

AGENDA
NIAGARA COUNTY LEGISLATURE
OCTOBER 15, 2013 – 7:00 P.M.


Resolutions not on previous agenda:

- CW-007-13** Committee of the Whole, re County-wide Communications Narrow Banding P25 Phase II CO #2 – Approved
- IL-045-13** Legislators Dennis F. Virtuoso, Jason A. Zona & Owen T. Steed, re Requesting the State of NY to Establish a Residency Requirement in Order to Receive Welfare Benefits – Approved

Regular Meeting – October 15, 2013

- *AD-024-13** Administration, re Ratifying Sale of In Rem Tax Foreclosure Property 2011-318 (SBL# 147.18-1-23.2) – County Attorney
- CS-028-13** Community Services & Administration, re Budget Modification A6140 Safety Net & A6119 Foster Care – Social Services
- *CS-029-13** Community Services & Administration, re Budget Modification Bus Service 2013 – Social Services
- IL-046-13** Legislators Clyde L. Burmaster & William L. Ross, re Niagara County Retain Expert Legal Council to Analyze and Recommend County's Options in Hazardous Waste Issues for the Purposes of Protecting the Health, Safety and Well Being of the County's Residents and to Promote Environmental Justice
- IL-047-13** Legislators David E. Godfrey, John Syracuse & Clyde L. Burmaster, re Recognizing the Importance of Marine Patrols in County Law Enforcement & Calling for Amendments to the Navigation Law to Support County Marine Patrol Sustainability
- IL-048-13** Legislator David E. Godfrey, re Calling on the Governor and the State Legislature to Continue to Work with Counties to Successfully Reform Juvenile Justice Programs While Avoiding Significant Cost Shifts to Local Governments
- IL-049-13** Legislators Dennis F. Virtuoso, Jason A. Zona & Owen T. Steed, re Keeping Workers' Compensation Board Office in Niagara County
- IL-050-13** Legislators Dennis F. Virtuoso, Jason A. Zona & Owen T. Steed, re Providing Space for Workers' Compensation Board Office in Niagara County

- IL-051-13** Legislators Chereé J. Copelin, Kathryn L. Lance, Anthony J. Nemi, John Syracuse, Owen T. Steed, Richard E. Updegrave & Parks, Recreation & Tourism Ad Hoc Committee, re Support for the Town of Lockport Day Road Park Project
- IL-052-13** Legislators Chereé J. Copelin, Kathryn L. Lance, Anthony J. Nemi, John Syracuse & Owen T. Steed, Clyde L. Burmaster & Parks, Recreation & Tourism Ad Hoc Committee, Support for the Tuscarora Heroes Monument
- IL-053-13** Legislators Dennis F. Virtuoso, Jason A. Zona & Owen T. Steed, re Home Rule for Inspections of Social Services Rental Units
- *PW-079-13** Public Works & Administration, re Procurement Group Budget Modification
- *PW-080-13** Public Works & Administration, re Highway Machinery Budget Modification
- *PW-081-13** Public Works & Administration, re Public Works Administration Budget Modification
- *PW-082-13** Public Works, re Extension of Snow & Ice Agreement for County Roadways 2013-2016
- *PW-083-13** Public Works & Administration, re Krull Park Basketball Court Contract C.O. No. 2 - Final
- *PW-084-13** Public Works & Administration, re Fire Tower Improvements – Final Payment
- *PW-085-13** Public Works & Administration, re Jail Elevator Replacement Project Award
- *PW-086-13** Public Works, re Reject Bids for Roof Installation Highway Department Fleet Maintenance Shop
- *PW-087-13** Public Works & Administration, re Bridge Superstructure Joints & Substructures C.O. No. 1
- *PW-088-13** Public Works & Administration, re Lockport Road Intersections Reconstruction Project Consultant Amendment No. 4
- *PW-089-13** Public Works & Administration, re Lockport Road Culvert Replacement Budget Modification
- *PW-090-13** Public Works, re Inter-Municipal Agreement with the Town of Newfane
- *PW-091-13** Public Works, re Niagara County Bridge Washing Project, One-Hundred Twenty-Eight Bridges, Various Towns, Niagara County, PIN 5760.46
- *PW-092-13** Public Works, re Niagara County Bridge Maintenance Project: Twelve Bridge Deck Overlays in the Towns of Hartland, Lockport, Newfane, Porter, Royalton, Somerset Wheatfield & Wilson, & One Joint Replacement in the Town of Pendleton, Niagara County


Mary Jo Tamburlin, Clerk
Niagara County Legislature

*** Indicates Preferred Agenda items**

Attachments for resolutions may be obtained in the office of the Clerk of the Legislature upon request.

The next meeting of the Legislature will be held on November 19, 2013.

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee

DATE: 10/15/13

RESOLUTION # AD-024-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
AD - 10/8/13

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

RESOLUTION RATIFYING SALE OF IN REM TAX FORECLOSURE PROPERTY 2011-318 (SBL# 147.18-1-23.2)

WHEREAS, property commonly known as 2465 Old Falls Blvd. in the Town of Wheatfield, New York, which is the subject of the 2011 Niagara County In rem Tax Foreclosure proceeding (with the Index No.: 145845) was struck down, subsequent to the in rem tax foreclosure auction held August 17, 2013, was struck down to back bidders, Mr. and Mrs. Kim and Gina Tipton in the amount of \$15,000, and

WHEREAS, subsequent to the acceptance of said back bid, the County Attorney's Office determined that hazardous conditions existed at said real property and subject to a repair/replace or demolish structure order issued by the Town of Niagara Building Inspector, and

WHEREAS, the Niagara County Attorney's Office has determined that, due to extremely hazardous conditions existing at the subject property, and further due to the reluctance of the back bidders to go forward with their original back bid, it is reasonable and necessary, and in the best interests of the County of Niagara to transfer the subject property in return for the payment of all taxes, penalties and interest currently due, plus transfer closing costs for a total amount of \$6,200, now, therefore, be it

RESOLVED, that the auction sale price of property commonly known as 2465 Old Falls Blvd., Town of Wheatfield, New York, in the amount of \$6,200.00 is hereby ratified and confirmed in all respects, and the Chairman of the Niagara County Legislature be, and hereby is, authorized and directed to execute any and all documents, including a Quit Claim Deed conveying any and all interests of the County of Niagara in and to said real property to Kim and Gina Tipton.

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services and Administration

DATE: 10/15/13

RESOLUTION # CS-028-13

Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

CS - 10/15/13

Approved: Ayes _____ Abs. _____ Noes _____

AD - 10/8/13

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

BUDGET MODIFICATION – SOCIAL SERVICES: A6140 SAFETY NET & A6119 FOSTER CARE

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

WHEREAS, the Safety Net Program provides assistance for single adults, childless couples, and individuals and families who exhaust benefits from the 60 month federal Temporary Assistance for Needy Families Program, and

WHEREAS, the caseload for the Safety Net Program has increased as more people time out from the Temporary Assistance Program and the cost per case has increased, and

WHEREAS, there has been a 21% increase in the number of children placed into foster care, along with a retroactive rate increase going back to July 1, 2012, and

WHEREAS, a number of these placements are involving children with serious issues which requires them to be in a therapeutic or institutional setting at a rate much higher than placement at one of the County foster homes, and

WHEREAS, the Social Services Department has been successful in garnering prior year revenue from the State of New York involving overburden payments for mental health services that were inappropriately charged to the County, in the amount of \$4.3 million, of which \$3.2 million was not appropriated, while anticipating recovering an additional \$2 million over the course of the next two years, and

WHEREAS, due to the uncontrollable factors with regards to caseloads and required levels of care, the department will experience a budget shortfall, and would request to use a portion of the un-appropriated revenues referred to above now, therefore, be it,

RESOLVED, that the following line item transfer be effectuated to the Social Services 2013 Budget:

FROM:

A.22.6010.000 71010.00	Positions	\$426,600
A.22.6010.000 78200.00	FICA	32,600

TO:

A.22.6140.000 74500.01	Safety Net	459,200
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and be it further

RESOLVED, that the following budget modification be effectuated to the Social Services 2013 Budget:

INCREASE REVENUE:

A.22.6119.000 43619.01	Child Care Fostercare	\$527,500
A.22.6119.000 44619.01	Child Care Fostercare	1,055,000
A.22.6140.000 43640.00	SafetyNet Revenue	264,132
A.40599.00	Appropriated Fund Balance	1,174,168

INCREASE APPROPRIATIONS:

A.22.6119.000 74500.01	Childcare Fostercare Contractual	2,110,000
A.22.6140.000 74500.01	SafetyNet Contractual	910,800

COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services and Administration

DATE: 10/15/13

RESOLUTION # CS-029-13

Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

CS - 9/9/13

AD - 10/8/13

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

BUDGET MODIFICATION – BUS SERVICE NIAGARA COUNTY DEPARTMENT OF SOCIAL SERVICES

WHEREAS, the Rural Niagara Transportation bus service contract with Niagara Falls Coach Lines, Inc. was expanded to include the Lockport afternoon service, and

WHEREAS, the Niagara County Department of Social Services will experience a shortfall of funds in line item A.22.6010.000 74550.13 in the approximate amount of \$35,000, due to said increase in contract cost, and

WHEREAS, the Niagara County Department of Social Services has been awarded additional federal Section 5311 operating assistance funds and received additional state transportation operating assistance funds which would cover said increased cost resulting in no additional cost to the County, now, therefore, be it

RESOLVED, that the following budget modification be effectuated to the Social Services 2013 budget:

INCREASE REVENUE:

A 22.6010.000 44589.01	Other Transportation Rural Transportation Grant	\$2,400
A.22.6010.000 43589.04	Other Transportation Rural Transportation Grant	32,600

INCREASE APPROPRIATION:

A.22.6010.000 74550.13	Programs Niagara Falls Coach Lines	35,000
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COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Clyde L. Burmaster & DATE: 10/15/2013 RESOLUTION # IL-046-13
William L. Ross

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
<u>Therese D. Alexander</u>			Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

NIAGARA COUNTY RETAIN EXPERT LEGAL COUNCIL TO ANALYZE AND RECOMMEND COUNTY'S OPTIONS IN HAZARDOUS WASTE ISSUES FOR THE PURPOSES OF PROTECTING THE HEALTH, SAFETY AND WELL BEING OF THE COUNTY'S RESIDENTS AND TO PROMOTE ENVIRONMENTAL JUSTICE

WHEREAS, by resolution IL-034-04 and IL-003-05, which outlined many health safety issues as a result of the only sited toxic hazardous waste facility in New York State, Chemical Waste Management (CWM), located on Balmer Road, Town of Porter, and

WHEREAS, these resolutions detailed plans for oversight and review of issues raised as the result of past present and future operations at CWM, and

WHEREAS, the County upon unanimous passage of these two resolutions entered into a legal engagement with attorney Gary Abraham of Allegany, New York, and

WHEREAS, this agreement developed a coalition between the County, the Town of Lewiston and others that may join in and it was agreed that Niagara County would expend the first \$50,000 for services by attorney Gary Abraham and when that \$50,000 was expended, the Town of Lewiston would contribute the next \$50,000 and this agreement would be in effect until or unless it was terminated earlier, and

WHEREAS, the issue concerning the expansion of the CWM facility through the siting of Residual Management Unit 2 (RMU2), a toxic hazardous waste landfill, is in its final stages and requires excellent legal representation in order to protect the health and safety of Niagara County residents, and

WHEREAS, it is felt a current and up to date agreement is in order with legal counsel after nine years and it is felt desirable to continue with attorney Gary Abraham to insure continuity at the next crucial time, and

WHEREAS, the Town of Lewiston has budgeted at least \$50,000 for the year 2014 to insure the quality of legal representation, and Lewiston is next in line to pay \$50,000, since the County has exhausted its obligated \$50,000, now, therefore, be it

RESOLVED, that the Niagara County Attorney draw up the needed engagement letter for legal services, with Lewiston paying its obligated \$50,000 followed by the County at expiration thereof, and be it further

RESOLVED, that the Niagara County Attorney prepare a formal agreement between the Town of Lewiston and Niagara County fully covering the obligation to each to engage legal services and seeking other towns and cities to join in, and be it further

RESOLVED, that copies of this resolution be forwarded to all towns and cities in Niagara County.

LEGISLATOR CLYDE L. BURMASTER

LEGISLATOR WILLIAM L. ROSS

NIAGARA COUNTY LEGISLATURE

FROM: Legislators David E. Godfrey, John

DATE: 10/15/13

RESOLUTION # 11-047-13

Syracuse and Clyde L. Burmaster

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

RESOLUTION RECOGNIZING THE IMPORTANCE OF MARINE PATROLS IN COUNTY LAW ENFORCEMENT AND CALLING FOR AMENDMENTS TO THE NAVIGATION LAW TO SUPPORT COUNTY MARINE PATROL SUSTAINABILITY

WHEREAS, counties across New York State ensure marine law enforcement and boating safety by providing law enforcement services regularly by entities, especially the county sheriff's patrols, and

WHEREAS, Section 3 of 79-B of the New York State Navigation Law provides a reimbursement rate for such services from the revenue raised from boaters registration fees by the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP), and

WHEREAS, the reimbursement rate was, previous to 2010, 75% and is currently at 50% operational costs for those entities enforcing the State's navigation laws, and

WHEREAS, historically, motor boat registration fees were specifically raised, beginning in 2003, to ensure sufficient funding for the 75% reimbursement to entities providing these patrol services, however, currently most of the money raised through this fee is used for purposes other than those for which it was intended, and

WHEREAS, to ensure continued marine law enforcement and border safety presence by county sheriff's patrols, it is essential to restore the reimbursement rate to 75%, as without this level of funding financially stressed counties may be unable to provide and sustain these services for the people of the state, and

WHEREAS, both the New York State Park Police and the New York State Police have largely withdrawn from providing these marine services due to funding constraints and personnel shortages, leaving the responsibility to counties and local law enforcement, and

WHEREAS, restoration of the previously established reimbursement rate of 75% ensures entities, especially for the counties having a sheriff or county marine patrols, presence on our state waterways for the protection of recreational boaters and increased safety, now, therefore, be it

RESOLVED, that the Niagara County Legislature urges the State of New York to amend Section 3 of Section 79-B of the Navigation Law changing the reimbursement rate to participating agencies from 50% to 75% to insure county sustainability in the enforcement of the navigation laws and enhancement of the safety of boaters and users of the State's waterways which will restore the original intent of the 2003 fee increase, 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, 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 D. Morelle, Assembly Minority Leader Brian M. Kolb, and all others deemed necessary and proper.

LEGISLATOR DAVID E. GODFREY

LEGISLATOR JOHN SYRACUSE

LEGISLATOR CLYDE L. BURMASTER

NIAGARA COUNTY LEGISLATURE

FROM: Legislator David E. Godfrey

DATE: 10/15/13

RESOLUTION # IL-048-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

B. D. 8

RESOLUTION CALLING ON THE GOVERNOR AND THE STATE LEGISLATURE TO CONTINUE TO WORK WITH COUNTIES TO SUCCESSFULLY REFORM JUVENILE JUSTICE PROGRAMS WHILE AVOIDING SIGNIFICANT COST SHIFTS TO LOCAL GOVERNMENTS

WHEREAS, the State of New York has made important progress in addressing the needs of juvenile delinquents in strengthening diversion, prioritizing child well-being for youth referred to the care and custody of New York State, and

WHEREAS, as New York State continues to reform the juvenile justice system through the development of the Close to Home Initiative for children served by the City of New York, and

WHEREAS, New York State has begun to develop pilot sites for addressing the age of criminal responsibility, developing a commitment to raising the age from 16 to 18 years of age, and

WHEREAS, New York State in an effort to reduce State costs and risks, has instituted capped funding streams for non-secure and secure detention costs, shifting risk and responsibility to counties across the state, and

WHEREAS, New York State in an effort to promote best practices in the area of juvenile justice, has prioritized strategies that promote public safety, promote service delivery in the least restrictive environment and continues to prioritize the well-being of youth entering the juvenile justice system, now, therefore, be it

RESOLVED, that the Niagara County Legislature calls upon the Governor and the State Legislature to continue to work with counties in addressing juvenile justice reform in a way that avoids shifting cost and risk to County taxpayers, 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. Mazarz, 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 Schimming, Speaker of the Assembly Sheldon Silver, Assembly Majority Leader Joseph D. Morelle, Assembly Minority Leader Brian M. Kolb, and all others deemed necessary and proper.

LEGISLATOR DAVID E. GODFREY

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Dennis F. Virtuoso, Jason A. DATE: 10/15/13 RESOLUTION # IL-049-13

Zona and Owen T. Steed

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

KEEPING WORKERS' COMPENSATION BOARD OFFICE IN NIAGARA COUNTY

WHEREAS, the Niagara County Legislature represents the constituents of Niagara County, located in New York State, a number of whom who have been injured in their employment, and

WHEREAS, the New York State Workers' Compensation Board has always provided at least one hearing center, (and historically multiple such centers), currently located in Niagara County to conveniently service the injured residents living in Niagara County, and

WHEREAS, the New York State Workers' Compensation Board has decided to close its sole remaining Niagara County hearing center, (currently located in Lockport, NY), for Niagara County residents as of November 15, 2013, and

WHEREAS, the closure of the last Niagara County hearing center will force all Niagara County Workers' Compensation claimants to attend hearings in Buffalo (Erie County) or Batavia (Genesee County), and

WHEREAS, injured workers who have returned to work would have to travel from their Niagara County places of employment to hearings in Erie or Genesee County to address treatment and reduced earnings issues causing them to lose significant amounts of time from work, and

WHEREAS, many injured and disabled residents who are out of work and receiving benefits or awaiting benefits have little or no money for travel from Niagara County to hearing points outside the county, and

WHEREAS, there would be no remaining hearing location within Niagara County for the injured and disabled residents to review their files, obtain information related to their files, pick up forms, obtain assistance in completing forms, or even ask Board employees questions pertaining to their claims, and

WHEREAS, Niagara County residents would be forced to expend sums for gas, parking and travel to the Erie and Genesee hearing sites, and

WHEREAS, travel by public transportation (bus/taxi) to Erie or Genesee County could only be accomplished with great difficulty, time consumption and expense, and

WHEREAS, the closing of the sole remaining Niagara County location would cause great harm to the Lockport economy, and in turn Niagara County, where Board employees and support staff, claimants and their representatives now spend considerable amounts of money on local goods, food and gas, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby requests the New York State Workers' Compensation Board to keep the Lockport hearing center or an additional location in Niagara County open and available for the injured and disabled workers of Niagara County, and be it further

RESOLVED, that a copy of this resolution with the original authorizing signature of the Clerk of the Legislature be sent to the Governor of New York State, the Chairman of the Workers' Compensation Board and the Majority and Minority Leaders of the New York state Senate and Assembly, respectively.

LEGISLATOR DENNIS F. VIRTUOSO

LEGISLATOR JASON A. ZONA

LEGISLATOR OWEN T. STEED

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Dennis F. Virtuoso, Jason A. Zona and Owen T. Steed DATE: 10/15/13 RESOLUTION # IL-050-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____



PROVIDING SPACE FOR WORKERS' COMPENSATION BOARD OFFICE IN NIAGARA COUNTY

WHEREAS, the Niagara County Legislature represents the constituents of Niagara County, located in New York State, a number of whom who have been injured in their employment, and

WHEREAS, the New York State Workers' Compensation Board has always provided at least one hearing center, (and historically multiple such centers), currently located in Niagara County to conveniently service the injured residents living in Niagara County, and

WHEREAS, the New York State Workers' Compensation Board has decided to close its sole remaining Niagara County hearing center, (currently located in Lockport, NY), for Niagara County residents as of November 15, 2013, and

WHEREAS, the closure of the last Niagara County hearing center will force all Niagara County Workers' Compensation claimants to attend hearings in Buffalo (Erie County) or Batavia (Genesee County), and

WHEREAS, injured workers who have returned to work would have to travel from their Niagara County places of employment to hearings in Erie or Genesee County to address treatment and reduced earnings issues causing them to lose significant amounts of time from work, and

WHEREAS, many injured and disabled residents who are out of work and receiving benefits or awaiting benefits have little or no money for travel from Niagara County to hearing points outside the county, and

WHEREAS, there would be no remaining hearing location within Niagara County for the injured and disabled residents to review their files, obtain information related to their files, pick up forms, obtain assistance in completing forms, or even ask Board employees questions pertaining to their claims, and

WHEREAS, Niagara County residents would be forced to expend sums for gas, parking and travel to the Erie and Genesee hearing sites, and

WHEREAS, travel by public transportation (bus/taxi) to Erie or Genesee County could only be accomplished with great difficulty, time consumption and expense, and

WHEREAS, the closing of the sole remaining Niagara County location would cause great harm to the Lockport economy, and in turn Niagara County, where Board employees and support staff, claimants and their representatives now spend considerable amounts of money on local goods, food and gas, and

WHEREAS, the Niagara County Legislature is hereby offering a location in Niagara County, currently under its control and ownership, to be used for future hearings for Niagara County injured workers, at no cost to the State of New York and the Workers' Compensation Board, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby requests the New York State Workers' Compensation Board to keep the Lockport hearing center or an additional location in Niagara County open and available for the injured and disabled workers of Niagara County, and be it further

RESOLVED, that the Niagara County Legislature hereby offers to the State of New York and the Workers' Compensation Board an appropriate premises for Workers' Compensation hearings to be held in Niagara County, and be it further

RESOLVED, that a copy of this resolution with the original authorizing signature of the Clerk of the Legislature be sent to the Governor of New York State, the Chairman of the Workers' Compensation Board and the Majority and Minority Leaders of the New York state Senate and Assembly, respectively.

LEGISLATOR DENNIS F. VIRTUOSO

LEGISLATOR JASON A. ZONA

LEGISLATOR OWEN T. STEED

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Cheree J. Copelin, Kathryn L. Lance, Anthony J. Nemi, John Syracuse, Owen T. Steed, Richard E. Updegrove and Parks, Recreation & Tourism Ad Hoc Committee

DATE: 10/15/13

RESOLUTION # IL-051-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
Ad hoc - 9/9/13

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

SUPPORT FOR THE TOWN OF LOCKPORT DAY ROAD PARK 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 Lockport has made application to the Niagara County's Ad Hoc Committee on Recreation and Tourism for Greenway funds to support the Town of Lockport Day Road Park project, and

WHEREAS, these funds are to be utilized by the Town of Lockport to complete this Project, and

WHEREAS, the Town of Lockport's application for funding for the revitalization of the Day Road Park which draws thousands of visitors and residents of Niagara County every year, as well as the residents of the Town of Lockport who enjoy all of its services, and

WHEREAS, this application will assist the local citizens, taxpayers and business people being able to establish and finalize the Park with playgrounds, sport facilities and two trail extensions costing a total of over one half million dollar.

WHEREAS, the Town of Lockport, its residents and businesses intend to add additional trails connecting the canal to the Park and Lytle Preserve, creating accessibility to other Greenway Projects, and

WHEREAS, this project enhances the quality of life for our residents and visitors alike, and

WHEREAS, the soccer teams and tournaments it will attract will cause a positive economic impact in the Town and County, and

WHEREAS, the application is requesting \$25,400.00 to be utilized, along with previous efforts, for a total project cost of their request of \$37,300.00, and a total investment of over a half million dollars in park improvements, and

WHEREAS, the Town of Lockport Day Road Park Project has the support and approval of Legislator Richard Updegrove, Senator George Maziarz, along with various organizations in the Town of Lockport, 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 Lockport has utilized great efforts and the other funds, including in kind services \$11,400 for a total of \$37,300 on this final part of the Project totaling one half million dollars, and

WHEREAS, after receipt of in-kind services and town funds, the remaining \$25,400.00 needed for the matching grant is being requested, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the funding of \$25,400.00 for the Town of Lockport Day Road Park Project when presented to the Niagara Power Coalition and the Host Community Standing Committee.

LEGISLATOR CHEREÉ J. COPELIN

LEGISLATOR KATHRYN L. LANCE

LEGISLATOR ANTHONY J. NEMI

LEGISLATOR JOHN SYRACUSE

LEGISLATOR OWEN T. STEED

LEGISLATOR RICHARD E. UPDEGROVE

PARKS, RECREATION & TOURISM
AD HOC COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Cheree J. Copelin, Kathryn L. Lance, Anthony J. Nemi, John Syracuse, Owen T. Steed, Clude L. Burmaster and Parks, Recreation & Tourism Ad hoc Committee DATE: 10/15/13 RESOLUTION # IL-052-13

APPROVED BY	REVIEWED BY	COMMITTEE ACTION	LEGISLATIVE ACTION		
CO. ATTORNEY	CO. MANAGER	<u>Ad Hoc - 9/9/13</u>	Approved: Ayes _____	Abs. _____	Noes _____
<u>Bur D8</u>	_____	_____	Rejected: Ayes _____	Abs. _____	Noes _____
_____	_____	_____	Referred: _____	_____	_____

SUPPORT FOR THE TUSCARORA HEROES MONUMENT

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 Lewiston has made application to the Niagara County's Ad Hoc Committee on Recreation and Tourism for Greenway funds to support the Tuscarora Heroes Monument project, and

WHEREAS, these funds are to be utilized by the Town of Lewiston to finalize this project, and

WHEREAS, this project honors our local Tuscarora allies who saved the lives of dozens of Niagara County citizens during the brutal War of 1812 British attack on Lewiston, and

WHEREAS, this project involves the County in the largest 1812 Bicentennial monument project in the United States, boosting Western New York's prominence and leadership role in commemorating our nation's rich history, and

WHEREAS, this project enables Niagara County to continue to celebrate and encourage inter-racial brotherhood, and

WHEREAS, this project invests the County's Greenway resources in a lasting legacy that will stand for thousands of years, and

WHEREAS, this project encourages local economic development by creating a cultural destination for thousands of historical enthusiasts and Native Americans, and

WHEREAS, the application is requesting \$15,000.00 to be utilized along with in-kind effort of engineering materials, supplies and administration along with other funds for a total project cost of \$400,000.00, and

WHEREAS, the Town of Lewiston Tuscarora Heroes Monument has the support and approval of Legislator Clyde Burmaster along with various business concerns in the Town of Lewiston, 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 Lewiston has utilized great effort and is complimented for being able to receive the \$385,000.00 in other funds, and

WHEREAS, after receipt of in-kind services and the matching grant, the remaining \$15,000.00 needed to complete this project is being requested, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the funding of \$15,000.00 for the Town of Lewiston Tuscarora Heroes Monument when presented to the Niagara Power Coalition and the Host Community Standing Committee.

LEGISLATOR CHEREÉ J. COPELIN

LEGISLATOR KATHRYN L. LANCE

LEGISLATOR ANTHONY J. NEMI

LEGISLATOR JOHN SYRACUSE

LEGISLATOR OWEN T. STEED

PARKS, RECREATION & TOURISM
AD HOC COMMITTEE

LEGISLATOR CLYDE L. BURMASTER

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Dennis F. Virtuoso, Jason A. Zona and Owen T. Steed DATE: 10/15/13 RESOLUTION # IL-053-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

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

HOME RULE FOR INSPECTIONS OF SOCIAL SERVICES RENTAL UNITS

WHEREAS, the taxpayers of New York State and the County of Niagara are paying a portion of shelter allowance for clients of Social Services, and

WHEREAS, many of these rental units are not code compliant, and

WHEREAS, the State of New York and the County of Niagara should be held accountable for taxpayers monies spent, and

WHEREAS, Section 8 Leased Housing has a program where all rental units are inspected before the client moves in to ensure code compliance, and

WHEREAS, these rental units are also inspected annually to ensure the safety of the rental units and ensure there are no issues of fraud, and

WHEREAS, all rental units paid for with shelter allowance be inspected before the client moves in and also inspected on an annual basis in order to improve the quality of life issues for families and neighborhoods, and

WHEREAS, this could be a cost savings for Niagara County by avoiding costly move out expenses, and

WHEREAS, New York State Social Services Law prohibits the mandatory inspections of these rental units, and

WHEREAS, the Niagara County Legislature would like to start a program to inspect social services rental units, now, therefore, be it

RESOLVED, that the County of Niagara is asking the State of New York for a Home Rule Law to establish this program, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Cuomo, Senator George D. Mazarz, 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, and all others deemed necessary and proper.

LEGISLATOR DENNIS F. VIRTUOSO

LEGISLATOR JASON A. ZONA

LEGISLATOR OWEN T. STEED

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration DATE: 10/15/13 RESOLUTION # PW-079-13

Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 10/7/13
AD - 10/8/13

LEGISLATIVE ACTION

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

PROCUREMENT GROUP BUDGET MODIFICATION

WHEREAS, the Procurement Group Cost Center initially pays all bills for the procurement of natural gas and electricity for the members within the Procurement Group, and then receives reimbursement from the appropriate member, and

WHEREAS, additional funds are required in the fees line of this cost center, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated:

INCREASE APPROPRIATION:

A.15.1490.107.74000.02 Fees \$8,000

INCREASE ESTIMATED REVENUE:

A.15.1490.107.42210.01 General Services \$8,000

PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE

FROM: Public Works and Administration DATE: 10/15/13 RESOLUTION # PW-080-13

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

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration

DATE: 10/15/13

RESOLUTION # PW-081-13

Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

PW - 10/7/13

Approved: Ayes _____ Abs. _____ Noes _____

AD - 10/8/13

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

[Signature]
10/9/13

PUBLIC WORKS ADMINISTRATION BUDGET MODIFICATION

WHEREAS, the County Manager, Budget Director and Commissioner of Public Works granted permission to study the feasibility of migrating the current county vehicle fleet to alternative fuel vehicles, and

WHEREAS, the previous study performed concentrated on the alternative fuels of compressed natural gas or CNG and electric hybrid vehicles, and

WHEREAS, it is desired to have vehicles powered by propane to become part of this study, and

WHEREAS, funds are available in the Appropriated Fund Balance - Committed Funds, Energy Management Power Credits, to allow this study to proceed, now, therefore, be it

RESOLVED, the following budget modification be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

A.15.1490.000.40599.01	Committed Funds	\$2,500
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INCREASE APPROPRIATIONS

A.15.1490.000.74650.07	Professional Engineering Services	\$2,500
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PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee

DATE: 10/15/13

RESOLUTION # PW-082-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 10/7/13

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

EXTENSION OF SNOW AND ICE AGREEMENT FOR COUNTY ROADWAYS 2013-2016

WHEREAS, the County of Niagara, pursuant of Section 12 of the Highway Law, relating to the control of snow and ice on county highways in towns and incorporated villages, has renegotiated an agreement with the towns for such purposes, and

WHEREAS, Section 9 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 ratify and implement the attached agreement for the period of October 1, 2013 through October 1, 2016, and

WHEREAS, prior to the execution of the necessary 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 attached documents.

PUBLIC WORKS COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration

DATE: 10/15/13

RESOLUTION # PW-083-13

Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

PW - 10/7/13

Approved: Ayes _____ Abs. _____ Noes _____

AD - 10/8/13

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

KRULL PARK BASKETBALL COURT CONTRACT CHANGE ORDER NO. 2 - FINAL

WHEREAS, by Resolution No. PW-019-13, dated February 19, 2013, the Legislature awarded the contract for the construction of a new basketball court at Krull Park to American Paving & Excavating Inc., 5880 Thompson Road, Clarence Center, NY 14032, in the amount of \$46,850, and

WHEREAS, Resolution PW-076-13, dated August 6, 2013, authorized Change Order No. 1 for the reduction of the contract in the amount of \$1,145.00, due to adjustments in contracts quantities, for a revised contract amount of \$45,705.00, 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 Change Order No. 2 – Final to deduct \$3,000.00 from the contract for the Krull Park Basketball Court, for a revised contract amount of \$42,705.00, to American Paving & Excavating Inc., 5880 Thompson Road, Clarence Center, NY 14032, be approved, 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: 10/15/13

RESOLUTION # PW-084-13

Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

PW - 10/7/13

Approved: Ayes _____ Abs. _____ Noes _____

AD - 10/8/13

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

FIRE TOWER IMPROVEMENTS – FINAL PAYMENT

WHEREAS, by Resolution No. PW-044-13, dated March 19, 2013, the Legislature awarded the contract for the repairs of the relining of the burn rooms at the Lockport and Wheatfield fire towers, to RB Mac Construction Co Inc., 6688 Lincoln Ave, Lockport, NY 10494, in the amount of \$172,000, and

WHEREAS, the project has been completed per specified drawings and specifications, 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 final payment application to RB Mac Construction Co Inc, 6688 Lincoln Avenue, Lockport, NY 14094, be approved for a total contract amount of \$172,000, and be it further

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


PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration DATE: 10/15/13 RESOLUTION # PW-085-13

Committees

APPROVED BY CO. ATTORNEY  <u>10/19/13</u>	REVIEWED BY CO. MANAGER 	COMMITTEE ACTION <u>PW - 10/7/13</u> <u>AD - 10/8/13</u> 	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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JAIL ELEVATOR REPLACEMENT PROJECT AWARD

WHEREAS, the Department of Public Works, Engineering Division has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the replacement of the Jail Elevator, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on October 3, 2013, and tabulated below:

- | | |
|---|-----------|
| 1. DCB Elevator, Co. Inc.
PO Box 426
Lewiston, NY 14092 | \$340,950 |
|---|-----------|

and

WHEREAS, the Public Works Committee has examined the bid, and

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

RESOLVED, that the contract for the Jail Elevator Replacement be awarded to the lowest responsible bidder, DCB Elevator Co. Inc., PO Box 426, Lewiston, NY 14092, in the amount of \$340,950, and be it further

RESOLVED, the following budget modification be effectuated:

DECREASE APPROPRIATIONS:

A.17.3150.000.72100.15	Machinery & Equipment	\$6,000
A.17.3150.000.74500.02	Contractual Service Contract	6,798

INCREASE APPROPRIATIONS:

A.07.9950.000 79010.00	Transfer To Capital Project	12,798
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INCREASE REVENUE:

H592.15.9901.000 45031.10	Interfund Transfers	12,798
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INCREASE APPROPRIATION:

H592.15.3150.000 72200.00	Jail Elevator Replacement	12,798
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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: 10/15/13

RESOLUTION # PW-086-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 10/7/13

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

REJECT BIDS FOR ROOF INSTALLATION HIGHWAY DEPARTMENT FLEET MAINTENANCE SHOP

WHEREAS, the Public Works Committee requested the Commissioner of Public Works to proceed with the Roof Installation for the Highway Department Fleet Maintenance Shop, as per prepared specifications and drawings, and

WHEREAS, sealed bids for the Roof Installation at the Highway Department Fleet Maintenance Shop, were received and publicly opened by the Purchasing Department on October 3, 2013, as tabulated below:

	<u>Contractor</u>	<u>Bid Price</u>
1.	Jameson Roofing Co Inc 3761 East Lake Road Dunkirk, NY 14048	\$125,000
2.	Grove Roofing Services, Inc 131 Reading Street Buffalo, NY 14220	\$134,750
3.	Fiddler Roofing Inc 2335 Niagara Falls Boulevard Niagara Falls, NY 14304	\$145,730
4.	Joseph A. Sanders & Sons Inc PO Box 814 Buffalo, NY 14240	\$188,988

WHEREAS, the bids were not satisfactory, now, therefore, be it

RESOLVED, that the bids be rejected, and be it further

RESOLVED, that the Chairman of the Legislature is authorized to execute the required documents.

PUBLIC WORKS COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration

DATE: 10/15/13

RESOLUTION # PW-087-13

Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 10/7/13
AD - 10/8/13

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

**BRIDGE SUPERSTRUCTURE, JOINTS AND SUBSTRUCTURES
CHANGE ORDER NO. 1**

WHEREAS, by Resolution No. PW-089-12, dated November 20, 2012, the Legislature awarded the contract for the repairs of Bridge Superstructures, Joints and Substructures to Yarussi Construction Inc., 5650 Simmons Avenue, Niagara Falls, NY 14304, in the amount of \$254,098.50, and

WHEREAS, it is necessary to extend the contract completion date to December 31, 2013, at no cost to the county, and

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

RESOLVED, that Change Order No. 1, to extend the contract completion date to December 31, 2013, at no cost to the County, be approved, 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: 10/15/13

RESOLUTION # PW-088-13

Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

PW - 10/7/13

Approved: Ayes _____ Abs. _____ Noes _____

AD - 10/8/13

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

LOCKPORT ROAD INTERSECTIONS RECONSTRUCTION PROJECT CONSULTANT AMENDMENT NO. 4

WHEREAS, Resolution No. PW-079-08, dated July 22, 2008, awarded the contract for engineering services to Erdman Anthony, 8608 Main St., Buffalo, NY 14221, in the amount of \$857,715.00, and

WHEREAS, Resolution No. PW-099-10, dated October 5, 2010, amended the contract to allow for additional survey work to incorporate highway alignment for standard taper lengths, for a cost not to exceed \$18,082.00, for a revised contract of \$875,797.00, and

WHEREAS, Resolution No. PW-035-12, dated March 6, 2012, amended the contract to allow for archeological and architectural studies, as required by New York State Department of Transportation, in the amount of \$154,461.00, for a revised contract of \$1,030,258.00, and

WHEREAS, Resolution No. PW-025-13, dated February 19, 2013, authorized the extension of the contract to December 31, 2013, at no additional cost, and

WHEREAS, it is necessary to amend the contract for right-of way incidentals and acquisition phases, for a fee not to exceed \$29,925, and

WHEREAS, it is necessary to extend the contract to December 31, 2016, at no cost to the County, 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 Amendment No. 4 to amend the contract for right-of-way incidentals and acquisitions, in the amount of \$29,925, for a revised contract amount of \$1,060,183.00, and to extend the contract completion date to December 31, 2016, at no cost to the county, be approved, 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: 10/15/13

RESOLUTION # PW-089-13

Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 10/7/13
AD - 10/8/13

LEGISLATIVE ACTION

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

LOCKPORT ROAD CULVERT REPLACEMENT BUDGET MODIFICATION

WHEREAS, as part of the Niagara County Water District's water line replacement project on Lockport Road, the Department of Public Works requested to make the replacement of two culverts as part of the projects as well, and

WHEREAS, the Department of Public Works would reimburse the Niagara County Water District for the expenses associated with the replacement of these two culverts, and

WHEREAS, additional funds are required to make final payment to the Niagara County Water District, now, therefore, be it

RESOLVED, the following budget modification be effectuated:

DECREASE ESTIMATED REVENUE:

H551.15.5112.000.43501	Consolidated Highway Aid-Townline Rd	\$65,444.91
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DECREASE ESTIMATED APPROPRIATIONS:

H551.15.5112.000.72600.01	Infrastructure Roads – Townline Rd	65,444.91
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INCREASE ESTIMATED REVENUE:

H559.15.5112.000.43501	Consolidated Highway Aid – Lockport Rd	10,320.14
H558.15.5112.000.43501.	Consolidated Highway Aid – Stone Rd	55,124.77

INCREASE ESTIMATED APPROPRIATIONS:

H559.15.5112.000.72600.01	Infrastructure Roads – Lockport Rd	10,320.14
H558.15.5112.000.72600.01	Infrastructure Roads – Stone Rd	55,124.77

and be it further

RESOLVED, that account H551.15.5112.000.72600.01, Townline Road be closed.

PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee

DATE: 10/15/13

RESOLUTION # PW-090-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 10/7/13

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

INTER-MUNICIPAL AGREEMENT WITH THE TOWN OF NEWFANE

WHEREAS, the Niagara County Department of Public Works is undertaking the reconstruction of the Wilson-Burt Road Bridge, and

WHEREAS, during the project, the Town of Newfane would like to undertake the looping of its waterline across the Wilson-Burt Road Bridge in order to have better water flow for the residents of Newfane, and

WHEREAS, the Niagara County Department of Public Works and the Town of Newfane, wish to enter into an agreement, with the Town of Newfane paying the entire cost of the construction of the new looping water line, 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 attached agreement between the County of Niagara and the Town of Newfane, for the looping of a waterline across the Wilson-Burt Road Bridge, be approved, 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: 10/15/13

RESOLUTION # PW-091-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 10/7/13

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

NIAGARA COUNTY BRIDGE WASHING PROJECT, ONE HUNDRED-TWENTY EIGHT BRIDGES, IN VARIOUS TOWNS, NIAGARA COUNTY, PIN 5760.46

WHEREAS, the Niagara County Bridge Washing Project, One-Hundred Twenty Eight (128) Bridges in Various Towns, in Niagara County, PIN 5760.46, "the Project", is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal and 20% Non-Federal funds, and

WHEREAS, the County of Niagara desires to advance the Project by making a commitment of 100% of the Non-federal share of the costs of the Construction and Construction Inspection phases of the Project, PIN 5760.46, now, therefore, be it

RESOLVED, that the County Legislature of the County of Niagara hereby approves the above subject project, and be it further

RESOLVED, that the County Legislature of the County of Niagara hereby authorizes the County of Niagara to pay in the first instance 100% of the federal and non-federal shares of the cost of the Construction and Construction Inspection phases of the Project or portions thereof; and be it further

RESOLVED, that the sum of \$155,000 is hereby appropriated in D.15.5120.000.74800.06, Bridge Maintenance, Repairs and Maintenance Items, and made available to cover the cost of participation in the above phases of the Project, and be it further

RESOLVED, that in the event the amount required to pay the full federal and non-federal shares of the cost of the project's Construction and Construction Inspection phases exceeds the amount appropriated above, the County of Niagara shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further

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

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

RESOLVED, this Resolution shall take effect immediately.

PUBLIC WORKS COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee

DATE: 10/15/13

RESOLUTION # PW-092-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 10/7/13

LEGISLATIVE ACTION

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

**NIAGARA COUNTY BRIDGE MAINTENANCE PROJECT: TWELVE BRIDGE DECK OVERLAYS
IN THE TOWNS OF HARTLAND, LOCKPORT, NEWFANE, PORTER, ROYALTON, SOMERSET,
WHEATFIELD AND WILSON, AND ONE JOINT REPLACEMENT
IN THE TOWN OF PENDLETON, NIAGARA COUNTY**

WHEREAS, the Niagara County Bridge Maintenance Project: Twelve Bridge Deck Overlays in the Towns of Hartland, Lockport, Newfane, Porter, Royalton, Somerset, Wheatfield and Wilson, and One Bridge Joint Replacement in the Town of Pendleton, Niagara County, PIN 5760.44, (the "Project") is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds, and

WHEREAS, the County of Niagara desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Construction and Construction Inspection phase of the project, PIN 5760.44, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara hereby approves the above-subject project, and be it further

RESOLVED, that the Legislature of the County of Niagara hereby authorizes the County of Niagara to pay in the first instance 100% of the federal and non-federal shares of the cost of the Construction and Construction Inspection phases of the Project or portions thereof, and be it further

RESOLVED, that the sum of \$260,000 is hereby appropriated and made available to cover the cost of participation in the above phases of the Project, and be it further

RESOLVED, that in the event the amount required to pay the full Federal and Non-Federal shares of the cost of the project's Construction and Construction Inspection phase exceeds the amount appropriated above, the County of Niagara shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further

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

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

RESOLVED, that this resolution shall take effect immediately.

PUBLIC WORKS COMMITTEE'