

AGENDA
NIAGARA COUNTY LEGISLATURE
AUGUST 6, 2013 – 7:00 P.M.


Resolutions not on previous agenda:

CSS-021-13 Community Safety & Security & Administration, re Niagara County Sheriff's Office Abolish Laundry Worker – Approved

Regular Meeting – August 6, 2013

- *AD-013-13** Administration, re Appointment Director of Real Property Tax Services – County Manager
- *AD-014-13** Administration, re Award VoIP Telephone System Design Contract – IT
- *AD-015-13** Administration, re Credit Card Collections of Non-Tax Payments – Treasurer
- *AD-016-13** Administration, re Designation of Depository and Deposit Amount – Treasurer
- *AD-017-13** Administration, re Budget Modification BAN Principal Payoff Due to Conversion to Bond - Treasurer
- *AD-018-13** Administration, re Authorization to Amend the Agreement between the County of Niagara and the Wendelville Fire Company, Inc. – County Attorney
- *AD-019-13** Administration, re Imposition of Additional One Percent (1%) Sales & Use Tax Pursuant to Article 29 of the Tax Law of the State of New York & Chapter of 219 Laws of 2013 – County Attorney
- *AD-020-13** Administration, re Amendment of the Purchase Agreement & Authorization to Close the Sale of Surplus Property at Mount View Health Facility – County Attorney
- *CSS-022-13** Community Safety & Security & Administration, re Budget Modification Project Impact IX – District Attorney
- *CSS-023-13** Community Safety & Security & Administration, re Budget Modification & Acceptance of Project Impact X Program Grant – District Attorney
- *CSS-024-13** Community Safety & Security & Administration, re Budget Modification Emergency Management
- *CSS-025-13** Community Safety & Security, re Accept Grant Forensic Laboratory – Sheriff

- *CSS-026-13** Community Safety & Security & Administration, re Transfer of Surplus Inventory to the City of North Tonawanda – Sheriff
- *CSS-027-13** Community Safety & Security, re Forensic Laboratory Coverdell Grant – Sheriff
- *ED-010-13** Economic Development & Administration, re Approval of Low Cost Power Benefit to Diversified Manufacturing, Inc. under the Agreement for the Sale & Purchase of Niagara Project Power & Energy (ASPNPPE)
- *ED-011-13** Economic Development & Administration, re Approval of Low Cost Power Benefit to Delfingen U.S. New York, Inc. under the Agreement for the Sale & Purchase of Niagara Project Power & Energy (ASPNPPE)
- *ED-012-13** Economic Development & Administration, re Budget Modification to Cover Empower Niagara Allocations to Diversified Manufacturing, Inc.
- *ED-013-13** Economic Development & Administration, re Budget Modification to Cover Empower Niagara Allocations to Delfingen U.S. New York, Inc.
- IL-039-13** Legislators Chereé J. Copelin, Kathryn L. Lance, Anthony J. Nemi, John Syracuse, Owen T. Steed & Parks, Recreation & Tourism Ad Hoc Committee, re Support for the Olcott Beach Enhancement Project
- IL-040-13** Legislators Wm. Keith McNall, Anthony J. Nemi & Chereé J. Copelin, re Resolution to Implement Niagara County Dental Care Network Program
- IL-041-13** Legislators David E. Godfrey, John Syracuse & Clyde L. Burmaster, re Request to the International Joint Commission to Reject the Proposed Plan 2014 in its Entirety
- IL-042-13** Legislators Chereé J. Copelin & Paul B. Wojtaszek, re Calling on the New York State Legislature to Enact, and Governor Cuomo to Sign into Law, S.2129-2013/A.835A2013 Upon Commencement of any Regular or Extraordinary Session of the Legislature
- *PW-072-13** Public Works, re Extension of Snow & Ice Agreement with NYS DOT 2013-2014
- *PW-073-13** Public Works, re Project for Safety Improvements at the Intersection of Ransomville Road & Braley Road, Town of Porter, Niagara County, PIN 5759.01
- *PW-074-13** Public Works, re Award Consultant Services for Ransomville & Braley Road Intersection Project
- *PW-075-13** Public Works & Administration, re Youngstown Road Embankment Stabilization Project
- *PW-076-13** Public Works & Administration, re Krull Park Basketball Court Contract Change Order No. 1 – Final


 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 September 17, 2013.

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee

DATE: 08/06/13

RESOLUTION #AD-013-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
AD - 7/30/13

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

APPOINTMENT - DIRECTOR OF REAL PROPERTY TAX SERVICES

WHEREAS, in accordance with Section 1530 of the New York State Real Property Tax Law, the Niagara County Legislature shall appoint a Director of the Real Property Tax Services Agency (RPTS) who shall have a six year term expiring on September 30, 2019, and

WHEREAS, the current Director, John E. Shoemaker, was appointed on April 1st, 2011, and has been fulfilling the remainder of the prior Director's six-year term which commenced on October 1st, 2007 and ends on September 30th, 2013, and

WHEREAS, the Director shall be appointed based upon his knowledge of principles and methods relating to the assessment of real property and his executive and administrative experience, and

WHEREAS, John E. Shoemaker is a New York State certified County Director of RPTS, thus meeting the qualifications standards for said office as established by the New York State office of Real Property Tax Services, and

WHEREAS, John E. Shoemaker is an expert in the area of real property tax administration and tax services, and

WHEREAS, the County Manager has determined that John E. Shoemaker has performed successfully in the capacity of Director of Real Property Tax Services and recommends the appointment of John E. Shoemaker to Director of Real Property Tax Services subject to confirmation by the County Legislature, now, therefore, be it

RESOLVED, that John E. Shoemaker, be appointed the Director of RPTS for a six (6) year term commencing October 1st, 2013 through September 30th, 2019, and be it further

RESOLVED, that John E. Shoemaker shall be compensated as FLSA exempt at an annualized salary of \$68,028, and continue to be compensated at this rate through December 31, 2014; for the period beginning January 1, 2015 until December 31, 2015, John E. Shoemaker shall be compensated a salary of \$69,729; for the period beginning January 1, 2016 until December 31, 2016, John E. Shoemaker shall be compensated a salary of \$71,472; for the period beginning January 1, 2017 until December 31, 2017, John E. Shoemaker shall be compensated a salary of \$73,259; for the period beginning January 1, 2018 until December 31, 2018, John E. Shoemaker shall be compensated a salary of \$75,090; for the period beginning January 1, 2019 through the end of his appointment, John E. Shoemaker shall be compensated an annualized salary of \$76,967, and be it further

RESOLVED, that a copy of this resolution be forwarded by the Clerk of the Legislature to the Executive Director of the New York State Office of Real Property Tax Services, WA Harriman State Campus, Albany, New York 12227.

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee

DATE: 08/06/13

RESOLUTION # AD-014-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
AD - 7/30/13

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____



AWARD VOIP TELEPHONE SYSTEM DESIGN CONTRACT

WHEREAS, Resolution No. PW-082, dated September 18, 2012, approved the Telecommunications Upgrade in the Capital Projects 2012 Bonding Program, and

WHEREAS, it is necessary for the County to obtain a design for the VoIP Telephone System, and

WHEREAS, the Information Technology Department has prepared specifications and the Purchasing Department has advertised for bids for the VoIP Telephone System, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on June 13, 2013, as tabulated below:

- | | |
|---|-----------------------|
| 1. ECC Technologies
2136 Five Mile Line Road
Penfield, NY 14526 | \$70,400 |
| 2. Cannon Design
2170 Whitehaven Road
Grand Island, NY 14072 | \$74,500 |
| 3. McKinley Group
P.O. Box 100024
Pittsburgh, PA 15233 | \$82,200 |
| 4. HPA Consulting Group
160 Allens Creek Road
Rochester, NY 14618 | \$88,000 |
| 5. Bison Group
P.O. Box 305
East Aurora, NY 14052 | \$106,982 |
| 6. Encore Technology Group
900 East Main Street, Suite T
Easley, SC 29640 | (Did not meet specs.) |

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 VoIP Telephone System be awarded to the lowest responsible bidder, Cannon Design, 2170 Whitehaven Road, Grand Island, NY 14072, in the amount of \$74,500, 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.

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 08/06/13 RESOLUTION # AD-015-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER


COMMITTEE ACTION
AD - 7/30/13

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____



CREDIT CARD COLLECTIONS OF NON-TAX PAYMENTS

WHEREAS, collections of non-tax payments such as fees, fines and services, are currently received by various Niagara County departments via personal check, cash or money order and deposited by the Treasurer's Office, and

WHEREAS, many departments have requested the ability to accept electronic transactions for the collection of non-tax payments to provide the public with greater flexibility for payment options, and

WHEREAS, Section 5 and 5-b of General Municipal Law allows local governments to authorize certain payments via credit card, debit card or electronic checks via the internet, mail or in person, and

WHEREAS, the Treasurer's Office has a Merchant Services Agreement with M&T Bank to accept both tax and non-tax payments via Visa, MasterCard and Discover and a Professional Service Agreement with Hamer Enterprises to accept electronic payment transactions via the internet, now, therefore, be it

RESOLVED, that in accordance with General Municipal Law Section 5 and 5-b, it is determined that it is in the public's interest to provide for acceptance of non-tax payments via electronic transactions, and be it further

RESOLVED, that the Treasurer's Office is hereby authorized to implement, by the request of a county department, the acceptance of credit card and/or electronic payment transactions for the collection of non-tax payments.

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 08/06/13 RESOLUTION # AD-016-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
AD - 7/30/13

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

DESIGNATION OF DEPOSITORY AND DEPOSIT AMOUNT

WHEREAS, pursuant to Section 212 of the County Law and Section 10 of the General Municipal Law, the Niagara County Legislature shall designate the depositories within the State of New York and the maximum which may be kept on deposit at any time in each depository, and

WHEREAS, the last designation by the County Legislature occurred on June 21, 2005, and

WHEREAS, since the last designation by the County Legislature, various banks have moved from the local area or no longer participate in government banking, and

WHEREAS, it is beneficial to have all banks involved in the bidding process for investments and borrowings, now, therefore, be it

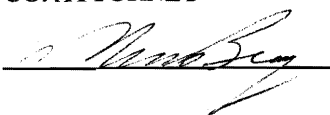
RESOLVED, that the maximum amounts to be deposited in the following bank depositories are as follows:

JP Morgan Chase Bank	\$90,000,000
Bank of America	\$90,000,000
Key Bank	\$90,000,000
M&T Bank	\$90,000,000
First Niagara Bank	\$90,000,000

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 08/06/13 RESOLUTION # AD-017-13

APPROVED BY CO. ATTORNEY 	REVIEWED BY CO. MANAGER 	COMMITTEE ACTION <u>AD - 7/30/13</u> 	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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NIAGARA COUNTY TREASURER'S OFFICE BUDGET MODIFICATION – BAN PRINCIPAL PAYOFF DUE TO CONVERSION TO BOND

WHEREAS, the Niagara County Legislature approved the authorization of \$6,652,258 in serial bonds of the County to finance various public improvements on September 18, 2012, and

WHEREAS, the County Treasurer, as designated Chief Fiscal Officer of the County, has authorization to issue either bonds or bond anticipation notes, and

WHEREAS, only particular projects included in the original bond resolution required immediate funding, and

WHEREAS, the Chief Fiscal Officer issued a bond anticipation note on November 1, 2012 in the amount of \$965,000, and

WHEREAS, the same 2012 General fund bond anticipation note was converted to a bond on May 24, 2013 in order to complete funding for the various public improvements, and

WHEREAS, the bond anticipation note was paid in full from the proceeds of the bond issuance, now, therefore, be it

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

INCREASE ESTIMATED REVENUES:

A.07.9710.000 45710.13	Serial Bonds Bond Year 2013	\$965,000
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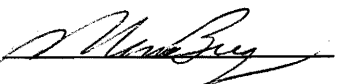
INCREASE APPROPRIATIONS:

A.07.9730.000 76001.00	Principal Expense	\$965,000
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ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 08/06/13 RESOLUTION # AD-018-13

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
		AD - 7/30/13	Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

AUTHORIZATION TO AMEND THE AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE WENDELVILLE FIRE COMPANY, INC.

WHEREAS, the Niagara County Board of Elections has received a grant from the New York State Help America Vote grant funds for the improvement of polling sites utilized by Niagara County, and

WHEREAS, Resolution No. AD-007-13, dated April 16, 2013, authorized the Niagara County Board of Elections to enter into an agreement with the Wendelville Fire Company, Inc. Board of Trustees for the purpose of utilizing the Wendelville Fire Company premises as a polling places, and to modify the premises so that it is accessible to handicapped individuals pursuant to the requirements of the American with Disabilities Act, and

WHEREAS, the modification of the premises requires a permanent ramp, therefore, the hiring of architects/engineers, goods and professional services providers are necessary, and

WHEREAS, the Wendelville Fire Company Board of Trustees advertised for said services, and received only one bid for the construction and installation in the amount of \$33,200.00, such bid exceeded the County's agreed maximum compensation amount of \$22,500, and

WHEREAS, the award of the Architect and Engineering design services were awarded to the lowest bidder, in an amount of \$1,500, which is \$1,000 under the maximum amount the County agreed to compensate, and

WHEREAS, the Wendelville Fire Company Board of Trustees have agreed upon covering \$3,500 of the total cost, and

WHEREAS, due to the adjustments in the construction and architect/engineering costs, and the compensation offered by the Wendelville Fire Company Board of Trustees, it is necessary to amend the Agreement as follows: Compensation to be provided by COUNTY: A. Architect and Engineering design services, permits and fees – maximum amount \$1,500; B. Construction and all other necessary costs for the installation of such permanent ramp – Maximum Amount \$29,700.00; C. Compensation to be provided by the Wendelville Fire Company Inc. for Construction and all other necessary costs for the installation of such permanent ramp – Maximum Amount of \$3,500, now, therefore, be it

RESOLVED, that the agreement with the Wendelville Fire Company, Inc., be amended to allow for the above adjustment costs, and be it further

RESOLVED, that the agreement with the Wendelville Fire Company be amended to require that construction commence immediately following the September 10, 2013 Primary Elections, 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 amended agreement.

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 08/06/13 RESOLUTION # AD-019-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
AD - 7/30/13

LEGISLATIVE ACTION

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

Mattew D. Alexander

IMPOSITION OF ADDITIONAL ONE PERCENT (1%) SALES AND USE TAX PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK AND CHAPTER OF 219 LAWS OF 2013

WHEREAS, the State of New York has enacted legislation allowing the County of Niagara to impose an additional one percent (1%) rate of sales and compensating use taxes from March 1, 2003 to November 30, 2005, and enacted legislation allowing the County of Niagara to continue to impose the additional one percent (1%) rate from December 1, 2005 to November 30, 2007, and enacted legislation allowing the County of Niagara to continue to impose the additional 1% rate from December 1, 2007 to November 30, 2009, and enacted Legislation allowing the County of Niagara to continue to impose the additional 1% rate from December 1, 2009 to November 30, 2011, and enacted Legislation allowing the County of Niagara to continue to impose the additional 1% rate from December 1, 2011 to November 30, 2013 all in addition to the three percent (3%) said County is authorized to impose, and to dedicate the revenues from the additional rate to pay the County's share of Medicaid costs, and

WHEREAS, the Niagara County Legislature, by Home Rule Message Resolution FN-005-03 enacted January 21, 2003 and by imposition resolution FN-006-03 enacted January 22, 2003, enacted and imposed an additional one percent (1%) sales and use taxes pursuant to Article 29 of the Tax Law of the State of New York and Chapter 4 of Laws of 2003 effective March 1, 2003 and ending November 30, 2005, and

WHEREAS, the Niagara County Legislature, by Home Rule Message Resolution AD-017-05 enacted April 19, 2005 and by imposition resolution AD-027-05 enacted July 12, 2005, enacted and imposed an extension of the additional one percent (1%) sales and use taxes pursuant to Article 29 of the Tax Law of the State of New York and Chapter 91 of Laws of 2005 effective December 1, 2005 and ending November 30, 2007, and

WHEREAS, the Niagara County Legislature, by Home Rule Message Resolution AD-017-07 enacted May 1, 2007 and by imposition resolution CW-001-07 enacted August 7, 2007, enacted and imposed an extension of the additional 1% sales and use taxes pursuant to Article 29 of the Tax Law of the State of New York and Chapter 460 of Laws of 2007 effective December 1, 2007 and ending November 30, 2009, and

WHEREAS, the Niagara County Legislature, by Home Rule Message Resolution AD-012-09 enacted May 5, 2009, and by imposition resolution CW-001-09 enacted July 28, 2009, enacted and imposed an extension of the additional 1% sales and use taxes pursuant to Article 29 of the Tax Law of the State of New York and Chapter 140 of Laws of 2009 effective December 1, 2009 ending November 30, 2011, and

WHEREAS, the Niagara County Legislature, by Home Rule Message Resolution AD-015-11 enacted May 17, 2011, and by imposition resolution CW-001-11 enacted August 22, 2011, enacted and imposed an extension of the additional 1% sales and use taxes pursuant to Article 29 of the Tax Law of the State of New York and Chapter 240 of Laws of 2011 effective December 1, 2011 ending November 30, 2013, and

WHEREAS, the Niagara County Legislature, by Home Rule Message Resolution AD-009-13 enacted May 21, 2013 requested the New York Legislature to amend the Tax Law, to authorize Niagara County to continue to impose said additional one percent (1%) rate of sales and use taxes from December 1, 2013 to November 30, 2015, and

WHEREAS, the New York Legislature, by passage of Chapter 219 of Laws of 2013, amended the Tax Law to authorize such extension, now, therefore,

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

SECTION 1. Section 4-A of a resolution enacted by the Legislature of the County of Niagara on December 3, 1968, as amended, imposing sales and compensating use taxes, is amended to read as follows:

SECTION 4-A. Imposition of additional rate of sales and compensating use taxes.

Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and shall be paid an additional one percent rate of sales and compensating use taxes, for the period beginning March 1, 2003, and ending November 30, 2015. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating to or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exceptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

SECTION 2. Paragraph (B) of subdivision (1) of section 11 of a resolution enacted by the Legislature of the County of Niagara on December 3, 1968, as amended, imposing sales and compensating use taxes, is amended to read as follows:

(B) With respect to the additional tax of one percent imposed for the period beginning March 1, 2003, and ending November 30, 2015, in respect to the use of property used by the purchaser in this County prior to March 1, 2003.

SECTION 3. Subdivision (d) of section 14 of a resolution enacted by the Legislature of the County of Niagara on December 3, 1968 as amended, imposing sales and compensating use taxes, is amended to read as follows:

(d) Notwithstanding any contrary provision of the law, if the County imposes the additional one percent rate of sales and compensating use taxes authorized by section 1210 of the New York State Tax Law for all or any portion of the period beginning March 1, 2003, and ending November 30, 2015, the County shall use all net collections from such additional one percent rate to pay the County's expenses for Medicaid. The net collections from the additional one percent rate imposed pursuant to such section 1210 shall be deposited in a special fund to be created by the County separate and apart from any other funds and accounts of the County. Any and all remaining net collections from such additional one percent tax, after the Medicaid expenses are paid, shall be deposited by the County in the County's general fund for any County purpose.

SECTION 4. This enactment shall take effect December 1, 2013.

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee

DATE: 08/06/13

RESOLUTION # AD-020-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
AD - 7/30/13

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

AMENDMENT OF THE PURCHASE AGREEMENT, AND AUTHORIZATION TO CLOSE THE SALE OF SURPLUS PROPERTY AT MOUNT VIEW HEALTH FACILITY

WHEREAS, the Niagara County Legislature passed resolution CW-001-12, on July 11, 2012 approving the sale contract for the sale of the surplus property commonly known as 5465 Upper Mountain Road, Lockport, New York, including the Mount View Health Facility, its buildings and grounds (the "Property") to Purchaser, David Tosetto, 30 Carrollwood Court, Youngstown, New York principal Mount View Properties, LLC for a sale price of \$550,000.00, and

WHEREAS, the County has been further negotiating with said interested party, as the County will retain easement rights to its self for the various utilities located on said property a non-exclusive right-of-way for ingress and egress, to and from the Property retained by the County and over a driveway located adjacent to the Property, and

WHEREAS, said purchaser has proposed an amendment to the purchase agreement relating to an adjustment in the purchase price and representations by the county of Niagara relating to the Phase I Environmental Site Assessment report of the Property dated May 14, 2014, and further relating to representations by of underground storage tanks located on the Property, and

WHEREAS, the Niagara County Attorney has negotiated, and is preparing a Bargain and Sale Deed for the sale of said real property, along with a declaration covering the aforementioned easement rights and right-of-way, and other reasonable and necessary transfer documents, and

WHEREAS, the Property, easements and right-of-way are further described in Parcel A and Parcel B on the land survey of Macintosh & Macintosh PC, Consulting Engineers, Land Surveyors and Planers, dated February 3, 2004 and revised March 13, 2013 and April 30, 2013, under job number 7049-A1, an assessed under SBL#108.00-1-30 and SBL# 108.00-1-29, and made a part of the terms of sale to Mount View Properties, LLC, and

WHEREAS, the original offered purchase price of \$550,000.00 has been adjusted, pursuant to the terms of the aforementioned contract of sale, as amended, to the net amount of \$196,000.00, now, therefore, be it

RESOLVED, that amendment #1 to the real estate purchase agreement dated July 13, 2012, is hereby approved in all respects, and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized and directed to execute the required documents necessary to effectuate the transfer of the Property (5465 Upper Mountain Road, Lockport, New York), subject to the review and approval of the Niagara County Attorney and the Niagara County Manager.

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and DATE: 08/06/13 RESOLUTION # CSS-022-13

Administration Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CSS - 7/30/13
AD - 7/30/13

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

DISTRICT ATTORNEY- BUDGET MODIFICATION- PROJECT IMPACT IX

WHEREAS, during the 2013 budget process, expenses were estimated and funds were appropriated into cost center CM.02.1989.115 for the District Attorney's Operation IMPACT budget, and

WHEREAS, it is necessary to modify revenue and appropriations in cost center CM.02.1989.115 to re-appropriate training funds not expended in the 2012 budget, now, therefore, be it

RESOLVED, that the following budget modifications be made:

INCREASE REVENUE:

CM.02.1989.115.43389.13 Crime Prevention \$15,288

INCREASE APPROPRIATIONS

CM.02.1989.115.74400.09 Payments to Other Agencies \$15,288

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and

DATE: 08/06/13

RESOLUTION # CSS-023-13

Administration Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CSS - 7/30/13
AD - 7/30/13

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



DISTRICT ATTORNEY BUDGET MODIFICATION & ACCEPTANCE OF PROJECT IMPACT X PROGRAM GRANT

WHEREAS, the Niagara County District Attorney's Office, the Niagara County Probation Department, and the Niagara County Sheriff's Office, in conjunction with the Niagara Falls Police Department, applied for funding under the 2012 Operation IMPACT X (Integrated Municipal Police Anti-Crime Teams) Program, and

WHEREAS, Operation IMPACT is part of a statewide comprehensive strategy to reduce crime in New York State, particularly violent street crime involving illegal guns, gangs and drugs, through improved coordination among federal, state and local law enforcement, and

WHEREAS, The Niagara County District Attorney's Office, the Niagara County Probation Department and the Niagara County Sheriff's Office have received notification that funding has been awarded in the amounts of \$129,600, \$59,000 and \$95,500 respectively, for the period of July 1, 2013 through June 30, 2014, with no required match from Niagara County, and

WHEREAS, during the 2013 budget process, expenses were estimated and funds were appropriated into cost center CM.02.1989.115 for the District Attorney's Operation IMPACT budget, and

WHEREAS, it is necessary to modify revenue and appropriations in cost center CM.02.1989.115 to reflect anticipated expenditures pursuant to the actual award for the remainder of 2013, and

WHEREAS, it is also necessary to modify revenue and appropriations in the Probation Department's 2013 budget for this same reason, and

WHEREAS, the Sheriff's Office has a Correction Officer position #10442, which is currently funded through Project IMPACT and is coterminus with this grant and shall continue to be funded in this manner, and

WHEREAS, the District Attorney's Office has an Assistant District Attorney position #4771, which is also currently funded through Project IMPACT and is coterminus with the grant and shall continue to be funded in this manner, 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, and be it further

RESOLVED, that effective immediately, the following budget modifications be effectuated:

INCREASE REVENUE:

CM.02.1989.115.43389.13	Crime Prevention	\$17,500
A.18.3140.000.43310.04	NYSDCJS	29,300

INCREASE APPROPRIATIONS:

CM.02.1989.115.74400.09	Payments Other Agencies	\$16,500
CM.02.1989.115.74375.08	Communications Internet Service	500
CM.02.1989.115.74250.01	Office Supplies	500
A.18.3140.000.71050.00	Overtime	27,500
A.18.3140.000.71060.58	Beeper Pay	1,500
A.18.3140.000.74600.03	Training & Education	300

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and

DATE: 08/06/13

RESOLUTION # CSS-024-13

Administration Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CSS - 7/30/13
AD - 7/30/13

LEGISLATIVE ACTION

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



2013 BUDGET MODIFICATION EMERGENCY MANAGEMENT OFFICE

WHEREAS, the Emergency Management Office did not fully expend the Legislative Award from 2006,
and

WHEREAS, the remaining balance of the Legislative Award is \$25,685.78, and

WHEREAS, the Fire Coordinator's Office has had repairs made to an existing smoke machine used for
firefighter training, and

WHEREAS, the Fire Coordinator's Office needs to purchase a new ice machine used for firefighter
training, 2 smoke machines used for firefighter training, smoke liquid for the smoke machines, and

WHEREAS, the Fire Coordinator's Office needs to purchase a Rae MiniRae monitor and a ToxiRae
monitor for the Fire Investigation team, now, therefore, be it

RESOLVED, that the following 2013 budget modifications be effectuated:

INCREASE REVENUE:

A.19.3640.000 40599.00	Appropriated Fund Balance	\$14,064.68
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INCREASE APPROPRIATION:

A.19.3410.000 74800.06	Repair/Maintenance	\$1,698.08
A.19.3640.000 72100.14	Materials over \$500	10,935.48
A.19.3640.000 74800.10	Supplies/Services Maint./Misc. Equip	1,431.12
	Under \$500	

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security Committee DATE: 08/06/13 RESOLUTION # CSS-025-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CSS -7/30/13

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

Katherine D. Alexander

ACCEPT GRANT NIAGARA COUNTY SHERIFF'S OFFICE FORENSIC LABORATORY

WHEREAS, the New York State Division of Criminal Justice Services awarded the Niagara County Sheriff's Office Forensic Laboratory a grant in the amount of \$178,200 for the period of July 1, 2013 through June 30, 2014, and

WHEREAS, this grant provides funding to ensure that the Niagara County Forensic Laboratory continues to meet New York State Accreditation Standards, and

WHEREAS, funding allows the County to purchase supplies and to continue to fund a position that performs DNA analysis that works collaboratively with the Erie County Forensic Laboratory, and

WHEREAS, the Sheriff's Office wishes to continue funding a Senior Criminalist to perform DNA analysis and other functions that will allow the Forensic Laboratory to maintain their accreditation, said position is in the 2013 budget, and

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

RESOLVED, that the Senior Criminalist position continue to be co-terminus with the grant, 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 agreement.

COMMUNITY SAFETY & SECURITY
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and

DATE: 08/06/13

RESOLUTION # CSS-026-13

Administration Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CSS - 7/30/13
AD - 7/30/13

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

TRANSFER OF SURPLUS INVENTORY TO THE CITY OF NORTH TONAWANDA

WHEREAS, approval was given to the Sheriff's Office at the May 14, 2013 meeting of the Community Safety and Security committee allowing the Sheriff's Office to dispose of surplus inventory; namely, a 1991 Chevrolet Allegro Bay Mobil Command Center, VIN#1GBKP37N5M3300682, according to the surplus inventory policies established by Resolutions AD-021-03 and AD-017-02, and

WHEREAS, municipalities in Niagara County were duly notified of the availability of the surplus Command Center, and

WHEREAS, only one offer of interest was received, that being from the City of North Tonawanda, now, therefore, be it

RESOLVED, that the Niagara County Legislature award this equipment to the City of North Tonawanda for the donation of \$1.00.

COMMUNITY SAFETY AND SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security Committee DATE: 08/06/13 RESOLUTION # CSS-027-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CSS - 7/30/13

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

Katherine D. Alexander

NIAGARA COUNTY SHERIFF'S OFFICE FORENSIC LABORATORY COVERDELL GRANT

WHEREAS, the Niagara County Sheriff's Office received a renewal grant from the New York State Department of Criminal Justice Services for the Forensic Laboratory for the period of October 1, 2013 through September 30, 2014, and

WHEREAS, this grant funds a part-time clerical position and training expenses, and

WHEREAS, it is desirable to continue such a position to answer the phones, input data and other clerical duties that would relieve the Chemists from the interruptions of such duty, and

WHEREAS, the New York State Department of Criminal Justice Services has approved the position and will continue to fund said position, and

WHEREAS, the position is budgeted in the 2013 budget so no modification needs to be made for the position, now therefore, be it

RESOLVED that the part time clerical position continue to be co-terminus with the grant, and be it further

RESOLVED that prior to the execution of the grant, the County Attorney will review the grant for approval to legal form, language and compliance, 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 grant.

COMMUNITY SAFETY & SECURITY
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Economic Development and Administration DATE: 08/06/13 RESOLUTION # ED-010-13

Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
ED - 7/10/13
AD - 7/30/13

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

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

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

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

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

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

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

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

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

WHEREAS, the Empower Niagara Board has reviewed the formal application of Diversified Manufacturing, Inc. for the use of low cost power for building expansion, utilities and road infrastructure, and new machinery and equipment acquisition for their Lockport facility in Niagara County, and

WHEREAS, the application of Diversified Manufacturing, Inc. 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 200kw (at 70% load factor) of low cost power, which will create 46 full-time positions in Niagara County and require a new load of electricity for this Phase for fabrication, machining and assembly with a cash influx by Diversified Manufacturing, Inc. of more than Four Million Nine Hundred Eighty-Four Thousand Dollars (\$4,984,000.) for this Phase of its building expansion operation, and

WHEREAS, the approval of the Diversified Manufacturing, Inc. application is for 200kw (at 70% load factor) of low cost power will not only support, increase and maintain economic development in the City of Lockport and Niagara County; but also assist Diversified Manufacturing, Inc. 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 Diversified Manufacturing, Inc.'s application for 200kw (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 Diversified Manufacturing, Inc..

ECONOMIC DEVELOPMENT COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Economic Development and Administration DATE: 08/06/13 RESOLUTION # ED-011-13

Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
ED - 7/10/13
AD - 7/30/13

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

APPROVAL OF LOW COST POWER BENEFIT TO DELFINGEN U.S. - NEW YORK, INC. UNDER THE AGREEMENT FOR THE SALE & PURCHASE OF NIAGARA PROJECT POWER & ENERGY (ASPNPPE)

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

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

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

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

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

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

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

WHEREAS, the Empower Niagara Board has reviewed the formal application of Delfingen U.S. - New York, Inc. for the use of low cost power for the renovation of existing space in Wheatfield Business Park in Niagara County, and the acquisition and installation of new machinery and equipment, and

WHEREAS, the application of Delfingen U.S. - New York, Inc. 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 23 full-time jobs requiring a new load of electricity for this acquisition and relocation of a purchased company from outside region for manufacturing of insulation wire harness protection products with a cash influx by Delfingen U.S. - New York, Inc. of more than Four Hundred Seventy-Five Thousand Dollars (\$475,000) for this Phase of its operation, and

WHEREAS, the approval of the Delfingen U.S. - New York, Inc. application is for 150kw (at 70% load factor) of low cost power will not only support, increase and maintain economic development in the Town of Wheatfield and Niagara County; but also assist Delfingen U.S. - New York, Inc. 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 Delfingen U.S. - New York, Inc.'s application for 150kw (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 Delfingen U.S. - New York, Inc..

ECONOMIC DEVELOPMENT COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Economic Development and Administration DATE: 08/06/13 RESOLUTION # ED-012-13

Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
ED - 7/10/13
AD - 7/30/13

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



BUDGET MODIFICATION TO COVER EMPOWER NIAGARA ALLOCATIONS TO DIVERSIFIED MANUFACTURING, INC.

WHEREAS, Diversified Manufacturing, Inc. 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 Diversified Manufacturing, Inc. 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	\$62,107
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INCREASE APPROPRIATION:

A1621.74032	Contractual	\$62,107
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INCREASE REVENUE:

A8020.42188	Empower Niagara	\$62,107
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INCREASE APPROPRIATION:

A8020.74605	Empower Niagara	\$62,107
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ECONOMIC DEVELOPMENT COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Economic Development and Administration DATE: 08/06/13 RESOLUTION # ED-013-13

Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
ED - 7/10/13
AD - 7/30/13

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



BUDGET MODIFICATION TO COVER EMPOWER NIAGARA ALLOCATIONS TO DELFINGEN U.S. - NEW YORK, INC.

WHEREAS, Delfingen U.S. - New York, Inc. 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 Delfingen U.S. - New York, Inc. 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 Cheree J. Copelin, Kathryn L. Lance, Anthony J. Nemi, John Syracuse, Owen T. Steed and Parks, Recreation & Tourism Ad Hoc Committee DATE: 08/06/13 RESOLUTION # IL-039-13

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION <u>Ad hoc - 6/10/13</u>	LEGISLATIVE ACTION
			Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____

SUPPORT FOR THE OLCOTT BEACH ENHANCEMENT PROJECT

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

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

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

WHEREAS, these funds are to be utilized by the Town of Newfane as funds for initiating the revitalization of the Olcott Beach area, and

WHEREAS, the Town of Newfane's application for funding for the enhancement of Olcott Beach, will increase the existing draw of thousands of County residents and taxpayers, as well as the residents of the Town of Newfane who enjoy all of its services, and

WHEREAS, this application will assist the local citizens, taxpayers and business people in increasing the economic recovery of Olcott and surrounding areas, and

WHEREAS, the Town of Newfane and its residents and businesses are part of the Seaway Trail Corridor of the Niagara Power Greenway area, and

WHEREAS, currently its piers and beach wall inhibit the full use and enjoyment of Olcott Beach to its full extent, and

WHEREAS, the application is requesting \$125,000.00 to be utilized along with in-kind effort of engineering materials, supplies and administration of \$15,000.00, and

WHEREAS, the Olcott Beach Enhancement Project has the support and approval of Legislator John Syracuse, Senator George Maziarz and Assemblywoman Jane L. Corwin along with various business concerns in the Town of Newfane, and

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

WHEREAS, the Town of Newfane has utilized great effort and is complimented for its plan to revitalize the Olcott/Krull Beach area, and

WHEREAS, after receipt of in-kind services, the remaining \$125,000.00 necessary is being requested from Niagara County, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the funding of \$125,000.00 for the Olcott Beach Enhancement Project when presented to the Niagara Power Coalition and the Host Community Standing Committee.

LEGISLATOR CHEREÉ J. COPELIN

LEGISLATOR KATHRYN L. LANCE

LEGISLATOR ANTHONY J. NEMI

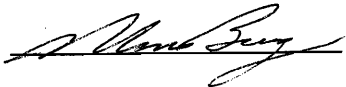
LEGISLATOR JOHN SYRACUSE

LEGISLATOR OWEN T. STEED

PARKS, RECREATION & TOURISM
AD HOC COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Wm. Keith McNall, Anthony J. Nemi and Cheree J. Copelin DATE: 08/06/13 RESOLUTION # IL-040-13

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

RESOLUTION TO IMPLEMENT NIAGARA COUNTY DENTAL CARE NETWORK PROGRAM

WHEREAS, the Health Economics Group, Inc. is a provider of dental programs throughout New York State, and

WHEREAS, the Health Economic Group presented a dental care program for Niagara County residents to the Community Services Committee on June 10, 2013 receiving unanimous approval, and

WHEREAS, this dental program will provide a Niagara County Dental Network Card that enables patients to obtain dental care at reduced costs, and

WHEREAS, the Health Economic Group, Inc. program would make dental care more affordable for seniors and families throughout Niagara County using a Dentemax network of more than 8000 dental practices statewide, and

WHEREAS, the Dentemax group of participating dentists exceed 80 offices in Niagara County, now, therefore, be it

RESOLVED, that the Niagara County Legislature implement the Dental Network Care Program presented by the Health Economic Group for Niagara County residents upon the review and approval of the Niagara County attorney.

LEGISLATOR WM. KEITH MCNALL

LEGISLATOR ANTHONY J. NEMI

LEGISLATOR CHEREE J. COPELIN

NIAGARA COUNTY LEGISLATURE

FROM: Legislators David E. Godfrey, John Syracuse DATE: 08/06/13 RESOLUTION # IL-041-13

and Clyde L. Burmaster

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

Katherine D. Alexander

REQUEST TO THE INTERNATIONAL JOINT COMMISSION TO REJECT THE PROPOSED PLAN 2014 IN ITS ENTIRETY

WHEREAS, the International Joint Commission (IJC) has announced consideration of a new plan that will replace the current regulation plan (58DD) that controls water levels of Lake Ontario and the stated purpose of the new plan, known as PLAN 2014 is to reverse environmental damage caused by the current regulation plan (58D), particularly with regard to the restoration of 65,000 acres of shoreline meadow marsh, and

WHEREAS, PLAN 2014 will increase the current range of water levels that private and public riparian property owners relied on for the last 50 years and according to a peer review conducted by the National Academy of Sciences, the potential environmental benefits of the PLAN 2014 are based upon speculative and unreliable research, and

WHEREAS, projected lake levels under the proposed plan will result in increased duration and frequency of high and low water, significantly increasing the potential for damages to Lake Ontario riparians (estimated at over \$2.2 million per year, which is likely an underestimate) and negatively impacting sport fishing and recreational boating economics across the entire region (estimated at over \$94 million per year), and

WHEREAS, PLAN 2014 greatly decreases protections that exist in the current plan, replacing them with a plan that results in the transfer of prosperity from Niagara County along with other Lake Ontario communities to Hydropower (NYPA and others) who will realize a benefit of approximately \$5.3 million per year on average, and

WHEREAS, Niagara County residents who own property or businesses along the Lake Ontario shore, including its bays, tributaries and ponds, have voiced their concern about a proposed change in the lake levels that would result in significant damage to their properties, and a corresponding decrease in revenues from recreational boaters and fishermen, both locally-based and those traveling internationally, and

WHEREAS, Niagara County residents and elected officials are resolute in protecting the waters, streams, and harbors of Lake Ontario, the home for some of the best sport fishing, pleasure sailing and power-boating in the world, and

WHEREAS, modifying the current range of operation by PLAN 2014 further hinders boating access and when combined with the protracted absence of federal funding for maintenance dredging of our federal shallow draft harbors, will cause significant and measurable negative financial impacts to the local and regional economy, now, therefore, be it

RESOLVED, the Niagara County Legislature does herewith respectfully request that the International Joint Commission *reject* in its entirety all current plans for the implementation of the PLAN 2014, and be it further

RESOLVED, that the IJC immediately enact a moratorium on the development of any future proposals to modify the range of water levels on Lake Ontario until the completion of a thorough, objective and all inclusive analysis of the potential economic damages on tourism, recreation, business and residences along the south shore of Lake Ontario (including properties located along harbors, rivers and streams) with a specific section dedicated to the thorough evaluation of damages in Niagara County where impacts have been identified as the most acute, and be it further

RESOLVED, that as part of this study, the Niagara County Legislature further recommends the Commission also assess the amount of civil work and financial assistance required to mitigate the damage of any future plans, and identify funding sources available to offset said actions, and be it further

RESOLVED, that this study must also evaluate the environmental impacts of repeated flooding of the built environment, to include the identification of the constituents of point and non-point source runoff and the impacts of sediment and nutrient loading on the quality of water in the impacted areas, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the International Joint Commission, Governor Andrew M. Cuomo, the New York Department of State, Joe Martens, Commissioner of the New York State Department of Environmental Conservation, the New York State Environmental Facilities Corporation, U.S. Senator Charles E. Schumer, U.S. Senator Kirsten E. Gillibrand, U.S. Congressman Chris Collins, Senate Environmental Conservation Committee, State Senator George Maziarz, Assemblywoman Jane Corwin, and all others deemed necessary and proper.

LEGISLATOR DAVID E. GODFREY

LEGISLATOR JOHN SYRACUSE

LEGISLATOR CLYDE L. BURMASTER

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Cheree J. Copelin and Paul B. Wojtaszek DATE: 08/06/13 RESOLUTION # IL-042-13

Wojtaszek

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, S.2129-2013/A.835A-2013 UPON COMMENCEMENT OF ANY REGULAR OR EXTRAORDINARY SESSION OF THE LEGISLATURE

WHEREAS, on July 3, 2013, an emaciated seven-week-old Labrador Retriever mix puppy named "Jonah" died in Niagara Falls while undergoing emergency veterinary care, and

WHEREAS, Jonah, his mother, "Nellie," and a third dog were removed from a 12th Street, Niagara Falls apartment on June 30, 2013, the conditions of said apartment being described in news reports as "deplorable" with the Niagara County SPCA determining the dogs were living among weeks' worth of their own feces and urine, and

WHEREAS, the owner of the three dogs has been charged with violation of §353 of the Agriculture and Markets Law, a Class A misdemeanor, such penalty currently being the highest allowable for animal cruelty and failure to provide sustenance in the State of New York, and

WHEREAS, the maximum penalty for a Class A misdemeanor is one year imprisonment, and

WHEREAS, the Honorable Mark Grisanti, Senator for the 60th District, who formerly represented the City of Niagara Falls, did introduce, in this session, S.2129, an act titled "Phoenix's Law," that would double the penalties imposed under §353 of the Agriculture and Markets Law and impose felony convictions and psychiatric testing on those convicted of aggravated animal cruelty, and

WHEREAS, the Buffalo-Niagara Region has seen several other high-profile cases of neglect and abuse in recent months, including the discovery of "Gladys," an eight-week-old puppy with a broken jaw in a garbage can, and "Dillan," a neglected and starved three-month-old puppy found living in bad conditions that was half the size he should have been and continues to have digestive problems due to early maltreatment, and

WHEREAS, Phoenix's Law was introduced in response to a similarly horrific case of animal abuse in the City of Buffalo, and

WHEREAS, the Legislature of the County of Niagara deplores cruelty and maltreatment of domestic pets, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara calls upon the New York State Senate to, upon convening for any regular or extraordinary session in 2013 or 2014, immediately take up and pass S.2129-2013, and be it further

RESOLVED, that the Legislature of the County of Niagara does hereby call upon the New York State Assembly to, upon convening for any regular or extraordinary session in 2013 or 2014, immediately take up and pass A.835A-2013, and be it further

RESOLVED, that the Legislature of the County of Niagara urges the Honorable Andrew M. Cuomo, Governor of the State of New York, to sign such legislation into law upon its passage, or, absent enacted legislation, to urge passage of the same by the New York State Legislature, and be it further

RESOLVED, that the Legislature of the County of Niagara commends the Niagara County SPCA and the Niagara Falls Police Department for their efforts to save the dogs identified in this resolution, as well as their pursuit of adequate criminal charges against Jonah's owner, 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; Senator Mark Grisanti; Member of the Assembly Jane L. Corwin; Member of the Assembly Ray Walter; Member of the Assembly John D. Ceretto; Member of the Assembly Robin Schimminger; Member of the Assembly Sean Ryan; Speaker of the Assembly Sheldon Silver; Assembly Majority Leader Joseph Morelle; Assembly Minority Leader Brian M. Kolb; and all others deemed necessary and proper.

LEGISLATOR CHEREÉ J. COPELIN

LEGISLATOR PAUL B. WOJTASZEK

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee

DATE: 08/06/13

RESOLUTION # PW-072-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 7/22/13

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

EXTENSION OF SNOW AND ICE AGREEMENT WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION 2013-2014

WHEREAS, the County of Niagara, pursuant of Section 12 of the Highway Law, relating to the control of snow and ice on State highways in towns and incorporated villages, has heretofore entered into an agreement with the State of New York for such purposes, and

WHEREAS, Section 7 of said agreement provides that the Commissioner of Public Works shall furnish the municipality with a suitable map for each term of the agreement, and

WHEREAS, Section 190 of the said agreement provides for an annual update of the estimated expenditure to be determined by the Commissioner of Public Works, subject to the provisions of Section 10 at the time for extension of the agreement, and

WHEREAS, it would be in the best interest of Niagara County to extend the agreement, as modified and updated, for the 2013-2014, and

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

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

PUBLIC WORKS COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee

DATE: 08/06/13

RESOLUTION # PW-073-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

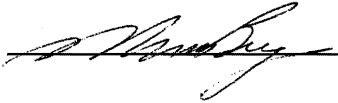
COMMITTEE ACTION
PW - 7/22/13

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____



**PROJECT FOR SAFETY IMPROVEMENTS AT THE INTERSECTION OF RANSOMVILLE ROAD AND
BRALEY ROAD, TOWN OF PORTER, NIAGARA COUNTY, PIN 5759.01**

WHEREAS, the Project for Safety Improvements at the intersection of Ransomville Road and Braley Road, Town of Porter, Niagara County, PIN 5759.01, (the "Project") is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 90% Federal funds and 10% Non-Federal Funds, and

WHEREAS, the County of Niagara desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design V & VI) and Right-of-Way (Incidentals and Acquisition) phases of the project, PIN 5759.01, now, therefore, be it

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

RESOLVED, that the Legislature of the County of Niagara hereby authorizes the County of Niagara to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design V&VI) and Right-of-Way (Incidentals and Acquisition) phases of the Project or portions thereof, and be it further

RESOLVED, that the sum of \$19,900 is hereby appropriated in account H589.15.5112.000.72600.01, and made available to cover the cost of participation in the above phases of the Project, and be it further

RESOLVED, that in the event the amount required to pay the full Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Design V&VI) and Right-of-Way (Incidentals and Acquisition) phases exceeds the amount appropriated above, the County of Niagara shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further

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

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

RESOLVED, that this resolution shall take effect immediately.

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee

DATE: 08/06/13

RESOLUTION # PW-074-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 7/22/13

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____



AWARD CONSULTANT SERVICES FOR RANSOMVILLE AND BRALEY ROAD INTERSECTION PROJECT

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with survey and right-of-way issues for the Ransomville and Braley Road intersection project, and

WHEREAS, funds are available in account H589.15.5112.000 72600.01, Infrastructure Roads, 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 survey and right-of-way issues for the Ransomville and Braley Road Intersection Project be awarded to Clough, Harbour and Associates, LLP, 2200 Main Place Tower, Buffalo, NY 14202, for a fee not to exceed \$18,000, and be it further

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

PUBLIC WORKS COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration

DATE: 08/06/13

RESOLUTION # PW-075-13

Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 7/22/13
AD - 7/30/13

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

YOUNGSTOWN ROAD EMBANKMENT STABILIZATION PROJECT

WHEREAS, Niagara County Public Works has identified an area on Youngstown Road that requires embankment improvements, and

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

WHEREAS, the funding for this project will be one-hundred percent (100%) State Aid, and

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

RESOLVED, that the consultant services to assist the County with the survey work for the Youngstown Road Embankment Stabilization Project, be awarded to, GPI, 4950 Genesee St, Suite 165, Buffalo, NY 14225, for a contract amount of \$6,500, and be it further

RESOLVED, that the following budget modification be effectuated:

INCREASE ANTICIPATED REVENUE:

H5XX.15.5112.000.43501.00	Consolidated Highway Aid	\$20,000
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INCREASE ANTICIPATED APPROPRIATIONS:

H5XX.15.5112.000.72600.01	Infrastructure Roads	\$20,000
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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

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration

DATE: 08/06/13

RESOLUTION # PW-076-13

Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

PW - 7/22/13

Approved: Ayes _____ Abs. _____ Noes _____

AD - 7/30/13

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____



**KRULL PARK BASKETBALL COURT CONTRACT
CHANGE ORDER NO. 1 - FINAL**

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

WHEREAS, due to adjustments in contract quantities, it is necessary to reduce the contract in the amount of \$1,145.00, for a revised contract amount of \$45,705.00, and

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

RESOLVED, that Change Order No. 1 – Final to deduct \$1,145.00 from the contract for the Krull Park Basketball Court, for a revised contract amount of \$45,705.00, to American Paving & Excavating Inc., 5880 Thompson Road, Clarence Center, NY 14032, be approved, and be it further

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

PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE