

OFFICIAL RECORD

Lockport, New York
June 19, 2018

A public hearing was held pursuant to resolution IF-063-18, adopted by the Legislature on May 15, 2018, to hear public comments on A Resolution Calling a Public Hearing for the Purpose of Considering a Proposed Increase and Improvement of Landfill No. 1 of the Niagara County Refuse Disposal District in the County of Niagara, New York. Legislator Nemi opened the hearing at 6:30 p.m. and closed it at approximately 6:43 p.m.

A public hearing was held pursuant to resolution CS-018-18, adopted by the Legislature on May 15, 2018, to hear public comments on NCCC FY 2018-2019 Maintenance and Operating Budget . Legislator Nemi opened the hearing at 6:45 p.m. and closed it at approximately 6:49 p.m.

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

Roll Call.

Present: Andres, Bradt, Burmaster, Collins, Godfrey, Grozio, Hill, Lance, McNall, Nemi, Steed, Syracuse, Virtuoso, Wydysh, Zona – 15

Absent: - 0

CORRESPONDENCE:

1. Chairman McNall announced Niagara County was awarded an EPA Grant of \$500,000.00. Chairman Also thanked Senior Planner of Economic Development Amy Fisk for a great job on preparing the application making Niagara County one out of two counties in New York State and one out of the 33 counties Nationwide.

2. Chairman McNall asked all Legislators to email or call him with their responses to Mr. Wolf email.

3. Chairman McNall Director of Employment and Training, Donald Jablonski on a great job on putting the job fairs together and how much they have grown.

RECOGNITION:

Chairman recognized Clerk of the Legislature Mary Jo Tamburlin on her election as President of the New York State Association of Clerks County Legislative Boards. Chairman McNall stated he is honored to have the pleasure of working with such a fine lady who wears a number of hats in her role in addition to providing everyday support for all the Legislators in our County.

Chairman called Legislator Andres and Mary Jo Tamburlin, Clerk of the Legislature to the lectern to read a proclamation honoring Mary Jo on being elected as the President of the New York State Association of Clerks

A Representative from the New York State Senate and Assembly read a proclamation from Senator Robert G. Ort, Assemblyman Michael Norris, Assemblyman Angelo Morinello and Raymond Walter honoring Mary Jo Tamburlin on her achievement.

Legislator Zona thanked Commissioner of Public Works, Garret Meal and Jeffery Gaston, Public Works for took care clean up on entrance the city did not have funds the week before Memorial Day weekend.

PRESENTATIONS:

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PRESENTATIONS:

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1. Legislator Hill called the RoyHart Baseball Team to the lectern to read a proclamation declaring the last week of June as "Section VI Champion Roy-Hart Rams Week 2018" in Niagara County.
2. Legislator Syracuse called Fred Kanehl and John Zieziula the Directors and Owner of Camp Happiness to the lectern to read a proclamation declaring the week of June 24, 2018 through June 30, 2018 as "Camp Happiness Week".
3. Legislator Godfrey called David DiBacco, Chief executive Officer of Eastern Niagara Hospital to give the Legislators a briefing on the upcoming renovations being done to the Hospital and all the positive changes because of the affiliation with Kaleida.
4. Legislator Hill invited the 2018 Niagara Orleans County Ambassador for the Dairy Princess Sadie Klumpp to the lectern and read a proclamation declaring June 2018 as Dairy Month in Niagara County.

No citizens spoke at this time.

Recess

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

Resolution No. AD-014-18

From: Administration Committee and Economic Development Committees

Dated: June 19, 2018

POSITION APPOINTMENT COMMISSIONER OF NIAGARA COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT

WHEREAS, under the Local Law establishing an Administration Code for the County of Niagara, the County Manager shall make appointments for the position of Commissioner of Economic Development subject to the confirmation of the County Legislature, and

WHEREAS, Economic Development Commissioner Samuel M. Ferraro entered into rest on March 10, 2018, and

WHEREAS, upon review, consideration and recommendation for appointment by the County Manager, it has been determined that Michael Casale best meets the qualifications for the position of Commissioner of the Niagara County Department of Economic Development, now, therefore, be it

RESOLVED, that Michael Casale be appointed to a five (5) year term, effective March 12, 2018 – March 12, 2023 to the position of Commissioner of Niagara County Department of Economic Development, be it further

RESOLVED, that the salary of the Commissioner of the Niagara County Economic Development position be increased to \$92,500, be it further

RESOLVED, that the Deputy Commissioner of Economic Development position be filled by Andrea Klyczek Grade 13 Step 4 \$75,476, be it further

RESOLVED, the Niagara County Industrial Development Agency Board has agreed to reimburse Niagara County for half of the Deputy Commissioner salary, be it further

RESOLVED, that the Deputy Commissioner will also act as the Deputy Executive Director for the Niagara County Industrial Development Agency.

Moved by Syracuse, seconded by Collins

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. AD-015-18

From: Administration Committee

Dated: June 19, 2018

**RESOLUTION TO AUTHORIZE THE NIAGARA COUNTY MANAGER TO
NOTIFY REAL PROPERTY OWNERS THAT INTEND TO INSTALL AN ENERGY SYSTEM
WHICH IS EXEMPT FROM TAXATION UNDER REAL PROPERTY TAX LAW SECTION 487
THAT NIAGARA COUNTY REQUIRES A PILOT**

WHEREAS, Real Property Tax Law §487 provides for a property tax exemption for certain energy systems, including certain wind and solar energy systems, and

WHEREAS, said section allows taxing jurisdictions, including the County, to require property owners of property including certain solar and wind energy systems to enter into a contract requiring a payment in lieu of taxes (PILOT), and

WHEREAS, taxing jurisdictions must inform applicants within 60 days of receipt of notice whether a PILOT will be required, now, therefore, be it

RESOLVED, that the County Manager is authorized and instructed to send notice to any applicant or property owner who gives notice of intent to install an energy system exempt from taxation by RPTL§ 487 that the County will require a PILOT.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CS-022-18

From: Community Services and Administration Committees

Dated: June 19, 2018

NCCC FY 2018-2019 MAINTENANCE AND OPERATING BUDGET

WHEREAS, the Administration Committee and the Community Services Committee, which are also the Budget Review Committees, have had under consideration the Niagara County Community College Board of Trustees recommended budget for the conduct of the Niagara County Community College fiscal year commencing September 1, 2018 and ending August 31, 2019, and

WHEREAS, the said budget has had careful consideration by the Administration Committee, the Community Services Committee, the Budget Office, and the County Manager, and

WHEREAS, a public hearing was held on the 19th day of June, 2018 with regard to the tentative budget for the College, now, therefore be it

RESOLVED, that the foregoing tentative Niagara County Community College budget for the fiscal year 2018-19, beginning September 1, 2018 and ending August 31, 2019, is hereby approved and adopted with any amendments as heretofore approved this date by this legislature and which results in a total figure of \$48,110,141, with the Sponsor's contribution from taxes of \$8,971,000

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CS-023-18

From: Community Services and Administration Committees

Dated: June 19, 2018

CREATION OF TEMPORARY POSITION – SOCIAL SERVICES

WHEREAS, one of the Children Services Undercare Units in the Niagara Falls office has been without a supervisor since January 1, 2018 as a result of a leave of absence, and

WHEREAS, the Department has had to re-assign a supervisor from Lockport to cover the Niagara Falls unit three days a week, and

WHEREAS, the Department has reason to believe that said supervisor's absence may be through the end of the year, and

WHEREAS, it is not administratively feasible to have one supervisor cover two (2) units for an extended period of time, and

WHEREAS, it would be in the Department's best interest at this time to create a temporary Case Supervisor B position, Job Group 12, Step 2 at \$29.41 per hour, now, therefore, be it

RESOLVED, that a temporary Case Supervisor B position, Job Group 12, Step 2 at \$29.41 per hour be created and filled effective July 16, 2018, and be it further

RESOLVED, that the following line item transfer be effectuated:

FROM:

A.22.6010.000 71010.1025	Case Supervisor – Grade B	\$24,911
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TO:

A.22.6010.000 71010.xxxxxx	Case Supervisor – Grade B (temp)	\$24,911
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CS-024-18

From: Community Services and Administration Committees

Dated: June 19, 2018

**BUDGET MODIFICATION-ACCEPT IMPACT FUNDING
NURSING DIVISION- DEPARTMENT OF HEALTH**

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

WHEREAS, the New York State Department of Health through the Population Health Collaborative of Western New York, a New York non-for-profit corporation, has awarded the Nursing Division IMPACT (Initiatives for Multi-Sector Public Action) funds to support the implementation of the National Diabetes Prevention Program, now, therefore, be it

RESOLVED, the following budget modification be effectuated:

INCREASE REVENUE:

A.20.4189.401 43489.06 Healthy Community Initiatives	\$4,000.00
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INCREASE APPROPRIATIONS:

A.20.4189.401 71050.00 Overtime	\$1,580.00
A.20.4189.401 74250.03 Printing/duplicating	600.00
A.20.4189.401 74300.03 Travel/mileage	144.00
A.20.4189.401 74375.01 Advertising & Promotion	837.00
A.20.4189.401 74600.02 Books/Subscriptions	400.00
A.20.4189.401 78100.00 Retirement	251.00
A.20.4189.40178200.00 FICA	155.00
A.20.4189.401 78300.00 Worker's Comp	33.00

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CS-025-18

From: Community Services and Administration Committees

Dated: June 19, 2018

**BUDGET MODIFICATION-ACCEPT UB FOUNDATION FUNDING
NURSING DIVISION - NIAGARA COUNTY DEPARTMENT OF HEALTH**

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

WHEREAS, the University at Buffalo Foundation awarded the Public Health Nursing Division funds for completing Practice Facilitation training, and

WHEREAS, the department wishes to accept these funds, now, therefore, be it

RESOLVED, the following budget modification be effectuated:

INCREASE REVENUE:

A.20.4189.401 41689.07 Income Health Collaborations \$1,000

INCREASE APPROPRIATIONS:

A.20.4189.401 74375.01 Advertising & Promotion \$1,000

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CSS-042-18

From: Community Safety & Security and Administration Committees

Dated: June 19, 2018

**NIAGARA COUNTY SHERIFF'S OFFICE
INTER-MUNICIPAL PATROL VEHICLE AGREEMENT**

WHEREAS, Niagara County currently possesses a 2016 Ford Explorer previously used by the Sheriff's Office with an odometer reading of approximately 120,000 miles which is no longer needed for County use and declare the property as surplus property, and

WHEREAS, the Town of Wheatfield has need of a vehicle matching the above description for use by Town Constables in the performance of their law enforcement duties, and

WHEREAS, an Inter-Municipal Agreement between the County of Niagara and the Town of Wheatfield had been drafted by the County Attorney's Office which details the terms of a transfer of the aforementioned 2016 Ford Explorer, now, therefore, be it

RESOLVED, that the County of Niagara enter into an agreement with the Town of Wheatfield to transfer the ownership of the 2016 Ford Explorer, 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 agreement with the Town of Wheatfield.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CSS-043-18

From: Community Safety & Security and Administration Committees

Dated: June 19, 2018

**NIAGARA COUNTY SHERIFF'S OFFICE
ACCEPT AID TO CRIME LABORATORIES GRANT**

WHEREAS, the Niagara County Sheriff's Office has been awarded a grant from the New York State Division of Criminal Justice Services for the period of July 1, 2018 through June 30, 2019 in the amount of \$176,901, and

WHEREAS, this grant is an additional year of funding of an existing grant, and

WHEREAS, the funds are used to maintain national and state accreditation for the Niagara County Forensic Laboratory and provide efficient and effective forensic services for Niagara County, and

WHEREAS, the funds are included in the 2018 budget and will be included in the 2019 budget, however, the contract needs to be executed, 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 Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CSS-044-18

From: Community Safety & Security and Administration Committee

Dated: June 19, 2018

**NIAGARA COUNTY SHERIFF'S OFFICE
ACCEPT GUN INVOLVED VIOLENCE ELIMINATION (GIVE) GRANT**

WHEREAS, the Niagara County Sheriff's Office been notified by the New York State Division of Criminal Justice Services that a grant in the amount of \$94,799 is being awarded to the Sheriff's Office through the Gun Involved Violence Elimination (GIVE) Grant for the period July 1, 2018 through June 30, 2019, and

WHEREAS, the GIVE grant funds a Correction Officer position #10442, overtime costs for probation/parole home visits and travel for DCJS sponsored trainings and conferences, and

WHEREAS, the revenue and equal expenses are already 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 Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CSS-045-18

From: Community Safety & Security and Administration Committees

Dated: June 19, 2018

**NIAGARA COUNTY SHERIFF'S OFFICE
RETIREMENT CERTIFICATION CHANGE**

WHEREAS, the Niagara County Sheriff's Office currently has to do an annual recertification of each Sheriff's Deputy for the New York State Retirement System, and

WHEREAS, the New York State Retirement System has notified the Niagara County Sheriff's Office that an option exists to certify each Sheriff's Deputy once which will be ongoing, and

WHEREAS, this certification will be dependent on documentation of each Deputy's Bureau of Municipal Police Training Council certification, now, therefore, be it,

RESOLVED, that the Sheriff's Office of the County of Niagara does hereby elect to provide for the crediting of service performed by a Deputy Sheriff enrolled in Article 14-B of the Retirement and Social Security Law who is a police officer pursuant to subdivision 34 of section 1.20 of the criminal procedure law as certified by the municipal police council (pursuant of Chapter 542, Laws of 2015), and be it further

RESOLVED, that the effective date of such shall be 1st day of August, 2018.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CSS-046-18

From: Community Safety & Security and Administration Committees

Dated: June 19, 2018

**NIAGARA COUNTY SHERIFF'S OFFICE
ABOLISH CORRECTION OFFICER POSITIONS
AND CREATE AND FILL LIEUTENANT POSITION**

WHEREAS, the Niagara County Sheriff reviews all positions in the Sheriff's Office budget to ensure that positions, duties and supervision are at an appropriate level to ensure the most effective operation of the Sheriff's Office, and

WHEREAS, the Sheriff has determined that a Correction Lieutenant position is needed to plan, oversee and execute the Corrections Academy, the ongoing yearly training of correction officers, and the training records needed to maintain New York State accreditation and achieve National accreditation, and

WHEREAS, the Sheriff's Office has experienced the retirement of a Correction Officer as of June 2, 2018, and

WHEREAS, the Sheriff would satisfy the need for training leadership by abolishing a full-time correction officer position and a part-time correction officer position and creating a Lieutenant position, now, therefore, be it

RESOLVED, that effective June 30, 2018 the position #00536 Correction Officer and position #02191 Correction Officer Part-time be abolished and a Lieutenant position be created and filled, and be it further

RESOLVED, that the following modifications to the 2018 budget be effectuated:

DECREASE APPROPRIATIONS:

A.17.3150.000.71010.00	Position Expense (Correction Officer Position #00536)	\$32,069
A.17.3150.000.71010.00	Position expense (Correction officer p/t posn #02191)	9,378

INCREASE APPROPRIATIONS:

A.17.3150.000.71010.00	Position Expense (Lieutenant Position #to be determined)	\$39,994
A.17.3150.000.71032.00	Training Allowance Expense	123
A.17.3150.000.71034.00	Briefing Time Expense	211
A.17.3150.000.78100.00	Retirement Expense	1,022
A.17.3150.000.78200.00	FICA Expense	97

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CSS-047-18

From: Community Safety & Security and Administration Committees
Dated: June 19, 2018

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

WHEREAS, the New York State Governor's Traffic Safety Committee, STOP-DWI Foundation has notified the Niagara County Sheriff's Office of an additional \$8,000 in grant funds available to use for crackdowns this year, and

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

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

RESOLVED, that the following line item transfers be effectuated:

INCREASE REVENUE:

A.17.3315.000.44389.09	Other Public Safety Traffic	\$8,000
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INCREASE APPROPRIATION:

A.17.3315.000.74400.09	Miscellaneous Expenses Payments	\$8,000
	Other Agencies	

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CSS-048-18

From: Community Safety & Security and Administration Committees

Dated: June 19, 2018

**ABOLISH ACCOUNT CLERICAL I POSITION
CREATE & FILL ACCOUNT CLERICAL II POSITION
EMERGENCY MANAGEMENT OFFICE**

WHEREAS, the duties of the position of Account Clerical 1 do not meet the present needs of the Emergency Management Office, and

WHEREAS, the duties of Account Clerical II represent the responsibilities necessary for the daily operations of the Emergency Management Office, and

WHEREAS, the change reflects no cost increase to the County, now, therefore, be it

RESOLVED, that effective June 18, 2018 the position of Account Clerical I (Position #10272), CSEA Job Group IV, Step 3 at \$32,703.30 per year, be abolished, and be it further

RESOLVED, that effective June 18, 2018 the position of Account Clerical II (Position #xxx), CSEA Job Group V, Step 2 at \$33,288 per year, be created and filled, and be it further

RESOLVED, that the following 2018 budget modification be effectuated:

INCREASE APPROPRIATION:

A.19.3640.000 71010.00 xxxx	Positions	\$147
A.19.3645.000 71010.00 xxxx	Positions	147
A.19.3645.000 78100.00	Retirement	14
A.19.3645.000 78200.00	FICA	12
A.19.3645.000 78300.00	Worker's Comp	3

DECREASE APPROPRIATION:

A.19.3640.000 71010.00 6232	Positions	\$294
A.19.3640.000 78100.00	Retirement	14
A.19.3640.000 78200.00	FICA	12
A.19.3640.000 78300.00	Worker's Comp	3

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CW-007-18

From: Committee of the Whole

Dated: June 19, 2018

RESOLUTION DETERMINING PROPOSED INCREASE TO REFUSE DISPOSAL DISTRICT FACILITIES TO BE A TYPE II ACTION PURSUANT TO SEQRA

WHEREAS, the County of Niagara has caused the firm CHA to prepare a map, plan, and report for a proposed increase in the facilities of the Niagara County Refuse Disposal District (the "Project"), dated January 3, 2018, and

WHEREAS, the increase of facilities contemplated thereby consists of a particular course of action specifically required to be undertaken pursuant to a Consent Order entered into between the Niagara County Refuse Disposal District and the New York State Department of Environmental Conservation dated April 24, 2018, and

WHEREAS, pursuant to the State Environmental Quality Review Act ("SEQRA") and its implementing regulations, specifically 6 NYCRR § 617.5(c)(29), such action constitutes a "Type II" action under SEQRA, and is exempt from further review under SEQRA, now, therefore, be it

RESOLVED, that it is hereby determined that the increase to facilities of the Niagara County Refuse Disposal District Project is a Type II action and requires no further action or review under SEQRA.

Moved by Hill, seconded by Syracuse.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CW-008-18

From: Committee of the Whole

Dated: June 19, 2018

RESOLUTION PURSUANT TO SECTION 268 OF THE COUNTY LAW DECLARING IT IS IN THE PUBLIC INTEREST TO UNDERTAKE THE INCREASE AND IMPROVEMENT OF NIAGARA COUNTY REFUSE DISPOSAL DISTRICT FACILITIES PROJECT CONSISTING OF THE CONSTRUCTION AND PLACEMENT OF A CAP ON THE DISTRICT'S LANDFILL #1 AND IMPROVEMENTS TO THE LECHATE COLLECTION SYSTEM AND RELATED MATTERS

WHEREAS, the County of Niagara, New York (the "County"), has duly caused the firm of CHA, engineers duly licensed in the State of New York, to prepare and file with the Clerk of the Legislature a map, plan and report (the "Map, Plan and Report") including an estimate of the cost relating to the proposed increase and improvement of the facilities for the Niagara County Refuse Disposal District, consisting of construction and placement of a cap on Landfill No. 1 located off County Route 93 Bypass, Lockport, New York, and the construction of improvements to the leachate collection system of Landfill No. 1, including all related, incidental, and ancillary improvements, equipment, machinery, apparatus, costs and expenses in connection therewith (collectively, the "Project"), and

WHEREAS, the Niagara County Legislature has determined that the Project is a Type II action under the State Environmental Quality Review Act ("SEQRA"), requiring no further review under SEQRA, and

WHEREAS, at a meeting of the County Legislature duly called and held on May 15, 2018, a resolution was duly adopted by it and entered in the minutes specifying the County Legislature would hold a public hearing on said increase and improvement of facilities at a maximum estimated cost of \$4,500,000, to hear all persons interested in the subject concerning the same on June 19, 2018 at 6:30 p.m. at the Niagara County Courthouse, 175 Hawley St., Lockport, New York, and

WHEREAS, notice of said public hearing certified by the Clerk of the Legislature was duly published and posted as required by law, to wit: a duly certified copy thereof was published in the official newspapers of the County, on June 4, 2018 and a copy of such order was posted on June 5, 2018 on the signboard maintained by the County Clerk, and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to heard were duly heard;

NOW THEREFORE, THE COUNTY LEGISLATURE OF THE COUNTY OF NIAGARA, NEW YORK, HEREBY RESOLVES, AS FOLLOWS:

SECTION 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to undertake the Project of an increase and improvement of the facilities of the Niagara County Refuse Disposal District, consisting of the construction and placement of a cap on Landfill No. 1 located off County Route 93 Bypass, Lockport, New York, and the construction of improvements to the leachate collection system for Landfill No. 1, including all related, incidental and ancillary improvements, equipment, machinery, apparatus, costs and expenses in connection therewith all as more particularly described in the Map, Plan and Report, at a maximum estimated cost of \$4,500,000, and such will not constitute an undue burden on the property which will bear the cost thereof.

SECTION 2. The Niagara County Environmental Coordinator shall proceed with these improvements in the manner set forth in County Law Section 262.

SECTION 3. This order shall take effect immediately.
Moved by Hill, seconded by Syracuse.
Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. CW-009-18

From: Committee of the Whole

Dated: June 19, 2018

**RESOLUTION APPROVING AN APPLICATION FOR PERMISSION TO THE STATE
COMPTROLLER CONCERNING THE INCREASE AND IMPROVEMENT OF NIAGARA COUNTY
REFUSE DISPOSAL DISTRICT FACILITIES CONSISTING OF THE CONSTRUCTION AND
PLACEMENT OF A CAP ON THE DISTRICT'S LANDFILL NO. 1 AND IMPROVEMENTS TO
THE LEACHATE COLLECTION SYSTEM FOR LANDFILL NO. 1 AND RELATED MATTERS**

WHEREAS, the County of Niagara, New York (the "County"), has duly caused the firm of CHA, engineers duly licensed in the State of New York, to prepare and file with the Clerk of the Legislature a map, plan and report (the "Map, Plan and Report") including an estimate of the cost relating to a proposed increase and improvement of the facilities of the Niagara County Refuse Disposal District, consisting of the construction and placement of a cap on Landfill No. 1 located off of County Route 93 Bypass, Lockport, New York and the construction of improvements to the leachate collection system for Landfill No. 1, including all related, incidental and ancillary improvements, equipment, machinery, apparatus, costs and expense in connection therewith (collectively, the "Project"), and

WHEREAS, after being duly noticed according to law a public hearing on said increase and improvement of facilities at a maximum estimated cost of \$4,500,000 was held this 19th day of June, 2018 at 6:30 p.m. at the Niagara County Courthouse, 175 Hawley St., Lockport, New York, at which public hearing all persons interested in the subject who wished to be heard were heard, and

WHEREAS, after the public hearing was held, this Legislature by separate resolution found the proposed increase and improvements to be in the public interest and authorized the Niagara County Environmental Coordinator to proceed with the same, and

WHEREAS, pursuant to County Law Section 268(3), because it is proposed that the project be funded by the issuance of bonds, notes, certificates or other evidences of indebtedness of the County, no such expenditure may be made or contract let without the consent of the State Comptroller, and

WHEREAS, an application for permission of the State Comptroller has been prepared by the Niagara County Environmental Coordinator in conjunction with the County Attorney's Office for the signature of the Chairman of the Legislature pursuant to 2 NYCRR Part 85, now, therefore, be it

RESOLVED, that the application for permission of the State Comptroller was prepared at the direction of this Legislature; that this Legislature believes the contents of the application to be accurate; that this Legislature has determined that the improvement, district, extension or expenditure for which permission is sought is in the public interest and will not constitute an undue burden on the property which will bear the cost thereof; and be it further

RESOLVED, that the Chairman of the Legislature sign the application for permission and submit the same to the Office of the State Comptroller.

Moved by Hill, seconded by Syracuse.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-073-18

From: Infrastructure & Facilities and Administration Committees

Dated: June 19, 2018

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

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

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

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

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

WHEREAS, additional services to be performed by CHA Consulting, Inc. for the Niagara County Refuse Disposal District in regards to the addition of a deep zone monitoring well to the monitoring network is necessary, and

WHEREAS, CHA Consulting, Inc. has submitted a detailed Scope of Work and the corresponding Professional Fees to be charged by CHA Consulting, Inc. to Niagara County Refuse Disposal District to complete the above-referenced additional services in regards to the addition of a deep zone monitoring well to the monitoring network, and

WHEREAS, the proposed Professional Fees to be charged by CHA Consulting, Inc. to Niagara County Refuse Disposal District to complete the above-referenced additional services in regards to the monitoring network shall not exceed \$27,650.00, and

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

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

RESOLVED, that the Niagara County Refuse Disposal District is hereby authorized to enter into an Amendment/Addendum to the June 24, 2014 contract with CHA Consulting, Inc. Amendment/Addendum to complete the above-referenced additional services in regards to C&D Landfill, Landfill #1 and Landfill #2 and the amount to be paid by the Niagara County Refuse Disposal District to CHA Consulting Inc. for said additional services shall not exceed the amount of \$27,650.00, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-074-18

From: Infrastructure & Facilities Committee

Dated: June 19, 2018

**AWARD OF CONTRACT – ENTERPRISE DOCUMENT MANAGEMENT
NEEDS ASSESSMENT CONSULTING SERVICES**

WHEREAS, the Information Technology Department has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Enterprise Document Management Needs Assessment Consulting Services, and

WHEREAS, funds are available in account number H656.16.1680.000 72100.26, Information Technology Systems – Capital, and

WHEREAS, the bids were publicly opened and read by our Purchasing Department on March 15, 2018, and

WHEREAS, the selection subcommittee was formed to include County Manager, Budget, Purchasing, Health, Treasurer, Public Works, Risk Management, and Information Technology to examine bids, select the vendor, 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 Enterprise Document Management Needs Assessment Consulting Services project be awarded to the lowest responsible bidder, Berry Dunn McNeil & Parker, LLC., 100 Middle St., Portland, ME 04104, in the amount of \$48,880, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-075-18

From: Infrastructure & Facilities and Administration Committees:

Dated: June 19, 2018

**LOCKPORT ROAD INTERSECTIONS
CONSULTANT AMENDMENT NO. 7-FINAL**

WHEREAS, Resolution No. PW-079-08, dated July 22, 2008, awarded the contract for engineering services to Erdman Anthony, 8608 Main Street, Buffalo, NY 14221, in the amount of \$857,715, and

WHEREAS, Resolution No. PW-099-10, dated October 5, 2010, amended the contract to allow for additional survey work to incorporate highway alignment for standard taper lengths, for a cost not to exceed \$18,082, for a revised contract amount of \$875,797, and

WHEREAS, Resolution No. PW-035-12, dated March 6, 2012, amended the contract to allow for archaeological and architectural studies, as required by the New York State Department of Transportation, for an additional \$154,461, for a revised contract amount of \$1,030,258, and

WHEREAS, Resolution No. PW-025-13, dated February 19, 2013, authorized the extension of the contract to December 31, 2013, at no additional cost, and

WHEREAS, Resolution No. PW-088-13, dated October 15, 2013, amended the contract for right-of-way incidentals and acquisition phase, for a cost not to exceed \$29,925, for a revised contract amount of \$1,060,183, and extended the contract completion date to December 31, 2016, at no cost to the County, and

WHEREAS, Resolution No. PW-002-15, dated February 17, 2015, amended the contract for construction administration and construction inspection services, for a fee not to exceed \$412,269, for a revised contract amount of \$1,472,452, and

WHEREAS, Resolution No. IF-063-16, dated May 24, 2016, amended the contract to change contract documents during bidding and resolve waterline conflict during construction, for a cost not to exceed \$70,922, for a revised contract amount of \$1,543,374, and

WHEREAS, it is necessary to decrease the contract by \$74,108.94, for a revised contract amount of \$1,469,265.06, 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 consultant services contract with Erdman Anthony, 8608 Main Street, Buffalo, NY 14221, be decreased by \$74,108.94, for a revised contract amount of \$1,469,265.06, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-075-18

From: Infrastructure & Facilities and Administration Committees:

Dated: June 19, 2018

**LOCKPORT ROAD REPAVING PROJECT
CONSULTANT AMENDMENT NO. 2-FINAL**

WHEREAS, Resolution No. IF-080-16, dated August 2, 2016, selected Erdman, Anthony & Associates, Inc., 8608 Main Street, Buffalo, NY 14221, to complete design and perform construction administration and construction inspection for the Lockport Road Repaving Project, in the amount of \$112,818, and

WHEREAS, Resolution No. IF-138-17, dated October 17, 2017, amended the contract to allow for additional construction inspection and construction administration, in the amount of \$23,461, for a revised contract amount of \$136,279, and

WHEREAS, it is necessary to decrease the contract by \$7,573.52, for a revised contract amount of \$128,705.48, 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 consultant services contract with Erdman, Anthony & Associates, Inc., 8608 Main Street, Buffalo, NY 14221, be decreased by \$7,573.52, for a revised contract amount of \$128,705.48, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-075-18

From: Infrastructure & Facilities and Administration Committees:

Dated: June 19, 2018

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND BALANCE YOGA OF WNY

WHEREAS, Balance Yoga of WNY has requested that the County of Niagara grant them rights to operate a Yoga exercise program in an area situated in the County owned property at Bond Lake Park, and

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

WHEREAS, such program is being offered at no charge to the public, 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 Balance Yoga of WNY, 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 Balance Yoga of WNY now, therefore be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and Balance Yoga of WNY, 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 Balance Yoga of WNY.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-075-18

From: Infrastructure & Facilities and Administration Committees:

Dated: June 19, 2018

**HUMAN RESOURCES BUILDING ROOF REPLACEMENT PROJECT
CONSULTANT AMENDMENT NO. 1-FINAL**

WHEREAS, Resolution No. IF-103-16, dated October 18, 2016, authorized the contract for consultant services to assist the County with the Human Resources Building Roof Replacement Project to Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, PC, Centerpointe Corporate Park, 375 Essjay Road, Suite 200, Williamsville, NY 14221, for a fee not to exceed \$46,500, and

WHEREAS, it is necessary to increase the contract in the amount of \$6,080 for additional project monitoring services associated with asbestos abatement, for a revised contract amount of \$52,580, 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 consultant services contract with Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, PC, Centerpointe Corporate Park, 375 Essjay Road, Suite 200, Williamsville, NY 14221, be increased by \$6,080, for a revised contract amount of \$52,580, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-075-18

From: Infrastructure & Facilities and Administration Committees:

Dated: June 19, 2018

**BRIDGE ASPHALT CONCRETE DECK OVERLAYS & JOINT REPAIRS
SUPPLEMENTAL AGREEMENT NO. 2**

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 of the Construction/Construction Inspection phases of the project, and

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

RESOLVED, that the 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 Construction/Construction Inspection phases of the project or portions thereof, and be it further

RESOLVED, that the sum of \$16,350.00 is hereby appropriated in account D.15.5120.000 74800.06, Repairs and Maintenance-Bridges, and made available to cover the cost of participation in the above phases of the project, 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 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 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. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-080-18

From: Infrastructure & Facilities and Administration Committees:

Dated: June 19, 2018

TONAWANDA CREEK ROAD PAVEMENT REHABILITATION PROJECT

**CAMPBELL BOULEVARD TO ERIE CANAL BRIDGE AND
SLIDE STABILIZATION WORK, ERIE AND NIAGARA COUNTIES
SUPPLEMENTAL AGREEMENT NO. 1**

WHEREAS, the Tonawanda Creek Road Pavement Rehabilitation Project, Campbell Boulevard to Erie Canal Bridge, and Slide Stabilization Work, Towns of Pendleton, Lockport and Clarence, Niagara and Erie Counties, PIN 5761.66 (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 Preliminary Engineering (Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition phases of the project, and

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

RESOLVED, that the 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 Preliminary Engineering (Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition phases of the Project or portions thereof, and be it further

RESOLVED, that the sum of \$1,135,000 is appropriated in account H630.15.5112.000.72600.01 and made available to cover the cost of participation in the above phase of the Project, and be it further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Legislature of Niagara County shall convene 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 State Aid eligible Project costs, and all Project costs within appropriations therefore 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. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-081-18

From: Infrastructure & Facilities Committee:

Dated: June 19, 2018

AWARD OF CONTRACT – WEST CANAL MARINA WALKWAY IMPROVEMENTS

WHEREAS, the Department of Public Works, Engineering Division has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the West Canal Marina Walkway Improvement Project, and

WHEREAS, funds are available in account number H654.15.7110.000 72400.00, Land Improvements, and H633.15.7110.000 72400.00, Land Improvements, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on May 31, 2018 as tabulated below:

		Base Bid	Alternate #1	Alternate #2
1.	Scott Lawn Yard 3305 Haseley Drive Niagara Falls, NY 14304	\$279,759	\$48,000	\$45,000
2.	4 th Generation Construction 5650 Simmons Avenue Niagara Falls, NY 14304	\$367,900	\$76,600	\$51,100

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 West Canal Marina Walkway Improvement Project be awarded to the lowest responsible bidder, Scott Lawn Yard, 3305 Haseley Drive, Niagara Falls, NY 14304, in the amount of \$327,759 for the Base Bid and Alternate #1, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-082-18

From: Infrastructure & Facilities and Administration Committees:

Dated: June 19, 2018

CREATE AND FILL TEMPORARY TRUCK DRIVER POSITION

WHEREAS, due to a personnel vacancy within the Highway Division of the Public Works Department, the department has reviewed its operational needs for maintaining the various 283 road miles throughout Niagara County, and

WHEREAS, after studying the services we provide and evaluating all options it has been determined that it would be in the best interest of the department, as well as the taxpayers, to create and fill one (1) temporary Truck Driver position, and

WHEREAS, funding for this newly created position will only be through the end of 2018, and

WHEREAS, funds will come from the current open position and other positions that have been vacant throughout the course of 2018, now, therefore, be it

RESOLVED, that the position of Truck Driver, temporary, AFSCME, Grade 47, Step 1, at an annual salary of \$33,508, be created and filled, effective June 20, 2018, with an end date of December 31, 2018, and be it further

RESOLVED that the following budget modification be made:

FROM:

D.15.5110.000.71010.01	Positions (Truck Driver Pos. # 3430)	\$17,500
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TO:

D.15.5110.000.71010 .01	Positions (Truck Driver - Pos. #xxxxx)	\$17,500
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-083-18

From: Infrastructure & Facilities Committee:

Dated: June 19, 2018

**RESOLUTION REJECTING BIDS FOR THE FLOOR PREPARATION CONTRACT
NIAGARA COUNTY COURT HOUSE, LOCKPORT
ANGELO DELSIGNORE CIVIC BUILDING, NIAGARA FALLS**

WHEREAS, the County of Niagara, Department of Public Works, advertised for sealed bids to be received on February 27, 2018 for the Floor Preparation project at the Niagara County Court House in Lockport, NY and the Angelo DelSignore Civic Building in Niagara Falls, NY, and

WHEREAS, the bid of the apparent low bidder was received, contained errors and was deemed non-responsive, and

WHEREAS, it is in the best interest of the taxpayers of Niagara County to restructure and rebid this project, now, therefore, be it

RESOLVED, that the County, pursuant to the bid specifications, is rejecting all bids.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-084-18

From: Infrastructure & Facilities Committee:

Dated: June 19, 2018

**AWARD OF CONTRACT – TROTT ACCESS CENTER
NORTHPOINTE RENOVATIONS FLOORING CONTRACT**

WHEREAS, the Department of Public Works, Buildings and Grounds Division has solicited quotes, per the purchasing guidelines set forth in Resolution AD-034-17, dated December 12, 2017, for the flooring tasks associated with the renovation of space for the Northpointe Clinic, and

WHEREAS, the following quotes were received:

1. Pro Squared Facility Solutions	\$31,500
1243 Military Road	
Kenmore, NY 14216	

2. QuestMark Flooring	\$42,749
256 Two Mile Creek Rd	
Tonawanda, NY 14150	

and

WHEREAS, there are funds available in H649.25.1620.000 72200.01, Building Improvements, 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 Northpointe Renovations Flooring work be awarded to the lowest responsible bidder, Pro Squared Facility Solutions, 1243 Military Road, Kenmore, NY 14216, in the amount of \$31,500.00, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-085-18

From: Infrastructure & Facilities and Administration Committees:

Dated: June 19, 2018

**BUDGET MODIFICATION
KRULL PARK ELECTRICAL UPDATES**

WHEREAS, the Niagara Celtic Heritage Society, Inc., hosts a festival in the north section of Krull Park every year, and

WHEREAS, the festival has grown and requires electrical improvements to accommodate all the electrical requirements of the festival, and

WHEREAS, the festival organizers have agreed to commit \$12,000 towards these improvements, pursuant to the agreement, and

WHEREAS, the County has funds available in the 2018 Parks Budget to cover the remaining costs of additional electrical improvements in the north section of Krull Park, and

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

RESOLVED, that the following budget modification be effectuated for the electrical improvements required in the north section of Krull Park, 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 the following line item transfers be effectuated:

INCREASE REVENUE:

A.15.7110.000.42705.00	Gifts and Donation	\$12,000
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INCREASE APPROPRIATION:

A.15.7110.000.74800.08	Grounds Maintenance	\$12,000
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IF-086-18

From: Infrastructure & Facilities Committee:

Dated: June 19, 2018

FOREST MANAGEMENT CONSULTANT SERVICES SELECTION

WHEREAS, the Department of Public Works, in accordance with federal/state guidelines, evaluated proposals from firms for services related to compiling a Forest Management inventory and providing a Tree Management Plan for Krull Park, 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 Forest Management inventory and Krull Park Tree Management Plan, be awarded to the consultant Davey Resource Group, Inc., 1500 North Mantua Street, Kent, Ohio 44240, for a fee not to exceed \$12,110.00, and

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IL-022-18

From: Legislator Zona and Infrastructure & Facilities Committee:

Dated: June 19, 2018

**RESOLUTION
ABANDONMENT AND CONVEYANCE OF PORTER AVENUE**

WHEREAS, the Niagara County Public Works Department has determined that the roadway commonly known as the Old Porter Avenue consisting of approximately 1.461 ± Acres in the Town of Niagara ("property") described in more detail in a corresponding McIntosh & McIntosh, P.C. survey dated March 29, 2018, Job No. 9148, Quit Claim Deed and Transfer and Indemnity Agreement is no longer needed for roadway purposes or useful s public lands, and

WHEREAS, the Town of Niagara desires to acquire said property for purposes of redevelopment and Town use, and

WHEREAS, Section 131-b(1) of the New York State Highway Law provides that a county legislative body may, when satisfied that it is for the interest of the county discontinue a County highway, and

WHEREAS, section 118-a of the Highway Law permits the conveyance of an abandoned county road to adjacent property owners in certain instances, and

WHEREAS, the County of Niagara desires to abandon and convey by Quit Claim Deed the property to the Town of Niagara subject to an easement retained by the County of Niagara for any and all utilities and subject to any and all rights any adjacent property owner may have pursuant to section 118-a of the Highway Law, now, therefore, be it

RESOLVED, that the County of Niagara hereby finds and determines that the roadway commonly known as the Old Porter Avenue consisting of approximately 1.461 ± Acres in the Town of Niagara described in more detail in a corresponding McIntosh & McIntosh, P.C. survey dated March 29, 2018, Job No. 9148, Quit Claim Deed and Transfer and Indemnity Agreement is no longer required for use by the County of Niagara as a County highway or roadway and is not required for any other County purpose, and be it further

RESOLVED, that Resolutions PW-042-01 and PW-076-01 be and are hereby rescinded, and be it further

RESOLVED, that the Chairman of the Legislature is authorized and directed to execute a Transfer and Indemnity Agreement with the Town of Niagara for the transfer of the property and a Quit Claim Deed subject to a reservation of an easement for any and all utilities owned and operated by the County of Niagara within said roadway subject to any and all rights any adjacent property owner may have pursuant to section 118-a of the Highway Law.

Moved by Zona, seconded by Grozio

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IL-023-18

From: Legislator Zona and Infrastructure & Facilities Committee:

Dated: June 19, 2018

NEGATIVE DECLARATION OF PORTER AVENUE ABANDONMENT

WHEREAS, the Niagara County Legislature has considered the abandonment and transfer of a portion of the former Porter Avenue in the town of Niagara to the Town of Niagara consisting of approximately 1.461 ± acres in the town of Niagara described in more detail in a McIntosh & McIntosh, P.C. survey dated March 29, 2018, Job No. 9148 (the "Project") for future development of the corner of Porter Avenue and Military Road, and

WHEREAS, the project is an unlisted action, and the Niagara County Legislature is conducting an uncoordinated review of the action for which it is responsible, pursuant to the State Environmental Quality Review Act (SEQRA), and

WHEREAS, the Niagara County Legislature has duly considered the Short Environmental Assessment Form, the proposed project in its entirety and the criteria for determining significance set forth in 6 N.Y.C.R.R. 617.7 a-c of the SEQRA regulations, and such other information deemed appropriate, and

WHEREAS, the Niagara County Legislature has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination, now, therefore, be it

RESOLVED, by the Niagara County Legislature as follows:

1. The Niagara County Legislature declares that the proposed transfer and the abandonment of a portion of Porter Avenue in the Town of Niagara consisting of approximately 1.461± acres in the Town of Niagara described in more detail in a McIntosh & McIntosh, P.C. survey dated March 29, 2018, Job No. 9148 will not result in any large and important impacts, and therefore, the approval of the abandonment and transfer does not include the potential for any significant adverse environmental impacts. Accordingly, the Niagara County Legislature issued the attached negative declaration under SEQRA for the project.

2. The reasons for the decision are stated in the attached negative declaration.

3. This resolution shall be effective immediately.

Moved by Zona, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IL-024-18

From: Legislators David E. Godfrey, Randy R. Bradt and Clyde L. Burmaster:

Dated: June 19, 2018

RESOLUTION URGING THE SENATE AND ASSEMBLY TO PASS S.8210/A10714, WHICH PROVIDES THAT THE STATE SHALL COVER THE COST OF MAINTENANCE AND OPERATION OF LOCAL VETERANS SERVICE AGENCIES

WHEREAS, Niagara County does operate, at considerable cost to local taxpayers, a Veterans Service Agency, which currently receives 50 percent funding from the state, and

WHEREAS, this Legislature is committed to honoring the service of our veterans and ensuring they receive those benefits to which they are entitled for their service to the nation, and

WHEREAS, the Honorable Robert G. Ortt, Senator for the 62nd District, has filed S.8210, a bill which amends the Executive Law, setting a full level of reimbursement for local Veterans Service Agencies up to \$20,000 in a county such as Niagara, and

WHEREAS, this Legislature endorses any action which shall ensure our veterans receive optimal service, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara does hereby call upon the Senate and Assembly to pass S.8210 / A10714, and be it further

RESOLVED, that the Legislature of the County of Niagara does hereby call upon the Honorable Andrew M. Cuomo, Governor of the State of New York, to sign the same into law, 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. Ortt; Speaker of the Assembly Carl Heastie; Assembly Majority Leader Joseph D. Morelle; Assembly Minority Leader Brian M. Kolb; 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; Member of Assembly Stephen Hawley; Member of Assembly Clifford W. Crouch and all others deemed necessary and proper.

Moved by Nemi, 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 Burmaster, seconded by Godfrey.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IL-025-18

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

Dated: June 19, 2018

**RESOLUTION IN SUPPORT OF RENOVATION OF CANAL PACKET BOAT THROUGH THE USE
OF CASINO FUNDING**

WHEREAS, Canal Packet Boats were a historical means of transportation in the Erie Canal in the 1800's, and

WHEREAS, the Canal Packet Boat located on the tri-way bridge in the City of Lockport for display is in need of renovation, now, therefore, be it

RESOLVED, that the Niagara County Legislature supports funding to the City of Lockport as follows:

City of Lockport	Renovation of Canal Packet Boat	\$1,000.00
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and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2018 budget:

INCREASE APPROPRIATED FUND BALANCE:

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

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

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IL-024-18

From: Legislator John Syracuse

Dated: June 19, 2018

**RESOLUTION CALLING ON THE SUPPORT OF THE NIAGARA COUNTY LEGISLATURE TO
PROVIDE FINANCIAL ASSISTANCE TO THE TOWN OF SOMERSET IN ORDER TO PROTECT
RESIDENTS AGAINST THE SERIOUS HEALTH DAMAGES POSED BY INDUSTRIAL WIND
TURBINES ALONG WITH PROTECTING AGAINST THE POTENTIAL OF OBSTRUCTION OF
RADAR AND/OR FUTURE MISSIONS AT THE NIAGARA FALLS AIR BASE**

WHEREAS, this Niagara county legislature has gone on record unanimously opposing wind turbines, whether on land (resolution IL-83-15) or in Lake Ontario (resolutions IL-49-10, IL-06-11), and

WHEREAS, the Orleans county legislature has also gone on record unanimously opposing commercial wind turbines within the Town of Yates (Orleans County resolution 458-1215), and in Lake Ontario (resolution 119-218), and

WHEREAS, these industrial wind turbines are known to cause serious health issues as noted in copious amounts of literature, for example from 2011, in a peer-reviewed report in the bulletin of science, technology & society, Dr. Carl Phillips-one untied states most distinguished epidemiologists-concluded that there is "overwhelming evidence that wind turbines cause serious health problems in nearby residents, usually stress-disorder type diseases, at a non-trivial rate", and

WHEREAS, according to a study by noise control engineer Rick James, also of the united states, wind farms generate the same symptoms as sick building syndrome, and

WHEREAS, Dr. Alec Salt, a cochlear physiologist at the department of otolaryngology at the Washington School of Medicine in St. Louis, Missouri, who has studied low frequency noise (LFN) since the 1970's states that "the idea that there is no problem with infrasound (<20hz) couldn't be more wrong, the responses of the human ear to LFN are just enormous, bigger than anything in the audible range", and

WHEREAS, Dr. Robert McMurtry, once Canada's most senior public health official weighs in with his quote: "whatever you think about climate change, you can be sure that wind energy is not the solution, there is an abundance of evidence to show that infrasound from wind farms represents a serious public health hazard until further research is done, there should be an immediate moratorium on building any more of them", and

WHEREAS, the catastrophic potential of harm to the health of residents in Niagara and Orleans County makes it imperative that Niagara county assist the Town of Somerset by offsetting the financial burden of the article 10 review process of the proposed lighthouse wind project, and

WHEREAS, Niagara County recognizes the importance the Niagara Falls Air Reserve Station (NFARS) has on our local economy, and

WHEREAS, industrial wind turbines are known to "adversely affect the radar capabilities "as noted by the Fort Drum Regional Liaison Organization and supported by comments made by Captain Patrick Phillipi of the Air Force's 18th Weather Squadron, Detachment 1 when he states in his comments in the Watertown Daily Times 11/3/17, "it looks like rain, but it's just the turbines moving. The data will be seriously contaminated by the time we get it back", and

WHEREAS, New York State Energy Research and Development Authority (NYSERDA) has published a document in December 2017 relating to "Findings and Recommendations for Wind Energy Development in the Vicinity of Aviation and Radar Assets" which speaks to "5 distinct areas based on predicted compatibility of potential future wind turbine projects with aviation and radar assets in the region, and

WHEREAS, A Level 1 Area Designation "identifies the portion of the area of analysis (AoA) in which it is anticipated that, based on the current locations of aviation and radar assets and existing technology, a wind turbine cited in this area could directly interfere and disrupt aviation and radar assets and/or negatively impact vessel-borne radar and sonar systems, and

WHEREAS, for purposes of offshore wind turbines, the AoA could range anywhere from 15 nm (nautical miles) offshore to 250 nm line-of-sight, and

WHEREAS, the range from NFARS to the proposed citing of industrial wind turbines in the Towns of Somerset and Yates (Orleans County) is well within the above mentioned AoA, and

WHEREAS, citing any industrial wind turbine project within an AoA can create a serious encroachment issue for NFARS, and

WHEREAS, the Niagara Military Affairs Council has taken action by being registered as a "Party Interest" to the Article 10 process as a result of the potential impact on encroachment concerns due to the base realignment and closure commission, now, therefore, be it

RESOLVED, that the Niagara County Legislature direct the County Manager to identify \$15,000.00 from contingency to be allocated for assistance to the Town of Somerset in their defense against the serious health

damages to individuals and the potential resultant effect this APEX industrial wind turbine project can have on the NFARS, and be further

RESOLVED, that the invoices for legal fees on behalf of the Town of Somerset be administered through the Niagara Auditor with oversight from the Niagara County Attorney's Office as needed, and be it further

RESOLVED, that copies of this resolution be forwarded to the Niagara County Attorney's Office; Niagara County Auditor; Senator Robert G. Ort; Member of the Assembly Michael J. Norris; Member of the Assembly Angelo Morinello; Town of Somerset Supervisor Daniel M. Engert; Town of Yates Supervisor James Simon and all others deemed necessary and proper.

INCREASE APPROPRIATION:

A.06.1320.00074500.01 \$15,000.00

DECREASE APPROPRIATION:

A.08.1990.00074500.01 \$15,000.00

Moved by Syracuse, seconded by Hill, 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 Hill.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IL-027-18

From: Legislators Wm. Keith McNall, Clyde L. Burmaster, Randy R. Bradt, Dennis F. Virtuoso, et al.

Dated: June 19, 2018

RESOLUTION REQUESTING THE RENAMING OF THE NIAGARA COUNTY CENTER FOR ECONOMIC DEVELOPMENT BUILDING, CURRENTLY NAMED THE "VANTAGE CENTER," LOCATED AT 6311 INDUCON DRIVE IN SANBORN, AS "THE SAMUEL M. FERRARO CENTER FOR COMMERCE"

WHEREAS Samuel M. Ferraro, Niagara County Commissioner of Economic Development and Deputy County Manager, did pass away on March 10, 2018, and

WHEREAS this Legislature, as assembly of the elected representatives of the People of the County of Niagara, did commemorate Commissioner Ferraro's passing with great sadness in a Proclamation issued March 19th, declaring that Commissioner Ferraro's life be celebrated and his accomplishments remembered, and

WHEREAS Commissioner Ferraro's leadership and wisdom were routinely sought by this Legislature and the appointed administration of this County, such that Commissioner Ferraro was appointed Deputy County Manager in addition to his principal duties, and

WHEREAS Commissioner Ferraro served this County ably from April of 1996 until his death, and more significantly, served to improve the lives of the people of this County by relentlessly pursuing the creation of jobs and expansion of the regional economy, such that, in a typical year under his stewardship, the Niagara County Industrial Development Agency saw approximately \$100 million in new investment in Niagara County and repeated success fostering the creation and retention of thousands of jobs and new initiatives, and

WHEREAS Commissioner Ferraro did succeed in pursuing a policy course that resulted in the total development of the County-owned Vantage International Point Industrial Park, which is also home to the building, located at 6311 Inducon Drive, currently known as the "Vantage Center," and

WHEREAS said building serves as the headquarters and offices of the Niagara County Economic Development Department and the Niagara County Industrial Development Agency, operating jointly as the Niagara County Center for Economic Development, and

WHEREAS it is the expressed opinion of this Legislature as a whole that Commissioner Ferraro dedicated his adult life to the improvement of his home county, and should be thus commemorated in a manner appropriate to his dedication, perseverance, iron will, and unimpeachable character, now, therefore be it

RESOLVED that this Legislature does request that Niagara County Industrial Development Agency rename the property at 6311 Inducon Drive in Sanborn "The Samuel M. Ferraro Center for Commerce," effective the 3rd Day of September, 2018, and be it further

RESOLVED that this Legislature does direct the County Manager and Budget Director to appropriate funds as shall be necessary to properly signify the same on the west and south facing exterior walls of said building, denoting it "The Samuel M. Ferraro Center for Commerce," in letters which shall be visible not less than 250 feet from said facades, and direct the Department of Public Works to take all necessary steps to ensure such markings have been put in place no later than the last business day of August, 2018, and be it further

RESOLVED that this Legislature does direct the County Manager and Budget Director to appropriate funds as shall be necessary to purchase a bronze or cast aluminum plaque, measuring approximately 36 inches by 24 inches, or similarly sized, that shall dedicate said building, and direct the Department of Public Works to take all necessary steps to ensure said plaque shall be installed in the breezeway to the entrance of the building at 6311 Inducon Drive no later than the last business day of August, 2018, and be it further

RESOLVED that this Legislature does direct that a committee shall be formed to immediately draft the language of said plaque, and shall consist of the Chairman of this Legislature, the Chairman of the Economic Development Committee, the Public Information Officer, the Commissioner of the Department of Economic Development, and one legislator designated by the Minority Caucus, and be it further

RESOLVED that this Legislature does direct that, effective the 3rd Day of September, 2018, all correspondence from this Government, all letterheads pertinent to the facility located at 6311 Inducon Drive, and all official utterances relative to said facility shall utilize the name The Samuel M. Ferraro Center for Commerce, and requests the Niagara County Industrial Development Corp. commit to the same timetable for such change in verbiage, and be it further

RESOLVED that this Legislature does direct the Clerk of the Legislature to emplace such legal notices as shall be necessary to identify the newly-named facility in the official newspaper(s) of this body no later than the 31st day of August, 2018, and be it further

RESOLVED that this Legislature does direct the County Manager and Budget Director to appropriate funds in the 2019 Niagara County Budget as shall be necessary to properly signify the designation of "The Samuel M. Ferraro Center for Commerce," on the signage adjacent to Lockport Road and the large concrete sign at the parking lot entrance to 6311 Inducon Drive, and direct the Department of Public Works to take all necessary steps to ensure such signage has been put in place no later than the 31st day of May, 2019, and be it further

RESOLVED that this Legislature does further direct the Clerk of the Legislature to place upon this august body's schedule a formal dedication of The Samuel M. Ferraro Center for Commerce on an appropriate date in September, and be it further

RESOLVED that this Legislature does further direct the Clerk of the Legislature to transmit certified copies of this executed Resolution to the Mr. Stephen F. Brady, Chairman of the Niagara County Industrial Development Agency, and Mr. Mark J. Gabriele, attorney for the NCIDA.

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

Carried.

Moved by Lance, seconded by Bradt.

Adopted. 15 Ayes, 0 Noes, 0 Absent

APPOINTMENTS:

Appt.

Expires

NCCC BOARD OF TRUSTEES:

Jerlad I. Wolfgang (Replacing Bradley W. Rowles)

6/19/18

6/30/21

4267 Lower River Rd., Youngstown 14174

Adopted. 11 Ayes, 4 Noes, 0 Absent

Moved by Andres , seconded by Burmaster

Carried.

Kevin Clark (Replacing Legislator Richard L. Andres)

6/19/18

6/30/25

10 Hi Point Drive, Lockport 14094

Moved by Andres, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Carried.

AGRICULTURE AND FARMLAND PROTECTION BOARD:

Michael Casale, Comm., Economic Development

06/19/18

Term of

Office

6311 Inducon Corporate Dr., Sanborn 14132

GREATER BUFFALO NIAGARA REGIONAL TRANSPORTATION COUNCIL (GBNRC):

Michael Casale, Comm., Economic Development

06/19/18

12/31/18

6311 Inducon Corporate Dr., Sanborn 14132

NIAGARA-ERIE REGIONAL COALITION (NERC):

Michael Casale, Comm., Economic Development

06/19/18

12/31/18

6311 Inducon Corporate Dr., Sanborn 14132

EMPOWER REVIEW BOARD:

Michael Casale, Comm., Economic Development

6311 Inducon Corporate Dr., Sanborn 14132

Moved by Andres, seconded by Virtuoso

Adopted. 15 Ayes, 0 Noes, 0 Absent

Moved by Bradt, seconded by Virtuoso that the Board adjourn.

The Chairman declared the Board adjourned at 9:45 p.m., subject to the call of the Clerk.

3 citizens spoke at this time on the General Welfare of the County.

Mary Jo Tamburlin
Mary Jo Tamburlin, Clerk