



AGENDA
NIAGARA COUNTY LEGISLATURE
December 8, 2015 – 7:00 P.M.

Regular Meeting – December 8, 2015

- AD-032-15** Administration, re Approval of Voting Machine Agreement between the County of Niagara & the Lockport City School District (Section 3-224, NYS Election Law) – Board of Elections
- CW-017-15** Committee of the Whole, re Authorization to Submit a Grant Application to the NYS Office of Community Renewal for Small Cities Funding
- CW-018-15** Committee of the Whole, re Resolution Pursuant to Section 268 of the County Law Declaring it is in the Public Interest to Undertake the Increase & Improvements of Niagara County Refuse Disposal District Facilities Project, as Modified, Consisting of the Construction & Placement of a Cap on the District's C&D Landfill & Improvements to the Leachate Collection Systems for the C&D & Municipal Solid Waste Landfill 2
- CW-019-15** Committee of the Whole, re Claim Settlement United States of America v. County of Niagara (Index No.: 13-CV-00503)
- CW-020-15** Committee of the Whole, re Budget Modification – Special Litigations & Legal Expenses, County Attorney
- IF-142-15** Infrastructure & Facilities, re Niagara County Support Resolution for Local Roads & Bridges Funding
- IL-124-15** Legislator John Syracuse & Economic Development, re In Support of the Newfane Women's Lacrosse Club Through the Use of Casino Funding
- IL-125-15** Legislators Jason A. Zona, Mark J. Grozio, Dennis F. Virtuoso, Owen T. Steed, re Adoption of a Local Law Prohibiting the Sale of Personal Cosmetic Products Containing Microbeads in Niagara County

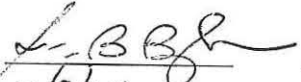


Mary Jo Tamburlin, Clerk
Niagara County Legislature

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

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 12/08/15 RESOLUTION # AD-032-15

APPROVED CO. ATTORNEY  <u>12/3/15</u>	REVIEWED CO. MANAGER 	COMMITTEE ACTION <u>AD - 12/8/15</u> 	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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APPROVAL OF VOTING MACHINE AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE LOCKPORT CITY SCHOOL DISTRICT (§3-224, NEW YORK STATE ELECTION LAW)

WHEREAS, the Lockport City School District will be conducting an election on January 12, 2016 and requires the use of the Niagara County Board of Elections voting equipment in connection with this election, and

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

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

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

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

RESOLVED, that pursuant to the provisions of §3-224 of New York State Election Law, the Chair of the Niagara County Legislature and the Niagara County Election Commissioners are authorized and directed to execute and deliver an agreement, in substantially the form of agreement now filed with the Clerk of the Legislature between and among the County of Niagara, the Niagara County Election Commissioners and the Lockport City School District for the provision, by the County of Niagara, of sufficient voting equipment, including the programming thereof, to the Lockport City School District in connection with an election scheduled to be held the 12th day of January 2016, and be it further

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

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

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Committee of the Whole DATE: 12/08/15 RESOLUTION # CW-17-15

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER


COMMITTEE ACTION
CW - 12/8/15

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____


12/3/15

AUTHORIZATION TO SUBMIT A GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL FOR SMALL CITIES FUNDING

WHEREAS, Borderworx Logistics, LLC ("Borderworx"), plans to construct, equip, and furnish a 50,000 square foot warehouse/light industrial building on a vacant 31-acre site in the Vantage International Business Park in Sanborn, NY for warehousing, distribution, consolidations, customs brokerage, and trade consulting for companies in Canada and the United States seeking to reduce finished product storage costs and expedite cross border transportation of their products, and

WHEREAS, the Company has requested that the County apply for funding on its behalf from the New York State Office of Community Renewal (the "OCR") to finance a portion of the machinery and equipment and working capital costs for the project, and

WHEREAS, the Niagara County Development Corporation (the "NCDC") is assisting in the facilitation of the Project and has requested that the County provide the OCR funding to the NCDC as a grant for the purpose of making a loan or loans to the Company, and

WHEREAS, the Project will result in substantial benefit to the County in the form of an estimated 53 new permanent full-time employment positions within three years, and

WHEREAS, the County has held a public hearing on December 8, 2015 in the Legislative Chambers located at the Niagara County Courthouse, 175 Hawley Street, Lockport, New York at 6:45 PM to obtain citizens' views regarding the CDBG program as administered by OCR and the Project, now, therefore, be it

RESOLVED, that the County is hereby authorized to submit a grant application on behalf of the County in the approximate amount of \$266,000 to the OCR to support the Project, and be it further

RESOLVED, that the Chairman of the Legislature, be and hereby is, authorized to execute documents between the County and the OCR and all related documents associated with the OCR grant application, such documents to be subject to review and approval by the County Attorney, and be it further

RESOLVED, that the Chairman is hereby designated as the Certifying Officer responsible for all activities associated with the federal environmental review process to be completed in conjunction with the Project.

COMMITTEE OF THE WHOLE

NIAGARA COUNTY LEGISLATURE

FROM: Committee of the Whole DATE: 12/08/15 RESOLUTION # CW-18-15

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION
CW - 12/8/15

LEGISLATIVE ACTION

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

RESOLUTION PURSUANT TO SECTION 268 OF THE COUNTY LAW DECLARING IT IS IN THE PUBLIC INTEREST TO UNDERTAKE THE INCREASE AND IMPROVEMENT OF NIAGARA COUNTY REFUSE DISPOSAL DISTRICT FACILITIES PROJECT, AS MODIFIED, CONSISTING OF THE CONSTRUCTION AND PLACEMENT OF A CAP ON THE DISTRICT'S C&D LANDFILL AND IMPORVEMENTS TO THE LEACHATE COLLECTION SYSTEMS FOR THE C&D AND MUNICIPAL SOLID WASTE LANDFILL 2.

WHEREAS, this Legislature, on June 16, 2015, after a public hearing was conducted, passed a Public Interest Resolution (#IF-084-15) and authorized the Interim Administrator of the Niagara County Refuse Disposal District to undertake a Project consisting of the improvement of the facilities of the Niagara County Refuse District, and

WHEREAS, the Interim Administrator of the Refuse Disposal District subsequently submitted and filed with the Legislature a report and request for modifications to the Project, along with an Amended Map, Plan and Report, prepared by the firm of CHA, engineers duly licensed in the State of New York, which includes an estimate of the cost relating to the proposed increase and improvement of the facilities of the Niagara County Refuse Disposal District, as modified. The Project as modified consists of the construction and placement of a cap on the Construction and Demolition Debris Landfill (C&D Landfill) located off County Route 93 Bypass, Lockport, New York, and the construction of improvements to the leachate collection systems for the C&D Landfill once capped and Municipal Solid Waste Landfill 2 located at the same site, including all related, incidental and ancillary improvements, equipment, machinery, apparatus, costs and expenses in connection therewith (collectively, the "Project"), and

WHEREAS, at a meeting of the Niagara County Legislature, the County, acting as lead agency under the New York State Environmental Quality Review Act, constituting Article 9 of the Environmental Construction Law and the regulations promulgated thereunder (collectively referred to herein as "SEQRA"), by resolution adopted May 19, 2015, determined that the Project constitutes an "unlisted action" that will not have a significant effect on the environment, and issued a Negative Declaration under SEQRA, and

WHEREAS, at a meeting of the County Legislature duly called and held on November 17, 2015, a resolution was duly adopted by it and entered in the minutes specifying the County Legislature would hold a public hearing on the requested modifications to the Project, including the modified maximum estimated cost of \$2,500,000, to hear all persons interested in the subject concerning the same on December 1, 2015 at 5:45 p.m. at the Niagara County Courthouse, 175 Hawley St., Lockport, New York, and

WHEREAS, notice of said public hearing certified by the Clerk of the Legislature was duly published and posted as required by law, to wit: a duly certified copy thereof was published in the official newspapers of the County, on November 20, 2015 and a copy of such order was posted on December 7, 2015 on the signboard maintained by the County Clerk, and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard;

NOW THEREFORE, THE COUNTY LEGISLATURE OF THE COUNTY OF NIAGARA, NEW YORK, HEREBY RESOLVES, AS FOLLOWS:

SECTION 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to undertake the Project, as modified, of increase and improvement of the facilities of the Niagara County Refuse Disposal District, consisting of the construction and placement of a cap on the Construction and Demolition Debris Landfill (C&D Landfill) located off County Route 93 Bypass, Lockport, New York, and the construction of improvements to the leachate collection systems for the C&D Landfill once capped and Municipal Solid Waste Landfill 2 located at the same site, including all related, incidental and ancillary improvements, equipment, machinery, apparatus, costs and expenses in connection therewith all as more particularly described in the Map, Plan and Report, at a maximum estimated cost of \$2,500,000.

SECTION 2. The Interim Administrator of the Refuse Disposal District shall proceed with these improvements in the manner set forth in County Law Section 262.

SECTION 3. That this Legislature has determined that the improvement of facilities project, as modified, is in the public interest and will not constitute an undue burden on the property which will bear the cost thereof, and that such additional information as is required shall be submitted to the office of the State Comptroller in furtherance of the previously submitted application for permissions to proceed.

SECTION 4. This order shall take effect immediately.

COMMITTEE OF THE WHOLE

NIAGARA COUNTY LEGISLATURE

FROM: Committee of the Whole DATE: 12/08/15 RESOLUTION # CW-019-15

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION
CW - 12/8/15

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

CLAIM SETTLEMENT

UNITED STATES OF AMERICA V. COUNTY OF NIAGARA (INDEX NO.: 13-CV-00503)

WHEREAS, the County of Niagara self-insures its general liability coverage, and

WHEREAS, such loss fund is fully funded and separate from the General Fund, and

WHEREAS, the County Legislature is authorized under Section 6-N of the General Municipal Law to approve claim settlements in excess of \$25,000.00, and

WHEREAS, United States of America v. Niagara County, Index No.: 13-CV-00503 (Carisa L. Boddecker Litigation") presents an opportunity for settlement thereby avoiding additional litigation, trial and adverse verdict costs, now, therefore, be it

RESOLVED, that the authority to settle the United States of America v. Niagara County, "Carisa L. Boddecker litigation" is given to the Niagara County Attorney, upon completion and receipt of a General Release, Stipulation of Discontinuance, and Consent Decree from Plaintiff's counsel and the United States' Department of Justice. Upon final settlement, all settlement documents shall be reviewed and approved by the Niagara County Attorney for execution by the Chairman of the Niagara County Legislature..

COMMITTEE OF THE WHOLE

NIAGARA COUNTY LEGISLATURE

FROM: Committee of the Whole DATE: 12/08/15 RESOLUTION# CW-020-15

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION <u>CW - 12/8/15</u>	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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[Signature: B. B.]
12/8/15

BUDGET MODIFICATION - SPECIAL LITIGATIONS AND LEGAL EXPENSES, COUNTY ATTORNEY

WHEREAS, the Niagara County Attorney's Office is the legal representative for the County of Niagara and in such role often requires the assistance of outside counsel due to necessity of litigation expertise, and other reasons which preclude the Niagara County Attorney's Office from them providing such representation, and

WHEREAS, it is necessary to have sufficient funds available to compensate outside counsel for legal representation of Niagara County, and

WHEREAS, the funds which have been previously allocated to Niagara County for the hiring of outside counsel have been fully utilized and as a result, the Niagara County Attorney's Office is in a position that it is unable to effectively carry out the necessary assignment of legal assistance, and

WHEREAS, it is anticipated that the remaining 2015 costs for outside counsel will be in the approximate amount of \$90,000, now, therefore, be it

RESOLVED, that the following line item transfer be effectuated:

FROM:

A.08.1990.000 74500.01	Contingency	\$4,831
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TO:

A.11.1930.110 74500.01	Special Litigations	\$4,831
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INCREASE REVENUE:

A 40599.00	Fund Balance	\$84,808
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INCREASE APPROPRIATIONS:

A.11.1930.110 74500.01	Special Litigations	\$9,808
A.11.1420.000 74350.02	Legal Expenses	\$75,000

COMMITTEE OF THE WHOLE

NIAGARA COUNTY LEGISLATURE

FROM: Infrastructure & Facilities Committee

DATE: 12/08/2015

RESOLUTION # IF-142-15

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
IF - 12/08/15

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

NIAGARA COUNTY SUPPORT RESOLUTION FOR LOCAL ROADS AND BRIDGES FUNDING

WHEREAS, a reliable transportation infrastructure is vital for the safety of New York's traveling public and its economy, and

WHEREAS, 85 percent of New York's roads and bridges are maintained by local governments, and

WHEREAS, despite well-timed and targeted preventative maintenance treatments, the age and condition of many of our locally-owned transportation assets means that they are beyond preservation and in need of much more costly rehabilitation and reconstruction, and

WHEREAS, estimates by the State Comptroller, DOT and independent studies show a large portion of road mileage is deteriorating and many bridges in the state are rated structurally deficient and functionally obsolete, and

WHEREAS, the State Comptroller estimates that there will be \$89 billion in unmet local infrastructure needs over the next 20 years, and

WHEREAS, the New York State Association of Town Superintendents of Highways, and New York State County Highway Superintendents Association have commissioned their own 15 year analysis that indicates an annual funding gap of \$1.3 billion for the local system (excluding NYC) alone, and

WHEREAS, funding for our local system has been far short of what is needed, and we've fallen further and further behind in maintaining the vast and aging transportation infrastructure over this long period with severe consequences for conditions ratings, and

WHEREAS, the New York State Consolidated Local Street and Highway Program (CHIPS) provides essential funding for every municipality in the state, and is part of the New York State Department of Transportation (NYSDOT) capital program, and

WHEREAS, in the early 1990's the Governor and Legislature created the Dedicated Highway and Bridge Trust Fund (DHBTF) to pay for the NYSDOT capital program and the Dedicated Mass Transit Trust Fund (DMTTF) to assist with the Metropolitan Transportation Authority (MTA) and other transit systems' capital programs, and

WHEREAS, when the DHBTF was created, it was agreed that the NYSDOT and MTA five-year capital programs would be similar in size and would be negotiated concurrently, and

WHEREAS, through 2005-09, both five-year capital programs were similar in size and adopted within months of each other, and

WHEREAS, in 2010 the Executive and Legislature broke traditional parity and enacted a five-year capital program for the MTA but not the DOT, now, therefore, be it

RESOLVED, that the County of Niagara calls upon the Governor and the state Legislature to make additional state funding and resources available at levels that accurately reflect the critical needs of local roads and bridges; and increase CHIPS funding in the 2016-17 state budget, and be it further

RESOLVED, that the County of Niagara calls upon the Governor, and members of the state Legislature to fully fund and submit a new NYSDOT five-year transportation capital plan, and be it further

RESOLVED, that the County of Niagara calls upon the Governor and members of the state Legislature to recognize the equality of roads, bridges and transit by restoring funding equality between the MTA and NYSDOT five-year programs, and by voting on the plans simultaneously, be it further

RESOLVED, that a copy of this resolution will be sent to our local state Senate, and Assembly representatives.

INFRASTRUCTURE AND FACILITIES
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Legislator John Syracuse and DATE: 12/08/15 RESOLUTION # IL-124-15
Economic Development Committee

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

**RESOLUTION IN SUPPORT OF THE NEWFANE WOMEN'S LACROSSE CLUB
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, the Newfane Women's Lacrosse Club is planning a Women's Lacrosse Club Tournament in the spring of 2016, and

WHEREAS, the Newfane Women's Lacrosse Club is a self-sufficient club, dedicated to providing an atmosphere whereby girls can further their ability in lacrosse, while also advancing their sportsmanship and leadership skills in an encouraging environment, and

WHEREAS, the 2016 Spring Tournament will host local lacrosse teams and clubs, and also teams from Canada, Ohio and Pennsylvania, and

WHEREAS, this tournament will positively impact local hotels, businesses and restaurants in the Town of Newfane and surrounding areas, and

WHEREAS, Niagara County is desirous of promoting initiatives that support community pride and bring positive returns to county businesses, promoting their continued success, now, therefore, be it

RESOLVED, that Niagara County supports the Newfane Women's Lacrosse Club as follows:

Newfane Women's Lacrosse Club \$2,000.00

and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2015 budget:

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01 Appropriated Fund Balance - Committed Funds \$2,000.00

INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund \$2,000.00

LEGISLATOR JOHN SYRACUSE

ECONOMIC DEVELOPMENT COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Jason A. Zona, Mark J. Grozio DATE: 12/08/2015 RESOLUTION # IL-125-15
Dennis F. Virtuoso & Owen T. Steed

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

**ADOPTION OF A LOCAL LAW PROHIBITING THE SALE OF
PERSONAL COSMETIC PRODUCTS CONTAINING MICROBEADS IN NIAGARA COUNTY**

WHEREAS, Legislator Jason Zona present in writing the following proposed Local Law:

A Local Law prohibiting the sale of personal cosmetic products containing microbeads in Niagara County;

WHEREAS, a public hearing was held on December 1, 2015 at 6:45 p.m. in the Legislative Chambers, Niagara County Courthouse, Lockport, New York, on said Local Law, and

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

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

RESOLVED, that a Local Law prohibiting the sale of personal cosmetic products containing microbeads in Niagara County be it enacted by the Legislature of the County of Niagara, New York as follows:

Section 1. The Niagara County Legislature hereby prohibits and bans any person, firm, corporation or any other entity, no matter how constructed to sell, offer or expose for sale, give or furnish any personal cosmetic product which contains microbeads as defined as follows:

- (a) Any article intended to be rubbed, poured, sprinkled or sprayed on, introduced into, or otherwise applied to the human body, or any part thereof for cleansing or beautifying, promoting attractiveness, including, but not limited to soap, exfoliates, shampoo, toothpastes and scrubs and (b) article intended for use as a component of any such article. The term "personal cosmetic product" shall not include any product for which a prescription is required for distribution or dispensation as provided in section two hundred eighty-one of New York State Public Health Law or section six thousand eight hundred ten of New York State Education Law

Section 2. Any person, firm, corporation, or other entity who violates this local law shall be liable for a civil penalty not to exceed twenty-five hundred dollars for each day this violation continues. For a second violation, any person, firm, corporation, or other who violates this local law shall be liable for a civil penalty not to exceed five thousand dollars for each day this violation continues.

Section 3. The Niagara County Attorney may bring action in the name of Niagara County to recover the civil penalty provided by this local law, and, be it further

Section 4. This law will become null and void on the day state wide or federal legislation goes into effect banning personal care products containing microbeads from being sold

Section 5. This local law will take effect one hundred and eighty days after this local law is filed with the NYS Secretary of State's Office.

LEGISLATOR JASON A. ZONA

LEGISLATOR MARK J. GROZIO

LEGISLATOR DENNIS F. VIRTUOSO

LEGISLATOR OWEN T. STEED