



**AGENDA**  
**NIAGARA COUNTY LEGISLATURE**  
**November 17, 2015      –      7:00 P.M.**

**Resolutions not on previous agenda:**

- CS-027-15**      Community Services, re 2016 Contracts Mental Health Department – Approved
- CS-028-15**      Community Services, re Budget Modification Education of Handicapped Children – Department of Health – Approved
- CS-029-15**      Community Services, re Budget Modification Accept COLA Funds Lead Programs – Department of Health – Approved

**Regular Meeting – November 17, 2015**

- \*AD-022-15**      Administration, re Set Public Hearing for Assessment Tax Roll for the Niagara County Water District – Management & Budget
- \*AD-023-15**      Administration, re Set Public Hearing for Assessment Tax Roll for the Niagara County Sewer District – Management & Budget
- \*AD-024-15**      Administration, re Set Public Hearing for Assessment Tax Roll for the Niagara County Refuse District – Management & Budget
- \*AD-025-15**      Administration, re Set Public Hearing for the Tentative Budget for the Year 2016 – Management & Budget
- AD-026-15**      Administration, re Bond Resolution of the County Legislature of the County of Niagara, New York (The “County”), Authorizing the Issuance of Up to \$4,008,800 in Serial Bonds of the County to Finance Various Public Improvements – Treasurer
- \*AD-027-15**      Administration, re Resolution Authorizing Commencement of Litigation to Obtain Compensation for Legal Fees & Costs Expended in Defending a Lawsuit Against Niagara County & Sheriff James R. Voutour – County Attorney
- \*AD-028-15**      Administration, re Standard Work Day & Reporting Resolution for Elected & Appointed Officials (Updated Terms & Corrected Days) – County Attorney
- \*CS-030-15**      Community Services & Administration, re Integrated County Clerk Records Management System Addendum – County Clerk
- \*CSS-059-15**      Community Safety & Security & Administration, re Continuation of Niagara University Agreement for Border Community Service (BCS) Through August 31, 2016 – Emergency Services

- CSS-060-15** Community Safety & Security, Administration & Infrastructure & Facilities, re Budget Modification Niagara County Sheriff's Office Fencing/Security – Sheriff
- CW-016-15** Committee of the Whole, re A Resolution Calling for a Public Hearing for the Purpose of Considering Proposed Modifications to the Increase and Improvement of Facilities Project of the Niagara County Refuse District in Niagara County, NY
- \*IF-130-15** Infrastructure & Facilities & Administration, re Approval of Contract Addendum for Additional Services to be Performed by CHA Consulting, Inc. for the Niagara County Refuse Disposal District Regarding C&D Landfill, Landfill #1 & Landfill #2 – Refuse
- \*IF-131-15** Infrastructure & Facilities & Administration, re Budget Modification for Contribution to Repair Reserve Fund – Refuse
- IF-132-15** Infrastructure & Facilities & Administration, re Award of Contract - Rehabilitation of Feigle Road from Campbell Blvd to Bear Ridge Road
- \*IF-133-15** Infrastructure & Facilities & Administration, re Upper Mountain Road Pavement Rehabilitation Consultant Amendment No. 1 – Final
- \*IF-134-15** Infrastructure & Facilities & Administration, re Wilson Burt Road Bridget Rehabilitation Change Order No. 1
- \*IF-135-15** Infrastructure & Facilities & Administration, re Wilson Burt Road Bridge Rehabilitation Consultant Services – Amendment No. 3
- \*IF-136-15** Infrastructure & Facilities, re Lease Agreement with Bogdon Associates
- \*IF-137-15** Infrastructure & Facilities & Administration, re Accept Receipt of Greenway Funds for the Niagara County West Canal Marina & Parks Paddle Sport Launch Project
- IL-110-15** Legislators Wm. Keith McNall, Anthony J. Nemi & Community Services, re Calling to Increase the Share of Revenue Counties Retain for Providing State DMV Services
- IL-117-15** Legislators Richard L. Andres & Kathryn L. Lance, re In Support of Gratwick Hose Company, Inc. Through the Use of Casino Funding
- IL-118-15** Legislator William L. Ross, re In Support of Funding for Niagara USA Chamber for Marketing New Businesses Through the Use of Casino Funding
- IL-119-15** Legislators Jason A. Zona, Dennis F. Virtuoso & Mark J. Grozio, re In Support of NYS Senate Bill 4414-A & NYS Assembly Bill 3780-A to Provide Low Cost Hydro Power to Hospitals and Municipal Housing Authorities in Niagara and Orleans Counties
- IL-120-15** Legislators Jason A. Zona, Mark J. Grozio, Dennis F. Virtuoso, Owen T. Steed, re A Local Law Prohibiting the Sale of Personal Cosmetic Products Containing Microbeads in Niagara County

  
 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 December 1, 2015.**

# NIAGARA COUNTY LEGISLATURE

**FROM:** Administration Committee      **DATE:** 11/17/15      **RESOLUTION #** AD-022-15

**APPROVED  
CO. ATTORNEY**

REVIEWED  
CO. MANAGER

**COMMITTEE ACTION**  
AD - 11/9/15

## LEGISLATIVE ACTION

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

## SET PUBLIC HEARING FOR ASSESSMENT TAX ROLL FOR THE NIAGARA COUNTY WATER DISTRICT

WHEREAS, the Niagara County Water District has submitted an assessment tax roll through the County Manager of the County of Niagara to the Niagara County Legislature, and

WHEREAS, pursuant to Section 271 of the County Law, a public hearing must be held, now, therefore, be it

RESOLVED, that a public hearing be held in the Niagara County Courthouse, Lockport, New York at 6:00 p.m. on the 1st day of December 2015, to review the assessment tax roll for the Niagara County Water District, and, be it further

RESOLVED, that the Clerk of the Niagara County Legislature is hereby authorized to publish notice of same in the Union Sun & Journal and the Niagara Gazette.

## ADMINISTRATION COMMITTEE



# NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 11/17/15 RESOLUTION # AD-023-15

APPROVED  
CO. ATTORNEY

REVIEWED  
CO. MANAGER

COMMITTEE ACTION  
AD - 11/9/15

LEGISLATIVE ACTION

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

**SET PUBLIC HEARING FOR ASSESSMENT TAX ROLL FOR  
THE NIAGARA COUNTY SEWER DISTRICT**

WHEREAS, the Niagara County Sewer District #1 has submitted an assessment tax roll through the County Manager of the County of Niagara to the Niagara County Legislature, and

WHEREAS, pursuant to Section 271 of the County Law, a public hearing must be held, now, therefore, be it

RESOLVED, that a public hearing be held in the Niagara County Courthouse, Lockport, New York at 6:10 p.m. on the 1<sup>st</sup> day of December 2015, to review the assessment tax roll for the Niagara County Sewer District #1, and, be it further

RESOLVED, that the Clerk of the Niagara County Legislature is hereby authorized to publish notice of same in the Union Sun & Journal and the Niagara Gazette.

ADMINISTRATION COMMITTEE



# NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 11/17/15 RESOLUTION # AD-024-15

APPROVED  
CO. ATTORNEY

REVIEWED  
CO. MANAGER

COMMITTEE ACTION  
AD - 11/9/15

LEGISLATIVE ACTION

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

B. B. B.  
11/12/15

## SET PUBLIC HEARING FOR ASSESSMENT TAX ROLL FOR THE NIAGARA COUNTY REFUSE DISTRICT

WHEREAS, the Niagara County Refuse District has submitted an assessment tax roll through the County Manager of the County of Niagara to the Niagara County Legislature, and

WHEREAS, pursuant to Section 271 of the County Law, a public hearing must be held, now, therefore, be it

RESOLVED, that a public hearing be held in the Niagara County Courthouse, Lockport, New York at 6:20 p.m. on the 1st day of December 2015, to review the assessment tax roll for the Niagara County Refuse District, and, be it further

RESOLVED, that the Clerk of the Niagara County Legislature is hereby authorized to publish notice of same in the Union Sun & Journal and the Niagara Gazette.

ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 11/17/15 RESOLUTION # AD-025-15

APPROVED  
CO. ATTORNEY

REVIEWED  
CO. MANAGER

COMMITTEE ACTION  
AD - 11/9/15

LEGISLATIVE ACTION

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

**SET PUBLIC HEARING FOR THE TENTATIVE BUDGET FOR  
THE YEAR 2016**

WHEREAS, the County Manager of the County of Niagara has submitted a tentative budget to the Niagara County Legislature, and

WHEREAS, pursuant to Section 359 of the County Law, a public hearing must be held, now, therefore, be it

RESOLVED, that a public hearing be held in the Niagara County Courthouse, Lockport, New York at 6:30 p.m. on the 1st day of December 2015, to review the tentative budget for the year 2016, and, be it further

RESOLVED, that the maximum salaries that may be fixed and payable during said fiscal year 2016 to members of the Legislature and the Chairman thereof, respectively, remain at the 2015 salary level and are specified as follows:

MEMBERS OF THE LEGISLATURE:	\$15,075 Annually
MAJORITY LEADER, MINORITY LEADER:	\$15,575 Annually
CHAIRMAN OF THE LEGISLATURE:	\$18,075 Annually

and be it further

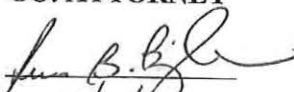
RESOLVED, that the Clerk of the Niagara County Legislature is hereby authorized to publish notice of same in the Union Sun & Journal and the Niagara Gazette.

ADMINISTRATION COMMITTEE



# NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 11/17/15 RESOLUTION # AD-026-15

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
 11/10/15		<u>AD - 11/9/15</u>	Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____

## BOND RESOLUTION OF THE COUNTY LEGISLATURE OF THE COUNTY OF NIAGARA, NEW YORK (THE "COUNTY"), AUTHORIZING THE ISSUANCE OF UP TO \$4,008,800 IN SERIAL BONDS OF THE COUNTY TO FINANCE VARIOUS PUBLIC IMPROVEMENTS

WHEREAS, the County Legislature (the "Legislature") the County of Niagara, New York (the "County") proposes to authorize the issuance of \$4,008,800 in serial bonds of the County to finance various public improvements and purposes, as described herein, and

WHEREAS, all conditions precedent to the financing of each of the objects or purposes hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act (collectively, "SEQRA"), have been performed and therefore no further action need be taken by the City Council under SEQRA as a pre-condition to the adoption of this resolution, and

WHEREAS, the Legislature now wishes to appropriate funds for such public improvements and purposes and to authorize the issuance of the County's serial bonds or bond anticipation notes to finance said appropriation.

NOW THEREFORE, THE COUNTY LEGISLATURE OF THE COUNTY OF NIAGARA, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

SECTION 1. The County is hereby authorized to issue \$800,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the construction of an addition to and the reconstruction of the County Jail, consisting of the expansion and improvements of the Sally Port. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$800,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (a) the issuance of up to \$800,000 in serial bonds of the County authorized pursuant to this section or bond anticipation notes issued in anticipation of such serial bonds; and (b) the levy and collection of taxes on all taxable real property within the County to pay the principal of said bonds and notes and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is twenty-five (25) years, pursuant to subdivision 12(a)(1). of paragraph a. of Section 11.00 of the Law.

SECTION 2. The County is hereby authorized to issue \$247,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Law to finance a portion of the cost of renovations, alterations and improvements to various County buildings and facilities. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$347,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (a) the application of \$100,000 in current funds of the County available for such purpose; (b) the issuance of up to \$247,000 in serial bonds of the County authorized pursuant to this section or bond anticipation notes issued in anticipation of such serial bonds; and (c) the levy and collection of taxes on all taxable real property within the County to pay the principal of said bonds and notes and the interest thereon as the same shall become due and



payable. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is twenty-five (25) years, pursuant to subdivision 12(a)(1) of paragraph a. of Section 11.00 of the Law.

SECTION 3. The County is hereby authorized to issue \$265,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Law to finance a portion of the County's share of the cost of the construction of a parking lot on lands owned by the County and the City of Niagara Falls (the "City"), at the intersection of Portage Road and 11<sup>th</sup> Street, across from the County's Trott ACCESS Center, and adjacent to the Legends Court, in accordance with an intermunicipal agreement between the County and the City previously authorized by the Legislature by Resolution PW-062-14, adopted on May 6, 2014 (the "IMA"). It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$550,800, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (a) the application of \$194,000 in current funds of the County available for such project; (b) the application of \$91,800 in funds to be contributed by the City in accordance with the IMA; (c) the issuance of up to \$265,000 in serial bonds of the County authorized pursuant to this section, or bond anticipation notes issued in anticipation of such serial bonds; and (d) the levy and collection of taxes on all taxable real property within the County to pay the principal of said bonds and notes and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is ten (10) years, pursuant to subdivision 20(f). of paragraph a. of Section 11.00 of the Law.

SECTION 4. The County is hereby authorized to issue \$766,800 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Law to finance a portion of the cost of the Feigle Road Rehabilitation Project, consisting of (i) the construction and reconstruction and repaving of Feigle Road (County Route 121) from Campbell Boulevard to Bear Ridge Road, including the construction or reconstruction of sidewalks, curbs, gutters, drainage, landscaping, grading or improving the rights of way, or the elimination of any grade crossings (exclusive of bridges therefor) improvements in connection therewith. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$2,642,400, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (a) the application of \$1,585,600 in Federal grant moneys and \$290,000 in State grant moneys expected to be received by the County for such project; (b) the issuance of up to \$766,800 in serial bonds of the County authorized pursuant to this section or bond anticipation notes issued in anticipation of such serial bonds; and (c) the levy and collection of taxes on all taxable real property within the County to pay the principal of said bonds and notes and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is fifteen (15) years, pursuant to subdivision 20(c). of paragraph a. of Section 11.00 of the Law.

SECTION 5. The County is hereby authorized to issue \$280,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Law to finance a portion of the cost of the Upper Mountain Road Reconstruction Project, consisting of the reconstruction and repaving of roads, including the construction or reconstruction of sidewalks, curbs, gutters, drainage, landscaping, grading or improving the rights of way, or the elimination of any grade crossings (exclusive of bridges therefore) improvements in connection therewith. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$1,400,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (a) the application of \$1,120,000 in Federal grant monies expected to be received by the County for such project; (b) the issuance of up to \$280,000 in serial bonds of the County authorized to be issued pursuant to this section, or bond anticipation notes issued in anticipation of such serial bonds; and (c) the levy and collection of taxes on all taxable real property within the County to pay the principal of said bonds and notes and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific objects or purposes is fifteen (15) years, pursuant to subdivision 20(c) of paragraph a. of Section 11.00 of the Law.



SECTION 6. The County is hereby authorized to issue \$1,300,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Law to finance the cost of the Highway Maintenance Initiative Project, consisting of the resurfacing or repaving of various roads throughout the County. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$1,300,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (a) the issuance of up to \$1,300,000 in serial bonds of the County authorized pursuant to this section or bond anticipation notes issued in anticipation of such serial bonds; and (b) the levy and collection of taxes on all taxable real property within the County to pay the principal of said bonds and notes and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is fifteen (15) years, pursuant to subdivision 20(c) of paragraph a. of Section 11.00 of the Law.

SECTION 7. The County is hereby authorized to issue \$200,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Law to finance the cost of the upgrades of guiderail end sections to meet NYS Department of Transportation standards at various locations throughout the County. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$200,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (a) the issuance of up to \$200,000 in serial bonds of the County authorized pursuant to this section or bond anticipation notes issued in anticipation of such serial bonds; and (b) the levy and collection of taxes on all taxable real property within the County to pay the principal of said bonds and notes and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is five (5) years, pursuant to subdivision 35. of paragraph a. of Section 11.00 of the Law.

SECTION 8. The County is hereby authorized to issue \$150,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Law to finance the estimated cost of reconstructing and rebuilding a road embankment along the north bank of Tonawanda Creek in the vicinity of Lakewood Estates and to include erosion protection, stabilization, landscaping, and the reconstruction of the affected areas of Tonawanda Creek Road, and other related and appurtenant improvements. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$150,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (a) the issuance of \$150,000 in bonds of the County authorized to be issued pursuant to this resolution, or bond anticipation notes issued in anticipation of such bonds, and (b) the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is fifteen years, pursuant to subdivisions 3., 20., and 91. of paragraph a. of Section 11.00 of the Law.

SECTION 9. The temporary use of available funds of the County, not immediately required for the purpose or purposes for which the same were raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in Sections 1 through 9 of this resolution. The County shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by this resolution. This resolution shall constitute a declaration of official intent to reimburse the expenditures authorized herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 10. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the County, payable as to both principal and interest by a general tax upon all the real property within the County. The



faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 11. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations and of Sections 21.00, 50.00, 54.90, 56.00 through 60.00, 62.10, 63.00 and 168.00 of the Law, the powers and duties of the Legislature relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters relating thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Treasurer of the County, as the chief fiscal officer of the County (the "County Treasurer"). Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for any of the objects or purposes authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more other objects or purposes authorized by this resolution or other resolutions of the Legislature, then the power of the Legislature to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined object or purpose is hereby delegated to the County Treasurer.

SECTION 12. The County Treasurer is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax-exempt bonds" within the meaning of and in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 13. The County Treasurer is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchaser of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 14. The intent of this resolution is to give the County Treasurer sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this Board.

SECTION 15. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.



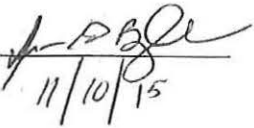
SECTION 16. This resolution shall take effect immediately and the Clerk of the Legislature is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in full, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the County for such purpose.

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ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 11/17/15 RESOLUTION # AD-027-15

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
		<u>AD - 11/9/15</u>	Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____

## RESOLUTION AUTHORIZING COMMENCEMENT OF LITIGATION TO OBTAIN COMPENSATION FOR LEGAL FEES AND COSTS EXPENDED IN DEFENDING A LAWSUIT AGAINST NIAGARA COUNTY AND SHERIFF JAMES R. VOUTOUR

WHEREAS, Niagara County and Armor Correctional Health Services of New York, Inc., entered into an agreement on November 30, 2015, commencing the 16th day of December 2012 through December 15, 2015, and under such agreement, Armor Correctional Health Services of New York, Inc., was to provide reasonably necessary health care to detainees and inmates of the Niagara County Correctional Facility who are lawfully remanded to the care and custody of the Niagara County Sheriff's Office, and

WHEREAS, Armor Correctional Health Services of New York, Inc., failed to provide the reasonable and necessary health care services to two inmates/detainees, which resulted in two wrongful death matters, and

WHEREAS, Niagara County retained the law firm of Gibson, McAskill & Crosby, LLP to represent the County in these matters, causing the County to incur legal fees and other expenses in defending the County, and

WHEREAS, the agreement between Armor Correctional Health Services of New York, Inc. and Niagara County, requires that Armor Correctional Health Services of New York, Inc., indemnify and hold the County harmless from any and all risks of any kind arising out of the work and/or services performed by Armor Correctional Health Services of New York, Inc., including but not limited to any attorneys' fees and costs incurred in these matters, and

WHEREAS, pursuant to New York State County Law, the Niagara County Legislature is authorized to direct the Niagara County Attorney to commence legal proceedings against Armor Correctional Health Services of New York, Inc., to recover those legal fees and other related expenses incurred by Niagara County as a result of Armor Correctional Health Services of New York, Inc.'s failure to perform duties under the scope of said agreement, now, therefore, be it

RESOLVED, that the Niagara County Attorney is hereby authorized and directed by the Niagara County Legislature to commence all necessary legal proceedings against Armor Correctional Health Services of New York, Inc. to recover those amounts which were incurred due to Armor Correctional Health Services of New York, Inc.'s breach of said agreement.

ADMINISTRATION COMMITTEE



# NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee

DATE: 11/17/2015

RESOLUTION # AD-028-15

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
AD - 11/09/15

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes 0

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

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

## STANDARD WORK DAY AND REPORTING RESOLUTION FOR ELECTED AND APPOINTED OFFICIALS (UPDATED TERMS AND CORRECTED DAYS)

RESOLVED, that the County of Niagara, hereby establishes the following as standard work days for these titles and will report the officials to the New York State and Local Retirement System based on time keeping system records or their record of activities:

### Elected Officials

Title	Standard Work Day	Name	Social Security Number	Registration Number	Tier 1	Current Term Begin & End Dates	Participates in Employer's Time System	Record Activities Results	Not Submitter
Coroner	6	Kenneth Lederhouse	xxxx	34289637		01/01/12-12/31/15	No	22.08	
Legislator	6	Clyde Burmaster	xxxx	37364270		01/01/14-12/31/15	No	25.05	
Legislator	6	David Godfrey	xxxx	43463553		01/01/14-12/31/15	No	19.22	
Legislator	6	Michael Hill	xxxx	37977923		01/01/14-12/31/15	No	15.83	
Legislator	6	Kathryn Lance	xxxx	50568781		01/01/14-12/31/15	No	21.58	
Legislator	6	Wm. Keith McNall	xxxx	42199711		01/01/14-12/31/15	No	24.50	
Legislator	6	Anthony Nemi	xxxx	14693212		01/01/14-12/31/15	No	24.14	
Legislator	6	Owen Steed	xxxx	50570860		01/01/14-12/31/15	No	27.06	
Legislator	6	John Syracuse	xxxx	41023409		01/01/14-12/31/15	No	24.50	
Legislator	6	Richard Updegrove	xxxx	41026642		01/01/14-12/31/15	No	22.40	
Legislator	6	Jason Zona	xxxx	50570605		01/01/14-12/31/15	No	30.95	
Treasurer	6	Kyle R. Andrews	xxxx			01/01/15-12/31/18	No	30.09	

### Appointed Officials

Title	Standard Work Day	Name	Social Security Number	Registration Number	Tier 1	Current Term Begin & End Dates	Participates in Employer's Time System	Record Activities Results	Not Submitter
Clerk of the Legislature	7	Mary Jo Tamburlin	xxxx	38719860		01/01/14-12/31/15	Yes	n/a	
Commissioner of BOE	7	Lora Allen	xxxx	4047872-9		01/01/15-12/31/16	Yes	n/a	
Commissioner of BOE	7	Jennifer Fronczak	xxxx	4167379-9		01/01/15-12/31/16	Yes	n/a	
Conflict Defender	6	James Faso	xxxx	42370320		01/01/14-12/31/15	No	15.16	
Conflict Defender	6	Jessica J. Hapeman	xxxx	42065656		01/01/14-12/31/15	No	20.40	
Conflict Defender	6	Dominic Saraceno	xxxx	40354003		01/01/14-12/31/15	No	22.92	
County Attorney	6	Claude Joerg	xxxx	31472293		01/01/14-12/31/15	No	24.31	
Asst. County Attorney	6	Katherine Alexander	xxxx	41943556		01/01/14-12/31/15	No	22.61	
Asst. County Attorney	6	Gary Lisowski	xxxx	42686378		01/01/14-12/31/15	No	23.87	
Asst. County Attorney	6	John Sansone	xxxx	38661013		01/01/14-12/31/15	No	21.90	
P/T Historian		Catherine Emerson	xxxx	42016733		01/01/15-12/31/18	Yes	n/a	
Asst. Public Defender	6	Alfonso Bax	xxxx	41601501		01/01/14-12/31/15	No	19.93	
Asst. Public Defender	6	Michael Benedict	xxxx	4227803-6		01/01/14-12/31/15	No	20.21	
Asst. Public Defender	6	Michele Bergevin	xxxx	38122180		01/01/14-12/31/15	No	11.38	
Asst. Public Defender	6	David Blackley	xxxx	3826164-0		01/01/14-12/31/15	No	14.08	
Asst. Public Defender	6	Mary Jean Bowman	xxxx	4169154-4		01/01/14-12/31/15	No	19.63	
Asst. Public Defender	6	AJ Catalano	xxxx	39994983		01/01/14-12/31/15	No	21.21	
Asst. Public Defender	6	Joseph Frazier	xxxx	3805549-7		01/01/14-12/31/15	No	21.80	
Asst. Public Defender	6	Mark Grossman	xxxx	42923953		01/01/14-12/31/15	No	20.26	
Asst. Public Defender	6	Lawrence Lindsay	xxxx	3782144-4		01/01/14-12/31/15	No	22.30	
Asst. Public Defender	6	Connie Lozinsky	xxxx	3783004-9		01/01/14-12/31/15	No	23.17	



Asst. Public Defender	6	Nicholas Pelosino	xxxx	3783006-4	01/01/14-12/31/15	No	21.84
Asst. Public Defender	6	Christopher Privateer	xxxx	3613187-8	01/01/14-12/31/15	No	23.00
Asst. Public Defender	6	Matthew Pynn	xxxx	4001939-0	01/01/14-12/31/15	No	13.44
Asst. Public Defender	6	James Rizzo	xxxx	35404896	01/01/14-12/31/15	No	21.72
Asst. Public Defender	6	Alan Roscetti	xxxx	41181652	01/01/14-12/31/15	No	25.72
Asst. Public Defender	6	Lawrence G. Stuart	xxxx	3542228-6	01/01/14-12/31/15	No	23.01
Asst. Public Defender	6	Michael White	xxxx	50043975	01/01/14-12/31/15	No	16.50
Asst. Public Defender	6	Edward Zebulske	xxxx	3846901-1	01/01/14-12/31/15	No	20.25

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## ADMINISTRATION COMMITTEE

I Mary Jo Tamburlin, Clerk of the Niagara County Legislature, County of Niagara, State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such legislature, at a legally convened meeting held on the \_\_\_\_\_<sup>th</sup> day of November, 2015 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Niagara County Legislature on this \_\_\_\_\_ day of November, 2015,

---

MARY JO TAMBURLIN, Clerk of the  
Niagara County Legislature

# NIAGARA COUNTY LEGISLATURE

FROM: Community Services Committee and DATE: 11/17/15 RESOLUTION # CS-030-15

## Administration Commttee

APPROVED  
CO. ATTORNEY

REVIEWED  
CO. MANAGER

COMMITTEE ACTION  
CS - 11/9/15  
AD - 11/9/15

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

*[Signature]*  
11/10/15

## INTEGRATED COUNTY CLERK RECORDS MANAGEMENT SYSTEM ADDENDUM

WHEREAS, the Niagara County Clerk administers the processing of NYS Pistol Permits and associated transactions, and

WHEREAS, the implementation of the NYSafe Act has resulted in an increase in the number of pistol permit applicants, an increase in the number of gun purchases, an increase in the number of amendments made to Pistol Permits and an increase in phone calls and correspondence, and

WHEREAS, a reallocation and readjustment of Pistol Permit Office staffing was recently implemented to better serve over 29,000 Niagara County Pistol Permit holders, and

WHEREAS, these facts have created the need for an addendum to the contract which provides pistol permit electronic document management, imaging software, hardware and cashiering integration and archival preservation used to process permits and associated transactions, and

WHEREAS, the addendum has been presented to and reviewed by the Niagara County Director of Information Technology, now, therefore, be it

RESOLVED, that Niagara County enter into an addendum to their contract with InfoQuick Solutions, Inc. (IQS), commencing immediately for the remainder of the current contract, as per the terms of the contract addendum, and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to execute the contract addendum, subject to review by the County Manager and the approval of the County Attorney.

\_\_\_\_\_  
COMMUNITY SERVICES COMMITTEE

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

## NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security DATE: 11/17/15 RESOLUTION # CSS-059-15  
Committee and Administration Committee

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	CSS - 11/9/15	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 11/9/15	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

*Lisa B. Byle*  
11/10/15

### CONTINUATION OF NIAGARA UNIVERSITY AGREEMENT FOR BORDER COMMUNITY SERVICE (BCS) THROUGH AUGUST 31, 2016

WHEREAS, Niagara County wishes to continue its commitment to Niagara University's Community Preparedness and Participation initiatives as outlined in Resolution #CSS-030-07 and continued in CSS-038-08, and CSS-019-15, and

WHEREAS, Niagara County utilized the RFP City of Buffalo Department of Police RFP for Citizen Preparedness and Education issued August 27, 2014, for the selection process, and

WHEREAS, the new contract period will commence on August 31, 2015 and applies to services rendered by the University through August 31, 2016, and

WHEREAS, the County wishes to continue with the contracted service agreement with Niagara University in an amount of \$30,000 funded by Homeland Security SHSP-13 grant funds to provide professional and technical services to assist the County in completing intended community preparedness initiatives, and

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

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

\_\_\_\_\_  
COMMUNITY SAFETY & SECURITY  
COMMITTEE

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



# NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security DATE: 11/17/15 RESOLUTION # CSS-060-15  
Committee, Administration Committee  
and Infrastructure & Facilities Committee

APPROVED  
CO. ATTORNEY

REVIEWED  
CO. MANAGER

COMMITTEE ACTION  
CSS - 11/9/15  
AD - 11/9/15  
IF - 11/17/15

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

**BUDGET MODIFICATION – NIAGARA COUNTY SHERIFF'S OFFICE  
FENCING/SECURITY**

WHEREAS, the Sheriff's Office has identified the need for increased security surrounding the complex, and

WHEREAS, this need was requested through the capital budget over the past several years, however, the funding was not approved, and

WHEREAS, the Sheriff's Office has seen an increase in revenue generated by the housing of federal inmates, and

WHEREAS, the Sheriff's Office would like to utilize the additional revenue to complete this important project, now therefore, be it

RESOLVED, that the following budget modification be made:

INCREASE REVENUE:

A.17.3150.000.42264.00	U.S. Marshals	\$300,000
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INCREASE APPROPRIATIONS:

A.07.9950.000.79010.00	Transfer to Capital Projects	\$300,000
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and be it further

RESOLVED, that the following budget modification be made:

INCREASE REVENUE:

H633.15.3197.000.45031.00	Transfer from Operating	\$300,000
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INCREASE APPROPRIATIONS:

H633.15.3197.000.72400.00	Land Improvements	\$300,000
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COMMUNITY SAFETY & SECURITY

ADMINISTRATION COMMITTEE

INFRASTRUCTURE & FACILITIES  
COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Committee of the Whole DATE: 11/17/15 RESOLUTION # CW-016-15

APPROVED  
CO. ATTORNEY

REVIEWED  
CO. MANAGER

COMMITTEE ACTION  
CW - 11/17/15

LEGISLATIVE ACTION

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

*James B. Blahut*  
11/12/15

## A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING PROPOSED MODIFICATIONS TO THE INCREASE AND IMPROVEMENT OF FACILITIES PROJECT OF THE NIAGARA COUNTY REFUSE DISTRICT IN THE COUNTY OF NIAGARA, NEW YORK

WHEREAS, the Niagara County Legislature authorized the Interim Administrator of the Refuse Disposal District to undertake an increase and on June 16, 2015, after a public hearing was conducted, passed a Public Interest Resolution (#IF-084-15) improvement of the facilities of the Niagara County Refuse District, consisting of the construction and placement of a cap on the Construction and Demolition Debris Landfill (C&D Landfill) located off County Route 93 Bypass, Lockport, New York, and the construction of improvements to the leachate collection systems for the C&D Landfill once capped and two previously capped Municipal Solid Waste Landfills located at the same site, including all related, incidental and ancillary improvements, equipment, machinery, apparatus, costs and expenses in connection therewith ("the Project") at a maximum estimated cost of \$2,000,000, and

WHEREAS, the Interim Administrator of the Refuse Disposal District has submitted and filed with the Legislature a report and request for modifications of said Project, along with an amended map, plan and report, which are available for public inspection during normal business hours at the office of the Clerk of said Legislature. The report and request for modifications seeks to modify the Project by:

- 1) Modifying the scope of the project to exclude the improvements to the leachate collections system at Landfill 1, and
- 2) Increasing the maximum estimated cost of the project and the authorized amount of obligations of the County to be issued to \$2,500,000.

Such requested modifications being more fully described in the Interim Administrator's report and in the amended map, plan and report, and

WHEREAS, the estimated cost of the Project as modified to the "typical" property within the District is \$.008 per year, and

WHEREAS, the estimated cost of the Project as modified to the typical one or two family home within the District is \$.921 per year, and

WHEREAS, it is now desired to call a public hearing to consider the proposed modifications to 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 Courthouse, on the 1<sup>st</sup> day of day, 2015, at 5:45 o'clock p.m., prevailing



time, for the purpose of conducting a public hearing upon the aforesaid proposal to modify the Project to increase and improve the facilities of the Niagara County Refuse 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 Clerk of the County Legislature is hereby authorized and directed to cause a copy of this resolution to be published once in the Niagara Gazette and Lockport Union Sun and Journal, 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.

The following vote was taken and recorded in the public or open session of said meeting:

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COMMITTEE OF THE WHOLE

# NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities DATE: 11/17/15 RESOLUTION # IF-130-15  
Committee and Administration Committee

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	<u>IF - 10/26/15</u>	Approved: Ayes <u>      </u> Abs. <u>      </u> Noes <u>      </u>
		<u>AD - 11/17/15</u>	Rejected: Ayes <u>      </u> Abs. <u>      </u> Noes <u>      </u>
			Referred: <u>                    </u>

*11/10/15*  
*[Signature]*

## APPROVAL OF CONTRACT ADDENDUM FOR ADDITIONAL SERVICES TO BE PERFORMED BY CHA CONSULTING, INC. FOR THE NIAGARA COUNTY REFUSE DISPOSAL DISTRICT REGARDING C&D LANDFILL, LANDFILL #1 AND LANDFILL #2

WHEREAS, the Niagara County Refuse Disposal District and CHA Consulting, Inc. entered into a contract whereby CHA Consulting, Inc. agreed to provide certain specified services for Niagara County Refuse Disposal District in regards to C&D Landfill, Landfill #1 and Landfill #2, and

WHEREAS, said contract was fully executed by the Niagara County Refuse Disposal District and CHA Consulting, Inc. on June 26, 2014, and

WHEREAS, said June 24, 2014 contract contains clauses which contemplate the eventuality of additional services to be performed by CHA Consulting, Inc. for the Niagara County Refuse Disposal District in regards to C&D Landfill, Landfill #1 and Landfill #2, and

WHEREAS, said June 24, 2014 contract contains clauses which permit said additional services to be performed pursuant to a valid written Amendment/Addendum to said June 24, 2014 contract which is to be signed by authorized representatives of Niagara County Refuse Disposal District and CHA Consulting, Inc., and

WHEREAS, additional services to be performed by CHA Consulting, Inc. for the Niagara County Refuse Disposal District in regards to C&D Landfill, Landfill #1 and Landfill #2 are necessary, and

WHEREAS, CHA Consulting, Inc. has submitted a detailed Scope of Work and the corresponding Professional Fees to be charged by CHA Consulting, Inc. to Niagara County Refuse Disposal District to complete the above-referenced additional services in regards to C&D Landfill, Landfill #1 and Landfill #2, and

WHEREAS, the proposed Professional Fees to be charged by CHA Consulting, Inc. to Niagara County Refuse Disposal District to complete the above-referenced additional services in regards to C&D Landfill, Landfill #1 and Landfill #2 shall not exceed \$107,600.00,

WHEREAS, the Niagara County Refuse Disposal District wishes to enter into an Amendment/Addendum to the June 24, 2014 contract with CHA Consulting, Inc. for above-referenced additional services, and

WHEREAS, prior to the execution of the such contract Amendment/Addendum, the County Attorney will review all documents for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that the Niagara County Refuse Disposal District is hereby authorized to enter into an Amendment/Addendum to the June 24, 2014 contract with CHA Consulting, Inc. Amendment/Addendum to complete the above-referenced additional services in regards to C&D Landfill, Landfill #1 and Landfill #2 and the amount to be paid by the Niagara County Refuse Disposal District to CHA Consulting Inc. for said additional services shall not exceed the amount of \$107,600.00, and be it further



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

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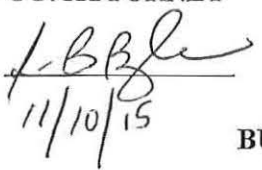
INFRASTRUCTURE & FACILITIES  
COMMITTEE

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ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities      DATE: 11/17/15      RESOLUTION # IF-131-15  
Committee and Administration Committee

<b>APPROVED</b> <b>CO. ATTORNEY</b> 	<b>REVIEWED</b> <b>CO. MANAGER</b> 	<b>COMMITTEE ACTION</b> <u>IF - 10/26/15</u> <u>AD - 11/9/15</u> 	<b>LEGISLATIVE ACTION</b> Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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## BUDGET MODIFICATION FOR CONTRIBUTION TO REPAIR RESERVE FUND

WHEREAS, the Niagara County Refuse Disposal District is required by the New York State Department of Environmental Conservation Permit 32D10 to conditions 31 and 36, which require a financial surety instrument for closure and for a minimum of 30 years of post-closure monitoring and maintenance, and

WHEREAS, the permit was issued with specific financial requirements for pre-closure monitoring and maintenance, closure activities and post-closure monitoring and maintenance for certain facilities at the site as well as for the site as a whole so as to assure the current and future environmental integrity of the site; and

WHEREAS, the Repair Reserve fund was established to cover the specific financial requirements for Closure and Post-Closure Monitoring and Maintenance Programs for certain facilities on the site, and

WHEREAS, funds are available due to the New York State Department of Environmental Conservation indicating that the Construction and Demolition Debris Landfill site is in the final closure stages and is being phased out of the monitoring 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 the following budget modification be approved:

### DECREASE APPROPRIATIONS:

EL.30.8160.807.74650.16	Inspections	\$5,000
EL.30.8161.803.74650.16	Inspections	\$5,500
EL.30.8161.804.74650.16	Inspections	\$5,500

### INCREASE APPROPRIATIONS:

EL.30.9901.000.79010.30	Contribution to Other Funds to Repair Reserve	\$16,000
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and be it further

RESOLVED, that the budgeted value for Contribution to Other Funds to Repair Reserve, \$0 be amended by \$16,000 to allow for a contribution to the Repair Reserve fund to cover Closure and Post-Closure Monitoring and Maintenance Programs, 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.

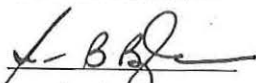
\_\_\_\_\_  
 INFRASTRUCTURE & FACILITIES  
 COMMITTEE

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



# NIAGARA COUNTY LEGISLATURE

**FROM:** Infrastructure & Facilities **DATE:** 11/17/15 **RESOLUTION #** IF-132-15  
Committee and Administration Committee

<b>APPROVED</b> <b>CO. ATTORNEY</b>   11/10/15	<b>REVIEWED</b> <b>CO. MANAGER</b>  _____	<b>COMMITTEE ACTION</b> <u>IF - 10/26/15</u> <u>AD - 11/9/15</u> _____	<b>LEGISLATIVE ACTION</b> Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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## AWARD OF CONTRACT – REHABILITATION OF FEIGLE ROAD FROM CAMPBELL BLVD TO BEAR RIDGE ROAD

WHEREAS, the Department of Public Works, Engineering Division has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Rehabilitation of Feigle Road from Campbell Boulevard to Bear Ridge Road, and

WHEREAS, funds are available in the 2015 capital budget, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on September 24, 2015 as tabulated below:

- |    |                                                                                             |                |
|----|---------------------------------------------------------------------------------------------|----------------|
| 1. | Accadia Site Contracting<br>5636 Transit Road<br>Depew, NY 14043                            | \$2,099,981.96 |
| 2. | Concrete Applied Technologies Corp.<br>d/b/a CATCO<br>1266 Townline Road<br>Alden, NY 14004 | \$2,388,217.65 |
| 3. | Oakgrove Construction<br>6900 Seneca St., Box 103<br>Elma, NY 14059                         | \$2,578,952.00 |
| 4. | Zoladz Construction Co., Inc.<br>PO Box 157, 13600 Railroad St.<br>Alden, NY 14004          | \$2,653,003.57 |
| 5. | Mark Cerrone Inc.<br>2368 Maryland Avenue<br>Niagara Falls, NY 14304                        | \$2,673,000.00 |

and

WHEREAS, the Infrastructure & Facilities Committee has examined the bid, 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 for the rehabilitation of Feigle Road from Campbell Boulevard to Bear Ridge Road be awarded to the lowest responsible bidder; Accadia Site Contracting, 5636 Transit Road, Depew, NY 14043 in the amount of \$2,099,981.96, 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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INFRASTRUCTURE & FACILITIES  
COMMITTEE

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ADMINISTRATION COMMITTEE



# NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities DATE: 11/17/15 RESOLUTION # IF-133-15  
Committee and Administration Committee

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	<u>IF - 10/26/15</u>	Approved: Ayes <u>      </u> Abs. <u>      </u> Noes <u>      </u>
<u><i>James B. Byle</i></u>	<u>                    </u>	<u>AD - 11/9/15</u>	Rejected: Ayes <u>      </u> Abs. <u>      </u> Noes <u>      </u>
<u>11/10/15</u>			Referred: <u>                    </u>

## UPPER MOUNTAIN ROAD PAVEMENT REHABILITATION CONSULTANT AMENDMENT NO. 1 - FINAL

WHEREAS, Resolution No. PW-082-14, dated June 17, 2014, authorized the contract for consultant services for inspection services for the Upper Mountain Road Pavement Rehabilitation project to Erdman Anthony, 8608 Main Street, Buffalo, NY 14221, for a fee not to exceed \$18,000, and

WHEREAS, it is necessary to amend the contract to allow for additional field inspection work in the amount of \$21,417.93, for a revised contract amount of \$39,417.93, 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 for consulting services be amended by \$21,417.93 for additional field inspection work to Erdman Anthony, 8608 Main Street, Buffalo, NY 14221, for a fee not to exceed \$39,417.93, 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.

\_\_\_\_\_  
INFRASTRUCTURE & FACILITIES  
COMMITTEE

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

# NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities DATE: 11/17/15 RESOLUTION # IF-134-15  
Committee and Administration Committee

APPROVED  
CO. ATTORNEY

REVIEWED  
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

IF - 10/26/15

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

AD - 11/17/15

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

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

## WILSON BURT ROAD BRIDGE REHABILITATION CHANGE ORDER NO. 1

WHEREAS, by Resolution No. PW-105-14, dated August 5, 2014, the County Legislature awarded the contract for the rehabilitation of Wilson Burt Road Bridge to Edbauer Construction, 2790 Clinton Street, West Seneca, NY 14224, for a contract amount of \$4,581,921, and

WHEREAS, Wilson Burt Road will be open to traffic on or before November 30, 2015, and it is necessary to extend the contract to May 31, 2016, at no additional cost, and

WHEREAS, underwater repairs need to be made to the bridge in the amount of \$115,810, and

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

RESOLVED, that Change Order No. 1 to the contract with Edbauer Construction, 2790 Clinton Street, West Seneca, NY 14224, to allow for Wilson Burt Road to be open to traffic on or before November 30, 2015 and to extend the contract to May 31, 2016, at no additional cost, be approved, and be it further

RESOLVED, that Change Order No. 1 to the contract also increase the contract amount by \$115,810 for underwater repairs, for a revised contract amount of \$4,697,731, 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.


\_\_\_\_\_  
INFRASTRUCTURE & FACILITIES  
COMMITTEE

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



# NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities DATE: 11/17/15 RESOLUTION # IF-135-15  
Committee and Administration Committee

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	<u>IF - 10/26/15</u>	Approved: Ayes <u>      </u> Abs. <u>      </u> Noes <u>      </u>
		<u>AD - 11/17/15</u>	Rejected: Ayes <u>      </u> Abs. <u>      </u> Noes <u>      </u>
			Referred: <u>                    </u>

## WILSON BURT ROAD BRIDGE REHABILITATION CONSULTANT SERVICES-AMENDMENT NO. 3

WHEREAS, Resolution No. PW-037-11, dated March 15, 2011, awarded the consultant services for the Wilson Burt Road Bridge Reconstruction Project for scoping services to Abate Associates, 4455 Genesee Street, PO Box 218, Buffalo, NY 14225-0215, for a contract amount of \$55,934, and

WHEREAS, Resolution No. PW-056-12, dated May 1, 2012, increased the contract to allow for design services for this project in the amount of \$304,151, for a revised contract amount of \$360,085, and

WHEREAS, Resolution No. PW-085-14, dated June 17, 2014, increased the contract for construction administration and inspection services in the amount of \$564,024, for a revised contract amount of \$924,109, and

WHEREAS, it is necessary to extend the contract completion date to December 31, 2016, at no additional cost to the county, and

WHEREAS, Abate Associates assigned all its assets by purchase or transfer to Greenman-Pedersen, Inc., 325 West Main Street, Babylon, NY 11702, effective January 2, 2012, including said contract for the reconstruction of 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 agreement for consultant services with Abate Associates, now known as Greenman-Pedersen Inc., to assist the county with the Wilson Burt Road Rehabilitation project, be extended to December 31, 2016, at no additional cost to the County, and be it further

RESOLVED, that the County agrees to amend the contract with Abate Associates by reason of said assignment of contract to Greenman-Pedersen Inc., 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.

\_\_\_\_\_  
INFRASTRUCTURE & FACILITIES  
COMMITTEE

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

**NIAGARA COUNTY LEGISLATURE**

**FROM:** Infrastructure & Facilities **DATE:** 11/17/15 **RESOLUTION #** IF-136-15  
Committee

**APPROVED**  
**CO. ATTORNEY**

**REVIEWED**  
**CO. MANAGER**

**COMMITTEE ACTION**  
IF - 10/26/15

**LEGISLATIVE ACTION**

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

*[Signature]*  
11/10/15

**LEASE AGREEMENT WITH BOGDON ASSOCIATES**

WHEREAS, Bogdon Associates has requested to rent secure office space from the County of Niagara,  
and

WHEREAS, the County has excess space available at the Public Safety Training Facility that is  
currently not needed for public use, and

WHEREAS, it would be mutually beneficial to lease said space to Bogdon Associates, 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 Infrastructure and Facilities Committee recommends the a lease agreement to be  
entered into with Bogdon Associates for office space at the Public Safety Training Facility, 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.

\_\_\_\_\_  
INFRASTRUCTURE & FACILITIES  
COMMITTEE



# NIAGARA COUNTY LEGISLATURE

FROM: Infrastructures & Facilities      DATE: 11/17/15      RESOLUTION # IF-137-15  
Committee and Administration Committee

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION IF - 10/26/15 AD - 11/9/15	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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## ACCEPT RECEIPT OF GREENWAY FUNDS FOR THE NIAGARA COUNTY WEST CANAL MARINA & PARKS PADDLE SPORT LAUNCH PROJECT

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

WHEREAS, that settlement provides Niagara County to receive \$390,000 annually to fund economic development projects along the Greenway Trail, and

WHEREAS, Erie Canal waterfront is a shared natural, scenic and recreational asset for Niagara County and the Town of Pendleton and great strides have been taken by both communities to work collaboratively to study, plan and implement development and preservation efforts that will enhance accessibility while maintaining the natural integrity of the area, and

WHEREAS, Niagara County Parks Department is proposing to improve waterfront access and recreational opportunities offered to the community at the West Canal Marina & Park site. This proposal is the next step in utilizing greenway funds to execute the goals of the Niagara County Comprehensive Plan and the comprehensive plan in the "Vision for the Amherst/Pendleton Waterfront Revitalization Area", and

WHEREAS, Niagara County Parks has a series of parks throughout the County, serving the families of Niagara County and Western New York. West Canal Marina & Park is a 30 acre park that serves as a marina, parkland and a natural open space and is open to all residents, youth groups with a goal of passing on the love of nature to next generation. It is an ideal setting for hiking, nature study, wildlife and conservation training, camping, kayaking, boating, canoeing, soccer, archery and more, and

WHEREAS, the current proposal is the installation of a kayak, canoe launch and special access fishing dock. The existing site conditions are ideal by dedicating one boat launch ramp thereby creating a safer and handicap accessible pathway, and

WHEREAS, the West Canal Marina & Park Paddle Sport Launch 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 West Canal Marina & Park Paddle Sport Launch Project will increase access to the County's waterfront and parks; restoring environmental integrity, and

WHEREAS, Niagara County's Park request has the support and approval of the Town of Pendleton, and

WHEREAS, the NCPGSP was approved as to the consistency with the NRG and the amount of \$31,500.00 was approved by NCSC of the NPC, now, therefore, be it

WHEREAS, the NPC HCSC approved the application for funds at its October 6, 2015 meeting, in the amount of \$31,500, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby accept the funding from NPC HCSC in the amount of \$31,500.00, and be it further

RESOLVED, that the funds shall be deposited by the County Treasurer to the Greenway Trust and Agency account and will be disbursed to the West Canal Marina & Park Paddle Sport Launch Project as approved by the Niagara County Parks, Recreation & Tourism Ad Hoc Committee and such authority is designated to this committee by this resolution, and be it further

RESOLVED, that the following budget modification be effectuated:

INCREASE ESTIMATED REVENUE:

H633.15.7110.000.42089.01	Greenway Grant	\$31,500.00
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INCREASE ANTICIPATED APPROPRIATION:

H633.15.7110.000.72400.00	Land Improvements	\$31,500.00
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INFRASTRUCTURES & FACILITIES  
COMMITTEE

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ADMINISTRATION COMMITTEE



**NIAGARA COUNTY LEGISLATURE**

**FROM:** Legislators Wm. Keith McNall, **DATE:** 11/17/15 **RESOLUTION #** IL-110-15

Anthony J. Nemi and Community Services Committee

**APPROVED**  
**CO. ATTORNEY**

**REVIEWED**  
**CO. MANAGER**

**COMMITTEE ACTION**  
CS - 11/10/15

**LEGISLATIVE ACTION**

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

**RESOLUTION CALLING TO INCREASE THE SHARE OF REVENUE  
COUNTIES RETAIN FOR PROVIDING STATE DMV SERVICES**

WHEREAS, 51 of the 62 New York Counties are mandated by the State to operate a local Department of Motor Vehicles (DMV) Office, and

WHEREAS, this local DMV operation is one of many examples of shared services that counties provide for the state, and

WHEREAS, under current law the State of New York takes 87.3% of all fees collected from the work performed by the county operated DMV's, and

WHEREAS, the remaining 12.7% county share has not been increased since 1999, yet the amount of work required by the local DMV offices has increased in that same time period, and

WHEREAS, the Governor and the State Legislature have repeatedly stated that lowering the property tax burden on local residents is a key priority, and

WHEREAS, increasing the county DMV revenue sharing rate with the state will not result in any increased cost or fees to local residents or taxpayers and will provide counties with the needed revenue to continue to provide necessary local government services, and

WHEREAS, there is a clear inequity present when a county DMV provides all the services including overhead and staffing to fulfill these DMV needs for state residents, yet the State takes 87.3% of the revenue generated from providing said services, and

WHEREAS, the State Senate recognized this inequity placed on counties and attempted to reduce the burden of local property tax payers by overwhelmingly passing Senator Richie's bill S.4964, which would raise the 12.7% county share up to a 25% share, and

WHEREAS, the counties recognize the important function of the State DMV in providing both support to counties and resident services; accordingly, any loss in State DMV operational budget that occurs from an increased county revenue should be made whole through the State General Fund, now, therefore, be it

RESOLVED, that the County of Niagara calls on Governor Andrew M. Cuomo and members of the State Legislature to require a substantial increase of the county DMV revenue share with the State, and be it further

RESOLVED, that copies of this resolution be sent to the sixty-one other counties of New York State encouraging member counties to enact similar resolutions, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Cuomo, Senator Robert G. Ort, Senate Temporary President John J. Flanagan, Senate Deputy Majority Leader John DeFrancisco, Member of the Assembly Jane L. Corwin, Member of the Assembly Ray Walter, Member of the Assembly John D. Ceretto, Member of the Assembly Robin Schimming, Speaker of the Assembly Carl E. Heastie, Assembly Majority Leader Joseph D. Morelle, Assembly Minority Leader Brian M. Kolb, and all others deemed necessary and proper.

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LEGISLATOR WM. KEITH MCNALL

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LEGISLATOR ANTHONY J. NEMI

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COMMUNITY SERVICES COMMITTEE



# NIAGARA COUNTY LEGISLATURE

FROM: Legislators Richard L. Andres DATE: 11/17/15 RESOLUTION # IL-117-15  
and Kathryn L. Lance

**APPROVED  
CO. ATTORNEY**

**REVIEWED  
CO. MANAGER**

## COMMITTEE ACTION

## LEGISLATIVE ACTION

Approved: Ayes\_\_\_\_\_Abs.\_\_\_\_\_Noes\_\_\_\_\_

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

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

**IN SUPPORT OF GRATWICK HOSE COMPANY, INC.  
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, Gratwick Hose Company, Inc. was founded in 1890 to serve the community and residents of North Tonawanda, New York, and

WHEREAS, Gratwick Hose Company No. 6 is a volunteer fire company with members that are committed to improving the lives of the residents of North Tonawanda both through fire service, as well as, many other community service efforts, and

WHEREAS, Gratwick Hose Company No. 6 is in the process of renovating and restoring the fire hall's auxiliary ballroom to better accommodate requests from the community regarding a venue for birthday parties, showers and bereavement functions, and

WHEREAS, through this restoration project Gratwick Hose Company No. 6 will be able to continue to provide first class banquet facilities to the citizens of North Tonawanda and Niagara County, and

WHEREAS, the Niagara County Legislature recognizes the significant contribution that volunteer fire companies make towards ensuring public safety and creating a sense of community pride throughout the county, now, therefore, be it

RESOLVED, that the above initiative be funded with monies as follows:

Gratwick Hose Company, Inc.	Auxiliary Ballroom Restoration	\$4,000.00
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and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2015 budget:

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020,812 40599.01	Appropriated Fund Balance - Committed Funds	\$4,000.00
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INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$4,000.00
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LEGISLATOR RICHARD L. ANDRES

LEGISLATOR KATHRYN L. LANCE

# NIAGARA COUNTY LEGISLATURE

FROM: Legislator William L. Ross DATE: 11/17/15 RESOLUTION # IL-118-15

APPROVED  
CO. ATTORNEY

REVIEWED  
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

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

*WLB*  
*11/12/15*

## IN SUPPORT OF FUNDING FOR NIAGARA USA CHAMBER FOR MARKETING NEW BUSINESSES THROUGH THE USE OF CASINO FUNDING

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

WHEREAS, Niagara USA Chamber is one of the leading business advocacy organizations in the Niagara Region, and

WHEREAS, the Niagara USA Chamber requests funding to be used in their continued effort to market Niagara County to potential new businesses, and

WHEREAS, the funding request will also update software, create new marketing materials and will continue Niagara USA Chamber advocacy for new businesses, now, therefore, be it

RESOLVED, that Niagara County supports the request of funding for Niagara USA Chambers marketing campaign for potential new businesses as follows:

Niagara USA Chamber	\$6,500.00
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and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2015 budget:

### INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01 Appropriated Fund Balance - Committed Funds	\$6,500.00
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### INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund	\$6,500.00
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LEGISLATOR WILLIAM L. ROSS



NIAGARA COUNTY LEGISLATURE

FROM: Legislators Jason A. Zona, \_\_\_\_\_ DATE: 11/17/15 RESOLUTION # IL-119-15  
Dennis F. Virtuoso and Mark J. Grozio

APPROVED  
CO. ATTORNEY

REVIEWED  
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

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

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

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

*1 BBle*  
*11/12/15*

**RESOLUTION IN SUPPORT OF NYS SENATE BILL 4414-A & NYS ASSEMBLY BILL 3780-A TO  
PROVIDE LOW COST HYDRO POWER TO HOSPITALS AND MUNICIPAL HOUSING  
AUTHORITIES IN NIAGARA AND ORLEANS COUNTIES**

WHEREAS, Assemblyman John Ceretto and Senator Robert Ortt have sponsored legislation to provide low cost hydropower available to hospitals and municipal housing authorities that are located in the counties of Niagara and Orleans, and

WHEREAS, this low cost power would be made available from power generated at the New York Power Authority Power Project located in Niagara County, and

WHEREAS, receiving low cost hydro power from the Niagara Power Project will result in substantial cost savings for our hospitals and municipal housing authorities located in Niagara County, now, therefore, be it

RESOLVED, that the Niagara County Legislature support NYS Senate Bill 4414-A & NYS Assembly Bill 3780-A providing low cost hydro power to hospitals and municipal housing authorities in Niagara and Orleans Counties, and be it further

RESOLVED, that the Clerk of the Niagara County Legislature send copies of this resolution to Senator Ortt, and Assemblyman Ceretto.

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LEGISLATOR JASON A. ZONA

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LEGISLATOR DENNIS F. VIRTUOSO

\_\_\_\_\_  
LEGISLATOR MARK J. GROZIO

# NIAGARA COUNTY LEGISLATURE

FROM: Legislators Jason A. Zona, Mark J. Grozio, DATE: 11/17/2015 RESOLUTION # LL-120-15  
Dennis F. Virtuoso & Owen T. Steed

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

## A LOCAL LAW PROHIBITING THE SALE OF PERSONAL COSMETIC PRODUCTS CONTAINING MICROBEADS IN NIAGARA COUNTY

WHEREAS, the Niagara County Legislature understands one of its most treasured assets is the water of the Niagara River and Lake Ontario that surrounds much of Niagara County, and

WHEREAS, microbeads, a synthetic alternative ingredient, found in over one hundred personal cosmetic products pose a serious threat to Niagara County's water and environment, and

WHEREAS, a microbead shall mean any intentionally added plastic particle measured to be 5 millimeters or less in size used to exfoliate or cleanse in a personal care product, and

WHEREAS, without costly improvements to the multiple sewage treatment facilities in Niagara County, microbeads, contained on personal cosmetic products will continue to pollute our water, and

WHEREAS, absent federal legislation to protect the water that surrounds our county, Niagara County has a responsibility to protect our valued natural resources, and

WHEREAS, Legislator Jason Zona and the Community Services and Administration Committee present in writing the following proposed Local Law:

A Local Law prohibiting the sale of personal cosmetic products containing microbeads in Niagara County:

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

Section 1. The Niagara County Legislature hereby prohibits and bans any person, firm, corporation or any other entity, no matter how constructed to sell, offer or expose for sale, give or furnish any personal cosmetic product which contains microbeads as defined as follows:

- (a) Any article intended to be rubbed, poured, sprinkled or sprayed on, introduced into, or otherwise applied to the human body, or any part thereof for cleansing or beautifying, promoting attractiveness, including, but not limited to soap, exfoliates, shampoo, toothpastes and scrubs and (b) article intended for use as a component of any such article. The term "personal cosmetic product" shall not include any product for which a prescription is required for distribution or dispensation as provided in section two hundred eighty-one of New York State Public Health Law or section six thousand eight hundred ten of New York State Education Law

Section 2. Any person, firm, corporation, or other entity who violates this local law shall be liable for a civil penalty not to exceed twenty-five hundred dollars for each day this violation continues. For a second violation, any person, firm, corporation, or other who violates this local law shall be liable for a civil penalty not to exceed five thousand dollars for each day this violation continues.



Section 3. The Niagara County Attorney may bring action in the name of Niagara County to recover the civil penalty provided by this local law, and, be it further

Section 4. This law will become null and void on the day state wide or federal legislation goes into effect banning personal care products containing microbeads from being sold

Section 5. This local law will take effect one hundred and eighty days after this local law is filed with the NYS Secretary of State's Office.

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 1<sup>st</sup> day of December at 6:45 p.m., and be it further

RESOLVED, that the Clerk of the Legislature, a least six days in advance of such hearing, shall post a notice upon the bulletin boards in the Courthouse at Lockport, and the Civic Building at Niagara Falls, and shall publish such notice in the Lockport Union Sun & Journal and the Niagara Gazette; 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 JASON A. ZONA

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LEGISLATOR MARK J. GROZIO

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LEGISLATOR DENNIS F. VIRTUOSO

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LEGISLATOR OWEN T. STEED