

OFFICIAL RECORD

Lockport, New York
August 6, 2019

The meeting was called to order by Chairman McNall at 7:09 p.m.

Clerk Tamburlin called the roll. All Legislators were present with the exception of Legislators Burmaster and Zona.

Moment of Silence was held for all the victims from the mass shootings in El Paso, Texas and Dayton, Ohio.

CORRESPONDENCE & RECOGNITION:

Chairman McNall called Director of Emergency Management Jonathon Schultz to the lectern to give an update on lake levels. Jonathon stated the lake levels have decreased, but the quick rising waters in the spring caused a lot of damage to infrastructures and the shorelines making the month of June lake levels the highest they have ever been. Jonathon thanked the legislature, volunteer fire, sheriffs, local dpw.NYS OEM & OFPC Exec. Chairman McNall thanked Jonathan for everything he has done.

PRESENTATIONS

Legislator Andres called Batavia Downs Vice President of Operation Scott Kiedrowski and director of Marketing Ryan Hasenauer to the lectern to present a quarterly distribution check, the largest distribution check the County has seen in 20 years.

Legislator Wydysh called County Clerk Joseph Jastrzemski, Director of Veterans Services Jeffery Glatz and Commander of Military Order of the Purple Heart Chapter 264 Mike Targon. Joe thanked the Legislature and his staff for all hard work on this project. Mr. Targon presented Joe with a Proclamation and Purple Heart Flag.

Legislator Godfrey called on Director of Emergency management Jonathan Schultz to lectern to read a proclamation honoring him on his appointment as the President of the National Homeland Security Association.

0 citizens spoke at this time.

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

Chairman McNall announced CW-019-19 would be removed from the agenda for further review.

Moved by Bradt, seconded by Nemi.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. CW-018-19 was read at this time. (Appears in numerical order)

Resolution No. IL-049-19 was read at this time. (Appears in numerical order)

Resolution No. IL-050-19 was read at this time. (Appears in numerical order)

Resolution No. AD-013-19

From: Administration Committee.

Dated: August 6, 2019

**RESOLUTION AUTHORIZING COLLECTION OF
OVERDUE PILOT PAYMENTS OF DSAV, LLC**

(7804 NIAGARA FALLS BLVD., NIAGARA FALLS, NEW YORK)

WHEREAS, by Payment in Lieu of Tax Agreement and by Memorandum of Lease Pursuant to Section 291-c of The Real Property Law, both dated as of the 1st day of September, 2015, DSAV, LLC. ("DSAV"), as Company, leased certain real property ("PROPERTY") from the Niagara County Industrial Development Agency ("NCIDA") as Agency, covering property commonly known as, 7804 Niagara Falls Blvd., Niagara Falls County of Niagara, State of New York, and

WHEREAS, under the lease DSAV was obligated to make certain payments in lieu of taxes ("PILOT payments"), and

WHEREAS, based on the records of the Niagara County Real Property Tax Service, DSAV has failed and/or refused to make certain PILOT payments, despite repeated demands by the Niagara County Industrial Development Agency and Niagara County Real Property Office, and

WHEREAS, it is in the financial interest of the County of Niagara to proceed in litigation aimed at collection of the PILOT payment arrearages, now, therefore, be it

RESOLVED, that the County Attorney's Office is authorized and directed to take all action reasonable and necessary including litigation in an appropriate court, to collect all PILOT payment arrears owed by DSAV, LLC, for 7804 Niagara Falls Blvd., Niagara Falls, County of Niagara, State of New York.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. AD-014-19

From: Administration Committee.

Dated: August 6, 2019

**RESOLUTION AUTHORIZING COLLECTION OF
OVERDUE PILOT PAYMENTS OF SEVEN GROUP, INC.
(9100 NIAGARA FALLS BLVD., NIAGARA FALLS, NEW YORK)**

WHEREAS, by Payment in Lieu of Tax Agreement and Memorandum of Leaseback pursuant to Section 291-c of the Real Property Law, both dated as of the 1st day of November, 2007, SEVEN GROUP, INC. ("SEVEN GROUP"), as Company, leased certain real property ("PROPERTY") from the Niagara County Industrial Development Agency ("NCIDA") as Agency, covering property commonly known as, 9100 Niagara Falls Blvd., Niagara Falls County of Niagara, State of New York, and

WHEREAS, under the leaseback agreement Seven Group was obligated to make certain payments in lieu of taxes ("PILOT payments"), and

WHEREAS, based on the records of the Niagara County Real Property Tax Service, Seven Group has failed and/or refused to make certain PILOT payments, despite repeated demands by the Niagara County Industrial Development Agency and Niagara County Real Property Office, and

WHEREAS, the Leaseback Agreement was terminated as of March 26, 2019 and filed with Niagara County Clerk March 29, 2019, and

WHEREAS, it is in the financial interest of the County of Niagara to proceed in litigation aimed at collection of the PILOT payment arrearages, now, therefore, be it

RESOLVED, that the County Attorney's Office is authorized and directed to take all action reasonable and necessary including litigation in an appropriate court, to collect all PILOT payment arrears owed by Seven Group, Inc., for 9100 Niagara Falls Blvd., Niagara Falls, County of Niagara, State of New York.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. CS-031-19

From: Community Services and Administration Committees.

Dated: August 6, 2019

RELOCATE PENDLETON CONGREGATE MEAL SITE- OFFICE FOR THE AGING

WHEREAS, the Pendleton United Methodist Church located at 6864 Campbell Blvd, Pendleton NY can no longer accommodate the Eat Well Stay Well Congregate Meal Program, and

WHEREAS, the Wendelville Fire Hall located at 7340 Campbell Blvd has agreed to host the meal program on the 1st, 3rd and 5th Tuesday of each month, and

WHEREAS, the Wendelville Fire Co, and Office for the Aging have all agreed to pursue the establishment of a congregare site within the building, and

WHEREAS, the Wendelville Fire Co will provide the space at no cost, and

WHEREAS, Office for the Aging will provide the meals and related supplies, and

WHEREAS, Office for the Aging has the funds under the Title III-CI and Wellness in Nutrition (WIN) grants to cover the associated expenses, now, therefore, be it

RESOLVED, that approval be granted to relocate the Pendleton congregare site from the Pendleton United Methodist Church to the Wendelville Fire Hall effective August 20, 2019 on the 1st, 3rd and 5th Tuesday of each month moving forward.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. CS-032-19

From: Community Services and Administration Committees.

Dated: August 6, 2019

**AGREEMENT WITH NEWFANE TOWN HALL FOR THE ESTABLISHMENT OF A
CONGREGATE MEAL SITE- OFFICE FOR THE AGING**

WHEREAS, a request has been made to establish a congregare meal site at the Newfane Town Hall Community Center by reducing the Olcott Congregate site from every Wednesday and Thursday to every Wednesday and the 1st, 3rd and possibly 5th Thursday thereby serving Newfane the 2nd and 4th Thursday, and

WHEREAS, pursuant to new Unmet Needs Funding recently received, OFA is reaching out to an area that we currently do not serve with the congregare program, and

WHEREAS, the Town of Newfane, and Office for the Aging have all agreed to pursue the establishment of a congregare site within the building, and

WHEREAS, Newfane Town Hall will provide the space at no cost, and

WHEREAS, Office for the Aging will provide the meals and related supplies, and

WHEREAS, Office for the Aging has the funds under the Title III-C1, Wellness in Nutrition (WIN) & Unmet Needs grants to cover the associated expenses, now, therefore, be it

RESOLVED, that approval be granted to open a new congregate site at Newfane Town Hall Community Center effective August 22, 2019 and reduce Olcott Fire Hall by two days per month effective same date.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. CS-033-19

From: Community Services and Administration Committees.

Dated: August 6, 2019

BUDGET MODIFICATION – CREATE & FILL DEPUTY DIRECTOR POSITION

WHEREAS, the Niagara County Office for the Aging (NCOFA) provides community-based services to help older adults remain active and independent in the community, and

WHEREAS, the NCOFA has recently been awarded a substantial grant to serve the unmet needs of seniors in Niagara County, and

WHEREAS, the current structure of the office does not accommodate the additional requirements including additional outreach, ability to oversee multiple programs, expansion of target population, introduction of new programs and administrative assistance to the Director, and

WHEREAS, the NCOFA is requesting to create and fill a Deputy Director position in order to be able to operate the department more efficiently and allowing us to streamline our process as we continue to serve the seniors in need of assistance, and

WHEREAS, this position will be co-terminus with the grant, now, therefore, be it

RESOLVED, that the department is given authorization to create and fill a Deputy Director position at a Flat salary grade 9 \$51,728 - \$65,464, and be it further

RESOLVED, that the following budget be amendments be effectuated:

DECREASE APPROPRIATION

CM.24.6772.602 71010.00.13529	Position Expense	\$ 12,042.00
CM.24.6772.603 71010.00.13280	Position Expense	\$ 12,042.00

INCREASE APPROPRIATION

CM.24.6772.602 71010.00.xxx	Position	\$ 8,554.50
CM.24.6772.603 71010.00 xxx	Position	8,554.50
CM.24.6772.602 78100.00	Retirement	795.50
CM.24.6772.603 78100.00	Retirement	795.50
CM.24.6772.602 78200.00	FICA	654.50
CM.24.6772.603 78200.00	FICA	654.50
CM.24.6772.602 78300.00	Worker's Compensation	226.50
CM.24.6772.603 78300.00	Worker's Compensation	226.50
CM.24.6772.602 78400.01	Health Insurance Active	1,199.50
CM.24.6772.603 78400.01	Health Insurance Active	1,199.50
CM.24.6772.602 78400.05	HRA	425.00

CM.24.6772.603 78400.05	HRA	425.00
CM.24.6772.602 78800.00	Flex 125	186.50
CM.24.6772.603 78800.00	Flex 125	186.50

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. CS-034-19

From: Community Services and Administration Committees.

Dated: August 6, 2019

ABOLISH AND CREATE POSITIONS – SOCIAL SERVICES

WHEREAS, at its meeting of September 18, 2018, the Niagara County Legislature created the position of Social Services Systems Coordinator, Job Group XII at \$28.37 per hour, and

WHEREAS, a Civil Service exam was given in December of 2018 where only one person qualified to take the exam and as a result the Department advertised the position on the County website, Indeed, the Sunday Greater Niagara Newspaper and Monster Jobs, and

WHEREAS, ten (10) people responded to the advertisement, however, only four (4) were qualified by Civil Service, and

WHEREAS, one of the four applicants rejected an interview as a result of the salary, a second applicant was interviewed but was not interested because of the salary, as his salary in his current position was significantly higher, and based upon interviews of the two (2) remaining applicants, it was determined that they would not meet the needs of the Department, now, therefore, be it

RESOLVED, that the following positions be abolished effective August 12, 2019: one (1) vacant Clerical I, position #1187, Job Group III, step 8 at \$ 18.91 per hour and one (1) Social Services Systems Coordinator, position #13494, Job Group XII, step 1 at \$28.94 per hour, and be it further

RESOLVED, that a Social Services Systems Coordinator position #xxxxx, Job Group XIV step 1 at \$34.17 per hour be created and filled effective August 12, 2019, and be it further

RESOLVED, that the following line item transfer be effectuated to the Social Services 2019 budget:

FROM:

A.22.6010.000 71010 13494	Social Services Systems Coordinator	\$ 25,621
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TO:

A.22.6010.000 71010.xxxxx	Social Services Systems Coordinator	\$ 24,398
A.22.6010.000 78400.05	Health HRA Employer Cont	\$ 850
A.22.6010.000 78800.00	Flex 125 Employer Cont	\$ 373

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. CS-035-19

From: Community Services and Administration Committees.

Dated: August 6, 2019

**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 \$537,737, 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 2019 budget:

INCREASE REVENUE:

A.22.6010.000 43610.01	DSS Admin General	\$ 537,737
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INCREASE APPROPRIATION:

A.22.6010.000 74500.01	Contractual Exp-Contractual	\$ 537,737
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Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. CS-036-19

From: Community Services and Administration Committees.

Dated: August 6, 2019

**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 Dept 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 2019 budget:

INCREASE REVENUE:

A.22.6010.000 44610.00 DSS Admin Revenue \$ 175,000

INCREASE APPROPRIATION:

A.22.6010.000 74500.01 Contractual Exp-Contractual \$ 175,000

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. CS-037-19

From: Community Services and Administration Committees.

Dated: August 6, 2019

**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 data, 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, Niagara County did receive a renewed allocation of \$50,000, 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 2019 budget:

INCREASE REVENUE:

A.22.6010.000 43610.01 DSS Admin General \$ 50,000

INCREASE APPROPRIATION:

A.22.6010.000 74500.01 Contractual Exp-Contractual \$ 50,000

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. CS-038-19

From: Community Services and Administration Committees.

Dated: August 6, 2019

BUDGET MODIFICATION – BABY FEEDING AND CHANGING STATION

WHEREAS, in an effort to provide privacy and comfort for nursing mothers, the County of Niagara directs the Public Health Department to provide a baby feeding and changing station at various events being held in Niagara County, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE REVENUE:

A.20.4189.401 43401.00	State Aid-COLA	\$2,376
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DECREASE APPROPRIATION:

A.08.1990.000 74500.01	Contingency	\$5,527
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INCREASE APPROPRIATION:

A.20.4189.401 71050.00	Overtime	\$6,400
A.20.4189.401 78100.00	Retirement	640
A.20.4189.401 78200.00	FICA	490
A.20.4189.401 78300.00	Worker's Compensation	173
A.20.4189.401 74750.21	Gas and Oil	100
A.20.4189.401 74750.02	Supplies	100

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. CS-039-19

From: Community Services and Administration Committees.

Dated: August 6, 2019

**ACCEPT OPIOID PREVENTION & RESPONSE GRANT FUNDING
DEPARTMENT OF HEALTH**

WHEREAS, the Niagara County Department of Health provides services, information and training to protect the health and safety of the citizens of Niagara County, and

WHEREAS, the Center for Disease Control (CDC) through the New York State Department of Health Office of Drug User Health and Grants Administration has awarded Niagara County Department of Health Opioid Prevention & Response funds of \$72,000/year for 3 years (September 1, 2019 – August 31, 2022) , and

WHEREAS, the funds are to integrate/empower local prevention & response; build capacity for more effective & sustainable local prevention & response efforts; implement prevention & response strategies or propose an innovative project, and

WHEREAS, the Niagara County Department of Health is requesting approval to accept 2019 Opioid Prevention & Response funding CFDA# 93.136, now, therefore, be it

RESOLVED, that the following budget modification, be effectuated:

INCREASE REVENUE:

CM.20.4189.408 44401.00 Public Health Federal Aid	\$ 44,961.93
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INCREASE APPROPRIATIONS:

CM.20.4189.408 71050.00 Overtime	\$ 474.00
CM.20.4189.408 74250.01 Office Supplies	1,000.00
CM.20.4189.408 74250.03 Printing/Duplicating	1,500.00
CM.20.4189.408 74300.01 Travel Conference	6,629.00
CM.20.4189.408 74300.03 Travel/Mileage	100.00
CM.20.4189.408 74500.01 Contractual	35,165.00
CM.20.4189.408 78100.00 Retirement	44.37

CM.20.4189.408 78200.00 FICA	37.00
CM.20.4189.408 78300.00 Worker's Comp	12.56
Moved by Bradt, seconded by Virtuoso.	
Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.	

Resolution No. CS-040-19

From: Community Services and Administration Committees.

Dated: August 6, 2019

**BUDGET MODIFICATION / ACCEPT RAISE THE AGE FUNDING FROM
NIAGARA COUNTY PROBATION SERVICES / CREATE 2 POSITIONS**

WHEREAS, New York State is implementing Raise the Age (RTA) Legislation and has stated that it will provide reimbursement funding to counties for costs related to implementation, including additional community services required by probation departments to effectively meet the goals and requirements of Raise the Age Legislation, and

WHEREAS, Niagara County submitted its RTA plan and did receive approval by the State Division of Budget for State reimbursement of incremental RTA costs, and

WHEREAS, Niagara County Probation Services has outlined the necessary resources to effectively address the needs of the RTA population, including Behavioral Health assessment, referral, linkage and services, and

WHEREAS, The Niagara County Department of Mental Health & Substance Abuse Services currently provides Behavioral Health assessment, referral, linkage and coordination for Youth, age 15 and under, involved in Probation (referred to as "Clinic Plus Initiative"), CSPOA, and Crisis Services, and

WHEREAS, RTA legislation will require the expansion of these services to assist probation in addressing the mental health needs of children involved in the juvenile justice system and their families through RTA, now, therefore, be it

RESOLVED, that Niagara County Department of Mental Health will accept funding of \$110,592 and collaborate with the Niagara County Department of Probation regarding the "Clinic Plus Initiative" to meet the needs of the RTA youth in 2019 and 2020, and be it further

RESOLVED, that one Licensed Clinician position, Grade 11, Step 3, at an hourly rate of \$28.71 be created within the Niagara County Department of Mental Health, and filled effective August 11, 2019, co-terminus with any funding termination to carry out the required roles and responsibilities of the Behavioral Health and Probation Collaboration program, and be it further

RESOLVED, that one Clerical 1 position, Grade 4, Step 3, at an hourly rate of \$17.78 be created within the Niagara County Department of Mental Health, and filled effective August 11, 2019, co-terminus with any funding termination to carry out the required roles and responsibilities of the Behavioral Health and Probation Collaboration program, and be it further

RESOLVED, that the following budget modification be effectuated to the Mental Health 2019 budget:

INCREASE REVENUE:

A.21.4310.000 41289.08	Other General Gov Income	\$ 49,407
	Reimbursement, Other Depts.	

INCREASE APPROPRIATION:

A.21.4310.000 71010.00 xxxx	Licensed Clinician	\$ 20,499
A.21.4310.000 71010.00 xxxx	Clerical I	12,695
A.21.4310.000 78100.00	Retirement Expense	3,087
A.21.4310.000 78200.00	FICA Expense	2,539
A.21.4310.000 78300.00	Worker's Compensation	879
A.21.4310.000 78400.01	Insurance, Health Active	7,198
A.21.4310.000 78400.05	Insurance, Health HRA Employer	1,700
A.21.4310.000 78700.00	NYS Disability	64
A.21.4310.000 78800.00	Flex 125 Employer	746

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. CS-041-19

From: Community Services and Administration Committees.

Dated: August 6, 2019

ABOLISH, CREATE AND FILL POSITION / BUDGET MODIFICATION ADULT SINGLE POINT OF ACCESS (SPOA) PROGRAM REORGANIZATION NIAGARA COUNTY DEPARTMENT OF MENTAL HEALTH & SUBSTANCE ABUSE SVCS

WHEREAS, the Niagara County Department of Mental Health and Substance Abuse Services (NCDMH) is committed to providing quality treatment and services to County residents in need, and

WHEREAS, the department is committed to and has demonstrated operating the department in a fiscally conservative manner, and

WHEREAS, this abolish and create resolution will allow the SPOA Program to operate in a more efficient manner due to the realignment of duties, responsibilities, and processes, while reducing costs in personnel lines while allowing all required work to be performed to regulatory standards, and

WHEREAS, the newly created Community Mental Health Aide (CMHA) position will be responsible for duties and functions that do not require a Master's level clinical licensure; therefore does not require a Licensed Clinician to perform, and

WHEREAS, this position is supported 100% through Single Point of Access (SPOA) state aid funding and will incur no current County cost, now, therefore, be it

RESOLVED, that one Licensed Clinician position (vacant as of August 21, 2019), Grade 11, Step 1, position number MHD300100.10533, salary range \$49,054.95 - \$57,349.53 be abolished effective August 24, 2019 and be it further

RESOLVED, that one Community Mental Health Aide, Grade 8, Step 1, position number, MHD300100.XXXXX, salary range \$38,312.19 - \$44,871.12 be created within the Niagara County Department of Mental Health, and filled effective August 25, 2019 to carry out the required roles and responsibilities of the SPOA program, and be it further

RESOLVED, the following 2019 budget transfer be effectuated:

INCREASE REVENUE:

A.21.4310.000.43490.13	SPOA	\$ 21,006
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INCREASE APPROPRIATIONS:

A.21.4310.000.71010.00xxxxxx	Positions (CMHA)	\$ 13,505
A.21.4310.000.78100.00	Retirement Expense	1,256
A.21.4310.000.78200.00	FICA	1,033
A.21.4310.000.78400.01	Insurance, Health Active Hospital/Medical	3,599
A.21.4310.000.78300.00	Worker's Comp	\$ 358
A.21.4310.000.78400.05	Insurance HRA Employer Contribution	850
A.21.4310.000.78700	Disability	32
A.21.4310.000.78800.00	Flex 125 Employer Contribution Expense	373

DECREASE REVENUE:

A.21.4310.000.43490.13	SPOA	\$ 25,510
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DECREASE APPROPRIATIONS:

A.21.4310.000.71010.0006011	Positions (Licensed Clinician)	\$ 17,291
A.21.4310.000.78100.00	Retirement Expense	1,608
A.21.4310.000.78200.00	FICA	1,323
A.21.4310.000.78400.01	Insurance, Health Active Hospital/Medical	4,798
A.21.4310.000.78300.00	Worker's Comp	458
A.21.4310.000.78700	Disability	32

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. CS-042-19

From: Community Services and Administration Committees.

Dated: August 6, 2019

**ACCEPTANCE OF FUNDS
PURPLE HEART RECIPIENT RECOGNITION**

WHEREAS, this year Resolution IL-007-19 was passed by the Niagara County Legislature designating Niagara County as a Purple Heart County, and

WHEREAS, the Frank J. Gaffney Purple Heart Book of Honor was created as a way to honor and support the designation as well as those veterans who have received the Purple Heart medal in service to our nation, and

WHEREAS, this important recognition of our Purple Heart veterans will continue annually beyond this year, and

WHEREAS, businesses and corporations understand the value and importance of this recognition and continue to offer donations, and

WHEREAS, Resolution CS-018-19 established donated funds in the amount of \$4,500 to be received for 2019, now, therefore, be it

RESOLVED, that revenue received above that amount for continued annual recognition of Niagara County Purple Heart recipients be dedicated solely for that purpose, and be it further

RESOLVED, that funds received are recorded in account A.10.1410.000 42705.01 and any unspent funds be set aside as committed fund balance to be used for future purposes as stated above, and be it further

RESOLVED, that the following budget modification be effectuated:

DECREASE ESTIMATED REVENUE:

A.10.1410.000 42705.01	Gifts and Donations	\$4,500.00
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DECREASE APPROPRIATIONS

A.10.1410.000 74250.03	Office Expenses Printing/Duplicating	\$2,250.00
A.10.1410.000 74375.01	Communications Advertising & Promotion	\$2,250.00

INCREASE ESTIMATED REVENUE:

A.10.1410.000 42705.01	Gifts and Donations – Purple Heart Veterans	\$6,000.00
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INCREASE APPROPRIATIONS:

A.10.1410.000 74550.45	Programs – Purple Heart Veterans	\$6,000.00
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Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. CSS-042-19

From: Community Safety & Security and Administration Committees.

Dated: August 6, 2019

PROBATION – ACCEPT CRTF GRANT

WHEREAS, the Niagara County Probation Department applied for funding from the New York State Division of Criminal Justice Services for a Niagara County Reentry Program for the contract period of October 1, 2019 through September 30, 2020 under the Local Reentry Task Force Initiative for Upstate Counties, and

WHEREAS, the Niagara County Reentry Task Force (CRTF) is part of a state-wide comprehensive strategy developed under the Division of Criminal Justice Services Executive Deputy Commissioner Michael C. Green, to reduce recidivism in local jurisdictions and increase public safety through improved coordination and collaboration among criminal justice, social services, educational, health, and mental health systems, and

WHEREAS, the role of the Niagara CRTF is to provide these coordinated services to high-risk offenders, including housing, employment, education, family support and reunification, substance abuse services, mental and physical health, and other transitional needs, and

WHEREAS, the Niagara CRTF will collaborate with state and county criminal justice agencies, particularly with the NYS Department of Corrections and Community Supervision (DOCCS) and the Niagara County Probation Department, as well as human service providers to develop well-crafted transition plans for high-risk offenders transitioning from prison or jail back into the community, and

WHEREAS, the Niagara County Probation Department has received notification from the New York State Division of Criminal Justice Services of a financial award in the amount of \$111,109 for the period of October 1, 2019 through September 30, 2020 to contract with Community Missions, Inc. to establish and manage a comprehensive parole reentry program, and

WHEREAS, Community Missions, Inc. has been the only agency providing reentry services in Niagara County since 2008, is the only agency able to adequately provide crises housing to the population served by the program, is the only agency with an experienced Reentry Coordinator, and has staff trained and certified to provide the required cognitive behavioral interventions, and

WHEREAS, the provision of the services described above constitute professional services requiring specialized skills and training. Community Missions, Inc., is currently the sole source provider for such services in Niagara

County, and

WHEREAS, funding for the Niagara CRTF is included in the approved 2019 Niagara County Budget, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby waive purchasing guidelines requiring the solicitation of alternate price quotations and/or advertisement of a Request for Proposals as the parole reentry program provided by Community Missions, Inc. is the sole provider of the professional services required in Niagara County, and be it further

RESOLVED, that the County of Niagara does hereby accept this grant and continue to fund the Niagara CRTF through Community Missions, Inc. co-terminus with this grant, and be it further

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

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. CSS-043-19

From: Community Safety & Security and Administration Committees.

Dated: August 6, 2019

PROBATION 2019 BUDGET AMENDMENT- ACCEPT RTA FUNDS

WHEREAS, on April 10, 2017 Raise the Age (RTA) legislation was enacted in New York State and the legislation required local probation departments to provide certain additional services for adolescent offenders, 16 and 17 year old juvenile delinquents, and juvenile offenders, and

WHEREAS, pursuant to Chapter 53 of the NYS Laws of 2018 funding was made available to reimburse counties for the incremental costs associated with RTA related activities, and

WHEREAS, in June of 2018 NYS disseminated a Local RTA Comprehensive Planning Document to be completed by the counties and approved by the NYS Department of Criminal Justice Services (DCJS), the NYS Office of Children and Family Services (OCFS), and finally the NYS Division of Budget (DOB) in order for counties to receive reimbursement from NYS, and

WHEREAS, numerous Niagara County stakeholders worked collaboratively to complete the RTA Plan and to submit revisions to the plan based on feedback from DCJS, OCFS, and DOB, and

WHEREAS, on June 24, 2019 the NYS DOB did approve the Niagara County comprehensive plan and made funding available to the Niagara County Probation Department for probation staffing and services in the amount of \$454,077, and

WHEREAS, funds will reimburse for the costs of salary and fringe benefits for three (3) newly created probation officer positions (position numbers TBD, Step 1, \$20.71/hour) and a probation supervisor position (position number TBD, Step 14, \$41.07/hour) effective September 1, 2019 that will be coterminous with the funding, as well as ancillary costs associated with the positions, and

WHEREAS, funding will also be used to reimburse for overtime expenses associated with RTA activities, implement cognitive behavioral interventions, and to expand on current services, and

WHEREAS, the behavioral health services provided through the Probation Department are done so in partnership with the Niagara County Department of Mental Health making those services associated with RTA

eligible for reimbursement through the Probation Department, and

WHEREAS, although the initial contractual period will expire on March 31, 2020 it is anticipated that continued RTA funding will be made available for the period of 4/1/20 – 3/31/21, and

WHEREAS, it is necessary to modify revenue and appropriations in cost center A.18.3140, to meet actual anticipated expenditures for 2019, and

WHEREAS, it is also necessary to appropriate the funds in the Probation Department Budget, now, therefore, be it

RESOLVED, that the County of Niagara does hereby accept this grant to receive reimbursement for RTA related expenses, and be it further

RESOLVED, that the probation officer positions and probation supervisor position that are coterminous with the RTA reimbursement be created and filled, and be it further

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

RESOLVED, that the following budget modifications to the 2019 Probation budget be effectuated immediately:

INCREASE REVENUE:

A.18.3140.43089.04	Raise The Age	\$208,255
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INCREASE APPROPRIATIONS:

A.18.3140.71010.00	Positions Expense	\$71,827
A.18.3140.71050.00	Over Time	2,475
A.18.3140.71082.00	Firearms Training	4,000
A.18.3140.72100.05	Computer Equipment	3,200
A.18.3140.74250.01	Office Supplies	3,500
A.18.3140.74300.03	Mileage	125
A.18.3140.74300.05	Pistol Permits	300
A.18.3140.74375.0	Cell Phones	975
A.18.3140.74500.01	Contractual Expense	60,501
A.18.3140.74600.02	Books and Subscriptions	11,200
A.18.3140.74600.03	Training and Education	8,880
A.18.3140.74650.11	Phys.Exams and Testing	480
A.18.3140.74750.05	Law Enforcement Supplies	1,360
A.18.3140.78100.00	Retirement	7,282
A.18.3140.78200.00	Fica	5,990
A.18.3140.78300.00	Workers Comp.	2,075
A.18.3140.78400.01	Health Insurance	19,193
A.18.3140.78400.05	Hra	3,400
A.18.3140.78800.00	Flex 125	1,492

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. CSS-043-19

From: Community Safety & Security and Administration Committees.

Dated: August 6, 2019

**RESOLUTION DECLARING THE LEGISLATURE OF THE COUNTY OF NIAGARA'S INTENT
TO BE LEAD AGENCY FOR ENVIRONMENTAL REVIEW PURSUANT TO THE STATE
ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) FOR THE PROPOSED
NIAGARA COUNTY PUBLIC SAFETY RADIO EXPANSION PROJECT**

WHEREAS, Niagara County (the "County"), as part of its efforts to upgrade its emergency radio communications systems, proposes to improve the coverage of its existing radio communications system through the construction or installation of communications tower sites and/or equipment at up to three locations within the County – two in the Town of Niagara and one in the Town of Lewiston – to be known as the Niagara County Public Safety Radio Expansion Project (the "Project"), and

WHEREAS, the three locations will be referred to as (1) Fashion Outlets of Niagara Falls USA, 1900 Military Road, Niagara Falls, NY 14304; (2) Town of Niagara Water Tower, Town of Niagara, 7105 Lockport Road, Niagara Falls, NY 14305; and (3) Town of Lewiston Highway Department, 1445 Swann Road, Lewiston, NY 14092, and

WHEREAS, the County will approve funding for the Project, and will approve and let contracts for construction and purchase of the equipment necessary for the Project, and

WHEREAS, collectively, these components of the Project constitute the "Action" to be reviewed for purposes of review under the State Environmental Quality Review Act and its implementing regulations found at 6 NYCRR Part 617 (hereinafter collectively referred to as "SEQRA"), and

WHEREAS, the County will treat the Project as a Type 1 Action requiring a coordinated review by all involved agencies in accordance with applicable provisions of SEQRA, and

WHEREAS, the Project will provide improved communications to public safety agencies in the County by improving the coverage of its existing radio communications system and is therefore in the public interest, and

WHEREAS, the Legislature of the County of Niagara is an involved agency for the review of the Project as the Legislature will have to appropriate funding for same and approve and let contracts for construction and purchase of the equipment necessary for the Project, and

WHEREAS, a separate full SEQRA Environmental Assessment Form ("EAF") Part 1 regarding the Project has been prepared and submitted to the Legislature for each of the three locations, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara hereby declares its intent to be SEQRA Lead Agency for the review of the Project and directs the County's attorneys to take the necessary procedural steps to start a thirty (30) day comment period by providing notice of adoption of this resolution and circulating the EAFs to all appropriate municipalities, including the Town of Niagara and the Town of Lewiston, and any other involved or interested agencies to establish the County Legislature as Lead Agency for the purposes of this Project; and, it is further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to sign any and all necessary documents, notices or papers as may be necessary to initiate the comment period.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. CSS-044-19

From: Community Safety & Security and Administration Committees.

Dated: August 6, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE
ACCEPT ARSON LABORATORY IMPROVEMENT PROGRAM**

WHEREAS, the Niagara County Sheriff's Office has been awarded a grant from the New York State Division of Homeland Security and Emergency Services Office of Fire Prevention and Control for the period of January 1, 2019 through December 31, 2019 in the amount of \$5,000, and

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

WHEREAS, the funds are used to reimburse the County for Arson Investigation supplies, and

WHEREAS, the funds are included in the 2019 budget, and

WHEREAS, the Letter of Agreement needs to be executed, now, therefore, be it

RESOLVED, that prior to the execution of the Letter of Agreement, the County Attorney will review 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. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. CSS-045-19

From: Community Safety & Security and Administration Committees.

Dated: August 6, 2019

**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 \$87,299 is being awarded to the Sheriff's Office through the Gun Involved Violence Elimination (GIVE) Grant for the period July 1, 2019 through June 30, 2020, and

WHEREAS, the GIVE grant funds a Correction Officer position #10442 and travel for DCJS sponsored trainings and conferences,

WHEREAS, the revenue and equal expenses are already in the 2019 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. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. CSS-046-19

From: Community Safety & Security and Administration Committees.

Dated: August 6, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE
OFFICE OF VICTIM SERVICES GRANT**

WHEREAS, the Niagara County Sheriff's Office was notified in writing that the New York State Office of Victim Services has awarded a new multi-year grant for a term of October 1, 2019 to September 30, 2022, and

WHEREAS, the grant amount for the 2019-2020 grant fiscal year is \$254,809.38, and

WHEREAS, this grant funds the Niagara County Sheriff's Office Victim Assistance Unit with the personnel and services needed to provide legal, financial, safety and support services and referrals to Niagara County residents who are victims of crimes, and

WHEREAS, the Niagara County Sheriff's Office Victim Assistance Unit strives to provide the best service possible to our Niagara County residents, now, therefore, be it

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the agreement for the 2019-2020 grant fiscal year.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. CSS-042-19

From: Community Safety & Security and Administration Committees.

Dated: August 6, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE
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, 2019 through September 30, 2020 in the amount of \$70,410 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, to educate pre-k and school aged students on bicycle and car safety, as well as to educate in order to reduce the number of crashes, injuries and deaths on the roads in Niagara County, and

WHEREAS, the funds are included in the 2019 budget and will be included in the 2020 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. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. CSS-048-19

From: Community Safety & Security and Administration Committees.
Dated: August 6, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE
ACCEPT E & W G FOUNDATION GRANT**

WHEREAS, the Niagara County Sheriff's Office was notified by the E & W G Foundation, an affiliate of the East Hill Foundation, that the Sheriff's Office has been awarded a \$6,000 grant, and

WHEREAS, the Grant funding will be used to purchase a K9 Hot-N-Pop System which will monitor and regulate the temperature inside the kennel of a canine patrol vehicle thereby keeping the canine safe, and

WHEREAS, the Grant funds will also purchase a Bosch CDR 900 Upgrade Kit for the Sheriff's Office Accident Investigation Unit which will allow crash investigators to extract a vehicle's event data readout which is critical information for reconstructing serious crashes in Niagara County, and

WHEREAS, there are no match funds required for this grant, and

WHEREAS, the 2019 budget needs to be amended to accept the revenue, now, therefore, be it

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

RESOLVED, that the following budget amendments be effectuated:

INCREASE REVENUE:

A.17.3110.000 42705.00	Gifts and Donations Revenue	\$6,000
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INCREASE APPROPRIATIONS:

A.17.3110.000 72100.21	Law Enforcement Equipment	\$ 6,000
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Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. CSS-049-19

From: Community Safety & Security and Administration Committees.
Dated: August 6, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION –ASSETS FORFEITURE EXPENSES**

WHEREAS, the Niagara County Sheriff's has Federal Asset Forfeiture Funds which are in a Committed Fund and federally regulated on qualifying expenditures, and

WHEREAS, the Niagara County Sheriff's Office needs to do a budget amendment to spend asset forfeiture funds on monthly storage for the Sheriff's Office helicopter, now, therefore, be it

RESOLVED, that the 2019 budget be modified as follows:

INCREASE REVENUE

A.17.3110.000.44389.02	Other Public Safety	\$5,000.00
	Other Public Safety Asset Forfeiture	

INCREASE APPROPRIATIONS

A.17.3110.000.74500.05	Contractual Expenses	\$5,000.00
	Asset Forfeiture Dept. Justice	

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. CSS-050-19

From: Community Safety & Security and Administration Committees.

Dated: August 6, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION - MARINE PATROL GRANT**

WHEREAS, the Niagara County Sheriff's Office has been awarded a grant in the amount of \$40,000.00 for the period of April 1, 2019 through March 31, 2020 from the New York State Canal Corporation to enhance the safety of the Erie Canal waterway and paths, and

WHEREAS, the grant will allow the Niagara County Sheriff's Office to increase both marine and bike patrols along the Erie Canal for the safety of Niagara County residents, and

WHEREAS, the 2019 budget will need to be modified to allow for the spending of this grant, now, therefore, be it

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

RESOLVED, that the 2019 budget be modified as follows:

INCREASE REVENUE:

A.17.3110.000.43315.00	Navigation Law Enforcement Marine Patrol	\$40,000
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INCREASE APPROPRIATIONS:

A.17.3110.000.71050.00	Overtime Expense	\$40,000
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Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. CSS-051-19

From: Community Safety & Security and Administration Committees.

Dated: August 6, 2019

**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 \$6,000 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	\$6,000
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INCREASE APPROPRIATIONS:

A.17.3315.000.74400.09	Miscellaneous Expenses Payments Other Agencies	\$ 6,000
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Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. CSS-052-19

From: Community Safety & Security and Administration Committees.

Dated: August 6, 2019

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION – UPGRADE TO COMPUTER NETWORK ADMINISTRATOR**

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, in cooperation with Civil Service an Information Technology (IT) Job Analysis Questionnaire (ITJAQ) was completed to analyze the duties and responsibilities performed by the current Assistant Network Administrator, and

WHEREAS, the ITJAQ showed that the duties and responsibilities are consistent with the Computer Network Administrator Job Description, and

WHEREAS, the Sheriff's Office proposes abolishing the Assistant Network Administrator position and creating and filling a Computer Network Administrator position, and

WHEREAS, the 2019 budget would need to be modified to abolish and create these positions, now, therefore, be it

RESOLVED, that effective October 6, 2019 the position #00321 Assistant Network Administrator be abolished and a Computer Network Administrator position be created and filled, and be it further

RESOLVED, that the following modifications to the 2019 budget be effectuated:

DECREASE APPROPRIATION:

A.17.3110.000.71010.00	Position Expense (Asst. Network Admin Position #00321)	\$14,246
A.17.3110.000 71010.00	Position Expense (Account Clerical I Temp #13522)	135

INCREASE APPROPRIATION:

A.17.3110.000.71010.00	Position Expense (Computer Network Administrator Position #To Be Determined)	\$14,352
A.17.3110.000 78100.00	Retirement Expense	17
A.17.3110.000 78200.00	FICA Expense	9
A.17.3110.000 78300.00	Worker's Compensation Expense	3

Moved by Bradt, seconded by Virtuoso.
Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. CSS-053-19

From: Community Safety & Security Committee.

Dated: August 6, 2019

ACCEPTANCE OF GUN INVOLVED VIOLENCE ELIMINATION INITIATIVE GRANT

WHEREAS, in 2014 the Division of Criminal Justice Services initiated a gun violence eradication initiative to target the rising incidents of gun involved violence across the State of New York and specifically the seventeen counties that account for the vast majority of crime outside of the City of New York which includes the County of Niagara, and

WHEREAS, the GIVE (Gun Involved Violence Elimination) Initiative is a statewide comprehensive strategy which was built on the successes of Operation IMPACT but now focuses exclusively on reducing shootings and homicides by promoting integrated, evidence based strategies, and

WHEREAS, the Niagara County District Attorney's Office, the Niagara County Sheriff's Office and the Niagara County Probation Department, in conjunction with the Niagara Falls Police Department, applied for the renewal of funding under the 2019-2020 GIVE Initiative, and

WHEREAS, the Niagara County District Attorney's Office and the Niagara County Probation Department have received notification that funding has been awarded in the amounts of \$167,655 and \$66,970 respectively, for the period of July 1, 2019 through June 30, 2020, with no required match from Niagara County, and

WHEREAS, the District Attorney's Office has an Assistant District Attorney position #4771, which is currently funded under this program and will remain coterminous with grant funding, and

WHEREAS, revenue and appropriation figures for said program were calculated and are contained within the District Attorney's Office and Probation Department budgets for fiscal year 2019, and now, therefore, be it

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

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. CSS-054-19

From: Community Safety & Security and Administration Committees.

Dated: August 6, 2019

**AWARD OF CONTRACT FOR COMMUNITY PREPAREDNESS TRAINING
TO NIAGARA UNIVERSITY**

WHEREAS, Niagara County issued RFP 2018-28 in search of a proven experienced and qualified firm capable of performing community preparedness training focused on creating a disaster resilient community, and

WHEREAS, Niagara University submitted the only proposal in response to the RFP, and

WHEREAS, Niagara University's Border Community SERVICE (Special Emergency Response Volunteer Initiative for Community Empowerment) meets and exceeds all the qualifications of the RFP including over 15 years of direct experience providing community emergency preparedness outreach, education and training, and

WHEREAS, Niagara University has worked closely with CERT and other community volunteers to provide valuable assistance for emergency services like Point of Dispensing (POD) drills with the County's Public Health Planning and Emergency Preparedness Office, the County's Healthy Neighborhoods program, Childhood Lead Poisoning Primary Prevention Program to promote programming and further educate residents, and has hosted numerous Stop the Bleed trainings, and

WHEREAS, funding is included in the SHSP Homeland Security Budget for professional and technical services to assist the County in completing intended community preparedness initiatives, now, therefore, be it

RESOLVED, the County will award the contract with Niagara University for Community Preparedness Training.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. CSS-055-19

From: Community Safety & Security and Administration Committees.

Dated: August 6, 2019

**2019 BUDGET MODIFICATION - FIRE COORDINATOR'S OFFICE –
ACCEPT DONATION FROM OCCIDENTAL CHEMICAL CORPORATION**

WHEREAS, Niagara County Emergency Services has received a donation of \$2,000 through the Fire Coordinator's Office by Occidental Chemical Corporation (OxyChem) to be used for the Local Emergency Planning Committee (LEPC), and

WHEREAS, the LEPC will utilize these funds to purchase liquid smoke for the smoke generator to be used for exercises and trainings, now, therefore, be it

RESOLVED, that the following 2019 budget modification be effectuated:

INCREASE REVENUE:

A.19.3410.000 42705.00	Gift & Donate	\$2,000.00
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INCREASE APPROPRIATION:

A.19.3410.000 74750.10	HazMat Inventory	\$2,000.00
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Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. CSS-056-19

From: Community Safety & Security and Administration Committees.

Dated: August 6, 2019

**2019 BUDGET MODIFICATION - FIRE COORDINATOR'S OFFICE
ACCEPT HAZ-MAT INCIDENT PAYMENT FOR NOVEMBER 10, 2018**

WHEREAS, the County Haz-Mat team responded to an incident on November 10, 2018 and some supplies used at the scene are not reusable, and

WHEREAS, under New York State's Navigation and Environmental Conservation Laws, the responsible party is liable for all costs associated with containment, cleanup and removal of spilled and contaminated materials, and

WHEREAS, the Fire Coordinator's Office invoiced and received payment for the replacement of these supplies from the responsible party in the amount of \$1,138.56, and

WHEREAS, the Fire Coordinator's Office needs to replenish the supplies used by the Haz-Mat, at no cost to the County, now, therefore, be it

RESOLVED, that the following 2018 budget modifications be effectuated:

INCREASE REVENUE:

A.19.3410.000 42690.02	Other Compensation for Loss Reimbursements	\$ 1,138.56
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INCREASE APPROPRIATION:

A.19.3410.000 74750.10	Supplies, Gen Hazmat Inventory	\$ 1,138.56
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Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. CSS-057-19

From: Community Safety & Security and Administration Committees.

Dated: August 6, 2019

**2019 BUDGET MODIFICATION - FIRE COORDINATOR'S OFFICE
ACCEPT HAZ-MAT INCIDENT PAYMENT FOR MAY 5, 2019**

WHEREAS, the County Haz-Mat team responded to an incident on May 5, 2019 and some supplies used at the scene are not reusable, and

WHEREAS, under New York State's Navigation and Environmental Conservation Laws, the responsible party is liable for all costs associated with containment, cleanup and removal of spilled and contaminated materials, and

WHEREAS, the Fire Coordinator's Office invoiced and received payment for the replacement of these supplies from the responsible party in the amount of \$2,370.25, and

WHEREAS, the Fire Coordinator's Office needs to replenish the supplies used by the Haz-Mat, at no cost to the County, now, therefore, be it

RESOLVED, that the following 2018 budget modifications be effectuated:

INCREASE REVENUE:

A.19.3410.000 42690.02	Other Compensation for Loss Reimbursements	\$ 2,370.25
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INCREASE APPROPRIATION:

A.19.3410.000 74750.10	Supplies, Gen Hazmat Inventory	\$ 2,370.25
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Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. CW-018-19

From: Committee of the Whole.

Dated: August 6, 2019

RESOLUTION FOR PURPLE HEART FLYOVER REQUEST

WHEREAS, Niagara County has been designated a “Purple Heart” county and August 7th is the recognized Purple Heart Day, and

WHEREAS, August 7, 2019, at 1900 hours in Raymond Klimek Veterans Park, North Tonawanda, NY has been set as the time and location to dedicate Frank J. Gaffney Purple Heart Recipients Book of Honor Ceremony, and

WHEREAS, those brave and honorable veterans, both living and deceased, deserve the respect and acknowledgement from grateful nation, and

WHEREAS, the act of a “flyover” gives true sign of respect to those who have served and that the aircraft (Whiskey 7) that participated in the Normandy invasion is available through the donations from private citizens and businesses, now, therefore, be it

RESOLVED, that the Legislature hereby approves the contract with the National Warplane Museum (NWM), 3489 Big Tree Lane, PO Box 185, Geneseo, NY 14454, to provide, as the owner/operator, on the agreed upon date of August 7th, 2019 at 1900 hours, the following aircraft that will appear at the event; “Whiskey 7” C-47A (W&) TAIL # N345AB”, and be it further

RESOLVED, that the Chairman of the Legislature be, hereby is, authorized to execute the agreement, subject to the review by the County Manager and the approval of the County Attorney.

Moved by Gooch, seconded by Bradt.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. ED-019-19

From: Economic Development and Administration Committees.

Dated: August 6, 2019

**ABOLISH ACCOUNT CLERICAL III
CREATE AND FILL ADMINISTRATIVE ASSISTANT POSITION
DEPARTMENT OF ECONOMIC DEVELOPMENT**

WHEREAS, the Niagara County Department of Economic Development is tasked with overseeing and promoting business growth and retention throughout the County of Niagara, and

WHEREAS, the Niagara Orleans Land Improvement Corporation (“NORLIC”) was created on November 9, 2017, pursuant to Article 16 of the Not-for-Profit Corporation Law of the State of New York as a local land bank for the counties of Niagara and Orleans and cities of North Tonawanda, Lockport and Niagara Falls, and

WHEREAS, NORLIC’S mission is to acquire vacant and abandoned properties and work to return these properties to productive uses, thus improving communities and stabilizing and improving the tax base, and

WHEREAS, NORLIC is in need of an Administrative Assistant to help the President and Board of Directors with day-to-day administrative duties, and

WHEREAS, it has been determined that a staff member within the Department of Economic Development has the skill set necessary to take on the additional duties and responsibilities of the NORLIC position, and

WHEREAS, through the due diligence of the NORLIC Board of Directors and President, it was determined that entering into an inter-municipal cooperation agreement with Niagara County is the most cost effective means of receiving the necessary administration staff, and

WHEREAS, the NORLIC Board of Directors voted unanimously to enter into an inter-municipal agreement with the County of Niagara for administrative services, and to budget the funding necessary to cover costs associated with this agreement at their May 31, 2019 board meeting, and

WHEREAS, through this agreement Niagara County will not incur any costs associated with a position upgrade, and

WHEREAS, the position upgrade will be co-terminus with the administrative services agreement between NORLIC and Niagara County, now, therefore, be it

RESOLVED, that the position of Account Clerical III, position #13283 be abolished, and an Administrative Assistant, CSEA Job Grade 10, Step 1, \$24.54/hour be created effective August 11, 2019, and be it further

RESOLVED, that the following modifications to the 2019 budget be effectuated:

INCREASE REVENUE:

A.28.8020.000 41289.00	Other General Gov Income Salary Reimbursement	\$2,604
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INCREASE APPROPRIATION:

A.28.8020.000.71010.00	Position Expense (Administrative Assistant Position # TBD)	\$2,064
A.28.8020.000 78100.00	Retirement	327
A.28.8020.000 78200.00	FICA	158
A.28.8020.000 78300.00	Worker's Compensation	55

and be it further

RESOLVED, that prior to the execution of the administrative services agreement, the County Attorney will review the agreement 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 the agreement.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. IF-084-19

From: Infrastructure & Facilities and Administration Committees.

Dated: August 6, 2019

**CAPITAL PROJECT CREATION
STAMP WATER SUPPLY - WATER DISTRICT**

WHEREAS, the Niagara County Water District ("NCWD") entered into an agreement with the Genesee County Economic Development Center ("GCEDC"), Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, PC ("Wendel") and Seaman Norris LLP on May 5, 2019, for engineering and planning

requirements to make the Western New York Science, Technology Advanced Manufacturing Park (“STAMP”) 6 MGD water supply infrastructure project ready to incorporate into bid documents, and

WHEREAS, the GCEDC has received funding commitments from New York State, and

WHEREAS, the NCWD will incur expenses for engineering and legal professional services for the STAMP Water Supply Project, and

WHEREAS, the GCDEC will provide the NCWD with advance reimbursement for all expenses related to the Project prior to paying its professional consultants, and

WHEREAS, the Niagara County Water District Administrative Board authorized the Administrative Director to enter into an Agreement for the professional services in regards to the STAMP Water Supply Project which is estimated to be \$2,862,602 including engineering and legal costs, and

WHEREAS, there will be no cost to the Water District because GCEDC is obligated to reimburse the District for all District costs prior to District payment of same, now, therefore, be it

RESOLVED, that the following capital project be created:

INCREASE REVENUE:

H703.31.8397.000.41289.02 Other General Gov. Income-Misc.	\$2,862,602
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INCREASE APPROPRIATION:

H703.31.8397.000.72600.03 Water – STAMP Water Supply	\$2,862,602
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Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. IF-085-19

From: Infrastructure & Facilities and Administration Committees.

Dated: August 6, 2019

**ELEVENTH AMENDMENT TO CONTRCT BETWEEN NIAGARA COUNTY REFUSE SITE TRUST
AND PARSON ENVIRONMENT & INFRASTRUCTURE GROUP INC. FOR PROJECT
MANAGEMENT SERVICES AT THE NIAGARA COUNTY REFUSE SITE**

WHEREAS, this eleventh amendment to the Contract between Niagara County and Parsons Environment & Infrastructure Group, Inc., for Project Management/Quality Assurance Services at the Niagara County Refuse Site is made as of the 1st day of July, 2019, by and between Niagara County Refuse Site Trust Fund, having offices at Lumsden & McCormick, LLP, Cyclorama Building, 369 Franklin Street, Buffalo, NY 14202, as Trustee of the Niagara County Refuse Site Trust (“Trust”), and Parsons Environment & Infrastructure Group Inc., (“Parsons”), having an address at 4701 Hedgemore Drive, Charlotte, North Carolina, 28209, and

WHEREAS, in July 1998, Parson and Niagara County entered into a contract for Construction Management/Quality Assurance Services (the “Contract”) at the Niagara County Refuse Site (“Site”), and

WHEREAS, the parties agree Parson affiliated company, Parsons Environment & Infrastructures Group Inc., will assume responsibility for completion of the project management services under the Contract, and

WHEREAS, in August 2000, Parson, Niagara County and the Trust entered into a First Amendment and Assignment of the Contract, with the Trust succeeding to the rights and obligations of Niagara County under the Contract subsequent to the execution thereof; and

WHEREAS, Niagara Refuse Site Trust or Lumsden & McCormick, LLP have succeeded Arthur Andersen, LLP as Trustee of the Trust, and

WHEREAS, the Trust has entered into a Contract with GHD to conduct the work specified in the O&M Plan for the Site, except for Section 7.0 thereof; and

WHEREAS, the Trust and Parsons agree to extend the term of this Contract for an additional two-years, beginning July 1, 2019, subject to the terms of the Parsons' May 24, 2019 proposal for oversight, reporting, and management of operations, maintenance monitoring activities at the Site. The current Exhibit A shall be deleted and the above state proposal incorporated as Exhibit A of this contract to define the work performed during the above stated period of July 1, 2019 through June 30, 2021, 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, in consideration of the mutual promises and covenants set forth herein and in the Contract, the adequacy of which is acknowledged, the parties hereto, intending to be legally bound, and be it further

RESOLVED, that the affiliated company, Parsons Environment & Infrastructure Group Inc., will assume responsibility for completion of the project services under the contract, and be it further

RESOLVED, the term of the Contract shall be extended for two-years beginning as of July 1, 2019, and be it further

RESOLVED, except as modified above all other terms and conditions of the Contract shall remain in full force and effect, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. IF-086-19

From: Infrastructure & Facilities and Administration Committees.

Dated: August 6, 2019

APPROVAL OF CAPITAL PROJECTS

WHEREAS, Niagara County Departments have submitted various Capital Project Requests, such projects to be funded by Federal, State, Local and other revenue sources, and

WHEREAS, the Niagara County Legislature, has established the strengthening of Public Works and County Infrastructure as a priority, and

WHEREAS, the Niagara County Legislature as part of its efforts to strengthen Public Works and County infrastructure supports: continuing to pursue road and bridge development and maintenance in accordance with limited resources, continuing to pursue building and park structure development and maintenance in accordance

with limited resources, the purchase or replacement of sheriff/jail equipment and highway heavy equipment, now, therefore, be it

RESOLVED, that the Capital Projects are hereby reviewed and approved in the 2019 Capital Program.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. IF-087-19

From: Infrastructure & Facilities and Administration Committees.

Dated: August 6, 2019

**2019 CAPITAL IMPROVEMENT PROJECTS
FUNDING FROM FUND BALANCE AND FEDERAL/STATE AID**

WHEREAS, the County Manager and Budget Director recommend that the following capital improvement projects be funded using funds from Assigned Fund Balance in the A, and D Funds, Consolidated Highway Aid Revenue, and Federal/State Aid: 20-4- East Ave. Roof Replacement, Angelo DelSignore Civic Building Window Replacement Project, Asbestos Floor Abatement, Human Resources Building Carpet/Tile/Window Replacement, HVAC Improvements, Security Improvements, Trott Boiler Improvements, Trott ACCESS Center Improvements, Human Resources Building Elevator Rehabilitation, Park Facilities Equipment, Jail Hot Water Steam Heaters Replacement, Jail Carpet Replacement, Forensic Lab Equipment, Electronic Emergency Medical Cards, Carmen Rd. Bridge over Johnson Creek, Slayton Settlement Rd. Bridge over Eighteen Mile Creek, Bridge Maintenance Projects, Culvert Replacement, Highway Heavy Equipment, North Canal Rd. Rehabilitation, Tonawanda Creek Rd. @ Lockwood Estates Slide Area, Walmore Rd. Pavement Project, Akron Rd. Rehabilitation, Bridge/Guiderail Replacement Improvements, now, therefore be it

RESOLVED, that the following budget modification be effectuated:

INCREASE APPROPRIATED FUND BALANCE

A 40599.00	Appropriated Fund Balance	\$4,639,300
D 40599.00	Appropriated Fund Balance	400,000

INCREASE APPROPRIATIONS

A.07.9901.000.79010.10	Transfer to Capital Reserve	\$4,639,300
D.15.9901.000 79010.10	Transfer to Capital Reserve	400,000

INCREASE APPROPRIATED FUND BALANCE:

AH40511.00	Appropriated Capital Reserve	\$5,039,300
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INCREASE CAPITAL CONSTRUCTION:

AH.07.9950.000.79010.00	Transfer to Capital Construction	\$5,039,300
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INCREASE ESTIMATED REVENUE

H583.15.5197.000.45031.10	Interfund Transfers – From Capital Reserve	\$100,000
H583.15.5197.000.44597.01	Capital Projects – Federal Aid	\$400,000
H623.15.1620.000.45031.10	Interfund Transfers – From Capital Reserve	\$500,000
H630.15.5112.000.44597.01	Capital Projects – Federal Aid	\$6,696,000
H630.15.5112.000.43591.00	State Aid – Capital Construction	\$1,674,000
H638.15.5112.000.44597.01	Capital Projects – Federal Aid	\$2,400,000
H638.15.5112.000.43591.00	State Aid – Capital Construction	\$600,000
H643.15.5112.000.44597.01	Capital Projects – Federal Aid	\$2,404,000
H643.15.5112.000.43591.00	State Aid – Capital Construction	\$360,600

H643.15.5112.000.45031.10	Interfund Transfers – From Capital Reserve	\$240,400
H664.15.1620.000.45031.10	Interfund Transfers – From Capital Reserve	\$1,868,000
H670.15.5197.000.45031.10	Interfund Transfers – From Capital Reserve	\$14,500
H687.15.1620.000.45031.10	Interfund Transfers – From Capital Reserve	\$100,000
H688.15.1620.000.45031.10	Interfund Transfers – From Capital Reserve	\$100,000
H689.15.1620.000.45031.10	Interfund Transfers – From Capital Reserve	\$200,000
H690.15.1620.000.45031.10	Interfund Transfers – From Capital Reserve	\$100,000
H691.15.1620.000.45031.10	Interfund Transfers – From Capital Reserve	\$50,000
H692.15.1620.000.45031.10	Interfund Transfers – From Capital Reserve	\$100,000
H693.15.1620.000.45031.10	Interfund Transfers – From Capital Reserve	\$70,000
H694.17.3197.000.45031.10	Interfund Transfers – From Capital Reserve	\$90,000
H695.17.3197.000.45031.10	Interfund Transfers – From Capital Reserve	\$50,000
H696.17.3197.000.45031.10	Interfund Transfers – From Capital Reserve	\$200,000
H697.17.3197.000.45031.10	Interfund Transfers – From Capital Reserve	\$125,000
H698.15.5197.000.44597.01	Capital Projects – Federal Aid	\$521,000
H698.15.5197.000.45031.10	Interfund Transfers – From Capital Reserve	\$166,000
H699.15.5197.000.45031.10	Interfund Transfers – From Capital Reserve	\$70,000
H700.15.5197.000.45031.10	Interfund Transfers – From Capital Reserve	\$575,000
H701.15.5112.000.44597.01	Capital Projects – Federal Aid	\$481,600
H701.15.5112.000.45031.10	Interfund Transfers – From Capital Reserve	\$120,400
H702.15.5197.000.45031.10	Interfund Transfers – From Capital Reserve	\$200,000

INCREASE ESTIMATED REVENUE TOTALS: \$20,576,500

INCREASE ESTIMATED APPROPRIATIONS:

H583.15.5197.000.72600.02	Carmen Rd Bridge over Johnson Creek	\$500,000
H623.15.1620.000.72200.01	Angelo DelSignore Civic Bldg Window Replace	\$500,000
H630.15.5112.000.72600.01	Tonawanda Creek Rd @ Lockwood Estates Slide Area	\$8,370,000
H638.15.5112.000.72600.01	North Canal Rd Rehabilitation	\$3,000,000
H643.15.5112.000.72600.01	Walmore Rd Pavement Project	\$3,005,000
H664.15.1620.000.72200.01	Trott ACCESS Center Improvements	\$1,868,000
H670.15.5197.000.72600.02	Slayton Settlement Rd Bridge	\$14,500
H687.15.1620.000.72200.01	Floor Abatement	\$100,000
H688.15.1620.000.72200.01	HR Bldg Carpet/Tile/Window Replacement	\$100,000
H689.15.1620.000.72200.01	HVAC Improvements	\$200,000
H690.15.1620.000.72200.01	Security Improvements	\$100,000
H691.15.1620.000.72200.01	Trott Boiler/Boiler Tubes	\$50,000
H692.15.1620.000.72200.01	HR Bldg Elevator Rehabilitation	\$100,000
H693.15.7110.000.72100.10	Park Facilities Equipment	\$70,000
H694.17.3197.000.72200.01	Hot Water Steam Heaters Replacement	\$90,000
H695.17.3197.000.72200.01	Carpet Replacement - Jail	\$50,000
H696.17.3197.000.72100.04	Forensic Lab Equipment	\$200,000
H697.17.3197.000.72100.26	Electronic Emergency Medical Cards	\$125,000
H698.15.5197.000.72600.02	Bridge Maintenance Projects	\$687,000
H699.15.5197.000.72600.02	Culvert Replacement	\$70,000
H700.15.5197.000.72100.10	Highway Heavy Equipment	\$575,000
H701.15.5112.000.72600.01	Akron Rd. Pavement Rehabilitation	\$602,000
H702.15.5197.000.72600.01	Bridge/Guide Rail Safety Improvements	\$200,000

INCREASE ESTIMATED APPROPRIATIONS TOTAL: \$20,576,500

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. IF-088-19

From: Infrastructure & Facilities Committee.

Dated: August 6, 2019

**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 Clubs in the same form attached to this resolution.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. IF-089-19

From: Infrastructure & Facilities Committee.

Dated: August 6, 2019

**AWARD LOCKPORT AVENUE BRIDGE OVER
SAWYER CREEK FASCIA REPAIRS**

WHEREAS, the Department of Public Works, Engineering Division, has solicited quotes, per the purchasing guidelines set forth in Resolution AD-034-17, dated December 12, 2017, for fascia repairs for the Lockport Avenue Bridge over Sawyer Creek, and

WHEREAS, the following quotes were received:

- | | | |
|----|--|----------|
| 1. | Hohl Industrial Services, Inc.
770 Riverview Blvd.
Tonawanda, NY 14150 | \$28,600 |
| 2. | Edbauer Construction
2790 Clinton Street
West Seneca, NY 14224 | \$44,820 |

- | | | |
|----|--|----------|
| 3. | Oakgrove Construction, Inc.
6900 Seneca Street, PO Box 103
Elma, NY 14059 | \$48,308 |
| 4. | 4 th Generation Construction Inc.
5650 Simmons Avenue
Niagara Falls, NY 14304 | \$69,500 |
| 5. | Mark Cerrone Inc.
P.O. Box 3009
Niagara Falls, NY 14304 | \$81,625 |

WHEREAS, funds are available in account D.15.5120.000 74800.06, Repairs and Maintenance, 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 Lockport Avenue Bridge over Sawyer Creek Fascia Repair Project be awarded to Hohl Industrial Services, Inc., 770 Riverview Blvd., Tonawanda, NY 14150, for a contract amount not to exceed \$28,600, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. IF-090-19

From: Infrastructure & Facilities and Administration Committees.

Dated: August 6, 2019

AWARD OF CONTRACT – NIAGARA COUNTY ROOF REPLACEMENT PROJECT

WHEREAS, the Department of Public Works has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Niagara County Roof Replacement Project, and

WHEREAS, funds are available in account number H664.15.1620.000 72200.01, Building Improvements, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on July 18, 2019 as tabulated below:

- | | | |
|----|--|-------------|
| 1. | Weaver Metal & Roofing
40 Appenheimer Avenue
Buffalo, NY 14214 | \$2,868,000 |
| 2. | Grove Roofing
131 Reading Street
Buffalo, NY 14220 | \$2,967,750 |
| 3. | Jameson Roofing Co., Inc.
3649 East Lake Road | \$3,364,268 |

Dunkirk, NY 14048

- | | | |
|----|--|-------------|
| 4. | General Roofing Contractors, LLC
94 Big Boom Road
Queensbury, NY 12804 | \$3,715,508 |
|----|--|-------------|

and

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

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

RESOLVED, that the contract for the Niagara County Roof Replacement Project be awarded to the lowest responsible bidder, Weaver Metal & Roofing, 40 Appenheimer Avenue, Buffalo, NY 14214, in the amount of \$2,868,000, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. IF-081-19

From: Infrastructure & Facilities Committee.

Dated: August 6, 2019

AWARD CULVERT STUDY FOR COUNTY WIDE EVALUATION OF CONDITION

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with the Bridge NY Culvert Replacement Program, and

WHEREAS, the Department of Public Works would like to extend the evaluation of county culverts utilizing the selected Consultant, and

WHEREAS, funds are available in account H673.15.5112.000 72600.01, 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 contract for the extension of the evaluation of county culverts be awarded to CHA Consulting Inc., 2200 Main Place Tower, Buffalo, NY 14202, for a contract amount not to exceed \$19,000, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. IF-092-19

From: Infrastructure & Facilities and Administration Committees.

Dated: August 6, 2019

**TROTT ACCESS CENTER - NORTHPOINTE RENOVATIONS
MECHANICAL CONTRACT - SIDE A
FINAL PAYMENT**

WHEREAS, by Resolution No. IF-088-18, dated June 19, 2018, the Legislature awarded the contract for the Northpointe Renovations Mechanical - Side A Area Project to Parise Mechanical Inc., 1106 Sheridan Drive, Tonawanda, NY 14150, in the amount of \$32,463, and

WHEREAS, the contract has been completed to specifications and drawings for the original contract amount of \$32,463, 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 final payment is authorized to be processed to Parise Mechanical Inc., 1106 Sheridan Drive, Tonawanda, NY 14150, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. IF-093-19

From: Infrastructure & Facilities and Administration Committees.

Dated: August 6, 2019

**TROTT ACCESS CENTER - NORTHPOINTE RENOVATIONS
MECHANICAL CONTRACT - SIDE B
FINAL PAYMENT**

WHEREAS, by Resolution No. IF-069-19, dated May 21, 2019, the Legislature awarded the contract for the Northpointe Renovations Mechanical - Side B Area Project to Parise Mechanical Inc., 1106 Sheridan Drive, Tonawanda, NY 14150, in the amount of \$11,570, and

WHEREAS, the contract has been completed to specifications and drawings for the original contract amount of \$11,570, 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 final payment is authorized to be processed to Parise Mechanical Inc., 1106 Sheridan Drive, Tonawanda, NY 14150, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. IF-094-19

From: Infrastructure & Facilities and Administration Committees.

Dated: August 6, 2019

**TROTT ACCESS CENTER - NORTHPOINTE RENOVATIONS
CEILING AND DOOR INSTALLATION
FINAL PAYMENT**

WHEREAS, by Resolution No. CW-005-19, dated February 19, 2019, the Legislature awarded the contract for the mechanical tasks associated with the installation of the ceiling and interior doors to Clarence Wall & Ceiling Inc., 9393 Main Street, PO Box 176, Clarence, NY 14031, in the amount of \$33,020, and

WHEREAS, the contract has been completed to specifications and drawings for the original contract amount of \$33,020, 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 final payment is authorized to be processed to Clarence Wall & Ceiling Inc., 9393 Main Street, PO Box 176, Clarence, NY 14031, and be it further

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. IF-095-19

From: Infrastructure & Facilities and Administration Committees.

Dated: August 6, 2019

**NIAGARA ROAD BRIDGE PROJECT
CLOSE OUT**

WHEREAS, the Niagara Road Bridge project has been completed per plans and specifications, and

WHEREAS, all claim forms have been completed and reimbursements have been received, and

WHEREAS, funds remain in the project and are to be returned to the original funding source, and

WHEREAS, funds are required for the install of data drops for various capital improvement projects in the County office buildings, now, therefore, be it

RESOLVED, that the following capital project be closed and the remaining balances be transferred to the original funding source:

DECREASE REVENUE:

H604.15.5197.000.44597.01	Federal Aid Capital Projects	\$513,495.75
H604.15.5197.000.45031.10	Transfer from Capital Reserve	\$ 75,203.79

DECREASE APPROPRIATIONS:

H604.15.5197.000.72600.02	Niagara Road Bridge	\$588,699.54
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and be it further

RESOLVED, that the following budget modification be effectuated to provide funding for the data drops:

INCREASE ANTICIPATED REVENUE:

H624.15.1620.000.45031.10	Transfer from Capital Reserve	\$20,000
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INCREASE ANTICIPATED APPROPRIATIONS:

H624.15.1620.000.72200.01	Building Improvements – Data Drops	\$20,000
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Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. IF-096-19

From: Infrastructure & Facilities and Administration Committees.

Dated: August 6, 2019

**SNOW AND ICE AGREEMENT
WITH NYS DEPARTMENT OF TRANSPORTATION 2019-2024**

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

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

WHEREAS, Section 9 of the said agreement provides for an annual update of the estimated expenditure to be determined by the Commissioner of Public Works, subject to the provisions of Section 10 at the time for extension of the agreement, and

WHEREAS, it would be in the best interest of Niagara County to execute the agreement, as modified and updated, for 2019-2024, and

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

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

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. IF-097-19

From: Infrastructure & Facilities Committee.

Dated: August 6, 2019

MOWING AGREEMENT BETWEEN NIAGARA COUNTY AND GERALD FARNHAM

WHEREAS, the Department of Public Works is in need of mowing the County property located at 5058 Junction Road, Lockport, NY and

WHEREAS, the County's Purchasing Department canvassed local farmers for a price per acre harvest payment and publicly opened the quotes on July 19, 2019, as tabulated below:

- | | |
|-----------------------------|------------------|
| 1. Gerald Farnham | \$48.00 per acre |
| 4923 Saunders Settlement Rd | |
| Lockport, NY 14094 | |

2. Loho Farms LLC \$40.00 per acre
4321 Saunders Settlement Rd
Sanborn, NY 14132
3. Travis Rettig \$30.00 per acre
6744 Bear Ridge Rd
Lockport, NY 14094

WHEREAS, it is recommended by the Public Works Committee and the Department of Public Works that the County enter into an agreement with the highest bidder for said mowing, Gerald Farnham, at a price of forty-eight dollars (\$48.00) per acre, and

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

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the required documents with Gerald Farnham, 4923 Saunders Settlement Rd, Sanborn, NY 14132, at a price of \$48.00 per acre.

Moved by Bradt, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. IL-047-19

From: Legislators Richard L. Andres, John Syracuse, Owen T. Steed, Anthony J. Nemi, Randy R. Bradt and Parks, Recreation & Tourism Ad hoc Committee.

Dated: August 6, 2019

**YOUNGSTOWN WATER STREET SIDEWALK PROJECT
– WITHDRAWAL OF GREENWAY FUNDING**

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

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

WHEREAS, the Village of Youngstown made application to the Niagara County's Ad Hoc Committee on Recreation and Tourism Fund for Greenway funds for its Village of Youngstown Sidewalk Project on October 12, 2016, approved on 11/2/16 and approval for funds was by the Host Community Standing Committee resolution of January 31, 2017, and

WHEREAS, the Village of Youngstown's application for construction of 4-foot wide sidewalk to connect Water Street to Main Street would have offered a safe means for pedestrians as well as handicapped individuals to access the Niagara River waterfront, and

WHEREAS, the Village of Youngstown had requested \$131,675.00 in its application and the Niagara County Legislature approved up to \$100,000 toward the Project and the Host Community Standing Committee approved Project funding from Niagara County's share of funds by Resolution on 1/31/2017, and

WHEREAS, the Village of Youngstown Project has not been started and will not be going forward due to unforeseen extraordinary costs attributed to the project, and

WHEREAS, the understanding of the Committee is that the project is unable to proceed, and

WHEREAS, the Ad Hoc Committee for Recreation and Tourism Fund appointed by the Niagara County Legislature to review projects brought to Niagara County seeking funding from Niagara County through the Niagara Power Coalition and the Host Community Standing Committee and to monitor the same after approval recommends that Niagara County withdraw funding for this project at this time, now, therefore, be it

RESOLVED, that Niagara County request from the Niagara Power Coalition Host Community Standing Committee withdrawal of the funding for this project, at this time, and the return of the funds of \$100,000 to the Host Community Standing Committee Niagara County Key Bank account XXXXXX351.

Moved by Andres, seconded by Bradt.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. IL-048-19

From: Legislators Richard L. Andres, John Syracuse, Owen T. Steed, Anthony J. Nemi, Randy R. Bradt and Parks, Recreation & Tourism Ad hoc Committee.

Dated: August 6, 2019

**A RESOLUTION TO AUTHORIZE NIAGARA COUNTY TO INVESTIGATE, ENGAGE COUNSEL
AND COMMENCE ANY AND ALL LITIGATION TO ENJOIN IMPLEMENTATION
AND ENFORCEMENT OF THE “GREEN LIGHT LAW”**

WHEREAS, in *Wesberry v. Sanders*, 376 U.S. 1, 17–18, (1964), the United States Supreme Court Stated:

No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined.

WHEREAS, Article I, Section 2, of the United States Constitution, which, carrying out the ideas of Madison and those of like views, provides that Representatives shall be chosen by citizens of the United States, and

WHEREAS, Article. 2, Section 1 of the New York State Constitution restricts voting to United States citizens and residents of New York State, any other person is not qualified to vote, in pertinent part the New York State Constitution states:

Every citizen shall be entitled to vote at every election for all officers elected by the people and upon all questions submitted to the vote of the people provided that such citizen is eighteen years of age or over and shall have been a resident of this state, and of the county, city, or village for thirty days next preceding an election.

WHEREAS, New York State Election Law § 17-132. “Illegal voting”, makes the following Election Law violations a felony:

Any person who:

1. Knowingly votes or offers or attempts to vote at any election, when not qualified; or,
2. Procures, aids, assists, counsels or advises any person to go or come into any election district, for the purpose of voting at any election, knowing that such person is not qualified; or,
- ...
4. Procures, aids, assists, commands or advises another to vote or offer or attempt to vote at an election, knowing that such person is not qualified to vote thereat;

WHEREAS, in 1993, Congress passed the National Voter Registration Act ("NVRA") 52 U.S.C.A. § 20501, et. seq. The NVRA has four stated purposes:

- (1) to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office;
- (2) to make it possible for Federal, State, and local governments to implement this chapter in a manner that enhances the participation of eligible citizens as voters in elections for Federal office;
- (3) to protect the integrity of the electoral process; and
- (4) to ensure that accurate and current voter registration rolls are maintained, and

WHEREAS, the NVRA seeks to achieve these objectives by creating national registration requirements for federal elections through a driver's license application ("motor-voter") 52 U.S.C.A. § 20503, and

WHEREAS, 52 U.S.C.A. § 20504 Section 5 of the NVRA requires that every application for a driver's license, including license renewals, "shall serve as an application for voter registration with respect to elections for Federal office."⁴ Subsection (c) of section 5 provides:

- (1) Each State shall include a voter registration application form for elections for Federal office as part of an application for a State motor vehicle driver's license.
- (2) The voter registration application portion of an application for a State motor vehicle driver's license— . . .
 - (ii) enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;
- (C) shall include a statement that—
 - (i) states each eligibility requirement (including citizenship);
 - (ii) contains an attestation that the applicant meets each such requirement; and
 - (iii) requires the signature of the applicant, under penalty of perjury; . . .

WHEREAS, 18 U.S.C.A. § 611. Voting by aliens, provides as follows:

- (a) It shall be unlawful for any alien to vote in any election held solely or in part for the purpose of electing a candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, unless--
 . . .
- (b) Any person who violates this section shall be fined under this title, imprisoned not more than one year, or both, and

WHEREAS, State officials cannot direct or excuse a violation of federal law. Howell, 37 F.3d at 1205; United States v. Baker, 438 F.3d 749, 755–56 (7th Cir.2006). The Supremacy Clause makes federal law binding on all state actors; no employee of [a state] can give anyone a justification for disobeying a federal statute, and

WHEREAS, 52 U.S.C.A. § 205011. Criminal penalties provides that:

- A person, including an election official, who in any election for Federal office--
- (1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for--
 - (A) registering to vote, or voting, or attempting to register or vote;
 - (B) urging or aiding any person to register to vote, to vote, or to attempt to register or vote; or
 - (C) exercising any right under this chapter; or

(2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by--

(A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or

(B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held, shall be fined in accordance with Title 18 (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of Title 31), notwithstanding any other law), or imprisoned not more than 5 years, or both, and

WHEREAS, in 1994 in furtherance of the United States "Motor Voter Act" New York State enacted New York Election Law § 5-212 whereby any qualified person may apply for voter registration and enrollment by application made simultaneously and integrated with an application for a motor vehicle driver's license, a driver's license renewal or an identification card if such a card is issued by the department of motor vehicles in its normal course of business. . . . , and

WHEREAS, New York Election Law § 5-212 (3) in pertinent part provides: The voter registration portion of such forms:

. . . (b) shall include a statement of the eligibility requirements for voter registration and shall require the applicant to attest by his signature that he meets those requirements under penalty of perjury.

(c) shall inform the applicant, in print identical to that used in the attestation section of the following:

(i) voter eligibility requirements;

(ii) penalties for submission of false registration application, and

WHEREAS, New York Election Law § 5-210 in pertinent part provides:

5. Statewide application forms shall be designed by the state board of elections, which shall conform to the requirements for the national voter registration form in the rules and regulations promulgated by the federal election commission and the federal Help America Vote Act,¹ and shall elicit the information required for the registration poll record. The form shall include such other information as the state board of elections may reasonably require to enable the board of elections to assess the eligibility of the applicant and to administer voter registration and other parts of the election process and shall also include the following information: . . .

(k) The form shall also include space for the following information, which must be contained on the inside of the form after it is folded for mailing: . . .

v) A space for the applicant to indicate whether or not he or she is a citizen of the United States and the statement "If you checked "no" in response to this question, do not complete this form." . . .

(xi) A place for the applicant to execute the form on a line which is clearly labeled "signature of applicant" preceded by the following specific form of affirmation:

AFFIDAVIT: I swear or affirm that:

* I am a citizen of the United States.

* I will have lived in the county, city, or village for at least 30 days before the election.

* I meet all the requirements to register to vote in New York State.

* This is my signature or mark on the line below.

* All the information contained on this application is true. I understand that if it is not true I can be convicted and fined up to \$5,000 and/or jailed for up to four years.

which form of affirmation shall be followed by a space for the date and the aforementioned line for the applicant's signature, and

WHEREAS, the rules and regulations which provide for the implementation of New York Election Law § 5-210 9 NYCRR 6217.6, provide that the Niagara County Board of Elections shall verify the voter applications for those voters who reside in Niagara County. N.Y. Comp. Codes R. & Regs. tit. 9, Section 6217.6. Voter identification verification of such regulations in pertinent part provides:

(a) The county board shall promptly, and in any event, not later than 21 days after receipt by it of the voter registration application, verify the identity of the applicant who has not previously had his or her identification verified. The voter's registration and enrollment shall be complete upon receipt of the application by the appropriate county board. The failure of a county board to verify an applicant's identity shall not be the basis for the rejection of a voter's application; provided, however, that such verification failure shall be the basis for requiring county board to take the additional verification steps provided by the Election Law, section 5-210 and this Part, and

WHEREAS, on June 17, 2019, New York State Governor Andrew Cuomo signed into law the "Green Light Law" provides which requires New York County Clerk's to issue driver's licenses based upon the following forms of identity,: "a valid unexpired foreign passport issued by the applicant's country of citizenship, a valid, unexpired consular identification document issued by the consulate from the applicant's country of citizenship, or a valid foreign driver's license that includes a photo image of the applicant and which is unexpired or expired for less than twenty-four months of its date of expiration.", and

WHEREAS, such June 17, 2019, "Green Light Law" of New York State Governor Andrew Cuomo fails to provide any mechanism for the Niagara County Clerk and/or Niagara County Department of Motor Vehicle employees to restrict and/or prevent non-United States citizens from registering to vote at the time of applying for such New York State Driver's license. In fact, such non-United States citizens are afforded the same privilege of being allowed to complete the electronic "motor voter", voter registration application as is a citizen of the United States and resident of New York State, and

WHEREAS, such June 17, 2019, "Green Light Law" of New York State Governor Andrew Cuomo fails to provide any provision that allows the Niagara County Clerk and/or Niagara County Department of Motor Vehicle employees to in any manner monitor the voter registration application of any such non-United States citizens who registers to vote at the time of applying for such New York State Driver's license, such voter registration application is in all respects carried out in secrecy, and

WHEREAS, such June 17, 2019, "Green Light Law" of New York State Governor Andrew Cuomo forbids the disclosure of or accessibility to such foreign documents provided by non-United States citizens at the time of applying for such New York State Driver's license, such non-disclosure includes but is not limited to the Niagara County Board of Elections and Niagara County Law Enforcement, and

WHEREAS, such June 17, 2019, "Green Light Law" of New York State Governor Andrew Cuomo fails to provide any safe guards whereby the Niagara County Board of Elections can in any manner to carry out its statutory obligation to monitor the voter registration in Niagara County and refuse to approve any voter registration by a non-United States citizens who register to vote at the time of applying for such New York State Driver's license, and

WHEREAS, during the debate of such June 17, 2019, "Green Light Law" New York Assemblyman Doug Smith noted: "I actually have a number of examples from the Suffolk County Board of Elections of cases where individuals with DMV numbers that are not citizens have actually registered to vote with that number, checked the box that that they are a citizen of the box was checked on the application that they signed and they actually did vote.", and

WHEREAS, such voting by non-United States citizens described by New York Assemblyman Doug Smith, occurred in Suffolk County prior to the passage of the “Green Light Law”, and

WHEREAS, such June 17, 2019, “Green Light Law” of New York State Governor Andrew Cuomo creates a path and increases the likelihood for illegal voting by non-United State citizens in New York State, and especially Niagara County, and

WHEREAS, such June 17, 2019, “Green Light Law” of New York State Governor Andrew Cuomo dilutes the vote by residents of Niagara County who are United State citizens and subject to the laws of New York State by allowing and including the votes of non-United States citizens, and

WHEREAS, such June 17, 2019, “Green Light Law” of New York State Governor Andrew Cuomo violates the stated objectives of the National Voter Registration Act (“NVRA”) 52 U.S.C.A. § 20501, et. seq., and

WHEREAS, such June 17, 2019, “Green Light Law” of New York State Governor Andrew Cuomo, to the extent that it enables and/or allows non-United States citizens to vote violates the Supremacy Clause of the United States Constitution, and

WHEREAS, such June 17, 2019, “Green Light Law” of New York State Governor Andrew Cuomo, to the extent that it enables and/or allows non-United States citizens to vote violates Article. 2, Section 1 of the New York State Constitution, and

WHEREAS, such June 17, 2019, “Green Light Law” of New York State Governor Andrew Cuomo subjects the Niagara County Clerk, Niagara County Department of Motor Vehicle employees and Niagara County Board of Election employees to felony violations of New York State Election Law § 17-132. “Illegal voting” to the extent that they “assist” in the voting of a non-United States citizen, and

WHEREAS, such June 17, 2019, “Green Light Law” of New York State Governor Andrew Cuomo subjects the Niagara County Clerk, Niagara County Department of Motor Vehicle employees and Niagara County Board of Election employees to violations of 52 U.S.C.A. § 205011. Criminal penalties, together with other and additional penalties associated with other provisions of the United States statutes which will be violated due to compliance with the “Green Light Law”, now, therefore, be it

RESOLVED, that the Niagara County Attorney is hereby directed to investigate, engage counsel and commence any and all litigation to enjoin implementation and enforcement of the “Green Light Law” and thereby insure that no person who is not a citizen of the United States in any manner casts a ballot for any elective race in Niagara County, and be it further

RESOLVED, that the Niagara County Attorney is hereby authorized to commence all necessary litigation to enjoin implementation and enforcement of the “Green Light Law” and name the following as potential Defendants in such legal action, The State of New York, The Governor of the State of New York, The Assembly of the State of New York, and The Senate of the State of New York, The Commissioner of the New York Department of Motor Vehicles, The Board of Elections of the State of New York, and The Commissioners of the Board of Elections of the State of New York, and any other party deemed necessary to bring full relief to the residents of Niagara County, and be it further

RESOLVED, that the Niagara County Board of Elections is hereby directed to initiate and implement all procedures necessary to insure that that no person who is not a citizen of the United States in any manner casts a ballot for any elective race in Niagara County, including but not limited to having sufficient and proper personnel at polling sites to prevent such improper voting.

Moved by Syracuse, seconded by Bradt.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. IL-049-19

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

Dated: August 6, 2019

**RESOLUTION IN SUPPORT OF FUNDING LOCKPORT FOOD FEST
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, Lockport Main Street, Inc. is launching a new food festival on Sunday August 11th, 2019, in the City of Lockport, and

WHEREAS, the Lockport Food Fest will be focused exclusively on local restaurants, food producers, wineries, distilleries, specialty food producers and farms, and

WHEREAS, the Lockport Food Fest will take place on Sunday August, 11th 2019 and will promote community pride by bringing people to the area, and

WHEREAS, local businesses and restaurants benefit greatly from the increase in foot traffic that the Lockport Food Fest will generate, and

WHEREAS, Niagara County is interested in supporting efforts that generate increased revenue for businesses and create a sense of pride throughout the community, now, therefore, be it

RESOLVED, that Niagara County supports Lockport Food Fest as follows:

Lockport Food Fest	\$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 2019 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

Approved for Submission.
Referred to Economic Development Committee.

Moved by Syracuse, seconded by Bradt.
Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

Resolution No. IL-050-19

From: Legislators Wm. Keith McNall, Rebecca J. Wydysh, Jesse P. Gooch, Randy R. Bradt, Richard L. Andres and William J. Collins.

Dated: August 6, 2019

**RESOLUTION FOR FUNDING THE YWCA RAPE CRISIS PROGRAM AND DOMESTIC
VIOLENCE SERVICES**

WHEREAS, in 2009 the Niagara Department of Mental Health requested that the YWCA take over providing services to rape victims in the County. Funding was through NYS but had been reduced to an amount that was not feasible to provide services through a county agency. Since that time, the YWCA has maintained a 24-7 response including the operation of a hotline. By the end of this year, YWCA advocates will have responded to over 500 sexual assault forensic rape exams and provided counseling and advocacy for the majority of the victims. In this capacity, the YWCA is the only provider of confidential rape crisis advocacy and counseling in the county and provides advocate coverage for every hospital in the county, and

WHEREAS, the YWCA is the only comprehensive confidential domestic violence services provider in Eastern Niagara County and the North Tonawanda Community, services including individual counseling, group counseling, case management, safety planning and assistance with orders of protection, court accompaniment, crisis housing, supportive transitional housing, and children's counseling, and

WHEREAS, the YWCA is the cofounder and host of the quarterly Niagara County Sexual Assault Response Team (SART) which brings County stakeholders to the table to provide the best possible programs and services to sexual assault victims, and

WHEREAS, the YWCA has provided a Domestic Violence advocate in the District Attorney's office for over 10 years. The YWCA has also provided an advocate in the Niagara County Department of Social Services Child Protective/DV Unit for over 10, and

WHEREAS, the YWCA recently was contacted by the Office of Victim Services and have been informed that this funding will be reduced by 25% as part of a statewide cut now, therefore be it

RESOLVED, Niagara County will fund \$46,500 to help offset this statewide cut and, be it further

RESOLVED, that the following budget modification be effectuated:

INCREASE APPROPRIATION:

A.02.1165.000 74400.09	Payments Other Agencies	\$46,500
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DECREASE APPROPRIATION:

A.08.1990.000 74500.01	Contingency Fund	\$46,500
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Moved by Bradt, seconded by Wydysh, to implement the portion of Rule 15 that pertains to voting on a resolution as opposed to referring it to committee.
Carried.

Moved by Bradt, seconded by Wydysh.
Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster, Zona.

APPOINTMENTS:

	<u>Appt.</u>	<u>Expires</u>
<u>NCCC BOARD OF TRUSTEES:</u>		
Katherine D. Alexander (Replaces Vincent M. Sandonato) 1575 Master St., North Tonawanda, 14120	08/06/19	06/30/24
Moved by Andres, seconded by Syracuse.		
Adopted. 11 Ayes, 2 Noes – Grozio, Virtuoso, 2 Absent – Burmaster, Zona.		

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

The Chairman declared the Board adjourned at 8:31 p.m., subject to the call of the Clerk.

0 citizen spoke at this time on the General Welfare of the County.


Mary Jo Tamburlin, Clerk