



**AGENDA**  
**NIAGARA COUNTY LEGISLATURE**  
**SEPTEMBER 16, 2014      –      7:00 P.M.**

**Regular Meeting – September 16, 2014**

- \*AD-011-14** Administration, re Active Non-Union Employees Niagara County Health Plan – County Manager
- \*AD-012-14** Administration, re Purchase of in Rem Property – Treasurer
- \*AD-013-14** Administration, re Budget Modification – IGT Recoupment – Treasurer
- \*AD-014-14** Administration, re Resolution of the County Legislature of the County of Niagara, New York (The “County”) Authorizing & Adopting Post Issuance Compliance Policies & Procedures Related to the County’s Tax-Exempt Obligations, Such Policies & Procedures Intended to Ensure that the Requirements Imposed Upon the County Pursuant to the Internal Revenue Code of 1986, as Amended, will be Satisfied – Treasurer
- \*AD-015-14** Administration, re Create & Fill Temporary Clerk – Board of Elections
- \*CS-028-14** Community Services & Administration, re Budget Modification Education of Handicapped Children – Public Health
- \*CS-029-14** Community Services & Administration, re Budget Modification Acceptance of Community Services for the Elderly Grant Increase – Aging
- \*CS-030-14** Community Services & Administration, re 2015 Contract – Mental Health
- \*CS-031-14** Community Services & Administration, re Budget Transfer A4310 Court Ordered County Mandated Costs – Mental Health
- \*CS-032-14** Community Services & Administration, re RPN Position Reclassification – Mental Health
- \*CSS-034-14** Community Safety & Security & Administration, re Update District Attorney Court Assistant Position – DA
- \*CSS-035-14** Community Safety & Security & Administration, re Budget Modification Assets Forfeiture & Lost Property – Sheriff

- \*CSS-036-14** Community Safety & Security & Administration, re Budget Modification Bullet Proof Vest Grant – Sheriff
- \*CSS-037-14** Community Safety & Security & Administration, re Crime Victim Grant Renewal – Sheriff
- \*ED-014-14** Economic Development & Administration, re Approval of Low Cost Power Benefit to Tops Markets LLC Under the Agreement for the Sale & Purchase of Niagara Project Power & Energy (ASPNPPE)
- \*ED-015-14** Economic Development & Administration, re Approval of Low Cost Power Benefit to Edwards Vacuum, Inc. Under the Agreement for the Sale & Purchase of Niagara Project Power & Energy (ASPNPPE)
- \*ED-016-14** Economic Development & Administration, re Budget Modification to Cover Empower Niagara Allocations to Tops Market LLC
- \*ED-017-14** Economic Development & Administration, re Budget Modification to Cover Empower Niagara Allocation Edwards Vacuum, Inc.
- IL-039-14** Legislators Richard L. Andres, Kathryn L. Lance, et al. & the Parks, Recreation & Tourism Ad Hoc Committee, re Support for the Town of Wilson Harbor Revitalization Project
- IL-040-14** Legislators Dennis F. Virtuoso, Owen T. Steed, et al., Resolution Endorsing Proposed Niagara Falls Redevelopment Arena Project
- IL-041-14** Legislator Michael A. Hill, re Adopting A Local Law To Authorize A Real Property Tax Exemptions For Improvements That Meet Certification Standards For Green Buildings
- PW-108-14** Public Works & Administration, re Bond Resolution Authorizing (I) the Issuance of \$20,250,000 Serial Bonds of the County of Niagara, New York (The “County”), & (II) the Expenditure of \$4,000,000 from the County Water District’s General Fund, to Finance a Portion of the Cost of an Increase & Improvement of the Facilities of the Niagara County Water District in Said County – Water
- \*PW-109-14** Public Works & Administration, re Resolution of the County of Niagara, New York (The “County”) Pursuant to Section 268 of the County Law Declaring it is in the Public Interest to Undertake the Increase & Improvement of Niagara County Water District Facilities (The “District”), Consisting of Construction of Additional Transmission Lines & Related Improvements – Water
- \*PW-110-14** Public Works, re Extension of Snow & Ice Agreement with NYS Department of Transportation 2014-2015
- \*PW-111-14** Public Works, re Agreement between the County of Niagara & the Niagara Frontier Cross Country Club
- \*PW-112-14** Public Works, re Lease Agreement with NCCC for the Trott Access Center 2014-2015
- \*PW-113-14** Public Works, re Award Consultant Services for the West Somerset Road Survey Project
- \*PW-114-14** Public Works, re Highway Department Offices & Locker Room Hydronic Heat Retrofit Contract Award

**\*PW-115-14** Public Works & Administration, re Authorization for the Niagara County Attorney to Commence Legal Proceedings for the Condemnation of a Fee Parcel

A handwritten signature in cursive script, reading "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 October 21, 2014.**



# NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee      DATE: 09/16/2014      RESOLUTION # AD-011-14

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
AD - 09/08/14

LEGISLATIVE ACTION

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

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

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

*Katherine D. Alexander*

## ACTIVE NON-UNION EMPLOYEES NIAGARA COUNTY HEALTH PLAN

WHEREAS, the County Manager and the Niagara County Legislature desires to address rising healthcare costs, Healthcare Reform Affordability regulations and increasing premiums by offering non-union active employees the First Choice plan option in addition to the current plan offerings; First Choice offers comparable benefit levels at a lower cost to both the County and non-union active employees who contribute towards to cost of healthcare coverage; the First Choice Health Plan offering will be a non-grandfathered plan under the Healthcare Reform regulation and in addition to comparable copays and benefits to the current plans will include \$0 copay preventive services for adults, woman's health and children's health, and a discount vision plan, now, therefore, be it

RESOLVED, that the County Manager shall direct the Human Resources, Risk, Budget and Treasurer's Departments to take the following actions for non-union active benefit eligible employees to offer the First Choice Health Plan as an option offering, and be it further

RESOLVED, that effective January 1, 2015 non-union active benefit eligible employees will have the following Healthcare Plan choices: Premium, Core, Value and First Choice, and be it further

RESOLVED, the Healthcare Reimbursements Accounts (HRA) annual deposits for the Premium, Core and Value Plans will remain the same as current, and are as follows:

	Single Annual Deposit	Family Annual Deposit
Premium Plan	\$0	\$0
Core Plan	\$220	\$440
Value Plan	\$425	\$850

and be if further

RESOLVED, that effective January 1, 2015 non-union active benefit eligible employees will have the First Choice Plan offering with the following Healthcare Reimbursement Account (HRA) annual deposits:

	Single Annual Deposit	Family Annual Deposit
First Choice Plan	\$425	\$850

and be it further

RESOLVED, that the above stated policy be and hereby is the official policy of the County of Niagara, New York.



# NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 09/16/2014 RESOLUTION # AD-012-14

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
AD - 09/08/14

LEGISLATIVE ACTION

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

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

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

Katherine D. Alexander

## PURCHASE OF IN REM PROPERTY

WHEREAS, on Saturday, August 9, 2014, a public auction was held for the sale of properties acquired by the County of Niagara by its In Rem Action, and

WHEREAS, as a result of said auction, the attached list of properties was struck down to each of the named individuals for the price indicated for each parcel, said price being the highest bid price received, now, therefore, be it

RESOLVED, that the purchase offers set forth in the attached list be, and the same hereby are, accepted and the Chairman of the Legislature is hereby authorized and directed to execute suitable quit-claim deeds, subject to the approval of the County Attorney, upon the receipt by the County Treasurer of the entire balance due on the purchase price of said properties, at which time said deeds, as provided in the terms of sale shall be recorded in the Niagara County Clerk's Office in the name of the respective purchaser.

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ADMINISTRATION COMMITTEE

# NC IN REM 2012 AUCTION

LOT#	SERIAL#	SBL#	PURCHASOR	BID PRICE
1	2012-011	78.00-2-45.1	James Page	\$19,500.00
2	2012-013	91.00-1-14	Michael P. Falzone	\$750.00
4	2012-018	41.00-1-41.111	John J Freeman	\$17,000.00
6	2012-025	69.00-1-11	Dylan Reed	\$16,500.00
9	2012-040	115.15-1-26.2	Cheryl S Kulak	\$2,100.00
11	2012-049	89.01-1-17	Thomas M Wendt	\$13,250.00
12	2012-054	110.00-1-41	Samantha M Slocum	\$3,850.00
13	2010-070	110.02-2-4	James Page	\$2,100.00
14	2012-057	124.04-3-32	William R McMorris	\$3,100.00
15	2012-064	94.00-1-13.1	James Page	\$1,400.00
16	2011-091	95.02-2-8.11	Joseph Ohol	\$25.00
17	2011-092	95.02-2-28.112	James Page	\$100.00
18	2011-093	95.02-2-71	Keith D. Hetrick, Jr.	\$25.00
19	2012-067	95.02-2-75	Grew, Inc.	\$6,200.00
20	2012-069	14.00-1-33	Jenny Pinkham	\$3,800.00
21	2012-070	14.00-2-10	James Page	\$32,000.00
22	2012-078	39.13-1-3.111	Stewart & Terry Sharts	\$2,000.00
23	2012-083	53.09-1-21	Daniel W Horanburg	\$40,000.00
25	2012-084	53.09-1-32	David & Amy Guerin	\$2,550.00
26	2012-092	80.00-1-65.1	Justin L Ellis	\$29,000.00
27	2011-159	130.15-3-19	Paul C Syracuse	\$900.00
28	2012-102	130.82-1-37	Mark J Proctor	\$2,000.00
29	2011-161	130.83-1-13	Equity Trust Co.	\$2,500.00
31	2012-117	132.11-13-103	Raymond Campbell	\$31,000.00
33	2012-121	144.26-3-39	Rickie P. Sweney Sr.	\$11,000.00
34	2011-187	144.26-3-49	Mary A Lewis	\$7,000.00
35	2012-122	144.26-4-12	Timothy S Woodean	\$1,450.00
36	2012-124	144.27-1-20	Patricia & Robert Page	\$2,250.00
37	2012-125	144.27-1-22	Patricia & Robert Page	\$6,750.00
38	2012-128	146.17-4-1	James Page	\$25.00
39	2012-129	146.17-4-2	James Page	\$25.00
41	2012-138	149.00-4-41	James Page	\$3,600.00
46	2012-145	32.20-1-15	James Page	\$8,000.00
48	2012-149	47.04-1-11	James & Joanne Szostak	\$5,300.00
49	2012-150	47.04-1-12	James & Joanne Szostak	\$5,300.00
51	2011-235	61.00-1-60	James Page	\$3,600.00
52	2011-258	97.00-2-61	David & Amy Guerin	\$1,800.00
53	2011-259	97.00-2-62	David & Amy Guerin	\$1,800.00
54	2011-260	97.00-2-63	David & Amy Guerin	\$1,800.00
55	2011-261	97.03-2-1.1	Joseph & Sharon Stranges	\$22,000.00
56	2012-167	125.00-1-28	6167 Aiken Rd. Prop., LLC	\$41,000.00

# NC IN REM 2012 AUCTION

LOT#	SERIAL#	SBL#	PURCHASOR	BID PRICE
57	2012-176	169.00-1-47	Equity Trust Co.	\$100.00
58	2012-183	18.06-1-23.1	James Page	\$30,000.00
59	2012-185	18.10-1-62	Geoffrey & Joan Whittier	\$21,000.00
61	2012-193	3.10-1-2	Kevin Everett	\$24,500.00
62	2012-201	147.18-2-46	Grew, Inc.	\$35,000.00
63	2012-203	161.00-1-32	James Page	\$20,000.00
64	2012-204	161.00-1-35	Confer Plastics, Inc.	\$37,000.00
65	2012-205	161.00-1-39	James Page	\$60,000.00
67	2012-217	176.06-1-51	James Page	\$17,500.00
69	2012-225	22.33-2-39	Timothy A White	\$1,300.00
71	2012-227	22.48-1-23	Timothy A White	\$100.00
72	2012-228	22.56-1-18	Harry & Darlene Silvis	\$2,700.00
73	2012-230	36.00-1-20	Matthew Nugent	\$26,000.00
75	2012-232	37.00-1-22.1	Audy R Tipton	\$100.00
76	2011-270	98.00-1-34	Robert J Russo	\$4,700.00
77	2010-083	124.05-4-8	Charles & Tara Funderburg	\$14,500.00
				\$648,850.00



# NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 09/16/2014 RESOLUTION # AD-013-14

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION <u>AD - 09/08/14</u>	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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*9/18/2014*

## BUDGET MODIFICATION – IGT RECOUPMENT

WHEREAS, the State of New York requires that local social services districts administer programs mandated by state and federal agencies, and

WHEREAS, as a result of the enactment and subsequent revision of the American Recovery and Reinvestment Act of 2009 (AARA), Federal Medical Assistance Percentage (FMAP) paid on qualifying Medicaid claims was increased during the “Recession Adjustment Period” of October 1, 2008 through June 30, 2011, and

WHEREAS, the County received payments for State Fiscal Years of 2009 through 2011 at the enhanced FMAP rate, and

WHEREAS, the New York State Department of Health has notified the County that based upon the Center for Medicare and Medicaid Services interpretation of the AARA FMAP provision, payment had to be recalculated resulting in additional amounts are due payable to the state, and

WHEREAS, the additional payment amount requested is \$1,336,335.08, due payable to the New York State Department of Health by September 30, 2014, and

WHEREAS, based upon notification from New York State Association of Counties in May 2012 that potential recoupment may be expected, funds for this payment have been maintained in fund balance, now, therefore, be it

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

### APPROPRIATED FUND BALANCE:

A 40599.00	Appropriated Fund Balance	\$1,336,355.08
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### INCREASE APPROPRIATION:

A.08.4530.000 74500.01	Contractual Expenses-IGT Recoupment	\$1,336,355.08
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ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 09/16/2014 RESOLUTION #: AD-014-14

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
AD - 09/08/14

LEGISLATIVE ACTION

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

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

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

**RESOLUTION OF THE COUNTY LEGISLATURE OF THE COUNTY OF NIAGARA, NEW YORK (THE "COUNTY") AUTHORIZING AND ADOPTING POST ISSUANCE COMPLIANCE POLICIES AND PROCEDURES RELATED TO THE COUNTY'S TAX-EXEMPT OBLIGATIONS, SUCH POLICIES AND PROCEDURES INTENDED TO ENSURE THAT THE REQUIREMENTS IMPOSED UPON THE COUNTY PURSUANT TO THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, WILL BE SATISFIED**

WHEREAS, the County of Niagara, New York (the "County") previously has issued bond and notes (the "Tax-Exempt Obligations"), the interest on which is excluded from gross income of the owners thereof pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), and

WHEREAS, the County intends to issue additional series of Tax-Exempt Obligations in the future, and

WHEREAS, in order to ensure that that interest on the County's Tax-Exempt Obligations will continue to be excluded from gross income of the owners thereof for purposes of federal income taxation, and that the County complies with its tax certifications relating to the Tax-Exempt Obligations, the Legislature has determined, based on the advice of the County's Bond Counsel, to adopt certain written Post-Issuance Compliance Policies and Procedures in the form attached hereto as Exhibit A and made a part hereof (the "Post-Issuance Compliance Procedures").

NOW, THEREFORE, BE IT RESOLVED by the County Legislature of the County of Niagara, New York (the "Legislature"), as follows:

Section 1. The Legislature hereby approves and adopts the Post-Issuance Compliance Procedures.

Section 2. The Legislature hereby appoints the County Treasurer to serve as the "Designated Tax Compliance Official" under the Post-Issuance Compliance Procedures and hereby authorizes and directs the County Treasurer, acting in such capacity, to take such actions, after appropriate consultation with Bond Counsel to the County, as the County Treasurer deems necessary, appropriate or desirable to effect the implementation of the Post Issuance Compliance Procedures, and hereby further authorizes the County Treasurer, as such Designated Tax Compliance Official, to delegate to such other County officials or employees as the County Treasurer shall determine is necessary or appropriate, the responsibility to take certain specific actions called for by the Post-Issuance Compliance Procedures.

Section 3. This Resolution shall take effect immediately.

ADMINISTRATION COMMITTEE



# NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 09/16/2014 RESOLUTION # AD-015-14

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
AD - 09/08/14

LEGISLATIVE ACTION

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

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

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

Katherine D. Alexander

## CREATE AND FILL TEMPORARY CLERK – BOARD OF ELECTIONS

WHEREAS, an employee in the Niagara County Board of Elections is on leave of absence, and

WHEREAS, the Board is charged with the administration of November elections, and

WHEREAS, it is imperative that the Office be fully staffed, now, therefore, be it

RESOLVED, that a temporary Clerk – Board of Elections be created and filled effective September 17, 2014 without benefits at an hourly rate of \$17.05 per hour in the Non-union Hourly Salary Grade 59, and be it further

RESOLVED, that the temporary position will be abolished upon the return of the permanent incumbent, anticipated to be by end of November 2014.

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ADMINISTRATION COMMITTEE



# NIAGARA COUNTY LEGISLATURE

FROM: Community Services & Administration DATE: 09/16/2014 RESOLUTION # CS-028-14  
Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
CS - 09/08/14  
AD - 09/08/14

LEGISLATIVE ACTION

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

Katherine D. Alexander

## BUDGET MODIFICATION – EDUCATION OF HANDICAPPED CHILDREN DEPARTMENT OF HEALTH

WHEREAS, the Education of Handicapped Children Program of the Niagara County Department of Health provides essential mandated services to preschool age children with disabilities, and

WHEREAS, funds enable the Niagara County Department of Health to satisfy New York State Education Department requirements, as they relate to Education of Handicapped Preschool Children, as well as the corresponding reporting requirements, and

WHEREAS, an increased number of children require services resulting in increased costs, and

WHEREAS, the Niagara County Education of Handicapped Children Program requests a budget modification for additional revenues and appropriations, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

### INCREASE REVENUE:

A.20.2960.000 43277.01	Ed Handicapped Children General	\$773,500
A.20.2960.000 41601.03	Medicaid Fees	526,500

### INCREASE APPROPRIATION:

A.20.2960.000 74550.09	Program Ed Handicapped Children	\$1,300,000
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COMMUNITY SERVICES COMMITTEE

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ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Community Services & Administration  
Committees

DATE: 09/16/2014

RESOLUTION # CS-029-14

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
CS - 09/08/14  
AD - 09/08/14

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

*Katherine D. Alekander*

## BUDGET MODIFICATION – ACCEPTANCE OF COMMUNITY SERVICES FOR THE ELDERLY GRANT INCREASE

WHEREAS, the Niagara County Office for the Aging (NCOFA) provides community-based services to help older adults remain active and independent in the community, and

WHEREAS, the NCOFA receives various recurring state and federal grants each year to fund a portion of these services provided, and

WHEREAS, the Niagara County OFA has recently been advised that it has been awarded an increase in funding for the state Community Service for the Elderly (CSE) grant for the 2014-15 State Fiscal Year, and

WHEREAS, in addition to the NCOFA being able to use a portion of this increase to eliminate its overmatch and shift additional spending from other overmatched state and federal grants, a significant portion will be used to pay for needed increase in Vehicle Maintenance to its Senior Transportation Fleet, and contract with two local agencies to provide additional transportation and legal assistance services for older adults of Niagara County, now, therefore, be it

RESOLVED, that the department is given authorization to accept the grant increase with the effectuation of the following budget modification:

### INCREASE REVENUE:

A.24.6772.000 4377.02	Community Service Bill	\$37,000
A.24.6772.000 41972.09	Sub-Contractor Match	10,834

### INCREASE APPROPRIATION:

A.24.6772.000 74500.01	Contractual	\$43,334
A.24.6772.000 74800.11	Vehicle Maintenance	4,500

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COMMUNITY SERVICES COMMITTEE

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ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

**FROM:** Community Services & Administration      **DATE:** 09/16/2014      **RESOLUTION #:** CS-030-14  
Committees

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

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

**COMMITTEE ACTION**

**LEGISLATIVE ACTION**

CS - 09/08/14

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

AD - 09/08/14

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

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

## 2015 CONTRACTS - MENTAL HEALTH DEPARTMENT

WHEREAS, funds are available in the Year 2015 Tentative Budget under the various line items of the Mental Health Department, and

WHEREAS, the Mental Health Department upon the advice of the Niagara County Community Services Board, recommends that contracts between the Mental Health Department and the following agencies be approved for 2015, now, therefore, be it

RESOLVED, contingent upon approval of the Year 2015 Tentative Budget, the Director of Community Services be and is hereby, authorized to execute the necessary agreements between the County and the various sub-contractors as aforesaid, subject to the approval of the County Attorney's Office.

CM.21.4322.415.74500.01	CSS Programs	
.74500.01	Catholic Charities	\$60,000
.74500.01	Community Missions	291,436
.74500.01	Horizon	60,164
.74500.01	New Directions (Wyndham Lawn)	108,228
.74500.01	Mental Health Association	169,985
.74500.01	Dale Association	71,532
.74500.01	United Cerebral Palsy	59,304
		<u>\$820,649</u>
CM.21.4322.415.74500.06	Reinvestment Programming	
.74500.06	Community Missions	\$163,434
.74500.06	Mental Health Association	63,496
.74500.06	New Directions (Wyndham Lawn)	94,537
.74500.06	Niagara Falls Memorial Medical Center	42,918
.74500.06	Dale Association	62,625
		<u>\$527,010</u>
CM.21.4322.416.74500.01	Case Management Programs	
.74500.01	Family & Children's	\$532,057
.74500.01	New Directions (Wyndham Lawn)	112,371
.74500.01	Horizon	152,071
.74500.01	Community Missions	129,939
.74500.01	Niagara Falls Memorial Medical Center	140,291
.74500.01	Mental Health Association	107,116
		<u>\$1,173,845</u>
CM.21.4322.423.74500.01	Supported Housing	
.74500.01	Community Missions	\$244,354
A.21.4322.412 .74500.01	Mental Health Association	
.74500.01	Contractual	\$100,016



A.21.4322.413		Fellowship House	
	.74500.01	Contractual	\$8,550
	.74550.08	Alcoholism	<u>1,031,740</u>
			\$1,040,290
 A.21.4322.414		 Northpointe Council	
	.74500.01	Contractual	\$ 299,779
	.74550.08	Alcoholism	<u>1,529,925</u>
			\$1,829,704
 A.21.4322.421		 Horizon Health	
	.74550.08		\$52,412

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COMMUNITY SERVICES COMMITTEE

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ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Community Services & Administration DATE: 09/16/2014 RESOLUTION #: CS-031-14

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

CS - 09/08/14

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

AD - 09/08/14

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

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

## BUDGET TRANSFER - A4310 COURT ORDERED COUNTY MANDATED COSTS

WHEREAS, The County is required by Criminal Procedure Law Articles 730.20 and 730.50, and Family Court Act Article 120, to pay for Court ordered hospital in-patient stays and mental health examinations, and

WHEREAS, as a result of the bills generated by the length of hospital stay imposed by court orders for year 2014, outstanding expenses currently exist, and

WHEREAS, based on these current court orders the expenses to the end of the year will exceed budget, and

WHEREAS, the County is responsible for 50% of the costs of the stays, and

WHEREAS, the Niagara County Department of Mental Health administers payment of these bills on behalf of the County, now, therefore, be it

RESOLVED, the following budget transfer be effectuated:

FROM:

A.08.1990.000 74500.01                      Contingency                      \$120,000

TO:

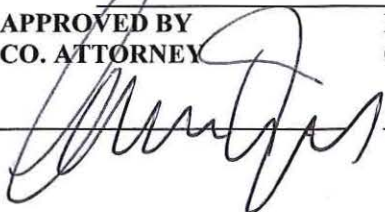
A.21.4310.000 74550.17                      Department of Mental Hygiene                      \$120,000

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COMMUNITY SERVICES COMMITTEE

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ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Community Services & Administration DATE: 09/16/2014 RESOLUTION #: CS-032-14  
Committees

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
		<u>CS - 09/08/14</u>	Approved: Ayes _____ Abs. _____ Noes _____
		<u>AD - 09/08/14</u>	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

## MENTAL HEALTH DEPARTMENT – A4310 RPN POSITION RECLASSIFICATION

WHEREAS, The Department of Mental Health has the need for a Registered Professional Nurse in their Mental Health Services, and

WHEREAS, the Registered Professional Nurse position has become vacant due to resignation and the position has been difficult to fill due to the requirement of a Bachelor's Degree, and

WHEREAS, the Department has reviewed it's operational need for the Registered Professional Nurse to require a Bachelor's Degree so they can work in Mental Health Programs to meet clinic restructuring licensing rules and billing requirements, and

WHEREAS, after evaluating all options, it has been determined that the Department would be better served to downgrade the Registered Professional Nurse position from Grade 11 to Grade 10 and waive the Bachelor's Degree requirement, thereby increasing recruitment opportunities, and

WHEREAS, there will be no cost to the County for this position as it will be supported by 3<sup>rd</sup> Party Insurance and Self-Pay, now, therefore, be it

RESOLVED, that this position be downgraded in the following manner: the vacant position of Registered Professional Nurse, Job Group XI, position number MHD300100.00769, salary range \$44,396.10 - \$51,941.61 be downgraded effective September 29, 2014, to Job Group X, salary range \$40,632.48 - \$47,666.43, and be it further

RESOLVED, that this position be downgraded and filled effective September 29, 2014.

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COMMUNITY SERVICES COMMITTEE

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ADMINISTRATION COMMITTEE



# NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security & Administration DATE: 09/16/2014 RESOLUTION # CSS-034-14  
Committees

<b>APPROVED BY</b> <b>CO. ATTORNEY</b> <u>Katherine D. Alexander</u>	<b>REVIEWED BY</b> <b>CO. MANAGER</b> _____	<b>COMMITTEE ACTION</b> <u>CSS - 09/08/14</u> <u>AD - 09/08/14</u> _____	<b>LEGISLATIVE ACTION</b> Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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## UPDATE DISTRICT ATTORNEY COURT ASSISTANT POSITION

WHEREAS, a part time District Attorney Court Assistant position, #0050, Job Group V, salary range \$16.42/hr., currently exists within the District Attorney's personnel budget, and

WHEREAS, this position, located in the Domestic Violence Unit within the District Attorney's Niagara Falls Office, on a consistent weekly basis, works more than the allotted 17.5 hours per week due to the great number of cases handled in that office, and in fact this position regularly works 35 hours per week, and

WHEREAS, the need for this position to be full time in order for the District Attorney's Office to meet the needs of the Court in order to handle the high volume and seriousness of Domestic Violence and criminal cases outweighs the additional costs associated with this change, and

WHEREAS, funds are available within the District Attorney's personnel budget to fund the additional expense incurred by this change for the remainder of the 2014 fiscal year, now, therefore, be it

RESOLVED, that, effective September 28, 2014, the Niagara County District Attorney's Office be authorized to update the existing District Attorney Court Assistant position - part time #0050, Job Group V, \$16.42/hr from 910 hours annually, to full time with benefits, at 1820 hours annually, at the same group and salary, and be it further

RESOLVED, that also effective September 28, 2014, the Niagara County District Attorney's Office be permitted to fill the full time District Attorney Court Assistant position #0050, and be it further

RESOLVED, that the following budget modifications be made:

### DECREASE APPROPRIATION:

A.02.1165.000.71010.0030	Personnel	\$10,169
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### INCREASE APPROPRIATIONS:

A.02.1165.000.71010.0050	Personnel- District Attorney Court Assistant	\$7,816
A.02.1165.000.78100.00	Retirement	852
A.02.1165.000.78200.00	FICA Expense	598
A.02.1165.000.78300.00	Worker's Compensation	281
A.02.1165.000.78400.06	Insurance, Health Care Waiver	250
A.02.1165.000.78700.00	NYS Disability Expense	27
A.02.1165.000.78800.00	FLEX 125 Employer Contribution	345

COMMUNITY SAFETY & SECURITY  
COMMITTEE

ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security & Administration DATE: 09/16/2014 RESOLUTION # CSS-035-14  
Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

*Katherine D. Alexander*

CSS - 09/08/14

AD - 09/08/14

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

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

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

## BUDGET MODIFICATION-NIAGARA COUNTY SHERIFF'S OFFICE ASSETS FORFEITURE & LOST PROPERTY

WHEREAS, the Niagara County Sheriff's Office received additional funds through property seizures that were not claimed and, therefore, is deemed lost, and

WHEREAS, the Sheriff's Office also received additional funds from the local share of seized assets and by law these funds are to be used to enhance the operation at the Sheriff's Office but not supplant existing expenditures, now, therefore, be it

RESOLVED, that the funds from assets forfeiture and lost property be used to purchase a vehicle to replace a 2004 Chevy Venture used by our Crime Victim Advocates, and be it further

RESOLVED, that the following budget modification be made:

### INCREASE REVENUE:

A.17.3110.000.42770.06	Unclassified/Lost Property	\$14,000
A.17.3110.000.42625.00	Assets Forfeiture	5,300

### INCREASE APPROPRIATION:

A.17.3110.000.72100.12	Car/Van	\$19,300
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COMMUNITY SAFETY & SECURITY  
COMMITTEE

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ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security & Administration DATE: 09/16/2014 RESOLUTION # CSS-036-14  
Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
CSS - 09/08/14  
AD - 09/08/14

LEGISLATIVE ACTION

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

Katherine D. Alexander

## BUDGET MODIFICATION – BULLET PROOF VEST GRANT

WHEREAS, the Niagara County Sheriff's Office made application and received funding through the State of New York, Office of the Attorney General Office for the Bullet Proof Vest Partnership Program, and

WHEREAS, the Sheriff's Office has been awarded \$13,194.00 to cover 50% of the costs of the vests, and

WHEREAS, the Sheriff's Office will use existing budget funds to cover the cost of the match, now, therefore, be it

RESOLVED, that the following budget modification be made:

### INCREASE REVENUE:

A.17.3110.000.44389.11	Other Public Safety-Bulletproof Vest Partnership	\$13,194
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### INCREASE APPROPRIATION:

A.17.3100.000.72100.21	Law Enforcement Equipment	\$13,194
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COMMUNITY SAFETY & SECURITY  
COMMITTEE

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



# NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security & Administration DATE: 09/16/2014 RESOLUTION # CSS-037-14  
Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
CSS - 09/08/14  
AD - 09/08/14

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

*Katherine J. Alexander*

## NIAGARA COUNTY SHERIFF'S OFFICE CRIME VICTIM GRANT RENEWAL

WHEREAS, the Niagara County Sheriff's Office has received notification from the New York State Office of Victim Services for the renewal of the Crime Victims Grant for the period October 1, 2014 through September 30, 2017 in the amount of \$661,154.65, and

WHEREAS, the Sheriff's Office wishes to continue this program and the renewal of this grant, and

WHEREAS, the staffing of four full-time Crime Victim Advocates will continue to be funded by this grant, and

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

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

RESOLVED, that the funds are included in the 2014 budget, therefore, no budget modification is necessary.

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COMMUNITY SAFETY & SECURITY  
COMMITTEE

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

# NIAGARA COUNTY LEGISLATURE

FROM: Economic Development & Administration DATE: 09/16/2014 RESOLUTION # ED-014-14  
Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
ED - 08/13/14  
AD - 09/08/14

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

*Katherine D. Oeybuden*

## APPROVAL OF LOW COST POWER BENEFIT TO TOPS MARKETS LLC UNDER THE AGREEMENT FOR THE SALE & PURCHASE OF NIAGARA PROJECT POWER & ENERGY (ASPNPPE)

WHEREAS, the County of Niagara entered into the Host Community Relicensing and Settlement Agreement ("HCRSA") on June 25, 2005, and

WHEREAS, the HCRSA entitles the County of Niagara to 9 megawatts of low cost power allocation (at 70% load) from the New York Power Authority, and

WHEREAS, the County of Niagara has made the use of this low cost power allocation for economic development purposes as the top priority for that allocation, and

WHEREAS, there is presently an Agreement for the Sale and Purchase of Niagara Project Power and Energy ("ASPNPPE") that has been approved by the County of Niagara and NYPA and the Governor of the State of New York, and

WHEREAS, the ASPNPPE specifically provides that the County of Niagara could use its low cost power allocation for economic development purposes, and

WHEREAS, the County of Niagara has taken the necessary actions to fully implement the benefits contained in the HCRSA and the ASPNPPE, and

WHEREAS, the County of Niagara established the Empower Niagara Board by Resolution ED-021-07 to review applications for the use of low cost power for economic development by reviewing applications and to make recommendation to Legislature of Niagara County, and

WHEREAS, the Empower Niagara Board has reviewed the application of Tops Markets LLC for the assignment of Budwey's Market Place LLC agreement for the use of low cost power for developing, renovating and retaining its business in Niagara County, and

WHEREAS, the application of Budwey's Market Place LLC and assignment to Tops Markets LLC has met all the criteria qualifying its project for consideration and the Empower Niagara Board is recommending approval of this application, and

WHEREAS, the application for assignment was for 175kw and retention of clerks, assistant managers, skilled and manager positions per the original agreement, which required a new load of electricity; Tops Markets LLC will be upgrading the buildings with a cash influx by Tops Markets LLC of more than \$300,000 and will retain existing employment levels and make available advancements within the Tops organization, and

WHEREAS, the approval of the Budwey's Market Place LLC original application increased economic development in Niagara County, and also assisted in bringing now Tops Markets LLC to Newfane; upgrading the supermarket to benefit Newfane residents, and

WHEREAS, the Empower Niagara Board will be recommending the low cost power allocations to Tops Markets LLC be modified to 175 kw (.175mw) based upon the audit of low cost power usage and newly refined method of providing low cost power benefits to Tops Markets LLC and will not financially impact Tops Markets LLC, but provide for the availability of similar benefits to other approved applicants, and

WHEREAS, the Empower Niagara Board has met with the parties and recommends in consideration of the project, the assignment of 175kw of low cost power to Tops Markets LLC pursuant to the existing agreement, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby approves Tops Markets LLC application for low cost power benefits from Niagara County, pursuant to low cost power allocation received through the June 25, 2005 HCRSA and ASPNPPE, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the assignment to Tops Markets LLC of the Budwey's Market Place LLC Agreement for low cost power allocation for 175 kw of low cost power allocation until April 30, 2015.

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ECONOMIC DEVELOPMENT COMMITTEE

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ADMINISTRATION COMMITTEE



# NIAGARA COUNTY LEGISLATURE

FROM: Economic Development & Administration DATE: 09/16/2014 RESOLUTION # ED-015-14  
Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
ED - 08/13/14  
AD - 09/08/14

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

*Katherine J. Alexander*

## APPROVAL OF LOW COST POWER BENEFIT TO EDWARDS VACUUM, INC. UNDER THE AGREEMENT FOR THE SALE & PURCHASE OF NIAGARA PROJECT POWER & ENERGY (ASPNPPE)

WHEREAS, the County of Niagara entered into the Host Community Relicensing and Settlement Agreement ("HCRSA") on June 25, 2005, and

WHEREAS, the HCRSA entitles the County of Niagara to 9 megawatts of low cost power allocation (at 70% load) from the New York Power Authority, and

WHEREAS, the County of Niagara has made the use of this low cost power allocation for economic development purposes as the top priority for that allocation, and

WHEREAS, there is presently an Agreement for the Sale and Purchase of Niagara Project Power and Energy ("ASPNPPE") that has been approved by the County of Niagara and NYPA and the Governor of the State of New York, and

WHEREAS, the ASPNPPE specifically provides that the County of Niagara could use its low cost power allocation for economic development purposes, and

WHEREAS, the County of Niagara has taken the necessary actions to fully implement the benefits contained in the HCRSA and the ASPNPPE, and

WHEREAS, the County of Niagara established the Empower Niagara Board by Resolution ED-021-07 to review applications for the use of low cost power for economic development by reviewing applications and to make recommendation to Legislature of Niagara County, and

WHEREAS, the Empower Niagara Board has requested an audit of low cost power usage by Empower Users and modification accordingly on their agreements, and

WHEREAS, the application for extension and modification of the agreement is warranted as Edwards Vacuum, Inc. has exceeded all the criteria qualifying its original project for consideration; they have hired 60 more employees than originally expected and the Empower Niagara Board is recommending approval of extension of this application, and

WHEREAS, the original application was for 145kw for the retention of 100 full time jobs, and the creation of 28 positions after completion of project facilities required a new load of electricity for the consolidation of two existing facilities into one facility located in the Town of Wheatfield with a cash influx by Edwards Vacuum of more than \$6,850,000, and now with the extra 60 full-time employees and expansion of their Wheatfield facility expected, an additional 45kw is warranted, and

WHEREAS, the approval of the Edwards Vacuum, Inc. original application maintained economic development in Niagara County; but also assisted Edwards Vacuum, Inc. to remain competitive in its manufacturing and distribution of vacuum systems for the semiconductor, solar, and LED industries, and

WHEREAS, the Empower Niagara Board will be recommending the approval of the low cost power allocation application of an additional 45kw for a total allocation of 190kw be made for a period of three (3) years, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby approves Edwards Vacuum Inc.'s application for extension of low cost power benefits from Niagara County, pursuant to low cost power allocation received through the June 25, 2005 HCRSA and ASPNPPE, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute with Edwards Vacuum, a modification and extension of the original agreement to include 190kw.

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ECONOMIC DEVELOPMENT COMMITTEE

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ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Economic Development & Administration DATE: 09/16/2014 RESOLUTION # ED-016-14  
Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
ED - 08/13/14  
AD - 09/08/14

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

## BUDGET MODIFICATION – TO COVER EMPOWER NIAGARA ALLOCATIONS TO TOPS MARKETS LLC

WHEREAS, Budwey's Market Place LLC is a Niagara County business that was approved to receive low cost hydropower allocations through the Empower Niagara Program, and

WHEREAS, these benefits will be transferred to Tops Markets LLC as stipulated in the Empower Niagara Program agreement, through the Niagara County Economic Development 2014-2015 budget, now therefore, be it

RESOLVED, that the following budget modifications be effectuated to the Niagara County Economic Development 2014 budget and 2015 budget as set forth below:

INCREASE REVENUE:		<u>2014</u>	<u>2015</u>
A.15.1620.108 42655.03	Sale of Excess Power	\$17,500	1/3 annual value of 175kw
INCREASE APPROPRIATION:			
A.15.1620.108 74500.01	Contractual	\$17,500	1/3 annual value of 175kw
INCREASE REVENUE:			
A.28.8020.813 42189.01	Activities – Eco Dev	\$17,500	1/3 annual value of 175kw
INCREASE APPROPRIATION:			
A.28.8020.813 74550.30	Empower Niagara	\$17,500	1/3 annual value of 175kw

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ECONOMIC DEVELOPMENT COMMITTEE

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ADMINISTRATION COMMITTEE



# NIAGARA COUNTY LEGISLATURE

FROM: Economic Development & Administration      DATE: 09/16/2014      RESOLUTION # ED-017-14  
Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
ED - 08/13/14  
AD - 09/08/14

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

*Katherine D. Alexander*

## BUDGET MODIFICATION - TO COVER EMPOWER NIAGARA ALLOCATION EDWARDS VACUUM, INC.

WHEREAS, Edwards Vacuum, Inc. is an existing Niagara County business that was approved to receive low cost hydropower allocations through the Empower Niagara Program, and

WHEREAS, Edwards Vacuum, Inc. has applied for an extension and modification of its low cost hydropower allocations through the Empower Niagara Program, and

WHEREAS, these benefits will be applied to Edwards Vacuum, Inc. as stipulated in the Empower Niagara Program agreement, through the Niagara County Economic Development 2014-2015 budget, now, therefore, be it

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

		<u>8/1/2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>
INCREASE REVENUE:					
A.15.1620.108 42655.03	Sale of Excess Power	\$23,940	100% annual value of 190kw	100% annual value of 190kw	84% annual value of 190kw
INCREASE APPROPRIATION:					
A.15.1620.108 74500.01	Contractual	\$23,940	100% annual value of 190kw	100% annual value of 190kw	84% annual value of 190kw
INCREASE REVENUE:					
A.28.8020.000 42189.01	Activities – Econ. Dev	\$23,940	100% annual value of 190kw	100% annual value of 190kw	84% annual value of 190kw
INCREASE APPROPRIATION:					
A.28.8020.000 74550.30	Empower Niagara	\$23,940	100% annual value of 190kw	100% annual value of 190kw	84% annual value of 190kw

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ECONOMIC DEVELOPMENT COMMITTEE

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ADMINISTRATION COMMITTEE

## NIAGARA COUNTY LEGISLATURE

**FROM:** Legislators Richard L. Andres, Kathryn L. Lance, et al. & the Parks, Recreation & Tourism Ad Hoc Committee **DATE:** 09/16/2014 **RESOLUTION #:** IL-039-14

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

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

**COMMITTEE ACTION**  
Ad Hoc - 08/13/14

**LEGISLATIVE ACTION**

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

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

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

### **SUPPORT FOR THE TOWN OF WILSON HARBOR REVITALIZATION PROJECT**

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

WHEREAS, that settlement allows Niagara County to receive, through NPC Host Community Standing Committee ("HCSC"), up to \$390,000 annually to fund projects which are found to be consistent with the Niagara Greenway projects along the Greenway Trail, and

WHEREAS, the Town of Wilson has made application to the Niagara County's Ad Hoc Committee on Recreation and Tourism for Greenway funds to support the Town of Wilson Harbor Revitalization project Phase II, and

WHEREAS, these funds are to be utilized by the Town of Wilson in conjunction with additional funding committed to the Town of Wilson, and

WHEREAS, the Town of Wilson's application for funding for the revitalization of the Wilson Harbor will draw tens of thousands of boaters and fishermen from around the world every year, as well as the residents of the Town of Wilson who enjoy all of its services, and

WHEREAS, presently most of the reason, boats cannot utilize a majority of the harbor and most cannot reach the Customs station and boats bottom out on the bars in the harbor, and

WHEREAS, this application will assist the Town of Wilson to extend the Federal Dredging of the Harbor scheduled for the mouth of the main channel by the Corps of Engineers; to be dredged further, at least to the Bilge Clean Out, launching ramp and U.S. Customs Port of Entry (west end), and

WHEREAS, the Town of Wilson and its residents, marinas, yacht clubs and businesses intend to engage the dredging company to add on to that main channel dredging once it takes place to open channels to their slips, marinas and mooring areas and in order to do that, the dredging of the mouth to the main channel must be dredged to the U.S. Customs Port of Entry, and

WHEREAS, currently many boats are having difficulty reaching restaurants, shops, fuel, maintenance, pump-out facilities and the U.S. Customs point at the far end of the harbor which impedes tourism, boat traffic and use of the harbor to its full extent, and

WHEREAS, the application is requesting \$220,000.00 to be utilized along with another \$100,000 of committed funds, engineering materials, supplies and administration costs, and

WHEREAS, the Town of Wilson Harbor Revitalization Project Phase II has the support and approval of Legislator David Godfrey, Senator George Maziarz and Assemblywoman Jane L. Corwin, along with various business concerns, yacht clubs and marinas in the Town of Wilson, and



WHEREAS, the ad hoc committee for recreation and tourism fund appointed by the Niagara County Legislature to review projects brought to Niagara County seeking funding from Niagara County through the Niagara Power Coalition and the Host Community Standing Committee; has recommended that Niagara County approve and support this project, and

WHEREAS, the Town of Wilson has utilized great effort and is complimented for being able to receive additional funds for further projects to lower their actual request for funds, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the funding of \$220,000.00 for the Town of Wilson Harbor Revitalization Project when presented to the Niagara Power Coalition and the Host Community Standing Committee.

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LEGISLATOR RICHARD L. ANDRES

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LEGISLATOR KATHRYN L. LANCE

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LEGISLATOR ANTHONY J. NEMI

---

LEGISLATOR JOHN SYRACUSE

---

LEGISLATOR OWEN T. STEED

---

LEGISLATOR DAVID E. GODFREY

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PARKS, RECREATION & TOURISM  
AD HOC COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Legislators Dennis F. Virtuoso, Owen T. Steed, et al. DATE: 09/16/2014 RESOLUTION #: IL-040-14

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

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

## RESOLUTION ENDORSING PROPOSED NIAGARA FALLS REDEVELOPMENT ARENA PROJECT

WHEREAS Niagara Falls Redevelopment, LLC, has proposed construction of a 6,000 to 8,000 seat multipurpose arena and entertainment venue within the City of Niagara Falls, and

WHEREAS NFR executive Roger Trevino has stated the facility is envisioned as a year-round venue that could host concerts, sporting events, and other shows, including possibly conventions, and

WHEREAS the proposed site for the arena facility is adjacent to the former Nabisco plant located on the corner of Buffalo Avenue and John Daly Boulevard, a largely empty area situated near key road networks, and

WHEREAS Niagara Falls and Niagara County have been without a large-scale indoor event venue since the former Niagara Falls Convention Center was replaced by the Seneca Niagara Casino in 2002, and

WHEREAS the Niagara County Legislature has urged the development of year-round tourism attractions in Niagara Falls to capture tourism dollars outside the conventional tourism season, and

WHEREAS the Honorable John D. Ceretto, Member of the Assembly for the 145th Assembly District, did endorse the NFR arena proposal, stating, "Building a modern multiuse arena will provide our area with a state-of-the-art facility, which will showcase various sporting events, concerts, and conventions throughout the year to help combat the typical off-season lull after the tourist season and provide a needed boost to our local economy. ... The multiuse arena will do wonders to make our region a year-round travel destination, and will drive the necessary revenue for new hotels entering our region. ... This type of innovative project will greatly enhance our growing tourist industry and give us a competitive advantage in vying for visitor dollars," and

WHEREAS the county-designated tourism promotion agency for Niagara County and Niagara Falls, the Niagara Tourism and Convention Corp., did join Assemblyman Ceretto in endorsing the NFR arena proposal, writing, "Broadening the scope and utility of tourism assets in downtown Niagara Falls is an important ingredient in the future success of tourism. ... A multipurpose arena may better position the tourism and hospitality industry for greater success in the off-season. Developing a venue to accommodate events and a variety of complementary entertainment options could stimulate economic growth for the greater Niagara Falls area stakeholders and the region," and

WHEREAS private investment of the type proposed by NFR and private sector job creation are consistent with the stated economic development goals of the County of Niagara, now, therefore, be it

RESOLVED that the Legislature of the County of Niagara does hereby endorse conceptually the proposed NFR arena facility, and congratulates Niagara Falls Redevelopment for their vision, and be it further

RESOLVED that the Legislature urges state and municipal leaders, including Mayor Paul A. Dyster and the Niagara Falls City Council, as well as regional economic development officials, to assist Niagara Falls Redevelopment in overcoming regulatory hurdles, and be it further

RESOLVED that the Legislature further directs the Niagara County Center for Economic Development to provide such expert assistance to Niagara Falls Redevelopment as shall be necessary to assist in completing this endeavor.

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LEGISLATOR DENNIS F. VIRTUOSO

---

LEGISLATOR OWEN T. STEED

---

LEGISLATOR MARK J. GROZIO

---

LEGISLATOR JASON A. ZONA

---

LEGISLATOR RANDY R. BRADT

---

LEGISLATOR WILLIAM L. ROSS

---

LEGISLATOR KATHRYN L. LANCE

---

LEGISLATOR RICHARD E. UPDEGROVE

---

LEGISLATOR ANTHONY J. NEMI

---

LEGISLATOR RICHARD L. ANDRES

---

LEGISLATOR JOHN SYRACUSE



# NIAGARA COUNTY LEGISLATURE

FROM: Legislator Michael A. Hill DATE: 09/16/14 RESOLUTION #: TL-041-14

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

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

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

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

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

WHEREAS, Legislator William L. Ross recommends the adoption of the following Local Law:

A Local Law Authorizing a Real Property Tax Exemption for Improvements to Real Property Meeting Certification Standards for Green Buildings with in the Niagara County;

WHEREAS, a public hearing was held on September 16<sup>th</sup> at 6:30 p.m. in the Legislative Chambers, Courthouse, Lockport, New York, on said Local Law, and

WHEREAS, it was duly presented and introduced to this County Legislature, and

WHEREAS, \_\_\_\_\_ people appeared to speak on said Local Law, and

WHEREAS, \_\_\_\_\_ amendments(s) was (were) made to said Local Law, now, therefore, be it

RESOLVED, that a local law Authorizing a Real Property Tax Exemption for Improvements to Real Property Meeting Certification Standards for Green Buildings within the County of Niagara be enacted by the Legislature of the County of Niagara, New York, as follows:

### Article Green Buildings

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

#### Section 1. Legislative intent.

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

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

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

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

Section 2. Local Law.

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

LEED EXEMPTIONStatutory Authority.

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

Grant of Exemption and Conditions.

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

LEED Exemption

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

B. No such exemption shall be granted unless:

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

C. For the purpose of this article the term "Construction of Improvements" shall not include ordinary maintenance and repairs.



### Approval of Assessment.

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

### Section 3. Filing.

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

### Section 4. Applicability.

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

### Section 5. Severability.

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

### Section 6. SEQRA Determination.

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

### Section 7. Effective Date.

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

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LEGISLATOR MICHAEL A. HILL



# NIAGARA COUNTY LEGISLATURE

**FROM:** Public Works & Administration Committees **DATE:** 09/16/2014 **RESOLUTION #:** PW-108-14

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

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

**COMMITTEE ACTION**

**LEGISLATIVE ACTION**

PW - 07/28/14

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

AD - 07/29/14

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

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

**BOND RESOLUTION AUTHORIZING (I) THE ISSUANCE OF \$20,250,000 SERIAL BONDS OF THE COUNTY OF NIAGARA, NEW YORK (THE "COUNTY"), AND (II) THE EXPENDITURE OF \$4,000,000 FROM THE COUNTY WATER DISTRICT'S GENERAL FUND, TO FINANCE A PORTION OF THE COST OF AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE NIAGARA COUNTY WATER DISTRICT IN SAID COUNTY**

WHEREAS, the County Legislature (the "Legislature") of the County of Niagara, New York, is considering undertaking a project to increase and improve the facilities of the Niagara County Water District (the "District"), consisting of the construction of the following water transmission lines: approximately 16,900 linear feet of 36-inch main along Lockport and Robinson Roads from Campbell Boulevard to Transit Road in the Town of Pendleton, approximately 11,100 linear feet of 24-inch main along Robinson and Dysinger Roads from Transit Road to Bowmiller Road and approximately 59,350 linear feet of 16-inch main along various roads from Dysinger Road at the Lockport/Royalton town line to Freeman Road at Telegraph Road in the Town of Royalton and Village of Middleport, and including all related, incidental and ancillary improvements, equipment, machinery, apparatus, costs and expenses in connection therewith (collectively, the "Project"), all at a total maximum estimated cost not to exceed \$24,250,000; and

WHEREAS, by proceedings heretofore duly had and taken pursuant to the provisions of Section 268 of the County Law, the Legislature has determined it to be in the public interest to increase and improve the facilities of the Niagara County Water District; and

WHEREAS, it is now desired to authorize (i) the issuance of \$20,250,000 serial bonds of the County, and (ii) the expenditure of \$4,000,000 in general funds and moneys of the District, to pay part of the cost of such increase and improvement of the facilities of the District; and

WHEREAS, all conditions precedent to the financing of the Project, 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 County Legislature under SEQRA as a pre-condition to the adoption of this resolution; and

WHEREAS, the Legislature now intends to appropriate funds for such public improvements and to authorize the issuance of the County's serial bonds to finance a portion of the cost thereof; now, therefore, be it

RESOLVED by the County Legislature of the County of Niagara, New York, (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 \$20,250,000 principal amount in serial 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 a portion of the cost of increasing and improving the facilities of the Niagara County Water District, consisting of construction of the following water transmission lines: approximately 16,900 linear feet of 36-inch main along Lockport and Robinson Roads from Campbell

Boulevard to Transit Road in the Town of Pendleton, approximately 11,100 linear feet of 24-inch main along Robinson and Dysinger Roads from Transit Road to Bowmiller Road and approximately 59,350 linear feet of 16-inch main along various roads from Dysinger Road at the Lockport/Royalton town line to Freeman Road at Telegraph Road in the Town of Royalton and Village of Middleport, and including all related, incidental and ancillary improvements, equipment, machinery, apparatus, costs and expenses in connection therewith (collectively, the "Project").

Section 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$24,250,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$20,250,000 in serial bonds of the County authorized to be issued pursuant to this resolution, or bond anticipation notes issued in anticipation of such serial bonds, (ii) the expenditure of \$4,000,000 from the District's general funds and moneys; and (iii) to the extent necessary, the levy and collection of taxes on all taxable real property within the County to pay the principal of said serial bonds and notes and the interest thereon as the same shall become due and payable.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty years, pursuant to subdivision one of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof, pursuant to Section 107.00(d)(3)(a) of the Law.

Section 5. The temporary use of available funds of the County, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in Section 1 of this resolution. This resolution shall constitute a declaration of official intent to reimburse the expenditures authorized by this Resolution with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

Section 6. 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. There shall annually be levied on all the taxable real property in said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 7. 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 bond anticipation notes and prescribing the 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 related 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 County Treasurer, the chief fiscal officer of the County (the



"County Treasurer"). Further, in connection with the issuance of bonds or bond anticipation notes authorized under the authority of Section 1 hereof, the power to issue and sell bonds or bond anticipation notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Law is hereby delegated to the County Treasurer. Such notes shall be of such terms, form and contents as may be prescribed by said County Treasurer consistent with the provisions of the Local Finance Law. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for any of the object or purpose 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 any of the other objects or purposes authorized by this resolution and/or with bonds to be issued for one or more objects or purposes authorized by other resolutions of the County Legislature, then the power of the County 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 objects or purposes is hereby delegated to the County Treasurer.

Section 8. The County Treasurer is hereby further authorized, at his sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific objects or purposes described in Section 1 hereof, or a portion thereof, by a serial bond, a statutory installment bond and/or a bond anticipation note issue in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. 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 obligations" in accordance with Section 265(b)(3)(B)(i) of the Code.

Section 10. 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 11. The intent of this resolution is to give the County Treasurer sufficient authority to execute those applications, agreements, 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 the County Legislature.

Section 12. 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:

- 1) such obligations are authorized for an object or purpose for which the County is not authorized to expend money; or
- 2) 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
- 3) such obligations are authorized in violation of the provisions of the Constitution.



Section 13. 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, 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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PUBLIC WORKS COMMITTEE

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ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works & Administration Committees DATE: 09/16/2014 RESOLUTION #: PW-109-14

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

PW - 07/28/14

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

AD - 07/29/14

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

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

**RESOLUTION OF THE COUNTY OF NIAGARA, NEW YORK (THE "COUNTY")  
PURSUANT TO SECTION 268 OF THE COUNTY LAW DECLARING  
IT IS IN THE PUBLIC INTEREST TO UNDERTAKE THE INCREASE AND  
IMPROVEMENT OF NIAGARA COUNTY WATER DISTRICT FACILITIES (THE  
"DISTRICT"), CONSISTING OF CONSTRUCTION OF ADDITIONAL  
TRANSMISSION LINES AND RELATED IMPROVEMENTS**

WHEREAS, the County of Niagara, New York (the "County"), has duly caused the firm of Wendel WD Architects, Engineering, Surveying & Landscape Architecture, PC, engineers duly licensed in the State of New York, to prepare a map, plan and report dated June 19, 2014 (the "Map, Plan and Report") including an estimate of the cost relating to a proposed increase and improvement of the facilities of the Niagara County Water District (the "District"), consisting of the construction of the following water transmission lines: approximately 16,900 linear feet of 36-inch main along Lockport and Robinson Roads from Campbell Boulevard to Transit Road in the Town of Pendleton, approximately 11,100 linear feet of 24-inch main along Robinson and Dysinger Roads from Transit Road to Bowmiller Road and approximately 59,350 linear feet of 16-inch main along various roads from Dysinger Road at the Lockport/Royalton town line to Freeman Road at Telegraph Road in the Town of Royalton and Village of Middleport and including all related incidental and ancillary improvements, equipment, machinery, apparatus, costs and expenses in connection therewith (collectively, the "Project"), and

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

WHEREAS, at a meeting of the County Legislature duly called and held on August 5, 2014, a resolution was duly adopted by it and entered in the minutes specifying the County Legislature would hold a public meeting on said increase and improvement of facilities and consolidation at a maximum estimated cost of \$24,250,000 and to hear all persons interested in the subject thereof concerning the same on September 16<sup>th</sup>, 2014 at 6:45 p.m. at the Niagara County Courthouse, 175 Hawley St., Lockport, New York, and

WHEREAS, notice of said public hearing certified by the Clerk of the Legislature was duly published and posted as required by law, to wit: a duly certified copy thereof was published in the official newspapers of the County, on August 29, 2014 and a copy of such order was posted on August 28, 2014 on the signboard maintained by the County Clerk, and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; now, therefore, be it

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

SECTION 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to undertake an increase and improvement of the facilities of the District, consisting of construction of the following water transmission lines: approximately 16,900 linear feet of 36-inch main along Lockport and Robinson Roads from Campbell Boulevard to Transit Road in the Town of Pendleton, approximately 11,100 linear feet of 24-inch main along Robinson and Dysinger Roads from Transit Road to Bowmiller Road and approximately 59,350 linear feet of 16-inch main along various roads from Dysinger Road at the Lockport/Royalton town line to Freeman Road at Telegraph Road in the Town of Royalton and Village of Middleport and including all related, incidental and ancillary improvements, equipment, machinery, apparatus, costs and expenses in connection therewith all as more particularly described in the Map, Plan and Report.

SECTION 2. The Administrative Director shall proceed with these improvements in the manner set forth in County Law Section 262.

SECTION 3. This order shall take effect immediately.

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PUBLIC WORKS COMMITTEE

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ADMINISTRATION COMMITTEE



# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 09/16/2014 RESOLUTION # PW-110-14

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 09/08/14

LEGISLATIVE ACTION

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

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

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

*Katherine J. Alexander*

## EXTENSION OF SNOW AND ICE AGREEMENT WITH NYS DEPARTMENT OF TRANSPORTATION 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 the 2014-2015, 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 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: 09/16/2014 RESOLUTION #: PW-111-14

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 09/08/14

LEGISLATIVE ACTION

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

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

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

## AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE NIAGARA FRONTIER CROSS COUNTRY CLUB

WHEREAS, the Niagara Frontier Cross Country Club has requested that the County of Niagara grant them exclusive rights to operate a Cross Country program in an area situated in the County owned property at Bond Lake Park, and

WHEREAS, this program benefits the residents of the Town of Wheatfield 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, it is the desire of Niagara County to enter into a formal agreement with the Niagara Frontier Cross Country Club, and

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

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Niagara Frontier Cross Country 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 is hereby authorized to execute the required documents

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

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 09/16/2014 RESOLUTION # PW-112-14

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 09/08/14

LEGISLATIVE ACTION

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

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

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

*Katherine J. Alexander*

## LEASE AGREEMENT WITH NCCC FOR THE TROTT ACCESS CENTER 2014 - 2015

WHEREAS, the Niagara County Community College (NCCC), Sanborn, New York, is a partner in the Trott ACCESS Center, Niagara Falls, New York, and

WHEREAS, the County provides space to NCCC for this activity, and

WHEREAS, NCCC is able to obtain New York State Reimbursement for a portion of the costs of the space used in delivering its programs, and

WHEREAS, NCCC needs to have a lease agreement to serve as a basis for its reimbursement claims, and

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

RESOLVED, that your Public Works Committee recommends the attached lease agreement to be entered into with NCCC for office space at the Trott ACCESS Center, and be it further

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

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



# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee

DATE: 09/16/2014

RESOLUTION # PW-113-14

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 09/08/14

LEGISLATIVE ACTION

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

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

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

*Katherine D. Alexander*

## AWARD CONSULTANT SERVICES FOR THE WEST SOMERSET ROAD SURVEY PROJECT

WHEREAS, the Department of Public Works, in accordance with Federal/State guidelines, evaluated proposals from pre-qualified consulting engineering firms to assist the county with the survey work required along West Somerset Road, in the towns of Newfane and Somerset, and

WHEREAS, funds are available in capital project account, H613.15.5112.000.72600.01, 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 survey work of West Somerset Road, be awarded to Erdman Anthony, 8608 Main Street, Buffalo, NY 14221, for a contract amount of \$96,900, 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: 09/16/2014

RESOLUTION # PW-114-14

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 09/08/14

LEGISLATIVE ACTION

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

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

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

*Katherine J. Alexander*

## HIGHWAY DEPARTMENT OFFICES AND LOCKER ROOM HYDRONIC HEAT RETROFIT CONTRACT AWARD

WHEREAS, the Niagara County Legislature Public Works Committee directed the Commissioner of Public Works to proceed with the replacement of the Highway Hydronic Heat System, and

WHEREAS, sealed bids for the replacement of the Highway Hydronic Heat System were received and publicly opened by the Purchasing Department on August 28, 2014, as tabulated below:

	<u>Contractor</u>	<u>Bid Totals</u>
1.	Parise Mechanical 1106 Sheridan Drive Tonawanda, NY 14150	\$76,800.00
2.	Hoot Mechanical & Electrical Inc. PO Box 428 Lockport, NY 14094	\$89,517.00

WHEREAS, the contract be awarded to the lowest responsible bidder, Parise Mechanical, 1106 Sheridan Drive, Tonawanda, NY 14150, in the amount of \$76,800.00, and

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

RESOLVED, that the Highway Hydronic Heat System replacement contract be awarded to Parise Mechanical, 1106 Sheridan Drive, Tonawanda, NY 14150, in the amount of \$76,800.00, and be it further

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

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

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 09/16/2014 RESOLUTION # PW-115-14

APPROVED BY  
CO. ATTORNEY

Katherine D. O'Leary

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 09/08/14

LEGISLATIVE ACTION

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

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

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

## AUTHORIZATION FOR THE NIAGARA COUNTY ATTORNEY TO COMMENCE LEGAL PROCEEDINGS FOR THE CONDEMNATION OF A FEE PARCEL

WHEREAS, the Niagara County Department of Public Works Engineering division has a road project that requires the acquisition of a small parcel of land from the property at 2867 Lockport Road, Town of Wheatfield, and

WHEREAS, the County has been unsuccessful in the good faith effort to acquire the needed land, and

WHEREAS, it is necessary for Niagara County to commit to acquiring the land for completion of the construction project, and

WHEREAS, pursuant to the New York State Eminent Domain Procedure Law the County has the authority to acquire this land by condemnation proceedings, and

WHEREAS, all necessary surveys have been completed and the necessary documents have been received and documents have been prepared for filing to commence condemnation proceedings, now, therefore, be it

RESOLVED, that the Niagara County Legislature, hereby approves and authorizes the County Attorney to take any and all necessary measures and legal procedures to commence a condemnation proceeding on the aforementioned property.

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

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ADMINISTRATION COMMITTEE