

AGENDA
NIAGARA COUNTY LEGISLATURE
MARCH 19, 2013 - 7:00 P.M.

Resolutions not on previous agenda:

- IL-013-13** Legislators Jason A. Zona, re Resolution in Support of the Fashion Outlets of Niagara Pilot Application that will result in a Seventy One Million Dollar Expansion Project.

Regular Meeting – March 19, 2013

- *AD-003-13** Administration, re Real Property Tax Corrections/Cancellations - Real Property
- AD-004-13** Administration, re Refunding Bond Resolution of the County Legislature of the County of Niagara, New York (the "County") Authorizing the Issuance of Refunding Bonds of the County in an Aggregate Principal amount not to exceed \$13,350,000 Pursuant to the Local Finance Law, and Providing for Other Matters in Relation thereto and the Payment of the Bonds to be Refunded Thereby - Treasurer
- *CS-004-13** Community Services & Administration, re Budget Modification - Accept Cola Funds for Childhood Lead Prevention – Department of Health – Public Health
- *CS-005-13** Community Services & Administration, re Increase Petty Cash to Division of Nursing, Department of Health – Public Health
- *CS-006-13** Community Services, re County Clerk Office E-Recording Implementation – County Clerk
- *CS-007-13** Community Services & Administration, re Budget Modification Healthy Families New York Program - DSS
- *CS-008-13** Community Services & Administration, re Budget Modification Child Care and Development Fund - DSS
- *CS-009-13** Community Services & Administration, re Budget Modification Flexible Fund for Family Services - DSS
- *CS-010-13** Community Services & Administration, re Abolish/Create Position – Social Services - DSS
- *CS-011-13** Community Services & Administration, re Budget Modification – Office for the Aging 2013 Budget Adjustments - Aging

IL-014-13 Legislators Clyde L. Burmaster, William L. Ross, David E. Godfrey, Peter E. Smolinski & Kathryn L. Lance, re Robert Moses Parkway North Support for Alternative 3

IL-015-13 Legislators Richard E. Updegrove & Paul B. Wojtaszek, re Resolution opposing Actions of Democratic Elections Commissioner, namely maintaining her predecessor, Nancy L. Smith, as a County Employee for such time as is needed for Smith to Secure Lifetime Healthcare Benefits.



Mary Jo Tamburlin, Clerk
Niagara County Legislature

*** Indicates Preferred Agenda items**

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

The next meeting of the Legislature will be held on April 16, 2013.

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee

DATE: 03/19/13

RESOLUTION # AD-003-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
AD - 3/12/13

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

**REAL PROPERTY TAX CORRECTIONS/CANCELLATIONS
NO. COE-13 A**

WHEREAS, the Director of Real Property Tax Services has received applications for refunds and/or corrections applicable to various outstanding Niagara County tax liens, or has been made aware that unenforceable tax liens exist upon certain real property owned by the State of New York and/or the United States, and

WHEREAS, the Director has investigated the claimed erroneous assessments and/or unenforceable liens in accordance with sections 554, 556 and 558 of the New York State Real Property Tax Law, now, therefore, be it

RESOLVED, that the applications and/or lien cancellations be approved and/or denied as set forth in the attached Exhibit No. COE-13 A which is made a part hereof and subsequently be charged back to the applicable town, city, special district and school district within the County of Niagara.

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee

DATE: 03/19/13

RESOLUTION # AD-004-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
AD - 3/12/13

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

**REFUNDING BOND RESOLUTION OF THE COUNTY LEGISLATURE OF THE
COUNTY OF NIAGARA, NEW YORK (THE "COUNTY") AUTHORIZING THE
ISSUANCE OF REFUNDING BONDS OF THE COUNTY IN AN AGGREGATE
PRINCIPAL AMOUNT NOT TO EXCEED \$13,350,000 PURSUANT TO THE LOCAL
FINANCE LAW, AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO
AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY**

WHEREAS, the County of Niagara, New York (the "County") heretofore issued its Water District (Serial) Bonds, 2004, dated February 15, 2004 in the original aggregate principal amount of \$4,250,000 (the "Series 2004A Bonds"), pursuant to a bond resolution adopted by the County Legislature of the County on June 17, 2003, for the specific object or purpose identified in Exhibit A attached hereto, which bonds have an outstanding principal amount of \$2,930,000, and mature in the following respective years and principal amounts: \$195,000 in the year 2013, \$205,000 in the year 2014, \$210,000 in the year 2015, \$220,000 in the year 2016, \$230,000 in the year 2017, \$235,000 in the year 2018, \$245,000 in the year 2019, \$255,000 in the year 2020, \$265,000 in the year 2021, \$280,000 in the year 2022, \$290,000 in the year 2023 and \$300,000 in the year 2024 (the "2004A Prior Bonds"), and

WHEREAS, the County heretofore issued its Public Improvement Refunding (Serial) Bonds, 2004, dated December 9, 2004 in the original aggregate principal amount of \$7,475,000 (the "Series 2004 Refunding Bonds"), pursuant to a refunding bond resolution adopted by the County Legislature of the County on October 19, 2004, for the purpose of refunding the then outstanding principal amount of the County's Public Improvement (Serial) Bonds, 1996 Series C, issued in the original principal amount of \$8,695,000 (the "Series 1996 Bonds"), such Series 1996 Bonds having been issued pursuant to bond resolutions adopted on December 1, 1992 and April 19, 1999 for the specific object or purpose identified in Exhibit A attached hereto; which Series 2004 Bonds have an outstanding principal amount of \$4,560,000, and mature in the following respective years and principal amounts: \$420,000 in the year 2013, \$440,000 in the year 2014, \$465,000 in the year 2015, \$485,000 in the year 2016, \$505,000 in the year 2017, \$530,000 in the year 2018, \$545,000 in the year 2019, \$575,000 in the year 2020 and \$595,000 in the year 2021 (the "2004B Prior Bonds"), and

WHEREAS, the County heretofore issued its Sewer District (Serial) Bonds, 2005, dated January 15, 2005 in the original aggregate principal amount of \$3,935,000 (the "Series 2005 Bonds"), pursuant to a bond resolution adopted by the County Legislature of the County on September 7, 2004, for the specific object or purpose identified in Exhibit A attached hereto, which bonds have an outstanding principal amount of \$2,900,000, and mature in the following respective years and principal amounts: \$195,000 in the year 2013, \$200,000 in the year 2014, \$210,000 in the year 2015, \$215,000 in the year 2016, \$225,000 in the year 2017, \$235,000 in the year 2018, \$245,000 in the year 2019, \$255,000 in the year 2020, \$265,000 in the year 2021, \$275,000 in the year 2021, \$285,000 in the year 2022, \$295,000 in the year 2023 (the "2005 Prior Bonds"), and

WHEREAS, the County heretofore issued its Public Improvement (Serial) Bonds, 2006, dated July 15, 2006 in the original aggregate principal amount of \$4,140,707 (the "Series 2006 Bonds"), pursuant to a bond

resolution adopted by the County Legislature of the County on March 21, 2006, for the specific objects or purposes identified in Exhibit A attached hereto, which bonds have an outstanding principal amount of

\$2,945,000, and mature in the following respective years and principal amounts: \$235,000 in the year 2013, \$245,000 in the year 2014, \$260,000 in the year 2015, \$270,000 in the year 2016, \$285,000 in the year 2017, \$300,000 in the year 2018, \$315,000 in the year 2019, \$330,000 in the year 2020, \$345,000 in the year 2021 and \$360,000 in the year 2022 (the "2006 Prior Bonds" and, together with the 2004A Prior Bonds, the 2004B Prior Bonds, and the 2005 Prior Bonds, the "Prior Bonds"), and

WHEREAS, the County has the power and authority to issue refunding bonds of the County for the purpose of refunding and thereby refinancing all or a portion of the outstanding Prior Bonds, including provision for incidental costs of issuance in connection therewith, pursuant to the provisions of Section 90.10 of the Local Finance Law (the "Law"), and

WHEREAS, the County has received a draft refunding financial plan (the "Refunding Financial Plan"), a copy of which is attached hereto as Exhibit B, from Capital Markets Advisors, LLC, the financial advisory firm retained by the County, with respect to a proposed refunding of the 2004A Prior Bonds maturing in the years 2014 and thereafter, the 2004B Prior Bonds and the 2005 Prior Bonds maturing in the years 2015 and thereafter, and the 2006 Prior Bonds maturing in the years 2016 and thereafter (such maturities of Prior Bonds being collectively referred to as the "Refunded Bonds"), which refunding would result in present value savings in debt service as required by Section 90.10 of the Local Finance Law, and

WHEREAS, in order for the County to realize the potential for substantial long-term debt service savings with respect to the Refunded Bonds, the County Legislature has determined, acting in consultation with the financial advisory and bond counsel firms retained by the County, that it is advisable and prudent for the County to consider the refunding of all or a portion of the Refunded Bonds, and

WHEREAS, the County Legislature now intends to authorize the issuance of refunding bonds for the purpose of refunding all or a portion of the Refunded Bonds in accordance with the Refunding Financial Plan.

NOW, THEREFORE, THE COUNTY LEGISLATURE OF THE COUNTY OF NIAGARA, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

SECTION 1. For the object or purpose of refunding the \$11,145,000 outstanding aggregate principal balance of the Refunded Bonds, including providing moneys which together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (a) the principal amount of the Refunded Bonds, (b) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date or dates on which the Refunded Bonds which are optionally redeemable are to be called for redemption prior to their respective maturities in accordance with the refunding financial plan, (c) the redemption premiums, if any, payable on the Refunded Bonds which are to be called for redemption prior to their respective maturities, (d) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including without limitation the development of the refunding financial plan, compensation to the underwriter as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the Escrow Contract, (as defined in Section 6 of this Resolution), and fees and charges of the Escrow Holder (as defined in Section 6 of this Resolution), financial advisory fees, printing fees and legal fees and (e) the premium or premiums for a policy or policies of municipal bond insurance or other form of credit enhancement facility or facilities for the refunding bonds herein authorized, or any portion

thereof, there are hereby authorized to be issued the "Various Purpose Refunding (Serial) Bonds, 2013" of the County, in one or more series, in an aggregate principal amount not to exceed \$13,350,000 pursuant to the provisions of Section 90.10 of the Local Finance Law (the "Refunding Bonds"), it being currently anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$12,135,000 as described in Section 5 hereof. The Refunding Bonds shall be dated as of such date as shall hereinafter be determined by the Treasurer of the County pursuant to Section 6 hereof, and shall be of the denomination of \$5,000 or any integral multiple thereof not exceeding the principal amount of each respective maturity. The Refunding Bonds shall mature annually and shall bear interest payable semi-annually on such dates as shall be determined by the Treasurer of the County pursuant to Section 5 hereof, at the rate or rates of interest per annum as may be necessary to sell the same, all as shall be determined by the Treasurer of the County. Notwithstanding anything in this resolution to the contrary, the Refunding Bonds shall only be issued by the County if the refunding of the Refunded Bonds hereby will result in present value savings as determined in accordance with the methodology set forth in Section 90.10(b)(2) of the Local Finance Law.

SECTION 2. The Treasurer of the County, as the chief fiscal officer, is hereby delegated all powers of the County Legislature with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

SECTION 3. The Refunding Bonds shall be executed in the name of the County by the manual or facsimile signature of the Treasurer of the County, and a facsimile of its corporate seal shall be imprinted thereon and attested by the County Clerk. The Refunding Bonds shall contain the recital required by Section 90.10(j)(4) of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals as the Treasurer of the County shall determine.

SECTION 4. It is hereby determined that:

- (a) The maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by Section 90.10(b)(1) of the Local Finance Law;
- (b) The maximum period or periods of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for each of the objects or purposes for which the Refunded Bonds were issued is as shown upon Exhibit A attached hereto.
- (c) The estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of Section 90.10(b)(2) of the Local Finance Law, is as shown in the Refunding Financial Plan described in Section 5 hereof.

SECTION 5. The financial plan for the refunding authorized by this resolution (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, and the estimated present value of the total debt service savings computed in accordance with the requirements of Section 90.10(b)(2)(a) of the Local Finance Law, is set forth in Exhibit B attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the principal amount of \$12,135,000 and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in Exhibit B. This County Legislature recognizes that the amount of the Refunding Bonds, and the maturities, terms, and interest rate and rates borne by the Refunding Bonds to be issued by the County will most probably be different from such assumptions and that the final Refunding

Financial Plan will also most probably be different from that attached hereto as Exhibit B. The Treasurer of the County is hereby authorized and directed to determine the actual amount of the Refunding Bonds to be issued (not in excess of the maximum principal amount authorized by Section 1 of this resolution), the weighted average remaining period of probable usefulness of the objects or purposes (or classes of objects or purposes) financed by the Refunding Bonds, or of each series of the Refunding Bonds, the actual maturities and amounts of the Refunded Bonds to be refunded, the details as to the redemption of the Refunded Bonds, including the date and amount of such redemption or redemptions and authorizing and directing the Escrow Agent described in Section 6 hereof to cause notice of such redemption or redemptions, the date of the Refunding Bonds and the date of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds shall be issued in one or more series, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by Section 57.00(e) of the Local Finance Law, whether the Refunding Bonds shall be sold in a private sale as authorized by Section 63.00 of the Local Finance Law, whether the Refunding Bonds shall provide for substantially level or declining debt service as authorized by Section 21.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds, and, pursuant to Sections 50.00 and 56.00 of the Local Finance Law, all powers in connection therewith are hereby delegated to the Treasurer of the County; provided that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The Treasurer of the County shall file with the Clerk of the County Legislature not later than the date of issuance of the Refunding Bonds, as herein provided, (1) a copy of the Treasurer's certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan and (2) unless the Refunding Bonds are sold in a private sale pursuant to Section 63.00 of the Local Finance Law and are issued in compliance with Section 90.00 of the Local Finance Law, the Certificate of the State Comptroller setting forth the present value of the total debt service savings, as required by Section 90.10(g) of the Local Finance Law.

SECTION 6. The Treasurer of the County is hereby authorized and directed to enter into an escrow contract (the "Escrow Contract") with a bank or trust company located and authorized to do business in the State of New York (the "State") as the Treasurer of the County shall designate (the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunded Bonds, as the escrow holder to perform the services described in Section 90.10(i)(1) of the Local Finance Law.

SECTION 7. The faith and credit of said County are hereby irrevocably pledged for the payment of the principal of and interest on the Refunding Bonds herein authorized as the same become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the County a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 8.

(a) All of the proceeds from the sale of the Refunding Bonds, including the premium, if any (the "Proceeds of the Refunding Bonds"), shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. From the Proceeds of the Refunding Bonds, the portion thereof as is necessary to pay the outstanding principal amount of the Refunded Bonds, the aggregate amount of unmatured interest on the Refunded Bonds to and including the respective maturity dates or redemption dates thereof as set forth in the final Refunding Financial Plan prepared or caused to be prepared by the Treasurer of the County in accordance with Section 6 of this resolution, and the redemption premiums, if any, payable on the Refunded Bonds on such redemption dates, (such amount

and the direction to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of Section 53.00(a) of the Local Finance Law, or any successor law thereto.

SECTION 12. The Treasurer of the County is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the Refunding Bonds authorized by this resolution, if required, containing provisions which are satisfactory to such purchaser 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 13. The Refunding Bonds shall be sold either at public sale to the lowest bidder or at private sale to an underwriter to be selected by the Treasurer of the County as the Treasurer of the County shall determine to be in the best interest of the County (the "Underwriter") for a purchase price to be determined by the Treasurer of the County, plus accrued interest from the date of the Refunding Bonds to the date of the delivery of and payment for the Refunding Bonds, and all powers relating thereto are hereby delegated to the Treasurer of the County. In the event the Refunding Bonds are sold at private sale, such private sale shall be subject to the approval of the terms and conditions of such private sale by the State Comptroller as required by subdivision 2 of paragraph f. of Section 90.10 of the Local Finance Law. The Treasurer of the County, in the event the Refunding Bonds are sold at private sale, is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the County providing the terms and conditions for the sale and delivery of the Refunding Bonds to the Underwriter. After the Refunding Bonds have been duly executed, they shall be delivered by the Treasurer of the County to the Underwriter in accordance with said purchase contract or competitive sale upon the receipt by the County of said purchase price, including accrued interest.

SECTION 14. The Treasurer of the County and all other officers, employees and agents of the County are hereby authorized and directed for and on behalf of the County to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

SECTION 15. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the Treasurer of the County and all powers in connection therewith are hereby delegated to the Treasurer of the County.

SECTION 16. The validity of the Refunding Bonds may be contested only if:

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

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

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

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

SECTION 17. Upon this resolution taking effect, the Treasurer of the County is hereby authorized and directed to publish the same, or a summary thereof, together with a notice in substantially the form set forth in Section 81.00 of the Local Finance Law.

being hereinafter referred to as the "Escrow Deposit Amount") shall be deposited in the escrow deposit fund to be established pursuant to the Escrow Contract, and either held in cash or invested in direct obligations of the United States of America or in obligations, the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates such moneys will be required to make payments in accordance with the final Refunding Financial Plan. Amounts held on deposit in the Escrow Fund, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of, interest on, and redemption price of the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such monies held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the Escrow Fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims or any kind in tort, contract or otherwise against the County irrespective of whether such parties have notice thereof.

(b) After depositing the Escrow Deposit Amount into the Escrow Fund, in accordance with paragraph (a) above, the remaining balance, if any, of the Proceeds of the Refunding Bonds not so deposited shall, immediately upon receipt thereof, be placed in escrow with the Escrow Holder for the Refunded Bonds and deposited in the expense fund to be established under the Escrow Contract by the Escrow Holder to pay, to the Treasurer of the County, as Chief Fiscal Officer, or as the Treasurer of the County may direct and be applied to pay (i) accrued interest on the Refunding Bonds from the dated date thereof to the date of issuance thereof, and (ii) costs of issuance or other administrative costs incurred in connection with the issuance of the Refunding Bonds.

SECTION 9. The Treasurer of the County, as chief fiscal officer, is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Refunding Bonds, 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 to designate the bonds authorized by this resolution as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The County Legislature hereby determines that issuance of the Refunding Bonds is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") is required.

SECTION 11. In accordance with the provisions of Sections 53.00 and 90.10(h) of the Local Finance Law, the County Legislature of the County hereby elects to call in and redeem on December 15, 2013, all 2004A Prior Bonds maturing after such date; on July 15, 2014, all 2004B Prior Bonds maturing after such date; on December 15, 2014, all 2005 Prior Bonds maturing after such date; and on July 15, 2015, all 2006 Prior Bonds maturing after such date; or, in each case, such later date or dates as may be hereafter determined by the Treasurer and provided for in the Final Refunding Financial Plan. The sum to be paid therefor on each such redemption date shall be the par value of the Refunded Bonds being redeemed on such date plus the redemption premium, if any, and the accrued interest thereon to such redemption date. The Escrow Holder is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the County in the manner and within the times provided in the respective Refunded Bonds being redeemed or in the certificates or documentation of the County pursuant to which they were issued. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Refunded Bonds that are subject to redemption at the option of the County

SECTION 18. This resolution shall take effect immediately upon its adoption.

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

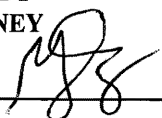
FROM: Community Services and Administration

DATE: 03/19/13

RESOLUTION # CS-004-13

Committees

APPROVED BY
CO. ATTORNEY



REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

CS - 3/11/13

AD - 3/12/13

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

BUDGET MODIFICATION - ACCEPT COLA FUNDS CHILDHOOD LEAD PREVENTION - DEPARTMENT OF HEALTH

WHEREAS, the Niagara County Department of Health's Childhood Lead Prevention program provides essential services to the Niagara County community, and

WHEREAS, the Niagara County Department of Health Division of Childhood Lead Prevention has been awarded, and wishes to accept, a cost of living increase of 8.1% from the New York State Department of Health, now, therefore, be it

RESOLVED, that following budget modification be effectuated:

INCREASE REVENUE:

CM20.4070.419 43401.01 PH State Aid COLA \$17,996

INCREASE APPROPRIATIONS:

CM20.4070.419 74750.02 General supplies/materials \$17,996

COMMUNITY SERVICES COMMITTEE

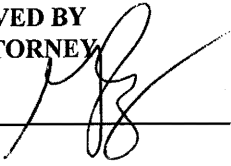
ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services and Administration DATE: 03/19/13 RESOLUTION # CS-005-13

Committees

APPROVED BY
CO. ATTORNEY



REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CS - 3/11/13
AD - 3/12/13

LEGISLATIVE ACTION

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

INCREASE PETTY CASH AMOUNT DIVISION OF NURSING, DEPARTMENT OF HEALTH

WHEREAS, the Niagara County Department of Health's Nursing division provides a wide array of essential services, and

WHEREAS, a change in eligibility rules for the federal Vaccine for Children program ("VFC" or free vaccines) has increased the number of Niagara County residents required to pay for vaccinations in our Public Health Clinics resulting in the need for an increase in petty cash to make change, now, therefore, be it

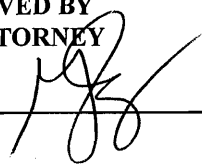
RESOLVED, the Public Health Nursing Division clinic petty cash will be increased from \$35 to \$150.

COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services Committee DATE: 03/19/13 RESOLUTION # CS-006-13

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION CS - 3/11/13	LEGISLATIVE ACTION
			Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

COUNTY CLERK OFFICE E-RECORDING IMPLEMENTATION

WHEREAS, the appropriate management of local government records is essential for efficient and effective government, and

WHEREAS, the County Clerk, acting as Recording Officer, performs the duties prescribed by law in the recordation, indexing, imaging and archiving of all Niagara County land records, and

WHEREAS, the County Clerk desires to accept electronic recording of instruments affecting real property, subject to all applicable laws, rules and regulations, and

WHEREAS, Chapter 549 of the Laws of 2011 amended the laws of the State of New York in order to allow recording officers in the State of New York to accept electronic recording of instruments affecting real property, subject to the rules and regulations established by the State of New York's electronic facilitator (the "Electronic Facilitator"), and

WHEREAS, Title 9, Part 540.7(h), of the NYCRR provides that, prior to submitting electronic instruments to the Recording Officer for recording, the Registered Submitter shall be required by the Recording Officer to agree to terms and conditions required by the Recording Officer, which shall include the rights and responsibilities of both the Recording Officer and the Registered Submitter when participating in electronic recording, including, at a minimum, the terms and conditions set forth in Title 9, Part 540.7(i), of the NYCRR (the "Terms and Conditions Agreement"), 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, the County Clerk enter into the agreement, allowing for said agreement to facilitate the electronic filing/recording by its customers of documents with Niagara County, and be it further

RESOLVED, the agreement authorize qualifying documents for filing/recording in official records, and outlines the requirements of electronically recording documents to assure that recording transactions submitted are legally valid and enforceable, and be it further

RESOLVED, that the agreement be accepted and approved, and following the County Attorney's review, the Chairman of the Legislature be, and is, authorized to execute said agreement.

NIAGARA COUNTY LEGISLATURE

FROM: Committee Services and Administration

DATE: 03/19/13

RESOLUTION # CS-007-13

Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CS - 3/11/13
AD - 3/12/13

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

**BUDGET MODIFICATION
HEALTHY FAMILIES NEW YORK PROGRAM**

WHEREAS, the New York State Office Of Children & Family Services, in conjunction with the New York State Department of Health, did make state-wide funds available for the provision and expansion of Healthy Families New York Home Visiting Programs, and

WHEREAS, these resources are directed toward expectant and new parents in an effort to promote positive growth and development to improve health and social outcomes for families at high risk of abuse and neglect, and

WHEREAS, effective July 1, 2012, Niagara County did receive a revised 100% state funded allocation of \$481,710, which has not been fully expended, now, therefore, be it

RESOLVED, that Niagara County Department of Social Services will continue to contract with Family & Children's Services of Niagara, Inc. to provide the necessary services as outlined in the Healthy Families New York Program requirements, and be it further

RESOLVED, that the following budget modification be effectuated to the Social Services 2013 budget:

INCREASE REVENUE:

A.22.6010.000 43610.01 DSS Admin General \$180,641

INCREASE APPROPRIATION:

A.22.6010.000 74500.01 Contractual Exp-Contractual \$180,641

COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services and Administration DATE: 03/19/13 RESOLUTION # CS-008-13

Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CS - 3/11/13
AD - 3/12/13

LEGISLATIVE ACTION

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

BUDGET MODIFICATION CHILD CARE AND DEVELOPMENT FUND

WHEREAS, Executive Budget did make federal funds available to local districts for the provision of early childhood development and before-and-after school child care services and of quality improvement activities under the Federal Child Care and Development Block Grant Program, and

WHEREAS, these funds enable Niagara County to direct resources to satisfy federal requirements, as they relate to the registration and inspection of Child Care Centers, as well as the corresponding reporting requirements, and

WHEREAS, Niagara County did receive an allocation which is 100% federally funded, effective January 1, 2013, now, therefore, be it

RESOLVED, that Niagara County Department of Social Services will continue to contract with Niagara Community Action Program, Inc. to carry out the required roles and responsibilities under the Child Care and Development Program, and be it further

RESOLVED, that the following budget modification be effectuated to the Social Services 2013 budget:

INCREASE REVENUE:

A.22.6010.000 44610.00 DSS Admin Revenue \$ 174,084

INCREASE APPROPRIATION:

A.22.6010.000 74500.01 Contractual Exp – Contractual \$ 174,084

COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services and Administration DATE: 03/19/13 RESOLUTION # CS-009-13

Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CS - 3/11/13
AD - 3/12/13

LEGISLATIVE ACTION

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

BUDGET MODIFICATION FLEXIBLE FUND FOR FAMILY SERVICES

WHEREAS, the Executive Budget did make federal funds available to local districts to provide a comprehensive array of services to meet the needs of eligible Temporary Assistance for Needy Families (TANF) and individuals, and

WHEREAS, these funds enable Niagara County to direct resources toward a number of areas of program needs, including, but not limited to Employment related activities, Child Welfare Services, PINS Detention Diversion Services, Substance Abuse Assessments, Domestic Violence Screenings, Title XX Services, JD/PINS Foster care Costs, Child Care & Development, and

WHEREAS, Niagara County did receive a 100 % federally funded allocation, effective July 2012 – June 2013, which has not been expended, now, therefore, be it

RESOLVED, that Niagara County Department of Social Services will continue to contract with various agencies that will provide the necessary services in accordance with the Niagara County Flexible Fund for Family Services Plan submitted to NYS Office of Temporary and Disability Assistance (OTDA) and NYS Office of Children and Family Services (OCFS) at no additional cost to the County, and be it further

RESOLVED, that the following budget modification be effectuated to the Social Services 2013 budget:

INCREASE REVENUE:

A.22.6010.000 44610.00	DSS Admin Revenue	\$59,984
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INCREASE APPROPRIATION:

A.22.6010.000 74500.01	Contractual Exp-Contractual	\$59,984
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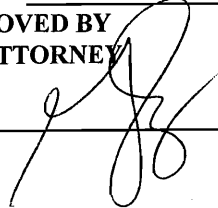
COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services and Administration DATE: 03/19/13 RESOLUTION # CS-010-13

Committees

APPROVED BY CO. ATTORNEY 	REVIEWED BY CO. MANAGER 	COMMITTEE ACTION <u>CS - 3/11/13</u> <u>AD - 3/12/13</u>	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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ABOLISH/CREATE POSITION – SOCIAL SERVICES

WHEREAS, the Niagara County Department of Social Services (NCDSS) in the 2012 Budget abolished a supervisory position in the Employment unit bringing the number of supervisors down to two for twenty employees located in both the Lockport and Niagara Falls offices and,

WHEREAS, the Chief Employment Specialist position, Job Group XII is vacant as a result of a retirement leaving both offices with only one supervisor and,

WHEREAS, after reviewing the duties required with the Niagara County Civil Service Office it has been determined that the Employment unit would be better served with abolishment of said vacant Chief Employment Specialist position, Job Group XII and the creation of a Senior Employment Case Manager position, Job Group XI and,

WHEREAS, said action would result in a savings to the County while also providing the necessary supervisory duties that are appropriate for the operation of the Employment unit, now, therefore, be it

RESOLVED, that the vacant Chief Employment Specialist position, Job Group XII, step VIII at \$30.72 per hour be abolished effective April 1, 2013 and, be it further

RESOLVED, that a Senior Employment Case Manager position, Job Group XI, step V at \$27.68 per hour be created and filled effective April 1, 2013 and, be it further

RESOLVED that the following line item transfer be effectuated:

FROM:

A.22.6010.000 71010.00 4705	Chief Employment Specialist	\$38,171
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TO:

A.22.6010.000 71010.00 xxxx	Senior Employment Case Manager	\$38,171
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COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services and Administration DATE: 03/19/13 RESOLUTION # CS-011-13

Committees

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION CS - 3/11/13 AD - 3/12/13	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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BUDGET MODIFICATION – OFFICE FOR THE AGING 2013 BUDGET ADJUSTMENTS

WHEREAS, the Office for the Aging submitted a part time position for the New York Connects Program in the 2013 budget and it was decided to abolish this position, and

WHEREAS, funds were appropriated for the position and related expenses, now, therefore, be it

RESOLVED, that the following budget modification be effectuated in the Niagara County Office for the Aging budget:

DECREASE APPROPRIATIONS:

CM.24.6772.603 71030.00	Abolish Position #1282	
	Part –Time Expense	\$6767.00
CM.24.6772.603 78200.00	FICA	518.00
CM.24.6772.603 78300.00	Worker's Compensation	264.00
CM.24.6772.603 74675.02	Services, Central Printing	130.00

INCREASE APPROPRIATIONS:

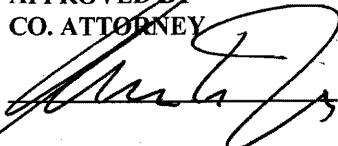
CM.24.6772.603 71012.00	Longevity Expense	\$175.00
CM.24.6772.603 74250.01	Office Expenses/Office Supplies	270.00
CM.24.6772.603 74300.01	Reimbursements Travel, Mileage	1000.00
CM.24.6772.603 74300.03	Reimbursements Travel, Conference	100.00
CM.24.6772.603 74375.01	Communications/Advertising & Promotion	5864.00
CM.24.6772.603 74675.01	Services, Central Postage	270.00

COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Clyde L. Burmaster, William L. Ross, David E. Godfrey, Peter E. Smolinski and Kathryn L. Lance DATE: 03/19/13 RESOLUTION # IL-014-13

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

ROBERT MOSES PARKWAY NORTH SUPPORT FOR ALTERNATIVE 3

WHEREAS, the Niagara County Legislature is interested in playing an important role in the Robert Moses Parkway North future, and

WHEREAS, the State Office of Parks, Recreation and Historic Preservation is soliciting public comment on three design alternatives for the Robert Moses Parkway North, and

WHEREAS, the City of Niagara Falls and the northern municipal governments have accepted and support Phase 1, which is the removal of the section from Main Street to Fen Lay Drive and transforming Whirlpool Street into a park road, multimodal trail network and restoration of native landscapes in several areas, and

WHEREAS, the conversion of the Robert Moses Parkway's two north bound lanes into a park road from Findley Drive to Center Street in Lewiston will be an exceptionally strong economic engine for economic development particularly in the Lewiston and Youngstown areas, and

WHEREAS, this Alternative 3 will best serve the interests of the residents of the region and continue to generate and increase tourism in Niagara County while presenting the lowest impact to adjacent neighborhoods, and

WHEREAS, Alternative 3 will also provide a great linkage from Lewiston to Youngstown and the most outstanding fort east of the Mississippi River, Fort Niagara and on to great venues in Wilson, Olcott and the famous City of Lockport and its Locks, and

WHEREAS, several previous historic and contemporary plans have addressed the issue of roadway configuration along the gorge, the 1926 Olmsted Brothers Plan submitted by Frederick Law Olmstead, Jr. and among his recommendations "included an agreeable route or routes for passenger automobiles extending continuously from the Riverway to Prospect Park to Lewiston;" the 1985 Report on the conceptual redesign of the Robert Moses Parkway recommended reconfiguring and retaining a continuous roadway along the gorge rim corridor; the 1992 Sasaki Plan also recommended a continuous roadway along the gorge rim corridor, now, therefore, be it

RESOLVED, the Niagara County Legislature recommends and supports Alternative 3 for the Robert Moses Parkway North, and be it further

RESOLVED, that the County of Niagara shall forward copies of this resolution to Congress Representatives, Chris Collins, Brian Higgins, U.S. Senators Charles Schumer and Kirsten Gillibrand, Senate Vice President Pro Tem George D. Maziarz, Members of the Assembly John Ceretto, Jane Corwin, Ray Walter, Robin Schimminger, Stephen Hawley; Cities of Niagara Falls, North Tonawanda, Lockport, 12 Niagara County Towns, 5 Niagara County Villages and Niagara Gorge Corridor Project c/o Parsons Transportation Group, 40 LaRiviere Drive, Suite 350, Buffalo, NY 14202.

LEGISLATOR CLYDE L. BURMASTER

LEGISLATOR WILLIAM L. ROSS

LEGISLATOR DAVID E. GODFREY

LEGISLATOR PETER E. SMOLINSKI

LEGISLATOR KATHRYN L. LANCE

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Richard E. Updegrove and _____ DATE: 03/19/13 RESOLUTION # IL-015-13

Paul B. Wojtaszek

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

**RESOLUTION OPPOSING ACTIONS OF DEMOCRATIC ELECTIONS COMMISSIONER,
NAMELY MAINTAINING HER PREDECESSOR, NANCY L. SMITH, AS A COUNTY EMPLOYEE
FOR SUCH TIME AS IS NEEDED FOR SMITH TO SECURE LIFETIME HEALTHCARE BENEFITS**

WHEREAS, the Niagara County Democratic Committee appointed Lora Allen as County Election Commissioner, and such appointment commenced February 19 of this year, and

WHEREAS, the term of appointment of former County Election Commissioner Nancy L. Smith expired on December 31, 2012, and

WHEREAS, pursuant to Resolution No. HR-005-98, unanimously enacted January 20, 1998, any county department head that does not reach age 55 prior to termination of employment with the government of Niagara County is not eligible for lifetime taxpayer-funded healthcare benefits, and

WHEREAS, former Election Commissioner Nancy L. Smith is not currently entitled to lifetime healthcare benefits unless she maintains employment to the age of 55, and

WHEREAS, we have been advised that former Election Commissioner Nancy L. Smith will continue to be employed by the Niagara County Board of Elections until April 15, 2013, her 55th birthday, thus making her eligible for said lifetime health benefits, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara opposes the continued employment of former Election Commissioner Nancy L. Smith by the Niagara County Board of Elections, and the consequent qualification for taxpayer-funded lifetime health insurance benefits she will receive, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Elections Commissioner Lora Allen; Democratic Party Chairman Nick Forster; and all others deemed necessary and proper.

LEGISLATOR RICHARD E. UPDEGROVE

LEGISLATOR PAUL B. WOJTASZEK