

**MEMORANDUM OF UNDERSTANDING
LAKE ONTARIO REGIONAL DREDGING PROGRAM**

This Memorandum of Understanding (“MOU”) between the Counties of Niagara, Orleans, Cayuga and Wayne (the “Parties”), and others as may be added through the addendum procedure detailed below, is intended to accomplish the first steps in the implementation of a Regional Dredging Management Plan for the harbors serving navigation along the south shore of Lake Ontario.

Whereas, the small harbors serving recreational boating along the south shore of Lake Ontario generate approximately \$94 million annually in economic activity, support over 1,350 jobs, and provide sales tax revenues of approximately \$7.6 million annually for the local counties and New York State, and

Whereas, these same small harbors provide safe harbors of refuge for vessels on Lake Ontario, and

Whereas, these harbors can only provide these important benefits if adequate water depths are maintained in their access channels by regular, periodic dredging of accumulated sediments, and

Whereas, the dredging needs for the Lake Ontario harbor access channels, even those under the responsibility of the US Army Corps of Engineers, are not being met due to federal budget constraints, lack of responsibility by other levels of government, and the limitations of sporadic privately funded dredging, and

Whereas, the dredging needs are anticipated to be exacerbated under a new regulation plan (Plan 2014) recently adopted and implemented by the International Joint Commission, and

Whereas, the Parties jointly developed a Regional Dredging Management Plan detailing the dredging needs and providing several recommendations and alternatives by which the required periodic dredging of all the harbor channels could be funded and achieved, and

Whereas, the Parties wish to finalize and begin implementation of the Regional Dredging Management Plan,

Now, therefore, in consideration of the above, the Parties agree and enter into this MOU as set forth below.

1. The Parties will form a Regional Dredging Management Council (the “Council”) consisting of one designated representative of each of the Parties.

2. The Council will review the Regional Dredging Management Plan recommendations and alternatives to decide upon the organizational form, management structure, funding opportunities and other overarching principles upon which to implement a Regional Dredging Management Program. Initial funding provided by the parties will be utilized to provide administrative support services during this effort including preparation for and attendance at Council meetings as required.
3. The Council will, with the assistance of consultants as required, determine potential sources for grant funding to provide program start-up funds. The Council, with the assistance of consultants as required, will then prepare and submit such grant applications. The start-up funds so obtained, anticipated in the \$100,000 to \$125,000 range, will be utilized to:
 - a) Conduct any legal work needed to establish the dredging program organizational structure.
 - b) Perform final engineering analysis of the dredging needs and the equipment and/or contractor services necessary to achieve the program, including details of any oversight efforts that will be required for contractor services.
 - c) Develop a finalized cost estimate to implement and conduct the dredging program.
 - d) Provide a firm finalized schedule for the periodic dredging of each of the channels identified in the Regional Dredging Management Plan.
 - e) Contact all parties with current or previous permits for dredging of the channels, evaluate the status of each, and conduct preparatory work to assume responsibility for the permits by transfer to the Council or its future designate. Any effort related to individual permit applications and/or renewals will be completed by the Council or its designate at a future date.
 - f) Determine sources and receive firm commitments for program funding. This to include, at the direction of the Council, the preparation of applications as necessary or desirable for one-time or seed funding for program implementation and/or initial operation as well as any identified sources for long-term operational support.
 - g) Effort by the Council and/or consultants as required to prepare for and attend regional meetings, meetings with potential funding agencies, and lead public presentations on the Regional Dredging Management Plan implementation.
4. It is anticipated that the Council, or its designate, will maintain overall management and decision-making responsibility for the operation of the dredging program once implemented.

Financial Responsibilities

Each of the Parties to this MOU agree to provide initial funding in the amount of five thousand dollars (\$5,000.) to support the efforts of the Council as detailed in items 1) through 3) above in addition to any in-kind service to be provided by its designate to the Council, including any travel or other expenses incurred by the designate in performing the duties of a member of the Council

Additional Parties

Other Counties with harbors along the south shore of Lake Ontario, namely Monroe and Oswego, with the concurrence of the Council, may become parties to this MOU by executing the addendum attached as Exhibit A and submitting it to the Council along with the contact information for its designate to sit on the Council and its funding contribution.

In Witness, the Parties hereto have executed this MOU by their officers duly authorized:

Cayuga County

Signed: _____
By: _____
Title: _____
Date: _____

Niagara County

Signed: _____
By: _____
Title: _____
Date: _____

Orleans County

Signed: E. Joan DeFilippis
By: E. Joan DeFilippis
Title: Chairman
Date: 12/28/2017

Wayne County

Signed: _____
By: _____
Title: _____
Date: _____

APPROVED
Orleans County Legislature
Date: 12/20/17 Resolution No.: 505-1217

EXHIBIT

**ADDENDUM
MEMORANDUM OF UNDERSTANDING
LAKE ONTARIO REGIONAL DREDGING PROGRAM**

By execution of this Addendum, Orleans County agrees to be a party to the MOU regarding the Lake Ontario Regional Dredging Program and to abide by the responsibilities and commitments as detailed in the MOU.

In Witness, this Addendum has been executed the officer duly authorized:

Orleans County
Signed: E. John DeFilippis
By: E. John DeFilippis
Title: Chairman
Date: 12/28/2017

RESOLUTION NO. 505-1217

APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTIES OF NIAGARA, ORLEANS, CAYUGA AND WAYNE FOR THE LAKE ONTARIO REGIONAL DREDGING PROGRAM

RESOLVED, that this Legislature approves a Memorandum of Understanding between the Counties of Niagara, Orleans, Cayuga and Wayne at a cost of \$5,000 to accomplish the first steps in the implementation of a Regional Dredging Management Plan for the harbors serving navigation along the south shore of Lake Ontario; and be it

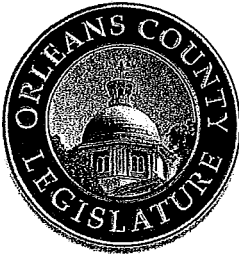
FURTHER RESOLVED, that the Chairman is authorized to execute this Memorandum of Understanding subject to the review and approval by the County Attorney and Chief Administrative Officer.

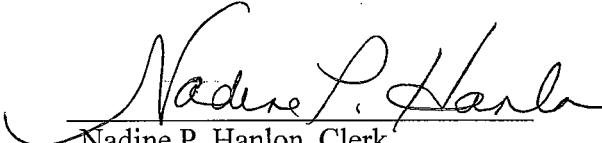
Moved, Johnson; second, DeRoller.
Adopted. 6 ayes; 0 nays; 0 absent.

COUNTY OF ORLEANS
STATE OF NEW YORK

I hereby certify that the foregoing is a true and correct transcript of a resolution duly adopted by the Orleans County Legislature on the 20th day of December 2017.

Dated at Albion, New York
December 21, 2017




Nadine P. Hanlon, Clerk
Orleans County Legislature
County of Orleans, New York