



AGENDA
NIAGARA COUNTY LEGISLATURE
JUNE 17, 2014 – 7:00 P.M.

Resolutions not on previous agenda:

CS-020-14 Community Services & Administration, re interim Director of Community Mental Health Services Appointment – Approved

Regular Meeting – June 17, 2014

- *AD-008-14** Administration, re Authorization to Convey Certain Tax Sale Property (Property Commonly Known as 6892 East High Street) to the Town of Lockport – County Attorney
- *CS-021-14** Community Services & Administration, re New York State Aid Application – Youth Bureau
- *CSS-020-14** Community Safety & Security, re Aid to Defense Program Renewal 2014-2015 – Public Defender
- *CSS-021-14** Community Safety & Security & Administration, re Acceptance of Upstate Quality Improvement & Caseload Reduction Grant – Creation of Position – Public Defender
- *CSS-022-14** Community Safety & Security & Administration, re Budget Modification Funding from Niagara County Department of Mental Health – Sheriff
- CSS-023-14** Community Safety & Security & Administration, re Budget Modification Abolish & Create Maintenance Position – Sheriff
- *CSS-024-14** Community Safety & Security & Administration, re Acceptance of Aid to Prosecution Program Grant – District Attorney
- *CSS-025-14** Community Safety & Security & Administration, re Crimes Against Revenue Program Grant Acceptance & Budget Modification – District Attorney
- *CSS-026-14** Community Safety & Security & Administration, re Budget Modification & Acceptance of GIVE Initiative Grant – District Attorney
- IL-027-14** Legislators Richard E. Updegrave, Anthony J. Nemi, et al., Directing County Manager and Office of Management and Budget Plan and Make Provisions for Employee Step Increase in the 2015 County Budget
- IL-028-14** Legislators John Syracuse, Richard E. Updegrave, Michael A. Hill, et al., re Calling on the New York State Legislature to Continue to Reject the Unconstitutional Gun Control Bill A.3244a/S.68a, a Bill that Would Place a Costly and Ineffective Micro-Stamping Regime on Handguns in New York

- IL-029-14** Legislator Randy R. Bradt, re Calling for the Review and Updating of Niagara County's Ethics and Disclosure Policy for the County Legislature and Members of all Boards, Committees and Commissions Appointed by the County Legislature
- IL-030-14** Legislators Clyde L. Burmaster & William L. Ross, re Niagara County Opposition to Any Further Toxic Waste Landfills Anywhere in the County Including a Proposed Expansion in the Town of Porter Described as RMU-2
- *ED-009-14** Economic Development, re Resolution to Continue Agricultural District #8 (Wilson & Porter)
- *PW-073-14** Public Works, re Agreement between the County of Niagara & the Lockport Rugby Club
- *PW-074-14** Public Works, re Agreement between the County of Niagara & the Soccer Shots Buffalo
- *PW-075-14** Public Works, re Agreement between the County of Niagara & the Kaihatsu Field Hockey Clinic
- *PW-076-14** Public Works & Administration, re Budget Modification for Leachate Hauling Truck – Refuse
- *PW-077-14** Public Works & Administration, re Budget Modification for BOMAG Compactor – Refuse
- *PW-078-14** Public Works, re Niagara County Golf Course Town of Lockport Agreement
- *PW-079-14** Public Works, re Extension of Snow & Ice Agreement DPW Highway 2014-2015
- *PW-080-14** Public Works, re Town Payments Budget Modification
- *PW-081-14** Public Works, re Award Rehabilitation of Lincoln Avenue between Akron Road & Beattie Avenue
- *PW-082-14** Public Works, re Award Inspection Services for Upper Mountain Road Pavement Rehabilitation Project
- *PW-083-14** Public Works, re Award Consultant Services for Court House & Civil Defense Historical Repairs
- *PW-084-14** Public Works, re Award Consultant Services for Court House Historical Repairs
- *PW-085-14** Public Works & Administration, re Wilson Burt Road Bridge Rehabilitation Consultant Services Amendment No. 2
- *PW-086-14** Public Works & Administration, re Lincoln Avenue Reconstruction Consultant Amendment No 4
- *PW-087-14** Public Works, re Reject Bids for Wilson-Burt Road Bridge Replacement
- *PW-088-14** Public Works, re Opposing Expansion of Federal Control Under Clean Water Act
- PW-089-14** Public Works & Administration, re Sale of Surplus Property at Davison Road Complex


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 August 5, 2014.

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 06/17/14 RESOLUTION #: AD-008-14

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION AD - 6/9/14	LEGISLATIVE ACTION
			Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

AUTHORIZATION TO CONVEY CERTAIN TAX SALE PROPERTY (PROPERTY COMMONLY KNOWN AS 6892 EAST HIGH STREET) TO THE TOWN OF LOCKPORT

WHEREAS, the Niagara County Treasurer, acting in his capacity as Tax Enforcing Officer, acquired title to tax sale property commonly known as 6892 East High Street in the Town of Lockport, New York assessed as SBL# 124.05-2-20 pursuant to the Niagara County in rem tax foreclosure proceeding filed in the Niagara County Clerk's Office under Index No.: 142383 (the "Property"), and

WHEREAS, the abandoned, vacant dwelling located on the Property was in such condition as to require immediate demolition by the County of Niagara or the Town of Lockport, as it presented an immediate danger to the life, safety and health of the public, and

WHEREAS, pursuant to the direction of the Town Board of the Town of Lockport, said township, through its employees and its agents, took immediate action to demolish the dwelling and remove all debris from the Property and, through its attorney, has requested that the County of Niagara transfer ownership of the Property to the Town of Lockport for purposes of future development and that such transfer be at no cost to the Town of Lockport in recognition of the Town of Lockport's full assumption of the costs of demolition and clearance of the Property, and

WHEREAS, the Niagara County Treasurer has requested legislative approval of said transfer with the understanding that the Property will be used by the Town either for municipal purposes or, in the sole discretion of the Town of Lockport, for purposes of transfer to a private, tax paying purchaser, and

WHEREAS, the benefits accruing the County of Niagara (avoidance of the costs of demolition and other exposures) are in excess of the potential auction value of this property, which stands now as a vacant lot measuring 70 ft. in frontage and a depth of 260 ft., now, therefore, be it

RESOLVED, pursuant to County Law section 215(8), the Chairman of the Niagara County Legislature be, and hereby is, authorized and directed to sign and deliver a quit claim deed and all other reasonable and necessary title transfer documents to the Town of Lockport, conveying to the Town of Lockport, for nominal consideration all the right title and interest of the County of Niagara in the Property, but subject to payment by the Town of Lockport of the 2014-2015 School Tax and subject to the review and approval of the Niagara County Attorney.

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services Committee and DATE: 06/17/14 RESOLUTION #: CS-021-14

Administration Committee

APPROVED BY	REVIEWED BY	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	<u>CS - 6/9/14</u>	Approved: Ayes _____ Abs. _____ Noes _____
<u>Kathleen D. Alexander</u>		<u>AD - 6/9/14</u>	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

NEW YORK STATE AID APPLICATION - NIAGARA COUNTY YOUTH BUREAU

WHEREAS, the County of Niagara and the municipalities within its boundaries have been designated as eligible to receive State Aid for 2014 youth programs through its Youth Bureau from the New York State Office of Children and Family Services in the amount of \$320,806.00, and

WHEREAS, the Comprehensive Planning Law mandates the Niagara County Youth Bureau must apply for such funds, and

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

RESOLVED, that the Director of the County Youth Bureau be, and hereby is, authorized to make application for the following program funds:

Youth Development Program	\$252,282
Runaway and Homeless Youth	68,524

and be it also

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to execute any and all documents relating to the application, subject to the review by the County Manager and the approval of the County Attorney, and be it further

RESOLVED, that the Youth Bureau's 2014 budget be amended as follows:

INCREASE REVENUE:

A.22.7310.43820.01	Youth Programs Youth Bureau Programs	\$17,000
A.22.7310.43820.04	Youth Programs Youth Bureau Service	\$70,912

INCREASE EXPENSE:

A.22.7310.74500.01	Contractual Expenses	\$17,000
A.22.7310.74550.28	Programs Youth Service Application	\$70,912

COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security Committee DATE: 06/17/14 RESOLUTION #: CSS-020-14

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
<u>Katherine D. Alexander</u>		<u>CSS - 6/9/14</u>	Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

AID TO DEFENSE PROGRAM RENEWAL 2014-2015 PUBLIC DEFENDER

WHEREAS, the Niagara County Public Defender's Office has applied for and was awarded funding from the New York State Division of Criminal Justice Services under the Aid to Defense Program for the purpose of continuing aid in the defense of repeat violent and serious felony offenders in Niagara County, and

WHEREAS, funding has been awarded in the amount of \$16,900 for the period April 1, 2014 through March 31, 2015, with no matching funds requirement, and

WHEREAS, the funds have been appropriated in the Niagara County Public Defender's 2014 budget, now, therefore, be it

RESOLVED, that the County of Niagara does hereby accept the renewal of this grant, and be it further

RESOLVED, that prior to the execution of the grant award contract, the County Attorney will review the grant award contract for approval as to legal form, language and compliance, and be it further

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

COMMUNITY SAFETY & SECURITY
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and DATE: 06/17/14 RESOLUTION #: CSS-021-14

Administration Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

CSS - 6/9/14

Approved: Ayes _____ Abs. _____ Noes _____

AD - 6/9/14

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

Katherine D. Alexander

ACCEPTANCE OF UPSTATE QUALITY IMPROVEMENT AND CASELOAD REDUCTION GRANT - CREATION OF POSITION PUBLIC DEFENDER

WHEREAS, the Niagara County Public Defender's Office was created pursuant to Article 18-A, §716 and §717 of the County Law to provide for the defense of indigent persons accused of crimes in Niagara County, and

WHEREAS, the Niagara County Public Defender's Office, by Resolution No. 161-95 dated April 4, 1995, added representation to indigent parties in Niagara County Family Court, and added four Assistant Public Defender positions and a clerical staff member to handle that faction of the caseload due to the increased cost of assigning private counsel on each qualifying case in Family Court, and

WHEREAS, the caseload of the Assistant Public Defenders in Family Court has significantly increased within the last 19 years, and

WHEREAS, the New York State Office of Indigent Legal Services has offered grant funding to the County of Niagara to provide an attorney for Upstate Quality Improvement and Caseload Reduction, and

WHEREAS, the Niagara County Public Defender's Office applied for and was awarded funding from the New York State Office of Indigent Legal Services for the purpose of creating a part-time Assistant Public Defender, with benefits, to improve the quality of indigent defense representation by reducing the caseload of the Assistant Public Defenders in Family Court, allowing each attorney to devote more time to individual client's cases, and

WHEREAS, funding has been awarded in the amount of \$185,723 for a three-year period, from January 1, 2014 through December 31, 2016, which is \$61,907.67 per year for the three year period, said three year period to be extended because the contract will not be fully executed until July, 2014, now, therefore, be it

RESOLVED, that the County of Niagara does hereby accept this grant award, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Niagara County Legislature be, and hereby is, authorized to sign the grant award documents, and be it further

RESOLVED, that effective July 7, 2014, the Niagara County Public Defender's Office is authorized to create and fill one part-time Assistant Public Defender position budgeted at 1560 hours per year with a salary set at the Attorney Salary Schedule, Grade ATT ASST PDF P/T, or \$39,271.87 annually, and be it further

RESOLVED, that the part-time Assistant Public Defender position be coterminous with the grant funded program, and be it further

RESOLVED, that a new revenue line be added to the Niagara County Public Defender Budget for this grant titled Indigent Legal Service Caseload Reduction, and be it further

RESOLVED, that a new revenue line be added to the Niagara County Public Defender Budget for this grant titled Indigent Legal Service Caseload Reduction, and be it further

RESOLVED, that the following budget modifications be made to the 2014 budget:

INCREASE REVENUE:

A.03.1170.000.43025.02	Indigent Legal Service Caseload Reduction	\$28,700
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INCREASE APPROPRIATIONS:

A.03.1170.000.71010-00	Assistant Public Defender	\$19,334
A.03.1170.000.78100.00	Retirement	2,107
A.03.1170.000.78200.00	FICA	1,479
A.03.1170.000.78300.00	Workers Compensation	696
A.03.1170.000.78400.01	Health Insurance	3,889
A.03.1170.000.78400.05	Health HRA	850
A.03.1170.000.78800.00	Flex 125 Employer Contribution	345

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and DATE: 06/17/14 RESOLUTION #: CSS-022-14

Administration Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

CSS - 6/9/14

Approved: Ayes _____ Abs. _____ Noes _____

AD - 6/9/14

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

Katherine D. O'Connell

BUDGET MODIFICATION – SHERIFF'S OFFICE FUNDING FROM NIAGARA COUNTY DEPARTMENT OF MENTAL HEALTH

WHEREAS, the Niagara County Department of Mental Health received one time funding from the New York State Office of Alcohol and Substance Abuse Services, and

WHEREAS, these funds are provided to Niagara County based on a state formula, and

WHEREAS, the general intent of these funds is for OASAS initiatives to support the utilization of funds for drug abuse prevention, and

WHEREAS, in 2013 no OASAS licensed programs required assistance and these funds are still available to Niagara County, and

WHEREAS, the Mental Health Department was informed that the Sheriff's Office was in need of funds to further combat alcohol and drug abuse through enforcement initiatives, now, therefore, be it

RESOLVED, that the funds be transferred to the Sheriff's Office for their use in combating drug abuse, and be it further

RESOLVED, that the following budget modification be effectuated:

INCREASE REVENUE:

A.17.3110.000.41289.08	Reimbursement Other Departments	\$50,000
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INCREASE APPROPRIATIONS:

A.17.3110.000.74400.04	Special Investigations	\$50,000
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COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security & Administration Committees

DATE: 06/17/2014

RESOLUTION # CSS-023-14

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CSS - 06/09/14
AD - 06/09/14

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

BUDGET MODIFICATION ABOLISH AND CREATE MAINTENANCE POSITION

WHEREAS, due to a personnel vacancy, the Sheriff's Office has reviewed its operational need for maintaining the facility, and

WHEREAS, after evaluating all options it has been determined that it would be in the best interest of the facility to restructure our Maintenance Division, and

WHEREAS, due to a resignation effective May 31, 2014, there exists a full time General Repair Person II vacancy in the Maintenance Division at the Sheriff's Office Correctional Facility, and

WHEREAS, previously the Sheriff's Office had a supervisor in charge of maintenance, however, that position was not a working supervisor and through a resolution we abolished the supervisor and created an additional maintenance worker, and

WHEREAS, it has now been determined that due to the size and complexity of the facility a supervisor is necessary for the operation, and

WHEREAS, to fund this position a General Repair Person II, Job Group 13 at an hourly rate of \$20.20 will be abolished to create a Head Maintenance Person, CSEA, Job Group 11, at an hourly rate of \$24.30, and

WHEREAS, based upon recent changes made with the realignment of security measures necessary for maintenance (construction) projects, we will see savings in overtime to offset the additional cost for the new position, now, therefore, be it

RESOLVED, that the General Repair Person II position be abolished effective July 6, 2014, and be it further

RESOLVED, that the position of Head Maintenance Person, CSEA, Job Group 11, Step 1, at an hourly rate of \$24.30 be created and filled effective July 7, 2014, and be it further

RESOLVED, that the following budget modification be made:

FROM:

A.17.3150.000.71010.000
A.17.3150.000.71050.000

Positions
Overtime

\$20,684
5,395

TO:

A.17.3150.000.71010.000	Positions	\$24,884
A.17.3150.000.78400.005	HRA	850
A.17.3150.000.78800.000	Flex 125	345

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and _____ DATE: 06/17/14 RESOLUTION #: CSS-024-14

Administration Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CSS - 6/9/14
AD - 6/9/14

LEGISLATIVE ACTION

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

ACCEPTANCE OF AID TO PROSECUTION PROGRAM GRANT

WHEREAS, the Niagara County District Attorney's Office applied for and was awarded funding from the New York State Division of Criminal Justice Services under the Aid To Prosecution Program for the purpose of continuing aid in the prosecution of repeat violent and serious felony offenders in Niagara County, and

WHEREAS, funding has been awarded in the amount of \$63,700.00 for the period April 1, 2014 through March 31, 2015, with no matching funds requirement, and

WHEREAS, the funds have been appropriated in the Niagara County District Attorney's 2014 budget, now, therefore, be it

RESOLVED, that the County of Niagara does hereby accept this grant award, and be it further

RESOLVED, that prior to the execution of the grant award contract, the County Attorney will review the grant award contract for approval as to legal form, language and compliance, and be it further

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

COMMUNITY SAFETY & SECURITY
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and DATE: 06/17/14 RESOLUTION #: CSS-025-14

<u>Administration Committees</u>			
APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION <u>CSS - 6/9/14</u> <u>AD - 6/9/14</u>	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____

DISTRICT ATTORNEY CRIMES AGAINST REVENUE PROGRAM GRANT ACCEPTANCE & BUDGET MODIFICATION

WHEREAS, the Niagara County District Attorney's Office applied for and was awarded funding from the New York State Division of Criminal Justice Services for the Crimes Against Revenue Program to enhance prosecution of crimes against the revenue of New York State which include Income and Sales Tax evasion and fraud and Unemployment Insurance fraud, and

WHEREAS, funding has been awarded in the amount of \$100,000.00 for the period January 1, 2014 through December 31, 2014, with no matching funds requirement, and

WHEREAS, basic revenue and appropriation figures for said program were calculated and are contained within the District Attorney's operating budget for the 2014 budget year, and

WHEREAS, additional funds received must be appropriated in the District Attorney's A.02.1165.000 cost center for the 2014 budget year, and

WHEREAS, the program will continue to fund one full time Assistant District Attorney, Position #10969, ATT I, Step 1, \$48,000 annually, with fringe benefits which shall remain coterminous with grant funding, now, therefore, be it

RESOLVED, that the County of Niagara does hereby accept this grant award, and be it further

RESOLVED, following the County Attorney's review, the Chairman of the Niagara County Legislature be, and hereby is, authorized to sign the grant award documents, and be it further

RESOLVED, that the following budget modifications be made:

INCREASE APPROPRIATIONS:

A.02.1165.000 74650.08	Consultants & Expert Services	\$24,591
A.02.1165.000 74600.03	Training & Education	2,500

INCREASE REVENUE:

A.02.1165.000 43089.02	State Aid Other- Crimes Against Revenue Program (CARP)	\$27,091
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COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and DATE: 06/17/14 RESOLUTION #: CSS-026-14

<u>Administration Committees</u>			
APPROVED BY	REVIEWED BY	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	CSS - 6/9/14	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 6/9/14	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

DISTRICT ATTORNEY BUDGET MODIFICATION & ACCEPTANCE OF GIVE INITIATIVE GRANT

WHEREAS, the Niagara County District Attorney's Office, the Niagara County Probation Department, and the Niagara County Sheriff's Office, in conjunction with the Niagara Falls Police Department, had applied for and received funding under the Operation IMPACT (Integrated Municipal Police Anti-Crime Teams) Program for ten years, and

WHEREAS, Operation IMPACT was successfully implemented throughout the County of Niagara, the City of Niagara Falls and the State of New York as a whole and resulted in a reduction of those crimes targeted under the program, and

WHEREAS, due to the successes under Operation IMPACT, the Division of Criminal Justice Services has discontinued Operation IMPACT in favor of a new gun violence eradication initiative to target the rising incidents of gun involved violence across the State of New York and specifically the seventeen counties that account for the vast majority of crime outside of the City of New York, which includes the County of Niagara, and

WHEREAS, the GIVE (Gun Involved Violence Elimination) Initiative is a statewide comprehensive strategy which will build on the successes of Operation IMPACT but focus exclusively on reducing shootings and homicides by promoting integrated, evidence based strategies, and

WHEREAS, the Niagara County District Attorney's Office, the Niagara County Sheriff's Office and the Niagara County Probation Department, in conjunction with the Niagara Falls Police Department, applied for funding under the 2014-2015 GIVE Initiative, and

WHEREAS, The Niagara County District Attorney's Office, the Niagara County Sheriff's Office and the Niagara County Probation Department have received notification that funding has been awarded in the amounts of \$149,795, \$105,094 and \$63,193 respectively, for the period of July 1, 2014 through June 30, 2015, with no required match from Niagara County, and

WHEREAS, the Sheriff's Office has a Correction Officer position #10442 which was previously funded under Project IMPACT and will continue with funding under the GIVE Initiative and remain coterminous with grant funding, and

WHEREAS, the District Attorney's Office has an Assistant District Attorney position #4771, which was also funded under Project IMPACT, will continue with funding under the GIVE Initiative and remain coterminous with grant funding, and

WHEREAS, it is necessary to modify revenue and appropriations in the District Attorney's Office and Probation Department's budgets for fiscal year 2014, and now, therefore, be it

RESOLVED, that the County of Niagara does hereby accept this award, and be it further

RESOLVED, that prior to the execution of the grant award contract, the County Attorney will review the grant award contract for approval as to legal form, language and compliance, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Niagara County Legislature be, and hereby is, authorized to execute the grant award documents, and be it further

RESOLVED, that effective immediately, the following budget modifications be effectuated:

INCREASE REVENUE:

CM.02.1989.115.43389.13	Crime Prevention	\$2,000
A.18.3140.000.43310.04	NYSDCJS	12,242

INCREASE APPROPRIATIONS:

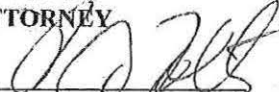
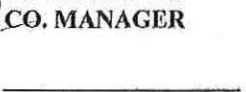
CM.02.1989.115.74300.01	Travel Conference	\$2,000
A.18.3140.000.71050.00	Overtime	10,000
A.18.3140.000.71060.58	Beeper Pay	1,000
A.18.3140.000.74600.03	Training/Education	400
A.18.3140.000.78200.00	FICA	842

COMMUNITY SAFETY AND SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Economic Development Committee DATE: 06/17/14 RESOLUTION #: ED-009-14

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
		<u>ED - 5/20/14</u>	Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

6/11/2014

RESOLUTION TO CONTINUE AGRICULTURAL DISTRICT 8 (WILSON AND PORTER)

WHEREAS, a 30-day review period and a public hearing (June 5, 2012) were held with respect to Niagara County Agricultural District #8 (Towns of Wilson and Porter) and no objection to the continuation of the district was raised, and

WHEREAS, the Niagara County Agricultural and Farmland Protection Board's recommendation is to continue the district as constituted in 2004 and amended in 2010, now, therefore, be it

RESOLVED, that the Niagara County Legislature recommends to the New York State Commissioner of Agriculture that Niagara County Agriculture District #8 be continued as constituted in 2004 and amended in 2010.

ECONOMIC DEVELOPMENT COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Richard E. Updegrove, DATE: 06/17/14 RESOLUTION #: IL-027-14

Anthony J. Nemi, et al.

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

RESOLUTION DIRECTING COUNTY MANAGER AND OFFICE OF MANAGEMENT AND BUDGET PLAN AND MAKE PROVISIONS FOR EMPLOYEE STEP INCREASE IN THE 2015 COUNTY BUDGET

WHEREAS the Legislature of the County of Niagara has endeavored to change the tone of ongoing contract negotiations with its recognized bargaining units, such negotiations having been declared to be at an impasse by negotiators for the county government, and

WHEREAS, it is the view of the Legislators voting in the affirmative on this measure that the restoration of step increases in the 2015 budget, so long as said step increases are accomplished in a fiscally responsible manner, and

WHEREAS, current fiscal projections in the county's ongoing budget process suggest adequate funds will be available to enact step increases effective January 1, 2015, now, therefore, be it

RESOLVED, that the County Legislature does hereby direct the County Manager to enact such measures as shall be necessary to plan and make provisions for employee step increases in the 2015 Niagara County Budget, and be it further

RESOLVED, that the County Manager, Budget Director, Human Resources Director, Treasurer's Office and other key members of Niagara County management are hereby directed to undertake such procedures as shall be necessary for determining and calculating employee step increase eligibility and cost, and be it further

RESOLVED, that the Legislature of the County of Niagara does direct the aforementioned parties to enact such budget measures as shall be necessary to ensure that the Niagara County Budget remains under the state-mandated property tax cap per criteria set forth by the New York State Department of Taxation and Finance, and that the step increases authorized by this legislation shall be contingent upon fulfillment of this clause, and be it further

RESOLVED, that the Legislature of the County of Niagara does direct the aforementioned parties to enact such budget measures as shall be necessary to ensure that the Niagara County Budget shall meet the criteria set forth in the 2014-2015 New York State Budget to ensure residents of the County of Niagara maintain eligibility to receive tax rebates, and that the step increases authorized by this legislation shall be contingent upon fulfillment of this clause, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to the County Treasurer, the County Manager, the Director of the Office of Management and Budget, the Director of Human Resources, the presidents of the county's recognized bargaining units, and all others deemed necessary and proper.

LEGISLATOR RICHARD E. UPDEGROVE

LEGISLATOR ANTHONY J. NEMI

LEGISLATOR WILLIAM L. ROSS

LEGISLATOR RICHARD L. ANDRES

LEGISLATOR MICHAEL A. HILL

LEGISLATOR JOHN SYRACUSE

LEGISLATOR DAVID E. GODFREY

LEGISLATOR RANDY R. BRADT

LEGISLATOR KATHRYN L. LANCE

LEGISLATOR CLYDE L. BURMASTER

NIAGARA COUNTY LEGISLATURE

FROM: Legislator John Syracuse, Richard E. DATE: 06/17/14 RESOLUTION #: IL-028-14

Updegrove, Michael A. Hill, et al.

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

**RESOLUTION CALLING ON THE NEW YORK STATE LEGISLATURE TO CONTINUE
TO REJECT THE UNCONSTITUTIONAL GUN CONTROL BILL A.3244A/S.68A,
A BILL THAT WOULD PLACE A COSTLY AND INEFFECTIVE MICRO-STAMPING
REGIME ON HANDGUNS IN NEW YORK**

WHEREAS, the Second Amendment to the Constitution of the United States clearly states that "the right of the people to keep and bear Arms, shall not be infringed," and

WHEREAS, Article XII of the Constitution of the State of New York clearly states, "The defense and protection of the state and of the United States is an obligation of all persons within the state," and

WHEREAS, the Legislature of the County of Niagara has repeatedly affirmed this county's recognition of the individual right to keep and bear arms, as enshrined in the Bill of Rights, and most recently in our opposition to the imposition of Governor Andrew M. Cuomo's NY SAFE Act gun control law, and

WHEREAS, the New York State Assembly has taken up bill A.3244A, an act that attempts to impose a micro-stamping requirement on all pistols manufactured or sold in the State of New York, and to individuals holding New York State Pistol Permits, which is sponsored by Member of the Assembly Michelle Schimel, whose district is in Great Neck, a New York City suburb based on Long Island, and

WHEREAS, Senator José Peralta, of Queens, in New York City, has sponsored a companion bill in the New York State Senate, S.68A, with that bill currently before the Senate Committee on Codes, and

WHEREAS, the New York State Legislature has repeatedly rejected proposed laws requiring micro-stamping, despite Member of the Assembly Schimel repeatedly introducing various bills and amendments, and

WHEREAS, the Legislature of the County of Niagara has consistently opposed micro-stamping legislation, most recently with the bi-partisan passage of resolutions IL-036-11, unanimously approved on June 7, 2011, IL-014-12, unanimously approved on March 20, 2012, and IL-036-12, unanimously approved on June 19, 2012, and

WHEREAS, the Honorable George D. Maziarz, Vice President Pro Tem of the New York State Senate and Senator for the 62nd District, did, on June 3, affirm his ongoing opposition to micro-stamping legislation, and

WHEREAS, micro-stamping has proven to be an exceedingly costly mandate placed upon law-abiding gun owners that uses technology that has been repeatedly proven to be marginally effective at best, and that would greatly increase the cost of manufacturing firearms, and

WHEREAS, the rationale that micro-stamping would make it possible to tie a criminally-fired handgun to its owner is doubtful, given that, according to the Bureau of Alcohol, Tobacco, Firearms, and Explosives, 88% of guns utilized in the commission of crimes are acquired through "unregulated channels," and that the median time between the acquisition of a gun and its use in a crime is 6.6 years, and

WHEREAS, micro-stamping of expended ammunition cartridges would only be of value in cases where expended cartridges are ejected, thus ensuring that revolvers would remain untraceable using the dubious technology in question, and

WHEREAS, a 2006 study by the University of California-Davis concluded that micro-stamping technology repeatedly failed to produce readable micro-stamped characters, negating the purpose of such a mandate, and

WHEREAS, A.3244A fails to provide for a funding mechanism for the construction of computer databases that would be necessary to cross-check any ammunition casings found at a crime that actually contained readable micro-stamped information, and

WHEREAS, the County of Niagara is home to a thriving sporting industry, as evidenced by the presence of the Fin-Feather-Fur Conservation Society, the Hartland Conservation Club, the Iroquois Arms Collectors Association, the Lake Ontario Trout & Salmon Association, the LaSalle Sportsman's Club, the Lockport Conservation Club, the Middleport Rod & Gun Club, the N.Y.S. Crossbow Hunter's Association, the Niagara County Chapter of SCOPE, the Niagara County Gobblers Chapter NWTF, the Niagara County Sportsmen's Association, the Niagara County Trappers Association, the Niagara Musky Association, the Niagara Frontier Friends of the NRA, the Niagara River Anglers Association, the North American Bear Foundation, the North Forest Rod & Gun Club, the Pheasants Forever of WNY #29 - Pioneer Conservation Sportsmen's of Niagara County, the Rapids Rod & Gun Club, the Somerset Conservation Club, the Tonawanda Sportsmen's Club, the Wheatfield Firearms Safety & Education Committee, the Wilson Conservation Club Auxiliary, the Wilson Conservation Club, and the Wolcottsville Rod & Gun Club, among others, and

WHEREAS, it is the right of the citizens of Niagara County to take any reasonable measures necessary to be secure in their homes against criminals and other dangerous trespassers, and This Legislature opposes such government interference in the practice of that right as shall increase costs to make a Constitutional right too costly to practice, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara does hereby oppose the enactment of A.3244A /S.68A, and be it further

RESOLVED, that the Legislature of the County of Niagara calls upon the leadership of the New York State Assembly to withdraw A.3244A, and be it further

RESOLVED, that the Legislature of the County of Niagara calls upon its full delegation to the New York State Assembly to vote in the negative on A.3244A, and commends Members of the Assembly John D. Ceretto, Jane L. Corwin, Stephen Hawley, Ray Walter, and Robin Schimminger for their consistent past opposition to legislation imposing micro-stamping in New York State, and be it further

RESOLVED, that the Legislature of the County of Niagara does commend Senator Maziarz for his principled opposition to gun control legislation including micro-stamping proposals, and be it further

RESOLVED, that the Legislature of the County of Niagara does hereby call upon the New York State Senate to reject this unconstitutional bill in the Codes Committee, as is the proper function of that committee, and be it further

RESOLVED, that the Legislature of the County of Niagara calls upon the entire Western New York delegation to the New York State Senate to vote in the negative on S.68A or utilize any procedural tools to prevent its enactment, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Cuomo, Senate Vice President Pro Tem George D. Maziarz; Senator Mark J. Grisanti; Senate Temporary President Dean G. Skelos; Senate Deputy Majority Leader Thomas W. Libous; Member of the Assembly Jane L. Corwin; Member of the Assembly John D. Ceretto; Member of the Assembly Ray Walter; Member of the Assembly Robin Schimminger; Speaker of the Assembly Sheldon Silver; Assembly Majority Leader Joseph Morelle; Assembly Minority Leader Brian M. Kolb; and all others deemed necessary and proper.

LEGISLATOR JOHN SYRACUSE

LEGISLATOR RICHARD E. UPDEGROVE

LEGISLATOR MICHAEL A. HILL

LEGISLATOR WILLIAM L. ROSS

LEGISLATOR RANDY R. BRADT

LEGISLATOR ANTHONY J. NEMI

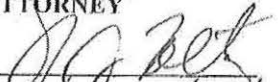
LEGISLATOR WM. KEITH MCNALL

LEGISLATOR KATHRYN L. LANCE

LEGISLATOR RICHARD L. ANDRES

NIAGARA COUNTY LEGISLATURE

FROM: Legislator Randy R. Bradt DATE: 06/17/14 RESOLUTION #: IL-029-14

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
 6/12/14			Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____

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

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

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

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

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

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

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


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

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

LEGISLATOR RANDY R. BRADT

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Clyde L. Burmaster & William L. Ross DATE: 06/17/2014 RESOLUTION # IL-030-14

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

NIAGARA COUNTY OPPOSITION TO ANY FURTHER TOXIC WASTE LANDFILLS ANYWHERE IN THE COUNTY INCLUDING A PROPOSED EXPANSION IN THE TOWN OF PORTER DESCRIBED AS RMU-2

WHEREAS, SINCE 1994 Chemical Waste Management Corporation, Model City, New York, Residuals Management Unit-1, has accepted PCB wastes known to be highly dangerous; extremely long-lived in the environment (ie. They resist biological degradation); bio accumulate in the fatty tissues of humans, fish and other animals; are classified as probable human carcinogens, particularly affecting the skin, eyes and nervous system and this is the only sited Toxic Hazardous Waste landfill in the entire Eastern United States, and

WHEREAS, PCB wastes as well as other hazardous wastes have been disposed of since at least 1985 in several closed landfills managed by C.W.M., under the oversight of the DEC by the collection, treating and discharging of the leachate into the Niagara River, together with the treated leachate from RMU-1 which included cancer causing carcinogens such as PCBs, and

WHEREAS, the Niagara County Legislature, cities, Towns and villages are on record through numerous resolutions over the years in unanimous opposition to the existence of these serious threats to the health and safety of our families, friends and economic prosperity, now and into the future, and

WHEREAS, it is proven fact that the elements now contained in RMU-1 such as PCBs cause certain cancers that can lead to serious health problems, even death, to our citizens and that populated areas in proximity to this location have a proven high incidence of cancer, some significantly above the norm, and

WHEREAS, the mere existence of this landfill has for many years caused great fear for the health and safety, not only for those who live nearby, but by the parents of children attending the Lewiston-Porter School system located a short distance away and is on property paralleling the run off of the effluent produced by RMU-1 as well as being on the very truck route carrying these very dangerous materials which have had dangerous chemical spills over the years, and

WHEREAS, C.W.M.'s landfill known as RMU-1 is close to capacity and now C.W.M. wishes to establish another Toxic Hazardous Waste Hazardous Landfill to be identified as RMU-2 right next door to RMU-1, and

WHEREAS, The New York State Department of Environmental Conservation as well as the federal Environmental Protection Agency recently conducted a study of the needs for any future Toxic Hazardous Waste landfills and after due deliberations concluded that there exists "Excess Capacity" for Toxic Hazardous Waste landfills and "There is NO NEED for further landfills" such as RMU-2 for the foreseeable future, and

WHEREAS, our senior state Representatives, Senator George Maziarz, 62nd District, Assemblywoman Jane Corwin 144th District, and Assemblyman John Ceretto 145th District, have all gone on record as being opposed to any further Hazardous Waste landfills in Niagara County sharing the grave concerns for our families, friends and neighbors health, now, therefore, be it

RESOLVED, we the people beseech the CWM Expansion Siting Board, the D.E.C. and the Governor of the State of New York, Andrew Cuomo to do everything in their power to prevent our beautiful state from becoming known as the toxic waste dumping ground of the Eastern United States; we have suffered enough having to carry the stigma of the infamous Love Canal and the L.O.O.W. (Lake Ontario Ordinance Works), the radioactive dump immediately next door to C.W.M. and containing extremely dangerous radioactive materials which could potentially cause severe health problems, even death, to hundreds of thousands should its clay cover be opened in any way such as by terrorists or earthquake, and be it further

RESOLVED, that a copy of this resolution be sent NYS Governor Andrew Cuomo, Senator George Maziarz, Assemblywoman Jane Corwin, Assemblyman John Ceretto, and members of the recently appointed Siting Board.

LEGISLATOR CLYDE L. BURMASTER

LEGISLATOR WILLIAM L. ROSS

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 06/17/14 RESOLUTION #: PW-073-14

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 6/9/14

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE LOCKPORT RUGBY CLUB

WHEREAS, the Lockport Rugby Club has requested that the County of Niagara grant them exclusive rights to operate a Rugby program in an area situated in the County owned property on Davison Road, and

WHEREAS, this program benefits the residents of the Town and City of Lockport in addition to Niagara County as a whole, and

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

WHEREAS, the event coordinator will provide all insurances required by the Risk Management Office, and agree to cover all extraordinary expenses associated with event, and

WHEREAS, prior to the execution of the license agreement between the County of Niagara and the Lockport Rugby Club, the County Attorney will review said Agreement for approval as to legal form, language and compliance, now, therefore, be it

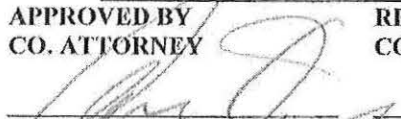
RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Lockport Rugby Club, as appears on the proposed agreement, is hereby approved in all respects, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the agreement with the Lockport Rugby Club.

PUBLIC WORKS COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 06/17/14 RESOLUTION #: PW-074-14

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION <u>PW - 6/9/14</u>	LEGISLATIVE ACTION
			Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE SOCCER SHOTS BUFFALO

WHEREAS, Soccer Shots Buffalo has requested that the County of Niagara grant them exclusive rights to operate a youth soccer program in a section of Oppenheim Park, and

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

WHEREAS, the event coordinator will provide all insurances required by the Risk Management Office, and agree to cover all extraordinary expenses associated with event, and

WHEREAS, prior to the execution of the License Agreement between the County of Niagara and Soccer Shots Buffalo, the County Attorney will review said Agreement for approval as to legal form, language and compliance, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Soccer Shots Buffalo, now, therefore, be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and Soccer Shots Buffalo, as appears on the proposed agreement, is hereby approved in all respects, and be it further

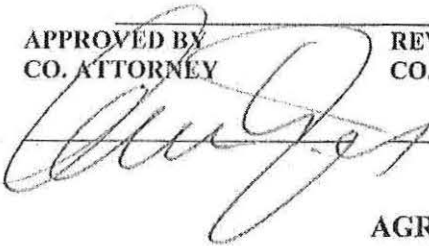
RESOLVED, that following the County Attorney's review, the Chairman of the County Legislature be, and hereby is, authorized to execute the License Agreement between the County of Niagara and Soccer Shots Buffalo.

PUBLIC WORKS COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 06/17/14 RESOLUTION #: PW-075-14

APPROVED BY
CO. ATTORNEY



REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 6/9/14

LEGISLATIVE ACTION

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

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE KAIHATSU FIELD HOCKEY CLINIC

WHEREAS, the Kaihatsu Field Hockey Clinic has requested that the County of Niagara grant them rights to operate a Field Hockey clinic 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, the event coordinator will provide all insurances required by the Risk Management Office, and agree to cover all extraordinary expenses associated with event, and

WHEREAS, prior to the execution of the license agreement between the County of Niagara and the Kaihatsu Field Hockey Clinic, the County Attorney will review said Agreement for approval as to legal form, language and compliance, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Kaihatsu Field Hockey Clinic, now, therefore, be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Kaihatsu Field Hockey Clinic, 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 County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and the Kaihatsu Field Hockey Clinic.

PUBLIC WORKS COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration DATE: 06/17/14 RESOLUTION #: PW-076-14

Committees

APPROVED BY CO. ATTORNEY 	REVIEWED BY CO. MANAGER	COMMITTEE ACTION <u>PW - 6/9/14</u> <u>AD - 6/9/14</u>	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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BUDGET MODIFICATION FOR LEACHATE HAULING TRUCK

WHEREAS, the Niagara County Refuse Disposal District's, 2002 Volvo Leachate Hauling Truck, has required extensive and necessary repairs to the transmission and tank body, and

WHEREAS, the Niagara County Refuse Disposal District is required by the New York State Department of Environmental Conservation Permit 32D10 to Conditions 26 and 33, which require landfill leachate to be removed, and

WHEREAS, the 2002 Volvo requires a new transmission, and

WHEREAS, the results of a tank integrity inspection revealed severe deficiencies in multiple areas of the tank thus requiring replacement, and

WHEREAS, funds are available from the disposal of surplus equipment, and

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

RESOLVED, that the following budget modification be approved:

INCREASE ANTICIPATED REVENUE:

EL.30.8160.807.42655.00	Sale of Equipment	\$46,000
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INCREASE ANTICIPATED EXPENSES:

EL.30.8160.807.74800.11	Vehicle Maintenance	\$46,000
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and be it further

RESOLVED, that the budgeted value for Vehicle Maintenance, \$1,750 be amended by \$46,000 to allow for the repairs to the 2002 Volvo Transmission and placement of a new tank, 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: 06/17/14 RESOLUTION #: PW-077-14

Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 6/9/14
AD - 6/9/14

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

BUDGET MODIFICATION FOR BOMAG COMPACTOR

WHEREAS, the Niagara County Refuse Disposal District (sealed bid 2009-32) engaged in a Lease with SunTrust Robinson Humphrey for a 2009 BOMAG Model BC772RB Landfill Compactor, and

WHEREAS, the Niagara County Refuse Disposal District ceased all active landfilling operations at the Construction and Demolition Debris Landfill on July 3, 2013, and

WHEREAS, the 2009 BOMAG Compactor was declared surplus on September 17, 2013, and
WHEREAS, funds are available from the disposal of surplus equipment, and

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

RESOLVED, that the following budget modification be approved:

INCREASE ANTICIPATED REVENUE:

EL.30.8160.807.42655.00	Sale of Equipment	\$250,048.87
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INCREASE ANTICIPATED EXPENSES:

EL.30.8160.807.74200.03	Machinery and Equipment Leased	\$250,048.87
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and be it further

RESOLVED, that the value for Machinery and Equipment Leased be amended by \$250,048.87, to allow for the full buyout of the lease, 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: 06/17/14 RESOLUTION #: PW-078-14

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION <u>PW - 6/9/14</u>	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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NIAGARA COUNTY GOLF COURSE - TOWN OF LOCKPORT AGREEMENT

WHEREAS, the Niagara County Golf Course has made a proposal to the Town of Lockport Recreation Commission, to provide accommodations for golf lessons for the 2014 season, and

WHEREAS, the Town Clerk of the Town of Lockport will distribute passes through the Town newsletter or as printed from the Town of Lockport website, in the amount of \$3.00 off the price of one-week of Junior League golf lessons, or \$15.00 off the package price of Junior Clinic, and

WHEREAS, the lessons will be given between 10:00 am and 2:00 pm on Thursdays, between July 24, 2014 and August 21, 2014, and

WHEREAS, the clinic will be given on Mondays, between the hours of 9:00 am and noon, between July 7, 2014 and August 4, 2014, and

WHEREAS, upon completion of the lesson/clinic period, the Niagara County Golf Course will return the passes collected to the Town Clerk, together with an executed Town Voucher, and

WHEREAS, the Town of Lockport shall reimburse the Niagara County Golf Course, 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 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: 06/17/14 RESOLUTION #: PW-079-14

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 6/9/14

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

EXTENSION OF SNOW AND ICE AGREEMENT DPW – HIGHWAY 2014-2015

WHEREAS, the County of Niagara, pursuant of Section 12 of the Highway Law, relating to the control of snow and ice on State highways in towns and incorporated villages, has heretofore entered into an agreement with the State of New York for such purposes, and

WHEREAS, Section 7 of said agreement provides that the Commissioner of Public Works shall furnish the municipality with a suitable map for each term of the agreement, and

WHEREAS, Section 190 of the said agreement provides for an annual update of the estimated expenditure to be determined by the Commissioner of Public Works, subject to the provisions of Section 10 at the time for extension of the agreement, and

WHEREAS, it would be in the best interest of Niagara County to extend the agreement, as modified and updated for 2013-2014, and

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

RESOLVED, that 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: 06/17/14 RESOLUTION #: PW-080-14

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 6/9/14

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

TOWN PAYMENT BUDGET MODIFICATION

WHEREAS, the Niagara County Department of Public Works and the various towns maintain a contract for snow and ice control on county roadways, and

WHEREAS, due to a hard snow and ice 2013-2014 season, additional funds are required in the Town Payment account line to allow final payment to some towns and to make payment of the 1st installment to all towns, which is due prior to October 15, 2014, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

D.40599.00	Appropriated Fund Balance	\$1,045,000
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INCREASE APPROPRIATION:

D.15.5142.000.74725.04	Other Town Payments	\$1,045,000
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PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 06/17/14 RESOLUTION #: PW-081-14

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 6/9/14

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

AWARD REHABILITATION OF LINCOLN AVENUE BETWEEN AKRON ROAD AND BEATTIE AVENUE

WHEREAS, the Department of Public Works, Engineering Division has prepared specifications and the Purchasing Department has advertised for bids for the rehabilitation of Lincoln Avenue, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on May 13, 2014, as tabulated below:

- | | |
|--|----------------|
| 1. Accadia Site Contracting
5636 Transit Rd
Depew, NY 14043 | \$6,893,160.20 |
| 2. Concrete Applied Technologies, Corp. dba CATCO
1266 Townline Road
Alden, NY 14004 | \$6,929,351.15 |
| 3. Mark Cerrone, Inc.
2368 Maryland Ave
Niagara Falls, NY 14305 | \$7,571,853.00 |

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 rehabilitation of Lincoln Avenue be awarded to the lowest responsible bidder, Accadia Site Contracting, 5636 Transit Rd, Depew, NY 14043, in the amount of \$6,893,160.20, 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 and Administration DATE: 06/17/14 RESOLUTION #: PW-082-14

Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 6/9/14
AD - 6/9/14

LEGISLATIVE ACTION

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

AWARD INSPECTION SERVICES FOR UPPER MOUNTAIN ROAD PAVEMENT REHABILITATION PROJECT

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with inspection services for the Upper Mountain Road Pavement Rehabilitation project, 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 budget modification be effectuated:

INCREASE ANTICIPATED REVENUE

H6XX.15.5112.43501.00 Consolidated Highway Aid \$1,400,000

INCREASE ANTICIPATED EXPENSES

H6XX.15.5112.72600.01 Infrastructure Roads \$1,400,000

and be it further

RESOLVED, that the consultant services to assist the County with inspection services for the Upper Mountain Road Pavement Rehabilitation Project be awarded to Erdman Anthony, 2165 Brighton Henrietta Town Line Road, Rochester, NY 14623, for a fee not to exceed \$18,000, 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

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 06/17/14 RESOLUTION #: PW-083-14

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 6/9/14

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

AWARD CONSULTANT SERVICES FOR COURT HOUSE AND CIVIL DEFENSE HISTORICAL REPAIRS

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with scoping services for the historical repairs of the Court House and Civil Defense entrance stairs and the Civil Defense building exterior, 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 scoping services for the Court House Historical corner joint repairs, be awarded to Bernier Carr & Associates, 327 Mullin St, Watertown, NY 13601, for a fee not to exceed \$1,200, 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: 06/17/14

RESOLUTION #: PW-084-14

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 6/9/14

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

~~AWARD CONSULTANT SERVICES FOR COURT HOUSE HISTORICAL REPAIRS~~

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with design services for the historical repairs of the Court House corner joints, and

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

RESOLVED, that the consultant services to assist the County with design services for the Court House Historical corner joint repairs, be awarded to Bernier Carr & Associates, 327 Mullin St, Watertown, NY 13601, for a fee not to exceed \$12,000, 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

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration DATE: 06/17/14 RESOLUTION #: PW-085-14

Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 6/9/14
AD - 6/9/14

LEGISLATIVE ACTION

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

**WILSON BURT ROAD BRIDGE REHABILITATION
CONSULTANT SERVICES AMENDMENT NO. 2**

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

WHEREAS, Resolution No. PW-056-12, dated May, 1, 2012, increases 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, it is necessary to amend the contract for construction administration and inspection services, in the amount of \$564,024.00,

WHEREAS, it is also necessary to extend the contract completion date, at no additional cost, to December 31, 2015, 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 \$564,024 to Abate Associates, 4455 Genesee Street, PO Box 218, Buffalo, NY 14225-0215, for a revised contract amount of \$924,109, and be it further

RESOLVED, that the contract completion date be extended to December 31, 2015, at no additional cost, and be it further

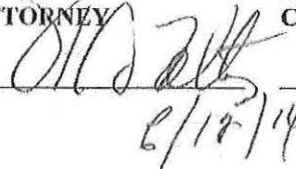
RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the required documents.

PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration **DATE:** 06/17/14 **RESOLUTION #:** PW-086-14

<u>Committees</u>			
APPROVED BY	REVIEWED BY	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	<u>PW - 6/9/14</u>	Approved: Ayes _____ Abs. _____ Noes _____
		<u>AD 6/9/14</u>	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

LINCOLN AVENUE RECONSTRUCTION CONSULTANT AMENDMENT NO. 4

WHEREAS, Resolution No. PW-092-08, dated September 2, 2008, awarded the contract for consulting services to Bergmann Associates, PO Box 8000, Buffalo, NY 14267, in the amount of \$555,113.28, and

WHEREAS, Resolution No. PW-073-09, dated May 5, 2009, amended the contract for subsurface exploration relative to hazardous waste/contaminated materials, in the amount of \$8,353.33, for a revised contract amount of \$563,466.61, and

WHEREAS, Resolution No. PW-077-11, dated July 26, 2011, amended the contract for ROW, temporary easements and permanent easement services, in the amount of \$89,566.22, for a revised contract amount of \$653,032.83, and

WHEREAS, Resolution No. PW-078-12, dated September 4, 2012, amended the contract for waterline replacement that was not part of the original design, in the amount of \$41,587, for a revised contract amount of \$694,619.83, and

WHEREAS, it is necessary to amend the contract for construction inspection and administration services, in the amount of \$1,000,007, for a revised contract amount of \$1,694,626.83, and

WHEREAS, it is also necessary to extend the contract completion date, at no additional cost, to December 31, 2015, and

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

RESOLVED, that the contract to Bergmann Associates, PO Box 8000, Buffalo, NY 14267, be increased by \$1,000,007, for a revised contract amount of \$1,694,626.83, and be it further

RESOLVED, that the contract completion date be extended to December 31, 2015, at no cost to the County, and

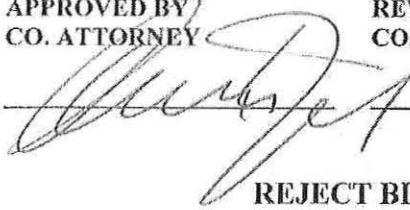
RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the required documents.

_____ PUBLIC WORKS COMMITTEE	_____ ADMINISTRATION COMMITTEE
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NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 06/17/14 RESOLUTION #: PW-087-14

APPROVED BY CO. ATTORNEY REVIEWED BY CO. MANAGER COMMITTEE ACTION PW - 6/9/14 LEGISLATIVE ACTION Approved: Ayes Abs. Noes Rejected: Ayes Abs. Noes Referred:



REJECT BIDS FOR WILSON-BURT ROAD BRIDGE REPLACEMENT

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

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

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

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

WHEREAS, the remaining bids considerably exceeded the engineer's estimate, and


WHEREAS, it is in the best interest of the taxpayers of Niagara County to restructure and rebid this project, now, therefore, be it

RESOLVED, that the County, pursuant to the bid specifications, is rejecting all bids.

PUBLIC WORKS COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 06/17/14 RESOLUTION #: PW-088-14

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION PW - 6/9/14	LEGISLATIVE ACTION
			Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

OPPOSING EXPANSION OF FEDERAL CONTROL UNDER CLEAN WATER ACT

WHEREAS, the U.S. Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps) have released a 371-page draft regulation for Definition of Waters of the U.S. under the Clean Water Act, and

WHEREAS, both agencies are seeking a rule change to give the federal government more authority by expanding the definition of "navigable waters" in the Clean Water Act, and

WHEREAS, the rule change proposed by the EPA and the Corps would subject almost all physical areas with a connection to downstream navigable waters – including features such as ditches, natural or man-made ponds, and flood plains – to the jurisdiction of the Clean Water Act, and

WHEREAS, the proposed rule change, if adopted, will cause significant harm to local farmers, stall the development of businesses, take control of land used for sustainable food production out of our local providers' hands and negatively impact County-owned and maintained infrastructure such as roadside ditches and flood control channels, and

WHEREAS, the costs to our farms, municipalities and taxpayers will be enormous, and

WHEREAS, the New York Farm Bureau, the National Association of Counties (NACo), and the National Association of County Engineers (NACE) oppose the proposed rule change, and

WHEREAS, it is impractical for the federal government to regulate every ditch, pond and rain puddle that may have some tenuous connection – miles away – to a body of water currently defined as "navigable", now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby strongly opposes the EPA and Corps expansion of the Clean Water Act, as proposed, and be it further

RESOLVED, that the Clerk of the Niagara County Legislature is hereby directed to forward a certified copy of this Resolution to the Environmental Protection Agency, the Army Corps of Engineers, the President of the United States, Barack Obama, U.S. Senator Charles Schumer and Senator Kristen Gillibrand, U.S. Congressman Chris Collins and Brian Higgins, NYS Governor Andrew Cuomo, NYS Senator George D. Mazarz, NYS Member of the Assembly Jane L. Corwin, Member of the Assembly John D. Ceretto, Member of the Assembly Ray Walter, Member of the Assembly Robin Schimminger, the National Association of Counties, the National Association of County Engineers, the New York State Association of Counties, the New York Farm Bureau, the NYS County Highway Superintendents Association, and the Western New York Inter-County Association.

PUBLIC WORKS COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works & Administration Committees DATE: 06/17/2014 RESOLUTION # PW-089-14

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 06/09/14
AD - 06/09/14

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

SALE OF SURPLUS PROPERTY AT DAVISON ROAD COMPLEX

WHEREAS, Niagara County has previously deemed that the Davison Road property is surplus property and has directed the Niagara County Manager to prepare documents for the purposes of selling such buildings and grounds, and

WHEREAS, the Niagara County Purchasing Department opened sealed proposals from prospective bidders on April 22, 2014, and

WHEREAS, the buyer has offered to pay to Niagara County an amount equal to fifty thousand seven hundred dollars (\$50,700) as a purchase price for such buildings and grounds in Conveyance No. 1, and

WHEREAS, the buyer has offered to pay to Niagara County an amount equal to fifty thousand (\$50,000) as a purchase price for such buildings and grounds in Conveyance No. 2, subject to the bid specifications, and

WHEREAS, the County will retain easement rights for the various utilities located on this parcel, as well as rights-of-way for ingress and egress to other related parcels, and

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

RESOLVED, that the Niagara County Legislature approves the awarding of the bid and the sale contract for the sale of surplus property known as Davison Road, its buildings and grounds, for a sale price of fifty thousand seven hundred, \$50,700, for Conveyance No. 1, subject to a deed restriction of no low income housing being allowed on Conveyance No. 1, and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to execute the required documents necessary to effectuate the sale of the Davison Road Complex to RB Mac Construction Co. Inc., PO Box 424, Lockport, NY 14094, in the amount of fifty thousand seven hundred, \$50,700, for Conveyance No. 1.

PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE