

OFFICIAL RECORD

Lockport, New York
May 3, 2016

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

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

PRESENTATIONS:

Legislator Zona invited Jean Borgatti and her family to the lectern a read a Proclamation recognizing her as the first women Democratic Legislator in Niagara County and thanked her for her service as a Legislator, Registered Nurse and a Professor of Nursing and for all that she has done for the citizens of her district in Niagara County.

Legislator Wydysh and Legislator Grozio invited Doris Hampton and her family to the lectern a read a Proclamation recognizing Mrs. Hampton as the first woman Republican Legislator in Niagara County and thanked her for all that she has done for the citizens in her district in Niagara County.

3. Economic Development Committee Chair, Kathryn L. Lance presented the William G. Mayne Jr. Business Community Enhancement Program Awards. Legislator Lance thanked Niagara Falls Bridge Commission members in attendance; Frank Soda Commissioner, Commissioner Soda spoke about the late William Mayne and his positive impact on the community.

Moved by Wydysh, seconded by Zona.

Carried.

No citizens spoke at this time.

Recess.

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

Carried.

RESOLUTIONS:

Chairman McNall implemented Rule 28 and turned the floor over to Legislator Nemi for discussion on CW-010-16.

Resolution No. CW-010-16

From: Committee of the Whole

Dated: May 3, 2016

**BOND RESOLUTION OF THE COUNTY LEGISLATURE OF THE COUNTY OF NIAGARA,
NEW YORK (THE "COUNTY"), AUTHORIZING THE ISSUANCE
OF \$2,500,000 IN SERIAL BONDS OF THE COUNTY TO FINANCE**

**IMPROVEMENTS TO THE FACILITIES OF THE
NIAGARA COUNTY REFUSE DISPOSAL DISTRICT IN SAID COUNTY**

WHEREAS, the County Legislature (the "Legislature") of the County of Niagara, New York (the "County"), by proceedings heretofore duly had and taken pursuant to the provisions of Section 268 of the New York County Law (the "County Law"), including in particular a resolution adopted on December 8, 2015, which resolution determined that is in the public interest to increase and improve the facilities of the Niagara County Refuse Disposal District, such increase and improvements consisting of the construction and placement of a cap on the Construction and Demolition Debris Landfill (the "C&D Landfill") located off County Route 93 Bypass, Lockport, New York, and the construction of improvements to the leachate collection systems for the C&D Landfill once capped and Municipal Solid Waste Landfill 2 located at the same site, including all related, incidental and ancillary improvements, equipment, machinery, apparatus, costs and expenses in connection therewith (collectively, the "Project"), all at a total maximum estimated cost not to exceed \$2,500,000, and

WHEREAS, the Legislature, acting as lead agency under the State Environmental Quality Review Act and the regulations there under ("SEQRA"), by resolution adopted May 19, 2015, determined that the actions to be undertaken as part of the Project constitute a "Unlisted" action within the meaning of SEQRA, and that such actions would not have an adverse environmental impact and adopted a negative declaration under SEQRA to such effect, and

WHEREAS, upon application submitted by the Legislature to the Comptroller of State of New York (the "State Comptroller") in accordance with paragraph 3. of Section 268 of the County Law, the State Comptroller, by an Order dated April 27, 2016, has granted permission to increase the facilities of the Niagara County Refuse District at a maximum cost of \$2,500,000, and

WHEREAS, the Legislature now desires to authorize the issuance of \$2,500,000 serial bonds of the County to pay the cost of the Project, and

WHEREAS, the Legislature now intends to appropriate funds for such public improvements and to authorize the issuance of the County's serial bonds to finance a portion of the cost thereof,

NOW, THEREFORE, THE COUNTY LEGISLATURE OF THE COUNTY OF NIAGARA, NEW YORK, HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

Section 1. The County is hereby authorized to issue up to \$2,500,000 principal amount in serial bonds pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the cost of increasing and improving the facilities of the Niagara County Refuse Disposal District (the "District"), consisting of the construction and placement of a cap on the Construction and Demolition Debris Landfill (the "C&D Landfill") located off County Route 93 Bypass, Lockport, New York, and the construction of improvements to the leachate collection systems for the C&D Landfill once capped and Municipal Solid Waste Landfill 2 located at the same site, including all related, incidental and ancillary improvements, equipment, machinery, apparatus, costs and expenses in connection therewith (collectively, the "Project").

Section 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$2,500,000, said amount is hereby appropriated therefor and the plan for the

financing thereof shall consist of (i) the issuance of up to \$2,500,000 in serial bonds of the County authorized to be issued pursuant to this resolution, or bond anticipation notes issued in anticipation of such serial bonds, (ii) the levy and collection of assessments on the several lots and parcels of land within the District and thereafter, to the extent necessary, the levy and collection of taxes on all taxable real property within the County, to pay the principal of said serial bonds and notes and the interest thereon as the same shall become due and payable.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is twenty (20) years, pursuant to subdivision 6-a. of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. The temporary use of available funds of the County, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in Section 1 of this resolution. This resolution shall constitute a declaration of official intent to reimburse the expenditures authorized by this Resolution with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

Section 5. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the County, payable as to both principal and interest by a general tax upon all the real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year. There shall annually be levied on all the taxable real property in said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations and of Sections 21.00, 50.00, 54.90, 56.00 through 60.00, 62.10, 63.00 and 168.00 of the Law, the powers and duties of the Legislature relative to authorizing bond anticipation notes and prescribing the terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the County Treasurer, the chief fiscal officer of the County (the "County Treasurer"). Further, in connection with the issuance of bonds or bond anticipation notes authorized under the authority of Section 1 hereof, the power to issue and sell bonds or bond anticipation notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Law is hereby delegated to the County Treasurer. Such notes shall be of such terms, form and contents as may be prescribed by said County Treasurer consistent with the provisions of the Local Finance Law. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for any of the object or purpose authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for any of the other objects or purposes authorized by this resolution and/or with bonds to be issued for one or more objects or purposes authorized by other resolutions of the County Legislature, then the power of the

County Legislature to determine the “weighted average period of probable usefulness” (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the County Treasurer.

Section 7. The County Treasurer is hereby further authorized, at his sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific objects or purposes described in Section 1 hereof, or a portion thereof, by a serial bond, a statutory installment bond and/or a bond anticipation note issue in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 8. The County Treasurer is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for Federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”) and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as “qualified tax-exempt obligations” in accordance with Section 265(b)(3)(B)(i) of the Code.

Section 9. The County Treasurer is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchaser of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

Section 10. The intent of this resolution is to give the County Treasurer sufficient authority to execute those applications, agreements, instruments, or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of the County Legislature.

Section 11. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

- 1) such obligations are authorized for an object or purpose for which the County is not authorized to expend money; or
- 2) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

- 3) such obligations are authorized in violation of the provisions of the Constitution.

Section 12. This resolution shall take effect immediately and the Clerk of the Legislature is hereby authorized and directed to cause a copy of this resolution or a summary thereof, to be published, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the County for such purpose.

Moved by Syracuse, seconded by Bradt.
Roll Call
Adopted. 13 Ayes, 0 Noes, 2 Absent – Collins and Hill

Chairman McNall implemented Rule 28 and turned the floor over to Legislator Syracuse for discussion on CW-011-16 and CW-012-16.

Resolution No. CW-011-16
From: Committee of the Whole
Dated: May 3, 2016

**ACCEPT BIDS FOR NIAGARA COUNTY REFUSE DISPOSAL DISTRICT
CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL CLOSURE
(REF 02-2016 C&D)**

WHEREAS, the Niagara County Refuse Disposal District has prepared specifications in conjunction with the Department of Public Works Engineering Division, to proceed with placing a final cap over the Construction and Demolition Debris Landfill, and

WHEREAS, sealed bids for the General Contract Work for the Construction and Demolition Debris Landfill Closure and Site Upgrades were received and publicly opened by the Purchasing Department on March 24, 2016, as tabulated below:

| <u>Contractor</u> | <u>Bid Price</u> |
|---|------------------|
| 1. Mark Cerrone, Inc. 2368 Maryland Ave, Niagara Falls, NY 14305 | \$1,997,000.00 |
| 2. Environmental Service Group 177 Wales Avenue Tonawanda, NY 14150 | \$2,023,095.00 |
| 3. Mawhiney Trucking Inc. 425 Lake Street Wilson, NY 14172 | \$2,436,781.00 |
| 4. NRC Environmental Services 6392 Deere Rd. Syracuse, NY 13206 | \$2,613,061.97 |

and

WHEREAS, the contract for the Construction and Demolition Debris Landfill Closure be awarded to the lowest responsible bidder, Mark Cerrone Inc., 2368 Maryland Ave. Niagara Falls, NY 14305, in the amount of \$1,997,000, 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 Mark Cerrone Inc., 2368 Maryland Ave. Niagara Falls, NY 14305, be awarded the bid for the Construction and Demolition Debris Landfill Closure in the amount of \$1,997,000, subject to the passage of the 20 day Estoppel period with no challenge to the accompanied bond resolution and be it further

RESOLVED, that the Chairman of the Legislature is authorized to execute the required documents, subject to the review of the County Manager and the approval of the County Attorney
Moved by Syracuse, seconded by Bradt.
Adopted. 13 Ayes, 0 Noes, 2 Absent – Collins and Hill

Resolution No. CW-012-16

From: Committee of the Whole

Dated: May 3, 2016

**ACCEPT BIDS FOR NIAGARA COUNTY REFUSE DISPOSAL DISTRICT
LANDFILL NO. 2 LEACHATE COLLECTION SYSTEM UPGRADES
(REF 02-2016 LF2)**

WHEREAS, the Niagara County Refuse Disposal District has prepared specifications in conjunction with the Department of Public Works Engineering Division, to proceed with upgrading the leachate collection system at Landfill No. 2, and

WHEREAS, sealed bids for the General Contract Work for Landfill No. 2 Leachate Collection System Upgrades were received and publicly opened by the Purchasing Department on March 24, 2016, as tabulated below:

| <u>Contractor</u> | <u>Bid Price</u> |
|---|------------------|
| 1. NRC Environmental Services 6392 Deere Rd. Syracuse, NY 13206 | \$205,609.29 |
| 2. Environmental Service Group 177 Wales Avenue Tonawanda, NY 14150 | \$292,000.00 |
| 3. Mark Cerrone, Inc. 2368 Maryland Ave, Niagara Falls, NY 14305 | \$293,000.00 |

and

WHEREAS, the contract for Landfill No. 2 Leachate Collection System Upgrades be awarded to the lowest responsible bidder, NRC Environmental Services, 6392 Deere Rd. Syracuse, NY 13206, in the amount of \$205,609.29, 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 NRC Environmental Services, 6392 Deere Rd. Syracuse, NY 13206, be awarded the bid for Landfill No. 2 Leachate Collection System Upgrades in the amount of \$205,609.29, subject to the passage of the 20 day Estoppel period with no challenge to the accompanied bond resolution, and be it further

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

Moved by Syracuse, seconded by Wydysh

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

Resolution No. IF-047-16

From: Infrastructures & Facilities and Administration Committees

Dated: May 3, 2016

**BRIDGE ASPHALT CONCRETE DECK OVERLAYS & JOINT REPAIRS
TOWNS OF HARTLAND, NEWFANE, NIAGARA, PENDLETON, ROYALTON,
SOMERSET, WHEATFIELD, AND WILSON
PIN 5761.36, PROJECT AGREEMENT**

WHEREAS, the Bridge Asphalt Concrete Deck Overlays & Joint Repairs project, Towns of Hartland, Newfane, Niagara, Pendleton, Royalton, Somerset, Wheatfield, and Wilson, Niagara County, PIN 5761.36 (the "Project"), is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% federal funds and 20% non-federal funds, and

WHEREAS, the County of Niagara desires to advance the Project by making a commitment of 100% of the non-federal share of the costs for the project's Construction and Construction Inspection phases, and

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

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

RESOLVED, that the Legislature of the County of Niagara hereby authorizes the County of Niagara to pay in the first instance 100% of the federal and non-federal shares of the cost of the project's Construction and Construction Inspection phases or portions thereof, and be it further

RESOLVED, that the following budget modification be effectuated to reflect the funding levels set forth by Schedule A in the agreement:

ESTIMATED REVENUE APPROPRIATIONS:

| | | |
|------------------------|--------------------------|----------|
| D.15.5120.000 43501.00 | Consolidated Highway Aid | \$71,000 |
| D.15.5120.000 44597.02 | Federal Revenue | \$44,000 |

ESTIMATED EXPENSE APPROPRIATIONS:

| | | |
|------------------------|-------------------------|-----------|
| D.15.5120.000 74800.06 | Repairs and Maintenance | \$125,000 |
|------------------------|-------------------------|-----------|

and be it further

RESOLVED, that funds are available to cover the cost of participation in the above phases of the Project in account number D.15.5120.000 74800.06, Repairs and Maintenance, and be it further

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

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

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

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

RESOLVED, that this Resolution shall take effect immediately.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-048-16

From: Infrastructure & Facilities Committee

Dated: May 3, 2016

**BRIDGE WASHING AND DECK SEALING, TOWNS OF
HARTLAND, LOCKPORT, NEWFANE, NIAGARA, PENDLETON,
PORTER, ROYALTON, SOMERSET, WHEATFIELD, AND WILSON
PIN 5761.34, PROJECT AGREEMENT**

WHEREAS, the Bridge Washing and Deck Sealing project, Towns of Hartland, Lockport, Newfane, Niagara, Pendleton, Porter, Royalton, Somerset, Wheatfield, and Wilson, Niagara County, PIN 5761.34 (the "Project"), is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal Funds and 20% Non-Federal Funds, and

WHEREAS, the County of Niagara desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Construction/Construction Inspection phase of the project PIN 5761.34, and

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

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

RESOLVED, that the Legislature of the County of Niagara hereby authorizes the County of Niagara to pay in the first instance 100% of the federal and non-federal shares of the cost of the Construction/Construction Inspection phase of the Project or portions thereof, and be it further

RESOLVED, that the sum of \$205,000 will be made available to cover the cost of participation in the above phase of the Project in account number D.15.5120.000 74800.06, repairs and maintenance, and be it further

RESOLVED, that in the event the amount required to pay the full federal and non-federal shares of the cost of the project's Construction/Construction Inspection phase exceeds the amount appropriated above, the County of Niagara shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation, and be it further

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

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

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

RESOLVED, that this Resolution shall take effect immediately.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-049-16

From: Infrastructure & Facilities and Administration Committees

Dated: May 3, 2016

**HISTORIC COUNTY COURTHOUSE MASONRY REPAIR
CONSULTANT FINAL PAYMENT**

WHEREAS, by Resolution No. PW-084-14, dated June 17, 2014, the Legislature awarded the contract for consultant services for the historical repairs of the Court House corner joints to Bernier Carr & Associates, 327 Mullin Street, Watertown, NY 13601, in the amount of \$12,000, and

WHEREAS, Resolution No. PW-102-14, dated August 5, 2014, authorized Amendment No. 1 for an additional \$5,000, for a revised contract amount of \$17,000, and

WHEREAS, Resolution No. PW-008-15, dated February 17, 2015, authorized Amendment No. 2 for an additional \$1,350 for an additional pre-bid meeting to be held, for a revised contract amount of \$18,350, and

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

RESOLVED, that the project is complete and on budget and final payment is authorized to be processed to Bernier Carr & Associates, 327 Mullin Street, Watertown, NY 13061, and be it further

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-050-16

From: Infrastructure & Facilities and Administration Committees

Dated: May 3, 2016

**LOCKPORT ROAD BRIDGE OVER BERGHOLZ CREEK
CONSULTANT AMENDMENT NO. 2-FINAL**

WHEREAS, Resolution No. PW-112-11, dated October 4, 2011, authorized the contract for consultant services for the reconstruction of Lockport Road Bridge over Bergholz Creek to Fisher Associates, 325 Delaware Avenue, Suite 200, Buffalo, NY 14202, for a fee not to exceed \$57,000, and

WHEREAS, Resolution No. PW-057-12, dated May 1, 2012, authorized Amendment No. 1 to allow for design services for an additional \$122,000, for a revised contract amount of \$179,000, and

WHEREAS, it is necessary to reduce the contract in the amount of \$1,669.01, for a revised contract amount of \$177,330.99, 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 Amendment No. 2-Final to deduct \$1,669.01 from the contract for consultant services for the reconstruction of Lockport Road Bridge over Bergholz Creek, for a revised contract amount of \$177,330.99, to Fisher Associates, 325 Delaware Avenue, Suite 200, Buffalo, NY 14202, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-051-16

From: Infrastructure & Facilities and Administration Committees
Dated: May 3, 2016

**RANSOMVILLE-BRALEY ROAD INTERSECTION PROJECT
CONSULTANT AMENDMENT NO. 1-FINAL**

WHEREAS, Resolution No. PW-074-13, dated August 6, 2013, authorized the contract for consultant services for the survey and right-of-way issues for the Ransomville and Braley Road Intersection project to Clough, Harbour and Associates, LLP, 2200 Main Place Tower, Buffalo, NY 14202, for a fee not to exceed \$18,000, and

WHEREAS, it is necessary to reduce the contract in the amount of \$6,735.93, for a revised contract amount of \$11,264.07, 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 Amendment No. 1-Final to deduct \$6,735.93 from the contract for the Ransomville and Braley Road Intersection project, for a revised contract amount of \$11,264.07, to Clough, Harbour and Associates, LLP, 2200 Main Place Tower, Buffalo, NY 14202, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-052-16

From: Infrastructure & Facilities and Administration Committees
Dated: May 3, 2016

**KRULL/OPPENHEIM PARK DRAINAGE PROJECT
CONSULTANT AMENDMENT NO. 1-FINAL**

WHEREAS, Resolution No. PW-090-07, dated July 24, 2007, authorized the contract for consultant services for improving the drainage situation at Krull and Oppenheim Parks to Foit-Albert Associates, 763 Main Street, Buffalo, NY 14203, for a fee not to exceed \$83,600, and

WHEREAS, it is necessary to reduce the contract in the amount of \$26,800, for a revised contract amount of \$56,800, 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 Amendment No. 1-Final to deduct \$26,800 from the contract for the Krull/Oppenheim Park Drainage project, for a revised contract amount of \$56,800, to Foit-Albert Associates, 763 Main Street, Buffalo, NY 14203, be approved, and be it further

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-053-16

From: Infrastructure & Facilities Committee

Dated: May 3, 2016

AWARD OF CONTRACT – JAIL BUILDING #1 IMPROVEMENTS PROJECT

WHEREAS, the Department of Public Works, Engineering Division has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Niagara County Jail Building #1 Improvements project, and

WHEREAS, funds are available in the 2016 capital budget, and

WHEREAS, the following bids were publicly opened for Jail Building #1 Improvements and Alternate #1 for security glazing and bullet resistant architectural panels, and read by our Purchasing Department on April 14, 2016 as tabulated below:

| | Bid | Alternate #1 | Total |
|--|-----------|--------------|-----------|
| 1. Walter S. Johnson Building Co. P.O. Box 688 Niagara Falls, NY 14302 | \$349,700 | \$75,000 | \$424,700 |
| 2. Sicoli Construction Services 4800 Hyde Park Blvd. Niagara Falls, NY 14305 | \$417,600 | \$69,900 | \$487,500 |
| 3. R. B. Mac Construction Co. P.O. Box 424 Lockport, NY 14095 | \$426,000 | \$70,400 | \$496,400 |
| 4. Sicoli and Massaro, Inc. 8525 Porter Road Niagara Falls, NY 14304 | \$517,000 | \$67,000 | \$584,000 |

and

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

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

RESOLVED, that the contract for the Niagara County Jail Building #1 Improvements project be awarded to the lowest responsible bidder, Walter S. Johnson Building Co., in the amount of \$349,700, plus alternate #1 in the amount of \$75,000, for a total of \$424,700.00, and be it further

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-054-16

From: Infrastructure & Facilities and Administration Committees

Dated: May 3, 2016

**CHESTNUT ROAD BRIDGE OVER EAST BRANCH OF TWELVE MILE CREEK
BUDGET MODIFICATION**

WHEREAS, Resolution No. PW-104-14, dated August 5, 2014, selected Hatch Mott MacDonald NY Inc., 438 Main Street, Suite 700, Buffalo, NY 14202, to assist the County with surveying, mapping, and hydraulic services for the Chestnut Road Bridge over the east branch of Twelve Mile Creek, in the amount of \$37,045, and

WHEREAS, Resolution No. PW-047-15, dated April 21, 2015, increased the contract by \$222,888.38, to allow for the preliminary design and final design phases of the project, for a revised contract amount of \$259,933.38, now, therefore, be it

RESOLVED, that the following budget modification be effectuated to allow the project to proceed:

INCREASE ANTICIPATED REVENUE:

H605.15.5197.000 43591.00 State Aid \$80,000

INCREASE ANTICIPATED APPROPRIATIONS:

H605.15.5197.000 72600.02 Infrastructure Bridges \$80,000

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-055-16

From: Infrastructure & Facilities Committee

Dated: May 3, 2016

MOWING AGREEMENT BETWEEN NIAGARA COUNTY AND TOWN OF NIAGARA

WHEREAS, under Section 135-0 of the Highway Law, the County is empowered to enter into agreements with towns for the cutting of noxious weeds, briers and brush within the boundary of County roads, hereafter referred to as "mowing," and

WHEREAS, it is recommended by the Public Works Committee and the Department of Public Works that the County enter into an agreement with the town of Niagara for mowing, said town to receive an annual payment based upon the actual costs incurred upon presentation of certified cost records for equipment, rental of same, and labor by said town, and

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

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

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-056-16

From: Infrastructure & Facilities Committee

Dated: May 3, 2016

OVERTIME BUDGET MODIFICATION

WHEREAS, the County purchased the properties at 111 Main Street and 20-40 East Avenue, in Lockport, NY, and

WHEREAS, the offices, stairwells, hallways and entry ways are in need of painting, and

WHEREAS, the Department of Social Services has funds available to allow this work to be performed on weekends, allowing minimal disruption to services, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated:

INCREASE ANTICIPATED REVENUE:

| | | |
|-------------------------|-------------------------------------|----------|
| A.25.1620.000.40999.41 | Recovery of Shared Services – MILOR | \$15,313 |
| A.25.7110.000.41289.09 | Other General Govt Salary Reimb. | 2,084 |
| ER.26.7140.000.41289.09 | Other General Govt Salary Reimb. | 1,663 |

INCREASE ANTICIPATED APPROPRIATION:

| | | |
|-------------------------|------------|----------|
| A.25.1620.000.71050.00 | Overtime | \$12,071 |
| A.25.1620.000.78200.00 | FICA | 924 |
| A.25.1620.000.78100.00 | Retirement | 2,318 |
| A.25.7110.000.71050.00 | Overtime | 1,642 |
| A.25.7110.000.78200.00 | FICA | 126 |
| A.25.7110.000.78100.00 | Retirement | 316 |
| ER.26.7140.000.71050.00 | Overtime | 1,310 |
| ER.26.7140.000.78200.00 | FICA | 101 |
| ER.26.7140.000.78100.00 | Retirement | 252 |

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-057-16

From: Infrastructure & Facilities Committee

Dated: May 3, 2016

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE LOCKPORT EXCHANGE CLUB

WHEREAS, the Lockport Exchange Club have requested that the County of Niagara grant them permission to use a portion of the Davison Road Campus for the purpose of holding a Beef on Weck Sale, and

WHEREAS, it is the wish of the Lockport Exchange Club to hold the Beef on Weck Sale on June 2, 2016, and

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

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Lockport Exchange Club, and

WHEREAS, prior to the execution of the license agreement between the County of Niagara and Lockport Exchange Club, the County Attorney will review said agreement for approval as to legal form, language and compliance, now, therefore, it is

RESOLVED, that, following the County Attorney's review, the Chair of the County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and Lockport Exchange Club.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-058-16

From: Infrastructure & Facilities Committee

Dated: May 3, 2016

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND
THE KAIHATSU FIELD HOCKEY CLINIC**

WHEREAS, the Kaihatsu Field Hockey Clinic has requested that the County of Niagara grant them rights to operate a Field Hockey clinic in an area situated in the County owned property on Lake Road, and

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

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

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

WHEREAS, prior to the execution of the License Agreement between the County of Niagara and the Kaihatsu Field Hockey Clinic, the County Attorney will review said agreement for approval as to legal form, language and compliance, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Kaihatsu Field Hockey Clinic, now, therefore, be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Kaihatsu Field Hockey Clinic, as appears on the proposed agreement, is hereby approved in all respects, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the County Legislature be,

and hereby is, authorized to execute the license agreement between the County of Niagara and the Kaihatsu Field Hockey Clinic.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-059-16

From: Infrastructure & Facilities Committee

Dated: May 3, 2016

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA
AND THE LIGHTHOUSE OPTIMIST CLUB OF BARKER**

WHEREAS, the Lighthouse Optimist Club of Barker has requested that the County of Niagara grant them permission to use Krull Park, and the field East of the Softball diamonds, for the purpose of holding a Kite Flying Event, to be held on June 11, 2016, and

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

WHEREAS, it is the wish of the organizers to hold the kite event on June 11, 2016, and

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

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Lighthouse Optimist Club of Barker, and

WHEREAS, prior to the execution of the license agreement between the County of Niagara and the Lighthouse Optimist Club of Barker, the County Attorney will review said Agreement for approval as to legal form, language, and compliance, now, therefore, be it

RESOLVED, that following the County Attorney's review, the Chairman of the County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and the Lighthouse Optimist Club of Barker.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-060-16

From: Infrastructure & Facilities Committee

Dated: May 3, 2016

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA
AND THE OLCOTT FIRE COMPANY SOFTBALL LEAGUE**

WHEREAS, the Olcott Fire Company Softball League has requested that the County of Niagara grant them permission to use existing ball fields in an area situated in the eastern portion of Krull Park for the purpose of softball games, and

WHEREAS, this program benefits the residents of Niagara County as a whole, and

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

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

WHEREAS, it is the desire of Niagara to enter into a formal agreement with the Olcott Fire Company Softball League, and

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

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Olcott Fire Company Softball League, as appears on the proposed agreement, is hereby approved in all respects, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the county Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and the Olcott Fire Company Softball League.

Moved by Bradt, seconded by Virtuoso.

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

Resolution No. IF-061-16

From: Infrastructure & Facilities Committee

Dated: May 3, 2016

AWARD OF CONTRACT – BRIDGE WASHING AND DECK SEALING

WHEREAS, the Department of Public Works, Engineering Division has prepared specifications and the Niagara County Purchasing Department has advertised for bids for Niagara County Bridge Washing and Deck Sealing, and

WHEREAS, funds are available in the 2016 budget of the Highways, Bridges and Structures Division of the Department of Public Works, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on April 28, 2016 as tabulated below:

- | | | |
|----|--|--------------|
| 1. | Dandrow's Painting, Inc. 5 Trade Road Plattsburgh, NY 12901 | \$182,775.50 |
| 2. | Acme Powerwashing 15590 Powerline Road Holly, NY 14470 | \$183,737.20 |
| 3. | Mark Cerrone Inc. 2368 Maryland Avenue Niagara Falls, NY 14305 | \$374,460.60 |

and

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

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

RESOLVED, that the contract for Niagara County Bridge Washing and Deck Sealing be awarded to the lowest responsible bidder, Dandrow's Painting, Inc., 5 Trade Road, Plattsburgh, NY 12901, in the amount of \$182,775.50, 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 Syracuse, seconded by Godfrey.

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

Resolution No. IF-062-16

From: Infrastructure & Facilities and Administration Committees

Dated: May 3, 2016

**WILSON BURT ROAD BRIDGE REHABILITATION
CHANGE ORDER NO. 3**

WHEREAS, by Resolution No. PW-105-14, dated August 5, 2014, the Legislature awarded the contract for the rehabilitation of Wilson Burt Road Bridge to Edbauer Construction, 2790 Clinton Street, West Seneca, NY 14224, for a contract amount of \$4,581,921, and

WHEREAS, Resolution No. IF-134-15, dated November 17, 2015, increased the contract by \$115,810 for underwater repairs, for a revised contract amount of \$4,697,731, and

WHEREAS, Resolution No. IF-031-15, dated March 22, 2016, increased the contract by \$62,682.95 for the final negotiated cost for underwater repairs, for a revised contract amount of \$4,760,413.95, and

WHEREAS, it is necessary to increase the contract in the amount of \$224,343.96 for floor beam repairs, for a revised contract amount of \$4,984,757.91, 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. 3 to increase the contract by \$224,343.96 for the rehabilitation of Wilson Burt Road Bridge, for a revised contract amount of \$4,984,757.91, to Edbauer Construction, 2790 Clinton Street, West Seneca, NY 14224, 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 Syracuse, seconded by Lance.

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

Resolution No. IL-032-16

From: Legislator Zona

Dated: May 3, 2016

RESOLUTION IN SUPPORT OF TOWN OF NIAGARA BUSINESS VETERANS MEMORIAL PARK THROUGH USE OF CASINO FUNDING

WHEREAS, Niagara County is in receipt of funds generated from the Seneca Niagara Casino, as per NYS Finance Law 99h, and

WHEREAS, the legislature is committed to utilizing these funds for economic and community development efforts that will market our county to new businesses looking to expand or relocate, and

WHEREAS, the Town of Niagara hosts the largest producer of sales tax revenue in Niagara County with the Fashion Outlets of Niagara, and

WHEREAS, it is proven quality of life is a critical component of economic development strategies, which includes local parks and recreation areas, which influence a company's decision to relocate in a specific area, and

WHEREAS, the Town of Niagara Veterans Memorial Park is in need of benches for the walking path that runs from the Community Center, and through the remainder of the wooded walking area throughout the park, now, therefore, be it

RESOLVED, the Niagara County Legislature supports the Town of Niagara Veterans Memorial Park, with the purchase of (6) six park benches for the walking path through the use of casino revenues, and be it further

RESOLVED, that the sum of \$4,200 be allotted to the Town of Niagara for this worthwhile community development purchase, and be it further

RESOLVED, that the following budget modification be effectuated to the 2016 Niagara County economic development budget:

INCREASE APPROPRIATED FUND BALANCE:

| | | |
|------------------------|---|------------|
| A.28.8020.812 40599.01 | Appropriated Fund Balance - Committed Funds | \$4,200.00 |
|------------------------|---|------------|

INCREASE APPROPRIATIONS:

| | | |
|------------------------|---|------------|
| A.28.8020.812 74400.15 | Seneca Niagara Community Development Fund | \$4,200.00 |
|------------------------|---|------------|

Referred to Economic Development Committee

Resolution No. IL-033-16

From: Legislator John Syracuse

Dated: May 3, 2016

INTERIM COMMISSIONER OF PUBLIC WORKS APPOINTMENT

WHEREAS, pursuant to the retirement of Kevin O'Brien, Commissioner of Public Works, effective

March 31, 2016, the County Manager has sought to fill the vacant position, and

WHEREAS, the Deputy Commissioner Public Works-Bridges, has also announced his retirement to be effective May 5, 2016, and

WHEREAS, these absences will leave a void in the leadership and management of the department, the County Manager is seeking to place an Interim Commissioner of Public Works until a successor is appointed, and

WHEREAS, the Civil Service Office has determined that Commissioner of Public Works is an unclassified position and said position may be staffed on an interim basis, and

WHEREAS, the Civil Service Office has determined that Jeffrey M. Glatz meets the qualifications to serve in a temporary capacity as Interim Commissioner, now, therefore, be it

RESOLVED, that Jeffrey M. Glatz be appointed as Interim Commissioner of Public Works for a period of 90 days, with an hourly rate of \$60.00, not to exceed 35 hrs/week, effective May 1, 2016, which shall include a continuation of all past benefits.

Moved by Syracuse, seconded by Andres, 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 Andres.

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

Resolution No. IL-034-16

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

Dated: May 3, 2016

RESOLUTION URGING THE NIAGARA FALLS WATER BOARD TO ELIMINATE THE AVAILABILITY FEE IT CHARGES PROPERTY OWNERS IN NIAGARA FALLS WHO DO NOT HAVE WATER SERVICE

WHEREAS, the Niagara Falls Water Board is an authority created to provide water and waste water treatment service to the businesses and residents of the City of Niagara Falls, New York, and

WHEREAS, the mission of the Niagara Falls Water Board is to provide safe and reliable water and wastewater management services in a safe and economical manner to the City of Niagara Falls, and

WHEREAS, one of the fees levied by the Niagara Falls Water Board is an “availability rate” charged to property owners of vacant property in Niagara Falls, at a rate of (\$60) sixty dollars a quarter that do not have water service, and

WHEREAS, the Niagara Falls Water Board currently charges roughly 625 properties an “availability rate”, resulting in approximately \$150,000 in fees being generated to the Niagara Falls Water Board annually, and

WHEREAS, this “availability rate” is an unfair and excessive fee being levied for a service to vacant property owners that do not use water service, and

WHEREAS, to this point, the appointed members of the Niagara Falls Water Board have failed to bring a resolution to a vote to eliminate this unfair "availability rate", now, therefore, be it

RESOLVED, the Niagara County Legislature goes on record opposing and urging the Niagara Falls Water Board to eliminate this unfair "availability rate" to vacant property owners, and be it further

RESOLVED, that a copy of this resolution be forwarded to Gretchen Leffler, Niagara Falls Water Board Chairman, Paul Drof, Executive Director Niagara Falls Water Board, Paul Dyster, Mayor, City of Niagara Falls, Andrew Touma, Chairman, Niagara Falls City Council.

Referred to Economic Development Committee

Resolution No. IL-035-16

From: Legislators Anthony J. Nemi, Wm. Keith McNall and William J. Collins

Dated: May 3, 2016

**RESOLUTION IN SUPPORT OF OUTWATER PARK BASEBALL DIAMOND
IMPROVEMENTS THROUGH THE USE OF CASINO FUNDS**

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

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

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

WHEREAS, youth athletics have long been a critical part of the appeal of municipalities in this county as "bedroom communities" for the regional workforce, and

WHEREAS, the City and Town of Lockport have long served as a hub for tournament baseball, principally through the Anjo baseball fields located adjacent to county properties on Davison Road, and

WHEREAS, those baseball diamonds located at Anjo Field are not built to the specifications set out in the Official Baseball Rules, the legal guidelines governing Major League Baseball and most large-scale tournament play in the Eastern U.S., but rather are built to Little League Baseball standards, with 60 feet between bases, and

WHEREAS, the baseball diamond at Outwater Park, also located in the City of Lockport, and home to Lockport High School baseball as well as various Western New York tournament teams playing in large-scale tournaments throughout the Eastern U.S. and Southern Canada, is in fact constructed to the specifications set out in the Official Baseball Rules, and

WHEREAS, the refurbishment of said diamond at Outwater Park would provide additional incentive for scheduling tournament baseball games at that facility, and

WHEREAS, the cost to rebuild the home plate and pitcher's mound, widen the base paths, and laser groom the remainder of the field has been bid at \$17,088.00, and other entities including the City of Lockport Parks Department and the Lockport Board of Education have committed to partially funding the proposed upgrades, now, therefore, be it

RESOLVED, that Niagara County supports youth athletics and specifically wishes to see the baseball diamond at Outwater Park upgraded and improved so it might continue to provide a positive outlet for youth and adults that enhances quality of life for families residing in the Western New York region, and be it further

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

| | |
|--|-------------|
| Outwater Park baseball diamond upgrades and be it further | \$10,000.00 |
|--|-------------|

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

INCREASE REVENUE:

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

INCREASE APPROPRIATION:

| | | |
|------------------------|---|-------------|
| A.28.8020.812 74400.15 | Seneca Niagara Community Development Fund | \$10,000.00 |
|------------------------|---|-------------|

Referred to Economic Development Committee

Resolution No. IL-036-16

From: Legislators Anthony J. Nemi, Wm. Keith McNall, William J. Collins, Michael A. Hill and John Syracuse, et. al.

Dated: May 3, 2016

**RESOLUTION IN SUPPORT OF COMMUNITY DEVELOPMENT FUNDING
FOR NIAGARA COUNTY GOLF PROGRAM**

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

WHEREAS, 2016 marks the 55th Anniversary of the Niagara County Golf Course, and

WHEREAS, the Legislature wishes to honor this historic milestone, and to encourage the development of our youth in this sport, and

WHEREAS, Niagara County benefits from the additional participation of youth enjoying the Niagara County Golf Course, and

WHEREAS, it is the desire of the Legislature to attract youth and encourage greater participation in the Niagara County Golf Course by promoting a County Golf Program, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby agrees to dedicate funds to the Niagara County Golf budget to help with costs for events, clinics, advertising and national organization fees, and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Golf Course 2016 budget:

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01 Appropriated Fund Balance-Committed Funds \$4,800

INCREASE APPROPRIATION:

A.07.9901.000 79010.00 Contribution to Other Funds \$4,800

INCREASE REVENUE:

ER.26.9901.000 45031.00 Interfund Transfer from Operating \$4,800
Referred to Economic Development Committee

APPOINTMENTS:

| | <u>Appt.</u> | <u>Expires</u> |
|---|--------------|----------------|
| <u>SOIL & WATER CONSERVATION DISTRICT</u> | | |
| William Collins, Legislator | 05/03/16 | 12/31/16 |
| Moved by Burmaster, seconded by Nemi | | |

Chairman McNall announced that the Tuesday September 20, 2016 meeting will be moved to Thursday September 22nd, 2016 due to the NYSAC Conference being held.

Moved by Nemi, seconded by Andres to enter into Executive Session.

Moved by Syracuse, seconded by Bradt to adjourn Executive Session.
Carried.

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

The Chairman declared the Board adjourned at 8:36 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