

**AGENDA**  
**NIAGARA COUNTY LEGISLATURE**  
**JANUARY 15, 2013      –      7:00 P.M.**

**Resolutions not on previous agenda:**


- AD-034-12** Administration, re Accept a Bid by an Abutting Owner of Certain In Rem Property Located in the Town of Newfane, NY – Approved
- CSS-048-12** Community Safety & Security & Administration, re Budget Modification – Niagara County Jail Medical – Approved
- IL-078-12** Legislator William L. Ross, re Resolution to Substantiate Local Matching Funding for Development of Niagara County Community College's Learning Commons – Approved

**Regular Meeting – January 15, 2013**

- CW-002-13** Committee of the Whole, re Resolution Issuing a Findings Statement Pursuant to the State Environmental Quality Review Act For the Proposed Niagara County Emergency Communications Project.
- CW-003-13** Committee of the Whole, re Bond Resolution of the County Legislature of the County of Niagara, New York (The "County"), Authorizing the Issuance of Up to \$6,800,000 In Serial Bonds of the County to Finance Infrastructure Improvements to the County's Emergency Communications System
- CW-004-13** Committee of the Whole, re County-Wide Communications Narrow Banding P25 Phase II Capital Project Authorization
- IL-002-13** Legislator Dennis F. Virtuoso, Jason A. Zona & Owen T. Steed, re Resolution Requesting the State of New York to Change the Shelter Allowance Stipulations for Public Assistance Clients to Direct Pay to Landlords
- IL-003-13** Legislator Dennis F. Virtuoso, Jason A. Zona & Owen T. Steed, re Resolution Requesting the State of New York to Change the Shelter Allowance Stipulations for Public Assistance Clients
- IL-004-13** Legislator Dennis F. Virtuoso, Jason A. Zona & Owen T. Steed, re Resolution Requesting a Home Rule Message to Change the Shelter Allowance Stipulations for Public Assistance Clients
- IL-005-13** Legislators David E. Godfrey Michael A. Hill & John Syracuse, et al., re Resolution Calling on the New York State Legislature to Enact, and Governor Cuomo to Sign Into Law, Such

Legislation as Shall Protect the Privacy of New York State Pistol License and Concealed Carry Permit Holders

- IL-006-13** Legislators Clyde L. Burmaster, David E. Godfrey & Michael A. Hill, et al., re Resolution Calling on the New York State Legislature to Reject Governor Cuomo's Demands for Five-Year Renewals on Pistol Permits as Such Policy Would Place an Unreasonable Burden on and Barrier to the Constitutional Right of Law-Abiding Citizens to Keep and Bear Arms and Impose an Undue Financial Burden on the County of Niagara and its Taxpayers
- IL-007-13** Legislators Kathryn L. Lance, David E. Godfrey & Michael A. Hill, et al., re Resolution Endorsing Governor Cuomo's Call for Tougher Penalties for Illegal Gun Use and Criminal Transfer/Trafficking In Firearms
- IL-008-13** Legislators Owen T. Steed and Jason A. Zona, re Resolution In Support of Tougher Laws on the Sale, Ownership and Use of Assault Weapons
- IL-009-13** Legislators Richard E. Updegrove and Anthony J. Nemi, re Request to the New York State Comptroller For Pension Fund Relief
- IL-010-13** Legislators Chereé J. Copelin, Wm. Keith McNall & David E. Godfrey, et al., re Resolution Calling On Speaker Silver to Permit a Vote on Welfare Reform Legislation that Would Prohibit the Use of Electronic Benefit Transfer (EBT) Cards in Strip Clubs, Liquor Stores, Casinos and Other Similar Venues and the Senate to Again Pass Such Restrictions by Enacting S.966-2013 Immediately.

  
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 February 19, 2013.**

# NIAGARA COUNTY LEGISLATURE

FROM: Committee of the Whole DATE: 01/15/13 RESOLUTION # CW-002-13

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

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

## RESOLUTION ISSUING A FINDINGS 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 617.6(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.

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 Final Generic Environmental Impact Statement ("FGEIS") was prepared which incorporated the DGEIS, assembled the relevant and material facts, appropriately analyzed the potentially significant adverse environmental impacts, evaluated all reasonable alternatives, and included 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 was thoroughly considered by the County in accordance with SEQRA, and

WHEREAS, pursuant to Resolution No. CW-001-13, adopted on January 2, 2013, the County Legislature determined that the FGEIS identified and examined all reasonably foreseeable significant environmental impacts associated with the Project, accepted the FGEIS as complete, and duly published a Notice of Completion of the FGEIS, and

WHEREAS, the FGEIS affords an adequate basis for rendering SEQRA findings which are necessary for the Project to be approved and no further environmental impact review is warranted or necessary to make SEQRA Findings, and

**NOW, THEREFORE, BE IT RESOLVED, ON JANUARY 15, 2013 BY THE COUNTY LEGISLATORS OF NIAGARA COUNTY, NEW YORK AS FOLLOWS:**

RESOLVED, that at each stage of the SEQRA process, the County Legislature 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 it is further

RESOLVED, that the County Legislature has considered the relevant environmental impacts, facts and conclusions contained in the FGEIS, and it is further

RESOLVED, that the County Legislature has weighed and balanced the relevant environmental impacts with social, economic and other considerations, and it is further

RESOLVED, that Appendix A is the Findings Statement containing the facts and conclusions relied upon by the County Legislature and which constitute the rationale for the County Legislature's decision with respect to the proposed Project, and it is further

RESOLVED, that the County Legislature certifies that the requirements of 6 NYCRR Part 617 have been satisfied, and it is further

RESOLVED, that the County Legislature certifies that on balance and consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse

environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that have been identified as practicable, and it is further

RESOLVED, that in order to minimize, to the extent practicable, potential adverse environmental effects identified therein, the Findings Statement incorporated by reference herein includes mitigation measures or other measures which provide the same or substantively similar mitigative effects, are hereby established as conditions and are to be implemented as part of the Project as indicated in the Findings Statement, and it is further

RESOLVED, that the County Legislature directs the County Manager to take the necessary procedural steps to prepare, file and publish the Findings Statement in accordance with 6 NYCRR 617.12, and it is further

RESOLVED, that the County Legislature's decision to adopt and issue the Findings Statement shall be effective immediately and that by adopting the Findings Statement, the County Legislature simultaneously approves the Niagara County Emergency Communications Project.

---

COMMITTEE OF THE WHOLE

# NIAGARA COUNTY LEGISLATURE

FROM: Committee of the Whole

DATE: 01/15/13

RESOLUTION # CW-003-13

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

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

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

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

**BOND RESOLUTION OF THE COUNTY LEGISLATURE OF THE COUNTY OF  
NIAGARA, NEW YORK (THE "COUNTY"), AUTHORIZING THE ISSUANCE OF  
UP TO \$6,800,000 IN SERIAL BONDS OF THE COUNTY TO FINANCE  
INFRASTRUCTURE IMPROVEMENTS TO  
THE COUNTY'S EMERGENCY COMMUNICATIONS SYSTEM**

WHEREAS, the County Legislature (the "Legislature") the County of Niagara, New York (the "County") proposes to authorize the issuance of \$6,800,000 in serial bonds of the County to finance infrastructure improvements related to the County's Emergency Communications System project, as described herein, and

WHEREAS, the Legislature now wishes to appropriate funds for such public improvements and purposes and to authorize the issuance of the County's serial bonds or bond anticipation notes to finance said appropriation, and

WHEREAS, the County Legislature (i) acting as lead agency under the New York State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation promulgated thereunder (6 NYCRR Part 617) (collectively, "SEQRA"), by resolution adopted on July 31, 2012, determined that such proposed improvements constituted a "Type I" action within the meaning of SEQRA; and (ii) by resolution adopted on January 15, 2013, adopted immediately prior to the consideration of this resolution, adopted a Findings Statement with respect to such proposed improvements, and

NOW, THEREFORE, BE IT, THE COUNTY LEGISLATURE OF THE COUNTY HEREBY RESOLVES (by the favorable vote of at least two-thirds of all the members of such Board), AS FOLLOWS:

SECTION 1. The County is hereby authorized to issue \$6,800,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance infrastructure improvements related to the County's Emergency Communication System project, consisting of (a) the construction of radio transmission towers to be located at various sites throughout the County (each a "Tower Site"), with each Tower Site to include (i) the construction of a new, or upgrading of an existing, galvanized steel tower, with a cast-in-place concrete foundation, (ii) the installation of a prefabricated concrete equipment shelter (a "Shelter") to house radio transmission, hardware and control equipment, (iii) the installation of an emergency power generator to provide auxiliary power, including a cast-in-place concrete slab, (iv) fencing to surround the Shelter, including an access gate, (v) the construction of an access drive to the nearest public or existing road, (vi) the installation of underground electrical service routed from the nearest available connection point, including the installation of transformers and equipment; and (vii) the installation of antennas, microwave dishes and ice shields, including in each case the installation of hardware, transmission lines and other equipment; and (b) the reconstruction, renovation and improvement of the County's existing Operations Center, located at the County's Public Safety Training Facility and of a backup Operations Center, including upgrades and improvements for electrical power, communications systems, back-up power, fencing and site work improvements (collectively, the "Project").

SECTION 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$6,800,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of up to \$6,800,000 in serial bonds of the County, or bond anticipation notes issued in anticipation of such serial bonds, and the levy and collection of taxes on all taxable real property within the County to pay the principal of said bonds and notes and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is ten (10) years, pursuant to subdivision 90 of paragraph a. of Section 11.00 of the Law.

SECTION 4. The temporary use of available funds of the County, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in Section 1 of this resolution. The County shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 5. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the such serial bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and the said serial bonds and any bond anticipation notes issued in anticipation of the Bonds shall be general obligations of the County, payable as to both principal and interest by a general tax upon all the real property within the County without legal or constitutional limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal and interest on the serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 6. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00 and Section 63.00 of the Law, the powers and duties of the Legislature relative to authorizing serial bonds and bond anticipation notes, including without limitation the determination of whether to issue bonds providing for substantially level or declining debt service, and all matters incidental thereto, and prescribing the terms, form and contents as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of the such bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Treasurer of the County, as the chief fiscal officer of the County (the "County Treasurer"). Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other bond resolutions of the County Legislature of the County, then the power of the Legislature to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the County Treasurer, as the chief fiscal officer of the County.

SECTION 7. The County Treasurer is hereby further authorized to take such actions and execute such documents as may be necessary (i) to ensure the continued status of the interest on the bonds authorized by this resolution and any bond anticipation notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the



“Code”) and (ii) to designate the bonds authorized by this resolution and any bond anticipation notes issued in anticipation thereof, if applicable, as “qualified tax-exempt bonds” in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 8. The County Treasurer is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchaser of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 9. The intent of this resolution is to give the County Treasurer sufficient authority to execute those applications, agreements, instruments, certificates or to do any similar acts necessary or in the opinion of the County Treasurer advisable to effect the issuance of the bonds or bond anticipation notes authorized by this resolution without resorting to further action of the Legislature.

SECTION 10. This resolution shall take effect immediately and the Clerk of the Legislature is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in full, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the County for such purpose.

SECTION 11. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

SECTION 12. This resolution shall take effect immediately upon its adoption.

---

COMMITTEE OF THE WHOLE

NIAGARA COUNTY LEGISLATURE

FROM: Committee of the Whole DATE: 01/15/13 RESOLUTION # CW-004-13

APPROVED BY  
CO. ATTORNEY



REVIEWED BY  
CO. MANAGER

\_\_\_\_\_

COMMITTEE ACTION

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LEGISLATIVE ACTION

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

**COUNTY-WIDE COMMUNICATIONS NARROW BANDING P25 PHASE II  
CAPITAL PROJECT AUTHORIZATION**

WHEREAS, the Federal Communications Commissions (FCC) has imposed a narrowband efficiency mandate, and

WHEREAS, by Resolution No. CSS-036-11, dated December 20, 2011, the Legislature has authorized the County Manager and County Attorney to negotiate a contract with Motorola Solutions Inc. for the completion of Phase II of the UHF Narrowband P25 Interoperability standards so as to provide interoperable communications for all Niagara County municipalities and their First Responders, and

WHEREAS, the Subscriber Equipment portion of the Motorola contract is funded through various County Grants appropriated in the Capital and Operating Budgets, and

WHEREAS, the Niagara County Treasurer's office will secure financing through bond issuance of \$6,800,000 for the Infrastructure portion of the Motorola contract, now, therefore, be it

RESOLVED, that the portion of the Motorola Contract related to the infrastructure contract price be recorded as a capital project, and be it further

RESOLVED, that the following budget modifications be made:

INCREASE REVENUE:

H581 17.3020.000 45710.13	Serial Bonds, Bond Year 2013	\$6,800,000
---------------------------	------------------------------	-------------

INCREASE APPROPRIATION:

H581 17.3020.000 72400.00	Land Improvements	\$6,800,000
---------------------------	-------------------	-------------

\_\_\_\_\_  
COMMITTEE OF THE WHOLE

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Dennis F. Virtuoso, DATE: 01/15/13 RESOLUTION #IL-002-13

Jason A. Zona and Owen T. Steed

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

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

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

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

**RESOLUTION REQUESTING THE STATE OF NEW YORK TO CHANGE  
THE SHELTER ALLOWANCE STIPULATIONS FOR  
PUBLIC ASSISTANCE CLIENTS TO DIRECT PAY TO LANDLORDS**

WHEREAS, the State of New York provides a shelter allowance grant for people on public assistance which is to go toward the cost of rent, and

WHEREAS, 18 NYCRR section 352.3(a)(1) states that each social services department must provide a shelter allowance grant for people on public assistance who have a rental obligation, and

WHEREAS, said shelter allowance grant should be used for that purpose, and

WHEREAS, there is nothing in the regulation which mandates that the shelter allowance grant be used toward the cost of rent, and

WHEREAS, there have been situations where public assistance clients have not used their shelter allowance grant toward the cost of rent and as a result have left landlords with no income from their rental property, now, therefore, be it

RESOLVED, that the State of New York amend 18 NYCRR section 352.3(a)(1) to require direct pay to landlords for the grant allowance for rent, and be it further

RESOLVED, the a copy of this resolution be forwarded to Governor Andrew M. Cuomo, Senate Temporary President Dean G. Skelos, Speaker of the Assembly Sheldon Silver, State Senator George Mazarz, Assemblywoman Jane Corwin, Assemblyman John Ceretto, Assemblyman Robin Schimminger, Assemblyman Raymond Walter, and all others deemed necessary and proper.

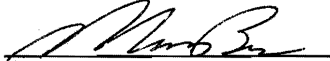
\_\_\_\_\_  
LEGISLATOR DENNIS F. VIRTUOSO

\_\_\_\_\_  
LEGISLATOR JASON A ZONA

\_\_\_\_\_  
LEGISLATOR OWEN T. STEED

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Dennis F. Virtuoso, DATE: 01/15/13 RESOLUTION # IL-003-13  
Jason A. Zona and Owen T. Steed

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
			Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

**RESOLUTION REQUESTING THE STATE OF NEW YORK TO CHANGE THE SHELTER  
ALLOWANCE STIPULATIONS FOR PUBLIC ASSISTANCE CLIENTS**

WHEREAS, the State of New York provides a shelter allowance grant for people on public assistance which is to go toward the cost of rent, and

WHEREAS, 18 NYCRR section 352.3(a)(1) states that each social services department must provide a shelter allowance grant for people on public assistance who have a rental obligation, and

WHEREAS, said shelter allowance grant should be used for that purpose, and

WHEREAS, there is nothing in the regulation which mandates that the shelter allowance grant be used toward the cost of rent, and

WHEREAS, there have been situations where public assistance clients have not used their shelter allowance grant toward to cost of rent and a result have left landlords with no income for their rental property, now, therefore, be it

RESOLVED, that the State of New York amend 18 NYCRR section 352.3(a)(1) to require public assistance clients to sign an affidavit indicating that they will utilize their shelter allowance for the payment of housing costs with failure to comply resulting in civil and criminal penalties, and be it further

RESOLVED, the a copy of this resolution be forwarded to Governor Andrew M. Cuomo, Senate Temporary President Dean G. Skelos, Speaker of the Assembly Sheldon Silver, State Senator George Maziarz, Assemblywoman Jane Corwin, Assemblyman John Ceretto, Assemblyman Robin Schimminger, Assemblyman Raymond Walter, and all others deemed necessary and proper.

\_\_\_\_\_  
LEGISLATOR DENNIS F. VIRTUOSO

\_\_\_\_\_  
LEGISLATOR JASON A ZONA

\_\_\_\_\_  
LEGISLATOR OWEN T. STEED

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Dennis F. Virtuoso, DATE: 01/15/13 RESOLUTION #IL-004-13

Jason A. Zona and Owen T. Steed

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes Abs. Noes

Rejected: Ayes Abs. Noes

Referred:

**RESOLUTION REQUESTING A HOME RULE MESSAGE TO CHANGE THE SHELTER  
ALLOWANCE STIPULATIONS FOR PUBLIC ASSISTANCE CLIENTS**

WHEREAS, the State of New York provides a shelter allowance grant for people on public assistance which is to go toward the cost of rent, and

WHEREAS, 18 NYCRR section 252.3(a)(1) states that each social services department must provide a shelter allowance grant for people on public assistance who have a rental obligation, and

WHEREAS, said shelter allowance grant should be used for that purpose, and

WHEREAS, there is nothing in the regulation which mandates that the shelter allowance grant be used towards the cost of rent, and

WHEREAS, there have been situations where public assistance clients have not used their shelter allowance grant toward the cost of rent and as a result have left landlords with no income for their rental property, now, therefore, be it

RESOLVED, that the housing portion of the individual public assistance allowance administered by the Niagara County Department of Social Services (NCDSS) be paid directly to the property owner rather than to the client, and be it further

RESOLVED, that the Niagara County Legislature propose a home rule message to amend 18 NYCRR section 352.3(a)(1) which would allow payment directly to Niagara County property owners, and be it further

RESOLVED, the a copy of this resolution be forwarded to Governor Andrew M. Cuomo, Senate Temporary President Dean G. Skelos, Speaker of the Assembly Sheldon Silver, State Senator George Maziarz, Assemblywoman Jane Corwin, Assemblyman John Ceretto, Assemblyman Robin Schimminger, Assemblyman Raymond Walter, and all others deemed necessary and proper.

LEGISLATOR DENNIS F. VIRTUOSO

LEGISLATOR JASON A. ZONA

LEGISLATOR OWEN T. STEED

# NIAGARA COUNTY LEGISLATURE

**FROM:** Legislators David E. Godfrey, Michael A. Hill & John Syracuse, et al.      **DATE:** 01/15/2013      **RESOLUTION #** IL-005-13

<b>APPROVED BY</b> <b>CO. ATTORNEY</b> <u>Katharine D. Alexander</u>	<b>REVIEWED BY</b> <b>CO. MANAGER</b> _____	<b>COMMITTEE ACTION</b> _____ _____ _____	<b>LEGISLATIVE ACTION</b> Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
--	---	--	--

## RESOLUTION CALLING ON THE NEW YORK STATE LEGISLATURE TO ENACT, AND GOVERNOR CUOMO TO SIGN INTO LAW, SUCH LEGISLATION AS SHALL PROTECT THE PRIVACY OF NEW YORK STATE PISTOL LICENSE AND CONCEALED CARRY PERMIT HOLDERS

WHEREAS, the Second Amendment to the Constitution of the United States clearly states that “the right of the people to keep and bear Arms, shall not be infringed,” and

WHEREAS, Article XII of the Constitution of the State of New York clearly states, “The defense and protection of the state and of the United States is an obligation of all persons within the state,” and

WHEREAS, the right to privacy of citizens, particularly within the confines of their own homes, is a cherished American tradition growing out from the Fourth, Ninth and Fourteenth Amendments, and a right affirmed by the United State Supreme Court, and

WHEREAS, The Journal News, a liberal newspaper based in Westchester County, did obtain through Freedom of Information Law filings, the names and addresses of pistol permit holders in Westchester and Rockland counties, and has demanded the same in Putnam County, and may seek such information anywhere in the State of New York under the same law, and

WHEREAS, said liberal publication, The Journal News, did then use said pistol permit information to create an interactive map of pistol permit owners’ homes, and

WHEREAS, in addition to jeopardizing the privacy of citizens exercising their Second Amendment rights, this also jeopardizes the safety of those citizens who have elected not to exercise their Constitutional right to keep and bear arms by identifying for criminals which households are less likely to resist an invasion, and

WHEREAS, this information has already been utilized by criminals currently incarcerated at the Rockland County Jail, who have taunted guards there by informing them they now know their home addresses, such information having been gleaned from the interactive maps created by The Journal News, and

WHEREAS, the Honorable Dennis Sant, County Clerk for Putnam County, having receive the same Freedom of Information Law request, has refused to comply in order to protect his county’s citizens, and

WHEREAS, the Honorable Michael H. Ranzenhofer of Clarence and several colleagues in the Senate did introduce S.2360 during the last session, and the Honorable Gregory R. Ball of Patterson, in Putnam County, did, while serving in the Assembly, did introduce in various years, similar legislation, and

WHEREAS, said legislation was unable to gain passage because the leadership of the New York State Assembly, including Speaker Sheldon Silver, refused to allow it to be acted on in committee, and

WHEREAS, Senator Ball has indicated he will introduce such legislation again this session, and

WHEREAS, it is the right of the citizens of Niagara County to take any reasonable measures necessary to be secure in their homes against criminals and other dangerous trespassers, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara does hereby call upon the New York State Legislature to set as a top legislative priority the passage of legislation amending §400 Subdivision 5 of the Penal Law, to make confidential the personal information of pistol permit holders and applicants, and be it further

RESOLVED, that the Legislature of the County of Niagara calls upon the leadership of the New York State Assembly to cease its blocking of such legislation, and be it further

RESOLVED, that the Legislature of the County of Niagara calls upon its full delegation to the New York State Assembly to vote in the affirmative on any bill as shall increase protection of the identities of pistol permit holders, except as such protections shall be included with legislation that restricts the Second Amendment rights of New Yorkers, and be it further

RESOLVED, that the Legislature of the County of Niagara does hereby call upon the New York State Senate to vote upon, and pass, such legislation immediately, and be it further

RESOLVED, that the Legislature of the County of Niagara calls upon Governor Cuomo to endorse such legislation and sign it into law immediately upon its enactment by the New York State Legislature, and be it further

RESOLVED, that the Legislature of the County of Niagara commends the Honorable Dennis Sant for his execution of his charge, namely protecting the right to privacy of his county's citizens, 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, Senator Gregory R. Ball, Senator Michael H. Ranzenhofer, Member of the Assembly Jane L. Corwin, Member of the Assembly John D. Ceretto, Member of the Assembly Ray Walter, Member of the Assembly Robin Schimminger, Speaker of the Assembly Sheldon Silver, Assembly Majority Leader Joseph D. Morelle, Assembly Minority Leader Brian M. Kolb, and all others deemed necessary and proper.

---

LEGISLATOR DAVID E. GODFREY

---

LEGISLATOR MICHAEL A. HILL

---

LEGISLATOR JOHN SYRACUSE

---

LEGISLATOR ANTHONY J. NEMI

---

LEGISLATOR RICHARD E. UPDEGROVE

---

LEGISLATOR CLYDE L. BURMASTER

---

LEGISLATOR WILLIAM L. ROSS

---

LEGISLATOR KATHRYN L. LANCE

---

LEGISLATOR CHEREÉ J. COPELIN

---

LEGISLATOR PAUL B. WOJTASZEK

---

LEGISLATOR PETER E. SMOLINSKI

---

LEGISLATOR WM. KEITH McNALL



# NIAGARA COUNTY LEGISLATURE

FROM: Legislators Clyde L. Burmaster, David E. Godfrey & Michael A. Hill, et al.      DATE: 01/15/2013      RESOLUTION # IL-006-13

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
<u>Katherine D. Alexander</u>			Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

## RESOLUTION CALLING ON THE NEW YORK STATE LEGISLATURE TO REJECT GOVERNOR CUOMO'S DEMANDS FOR FIVE-YEAR RENEWALS ON PISTOL PERMITS AS SUCH POLICY WOULD PLACE AN UNREASONABLE BURDEN ON AND BARRIER TO THE CONSTITUTIONAL RIGHT OF LAW-ABIDING CITIZENS TO KEEP AND BEAR ARMS AND IMPOSE AN UNDUE FINANCIAL BURDEN ON THE COUNTY OF NIAGARA AND ITS TAXPAYERS

WHEREAS, the Second Amendment to the Constitution of the United States clearly states that "the right of the people to keep and bear Arms, shall not be infringed," and

WHEREAS, Article XII of the Constitution of the State of New York clearly states, "The defense and protection of the state and of the United States is an obligation of all persons within the state," and

WHEREAS, Governor Andrew M. Cuomo has proposed legislation that would abridge the right of law-abiding citizens to keep and bear arms by requiring renewal of pistol permit application processes, including invasive background checks, on a five-year revolving basis, despite the good behavior of such gun owners, while such licensing is currently in place for life while in good behavior, and

WHEREAS, such changes to pistol permit rules constitute a clear *ex post facto* modification of the terms of an existing legal agreement between the government and the holder of said permit, and

WHEREAS, such legislation as has been proposed in the New York State Assembly in the past to force a renewal process on those individuals currently holding such permits has required that law-abiding citizens be subjected to rigorous federal and state background checks which they have already passed, and to pay for such treatment, and

WHEREAS, the right to keep and bear arms as detailed in the first Whereas clause, above, is a right, and not a privilege to be modified at the whims of the federal, state, or local governments, and

WHEREAS, on June 26, 2008, the United States Supreme Court did, in the decision issued in the matter of *District of Columbia v. Heller*, find an individual right to keep and bear arms inherent in the language of the Second Amendment and of the U.S. Constitution, and compelled the District of Columbia to issue a firearms permit to the plaintiff in the matter, directly indicating that states and federal districts may not take unreasonable steps to deny the Second Amendment right to citizens of the United States through onerous permitting processes, and

WHEREAS, there is no reason beyond increasing the encumbrance upon the private ownership of pistols, revolvers, and handguns to be found in imposing a renewal scheme on pistol permits, and

WHEREAS, as of the time of the drafting of this resolution, there are approximately 28,600 pistol permit holders in the County of Niagara, and those permits are issued by the Pistol Permit Office of This Government, and

WHEREAS, the County of Niagara also finds that a renewal scheme on pistol permits would place an undue financial burden on the taxpayers of Niagara County by requiring This Government to, on a regular basis, review for renewal, reissue, and modify some 28,600 pistol permits, a requirement that would require substantial increases in the number of hours labor performed, and thus undesirable growth in the County's governmental workforce, and

WHEREAS, the County of Niagara is home to a thriving sporting industry, as evidenced by the presence of the Fin-Feather-Fur Conservation Society, the Hartland Conservation Club, the Iroquois Arms Collectors Association, the Lake Ontario Trout & Salmon Association, the LaSalle Sportsman's Club, the Lockport Conservation Club, the Middleport Rod & Gun Club, the N.Y.S. Crossbow Hunter's Association, the Niagara County Chapter of SCOPE, the Niagara County Gobblers Chapter NWTF, the Niagara County Sportsmen's Association, the Niagara County Trappers Association, the Niagara Musky Association, the Niagara Frontier Friends of the NRA, the Niagara River Anglers Association, the North American Bear Foundation, the North Forest Rod & Gun Club, the Pheasants Forever of WNY #29 - Pioneer Conservation Sportsmen's of Niagara County, the Rapids Rod & Gun Club, the Somerset Conservation Club, the Tonawanda Sportsmen's Club, the Wheatfield Firearms Safety & Education Committee, the Wilson Conservation Club Auxiliary, the Wilson Conservation Club, and the Wolcottsville Rod & Gun Club, among others, and

WHEREAS, it is the right of the citizens of Niagara County to take any measures necessary to be secure in their homes against criminals and other dangerous trespassers, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara does hereby oppose the enactment of any pistol permit renewal legislation, and be it further

RESOLVED, that the Legislature of the County of Niagara does hereby call upon the Honorable Sheldon Silver, Speaker of the Assembly, and the Honorable Dean G. Skelos, Senate Majority Leader, to refuse to discharge such legislation as Governor Cuomo has demanded from committee, and to prevent its enactment by their respective houses of the State Legislature, and be it further

RESOLVED, that the Legislature of the County of Niagara calls upon the entire Western New York delegation to vote in the negative on any pistol permit renewal legislation in their respective houses of the Legislature and those committees they shall sit on that may have the power to advance or block such legislation, 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 Robin Schimminger, Speaker of the Assembly Sheldon Silver, Assembly Majority Leader Joseph D. Morelle, Assembly Minority Leader Brian M. Kolb, and all others deemed necessary and proper.

---

LEGISLATOR CLYDE L. BURMASTER

---

LEGISLATOR DAVID E. GODFREY

---

LEGISLATOR MICHAEL A. HILL

---

LEGISLATOR ANTHONY J. NEMI

---

LEGISLATOR RICHARD E. UPDEGROVE

---

LEGISLATOR JOHN SYRACUSE

# NIAGARA COUNTY LEGISLATURE

FROM: Legislators Kathryn L. Lance, David E. Godfrey & Michael A. Hill, et al.      DATE: 01/15/2013      RESOLUTION # IL-007-13

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
<u>Katherine D. Alibuda</u>			Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

## RESOLUTION ENDORSING GOVERNOR CUOMO'S CALL FOR TOUGHER PENALTIES FOR ILLEGAL GUN USE AND CRIMINAL TRANSFER/TRAFFICKING IN FIREARMS

WHEREAS, the Second Amendment to the Constitution of the United States clearly states that "the right of the people to keep and bear Arms, shall not be infringed," and

WHEREAS, Article XII of the Constitution of the State of New York clearly states, "The defense and protection of the state and of the United States is an obligation of all persons within the state," and

WHEREAS, This Legislature endorses only law-abiding citizens fully exercising their Second Amendment rights, and

WHEREAS, it is the right of the citizens of Niagara County to take any reasonable measures necessary to be secure in their homes against criminals and other dangerous trespassers, and

WHEREAS, it is the expectation of the citizens of Niagara County that those criminals who violate their safety and sanctity for reasons of malice should receive the most severe penalties, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara does hereby call upon the New York State Legislature to endorse such increases in penalties for crimes committed using firearms, and for individuals illegally transferring the same to known criminals, and be it further

RESOLVED, that the Legislature of the County of Niagara calls upon its full delegation to the New York State Legislature to vote in the affirmative on any bill as shall increase sanctions for criminals using firearms, except as such protections shall be included with legislation that restricts the Second Amendment rights of law-abiding New Yorkers, and be it further

RESOLVED, that the Legislature of the County of Niagara calls upon Governor Cuomo to sign such legislation into law immediately upon its enactment by the New York State Legislature, 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 Robin Schimminger, Speaker of the Assembly Sheldon Silver, Assembly Majority Leader Joseph D. Morelle, Assembly Minority Leader Brian M. Kolb, and all others deemed necessary and proper.

\_\_\_\_\_  
LEGISLATOR KATHRYN L. LANCE

\_\_\_\_\_  
LEGISLATOR DAVID E. GODFREY

---

LEGISLATOR MICHAEL A. HILL

---

LEGISLATOR ANTHONY J. NEMI

---

LEGISLATOR RICHARD E. UPDEGROVE

---

LEGISLATOR CLYDE L. BURMASTER

---

LEGISLATOR WILLIAM L. ROSS

---

LEGISLATOR JOHN SYRACUSE

---

LEGISLATOR CHEREÉ J. COPELIN

---

LEGISLATOR PAUL B. WOJTASZEK

---

LEGISLATOR PETER E. SMOLINSKI

---

LEGISLATOR WM. KEITH McNALL

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Owen T. Steed & Jason A. Zona      DATE: 01/15/2013      RESOLUTION # IL-008-13

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

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

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

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

*Nathaniel D. Alexander*

**RESOLUTION IN SUPPORT OF TOUGHER LAWS  
ON THE SALE, OWNERSHIP AND USE OF ASSAULT WEAPONS**

WHEREAS, an unspeakable act of violence and a tragic loss of life took place on December 14, 2012 at the Sandy Hook Elementary School in Newtown Connecticut, and

WHEREAS, four firefighters were ambushed on December 24, 2012 in Webster, New York, and

WHEREAS, as senseless acts remain in many ways, confounding as to the roots of their true nature, there are certain measures that a responsible society can take to guard public safety and protect lives, and

WHEREAS, the proliferation and availability of assault weapons does contribute to the senseless loss of life, as witnesses time and again through such tragedies, and

WHEREAS, the New York Governor and the New York Senate support a toughening of the New York State assault weapons laws, and

WHEREAS, such assault weapons are designed for military and police work and add nothing to the support of hunting and the act of target shooting, as practiced by the overwhelming number of law abiding hunting and target enthusiasts, now, therefore, be it

RESOLVED, that the Niagara County Legislature does support the New York State Governor, Andrew Cuomo, in his desire to strengthen existing New York State laws addressing the sale, ownership and use of weapons and also supports the New York State Senate legislation to change gun laws.

\_\_\_\_\_  
LEGISLATOR OWEN T. STEED

\_\_\_\_\_  
LEGISLATOR JASON A. ZONA

# NIAGARA COUNTY LEGISLATURE

FROM: Legislators Richard E. Updegrove & Anthony J. Nemi      DATE: 01/15/2013      RESOLUTION # IL-009-13

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

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

*Nathaniel D. Alexander*

## REQUEST TO THE NEW YORK STATE COMPTROLLER FOR PENSION FUND RELIEF

WHEREAS Niagara County is mandated to make annual contributions to the New York State pension fund for every person employed by the County, and

WHEREAS, the New York State pension fund is managed by the New York State Comptroller, and

WHEREAS, the New York State Comptroller determines the contribution to be made to said fund by the taxpayers of Niagara County, and

WHEREAS, Niagara County had 1893 full and part time employees in 2001 and the pension fund contribution in that year was \$1.2 million and 2% of wages, and

WHEREAS, Niagara County has 1385 full and part time employees in 2013, a decrease in the size of the County workforce of 26.8% from 2001, yet the pension fund contribution in 2013 shall be \$14.1 million and 22% of wages, and

WHEREAS, the ability to forecast future expenses is an integral part of preparing the County budget, and

WHEREAS, the County's pension fund contribution will represent more than 19% of the Niagara County property tax levy in 2013, now, therefore be it

RESOLVED, that the Niagara County Legislature does hereby request that New York State Comptroller Thomas P. DiNapoli does place a temporary moratorium on increased pension fund contributions and temporarily freeze the County's contribution at less than 10% of employee wages, and be it further

RESOLVED, that the Niagara County Legislature does hereby invite New York State Comptroller Thomas P. DiNapoli to appear before the Niagara County Legislature, to discuss alternatives to ease the pension on the Niagara County taxpayer and to discuss the substantial growth in the local costs associated with the New York State Employee Retirement System, and be it further

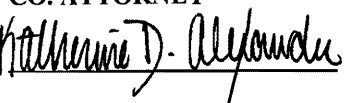
RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Cuomo, New York State Comptroller Thomas P. DiNapoli, Senate Vice President Pro Tem George D. Maziarz, Senate Temporary President Dean G. Skelos, Senate Deputy Majority Leader Thomas W. Libous, Member of the Assembly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

LEGISLATOR RICHARD E. UPDEGROVE

LEGISLATOR ANTHONY J. NEMI

# NIAGARA COUNTY LEGISLATURE

**FROM:** Legislators Cheree J. Copelin, Wm. Keith McNall & David E. Godfrey, et al.      **DATE:** 01/15/2013      **RESOLUTION #** IL-010-13

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

## RESOLUTION CALLING ON SPEAKER SILVER TO PERMIT A VOTE ON WELFARE REFORM LEGISLATION THAT WOULD PROHIBIT THE USE OF ELECTRONIC BENEFIT TRANSFER (EBT) CARDS IN STRIP CLUBS, LIQUOR STORES, CASINOS AND OTHER SIMILAR VENUES AND THE SENATE TO AGAIN PASS SUCH RESTRICTIONS BY ENACTING S.966-2013 IMMEDIATELY

WHEREAS, the purpose of various welfare programs in New York State, including Temporary Assistance to Needy Families (TANF), is to provide short-term, temporary financial relief to meet basic day-to-day needs of those who are suffering financial or employment difficulties, and

WHEREAS, such benefits are often provided via an Electronic Benefit Transfer card, which acts in a manner similar to an ATM card, except that the funds on it are provided as taxpayer-funded relief, and not through the labors of the cardholders, and

WHEREAS, an exposé by the New York Post on January 7, 2013, revealed that recipients of New York welfare benefits were utilizing Electronic Benefit Transfer cards to withdraw funds at “bars, liquor stores, X-rated video shops, hookah parlors and even strip clubs,” and

WHEREAS, the Post exposé further revealed “The state Office of Temporary and Disability Assistance (OTDA), which oversees the ‘cash assistance program,’ even lists some of these welfare-ready ATMs on its Web site,” and

WHEREAS, the New York State Senate has previously passed legislation (then-S.7671) to outlaw such outlandish abuses of welfare funds by their recipients, and

WHEREAS, such legislation has not been allowed onto the New York State Assembly floor for a vote by Speaker of the Assembly Sheldon Silver, and has instead languished in the Assembly’s Social Services Committee, and

WHEREAS, failure to enact such legislation may cost New York State to lose \$120 million in federal funds due to federal rules designed to prevent such abuses, and

WHEREAS, the Senate has reintroduced the legislation restricting such uses of EBT funds, in the form of bill S.966-2013, introduced by the Honorable Thomas W. Libous of Binghamton with bi-partisan co-sponsorship, and

WHEREAS, the Honorable Jane L. Corwin of Clarence has called for the passage of identical legislation in the Assembly, including in a January 8, 2013 interview in the New York Post, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara considers this an outrageous abuse and does hereby call for the immediate passage of S.966 by the Senate, and of an identical companion bill in the Assembly, and be it further



RESOLVED, that the Legislature of the County of Niagara does hereby deplore the failure of the New York State Assembly to enact such legislation, thus jeopardizing federal funding and, in effect, increasing the burden of such lawless behavior by welfare recipients on the taxpayers, and be it further

RESOLVED, that the Legislature of the County of Niagara calls upon Speaker of the Assembly Sheldon Silver to cease his unconscionable actions that have, to date, blocked enactment of this commonsense legislation, and have thus resulted in the abuse of New York's taxpayers, and to permit an immediate vote on such legislation, and be it further

RESOLVED, that the Legislature of the County of Niagara calls upon the entire Western New York delegation to vote in the affirmative on S.966, or any similar legislation that prevents welfare dollars from being abused in the aforementioned manner, in their respective houses of the Legislature and those committees they shall sit on that may have the power to advance such legislation, 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. Mazarz, 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 Robin Schimming, Speaker of the Assembly Sheldon Silver, Assembly Majority Leader Joseph Morelle, Assembly Minority Leader Brian M. Kolb, and all others deemed necessary and proper.

---

LEGISLATOR CHEREE J. COPELIN

---

LEGISLATOR WM. KEITH McNALL

---

LEGISLATOR DAVID E. GODFREY

---

LEGISLATOR ANTHONY J. NEMI

---

LEGISLATOR RICHARD E. UPDEGROVE

---

LEGISLATOR CLYDE L. BURMASTER

---

LEGISLATOR WILLIAM L. ROSS

---

LEGISLATOR JOHN SYRACUSE

---

LEGISLATOR KATHRYN L. LANCE

---

LEGISLATOR PAUL B. WOJTASZEK

---

LEGISLATOR PETER E. SMOLINSKI

---

LEGISLATOR MICHAEL A. HILL