

AGENDA
NIAGARA COUNTY LEGISLATURE
MARCH 5, 2013 – 7:00 P.M.

Resolutions not on previous agenda:

- IL-002-13** Legislator Dennis F. Virtuoso & Jason A. Zona, re Resolution Requesting the State of New York to Change the Shelter Allowance Stipulations for Public Assistance Clients to Direct Pay to Landlords - Approved
- IL-003-13** Legislator Dennis F. Virtuoso & Jason A. Zona, re Resolution Requesting the State of New York to Change the Shelter Allowance Stipulations for Public Assistance Clients - Approved
- IL-004-13** Legislator Dennis F. Virtuoso & Jason A. Zona, re Resolution Requesting a Home Rule Message to Change the Shelter Allowance Stipulations for Public Assistance Clients - Approved


Regular Meeting – March 5, 2013

- IL-012-13** Legislators David E. Godfrey Clyde L. Burmaster & Paul B. Wojaszek, re Resolution in support of Senator Grisanti and Assemblyman Scarborough's bill for increased revenue sharing of the E-911 surcharge with local governments.
- *PW-033-13** Public Works, re Award Brooks Building Generator Installation Contract
- *PW-034-13** Public Works & Administration, re Ransomville – Braley Road Intersection Improvements
- *PW-035-13** Public Works & Administration, re Beebe Road Reconstruction Project – Change Order No. 2
- *PW-036-13** Public Works, re Agreement between the County of Niagara & the Niagara Celtic Heritage Society, Inc.
- *PW-037-13** Public Works, re Agreement between the County of Niagara & the Newfane Soccer Club
- *PW-038-13** Public Works, re Agreement between the County of Niagara & the Newfane Lacrosse Club
- *PW-039-13** Public Works, re Agreement between the County of Niagara & the Newfane Youth Football League and Cheerleading
- *PW-040-13** Public Works, re Agreement between the County of Niagara & the Lockport Rugby Club

*PW-041-13 Public Works, re Agreement between the County of Niagara & the Royalton 4th of July Committee

*PW-042-13 Public Works, re Agreement between the County of Niagara & the Town of Royalton

*PW-043-13 Public Works & Administration, re Niagara County Sewer District #1 Reclassify Clerical II to Confidential Assistant – Sewer District


Mary Jo Tamburlin, Clerk
Niagara County Legislature

* **Indicates Preferred Agenda items**

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

The next meeting of the Legislature will be held on March 19, 2013.

NIAGARA COUNTY LEGISLATURE

FROM: Legislators David E. Godfrey, Clyde L. DATE: 03/05/13 RESOLUTION # IL-012-13

Burmester and Paul B. Wojtaszek

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

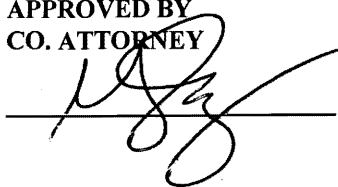
COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes Abs. Noes

Rejected: Ayes Abs. Noes

Referred:



RESOLUTION IN SUPPORT OF SENATOR GRISANTI AND ASSEMBLYMAN SCARBOROUGH'S BILL FOR INCREASED REVENUE SHARING OF THE E-911 SURCHARGE WITH LOCAL GOVERNMENTS

WHEREAS, the attack of 9/11 on the World Trade Center in New York City highlighted the critical importance of modern, functioning and interoperable communications between first responder agencies, and

WHEREAS, the shortcomings of the New York City communication systems on 9/11 lead to deaths of many first responders who were not able to receive up to date building evacuation warnings, and

WHEREAS, in response to this situation and in an effort to fund upgrading of emergency communications systems throughout the state, New York passed, in 2002 an increase in its cell phone surcharge from \$0.70 per month to \$1.20 per month on all cell phones usage in the state, and

WHEREAS, this increase was intended to be shared with local governments for the purposes of funding operations of 911 call centers and technology upgrades, and

WHEREAS, in 2011, New York State collected approximately \$190 million form this surcharge and shared only \$9.3 million with local governments and historically has averaged sharing just 6% of the total revenue collected, and

WHEREAS, County governments have been forced to raise property and/or sales taxes to make up for this diversion of funds in order to pay for necessary emergency call center operations and technology upgrades, and

WHEREAS, legislation has been submitted in the New York State Legislature by Senator Grisanti and Assemblyman Scarborough to increase the amount of funds shared with local governments to 58.3% of the total collected by the state each year, and

WHEREAS, counties and first responder agencies from across the state will be mounting a coordinated effort to see that these bills are passed and signed into law during the 2013 legislative session, now, therefore, be it

RESOLVED, that the Niagara County Legislature is on record supporting the passage of these bills for increased revenue sharing of the E-911 surcharge with local governments, be it further

RESOLVED, that the Niagara County Legislature is committed to dedicating any and all funds shared by New York State from the E-911 surcharge for the use in funding emergency call center operations and technology upgrades of this county's emergency communications system, be it further

RESOLVED, that a copy of this resolution will be communicated to the members of the Western New York Senate and Assembly delegation, the Governor and the Lieutenant Governor.

LEGISLATOR DAVID E. GODFREY

LEGISLATOR CLYDE L. BURMASTER

LEGISLATOR PAUL B. WOJTASZEK

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee

DATE: 03/05/13

RESOLUTION # PW-033-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 2/25/13

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____



AWARD BROOKS BUILDING GENERATOR INSTALLATION CONTRACT

WHEREAS, the Department of Public Works, Engineering Division has prepared specifications and the Purchasing Department has advertised for bids for the installation of the Brooks Building Generator, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on February 21, 2013, as tabulated below:

- 1. O'Connell Electric Co. Inc. \$124,600.00
929 B Ransom Road
Lancaster, NY 14086
- 2. M&M Electric Construction Co. \$136,500.00
4819 Henry Avenue
Niagara Falls, NY 14304
- 3. Hoot Mechanical & Electrical Inc. \$179,000.00
PO Box 428
Lockport, NY 14095

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 for the Brooks Building Generator Installation project be awarded to the lowest responsible bidder, O'Connell Electric Co. Inc., 929 B Ransom Road, Lancaster, NY 14086, in the amount of \$124,600.00, 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.

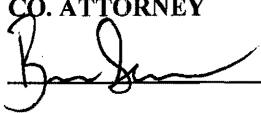
PUBLIC WORKS COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration DATE: 03/05/13 RESOLUTION # PW-034-13

Committees

<u>APPROVED BY</u> <u>CO. ATTORNEY</u>	<u>REVIEWED BY</u> <u>CO. MANAGER</u>	<u>COMMITTEE ACTION</u> <u>PW - 2/25/13</u> <u>AD - 2/26/13</u>	<u>LEGISLATIVE ACTION</u> Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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RANSOMVILLE – BRALEY ROAD INTERSECTION IMPROVEMENTS

WHEREAS, Niagara County Public Works was successful in obtaining High Risk Rural Road Federal Funding for improvements at the Ransomville Road and Braley Road Intersection, and

WHEREAS, the funding for this project will be ninety percent (90%) federal sources and ten percent (10%) non-federal sources, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

DECREASE ANTICIPATED REVENUE:

H558.15.5112.000.43501.00	Consolidated Highway Aid	\$7,500
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DECREASE ANTICIPATED APPROPRIATION:

H558.15.5112.000.72600.01	Infrastructure Roads	7,500
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INCREASE ANTICIPATED REVENUE:

H5XX.15.5112.000.43501.00	Consolidated Highway Aid	7,500
H5XX.15.5112.000.44597.01	Federal Aid	67,500

INCREASE ANTICIPATED APPROPRIATION:

H5XX.15.5112.000.72600.01	Infrastructure Roads	75,000
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PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration

DATE: 03/05/13

RESOLUTION # PW-035-13

Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 2/25/13
AD - 2/26/13

LEGISLATIVE ACTION
Approved: Ayes _____ Abs. _____ Noes _____
Rejected: Ayes _____ Abs. _____ Noes _____
Referred: _____



BEEBE ROAD RECONSTRUCTION PROJECT – CHANGE ORDER NO. 2

WHEREAS, Resolution No. PW-131-11, dated December 6, 2011, awarded the contract for the Reconstruction of Beebe Road, from just north of Shadigee Road to Wilson – Burt Road, to Accadia Site Contracting, 5636 Transit Road, Depew, NY 14043, in the amount of \$4,326,810.04, and

WHEREAS, Resolution No. PW-075-12, dated July 31, 2012, approved Change Order No. 1, in the amount of \$360,093.17, for additional quantities of several bid items to reflect the actual quantities required to do the construction works, and

WHEREAS, it is necessary to approve Change Order No. 2, in the amount of \$70,254.92, due to final quantities adjustments, 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 Accadia Site Contracting, 5636 Transit Road, Depew, NY 14043, be increased by \$70,254.92, for a revised contract amount of \$4,757,158.13, 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.

PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 03/05/13 RESOLUTION # PW-036-13

APPROVED BY CO. ATTORNEY 	REVIEWED BY CO. MANAGER 	COMMITTEE ACTION <u>PW - 2/25/13</u> 	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE NIAGARA CELTIC HERITAGE SOCIETY, INC.

WHEREAS, the Niagara Celtic Heritage Society, Inc. has requested that the County of Niagara grant them permission to use the north section of Krull Park for the purpose of holding a Celtic Festival, and

WHEREAS, this Festival has been successful for the past several years in attracting thousands of visitors from across Niagara County and Greater Western New York, and

WHEREAS, it is the wish of the local community to hold the Celtic Festival on September 14 - 15, 2013, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Niagara Celtic Heritage Society, Inc., and


WHEREAS, prior to the execution of the license agreement between the County of Niagara and the Niagara Celtic Heritage Society, Inc., the County Attorney will review said Agreement for approval as to legal form, language and compliance, and now, therefore, be it

RESOLVED, that, following the County Attorney's review, the Chair of the County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and The Niagara Celtic Heritage Society, Inc.

PUBLIC WORKS COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 03/05/13 RESOLUTION # PW-037-13

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION <u>PW - 2/25/13</u>	LEGISLATIVE ACTION
			Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE NEWFANE SOCCER CLUB

WHEREAS, the Newfane Soccer Club has requested that the County of Niagara grant them exclusive rights to operate a soccer program in an area situated in the County owned property on Lake Road, and

WHEREAS, this program benefits the youth and other residents of both the Town of Newfane in addition to Niagara County as a whole, and

WHEREAS, such program is operated on a not-for-profit basis, 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

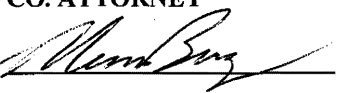
RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Newfane Soccer Club, as appears on the proposed agreement, is hereby approved in all respects, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the County Legislature be, and hereby is, authorized to execute the License Agreement between the County of Niagara and the Newfane Soccer Club.

PUBLIC WORKS COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 03/05/13 RESOLUTION # PW-038-13

APPROVED BY CO. ATTORNEY 	REVIEWED BY CO. MANAGER 	COMMITTEE ACTION <u>PW - 2/25/13</u> 	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE NEWFANE LACROSSE CLUB

WHEREAS, the Newfane Lacrosse Club has requested that the County of Niagara grant them exclusive rights to operate a lacrosse program in an area situated in the County owned property on Lake Road, and

WHEREAS, this program benefits the youth and other residents of the Town of Newfane in addition to Niagara County as a whole, and

WHEREAS, such program is operated on a not-for-profit basis, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Newfane Lacrosse Club, 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 terms and conditions of the agreement between the County of Niagara and the Newfane Lacrosse Club, as appears in the proposed agreement, is hereby approved in all respects, 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.

PUBLIC WORKS COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 03/05/13 RESOLUTION # PW-039-13

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION <u>PW - 2/25/13</u>	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
	_____	_____	_____

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE NEWFANE YOUTH FOOTBALL LEAGUE AND CHEERLEADING

WHEREAS, the Newfane Youth Football League and Cheerleading has requested that the County of Niagara grant them exclusive rights to operate a football program in an area situated in the County owned property on Lake Road, and

WHEREAS, this program benefits the youth and other residents of both the Town of Newfane in addition to Niagara County as a whole, and

WHEREAS, such program is operated on a not-for-profit basis, 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 terms and conditions of the agreement between the County of Niagara and the Newfane Youth Football League and cheerleading, as appears on the proposed agreement, is hereby approved in all respects, and be it further

RESOLVED, that the Chairman of the Legislature be and hereby is, authorized and directed to execute and deliver the agreement with the Newfane Youth Football League and Cheerleading.

PUBLIC WORKS COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee

DATE: 03/05/13

RESOLUTION # PW-040-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 2/25/13

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____



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

WHEREAS, the Lockport Rugby Club has requested that the County of Niagara grant them exclusive rights to operate a Rugby program in an area situated in the County owned property on Davison Road, and

WHEREAS, this program benefits the residents of the Town and City of Lockport in addition to Niagara County as a whole, and

WHEREAS, such program is operated on a not-for-profit basis, 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 terms and conditions of the agreement between the County of Niagara and the Lockport Rugby Club, as appears on the proposed agreement, is hereby approved in all respects, 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.

PUBLIC WORKS COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee

DATE: 03/05/13

RESOLUTION # PW-041-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

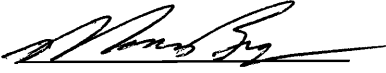
COMMITTEE ACTION
PW - 2/25/13

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____



**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND
THE ROYALTON 4TH OF JULY COMMITTEE**

WHEREAS, the Royalton 4th of July Committee has requested that the County of Niagara grant them permission to use the Royalton Ravine Park for the purpose of holding a July 4th celebration, and fireworks display, and

WHEREAS, it is the wish of the Royalton 4th of July Committee to hold the celebration and fireworks display on July 4, 2013, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Royalton 4th of July Committee, 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 terms and conditions of the agreement between the County of Niagara and the Royalton 4th of July Committee, as appears in the proposed agreement, is hereby approved in all respects, 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.

PUBLIC WORKS COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee

DATE: 03/05/13

RESOLUTION # PW-042-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

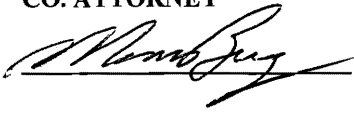
COMMITTEE ACTION
PW - 2/25/13

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____



**AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND
THE TOWN OF ROYALTON**

WHEREAS, the Town of Royalton has requested that the County of Niagara grant the town permission to use the Royalton Ravine Park for the purpose of holding a Royalton Community Days Event, and

WHEREAS, it is the wish of Town of Royalton to hold the event on August 25, 2013, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Town of Royalton, 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 terms and conditions of the agreement between the County of Niagara and the Town of Royalton, as appears in the proposed agreement, is hereby approved in all respects, 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.

PUBLIC WORKS COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration

DATE: 03/05/13

RESOLUTION # PW-043-13

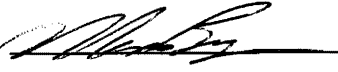
Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 2/25/13
AD - 2/26/13

LEGISLATIVE ACTION
Approved: Ayes _____ Abs. _____ Noes _____
Rejected: Ayes _____ Abs. _____ Noes _____
Referred: _____



**NIAGARA COUNTY SEWER DISTRICT #1
RECLASSIFY CLERICAL II TO CONFIDENTIAL ASSISTANT – SEWER DISTRICT**

WHEREAS, the Administrative Board of Niagara County Sewer District #1 is prompted to review the current organizational structure due to recent retirements, and

WHEREAS, the Niagara County Sewer District #1 submitted a duties statement for the duties performed by the employee in position 1745, which is currently classified as Clerical II, to the Niagara County Personnel Officer, requesting that the position be reclassified to that of Confidential Assistant – Sewer District, and

WHEREAS, upon review of the duties and responsibilities required of the employee, the Niagara County Personnel Officer approved the reclassification of Clerical II position 1745 to that of Confidential Assistant – Sewer District, and

WHEREAS, it has been determined that it is in the best interest of the district to reclassify the Clerical II position, Job Group IV, and re-create position as a Confidential Assistant, Non-Union Hourly, and

WHEREAS, funds are available within the Niagara County Sewer District #1 2013 budget, now, therefore, be it

RESOLVED, that the Niagara County Legislature approve the position of Clerical II position 1745, be reclassified to the position of Confidential Assistant – Sewer District, Non-Union Hourly, Grade 4, Step 3, at \$36,704.43 per year effective February 25, 2013, and be it further

RESOLVED, that the following budget modifications be effectuated to fund the position:

FROM:

G.32.8130.000 71010.00.1763	Wastewater Trt. Plt. Oper Tr.	\$4,648.18
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TO:

G.32.8110.000 71010.00.1745	Positions	\$3,506.72
G.32.8110.000 78200.00	FICA	268.27
G.32.9010.000 78100.00	Retirement	736.42
G.32.9040.000 78300.00	Workers Compensation	136.77