


AGENDA
NIAGARA COUNTY LEGISLATURE
DECEMBER 3, 2013 – 7:00 P.M.

Regular Meeting – December 3, 2013

- *AD-027-13** Administration, re Distribution of Mortgage Tax – Treasurer
- *AD-028-13** Administration, re Re-appropriate Funds for the William G. Mayne Jr. Business Community Enhancement Program – Economic Development
- CSS-030-13** Community Safety & Security, re Niagara County and Niagara County Sheriff's Office Adoption of Law Enforcement Officers Safety Act – Sheriff
- *CSS-034-13** Community Safety & Security & Administration, re Accept Federal Revenue – SCAAP Program – Sheriff
- IL-054-13** Legislators Paul B. Wojtaszek, Richard E. Updegrave & John Syracuse, re Resolution Opposing the Use of the Niagara County Seal by the State of New York Without the Consent of the Niagara County Clerk or the Legislature of the County of Niagara
- IL-055-13** Legislators William L. Ross, David E. Godfrey & Peter E. Smolinski, re Resolution Calling on the New York State Legislature to Enact, and Governor Cuomo to Sign Into Law, S.5953 to Honor Our Veterans
- *PW-093-13** Public Works, re Lease Agreement with NCCC for the Trott ACCESS Center 2013-2014
- *PW-094-13** Public Works, re Agreement between the State of New York Unified Court System and the County of Niagara
- *PW-095-13** Public Works & Administration, re Beebe Road Reconstruction Project - Change Order No 3
- *PW-096-13** Public Works, re Upper Mountain Road Pavement Preservation Project, From CR64, Thrall Road to NY Routes 93 & 270, Lockport Junction Road, in the Town of Cambria, Niagara County, PIN 5758.54
- *PW-097-13** Public Works & Administration, re Youngstown Road Bridge Rehabilitation Consultant Services – Amendment No 1
- *PW-098-13** Public Works, re Inter-Municipal Agreement with the Town of Lockport

***PW-099-13** Public Works & Administration, re Capital Project Close Outs

***PW-100-13** Public Works & Administration, re Mapleton Road Pump Station Emergency Rehabilitation – Sewer


Mary Jo Tamburlin, Clerk
Niagara County Legislature

* **Indicates Preferred Agenda items**

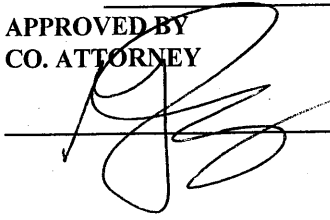
Attachments for resolutions may be obtained in the office of the Clerk of the Legislature upon request.

The next meeting of the Legislature will be held on December 17, 2013.

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 12/03/13 RESOLUTION # AD-027-13

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION <u>AD - 11/26/13</u>	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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DISTRIBUTION OF MORTGAGE TAX

WHEREAS, Niagara County has received mortgage tax monies for the period April 1, 2013 through September 30, 2013 in the amount of \$2,983,916.43, and

WHEREAS, the Recording Officer has previously distributed \$678,647.64 to the Niagara Frontier Transportation Authority, \$669,912.50 to the State Mortgage Tax Agency, and retained \$133,033.68 for approved county administrative expenses, and

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

RESOLVED, that the sum of \$1,502,322.61 reflects mortgage tax monies for the period April 1, 2013 through September 30, 2013 to be distributed, and the same be and hereby is, apportioned as follows among the various towns, villages and cities of the County of Niagara:

TOWNS	Cambria	\$ 47,896.66
	Hartland	23,247.93
	Lewiston	172,752.42
	Lockport	187,046.53
	Newfane	56,245.01
	Niagara	48,120.48
	Pendleton	94,723.08
	Porter	44,554.81
	Royalton	43,269.46
	Somerset	15,309.91
	Wheatfield	239,303.12
	Wilson	40,057.34

VILLAGES	Middleport (Hartland)	\$ 354.99
	Middleport (Royalton)	3,554.35
	Lewiston	20,753.94
	Youngstown	8,528.09
	Barker	1,292.42
	Wilson	4,000.57

CITIES	Lockport	\$ 92,084.06
	Niagara Falls	161,465.74
	North Tonawanda	<u>197,761.70</u>
	TOTAL:	\$1,502,322.61

and be it further

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

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee

DATE: 12/03/13

RESOLUTION # AD-028-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
AD - 11/26/13

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

**RE-APPROPRIATE FUNDS FOR THE WILLIAM G. MAYNE, JR.
BUSINESS COMMUNITY ENHANCEMENT PROGRAM**

WHEREAS, the Niagara Falls Bridge Commission deposits voluntary payment funds with Niagara County to be dedicated towards beautification projects in Niagara County that meet certain criteria, and

WHEREAS, there are unexpended funds for the program remaining from the 2012 Budget for the William G. Mayne Jr. Business Community Enhancement Program in the committed fund balance, now, therefore, be it

RESOLVED, that the following 2013 budget modification be effectuated:

INCREASE REVENUE:

A.28.8020.811 40599.01 Appropriated Fund Balance Committed Funds \$2,757.07

INCREASE APPROPRIATION:

A.28.8020.811 74550.29 Beautification Program \$2,757.07

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security Committee

DATE: 12/03/13

RESOLUTION # CSS-030-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CSS -

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

**NIAGARA COUNTY AND NIAGARA COUNTY SHERIFF'S OFFICE
ADOPTION OF THE LAW ENFORCEMENT OFFICERS SAFETY ACT**

WHEREAS, on July 22, 2004 then President George W. Bush signed the "Law Enforcement Officers Safety Act", and

WHEREAS, this law exempts qualified active and retired law enforcement officers from state and local prohibitions on the carrying of concealed firearms, and

WHEREAS, in order to be eligible for this exemption a Law Enforcement Officer must be active or retired from a government agency and be in good standing with that agency, and

WHEREAS, there are certain standards which must be met and includes qualifying with a firearm of the same type as the one they intend to carry within the most recent twelve month period, and

WHEREAS, the Sheriff's Office wishes to make this available to all retired law enforcement personnel within its jurisdiction, and

WHEREAS, there will be no cost to the taxpayer for this qualification as it will be the individuals responsibility to provide their own weapon and ammunition, now, therefore, be it

RESOLVED, that Niagara County and the Niagara County Sheriff's Office offer to retired law enforcement officials in good standing the opportunity to qualify annually, and be it further

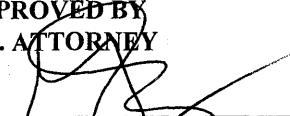
RESOLVED, that the cost of this qualification be borne by the individuals qualifying so as not to incur any county cost.

COMMUNITY SAFETY & SECURITY
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and DATE: 12/03/13 RESOLUTION # CSS-034-13

Administration Committees

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
		<u>CSS - 11/26/13</u>	Approved: Ayes _____ Abs. _____ Noes _____
		<u>AD - 11/26/13</u>	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

ACCEPT FEDERAL REVENUE – SCAAP PROGRAM

WHEREAS, Resolution PS-018-00 authorized the County to enter into an agreement with Justice Benefits, Inc., to secure revenue opportunities not currently being utilized, and

WHEREAS, since the inception of the agreement with Justice Benefits, Inc. in 2000, Niagara County has received more than \$463,987 in revenue, and

WHEREAS, we have been notified that Justice Benefits, Inc., has secured \$18,892 for the 2013 award from the federal government for the State Criminal Alien Assistance Program (SCAAP), now, therefore, be it

RESOLVED, that Niagara County accept this award and remit to Justice Benefits, Inc., their share as per the contract, and be it further

RESOLVED, that the 2013 budget be modified as follows:

INCREASE REVENUE:

A.17.3150.000.42264.00	Jail Facility Services	\$4,157
	Other Government Revenue	

INCREASE APPROPRIATION:

A.17.3150.000.74500.01	Contractual Expense	\$4,157
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COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Paul B. Wojtaszek, Richard

DATE: 12/03/13

RESOLUTION # IL-054-13

E. Updegrove and John Syracuse

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

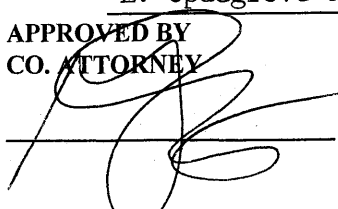
COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____



RESOLUTION OPPOSING THE USE OF THE NIAGARA COUNTY SEAL BY THE STATE OF NEW YORK WITHOUT THE CONSENT OF THE NIAGARA COUNTY CLERK OR THE LEGISLATURE OF THE COUNTY OF NIAGARA

WHEREAS, the NY SAFE Act signed by Governor Andrew M. Cuomo on January 15, 2013 amended various provisions of New York Law in relation to firearms and ammunition, and

WHEREAS, the Legislature of the County of Niagara did, on February 19, 2013, unanimously oppose the SAFE Act and call for its immediate repeal, and

WHEREAS, the NY SAFE Act is the responsibility of the New York State Police to enforce, and

WHEREAS, agencies of the State of New York have expressed their intention to issue pistol permit "recertification" notices utilizing the seals of the respective counties of residence of pistol permit holders, and

WHEREAS, the New York State Association of County Clerks Western Region County Clerks, representing Allegany, Chautauqua, Cattaraugus, Erie, Niagara, Orleans, and Wyoming Counties have formally opposed the expropriation of county seals by the state for use in matters related to the NY SAFE Act, and have denied the state permission to utilize the same, and

WHEREAS, the Legislature of Cattaraugus County has expressed its opposition to the same and refused to authorize the use of its seal, and

WHEREAS, the Legislature of the County of Niagara and the County Clerk, Honorable Wayne F. Jagow, do concur with the judgment of their Southern Tier neighbor in their opposition, and

WHEREAS, the Legislature of the County of Niagara considers the Niagara County Seal to be the exclusive property of the Legislature and the County Clerk, to only be used by agencies of the county government as authorized by this deliberative body or by the Clerk, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara objects strongly to the expropriation of the Niagara County Seal by the State of New York and other external entities, and be it further

RESOLVED, that the Legislature of the County of Niagara does hereby affirm the decision of the New York State Association of County Clerks Western Region County Clerks, and does hereby deny the State of New York permission to use the Name, Seal of the County, letterhead, or address for purposes of correspondence with or notices to legal and registered gun owners regarding permit recertification or for other purposes associated with implementation or exercise of the NY SAFE Act, and be it further

RESOLVED, that the Legislature of the County of Niagara does hereby deny any agency of Niagara County government permission to use the Name, Seal of the County, letterhead, or address for purposes of correspondence with or notices to legal and registered gun owners regarding permit recertification or for other

purposes associated with implementation or exercise of the NY SAFE Act, without the written consent of the Niagara County Clerk, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Cuomo, Senate Vice President Pro Tem George D. Maziarz, Senate Temporary President Dean G. Skelos, Senate Deputy Majority Leader Thomas W. Libous, Member of the Assembly Jane L. Corwin, Member of the Assembly Ray Walter, Member of the Assembly John D. Ceretto, Member of the Assembly Robin Schimminger, Speaker of the Assembly Sheldon Silver, Assembly Majority Leader Joseph Morelle, Assembly Minority Leader Brian M. Kolb, New York State Police Superintendent Joseph A. D'Amico, and all others deemed necessary and proper.

LEGISLATOR PAUL B. WOJTASZEK

LEGISLATOR RICHARD E. UPDEGROVE

LEGISLATOR JOHN SYRACUSE

NIAGARA COUNTY LEGISLATURE

FROM: Legislators William L. Ross, David E. DATE: 12/03/13 RESOLUTION # IL-055-13

Godfrey and Peter E. Smolinski

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.5953 TO HONOR OUR VETERANS

WHEREAS, under Chapter 487 of the laws of 2012, the State of New York did authorize those men and women who have served in the armed forces to receive a special drivers' license that indicates their veteran status, and

WHEREAS, said designation is included free of charge on those licenses issued at the time of normal renewal, but amendments to existing licenses require payment of a \$12.50 fee, per the New York State Department of Motor Vehicles, and

WHEREAS, the Legislature of the County of Niagara does hold those individuals who have served their nation in the highest esteem, and supports any effort to applaud their service and ensure their dignity is protected in interactions with the government, and

WHEREAS, the Legislature of the County of Niagara does find requiring veterans to pay a fee to display their status wholly objectionable, when contemplated in terms of their sacrifices for nation and community, and

WHEREAS, the Honorable Patty Ritchie, Senator for the 48th District has introduced, and the Honorable George D. Maziarz, Senator for the 62nd District and Vice President Pro Tem of the Senate has co-sponsored, S.5953, a bill which would amend § 491 and 503 of the Vehicle and Traffic Law to waive said \$12.50 fee for veterans, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara calls upon the New York State Senate to, upon reconvening, take up and pass S.5953 or such legislation as shall accomplish the same objective, and be it further

RESOLVED, that the Legislature of the County of Niagara does hereby call upon the New York State Assembly to, upon reconvening, take up and pass S.5953 or an Assembly companion bill, 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 County of Niagara shall forward copies of this Resolution to Governor Cuomo, Senate Vice President Pro Tem George D. Maziarz, Senate Temporary President Dean G. Skelos, Senate Deputy Majority Leader Thomas W. Libous, Member of the Assembly Jane L. Corwin, Member of the Assembly Ray Walter, Member of the Assembly John D. Ceretto, Member of the Assembly Robin Schimminger, Speaker of the Assembly Sheldon Silver, Assembly Majority Leader Joseph Morelle, Assembly Minority Leader Brian M. Kolb, and all others deemed necessary and proper.


LEGISLATOR WILLIAM L. ROSS

LEGISLATOR DAVID E. GODFREY

LEGISLATOR PETER E. SMOLINSKI

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 12/03/13 RESOLUTION # PW-093-13

APPROVED BY CO. ATTORNEY 	REVIEWED BY CO. MANAGER 	COMMITTEE ACTION <u>PW - 11/25/13</u> 	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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**LEASE AGREEMENT WITH NCCC FOR THE TROTT ACCESS CENTER
2013-2014**

WHEREAS, the Niagara County Community College (NCCC), Sanborn, New York, is a partner in the Trott ACCESS Center, Niagara Falls, New York, and

WHEREAS, the County provides space to NCCC for this activity, and

WHEREAS, NCCC is able to obtain New York State Reimbursement for a portion of the costs of the space used in delivering its programs, and

WHEREAS, NCCC needs to have a lease agreement to serve as a basis for its reimbursement claims, 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 your Public Works Committee recommends the lease agreement to be entered into with NCCC for office space at the Trott ACCESS Center, and be it further

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

PUBLIC WORKS COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee

DATE: 12/03/13

RESOLUTION # PW-094-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 11/25/13

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

**AGREEMENT BETWEEN THE STATE OF NEW YORK UNIFIED COURT SYSTEM
AND THE COUNTY OF NIAGARA**

WHEREAS, this Agreement between the State of New York Unified Court System, 110 Franklin Street, Buffalo, New York 14202, (UCS), and the County of Niagara, 175 Hawley Street, Lockport, New York 14094, (MUNICIPALITY), is for the purposed of obtaining cleaning services for the interior of the Niagara County Court House, Lockport, New York; and the Angelo DelSignore Civic Building, Niagara Falls, New York; Records Storage Facilities on Davison Road, as well as minor and emergency repairs to those facilities, and

WHEREAS, counties and cities are required by law to furnish and maintain adequate court facilities for use by trial courts of the State of New York, and

WHEREAS, Chapter 686 of the Laws of 1996, was enacted to invest the State of New York with the fiscal responsibility of managing the interior cleaning of court facilities and the performance of minor repairs therein and with the ability to cover the costs thereof, and

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

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

WHEREAS, 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 County of Niagara enters into this Agreement with the State of New York for the cleaning and maintenance of the above mentioned buildings, and be it further

RESOLVED, that this agreement shall be effective beginning April 1, 2013, for a maximum of five (5) years through March 31, 2018, unless terminated earlier or extended pursuant to its terms. This term shall consist of parts or periods (hereinafter "Period"), each of which shall have its own maximum amount of monetary reimbursement by UCS to MUNICIPALITY for that Period, as provided in Section IV and Appendix C of this Agreement. The initial Period of this maximum five (5) year term shall commence on April 1, 2013 and terminate on March 31, 2014, and be it further

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

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration

DATE: 12/03/13

RESOLUTION # PW-095-13

Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 11/25/13
AD - 11/26/13

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

BEEBE ROAD RECONSTRUCTION PROJECT – CHANGE ORDER NO. 3

WHEREAS, Resolution No. PW-131-11, dated December 6, 2011, awarded the contract for the reconstruction of Beebe Road, from just north of Shadigee Road to Wilson – Burt Road, to Accadia Site Contracting, 5636 Transit Road, Depew, NY 14043, in the amount of \$4,326,810.04, and

WHEREAS, Resolution No. PW-075-12, dated July 31, 2012, approved Change Order No. 1, in the amount of \$360,093.17, for additional quantities of several bid items to reflect the actual quantities required to do the construction work, and

WHEREAS, Resolution No. PW-035-13, dated March 5, 2013, approved Change Order No. 2, in the amount of \$70,254.92, for additional quantities of several bid items to reflect the actual quantities required to do the construction work, and

WHEREAS, it is necessary to approve Change Order No. 3, in the amount of \$93,178.75, due to final quantities adjustments, and

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

RESOLVED, that the contract to Accadia Site Contracting, 5636 Transit Road, Depew, NY 14043, be increased by \$93,178.75, for a revised contract amount of \$4,850,336.88, 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 Committee DATE: 12/03/13 RESOLUTION # PW-096-13

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION <u>PW - 11/25/13</u>	LEGISLATIVE ACTION
			Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

UPPER MOUNTAIN ROAD PAVEMENT PRESERVATION PROJECT, FROM CR 64, THRALL ROAD TO NY ROUTES 93 & 270, LOCKPORT JUNCTION ROAD, IN THE TOWN OF CAMBRIA, NIAGARA COUNTY, PIN 5758.54

WHEREAS, the CR 5, Upper Mountain Road Pavement Preservation Project, from CR 64, Thrall Road to NY Routes 93 and 270, Lockport Junction Road, in the Town of Cambria, Niagara County, PIN 5758.54, ("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 80% Federal Funds and 20% 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 I-VI) phase of the project PIN 5758.54, 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 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 I-VI) phase of the Project or portions thereof, and be it further

RESOLVED, that the sum of \$95,000 is hereby appropriated in account H596.15.5112.000.72600.01, Upper Mountain Road, 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 I-VI) phase 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, 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 State Department of Transportation in connection with the advancement or approval of the Project 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 following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the required documents, and be it further


RESOLVED, this Resolution shall take effect immediately.

PUBLIC WORKS COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration DATE: 12/03/13 RESOLUTION # PW-097-13

Committees

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION <u>PW - 11/25/13</u> <u>AD - 11/26/13</u>	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
	_____	_____	_____

**YOUNGSTOWN ROAD BRIDGE REHABILITATION CONSULTANT SERVICES
AMENDMENT NO. 1**

WHEREAS, by Resolution No. PW-109-11, dated October 2, 2012, the Legislature selected C&S Engineers, 499 Eileen Collins Boulevard, Syracuse, NY 13212, in the amount of \$100,000, for assistance with design services for the Youngstown Road Bridge Rehabilitation Project, and

WHEREAS, it is necessary to amend the agreement with C&S Engineers for final design services, for an amount not to exceed \$85,000, and

WHEREAS, funds are available in account H582.15.5197.000.72600.02, and

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

RESOLVED, that Amendment No. 1, in the amount of \$85,000.00 for final design services, for a revised contract amount of \$185,000.00, to C & S Engineers, 499 Eileen Collins Boulevard, Syracuse, NY 13212, be approved, and be it further

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

PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration DATE: 12/03/13 RESOLUTION # PW-098-13

Committee

APPROVED BY	REVIEWED BY	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	PW - 11/25/13	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 11/26/13	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

INTER-MUNICIPAL AGREEMENT WITH THE TOWN OF LOCKPORT

WHEREAS, the Niagara County Department of Public Works is undertaking the reconstruction of Lincoln Avenue, and

WHEREAS, during the project, the Town of Lockport would like to undertake the relocation of the existing water line to avoid conflict with the proposed storm drainage system, and

WHEREAS, the Niagara County Department of Public Works and the Town of Lockport, wish to enter into an agreement, with the Town of Lockport paying the entire cost of the construction of relocating the existing water line, and

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

RESOLVED, that the agreement between the County of Niagara and the Town of Lockport, for the relocation of the water line along the Lincoln Avenue reconstruction area, be approved, and be it further

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

PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration

DATE: 12/03/13

RESOLUTION # PW-099-13

Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 11/25/13
AD - 11/26/13

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



CAPITAL PROJECT CLOSE OUTS

WHEREAS, several capital projects have been completed and require legislative action to close, and

WHEREAS, the County Manager, Budget Office and Public Works Department have reviewed all capital projects to be closed and have determined that account balances, where applicable, should be transferred to an existing capital project within the same asset class, or transferred to the original funding source, now, therefore, be it

RESOLVED, that the following capital project remaining account balances be transferred to the original funding source or existing capital project within the same asset class (useful life):

DECREASE ESTIMATED REVENUE:

H560.15.5197.000.45031.10 Inter Fund Transfer from Capital Reserves \$12,007.09

DECREASE APPROPRIATIONS:

H560.15.5197.000.72100.10 Highway Heavy Equipment \$12,007.09

DECREASE ESTIMATED REVENUE:

H561.15.1620.000.45031.10 Inter Fund Transfer From Capital Reserves \$5,245.00

DECREASE APPROPRIATIONS:

H561.15.1620.000.72400.00 Parking Lot Rehabilitation \$5,245.00

DECREASE ESTIMATED REVENUE:

H395.15.2497.000.43285.00 State Aid Community College \$17,496.94
H395.15.2497.000.45710.99 Serial Bonds – 1999 \$27,679.89

DECREASE ESTIMATED APPROPRIATIONS:

H395.15.2497.000.72200.02 Buildings NCCC \$45,176.83

INCREASE ESTIMATED REVENUE:

H410.15.2497.000.43285.00 State Aid College Construction \$65,000.00

DECREASE ESTIMATED REVENUE:

H410.15.2497.000.45710.05 Serial Bonds – 2005	\$16,516.69
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DECREASE ESTIMATED APPROPRIATIONS:

H410.15.2497.000.72200.02 Buildings NCCC	\$81,516.69
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DECREASE ESTIMATED REVENUE:

H452.32.8197.000.45031.00 Interfund Transfer from Operating	\$61,118.67
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DECREASE ESTIMATED APPROPRIATIONS:

H452.32.8197.000.72600.04 Sewer Lines	\$61,118.67
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INCREASE ESTIMATED REVENUE:

H463.15.2497.000.43285.00 State Aid College Construction	\$8,215.62
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DECREASE ESTIMATED REVENUE:

H463.15.2497.000.45710.05 Serial Bonds – 2005	\$33,235.69
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DECREASE ESTIMATED APPROPRIATIONS:

H463.15.2497.000.72200.02 Buildings NCCC	\$25,020.07
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INCREASE ESTIMATED REVENUE:

H521.15.5197.000.43591.00 State Aid Capital Construction	\$404,338.38
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H521.15.5197.000.45710.06 Serial Bonds – 2006	\$72,593.09
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DECREASE ESTIMATED REVENUE:

H521.15.5197.000.44589.89 Transportation Stimulus Aid	\$468,372.63
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H521.15.5197.000.44597.01 Federal Aid Capital Construction	\$ 59,581.17
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DECREASE ANTICIPATED APPROPRIATIONS:

H521.15.5197.000.72600.02 Drum Road Bridge	\$51,022.33
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INCREASE ESTIMATED REVENUE:

H526.15.5197.000.43591.00 State Aid	\$ 5,835.95
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DECREASE ESTIMATED REVENUE:

H526.15.5197.000.44597.01 Federal Aid	\$126,795.57
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H526.15.5197.000.45031.10 Inter Fund Transfer from Capital Reserves	\$ 50,000.00
H526.15.5197.000.45710.06 Serial Bonds – 2006	\$ 88,807.36

DECREASE APPROPRIATIONS:

H526.15.5197.000.72600.02 Mapleton Rd Bridge	\$259,766.98
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DECREASE ESTIMATED REVENUE:

H557.15.5197.000.43501.00 Consolidated Highway Aid	\$8,624.46
H557.15.5197.000.44589.89 Federal Trans Stimulus	\$9,556.35

DECREASE APPROPRIATIONS:

H557.15.5197.000.72600.02 Bridges	\$18,180.81
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INCREASE ESTIMATED REVENUE:

H559.15.5112.000.43501.00 Consolidated Highway Aid	\$ 90,400.00
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DECREASE ESTIMATED REVENUE:

H559.15.5112.000.45710.02 Serial Bonds – 2002	\$ 90,400.00
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DECREASE ESTIMATED REVENUE:

H565.15.5197.000.43501.00 Consolidated Highway Aid	\$ 4,218.00
H565.15.5197.000.45031.00 Interfund Transfer from Operating	\$70,005.47

INCREASE ESTIMATED REVENUE:

H565.15.5197.000.43591.00 State Aid Capital Construction	\$33,750.00
H565.15.5197.000.44597.02 Highway Planning and Construction	\$40,473.40

DECREASE ESTIMATED APPROPRIATIONS:

H565.15.5197.000.72600.02 Bridge Railing Project	\$ 0.07
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INCREASE ESTIMATED REVENUE:

H570.15.7110.000.43960.01 Emergency Disaster Assistance	\$2,808.02
H570.15.7110.000.44960.01 Emergency Disaster Assistance	\$16,848.13

INCREASE ANTICIPATED APPROPRIATIONS:

H570.15.7110.000.72100.10 Heavy Equipment	\$19,656.15
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DECREASE ESTIMATED REVENUE:

H575.15.5197.000.45710.11 Serial Bonds – 2011 \$46,396.91

DECREASE APPROPRIATIONS:

H575.15.5197.000.72100.10 Highway Heavy Equipment \$46,396.91

and be it further

RESOLVED, that the following Capital Projects be closed:

- H395 NCCC Master Plan
- H410 NCCC Renovations
- H452 Sewer Lines
- H463 NCCC Capital Improvements
- H506 Building Renovation/Carpet Replacement
- H521 Drum Road Bridge
- H526 Mapleton Road Bridge
- H544 Building Improvements 2009
- H557 Bridge Joint Upgrade
- H559 Lockport Road Culverts
- H560 Highway Heavy Equipment 2010
- H561 Parking Lot Rehabilitation
- H565 Bridge Railing Project
- H571 Building Improvements 2011
- H575 Highway Heavy Equipment 2011
- H577 Beebe Rd Part III
- H580 NCCC Culinary Project

and be it further

RESOLVED, that the cash balances for these accounts in the amount of \$428,572.68, and is to be returned to the original funding sources as follows:

Capital Reserve:	\$67,252.09
Debt Reserve:	229,696.45
Sewer District Operating	61,618.67
Highway (D) Fund Operating	70,005.47

PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration DATE: 12/03/13 RESOLUTION # PW-100-13

Committees

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION PW - 11/25/13 AD - 11/26/13	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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MAPLETON ROAD PUMP STATION EMERGENCY REHABILITATION

WHEREAS, the Administrative Board of the Niagara County Sewer District #1 ("District") has reviewed the needs of the District, and

WHEREAS, the Administrative Board met on the 20th day of November, 2013, and determined and identified the following projects; Mapleton Road Pump Station Emergency Rehabilitation, and

WHEREAS, recent mechanical failures and subsequent discoveries by District Operations and Maintenance staff at the Mapleton Road Pump Station have prompted the need for emergency repairs; continued failure of the original pumps, valving and associated appurtenances is imminent; Pump failure could cause environmental/regulatory concerns with pump station overflow or sanitary sewer backups, and would also require the need for expensive emergency bypass pumping; the steel floor of the Pump Station has significantly deteriorated over the years and has now become a safety issue for Plant staff that have to access the facility for routine operation and maintenance; emergency structural repairs to the floor are required to restore them to an acceptable and safe condition, and

WHEREAS, the cost to complete said projects will be approximately \$472,700.00, and

WHEREAS, the NCSD #1 requests that the funds for said project to be transferred from the District Fund and Emergency Repair balance, now, therefore, be it

RESOLVED, that the following 2013 budget modifications be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

GR 40511.00	Appropriated Repair Reserve	\$405,000
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INCREASE APPROPRIATIONS:

GR.32.9901.000 79010.00	Interfund Transfer to Operating	405,000
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INCREASE APPROPRIATED FUND BALANCE:

G 40599.00	Appropriated Fund Balance	67,700
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INCREASE ESTIMATED REVENUE:

G.32.9901.000 45031.30	Interfund Transfer from Repair Reserves	405,000
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INCREASE APPROPRIATIONS:

G.32.8130.000 72100.14	Machinery and Equipment	
	Miscellaneous Equipment	472,700

PUBLIC WORKS COMMITTEE

ADMINISTRATIVE COMMITTEE