

OFFICIAL RECORD

Lockport, New York
January 19, 2016

The meeting was called to order by Chairman McNall at 7:00 p.m.

Clerk Tamburlin called the roll. All Legislators were present with the exception of Legislators Lance and Zona.

PRESENTATIONS:

1. Chairman McNall gave his State of the County Address. He provided a summary of the past year, while highlighting some key initiatives, and discussed goals for the upcoming year.

CORRESPONDENCE:

Chairman McNall announced that Financial Disclosure forms will be mailed out soon through the Human Resources Department and are due no later than March 1, 2016.

Chairman McNall stated that at the February 23rd Legislature Meeting NIMAC will give their annual presentation.

Chairman McNall discussed the upcoming meetings as follows:

Monday, January 25th Refuse and Infrastructure & Facilities at 6:30 p.m.

Monday, February 8th Community Safety & Security at 5:30 p.m., Community Services at 6:00 p.m. and Administration at 6:30 p.m.

Chairman McNall stated that Coroner Cindy Lou Joyce is retiring as of January 31, 2016 and he has formed an Ad Hoc Committee to search for a new coroner.

Chairman McNall said the membership is as follows for the 1st District Coroner Ad Hoc Committee:

Legislator Clyde L. Burmaster – Chair

Legislator David E. Godfrey

Legislator Jason A. Zona

Coroner Joseph Mantione

Coroner Kenneth Lederhouse

One citizen spoke at this time.

Recess.

RESOLUTIONS:

Resolution No. CW-001-16

From: Committee of the Whole

Dated: January 19, 2016

NIAGARA COUNTY TREASURER'S OFFICE

**BUDGET MODIFICATION – TRANSFER FROM DEBT RESERVE TO PAY DOWN 2007 BOND
RELATED TO UNSPENT PROCEEDS FROM COUNTY SERVICE CAMPUS CAPITAL PROJECT**

WHEREAS, resolution PW-070-14 closed the County Service Campus project returning funds in the amount of \$1,431,575.14 to the County Debt Reserve, and

WHEREAS, both federal and state law require that any portion of the proceeds from the sale of bonds not expended for the object or purpose for which such obligations were issued must be applied only to the payment of the principal of and interest on such obligations, and

WHEREAS, the County Treasurer as Chief Fiscal Officer for the County deemed it appropriate to refund the 2007 Public Improvement Serial bonds as was approved by this Legislature by resolution AD-021-15 resulting in significant savings to the County, and

WHEREAS, in order to complete the refunding of the 2007 and 2008 Public Improvement serial bonds the \$1,294,640.19 that remains in County Debt Reserve related to the closing of the County Service Campus capital project must be used to pay down the associated debt prior to closing on the refunding, and

WHEREAS, the refunding of the 2007 and 2008 Public Improvement serial bonds saved the taxpayers of Niagara County \$537,770.73 in future principal and interest payments, and

WHEREAS, budget modifications for the 2015 fiscal year can continue to be made into the first quarter of 2016, now, therefore, be it

RESOLVED, that the following budget modification be effectuated to the 2015 County budget:

INCREASE INTERFUND TRANSFERS:

A.07.9901.000 45031.20	Interfund Transfers from Debt Reserves	\$1,294,640.19
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INCREASE APPROPRIATIONS:

A.07.9710.000 76001.00	Serial Bonds Principal Expense	\$1,294,640.19
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Chairman McNall declared Rule 28 is in effect for this resolution and turned the floor over to Legislator Nemi.

Moved by Hill, seconded by Collins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Lance & Zona

Resolution No. CW-002-16

From: Committee of the Whole

Dated: January 19, 2016

**CREATE AND FILL POSITION / BUDGET MODIFICATION
ADULT MENTAL HEALTH CLINICS
NIAGARA COUNTY DEPARTMENT OF MENTAL HEALTH**

WHEREAS, By regulations, within the New York State Office of Mental Health, the Local Governmental Unit (LGU) has the responsibility to operate the Adult Mental Health Clinics (AMHC), and

WHEREAS, the Niagara County Department of Mental Health functions in Niagara County as the LGU and has provided AMHC services under New York State regulation, and

WHEREAS, the NYS Office of Education (OOE) is expanding the requirements for masters level therapists to include 36 Continuing Education Credits (CEUs) for a 3 year period or 12 CEUs annually for licensure renewal, and

WHEREAS, the NYS Office of Mental Health (OMH) and NYS Office of Alcoholism and Substance Abuse (OASAS) and NYS Department of Health (DOH) are expanding the requirements for service providers to provide integrated physical health, mental health and substance abuse services, as well as to measure, demonstrate and report on data and outcome measures, and

WHEREAS, creating this new position, which will be required to hold the credential of Licensed Clinic Social Worker - Registered (LCSW-R) to provide the required supervision hours for Licensed Clinical Social Workers (LCSW), will enable these LCSWs to qualify for their "R" credential, whereby allowing for the expansion of professional staff licensure to qualify them to see clients from a larger insurance payor mix, thereby meeting the need for client access to professional staff who qualify to take these clients insurance, and

WHEREAS, creating this new position to coordinate adequate training opportunities for professional staff to earn the required number of Continuing Education Credits (CEUs) will qualify professional staff for licensure renewal, and

WHEREAS, this newly created position will also maintain an assigned client caseload and will pay for itself through 3rd party insurance, self-pay, Medicaid, and Medicare and will incur no County cost, now, therefore, be it

RESOLVED, that one Behavioral Health Clinical Supervisor, Grade 14, Step 1, at an hourly rate of \$30.95 be created within the Niagara County Department of Mental Health, and filled effective March 1, 2016 to carry out the required roles and responsibilities in the Adult Mental Health Clinics (AMHC) program, and be it further

RESOLVED, that the following budget modification be effectuated to the Mental Health 2016 budget:

INCREASE REVENUE:

A.21.4310.000 41620.00	Adult Mental Health Clinics	\$83,466
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INCREASE APPROPRIATION:

A.21.4310.000 71010.00 xxxx	Behavioral Health Clinical Supervisor	\$56,546
A.21.4310.000 78100.00	Retirement Expense	5,276
A.21.4310.000 78200.00	FICA Expense	4,326
A.21.4310.000 78300.00	Worker's Compensation	2,036
A.21.4310.000 78400.01	Insurance, Health Active	14,000
A.21.4310.000 78400.05	Insurance, Health HRA Employer	850
A.21.4310.000 78700.00	NYS Disability	82
A.21.4310.000 78800.00	Flex 125 Employer	350

Chairman McNall declared Rule 28 is in effect for this resolution and turned the floor over to Legislator Andres.

Moved by Nemi, seconded by Bradt.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Lance & Zona

Resolution No. CW-003-16

From: Committee of the Whole

Dated: January 19, 2016

**RATIFICATION OF AGREEMENT BETWEEN NIAGARA COUNTY UNIT 7650 OF LOCAL 832,
CIVIL SERVICE EMPLOYEES ASSOCIATION, INC. LOCAL 1000, AFSCME, AFL-CIO
AND THE COUNTY OF NIAGARA, NEW YORK**

WHEREAS, the County of Niagara, and the Niagara County Unit 7650 of Local 832, Civil Service Employees Association, Inc. Local 1000, AFSCME, AFL-CIO (CSEA) have reached a tentative agreement for the period of January 1, 2012 through December 31, 2019, (the Tentative Agreement) attached, and

WHEREAS, said Tentative Agreement was ratified by CSEA on January 6, 2016, and

WHEREAS, funds are available in fund balance, as well as in 2016 budgeted appropriations to carry out the fiscal obligations in the tentative agreement with a detailed resolution to follow, 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 upon a vote and approval of the County Legislature on January 19, 2016, the Tentative Agreement will be approved as the final ratified agreement between the parties for the period of January 1, 2012 through December 31, 2019 (the "Agreement"), and be it further

RESOLVED, that the County Manager is authorized to direct the Departments of Human Resources, Risk Management, Budget, and the Treasurer's Office to implement and administer the provisions of the Agreement, and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to execute said agreement on behalf of the County of Niagara, subject to the approval of the County Attorney.

Chairman McNall declared Rule 28 is in effect for this resolution and turned the floor over to Legislator Nemi.

Moved by Andres, seconded by Syracuse.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Lance & Zona

Resolution No. CW-004-16

From: Committee of the Whole

Dated: January 19, 2016

AMENDMENT OF RESOLUTION ESTABLISHMENT OF A STANDARD WORK DAY UNDER THE TIME REPORTING REGULATION REQUIREMENT FOR ELECTED OR APPOINTED OFFICIALS OF THE COUNTY OF NIAGARA PARTICIPATING IN THE NEW YORK STATE RETIREMENT SYSTEM

WHEREAS, by resolution AD-003-10 the Niagara County Legislature established a standard work day for certain elected or appointed officials, and

WHEREAS, Title 315.4 of the New York Compilation of Codes, Rules and Regulations promulgated by the New York State Comptroller, entitled Regulation on Reporting for Elected or Appointed Officials, has required the reporting of time for certain Elected or Appointed Officials of employers participating in the New York State Retirement System, including the County of Niagara, and

WHEREAS, Title 315.4 requires that the Niagara County Legislature establish a standard work day for each Elected or Appointed Official, serving Niagara County, and

WHEREAS, Title 315.4 requires that Elected or Appointed Officials keep a record or log of work activities, which record or log is required to be submitted to the Clerk of the Niagara County Legislature, and such official reporting work activities shall not include the following: "on call" time, holidays, sick time, vacation time, personal leave time, medical leave and/or bereavement, and

WHEREAS, Title 315.4 permits the reporting of work activities actually performed during the following: "on call" Saturdays time, Sundays time, holidays, sick time, vacation time, personal leave time, medical leave and/or bereavement, and

WHEREAS, pursuant to Title 315.4 the Niagara County Legislature does hereby amend Resolution AD-003-10 to include additional job titles for persons employed by Niagara County in positions not covered by a collective bargaining agreement, now, therefore, be it

RESOLVED, that in compliance with the mandates of Title 315.4, promulgated by the New York State Comptroller, the Niagara County Legislature be and hereby establishes, strictly for purposes of determining days worked and reportable to the New York State and Local Employees' Retirement System, the following standard work day for Elected and Appointed Officials:

ELECTED OFFICIALS

Niagara County Legislators
Niagara County Sheriff
Niagara County Clerk
Niagara County Treasurer
Niagara County District Attorney
Niagara County Coroners

Five day work week, six hour day, and

APPOINTED OFFICIALS

Niagara County Attorney
Assistant County Attorneys
Assistant District Attorneys
Public Defender
Assistant Public Defender
Assigned Counsel and Conflict Administrator and Conflict Office Attorneys
Niagara County Commissioner of Social Services,
Social Services Chief Counsel and the two designated full time assistant attorneys
Auditor

Five day work week, six hour day, and

APPOINTED OFFICIALS

Adm. Director County Sewer District	Sewer
Adm. Director Water	Water
Clerk of the Co. Legislature	Legislature
Co. Fire Coordinator	Fire Coordinator
Commissioner of Economic Devel	Economic Development
Commissioner of Public Works	Public Works
Commissioner of Social Services	Social Services
County Auditor	Audit
County Manager	Office of the County Manager
Director of Risk & Insurance Services	Risk Management
Director of Real Property Tax Services III	Real Property
Director Veterans Service Agency	County Clerk

Director Cmnty Mental Health
 Director Information Technology
 Director of Buildings & Grounds
 Director of Human Resources
 Director Office for the Aging
 Director of Management/Budget
 E&T Program Director
 Election Commissioners
 PH Director
 Probation Director II
 Youth Bureau Director
 Public Information Officer

Mental Health
 Information Technology
 Public Works
 Human Resources
 Office for the Aging
 Management and Budget
 Employment and Training
 Board of Elections
 Public Health
 Probation
 Social Services
 Legislature

Five day work week, seven hour day, and

NON-ELECTED, NON-APPOINTED COUNTY EMPLOYEES, NOT SUBJECT TO A COLLECTIVE BARGAINING AGREEMENT

Assistant County Attorney
 Budget Analyst
 Chief Acct. Treasurer
 Dep. Commissioner Public Works-Bridges
 Dep. Commissioner Public Works-Engineering
 Dep PH Dir/Dir of Hlth Fncl Opert
 Dep. Co. Clerk
 Deputy Director Buildings and Grounds
 Deputy Director of Information Technology
 Director PH Planning & Emergency Preparedness
 Director Administrative Services
 Director Environmental Health
 Director Nursing Services-Health
 Director of Eligibility
 Director of Social Services
 Dep. Commissioner Economic Dev.
 Dep. Commissioner Social Services
 Dep. Director Mental Health
 Environmental Science Coord.
 Executive Dir. Niagara County WIB
 Fiscal Admn-Office for the Aging
 Grant & Systems Accountant
 Grant Accountant
 Health Service Fiscal Adm.
 Information Technology Project Manager
 Manager Labor Rel.
 Payroll Manager
 Purchasing Agent
 Social Services Atty F/T
 Spcl. Asst. Medicaid Prvdr Fraud
 Sport Fishing Program Cord.
 Systems Accounting Manager
 Manpower Personnel
 Summer Youth Employment Counselor

Social Services
 Management and Budget
 Treasurer
 Public Works
 Public Works
 Public Health
 County Clerk
 Public Works
 Information Technology
 Public Health
 Social Services
 Public Health
 Public Health
 Social Services
 Social Services
 Economic Development
 Social Services
 Mental Health
 Public Works
 Employment and Training
 Office for the Aging
 Management and Budget
 Management and Budget
 Public Health
 Information Technology
 Human Resources
 Treasurer
 Management and Budget
 Social Services
 Social Services
 Economic Development
 Treasurer
 Employment and Training
 Employment and Training

1 st Dep. Co. Treasurer	Treasurer
1 st Dep. Co. Clerk	County Clerk
Administrative Asst.-Cty. Mgr.	Office of the County Manager
Asst. Clerk to the Legislature	Legislature
Clerk/Machine Tech-Elections	Board of Elections
Clerk-Bd of Elections	Board of Elections
Cnfdt. Asst. to HR Director	Human Resources
Cnfdt. Asst-Dir Risk & Ins. Services	Risk Management
Cnfdt. Sec-Assign. Counsel & Conflicts	Conflict Def/Assigned Counsel
Cnfdt. Sec-Data Processing	Information Technology
Cnfdt. Asst-Commissioner Econ. Devel.	Economic Development
Conf. Sec. Dir. Homeland Security/Emer.Mgt.	Fire Coordinator
Confidential Assistant Sewer Director	Sewer
Confidential Asst-Cty Attorney	County Attorney
Confidential Sec.-Cty Clerk	County Clerk
Confidential Secretary-Health	Public Health
Confidential Secy-CoA	County Attorney
Confidential Secy-DA	District Attorney
Confidential Secy-Treas.	Treasurer
Crim. Invest-DA	District Attorney
Deputy Election Comm	Board of Elections
Pers Technician	Human Resources
PH Resource & SNS Officer	Public Health
Safety & Training Coordinator	Risk Management
Sr. Personnel Record Clerk	Human Resources
Staff Development Coordinator	Social Services
Transportation Project Coord.	Social Services

Five day work week, seven hour day, and

NON-ELECTED, NON-APPOINTED COUNTY EMPLOYEES, NOT SUBJECT TO A COLLECTIVE BARGAINING AGREEMENT

Chief Deputy	Sheriff
Chief Jail Administrator	Sheriff
Chief Wastewater TrtPLOp	Sewer
Chief Water TrtPltOper	Water
Deputy Chief Jail Administrator	Sheriff
Fleet Operations Supervisor	Public Works
Golf Director	Golf Course
Highway Operations Supervisor	Public Works
Suprntent Wtr Transmis	Water
Suprv Sewer Maint	Sewer
Suprv Wtr Maint Plant	Water
Under Sheriff	Sheriff
Commissary Aide	Sheriff
Confidential Secy-Sher	Sheriff
Elec Tech WSTWTR	Sewer
Electrnic Tech-Water	Water

Five day week, eight hour work day, and

NON-ELECTED, NON-APPOINTED COUNTY EMPLOYEES NOT SUBJECT TO A COLLECTIVE BARGAINING AGREEMENT

Traffic Safety Educator

Sheriff

Five day week, six hour work day, and

NON-ELECTED, NON-APPOINTED COUNTY EMPLOYEES NOT SUBJECT TO A COLLECTIVE BARGAINING AGREEMENT

Clerk-Bd of Election p/t
Voting Machinstr
Personnel Officer Part-time
CountyHistorian p/t
Dpty County Historian P/T

Board of Elections
Board of Elections
Human Resources
County Clerk
County Clerk

Part-time, seven hour workday

NON-ELECTED, NON-APPOINTED COUNTY EMPLOYEES NOT SUBJECT TO A COLLECTIVE BARGAINING AGREEMENT

Helicopter Mechanic p/t
Helicopter Pilot
Deputy Sheriff-Marine p/t

Sheriff
Sheriff
Sheriff

Part-time, eight hour work day.

NON-ELECTED, NON-APPOINTED COUNTY EMPLOYEES NOT SUBJECT TO A COLLECTIVE BARGAINING AGREEMENT

GIS Assistant-Seasonal
MicroComp/StudentInt
Public Health Intern
Seasonal Help – Clerical
Seasonal Help – Clerical

Information Technology
Information Technology
Public Health
Social Services
Sheriff

Seasonal, seven hour work day, and

NON-ELECTED, NON-APPOINTED COUNTY EMPLOYEES NOT SUBJECT TO A COLLECTIVE BARGAINING AGREEMENT

Marine Patrol Officer
Corrections Officer Seasonal
Seasonal Help-Labor
Seasonal Laborer – Parks

Sheriff
Sheriff
Sewer
Public Works

Seasonal, eight hour work day.

PART TIME APPOINTED

Department of Social Services Attorneys
Assistant District Attorney Position Nos.: 35, 10523, 3753 and 10631

Five day work week, three hour day, and

be it further

RESOLVED, that in compliance with the mandates of Title 315.4, reportable "work hours" shall include all "work activities" performed by an Elected or Appointed Official during the work week, Saturdays, Sundays, "on call" time, holidays sick time, vacation time, personal leave time, medical leave and/or bereavement, and be it further

RESOLVED, that in compliance with the mandates of Title 315.4 all work activities performed by an Elected or Appointed Official during the work week shall be reported to the Clerk of the Niagara County Legislature and the Clerk of the Niagara County Legislature shall include all such hours in calculating the number of days working during the reporting period required by the New York State Retirement System.

Chairman McNall declared Rule 28 is in effect for this resolution and turned the floor over to Legislator Nemi. Moved by Burmaster, seconded by Godfrey.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Lance & Zona

Resolution No. IL-003-16

From: Legislators Wm. Keith McNall & Randy R. Bradt

Dated: January 19, 2016

RESOLUTION ESTABLISHING AN INDEPENDENT NIAGARA COUNTY OFFICE OF PUBLIC INTEGRITY AND DIRECTING ESTABLISHMENT OF A SEARCH COMMITTEE AND COMMENCEMENT OF A SEARCH FOR DIRECTOR OF OFFICE OF PUBLIC INTEGRITY

WHEREAS, independent review of allegations of ethical impropriety is essential to the public's confidence in, and the good exercise of the authority of, this Government, and

WHEREAS, the authority of the Niagara County Board of Ethics as currently constituted has proven to be limited, as have Boards of Review convened by previous sessions of this Legislature, and

WHEREAS, it is the judgment of this Legislature that establishment of an independent authority with full power to investigate allegations of misconduct, financial conflicts, fiduciary malfeasance and misfeasance, and other ethical transgressions as may arise from the conduct of office of elected officials of the County of Niagara, appointees of the same, and those employees of the Government that are participating in political activities that shall generate conflicts that directly contravene restrictions in the Niagara County Code of Ethics and other legally-enforceable statutes and policies, to issue legally-enforceable subpoenas in furtherance of such investigations, and to issue recommendations for resolution of such ethical violations up to and including a recommendation of expulsion from office, shall serve to protect the taxpayers and other citizens of this county and their interests, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara does hereby establish the Niagara County Office of Public Integrity, and further direct the creation of a Director of the Office of Public Integrity, and be it further

RESOLVED, that this Legislature directs its Chairman to establish a temporary committee, to consist of five legislators, that shall be entrusted with establishing a baseline budget for said Office, a salary range for the eventual Director of the same, a job description fully establishing the authorities of the Director, and a term of office that shall safeguard this Office and its investigations from being influenced by the outcome of elections, and to commence a search for a qualified candidate no later than March 18th of this Year, with membership of said committee being appointed by the Chairman of the Legislature upon the advice of the Majority and Minority Leaders, and reflective of the respective caucuses' current percentage of seats in the Legislature.

Referred to Administration Committee.

Resolution No. IL-004-16

From: Legislators Dennis F. Virtuoso, Jason A. Zona, Mark J. Grozio & Owen T. Steed

Dated: January 19, 2016

**AMENDMENT TO THE CODE OF ETHICS LOCAL LAW #2-96
FOR THE COUNTY OF NIAGARA, NEW YORK**

WHEREAS, Legislator Dennis F. Virtuoso presents in writing the following proposed Local Law:

A Local Law Amending Local Law #2-96 Establishing a Code of Ethics for the County of Niagara, now, therefore,

Be It Enacted by the County Legislature of Niagara as follows:

Section 7: Future Employment, add Second Paragraph: No County Legislator can seek employment or be hired with the County of Niagara until the Legislator is out of office for a period of two years nor can a Legislator be a paid lobbyist, to lobby issues in the Niagara County Legislature for a period of two years after he or she leaves the Office of County Legislator.

RESOLVED, that the Niagara County Legislature shall conduct a public hearing upon said proposed Local Law at the Legislative Chambers, Courthouse, Lockport, New York, on the 23rd day of February, 2016 at 6:45 p.m., and be it further

RESOLVED, that the Clerk of the Legislature, at least six (6) days in advance of such hearing, shall post a notice upon the bulletin boards in the Courthouse at Lockport, the Civic Building in Niagara Falls and the County Building in North Tonawanda and shall publish such notice once in the Union-Sun & Journal and the Niagara Gazette and such notice shall contain the title of the Local Law and an abstract of the text to be prepared by the Clerk of the Legislature, with the assistance of the County Attorney's Office.

Referred to Administration Committee.

Resolution No. IL-005-16

From: Legislators Will Collins, Michael A. Hill, Rebecca Wydysh, John Syracuse & David E. Godfrey

Dated: January 19, 2016

**RESOLUTION CALLING UPON CONGRESS TO LEGISLATIVELY OVERRIDE
PRESIDENT OBAMA'S JANUARY 5, 2016 EXECUTIVE ORDERS THAT SUBVERT
THE SECOND AMENDMENT BY APPLYING PORTIONS OF THE FAILED
SAFE ACT TO NATIONAL GUN POLICY**

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 Legislature of the County of Niagara has repeatedly affirmed this county's recognition of the individual right to keep and bear arms, as enshrined in the Bill of Rights, and most recently in our opposition to the imposition of Governor Andrew M. Cuomo's NY SAFE Act gun control law, and

WHEREAS, President Barack H. Obama did, on January 5, 2016, issue a series of executive orders related to the exercise of rights guaranteed under the Second Amendment, and curtailing the same, including establishing lengthy prison terms and fines for those individuals that refuse to comply with said executive orders, and

WHEREAS, the Buffalo News did, in a January 9, 2016 article by reporter Lou Michel state, "What the president ordered to a large extent already exists in New York State by law" and went on to state "The SAFE Act ... increased New York's standing as one of the strictest gun-law states in the country," and

WHEREAS, this Legislature has repeatedly called for the repeal of the SAFE Act as it both abridges the Constitutional rights of the citizens of this County and State, and has proven to be bad policy with unenforceable provisions that have been struck down in federal court, and

WHEREAS, this Legislature concurs fully with the Honorable Chris Collins, Representative for New York's 27th District, who did state on January 6 that "President Obama has made it clear that he will not let legal documents like the Constitution stand in his way; only this president would circumvent the Constitution to punish tens of thousands of law-abiding gun owners across Western New York and millions more throughout the country; the president needs to be reminded that it is Congress's job to write laws, his proposed executive actions will significantly increase burdensome government regulations and infringe on the Second Amendment rights Americans have fought to protect," 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, the experience of this Legislature and this County is that the SAFE Act is a failure, the nationalization of which will only erode the rights of Americans not subject to the laws of the State of New York, 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 This Legislature opposes government interference in the practice of that right, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara does hereby oppose all executive orders issued by President Obama that have the effect of curtailing rights guaranteed by the Second Amendment to the Constitution, and be it further

RESOLVED, that the Legislature of the County of Niagara calls upon the leadership of the United States Congress to take such legislative actions as shall either override the executive branch's actions or render the same unenforceable through such actions as denying funding for enforcement of the same, and be it further

RESOLVED, that the Legislature of the County of Niagara calls upon its full delegation to Congress to support any and all legislation which shall further the purposes stated in the previous Whereas clause, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution President Obama; Attorney General Loretta Lynch; Director of the Federal Bureau of Investigation James Comey; Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives B. Todd Jones; Senator Charles E. Schumer; Senator Kirsten E. Gillibrand; U.S. Representative Chris Collins; U.S. Representative Brian Higgins; and all others deemed necessary and proper.

Moved by Hill, seconded by Godfrey, to implement the portion of Rule 15 that pertains to voting on a resolution as opposed to referring it to committee.

Carried.

Moved by Hill, seconded by Godfrey.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Lance & Zona

Resolution No. IL-006-16 (Amended)

From: Legislators Randy R. Bradt & Will Collins

Dated: January 19, 2016

AMENDMENT TO MEDICAL INSURANCE COVERAGE POLICY

WHEREAS, pursuant to Resolution Nos. 257-86 and HR-005-98 adopted August 19, 1986 and January 20, 1998, the County of Niagara has an existing policy for providing lifetime medical insurance benefits for elected and appointed officials, and

WHEREAS, Resolutions IL-002-04 and IL-061-11 amended the policy as it pertains to members of the Niagara County Legislature, and

WHEREAS, the policy created for members of the Niagara County Legislature in IL-002-04 and IL-061-11 shall remain unchanged, and

WHEREAS, Resolutions 257-86 and HR-005-98 are hereby amended concerning the classification of “non-union” employees eligibility for lifetime health insurance benefits, and

WHEREAS, pursuant to this resolution lifetime health insurance benefits shall be modified for all elected, appointed and/or non-union employees who shall be elected or hired by Niagara County subsequent to the date of the enactment of this resolution, and

WHEREAS, the following policy is hereby adopted by the Niagara County Legislature:

MEDICAL INSURANCE POLICY STATEMENT

I. ELECTED OFFICIALS (EXCEPT THOSE OFFICIALS SPECIFIED IN IL-002-04 and IL-062-11)

Persons who have held elective office in Niagara County government prior to the date of this resolution shall be entitled to lifetime health insurance benefits comparable to the benefits which they were receiving on their last date of County service, pursuant to the schedule set forth below:

10 years of completed service - 50% of premium paid by County
15 years of completed service - 75% of premium paid by County
20 years of completed service - 100% of premium paid by County

Eligibility for benefits shall occur immediately upon separation from service for any reason whatsoever.

II. APPOINTED OFFICIALS

Persons who have held appointed office in Niagara County government prior to the date of this resolution shall be entitled to lifetime health insurance benefits comparable to the benefits which they were receiving on their last date of County service, pursuant to the schedule set forth below:

- 10 years of completed service - 50% of premium paid by County
- 15 years of completed service - 75% of premium paid by County
- 20 years of completed service - 100% of premium paid by County

Eligibility for benefits shall occur immediately upon separation from service, provided that the following criteria are met:

1. The official reaches the minimum retirement age as determined by the New York State Retirement System; or
2. The official is not re-appointed or is terminated due to change in the membership of the Niagara County Legislature following the bi-annual election of the Niagara County Legislature.

III. NON-UNION EMPLOYEES

Persons who have been employed by Niagara County in a non-union, non-elected, non-appointed full-time, benefited position shall be entitled to lifetime health insurance benefits comparable to the benefits which they were receiving on their last date of County service, pursuant to the schedule set forth below:

- 10 years of completed service - 50% of premium paid by County
- 15 years of completed service - 75% of premium paid by County
- 20 years of completed service - 100% of premium paid by County

Eligibility for benefits shall occur immediately upon separation from service, provided that the following criteria are met:

1. The employee reaches the minimum retirement age as determined by the New York State Retirement System; or
2. The employee is terminated without cause within forty-five (45) days of the reorganizational meeting of a newly elected Niagara County Legislature.

IV. NEWLY ELECTED OFFICIALS AND NEWLY HIRED, APPOINTED AND NON-UNION EMPLOYEES

Elected officials, appointed employees, and non-union employees, who are entitled to lifetime health insurance benefits pursuant to the provisions of this resolution and initially elected and/or hired to positions in Niagara County government subsequent to ratification of this resolution, shall be eligible for Niagara County Healthcare Plan coverage upon retirement from continuous full-time service as follows:

- Fewer than 10 years of service - 0% of premium paid by County
- 10 years, but fewer than 15 years of completed service - 25% of premium paid by County
- 15 years, or more of completed service - 50% of premium paid by County

V. MISCELLANEOUS

1. In the event that persons having less than 20 years of completed service upon separation of service are subsequently elected or re-hired by the County within seven (7) years after a break in service, such additional period or periods of service shall be added to the original period of service for calculation of total years of completed service.

2. Persons who have otherwise qualified for lifetime insurance benefits and who are subsequently elected or re-hired by the County shall not forfeit their entitlement to such benefits if their subsequent employment is terminated for reasons other than as set forth in the above criteria.

3. "Years of completed service" shall be defined to include all years of employment with Niagara County in a benefited position whether elected, appointed or otherwise employed.

4. The changes to this policy shall not contravene or supersede rights and benefits provided for pursuant to the New York State Retirement System, and, now, therefore, be it

RESOLVED, that the above stated policy be, and hereby is, the official policy of the County of Niagara, New York, effective immediately.

Moved by Bradt, seconded by Andres, to implement the portion of Rule 15 that pertains to voting on a resolution as opposed to referring it to committee.

Carried.

Moved by Bradt, seconded by Andres.

Moved by Bradt, seconded by Collins to amend the resolution to change the last WHEREAS clause to a RESOLVED clause.

Carried.

Moved by Bradt, seconded by Collins on the resolution as amended.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Lance & Zona

APPOINTMENTS:

	<u>Appt.</u>	<u>Expires</u>
<u>EMERGENCY MEDICAL SERVICES COUNCIL</u>		
<u>VOLUNTEER FIRE SERVICE</u>		
Michael Devine, S. Lockport Volunteer Fire 114 Maple St., Lockport 14094	01/19/16	12/31/17

PLANNING BOARD

Peter Russell (replaces Ross) 2206 Hess Rd., Appleton, NY 14008	01/19/16	12/31/16
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WORKFORCE INVESTMENT BOARD

Elliott Winter	01/19/16
Frank Budwey	01/19/16
Cesar Cabrera	01/19/16
Michael P. Carney	01/19/16

YOUTH BOARD

1. Reggie Rosati 6981 Dysinger Rd., Lockport 14094	01/19/16	12/31/18
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Moved by Andres, seconded by Burmaster.

Carried.

Moved by Bradt, seconded by Syracuse to enter into Executive Session re negotiations related to CW-003-16.


Moved by Andres, seconded by Godfrey to adjourn Executive Session.
Carried.

Resolution No. CW-003-16 was read at this time. (Appears in numerical order)

Moved by Andres, seconded by Collins that the Board adjourn.

The Chairman declared the Board adjourned at 8:51 p.m., subject to the call of the Clerk.

No citizens spoke at this time on the General Welfare of the County.


Mary Jo Tamburlin, Clerk