



AGENDA FOR THE ORGANIZATION MEETING
OF THE NIAGARA COUNTY LEGISLATURE

JANUARY 5, 2016
7:00P.M.

1. Call to order by the County Clerk, Joseph Jastrzemski, Chairman pro temp.
2. Roll Call of the Legislators by District by the Clerk of the Legislature.
3. Prayer and pledge of allegiance.
4. Nomination and election of temporary Chairman.
5. Nomination and election of Chairman of Legislature.
6. Temporary Chairman declares Chairman and appoints escorts.
Chairman of Legislature is escorted to the podium to take his oath of office.
7. Nomination and election of Vice-Chairman.
8. Appointment of Clerk of the Legislature.
9. Appointment of County Attorney.
10. Appointment of Public Defender.
11. Announcement of Majority Leader, 1st Deputy Majority Leader and 2nd Deputy Majority Leader.
12. Announcement of Minority Leader, 1st Deputy Minority Leader and 2nd Deputy Minority Leader.
13. Motion for designation of dates and times for which the Niagara County Legislature shall convene and conduct business.
14. Motion for the Chairman of the Legislature to be designated to serve on the Niagara County Jury Board.
15. Motion to contract with Attorney for Aging and to appoint said Attorney for a term of one (1) year.
16. Motion to consider Standing Committees and membership

17. Motion for designation of official newspapers.

18. Adjournment.




Mary Jo Tamburlin, Clerk
Niagara County Legislature



AGENDA
NIAGARA COUNTY LEGISLATURE
JANUARY 5, 2016 – 7:00 P.M.

- IL-001-16** Legislator John Syracuse, re Resolution Consenting to the Extension of a Pilot Agreement Between the Niagara County Industrial Development Agency and Somerset Operating Company, LLC
- IL-002-16** Legislators Jason A. Zona, Dennis F. Virtuoso, Mark J. Grozio & Owen T. Steed, re Resolution Temporarily Freezing All Hiring in Public Defenders Office


Mary Jo Tamburlin, Clerk
Niagara County Legislature

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

NIAGARA COUNTY LEGISLATURE

FROM: Legislator John Syracuse DATE: 01/05/16 RESOLUTION # IL-001-16

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

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

RESOLUTION CONSENTING TO THE EXTENSION OF A PILOT AGREEMENT BETWEEN THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY AND SOMERSET OPERATING COMPANY, LLC.

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

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

WHEREAS, in February, 2015, the Agency and Company executed among other documents, a First Amendment to Amended and Restated Lease Agreement ("First Amended Lease"), a First Amendment to Amended and Restated Leaseback Agreement ("First Amended Leaseback") and 2015 Amended and Restated Payment-in-Lieu-of-Tax Agreement ("2015 Amended PILOT"); and

WHEREAS, the 2015 Amended PILOT Agreement dated February 1, 2015 is set to expire on December 31, 2016; and

WHEREAS, the Company has now submitted to the Agency a new application requesting a two (2) year extension of the 2015 Amended PILOT Agreement, whereby the PILOT payments during the two (2) year extension will be reduced by \$500,000.00 in the first year of the extension and the PILOT payment in the second year of the extension will be reduced by an additional \$500,000.00, while retaining the remaining terms and conditions of the 2015 Amended PILOT Agreement; and

WHEREAS, it has been requested that Niagara County, as one of the affected taxing jurisdictions, (i) supports the application to the Agency; (ii) consents to the two (2) year extension of the 2015 Amended PILOT Agreement; and (iii) consents to the allocation of PILOT payments as set forth herein; now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby supports the application of the Company to the Agency, consents to an extension of the 2015 Amended PILOT Agreement between the Company and the Agency for the electrical generating station in Somerset, New York through December 31, 2018, and further consents to the allocation of PILOT payments as follows:

1. The total PILOT Agreement payment to be paid by the Company for the County of Niagara and Town of Somerset tax year 2017 and the Barker Central School District tax year 2016-17 shall be \$4,620,000.00;

2. The total PILOT Agreement payment to be paid by the Company for the County of Niagara and Town of Somerset tax year 2018 and the Barker Central School District tax year 2017-18 shall be \$4,120,000.00;
3. Niagara County shall continue to receive 31.5% of the PILOT payment, the Town of Somerset shall continue to receive 9.25% and the Barker Central School District shall continue to receive 59.25%; and
4. Niagara County shall continue to pay for its special districts from its portion of the PILOT payments and the Town of Somerset shall continue to pay for its special districts from its portion of the PILOT payment, and be it further

RESOLVED, that the Niagara County Legislature does hereby authorize the Chairman of the Niagara County Legislature to execute all agreements, stipulations and other documents as may be required.

LEGISLATOR JOHN SYRACUSE

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Jason A. Zona, DATE: 01/05/16 RESOLUTION # IL-002-16
Dennis F. Virtuoso, Mark J. Grozio
and Owen T. Steed

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

RESOLUTION TEMPORARILY FREEZING ALL HIRING IN PUBLIC DEFENDERS OFFICE

WHEREAS, the Public Defender's office is charged with providing quality legal representation to indigent defendants in need of representation in Niagara County, and

WHEREAS, the clients utilizing the services of our Public Defender's office are expecting to receive competent legal services when called upon, and

WHEREAS, the Niagara County Public Defender's Office currently has a vacancy in it's staff as a result of a resignation of a part time Public Defender, and

WHEREAS, when positions in Niagara County government are being considered for employment, it is the responsibility of the administration of Niagara County to make sure the most qualified person(s) are being considered for these jobs, and

WHEREAS, Niagara County B- Resolution 17 debated on December 8, 2015 and a Buffalo News article titled 'Falls GOP chairman Sandonato may be hired for Niagara County public defender slot' have brought into question the process of hiring the most qualified person for this vacant public defender's position, and

WHEREAS, this legislative body understands its responsibility in hiring the most qualified and experienced legal staff to represent the people of Niagara County, now, therefore, be it

RESOLVED, the Niagara County Legislature initiates a freeze on hiring in the Public Defender's Office until proper advertising of the vacant position in the Public Defender's Office is advertised, and interviews are conducted of the most qualified candidates for employment, and be it further

RESOLVED, this legislative body demands that the administration of Niagara County only offer employment to the most qualified person(s) seeking to work for the taxpayers of Niagara County

LEGISLATOR JASON A. ZONA

LEGISLATOR DENNIS F. VIRTUOSO

LEGISLATOR MARK J. GROZIO

LEGISLATOR OWEN T. STEED