

**AGENDA  
NIAGARA COUNTY LEGISLATURE  
SEPTEMBER 4, 2007 – 7:00 P.M.**

**Resolutions not on previous agenda of 07/24/2007:**

- CS-044-07** Community Services & Administration, re budget modification-accept carryover from 2006 Title III-E -Office for the Aging. Approved.
- CS-045-07** Community Services & Administration, re reclassify one part-time Social Work Assistant position to a full time Social Work Assistant position at Mt. View Health Facility. Approved
- PW-099-07** Public Works, re Rohr Street Bridge replacement/reconstruction project construction contract award. Approved

**Resolutions not on previous agenda of 08/07/2007:**

- CW-001-07** Committee of the Whole, re imposition of additional one percent (1%) sales & use tax pursuant to Article 29 of the Tax Law of the State of New York and Chapter 460 of Laws of 2007. Approved
- ED-024-07** Economic Development, Public Works & Administration, re approval of the agreement between Niagara Co & Niagara Wheatfield School District as an authorized recipient for Niagara Wheatfield School District's low cost power allocation. Approved
- ED-025-07** Economic Development, Public Works & Administration, re approval of the agreement between Niagara Co and Lewiston Porter School District as an authorized recipient for Lewiston Porter School District's low cost power allocation. Approved

**Regular Meeting – September 4, 2007**

- \*AD-031-07** Administration, re extension of contract with Employee Resources Inc. – Human Resources
- \*AD-032-07** Administration, re contract with Northpointe Council, Inc. – Human Resources
- \*AD-033-07** Administration, re Orleans County Inter-Municipal Agreement (tax billing preparation)–Real Property
- \*AD-034-07** Administration, re budget modification – Treasurer's Office
- \*AD-035-07** Administration, re execution of Quit Claim Deeds – Treasurer
- \*AD-036-07** Administration, re purchase of In Rem property – Treasurer
- \*AD-037-07** Administration, re claim settlement Yehia Hamdy vs Co of Niagara – Risk Management
- \*AD-038-07** Administration, re resolution approving engagement of outside auditing firm for professional auditing services to Niagara County – Audit
- \*AD-039-07** Administration, re resolution concerning cost containment consultant services – Audit
- \*ED-026-07** Economic Development, re resolution to set a public hearing on the renewal of Niagara Co Agricultural District #4, Towns of Hartland, Lockport, Royalton & Newfane
- \*ED-027-07** Economic Development, re resolution to hold a public hearing for inclusion of a farm parcel in Agricultural District #6
- ED-028-07** Economic Development & Administration, re resolution of the Niagara Co Legislature, as the elected legislative body of Niagara Co, New York, in accordance with Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), approving the issuance by the Niagara Co Industrial Development Agency of up to \$20,000,000 Civic Facility Revenue Bonds (Student Housing Village Corporation Project), Series 2007

- ED-029-07** Economic Development, re approval of audit procedures of successful applicants for Empower Niagara Program
- IL-058-07** Leg Murgia, et al, re establishing high performance green building standards for Co of Niagara new construction projects
- IL-059-07** Legs Ceretto, Syracuse & Economic Development, re support to protect the Great Lakes from invasive species
- IL-060-07** Leg Smolinski, Public Works & Administration, re sale of the No Tonawanda fire training facilities to the City of No Tonawanda
- IL-061-07** Legs Ross & Sklarski, re Bicentennial commemoration historical mural painting
- \*PW-088-07** Public Works & Administration, re lease agreement with NCCC for the Trott Access Center 2007-2008
- \*PW-100-07** Public Works, re approval of agreement between the Co of Niagara & the Lockport Rugby Club-Parks
- \*PW-101-07** Public Works & Administration, re budget modification – County snow removal
- \*PW-102-07** Public Works & Administration, re budget modification–road construction–Raymond & Rapids Road, Town of Lockport repaving project
- PW-103-07** Public Works & Administration, re acquisition of property–5058 Lockport Junction Rd., Town of Cambria NY
- \*PW-104-07** Public Works & Administration, re NCCC capital project plan modification

**James B. Sobczyk, 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 19, 2007.**

**PREFERRED AGENDA  
NIAGARA COUNTY LEGISLATURE  
SEPTEMBER 4, 2007 – 7:00 P.M.**

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- AD-038-07** Administration, re resolution approving engagement of outside auditing firm for professional auditing services to Niagara County – Audit
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- ED-026-07** Economic Development, re resolution to set a public hearing on the renewal of Niagara Co Agricultural District #4, Towns of Hartland, Lockport, Royalton & Newfane
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CHAIRMAN

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MAJORITY LEADER

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MINORITY LEADER

**EXTENSION OF CONTRACT WITH EMPLOYEE RESOURCES INC.**

WHEREAS, Niagara County has had a contractual agreement with Employee Resources Inc., to provide certain professional services for the County of Niagara, and it has expired, and

WHEREAS, an extension is necessary until September 30, 2007 when a new contract with the new EAP provider commences, and the County of Niagara desires to continue this contractual relationship with Employee Resources, Inc. until that time, and

WHEREAS, prior to the execution of the contract, the County Attorney will review the contract 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 is hereby authorized to execute said contract on behalf of Niagara County.

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ADMINISTRATION COMMITTEE

**CONTRACT WITH NORTHPOINTE COUNCIL, INC.**

WHEREAS, Niagara County has had a contractual agreement with Employee Resources Inc., to provide certain professional services for the County of Niagara, and

WHEREAS, the contract with Employee Resources Inc. will expire on September 30, 2007, and

WHEREAS, the County of Niagara has selected the most competitive bid for professional services as a result of the RFP process, and would like to grant the contract to Northpointe Council, Inc. for employee assistance program services for the time period of October 1, 2007 through December 31, 2011, and

WHEREAS, prior to the execution of the contract, the County Attorney will review the contract 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 is hereby authorized to execute said contract on behalf of Niagara County.

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ADMINISTRATION COMMITTEE

**ORLEANS COUNTY INTER-MUNICIPAL AGREEMENT  
(TAX BILLING PREPARATION)**

WHEREAS, Niagara County, through its Real Property Tax Services Department (NCRPS), provides tax billing preparation services to various taxing jurisdictions within Niagara County, and

WHEREAS, Orleans County's Real Property Tax Services Department (OCRPS) has also utilized NCRPS services since 1996 and desires to continue to use these services as provided for below, and

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

RESOLVED, that Niagara County, through its NCRPS, is hereby authorized to enter into an inter-municipal agreement with Orleans County for the printing of the 2007-2008 Orleans County School District tax billings, the 2008 Orleans County/Town tax billings and the 2008-2009 Orleans County Village tax billings at the rate of \$.175 per mail ready billing, \$.10 per duplex printed/no envelope billing and \$.08 per simplex printed/no envelope billing, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Niagara County Legislature is hereby authorized to execute the aforementioned inter-municipal agreement.

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ADMINISTRATION COMMITTEE

**BUDGET MODIFICATION – TREASURER’S OFFICE**

WHEREAS, Resolution CS–032–06 accepted the Government Records Management Grant for the microfilming of Payroll Records that must be retained for 55+ years in the amount of \$45,005, and

WHEREAS, Resolution AD–029–06 created a temporary position co–terminus with the Grant (August 1, 2006 through July 31, 2007) for the preparation of files for microfilming, and

WHEREAS, preparation of the documents was completed under the original estimated costs, and

WHEREAS, the State Archives approved modification to the original proposal to allow the County to purchase software and hardware to continue the intent of the grant in digital storage of records, and

WHEREAS, to complete the acquisition of approved items a reallocation of funds is required by the County, now, therefore, be it

RESOLVED, that the following line item transfer be effectuated:

DECREASE APPROPRIATION:

A1325.71011	Seasonal	\$2,153.00
A1325.78200	FICA	393.00

INCREASE APPROPRIATION:

A1325.72045	Computer Equipment	\$2,546.00
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## **EXECUTION OF QUIT CLAIM DEEDS**

WHEREAS, on July 23, 2007, Niagara County acquired title to various properties through its In Rem Proceeding, and

WHEREAS, prior to the public sale, several owners of various parcels purchased their property back from the County of Niagara by agreeing to pay the taxes owed, penalties and interest in full, and

WHEREAS, the County of Niagara has determined that in the best interest of the County, several remnant unmarketable parcels be deeded to adjacent property owners, and

WHEREAS, the County Treasurer recommends that the attached listed parcels be deeded back to its respective owners, and

WHEREAS, prior to the execution of the Quit Claim Deeds, the County Attorney will review the deeds for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that the Niagara County Legislature ratifies the action of the County Treasurer and following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute a Quit Claim Deed to the following owners for the amount shown on the attached.

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ADMINISTRATION COMMITTEE



## **PURCHASE OF IN REM PROPERTY**

WHEREAS, on Saturday, August 25, 2007, a public auction was held for the sale of properties acquired by the County of Niagara by its In Rem Action, and

WHEREAS, as a result of said auction, the attached list of properties was struck down to each of the named individuals for the price indicated for each parcel, said price being the highest bid price received, and

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

RESOLVED, that the purchase offers set forth in the attached list be, and the same hereby are, accepted and following the County Attorney's review, the Chairman of the legislature is hereby authorized and directed to execute suitable quit-claim deeds, upon the receipt by the County Treasurer of the entire balance due on the purchase price of said properties, at which time said deeds shall be recorded in the Niagara County Clerk's Office in the name of the respective purchaser(s).

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ADMINISTRATION COMMITTEE

**CLAIM SETTLEMENT  
YEHIA HAMDY VS. COUNTY OF NIAGARA**

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, Yehia Hamdy vs. County of Niagara presents an opportunity for settlement thereby avoiding additional litigation, trial and adverse verdict costs, now, therefore, be it

RESOLVED, that the authority to disburse for the Yehia Hamdy litigation, in settlement, is given to the Risk & Insurance Manager in the amount of \$110,000.00 upon completion and receipt of a General Release and Stipulation of Discontinuance from plaintiff's and County's counsel.

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ADMINISTRATION COMMITTEE

**RESOLUTION APPROVING ENGAGEMENT OF OUTSIDE AUDITING FIRM  
FOR PROFESSIONAL AUDITING SERVICES TO NIAGARA COUNTY**

WHEREAS, the County of Niagara issued a Request for Proposal for auditing services for the period beginning December 31, 2007 and ending December 31, 2010, relating to all reasonable and necessary outside auditing services to the County of Niagara, including all departments thereof except Niagara County Community College, and

WHEREAS, six accounting organizations filed bids on or about July 19, 2007, which bids have been reviewed by the Department of Purchasing and the Department of Audit, and

WHEREAS, in accordance with the bidding procedures applicable to bids sought from professional organizations and further based on the current, general and specific auditing needs of the County of Niagara, the Department of Audit has recommended acceptance of the bid of Drescher & Malecki in the amount of \$326,396 for this engagement, and

WHEREAS, both the reputation of Drescher & Malecki CPA in the accounting community and its ability to fully staff the Niagara County audit, its knowledge and background with regard to each and every County department, in fact that its proposal commits an amount of partner time that is nearly three times that of any other bidder, the levels of performance, service and responsive that the County of Niagara has experienced with this firm in the past and its extensive government accounting experience and reputation, all are positive factors in the Department of Audit's recommendation, and

WHEREAS, the other certified public accountant firms that have provided bids, although all are reputable and competent in the accountant community, do not possess the advantages, as specified above, of the recommended bidder, and

WHEREAS, specifically, Drescher & Malecki is fully familiar with the tax and regulatory issues relating to the closing of the County's Mount View Health Facility, and

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

RESOLVED, that following the County Attorney's review, the Chair of the Legislature be, and hereby is, authorized to sign and deliver an engagement agreement engaging Drescher & Malecki CPAs for all reasonable and necessary outside auditing services as may be required by the County of Niagara for the time period beginning December 31, 2007 and ending December 31, 2010 in the total sum of \$326,396.

## **RESOLUTION CONCERNING COST CONTAINMENT CONSULTANT SERVICES**

WHEREAS, the Department of Audit and the County Treasurer's Office require the services of a consultant for professional services relating to cost allocation, employment benefits analysis and maximizing third-party reimbursement, and

WHEREAS, the Department of Audit, after bid solicitation in accord with County guidelines, has recommended the engagement of Venesky and Co., a firm with an excellent reputation in the field of New York municipal cost allocation and which is currently servicing approximately one-half of the counties in New York State in connection with the services now required by the County of Niagara, and

WHEREAS, Venesky and Co. has proposed a three-year engagement for such services at a total yearly fee of \$16,000, and

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

RESOLVED that Venesky and Co. is hereby approved for engagement to render cost allocation services, including space occupancy analyses, including the proposed County campus, and other services, including but not limited to, a certified employee benefit package, reimbursement analysis and preparation of a federal single audit manual, and be it further

RESOLVED, the following the County Attorney's review, the Chairman of the County Legislature be, and hereby is, authorized to execute the engagement agreement with Venesky and Co.

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ADMINISTRATION COMMITTEE

**RESOLUTION TO SET A PUBLIC HEARING ON THE  
RENEWAL OF NIAGARA COUNTY AGRICULTURAL DISTRICT #4  
TOWNS OF HARTLAND, LOCKPORT, ROYALTON AND NEWFANE**

WHEREAS, New York State Agriculture and Markets Law 25AA, Section 303-a(1)d requires a hearing be held on the renewal of an agricultural district not greater than 180 days nor less than 120 day prior to the anniversary date of an agricultural district, and

WHEREAS, the 8-year anniversary date of Agricultural District #4 is February 19, 2008 necessitating that the hearing be held between August 24<sup>th</sup>, 2007 and October 23<sup>rd</sup>, 2007, now, therefore, be it

RESOLVED, that the Niagara County Legislature shall conduct a public hearing for public and municipal input upon said renewal of Agricultural District #4 at the Legislative Chambers, Niagara County Courthouse, Lockport, New York, on Tuesday, September 18, 2007 at 6:40 p.m., and be it further

RESOLVED, that the Clerk of the Legislature, at least six days in advance of such hearing, shall post a notice upon the bulletin boards in the Courthouse at Lockport, the Civic Building at Niagara Falls, and the County Building at North Tonawanda and shall publish such notice in the Lockport Union Sun and Journal. The notice shall also be given in writing to the Towns of Hartland, Lockport, Royalton and Newfane and to the New York State Commissioner of Agriculture and Markets.

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ECONOMIC DEVELOPMENT COMMITTEE

**RESOLUTION TO HOLD A PUBLIC HEARING FOR INCLUSION  
OF A FARM PARCEL IN AGRICULTURAL DISTRICT #6**

WHEREAS, the New York State Department of Agriculture and Markets makes provision under Ag and Markets Law 25AA, Section 303-b for annual inclusion of land that is predominantly viable agricultural land into existing agricultural districts when initiated by the owner, and

WHEREAS, Kenith R. Hill of Sanborn submitted a request in June, 2007 that his 65 acres of land in tax parcel: 105.00-1-30.21 be included in Agricultural District #6 under the above provision, and

WHEREAS, the Niagara County Agriculture and Farmland Protection Board (FLPB) has determined that the land is predominantly viable agricultural land, that the land would benefit from right-to-farm provisions of Ag and Markets law and that the request should be considered by the Niagara County Legislature, and

WHEREAS, Ag and Markets law requires a public hearing be held and the Legislature act to adopt or reject the request no later than 120 days following June 30<sup>th</sup>, 2007, now, therefore, be it

RESOLVED, that the Niagara County Legislature shall conduct a public hearing upon said renewal of Agricultural District #6 at the Legislative Chambers, Niagara County Courthouse, Lockport, New York, on Tuesday, September 18, 2007 at 6:50 p.m., and be it further

RESOLVED, that the Clerk of the Legislature, at least six days in advance of such hearing, shall post a notice upon the bulletin boards in the Courthouse at Lockport, the Civic Building at Niagara Falls, and the County Building at North Tonawanda and shall publish such notice in the Lockport Union Sun and Journal. The notice shall also be given in writing to the Town of Cambria and to the New York State Commissioner of Agriculture and Markets.

**RESOLUTION OF THE NIAGARA COUNTY LEGISLATURE, AS THE  
ELECTED LEGISLATIVE BODY OF NIAGARA COUNTY, NEW YORK, IN  
ACCORDANCE WITH SECTION 147(f) OF THE INTERNAL REVENUE CODE  
OF 1986, AS AMENDED (THE "CODE"), APPROVING THE ISSUANCE BY THE  
NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY OF UP TO  
\$20,000,000 CIVIC FACILITY REVENUE BONDS (STUDENT HOUSING  
VILLAGE CORPORATION PROJECT), SERIES 2007**

WHEREAS, the Niagara County Legislature (the "Legislature"), as the elected legislative body of Niagara County, New York (the "County") has been advised by the Niagara County Industrial Development Agency (the "Issuer") that, in order to assist in the financing of a certain Project (as defined below) for the benefit of Student Housing Village Corporation, a New York not-for-profit corporation (the "Company"), the Issuer proposes to issue, contingent upon the adoption of this Resolution by the Legislature, its Civic Facility Revenue Bonds (Student Housing Village Project), Series 2007, in an aggregate principal amount not to exceed \$20,000,000 (the "Bonds"), and

WHEREAS, the project (the "Project") shall consist of: (A)(i) the acquisition or retention by the Issuer of fee title to or other interest in an approximately 12-acre parcel of vacant land located at 3111 Saunders Settlement Road in the Town of Sanborn, Niagara County, New York (the "Land"); (ii) the construction on the Land of an approximately 115,000 square foot building to house between 250 and 300 students attending Niagara County Community College, consisting of two, three and four bedroom suites with living rooms, bathrooms and kitchens included; the building shall also have common areas, security and associated amenities (the "Building"); (iii) the acquisition and installation in and around the Building of certain items of machinery, equipment, furniture and other tangible personal property including, but not limited to, bathroom fixtures, elevators and exercise room equipment (the "Equipment" and collectively with the Land and the Building, the "Facility"); (B) paying certain costs and expenses incidental to the issuance of the Bonds (as hereinafter defined) (the costs associated with items (A) and (B) above being hereinafter collectively referred to as the "Project Costs"); (C) the financing of a portion of the costs of the foregoing by the issuance of its civic facility revenue bonds in one or more issues or series in a maximum aggregate principal amount of \$20,000,000 (the "Bonds"); and (D) the lease or sale of such interest in the Facility back to the Company, and

WHEREAS, the Issuer, after careful review of the EAF and related materials submitted by the Company, determined that this Project involved an "unlisted action" (as such quoted term is defined in Article 8 of the Environmental Conservation Law and Regulations adopted pursuant thereto by the Department of Environmental Conservation of the State, "SEQR"). Further, the Issuer determined (i) the Project will result in no major impacts and, therefore, is one which may not cause significant damage to the environment; (ii) the Project will not have a "significant effect on the environment" (as such quoted term is defined under SEQR); and (iii) no "environmental impact statement" (as such quoted term is defined under SEQR) need be prepared for this action. This determination constitutes a "negative declaration" (as such quoted terms are defined under SEQR) for purposes of SEQR, and

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), interest on the Bonds will not be excluded from gross income for Federal income tax purposes unless the issuance of the Bonds is approved by the Legislature after a public hearing to consider the issuance of the Bonds has been conducted following reasonable public notice, and

WHEREAS, on May 21, 2007, the Issuer held such a public hearing upon proper notice in compliance with the Code, and

WHEREAS, to aid the Legislature in its deliberations, the Issuer has made available to the members of the Legislature prior to this meeting (a) the Company's application to the Issuer for financial assistance; (b) the notice of public hearing published by the Issuer on April 17, 2007 in the *Niagara Gazette*, along with the affidavit of publication of such newspaper; and (c) minutes of the Public Hearing, attended on behalf of the Issuer by Lawrence Witul, Assistant Executive Director and Sue Langdon, Marketing/Project Manager for the Issuer, and

WHEREAS, the Legislature, after due consideration of the foregoing, as the "applicable elected representative" of the County, within the meaning of Section 147(f)(2)(E) of the Code, desires to approve the issuance of the Bonds, provided the principal, premium, if any, and interest on the Bonds shall be special obligations of the Issuer and shall never be a debt of the State of New York (the "State") or any political subdivision thereof, including without limitation, the County and neither the State nor any political subdivision thereof, including without limitation, the County shall be liable thereon, now, therefore, be it

RESOLVED, by the Niagara County Legislature, as follows:

Section 1. For the purpose of satisfying the approval requirement of Section 147(f) of the Code, on the recommendation of the Economic Development Committee and the Administration Committee, the Legislature (as the elected legislative body of Niagara County, New York) hereby gives its approval of the issuance by the Issuer of its Bonds and related acts to be taken by the Issuer as part of the Project; *provided*, that the Bonds, and the premium (if any) and interest thereon, shall be special obligations of the Issuer and shall never be a debt of the State or any political subdivision thereof, including without limitation, the County, and neither the State nor any political subdivision thereof, including without limitation, the County, shall be liable thereon. This approval is given pursuant to Section 147(f) of the Code for the sole purpose of qualifying the interest payable on the Bonds for exclusion from gross income for Federal income tax purposes pursuant to the provisions of Sections 103 and 141-150 of the Code.

Section 2. This Resolution shall be deemed to be made for the benefit of the holders of the Bonds.

Section 3. This Resolution shall take effect immediately.



**APPROVAL OF AUDIT PROCEDURES OF SUCCESSFUL APPLICANTS  
FOR EMPOWER NIAGARA PROGRAM**

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 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 the trustees of NYPA and is presently being forwarded for its signature by the Governor of the State of New York, and

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

WHEREAS, the County of Niagara is desirous of taking all the necessary actions to be able to fully implement all the benefits contained in the HCRSA and the ASPNPPE, and

WHEREAS, to fully implement the benefits for economic development purposes and to comply with the provisions of the ASPNPPE requires the development of an application and an application process for the use of the low cost power allocation for economic development, and

WHEREAS, this application will be required to be forwarded to NYPA for its review and approval, pursuant to the ASPNPPE, and

WHEREAS, that upon the approval of the County of Niagara of the application to be used for low cost power allocation for economic development purposes, that a Review Board will be necessary to determine what applications are to be accepted, rejected, and if accepted, to be presented to the Niagara County Legislature, and

WHEREAS, such a Review Board establishing procedures would streamline the application process for presentation of qualified applicants to the Niagara County Legislature, and

WHEREAS, the Review Board recommends as part of the application an audit procedure as a requirement, therefore, be it

RESOLVED, that this Review Board is authorized to make the audit procedure to become part of the Review Board’s rules, procedures and requirements for any application it may process.

## **ESTABLISHING HIGH PERFORMANCE GREEN BUILDING STANDARDS FOR COUNTY OF NIAGARA NEW CONSTRUCTION PROJECTS**

WHEREAS, development and construction practices are significant contributors to the depletion of natural resources and a major cause of air and water pollution, solid waste, deforestation, toxic wastes, health hazards, global warming and other negative consequences, and

WHEREAS, buildings use one-quarter of all the world's wood harvest, Consume two-fifths of all materials and energy flows, and account for more than one third of CO2 emissions, and

WHEREAS, fossil fuel costs are rising rapidly, and a fossil fuel energy crisis is predicted within the next two decades, and

WHEREAS, construction of public buildings to high performance green building standards will reduce energy use, conserve water, reduce waste, increase the use of recycled materials, improve the health and satisfaction of Niagara County employees and citizens and empower economic development of businesses involved in green building and materials, and

WHEREAS, the Federal Government, states and municipalities across the U.S. have adopted high performance green building principles by incorporating the U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system into their building projects, and

WHEREAS, comprehensive studies have been completed concluding that LEED Silver rating can be achieved with little increase in construction costs (0-3%) and that the economic benefits of green design are approximately 10 times the initial investment, and

WHEREAS, construction costs represent only 20-30 percent of the building's entire costs over its 30 to 40 year life, emphasis should be placed on the life cycle costs of a public building. High performance green buildings have reduced lifecycle costs, and

WHEREAS, the construction industry in the County of Niagara represents a significant portion of our economy through Capital Improvement Projects and proposed development, and as a significant portion of the building industry is represented by small business, an increase in sustainable building practices will encourage and promote new and innovative small business development throughout New York, and

WHEREAS, the Niagara County Environmental Management Council has met and reviewed said request with a majority of members voting approval, and

RESOLVED, that before taking on any County funded construction projects, including major renovations, the County Manager of Niagara County will meet with NYSERDA to inform the County of any relevant programs and/or incentives, and be it further

RESOLVED, the County will request a NYSERDA audit before any capital project, renovation or new construction, that requires a bid, and be it further

RESOLVED, that all Niagara County funded new construction or major renovation of public buildings be designed and built to a minimum rating of "LEED™ Silver" using the U.S. Green Building Council's LEED-NC™ rating system, and be it further

RESOLVED, if another agency is funding part of a construction project, the project is not required to be LEED certified unless mutually agreed to by the agency and Niagara County, and be it further

RESOLVED, County agencies are encouraged to work cooperatively with one another to achieve the goals outlined in this resolution, and be it further

RESOLVED, that requests for proposals and bids for County funded construction projects shall explain the requirement for LEED certification, and moves its adoption.

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LEGISLATOR JASON MURGIA

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LEGISLATOR SEAN J. O'CONNOR

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LEGISLATOR RENAE KIMBLE

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LEGISLATOR DANNY W. SKLARSKI

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LEGISLATOR GERALD K. FARNHAM

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LEGISLATOR WILLIAM L. ROSS

---

LEGISLATOR PETER E. SMOLINSKI

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LEGISLATOR JOHN D. CERETTO

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LEGISLATOR ANDREA MCNULTY

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LEGISLATOR MALCOLM A. NEEDLER

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LEGISLATOR JOHN SYRACUSE

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LEGISLATOR RICHARD E. UPDEGROVE

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LEGISLATOR MICHAEL A. HILL

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LEGISLATOR WM. KEITH MCNALL

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LEGISLATOR HARRY J. APOLITO

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LEGISLATOR DENNIS F. VIRTUOSO

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LEGISLATOR KYLE R. ANDREWS

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LEGISLATOR REBECCA E. CUDDAHEE

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LEGISLATOR CLYDE L. BURMASTER

## **SUPPORT TO PROTECT THE GREAT LAKES FROM INVASIVE SPECIES**

WHEREAS, invasive species – non-native plants, animals and microbes – have been entering the waters of New York and the Great Lakes through a variety of means, the most severe being through the exchange of ballast water from large cargo ships traveling across the ocean. Left unchecked, many invasive species have the potential to transform entire ecosystems, as native species – and those that depend on them for food, shelter and habitat – disappear. It is estimated that 42 percent of plants and animals on the U.S. Threatened and Endangered Species List are at risk because of this biological pollution, and

WHEREAS, the cost to control invasive species and the damages they inflict upon property and natural resources in the United States is estimated at \$120 billion. In the Great Lakes, impact costs of zebra mussels are estimated at \$30 million. The loss of fisheries due to the introduction of the Eurasian Ruffe fish is estimated at \$119 million. These are but two invasive species from a list that has expanded to nearly 200 exotic introductions that we must now deal with, now, therefore, be it

RESOLVED, that we should not wait any longer to protect our natural resources from any further biological pollution, and be it further

RESOLVED, that the Niagara County Legislature supports New York State to enact tougher legislation to help control these exotic invaders by passing legislation such as A.1355 and A.7266-B and furthermore urges New York State to join the Great Lakes St. Lawrence River Basin Water Resources Compact – a plan for the management of all the Great Lakes water, and be it further

RESOLVED, that our leadership in Washington, D.C. take a lead role in developing and authorizing Federal legislation that would adopt stronger, more comprehensive laws such as the National Aquatic Invasive Species Act (S. 770), its counterpart in the House (H.R. 1591), and a related research bill (H.R. 1592). Aquatic invaders are threatening the diversity and abundance of native wildlife, the ecological stability of infested waters or wetland habitats, and the commercial and recreational activities that depend upon them, and be it further

RESOLVED, that a copy of this resolution be forwarded to Congresswoman Louise M. Slaughter, Congressman Thomas M. Reynolds, U.S. Senator Charles Schumer, U.S. Senator Hillary Rodham Clinton, Senator George Maziarz, Senator Antoine Thompson, Assemblywoman Francine DelMonte, Assemblyman James Hayes, Assemblyman Robin Schimminger, Assemblyman Michael Cole and Assemblyman Stephen Hawley, and that a response be requested from each elected official.

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LEGISLATOR JOHN D. CERETTO

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LEGISLATOR JOHN SYRACUSE

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ECONOMIC DEVELOPMENT COMMITTEE

**SALE OF THE NORTH TONAWANDA FIRE TRAINING FACILITIES  
TO THE CITY OF NORTH TONAWANDA**

WHEREAS, the Niagara County Department of Public Works, is ready to take bids on the demolition of existing fire training towers located in Lockport, Niagara Falls and North Tonawanda, and

WHEREAS, the City of North Tonawanda has expressed interest in retaining the existing fire tire tower located in North Tonawanda, and

WHEREAS, the Niagara County Fire Coordinator has no need to retain the North Tonawanda Facility for county purposes, and

WHEREAS, Niagara County can avoid the cost of demolition of the structures on the North Tonawanda site, as well as the continued maintenance of same, 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 agrees to sell the fire training tower and grounds located at 80 Island Street, Parcel No. 184.08-1-9, in the City of North Tonawanda to the City of North Tonawanda for the amount of one-dollar (\$1.00), and be it further

RESOLVED, that the City of North Tonawanda agrees to maintain the facilities and grounds, pay all utilities, and assume all liability issues for the facilities and grounds, and be it further

RESOLVED, that the City of North Tonawanda further agrees not to conduct rappelling operations from the existing tower and not to induce fires for training purposes in the tower or smokehouse, and be it further

RESOLVED, that if the City of North Tonawanda sells this parcel within the next twenty (20) years, any proceeds from the sale would revert to the County of Niagara, 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.

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LEGISLATOR PETER E. SMOLINSKI

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PUBLIC WORKS COMMITTEE

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ADMINISTRATION COMMITTEE

## BICENTENNIAL COMMEMORATION HISTORICAL MURAL PAINTING

WHEREAS, Niagara County eagerly anticipates the 2008 celebration of the Niagara County Bicentennial Anniversary, and

WHEREAS, Niagara County's rich history, ever-changing present and promising future stands worthy of numerous ways to mark this momentous occasion, and

WHEREAS, the Niagara County courthouse, built in 1886, has long stood as a symbol of Niagara's architectural beauty, and

WHEREAS, General LaFayette, upon visiting in 1825 recognized the unique beauty of our region by proclaiming, "I give you Niagara, first in the wonders of nature and first in the wonders of art.", now, therefore be it

RESOLVED, that the Niagara County Legislature commission local artist Joseph Buczkowski, designer of the official limited edition 2008 Bicentennial print, to re-create the print as a 4.0'-6.0" X 10.0' oil or acrylic mural on canvas, and be it further

RESOLVED, that the painting be installed at the Courthouse entrance, and be it further

RESOLVED, that the following budget modification be effectuated:

FROM:

A1990.74032	Contingency	\$4,000.00
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TO:

A7550.74032	Celebrations	\$4,000.00
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LEGISLATOR WILLIAM L. ROSS

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LEGISLATOR DANNY SKLARSKI

**LEASE AGREEMENT WITH NCCC FOR THE TROTT ACCESS CENTER  
2007-2008**

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 lease agreement, the County Attorney will review the agreement for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that your Public Works Committee recommends the attached lease agreement to be entered into with NCCC, 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 attached lease agreement.

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PUBLIC WORKS COMMITTEE

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ADMINISTRATION COMMITTEE



**APPROVAL OF AGREEMENT BETWEEN THE COUNTY OF NIAGARA  
AND THE LOCKPORT RUGBY CLUB**

WHEREAS, the Lockport Rugby Club has requested the use of the Davison Road Campus for a Chiavetta Barbeque Sale to be held on September 9, 2007, and

WHEREAS, the Lockport Rugby Club benefits the youth and other residents of both the City and the Town of Lockport, in addition to Niagara County as a whole, and

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

RESOLVED, that the Lockport Rugby Club is hereby granted permission to hold the Chiavetta Barbeque Fundraiser on September 9, 2007, at the Davison Road Complex, 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 with the Lockport Rugby Club.

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PUBLIC WORKS COMMITTEE

**BUDGET MODIFICATION – COUNTY SNOW REMOVAL**

WHEREAS, several towns located within Niagara County are under contract for snow and ice control on County roadways, and

WHEREAS, part of the agreement stipulates that advance payments to the towns will be made by October 1, 2007 for the 2007-2008 winter season, and

WHEREAS, due to inclement weather in the spring of 2007, funds are required to meet this obligation, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE:

D 359900	Appropriated Fund Balance	\$187,000
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INCREASE:

D5142.74524	Town Payments	\$187,000
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PUBLIC WORKS COMMITTEE

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ADMINISTRATION COMMITTEE

**BUDGET MODIFICATION – ROAD CONSTRUCTION  
RAYMOND AND RAPIDS ROAD, TOWN OF LOCKPORT  
REPAVING PROJECT**

WHEREAS, Raymond and Rapids Road, in the Town of Lockport, are in need of repaving, and

WHEREAS, funds are available in account D5112.72441, Lockport Road/RR Bridge to Military, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

DECREASE APPROPRIATIONS:

D5112.72441	Lockport Rd/RR Bridge to Military	\$204,366.67
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INCREASE APPROPRIATIONS:

D5112.7244x	Raymond & Rapids Repaving	\$204,366.67
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and be it further

RESOLVED, that account D5112.72441, Lockport Road/RR Bridge to Military, be closed.

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PUBLIC WORKS COMMITTEE

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ADMINISTRATION COMMITTEE

**ACQUISITION OF PROPERTY  
5058 LOCKPORT JUNCTION ROAD  
TOWN OF CAMBRIA, NEW YORK**

WHEREAS, property is required to erect the new Public Works Facility, in a location that is centrally located to all county owned roadways and buildings, and

WHEREAS, property located at 5058 Lockport Junction Road, Town of Cambria, New York has been placed on the market for sale, and

WHEREAS, as approved by the Public Works Committee, the Commissioner of Public Works submitted a Letter of Intent, to purchase the property located at 5058 Lockport Junction Road, Town of Cambria, for an amount of \$150,000, and

WHEREAS, the seller has accepted said purchase price, and

WHEREAS, the Public Works Department will conduct the Phase I Environmental Study to ensure that there are no major environmental concerns, and

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

RESOLVED, the purchase of the property, contingent upon the proper zoning and planning board approvals, located at 5058 Lockport Junction Road, Town of Cambria, New York, for a purchase price of \$150,000, be effectuated, and be it further

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

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PUBLIC WORKS COMMITTEE

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ADMINISTRATION COMMITTEE

**NIAGARA COUNTY COMMUNITY COLLEGE  
CAPITAL PROJECT PLAN MODIFICATION**

WHEREAS, Resolution IL-054-04, dated December 7, 2004, approved several projects for the 2005 bonding program, and

WHEREAS, three projects, Roof Replacement, Fire Alarm/Security System Upgrade and Emergency Power System, and Bathroom Fixtures Upgrade, have been completed and under budget, and

WHEREAS, it is the desire of the College and County to proceed with replacement of the remaining campus doors and windows and to repair the swimming pool ceiling, now, therefore, be it

RESOLVED, that the Roof Replacement Project be reduced by \$485,000, the Fire Alarm/Security System Upgrade and Emergency Power System Project be reduced by \$695,000, and the Bathroom Fixtures Upgrade Project be reduced by \$165,000 and that two additional projects be created, entitled Campus Door and Window Replacement Project – Phase II, in the amount of \$1,000,000 and Swimming Pool Ceiling Replacement Project in the amount of \$300,000.

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PUBLIC WORKS COMMITTEE

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ADMINISTRATION COMMITTEE

