

OFFICIAL RECORD

Lockport, New York
September 15, 2015

A public hearing was held pursuant to ED-017-15, adopted by the Legislature on September 8, 2015, for the purpose of hearing public comments on the Authorization to Submit a Grant Application to the NYS Office of Community Renewal for Small Cities Funding. Legislator Updegrove opened the hearing at 6:30 p.m. and closed it at approximately 6:35 p.m.

A public hearing was held pursuant to ED-012-15, adopted by the Legislature on June 16, 2015, for the purpose of hearing public comments on the 8-Year Review of Niagara County Agricultural District #4. Legislator Updegrove opened the hearing at 6:45 p.m. and closed it at approximately 6:50 p.m.

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

Clerk Tamburlin called the roll. All Legislators were present with the exception of Legislator Grozio.

A moment of silence was held for former Niagara County Legislator Arthur Curcione who passed away on August 18, 2015.

PRESENTATIONS:

1. Legislator Dennis Virtuoso invited members of Art Curcione's family to the lectern and presented a citation in honor of all that Mr. Curcione did for the citizens of Niagara County.

Moved by Virtuoso, seconded by Zona.

Carried.

2. Legislator David Godfrey invited Undersheriff Michael Filicetti, and Chief Deputy Michael Dunn to the lectern and presented a proclamation declaring September 14-20, 2015 Sheriff's Week in Niagara County.

Moved by Godfrey, seconded by Hill.

Carried.

Captain Scott Lombardo of the Niagara County Drug Task Force discussed the recent large drug bust.

3. Legislators Richard Andres & Randy Bradt went to the lectern to present a proclamation to Captain Scott Lombardo and the Niagara County Drug Task Force for their efforts on the recent large scale drug bust.

Moved by Andres, seconded by Bradt.

Carried.

4. Legislators Anthony J. Nemi & Richard E. Updegrove invited Town of Lockport Councilman Paul Siejak to the lectern to present a citation to him in honor of the work that went into bringing the Vietnam Traveling Wall to the Town of Lockport where it was recently displayed.

Moved by Updegrove, seconded by Nemi.

Carried.

5. Chairman Ross invited Jennifer D'Andrea Terreri, Director of SERV Niagara to the lectern to discuss the recent efforts of SERV Niagara. She said that two homes have been purchased recently in the City of

Lockport to house veterans and their families. She also discussed the Community Outreach, Therapeutic Program, Wish Program and the Alcohol and Substance Abuse Programs that SERV Niagara offers to assist the veterans and their families in Niagara County. Niagara County has the highest per capital concentration of veterans in NYS.

6. Legislator Syracuse invited Chris Banks and Beth Banks to the lectern to discuss the upcoming Celtic Festival scheduled for September 19th and 20th at Krull Park.

Six citizens spoke at this time.

Meghan Lutz Niagara County Youth Director discussed the upcoming Kids and Kites Event scheduled for September 19th at Veterans Park in the Town of Niagara. Registration starts at 11:00 a.m. and the program begins at noon.

Office for the Aging Director Ken Genewick discussed the upcoming Third Annual Niagara County Healthy Connections Senior & Caregiver Information & Resource Fair. It is scheduled for September 24th from 1:00 to 4:00 p.m. at Cornell Cooperative Extension.

7. Legislator Richard Updegrave went to the lectern to give a presentation on the recent developments at the Vantage Industrial Park and how this spurs economic development and growth in Niagara County. Legislator Updegrave discussed the history of the Industrial Park from its inception to present and how the growth of the area has created and maintained many jobs and saved Niagara County taxpayers significant money through the reduction of special district taxes. The economic spinoff of the area exceeds \$54 million. Legislator Updegrave expanded on the recent announcement of Bridgestone APM, a subsidiary of Bridgestone Tire Company joining the Industrial Park.

IDA Chairman Henry Sloma discussed the win with the recent announcement of Bridgestone APM. He also said the IDA will respond to the NYS Comptroller's audit within 90 days.

Recess.

Chairman Ross announced that resolution AD-020-15 was being removed from the preferred and placed on the regular agenda.

Legislator Burmaster was absent from voting on the resolutions.

Resolution No. CSS-053-15 was read at this time. (Appears in numerical order)

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

RESOLUTIONS:

Resolution No. AD-020-15

From: Administration Committee

Dated: September 15, 2015

PURCHASE OF IN REM PROPERTY

WHEREAS, on Saturday, August 15, 2015, a public auction was held for the sale of properties acquired by the County of Niagara by its In Rem Action, and

WHEREAS, as a result of said auction, the attached list of properties was struck down to each of the named individuals for the price indicated for each parcel, said price being the highest bid price received, now, therefore, be it

RESOLVED, that the purchase offers set forth in the attached list be, and the same hereby are, accepted and the Chairman of the Legislature is hereby authorized and directed to execute suitable quit-claim deeds, subject to the approval of the County Attorney, upon the receipt by the County Treasurer of the entire balance due on the purchase price of said properties, at which time said deeds, AS provided in the terms of sale shall be recorded in the Niagara County Clerk's Office in the name of the respective purchaser.

Moved by Updegrove, seconded by Ross.

Moved by Virtuoso, seconded by Zona to remove items 65 and 66 from the resolution.

Failed 4 Ayes – Andres, Steed, Virtuoso, Zona, 9 Noes, 2 Absent – Burmaster & Grozio

Moved by Updegrove, seconded by Ross on the resolution.

Adopted 9 Ayes, 4 Noes – Andres, Steed, Virtuoso, Zona, 2 Absent – Burmaster & Grozio

NC IN REM 2013 AUCTION

LOT#	SERIAL#	SBL#	PURCHASOR	BID PRICE
2	2013-013	77.00-1-26.12	Jackie Coyle	\$44,000.00
3	2013-015	91.00-1-41.12	Patrick Carl Andalora	\$6,000.00
5	2013-027	55.00-1-4.211	Richard Nye II	\$8,500.00
6	2013-029	68.00-4-3	James R Page	\$550.00
7	2013-030	68.00-4-37	Brian Whyte	\$46,000.00
9	2013-049	130.06-1-15	Emma L Dupre	\$57,000.00
10	2013-050	132.05-1-15	Gerald & Julie Ciccarelli	\$56,000.00
11	2013-056	88.13-1-9	Robert Quarantillo-Tracy Gillick	\$6,500.00
13	2013-076	138.00-1-14	James L Sammarco	\$400.00
14	2013-077	138.00-1-16	James L Sammarco	\$400.00
16	2013-087	167.02-2-37	Timothy Paul Freunds Schuh	\$53,000.00
17	2013-089	168.00-1-19.1	Christopher A White	\$1,900.00
18	2013-095	95.02-1-79	David E Ferington	\$8,000.00
19	2013-097	14.00-2-37.111	Ann & Rodney Rohring	\$9,750.00
21	2013-108	16.09-1-23	Robert E Stedman	\$2,000.00
23	2013-120	38.16-2-74	Rogue Solutions, LLC	\$10,000.00
27	2011-153	53.09-1-31	Hammam Rifai	\$275.00
28	2012-084	53.09-1-32	Brian Whyte	\$3,800.00
29	2013-135	81.02-1-31.2	James & Marcia Meahl	\$1,300.00
32	2011-159	130.15-3-19	Chris Harris	\$700.00
33	2013-144	130.82-1-53	Itzkowitz Family Trust	\$1,100.00
35	2013-146	130.83-2-17.1	Denny H Soliday	\$3,400.00
36	2013-150	131.10-1-29	Karn Batth	\$3,000.00
37	2013-155	131.46-2-13	Robert & Gina Hendriz	\$700.00
38	2011-177	132.11-1-4	James R Page	\$25.00
43	2013-175	145.12-2-14	Robert & Gina Hendriz	\$7,000.00
45	2013-178	145.20-3-58	Sharen L & Anthony K Rotella	\$100.00
46	2013-182	146.13-2-73	Margaret & James Usiak	\$200.00

47	2013-183	146.13-2-74	Margaret & James Usiak	\$200.00
48	2013-184	146.13-2-75	Margaret & James Usiak	\$200.00
49	2013-187	146.17-4-111	Upstate Development Group LLC	\$40.00
50	2013-190	161.05-3-3	Randy L Martell, Jr	\$62,500.00
51	2013-194	150.03-1-28	Jamie Swanson	\$57,000.00
52	2012-141	151.00-2-13.7 J	Joseph Ohol	\$25.00
53	2013-205	45.19-1-52	Bruce J Andrews	\$25.00
54	2013-206	59.07-1-16	David & JoAnn Stone	\$5,500.00
56	2013-230	86.17-1-65	Gale L Rutherford	\$19,000.00
59	2011-258	97.00-2-61	Dean L Walker	\$2,400.00
60	2011-259	97.00-2-62	Dean L Walker	\$2,400.00
61	2011-260	97.00-2-63	Dean L Walker	\$2,400.00
63	2013-255	98.00-1-33	Wayne R Jones	\$13,500.00
64	2013-256	98.00-1-36	Joseph E Heitzenrater	\$500.00
65	2013-262	30.00-1-22.111	Dennis & Irene Miller	\$10,000.00
66	2013-263	30.00-1-22.12	Dennis & Irene Miller	\$15,000.00
73	2013-288	175.09-1-9	Michael R Riley	\$10,000.00
75	2013-291	23.05-4-29	Stacey Austin	\$13,000.00
76	2013-292	23.05-4-34	Peter J-Victoria Dolansky-Gentner	\$40,500.00
79	2013-305	22.48-1-27	Donald Guyette, Jr.	\$225.00
80	2013-309	35.00-1-1	Lakeshore Land Co., LLC	\$17,500.00
81	2013-310	35.00-1-15	Lakeshore Land Co., LLC	\$1,850.00
				\$605,365.00

Resolution No. AD-021-15

From: Administration Committee

Dated: September 15, 2015

**REFUNDING BOND RESOLUTION OF THE COUNTY LEGISLATURE OF COUNTY OF
NIAGARA, NEW YORK (THE "COUNTY") AUTHORIZING THE ISSUANCE OF REFUNDING
BONDS OF THE COUNTY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED
\$5,200,000 PURSUANT TO THE LOCAL FINANCE LAW, AND PROVIDING FOR OTHER
MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE
REFUNDED THEREBY**

WHEREAS, the County of Niagara, New York (the "County") heretofore issued its Public Improvement (Serial) Bonds, 2007, dated December 1, 2007 in the original aggregate principal amount of \$4,673,000 (the "Series 2007 Bonds"), pursuant to a bond resolution adopted by the County Legislature of the County on July 24, 2007, for the specific objects or purposes identified in Exhibit A-1 attached hereto, which bonds have an outstanding principal amount of \$3,470,000, and mature in the following respective years and principal amounts: \$200,000 in the year 2015, \$210,000 in the year 2016, \$220,000 in the year 2017, \$230,000 in the year 2018, \$240,000 in the year 2019, \$255,000 in the year 2020, \$265,000 in the year 2021, \$280,000 in the year 2022, \$290,000 in the year 2023, \$300,000 in the year 2024, \$315,000 in the year 2025, \$325,000 in the year 2026, and \$340,000 in the year 2027 (the "Series 2007 Prior Bonds"); and

WHEREAS, the County heretofore issued its Public Improvement (Serial) Bonds, 2008 Series B, dated December 15, 2008 in the original aggregate principal amount of \$2,627,440 (the "Series 2008 Bonds"), pursuant to a bond resolution adopted by the County Legislature of the County on November 5, 2008 for

the specific objects or purposes identified in Exhibit A-2 attached hereto, which bonds have an outstanding principal amount of \$1,970,000, and mature in the following respective years and principal amounts: \$125,000 in the year 2015, \$135,000 in the year 2016, \$140,000 in the year 2017, \$145,000 in the year 2018, \$150,000 in the year 2019, \$160,000 in the year 2020, \$165,000 in the year 2021, \$175,000 in the year 2022, \$180,000 in the year 2023, \$190,000 in the year 2024, \$200,000 in the year 2025, and \$205,000 in the year 2026 (the "Series 2008 Prior Bonds" and, collectively with the Series 2007 Prior Bonds, the "Prior Bonds"); and

WHEREAS, the County has the power and authority to issue refunding bonds of the County for the purpose of refunding and thereby refinancing the outstanding Prior Bonds, including provision for incidental costs of issuance in connection therewith, pursuant to the provisions of Section 90.10 of the Local Finance Law; and

WHEREAS, in order for the County to realize the potential for substantial long-term debt service savings with respect to the Prior Bonds, the County Legislature of the County has determined, acting in consultation with the financial advisory and bond counsel firms retained by the County, that it is advisable and prudent for the County to consider the refunding of all or a portion of the outstanding Series 2007 Prior Bonds maturing in the years 2017 and thereafter (the "Series 2007 Refunded Bonds") and all or a portion of the outstanding Series 2008 Prior Bonds maturing in the years 2018 and thereafter (the "Series 2008 Refunded Bonds" and, collectively with the Series 2007 Refunded Bonds, the "Refunded Bonds"); and

WHEREAS, the County has received a draft refunding financial plan (the "Refunding Financial Plan"), a copy of which is attached hereto as Exhibit B, from Capital Markets Advisors, LLC, the financial advisory firm retained by the County, with respect to a proposed refunding of the Refunded Bonds, which refunding would result in present value savings in debt service as required by Section 90.10 of the Local Finance Law; and

WHEREAS, Section 90.10 of the Local Finance Law requires that the County adopt a refunding bond resolution which includes a refunding financial plan setting forth all of the details in connection with the proposed refunding transaction.

NOW, THEREFORE, BE IT RESOLVED, THAT THE COUNTY LEGISLATURE OF THE COUNTY OF NIAGARA, NEW YORK (BY THE FAVORABLE VOTE OF NOT LESS THAN TWO-THIRDS (2/3'S) OF ALL THE MEMBERS OF THE COUNTY LEGISLATURE) AS FOLLOWS:

SECTION 1. Based on the recommendation of Capital Markets Advisors, LLC, the financial advisory firm retained by the County, the County Legislature hereby determines to undertake a refunding of the Refunded Bonds, through the issuance of refunding bonds of the County, such refunding bonds to be offered and sold either at a public sale or, at the determination of the County Treasurer, in a negotiated sale with an underwriter selected by the County Treasurer, in accordance with the authority granted in Section 15 hereof.

SECTION 2. For the object or purpose of refunding the \$4,630,000 aggregate outstanding principal balance of the Refunded Bonds, including providing moneys which together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (a) the principal amount of the Refunded Bonds, (b) the aggregate amount of unmaturing interest payable on the Refunded Bonds to and including the date or dates on which the Refunded Bonds are to be called for redemption prior to their respective maturities in accordance with the refunding financial plan, (c) the redemption premiums, if any, payable on the Refunded Bonds which are to be

called for redemption prior to their respective maturities, (d) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including without limitation the development of the refunding financial plan, compensation to the Underwriter, costs and expenses of executing and performing the terms and conditions of the Escrow Contract (as defined in Section 7 of this resolution), and fees and charges of the Escrow Holder (as defined in Section 7 of this resolution), financial advisory fees, printing fees and legal fees and (e) the premium or premiums for any policy or policies of municipal bond insurance or other form of credit enhancement facility or facilities for the refunding bonds as herein authorized, or any portion thereof, there are hereby authorized to be issued the "Public Improvement Refunding (Serial) Bonds" of the County in an aggregate principal amount not to exceed \$5,200,000 pursuant to the provisions of Section 90.10 of the Local Finance Law (the "Refunding Bonds"), it being currently anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$5,095,000 as described in Section 6 hereof. The Refunding Bonds shall be dated as of such date as shall hereinafter be determined by the County Treasurer pursuant to Section 6 hereof, and shall be of the denomination of \$5,000 or any integral multiple thereof not exceeding the principal amount of each respective maturity. The Refunding Bonds shall mature annually and shall bear interest payable semi-annually on such dates as shall be determined by the County Treasurer pursuant to Section 6 hereof, at the rate or rates of interest per annum as may be necessary to sell the same, all as shall be determined by the County Treasurer. Notwithstanding anything in this resolution to the contrary, the Refunded Bonds shall only be issued by the County if the refunding of the Refunding Bonds will result in present value savings as determined in accordance with the methodology set forth in Section 90.10(b)(2) of the Local Finance Law.

SECTION 3. The County Treasurer, as the chief fiscal officer, is hereby delegated all powers of the County Legislature with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

SECTION 4. The Refunding Bonds shall be executed in the name of the County by the manual or facsimile signature of the County Treasurer, and a facsimile of its corporate seal shall be imprinted thereon and attested by the County Clerk. The Refunding Bonds shall contain the recital required by Section 90.10(j)(4) of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals as the County Treasurer shall determine.

SECTION 5. It is hereby determined that:

(a) The maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by Section 90.10(b)(1) of the Local Finance Law;

(b) The maximum period or periods of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for each of the objects or purposes for which the Refunded Bonds were issued is as shown in Exhibits A-1 and A-2 attached hereto.

(c) In accordance with Section 90.10(c)(1) of the Local Finance Law, the last installment of the Refunding Bonds or each separate series of Refunding Bonds will mature not later than the expiration of the remaining period of probable usefulness for each object or purpose for which the Refunded Bonds were issued, or the weighted average remaining period of probable usefulness of the objects or purposes (or classes of objects or purposes) financed with each series of the Refunded Bonds, or the weighted average remaining period of probable usefulness of the objects or purposes (or classes of objects or

purposes) financed with all of the Refunded Bonds, in each case computed from the date of issuance of the Refunded Bonds, or the applicable series thereof, or from the date of issuance of the first bond anticipation note issued in anticipation thereof, whichever is earlier.

(d) The estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of Section 90.10(c)(1) of the Local Finance Law, is as shown in the Refunding financial plan described in Section 6 hereof.

SECTION 6. The financial plan for the refunding authorized by this resolution, showing the sources and amounts of all moneys required to accomplish such refunding, and the estimated present value of the total debt service savings computed in accordance with the requirements of Section 90.10(b)(2)(a) of the Local Finance Law are set forth in Exhibit B attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the principal amount of \$5,095,000 and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in Exhibit B. This County Legislature recognizes that the amount of the Refunding Bonds, and the maturities, terms, and interest rate and rates borne by the Refunding Bonds will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit B. The County Treasurer is hereby authorized and directed to determine the actual amount of the Refunding Bonds to be issued (not in excess of the maximum principal amount authorized by Section 2 of this resolution), the maturities and amount of the Refunded Bonds to be refunded, the details as to the redemption of the Refunded Bonds, including the date and amount of such redemption or redemptions in accordance with Section 12 hereof and authorizing and directing the Escrow Holder described in Section 7 hereof to cause notice of such redemption or redemptions to be given in the name of the County, the dated date of the Refunding Bonds, and the date of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds shall provide for substantially level or declining debt service as authorized by Section 21.00 of the Local Finance Law, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities pursuant to Section 168.00 of the Local Finance Law, the amount of the annual installments of the Refunding Bonds to be paid pursuant to Section 90.10(c)(3) of the Local Finance Law, whether the Refunding Bonds shall be sold at a discount in the manner authorized by Section 57.00(e) of the Local Finance Law, and the rate or rates of interest to be borne thereby, and to prepare, or cause to be provided, a final refunding financial plan (the "Final Refunding Financial Plan") for the Refunding Bonds, and, pursuant to Sections 50.00 and 56.00 of the Local Finance Law, all powers in connection therewith are hereby delegated to the County Treasurer; provided that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The County Treasurer shall file with the County Clerk not later than the date of issuance of the Refunding Bonds, as herein provided, (a) a certificate determining the details of the Refunding Bonds and the Final Refunding Financial Plan and (b) the Certificate of the State Comptroller setting forth the present value of the total debt service savings, as required by Section 90.10(g) of the Local Finance Law.

SECTION 7. The County Treasurer is hereby authorized and directed to enter into an escrow contract (the "Escrow Contract") with a bank or trust company located and authorized to do business in this State as the County Treasurer shall designate (the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunded Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

SECTION 8. The faith and credit of said County are hereby irrevocably pledged for the payment of the principal of and interest on the Refunding Bonds herein authorized as the same respectively become

due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the County, a tax sufficient, after taking into consideration the amount of building aid to be received by the County from the State of New York for debt service on the Refunding Bonds, to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 9.

(a) All of the proceeds from the sale of the Refunding Bonds, including the premium, if any (the "Proceeds of the Refunding Bonds"), shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. From the Proceeds of the Refunding Bonds, the portion thereof as is necessary to pay the outstanding principal amount of the Refunded Bonds, the aggregate amount of unmatured interest on the Refunded Bonds to and including the respective maturity dates or redemption dates thereof as set forth in the Final Refunding Financial Plan prepared by, or caused to be prepared by, the County Treasurer in accordance with Section 6 of this resolution, and the redemption premiums, if any, payable on the Refunded Bonds on such redemption dates (such amount being hereinafter referred to as the "Escrow Deposit Amount"), shall be deposited in the escrow deposit fund to be established pursuant to the Escrow Contract, and either held in cash or invested in direct obligations of the United States of America or in obligations, the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates such moneys will be required to make payments in accordance with the Final Refunding Financial Plan. Amounts held on deposit in the Escrow Fund, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of, interest on, and redemption price of the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such monies held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the Escrow Fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims or any kind in tort, contract or otherwise against the County irrespective of whether such parties have notice thereof. Neither this resolution, the Escrow Contract, nor any other instrument relating to such pledge and liens, need be filed or recorded.

(b) After depositing the Escrow Deposit Amount into the Escrow Fund, in accordance with paragraph (a) above, the remaining balance, if any, of the Proceeds of the Refunding Bonds not so deposited shall immediately upon receipt thereof, be placed in escrow with the Escrow Holder for the Refunded Bonds and deposited in the expense fund to be established under the Escrow Contract by the Escrow Holder to pay, to the County Treasurer, as chief fiscal officer, or as the County Treasurer may direct and applied to pay (i) accrued interest on the Refunding Bonds from the dated date thereof to the date of issuance thereof, and (ii) costs of issuance or other administrative costs incurred in connection with the issuance of the Refunding Bonds.

SECTION 10. The County Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Refunding Bonds, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and, if applicable, to designate the Refunding Bonds authorized by this resolution as "qualified tax-exempt bonds" in accordance with Section 265 of the Code.

SECTION 11. The County Legislature hereby determines that issuance of the Refunding Bonds is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") is required.

SECTION 12. In accordance with the provisions of Section 53.00 and of paragraph (h) of Section 90.10 of the Local Finance Law, the County Legislature of the County hereby elects to call in and redeem the Series 2007 Refunded Bonds on December 1, 2016, and the Series 2008 Refunded Bonds on December 15, 2017, or, in each case, such later date or dates as may be hereinafter determined by the County Treasurer and provided for in the Final Refunding Financial Plan (each a "Redemption Date"). The sum to be paid therefor on each such Redemption Date shall be the par value of the Refunded Bonds being redeemed on such date plus the redemption premium, if any, and the accrued interest thereon to such Redemption Date. The Escrow Holder is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the County in the manner and within the times provided in the respective Refunded Bonds being redeemed or in the certificates or documentation of the County pursuant to which they were issued. Upon the issuance of the Refunding Bonds or a series thereof, the election to call in and redeem the applicable Refunded Bonds that are subject to redemption at the option of the County and the direction to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of Section 53.00(a) of the Local Finance Law, or any successor law thereto.

SECTION 13. In connection with the issuance of the Refunding Bonds, the County Treasurer is further authorized to enter into a continuing disclosure undertaking on behalf of the County, containing provisions in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 14. In the absence or unavailability of the County Treasurer, the Deputy Treasurer then in office is hereby specifically authorized to exercise the powers delegated to the County Treasurer in this resolution.

SECTION 15. Subject to compliance with the provisions of Section 90.10(f)(2) of the Local Finance Law, the Refunding Bonds shall be sold at either a public sale or a private sale, as determined by the County Treasurer to be in the best financial interest of the County. If the Refunding Bonds are sold at a private sale, the County Treasurer is hereby authorized to negotiate the terms of such private sale with such underwriter or underwriters as may be selected by the County Treasurer, consistent with the Refunding Financial Plan approved in Section 6 hereof. Subject to the approval of the terms and conditions of such sale by the State Comptroller as required by Section 90.10(f)(2) of the Local Finance Law, the County Treasurer is hereby authorized to execute and deliver a bond purchase agreement for the Refunding Bonds in the name and on behalf of the County providing the terms and conditions for the sale and delivery of the Refunding Bonds. After the Refunding Bonds have been duly executed, they shall be delivered by the County Treasurer in accordance with said bond purchase agreement upon the receipt by the County of said purchase price, including accrued interest.

SECTION 16. The County Treasurer and the County Clerk and all other officers, employees and agents of the County are hereby authorized and directed for and on behalf of the County to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

SECTION 17. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the County Treasurer and all powers in connection therewith are hereby delegated to the County Treasurer.

SECTION 18. The validity of the Refunding Bonds may be contested only if:

(a) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money; or

(b) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with

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

(c) Such obligations are authorized in violation of the provisions of the Constitution.

SECTION 19. Upon this resolution taking effect, the Clerk of the Legislature is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, together with a notice in substantially the form set forth in Section 81.00 of the Local Finance Law in the official newspaper of the County for legal notices.

SECTION 20. This resolution shall take effect immediately upon its adoption.

Moved by Updegrave, seconded by Ross.

Roll Call.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Exhibit A-1

Summary of the Series 2007 Prior Bonds

Public Improvement (Serial) Bonds, 2007

Dated Date: December 1, 2007

Original Principal Amount: \$4,673,000

Outstanding Principal Amount: \$3,470,000¹

Principal Amount to be Refunded: \$3,060,000

Interest Payment Dates: June 1st and December 1st

Maturity Schedule of the Series 2007 Refunded Bonds

<u>Date (December 1st)</u>	<u>Principal Amount</u>	<u>Date (December 1st)</u>	<u>Principal Amount</u>
2017	\$220,000	2023	\$290,000
2018	230,000	2024	300,000
2019	240,000	2025	315,000
2020	255,000	2026	325,000
2021	265,000	2027	340,000
2022	280,000		

¹ The Series 2007 Prior Bonds maturing on December 1, 2015 in the principal amount of \$200,000 and on December 1, 2016 in the principal amount of \$210,000 are not being refunded by the Refunding Bonds.

<u>Objects or Purposes</u>	<u>Period of Probable Usefulness</u> (determined as of the date of issuance of the Series 2007 Bonds)
(i) the reconstruction of various County roads and related improvements;	15 years - subdivision 20. of paragraph (a) of §11.00 of Local Finance Law (the "Law")
(ii) the improvement or reconstruction of various County bridges;	20 years - subdivision 10. of paragraph (a) of §11.00 of the Law
(iii) the construction of a new Public Works facility;	30 years - subdivision 11(a). of paragraph (a) of §11.00 of the Law
(iv) the construction of a new County Services campus; and	30 years - subdivision 11(a). of paragraph (a) of §11.00 of the Law
(v) the acquisition of vehicles and equipment for construction and maintenance.	15 years - subdivision 28. of paragraph (a) of §11.00 of the Law

Exhibit A-2
Summary of the Series 2008 Prior Bonds

Public Improvement (Serial) Bonds, 2008 Series B

Dated Date: December 15, 2008
Original Principal Amount: \$2,627,440
Outstanding Principal Amount: \$1,970,000²
Principal Amount to be Refunded: \$2,795,000
Interest Payment Dates: June 15th and December 15th

Maturity Schedule of the Series 2008 Refunded Bonds

<u>Date (December 15th)</u>	<u>Principal Amount</u>	<u>Date (December 15th)</u>	<u>Principal Amount</u>
2018	\$145,000	2023	\$180,000
2019	150,000	2024	190,000
2020	160,000	2025	200,000
2021	165,000	2026	205,000
2022	175,000		

<u>Objects or Purposes</u>	<u>Period of Probable Usefulness</u> (determined as of the date of issuance of the Series 2008 Bonds)
(i) renovations and improvements to the Niagara County Sheriff's Department jail;	25 years - subdivision 12(a)(1). of paragraph (a) of §11.00 of Local Finance Law (the "Law")
(ii) the reconstruction and repaving of Beebe Road;	15 years - subdivision 20. of paragraph (a) of §11.00 of the Law

² The Series 2008 Prior Bonds maturing on December 15, 2015 in the principal amount of \$125,000, on December 15, 2016 in the principal amount of \$135,000, and on December 15, 2017 in the principal amount of \$140,000 are not being refunded by the Refunding Bonds.

(iii) the construction of a replacement bridge on Cedar Street; and

20 years - subdivision 10. of paragraph (a) of §11.00 of the Law

(iv) the reconstruction and/or replacing of the Miller Road Bridge.

20 years - subdivision 10. of paragraph (a) of §11.00 of the Law

Exhibit B
Refunding Financial Plan

[attached]

County of Niagara, New York

\$5,095,000 General Obligation Public Improvement Refunding Serial Bonds 2015
(Refunding 2007 & 2008B Callable Maturities)
Bank-Qualified

Debt Service Comparison

<u>Date</u>	<u>Total P+I</u>	<u>Existing D/S</u>	<u>Net New D/S</u>	<u>Old Net D/S</u>	<u>Savings</u>
12/31/2015	80,467.43	342,700.00	423,167.43	444,157.50	20,990.07
12/31/2016	182,937.00	366,462.50	549,399.50	569,377.50	19,978.00
12/31/2017	402,412.00	146,650.00	549,062.00	569,565.00	20,503.00
12/31/2018	544,403.00		544,403.00	569,115.00	24,712.00
12/31/2019	548,639.00		548,639.00	567,797.50	19,158.50
12/31/2020	556,979.00		556,979.00	575,832.50	18,853.50
12/31/2021	553,981.00		553,981.00	572,777.50	18,796.50
12/31/2022	559,628.00		559,628.00	579,075.00	19,447.00
12/31/2023	553,570.00		553,570.00	574,282.50	20,712.50
12/31/2024	551,614.00		551,614.00	573,842.50	22,228.50
12/31/2025	553,714.00		553,714.00	576,742.50	23,028.50
12/31/2026	544,706.00		544,706.00	568,512.50	23,806.50
12/31/2027	339,834.00		339,834.00	354,450.00	14,616.00
Total	\$5,972,884.43	855,812.50	\$6,828,696.93	\$7,095,527.50	

\$266,830.57

PV Analysis Summary (Net to Net)

Gross PV Debt Service Savings 233,313.92

Net PV Cashflow Savings @ 2.387%(AIC) 233,313.92

Contingency or Rounding Amount 2,789.63

Net Present Value Benefit \$236,103.55

Net PV Benefit/ \$4,630,000 Refunded Principal 5.099%

Net PV Benefit/ \$5,095,000 Refunding Principal 4.634%

Refunding Bond Information

Refunding Dated Date	9/23/2015
Refunding Delivery Date	9/23/2015

Refunding of 2007 & 2008B Issue Summary 7/13/2015 1:04 PM

Capital Markets Advisors, LLC
Independent Financial Advisors

Resolution No. CS-025-15

From: Community Services & Administration Committees

Dated: September 15, 2015

**CREATE AND FILL POSITION / BUDGET MODIFICATION
SINGLE POINT OF ACCESS, NIAGARA COUNTY DEPARTMENT OF MENTAL HEALTH**

WHEREAS, by regulations, within the New York State Office of Mental Health, the Local Governmental Unit (LGU) has the responsibility to operate the Single Point of Access (SPOA) program, and

WHEREAS, the Niagara County Department of Mental Health functions in Niagara County as the LGU and has provided SPOA services under New York State regulation, and

WHEREAS, the New York State Office of Mental Health (NYSOMH) is expanding the role of the Children's SPOA responsibilities, and has determined that this mandate be fully funded by NYSOMH, and

WHEREAS, these new responsibilities and funds will allow the Niagara County LGU to meet the requirements and enhance community based services to children and their families, whereby keeping the children out of more expensive inappropriate Hospital or other long-term placement, and

WHEREAS, Niagara County did receive an allocation for this program expansion and enhancement, which is 100% state funded, effective July 1, 2015, and

WHEREAS, the State Aid allocation is determined to be permanent; we will consider the co-terminus of the position in the event that state funding is no longer available, now, therefore, be it

RESOLVED, that one Mental Hygiene Practitioner position, Grade 11, Step 1, at an hourly rate of \$24.30 be created within the Niagara County Department of Mental Health, and filled effective September 28, 2015 to carry out the required roles and responsibilities of the Single Point of Access program, and be it further

RESOLVED, that the following budget modification be effectuated to the Mental Health 2015 budget:

INCREASE REVENUE:

A.21.4310.000 43490.13	Single Point of Access	\$16,547
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INCREASE APPROPRIATIONS:

A.21.4310.000 71010.00 xxxx	Mental Hygiene Practitioner	\$11,737
A.21.4310.000 78100.00	Retirement Expense	1,095
A.21.4310.000 78200.00	FICA Expense	898
A.21.4310.000 78300.00	Worker's Compensation	423

A.21.4310.000 78400.01	Insurance, Health Active	1,167
A.21.4310.000 78400.05	Insurance, Health HRA Employer	850
A.21.4310.000 78700.00	NYS Disability	27
A.21.4310.000 78800.00	Flex 125 Employer	350

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. CS-026-15

From: Community Services & Administration Committees

Dated: September 15, 2015

ABOLISH AND CREATE POSITION – SOCIAL SERVICES

WHEREAS, each year Social Services processes approximately 8,000 to 10,000 Home Energy Assistance Program (HEAP) cases along with most of the temporary assistance and SNAP cases that are HEAP eligible, and

WHEREAS, clerical staff in the HEAP unit is critical to ensure timely processing of applications as it is their responsibility to deliver documentation that is sent in to the department to the appropriate worker, and

WHEREAS, each week during HEAP season the department reviews the timely processing of HEAP applications and have had to assign staff from other areas of the department to provide assistance in reducing a backlog which puts a strain on these other areas, and

WHEREAS, there is currently a vacant Energy Assistance Worker position, Job Group IV at \$17.75 per hour, and

WHEREAS, it is more functional to have a full-time Clerical I position dedicated to the HEAP unit, now, therefore, be it

RESOLVED, that the vacant Energy Assistance Worker position, Job Group IV, step 8 at 17.75 per hour be abolished effective September 28, 2015, and be it further

RESOLVED, that a Clerical I position, Job Group III, step 1 at \$15.24 per hour be created and filled effective September 28, 2015, and be it further

RESOLVED, that the following line item transfer be effectuated:

FROM:

A.22.6010.000 71010.1201	Energy Assistance Worker	\$7,361
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TO:

A.22.6010.000 71010.xxxx	Clerical I	\$7,361
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Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. CSS-048-15

From: Community Safety & Security & Administration Committees

Dated: September 15, 2015

**RECLASSIFY CLERICAL I TO CLERICAL II
PUBLIC DEFENDER'S OFFICE**

WHEREAS, the Niagara County Public Defender's Office submitted a classification survey for the duties performed by the employee in position 00013035, which is currently classified as Clerical I, to the Niagara County Civil Service Commission, requesting that the position be reclassified to that of Clerical II, and

WHEREAS, upon review of the duties and responsibilities required of the employee, the Niagara County Civil Service Commission approved the reclassification of Clerical I position 00013035 to that of Clerical II, and

WHEREAS, the duties being performed by said employee are essential to the everyday operations of the Niagara County Public Defender's Office, and

WHEREAS, funds are available from a current vacancy, and

WHEREAS, the cost of reclassifying the position effective November 8, 2015 is \$54, and would be funded by Niagara County, now, therefore, be it

RESOLVED, that the Niagara County Legislature authorizes the reclassification of position 00013035 from Clerical I , Group 3 with a salary range of \$15.24 - \$17.13 under the current CSEA contract to Clerical II, Group 4 with a salary range of \$15.77 - \$17.75 under the current CSEA contract, effective November 8, 2015, and be it further

RESOLVED, that the following budget modifications be effectuated to fund the position:

FROM:

A.03.1170.000 71010.00.0058	Positions	\$54
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TO:

A.03.1170.000 71010.00.13035	Positions	\$54
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Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. CSS-049-15

From: Community Safety & Security & Administration Committees

Dated: September 15, 2015

BUDGET MODIFICATION-ACCEPT PORT SECURITY GRANT

WHEREAS, the Niagara County Sheriff's Office applied for FY 2015 funding through the US Department of Homeland Security FEMA, and

WHEREAS, the Sheriff's Office was awarded a grant in the amount of \$30,000.00 through the Port Security Grant Program for the period of October 1, 2015 through September 30, 2016, and

WHEREAS, the funds are designated to be used to support increased port-wide risk management, and enhance domain awareness, and

WHEREAS, the funds have been approved for the purchase of two motors for the Marine Patrol vessel that was originally acquired through the 2007 Port Security Grant, now, therefore, be it

RESOLVED, that the contract be approved by the Chairman of the Legislature subject to review and approval by the County Attorney, and

RESOLVED, that the 2015 budget be modified to expend these funds:

INCREASE REVENUE:

A.17.3645.000.44305.02	Homeland Security	\$30,000
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INCREASE APPROPRIATION:

A.17.3645.000.72100.21	Law Enforcement Equipment	\$30,000
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Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. CSS-050-15

From: Community Safety & Security Committee

Dated: September 15, 2015

SHERIFF'S WEEK – SEPTEMBER 14 – 20, 2015

WHEREAS, the Niagara County Sheriff's Office values all sectors of law enforcement and appreciates its many members, who are dedicated to preserving and protecting the safety of our communities; therefore, we join to support the annual observance of "Sheriff's Week," which has been designated as September 14 – 20, 2015, highlighting the service and contributions of county sheriffs as a distinct and vital component of municipal government, and

WHEREAS, since its creation as one of the first public offices in colonial America, the Office of the Sheriff has been an integral part of the criminal justice system in New York State, having been established in our state's first Constitution, and

WHEREAS, while its function, status and powers have changed over the course of its existence, the Office of Sheriff has been a constant and invaluable presence within the law enforcement community of our state, and

WHEREAS, the Office of Sheriff is unique and its duties encompass many facets of public service, such as maintaining county jails, dispatching emergency services and serving and executing the civil process for our court systems, and

WHEREAS, as a constitutionally-established public office, the Office of Sheriff is directly accountable to the public it serves, fulfilling a distinctive and crucial public safety role in our state; it is, therefore, fitting for all New Yorkers to officially recognize the Office of Sheriff and its longstanding place within our criminal justice system, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby proclaim September 14 – 20, 2015 as Sheriff's Week in Niagara County.

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. CSS-051-15

From: Community Safety & Security & Administration Committees

Dated: September 15, 2015

**ACCEPTANCE OF NEW WORLD SOFTWARE LICENSE
AND SUBSCRIPTION UPGRADE FOR AEGIS FIRE MOBILE CAD
UTILIZING HOMELAND SECURITY GRANTS**

WHEREAS, the current New World Aegis Licensed Standard Software is due for an Aegis Fire Mobile CAD (Computer Aided Design) Upgrade which includes Fire CAD Wia Switch (75 units), Fire Inspections (32 units) and EMS Field Reporting including ePCR (30 units) for subscription service for the period of 9/1/15 through 12/31/18, at no cost to the County, and

WHEREAS, the CAD Update is in the amount of \$114,881 and SHSP-13 and SHSP-14 homeland security grant funding will be utilized for this upgrade, now, therefore, be it

WHEREAS, funding is available in the Homeland Security Budget A3645 through Homeland Security Funding (SHSP-13 and SHSP-14), now, therefore be it

RESOLVED, that prior to the execution of this agreement, the County Attorney will review the Proposal 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 Legislature be, and hereby is, authorized to execute said agreement.

Moved by Updegrave, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. CSS-052-15

From: Community Safety & Security & Administration Committees

Dated: September 15, 2015

**2015 BUDGET MODIFICATION
EMERGENCY MANAGEMENT OFFICE**

WHEREAS, the Emergency Management Office did not fully expend the Legislative Award from 2006 and,

WHEREAS, the remaining balance of the Legislative Award is \$9,381.72 and,

WHEREAS, the Fire Coordinator's Office will purchase the following equipment for the TRT team: Jon Boat for flood rescue and assistance, lifejackets for victims of flooding, and rope, oars, and other miscellaneous equipment for the aluminum rescue boat, and

WHEREAS, the Fire Coordinator's Office will also purchase lumber and equipment for fire training at both the Lockport and Wheatfield fire training facilities for the Shoring Class being held for the TRT team and the fire service, and

WHEREAS, the Fire Coordinator's Office will also purchase materials to build fire investigation simulators to enhance the skills of the Fire Investigation Team, now, therefore, be it

RESOLVED, that the following 2015 budget modifications be effectuated:

INCREASE REVENUE:

A.19.3640.000 40599.00	Appropriated Fund Balance	\$ 9,381.72
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INCREASE APPROPRIATION:

A.19.3640.000 74800.10	Supplies/Services Maint./Misc. Equip	\$ 7,581.72
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Under \$500

A.19.3640.000 72100.14	M&E Misc. Equipment	\$1,800.00
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Moved by Updegrave, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. CSS-053-15

From: Community Safety & Security & Administration Committees

Dated: September 15, 2015

**NIAGARA COUNTY SHERIFF'S OFFICE CORRECTIONAL FACILITY
INMATE MEDICAL SERVICES**

WHEREAS, Resolution CSS-040-12 authorized the Sheriff's Office to privatize medical/mental health services for the Niagara County Correctional Facility, and

WHEREAS, the current contract expires in 2015, therefore, it was necessary for the county to issue a Request for Proposal (RFP), and

WHEREAS, the Purchasing Department issued RFP 2015-34 for Comprehensive Medical Services for the Correctional Facility, and

WHEREAS, the county received four proposals and said proposals were reviewed for services as well as cost, and

WHEREAS, the bids received were as follows:

- CMC proposed \$2,181,774, an increase of \$94,926 (+5%) for next year
- CCS proposed \$2,149,411 (+3%)
- Corizon proposed \$2,278,248 (+9%)
- PrimeCare proposed \$2,388,668 (+13%)

and

WHEREAS the Sheriff's Office has recommended Correctional Medical Care, Inc. because this vendor is providing additional medical staff and a dental clinic and they have the most extensive number of current contracts within New York State Correctional Facilities, now, therefore, be it

RESOLVED, that the Sheriff's Office and the County of Niagara be authorized to enter into an agreement with a third party provider, subject to the approval of the County Attorney, to provide medical/mental health services to the Niagara County Correctional Facility effective on or about November 1, 2015.

Approved for submission.

Moved by Godfrey, seconded by Nemi.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. CW-013-15

From: Committee of the Whole

Dated: September 15, 2015

**IMPOSITION OF ADDITIONAL ONE PERCENT (1%) SALES AND
USE TAX PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF
NEW YORK AND CHAPTER 183 OF LAWS OF 2015**

WHEREAS, the State of New York has enacted legislation allowing the County of Niagara to impose an additional one percent (1%) rate of sales and compensating use taxes from March 1, 2003 to November 30, 2005, and enacted legislation allowing the County of Niagara to continue to impose the additional one percent (1%) rate from December 1, 2005 to November 30, 2007, and enacted legislation allowing the County of Niagara to continue to impose the additional 1% rate from December 1, 2007 to November 30, 2009, and enacted legislation allowing the County of Niagara to continue to impose the additional 1% rate from December 1, 2009 to November 30, 2011, and enacted legislation allowing the County of Niagara to continue to impose the additional 1% rate from December 1, 2011 to November 30, 2013, and enacted legislation allowing the County of Niagara to continue to impose the additional 1% rate from December 1, 2013 to November 30, 2015 all in addition to the three percent (3%) said County is authorized to impose, and to dedicate the revenues from the additional rate to pay the County's share of Medicaid costs, and

WHEREAS, the Niagara County Legislature, by Home Rule Message Resolution FN-005-03 enacted January 21, 2003 and by imposition resolution FN-006-03 enacted January 22, 2003, enacted and imposed an additional one percent (1%) sales and use taxes pursuant to Article 29 of the Tax Law of the State of New York and Chapter 4 of Laws of 2003 effective March 1, 2003 and ending November 30, 2005, and

WHEREAS, the Niagara County Legislature, by Home Rule Message Resolution AD-017-05 enacted April 19, 2005 and by imposition resolution AD-027-05 enacted July 12, 2005, enacted and imposed an extension of the additional one percent (1%) sales and use taxes pursuant to Article 29 of the Tax Law of the State of New York and Chapter 91 of Laws of 2005 effective December 1, 2005 and ending November 30, 2007, and

WHEREAS, the Niagara County Legislature, by Home Rule Message Resolution AD-017-07 enacted May 1, 2007 and by imposition resolution CW-001-07 enacted August 7, 2007, enacted and imposed an extension of the additional 1% sales and use taxes pursuant to Article 29 of the Tax Law of the State of New York and Chapter 460 of Laws of 2007 effective December 1, 2007 and ending November 30, 2009, and

WHEREAS, the Niagara County Legislature, by Home Rule Message Resolution AD-012-09 enacted May 5, 2009, and by imposition resolution CW-001-09 enacted July 28, 2009, enacted and imposed an extension of the additional 1% sales and use taxes pursuant to Article 29 of the Tax Law of the State of New York and Chapter 140 of Laws of 2009 effective December 1, 2009 ending November 30, 2011, and

WHEREAS, the Niagara County Legislature, by Home Rule Message Resolution AD-015-11 enacted May 17, 2011, and by imposition resolution CW-001-11 enacted August 22, 2011, enacted and imposed an extension of the additional 1% sales and use taxes pursuant to Article 29 of the Tax Law of the State of New York and Chapter 240 of Laws of 2011 effective December 1, 2011 ending November 30, 2013, and

WHEREAS, the Niagara County Legislature, by Home Rule Message Resolution AD-009-13 enacted May 21, 2013, and by imposition resolution AD-019-13 enacted August 6, 2013, enacted and imposed an

extension of the additional one percent (1%) rate of sales and use taxes pursuant to Article 29 of the Tax Law of the State of New York and Chapter 219 of Laws of 2013 effective December 1, 2013 ending November 30, 2015, and

WHEREAS, the Niagara County Legislature, by Home Rule Message Resolution CW-009-15 enacted May 19, 2015 requested the New York Legislature to amend the Tax Law, to authorize Niagara County to continue to impose said additional one percent (1%) rate of sales and use taxes from December 1, 2015 to November 30, 2017, and

WHEREAS, the New York Legislature, by passage of Chapter ____ of Laws of 2015, amended the Tax Law to authorize such extension, now, therefore,

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

SECTION 1. Section 4-A of a resolution enacted by the Legislature of the County of Niagara on December 3, 1968, as amended, imposing sales and compensating use taxes, is amended to read as follows:

SECTION 4-A. Imposition of additional rate of sales and compensating use taxes.

Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and shall be paid an additional one percent rate of sales and compensating use taxes, for the period beginning March 1, 2003, and ending November 30, 2017. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating to or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exceptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

SECTION 2. Paragraph (B) of subdivision (1) of section 11 of a resolution enacted by the Legislature of the County of Niagara on December 3, 1968, as amended, imposing sales and compensating use taxes, is amended to read as follows:

(B) With respect to the additional tax of one percent imposed for the period beginning March 1, 2003, and ending November 30, 2017, in respect to the use of property used by the purchaser in this County prior to March 1, 2003.

SECTION 3. Subdivision (d) of section 14 of a resolution enacted by the Legislature of the County of Niagara on December 3, 1968 as amended, imposing sales and compensating use taxes, is amended to read as follows:

(d) Notwithstanding any contrary provision of the law, if the County imposes the additional one percent rate of sales and compensating use taxes authorized by section 1210 of the New York State Tax Law for all or any portion of the period beginning March 1, 2003, and ending November 30, 2017, the County shall use all net collections from such additional one percent rate to pay the County's expenses for Medicaid. The net collections from the additional one percent rate imposed pursuant to such section 1210 shall be deposited in a special fund to be created by

the County separate and apart from any other funds and accounts of the County. Any and all remaining net collections from such additional one percent tax, after the Medicaid expenses are paid, shall be deposited by the County in the County's general fund for any County purpose.

SECTION 4. This enactment shall take effect December 1, 2015.

Moved by Updegrave, seconded by Ross.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. ED-014-15

From: Economic Development Committee

Dated: September 15, 2015

APPROVING THE INCLUSION OF VIABLE AGRICULTURAL LAND WITHIN CERTIFIED AGRICULTURAL DISTRICTS PURSUANT TO SECTION 303-B OF THE NEW YORK STATE AGRICULTURE AND MARKETS LAW

WHEREAS, Section 303-b of Agriculture and Markets Law provides land owners with an annual thirty day period to submit requests for the inclusion of predominantly viable agricultural lands within certified agricultural districts, and

WHEREAS, that thirty day period began June 1, 2015, and ended June 30, 2015, and

WHEREAS, three land owners have filed requests for inclusion of predominantly viable agricultural land within certified agricultural districts, and

WHEREAS, the County Legislature referred the requests to the Niagara County Agricultural and Farmland Protection Board, and that Board has reviewed the requests and provided its recommendations that such property consists predominantly of viable agricultural land and that the inclusion of such land would serve the public interest by assisting in maintaining a viable agricultural industry within the district, and

WHEREAS, a public hearing was held on Tuesday, August 4, 2015 at 6:45 p.m. relating to such requested inclusions, now, therefore, be it

RESOLVED, that based on the recommendations of the Agricultural and Farmland Protection Board and information provided through the public hearing, this Niagara County Legislature hereby adopts and approves the inclusion of the requested viable agricultural land within certified Agricultural District #4 and Agricultural District #6, and be it further

RESOLVED, that in accordance with Section 303-b of Agriculture and Markets Law the modifications to Agricultural District #4 and Agricultural District #6 are hereby described as follows, and include the following parcels listed by agricultural district, town, owner, tax map number, and acreage:

2015 Additions				
District	Town	Owner	Tax Map No.	Acres
4	Lockport	Richard Woodbridge	95.18-1-11	62.8
4	Lockport	Richard Woodbridge	95.19-1-1.1	46.02
4	Lockport	Daniel and Carrie Jones	95.19-1-1.2	5
6	Pendleton	Brendan Smith	136.04-1-4	18.8

and be it further

RESOLVED, that the Clerk of this Legislature is to submit a copy of this resolution, together with the report of the Niagara County Agricultural and Farmland Protection Board, including tax map numbers and maps for each parcel of land to be included in an agricultural district to the Commissioner of the New York State Department of Agriculture and Markets.

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. ED-015-15

From: Economic Development & Administration Committees

Dated: September 15, 2015

**APPROVAL OF LOW COST POWER BENEFIT TO SENTRY METAL SERVICES, INC.
UNDER THE AGREEMENT FOR THE SALE & PURCHASE OF NIAGARA PROJECT
POWER & ENERGY (ASPNPPE)**

WHEREAS, the County of Niagara entered into the Host Community Relicensing and Settlement Agreement (“HCRSA”) on June 25, 2005, and

WHEREAS, the HCRSA entitles the County of Niagara to 9 megawatts of low cost power allocation (at 70% load) from the New York Power Authority, and

WHEREAS, the County of Niagara has made the use of this low cost power allocation for economic development purposes as the top priority for that allocation, and

WHEREAS, there is presently an Agreement for the Sale and Purchase of Niagara Project Power and Energy (“ASPNPPE”) that has been approved by the County of Niagara and NYPA and the Governor of the State of New York, and

WHEREAS, the ASPNPPE specifically provides that the County of Niagara could use its low cost power allocation for economic development purposes, and

WHEREAS, the County of Niagara has taken the necessary actions to fully implement the benefits contained in the HCRSA and the ASPNPPE, and

WHEREAS, the County of Niagara established the Empower Niagara Board by Resolution ED-021-07 to review applications for the use of low cost power for economic development by reviewing applications and to make recommendation to Legislature of Niagara County, and

WHEREAS, the application of Sentry Metal Services, Inc. has met and exceeded all the criteria qualifying its project for consideration and the Empower Niagara Board is recommending approval of this application, and

WHEREAS, the application was approved for 75kw (at 70% load factor) of low cost power, which will allow for the purchase and installation of machinery and equipment that will allow Sentry Metal Services, Inc. to be more competitive and better maintain production schedules, and the creation of four to six full-time positions within the next three years, and

WHEREAS, the approval of the Sentry Metal Services, Inc. application for 75kw (at 70% load factor) will not only support, increase and maintain economic development in the City of Lockport and Niagara County, but also assist Sentry Metal Services, Inc. to assist in the creation of new and expanded business, and

WHEREAS, the Empower Niagara Board will be recommending the approval of the low cost power allocation application approval for a period of three (3) years, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby approves the application of Sentry Metal Services Inc. for 75kw (at 70% load factor) low cost power benefits from Niagara County, pursuant to low cost power allocation received through the June 25, 2005 HCRSA and ASPNPPE, 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 Empower User Agreement for Low Cost Power with Sentry Metal Services, Inc.

Moved by Updegrave, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. ED-016-15

From: Economic Development & Administration Committees

Dated: September 15, 2015

**BUDGET MODIFICATION - TO COVER
EMPOWER NIAGARA ALLOCATION SENTRY METAL SERVICES, INC.**

WHEREAS, Sentry Metal Services, Inc. is an existing Niagara County business that was approved to receive low cost hydropower allocations through the Empower Niagara Program, and

WHEREAS, these benefits will be applied to Sentry Metal Services, Inc. as stipulated in the Empower Niagara Program agreement, through the Niagara County Economic Development 2015-2016 budget, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated to the Niagara County Economic Development 2015 budget, and annually thereafter until 2018 as set forth below:

		<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
INCREASE REVENUE:					
A.15.1620.108 42655.03	Sale of Excess Power	1/3 value of 75kw (at 70%)	full value of 75kw (at 70%)	full value of 75kw (at 70%)	2/3 value of 75 kw (at 70%)
INCREASE APPROPRIATION:					
A.15.1620.108 74500.01	Contractual	1/3 value of 75kw (at 70%)	full value of 75kw (at 70%)	full value of 75kw (at 70%)	2/3 value of 75 kw (at 70%)
INCREASE REVENUE:					
A.28.8020.000 42189.01	Activities – Economic Development	1/3 value of 75kw (at 70%)	full value of 75kw (at 70%)	full value of 75kw (at 70%)	2/3 value of 75 kw (at 70%)

INCREASE APPROPRIATION:

A.28.8020.000 74550.30	Empower Niagara	1/3 value of 75kw (at 70%)	full value of 75kw (at 70%)	full value of 75kw (at 70%)	2/3 value of 75 kw (at 70%)
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Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. ED-018-15

From: Economic Development Committee

Dated: September 15, 2015

**AUTHORIZATION TO SUBMIT A GRANT APPLICATION TO THE
NEW YORK STATE OFFICE OF COMMUNITY RENEWAL FOR SMALL CITIES FUNDING**

WHEREAS, Bridgestone APM Company (the “Company”) plans to establish a new manufacturing facility at Vantage Industrial Point in the Town of Wheatfield for the production of polyurethane seat foam for the automotive industry (the “Project”), and

WHEREAS, The Company has requested that the County apply for funding on its behalf from the New York State Office of Community Renewal (the “OCR”) to finance a portion of the cost of machinery and equipment to support the Project, and

WHEREAS, the Project will result in substantial benefit to the County in form of an estimated 60 new permanent full-time employment positions upon its opening, and

WHEREAS, the County has held a public hearing on September 15, 2015 in the Legislative Chambers located at the Niagara County Courthouse, 175 Hawley Street, Lockport, New York 6:30 p.m. at Niagara County to obtain citizens’ views regarding the CDBG program as administered by OCR and the Project, now, therefore, be it

RESOLVED, that the County is hereby authorized to submit a grant application on behalf of the County in the approximate amount of \$750,000 to the OCR to support the Project, and be it further

RESOLVED, that the Chairman of the Legislature is hereby authorized to execute a documents between the County and the OCR and all related documents associated with the OCR grant application, such documents to be subject to review and approval by the County Attorney, and be it further

RESOLVED, that the Chairman is hereby designated as the Certifying Officer responsible for all activities associated with the federal environmental review process to be completed in conjunction with the Project.

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. IF-099-15

From: Infrastructure & Facilities & Administration Committees

Dated: September 15, 2015

**AWARD MECHANICAL CONTRACT FOR THE NIAGARA COUNTY SHERIFF'S OFFICE
BUILDING #2 JAIL ROOF SYSTEM/HVAC SYSTEM REPLACEMENTS**

WHEREAS, the Niagara County Sheriff's Office has prepared specifications in conjunction with the Department of Public Works, Engineering Division, to proceed with the Building #2 Jail Roof System/HVAC System Replacements project, and

WHEREAS, sealed bids for the Mechanical Contract Work for the Niagara County Sheriff's Office Building #2 Jail Roof System/HVAC System Replacements Project were publicly opened and read by our Purchasing Department on July 23, 2015 as tabulated below:

- | | | |
|----|---|----------------|
| 1. | D.V. Brown & Associates, Inc.
567 Vickers Street
Tonawanda, NY 14150 | \$2,096,000.00 |
| 2. | John W. Danforth Company
300 Colvin Woods Parkway
Tonawanda, NY 14150 | \$2,179,500.00 |
| 3. | Parise Mechanical Inc.
1106 Sheridan Drive
Tonawanda, NY 14150 | \$2,159,000.00 |

and

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

WHEREAS, additional funds are required to allow the project to move forward, and

WHEREAS, the Niagara Tobacco Asset Securitization Corporation refinanced the 2000 Series Tobacco Bonds and the 2005 S4 Bonds in August of 2014; and

WHEREAS, pursuant to written agreement between Niagara Tobacco Asset Securitization Corporation and the Residual Trust, the excess funds \$2,000,000 were deposited into the Residual Trust Account, and subsequently paid to Niagara County for use with capital improvement projects or the payment of debt related to capital improvement projects, and

WHEREAS, the Niagara County Treasurer bonded for \$1,000,000 less than was authorized for the Jail Roof/HVAC project in anticipation of receiving the NTASC refunding payment, and

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

RESOLVED, that the following budget modification be effectuated:

INCREASE APPROPRIATED FUND BALANCE

A 40599.01	Appropriated Fund Balance-NYPA	\$ 250,000.00
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INCREASE APPROPRIATIONS

A.07.9950.000.79010.00	Transfer to Capital	\$ 250,000.00
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INCREASE ESTIMATED REVENUE

H609.15.3197.000.45031.00	Interfund Transfers – Committed Funds	\$ 250,000.00
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H609.15.3197.000 42655.04	Sales, Other Tobacco Revenue	\$1,000,000.00
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INCREASE ESTIMATED APPROPRIATIONS

H609.15.3197.000.72200.01-03	Jail Bldg #2 Roof & HVAC	\$1,250,000.00
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RESOLVED, that the Mechanical Contract for the Niagara County Sheriff's Office Building #2 Jail Roof System/HVAC System Replacements project be awarded to the lowest responsible bidder, D.V. Brown & Associates, Inc., 567 Vickers Street, Tonawanda, NY 14150, in the amount of \$2,096,000.00, and be it further

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

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. IF-109-15

From: Infrastructure & Facilities Committee

Dated: September 15, 2015

**RESIDENCY WAIVER FOR PROJECT MANAGER -
INFORMATION TECHNOLOGY DEPARTMENT**

WHEREAS, it is the policy of the Niagara County Legislature to hire only Niagara County residents to fill vacancies or fill new positions as established by Resolution Number 243-80, and

WHEREAS, the Information Technology Department recently advertised in the Greater Niagara Newspapers and The Buffalo News as well as on the Niagara County website and other technical websites and the deadline for submission was extended to attract more applicants for the vacant Project Manager position, and

WHEREAS, the Information Technology Department interviewed the most qualified candidates for a vacant Project Manager position, and

WHEREAS, all of the candidates interviewed for this position were residents of Erie County, and

WHEREAS, none of these candidates would accept employment for this position if they had to move into Niagara County, now, therefore, be it

RESOLVED, that the Information Technology Department be granted a one-time residency waiver to fill its vacant Project Manager when the most qualified applicant resides outside Niagara County.

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. IF-110-15

From: Infrastructure & Facilities Committee

Dated: September 15, 2015

**REJECT BIDS FOR NIAGARA COUNTY REFUSE DISPOSAL DISTRICT CONSTRUCTION
AND DEMOLITION DEBRIS LANDFILL CLOSURE AND SITE UPGRADES**

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

WHEREAS, sealed bids for the General Contract Work for the Construction and Demolition Debris Landfill Closure and Site Upgrades were received and publicly opened by the Purchasing Department on July 23, 2015, as tabulated below:

<u>Contractor</u>	<u>Bid Price</u>
1. Environmental Service Group 177 Wales Avenue Tonawanda, NY 14150	\$2,898,957
2. Mark Cerrone, Inc. 2368 Maryland Ave, Niagara Falls, NY 14305	\$2,643,550
3. Pinto Construction Services, Inc One Babcock Street Buffalo, NY 14210	\$4,059,882

and

WHEREAS, the bids have considerably exceeded the engineer's estimate, and

WHEREAS, all bids have exceeded the borrowing limit, and

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

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

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. IF-111-15

From: Infrastructure & Facilities & Administration Committees

Dated: September 15, 2015

**NIAGARA ROAD BRIDGE OVER BERGHOLZ CREEK
CONSULTANT AMENDMENT NO. 1**

WHEREAS, Resolution No. PW-103-14, dated August 5, 2014, authorized the contract for assisting the County with surveying, mapping, and hydraulic services for the Niagara Road Bridge over Bergholz Creek to Hatch Mott MacDonald NY, Inc., 438 Main Street, Suite 300, Buffalo, NY 14202, for a fee not to exceed \$37,045.00, and

WHEREAS, it is necessary to amend the contract to allow the project to proceed with the design phase, in the amount of \$222,409.40, for a revised contract amount of \$259,454.40, 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 consulting services for the design phase of Niagara Road Bridge over Bergholz Creek be amended by \$222,409.40 to Hatch Mott MacDonald NY, Inc., 438 Main Street, Suite 300, Buffalo, NY 14202, for a fee not to exceed \$259,454.40, 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 Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. IF-112-15

From: Infrastructure & Facilities & Administration Committees

Dated: September 15, 2015

**WEST SOMERSET ROAD SURVEY PROJECT
CONSULTANT AMENDMENT NO. 1**

WHEREAS, Resolution No. PW-113-14, dated September 16, 2014, authorized the contract for survey work required along West Somerset Road in the towns of Newfane and Somerset to Erdman Anthony, 8608 Main Street, Buffalo, NY 14221, for a fee not to exceed \$96,900.00, and

WHEREAS, it is necessary to amend the contract to allow the project to proceed with design phase 1, Quaker Road to Hosmer Road, in the amount of \$381,000.00, for a revised contract amount of \$477,900.00, and

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

RESOLVED, that the contract for consulting services for West Somerset Road, design phase 1, Quaker Road to Hosmer Road, be amended by \$381,000.00 to Erdman Anthony, 8608 Main Street, Buffalo, NY 14221, for a fee not to exceed \$477,900.00, and be it further

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

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. IF-113-15

From: Infrastructure & Facilities & Administration Committees

Dated: September 15, 2015

**BRALEY-RANSOMVILLE INTERSECTION SITE DISTANCE IMPROVEMENT
CHANGE ORDER NO. 1 - FINAL**

WHEREAS, by Resolution No. PW-046-15, dated March 3, 2015, the Legislature awarded the contract for the Braley-Ransomville intersection site distance improvement project to NFP & Sons, Inc., 7311 Ward Road, North Tonawanda, NY 14120, for a contract amount of \$29,325.00, and

WHEREAS, it is necessary to decrease the contract in the amount of \$8,947.08 for final quantities adjustments, for a revised contract amount of \$20,377.92, and

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

RESOLVED, that Change Order No. 1 to decrease the contract by \$8,947.08 for the Braley-Ransomville intersection site distance improvement project, for a revised contract amount of \$20,377.92, to NFP & Sons, Inc., 7311 Ward Road, North Tonawanda, NY 14120, be approved, and be it further

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

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. IF-114-15

From: Infrastructure & Facilities & Administration Committees

Dated: September 15, 2015

**GRISWOLD STREET CULVERT REPLACEMENT PROJECT
CONSULTANT SERVICES SELECTION**

WHEREAS, the Department of Public Works, in accordance with Federal/State guidelines, evaluated proposals from pre-qualified consulting engineering firms to assist the county with the engineering services required for the Griswold Street Culvert Replacement Project, and

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

RESOLVED, that the following budget modification be effectuated:

INCREASE REVENUE:

Hxxx.15.5112.000.43501.00	Consolidated Highway Aid Revenue \$30,000.00
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INCREASE APPROPRIATION:

Hxxx.15.5112.000.72600.01	Griswold St Culverts	\$30,000.00
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and be it further

RESOLVED, that the consultant services contract to assist the County with the Griswold Street Culvert Replacement Project, be awarded to Wendel, 375 Essjay Road, Suite 200, Williamsville, NY 14221, in the amount of \$29,900.00, and be it further

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

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. IF-115-15

From: Infrastructure & Facilities & Administration Committees

Dated: September 15, 2015

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

WHEREAS, the Buildings and Grounds Department provides support services to all office buildings and park land, and

WHEREAS, an annual inspections of the fire systems is required every year, and these inspections were put to bid, and

WHEREAS, several factors have contributed to the need for additional overtime funds, such as, harsh winter conditions in the early part of 2015, splash park repairs on weekends, work that needed to be performed on weekends so the business day would not be interrupted for other county employees, etc., and

WHEREAS, additional funds are required for overtime for the remainder of the year, and additional funds are required to pay for these inspections, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated:

DECREASE ESTIMATED APPROPRIATIONS:

A.15.1620.000.71010.280	Positions – Sr. Safety & Security Coordinator	\$ 3,877
A.15.1620.000.71010.251	Positions – Building Maintenance Person	\$ 1,336
A.15.1620.000.71010.271	Positions – Deputy Commissioner	\$20,000

INCREASE ESTIMATED APPROPRIATIONS:

A.15.1620.000.71050.00	Overtime	\$10,213
A.15.1620.000.74800.06	Repair/Maintenance	\$15,000

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. IF-116-15

From: Infrastructure & Facilities & Administration Committees

Dated: September 15, 2015

**RESOLUTION TO DECLARE 50 MAIN STREET, LOCKPORT, NY
SURPLUS PROPERTY**

WHEREAS, the parcel of property located at 50 Main Street, Lockport, NY, was part of the land package to purchase 20-40 East Avenue, and 111 Main Street, Lockport, and

WHEREAS, the County has no plan to develop this property and it will not be utilized, and

WHEREAS, the expense to remediate, demolish or otherwise utilize the property at 50 Main Street, would exceed any return to the County, and

WHEREAS, the County has no use for the building, and the expense of upkeep or needed repairs would only burden the taxpayers, and

WHEREAS, the County has no public use for the property and/or facility 50 Main Street, Lockport, NY, now, therefore, be it

RESOLVED, that the County of Niagara declares the property at 50 Main Street, Lockport, NY, surplus property, and be it further

RESOLVED, that the Buildings and Grounds Department is directed to prepare bid specifications to hire an outside, licensed realty firm to assist with the divestiture of 50 Main Street, Lockport, NY.

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. IF-117-15

From: Infrastructure & Facilities Committee

Dated: September 15, 2015

LEASE AGREEMENT WITH NCCC FOR THE TROTT ACCESS CENTER

WHEREAS, the Niagara County Community College (NCCC), Sanborn, New York, is a partner in the Trott ACCESS Center, Niagara Falls, New York, and

WHEREAS, the County provides space to NCCC for this activity, and

WHEREAS, NCCC is able to obtain New York State Reimbursement for a portion of the costs of the space used in delivering its programs, and

WHEREAS, NCCC needs to have a lease agreement to serve as a basis for its reimbursement claims, 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 Infrastructures & Facilities Committee recommends that a lease agreement be entered into with NCCC for office space at the Trott ACCESS Center, 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 Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. IF-118-15

From: Infrastructure & Facilities & Administration Committees

Dated: September 15, 2015

**POSITION APPOINTMENT
DIRECTOR OF BUILDINGS AND GROUNDS**

WHEREAS, the Niagara County Buildings and Grounds Department is led by the Director of Buildings and Grounds and the position has been vacant pending the results of a Civil Service examination held in June, and

WHEREAS, the position was advertised, resumes were received, and candidates were interviewed in May and the eligible list was established by the Personnel Officer on July 30, 2015 position, and

WHEREAS, the County Manager has recommended Jeffrey Gaston for permanent appointment as Director of Buildings and Grounds subject to the confirmation of the Niagara County Legislature, now, therefore, be it

RESOLVED, that Jeffrey Gaston be permanently appointed as Director of Buildings and Grounds effective September 28, 2015 and shall be entitled to all the benefits normally granted to a permanent department head, and be it further

RESOLVED, that Jeffrey Gaston's appointment shall be subject to a minimum eight (8) week to maximum fifty-two (52) week probationary period and that continued employment shall be contingent upon satisfactory work performance in meeting established standards; and be it further

RESOLVED, that Jeffrey Gaston shall be compensated as a FLSA exempt Flat salary Grade 14 (35 hours per week) Step 4 at an annualized salary of \$76,176 and will be advanced to Step 5 effective January 1, 2016 with future step increases in accordance with the policy for flat salaried, non-union employees.

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. IF-119-15

From: Infrastructure & Facilities Committee

Dated: September 15, 2015

**EXTENSION OF SNOW AND ICE AGREEMENT
WITH NYS DEPARTMENT OF TRANSPORTATION 2015-2016**

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

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

WHEREAS, Section 190 of the said agreement provides for an annual update of the estimated expenditure to be determined by the Commissioner of Public Works, subject to the provisions of Section 10 at the time for extension of the agreement, and

WHEREAS, it would be in the best interest of Niagara County to extend the agreement, as modified and updated, for the 2015-2016, 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 Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. IF-120-15

From: Infrastructure & Facilities & Administration Committees

Dated: September 15, 2015

TOWN PAYMENT BUDGET MODIFICATION

WHEREAS, the Niagara County Department of Public Works and the various towns maintain a contract for snow and ice control on county roadways, and

WHEREAS, due to a hard snow and ice 2014-2015 season, additional funds are required in the Town Payment account line to allow final payment to some towns and to make payment of the 1st installment to all towns, which is due prior to October 15, 2015, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

D.40599.00	Appropriated Fund Balance	\$400,000
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INCREASE APPROPRIATION:

D.15.5142.000.74725.04	Other Town Payments	\$400,000
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Moved by Updegrave, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. IF-121-15

From: Infrastructure & Facilities & Legislators Richard L. Andres, Kathryn L. Lance, Anthony J. Nemi, Owen T. Steed & Parks, Recreation & Tourism Ad Hoc Committee

Dated: September 15, 2015

AMENDED RESOLUTION

**SUPPORT FOR THE NIAGARA COUNTY PARKS DEPARTMENT
PROPOSED ADAPTIVE PADDLE SPORT LAUNCH SYSTEM**

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 Erie Canal waterfront is a shared natural, scenic and recreational asset for Niagara County and the Town of Pendleton where great strides have been taken by both communities to work collaboratively to study, plan and implement development and preservation efforts that will enhance accessibility while maintaining the natural integrity of the area, and

WHEREAS, the Niagara County Parks Department is proposing to improve waterfront access and recreational opportunities offered to the community at the West Canal Marina & Park site, which proposal is the next step in utilizing greenway funds to execute the goals of the Niagara County Comprehensive Plan and the comprehensive plan in the “Vision for the Amherst/Pendleton Waterfront Revitalization Area,” and

WHEREAS, Niagara County Parks has a series of parks throughout the County, which serve families of Niagara County and Western New York, and includes the West Canal Marina & Park, a 30-acre park that features a marina, parkland and a natural open space and is open to all residents and youth groups for hiking, nature study, wildlife and conservation training, camping, kayaking, boating, canoeing, soccer and archery, and

WHEREAS, the current proposal is the installation of a kayak, canoe launch and special access fishing dock, transforming the existing site condition by dedicating one boat launch ramp and creating a safer and handicap accessible pathway, and

WHEREAS, the West Canal Marina & Park Paddle Sport Launch Project meets the guiding principles of the Niagara River Greenway Commission, and

WHEREAS, the Niagara River Greenway Commission's guiding principles promote high-quality, ecologically sensitive and sustainable activities and development, and

WHEREAS, the proposed West Canal Marina & Park Paddle Sport Launch Project will increase access to the County's waterfront and parks, restoring environmental integrity, and

WHEREAS, Niagara County Parks' request has the support and approval of the Town of Pendleton, 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 has recommended that Niagara County approve and support this project,

WHEREAS, the County of Niagara is to be complimented on the ability to utilize the Greenway available funds for this and other projects, now therefore be it

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the funding of \$31,500.000 for the County of Niagara Adaptive Paddle Sport Launch System for the West Canal Marina & Park when presented to the Niagara Power Coalition – Host Community Standing Committee, and be it further

RESOLVED, that this is a Niagara County project and when the funds are approved by the Host Community Standing Committee, those funds will be accepted by Niagara County and deposited by the County Treasurer to the Greenway Trust and Agency account and be disbursed pursuant to the established protocols.

Moved by Updegrove, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. IL-080-15

From: Legislators Anthony J. Nemi, Wm. Keith McNall, Richard E. Updegrove & Economic Development Committee

Dated: September 15, 2015

**IN SUPPORT OF SENECA NIAGARA COMMUNITY DEVELOPMENT FUNDING
FOR LITERACY NEW YORK BUFFALO NIAGARA, INC.**

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

WHEREAS, Literacy New York Buffalo Niagara, Inc. (LNYBN) is the region's sole provider of free, one-on-one adult literacy services serving Erie and Niagara Counties, and

WHEREAS, LNYBN serves the growing population of recently relocated refugees and immigrants in the area who may not speak or read English, or who may not have had any formal education in their native countries, and

WHEREAS, LNYBN programs address various social, economic, and educational issues and they strive to break the crippling cycle of intergenerational illiteracy and poverty in Western New York, in an effort to combat social ills, improve the local economy and achieve higher education objectives, and

WHEREAS, LNYBN Lockport currently has over 110 adult students that are receiving tutoring services to assist with their reading and writing, or HSE diploma, and

WHEREAS, Niagara County is interested in supporting efforts of LNYBN by purchasing books, materials and resources to support our tutors and students in Lockport, now, therefore, be it

RESOLVED, that Niagara County would like to support the effects of LNYBN through a contribution of \$5,000.00, and be further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2015 budget:

INCREASE APPROPRIATED FUND BALANCE:

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

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$5,000.00
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Moved by Nemi, seconded by McNall.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. IL-081-15

From: Legislator Anthony J. Nemi & Economic Development Committee

Dated: September 15, 2015

**RESOLUTION IN SUPPORT OF COMMUNITY FUNDING
FOR PENDLETON ORGANIZATIONS**

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

WHEREAS, The Town of Pendleton is blessed with various not-for-profit organizations that promote civil engagement and community pride, and

WHEREAS, these organizations play an important role throughout the community by teaching and promoting good citizenship, honoring veterans, helping seniors, preserving history and promoting local business, and

WHEREAS, Niagara County is interested in supporting efforts the efforts of these organizations, now, therefore, be it

RESOLVED, that Niagara County supports the following Pendleton organizations:

Pendleton Food Pantry	\$500.00
Pendleton Community & Business Assoc.	500.00
Scout Troop # 98	500.00
Pendleton Girl Scout Troop	500.00
Pendleton Veterans	500.00
Pendleton 4-H Club	500.00

and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2015 budget:

INCREASE APPROPRIATIONS FUND BALANCE:

A.28.8020.812 40599.01 Appropriated Fund Balance – Committed Funds \$3,000.00

INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund \$3,000.00

Moved by Nemi, seconded by McNall.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. IL-082-15

From: Legislator Jason A. Zona & Economic Development Committee

Dated: September 15, 2015

**RESOLUTION IN SUPPORT OF TOWN OF NIAGARA BUSINESS & PROFESSIONAL
ASSOCIATION THROUGH USE OF CASINO FUNDING**

WHEREAS, the mission of the Town of Niagara Business & Professional Association (TNBPA) is to develop, promote, and improve the business climate in the Town of Niagara, while acting as a bridge between the business community, local and county government and the community at large, and

WHEREAS, the TNBPA membership is made up of area business owners, managers, as well as other professionals who voluntarily work together to create opportunities for business to grow and develop, and

WHEREAS, the Military Road business corridor, anchored by the Fashion Outlets of Niagara produce some of the largest amounts of sales tax revenue in Niagara County which supports all residents of Niagara County, and

WHEREAS, the Military Road business corridor is one of the busiest business corridors in all of Niagara County acting as a Welcome Entrance to Niagara County from Canada and surrounding borders in Western New York, and

WHEREAS, to continue the growth of the Military Road business corridor, the TNBPA is in need of banners that will assist with beautifying and promoting the business district, now, therefore, be it

RESOLVED, the Niagara County Legislature supports the Town of Niagara Business & Professional Association with the purchase of banners for the Military Road business corridor through the use of casino revenues, and be it further

RESOLVED, that the sum of \$3,000.00 be allotted to the TNBPA for this worthwhile project, and be it further

RESOLVED, that the following budget modification be effectuated to the 2015 Niagara County economic development budget:

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01	Appropriated Fund Balance - Committed Funds	\$3,000.00
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INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$3,000.00
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Moved by Zona, seconded by Virtuoso.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. IL-085-15

From: Legislators Kathryn L. Lance, Anthony J. Nemi, Wm. Keith McNall, John Syracuse, Michael A. Hill & Economic Development Committee

Dated: September 15, 2015

RESOLUTION IN SUPPORT OF UPDATING THE NIAGARA COUNTY FARMLAND PROTECTION PLAN THROUGH THE USE OF CASINO FUNDING

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

WHEREAS, the Niagara County Agriculture and Farmland Protection Board drafted the current Niagara County Farmland Protection Plan on August 17, 1999, and

WHEREAS, the Niagara County Legislature adopted the current Niagara County Farmland Protection Plan through Resolution #CT-043-99 on September 21, 1999, and

WHEREAS, the Niagara County Agriculture and Farmland Protection Board has recently been reviewing Agricultural Districts throughout the county and has determined that the current Farmland Protection Plan is outdated for the needs of Niagara County and should be redone, and

WHEREAS, the Niagara County Legislature recognizes the importance of agriculture to the citizens and economy of Niagara County and is committed to providing the leadership necessary to ensure growth and prosperity, now, therefore, be it

RESOLVED, that Niagara County supports the proposed update of the Niagara County Farmland Protection Plan as follows:

Niagara County Agriculture & Farmland Protection Board – Farmland Protection Plan \$6,500.00, and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2015 budget:

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01 Appropriated Fund Balance - Committed Funds \$6,500.00

INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund \$6,500.00

Moved by Lance, seconded by Hill.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. IL-086-15

From: Legislators Richard L. Andres, Randy R. Bradt & Economic Development Committee

Dated: September 15, 2015

**RESOLUTION IN SUPPORT OF ACTIVE HOSE FIRE COMPANY NO. 2
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, Active Hose Fire Company No. 2 was founded on March 6, 1886 to serve the community and residents of North Tonawanda, New York, and

WHEREAS, Active Hose Fire Company No. 2 is a volunteer fire company with members that are committed to improving the lives of North Tonawandans both through fire service, as well as, many other community service efforts, and

WHEREAS, Active Hose Fire Company No. 2 is in the process of renovating and restoring the fire hall's club room in an effort to better serve the community, and

WHEREAS, the Niagara County Legislature recognizes the significant contribution that volunteer fire companies make towards ensuring public safety and creating a sense of community pride throughout the county, now, therefore, be it

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

Active Hose Fire Company No. 2 – Fire Hall Club Room Renovations \$3,000.00
and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2015 budget:

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01 Appropriated Fund Balance - Committed Funds \$3,000.00

INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund \$3,000.00
Moved by Andres, seconded by Bradt.
Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. IL-087-15

From: Legislators Randy R. Bradt, Richard L. Andres, Kathryn L. Lance & Economic Development Committee
Dated: September 15, 2015

**RESOLUTION IN SUPPORT OF STEPHEN SIKORA POST 1322 SAFETY IMPROVEMENTS
THROUGH THE USE OF CASINO FUNDING**

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

WHEREAS, Stephen Sikora Post 1322 Inc., located at 950 Payne Avenue in North Tonawanda, serves as a critical community hub, providing not only a meeting place for the large veteran community of North Tonawanda, Wheatfield, Pendleton, and other neighboring communities, but also as a bingo hall and a rental facility for weddings, fundraisers and other community-oriented events, and

WHEREAS, Sikora Post is undertaking a vehicle safety project, making necessary upgrades to their Payne Avenue facility's front parking lot including the removal of two concrete light pole bases and one intact light pole deemed potentially hazardous to motorists, now, therefore, be it

RESOLVED, that Niagara County would like to support the efforts of the Stephen Sikora Post 1322 to ensure the safety of their visitors as follows:

Stephen Sikora Post 1322 Inc. \$2,000.00
and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2015 budget:

INCREASE APPROPRIATED FUND BALANCE:

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

INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund \$2,000.00

Moved by Bradt, seconded by Andres.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. IL-088-15

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

Dated: September 15, 2015

**RESOLUTION IN SUPPORT OF THE HERSCHELL CARROUSEL MUSEUM
THROUGH THE USE OF CASINO FUNDING**

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

WHEREAS, 15,000 visitors every year go to the historic Herschell Carrousel Museum which has been given the distinction of being on the National Registry of Historic Sites, and

WHEREAS, the Herschell Carrousel Museum brings great economic impact to the City of North Tonawanda, as well as the County of Niagara, by providing a variety of educational and recreational opportunities to children and their families, and

WHEREAS, the Carousel Society of the Niagara Frontier has embarked on a capital project to restore the original Allan Herschell Company Office Building for use as a new Education and Event Center for the Museum, and

WHEREAS, this project will not only improve an eyesore in the neighborhood, but will significantly increase the ability of the museum to serve its visitors, especially the students of Niagara County, now, therefore, be it

RESOLVED, that the Niagara County Legislature support the Herschell Carrousel Museum as follows:

Allan Herschell Company Office Building Restoration Project \$10,000.00
and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2015 budget:

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01	Appropriated Fund Balance - Committed Funds	\$10,000.00
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INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$10,000.00
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Moved by Andres, seconded by Bradt.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. IL-096-15

From: Legislator John Syracuse & Economic Development Committee

Dated: September 15, 2015

**RESOLUTION IN SUPPORT OF THE NEWFANE BUSINESS AND
PROFESSIONAL ASSOCIATION THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Newfane Business and Professional Association recognizes the importance of networking and community development as it relates to economic development, and

WHEREAS, the efforts of the Newfane Business and Professional Association have shown a positive impact with all of the businesses that they have assisted, and

WHEREAS, the Newfane Business and Professional Association strives to promote the Eastern Niagara County Region through various marketing events including its annual Holiday Light Up and Parade, and

WHEREAS, the Holiday Light Up and Parade will take place on December 4, 2015 and will include; a parade down Main Street, a visit from Santa, Candy Cane Craft Show and Living Nativity, and

WHEREAS, the Holiday Light Up and Parade is a family friendly event that will highlight local businesses in the Newfane area and create a positive economic boost, and

WHEREAS, Niagara County is desirous of promoting economic initiatives, especially as a partner that will bring returns to county businesses and promote their continued success, now, therefore, be it

RESOLVED, that Niagara County supports the Newfane Business and Professional Association as follows:

Newfane Business & Professional Assoc. – Holiday Light Up and Parade \$1,000.00
and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2015 budget:

INCREASE APPROPRIATED FUND BALANCE:

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

INCREASE APPROPRIATIONS:

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

Moved by Syracuse, seconded by Godfrey.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. IL-097-15

From: Legislator John Syracuse & Economic Development Committee

Dated: September 15, 2015

**RESOLUTION IN SUPPORT OF THE NEWFANE SPORTS BOOSTERS
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Newfane Sports Boosters is a 501(c) non-profit organization with a mission to stimulate the interest and enthusiasm of the Newfane Schools and community in their interscholastic sports program by creating a supportive partnership between parents, coaches, faculty, alumni and friends, and

WHEREAS, the Newfane Sports Boosters are planning to host the first ever night game for the Newfane Football Team in a match against Tonawanda, and

WHEREAS, this game will take place on Friday, September 11, 2015 and will honor all of the local fire companies to recognize their dedication in serving the community, and

WHEREAS, the local interest in response to this football game will ensure a large crowd and positive economic impact for the Town of Newfane and other nearby communities, and

WHEREAS, the Newfane Sports Boosters is seeking assistance to offset the cost of the lighting for this event, and

WHEREAS, Niagara County is desirous in supporting events that highlight community pride and promote economic growth, now, therefore, be it

RESOLVED, that Niagara County supports the Newfane Sports Boosters as follows:

Newfane Sports Boosters \$2,500.00
and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2015 budget:

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01 Appropriated Fund Balance - Committed Funds \$2,500.00

INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund \$2,500.00

Moved by Syracuse, seconded by Hill.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. IL-098-15

From: Legislator Randy R. Bradt & Economic Development Committee

Dated: September 15, 2015

**RESOLUTION IN SUPPORT OF RESCUE FIRE COMPANY NO. 5
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, Rescue Fire Company No. 5 was founded on January 26, 1891 and has been serving the community and residents of North Tonawanda, New York, for nearly 125 years, and

WHEREAS, Rescue Fire Company No. 5 membership is committed to improving the lives of North Tonawandans both through fire service, as well as, many other community service efforts, and

WHEREAS, Rescue Fire Company No. 5 is a designated landing zone for Mercy Flight and has recently had a natural gas fired generator installed to be able to serve the community in the event of a major disaster, and

WHEREAS, Rescue Fire Company No. 5 is planning a renovation of the parking lot to ensure that it can continue to serve the safety needs of the community, and

WHEREAS, the Niagara County Legislature recognizes the significant contribution that fire companies make towards ensuring public safety and creating a sense of community pride throughout the county, now, therefore, be it

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

Rescue Fire Company #5 – Parking Lot Renovations \$3,000.00
and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2015 budget:

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01 Appropriated Fund Balance - Committed Funds \$3,000.00

INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund \$3,000.00

Moved by Bradt, seconded by Lance.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. IL-099-15

From: Legislator Randy R. Bradt & Economic Development Committee

Dated: September 15, 2015

RESOLUTION IN SUPPORT OF FUNDING NORTH TONAWANDA NATIONAL LITTLE LEAGUE DRAINAGE PROJECT THROUGH THE USE OF CASINO FUNDS

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

WHEREAS, youth athletics have long been a critical part of the appeal of municipalities in this county, and

WHEREAS, the North Tonawanda National Little League utilizes and maintains several baseballs fields throughout the City of North Tonawanda and the senior baseball field is in need of drainage system to ensure players safety, and

WHEREAS, in an effort of achieving the rank of Eagle Scout, Zachary Archibald plans to install a drainage system on the senior field as his Eagle Scout Service Project, and

WHEREAS, the North Tonawanda Little League will benefit immensely from this project and it will afford the opportunity for the league to schedule additional games and tournaments, which will have a positive economic impact for numerous businesses and restaurants through increased foot traffic, now, therefore, be it

RESOLVED, that Niagara County supports this project as a way for the North Tonawanda Little League to continue to provide a positive outlet for youth and to enhance the quality of life in North Tonawanda and Niagara County, and be it further

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

North Tonawanda National Little League \$3,000.00
and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2015 budget:

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01 Appropriated Fund Balance - Committed Funds \$3,000.00

INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund \$3,000.00
Moved by Bradt, seconded by Andres.
Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. IL-100-15

From: Legislator Kathryn L. Lance & Economic Development Committee
Dated: September 15, 2015

**RESOLUTION IN SUPPORT OF ST. JOHNSBURG FIRE COMPANY, INC.
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, St. Johnsburg Fire Company, Inc. has been serving the residents of the Town of Wheatfield, NY since 1926, and

WHEREAS, St. Johnsburg Fire Company's volunteer members are committed to improving the lives of the citizens of Niagara County both through fire service, as well as, many other community service efforts, and

WHEREAS, St. Johnsburg Fire Company, Inc. is looking to update their defibrillators to ensure the health and safety of all of those that they serve, and

WHEREAS, a defibrillator can mean the difference between life and death for an individual in need of medical attention, and

WHEREAS, the Niagara County Legislature supports the efforts of the St. Johnsburg Fire Company to ensure the health and safety of the citizens of the Town of Wheatfield and Niagara County, now, therefore, be it

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

St. Johnsburg Fire Company, Inc. – Defibrillator Upgrades \$3,500.00
and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2015 budget:

INCREASE APPROPRIATED FUND BALANCE:

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

INCREASE APPROPRIATIONS:

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

Moved by Lance, seconded by Ross.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. IL-101-15

From: Legislator Randy R. Bradt
Dated: September 15, 2015

**RESOLUTION PROTECTING NEIGHBORHOODS AND COMMUNITIES FROM SCOFFLAW
RENTAL PROPERTY LESSORS RESULTING FROM VIRTUOSO-ZONA WELFARE DIRECT
PAYMENT RESOLUTION OF 2013**

WHEREAS, on April 16, 2013, Legislators Dennis F. Virtuoso and Jason A. Zona did introduce IL-018-13, a "Resolution Directing the Department of Social Services to Make Direct Payments to Landlords for Administrative Ease," a directive that required that shelter allowance payments be provided directly to landlords, and not to lessees to pay said landlords, and

WHEREAS, this Legislature did explore the issue of requiring inspection of those properties where landlords received direct payment of subsidized rent as a precondition of the same, but were advised via communication from the state Office of Temporary and Disability Assistance that such precondition for rental could not be set as "Eligibility for public assistance is not conditioned upon residing in an apartment or accommodation having a valid certificate of occupancy," and

WHEREAS, an August 12, 2015 exposé in the *Buffalo News* titled "Landlord Ralph Pescrillo swims in a sea of debt, complaints" detailed how at least one Niagara Falls landlord is in receipt of payments under the Virtuoso-Zona Resolution, IL-018-13, and yet has failed to pay \$1.2 million in taxes to the City of Niagara Falls and the Niagara Falls City School District, \$191,000 in fees to the Niagara Falls Water Board, \$200,000 in taxes to Niagara County, \$195,000 in taxes and penalties to the Internal Revenue Service, \$67,000 in taxes to New York State, and more than \$655,000 to creditors, and

WHEREAS, the *Buffalo News* article states "Every month, Pescrillo gets a check from the government to provide shelter for individuals who get at least a portion of their housing paid for by taxpayers. ... He owes about \$1.4 million in unpaid city taxes, school taxes and water bills in Niagara Falls alone, some going back more than a decade, according to public records obtained by *The Buffalo News*. ... What's more, many of his houses are in poor condition, Niagara Falls city officials and neighbors say. Pescrillo, 44, owns property in both Niagara and Erie counties – but most of them are in the Falls. And 73 of his properties are slated to be sold off by the city at its foreclosure auction later this year," and

WHEREAS, Mr. Pescrillo, describing his receipt of payments under the Virtuoso-Zona Resolution to the *Buffalo News*, stated: "Is it unfair that I do business? I provide a service for Niagara County. They've got people that need housing, underprivileged people. We take them in. Life goes on. ... These are the people that live in this town. It's not my fault. ... I do a lot of good for the city," and

WHEREAS, the condition of Mr. Pescrillo's properties, for which he, in many cases, receives direct payments every month under the Virtuoso-Zona Resolution, has resulted in 139 police calls over the past 3 ½ years and 18 code enforcement complaints at just one property, and

WHEREAS, the allegations of abuse arising from the implementation of the Virtuoso-Zona Direct Payment Resolution two years ago are substantial and potentially injurious to the municipalities of this county, and most notably, the City of Niagara Falls, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara does hereby direct that IL-018-13 be hereby amended as follows:

RESOLVED, clause, as written, is struck, and superseded with the following:

RESOLVED, that the Niagara County Legislature directs the Department of Social Services to make direct payments of the shelter allowance for all

TANF cases to landlords provided that the landlord present proof annually of payment of all property taxes and associated fees on all properties within the County of Niagara to all pertinent taxing jurisdictions, or shall be deemed ineligible for direct payment, and be it further

RESOLVED, that elected officials of the County of Niagara, their spouse, unemancipated children, and household members, shall be deemed ineligible for receipt of direct payment of TANF rent subsidies otherwise authorized under Title 18 NYCRR § 381.3(c).

and be it further

RESOLVED, that this Legislature directs the Department of Social Services to implement this Resolution immediately.

Referred to Community Services Committee.

Resolution No. IL-102-15

From: Legislator Richard E. Updegrave

Dated: September 15, 2015

RESOLUTION RESCINDING RESOLUTION IL-018-13

RESOLVED, that Resolution IL-018-13, a "Resolution Directing the Department of Social Services to Make Direct Payments to Landlords for Administrative Ease," is repealed effective immediately due to documented gross abuse of program by scofflaw landlords, and Department of Social Services is ordered to cease direct payments on the next practicable date.

Referred to Community Services Committee.

Resolution No. IL-103-15

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

Dated: September 15, 2015

**A LOCAL LAW OF THE COUNTY OF NIAGARA NEW YORK, ESTABLISHING THE
NIAGARA COUNTY ANIMAL ABUSER REGISTRY**

WHEREAS, the Niagara County Legislature presents in writing the following proposed Local Law:

A Local Law of the County of Niagara, New York, which establishes the Niagara County Animal Abuser Registry,

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

Section 1. Title:

This Local Law shall be known as "The Niagara County Animal Abuser Registry Law."

Section 2. Legislative Findings:

Animal cruelty is a serious problem resulting in the abuse of many animals each year and that while the State of New York has criminalized the cruel treatment of animals, animal abuse and cruelty continues to occur in Niagara County and throughout New York State. Studies show that people who

have abused animals in the past are likely to do so in the future and that there is a near 100% recidivism rate for certain types of abuse such as animal hoarding. It has also been documented that individuals who abuse animals are statistically more likely to commit violent acts against humans and there has been a strong correlation established linking individuals who abuse animals with incidents of domestic violence. Animals in need of homes need to be protected from potential abusers. The Niagara County Legislature further finds and determines that it is in the best interest of the residents of Niagara County and their animals that an online registry be established identifying individuals residing in Niagara County convicted of animal abuse crimes that will prevent these individuals convicted of animal cruelty from adopting, purchasing or otherwise obtaining animals from any animal shelter, pet seller, or other person or entity involved in the exchange of animals by adoption, sale or other means.

Section 3. Definitions:

As used in this local law, the following terms shall have the meanings indicated:

“Animal Abuse Crime” – Any of the following crimes:

- a) A Violation of any of the following provisions of the NYS Agriculture Markets Law (AML) Article 26:
 - Section 351 – Prohibition of animal fighting
 - Section 353 – Torturing and injuring animals; failure to provide proper sustenance
 - Section 353-A – Aggravated cruelty to animals
 - Section 355 – Abandonment of animals
 - Section 356 – Failure to provide proper food and drink to impounded animals
 - Section 359 – Carrying animal in a cruel manner
 - Section 360 – Poisoning or attempting to poison animals
 - Section 361 – Interference with or injury to certain domestic animals
 - Section 362 – Throwing substance injurious to animals in public place
 - Section 365 – Clipping or cutting the ears of dogs
 - Section 366 – Companion animal stealing
 - Section 366-A – Removing, seizing or transporting dogs for research purposes
- b) Sexual misconduct with an animal in violation of NYS Penal Law (PL) §130.20(a)
- c) Harming a service animal in violation of PL §242.10 and PL §242.15
- d) Killing or injuring a police animal in violation of PL §195.06
- e) Harming an animal trained to aid a person with a disability in violation of PL §195.12

“Animal” – Any living mammal (except a human being), bird, reptile, amphibian or fish

“Animal Abuse Offender” – Any person eighteen (18) years of age or older, convicted of an Animal Abuse Crime, except youthful offenders whose convictions or adjudications include sealed records.

“Animal Abuser Registry” – The online registry established by this Local Law for registering any person residing in Niagara County convicted of an Animal Abuse Crime.

“Animal Shelter” – Any public or privately owned organization including, but not limited to, any duly incorporated humane society, pound, animal protective association or animal rescue group which maintains buildings, structures or other property for the purpose of harboring animals which may be stray, unwanted, lost, abandoned or abused and seeks to find appropriate temporary or permanent homes for such animals.

“Conviction” – An adjudication of guilt by any court of competent jurisdiction whether upon verdict after trial, plea of guilty or nolo contender plea.

“Farm Animal” – An animal used in the production of human or animal food, feed or fiber.

“Pet Seller” – Any individual, person, partnership, firm, corporation or other entity which offers animals for sale or is engaged in the sale, exchange or other transfer of ownership of animals.

“Service Animal” – Any dog or miniature horse that has been individually trained to do work or perform tasks for people with disabilities as defined under the ADA (Americans with Disabilities Act).

Section 4. Establishing an Animal Abuser Registry:

The Niagara County Sheriff, or his/her designee, is hereby authorized, empowered and directed to establish an online Animal Abuser Registry that shall contain the names and residence information of all available Animal Abuse Offenders living in Niagara County who are convicted of an animal abuse crime on or after the effective date of this law. The online Registry will be maintained by the Niagara County Sheriff's Office and shall be listed on the Niagara County official website within the Niagara County Sheriff's Office webpage. The online Animal Abuser Registry shall also contain links to other county Animal Abuser Registries that are available, or as they become available in the future, in the state of New York, with such other county registries to be used as informational resources by Animal Shelters, Pet Sellers or other persons or entities located in Niagara County when they shall sell, exchange or otherwise transfer the ownership of any animal. The Registry shall contain the required information about each Animal Abuse Offender for a period of fifteen (15) years following his or her release from incarceration or, if not incarcerated, from the date of the judgment of conviction. Any currently or previously registered Animal Abuse Officer convicted of a subsequent Animal Abuse Crime shall be placed on the Animal Abuser Registry for life following the second conviction. Upon notification to the Niagara County Sheriff's Office of a successful appeal of a conviction of an Animal Abuse Crime by an individual that has been required to register pursuant to this local law, the registration information for that individual shall be removed from the Niagara County Animal Abuse Registry within five (5) days following the notification.

Section 5. Registry Requirements:

- a) All Animal Abuse Offenders who reside in Niagara County and who are convicted of an Animal Abuse Crime on or after the effective date of this article must register with the Niagara County Animal Abuser Registry within five (5) days of their release from incarceration or, if not incarcerated, from the date of the rendering of judgment.
- b) When a person is convicted of an Animal Abuse Crime, the prosecuting agency shall forward to the Sheriff's Office the name and address of the convicted person along with the name of the Animal Abuse Crime the person was convicted of, thereby notifying the Sheriff's Office that the person is required to register with the Animal Abuser Registry.
- c) Each person required to register with the Animal Abuser Registry shall submit to the Niagara County Sheriff's Office:
 - i) Their name and any aliases they may be known by
 - ii) Their residence address
 - iii) Their date of birth, and

- iv) A photograph of the front of their head and shoulders not less than 2" by 3" or a digital image commonly known as a digital photograph of the front of their head and shoulders.
- d) Every person required to register with the Animal Abuser Registry shall update their registry information within five (5) days of any change of residential address and/or upon any official change of name.
- e) Every person required to register with the Animal Abuser Registry shall pay a fee of one hundred twenty-five dollars (\$125.00) to the Niagara County Sheriff's Office at the time of Registration. All such fees shall be used to help pay the administrative and maintenance costs of maintaining the Registry.
- f) The Niagara County Sheriff is hereby authorized and empowered to promulgate such rules and regulations as may be necessary to implement the Animal Abuser Registry.

Section 6. Animal Shelters and Pet Sellers Prohibited from Transferring Animal Ownership to Animal Abuse Offenders

No Animal Shelter, Pet Seller, or other person or entity located in Niagara County shall sell, exchange or otherwise transfer the ownership of any animal to any person having resided in Niagara County and listed as an Animal Abuse Offender on the Animal Abuser Registry, nor shall such Animal Abuse Offender be allowed to retain possession of any currently owned animals. Prior to the sale, exchange or other transfer of ownership of any animal, the Animal Shelter, Pet Seller or other person or entity is required to examine the Animal Abuser Registry to confirm that the name of the potential owner of the animal is not listed.

This section shall not apply to Farm Animals for farmers, nor to Service Animals for people with disabilities.

Section 7. Penalties

- a) Any Animal Abuse Offender required to register with the Animal Abuse Registry who fails to so register shall be guilty of a misdemeanor punishable by incarceration for a period of not more than one (1) year and/or a fine not to exceed two thousand dollars (\$2,000.00).
- b) Any Animal Abuse Offender who violates the prohibition against possessing, owning, adopting or purchasing an animal – except for Farm Animals for farmers and Service Animals for people with disabilities – shall be guilty of a misdemeanor punishable by incarceration for a period of not more than one (1) year and/or a fine not to exceed five thousand dollars (\$5,000.00).
- c) Any Animal Shelter, Pet Seller or other individual or entity that violates Section 6 of this Local Law shall be guilty of a violation and subject to a fine not to exceed five thousand dollars (\$5,000.00). It shall not be a violation of this law if the Animal Shelter, Pet Seller, or other individual or entity checked with the Niagara County Animal Abuser Registry and the name did not appear thereon.

Section 8. Severability:

If any clause, sentence, paragraph, section, subdivision or other part of this Local Law or its applications shall be adjudged by a Court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or otherwise invalidate the remainder of this Local Law which shall remain in full force and effect except as limited by such order or judgment.

Section 9. Effective Date:

This Local Law shall take effect as provided by the New York State Municipal Home Rule Law and upon completion of the requisite filings and procedures.

RESOLVED, that the Niagara County Legislature shall conduct a public hearing upon said proposed Local Law at the Legislative Chambers Courthouse, Lockport, New York on the 20th day of October 2015 at 6:45 p.m., and be it further

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

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

Carried.

Moved by Virtuoso, seconded by Steed

Adopted. 13 Ayes, 0 Noes, 2 Absent – Burmaster & Grozio

Resolution No. IL-104-15

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

Dated: September 15, 2015

INSPECTION OF SOCIAL SERVICE RENTAL UNITS

WHEREAS, the Niagara County Legislature passed a resolution to allow direct pay to landlords for shelter allowance, and

WHEREAS, this resolution guarantee's shelter allowance payments to landlords which in turn should give them the needed capital to upkeep their property, and

WHEREAS, the taxpayers of New York State and Niagara County are paying a portion for this shelter allowance, and

WHEREAS, Section 8 Leased Housing has a program where all rental units are inspected before the client moves in to ensure code compliance, and

WHEREAS, these rental units are also inspected annually to ensure the safety of the rental unit and to ensure there are no fraud issues, and

WHEREAS, inspecting these units would eliminate slum landlords from receiving shelter allowance payments, now, therefore, be it

RESOLVED, that all rental units paid for with shelter allowance be inspected before the client moves in and also inspected on an annual basis in order to improve the quality of life issues for families and neighborhoods, and be it further

RESOLVED, that this could be a cost savings for Niagara County by avoiding costly move out expenses and fraud issues, and be it further

RESOLVED, that the Niagara County Legislature establish a policy of inspecting rental units that receive DSS housing funds similar to the Section 8 Leased Housing Program.
Referred to Community Services Committee.

Resolution No. IL-105-15

From: Legislators Richard L. Andres, Randy R. Bradt & Anthony J. Nemi
Dated: September 15, 2015

**RESOLUTION IN SUPPORT OF THE NIAGARA RIVER YACHT CLUB
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Niagara River Yacht Club was founded in 1957, as the Niagara Park Marina, and is located on the shore of the Little Niagara River in North Tonawanda, New York, and

WHEREAS, the Niagara River Yacht Club consists of a Marina and Clubhouse and offers boat slips as an access point to the Niagara River, Great Lakes and other nearby waterways, and

WHEREAS, fishing and boating is a multi-million dollar industry in Niagara County and the Niagara River Yacht Club's location makes them a big contributor to this key economic driver, and

WHEREAS, the Niagara County Sheriff's Office docks their patrol boats at the Niagara River Yacht Club because of the quick access that is provided to the surrounding waterways, and

WHEREAS, the Niagara River Yacht Club is undertaking a shoreline restoration and grounds improvement project which is vital to the long-term stability of the club and to their mission to provide safe, reliable water access, now, therefore, be it

RESOLVED, that the Niagara County Legislature supports funding the shoreline restoration and grounds improvement project of the Niagara River Yacht Club as follows:

Niagara River Yacht Club	\$10,000.00
and be it further	

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2015 budget:

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01	Appropriated Fund Balance - Committed Funds	\$10,000.00
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INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$10,000.00
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Referred to Economic Development Committee.

Resolution No. IL-106-15

From: Legislator William L. Ross
Dated: September 15, 2015

**SUPPORT FOR THE WHEATFIELD LIONS CLUB FIVE SENSES PARK
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Wheatfield Lions Club Five Senses Park was established to serve blind or visually impaired people of Western New York, and

WHEREAS, the Five Senses Park is 20 years old and needs to be updated with repairs to the gazebo, the bridge over the fishing ponds and the benches, and

WHEREAS, the Five Senses Park has also become a private sector community center for the residents and organizations of the Wheatfield area that use its clubhouse, pavilion and gazebo, now, therefore, be it

RESOLVED, that the Niagara County Legislature wishes to support the Wheatfield Lions Club in their mission of the Five Senses Park for blind and visually impaired people, and be it further

RESOLVED, that the sum of \$1,500.00 be allotted to the Wheatfield Lions Club for this special project, and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2015 budget:

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01	Appropriated Fund Balance - Committed Funds	\$1,500.00
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INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$1,500.00
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Referred to Economic Development Committee.


Move by Syracuse, seconded by Andres to enter Executive Session re: personnel and litigation.
Carried.

Moved by McNall, seconded by Godfrey to adjourn Executive Session.
Carried.

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

The Chairman declared the Board adjourned at 10:59 p.m., subject to the call of the Clerk.

No citizens spoke at this time on the General Welfare of the County.


Mary Jo Tamburlin, Clerk