



**AGENDA**  
**NIAGARA COUNTY LEGISLATURE**  
**MAY 20, 2014      –      7:00 P.M.**

**Regular Meeting – May 20, 2014**

- \*AD-006-14** Administration, re Distribution of Mortgage Tax – Treasurer
  
- AD-007-14** Administration, re Bond Resolution of the County Legislature of the County of Niagara, New York (The “County”), Authorizing the Issuance of Up to \$10,362,615 in Serial Bonds of the County to Finance Various Public Improvements – Treasurer
  
- \*CS-018-14** Community Services & Administration, re Abolish & Create Position – Social Services
  
- \*CS-019-14** Community Services & Administration, re NCCC FY 2014-2015 Maintenance and Operating Budget – Management & Budget
  
- IL-025-14** Legislator William L. Ross, re Extension of Agreement with Niagara Tourism & Convention Corporation
  
- IL-026-14** Legislator Anthony J. Nemi, re Acceptance of “Sylvester Pendleton Clark” Historic Marker Grant
  
- \*PW-071-14** Public Works, re Declaring the Legislature of the County of Niagara’s Intent to be the Lead Agency for Environmental Review Pursuant to the State Environmental Review Pursuant to the State Environmental Quality Review Act (SEQRA) for the Proposed Intersection Improvements on Lockport Road
  
- \*PW-072-14** Public Works, re State Environmental Quality Review Act Negative Declaration Notice of Determination of Non-Significance

*Mary Jo Tamburlin*

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 June 17, 2014.**

# NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 05/20/14 RESOLUTION #: AD-006-14

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
AD - 5/12/14

LEGISLATIVE ACTION

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

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

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

## DISTRIBUTION OF MORTGAGE TAX

WHEREAS, Niagara County has received mortgage tax monies for the period October 1, 2013 through March 31, 2014 in the amount of \$2,174,842.54, and

WHEREAS, the Recording Officer has previously distributed \$488,203.38 to the Niagara Frontier Transportation Authority, \$485,594.03 to the State Mortgage Tax Agency, and retained \$132,135.32 for approved county administrative expenses, and

WHEREAS, that Recording Officer has remitted the remaining monies collected to the County Treasurer for distribution to various Niagara County towns, villages and cities, now, therefore be it

RESOLVED, that the sum of \$1,068,909.81 reflects mortgage tax monies for the period October 1, 2013 through March 31, 2014 to be distributed, and the same be, and hereby is, apportioned as follows among the various towns, villages and cities of the County of Niagara:

TOWNS	Cambria	\$ 28,832.31
	Hartland	17,004.68
	Lewiston	95,919.41
	Lockport	107,858.59
	Newfane	36,749.18
	Niagara	21,687.91
	Pendleton	60,544.21
	Porter	43,380.65
	Royalton	32,582.03
	Somerset	10,238.66
	Wheatfield	183,895.52
	Wilson	26,389.42

VILLAGES	Middleport (Hartland)	\$ 259.66
	Middleport (Royalton)	2,676.43
	Lewiston	11,523.46
	Youngstown	8,303.34
	Barker	864.32
	Wilson	2,927.96

CITIES	Lockport	\$ 58,725.98
	Niagara Falls	96,393.05
	North Tonawanda	222,153.04
	TOTAL:	\$1,068,909.81

and be it further

RESOLVED, that the County Treasurer be, and hereby is, directed to pay the Supervisors of the various towns, village treasurers, and city treasurers the amounts recorded above and that this document shall be sufficient authorization to the County Treasurer to make the payments in accordance with the above direction.

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ADMINISTRATION COMMITTEE



# NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 05/20/14 RESOLUTION #: AD-007-14

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
AD - 5/12/14

LEGISLATIVE ACTION

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 \$10,362,615 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 \$10,362,615 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 \$3,500,000 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 cost of improvements to the County Jail consisting of the replacement of the roof and upgrades to the heating, ventilation and air conditioning systems. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$4,500,000, said amount is hereby appropriated therefore and the plan for the financing thereof shall consist of (a) the application of \$1,000,000 in available monies from the County's NYPA Committed Funds Account; (b) the issuance of up to \$3,500,000 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 2. The County is hereby authorized to issue \$624,222 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Law to finance the cost of the Wilson-Burt Road Bridge Rehabilitation Project, consisting of the reconstruction to the existing bridge, including retaining walls or approaches thereto composed of stone, concrete, or steel or a combination thereof. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$4,571,000, said amount is hereby appropriated therefore and the plan for the financing thereof shall consist of (a) the application of \$3,657,000 in Federal grant monies expected to be received by the County for



such project; (b) the application of \$289,778 in current funds of the County available for such project; (c) the issuance of up to \$624,222 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 twenty (20) years, pursuant to subdivision 10. of paragraph a. of Section 11.00 of the Law.

SECTION 3. The County is hereby authorized to issue \$330,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Law to finance 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 \$755,000, said amount is hereby appropriated therefore and the plan for the financing thereof shall consist of (a) the application of \$425,000 in available monies from the County's NYPA Committed Funds Account; (b) the issuance of up to \$330,000 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 fifteen (15) years, pursuant to subdivision 12(a)(2). of paragraph a. of Section 11.00 of the Law.

SECTION 4. The County is hereby authorized to issue \$3,379,127 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Law to finance the cost of the Lincoln Avenue Reconstruction Project, consisting of the reconstruction and repaving of roads, including (i) the construction or reconstruction of sidewalks, curbs, gutters, drainage and grading, (ii) the relocation and replacement of water distribution lines, (iii) the reconstruction of certain storm sewer lines, including catch basins, and (iv) any equipment, machinery, apparatus, appurtenants and ancillary, related or incidental improvements and expenses in connection with the foregoing. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$8,600,000, said amount is hereby appropriated therefore and the plan for the financing thereof shall consist of (a) the application of \$4,799,000 in Federal grant moneys expected to be received by the County for such project; (b) the application of \$421,873 in current funds of the County available for such project; (c) the issuance of up to \$3,379,127 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 fifteen (15) years, pursuant to subdivisions 1., 4., 20(c). and 91. of paragraph a. of Section 11.00 of the Law.

SECTION 5. The County is hereby authorized to issue \$471,266 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Law to finance the cost of the Lockport Road Intersection Project, consisting of (i) the construction and reconstruction of the Lockport Road intersections, including the construction of a new turning lane, the construction or reconstruction of sidewalks, curbs, gutters, drainage, landscaping, and grading, any equipment, machinery, apparatus, appurtenants and ancillary, related or incidental improvements and expenses in connection therewith. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$5,499,000, said amount is hereby appropriated therefore and the plan for the financing thereof shall consist of (a) the application of \$4,679,000 in Federal grant moneys expected to be received by the County for such project; (b) the application of \$348,734 in current funds of the County available for such project; (c) the issuance of up to \$471,266 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 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 \$358,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Law to finance the cost of the Lockport Road Resurfacing Project, consisting of the resurfacing of portions of Lockport Road. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$1,792,000, said amount is hereby appropriated therefore and the plan for the financing thereof shall consist of (a) the application of \$1,434,000 in Federal grant moneys expected to be received by the County for such project; (b) the issuance of up to \$358,000 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 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 \$1,000,000 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 of various roads throughout the County. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$1,000,000, said amount is hereby appropriated therefore and the plan for the financing thereof shall consist of (a) the issuance of up to \$1,000,000 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 8. 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 planning and designing of the contemplated Youngstown Road Stabilization Project, consisting of the stabilization of the stream bank along Youngstown Road to protect the County highway. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$200,000, said amount is hereby appropriated therefore 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 62(second). of paragraph a. of Section 11.00 of the Law.

SECTION 9. The County is hereby authorized to issue \$500,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Law to finance the cost of the planning and designing of the contemplated West Somerset Road Design Project, consisting of the widening of lanes, pavement and improvement of drainage along West Somerset Road. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$500,000, said amount is hereby appropriated therefore and the plan for the financing thereof shall consist of (a) the issuance of up to



\$500,000 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 62(second). of paragraph a. of Section 11.00 of the Law.

SECTION 10. 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 11. 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 12. 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 13. 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 14. 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 15. 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 16. 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 17. 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:** Community Services Committee  
and Administration Committee **DATE:** 05/20/14 **RESOLUTION #:** CS-018-14

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION CS - 5/6/14 AD - 5/12/14	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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## ABOLISH & CREATE POSITION – SOCIAL SERVICES

WHEREAS, the State of New York is in the process of transitioning the administration of the Medicaid program away from the counties, and

WHEREAS, since January 21, 2014, there have been 754 Medicaid applications submitted and 32.8% of those applications had eligibility determined by the Niagara County Department of Social Services (NCDSS), and

WHEREAS, while Medicaid applications being processed by NCDSS is declining, caseloads continue to grow in SNAP and cash assistance, and

WHEREAS, there is a vacant Social Services Worker Position 3708, Job Group VI, step 1 at \$17.09 per hour and as a result of the Medicaid transition it is no longer needed, and

WHEREAS, there is a high volume of mail that comes into NCDSS to be processed in a timely fashion, which has created the necessity for a plan to centralize the clerical staff responsible for various duties, including the processing of mail into one unit, and

WHEREAS, it has been determined that said unit would best be supervised by a Clerical II position, Job Group IV, step 1 at \$15.77 per hour, and

WHEREAS, NCDSS is recommending that the vacant Social Services Position 3708 be abolished and a Clerical II position be created which will result in a cost savings to the county, now, therefore, be it

RESOLVED, that the vacant Social Services Worker Position 3708, Job Group VI, step 1 at \$31,223 be abolished effective May 27, 2014, and be it further

RESOLVED, that a Clerical II position, Job Group IV, step 1 at \$15.77 per hour be created and filled effective May 27, 2014, and be it further

RESOLVED, that the following line item transfer be effectuated:

FROM:

A.22.6010.000 71010.00 3708	Social Services Worker Steps 1 2	\$17,332
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TO:

A.22.6010.000 71010.00 xxxx	Clerical II	\$17,332
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COMMUNITY SERVICES COMMITTEE

## ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee & DATE: 05/20/14 RESOLUTION #: CS-019-14

Community Services Committee

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

05/12/14

Approved: Ayes Abs. Noes

05/12/14

Rejected: Ayes Abs. Noes

Referred:

## NCCC FY 2014-2015 MAINTENANCE AND OPERATING BUDGET

WHEREAS, the Administration Committee and the Community Services Committee, which are also the Budget Review Committees, have had under consideration the Niagara County Community College Board of Trustees recommended budget for the conduct of the Niagara County Community College fiscal year commencing September 1, 2014 and ending August 31, 2015, and

WHEREAS, the said budget has had careful consideration by the Administration Committee, the Community Services Committee, the Budget Office, and the County Manager, and

WHEREAS, a public hearing was held on the 20th day of May, 2014 with regard to the tentative budget for the College, now, therefore be it

RESOLVED, that the foregoing tentative Niagara County Community College budget for the fiscal year 2014-15, beginning September 1, 2014 and ending August 31, 2015, is hereby approved and adopted with any amendments as heretofore approved this date by this legislature and which results in a total figure of \$50,017,435, with the Sponsor's contribution from taxes of \$8,871,000.

COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE



# NIAGARA COUNTY LEGISLATURE

FROM: Legislator William L. Ross DATE: 5/20/14 RESOLUTION #: IL-025-14

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

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

## EXTENSION OF AGREEMENT WITH NIAGARA TOURISM & CONVENTION CORPORATION

WHEREAS, an agreement exists between the County of Niagara and the Niagara Tourism and Convention Corporation (NTCC) dated February 20, 2003, wherein the NTCC services were acquired to promote convention conferences, trade shows and the growth of tourist activities within the County, and

WHEREAS, the County has enacted Bed Tax ordinances whereby a bed tax has been imposed on the business of lodging in the County, which is in part designated for the purposes of advertising, publishing and promoting convention and tourist activities within the County of Niagara, and

WHEREAS, pursuant to the New York State Tax Law §1202-T, as amended, the County under the agreement is paying NTCC for its services from the Bed Tax revenues it collects in accordance with the Niagara County Hotel Room Occupancy Tax Law, and

WHEREAS, NTCC, in consideration of the bed tax funds to be received from the County, has agreed to provide advertising, publishing and promoting of convention and tourist activities as set forth in the agreement, and

WHEREAS, to date negotiations between the NTCC and the County of Niagara have not resulted in a long-term agreement as requested by the NTCC, and

WHEREAS, prior to the execution of a long-term agreement, Niagara County demands transparency from the NTCC and the production of all necessary financial records to evaluate its performance, and

WHEREAS, to evaluate the performance of the NTCC, it is necessary to review all expenditures including, but not limited to, disbursements to vendors, contractual payments, employee salaries, employee benefits, bonuses and any reimbursed expenses for employees or those with whom the NTCC contracts for services, and

WHEREAS, to evaluate the performance of the NTCC, it is necessary to review all income which is received by the NTCC or otherwise created as a result of its promotional activities, and

WHEREAS, the best and fairest way is to have independent consultants selected and hired by the County of Niagara and paid for by NTCC; to perform this evaluation, set benchmarks, recommend goals and objectives for the future and have performed a Destination Deficit Analysis, now, therefore, be it

RESOLVED, that to avoid an interruption of the services presently provided by the NTCC, the County of Niagara Legislature does hereby approve an extension of the existing agreement between the County of Niagara and NTCC until May 31, 2017 and the Chairman be, and hereby is, authorized to execute all documents necessary to implement the extension of said agreement after approved by the Niagara County Attorney's Office, and be it further



RESOLVED, that the NTCC during this extension shall provide all requested financial records or contracts to Niagara County or any of the stakeholders of the NTCC and the independent consultant selected and hired by Niagara County, to allow a transparent review of the performance of the NTCC since the execution of the February 20, 2003 agreement, and be it further

RESOLVED, that the NTCC shall in the extension agreement granted by Niagara County pay for the consultants up to \$25,000 and provide all requested financial records or contracts to Niagara County's consultant to allow for appropriate review and evaluation in setting benchmarks and then goals and objectives, along with a Destination Deficit Analysis before a long-term agreement can be entered into as requested by the NTCC, and be it further

RESOLVED, that any and all line item transfers be approved, and be effectuated in order to provide funding to NTCC upon the signing of the extension of the agreement by all of the parties.

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LEGISLATOR WILLIAM L. ROSS

## NIAGARA COUNTY LEGISLATURE

FROM: Legislator Anthony J. Nemi DATE: 05/20/14 RESOLUTION #: IL-026-14

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

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

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

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

### ACCEPTANCE OF "SYLVESTER PENDLETON CLARK" HISTORIC MARKER GRANT

WHEREAS, the Erie Canal is of historic importance to the development and growth of Towns and Villages of Niagara County, and

WHEREAS, Niagara County has chosen to recognize the life of Sylvester Pendleton Clark for his contribution to the growth and success of the Erie Canal, and

WHEREAS, as a veteran of War of 1812, Sylvester Pendleton Clark and his family left his birthplace in Rhode Island and went west to seek his fame and fortune, and

WHEREAS, Sylvester Pendleton Clark first settled on Grand Island and start timbering the great white oaks for shipbuilding, and

WHEREAS, Sylvester Pendleton Clark eventually re-settled his family on Tonawanda Creek to take advantage of the major construction of the Erie Canal and named that settlement the Village of Pendleton; the Village was a key location between the Tonawanda Creek and the Niagara Escarpment as a main supply of canal water; he was the first tavern owner and the first Postmaster, and

WHEREAS, as the Erie canal opened, the Village of Pendleton became an important land portage for all canal passengers and goods until the completion of the Pendleton Cut through the solid rock of the Niagara Escarpment, and

WHEREAS, in 1827 the Town of Pendleton was set apart from the Town of Niagara and took its name from the Village of Pendleton, and

WHEREAS, in an effort to make Sylvester Pendleton Clark better known to Pendleton citizens and visitors of Niagara County, application was made to the William G. Pomeroy Foundation for the purpose of obtaining and erecting an historic marker outlining his achievements, and

WHEREAS, the grant has been approved in the amount of \$1, 050.00, and

WHEREAS, the funds will be appropriated this year in 2014, and

WHEREAS, Niagara County will administer the grant, now, therefore, be it

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to execute the attached grant, subject to the approval of the County Attorney, and be it further

RESOLVED, that the following budget modification be effectuated to accept the full amount of this grant:

INCREASE REVENUE:

A.01.1040.000.42706.00	Grants from Local Governments	\$1,050.00
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INCREASE APPROPRIATIONS:

A.01.1040.000.74375.01	Communications Advertising & Promotion	\$ 1,050.00
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LEGISLATOR ANTHONY J. NEMI



# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 05/20/14 RESOLUTION #: PW-071-14

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 5/6/14

LEGISLATIVE ACTION

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

## RESOLUTION DECLARING THE LEGISLATURE OF THE COUNTY OF NIAGARA'S INTENT TO BE LEAD AGENCY FOR ENVIRONMENTAL REVIEW PURSUANT TO THE STATE ENVIRONMENTAL REVIEW PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) FOR THE PROPOSED INTERSECTION IMPROVEMENTS ON LOCKPORT ROAD

WHEREAS, several Lockport Road intersections are in need of reconstruction, and

WHEREAS, financing for this project will likely be included in the County authorizing the issuance of bonds, and

WHEREAS, collectively, these components of the project constitute the "Action" to be reviewed for purposes of review under the State Environmental Quality Review Act and its implementing regulations found at 6 NYCRR Part 617 (hereinafter collectively referred to as SEQRA), and

WHEREAS, the proposed project would appear to be an Unlisted Action, not requiring a coordinated review in accordance with applicable provisions of SEQRA, and

WHEREAS, the Legislature of the County of Niagara is an involved agency for the review of this project as the legislature will have to appropriate funding for same and approve and let contracts for construction of the Lockport Road Intersection Improvements, and

WHEREAS, a full Short SEQRA Environmental Assessment Form regarding the project has been prepared and submitted to the Legislature, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara hereby declares its intent to be SEQRA Lead Agency for the review of this project, and be it further

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

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

## NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 05/20/14 RESOLUTION #: PW-072-14

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 5/6/14

LEGISLATIVE ACTION

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

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

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

### STATE ENVIRONMENTAL QUALITY REVIEW ACT NEGATIVE DECLARATION NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

WHEREAS, the proposed Intersection Improvements on Lockport Road project (the "Project") is being considered for approval by the Legislature under separate resolution, and

WHEREAS, the County Legislature, by resolution adopted immediately prior to the consideration of this resolution, has declared itself Lead Agency with respect to the Project, for purposes of conducting a review under the State Environmental Quality Review Act and the implementing regulations of the New York State Department of Environmental Conservation adopted thereunder (6 NYCRR Part 617) (hereinafter collectively referred to as "SEQRA"); and

WHEREAS, a Short Environmental Assessment Form was prepared by the Niagara County Department of Public Works with respect to the Project and submitted to the Legislature (the "SEAF"), which identifies no adverse environmental impacts, and

WHEREAS, the recommendation of a negative declaration was issued by the Niagara County Department of Public Works, and

WHEREAS, the Legislature has considered the Project and reviewed the SEAF and the criteria set forth in SEQRA in order to determine whether the Project will not have a significant effect on the environment, and

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

RESOLVED, that based upon the information set forth in the SEAF, the Niagara County Legislature hereby determines that there will be no significant environmental impacts with regard to the proposed Intersection Improvements on Lockport Road construction project, and hereby adopts and issues the Negative Declaration under SEQRA with respect thereto, and be it further

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

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PUBLIC WORKS COMMITTEE