

**AGENDA**  
**NIAGARA COUNTY LEGISLATURE**  
**FEBRUARY 19, 2013      -      7:00 P.M.**

**Resolutions not on previous agenda:**

- CSS-001-13** Community Safety & Security & Administration, re Acceptance of 200% of Poverty Alternatives to Incarceration Grant and Creation of Probation Position - Approved
- CSS-002-13** Community Safety & Security & Administration, re Niagara County Sheriff's Office Create Temporary Correction Officer - Approved
- CSS-003-13** Community Safety & Security & Administration, re Niagara County Sheriff's Office Create Two (2) Temporary Deputy Sheriff Positions - Approved

**Regular Meeting – February 19, 2013**

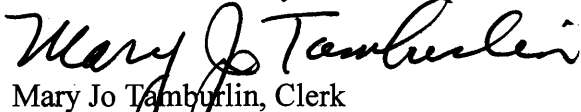
- \*AD-001-13** Administration, re Authorization for Real Property Tax Refunds/Corrections – 2013 – Real Property
- \*AD-002-13** Administration, re Niagara County Email Policy – IT
- \*CS-001-13** Community Services & Administration, re Budget Modification - Reappropriation Office of Homeland Security Grant - Emergency Planning Program Department of Health – Public Health
- \*CS-002-13** Community Services & Administration, re Budget Modification - Accept Medical Reserve CORPS Grant - Emergency Planning Program – Department of Health – Public Health
- \*CS-003-13** Community Services & Administration, re Abolish Clerical I and Clerical II, Create & Fill Document Clerk and Cashier – County Clerk
- \*CSS-004-13** Community Safety & Security & Administration, re Budget Modification Use of Asset Forfeiture Fund – Crime Night Out – District Attorney
- \*CSS-005-13** Community Safety & Security & Administration, re Budget Modification Use of Asset Forfeiture Funds – Software – District Attorney
- \*CSS-006-13** Community Safety & Security & Administration, re Crimes Against Revenue Program Grant Acceptance & Budget Modification – District Attorney

- \*CSS-007-13** Community Safety & Security, re District Attorney Motor Vehicle Theft and Insurance Fraud Prevention Program Grant Acceptance – District Attorney
- \*CSS-008-13** Community Safety & Security, re Federal Equitable Sharing Program Agreement and Annual Certification report – District Attorney
- \*CSS-009-13** Community Safety & Security & Administration, re Acceptance of Amended County Mutual Aid Plan – Emergency Management
- \*CSS-010-13** Community Safety & Security & Administration, re Extension of WITT Associates Consulting Services – Homeland Security Initiative – Emergency Management
- \*CSS-011-13** Community Safety & Security & Administration, re Appointment of Deputy Fire Coordinator for Technical Rescue Team (TRT) – Emergency Management
- \*CSS-012-13** Community Safety & Security & Administration, re Budget Modification – Rollover of RACES 2008 Grant – Emergency Management
- \*CSS-013-13** Community Safety & Security & Administration, re NCSO Budget Modification - Accept Consolidate Grant – Sheriff
- CW-005-13** Committee of the Whole, re Creation Of An Additional Part-Time No Benefits Conflict Attorney to Comply With New Standards And Criteria For The Provision Of Mandated Representation In Cases Involving a Conflict of Interest – Human Resources
- \*ED-001-13** Economic Development & Administration, re Budget Modification - Reappropriate Grant Funds Brownfield Hazardous Waste Assessment
- \*ED-002-13** Economic Development & Administration, re Budget Modification - Reappropriate Grant Funds EPA Brownfield Petroleum Assessment
- \*ED-003-13** Economic Development & Administration, re Budget Modification - Reappropriate Grant Funds Brownfield Revolving Loan Fund
- \*ED-004-13** Economic Development & Administration, re Budget Modification - Reappropriate Grant Funds Brownfields ARRA Revolving Loan Fund
- \*ED-005-13** Economic Development & Administration, re Budget Modification - Reappropriate Grant Funds from National Grid's Brownfield Redevelopment Program for Old Military Base Demolition and Rehabilitation Project in the Town of Cambria
- \*ED-006-13** Economic Development & Administration, re Acceptance of Grant Funds from New York State's Empire State Development Corporation for Niagara Falls Air Reserve Station Base Retention Effort
- \*ED-007-13** Economic Development & Administration, re Approval of Low Cost Program to 525 Wheat, LLC
- \*ED-008-13** Economic Development & Administration, re Budget Modification - To Cover Empower Niagara Allocations to 525 Wheat, LLC

- IL-005-13** Legislators David E. Godfrey Michael A. Hill & John Syracuse, et al., re Resolution Calling on the New York State Legislature to Enact, and Governor Cuomo to Sign Into Law, Such Legislation as Shall Protect the Privacy of New York State Pistol License and Concealed Carry Permit Holders
- IL-006-13** Legislators Clyde L. Burmaster, David E. Godfrey & Michael A. Hill, et al., re Resolution Calling on the New York State Legislature to Reject Governor Cuomo's Demands for Five-Year Renewals on Pistol Permits as Such Policy Would Place an Unreasonable Burden on and Barrier to the Constitutional Right of Law-Abiding Citizens to Keep and Bear Arms and Impose an Undue Financial Burden on the County of Niagara and its Taxpayers
- IL-009-13** Legislators Richard E. Updegrove and Anthony J. Nemi, re Request to the New York State Comptroller for Pension Fund Relief
- IL-010-13** Legislators Chereé J. Copelin, Wm. Keith McNall & David E. Godfrey, et al., re Resolution Calling On Speaker Silver to Permit a Vote on Welfare Reform Legislation that Would Prohibit the Use of Electronic Benefit Transfer (EBT) Cards in Strip Clubs, Liquor Stores, Casinos and Other Similar Venues and the Senate to Again Pass Such Restrictions by Enacting S.966-2013 Immediately
- IL-011-13** Legislators John Syracuse, Michael A. Hill & Richard E. Updegrove, re Resolution Calling on the New York State Legislature to Repeal the NY-SAFE ACT
- \*PW-001-13** Public Works, re Agreement between the County of Niagara and the Olcott Lion's Club
- \*PW-002-13** Public Works, re Agreement between the County of Niagara and the Time Travelers of WNY, Inc.
- \*PW-003-13** Public Works, re Agreement between the County of Niagara and Niagara Community Church Power Zone Sports
- \*PW-004-13** Public Works, re Agreement between the County of Niagara and the Town of Wheatfield
- \*PW-005-13** Public Works, re Agreement between the County of Niagara and the Pendleton Lions Club
- \*PW-006-13** Public Works, re Agreement between the County of Niagara and Roy-Hart Cross Country Team
- \*PW-007-13** Public Works, re Agreement between the County of Niagara and Lockport Soccer Club
- \*PW-008-13** Public Works, re Agreement between the County of Niagara and Bond Lake Athletic Club
- \*PW-009-13** Public Works, re Agreement between the County of Niagara and Bond Lake Environmental Committee (Niagara Escarpment Legacy)
- \*PW-010-13** Public Works, re Agreement between the County of Niagara and Bond Lake Environmental Committee (Landscaping with Native Plants)
- \*PW-011-13** Public Works, re Agreement between the County of Niagara & the Bond Lake Environmental Committee (Pollinating Insects)
- \*PW-012-13** Public Works, re Agreement between the County of Niagara & the Bond Lake Environmental Committee (Spring Bird Walk Event)

- \*PW-013-13** Public Works, re Agreement between the County of Niagara & the Bond Lake Environmental Committee (Raptor Rehabilitation Event)
- \*PW-014-13** Public Works, re Agreement between the County of Niagara & the Bond Lake Environmental Committee (Bug Fest Seminar)
- \*PW-015-13** Public Works, re Agreement between the County of Niagara & the Bond Lake Environmental Committee (Fall Bird Walk Event)
- \*PW-016-13** Public Works, re Agreement between the County of Niagara & the Bond Lake Environmental Committee (Hibernation Preparation Event)
- \*PW-017-13** Public Works, re Agreement between the County of Niagara & the Bond Lake Environmental Committee (Let's Talk Turkey Event)
- \*PW-018-13** Public Works & Administration, re Capital Improvement Project Additional Funding for Fire Towers
- \*PW-019-13** Public Works, re Award of Contract Krull Park Basketball Court
- \*PW-020-13** Public Works, re Award Stormwater Consultant Services
- \*PW-021-13** Public Works & Administration, re Time Extension for the Ewings Road Bridge Reconstruction Contract Change Order No. 1
- \*PW-022-13** Public Works & Administration, re Time Extension for the Cedar Street Bridge Reconstruction Contract Change Order No. 4
- \*PW-023-12** Public Works & Administration, re Ewings Road Bridge Reconstruction Project Consultant Amendment No. 5
- \*PW-024-12** Public Works & Administration, re Cedar Street Bridge Replacement Project Consultant Amendment No. 4
- \*PW-025-12** Public Works & Administration, re Lockport Road Intersections Reconstruction Project Consultant Amend No. 3
- \*PW-026-12** Public Works & Administration, re Stone Road Reconstruction Project Consultant Amend No. 2
- \*PW-027-12** Public Works & Administration, re Beebe Road Reconstruction Project Consultant Amend No. 5
- \*PW-028-12** Public Works & Administration, re Mapleton Road Bridge Reconstruction Project Consultant Amend No. 3
- \*PW-029-12** Public Works & Administration, re H585 - Building Renovations Capital Project Budget Modification
- \*PW-030-12** Public Works & Administration, re DPW - Highway Expenditures of County Road Fund Monies
- \*PW-031-12** Public Works & Administration, re Agreement with Niagara County Water District for Mapleton Road Repairs

**\*PW-032-12** Public Works & Administration, re Resolution Granting Authority to Act for Director Niagara County Refuse Disposal District and Allowing Salary Differentials

  
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 March 5, 2013.**

# NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 02/19/13 RESOLUTION # AD-001-13

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
AD - 2/12/13

LEGISLATIVE ACTION

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

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

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

## AUTHORIZATION FOR REAL PROPERTY TAX REFUNDS/CORRECTIONS - 2013

WHEREAS, New York State Real Property Tax Law, sections 554 and section 556, provides for an administrative correction of error process that assists property owners in obtaining refunds and/or corrections for real property tax payments or billings, and

WHEREAS, certain clerical errors, unlawful entries and errors in essential fact, as defined in the New York State Real Property Tax Law, are permitted to be corrected by a taxing jurisdiction based upon the recommendation of the Director of Real Property Tax Services, and

WHEREAS, the taxing jurisdiction can delegate, by resolution, on an annual basis, to an official who is empowered to authorize payment of bills without prior audit, the authority to perform the duties of the tax levying body in regard to Real Property Tax Law, Sections 554 and 556, now, therefore, be it

RESOLVED, that the Niagara County Treasurer is hereby delegated the authority to perform the duties of the tax levying body during 2013 when the Real Property Tax Director's recommended refund and/or correction is twenty five hundred dollars or less, and be it further

RESOLVED, that on or before the fifteenth day of each month, the Niagara County Treasurer shall submit a report to the Niagara County Legislature of the refunds and/or corrections processed during the preceding month, containing the name of each recipient, the location of the property, and the amount of the refund.

ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 02/19/13 RESOLUTION # AD-002-13

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

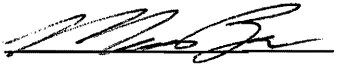
COMMITTEE ACTION  
AD - 2/12/13

LEGISLATIVE ACTION

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

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

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



## NIAGARA COUNTY EMAIL POLICY

WHEREAS, Niagara County recently purchased a new computer program to manage the archival and retrieval of email messages, and

WHEREAS, this new program will keep every email message sent or received for six years, with the exception of legal holds which will suspend the deletion of email records, and

WHEREAS, any email messages requiring longer retention than a six-year schedule should be printed, and

WHEREAS, a new email policy will be required to set the guidelines and regulations for managing email messages with adherence to NYS CO2 Records, and

WHEREAS, the email policy has been written and approved by the Email Policy Committee, now, therefore, be it

RESOLVED, that the Niagara County Legislature approves the Niagara County Email Policy.

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ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Community Services and Administration

DATE: 02/19/13

RESOLUTION # CS-001-13

Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
CS - 2/11/13  
AD - 2/12/13

LEGISLATIVE ACTION

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

*Matthew D. Alexander*

## **BUDGET MODIFICATION - REAPPROPRIATION** **OFFICE OF HOMELAND SECURITY GRANT - EMERGENCY PLANNING PROGRAM** **DEPARTMENT OF HEALTH**

WHEREAS, the Emergency Planning Program of the Niagara County Department of Health provides services, information and training to protect the health and safety of the citizens of Niagara County through 100% grant funding, and

WHEREAS, the US Department of Homeland Security and Federal Emergency Management Agency through the New York State Division of Homeland Security and Emergency Services awarded Niagara County Emergency Planning Program funding for the period of August 10, 2010 through August 9, 2012 by (Resolution #CS-033-10) and re-appropriated in 2012 (Resolution #CS-015-12), and

WHEREAS, this funding has received an extension through July 31, 2013, the Emergency Planning Program wishes to re appropriate the unused balance forward into the 2013 budget, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

### INCREASE REVENUE:

CM.20.4189.406 44960.03	Emergency Disaster Assistance	\$2,088.28
	Homeland Security	

### INCREASE APPROPRIATIONS:

CM.20.4189.406 72100.14	Miscellaneous Equipment	\$1,210.00
CM.20.4189.406 74800.06	Maintenance Repairs	405.00
CM.20.4189.406 74250.01	Office Supplies	473.28

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COMMUNITY SERVICES COMMITTEE

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ADMINISTRATION COMMITTEE



# NIAGARA COUNTY LEGISLATURE

FROM: Community Services and Administration      DATE: 02/19/13      RESOLUTION # CS-002-13

## 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>CS - 2/11/13</u> <u>AD - 2/12/13</u> _____	<b>LEGISLATIVE ACTION</b> Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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## BUDGET MODIFICATION – ACCEPT MEDICAL RESERVE CORPS GRANT- EMERGENCY PLANNING PROGRAM- DEPARTMENT OF HEALTH

WHEREAS, the Emergency Planning Program of the Niagara County Department of Health provides services, information and training to protect the health and safety of the citizens of Niagara County, and

WHEREAS, the National Association of County and City Health Officials (passed through from the Department of Health and Human Services CFDA #93.008) awarded Niagara County Emergency Planning Program a \$4,000 grant to build the capacity of the Medical Reserve Corps, now, therefore, be it

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

### INCREASE REVENUE:

CM.20.4189.406 44489.	Other Health MRC	\$4,000.00
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### INCREASE APPROPRIATIONS:

CM.20.4189.406 71050.00	Overtime	\$1,690.00
CM.20.4189.406 78200.00	FICA	129.29
CM.20.4189.406 78100.00	Retirement	189.00
CM.20.4189.406 78300.00	Worker's Comp	66.00
CM.20.4189.406 74300.03	Travel, mileage	231.96
CM.20.4189.406 74500.01	Contractual Expenses	645.00
CM.20.4189.406 74750.02	Supplies & Materials	448.00
CM.20.4189.406 74800.10	Misc. Equipment	600.75

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COMMUNITY SERVICES COMMITTEE

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ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Community Services and Administration DATE: 02/19/13 RESOLUTION # CS-003-13

## Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
CS - 2/11/13  
AD - 2/12/13

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

## ABOLISH CLERICAL I AND CLERICAL II CREATE AND FILL DOCUMENT CLERK AND CASHIER

WHEREAS, the Niagara County Clerk serves as the Clerk of Supreme and County Courts as well as register of all land transactions and receiver of filings and recordings of numerous and varied documents, and

WHEREAS, the Clerk administers the Veterans Service Agency, the Office of County Historian and the Pistol Permit Office, and

WHEREAS, the administration of these activities requires reviewing, accepting, verifying, indexing, scanning, editing, filing/recording and cashiering/acceptance of fees as prescribed by statute, and

WHEREAS, upon evaluation of these functions it has been determined that the positions of Clerical I and Clerical II do not meet the present needs of the office operation in properly performing these varied duties, and

WHEREAS, demands of the duties performed in both of these positions are more in keeping with that of a Document Clerk and Cashier, and

WHEREAS, a Document Clerk and Cashier position will provide greater flexibility in assisting with service to all areas of the County Clerk Office operation, and

WHEREAS, these changes will result in a savings of \$21,809.00, now, therefore, be it

RESOLVED, that the County Clerk's office be authorized to abolish a Part-Time Clerical I, position #4316 effective March 4, 2013, and be it further

RESOLVED, that the County Clerk's office be authorized to abolish a Full-Time Clerical II, position #1260 effective March 4, 2013, and be it further

RESOLVED, that the County Clerk's office be authorized to create and fill one (1) Document Clerk and Cashier position, Grade VI, Step I, CSA Salary Plan, Salary \$17.09 per hour effective March 4, 2013.

COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and DATE: 02/19/13 RESOLUTION # CSS-004-13

Administration Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
CSS - 2/6/13  
AD - 2/12/13

LEGISLATIVE ACTION

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

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

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

## BUDGET MODIFICATION USE OF ASSETS FORFEITURE FUNDS - DISTRICT ATTORNEY

WHEREAS, the Niagara County District Attorney's Office currently has a balance of approximately \$16,831 in the Local Asset Forfeiture Trust Account, and

WHEREAS, the use of locally forfeited funds is restricted by the New York State Department of Criminal Justice Services to the enhancement of the prosecution of related crimes and can be used to supplement but not supplant current resources, and

WHEREAS, the Niagara County District Attorney's Office will allocate \$750 to the Niagara Falls Block Club Council to fund their annual Crime Night Out, and

WHEREAS, this is an allowable use under the Guidelines, now, therefore, be it

RESOLVED, that the Niagara County Treasurer's Office is hereby authorized to disburse \$750 from the District Attorney's Local Assets Forfeiture Account A.02.1165.000.40036 into the District Attorney's operating budget, and be it further

RESOLVED, that the following budget modifications are effectuated:

### INCREASE REVENUE:

A.02.1165.000. 40599.02      Appropriated Fund Balance Restricted Funds      \$750

### INCREASE APPROPRIATIONS:

A.02.1165.000. 74400.09      Payments to Other Agencies      \$750

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COMMUNITY SAFETY AND SECURITY  
COMMITTEE

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ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and DATE: 02/19/13 RESOLUTION # CSS-005-13

## Administration Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
CSS - 2/6/13  
AD - 2/12/13

LEGISLATIVE ACTION

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

## BUDGET MODIFICATION USE OF ASSETS FORFEITURE FUNDS – DISTRICT ATTORNEY

WHEREAS, the Niagara County District Attorney's Office currently has a balance of approximately \$16,831 in the Local Asset Forfeiture Trust Account, and

WHEREAS, the use of locally forfeited funds is restricted by the New York State Department of Criminal Justice Services to the enhancement of the prosecution of related crimes and can be used to supplement but not supplant current resources, and

WHEREAS, the Niagara County District Attorney's Office will allocate \$4,390 to purchase software upgrades required for compatibility with new hardware purchased by the Niagara County IT Department, and

WHEREAS, this is an allowable use under the Guidelines, now, therefore, be it

RESOLVED, the Niagara County Treasurer's Office is hereby authorized to disburse \$4,390 from the District Attorney's Local Assets Forfeiture Account into the District Attorney's operating budget, and be it further

RESOLVED, that the following budget modifications are effectuated:

### INCREASE REVENUE:

A.02.1165.000. 40599.02      Appropriated Fund Balance Restricted Funds      \$4,390

### INCREASE APPROPRIATIONS:

A.02.1165.000. 74750.12      General Computer Supplies      \$4,390


COMMUNITY SAFETY AND SECURITY  
COMMITTEE

ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

**FROM:** Community Safety & Security and      **DATE:** 02/19/13      **RESOLUTION #** CSS-006-13

Administration Committees

<b>APPROVED BY</b> <b>CO. ATTORNEY</b> 	<b>REVIEWED BY</b> <b>CO. MANAGER</b>  	<b>COMMITTEE ACTION</b> <u>CSS - 2/6/13</u> <u>AD - 2/12/13</u>  	<b>LEGISLATIVE ACTION</b> <b>Approved:</b> Ayes _____ Abs. _____ Noes _____ <b>Rejected:</b> Ayes _____ Abs. _____ Noes _____ <b>Referred:</b> _____
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## DISTRICT ATTORNEY CRIMES AGAINST REVENUE PROGRAM GRANT ACCEPTANCE & BUDGET MODIFICATION

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

WHEREAS, funding has been awarded in the amount of \$100,000.00 for the period January 1, 2013 through December 31, 2013, with no matching funds requirement, and

WHEREAS, basic revenue and appropriation figures for said program were calculated and are contained within the District Attorney's operating budget for the 2013 budget year, and

WHEREAS, additional funds received must be appropriated in the District Attorney's A.02.1165.000 cost center for the 2013 budget year, and

WHEREAS, the program will continue to funds one full-time Assistant District Attorney, Position #10969, ATT I, Step 1, \$43,884 annually, with fringe benefits which shall remain co-terminus with grant funding, now, therefore, be it

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

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

RESOLVED, that the following budget modifications be made:

### INCREASE APPROPRIATIONS:

A.02.1165.000 .74650.08	Consultants	\$26,567
A.02.1165.000. 74600.03	Training & Education	2,500

### INCREASE REVENUE:

A.02.1165.000. 43089.02	State Aid Other- Crimes Against Revenue Program (CARP)	\$29,067
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COMMUNITY SAFETY & SECURITY  
COMMITTEE

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ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security Committee

DATE: 02/19/13

RESOLUTION # CSS-007-13

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
CSS - 2/6/13

LEGISLATIVE ACTION

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

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

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

**DISTRICT ATTORNEY MOTOR VEHICLE THEFT AND INSURANCE FRAUD  
PREVENTION PROGRAM GRANT ACCEPTANCE**

WHEREAS, the Niagara County District Attorney's Office has been notified by the New York State Division of Criminal Justice Services that the Motor Vehicle Theft and Insurance Fraud Prevention Program grant has been renewed for the period of January 1, 2013 through December 31, 2013, and

WHEREAS, funding has been awarded in the amount of \$154,877.00 and said funds are used to offset expenses for the District Attorney's Motor Vehicle Theft and Insurance Fraud Prevention Unit, and

WHEREAS, basic revenue and appropriation figures for said program were calculated and are contained within the CM.02.1989.114 Motor Vehicle Theft and Insurance Fraud Prevention cost center for the 2013 budget year, and

WHEREAS, this program will continue to fund one full-time Assistant District Attorney, Position #9700, ATT III, Step 5, \$75,555 annually and one full time Criminal Investigator, Position #9701, NUH 6, Step 4, \$44,378.00 annually, with fringe benefits which shall remain co-terminus with grant funding, now, therefore, be it

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

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

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

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COMMUNITY SAFETY & SECURITY  
COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security Committee

DATE: 02/19/13

RESOLUTION # CSS-008-13

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
CSS - 2/6/13

LEGISLATIVE ACTION

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

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

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

## FEDERAL EQUITABLE SHARING PROGRAM AGREEMENT AND ANNUAL CERTIFICATION REPORT

WHEREAS, the United States Department of Justice requires that the Niagara County District Attorney's Office file an annual Federal Equitable Sharing Program Agreement and Certification Report to be eligible to submit requests for federally forfeited property or proceeds, and

WHEREAS, said Agreement is entered into by the United States Department of Justice, the County of Niagara, and the Niagara County District Attorney's Office, now, therefore, be it

RESOLVED, that the Niagara County District Attorney's office be authorized to participate in the Federal Equitable Sharing Program, and be it further

RESOLVED, that prior to the execution of the Federal Equitable Sharing Agreement and Certification, the County Attorney will review the Federal Equitable Sharing Agreement and Certification for approval as to legal form, language and compliance, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Niagara County Legislature be, and hereby is, authorized to execute an Agreement between the County of Niagara on behalf of the Niagara County District Attorney's Office and the United States Department of Justice.

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COMMUNITY SAFETY AND SECURITY  
COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and DATE: 02/19/13 RESOLUTION # CSS-009-13  
Administration Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
CSS - 2/6/13  
AD - 2/12/13

LEGISLATIVE ACTION

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

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

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

## ACCEPTANCE OF AMENDED COUNTY MUTUAL AID PLAN

WHEREAS, the Niagara County Fire Advisory Board and sub-committees met many times in 2012 and to review the Mutual Aid Plan, and

WHEREAS, the Fire Advisory Board voted unanimously on December 12, 2012 to accept the amended Mutual Aid Plan, now, therefore, be it

RESOLVED, that the County Legislature approves the amended Niagara county Mutual Aid Plan.

\_\_\_\_\_  
COMMUNITY SAFETY & SECURITY  
COMMITTEE

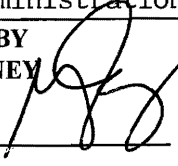


# NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and DATE: 02/19/13 RESOLUTION # CSS-010-13

## Administration Committees

APPROVED BY  
CO. ATTORNEY



REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
CSS - 2/6/13  
AD - 2/12/13

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

## EXTENSION OF WITT ASSOCIATES CONSULTING SERVICES HOMELAND SECURITY INITIATIVES

WHEREAS, WITT Associates was awarded the contract to develop a County Critical Infrastructure Plan (CCIP), develop an Emergency Communications Plan, develop and evaluate a tabletop exercise and evaluate and assess training capabilities and needs for the County, and

WHEREAS, the professional and technical services of WITT Associates allowed the County to develop a County Critical Infrastructure Plan to identify and define all critical infrastructure, key resources, necessary security components and safety and compliance vulnerabilities of the County, and

WHEREAS, the professional and technical services of WITT Associates allowed the County to develop a County Emergency Communications Plan that describes the roles and responsibilities and leverages the capabilities of various departments and agencies of Niagara County through the application of the most current local, state and federal guidance and industry best practices, and

WHEREAS, the professional and technical services of WITT Associates allowed the County to provide an opportunity for County wide responders to practice roles and responsibilities within their emergency preparedness programs and develop an after action report to highlight the strengths and areas of improvement needed for the County to deal with an all hazards emergency preparedness approach, and

WHEREAS, WITT Associates conducted a multi-disciplinary and multi-agency training and education assessment of training capabilities and training needs, and

WHEREAS, WITT Associates provided professional and technical services in support of the Office of Fire Coordinator/Emergency Services in updating, developing and evaluating the County's Emergency Management Plans and training capabilities, and

WHEREAS, within the defined scope of work done through tabletop exercises and after-action reporting by WITT it has been shown that the County wide Evacuation Plan/Procedures needs enhancement, and

WHEREAS, funding is available in the Homeland Security Budget A3645 through Homeland Security Funding (UASI 10), now, therefore, be it

RESOLVED, that the County extend the agreement with WITT Associates for an amount not to exceed \$45,000 to provide further professional and technical services to Niagara County Emergency Management Department, and be it further

RESOLVED, that prior to the execution of this agreement, the County Attorney will review the proposal for approval as to legal form, language and compliance, and be it further

RESOLVED, that the Chairman of the Niagara County Legislature be, and hereby is, authorized to execute the extension of the WITT Associates contract.

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COMMUNITY SAFETY AND SECURITY  
COMMITTEE

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ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and

DATE: 02/19/13

RESOLUTION # CSS-011-13

Administration Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION

CSS - 2/6/13

AD - 2/12/13

LEGISLATIVE ACTION

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

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

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

**APPOINTMENT OF DEPUTY FIRE COORDINATOR  
FOR TECHNICAL RESCUE TEAM (TRT)**

WHEREAS, pursuant to Section 401 of the County Law, the Fire Coordinator may appoint or remove the Deputy Fire Coordinator with the approval of the Niagara County Legislature, and

WHEREAS, a vacancy exists in the Deputy Fire Coordinator for Technical Rescue Team (TRT) position, and

WHEREAS, the Fire Coordinator desires to appoint J. Les Myers of Lockport as Deputy Fire Coordinator for Technical Rescue Team (TRT), and

WHEREAS, the Fire Advisory Board has approved the appointment of J. Les Myers as Deputy Fire Coordinator for Technical Rescue Team (TRT), now, therefore, be it

RESOLVED, that J. Les Myers be appointed Deputy Fire Coordinator for Technical Rescue Team (TRT), pursuant to Section 401 of the County Law and subject to the approval of the Niagara County Legislature.

\_\_\_\_\_  
COMMUNITY SAFETY & SECURITY  
COMMITTEE

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

# NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and

DATE: 02/19/13

RESOLUTION # CSS-012-13

## Administration Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION

CSS - 2/6/13

AD - 2/12/13

LEGISLATIVE ACTION

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

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

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

## **BUDGET MODIFICATION ROLLOVER OF RACES 2008 GRANT**

WHEREAS, the State of New York, Department of State granted Niagara County Emergency Management Radio Amateur Civil Emergency Services (RACES) a grant in the amount of \$15,000, and

WHEREAS, RACES provides auxiliary emergency communications for emergencies and disasters within Niagara County, and

WHEREAS, Senator Maziarz was able to secure a member item to improve radio equipment that allows for increased communication capabilities with the RACES organization which augments emergency communications between all first responders in Niagara County, and

WHEREAS, the funds were used to purchase a radio repeater device which allows amateur radios operators to communicate with each other, and

WHEREAS, the remaining funds of \$1,001.50 will be used to purchase a radio and antenna for the new Niagara County Mobile Command vehicle to support the County in any critical incident, now, therefore, be it

RESOLVED, that the following budget modification be effectuated to the 2013 Emergency Management budget:

### INCREASE REVENUE:

A.19.3640.000 43389.05      Other Public Safety Emergency Management      \$1,001.50

### INCREASE APPROPRIATIONS:

A.19.3640.000 72100.15      Communication Equipment      \$1,001.50

\_\_\_\_\_  
COMMUNITY SAFETY & SECURITY  
COMMITTEE

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

# NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and  
Administration Committees

DATE: 02/19/13

RESOLUTION # CSS-013-13

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
CSS - 2/6/13  
AD - 2/12/13

LEGISLATIVE ACTION

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

## BUDGET MODIFICATION-NIAGARA COUNTY SHERIFF'S OFFICE LOCAL GOVERNMENT EFFICIENCY GRANT

WHEREAS, the City of North Tonawanda was desirous of consolidating their police dispatch with the Niagara County Sheriff's Office Communications Center, and

WHEREAS, a joint application was made to the New York State Department of State for a Local Government Efficiency Grant to help defray the cost of the proposed police dispatch transfer from the City of N. Tonawanda to the County of Niagara, and

WHEREAS, the Niagara County Sheriff's Office Dispatch Center and the N. Tonawanda Police Dispatch successfully completed a merger on July 1, 2012, and

WHEREAS, the Niagara County Sheriff's Office received notification that it had been awarded the Local Government Efficiency Grant in the amount of \$400,000 to help offset the cost of the merger, and

WHEREAS, prior to the execution of the grant 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 and approval, the Chairman of the Legislature be, and hereby is, authorized to execute the agreement, and be it further

RESOLVED, that the following budget modification be made:

### INCREASE REVENUE:

A.17.3020.000.	New York State Local Government Efficiency Grant	\$400,000
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### INCREASE APPROPRIATIONS:


A.17.3020.000. 74375.02	Telephone Usage	\$49,000
A.17.3020.000. 72100.05	Computer Equipment	154,500
A.17.3020.000. 72100.15	Communications Equipment	196,500

COMMUNITY SAFETY & SECURITY  
COMMITTEE

ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Committee of the Whole DATE: 02/19/13 RESOLUTION # CW-005-13

APPROVED BY CO. ATTORNEY  2/14/2013	REVIEWED BY CO. MANAGER _____	COMMITTEE ACTION <u>CW - 2/19/13</u> _____ _____	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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## CREATION OF AN ADDITIONAL PART-TIME NO BENEFITS CONFLICT ATTORNEY TO COMPLY WITH NEW STANDARDS AND CRITERIA FOR THE PROVISION OF MANDATED REPRESENTATION IN CASES INVOLVING A CONFLICT OF INTEREST

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

WHEREAS, on August 1, 2006, the Assigned Counsel and Conflict Administrator Office was created by Resolution No. CSS-023-06 to handle cases where there is a conflict of interest in the Public Defender's Office, and

WHEREAS, the Assigned Counsel and Conflict Administrator Office provides top quality defense to indigents and continues to comply with the mandate intent while saving the taxpayers of Niagara County hundreds of thousands of dollars, and

WHEREAS, State of New York Office of Indigent Legal Services, in consultation with the Indigent Legal Services Board has promulgated new standards and criteria for the provision of mandated representation in cases involving a conflict of interest, and

WHEREAS, Niagara County must provide quality defense to indigents while complying with increased standards and criteria and to do so will result in either hiring an outside attorney at a far greater cost to the taxpayers or by adding an additional staff member to the Conflict Office, this position is without benefits, annual salary of \$47,070.31, now, therefore, be it

RESOLVED, that one additional position, without benefits, Conflict Attorney position be created effective March 1, 2013 in the Conflict Office to ensure that the Office continues to provide top quality defense to indigents in compliance with increased standards and criteria, and be it further

RESOLVED, that the position be created at the annual salary rate of \$47,070.31, without benefits, and be it further

RESOLVED, that the following budget modifications be effectuated:

### DECREASE APPROPRIATION:

A.04.1170.102. 74350.01	Legal Expense Counsel Fees	\$51,993
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### INCREASE APPROPRIATIONS:

A.04.1170.102. 71010.00.XXX	Conflict Attorney	\$39,225
A.04.1170.102. 78200.00	FICA	3,001
A.04.1170.102. 78100.00	Retirement	8,237

A.04.1170.102. 78300.00

Workers' Comp

1,530

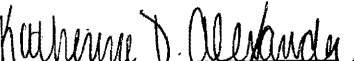
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COMMITTEE OF THE WHOLE

# NIAGARA COUNTY LEGISLATURE

FROM: Economic Development and Administration      DATE: 02/19/13      RESOLUTION # ED-001-13

## Committees

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
		ED - 1/30/13	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 2/12/13	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

## **BUDGET MODIFICATION – REAPPROPRIATE GRANT FUNDS BROWNFIELD HAZARDOUS WASTE ASSESSMENT**

WHEREAS, Resolution ED-009-11 authorized acceptance of a grant in the amount of Two Hundred Thousand Dollars (\$200,000) from the United States Environmental Protection Agency for a Brownfield Hazardous Waste Assessment Project, and

WHEREAS, Seventy Thousand Eight Hundred Fifteen Dollars (\$70,815) was budgeted for the 2013 Budget, and

WHEREAS, work was ahead of schedule and more money was spent than anticipated from the 2012 Budget, in the amount of Nineteen Thousand Eight Hundred Twenty Nine Dollars (\$19,829), now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

### DECREASE REVENUE:

CM.28.6989.609.44989.04	Other Home and Community Service	\$19,829
	EPA Brownfield Revenue	

### DECREASE APPROPRIATION:

CM.28.6989.609.74500.01	Contractual Expenses	\$19,829
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ECONOMIC DEVELOPMENT COMMITTEE

ADMINISTRATION COMMITTEE



# NIAGARA COUNTY LEGISLATURE

FROM: Economic Development and Administration      DATE: 02/19/13      RESOLUTION # ED-002-13

## Committees

APPROVED BY	REVIEWED BY	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	<u>ED - 1/30/13</u>	Approved: Ayes _____ Abs. _____ Noes _____
<u>Athene D. Alexander</u>		<u>AD - 2/12/13</u>	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

## **BUDGET MODIFICATION – REAPPROPRIATE GRANT FUNDS EPA BROWNFIELD PETROLEUM ASSESSMENT**

WHEREAS, Resolution ED-010-11 authorized acceptance of a grant in the amount of Two Hundred Thousand Dollars (\$200,000) from the United States Environmental Protection Agency for a Brownfield Petroleum Assessment Project, and

WHEREAS, there are unexpended funds in the amount of Forty Seven Thousand Five Hundred Dollars (\$47,500) to be carried over to the 2013 EPA Brownfield Petroleum Assessment project which was not budgeted for in 2013, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

### INCREASE REVENUE:

CM.28.6989.610.44989.04	Other Home and Community Services	\$47,500
	EPA Brownfields Revenue	

### INCREASE APPROPRIATION:

CM.28.6989.610.74500.01	Contractual Expenses	\$47,500
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\_\_\_\_\_  
ECONOMIC DEVELOPMENT COMMITTEE

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

**FROM:** Economic Development and Administration      **DATE:** 02/19/13      **RESOLUTION #** ED-003-13

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

## ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Economic Development and Administration      DATE: 02/19/13      RESOLUTION # ED-004-13

Committees

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
<u>athana D. Alexander</u>		<u>ED - 1/30/13</u>	Approved: Ayes _____ Abs. _____ Noes _____
		<u>AD - 2/12/13</u>	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

**BUDGET MODIFICATION – REAPPROPRIATE GRANT FUNDS  
BROWNFIELDS ARRA REVOLVING LOAN FUND**

WHEREAS, Resolution ED-030-09 authorized acceptance of a grant in the amount of Nine Hundred Thousand Dollars (\$900,000), and

WHEREAS, per Resolution ED-007-10, up to Ninety Thousand Dollars (\$90,000) was appropriated for programmatic expenses which are 100% reimbursable from EPA, and

WHEREAS, there are unexpended funds in the amount of One Thousand Five Hundred Two Dollars (\$1,502) over the 2013 ARRA Brownfields Revolving Loan Fund budgeted amount of Four Thousand Four Hundred Eighty Three Dollars (\$4,483), now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE REVENUE:

CM.28.6989.608.44989.89	Other Home and Community Services	\$1,502
	Federal Stimulus Aid	

INCREASE APPROPRIATION:

CM.28.6989.608.74550.26	Programs Brownfield Development Admin.	\$1,502
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ECONOMIC DEVELOPMENT COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Economic Development and Administration      DATE: 02/19/13      RESOLUTION # ED-005-13

Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
ED - 1/13/13  
Ad - 2/12/13

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

*(Signature) J. Alexander*

**BUDGET MODIFICATION – REAPPROPRIATE GRANT FUNDS FROM NATIONAL GRID’S  
BROWNFIELD REDEVELOPMENT PROGRAM FOR OLD MILITARY BASE DEMOLITION  
AND REHABILITATION PROJECT IN THE TOWN OF CAMBRIA**

WHEREAS, Resolution ED-009-12 authorized acceptance of a grant in the amount of Three Hundred Thousand Dollars (\$300,000) to assist with the demolition and rehabilitation of the old military base known as the Lockport Air Force Base on Unicorn and Eagle Drives in the Town of Cambria, and

WHEREAS, this grant is a reimbursement grant which requires up front funding by Niagara County and is 100% reimbursable by National Grid, and

WHEREAS, there are unexpended funds in the amount of Seventy Nine Thousand Six Dollars (\$79,006) over the 2013 budgeted amount off Two Hundred Thousand Dollars (\$200,000), now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE REVENUE:

A.28.8020.808.41289.02	Other General Gov Income Misc. Reimbursement	\$79,006
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INCREASE APPROPRIATION:

A.28.8020.808.74500.01	Contractual Expenses	\$79,006
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ECONOMIC DEVELOPMENT COMMITTEE

ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Economic Development and DATE: 02/19/13 RESOLUTION # ED-006-13

## Administration Committees

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
<u>Catherine D. Alexander</u>		<u>ED - 1/30/13</u>	Approved: Ayes _____ Abs. _____ Noes _____
		<u>AD - 2/12/13</u>	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

## ACCEPTANCE OF GRANT FUNDS FROM NEW YORK STATE'S EMPIRE STATE DEVELOPMENT CORPORATION FOR NIAGARA FALLS AIR RESERVE STATION BASE RETENTION EFFORT

WHEREAS, in December of 2012, Niagara County was authorized to apply for a military base retention grant through Empire State Development, and

WHEREAS, Governor Andrew Cuomo has awarded Niagara County, a \$300,000 grant to assist the County, and the Niagara County Department of Economic Development in the effort to retain the Niagara Falls Air Reserve Station (NFARS) in the face of looming defense cuts in Congress, and

WHEREAS, this grant is a reimbursement grant which requires up front funding by Niagara County and is 100% reimbursable by Empire State Development Corporation, now, therefore, be it

RESOLVED, that the Chairman of the Niagara County Legislature be, and hereby is, authorized to execute the Grant Disbursement Agreement between Empire State Development Corporation and the Niagara County Department of Economic Development, subject to the approval of the County Attorney, and be it further

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

### INCREASE REVENUE:

A.28.8020.000 43989.02	Other Home & Community Service Empire State Development	\$300,000
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### INCREASE APPROPRIATIONS:

A.28.8020.000 74500.01	Contractual	\$300,000
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ECONOMIC DEVELOPMENT COMMITTEE

ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Economic Development and Administration      DATE: 02/19/13      RESOLUTION # ED-007-13

## Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
ED - 1/30/13  
AD - 2/12/13

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

## APPROVAL OF LOW COST POWER BENEFIT TO 525 WHEAT, 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 formal application of 525 Wheat, LLC for the use of low cost power for the manufacture of laser decoration imprinted apparel in Niagara County, and

WHEREAS, the application of 525 Wheat, 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 was approved for 150kw (at 70% load factor) of low cost power, which will create 5 full-time upon requiring a new load of electricity for this Phase for manufacturing of laser decoration or apparel with a cash influx by 525 Wheat, LLC of more than Nine Hundred Forty-Five Thousand Dollars (\$945,000) for this Phase of its operation, and

WHEREAS, the approval of the 525 Wheat, LLC application is for 150kw (at 70% load factor) of low cost power will not only support, increase and maintain economic development in the City of North Tonawanda and Niagara County; but also assist 525 Wheat, LLC to assist in creation of new and expanded business, and

WHEREAS, the Empower Niagara Board will be recommending the low cost power allocations application approval be made for a period of three (3) years, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby approves 525 Wheat, LLC's application for 150 kw (at 70% load factor) 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 this Empower User Agreement and any modification of the agreement for Low Cost Power with 525 Wheat, LLC.

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ECONOMIC DEVELOPMENT COMMITTEE

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ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Economic Development and Administration      DATE: 02/19/13      RESOLUTION # ED-008-13

## Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
ED - 1/30/13  
AD - 2/12/13

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

*Matthew J. Alexander*

## **BUDGET MODIFICATION TO COVER EMPOWER NIAGARA ALLOCATIONS TO 525 WHEAT, LLC**

WHEREAS, 525 Wheat, LLC is a Niagara County business that has been approved to receive low cost hydropower allocations through the Empower Niagara Program, and

WHEREAS, these benefits will be transferred to 525 Wheat, LLC as stipulated in the Empower Niagara Program agreement, through the Niagara County Economic Development 2013 budget, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated to the Niagara County Economic Development 2013 budget:

### INCREASE REVENUE:

A1621.42650	Sale of Excess Power	\$46,580
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### INCREASE APPROPRIATION:

A1621.74032	Contractual	\$46,580
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### INCREASE REVENUE:

A8020.42188	Empower Niagara	\$46,580
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### INCREASE APPROPRIATION:

A8020.74605	Empower Niagara	\$46,580
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\_\_\_\_\_  
ECONOMIC DEVELOPMENT COMMITTEE

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



# NIAGARA COUNTY LEGISLATURE

FROM: Legislators David E. Godfrey, Michael Hill and John Syracuse, et al. and Community Safety & Security Committee

DATE: 02/19/13

RESOLUTION # IL-005-13

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

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

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

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

## RESOLUTION CALLING ON THE NEW YORK STATE LEGISLATURE TO ENACT, AND GOVERNOR CUOMO TO SIGN INTO LAW, SUCH LEGISLATION AS SHALL PROTECT THE PRIVACY OF NEW YORK STATE PISTOL LICENSE AND CONCEALED CARRY PERMIT HOLDERS

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

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

WHEREAS, the right to privacy of citizens, particularly within the confines of their own homes, is a cherished American tradition growing out from the Fourth, Ninth and Fourteenth Amendments, and a right affirmed by the United State Supreme Court, and

WHEREAS, The Journal News, a liberal newspaper based in Westchester County, did obtain through Freedom of Information Law filings, the names and addresses of pistol permit holders in Westchester and Rockland counties, and has demanded the same in Putnam County, and may seek such information anywhere in the State of New York under the same law, and

WHEREAS, said liberal publication, The Journal News, did then use said pistol permit information to create an interactive map of pistol permit owners' homes, and

WHEREAS, in addition to jeopardizing the privacy of citizens exercising their Second Amendment rights, this also jeopardizes the safety of those citizens who have elected not to exercise their Constitutional right to keep and bear arms by identifying for criminals which households are less likely to resist an invasion, and

WHEREAS, this information has already been utilized by criminals currently incarcerated at the Rockland County Jail, who have taunted guards there by informing them they now know their home addresses, such information having been gleaned from the interactive maps created by The Journal News, and

WHEREAS, the Honorable Dennis Sant, County Clerk for Putnam County, having receive the same Freedom of Information Law request, has refused to comply in order to protect his county's citizens, and

WHEREAS, the Honorable Michael H. Ranzenhofer of Clarence and several colleagues in the Senate did introduce S.2360 during the last session, and the Honorable Gregory R. Ball of Patterson, in Putnam County, did, while serving in the Assembly, did introduce in various years, similar legislation, and

WHEREAS, said legislation was unable to gain passage because the leadership of the New York State Assembly, including Speaker Sheldon Silver, refused to allow it to be acted on in committee, and

WHEREAS, Senator Ball has indicated he will introduce such legislation again this session, and

WHEREAS, it is the right of the citizens of Niagara County to take any reasonable measures necessary to be secure in their homes against criminals and other dangerous trespassers, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara does hereby call upon the New York State Legislature to set as a top legislative priority the passage of legislation amending §400 Subdivision 5 of the Penal Law, to make confidential the personal information of pistol permit holders and applicants, and be it further

RESOLVED, that the Legislature of the County of Niagara calls upon the leadership of the New York State Assembly to cease its blocking of such legislation, and be it further

RESOLVED, that the Legislature of the County of Niagara calls upon its full delegation to the New York State Assembly to vote in the affirmative on any bill as shall increase protection of the identities of pistol permit holders, except as such protections shall be included with legislation that restricts the Second Amendment rights of New Yorkers, and be it further

RESOLVED, that the Legislature of the County of Niagara does hereby call upon the New York State Senate to vote upon, and pass, such legislation immediately, and be it further

RESOLVED, that the Legislature of the County of Niagara calls upon Governor Cuomo to endorse such legislation and sign it into law immediately upon its enactment by the New York State Legislature, and be it further

RESOLVED, that the Legislature of the County of Niagara commends the Honorable Dennis Sant for his execution of his charge, namely protecting the right to privacy of his county's citizens, 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, Senator Gregory R. Ball, Senator Michael H. Ranzenhofer, 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.

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LEGISLATOR DAVID E. GODFREY

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LEGISLATOR MICHAEL A. HILL

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LEGISLATOR JOHN SYRACUSE

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LEGISLATOR ANTHONY J. NEMI

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LEGISLATOR RICHARD E. UPDEGROVE

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LEGISLATOR CLYDE L. BURMASTER

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LEGISLATOR WILLIAM L. ROSS

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LEGISLATOR KATHRYN L. LANCE

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LEGISLATOR CHEREÉ J. COPELIN

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LEGISLATOR PAUL B. WOJTASZEK

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LEGISLATOR PETER E. SMOLINSKI

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LEGISLATOR WM. KEITH McNALL

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COMMUNITY SAFETY AND SECURITY  
COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Legislators Clyde L. Burmaster, David E. Godfrey & Michael A. Hill, et al.      DATE: 02/19/13      RESOLUTION # IL-006-13  
and Community Safety & Security Committee

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION <u>CSS - 2/6/13</u>	LEGISLATIVE ACTION
			Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

## RESOLUTION CALLING ON THE NEW YORK STATE LEGISLATURE TO REJECT GOVERNOR CUOMO'S DEMANDS FOR FIVE-YEAR RENEWALS ON PISTOL PERMITS AS SUCH POLICY WOULD PLACE AN UNREASONABLE BURDEN ON AND BARRIER TO THE CONSTITUTIONAL RIGHT OF LAW-ABIDING CITIZENS TO KEEP AND BEAR ARMS AND IMPOSE AN UNDUE FINANCIAL BURDEN ON THE COUNTY OF NIAGARA AND ITS TAXPAYERS

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

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

WHEREAS, Governor Andrew M. Cuomo has proposed legislation that would abridge the right of law-abiding citizens to keep and bear arms by requiring renewal of pistol permit application processes, including invasive background checks, on a five-year revolving basis, despite the good behavior of such gun owners, while such licensing is currently in place for life while in good behavior, and

WHEREAS, such changes to pistol permit rules constitute a clear *ex post facto* modification of the terms of an existing legal agreement between the government and the holder of said permit, and

WHEREAS, such legislation as has been proposed in the New York State Assembly in the past to force a renewal process on those individuals currently holding such permits has required that law-abiding citizens be subjected to rigorous federal and state background checks which they have already passed, and to pay for such treatment, and

WHEREAS, the right to keep and bear arms as detailed in the first Whereas clause, above, is a right, and not a privilege to be modified at the whims of the federal, state, or local governments, and

WHEREAS, on June 26, 2008, the United States Supreme Court did, in the decision issued in the matter of *District of Columbia v. Heller*, find an individual right to keep and bear arms inherent in the language of the Second Amendment and of the U.S. Constitution, and compelled the District of Columbia to issue a firearms permit to the plaintiff in the matter, directly indicating that states and federal districts may not take unreasonable steps to deny the Second Amendment right to citizens of the United States through onerous permitting processes, and

WHEREAS, there is no reason beyond increasing the encumbrance upon the private ownership of pistols, revolvers, and handguns to be found in imposing a renewal scheme on pistol permits, and

WHEREAS, as of the time of the drafting of this resolution, there are approximately 28,600 pistol permit holders in the County of Niagara, and those permits are issued by the Pistol Permit Office of This Government, and

WHEREAS, the County of Niagara also finds that a renewal scheme on pistol permits would place an undue financial burden on the taxpayers of Niagara County by requiring This Government to, on a regular basis, review for renewal, reissue, and modify some 28,600 pistol permits, a requirement that would require substantial increases in the number of hours labor performed, and thus undesirable growth in the County's governmental workforce, and

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

WHEREAS, it is the right of the citizens of Niagara County to take any measures necessary to be secure in their homes against criminals and other dangerous trespassers, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara does hereby oppose the enactment of any pistol permit renewal legislation, and be it further

RESOLVED, that the Legislature of the County of Niagara does hereby call upon the Honorable Sheldon Silver, Speaker of the Assembly, and the Honorable Dean G. Skelos, Senate Majority Leader, to refuse to discharge such legislation as Governor Cuomo has demanded from committee, and to prevent its enactment by their respective houses of the State Legislature, and be it further

RESOLVED, that the Legislature of the County of Niagara calls upon the entire Western New York delegation to vote in the negative on any pistol permit renewal legislation in their respective houses of the Legislature and those committees they shall sit on that may have the power to advance or block such legislation, 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.

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LEGISLATOR CLYDE L. BURMASTER

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LEGISLATOR DAVID E. GODFREY

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LEGISLATOR MICHAEL A. HILL

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LEGISLATOR ANTHONY J. NEMI

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LEGISLATOR RICHARD E. UPDEGROVE

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LEGISLATOR JOHN SYRACUSE

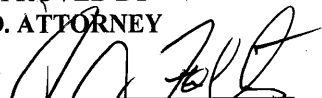
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COMMUNITY SAFETY AND SECURITY  
COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Legislators Richard E. Updegrove & \_\_\_\_\_ DATE: 02/19/13 RESOLUTION # IL-009-13

Anthony J. Nemi and Administration Committee

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION AD - 2/12/13	LEGISLATIVE ACTION
	_____	_____	Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

## REQUEST TO THE NEW YORK STATE COMPTROLLER FOR PENSION FUND RELIEF

WHEREAS Niagara County is mandated to make annual contributions to the New York State pension fund for every person employed by the County, and

WHEREAS, the New York State pension fund is managed by the New York State Comptroller, and

WHEREAS, the New York State Comptroller determines the contribution to be made to said fund by the taxpayers of Niagara County, and

WHEREAS, Niagara County had 1893 full and part time employees in 2001 and the pension fund contribution in that year was \$1.2 million and 2% of wages, and

WHEREAS, Niagara County has 1385 full and part time employees in 2013, a decrease in the size of the County workforce of 26.8% from 2001, yet the pension fund contribution in 2013 shall be \$14.1 million and 22% of wages, and

WHEREAS, the ability to forecast future expenses is an integral part of preparing the County budget, and

WHEREAS, the County's pension fund contribution will represent more than 19% of the Niagara County property tax levy in 2013, now, therefore be it

RESOLVED, that the Niagara County Legislature does hereby request that New York State Comptroller Thomas P. DiNapoli does place a temporary moratorium on increased pension fund contributions and temporarily freeze the County's contribution at less than 10% of employee wages, and be it further

RESOLVED, that the Niagara County Legislature does hereby invite New York State Comptroller Thomas P. DiNapoli to appear before the Niagara County Legislature, to discuss alternatives to ease the pension on the Niagara County taxpayer and to discuss the substantial growth in the local costs associated with the New York State Employee Retirement System, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Cuomo, New York State Comptroller Thomas P. DiNapoli, 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 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 RICHARD E. UPDEGROVE

LEGISLATOR ANTHONY J. NEMI

ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

**FROM:** Legislators Cheree J. Copelin, Wm. Keith      **DATE:** 02/19/13      **RESOLUTION #** IL-010-13  
McNall & David E. Godfrey, et al.  
and Community Services Committee

<b>APPROVED BY</b>	<b>REVIEWED BY</b>	<b>COMMITTEE ACTION</b>	<b>LEGISLATIVE ACTION</b>
<b>CO. ATTORNEY</b>	<b>CO. MANAGER</b>	CS - 2/11/13	Approved: Ayes _____ Abs. _____ Noes _____
_____	_____	_____	Rejected: Ayes _____ Abs. _____ Noes _____
_____	_____	_____	Referred: _____

## RESOLUTION CALLING ON SPEAKER SILVER TO PERMIT A VOTE ON WELFARE REFORM LEGISLATION THAT WOULD PROHIBIT THE USE OF ELECTRONIC BENEFIT TRANSFER (EBT) CARDS IN STRIP CLUBS, LIQUOR STORES, CASINOS AND OTHER SIMILAR VENUES AND THE SENATE TO AGAIN PASS SUCH RESTRICTIONS BY ENACTING S.966-2013 IMMEDIATELY

WHEREAS, the purpose of various welfare programs in New York State, including Temporary Assistance to Needy Families (TANF), is to provide short-term, temporary financial relief to meet basic day-to-day needs of those who are suffering financial or employment difficulties, and

WHEREAS, such benefits are often provided via an Electronic Benefit Transfer card, which acts in a manner similar to an ATM card, except that the funds on it are provided as taxpayer-funded relief, and not through the labors of the cardholders, and

WHEREAS, an exposé by the New York Post on January 7, 2013, revealed that recipients of New York welfare benefits were utilizing Electronic Benefit Transfer cards to withdraw funds at “bars, liquor stores, X-rated video shops, hookah parlors and even strip clubs,” and

WHEREAS, the Post exposé further revealed “

The state Office of Temporary and Disability Assistance (OTDA), which oversees the ‘cash assistance program,’ even lists some of these welfare-ready ATMs on its Web site,” and

WHEREAS, the New York State Senate has previously passed legislation (then-S.7671) to outlaw such outlandish abuses of welfare funds by their recipients, and

WHEREAS, such legislation has not been allowed onto the New York State Assembly floor for a vote by Speaker of the Assembly Sheldon Silver, and has instead languished in the Assembly’s Social Services Committee, and

WHEREAS, failure to enact such legislation may cost New York State to lose \$120 million in federal funds due to federal rules designed to prevent such abuses, and

WHEREAS, the Senate has reintroduced the legislation restricting such uses of EBT funds, in the form of bill S.966-2013, introduced by the Honorable Thomas W. Libous of Binghamton with bi-partisan co-sponsorship, and

WHEREAS, the Honorable Jane L. Corwin of Clarence has called for the passage of identical legislation in the Assembly, including in a January 8, 2013 interview in the New York Post, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara considers this an outrageous abuse and does hereby call for the immediate passage of S.966 by the Senate, and of an identical companion bill in the Assembly, and be it further



RESOLVED, that the Legislature of the County of Niagara does hereby deplore the failure of the New York State Assembly to enact such legislation, thus jeopardizing federal funding and, in effect, increasing the burden of such lawless behavior by welfare recipients on the taxpayers, and be it further

RESOLVED, that the Legislature of the County of Niagara calls upon Speaker of the Assembly Sheldon Silver to cease his unconscionable actions that have, to date, blocked enactment of this commonsense legislation, and have thus resulted in the abuse of New York's taxpayers, and to permit an immediate vote on such legislation, and be it further

RESOLVED, that the Legislature of the County of Niagara calls upon the entire Western New York delegation to vote in the affirmative on S.966, or any similar legislation that prevents welfare dollars from being abused in the aforementioned manner, in their respective houses of the Legislature and those committees they shall sit on that may have the power to advance such legislation, 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 Morelle, Assembly Minority Leader Brian M. Kolb, and all others deemed necessary and proper.

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LEGISLATOR CHEREE J. COPELIN

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LEGISLATOR MICHAEL A. HILL

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LEGISLATOR KATHRYN L. LANCE

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LEGISLATOR ANTHONY J. NEMI

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LEGISLATOR RICHARD E. UPDEGROVE

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LEGISLATOR CLYDE L. BURMASTER

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LEGISLATOR WILLIAM L. ROSS

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LEGISLATOR JOHN SYRACUSE

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LEGISLATOR DAVID E. GODFREY

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LEGISLATOR PAUL B. WOJTASZEK

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LEGISLATOR PETER E. SMOLINSKI

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LEGISLATOR WM. KEITH McNALL

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COMMUNITY SERVICES COMMITTEE

RESOLVED, that the Legislature of the County of Niagara does hereby deplore the failure of the New York State Assembly to enact such legislation, thus jeopardizing federal funding and, in effect, increasing the burden of such lawless behavior by welfare recipients on the taxpayers, and be it further

RESOLVED, that the Legislature of the County of Niagara calls upon Speaker of the Assembly Sheldon Silver to cease his unconscionable actions that have, to date, blocked enactment of this commonsense legislation, and have thus resulted in the abuse of New York's taxpayers, and to permit an immediate vote on such legislation, and be it further

RESOLVED, that the Legislature of the County of Niagara calls upon the entire Western New York delegation to vote in the affirmative on S.966, or any similar legislation that prevents welfare dollars from being abused in the aforementioned manner, in their respective houses of the Legislature and those committees they shall sit on that may have the power to advance such legislation, 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 Morelle, Assembly Minority Leader Brian M. Kolb, and all others deemed necessary and proper.

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LEGISLATOR CHEREÉ J. COPELIN

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LEGISLATOR WM. KEITH McNALL

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LEGISLATOR DAVID E. GODFREY

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LEGISLATOR ANTHONY J. NEMI

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LEGISLATOR RICHARD E. UPDEGROVE

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LEGISLATOR CLYDE L. BURMASTER

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LEGISLATOR WILLIAM L. ROSS

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LEGISLATOR JOHN SYRACUSE

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LEGISLATOR KATHRYN L. LANCE

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LEGISLATOR PAUL B. WOJTASZEK

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LEGISLATOR PETER E. SMOLINSKI

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LEGISLATOR MICHAEL A. HILL

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COMMUNITY SERVICES COMMITTEE

**NIAGARA COUNTY LEGISLATURE**

**FROM:** Legislators John Syracuse, Michael A. Hill    **DATE:** 02/19/13    **RESOLUTION #** IL-011-13

and Richard E. Updegrave

**APPROVED BY  
CO. ATTORNEY**

**REVIEWED BY  
CO. MANAGER**

**COMMITTEE ACTION**

**LEGISLATIVE ACTION**

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

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

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

**RESOLUTION CALLING ON THE NEW YORK STATE LEGISLATURE  
TO REPEAL THE NY-SAFE ACT**

WHEREAS, the New York State Legislature recently enacted and Governor Andrew M. Cuomo signed into law The New York Secure Ammunition and Firearms Enforcement Act of 2013 ("NY SAFE ACT"), and

WHEREAS, said legislation is problematic in the eyes of this Legislature, as said Act would seem to infringe upon the rights of the citizens of the State of New York, and

WHEREAS, the NY SAFE ACT was adopted after minimal public discussion and input from stakeholders such as private-sector businesses, hunter safety groups, the Shooters Committee on Political Education (SCOPE), the National Rifle Association, the New York State Rifle and Pistol Association, various conservation federations across the state, private citizens, and the law enforcement community, as evidenced by flaws in the law, most notably that police officers are not exempted from its restrictions on firearms and ammunition that are necessary to defend against crime, and after having been available for review by the members of the New York State Legislature for only a few hours, and

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

RESOLVED, that the Legislature of the County of Niagara does hereby call upon Governor Cuomo, the New York State Assembly, and the New York State Senate to immediately repeal the NY SAFE Act, and to reestablish open dialogue with the public, inclusive of representatives from stakeholders such as those groups listed above, 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 Stephen Hawley; Member of the Assembly Robin Schimminger; Speaker of the Assembly Sheldon Silver; Assembly Majority Leader Joseph Morelle; Assembly Minority Leader Brian M. Kolb; President Barack H. Obama; U.S. Senator Charles E. Schumer; U.S. Senator Kirsten E. Gillibrand; U.S. Rep. Chris Collins; U.S. Rep. Brian M. Higgins;

the New York State Association of Counties and its Board of Directors; the County Legislatures and Boards of Supervisors of all counties within the State of New York; the elected officers of the Niagara County Federation of Conservation Clubs; the Board of Directors of the New York State Rifle and Pistol Association; the Board of Directors of the National Rifle Association; the Board of Directors of SCOPE; Remington Arms Company, LLC, CEO Robert Nardelli; Kahr Arms CEO Justin Moon; Kimber America CEO Leslie Edelman; and all others deemed necessary and proper.

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LEGISLATOR JOHN SYRACUSE

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LEGISLATOR MICHAEL A. HILL

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LEGISLATOR RICHARD E. UPDEGROVE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee

DATE: 02/19/13

RESOLUTION # PW-001-13

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 1/28/13

LEGISLATIVE ACTION

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

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

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

Matthew J. Alexander

## AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE OLCOTT LION'S CLUB

WHEREAS, the Olcott Lions Club has requested that the County of Niagara grant them permission to use the north section of Krull Park on March 3, 2013 for the purpose of holding the annual charity event known as the Lion's Club Polar Swim for Sight, and

WHEREAS, this event has been successful for many years in attracting thousands of visitors from across Niagara County and Greater Western New York in order to raise money for Lion's Club sight and other charity programs, and

WHEREAS, The Lion's Club has also raised money through this event for improvements which benefit Krull Park, the surrounding community and Niagara County as a whole, and

WHEREAS, it is the wish of the Olcott Lion's Club to hold the Lion's Club Polar Bear Swim for Sight on March 3, 2013, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Olcott Lion's 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 Olcott Lion's Club, as appears on the proposed agreement, is hereby approved in all respects, and be it further

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

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

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee

DATE: 02/19/13

RESOLUTION # PW-002-13

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 1/28/13

LEGISLATIVE ACTION

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

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

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

*Katherine D. Alexander*

## AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE TIME TRAVELERS OF WNY, INC.

WHEREAS, the Time Travelers of WNY, Inc. have requested that the County of Niagara grant them permission to use the north section of Krull Park on August 31, 2013 for the purpose of holding a car show and craft show, and

WHEREAS, this car show has been successful for the past fifteen years in attracting thousands of visitors from across Niagara County and Greater Western New York, and

WHEREAS, it is the wish of the Time Travelers of WNY, Inc. to hold a car show on August 31, 2013, and

WHEREAS, it is the desire of Niagara to enter into a formal agreement with the Time Travelers of WNY, Inc., and

WHEREAS, prior to the execution of the agreement, the County Attorney will review the agreement 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 Time Travelers of WNY, Inc., as appears on the proposed agreement, is hereby approved in all respects, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized and directed to execute and deliver the agreement with the Time Travelers of WNY, Inc.,

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

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 02/19/13 RESOLUTION # PW-003-13

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 1/28/13

LEGISLATIVE ACTION

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

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

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

*Katherine D. Alexander*

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND  
NIAGARA COMMUNITY CHURCH POWER ZONE SPORTS**

WHEREAS, Niagara Community Church Power Zone Sports has requested that the County of Niagara grant them permission to use a section of Oppenheim Park for the purpose of an organized youth baseball league in the back portion of Oppenheim Park, and

WHEREAS, this league will be held May 1<sup>st</sup> through October 31, 2013, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Niagara Community Church Power Zone Sports, and

WHEREAS, prior to execution of the agreement between the County of Niagara and Niagara Community Church Power Zone Sports, the County Attorney will review said 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 County Legislature be, and hereby is, authorized to execute the agreement.

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

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee

DATE: 02/19/13

RESOLUTION # PW-004-13

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 1/28/13

LEGISLATIVE ACTION

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

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

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

*Katherine D. Alexander*

## AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE TOWN OF WHEATFIELD

WHEREAS, the Town of Wheatfield has requested that the County of Niagara grant them permission to use Oppenheim Park for the purpose of holding a July 4<sup>th</sup> fireworks display, and

WHEREAS, it is the wish of the Town of Wheatfield to hold the fireworks display on July 4, 2013, 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 terms and conditions, between the County of Niagara and the Town of Wheatfield, as appears on the proposed agreement, is hereby 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



# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee

DATE: 02/19/13

RESOLUTION # PW-005-13

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 1/28/13

LEGISLATIVE ACTION

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

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

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

Katherine D. Alexandru

## AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE PENDLETON LIONS CLUB

WHEREAS, the Pendleton Lions Club has requested that the County of Niagara grant them permission to use the West Canal Marina and Shelter #4, for the purpose of holding the 37th annual town children's fishing derby to be held on June 8th, 2013, and

WHEREAS, the fishing derby has been successful for the past several years in attracting hundreds of adults and children from the area, and

WHEREAS, it is the wish of the organizers to hold the fishing derby on June 8th, 2013, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Pendleton Lions Club, and

WHEREAS, prior to the execution of the license agreement between the County of Niagara and the Pendleton Lions Club, the County Attorney will review said 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 County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and the Pendleton Lions Club.

PUBLIC WORKS COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee

DATE: 02/19/13

RESOLUTION # PW-006-13

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 1/28/13

LEGISLATIVE ACTION

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

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

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

Katherine D. Alexander

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE  
ROY-HART CROSS COUNTRY TEAM**

WHEREAS, the Roy-Hart Cross Country Team 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 on Gasport Road, and

WHEREAS, this program benefits the youth and other residents of both the Towns of Royalton and Hartland in addition to Niagara County as a whole, and

WHEREAS, such program is operated on a not-for-profit basis, 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 terms and conditions of the agreement between the County of Niagara and the Roy-Hart Cross Country Team, as appears on the proposed agreement, is hereby 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

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee

DATE: 02/19/13

RESOLUTION # PW-007-13

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 1/28/13

LEGISLATIVE ACTION

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

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

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

*William D. Alexander*

## AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE LOCKPORT SOCCER CLUB

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

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

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

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Lockport Youth Soccer 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 Lockport Soccer Club, as appears on the proposed agreement, is hereby approved in all respects, and be it further

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

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

**NIAGARA COUNTY LEGISLATURE**

**FROM:** Public Works Committee      **DATE:** 02/19/13      **RESOLUTION #** PW-008-13

<b>APPROVED BY</b> <b>CO. ATTORNEY</b>	<b>REVIEWED BY</b> <b>CO. MANAGER</b>	<b>COMMITTEE ACTION</b> <u>PW - 1/28/13</u>	<b>LEGISLATIVE ACTION</b> Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
<u>Katharine J. Aliprandu</u>	_____	_____	

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA  
AND THE BOND LAKE ATHLETIC CLUB**

WHEREAS, the Bond Lake Athletic Club has requested that the County of Niagara grant them permission to use the north section of Bond Lake and the Warming House for the purpose of holding a "Rut Race", and

WHEREAS, this race has been successful for the past several years in attracting hundreds of visitors from across Greater Western New York and southern Canada, and

WHEREAS, it is the wish of the organizers to hold the Bond Lake Rut Race on August 12, 2013, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Bond Lake Athletic Club, and

WHEREAS, prior to the execution of the license agreement between the County of Niagara and the Bond Lake Athletic Club, the County Attorney will review said 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 County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and the Bond Lake Athletic Club.

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

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 02/19/13 RESOLUTION # PW-009-13

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 1/28/13

LEGISLATIVE ACTION

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

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

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

*Therese D. Alexander*

## AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE BOND LAKE ENVIRONMENTAL COMMITTEE (NIAGARA ESCARPMENT LEGACY)

WHEREAS, by Resolution IL-003-95 the Bond Lake Environmental Committee was established as an advisory board to assist in the planning of Bond Lake Park improvements and enhancing Bond Lake Park as an educational asset for the County of Niagara, and

WHEREAS, the Bond Lake Environmental Committee has been responsible for securing funds for major educational and conservational improvements at Bond Lake Park, and

WHEREAS, the Bond Lake Environmental Committee has promoted these improvements to increase the awareness and use of Bond Lake Park and its environmental assets through community awareness and educational events, and

WHEREAS, Bond Lake Environmental Committee has requested that the County of Niagara allow them to continue these educational events and grant them permission to use portions of Bond Lake Park and the Nature Center for the purpose of holding a Niagara Escarpment Legacy, and

WHEREAS, it is the wish of the Bond Lake Environmental Committee to hold the Niagara Escarpment Legacy on February 24, 2013, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Bond Lake Environmental Committee, and

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

RESOLVED, that following the County Attorney's review, the Chair of the County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and Bond Lake Environmental Committee.

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

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee

DATE: 02/19/13

RESOLUTION # PW-010-13

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 1/28/13

LEGISLATIVE ACTION

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

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

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

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE BOND LAKE  
ENVIRONMENTAL COMMITTEE (LANDSCAPING EVENT)**

WHEREAS, by Resolution IL-003-95 the Bond Lake Environmental Committee was established as an advisory board to assist in the planning of Bond Lake Park improvements and enhancing Bond Lake Park as an educational asset for the County of Niagara, and

WHEREAS, the Bond Lake Environmental Committee has been responsible for securing funds for major educational and conservational improvements at Bond Lake Park, and

WHEREAS, the Bond Lake Environmental Committee has promoted these improvements to increase the awareness and use of Bond Lake Park and its environmental assets through community awareness and educational events, and

WHEREAS, Bond Lake Environmental Committee has requested that the County of Niagara allow them to continue these educational events and grant them permission to use portions of Bond Lake Park and the Nature Center for the purpose of holding a Landscaping with Native Plants Event, and

WHEREAS, it is the wish of the Bond Lake Environmental Committee to hold the Landscaping with Native Plants Event on March 10, 2013, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Bond Lake Environmental Committee, and

WHEREAS, prior to the execution of the license agreement between the County of Niagara and Bond Lake Environmental Committee, the County Attorney will review said 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 County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and Bond Lake Environmental Committee.

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

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 02/19/13 RESOLUTION # PW-011-13

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
<u>Catherine D. Alexander</u>		<u>PW - 1/28/13</u>	Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND  
THE BOND LAKE ENVIRONMENTAL COMMITTEE  
(POLLINATING INSECTS EVENT)**

WHEREAS, by Resolution IL-003-95 the Bond Lake Environmental Committee was established as an advisory board to assist in the planning of Bond Lake Park improvements and enhancing Bond Lake Park as an educational asset for the County of Niagara, and

WHEREAS, the Bond Lake Environmental Committee has been responsible for securing funds for major educational and conservational improvements at Bond Lake Park, and

WHEREAS, the Bond Lake Environmental Committee has promoted these improvements to increase the awareness and use of Bond Lake Park and its environmental assets through community awareness and educational events, and

WHEREAS, Bond Lake Environmental Committee has requested that the County of Niagara allow them to continue these educational events and grant them permission to use portions of Bond Lake Park and the Nature Center for the purpose of holding a Pollinating Insects Event, and

WHEREAS, it is the wish of the Bond Lake Environmental Committee to hold the Pollinating Insects Event on April 7, 2013, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Bond Lake Environmental Committee, and

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

RESOLVED, that following the County Attorney's review, the Chair of the County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and Bond Lake Environmental Committee.

PUBLIC WORKS COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee

DATE: 02/19/13

RESOLUTION # PW-012-13

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 1/28/13

LEGISLATIVE ACTION

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

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

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

Athena D. Alexander

## AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE BOND LAKE ENVIRONMENTAL COMMITTEE (SPRING BIRD WALK EVENT)

WHEREAS, by Resolution IL-003-95 the Bond Lake Environmental Committee was established as an advisory board to assist in the planning of Bond Lake Park improvements and enhancing Bond Lake Park as an educational asset for the County of Niagara, and

WHEREAS, the Bond Lake Environmental Committee has been responsible for securing funds for major educational and conservational improvements at Bond Lake Park, and

WHEREAS, the Bond Lake Environmental Committee has promoted these improvements to increase the awareness and use of Bond Lake Park and its environmental assets through community awareness and educational events, and

WHEREAS, Bond Lake Environmental Committee has requested that the County of Niagara allow them to continue these educational events and grant them permission to use portions of Bond Lake Park and the Nature Center for the purpose of holding a Spring Bird Walk Event, and

WHEREAS, it is the wish of the Bond Lake Environmental Committee to hold the Spring Bird Walk Event on May 5, 2013, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Bond Lake Environmental Committee, and

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

RESOLVED, that following the County Attorney's review, the Chair of the County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and Bond Lake Environmental Committee.

PUBLIC WORKS COMMITTEE



# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee

DATE: 02/19/13

RESOLUTION # PW-013-13

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
<u>Matthew D. Alexander</u>		<u>PW - 1/28/13</u>	Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

## AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE BOND LAKE ENVIRONMENTAL COMMITTEE (RAPTOR REHABILITATION EVENT)

WHEREAS, by Resolution IL-003-95 the Bond Lake Environmental Committee was established as an advisory board to assist in the planning of Bond Lake Park improvements and enhancing Bond Lake Park as an educational asset for the County of Niagara, and

WHEREAS, the Bond Lake Environmental Committee has been responsible for securing funds for major educational and conservational improvements at Bond Lake Park, and

WHEREAS, the Bond Lake Environmental Committee has promoted these improvements to increase the awareness and use of Bond Lake Park and its environmental assets through community awareness and educational events, and

WHEREAS, Bond Lake Environmental Committee has requested that the County of Niagara allow them to continue these educational events and grant them permission to use portions of Bond Lake Park and the Nature Center for the purpose of holding a Raptor Rehabilitation Event, and

WHEREAS, it is the wish of the Bond Lake Environmental Committee to hold the Raptor Rehabilitation Event on June 23, 2013, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Bond Lake Environmental Committee, and

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

RESOLVED, that following the County Attorney's review, the Chair of the County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and Bond Lake Environmental Committee.

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

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee

DATE: 02/19/13

RESOLUTION #PW-014-13

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 1/28/13

LEGISLATIVE ACTION

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

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

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

Katherine J. Alexander

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND  
THE BOND LAKE ENVIRONMENTAL COMMITTEE  
(BUG FEST SEMINAR)**

WHEREAS, by Resolution IL-003-95 the Bond Lake Environmental Committee was established as an advisory board to assist in the planning of Bond Lake Park improvements and enhancing Bond Lake Park as an educational asset for the County of Niagara, and

WHEREAS, the Bond Lake Environmental Committee has been responsible for securing funds for major educational and conservational improvements at Bond Lake Park, and

WHEREAS, the Bond Lake Environmental Committee has promoted these improvements to increase the awareness and use of Bond Lake Park and its environmental assets through community awareness and educational events, and

WHEREAS, Bond Lake Environmental Committee has requested that the County of Niagara allow them to continue these educational events and grant them permission to use portions of Bond Lake Park and the Nature Center for the purpose of holding a Bug Fest Seminar , and

WHEREAS, it is the wish of the Bond Lake Environmental Committee to hold the Bug Fest Seminar on August 18, 2013, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Bond Lake Environmental Committee, and

WHEREAS, prior to the execution of the license agreement between the County of Niagara and Bond Lake Environmental Committee, the County Attorney will review said Agreement for approval as to legal form, language, and compliance; and now, therefore, be it

RESOLVED, that following the County Attorney's review, the Chair of the County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and Bond Lake Environmental Committee.

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

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee

DATE: 02/19/13

RESOLUTION #PW-015-13

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 1/28/13

LEGISLATIVE ACTION

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

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

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

Attorney D. Alexander

## AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE BOND LAKE ENVIRONMENTAL COMMITTEE (FALL BIRD WALK EVENT)

WHEREAS, by Resolution IL-003-95 the Bond Lake Environmental Committee was established as an advisory board to assist in the planning of Bond Lake Park improvements and enhancing Bond Lake Park as an educational asset for the County of Niagara, and

WHEREAS, the Bond Lake Environmental Committee has been responsible for securing funds for major educational and conservational improvements at Bond Lake Park, and

WHEREAS, the Bond Lake Environmental Committee has promoted these improvements to increase the awareness and use of Bond Lake Park and its environmental assets through community awareness and educational events, and

WHEREAS, Bond Lake Environmental Committee has requested that the County of Niagara allow them to continue these educational events and grant them permission to use portions of Bond Lake Park and the Nature Center for the purpose of holding a Fall Bird Walk , and

WHEREAS, it is the wish of the Bond Lake Environmental Committee to hold the Fall Bird Walk on September 8, 2013, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Bond Lake Environmental Committee, and

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

RESOLVED, that following the County Attorney's review, the Chair of the County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and Bond Lake Environmental Committee.

PUBLIC WORKS COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee

DATE: 02/19/13

RESOLUTION # PW-016-13

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 1/28/13

LEGISLATIVE ACTION

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

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

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

Matthew J. Alexander

## AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE BOND LAKE ENVIRONMENTAL COMMITTEE (HIBERNATION PREPARATION EVENT)

WHEREAS, by Resolution IL-003-95 the Bond Lake Environmental Committee was established as an advisory board to assist in the planning of Bond Lake Park improvements and enhancing Bond Lake Park as an educational asset for the County of Niagara, and

WHEREAS, the Bond Lake Environmental Committee has been responsible for securing funds for major educational and conservational improvements at Bond Lake Park, and

WHEREAS, the Bond Lake Environmental Committee has promoted these improvements to increase the awareness and use of Bond Lake Park and its environmental assets through community awareness and educational events, and

WHEREAS, Bond Lake Environmental Committee has requested that the County of Niagara allow them to continue these educational events and grant them permission to use portions of Bond Lake Park and the Nature Center for the purpose of holding a Hibernation Preparation Event, and

WHEREAS, it is the wish of the Bond Lake Environmental Committee to hold the Hibernation Preparation Event on October 20, 2013, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Bond Lake Environmental Committee, and

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

RESOLVED, that following the County Attorney's review, the Chair of the County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and Bond Lake Environmental Committee.

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PUBLIC WORKS COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee

DATE: 02/19/13

RESOLUTION # PW-017-13

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 1/28/13

LEGISLATIVE ACTION

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

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

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

Matthew D. Alexander

## AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE BOND LAKE ENVIRONMENTAL COMMITTEE (LET'S TALK TURKEY EVENT)

WHEREAS, by Resolution IL-003-95 the Bond Lake Environmental Committee was established as an advisory board to assist in the planning of Bond Lake Park improvements and enhancing Bond Lake Park as an educational asset for the County of Niagara, and

WHEREAS, the Bond Lake Environmental Committee has been responsible for securing funds for major educational and conservational improvements at Bond Lake Park, and

WHEREAS, the Bond Lake Environmental Committee has promoted these improvements to increase the awareness and use of Bond Lake Park and its environmental assets through community awareness and educational events, and

WHEREAS, Bond Lake Environmental Committee has requested that the County of Niagara allow them to continue these educational events and grant them permission to use portions of Bond Lake Park and the Nature Center for the purpose of holding a Let's Talk Turkey Event, and

WHEREAS, it is the wish of the Bond Lake Environmental Committee to hold the Let's Talk Turkey Event on November 3, 2013, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Bond Lake Environmental Committee, and

WHEREAS, prior to the *execution* of the license agreement between the County of Niagara and Bond Lake Environmental Committee, the County Attorney will review said Agreement for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that following the County Attorney's review, the Chair of the County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and Bond Lake Environmental Committee.

PUBLIC WORKS COMMITTEE

**FROM:** Public Works and Administration      **DATE:** 02/19/13      **RESOLUTION #** PW-018-13

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

**COMMITTEE ACTION**  
PW - 1/28/13  

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AD - 2/12/13

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

## CAPITAL IMPROVEMENT PROJECT ADDITIONAL FUNDING FOR FIRE TOWERS

WHEREAS, Resolution No. PW-083-12, dated September 18, 2012 appropriated \$150,000 for the Fire Tower Improvements project from Capital Reserve based on an estimate, and

WHEREAS, the Emergency Management Office plan to repair the Lockport fire tower and the Wheatfield fire tower for critical use in training and thereby allowing lifesaving measures for the citizens of Niagara County, and

WHEREAS, as a result of a seal bid the actual cost of repairs is \$22,000 higher than the estimate which is primarily-related to rising costs of building materials, now, therefore, be it

**RESOLVED**, that the following budget modification be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

AH 40511.00	Appropriated Capital Reserve	\$22,000.00
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## INCREASE CAPITAL CONSTRUCTION:

AH.07.9950.000 79010.00	Transfer to Capital Construction	\$22,000.00
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## INCREASE REVENUE:

H587.19.3497.000 45031.10	Interfund Transfers-From Capital Reserve	\$22,000.00
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### INCREASE APPROPRIATION:

H587.19.3497.000 72200.01	Fire Tower Improvement	\$22,000.00
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PUBLIC WORKS COMMITTEE

## ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee

DATE: 02/19/13

RESOLUTION # PW-019-13

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 1/28/13

LEGISLATIVE ACTION

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

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

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

*[Signature]*

## AWARD OF CONTRACT KRULL PARK BASKETBALL COURT

WHEREAS, the Department of Public Works, Division of Engineering has prepared specifications and the Purchasing Department has advertised for bids for the construction of a new basketball court at Krull Park, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on January 24, 2013, as tabulated below:

- |  |             |
|--|-------------|
| 1. American Paving & Excavating Inc<br>5880 Thompson Road<br>Clarence Center, NY 14032 | \$46,850.00 |
| 2. Louis DelPrince & Sons, Inc<br>580 Cayuga Road<br>Cheektowaga, NY 14225             | \$48,090.00 |
| 3. Thomann Asphalt Paving Corp.<br>56 Gunnville Road<br>Lancaster, NY 14086            | \$48,495.00 |
| 4. Yarussi Construction Co. Inc.<br>5650 Simmons Ave<br>Niagara Falls, NY 14304        | \$48,850.00 |
| 5. Milherst Construction Inc.<br>10025 County Road<br>Clarence Center, NY 14032        | \$52,740.00 |
| 6. NFP and Sons, Inc.<br>7311 Ward Road<br>North Tonawanda, NY 14120                   | \$53,000.00 |
| 7. Ingalls Site Development Inc.<br>297 Meyer Road<br>West Seneca, NY 14224            | \$54,230.00 |
| 8. Emerald Services of WNY, Inc.<br>1504 Bailey Ave<br>Buffalo, NY 14212               | \$62,446.48 |

- |  |             |
|--|-------------|
| 9. Hydrolawn of Buffalo<br>PO Box 771<br>Derby, NY 14047                       | \$64,500.00 |
| 10. Titan Development, Inc.<br>8534 Seaman Road<br>Gasport, NY 14067           | \$67,500.00 |
| 11. EJ Militello Concrete, Inc.<br>6465 Transit Road<br>East Amherst, NY 14051 | \$73,000.00 |

and

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

RESOLVED, that the contract for the construction of the basketball court at Krull Park, be awarded to the lowest responsible bidder, American Paving and Excavating, Inc., 5880 Thompson Road, Clarence Center, NY 14032, in the amount of \$46,850.00, 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.

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PUBLIC WORKS COMMITTEE



# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee

DATE: 02/19/13

RESOLUTION # PW-020-13

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 1/28/13

LEGISLATIVE ACTION

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

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

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

Matthew J. Alexander

## AWARD STORMWATER CONSULTANT SERVICES

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 implementation of the Phase II Stormwater Regulations, and

WHEREAS, funds are available in account D.15.5140.000.74650.08, Consultant Services, 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 implementation of the Phase II Stormwater Regulations, be awarded to GHD Consulting Engineers, LLC, 200 John James Audubon Parkway, Suite 101, Amherst, NY 14228, for a contract amount of \$54,800, 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 and DATE: 02/19/13 RESOLUTION # PW-021-13

Administration Committee

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 1/28/13  
AD - 2/12/13

LEGISLATIVE ACTION

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

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

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

*Kathleen D. Alexander*

**TIME EXTENSION FOR THE  
EWINGS ROAD BRIDGE RECONSTRUCTION CONTRACT  
CHANGE ORDER NO. 1**

WHEREAS, by Resolution No. PW-109-11, dated October 4, 2011, the Legislature awarded the contract for the reconstruction of Ewings Road Bridge, to Concrete Applied Technologies, 1266 Townline Road, Alden, NY 14004, in the amount of \$1,383,395.75, and

WHEREAS, it is necessary to extend the contract completion date for this project, at no additional cost, to July 31, 2013, now, therefore, be it

RESOLVED, that the time of completion date be extended to July 31, 2013, at no additional cost to the county, and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to execute the required documents, subject to the review of the County Manager and approval of the County Attorney.

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

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

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration DATE: 02/19/13 RESOLUTION # PW-022-13

## Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 1/28/13  
AD - 2/12/13

LEGISLATIVE ACTION

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

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

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

*(Signature)*

## TIME EXTENSION FOR THE CEDAR STREET BRIDGE RECONSTRUCTION CONTRACT CHANGE ORDER NO. 4

WHEREAS, by Resolution No. PW-099-09, dated July 28, 2009, the Legislature awarded the contract for the reconstruction of Cedar Street Bridge, to Hohl Industrial Services, Inc., 770 Riverview Blvd., Tonawanda, NY 14150, in the amount of \$1,995,361.00, and

WHEREAS, Resolution No. PW-023-10, dated February 2, 2010, authorized an extension of time to August 20, 2010, due to the weather and other factors outside of the contractor's and county's control, and

WHEREAS, Resolution No. PW-068-10, dated June 1, 2010, authorized an extension of time to October 27, 2010, for a \$0.00 increase, and

WHEREAS, Resolution No. PW-103-10, dated October 5, 2010, authorized an extension of time to July 31, 2011, at no additional cost, and

WHEREAS, it is necessary to extend the contract completion date for this project, at no additional cost, to December 31, 2013, now, therefore, be it

RESOLVED, that the time of completion date be extended to December 31, 2013, at no additional cost to the county, and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to execute the required documents, subject to the review of the County Manager and approval of the County Attorney.

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PUBLIC WORKS COMMITTEE

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

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration DATE: 02/19/13 RESOLUTION # PW-023-13  
Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 1/28/13

LEGISLATIVE ACTION

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

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

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

*[Signature]*

**EWINGS ROAD BRIDGE RECONSTRUCTION PROJECT  
CONSULTANT AMENDMENT NO. 5**

WHEREAS, Resolution No. PW-011-07, dated February 6, 2007, selected the consulting engineering firm, TVGA Consultants, 1000 Maple Road, PO Box H, Elma, NY 14059-0264, in the amount of \$410,000.00, and

WHEREAS, Resolution No. PW-103-08, dated October 7, 2008, authorized Amendment No. 1, to recalculate the hydraulics based upon new parameters released from the NYS DOT for an additional \$5,085, for a revised contract of \$415,085, and

WHEREAS, Resolution No. PW-098-10, dated October 5, 2010, authorized Amendment No. 2, to allow for salary differentials due to delays in the project, for an additional \$17,093.88, for a revised contract of \$432,178.88, and

WHEREAS, Resolution No. PW-039-11, dated March 15, 2011, authorized Amendment No. 3, to extend the contract completion date to December 31, 2012, and

WHEREAS, Resolution No. PW-107-11, dated October 4, 2011, authorized Amendment No. 4, to amend the contract to allow for construction administration and inspection services for a cost not to exceed, \$80,700, for a revised contract of \$512,878.88, and

WHEREAS, it is necessary to amend the contract to extend the contract completion date to July 1, 2013, at no additional cost, 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. 5 to extend the contract completion date to July 1, 2013, at no additional cost, to TVGA Consultants, 1000 Maple Road, PO Box H, Elma, NY 14059-0264, 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: 02/19/13

RESOLUTION # PW-024-13

Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 1/28/13  
AD - 2/12/13

LEGISLATIVE ACTION

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

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

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

*Katherine D. Alexander*

**CEDAR STREET BRIDGE REPLACEMENT PROJECT  
CONSULTANT AMENDMENT NO. 4**

WHEREAS, Resolution No. PW-109-07, dated October 2, 2007, selected Abate Engineering Associates, PC, 4455 Genesee Street, PO Box 400, Buffalo, NY 14225, for engineering services related to the Cedar Street Bridge Replacement Project, in the amount of \$384,502.00, and

WHEREAS, Resolution No. PW-083-09, dated June 2, 2009, approved Consultant Amendment No. 1, in the amount of \$288,606.00, for construction administration and inspection services, for a revised agreement amount of \$673,108.00, and

WHEREAS, Resolution No. PW-083-10, dated July 27, 2010, approved Consultant Amendment No. 2, in the amount of \$77,357.19, for additional construction administration and inspection services, for a revised agreement amount of \$750,465.19, and

WHEREAS, Resolution No. PW-082-11, dated July 26, 2011, approved Consultant Amendment No. 3, in the amount of \$68,056.74, for additional construction administration and inspection services required to comply with the ARRA guidelines and for 2<sup>nd</sup> shift inspection services, for a revised contract amount of \$818,521.93, and

WHEREAS, it is necessary to approve Consultant Amendment No. 4 to extend the contract completion date to December 31, 2013, at no additional 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 Consultant Amendment No. 4, to extend the contract completion date to December 31, 2013, at no additional cost 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: 02/19/13 RESOLUTION # PW-025-13

Committees

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
<u>William J. Alexander</u>		PW - 1/28/13	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 2/12/13	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

**LOCKPORT ROAD INTERSECTIONS RECONSTRUCTION PROJECT  
CONSULTANT AMENDMENT NO. 3**

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, it is necessary to amend the contract to extend the contract completion date to December 31, 2013, at no additional cost, 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. 3 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: 02/19/13 RESOLUTION # PW-026-13

## Committees

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
<u><i>Matthew D. Alexander</i></u>		<u>PW - 1/28/13</u>	Approved: Ayes _____ Abs. _____ Noes _____
		<u>AD - 2/12/13</u>	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

## STONE ROAD RECONSTRUCTION CONSULTANT AMENDMENT NO. 2

WHEREAS, Resolution No. PW-096-09, dated July 28, 2009, awarded the contract for consulting services to Clough Harbour & Associates, LLP, 2200 Main Place Tower, Buffalo, NY 14202-3722, for a contract amount of \$214,000, and

WHEREAS, Resolution No. PW-102-12, dated December 4, 2012, approved the amendment for additional construction services, additional survey for Right-of-Way and Right-of-Way acquisition services, in the amount of \$289,500, for a revised contract amount of \$503,500, and

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

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

RESOLVED, that the contract to Clough Harbour & Associates, LLP, 2200 Main Place Tower, Buffalo, NY 14202-3722, be extended to December 31, 2013, at no additional cost, and be it further

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

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PUBLIC WORKS COMMITTEE

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ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration

DATE: 02/19/13

RESOLUTION # PW-027-13

## Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 1/28/13  
Ad - 2/12/13

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

*Athanasios D. Alexandrou*

## BEEBE ROAD RECONSTRUCTION PROJECT CONSULTANT AMENDMENT NO. 5

WHEREAS, Resolution No. PW-068-08, dated June 3, 2008, selected the consulting engineering firm, Wendel-Duchscherer, 140 John James Audubon Parkway, Amherst, NY 14228, to assist the county with the Beebe Road Reconstruction Project, for a fee not to exceed \$523,926, and

WHEREAS, Resolution No. PW-031-09, dated February 3, 2009, amended the agreement to allow for additional right-of-way services, for a fee not to exceed \$14,700, resulting in an amended agreement in the amount of \$538,626, and

WHEREAS, Resolution No. PW-078-09, dated May 5, 2009, amended the agreement to allow for Construction and Construction Inspection Services for a fee not to exceed \$127,463.97, resulting in an amended agreement in the amount of \$666,089.97, and

WHEREAS, Resolution No. PW-118-09, dated November 4, 2009, amended the agreement to allow for the final phase Right-of-Way Acquisition and wetland mitigation services, for a fee not to exceed \$138,159.00, for a revised contract of \$804,248.97, and

WHEREAS, Resolution No. PW-096-11, dated September 6, 2011, allowed for the final phase Construction Administration and Inspection services, for a fee not to exceed \$576,434.50, for a revised contract price of \$1,380,683.47, and

WHEREAS, it is necessary to extend the contract completion date to December 31, 2013, at no additional 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 the agreement for consultant services to assist the county with the design of the Beebe Road Reconstruction Project be extended to December 31, 2013, at no additional cost to the county, 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 02/19/13 RESOLUTION # PW-028-13

## Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 1/28/13  
AD - 2/12/13

LEGISLATIVE ACTION

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

*Therese D. Alexander*

## MAPLETON ROAD BRIDGE RECONSTRUCTION PROJECT CONSULTANT AMENDMENT NO. 3

WHEREAS, Resolution No. PW-012-07, dated February 6, 2007, selected the consulting engineering firm, Hatch Mott MacDonald, 438 Main Street, Suite 700, Buffalo, NY 14202, in the amount of \$354,900.00 and

WHEREAS, Resolution No. PW-038-11, dated March 15, 2011, approved the time extension to December 31, 2012, at no additional cost to the County, and

WHEREAS, Resolution No. PW-106-11, dated October 4, 2011, approved the amendment to the contract to allow for construction administration and construction inspection services, in the amount of \$52,450.25, for a revised contract amount of \$407,350.25, and

WHEREAS, it is necessary to reduce the contract in the amount of \$12,795.98, due to adjustments in construction administration and inspection services, for a revised contract amount of \$394,554.27, 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. 3 to deduct \$12,795.98 from the contract for adjustments to construction administration and inspection services, for a revised contract amount of \$394,554.27, to Hatch Mott MacDonald, 438 Main Street, Suite 700, Buffalo, NY 14202, 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.

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PUBLIC WORKS COMMITTEE

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ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

RESOLUTION # PW-029-13

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

## ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration DATE: 02/19/13 RESOLUTION # PW-030-13

## Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 1/28/13  
AD - 2/12/13

LEGISLATIVE ACTION

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

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

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

Katherine D. Alexander

\_\_\_\_\_

\_\_\_\_\_

## DPW - HIGHWAY EXPENDITURE OF COUNTY ROAD FUND MONIES

WHEREAS, the Commissioner of Public Works recommends the expenditure of County Road Fund monies for maintenance of roads under Section 129 of the Highway Law, as set forth on the attached form, in the sum of \$ 7,218,654, 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 the attached recommendation of the Commissioner of Public Works be approved and the sum of \$7,218,654 be appropriated from the County Road Fund for maintenance during the year 2013, 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 attached documents.

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

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

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration      DATE: 02/19/13      RESOLUTION # PW-031-13

## Committees

<b>APPROVED BY</b> <b>CO. ATTORNEY</b> <u><i>Katherine D. Alexander</i></u>	<b>REVIEWED BY</b> <b>CO. MANAGER</b> _____	<b>COMMITTEE ACTION</b> <u>PW - 1/28/13</u> <u>AD - 2/12/13</u> _____	<b>LEGISLATIVE ACTION</b> Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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## AGREEMENT WITH NIAGARA COUNTY WATER DISTRICT FOR MAPLETON ROAD REPAIRS

WHEREAS, the Niagara County Water District was installing a new water transmission main along Lockport Road, and

WHEREAS, during the project, a portion of the widened Mapleton Road fell off toward the water transmission line trench, creating a long structural crack on Mapleton Road that required emergency repair, and

WHEREAS, the Niagara County Highway Department and Niagara County Water District wishes to enter into an agreement to share the cost of the emergency repair equally, 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 agreement between the County of Niagara and the Niagara County Water District, to share the cost to repair the structural crack caused by the Lockport Road water transmission line project, be approved, and be it further

RESOLVED, that the following budget modification be effectuated:

### INCREASE ANTICIPATED REVENUE:

D 40599.00	Appropriated Fund Balance	\$46,104.50
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### INCREASE ANTICIPATED EXPENSES:

D.15.5110.000.74800.14	Road Maintenance	\$46,104.50
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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

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ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration

DATE: 02/19/13

RESOLUTION # PW-032-13

## Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 1/28/13  
AD - 2/12/13

LEGISLATIVE ACTION

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

*Matthew D. Alexander*

## RESOLUTION GRANTING AUTHORITY TO ACT FOR DIRECTOR NIAGARA COUNTY REFUSE DISPOSAL DISTRICT AND ALLOWING SALARY DIFFERENTIALS

WHEREAS, pursuant to Order dated January 21, 1969, the Niagara County Legislature established the Department of Niagara County Refuse Disposal District for the County of Niagara, and

WHEREAS, the Department has been headed by a Director Niagara County Refuse Disposal District (Director) who is to serve in the capacity of a department head with authority to appoint and remove employees of the department, and

WHEREAS, the Director coordinated and directed the overall operation of the Niagara County Refuse Disposal District, and

WHEREAS, the Director position became vacant on January 2, 2013, upon the resignation of the former incumbent, and

WHEREAS, the County Manager has conducted an administrative review of the functions assigned and performed by the Director, and

WHEREAS, the County Manager in conjunction with input from the Human Resources Director and Civil Service Personnel Officer has determined that Environmental Science Coordinator, Dawn Timm, best meets the qualifications to carry out the duties of Director of Refuse Disposal District on a temporary basis, therefore, be it,

RESOLVED, that Environmental Science Coordinator Dawn Timm will temporarily assume the duties of Interim Administrator Niagara County Refuse Disposal District while continuing to perform all her assigned duties of Environmental Science Coordinator, and be it further

RESOLVED, that the Environmental Science Coordinator, position #10597 while performing the aforesaid duties will receive a salary differential, in the amount of seven hundred seventy-two dollars and 73 cents (\$772.73) per month, at the end of each month, until December 31, 2013, and be it further

RESOLVED, thereafter, if necessary, the monthly amount will be seven hundred eight dollars and thirty three cents (\$708.33) as long as the Environmental Science Coordinator continues to temporarily perform the duties of Director, and be it further

RESOLVED, that the salary differentials reference hereinabove shall be drawn from the following accounts and the following budget modifications be effectuated:

### DECREASE APPROPRIATIONS:

EL.30.8160.807.71010.00.04425

Director Refuse District (C&D Landfill)

\$2,125

EL.30.8161.803.71010.00.04425	Director Refuse District (Landfill #1)	2,125
EL.30.8161.804.71010.00.04425	Director Refuse District (Landfill #2)	2,125
EL.30.8161.806.71010.00.04425	Director Refuse District (Wheatfield)	2,125

INCREASE APPROPRIATIONS:

EL.30.8160.807.71080.00	Stipend (C&D Landfill)	\$2,125
EL.30.8161.803.71080.00	Stipend (Landfill #1)	2,125
EL.30.8161.804.71080.00	Stipend (Landfill #2)	2,125
EL.30.8161.806.71080.00	Stipend (Wheatfield)	2,125

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PUBLIC WORKS COMMITTEE

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ADMINISTRATION COMMITTEE