

OFFICIAL RECORD

Lockport, New York
August 2, 2016

The meeting was called to order by Chairman McNall at 7:04 p.m.

Clerk Tamburlin called the roll. All Legislators were present.

PRESENTATIONS:

1. Legislator Wydysh called Irene Rykaszewski, Executive Director and Eva Nicklas, Artistic Director from the Lewiston Council of the Arts and Joseph Hickman Manger of Sales at Modern Recycling to the podium to discuss the ways they are creating a more Greener Lewiston Art Festival and created more awareness to the public on how much of a environmental impact the garbage from one festival can leave on a community. .

No citizen spoke at this time.

Recess.

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

Carried

Resolution No. AD-023-16

From: Administration Committee

Dated: August 2, 2016

**AUTHORIZATION TO CONVEY CERTAIN TAX SALE PROPERTY
TO THE TOWN OF CAMBRIA**

WHEREAS, the County of Niagara by foreclosure of tax liens under Article 11, Title 3 of the Real Property Tax Law of the State of New York (the "proceeding") acquired jurisdiction, by the filing of a verified petition (commenced in Niagara County Supreme Court under Index No. 154441) over residential real property assessed under SBL# 120.17-2-1.3, commonly known as Eagle Drive in the Town of Cambria, New York, SBL# 120.17-2-1.5, commonly known as Unicorn Drive in the Town of Cambria, New York and SBL# 120.17-2-1.12, commonly known as Unicorn (the "Properties"), and

WHEREAS, by order contained in the Supplemental Judgment of Foreclosure and Sale by Honorable Richard C. Kloch, Acting Supreme Court Justice, granted on July 21, 2016 and entered on July 21, 2016 in the Proceeding, Kyle R. Andrews (the "Tax Enforcing Officer") was awarded possession of the Properties and, among other things, was authorized to execute and deliver a deed conveying full and complete title to the Property free and clear of all liens and encumbrances to a designee or assignee of the Tax Enforcing Officer, and

WHEREAS, the Town of Cambria, a municipal subdivision of the State of New York, has notified the County of Niagara of its desire to accept ownership of the Properties from the Tax Enforcing Officer in the Proceeding, by resolution duly passed the 10th day of September, 2015 by the Town Board of the Town of Cambria and, in consideration of said transfer, has also represented and warranted to the Tax Enforcing Officer that it shall rehabilitate and engage in environmental cleanup of these real properties prior to any sale to a private taxpaying entity, and shall waive any right said Town may have by lien, claim or otherwise, arising from the cost of such rehabilitation and environmental cleanup, and

WHEREAS, the Niagara County Legislature hereby finds and determines that an indispensable condition of conveyance in this matter is protection of the County's interests is the execution and delivery by the Town of Cambria of a hold harmless and indemnity agreement from the Town of Cambria, and

WHEREAS, conveyance of the Properties by the Tax Enforcing Officer to the Town of Cambria is in the best interests of both the County of Niagara and the Town of Cambria in that it will foster real property development and restore the properties to the tax roll, and

WHEREAS, the terms and conditions under which the property is to be conveyed to the Town of Cambria are subject to the final review and approval by the Niagara County Attorney's Office and the attorney of the Town of Cambria but must include legally binding assurances of the Town of Cambria holding harmless and fully indemnifying the County of Niagara from any liability, damage, claims or judgments arising from the condition and use of the Properties including the condition and use of the Properties thereafter by the Town of Cambria, its transferees, grantees, successors and assigns, now, therefore, be it

RESOLVED, Pursuant to §215 (8) of the County Law the Niagara County Legislature hereby authorizes the Tax Enforcing Officer to convey tax sale properties commonly known as Eagle Drive, Unicorn Drive (SBL#120.17-2-1.5), and Unicorn Drive (SBL# 120.17-2-1.12) Town of Cambria, to the Town of Cambria, subject to review by the Niagara County Attorney and including terms and conditions consistent with the findings and conditions set forth in this resolution and in any and all order, judgments and decrees made and entered by the Assigned Justice in the Proceeding.

Moved by Bradt seconded by Virtuoso

Adopted. 15 Ayes, 0 Noes,

Resolution No. AD-024-16

From: Administration Committee

Dated: August 2, 2016

**AUTHORIZATION TO CONVEY CERTAIN TAX SALE PROPERTY
TO THE TOWN OF LOCKPORT
(7522 Congressional Drive, Lockport, NY)**

WHEREAS, the County of Niagara by foreclosure of tax liens under Article 11, Title 3 of the Real Property Tax Law of the State of New York (the "proceeding") acquired jurisdiction, by the filing of a verified petition (commenced in Niagara County Supreme Court under Index No. 154441) over residential real property assessed under SBL#124.04-2-54 and commonly known as 7522 Congressional Drive in the Town of Lockport, New York (the "Property"), and

WHEREAS, by order contained in the Supplemental Judgment of Foreclosure and Sale by Honorable Richard C. Kloch, Acting Supreme Court Justice, granted on July 21, 2016 and entered on July 21, 2016 in the Proceeding, Kyle R. Andrews (the "Tax Enforcing Officer") was awarded possession of the Property and, among other things, was authorized to execute and deliver a deed conveying full and complete title to the Property free and clear of all liens and encumbrances to a designee or assignee of the Tax Enforcing Officer, and

WHEREAS, the Town of Lockport, a municipal subdivision of the State of New York, has notified the County of Niagara of its desire to accept ownership of the Property from the Tax Enforcing Officer in the Proceeding, by resolution duly passed the 16th day of September, 2015 by the Town Board of the Town of Lockport and, in consideration of said transfer, has also represented and warranted to the Tax Enforcing Officer that it shall rehabilitate the real property and sell it to a private taxpaying entity or fully demolish all improvements on the

Property before such sale, and shall waive any right said Town may have by lien, claim or otherwise, arising from the cost of such rehabilitation or demolition, and

WHEREAS, the Niagara County Legislature hereby finds and determines that an indispensable condition of conveyance in this matter is protection of the County's interests is the execution and delivery by the Town of Lockport of a hold harmless and indemnity agreement from the Town of Lockport, and

WHEREAS, conveyance of the Property by the Tax Enforcing Officer to the Town of Lockport is in the best interests of both the County of Niagara and the Town of Lockport in that it will foster real property development and restore the property to the tax roll, and

WHEREAS, the terms and conditions under which the property is to be conveyed to the Town of Lockport are subject to the final review and approval by the Niagara county Attorney's Office and the attorney of the Town of Lockport but must include legally binding assurances of the Town of Lockport holding harmless and fully indemnifying the County of Niagara from any liability, damage, claims or judgments arising from the condition and use of the Property including the condition and use of the Property thereafter by the Town of Lockport, its transferees, grantees, successors and assigns, now, therefore, be it

RESOLVED, Pursuant to §215 (8) of the County Law the Niagara County Legislature hereby authorizes the Tax Enforcing Officer to convey tax sale property commonly known as Congressional, Town of Lockport, to the Town of Lockport, subject to review by the Niagara County Attorney and including terms and conditions consistent with the findings and conditions set forth in this resolution and in any and all order, judgments and decrees made and entered by the Assigned Justice in the Proceeding.

Moved by Bradt seconded by Virtuoso

Adopted. 15 Ayes, 0 Noes

Resolution No. AD-025-16

From: Administration Committee

Dated: August 2, 2016

**DISTRIBUTION OF JANUARY THROUGH MARCH 2016 CASINO REVENUE
TO VARIOUS MUNICIPALITIES**

WHEREAS, a Seneca Nation gambling casino governed by the Tribal-State Class III Gaming Compact and disbursing monies according to provisions of Subdivision 3-a of the Upstate New York Gaming and Economic Development Act continues to operate Class III gaming activities within the County of Niagara, and

WHEREAS, said casino is operated and owned by the Seneca Nation of Indians, a sovereign and foreign nation which is not subject to any taxation by the County of Niagara, and

WHEREAS, the Tribal-State Class III Gaming Compact and its authorizing legislation, provide for compensation for the "host municipalities" of the Seneca Niagara Casino and said Compact was submitted to and approved by the Secretary of the Interior of the United States as required, and

WHEREAS, pursuant to the Upstate New York Gaming and Economic Development Act, a special separate revenue account denominated "Tribal-State Compact Revenue Account" was established in the joint custody of the State Comptroller and the State Commissioner to receive the gaming revenues payable to the State and the host municipalities, and

WHEREAS, per the provisions of Subdivision 3 of the Upstate New York Gaming and Economic Development Act, 25% of revenues arising from the Seneca Niagara Casino are disbursed to the City of Niagara Falls, and

WHEREAS, per the provisions of the Update New York Gaming and Economic Development Act Subdivision 3-a, "Ten Percent of any of the funds actually received by the state pursuant to the tribal-state compacts and agreements described in [subdivision 2 of the Upstate New York Gaming and Economic Development Act] prior to the transfer of moneys to the general fund required by such subdivision, shall be distributed to counties in each respective exclusivity zone provided they do not otherwise receive a share of said revenues pursuant to [the Upstate New York Gaming and Economic Development Act]. Such distribution shall be made among such counties on a per capita basis, excluding the population of any municipality that receives a distribution pursuant to [Subdivision 3 of the Upstate New York Gaming and Economic Development Act]," and

WHEREAS, per the Upstate New York Gaming and Economic Development Act Subdivision 3-a, revenues arising from the Seneca Niagara Casino that are disbursed to the County of Niagara are to be apportioned by population for such purposes as shall benefit the residents of the Towns of Cambria, Hartland, Lewiston, Lockport, Newfane, Niagara, Pendleton, Porter, Royalton, Somerset, Wheatfield and Wilson, and the Cities of Lockport and North Tonawanda, and

WHEREAS, the Niagara County Treasurer's Office and the Niagara County Office of Management and Budget jointly established two interest-bearing revenue accounts, which shall be designated "Niagara County Community Development Fund 1" and "Niagara County Tax Relief Fund," with all revenues appropriated to the county under Upstate New York Gaming and Economic Development Act Subdivision 3-a divided and deposited into said accounts, with 25% of said monies being deposited in Niagara County Community Development Fund 1 and 75% not to exceed \$300,000, of said monies being deposited in Niagara County Tax Relief Fund, with these percentages of distribution remaining in force until December 31, 2016, and

WHEREAS, in December of 2015, this body did vote on a resolution continuing both the Niagara County Community Development Fund and the Niagara County Tax Relief Fund, and

WHEREAS, Niagara County has received \$159,978.43 for the period of January 1, 2016 through March 31, 2016 towards the Niagara County Tax Relief Fund, and will distribute the funds to the respective municipalities per the aforementioned formula, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby approve the disbursement of the balance in the Niagara County Tax Relief Fund of \$159,978.43 for the period of January 1, 2016 through March 31, 2016, to the following municipalities within the County of Niagara:

TOWNS	Cambria	\$ 5,617.85
	Hartland	\$ 3,961.07
	Lewiston	\$16,754.46
	Lockport	\$19,751.48
	Newfane	\$ 9,299.91
	Niagara	\$ 8,060.68
	Pendleton	\$ 6,154.73
	Porter	\$ 6,514.55
	Royalton	\$ 7,369.88
	Somerset	\$ 2,561.18
	Wheatfield	\$17,430.83
	Wilson	\$ 5,766.03
CITIES	Lockport	\$20,363.39
	North Tonawanda	\$30,372.39

And be it further

RESOLVED, that the County Treasurer be, and hereby is, directed to pay the Supervisors of the various towns and city Treasurers the amounts recorded above and that this document shall be sufficient authorization to the County Treasurer to make the payments in accordance with the above direction.

Moved by Bradt seconded by Virtuoso

Adopted. 15 Ayes, 0 Noes

Resolution No. CS-031-16

From: Community Services and Administration Committees

Dated: August 2, 2016

NEW YORK STATE AID APPLICATION - NIAGARA COUNTY YOUTH BUREAU

WHEREAS, the County of Niagara has been designated as eligible to receive State Aid for 2016 youth programs through its Youth Bureau from the New York State Office of Children and Family Services in the amount of \$366,345, and

WHEREAS, the Comprehensive Planning Law mandates the Niagara County Youth Bureau must apply for such funds, 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 the Director of the County Youth Bureau be, and hereby is, authorized to make application for the following program funds:

Youth Development Program	\$259,044
Runaway and Homeless Youth	\$107,301

and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to execute any and all documents relating to the application, subject to the review by the County Manager and the approval of the County Attorney, and be it further

RESOLVED, that the Youth Bureau's 2016 budget be amended as follows:

INCREASE REVENUE

A.22.7310.700.43820.02 Youth Programs Runaway 1,000

INCREASE EXPENSE

A.22.7310.700.74550.33 Programs Runaway 1,000

Moved by Bradt seconded by Virtuoso

Adopted. 15 Ayes, 0 Noes

Resolution No. CS-032-16

From: Community Services and Administration Committees

Dated: August 2, 2016

BUDGET MODIFICATION

HEALTHY FAMILIES NEW YORK PROGRAM

WHEREAS, the New York State Office Of Children & Family Services, in conjunction with the New York State Department of Health, did make state-wide funds available for the provision and expansion of Healthy Families New York Home Visiting Programs, and

WHEREAS, these resources are directed toward expectant and new parents in an effort to promote positive growth and development to improve health and social outcomes for families at high risk of abuse and neglect, and

WHEREAS, Niagara County has received an allocation renewal of \$481,710, which is 100% state funded, now, therefore, be it

RESOLVED, that Niagara County Department of Social Services will continue to contract with Family & Children's Services of Niagara, Inc. to provide the necessary services as outlined in the Healthy Families New York Program requirements, and be it further

RESOLVED, that the following budget modification be effectuated to the Social Services 2016 budget:

INCREASE REVENUE:

A.22.6010.000 43610.01	DSS Admin General	\$481,710
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INCREASE APPROPRIATION:

A.22.6010.000 74500.01	Contractual Exp-Contractual	\$481,710
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Moved by Bradt seconded by Virtuoso

Adopted. 15 Ayes, 0 Noes

Resolution No. CS-033-16

From: Community Services and Administration Committees

Dated: August 2, 2016

BUDGET MODIFICATION FLEXIBLE FUND FOR FAMILY SERVICES

WHEREAS, the Executive Budget did make federal funds available to local districts to provide a comprehensive array of services to meet the needs of eligible Temporary Assistance for Needy Families (TANF) and individuals, and

WHEREAS, these funds enable Niagara County to direct resources toward a number of areas of program needs, including, but not limited to employment related activities, Child Welfare Services, PINS Detention Diversion Services, Substance Abuse Assessments, Domestic Violence Screenings, Title XX Services, JD/PINS Foster care Costs, Child Care & Development, now, therefore, be it

RESOLVED, that Niagara County Department of Social Services will continue to contract with various agencies that will provide the necessary services in accordance with the Niagara County Flexible Fund for Family Services Plan submitted to NYS Office of Temporary and Disability Assistance (OTDA) and NYS Office of Children and Family Services (OCFS) at no additional cost to the County, and be it further

RESOLVED, that the following budget modification be effectuated to the Social Services 2016 budget:

INCREASE REVENUE:

A.22.6010.000 44610.00 DSS Admin Revenue \$125,000

INCREASE APPROPRIATION:

A.22.6010.000 74500.01 Contractual Exp-Contractual \$125,000

Moved by Bradt seconded by Virtuoso

Adopted. 15 Ayes, 0 Noes

Resolution No. CS-034-16

From: Community Services and Administration Committees

Dated: August 2, 2016

**BUDGET MODIFICATION
CHILD FATALITY REVIEW TEAM INITIATIVE**

WHEREAS, the New York State Office Of Children & Family Services (OCFS), in conjunction with the New York State Department of Health (DOH), did make state-wide funds available for the provision and expansion of Child Fatality Review Teams (CFRT's), whose responsibility it is to review the death of any child whose care and custody or custody and guardianship has been transferred to an authorized agency, and

WHEREAS, demographic analysis have revealed that many children and families who are involved with the child welfare and juvenile justice systems in New York State are disproportionately black and latino, and many are poor, and

WHEREAS, resources have been made available for the assessment of relevant date, identification of affected communities across the state, and the identification of evidence based and/or best practice strategies which can be replicated in New York State, and

WHEREAS, effective August 1, 2016, Niagara County did receive an allocation of \$51,706, which is 100 % State funded, now, therefore, be it

RESOLVED, that Niagara County Department of Social Services will continue to contract with Niagara Falls Memorial Medical Center - Child Advocacy Center to provide services to our most vulnerable children and families, and to implement activities in accordance with the CFRT Initiative, and be it further

RESOLVED, that the following budget modification be effectuated to the Social Services 2016 budget:

INCREASE REVENUE:

A.22.6010.000 43610.01 DSS Admin General \$51,706

INCREASE APPROPRIATION:

A.22.6010.000 74500.01 Contractual Exp-Contractual \$51,706

Moved by Bradt seconded by Virtuoso

Adopted. 15 Ayes, 0 Noes

Resolution No. CS-035-16

From: Community Services and Administration Committees

Dated: August 2, 2016

BUDGET MODIFICATION – ACCEPT COLA FUNDS - DEPARTMENT OF HEALTH

WHEREAS, the Environmental & Nursing Divisions of the Niagara County Department of Health provide a wide array of essential services, information and training to the citizens of Niagara County, and

WHEREAS, New York State has awarded cost of living increases (COLA) to Environmental & Nursing Divisions of the Niagara County Department of Health, now, therefore, be it

RESOLVED, that the following budget modification, be effectuated:

INCREASE REVENUE:

A.20.4090.000 43401.01	Public Health State Aid COLA	\$492.00
A.20.4189.401 43401.01	Public Health State Aid COLA	2,648.00
CM.20.4070.419 43401.01	Public Health State Aid COLA	19,091.00
CM.20.4189.403 43401.01	Public Health State Aid COLA	2,994.00
CM.20.4189.404 43401.01	Public Health State Aid COLA	8,246.00
CM.20.4189.405 43401.01	Public Health State Aid COLA	16,480.00

INCREASE APPROPRIATIONS:

A.20.4090.000 74375.01	Advertising & Promotion	\$492.00
A.20.4189.401 74550.15	Rabies Control	2,648.00
CM.20.4070.419 74375.01	Advertising & Promotion	5,900.00
CM.20.4070.419 74600.03	Training & Education	700.00
CM.20.4070.419 74750.02	Supplies & Materials	12,491.00
CM.20.4189.403 72100.09	Office Machines	820.00
CM.20.4189.403 74250.01	Office Supplies	540.00
CM.20.4189.403 74300.03	Travel Mileage	200.00
CM.20.4189.403 74375.01	Advertising & Promotion	259.00
CM.20.4189.403 74750.02	Supplies & Materials	675.00
CM.20.4189.403 74750.11	Medical/Lab/Clinic Supplies	500.00
CM.20.4189.404 72100.05	Computer Equipment	866.00
CM.20.4189.404 74250.01	Office Supplies	1,000.00
CM.20.4189.404 74300.03	Travel, mileage	200.00
CM.20.4189.404 74375.01	Advertising & Promotion	1,500.00
CM.20.4189.404 74600.03	Training & Education	1,750.00
CM.20.4189.404 74300.06	Uniforms/Clothing	800.00
CM.20.4189.404 74750.11	Medical/Lab/Clinic Supplies	1,000.00
CM.20.4189.404 74750.12	General Computer Supplies	1,130.00
CM.20.4189.405 72100.01	Furniture & Equipment	\$ 2,145.00
CM.20.4189.405 74300.06	Uniforms/Clothing	1,500.00
CM.20.4189.405 74375.01	Advertising & Promotion	1,400.00
CM.20.4189.405 74650.26	Professional Healthcare Services	600.00
CM.20.4189.405 74675.02	Central Printing	500.00
CM.20.4189.405 74675.03	Print Shop Supplies	200.00
CM.20.4189.405 74750.02	Supplies/Materials	9,885.00
CM.20.4189.405 74800.10	Misc Equip under \$500	250.00

Moved by Bradt seconded by Virtuoso

Adopted. 15 Ayes, 0 Noes

Resolution No. CSS-044-16

From: Community Safety & Security, Infrastructure & Facilities and Administration Committees

Dated: August 2, 2016

**NIAGARA COUNTY SHERIFF'S OFFICE
CAPITAL PROJECT BLDG. 1**

WHEREAS, resolution PW-069-14 established a capital project account for the Sheriff's Office Building 1 Improvement, and

WHEREAS, the building improvements were for the front façade, rails for roof walkways, and rails for HVAC units, and

WHEREAS, recent inspections of the HVAC units on Building 1 revealed that the units have reached their functional life, and

WHEREAS, additional funds need to be allocated for replacement of the Building 1 HVAC units, now, therefore be it

RESOLVED, that the following budget modification be effectuated:

INCREASE ESTIMATED REVENUE:

A.17.3150.000 42264.00	Federal Inmates	\$50,000
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INCREASE APPROPRIATIONS:

A.07.9950.000 79010.00	Transfer to Capital Projects	\$50,000
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INCREASE ESTIMATED REVENUE:

AH 40511.00	Appropriated Capital Reserve	\$620,000
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INCREASE APPROPRIATIONS:

AH.07.9950.000 79010.00	Transfers to Capital Projects	\$620,000
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INCREASE ESTIMATED REVENUE:

H607.15.3197.000 45031.00	Transfers from Operating	\$50,000
H607.15.3197.000 45031.10	Transfers from Capital Reserve	\$620,000

INCREASE APPROPRIATIONS:

H607.15.3197.000 72200.01	Sheriff's Building Improvements	\$670,000
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Moved by Bradt seconded by Virtuoso
Adopted. 15 Ayes, 0 Noes

Resolution No. CSS-045-16

From: Community Safety and Security Committee

Dated: August 2, 2016

FORENSIC LAB AGREEMENT WITH ORLEANS COUNTY

WHEREAS, the County of Orleans wishes to enter into an agreement with the County of Niagara for the provision of forensic laboratory services, 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 County of Niagara enter into an agreement with the County of Orleans for the rendering of forensic laboratory services to the County of Orleans by the County of Niagara for the years 2017, 2018 and 2019, and be it further

RESOLVED, that the cost of such services will be \$14,850 in 2017, \$16,335 in 2018 and \$17,969 in 2019, 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 Orleans County.

Moved by Bradt seconded by Virtuoso

Adopted. 15 Ayes, 0 Noes

Resolution No. CSS-046-16

From: Community Safety and Security and Administration Committee

Dated: August 2, 2016

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

WHEREAS, the New York State Division of Criminal Justice Services awarded the Niagara County Sheriff's Office Forensic Laboratory a grant in the amount of \$187,110 for the period July 1, 2016 through June 30, 2017, and

WHEREAS, this grant provides funding to ensure that the Niagara County Forensic Laboratory continues to meet New York State Accreditation Standards, and

WHEREAS, funding allows the County to purchase supplies and to continue to fund two positions that perform DNA analysis and work collaboratively with the Erie County Forensic Laboratory, and

WHEREAS, the Sheriff's Office wishes to continue funding a Senior Criminalist and Forensic Criminalist to perform DNA analysis and other functions that will allow the Forensic Laboratory to maintain their accreditation, said positions are in the 2016 budget, and

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

RESOLVED, that the Senior Criminalist and Forensic Criminalist positions continue to be co-terminus with the grant, 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.

Moved by Bradt seconded by Virtuoso

Adopted. 15 Ayes, 0 Noes

Resolution No. CSS-047-16

From: Community Safety and Security and Administration Committees

Dated: August 2, 2016

ACCEPT TRAFFIC SAFETY GRANT

WHEREAS, the Niagara County Traffic Safety Office has been awarded a grant from the Governor's Traffic Safety Committee for the period of October 1, 2016 through September 30, 2017 in the amount of \$70,116, and

WHEREAS, this grant is a continuation of an existing program and is fully funded by the New York State Governor's Traffic Safety Committee, and

WHEREAS, the funds are used to ensure that child safety seats are installed and used correctly, educate pre-k and school aged students bicycle and car safety, as well as to educate to reduce the number of crashes, injuries and deaths on the roads in Niagara County, and

WHEREAS, the funds are included in the 2016 budget and will be included in the 2017 budget, however, the contract needs to be executed, now, therefore, be it

RESOLVED, that the Traffic Safety Educator position continue to be co-terminus with the grant, and be it further

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

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

Moved by Bradt seconded by Virtuoso

Adopted. 15 Ayes, 0 Noes

Resolution No. CSS-048-16

From: Community Safety and Security and Administration Committees

Dated: August 2, 2016

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

WHEREAS, the Niagara County Sheriff's Office entered into a contract with the Niagara County Department of Health in January 2016, to provide security services under NYS Public Health Law, and

WHEREAS, it was determined that an infected person was non-compliant with isolation, therefore, it was necessary for the Sheriff's Office to ensure the infected person remain in isolation, and

WHEREAS, security services were necessary to protect the health of the public by preventing the transmission of disease to other persons, and

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

RESOLVED, that the following budget modifications be effectuated:

INCREASE REVENUE		
A.17.3150.000.41289.08	Reimburse Other Departments	\$12,961.00
INCREASE APPROPRIATION		
A.17.3150.000.71050.00	Overtime	\$10,114.00
A.17.3150.000.78100.00	Retirement	2,023.00

A.17.3150.000.78200.00

FICA

774.00

A.17.3150.000.78300.00

Workers Compensation

50.00

Moved by Bradt seconded by Virtuoso

Adopted. 15 Ayes, 0 Noes

Resolution No. CSS-049-16

From: Community Safety and Security and Administration Committees

Dated: August 2, 2016

**AWARD FOOD SERVICES CONTRACT FOR THE NIAGARA COUNTY
CORRECTIONAL FACILITY INMATE FOOD SERVICE**

WHEREAS, the Niagara County Sheriff's Office has solicited bids from companies to supply food and food management services to the juveniles at the Niagara County Jail, and

WHEREAS, Trinity Services Group, Inc. is the largest independent, comprehensive food and commissary service provider in the corrections industry, and

WHEREAS, Trinity Services Group, Inc. is the current food supplier and food management service for Niagara County and submitted the only bid to provide these services pursuant to Bid number 2015-36, 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 Food Services Contract for the Niagara County Correctional Facility be awarded to Trinity Services, Inc., 477 Commerce Boulevard, Oldsmar, FL 34677, 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

Resolution No. CSS-050-16

From: Community Safety and Security and Administration Committee

Dated: August 2, 2016

**BUDGET MODIFICATION – NIAGARA COUNTY SHERIFF'S OFFICE
HOMELAND SECURITY – SAFEGUARD NEW YORK**

WHEREAS, the New York State Department of Homeland Security requested the Niagara County Sheriff's Office participate in an Operation Safeguard exercise, and

WHEREAS, this exercise was to test the effectiveness of preventing and responding to terrorist attacks, as well as to minimize the danger of such attacks, and

WHEREAS, NYS Department of Homeland Security will reimburse the Sheriff's Office for the cost of this overtime, now, therefore, be it

RESOLVED, that the contract with the Department of Homeland Security be executed subject to the approval of the County Attorney, and be it further

RESOLVED, that the following budget modification be made:

INCREASE REVENUE:

A.17.3645.000.44305.02	Homeland Security	\$2,187.00
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INCREASE APPROPRIATIONS:

A.17.3645.000.71050.00	Overtime	\$1,629.00
A.17.3645.000.78200.00	FICA	125.00
A.17.3645.000.78300.00	Workers Compensation	8.00
A.17.3645.000.78100.00	Retirement	425.00

Moved by Bradt seconded by Virtuoso
Adopted. 15 Ayes, 0 Noes

Resolution No. CSS-051-16

From: Community Safety and Security and Administration Committees

Dated: August 2, 2016

ACCEPTANCE OF EMPG 2016 HOMELAND SECURITY GRANT

WHEREAS, the County of Niagara is required to certify its acceptance of the 2016 Emergency Management Performance (EMPG) Grant through the Department of Homeland Security, Federal Emergency Management Agency (FEMA) for the period of October 1, 2015 to September 30, 2017 at some cost to the County, and

WHEREAS, the 2016 EMPG grant is in the total amount of \$172,174.00, grant funds will be in the amount of \$86,087 and the 50% matching County funds will be \$86,087; the funds will be used for communication equipment and repairs, travel for the International Association of Emergency Managers for the County EM, a tabletop exercise, and updating the County CEMP, EOP and ESF's for emergency response, now, therefore, be it

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

Moved by Bradt seconded by Virtuoso

Adopted. 15 Ayes, 0 Noes

Resolution No. CSS-052-16

From: Community Safety and Security and Administration Committees

Dated: August 2, 2016

ACCEPTANCE OF HMEP 2016 HOMELAND SECURITY GRANT

WHEREAS, the County of Niagara is required to certify its acceptance of the HMEP 2016 grant through the Department of Homeland Security for the period of September 30, 2016 to of September 30, 2017, at some cost to the County, and

WHEREAS, the grant for HMEP 2016 is in the total amount of \$6,465, grant funds will be in the amount of \$5,172 and the 20% matching County funds will be in the amount of \$1,293; the funds will be used for working through processes and procedures during an all-hazmat response to incidents on rail lines with a focus on the integration of the industrial and health care community, and, now, therefore, be it

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

Moved by Bradt seconded by Virtuoso

Adopted. 15 Ayes, 0 Noes

Resolution No. CSS-045-16

From: Community Safety and Security Committee

Dated: August 2, 2016

ACCEPTANCE OF SHSP 2016 HOMELAND SECURITY GRANTS

WHEREAS, the County of Niagara is required to certify its acceptance of the SHSP 2016 grant through the Department of Homeland Security for the period of September 1, 2016 to August 31, 2019, at no cost to the County, and

WHEREAS, the grant for SHSP 2016 is in the amount of \$562,651 and the funds will be used for sustainment of the disaster response software program, law enforcement air cards, computer-aided dispatch system, main link T1 lines, additional licenses to fully integrate the system Countywide, I Am Responding program, travel costs to annual UASI conference, sustainment of current capabilities of County HazMat team and PPE for team members, replacement of outdated equipment for homeland security, upgrading paging capabilities, and procurement of end user equipment, now, therefore, be it

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

Moved by Bradt seconded by Virtuoso

Adopted. 15 Ayes, 0 Noes

Resolution No. CW-014-16

From: Committee of the Whole

Dated: August 2, 2016

RESOLUTION URGING GOVERNOR CUOMO TO SIGN AND ENACT IN LAW ASSEMBLY BILL A.10510 / SENATE BILL S.4237-A, THE WESTERN NEW YORK RACINO VENDOR FEE BILL

WHEREAS, legal, regulated gaming continues to expand in New York State since the enactment of the 2013 constitutional amendments permitting full casino gaming and the Upstate New York Gaming Economic Development Act, with three licenses awarded to private casinos as of March of this year, and

WHEREAS, the racino operation at Batavia Downs benefit 17 Western New York municipalities, designated as municipal owners of the same, a public benefit corporation with a \$21.5 million education contribution in 2015, and

WHEREAS, the expansion of gaming under the Upstate New York Gaming Economic Development Act is likely to encroach on the operating areas of the same as the del Lago Resort & Casino slated for Seneca County will present a new gaming facility in direct competition with the existing Batavia Downs racino, and

WHEREAS, the Honorable Crystal Peoples-Stokes, Member of the Assembly from Buffalo, and the Honorable Patrick Gallivan, Senator from Elma, have proposed legislation, Assembly Bill A.10510 and Senate Bill S.4237-A, with A.10510/S.4237-A being passed with nearly unanimous support, and

WHEREAS, said legislation would enable racino facilities including Batavia Downs to realize an increase in revenues, both benefiting its municipal owners and empowering Batavia Downs to make key investments in expansion that would enable it to compete with del Lago Resort and other potential casinos that may be licensed under the Upstate New York Gaming Economic Development Act, and

WHEREAS, Governor Andrew M. Cuomo must still sign the bill into law to ensure its enactment, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara does hereby call upon Governor Cuomo to execute this legislation and ensure Batavia Downs may continue to operate effectively and serve as a public benefit corporation that benefits residents of local communities through job creation, business relationships, and educational contributions, 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 Patrick Gallivan; Senator Robert G. Ortt; Speaker of the Assembly Carl Heastie; Member of the Assembly Crystal Peoples-Stokes; Assembly Majority Leader Joseph D. Morelle; Assembly Minority Leader Brian M. Kolb; Member of the Assembly Jane L. Corwin; Member of the Assembly Ray Walter; Member of the Assembly John D. Ceretto; Member of the Assembly Robin Schimminger; and all others deemed necessary and proper.

Moved by Bradt, seconded by Andres.

Adopted. 15 Ayes, 0 Noes,

Resolution No. IF-071-16

From: Infrastructure & Facilities Committee

Dated: August 2, 2016

RESOLUTION REJECTING BIDS FOR THE BROOKS BUILDING HVAC PROJECT

WHEREAS, the County of Niagara, Department of Public Works, advertised for sealed bids to be received on Thursday, June 16, 2016 for the Brooks Building HVAC Renovation project, and

WHEREAS, the lowest responsible bidder, Parise Mechanical, Inc., submitted a bid in the amount of \$553,000, and

WHEREAS, the budgeted amount for the project was \$250,000, and

WHEREAS, the lowest bid far exceeds the available funds for the project, now, therefore, be it

RESOLVED, that the sealed bids which were received on Thursday, June 16, 2016 are hereby rejected and the County of Niagara, Department of Public Works, shall re-advertise for the Brooks Building Boiler Renovation project.

Moved by Bradt seconded by Virtuoso

Adopted. 15 Ayes, 0 Noes

Resolution No. IF-072-16

From: Infrastructure & Facilities and Administration Committees

Dated: August 2, 2016

**JAIL SALLY PORT
CONSULTANT AMENDMENT NO. 1**

WHEREAS, by Resolution No. IF-003-16, dated February 23, 2016, the Legislature awarded the design for the enclosure of the existing Niagara County Jail Sally Port to Foit Albert Associates, 763 Main Street, Buffalo, NY 14203, for a contract amount of \$80,997, and

WHEREAS, it is necessary to decrease the contract in the amount of \$35,487, for a revised contract amount of \$45,510, 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 to decrease the contract by \$35,487 for the design for the enclosure of the existing Niagara County Jail Sally Port, for a revised contract amount of \$45,510, 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. 15 Ayes, 0 Noes

Resolution No. IF-073-16

From: Infrastructure & Facilities Committee

Dated: August 2, 2016

**AWARD CONSULTANT SERVICES FOR THE NIAGARA COUNTY
SHERIFF'S OFFICE FENCING/SECURITY PROJECT**

WHEREAS, the Department of Public Works evaluated the proposal from Foit Albert Associates, 763 Main Street, Buffalo, NY 14203 to assist the County with the Sheriff's Office Fencing/Security project, and

WHEREAS, funds are available in account H632.15.3197.000 72400.00, Land Improvements, 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 for the Niagara County Sheriff's Office Fencing/Security project be awarded to Foit Albert Associates, 763 Main Street, Buffalo, NY 14203, for a contract amount not to exceed \$40,412, 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

Resolution No. IF-074-16

From: Infrastructure & Facilities Committee

Dated: August 2, 2016

AWARD OF CONTRACT – BROOKS BUILDING BOILER REPLACEMENT

WHEREAS, the Department of Public Works, Engineering Division has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Brooks Building Boiler Replacement project, and

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

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

- | | | |
|----|---|-----------|
| 1. | Parise Mechanical, Inc.
1106 Sheridan Drive
Tonawanda, NY 14150 | \$ 57,800 |
| 2. | O'Connor Mechanical Corp.
203 Fisher Road
Lackawanna, NY 14218 | \$ 59,900 |
| 3. | Hoot Mechanical & Electrical Inc.
20 Short Street
Lockport, NY 14094 | \$ 63,800 |
| 4. | MJ Mechanical Services, Inc.
95 Pirson Parkway
Tonawanda, NY 14150 | \$ 78,000 |
| 5. | Greater Niagara Mechanical, Inc.
7311 Ward Road
North Tonawanda, NY 14120 | \$ 82,600 |
| 6. | John W. Danforth Company
300 Colvin Woods Parkway
Tonawanda, NY 14150 | \$111,000 |

and

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

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

RESOLVED, that the contract for the Brooks Building Boiler Replacement project be awarded to the lowest responsible bidder, Parise Mechanical, Inc., 1106 Sheridan Drive, Tonawanda, NY 14150, in the amount of \$57,800, 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 Bradt

Adopted. 15 Ayes, 0 Noes

Resolution No. IF-073-16

From: Infrastructure & Facilities Committee

Dated: August 2, 2016

**MECHANICAL CONTRACT FOR THE NIAGARA COUNTY SHERIFF'S OFFICE
BUILDING #2 JAIL ROOF SYSTEM/HVAC SYSTEM REPLACEMENTS
CHANGE ORDER NO. 2-FINAL**

WHEREAS, Resolution No. IF-124-15, dated October 20, 2015, the Legislature awarded the mechanical contract for the Niagara County Sheriff's Office Building #2 Jail Roof System/HVAC System Replacements to D.V. Brown & Associates, Inc., 567 Vickers Street, Tonawanda, NY 14150, for a contract amount of \$2,096,000, and

WHEREAS, Resolution No. IF-138-15, dated December 1, 2015, authorized Change Order No. 1 for plumbing work for an additional \$138,855.00, for a revised contract amount of \$2,234,855.00, and

WHEREAS, it is necessary to reduce the contract in the amount of \$70,505.00, for a revised contract amount of \$2,164,350.00, and

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

RESOLVED, that Change Order No. 2-Final to deduct \$70,505.00 from the contract for the Niagara County Sheriff's Office Building #2 Jail Roof System/HVAC System Replacements, for a revised contract amount of \$2,164,350.00, to D.V. Brown & Associates, Inc., 576 Vickers Street, Tonawanda, NY 14150, 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. 15 Ayes, 0 Noes

Resolution No. IF-076-16

From: Infrastructure & Facilities and Administration Committees

Dated: August 2, 2016

**ROOF/GENERAL CONTRACT FOR THE NIAGARA COUNTY SHERIFF'S OFFICE
BUILDING #2 JAIL ROOF SYSTEM/HVAC SYSTEM REPLACEMENTS
CHANGE ORDER NO. 1 - FINAL**

WHEREAS, by Resolution No. IF-101-15, dated August 4, 2015, the Legislature awarded the contract for the roof/general contract for the Niagara County Sheriff's Office Building #2 Jail Roof System/HVAC System Replacements to Jameson Roofing Co., Inc., 3761 East Lake Road, Dunkirk, NY 14048, for a contract amount of \$2,171,800.00, and

WHEREAS, it is necessary to decrease the contract in the amount of \$93,144.00, for a revised contract amount of \$2,078,656.00, and

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

RESOLVED, that Change Order No. 1-Final to decrease the contract by \$93,144.00 for the roof/general contract for the Niagara County Sheriff's Office Building #2 Jail Roof System/HVAC System Replacements, for a revised contract amount of \$2,078,656.00, to Jameson Roofing Co., Inc., 3761 East Lake Road, Dunkirk, NY 14048, 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. 15 Ayes, 0 Noes

Resolution No. IF-077-16

From: Infrastructure & Facilities Committee

Dated: August 2, 2016

**ELECTRICAL CONTRACT FOR THE NIAGARA COUNTY SHERIFF'S OFFICE
BUILDING #2 JAIL ROOF SYSTEM/HVAC SYSTEM REPLACEMENTS
CHANGE ORDER NO. 1 - FINAL**

WHEREAS, by Resolution No. IF-100-15, dated August 4, 2015, the Legislature awarded the electrical contract for the Niagara County Sheriff's Office Building #2 Jail Roof System/HVAC System Replacements to CIR Electrical Construction Corp., 400 Ingham Avenue, Buffalo, NY 14218, for a contract amount of \$133,600.00, and

WHEREAS, it is necessary to decrease the contract in the amount of \$10,967.34, for a revised contract amount of \$122,632.66, and

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

RESOLVED, that Change Order No. 1-Final to decrease the contract by \$10,967.34 for the electrical contract for the Niagara County Sheriff's Office Building #2 Jail Roof System/HVAC System Replacements, for a revised contract amount of \$122,632.66, to CIR Electrical Construction Corp., 400 Ingham Avenue, Buffalo, NY 14218, 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. 15 Ayes, 0 Noes

Resolution No. IF-078-16

From: Infrastructure & Facilities and Administration Committee

Dated: August 2, 2016

**CONSULTANT SERVICES FOR THE JAIL ROOF AND HVAC REPLACEMENT
PROJECT - CONSULTANT AMENDMENT NO. 2**

WHEREAS, Resolution No. PW-141-14, dated December 9, 2014, selected Foit-Albert Associates, 763 Main Street, Buffalo, NY 14203, to assist the County with the design for the replacement of the Jail Roof and HVAC replacement project on Building No. 2, for a fee not to exceed \$221,583, and

WHEREAS, Resolution No. PW-007-15, dated February 17, 2015, authorized Amendment No. 1 to include Building No. 1 in the HVAC replacement project for a fee not to exceed \$42,765, of which \$2,900 was for Building No. 1 and \$39,865 was for Building 2, for a revised contract amount of \$264,348, and

WHEREAS, it is necessary to increase the contract in the amount of \$84,668 for design, bid, and services during construction for Building No. 1, for a revised contract amount of \$349,016, 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 to increase the contract by \$84,668 for the Jail Roof System/HVAC System Replacements for Building 1, for a revised contract amount of \$349,016, 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. 15 Ayes, 0 Noes

Resolution No. IF-079-16

From: Infrastructure & Facilities Committee

Dated: August 2, 2016

AWARD OF CONTRACT – BRIDGE DECK OVERLAYS AND JOINT REPAIRS

WHEREAS, the Department of Public Works, Engineering Division has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Bridge Deck Overlays and Joint Repairs project, and

WHEREAS, funds are available in the 2016 bridge maintenance budget, account D.15.5120.000 74800.06, and

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

- | | |
|------------------------------|--------------|
| 1. Yarussi Construction Inc. | \$286,000.00 |
| 5650 Simmons Avenue | |
| Niagara Falls, NY 14304 | |

and

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

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

RESOLVED, that the contract for the Bridge Deck Overlays and Joint Repairs project be awarded to the lowest responsible bidder, Yarussi Construction Inc., 5650 Simmons Avenue, Niagara Falls, NY 14304, in the amount of \$286,000.00, 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

Resolution No. IF-080-16

From: Infrastructure & Facilities Committee

Dated: August 2, 2016

**AWARD CONSULTANT SERVICES FOR LOCKPORT ROAD
REPAVING PROJECT**

WHEREAS, the Department of Public Works evaluated a proposal from Erdman, Anthony & Associates Inc., 8608 Main Street, Buffalo, NY 14221, to assist the County with the Lockport Road Repaving project to complete design and perform construction administration and construction inspection, and

WHEREAS, funds are available in account H491.15.5112.000 72600.01, Infrastructure Roads, 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 for the design completion, construction administration, and construction inspection for the Lockport Road Repaving project be awarded to Erdman, Anthony & Associates Inc., 8608 Main Street, Buffalo, NY 14221, for a contract amount not to exceed \$112,818.00, 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

Resolution No. IF-081-16

From: Infrastructure & Facilities and Administration Committees

Dated: August 2, 2016

**WILSON BURT ROAD BRIDGE OVER EIGHTEEN MILE CREEK REPLACEMENT
BIN 3329720, SUPPLEMENTAL AGREEMENT NO. 4**

WHEREAS, the Wilson Burt Road Bridge over Eighteen Mile Creek Replacement project, (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/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 federal and non-federal shares of the cost of the Construction/Inspection phases of the Project 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:

H566.15.5197.000 44597.01	Federal Aid Capital Construction	\$225,000
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ESTIMATED EXPENSE APPROPRIATIONS:

H566.15.5197.000 72600.02	Infrastructure Bridges	\$225,000
	H566-04 Construction	

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/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 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

Resolution No. IF-082-16

From: Infrastructure & Facilities Committee

Dated: August 2, 2016

GHD STORMWATER CONTRACT TERMINATION

WHEREAS, the Department of Public Works, in accordance with Federal/State guidelines, evaluated proposals from pre-qualified consulting engineering firms to assist the County with the compliance of Phase II of the Federal Clean Water Act, and

WHEREAS, by Resolution No. IF-004-16, dated February 23, 2016, the contract was awarded to GHD Consulting Services, Inc., 285 Delaware Avenue, Suite 500, Buffalo, NY 14202, for a contract amount not to exceed \$58,100, and

WHEREAS, it will be more cost effective for the County to terminate its contract with GHD Consulting Services, Inc., and sign a contract with the City of Tonawanda for these services, 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 for compliance with Phase II Stormwater Regulations, awarded to GHD Consulting Services, Inc., 285 Delaware Avenue, Suite 500, Buffalo, NY 14202, be terminated, effective August 5, 2016, 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

Resolution No. IF-083-16

From: Infrastructure & Facilities Committee

Dated: August 2, 2016

AWARD STORMWATER CONSULTANT SERVICES

WHEREAS, the Department of Public Works evaluated a proposal from the City of Tonawanda to assist the County with the compliance of Phase II Stormwater Regulations, and

WHEREAS, a shared services agreement with the City of Tonawanda would be beneficial to both municipalities, and

WHEREAS, funds are available in account D.15.5140.000 74650.08, Consultant Services, 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 for the implementation of the Phase II Stormwater Regulations, be awarded to the City of Tonawanda, 200 Niagara Street, Tonawanda, NY 14150, for a contract amount not to exceed \$21,000 for the period August 2, 2016 through February 1, 2017, 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

Resolution No. IF-084-16

From: Infrastructure & Facilities and Administration Committee

Dated: August 2, 2016

**CHESTNUT ROAD BRIDGE OVER EAST BRANCH OF TWELVE MILE CREEK
REVENUE LINE CORRECTION**

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 (AKA Chestnut Street) 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,

WHEREAS, Resolution No. IF-054-16, dated May 3, 2016, effectuated a budget modification to allow the project to proceed, and

WHEREAS, the anticipated revenue line to be increased was incorrect in the resolution, now, therefore, be it

RESOLVED, that the following budget modification be effectuated to allow the project to proceed and to correct the error in the revenue line:

DECREASE ANTICIPATED REVENUE:

H605.15.5197.000 43591.00	State Aid	\$80,000
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INCREASE ANTICIPATED REVENUE:

H605.15.5197.000 43501.00	Consolidated Highway Aid	\$80,000
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Moved by Bradt seconded by Virtuoso

Adopted. 15 Ayes, 0 Noes

Resolution No. IF-085-16

From: Infrastructure & Facilities and Administration Committee

Dated: August 2, 2016

**WILSON BURT ROAD BRIDGE REHABILITATION
CHANGE ORDER NO. 4-FINAL**

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, Resolution No. IF-062-16, dated May 3, 2016, increased the contract by \$224,343.96 for floor beam repairs, for a revised contract amount of \$4,984,757.91, and

WHEREAS, it is necessary to increase the contract in the amount of \$18,220.98 for final quantities adjustments, for a revised contract amount of \$5,002,978.89, 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. 4-Final to increase the contract by \$18,220.98 for the rehabilitation of Wilson Burt Road Bridge, for a revised contract amount of \$5,002,978.89, 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 Bradt seconded by Virtuoso
Adopted. 15 Ayes, 0 Noes

Resolution No. IF-086-16

From: Infrastructure & Facilities and Administration Committees
Dated: August 2, 2016

DEPARTMENT OF PUBLIC WORKS – HIGHWAY MAINTENANCE BUDGET MODIFICATION

WHEREAS, the enacted New York State Budget has provided \$100 million in enhanced assistance to local municipalities for the rehabilitation and reconstruction of local highways, and

WHEREAS, Niagara County’s apportionment for PAVE NY in the 2016-17 Budget is \$496,553.88, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated:

INCREASE ESTIMATED REVENUE:

D.15.5110.000.43501.00	Consolidated Highway Aid Revenue	\$496,553.88
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INCREASE ESTIMATED APPROPRIATION:

D.15.5110.000.74800.12	Road Construction Materials	\$496,553.88
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Moved by Bradt seconded by Virtuoso
Adopted. 15 Ayes, 0 Noes

Resolution No. IF-087-16

From: Infrastructure & Facilities Committee
Dated: August 2, 2016

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE NIAGARA COUNTY
SNOWMOBILE FEDERATION OF SNOWMOBILE CLUBS**

WHEREAS, the Niagara County Snowmobile Federation of Snowmobile Clubs has requested the County of Niagara to agree to act as a municipal sponsor for a grant available through the New York State Office of Parks, Recreation and Historic Preservation Snowmobile Trail Fund and,

WHEREAS, the grant would assist the Niagara County Snowmobile Federation of Snowmobile Clubs in maintaining and operating safe recreational snowmobile trails already existing in the County of Niagara, and

WHEREAS, this grant would assist in grooming and coordinating trails already existing or to be added by lease or other agreements with property owners, and

WHEREAS, this grant will build and maintain a better, safer trail system, which will in turn bring more snowmobiles here, adding dollars to the County economy, now, therefore be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Niagara County Snowmobile Federation of Snowmobile Clubs as appears in the proposed agreement, is hereby approved in all respects and be it further

RESOLVED, that the Chairman of the Niagara County Legislature is authorized and directed to execute and deliver the agreement with the Niagara County Snowmobile Federation of Snowmobile.

Moved by Bradt seconded by Virtuoso

Adopted. 15 Ayes, 0 Noes

Resolution No. IL-048-16

From: Legislators Randy R. Bradt, Richard L. Andres, Kathryn L. Lance an Economic Development Committee

Dated: August 2, 2016

**RESOLUTION IN SUPPORT OF THE NORTH TONAWANDA CATHOLIC CLUB
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the North Tonawanda Catholic Club Inc. was founded in 1947 and is the charity arm of Madonna Council, and is owner of the Knights of Columbus Hall located at 755 Erie Avenue in North Tonawanda, New York, and

WHEREAS, the North Tonawanda Catholic Club is a charitable organization with a goal to help those in need, work with the senior citizens and work with the youth of our community they also provide the use of their hall free for non-profit organization events, and

WHEREAS, the North Tonawanda Catholic Club is in need of improving the properties drainage system and repairing hazardous holes to create a safer parking lot for their guests, and

WHEREAS, the Niagara County Legislature recognizes the significant contribution that The North Tonawanda Catholic Club makes to help our community, now, therefore, be it

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

The North Tonawanda Catholic Club Inc.	Parking Lot Repair	\$6,000.00
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and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01	Appropriated Fund Balance - Committed Funds	\$6000.00
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INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$6000.00
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Moved by Andres seconded by Bradt

Adopted. 15 Ayes, 0 Noes

Resolution No. IL-049-16

From: Legislator John Syracuse and Economic Development Committee

Dated: August 2, 2016

**RESOLUTION IN SUPPORT OF THE NIAGARA CELTIC FESTIVAL
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Celtic Festival is Western New York's Primer Festival to celebrate everything Irish, Scottish and Welsh, and

WHEREAS, the Celtic Festival has been a mainstay in Niagara County's tourism offerings in the Town of Newfane and Eastern Niagara County, increasing the foot traffic in Olcott by over 12,000 people during the festival and bringing significant economic impact to the community, and

WHEREAS, the 2016 Celtic Festival is scheduled to take place on September 17th and 18th at Krull Park in picturesque Olcott, New York, and

WHEREAS, the festival offers Celtic-themed rides, food vendors, music and live entertainment for the whole family to enjoy, and

WHEREAS, this family-friendly event brings thousands of visitors to the area and creates a positive benefit for local restaurants, shops and various other business owners and has a positive impact on all of Niagara County in the form of sales tax revenues, and

WHEREAS, funds are being sought to help offset the costs associated with hosting the festival, now, therefore, be it

RESOLVED, that Niagara County supports the economic initiatives of the Celtic Festival as follows:

The Niagara Celtic Festival	\$3,500.00
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and be it further

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

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

INCREASE APPROPRIATION:		
A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$3,500.00

Moved by Syracuse seconded by Bradt
Adopted. 15 Ayes, 0 Noes

Resolution No. IL-050-16
From: Legislator Clyde L. Burmaster and Economic Development Committee
Dated: August 2, 2016

**RESOLUTION IN SUPPORT OF THE YOUNGSTOWN FREE LIBRARY
FOR THE YEAR 2016 THROUGH THE USE OF CASINO FUNDING**

WHEREAS, it is generally accepted that Libraries are the center of our daily information needs as well as gathering locations, and

WHEREAS, libraries are free to use all over Niagara County and often provide the only link, some may not be able to afford computers, can use the Library to be able to compete academically with those who have computers, and

WHEREAS, libraries only exist because our taxpayers understand the importance of educated communities and have supported them over many years, and

WHEREAS, Niagara County makes every effort to help when it can, with the special projects at the libraries such as children's reading and entertainment programs which cost money outside of their budget, now, therefore, be it

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

Youngstown Free Library \$1,000.00

and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

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

INCREASE APPROPRIATION:

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

Moved by Burmaster seconded by Hill

Adopted. 15 Ayes, 0 Noes

Resolution No. IL-051-16

From: Legislator Clyde L. Burmaster and Economic Development Committee

Dated: August 2, 2016

**RESOLUTION IN SUPPORT OF HISTORICAL ARTIFACTS
IN THE HAMLET OF RANSOMVILLE THROUGH THE USE OF CASINO FUNDING**

WHEREAS, it is important to preserve the memory of sacrifices made that played a significant role in the establishment of this free and beautiful Niagara County, and

WHEREAS, the preservation of this historical marker defining our heritage is so important to the pride of this community and respect for our ancestors, and

WHEREAS, it is important that we as care takers of the history and landmarks make our best effort to preserve and protect history for the benefit of all who follows, and

WHEREAS, funds are needed to repair and replace damaged markers, now, therefore, be it

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

Historical Artifacts in the Hamlet of Ransomville \$5,000.00

and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01 Appropriated Fund Balance - Committed Funds \$5,000.00

INCREASE APPROPRIATION:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund \$5,000.00

Moved by Burmaster seconded by Wydysch

Adopted. 15 Ayes, 0 Noes

Resolution No. IL-052-16

From: Legislator Clyde L. Burmaster and Economic Development Committee

Dated: August 2, 2016

RESOLUTION IN SUPPORT OF THE RANSOMVILLE FREE LIBRARY FOR THE YEAR 2016 THROUGH THE USE OF CASINO FUNDING

WHEREAS, it is generally accepted that libraries are the center of our daily information needs as well as gathering locations, and

WHEREAS, libraries are free to use all over Niagara County and often provide the only link, some who may not be able to afford computers can use the Library to be able to compete academically with those who have computers, and

WHEREAS, libraries only exist because our taxpayers understand the importance of education in our communities and have supported them over many years, and

WHEREAS, Niagara County makes every effort to help when it can, with the special projects at the libraries such as children's reading and entertainment programs which cost money outside of their budget, now, therefore, be it

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

Ransomville Free Library \$1,000.00

and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

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

INCREASE APPROPRIATIONS:

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

Moved by Burmaster seconded by Godfrey

Adopted. 15 Ayes, 0 Noes

Resolution No. IL-053-16

From: Legislator Clyde L. Burmaster and Economic Development Committee

Dated: August 2, 2016

RESOLUTION IN SUPPORT OF THE COMMUNITY FAIRE HELD AT THE RANSOMVILLE FREE LIBRARY THROUGH THE USE OF CASINO FUNDING

WHEREAS, the Community Faire in Ransomville has been the premier festival for the residents of Ransomville and the surrounding towns for several years, and

WHEREAS, the Faire is comprised of many local vendors of crafts and entertainers for young and old alike, and

WHEREAS, the Faire is a great opportunity for the citizens to gather with many, such as the collaboration with the Ransomville Free Library, the Antique Car and Antique Tractor group, local churches, the Fire Company and the Historical Association, and

WHEREAS, funds are needed each year to pay associated costs with putting on such events, with the group raising a good share themselves, now, therefore, be it

RESOLVED, that this Community Faire be partially funded by Casino funds.

RESOLVED, that Niagara County supports this event as follows:

Ransomville History Association	Community Faire	\$2,000.00
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and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01	Appropriated Fund Balance - Committed Funds	\$2,000.00
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INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$2,000.00
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Moved by Wydysh seconded by Burmaster

Adopted. 15 Ayes, 0 Noes

Resolution No. IL-058-16

From: Legislator Anthony J. Nemi and Administration Committee

Dated: August 2, 2016

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

WHEREAS, Legislator Anthony Nemi presents in writing the following proposed Local Law:

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

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

1. Local Law No. 7 for the year 2006, and the same hereby is, amended so as to increase the income levels for the real property tax exemption for persons sixty-five years of age or older from a base of \$18,025.00 - \$25,524.99 to \$21,000.00 - \$28,499.99:

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

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

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

3. This Local Law shall become effective January 1, 2017 and this schedule shall be employed by all Niagara County assessing units in the preparation of any assessment roll prepared subsequent to such date.

RESOLVED, that the Niagara County Legislature shall conduct a public hearing upon said proposed Local Law at the Legislative Chambers, Niagara County Courthouse, Lockport, New York on the 22nd day of September, 2016 at 6:30 p.m., and be it further

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

Moved by Nemi seconded by Lance

Adopted. 15 Ayes, 0 Noes

Resolution No. IL-059-16

From: Legislator Anthony J. Nemi and Administration Committee

Dated: August 2, 2016

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

WHEREAS, Legislator Anthony Nemi presents in writing the following proposed Local Law:

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

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

1. Real property owned by one or more persons with disabilities, or real property owned by a husband, wife or both, or by siblings, at least one of whom has a disability, and whose income, as hereafter defined, is limited by reason of such disability, shall be exempt from taxation for County purposes to the extent as provided in the following schedule:

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

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

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

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

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

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

4. No exemption shall be granted:

a. if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of twenty-five thousand and nine-hundred dollars (\$25,900). Income tax year shall mean the twelve month period for which the owner or owners filed a federal income tax return, or if no such return is

filed, the calender year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum, except where the husband or wife, or ex-husband or ex-wife is absent from the property due to divorce, legal separation or abandonment, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts, inheritances or monies earned through employment in the federal foster grandparent program and any such income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance. (In computing net rental income and net income from self-employment no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income);

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

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

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

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

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

7. At least sixty days prior to the appropriate taxable status date, the assessor shall mail to each person who was granted exemption pursuant to this section on the latest completed assessment roll an application form and a notice that such application must be filed on or before taxable status date and be approved in order for the exemption to continue to be granted. Failure to mail such application for or

the failure of such person to receive the same shall not prevent the levy, collection and enforcement of the payment of the taxes on property owned by such person.

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

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

RESOLVED, that the Niagara County Legislature shall conduct a public hearing upon said proposed Local Law at the Legislative Chambers, Niagara County Courthouse, Lockport, New York, on the 22nd day of September, 2016 at 6:45 p.m., and be it further

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

Moved by Nemi seconded by Andres

Adopted. 15 Ayes, 0 Noes

Resolution No. IL-060-16

From: Legislator Jason Zona

Dated: August 2, 2016

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

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

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

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

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

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

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

From: Legislator David E. Godfrey
Dated: August 2, 2016

**RESOLUTION OF THE NIAGARA COUNTY LEGISLATURE
SUPPORTING THE APPLICATION OF MERCY EMS FOR OPERATING
AUTHORITY FROM THE NEW YORK STATE BUREAU OF EMS
AND THE BIG LAKES REGIONAL EMS COUNCIL**

WHEREAS, the provision of ambulance and emergency medical services is vital to the residents of the County and is, therefore, an appropriate matter for concern and deliberation by the County Legislature, and

WHEREAS, it has come to the attention of the County Legislature that American Medical Response (“AMR”) a company currently providing ambulance services to areas within the County plans to cease providing such services, and has gone on record stating that it is “giving up revenue” in Niagara County so that it can “better serve” other areas where AMR has “large commitments,” and that AMR expects the volunteer fire companies in Niagara County to “step in in this situation,” thus creating a void in services available within the County, and

WHEREAS, the County Legislature is aware that Twin City Ambulance has gone on record stating that AMR has “pulled out of many markets in the region”, thereby causing Twin City Ambulance to absorb an increase in call volume such that Twin City Ambulance does not believe that it can adequately serve areas within Niagara County that it does not presently serve, and

WHEREAS, as a consequence of the aforesaid service issues, excessive demands to provide these services will be placed on local volunteer fire service-based EMS agencies, further compounding the strain on those agencies to provide ambulance and emergency medical services that were once provided by AMR, and

WHEREAS, in consultation with our fire service-based EMS providers and in view of the current EMS resources available in the County, as well as the expectation that such limitations will exist into the foreseeable future, the County anticipates that the fire service-based ambulance providers will be unable, on a long-term basis, to compensate for the expected increases in ambulance and emergency medical services responses caused by AMR’s termination of service in the County, and

WHEREAS, the Legislature recognizes the value and benefit that the provision of consistent and reliable 24-hour a day, 7-days a week ambulance and advanced life support coverage provides to the health and safety of the citizens of and visitors to Niagara County, and

WHEREAS, after careful deliberation, it is the position of the County Legislature that the present circumstances have created a “public need” for the addition of ambulance and emergency medical services and advanced life support providers as the term “public need” is utilized by the Department of Health Bureau of EMS, and

WHEREAS, the County Legislature determines that the current status of ambulance and emergency medical services in the County may present a threat to the health and safety of residents of the County if not addressed, and

WHEREAS, the County Legislature has met with representatives of Mercy Flight, Inc. doing business as Mercy EMS, a New York State Certified provider of ambulance and advanced life support services, and has determined that Mercy EMS is able to provide the staffing and level of care commensurate with the needs of the County and now necessary as a consequence of the deficiencies in available services as a result of the issues stated above, and

WHEREAS, Mercy EMS does not currently possess operating authority to provide ambulance and emergency medical care in the Niagara County but has expressed a willingness to provide such necessary services in the County in response to the County's request for such services, now, therefore, be it

RESOLVED, that the Legislature of Niagara County, as the governing body of the County, does hereby declare that in its opinion, "public need" exists for the provision of ambulance and advanced life support services in the County as a result of the reduction in available ambulance and advanced life support services being provided, thereby creating a potential future threat to the health and safety of residents of the County, and be it further

RESOLVED, that as a precursor to Mercy EMS being authorized to initiate ambulance and advanced life support services to ameliorate the "public need" described above, the County Legislature endorses and supports the application of Mercy EMS to obtain operating authority to conduct ambulance and advanced life support services on a countywide basis and for Mercy EMS to commence providing such services as soon as possible, and be it further

RESOLVED, that the County Legislature hereby lends its support for the application for Mercy EMS for permanent operating authority before the New York State Department of Health Bureau of EMS and the Big Lakes Regional EMS Council, and be it further

RESOLVED, that the County Legislature authorizes the County Manager to prepare and execute such documents as may be necessary to assist and to effect Mercy EMS' efforts to establish and provide for the provision of ambulance and advanced life support services in the County and to obtain permanent operating authority on behalf of Mercy EMS.

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

Carried.

Moved by Nemi, seconded by Syracuse.

Adopted. 15 Ayes, 0 Noes

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

The Chairman declared the Board adjourned at 7:36 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