget modification be made to the 2016 STOP DWI budget:

INCREASE REVENUE:

A.17.3315.000. 44389.09	Traffic Safety	\$14,600
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INCREASE APPROPRIATION:

A.17.3315.000. 74400.09	Payments to Other Agencies	\$14,600
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Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 – Absent - Andres

**Resolution No. CSS-053-16**

From: Community Safety & Security and Administration Committees

Dated: September 22, 2016

**NIAGARA COUNTY SHERIFF'S OFFICE – REIMBURSE OVERTIME  
FROM MENTAL HEALTH DEPARTMENT**

WHEREAS, the Niagara County Sheriff's Office received training from the Niagara County Mental Health Department in August 2016, and

WHEREAS, it is a well-known fact that jail populations have a high percentage of inmates with mental health issues, and

WHEREAS, this training, Trauma Informed Care, focused on training correctional officers to better interact with inmates who have endured mental health trauma, and

WHEREAS, the Niagara County Mental Health Department has agreed to reimburse the Sheriff's Office for the cost of this training, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE REVENUE:

A.17.3150.000.41289.08	Reimburse other Departments	\$15,680.01
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INCREASE APPROPRIATION:

A.17.3150.000.71050.00	Overtime	\$12,492.84
A.17.3150.000.78100.00	Retirement	2,169.00
A.17.3150.000.78200.00	FICA	955.70

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 – Absent - Andres

**Resolution No. CSS-054-16**

From: Community Safety & Security and Administration Committees

Dated: September 22, 2016

**ABOLISH AND CREATE POSITION  
NIAGARA COUNTY SHERIFF'S OFFICE**

WHEREAS, a Clerical III position, Job Group VI, Step 8 at \$20.40 per hour has become vacant as of August 15, 2016, and

WHEREAS, it has been determined that the Sheriff's Office would be better served with an additional Account Clerical II position, Job Group V, Step 1, at \$17.09 per hour, and

WHEREAS, this change will result in a cost savings to the County, now, therefore, be it

RESOLVED, that the vacant Clerical III position, Job Group VI, Step 8 at \$20.40 per hour be abolished effective September 24, 2016, and be it further

RESOLVED, that an Account Clerical II position, Job Group V, Step 1 at \$17.09 per hour be created and filled effective September 25, 2016, and be it further

RESOLVED, that the following line item transfer be effectuated:

**FROM:**

A.17.3110.000. 71010.00.13043

Clerical III

\$8,374

**TO:**

A.17.3110.000. 71010.00.XXXX

Account Clerical II

\$8,374

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 – Absent - Andres

**Resolution No. CSS-055-16**

From: Community Safety & Security and Administration Committees

Dated: September 22, 2016

**PUBLIC DEFENDER - PROFESSIONAL SERVICES BUDGET MODIFICATIONS**

WHEREAS, the following accounts: Services/Professional Consultants/Expert Services and Services/Professional Transcripts/Statements expenses are often variable from year to year, and

WHEREAS, funds are needed to pay for additional unanticipated incurred Services/Professional Consultants/Expert Services and Services/Professional Transcripts/ Statements expenses, and

WHEREAS, to cover these unanticipated expenses, there are funds available in a Positions Expense account due to a vacant position commencing in May of 2016, which said position remains currently vacant, as of today's date September 8, 2016, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated in the 2016 Fiscal Year:



DECREASE ESTIMATED APPROPRIATION:

A.03.1170.000. 71010.00	Positions Expense	\$10,000
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INCREASE ESTIMATED APPROPRIATIONS:

A.03.1170.000. 74650.08	Services/Professional Consultants Expert Services	\$8,000
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A.03.1170.000. 74650.12	Services/Professional Transcripts Statements	\$2,000
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Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 – Absent - Andres

**Resolution No. CSS-056-16**

From: Community Safety & Security and Administration Committees

Dated: September 22, 2016

**CONTINUATION OF  
NIAGARA UNIVERSITY AGREEMENT  
FOR BORDER COMMUNITY SERVICE (BCS) THROUGH AUGUST 31, 2017**

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

WHEREAS, Niagara County utilized the City of Buffalo Department of Police Request for Proposal for Citizen Preparedness and Education issued August 27, 2014, for the selection process, and

WHEREAS, the new contract period will commence on September 1, 2016 and applies to services rendered by the University through August 31, 2017, and

WHEREAS, the County wishes to continue with the contracted service agreement with Niagara University 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 Agreement, the County Attorney will review the Niagara University Agreement for approval as to legal form, language and compliance, now therefore, be it

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 – Absent - Andres

**Resolution No. CW-017-16**

From: Committee of the Whole

Dated: September 22, 2016

**POSITION APPOINTMENT  
COMMISSIONER OF PUBLIC WORKS/SUPERINTENDENT OF HIGHWAYS**

WHEREAS, under the Local Law establishing an Administrative Code for the County of Niagara, the County Manager shall make appointments for the position of Commissioner of Public Works/Superintendent of Highways subject to the confirmation of the County Legislature, and

WHEREAS, the Niagara County Department of Public Works is led by the Commissioner of Public Works/Superintendent of Highways and the position has been vacant as a result of a recent retirement of the former Commissioner, and

WHEREAS, the position was advertised, resumes were received, and the most qualified candidates were interviewed by the County Manager and search committee members, and

WHEREAS, as a result of the process and conducted interviews, the County Manager recommends Garret A. Meal for appointment as the Commissioner of Public Works/Superintendent of Highways subject to the confirmation of the Niagara County Legislature, and

WHEREAS, upon review, consideration and recommendation for appointment by the County Manager, it has been determined that Garret A. Meal best meets the qualifications for the position, now, therefore, be it

RESOLVED, that Garret A. Meal's appointment and continued employment shall be contingent upon satisfactory completion of a 52-week probationary period and meeting work performance standards for this position as established by the County Manager, and be it further

RESOLVED, that Garret A. Meal be appointed for a four (4) year term of office to the position of Commissioner of Public Works/Superintendent of Highways effective October 3, 2016, at a salary of \$94,799, with future increases as follows: effective January 1, 2018, \$100,684; effective January 1, 2019, \$102,697; effective January 1, 2020, \$104,751; upon expiration of the four (4) year term, Garret A. Meal will continue to serve as Commissioner of Public Works/Superintendent of Highways until a successor is duly appointed and confirmed for said office.

Moved by Nemi, seconded by Hill.

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

**Resolution No. ED-006-16**

From: Economic Development Committee

Dated: September 22, 2016

**RESOLUTION OF THE NIAGARA COUNTY LEGISLATURE, AS THE ELECTED LEGISLATIVE BODY OF NIAGARA COUNTY, NEW YORK, IN ACCORDANCE WITH SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED (THE "CODE"), APPROVING THE ISSUANCE BY THE NIAGARA AREA DEVELOPMENT CORPORATION OF UP TO \$12,000,000 TAX-EXEMPT REVENUE BONDS (DEPAUL ADULT CARE COMMUNITIES, INC. PROJECT), SERIES 2016**

WHEREAS, the Niagara County Legislature (the "Legislature"), as the elected legislative body of Niagara County, New York (the "County") has been advised by the Niagara Area Development Corporation (the "Issuer") that, in order to assist in the financing of a certain Project (as defined below) for the benefit of DePaul Adult Care Communities, Inc., a corporation organized and existing under and by virtue of the laws of the State of New York (for itself, an affiliate or an entity on its behalf) (the "Company"), the Issuer proposes to issue, contingent upon the adoption of this Resolution by the Legislature, its Tax-Exempt Revenue Bonds (DePaul Adult Care Communities, Inc. Project), Series 2016, in an aggregate principal amount not to exceed \$12,000,000 (the "Bonds"), and



WHEREAS, proceeds of the Bonds will finance a certain project (the "Project") consisting of: (A) the financing of certain improvements to be located at the Company's adult care facility at 3920 Forest Park Way, Town of Wheatfield, Niagara County, New York (the "Land"), consisting of (i) the construction of an approximately 56,000 square-foot 114-bed facility to include eighty (80) assisted living and thirty-four (34) memory care beds (the "Improvements"), and (ii) the acquisition of and installation in and around the Improvements of certain machinery, equipment and other items of tangible personal property (the "Equipment", and together with the Land and the Improvements, the "Facility"); and (B) the paying of all or a portion of the costs incidental to the issuance of the Bonds, including issuance costs of the Bonds, capitalized interest and any reserve funds as may be necessary to secure the Bonds (the costs associated with items (A) and (B) above being hereinafter collectively referred to as the "Project Costs"), and

WHEREAS, pursuant to Section 147(f) of the Code, interest on the Bonds will not be excluded from gross income for federal income tax purposes unless the issuance of the Bonds is approved by the Legislature after a public hearing to consider the issuance of the Bonds has been conducted following reasonable public notice, and

WHEREAS, on September 6, 2016 at 3:30 p.m., the Issuer held such a public hearing upon proper notice in compliance with the Code, and

WHEREAS, to aid the Legislature in its deliberations, the Issuer has made available to the members of the Legislature prior to this meeting (a) the Company's application to the Issuer for financial assistance; (b) the notice of public hearing published by the Issuer in the Niagara Gazette, along with the affidavit of publication of such newspaper; and (c) minutes of the Public Hearing, attended on behalf of the Issuer by Susan Langdon, Director of Projects and Finance for the Issuer, and

WHEREAS, the Legislature, after due consideration of the foregoing, as the "applicable elected representative" of the County, within the meaning of Section 147(f)(2)(E) of the Code, desires to approve the issuance of the Bonds, provided the principal, premium, if any, and interest on the Bonds shall be special obligations of the Issuer and shall never be a debt of the State of New York (the "State") or any political subdivision thereof, including without limitation, the County and neither the State nor any political subdivision thereof, including without limitation, the County shall be liable thereon.

NOW, THEREFORE, BE IT RESOLVED BY THE NIAGARA COUNTY LEGISLATURE:

Section 1. For the purpose of satisfying the approval requirement of Section 147(f) of the Code, on the recommendation of the Economic Development Committee and the Administration Committee, the Legislature (as the elected legislative body of Niagara County, New York) hereby gives its approval of the issuance by the Issuer of its Bonds and related acts to be taken by the Issuer as part of the Project; *provided*, that the Bonds, and the premium (if any) and interest thereon, shall be special obligations of the Issuer and shall never be a debt of the State or any political subdivision thereof, including without limitation, the County, and neither the State nor any political subdivision thereof, including without limitation, the County, shall be liable thereon. This approval is given pursuant to Section 147(f) of the Code for the sole purpose of qualifying the interest payable on the Bonds for exclusion from gross income for Federal income tax purposes pursuant to the provisions of Sections 103 and 141-150 of the Code.

Section 2. This Resolution shall be deemed to be made for the benefit of the holders of the Bonds.

Section 3. This Resolution shall take effect immediately.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 – Absent - Andres

**Resolution No. ED-007-16**



From: Economic Development Committee  
Dated: September 22, 2016

**RESOLUTION DESIGNATING THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT  
AGENCY AS ADMINISTRATOR OF FOREIGN TRADE ZONE NO. 34**

WHEREAS, the Niagara County Legislature by Resolution No.145-77 dated May 3, 1977 authorized the submission of the formal application to establish the Foreign Trade Zone No. 34 in Niagara County, and

WHEREAS, Niagara County Legislature was granted federal authorization in 1977 to establish Foreign Trade Zone No. 34 by the United States Foreign Trade Zone Board Order No. 203, and

WHEREAS, the federal government granted Niagara County "Grantee" of Foreign Trade Zone No. 34, and

WHEREAS, the "Grantee" (Niagara County) was given federal authorization in 2000 to 2001 to expand the Foreign Trade Zone by U.S. Foreign Trade Zone Board Order No. 1160, April 5, 2001, and

WHEREAS, this expansion included within Federal Trade Zone No. 34 the real property known as Vantage International Park owned by Niagara County, and

WHEREAS, the "Grantee" (Niagara County) originally named the Niagara County Industrial Development (NCIDA) "Designated Administrator" by Agreement adopted August 1, 1989, and

WHEREAS, the "Designated Administrator" (NCIDA) entered into operating agreements from 1989 through 2004, and

WHEREAS, operations within the Foreign Trade Zone ceased in 2004, and

WHEREAS, the NCIDA has been seeking an operator for the Foreign Trade Zone No. 34 since 2004, and

WHEREAS, the NCIDA has identified Borderworx Logistics, a full-service Canadian logistics company as an "Operator" for Foreign Trade Zone No. 34, now, therefore, be it

RESOLVED, that "Grantee" (Niagara County) designates the NCIDA as "Administrator" of Foreign Trade Zone No. 34 for the purposes of seeking operators for Foreign Trade Zone No. 34 and administering the same, and be it further

RESOLVED, that the "Grantee" (Niagara County) designates and further authorizes the "Administrator" (NCIDA) to designate Borderworx Logistics as an "Operator" within the Foreign Trade Zone No. 34, and be it further

RESOLVED, that the "Grantee" (Niagara County) further authorizes the "Administrator" (NCIDA) to find and designate additional zone operators within the Foreign Trade Zone No. 34, and be it further

RESOLVED, that "Grantee" (Niagara County) authorize the "Administrator" (NCIDA), and the "Operator" (Borderworx Logistics) and such other operators as "Administrator" (NCIDA) shall locate, to enter into an "Operators Agreement," which will set forth the terms and conditions in accordance to the United State Customs and Border Protection (Customs) standards, and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to execute said agreement on behalf of the County of Niagara, subject to the approval of the County Attorney.  
Moved by Bradt, seconded by Virtuoso.



Adopted. 14 Ayes, 0 Noes, 1 – Absent - Andres

**Resolution No. ED-008-16**

From: Economic Development Committee

Dated: September 22, 2016

**RESOLUTION TO SET A HEARING TO CONSIDER INCLUSION OF VIABLE AGRICULTURAL LAND INTO NIAGARA COUNTY'S AGRICULTURAL DISTRICTS**

WHEREAS, New York State Agriculture and Markets Law 25AA, Section 303-b requires a public hearing upon termination of the annual thirty (30) day period within which a land owner may submit a request for inclusion of land which is predominantly viable agricultural land within a certified agricultural district prior to the county established 8-year review period, and

WHEREAS, a notice of the public hearing shall contain a statement that one or more requests for inclusion of predominantly viable agricultural land within a certified agricultural district have been filed with the county legislative body and shall identify the land proposed to be included, now, therefore, be it

RESOLVED, that the Niagara County Legislature shall conduct a public hearing on the 18th day of October, 2016 at 6:30 p.m., for public and municipal input upon termination of the annual thirty (30) day period within which a land owner may submit a request for inclusion, and be it further,

RESOLVED, that the Clerk of the Legislature shall publish such notice in the Lockport Union Sun and Journal, and the Niagara Gazette and shall give in writing directly to those municipalities whose territory encompasses the lands which are proposed to be included in an agricultural district and to the commissioner.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 – Absent - Andres

**Resolution No. IF-088-16**

From: Infrastructure & Facilities and Administration Committees

Dated: September 22, 2016

**WEST SOMERSET ROAD SURVEY PROJECT  
CONSULTANT AMENDMENT NO. 2**

WHEREAS, Resolution No. PW-113-14, dated September 16, 2014, authorized the contract for survey work required along West Somerset Road in the towns of Newfane and Somerset to Erdman Anthony, 8608 Main Street, Buffalo, NY 14221, for a fee not to exceed \$96,900.00, and

WHEREAS, Resolution No. IF-112-15, September 15, 2015, authorized Amendment No. 1 to allow the project to proceed with design phase 1, Quaker Road to Hosmer Road, in the amount of \$381,000.00, for a revised contract amount of \$477,900.00, and

WHEREAS, it is necessary to increase the contract for wetland delineation and survey in the amount of \$29,600.00, for a revised contract amount of \$507,500.00, 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, and

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

RESOLVED, that the following budget modification be effectuated:

DECREASE ANTICIPATED REVENUE:

H603.15.5197.000 43501.00	Consolidated Highway Aid-Lockport Road Bridge over Bull Creek	\$29,600
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DECREASE EXPENSES:

H603.15.5197.000 72600.02	Infrastructure Bridges-Lockport Road Bridge over Bull Creek	\$29,600
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INCREASE ANTICIPATED REVENUE:

H613.15.5112.000 43501.00	Consolidated Highway Aid-West Somerset Road Survey Project	\$29,600
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INCREASE EXPENSES:

H613.15.5112.000 72600.01	Infrastructure Roads-West Somerset Road Survey Project	\$29,600
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and be it further

RESOLVED, that Amendment No. 2 to increase the contract by \$29,600, for a revised contract amount of \$507,500.00, to Erdman Anthony, 8608 Main Street, Buffalo, NY 14221, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 – Absent - Andres

**Resolution No. IF-089-16**

From: Infrastructure & Facilities and Administration Committees

Dated: September 22, 2016

**EXTENSION OF SNOW AND ICE AGREEMENT FOR COUNTY ROADWAYS  
2016-2019**

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

WHEREAS, Section 9 of the said agreement provides for an annual update of the estimated expenditure to be determined by the Commissioner of Public Works, subject to the provisions of Section 10 at the time for the extension of the agreement, and

WHEREAS, it would be in the best interest of Niagara County to ratify and implement the agreement for the period of October 1, 2016 through October 1, 2019, and

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 – Absent - Andres



**Resolution No. IF-090-16**

From: Infrastructure & Facilities and Administration Committees

Dated: September 22, 2016

**AWARD OF CONTRACT – UPGRADE OF FIRE/SECURITY PANELS**

WHEREAS, the Buildings and Grounds Department has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Upgrade of Fire/Security Panels project, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on June 23, 2016 as tabulated below:

		Upgrade Cost	Annual Maintenance
1.	Buffalo Security & Fire PO Box 823 Buffalo, NY 14207	\$144,200.00	\$11,370.00
2.	U&S Services 95 Stark St Tonawanda, NY 14150	\$160,786.00	\$14,200.00
3.	General Security/Sentinel Security 90 Air Park Dr, Suite 402 Rochester, NY 14624	\$930,471.00	\$146,320.00

and

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

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

RESOLVED, that the following budget modification be effectuated:

**INCREASE ESTIMATED REVENUE:**

AH 40511.00	Appropriated Capital Reserve	\$160,000
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**INCREASE APPROPRIATION:**

AH.07.9950.000. 79010.00	Transfer to Capital Projects	\$160,000
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**INCREASE ESTIMATED REVENUE:**

H636.25.1620.000. 45031.10	Transfer from Capital Reserve	\$160,000
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**INCREASE APPROPRIATION:**

H636.25.1620.000. 72200.01	Fire/Security Panel Upgrades	\$160,000
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and be it further

RESOLVED, that the contract for the Upgrade of Fire/Security Panels project be awarded to the lowest responsible bidder, Buffalo Security & Fire, PO Box 823, Buffalo, NY 14207, in the amount of \$144,200 with an annual contract price of \$11,370, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 – Absent - Andres

**Resolution No. IF-091-16**

From: Infrastructure & Facilities and Administration Committees

Dated: September 22, 2016

**PARKS DEPARTMENT BUDGET MODIFICATION FOR  
NIAGARA COUNTY SNOWMOBILE FEDERATION**

WHEREAS, Niagara County is the sponsor for the Niagara County Snowmobile Federation, and

WHEREAS, the Parks Department has budgeted \$20,000.00 for the NYS Office of Parks, Recreation & Historic Preservation Snowmobile Grant in 2016, and

WHEREAS, Niagara County has received \$24,455.00 from NYSOPHP for the 2015/2016 grant, and

WHEREAS, the Snowmobile Federation has received their 70% check (less the County's grant processing fee of \$1,200.00) in the amount of \$15,918.50, and

WHEREAS, additional funds are required to make the 30% payment in the amount of \$7,336.50, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated:

**INCREASE ESTIMATED REVENUE:**

A.25.7110.000. 43889.01	Other Culture & Recreation Snowmobile Trail Grant	\$4,455.00
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**INCREASE ESTIMATED APPROPRIATION:**

A.25.7110.000. 74500.01	Contractual Expenses/Contractual Expenses	\$4,455.00
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Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 – Absent - Andres

**Resolution No. IF-092-16**

From: Infrastructure & Facilities and Administration Committees

Dated: September 22, 2016

**BUILDINGS AND GROUNDS DEPARTMENT – GOLF COURSE BUDGET MODIFICATION**

WHEREAS, the Golf Course is an Enterprise Fund and receives no Real Property Tax Dollars to operate, and

WHEREAS, funds are needed to pay for the additional golf carts that were required during the large tournaments hosted at the Golf Course, and

WHEREAS, funds are available in several lines to help cover this expense, now, therefore, be it



RESOLVED, that the following budget modifications be effectuated:

DECREASE ESTIMATED APPROPRIATIONS:

ER.26.7140.000. 71011.13243	Positions – Seasonal	\$4,124
ER.26.7140.000. 71033.00	Job Parity	25
ER.26.7140.000. 71050.00	Overtime	1,597
ER.26.9050.000. 78600.00	Unemployment Insurance	1,750

INCREASE ESTIMATED APPROPRIATION:

ER.26.7140.000. 74200.04	Equipment Lease	\$ 7,496
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Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 – Absent - Andres

**Resolution No. IF-093-16**

From: Infrastructure & Facilities and Administration Committees

Dated: September 22, 2016

**CAPITAL PROJECT FOR KRULL PARK CULVERT REPLACEMENT AND PAVEMENT REHABILITATION PROJECT**

WHEREAS, funds are available in the 2016 Parks Department budget for the Krull Park Culvert Replacement and Pavement Rehabilitation Project, and

WHEREAS, the Niagara County Highway Department will work with the Parks Department to replace the culverts and rehab the pavement, when availability allows, and

WHEREAS, it is anticipated that the project will not be completed by the end of 2016; now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

DECREASE APPROPRIATION:

A.25.7110.000. 74800.08	Landscape Items	\$30,000
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INCREASE APPROPRIATION:

A07.9950.0000. 79010.00	Transfer to Capital	\$30,000
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INCREASE ESTIMATED REVENUE:

H635.25.7115.000. 45031.00	Interfund Transfer, From Operating	\$30,000
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INCREASE APPROPRIATION:

H635.25.7110.000. 72400.00	Land Improvements – Krull Park Culvert/Pavement Rehab	\$30,000
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Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 – Absent - Andres

**Resolution No. IF-094-16**

From: Infrastructure & Facilities and Administration Committees

Dated: September 22, 2016

**PURCHASE OF PROPERTY COMMONLY KNOWN AS OPPENHEIM ZOO**

WHEREAS, the Oppenheim Zoological Society owns property, commonly known as the Oppenheim Zoo, adjacent to Oppenheim Park, located at 2713 Niagara Falls Boulevard, Niagara Falls, NY 14304, in the Town of Wheatfield, and

WHEREAS, the Zoological Society is disbanding and the property must be continued to be used for park purposes, and

WHEREAS, the Zoological Society has passed a resolution to transfer the said property to the County for use as park and recreation property, and

WHEREAS, the Zoological Society is requesting assistance of \$5,000 necessary for the Society to pay the expenses associated with dissolving the organization, and

WHEREAS, it is the County's intent to accept this parcel of land and keep it for park and recreation purposes and avoiding the County to align the entrance of Oppenheim park with the light at Witmer Road, and developing soccer fields in the remaining area, 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 Buildings and Grounds-Parks Department is authorized to make payment in the amount of \$5,000 to the Oppenheim Zoological Society, for the property adjacent to the Oppenheim Park along Niagara Falls Boulevard, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 – Absent - Andres

**Resolution No. IF-095-16**

From: Infrastructure & Facilities Committee

Dated: September 22, 2016

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE  
ROY-HART CROSS COUNTRY TEAM**

WHEREAS, the Roy-Hart Cross Country Team has requested that the County of Niagara grant them exclusive rights to operate a cross country program in an area situated in the County owned property on Gasport Road, and

WHEREAS, this program benefits the youth and other residents of both the Towns of Royalton and Hartland in addition to Niagara County as a whole, and

WHEREAS, such program is operated on a not-for-profit basis, and

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

WHEREAS, prior to the execution of the License Agreement between the County of Niagara and the Roy-Hart Cross Country Team, the County Attorney will review said Agreement for approval as to legal form, language and compliance, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Roy-Hart Cross Country



Team, now, therefore, be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Roy-Hart Cross Country Team, as appears on the proposed agreement, is hereby approved in all respects, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 – Absent - Andres

**Resolution No. IF-096-16**

From: Infrastructure & Facilities Committee

Dated: September 22, 2016

**NIAGARA COUNTY REFUSE DISPOSAL DISTRICT CONSTRUCTION AND DEMOLITION  
DEBRIS LANDFILL CLOSURE STATE ASSISTANCE  
APPLICATION RESOLUTION**

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

WHEREAS, NCRDD has ceased operation of the facility effective July 3, 2013 and plans to initiate the construction of a Final Closure Cap in 2016, and

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

WHEREAS, NCRDD C&D Landfill is not a Class 1 or 2 on the State Registry of Inactive Hazardous Waste Sites, and

WHEREAS, the C&D Landfill will not be used as a landfill in the future, and

WHEREAS, NCRDD will perform Post-Closure monitoring and maintenance in accordance to 6 N.Y.C.R.R. Part 360 Regulations, and

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

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

RESOLVED, that the Chairman of the Niagara County Refuse Disposal District is directed and authorized as the official who signs the application.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 – Absent - Andres

**Resolution No. IF-097-16**

From: Infrastructure & Facilities and Administration Committees

Dated: September 22, 2016

**TIME EXTENSION FOR THE NIAGARA COUNTY REFUSE DISPOSAL  
DISTRICT LANDFILL NO. 2 LEACHATE COLLECTION SYSTEM UPGRADES  
PROJECT CHANGE ORDER NO. 1**

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

WHEREAS, due to factors outside of the contractor's and county's control it is necessary to extend the contract date to October 31, 2016, now, therefore, be it

RESOLVED, that the time of completion date be extended to October 31, 2016, at no additional cost to the county, and be it further

RESOLVED, that the Chairman of the Legislature is hereby authorized to execute the required documents, subject to the review of the County Manager and approval of the County Attorney.

Moved by Bradt, seconded by Virtuoso.

Adopted. 14 Ayes, 0 Noes, 1 – Absent - Andres

**Resolution No. IL-060-16**

From: Legislator Jason Zona and Economic Development Committee

Dated: September 22, 2016

**RESOLUTION IN SUPPORT OF THE TOWN OF NIAGARA BEAUTIFICATION COMMITTEE  
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Town of Niagara Beautification Committee works to enhance the beauty of the Business District in the Town of Niagara, and

WHEREAS, each year, tens of thousands of visitors, as well as Niagara County residents utilize the Military Road retail business corridor for holiday shopping, and

WHEREAS, these shoppers generate revenue for local businesses as well as large amounts of sales tax receipts for the county, and

WHEREAS, the Town of Niagara Beautification Committee strives to make a pleasant, welcoming experience for all residents and visitors alike to the Town of Niagara and Niagara County, especially during the all-important holiday shopping season, and

WHEREAS, this year, the Town of Niagara Beautification Committee, in conjunction with the Town of Niagara Business Association, will be doing a snowman theme through the winters of Niagara on Military Road for the holiday season, and

WHEREAS, the beautification committee is looking for assistance in purchasing a fifteen foot ceramic snowman with lighting to anchor the snowman theme for Military Road, with local businesses matching with purchases of smaller snowman decorations, now, therefore, be it



RESOLVED, that the Niagara County Legislature wishes to support the Town of Niagara Beautification Committee mission to beautify and enhance the business district in Niagara County through the use of casino revenues, and be it further

RESOLVED, that the sum of \$5,000 be allotted to The Town of Niagara Beautification Committee for the purchase of a 15 foot iridescent snowman to anchor the snowman theme for Military Road, and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

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

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$5,000
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Moved by Zona, seconded by Bradt.

Adopted. 14 Ayes, 0 Noes, 1 – Absent - Andres

**Resolution No. IL-061-16**

From: Legislator Clyde L. Burmaster and Economic Development Committee

Dated: September 22, 2016

**RESOLUTION IN SUPPORT OF SECURITY OF VETERANS MEMORIAL MONUMENT  
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, there are many ways in which to remember those who have served our county in the armed services, and

WHEREAS, the Village of Youngstown, some years ago, erected a monument honoring those who have served by placing their names within a glass enclosure to be remembered forever, and

WHEREAS, through the terrible acts by some vandals, the monument was seriously damaged causing extensive repairs, now, therefore, be it

RESOLVED, that a sum of \$1,200.00 be allocated to the Village for installation of Security Cameras to protect against further desecration from, the use of Casino Funds.

The Village of Youngstown	\$1,200.00
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and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01	Appropriated Fund Balance - Committed Funds	\$1,200.00
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INCREASE APPROPRIATION:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$1,200.00
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Moved by Burmaster, seconded by Wydysh.

Adopted. 14 Ayes, 0 Noes, 1 – Absent - Andres

**Resolution No. IL-060-16**

From: Legislator Jason Zona and Economic Development Committee

Dated: September 22, 2016

**SUPPORT FOR NIMAC THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Niagara Military Affairs Council (NIMAC) has worked diligently over the past 20 years to retain the Niagara Falls Air Reserve Station which is Niagara County largest employer and has the largest weekly payroll, and

WHEREAS, the Niagara County Legislature realizes the economic and strategic importance of the Niagara Falls Air Reserve Station and supports the effort of retention by an annual contribution to NIMAC, now, therefore, be it

RESOLVED, that the following initiatives be funded with Niagara County Casino Funds:

NIMAC Retention of Niagara Falls Air Reserve Station \$12,000.00

and be it further

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

**INCREASE APPROPRIATED FUND BALANCE:**

A.28.8020.812 40599.01 Appropriated Fund Balance - Committed Funds	\$12,000.00
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**INCREASE APPROPRIATIONS:**

A.28.8020.812 74400.15 Seneca Niagara Community Development Funds	\$12,000.00
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Referred to Economic Development

**Resolution No. IL-064-16**

From: Legislator Randy R. Bradt and Economic Development Committee

Dated: September 22, 2016

**RESOLUTION IN SUPPORT OF FUNDING NORTH TONAWANDA FIRE DEPARTMENT  
ACQUISITION OF HANDHELD CARBON MONOXIDE METERS FOR USE IN INSPECTIONS OF  
STRUCTURES INCLUDING NEW HOMES AND BUSINESSES**

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, in 2010, U.S. fire departments responded to an estimated 80,100 non-fire CO incidents in which carbon monoxide was found, or an average of nine such calls per hour, while the number of incidents increased 96% from 40,900 incidents reported in 2003, and



WHEREAS, Niagara County deems occupancy of new and existing structures for both residential and business purposes key to ensuring a livable community with a high quality of life, and

WHEREAS, in light of the above-state statistics, as well as both the existence of older housing stock and business facades, as well as new construction to include new gas-line and furnace installations, North Tonawanda Fire Department Chief Joseph Sikora has deemed the acquisition of handheld carbon monoxide meters critical to the NTFD providing key support to inspection of units being deemed fit for occupancy, and

WHEREAS, the acquisition of said equipment will bolster the safety of North Tonawanda's firefighters as well as the public they serve while optimizing Department efforts to declare units safe for occupancy, now, therefore, be it

RESOLVED, that Niagara County deems inspecting structures for carbon monoxide a vital mission being performed by the NTFD, and urges Chief Sikora to expand such operations, and be it further

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

NTFD Carbon Monoxide Meter Acquisition	\$1,580.00
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and be it further

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

INCREASE REVENUE:

A.28.8020.812 40599.01	Appropriated Fund Balance – Committed Funds	\$1,580.00
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INCREASE APPROPRIATION:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$1,580.00
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Moved by Bradt, seconded by Wydysh.

Adopted. 14 Ayes, 0 Noes, 1 – Absent - Andres

**Resolution No. IL-065-16**

From: Legislator John Syracuse

Dated: September 22, 2016

**RESOLUTION IN SUPPORT OF THE NEWFANE HISTORICAL SOCIETY  
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Town of Newfane Historical Society is a non-profit organization, which was formed in 1975 and is tasked with preserving the past for future generation to enjoy, and

WHEREAS, the Town of Newfane Historical Society collects, preserves and interprets the history of the Newfane and Olcott communities and shares this heritage through education, exhibits and special events, and

WHEREAS, the Town of Newfane Historical Society maintains two historical locations: the Van Horn Mansion and Country Village, and has an extensive collection of archives and artifacts at both locations, and

WHEREAS, the Town of Newfane Historical Society offers weekly tours through the Van Horn Mansion and hosts the Apple Blossom and Harvest Festivals every Spring and Fall, and

WHEREAS, through these events the Historical Society creates a positive economic impact on area businesses through increased foot traffic in the Newfane and Olcott area, now, therefore, be it

RESOLVED, that Niagara County supports the economic initiatives of the Town of Newfane Historical Society as follows:

Town of Newfane Historical Society –	Advertising	\$1000.00
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and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

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

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

**Resolution No. IL-066-16**

From: Legislator Anthony J. Nemi and Administration Committee

Dated: September 22, 2016

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

WHEREAS, Legislator Anthony Nemi and the Administration Committee recommend the adoption of the following Local Law:

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

WHEREAS, a public hearing was held on the 22 day of September, 2016 at 6:45 p.m. in the Legislative Chambers, Courthouse, Lockport, New York, on said Local Law, and

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

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

RESOLVED, that a Local Law of the County of Niagara, New York amending Local Law No. 3 for the year 2006 establishing Real Property Tax Exemption for Persons with Disabilities and Limited Incomes in accordance with Section 459-c of the New York State Real Property Tax Law be enacted by the County Legislature of the County of Niagara, New York, as follows:

1. Real property owned by one or more persons with disabilities, or real property owned by a husband, wife or both, or by siblings, at least one of whom has a disability, and whose income, as hereafter defined, is limited



by reason of such disability, shall be exempt from taxation for County purposes to the extent as provided in the following schedule:

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

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

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

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

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

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

4. No exemption shall be granted:

a. if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of twenty-five thousand and nine hundred dollars (\$25,900). Income tax year shall mean the twelve month period for which the owner or owners filed a federal income tax return, or if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum, except where the husband or wife, or ex-husband or ex-wife is absent from the property due to divorce, legal separation or abandonment, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts,



inheritances or monies earned through employment in the federal foster grandparent program and any such income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance. (In computing net rental income and net income from self-employment no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income);

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

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

of this section only to the extent that it exceeds the amount paid by such person or spouse or sibling of such person for care in the facility.

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

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

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

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

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

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

Moved by Nemi, seconded by Bradt.

Adopted. 14 Ayes, 0 Noes, 1 – Absent - Andres



**Resolution No. IL-067-16**

From: Legislator Anthony J. Nemi and Administration Committee

Dated: September 22, 2016

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

WHEREAS, Legislator Anthony Nemi and the Administration Committee recommend the adoption of the following Local Law:

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

WHEREAS, a public hearing was held on the 22 day of September, 2016 at 6:30 p.m. in the Legislative Chambers, Courthouse, Lockport, New York, on said Local Law, and

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

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

RESOLVED, that a Local Law of the County of Niagara, New York amending Local Law No. 7 for the year 2006 applicable to the real property tax exemption for persons sixty-five years of age or over be enacted by the County Legislature of the County of Niagara, as follows:

1. Local Law No. 7 for the year 2006, and the same hereby is, amended so as to increase the income levels for the real property tax exemption for persons sixty-five years of age or older from a base of \$18,025 - \$25,524.99 to \$21,000.00 - \$28,499.99:

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

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

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

3. This Local Law shall become effective January 1, 2017 and this schedule shall be employed by all Niagara County assessing units in the preparation of any assessment roll prepared subsequent to such date.  
Moved by Nemi, seconded by Lance .  
Adopted. 14 Ayes, 0 Noes, 1 – Absent - Andres

**Resolution No. IL-068-16**

From: Legislators Dennis F. Virtuoso and Randy R. Bradt

Dated: September 22, 2016

**RESOLUTION IN SUPPORT OF THE NIAGARA COUNTY EVENT CENTER LLC IN ITS GRANT APPLICATION FOR NYPA POWER PROCEEDS FUNDING FOR A FEASIBILITY STUDY OF A MULTI-USE EVENT CENTER IN DOWNTOWN NIAGARA FALLS**

WHEREAS, in 2002, the former City of Niagara Falls Convention Center was transferred by New York State to the Seneca Gaming Corporation to be the sight of the new Seneca Niagara Casino, and

WHEREAS, by closing the Niagara Falls Convention Center, New York State left Niagara Falls and Niagara County without a large enough multi-use venue to host conventions, or sports and entertainment events, which has led to a large reduction in year round activities and hotel room occupancy in Niagara County, and

WHEREAS, the Niagara County Event Center, LLC has submitted an application to the New York Power Authority Power Proceeds Allocation Board for a grant to fund a feasibility study on the need to build a multi-use event center in downtown Niagara Falls, NY, and

WHEREAS, the Honorable Governor Andrew Cuomo, while speaking at the groundbreaking of the Hamister Hotel Project on Old Falls Street in Niagara Falls stated with several new hotels now either completed or under way, the state will look to address what he described as the city's need for more world class recreation and entertainment opportunities, with the next challenge "to fill these hotel rooms" (Niagara Gazette July 13, 2016), and

WHEREAS, the Niagara County Legislature is on record with IL-040-14 in support of an arena project in Niagara Falls, NY as a way to spur year round economic activity in downtown Niagara Falls, NY, now, therefore, be it

RESOLVED, that the Niagara County Legislature endorses the grant application to the NYPA Power Proceeds Board by the Niagara County Event Center, LLC for funding of a feasibility study on the need to build a multi-use event center in downtown Niagara Falls, NY, urges quick passage of the application by the Power Proceeds Allocation Board, and supports all efforts to make Niagara Falls, NY a year round destination for visitors, and, be it further

RESOLVED, that the Clerk of the legislature forward copies of this resolution to the Honorable Governor Andrew M. Cuomo, Howard Zemsky, President Empire State Development Corporation, Angela Rossi, Empire State Development, as well as members of the New York Power Authority Power Proceeds Allocation Board.  
Moved by Virtuoso, seconded by Bradt, to implement the portion of Rule 15 that pertains to voting on a resolution as opposed to referring it to committee.

Carried.

Moved by Virtuoso, seconded by Bradt.

Adopted. 14 Ayes, 1 Noes, 1 Absent – Andres

**Resolution No. CW-017-16 was read at this time. (Appears in numerical order)**



**APPOINTMENTS:**

	<u>Appt.</u>	<u>Expires</u>
<u>WORKFORCE DEVELOPMENT BOARD</u>		
Michael Carney 407 Bennett St., North Tonawanda, NY 14120	09/22/16	
Joseph Steinmetz Orleans Niagara Boces 4124 Saunders Settlement Rd. Sanborn, NY 14132	09/22/16	
<u>OFFICE FOR THE AGING ADVISORY COMMITTEE</u>		
Phil Lange 111 Autumnvale Dr., Lockport, NY 14094 Moved by Syracuse, seconded by Zona. Adopted. 14 Ayes, 0 Noes, 1 Absent – Andres	09/22/16	12/31/18

Moved by Nemi, seconded by Wydysh that the Board adjourn.

The Chairman declared the Board adjourned at 9:20 p.m., subject to the call of the Clerk.

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

  
Mary Jo Tamburlin, Clerk