



AGENDA
NIAGARA COUNTY LEGISLATURE
December 5, 2017 – 7:00 P.M.

1. CALL TO ORDER
2. CLERK CALLS THE ROLL
3. PRAYER & PLEDGE
4. CORRESPONDENCE/ RECOGNITION:
5. PRESENTATIONS:
6. PUBLIC SPEAKERS: Clerk will read the names on the sheet for Public Speakers on Agenda items.
7. RECESS: Joint Community Services and Administration Committee Meeting
8. RESOLUTIONS
9. COUNTY MANAGER
10. APPOINTMENTS:
11. EXECUTIVE SESSION
12. ADJOURNMENT
13. PUBLIC SPEAKERS: Clerk will read names on the sheet for Public Speakers for the General Welfare of the County

Mary Jo Tamburlin, Clerk
Niagara County Legislature

The next meeting of the Legislature will be held on December 12, 2017.



AGENDA
NIAGARA COUNTY LEGISLATURE
December 5, 2017 – 7:00 P.M.

Resolutions not on previous agenda:

CSS-071-17 Community Safety & Security and Administration, re Acceptance of Addendum to Municipal Mutual Aid and Assistance Agreement For Local Disasters and Other Related Emergencies

Regular Meeting – December 5, 2017

- *AD-029-17** Administration, re Distribution of Mortgage Tax – Treasurer
- *AD-030-17** Administration, re Approval of Voting Machine Arrangement Between the County of Niagara and the Niagara Falls City School District – Board of Elections
- *AD-031-17** Administration, re Niagara County Board of Elections Systems and Services (2018-2022) Renewal Agreement – Board of Elections
- *AD-032-17** Administration, re Adoption of a Local Law of the Legislature of the County of Niagara, Imposing a Wireless Communications Surcharges Pursuant to the Authority of Tax Law 186-G
- *IF-147-17** Infrastructure & Facilities and Administration, re Trott Steps and Handicapped Accessibility Ramp Change Order No. 3- Final
- *IF-148-17** Infrastructure & Facilities and Administration, re Upper Mountain Road Pavement Preservation Project Consultant Amendment No.2- Final
- *IF-149-17** Infrastructure & Facilities, re Municipal Cooperation Agreement between the Counties of Erie and Niagara Tonawanda Creek Road Rehabilitation and Tonawanda Creek Slide Stabilization
- *IF-150-17** Infrastructure & Facilities, re Resolution Rejecting Bids for the Trott Building Northpointe Renovations Project
- *IF-151-17** Infrastructure & Facilities and Administration, re Highway Excavators Capital Project Budget Modification
- *IF-152-17** Infrastructure & Facilities and Administration, re DPW - Building and Grounds Budget Modification

- IL-102-17** Legislator Jason A. Zona, re Resolution Calling on the NYS Department of Environmental Protection Agency to Begin and or Expand its investigation into the Potentially Hazardous Foul Order in the Area of the Allied Waste Landfill
- IL-103-17** Legislators Richard L. Andres, Anthony J. Nemi, John Syracuse, et al. and Parks, Recreation & Tourism Ad Hoc Committee, re Support for the Installation of Energy Stations at Center Court – D' Amelio Park



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.

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 12/05/17 RESOLUTION # AD-029-17

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION <u>AD - 11/28/17</u>	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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DISTRIBUTION OF MORTGAGE TAX

WHEREAS, Niagara County has received mortgage tax monies for the period April, 2017 through September, 2017 in the amount of \$3,280,988.66, and

WHEREAS, the Recording Officer has previously distributed \$738,628.09 to the Niagara Frontier Transportation Authority, \$747,166.53, to the State Mortgage Tax Agency, and retained \$132,130.17 for approved county administrative expenses, and

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

RESOLVED, that the sum of \$1,663,063.87 reflects mortgage tax monies for the period April 1, 2017 through September 30, 2017 to be distributed, and the same be and hereby is, apportioned as follows among the various towns, villages and cities of the County of Niagara:

TOWNS	Cambria	\$ 49,805.93
	Hartland	16,052.40
	Lewiston	165,574.37
	Lockport	186,522.79
	Newfane	68,272.90
	Niagara	65,310.87
	Pendleton	118,951.44
	Porter	56,624.29
	Royalton	52,454.22
	Somerset	15,876.09
	Wheatfield	200,813.19
	Wilson	44,631.81

VILLAGES	Middleport (Hartland)	\$ 253.59
	Middleport (Royalton)	4,092.18
	Lewiston	19,943.22
	Youngstown	10,787.83
	Barker	1,304.73
	Wilson	4,878.59

CITIES	Lockport	\$ 97,623.34
	Niagara Falls	265,422.98
	North Tonawanda	<u>217,867.11</u>

TOTAL:	\$1,663,063.87
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and be it further

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

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee

DATE: 12/05/17

RESOLUTION # AD-030-17

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
AD - 11/28/17

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____



APPROVAL OF VOTING MACHINE ARRANGEMENT BETWEEN THE COUNTY OF NIAGARA AND THE NIAGARA FALLS CITY SCHOOL DISTRICT (§3-224, NEW YORK STATE ELECTION LAW)

WHEREAS, the Niagara Falls City School District will be conducting an election on December 12, 2017 and requires the use of the Niagara County Board of Elections voting equipment in connection with this election, and

WHEREAS, the Niagara County Attorney's Office has prepared a formal agreement for use between the County of Niagara and the Niagara Falls City School District, which has been fully approved by the District, a copy of which has been filed with the Clerk of the Legislature, and

WHEREAS, time is of the essence in connection with the approvals by the Niagara County Legislature and

WHEREAS, under the terms of the agreement the County will provide, and be reimbursed for transportation of the voting machines preparation, programming, and packaging of the voting machines and all necessary Niagara County personnel and also be reimbursed for machine depreciation: the District, among other things, shall furnish, at its expense, election custodians and inspectors and also insurance in form, content and amounts as approved by the Niagara County Attorney, and

WHEREAS, the final written agreement between the parties is subject to the review and approval by the parties' respective legal counsel, now, therefore, be it

RESOLVED, that pursuant to the provisions of §3-224 of New York State Election Law, the Chair of the Niagara County Legislature and the Niagara County Election Commissioners are authorized and directed to execute and deliver an agreement, in substantially the form of agreement now filed with the Clerk of the Legislature between and among the County of Niagara, the Niagara County Election Commissioners and the Niagara Falls City School District for the provision, by the County of Niagara, of sufficient voting equipment, including the programming thereof, to the Niagara Falls City School District in connection with an election scheduled to be held the 12th day of December, 2017, and be it further

RESOLVED, that the execution and delivery of this agreement, is subject to the approval of the Board of the Niagara Falls City School District and the review and approval of the Niagara County Attorney's Office and counsel to the Niagara Falls City School District, and be it further

RESOLVED, that a true copy of the fully signed and approved agreement be filed by the Clerk of this Legislature simultaneously with the delivery of the or as soon as reasonably possible thereafter.

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee

DATE: 12/05/17

RESOLUTION # AD-031-17

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
AD - 11/28/17

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

**NIAGARA COUNTY BOARD OF ELECTIONS
SYSTEMS AND SERVICES
(2018-2022)
RENEWAL AGREEMENT**

WHEREAS, NTS Data Services, LLC provides comprehensive election related services for the Niagara County Board of Elections, and

WHEREAS, the current Renewal Agreement dated November 30, 2017 for Systems and Services between the Niagara County Board of Elections and NTS (hereinafter referred to as the "Current Agreement") expires December 31, 2017, and

WHEREAS, the Current Agreement contains an option for the Board to renew the Current Agreement with the approval of the County Legislature, and

WHEREAS, the Board desires to renew the Current Agreement modified appropriately for service over the subsequent five-year term from January 1, 2018 through December 31, 2022, and

WHEREAS, under the Current Agreement, NTS provides comprehensive computer hardware, software, maintenance, consulting, election night and certification support, programming, barcode processing, poll book and mail check production, candidate management, election services including signature digitization, electronic document processing, voting machine asset management, integration with the New York state wide voter registration database (NYSVOTER), file-backup and website related services to the Board, and

WHEREAS, occasionally there are additional special elections the Board is required to conduct such as Federal Court order elections and elections to fill vacancies in the State Senate and Assembly; the Board desires to have a built-in pricing option regarding NTS preparation, support and services for these unscheduled elections to be initiated by the Commissioners as required, now, therefore, be it

RESOLVED, that the Chairman of the Niagara County Legislature and Commissioners of the Niagara County Board of Elections are hereby authorized to execute this agreement on behalf of the County of Niagara, subject to final approval of the County Attorney

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 12/05/17 RESOLUTION # AD-032-17

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
AD - 11/13/17

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

**ADOPTION OF A LOCAL LAW OF THE LEGISLATURE OF THE COUNTY OF NIAGARA,
IMPOSING THE WIRELESS COMMUNICATIONS SURCHARGES
PURSUANT TO THE AUTHORITY OF TAX LAW §186-G**

WHEREAS, the Administration Committee recommend the adoption of the following Local Law:

A local law a local law imposing wireless communications surcharges pursuant to the authority of Tax Law §186-g:

WHEREAS, a public hearing was held on December 5, 2017 at 6:45 p.m. in the Legislative Chambers, Courthouse, Lockport, New York, on said Local Law, and

WHEREAS, _____ appeared to speak on said Local Law, and

WHEREAS, _____ amendment(s) was (were) made to said Local Law, now, therefore, be it

RESOLVED, that a local law for imposing the wireless communications surcharges pursuant to the authority of Tax Law §186-g plan of the County of Niagara, New York be enacted by the Legislature of the County of Niagara, New York, as follows:

Section 1. Imposition of wireless communications surcharges; (a) Pursuant to the authority of Tax Law §186-g, there are hereby imposed and there shall be paid surcharges within the territorial limits of the County of Niagara on: (i) wireless communications service provided to a wireless communications customer with a place of primary use within such county, at the rate of thirty cents per month on each wireless communications device in service during any part of the month; and (ii) the retail sale of prepaid wireless communications service sold within such county, at the rate of thirty cents per retail sale, whether or not any tangible personal property is sold therewith;

(b) Wireless communications service suppliers shall begin to add such surcharge to the billings of its customers and prepaid wireless communications sellers shall begin to collect such surcharge from its customers commencing March 1, 2018.

(c) Each wireless communications service supplier and prepaid wireless communications seller is entitled to retain, as an administrative fee, an amount equal to three percent of its collections of the surcharges imposed by this local law, provided that the supplier or seller files any required return and remits the surcharges due to the New York State Commissioner of Taxation and Finance on or before its due date for that return and payment.

Section 2. Administration of surcharges. The surcharges imposed by this local law shall be administered and collected by the New York State Commissioner of Taxation and Finance as provided in paragraph (8) of Tax Law § 186-g, and in a like manner as the taxes imposed by Articles Twenty-eight and Twenty-nine of the Tax Law.

Section 3. Applicability of State law to surcharges imposed by this local law. All the provisions of Tax Law § 186-g shall apply to the surcharges imposed by this local law with the same force and effect as if those provisions had been set forth in full in this local law, except to the extent that any of those provisions is either inconsistent with or not relevant to the surcharges imposed by this local law.

Section 4. Net collections received by this county from the surcharges imposed by this local law shall be expended only upon authorization of the Niagara County Legislature of the County of Niagara and only for payment of system costs, eligible wireless 911 service costs, or other costs associated with the administration, design, enhanced wireless 911 service serving such county, as provided in paragraph (9) of Tax Law § 186-g, including but not limited to, hardware, software, consultants, financing and other acquisition costs. The County of Niagara shall separately account for and keep adequate books and records of the amount and object or purpose of all expenditures of all such monies. If, at the end of any fiscal year, the total amount of all such monies exceeds the amount necessary for payment of the above mentioned costs in such fiscal year, such excess shall be reserved and carried over for the payment of those costs in the following fiscal year.

Section 5. This local law shall be effective March 1, 2018.

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities DATE: 12/05/17 RESOLUTION # IF-147-17
Committee and Administration
Committee

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
IF - 11/28/17
AD - 11/28/17

LEGISLATIVE ACTION

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

**TROTT STEPS AND HANDICAPPED ACCESSIBILITY RAMP
CHANGE ORDER NO. 3-FINAL**

WHEREAS, Resolution No. IF-049-17, dated March 21, 2017, awarded the contract for the Trott Steps and Handicapped Accessibility Ramp to Millennium Construction Inc., 248 North Brier Road, Amherst, NY 14228, for a contract amount of \$93,960, and

WHEREAS, Resolution No. IF-106-17, dated August 1, 2017, authorized Change Order No. 1 to extend the contract completion date to August 31, 2017, at no additional cost to the County, and

WHEREAS, Resolution No. IF-120-17, dated September 19, 2017, authorized Change Order No. 2 to increase the contract in the amount of \$47,000, for a revised contract amount of \$140,960, and

WHEREAS, it is necessary to increase the contract in the amount of \$138.92 for miscellaneous extras during construction, for a revised contract amount of \$141,098.92, 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. 3-Final to increase the contract for the Trott Steps and Handicapped Accessibility Ramp, for a revised contract amount of \$141,098.92, to Millennium Construction Inc., 248 North Brier Road, Amherst, NY 14228, 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.

INFRASTRUCTURE & FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities DATE: 12/05/17 RESOLUTION # IF-148-17
Committee and Administration Committee

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
IF - 11/28/17
AD - 11/28/17

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

**UPPER MOUNTAIN ROAD PAVEMENT PRESERVATION PROJECT
CONSULTANT AMENDMENT NO. 2-FINAL**

WHEREAS, Resolution No. PW-019-14, dated February 18, 2014, authorized the contract for consultant services for Upper Mountain Road Pavement Preservation to CHA Consulting Inc., 2200 Main Place Tower, Buffalo, NY 14202, for a fee not to exceed \$93,900, and

WHEREAS, Resolution No. IF-007-16, dated February 23, 2016, amended the contract to allow the project to proceed with the construction phase, in the amount of \$140,000, for a revised contract amount of \$233,900, and

WHEREAS, it is necessary to decrease the contract by \$254.92 for unused construction inspection, for a revised contract amount of \$233,645.08, 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 contract with CHA Consulting Inc., 2200 Main Place Tower, Buffalo, NY 14202, be decreased by \$254.92, for a revised contract amount of \$233,645.08, 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.

INFRASTRUCTURE & FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities DATE: 12/05/17 RESOLUTION # IF-149-17
Committee

APPROVED BY	REVIEWED BY	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	<u>IF - 11/28/17</u>	Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

**MUNICIPAL COOPERATION AGREEMENT BETWEEN THE
COUNTIES OF ERIE AND NIAGARA
TONAWANDA CREEK ROAD REHABILITATION AND
TONAWANDA CREEK SLIDE STABILIZATION**

WHEREAS, the Tonawanda Creek Road Rehabilitation and Tonawanda Creek Slide Stabilization Project, towns of Pendleton and Lockport, Niagara County, and the town of Clarence, Erie County, is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% federal funds and 20% non-federal funds,, and

WHEREAS, Niagara County has already advanced the project by making a commitment of 100% of the non-federal share of the costs of the project by Resolution No. IF-023-17 dated February 21, 2017, and

WHEREAS, the County of Erie, as a partner, desires to cooperate with the County of Niagara as sponsor in undertaking the above named project, and

WHEREAS, an additional inter-municipal agreement is necessary between the County of Niagara and the County of Erie in order to establish how the allocation of funds would be handled by the County of Erie in paying its share of the cost of the project to the county of Niagara, and how the County of Niagara would reimburse the County of Erie its portion of the state reimbursement, and

WHEREAS, it is the intent that the two counties will work together most effectively to implement the additional inter-municipal agreement, and

WHEREAS, prior to the execution of the inter-municipal agreement, the County Attorney will review the agreement for approval as to legal form, language and compliance, and subject to the approval of the agreement by the County of Erie Attorney and/or Erie County Legislature, now, therefore, be it

RESOLVED, that the Niagara County Legislature approves the agreement between the County of Niagara and the County of Erie for the advancement of the project, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the inter-municipal agreement with the County of Erie.

INFRASTRUCTURE & FACILITIES
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities DATE: 12/05/17 RESOLUTION # IF-150-17
Committee

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
IF - 11/28/17

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

**RESOLUTION REJECTING BIDS FOR THE TROTT BUILDING
NORTHPOINTE RENOVATIONS PROJECT**

WHEREAS, the County of Niagara, Department of Public Works, advertised for sealed bids to be received on October 5, 2017 for the Trott Building Northpointe Renovations project, and

WHEREAS, the lowest responsible bidders for general, electrical, mechanical, and plumbing totaled \$1,150,800, and

WHEREAS, the budgeted amount for the project was \$200,000, and

WHEREAS, the lowest bids far exceed the available funds for the project, now, therefore, be it

RESOLVED, that the sealed bids which were received on October 5, 2017 are hereby rejected and the County of Niagara, Department of Public Works, shall re-advertise for the Trott Building Northpointe Renovations project.

INFRASTRUCTURE & FACILITIES
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities DATE: 12/05/17 RESOLUTION # IF-151-17
Committee and Administration Committee

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
IF - 11/28/17
AD - 11/28/17

LEGISLATIVE ACTION

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

**HIGHWAY EXCAVATORS
CAPITAL PROJECT BUDGET MODIFICATION**

WHEREAS, the County applied for funds from the State and Municipal Facilities Program for various types of highway heavy equipment, which require a thirty-percent match, and

WHEREAS, the County has successfully secured funds from the State and Municipal Facilities Program, Project ID #9215, in the amount of \$224,000, and has allocated the matching funds of \$96,000, by Resolution No. IF -134-17, dated October 17, 2017, and

WHEREAS, after receiving the product quote per the NYS Contract, the account is in need of additional funds, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE ANTICIPATED REVENUE:

H655.15.5110.000.43501.00	Consolidated Highway Aid	\$2,119
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INCREASE ANTICIPATED EXPENSE:

H655.15.5110.000.72100.10	Heavy Equipment	\$2,119
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INFRASTRUCTURE & FACILITIES
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities DATE: 12/05/17 RESOLUTION# IF-152-17
Committee and Administration Committee

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
IF - 11/28/17
AD - 11/28/17

LEGISLATIVE ACTION

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

DPW-BUILDINGS AND GROUNDS BUDGET MODIFICATION

WHEREAS, Chapter 686 of the Laws of 1996, requires the State of New York to contract with the political sub-divisions of the State for the cleaning of court facilities, as well as minor and emergency repairs thereof, and

WHEREAS, Niagara County is responsible for furnishing and maintaining the Niagara County Court House, Lockport, New York, and the Angelo DelSignore Civic Building, Niagara Falls, New York, and the Records Storage Facilities, Lockport, New York, and

WHEREAS, it is necessary to prepare floors in various office locations for a carpet replacement project within the Niagara County Court House in Lockport, and the Angelo DelSignore Civic Building in Niagara Falls, and

WHEREAS, the State of New York is providing Niagara County with funding to prepare the floors for the installation of new carpeting, now, therefore, be it

RESOLVED, that the following budget modification be effectuated for floor preparation project in the Court House in Lockport, NY and the Angelo DelSignore Civic Building in Niagara Falls, NY

INCREASE ESTIMATED REVENUE:

H624.15.1620.000. 43021.00	State Aid Court Facilities	\$100,000
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INCREASE APPROPRIATION:

H624.15.1620.000.72200.01	Building Improvements	\$100,000
	04 b – Court House	
	04 d – Civic Bldg	

INFRASTRUCTURE & FACILITIES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Legislator Jason A. Zona DATE: 12/05/17 RESOLUTION # IL-102-17

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

**RESOLUTION CALLING ON THE NYS DEPARTMENT OF ENVIRONMENTAL
CONSERVATION ALONG WITH THE UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY TO BEGIN AND OR EXPAND ITS INVESTIGATION INTO THE POTENTIALLY
HAZARDOUS FOUL ODOR IN THE AREA OF THE ALLIED WASTE LANDFILL**

WHEREAS, for over six months now, residents of the Town of Niagara, and Niagara Falls including the Military Road business district have been plagued with a potentially hazardous foul smelling odor at different times throughout the day, and

WHEREAS, numerous residents and business owners have filed complaints for over six months with the Town of Niagara, Niagara County Health Department, and the State of New York and are looking for an answer to this problem, and

WHEREAS, on March 18th, 2017, it was reported to the Town of Niagara Board that the odor was coming from Allied Waste/Republic Services and that a plan was in place to "rectify the situation", and

WHEREAS, On October 13, 2017, New York State DEC stated the source of the pervasive, rancid smell has been identified as Allied Waste (WIVB reported), and that a consent order has been filed for the facility to take action to reduce and eliminate the odors at the landfill, and

WHEREAS, the New York State DEC fined Allied Waste \$75,000 for exceeding allowable levels of hydrogen sulfide allowed by law, and

WHEREAS, it is the concern of this legislature that the safety of the residents of Niagara County may be put in danger by the odor being regularly emitted from the landfill, and that the hydrogen sulfide being released may also harm our residents, and

WHEREAS, the Military Road business corridor is one of the largest drivers of the Niagara County economy and this odor issue may adversely impact both tax revenue and our local small business community, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby call upon the United States Environmental Protection Agency, specifically EPA Region 2 Administrator Catherine McCabe to conduct a thorough investigation, and for the New York State Department of Environmental Conservation to follow up on their earlier investigation and consent order, and be it further

RESOLVED, that the Niagara County Legislature urges both agencies to determine if the excess exposure to hydrogen sulfide or any other chemicals may adversely affect the health of local residents and visitors, and to ensure that the DEC consent order is followed immediately, and be it further


RESOLVED, that the County of Niagara shall forward copies of this resolution to Environmental Protection Agency Administrator Scott Pruitt, EPA Region 2 Administrator Catherine McCabe, New York State

DEC Region 9, United States Representative Brian Higgins, United States Representative Chris Collins, NYS Governor Andrew Cuomo, NYS Senator Robert Ort, Member of the NYS Assembly Angelo Morinello, Town of Niagara Supervisor Lee Wallace, and all others deemed proper and necessary

LEGISLATOR JASON A. ZONA

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Richard L. Andres, _____ DATE: 12/05/17 _____ RESOLUTION # IL-103-17
 Anthony J. Nemi, John Syracuse, et al.
and Parks, Recreation & Tourism Ad hoc Committee

APPROVED BY	REVIEWED BY	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	Ad hoc - 4/12/17	Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

SUPPORT FOR THE INSTALLATION OF ENERGY STATIONS AT CENTER COURT – D’AMELIO PARK

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 City of Niagara Falls has been rebuilding its parks and replacing old equipment which has become outdated and unsafe with new equipment that entices both children and adults to venture outdoors and take part in recreational activities to become more active, and

WHEREAS, the City of Niagara Falls has made application to the Niagara County’s Ad Hoc Committee on Recreation and Tourism for Greenway funds to assist in the restoration and upgrade of Center Court–D’Amelio Park project which is located in the center of a Hope VI grant project in the City of Niagara Falls, and

WHEREAS, the City of Niagara Falls Center Court – D’Amelio Park project proposal includes the installation of various energy stations to be installed at the park which will encourage children and adults to utilize these stations to increase physical fitness, and

WHEREAS, the City of Niagara Falls Center Court– D’Amelio Park project meets the guiding principles of the Niagara Greenway, and

WHEREAS, the Niagara River Greenway Commission’s guiding principles promote high quality ecologically sensitive and sustainable activities and development, and

WHEREAS, the proposed City of Niagara Falls Center Court – D’Amelio Park project will assist in the promotion of increased recreation opportunities for residents and visitors within the City of Niagara Falls and Niagara County, and

WHEREAS, the City of Niagara Falls Center Court – D’Amelio Park project has the support and approval of Niagara County Legislators Anthony J. Nemi and Owen T. Steed, City of Niagara Falls Mayor Paul Dyster, City of Niagara Falls Council Chairman Charles Walker, 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 City of Niagara Falls has utilized great effort and is complimented for being able to receive additional funding and support whereby they are requesting the sum of \$25,000.00 on the total overall project costing \$400,000.00, and

WHEREAS, after receipt of grants and other funding for the project and in-kind services to be performed by the City of Niagara Falls, the remaining \$25,000.00 of funds is being requested, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the funding of \$25,000.00 for the City of Niagara Falls Center Court – D'Amelio Park project when presented to the Niagara Power Coalition and the Host Community Standing Committee.

LEGISLATOR RICHARD L. ANDRES

LEGISLATOR ANTHONY J. NEMI

LEGISLATOR JOHN SYRACUSE

LEGISLATOR KATHRYN L. LANCE

LEGISLATOR OWEN T. STEED

LEGISLATOR DAVID E. GODFREY

PARKS, RECREATION & TOURISM
AD HOC COMMITTEE