



AGENDA
NIAGARA COUNTY LEGISLATURE
December 6, 2016 – 7:00 P.M.

Regular Meeting – December 6, 2016

- *AD-036-16** Administration, re Distribution of Mortgage Tax – Treasurer
- *AD-037-16** Administration, re Claim Settlement Coverage – Treasurer
- CSS-072-16** Community Safety & Security and Administration, re Adoption of A Local Law to Create an Exception to the Residency Requirements for Assistant District Attorney Lisa Baehre
- *IF-116-16** Infrastructure & Facilities and Administration, re Niagara County Refuse Disposal District Construction and Demolition Debris Landfill Closure and Site Upgrades Project Change Order No.1 Pipe Substitutions
- *IF-117-16** Infrastructure & Facilities and Administration, re Niagara County Refuse Disposal District Construction and Demolition Debris Landfill Closure and Site Upgrades Project Change Order No.2 Storage Tank Modification
- *IF-118-16** Infrastructure & Facilities and Administration, re Niagara County Refuse Disposal District Construction and Demolition Debris Landfill Closure and Site Upgrades Project Change Order No. 4 Debris Fence Removal
- *IF-119-16** Infrastructure & Facilities and Administration, re Niagara County Refuse Disposal District Construction and Demolition Debris Landfill Closure and Site Upgrades Project Change Order No. 6 Utility Poles and Guy Wires
- *IF-120-16** Infrastructure & Facilities and Administration, re Niagara County Refuse Disposal District Construction and Demolition Debris Landfill Closure and Site Upgrades Project Change Order No. 7 Air Vacuum Release Valve
- *IF-121-16** Infrastructure & Facilities and Administration, re Niagara County Refuse Disposal District Construction and Demolition Debris Landfill Closure and Site Upgrades Project Change Order No. 8 Flow Meter Junction Box
- *IF-122-16** Infrastructure & Facilities and Administration, re Niagara County Refuse Disposal District Construction and Demolition Debris Landfill Closure and Site Upgrades Contract with Mark Cerrone, Inc. (REF 02-2016 C&D) Regarding the Construction & Demolition Debris Landfill Closure: C&D landfill Proposed Change Order #9 for Time Extension

- *IF-123-16** Infrastructure & Facilities, re Wisterman Road Bridge Over Mud Creek Federal Aid Local Project Agreement
- *IF-124-16** Infrastructure & Facilities, re Carmen Road Bridge Over Golden Hill Creek Federal Aid Local Project Agreement
- *IF-125-16** Infrastructure & Facilities, re Wisterman Road Bridge Over Mud Creek Award Consultant Contract
- *IF-126-16** Infrastructure & Facilities, re Carmen Road Bridge over Golden Hill Creek Award Consultant Contract
- *IF-127-16** Infrastructure & Facilities and Administration, re Upper Mountain Road Rehabilitation Project Change Order No. 1 Final
- *IF-128-16** Infrastructure & Facilities and Administration, re Niagara County Jail Building #1 Improvements Project Change Order No. 1 – Final
- *IF-129-16** Infrastructure & Facilities and Administration, re Murphy Court Room HVAC Renovation Change Order No. 1 – Final
- *IF-130-16** Infrastructure & Facilities and Administration, re Youngstown Road Bridge Rehabilitation Project- Consultant Amendment No. 4
- *IF-131-16** Infrastructure & Facilities and Administration, re Budget Modification – Parking Lot Improvements
- *IF-132-16** Infrastructure & Facilities and Administration, re Building Renovations Capital Project Budget Modification
- *IF-133-16** Infrastructure & Facilities and Administration, re Building Renovations Capital Project Budget Modification
- *IF- 134-16** Infrastructure & Facilities and Administration, re Parks Budget Modification for Oppenheim zoo Purchase
- IL-075-16** Legislators Anthony J. Nemi, Wm. Keith McNall and William J. Collins, re Resolution in Support of the Lockport High School Warlock 1507 through the use of Casino Funding
- IL-076-16** Legislator David E. Godfrey, re Resolution in Support of the Town of Wilson Bicentennial Celebration Through the Use of Casino Funding
- IL-077-16** Legislator David E. Godfrey, re Resolution in Support of the Town of Wheatfield Veterans Park through the use of Casino Funding
- IL-078-16** Legislator David E. Godfrey, re Resolution in Support of the Town of Cambria Historical Society Through the Use of Casino Funding
- IL-079-16** Legislator David E. Godfrey, re Resolution in Support of the Wilson Conservation Club, Inc. Through the Use of Casino Funding

- IL-080-16** Legislator Clyde L. Burmaster, re Resolution in Support of Tourism and Economic Development in Youngstown, N.Y. by Installing a New Webcam overlooking the Historic and Breathtaking View of the Lower Niagara River Through the Use of Casino Funds
- IL-081-16** Legislators Randy R. Bradt, Rebecca J. Wydysh, Michael A. Hill and John Syracuse, re Resolution Urging the Assembly to Cease Blocking Equal Access to Uber and Lyft Car Service in Upstate New York, A Privilege the State of New York Only Grants to New York City
- IL-082-16** Legislators John Syracuse and David E. Godfrey, re Resolution Urging Congress to Pass Legislation, H.R 6397, "Protection of Military Airfields from Wind Turbine Encroachment Act" and President Elect Donald J. Trump to Enact the Same



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 December 13, 2016.

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 12/06/16 RESOLUTION # AD- 036-16

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION <u>AD - 11/28/16</u>	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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DISTRIBUTION OF MORTGAGE TAX

WHEREAS, Niagara County has received mortgage tax monies for the period April, 2016 through September, 2016 in the amount of \$2,809,758.15, and

WHEREAS, the Recording Officer has previously distributed \$640,284.46 to the Niagara Frontier Transportation Authority, \$628,700.80 to the State Mortgage Tax Agency, and retained \$132,458.47 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 \$1,402,727.92 reflects mortgage tax monies for the period April 1, 2016 through September 30, 2016 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	\$49,093.36
	Hartland	24,955.00
	Lewiston	152,075.79
	Lockport	143,428.99
	Newfane	51,138.99
	Niagara	58,584.45
	Pendleton	102,556.66
	Porter	44,712.84
	Royalton	40,717.46
	Somerset	19,034.79
	Wheatfield	188,669.22
	Wilson	38,208.79
 VILLAGES	 Middleport (Hartland)	 \$430.38
	Middleport (Royalton)	3,570.92
	Lewiston	19,910.76
	Youngstown	9,557.46
	Barker	1,734.03
	Wilson	4,628.15
 CITIES	 Lockport	 \$111,637.07
	Niagara Falls	144,679.59
	North Tonawanda	193,403.22
 TOTAL:		 \$1,402,727.92

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: 12/06/16 RESOLUTION # AD-037-16

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION
AD - 11/28/16

LEGISLATIVE ACTION

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

CLAIM SETTLEMENT COVERAGE

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

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

WHEREAS, on May 27, 2008 Michael Lombardo was injured while performing work and the Niagara County Community College, premises owned by Niagara County, and

WHEREAS, this County Legislature previously approved a settlement in the case of Michael Lombardo vs. County of Niagara with an initial payment the amount of \$2,000,000 via resolution CW-013-16 in order to avoid additional litigation, trial and adverse judicial determinations, and

WHEREAS, the County will continue all efforts to recover funds from additional insurance policies, and

WHEREAS, the County Treasurer assigned fund balance within the General Fund at the end of the prior fiscal year to be used for this purpose, and

WHEREAS, the cash available in the General Insurance fund has been significantly depleted by the settlement payment thus requiring replenishment, now, therefore, be it

RESOLVED, that the County Treasurer be, and hereby is, directed to transfer funds from the General Fund assigned fund balance to the Property and Casualty Insurance Reserve, and be it further

RESOLVED, that the following budget modification be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

A 40599.00	Appropriated Fund Balance - Assignments	\$2,000,000.00
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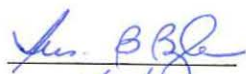
INCREASE APPROPRIATIONS:

A.07.9901.000 79010.00	Interfund Transfer - to P&C Insurance Reserve	\$2,000,000.00
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ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security DATE: 12/06/16 RESOLUTION # CSS-072-16
Committee and Administration Committee

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
 11/30/16		CSS - 11/7/16 AD - 11/7/16	Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____

ADOPTION OF A LOCAL LAW TO CREATE AN EXCEPTION TO THE RESIDENCY REQUIREMENT FOR ASSISTANT DISTRICT ATTORNEY LISA BAEHRE

WHEREAS, the Community Safety & Security Committee and the Administration Committee presents in writing the following proposed Local Law:

A Local Law to supersede the residency requirement contained in the Public Officers Law for Assistant District Attorney Lisa Baehre:

WHEREAS, a public hearing was held on the 6th day of December, 2016 at 6:45 p.m. in the Legislative Chambers, Courthouse, Lockport, New York, on said Local Law, and

WHEREAS, _____ 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 of the County of Niagara, New York, To Ceate an Exception to the Residency Requirement for Assistant District Attorney Lisa Baehre be enacted by the County Legislature of the County of Niagara, New York, as follows:

Section 1. Preface: It is the strong desire of the Niagara County community to install Niagara County residents in the position of Assistant District Attorney of Niagara County. It is a strong belief of Niagara County that Niagara County residents are knowledgeable about and concerned with the affairs of Niagara County. Niagara County also recognizes that it is important to retain employees with exceptional qualifications when they locate to an adjoining county. Lisa Baehre, a current Assistant District Attorney, and a lifelong resident of Niagara County brings such skills and qualifications to the position she currently holds. She has been on Staff of the District Attorney's Office for 19 years and is the Domestic Violence Bureau Chief. She has been instrumental in training other prosecutors in the State of New York on such issues and also is a staff member of the Niagara County Law Enforcement Academy wherein she trains local law enforcement.

Section 2. Purpose: It is the purpose of this Local Law to confirm the commitment of Niagara County to hire residents who have the necessary qualifications and skills to meet the requirements of the position of Assistant District Attorney of Niagara County. This law will permit Niagara County to make an exception to the residency requirement of the Public Officers Law for Assistant District Attorney Lisa Baehre in order to retain her experience in the Office of the District Attorney.

Section 3. Authority: An assistant district attorney is a local public officer. Those holding that office are, therefore, subject to the provisions of section 3 of the Public Officers Law, which requires residency in the county within which their functions are exercised. Section 10(1)(ii)(a)(1) of the Municipal Home Rule Law, empowers a county to adopt local laws that are not inconsistent with the constitution or any general law,

including the residency of its officers and employees. The County of Niagara can supersede Section 3 of the Public Officer's Law with respect to the office of Assistant District Attorney, in that section 3 has become a special rather than a general law due to the exemption of the counties of Essex, Fulton, Madison, Montgomery, Putnam, Schuyler, Wyoming, and Yates, in that it does not by its terms, apply alike to the office of district attorney in every county.

Section 4. *Authorization:* The District Attorney is hereby authorized to make an exception to the residency requirement to retain Lisa Baehre in Niagara County as an Assistant District Attorney.

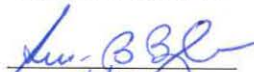
Section 5. *Effect:* This Local Law shall take effect upon filing in the Office of the Secretary of State pursuant to the provisions of Article 3 section 27 of the Municipal Home Rule Law.

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & facilities **DATE:** 12/06/16 **RESOLUTION #** IF-116-16
Committee and Administration Committee

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	<u>IF - 11/22/16</u>	Approved: Ayes _____ Abs. _____ Noes _____
 <u>12/1/16</u>		<u>AD - 11/28/16</u>	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

**NIAGARA COUNTY REFUSE DISPOSAL DISTRICT CONSTRUCTION AND DEMOLITION
DEBRIS LANDFILL CLOSURE AND SITE UPGRADES PROJECT
CHANGE ORDER NO. 1 PIPE SUBSTITUTIONS**

WHEREAS, by Resolution No. CW-011-16, dated May 3, 2016, the Legislature awarded the contract for the Construction and Demolition Debris Landfill Closure and Site Upgrades Project to Mark Cerrone Inc., 2368 Maryland Ave., Niagara Falls, NY 14305, in the amount of \$1,997,000, and

WHEREAS, a field design change has resulted in the use of a butt fused Broen ball valve and HDPE transition for the yard hydrant in lieu of the specified bronze curb stop at an additional expense of \$262.03, now, therefore, be it

RESOLVED, that Change Order No. 1 to the contract with to Mark Cerrone Inc., 2368 Maryland Ave., Niagara Falls, NY 14305, to allow for the use of a butt fused Broen ball valve and HDPE transition for the yard hydrant in lieu of the specified bronze curb stop, be approved, and be it further

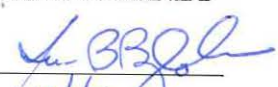
RESOLVED, that, following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the required documents.

INFRASTRUCTURE & FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities **DATE:** 12/06/16 **RESOLUTION #** IF-117-16
Committee and Administration Committee

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	<u>IF - 11/22/16</u>	Approved: Ayes _____ Abs. _____ Noes _____
		<u>AD - 11/28/16</u>	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

**NIAGARA COUNTY REFUSE DISPOSAL DISTRICT CONSTRUCTION AND DEMOLITION
DEBRIS LANDFILL CLOSURE AND SITE UPGRADES PROJECT
CHANGE ORDER NO. 2 STORAGE TANK MODIFICATION**

WHEREAS, by Resolution No. CW-011-16, dated May 3, 2016, the Legislature awarded the contract for the Construction and Demolition Debris Landfill Closure and Site Upgrades Project to Mark Cerrone Inc., 2368 Maryland Ave., Niagara Falls, NY 14305, in the amount of \$1,997,000, and

WHEREAS, a field design change has resulted in the need for additional excavation to avoid tank placement on top of waste and field modifications to accommodate the increase depth of the tank within the landfill at an additional expense of \$12,306.43, now, therefore, be it

RESOLVED, that Change Order No. 2 to the contract with to Mark Cerrone Inc., 2368 Maryland Ave., Niagara Falls, NY 14305, to allow for the additional excavation to avoid tank placement on top of waste and field modifications to accommodate the increase depth of the tank within the landfill at an additional expense of \$12,306.43, be approved, and be it further

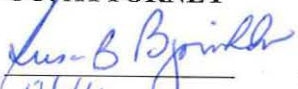
RESOLVED, that, following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the required documents.

INFRASTRUCTURE & FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities **DATE:** 12/06/16 **RESOLUTION #** IF-118-16
Committee and Administration Committee

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	<u>IF - 11/22/16</u>	Approved: Ayes _____ Abs. _____ Noes _____
 <u>12/1/16</u>	_____	<u>AD - 11/28/16</u>	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

**NIAGARA COUNTY REFUSE DISPOSAL DISTRICT CONSTRUCTION AND DEMOLITION
DEBRIS LANDFILL CLOSURE AND SITE UPGRADES PROJECT
CHANGE ORDER NO. 4 DEBRIS FENCE REMOVAL**

WHEREAS, by Resolution No. CW-011-16, dated May 3, 2016, the Legislature awarded the contract for the Construction and Demolition Debris Landfill Closure and Site Upgrades Project to Mark Cerrone Inc., 2368 Maryland Ave., Niagara Falls, NY 14305, in the amount of \$1,997,000, and

WHEREAS, an additional 80 feet of debris fence was required for removal prior to continuing grading work at an additional expense of \$749.42, now, therefore, be it

RESOLVED, that Change Order No. 4 to the contract with to Mark Cerrone Inc., 2368 Maryland Ave., Niagara Falls, NY 14305, to allow for the removal of an additional 80 feet of debris fence at an additional expense of \$749.42, be approved, and be it further

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

INFRASTRUCTURE & FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities DATE: 12/06/16 RESOLUTION # IF-119-16
Committee and Administration Committee

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	IF - 11/22/16	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 11/28/16	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

**NIAGARA COUNTY REFUSE DISPOSAL DISTRICT CONSTRUCTION AND
DEMOLITION DEBRIS LANDFILL CLOSURE AND SITE UPGRADES PROJECT
CHANGE ORDER NO. 6 UTILITY POLES AND GUY WIRES**

WHEREAS, by Resolution No. CW-011-16, dated May 3, 2016, the Legislature awarded the contract for the Construction and Demolition Debris Landfill Closure and Site Upgrades Project to Mark Cerrone Inc., 2368 Maryland Ave., Niagara Falls, NY 14305, in the amount of \$1,997,000, and

WHEREAS, a field inspection has determined that the existing utility pole at the landfill sump was not in suitable condition, and

WHEREAS, an electrical engineer from CHA has reviewed and approved a design modification for the placement of a new pole and addition of guy wires at existing corner poles, and

WHEREAS, the design modification to place a new pole and add guy wires results in an additional expense of \$10,230.45, now, therefore, be it

RESOLVED, that Change Order No. 6 to the contract with to Mark Cerrone Inc., 2368 Maryland Ave., Niagara Falls, NY 14305, to place a new pole and add guy wires results in an additional expense of \$10,230.45, be approved, and be it further

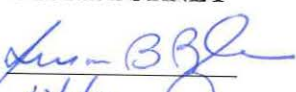
RESOLVED, that, following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the required documents.

INFRASTRUCTURE & FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities **DATE:** 12/06/16 **RESOLUTION #** IF-120-16
Committee and Administration Committee

APPROVED CO. ATTORNEY  <u>12/1/16</u>	REVIEWED CO. MANAGER _____	COMMITTEE ACTION <u>IF - 11/22/16</u> <u>AD - 11/28/16</u> _____	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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**NIAGARA COUNTY REFUSE DISPOSAL DISTRICT CONSTRUCTION AND
DEMOLITION DEBRIS LANDFILL CLOSURE AND SITE UPGRADES PROJECT
CHANGE ORDER NO. 7 AIR VACUUM RELEASE VALVE**

WHEREAS, by Resolution No. CW-011-16, dated May 3, 2016, the Legislature awarded the contract for the Construction and Demolition Debris Landfill Closure and Site Upgrades Project to Mark Cerrone Inc., 2368 Maryland Ave., Niagara Falls, NY 14305, in the amount of \$1,997,000, and

WHEREAS, a field inspection has determined that the proposed offload pump at the C&D Pump Station was in need of an air vacuum release valve to control the pump hammer and preserve the integrity of the pump, and

WHEREAS, an electrical engineer from CHA has reviewed and approved a design modification for the installation of an air vacuum release valve inside the vault, and

WHEREAS, the design modification to install the air vacuum release valve results in an additional expense of \$1,854.04, now, therefore, be it

RESOLVED, that Change Order No. 7 to the contract with to Mark Cerrone Inc., 2368 Maryland Ave., Niagara Falls, NY 14305, to install an air vacuum release valve inside the vault results in an additional expense of \$1,854.04, be approved, and be it further


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

INFRASTRUCTURE & FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities **DATE:** 12/06/16 **RESOLUTION #** IF-121-16
Committee and Administration Committee

APPROVED CO. ATTORNEY  12/1/16	REVIEWED CO. MANAGER _____	COMMITTEE ACTION <u>IF - 11/22/16</u> <u>AD - 11/28/16</u> _____	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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**NIAGARA COUNTY REFUSE DISPOSAL DISTRICT CONSTRUCTION
AND DEMOLITION DEBRIS LANDFILL CLOSURE AND SITE UPGRADES PROJECT
CHANGE ORDER NO. 8 FLOW METER JUNCTION BOX**

WHEREAS, by Resolution No. CW-011-16, dated May 3, 2016, the Legislature awarded the contract for the Construction and Demolition Debris Landfill Closure and Site Upgrades Project to Mark Cerrone Inc., 2368 Maryland Ave., Niagara Falls, NY 14305, in the amount of \$1,997,000, and

WHEREAS, the field contractor proposed to reverse the control panel installation to eliminate crossing wires at the C&D Landfill Pump Station, however in doing so the specified flow meter cable was too short, and

WHEREAS, the Contractor has proposed to add a junction box and splice the flow meter cable,

WHEREAS, an electrical engineer from CHA has reviewed and approved a design modification for the installation of a flow meter cable junction box, and

WHEREAS, the design modification to install a flow meter cable junction box results in an additional expense of \$1,387.63, now, therefore, be it

RESOLVED, that Change Order No. 8 to the contract with to Mark Cerrone Inc., 2368 Maryland Ave., Niagara Falls, NY 14305, to install a flow meter cable junction box results in an additional expense of \$1,387.63, be approved, and be it further

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

INFRASTRUCTURE & FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities DATE: 12/06/16 RESOLUTION # IF-122-16
 Committee and Administration Committee

APPROVED CO. ATTORNEY <i>[Signature]</i> <u>12/1/16</u>	REVIEWED CO. MANAGER 	COMMITTEE ACTION <u>IF - 11/22/16</u> <u>AD - 11/28/16</u> 	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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NIAGARA COUNTY REFUSE DISPOSAL DISTRICT CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL CLOSURE AND SITE UPGRADES CONTRACT WITH MARK CERRONE, INC. (REF 02-2016 C&D) REGARDING THE CONSTRUCTION & DEMOLITION DEBRIS LANDFILL CLOSURE: C&D LANDFILL PROPOSED CHANGE ORDER #9 FOR TIME EXTENSION

WHEREAS, the Niagara County Refuse Disposal District (hereinafter referred to as "NCRDD") entered into the Niagara County Refuse Disposal District Construction and Demolition Debris Landfill Closure and Site Upgrades Contract (REF 02-2016 C&D), (hereinafter referred to as "Contract") with Mark Cerrone, Inc. (hereinafter referred to as "MCI") on July 18, 2016 to effect the closure of the landfill facility in Lockport, New York designated as the Construction and Demolition Debris Landfill (hereinafter referred to as "C&D") in accordance with New York State Department of Environmental Conservation Operating Permit No. 32-D-10, and

WHEREAS, the unambiguous terms of the Contract require MCI to effectuate "Substantial Completion" of all of MCI's obligations under said Contract within one hundred twenty-seven (127) days of the issuance of the "Notice to Proceed" by NCRDD to MCI, and

WHEREAS, NCRDD issued the "Notice to Proceed" to MCI on July 18, 2016, which mandated MCI to effectuate "Substantial Completion" of all of MCI's obligations under said Contract by or before November 22, 2016, and

WHEREAS, MCI communicated to NCRDD on or about October 13, 2016 that MCI would not be effectuating "Substantial Completion" of all of MCI's unambiguous contractual obligations stated in the Contract by the required date of November 22, 2016, and

WHEREAS, NCRDD and MCI subsequent to October 13, 2016 entered into several discussions and communications in an effort to resolve the various Contract, construction schedule, and logistical issues concerning the C&D closure and site upgrades caused solely by MCI's failure to achieve "Substantial Completion" of all of MCI's obligations under said Contract by or before November 22, 2016, and

WHEREAS, MCI sent a letter (erroneously dated November 2, 2016) to CHA Consulting, Inc. (with a copy received on November 16, 2016 by Dawn Timm, Director/Environmental Science Coordinator for Niagara County) requesting the Contract's "Substantial Completion" date be extended to December 2, 2016 with the granting of said extension to be at absolutely no additional cost to Niagara County and proffering a new construction schedule with landfill capping thru barrier protection layer initial placement to be completed by November 28, 2016, ditches and berms to be completed by November 30, 2016, access road and drives to be completed by November 30, 2016, leachate and collection system to be completed by December 2, 2016 and storm water sump improvements to be completed by December 2, 2016, and

WHEREAS, the above-referenced letter from MCI additionally stated the C&D Closure and Site Upgrades construction schedule would resume on or about April 12, 2017 (weather depending) and the grade,

Compact, test of barrier protection layer, installation of landfill topsoil, landfill hydro seeding and erosion control measures, removal of erosion control devices in stabilized areas, as-built survey and verification, and project punchlist and demobilization will all be fully completed by MCI in accordance with the Contract by May 3, 2017, and

WHEREAS, NCRDD, by and through Dawn Timm, sent a letter to MCI dated November 11, 2016 which specified, among other things, that the granting of the extension of the contractually required "Substantial Completion" date is in no way and shall not be construed or interpreted as a waiver of any other terms and obligations of the Contract, and

WHEREAS, NCRDD has committed to NYSDEC to complete the C&D Landfill Closure and Site Upgrades within a specified time frame and NCRDD has a contract with CHA Consulting, Inc. for Project Engineering and Construction Administration and oversight to which NCRDD has already paid CHA Consulting, Inc. the full amount due pursuant to said contract with CHA Consulting, Inc. up to and including the contractually required Substantial Completion date of on or before November 22, 2016, and

WHEREAS, NCRDD's best interests are served by having the C&D Landfill Closure and Site Upgrades fully completed by MCI pursuant to the Contract and in accordance with the time constraints and commitments NCRDD has with the NYSDEC and in accordance with the contractual obligations in NCRDD's contract with CHA Consulting, Inc., now, therefore, be it

RESOLVED, that the Niagara County Refuse Disposal District shall approve "C&D Landfill Change Order #9: Time Extension" granting Mark Cerrone, Inc. an extension of the "Substantial Completion" date of the Niagara County Refuse Disposal District Construction and Demolition Debris Landfill Closure Contract (REF-02-2016 C&D) from November 22, 2016 to December 2, 2016, in accordance with the construction schedule proffered by Mark Cerrone, Inc. as stated in paragraphs six (6) and seven (7) above, and be it further

RESOLVED, that the approval of Change Order #9 and the granting of the said extension of the "Substantial Completion" date shall be at absolutely no additional cost to Niagara County, and be it further

RESOLVED, that the approval of Change Order #9 and the granting of the said extension of the "Substantial Completion" date shall not be, nor shall it be construed or interpreted as, a waiver of any other terms and obligations of the Niagara County Refuse Disposal District Construction and Demolition Debris Landfill Closure Contract (REF-02-2016 C&D) and further, Mark Cerrone, Inc. is still fully bound to fulfill all of its obligations under said contract.

INFRASTRUCTURES AND FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities DATE: 12/06/16 RESOLUTION # IF-123-16
Committee

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	<u>IF - 11/22/16</u>	Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

WISTERMAN ROAD BRIDGE OVER MUD CREEK FEDERAL AID LOCAL PROJECT AGREEMENT

WHEREAS, the Wisterman Road Bridge over Mud Creek Project, town of Lockport, Niagara County, (the "Project"), is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 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) phases of the project, and

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

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

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

RESOLVED, that the sum of \$300,000.00 is hereby appropriated in account H639.15.5197.000 72600.02 and made available to cover the cost of participation in the above phases of the project, and be it further

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

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

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

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

RESOLVED, that this Resolution shall take effect immediately.

INFRASTRUCTURE & FACILITIES
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities DATE: 12/06/16 RESOLUTION # IL-124-16
Committee

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	<u>IF - 11/22/16</u>	Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

CARMEN ROAD BRIDGE OVER GOLDEN HILL CREEK FEDERAL AID LOCAL PROJECT AGREEMENT

WHEREAS, the Carmen Road Bridge over Golden Hill Creek Project, town of Somerset, Niagara County, (the "Project"), is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 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) phases of the project, and

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

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

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

RESOLVED, that the sum of \$244,000.00 is hereby appropriated in account H640.15.5197.000 72600.02 and made available to cover the cost of participation in the above phases of the project, and be it further

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

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

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

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

RESOLVED, that this Resolution shall take effect immediately.

INFRASTRUCTURE & FACILITIES
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities **DATE:** 12/06/16 **RESOLUTION #** IF-125-16
Committee

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION <u>IF - 11/22/16</u>	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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**WISTERMAN ROAD BRIDGE OVER MUD CREEK
AWARD CONSULTANT CONTRACT**

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with the Wisterman Road Bridge over Mud Creek project, and

WHEREAS, funds are available in account H639.15.5197.000 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

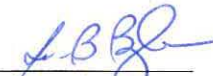
RESOLVED, that the consultant services for the Wisterman Road Bridge over Mud Creek project be awarded to Bergmann Associates, Waterfront Village Center, 40 LaRiviere Drive, Suite 150, Buffalo, NY 14202-4306, for a contract amount not to exceed \$310,932.00, and be it further

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

INFRASTRUCTURE & FACILITIES
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities **DATE:** 12/06/16 **RESOLUTION #** IF-126-16
Committee

APPROVED CO. ATTORNEY  <u>11/30/16</u>	REVIEWED CO. MANAGER _____	COMMITTEE ACTION <u>IF - 11/22/16</u> _____ _____	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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**CARMEN ROAD BRIDGE OVER GOLDEN HILL CREEK
AWARD CONSULTANT CONTRACT**

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with the Carmen Road Bridge over Golden Hill Creek project, and

WHEREAS, funds are available in account H640.15.5197.000 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 consultant services for the Carmen Road Bridge over Golden Hill Creek project be awarded to CHA Consulting, Inc., 2200 Main Place Tower, Buffalo, NY 14202-3722, for a contract in an amount not to exceed \$234,000, 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.

INFRASTRUCTURE & FACILITIES
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities **DATE:** 12/06/16 **RESOLUTION #** IF-127-16
Committee and Administration Committee

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION
IF - 11/22/16
AD - 11/28/16

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

**UPPER MOUNTAIN ROAD REHABILITATION PROJECT
CHANGE ORDER NO. 1 - FINAL**

WHEREAS, by Resolution No. IF-024-16, dated February 23, 2016, the Legislature awarded the contract for the Upper Mountain Road Rehabilitation Project to Accadia Site Contracting, 5636 Transit Road, Depew, NY 14043, for a contract amount of \$799,695.10, and

WHEREAS, it is necessary to increase the contract in the amount of \$65,105.01 for final quantities adjustments, for a revised contract amount of \$864,800.11, and

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

RESOLVED, that Change Order No. 1-Final to increase the contract by \$65,105.01 for the Upper Mountain Road Rehabilitation Project, for a revised contract amount of \$864,800.11, to Accadia Site Contracting, 5636 Transit Road, Depew, NY 14043, be approved, and be it further


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

INFRASTRUCTURE & FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities DATE: 12/06/16 RESOLUTION # IF-128-16
Committee and Administration Committee

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
		<u>IF - 11/22/16</u> <u>AD - 11/28/16</u>	Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____

NIAGARA COUNTY JAIL BUILDING #1 IMPROVEMENTS PROJECT CHANGE ORDER NO. 1 - FINAL

WHEREAS, by Resolution No. IF-053-16, dated May 3, 2016, the Legislature awarded the contract for the Niagara County Jail Building #1 Improvements Project to Walter S. Johnson Building Co., P.O. Box 688, Niagara Falls, NY 14302, for a contract amount of \$424,700.00, and

WHEREAS, it is necessary to decrease the contract for unused contingency allowances in the amount of \$36,223.97, for a revised contract amount of \$388,476.03, and

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

RESOLVED, that Change Order No. 1-Final to decrease the contract by \$36,223.97 for the Niagara County Jail Building #1 Improvements Project, for a revised contract amount of \$388,476.03, to Walter S. Johnson Building Co., P.O. Box 688, Niagara Falls, NY 14302, be approved, and be it further

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

INFRASTRUCTURE & FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities **DATE:** 12/06/16 **RESOLUTION #** IF-129-16
Committee and Administration Committee

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION
IF - 11/22/16
AD - 11/28/16

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

[Signature]
11/30/16

**MURPHY COURT ROOM HVAC RENOVATION
CHANGE ORDER NO. 1 - FINAL**

WHEREAS, by Resolution No. IF-102-15, dated August 4, 2015, the Legislature awarded the contract for the Murphy Court Room HVAC Renovation project to Parise Mechanical Inc., 1106 Sheridan Drive, Tonawanda, NY 14150, for a contract amount of \$49,600.00, and

WHEREAS, it is necessary to decrease the contract in the amount of \$5,000.00 for an unused contingency allowance, for a revised contract amount of \$44,600.00, 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 Change Order No. 1-Final to decrease the contract by \$5,000.00 for the Murphy Court Room HVAC Renovation project, for a revised contract amount of \$44,600.00, to Parise Mechanical Inc., 1106 Sheridan Drive, Tonawanda, NY 14150, be approved, and be it further

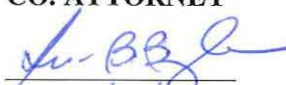
RESOLVED, that, following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the required documents.

INFRASTRUCTURE & FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities **DATE:** 12/06/16 **RESOLUTION #** IF-130-16
Committee and Administration Committee

APPROVED CO. ATTORNEY 	REVIEWED CO. MANAGER	COMMITTEE ACTION <u>IF - 11/22/16</u> <u>AD - 11/28/16</u>	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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**YOUNGSTOWN ROAD BRIDGE REHABILITATION
PROJECT-CONSULTANT AMENDMENT NO. 4**

WHEREAS, by Resolution No. PW-084-12, dated October 2, 2012, the Legislature selected the consulting engineering firm, C&S Engineers, 499 Eileen Collins Blvd., Syracuse, NY 13212, in the amount of \$100,000.00, for assistance with design services for the Youngstown Road Bridge Rehabilitation Project, and

WHEREAS, Resolution No. PW-097-13, dated December 3, 2013, amended the agreement to allow for final design services in the amount of \$85,000.00, for a revised contract amount of \$185,000.00, and

WHEREAS, Resolution No. PW-003-15, dated February 17, 2015, amended the agreement with C&S Engineers for construction administration and construction inspection services, for an amount not to exceed \$91,000.00, for a revised contract amount of \$276,000.00, and

WHEREAS, Resolution No. IF-093-15, dated August 4, 2015, amended the agreement for construction administration to allow the project to proceed, for an amount of \$17,000.00, for a revised contract amount of \$293,000.00, and

WHEREAS, it is necessary to increase the contract by \$40,000.00 for additional time for construction administration and construction inspection, for a revised contract amount of \$333,000.00, and

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

RESOLVED, that the consultant services contract with C&S Engineers, 499 Eileen Collins Blvd., Syracuse, NY 13212, be increased by \$40,000.00, for a revised contract amount of \$333,000.00, and be it further


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

INFRASTRUCTURE & FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities **DATE:** 12/06/16 **RESOLUTION #** IF-131-16
Committee and Administration Committee

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	<u>IF - 11/22/16</u>	Approved: Ayes _____ Abs. _____ Noes _____
 <u>12/1/16</u>		<u>AD - 11/28/16</u>	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

BUDGET MODIFICATION – PARKING LOT IMPROVEMENTS

WHEREAS, funds are remaining in the Land Improvements line item, as the estimated cost of the Shaw Building entryway and parking lot was lower than estimated due to the use of new paving technology, and

WHEREAS, several of the parking lots at our various County Office Buildings are in need of repair or reconstruction, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

DECREASE APPROPRIATIONS:

A.25.1620.000.72400.00	Land Improvements	\$80,000
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INCREASE APPROPRIATIONS

A.25.9901.000.79010.10	Transfer to Capital Reserve	\$80,000
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INCREASE APPROPRIATED FUND BALANCE:

AH40511.00	Appropriated Capital Reserve	\$80,000
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INCREASE CAPITAL CONSTRUCTION:

AH.07.9950.000.79010.00	Transfer to Capital Projects	\$80,000
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INCREASE ESTIMATED REVENUE:

H624.15.1620.000.45031.10	Interfund Transfers – From Capital Reserve	\$80,000
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INCREASE APPROPRIATIONS:

H624.15.1620.000.72400.00	Land Improvements – Parking Lots	\$80,000
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**INFRASTRUCTURE & FACILITIES
 COMMITTEE**

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities DATE: 12/06/16 RESOLUTION # IF-134-16
Committee and Administration Committee

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION <u>IF - 11/22/16</u> <u>AD - 11/28/16</u>	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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PARKS BUDGET MODIFICATION FOR OPPENHEIM ZOO PURCHASE

WHEREAS, funds are available in the 2016 Parks Department budget for the Oppenheim Zoo Purchase,
and

WHEREAS, the Niagara County Attorney's Office and the Oppenheim Zoological Society are filing the
necessary paperwork for the transaction, and

WHEREAS, it is anticipated that the transaction will not be completed by the end of 2016, now,
therefore, be it

RESOLVED, that the following budget modification be effectuated:

DECREASE APPROPRIATIONS:

A.25.7110.000.742300.00	Land Expense	\$5,000
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INCREASE APPROPRIATIONS:

A07.9950.0000.79010.00	Transfer to Capital	\$5,000
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INCREASE ESTIMATED REVENUE:

H635.25.7115.000.45031.00	Interfund Transfer, From Operating	\$5,000
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INCREASE APPROPRIATIONS:

H635.25.7110.000.72400.00	Land Improvements – Oppenheim Land Acquisition	\$5,000
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INFRASTRUCTURE & FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities **DATE:** 12/06/16 **RESOLUTION #** IF-133-16
Committee and Administration Committee

REVIEWED
CO. MANAGER

IF - 11/22/16

Approved: Ayes _____ Abs. _____ Noes _____

Referred: _____

BUILDING RENOVATIONS CAPITAL PROJECT BUDGET MODIFICATION

WHEREAS, City of Niagara Falls appropriated \$50,000 in Casino Funds to provide a grant for the Northpointe Council, Inc., to relocate and expand within the Trott Access Center, and

WHEREAS, the County will be the lead agency in providing the support services necessary to facilitate the expansion and renovations required at the Trott Access Center for the Northpointe Council, Inc., and

WHEREAS, as the County expends funds for this project, the County will bill Northpointe Council, Inc. up to the \$50,000 allocated from Casino Funds, for reimbursement of the renovation work, and

WHEREAS, the County has also secured funds from the State and Municipal Facilities Program, Project ID #8268, in the amount of \$150,000, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE ANTICIPATED REVENUE:

H649.25.1620.000.41289.02	Other Government Reimbursement	\$50,000
H649.25.1620.000.43097.01	SAMS Grant	\$150,000

INCREASE ANTICIPATED EXPENSES:

H649.25.1620.000.72200.01	Building Improvements –Northpointe	\$200,000
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INFRASTRUCTURE & FACILITIES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities DATE: 12/06/16 RESOLUTION # IF-132-16
Committee and Administration Committee

**APPROVED
CO. ATTORNEY**

REVIEWED
CO. MANAGER

COMMITTEE ACTION
IF - 11/22/16
AD - 11/28/16

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

BUILDING RENOVATIONS CAPITAL PROJECT BUDGET MODIFICATION

WHEREAS, the Niagara County Mental Health Department was able to secure reimbursement for renovations at the Trott Access Center, in the amount of \$4,500, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE ANTICIPATED REVENUE:

H624.15.1620.000.41289.02	Other Government Reimbursement	\$4,500
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INCREASE ANTICIPATED EXPENSES:


H624.15.1620.000.72200.01	Building Improvements – Folder 05-a	\$4,500
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INFRASTRUCTURE & FACILITIES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Legislator Anthony J. Nemi, DATE: 12/06/16 RESOLUTION # IL-075-16
Wm. Keith McNall and William J. Collins

APPROVED CO. ATTORNEY  <u>11/30/16</u>	REVIEWED CO. MANAGER 	COMMITTEE ACTION 	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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RESOLUTION IN SUPPORT OF THE LOCKPORT HIGH SCHOOL WARLOCKS 1507 THROUGH THE USE OF CASINO FUNDING

WHEREAS, in 2005 a group of students, teachers, parents and mentors from Lockport High School formed a team called the Warlocks 1507, and

WHEREAS, the Warlocks were created to help encourage students to become interested in STEM (Science, Technology, Engineering & Math), and

WHEREAS, the Warlocks participate in a program called FIRST Robotics and every year they compete in a competition, and

WHEREAS, the Niagara County Legislature casino fund contribution will support this exciting program that uses competitive robotics to explore real-life engineering problems, now, therefore, be it

RESOLVED, that Niagara County supports the Lockport High School Warlocks 1507 as follows:

Lockport Robotics Inc. 501c3	\$1,500.00
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and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2016 budget:

INCREASE APPROPRIATED FUND BALANCE:

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

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$1,500.00
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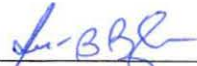
 LEGISLATOR ANTHONY J. NEMI

 LEGISLATOR WM. KEITH McNALL

 LEGISLATOR WILLIAM J. COLLINS

NIAGARA COUNTY LEGISLATURE

FROM: Legislator David E. Godfrey DATE: 12/06/16 RESOLUTION # IL-076-16

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
 11/30/16			Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____

**RESOLUTION IN SUPPORT OF THE TOWN OF WILSON BICENTENNIAL CELEBRATION
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, in 2018, the Town of Wilson will be celebrating its two hundredth birthday, and

WHEREAS, the Town of Wilson Bicentennial celebration will act as a significant draw for residents, and visitors, now, therefore, be it

RESOLVED, that Niagara County would like to support the efforts of the Town of Wilson Bicentennial Committee to attract residents and visitors through a contribution of \$3,000.00 total to assist with the cost, and be it further

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

Town of Wilson Bicentennial	\$3,000.00
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and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2016 budget:

INCREASE APPROPRIATED FUND BALANCE:

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

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$3,000.00
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LEGISLATOR DAVID E. GODFREY

NIAGARA COUNTY LEGISLATURE

FROM: Legislator David E. Godfrey DATE: 12/06/16 RESOLUTION # IL-077-16

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

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

**RESOLUTION IN SUPPORT OF THE TOWN OF WHEATFIELD VETERANS' PARK
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Town of Wheatfield plans to build a Veterans' Monument at Fairmount Park, and

WHEREAS, the Town of Wheatfield is raising funds to build this monument to honor those who served and are serving our Country, and

WHEREAS, the Niagara County Legislature Casino fund contribution will support this Veterans' Monument, now, therefore, be it

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

Town of Wheatfield \$2,000.00

and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2016 budget:

INCREASE APPROPRIATED FUND BALANCE:

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

INCREASE APPROPRIATIONS:

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

LEGISLATOR DAVID E. GODFREY

NIAGARA COUNTY LEGISLATURE

FROM: Legislator David E. Godfrey DATE: 12/06/16 RESOLUTION # IL-078-16

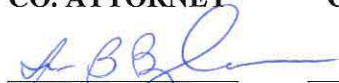
APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

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


11/30/16

**RESOLUTION IN SUPPORT OF THE TOWN OF CAMBRIA HISTORICAL SOCIETY
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Town of Cambria Historical Society is located in the old Town Hall building built in 1879, and

WHEREAS, the Historical Society mission is to research, record and preserve the history of the Town and share this with the residents and visitors, and

WHEREAS, the Town of Cambria Historical Society is in need of new front doors, now, therefore, be it

RESOLVED, that Niagara County supports the Town of Cambria Historical Society as follows:

Town of Cambria Historical Society \$5,000.00

and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2016 budget:

INCREASE APPROPRIATED FUND BALANCE:

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

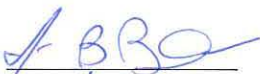
INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund \$5,000.00

LEGISLATOR DAVID E. GODFREY

NIAGARA COUNTY LEGISLATURE

FROM: Legislator David E. Godfrey DATE: 12/06/16 RESOLUTION # IL-079-16

APPROVED CO. ATTORNEY  <u>11/30/16</u>	REVIEWED CO. MANAGER 	COMMITTEE ACTION 	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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RESOLUTION IN SUPPORT OF THE WILSON CONSERVATION CLUB, INC., THROUGH THE USE OF CASINO FUNDING

WHEREAS, the Wilson Conservation Club, Inc., is a hunting and fishing sportsman's club established in 1951, and

WHEREAS, with over 200 members, the Club's mission is to interest and educate the general public to the vital necessity of conservation and fundamentals of good sportsmanship, and

WHEREAS, the Wilson Conservation Club offers many training courses such as hunting, trapping and archery, and

WHEREAS, the Wilson Conservation Club is in need of a Hunter Training Pavilion to provide shelter from the elements outside during these training courses, now, therefore, be it

RESOLVED, that Niagara County supports the Wilson Conservation Club as follows:

Wilson Conservation Club Inc.	Hunter Training Pavilion	\$6,000.00
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and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2016 budget:

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01	Appropriated Fund Balance - Committed Funds	\$6,000.00
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INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$6,000.00
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LEGISLATOR DAVID E. GODFREY

NIAGARA COUNTY LEGISLATURE

FROM: Legislator Clyde L. Burmaster DATE: 12/06/16 RESOLUTION # IL-080-16

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

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

RESOLUTION IN SUPPORT OF TOURISM AND ECONOMIC DEVELOPMENT IN YOUNGSTOWN, N.Y. BY INSTALLING A NEW WEBCAM OVERLOOKING THE HISTORIC AND BREATHTAKING VIEW OF THE LOWER NIAGARA RIVER THROUGH THE USE OF CASINO FUNDS

WHEREAS, we are very fortunate to live in one of the most beautiful and historic areas of this United States which draws hundreds of thousands of visitors each year, and

WHEREAS, these visitors bring much needed revenues to our economy to the extent of millions of dollars with which improvements as well as up keep of the natural beauty make this a very desirable place to live, operate businesses and raise our families, and

WHEREAS, use of a Webcam allows us to show the world this great asset, 24 hours a day and encourage them to come stay a while and experience all that we have to offer that they can take home and share with other encouraging them to come and enjoy as well, and

WHEREAS, we have a responsibility, as leaders to do our part to support initiative to make Niagara great again in any way we can, now, therefore, be it

RESOLVED, that the sum of \$1,500.00 be awarded to the Youngstown Business and Professional Association to install a new Webcam overlooking the Niagara River and mouth of Lake Ontario through the use of Casino monies.

Youngstown Business and Professional Association	Webcam installation	\$1,500.00
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and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2016 budget:

INCREASE APPROPRIATED FUND BALANCE:

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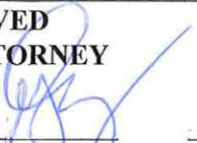
INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$1,500.00
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LEGISLATOR CLYDE L. BURMASTER

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Randy R. Bradt, Rebecca J. Wydysh DATE: 12-6-16 RESOLUTION # II-081-16
Michael A. Hill and John Syracuse

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

RESOLUTION URGING THE ASSEMBLY TO CEASE BLOCKING EQUAL ACCESS TO UBER AND LYFT CAR SERVICES IN UPSTATE NEW YORK, A PRIVILEGE THE STATE OF NEW YORK ONLY GRANTS TO NEW YORK CITY

WHEREAS, under New York State's law, the popular Uber and Lyft rideshare services are only legally permitted to operate in New York City, providing a fundamental imbalance in economic opportunity and access to affordable transportation that benefits New York City while hurting Upstate New York, and

WHEREAS, the lack of access to Uber and Lyft is particularly acute in rural areas not serviced by public transit systems, and would provide an affordable tool for accessing large-scale public transit, including the Niagara Frontier Transit Authority's bus routes, and

WHEREAS, the Senate did pass legislation in 2016 that would allow Uber and Lyft access to Upstate markets, but the legislation was blocked in the New York City-controlled Assembly, with the New York Daily News stating in its June 20, 2016 edition that the Assembly's refusal to pass that legislation was because "the powerful state trial lawyers, who are close to the Assembly Democrats, were pushing for more comprehensive insurance coverage," and

WHEREAS, this Legislature finds it appalling that the access of the citizens of the County of Niagara, and most especially senior citizens and those with developmental disabilities, to reliable transportation that would increase their access to such things as medical facilities and doctor's offices, popular recreation and entertainment destinations, post-secondary educational facilities, and mass transit lines in general, has been held hostage to the whims of powerful moneyed interests in Albany, and urges that the Assembly enact legislation permitting access to Lyft and Uber at the earliest opportunity, and

WHEREAS, this Legislature further must endorse the net positive economic impact of said legislation, as the Honorable Robert G. Ort, Senator for the 62nd District noted, in a recent communication to district residents, that "an estimated 78 percent of passengers spend more money at local businesses because of ride-sharing services," and the lack of ride-sharing services must be viewed as detrimental to our economy in light of this face, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara does hereby call upon the New York State Assembly to cease blocking legislation providing Upstate residents with access to Uber and Lyft and to enact such legislation at the earliest opportunity, and be it further

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

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Cuomo, Senate Temporary President and Majority Leader John Flanagan; Senator Robert G. Ort; Speaker of the Assembly Carl Heastie; Assembly Majority Leader Joseph D. Morelle; Assembly Minority Leader Brian M. Kolb; Member of the Assembly Jane L. Corwin; Member of the Assembly Ray Walter; Member of the Assembly Robin

Schimminger; Assemblyman-Elect Michael J. Norris; Assemblyman-Elect Angelo Morinello; and all others deemed necessary and proper.

LEGISLATOR RANDY R. BRADT

LEGISLATOR REBECCA J. WYDYSH

LEGISLATOR MICHAEL A. HILL

LEGISLATOR JOHN SYRACUSE

NIAGARA COUNTY LEGISLATURE

FROM: Legislators John Syracuse and David E. Godfrey DATE: 12-6-16 RESOLUTION # IL-082-16

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

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

RESOLUTION URGING CONGRESS TO PASS LEGISLATION, H.R. 6397, "PROTECTION OF MILITARY AIRFIELDS FROM WIND TURBINE ENCROACHMENT ACT" AND PRESIDENT-ELECT DONALD J. TRUMP TO ENACT THE SAME

WHEREAS, it has been contended that the proposed Apex Clean Energy wind turbine farm, which would be situated along the Lake Ontario shore in the Town of Somerset, would present a navigational hazard that would be deleterious to the mission of the Niagara Falls Air Reserve Station, and

WHEREAS, mindful of the complexities of emerging threats to national security, and remembering the specific challenges to the airspace above New York State presented by the 9/11 terrorist attacks, this Legislature deplores any action that could reduce military readiness of the United States, and

WHEREAS, this Legislature must further object to any action by a monied interest, such as Apex, that could have a net negative impact on the finances of the County of Niagara and its citizens, and fully aware that the Niagara Falls Air Reserve Station generates a positive impact exceeding \$200 million annually throughout the regional economy of Western New York, and employs nearly 3,000 Western New Yorkers directly, and

WHEREAS, the Department of Defense did announce in February 2016 that the Niagara Falls Air Reserve Station will be home to an Air Force Reserve KC-135 aerial refueling mission, and NFARS further is slated to be the home for command and control assets of an Unmanned Aerial Vehicle Remote Split Operations Squadron, and

WHEREAS, the siting of wind turbines exceeding 600 feet in height could have a damaging effect on the ability of the Niagara Falls Air Reserve Station to take on either mission, and

WHEREAS, the Honorable Chris Collins, U.S. Representative for the 27th District, which includes the Niagara Falls Air Reserve Station, did introduce on November 29th of this year legislation, H.R. 6397, the Protection of Military Airfields from Wind Turbine Encroachment Act, and

WHEREAS, the Protection of Military Airfields from Wind Turbine Encroachment Act would make corporations owning wind turbine farms located within 40 miles of a military airfield ineligible for tax breaks for the same, and

WHEREAS, such legislation has been enthusiastically endorsed by the governmental leadership of the Town of Somerset and the neighboring Town of Yates in Orleans County, where the proposed wind turbine farm would be located, and

WHEREAS, this Legislature has long been committed to a policy of protecting the Niagara Falls Air Reserve Station from closure due to BRAC processes and other threats to its ongoing operation, and has invested many hundreds of thousands of public dollars in that cause, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara does urge the United States Congress to take up and pass H.R. 6397 at the earliest opportunity, and urges that the Ways and Means Committee move its passage to the floor for a full vote at the earliest opportunity, and be it further

RESOLVED, that the Legislature of the County of Niagara does further urge the Honorable Donald J. Trump, President-Elect of the United States, to sign such legislation into law upon its passage, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Representative Collins; the Honorable Kevin Brady, Chairman, House Ways and Means Committee; the Honorable Kevin McCarthy, House Majority Leader; the Honorable Paul Ryan, Speaker of the House; the Honorable Charles E. Schumer, U.S. Senator for New York; the Honorable Kirsten E. Gillibrand, U.S. Senator for New York; the Honorable Donald J. Trump, President-Elect of the United States; the Honorable Mike Pence, Vice President-Elect of the United States And Chairman of the Presidential Transition Team; Ms. K.T. McFarland, Vice Chair, Presidential Transition Team; the Honorable Tom Reed, Vice Chair, Presidential Transition Team; and all others deemed necessary and proper.

LEGISLATOR JOHN SYRACUSE

LEGISLATOR DAVID E. GODFREY