

**AGENDA  
NIAGARA COUNTY LEGISLATURE  
OCTOBER 2, 2007 – 7:00 P.M.**

**Resolutions not on previous agenda:**

- CSS-047-07** Community Safety/Security, re termination of agreement between Miller Hose Company Inc & the Co of Niagara dated February 2, 1960. Approved
- ED-030-07** Economic Development & Administration, re authorization to contract with Clough Harbour & Associates, LLP to develop the Niagara Co Comprehensive Plan. Approved.
- ED-033-07** Economic Development, re resolution by the Niagara Co Legislature designating the Niagara Tourism & Convention Corp (NTCC) as the official tourism promotion agency (TPA) for Niagara County. Approved.

**Regular Meeting – October 2, 2007**

- IL-062-07** Legs Sklarski & Ross, re support to improve Niagara Falls Boulevard immediately
- IL-063-07** Leg McNulty, re reconsideration of Executive Order giving driver's licenses to illegal aliens in New York State
- \*PW-106-07** Public Works & Administration, re replacement of the Cedar Street Bridge over Tonawanda Creek, BIN 3326600, in the Town of Newstead, Erie Co and the Town of Royalton, Niagara Co, PIN5757.21
- PW-107-07** Public Works & Administration, re amendment to contract with Fluent Energy
- \*PW-108-07** Public Works & Administration, re NCCC Roof Replacement Project-Bldg "F" Change Order No. 1 & final payment
- \*PW-109-07** Public Works, re Cedar St Bridge Reconstruction/Replacement Project consultant selection
- \*PW-110-07** Public Works, re Fire Tower Demolition award
- \*PW-111-07** Public Works, re NCCC Pool Ceiling consultant selection
- \*PW-112-07** Public Works & Administration, re NCCC Window & Door Replacement Project Phase II consultant Amendment No. 2
- \*PW-113-07** Public Works & Administration, re Court House HVAC general contract – Change Order No. 1 & final payment request
- \*PW-114-07** Public Works & Administration, re NCCC Bookstore Expansion Mechanical Contract Change Order No. 1 & final payment request
- \*PW-115-07** Public Works & Administration, re NCCC Roof Replacement Project-Bldgs "A" & "B" Change Order No. 1 & final payment
- \*PW-116-07** Public Works & Administration, re Niagara Co Jail Electrical Panel & Wiring Upgrade Change Order No. 1 & final payment
- \*PW-117-07** Public Works & Administration, re NCCC Campus Wide Site Improvements General Contract Change Order No. 1
- \*PW-118-07** Public Works, re NCCC Student Housing easements

\***PW-119-07** Public Works & Administration, re 2008 Environmental Monitoring Contract for Niagara Co Refuse Disposal District

\***PW-120-07** Public Works, re resolution approving a contract between the Niagara County Water District and the Village of Medina (Western New York Energy, LLC)

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 October 16, 2007.**

**PREFERRED AGENDA**  
**NIAGARA COUNTY LEGISLATURE**  
**OCTOBER 2, 2007 – 7:00 P.M.**

- PW-106-07** Public Works & Administration, re replacement of the Cedar Street Bridge over Tonawanda Creek, BIN 3326600, in the Town of Newstead, Erie Co and the Town of Royalton, Niagara Co, PIN5757.21
- PW-108-07** Public Works & Administration, re NCCC Roof Replacement Project-Bldg “F” Change Order No. 1 & final payment
- PW-109-07** Public Works, re Cedar St Bridge Reconstruction/Replacement Project consultant selection
- PW-110-07** Public Works, re Fire Tower Demolition award
- PW-111-07** Public Works, re NCCC Pool Ceiling consultant selection
- PW-112-07** Public Works & Administration, re NCCC Window & Door Replacement Project Phase II consultant Amendment No. 2
- PW-113-07** Public Works & Administration, re Court House HVAC general contract – Change Order No. 1 & final payment request
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- PW-115-07** Public Works & Administration, re NCCC Roof Replacement Project-Bldgs “A”& “B” Change Order No. 1 & final payment
- PW-116-07** Public Works & Administration, re Niagara Co Jail Electrical Panel & Wiring Upgrade Change Order No. 1 & final payment
- PW-117-07** Public Works & Administration, re NCCC Campus Wide Site Improvements General Contract Change Order No. 1
- PW-118-07** Public Works, re NCCC Student Housing easements
- PW-119-07** Public Works & Administration, re 2008 Environmental Monitoring Contract for Niagara Co Refuse Disposal District
- PW-120-07** Public Works, re resolution approving a contract between the Niagara County Water District and the Village of Medina (Western New York Energy, LLC)

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CHAIRMAN

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MAJORITY LEADER

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MINORITY LEADER

## **SUPPORT TO IMPROVE NIAGARA FALLS BOULEVARD IMMEDIATELY**

WHEREAS, Niagara Falls Boulevard is the main commercial roadway for the Town of Wheatfield, and

WHEREAS, Niagara Falls Boulevard is currently under Phase 1 and Phase 2 reconstruction by the New York State Department of Transportation, and,

WHEREAS, Niagara Falls Boulevard has a long history of traffic accidents and most recently a tragic double fatality due to unsafe road conditions, now, therefore, be it

RESOLVED, that the citizens of Niagara County should not wait any longer for immediate relief from hazardous and unsafe road conditions, and be it further

RESOLVED, that the Niagara County Legislature requests that New York State move the time table up for the construction of Phase 3 of the Niagara Falls Boulevard improvement project which includes the upgrades from approximately Mavis Drive to the Niagara Falls City Line, and includes the much needed middle lane as a traffic safety feature at Ward Road and Sy Road to immediate time table so that more tragedies do not occur on this very dangerous part of Niagara Falls Boulevard , and be it further

RESOLVED, that the Niagara County Legislature requests that New York State Department of Transportation immediately lower the speed limit on Niagara Falls Boulevard to 45 mph and make this speed limit consistent for the entire area of Niagara Falls Boulevard, from the Thruway through the City of Niagara Falls, and be it further

RESOLVED, that the Niagara County Legislature requests that New York State Department of Transportation to immediately install a traffic safety light at the intersection of Crescent and Niagara Falls Boulevard in the Town of Wheatfield, and be it further

RESOLVED, that the Niagara County Legislature request that New York State to both lower and make consistent during the whole stretch of Shawnee Road a speed limit of 45 mph so as to protect the public health and safety of our residents, and request that a traffic light be installed at the corner of Klemer and Shawnee Roads, and be it further

RESOLVED, that a copy of this resolution be forwarded to New York Governor Spitzer, New York State Commissioner of Transportation, 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 DANNY W. SKLARSKI

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LEGISLATOR WILLIAM L. ROSS

**RECONSIDERATION OF EXECUTIVE ORDER GIVING DRIVER'S LICENSES  
TO ILLEGAL ALIENS IN NEW YORK STATE**

WHEREAS, on September 21, 2007, New York State Governor Eliot Spitzer announced through Executive Order an administrative policy change that will give illegal aliens the opportunity to apply for state driver licenses without regard to immigration status, and

WHEREAS, under this unilateral action, the state will no longer require a Social Security number or proof that a person is not eligible for such a number in order to qualify for a driver's license, and

WHEREAS, that change conflicts with the 2005 REAL ID law passed by Congress that states require, among other things, a Social Security number in order to get a license, which states have until December 2009 to be in compliance with, and

WHEREAS, states that fail to meet the standards will lose their certification by the Department of Homeland Security, and

WHEREAS, driver's licenses in those states will no longer be federally recognized for employment verification, entry to federal facilities, air travel identification and for tax purposes, meaning travelers will now have to carry a second form of ID, federally recognized, such as a passport, and

WHEREAS, Governor Spitzer's actions are in direct contradiction to the bi-partisan efforts of Western New York's Congressional Delegation who have been fighting the Western Hemisphere Travel Initiative that will require passports for passenger traffic between the United States and Canada and have been proposing enhanced driver's licenses as a reasonable alternative, now, therefore, be it

RESOLVED, that the Niagara County Legislature express its concern with the policy change and its impact on the legal citizens of this state, including potentially higher costs, to the Governor, and be it further

RESOLVED, that the Niagara County Legislature ask Governor Spitzer to reconsider this Executive Order to further evaluate its impact, and be it further

RESOLVED, that a copy of this resolution be sent to Governor Spitzer and DMV Commissioner David Swarts, as well as all state and federal officials representing Niagara County, and that a response be requested from each elected official.

**REPLACEMENT OF THE CEDAR STREET BRIDGE OVER TONAWANDA CREEK,  
BIN 3326600, IN THE TOWN OF NEWSTEAD, ERIE COUNTY AND THE  
TOWN OF ROYALTON, NIAGARA COUNTY, PIN 5757.21**

WHEREAS, a Project for the Replacement of the Cedar Street Bridge over Tonawanda Creek, BIN 3326600, in the Town of Newstead, Erie County and the Town of Royalton, Niagara County, PIN 5757.21, 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) and Right-of-Way Incidentals phases, of the project, PIN 5757.21, and

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

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

RESOLVED, that the County 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) and Right-of-Way Incidentals phases of the Project or portions thereof, and be it further

RESOLVED, that the sum of \$114,000 is made available to cover the cost of participation in the above phases of the Project, and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Design I-IV) and Right-of-Way Incidental phases exceeds the amount appropriated above, \$114,000, and/or 100% of the full Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) and Right-of-Way Incidental phases exceeds \$570,000, the County of Niagara shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation, thereof, and be it further

RESOLVED, that following the County Attorney's review, the Chairman 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 and providing administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of Federal-Aid and State-Aid eligible Project costs and all Project costs within appropriations therefore 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, this resolution should take effect immediately.

## **AMENDMENT TO CONTRACT WITH FLUENT ENERGY**

WHEREAS, Resolution No. PW-009-00, dated February 15, 2000, authorized Leveraged Energy Purchasing Corporation, now known as Fluent Energy, to provide electrical procurement and management services, and

WHEREAS, the County was successful in negotiating an allocation of nine (9) megawatts of power from the New York Power Authority, beginning September 1, 2007, and

WHEREAS, the County will now administer the allocations for other beneficiaries on NYPA allocations, Lewiston-Porter School District, Niagara-Wheatfield School District, and the Town of Niagara, and

WHEREAS, the County will temporarily administer the allocations for the City of Niagara Falls and the Niagara Falls Board of Education, and

WHEREAS, Fluent Energy will be required to provide additional electrical procurement and management services associated with all of the allocations from NYPA, and

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

RESOLVED, that Fluent Energy will be paid a management fee equal to \$0.00033 per kilowatt hour for the total kilowatt hours associated with each of the NYPA allocations that are being administered by the County, 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 amendment to the agreement.

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PUBLIC WORKS COMMITTEE

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ADMINISTRATION COMMITTEE

**NIAGARA COUNTY COMMUNITY COLLEGE  
ROOF REPLACEMENT PROJECT – BUILDING “F”  
CHANGE ORDER NO. 1 AND FINAL PAYMENT**

WHEREAS, Resolution No. PW-052-07, dated April 3, 2007, awarded the replacement of the NCCC Building “F” roof to the lowest responsible bidder, Jameson Roofing, 3761 East Lake Road, Dunkirk, NY 14048, in the amount of \$407,600.00, and

WHEREAS, due to adjustments in contract quantities, it is necessary to reduce the contract by \$20,000.00, and

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

RESOLVED, that Change Order No. 1 is approved to deduct \$20,000.00 from the contract price, for a revised contract of \$387,600.00, 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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PUBLIC WORKS COMMITTEE

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ADMINISTRATION COMMITTEE

**CEDAR STREET BRIDGE RECONSTRUCTION/REPLACEMENT  
PROJECT CONSULTANT SELECTION**

WHEREAS, the Department of Public Works, in accordance with Federal/State guidelines, evaluated proposals from consulting engineering firms for services related to the reconstruction of the Cedar Street Bridge, and

WHEREAS, funds are available in project H5112.73494, Bridge Replacement, 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, that the contract for consulting services be awarded to Abate Engineering Associates, PC, 4455 Genesee Street, PO Box 400, Buffalo, NY 14225, in the amount of \$384,502.00, 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

**FIRE TOWER DEMOLITION AWARD**

WHEREAS, the Niagara County Legislature Public Works Committee directed the Commissioner of Public Works to proceed with the demolition of the Lockport and Niagara Falls Fire Towers, and

WHEREAS, sealed bids for the demolition of the Lockport and Niagara Falls Fire Towers were received and publicly opened by the Purchasing Department on September 20, 2007, as tabulated below:

	<u>Contractor</u>	<u>Base Bid</u>
1.	Mark Cerrone, Inc. PO Box 3009 Niagara Falls, NY 14304	\$33,788.00
2.	RB Mac Construction, Inc. PO Box 424 Lockport, NY 14095	\$47,800.00
3.	Cambria Contracting, Inc. 5105 Lockport Road Lockport, NY 14094	\$60,600.00
4.	Metro Contracting 2939 Lockport Road Niagara Falls, NY 14305	\$75,800.00
5.	C.F. Wolcott 4311 Plank Road Lockport, NY 14094	\$99,800.00

and

WHEREAS, funds are available in account H1620.73512, Fire Training Tower Demolition, 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, project be awarded to the lowest responsible bidder, Mark Cerrone, Inc., PO Box 3009, Niagara Falls, NY 14304, for a contract price of \$33,788.00, 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.

## **NIAGARA COUNTY COMMUNITY COLLEGE POOL CEILING CONSULTANT SELECTION**

WHEREAS, the Department of Public Works, in accordance with Federal/State guidelines, evaluated proposals from consulting engineering firms for services related to the replacement of the Niagara County Community College Pool Ceiling, and

WHEREAS, funds are available in project H0522.73463, NCCC Improvements, 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, that the contract for consulting services be awarded to Watts Engineering and Architecture, Inc., 3826 Main Street, Buffalo, NY 14226, in the amount of \$18,700.00, 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

**NIAGARA COUNTY COMMUNITY COLLEGE WINDOW  
AND DOOR REPLACEMENT PROJECT  
PHASE II CONSULTANT AMENDMENT NO. 2**

WHEREAS, Resolution No. PW-058-05, dated July 12,2005, awarded the contract for consulting services relating to the NCCC Campus Window and Door Replacement Project to Wendel-Duchscherer, 140 John James Audobon Parkway, Suite 201, Amherst, New York 14228, in the amount of \$120,000.00, and

WHEREAS, Resolution No. PW-029-06, dated April 4, 2006, approved Amendment No. 1 for continuation of Phase II in the amount of \$6,000, for a revised contract of \$126,000.00, and

WHEREAS, funds are required for the construction and construction inspection phase of Phase II of the Window and Door Replacement Project at Niagara County Community College, for a fee not to exceed \$27,500.00, for a revised contract price of \$153,500.00, and

WHEREAS, funds are available in account H0522.73463, NCCC Capital Improvements, 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. 2 in the amount of \$27,500.00, and be it further

RESOLVED, that the contract for consulting services be amended by \$27,500.00, to allow for the construction and construction inspection services required in Phase II of the project, for a total contract price of \$153,500.00, 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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PUBLIC WORKS COMMITTEE

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ADMINISTRATION COMMITTEE

**COURT HOUSE HVAC GENERAL CONTRACT  
CHANGE ORDER NO. 1 AND FINAL PAYMENT REQUEST**

WHEREAS, Resolution No. PW-088-06, dated June 6, 2006, awarded the replacement of the Court House HVAC General Contract to RB Mac Construction Co. Inc., PO Box 424, Lockport, NY 14095, in the amount of \$156,800.00, and

WHEREAS, due to adjustments in contract quantities, it is necessary to decrease the contract in the amount of \$14,313.00, per attached Change Order No. 1 (Final), for a revised contract price of \$142,487.00, 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, that the work is accepted and Change Order No. 1 (Final) is approved, and be it further

RESOLVED, that the Commissioner of Public Works is authorized to approve a final payment of \$15,902.00 to RB Mac Construction Co. Inc., PO Box 424, Lockport, NY 14095, for a total contract price of \$142,487.00, 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 BOOKSTORE EXPANSION  
MECHANICAL CONTRACT  
CHANGE ORDER NO. 1 AND FINAL PAYMENT REQUEST**

WHEREAS, Resolution No. PW-166-06, dated December 5, 2006, awarded the Niagara County Community College Bookstore Expansion Mechanical Contract to Parise Mechanical, Inc., 233 Fillmore Avenue, Suite 19, Tonawanda, NY 14150, in the amount of \$134,800.00, and

WHEREAS, due to adjustments in contract quantities, it is necessary to decrease the contract in the amount of \$6,205.00, per attached Change Order No. 1 (Final), for a revised contract price of \$128,595.00, 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, that the work is accepted and Change Order No. 1 (Final) is approved, and be it further

RESOLVED, that the Commissioner of Public Works is authorized to approve a final payment of \$16,725.00 to Parise Mechanical, Inc., 233 Fillmore Avenue, Suite 19, Tonawanda, NY 14150, for a total contract price of \$128,595.00, 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  
ROOF REPLACEMENT PROJECT – BUILDINGS “A” & “B”  
CHANGE ORDER NO. 1 AND FINAL PAYMENT**

WHEREAS, Resolution No. PW-053-07, dated April 3, 2007, awarded the replacement of the NCCC Building “A” & “B” roof to the lowest responsible bidder, Jameson Roofing, 3761 East Lake Road, Dunkirk, NY 14048, in the amount of \$389,000.00, and

WHEREAS, due to adjustments in contract quantities, it is necessary to reduce the contract by \$20,000.00, and

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

RESOLVED, that Change Order No. 1 is approved to deduct \$20,000.00 from the contract price, for a revised contract of \$369,000.00, and be it further

RESOLVED, that the Commissioner of Public Works is authorized to approve a final payment of \$38,619.00 to Jameson Roofing, 3761 East Lake Road, Dunkirk, New York 14048, for a total contract price of \$369,000.00, 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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PUBLIC WORKS COMMITTEE

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ADMINISTRATION COMMITTEE

**NIAGARA COUNTY JAIL ELECTRICAL PANEL AND WIRING UPGRADE  
CHANGE ORDER NO. 1 AND FINAL PAYMENT**

WHEREAS, Resolution No. PW-051-07, dated April 3, 2007, awarded the Jail Electrical Panel and Wiring Upgrade project to the lowest responsible bidder, M&M Electric Construction Co. Inc., 9155 Porter Road, Niagara Falls, NY 14304, in the amount of \$97,900.00, and

WHEREAS, due to adjustments in contract quantities, it is necessary to reduce the contract by \$2,631.98, and

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

RESOLVED, that Change Order No. 1 is approved to deduct \$2,631.98 from the contract price, for a revised contract of \$95,268.02, and be it further

RESOLVED, that the Commissioner of Public Works is authorized to approve a final payment of \$9,527.00 to M&M Electric Construction Co. Inc., 9155 Porter Road, Niagara Falls, NY 14304, for a total contract price of \$95,268.02 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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PUBLIC WORKS COMMITTEE

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ADMINISTRATION COMMITTEE

**NIAGARA COUNTY COMMUNITY COLLEGE  
CAMPUS WIDE SITE IMPROVEMENTS  
GENERAL CONTRACT CHANGE ORDER NO. 1**

WHEREAS, Resolution No. PW-092-07, dated July 24, 2007, awarded the Campus Wide Site Improvements to the lowest responsible bidder, Scott Lawn Yard, Inc., 5552 Townline Road, Sanborn, NY 14132, in the amount of \$593,750.00, and

WHEREAS, it is necessary for rock removal and relocation of two fiber optic cables, for a cost not to exceed \$22,100.00, and

WHEREAS, funds are available in account H0522.73463, NCCC Capital Improvements, and

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

RESOLVED, that Change Order No. 1 be approved in the amount of \$22,100.00, to Scott Lawn Yard, Inc., 5552 Townline Road, Sanborn, NY 14132, and be it further

RESOLVED, that the NCCC Campus Wide Site Improvements be amended by \$22,100.00, to allow for additional rock removal and the relocation of two fiber optic cables, for a total contract price of \$615,850.00, 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 STUDENT HOUSING EASEMENTS**

WHEREAS, Niagara County owns the Niagara County Community College lands in trust for college purposes, and

WHEREAS, Niagara County Community College maintains the present roadway at the college, and

WHEREAS, construction of student housing by the Student Housing Village Corp. and Niagara Student Housing Development Corp. will require construction vehicles to access the site from the present roadway east from Route 429 to the housing site, and

WHEREAS, the development corporations require an easement for the use of the roadway and installation of utility lines to the housing site, and

WHEREAS, the County will grant the required easements under certain terms and conditions, and

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

RESOLVED, that the County grants an easement to the Student Housing Village Corp. and Niagara Student Housing Development Corp. to use the present roadway at Niagara County Community College for student housing on the condition that the development corporations and Niagara County Community College be responsible for maintenance and repair for any damage to the roadway caused by its use by the construction vehicles, be it further

RESOLVED, that the easement is further contingent on the contractors for building student housing to be required to file insurance certificates and/or bonds insuring Niagara County and being responsible for the repair of any damage to the roadway during construction, and be it further

RESOLVED, that the development corporations are granted an easement to extend present utility lines to the student housing project with the development corporations being responsible for all costs of installation, maintenance and repairs, and be it further

RESOLVED, that the utility easement shall be subject to providing a legal description and a map locating utility easements to be approved to the Commissioner of Public Works and the Niagara County Attorney, and be it further

RESOLVED, that following the County Attorney' review and the approval of the Commissioner of Public Works, the Chairman of the Legislature is authorized to sign the easement.

**2008 ENVIRONMENTAL MONITORING CONTRACT  
FOR NIAGARA COUNTY REFUSE DISPOSAL DISTRICT**

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) requires environmental monitoring for ground and surface water and landfill gas migration at the Lockport Landfill Facility, and

WHEREAS the Niagara County Sewer District #1 Discharge Permit No: 06-20 requires environmental monitoring for leachate, and

WHEREAS, a Request for Environmental Monitoring was proposed, and

WHEREAS, the Niagara County Refuse Disposal District has received three (3) proposals: Frontier Technical Associates, Inc, \$122,880.00; GZA GeoEnvironmental of New York, \$128,260.00; Clough, Harbour & Associates LLP, \$129,320.00 and Urban Engineers, Inc, Ecology and Environment, Inc. and Apex Engineers, PC declined to bid and,

WHEREAS, Frontier Technical Associates, Inc was the lowest responsible bidder, and

WHEREAS, on September 24, 2007, the Niagara County Refuse Disposal District Administrative Board has approved entering into an agreement for 2008 monitoring with an option to extend services for 2009, with Frontier Technical Associates, Inc in the amount of \$122,880.00 according to the contract attached hereto, and

WHEREAS, there are sufficient funds available in the 2008 budget, 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 following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the attached agreement.

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PUBLIC WORKS COMMITTEE

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ADMINISTRATION COMMITTEE

**RESOLUTION APPROVING A CONTRACT BETWEEN  
THE NIAGARA COUNTY WATER DISTRICT AND THE VILLAGE OF MEDINA  
(WESTERN NEW YORK ENERGY, LLC)**

WHEREAS, the Niagara County Water District has provided the Village of Medina all of its requirements for filtered water since 1959, and

WHEREAS, the Niagara County Water District and the Village of Medina entered into an agreement dated as of December 31, 1999 and effective March 31, 1999, providing for the Niagara County Water District to continue supplying water pursuant to prior agreements, and

WHEREAS, the Village of Medina desires to supply water to Western New York Energy, LLC and energy located in the Town of Shelby, which is an area that the Town of Selby Water District does not serve, and

WHEREAS, under paragraphs 8 and 9 of the aforementioned agreement, the Village of Medina may supply water to districts and entities outside the Village of Medina but only on the approval of such sales by the Niagara County Water District, and

WHEREAS, this Legislature finds and determines that the supply to Western New York Energy, LLC, at anticipated rate of 750,000 gallons per day every day of the year, is in the best interest of the County of Niagara, the Niagara County Water District, the Village of Medina and the Town of Shelby, and

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

RESOLVED, the agreement between the Niagara County Water District and the Village of Medina, a true copy which is on file in the Office of the Clerk of the Niagara County Legislature, is hereby approved in all respects, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Niagara County Legislature is hereby authorized and directed to execute and deliver the approval section of the contract on behalf of the County of Niagara and the Niagara County Legislature.

