

AGENDA NIAGARA COUNTY LEGISLATURE March 17, 2015 – 7:00 P.M.

Resolutions not on previous agenda:

- IL-038-15 Legislators John Syracuse, Richard Updegrove, Wm. Keith McNall, Anthony J. Nemi, Michael A. Hill, et al. re Opposing Executive Action to Ban Widely-Used Common .223/5.56 Rifle Ammunition Designated M855/SS109 by the U.S. Department of Justice & Bureau of Alcohol, Tobacco & Firearms & Condemning All Backdoor Gun Control Via Executive Actions Approval
- **PW-046-15** Public Works, re Award of Contract Braley-Ransomville Intersection Site Distance Improvement Approved

Regular Meeting - March 17, 2015

- *AD-005-15 Administration, re Approval of Voting Machine Agreement between the County of Niagara & the Niagara Falls City School District (§3-224, New York State Election Law) Board of Elections
- *CSS-016-15 Community Safety & Security & Administration, re District Attorney Crimes Against Revenue Program Grant Acceptance District Attorney
- *CSS-017-15 Community Safety & Security & Administration, re Budget Modification Re-Appropriate Operation Stonegarden Grant Sheriff
- *CSS-018-15 Community Safety & Security & Administration, re Budget Modification NYS Canal Corporation Marine Patrol Program Sheriff
- CW-003-15 Committee of the Whole, re Abolish/Create Position in Public Works and Information Technology
- *ED-003-15 Economic Development, re Opposing Part W of Governor's Proposed 2015 Budget
- IL-020-15 Legislators William L. Ross, Jason A. Zona & Economic Development, re Support for NIMAC Through the Use of Casino Funding
- IL-021-15 Legislator William L. Ross & Economic Development, re Support for Funding for the Niagara County Builders Association Through the Use of Casino Funding

IL-035-15	Legislators Richard L. Andres, Randy R. Bradt, Kathryn L. Lance & Economic Development, re In Support of Funding the North Tonawanda History Museum Through the Use of Casino Funds
IL-039-15	Legislators Richard L. Andres, Randy R. Bradt & Kathryn L. Lance, re In Support of North Tonawanda Football Hall of Fame Through the Use of Casino Funding
IL-040-15	Legislator Randy R. Bradt, re Resolution to Analyze the Capability of Niagara County Printing Election Ballots In-House
IL-041-15	Legislator Randy R. Bradt, re Resolution to Analyze Polling Places throughout Niagara County
IL-042-15	Legislators Kathryn L. Lance & Clyde L. Burmaster, re In Support of Granting a License to Grow Medical Marihuana to Herbal Agriculture, LLC of Lewiston, New York
IL-043-15	Legislator William L. Ross, re In Support of Artpark Family and Children's Programming Through the Use of Casino Funding
IL-044-15	Legislator William L. Ross, re In Support of the Peach Festival Through the Use of Casino Funding
IL-045-15	Legislators Dennis F. Virtuoso, Jason A. Zona, Mark J. Grozio & Owen T. Steed, re Resolution Amending Resolution B-03-14
IL-046-15	Legislators Dennis F. Virtuoso & Mark J. Grozio, re Censure and Admonishment of Legislator Richard E. Updegrove for his Breach of Fiduciary Duty and Misrepresentation of State Law
IL-047-15	Legislator William L. Ross, re In Support of the Historic Lewiston Jazz Festival Through the Use of Casino Funding
IL-048-15	Legislator William L. Ross, re In Support of Niagara River Region Chamber of Commerce Mission of Marketing Businesses in the Lewiston Porter Area Through the Use of Casino Funding
IL-049-15	Legislators Richard L. Andres, Kathryn L. Lance, Anthony J. Nemi, John Syracuse, et al. & Parks Recreation, & Tourism Ad Hoc Committee, re Support for the Town of Newfane Ye Olde Log Cabin

Mary Jo Tamburlin, Clerk Niagara County Legislature

* Indicates Preferred Agenda items

Attachments for resolutions may be obtained in the office of the Clerk of the Legislature upon request.

The next meeting of the Legislature will be held on April 21, 2015.

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATI	VE ACTION	
O. ATTORNEY	CO. MANAGER	AD = 3/9/15	Approved: Ay	yesAbs,_	Noes
(X)/(Y)	110		Rejected: Ay	es Abs.	Noes
1)11/10	4		Referred:		
5/18/18 COU	NTY OF NIAGARA A	TING MACHINE AGREEM ND THE NIAGARA FALLS EW YORK STATE ELECT	CITY SCHO		Т

WHEREAS, the Niagara Falls City School District will be conducting an election on May 19, 2015 and requires the use of the Niagara County Board of Elections voting equipment in connection with this election, and

WHEREAS, the Niagara County Attorney's Office has prepared a formal agreement for use between the County of Niagara and the Niagara Falls City School District, which has been fully approved by the School District, a copy of which has been filed with the Clerk of the Legislature, and

WHEREAS, time is of the essence in connection with the approvals by the Niagara County Legislature, and

WHEREAS, under the terms of the agreement the County will provide, and be reimbursed for transportation of the voting machine preparation, programming, and packaging of the voting machine and all necessary Niagara County personnel; the District, among other things, shall furnish at its expense, election custodians and inspectors and also insurance in form, content and amounts as approved by the Niagara County Attorney, and

WHEREAS, the final written agreement between the parties is subject to the review and approval by the parties' respective legal counsel, now, therefore, be it

RESOLVED, that pursuant to the provisions of §3-224 of New York State Election Law, the Chairman of the Niagara County Legislature and the Niagara County Election Commissioners are authorized and directed to execute and deliver an agreement, in substantially the form of agreement now filed with the Clerk of the Legislature between and among the County of Niagara, the Niagara County Election Commissioners and the Niagara Falls City School District for the provision, by the County of Niagara, of sufficient voting equipment, including the programming thereof, to the Niagara Falls City School District in connection with an election scheduled to be held the 19th day of May 2015, and be it further

RESOLVED, that the execution and delivery of this equipment, is subject to the approval of the Board of the Niagara Falls City School District and the review and approval of the Niagara County Attorney's Office and counsel to the Niagara Falls City School District, and be it further

RESOLVED, that a true copy of the fully signed and approved agreement be filed by the Clerk of this Legislature simultaneously with the delivery of the or as soon as reasonably possible thereafter.

ADMINISTRATION COMMITTEE

O. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION CSS - 3/9/15	LEGISLATIVE AC Approved: Ayes	TION _ Abs Noes
Schade III. Cansel		AD - 3/9/15	Rejected: Ayes Referred:	AbsNoes_
DISTRICT A	TTORNEY CRIME	S AGAINST REVENUE PF	ROGRAM GRANT	ACCEPTANCE
New York State D prosecution of crime	ivision of Criminal J	District Attorney's Office app ustice Services for the Crim of New York State which incl	nes Against Revenue	Program to enhance
WHEREAS December 31, 2015		arded in the amount of \$50,00	0.00 for the period Jan	nuary 1, 2015 through
The second secon	The state of the s	opropriation figures for said pudget for the 2015 budget year		ed and are contained
		tinue to fund one full time As nge benefits which shall rem		
RESOLVED	, that the County of N	liagara does hereby accept thi	is grant award, and be	it further
	, following the Countried to sign the grant	y Attorney's review, the Chair award documents.	rman of the Niagara Co	ounty Legislature be,
	ETY & SECURITY			
COMMUNITY SAF	DIT CODCOLUIT		¥.	*
COMMUNITY SAF				

PPROVED REVIEWED		GISLATIVE		
O. ATTORNEY CO. MANAGER		proved: Ayes_	Abs	Noes
Usus Dalphader	The state of the s	ected: Ayes_ erred:	Abs	Noes
	IERIFF'S OFFICE – BUDGE TE OPERATION STONEGA		ATION	
WHEREAS, the Niagara County S the Department of Homeland Security and				1,220 fron
WHEREAS, this grant has not been	fully expended and was not inc	luded in the 2	015 county b	udget, and
WHEREAS, the DHSES has agree be it	d to extend the contract through	December 31	, 2015, now,	therefore
RESOLVED, that the following bud	lget modification be made:			
INCREASE REVENUE:				
A.17.3110.000.44305.02	Homeland Security		\$26,428.00	1940
INCREASE APPROPRIATION:				
A.17.3110.000.72100.21	Law Enforcement Equi	pment	\$26,428.00	
	9			
COMMUNITY SECURITY & SAFETY				
COMMITTEE				

FROM: Communit	y Safety & Secu	rity DATE: 03/17	/15 RESOL	UTION#_C	SS-018-15
and Admi	nistration Comm	ittees			
APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE A	ACTION	
CO. ATTORNEY	CO. MANAGER	CSS - 3/9/15	Approved: Ayes	Abs.	Noes
V A 140 AL		AD - 3/9/15	Rejected: Ayes	Abs.	Noes
Villering D. Ollyander	And the second of the second o		Referred:		
V 1	RUNCETM	IODIFICATION - SHERII	EF'S OFFICE		
		RPORATION MARINE PA		M	
WHEREAS	S, the Niagara County	Sheriff's Office was awarde	d a grant from the	New York	State Canal
Corporation in the	amount of \$40,000 for	the period April 1, 2015 thro	ough March 30, 20	16, and	
WHIEDEAS	thin meant will be u	sed to patrol the canal to he	In facilitate new s	and evisting	local canal
public safety patro		sed to patrol the canal to he	ip facilitate new a	mu existing	iocai cuita
A CONTRACTOR OF THE PARTY OF TH	enga 🐙 🕷 Webbaren i		- 1		2.2
	S, the Sheriff's Office s grant, now, therefore	e will provide additional parts, be it	atrols on an overt	ime basis t	o meet the
RESOLVE	D, that the following b	udget modification be made:			
INCREASE	E APPROPRIATIONS	ı			
A.17.3110.0	000.71050.00	Overtime		\$24,000	
	000.74750.21	Gas/Oil		6,196	
	000.78100.00	Retirement		5,439	
The second secon	000.78200.00	FICA		1,836	Te.
	000.78300.00	Workers Compens	sation	648	
INCREASE	REVENUE:	ž.			
A.17.3110.0	000.43315	Marine Patrol		\$40,000	
COMMUNITY SA	FETY & SECURITY	A CONTRACTOR OF THE CONTRACTOR			
COMMITTEE					
and the second second second second	Alexandra Transaction of the Assertation of	Action to the second			
ADMINISTRATIO	N COMMITTEE				

FROM: Committe	e of the Whole	DATE: 03/17	7/15 RESOLUTIO	ON# CW-003-15
APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION _CW = 3/17/15		ON Abs. Noes Abs. Noes
3/12/18 POLISHO	CREATE POSITION	IN PUBLIC WORKS AND	INFORMATION TE	CHNOLOGY
	AS, the Senior Safety a cant on January 31, 20	and Security Coordinator (Po 15, and	osition #280) in the Dej	partment of Public
		r, Commissioner of Public W collaborated to study the dutic		
WHEREA developed, and	S, a capital project to	update security cameras and	l card access in county	buildings is being
	S, previous duties of Emergency Manageme	scheduling and responding nt Office, and	to fire and emergency	alarms have been
WHEREA and Grounds Depa		s of creating keys and installi	ing equipment will rema	ain in the Building
be abolished and	a Deputy Director cre	ned that the position of Senic ated in order to provide ess y and alarm systems, and		
reliance on Count	y computer network s	ined that technological adva ystems requires that the pos ogy Department, now, therefore	sition be moved from t	
	D, that effective March the Department of Pub	a 29, 2015, the Senior Safety lic Works, and	and Security Coordinate	or (Position #280)
		th 29, 2015, the position of year, be created and filled in		
RESOLVE	D, that the following b	udget modifications be effect	uated:	
INCREASE	E APPROPRIATIONS:			
A.16.1680.0 A.16.1680.0 A.16.1680.0 A.16.1680.0	000 71010.00 xxx 000 78100.00 000 78200.00 000 78300.00 000 78400.01 000 78400.05	Position Retirement FICA Worker's Comp Health Ins, HRA	\$36,696 3,230 2,808 991 9,800 850	

A.16.1680.000 78800.00		Flex	350
DECREASE APPROPRIA	ATIONS:		
A.15.1620.000 71010.00	280	Position	\$36,696
A.15.1620,000 78100,00		Retirement	4,430
A,15,1620,000 78200,00		FICA	2,808
A.15.1620.000 78300.00		Worker's Comp	991
A.15.1620.000 78400.01		Health Ins.	9,800

COMMITTEE OF THE WHOLE

DATE: 03/17/15

MOM	, bovouopmone oo	DATE, VOT	KESOEU	110N # EI	<u>)-003-1</u>
APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION . ED - 3/11/15	LEGISLATIVE A	CTION Abs.	Noes
The De	77 7		Rejected: Ayes Referred:	Abs.	Noes_

RESOLUTION OPPOSING PART W OF GOVERNOR'S PROPOSED 2015 BUDGET

WHEREAS, Governor Cuomo has submitted a budget for New York State for 2015 for the Legislature's consideration, and

WHEREAS, Part W of the proposed budget severely restricts the ability of Industrial Development Agencies to respond to the needs of businesses by removing home rule decisions and placing certain incentive decisions with the Regional Economic Development Council and Empire State Development, and

WHEREAS, Part W of the proposed budget would require that Niagara County obtain Albany's approval to grant sales tax breaks and mortgage recording tax breaks; Empire State Development Corporation and New York State Office of Taxation and Finance would have to sign off and assuming that they would both agree to do that, it could add month(s) to the approval process for a project, and

WHEREAS, this proposal inserts the ABO into the IDA statute and imposes unique enforcement powers on one class of public authorities,

WHEREAS, Part W of this budget also grants the Authorities Budget Office greater power over local Industrial Development Agencies; inhibits the County's ability to build industry clusters, and significantly slows Industrial Development Agencies' ability to respond to "at the speed of business," now, therefore, be it

RESOLVED, that following the Niagara County Attorney's review, the Chairman of the Niagara County Legislature, be and hereby is authorized to execute and deliver the letter in opposition to Part W of the proposed 2015 New York State Budget, and be it further

RESOLVED, that a copy of this Resolution along with the letter in opposition to Part W of the proposed 2015 New York State Budget, be forwarded to: Governor Andrew Cuomo; Senate Majority Leader Dean Skelos; Assembly Speaker Carl Heastie; Assembly Minority Leader Brian Kolb; Senator Robert Ortt; Senator Marc Panepinto; Assembly Member John Ceretto, 145th District; Assembly Member Jane Corwin, 144th District; Assembly Member Raymond Walter, 146th District; Senator Richard Funke; Senator Michael Nozzolio; NYS Finance Department; President Howard Zemsky, Empire State Development Corporation; Executive Director Brian McMahon, NYS Economic Development Council; Henry M. Sloma, Chairman of the Board, NCIDA; and NCIDA Board Members.

FROM: Economic Development Committee

FROM: Legislators William	m L. Ross DATE	1 03/17/15	RESOLUTION	# IL-020-15
Jason A. Zona and		A STATE OF THE STA		
Economic Developme			Constitution of the constitution	*
APPROVED REVIEWED	The state of the s		ATIVE ACTION	
CO. ATTORNEY CO. MANAC	GER _ ED _ 3/11/		: Ayes Abs	
37.2	d with the same of	Referred:		8. 140¢8
and the state of t	**************************************	Referren	301.2 12 13 13 13 13 13 13 13 13 13 13 13 13 13	
SUPPORT FOR	R NIMAC THROUGH TH	E USE OF CASH	NO FUNDING	
WHEREAS, the Niagara years to retain the Niagara Falls a largest weekly payroll, and	Military Affairs Council (Air Reserve Station which			
WHEREAS, the Niagara Niagara Falls Air Reserve Station now, therefore, be it				
RESOLVED, that the follo	wing initiatives be funded	with Niagara Coun	y Casino Funds	*
NIMAC Retention of	f Niagara Falls Air Reserve	Station \$10,0	00.00	
and be it further				
RESOLVED, that the follo Development 2015 budget:	owing budget modification	be effectuated to	the Niagara Co	ounty Economic
INCREASE APPROPRIAT	TED FUND BALANCE:			
A.28.8020.812 40599.01	Appropriated Fund Bala	nce - Committed Fr	ands \$10,00	0.00
INCREASE APPROPRIAT	TONS:			
A.28.8020.812 74400,15	Seneca Niagara Commun	nity Development I	Fund \$10,00	0.00
LEGISLATOR WILLIAM L. ROS	S		*	
LEGISLATOR JASON ZONA				
ECONOMIC DEVELOPMENT CO	NAMETTEE		* *	

FROM: Legi	slator William	L. Ross an	dDATE: _03/17	7/15 1	RESOLUT	TION#_I	L-021-15
APPROVED CO. ATTORNI	nomic Developme REVIEWED X CO. MANAG	COM	MITTEE ACTION - 3/11/15	LEGISLA Approved: Rejected: Referred:	Ayes	TION Abs. Abs.	NoesNoes
SM	PORTFOR FUNDIN		NIAGARA COUN USE OF CASINO			SOCIATI	ON
	EREAS, the Niagara C of residential and com			conomic en	gine in N	iagara Co	unty in the
in the county	EREAS, the Niagara C , and	ounty Legislatu	re realizes the econ	omic impo	rtance of t	the building	ng industry
	EREAS, the Niagara (lers' new homes which				nual Hor	ne Show	to display
RESO and be it furt	OLVED, Niagara Cou her	nty Casino Fun	ds be used to help s	sponsor the	publicity	of the Ho	ome Show,
RESC	DLVED, that the follow	ving initiatives	be funded with Niag	ara County	Seneca C	asino Fun	ds:
Niaga	nra County Builders As	sociation	Annual Home Sho	W	\$2,000.00	l.	
and be it furt	her						15
	DLVED, that the follo 2015 budget:	wing budget m	odification be effec	tuated to th	ne Niagara	a County	Economic
INCR	EASE APPROPRIAT	ED FUND BAI	ANCE:				
A.28.	8020.812 40599.01	Appropriated	Fund Balance - Con	nmitted Fun	nds \$2	,000.00	
INCR	EASE APPROPRIAT	ONS:					4
A.28.8	8020.812 74400.15	Seneca Niagar	a Community Deve	lopment Fu	nd \$2	,000,00	
LEGISLATO	R WILLIAM L. ROSS		-	\$ \$			
FCONOMIC	DEVELOPMENT CO	MMITTEE					

FROM: Legislato	ors Richard L.	Andres, DA	TE: 03/17/1	5 1	RESOLU	rion# I	L-035-15
Randy R.	Bradt, Kathryn	L. Lance an					
Economic APPROVED	Development Co REVIEWED	COMMITTEE	ACTION I	EGISLA	TIVEAC	TION	
CO. ATTORNEY,	CO. MANAGER	ED - 3/1		pproved:		Abs	Noes
allicano Marsida	Sanana and an analysis and an a			ejected: eferred:	Ayes	Abs	Noes
RESOLUTIO	ON IN SUPPORT OF THROU	FUNDING THE GH THE USE OI				ORY MU	SEUM
WHEREAS York State statue, a	, Niagara County is in	n receipt of funds	generated from	the Sen	eca Niaga	ıra Casino	as per New
	, the North Tonawand ng to the history of Nor				The state of the s	rve, protec	t and exhibit
The state of the s	, the North Tonawand center for the county, a	CALIFORNIA OF THE STATE OF THE	m is at the Ga	teway of	Niagara	County a	nd is also a
	, the North Tonawand ing a positive impact of						Tonawanda
	the North Tonawanda less collections inside						
RESOLVED	, that Niagara County	supports the North	Tonawanda Hi	istory Mı	iseum as	follows:	
North	n Tonawanda History I	Museum	\$2,000	0.00		4)	
and be it further		8 8					
RESOLVED Development 2015 b	, that the following udget:	budget modificati	on be effectua	ited to t	he Niaga	ra County	Economic
INCREASE.	APPROPRIATED FU	ND BALANCE:					
A.28.8020.81	2 40599.01 Appropria	ited Fund Balance	- Committed Fu	ınds	\$2	2,000.00	
INCREASE A	APPROPRIATIONS:						
A,28,8020,81	2 74400.15 Seneca Ni	agara Community	Development F	and .	\$2	2,000.00	
LEGISLATOR PLOY	IADDI ANDORO	and the same of th	- LEGIOL LEGO	B 13 35			
LEGISLATOR RICH	IAKD L. ANDRES		LEGISLATOR	K KAND'	Y K. BRA	וטו	
LEGISLATOR KATI	HRYN L. LANCE		ECONOMIC D	EVELO	PMENT (COMMIT	TEE

	radt and Kath		TE: 03/17/1		*****		L-039-15
	cade and naci	ryn L. Lance	3				
the same of the sa	REVIEWED CO. MANAGER	COMMITTEE	Ap Re	proved:	ATIVE A Ayes Ayes	Abs	NoesNoes
INSUP	PORT OF THE N THROUG	ORTH TONAWA TH THE USE OF			ALL OF	FAME	
WHEREAS, Ni York State statue, and	agara County is in	receipt of funds g	generated from t	he Sen	eca Niag	ara Casino	as per Nev
WHEREAS, the North Tonawanda Footb Football which includes		preservation and p	promotion of the				
WHEREAS, the testament to the talented	North Tonawanda athletes that played			nducte	es dating	back to 19	067 and is
WHEREAS, the Football Team and has s	North Tonawanda upported former atl						Tonawanda
WHEREAS, the ensure the safety of staff	North Tonawanda , volunteers and vis			need (of a front	porch reha	bilitation to
RESOLVED, the	at Niagara County s	upports the North	Tonawanda Foo	tball H	all of Fan	ne as follov	vs:
North Tonawand	a Football Hall of F	'ame	\$2,000.0	00			
and be it further					1 % 28n 8081	18603-149-11	V61220 = 4
RESOLVED, the Development 2015 budge	at the following b	udget modification	on be effectuate	ed to t	he Niaga	ira County	Economic
INCREASE APP	ROPRIATED FUN	D BALANCE:	*		F 8		
A.28,8020,812 40	0599.01 Appropriat	ed Fund Balance -	Committed Fun	ds	\$	2,000.00	
INCREASE APP	ROPRIATIONS:		147 Apr				¥.
A.28.8020.812 74	400.15 Seneca Nia	gara Community I	Development Fu	nd	\$	2,000.00	
		· ·	LEGISLATOR F				
LEGISLATOR RICHAR	D.T. JAMES TO	-					

FROM: Legislat	or Randy R. Bra	DATE: 03/1	7/15 RESOLU	TION#_I	L-040-15
APPROVED CO. ATTORNEY \$ /4/20/RE		COMMITTEE ACTION LYZE THE CAPABILITY G ELECTION BALLOTS		Abs. Abs.	NoesNoes
WHEREA elections, and	S, each year there is v	voting in Niagara County fo	or various local, cou	inty, state	and federal
	S, for those elections, f the county to cast their	Niagara County spends appr	roximately \$100,000	each yea	r for ballots
	S, Niagara County illots each year, and	currently is contracted w	rith Phoenix Print	ing to p	roduce the
	S, this body is continue cal manner possible, and	ously looking at new ways t	o reduce expenses a	nd delive	services in
		s have an in-house print shi ficant sum of money, now, th		to print l	pallots each
		unty Legislature does hereby ballots in-house, and be it fu		ion of a co	ommittee to
Commissioner Jen	nifer Fronczak or her a	tee will be made up of appointee, Niagara County Inty Legislature Majority Lea	Democratic Election	s Čommis	sioner Lora
	D, that the committee w, to this body in a timel	vill report its findings, includ y manner,	ing the costs and ma	inpower re	quirements
	á	T.V.			5
LEGISLATOR RA	NDY R. BRADT				

APPROVED CO. ATTORNEY DESCRIPTION	REVIEWED CO. MANAGER ON TO ANALYZE	COMMITTEE ACTION	Approved: Ayes Abs. Noes Noes Noes
RESOLUTI	ON TO ANALTZI	ETOLLING TLACES THE	COUGHOUT MAGARA COUNTY
WHEREAS elections, and	s, each year there is	voting in Niagara County	for various local, county, state and federal
WHEREAS residents to cast the		s, Niagara County must obta	in polling places throughout the county for
		en raised in municipalities ac nt polling places, and	cross the county related to the viability and
			cessibility, a lack of parking, and a lack of me locations are free and some have costs to
			districting across the county, some polling tonal travel time for voters, and
WHEREAS manner possible, an		nuously looking at new way	ys to deliver services in the most efficient
	, it is in the best into now, therefore, be i		encourage and increase voter turn-out for its
	es throughout Niaga		by approve the formation of a committee to ssessing all aspects of the respective polling
Commissioner Jenn Allen or her appoin	ifer Fronczak or heate, and Niagara Co	r appointee, Niagara County ounty Legislature Majority L	of Niagara County Republican Elections Democratic Elections Commissioner Lora eader Richard Updegrove or his appointee, irtuoso or his appointee, and be it further
RESOLVED), that the committee	ee will report its analysis to	this body on or before April 17th of this

LEGISLATOR RANDY R. BRADT

GISLATIVE ACTI	ON
	ON
The same of the sa	ON
proved: Ayes	Abs. Noes
ected: Ayes	AbsNoes_
erred:	
erre	and the second second

WHEREAS, the use of medical marihuana has proven effective in treating symptoms of cancer, HIV, post-traumatic stress disorder, muscle spasms caused by multiple sclerosis, nausea from cancer chemotherapy, appetite and weight loss caused by chronic illness such as HIV, nerve pain, seizure disorders, and Crohn's disease, and

OF LEWISTON, NEW YORK

WHEREAS, twenty-three states and the District of Columbia currently have laws legalizing marihuana in some form, including New York's Compassionate Care Act, which Governor Andrew Cuomo signed into law on July 5, 2014, and

WHEREAS, New York's program allows marihuana to be administered to people with illnesses including epilepsy, multiple sclerosis, A.L.S., Parkinson's disease, Huntington's disease, neuropathies, spinal cord injuries, cancer and HIV/AIDS, with the state health department to decide within 18 months whether to add Alzheimer's, muscular dystrophy, dystonia, post-traumatic stress disorder and rheumatoid arthritis, with the addition of further conditions at the discretion of the Commissioner of Health, and

WHEREAS, the Compassionate Care Act requires the following indications for the prescription of medical marihuana in New York: a serious condition defined as: "having one of the following severe debilitating or life-threatening conditions: cancer, positive status for human immunodeficiency virus or acquired immune deficiency syndrome, amyotrophic lateral sclerosis, Parkinson's disease, multiple sclerosis, damage to the nervous tissue of the spinal cord with objective neurological indication or intractable spasticity, epilepsy, inflammatory bowel disease, neuropathies, Huntington's disease, or as added by the commissioner; and (ii) any of the following conditions where it is clinically associated with, or a complication of, a condition under this paragraph or its treatment: cachexia or wasting syndrome; severe or chronic pain; severe nausea; seizures; severe or persistent muscle spasms; or such conditions as are added by the commissioner," and

WHEREAS, the Compassionate Care Act establishes a stringent regulation regime requiring any medical marihuana grown in New York not exceed Department of Health-approved concentrations of cannabinoids like Tetrahydrocannabinol (THC), allowing manufacture and prescription of drugs derived from extracted cannabinoids, and not the administration of smokable marihuana, and

WHEREAS, any manufacturer seeking a license to farm medical marihuana in New York will have to meet a series of qualifications, under the direction of the New York State Department of Health and its commissioner, and must demonstrate facility security common to the pharmaceutical industry, and

WHEREAS, the law also stipulates that only five manufacturers will be licensed to grow medical marihuana, with each being allowed to run up to four dispensaries around the state, and that the growing of the medical marihuana must be done indoors, and

WHEREAS, in the Town of Lewiston in Niagara County, Herbal Agriculture, LLC is expected to submit an application to the state of New York to be granted the right to grow medical marihuana at their H2gro facility, a 12-acre greenhouse on Pletcher Road, and

WHEREAS, Herbal Agriculture, LLC holds the exclusive New York license for Charlotte's Web, a variety of the marihuana plant with an extremely low Tetrahydrocannabinol concentration measured at 0.3% THC, a THC level incapable of producing a psychoactive "high", and

WHEREAS, the issue has bi-partisan support in Lewiston, with Supervisor Dennis Brochey and Town Council members Ron Winkley, Alphonso Bax, William Conrad, and Beth Ceretto all having expressed their support for the concept of medical marihuana, a significant point since support from local legislative bodies is a condition of the application process for companies that wish to grow medical marihuana in the state, and

WHEREAS, the awarding of a license to grow medical marihuana to Herbal Agriculture, LLC will have significant economic development benefits to the county and its taxpayers, as counties where medical marihuana is grown in New York will receive 22.5 percent of the state's seven percent excise tax charged for medical marihuana, and

WHEREAS, this body also recognizes the benefits of medical marihuana for individuals suffering from the aforementioned diseases and/or ailments, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support the granting of a license to grow medical marihuana to Herbal Agriculture, LLC of Lewiston New York, with the stipulations put in place by the State of New York, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Cuomo; Senator Robert G. Ortt; Senate Temporary President and Majority Leader Dean G. Skelos; Member of the Assembly Jane L. Corwin; Member of the Assembly Ray Walter; Member of the Assembly John D. Ceretto; Member of the Assembly Robin Schimminger; Speaker of the Assembly Carl Heastie; U.S. Representative Chris Collins; Mr. Gary Smith and all others deemed necessary and proper.

LEGISLATOR KATHRYN L. LANCE

LEGISLATOR CLYDE L. BURMASTER

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	F	LEGISLATIVE Approved: Ayes Rejected: Ayes Referred:	Abs.	NoesNoes
RESOLUTIO	ALL ALL PRINCIPLE PRINCIPLE MANAGEMENT	ARTPARK FAMILY AND C GH THE USE OF CASINO FU		PROGRAM	MING
		the Village of Lewiston, has schedule of events and program		visitors from	the United
		n \$11.5 million economic impac age Theatre shows and a dive			
WHEREAS Artpark programs, a		orporate sponsorships and dona	tions are a ke	y to the cont	inuation o
WHEREAS tradition, but recent	, Artpark's popular fro funding cuts resulted	ee and low cost family and chil in the loss of some of Artpark's	dren's events a family progra	ire a Western ms, now, thei	New York efore, be it
RESOLVEI programs, and be it	The state of the s	y Casino Funds help support s	some of the lo	st family and	children's
RESOLVED	, that Niagara County	supports Artpark as follows:			
Artpark	\$2,5	00.00			
and be it further					
RESOLVED Development 2015 I	·	budget modification be effectu	ated to the Nia	igara County	Economic
INCREASE	APPROPRIATED FU	JND BALANCE;		gi.	
A.28.8020.8	12 40599.01 Appropri	ated Fund Balance - Committee	l Funds	\$2,500.00	
INCREASE	APPROPRIATION:				

LEGISLATOR WILLIAM L. ROSS

PPROYED O. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATI Approved: A		ON \bs Noes_
)		Rejected: A	yes	AbsNoes_
		IN SUPPORT OF THE PE GH THE USE OF CASINO		VAL	
sponsor a multit		viston is blessed with great a ng events which draw thousan			
	AS, these festival events ants and interesting shop	generate a positive economics, and	c impact on th	ne busines	ses, which incl
	AS, the Peach Festival, went which has been held	which is sponsored by the Lev I for over 50 years, and	wiston Kiwan	is Club, is	Niagara Count
WHEREA Festival, now, the		anis Club will use the casir	no funds for	marketing	the 2015 Pea
RESOLV	ED, that Niagara County	supports the economic initia	tives of the Po	each Festi	val as follows:
Peach Fes	tival Marketing and Pro	motion \$1,500.00	_x		
and be it further			ed.)		
RESOLV Development 201		budget modification be effec	tuated to the	Niagara (County Econor
INCREAS	SE APPROPRIATED FU	JND BALANCE;		30	
A.28,8020	0.812 40599.01 Appropri	ated Fund Balance - Commit	ted Funds	\$1,50	00.00
INCREAS	E APPROPRIATION:	# H			
A.28.8020	.812 74400.15 Seneca N	liagara Community Develops	nent Fund	\$1,50	00.00
	¥.				

		Virtuoso, DATE: 03/1	17/15	RESOLU	TION#I	L-045-15
	. Zona, Mark J. n T. Steed	Grozio				
APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLA	ATIVE A	CTION	
CO. ATTORNEY	CO. MANAGER					Noes
***************************************	All Mills of All M		Rejected: Referred:	Ayes	Abs	Noes
	RESOLUTION	ON AMENDING RESOLU	TION B-03	1-14		
County Tax Relie	f Fund and Niagara Co	014, the Legislature passed ounty Community Developm ork State Finance Law Section	ent Fund 1,	and Pro	viding Pro	ocedures for
WHEREA required casino fu of Niagara Falls, a	nds to be distributed to	ed that New York State Fin all towns and cities within	nance Law the County	Section with the	99-h Subo exception	division 3-a of the City
York State Asser		was passed into law, New both publicly announced of Niagara Falls, and				
		olution to be proper and legangara Falls, now, therefore, b		ncompas	s all muni	cipalities in
	D, that resolution B-03 of Niagara County's sh	3-14, as passed, shall be ame are of casino funds.	ended to inc	lude the	City of N	iagara Falls
LEGISLATOR DE	ENNIS F, VIRTUOSO	LEGISLA	TOR JASO	N A. ZO	NA	***************************************
		*				
LEGISLATOR MA	ARK J. GROZIO	LEGISLA	TOR OWE	VT. STE	ED	

FROM: Legislat	cors Dennis F. V.	irtuoso, DATE: 03	/17/15 RESOL	UTION#_I	L-046-15
_and_Mark APPROVED CO.ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTIO	N LEGISLATIVE Approved: Ayes	ACTION Abs.	Noes
CO, ATTORNEY	CO, MANAGER		Rejected: Ayes_ Referred:	Abs.	Noes

CENSURE AND ADMONISHMENT OF LEGISLATOR RICHARD E. UPDEGROVE FOR HIS BREACH OF FIDUCIARY DUTY AND MISREPRESENTATION OF STATE LAW

WHEREAS, on December 9, 2014, Legislator Richard E. Updegrove sponsored resolution B-03-14 Establishing Niagara County Tax Relief Fund and Niagara County Community Development Fund 1, and Providing Procedures for Disbursal of Funds Arising from New York State Finance Law Section 99-h and Tribal-State Gaming Compact, and

WHEREAS, the resolution, as drafted by Legislator Updegrove, states that "per section 99-h subdivision 3-a, revenues arising from the Seneca Niagara Casino that are disbursed to the County of Niagara are to be apportioned by population for such purposes as shall benefit residents of the Towns of Cambria, Hartland, Lewiston, Lockport, Newfane, Niagara, Pendleton, Porter, Royalton, Somerset, Wheatfield and Wilson and the Cities of Lockport and North Tonawanda, and

WHEREAS, said resolution excluded the City of Niagara Falls from receiving a portion of the County's share of casino funds, and

WHEREAS, prior to proposing said resolution, Legislator Updegrove was advised that he was misconstruing the language in section 99-h, and

WHEREAS, after the resolution was passed into law, New York State Senator Robert Ortt and New York State Assemblyman John Ceretto both publicly announced that section 99-h did not preclude the disbursement of casino funds to the City of Niagara Falls, and

WHEREAS, in fact, section 99-h subdivision 3-a does not state what is purported by Legislator Updegrove, and

WHEREAS, in the meeting on December 9, 2014, Legislator Updegrove publicly stated that the State Law prohibited the distribution of casino money to the City of Niagara Falls despite the fact that his statement was inaccurate and deceptive, and

WHEREAS, the Niagara County Legislators have an obligation to be truthful to their colleagues, the press and taxpayers, and

WHEREAS, Legislator Updegrove misused his position of leadership and breached his fiduciary duty to all of the residents of Niagara County for his misrepresentation of the New York State Finance Law 99-h, and

WHEREAS, censure by a public body is a judgment of stern condemnation of one of its members for behaviors or actions that breach the fiduciary duty to the residents of the County, and

WHEREAS, censure is also a public act of rebuking a member for unacceptable acts through an official reprimand, now, therefore, be it

RESOLVED, that the Niagara County Legislature publicly censures and admonishes Legislator Richard E. Updegrove for his breach of fiduciary duty to all of the residents of Niagara County, and be it further

RESOLVED, that the Niagara County Legislature publicly censures and admonishes Legislator Richard E. Updegrove for his misrepresentation of New York State Law to the entire Legislative body, the press, and the public, and be it further

RESOLVED, that Niagara County Legislator Richard E. Updegrove shall publicly apologize for his misrepresentation of the New York State Finance Law Section 99-h.

LEGISLATOR DENNIS F. VIRTUOSO

LEGISLATOR MARK J. GROZIO

O, ATTORNEY	REVIEWED OO. MANAGER	COMMITTEE ACTION	LEGISLATI Approved: Ay	
1/2/2			Rejected: Ay	
HON)			Referred:	
RESC		RT OF THE HISTORIC LI GH THE USE OF CASINO		ZZ FESTIVAL
sponsor a multitu	S, the Village of Lev de of extremely excitination and beyond, and	viston is blessed with great and events which draw thousa	natural beauty nds of people f	and its local organization all over Western N
	S, these festival events and interesting sho	s generate a positive economips, and	c impact on the	e businesses which inclu
		on Jazz Festival is the premie companies for funding this re		
		Legislature casino fund cont irectors, now, therefore, be it	ribution will su	apport the marketing eff
RESOLVE	ED, that the Niagara Co	ounty Legislature support this	outstanding mu	isical event as follows:
	ewiston Jazz Festival	\$1,500.00		
	ewiston Jazz Festival	\$1,500.00	at a	
Historic Le	D, that the following	\$1,500.00 budget modification be effect	ctuated to the 1	Niagara County Econon
Historic Le and be it further RESOLVE Development 2015	D, that the following	budget modification be effec	ctuated to the I	Niagara County Econon
Historic Le and be it further RESOLVE Development 2015 INCREASI	D, that the following budget: E APPROPRIATED F	budget modification be effec	*	Niagara County Econon \$1,500.00
Historic Leand be it further RESOLVE Development 2015 INCREASI A.28,8020.	D, that the following budget: E APPROPRIATED F	budget modification be effectively be before the budget modification be effectively budget bu	*	
Historic Le and be it further RESOLVE Development 2015 INCREASI A.28.8020. INCREASI	D, that the following budget: E APPROPRIATED FI 812 40599.01 Appropr E APPROPRIATION:	budget modification be effectively be before the budget modification be effectively budget bu	ted Funds	

FROM: Legislat	cor William L. R	DATE: 03/1	7/15	RESOLU	TION#	LL-048-15
APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLA Approved: Rejected: Referred:		CTION Abs. Abs.	NoesNoes
	ON OF MARKETING	NIAGARA RIVER REGI G BUSINESSES IN THE I H THE USE OF CASINO	EWISTO	PORT		
	nd organizational spons	on and Town of Porter are oring exciting events draw t				
Lewiston and the	Village of Youngston	ne Town of Lewiston and wn located within their res s restaurants and interesting	spective bo			
Commerce draw th	경투에 : [17] : [17] [17] [17] [17] [17] [17] [17] [17]	vithin the boundaries of t ery year, bringing tourism be it	Section 1997 and 1997		The state of the s	
	O, that the Niagara C erce for marketing purp	County Legislature supports poses as follows:	funding t	to the N	iagara Ri	ver Region
Niagara Riv	er Region Chamber of	Commerce \$2,	000.00	90		
and be it further						
RESOLVED Development 2015		udget modification be effec	ctuated to the	he Niaga	ra County	Economic
INCREASE	APPROPRIATED FU	ND BALANCE:				
A.28,8020.8	12 40599.01 Appropria	ited Fund Balance - Commit	ted Funds	\$	2,000.00	
INCREASE	APPROPRIATION:		×			
A.28.8020.8	12 74400.15 Seneca Ni	agara Community Developn	nent Fund	\$7	2,000.00	

LEGISLATOR WILLIAM L. ROSS

FROM: Legislat	tors Richard L.	Andres, DATE: 03/17	/15 RESOLL	TION#	L-049-15
Kathryn	L. Lance, Anthon	ny J. Nemi nd Parks, Recreation	······································		
AFPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE A	CTION	JIIIIIT C C G G
CO. ATTORNEY	CO. MANAGER	Ad Hoc - 8/13/14	Approved: Ayes	Abs	Noes
232	Agent and a second		Rejected: Ayes Referred:	Abs	Noes

SUPPORT FOR THE TOWN OF NEWFANE - YE OLDE LOG CABIN

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

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

WHEREAS, the Town of Newfane has made application to the Niagara County's Ad Hoc Committee on Recreation and Tourism for Greenway funds to support the Town of Newfane Ye Olde Log Cabin Project, and

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

WHEREAS, the Town of Newfane's application for the building of Ye Olde Log Cabin in Niagara County's Olcott Park which draws thousands of visitors and residents of Niagara County every year, who enjoy all of its services, and

WHEREAS, this application will assist the local citizens, taxpayers and business people being able to establish an additional tourist attraction and museum along with the playgrounds, parks and sport facilities, costing a total of over one half million dollars, and

WHEREAS, the Town of Newfane, its residents and businesses intend to continue to improve their own facilities, creating accessibility to other Greenway Projects, and

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

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

WHEREAS, the application is requesting \$170,000.00 to be utilized, along with previous efforts, for a total project cost of their request of over \$200,000.00, and a total investment of over a half million dollars in Newfane park areas and improvements, and

WHEREAS, the Town of Newfane is aware that actual funding will not take place until after July 1, 2015, and

WHEREAS, the Town of Newfane Ye Olde Log Cabin Project has the support and approval of Legislator John Syracuse, Carousel Park, Niagara County Historical Society along with various organizations in the Town of Newfane, and

WHEREAS, the County of Niagara and Town of Newfane will need a lease agreement covering the premises to be utilized in Niagara County in Olcott Park, and

WHEREAS, the Lease will be of no cost to Niagara County and the Town of Newfane will bear all costs of construction, improvements and maintenance of the building, and

WHEREAS, the County of Niagara will continue to maintain all grass, park areas not a part of the structure itself, and

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

WHEREAS, the Town of Newfane has utilized great efforts and the other funds, including in kind services of \$20,000 placed in the financial breakdown and any funds necessary for signage giving credit for funding to Niagara County and dedication to other Greenway projects, and

WHEREAS, after receipt of in-kind services and town funds, the remaining \$170,000.00 needed for the matching grant is being requested, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the funding of \$25,400.00 for the Town of Newfane Ye Olde Log Cabin Project when presented to the Niagara Power Coalition and the Host Community Standing Committee, and be it further

RESOLVED, that following the Niagara County Attorney's review and approval, the Chairman of the Niagara County Legislature be, and hereby is, authorized to execute the Lease Agreement between the County of Niagara and the Town of Newfane for the Ye Olde Log Cabin Project.

LEGISLATOR RICHARD L. ANDRES	LEGISLATOR KATHRYN L. LANCE
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A STATE OF THE STA	ANY NEW THEORY OF THE PARTY OF
LEGISLATOR ANTHONY J. NEMI	LEGISLATOR JOHN SYRACUSE
	NI ,E
LEGISLATOR OWEN T. STEED	LEGISLATOR DAVID E. GODFREY

PARKS, RECREATION & TOURISM AD HOC COMMITTEE