

**AGENDA**  
**NIAGARA COUNTY LEGISLATURE**  
**MAY 1, 2012      –      7:00 P.M.**

**Resolutions not on previous agenda:**

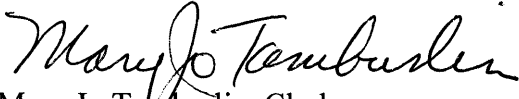
- CS-014-12**    Community Services & Administration, re Abolish Director of Patient Services Create & Fill Director of Nursing Services – Public Health – Approved
- CS-015-12**    Community Services & Administration, re Budget Modification – Re-appropriation Office of Homeland Security Grant – Emergency Planning Program – Public Health – Approved
- CS-016-12**    Community Services & Administration, re Create & Fill Positions – Employment & Training – Approved
- CSS-015-12**   Community Safety & Security, re Authorization to Apply for Consolidation Grant City of NT & NC Dispatching – Sheriff – Approved
- PW-046-12**    Public Works & Administration, re Bridge Bearing Lubrication & Replacement Project Change Order No. 1 – Final – Approved
- PW-047-12**    Public Works & Administration, re Stone Road Reconstruction Project Consolidated Highway Improvement Program Allocation – Approved
- PW-048-12**    Public Works & Administration, re Capital Project Close Outs – Approved
- PW-049-12**    Public Works & Administration, re Niagara County Community College East Road Entrance Project Change Order No. 1 – Final – Approved

**Regular Meeting – May 1, 2012**

- \*AD-009-12**   Administration, re Real Property Tax Corrections/Cancellations No. COE-2012-B – Real Property
- \*AD-010-12**   Administration, re Resolution for Funding Niagara County Community College's Hospitality & Tourism Center – County Manager
- \*CSS-016-12**   Community Safety & Security & Administration, re Budget Modification Reimbursement for Operation Guardian Angel – Probation

- \*CSS-017-12** Community Safety & Security & Administration, re Budget Modification 2012 Ignition Interlock Funding – Probation
- \*CSS-019-12** Community Safety & Security & Administration, re Budget Modification Acceptance of SHSP 2011 Homeland Security Grant – Emergency Management
- \*CSS-020-12** Community Safety & Security & Administration, re Budget Modification – Emergency Management
- \*CSS-021-12** Community Safety & Security & Administration, re Budget Modification – Homeland Security – Emergency Management
- \*CSS-022-12** Community Safety & Security & Administration, re Consulting Services Homeland Security Initiatives – Emergency Management
- IL-013-12** Legislator Peter E. Smolinski & Community Services, re Home Rule Message Requesting an Act to Amend the Arts & Cultural Affairs Law in the Relation to the Appointment of Local Historians in the County of Niagara, Pursuant to Senate Bill No. S-234 & Assembly No. A-5139
- IL-021-12** Legislators Clyde L. Burmaster, William L. Ross & David E. Godfrey, re Request for the Army Corps of Engineers to Recognize the Existing Community Representative to the Restoration Board vs. Establishing a New Board
- IL-022-12** Legislators Peter E. Smolinski, Paul B. Wojtaszek & Kathryn L. Lance, re Resolution in Support of Canal Fest
- IL-023-12** Legislators Michael A. Hill, John Syracuse, Richard E. Updegrave, Clyde L. Burmaster, David E. Godfrey, Anthony J. Nemi & Kathryn L. Lance, re Calling Upon Niagara County's Congressional Delegation to Oppose Revised Department of Labor Regulations that Would Ban Children from Performing Chores on Family-Owned Farms & Enact H.R. 4157, the Preserving American's Family Farms Act, Up to and Including Voting to Override a Veto of the Same by President Obama
- IL-024-12** Legislators William L. Ross, David E. Godfrey, John Syracuse, Michael A. Hill & Clyde L. Burmaster, re Approve Resolution by the Niagara-Orleans Regional Alliance for Submission to the International Joint Council Regarding Lake Ontario Water Levels
- \*PW-050-12** Public Works & Administration, re Capital Project Close Out Water District Contract 10-3 – Water
- \*PW-051-12** Public Works, re Agreement between the County of Niagara and the Olcott Fire Company Softball League
- \*PW-052-12** Public Works, re Agreement between the County of Niagara and the Lighthouse Classic Softball League
- \*PW-053-12** Public Works, re Agreement between the County of Niagara and the Newfane Youth Football League and Cheerleading
- \*PW-054-12** Public Works & Administration, re Drum & Seaman Road Bridge Replacement Consultant Services Amendment No. 1

- \*PW-055-12** Public Works & Administration, re Bridge Bearings Consultant Services Amendment No. 2
- \*PW-056-12** Public Works & Administration, re Wilson Burt Road Bridge Rehabilitation Consultant Services Amendment No. 1
- \*PW-057-12** Public Works & Administration, re Lockport Road Bridge Replacement over Bergholz Creek Consultant Services Amendment No. 1
- \*PW-058-12** Public Works, re Award Trott Building HVAC Modifications
- \*PW-059-12** Public Works, re Rehabilitation of the Wilson-Burt Road Bridge over Eighteen Mile Creek, BIN 3329720, Town of Newfane, Niagara County, PIN 5758.32



Mary Jo Tamburlin, Clerk  
Niagara County Legislature

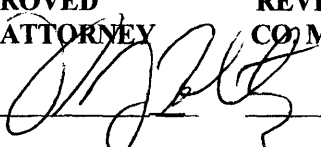
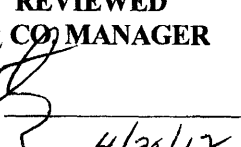
**\* Indicates Preferred Agenda items**

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 May 15, 2012.**

**NIAGARA COUNTY LEGISLATURE**

**FROM:** Administration Committee      **DATE:** 05/01/12      **RESOLUTION #** AD-009-12

<b>APPROVED</b> <b>CO. ATTORNEY</b> 	<b>REVIEWED</b> <b>CO. MANAGER</b>  4/20/12	<b>COMMITTEE ACTION</b> <u>AD - 4/17/12</u> _____ _____	<b>LEGISLATIVE ACTION</b> Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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**REAL PROPERTY TAX CORRECTIONS/CANCELLATIONS  
NO. COE-2012-B**

WHEREAS, the Director of Real Property Tax Services has received applications for refunds and/or corrections applicable to various outstanding Niagara County tax liens, or has been made aware that unenforceable tax liens exist upon certain real property owned by the State of New York and/or the United States, and

WHEREAS, the Director has investigated the claimed erroneous assessments and/or unenforceable liens in accordance with sections 554, 556 and 558 of the New York State Real Property Tax Law, now, therefore, be it

RESOLVED, that the applications and/or lien cancellations be approved and/or denied as set forth in the attached Exhibit No. COE-2012-B, which is made a part hereof, and subsequently be charged back to the applicable town, city, special district and school district within the County of Niagara.

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

## **EXHIBIT # COE-2012 B-PAGE 1 OF 1**

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### **City of Niagara Falls**

**Owner: Niagara County IDA- Covanta Energy**

<u>SBL #</u>	<u>Tax Year</u>	<u>Tax Warrant Reduction</u>
160.09-1-7.2	2012	\$2,798.76

This parcel was granted an Air Pollution Control exemption as per Real Property Tax Law §477(a) making it partially exempt from special district charges on the 2011 tax roll. The assessor failed to apply the exemption to the roll. As a result, the parcel was not credited for the exemption on its charges from the County Refuse District. In light of this, the 2012 Niagara County tax billing shall be reduced in the amount of \$2,798.76 and the Niagara County Treasurer's Department shall accept the revised tax amount due without interest or penalty if paid within 8 days of the mailing of the notice of this approval to the property owner.

**Original billing: \$4,838.48**

**Revised billing: \$2,039.72**

# NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 05/01/12 RESOLUTION #AD-010-12

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	AD - 4/24/12	Approved: Ayes Abs. Noes
			Rejected: Ayes Abs. Noes
			Referred:

## RESOLUTION FOR FUNDING NIAGARA COUNTY COMMUNITY COLLEGE'S HOSPITALITY AND TOURISM CENTER

WHEREAS, the Hospitality and Tourism Industry is a key economic driver in Niagara County, producing six to eight million visitors and over \$200 million in visitor spending annually, and

WHEREAS, the Hospitality and Tourism Industry will continue to be a growing key economic driver well into the future, creating a demand for a well-trained front line tourism industry workforce, and

WHEREAS, to meet this need, Niagara County Community College, as part of its capital plan, will undertake development of a Hospitality and Tourism Center, with its largest component being the Niagara Falls Culinary Institute, advancing the College's mission to provide a teaching and learning environment dedicated to success and establishing a center for the study and promotion of the Hospitality and Tourism field which is in line with the direction of the region's best opportunities for future development in connection with a growing tourism and service economy, and

WHEREAS, the total cost of developing the Center has been estimated at \$30,605,000, and

WHEREAS, the County of Niagara on December 7, 2010 through AD-036-10 agreed in a direct contribution to the project not to exceed \$1,500,000, and

WHEREAS, the County of Niagara on November 1, 2011 through AD-028-11 funded Niagara County Community College \$750,000, and

WHEREAS, Niagara County will fund the remaining \$750,000 in 2012 now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

### INCREASE APPROPRIATED FUND BALANCE:

A 40599.00	Appropriated Fund Balance-Committed	\$750,000
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### INCREASE APPROPRIATIONS:

A.07.9950.000 79010.00	Transfer to Capital from Operating	\$750,000
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### INCREASE REVENUE:

H580.15.2497.000 45031.00	Interfund Trans-From Operating	\$750,000
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INCREASE APPROPRIATION:

H580.15.2497.000 72200.02	NCCC Culinary Project-NCCC Bldgs	\$750,000
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and, be it further

RESOLVED, that the Niagara County Treasurer is authorized to complete the payment to NCCC in the amount of \$750,000.

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ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and \_\_\_\_\_ DA TE: 05/01/12 RESOLUTION # CSS-016-12

Administration Committees

APPROVED  
CO. ATTORNEY

REVIEWED  
CO. MANAGER

COMMITTEE ACTION  
CSS - 4/17/12  
AD - 4/24/12

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

## 2012 BUDGET MODIFICATION REIMBURSEMENT FOR OPERATION GUARDIAN ANGEL

WHEREAS, the Probation Department provides supervision of Registered Sex Offenders sentenced to Probation and is required to verify the addresses of these offenders, and

WHEREAS, the United States Marshals Office has offered assistance in organizing and implementing a joint law enforcement operation designed to verify the addresses of Registered Sex Offenders including those on Probation through home visits conducted outside of traditional business hours, and

WHEREAS, these operations would not be possible without the use of overtime funds, and

WHEREAS, the United States Marshals Office has made funds available to reimburse the Probation Department for the costs of overtime associated with these operations in the amount of \$2,541.56, and

WHEREAS, it is necessary to modify revenue and appropriations in cost center A.18.3140 to meet actual anticipated expenditures for 2012, and

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

RESOLVED, that Niagara County accept the funds and that the following budget modifications be effectuated immediately:

### INCREASE REVENUE:

A.18.3140.000 44320.02	Crime Control Dept of Justice	\$2,541.56
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### INCREASE APPROPRIATIONS:

A.18.3140.000 71050.00	Overtime Expenses	2,541.56
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COMMUNITY SAFETY AND SECURITY  
COMMITTEE

ADMINISTRATION COMMITTEE



**NIAGARA COUNTY LEGISLATURE**

**FROM:** Community Safety & Security and **DATE:** 05/01/12 **RESOLUTION #** CSS-017-12

Administration Committees

<b>APPROVED</b>	<b>REVIEWED</b>	<b>COMMITTEE ACTION</b>	<b>LEGISLATIVE ACTION</b>
<b>CO. ATTORNEY</b>	<b>CO. MANAGER</b>	CSS - 4/17/12	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 4/24/12	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

*[Handwritten signature]*  
4/26/12

**PROBATION DEPARTMENT BUDGET MODIFICATION  
2012 IGNITION INTERLOCK FUNDING**

WHEREAS, the Probation Department provides monitoring for all cases sentenced to have the Ignition Interlock Device installed in any vehicle they own or operate as a result of a DWI conviction in Niagara County, and

WHEREAS, the New York State Office of Probation and Correctional Alternatives provides funding to offset the cost of this activity, and

WHEREAS, the Probation Department has been allocated \$4,930.38 in state aid to offset the cost of providing the monitoring service, and

WHEREAS, the Probation Department needs to replace equipment used in the monitoring of these cases, now, therefore, be it

RESOLVED, that following modifications be made in the 2012 Probation Department Budget:

INCREASE REVENUE:

A.18.3140.000 43310.01	Probation Services	\$4,930.38
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INCREASE APPROPRIATION:

A.18.3140.000 72100.21	Law Enforcement Equipment	4,930.38
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COMMUNITY SAFETY AND SECURITY  
COMMITTEE

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ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and DATE: 05/01/12 RESOLUTION # CSS-019-12

## Administration Committees

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
 4/26/12		CSS - 4/17/12	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 4/24/12	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

## BUDGET MODIFICATION - ACCEPTANCE OF SHSP 2011 HOMELAND SECURITY GRANT

WHEREAS, the County of Niagara is required to certify its acceptance of the SHSP 2011 Grant through the Department of Homeland Security for the period of September 1, 2011 through August 31, 2014, at no cost to the County, and

WHEREAS, the SHSP 2011 grant is in the amount of \$611,000 and the funds will be used to enhance our interoperable communications system, enhance citizen awareness of emergency preparedness, prevention and response, enhance capabilities to respond to all-hazards, now, therefore, be it

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute said agreement, and be it further

RESOLVED, that the Department of Emergency Services is given authorization to accept the grant with the effectuation of the following budget modification, effective immediately:

### INCREASE REVENUE:

A.19.3645.000 44305.02	Civil Defense Homeland Security	\$611,000
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### INCREASE APROPRIATIONS:

A.19.3645.000 72100.14	Machinery & Equip-Misc Equip	\$561,000
A.19.3645.000 74650.08	Services, Professional Consultants/Expert Services	50,000

COMMUNITY SAFETY & SECURITY  
COMMITTEE

ADMINISTRATION COMMITTEE

**NIAGARA COUNTY LEGISLATURE**

**FROM:** Community Safety & Security and      **DATE:** 05/01/12      **RESOLUTION #** CSS-020-12

Administration Committees

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

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

**COMMITTEE ACTION**  
CSS - 4/17/12  
AD - 4/24/12

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

**2012 BUDGET MODIFICATION  
EMERGENCY MANAGEMENT OFFICE**

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

WHEREAS, the Emergency Management Office did not expend the Resolution #CSS-023-10, and

WHEREAS, the remaining balance of the Legislative Award is \$44,919.31, and

WHEREAS, the Lockport fire tower and the Wheatfield fire tower are in need for a structural engineering study to determine if any structural damage has occurred in either tower, and

WHEREAS, said study will provide a complete list of all repairs needed at both tower sites, and

WHEREAS, a need for heat sensors for each tower has already been determined, and

WHEREAS, a training maze needs to be constructed in the storage building, now, therefore, be it

RESOLVED, that the following 2012 budget modifications be effectuated:

**INCREASE REVENUE:**

A.19.3640.000 43389.05	Emergency Management Office	\$16,143.61
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**INCREASE APPROPRIATION:**

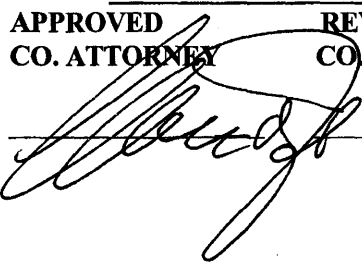
A.19.3640.000 72100.14	Machinery & Equipment, Misc Equip	\$2,243.61
A.19.3640.000 74650.08	Services, Professional Consultants/ Expert Services	5,900.00
A.19.3640.000 74800.10	Supplies/Services Maint./Misc. Equip Under \$500	8,000.00

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COMMUNITY SAFETY & SECURITY  
COMMITTEE

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ADMINISTRATION COMMITTEE

**NIAGARA COUNTY LEGISLATURE**

**FROM:** Community Safety & Security and      **DATE:** 05/01/12      **RESOLUTION #** CSS-021-12  
Administration Committees

<b>APPROVED</b> <b>CO. ATTORNEY</b> 	<b>REVIEWED</b> <b>CO. MANAGER</b>	<b>COMMITTEE ACTION</b> <u>CSS - 4/17/12</u> <u>AD - 4/24/12</u>	<b>LEGISLATIVE ACTION</b> Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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**2012 BUDGET MODIFICATION  
HOMELAND SECURITY**

WHEREAS, Homeland Security funds were not fully expended in 2011, now, therefore, be it

RESOLVED, that the remaining funds from the Homeland Security grants be reappropriated into the 2012 budget, and be it further

RESOLVED, that the following 2012 budget modification be effectuated:

**INCREASE REVENUE:**

A.19.3645.000 44305.02	Civil Defense Homeland Security	\$1,655,385.98
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**INCREASE APPROPRIATION:**

A.19.3645.000 72100.14	Machinery/Equip-Misc Equip	\$254,410.49
A.19.3645.000 72100.15	Machinery/Equip-Comm Equip	1,268,831.97
A.19.3645.000 74250.01	Office Expenses Office Supplies	345.31
A.19.3645.000 74300.01	Reimbursements-Travel/Conf	3,718.85
A.19.3645.000 74400.09	Misc Expenses Pymts to Other Agencies	11,000.00
A.19.3645.000 74650.08	Professional Consultants/Expert Services	101,240.00
A.19.3645.000 74800.01	Communication-Supplies/Service	2,088.03
A.19.3645.000 74800.06	Supplies/Services, Maint-Repair/Maint	4,464.26
A.19.3645.000 74800.10	Supplies/Services, Maint-Misc Equip	9,287.07

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COMMUNITY SAFETY & SECURITY  
COMMITTEE

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ADMINISTRATION COMMITTEE

## NIAGARA COUNTY LEGISLATURE

**FROM:** Community Safety & Security and **DA TE:** 05/01/12 **RESOLUTION #** CSS-022-12

### Administration Committees

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

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

**COMMITTEE ACTION**  
CSS - 4/17/12  
AD - 4/24/12

### LEGISLATIVE ACTION

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

## CONSULTING SERVICES HOMELAND SECURITY INITIATIVES

WHEREAS, it was recommended by the Steering Committee of the Niagara County Homeland Security Partnership that the County of Niagara update the existing Strategic Security Plan, develop a County Critical Infrastructure Plan (CCIP), develop a Emergency Communications Plan, develop and evaluate a tabletop exercise and evaluate and assess training capabilities and needs for the County, and

WHEREAS, RFP 2011-43 was developed and proposals were due on August 16, 2011, and

WHEREAS, Witt Associates was awarded the contract in the amount of \$113,918 to provide the above listed objectives and undertake each task concurrently to Niagara County, and

WHEREAS, the Niagara County Strategic Security Plan was completed and accepted by Resolution CSS-044-05, dated July 12, 2005 and updated in September 2007, and

WHEREAS, the County needs to develop a County Critical Infrastructure Plan that will identify and define all critical infrastructure, key resources, necessary security components, and safety and compliance vulnerabilities of the County, and

WHEREAS, the County needs to develop a County Emergency Communications Plan that describes the roles and responsibilities and leverages the capabilities of various departments and agencies of Niagara County through the application of the most current local, state and federal guidance and industry best practices, and

WHEREAS, the County needs to provide an opportunity for participants to practice roles and responsibilities within their emergency preparedness programs and develop an after action report to highlight the strengths and areas of improvement needed for the County to deal with an all hazards situation, and

WHEREAS, the County needs to conduct a multi-disciplinary and multi-agency training and education assessment of training capabilities and training needs, and

WHEREAS, there is a need for professional and technical services in supporting of the Office of Fire Coordinator/Emergency Services in updating, developing and evaluating the County's Emergency Management Plans and Training capabilities, and

WHEREAS, funding is available in the Homeland Security Budget A3645 through Homeland Security Funding (UASI 2008, 2009 and SHSP 2008, 2009), now, therefore, be it

RESOLVED, that the County enter into an agreement with Witt Associates in an amount not to exceed \$113,918 to provide professional and technical 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 following the County Attorney's review, the Chair of the County Legislature be, and hereby is authorized to execute the Witt Associates contract.

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COMMUNITY SAFETY AND SECURITY  
COMMITTEE

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ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Legislator Peter E. Smolinski and      DATE: 05/01/12      RESOLUTION # IL-013-12

Community Services Committee

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

*4/25/2012*

## HOME RULE MESSAGE

**REQUESTING AN ACT TO AMEND THE ARTS AND CULTURAL AFFAIRS LAW  
IN THE RELATION TO THE APPOINTMENT OF LOCAL HISTORIANS IN THE COUNTY OF  
NIAGARA, PURSUANT TO SENATE BILL NO. S-234 AND ASSEMBLY NO. A-5139**

WHEREAS, local historians in the County of Niagara provide valuable services to the residents of the County of Niagara, and

WHEREAS, the services provided by the local historians in the County of Niagara include, among other things, the collection and preservation of local government documents with enduring historical value, the collection and preservation of non-governmental historical records, and the performance and promotion of research in such historical information, and

WHEREAS, the services provided by local historians in the County of Niagara enrich the awareness, appreciation, knowledge and understanding of the community's rich history, and

WHEREAS, candidates appointed in the County of Niagara to the position of a local historian should be selected solely on their knowledge, experience, credentials and love of history, and

WHEREAS, it is in the best interests of the County of Niagara to appoint local historians with expert knowledge in the County's history to serve as local historians, and

WHEREAS, the chief executive officer of each county, city, town, or village is the individual best suited to appoint the local historian and any deputy local historian in such county, city, town, or village, now, therefore, be it

RESOLVED, the Niagara County Legislature hereby requests the New York State Legislature to amend section 57.07 of the Arts and Cultural Affairs Law to provide that the County Historian for the County of Niagara and the local historian for any city, town or village located within the County of Niagara shall be appointed by the chief executive officer of such county, city, town or village and that the appointment of such historians, as well as any deputy historians working with such historians, shall not be subject to civil services requirements, and be it further


RESOLVED, that the Clerk of the Niagara County Legislature is hereby authorized and directed to execute the proper Home Rule documents and immediately forward them to the New York State Legislature.

\_\_\_\_\_  
LEGISLATOR PETER E. SMOLINSKI

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COMMUNITY SERVICES COMMITTEE

**NIAGARA COUNTY LEGISLATURE**

**FROM:** Legislators Clyde L. Burmaster, William L. Ross and David E. Godfrey **DATE:** 05/01/12 **RESOLUTION #** IL-021-12

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

**REQUEST FOR THE ARMY CORPS OF ENGINEERS TO RECOGNIZE  
THE EXISTING COMMUNITY REPRESENTATIVE TO THE RESTORATION BOARD  
VS. ESTABLISHING A NEW BOARD**

WHEREAS, in 1999, the Army Corps of Engineers established a Restoration Advisory Board (RAB) for community input regarding its investigation and clean-up activities at the former Lake Ontario Ordinance Works site situated in the Towns of Lewiston and Porter, New York, and

WHEREAS, in 2008, despite the expressed support for continuation of the RAB by the Niagara County Legislature, along with the affected localities, the Corps apparently determined that it had dissolved the RAB in 2002, and

WHEREAS, the Niagara County Legislature has endorsed the need for the continued recognition of a RAB and has appointed a local citizen to serve as its liaison with the RAB, and

WHEREAS, the original RAB has continued to meet throughout the dispute with significant community and governmental support, and

WHEREAS, on April 2, 2012, the Corps through a public announcement requested public input on the establishment of a New Restoration Advisory Board, and

WHEREAS, there is an existing RAB, which the Niagara County Legislature has continued to recognize and support, now, therefore, be it

RESOLVED, that the Niagara County Legislature does not support steps to form a new RAB that would only replace the existing organization that has been meeting throughout the years, and be it further

RESOLVED, that the Niagara County Legislature supports the 2007 RAB request for a facilitator to resolve open issues between the RAB and CORPS and supports continued access to information, dialogue and input with project technical staff for Corps activities at the LOOW.

\_\_\_\_\_  
LEGISLATOR CLYDE L. BURMASTER

\_\_\_\_\_  
LEGISLATOR WILLIAM L. ROSS

\_\_\_\_\_  
LEGISLATOR DAVID E. GODFREY



# NIAGARA COUNTY LEGISLATURE

FROM: Legislators Peter E. Smolinski, Paul B. Wojtaszek & Kathryn L. Lance DATE: 05/01/2012 RESOLUTION # IL-022-12

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

## RESOLUTION IN SUPPORT OF CANAL FEST

WHEREAS, the Canal Fest of the Tonawandas has been a mainstay in Niagara County's tourism offerings in the City of North Tonawanda, with nearly 250,000 people attending and bringing a significant economic impact to the community, and

WHEREAS, this is the largest festival in New York State along the Erie Canal, and

WHEREAS, the Canal Fest supports over 40 not-for-profit agencies in the City of North Tonawanda, including; church groups, volunteer firefighters, the History Museum, the Herschel Carousel Society and many others, now, therefore, be it

RESOLVED, that the following initiatives be funded by these monies generated from the Seneca Niagara Casino, as per New York State statute:

Canal Fest of the Tonawandas, Inc.	\$10,000
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and be it further

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

### INCREASE REVENUE:

A.28.8020.812 42725.00	VLT Tribal State Compact Money	\$10,000
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### INCREASE APPROPRIATION:

A.28.8020.812 74400.08	Seneca Niagara Monies	\$10,000
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\_\_\_\_\_  
LEGISLATOR PETER E. SMOLINSKI

\_\_\_\_\_  
LEGISLATOR PAUL B. WOJTASZEK

\_\_\_\_\_  
LEGISLATOR KATHRYN L. LANCE

## NIAGARA COUNTY LEGISLATURE

FROM: Legislators Michael A. Hill, John Syracuse, Richard DATE: 05/01/2012 RESOLUTION # IL-023-12  
E. Updegrove, Clyde L. Burnmaster, David E. Godfrey  
Anthony J. Neri & Kathryn L. Lance

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
 4/26/12			Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____

**RESOLUTION CALLING UPON NIAGARA COUNTY'S CONGRESSIONAL DELEGATION TO  
OPPOSE REVISED DEPARTMENT OF LABOR REGULATIONS THAT WOULD BAN CHILDREN  
FROM PERFORMING CHORES ON FAMILY-OWNED FARMS AND ENACT H.R. 4157, THE  
PRESERVING AMERICA'S FAMILY FARMS ACT, UP TO AND INCLUDING VOTING TO  
OVERRIDE A VETO OF THE SAME BY PRESIDENT OBAMA**

WHEREAS, President Barack Obama's Secretary of Labor, the Honorable Hilda Solis, did publish, in the September 2, 2011 Federal Register, revisions to the Code of Federal Regulations by the Wage and Hour Division, specifically revising 29 CFR Parts 570 and 579, and

WHEREAS, the Department of Labor did specifically propose to revise child labor relations issued pursuant to the Fair Labor Standards Act, with those revisions included banning those under the age of 18 from performing various common farm chores, and

WHEREAS, on page 54846 of the Federal Register, the Department of Labor seeks to "establish a new nonagricultural [Hazardous Occupation] prohibiting the employment of youth under 18 years of age in the farm-product raw materials wholesale trade industry," and

WHEREAS, per a Department of Labor press release, the regulations, as proposed, would fully ban work in "grain elevators, grain bins, silos, feed lots, stockyards, livestock exchanges, and livestock auctions", and

WHEREAS, the Department of Labor did devise these new rules in consultation with a firm named SiloSmashers, Inc., and

WHEREAS, on page 54839 of the Federal Register, the Department of Labor cites statements regarding safety issued by then-Secretary of Labor Willard Wirtz in 1967 to justify banning children from performing farm chores in 2012, and

WHEREAS, on page 54844 and 54845 of the Federal Register, the Department of Labor proposes fines and "civil money penalties" that may be levied for violation of said ban, with penalties reaching as high as \$100,000, and

WHEREAS, the revised regulations also revoke government approval of safety and certification provided by non-government organizations such as 4-H and the Future Farmers of America, and replacing said safety training and certification with a 90-hour federal-government-administered training course, and

WHEREAS, Niagara County's agricultural districts encompass more than 52 percent of the County's land area of 176,106 acres, and

WHEREAS, Niagara County is blessed to be home to 801 farms (as of 2002), each constituting an average of 185 acres, and

WHEREAS, agriculture in Niagara County is responsible for \$103.6 million in economic development annually, according to data generated by Cornell Cooperative Extension, and

WHEREAS, the market value of farm production in Niagara County (as of 2002) was \$59.9 million, with \$49.8 million crop sales and \$30.2 million in livestock sales, with an average production value of \$74,789 per farm, and

WHEREAS, the 2002 Census of Agriculture shows Niagara to be Western New York's breadbasket, ranking 4<sup>th</sup> in the state for value of agricultural products sold directly to individuals for human consumption, 5<sup>th</sup> in the state in value of production of fruits and berries, 9<sup>th</sup> in the State in the value of production of grains, oilseeds and dry beans, 4<sup>th</sup> in production of grain corn, 6<sup>th</sup> in production of wheat, 6<sup>th</sup> in production of soybeans, and 8<sup>th</sup> overall in crop production (including nursery and greenhouse), and

WHEREAS, the Honorable John Thune, Senator from South Dakota, and the Honorable Jerry Moran, Senator from Kansas, did propose the Preserving America's Family Farms Act, with a companion bill, H.R. 4157 being proposed in the House of Representatives by the Honorable Tom Latham of Iowa, with said bill set to prevent enactment of the Department of Labor regulations, and

WHEREAS, the Legislature of the County of Niagara has consistently and fully supported this County's many agriculture-based industries and those families choosing to take up farming, now, therefore, be it

RESOLVED, the Legislature of the County of Niagara calls upon Secretary Solis to immediately rescind the proposed regulations, and be it further

RESOLVED, the Legislature of the County of Niagara strongly encourages U.S. Representative Kathleen C. Hochul, U.S. Representative Louise M. Slaughter, U.S. Senator Charles E. Schumer, and U.S. Senator Kirsten E. Gillibrand to take every reasonable measure to bring H.R. 4157 and its Senate counterpart to the floor for a vote in their respective chambers, and to vote in the affirmative for the same, and be it further

RESOLVED, the Legislature of the County of Niagara hereby calls upon Representative Hochul, Representative Slaughter, Senator Schumer, and Senator Gillibrand to oppose any veto of said legislation by President Obama, up to and including voting to override the same, and be it further

RESOLVED, that the Clerk of the Niagara County Legislature is hereby directed to send copies of this resolution to President Barack H. Obama, Secretary of Labor Hilda Solis, U.S. Senator Charles E. Schumer, U.S. Senator Kirsten E. Gillibrand, U.S. Representative Kathleen C. Hochul, U.S. Representative Louise M. Slaughter, representatives of the New York Farm Bureau, representatives of Cornell Cooperative Extension and all others deemed appropriate.

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LEGISLATOR MICHAEL HILL

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LEGISLATOR JOHN SYRACUSE

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LEGISLATOR RICK UPDEGROVE

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LEGISLATOR CLYDE L. BURMASTER

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LEGISLATOR DAVID E. GODFREY

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LEGISLATOR ANTHONY J. NEMI

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LEGISLATOR KATHRYN L. LANCE

# NIAGARA COUNTY LEGISLATURE

FROM: Legislators William L. Ross, David E. Godfrey, John Syracuse, Michael A. Hill & Clyde L. Burmaster

DATE: 05/01/12

RESOLUTION # IL-024-12

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

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

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

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

## APPROVE RESOLUTION BY THE NIAGARA-ORLEANS REGIONAL ALLIANCE FOR SUBMISSION TO THE INTERNATIONAL JOINT COUNCIL REGARDING LAKE ONTARIO WATER LEVELS

WHEREAS, the Niagara-Orleans Regional Alliance (NORA) has identified serious shortcomings in the International Joint Commission's proposed plan (BV7) that will replace the current regulation plan (58DD) that controls the water levels of Lake Ontario, 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 about a proposed change in the lake levels that would result in significant damage to their properties, and

WHEREAS, the proposed BV7 lake levels will result in a devastating negative economic impact on boating and sport fishing in Niagara and Orleans counties which is estimated at \$42 million annually, now, therefore, be it

RESOLVED, the Niagara County Legislature approves and supports the submission of the Niagara-Orleans Regional Alliance's resolution to the International Joint Commission requesting the rejection if its' current plans for the BV7 Project, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Orleans County Legislature Chairman David Callard, and all others deemed necessary and proper.

LEGISLATOR WILLIAM L. ROSS

LEGISLATOR DAVID E. GODFREY

LEGISLATOR JOHN SYRACUSE

LEGISLATOR MICHAEL A. HILL

LEGISLATOR CLYDE L. BURMASTER

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration DATE: 05/01/12 RESOLUTION # PW-050-12

Committees

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	PW - 4/23/12	Approved: Ayes Abs. Noes
		AD - 4/24/12	Rejected: Ayes Abs. Noes
			Referred:

CAPITAL PROJECT CLOSE OUT  
WATER DISTRICT CONTRACT 10-3

WHEREAS, the following capital project has been completed and has an account balance remaining that needs to be transferred back to the original funding sources, now, therefore, be it

RESOLVED, that the following capital project be closed and the remaining account balance be returned to the Water District Operating Fund, which was the original funding source:

DECREASE ESTIMATED REVENUES:

H563.31.8397.000 45031.00	Interfund Transfers from Operating	\$48,954.21
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DECREASE APPROPRIATIONS:

H563.31.8397.000 72100.27	Water Pump Rehab and Replacement (Water System Improvements)	48,954.21
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PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE

**NIAGARA COUNTY LEGISLATURE**

**FROM:** Public Works Committee

**DATE:** 05/01/12

**RESOLUTION #** PW-051-12

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

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

**COMMITTEE ACTION**  
PW - 4/23/12

**LEGISLATIVE ACTION**

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

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

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

**4/21/2012**  
**AGREEMENT BETWEEN THE COUNTY OF NIAGARA  
AND THE OLCOTT FIRE COMPANY SOFTBALL LEAGUE**

WHEREAS, the Olcott Fire Company Softball League has requested that the County of Niagara grant them permission to use existing ball fields in an area situated in the eastern portion of Krull Park for the purpose of softball games, and

WHEREAS, this program benefits the residents of Niagara County as a whole, and

WHEREAS, such program is operated on a not-for-profit basis, 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

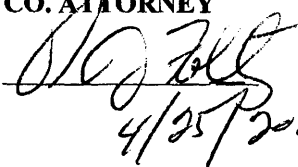
RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Olcott Fire Company Softball League, as appears on the proposed agreement, is hereby approved in all respects, and be it further

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

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PUBLIC WORKS COMMITTEE

**NIAGARA COUNTY LEGISLATURE**

**FROM:** Public Works and Committee      **DATE:** 05/01/12      **RESOLUTION #** PW-052-12

<b>APPROVED</b> <b>CO. ATTORNEY</b>  4/25/2012	<b>REVIEWED</b> <b>CO. MANAGER</b> _____	<b>COMMITTEE ACTION</b> PW - 4/23/12 _____ _____	<b>LEGISLATIVE ACTION</b> Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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**AGREEMENT BETWEEN THE COUNTY OF NIAGARA  
AND THE LIGHTHOUSE CLASSIC SOFTBALL LEAGUE**

WHEREAS, Lighthouse Classic Softball League has requested that the County of Niagara grant them permission to use existing ball fields in an area situated in the eastern portion of Krull Park for the purpose of softball games, and

WHEREAS, this program benefits the residents of Niagara County as a whole, and

WHEREAS, such program is operated on a not-for-profit basis, 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 between the County of Niagara and the Lighthouse Classic Softball League, as it appears in the attached proposed agreement, is hereby approved in all respects, and be it further

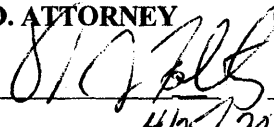
RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the required documents.

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PUBLIC WORKS COMMITTEE



**NIAGARA COUNTY LEGISLATURE**

**FROM:** Public Works Committee      **DATE:** 05/01/12      **RESOLUTION #** PW-053-12

<b>APPROVED</b> <b>CO. ATTORNEY</b>  <u>4/25/2012</u>	<b>REVIEWED</b> <b>CO. MANAGER</b> _____	<b>COMMITTEE ACTION</b> <u>PW - 4/23/12</u> _____ _____	<b>LEGISLATIVE ACTION</b> Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND  
THE NEWFANE YOUTH FOOTBALL LEAGUE AND CHEERLEADING**

WHEREAS, the Newfane Youth Football League and Cheerleading has requested that the County of Niagara grant them exclusive rights to operate a football program in an area situated in the County owned property on Lake Road, and

WHEREAS, this program benefits the youth and other residents of both the Town of Newfane in addition to Niagara County as a whole, and

WHEREAS, such program is operated on a not-for-profit basis, 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 terms and conditions of the agreement between the County of Niagara and the Newfane Youth Football League and cheerleading, as appears on the proposed agreement, is hereby approved in all respects, 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 and Administration DATE: 05/01/12 RESOLUTION # PW-054-12

## Committees

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	PW - 4/23/12 AD - 4/24/12	Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____

## DRUM AND SEAMAN ROAD BRIDGE REPLACEMENT CONSULTANT SERVICES AMENDMENT NO. 1

WHEREAS, Resolution No. PW-021-07, dated March 6, 2007, awarded the consultant services for the Drum and Seaman Road Bridges to Clough Harbour & Associates, 295 Main St, Suite 900, Buffalo, NY 14203-2509, for a contract amount of \$525,000.00, and

WHEREAS, it is necessary to decrease the contract to allow for a decreasing adjustment for Construction Inspection services for this project in the amount of (\$3,111.57), for a revised contract amount of \$521,888.43, 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 the Drum and Seaman Road Bridge Replacement be decreased by \$3,111.57 to Clough Harbour & Associates, 295 Main St, Suite 900, Buffalo, NY 14203-2509, for a revised contract amount of \$521,888.43, and be it further

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

PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration      DATE: 05/01/12      RESOLUTION # PW-055-12  
Committees

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	PW - 4/23/12	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 4/24/12	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

## BRIDGE BEARINGS CONSULTANT SERVICES AMENDMENT NO. 2

WHEREAS, Resolution No. PW-066-10, dated June 1, 2010, awarded the consultant services for the Bridge Bearings Project to Abate Associates Engineers and Surveyors PC for a contract amount of \$59,081.00, and

WHEREAS, Resolution No. PW-022-11, dated February 1, 2011, amended the contract for consultant services by \$50,720, for a revised contract amount of \$109,801, for construction inspection services, and

WHEREAS, it is necessary to decrease the contract to allow for a decreasing adjustment for Construction Inspection services for this project in the amount of (\$14,081.28), for a revised contract amount of \$95,719.72, 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 the Bridge Bearings Project be decreased by \$14,081.28 to Abate Associates Engineers and Surveyors PC for a revised contract amount of \$95,719.72, 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.

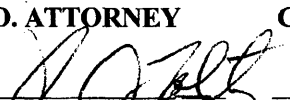
PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration DA TE: 05/01/12 RESOLUTION # PW-056-12

Committees

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
 4/21/2012		PW - 4/23/12	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 4/24/12	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

## WILSON BURT ROAD BRIDGE REHABILITATION CONSULTANT SERVICES AMENDMENT NO. 1

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, it is necessary to increase 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, 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 the Wilson Burt Road Bridge Rehabilitation be increased by \$304,151 to Abate Associates, 4455 Genesee Street, PO Box 218, Buffalo, NY 14225-0215, for a revised contract amount of \$360,085, 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: 05/01/12 RESOLUTION # PW-057-12

Committees

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	PW - 4/23/12	Approved: Ayes Abs. Noes
		AD - 4/24/12	Rejected: Ayes Abs. Noes
			Referred:

LOCKPORT ROAD BRIDGE REPLACEMENT OVER BERGHOLZ CREEK CONSULTANT SERVICES AMENDMENT NO. 1

WHEREAS, Resolution No. PW-112-11, dated October 4, 2011, awarded the consultant services for the Lockport Road Hydraulics to Fisher Associates, 325 Delaware Ave, Suite 200, Buffalo, NY 14202, for a contract amount of \$57,000, and

WHEREAS, it is necessary to increase the contract to allow for design services for this project in the amount of \$122,000, for a revised contract amount of \$179,000, 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 consultant services to assist the County with the Lockport Road Bridge Replacement be increased by \$122,000 to Fisher Associates, 325 Delaware Ave, Suite 200, Buffalo, NY 14202, for a revised contract amount of \$179,000, 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.

PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 05/01/12 RESOLUTION # PW-058-12

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	PW - 4/23/12	Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

## AWARD TROTT BUILDING HVAC MODIFICATIONS

WHEREAS, the Department of Public Works, Engineering Division has prepared specifications and the Purchasing Department has advertised for bids for the Trott Building HVAC Modifications Project, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on March 21, 2012, as tabulated below:

- |   |             |
|---|-------------|
| 1. Parise Mechanical Inc.<br>1106 Sheridan Drive<br>Tonawanda, NY 14150         | \$52,900.00 |
| 2. Greater Niagara Mechanical Inc.<br>7311 Ward Rd<br>North Tonawanda, NY 14120 | \$56,584.00 |
| 3. Hoot Mechanical & Electrical Inc.<br>PO Box 428<br>Lockport, NY 14095        | \$57,800.00 |

and,

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

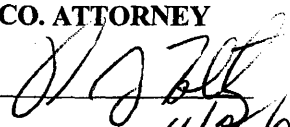
RESOLVED, that the contract for the Trott Building HVAC Modifications project be awarded to the lowest responsible bidder, Parise Mechanical, Inc., 1106 Sheridan Drive, Tonawanda, NY 14150, in the amount of \$52,900.00, and be it further

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

PUBLIC WORKS COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee      DATE: 05/01/12      RESOLUTION # PW-059-12

<b>APPROVED</b> <b>CO. ATTORNEY</b>  <u>4/23/2012</u>	<b>REVIEWED</b> <b>CO. MANAGER</b>  	<b>COMMITTEE ACTION</b> <u>PW - 4/23/12</u>  	<b>LEGISLATIVE ACTION</b> Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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## **REHABILITATION OF THE WILSON-BURT ROAD BRIDGE OVER EIGHTEEN MILE CREEK, BIN 3329720, TOWN OF NEWFANE, NIAGARA COUNTY, PIN 5758.32**

WHEREAS, a project for the Rehabilitation of the Wilson-Burt Road Bridge over Eighteen Mile Creek, BIN 3329720, Town of Newfane, Niagara County, PIN 5758.32, ("The Project") is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal Funds and 20% Non-Federal Funds, and

WHEREAS, the County of Niagara desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-VI) phase of the Project, PIN 5758.32, 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 Legislature of the County of Niagara hereby approves the above-subject project, and it is hereby further

RESOLVED, that the Legislature of the County of Niagara hereby authorizes the County of Niagara to pay in the first instance 100% of the federal and non-federal shares of the cost of the Preliminary Engineering (Design I-VI) phase of the project or portions thereof, and be it further

RESOLVED, that the sum of \$71,000 is hereby appropriated in account H566.15.5197.000.72600.02, in addition to the \$100,000 previously appropriated for the project's Preliminary Engineering (Design I-VI) phase via County Resolution No. PW-61-11, dated May 3, 2011) and made available to cover the cost of participation in the above phase of the Project, and be if further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the federal and non-federal shares of the cost of the Preliminary Engineering (Design I-VI) phase exceeds the amount appropriated \$171,000 and/or 100% of the full federal and non-federal shares of the cost of the Preliminary Engineering (Design I-VI) phase exceeds \$455,000, the Preliminary Engineering (Design I-VI) phase's current cost, the County of Niagara shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further

RESOLVED, that the Chair of the Legislature of the County of Niagara is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Niagara with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of Federal Aid and State Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and be it further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project, and be it further

RESOLVED, this Resolution shall take effect immediately.

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PUBLIC WORKS COMMITTEE