

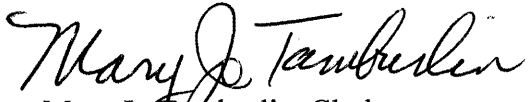
AGENDA
ORGANIZATION MEETING OF THE
NIAGARA COUNTY LEGISLATURE
JANUARY 2 , 2013 - 7:00 P.M.

1. Call to order by the County Clerk, Wayne Jagow, chairman pro temp.
2. Roll Call by the Clerk of the Legislature.
3. Prayer and pledge of allegiance by Wayne Jagow.
4. Election of temporary Chairman of Legislature, nomination, move nomination closed, vote.
5. Election of Chairman of Legislature (pursuant to Section 450 of the County Law), nomination, move nominations closed; vote on Chairman of Legislature.
6. Temporary Chairman declares _____ Chairman and appoints escorts.
7. Chairman of the Legislature is escorted to the podium to present the "State of the County" address.
8. Election of Vice-Chairman, nomination, move nominations closed; vote on Vice Chairman of Legislature.
9. Announcement of Majority Leader, 1st Deputy Majority Leader and 2nd Deputy Majority Leader.
10. Announcement of Minority Leader, 1st Deputy Minority Leader and 2nd Deputy Minority Leader.
11. Motion for designation of dates and times for which the Niagara County Legislature shall convene and conduct business.
12. Motion for the Chairman of the Legislature to be designated to serve on the Niagara County Jury Board. (Pursuant to Section 503 of the Judiciary Law) and that a certified copy of this designation be filed by the Clerk of the Legislature in the Niagara County Clerk's Office.
13. Motion to contract with Attorney for Aging and to appoint said Attorney for a term of one (1) year.
14. Motion for designation of official newspapers.
15. Recess.
16. Communications.

17. Resolutions.

18. Appointments.

19. Adjournment.


Mary Jo Tamburlin, Clerk
Niagara County Legislature

NIAGARA COUNTY LEGISLATURE

FROM: Committee of the Whole

DATE: 01/02/13

RESOLUTION # CW-001-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CW - 1/2/13

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

RESOLUTION DETERMINING TO ACCEPT A FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR THE PROPOSED NIAGARA COUNTY EMERGENCY COMMUNICATIONS PROJECT

WHEREAS, the Legislature of the County of Niagara ("County Legislature") previously identified the need and benefits associated with updating the County's emergency communications radio system infrastructure, and

WHEREAS, updating the County's emergency communication radio system, if approved, will require construction of new radio towers within the County and/or collocation of radio towers on existing towers or structures (the "Project"), and

WHEREAS, it is anticipated that should the County proceed with the Project, the County may require the issuance of bonds to finance same, and

WHEREAS, the County Legislature is an involved agency for the review of the Project as the legislature will have to appropriate funding for same and approve and let contracts for construction and purchase of the new system, and

WHEREAS, the proposed Project was designated as a Type 1 Action requiring a coordinated review by all involved agencies in accordance with applicable provisions of the State Environmental Quality Review Act ("SEQRA"), and

WHEREAS, by Resolution No. IL-031-12, adopted on June 5, 2012 the County Legislature declared its intent to be SEQRA lead agency for review of the Project and directed that other potentially involved agencies be notified in accordance with SEQRA, and

WHEREAS, pursuant to SEQRA, such agencies were notified of the County Legislature's intent to act as lead agency for the Project, and

WHEREAS, no involved agency other than the County Legislature sought to act as lead agency for the Project, and

WHEREAS, by Resolution No. AD-020-12, adopted on July 31, 2012, pursuant to 6 NYCRR 617(b), the County Legislature was established as SEQRA lead agency, and

WHEREAS, the County Legislature thoroughly considered the action as that term is defined by SEQRA, and independently evaluated the long form Environmental Assessment Form prepared for the Project together with the County Legislature's knowledge of the area surrounding the Project and such further information as is available to the County Legislature, and

WHEREAS, by resolution No. AD-020-12, passed on July 31, 2012, the County Legislature determined that the Project may include the potential for at least one significant adverse environmental impact, and, accordingly the County Legislature made a positive declaration of significance, and

WHEREAS, the County Legislature filed, published, and circulated the positive declaration in accordance with SEQRA, and

WHEREAS, the County Legislature determined that the Project, including construction of a number of new towers and collocation of communication facilities at existing towers, constitutes an action described in one or more of the categories contained in 6 NYCRR 617.10(a)(1) through (a)(4), and accordingly, resolved that a generic environmental impact statement is appropriate to assess the Project's environmental impacts, and

WHEREAS, the County Legislature caused to be prepared and circulated to potentially interested and involved agencies a draft scoping document for the Project in accordance with 6 NYCRR 617.8 and made the draft scoping document publicly available, and

WHEREAS, the County Legislature published notice of a public scoping session in several area newspapers, in the Department of Environmental Conservation's Environmental Notice Bulletin ("ENB"), and on the County's website, and

WHEREAS, a public scoping session was held on August 29, 2012 at which time public comments on the draft scoping document were accepted. In addition, written comments on the draft scoping document were accepted through August 31, 2012, and

WHEREAS, the County Legislature thoroughly reviewed one comment received on the draft scoping document and caused to be prepared a proposed final scope addressing each requirement contained in 6 NYCRR 617.8(f) and, by resolution No. AD-025-12, passed on October 2, 2012, the County Legislature adopted a Final Scoping Document and directed that a draft generic environmental impact statement ("DGEIS") be prepared consistent with that Final Scoping Document, and

WHEREAS, the Final Scoping Document was filed, published and circulated in accordance with SEQRA, and

WHEREAS, a proposed DGEIS was prepared for the Project, and

WHEREAS, the County Legislature thoroughly reviewed the proposed DGEIS, and considered the final scope and the standards contained in 6 NYCRR 617.9 and 617.10 to determine whether to accept the proposed DGEIS as adequate with respect to its scope and content for purpose of commencing public review, and

WHEREAS, based on the County Legislature's review of the proposed DGEIS, and its consideration of the final scope prepared for the Project and the standards contained in 6 NYCRR 617.9 and 617.10, the proposed DGEIS was accepted as adequate with respect to its scope and content for the purpose of commencing public review by resolution No. AD-031-12 passed on November 20, 2012, and

WHEREAS, the County Legislature properly filed, circulated, and published a Notice of Completion of the DGEIS, Notice of Public Hearing, ENB Notice and a copy of the DGEIS in accordance with SEQRA, and

WHEREAS, pursuant to 6 NYCRR 617.9(a)(3), the County Legislature established a comment period of not less than 30 days, commencing with the first filing and circulation of the notice of completion of DGEIS and ending on Friday, December 28, 2012, and

WHEREAS, the County Legislature determined that, due to the county-wide scope of the Project, a public hearing on the DGEIS should be conducted and was so conducted on December 4, 2012 at which one public comment was received, and

WHEREAS, a proposed Final Generic Environmental Impact Statement ("FGEIS") has been prepared which incorporates the DGEIS, assembles the relevant and material facts, appropriately analyzes the potentially significant adverse environmental impacts, evaluates all reasonable alternatives, and includes written responses to all comments received during the public comment period on the DGEIS, and which has been written in clear and concise language that can be read and understood by the public, and

WHEREAS, the FGEIS has been thoroughly considered by the County in accordance with SEQRA, and

NOW, THEREFORE BE IT RESOLVED ON JANUARY 2, 2013 BY THE COUNTY LEGISLATORS OF NIAGARA COUNTY, NEW YORK AS FOLLOWS:

RESOLVED, that based on the County Legislature's review of the proposed FGEIS, in accordance with SEQRA, the proposed FGEIS is accepted as complete, and be it further

RESOLVED, that the FGEIS identifies and examines all reasonably foreseeable significant environmental impacts associated with the Project, and be it further

RESOLVED, that at each stage of the SEQRA process, the County has encouraged comment from all of those interested and involved agencies and the public, and has provided sufficient time for preparation and consideration of and comment on the Project, as required by SEQRA in order to permit such comment and to develop a full and complete understanding of the Project, and be it further

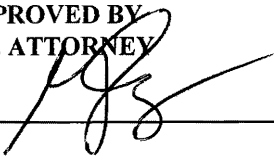
RESOLVED, that the County Legislature directs the County Manager to take the necessary procedural steps to prepare, file, and publish the Notice of Completion of a FGEIS in accordance with 6 NYCRR 617.12, including providing notice to all entities identified therein, and directs that the FGEIS be immediately filed, circulated and made available for copying in accordance with 6 NYCRR Part 617, and be it further

RESOLVED, that the County directs that the FGEIS, in its entirety, be immediately filed and otherwise made available for public review at the Clerk of the Legislature's Office at the County Courthouse, 175 Hawley Street, Lockport, NY 14094 and at the following website: www.niagaracounty.com, and be it further

RESOLVED, that the approval of the FGEIS and related filing, circulation and publication contained in this resolution shall take effect immediately.

NIAGARA COUNTY LEGISLATURE

FROM: Legislator William L. Ross DATE: 01/02/13 RESOLUTION # IL-001-13

APPROVED BY CO. ATTORNEY 	REVIEWED BY CO. MANAGER 	COMMITTEE ACTION 	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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**APPOINTMENT FOR ASSIGNED COUNSEL ADMINISTRATOR
PUBLIC DEFENDER**

WHEREAS, due to prior representations of witnesses, defendants, and other parties by the Public Defender's Office, a "Conflict of Interest" is created for the Public Defender's Office to represent certain indigent defendants in criminal proceedings in certain village, town, city and county courts within the County of Niagara, appeals to the Appellate Division of the New York State Supreme Court, and to the New York State Court of Appeals, and

WHEREAS, the New York State Legislature in 2003 increased the rates of compensation for such outside counsel for the representation of indigent defendants, and

WHEREAS, the position of Assigned Counsel Administrator was created in the 2004 budget by Resolution B-50-03, now, therefore, be it

RESOLVED, that Kathleen Kugler is hereby appointed Assigned Counsel Administrator, at an annual salary of \$31,419.00, effective January 2, 2013, and be it further

RESOLVED, that the Assigned Counsel Administrator shall report to the Community Safety & Security Committee.

LEGISLATOR WILLIAM L. ROSS