

## OFFICIAL RECORD

Lockport, New York  
April 4, 2017

The meeting was called to order by Chairman McNall at 7:02 p.m.

Roll Call.

Present: Andres, Bradt, Burmaster, Collins, Godfrey, Grozio, McNall, Nemi Steed, Syracuse, Virtuoso, Wydysh, Zona – 13

Absent: Hill and Lance - 2

A moment of silence was held for Raymond Beiter who served as County Clerk from 1976-1990.

### **CORRESPONDENCE:**

Chairman McNall announced effective May 2, 2017 he will be adding the Recognition along with Correspondence to the Legislative Agenda giving all Legislators a chance to honor or speak about someone or something in their district.

County Clerk Joseph Jastrzemski went to the lectern to thank the Niagara County Legislature and Chairman for recognizing April as National Donate Life Month.

### **PRESENTATIONS:**

1. Legislator Andres went to the lectern and invited DSS Commissioner Restaino to the lectern to read a proclamation declaring April 2017 as Child Abuse Prevention Month in Niagara County.
2. Chairman McNall, Legislator Nemi and Legislator Collins invited Benjamin Flaherty, Sebastian Lasher and their families to the lectern to present them with a proclamation in recognition for their selection as Delegates to represent American legion Post #410 at this year's American Legion Boys State of New York Program.
3. Legislator Collins invited Kate Banks, Executive Director of the Niagara Wine Trail to the lectern to read a proclamation declaring April, 2017 as Wine Month in Niagara County.

0 citizens spoke at this time.

Recess

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

Carried.

### **Resolution No. AD-004-17**

From: Administration Committees

Dated: April 4, 2017

**APPROVAL OF VOTING MACHINE AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND  
THE NIAGARA FALLS, LOCKPORT, NORTH TONAWANDA, BARKER, LEW-PORT, NEWFANE,  
NIAGARA WHEATFIELD, ROY-HART, STARPOINT, AND SCHOOL DISTRICTS  
(§3-224, NEW YORK STATE ELECTION LAW)**

WHEREAS, the Niagara Falls, Lockport, North Tonawanda, Barker, Lew-port, Newfane, Niagara Wheatfield, Roy-Hart, Starpoint, Wilson School Districts will be conducting an election on May 16, 2017 and requires the use of the Niagara County Board of Elections voting equipment in connection with this election, and

WHEREAS, the Niagara County Attorney's Office has prepared a formal agreement for use between the County of Niagara and the Niagara Falls, Lockport, North Tonawanda, Barker, Lew-port, Newfane, Niagara Wheatfield, Roy-Hart, Starpoint, Wilson School District, which has been fully approved by the District, a copy of which has been filed with the Clerk of the Legislature, and

WHEREAS, time is of the essence in connection with the approvals by the Niagara County Legislature, and

WHEREAS, under the terms of the agreement the County will provide, and be reimbursed for transportation of the voting machine preparation, programming, and packaging of the voting machine and all necessary Niagara County personnel: the District, among other things, shall furnish at its expense, election custodians and inspectors and also insurance in form, content and amounts as approved by the Niagara County Attorney, and

WHEREAS, the final written agreement between the parties is subject to the review and approval by the parties' respective legal counsel, now, therefore, be it

RESOLVED, that pursuant to the provisions of §3-224 of New York State Election Law, the Chair of the Niagara County Legislature and the Niagara County Election Commissioners are authorized and directed to execute and deliver an agreement, in substantially the form of agreement now filed with the Clerk of the Legislature between and among the County of Niagara, the Niagara County Election Commissioners and the Niagara Falls, Lockport, North Tonawanda, Barker, Lew-port, Newfane, Niagara Wheatfield, Roy-Hart, Starpoint, Wilson School Districts for the provision, by the County of Niagara, of sufficient voting equipment, including the programming thereof, to the Niagara Falls, Lockport, North Tonawanda, Barker, Lew-port, Newfane, Niagara Wheatfield, Roy-Hart, Starpoint, Wilson School Districts in connection with an election scheduled to be held the 16th day of May 2017, and be it further

RESOLVED, that the execution and delivery of this equipment, is subject to the approval of the Board of the Niagara Falls, Lockport, North Tonawanda, Barker, Lew-port, Newfane, Niagara Wheatfield, Roy-Hart, Starpoint, Wilson School Districts and the review and approval of the Niagara County Attorney's Office and counsel to the Niagara Falls, Lockport, North Tonawanda, Barker, Lew-port, Newfane, Niagara Wheatfield, Roy-Hart, Starpoint, Wilson School Districts, and be it further

RESOLVED, that a true copy of the fully signed and approved agreement be filed by the Clerk of this Legislature simultaneously with the delivery of the or as soon as reasonably possible thereafter.

Moved by Bradt, seconded by Virtuoso.

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

**Resolution No. AD-005-17**

From: Administration Committees

Dated: April 4, 2017

**RESOLUTION AUTHORIZING COMMENCEMENT OF  
LITIGATION TO OBTAIN COMPENSATION FOR LEGAL FEES AND COSTS  
EXPENDED IN DEFENDING A LAWSUIT AGAINST NIAGARA**

WHEREAS, Farm Family Casualty Insurance Company issued a certificate of liability naming the County as an additional insured with respect to the TGR Enterprises, Inc. contract for the replacement of windows and doors at Niagara County Community College and (Policy 3115C1352-01) for the period from October 24, 2007 to



October 24, 2008, adding the County December 14, 2007, under this policy Farm Family had a duty to provide a defense to the County in connection with any claim against the County to which insurance applied, and

WHEREAS, June 25, 2008 a personal injury action was commenced against the County under the contract for service with TGR Enterprises, Inc. which resulted in attorneys' fees and disbursements in the defense of the County in said matter; the reimbursement of such costs are responsibility of Farm Family Insurance Company, and

WHEREAS, the County also incurred interest costs due to Farm Family Casualty Insurance Company's failure to promptly tender its settlement draft as required by the Civil Practice law & Rules, and

WHEREAS, Farm Family has refused to reimburse the County for the legal fees, disbursements and the interest costs incurred, and

WHEREAS, pursuant to New York State County Law, the Niagara County Legislature is authorized to direct the Niagara County Attorney to commence legal proceedings against Farm Family Casualty Insurance Company, to recover those legal fees and other related expenses incurred by Niagara County as a result of Farm Family Casualty Insurance Company's failure to reimburse the County for defense of such matter, now, therefore, be it

RESOLVED, that the Niagara County Attorney is hereby authorized and directed by the Niagara County Legislature to commence all necessary legal proceedings against Farm Family Casualty Insurance Company to recover those amounts which were incurred due to the defense of such matters for which Farm Family Casualty Insurance Company was required to provide Insurance, defense, and/or indemnification to Niagara County. Approved for submission.

Approved Moved by Nemi, seconded by Burmaster.  
Adopted. 13 Ayes, 0 Noes, 2 Absent –Hill and Lance

**Resolution No. CS-014-17**

From: Community Services and Administration Committees  
Dated: April 4, 2017

**NIAGARA COUNTY SECTION 5311 CONSOLIDATED GRANT APPLICATION**

WHEREAS, the county of Niagara is submitting a request for a consolidated grant of funds to the New York State Department of Transportation, pursuant to Section 5311, Title 49 United States Code, for federal financial operating assistance in the amount of \$106,000 for 2017 and \$110,000 for 2018 for a project to provide a route deviation public transportation service for the non-urbanized areas of Niagara County including the towns of Cambria, Hartland, Lewiston, Lockport, Newfane, Niagara, Pendleton, Porter, Royalton, Wheatfield, Wilson, and the cities of Lockport, Niagara Falls and North Tonawanda, to be serviced by Niagara Falls Coach Lines, Inc. during the period January 1, 2017 through December 31, 2018, and has committed the operating assistance local share, and for federal financial capital assistance in the amount of \$325,241 for a project to purchase three Lot K or similar buses and related equipment to be used to provide said service, and the third-party operator has committed the capital assistance local share, and

WHEREAS, the county of Niagara and the State of New York have entered into a continuing agreement which authorizes the undertaking of the Projects and reimbursement of the federal and applicable state shares, and

WHEREAS, the county of Niagara, is contracting with a third party subcontractor, Niagara Falls Coach Lines, Inc., for the projects described above, and

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

RESOLVED, that the Chairman of the Niagara County Legislature is authorized to act on behalf of the County of Niagara to sign the application and progress and complete the above named projects, and be it further

RESOLVED, the Chairman of the Niagara County Legislature is authorized to sign any contracts or agreements between the County of Niagara and any third party subcontractor necessary to complete the public transportation projects, subject to the approval of the County Attorney; and be it further

RESOLVED, that the County of Niagara certifies through this resolution that the estimated local share of Forty thousand six hundred fifty-five (\$40,655) Dollars for the purchase of three Lot K or similar buses described in the federal Section 5311 Project Application is committed to this Project from the third party subcontractor.

Moved by Bradt, seconded by Virtuoso.

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

**Resolution No. CS-015-17**

From: Community Services and Administration Committees

Dated: April 4, 2017

**BUDGET MODIFICATION ACCEPTANCE OF GRANT  
OFFICE OF NIAGARA COUNTY CLERK ON BEHALF OF  
NIAGARA COUNTY VETERANS SERVICE AGENCY**

WHEREAS, the Office of the Niagara County Clerk oversees and administers the Niagara County Veterans Service Agency, and

WHEREAS, Senator Robert G. Ortt, as Chairman of the Senate Committee on Mental Health and member of the committee on Veterans, Homeland Security and Military Affairs was able to secure a \$92,500 grant from the PFC Joseph P. Dwyer Peer Support Program, and

WHEREAS, the program is designed as a non-clinical peer-to-peer counseling between veterans who personally understand the psychological and emotional effects of combat, and

WHEREAS, more than 18,000 veterans live throughout Niagara County, and

WHEREAS, the funds will be used to implement such a program for veterans throughout Niagara County, now, therefore, be it

RESOLVED, that all documents are reviewed by the County Attorney's office, and be it further

RESOLVED, the Niagara County Clerk's Office is given authorization to accept the grant with the effectuation of the following budget modification, effective immediately:

**INCREASE ESTIMATED REVENUE:**

A.10.1410.000 43490.01	Mental Health Program - General	\$92,500.00
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**INCREASE APPROPRIATIONS:**

A.10.1410.000 74400.09	Payments Other Agencies	\$92,500.00
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Moved by Bradt, seconded by Virtuoso.

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



**Resolution No. CS-015-17**

From: Community Services and Administration Committees

Dated: April 4, 2017

**COUNTY CLERK OFFICE CONTRACT AMENDMENT**

WHEREAS, the appropriate, accurate and timely management of local government records is essential for efficient and effective government, and

WHEREAS, the Niagara County Clerk's Office has experienced a significant backlog in the indexing and verification of legal land documents and records, and

WHEREAS, said backlog of indexing and verification of legal land documents and records was caused by extraordinary circumstances including, but not limited to, a recent bank divestiture and merger between two other banks, as well as numerous unforeseen staffing challenges, and

WHEREAS, despite increased overtime efforts by the Niagara County Clerk's Office Staff, the said backlog persists and is perpetuating, and

WHEREAS, it has been mutually agreed by Niagara County and the Union that an Amendment to the Contract between Niagara County and Info Quick Solutions, Inc. dated February 18, 2014, is both necessary, practical and desirable to address the backlog, and

WHEREAS, Info Quick Solutions, Inc. possesses the necessary skill and expertise to eliminate the aforementioned backlog of indexing and verification of legal land documents and records, and

WHEREAS, except for this Amendment, all other terms and Amendments to the original Contract dated February 18, 2014, shall remain unchanged and in force, now, therefore, be it

RESOLVED, that Niagara County enter an Amendment to the Contract with Info Quick-Solutions, Inc. dated April 5, 2017, to provide indexing and verification services of the aforementioned backlogged documents for the period commencing April 15, 2017 and terminating June 15, 2017, and be it further

RESOLVED, that any time extensions to the April 15, 2017 – June 15, 2017 time period will require a mutually agreed upon written amendment signed by authorized representatives of the County and the Union, and be it further

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

RESOLVED, that the Niagara County Treasurer's Office is hereby authorized to disburse an amount not to exceed \$19,500.00 from the County Clerk's Appropriated Fund Balance – Committed Funds Account A.10.1410 40599.01 into the County Clerk's operating budget, and be it further

RESOLVED, that the following budget modification be effectuated:

**INCREASE REVENUE:**

A.10.1410.000 40599.01	Appropriated Fund Balance-Committed Funds	\$19,500.00
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**INCREASE APPROPRIATION:**

A.10.1410.000 74500.01	Contractual Expenses	\$19,500.00
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Moved by Andres, seconded by Nemi.  
Adopted. 13 Ayes, 0 Noes, 2 Absent –Hill and Lance

**Resolution No. CW-002-17**

From: Committee of the Whole

Dated: April 4, 2017

**CLAIM SETTLEMENT  
ELIZABETH DONATELLO VS. COUNTY OF NIAGARA**

WHEREAS, the County of Niagara self-insures its general liability coverage, and

WHEREAS, such loss fund is fully funded and separate from the General fund, and

WHEREAS, the County Legislature is authorized under Section 6-N of the General Municipal Law to approve claim settlements in excess of \$25, 000.00, and

WHEREAS, Elizabeth Donatello WHILE EMPLOYED IN THE Niagara County District Attorney's Office commenced an action in the United States District Court for the Western District of New York, titled Elizabeth Donatello –v- County of Niagara, 1:15 - cv- 00039 (W.D.N.Y.), and

WHEREAS, the claims asserted in the action arose and in connection with Elizabeth Donatello's employment while an Assistant District Attorney in the Niagara County District Attorney's Office, and

WHEREAS, the case Elizabeth Donatello vs. County of Niagara now presents an opportunity for settlement thereby avoiding additional litigation, trial and adverse judicial determinations, now, therefore, be it

RESOLVED, that the authority to disburse the case of Elizabeth Donatello vs. County of Niagara litigation, for settlement, is given to the Risk & Insurance Manager in the amount of \$335,000.00 upon completion and receipt of an executed Settlement Agreement and General Release and Stipulated Order of Dismissal with Prejudice from plaintiff's and County's counsel, and be it further

RESOLVED, that the Niagara County Attorney and the Chairman of the Niagara County Legislature are hereby authorized to sign and thereby execute the requisite Settlement Agreement and General Release on behalf of the County of Niagara.

Approved for submission.

Chairman McNall implemented Rule 28 and turned the floor over to Legislator Nemi for discussion on CW-002-17

Moved by Virtuoso, seconded by Burmaster.  
Adopted. 13 Ayes, 0 Noes, 2 Absent –Hill and Lance

**Resolution No. IF-068-17**

From: Infrastructure and Facilities Committee:

Dated: April 4, 2017

**ADOPTION OF A LOCAL LAW AMENDING LOCAL LAW NO. 1 OF 1994  
ESTABLISHING A SEWER USE LAW FOR THE  
NIAGARA COUNTY SEWER DISTRICT NO. 1**

WHEREAS, the Niagara County Legislature, and the Administrative Board of the Niagara County Sewer District No. 1 (District) enacted Local Law No. 1 of 1994 establishing a Sewer Use Law for said District, and



WHEREAS, the United States Environmental Protection Agency (USEPA) has directed the District to make a minor revision to its Sewer Use Law based on the most recent 5-year compliance inspection, and

WHEREAS, in order to maintain compliance with the USEPA's request, the Infrastructures & Facilities Committee and the Administrative Board of the Niagara County Sewer District No. 1 recommend the adoption of the following Local Law:

A Local Law Amending Local Law No. 1 of 1994 Establishing a Sewer Use Law for the Niagara County Sewer District No. 1;

WHEREAS, a public hearing was held on the 21<sup>st</sup> day of March, 2017 at 6:45 p.m. in the Legislative Chambers, Courthouse, Lockport, New York, on said Local Law, and

WHEREAS, \_\_\_\_\_ 0 \_\_\_\_\_ appeared to speak on said Local Law, and

WHEREAS, \_\_\_\_\_ 0 \_\_\_\_\_ amendments were made to said Local Law, now, therefore, be it

RESOLVED, that a Local Law of the County of Niagara, New York amending Local Law No. 1 of 1994 Establishing a Sewer Use Law for the Niagara County Sewer District No. 1 be enacted by the County Legislature of the County of Niagara, as follows:

1. Local Law No. 1 of 1994, and the same hereby is, amended so as to clarify the language in the 1<sup>st</sup> sentence of the 2<sup>nd</sup> Paragraph of Item 12 in Section 5 of the Sewer Use Law to read:

The District shall annually publish in its official newspapers of the County, a list of the Industrial Users which were **in significant noncompliance** with any Pretreatment Requirements or Standards at least once during the previous 12 months.

2. This Local Law shall become effective immediately, and the Niagara County Sewer District No. 1 shall implement and update all documentation with regard to said change.

Moved by Bradt, seconded by Virtuoso.

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

#### **Resolution No. IF-069-17**

From: Infrastructure & Facilities Committee

Dated: April 4, 2017

### **NIAGARA ROAD BRIDGE OVER BERGHOLZ CREEK FEDERAL AID LOCAL PROJECT AGREEMENT**

WHEREAS, the Niagara Road Bridge over Bergholz Creek project, town of Wheatfield, Niagara County, (the "Project"), is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 95% federal funds and 5% non-federal funds, and

WHEREAS, the County of Niagara desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Design Phases I-VI of the project, and

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

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

RESOLVED, that the Legislature of the County of Niagara hereby authorizes the county of Niagara to pay in the first instance 100% of the federal and non-federal shares of the cost of the Design Phases I-VI of the Project or portions thereof, and be it further

RESOLVED, that the following budget modification be effectuated:

DECREASE ESTIMATED REVENUE:

H604.15.5197.000 43501.00	Consol Highway Aid Revenue	\$47,500
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INCREASE ESTIMATED REVENUE:

H604.15.5197.000 44597.01	Federal Aid Capital Const Hwy	\$47,500
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and be it further

RESOLVED, that the sum of \$50,000 is hereby appropriated in account H604.15.5197.000 72600.02 and made available to cover the cost of participation in the above phases of the project, and be it further

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

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

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

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

RESOLVED, that this Resolution shall take effect immediately.

Moved by Bradt, seconded by Virtuoso.

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

**Resolution No. IF-070-17**

From: Community Services and Administration Committee

Dated: April 4, 2017

**CONSULTANT SELECTION FOR ENERGY PERFORMANCE CONTRACT**

WHEREAS, the Department of Buildings and Grounds, and the Department of Public Works, in accordance with Federal/State guidelines, evaluated proposals from firms to assist the County with performing an energy audit as the first step to evaluating the feasibility of executing an Energy Performance Contract, and

WHEREAS, the selection committee has read the proposals submitted and interviewed the submitting firms to select the firm to perform the first phase, the energy audit, 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 highest qualified firm selected to assist the County with an energy audit, is JW Danforth, 930 Old Dutch Road, Victor, NY 14564, for a fee not to exceed \$22,394, and be it further

RESOLVED, that the following budget modification be effectuated:

DECREASE APPROPRIATION:

A.15.1440.000.71010.00.2178	Positions	\$23,000
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INCREASE APPROPRIATION:

A.15.1440.000.74650.08	Consultant Services	\$23,000
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RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the required documents.

Moved by Bradt, seconded by Virtuoso.

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

**Resolution No. IL-029-17**

From: Legislator Michael A. Hill

Dated: April 4, 2017

**RESOLUTION IN SUPPORT OF THE TOWN OF ROYALTON  
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Town of Royalton is requesting funding for updates to the Veterans Park in the Hamlet of Gasport, and

WHEREAS, the Veterans Park would like to add new playground equipment and woodchips to the playgrounds and upgrades to the horseshoe pits, and

RESOLVED, that Niagara County supports the Town of Royalton as follows:

Town of Royalton	\$5,000.00
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and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2017 budget:

INCREASE APPROPRIATED FUND BALANCE:

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

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$5,000.00
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Referred to Economic Development Committee

**Resolution No. IL-030-17**

From: Legislator Rebecca J. Wydysh

Dated: April 4, 2017

**RESOLUTION IN SUPPORT OF NIAGARA RIVER REGION CHAMBER OF COMMERCE  
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Niagara River Region Chamber of Commerce has recently expanded their advertising line to the Lewiston, Youngstown, Sanborn and Ransomville region to showcase the great natural beauty and the local businesses and organizational sponsoring exciting events that draw thousands of people from all over Western New York and Southern Ontario, and

WHEREAS, an opportunity has risen for the Chamber to place a featured listing on the Niagara Tourism Convention Corporation website geared toward visitors of the region and help generate a positive economic impact which includes first class restaurants and interesting shops, and

WHEREAS, the communities within the boundaries of the Niagara River Region Chamber of Commerce draw thousands of visitors every year, bringing tourism dollars to the area which are vital to the Niagara County economy, now, therefore, be it

RESOLVED, that the Niagara County Legislature supports funding to the Niagara River Region Chamber of Commerce for marketing purposes as follows:

Niagara River Region Chamber of Commerce	\$2,000.00
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and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2017 budget:

**INCREASE APPROPRIATED FUND BALANCE:**

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

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$2,000.00
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Referred to Economic Development Committee

**Resolution No. IL-031-17**

From: Legislator Rebecca J. Wydysch

Dated: April 4, 2017

**RESOLUTION IN SUPPORT OF THE HISTORIC LEWISTON JAZZ FESTIVAL  
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Village of Lewiston is blessed with great natural beauty and its local organizations sponsor a multitude of extremely exciting events which draw thousands of people from all over Western New York, Southern Ontario and beyond, and

WHEREAS, these festival events generate a positive economic impact on the businesses which include first class restaurants and interesting shops, and

WHEREAS, the Historic Lewiston Jazz Festival is the premier Jazz Festival in Western New York and has the total support of the residents and companies for funding this regional music jewel, and



WHEREAS, the Niagara County Legislature casino fund contribution will support the marketing effort of the Lewiston Jazz Festival Board of Directors, now, therefore, be it

RESOLVED, that the Niagara County Legislature support this outstanding musical event as follows:

Historic Lewiston Jazz Festival	\$2,000.00
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and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2017 budget:

**INCREASE APPROPRIATED FUND BALANCE:**

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

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$2,000.00
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Referred to Economic Development Committee

**Resolution No. IL-030-17**

From: Legislator Rebecca J. Wydysh

Dated: April 4, 2017

**RESOLUTION IN SUPPORT OF THE LEWISTON ART FESTIVAL  
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the village of Lewiston is blessed with great natural beauty and its local organizations sponsor a multitude of extremely exciting events which draw thousands of people from all over Western New York, Southern Ontario and beyond, and

WHEREAS, the Lewiston Art Festival, which is sponsored by the Lewiston Council on the Arts, has become a highlight of the summer season in Niagara County, and

WHEREAS, the Lewiston Art Festival attracts artists and vendors from across the country, and

WHEREAS, the Lewiston Art Festival is an economic driver that supports jobs, generates government revenue and is a cornerstone of local tourism, and

WHEREAS, the Niagara County Legislature casino fund contribution will support the continuous marketing effort of the Lewiston Art Festival by the Lewiston Council on the Arts, now, therefore, be it

RESOLVED, that Niagara County supports this outstanding Art event as follows:

Lewiston Art Festival Marketing	\$2,000.00
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and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2017 budget:

**INCREASE APPROPRIATED FUND BALANCE:**

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

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

Referred to Economic Development Committee

**Resolution No. IL-033-17**

From: Legislator Clyde L. Burmaster

Dated: April 4, 2017

**RESOLUTION IN SUPPORT OF THE YOUNGSTOWN LIONS CLUB  
THROUGH THE USE OF CASINO FUNDS**

WHEREAS, the Lions Club has made available a Community park area in Youngstown for many years, it now finds itself in need of major restoration which will take place over many years, and

WHEREAS, the Lions Club has studied the various needs and has planned a joint project with the Village of Youngstown for the next few years to restore the park to safe and fun use, and

WHEREAS, this is a significant undertaking which will enhance the quality of life for all, not just Village residents, and

WHEREAS, the Lions Club has reached out for help with this project and in consideration of all the good Lions do every day, it is only right for the Legislature to assist when possible, now, therefore, be it

RESOLVED, that Casino development funds be granted to the Youngstown Lions Club in the amount of \$1,500 to assist in the restoration of the Youngstown Lions Park, and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2017 budget:

Youngstown Lions Club	\$1,500.00
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and be it further

INCREASE APPROPRIATED FUND BALANCE:

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

INCREASE APPROPRIATION:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund \$1,500.00

Referred to Economic Development Committee

**Resolution No. IL-033-17**

From: Legislator Clyde L. Burmaster

Dated: April 4, 2017

**RESOLUTION IN SUPPORT OF YOUNGSTOWN VILLAGE CONCERT SERIES FOR THE  
SUMMER OF 2017  
THROUGH THE USE OF CASINO FUNDING**



WHEREAS, there has been in existence for many years a full schedule of weekly musical concerts in the park in Youngstown for many years which have been very well attended by people from all over Niagara County as by visitors to Old Fort Niagara, and

WHEREAS, the entertainment provided is of 1<sup>st</sup> class and makes for a enjoyable summer evening outdoor entertainment for all, and

WHEREAS, funding for these events is always a challenge and many dedicated volunteers diligently have worked very hard to ensure these concerts continue, and

WHEREAS, it is the wish of the Legislature to always be supportive of our communities as best we can, now, therefore, be it

RESOLVED, that the sum of \$1,000.00 be granted to the Youngstown Village Concert Series from Casino Funds for costs incurred in continuing this most worthy activity, and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2017 budget:

Youngstown Village Concert Series	\$1,000.00
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and be it further

INCREASE APPROPRIATED FUND BALANCE:

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

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$1,000.00
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Referred to Economic Development Committee

**Resolution No. IL-035-17**

From: Legislator Clyde L. Burmaster

Dated: April 4, 2017

**RESOLUTION IN SUPPORT OF PURCHASE OF ELECTRONIC SIGN FOR  
USE TO ANNOUNCE COMMUNITY ACTIVITY AND ALERTS  
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, it is very important to every community to have a central information point and increasingly it has become a major source of providing emergency alerts and activity schedules by use of Electronic Signs for these announcements, and

WHEREAS, the old fashioned manually lettered sign was destroyed by severe weather, which will require a new sign, and

WHEREAS, it has been decided to replace the sign with modern electronic sign which can be accessed indoors to program the messages, and

WHEREAS, signs of this kind can cost as much as \$10,000 and higher, it is decided that the technology provided by a sign in the \$15,000 range will satisfy the immediate and near future, now, therefore, be it

RESOLVED, that available Casino funds be used in the amount of \$7,000.00 to be added to other community funds to purchase this sign, and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2017 budget:

Electronic Sign	\$7,000.00
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and be it further

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01	Appropriated Fund Balance - Committed Funds	\$7,000.00
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INCREASE APPROPRIATION:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$7,000.00
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Referred to Economic Development Committee

**Resolution No. IL-033-17**

From: Legislator Clyde L. Burmaster

Dated: April 4, 2017

**RESOLUTION IN SUPPORT OF FUNDING TO THE OLD FORT NIAGARA ASSOCIATION FOR  
CONSTRUCTION OF A BUILDING TO HOUSE NEEDED SAFETY EQUIPMENT**

WHEREAS, Youngstown N.Y. is one of the most historic places in these United States, and

WHEREAS, Youngstown is the location of Old Fort Niagara, the oldest continuously occupied military fort this side of the Mississippi which draws over 115,000 visitors per year to see and learn about history of the United States, and

WHEREAS, it is the responsibility of the Association to provide for the safety of the visitors as well as to protect the structures contained therein, and

WHEREAS, there is an immediate need for a structure that would house much required fire fighting apparatus but limited funds are available to complete the project, and

WHEREAS, funds are available in the amount of \$7,000.00 through the use of Casino funds to finish the job, now, therefore, be it

RESOLVED, the sum of \$7,000.00 be granted to the Old Fort Niagara Association from the stated monies to complete the construction of a building, and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2017 budget:

Old Fort Niagara Association	\$7,000.00
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and be it further

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01	Appropriated Fund Balance - Committed Funds	\$7,000.00
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INCREASE APPROPRIATION:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund \$7,000.00  
Referred to Economic Development Committee

**Resolution No. IL-036-17**

From: Legislator Clyde L. Burmaster

Dated: April 4, 2017

**RESOLUTION IN SUPPORT OF THE RANSOMVILLE LIBRARY HISTORY PRESERVATION  
PROGRAM AND LIBRARY IMPROVEMENTS THROUGH THE USE OF CASINO FUNDS**

WHEREAS, Libraries remain the center of any community for reading, media and history, and

WHEREAS, Libraries are more than just books but are used for meetings, celebrations, small community events, etc, and

WHEREAS, some Libraries also become safe havens for historical artifacts and documents so important to preserving our heritage, and

WHEREAS, the Ransomville Library has a very active Library as well as a very active history preservation, requiring ongoing material costs for special programs, and

WHEREAS, funds are available to help offset these costs through the Casino funds, now, therefore, be it

RESOLVED, that a grant of \$1,000.00 to each, Library and History Program for a total of \$2,000.00 be awarded from the Casino funds for Program expenses in the year 2017, and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2017 budget:

Ransomville Library	\$2,000.00
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and be it further

INCREASE APPROPRIATED FUND BALANCE:

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

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$2,000.00
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Referred to Economic Development Committee

**Resolution No. IL-038-17**

From: Legislator Clyde L. Burmaster

Dated: April 4, 2017

**RESOLUTION IN SUPPORT OF THE USE OF CASINO FUNDS TO PURCHASE LIBRARY  
MATERIALS FOR THE YOUNGSTOWN FREE LIBRARY FOR 2017**

WHEREAS, the Youngstown Free Library has served the Village of Youngstown for many years, providing a valuable resource center for its residents, and

WHEREAS, the Library is the center of the Village for those reading books as well as many using the media resources as well as computers to satisfy recreational and educational needs, and

WHEREAS, each year it becomes increasingly more difficult to provide research materials with limited funding, and

WHEREAS, if the library is able to continue to be the resource to the community it must actively seek finances from residents and with support from the friends of the Library will be able to keep abreast with new technology, now, therefore, be it

RESOLVED, that funds are available through the development funds to award \$1,000.00 to the Youngstown Library for the year 2017 for expenses of reference materials, and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2017 budget:

Youngstown Free Library	\$1,000.00
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and be it further

**INCREASE APPROPRIATED FUND BALANCE:**

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

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$1,000.00
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Referred to Economic Development Committee

**Resolution No. IL-039-17**

From: Legislators Wm. Keith McNall, Randy R. Bradt, Clyde L. Burmaster, Rebecca J. Wydysh, Kathryn L. Lance, et al.

Dated: April 4, 2017

**RESOLUTION URGING THE STATE LEGISLATURE TO ENACT AND GOVERNOR CUOMO TO SIGN INTO LAW LEGISLATION PROTECTING NIAGARA COUNTY PROPERTY TAX PAYERS FROM COSTS OF MEDICAID**

WHEREAS, Niagara County has, on multiple occasions, urged the State of New York to enact measures to reduce the non-federally-mandated costs of Medicaid, both through elimination of non-mandated services and imposition of a residency requirement, and

WHEREAS, such requests have been made through enactment of bi-partisan resolutions by this Legislature, including IL-011-11, IL-025-15, and IL-026-15, and

WHEREAS, the County of Niagara has further requested that, absent elimination of non-mandated cost drivers, the State of New York take over full funding of the Medicaid program, as requested in IL-011-11 and IL-027-15, and

WHEREAS, recent federal legislation, namely the Collins-Faso amendment to the proposed "American Health Care Act," did seek to impose the same outcome, namely transferring the full cost of Medicaid to the state and federal governments and eliminating that cost center from county budgeting and ensuring that cost did not fall disproportionately on the shoulders of property owners, and



WHEREAS, the 2017 Niagara County budget does anticipate local Medicaid costs of \$44 million, constituting the equivalent of 59% of the county property tax levy, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara does hereby call upon the New York State Legislature to enact legislation that achieves the outcomes sought in the Collins-Faso Amendment to the unenacted American Health Care Act, and be it further

RESOLVED, that the Legislature of the County of Niagara does hereby call upon Governor Andrew M. Cuomo to sign into law the same, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Cuomo, Senate Temporary President and Majority Leader John Flanagan; Senator Robert G. Ort; Speaker of the Assembly Carl Heastie; Assembly Majority Leader Joseph D. Morelle; Assembly Minority Leader Brian M. Kolb; Member of the Assembly Michael J. Norris; Member of the Assembly Ray Walter; Member of the Assembly Robin Schimminger; Assemblyman Angelo Morinello; and all others deemed necessary and proper.

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

Carried.

Moved by Bradt, seconded by Wydysh.

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

**Resolution No. IL-040-17**

From: Legislators Randy R. Bradt, Dennis F. Virtuoso and Wm. Keith McNall

Dated: April 4, 2017

**EXTENSION OF AGREEMENT WITH  
NIAGARA TOURISM & CONVENTION CORPORATION**

WHEREAS, an agreement exists between the County of Niagara and the Niagara Tourism and Convention Corporation (NTCC) dated February 20, 2003, wherein the NTCC services were acquired to promote convention conferences, trade shows and the growth of tourist activities within the County, and

WHEREAS, the County has enacted Bed Tax ordinances whereby a bed tax has been imposed on the business of lodging in the County, which is in part designated for the purposes of advertising, publishing and promoting convention and tourist activities within the County of Niagara, and

WHEREAS, pursuant to the New York State Tax Law §1202-T, as amended, the County under the agreement is paying NTCC for its services from the Bed Tax revenues it collects in accordance with the Niagara County Hotel Room Occupancy Tax Law, and

WHEREAS, NTCC, in consideration of the bed tax funds to be received from the County, has agreed to provide advertising, publishing and promoting of convention and tourist activities as set forth in the agreement, now, therefore, be it

RESOLVED, the County of Niagara Legislature does hereby approve an extension of the existing agreement of February 20, 2003, as modified and extended by the June, 2014 Agreement between the County of Niagara and NTCC until May 31, 2020 and the Chairman be, and hereby is, authorized to execute all documents necessary to implement the extension of said agreement after approval by the Niagara County Attorney's Office, and be it further

RESOLVED, that any and all line item transfers be approved, and be effectuated in order to provide funding to NTCC upon the signing of the extension of the agreement by all of the parties.

Approved for Submission.

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

Carried.

Moved by Bradt, seconded by Virtuoso.

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

**Resolution No. AD-005-17 was read at this time. (Appears in numerical order)**

**Resolution No. IL-040-17 was read at this time. (Appears in numerical order)**

Move by Andres, seconded by Syracuse to enter Executive Session for discussion of a personnel matter.

Carried.

Amended on 10/30/17 to identify the subject matter that was discussed during the Executive Session.

Moved by Andres, seconded by Syracuse to adjourn Executive Session.

Carried.

**Resolution No. CW-002-17 was read at this time. (Appears in numerical order)**

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

The Chairman declared the Board adjourned at 8:45 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