

AGENDA
NIAGARA COUNTY LEGISLATURE
JUNE 19, 2012 – 7:00 P.M.

Regular Meeting – June 19, 2012

- AD-016-12** Administration, re Authorizing Niagara County to Renew Contract with Masiello, Martucci, Calabrese & Associates for Homeland Security Consulting & Lobbying Services – County Manager

- *AD-017-12** Administration, re Erie Niagara Inter-Municipal Agreement Geographic Information System (GIS) Five-Year Extension – Information Technology

- *AD-018-12** Administration, re Standard Work Day & Reporting Resolution for 2012 – County Attorney

- *CS-020-12** Community Services & Administration, re NCCC FY 2012-2013 Maintenance & Operating Budget – County Manager

- *CSS-024-12** Community Safety & Security & Administration, re Budget Modification Sheriff's Office Operation Stonegarden Grant – Sheriff

- *CSS-025-12** Community Safety & Security & Administration, re Budget Modification Sheriff's Office NYS Canal Corp. Marine Patrol Program – Sheriff

- *CSS-026-12** Community Safety & Security & Administration, re Budget Modification Sheriff's Office – Sheriff


- *CSS-027-12** Community Safety & Security & Administration, re Crime Victims Grant Renewal 2012-2013 – Sheriff

- *CSS-028-12** Community Safety & Security & Administration, re Budget Modification Emergency Management Office – Emergency Management

- CSS-029-12** Community Safety & Security & Administration, re Create & Fill Part Time Position – DA

- *ED-015-12** Economic Development, re Resolution Committing the Annual "Voluntary" in Lieu of Tax Payments Received from the Niagara Falls Bridge Commission to Economic Development Projects and the William G. Mayne, Jr. Business Community Enhancement Program

- *ED-016-12** Economic Development, re Approval of Low Cost Power Benefit to Snow Park LLC Under the Agreement for the Sale & Purchase of Niagara Project Power & Energy (ASPNPPE)
- *ED-017-12** Economic Development, re Approval of Low Cost Power Benefit to Viatran Corporation Under the Agreement for the Sale & Purchase of Niagara Project Power & Energy (ASPNPPE)
- IL-027-12** Legislator Kathryn L. Lance & Economic Development, re In Support of Various Wheatfield Tourism Initiatives Through the Use of Casino Funding
- IL-028-12** Legislator William L. Ross & Economic Development, re In Support of a Project that Supports Tourism & Economic Development in Niagara County Through the Use of Casino Funds
- IL-033-12** Legislators Jason A. Zona, Owen T. Steed & Economic Development, re In Support of the Town of Niagara Bicentennial Celebration Through the Use of Casino Funding
- IL-034-12** Legislators Michael A. Hill, Clyde L. Burmaster & Parks, Recreation & Tourism Ad Hoc Committee, re Support for the “From the Mouth of the Lower Niagara River” Greenway Project
- IL-035-12** Legislators Michael A. Hill, Owen T. Steed, Peter E. Smolinski, John Syracuse, David E. Godfrey & Parks, Recreation & Tourism Ad Hoc Committee, re Support for the Carousel Society of the Niagara Frontier Project
- *PW-067-12** Public Works & Administration, re Krull & Oppenheim Park – Water Splash Park Change Order No. 3 – Final


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 July 31, 2012.

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DA TE: 06/19/12 RESOLUTION # AD-016-12

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
		AD - 6/12/12	Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

RESOLUTION AUTHORIZING NIAGARA COUNTY TO RENEW CONTRACT WITH MASIELLO, MARTUCCI, CALABRESE & ASSOCIATES FOR HOMELAND SECURITY CONSULTING AND LOBBYING SERVICES

WHEREAS, Niagara County is home to several sites of strategic importance to the homeland security interests of the United States of America, and

WHEREAS, the Legislature of the County of Niagara deems securing the safety of its residents its principal responsibility, and

WHEREAS, Masiello, Martucci, Calabrese & Associates, a Western New York-based consultancy and lobbying firm, has been engaged since 2011 to provide consultation on homeland security and emergency management operations, as well as direct appropriate resources to lobbying various regulatory agencies, legislative bodies, and other entities to ensure Niagara County is appropriated sufficient levels of funding to ensure the safety of its population, and

WHEREAS, it is in the security and financial interests of Niagara County to maintain its presence on the Federal Sustainment List, as well as have a directed presence at meetings of various other state and local homeland security agencies, and

WHEREAS, Mr. Carl Calabrese, who oversaw all homeland security and lobbying for Erie County from 2001 to 2005, has been engaged directly as Niagara County's consultant for homeland security, and

WHEREAS, Mr. Calabrese has, in this consultancy, been primarily or partially responsible for vendor selection for the upgrade to Niagara County's emergency communication system, development of a Request for Proposals to select a consultant to update Niagara County's Emergency Response Plan and the interview process resulting from said RFP process, working directly to restore Buffalo-Erie-Niagara UASI funding including lobbying and engagement of Members of Congress, and

WHEREAS, Mr. Calabrese has identified new potential sources of state funding for emergency communication upgrades and has devised strategies for Niagara County and the Buffalo-Erie-Niagara UASI Group to secure such funding, and

WHEREAS, Mr. Calabrese has initiated discussions with Emergency Response officials in the County of Monroe to coordinate efforts between the two regions to secure various funding for emergency communications, and

WHEREAS, such efforts and accomplishments as identified in the preceding WHEREAS clauses are ongoing and require additional consultancy and oversight, and

WHEREAS, the funding is available in the County Manager 2012 adopted budget, now, therefore, be it

RESOLVED, that Niagara County enter into a contract extension with Masiello, Martucci, Calabrese & Associates for a period of six (6) months at a cost of \$30,000, payable in six (6) monthly installments of \$5,000 per month, and commencing on the First Day of July, 2012, to lobby on behalf of Niagara County on all matters related to homeland security, and be it further

RESOLVED, that the Legislature of the County of Niagara mandates that Masiello, Martucci, Calabrese & Associates shall serve as principal consultant to the County Manager with the ongoing implementation of new homeland security policies, as well as in the development of a 2013 Homeland Security budget, and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to execute said contract on behalf of the County of Niagara, following review and approval by the County Attorney as to legal form, language and compliance, and be it further

RESOLVED, that the following budget modification be effectuated.

DECREASE APPROPRIATION:

A.05.1230.000 74500.01	Contractual	\$30,000.00
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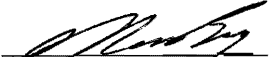
INCREASE APPROPRIATION:

A.19.3640.000 74500.01	Contractual	\$30,000.00
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ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 06/19/12 RESOLUTION # AD-017-12

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	AD - 6/12/12	Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

ERIE NIAGARA INTER-MUNICIPAL AGREEMENT GEOGRAPHIC INFORMATION SYSTEM (GIS) FIVE-YEAR EXTENSION

WHEREAS, the Niagara County Legislature, passed Resolution AD-041-07 in 2007, and

WHEREAS, under Resolution AD-041-07, Niagara County, through its Real Property Tax Services and Information Technology Departments, was authorized to enter into a five (5) year inter-municipal agreement with Erie County for the purpose of sharing one common GIS data center, and

WHEREAS, the five-year agreement is set to expire at the of 2012, and

WHEREAS, the common GIS data center inter-municipal agreement with Erie County has worked well for Niagara County with benefits in cost efficiencies, as well as, standardization and uniformity of services, and

WHEREAS, Erie County, in the interest of ensuring that the agreement continues for another five (5) years, has proposed fees with a reduction for the first year of approximately \$9,517, and

WHEREAS, Niagara County would be best served by extending the inter-county agreement with Erie County for GIS for another five (5) years because Erie County has already made the initial investment in the hardware, software, communication lines and staff maintenance for internet mapping services, and

WHEREAS, the Niagara County Legislature has already established and funded a capital project for the development and deployment of a county-wide GIS program, and

WHEREAS, the funds are currently available in the GIS budget, and

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

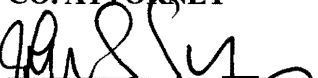
RESOLVED, that Niagara County, through its Information Technology Department, is hereby authorized to enter into another five (5) year inter-municipal agreement with Erie County for the purpose of sharing one common GIS data center at a cost of: Year 1 - \$25,620; Year 2 - \$26,902; Year 3 - \$28,247; Year 4 - \$29,659; Year 5 - \$31,142, and, be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Niagara County Legislature be, and hereby is, authorized to execute the aforementioned inter-municipal agreement.

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee **DATE:** 06/19/12 **RESOLUTION #** AD-018-12

APPROVED CO. ATTORNEY 	REVIEWED CO. MANAGER	COMMITTEE ACTION <u>AD - 6/12/12</u>	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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STANDARD WORK DAY AND REPORTING RESOLUTION

RESOLVED, that the County of Niagara Hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Payroll#	Standard Work Day	Term	Participates Day/ in time Keeping	Month
Legislator 3 rd District	Cheree Copelin	#105091	6	Jan. 1, 2012-Dec. 31, 2013	N	20.64
Legislator 7 th District	Kathryn L. Lance	#0111572	6	Jan. 1, 2012-Dec. 31, 2013	N	21.58
Legislator 4 th District	Owen T. Steed	#0111574	6	Jan. 1, 2012-Dec. 31, 2013	N	27.06
Legislator 5 th District	Jason Zona	#0111575	6	Jan. 1, 2012-Dec. 31, 2013	N	30.95
Assistant County Attorney	Katherine D. Alexander	#0107581	6	Jan. 1, 2012-Dec. 31, 2013	N	20.88

On this 19th day of June, 2012

Date enacted June 19, 2012.

ADMINISTRATION COMMITTEE

I Mary Jo Tamburlin, Clerk of the Niagara County Legislature, County of Niagara, State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such legislature, at a legally convened meeting held on the 19th day of June, 2012 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board, consists of fifteen members, and that _____ of such members were present at such meeting and that the majority of such members voted in favor of the above resolution.


IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Niagara County Legislature.

MARY JO TAMBURLIN, Clerk of the
Niagara County Legislature

NIAGARA COUNTY LEGISLATURE

FROM: Community Services and Administration **DATE:** 06/19/12 **RESOLUTION #** CS-020-12

Committees

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	<u>CS - 6/19/12</u>	Approved: Ayes <u> </u> Abs. <u> </u> Noes <u> </u>
		<u>AD - 6/12/12</u>	Rejected: Ayes <u> </u> Abs. <u> </u> Noes <u> </u>
			Referred: <u> </u>

NCCC FY 2012-2013 MAINTENANCE AND OPERATING BUDGET

WHEREAS, the Administration Committee and the Community Services Committee, which are also the Budget Review Committees, have had under consideration the Niagara County Community College Board of Trustees recommended budget for the conduct of the Niagara County Community College fiscal year commencing September 1, 2012 and ending August 31, 2013, and

WHEREAS, the said budget has had careful consideration by the Administration Committee, the Community Services Committee, the Budget Office, and the County Manager, and

WHEREAS, a public hearing was held on the 19th day of June, 2012 with regard to the tentative budget for the College, now, therefore, be it

RESOLVED, that the foregoing tentative Niagara County Community College budget for the fiscal year 2012-13, beginning September 1, 2012 and ending August 31, 2013, is hereby approved and adopted with any amendments as heretofore approved this date by this legislature and which results in a total figure of \$48,619,978, with the Sponsor's contribution from taxes of \$8,871,000

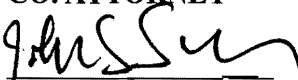
COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and DATE: 06/19/12 RESOLUTION # CSS-024-12

Administration Committees

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
		CSS - 6/5/12	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 6/12/12	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

BUDGET MODIFICATION-SHERIFF'S OFFICE OPERATION STONEGARDEN GRANT

WHEREAS, the Niagara County Sheriff's Office was awarded a grant from the New York State Office of Homeland Security and Emergency Services, for the purpose of protecting our borders, and

WHEREAS, this grant "Operation Stonegarden" has been ongoing and crosses multiple budget years, and

WHEREAS, the 2012 budget estimated the funds remaining for the continuation of multi-law enforcement agencies to jointly support and secure international borders and waterways, and

WHEREAS, the 2010 grant also includes equipment related to conducting operations to secure the borders, and

WHEREAS, there are additional funds that were remaining in the 2009 and the 2010 funds were not appropriated in the 2012 budget, now, therefore, be it

RESOLVED, that the following budget modification be made to expend the grant funds:

INCREASE APPROPRIATIONS:

A17.3110.000.74400.09	Payments to Other Agencies	\$40,000
A17.3110.000.72100.21	Law Enforcement Equipment	167,000
A17.3110.000.74750.21	Gas/Oil	10,000

INCREASE REVENUE:

A17.3110.000.44305.02	Homeland Security	\$217,000
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COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and **DATE:** 06/19/12 **RESOLUTION #** CSS-025-12

Administration Committees

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	CSS - 6/5/12	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 6/12/12	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

**BUDGET MODIFICATION-SHERIFF'S OFFICE
NYS CANAL CORP. MARINE PATROL PROGRAM**

WHEREAS, the Niagara County Sheriff's Office was awarded a grant from the New York State Canal Corporation in the amount of \$30,000 for the period April 1, 2012 through March 31, 2013, and

WHEREAS, this grant will be used to patrol the canal to help facilitate new and existing local canal public safety patrols, and

WHEREAS, the Sheriff's Office will provide additional patrols on an overtime basis to meet the requirements of this grant, now, therefore, be it

RESOLVED that the following budget modification be made:

INCREASE APPROPRIATIONS:

A17.3110.000.71050.00	Overtime	\$27,869
A17.3110.000.78200.00	FICA	2,131

INCREASE REVENUE:

A17.3110.000.43315	Marine Patrol	\$30,000
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COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and DA TE: 06/19/12 RESOLUTION # CSS-026-12

Administration Committees

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	CSS - 6/5/12	Approved: Ayes Abs. Noes
		AD - 6/12/12	Rejected: Ayes Abs. Noes
			Referred:

BUDGET MODIFICATION-SHERIFF'S OFFICE

WHEREAS, after the adoption of the Niagara County Sheriff's Office budget various Law Enforcement Agencies have requested the Sheriff's Office participate or enhance police services within their jurisdiction, and

WHEREAS, the Town of Wheatfield, District Attorney's Office and the New York State Office of Homeland Security and Emergency Services, NCCC and Newfane Central School District all requested we participate in additional details, and

WHEREAS, these extra assignments were done on an overtime basis by our existing staff, and

WHEREAS, overtime funds were expended that were not budgeted, now, therefore, be it

RESOLVED, that the following budget modification be made to increase the Sheriff's Office overtime expense, and be it further

RESOLVED, that this increase in expense be offset by an increase in revenue:

INCREASE APPROPRIATIONS:

A17.3110.000.71050.00	Overtime	\$15,000
A17.3110.000.78200.00	FICA	1,148

INCREASE REVENUE:

A17.3110.000.42210.01	Reimb.other Govt's.	\$11,500
A17.3110.000.44305.02	Homeland Security	4,648

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and DATE: 06/19/12 RESOLUTION # CSS-027-12

Administration Committees

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	CSS - 6/5/12	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 6/12/12	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

CRIME VICTIMS GRANT RENEWAL 2012-2013

WHEREAS, the Niagara County Sheriff's Office Crime Victim Unit has received notification of the renewal of the Crime Victim Grant for the period October 1, 2012 through September 30, 2013 in the amount of \$230,241, and

WHEREAS, the Sheriff's Office wishes to continue this program and the renewal of this grant, and

WHEREAS, the staffing of four full-time Crime Victim Advocates will continue to be funded by this grant, and

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

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the necessary agreement to receive said funds for the Crime Victim Grant, and be it further

RESOLVED, that the four Crime Victim Advocate positions be continued, co-terminus with the grant funding, and be it further

RESOLVED, that the funds are included in the 2012 County budget, therefore, no budget modification is necessary.

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and DATE: 6/19/12 RESOLUTION # CSS-028-12


Administration Committees

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION
CSS - 6/5/12
AD - 6/12/12

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



2012 BUDGET MODIFICATION EMERGENCY MANAGEMENT OFFICE

WHEREAS, the Emergency Management Office did not fully expend the Legislative Award from 2006,
and

WHEREAS, the remaining balance of the Legislative Award is \$28,775.70, and

WHEREAS, the Fire Coordinator's Office will provide DisasterLAN training in two class sessions, one
for administration which will cover all the upgrades to the system and another class that would be geared to
other County Departments and individual Volunteer Fire Companies within the County, and

WHEREAS, the Fire Coordinator's Office needs to provide materials for the Fire Instructors to help
facilitate Fire Training Classes, now, therefore, be it

RESOLVED, that the following 2012 budget modifications be effectuated:

INCREASE REVENUE:

A.19.3640.000 40599.00	Appropriated Fund Balance	\$5,750.99
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INCREASE APPROPRIATION:

A.19.3640.000 74600.03	Professional Development & Training	\$4,028.00
A.19.3640.000 74800.10	Supplies/Services Maint./Misc. Equip Under \$500	1,722.99

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and DATE: 06/19/12 RESOLUTION # CSS-029-12

Administration Committees

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
		CSS - 6/19/12	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 6/12/12	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

CREATE AND FILL PART TIME POSITION - DISTRICT ATTORNEY'S OFFICE

WHEREAS, the District Attorney's Office, in an effort to meet it 2012 budget target, abolished one half time and one three quarter time Assistant District Attorney positions, and

WHEREAS, the abolishment of both of these positions has created a hardship on the ability of the District Attorney's Office to effectively staff all of the necessary City and Town Justice Courts, and

WHEREAS, funds are available in the District Attorney Personnel account A.02.1165.000.71010 due to various unpaid leaves and personnel changes, now, therefore, be it

RESOLVED that, effective July 9, 2012, the District Attorney's Office be authorized to create and fill a part time Assistant District Attorney position budgeted at 913.5 hours per year with a salary range at the Attorney II level or \$24,428 to \$32,283 annually, and be it further

RESOLVED, that the following budget modifications be made:

DECREASE APPROPRIATIONS:

A.02.1165.000.71010.0003112	Deputy District Attorney	\$20,331
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INCREASE APPROPRIATIONS:

A.02.1165.000.71030.0	Part Time Assistant District Attorney	\$11,192
A.02.1165.000.78200.00	FICA	856
A.02.9040.000.74300.00	Worker's Compensation	2,150
A.07.9010.000.78100.00	Retirement	2,238
A.13.9060.000.78400.01	Healthcare	3,895

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Economic Development Committee DATE: 06/19/12 RESOLUTION # ED-015-12

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	ED - 6/13/12	Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

RESOLUTION COMMITTING THE ANNUAL "VOLUNTARY" IN LIEU OF TAX PAYMENTS RECEIVED FROM THE NIAGARA FALLS BRIDGE COMMISSION TO ECONOMIC DEVELOPMENT PROJECTS AND THE WILLIAM G. MAYNE, JR. BUSINESS COMMUNITY ENHANCEMENT PROGRAM

WHEREAS, Niagara County receives annual "voluntary" In Lieu of Tax payments from the Niagara Falls Bridge Commission, and

WHEREAS, Niagara County created the Business Community Enhancement Program (BCEP) in 1998, to offer matching cash grants to business organizations for beautification projects in their respective business districts, with the Niagara Falls Bridge Commission and the Niagara County Legislature both agreeing to use these annual payments to fund said program, and

WHEREAS, the BCEP has assisted Niagara County's business organizations over the years with such beautification projects like the Pine Avenue "Little Italy" pillars and Gill Creek Park enhancements in Niagara Falls, Oliver Street Carrousel Horses on Parade in North Tonawanda, the Cappy Boat enhancement project at the entrance of Lockport's Canal District, the historic markers program in Ransomville, A Tree Grows in Wilson Campaign, Main Street Façade in Newfane, the Town of Niagara War of 1812 Replica Cannon, streetscape enhancements in the Hamlet of Sanborn, and many others, and

WHEREAS, it was further agreed upon by both the Niagara Falls Bridge Commission and Niagara County Legislature to dedicate these annual payments for economic development projects, and in particular, the BCEP, which was later renamed the William G. Mayne, Jr. Business Community Enhancement Program, and

WHEREAS, since the inception of the BCEP, it has also been agreed upon by both the Niagara Falls Bridge Commission and Niagara County Legislature to use any and all unexpended funds from a particular fiscal year for the next fiscal year BCEP program, now, therefore, be it

WHEREAS, the Governmental Accounting Standards Board (GASB) has issued Statement Number 54 Fund Balance Reporting and Governmental Fund Type Definitions which requires legal authority from the Federal, State or Local government to commit funds to a particular program or purpose, and be it further

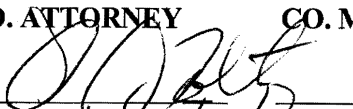
WHEREAS, to continue the intended use of these funds to sponsor projects through the William G. Mayne Jr. Business Community Enhancement Program, and be it further

RESOLVED, that the Niagara County Legislature authorizes continued commitment of the annual "voluntary" In Lieu of Tax payments received from the Niagara Falls Bridge Commission to the William G. Mayne, Jr. Business Community Enhancement Program, and other economic development projects.

ECONOMIC DEVELOPMENT COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Economic Development Committee DATE: 06/19/12 RESOLUTION #ED-016-12

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION ED - 6/13/12	LEGISLATIVE ACTION
			Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

APPROVAL OF LOW COST POWER BENEFIT TO SNOW PARK LLC UNDER THE AGREEMENT FOR THE SALE & PURCHASE OF NIAGARA PROJECT POWER & ENERGY (ASPNPPE)

WHEREAS, the County of Niagara entered into the Host Community Relicensing and Settlement Agreement ("HCRSA") on June 25, 2005, and

WHEREAS, the HCRSA entitles the County of Niagara to 9 megawatts of low cost power allocation (at 70% load) from the New York Power Authority, and

WHEREAS, the County of Niagara has made the use of this low cost power allocation for economic development purposes as the top priority for that allocation, and

WHEREAS, there is presently an Agreement for the Sale and Purchase of Niagara Project Power and Energy ("ASPNPPE") that has been approved by the County of Niagara and NYPA and the Governor of the State of New York, and

WHEREAS, the ASPNPPE specifically provides that the County of Niagara could use its low cost power allocation for economic development purposes, and

WHEREAS, the County of Niagara has taken the necessary actions to fully implement the benefits contained in the HCRSA and the ASPNPPE, and

WHEREAS, the County of Niagara established the Empower Niagara Board by Resolution ED-021-07 to review applications for the use of low cost power for economic development by reviewing applications and to make recommendation to Legislature of Niagara County, and

WHEREAS, the Empower Niagara Board has reviewed the existing agreement of Snow Park LLC for the use of low cost power, and

WHEREAS, the project of Snow Park LLC continues to meet all the criteria qualifying its project for consideration and the Empower Niagara Board is recommending approval of this application, and

WHEREAS, the application and agreement was originally approved for 400kw (at 70% load factor) of low cost power, then reduced to 300 kw (at 70% load factor) the project created full-time jobs immediately, required a new load of electricity, with a cash influx by Snow Park LLC, it has been determined that Snow Park, LLC only requires the usage of 135kw (at 70% of load factor), and

WHEREAS, the approval of the Snow Park LLC allotment of 135kw (at 70% load factor) of low cost power will continue to support, increase and maintain economic development in the City of Niagara Falls and Niagara County, and

WHEREAS, the Empower Niagara Board recommends the low cost power allocations be continued through the agreed period of three (3) additional years, for a total of 39 months, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby approves Snow Park LLC's agreement modification from 300kw to 135kw (at 70% load factor) low cost power benefits to be received from Niagara County, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute this modification to its Empower User Agreement for Low Cost Power with Snow Park LLC.

ECONOMIC DEVELOPMENT COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Economic Development Committee DATE: 06/19/12 RESOLUTION # ED-017-12

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	ED - 6/13/12	Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

**APPROVAL OF LOW COST POWER BENEFIT TO VIATRAN CORPORATION
UNDER THE AGREEMENT FOR THE SALE & PURCHASE OF
NIAGARA PROJECT POWER & ENERGY (ASPNPPE)**

WHEREAS, the County of Niagara entered into the Host Community Relicensing and Settlement Agreement ("HCRSA") on June 25, 2005, and

WHEREAS, the HCRSA entitles the County of Niagara to 9 megawatts of low cost power allocation (at 70% load) from the New York Power Authority, and

WHEREAS, the County of Niagara has made the use of this low cost power allocation for economic development purposes as the top priority for that allocation, and

WHEREAS, there is presently an Agreement for the Sale and Purchase of Niagara Project Power and Energy ("ASPNPPE") that has been approved by the County of Niagara and NYPA and the Governor of the State of New York, and

WHEREAS, the ASPNPPE specifically provides that the County of Niagara, could use its low cost power allocation for economic development purposes, and

WHEREAS, the County of Niagara has taken the necessary actions to fully implement the benefits contained in the HCRSA and the ASPNPPE, and

WHEREAS, the County of Niagara established the Empower Niagara Board by resolution ED-021-07 to review applications for the use of low cost power for economic development by reviewing applications and to make recommendation to Legislature of Niagara County, and

WHEREAS, the Empower Niagara Board has requested an audit of low cost power usage by Empower Users and modification accordingly on their agreements, and

WHEREAS, the application of Viatran Corporation has met and exceeded all the criteria qualifying its project for consideration and the Empower Niagara Board is recommending approval of this application, and

WHEREAS, the application was for 150kw (.15mw) of low cost power and the creation of new jobs required new load of electricity for expansion and establishing their facility, and

WHEREAS, the approval of the Viatran Corporation's original application maintained and improved economic development in Niagara County, and

WHEREAS, the Empower Niagara Board will be recommending the low cost power allocation to Viatran Corporation be modified to 120kw (.12mw) based upon the audit of low cost power usage and newly

refined method of providing low cost power benefits to Viatran Corporation and will not negatively impact Viatran Corporation; but provide for the availability of similar benefits to other approved applicants, and

WHEREAS, the Empower Niagara Board has met with and parties all recommend in consideration of the project and the modification (reduction) of the amount of low cost power to Viatran Corporation its agreement be extended three (3) years, a total of 39 months from May, 2012, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby approves Viatran Corporation's agreement modification for low cost power benefits from Niagara County, pursuant to low cost power allocation received through the June 25, 2005 HCRSA and ASPNPPE, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute an agreement with Viatran Corporation under Resolution ED-010-08.

ECONOMIC DEVELOPMENT COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Legislator Kathryn L. Lance and **DATE:** 06/19/12 **RESOLUTION #**IL-027-12

Economic Development Committee

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION
ED - 6/13/12

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

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

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

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

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

WHEREAS, the Wheatfield Town Market, located behind the Wheatfield Town Hall, is in need of advertising assistance using billboards and signs to increase awareness of the Farmers Market, and

WHEREAS, assistance to the Wheatfield Town Market will be used for sponsored events in bring in more patrons such as Children's Day and Seniors Day, and

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

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

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

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

\$4,000	Wheatfield Farmers Market
\$1,000	Fourth of July Concert Event

and be it further

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

INCREASE REVENUE:

A 40599.00	Appropriated Fund Balance	\$5,000
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INCREASE APPROPRIATION:

A.28.8020.812 74400.08	Seneca Niagara Monies	\$5,000
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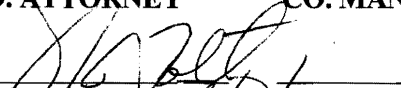
LEGISLATOR KATHRYN L. LANCE

ECONOMIC DEVELOPMENT COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Legislator William L. Ross and DA TE: 06/19/12 RESOLUTION # IL-028-12

Economic Development Committee

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	ED - 6/13/12	
			Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

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

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

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

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

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

RESOLVED, that Niagara County supports the Historical "Das Haus" Museum as follows:

"Das Haus" Museum Restoration	\$2,500
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and be it further

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

INCREASE REVENUE:

A 40599.00	Appropriated Fund Balance	\$2,500
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INCREASE APPROPRIATION:

A.28.8020.812 74400.08	Seneca Niagara Monies	\$2,500
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LEGISLATOR WILLIAM L. ROSS

ECONOMIC DEVELOPMENT COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Jason A. Zona and Owen T. **DATE:** 06/19/12 **RESOLUTION #** IL-033-12

Steed and Economic Development Committee

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION
ED - 6/13/12

LEGISLATIVE ACTION

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

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

WHEREAS, in 2012, the Town of Niagara will be celebrating its two hundredth birthday with year round festivities, and

WHEREAS, on June 30, and July 1, the Town of Niagara will be celebrating this bicentennial with a weekend of festivities at the Town of Niagara Veterans Park including a parade, sporting events, food, retail, car show and fireworks, among other things, and

WHEREAS, the Town of Niagara Bicentennial celebration will act as a significant draw for residents and visitors, who will inject revenue into the local economy, and

WHEREAS, this Legislature has provided 99-h casino revenues throughout Niagara County in previous budget years to support tourism and economic development initiatives, now, therefore, be it

RESOLVED, that the Niagara County Legislature supports promoting economic initiatives that will bring returns such as sales tax revenue to our citizens, and be it further

RESOLVED, that Niagara County would like to support the efforts of the Town of Niagara Bicentennial Committee to attract residents and visitors through a contribution of \$2500.00 total to assist with the cost of the fireworks display on June 30, 2012, and be it further

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

INCREASED REVENUE:

A.40599.00	Appropriated Fund Balance	\$2,500
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INCREASED APPROPRIATION:

A.28.8020.812 74400.08	Seneca Niagara Monies	\$2,500
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LEGISLATOR JASON A. ZONA

LEGISLATOR OWEN T. STEED

ECONOMIC DEVELOPMENT

NIAGARA COUNTY LEGISLATURE

FROM: Legislator Michael A. Hill and DA TE: 06/19/12 RESOLUTION # IL-034-12
Clyde L. Burmaster and
Parks Recreation & Tourism Ad hoc Committee

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	AD hoc - 6/5/12	Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

SUPPORT FOR THE "FROM THE MOUTH OF THE LOWER NIAGARA RIVER" GREENWAY PROJECT

WHEREAS, the Niagara Power Coalition ("NPC") and the New York Power Authority agreed to a relicensing settlement for the Niagara Power Project, and

WHEREAS, that settlement allows Niagara County to receive, through NPC HCSC, up to \$390,000 annually to fund projects which are found to be consistent with the Niagara Greenway along the Greenway Trails and Corridors, and

WHEREAS, "From the Mouth of the Lower Niagara River" Project is fully supported by the Historical Association of Lewiston, Village of Youngstown and surrounding communities, including communities on the Canadian side of the Niagara River, and Vice-Chairman of the Niagara County Legislature, Clyde L. Burmaster, as shown by resolutions and letters attached to the application, and

WHEREAS, "From the Mouth of the Lower Niagara River" is a publication commemorating 200 years of peace along the United States of America and Canada border, and

WHEREAS, the Lower Niagara River is located between Lake Erie and Lake Ontario and runs along several of the communities which make up the Niagara River Greenway, and

WHEREAS, "From the Mouth of the Lower Niagara River" publication includes stories and historical information of communities and landmarks, including, but not limited to, Old Fort Niagara and the underground railroad, which are part of the Niagara River Greenway, and

WHEREAS, the Bi-National Writing Committee has proposed this project in order to educate and increase awareness and appreciation of the region's rich history along the Lower Niagara River; as shown by its application to the Ad Hoc Committee and Recreation and Tourism, and

WHEREAS, the proposed "From the Mouth of the Lower Niagara River" Project will promote increased access to the County's historical and cultural sites, and

WHEREAS, "From the Mouth of the Lower Niagara River" Project meets the guiding principles of the Niagara Greenway Commission, and

WHEREAS, the Niagara River Greenway Commission's guiding principles promote high quality ecologically sensitive and sustainable development, and

WHEREAS, the total project was budgeted by the Bi-National Writing Committee at \$29,000.00 and the Bi-National Writing Committee is requesting that the County of Niagara support its sponsorship in order to approach the HCSC of the NPC as its sponsor in order to have approved funding in the amount of \$29,000.00 for the "From the Mouth of the Lower Niagara River" Project, and

WHEREAS, the Ad Hoc Committee for Recreation and Tourism Fund appointed by the Niagara County Legislature to review projects brought to Niagara County seeking funding from Niagara County through the Greenway and the Niagara Power Coalition and the Host Community Standing Committee has received and reviewed application and that their recommendation is made to approve and support the "From the Mouth of the Lower Niagara River" Project, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the "From the Mouth of the Lower Niagara River" Project in its request for funding from the HCSC of the NPC in the amount of \$29,000.00 for the "From the Mouth of the Lower Niagara River" publication.

LEGISLATOR MICHAEL A. HILL

LEGISLATOR CLYDE L. BURMASTER

PARKS RECREATION & TOURISM
AD HOC COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Michael A. Hill and Owen T. Steed, Peter E. Smolinski, John Syracuse,
David E. Godfrey and Parks Recreation & Tourism Ad hoc Committee

DATE: 06/19/12

RESOLUTION # 11-035-12

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION
Ad hoc - 6/5/12

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

SUPPORT FOR THE CAROUSEL SOCIETY OF THE NIAGARA FRONTIER PROJECT

WHEREAS, the Niagara Power Coalition ("NPC") and the New York Power Authority agreed to a licensing settlement for the next 50 years for the Niagara Power Project, and

WHEREAS, that settlement allows Niagara County to receive, through NPC Host Community Standing Committee ("HCSC"), up to \$390,000 annually to fund projects which are found to be consistent with the Niagara Greenway projects along the Greenway Trail, and

WHEREAS, the Carousel Society of the Niagara Frontier Carousel runs the Herschell Carrousel Factory Museum and has made application to the Niagara County's Ad Hoc Committee on Recreation and Tourism for additional Greenway funds for their Kiddieland project, and

WHEREAS, the Carousel Society runs the Herschell Carrousel Factory Museum which provides preservation of the Allan Herschell Company's history where they were once the largest producer of rides in the world, and

WHEREAS, the Carousel Society wishes to bring the concept of Kiddieland in the form of a historical amusement park setting, which originated in the building now housing the museum; this will interpret the company history the museum proposes to install three to four kiddie rides on vacant lot adjacent to and owned by the museum, whereby not only will it invite and attract tourism but it will also be a testimony of the culture and the history of the area, and

WHEREAS, Carousel Society project meets the guiding principles of the Niagara Greenway, and

WHEREAS, the Niagara River Greenway Commission's guiding principles promote high quality ecologically sensitive and sustainable activities and development, and

WHEREAS, the proposed Carousel Society project will promote increased access to the County's historical and cultural sites, and

WHEREAS, the Carousel Society project has the support and approval of the City of North Tonawanda and Legislator Peter E. Smolinski, and

WHEREAS, the Ad Hoc Committee for Recreation and Tourism Fund appointed by the Niagara County Legislature to review projects brought to Niagara County seeking funding from Niagara County through the Niagara Power Coalition and the Host Community Standing Committee; has recommended that Niagara County approve and support this project, and

WHEREAS, the Carousel Society of the Niagara Frontier has utilized great effort and is complimented for being able to receive additional funding and support whereby they are requesting the sum of \$66,000.00 on the total overall project costing \$257,346.00, and

WHEREAS, the New York State Office of Parks, Recreation, and Historical Preservation has certified the Allan Herschell Carrousel Factory and is listed on the State Register of Historic Places as of March 6, 1985, one of the provisions of the State for Historical Preservation Act of 1980 is on the National Register Historical Places as of April 18, 1985 under provisions of the National Historic Preservation Act of 1966, and

WHEREAS, after receipt of grants and other funding for the project and in-kind services to be performed by the Society, the remaining \$66,000.00 of funds is being requested, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the funding of \$66,000.00 for the Carousel Society of the Niagara Frontier project when presented to the Niagara Power Coalition and the Host Community Standing Committee.

LEGISLATOR MICHAEL A. HILL

LEGISLATOR OWEN T. STEED

LEGISLATOR PETER E. SMOLINSKI

LEGISLATOR JOHN SYRACUSE

LEGISLATOR DAVID E. GODFREY

PARKS, RECREATION & TOURISM
AD HOC COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration DATE: 06/19/12 RESOLUTION # PW-067-12

Committees

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION
PW - 5/29/12
AD - 6/12/12

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

KRULL AND OPPENHEIM PARK – WATER SPLASH PARK CHANGE ORDER NO. 3 - FINAL

WHEREAS, Resolution No. PW-076-10, dated July 27, 2010, awarded the installation of the Krull and Oppenheim Park Splash Parks, to the lowest responsible bidder, Titan Development Inc., 8534 Seaman Road, Gasport, NY 14067, in the amount of \$263,000.00, and

WHEREAS, Resolution PW-110-10, dated November 3, 2010, approved Change Order No. 1, in the amount of \$1,820.00, to comply with the Town of Newfane's Sewer Ordinance, for a revised contract amount of \$264,820.00, and

WHEREAS, Resolution PW-122-11, dated November 1, 2011, approved Change Order No. 2, in the amount of \$1,820.00, to comply with the Town of Wheatfield's Sewer Ordinance, for a revised contract amount of \$266,640.00, and

WHEREAS, it is necessary to decrease the contract by \$1,080.00, due to adjustments in contract quantities, for a revised contract price of \$265,560.00, 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. 3-Final be approved in the amount of (\$1,080.00), for a revised contract amount of \$265,560.00, to Titan Development Inc., 8534 Seaman Road, Gasport, NY 14067, and be it further

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

PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE