

OFFICIAL RECORD

Lockport, New York
November 21, 2017

A public hearing was held pursuant to IL-092-17, adopted by the Legislature on October 17, 2017, for the purpose of considering a proposed Local Law to Amend Local Law No. 8 of 2007 to Eliminate the Ten-Year Limitation on Alternative Tax Exemption for Cold War Veterans. Legislator Godfrey opened the hearing at 6:30 p.m. and closed it at approximately 6:35 p.m.

A public hearing was held pursuant to CSS-058-17, adopted by the Legislature on October 17, 2017, for the purpose of considering a proposed Submission of Community Development Block Grant Applications. Legislator Godfrey 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 7:10 p.m.

Clerk Tamburlin called the roll. All Legislators were present, with the exception of Legislators Virtuoso, Wydysh and Zona.

APPOINTMENTS:

	<u>Appt.</u>	<u>Expires</u>
<u>NCCC BOARD OF TRUSTEES:</u>		
Legislator Richard Andres	11/21/17	6/30/18
Moved by Nemi, seconded by Burmaster.		
Adopted. 12 Ayes, 0 Noes, Absent – 3 Virtuoso, Wydysh, Zona		

TRAFFIC SAFETY BOARD:

Cathleen Davis	11/21/17	12/31/18
1711 Quaker Rd. Barker, 14094		
Moved by Godfrey, seconded by Burmaster.		
Adopted. 12 Ayes, 0 Noes, Absent – 3- Virtuoso, Wydysh, Zona		

OFFICE FOR THE AGING ADVISORY COMMITTEE:

Joann White	11/21/17	12/31/19
416 Michigan St. Lockport 14094		
Moved by Nemi, seconded by Collins.		
Adopted. 12 Ayes, 0 Noes, Absent – 3- Virtuoso, Wydysh, Zona		

CORRESPONDENCE:

Chairman McNall called former Legislator and Chairman William Ross to the lectern to introduce the Interim President of Niagara County Community College Mr. William Murabito

PRESENTATIONS:

1. Legislator Andres invited Anthony Restaino the Commissioner of Social Services to the lectern to read a proclamation in recognition of Adoption Awareness Month in Niagara County. Mr. Restaino thanked his staff and families who have adopted children in Niagara County this year.

2. Legislator Andres invited Director of Risk Management Jennifer Pitarresi to the lectern to read a Proclamation congratulating her on receiving the Niagara County Community College Foundation Distinguished Alumni Award. .

3. Chairman McNall called Thomas Guagliardo the CEO of Big Brothers and Sisters to the lectern who wanted to introduce himself as they become more active in the Niagara County Community. Big Brothers and Sisters of Erie County will now become Big Brothers and Sisters of Erie, Niagara and Southern Tier.

0 citizens spoke at this time.

Recess

Moved by by Syracuse, seconded by Collins, to untable resolution IF-141-17.
Carried.

Resolution No. IF-141-17 was read at this time. (Appears in numerical order)

Moved by Nemi, second by Andres, to remove AD-022-17 from the preferred agenda.
Carried.

Resolution No. AD-022-17 was read at this time. (Appears in numerical order)

Moved by Bradt, second by Steed to accept the preferred agenda.
Carried

Resolution No. AD-021-17

From: Administration Committee.

Dated: November 21, 2017

NIAGARA COUNTY OBSERVED HOLIDAYS ADMINISTRATIVE OFFICES CLOSED

WHEREAS, Niagara County Administrative Offices are closed on certain federal holidays, and

WHEREAS, Niagara County desires to provide notice to the public and administration employees including public notice on the Niagara County website, and

WHEREAS, Resolution #AD-062-08 adopted on December 16, 2008 established the Niagara County Employee Policy and Procedures Manual with legal holidays for eligible employees outlined in Section 6.16, and

WHEREAS, pursuant to Section 6.16, holidays falling on a Saturday are normally observed on the Friday preceding the holiday, and those falling on a Sunday are normally observed on the Monday following the holiday, and

WHEREAS, the County of Niagara desires to remove Election Day from Section 6.16, now, therefore, be it

RESOLVED, that effective January 1, 2018, the legal holidays listed in Section 6.16 of the Niagara County Employee Policy and Procedures Manual adopted December 2008, is hereby amended as follows:

New Year's Day
Martin Luther King Jr. Day
President's Day

Good Friday
Memorial Day
Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving Day
Christmas Day

and be it further,

RESOLVED, that eligible employees will retain the ability to schedule a floating holiday with prior approval.

Moved by Bradt, seconded by Steed.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Virtuoso, Wydysh, Zona

Resolution No. AD-022-17

From: Administration Committee.

Dated: November 21, 2017

**SET PUBLIC HEARING FOR THE TENTATIVE BUDGET FOR
THE YEAR 2018**

WHEREAS, the County Manager of the County of Niagara has submitted a tentative budget to the Niagara County Legislature, and

WHEREAS, pursuant to Section 359 of the County Law, a public hearing must be held, now, therefore, be it

RESOLVED, that a public hearing be held in the Niagara County Courthouse, Lockport, New York at 6:30 p.m. on the 5th day of December 2017, to review the tentative budget for the year 2018, and be it further

RESOLVED, that the maximum salaries that may be fixed and payable during said fiscal year 2018 to members of the Legislature and the Chairman thereof, respectively, remain at the 2017 salary level and are specified as follows:

Members of the Legislature:	\$15,075 Annually
Majority Leader, Minority Leader:	\$15,575 Annually
Chairman of the Legislature:	\$18,075 Annually

and be it further

RESOLVED, that the Clerk of the Niagara County Legislature is hereby authorized to publish notice of same in the Union Sun & Journal and the Niagara Gazette.

Moved by Nemi; seconded by Andres to amend resolution.

Amendment:

Change in the second RESOLVED, "...remain at the 2017 salary level and are specified as follows: Members of the Legislature: \$15,075 Annually Majority Leader, Minority Leader: \$15,575 Annually Chairman of the Legislature: \$18,075 Annually". Will now read as RESOLVED, "...thereof, respectively specified as follows:

Members of the Legislature: \$19,075 Annually Majority Leader, Minority Leader: \$19,575 Annually Chairman of the Legislature: \$22,075 Annually and..."

Moved by Nemi, seconded by Andres to vote by distinct roll call.
Carried.

The question of the adoption of the foregoing Resolution was duly put to a vote by district roll call, which resulted as follows:

	<u>YEA</u>	<u>NAY</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
Clyde L. Burmaster	[X]	[]	[]	[]
Rebecca J. Wydysh	[]	[]	[X]	[]
Mark J. Grozio	[X]	[]	[]	[]
Owen T. Steed	[X]	[]	[]	[]
Jason A. Zona	[]	[]	[X]	[]
Dennis F. Virtuoso	[]	[]	[X]	[]
Kathryn L. Lance	[X]	[]	[]	[]
Richard L. Andres	[X]	[]	[]	[]
Randy R. Bradt	[]	[X]	[]	[]
David E. Godfrey	[X]	[]	[]	[]
Anthony J. Nemi	[X]	[]	[]	[]
William J. Collins Sr.	[X]	[]	[]	[]
William Keith McNall	[X]	[]	[]	[]
John Syracuse	[]	[X]	[]	[]
Michael A. Hill	[]	[X]	[]	[]

The Resolution was thereupon duly adopted.

Resolution No. AD-023-17

From: Administration Committee.

Dated: November 21, 2017

**SET PUBLIC HEARING FOR ASSESSMENT TAX ROLL FOR
THE NIAGARA COUNTY WATER DISTRICT**

WHEREAS, the Niagara County Water District has submitted an assessment tax roll through the County Manager of the County of Niagara to the Niagara County Legislature, and

WHEREAS, pursuant to Section 271 of the County Law, a public hearing must be held, now, therefore, be it

RESOLVED, that a public hearing be held in the Niagara County Courthouse, Lockport, New York at 6:00 p.m. on the 5th day of December 2017, to review the assessment tax roll for the Niagara County Water District, and be it further

RESOLVED, that the Clerk of the Niagara County Legislature is hereby authorized to publish notice of same in the Union Sun & Journal and the Niagara Gazette.

Moved by Bradt, seconded by Steed.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Virtuoso, Wydysh, Zona

Resolution No. AD-024-17

From: Administration Committee.

Dated: November 21, 2017

**SET PUBLIC HEARING FOR ASSESSMENT TAX ROLL FOR
THE NIAGARA COUNTY SEWER DISTRICT**

WHEREAS, the Niagara County Sewer District #1 has submitted an assessment tax roll through the County Manager of the County of Niagara to the Niagara County Legislature, and

WHEREAS, pursuant to Section 271 of the County Law, a public hearing must be held, now, therefore, be it

RESOLVED, that a public hearing be held in the Niagara County Courthouse, Lockport, New York at 6:10 p.m. on the 5th day of December 2017, to review the assessment tax roll for the Niagara County Sewer District #1, and, be it further

RESOLVED, that the Clerk of the Niagara County Legislature is hereby authorized to publish notice of same in the Union Sun & Journal and the Niagara Gazette.

Moved by Bradt, seconded by Steed.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Virtuoso, Wydysh, Zona

Resolution No. AD-025-17

From: Administration Committee.

Dated: November 21, 2017

**SET PUBLIC HEARING FOR ASSESSMENT TAX ROLL FOR
THE NIAGARA COUNTY REFUSE DISTRICT**

WHEREAS, the Niagara County Refuse District has submitted an assessment tax roll through the County Manager of the County of Niagara to the Niagara County Legislature, and

WHEREAS, pursuant to Section 271 of the County Law, a public hearing must be held, now, therefore, be it

RESOLVED, that a public hearing be held in the Niagara County Courthouse, Lockport, New York at 6:20 p.m. on the 5th day of December 2017, to review the assessment tax roll for the Niagara County Refuse District, and be it further

RESOLVED, that the Clerk of the Niagara County Legislature is hereby authorized to publish notice of same in the Union Sun & Journal and the Niagara Gazette.

Moved by Bradt, seconded by Steed.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Virtuoso, Wydysh, Zona

Resolution No. AD-026-17

From: Administration Committee.

Dated: November 21, 2017

**BUDGET MODIFICATION
DEPARTMENT OF MANAGEMENT AND BUDGET-PURCHASING DIVISION**

WHEREAS, The Department of Management & Budget – Purchasing Division sold surplus equipment via on-line auction, and

WHEREAS, the Purchasing Division would like to use a portion of these proceeds to subscribe to SmartProcure, an online public procurement resource center which would allow the Purchasing Division to access government data so that research can be conducted on pricing, products and vendors thereby improving Niagara County's overall spending performance now, therefore, be it

RESOLVED, that the following Budget Modification be effectuated:

INCREASE REVENUE:

A.08.1340.000 42665.00	Sale of Equipment	\$3,000
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INCREASE APPROPRIATION:

A.08.1340.000 74600.02	Books and Subscriptions	\$3,000
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Moved by Bradt, seconded by Steed.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Virtuoso, Wydysh, Zona

Resolution No. AD-027-17

From: Administration Committee.

Dated: November 21, 2017

**AUTHORIZATION TO CONVEY CERTAIN TAX SALE PROPERTY
TO THE TOWN OF LOCKPORT
(5745 Beattie Avenue, Lockport, NY)**

WHEREAS, the County of Niagara by foreclosure of tax liens under Article 11, Title 3 of the Real Property Tax Law of the State of New York (the "proceeding") acquired jurisdiction, by the filing of a verified petition (commenced in Niagara County Supreme Court under Index No. 157229) over residential real property assessed under SBL#123.04-1-81 and commonly known as 5745 Beattie Avenue in the Town of Lockport, New York (the "Property"), and

WHEREAS, by order contained in the Judgment of Foreclosure and Sale by Honorable Daniel J. Furlong, JSC, Acting Supreme Court Justice, granted and entered on July 26, 2017 in the Proceeding, Kyle R. Andrews (the "Tax Enforcing Officer") was awarded possession of the Property and, among other things, was authorized to execute and deliver a deed conveying full and complete title to the Property free and clear of all liens and encumbrances to a designee or assignee of the Tax Enforcing Officer, and

WHEREAS, the Niagara County Legislature by resolution AD-017-17, set forth the list of purchase offers, which included said parcel at a purchase offer of \$1,700; however, the purchaser failed to prefect the sale, thereby resulting in the County of Niagara receiving title to said property by Tax Enforcing Officer's Deed recorded in the Office of the Niagara County Clerk on the 26th day of September, 2017, and

WHEREAS, the Town of Lockport, a municipal subdivision of the State of New York, has notified the County of Niagara of its desire to accept ownership of the Property from the County, and the Town has further indicated said parcel contains a large retention pond that is important to the Town's stormwater drainage, and

WHEREAS, the based on the Niagara County Treasurer's findings, as Enforcing Officer in connection with the aforementioned proceeding, it has been determined that the Property is an indispensable condition of conveyance in this matter, and subsequent to the failure to of the respective purchaser to prefect said auction sale, it is in the best interests of both the County of Niagara and the Town of Lockport to convey said property to the Town, and

WHEREAS, the terms and conditions under which the Property is to be conveyed to the Town of Lockport are those terms and conditions set forth in the Niagara County In rem Tax Foreclosure public auction terms of sale (auction held August 12, 2017), now, therefore, be it

RESOLVED, Pursuant to §215 (8) of the County Law the Niagara County Legislature hereby authorizes the County to convey tax sale property commonly known as 5745 Beattie Avenue, Town of Lockport, to the Town of Lockport, subject to terms and conditions consistent with the public auctions terms of sale (specifically paragraphs: 7, 8, 9, 12 and 13), and any and all orders, judgments and decrees made and entered by the Assigned Justice in the Proceeding, and be it further

RESOLVED, the Chairman of the Legislature is authorized and directed to execute and deliver to the town of Lockport a quit claim deed in consideration of one and no more dollars (\$1.00 and no more dollars) and all other required documents all in form and content as approved by the Niagara county Attorney, conveying to the Town any and all right title and interest that the County may have in connection with the property assessed under SBL No. 123.04-1-81.

Moved by Bradt, seconded by Steed.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Virtuoso, Wydys, Zona

Resolution No. AD-028-17

From: Administration Committee.

Dated: November 21, 2017

**A LOCAL LAW OF THE LEGISLATURE OF THE COUNTY OF NIAGARA,
IMPOSING THE WIRELESS COMMUNICATIONS SURCHARGES
PURSUANT TO THE AUTHORITY OF TAX LAW §186-G**

WHEREAS, the Administration Committee presents in writing the following proposed Local Law:

A local law a local law repealing the wireless communications surcharge authorized by article six of the County Law of the State of New York; and imposing the wireless communications surcharges pursuant to the authority of Tax Law §186-g:

Be it enacted by the County Legislature of the County of Niagara as follows:

Section 1. Imposition of wireless communications surcharges; (a) Pursuant to the authority of Tax Law § 186-g, there are hereby imposed and there shall be paid surcharges within the territorial limits of the County of Niagara on: (i) wireless communications service provided to a wireless communications customer with a place of primary use within such county, at the rate of thirty cents per month on each wireless communications device in service during any part of the month; and (ii) the retail sale of prepaid wireless communications service sold within such county, at the rate of thirty cents per retail sale, whether or not any tangible personal property is sold therewith;

(b) Wireless communications service suppliers shall begin to add such surcharge to the billings of its customers and prepaid wireless communications sellers shall begin to collect such surcharge from its customers commencing March 1, 2018.

(c) Each wireless communications service supplier and prepaid wireless communications seller is entitled to retain, as an administrative fee, an amount equal to three percent of its collections of the surcharges imposed by this local law, provided that the supplier or seller files any required return and remits the surcharges due to the New York State Commissioner of Taxation and Finance on or before its due date.

Section 2. Administration of surcharges. The surcharges imposed by this local law shall be administered and collected by the New York State Commissioner of Taxation and Finance as provided in paragraph (8) of Tax Law § 186-g, and in a like manner as the taxes imposed by Articles Twenty-eight and Twenty-nine of the Tax Law.

Section 3. Applicability of State law to surcharges imposed by this local law. All the provisions of Tax Law § 186-g shall apply to the surcharges imposed by this local law with the same force and effect as if those provisions had been set forth in full in this local law, except to the extent that any of those provisions is either inconsistent with or not relevant to the surcharges imposed by this local law.

Section 4. Net collections received by this county from the surcharges imposed by this local law shall be expended only upon authorization of the Niagara County Legislature of the County of Niagara and only for payment of system costs, eligible wireless 911 service costs, or other costs associated with the administration, design, enhanced wireless 911 service serving such county, as provided in paragraph (9) of Tax Law § 186-g, including but not limited to, hardware, software, consultants, financing and other acquisition costs. The County of Niagara shall separately account for and keep adequate books and records of the amount and object or purpose of all expenditures of all such monies. If, at the end of any fiscal year, the total amount of all such monies exceeds the amount necessary for payment of the above mentioned costs in such fiscal year, such excess shall be reserved and carried over for the payment of those costs in the following fiscal year.

Section 5. This local law shall be effective March 1, 2018.

RESOLVED, that the Niagara County Legislature shall conduct a public hearing upon said proposed Local Law at the Legislature Chambers, Courthouse, Lockport, New York, on the 5th day of December 5, 2017, at 6:45 p.m., and be it further

RESOLVED, that the Clerk of the Legislature, at least six (6) days in advance of such hearing, shall post a notice upon the bulletin boards in the Courthouse at Lockport and the Civic Building in Niagara Falls, and shall publish such notice once in the Union Sun and Journal, the Niagara Gazette; such notice shall contain the title of the Local Law and an abstract of the text to be prepared by the Clerk of the Legislature with the assistance of the County Attorney's Office.

Moved by Bradt, seconded by Steed.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Virtuoso, Wydysh, Zona

Resolution No. CSS-059-17

From: Community Safety & Security Committee.

Dated: November 21, 2017

ACCEPTANCE OF AID TO PROSECUTION PROGRAM GRANT

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

WHEREAS, funding has been awarded in the amount of \$89,180 for the period October 1, 2017 through September 30, 2018, with no matching funds requirement, and

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

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

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

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

Moved by Bradt, seconded by Steed.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Virtuoso, Wydysh, Zona

Resolution No. CSS-060-17

From: Community Safety & Security Committee.

Dated: November 21, 2017

DISTRICT ATTORNEY CRIMES AGAINST REVENUE PROGRAM GRANT ACCEPTANCE

WHEREAS, the Niagara County District Attorney's Office has been notified by the New York State Division of Criminal Justice Services that the Crimes Against Revenue Program grant has been renewed for the calendar year 2018, and

WHEREAS, funding has been awarded in the amount of \$40,200 for the period January 1, 2018 through December 31, 2018, and

WHEREAS, basic revenue and appropriation figures for said program were calculated and are contained within the District Attorney's operating budget for the 2018 budget year, and

WHEREAS, the program will continue to fund one full time Assistant District Attorney, Position #10969, ATT II, Step 5, \$73,966 annually, with fringe benefits which shall remain coterminous with grant funding, now, therefore, be it

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

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

Moved by Bradt, seconded by Steed.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Virtuoso, Wydysh, Zona

Resolution No. CSS-061-17

From: Community Safety & Security Committee.

Dated: November 21, 2017

**ACCEPTANCE OF GUN INVOLVED VIOLENCE ELIMINATION
INITIATIVE RESEARCH SUPPLEMENTAL GRANT**

WHEREAS, the GIVE (Gun Involved Violence Elimination) Initiative is a statewide comprehensive strategy initiated by the Division of Criminal Justice Services which focuses on the rising incidents of gun involved violence across the State of New York and specifically on reducing shootings and homicides by promoting integrated, evidence based strategies, and

WHEREAS, the Niagara County District Attorney's Office, the Niagara County Sheriff's Office and the Niagara County Probation Department, in conjunction with the Niagara Falls Police Department, applied for and received funding under the 2017-2018 GIVE Initiative, and

WHEREAS, the Division of Criminal Justice Services has awarded additional funds in the amount of \$32,127 through the period ending September 30, 2019, to the Niagara County District Attorney's Office for the purpose of partnering with Niagara University to continue research that was started under previous funding periods, and

WHEREAS, this research will enable the GIVE Partnership to enhance data driven policing and prosecution strategies to reduce and eliminate violent gun crimes through the identification of top offenders and examination of the relationship between emergency calls and future shootings, and

WHEREAS, it is a requirement that the County of Niagara enter into a Memorandum of Understanding with Niagara University specifically outlining the specific services to be performed and payment for said services, now, therefore, be it

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

RESOLVED, that the County of Niagara hereby determines that the services to be provided by Niagara University constitute "professional services" requiring a high degree of specialized expertise, and waives any requirement to solicit alternative proposals for such, and be it further

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

RESOLVED, that following the County Attorney's review, the Chairman of the Niagara County Legislature be, and hereby is, authorized to execute the grant award documents and the Memorandum of Understanding for an amount not to exceed the grant proceeds.

Moved by Bradt, seconded by Steed.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Virtuoso, Wydys, Zona

Resolution No. CSS-062-17

From: Community Safety & Security Committee.

Dated: November 21, 2017

**DISTRICT ATTORNEY MOTOR VEHICLE THEFT AND INSURANCE
FRAUD PREVENTION PROGRAM GRANT ACCEPTANCE**

WHEREAS, The Niagara County District Attorney's Office has been notified by the New York State Division of Criminal Justice Services that the Motor Vehicle Theft and Insurance Fraud Prevention Program grant has been renewed for the period of January 1, 2018 through December 31, 2018, and

WHEREAS, funding has been awarded in the amount of \$109,443 and said funds are used to offset expenses for the District Attorney's Motor Vehicle Theft and Insurance Fraud Prevention Unit, and

WHEREAS, basic revenue and appropriation figures for said program were calculated and are contained within the CM.02.1989.114 Motor Vehicle Theft and Insurance Fraud Prevention cost center for the 2018 budget year, and

WHEREAS, this program will continue to fund one full time Assistant District Attorney, Position #9700, ATT II, Step 2, \$67,440 annually and one full time Criminal Investigator, Position #9701, NUH 6, Step 6, \$53,275 annually, with fringe benefits which shall remain co-terminus with grant funding, now, therefore, be it

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

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

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

Moved by Bradt, seconded by Steed.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Virtuoso, Wydysh, Zona

Resolution No. CSS-063-17

From: Community Safety & Security Committee.

Dated: November 21, 2017

**AID TO DEFENSE PROGRAM RENEWAL 2017-2018
PUBLIC DEFENDER**

WHEREAS, the Niagara County Public Defender's Office has applied for and was awarded funding from the New York State Division of Criminal Justice Services under the Aid to Defense Program for the purpose of continuing aid in the defense of repeat violent and serious felony offenders in Niagara County, and

WHEREAS, funding has been awarded in the amount of \$16,900 for the period October 1, 2017 through September 30, 2018 with no matching funds requirement, and

WHEREAS, the funds have been appropriated in the Niagara County Public Defender's 2018 budget, now, therefore, be it

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

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

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

Moved by Bradt, seconded by Steed.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Virtuoso, Wydysh, Zona

Resolution No. CSS-064-17

From: Community Safety & Security and Administration Committees.

Dated: November 21, 2017

PROBATION - ACCEPT 2018 ALTERNATIVES TO JAIL DETENTION GRANT

WHEREAS, the Niagara County Probation Department applied for funding from the New York State Division of Criminal Justice Services (DCJS)/Office of Probation and Correctional Alternatives (OPCA) in the amount \$109,917 for 12 months with four (4) one (1) year renewal options for \$109,917 each renewal period under DCJS's Alternatives To Incarceration Funding to implement an Alternatives to Jail Detention (AJD) Program through the Probation Department's TASC Program, and

WHEREAS, the initiative is part of a state-wide comprehensive strategy developed to reduce recidivism in local jurisdictions, safely reduce the unsentenced jail population, help control expenses at the local jails, and increase public safety through effective community-based interventions for offenders through the use of evidence based interventions, and

WHEREAS, DCJS/OPCA, under this Initiative, awarded this grant for Year 2018 with four (4) one (1) year options to renew, on a competitive basis to those local probation departments that proposed an Alternative to Jail Detention program seeking to reduce recidivism by providing structured programming to change offender behavior, and

WHEREAS, the Niagara County Probation Department proposed continuing and enhancing the Pretrial Release Program by continuing to fund a TASC Case Manager position, and creating a Part Time Typist position, both coterminous with the grant, to facilitate the successful enhancement of the program, and

WHEREAS, the Niagara County Probation Department has received notification from New York State DCJS of a financial award for Year 2018 in the amount of \$109,917 to provide support in the form of salary, benefits, and training for a TASC Case Manager, and salary and any associated costs for a Part Time Typist, as well as office supplies, equipment, and mileage/travel expenses associated with running the program, and

WHEREAS, the funds for the AJD Program will be included in the 2018 Niagara County Probation Department Budget, now, therefore, be it

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

RESOLVED, that the TASC Part Time Typist position be created and filled coterminous with the grant, and be it further

RESOLVED, that the existing TASC Case Manager position created under a previous grant be continued and now be deemed coterminous with this grant, and be it further

RESOLVED, that the grant funds will be included in the Probation Department's 2018 Budget request, and be it further

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

Moved by Bradt, seconded by Steed.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Virtuoso, Wydysh, Zona

Resolution No. CSS-065-17

From: Community Safety & Security Committee.

Dated: November 21, 2017

PROBATION - ACCEPT 2018 TASC EXPANSION GRANT

WHEREAS, the Niagara County Probation Department applied for funding from the New York State Division of Criminal Justice Services (DCJS)/Office of Probation and Correctional Alternatives (OPCA) in the amount \$88,066 for 12 months with four (4) one (1) year renewal options for \$88,066 each renewal period under DCJS's Alternatives To Incarceration Funding to implement the TASC Expansion Project through the Probation Department's TASC Program, and

WHEREAS, the initiative is part of a state-wide comprehensive strategy developed to reduce recidivism in local jurisdictions, safely reduce the jail population, help control expenses at the local jails, and increase public safety through effective community-based interventions for offenders through the use of evidence based interventions, and

WHEREAS, DCJS/OPCA, under this Initiative, awarded this grant for Year 2018 with four (4) one (1) year options to renew, on a competitive basis to those local probation departments that proposed an Alternative to

Incarceration program seeking to reduce recidivism by providing structured programming to change offender behavior, and

WHEREAS, the Niagara County Probation Department proposed to expand the existing TASC Program by creating a TASC Case Manager position, coterminous with the grant, to facilitate the successful enhancement of the program, and

WHEREAS, the Niagara County Probation Department has received notification from New York State DCJS of a financial award for Year 2018 in the amount of \$88,066 to provide support in the form of salary, benefits, and training for a TASC Case Manager, as well as office supplies, equipment, and mileage/travel expenses associated with running the program, and

WHEREAS, the funds for the TASC Expansion Project will be included in the 2018 Niagara County Probation Department Budget, now, therefore be it

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

RESOLVED, that the grant funds will be included in the Probation Department's 2018 Budget request, and be it further

RESOLVED, that the associated TASC Case Manager position be created and filled coterminous with the grant, and be it further

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

Moved by Bradt, seconded by Steed.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Virtuoso, Wydys, Zona

Resolution No. CSS-066-17

From: Community Safety & Security Committee.

Dated: November 21, 2017

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

WHEREAS, the Niagara County Sheriff's Office received a renewal grant from the New York State Department of Criminal Justice Services for the Forensic Laboratory in the amount of \$23,275.00 for the period of January 1, 2018 through December 31, 2018, and

WHEREAS, this grant funds a part-time clerical position and lab overtime expenses, and

WHEREAS, it is desirable to continue such a position to answer the phones, input data and other clerical duties that relieve the chemists from the interruptions of such duties, and

WHEREAS, the position (# 10931) is budgeted in the 2018 budget so no modifications need to be made for the position, now, therefore, be it

RESOLVED, that the part-time clerical position continue to be co-terminus with the grant, and be it further

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

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

Moved by Bradt, seconded by Steed.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Virtuoso, Wydysh, Zona

Resolution No. CSS-067-17

From: Community Safety & Security Committee.

Dated: November 21, 2017

**NIAGARA COUNTY SHERIFF'S OFFICE
APPOINT INTEROPERABILITY COORDINATOR**

WHEREAS, Niagara County is required to identify an official representative as the Niagara County Interoperability Coordinator to act in this role as it relates to the submission of the application to receive and continue receiving funds in relation to the State Interoperable Communications Grant (SICG), and

WHEREAS, the SICG grant is vital to the Emergency Dispatch Services provided by the Niagara County Sheriff's Office and provides funding for 2018 which the Niagara County Sheriff's Office wishes to submit a grant application, and

WHEREAS, the SICG Formula Program is State support in the form of reimbursement for eligible expenses that aids the localities in the sustainment of and making necessary improvements of Land Mobile Radio Systems (LMR), maintenance of components that support interoperability, training and exercises that include communications as an element, and the sustainment and development of governance structures to improve interoperable communications, and

WHEREAS, the grant requires a Niagara County Interoperability Coordinator, now, therefore, be it

RESOLVED, that Marc Kasprzak, Director of Emergency Communications at the Niagara County Sheriff's Office be named as the Niagara County Interoperability Coordinator.

Moved by Bradt, seconded by Steed.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Virtuoso, Wydysh, Zona

Resolution No. CSS-068-17

From: Community Safety & Security Committee.

Dated: November 21, 2017

**NIAGARA COUNTY SHERIFF'S OFFICE
ACCEPT RESIDENTIAL SUBSTANCE ABUSE TREATMENT GRANT**

WHEREAS, the Niagara County Sheriff's Office been notified by the New York State Department of Criminal Justice Services that a grant award in the amount of \$48,000.00 is being offered to support a Residential Substance Abuse Treatment (RSAT) Cognitive-Behavioral Intervention program within the Niagara County Jail for the period of January 1, 2018 through December 31, 2018, and

WHEREAS, it is well known that jails and prisons are dealing with inmates who have substance abuse and addiction problems, and

WHEREAS, it is desirable to have a program which addresses the substance abuse and addiction issues with the goal of changing the inmates addiction behaviors to improve their lives and reduce recidivism, and

WHEREAS, this grant will allow the Niagara County Jail to have such a program by contracting with an outside agency to provide a substance abuse treatment cognitive-behavioral intervention program, and

WHEREAS, the revenue and equal expense will be in the 2018 budget, now, therefore, be it

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

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

Moved by Bradt, seconded by Steed.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Virtuoso, Wydysh, Zona

Resolution No. CSS-069-17

From: Community Safety & Security and Administration Committees.

Dated: November 21, 2017

**NIAGARA COUNTY SHERIFF'S OFFICE-BUDGET MODIFICATION
LEGISLATIVE INITIATIVE UNMANNED AERIAL VEHICLE**

WHEREAS, the Niagara County Sheriff's Office has been notified by Senator Ort's Office that it has been awarded a \$15,000 grant to use for the purchase of an unmanned aerial vehicle for the grant period of November 1, 2017 through October 31, 2018, and

WHEREAS, an unmanned aerial vehicle would assist the Niagara County Sheriff's Office with missing persons cases, crime scene investigation documentation, accident investigations and officer safety issues, and

WHEREAS, the 2017 budget would have to be amended to accept this revenue and make the purchase, now, therefore, be it

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the agreement for the grant period of November 1, 2017 through October 31, 2018 and be it further

RESOLVED, that the following budget modifications be made:

INCREASE REVENUE:

A.17.3110.000.43389.26	Other Public Safety State Programs	\$15,000
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INCREASE APPROPRIATIONS:

A.17.3110.000.72100.21	Machinery and Equipment	\$15,000
	Law Enforcement Equipment	

Moved by Bradt, seconded by Steed.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Virtuoso, Wydysh, Zona

Resolution No. CSS-070-17

From: Community Safety & Security and Administration Committees.

Dated: November 21, 2017

NIAGARA COUNTY SHERIFF'S OFFICE BACK UP CENTER CHANGE ORDER NO. 1

WHEREAS, by Resolution No. CSS-054-17, dated October 17, 2017 the Legislature awarded the contract for the Niagara County Sheriff's Office Back Up Center to Collectric Electrical, LLC, 6615 Towpath Road, E. Syracuse, New York 13057 for a contract amount of \$284,900.00, and

WHEREAS, it is necessary to increase the contract in the amount of \$15,599.00 for a revised contract amount of \$300,499.00, and

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

RESOLVED, that Change Order No. 1 increase the contract by \$15,599.00 for the Niagara County Sheriff's Office Back Up Center to Collectric Electrical, LLC, for a revised contract amount of \$300,499.00 to Collectric Electrical, LLC, 6615 Towpath Road, E. Syracuse, New York 13057, 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 Steed.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Virtuoso, Wydysh, Zona

Resolution No. CSS-071-17

From: Community Safety & Security and Administration Committees.

Dated: November 21, 2017

**ACCEPTANCE OF ADDENDUM TO MUNICIPAL MUTUAL AID AND
ASSISTANCE AGREEMENT FOR LOCAL DISASTERS AND
OTHER RELATED EMERGENCIES (BEN UASI MOU)**

WHEREAS, the Counties of Erie and Niagara and the City of Buffalo have previously entered into a Municipal Mutual Aid and Assistance Agreement for local disasters and other related emergencies whereby reciprocal law enforcement assistance can be both rendered and obtained by the respective municipalities, and

WHEREAS, the signatory municipalities desire to extend the above mentioned agreement and make certain other modifications as set forth in an Addendum to the Agreement, now, therefore, be it

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

Moved by Bradt, seconded by Syracuse.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Virtuoso, Wydysh, Zona

Resolution No. IF-141-17

From: Infrastructure & Facilities and Administration Committees.

Dated: October 17, 2017

**A RESOLUTION APPROVING AND CONFIRMING AN INCREASE TO THE
WATER RATE SCHEDULE OF THE NIAGARA COUNTY WATER DISTRICT
IN THE COUNTY OF NIAGARA, NEW YORK**

WHEREAS, the Administrative Board of the Niagara County Water District duly adopted a Resolution on April 20, 2017 which calls for increases in the Water Rate Schedule of said Water District, and,

WHEREAS, pursuant to the provisions of Section 266 of the County Law, a Public Hearing on such proposed increase was called, notice thereof was duly published in accordance with law and the same held in the

Chambers of the County Legislature, Lockport, New York, on October 17, 2017 at 6:45 p.m., and all persons appearing thereat were heard and allowed to offer evidence on such proposed increase, now, therefore, be it

RESOLVED, by the Niagara County Legislature of the County of Niagara, New York, as follows:

Section 1. The amendment to the Niagara County Water District Rules and Regulations establishing rates are hereby approved as follows, effective January 1, 2018.

Section XII – Water Service Classifications and Rates

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

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

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

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

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

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

Water Rate.....\$1.80/1,000 gallons or such other rate that shall be determined by contract between the Niagara County Water District and Corporations or other entities.

Section 2. This Resolution shall take effect as hereinbefore set forth.

Moved by Syracuse, seconded by Nemi for Roll call vote.

Carried.

The question of the adoption of the foregoing Resolution was duly put to a vote by roll call, which resulted as follows:

	<u>YEA</u>	<u>NAY</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
Richard L. Andres	[X]	[]	[]	[]
Randy R. Bradt	[X]	[]	[]	[]
Clyde I. Burmaster	[X]	[]	[]	[]
William J. Collins Sr.	[X]	[]	[]	[]
David E. Godfrey	[X]	[]	[]	[]
Mark J. Grozio	[X]	[]	[]	[]
Michael A. Hill	[X]	[]	[]	[]
Kathryn L. Lance	[X]	[]	[]	[]
Wm. Keith McNall	[X]	[]	[]	[]
Anthony J. Nemi	[]	[X]	[]	[]
Owen T. Steed	[X]	[]	[]	[]
John Syracuse	[X]	[]	[]	[]
Dennis F. Virtuoso	[]	[]	[X]	[]

Rebecca J. Wydysch	[]	[]	[X]	[]
Jason A. Zona	[]	[]	[X]	[]

The Resolution was thereupon duly adopted.

Resolution No. IF-142-17

From: Infrastructure & Facilities and Administration Committees.

Dated: November 21, 2017

DEPARTMENT OF PUBLIC WORKS – HIGHWAY MAINTENANCE

WHEREAS, the Niagara County Highway Department makes and provides various road signs to the municipalities within Niagara County, and

WHEREAS, the Highway Department has provided more road signs than anticipated to the various municipalities, and

WHEREAS, the sign stock from making various road signs has been depleted, and

WHEREAS, more revenue funds have been received than originally anticipated, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated to allow for the sign stock to be replenished:

INCREASE ESTIMATED REVENUE:

D.15.5110.000.42210.01	Other Government-General	\$1,943.00
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INCREASE ESTIMATED APPROPRIATION:

D.15.5110.000.74750.13	General Signs	\$1,943.00
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Moved by Bradt, seconded by Steed.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Virtuoso, Wydysch, Zona

Resolution No. IF-143-17

From: Infrastructure & Facilities and Administration Committees.

Dated: November 21, 2017

**EXTENSION OF SNOW AND ICE AGREEMENT
WITH NYS DEPARTMENT OF TRANSPORTATION 2017-2018**

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

WHEREAS, Section 7 of said agreement provides that the Commissioner of Public Works shall furnish the municipality with a suitable map for each term of the agreement, and

WHEREAS, Section 190 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 extension of the agreement, and

WHEREAS, it would be in the best interest of Niagara County to extend the agreement, as modified and updated, for the 2017-2018, 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 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 Steed.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Virtuoso, Wydysh, Zona

Resolution No. IF-144-17

From: Infrastructure & Facilities and Administration Committees.

Dated: November 21, 2017

**LOCKPORT ROAD INTERSECTIONS AND PAVING PROJECT
BUDGET MODIFICATION**

WHEREAS, the Lockport Road Intersections and Paving project was funded using federal, state and local funds, and

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

RESOLVED, that the following budget modification be effectuated:

DECREASE ESTIMATED REVENUE APPROPRIATIONS:

H491.15.5112.000 44597.01	Federal Aid Capital Construction	\$1,035,800.30
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INCREASE ESTIMATED REVENUE APPROPRIATIONS:

H491.15.5112.000 43591.00	State Aid Capital Construction	\$ 903,212.47
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DECREASE ESTIMATED EXPENSE APPROPRIATIONS:

H491.15.5112.000 72600.02	Infrastructure Bridges	\$ 132,587.83
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Moved by Bradt, seconded by Steed.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Virtuoso, Wydysh, Zona

Resolution No. IF-145-17

From: Infrastructure & Facilities and Administration Committees.

Dated: November 21, 2017

**NIAGARA COUNTY COURT HOUSE AND BROOKS BUILDING
PARKING LOT REPAVING
CHANGE ORDER NO. 1**

WHEREAS, by Resolution No. IF-121-17, dated September 19, 2017, the Legislature awarded the contract for the Niagara County Court House and Brooks Building Repaving Project to Milherst Construction, Inc., P.O. Box 430, Clarence Center, NY 14032, for a contract amount of \$169,650, and

WHEREAS, it is necessary to increase and amend the contract in the amount of \$6,900 to furnish and install labor and materials to modify the roadway between the Jail and Public Safety Building necessary for Jail security, for a revised contract amount of \$176,550, and

WHEREAS, it is also necessary to extend the project until June 30, 2018 to complete the extra work, and

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

RESOLVED, that Change Order No. 1 to increase and amend the contract by \$6,900 for the Niagara County Court House and Brooks Building Repaving Project, for a revised contract amount of \$176,550, to Milherst Construction, Inc., P.O. Box 430, Clarence Center, NY 14032, be approved, and be it further

RESOLVED, that the contract completion date be extended to June 30, 2018 be approved, and be it further

RESOLVED, that the following budget modification be effectuated to allow the additional paving work to proceed:

DECREASE REVENUE:

H607.15.3197.000 45031.10	Interfund Transfers-Capital Reserves	\$6,900
	Capital Reserves	

DECREASE APPROPRIATIONS:

H607.15.3197.000 72200.01	Building Improvements-Jail	\$6,900
	Building #1	

INCREASE REVENUE:

H624.15.1620.000 45031.10	Interfund Transfers-Capital Reserves	\$6,900
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INCREASE APPROPRIATIONS:

H624.15.1620.000 72400.00	Land Improvements-Parking Lots	\$6,900
	Folder 07-Parking Lots	

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 Steed.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Virtuoso, Wydysh, Zona

Resolution No. IF-146-17

From: Infrastructure & Facilities and Administration Committees.

Dated: November 21, 2017

**DEPARTMENT OF PUBLIC WORKS – BUILDINGS AND GROUNDS
BUDGET MODIFICATION**

WHEREAS, Niagara County Department of Public Works, Buildings and Grounds Division is responsible for the payment of various telephone phone bills, and

WHEREAS, additional funds are required to cover the remainder of expenses for 2017 in the line item for leased line charges, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated:

DECREASE ESTIMATED APPROPRIATIONS:

A.25.1620.000.71010.00.13150	Positions – Bldg. Maintenance Mechanic	\$8,000.00
A.25.1620.000.71010.00.13137	Positions – Cleaner	\$5,000.00
A.25.1620.000.71010.00.13159	Positions – Cleaner	\$4,000.00

INCREASE ESTIMATED APPROPRIATION:

A.25.1620.000.74375.04	Leased Lines	\$17,000.00
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Moved by Bradt, seconded by Steed.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Virtuoso, Wydysh, Zona

Resolution No. IL-098-17

From: Legislators Kathryn L. Lance, Anthony J. Nemi, David E. Godfrey, Wm. Keith McNall and Rebecca J. Wydysh

Dated: November 21, 2017

**ADOPTION OF A LOCAL LAW TO AMEND LOCAL LAW NO. 8
OF 2007 TO ELIMINATE THE TEN-YEAR LIMITATION
ON ALTERNATIVE TAX EXEMPTION FOR COLD WAR VETERANS**

WHEREAS, Legislator Kathryn L. Lance, et al. recommends the adoption of the following Local Law:

A Local Law to amend Local Law No. 8 of 2007 to eliminate the Ten-Year Limitation on Alternative Tax Exemption for Cold War Veterans, and

WHEREAS, a public hearing was held on November 21, 2017 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 to amend Local Law No. 8 of 2007 to continue to provide a real property tax exemption to cold war veterans without regard to the ten-year limitation be enacted by the Legislature of the County of Niagara, New York, as follows:

Be it enacted by the County Legislature of the County of Niagara as follows:

Section 1. Pursuant to subsection 2(c) (iii) of § 458-b of the Real Property Tax Law of the State of New York the County of Niagara hereby amends Local Law No. 8 of 2007, to provide that the exemption adopted in Local Law No. 8 of 2007 shall continue to apply to qualifying owners of qualifying real property for as so long as they remain qualifying owners, without regard to the ten-year limitation.

Section 2. This Local Law shall take effect immediately upon its filing with the Secretary of State and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after January 1, 2018.

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

Carried.

Moved by Lance, seconded by Nemi.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Virtuoso, Wydysh, Zona

Resolution No. IL-099-17

From: Legislator Michael A. Hill and Economic Development Committee

Dated: November 21, 2017

**RESOLUTION IN SUPPORT OF THE HARTLAND VOLUNTEER FIRE COMPANY, INC.
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Hartland Volunteer Fire Company, Inc. is committed to serve the community and residents in Hartland, New York, and

WHEREAS, the Hartland Volunteer Fire Company, Inc. is responsible for the care and safety of thousands of drivers every day, and

WHEREAS, the Hartland Volunteer Fire Company, Inc. would like to replace their outdated and not properly functioning Jaws of Life with a new one, and

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

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

Hartland Volunteer Fire Company, Inc.	\$3,500.00
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and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01	Appropriated Fund Balance - Committed Funds	\$3,500.00
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INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$3,500.00
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Moved by Hill, seconded by Syracuse.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Virtuoso, Wydys, Zona

Resolution No. IL-100-17

From: Legislator John Syracuse

Dated: November 21, 2017

SUPPORT FOR THE OLCOTT HARBOR BREAKWATER PROJECT

WHEREAS, Olcott Harbor experienced extensive flooding and property damage as a result of record high water levels in Lake Ontario during 2017, and

WHEREAS, the damage within Olcott Harbor included flooded buildings, collapsed breakwalls, eroded shorelines, and damage to boats and docking facilities, and

WHEREAS, construction of an outer harbor breakwater off the end of the existing federal piers would have protected Olcott Harbor from the damaging wave action that exacerbated record high water levels, and

WHEREAS, Niagara County is supportive of the effort to construct a 600-foot detached rubble mound breakwater or similar structure off the end of the existing federal piers to protect Olcott Harbor from damaging storm conditions and allow for further harbor development, and

WHEREAS, the new breakwater will provide necessary safe harbor for vessels of all sizes during inclement weather, and

WHEREAS, the new breakwater will play an important role in homeland security efforts by enhancing the ability of the United States Coast Guard, New York State Police Boating Patrol, Niagara County Sheriff's Office Marine Division, and Olcott Volunteer Fire Company Marine Rescue Unit to patrol this section of Lake Ontario, and

WHEREAS, the new breakwater will have a significant positive economic impact on the community by protecting existing infrastructure investments, increasing usability, and spurring development of additional facilities and business opportunities in Olcott Harbor, now, therefore, be it

RESOLVED, that the Niagara County Legislature fully supports New York State funding in the amount of \$500,000 to conduct a feasibility study and create a plan to construct a 600-foot breakwater or similar structure off the end of the existing federal piers in Olcott Harbor, and be it further

RESOLVED, that certified copies of this resolution be sent to New York State Governor Andrew Cuomo, New York State Senator Robert Ort - 62nd District, and New York State Assemblyman Michael Norris - 144th District.

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

Carried.

Moved by Syracuse, seconded by Godfrey

Adopted. 12 Ayes, 0 Noes, 3 Absent – Virtuoso, Wydysh, Zona

Resolution No. IL-101-17

From: Legislators Randy R. Bradt, William J. Collins and Rebecca J. Wydysh

Dated: November 21, 2017

**RESOLUTION URGING THE SUSPENSION OF NEW ANTI-BUSINESS LABOR SCHEDULING
RULES PROPOSED BY GOVERNOR CUOMO**

WHEREAS, Governor Andrew M. Cuomo did announce new regulations of businesses operating in New York State on November 10 of this year, namely that such businesses must plan work schedules for hourly employees 14 days in advance and provide additional hours of pay for changes that occur within 72 hours, including both the addition and subtraction of shifts, and

WHEREAS, such change is being promulgated by Department of Labor regulation and absent debate by the New York State Legislature, and

WHEREAS, said changes shall take effect 45 days after their November 22 publication in the State Register, and

WHEREAS, the Tax Foundation has rated New York State 49th for business climate and Forbes magazine has ranked New York State 33rd in business costs and 23rd in regulatory environment, and

WHEREAS, Heather Briccetti, president and CEO of The Business Council of New York State has stated, "At a time when New York ranks at or near the bottom in nearly every business competitiveness ranking, adopting rules that will make us even more uncompetitive than our fellow states makes no sense," and

WHEREAS, the Niagara County Legislature deplores the imposition of new regulatory burdens and costs on businesses operating in this county and state, and particularly our small, family-owned businesses, now, therefore be it

RESOLVED, that the Niagara County Legislature urges Gov. Cuomo to withdraw this proposed regulation and to honor the proper role of the Legislature in debating such sweeping policy changes, and be it further

RESOLVED, that the Niagara County Legislature directs the County Attorney to transmit the county's opposition to this policy to the Department of Labor during the public comment period, and be it further

RESOLVED, that the Niagara County Legislature directs the County Attorney to conduct preliminary investigations of possible multi-Party lawsuits to enjoin the State from implementing and enforcing said regulation, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Cuomo, Senate Temporary President and Majority Leader John Flanagan; Senator Robert G. Ort; Speaker of the Assembly Carl Heastie; Member of the Assembly Michael J. Norris; Member of the Assembly Ray Walter; Member of the Assembly Angelo Morinello; Member of the Assembly Robin Schimminger; President and CEO of The Business Council of New York State Heather Briccetti; Director to Government Affairs at Niagara USA Chamber of Commerce Kory Schuler and all others deemed necessary and proper.

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

Carried.

Moved by Bradt, seconded by Collins.

Adopted. 12 Ayes, 0 Noes, 3 Absent – Virtuoso, Wydysh, Zona

Resolution No. CSS-071-17 was read at this time. (Appears in numerical order)

Moved by Syracuse, seconded by Steed to enter into Executive Session at 9:26 p.m.re: Contracts
Carried.

Moved by Andres, seconded by Godfrey to adjourn Executive Session at 9:48 p.m.

Carried.

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

The Chairman declared the Board adjourned at 9:50 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