



AGENDA
ORGANIZATION MEETING OF THE
NIAGARA COUNTY LEGISLATURE
JANUARY 6, 2015 – 7:00 P.M.

1. Call to order by the County Clerk, Wayne Jagow, chairman pro temp.
2. Roll Call of the Legislators by District by the Clerk of the Legislature.
3. Prayer and pledge of allegiance.
4. Nomination and election of temporary Chairman.
5. Nomination and election of Chairman of the Legislature.
6. Temporary Chairman declares Chairman and appoints escorts.
7. Chairman of the Legislature is escorted to the podium to present the "State of the County" address.
8. Nomination and election of Vice-Chairman.
9. Appointment of Clerk of the Legislature.
10. Announcement of Majority Leader, 1st Deputy Majority Leader and 2nd Deputy Majority Leader.
11. Announcement of Minority Leader, 1st Deputy Minority Leader and 2nd Deputy Minority Leader.
12. Motion for designation of dates and times for which the Niagara County Legislature shall convene and conduct business.
13. Motion for the Chairman of the Legislature to be designated to serve on the Niagara County Jury Board.
14. Motion to contract with Attorney for Aging and to appoint said Attorney for a term of one (1) year.
15. Motion for designation of official newspapers.
16. Recess.
17. Communications.

18. Resolutions.
19. Appointments.
20. Adjournment.


Mary Jo Tamburlin, Clerk
Niagara County Legislature



AGENDA
NIAGARA COUNTY LEGISLATURE
JANUARY 6, 2015 – 7:00 P.M.

- IL-001-15** Legislator John Syracuse, re Resolution Consenting to the Extension of the Restated Pilot Agreement between the Niagara County Industrial Development Agency & Somerset Operating Company
- IL-002-15** Legislator William L. Ross, re Amendment to Rule 37 "Standing and Special Committees" of the Rules of Order of the Legislature


Mary Jo Tamburlin, Clerk
Niagara County Legislature

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

NIAGARA COUNTY LEGISLATURE

FROM: Legislator John Syracuse DATE: 01/06/15 RESOLUTION # IL-001-15

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER		
<u>Katherine J. Alexander</u>			Approved: Ayes <u> </u> Abs. <u> </u> Noes <u> </u>
			Rejected: Ayes <u> </u> Abs. <u> </u> Noes <u> </u>
			Referred: <u> </u>

RESOLUTION CONSENTING TO THE EXTENSION OF THE RESTATED PILOT AGREEMENT BETWEEN THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY AND SOMERSET OPERATING COMPANY

WHEREAS, the Niagara County Industrial Development Agency ("Agency") and AES Eastern Energy L.P and AES Somerset, LLC ("AES") previously entered into a relationship whereby the parties executed and delivered the following documents: (i) Lease Agreement between AES and Agency, (ii) a Leaseback Agreement, between Agency and AES and (iii) a Payment-in-Lieu-of-Tax Agreement between the Agency and AES, and

WHEREAS, in 2012 AES transferred its interest in and to the electrical generating station in Somerset, New York ("Facility") to Somerset Operating Company ("Company") and the Company assumed AES's interest in and to, the Facility and the project documents pursuant to that certain Assignment and Assumption Agreement and Restated PILOT Agreement, dated on or about June 26, 2012 (the "Assigned Agreements"), and

WHEREAS, the restated PILOT Agreement dated June 1, 2012 is set to expire on December 31, 2015, and

WHEREAS, the Company has now submitted to the Agency a new application requesting a one (1) year extension of the Restated PILOT Agreement; the additional PILOT payment will mirror the final year of the PILOT Payment schedule, while retaining the remaining terms and conditions of the PILOT Agreement, and

WHEREAS, it is has been requested that Niagara County, as one of the affected taxing jurisdictions, supports the application to the Agency, and consent to a one (1) year extension of the PILOT Agreement along the same terms and conditions as in the Restated PILOT, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby consent to an extension of the Restated PILOT Agreement dated June 1, 2012 between Somerset Operating Company, as successor to AES Eastern Energy L.P. and AES Somerset, LLC ("Company") and the Niagara County Industrial Development Agency ("Agency") for the electrical generating station in Somerset, New York through December 31, 2016, such restated PILOT terms shall include, but not be limited to the following:

1. The total PILOT Agreement payment to be paid by the Company for the County of Niagara and Town of Somerset tax year 2016, and the Baker Central School District tax year 2015-2016 shall be \$5,120,000.00, and
2. Niagara County shall continue to receive 31.5% of the PILOT payment (\$1,612,800), the Town of Somerset shall continue to receive 9.25% (\$473,600) and the Barker Central School District shall continue to receive 59.25% (\$3,033,600), and

3. Niagara County shall continue to pay for its special districts from its portion of the PILOT payments and the Town of Somerset shall continue to pay for its special districts from its portion of the PILOT payment, and be it further

RESOLVED, that the Niagara County Legislature does hereby authorize the Chairman of the Niagara County Legislature to execute all agreements and stipulations so as to support the application of the Company, and consent to an extended and restated PILOT Agreement for the electrical generating station in Somerset, New York through December 31, 2016.

LEGISLATOR JOHN SYRACUSE

NIAGARA COUNTY LEGISLATURE

FROM: Legislator William L. Ross DATE: 01/06/15 RESOLUTION # IL-002-15

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
<u>Katherine D. O'Connell</u>			Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

AMENDMENT TO RULE 37 "STANDING AND SPECIAL COMMITTEES" OF THE RULES OF ORDER OF THE LEGISLATURE

WHEREAS, the Niagara County Legislature wishes to amend Rule 37 (Special and Standing Committees) of the Rules of Order of the Legislature to better conduct the business of the citizens of Niagara County, now, therefore, be it

RESOLVED, that Rule 37 of the Rules of Order be amended as follows:

There shall be standing committees to consist of a minimum of five (5) members each. The Chairman shall set the number of appointees to be recommended by the Majority Leader and Minority Leader for each standing Committee proportionally and in his discretion and shall notify the Majority and Minority Leaders within 3 days of his election, or as soon as possible, of said number. The Majority Leader and the Minority Leader shall then recommend to the Chairman, within ten (10) days after the Chairman's notification, or as soon as possible, the list of recommended appointees. The Majority Leader shall recommend two of his appointees to each Standing Committee as Chairman and Vice-Chairman and the Minority Leader shall recommend one of his appointees to each Standing Committee as Ranking Minority Member.

Any respective vacancies occurring during the year on any Standing Committee shall be filled by the Majority or Minority Leader without delay.

The Chairman of a Standing Committee may appoint a sub-committee, for a designated purpose, to be comprised of members of the Legislature who are members of such Standing Committee.

The Chairman of the Legislature, in his discretion, may appoint such Ad hoc Committees, the number of members of which shall be as he may determine. The members of such Ad hoc committees shall be confirmed by the Legislature.

All Special Committees shall terminate upon the sooner of either the accomplishment of their designated purpose, or the end of the calendar year, unless specifically designated otherwise.

LEGISLATOR WILLIAM L. ROSS