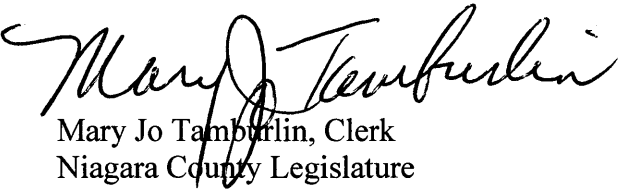


AGENDA
NIAGARA COUNTY LEGISLATURE
JUNE 5, 2012 – 7:00 P.M.

Regular Meeting – June 5, 2012

- *AD-013-12** Administration, re Distribution of Mortgage Tax – Treasurer
- *AD-014-12** Administration, re Permission to Create/Fill Microcomputer Student Intern Position – Information Technology
- *AD-015-12** Administration, re Summer Hours 2012 – Human Resources
- *CS-017-12** Community Services & Administration, re Public Hearing for NCCC FY 2012-2013 Maintenance & Operating Budget – County Manager
- *CS-018-12** Community Services & Administration, re Budget Modification Public Health Nursing – Public Health
- *CS-019-12** Community Services & Administration, re Increase in County Clerk Office Cashier Funds – County Clerk
- IL-022-12** Legislators Peter E. Smolinski, Paul B. Wojtaszek, Kathryn L. Lance & Economic Development, re Resolution in Support of Canal Fest
- IL-026-12** Legislator David E. Godfrey & Economic Development, re Resolution in Support of Funding Wilson & Cambria Tourism Initiatives Through the Use of Casino Revenue Funds
- IL-027-12** Legislator Kathryn L. Lance, re Resolution in Support of Various Wheatfield Tourism Initiatives Through the Use of Casino Funding
- IL-028-12** Legislator William L. Ross, re Resolution in Support of Projects that Support Tourism and Economic Development in Niagara County Through the Use of Casino Funds
- IL-029-12** Legislators Dennis F. Virtuoso, Jason A. Zona, Owen T. Steed, Chereé J. Copelin, William L. Ross, Peter E. Smolinski, Michael A. Hill, et al., re Nik Wallenda Day in Niagara County
- IL-030-12** Legislators David E. Godfrey, William L. Ross, John Syracuse & Michael A. Hill, re County-Wide Rural Broadband – Inclusive Internet Initiative

- IL-031-12** Legislators Paul B. Wojtaszek, David E. Godfrey & Michael A. Hill, re Resolution Declaring the Legislature of the County of Niagara's Intent to be Lead Agency for Environmental Review Pursuant to the State Environmental Review Pursuant to the State Environmental Quality Review Act (SEQRA) for the Proposed Niagara County Emergency Communications Project
- *PW-060-12** Public Works, re Agreement between the County of Niagara & the Krull Olcott Development Committee & Olcott Fire Company
- *PW-061-12** Public Works, re Agreement between the County of Niagara & Amanda Vincek
- *PW-062-12** Public Works, re Agreement between the County of Niagara & the Lockport Exchange Club
- *PW-063-12** Public Works, re Agreement between the County of Niagara & the Niagara County Snowmobile Federation of Snowmobile Clubs
- *PW-064-12** Public Works, re Award of Contract – County Bridge Washing
- *PW-065-12** Public Works, re Replacement of the Youngstown Road Bridge Over Six Mile Creek, BIN 3329740, Town of Porter, Niagara County, PIN 5760.02
- PW-066-12** Public Works & Administration, re Niagara County Sewer District #1 – Capital Plan – Phase 2 – Sewer



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 June 19, 2012.

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 06/05/12 RESOLUTION # AD-013-12

| | | | |
|---|---------------------------------------|--|--|
| APPROVED CO. ATTORNEY  5/29/2012 | REVIEWED CO. MANAGER | COMMITTEE ACTION <u>AD - 5/22/12</u> | LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____ |
|---|---------------------------------------|--|--|

DISTRIBUTION OF MORTGAGE TAX

WHEREAS, Niagara County has received mortgage tax monies for the period October 1, 2011 through March 31, 2012 in the amount of \$2,058,202.27, and

WHEREAS, the Recording Officer has previously distributed \$455,503.04 to the Niagara Frontier Transportation Authority, \$454,125.48 to the State Mortgage Tax Agency, and retained \$133,119.03 for approved county administrative expenses, and

WHEREAS, that Recording Officer has remitted the remaining monies collected to the County Treasurer for distribution to various Niagara County towns, villages and cities, now, therefore, be it

RESOLVED, that the sum of \$1,015,454.72 reflects mortgage tax monies for the period October 1, 2011 through March 31, 2012 to be distributed, and the same be and hereby is, apportioned as follows among the various towns, villages and cities of the County of Niagara:

| | | |
|----------|-----------------------|--------------|
| TOWNS | Cambria | \$ 30,207.86 |
| | Hartland | 20,567.87 |
| | Lewiston | 100,690.03 |
| | Lockport | 128,064.90 |
| | Newfane | 44,477.28 |
| | Niagara | 30,679.17 |
| | Pendleton | 60,932.21 |
| | Porter | 36,980.88 |
| | Royalton | 39,237.22 |
| | Somerset | 7,645.38 |
| | Wheatfield | 160,334.73 |
| | Wilson | 26,009.92 |
| VILLAGES | Middleport (Hartland) | \$ 297.31 |
| | Middleport (Royalton) | 3,294.46 |
| | Lewiston | 11,495.54 |
| | Youngstown | 7,110.54 |
| | Barker | 701.86 |
| | Wilson | 2,921.62 |

| | | |
|--------|-----------------|-------------------|
| CITIES | Lockport | \$ 62,832.14 |
| | Niagara Falls | 111,889.83 |
| | North Tonawanda | <u>129,083.97</u> |
| | TOTAL: | \$1,015,454.72 |

and be it further

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

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 06/05/12 RESOLUTION # AD-014-12

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION
AD - 5/22/12

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

Edw. J. [Signature]

PERMISSION TO CREATE/FILL MICROCOMPUTER STUDENT INTERN POSITION IN INFORMATION TECHNOLOGY

WHEREAS, the Niagara County Information Technology Department is requesting permission to create and fill a Microcomputer Student Intern Position this summer, and

WHEREAS, this seasonal (ten-week) temporary position will assist our current full-time Microcomputer Coordinators to rollover PCs during the conversion from Novell to Microsoft in a timely fashion resulting in a cost savings to the County, and

WHEREAS, money is available in the budget due to temporarily reduced hours in another position, and
be it

RESOLVED, that the Information Technology Department is given authorization to create and fill a temporary Microcomputer Student Intern position, at an hourly rate of \$9.25 per hour, and be it further

RESOLVED, that the temporary Microcomputer Student Intern position be effective on Monday, June 11, 2012, with the following budget modification:

DECREASE APPROPRIATION

| | | |
|-----------------------|-----------|------------|
| A.1680.71010.00010772 | Positions | \$3,485.19 |
|-----------------------|-----------|------------|

INCREASE APPROPRIATION


| | | |
|-----------------------|-----------|------------|
| A.1680.71011.0000xxxx | Positions | \$3,237.50 |
|-----------------------|-----------|------------|

| | | |
|--------------|------|----------|
| A.1680.78200 | FICA | \$247.69 |
|--------------|------|----------|

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 06/05/12 RESOLUTION # AD-15-12

| | | | |
|--|-------------------------|---|---|
| APPROVED CO. ATTORNEY | REVIEWED CO. MANAGER | COMMITTEE ACTION <u>AD - 5/22/12</u> | LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____ |
|  | | | |

SUMMER HOURS – 2012

WHEREAS, the County has agreed to a ten-week period for a summer work schedule change, and

WHEREAS, it was agreed that this new schedule will apply only to those departments and employees who are on a Monday through Friday, 9:00 a.m. to 5:00 p.m. schedule, now, therefore, be it

RESOLVED, that effective June 25, 2012 through August 31, 2012 the work schedule of the County employees mentioned above will be 8:30 a.m. to 4:30 p.m. with the following regulations:

1. Any department required by local regulations or law to remain open until 5:00 p.m. may be exempt from this schedule.
2. Each Department Head is authorized to return to the 9:00 a.m. to 5:00 p.m. schedule if the new hours cause operational problems, or if the employees abuse the new work schedule.
3. This agreement is for the ten-week period as stated above and will not be repeated without further Legislative action.
4. Public notice of the hours will be posted in all County offices affected.
5. Any deviation from the above must be cleared with the Human Resources Department.

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services and Administration **DATE:** 06/05/12 **RESOLUTION #** CS-017-12

Committees

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION
CS - 5/14/12
AD - 5/22/12

LEGISLATIVE ACTION
Approved: Ayes _____ Abs. _____ Noes _____
Rejected: Ayes _____ Abs. _____ Noes _____
Referred: _____

**PUBLIC HEARING FOR
NCCC FY 2012-2013 MAINTENANCE AND OPERATING BUDGET**

WHEREAS, the County Manager and Budget Director have filed with the Legislative Clerk the tentative budget for the Niagara County Community College for their fiscal year commencing September 1, 2012 and ending August 31, 2013, and

WHEREAS, pursuant to Section 359 of the County Law, a public hearing must be held, now, therefore, be it

RESOLVED, that a public hearing be held in the Legislative Chambers, Courthouse, Lockport, New York at 6:30 p.m. on the 19th day of June, 2012 to review the tentative budget, and be it further

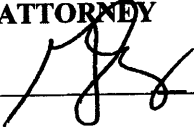
RESOLVED, that the Clerk of the Legislature is hereby authorized and directed to publish notice of same in the Union Sun & Journal, the Tonawanda News, and the Niagara Gazette.

COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services and Administration **DATE:** 06/05/12 **RESOLUTION #** CS-018-12

| <u>Committees</u> | | | |
|---|--------------------|-------------------------|--|
| APPROVED | REVIEWED | COMMITTEE ACTION | LEGISLATIVE ACTION |
| CO. ATTORNEY | CO. MANAGER | CS - 5/14/12 | Approved: Ayes _____ Abs. _____ Noes _____ |
|  | | AD - 5/22/12 | Rejected: Ayes _____ Abs. _____ Noes _____ |
| | | | Referred: _____ |

**BUDGET MODIFICATION - PUBLIC HEALTH NURSING
DEPARTMENT OF HEALTH**

WHEREAS, the Public Health Nursing division of the Niagara County Department of Health provides a wide array of essential services, and

WHEREAS, there is a continued need for home health care services in our community, and

WHEREAS, the Public Health Nursing Division has inadequate nursing staff to provide home health care services and maintain daily prevention & clinic services due to retirements, nursing position vacancies, medical leave, & vacations, and

WHEREAS, funds are available, through 7 (seven) nursing positions budgeted in 2012, to pay for contracted nurses until the sale of the county home health program is complete, at no cost to the county, now, therefore, be it

RESOLVED, that the department is given authorization to effectuate the following budget modification immediately:

FROM:

| | | |
|---------------------------------|----------------------|--------|
| A.20.4189.401 71010.00 00000658 | Public Health Nurse | 43,384 |
| A.20.4189.401 71010.00 00004427 | Public Health Nurse | 51,941 |
| A.20.4189.402 71010.00 00006224 | Account Clerical III | 35,827 |
| A.20.4189.402 71010.00 00006225 | Account Clerical III | 35,827 |

TO:

| | | |
|---------------------|------------------|----------|
| A.20.4189.401 74901 | Nursing Services | \$95,325 |
| A.20.4189.402 74901 | Nursing Services | 71,654 |

COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services and Administration DATE: 06/05/12 RESOLUTION # CS-019-12

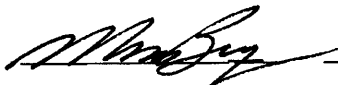
Committees

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION
CS - 5/14/12
AD - 5/22/12

LEGISLATIVE ACTION
Approved: Ayes _____ Abs. _____ Noes _____
Rejected: Ayes _____ Abs. _____ Noes _____
Referred: _____



INCREASE IN COUNTY CLERK OFFICE CASHIER FUNDS

WHEREAS, the Niagara County Clerk Recording Office Actions and Proceedings area cash drawers each currently function with a total of \$75.00 in cash "opening" drawer funds, and

WHEREAS, increased customer transaction costs have necessitated an increase in the cash drawer total amounts from \$75.00 to \$100.00 to maintain adequate cash for operating purposes, and

WHEREAS, three additional staff persons have been trained in cash transaction procedures and also require cash funds of \$100.00 for "opening" cash drawer functions, now, therefore, be it

RESOLVED, that the sum of \$400.00 be authorized as the maximum limit for cash drawer funds, and be it further

RESOLVED, that the following line item transfer be effectuated immediately.

FROM:

A.1200.10 Cash-M&T General Depository \$400.00

TO:

A.1210.02 Petty Cash-County Clerk \$400.00

COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Peter E. Smolinski, _____ **DATE:** 06/05/12 **RESOLUTION #** IL-022-12
Paul B. Wojtaszek, Kathryn L. Lance
and Economic Development Committee

| APPROVED | REVIEWED | COMMITTEE ACTION | LEGISLATIVE ACTION |
|--------------|-------------|------------------|--|
| CO. ATTORNEY | CO. MANAGER | ED - 5/15/12 | Approved: Ayes _____ Abs. _____ Noes _____ |
| | | | Rejected: Ayes _____ Abs. _____ Noes _____ |
| | | | Referred: _____ |

RESOLUTION IN SUPPORT OF CANAL FEST

WHEREAS, the Canal Fest of the Tonawandas has been a mainstay in Niagara County's tourism offerings in the City of North Tonawanda, with nearly 250,000 people attending and bringing a significant economic impact to the community, and

WHEREAS, this is the largest festival in New York State along the Erie Canal, and

WHEREAS, the Canal Fest supports over 40 not-for-profit agencies in the City of North Tonawanda, including; church groups, volunteer firefighters, the History Museum, the Herschel Carousel Society and many others, now, therefore, be it

RESOLVED, that the following initiatives be funded by these monies generated from the Seneca Niagara Casino, as per New York State statute:

| | |
|------------------------------------|----------|
| Canal Fest of the Tonawandas, Inc. | \$10,000 |
|------------------------------------|----------|

and be it further

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

INCREASE REVENUE:

| | | |
|------------|---------------------------|----------|
| A.40599.00 | Appropriated Fund Balance | \$10,000 |
|------------|---------------------------|----------|

INCREASE APPROPRIATION:

| | | |
|------------------------|-----------------------|----------|
| A.28.8020.812 74400.08 | Seneca Niagara Monies | \$10,000 |
|------------------------|-----------------------|----------|

LEGISLATOR PETER E. SMOLINSKI

LEGISLATOR PAUL B. WOJTASZEK

LEGISLATOR KATHRYN L. LANCE

ECONOMIC DEVELOPMENT COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Legislator David E. Godfrey and DATE: 06/05/12 RESOLUTION # IL-026-12

Economic Development Committee

APPROVED

REVIEWED

COMMITTEE ACTION

LEGISLATIVE ACTION

CO. ATTORNEY

CO. MANAGER

ED - 5/15/12

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____



RESOLUTION IN SUPPORT OF FUNDING SPECIFIED WILSON AND CAMBRIA TOURISM INITIATIVES THROUGH THE USE OF CASINO REVENUE FUNDS

WHEREAS, Niagara County's towns and villages draw thousands of visitors every year, bringing valuable tourism dollars to the area which are vital for community growth and economic sustainability, and

WHEREAS, the Town and Village of Wilson, in an effort to increase year-around tourism and promote local events, will be publishing a Welcome Guide and Things-to-See-&-Do brochures for distribution throughout the county, and

WHEREAS, this marketing brochure will include town attractions and events, local businesses, marine services, the Niagara County Wine Trail, Seaway Trail, and Canal Trail, and links to various tourist websites, and

WHEREAS, 2012 marks the Bicentennial Celebration of the War of 1812, and many commemorative events will be taking place both in the United States and Canada all year, and

WHEREAS, in harmony with the Bicentennial Celebration of the War of 1812, the Cambria Historical Society plans to establish a historical marker at the corner of Baer and Ridge Roads to commemorate a battle that occurred there on December 19, 1812, and

WHEREAS, a special event with presentations relevant to the War of 1812 will be held to coincide with the placement of this historic marker, now, therefore, be it

RESOLVED, that Niagara County would like to support these two economic initiatives by the Town of Wilson and the Town of Cambria through a combined contribution to be distributed as follows:

| | |
|---|---------|
| Town of Wilson – Marketing Brochures | \$2,800 |
| Town of Cambria – Historical Marker/Event | \$2,200 |

and be it further

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

INCREASE REVENUE:

| | | |
|------------|---------------------------|---------|
| A.40599.00 | Appropriated Fund Balance | \$5,000 |
|------------|---------------------------|---------|

INCREASE APPROPRIATION:

A.28.8020.812 74400.08

Seneca Niagara Monies

\$5,000

LEGISLATOR DAVID E. GODFREY

ECONOMIC DEVELOPMENT COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Legislator Kathryn L. Lance DATE: 06/05/12 RESOLUTION # IL-027-12

| APPROVED | REVIEWED | COMMITTEE ACTION | LEGISLATIVE ACTION |
|--------------|-------------|------------------|--|
| CO. ATTORNEY | CO. MANAGER | | Approved: Ayes _____ Abs. _____ Noes _____ |
| | | | Rejected: Ayes _____ Abs. _____ Noes _____ |
| | | | Referred: _____ |

RESOLUTION IN SUPPORT OF VARIOUS WHEATFIELD TOURISM INITIATIVES THROUGH THE USE OF CASINO FUNDING

WHEREAS, rural communities in Niagara County struggle to attract visitors whose monies are needed to sustain the economy, and

WHEREAS, the Town of Wheatfield has sought to provide various summertime recreation opportunities to draw tourists and tourism-derived revenue, which also benefits our region as a whole, and

WHEREAS, this Legislature has provided \$99-h-derived casino revenues to the Town of Wheatfield for tourism in previous budget years, including per IL-081-09, and

WHEREAS, the 2012 fireworks display will take place in Town of Wheatfield on July 4, 2012, and utilize Oppenheim Park, and

WHEREAS, summer concerts by recognizable music acts are a significant draw for tourists and local residents, who then inject revenues into the local economy, as has been demonstrated to great success by Wheatfield's Concert series, and

WHEREAS, the Town of Wheatfield has succeeded in contracting with Roar 84, to perform in Wheatfield on Wednesday, July 4th, now, therefore, be it

RESOLVED, that Niagara County is desirous of promoting economic initiatives, especially as a partner that will bring returns such as sales tax revenues to our citizens as well as visitors, and be it further

RESOLVED, that Niagara County would like to support the efforts of the Town of Wheatfield to attract tourists through a contribution of \$5,000.00 total, to be disbursed as follows:

| | |
|---------|----------------------------------|
| \$2,000 | Fourth of July Fireworks Display |
| \$3,000 | Fourth of July Concert Event |

and be it further

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

INCREASE REVENUE:

| | | |
|------------|---------------------------|---------|
| A.40599.00 | Appropriated Fund Balance | \$5,000 |
|------------|---------------------------|---------|

INCREASE APPROPRIATION:

A.28.8020.812 74400.08

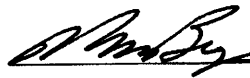
Seneca Niagara Monies

\$5,000

LEGISLATOR KATHRYN L. LANCE

NIAGARA COUNTY LEGISLATURE

FROM: Legislator William L. Ross DATE: 06/05/12 RESOLUTION #IL-028-12

| APPROVED | REVIEWED | COMMITTEE ACTION | LEGISLATIVE ACTION |
|--|-------------|------------------|--|
| CO. ATTORNEY | CO. MANAGER | | Approved: Ayes _____ Abs. _____ Noes _____ |
|  | | | Rejected: Ayes _____ Abs. _____ Noes _____ |
| | | | Referred: _____ |

RESOLUTION IN SUPPORT OF PROJECTS THAT SUPPORT TOURISM AND ECONOMIC DEVELOPMENT IN NIAGARA COUNTY THROUGH THE USE OF CASINO FUNDS

WHEREAS, Niagara County's cities, towns and villages draw thousands of visitors every year, bringing tourism dollars to the area which are vital, and

WHEREAS, the Bergholz community in the Town of Wheatfield through the Historical Society of North German Settlements in Western New York established "Das Haus" restoration in Bergholz, and

WHEREAS, "Das Haus" maintains and cherishes the roots of the original Prussians who established the Bergholz community, and

WHEREAS, the "Das Haus" volunteers maintain weekend visitation for Western New York citizens and tourists from all destinations who have an interest in visiting this historically correct restoration, and

WHEREAS, the Niagara County Builders Association sponsor an annual Parade of New Homes Show consisting of 8-10 homes in various sites of Niagara County, and

WHEREAS, attendance during these new home shows is very good and our local home builders receive many good leads which can lead to construction of new homes in Niagara County, and

WHEREAS, the slump in home building is far from over and these home shows are an outstanding way to promote home building in Niagara County, now, therefore, be it

RESOLVED, that Niagara County supports these two economic initiatives of the Historical "Das Haus" Museum and the Annual Niagara County Builders Association Home Show as follows:

| | |
|---|---------|
| "Das Haus" Museum Restoration | \$2,500 |
| Niagara County Builders Association Marketing | \$1,500 |

and be it further

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

INCREASE REVENUE:

| | | |
|------------|---------------------------|---------|
| A.40599.00 | Appropriated Fund Balance | \$4,000 |
|------------|---------------------------|---------|

INCREASE APPROPRIATION:

A.28.8020.812 74400.08

Seneca Niagara Monies

\$4,000

LEGISLATOR WILLIAM L. ROSS

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Dennis F. Virtuoso, Jason A. Zona, Owen T. Steed, Cheree J. Copelin, William L. Ross, Peter E. Smolinski, Michael A. Hill, et al. **DATE:** 06/05/12 **RESOLUTION #** IL-029-12

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

Kathleen D. Alexander

NIK WALLENDAY DAY IN NIAGARA COUNTY

WHEREAS, Nikolas Wallenda, also known as Nik Wallenda, is an American born high wire artist, acrobat, daredevil and Guinness Book of Records World-Record Holder, and

WHEREAS, Nik Wallenda is the seventh generation of the Legendary "Great Wallenda's" and is a direct descendent of Karl Wallenda, founder of "The Flying Wallenda's", and

WHEREAS, Nik Wallenda began walking the wire at age 4 and had his first professional wire performance at age 13 and also proposed to his wife Erendira on bended knee on a wire 30 feet high during a performance in Montreal Canada, and

WHEREAS, on June 15, 2012 Nik Wallenda intends to walk across the mighty Niagara Falls on a high wire from Niagara Falls, New York, U.S.A. to Niagara Falls, Ontario, Canada, and

WHEREAS, this is an event of historic proportions, now, therefore, be it

RESOLVED, that the Niagara County Legislature welcomes Nik Wallenda and his family to Niagara County and Niagara Falls, NY, and be further

RESOLVED, that the Niagara County Legislature does hereby proclaim June 15, 2012 as "Nik Wallenda Day" in Niagara County.

LEGISLATOR DENNIS F. VIRTUOSO

LEGISLATOR JASON A. ZONA

LEGISLATOR OWEN T. STEED

LEGISLATOR CHEREE J. COPELIN

LEGISLATOR WILLIAM L. ROSS

LEGISLATOR PETER E. SMOLINSKI

LEGISLATOR MICHAEL A. HILL

LEGISLATOR JOHN SYRACUSE

LEGISLATOR KATHRYN L. LANCE

LEGISLATOR RICHARD E. UPDEGROVE

LEGISLATOR WM. KEITH MCNALL

LEGISLATOR ANTHONY J. NEMI

LEGISLATOR DAVID E. GODFREY

LEGISLATOR CLYDE L. BURMASTER

LEGISLATOR PAUL B. WOJTASZEK

NIAGARA COUNTY LEGISLATURE

FROM: Legislators David E. Godfrey, _____ **DATE:** 06/05/12 **RESOLUTION #** I1-030-12
William L. Ross, John Syracuse
and Michael A. Hill

| | | | |
|---------------------|--------------------|-------------------------|--|
| APPROVED | REVIEWED | COMMITTEE ACTION | LEGISLATIVE ACTION |
| CO. ATTORNEY | CO. MANAGER | _____ | Approved: Ayes _____ Abs. _____ Noes _____ |
| _____ | _____ | _____ | Rejected: Ayes _____ Abs. _____ Noes _____ |
| _____ | _____ | _____ | Referred: _____ |

Katherine D. Alexander

COUNTY-WIDE RURAL BROADBAND - INCLUSIVE INTERNET INITIATIVE

WHEREAS, the Niagara-Orleans Regional Alliance (NORA) was formed as a collaborative to pursue activities and projects of common interest in the most cost effective and efficient manner possible, and

WHEREAS, there is a common interest in escalating economic development, providing better access to regional and global markets, job growth, increased educational opportunity and enhancing property value, and

WHEREAS, appropriate transportation and telecommunication/Internet infrastructure are key contributors to prosperity in these areas, and

WHEREAS, initial investigations imply that vast areas of our counties lack adequate access to stable, affordable, premises-based broadband Internet services despite the presence of Time-Warner cable modem and Verizon DSL service in population centers, and

WHEREAS, constituent legislators and key stakeholders lack adequately-detailed and concrete data upon which to properly strategize the most beneficial solution(s) for their region, now, therefore, be it

RESOLVED, that NORA shall create a Program Management Structure and authorize it to pursue funding source(s) sufficient to perform a detailed study for the purpose of providing authoritative and detailed data and Business Intelligence upon which future solution strategies may be based, and be it further

RESOLVED, that a Program Charter shall be created, approved and authorized by NORA, whose purpose is to provide overarching program structure and to identify executive and operational stakeholders along with their authority and roles.

LEGISLATOR DAVID E. GODFREY

LEGISLATOR WILLIAM L. ROSS

LEGISLATOR JOHN SYRACUSE

LEGISLATOR MICHAEL A. HILL

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Paul B. Wojtaszek, David E. Godfrey and Michael A. Hill **DATE:** 06/05/12 **RESOLUTION #**IL-031-12

| APPROVED CO. ATTORNEY | REVIEWED CO. MANAGER | COMMITTEE ACTION | LEGISLATIVE ACTION |
|-----------------------------|-------------------------|------------------|--|
| <i>Matthew D. Alexander</i> | | | Approved: Ayes____ Abs.____ Noes____ Rejected: Ayes____ Abs.____ Noes____ Referred:_____ |

RESOLUTION DECLARING THE LEGISLATURE OF THE COUNTY OF NIAGARA'S INTENT TO BE LEAD AGENCY FOR ENVIRONMENTAL REVIEW PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) FOR THE PROPOSED NIAGARA COUNTY EMERGENCY COMMUNICATIONS PROJECT

WHEREAS, the county's current radio communications systems is in need of upgrades, and

WHEREAS, 2013 FCC narrow banding mandates that require the county to both change frequencies and upgrade the emergency radio system that are quickly approaching, and

WHEREAS, the project will require the construction of communications tower sites at multiple locations within the County, and

WHEREAS, financing for this project will likely include the County authorizing the issuance of bonds, and

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

WHEREAS, the proposed project would appear to be a Type 1 Action requiring a coordinated review by all involved agencies in accordance with applicable provisions of SEQRA, and

WHEREAS, improving and upgrading the county's current emergency radio communications systems would provide communications to all public safety agencies in the county and would therefore be in the public interest, and

WHEREAS, the Legislature of the County of Niagara is an involved agency for the review of this project as the legislature will have to appropriate funding for same and approve and let contracts for construction and purchase of the new system, and

WHEREAS, a full SEQRA Environmental Assessment Form (EAF) Part 1 regarding the project has been prepared and submitted to the Legislature, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara hereby declares its intent to be SEQRA Lead Agency for the review of this project and directs the County Attorney to take the necessary procedural steps to start a thirty (30) day period for lead agency to be established by providing notice and circulating the EAF to all municipalities within the County of Niagara, and any other involved or interested agencies to establish the County Legislature as Lead Agency for the purposes of this project, and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to sign any and all necessary documents, notices or papers as may be necessary to initiate the 30 day period to establish lead agency.

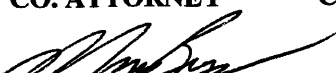
LEGISLATOR PAUL B. WOJTASZEK

LEGISLATOR DAVID E. GODFREY

LEGISLATOR MICHAEL A. HILL

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee **DATE:** 06/05/12 **RESOLUTION #**PW-060-12

| | | | |
|--|--|--|--|
| APPROVED CO. ATTORNEY  | REVIEWED CO. MANAGER _____ | COMMITTEE ACTION <u>PW - 5/29/12</u> _____ _____ | LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____ |
|--|--|--|--|

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE KRULL OLCOTT
DEVELOPMENT COMMITTEE AND OLCOTT FIRE COMPANY**

WHEREAS, the Krull Olcott Development Committee and the Olcott Fire Company have requested that the County of Niagara grant them permission to use the north section of Krull Park for the purpose of holding a Pirate's 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 Pirate's Festival on July 6 - 8, 2012, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Krull Olcott Development Committee and the Olcott Fire Company, and

WHEREAS, prior to the execution of the License Agreement between the County of Niagara and the Krull Olcott Development Committee and the Olcott Fire Company, 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 Krull Olcott Development Committee and the Olcott Fire Company.

PUBLIC WORKS COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 06/05/12 RESOLUTION # PW-061-12

| APPROVED CO. ATTORNEY | REVIEWED CO. MANAGER | COMMITTEE ACTION PW - 5/29/12 | LEGISLATIVE ACTION |
|--------------------------|-------------------------|----------------------------------|--|
| | | | Approved: Ayes _____ Abs. _____ Noes _____ |
| | | | Rejected: Ayes _____ Abs. _____ Noes _____ |
| | | | Referred: _____ |

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND AMANDA VINCEK

WHEREAS, Amanda Vincek has requested that the County of Niagara grant her permission to use the north section of Krull Park, July through September 2012, for the purpose of holding Zumba exercise classes, and

WHEREAS, it is the wish of Amanda Vincek to hold these classes on Tuesday, Wednesday and Thursday mornings, from 9:30 AM until 10:30 AM, and

WHEREAS, it is the desire of the County of Niagara to enter into a formal agreement with Amanda Vincek, and

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

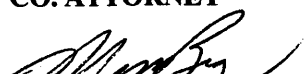
RESOLVED, that the terms and conditions of the agreement between the County of Niagara and Amanda Vincek, as appears on the proposed agreement, is hereby approved in all respects, and be it further

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

PUBLIC WORKS COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee **DATE:** 06/05/12 **RESOLUTION #** PW-062-12

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|--|--|--|--|
| APPROVED CO. ATTORNEY  | REVIEWED CO. MANAGER _____ | COMMITTEE ACTION <u>PW - 5/29/12</u> _____ _____ | LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____ |
|--|--|--|--|

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

WHEREAS, the Lockport Exchange Club have requested that the County of Niagara grant them permission to use a portion of the Davison Road Campus for the purpose of holding a Beef on Weck Sale, and

WHEREAS, it is the wish of the Lockport Exchange Club to hold the Beef on Weck Sale on June 7, 2012, and

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

WHEREAS, prior to the execution of the License Agreement between the County of Niagara and Lockport Exchange 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 Chair of the County Legislature be, and hereby is, authorized to execute the License Agreement between the County of Niagara and Lockport Exchange Club.

PUBLIC WORKS COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee **DATE:** 06/05/12 **RESOLUTION #** PW-063-12

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|--|---------------------------------------|--|--|
| APPROVED CO. ATTORNEY | REVIEWED CO. MANAGER | COMMITTEE ACTION <u>PW - 5/29/12</u> | LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____ |
|--|---------------------------------------|--|--|

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

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

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

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

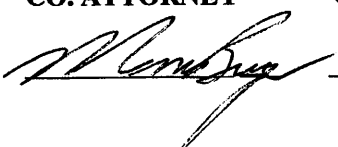
WHEREAS, prior to the execution of the required documents, the County Attorney will review them for approval as to legal form, language and compliance, now, therefore, be it

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: 06/05/12 RESOLUTION # PW-064-12

| APPROVED CO. ATTORNEY | REVIEWED CO. MANAGER | COMMITTEE ACTION | LEGISLATIVE ACTION |
|--|-------------------------|---------------------|---|
|  | | <u>PW - 5/29/12</u> | Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____ |

AWARD OF CONTRACT - COUNTY BRIDGE WASHING

WHEREAS, the Department of Public Works, Engineering Division has prepared specifications and the Niagara County Purchasing Department has advertised for bids for County Bridge Washing, and

WHEREAS, funds are available in the 2012 budget of the Highways, Bridges & Structures Division of the Department of Public Works, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on May 15, 2012 and tabulated below:

- | | |
|--|--------------|
| 1. Acme Powerwashing 15590 Powerline Road Holley, NY 14470 | \$34,000.00 |
| 2. Hunting Valley Construction Inc. 825 Rein Road Cheektowaga, NY 14225 | \$44,886.00 |
| 3. Dandro's Painting Inc. 136 Cornelia Street Plattsburg, NY 12901 | \$101,920.00 |
| 4. Yarussi Construction Inc. 5650 Simmons Avenue Niagara Falls, NY 14304 | \$129,940.00 |

and

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

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

RESOLVED, that the contract for Bridge Washing be awarded to the lowest responsible bidder, Acme Powerwashing, 15590 Powerline Road, Holley, NY 14470, 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

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 06/05/12 RESOLUTION # PW-065-12

| APPROVED | REVIEWED | COMMITTEE ACTION | LEGISLATIVE ACTION |
|--------------|-------------|------------------|--|
| CO. ATTORNEY | CO. MANAGER | PW - 5/29/12 | Approved: Ayes _____ Abs. _____ Noes _____ |
| | | | Rejected: Ayes _____ Abs. _____ Noes _____ |
| | | | Referred: _____ |

REPLACEMENT OF THE YOUNGSTOWN ROAD BRIDGE OVER SIX MILE CREEK, BIN 3329740, TOWN OF PORTER, NIAGARA COUNTY, PIN 5760.02

WHEREAS, a project for the replacement of the Youngstown Road Bridge over Six Mile Creek, BIN 3329740, Town of Porter, Niagara County, PIN 5760.02, ("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 Funds and 20% Non-Federal Funds, and

WHEREAS, the County of Niagara desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-VI) phase of the project, PIN 5760.02, now, therefore, be it

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

RESOLVED, that the Legislature of the County of Niagara hereby authorizes the County of Niagara to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) phase of the Project or portions thereof, and be it further

RESOLVED, that the sum of \$200,000 is hereby appropriated and made available to cover the cost of participation in the above phase 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 Preliminary Engineering (Design I-VI) phase 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 Chairman of the Legislature of the County of Niagara be, and hereby is, authorized to execute all necessary agreements, certifications or reimbursement requests for federal aid on behalf of the County of Niagara with the New York State Department of Transportation in connection with the advancement or approval of the Project 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, that this resolution shall take effect immediately.

PUBLIC WORKS COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration DATE: 06/05/12 RESOLUTION # PW-066-12

Committees

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION
PW - 5/29/12

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

NIAGARA COUNTY SEWER DISTRICT #1 - CAPITAL PLAN - PHASE 2

WHEREAS, by proceedings heretofore duly had and taken pursuant to Article 5-A of the County Law, the Legislature of the County of Niagara, New York, has established a County Sewer District designated and known as the Niagara County Sewer District #1, and

WHEREAS, the Administrative Board of said District has duly caused reports, together with the estimate of cost, to be prepared and filed with the Legislature pursuant to Section 268 of the County Law in relation to the proposed increase and improvement of the facilities of the Niagara County Sewer District #1, and

WHEREAS, the maximum cost of proposed increase and improvement of the facilities of said district will not exceed \$1,870,000.00 and will consist of the following:

| | |
|--------------------------------------|----------------|
| | Estimated cost |
| Bar Screens at Influent Pump Station | \$1,120,000 |
| Aeration Basin Grit Removal System | 390,000 |
| Interceptor Right-of-Way Clearing | 360,000 |
| Total Projected Costs | 1,870,000 |

and

WHEREAS, the total project costs include contingencies, Engineering, Legal and Administrative costs, and

WHEREAS, all conditions precedent to the financing of such project including compliance with the provisions of the State Environmental Quality Review Act being presently completed, including a SERP Environmental Information document to be prepared by Conestoga, Rovers & Associates, Engineers, and filed with the Clerk of the County Legislature, and

WHEREAS, it is now desired to call a public hearing thereon, now, therefore, be it

RESOLVED, that meeting of the Legislature of the County of Niagara, New York, shall be held in the Courthouse, Lockport, New York on the 31st day of July, 2012 at 6:30 p.m. for the purpose of conducting a public hearing on the aforementioned matter and for such other action on the part of said legislature as may be required by law or proper in the premises, and be it further

RESOLVED, that the Clerk of the Legislature is hereby authorized and directed to cause a notice of said public hearing to be published at least once in each of the official newspapers in the matter provided by law and in such other newspapers having a general circulation in said sewer district as follows: Lockport Sun and Journal, Niagara Falls Gazette and Tonawanda News, such notice to be in substantially the form annexed hereto.

PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE