

AGENDA
NIAGARA COUNTY LEGISLATURE
JULY 31, 2012 – 7:00 P.M.

Resolutions not on previous agenda:

- CS-021-12** Community Services & Administration, re NYS Aid Application – Niagara County Youth Bureau – Approved
- IL-036-12** Legislators Michael A. Hill & John Syracuse, re Calling on the NYS Legislature to Continue to Reject the Unconstitutional Gun Control Bill A.1157B/S.675C, A Bill That Would Place a Costly and Ineffective Micro-Stamping Regime on Handguns in New York – Approved

Regular Meeting – July 31, 2012

- *AD-019-12** Administration, re Create & Fill Two (2) Part-time Clerks – Board of Elections
- *CS-022-12** Community Services & Administration, re Abolish & Create Positions – HEAP – Social Services
- *CS-023-12** Community Services & Administration, re Budget Modification – Social Services
- IL-037-12** Legislator Clyde L. Burmaster, re In Support of the Town of Porter Bicentennial Celebration of its Founding in 1812, through the use of Casino Funding
- IL-038-12** Legislator William L. Ross, re In Support of Projects that Support Tourism and Economic Development in Niagara County through the use of Casino Funding
- IL-039-12** Legislator Anthony J. Nemi, re In Support of Funding Wendelville Fire Company, Pendleton Lions Club and Pendleton Historical Society through the use of Casino Funding
- IL-040-12** Legislators William L. Ross, Kathryn L. Lance & David E. Godfrey, et al., re Support to Appoint a Niagara County Resident to the New York Power Authority Board of Trustees
- IL-041-12** Legislators Jason A. Zona, Owen T. Steed, Dennis F. Virtuoso & Cherée J. Copelin, re In Support of the City of Niagara Falls in its Request for \$700,000 in Funding from the NYS Consolidated Funding Application Process
- IL-042-12** Legislator Owen T. Steed, re In Support of the Annual African American Family Festival Celebration through the use of Casino Funding

- IL-043-12** Legislators Owen T. Steed, Jason A. Zona & Dennis F. Virtuoso, re In Support of the City of Niagara Falls Chamber of Commerce
- IL-044-12** Legislators John Syracuse, David E. Godfrey, Paul B. Wojtaszek & Anthony J. Nemi, re Resolution Commending City of Niagara Falls Common Council for Enhancing Regional Economic Development and Expansion of Niagara Falls Tourism and Urging Mayor Paul Dyster to Support Such Efforts
- IL-045-12** Legislators Dennis F. Virtuoso, Owen T. Steed & Jason A. Zona, re In Support of the Niagara Falls Veterans Memorial
- IL-046-12** Legislators Dennis F. Virtuoso, Owen T. Steed & Jason A. Zona, re Keep Nutrition Sites
- IL-047-12** Legislators Kathryn L. Lance, David E. Godfrey & Clyde L. Burmaster, re Calling Upon Western New York Delegation to Congress to Block Obama Administration from Forcing Massive Increases in Military TRICARE Health Premiums
- IL-048-12** Legislators Richard E. Updegrave, Paul B. Wojtaszek, Cherée J. Copelin & Michael A. Hill, re Calling Upon Congress to Take Immediate Action to Override Obama Administration Workfare Waivers, which the Congressional Research Service has Stated are Illegal
- *PW-068-12** Public Works, re Agreement between the County of Niagara and the Buffalo Triathlon Club
- *PW-069-12** Public Works, re Extension of Snow and Ice Agreement – DPW Highway 2012-2013
- *PW-070-12** Public Works & Administration, re Stone Road Culvert Replacement Project – Change Order No. 1 – Final
- *PW-071-12** Public Works & Administration, re Rehabilitation of Drop Inlets on Packard Road from Niagara Falls to I-90 in the Town of Niagara – Change Order No. 1 – Final
- *PW-072-12** Public Works & Administration, re Rehabilitation of Drop Inlets on Lower River Road, County Road 907, in the Village and Town of Lewiston, Change Order No. 1 – Final
- *PW-073-12** Public Works, re Award Bridge Scour Protection Project Contract
- *PW-074-12** Public Works & Administration, re DPW Engineering Budget Modification
- *PW-075-12** Public Works & Administration, re Beebe Road Reconstruction Project – Change Order No. 1


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 September 4, 2012.

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee **DA TE:** 07/31/12 **RESOLUTION #** AD-019-12

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
		AD - 7/24/12	Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

CREATE AND FILL TWO (2) PART-TIME CLERKS

WHEREAS, the Board of Elections has an increased work-load due to the requirements of the new voting machines, now, therefore, be it

RESOLVED, that two (2) part-time Clerk positions, without benefits, Non-Union hourly, Job Group 59, be created and filled effective September 1, 2012 until November 30, 2012, and be it further

RESOLVED, that the following budget modifications be effectuated to the 2012 budget:

FROM:

A.08.1990.000 74500.01	Contingency	\$13,103.33
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TO:

A.14.1450.000 71030.00XX	Part-time	\$ 6,086.08
A.14.1450.000 71030.00XX	Part-time	\$ 6,086.08
A.14.1450.000 78200.00	FICA	\$ 931.17

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services Committee and **DATE:** 07/31/12 **RESOLUTION #** CS-022-12
Administration Committee

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	CS - 7/09/12	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 7/24/12	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

ABOLISH & CREATE POSITIONS – HEAP - SOCIAL SERVICES

WHEREAS, the Niagara County Department of Social Services (NCDSS) administers the federally funded Home Energy Assistance Program (HEAP) which provides heating assistance to low income and elderly people in Niagara County and,

WHEREAS, after review of the current structure of the HEAP unit it has been determined that reorganization would better meet the needs of the public and make for a more efficient operation, now, therefore be it,

RESOLVED, that two (2) vacant Energy Assistance Workers, position #6245 and #2053, Job Group IV, step 5, at \$31,680 each per year be abolished effective October 1, 2012, and be it further

RESOLVED, that four (4) temporary Energy Assistance Worker positions Job Group IV, step 1 at 15.77 per hour each be created and filled effective October 1, 2012, and be it further

RESOLVED, that the following line item transfer be effectuated to the Social Services 2012 Budget:

FROM:

A.22.6010.000 71010.00 2053	Energy Assistance Worker	\$	14,572
A.22.6010.000 71010.00 6245	Energy Assistance Worker	\$	14,572

TO:

A.22.6010.000 71010.00 XXXX	Energy Assistance Worker (temp)	\$	7,286
A.22.6010.000 71010.00 XXXX	Energy Assistance Worker (temp)	\$	7,286
A.22.6010.000 71010.00 XXXX	Energy Assistance Worker (temp)	\$	7,286
A.22.6010.000 71010.00 XXXX	Energy Assistance Worker (temp)	\$	7,276


COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services Committee and **DATE:** 07/31/12 **RESOLUTION #** CS-023-12
Administration Committee

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	CS - 7/09/12	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 7/24/12	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____



BUDGET MODIFICATION – SOCIAL SERVICES

WHEREAS, the Niagara County Department of Social Services (NCDSS) provides case management services through a contract with Berkshire Farms for Anna Merritt Elementary School, Lockport and Niagara Street School, Niagara Falls, and

WHEREAS, the Lockport School District approached NCDSS about a similar case management program by Berkshire Farms centered on truancy at Lockport High School to begin the 2012-2013 school year, and

WHEREAS, said program targets the causes of truancy and seeks to improve attendance, while providing children and families with strategies for academic and social success, and

WHEREAS, said program is designed to improve and increase family involvement in the child's education and overall development thereby helping to ensure the ultimate goal of avoiding placement of the child, and

WHEREAS, the Lockport School District was able to secure funding from the Grigg – Lewis Foundation to cover the local cost for said program now, therefore, be it

RESOLVED, that the following budget modification be effectuated to the Social Services 2012 Budget:

INCREASE REVENUE:

A.22.6010.000 41894.01	DSS ADMIN	\$ 9,500
A.22.6010.000 43610.01	DSS ADMIN GENERAL	\$ 15,500

INCREASE APPROPRIATION:


A.22.6010.000 74500.01	CONTRACTUAL EXP	\$ 25,000
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COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Legislator Clyde L. Burmaster DATE: 07/31/12 RESOLUTION # IL-037-12

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

RESOLUTION IN SUPPORT OF THE TOWN OF PORTER BICENTENNIAL CELEBRATION OF ITS FOUNDING IN 1812, THROUGH THE USE OF CASINO FUNDING

WHEREAS, in this year of 2012 the Town of Porter is marking its 200th anniversary of the founding, and

WHEREAS, this important event coincides with other commemorations of the War of 1812 and its impact on not only the Town of Porter but also Niagara County as well as the United States of America, and

WHEREAS, the historic significance of 1812 and related struggles are important to remember, celebrate and dedicate which bring thousands of visitors to our area, thereby increasing sales tax dollars to our Niagara Economy, and

WHEREAS, the Legislature has provided 99-h derived casino revenues throughout Niagara County in prior years and the present to support tourism and economic development initiatives, now, therefore, be it

RESOLVED, that the Niagara County Legislature is proud to support the efforts of the Town of Porter Bicentennial as follows:

Town of Porter Bicentennial celebrations	\$3,000
Ransomville Historical Preservation Project	1,000
Old Fort Niagara Association – 1812 Re-enactments	1,000

and be it further

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

INCREASE REVENUE:

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

A.28.8020.812 74400.08	Seneca Niagara Monies	\$5,000
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LEGISLATOR CLYDE L. BURMASTER

NIAGARA COUNTY LEGISLATURE

FROM: Legislator William L. Ross DATE: 07/31/12 RESOLUTION # IL-038-12

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

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

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

WHEREAS, the Town of Lewiston is blessed with great natural beauty and its local organizations sponsor a multitude of extremely exciting events which draw thousands of people from all over Western New York, Southern Ontario and beyond, and

WHEREAS, these festival events generate a positive economic impact on the businesses which include first class restaurants and interesting shops, and

WHEREAS, the Peach Festival which is sponsored by the Lewiston Kiwanis Club is Niagara County's premier family event which has been held for over 50 years, and

WHEREAS, the Lewiston Kiwanis Club uses the profits to benefit other organizations such as youth, senior citizen and civic groups, and

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

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

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

RESOLVED, that Niagara County supports these two economic initiatives of the Annual Peach Festival and the Niagara County Builders' Association Home Show as follows:

Peach Festival	\$2,500
Niagara County Builders' Association	\$1,500

and be it further

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

INCREASE REVENUE:

A 40599.00	Appropriated Fund Balance	\$4,000
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INCREASE APPROPRIATION:

A.28.8020.812 74400.08	Seneca Niagara Monies	\$4,000
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LEGISLATOR WILLIAM L. ROSS

NIAGARA COUNTY LEGISLATURE

FROM: Legislator Anthony J. Nemi DATE: 07/31/12 RESOLUTION # IL-039-12

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

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

**RESOLUTION IN SUPPORT OF FUNDING WENDELVILLE FIRE COMPANY
PENDLETON LIONS CLUB AND PENDLETON HISTORICAL SOCIETY
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, Niagara County is in receipt of funds generated from the Seneca Niagara Casino, as per New York statute, and

WHEREAS, the Wendelville Fire Company has been serving the Town of Pendleton since 1921, and

WHEREAS, the Wendelville Fire Company serves the community in all types of emergency situations and also provides a social aspect to the community with many dances, fundraisers, and the annual field days, and

WHEREAS, the 2012 field days are scheduled for August 11th and 12th, and

WHEREAS, these field days encourage thousands of people to visit the Town of Pendleton and surrounding area, which increases foot traffic to local businesses and restaurants and brings in greater sale tax revenue, and

WHEREAS, the Pendleton Lions Club is a civic and service organization located in the Town of Pendleton, and

WHEREAS, the Lions Club has been in existence for forty-three years and during that time has assisted thousands of individuals, and

WHEREAS, the Pendleton Lions Club annually produces a "Buy Locally" business phone directory, which encourages economic development for the businesses listed in the directory, and

WHEREAS, the Pendleton Historical Society is committed to assemble, preserve, protect and exhibit collections pertaining to the history of the Town of Pendleton, its people and community life, and

WHEREAS, through various events throughout the year the Pendleton Historical Society brings countless visitors which provides substantial economic impact for the businesses and restaurants nearby and thus creates a significant source of sales tax revenue for the County of Niagara, now, therefore, be it

RESOLVED, that Niagara County supports the Wendelville Fire Company, Pendleton Lions Club and Pendleton Historical Society as follows:

Wendelville Fire Company – Field Days	1,600
Pendleton Lions Club – Phone Directory Marketing	500
Pendleton Historical Society – Historical Preservation	500

and be it further,

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

INCREASE REVENUE:

A.40599.00	Appropriated Fund Balance	\$2,600
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INCREASE APPROPRIATION:

A.28.8020.812.74400.08	Seneca Niagara Monies	\$2,600
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LEGISLATOR ANTHONY J. NEMI

NIAGARA COUNTY LEGISLATURE

FROM: Legislators William L. Ross, **DATE:** 07/31/12 **RESOLUTION #** IL/-040-12
Kathryn L. Lance, and
David E. Godfrey, et al.

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER		Approved: Ayes____ Abs.____ Noes____
			Rejected: Ayes____ Abs.____ Noes____
			Referred: _____

SUPPORT TO APPOINT A NIAGARA COUNTY RESIDENT TO THE NEW YORK POWER AUTHORITY BOARD OF TRUSTEES

WHEREAS, the New York Power Authority (NYPA) is the largest state-owned power organization in the United State, and

WHEREAS, the Niagara Power Project is currently the largest generator of power of any NYPA facility, generating 2,400,000 kilowatts of power annually, and

WHEREAS, currently the NYPA Board of Trustees consists of seven members, none of which are from Niagara County, and

WHEREAS, with the largest generator of power in New York State in Niagara County, the county deserves to have proper representation during the NYPA decision making process, and

WHEREAS, having a member of the NYPA Board of Trustees who is knowledgeable of the impact of the Niagara Power Project on the community is vitally important, and

WHEREAS, several nominations to the NYPA Board of Trustees will likely be considered by Governor Cuomo because of the fact of a recent resignation from the NYPA Board of Trustees, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby request that Governor Cuomo appoint a Niagara County resident as a permanent member to the seven-member NYPA Board of Trustees, and be it further

RESOLVED that the County of Niagara forward copies of this resolution to Governor Andrew M. Cuomo, Senate Vice President Pro Tem George D. Maziarz, Senator Mark Grisanti, Senate Temporary President Dean G. Skelos, Assembly Speaker Sheldon Silver, Member of the Assembly John D. Ceretto, Member of the Assembly Jane L. Corwin, Member of the Assembly Raymond Walter, Member of the Assembly Robin Schimming, Member of the Assembly Stephen Hawley, U.S. Representative Kathleen C. Hochul, U.S. Representative Louise M. Slaughter, New York Power Authority CEO Gil C. Quiniones, and all others deemed necessary and proper.

LEGISLATOR WILLIAM L. ROSS

LEGISLATOR KATHRYN L. LANCE

LEGISLATOR DAVID E. GODFREY

LEGISLATOR PETER E. SMOLINSKI

LEGISLATOR MICHAEL A. HILL

LEGISLATOR JOHN SYRACUSE

LEGISLATOR CHEREÉ J. COPELIN

LEGISLATOR RICHARD E. UPDEGROVE

LEGISLATOR WM. KEITH MCNALL

LEGISLATOR ANTHONY J. NEMI

LEGISLATOR DENNIS F. VIRTUOSO

LEGISLATOR PAUL B. WOJTASZEK


LEGISLATOR CLYDE L. BURMASTER

LEGISLATOR OWEN T. STEED

LEGISLATOR JASON A. ZONA

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Jason A. Zona, Owen T. Steed, Dennis F. Virtuoso and Cheree J. Copelin
DATE: 07/31/12
RESOLUTION # IL-041-12

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER		Approved: Ayes____ Abs.____ Noes____
			Rejected: Ayes____ Abs.____ Noes____
			Referred:_____

RESOLUTION IN SUPPORT OF THE CITY OF NIAGARA FALLS IN ITS REQUEST FOR \$700,000 IN FUNDING FROM THE NYS CONSOLIDATED FUNDING APPLICATION PROCESS

WHEREAS, the City of Niagara Falls is applying for \$700,000 from the NYS Consolidated Funding Application process in support of the Downtown Niagara Falls Stabilization Project, and

WHEREAS, the goal is to use competitive grant funds to address downtown commercial and residential properties, while building on the positive momentum of the new Niagara County Community College Culinary Institute, and

WHEREAS, Niagara Falls and Niagara County want to ensure that they supports the new Culinary Institute with quality housing opportunities and amenities, while building on New York State's investment in the Culinary Institute, and

WHEREAS, Niagara Falls is seeking \$250,000 from the Office of Homes and Community Renewal, through the New York Main Street Program City Request, and \$450,000 through the Empire State Development Grant, and

WHEREAS, funds awarded through this grant process will support housing renovations, property demolitions, commercial property acquisitions, and a commercial façade grant program, and

WHEREAS, Consolidated Funding Application Grants were awarded to the City of Buffalo and Elmwood Village Association to support similar projects in the Elmwood District of Buffalo with much success, now, therefore, be it

RESOLVED that the Niagara County Legislature supports the City of Niagara Falls in its Consolidated Funding Application, and in its efforts to revitalize downtown through the Downtown Stabilization project, and be it further

RESOLVED that the Niagara County Legislature strongly encourages Mr. Howard Zemsky, and the Western New York Regional Economic Development Council to support the City of Niagara Falls and its Consolidated Funding Application request, and

RESOLVED that the County of Niagara forward copies of this resolution to Governor Andrew M. Cuomo, Satish K. Tripathi and Howard Zemsky, Co- Chairmen Western New York Regional Economic Development Council, Christina Orsi, Empire State Development, Mayor Paul Dyster, City of Niagara Falls, all others deemed necessary and proper.

LEGISLATOR JASON A. ZONA

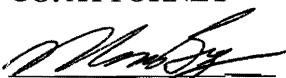
LEGISLATOR OWEN T. STEED

LEGISLATOR DENNIS F. VIRTUOSO

LEGISLATOR CHERÉE J. COPELIN

NIAGARA COUNTY LEGISLATURE

FROM: Legislator Owen T. Steed DATE: 07/31/12 RESOLUTION # IL-042-12

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

RESOLUTION IN SUPPORT OF THE ANNUAL AFRICAN AMERICAN FAMILY FESTIVAL CELEBRATION THROUGH THE USE OF CASINO FUNDING

WHEREAS, August 10th thru August 12th, the African American Family Festival will be celebrating its 2012 festivities at the Center Court Field in Niagara Falls, NY, and

WHEREAS, the annual festival celebrates the long African American history and heritage in Niagara Falls, NY, and

WHEREAS, the festival will include children's activities on August 10th, gospel festivities on August 12th, as well as food, and retail opportunities for numerous vendors, and

WHEREAS, the African American Family Festival celebration will act as a significant draw for residents, 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 African American Festival Committee to attract residents and visitors through a contribution of \$1000.00 total to assist with the cost of the festival, 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	\$1000
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INCREASED APPROPRIATION:

A.28.8020.812 74400.08	Seneca Niagara Monies	\$1000
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LEGISLATOR OWEN T. STEED

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Owen T. Steed, **DATE:** 07/31/12 **RESOLUTION #** IL-043-12
Jason A. Zona and Dennis F. Virtuoso

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER		
			Approved: Ayes____ Abs.____ Noes____
			Rejected: Ayes____ Abs.____ Noes____
			Referred:_____

RESOLUTION IN SUPPORT OF THE CITY OF NIAGARA FALLS CHAMBER OF COMMERCE

WHEREAS, on June 13, 2011, the Niagara Falls, NY Chamber of Commerce was incorporated, and

WHEREAS, on March 8, 2012, the inaugural Board of Directors was seated for the Niagara Falls, NY Chamber of Commerce, and

WHEREAS, the City of Niagara Falls, NY has been without a stand-alone Chamber of Commerce since 2004, and

WHEREAS, the city's approximately 400 businesses deserve strong local support and representation, and

WHEREAS, affordable healthcare, and a strong unified web presence is imperative for the success of local businesses, and

WHEREAS, the encouragement and support of start up and entrepreneurial ventures is crucial to the growth and financial health of Niagara Falls, and Niagara County and the marketing of local businesses, is paramount to the future of all residents in Niagara Falls and Niagara County, now, therefore, be it

RESOLVED, that the Niagara County Legislature proclaims its support for the Niagara Falls, NY Chamber of Commerce, and urges all businesses in the city to support this organization and their mandates for a strong business base in Niagara Falls, and be it further

RESOLVED, that the County of Niagara forward copies of this resolution to Candra Thomason, Niagara Falls, NY Chamber of Commerce, Mayor Paul Dyster, City of Niagara Falls, Samuel Fruscione, Chairman, Niagara Falls City Council, all others deemed necessary and proper.

LEGISLATOR OWEN T. STEED

LEGISLATOR JASON A. ZONA

LEGISLATOR DENNIS F. VIRTUOSO

NIAGARA COUNTY LEGISLATURE

FROM: Legislators John Syracuse, David E. Godfrey, DATE: 07/31/2012 RESOLUTION # IL-044-12
Paul B. Wojtaszek & Anthony J. Nemi

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

Katherine J. Alexander

RESOLUTION COMMENDING CITY OF NIAGARA FALLS COMMON COUNCIL FOR ENHANCING REGIONAL ECONOMIC DEVELOPMENT AND EXPANSION OF NIAGARA FALLS TOURISM AND URGING MAYOR PAUL DYSTER TO SUPPORT SUCH EFFORTS

WHEREAS, Mr. Nik Wallenda did, on June 15, 2012, secure a place for himself in world history, and for the cities of Niagara Falls, New York, and Niagara Falls, Ontario, in current cultural relevance, through his completion of a tightrope walk across both the Cataract and the international border, and

WHEREAS, the County of Niagara did designate June 15 as Nik Wallenda Day to celebrate said achievement, through unanimous passage and enactment of a resolution ordering the same submitted by the Honorable Dennis F. Virtuoso, a Legislator representing the City of Niagara Falls, and

WHEREAS, the Virtuoso Resolution did state the tightrope walk was "an event of historic proportions," and did "[welcome] Nik Wallenda and his family to Niagara County and Niagara Falls, New York," and

WHEREAS, said tightrope walk did dominate television coverage on Friday, June 15, 2012, with ABC programming devoted entirely to the walk and other networks devoting substantial news coverage to the same, and

WHEREAS, Mr. John Percy, President and CEO of the Niagara Tourism and Convention Corp. did release a study by the NTCC that determined a positive \$3.3 million impact to the City of Niagara Falls, with 52 percent of tourists to Niagara Falls during the weekend of June 15 through 17 having elected to visit the region specifically to see Mr. Wallenda's historic walk, and

WHEREAS, all activities directly related to the Wallenda Walk on the United States side of the international border did take place within the confines of the Niagara Falls State Park, and

WHEREAS, Mr. Wallenda did provide the New York State Office of Parks, Recreation and Historic Preservation with \$200,000 to cover security and rescue plan costs in fulfillment of a contract executed with that agency and with all activities directly related to the U.S. portion of the Walk taking place within spaces under jurisdiction of that agency, and not the City of Niagara Falls, and

WHEREAS, Mr. Paul Dyster, Mayor of the City of Niagara Falls, New York, has claimed, repeatedly, in local media that Mr. Wallenda's walk cost the City of Niagara Falls the very round figure of \$25,000 in additional security costs due to that large volume of tourists visiting Niagara Falls and spending money there, and

WHEREAS, Mr. Dyster has demanded, repeatedly, in international media, most notably the July 24, 2012 edition of the Wall Street Journal and the July 20, 2012 edition of The New York Times, that Mr. Wallenda compensate the City of Niagara Falls for the \$25,000 it allegedly invested in additional security while Mr. Wallenda's walk was generating an additional \$3.3 million economic activity, and

WHEREAS, Mr. Dyster's rationale, as quoted in The New York Times, for said demand, is stated as "I'm the mayor of a poor city," and

WHEREAS, Mr. Dyster went on to state, "This was not a charitable enterprise; it was a private business venture. I cannot gift taxpayer money to people," despite the fact that the City of Niagara Falls already gifts taxpayer money for both security and portable toilet facilities at the summer concert series owned by the Hard Rock Café, a private business venture that should be noted has never been estimated to have had a \$3.3 million positive impact for the City of Niagara Falls, and with Hard Rock Café portable toilet costs alone borne by Niagara Falls taxpayers in 2010 reaching \$24,000, and

WHEREAS, the Honorable Sam Fruscione, Chairman of the Niagara Falls Common Council, did state, in a July 24, 2012 interview with Canadian radio station CKTB 610 AM's news division that any agreement requiring Mr. Wallenda to pay for costs incurred by the City of Niagara Falls would have required Council ratification, and that no such agreement was forwarded to the Council by the Mayor or any other party, and

WHEREAS, Mr. Fruscione further noted that such costs as were associated with additional economic activity in the city resulting from the Wallenda Walk constituted .003% of the city's total budget, even as they generated \$3.3 million in projected new economic activity, and that funds had already been budgeted to handle emergency responder overtime in 2012, and

WHEREAS, in said radio interview, Mr. Fruscione did call upon Mr. Dyster to make "the right decision" and stop "continuously embarrassing us," and

WHEREAS, a resolution introduced in the Niagara Falls Common Council on July 23, 2012, did call upon Mr. Dyster and the City of Niagara Falls to cease and desist efforts to collect additional monies from Mr. Wallenda, and forgiving any so-called debts by Mr. Wallenda to the City of Niagara Falls, and

WHEREAS, said resolution was enacted with nearly-unanimous support of said legislative body, with a single vote cast in opposition, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara does hereby commend the Niagara Falls Common Council for their actions in supporting regional economic development and working to reduce the image of this region and the City of Niagara Falls as hostile to positive economic development measures and business ventures, and be it further

RESOLVED, that the Legislature of the County of Niagara does hereby urge Mr. Dyster to follow the lead of his Common Council, now that it has thoroughly rebuked his efforts at collecting monies from Mr. Wallenda, who, it should be noted, did not receive any monies for his historic Walk, and be it further

RESOLVED, that the Legislature of the County of Niagara does hereby further commend Mr. Wallenda again for his historic achievement, and express our desire that he leave this region knowing that the County of Niagara, the Common Council of the City of Niagara Falls, New York, our neighbors in the City of Niagara Falls, Ontario, and the vast majority of people in this region applaud his achievement and consider him an honorary son of Niagara, and be it further.

RESOLVED, that the Legislature of the County of Niagara shall forward copies of this resolution to the Mr. Fruscione, Mr. Dyster, Mr. Wallenda, Mr. Roger Trevino, and all relevant parties.

LEGISLATOR JOHN SYRACUSE


LEGISLATOR DAVID E. GODFREY

LEGISLATOR PAUL B. WOJTASZEK

LEGISLATOR ANTHONY J. NEMI

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Dennis F. Virtuoso, Owen T. Steed and Jason A. Zona **DATE:** 07/31/12 **RESOLUTION #** IL-045-12

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
			Approved: Ayes____ Abs.____ Noes____ Rejected: Ayes____ Abs.____ Noes____ Referred:_____

RESOLUTION IN SUPPORT OF THE NIAGARA FALLS VETERANS MEMORIAL

WHEREAS, the Niagara Falls Veterans Memorial is the second largest granite memorial in the United States of America, and

WHEREAS, this Memorial is a lasting tribute to our Veterans, and

WHEREAS, the Memorial is nearing completion and needs additional funds to complete the landscaping, and

WHEREAS, once completed the Niagara Falls Veterans Memorial will draw many tourists and residents, 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 the Niagara County would like to support the efforts of the Niagara Falls Veterans Memorial Commission to attract residents and visitors and complete this project through a contribution of \$5000 to assist with the landscaping of the Memorial, 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 DENNIS F. VIRTUOSO

LEGISLATOR OWEN T. STEED

LEGISLATOR JASON A. ZONA

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Dennis F. Virtuoso, **DATE:** 07/31/12 **RESOLUTION #** IL-046-12
Owen T. Steed and Jason A. Zona

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

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

KEEP NUTRITION SITES

WHEREAS, Office for the Aging Director Kenneth Genewick has sent out letters ordering that three nutrition sites to be closed by August 31, 2012, and

WHEREAS, there are monies in this year's budget to fully fund these sites, and

WHEREAS, our seniors are Niagara County's greatest asset and we have to provide and take care of our seniors, and

WHEREAS, these Nutrition and Educational programs give our seniors the quality of life that they deserve, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby rescind the closing of the three nutrition sites, St. Johns AME, Tuscarora Nation House and Summit View Place Apts.


LEGISLATOR DENNIS F. VIRTUOSO

LEGISLATOR OWEN T. STEED

LEGISLATOR JASON A. ZONA

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Kathryn L. Lance, **DATE:** 07/31/12 **RESOLUTION #** IL-047-12
David E. Godfrey and Clyde L. Burmaster

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
			Approved: Ayes____ Abs.____ Noes____
			Rejected: Ayes____ Abs.____ Noes____
			Referred: _____

RESOLUTION CALLING UPON WESTERN NEW YORK DELEGATION TO CONGRESS TO BLOCK OBAMA ADMINISTRATION FROM FORCING MASSIVE INCREASES IN MILITARY TRICARE HEALTH PREMIUMS

WHEREAS, President Barack H. Obama has proposed massive increases in TRICARE annual premiums for uniformed military personnel and retirees, with 30% to 78% increases in the first year, followed by five-year increases ranging from 94% to 345%, and

WHEREAS, said increases were first reported by the Washington Free Beacon on February 27, 2012, and

WHEREAS, such increases in healthcare costs only affect uniformed military personnel, and not civilian Department of Defense, Department of the Army, Department of the Air Force, and Department of the Navy personnel, and

WHEREAS, the Obama proposal increases copayments for pharmaceuticals and eliminates incentives for using generic drugs, and

WHEREAS, President Obama has threatened to veto a defense appropriation bill because it did not authorize the higher healthcare premiums he had sought for the military, and

WHEREAS, as home to the Niagara Falls Air Reserve Station, Niagara County is also home to thousands of active duty military personnel, reservists, and retirees, and

WHEREAS, the Legislature of the County of Niagara commends those who have honorably served our nation and their neighbors by wearing the uniform of the United States Army, Navy, Marines, and Air Force, and

WHEREAS, the Legislature of the County of Niagara affirms the principle that our nation owes a debt of gratitude to our service members, and that proposals such as the massive Obama Tricare hike do a disservice to those men and women who have honorably served us, and

WHEREAS, the Legislature of the County of Niagara expects that any federal representatives of this county and its air base would not support policy that is detrimental to service members and veterans, now, therefore be it

RESOLVED, that the Legislature of the County of Niagara does oppose any increases in TRICARE that exceed increases in healthcare borne by non-uniformed government personnel, and be it further

RESOLVED, that the Legislature of the County of Niagara does hereby call upon U.S. Rep. Kathleen C. Hochul, member of the House Armed Services Committee to join us in publicly condemning the TRICARE rate

hikes and pledge to vote in the affirmative for any military funding bills from the House of Representatives that preserve TRICARE rates and protect veterans from massive increases both in committee and on the floor of the House, as well as to vote in the affirmative for any override of a veto by President Obama of the same, and be it further

RESOLVED, that the Legislature of the County of Niagara does hereby urge U.S. Rep. Louise Slaughter, U.S. Rep. Brian Higgins, U.S. Senators Charles E. Schumer and Kirsten E. Gillibrand to do the same, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Senator Schumer, Senator Gillibrand, Rep. Hochul, Rep. Slaughter, Rep. Higgins, the Honorable Leon Panetta, Secretary of Defense, President Obama, and all others deemed necessary and proper.

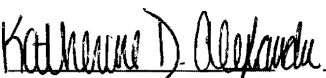
LEGISLATOR KATHRYN L. LANCE

LEGISLATOR DAVID E. GODFREY

LEGISLATOR CLYDE L. BURMASTER

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Richard E. Updegrove, **DA TE:** 07/31/12 **RESOLUTION #** IL-048-12
Paul B. Wojtaszek, Cheree J. Copelin
and Michael A. Hill

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

RESOLUTION CALLING UPON CONGRESS TO TAKE IMMEDIATE ACTION TO OVERRIDE OBAMA ADMINISTRATION WORKFARE WAIVERS, WHICH THE CONGRESSIONAL RESEARCH SERVICE HAS STATED ARE ILLEGAL

WHEREAS, President Barack H. Obama's Secretary of Health and Human Services, Kathleen Sebelius, did issue on July 12, 2012, an official policy directive, titled "Transmittal No. TANF-ACF-IM-2012-3, Temporary Assistance for Needy Families Information Memorandum," which rewrites the bipartisan Personal Responsibility and Work Opportunity Act of 1996 by issuing waivers to states not meeting the obligations of the same, and

WHEREAS, the Personal Responsibility and Work Opportunity Act of 1996 is a law duly enacted after being approved by a bipartisan vote of 256-170 in the House and 74-24 in the Senate, and being signed by the Honorable William J. Clinton, President of the United States, and

WHEREAS, the key provision of the Personal Responsibility and Work Opportunity Act (the 1996 welfare reform act) was the abolition of the Aid to Families with Dependent Children welfare program and its replacement with the Temporary Assistance to Needy Families workfare program, and

WHEREAS, Temporary Assistance to Needy Families, or TANF, provides a maximum of 60 months of benefits within an individual's lifetime, and requires that recipients must work as soon as they are job ready or no later than two years after coming on assistance, and that parents must participate in "work activities" for set numbers of hours per week, and

WHEREAS, TANF required, effective from FY 2004 onward, that states were required to ensure that 50% of all families and 90% of all two-parent families receiving TANF benefits were participating in "work activities" to receive a caseload reduction credit, and

WHEREAS, Transmittal No. TANF-ACT-IM-2012-03 undermines the authority of the 1996 welfare reform act by waiving those work requirements identified in the previous two WHEREAS clauses, and does so through authority it claims originates under § 1115 of the Social Security Act, a 1935 law which had authorized the previous Aid to Families with Dependent Children program, and

WHEREAS, the Transmittal claims a right to issue such waivers originating in language in § 1115, however said authority to grant waivers is only applicable to programs listed under § 1115, and only § 402 of TANF is listed under § 1115, and

WHEREAS, § 402 only requires state plans regarding workfare requirements be reported to HHS, but not the workfare programs themselves, and

WHEREAS, the non-partisan Congressional Research Service did issue a finding in December 2001, "Welfare Reform Waivers and TANF," and stated in said document that § 402 does not grant authority to override workfare and other major requirements found in the other 34 sections of the TANF law, and that "Technically,

there is waiver authority for TANF state plan requirement; however, [the] major TANF requirements are not in state plans. Effectively, there are no TANF waivers,” and

WHEREAS, Transmittal No. TANF-ACT-IM-2012-03 further abolishes federal standards on what constitutes “work,” with said federal standards having been implemented after various states attempted to define “work” to include hula dancing, attending Weight Watchers, and bed rest, and

WHEREAS, the Honorable Newt L. Gingrich, former Speaker of the House of Representatives, who negotiated for the 1996 welfare reform act with the Clinton Administration, did state, following the Obama Administration’s actions, that “President Clinton and the Republican Congress created bipartisan work-oriented reform of welfare. Obama has single-handedly destroyed it,” and

WHEREAS, the implementation of TANF has been by any measure a major success, with average monthly TANF recipients dropping from 10,375,993 in 1997, the first year of the TANF program, to 4,375,022 in 2010, even as unemployment nationally has increased, and

WHEREAS, the implementation of TANF has also had positive social impacts, with the share of children living in single-mother households decreasing from 22% of all children in 1997 to 19% in 2002, and

WHEREAS, following the successes of the TANF program versus the previous AFDC programs, Congress reauthorized TANF in 2005 and strengthened its core requirements, including raising work participation requirements, and

WHEREAS, the Legislature of the County of Niagara opposes any policy that is likely to increase the number of people dependent on government welfare programs, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara does oppose the issuance of federal waivers to states for federal work requirements under TANF and the Personal Responsibility and Work Opportunity Act of 1996 and its 2005 reauthorization, and be it further

RESOLVED, that the Legislature of the County of Niagara does call upon the entire Western New York delegation to the United States Congress to take actions, including the enactment of legislation, that reverse the illegal policy directives in Transmittal No. TANF-ACT-IM-2012-03, and be it further

RESOLVED, that the Legislature of the County of Niagara does hereby call upon Rep. Kathleen C. Hochul, Rep. Brian M. Higgins and Rep. Louise M. Slaughter to join us in publicly opposing the Obama Administration for its wanton disregard for the law, specifically as enacted by the Personal Responsibility and Work Opportunity Act of 1996, and pledge to vote in the affirmative for any bills from the House of Representatives that seek to override the actions of the Obama Administration as defined by Transmittal No. TANF-ACT-IM-2012-03, both in committee and on the floor of the House, as well as to vote in the affirmative for any override of a veto by President Obama of the same, and be it further

RESOLVED, that the Legislature of the County of Niagara does hereby urge U.S. Senators Charles E. Schumer and Kirsten E. Gillibrand to do the same, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Senator Schumer, Senator Gillibrand, Rep. Hochul, Rep. Higgins, Rep. Slaughter, Secretary Sebelius, President Obama, and all others deemed necessary and proper.

LEGISLATOR RICHARD E. UPDEGROVE

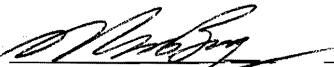
LEGISLATOR PAUL B. WOJTASZEK

LEGISLATOR CHEREÉ J. COPELIN

LEGISLATOR MICHAEL A. HILL

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 07/31/12 RESOLUTION # PW-068-12

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION PW - 7/24/12	LEGISLATIVE ACTION
			Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE BUFFALO TRIATHLON CLUB

WHEREAS, members of the Buffalo Triathlon Club have requested that the County of Niagara grant them permission to use a portion of the Davison Road Campus for the purpose of a rest area, and transit area for gear, for a triathlon, and

WHEREAS, it is the wish of the Buffalo Triathlon Club to hold the triathlon on September 1, 2012, and

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


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

RESOLVED, that, following the County Attorney's review, the Chair of the County Legislature be, and hereby is, authorized to execute the License Agreement between the County of Niagara and the Buffalo Triathlon Club.

PUBLIC WORKS COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee and Administration Committee **DATE:** 07/31/12 **RESOLUTION #** PW-070-12

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
		PW - 07/24/12	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 07/24/12	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

STONE ROAD CULVERT REPLACEMENT PROJECT – CHANGE ORDER NO. 1 - FINAL

WHEREAS, Resolution No. PW-058-11, dated May 3, 2011, awarded the contract for the Replacement of the Stone Road Culvert, to Yarussi Construction, 5650 Simmons Avenue, Niagara Falls, NY 14304, in the amount of \$563,227.05, and

WHEREAS, it is necessary to approve Change Order No. 1 – Final, in the amount of \$16,342.38, due to the need to construct the south wing walls on site verses using precast and final quantity adjustments, and

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

RESOLVED, that the contract to Yarussi Construction, 5650 Simmons Avenue, Niagara Falls, NY 14304, be increased by \$16,342.38 for a revised contract amount of \$579,569.43, 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

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee and **DATE:** 07/31/12 **RESOLUTION #** PW-071-12
Administration Committee

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
		PW - 7/24/12	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 7/24/12	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

**REHABILITATION OF DROP INLETS ON PACKARD ROAD FROM NIAGARA FALLS TO I-90
IN THE TOWN OF NIAGARA – CHANGE ORDER NO 1 - FINAL**

WHEREAS, Resolution No. PW-092-11, dated July 26, 2011, awarded the contract for the Rehabilitation of the Drop Inlets on Packard Road, to Yarussi Construction, 5650 Simmons Avenue, Niagara Falls, NY 14304, in the amount of \$292,418.00, and

WHEREAS, it is necessary to approve Change Order No. 1 – Final, in the amount of (\$36,068.00), due to adjustments in contract quantities, and

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

RESOLVED, that the contract to Yarussi Construction, 5650 Simmons Avenue, Niagara Falls, NY 14304, be decreased by \$36,068.00 for a revised contract amount of \$256,350.00, 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.

PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee and **DATE:** 07/31/12 **RESOLUTION #** PW-072-12
Administration Committee

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	PW - 7/24/12	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 7/24/12	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

REHABILITATION OF DROP INLETS ON LOWER RIVER ROAD, COUNTY ROAD 907, IN THE VILLAGE AND TOWN OF LEWISTON – CHANGE ORDER NO 1 - FINAL

WHEREAS, Resolution No. PW-104-11, dated September 6, 2011, awarded the contract for the Rehabilitation of the Drop Inlets on Lower River Road, to Yarussi Construction, 5650 Simmons Avenue, Niagara Falls, NY 14304, in the amount of \$323,999.00, and

WHEREAS, it is necessary to approve Change Order No. 1 – Final, in the amount of (\$60,679.23), due to adjustments in contract quantities, and

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

RESOLVED, that the contract to Yarussi Construction, 5650 Simmons Avenue, Niagara Falls, NY 14304, be decreased by \$60,679.23 for a revised contract amount of \$263,319.77, 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

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee **DA TE:** 07/31/12 **RESOLUTION #** PW-073-12

APPROVED
CO. ATTORNEY

**REVIEWED
CO. MANAGER**

COMMITTEE ACTION
PW - 7/24/12

LEGISLATIVE ACTION

Approved: Ayes Abs. Noes

Rejected: Ayes_____ Abs._____ Noes_____

Referred: _____

AWARD BRIDGE SCOUR PROTECTION PROJECT CONTRACT

WHEREAS, the Department of Public Works, Engineering Division has prepared specifications and the Purchasing Department has advertised for bids for the Bridge Scour Protection Project, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on June 12, 2012, as tabulated below:

- | | | |
|----|--|--------------|
| 1. | D & H Excavating
11939 Rt. 98
South Arcade, NY 14009 | \$326,273.44 |
| 2. | Yarussi Construction Inc.
5650 Simmons Ave
Niagara Falls, NY 14304 | \$359,158.80 |
| 3. | Pinto Construction
1 Babcock St.
Buffalo, New York 14210 | \$428,133.00 |
| 4. | Paul J. Gallo Contracting
4242 Ridge Lea Road, Suite 11
Amherst, New York 14226-5121 | \$667,606.00 |

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 low apparent bidder, D&H Excavating, did not receive addendum Number 4 prior to bidding, deeming the bid response as non-responsible, and be it further

RESOLVED, that the contract for Bridge Scour Protection be awarded to the lowest responsible bidder, Yarussi Construction Inc., 5650 Simmons Avenue, Niagara Falls, NY 14304, in the amount of \$359,158.80, and be it further

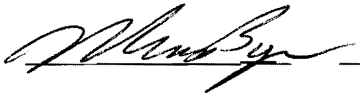
RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the required documents.

PUBLIC WORKS COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee and **DATE:** 07/31/12 **RESOLUTION #** PW-074-12
Administration Committee

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	PW - 7/24/12	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 7/24/12	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____



DPW-ENGINEERING BUDGET MODIFICATION

WHEREAS, Resolution No. CW-001-12, dated July 11, 2012, authorized Niagara County to sell the Mount View Facility, and

WHEREAS, it is necessary for the County to conduct an analysis to determine the cost for asbestos abatement at the Mount View Facility, within thirty (30) days after the effective date of the purchase contract, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated:

DECREASE APPROPRIATION:

A.08.1990.000.74500.01	Contingency	\$10,000
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INCREASE APPROPRIATION:

A.15.1440.000.74650.07	Professional Engineering Services	\$10,000
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and be it further

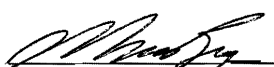
RESOLVED, that the Department of Public Works is hereby authorized to conduct an asbestos analysis to determine the cost of asbestos abatement for the Mount View Facility.

PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee and Administration Committee **DATE:** 07/31/12 **RESOLUTION #** PW-075-12

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
		PW - 7/24/12	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 7/24/12	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

BEEBE ROAD RECONSTRUCTION PROJECT – CHANGE ORDER NO. 1

WHEREAS, Resolution No. PW-131-11, dated December 6, 2011, awarded the contract for the Reconstruction of Beebe Road, from just north of Shadigee Road to Wilson – Burt Road, to Accadia Site Contracting, 5636 Transit Road, Depew, NY 14043, in the amount of \$4,326,810.04, and

WHEREAS, it is necessary to approve Change Order No. 1, in the amount of \$360,093.17, due to additional quantities of several bid items to reflect the actual quantities required to do the construction work, and

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

RESOLVED, that the contract to Accadia Site Contracting, 5636 Transit Road, Depew, NY 14043, be increased by \$360,093.17, for a revised contract amount of \$4,686,903.21, 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