



AGENDA
NIAGARA COUNTY LEGISLATURE
December 13, 2016 – 7:00 P.M.

Resolutions not on previous agenda:

- AD-038-16** Administration Committee, re Resolution Setting the Salary of the Board of Election Commissioners
- CW-019-16** Committee of the Whole, re Standard Work Day and Reporting Resolution for Elected and Appointed Officials
- IL-083-16** Legislator Randy R. Bradt and Wm. Keith McNall, re A Local Law Increasing the Salary of the County Attorney

Regular Meeting – December 13, 2016

- CS-048-16** Community Services and Administration Committees, re Budget Modification – Nursing Division – Department of Health
- CS-049-16** Community Service and Administration Committees, re Budget Modification – Accept Revenue Early Intervention Program – Department of Health
- *ED-012-16** Economic Development and Administration Committees, re Approval of Low Cost Power Benefit to Vishay Thin Film, Inc. Under the Agreements for the Sale & Purchase of Niagara Project Power & Energy (ASPNPPEE)
- *ED-013-14** Economic Development and Administration Committees, re Budget Modification – to Cover Empower Niagara Allocations to Vishay Thin Film, Inc.
- *ED-014-16** Economic Development and Administration Committees, re Approval of Low Cost Power Benefit to Alessi Leather Corp. Under the Agreement for the Sale & Purchase of Niagara Project & Energy (ASPNPPE)
- IL-084-16** Legislators Randy R. Bradt and Wm. Keith McNall, re Adoption of a Local Law Increasing the Salary of the County Attorney
- IL-085-16** Legislator Anthony J. Nemi, re Resolution in Support of Reducing the Speed Limit on Mapleton Road

IL-086-16 Legislators Randy R. Bradt, Wm. Keith McNall, Michael Hill, John Syracuse, Clyde L. Burmaster, et. al., re Providing Procedures for Disbursal of Funds Arising From New York State Finance Law § 99-H and Tribal-State Gaming Compact



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.

NIAGARA COUNTY LEGISLATURE

FROM: Community Services Committee DATE: 12/13/16 RESOLUTION # CS-048-16
and Administration Committee

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	<u>CS - 11/29/16</u>	Approved: Ayes _____ Abs. _____ Noes _____
<i>Jusan B. Blyden</i>		<u>AD - 12/13/16</u>	Rejected: Ayes _____ Abs. _____ Noes _____
<i>12/7/16</i>			Referred: _____

BUDGET MODIFICATION – NURSING DIVISION - DEPARTMENT OF HEALTH

WHEREAS, the Nursing Division of the Niagara County Department of Health provides a wide array of essential services, and

WHEREAS, STD laboratory expense has increased due to an increase in tests provided, and

WHEREAS, the Department of Health Nursing Division has a balance in the overtime line to cover the cost, now, therefore, be it

RESOLVED, that the following budget modification, be effectuated:

DECREASE APPROPRIATION:

A.20.4189.401 71050.00	Overtime	\$10,000.00
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INCREASE APPROPRIATIONS:

A.20.4189.401 74725.02	Laboratory Services	\$10,000.00
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COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services Committee **DATE:** 12/13/16 **RESOLUTION #**CS-049-16
and Administration Committee

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	<u>CS - 11/29/16</u>	Approved: Ayes _____ Abs. _____ Noes _____
		<u>AD - 12/13/16</u>	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

**BUDGET MODIFICATION-ACCEPT REVENUE
 EARLY INTERVENTION PROGRAM - DEPARTMENT OF HEALTH**

WHEREAS, the Early Intervention Program under the Niagara County Department of Health ensures that families of infants and toddlers with suspected or confirmed developmental delays receive services appropriate to their needs, and

WHEREAS, the Early Intervention program has increased cases by 4.5% in 2016 and increased expenses, and

WHEREAS, an increase in state aid revenue covers 49% of the cost increase, and

WHEREAS, a transfer of position balances throughout the Department of Health will cover the balance, and

WHEREAS, the Department of Health requests acceptance of new revenue and transfer of funds, now, therefore, be it

RESOLVED, that the following budget modification, be effectuated:

INCREASE REVENUE:

A.20.4059.000 43449.01	EIP State Aid General	\$78,400
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DECREASE REVENUE

A.20.4090.000 43401.00	PH State Aid	\$9,774
A.20.4189.401 43401.00	PH State Aid	\$11,245

DECREASE APPROPRIATIONS:

A.20.4059.000 71010.00	Position # 9476	\$20,000
A.20.4059.000 78100.00	Retirement	\$3,760
A.20.4059.000 78400.01	Health Insurance	\$5,000
A.20.4059.000 78200.00	FICA	\$1,530
A.20.4090.000 71030.00	Part time #10053	\$9,000
A.20.4090.000 71050.00	Overtime	\$15,000
A.20.4090.000 71011.00	Seasonal #10741	\$3,150
A.20.4189.401 71010.00	Position #661	\$4,149
A.20.4189.401 71010.00	Position # 603	\$7,448
A.20.4189.401 71010.00	Position #2049	\$4,100

A.20.4189.401 71010.00	Position #616	\$12,000
A.20.4189.401 71010.00	Position #652	\$3,540
A.20.4189.401 78200.00	FICA	\$2,402
A.20.4189.401 78100.00	Retirement	\$3,540
A.20.4189.401 78400.01	Health Insurance	\$8,000

INCREASE APPROPRIATIONS:

A.20.4059.000.74550.09	Programs Education Handicapped Children	\$160,000
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COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Economic Development Committee **DATE:** 12/13/16 **RESOLUTION #** ED-012-16
and Administration Committee

APPROVED CO. ATTORNEY 	REVIEWED CO. MANAGER	COMMITTEE ACTION <u>ED - 12/6/16</u> <u>AD - 12/6/16</u>	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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**APPROVAL OF LOW COST POWER BENEFIT TO VISHAY THIN FILM, 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 County of Niagara has previously awarded to Vishay Thin Film, Inc. for this same project under resolution ED-014-13, 100 Kw (at 70% load factor), which agreement expires November 1, 2016, and for which Vishay Thin Film, Inc. has met each part of the previous application, including the number of jobs and capital investment, and

WHEREAS, the Empower Niagara Board has reviewed the initial application of Vishay Thin Film, Inc. for the use of low cost power for developing and expanding its business in Niagara County, and

WHEREAS, Vishay Thin Film, Inc. has met and exceeded all the criteria qualifying its project for consideration and the Empower Niagara Board is recommending approval of a three-year extension of the agreement, and

WHEREAS, the demand usage of Vishay Thin Film, Inc. has remained at its original demand of 100kw (.10mw) of low cost power, and

WHEREAS, the approval of the Vishay Thin Film, Inc.'s original application maintained and improved economic development in Niagara County, and

WHEREAS, the Empower Niagara Board will be recommending the low cost power allocation to Vishay Thin Film be maintained at 100kw (.10mw), and

WHEREAS, the Empower Niagara Board has met with and the Board recommends; in consideration of the project, adding a second plating line, a clean room and a separate production area for screen print operation line and four instead of two new lines for wrap resistors; to maintain of the amount of low cost power to Vishay Thin Film and have the agreement be extended three years for a total of 36 months until November 1, 2019, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby approves Vishay Thin Film, Inc.'s Agreement extension for 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 for Low Cost Power with Vishay Thin Film, Inc.

ECONOMIC DEVELOPMENT COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Economic Development Committee **DATE:** 12/13/16 **RESOLUTION #** ED-013-16
and Administration Committee

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	<u>ED - 12/06/16</u>	Approved: Ayes _____ Abs. _____ Noes _____
		<u>AD - 12/06/16</u>	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

**BUDGET MODIFICATION – TO COVER
 EMPOWER NIAGARA ALLOCATIONS TO VISHAY THIN FILM, INC.**

WHEREAS, Vishay Thin Film, 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 Vishay Thin Film, Inc. as stipulated in the Empower Niagara Program agreement, through the Niagara County Economic Development 2016 through 2019 budget, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated to the Niagara County Economic Development 2016 budget, and annually thereafter until November 1, 2019 as set forth below:

	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	
INCREASE REVENUE:					
A.15.1620.108 42655.03	Sale of Excess Power	\$19,333.32 (Value of 100 kw at 70% load for 2 months)	Value of 100 kw at 70% load for 12 months	Value of 100 kw at 70% load for 12 months	Value of 100 kw at 70% load for 10 months
INCREASE APPROPRIATION:					
A.15.1620.108 74500.01	Contractual	\$19,333.32 (Value of 100 kw at 70% load for 2 months)	Value of 100 kw at 70% load for 12 months	Value of 100 kw at 70% load for 12 months	Value of 100 kw at 70% load for 10 months
INCREASE REVENUE:					
A.28.8020.813 42189.01	Activities – Eco Dev	\$19,333.32 (Value of 100 kw at 70% load for 2 months)	Value of 100 kw at 70% load for 12 months	Value of 100 kw at 70% load for 12 months	Value of 100 kw at 70% load for 10 months
INCREASE APPROPRIATION:					
A.28.8020.813 74550.30	Empower Niagara	\$19,333.32 (Value of 100 kw at 70% load for 2 months)	Value of 100 kw at 70% load for 12 months	Value of 100 kw at 70% load for 12 months	Value of 100 kw at 70% load for 10 months

NIAGARA COUNTY LEGISLATURE

FROM: Economic Development Committee **DATE:** 12/13/16 **RESOLUTION #**ED-014-16
and Administration Committee

APPROVED CO. ATTORNEY 	REVIEWED CO. MANAGER	COMMITTEE ACTION <u>ED - 12/6/16</u> <u>AD - 12/6/16</u>	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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**APPROVAL OF LOW COST POWER BENEFIT TO ALESSI LEATHER CORP.
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 application of Alessi Leather Corp. has met and exceeded 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 75kw (at 70% load factor) of low cost power, which will allow Alessi Leather Corp. to relocate its existing custom leather products manufacturing business to Niagara County, retain its current three permanent employees, allow for the expansion of the holster business, create new jobs and add training facilities, and

WHEREAS, the approval of the Alessi Leather Corp. application for 75kw (at 70% load factor) will allow Alessi Leather Corp. to relocate its business to Niagara County as well as support, increase and maintain economic development in the City of North Tonawanda and Niagara County, and

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

RESOLVED, that the Niagara County Legislature hereby approves the application of Alessi Leather Corp. for 75kw (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 the Empower User Agreement for Low Cost Power with Alessi Leather Corp.

ECONOMIC DEVELOPMENT COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Randy R. Bradt and Wm. Keith McNall DATE: 12/13/16 RESOLUTION # IL-084-16

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

ADOPTION OF A LOCAL LAW INCREASING THE SALARY OF THE COUNTY ATTORNEY

WHEREAS, Legislator Randy R. Bradt and Legislator Wm. Keith McNall present in writing the following proposed Local Law:

A Local Law of the County of Niagara, New York for the year 2016 increasing the salary of the County Attorney;

WHEREAS, a public hearing was held on the 13th day of December, 2016 at 6:45 p.m. in the Legislative Chambers, Courthouse, Lockport, New York, on said Local Law, and

WHEREAS, people 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 of the County of Niagara, New York increasing the salary of the County Attorney be enacted by the County Legislature of the County of Niagara, as follows:

- 1. The salary of the County Attorney shall be increased from \$109,101 per year to \$111,828 per year commencing January 1, 2017.
2. This Local Law shall become effective in accordance with the statutes of the State of New York.

LEGISLATOR RANDY R. BRADT

LEGISLATOR WM. KEITH MCNALL

NIAGARA COUNTY LEGISLATURE

FROM: Legislator Anthony J. Nemi DATE: 12/13/16 RESOLUTION # IL-085-16

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

RESOLUTION IN SUPPORT OF "REDUCING THE SPEED LIMIT ON MAPLETON ROAD"

WHEREAS, the present speed limit for Mapleton Road from its intersections with Campbell Boulevard through and including the intersection of Townline Road is 55 Miles Per Hour (MPH), and

WHEREAS, there have been numerous motor vehicle accidents on Mapleton Road from its intersections with Campbell Boulevard through and including the intersection with Townline Road, and

WHEREAS, as a result of such motor vehicle accidents on Mapleton Road from its intersections with Campbell Boulevard through and including the intersection of Townline Road, the County of Niagara is concerned with the safety of the public due to the present speed limit of 55 MPH, and

WHEREAS, Starpoint Central School has its facilities on said Mapleton Road and has a similar concern as a result of the 55 MPH speed limit on Mapleton Road from its intersections with Campbell Boulevard through and including the intersection of Townline Road, and

WHEREAS, similarly Starpoint Central School has requested that the speed limit on said Mapleton Road be lowered to 45 MPH due to safety concerns for those motor vehicle operators entering on Mapleton Road from Starpoint Central School and/or exiting Mapleton Road and entering Starpoint School, and

WHEREAS, the Town of Pendleton hereby requests that New York State Senator Robert G. Ort submit the appropriate legislation to the New York State Legislature directing that the speed limit on said Mapleton Road from its intersections with Campbell Boulevard through and including the intersection of Townline Road be lowered from 55 MPH to 45 MPH due to safety concerns, now, therefore, be it

RESOLVED, the Town Of Pendleton hereby requests that New York State Legislature enact all necessary legislation to reduce the speed limit on said Mapleton Road from its intersections with Campbell Boulevard through and including the intersection of Townline Road from 55 MPH to 45 MPH due to safety concerns, and be it further

RESOLVED, that the Niagara County Legislature hereby requests that the New York State Legislature enact all necessary legislation to reduce the speed limit on said Mapleton Road from its intersections with Campbell Boulevard through and including the intersection of Townline Road from 55 MPH to 45 MPH due to safety concerns.

LEGISLATOR ANTHONY J. NEMI

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Randy R. Bradt, Wm. Keith McNall, Michael A. Hill, John Syracuse, Clyde L. Burmaster, et al. DATE: 12/13/16 RESOLUTION # IL-086-16

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

Juan B. B...
12/19/16

PROVIDING PROCEDURES FOR DISBURSAL OF FUNDS ARISING FROM NEW YORK STATE FINANCE LAW § 99-h AND TRIBAL-STATE GAMING COMPACT

WHEREAS, a Seneca Nation gambling casino governed by the Tribal-State Class III Gaming Compact and disbursing monies according to provisions of § 99-h Subdivision 3-a continues to operate Class III gaming activities within the County of Niagara, and

WHEREAS, the taxpayers of the County of Niagara have been affected by the operation of said casino and its inherent costs, and

WHEREAS, said casino is operated and owned by the Seneca Nation of Indians, a sovereign and foreign nation which is not subject to taxation by the County of Niagara, and

WHEREAS, the Tribal-State Class III Gaming Compact and its authorizing legislation, provide for compensation for the "host municipalities" of the Seneca Niagara Casino and said Compact was submitted to and approved by the Secretary of the Interior of the United States as required, and

WHEREAS, pursuant to New York State Finance Law § 99-h, a special separate revenue account denominated "Tribal-State Compact Revenue Account" was established in the joint custody of the State Comptroller and the State Commissioner to receive the gaming revenues payable to the State and the host municipalities, and

WHEREAS, per the provisions of § 99-h Subdivision 3, 25% of revenues arising from the Seneca Niagara Casino are disbursed to the City of Niagara Falls, and

WHEREAS, per the provisions of New York State Finance Law § 99-h Subdivision 3-a, "Ten percent of any of the funds actually received by the state pursuant to the tribal-state compacts and agreements described in [subdivision 2 of § 99-h] prior to the transfer of moneys to the general fund required by such subdivision, shall be distributed to counties in each respective exclusivity zone provided they do not otherwise receive a share of said revenues pursuant to [§ 99-h]. Such distribution shall be made among such counties on a per capita basis, excluding the population of any municipality that receives a distribution pursuant to [subdivision 3 of § 99-h]", and

WHEREAS, per § 99-h Subdivision 3-a, revenues arising from the Seneca Niagara Casino that are disbursed to the County of Niagara are to be apportioned by population for such purposes as shall benefit residents of the Towns of Cambria, Hartland, Lewiston, Lockport, Newfane, Niagara, Pendleton, Porter, Royalton, Somerset, Wheatfield and Wilson, and the Cities of Lockport and North Tonawanda, now, therefore, be it

RESOLVED, that the County of Niagara does direct that for Fiscal Year 2017, all revenues appropriated to the county under § 99-h Subdivision 3-a shall be, upon receipt, divided and deposited into said accounts, with 25% of said monies being deposited in the existing Niagara County Community Development Fund 1 and 75%

of said monies being deposited in the General Fund of the County of Niagara, with these percentages of distribution remaining in force until December 31, 2017, and be it further

RESOLVED, that the County of Niagara does direct that monies held in Niagara County Community Development Fund 1 shall only be disbursed upon the advice of the Economic Development Committee of This Legislature and upon a majority vote of This Legislature, and per the apportionment requirements set forth in § 99-h Subdivision 3-a, shall be made available to fund community development initiatives originating within the Towns of Cambria, Hartland, Lewiston, Lockport, Newfane, Niagara, Pendleton, Porter, Royalton, Somerset, Wheatfield and Wilson, and the Cities of Lockport and North Tonawanda, and appropriated in a manner reflective of the populations of said jurisdictions, and be it further

RESOLVED, that the distribution of casino monies in foregoing years shall be designated by a majority vote of the Niagara County Legislature on a set percentage for the entirety of the following fiscal year, with This Legislature designating the percentages appropriated to the General Fund of the County of Niagara and Niagara County Community Development Fund 1 at such annual meeting of said body as shall take up and enact the Niagara County Budget, and be it further

RESOLVED, that this legislation shall remain in effect for the duration of disbursement of monies under the Tribal-State Class III Gaming Compact per New York State Finance Law § 99-h or subsequent state legislation for disbursement of gaming revenues.

LEGISLATOR RANDY R. BRADT

LEGISLATOR WM. KEITH McNALL

LEGISLATOR MICHAEL A. HILL

LEGISLATOR JOHN SYRACUSE

LEGISLATOR CLYDE L. BURMASTER

LEGISLATOR ANTHONY J. NEMI

LEGISLATOR WILLIAM J. COLLINS

LEGISLATOR REBECCA J. WYDYSH

LEGISLATOR DAVID E. GODFREY

LEGISLATOR KATHRYN L. LANCE

LEGISLATOR RICHARD L. ANDRES