

AGENDA NIAGARA COUNTY LEGISLATURE MARCH 5, 2013 - 7:00 P.M.

Resolutions not on previous agenda:

- IL-002-13 Legislator Dennis F. Virtuoso & Jason A. Zona, re Resolution Requesting the State of New York to Change the Shelter Allowance Stipulations for Public Assistance Clients to Direct Pay to Landlords Approved
- IL-003-13 Legislator Dennis F. Virtuoso & Jason A. Zona, re Resolution Requesting the State of New York to Change the Shelter Allowance Stipulations for Public Assistance Clients Approved
- IL-004-13 Legislator Dennis F. Virtuoso & Jason A. Zona, re Resolution Requesting a Home Rule Message to Change the Shelter Allowance Stipulations for Public Assistance Clients Approved

Regular Meeting - March 5, 2013

- IL-012-13 Legislators David E. Godfrey Clyde L. Burmaster & Paul B. Wojaszek, re Resolution in support of Senator Grisanti and Assemblyman Scarborough's bill for increased revenue sharing of the E-911 surcharge with local governments.
- *PW-033-13 Public Works, re Award Brooks Building Generator Installation Contract
- *PW-034-13 Public Works & Administration, re Ransomville Braley Road Intersection Improvements
- *PW-035-13 Public Works & Administration, re Beebe Road Reconstruction Project Change Order No. 2
- *PW-036-13 Public Works, re Agreement between the County of Niagara & the Niagara Celtic Heritage Society, Inc.
- *PW-037-13 Public Works, re Agreement between the County of Niagara & the Newfane Soccer Club
- *PW-038-13 Public Works, re Agreement between the County of Niagara & the Newfane Lacrosse Club
- *PW-039-13 Public Works, re Agreement between the County of Niagara & the Newfane Youth Football League and Cheerleading
- *PW-040-13 Public Works, re Agreement between the County of Niagara & the Lockport Rugby Club

- *PW-041-13 Public Works, re Agreement between the County of Niagara & the Royalton 4th of July Committee
- *PW-042-13 Public Works, re Agreement between the County of Niagara & the Town of Royalton
- *PW-043-13 Public Works & Administration, re Niagara County Sewer District #1 Reclassify Clerical II to Confidential Assistant Sewer District

Mary Jo Tamburlin, Clerk Niagara County Legislature

* Indicates Preferred Agenda items

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

The next meeting of the Legislature will be held on March 19, 2013.

FROM:	Legislators Dav	rid E. Godfrey, Cly	de L. DATE: 03/	<u>/05/13</u> RES	OLUTION #	IL-012-13
	Burmaster and F	Paul B. Wojtaszek				
APPROV	ED BY	REVIEWED BY	COMMITTEE ACTION	LEGISLATIVE ACTI	ON	
CO. ATT	TORNEY)	CO. MANAGER		Approved: Ayes	Abs	Noes
1	0/4/	•		Rejected: Ayes	Abs	Noes
	Th/			Referred:		
$\overline{}$	7) X					

RESOLUTION IN SUPPORT OF SENATOR GRISANTI AND ASSEMBLYMAN SCARBOROUGH'S BILL FOR INCREASED REVENUE SHARING OF THE E-911 SURCHARGE WITH LOCAL GOVERNMENTS

WHEREAS, the attack of 9/11 on the World Trade Center in New York City highlighted the critical importance of modern, functioning and interoperable communications between first responder agencies, and

WHEREAS, the shortcomings of the New York City communication systems on 9/11 lead to deaths of many first responders who were not able to receive up to date building evacuation warnings, and

WHEREAS, in response to this situation and in an effort to fund upgrading of emergency communications systems throughout the state, New York passed, in 2002 an increase in its cell phone surcharge from \$0.70 per month to \$1.20 per month on all cell phones usage in the state, and

WHEREAS, this increase was intended to be shared with local governments for the purposes of funding operations of 911 call centers and technology upgrades, and

WHEREAS, in 2011, New York State collected approximately \$190 million form this surcharge and shared only \$9.3 million with local governments and historically has averaged sharing just 6% of the total revenue collected, and

WHEREAS, County governments have been forced to raise property and/or sales taxes to make up for this diversion of funds in order to pay for necessary emergency call center operations and technology upgrades, and

WHEREAS, legislation has been submitted in the New York State Legislature by Senator Grisanti and Assemblyman Scarborough to increase the amount of funds shared with local governments to 58.3% of the total collected by the state each year, and

WHEREAS, counties and first responder agencies from across the state will be mounting a coordinated effort to see that these bills are passed and signed into law during the 2013 legislative session, now, therefore, be it

RESOLVED, that the Niagara County Legislature is on record supporting the passage of these bills for increased revenue sharing of the E-911 surcharge with local governments, be it further

RESOLVED, that the Niagara County Legislature is committed to dedicating any and all funds shared by New York State from the E-911 surcharge for the use in funding emergency call center operations and technology upgrades of this county's emergency communications system, be it further

RESOLVED, that a copy of this resolution will be communicated to the members of the Western New York Senate and Assembly delegation, the Governor and the Lieutenant Governor.

LEGISLATOR DAVID E. GODFREY	
LEGISLATOR CLYDE L. BURMASTER	
LEGISLATOR PAUL B. WOJTASZEK	

FROM:	Pub	lic Works Co	ommittee	DATE:	03/05/13	Rì	ESOLUTION :	#_PW-033-1
APPROV CO. ATT			REVIEWED BY CO. MANAGER	COMMITTEE ACTION PW - 2/25/13	Rejected	LATIVE AC ed: Ayes d: Ayes d:	Abs Abs	Noes Noes
		AWARD 1	BROOKS BUILDIN	NG GENERATOR IN	STALLAT	TION CON	NTRACT	
Purc				ic Works, Engineering s for the installation of t				ns and the
21, 2		HEREAS, the as tabulated be		publicly opened and rea	nd by our Pu	rchasing I	Department or	n February
	1.	O'Connell El 929 B Ranso Lancaster, N	m Road		\$124,600.00)		
	2.	M&M Electr 4819 Henry A Niagara Falls			\$136,500.00)		
and	3.	Hoot Mechar PO Box 428 Lockport, NY	nical & Electrical Inc. 7 14095		\$179,000.00			
appr		· •		the required document bliance, now, therefore		nty Attorne	ey will review	v them for
	st res		r, O'Connell Electric	e Brooks Building Ger Co. Inc., 929 B Ranso				
is, au		-	nt following the Counthe required documen	ty Attorney's review, thats.	ne Chairmar	of the Leg	gislature be, a	and hereby
PUB	LIC '	WORKS COM	IMITTEE					

ROM: Public Works and	Administration	DATE: 03	3/05/13	RESOLUTION #	PW-034-1
Committees					
	EVIEWED BY	COMMITTEE ACTION	LEGISLATIVI		
D. ATTORNEY C	O. MANAGER	PW - 2/25/13 AD - 2/26/13		es Abs	
	·	AD - 2/20/13		es Abs	
RANSOM	IVILLE – BRAL	EY ROAD INTERSECT	ION IMPROV	EMENTS	
WHEREAS, Niaga Funding for improvements		Works was successful in Road and Braley Road Int		n Risk Rural Roa	d Federal
WHEREAS, the fur non-federal sources, now, the		ect will be ninety percent (9	00%) federal so	urces and ten perc	ent (10%)
RESOLVED, that the	ne following budge	et modification be effectuat	ted:		
DECREASE ANTI	CIPATED REVEN	NUE:			
H558.15.5112.000.4	13501.00	Consolidated Highway Aid	d	\$7,50	0
DECREASE ANTI	CIPATED APPRO	PRIATION:	**		
H558.15.5112.000.7	72600.01	Infrastructure Roads		7,50	0
INCREASE ANTIC	CIPATED REVEN	UE:	• •		•
H5XX.15.5112.000		Consolidated Highway Aid	d	7,50	0
H5XX.15.5112.000	44597.01	Federal Aid		67,50	0
INCREASE ANTIC	CIPATED APPRO	PRIATION:			
H5XX.15.5112.000	72600.01	Infrastructure Roads		75,00	0
PUBLIC WORKS COMMI	TTEE				
				• •	
ADMINISTRATION COM	MITTEE				

cks and Administration	DATE: 03	/05/13	RESOLUTION # PW-035-13
REVIEWED BY CO. MANAGER	COMMITTEE ACTION PW 2/25/13 AD - 2/26/13		ACTION Abs Noes Abs Noes
EEBE ROAD RECONST	RUCTION PROJECT –	CHANGE ORD	ER NO. 2
of Beebe Road, from just 6 Transit Road, Depew, NYAS, Resolution No. PW-0093.17, for additional quar	north of Shadigee Road of 14043, in the amount of 975-12, dated July 31, 2013	to Wilson – Bur \$4,326,810.04, ar 2, approved Cha	t Road, to Accadia Site and ange Order No. 1, in the
, .	ove Change Order No. 2, i	in the amount of	\$70,254.92, due to final
	•	•	mey will review them for
	•	the Chairman of	the Legislature be, and
S COMMITTEE			
	REVIEWED BY CO. MANAGER AS, Resolution No. PW-Of Beebe Road, from just Transit Road, Depew, No. PW-O. 193.17, for additional quanton works, and AS, it is necessary to apprenents, and AS, prior to the execution of gal form, language and con ED, that the contract to A. 19254.92, for a revised contract to A. 19254.92, for a revised contract to ED, that following the C. 19254.92 is a revised to execute the required	REVIEWED BY CO. MANAGER COMMITTEE ACTION PW 2/25/13 AD - 2/26/13 EEBE ROAD RECONSTRUCTION PROJECT — AS, Resolution No. PW-131-11, dated December of Beebe Road, from just north of Shadigee Road of Transit Road, Depew, NY 14043, in the amount of AS, Resolution No. PW-075-12, dated July 31, 201 and 2093.17, for additional quantities of several bid items on works, and AS, it is necessary to approve Change Order No. 2, anents, and AS, prior to the execution of the required documents, and all form, language and compliance, now, therefore, be agal form, language and compliance, now, therefore, be agal form, language and contract amount of \$4,757,158. ED, that following the County Attorney's review, and the required documents.	REVIEWED BY CO. MANAGER PW: 2/25/13 AD - 2/26/13 Approved: Ayes Rejected: Ayes Referred:

ROM: Public Worl	ks Committee	DATE: 03	8/05/13 RI	ESOLUTION # PW-036-1
APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION PW - 2/25/13	LEGISLATIVE AC Approved: Ayes Rejected: Ayes Referred:	Abs Noes
		WEEN THE COUNTY O CELTIC HERITAGE SO		D
	- · · · · · · · · · · · · · · · · · · ·	ritage Society, Inc. has rec Krull Park for the purpose	-	
	S, this Festival has been s a County and Greater Wes	uccessful for the past sever stern New York, and	ral years in attractin	ng thousands of visitors
WHEREAS and	S, it is the wish of the loca	al community to hold the C	Celtic Festival on Se	eptember 14 - 15, 2013,
WHEREAS Heritage Society, In		ara County to enter into a	formal agreement v	with the Niagara Celtic
Niagara Celtic Her		of the license agreement ounty Attorney will review herefore, be it		
	zed to execute the license	unty Attorney's review, the agreement between the C		
PUBLIC WORKS	COMMITTEE			
•				

PROVED BY ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION PW - 2/25/13	Approved: Ay Rejected: Ay	E ACTION es Abs es Abs	Noes
		TWEEN THE COUNTY E NEWFANE SOCCER		RA	
WHEREAS	, the Newfane Soccer Cl	ub has requested that the	County of Ni	agara grant the	em exclusive
	occer program in an area s	ituated in the County owner	ed property on I	ake Road, and	
ights to operate a s WHEREAS	, this program benefits the	-			l
ights to operate a s WHEREAS o Niagara County a	, this program benefits the s a whole, and	ituated in the County owner	s of both the To		l
ights to operate a s WHEREAS o Niagara County a WHEREAS WHEREAS	, this program benefits the s a whole, and , such program is operated, prior to the execution of	ituated in the County owners	s of both the To and the County Att	own of Newfar	l ne in addition
where a some where a some where a some of Niagara County and Where as where a supproval as to legal RESOLVEI	, this program benefits the s a whole, and , such program is operated, prior to the execution of form, language and composite that the terms and corrections in the second correction of the second correction.	e youth and other residents on a not-for-profit basis, a the required documents,	and the County Att it between the C	own of Newfar corney will rev	le in addition iew them for gara and the
WHEREAS O Niagara County a WHEREAS WHEREAS APPROVAL AS to legal RESOLVEI Newfane Soccer Cla	this program benefits the sa whole, and such program is operated, prior to the execution of form, language and composite that the terms and corub, as appears on the proposition, that following the Courts and the courts are the proposition.	e youth and other residents on a not-for-profit basis, a the required documents, pliance, now, therefore, be	and the County Att it between the Coupproved in all it	corney will rev County of Nia respects, and be	ne in addition iew them for gara and the e it further egislature be,
where a s where As to Niagara County a WHEREAS WHEREAS Approval as to legal RESOLVEI Newfane Soccer Cl	this program benefits the sa whole, and such program is operated, prior to the execution of form, language and composite that the terms and corub, as appears on the proposition, that following the Courts and the courts are the proposition.	e youth and other residents on a not-for-profit basis, a the required documents, pliance, now, therefore, be additions of the agreement osed agreement, is hereby a	and the County Att it between the Coupproved in all it	corney will rev County of Nia respects, and be	ne in addition iew them for gara and the e it further egislature be,

ROM: Public Work	cs Committee	DATE:	03/05/13	RESOLUTION	#_PW-038-1
APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION PW - 2/25/13	LEGISLATIVE Approved: Ayes Rejected: Ayes Referred:	Abs	Noes Noes
		ETWEEN THE COUNTY NEWFANE LACROSS		A	
	-	Club has requested that the casituated in the County o	•	-	
WHEREAS Niagara County as		he youth and other residen	its of the Town o	of Newfane in	addition to
WHEREAS	S, such program is operate	ed on a not-for-profit basis	, and		
WHEREAS Lacrosse Club, and	-	gara County to enter into	o a formal agree	ement with the	e Newfane
		of the agreement, the Coun pliance, now, therefore, be	•	review the agr	eement for
		nditions of the agreement proposed agreement, is h			
	D, that following the Coed to execute the required	ounty Attorney's review, documents.	the Chairman of	f the Legislatu	re be, and
PUBLIC WORKS	COMMITTEE				

ROM: Public Works	DATE: 03	DATE: 03/05/13 RESOLUTION # PW-039			
APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION PW - 2/25/13	LEGISLATIVI Approved: Ay Rejected: Ay Referred:	es Abs es Abs	Noes Noes
AGREEME		COUNTY OF NIAGARA LEAGUE AND CHEER		EWFANE YOU	ТН
		ootball League and Cheer te a football program in an			
WHEREAS to Niagara County a		ne youth and other residents	s of both the To	own of Newfane	in addition
WHEREAS	, such program is operate	d on a not-for-profit basis,	and		
		of the required documents, upliance, now, therefore, be		torney will review	v them for
	tball League and cheerles	onditions of the agreement ading, as appears on the pro		•	
		ne Legislature be and hereby th Football League and Che		and directed to ea	xecute and
PUBLIC WORKS (COMMITTEE	<u></u>			

ROM: Publ	ic Works	Committee	DATE: 03/	/05/13	RESOLUTION	#_PW-040-1.
APPROVED BY		REVIEWED BY CO. MANAGER	COMMITTEE ACTION PW - 2/25/13	LEGISLATIVE Approved: Ayes Rejected: Ayes Referred:	ACTION s Abs s Abs	NoesNoes
			TWEEN THE COUNTY E LOCKPORT RUGBY		A	
rights to op	erate a Rug	by program in an area s	lub has requested that the situated in the County own	ed property on D	Davison Road, an	ıd
	HEREAS, that whole, and		e residents of the Town a	nd City of Lock	port in addition	to Niagara
WI	IEREAS, si	uch program is operated	d on a not-for-profit basis, a	and		
			f the required documents, pliance, now, therefore, be	•	orney will review	w them for
	-		nditions of the agreement osed agreement, is hereby a	· ·		
			ounty Attorney's review, not with the Lockport Rugb		of the Legislatu	re be, and
						·
PUBLIC V	ORKS CO	MMITTEE				
		•		the second second		

ROM: Public Works Committee	DATE: <u>03/</u>	/05/13	RESOLUTION #	PW-041-1
PPROVED BY O. ATTORNEY CO. MANAGER	COMMITTEE ACTION PW - 2/25/13	LEGISLATIVE Approved: Aye Rejected: Aye Referred:	E ACTION es Abs es Abs	Noes
	VEEN THE COUNTY O TON 4TH OF JULY CO		AND	
WHEREAS, the Royalton 4 th of July permission to use the Royalton Ravine Park for and	y Committee has requeste or the purpose of holding a	d that the Cou July 4 th celebra	nty of Niagara g tion, and firework	grant them ks display,
WHEREAS, it is the wish of the Rodisplay on July 4, 2013, and	oyalton 4 th of July Commi	ttee to hold the	e celebration and	fireworks
WHEREAS, it is the desire of Niaga July Committee, and	ra County to enter into a f	formal agreeme	nt with the Roya	lton 4 th of
WHEREAS, prior to the execution of approval as to legal form, language and comp	-	•	l review the agre	eement for
RESOLVED, that the terms and cor Royalton 4 th of July Committee, as appears in further				
RESOLVED, that following the Co hereby is, authorized to execute the required		he Chairman	of the Legislatur	e be, and
PUBLIC WORKS COMMITTEE				

FROM: Public Works Co	mmittee	DATE: 03	/05/13	RESOLUTION #_	PW-042-1
APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION PW - 2/25/13		es Abs es Abs	
AC		VEEN THE COUNTY OF TOWN OF ROYALTO		AND	
	•	as requested that the Coun of holding a Royalton Con	, .	-	nission to
WHEREAS, it is	the wish of Town of	Royalton to hold the event	on August 25,	2013, and	
WHEREAS, it is	the desire of Niagara	County to enter into a for	mal agreement	with the Town of l	Royalton,
· •		f the agreement, the Coun- liance, now, therefore, be	•	l review the agree	ement for
		itions of the agreement bet ment, is hereby approved in		•	the Town
RESOLVED, the hereby is, authorized to		unty Attorney's review, t	the Chairman o	of the Legislature	e be, and
PUBLIC WORKS COM	MITTEE				

FROM: Public Works and Administration	DATE: _03	/05/13	RESOLUTION #_	PW-043-13
Committees				
APPROVED BY CO. ATTORNEY CO. MANAGER	COMMITTEE ACTION PW - 2/25/13 AD - 2/26/13	LEGISLATIVE A Approved: Ayes _ Rejected: Ayes _ Referred:	CTION Abs Abs	Noes

NIAGARA COUNTY SEWER DISTRICT #1 RECLASSIFY CLERICAL II TO CONFIDENTIAL ASSISTANT – SEWER DISTRICT

WHEREAS, the Administrative Board of Niagara County Sewer District #1 is prompted to review the current organizational structure due to recent retirements, and

WHEREAS, the Niagara County Sewer District #1 submitted a duties statement for the duties performed by the employee in position 1745, which is currently classified as Clerical II, to the Niagara County Personnel Officer, requesting that the position be reclassified to that of Confidential Assistant – Sewer District, and

WHEREAS, upon review of the duties and responsibilities required of the employee, the Niagara County Personnel Officer approved the reclassification of Clerical II position 1745 to that of Confidential Assistant – Sewer District, and

WHEREAS, it has been determined that it is in the best interest of the district to reclassify the Clerical II position, Job Group IV, and re-create position as a Confidential Assistant, Non-Union Hourly, and

WHEREAS, funds are available within the Niagara County Sewer District #1 2013 budget, now, therefore, be it

RESOLVED, that the Niagara County Legislature approve the position of Clerical II position 1745, be reclassified to the position of Confidential Assistant – Sewer District, Non-Union Hourly, Grade 4, Step 3, at \$36,704.43 per year effective February 25, 2013, and be it further

Wastewater Trt. Plt. Oper Tr.

RESOLVED, that the following budget modifications be effectuated to fund the position:

FROM:

G.32.8130.000 71010.00.1763

TO:		
G.32.8110.000 71010.00.1745	Positions	\$3,506.72
G.32.8110.000 78200.00	FICA	268.27
G.32.9010.000 78100.00	Retirement	736.42
G.32.9040.000 78300.00	Workers Compensation	136.77

\$4,648.18