

**PROCEEDINGS
OF THE
LEGISLATURE
OF THE
COUNTY OF NIAGARA
STATE OF NEW YORK**

OFFICIAL RECORD

Lockport, New York
January 6, 2015

The Legislature of the County of Niagara, State of New York, convened in annual session in the Legislature Chambers, Courthouse, Lockport, New York on Tuesday, January 6, 2015 for the purpose of electing officers for the ensuing year.

County Clerk Wayne Jagow, acting as Chairman pro temp, called the Legislature meeting to order at 7:00 p.m. and gave the invocation.

On roll call the following Legislators were present from the several legislative districts:

First	Clyde L. Burmaster
Second	William L. Ross
Third	Mark J. Grozio
Fourth	Owen T. Steed
Fifth	Jason A. Zona
Sixth	Dennis F. Virtuoso
Seventh	Kathryn L. Lance
Eighth	Richard L. Andres Jr.
Ninth	Randy R. Bradt
Tenth	David E. Godfrey
Eleventh	Anthony J. Nemi
Twelfth	Richard E. Updegrove
Thirteenth	Wm. Keith McNall
Fourteenth	John Syracuse
Fifteenth	Michael A. Hill

A moment of silence was held for former New York Governor, Mario Cuomo who passed away New Years Day.

The Chairman pro temp Jagow asked for nominations for temporary Chairman.

Moved by Andres, seconded by Bradt, that Legislator Burmaster be nominated for temporary Chairman.

Moved by Andres, seconded by Bradt, that the nominations be closed.

Carried.

Chairman pro term Jagow declared Legislator Burmaster as the temporary Chairman.

Temporary Chairman Burmaster asked for nominations for permanent Chairman.

Moved by Lance, seconded by Nemi, that Legislator Ross be nominated for permanent Chairman.

Moved by Lance, seconded by Nemi, that the nominations be closed.

Carried.

Temporary Chairman Burmaster declared Legislator William L. Ross as the Chairman.

Chairman Ross went to the lectern to present his "State of the County" address.

Moved by McNall, seconded by Syracuse, to designate Legislator Burmaster to serve as Vice Chairman.

Moved by McNall, seconded by Syracuse, that nominations be closed.

Carried.

Chairman Ross designated Legislator Burmaster to serve as Vice-Chairman.

Moved by Hill, seconded by Godfrey, to appoint Mary Jo Tamburlin as the Clerk of the Legislature.

Moved by Hill, seconded by Godfrey, to close nominations.

Carried.

Mary Jo Tamburlin was declared the Clerk of the Legislature.

Legislator Ross announced that Legislator Updegrave would serve as Majority Leader, Legislator Syracuse as First Deputy and Legislator Hill as Second Deputy Majority Leader.

Legislator Grozio announced that Legislator Virtuoso would serve as Minority Leader. Legislator Zona as First Deputy and Legislator Steed as Second Deputy Minority Leader

Moved by Andres, seconded by Bradt that the Board will on the following dates, or at the call of the Clerk of the Legislature.

Carried.

January

Tuesday, January 6, 2015 (Organizational Mtg.)

Tuesday, January 21, 2015

March

Tuesday, March 3, 2015

Tuesday, March 17, 2015

May

Tuesday, May 5, 2015

Tuesday, May 19, 2015

August

Tuesday, August 4, 2015

October

Tuesday, October 20, 2015

December

Tuesday, December 1, 2015 (Budget Hearings)

Tuesday December 8, 2015 (Budget Vote)

February

Tuesday, February 17, 2015

April

Tuesday, April 21, 2015

June

Tuesday June 16, 2015

September

Tuesday, September 15, 2015

November

Tuesday, November 17, 2015

Moved by Lance, seconded by Nemi, that William L. Ross is designated to serve on the Niagara County Jury Board.

Carried.

Moved by McNall, seconded by Syracuse, to appoint Gary Billingsley as the Attorney for the Aging.
Carried.

Moved by Hill, seconded by Godfrey, that the two Niagara County newspapers, namely: Niagara Gazette, Union Sun & Journal are designated as the official newspapers.
Carried.

Moved by Andres, seconded by Hill, that the Board adjourn.
Carried.

The Chairman declared the Board adjourned at 7:52 p.m., subject to the call of the Clerk.

Chairman Ross called to convene a Regular Meeting at 8:04 p.m.

Roll Call.

Present: Andres, Bradt, Burmaster, Godfrey, Grozio, Hill, Lance, McNall, Nemi, Ross, Steed, Syracuse, Updegrove, Virtuoso, Zona – 15

Absent: None

COMMUNICATIONS:

Legislator Godfrey announced the upcoming Police, Youth & Community Relations Seminar on January 9, 2015 at the NCCC Fine Arts Auditorium. It is sponsored by the NC Youth Bureau and Sheriff's Office and over 175 youth from area high schools will participate.

Legislator Nemi mentioned that he has been involved with this program for 26 years now and it is a wonderful event for Niagara County youth.

RESOLUTIONS:

Resolution No. IL-001-15

From: Legislator John Syracuse

Dated: January 6, 2015

RESOLUTION CONSENTING TO THE EXTENSION OF THE RESTATED PILOT AGREEMENT BETWEEN THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY AND SOMERSET OPERATING COMPANY

WHEREAS, the Niagara County Industrial Development Agency ("Agency") and AES Eastern Energy L.P and AES Somerset, LLC ("AES") previously entered into a relationship whereby the parties executed and delivered the following documents: (i) Lease Agreement between AES and Agency, (ii) a Leaseback Agreement, between Agency and AES and (iii) a Payment-in-Lieu-of-Tax Agreement between the Agency and AES, and

WHEREAS, in 2012 AES transferred its interest in and to the electrical generating station in Somerset, New York ("Facility") to Somerset Operating Company ("Company") and the Company assumed AES's interest in and to, the Facility and the project documents pursuant to that certain Assignment and Assumption Agreement and Restated PILOT Agreement, dated on or about June 26, 2012 (the "Assigned Agreements"), and

WHEREAS, the restated PILOT Agreement dated June 1, 2012 is set to expire on December 31, 2015, and

WHEREAS, the Company has now submitted to the Agency a new application requesting a one (1) year extension of the Restated PILOT Agreement; the additional PILOT payment will mirror the final year of the PILOT Payment schedule, while retaining the remaining terms and conditions of the PILOT Agreement, and

WHEREAS, it is has been requested that Niagara County, as one of the affected taxing jurisdictions, supports the application to the Agency, and consent to a one (1) year extension of the PILOT Agreement along the same terms and conditions as in the Restated PILOT, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby consent to an extension of the Restated PILOT Agreement dated June 1, 2012 between Somerset Operating Company, as successor to AES Eastern Energy L.P. and AES Somerset, LLC ("Company") and the Niagara County Industrial Development Agency ("Agency") for the electrical generating station in Somerset, New York through December 31, 2016, such restated PILOT terms shall include, but not be limited to the following:

1. The total PILOT Agreement payment to be paid by the Company for the County of Niagara and Town of Somerset tax year 2016, and the Baker Central School District tax year 2015-2016 shall be \$5,120,000.00, and
2. Niagara County shall continue to receive 31.5% of the PILOT payment (\$1,612,800), the Town of Somerset shall continue to receive 9.25% (\$473,600) and the Barker Central School District shall continue to receive 59.25% (\$3,033,600), and
3. Niagara County shall continue to pay for its special districts from its portion of the PILOT payments and the Town of Somerset shall continue to pay for its special districts from its portion of the PILOT payment, and be it further

RESOLVED, that the Niagara County Legislature does hereby authorize the Chairman of the Niagara County Legislature to execute all agreements and stipulations so as to support the application of the Company, and consent to an extended and restated PILOT Agreement for the electrical generating station in Somerset, New York through December 31, 2016.

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

Carried.

Moved by Syracuse, seconded by Updegrave.

Adopted. 15 Ayes, 0 Noes, 0 Absent

Resolution No. IL-002-15

From: Legislator William L. Ross

Dated: January 6, 2015

AMENDMENT TO RULE 37 "STANDING AND SPECIAL COMMITTEES" OF THE RULES OF ORDER OF THE LEGISLATURE

WHEREAS, the Niagara County Legislature wishes to amend Rule 37 (Special and Standing Committees) of the Rules of Order of the Legislature to better conduct the business of the citizens of Niagara County, now, therefore, be it

RESOLVED, that Rule 37 of the Rules of Order be amended as follows:

There shall be standing committees to consist of a minimum of five (5) members each. The Chairman shall set the number of appointees to be recommended by the Majority Leader and Minority Leader for each standing Committee proportionally and in his discretion and shall notify the Majority and Minority Leaders within 3 days of his election, or as soon as possible, of said number. The Majority Leader and the Minority Leader shall then recommend to the Chairman, within ten (10) days after the Chairman's notification, or as soon as possible, the list of recommended appointees. The Majority Leader shall recommend two of his appointees to each Standing Committee as Chairman and Vice-Chairman and the Minority Leader shall recommend one of his appointees to each Standing Committee as Ranking Minority Member.

Any respective vacancies occurring during the year on any Standing Committee shall be filled by the Majority or Minority Leader without delay.

The Chairman of a Standing Committee may appoint a sub-committee, for a designated purpose, to be comprised of members of the Legislature who are members of such Standing Committee.

The Chairman of the Legislature, in his discretion, may appoint such Ad hoc Committees, the number of members of which shall be as he may determine. The members of such Ad hoc committees shall be confirmed by the Legislature.

All Special Committees shall terminate upon the sooner of either the accomplishment of their designated purpose, or the end of the calendar year, unless specifically designated otherwise.

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

Carried.

Moved by Ross, seconded by Burmaster.

Adopted. 15 Ayes, 0 Noes, 0 Absent

APPOINTMENTS:

	<u>Appt.</u>	<u>Expires</u>
<u>BOARD OF HEALTH</u>		
Kellie Nickerson	01/06/15	12/31/20
324 Wheatfield St., North Tonawanda 14120		

Moved by Updegrove, seconded by Virtuoso.

Carried.

Moved by Updegrove, seconded by Virtuoso, to approve the Standing Committee structure as presented.

Carried.

NIAGARA COUNTY 2015 STANDING COMMITTEES

WILLIAM L. ROSS, CHAIRMAN
CLYDE L. BURMASTER, VICE CHAIRMAN
RICHARD E. UPDEGROVE, MAJORITY LEADER
DENNIS F. VIRTUOSO, MINORITY LEADER

ADMINISTRATION

(County Manager, County Attorney, Management & Budget, Treasurer, Audit, Real Property, Data Processing, Legislature, Printing/Mailing, Human Resources, Civil Service, Risk Management, Board of Elections)

NEMI, UPDEGROVE, BRADT, GODFREY, VIRTUOSO

Co. Attorney - C. Joerg, J. Foltz

Secretary- Lisa Serianni, 439-7005

COMMUNITY SERVICES

(Social Services, Employment & Training, Youth Bureau, Office of Aging, Mt. View, Public Health, Mental Health, NCCC, County Clerk/DMV, Historian, Veterans Services)

McNALL, BURMASTER, ANDRES, GODFREY, STEED

Co. Attorney – G. Lisowski

Secretary -

COMMUNITY SAFETY & SECURITY

(Sheriff, District Attorney, Public Defender, Probation, Fire Coordinator/Emergency Services, Coroners, Conflicts and Assigned Council)

GODFREY, HILL, ANDRES, NEMI, ZONA

Co. Attorney – B. Seaman

Secretary – Joan Rocco, 438-3370

ECONOMIC DEVELOPMENT

(Economic Development, Niagara Co. Industrial Development Agency)

UPDEGROVE, LANCE, ANDRES, BRADT, McNALL, GROZIO

Co. Attorney – T. Burgasser

Secretary- Kathi Arigoni, 278-8750

GREENWAY (ad hoc committee-under Economic Development)

ANDRES, LANCE, NEMI, SYRACUSE, STEED

PUBLIC WORKS

(Public Works, Parks/Golf Course, Refuse Disposal District, Sewer District, Water District, Weights & Measures)

SYRACUSE, HILL, BRADT, UPDEGROVE, GROZIO

Co. Attorney – T. Burgasser (Parks/Golf Course), K. Alexander

Secretary- Mary Bergman, 439-7242


REFUSE DISPOSAL DISTRICT (ad hoc committee-under Public Works)

LANCE, BURMASTER, BRADT, GROZIO, HILL, McNALL, NEMI, SYRACUSE, STEED

Co. Attorney – G. Lisowski

Moved by Steed, seconded by Andres, that the Board adjourn.
Carried.

The Chairman declared the Board adjourned at 8:11 p.m., subject to the call of the Clerk.


Mary Jo Tamburlin, Clerk