


**AGENDA**  
**NIAGARA COUNTY LEGISLATURE**  
**DECEMBER 4, 2012 – 7:00 P.M.**

**Resolutions not on previous agenda:**

- ED-023-12** Economic Development & Administration, re Approval of Low Cost Power Benefit to Niagara Envelope, Inc. Under the Agreement for the Sale & Purchase of Niagara Project Power & Energy (ASPNPPE) – Approved
- ED-024-12** Economic Development & Administration, re Budget Modification – To Cover Empower Niagara Allocations to Niagara Envelope, Inc. – Approved
- ED-025-12** Economic Development & Administration, re Re-Appropriate Funds for the William G. Mayne, Jr. Business Community Enhancement Program – Approved

**Regular Meeting – December 4, 2012**

- AD-033-12** Administration, re Distribution of Mortgage Tax – Treasurer
- IL-076-12** Legislators Kathryn L. Lance, Richard E. Updegrove & Paul B. Wojtaszek, re Resolution in Support of Expanding Casino Gaming in Niagara Falls, New York
- PW-096-12** Public Works & Administration, re Public Works Buildings & Grounds Budget Modification
- PW-097-12** Public Works, re Lease Agreement with Niagara Cerebral Palsy for the Shaw Building in Lockport & the Trott Office Complex in Niagara Falls
- PW-098-12** Public Works & Administration, re Public Works Administration Budget Modification
- PW-099-12** Public Works & Administration, re Trott Building HVAC Modifications – Change Order No. 1 Final
- PW-100-12** Public Works & Administration, re Mapleton Road Bridge Replacement – Change Order No. 1 – Final
- PW-101-12** Public Works & Administration, re Bridge Scour Protection Project – Change Order No. 1 - Final
- PW-102-12** Public Works & Administration, re Stone Road Reconstruction Consultant Amendment No. 1

  
Mary Jo Tamburlin, Clerk  
Niagara County Legislature

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

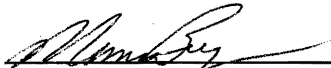
**The next meeting of the Legislature will be held on December 18, 2012.**

**NIAGARA COUNTY LEGISLATURE**

FROM: Administration Committee

DATE: 12/04/12

RESOLUTION # AD-033-12

<b>APPROVED BY</b>	<b>REVIEWED BY</b>	<b>COMMITTEE ACTION</b>	<b>LEGISLATIVE ACTION</b>
<b>CO. ATTORNEY</b>	<b>CO. MANAGER</b>	<u>AD - 11/27/12</u>	Approved: Ayes _____ Abs. _____ Noes _____
	_____	_____	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

**DISTRIBUTION OF MORTGAGE TAX**

WHEREAS, Niagara County has received mortgage tax monies for the period April 1, 2012 through September 30, 2012 in the amount of \$2,413,208.62, and

WHEREAS, the Recording Officer has previously distributed \$541,788.75 to the Niagara Frontier Transportation Authority, \$536,731.25 to the State Mortgage Tax Agency, and retained \$133,020.72 for approved county administrative expenses, and

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

RESOLVED, that the sum of \$1,201,667.90 reflects mortgage tax monies for the period April 1, 2012 through September 30, 2012 to be distributed, and the same be and hereby is, apportioned as follows among the various towns, villages and cities of the County of Niagara:

<b>TOWNS</b>	Cambria	\$ 41,406.89
	Hartland	16,314.97
	Lewiston	136,681.59
	Lockport	124,539.06
	Newfane	62,456.19
	Niagara	28,958.05
	Pendleton	89,326.81
	Porter	43,361.20
	Royalton	43,645.74
	Somerset	15,945.44
	Wheatfield	180,405.55
	Wilson	38,787.03
 <b>VILLAGES</b>	Middleport (Hartland)	 \$ 249.12
	Middleport (Royalton)	3,585.26
	Lewiston	16,420.51
	Youngstown	8,299.62
	Barker	1,346.08
	Wilson	4,303.49
 <b>CITIES</b>	Lockport	 \$ 71,768.70
	Niagara Falls	115,580.48
	North Tonawanda	158,286.12
	<b>TOTAL:</b>	<u>\$1,201,667.90</u>

and be it further

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

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ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Kathryn L. Lance, Richard E. Updegrove & Paul B. Wojtaszek DATE: 12/04/2012 RESOLUTION # IL-076-12

Updegrove & Paul B. Wojtaszek

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Referred: \_\_\_\_\_

*Katherine D. Alexander*

RESOLUTION IN SUPPORT OF EXPANDING CASINO GAMING  
IN NIAGARA FALLS, NEW YORK

WHEREAS, the Niagara County Legislature did affirm resolution IL-073-12, "Niagara County Legislature Resolution to Support Full Casino Gaming at the Nine Existing Racinos in New York State," which did endorse the proposed expansion of legalized gaming to sites operated by Western Region Off Track Betting and throughout the State of New York, on November 20, 2012, and

WHEREAS, the Niagara County Legislature supports economic development in the City of Niagara Falls, New York, and believes that additional legalized gaming enterprises on the American side of Niagara Falls could be significant county and city tax revenue generators and job creators, and

RESOLVED, that the Niagara County Legislature does hereby call upon the State of New York to enact such legislation as shall be necessary to open private state sanctioned gaming enterprises in downtown Niagara Falls, New York, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Cuomo, Senate Vice President Pro Tem George D. Maziarz; Senate Temporary President Dean G. Skelos; Senate Deputy Majority Leader Thomas W. Libous; Member of the Assembly Jane L. Corwin; Member of the Assembly John D. Ceretto; Member of the Assembly Ray Walter; Member of the Assembly Stephen Hawley; Member of the Assembly Robin Schimminger; Speaker of the Assembly Sheldon Silver; Assembly Majority Leader Ronald J. Canestrari; Assembly Minority Leader Brian M. Kolb, and all others deemed necessary and proper.

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LEGISLATOR KATHRYN L. LANCE

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LEGISLATOR RICHARD E. UPDEGROVE

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LEGISLATOR PAUL B. WOJTASZEK

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration

DATE: 12/04/12

RESOLUTION #PW-096-12

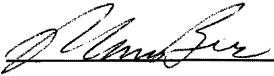
Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 11/27/12  
AD - 11/27/12

LEGISLATIVE ACTION  
Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Referred: \_\_\_\_\_



**PUBLIC WORKS BUILDINGS AND GROUNDS BUDGET MODIFICATION**

WHEREAS, funds are depleted in several maintenance lines within the Buildings and Grounds Operating Budget, and

WHEREAS, additional funds are required to allow for continued maintenance and repairs to continue through the end of 2012, and

WHEREAS, funds are available in a vacant position, which will be eliminated in the 2013 Budget, now, therefore, be it

RESOLVED, the following budget modification be effectuated:

DECREASE APPROPRIATIONS:

A.15.1440.000.71010.212                      Positions – Jr Civil Engineer                      \$39,500

INCREASE APPROPRIATIONS

A.15.1620.000.74375.04	Leased Lines	\$7,500
A.15.1620.000.74725.06	Service Contracts	8,500
A.15.1620.000.74750.21	Gas & Oil	6,500
A.15.1620.000.74800.02	HVAC Maintenance	5,000
A.15.1620.000.74800.03	Maintenance	6,000
A.15.1620.000.74800.06	Repairs/Maintenance - Telephone	6,000

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PUBLIC WORKS COMMITTEE

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ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee

DATE: 12/04/12

RESOLUTION # PW-097-12

APPROVED BY  
CO. ATTORNEY



REVIEWED BY  
CO. MANAGER

\_\_\_\_\_

COMMITTEE ACTION  
PW - 11/27/12

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LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Referred: \_\_\_\_\_

**LEASE AGREEMENT WITH NIAGARA CEREBRAL PALSY FOR THE SHAW BUILDING  
IN LOCKPORT AND THE TROTT OFFICE COMPLEX IN NIAGARA FALLS**

WHEREAS, Niagara Cerebral Palsy desires to continue the lease for office/classroom space at the Shaw Building in Lockport, NY and the Trott Office Complex, in Niagara Falls, New York, and

WHEREAS, the County has available space for this activity, and

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

RESOLVED, that your Public Works Committee recommends the attached lease agreement to be entered into with Niagara Cerebral Palsy for office/classroom space at the Shaw Building in Lockport, NY and the Trott Office Complex in Niagara Falls, NY, and be it further

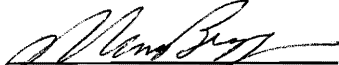
RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the required documents.

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PUBLIC WORKS COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration DATE: 12/04/12 RESOLUTION # PW-098-12

Committees

<b>APPROVED BY</b>	<b>REVIEWED BY</b>	<b>COMMITTEE ACTION</b>	<b>LEGISLATIVE ACTION</b>		
<b>CO. ATTORNEY</b>	<b>CO. MANAGER</b>	<u>PW - 11/27/12</u>	Approved: Ayes	Abs.	Noes
		<u>AD - 11/27/12</u>	Rejected: Ayes	Abs.	Noes
			Referred:		

**PUBLIC WORKS ADMINISTRATION BUDGET MODIFICATION**

WHEREAS, the County Manager, Budget Director and Commissioner of Public Works would like to study the feasibility of migrating the current county vehicle fleet to alternative fuel vehicles, and

WHEREAS, such forms of alternative fuels researched are compressed natural gas or CNG and electric hybrid vehicles, and

WHEREAS, funds are available in the Appropriated Fund Balance - Committed Funds for low cost power, to allow this study to proceed, now, therefore, be it

RESOLVED, the following budget modification be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

A.15.1490.000.40599.01	Committed Funds	\$7,500
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INCREASE APPROPRIATIONS

A.15.1490.000.74650.07	Professional Engineering Services	\$7,500
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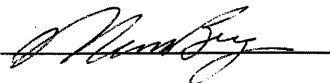
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PUBLIC WORKS COMMITTEE

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ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration DATE: 12/04/12 RESOLUTION #PW-099-12

Committees

<b>APPROVED BY</b>	<b>REVIEWED BY</b>	<b>COMMITTEE ACTION</b>	<b>LEGISLATIVE ACTION</b>
<b>CO. ATTORNEY</b>	<b>CO. MANAGER</b>	<u>PW - 11/27/12</u>	Approved: Ayes _____ Abs. _____ Noes _____
	_____	<u>AD - 11/27/12</u>	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

**TROTT BUILDING HVAC MODIFICATIONS – CHANGE ORDER NO. 1-FINAL**

WHEREAS, by Resolution No. PW-058-12, dated May 5, 2012, the Legislature awarded the contract for the Trott Building HVAC Modifications, to Parise Mechanical, 1106 Sheridan Drive, Tonawanda, NY 14150, in the amount of \$52,900, and

WHEREAS, it is necessary to approve Change Order No. 1-Final, due to adjustments in contract quantities, in the amount of (\$1,371.25), for a revised contract amount of \$51,528.75, now, therefore, be it

RESOLVED, that Change Order No. 1-Final be approved in the amount of (\$1,371.25), for a revised contract amount of \$51,528.75, and be it further

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

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PUBLIC WORKS COMMITTEE


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ADMINISTRATION COMMITTEE



NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration DATE: 12/04/12 RESOLUTION # PW-100-12

Committees

<b>APPROVED BY</b>	<b>REVIEWED BY</b>	<b>COMMITTEE ACTION</b>	<b>LEGISLATIVE ACTION</b>
<b>CO. ATTORNEY</b>	<b>CO. MANAGER</b>	<u>PW - 11/27/12</u>	Approved: Ayes _____ Abs. _____ Noes _____
	_____	<u>AD - 11/27/12</u>	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

**MAPLETON ROAD BRIDGE REPLACEMENT – CHANGE ORDER NO. 1-FINAL**

WHEREAS, by Resolution No. PW-110-11, dated October 4, 2011, the Legislature awarded the contract for the Mapleton Road Bridge Replacement Project to Concrete Applied Technologies Corp, 1266 Townline Road, Alden, NY 14004, in the amount of \$538,843.61, and

WHEREAS, it is necessary to approve Change Order No. 1-Final, due to adjustments in contract quantities, in the amount of \$5,961.56, for a revised contract amount of \$544,805.17, now, therefore, be it

RESOLVED, that Change Order No. 1-Final be approved in the amount of \$5,961.56, for a revised contract amount of \$544,805.17, and be it further

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


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PUBLIC WORKS COMMITTEE

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ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration      DATE: 12/04/12      RESOLUTION # PW-101-12

Committees

<b>APPROVED BY</b>	<b>REVIEWED BY</b>	<b>COMMITTEE ACTION</b>	<b>LEGISLATIVE ACTION</b>
<b>CO. ATTORNEY</b>	<b>CO. MANAGER</b>	<u>PW = 11/27/12</u>	Approved: Ayes _____ Abs. _____ Noes _____
	_____	<u>AD - 11/27/12</u>	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

**BRIDGE SCOUR PROTECTION PROJECT – CHANGE ORDER NO. 1-FINAL**

WHEREAS, by Resolution No. PW-073-12, dated July 31, 2012, the Legislature awarded the contract for the Bridge Scour Protection Project to Yarussi Construction, 5650 Simmons Ave, Niagara Falls, NY 14304, in the amount of \$359,158.80, and

WHEREAS, it is necessary to approve Change Order No. 1-Final, due to adjustments in contract quantities, in the amount of (\$64,033), for a revised contract amount of \$295,125.80, now, therefore, be it

RESOLVED, that Change Order No. 1-Final be approved in the amount of (\$64,033), for a revised contract amount of \$295,125.80, and be it further

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

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PUBLIC WORKS COMMITTEE

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ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration

DATE: 12/04/12

RESOLUTION #PW-102-12

Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 11/27/12  
AD - 11/27/12

LEGISLATIVE ACTION  
Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Referred: \_\_\_\_\_



**STONE ROAD RECONSTRUCTION CONSULTANT AMENDMENT NO. 1**

WHEREAS, Resolution No. PW-096-09, dated July 28, 2009, awarded the contract for consulting services to Clough Harbour & Associates, LLP, 2200 Main Place Tower, Buffalo, NY 14202-3722, for a contract amount of \$214,000, and

WHEREAS, it is necessary to amend the contract for construction services, additional survey for Right-of-Way and Right-of-Way acquisition services, in the amount of \$289,500, for a revised contract amount of \$503,500, and

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

RESOLVED, that the contract to Clough Harbour & Associates, LLP, 2200 Main Place Tower, Buffalo, NY 14202-3722, be increased by \$289,500, for a revised contract amount of \$503,500, 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