



**AGENDA**  
**NIAGARA COUNTY LEGISLATURE**  
**AUGUST 5, 2014      –      7:00 P.M.**

**Resolutions not on previous agenda:**

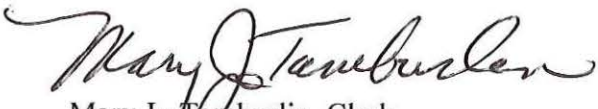
- IL-031-14**      Legislators Jason A. Zona, Dennis F. Virtuoso, Owen T. Steed & Mark J. Grozio, re Calling on NYS to Halt the Building of a NYS Police Baracks on the Niagara River Gorge Rim While Considering a New Location within the City of Niagara Falls, NY – Approved
- PW-090-14**      Public Works, re Award Rehabilitation of Upper Mountain Rd., between Railroad Tracks to Route 93, Town of Lockport – Approved
- PW-091-14**      Public Works, re Niagara County Refuse Disposal District Maintenance Upgrades & Airspace – Approved

**Regular Meeting – August 5, 2014**

- \*AD-009-14**      Administration, re Budget Modification Sheriff's Office Communications – County Manager
- \*AD-010-14**      Administration, re Authorization to Convey Certain Tax Sale Property (Vacant Property Assessed Under SBL #132.04-1-33 in the Town of Wheatfield) In Rem Tax Foreclosure Case Under Niagara County Supreme Court Index No. 145485 – County Attorney
- \*CS-022-14**      Community Services & Administration, re Budget Modification Accept COLA Funds – Public Health
- \*CS-023-14**      Community Services & Administration, re Budget Modification Accept Grant Funding Division of Nursing – Public Health
- \*CS-024-14**      Community Services & Administration, re Abolish & Create Positions HEAP – Social Services
- \*CS-025-14**      Community Services & Administration, re Budget Modification Flexible Fund for Family Services – Social Services
- \*CS-026-14**      Community Services & Administration, re Budget Modification Healthy Families NY Program – Social Services
- \*CS-027-14**      Community Services & Administration, re County Clerk Office E-Recording MOA – Co. Clerk
- \*CSS-027-14**      Community Safety & Security & Administration, re Budget Modification Create Two (2) Deputy Sheriff Positions Social Services – Sheriff

- \*CSS-028-14** Community Safety & Security & Administration, re Stop DWI Grant – Sheriff
- \*CSS-029-14** Community Safety & Security & Administration, re Budget Modification Community Overdose Prevention Program – Sheriff
- \*CSS-030-14** Community Safety & Security & Administration, re Ecology & Environment, Inc. GIS Services – Emergency Services
- \*CSS-031-14** Community Safety & Security & Administration, re County Wide Communications Narrow Banding P25 Phase II Change Order No. 4 – Emergency Services
- \*CSS-032-14** Community Safety & Security & Administration, re Budget Modification – Reentry Program – Probation
- \*CSS-033-14** Community Safety & Security & Administration, re Budget Modification Use of Assets Forfeiture Funds – District Attorney
- \*ED-010-14** Economic Development & Administration, re Approval of Low Cost Power Benefit to Russell Farms, Inc. Under the Agreement for the Sale & Purchase of Niagara Project Power & Energy (ASPNPPE)
- \*ED-011-14** Economic Development & Administration, re Approval of Low Cost Power Benefit to Lockport Ice Arena & Sports Center Inc. Under the Agreement for the Sale & Purchase of Niagara Project Power & Energy (ASPNPPE)
- \*ED-012-14** Economic Development & Administration, re Budget Modification to Cover Empower Niagara Allocations to Russell Farms, Inc.
- \*ED-013-14** Economic Development & Administration, re Budget Modification to Cover Empower Niagara Allocations to Lockport Ice Arena & Sports Center Inc.
- IL-029-14** Legislator Randy R. Bradt & Administration, re Calling for the Review & Updating of Niagara County's Ethics & Disclosure Policy for the County Legislature & Members of All Boards, Committees & Commissions Appointed by the County Legislature
- IL-033-14** Legislators David E. Godfrey, William L. Ross, John Syracuse & Michael A. Hill, re Calling Upon the NYS Public Service Commission to Set a Condition of Merger for Comcast's Proposed Buyout of Time Warner Creating Voting Seat on Their Board of Directors Representing a Customer Voice & Another Representing a Voice of Government
- IL-034-14** Legislator Michael A. Hill & Administration, re Local Law to Authorize a Real Property Tax Exemption for Improvements that Meet Certification Standards for Green Buildings
- IL-035-14** Legislators David E. Godfrey, William L. Ross, Clyde L. Burmaster, et al., Niagara-Orleans Regional Alliance (NORA) Requests Governor Andrew M. Cuomo to Veto the International Joint Commission's Plan 2014 for Controlling the Levels of Lake Ontario Should the US Department of State Recommend It
- IL-036-14** Legislators Jason A. Zona & Clyde L. Burmaster, re Requesting Chairman Assign an Ad Hoc Committee to Examine Ways of Assisting Local Municipalities in Niagara County with Financial Assistance through the use of Future Increases in the County Share of Sales Tax Revenue
- IL-037-14** Legislators Richard L. Andres, Kathryn L. Lance & the Parks, Recreation & Tourism Ad Hoc Committee, re Support for the City of North Tonawanda Gratwick Marina Redevelopment Project

- IL-038-14** Legislators Richard L. Andres, Kathryn L. Lance, Anthony J. Nemi & Parks, Recreation & Tourism Ad Hoc Committee, re Support For The City Of Lockport Locks District Gateway Project
- \*PW-092-14** Public Works & Administration, re Calling a Public Hearing for the Purpose of Considering a Proposed Increase & Improvement of the Facilities of the Niagara County Water District in the County of Niagara, NY – Water District
- \*PW-093-14** Public Works & Administration, re Budget Modification for Landfill #1, Landfill #2 & C&D Landfill – Refuse
- \*PW-094-14** Public Works & Administration, re Acceptance of Amendment B 2013-2014 NYSDOT Snow & Ice Agreement DPW – Highway
- \*PW-095-14** Public Works, re Extension of Petroleum Product Quality Program 2014-2019
- \*PW-096-14** Public Works, re Agreement between the County of Niagara & the Niagara County Snowmobile Federation of Snowmobile Clubs
- \*PW-097-14** Public Works & Administration, re Golf Course Maintenance Building Funding
- \*PW-098-14** Public Works, re Lease Agreement with Niagara Orleans BOCES for the Trott Access Center
- \*PW-099-14** Public Works, re Lease Agreement with Northpointe Council Inc. for the Trott Access Center
- \*PW-100-14** Public Works, re Agreement between Energy Curtailment Specialists, Inc. & Niagara County Department of Public Works
- \*PW-101-14** Public Works & Administration, re Public Works Facility Schematic Design Phase Consultant Amendment No. 2
- \*PW-102-14** Public Works & Administration, re Consultant Services for Court House Historical Repairs Amendment No. 1
- \*PW-103-14** Public Works, re Award Consultant Services for Niagara Rd. Bridge over Bergholz Creek
- \*PW-104-14** Public Works, re Award Consultant Services for Chestnut Street Bridge over East Branch of Twelve Mile Creek
- \*PW-105-14** Public Works, re Wilson-Burt Rd. Bridge Replacement Construction Contract Award
- \*PW-106-14** Public Works, re Inter-Municipal Agreement with the Town of Wheatfield
- \*PW-107-14** Public Works, re Inter-Municipal Agreement with the Town of Lockport



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 16, 2014.**



# NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 08/05/14 RESOLUTION #: AD-009-14

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
AD - 7/29/14

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Referred: \_\_\_\_\_

## BUDGET MODIFICATION NIAGARA COUNTY SHERIFF'S OFFICE COMMUNICATIONS

WHEREAS, Resolution AD-012-12 approved an Inter-municipal Police Dispatch Agreement between the City of North Tonawanda and Niagara County, and

WHEREAS, the transfer of six Dispatchers from the City of North Tonawanda to the Niagara County Sheriff's Office was effectuated under the terms of the agreement effective July 1, 2012, and

WHEREAS, the Resolution placed the six transferred employees in step 3 of the bargaining agreement, and

WHEREAS, it was later determined that the steps should have been based on their actual hire date with North Tonawanda, and

WHEREAS, the cost associated with this change and the related legal fees, will be reimbursed by North Tonawanda as per the original agreement, and

WHEREAS, a budget modification will need to be made to effectuate this change, now, therefore, be it

RESOLVED, that the following budget modification be made:

### INCREASE REVENUE:

A.17.3020.000.42260.00	Reimburse – Other Govts	\$121,798.00
A.11.1420.000.42260.00	Reimburse – Other Govts	30,000.00

### INCREASE APPROPRIATIONS:

A.17.3020.000.71010.00	Positions	\$38,293.00
A.17.3020.000.71020.00	Contract Settlement Exp.	62,069.00
A.17.3020.000.71032.00	Training Allow	879.00
A.17.3020.000.71034.00	Briefing Time	1,517.00
A.17.3020.000.78100.00	Retirement	20,860.00
A.17.3020.000.78200.00	FICA	7,862.00
A.17.3020.000.78300.00	Workers Compensation	3,700.00
A.11.1420.000.74350.02	Legal Expenses	30,000.00

### DECREASE APPROPRIATIONS:

A.08.1990.000.74500.01	Contingency	\$13,382.00
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ADMINISTRATION COMMITTEE



# NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 08/05/14 RESOLUTION #: AD-010-14

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
AD - 7/29/14

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Referred: \_\_\_\_\_

## AUTHORIZATION TO CONVEY CERTAIN TAX SALE PROPERTY (VACANT PROPERTY ASSESSED UNDER SBL #132.04-1-33 IN THE TOWN OF WHEATFIELD) IN REM TAX FORECLOSURE CASE UNDER NIAGARA COUNTY SUPREME COURT INDEX NO. 145485

WHEREAS, the Niagara County Treasurer, acting in his capacity as Tax Enforcing Officer, acquired title to tax sale assessed under SBL #132.04-1-33 in the Town of Wheatfield, New York, being a remnant parcel of real property pursuant to the in rem tax foreclosure proceeding filed in the Niagara County Supreme Court Index No. 145485 (the "Parcel"), and

WHEREAS, said Parcel comprises approximately 1.8 acres of property with a front of 30 feet and a depth of approximately 1,500 feet, such dimensions making development of this Property impractical, making the Parcel unmarketable, and

WHEREAS, the owner of farm property immediately to the east and west of said parcel, Mr. William J. Davis, of 10305 Lockport Road, Niagara Falls, NY 14304, representing 10305 Lockport Road, LLC, has filed, with the Office of the Niagara County Treasurer, an offer to purchase said Parcel for the sum of One Thousand Dollars (\$1,000.00) and the assumption of all recording and closing costs in connection with such purchase, and

WHEREAS, the Parcel was exposed to sale at auction in connection with the aforementioned in rem tax foreclosure action with the auction bidder ultimately unwilling to complete his purchase of the Parcel, and

WHEREAS, in the opinion of the Niagara County Treasurer and of the Niagara County Attorney's Office, it is unlikely that the Niagara County Treasurer will be able to sell the Parcel at auction at any price and that the price proposed by William J. Davis, representing 10305 Lockport Road, LLC, will thus maximize Niagara County's economic return on the Parcel and return it to the tax rolls, and

WHEREAS, the Parcel is defined as tax sale property under the provisions of Section 215 of the County Law of the State of New York and, as such, is exempt from the highest responsible bidder and public advertisement requirements of said Section 215, now, therefore, be it

RESOLVED, pursuant to Section 215(8) of the County Law of the State of New York, the Chairman of the Niagara County Legislature be, and hereby is, authorized and directed to sign and deliver a quit claim deed and all other reasonable and necessary title transfer documents to 10305 Lockport Road, LLC, 10305 Lockport Road, Niagara Falls, NY 14304, conveying to 10305 Lockport Road, LLC, all right, title and interest of the County of Niagara in the Parcel, all for the sale price of One Thousand Dollars (\$1,000.00), with all legal, recording, any and all other closing costs in connection with such transfer to be paid by 10305 Lockport Road, LLC, but subject to the payment by 10305 Lockport Road, LLC of the Wheatfield School District 2014-2015 school tax and subject to the review of the Niagara County Attorney.

ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Community Services and DATE: 08/05/14 RESOLUTION #: CS-022-14

Administration Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
CS - 7/28/14  
AD - 7/29/14

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



## BUDGET MODIFICATION – ACCEPT COLA FUNDS DEPARTMENT OF HEALTH

WHEREAS, the Niagara County Department of Health programs provide essential prevention services, to citizens of Niagara County through grant funding, and

WHEREAS, the Niagara County Department of Health Children with Special Health Care Needs, Rabies, ATUPA, Immunization, and Lead Programs have been awarded, and wish to accept, a cost of living increase from the New York State Department of Health, now, therefore, be it

RESOLVED, that following budget modification be effectuated:

### INCREASE REVENUE:

A.20.4090.43401.01	PH State Aid COLA	\$6,505.35
CM.20.4046.418 43401.01	PH State Aid COLA	1,104
CM.20.4189.403 43401.01	PH State Aid COLA	6,521
CM.20.4189.404 43401.01	PH State Aid COLA	8,680

### INCREASE APPROPRIATIONS:

A.20.4090.74750.02	General Supplies	\$3,628.35
A.20.4090.74700.01	Waste Refuse Disposal	300
A.20.4090.74300.03	Travel Mileage	1,977
A.20.4090.74250.01	Office Supplies	600
CM.20.4046.418 74250.01	Office Supplies	604
CM.20.4046.418 74375.01	Advertising & Promotion	500
CM.20.4189.403 74250.01	Office Supplies	521
CM.20.4189.403 74750.11	General Medical/Lab/Clinic Supplies	6,000
CM.20.4189.404 74250.01	Office Supplies	3,095
CM.20.4189.404 74250.03	Printing/duplicating	1,300
CM.20.4189.404 74500.02	Contractual	200
CM.20.4189.404 74600.03	Training and Education	4,085

COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Community Services and DATE: 08/05/14 RESOLUTION #: CS-023-14

## Administration Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

CS - 7/28/14  
AD - 7/29/14

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Referred: \_\_\_\_\_

## **BUDGET MODIFICATION-ACCEPT GRANT FUNDING DIVISION OF NURSING, DEPARTMENT OF HEALTH**

WHEREAS, the Niagara County Department of Health's Nursing division provides a wide array of essential services, and

WHEREAS, the Oishei Foundation has awarded a five county consortium grant to promote health in Western New York, and

WHEREAS, the Niagara County Department of Health was granted \$30,880 of this funding to deliver Chronic Disease training, developing marketing strategies and support sustainability, now, therefore, be it

RESOLVED, the Niagara County Public Health Nursing Division be given authorization to accept the grant with effectuation of the following budget modification, effective immediately:

### INCREASE REVENUE:

A.20.4189.401.41689.07	Other Health Dept Income	\$30,880
	Health Collaboration	

### INCREASE APPROPRIATION:

A.20.4189.401 71050.00	Overtime	\$3,453
A.20.4189.401 74300.03	Travel, Mileage	5,000
A.20.4189.401 74500.01	Contractual Expenses	21,337
A.20.4189.401 78100.00	Retirement	701
A.20.4189.401 78200.00	FICA	264
A.20.4189.401 78300.00	Worker's Comp	125

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COMMUNITY SERVICES COMMITTEE

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ADMINISTRATION COMMITTEE



# NIAGARA COUNTY LEGISLATURE

FROM: Community Services and DATE: 08/05/14 RESOLUTION #: CS-024-14

## Administration Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
CS - 7/28/14  
AD - 7/29/14

## LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
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, and

WHEREAS, funds will be available to effectuate the proposed reorganization for 2014 from positions vacated due to retirement and promotion, now, therefore, be it

RESOLVED, that one (1) vacant Energy Assistance Workers, position #1198, Job Group IV, step 8, at \$32,430 each per year be abolished effective September 29, 2014, and be it further

RESOLVED, that two (2) temporary Energy Assistance Worker positions Job Group IV, step 1 at \$15.77 per hour each be created and filled effective September 29, 2014, and be it further

RESOLVED, that the following line item transfer be effectuated to the Social Services 2014 Budget:

FROM:

A.22.6010.000 71010.00 1198	Energy Assistance Worker	\$6,335
A.22.6010.000 71010.00 900	Account Clerical I	8,679

TO:

A.22.6010.000 71010.00 XXXX	Energy Assistance Worker (temp)	\$7,507
A.22.6010.000 71010.00 XXXX	Energy Assistance Worker (temp)	7,507

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COMMUNITY SERVICES COMMITTEE

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ADMINISTRATIVE COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Community Services and DATE: 08/05/14 RESOLUTION #: CS-025-14

Administration Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
CS - 7/28/14  
AD - 7/29/14

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Referred: \_\_\_\_\_



## BUDGET MODIFICATION FLEXIBLE FUND FOR FAMILY SERVICES

WHEREAS, the Executive Budget did make Federal funds available to local districts to provide a comprehensive array of services to meet the needs of eligible Temporary Assistance for Needy Families (TANF) and individuals, and

WHEREAS, these funds enable Niagara County to direct resources toward a number of areas of program needs, including, but not limited to Employment related activities, Child Welfare Services, PINS Detention Diversion Services, Substance Abuse Assessments, Domestic Violence Screenings, Title XX Services, JD/PINS Fostercare Costs, Child Care & Development, now, therefore, be it

RESOLVED, that Niagara County Dept of Social Services will continue to contract with various agencies that will provide the necessary services in accordance with the Niagara County Flexible Fund for Family Services Plan submitted to NYS Office of Temporary and Disability Assistance (OTDA) and NYS Office of Children and Family Services (OCFS) at no additional cost to the County, and be it further

RESOLVED, that the following budget modification be effectuated to the Social Services 2014 budget:

### INCREASE REVENUE:

A.22.6010.000 44610.00 DSS Admin Revenue \$125,000

### INCREASE APPROPRIATION:

A.22.6010.000 74500.01 Contractual Exp-Contractual \$125,000

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COMMUNITY SERVICES COMMITTEE

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ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Community Services and DATE: 08/05/14 RESOLUTION #: CS-026-14

## Administration Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
CS - 7/28/14  
AD - 7/29/14

## LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Referred: \_\_\_\_\_

## BUDGET MODIFICATION HEALTHY FAMILIES NEW YORK PROGRAM

WHEREAS, the New York State Office Of Children & Family Services, in conjunction with the New York State Department of Health, did make state-wide funds available for the provision and expansion of Healthy Families New York Home Visiting Programs, and

WHEREAS, these resources are directed toward expectant and new parents in an effort to promote positive growth and development to improve health and social outcomes for families at high risk of abuse and neglect, and

WHEREAS, Niagara County has received an allocation of \$481,710, which is 100% state funded, now, therefore, be it

RESOLVED, that Niagara County Department of Social Services will continue to contract with Family & Children's Services of Niagara, Inc. to provide the necessary services as outlined in the Healthy Families New York Program requirements, and be it further

RESOLVED, that the following budget modification be effectuated to the Social Services 2014 budget:

### INCREASE REVENUE:

A.22.6010.000 43610.01 DSS Admin General \$481,710

### INCREASE APPROPRIATION:

A.22.6010.000 74500.01 Contractual Exp-Contractual \$481,710

COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE



# NIAGARA COUNTY LEGISLATURE

FROM: Community Services and DATE: 08/05/14 RESOLUTION #: CS-027-14

## Administration Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

CS - 7/28/14

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

AD - 7/29/14

Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Referred: \_\_\_\_\_

## COUNTY CLERK OFFICE E-RECORDING MOA

WHEREAS, the appropriate management of local government records is essential for efficient and effective government, and

WHEREAS, the County Clerk, acting as Recording Officer, performs the duties prescribed by law in the recordation, indexing, imaging and archiving of all Niagara County land records, and

WHEREAS, the County Clerk desires to increase the number of electronically recorded instruments affecting real property, subject to all applicable laws, rules and regulations, and

WHEREAS, Chapter 549 of the Laws of 2011 amended the laws of the State of New York in order to allow recording officers in the State of New York to accept electronic recording of instruments affecting real property, subject to the rules and regulations established by the State of New York's electronic facilitator (the "Electronic Facilitator"), and

WHEREAS, Title 9, Part 540.7(h), of the NYCRR provides that, prior to submitting electronic instruments to the Recording Officer for recording, the Registered Submitter shall be required by the Recording Officer to agree to terms and conditions required by the Recording Officer, which shall include the rights and responsibilities of both the Recording Officer and the Registered Submitter when participating in electronic recording, including, at a minimum, the terms and conditions set forth in Title 9, Part 540.7(i), of the NYCRR (the "Terms and Conditions Agreement"), 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, the County Clerk enter into the attached agreement, allowing for said agreement to facilitate the electronic filing/recording by its customers of documents with Niagara County, and be it further

RESOLVED, the agreement authorize qualifying documents for filing/recording in official records, and outlines the requirements of electronically recording documents to assure that recording transactions submitted are legally valid and enforceable, and be it further

RESOLVED, that the agreement be accepted and approved, and following the County Attorney's review, the Chairman of the Legislature be authorized to execute said agreement.

COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and DATE: 08/05/14 RESOLUTION #: CSS-027-14

## Administration Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
CSS - 7/29/14  
AD - 7/29/14

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Referred: \_\_\_\_\_

## NIAGARA COUNTY SHERIFF'S OFFICE BUDGET MODIFICATION CREATE TWO (2) DEPUTY SHERIFF POSITIONS – SOCIAL SERVICES

WHEREAS, the Niagara County Department of Social Services wishes to contract with the Niagara County Sheriff's Office for security services at the Lockport and Niagara Falls site, and

WHEREAS, to provide this service the Sheriff's Office will need to hire two additional Deputy Sheriff's, and

WHEREAS, Social Services will reimburse the Sheriff's Office for 100% of the cost of these two positions, now, therefore, be it

RESOLVED, that two (2) Deputy Sheriff positions, Job Group SB, Step 2 at an hourly rate of \$23.37 be created and filled effective August 31, 2014 and be co-terminus with the funding, and be it further

RESOLVED, that the following budget modification be made:

### INCREASE REVENUE:

A.17.3110.000.41289.08	Reimburse Other Departments	\$53,270
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### INCREASE APPROPRIATIONS:

A.17.3110.000.71010.00	Positions	\$32,904
A.17.3110.000.71034.00	Briefing Time	1,542
A.17.3110.000.71035.00	Uniform Allowance	338
A.17.3110.000.78100.00	Retirement	7,862
A.17.3110.000.78200.00	FICA	2,662
A.17.3110.000.78300.00	Worker's Compensation	1,252
A.17.3110.000.78400.00	Insurance, Health Active	4,320
A.17.3110.000.78400.05	Insurance, HRA	1,700
A.17.3110.000.78800.00	Flex 125 Employer Contribution	690

COMMUNITY SAFETY & SECURITY  
COMMITTEE

ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and DATE: 08/05/14 RESOLUTION #: CSS-028-14

## Administration Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
CSS - 7/29/14  
AD - 7/29/14

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Referred: \_\_\_\_\_

## NIAGARA COUNTY SHERIFF'S OFFICE – STOP DWI GRANT

WHEREAS, the Niagara County Sheriff's Office applied for a grant through the New York State Governor's Traffic Safety Committee, STOP DWI Foundation, and

WHEREAS, the Sheriff's Office received notification that we have been awarded \$83,500 for the period October 1, 2014 through September 30, 2015, and

WHEREAS, the funds are to be used for additional DWI crackdowns during specified dates with multi-agency participation, and

WHEREAS, the Sheriff's Office will be participating with local law enforcement agencies to enforce and enhance our current efforts to arrest DWI offenders, now, therefore, be it

RESOLVED, that the following budget modification be made to the 2014 STOP DWI budget for the period October 1, 2014 through December 31, 2014:

### INCREASE REVENUE:

A.17.3315.000.44389.09	Traffic Safety	\$29,975
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### INCREASE APPROPRIATION:

A.17.3315.000.74400.09	Payments to Other Agencies	\$29,975
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### INCREASE REVENUE:

A.17.3110.000.41289.08	Reimburse Other Department	\$4,275
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### INCREASE APPROPRIATION:

A.17.3110.000.71050.00	Overtime	\$4,275
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COMMUNITY SAFETY & SECURITY  
COMMITTEE

\_\_\_\_\_  
ADMINISTRATION COMMITTEE



# NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and DATE: 08/05/14 RESOLUTION #: CSS-029-14

Administration Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

CSS - 7/29/14

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

AD - 7/29/14

Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Referred: \_\_\_\_\_

## NIAGARA COUNTY SHERIFF'S OFFICE – BUDGET MODIFICATION COMMUNITY OVERDOSE PREVENTION PROGRAM

WHEREAS, the Niagara County Sheriff's Office applied for funding from the New York Office of the Attorney General (OAG) Community Overdose Prevention Program, and

WHEREAS, the Sheriff's Office has received notification that we have been approved to receive reimbursement under the COP program in the amount of \$3,000 for the calendar year 2014, and

WHEREAS, this program allows the Sheriff's Office to purchase naloxone kits to prevent unnecessary deaths resulting from opioid overdoses caused by prescription and/or illegal opioids in the community, and

WHEREAS, the Sheriff's Office employees, as a first responder, have been trained to administer naloxone if such an overdose does occur, now, therefore, be it

RESOLVED, that the following budget modification be made:

### INCREASE REVENUE:

A.17.3110.000.43	NYS Attorney General	\$3,000
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### INCREASE APPROPRIATION:

A.17.3110.000.74750.05	Law Enforcement Supplies	\$3,000
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COMMUNITY SAFETY & SECURITY  
COMMITTEE

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ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and DATE: 08/05/14 RESOLUTION #: CSS-030-14

## Administration Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

CSS - 7/29/14  
AD - 7/29/14

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Referred: \_\_\_\_\_

## ECOLOGY AND ENVIRONMENT, INC. GIS SERVICES – EMERGENCY SERVICES

WHEREAS, an RFP was issued by Niagara County Emergency Services for support and enhancement of the existing Geographical Information System program, and

WHEREAS, GIS mapping requires a high degree of specialized expertise and the use of professional judgment, and is therefore a professional service, and

WHEREAS, responses were received from Ecology and Environment, Inc., Coler & Colantonio and Buffalo Computer Graphics, and

WHEREAS, the bid pricing from Coler & Colantonio was \$93,650; the bid pricing from Ecology and Environment, Inc. was \$73,463; and the bid pricing from Buffalo Computer Graphics was \$49,720 except they did not quote the entire project (Phase 3), and

WHEREAS, Coler & Colantonio was rejected because of higher price bid, and Buffalo Computer Graphics did not quote the entire project and was rejected for that reason, and

WHEREAS, Ecology and Environment, Inc. proposal is the lowest when all factors are considered (including estimates for unspecified Time and Materials costs within other proposal(s)); Ecology and Environment, Inc. is also the best option because they will be required to integrate new GIS information with existing GIS information which E&E has already created. E&E has proven ability to create and integrate this information, and

WHEREAS, Ecology and Environment, Inc. is required to create map layers that will capture, analyze and display required data sets that will assist in mapping locations of assets and quantities of resources and critical infrastructure as well as develop new programs for the office that will be utilized for all hazards planning and inventory management for the County, and

WHEREAS, Ecology and Environment, Inc. have extensive knowledge in the use and applications of ESRI and the integration of that product into the County systems and programs presently in place, and

WHEREAS, funding is available in the Homeland Security Budget A3645 through Homeland Security Funding (EMPG 2013), now, therefore, be it

RESOLVED, that the County enter into an agreement with Ecology and Environment, Inc. in an amount not to exceed \$73,463.00 to provide all material, equipment and professional services to Niagara County Emergency Management Department, and be it further

RESOLVED, that prior to the execution of this agreement, the County Attorney will review the Proposal for approval as to legal form, language and compliance, and be it further

RESOLVED, that the Chair of the County Legislature be, and hereby is, authorized to execute the Ecology and Environment, Inc. contract.

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COMMUNITY SAFETY AND SECURITY  
COMMITTEE

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ADMINISTRATION COMMITTEE



# NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and DATE: 08/05/14 RESOLUTION #: CSS-031-14

## Administration Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
CSS - 7/29/14  
AD - 7/29/14

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Referred: \_\_\_\_\_

## COUNTY WIDE COMMUNICATIONS NARROW BANDING P25 PHASE II CHANGE ORDER NO. 4

WHEREAS, by Resolution No. CSS-036-11, dated December 20, 2011, the Legislature authorized the County Manager to negotiate a contract with the Motorola Solutions to complete the County wide Communications Narrow Banding P25 Phase II project, and

WHEREAS, on December 29, 2011, the County and the Motorola Solutions entered into an agreement for completion of said project, and

WHEREAS, it is necessary to approve Change Order No. 4 to increase the contract due to programming for additional subscriber radios that were purchased beyond the project and that need to be programmed into the new system in the amount of \$50,003.00 now, and

WHEREAS, funding is available in the Homeland Security Budget A3645 through Homeland Security Funding (SHSP 11), now, therefore, be it

RESOLVED, that Change Order No. 4 is approved in the amount of \$50,003.00 for a contract amount of \$10,167,130.00 to the Motorola Solutions, and be it further

RESOLVED, that the Chairman of the Legislature is hereby authorized to execute the required documents subject to the review of the County Manager and the approval of the County Attorney, and be it further

RESOLVED, that the following budget modification be effectuated:

### INCREASE APPROPRIATED FUND BALANCE:

A 40599.00	Appropriated Fund Balance	\$50,003.00
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### INCREASE APPROPRIATION:

A.07.9950.000.79010.00	Transfers to Capital Projects	\$50,003.00
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### INCREASE ESTIMATED REVENUES:

H581.17.3020.000.45031.00	Interfund Transfer from Operating	\$50,003.00
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## INCREASE APPROPRIATION:

H581.17.3020.000.72400.00 Land Improvement

\$50,003.00

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COMMUNITY SAFETY & SECURITY  
COMMITTEE

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ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and DATE: 08/05/14 RESOLUTION #: CSS-032-14

## Administration Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
CSS - 7/29/14  
AD - 7/29/14

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Referred: \_\_\_\_\_

## 2014 PROBATION BUDGET MODIFICATION-REENTRY PROGRAM

WHEREAS, the Niagara County Probation Department applied for funding from the New York Division of Criminal Justice Services, Bureau of Justice Funding for the contract period of July 1, 2014 through June 30, 2015 under the Local Reentry Task Force Initiative for upstate Operation Impact counties, and

WHEREAS, the Local Reentry Task Force Initiative is part of a state-wide comprehensive strategy developed under Governor Andrew M. Cuomo and the Division of Criminal Justice Services Executive Deputy Commissioner Michael C. Green, to reduce recidivism in local jurisdictions and increase public safety through improved coordination and collaboration among criminal justice, social services, educational, health and mental health systems, and

WHEREAS, the role of the Local Reentry Task Force is to provide these coordinated services to high-risk offenders, including housing, employment, education, family support and reunification, substance abuse services, mental and physical health and other transitional needs, and

WHEREAS, the Local Reentry Task Force will collaborate with state criminal justice agencies, particularly with the Division of Parole and the Niagara County Probation Department, as well as human service providers to develop well-crafted transition plans for high-risk offenders transitioning from prison or jail back into the community, and

WHEREAS, the Niagara County Probation Department has received notification from the New York State Division of Criminal Justice Services of a financial award in the amount of \$100,000 for the period of July 1, 2014 through June 30, 2015 to contract with Community Missions, Inc. to establish and manage a comprehensive Parole Reentry Program, and

WHEREAS, it is necessary to modify revenue and appropriations in cost center A.18.3140, to meet actual anticipated expenditures for 2014, and

WHEREAS, it is also necessary to appropriate the funds in the Probation Department Budget, now, therefore, be it

RESOLVED, that the County of Niagara does hereby accept this grant and continue to fund the Niagara County Reentry Program through Community Missions, Inc. co-terminus with this grant, and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to sign the Grant Award and Special Conditions documents subject to approval by the County Attorney, and be it further



RESOLVED, that the following budget modifications to the 2014 Probation budget be effectuated immediately:

INCREASE REVENUE:

A.18.3140.43310.04	NYSDCJS	\$ 50,000
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INCREASE APPROPRIATIONS:

A.18.3140.74500.01	CONTRACTUAL EXPENSES	\$ 50,000
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COMMUNITY SAFETY & SECURITY  
COMMITTEE

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ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and DATE: 08/05/14 RESOLUTION #: CSS-033-14

Administration Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
CSS - 7/29/14  
AD - 7/29/14

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Referred: \_\_\_\_\_

## BUDGET MODIFICATION - USE OF ASSETS FORFEITURE FUNDS - DISTRICT ATTORNEY

WHEREAS, the Niagara County District Attorney's Office maintains its Local Asset Forfeiture Trust Account for the prosecution and reduction of targeted drug crimes, and

WHEREAS, the use of locally forfeited funds is restricted by the New York State Department of Criminal Justice Services to the enhancement of the prosecution of related crimes and can be used to supplement but not supplant current resources, and

WHEREAS, the Niagara County District Attorney's Office will allocate \$500 to the Niagara Falls Block Club Council to fund their annual Crime Night Out, and

WHEREAS, this is an allowable use under the Guidelines, now, therefore, be it

RESOLVED, that the Niagara County Treasurer's Office is hereby authorized to disburse \$500 from the District Attorney's Local Assets Forfeiture Account A.02.1165.000.40036 into the District Attorney's operating budget, and be it further

RESOLVED, that the following budget modifications are effectuated:

### INCREASE REVENUE:

A.02.1165.000.40599.02      Appropriated Fund Balance Restricted Funds      \$500

### INCREASE APPROPRIATIONS:


A.02.1165.000.74400.09      Payments to Other Agencies      \$500

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COMMUNITY SAFETY AND SECURITY  
COMMITTEE

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ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Economic Development and Administration Committees DATE: 08/05/14 RESOLUTION #: ED-010-14

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
 7/30/2014		ED - 7/9/14	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 7/29/14	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

## APPROVAL OF LOW COST POWER BENEFIT TO RUSSELL FARMS, INC. UNDER THE AGREEMENT FOR THE SALE AND 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 County of Niagara has previously awarded to Russell Farms, Inc. for a separate project under resolution ED-014-12, 100Kw (at 70% load factor), which agreement will expire on April 17, 2015 and for which Russell Farms Inc. has met or exceeded each part of the previous application including the number of jobs and capital investment, and

WHEREAS, the Empower Niagara Board has reviewed the formal application of Russell Farms, Inc. for the use of low cost power for developing and expanding its business in Niagara County, and

WHEREAS, the application of Russell Farms, Inc. has met all the criteria qualifying its project for consideration and the Empower Niagara Board is recommending approval of this application, and

WHEREAS, the application is for 240kw (.240mw) and the creation of at least one full-time position and 2 part-time positions and require a new load of electricity for 36,400 sq. ft. of controlled atmosphere storage facility costing \$3,325,000.00 which will be utilized to store a new variety of apples called "Pazzazz," which are being planted by several Western New York apple growers, and



WHEREAS, the approval of this application attached will not only maintain economic development in Niagara County; but also assist Russell Farms, Inc. to remain competitive in a global apple industry, and

WHEREAS, the Empower Niagara board will be recommending a low cost power allocations application approval of 200 kw be made for a period of three (3) years, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby approves Russell Farm, Inc.'s application for 200 kw (at 70% load factor) 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 this Empower User Agreement of the agreement for Low Cost Power with Russell Farms, Inc.

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ECONOMIC DEVELOPMENT COMMITTEE

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ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Economic Development and DATE: 08/05/14 RESOLUTION #: ED-011-14

## Administration Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

ED - 7/9/14

AD - 7/29/14

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Referred: \_\_\_\_\_

*[Signature]*  
7/30/2014

## **APPROVAL OF LOW COST POWER BENEFIT TO LOCKPORT ICE ARENA AND SPORTS CENTER INC. 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 formal application of Lockport Ice Arena and Sports Center Inc. for the use of low cost power for developing, renovating and retaining its business in Niagara County, and

WHEREAS, the application of Lockport Ice Arena and Sports Center Inc. has met 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 668kw (at 70% load factor) of low cost power, which will create 6 full-time positions and 15 part-time positions in Niagara County and require a new load of electricity for the construction of a 93,500 square foot ice arena which will house two ice rinks, a performance training center and space for food concessions, and

WHEREAS, the approval of the Lockport Ice Arena and Sports Center Inc. application is for 400 kw (at 70% load factor) of low cost power, a portion of original application amount of 668 kw, will not only support, increase and maintain economic development in the City of Lockport and Niagara County; but will also spur job creation through economic activity within the City of Lockport, and

WHEREAS, this approval includes 250 kw previously designated to the Town of Lockport; for its designation with approval of the Empower Niagara Board, and 150 kw solely approved through the Empower Board, and

WHEREAS, the Empower Niagara Board will be recommending the low cost power allocations application approval be made for a period of three (3) years, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby approves Lockport Ice Arena and Sports Center Inc. application for 400 kw (at 70% load factor) 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 the Empower User Agreement of the agreement for Low Cost Power with Lockport Ice Arena and Sports Center Inc.

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ECONOMIC DEVELOPMENT COMMITTEE

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ADMINISTRATION COMMITTEE



# NIAGARA COUNTY LEGISLATURE

FROM: Economic Development and DATE: 08/05/14 RESOLUTION #: ED-012-14  
Administration Committees

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION ED - 7/9/14 AD - 7/29/14	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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## BUDGET MODIFICATION – TO COVER EMPOWER NIAGARA ALLOCATIONS TO RUSSELL FARMS, INC.

WHEREAS, Russell Farms, Inc. is a Niagara County business that has been approved to receive low cost hydropower allocations through the Empower Niagara Program, and

WHEREAS, these benefits will be transferred to Russell Farms, Inc. as stipulated in the Empower Niagara Program agreement, through the Niagara County Economic Development 2014-2017 budget, now therefore, be it

RESOLVED, that the following budget modifications be effectuated to the Niagara County Economic Development 2014 budget, and annually thereafter until 2017 as set forth below:

		<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>
INCREASE REVENUE:					
A.15.1620.108 42655.03	Sale of Excess Power	\$19,701	Value of 200 kw	Value of 200 kw	Value of 133 kw
INCREASE APPROPRIATION:					
A.15.1620.108 74500.01	Contractual	\$19,701	Value of 200 kw	Value of 200 kw	Value of 133 kw
INCREASE REVENUE:					
A.28.8020.813 42189.01	Activities – Eco Dev	\$19,701	Value of 200 kw	Value of 200 kw	Value of 133 kw
INCREASE APPROPRIATION:					
A.28.8020.813 74550.30	Empower Niagara	\$19,701	Value of 200 kw	Value of 200 kw	Value of 133 kw

ECONOMIC DEVELOPMENT COMMITTEE

ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Economic Development and      DATE: 08/05/14      RESOLUTION #: ED-013-14

Administration Committees

APPROVED BY  
CO. ATTORNEY



REVIEWED BY  
CO. MANAGER

\_\_\_\_\_

COMMITTEE ACTION

ED - 7/9/14  
AD - 7/29/14

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Referred: \_\_\_\_\_

## BUDGET MODIFICATION – TO COVER EMPOWER NIAGARA ALLOCATIONS TO LOCKPORT ICE ARENA AND SPORTS CENTER INC.

WHEREAS, Lockport Ice Arena and Sports Center Inc. is a Niagara County business that has been approved to receive low cost hydropower allocations through the Empower Niagara Program, and

WHEREAS, these benefits will be transferred to Lockport Ice Arena and Sports Center Inc. as stipulated in the Empower Niagara Program agreement, through the Niagara County Economic Development 2014-2017 budget, now therefore, be it

RESOLVED, that the following budget modifications be effectuated to the Niagara County Economic Development 2014 budget, and annually thereafter until 2017 as set forth below:

		<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>
INCREASE REVENUE:					
A.15.1620.108 42655.03	Sale of Excess Power	\$39,700	Value of 400 kw	Value of 400 kw	Value of 266 kw
INCREASE APPROPRIATION:					
A.15.1620.108 74500.01	Contractual	\$39,700	Value of 400 kw	Value of 400 kw	Value of 266 kw
INCREASE REVENUE:					
A.28.8020.813 42189.01	Activities – Eco Dev	\$39,700	Value of 400 kw	Value of 400 kw	Value of 266 kw
INCREASE APPROPRIATION:					
A.28.8020.813 74550.30	Empower Niagara	\$39,700	Value of 400 kw	Value of 400 kw	Value of 266 kw

\_\_\_\_\_  
ECONOMIC DEVELOPMENT COMMITTEE

\_\_\_\_\_  
ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Legislator Randy R. Bradt and DATE: 08/05/14 RESOLUTION #: IL-029-14

Administration Committee

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
AD - 7/29/14

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Referred: \_\_\_\_\_

## RESOLUTION CALLING FOR THE REVIEW AND UPDATING OF NIAGARA COUNTY'S ETHICS AND DISCLOSURE POLICY FOR THE COUNTY LEGISLATURE AND MEMBERS OF ALL BOARDS, COMMITTEES AND COMMISSIONS APPOINTED BY THE COUNTY LEGISLATURE

WHEREAS, the citizens and businesses of Niagara County are entitled to have fair, ethical, and accountable local government which has earned the public's full confidence, and

WHEREAS, in keeping with Niagara County's commitment to excellence, all public officials, both elected and appointed, must comply with both the letter and spirit of the laws and policies affecting the operation of government, and

WHEREAS, all public officials, both elected and appointed, are required to be impartial and fair in their judgment and actions and ensure that public office is used for the public good, and

WHEREAS, it is imperative that the county legislature, its boards, committees and commissions conduct their activities with the utmost of public transparency and accountability, and

WHEREAS, the County's current ethics and disclosure policy was drafted nearly two decades ago and is in need of review and updating, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby create a committee to review and, if necessary, update the county's current ethics and disclosure policy, and be it further

RESOLVED, that said committee will consist of three (3) members, one (1) from the Majority Caucus, one (1) from the Minority Caucus, and one (1) from the Office of the County Attorney, and be it further

RESOLVED, that said committee will report its findings and recommendations to the full legislature no later than six months from the commission of said committee.


\_\_\_\_\_  
LEGISLATOR RANDY R. BRADT

\_\_\_\_\_  
ADMINISTRATION COMMITTEE



# NIAGARA COUNTY LEGISLATURE

FROM: Legislators David E. Godfrey, DATE: 08/05/14 RESOLUTION #: IL-033-14  
William L. Ross, John Syracuse and Michael A. Hill

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

## RESOLUTION CALLING UPON THE NEW YORK STATE PUBLIC SERVICE COMMISSION TO SET A CONDITION OF MERGER FOR COMCAST'S PROPOSED BUYOUT OF TIME WARNER CREATING VOTING SEAT ON THEIR BOARD OF DIRECTORS REPRESENTING A CUSTOMER VOICE AND ANOTHER REPRESENTING A VOICE OF GOVERNMENT

WHEREAS, Niagara County represents a rural region that is economically focused on agri-business and recreation where high-speed Internet service is essential for commercial economic growth, for our education systems, and the overall well-being of our citizens, and

WHEREAS, today's agricultural enterprises leverage cutting edge bio-technology, renewable energy, and hi-tech heavy equipment which depend on the Internet, and

WHEREAS, the Internet Innovation Alliance has published the following statistics relative to broadband access and jobs:

- More than 62% of American workers, including our farmers, rely on the Internet to do their jobs
- Among U.S. workers, 14% telecommute or work from home at least one day a week
- Jobs that depend upon broadband availability are projected to increase 25% by 2018
- Job seekers had a 27% increase in success by using social networks to generate referrals
- A \$10 billion investment in broadband would produce nearly 500,000 new jobs
- Local economic growth and secondary investment enabled by broadband expansion is 10 times the initial investment, and

WHEREAS, there are significant areas of the County without access to high speed broadband services because of geographic isolation, topographic conditions, and low population density, and

WHEREAS, broadband providers have not found it economically feasible to provide broadband services to many of the remote areas of the County, and

WHEREAS, ComCast has submitted for approval a proposal to "buyout" Time Warner NYS services now under consideration by the New York State Public Service Commission, and

WHEREAS, it has been our observation small businesses tend to be willing to listen to the voice of the community and be agile with regard to delivering profitable services, however larger businesses frequently seem too distant in listening to the voices in a small community when they have a monopoly as is the case with broadband services in our region, and

WHEREAS, Niagara County, in unison with Orleans County, presented recommendations for the proposed merger at a Public Hearing held on Monday, June 16th at the North Campus of SUNY Buffalo, and



WHEREAS, the most significant point in the presentation was to recommend a condition of the proposed merger be the creation of a voting seat on the Board of Directors representing a customer voice (the source of their income) and another representing a voice of government (source of grant funds that you presently leverage to expand your private network), and

WHEREAS, this legislature believes these two seats are foundational to ensure our voices are not only heard, but are part of any go-forward decisions for broadband expansion in Western New York, now, therefore, be it

RESOLVED, that the New York State Public Service Commission examine the long-term benefits and opportunities of the aforementioned Board of Director seats, and set requirements to assure the public interests are well represented alongside the private interests of this or any future telecommunication providers, and be it further

RESOLVED, that the Clerk of the Niagara County Legislature shall forward copies of this Resolution to Governor Cuomo, the New York State Public Service Commission, Senate Vice President Pro Tem George D. Mazarz, Member of the Assembly Jane L. Corwin, Member of the Assembly John D. Ceretto, Member of the Assembly Ray Walter, Member of the Assembly Robin Schimminger, NYSAC, all Towns and Villages in Niagara County, and all others deemed necessary and proper.

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LEGISLATOR DAVID E. GODFREY

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LEGISLATOR WILLIAM L. ROSS

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LEGISLATOR JOHN SYRACUSE

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LEGISLATOR MICHAEL A. HILL

# NIAGARA COUNTY LEGISLATURE

FROM: Legislator Michael A. Hill and DATE: 08/05/14 RESOLUTION #: IL-034-14

<u>Administration Committee</u>			
APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION <u>AD - 7/29/14</u>	LEGISLATIVE ACTION
			Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

## LOCAL LAW TO AUTHORIZE A REAL PROPERTY TAX EXEMPTION FOR IMPROVEMENTS THAT MEET CERTIFICATION STANDARDS FOR GREEN BUILDINGS

In relation to providing an exemption for construction of improvements to real property in the County of Niagara initiated on or after the effective date of this local law, which LEED certification standards for Green Buildings.

WHEREAS, New York State under §470 of the Real Property Tax Law provides for local governments, such as the County of Niagara the option of offering a partial tax exemption from taxes to property that are constructed or reconstruction to meet certification standards for green buildings as set forth therein, and

WHEREAS, the partial exemption does not and shall not apply to special and levies and special assessment, and

WHEREAS, the property owner must meet the requirements as set forth in section 470 of the Real property Tax Law, and

WHEREAS, there are different levels of exemption benefit which will depend on the LEED of the eligible projects and which shall be calculated on the increase in the assessed value attributable to the complete of the LEED certified project, and

WHEREAS, this will benefit all tax payers by encouraging clean air and it will also benefit the property owner, therefore be it enacted and a local law

### Article Green Buildings

Be it enacted by the Legislature of the County of Niagara as follows:

#### Section 1. Legislative intent.

This Legislature hereby finds and determines that New York State Real Property Tax Law Section 470 authorizes municipalities to provide a real property tax exemption for improvements to real property meeting certification standards for green buildings.

This legislature further finds and determines that the County of Niagara has historically pursued policies to promote energy efficiency and reduce greenhouse gas emissions.

This Legislature also determines that the County of Niagara should give homeowners and businesses an incentive to comply with LEED standards when making improvements to real property.

Therefore, the purpose of this law is to provide a real property tax exemption for improvements to real property which meets LEED certification standards, as authorized under New York Real Property Tax Law.

## Section 2. Local Law.

Niagara County is hereby enacting a new Local Law, which shall read as follows:

### LEED EXEMPTION

#### Statutory Authority.

This article implements section 470 of New York Real Property Law by granting a real property exemption for improvements to real property located in the County of Niagara which meets LEED certification standards for green buildings.

#### Grant of Exemption and Conditions.

- A. Real property, which is certified under a LEED certification standard for the categories of certified, silver, gold or platinum as meeting green buildings standards, as determined by a LEED accredited professional shall be exempt as provided below for the respective percentages provided that a copy of the LEED certification for a qualified category is filed with the appropriate Assessor's Office and is approved by the Assessor as meeting the requirements of Section 470 of New York Real Property Tax Law and this article. Such exemption shall be to the extent of any increase in assessed value resulting from the construction or reconstruction of a property meeting LEED certification.

#### LEED Exemption

<u>Year</u>	<u>Certified/Silver</u>	<u>Gold</u>	<u>Platinum</u>
1	100%	100%	100%
2	100%	100%	100%
3	100%	100%	100%
4	80%	100%	100%
5	60%	80%	100%
6	40%	60%	100%
7	20%	40%	80%
8	0%	20%	60%
9	0%	0%	40%
10	0%	0%	20%

#### B. No such exemption shall be granted unless:

1. Such construction of improvements was commenced on or after the effective date of this law.
2. The value of such construction exceeds the sum of ten thousand (10,000) dollars; and
3. Such construction is documented by a building permit, if required, for the improvements, or other appropriate documentation as required by the Assessor.

### Approval of Assessment.

If the Assessor is satisfied that the applicant is entitled to an exemption pursuant to this article, he or she shall approve the application and such real property shall thereafter be exempt from taxation as provided in this section commencing with the assessment roll prepared after the taxable status date. The assessed value of any exemption grant pursuant to this section shall be entered by the Assessor on the assessment roll with the taxable property, with the amount of this exemption shown in separate column.

### Section 3. Filing.

The Clerk of the Niagara County Legislature is hereby directed to file a copy of this local law with the State Board of Real Property Tax Services and the Town and City assessors who prepare the assessment roll on which taxes of this County are levied.

### Section 4. Applicability.

This law shall apply to improvements of real property occurring on or after the effective date of this law.

### Section 5. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

### Section 6. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 87-109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Niagara County Legislature is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

### Section 7. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State and shall apply to tax years beginning on or after January 1, 2015.

RESOLVED, that the Niagara County Legislature shall conduct a public hearing upon said proposed Local Law at the Legislative Chambers, Niagara County Courthouse, Lockport, New York on the 16<sup>th</sup> day of September, 2014 at 6:30 p.m., and be it further

RESOLVED, that the Clerk of the Legislature, at least six days in advance of such hearing, shall post a notice upon the bulletin boards in the Courthouse at Lockport, the Civic Building at Niagara Falls, and the County Building at North Tonawanda and shall publish such notice in the Niagara Gazette, Lockport Union



Sun and Journal and the Tonawanda News, the official newspapers for this purpose; such notice shall contain the title of the Local Law and an abstract of the text to be prepared by the Clerk of the Legislature, with the assistance of the County Attorney's Office.

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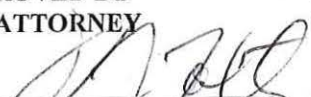
LEGISLATOR MICHAEL A. HILL

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ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Legislators David E. Godfrey, William L. Ross, Clyde L. Burmaster, John Syracuse, Michael A. Hill, et al.      DATE: 08/05/2014      RESOLUTION # IL-035-14

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

**NIAGARA-ORLEANS REGIONAL ALLIANCE (NORA) REQUESTS GOVERNOR  
ANDREW M. CUOMO TO VETO THE INTERNATIONAL JOINT COMMISSION'S PLAN  
2014 FOR CONTROLLING THE LEVELS OF LAKE ONTARIO  
SHOULD THE US DEPARTMENT OF STATE RECOMMEND IT**

WHEREAS, the International Joint Commission (IJC) has announced to the United States Department of State for consideration, a very radical plan that will replace the current regulation plan (58DD) that controls the water levels of Lake Ontario for their stated purpose of potentially providing more environmental benefits to the surrounding ecosystem, particularly with regard to the restoration of 65,000 acres of shoreline meadow marsh, and

WHEREAS, this new plan, called PLAN 2014, will remove the current range of operation that private and public property owners and business have relied on for the last 50 years for untested environmental affects whose research has been proven faulty and outdated by a peer review conducted under the auspices of the National Academy of Sciences, and

WHEREAS, projected lake levels under the proposed plan will result in increased duration and frequency of extremely high and low water, imposing extensive damages to Lake Ontario riparians, and although the IJC estimates damages at \$3.2 million per year, we believe that number could in reality be greater than \$10 million annually, and

WHEREAS, the IJC working group stated the proposed lake levels are going to reduce recreational boating/sport fishing benefits by 25%, resulting in a devastating negative impact on those economics in Niagara County which is estimated at \$30 million per year, and in Orleans County which is estimated \$12 million per year, thus an area-wide loss of revenue of over \$10.5 million annually, and

WHEREAS, the combined impact of the reduced taxable value to Lakeshore Properties and the loss of Sales Tax Revenue will impact all Niagara County property taxpayers by raising the County property tax rate depending upon the ultimate impacts on the reduced assessed value on the affected properties, and

WHEREAS, this new PLAN 2014 removes all protections that exist in the current plan, replacing them with a plan that basically transfers prosperity from Niagara and Orleans counties to Hydropower (NYPS) and Commercial Navigation entities who will realize a benefit of approximately \$6 million per year on average, and

WHEREAS, Niagara and Orleans county residents who own property or businesses along the Lake Ontario shore including its bays, ponds and embayments have voiced their concern, along with their elected officials, about a proposed change in the lake levels that would result in significant damage to their properties, and

WHEREAS, recreational boaters and fishermen, both locally-based and those traveling internationally, are resolute in protecting the waters, streams, and harbors of Lake Ontario for some of the best sport fishing in the world (towns in both Niagara and Orleans Counties have won the national award of "World's Best Fishing Town"), and for pleasure sailing and power-boating, now, therefore, be it

RESOLVED, the Niagara Orleans Regional Alliance (NORA), a county government collaboration between Niagara and Orleans Counties to identify and capitalize on shared services, common ideas, experience, and opportunities for the betterment of our citizens, and the conservancy of tax dollars, does herewith respectfully request Governor Andrew M. Cuomo to reject and veto the International Joint Commission's current PLAN 2014 should the United States Department of State approve Plan 2014, and be it further

RESOLVED, NORA recommends Governor Andrew M. Cuomo enact an all-inclusive and thorough analysis on the potential economic damages that any future plans will have on tourism, recreation, business, and homeowners along the south shore of Lake Ontario (including harbors, rivers, and streams), specifically in Niagara and Orleans counties, where projected damage has already been identified as the MOST extreme, and be it further

RESOLVED, NORA recommends Governor Andrew M. Cuomo assess the amount of civil work and financial assistance required to mitigate the damage of any future plans, and identify funding sources available to offset said actions; and be it further

RESOLVED, the Niagara-Orleans Regional Alliance dutifully requests a formal response to this resolution by Governor Andrew M. Cuomo at his earliest convenience; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor Andrew M. Cuomo, the International Joint Commission, the New York Department of State, the New York State Department of Environmental Conservation, the New York State Environmental Facilities Corporation, U.S. Department of State, U.S. Congressman Chris Collins, U.S. Senator Charles E. Schumer, U.S. Senator Kirsten E. Gillibrand, U.S. Congresswoman Louise Slaughter, Senator George D. Mazarz, Assemblyman John D. Ceretto, Assemblywoman Jane Corwin, Assemblyman Steve Hawley, Senate Environmental Conservation Committee Chairman Mark Grisanti, Assembly Environmental Conservation Committee Chairman Robert Sweeney, Senate President Pro Tem Dean G. Skelos, Assembly Speaker Sheldon Silver, U.S. EPA Region II Administrator Judith Enck, Orleans County Legislature Chairman David Callard, Orleans County Industrial Development Agency CEO/CFO James Whipple, Niagara County Industrial Development Agency/Economic Development Commissioner Samuel Ferraro, and all others deemed necessary and proper.

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LEGISLATOR DAVID E. GODFREY

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LEGISLATOR WILLIAM L. ROSS

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LEGISLATOR CLYDE L. BURMASTER

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LEGISLATOR JOHN SYRACUSE

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LEGISLATOR MICHAEL A. HILL

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LEGISLATOR KATHRYN L. LANCE

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LEGISLATOR RICHARD L. ANDRES

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LEGISLATOR RANDY R. BRADT

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LEGISLATOR ANTHONY J. NEMI

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LEGISLATOR RICHARD E. UPDEGROVE

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LEGISLATOR WM. KEITH MCNALL



# NIAGARA COUNTY LEGISLATURE

FROM: Legislators Jason A. Zona and DATE: 08/05/14 RESOLUTION #: IL-036-14

Clyde L. Burmaster  
APPROVED BY CO. ATTORNEY [Signature] REVIEWED BY CO. MANAGER \_\_\_\_\_ COMMITTEE ACTION \_\_\_\_\_ LEGISLATIVE ACTION  
Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Referred: \_\_\_\_\_

## RESOLUTION REQUESTING THE CHAIRMAN ASSIGN AN AD HOC COMMITTEE TO EXAMINE WAYS OF ASSISTING LOCAL MUNICIPALITIES IN NIAGARA COUNTY WITH FINANCIAL ASSISTANCE THROUGH USE OF FUTURE INCREASES IN THE COUNTY SHARE OF SALES TAX REVENUE

WHEREAS, in Niagara County, sales tax revenues are split between the State of New York, and the County of Niagara, and

WHEREAS, through the Niagara County sales tax distribution formula, the county share of sales tax revenue is shared with local cities, towns, and villages, and

WHEREAS, over the coming years, the county anticipated revenues from sales tax generated are anticipated to grow, with the added expansion of the Fashion Outlets of Niagara, which is currently the largest single producer of sales tax revenue in Niagara County, located in the Town of Niagara alone expected to add approximately \$1,500,000 in sales tax revenue to Niagara County, and

WHEREAS, local municipalities, such as Town of Niagara are responsible to provide public safety, and infrastructure upkeep to areas that host these large commercial retail outlets that provide the county with its sales tax revenue, and

WHEREAS, it is becoming increasingly difficult for these local municipalities to fund the public safety and infrastructure increases that are being brought about by these large commercial expansions by way of property tax revenue being generated, and

WHEREAS, by law, the Niagara County sales tax distribution program distributes sales tax revenue to local municipalities through a sales tax distribution formula based on population in the local municipality, and

WHEREAS, local municipalities with lower populations and high commercial and retail occupancy receive less in sales tax revenue sharing, but have higher public safety and infrastructure financial obligations in their city, town or village, and

WHEREAS, on July 15, 2014, the Niagara Town Board passed a unanimous resolution asking for an annual increase in its sales tax received from Niagara County, and

WHEREAS, assisting municipalities in Niagara County facing fiscal difficulty is a benefit to county taxpayers and would be a prudent use of county sales tax revenues, now, therefore, be it

RESOLVED, that the Niagara County Legislature form an ad hoc committee to examine ways to assist local municipalities in Niagara County with financial assistance through use of Niagara County's share of increased sales tax revenue from the expansion of the Fashion Outlets of Niagara, and be it further

RESOLVED, that the Chairman appoint three legislators, the county treasurer, and county budget director to serve on this ad hoc committee

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LEGISLATOR JASON A. ZONA

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LEGISLATOR CLYDE L. BURMASTER



## NIAGARA COUNTY LEGISLATURE

FROM: Legislators Richard L. Andres, DATE: 08/05/14 RESOLUTION #: IL-037-14  
Kathryn L. Lance and  
Parks Recreation & Tourism Ad Hoc Committee  
APPROVED BY REVIEWED BY COMMITTEE ACTION LEGISLATIVE ACTION  
CO. ATTORNEY CO. MANAGER Ad Hoc - 4/23/14 Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Referred: \_\_\_\_\_

### SUPPORT FOR THE CITY OF NORTH TONAWANDA GRATWICK MARINA REDEVELOPMENT PROJECT

WHEREAS, the Niagara Power Coalition ("NPC") and the New York Power Authority agreed to a licensing 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 Trail, and

WHEREAS, the Gratwick Marina is located at the south end of Gratwick Riverside Park in the heart of the Niagara River waterfront, and

WHEREAS, the City of North Tonawanda has determined the project is important to preserve this site and to develop the Marina to its fullest use and have committed \$416,250 of the \$753,316.10 total project cost, and

WHEREAS, the City of North Tonawanda will remove the old docks and construct new docks, the parking facilities, install lighting, utilities, landscaping and sidewalks, and

WHEREAS, this project, will improve access to the unique natural assets of the preserve and enhance the interpretation and utilization of the Niagara River Waterfront, and

WHEREAS, the City of North Tonawanda Gratwick Marina Redevelopment 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 activities and development, and

WHEREAS, the proposed City of North Tonawanda Gratwick Marina project will promote increased access to the County's educational opportunities and a place for relaxation for its citizens and taxpayers, and

WHEREAS, the Niagara River and the City of North Tonawanda project has the support of U.S. Congressional Representative Brian Higgins, Member of the New York State Assembly John D. Ceretto, Member of the New York State Assembly Robin Schimminger, the City of North Tonawanda, Niagara County Legislator Richard L. Andres and Niagara County Legislator Kathryn L. Lance, 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 the application and that this recommendation is made to approve and support this project, and

WHEREAS, the total project is \$753,310.10 and after contributions from other sources of funding including the City of North Tonawanda, the remaining amount of \$300,000.00 or less than 50% of actual cost is as being requested, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the funding of \$300,000 for the City of North Tonawanda Gratwick Marina project when presented to the Niagara Power Coalition and the Host Community Standing Committee.

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LEGISLATOR RICHARD L. ANDRES

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LEGISLATOR KATHRYN L. LANCE

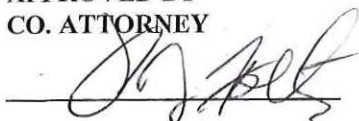
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PARKS RECREATION & TOURISM  
AD HOC COMMITTEE



# NIAGARA COUNTY LEGISLATURE

FROM: Legislators Richard L. Andres, Kathryn L. Lance, Anthnoy J. Nemi & Parks, Recreation & Tourism Ad Hoc Committee      DATE: 08/05/2014      RESOLUTION # IL-038-14

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION <u>Ad Hoc - 4/23/14</u>	LEGISLATIVE ACTION
			Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

## SUPPORT FOR THE CITY OF LOCKPORT LOCKS DISTRICT GATEWAY PROJECT

WHEREAS, the Niagara Power Coalition 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 \$390,000 annually to fund economic development projects along the Greenway Trail, and

WHEREAS, the City of Lockport Locks District Gateway Project and is available to the surrounding communities for public use and for visitors to the County, meeting recreational, cultural and historical needs of the tourists and taxpayers of these communities, and

WHEREAS, it has been determined by the City of Lockport Locks District Gateway Project that it is important to provide a site to improve Canal Street as recommended in the Locks District Interpretation plan to assure safe and reliable accessibility to said facilities, and

WHEREAS, City of Lockport Locks District Gateway Project seeks to address signage and wayfinding throughout the Niagara River Greenway to increase use and appreciation of the region's waterfront trail systems, including Erie Canal and historical and cultural resources and foster connections between various constituents, organizations and municipalities that encompass the Niagara River Greenway, and

WHEREAS, City of Lockport Locks District Gateway Project meets the guiding principles of the Niagara River Greenway Commission, and

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

WHEREAS, the proposed City of Lockport Locks District Gateway Project will promote increased access to the County's historical and cultural sites, and

WHEREAS, City of Lockport Locks District Gateway Project request has the support and approval of Legislators Anthony Nemi, Richard E. Updegrave and the Grigg-Lewis Foundation, Inc., and

WHEREAS, after receipt of \$200,000 commitment from New York State Municipal Facilities Program and \$90,000 from Grigg-Lewis Foundation for the project and in kind services to be performed by the City, the remaining amount of \$160,200, which includes \$8,000 of matching funds exclusively for Greenway Signage by the City of Lockport, being requested, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the funding of \$160,200 for the Niagara County Historical Society Project when presented to the Niagara Power Coalition and Host Community Standing Committee.

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LEGISLATOR RICHARD L. ANDRES

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LEGISLATOR KATHRYN L. LANCE

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LEGISLATOR ANTHONY J. NEMI

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PARKS RECREATION & TOURISM  
AD HOC COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration DATE: 08/05/14 RESOLUTION #: PW-092-14

## Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 7/28/14  
AD - 7/29/14

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Referred: \_\_\_\_\_



## **A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE NIAGARA COUNTY WATER DISTRICT IN THE COUNTY OF NIAGARA, NEW YORK**

WHEREAS, there has heretofore duly caused to be prepared a map, plan and report, including an estimate of cost, by an engineer or engineers duly licensed by the State of New York, for a proposed increase and improvement of the facilities of the Niagara County Water District in the County of Niagara, New York (hereinafter the "District"), consisting of the construction of the following water transmission lines: approximately 16,900 linear feet of 36-inch main along Lockport and Robinson Roads from Campbell Boulevard to Transit Road in the Town of Pendleton, approximately 11,100 linear feet of 24-inch main along Robinson and Dysinger Roads from Transit Road to Bowmiller Road and approximately 59,350 linear feet of 16-inch main along various roads from Dysinger Road at the Lockport/Royalton town line to Freeman Road at Telegraph Road in the Town of Royalton and Village of Middleport and including all related, incidental and ancillary improvements, equipment, machinery, apparatus, costs and expenses in connection therewith (collectively, the "Project"), at a maximum estimated cost of \$24,250,000 of which it is anticipated obligations of the County in the amount of \$20,250,000 will be issued and \$4,000,000 will be provided through the expenditure of general funds and moneys of the District, as more fully set forth in such map, plan and report of cost, and

WHEREAS, said map, plan and report of cost has been duly filed with the County Legislature where it is available for public inspection during normal business hours at the office of the Clerk of said Legislature, and

WHEREAS, such costs shall be assessed against the entire geographical area encompassed by the District, and

WHEREAS, the estimated cost of the Project to the typical property (which has also been determined to be the one or two family home) in the District is \$-0- per year, and

WHEREAS, the estimated cost of hook-up fees associated with the Project to the typical property in the District is \$-0- while the estimated cost to the typical one or two family home is \$-0-, and

WHEREAS, the Niagara County Water District Administrative Board; acting as lead agency under the New York State Environmental Quality Review Act, constituting Article 9 of the Environmental Construction Law and the regulations promulgated thereunder (collectively referred to herein as "SEQRA"), by resolution adopted November 21, 2013, after having determined that the Project constituted an "Unlisted Action" under SEQRA and conducting a coordinated review under SEQRA, determined that the Project will not have a significant effect on the environment and issued a Negative Declaration under SEQRA, and

WHEREAS, it is now desired to call a public hearing to consider said increase and improvement of facilities in accordance with the applicable provisions of law; now, therefore, be it

RESOLVED, by the County Legislature of the County of Niagara, New York, as follows:

SECTION 1: A meeting of the County Legislature of the County of Niagara, New York, shall be held at the Legislative Chambers of County Hall, on the 16th day of September, 2014, at 6:45 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposal to increase and improve the facilities of the Niagara County Water District in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

SECTION 2: The County Legislature is hereby authorized and directed to cause a copy of this resolution to be published once in the Niagara Gazette, Lockport Union Sun and Journal and the Tonawanda News, the official newspapers for this purpose, not less than ten nor more than twenty days before the date set herein for said public hearing.

SECTION 3: This resolution shall take effect immediately.

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PUBLIC WORKS COMMITTEE

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ADMINISTRATION COMMITTEE



# NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration DATE: 08/05/14 RESOLUTION #: PW-093-14

<u>Committees</u>			
APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION PW - 7/28/14 AD - 7/29/14	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____

## BUDGET MODIFICATION FOR LANDFILL #1, LANDFILL #2 AND C&D LANDFILL

WHEREAS, RFQ-2012-41 "Landfill Groundwater Impact Assessment and Corrective Actions Feasibility Study Project for Niagara County Refuse Disposal District, entered into contract on December 13, 2012, with CHA, 2200 Main Street, Buffalo, NY 14203, to perform preliminary landfill ground water impact assessment for Landfill No. 1, and

WHEREAS, additional engineering services associated with the investigation, closure and remediation of Landfill #1, Landfill #2 and the C&D Landfill are required, and

WHEREAS, it is necessary to amend the CHA Contract to include Extra Work Authorization #2, tasks 1 and 2, and

WHEREAS, additional contract services following a bid process to implement design upgrades and coordinate an investigation of the C&D Landfill prior to final closure, will also be required, and

WHEREAS, additional funds are required to meet these new requirements, and

WHEREAS, funds are available from the disposal of surplus equipment, 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 following budget modification be approved:

### INCREASE ANTICIPATED REVENUE:

EL.30.8160.807.42655.00	Sale of Equipment	\$350,000
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### INCREASE ANTICIPATED EXPENSES:

EL.30.8160.807.74650.08	Professional Consultant	\$350,000
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and be it further

RESOLVED, that the contract to CHA, 2200 Main Street, Buffalo, NY 14203, be amended by \$234,700, and be it further

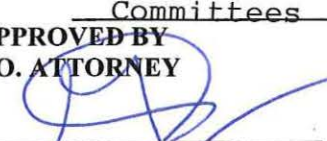
RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the required documents.

PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration DATE: 08/05/14 RESOLUTION #: PW-094-14

<u>Committees</u>			
APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
		<u>PW - 7/28/14</u>	Approved: Ayes _____ Abs. _____ Noes _____
		<u>AD - 7/29/14</u>	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

## ACCEPTANCE OF AMENDMENT B 2013-2014 NYSDOT SNOW AND ICE AGREEMENT DPW - HIGHWAY

WHEREAS, the Niagara county Highway Department is under agreement with the New York State Department of Transportation for snow and ice removal, and

WHEREAS, the type of agreement for the 2013-2014 winter season is an indexed lump sum and the reimbursement payment is based on an estimated expenditure, and

WHEREAS, the New York State Department of Transportation amended the estimated expenditure to more accurately reflect the season, and

WHEREAS, the amendment will enable the New York State Department of Transportation to reimburse Niagara County an additional \$42,562.85 over the estimated expenditure, and

WHEREAS, the acceptance of Amendment B will allow the processing of said reimbursement, now, therefore, be it

RESOLVED, the Chairman of the Legislature be, and hereby is, authorized to execute Amendment B.

\_\_\_\_\_  
PUBLIC WORKS COMMITTEE

\_\_\_\_\_  
ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 08/05/14 RESOLUTION #: PW-095-14

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 7/28/14

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Referred: \_\_\_\_\_

## EXTENSION OF PETROLEUM PRODUCT QUALITY PROGRAM 2014 - 2019

WHEREAS, New York's Petroleum Product Quality Program is administered and enforced concurrently by the New York State Department of Agriculture and Markets and municipal (county and city) weights and measures officials, and

WHEREAS, this program ensures that petroleum products in New York meet specified quality standards and guards against the sale of inferior petroleum products, and

WHEREAS, the County of Niagara, pursuant of Section 179 of the Agriculture and Markets Law, relating to the conduction of inspections, screening tests and sample fuel stored at retail outlets, wishes to extend the agreement with the State of New York for such purposes, and

WHEREAS, the said agreement provides reimbursement for employee wages, including fringe benefits, for the time required to perform the collection and transport of petroleum product samples, screening petroleum products, preparation and submission of reports, and investigations necessary to affirm that a violation has occurred, administrative costs, transportation costs, purchase price of petroleum samples collected and submitted, and

WHEREAS, it would be in the best interest of Niagara County to extend the agreement, as modified and updated, for the 2014-2019 period, 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 County of Niagara participates in the New York Petroleum Product Quality Program, 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 DATE: 08/05/14 RESOLUTION #: PW-096-14

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 7/28/14

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Referred: \_\_\_\_\_

## AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE NIAGARA COUNTY SNOWMOBILE FEDERATION OF SNOWMOBILE CLUBS

WHEREAS, the Niagara County Snowmobile Federation of Snowmobile Clubs has requested the County of Niagara to agree to act as a municipal sponsor for a grant available through the New York State Office of Parks, Recreation and Historic Preservation Snowmobile Trail Fund, and

WHEREAS, the grant would assist the Niagara County Snowmobile Federation of Snowmobile Clubs in maintaining and operating safe recreational snowmobile trails already existing in the County of Niagara, and

WHEREAS, this grant would assist in grooming and coordinating trails already existing or to be added by lease or other agreements with property owners, and

WHEREAS, this grant will build and maintain a better, safer trail system, which will in turn bring more snowmobiles here, adding dollars to the County economy, now, therefore, be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Niagara County Snowmobile Federation of Snowmobile Clubs as appears in the proposed agreement, is hereby approved in all respects, and be it further

RESOLVED, that the Chairman of the Niagara County Legislature be, and hereby is, authorized and directed to execute and deliver the agreement with the Niagara County Snowmobile Federation of Snowmobile Clubs.

\_\_\_\_\_  
PUBLIC WORKS COMMITTEE



# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee and DATE: 08/05/14 RESOLUTION #: PW-097-14

<u>Administration Committee</u>			
APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION <u>PW - 7/28/14</u> <u>AD - 7/29/14</u>	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____

## GOLF COURSE MAINTENANCE BUILDING FUNDING

WHEREAS, the Department of Public Works evaluated the Golf Course Maintenance Building and has determined that there are several deficiencies with the building, and

WHEREAS, it is necessary to construct a new maintenance building to house the golf course maintenance functions, and

WHEREAS, the estimated cost of construction of a new maintenance building, labor and materials, is approximately \$140,000, and

WHEREAS, the Golf Course is an Enterprise Fund and needs to be self-sufficient, and

WHEREAS, the Golf Course does not have sufficient fund balance to construct this new building, and

WHEREAS, the County's General Fund has a sufficient balance to loan the Golf Course Enterprise Fund the necessary monies to construct the new building, and

WHEREAS, the Golf Course Enterprise Fund will repay the County's General Fund the construction cost plus interest at the current borrowing rate of 2.15%, over a period of ten (10) years, and

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

RESOLVED, that the County's General Fund is allowed to loan the Golf Course Enterprise Fund the monies required to construct a new maintenance building, and be it further

RESOLVED, that the Golf Course Enterprise Fund repay the County's General Fund the cost of construction plus interest at the current borrowing rate of 2.15% over a ten (10) year period, and be it further

RESOLVED, that the following budget modification be effectuated:

### INCREASE APPROPRIATED FUND BALANCE:

A 40599.00	Appropriated Fund Balance	\$140,025.00
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### DECREASE APPROPRIATIONS:

A.07.9901.000 79010.00	Contribution to Other Funds	\$140,025.00
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## INCREASE ESTIMATED REVENUES:

ER.26.9901.000 45031.00	Interfund Transfers from General Fund	\$140,025.00
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## INCREASE APPROPRIATIONS:

ER.26.7140.000.72200.00	Buildings	\$140,025.00
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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, including a formal promissory note.

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PUBLIC WORKS COMMITTEE

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ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 08/05/14 RESOLUTION #: PW-098-14

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 7/28/14

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Referred: \_\_\_\_\_

## LEASE AGREEMENT WITH NIAGARA ORLEANS BOCES FOR THE TROTT ACCESS CENTER

WHEREAS, Niagara Orleans BOCES, desires to continue the lease for office/classroom space at the Trott ACCESS Center, Niagara Falls, New York, and

WHEREAS, the County has available space for this activity, 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 your Public Works Committee recommends the attached lease agreement to be entered into with Niagara Orleans BOCES for office/classroom space at the Trott ACCESS Center, 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 DATE: 08/05/14 RESOLUTION #: PW-099-14

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 7/28/14

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Referred: \_\_\_\_\_

## LEASE AGREEMENT WITH NORTHPOINTE COUNCIL INC. FOR THE TROTT ACCESS CENTER

WHEREAS, Northpointe Council Inc., provides clinic services to residents of Niagara County, and

WHEREAS, Northpointe Council Inc. desires to lease office space at the Trott ACCESS Center, Niagara Falls for this program, 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 your Public Works Committee recommends the attached lease agreement to be entered into with Northpointe Council Inc. for office space at the Trott ACCESS Center, 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 DATE: 08/05/14 RESOLUTION #: PW-100-14

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 7/28/14

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Referred: \_\_\_\_\_

## AGREEMENT BETWEEN ENERGY CURTAILMENT SPECIALISTS, INC AND NIAGARA COUNTY DEPARTMENT OF PUBLIC WORKS

WHEREAS, the County of Niagara wishes to enroll in ECS PowerPay! NY Program and authorize ECS to be our Responsible Interface Party (RIP) and Demand Response Provider with the New York Independent System Operator (NYISO), and

WHEREAS, DPW agrees to reduce our electricity use when notified by ECS that NYISO has called an Emergency Event for our zone; this year round program runs from Summer (May to October) and Winter (November – April) capability periods; there will be a mandatory one hour test event for both summer and winter capability periods; ECS receives a day-ahead notice of a celled Event/Test and a day-of confirmation notice at least 2 hours prior to the start of the Event/Test; ECS will notify us as soon as practical after receiving notice from NYISO; DPW agrees to begin curtailing at the time told to us by ECS, and

WHEREAS, DPW will receive 70% of the NYISO's monthly auction clearing price for the Capacity payment. Payments are made twice a year, on or about on November 30<sup>th</sup> and June 30<sup>th</sup>, and

WHEREAS, DPW will not be subject to out-of-pocket financial penalties by participating in this program, even if we fail to reduce electricity when called upon, and

WHEREAS, DPW will be paid based upon performance, measured as an average performance (capped at 100% per hour) over all Event and Test hours during the season; participation and payments are based on the kW actually performed and raw declared kW values for which we are certified at NYISO, accounting for our performance/resource factor, as well as the clearing of our capacity in NYISO's auctions; ECS will in its discretion determine our declared kW reduction amount when registering us and may modify our declared reduction as conditions require, and

WHEREAS, ECS will determine in its discretion if the County will qualify for a program and whether the County will be registered in the applicable program(s); if the County enrolls in the middle of a period, our payments will be pro-rated (the County will be paid for every month it is enrolled for), and

WHEREAS, in order to expedite our registration with the NYISO, the County authorizes ECS to complete and execute any documents required by our utility; this would include a third party authorization to allow our utility to release required information to ECS and any forms required so that ECS can install an interval meter if eligible, and

WHEREAS, DPW will immediately notify ECS if there is a change in our ability to reduce electricity usage by 30% or more, and

WHEREAS, DPW agrees to participate for 3 years (6 capability periods) (Term); to ensure continuity of participation, this agreement will automatically renew under the same terms and conditions, unless DPW

notifies ECS in writing 60 days before the end of the Term; ECS has a right of first refusal to match any other offers for demand response by another provider at the end of the term or the renewal period, 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 County of Niagara DPW is granted permission to enroll in ECS PowerPay! NY Program and authorize ECS to be our Responsible Interface Party (RIP) and Demand Response Provider with the New York Independent System Operator (NYISO), and be it further

RESOLVED, DPW agrees to reduce our electricity use when notified by ECS that NYISO has called an Emergency Event for our zone; this year round program runs from Summer (May to October) and Winter (November – April) capability periods; there will be a mandatory one hour Test event for both summer and winter capability periods; ECS receives a day-ahead notice of a celled Event/Test and a day-of confirmation notice at least 2 hours prior to the start of the Event/Test; ECS will notify us as soon as practical after receiving notice from NYISO; we agree to begin curtailing at the time told to us by ECS, and be it further

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

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PUBLIC WORKS COMMITTEE



# NIAGARA COUNTY LEGISLATURE

FROM: Public Works & Administration Committees      DATE: 08/05/2014      RESOLUTION # PW-101-14

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

PW 9 7/28/14

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

AD - 7/29/14

Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Referred: \_\_\_\_\_

**PUBLIC WORKS FACILITY SCHEMATIC DESIGN PHASE  
CONSULTANT AMENDMENT NO. 2**

WHEREAS, Resolution No. PW-116.06, dated May 6, 2008, awarded the contract for consulting services to Wendel-Duchscherer, 140 John James Parkway, Amherst, NY 14228, in the amount of \$545,740, and

WHEREAS, Resolution No. PW-081-11, dated July 26, 2011, approved a time extension to December 31, 2011, for a \$0.00 increase, and

WHEREAS, it is necessary to approve a modification to the scope of work to include additional scoping to determine what departments should be identified to be included in a Phase I construction, develop building elevations that represent the modified floor plan, and site surrounding the building to show revised paving, parking, site circulation and department laydown areas, develop a revised construction cost and approve a time extension to December 31, 2015, for a fee not to exceed \$18,500.00, for a revised contract amount of \$564,240, 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 Wendel-Duchscherer, 140 John James Parkway, Amherst, NY 14228, be amended to include additional scoping to determine what departments should be identified to be included in a Phase I construction, develop building elevations that represent the modified floor plan, and site surrounding the building to show revised paving, parking, site circulation and department laydown areas, develop a revised construction cost and approve a time extension to December 31, 2015, for a fee not to exceed \$18,500.00, for a revised contract amount of \$564,240, and be it further

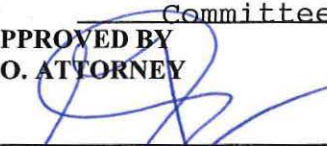
RESOLVED, that following the County Attorney's review, the Chairman of the Legislature is hereby authorized to execute the required documents.

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PUBLIC WORKS COMMITTEE

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ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration DATE: 08/05/14 RESOLUTION #: PW-102-14

<u>Committees</u>			
APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
		PW - 7/28/14	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 7/29/14	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

## CONSULTANT SERVICES FOR COURT HOUSE HISTORICAL REPAIRS - AMENDMENT NO. 1

WHEREAS, Resolution PW-084-14, dated June 17, 2014, authorized the contract for design services for the Court House Historical Corner Joint repairs to Bernier Carr & Associates, 327 Mullin St, Watertown, NY 13601, for a fee not to exceed \$12,000, and

WHEREAS, an additional \$5,000 is required, and

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

RESOLVED, that the consultant services to assist the County with design services for the Court House Historical corner joint repairs, be amended by \$5,000 to Bernier Carr & Associates, 327 Mullin St, Watertown, NY 13601, for a fee not to exceed \$17,000, and be it further

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

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PUBLIC WORKS COMMITTEE



# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 08/05/14 RESOLUTION #: PW-103-14

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 7/28/14

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Referred: \_\_\_\_\_

## AWARD CONSULTANT SERVICES FOR NIAGARA ROAD BRIDGE OVER BERGHOLZ CREEK

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with surveying, mapping and hydraulic services for the Niagara Road Bridge over Bergholz Creek, and

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

RESOLVED, that the consultant services to assist the County with surveying, mapping and hydraulic services for the Niagara Road Bridge over Bergholz Creek, be awarded to Hatch Mott MacDonald NY, Inc., 438 Main Street, Suite 700, Buffalo, NY 14202, for a fee not to exceed \$37,045, 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.

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PUBLIC WORKS COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 08/05/14 RESOLUTION #: PW-104-14

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 7/28/14

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Referred: \_\_\_\_\_

## AWARD CONSULTANT SERVICES FOR CHESTNUT STREET BRIDGE OVER EAST BRANCH OF TWELVE MILE CREEK

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with surveying, mapping and hydraulic services for the Chestnut Street Bridge over East Branch of Twelve Mile Creek, and

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

RESOLVED, that the consultant services to assist the County with surveying, mapping and hydraulic services for the Chestnut Street Bridge over East Branch of Twelve Mile Creek, be awarded to Hatch Mott MacDonald NY, Inc., 438 Main Street, Suite 700, Buffalo, NY 14202, for a fee not to exceed \$37,045, 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 DATE: 08/05/14 RESOLUTION #: PW-105-14

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 7/28/14

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Referred: \_\_\_\_\_

## WILSON-BURT ROAD BRIDGE REPLACEMENT CONSTRUCTION CONTRACT AWARD

WHEREAS, the Niagara County Legislature Public Works Committee directed the Commissioner of Public Works to proceed with the replacement of the Wilson-Burt Road Bridge in the Town of Newfane, and

WHEREAS, sealed bids for the replacement of the Wilson-Burt Road Bridge were received and publicly opened by the Purchasing Department on May 8, 2014, as tabulated below:

<u>Contractor</u>	<u>Bid Totals</u>
1. Concrete Applied Technologies, Corp. 1266 Townline Road Alden, New York 14004	\$4,060,803.50
2. Edbauer Construction 2790 Clinton Street West Seneca, NY 14224	\$4,581,921.00
3. Nichols Long and Moore 149 Gunville Road Lancaster, NY 14086	\$5,253,278.50

WHEREAS, the bid of the apparent low bidder was received without signature or notarized, contained numerical errors and was deemed non-responsive, and

WHEREAS, the contract be awarded to the lowest responsible bidder, Edbauer Construction, 2790 Clinton Street, West Seneca, NY 14224, in the amount of \$4,581,921.00, and

WHEREAS, additional funds are required to proceed with the rehabilitation of the Wilson-Burt Road Bridge, 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 construction contract for the replacement of the Wilson-Burt Road Bridge be awarded to Edbauer Construction, 2790 Clinton Street, West Seneca, NY 14224, in the amount of \$4,581,921.00, and be it further

RESOLVED, that the following budget modification be effectuated:

INCREASE ANTICIPATED REVENUE:

H566.15.5197.000.45031.00	Consolidated Highway Aid Revenue	\$650,000.00
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INCREASE ANTICIPATED EXPENSES:

H566.15.5197.000.72600.02	Infrastructure Bridges	\$650,000.00
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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.

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PUBLIC WORKS COMMITTEE



# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 08/05/14 RESOLUTION #: PW-106-14

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

**COMMITTEE ACTION**  
PW - 7/28/14

## LEGISLATIVE ACTION

**Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_**

**Rejected:** Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

**Referred:** \_\_\_\_\_

## INTER-MUNICIPAL AGREEMENT WITH THE TOWN OF WHEATFIELD

WHEREAS, the Niagara County Department of Public Works will install a traffic control device at the intersection of Lockport and North Walmore Roads, in the Town of Wheatfield, and

WHEREAS, the Town of Wheatfield has agreed to maintain the traffic control device at the intersection pursuant to the town resolution passed on June 23, 2014, 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 attached agreement between the County of Niagara and the Town of Wheatfield, for the traffic control device located at the intersection of Lockport and North Walmore Roads, be approved, and be it further

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

PUBLIC WORKS COMMITTEE

# NIAGARA COUNTY LEGISLATURE

**FROM:** Public Works Committee **DATE:** 08/05/14 **RESOLUTION #:** PW-107-14

**APPROVED BY  
CO. ATTORNEY**

REVIEWED BY  
CO. MANAGER

## COMMITTEE ACTION

PW - 7/28/14

## LEGISLATIVE ACTION

**Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_**

**Rejected:** Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

**Referred:** \_\_\_\_\_

## INTER-MUNICIPAL AGREEMENT WITH THE TOWN OF LOCKPORT

WHEREAS, the Niagara County Department of Public Works is undertaking the reconstruction of Lincoln Avenue, and

WHEREAS, during the project, the Town of Lockport would like to undertake the replacement of an outdated section of waterline along Lincoln Avenue, and

WHEREAS, the Niagara County Department of Public Works and the Town of Lockport, wish to enter into an agreement, with the Town of Lockport and the County split the cost 50/50, with neither share exceeding \$20,000, 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 attached agreement between the County of Niagara and the Town of Lockport, for the replacement of the water line along the Lincoln Avenue reconstruction area, be approved, and be it further

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

PUBLIC WORKS COMMITTEE