

**AGENDA**  
**NIAGARA COUNTY LEGISLATURE**  
**MARCH 6, 2012      –      7:00 P.M.**

**Resolutions not on previous agenda:**

- IL-009-12**      Legislators Richard E. Updegrove & Kathryn L. Lance, re Resolution for Roswell Park – Approved

**Regular Meeting – March 6, 2012**

- \*AD-005-12**      Administration, re Fire Coordinator & Director of Emergency Services Appointment – County Manager
- \*ED-007-12**      Economic Development & Administration, re Adoption of a Local Law Imposing a Tax on the Occupancy of Hotel Rooms Pursuant to Tax Law § 1202-t
- IL-010-12**      Legislator William L. Ross, re Requesting Support for the 50 Year Anniversary of the Founding of Niagara County Community College
- IL-011-12**      Legislators Paul B. Wojtaszek & Cherée J. Copelin, re Urging the Governor and State Legislature to Directly Tie Any Juvenile Justice/Youth Detention Realignment Policy to Significant Youth Facilities'/State Training Schools' Rate Reform and to Prohibit Any State Budget, Policy and Regulatory Actions that Shift Costs to Counties and Local Property Taxpayers for Such Facilities
- IL-012-12**      Legislators John Syracuse & Kathryn L. Lance, re Calling on Congress to Repeal Portion of Universal Service Fund, a Hidden Tax, that Funds Tracfone "Safelink" Mobile Telephones and Other Similar Free Cell Phone Services Provided to "Income-Eligible" Individuals at the Expense of Paying Telephone Customers
- \*PW-010-12**      Public Works & Administration, re Appointment of Attorney – Niagara County Sewer District #1 – Sewer
- \*PW-011-12**      Public Works & Administration, re Appointment of Engineer – Niagara County Sewer District #1 – Sewer
- \*PW-012-12**      Public Works, re Inter-municipal Agreement for Review of Current Refuse & Recycling Operations

- \*PW-013-12** Public Works & Administration, re Regional Waste Reduction Program Maintenance Repair Parts & Supplies Budget Modification
- \*PW-014-12** Public Works & Administration, re Budget Modification – Acceptance of Grant Funds for Bond Lake Wildlife/Habitat Reclamation
- \*PW-015-12** Public Works, re Agreement between the County of Niagara & the Newfane Soccer Club
- \*PW-016-12** Public Works, re Agreement between the County of Niagara & the Lighthouse Optimist Club of Barker
- \*PW-017-12** Public Works, re Agreement between the County of Niagara & the Niagara Celtic Heritage Society, Inc.
- \*PW-018-12** Public Works, re Agreement between the County of Niagara & Niagara Community Church Power Zone Sports
- \*PW-019-12** Public Works, re Agreement between the County of Niagara & the Town of Wheatfield
- \*PW-020-12** Public Works, re Agreement between the County of Niagara & the Pendleton Lions Club
- \*PW-021-12** Public Works, re Agreement between the County of Niagara & the Roy-Hart Cross Country Team
- \*PW-022-12** Public Works, re Agreement between the County of Niagara & the Royalton 4<sup>th</sup> of July Committee
- \*PW-023-12** Public Works, re Agreement between the County of Niagara & the Lockport Soccer Club
- \*PW-024-12** Public Works, re Agreement between the County of Niagara & the Bond Lake Athletic Club
- \*PW-025-12** Public Works, re Agreement between the County of Niagara & the Diamonds in the Ruff Animal Rescue of Niagara County, Inc.
- \*PW-026-12** Public Works, re Agreement between the County of Niagara & Bond Lake Environmental Committee – Winter Bird Walk
- \*PW-027-12** Public Works, re Agreement between the County of Niagara & the Bond Lake Environmental Committee – Raptor Rehab
- \*PW-028-12** Public Works, re Agreement between the County of Niagara & the Bond Lake Environmental Committee – Pollinating Insects
- \*PW-029-12** Public Works, re Agreement between the County of Niagara & the Bond Lake Environmental Committee – Bluebirds & Their Houses Event
- \*PW-030-12** Public Works, re Agreement between the County of Niagara & the Bond Lake Environmental Committee – Pond Study & Observation
- \*PW-031-12** Public Works, re Agreement between the County of Niagara & the Bond Lake Environmental Committee – Bug Fest Seminar

- \*PW-032-12** Public Works, re Agreement between the County of Niagara & the Bond Lake Environmental Committee – Fall Bird Walk
- \*PW-033-12** Public Works, re Agreement between the County of Niagara & the Bond Lake Environmental Committee – Bats & Bat House Building
- \*PW-034-12** Public Works, re Agreement between the County of Niagara & the Bond Lake Environmental Committee – Hibernation Preparation
- \*PW-035-12** Public Works & Administration, re Lockport Road Intersection Reconstruction Project Consultant Amendment No. 2
- \*PW-036-12** Public Works & Administration, re Bridge Railing Replacement Project Consultant Amendment No. 2
- \*PW-037-12** Public Works & Administration, re Abolish Jr. Civil Engineer & Create Sr. Engineering Aide
- \*PW-038-12** Public Works, re Niagara County Bridge Washing & Deck Sealing Project Thirty-Nine Bridges, in Various Towns, Niagara County, PIN 5760.31
- \*PW-039-12** Public Works & Administration, re Budget Modification for Wruck Road Waterline Replacement – Water
- \*PW-040-12** Public Works, re Bond Lake Park – WNY Land Conservancy Grant



Mary Jo Tamburlin, Clerk  
Niagara County Legislature

**\* Indicates Preferred Agenda items**

Attachments for resolutions may be obtained in the office of the Clerk of the Legislature upon request.

**The next meeting of the Legislature will be held on March 20, 2012.**

# NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 03/06/12 RESOLUTION # AD-005-12

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
AD - 2/28/12

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Referred: \_\_\_\_\_

## FIRE COORDINATOR & DIRECTOR OF EMERGENCY SERVICES APPOINTMENT

WHEREAS, pursuant to Local Law No. 4 of 2011, the Niagara County Legislature established that the County Manager shall make the appointment of the Fire Coordinator & Director of Emergency Services, and

WHEREAS, that Department of Fire Coordinator/Emergency Management is to be headed by the Fire Coordinator & Director of Emergency Services who is to serve in the capacity of a department head with the authority to appoint and remove employees of the Department, and

WHEREAS, Jonathan F. Schultz has successfully passed the Civil Service examination and is eligible for permanent appointment, therefore, the County Manager has concluded that Jonathan F. Schultz should be permanently appointed to the position, subject to the appointment being confirmed by the County Legislature, and

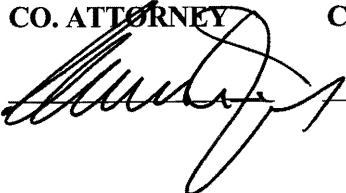
WHEREAS, the County Manager has conducted an administrative review of the functions assigned and performed by the Fire Coordinator & Director of Emergency Services, now, therefore, be it

RESOLVED, that Jonathan F. Schultz be appointed as permanent Fire Coordinator & Director of Emergency Services, FLSA Exempt Flat Salary Schedule, Grade 13, Step 3, \$64,753.08 annual salary, effective March 12, 2012, position number 595; future step increases will be based on a performance evaluation and recommended by the County Manager.

ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Economic Development and Administration Committees DATE: 03/06/12 RESOLUTION # ED-007-12

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
		ED - 2/8/12	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 2/14/12	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

## ADOPTION OF A LOCAL LAW IMPOSING A TAX ON THE OCCUPANCY OF HOTEL ROOMS PURSUANT TO TAX LAW § 1202-T

WHEREAS, the Economic Development and Administration Committees recommend the adoption of the following Local Law:

A Local Law Imposing a Tax on the Occupancy of Hotel Rooms Pursuant to Tax Law § 1202-t Hotel or Motel Taxes in Niagara County:

WHEREAS, a public hearing was held on March 6, 2012 at 6:45 p.m. in the Legislative Chambers, Courthouse, Lockport, New York, on said Local Law, and

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

WHEREAS, \_\_\_\_\_ amendment(s) was (were) made to said Local Law, now, therefore, be it

RESOLVED, that a Local Law imposing a tax on the occupancy of hotel rooms pursuant to Tax Law §1202-t hotel or motel taxes in Niagara County be enacted by the Legislature of the County of Niagara, New York as follows:

### Section 1. Short Title.

This Local Law shall be known as the Niagara County Hotel Room Occupancy Tax Law

### Section 2. Definitions.

When used in this Local Law, the following terms shall mean:

(a) Person. An individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.

(b) Operator. Any person operating a hotel in the County of Niagara, including but not limited to, the owner or proprietor of such premises, lessee, sub lessee, mortgagee in possession, licensee or any other person otherwise operating such hotel.

(c) Hotel. A building or portion of it which is regularly used and kept open as such for the lodging of guests on an overnight basis. The term "hotel" includes a motel, motor court, motor lodge or inn, bed and breakfast and tourist homes, or similar hotel or motel type of accommodations by whatever name designated.

- (d) Occupancy. The use or possession or the right to use or possession of any room in a hotel.
- (e) Occupant. A person who, for a consideration, uses, possesses, or has the right to use or possess, any room in a hotel under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.
- (f) Permanent Resident. A person occupying any room or rooms in a hotel for at least thirty consecutive days shall be considered a permanent resident with regard to the period of such occupancy.
- (g) Rent or Charge. The consideration received for occupancy valued in money, whether received in money or otherwise.
- (h) Room. Any room or rooms of any kind in any part or portion of a hotel, which is available for or let out for any purpose other than a place of assembly.
- (i) Return. Any return filed or required to be filed as herein provided.
- (j) County Treasurer. The Treasurer of the County of Niagara, New York.

Section 3. Imposition of Tax.

On and after the 1st of May, 2012, there is imposed and there shall be paid a tax of four percent (4%) per day upon the rent for every occupancy of a room or rooms in a hotel in the County of Niagara except that the tax shall not be imposed upon a permanent resident of a hotel or exempt organizations as hereinafter set forth.

Section 4. Exempt Organizations.

(a) Except as otherwise provided in this section, any use or occupancy by any of the following shall not be subject to the tax imposed by this Local Law:

- (1) The State of New York, or any public corporation (including a public corporation created pursuant to agreement or compact with another state or the Dominion of Canada) improvement district or political subdivision of the state;
- (2) The United States of America, insofar as it is immune from taxation; and
- (3) Any corporation, or association, or trust, or community chest, fund or foundation, organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this paragraph.

Section 5. Territorial Limitations.

The tax imposed by this Local Law shall apply only within the territorial limits of the County of Niagara except for within the limits of any city of the County of Niagara imposing a hotel or motel tax pursuant to authority granted by the State of New York at any prior time. In the event that any city within the County of Niagara not currently imposing such a hotel and motel bed tax shall obtain authorization from the State of New York to impose such a tax; said city shall have the right to impose such tax up to the maximum rate of the tax authorized for such city by the State of New York. In the event that the imposition of the new tax by any such city would require a

reduction in the County tax rate imposed pursuant to this section and to this Local Law, then said tax shall not become effective before the commencement of the County's next succeeding fiscal year and then only if such city shall have given notice to such County of its imposition of such a tax at least six (6) months prior to the commencement of such fiscal year. The County of Niagara waives the right of said notice and the postponement of the effective date of such a hotel occupancy tax. Cities within the County of Niagara who currently are authorized to and who collect a hotel occupancy tax shall continue to maintain a prior right to collect such hotel and motel bed tax.

#### Section 6. Registration.

Within ten days after the effective date of this local law, or in the case of operators commencing business after such effective date, within three days after such commencement or opening, every operator shall file with the County Treasurer a certificate of registration in a form prescribed by the County Treasurer. The County Treasurer shall, within five days after such registration, issue without charge to each operator, a certificate of authority empowering such operator to collect the tax from the occupant and duplicate thereof for each additional hotel of such operator. Each certificate or duplicate shall state the hotel to which it is applicable. Such certificates of authority shall be prominently displayed by the operator in such manner that it may be seen and come to the notice of all occupants and persons seeking occupancy. Such Certificates shall be non-assignable and non-transferable and shall be surrendered immediately to the County Treasurer upon the cessation of business at the hotel named or upon its sale or transfer.

#### Section 7. Administration and Collection.

(a) The tax imposed by this Local Law shall be administered and collected by the County Treasurer.

(b) The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement or charge made for said occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the County, and the operator shall be liable for the collection thereof and for the tax. The operator and any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this Local Law, and the operator shall have the same right in respect to collecting the tax from the occupant, or in respect to non-payment of the tax by the occupant as if the tax were a part of the rent for the occupancy payable at the time such tax shall become due and owing, including all rights of eviction, dispossession, repossession and enforcement of any innkeeper's lien that he may have in the event of non-payment of rent by the occupant; provided, however, that the County Treasurer shall be joined as a party in any action or proceeding brought by the operator to collect or enforce collection of the tax.

(c) Where the occupant has failed to pay and the operator has failed to collect a tax as imposed by this Local Law, then in addition to all other rights, obligations and remedies provided, such tax shall be payable by the occupant directly to the County Treasurer, and it shall be the duty of the occupant to file a return thereof with the County Treasurer and to pay the tax imposed thereon to the County Treasurer within fifteen days after such tax was due.

(d) The County Treasurer may, wherever he deems it necessary for the proper enforcement of this Local Law, provide by regulation that the occupant shall file returns and pay directly to the County Treasurer the tax herein imposed, at such times as returns are required to be filed and payment over made by the operator.

(e) The tax imposed by this Local Law shall be paid upon any occupancy on and after March first, two thousand twelve, although such occupancy is had pursuant to a contract, lease or other arrangement made prior to such date. Where rent is paid or charged or billed, or falls due on either a weekly, monthly or other term basis, the rent so paid, charged, billed or falling due shall be subject to the tax herein imposed to the extent that it covers any

portion of the period on and after May first, two thousand twelve. Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the County Treasurer may by regulation provide for credit and/or refund of the amount of such tax application therefore as provided in section twelve of this Local Law.

(f) For the purpose of the proper administration of this Local Law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator or the occupant. Where an occupant claims exemptions from the tax under the provisions of section four hereof, the rent shall, be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption a copy of a certificate issued by the County Treasurer certifying that the corporation or association therein named is exempt from the tax under section four hereof, together with a certificate duly executed by the corporation or association named in the certificate of the County Treasurer certifying that the occupant is its agent, representative or employee and that his occupancy is paid or to be paid by, and is necessary or required in the course of or in connection with the affairs of said corporation or association.

#### Section 8. Records to be Kept.

Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon, in such form as the County Treasurer may by regulation require. Such records shall be available for inspection and examination at any time upon demand by the County Treasurer or his duly authorized agent or employee and shall be preserved for a period of three years, except that the County Treasurer may consent to their destruction within that period or may require that they be kept longer.

#### Section 9. Returns.

(a) Every operator shall file with the County Treasurer a return of occupancy and of rents, and of the taxes payable thereon for the periods ending March thirty-first, June thirtieth, September thirtieth and December thirty-first of each year, on and after May first, two thousand twelve. Such returns shall be filed within twenty days from the expiration of the period covered thereby. The County Treasurer may permit or require returns to be made by other periods and upon such dates as he may specify. If the County Treasurer deems it necessary in order to insure the payment of the tax imposed by this Local Law, he may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as he may specify.

(b) The forms of returns shall be prescribed by the County Treasurer and shall contain such information as he may deem necessary for the proper administration of this Local Law. The County Treasurer may require amended returns to be filed within twenty days after notice and to contain the information specified in the notice.

(c) If a return required by this Local Law is not filed, or if a return when filed is incorrect or insufficient on its face, the County Treasurer shall take the necessary steps to enforce the filing of such a return or of a corrected return.

#### Section 10. Payment of Tax.

At the time of filing a return of occupancy and of rents each operator shall pay to the County Treasurer the taxes imposed by this Local Law upon the rents required to be included in such return, as well as all other moneys collected by the operator acting or purporting to act under the provisions in this Local Law. Even though it be judicially determined that the tax collected is invalidly required to be filed, it shall be due from the operator and payable to the County Treasurer on the date limited for the filing of the return for such period, without regard to whether a return is filed or whether the return which is filed correctly shows the amount of rents and the taxes due thereon. Where the County Treasurer, in his discretion, deems it necessary to protect revenues to be obtained under this Local Law he may require any operator required to collect the tax imposed by this local law to file with him a



bond, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as the County Treasurer may fix to secure the payment of any tax and/or penalties and interest due or which may become due from such operator. In the event that the County Treasurer determines that an operator is to file such bond he shall give notice to such operator to that effect specifying the amount of the bond required. The operator shall file such bond within five days after the giving of such notice unless within such five days the operator shall request in writing a hearing before the County Treasurer at which the necessity, propriety and amount of the bond shall be determined by the County Treasurer. Such determination shall be final and shall be complied with within fifteen days after the giving of notices thereof. In lieu of such bond, securities approved by the County Treasurer or cash in such amount as he may prescribe, may be deposited which shall be kept in the custody of the County Treasurer who may at any time without notice to the depositor apply them to any tax and/or interest or penalties due, and for that purpose the securities may be sold by him at public or private sale without notice to the depositor thereof.

#### Section 11. Determination of Tax

If a return required by this Local Law is not filed, or if a return when filed is incorrect or insufficient the amount of tax due shall be determined by the County Treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors. Notice of such determination shall be given to the person liable for the collection and/or payment of the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within thirty days after giving of notice of such determination, shall apply to the County Treasurer for a hearing, or unless the County Treasurer of his own motion shall re-determine the same. After such hearing, the County Treasurer shall give notice of his determination to the person against whom the tax is assessed. The determination of the County Treasurer shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under Article seventy-eight of the Civil Practice Law and Rules, provided however, that such proceeding is instituted in the Supreme Court within thirty days after the giving of the notice

of such determination. A proceeding under Article seventy-eight of the Civil Practice Law and Rules shall not be instituted unless (a) the amount of any tax sought to be reviewed, with penalties and interest thereon, if any, shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a Justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or (b) at the option of the petitioner such undertaking may be in a sum sufficient to cover the taxes, penalties and interest thereon stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, penalties and interest as a condition precedent to the application.

#### Section 12. Refunds.

(a) In the manner provided in this section, the County Treasurer shall refund or credit without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the County Treasurer for such refund shall be made within one year from the payment thereof. Whenever a refund is made by the County Treasurer, he shall state his reason therefore in writing. Such application may be made by the occupant, operator or other person who has actually paid the tax. Such application when made by an operator who has collected and paid over such tax to the County Treasurer, provided that the application is made within one year of the payment by the occupant to the operators shall be acted upon and refunded any moneys, due, only after such operator shall first establish to the satisfaction of the County Treasurer, under such regulations as the County Treasurer may prescribe, that he has repaid or will simultaneously repay to the occupant the amount for which the

application for refund is made. The County Treasurer may, in lieu of any refund required to be made, allow credit therefore on payments due from the petitioner.

(b) Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the County Treasurer, and such County Treasurer shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under Article seventy-eight of the Civil Practice Law and Rules, provided, however, that such proceeding is instituted within thirty days after the giving of the notice of such denial, that a final determination of tax due was not previously made, and that an undertaking be filed with the County Treasurer in such amount and with such sureties as a Justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

(c) A person shall not be entitled to a revision, refund or credit under this section of a tax, interest or penalty which had been determined to be due pursuant to the provisions of section twelve of this Local Law where he has had a hearing or an opportunity for a hearing, as provided in said section, or has failed to avail himself of the remedies therein provided. No refund or credit shall be made of a tax, interest or penalty paid after a determination by the County Treasurer made pursuant to section twelve of this Local Law unless it be found that such determination was erroneous, illegal or unconstitutional or otherwise improper by the County Treasurer after a hearing or of his own motion or in a proceeding under Article seventy-eight of the Civil Practice Law and Rules, pursuant to the provisions of said section, in which event refund or credit without interest shall be made of the tax, interest or penalty found to have been overpaid.

#### Section 13. Disposition of Revenues.

All revenues resulting from the imposition of this tax under this Local Law shall be paid into the treasury of the County of Niagara and shall be credited to and deposited in the General Fund account of the County of Niagara. Thereafter, said funds are to be allocated and paid to a not-for-profit corporation under contract with the County for the promotion of tourism in the County. The County Treasurer is authorized to retain up to a maximum of five percent (5%) of such revenue to defer the necessary expenses of the County in administering such tax.

#### Section 14. Reserves.

In cases where the occupant or operator has applied for a refund and has instituted a proceeding under Article seventy-eight of the Civil Practice Law and Rules to review a determination adverse to him on his application for refund, the County Treasurer shall set up appropriate reserves to meet any decision adverse to the County.

#### Section 15. Remedies Exclusive.

The remedies provided by sections eleven and twelve of this Local Law shall be exclusive remedies available to any person for the review of tax liability imposed by this Local Law and no determination or proposed determination of tax or determination on any application for refund shall be enjoined or reviewed by an action for declaratory judgment, an action for money had and received or by any action or proceeding other than a proceeding in a nature of a certiorari proceeding under Article seventy-eight of the Civil Practice Law and Rules; provided, however, that a taxpayer may proceed by declaratory judgment if he institutes suit within thirty days after a deficiency assessment is made and pays the amount of the deficiency assessment to the County Treasurer prior to the institution of such suit and posts a bond for costs as provided in section eleven of this Local Law.

#### Section 16. Proceedings to Recover Tax.

liable for the payment to the County of any such taxes theretofore or thereafter determined to be due to the County from the seller, transferor, or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this Local Law.

Section 17. General Powers of the County Treasurer.

In addition to the powers granted to the County Treasurer in this Local Law, he is hereby authorized and empowered:

- (a) To make, adopt and amend rules and regulations appropriate to the carrying out of this Local Law and the purposes thereof;
- (b) To extend for cause shown, the time of filing any return for a period not exceeding thirty days; and for cause shown, to waive penalties but not interest computed at the rate of six percent per annum; and to compromise disputed claims in connection with the taxes hereby imposed;
- (c) To request information from the Tax Commission of the State of New York or the Treasury Department of the United States relative to any person; and to afford information to such tax commission or such treasury department relative to any person, any other provision of this Local Law to the contrary notwithstanding;
- (d) To delegate his functions hereunder to a Deputy County Treasurer or any employee or employees of the office of County Treasurer;
- (e) To prescribe methods for determining the rents for occupancy and to determine the taxable and nontaxable rents;
- (f) To require any operator within the County to keep detailed records of the nature and type of hotel maintained, nature and type of service rendered, the rooms available and rooms occupied daily, leases or occupancy contracts or arrangements, rents received, charged and accrued, the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this Local Law, and to furnish such information upon request to the County Treasurer.
- (g) To assess, determine, revise and readjust the taxes imposed under this Local Law.

Section 18. Administration of Oaths and Compelling Testimony.

(a) The County Treasurer or his employees or agents duly designated and authorized by him shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this Local Law. The County Treasurer shall have power to subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the performance of his duties hereunder and of the enforcement of this Local Law and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before him or excused from attendance.

(b) A Justice of the Supreme Court, either in court or at chambers, shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the County Treasurer under this Local Law.

(c) Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material manner pending before the County Treasurer under this Local Law shall be guilty of a misdemeanor,

liable for the payment to the County of any such taxes theretofore or thereafter determined to be due to the County from the seller, transferor, or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this Local Law.

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- (c) To request information from the Tax Commission of the State of New York or the Treasury Department of the United States relative to any person; and to afford information to such tax commission or such treasury department relative to any person, any other provision of this Local Law to the contrary notwithstanding;
- (d) To delegate his functions hereunder to a Deputy County Treasurer or any employee or employees of the office of County Treasurer;
- (e) To prescribe methods for determining the rents for occupancy and to determine the taxable and nontaxable rents;
- (f) To require any operator within the County to keep detailed records of the nature and type of hotel maintained, nature and type of service rendered, the rooms available and rooms occupied daily, leases or occupancy contracts or arrangements, rents received, charged and accrued, the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this Local Law, and to furnish such information upon request to the County Treasurer.
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- (b) A Justice of the Supreme Court, either in court or at chambers, shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the County Treasurer under this Local Law.
- (c) Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material manner pending before the County Treasurer under this Local Law shall be guilty of a misdemeanor,

punishment for which shall be a fine of not more than one thousand dollars or imprisonment for not more than one year, or both such fine and imprisonment.

(d) The officers who serve the summons or subpoena of the County Treasurer and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided. Such officers shall be the County Sheriff and his daily appointed deputies or any officers or employees of the County Treasurer, designated to serve such process.

#### Section 19. Reference to Tax.

Wherever reference is made in placards or advertisements or in any other publications to this tax, such reference shall be substantially in the following form: "Tax on occupancy of hotel rooms," except that in any bill, receipt, statement or other evidence or memorandum of occupancy or rent charge issued or employed by the operator, the words "occupancy tax" will suffice.

#### Section 20. Penalties and Interest.

(a) Any person failing to file a return or to pay or pay over any tax to the County Treasurer within the time required by this Local Law shall be subject to a penalty, of five percent of the amount of tax due; plus interest at the rate of one percent of such tax for each month of delay excepting the first month after such return was required to be filed or such tax became due; but the County Treasurer, if satisfied that the delay was excusable, may waive all or any part of such penalty, but not interest at the rate of six percent per year. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this Local Law. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this Local Law.

(b) Any operator or occupant and any officer of a corporate operator or occupant failing to file a return required by this Local Law, or filing or causing to be filed, or making or causing to be made or giving or causing to be given any return, certificate, affidavit, representation, information testimony or statement required or authorized by this Local Law, which is willfully false, and any operator and any officer of a corporate operator willfully failing to file a bond required to be filed pursuant to section eleven of this Local Law, or failing to file a registration certificate and such data in connection therewith as the County Treasurer may be regulation or otherwise require or to display or surrender the certificate of authority as required by this Local Law or assigning or transferring such certificate or authority and any operator and any officer of a corporate operator willfully failing to charge separately from the rent the tax herein imposed, or willfully failing to state such tax separately on any evidence of occupancy and on any bill of statement or receipt of rent issued or employed by the operator, or willfully failing or refusing to collect such tax from the occupant, and any operator and any officer of a corporate operator who shall refer or cause reference to be made to this tax in a form or manner other than that required by this Local Law, and any operator failing to keep the records required by section eight of this Local Law, shall, in addition to the penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars, or imprisonment for not more than one year, or both such fine and imprisonment. Officers of a corporate operator shall be personally liable for the tax collected or required to be collected by such corporation under this Local Law, and subject to the penalties herein above imposed.

(c) The certificate of the County Treasurer to the effect that a tax has not been paid, that a return, bond or registration certificate has not been filed, or that information has not been supplied pursuant to the provisions of this Local Law, shall be presumptive evidence thereof.

#### Section 21. Returns to be Secret.

(a) Except in accordance with proper judicial order, or as otherwise provided by law, it shall be unlawful for the County Treasurer or any officer or employee of the office of County Treasurer to divulge or make known in

any manner the rents or either information relating to the business of a taxpayer contained in any return required under this Local Law. The officer charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the County Treasurer in an action or proceeding under the provisions of this Local Law, or on behalf of any party to any action or proceeding under the provisions of this Local Law when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby, as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer or his duly authorized representative of a certified copy of any return filed in connection with his tax nor to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof, or the inspection by the Niagara County Attorney or other legal representatives of the County or by the District Attorney of Niagara County, of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty. Returns shall be preserved for three years and thereafter until the County Treasurer permits them to be destroyed.

(b) Any violation of subdivision (a) of this section shall be punishable by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or both, in the discretion of the court, and if the offender be an officer or employee of the County he shall be dismissed from office and be incapable of holding any public office for a period of five years thereafter.

#### Section 22. Notices and Limitations of Time.

(a) Any notice authorized or required under the provisions of this local law may be given by mailing the same to the person for whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed by him pursuant to the provisions of this Local Law, or in any application made by him or, if no return has been filed or application made, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions of this Local Law by the giving of notice shall commence to run from the date of mailing of such notice.

(b) The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the County to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this Local Law. However, except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return; provided, however, that where no return has been filed as provided by law the tax may be assessed at any time.

(c) Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

#### Section 23. Separability.

If any provision of this Local Law, or the application thereof to any person or circumstance shall be held invalid, the remainder of this Local Law, and the application of such provisions to other persons or circumstances shall not be affected thereby.

#### Section 24. Effective Date.

(a) The hotel and motel tax enacted herein shall remain in effect for a three year period from May first, two thousand twelve. Nothing contained in Chapter 243 of the Laws of 2002 of the State of New York shall prohibit the adoption and enactment of Local Laws pursuant to the provisions of this section upon the expiration and any other Local Law adopted pursuant to this section.

(b) This local law shall take effect upon filing in the office of the Secretary of State as provided by the Municipal Home Rule Law.

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ECONOMIC DEVELOPMENT

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ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Legislator William L. Ross

DATE: 03/06/12

RESOLUTION # IL-010-12

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Referred: \_\_\_\_\_

## RESOLUTION REQUESTING SUPPORT FOR THE 50 YEAR ANNIVERSARY OF THE FOUNDING OF NIAGARA COUNTY COMMUNITY COLLEGE

WHEREAS, the Niagara County Legislature established Niagara County Community College in 1962, and

WHEREAS, Niagara County Community College will be celebrating the 50<sup>th</sup> anniversary of its founding in 2012,  
and

WHEREAS, the premier event of their 50<sup>th</sup> anniversary will be a "Balloons over Niagara" event, which will take place on July 27-29, 2012 at the NCCC Sanborn Campus, and

WHEREAS, this family-friendly event will feature a weekend of spectacular hot air balloons, non-stop activities, delicious food and fabulous live entertainment, and

WHEREAS, this event will contribute to Niagara County economic development by:

1. Generating valuable funds from visitors from inside and outside of Niagara County who will be making purchases at the event and supporting the local vendors;
2. The purchase of event supplies by the local vendors from surrounding businesses to set-up and stock their stalls;
3. The college's investment in event set-up, working with local vendors to prepare the campus for the event, and

WHEREAS, many members of NCCC faculty, administration and support staff hosted Niagara County's Bicentennial "Balloons over Niagara" event in 2008 providing free labor along with monetary support from NCCC which attracted over 7,000 people and was an outstanding event, now, therefore, be it

RESOLVED, that the Niagara County Legislature support the 50<sup>th</sup> anniversary of the founding of NCCC with a monetary contribution of \$25,000.00, and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2012 budget:

### INCREASE REVENUE:

A.28.8020.812 42725.00	VLT Tribal State Compact Money	\$25,000
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### INCREASE APPROPRIATION:

A.28.8020.812 74400.08	Seneca Niagara Monies	25,000
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# NIAGARA COUNTY LEGISLATURE

FROM: Legislators Paul B. Wojtaszek and Cheree J. Copelin DATE: 03/06/12 RESOLUTION # IL-011-12

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
<u>Katherine D. Alexander</u>			Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

## RESOLUTION URGING THE GOVERNOR AND STATE LEGISLATURE TO DIRECTLY TIE ANY JUVENILE JUSTICE/YOUTH DETENTION RE-ALIGNMENT POLICY TO SIGNIFICANT YOUTH FACILITIES'/STATE TRAINING SCHOOLS' RATE REFORM AND TO PROHIBIT ANY STATE BUDGET, POLICY AND REGULATORY ACTIONS THAT SHIFT COSTS TO COUNTIES AND LOCAL PROPERTY TAXPAYERS FOR SUCH FACILITIES

WHEREAS, the City of New York is currently negotiating with the Governor and State Legislature to develop a juvenile justice re-alignment plan, which would divert offenders from state facilities and shift interventions to community-based programs, under the management of New York City, and

WHEREAS, the Niagara County Legislature supports New York City's option to pursue juvenile justice re-alignment, but also recognizes that rate-setting for youth facilities/state training schools is directly tied to the population within these facilities, and

WHEREAS, the cost for youth detention at these facilities is one of the 9 mandates driving 90 percent of the county property tax levy in New York State, and

WHEREAS, retroactive rate increases for such youth facilities/state training schools, combined with the absence of consistent rate setting and billing, as well as the recently enacted local 2 percent property tax cap, place a tremendously unfair fiscal burden on counties and local property taxpayers, now, therefore, be it

RESOLVED, that the Niagara County Legislature urges the Governor and the Legislature of the State of New York to directly tie any juvenile justice/youth detention re-alignment policy to significant youth facilities/state training schools' rate reform and to prohibit any state budget, policy and regulatory actions that shift costs to counties for such facilities, and be it further

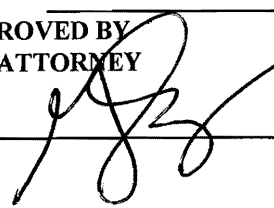
RESOLVED, that the Clerk of the Niagara County Legislature shall forward copies of this resolution to Governor Andrew M. Cuomo, Senate Vice President Pro Tem George D. Maziarz, Senator Mark J. Grisanti, Senate Temporary President Dean G. Skelos, Senate Deputy Majority Leader Thomas W. Libous, Member of the Assembly Jane L. Corwin, Member of the Assembly John D. Ceretto, Member of the Assembly Raymond Walter, Member of the Assembly Stephen Hawley, Member of the Assembly Robin Schimminger, Speaker of the Assembly Sheldon Silver, Assembly Majority Leader Ronald J. Canestrari, Assembly Minority Leader Brian M. Kolb, the Commissioner of the New York State Office of Children and Family Services Gladys Carrión and all others deemed necessary and proper.

LEGISLATOR PAUL B. WOJTASZEK

LEGISLATOR CHERÉE J. COPELIN

# NIAGARA COUNTY LEGISLATURE

**FROM:** Legislators John Syracuse & Kathryn L. Lance      **DATE:** 03/06/2012      **RESOLUTION #** IL-012-12

<b>APPROVED BY</b> <b>CO. ATTORNEY</b> 	<b>REVIEWED BY</b> <b>CO. MANAGER</b> 	<b>COMMITTEE ACTION</b> 	<b>LEGISLATIVE ACTION</b> Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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## RESOLUTION CALLING ON CONGRESS TO REPEAL PORTION OF UNIVERSAL SERVICE FUND, A HIDDEN TAX, THAT FUNDS TRACFONE "SAFELINK" MOBILE TELEPHONES AND OTHER SIMILAR FREE CELL PHONE SERVICES PROVIDED TO "INCOME-ELIGIBLE" INDIVIDUALS AT THE EXPENSE OF PAYING TELEPHONE CUSTOMERS

WHEREAS, Tracfone's Safelink Wireless subsidiary, Assurance, ReachOut, LifeLine, Cintex Wireless, Conexion Wireless, Standup Wireless and other telecommunications companies have provided taxpayer-funded cellular telephone services to individuals deemed "income-eligible," as defined as either those receiving incomes up to 135% of the poverty line, or those receiving Medicaid, Food Stamps, Supplement Security Income, federal public housing, Temporary Assistant for Needy Families, or free lunch through the federal school lunch program, and

WHEREAS, the "free" cellular telephones are in fact funded by a hidden tax placed on paying cellular telephone customers' telephone bills, namely the Federal Communication Commission's "Universal Service Fund," which is passed along as a "Universal Connectivity Charge," and

WHEREAS, per the Federal Communications Commission, the Universal Service Fund rate is "increased or decreased depending on the needs of the Universal Service programs," meaning that increases in the number of individuals receiving free cell phones and cellular service will increase the costs to paying customers, and

WHEREAS, per the Federal Communications Commission, the Universal Service Fund rate for the First Quarter of 2012 is 17.9 percent of telecommunications revenues, and

WHEREAS, this constitutes a 17% increase in the Universal Service Fund tax from the Fourth Quarter of 2011, when it was set at 15.3%, and a 57% increase in the Universal Service Fund tax since the Fourth Quarter of 2008, when it was set at 11.4%, and

WHEREAS, annual expenditures on Universal Service programs has increased from \$4.3 billion in 2000 to \$8.0 billion in 2010, a 86% spending increase in one decade, and

WHEREAS, the stated rationale in materials provided by Tracfone and Safelink Wireless is that Lifeline telephones "provide the people with a sense of security because they have access to help during an emergency," despite the fact that even deactivated cellular phones may be utilized to dial 911, and

WHEREAS, there is no oversight over the usage of monthly minutes and text services for Lifeline service, meaning that the "free" minutes may be used for any activities, including the illicit, rather than purposes outlined by the providers of said "free" service as justification (e.g. job searches and emergencies), and

WHEREAS, until such time as the Safelink Wireless Lifeline service became available in New York State, there was no indication of adverse effects for individuals lacking cellular telephones, now, therefore be it

RESOLVED, that the Legislature of the County of Niagara does hereby call upon the U.S. Representative Kathleen C. Hochul and U.S. Representative Louise M. Slaughter to introduce legislation to initiate repeal of the portion of the Universal Service Fund tax providing free cellular service to individuals and terminate federal funding of free cell phones, and be it further

RESOLVED, that the Legislature of the County of Niagara calls upon U.S. Senator Charles E. Schumer and U.S. Senator Kirsten E. Gillibrand to initiate the same in the Senate, and be it further

RESOLVED, that the Legislature of the County of Niagara does hereby call upon President Barack H. Obama to sign into law such legislation as repeals the portion of the Universal Service Fund that subsidizes free cellular service or defunds SafeLink, Lifeline, and other similar programs, and be it further

RESOLVED that the County of Niagara shall forward copies of this Resolution to President Barack H. Obama, U.S. Charles E. Schumer, U.S. Senator Kirsten E. Gillibrand, U.S. Representative Kathleen C. Hochul, U.S. Representative Louise M. Slaughter, Federal Communications Commission Chairman Julius Genachowski, and all others deemed necessary and proper.

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LEGISLATOR JOHN SYRACUSE

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LEGISLATOR KATHRYN L. LANCE

# NIAGARA COUNTY LEGISLATURE

**FROM:** Public Works and Administration **DATE:** 03/06/12 **RESOLUTION #** PW-010-12

## Committees

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
		PW - 2/27/12	Approved: Ayes____ Abs.____ Noes____
		AD - 2/28/12	Rejected: Ayes____ Abs.____ Noes____
			Referred:_____

## APPOINTMENT OF ATTORNEY – NIAGARA COUNTY SEWER DISTRICT #1

WHEREAS, the Administrative Board of the Niagara County Sewer District #1 (“District”) has reviewed the needs of the District, and

WHEREAS, the District met on January 25, 2012 and approved the appointment of P. Andrew Vona as a attorney for the District for the two-year period commencing January 1, 2012 and ending with the District’s re-organizational meeting in 2014, and

WHEREAS, the District has agreed to pay the attorney a general retainer of Thirty Thousand per year to be paid on pro-rata monthly fee basis of Two Thousand Five Hundred per month, and

WHEREAS, the District has agreed to pay One Hundred and Twenty-five dollars per hour for litigation, legal services in connection with increase in facilities and capital projects, easements or real property acquisitions if required with a capital project or increase of facilities, and one percent for all services in connection with increase in facilities and capital projects, exclusive of litigation, now, therefore, be it

RESOLVED, that the contract be effectuated to carry out the Administrative Board’s direction, such contract shall be subject to the approval of the Niagara County Attorney.

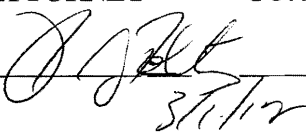
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PUBLIC WORKS COMMITTEE

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ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

**FROM:** Public Works and Administration **DATE:** 03/06/12 **RESOLUTION #** PW-011-12

## Committees

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
		<u>PW - 2/27/12</u>	Approved: Ayes <u>      </u> Abs. <u>      </u> Noes <u>      </u>
		<u>AD - 2/28/12</u>	Rejected: Ayes <u>      </u> Abs. <u>      </u> Noes <u>      </u>
			Referred: <u>                                </u>

## APPOINTMENT OF ENGINEER – NIAGARA COUNTY SEWER DISTRICT #1

WHEREAS, the Administrative Board of the Niagara County Sewer District #1 (“District”) has reviewed the needs of the District, and

WHEREAS, the District met on January 25, 2012 and approved the appointment of Conestoga- Rovers & Associates (CRA) as a engineer for the District for the two-year period commencing January 1, 2012 and ending with the District’s re-organizational meeting in 2014, and

WHEREAS, the District has agreed to pay the engineer a general retainer of Nine Thousand per year to be paid on pro-rata monthly fee basis of Seven Hundred Fifty per month, and

WHEREAS, the District has agreed to pay an hourly fee based on the personnel support for projects requested by the District, now, therefore, be it

RESOLVED, that the contract be effectuated to carry out the Administrative Board’s direction, such contract shall be subject to the approval of the Niagara County Attorney.

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PUBLIC WORKS COMMITTEE

\_\_\_\_\_  
ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee

DATE: 03/06/12

RESOLUTION # PW-012-12

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 2/27/12

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Referred: \_\_\_\_\_

**INTERMUNICIPAL AGREEMENT FOR REVIEW OF CURRENT REFUSE  
AND RECYCLING SERVICE OPERATIONS**

WHEREAS, the Niagara County Legislature is dedicated to providing the most effective government to the people of Niagara County, and

WHEREAS, the Legislature has and will continue to work with all other municipal governments when it is more efficient and cost effective to the taxpayers of Niagara County, and

WHEREAS, the County of Niagara and the City of Tonawanda wish to enter into an Inter-municipal Agreement for the purpose of reviewing current refuse and recycling service operations and identifying cost saving solid waste operations, and

WHEREAS, the City of Tonawanda will reimburse the Environmental Science Coordinators mileage and hourly rate, for approximately 40 hours of work, 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, the Chairman of the Legislature be, and hereby is, authorized to execute the required documents, subject to the review of the County Manager and approval of the County Attorney to enter into an inter-municipal agreement with the City of Tonawanda for the review of current refuse and recycling service operations.

\_\_\_\_\_  
PUBLIC WORKS COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration DATE: 03/06/12 RESOLUTION # PW-013-12

Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 2/27/12  
AD - 2/28/12

LEGISLATIVE ACTION  
Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Referred: \_\_\_\_\_

**REGIONAL WASTE REDUCTION PROGRAM  
MAINTENANCE REPAIR PARTS AND SUPPLIES BUDGET MODIFICATION**

WHEREAS, Resolution No. PW-019-02, dated April 23, 2002, authorized the purchase of one Heavy Duty Portable Crusher from Simplicity Engineering, Inc., 28 Hawk Circle, Westfield, Massachusetts 01085, and

WHEREAS, in past years, the excess revenue was dedicated to fund future repairs of this Heavy Duty Portable Crusher, and

WHEREAS, unforeseen maintenance repairs are required in 2012 on the Heavy Duty Portable Crusher, which requires additional funding in account DM.15.5130.500.74800.13, Maintenance Repair Parts and Supplies, now, therefore, be it

RESOLVED, the following budget modification be effectuated:

INCREASE REVENUE:

DM.40599.01	Committed Funds	\$15,000
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INCREASE APPROPRIATION:

DM.15.5130.500.74800.13	Maintenance Repair Parts & Supplies	15,000
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\_\_\_\_\_  
PUBLIC WORKS COMMITTEE

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ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration

DATE: 03/06/12

RESOLUTION # PW-014-12

## Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 2/27/12  
AD - 2/28/12

## LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Referred: \_\_\_\_\_

## BUDGET MODIFICATION-ACCEPTANCE OF GRANT FUNDS FOR BOND LAKE WILDLIFE/HABITAT RECLAMATION

WHEREAS, the Bond Lake Environmental Committee was established by resolution in 1995 to assist in enhancing Bond Lake Park as an educational asset for the County of Niagara, and

WHEREAS, in 2000, the Bond Lake Environmental Committee applied and was approved for grant funding in the amount of \$40,000 from the Niagara County Environmental Fund to restore the wildlife habitat in Bond Lake Park through a project entitled "Wildlife/Habitat Reclamation of Bond Lake Parkland", and

WHEREAS, to date the Bond Lake Environmental Committee has received \$36,859.15 of the grant and expended it in accordance with the specifications of the "Wildlife/Habitat Reclamation of Bond Lake Parkland" project requirements, and

WHEREAS, the 2012 Budget assumed that the remaining grant amount available for 2012 would be \$2,465.00, but the actual amount available for 2012 is \$2,715.85, and

WHEREAS, it is necessary to modify the 2012 budget to accurately reflect the amount of funds remaining under the grant, now, therefore, be it

RESOLVED, that the 2012 budget be modified as follows:

### INCREASE REVENUE:

CM.15.7989.706 42210.01	Bond Lake Grant	\$250.85
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### INCREASE APPROPRIATION:

CM.15.7989.706 74100.01	Insurance	250.85
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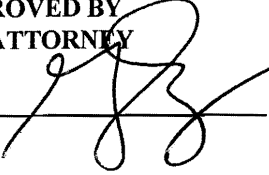
PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE



NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 03/06/12 RESOLUTION # PW-015-12

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION PW - 2/27/12	LEGISLATIVE ACTION
			Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA  
AND THE NEWFANE SOCCER CLUB**

WHEREAS, the Newfane Soccer Club has requested that the County of Niagara grant them exclusive rights to operate a Soccer program in an area situated in the County owned property on Lake Road, and

WHEREAS, this program benefits the youth and other residents of both the Town of Newfane in addition to Niagara County as a whole, and

WHEREAS, such program is operated on a not-for-profit basis, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Newfane Youth Soccer Club, 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.

\_\_\_\_\_  
PUBLIC WORKS COMMITTEE

**NIAGARA COUNTY LEGISLATURE**

**FROM:** Public Works Committee      **DATE:** 03/06/12      **RESOLUTION #** PW-016-12

<b>APPROVED BY</b> <b>CO. ATTORNEY</b>	<b>REVIEWED BY</b> <b>CO. MANAGER</b>	<b>COMMITTEE ACTION</b> <u>PW - 2/27/12</u>	<b>LEGISLATIVE ACTION</b> Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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**AGREEMENT BETWEEN THE COUNTY OF NIAGARA  
AND THE LIGHTHOUSE OPTIMIST CLUB OF BARKER**

WHEREAS, the Lighthouse Optimist Club of Barker has requested that the County of Niagara grant them permission to use Krull Park, and the field East of the Softball diamonds, for the purpose of holding a Kite Flying Event, to be held on June 9, 2012, and

WHEREAS, the kite event will be successful in attracting many children from the area, and

WHEREAS, it is the wish of the organizers to hold the kite event on June 9th, 2012, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Lighthouse Optimist Club of Barker, and

WHEREAS, prior to the execution of the License Agreement between the County of Niagara and the Lighthouse Optimist Club of Barker, the County Attorney will review said Agreement 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 County Legislature be, and hereby is, authorized to execute the License Agreement between the County of Niagara and the Lighthouse Optimist Club of Barker.

\_\_\_\_\_  
PUBLIC WORKS COMMITTEE

**NIAGARA COUNTY LEGISLATURE**

**FROM:** Public Works Committee      **DATE:** 03/06/12      **RESOLUTION #** PW-017-12

**APPROVED BY**  
**CO. ATTORNEY**

**REVIEWED BY**  
**CO. MANAGER**

**COMMITTEE ACTION**  
PW - 2/27/12

**LEGISLATIVE ACTION**

**Approved:** Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

**Rejected:** Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

**Referred:** \_\_\_\_\_

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA  
AND THE NIAGARA CELTIC HERITAGE SOCIETY, INC.**

WHEREAS, the Niagara Celtic Heritage Society, Inc. has requested that the County of Niagara grant them permission to use the north section of Krull Park for the purpose of holding a Celtic Festival, and

WHEREAS, this Festival has been successful for the past several years in attracting thousands of visitors from across Niagara County and Greater Western New York, and

WHEREAS, it is the wish of the local community to hold the Celtic Festival on September 15 - 16, 2012, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Niagara Celtic Heritage Society, Inc., and

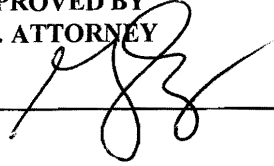
WHEREAS, prior to the execution of the License Agreement between the County of Niagara and the Niagara Celtic Heritage Society, Inc., the County Attorney will review said Agreement for approval as to legal form, language, and compliance, now, therefore, be it

RESOLVED, that, following the County Attorney's review, the Chair of the County Legislature be, and hereby is, authorized to execute the License Agreement between the County of Niagara and the Niagara Celtic Heritage Society, Inc.

\_\_\_\_\_  
PUBLIC WORKS COMMITTEE

**NIAGARA COUNTY LEGISLATURE**

**FROM:** Public Works Committee      **DATE:** 03/06/12      **RESOLUTION #** PW-018-12

<b>APPROVED BY</b> <b>CO. ATTORNEY</b> 	<b>REVIEWED BY</b> <b>CO. MANAGER</b> _____	<b>COMMITTEE ACTION</b> <u>PW - 2/27/12</u> _____ _____	<b>LEGISLATIVE ACTION</b> Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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**AGREEMENT BETWEEN THE COUNTY OF NIAGARA  
AND NIAGARA COMMUNITY CHURCH POWER ZONE SPORTS**

WHEREAS, Niagara Community Church Power Zone Sports has requested that the County of Niagara grant them permission to use a section of Oppenheim Park for the purpose of an organized youth baseball league in the back portion of Oppenheim Park, and

WHEREAS, this league will be held May 1, 2012 through October 31, 2012, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Niagara Community Church Power Zone Sports, and

WHEREAS, prior to execution of the agreement between the County of Niagara and Niagara Community Church Power Zone Sports, the County Attorney will review said agreement 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 County Legislature be, and hereby is, authorized to execute the agreement.

\_\_\_\_\_  
PUBLIC WORKS COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 03/06/12 RESOLUTION # PW-019-12

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 2/27/12

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Referred: \_\_\_\_\_

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA  
AND THE TOWN OF WHEATFIELD**

WHEREAS, the Town of Wheatfield has requested that the County of Niagara grant them permission to use Oppenheim Park for the purpose of holding a July 4<sup>th</sup> fireworks display, and

WHEREAS, it is the wish of the Town of Wheatfield to hold the fireworks display on July 4, 2012, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Town of Wheatfield, 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.

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PUBLIC WORKS COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee

DATE: 03/06/12

RESOLUTION # PW-020-12

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 2/27/12

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Referred: \_\_\_\_\_

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA  
AND THE PENDLETON LIONS CLUB**

WHEREAS, the Pendleton Lions Club has requested that the County of Niagara grant them permission to use the West Canal Marina and Shelter #4, for the purpose of holding the 36th annual town children's fishing derby to be held on June 9th, 2012, and

WHEREAS, the fishing derby has been successful for the past several years in attracting hundreds of adults and children from the area, and

WHEREAS, it is the wish of the organizers to hold the fishing derby on June 9th, 2012, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Pendleton Lions Club, and

WHEREAS, prior to the execution of the license agreement between the County of Niagara and the Pendleton Lions Club, the County Attorney will review said agreement 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 County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and the Pendleton Lions Club.

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PUBLIC WORKS COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee

DATE: 03/06/12

RESOLUTION # PW-021-12

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 2/27/12

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Referred: \_\_\_\_\_

## AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE ROY-HART CROSS COUNTRY TEAM

WHEREAS, the Roy-Hart Cross Country Team has requested that the County of Niagara grant them exclusive rights to operate a cross country program in an area situated in the County owned property on Gasport Road, and

WHEREAS, this program benefits the youth and other residents of both the Towns of Royalton and Hartland in addition to Niagara County as a whole, and

WHEREAS, such program is operated on a not-for-profit basis, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Roy-Hart Cross Country Team, now, therefore, be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Roy-Hart Cross Country Team, as appears on the proposed agreement, is hereby approved in all respects, and be it further

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

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PUBLIC WORKS COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee

DATE: 03/06/12

RESOLUTION # PW-022-12

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 2/27/12

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Referred: \_\_\_\_\_

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND  
THE ROYALTON 4TH OF JULY COMMITTEE**

WHEREAS, the Royalton 4<sup>th</sup> of July Committee has requested that the County of Niagara grant them permission to use the Royalton Ravine Park for the purpose of holding a July 4<sup>th</sup> celebration, and fireworks display, and

WHEREAS, it is the wish of the Royalton 4<sup>th</sup> of July Committee to hold the celebration, and fireworks display on July 4, 2012, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Royalton 4<sup>th</sup> of July Committee, and

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

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Royalton 4<sup>th</sup> of July Committee, as appears in the proposed agreement, is hereby approved in all respects, and be it further

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

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PUBLIC WORKS COMMITTEE



**NIAGARA COUNTY LEGISLATURE**

**FROM:** Public Works Committee

**DATE:** 03/06/12

**RESOLUTION #** PW-023-12

**APPROVED BY  
CO. ATTORNEY**

**REVIEWED BY  
CO. MANAGER**

**COMMITTEE ACTION**  
PW - 2/27/12

**LEGISLATIVE ACTION**

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Referred: \_\_\_\_\_

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA  
AND THE LOCKPORT SOCCER CLUB**

WHEREAS, the Lockport Soccer Club has requested that the County of Niagara grant them exclusive rights to operate a Soccer program in an area situated in the County owned property on Davison Road, and

WHEREAS, this program benefits the youth and other residents of both the Town of Lockport in addition to Niagara County as a whole, and

WHEREAS, such program is operated on a not-for-profit basis, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Lockport Youth Soccer Club, and

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

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Lockport Soccer Club, as appears on the proposed agreement, is hereby approved in all respects, and be it further

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

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PUBLIC WORKS COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee

DATE: 03/06/12

RESOLUTION # PW-024-12

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 2/27/12

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Referred: \_\_\_\_\_

## AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE BOND LAKE ATHLETIC CLUB

WHEREAS, the Bond Lake Athletic Club has requested that the County of Niagara grant them permission to use the north section of Bond Lake and the Warming House for the purpose of holding a "Rut Race", and

WHEREAS, this race has been successful for the past several years in attracting hundreds of visitors from across Greater Western New York and southern Canada, and

WHEREAS, it is the wish of the organizers to hold the Bond Lake Rut Race on August 13, 2012, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Bond Lake Athletic Club, and

WHEREAS, prior to the execution of the license agreement between the County of Niagara and the Bond Lake Athletic Club, the County Attorney will review said Agreement 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 County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and the Bond Lake Athletic Club.

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PUBLIC WORKS COMMITTEE

**NIAGARA COUNTY LEGISLATURE**

**FROM:** Public Works Committee

**DATE:** 03/06/12

**RESOLUTION #**PW-025-12

**APPROVED BY**  
**CO. ATTORNEY**

**REVIEWED BY**  
**CO. MANAGER**

**COMMITTEE ACTION**  
PW - 2/27/12

**LEGISLATIVE ACTION**

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Referred: \_\_\_\_\_

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND  
THE DIAMONDS IN THE RUFF ANIMAL RESCUE OF NIAGARA COUNTY, INC.**

WHEREAS, the Diamonds In the Ruff Animal Rescue of Niagara County, Inc. has requested that the County of Niagara grant them permission to use the north section of Bond Lake and the Warming House for the purpose of holding a fund raiser for the animals of Niagara County, and

WHEREAS, it is the wish of the organizers to hold the fund raiser on May 18, 2012, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Diamonds In the Ruff Animal Rescue of Niagara County, Inc., and

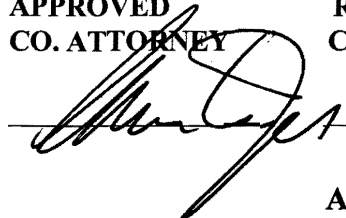
WHEREAS, prior to the execution of the license agreement between the County of Niagara and the Diamonds In the Ruff Animal Rescue of Niagara County, Inc., the County Attorney will review said agreement for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that following the County Attorney's review, the Chairman of the County Legislature be, and hereby is authorized to execute the license agreement between the County of Niagara and the Diamonds In the Ruff Animal Rescue of Niagara County, Inc..

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PUBLIC WORKS COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 03/06/12 RESOLUTION # PW-026-12

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
		<u>PW - 2/27/12</u>	Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

## AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE BOND LAKE ENVIRONMENTAL COMMITTEE WINTER BIRD WALK

WHEREAS, by Resolution IL-003-95 the Bond Lake Environmental Committee was established as an advisory board to assist in the planning of Bond Lake Park improvements and enhancing Bond Lake Park as an educational asset for the County of Niagara, and

WHEREAS, the Bond Lake Environmental Committee has been responsible for securing funds for major educational and conservational improvements at Bond Lake Park, and

WHEREAS, the Bond Lake Environmental Committee has promoted these improvements to increase the awareness and use of Bond Lake Park and its environmental assets through community awareness and educational events, and

WHEREAS, Bond Lake Environmental Committee has requested that the County of Niagara allow them to continue these educational events and grant them permission to use portions of Bond Lake Park and the Nature Center for the purpose of holding a Winter Bird Walk, and

WHEREAS, it is the wish of the Bond Lake Environmental Committee to hold the Winter Bird Walk on February 12, 2012, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Bond Lake Environmental Committee, and

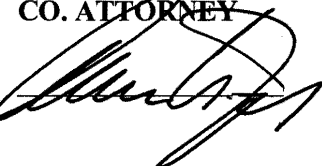
WHEREAS, prior to the execution of the license agreement between the County of Niagara and Bond Lake Environmental Committee, the County Attorney will review said agreement for approval as to legal form, language, and compliance, now, therefore, be it

RESOLVED, that, following the County Attorney's review, the Chair of the County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and Bond Lake Environmental Committee.

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PUBLIC WORKS COMMITTEE

**NIAGARA COUNTY LEGISLATURE**

**FROM:** Public Works Committee **DATE:** 03/06/12 **RESOLUTION #** PW-027-12

<b>APPROVED</b> <b>CO. ATTORNEY</b> 	<b>REVIEWED</b> <b>CO. MANAGER</b>	<b>COMMITTEE ACTION</b> <u>PW - 2/27/12</u> _____ _____	<b>LEGISLATIVE ACTION</b> Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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**AGREEMENT BETWEEN THE COUNTY OF NIAGARA  
AND THE BOND LAKE ENVIRONMENTAL COMMITTEE  
RAPTOR REHAB**

WHEREAS, by Resolution IL-003-95 the Bond Lake Environmental Committee was established as an advisory board to assist in the planning of Bond Lake Park improvements and enhancing Bond Lake Park as an educational asset for the County of Niagara, and

WHEREAS, the Bond Lake Environmental Committee has been responsible for securing funds for major educational and conservational improvements at Bond Lake Park, and

WHEREAS, the Bond Lake Environmental Committee has promoted these improvements to increase the awareness and use of Bond Lake Park and its environmental assets through community awareness and educational events, and

WHEREAS, Bond Lake Environmental Committee has requested that the County of Niagara allow them to continue these educational events and grant them permission to use portions of Bond Lake Park and the Nature Center for the purpose of holding a Raptor Rehabilitation Event, and

WHEREAS, it is the wish of the Bond Lake Environmental Committee to hold the Raptor Rehabilitation Event on March 18, 2012, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Bond Lake Environmental Committee, and

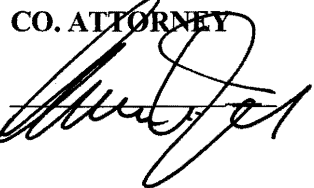
WHEREAS, prior to the execution of the license agreement between the County of Niagara and Bond Lake Environmental Committee, the County Attorney will review said agreement for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that, following the County Attorney's review, the Chair of the County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and Bond Lake Environmental Committee.

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PUBLIC WORKS COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 03/06/12 RESOLUTION # PW-028-12

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION PW - 2/27/12	LEGISLATIVE ACTION
			Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

## AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE BOND LAKE ENVIRONMENTAL COMMITTEE POLLINATING INSECTS

WHEREAS, by Resolution IL-003-95 the Bond Lake Environmental Committee was established as an advisory board to assist in the planning of Bond Lake Park improvements and enhancing Bond Lake Park as an educational asset for the County of Niagara, and

WHEREAS, the Bond Lake Environmental Committee has been responsible for securing funds for major educational and conservational improvements at Bond Lake Park, and

WHEREAS, the Bond Lake Environmental Committee has promoted these improvements to increase the awareness and use of Bond Lake Park and its environmental assets through community awareness and educational events, and

WHEREAS, Bond Lake Environmental Committee has requested that the County of Niagara allow them to continue these educational events and grant them permission to use portions of Bond Lake Park and the Nature Center for the purpose of holding a Pollinating Insects Event, and

WHEREAS, it is the wish of the Bond Lake Environmental Committee to hold the Pollinating Insects Event on April 22, 2012, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Bond Lake Environmental Committee, and

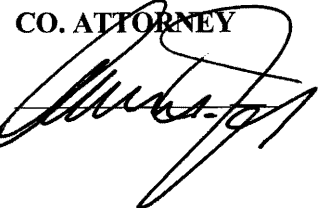
WHEREAS, prior to the execution of the license agreement between the County of Niagara and Bond Lake Environmental Committee, the County Attorney will review said agreement for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that, following the County Attorney's review, the Chair of the County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and Bond Lake Environmental Committee.

PUBLIC WORKS COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 03/06/12 RESOLUTION # PW-029-12

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
		<u>PW - 2/27/12</u>	Approved: Ayes <u>      </u> Abs. <u>      </u> Noes <u>      </u>
			Rejected: Ayes <u>      </u> Abs. <u>      </u> Noes <u>      </u>
			Referred: <u>                                </u>

## AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE BOND LAKE ENVIRONMENTAL COMMITTEE BLUEBIRDS AND THEIR HOUSES EVENT

WHEREAS, by Resolution IL-003-95 the Bond Lake Environmental Committee was established as an advisory board to assist in the planning of Bond Lake Park improvements and enhancing Bond Lake Park as an educational asset for the County of Niagara, and

WHEREAS, the Bond Lake Environmental Committee has been responsible for securing funds for major educational and conservational improvements at Bond Lake Park, and

WHEREAS, the Bond Lake Environmental Committee has promoted these improvements to increase the awareness and use of Bond Lake Park and its environmental assets through community awareness and educational events, and

WHEREAS, Bond Lake Environmental Committee has requested that the County of Niagara allow them to continue these educational events and grant them permission to use portions of Bond Lake Park and the Nature Center for the purpose of holding a Bluebirds and Their Houses Event, and

WHEREAS, it is the wish of the Bond Lake Environmental Committee to hold the Bluebirds and Their Houses Event on May 6, 2012, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Bond Lake Environmental Committee, and

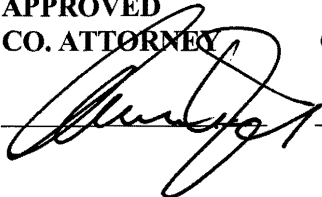
WHEREAS, prior to the execution of the license agreement between the County of Niagara and Bond Lake Environmental Committee, the County Attorney will review said agreement for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that following the County Attorney's review, the Chair of the County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and Bond Lake Environmental Committee.

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PUBLIC WORKS COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 03/06/12 RESOLUTION # PW-030-12

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
		PW - 2/27/12	Approved: Ayes____ Abs.____ Noes____
			Rejected: Ayes____ Abs.____ Noes____
			Referred: _____

## AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE BOND LAKE ENVIRONMENTAL COMMITTEE POND STUDY AND OBSERVATION

WHEREAS, by Resolution IL-003-95 the Bond Lake Environmental Committee was established as an advisory board to assist in the planning of Bond Lake Park improvements and enhancing Bond Lake Park as an educational asset for the County of Niagara, and

WHEREAS, the Bond Lake Environmental Committee has been responsible for securing funds for major educational and conservational improvements at Bond Lake Park, and

WHEREAS, the Bond Lake Environmental Committee has promoted these improvements to increase the awareness and use of Bond Lake Park and its environmental assets through community awareness and educational events, and

WHEREAS, Bond Lake Environmental Committee has requested that the County of Niagara allow them to continue these educational events and grant them permission to use portions of Bond Lake Park and the Nature Center for the purpose of holding a Pond Study and Observation Event, and

WHEREAS, it is the wish of the Bond Lake Environmental Committee to hold the Pond Study and Observation Event on June 3, 2012, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Bond Lake Environmental Committee, and

WHEREAS, prior to the execution of the license agreement between the County of Niagara and Bond Lake Environmental Committee, the County Attorney will review said agreement for approval as to legal form, language and compliance, now, therefore, be it

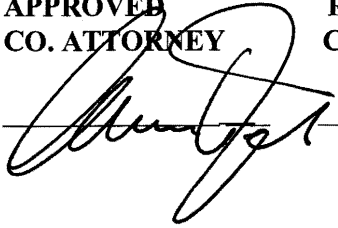
RESOLVED, that, following the County Attorney's review, the Chair of the County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and Bond Lake Environmental Committee.

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PUBLIC WORKS COMMITTEE



**NIAGARA COUNTY LEGISLATURE**

**FROM:** Public Works Committee **DATE:** 03/06/12 **RESOLUTION #** PW-031-12

<b>APPROVED</b> <b>CO. ATTORNEY</b> 	<b>REVIEWED</b> <b>CO. MANAGER</b>	<b>COMMITTEE ACTION</b> <u>PW - 2/27/12</u>	<b>LEGISLATIVE ACTION</b> Approved: Ayes <u>      </u> Abs. <u>      </u> Noes <u>      </u> Rejected: Ayes <u>      </u> Abs. <u>      </u> Noes <u>      </u> Referred: <u>                                </u>
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**AGREEMENT BETWEEN THE COUNTY OF NIAGARA  
AND THE BOND LAKE ENVIRONMENTAL COMMITTEE  
BUG FEST SEMINAR**

WHEREAS, by Resolution IL-003-95 the Bond Lake Environmental Committee was established as an advisory board to assist in the planning of Bond Lake Park improvements and enhancing Bond Lake Park as an educational asset for the County of Niagara, and

WHEREAS, the Bond Lake Environmental Committee has been responsible for securing funds for major educational and conservational improvements at Bond Lake Park, and

WHEREAS, the Bond Lake Environmental Committee has promoted these improvements to increase the awareness and use of Bond Lake Park and its environmental assets through community awareness and educational events, and

WHEREAS, Bond Lake Environmental Committee has requested that the County of Niagara allow them to continue these educational events and grant them permission to use portions of Bond Lake Park and the Nature Center for the purpose of holding a Bug Fest Seminar, and

WHEREAS, it is the wish of the Bond Lake Environmental Committee to hold the Bug Fest Seminar on August 19, 2012, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Bond Lake Environmental Committee, and

WHEREAS, prior to the execution of the license agreement between the County of Niagara and Bond Lake Environmental Committee, the County Attorney will review said agreement for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that, following the County Attorney's review, the Chair of the County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and Bond Lake Environmental Committee.

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PUBLIC WORKS COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 03/06/12 RESOLUTION # PW-032-12

APPROVED  
CO. ATTORNEY

REVIEWED  
CO. MANAGER

COMMITTEE ACTION  
PW - 2/27/12

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Referred: \_\_\_\_\_

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA  
AND THE BOND LAKE ENVIRONMENTAL COMMITTEE  
FALL BIRD WALK**

WHEREAS, by Resolution IL-003-95 the Bond Lake Environmental Committee was established as an advisory board to assist in the planning of Bond Lake Park improvements and enhancing Bond Lake Park as an educational asset for the County of Niagara, and

WHEREAS, the Bond Lake Environmental Committee has been responsible for securing funds for major educational and conservational improvements at Bond Lake Park, and

WHEREAS, the Bond Lake Environmental Committee has promoted these improvements to increase the awareness and use of Bond Lake Park and its environmental assets through community awareness and educational events, and

WHEREAS, Bond Lake Environmental Committee has requested that the County of Niagara allow them to continue these educational events and grant them permission to use portions of Bond Lake Park and the Nature Center for the purpose of holding a Fall Bird Walk, and

WHEREAS, it is the wish of the Bond Lake Environmental Committee to hold the Fall Bird Walk on September 23, 2012, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Bond Lake Environmental Committee, and

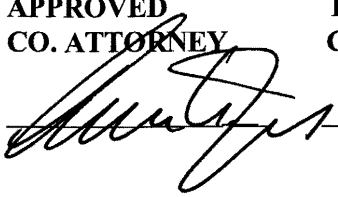
WHEREAS, prior to the execution of the license agreement between the County of Niagara and Bond Lake Environmental Committee, the County Attorney will review said agreement for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that, following the County Attorney's review, the Chair of the County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and Bond Lake Environmental Committee.

PUBLIC WORKS COMMITTEE

**NIAGARA COUNTY LEGISLATURE**

**FROM:** Public Works Committee      **DATE:** 03/06/12      **RESOLUTION #** PW-033-12

<b>APPROVED</b> <b>CO. ATTORNEY</b> 	<b>REVIEWED</b> <b>CO. MANAGER</b>	<b>COMMITTEE ACTION</b> <u>PW - 2/27/12</u> _____ _____	<b>LEGISLATIVE ACTION</b> Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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**AGREEMENT BETWEEN THE COUNTY OF NIAGARA  
AND THE BOND LAKE ENVIRONMENTAL COMMITTEE  
BATS AND BAT HOUSE BUILDING**

WHEREAS, by Resolution IL-003-95 the Bond Lake Environmental Committee was established as an advisory board to assist in the planning of Bond Lake Park improvements and enhancing Bond Lake Park as an educational asset for the County of Niagara, and

WHEREAS, the Bond Lake Environmental Committee has been responsible for securing funds for major educational and conservational improvements at Bond Lake Park, and

WHEREAS, the Bond Lake Environmental Committee has promoted these improvements to increase the awareness and use of Bond Lake Park and its environmental assets through community awareness and educational events, and

WHEREAS, Bond Lake Environmental Committee has requested that the County of Niagara allow them to continue these educational events and grant them permission to use portions of Bond Lake Park and the Nature Center for the purpose of holding a Bats and Bat House Building Event, and

WHEREAS, it is the wish of the Bond Lake Environmental Committee to hold the Bats and Bat House Building Event on October 14, 2012, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Bond Lake Environmental Committee, and

WHEREAS, prior to the execution of the license agreement between the County of Niagara and Bond Lake Environmental Committee, the County Attorney will review said agreement for approval as to legal form, language, and compliance, now, therefore, be it

RESOLVED, that, following the County Attorney's review, the Chair of the County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and Bond Lake Environmental Committee.

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PUBLIC WORKS COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 03/06/12 RESOLUTION # PW-034-12

APPROVED  
CO. ATTORNEY

REVIEWED  
CO. MANAGER

COMMITTEE ACTION  
PW - 2/27/12

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Referred: \_\_\_\_\_

## AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE BOND LAKE ENVIRONMENTAL COMMITTEE HIBERNATION PREPARATION

WHEREAS, by Resolution IL-003-95 the Bond Lake Environmental Committee was established as an advisory board to assist in the planning of Bond Lake Park improvements and enhancing Bond Lake Park as an educational asset for the County of Niagara, and

WHEREAS, the Bond Lake Environmental Committee has been responsible for securing funds for major educational and conservational improvements at Bond Lake Park, and

WHEREAS, the Bond Lake Environmental Committee has promoted these improvements to increase the awareness and use of Bond Lake Park and its environmental assets through community awareness and educational events, and

WHEREAS, Bond Lake Environmental Committee has requested that the County of Niagara allow them to continue these educational events and grant them permission to use portions of Bond Lake Park and the Nature Center for the purpose of holding a Hibernation Preparation Event, and

WHEREAS, it is the wish of the Bond Lake Environmental Committee to hold the Hibernation Preparation Event on November 18, 2012, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Bond Lake Environmental Committee, and

WHEREAS, prior to the execution of the license agreement between the County of Niagara and Bond Lake Environmental Committee, the County Attorney will review said agreement for approval as to legal form, language and compliance, now, therefore, be it

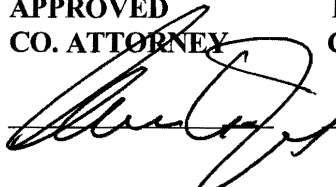
RESOLVED, that, following the County Attorney's review, the Chair of the County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and Bond Lake Environmental Committee.

PUBLIC WORKS COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration DA TE: 03/06/12 RESOLUTION # PW-035-12

## Committees

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
		PW - 2/27/12	Approved: Ayes _____ Abs. _____ Noes _____
		AD 2/28/12	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

## LOCKPORT ROAD INTERSECTIONS RECONSTRUCTION PROJECT CONSULTANT AMENDMENT NO. 2

WHEREAS, Resolution No. PW-079-08, dated July 22, 2008, awarded the contract for engineering services to Erdman Anthony, 8608 Main St., Buffalo, NY 14221, in the amount of \$857,715.00, and

WHEREAS, Resolution No. PW-099-10, dated October 5, 2010, amended the contract to allow for additional survey work to incorporate highway alignment for standard taper lengths, for a cost not to exceed \$18,082.00, for a revised contract of \$875,797.00, and

WHEREAS, it is necessary to amend the contract to allow for archeological and architectural studies, as required by New York State Department of Transportation, in the amount of \$154,461.00, for a revised contract of \$1,030,258.00, 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 your Public Works Committee recommends the proposed Amendment No. 2 in the amount of \$154,461 be approved to Erdman Anthony, 8608 Main St, Buffalo, NY 14221, for a revised contract of \$1,030,258.00, 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.


PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

**FROM:** Public Works and Administration **DATE:** 03/06/12 **RESOLUTION #** PW-036-12

## Committees

<b>APPROVED</b> <b>CO. ATTORNEY</b> 	<b>REVIEWED</b> <b>CO. MANAGER</b>	<b>COMMITTEE ACTION</b> <u>PW - 2/27/12</u> <u>AD - 2/28/12</u>	<b>LEGISLATIVE ACTION</b> Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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## BRIDGE RAILING REPLACEMENT PROJECT CONSULTANT AMENDMENT NO. 2

WHEREAS, Resolution No. PW-109-09, dated September 1, 2009, awarded the contract for consulting services to Clough Harbour & Associates LLP, 2200 Main Place Tower, Buffalo, NY, 14202-3722 in the amount of \$122,000, and

WHEREAS, Resolution No. PW-080-11, dated July 26, 2011, approved a time extension to December 31, 2011, for a \$0.00 cost, and

WHEREAS, it is necessary to approve an amendment for a time extension to March 31, 2012, and to approve modifications required to the Ransomville Road Bridge site, in the amount of \$9,603.00, for a revised contract of \$131,603.00, and

WHEREAS, additional funds are required in project H535.15.5197.000.72600.02, Infrastructure Bridges, 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 to Clough Harbour & Associates LLP, 2200 Main Place Tower, Buffalo, NY 14202-3722, be extended to March 31, 2012, 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, the following budget modification be effectuated:

### DECREASE REVENUE:

H558.15.5112.000.43501.00	Consolidated Highway Aid	\$4,218
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### DECREASE APPROPRIATIONS:

H558.15.5112.000.72600.01	Infrastructure Roads	\$4,218
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### INCREASE REVENUE:

H565.15.5197.000.43501.00	Consolidated Highway Aid	\$4,218
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### INCREASE APPROPRIATIONS

H565.15.5197.000.72600.02	Infrastructure Bridges	\$4,218
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NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration DATE: 03/06/12 RESOLUTION # PW-037-12

Committees

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	PW - 2/27/12	Approved: Ayes Abs. Noes
		AD - 2/28/12	Rejected: Ayes Abs. Noes
			Referred:

ABOLISH JR. CIVIL ENGINEER AND  
CREATE SR. ENGINEERING AIDE

WHEREAS, it has been recommended by the Department of Public Works that the position of Jr. Civil Engineer be reclassified to more closely reflect the duties of the position, and

WHEREAS, the Niagara County Personnel Officer approves the title change from Jr. Civil Engineer to Sr. Engineering Aide, now, therefore, be it

RESOLVED, that the position of Jr. Civil Engineer, position number 11016, be abolished, effective March 17, 2012, and be it further

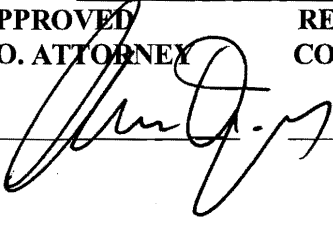
RESOLVED, that Department of Public Works be granted permission to create and fill one (1) Sr. Engineering Aide in the Engineering Cost Center, at the CSEA Salary Scale, Step 1, \$18.99 per hour, effective March 18, 2012.

PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 03/06/12 RESOLUTION # PW-038-12

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION PW - 2/27/12	LEGISLATIVE ACTION
			Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

## NIAGARA COUNTY BRIDGE WASHING AND DECK SEALING PROJECT, THIRTY-NINE BRIDGES, IN VARIOUS TOWNS, NIAGARA COUNTY, PIN 5760.31

WHEREAS, the Niagara County Bridge Washing and Bridge Deck Sealing Project, Thirty-Nine (39) Bridges in Various Towns, in Niagara County, PIN 5760.31, "the Project", is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal and 20% Non-Federal funds, and

WHEREAS, the County of Niagara desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Construction and Construction Inspection phases of the Project, PIN 5760.31, now, therefore, be it

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

RESOLVED, that the County Legislature of the County of Niagara hereby authorizes the County of Niagara to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Construction and Construction Inspection phases of the Project or portions thereof, and be it further

RESOLVED, that the sum of \$70,000 is hereby appropriated in D.15.5120.000.74800.06, Bridge Maintenance, Repairs and Maintenance Items, and made available to cover the cost of participation in the above phases of the Project, and be it further

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

RESOLVED, that the Chair of the Legislature of the County of Niagara be, and hereby is, authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Niagara with the New York State Department of Transportation in connection with the advancement or approval of the Project, and 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, therefore, that are not so eligible, and be it further

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

RESOLVED, this Resolution shall take effect immediately.



# NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration DATE: 03/06/12 RESOLUTION # PW-039-12

## Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

PW - 2/27/12

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

AD - 2/28/12

Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Referred: \_\_\_\_\_

## BUDGET MODIFICATION FOR WRUCK ROAD WATERLINE REPLACEMENT

WHEREAS, the Wruck Road Bridge is closed and will be scheduled for demolition by the NYS Department of Transportation, necessitating the Niagara County Water District to replace the waterline that is currently installed on the bridge, and

WHEREAS, the waterline on the bridge will be abandoned in place and a replacement line will be installed beneath the Erie Canal, and

WHEREAS, Niagara County Water District Administrative Board authorized the Administrative Director to go to bid for the Wruck Road Waterline Replacement Project and has accepted bids, under Contract No. 11-1, and

WHEREAS, there are sufficient funds in the Water District's Fund Balance to cover the cost of this project, now, therefore, be it

RESOLVED, that the following budget modification be made to the 2012 Water District operating budget:

### INCREASE APPROPRIATED FUND BALANCE:

FX.40599.00	Appropriated Fund Balance	\$300,000
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### INCREASE APPROPRIATION:

FX.31.8340.000 72600.03	Infrastructure Water Lines	300,000
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PUBLIC WORKS COMMITTEE

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ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 03/06/12 RESOLUTION # PW-040-12

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 2/27/12

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Referred: \_\_\_\_\_

## **BOND LAKE PARK – WESTERN NEW YORK LAND CONSERVANCY GRANT**

WHEREAS, the Western New York Land Conservancy is proposing to protect portions of the Niagara Escarpment through the Niagara Escarpment Legacy Project, and

WHEREAS, the Bond Lake Beautification committee supports the Western New York Land Conservancy's Niagara Escarpment Legacy Project with the restoration of 110 acres to native grassland and oak savanna habitat, and

WHEREAS, the Niagara County Department of Public Works also supports the Niagara Escarpment Legacy Project and the proposal for Bond Lake Park to participate in this project, and

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

RESOLVED, that the County of Niagara grants temporary permission for the Western New York Land Conservancy to enter Bond Lake Park for the next ten (10) years for the sole purpose of enhancing native grasslands and oak savanna, 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

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PUBLIC WORKS COMMITTEE