

AGENDA
NIAGARA COUNTY LEGISLATURE
JUNE 18, 2013 – 7:00 P.M.

Resolutions not on previous agenda:

PW-061-13 Public Works, re Agreement between the County of Niagara and the Lockport Exchange Club – Approved

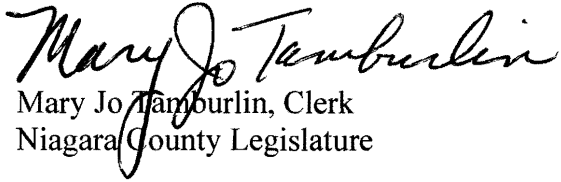
Regular Meeting – June 18, 2013

- *AD-010-13** Administration, re Summer Hours – 2013 – Human Resources
- *AD-011-13** Administration, re Distribution of Mortgage Tax – Treasurer
- *AD-012-13** Administration, re Authorization to Convey Certain Tax Sale Property to the Town of Lockport – County Attorney
- *CS-018-13** Community Services & Administration, re Budget Modification – Office for the Aging
- *CS-019-13** Community Services & Administration, re NYS Aid Application – Youth Bureau
- *CSS-016-13** Community Safety & Security & Administration, re Budget Modification Operation Green Monster – Sheriff
- *CSS-017-13** Community Safety & Security & Administration, re Crime Victims Grant Renewal 2013-2016 – Sheriff
- *CSS-018-13** Community Safety & Security, re Aid to Defense Program Renewal 2013-2014 – Public Defender
- *CSS-019-13** Community Safety & Security & Administration, re Budget Modification – Reentry Program – Probation
- *CSS-020-13** Community Safety & Security & Administration, re Budget Modification Reimbursement for Operation Guardian Angel – Probation
- IL-026-13** Legislators Dennis F. Virtuoso, Jason A. Zona, Owen T. Steed & Community Services, re Inspection of Social Service Rental Units

- IL-031-13** Legislators Richard E. Updegrave, William L. Ross & Paul B. Wojtaszek, Re Extension of Agreement with Niagara Tourism & Convention Corporation
- IL-032-13** Legislators Michael A. Hill & John Syracuse, re Opposing the Passage of State Legislature to Allow Early Voting and/or Endorsing Counties to Opt-In to Early Voting Requirements and for the State to Fully Fund Any and All Increased Costs Associated with Early Voting
- IL-033-13** Legislators Jason A. Zona, Dennis F. Virtuoso, Owen T. Steed & Chereé J. Copelin, re Support of the Niagara Falls Isaiah 61 Project's Application to the Western New York Power Proceeds Allocation Board
- IL-034-13** Legislator William L. Ross, et al., Opposing the Proposed State Legislation Amending Chapter 460 of the Laws of 2004, the Parks, Recreation and Historic Preservation Law
- IL-035-13** Legislators Dennis F. Virtuoso, Jason A. Zona & Owen T. Steed, re Stop Illegal Aliens from Working on IDA Projects and any New York State Tax Funded Subsidized Projects
- IL-036-13** Legislators Dennis F. Virtuoso, Jason A. Zona & Owen T. Steed, re Local Hire on IDA Projects
- IL-037-13** Legislators Dennis F. Virtuoso, Jason A. Zona & Owen to Steed, re Resolution by the Niagara County Legislature Designating Niagara Tourism and Convention Corporation (NTCC) as the Not For Profit Corporation Under Contract with the County for Promotion of Tourism in Niagara County
- IL-038-13** Legislators Richard E. Updegrave & Paul B. Wojtaszek, re Urging the New York State Assembly to Take Up and Pass Bill A.3419/S.5680 Prior to the Completion of the 2013 Session, Granting Niagara County Home Rule Authority to Enact Legislation Restricting Sex Offenders from Residing Within 1350 Feet Of Schools. Playgrounds, Parks and Child Care Facilities
- *PW-062-13** Public Works, re Approval of Addendum to Purchase Agreement between Niagara County and the City of North Tonawanda for Property Commonly Known as 500 Wheatfield Street
- *PW-063-13** Public Works, re Award Rehabilitation of Stone Road between Lockport-Cambria Townline Road and Johnson Road
- *PW-064-13** Public Works, re Award Shaw Building Roof Top Unit Replacement
- *PW-065-13** Public Works & Administration, re Cedar Street Bridge Reconstruction Contract Change Order No. 5
- *PW-066-13** Public Works & Administration, re County Bridge Washing – Final Payment
- *PW-067-13** Public Works & Administration, re Brooks Building Generator Installation Contract – Final Payment
- *PW-068-13** Public Works, re Agreement between the County of Niagara and the Krull Olcott Development Committee and Olcott Fire Company
- *PW-069-13** Public Works, re Agreement between the County of Niagara and the Niagara Frontier Cross Country Club

***PW-070-13** Public Works, re Agreement between the County of Niagara and the Niagara County Snowmobile Federation of Snowmobile Clubs

***PW-071-13** Public Works & Administration, re Niagara County Refuse Disposal District Construction and Demolition Debris Landfill Closure – Refuse


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 August 6, 2013.

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee

DATE: 06/18/13

RESOLUTION # AD-010-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
AD - 6/11/13

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

SUMMER HOURS – 2013

WHEREAS, the County has agreed to a ten-week period for a summer work schedule change and,

WHEREAS, it was agreed that this new schedule will apply only to those departments and employees who are on a Monday through Friday, 9:00 a.m. to 5:00 p.m. schedule, now, therefore, be it


RESOLVED, that effective June 24, 2013 through August 30, 2013 the work schedule of the County employees mentioned above will be 8:30 a.m. to 4:30 p.m. with the following regulations:

1. Any department required by local regulations or law to remain open until 5:00 p.m. may be exempt from this schedule.
2. Each Department Head is authorized to return to the 9:00 a.m. to 5:00 p.m. schedule if the new hours cause operational problems, or if the employees abuse the new work schedule.
3. This agreement is for the ten-week period as stated above and will not be repeated without further Legislative action.
4. Public notice of the hours will be posted in all County offices affected.
5. Any deviation from the above must be cleared with the Human Resources Department.

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 06/18/13 RESOLUTION # AD-011-13

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION <u>AD - 6/11/13</u>	LEGISLATIVE ACTION
			Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

DISTRIBUTION OF MORTGAGE TAX

WHEREAS, Niagara County has received mortgage tax monies for the period October 1, 2012 through March, 2013 in the amount of \$2,356,768.86, and

WHEREAS, the Recording Officer has previously distributed \$528,925.69 to the Niagara Frontier Transportation Authority, \$518,762.38 to the State Mortgage Tax Agency, and retained \$133,465.82 for approved county administrative expenses, and

WHEREAS, that Recording Officer has remitted the remaining monies collected to the County Treasurer for distribution to various Niagara County towns, villages and cities, now, therefore, be it

RESOLVED, that the sum of \$1,175,614.97 reflects mortgage tax monies for the period October 1, 2012 through March 31, 2013 to be distributed, and the same be and hereby is, apportioned as follows among the various towns, villages and cities of the County of Niagara:

TOWNS	Cambria	\$ 35,079.48
	Hartland	28,359.79
	Lewiston	107,964.43
	Lockport	148,709.46
	Newfane	49,462.53
	Niagara	34,698.13
	Pendleton	84,971.33
	Porter	53,293.78
	Royalton	34,970.46
	Somerset	7,717.88
	Wheatfield	195,168.38
	Wilson	41,179.75

VILLAGES	Middleport (Hartland)	\$ 433.04
	Middleport (Royalton)	2,872.63
	Lewiston	12,970.51
	Youngstown	10,200.78
	Barker	651.52
	Wilson	4,568.97

CITIES	Lockport	\$ 72,885.39
	Niagara Falls	104,083.77
	North Tonawanda	<u>145,372.96</u>
	TOTAL:	\$1,175,614.97

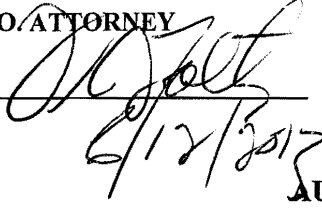
and be it further

RESOLVED, that the County Treasurer be, and hereby is, directed to pay the Supervisors of the various towns, village treasurers, and city treasurers the amounts recorded above and that this document shall be sufficient authorization to the County Treasurer to make the payments in accordance with the above direction.

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 06/18/13 RESOLUTION # AD-012-13

APPROVED BY CO. ATTORNEY  <u>6/12/2013</u>	REVIEWED BY CO. MANAGER 	COMMITTEE ACTION AD - 6/11/13 	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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AUTHORIZATION TO CONVEY CERTAIN TAX SALE PROPERTY TO THE TOWN OF LOCKPORT

WHEREAS, the County of Niagara by foreclosure of tax liens under Article 11, Title 3 of the Real Property Tax Law of the State of New York (the "proceeding") acquired jurisdiction, by the filing of a verified petition (commenced in Niagara County Supreme Court under Index No. 135211) over residential real property assessed under SBL# 152.04-1-28 and commonly known as 6804 Erica Lane in the Town of Lockport, New York (the "Property"), and

WHEREAS, by order contained in the Supplemental Judgment of Foreclosure and Sale by Honorable Ralph A. Boniello III, Acting Supreme Court Justice, granted on November 19, 2012 and entered on November 21, 2012 in the Proceeding, Kyle R. Andrews (the "Tax Enforcing Officer") was awarded possession of the Property and, among other things, was authorized to execute and deliver a deed conveying full and complete title to the Property free and clear of all liens and encumbrances to a designee or assignee of the Tax Enforcing Officer, and

WHEREAS, the Town of Lockport, a municipal subdivision of the State of New York, has notified the County of Niagara of its desire to accept ownership of the Property from the Tax Enforcing Officer in the Proceeding, by resolution duly passed the 9th day of April, 2013 by the Town Board of the Town of Lockport and, in consideration of said transfer, has also represented and warranted to the Tax Enforcing Officer that it shall rehabilitate the real property and sell it to a private taxpaying entity or fully demolish all improvements on the Property before such sale, and shall waive any right said Town may have by lien, claim or otherwise, arising from the cost of such rehabilitation or demolition, and

WHEREAS, the Niagara County Legislature hereby finds and determines that an indispensable condition of conveyance in this matter is protection of the County's interests is the execution and delivery by the Town of Lockport of a hold harmless and indemnity agreement from the Town of Lockport, and

WHEREAS, conveyance of the Property by the Tax Enforcing Officer to the Town of Lockport is in the best interests of both the County of Niagara and the Town of Lockport in that it will foster real property development and restore the property to the tax roll, and

WHEREAS, the terms and conditions under which the property is to be conveyed to the Town of Lockport are subject to the final review and approval by the Niagara county Attorney's Office and the attorney of the Town of Lockport but must include legally binding assurances of the Town of Lockport holding harmless and fully indemnifying the County of Niagara from any liability, damage, claims or judgments arising from the condition and use of the Property including the condition and use of the Property thereafter by the Town of Lockport, its transferees, grantees, successors and assigns, now, therefore, be it

RESOLVED, Pursuant to §215 (8) of the County Law the Niagara County Legislature hereby authorizes the Tax Enforcing Officer to convey tax sale property commonly known as 6804 Erica Lane, Town of Lockport, to the Town of Lockport, subject to review by the Niagara County Attorney and including terms and conditions consistent with the findings and conditions set forth in this resolution and in any and all order, judgments and decrees made and entered by the Assigned Justice in the Proceeding.

NIAGARA COUNTY LEGISLATURE

FROM: Community Services and Administration DATE: 06/18/13 RESOLUTION # CS-018-13

Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CS - 6/10/13
AD - 6/11/13

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

BUDGET MODIFICATION - OFFICE FOR THE AGING

WHEREAS, the Niagara County Office For the Aging provides Congregate Nutrition services and Home Delivered Nutrition for seniors across Niagara County, and

WHEREAS, it has been determined that the dishwasher at the kitchen is no longer functional to the point where a new dishwasher is needed, and

WHEREAS, a cost proposal has been obtained for approximately \$35,000 for a new dishwasher, delivery and installation, now, therefore, be it

RESOLVED, that the following budget modification to be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

A 40599.00	Appropriated Fund Balance	\$35,000
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INCREASE APPROPRIATIONS:

A.07.9901.000 79010.10	Transfer to Capital Reserve	\$35,000
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INCREASE APPROPRIATED CAPITAL RESERVE:

AH 40511.00	Appropriated Capital Reserve	\$35,000
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INCREASE REVENUE:

AH.07.9950.000 79010.00	Transfer to Operating	\$35,000
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INCREASE REVENUE:

A.24.7610.702 45031.10	Interfund Transfer-From Capital Reserve	\$35,000
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INCREASE APPROPRIATIONS:

A.24.7610.702 72100.07	Food Service Equipment	\$35,000
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COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services and Administration DATE: 06/18/13 RESOLUTION # CS-019-13

Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CS - 6/10/13
AD - 6/11/13

LEGISLATIVE ACTION

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

NEW YORK STATE AID APPLICATION - NIAGARA COUNTY YOUTH BUREAU

WHEREAS, the County of Niagara and the municipalities within its boundaries have been designated as eligible to receive State Aid for 2013 youth programs through its Youth Bureau from the New York State Office of Children and Family Services in the amount of \$310,306.00, and

WHEREAS, the Comprehensive Planning Law mandates the Niagara County Youth Bureau must apply for such funds, and

WHEREAS, prior to the execution of the required documents, the County Attorney will review the documents for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that the Director of the County Youth Bureau be, and hereby is, authorized to make application for the following program funds:

Youth Service and Recreation	\$91,930.00
Youth Bureau Administration	75,135.00
Youth Initiative	16,715.00
Special Delinquency Prevention Program	58,002.00
Runaway and Homeless Youth	68,524.00

and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to execute any and all documents relating to the application, subject to the review by the County Manager and the approval of the County Attorney.

COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and DATE: 06/18/13 RESOLUTION # CSS-016-13

Administration Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CSS - 6/11/13
AD - 6/11/13

LEGISLATIVE ACTION

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

BUDGET MODIFICATION-SHERIFF'S OFFICE OPERATION GREEN MONSTER

WHEREAS, the Niagara County Sheriff's Office wishes to enter into an agreement with the U.S. Department of Justice, Drug Enforcement Administration for the 2013 year, and

WHEREAS, this agreement will allow the Sheriff's Office to work in conjunction with the local DEA Office to curtail illegal trafficking in eradicating illicit cannabis plants throughout Niagara County, and

WHEREAS, the DEA will reimburse Niagara County for costs incurred with this project, now, therefore, be it

RESOLVED, that the County enter into an agreement with the U.S. Department of Justice, and be it further

RESOLVED, that the following budget modification be made:

INCREASE REVENUE:

A.17.3110.000.44389.04	Federal Gov't Reimbursement	\$12,000
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INCREASE APPROPRIATION:

A.17.3110.000.71050.00	Overtime	\$2,000
A.17.3110.000.74800.11	Vehicle Maintenance	2,500
A.17.3110.000.74750.21	Gas and Oil	3,347
A.17.3110.000.78200.00	FICA	153
A.17.3110.000.74600.03	Training	4,000

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security DATE: 06/18/13 RESOLUTION # CSS-017-13

Committee & Administration Committee

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CSS - 6/11/13
AD - 6/11/13

LEGISLATIVE ACTION

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

CRIME VICTIMS GRANT RENEWAL 2013 – 2016

WHEREAS, the Niagara County Sheriff's Office Crime Victim Unit has received notification of the renewal of the Crime Victim Grant for the period October 1, 2013 through September 30, 2016 in the approximate amount of \$676,472, and

WHEREAS, the Sheriff's Office wishes to continue this program and the renewal of this grant, and

WHEREAS, the staffing of four full-time Crime Victim Advocates will continue to be funded by this grant, 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 following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the necessary agreement to receive said funds for the Crime Victim Grant, and be it further

RESOLVED, that the funds are included in the 2013 County budget, therefore, no budget modification is necessary.

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security DATE: 06/18/13 RESOLUTION # CSS-018-13

Committee

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CSS - 6/11/13

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

**AID TO DEFENSE PROGRAM RENEWAL 2013-2014
PUBLIC DEFENDER**

WHEREAS, the Niagara County Public Defender's Office has applied for and was awarded funding from the New York State Division of Criminal Justice Services under the Aid to Defense Program for the purpose of continuing aid in the defense of repeat violent and serious felony offenders in Niagara County, and

WHEREAS, funding has been awarded in the amount of \$16,900 for the period April 1, 2013 through March 31, 2014, with no matching funds requirement, and

WHEREAS, the funds have been appropriated in the Niagara County Public Defender's 2013 budget, now, therefore, be it

RESOLVED, that the County of Niagara does hereby accept the renewal of this grant, and be it further

RESOLVED, that prior to the execution of the grant award contract, the County Attorney will review the grant award contract for approval as to legal form, language and compliance, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Niagara County Legislature be, and hereby is, authorized to execute the grant award documents.

COMMUNITY SAFETY & SECURITY
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and DATE: 06/18/13 RESOLUTION # CSS-019-13

Administration Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CSS - 5/14/13
AD - 6/11/13

LEGISLATIVE ACTION

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

PROBATION BUDGET MODIFICATION - REENTRY PROGRAM

WHEREAS, the Niagara County Probation Department applied for funding from the New York Division of Criminal Justice Services, Bureau of Justice Funding for the contract period of July 1, 2013 through June 30, 2014 under the Local Reentry Task Force Initiative for upstate Operation Impact counties, and

WHEREAS, the Local Reentry Task Force Initiative is part of a state-wide comprehensive strategy developed under Governor Andrew M. Cuomo and the Division of Criminal Justice Services Executive Deputy Commissioner Michael C. Green, to reduce recidivism in local jurisdictions and increase public safety through improved coordination and collaboration among criminal justice, social services, educational, health and mental health systems, and

WHEREAS, the role of the Local Reentry Task Force is to provide these coordinated services to high-risk offenders, including housing, employment, education, family support and reunification, substance abuse services, mental and physical health and other transitional needs, and

WHEREAS, the Local Reentry Task Force will collaborate with state criminal justice agencies, particularly with the Division of Parole and the Niagara County Probation Department, as well as human service providers to develop well-crafted transition plans for high-risk offenders transitioning from prison or jail back into the community, and

WHEREAS, the Niagara County Probation Department has received notification from the New York State Division of Criminal Justice Services of a financial award in the amount of \$100,000 for the period of July 1, 2013 through June 30, 2014 to contract with Community Missions, Inc. to establish and manage a comprehensive Parole Reentry Program, and

WHEREAS, it is necessary to modify revenue and appropriations in cost center A.18.3140, to meet actual anticipated expenditures for 2013, and

WHEREAS, it is also necessary to appropriate the funds in the Probation Department Budget, now, therefore be it

RESOLVED, that the County of Niagara does hereby accept this grant and continue to fund the Niagara County Reentry Program through Community Missions, Inc., co-terminus with this grant, and be it further

RESOLVED, that the Chairman of the Legislature be and hereby is authorized to sign the Grant Award and Special Conditions documents subject to approval by the County Attorney's Office, and be it further

RESOLVED that the following budget modifications to the 2012 Probation budget be effectuated immediately:

INCREASE REVENUE:

A.18.3140.43310.04	NYSDCJS	\$50,000
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INCREASE APPROPRIATIONS:

A.18.3140.74500.01	CONTRACTUAL EXPENSES	\$50,000
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COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and DATE: 06/18/13 RESOLUTION # CSS-020-13

Administration Committees

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION CSS - 5/14/13 AD - 6/11/13	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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6/12/2013

2013 BUDGET MODIFICATION REIMBURSEMENT FOR OPERATION GUARDIAN ANGEL

WHEREAS, the Probation Department provides supervision of Registered Sex Offenders sentenced to Probation and is required to verify the addresses of these offenders, and

WHEREAS, the United States Marshal's Office has offered assistance in organizing and implementing a joint law enforcement operation designed to verify the addresses of Registered Sex Offenders including those on Probation through home visits conducted outside of traditional business hours, and

WHEREAS, these operations would not be possible without the use of overtime funds, and

WHEREAS, the United States Marshal's Office has made funds available to reimburse the Probation Department for the costs of overtime associated with these operations in the amount of \$924.40, and

WHEREAS, it is necessary to modify revenue and appropriations in cost center A.18.3140. to meet actual anticipated expenditures for 2013, and

WHEREAS, it is necessary to appropriate the funds in the Probation Department Budget, now, therefore, be it

RESOLVED, that Niagara County accept the funds and that the following budget modifications be effectuated immediately:

INCREASE REVENUE:

A.18.3140.000 44320.02	CRIME CONTROL DEPT OF JUSTICE	\$924.40
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INCREASE APPROPRIATIONS:

A.18.3140. 71050.00	OVERTIME EXPENSES	\$924.40
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COMMUNITY SAFETY AND SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Dennis F. Virtuoso, Jason DATE: 06/18/13 RESOLUTION # IL-026-13

A. Zona, Owen T. Steed and Community Services Committee

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION CS - 6/10/13	LEGISLATIVE ACTION
			Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

INSPECTION OF SOCIAL SERVICE RENTAL UNITS

WHEREAS, the Niagara County Legislature passed a resolution to allow direct pay to landlords for shelter allowance, and

WHEREAS, this resolution guarantee's shelter allowance payments to landlords which in turn should give them the needed capital to upkeep their property, and

WHEREAS, the taxpayers of New York State and Niagara County are paying a portion for this shelter allowance, and

WHEREAS, these rental units should be safe and code compliant, and

WHEREAS, Section 8 Leased Housing has a program where all rental units are inspected before the client moves in to ensure code compliance and

WHEREAS, these rental units are also inspected annually to ensure the safety of the rental unit and to ensure there are no fraud issues, now, therefore, be it

RESOLVED, that all rental units paid for with shelter allowance be inspected before the client moves in and also inspected on an annual basis in order to improve the quality of life issues for families and neighborhoods, and be it further

RESOLVED, that this could be a cost savings for Niagara County by avoiding costly move out expenses and fraud issues, and be it further

RESOLVED, that the Niagara County Legislature establish an Ad Hoc Committee to study the issue of inspecting rental units much like the Section 8 Leased Housing Program, and be it further

RESOLVED, that this committee be comprised of the Chairman of Community Services, the Commissioner of Social Services, the Majority Leader, the Minority Leader, the County Manager and the County Attorney, and be it further

RESOLVED, that this committee study this issue and report back to the Legislature no later than September 2, 2013, with its recommendation.

LEGISLATOR DENNIS F. VIRTUOSO

LEGISLATOR JASON A. ZONA

LEGISLATOR OWEN T. STEED

COMMUNITY SERVICES COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Richard E. Updegrove, William DATE: 06/18/13 RESOLUTION # IL-031-13

L. Ross and Paul B. Wojtaszek

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

EXTENSION OF AGREEMENT WITH NIAGARA TOURISM & CONVENTION CORPORATION

WHEREAS, an agreement exists between the County of Niagara and the Niagara Tourism and Convention Corporation (NTCC) dated February 20, 2003, wherein the NTCC services were acquired to promote convention conferences, trade shows and the growth of tourist activities within the County, and

WHEREAS, the County has enacted Bed Tax ordinances whereby a bed tax has been imposed on the business of lodging in the County, which is in part designated for the purposes of advertising, publishing and promoting convention and tourist activities within the County of Niagara, and

WHEREAS, pursuant to the New York State Tax Law §1202-T, as amended, the County under the agreement is paying NTCC for their services from the Bed Tax revenues it collects in accordance with the Niagara County Hotel Room Occupancy Tax Law, and

WHEREAS, NTCC, in consideration of the bed tax funds to be received from the County, has agreed to provide advertising, publishing and promoting of convention and tourist activities as set forth in the agreement, and

WHEREAS, to date negotiations between the NTCC and the County of Niagara have not resulted in a long-term agreement as requested by the NTCC, and

WHEREAS, prior to the execution of a long-term agreement, Niagara County demands transparency from the NTCC and the production of all necessary financial records to evaluate its performance, and

WHEREAS, to evaluate the performance of the NTCC, it is necessary to review all expenditures including, but not limited to, disbursements to vendors, contractual payments, employee salaries, employee benefits, bonuses and any reimbursed expenses for employees or those with whom the NTCC contracts for services, and

WHEREAS, to evaluate the performance of the NTCC, it is necessary to review all income which is received by the NTCC or otherwise created as a result of its promotional activities, now, therefore, be it

RESOLVED, that to avoid an interruption of the services presently provided by the NTCC, the County of Niagara Legislature does hereby approve an extension of the existing agreement between the County of Niagara and NTCC for a period of one (1) year from the date of its expiration and the Chairman be, and hereby is, authorized to execute all documents necessary to implement the extension of said agreement for a period of one (1) year, and be it further

RESOLVED, that the NTCC shall provide all requested financial records or contracts to Niagara County or any of the stakeholders of the NTCC to allow a transparent review of the performance of the NTCC since the execution of the February 20, 2003 agreement, and be it further

RESOLVED, that the NTCC shall provide all requested financial records or contracts to Niagara County or any other stakeholder of the NTCC immediately upon request to allow for appropriate review and evaluation of the contract extension which has been requested by the NTCC, and be it further

RESOLVED, that any and all line item transfers be approved, and be effectuate in order to provide funding to NTCC upon the signing of the extension of the agreement by all of the parties.

LEGISLATOR RICHARD E. UPDEGROVE

LEGISLATOR WILLIAM L. ROSS

LEGISLATOR PAUL B. WOJTASZEK

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Michael A. Hill and DATE: 06/18/13 RESOLUTION # IL-032-13

John Syracuse

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

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

**OPPOSING THE PASSAGE OF STATE LEGISLATURE TO ALLOW EARLY VOTING
AND/OR ENDORSING COUNTIES TO OPT-IN TO EARLY VOTING REQUIREMENTS
AND FOR THE STATE TO FULLY FUND ANY AND ALL INCREASED COSTS
ASSOCIATED WITH EARLY VOTING**

WHEREAS, A.689/S.1461 has been introduced in the New York State Legislature establishing early voting in Primary, General and Special elections in the State of New York, and

WHEREAS, this bill would allow early voting to take place up to 14 days before a general election and up to a week before a primary or special election, from 8:00 AM until 7:00 PM on every early voting day including Saturday and Sunday, and

WHEREAS, county boards of election would be required to select a minimum of five polling places throughout each county and provide duly qualified election inspectors at each location, thereby creating a significant increase in the budget of the Niagara County Board of Elections and negatively impact the taxpayers of the County of Niagara, and

WHEREAS, county boards of election would also be required to follow the same currently observed polling place protocols on all early voting days, and

WHEREAS, the significant costs associated with staffing early voting locations and printing county paper ballots associated with early voting in Niagara County have been estimated at \$120,000 for general elections and \$60,000 for primary elections, and

WHEREAS, the 2 percent tax cap and insufficient relief from state-imposed mandates have placed an unprecedented strain on local governments to provide more services with less funding, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby oppose the passage of legislation as currently proposed requiring counties to implement early voting, and be it further

RESOLVED, that if the proposal is enacted, counties be allowed to opt-in to provide early voting opportunities and that the State is to fully fund the cost of early voting to those counties so providing it, 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 Andrea Stewart-Cousins, Member of the Assembly Jane L. Corwin, Member of the Assembly Ray Walter, Member of the Assembly John D. Ceretto, 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 MICHAEL A. HILL

LEGISLATOR JOHN SYRACUSE

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Jason A. Zona, Dennis F. Virtuoso, Owen T. Steed & Cheree J. Copelin DATE: 06/18/2013 RESOLUTION # IL-033-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____



RESOLUTION IN SUPPORT OF THE NIAGARA FALLS ISAIAH 61 PROJECT'S APPLICATION TO THE WESTERN NEW YORK POWER PROCEEDS ALLOCATION BOARD

WHEREAS, the Isaiah 61 Project is dedicated to rebuilding Niagara Falls neighborhoods one house at a time by renovating vacant homes and providing on-the job trades training, and

WHEREAS, the Isaiah 61 Project has created strong partnerships with the City of Niagara Falls, MIKELLY Construction, Orleans/Niagara BOCES, the John R. Oishei Foundation, and First Niagara Bank to create this project, and

WHEREAS, the Isaiah 61 Project recently submitted a competitive funding application to the Western New York Power Proceeds Allocation Board Economic Development Fund to help fund the capital and job training components of its project, and

WHEREAS, the Economic Development Fund was established to aid the economic development projects of businesses and not-for profit corporations in a 30 mile radius of the New York Power Authority Niagara Project, and

WHEREAS, within that 30 mile radius, this project is an excellent opportunity to build the county tax base through cost effective rehabilitation of Niagara housing stock, while rebuilding our community's families and homes, and providing critical job training, now, therefore, be it

RESOLVED, that the Niagara County Legislature supports the efforts of the Isaiah 61 Project, and it's efforts to rehabilitate housing in Niagara Falls, while providing on the job trades training, and be it further

RESOLVED, that the Niagara County Legislature encourages the Western New York Power Proceeds Board to support the Isaiah 61 Project's application in the next available round of funding, and be it further

RESOLVED that the County of Niagara forward copies of this resolution to Anthony Colucci III, Chairman WNY Power Proceeds Allocation Board; Mayor Paul Dyster, City of Niagara Falls; Glenn Choolokian, Chairman Niagara Falls City Council; and Jim Haid, Project Coordinator Isaiah 61 Project.

LEGISLATOR JASON A. ZONA

LEGISLATOR DENNIS F. VIRTUOSO

LEGISLATOR OWEN T. STEED

LEGISLATOR CHEREE J. COPELIN

NIAGARA COUNTY LEGISLATURE

FROM: Legislator William L. Ross, et al. DATE: 06/18/13 RESOLUTION # IL-034-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

RESOLUTION OPPOSING THE PROPOSED STATE LEGISLATION AMENDING CHAPTER 460 OF THE LAWS OF 2004, THE PARKS, RECREATION AND HISTORIC PRESERVATION LAW

WHEREAS, for half a century, from the time of its construction until its relicensing by the Federal Energy Regulatory Commission ("FERC") in 2007, the New York Power Authority's ("NYPA") Niagara Power Project imposed an uncompensated burden on the citizens and taxpayers of the County of Niagara, depriving them of real property tax base while, at the same time, requiring them to bear the cost of municipal services provided for the benefit of the Niagara Power Project and NYPA, and

WHEREAS, the County of Niagara joined with other Niagara County municipalities and school districts ("Host Communities") affected by the Niagara Power Project to form the Niagara Power Coalition, Inc. ("NPC") to assert their rights and interests in the FERC relicensing process, including compensation for the burdens imposed by the Niagara Power Project, and

WHEREAS, the County of Niagara and the other members of the NPC entered into the Host Community Relicensing Settlement Agreement addressing Non-License Terms and Conditions with NYPA as of June 27, 2005 ("Relicensing Settlement Agreement"), which Relicensing Settlement Agreement provided for allocations of electric power and funding to be allocated among the Host Communities, and

WHEREAS, under the Relicensing Settlement Agreement, the Host Communities receive \$3 million per year from NYPA as the Greenway Recreation/Tourism Fund in the Host Communities (the "Fund") "to support the construction and/or rehabilitation of parks, recreation and related facilities, for the purpose of redefining the Niagara riverfront, promoting tourism, enhancing the environment, and advancing the economic revitalization of the Niagara River Greenway within Niagara County", and

WHEREAS, the Fund is administered by the Host Communities Standing Committee, which allocates the funding in accordance with principles that include consistency with the Niagara River Greenway Plan and Final Environmental Impact Statement issued April 4, 2007 ("Greenway Plan"), and

WHEREAS, under the Restructuring Settlement Agreement, 17 percent of the Host Community Fund is allocated to the County of Niagara, and

WHEREAS, under the Greenway Plan, the boundary of the Niagara River Greenway includes in addition to the City of Niagara Falls, Town of Lewiston, Town of Niagara, Town of Porter, Town of Wheatfield, City of North Tonawanda (encompassing Niagara Wheatfield School District, Niagara Falls School District and Lewiston-Porter School District), the Seaway Trail, Niagara Wine Trail and Erie Canal Corridor. This inclusion recognizes the importance placed by the Greenway Plan on "upland and interior communities" and is consistent with other established corridors in New York State, including the Erie Canalway National Heritage Corridor and the Hudson River Valley Greenway, both of which define their boundaries by including entire municipalities adjoining, or in the vicinity of, the water bodies for which they are named, and

WHEREAS, these trails begin its gateway in Niagara County and the linear system of parks along these trails lead residents and visitors alike to the Niagara River, and

WHEREAS, Niagara County in sponsoring projects has required use of the Niagara River Greenway sign templates as part of each application connecting each Greenway Project within Niagara County traveling to the river and then to Erie County, and

WHEREAS, projects approved for funding from the Host Community Fund under the Relicensing Settlement Agreement have advanced the purposes of the Niagara River Greenway, as described above, and bring benefits to the residents of, and visitors to, the County of Niagara and surrounding areas, and

WHEREAS, legislation designated Assembly Bill 6840-A and Senate Bill 5274-A has been introduced in the New York State Legislature that would redefine the Niagara River Greenway as consisting only of a narrow band of lands along the shoreline of the Niagara River and its tributaries, and would preclude funding for projects outside that area, and

WHEREAS, the report utilized by the sponsors of Assembly Bill 6840-A and Senate Bill 5274-A failed to review fully its history and rationale behind the original Greenway legislation, and

WHEREAS, the originators of the report utilized by the sponsors of Assembly Bill 6840-A and Senate Bill 5274-A failed to respond to NPC and its members to discuss and make available information relevant to the report's subject, and

WHEREAS, it appears the sponsors of Assembly Bill 6840-A and Senate Bill 5274-A also failed to fully research and investigate the background and rationale for the original Greenway legislation, and

WHEREAS, the sponsors of Assembly Bill 6840-A and Senate Bill 5274-A choose to legislate a different formula than other Greenway Acts such as the Hudson River Valley Greenway Act and as such would discriminate as to the Greenway Act effecting Niagara County residents and taxpayers, and

WHEREAS, Niagara County pursuant to Chapter 460 of the laws of 2004 has already begun development of the linear systems of the Greenway by developing and enhancing the links from the upland and interior communities, and

WHEREAS, Niagara County has accomplished this by utilizing its funds from the recreation and tourism fund to create a multi-use venue along the Seaway Trail, Wine Trail and Canal Corridor to direct residents and visitors to the Niagara River and all of Niagara County economical and tourism assets on their way, and

WHEREAS, Niagara County has included in each project approved Greenway signage to be of the same template, approved by the Greenway Commission and by Niagara County Department of Public Works, and

WHEREAS, Niagara County has developed the connections of its projects within the approved plan to other Greenway projects and the Niagara River, and

WHEREAS, the sponsors of Assembly Bill 6840-A and Senate Bill 5274-A have failed to consider the purpose of and the agreement already in place to reimburse the taxpayer and resident of Niagara County for its loss caused by NYPA in its construction and ongoing loss of tax revenue from NYPA, and

WHEREAS, the sponsors of Assembly Bill 6840-A and Senate Bill 5274-A are aware that the State has already utilized the NYPA to sweep hundreds of millions of dollars to the State; without considering their legislation will affectively deny the taxpayers and residents of Niagara County what little in compensation they receive in the Relicensing Agreement for recreation and tourism funds, and

WHEREAS, pursuant to the aforementioned legislation, the portions of the existing Greenway Plan that include "upland and interior communities" (*i.e.*, the portion of the County of Niagara and other municipalities and school districts not within the narrow band described above) would be eliminated such that the ability of the County of Niagara and other municipalities and school districts to use their fund allocations outside the narrow band defined in the proposed legislation would be precluded, and

WHEREAS, the County of Niagara and the other members of the NPC worked and negotiated long and hard to obtain the benefits, including Host Community Fund funding, provided for in the Relicensing Settlement Agreement with NYPA and that Relicensing Settlement Agreement constitutes a valid and binding contract that, pursuant to the United States Constitution, cannot be impaired by the State of New York through legislation or otherwise, and

WHEREAS, the Greenway Plan required the approval of the municipalities within the NPC, and County of Niagara, as well as others, and the municipal resolutions approving the Greenway Plan were expressly premised on Niagara River Greenway boundaries that included the entire municipalities and the accompanying trails, not simply a narrow band along the Niagara River or other water bodies, and

WHEREAS, the County of Niagara and, to the knowledge of officials of the County of Niagara, the other municipalities within Niagara County whose approval was required for the Greenway Plan to become effective, would not have approved the Greenway Plan if the boundary of the Niagara River Greenway were not defined as including the entire land area of those municipalities and the accompanying linear trails, and

WHEREAS, the proposed legislation described above would violate the contractual rights of the County of Niagara and its citizens, ignore the uncompensated loss of tax revenue [and other burdens] borne by the County of Niagara and its citizens for half a century, ignore the will of the citizens of the County of Niagara and other municipalities in approving a Niagara River Greenway boundary including the entire municipality and trailway, ignore the many benefits made available under the existing approach to funding from the Fund to the citizens of, and visitors to, the County of Niagara and surrounding areas, and violate the trust and legitimate expectations of the County of Niagara and its citizens, now, therefore, be it

RESOLVED, by the County of Niagara that the aforementioned proposed legislation (A.6480-A/S.5274-A) to redefine the boundaries of the Niagara River Greenway is contrary to the interests of the County of Niagara and its citizens and contrary to the public interest generally, and should be rejected by the New York State Legislature, and be it further

RESOLVED, that a certified copy of this resolution be forwarded to the sponsors of the aforementioned proposed legislation and such other officials, individuals and entities as the County of Niagara, in its discretion, shall deem appropriate.

LEGISLATOR PAUL B. WOJTASZEK

LEGISLATOR PETER E. SMOLINSKI

LEGISLATOR MICHAEL A. HILL

LEGISLATOR JOHN SYRACUSE

LEGISLATOR CHEREÉ J. COPELIN

LEGISLATOR RICHARD E. UPDEGROVE

LEGISLATOR WM. KEITH MCNALL

LEGISLATOR ANTHONY J. NEMI

LEGISLATOR DENNIS F. VIRTUOSO

LEGISLATOR DAVID E. GODFREY

LEGISLATOR KATHRYN L. LANCE

LEGISLATOR CLYDE L. BURMASTER

LEGISLATOR OWEN T. STEED

LEGISLATOR JASON A. ZONA

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Dennis F. Virtuoso, Jason

DATE: 06/18/13

RESOLUTION # IL-035-13

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: _____

STOP ILLEGAL ALIENS FROM WORKING ON IDA PROJECTS AND ANY NEW YORK STATE TAX FUNDED SUBSIDIZED PROJECTS

WHEREAS, it has been reported that seven illegal aliens from Guatemala were arrested by Homeland Security working on an IDA and New York State subsidized project in Niagara Falls, NY, and

WHEREAS, this project is subsidized heavily by New York State and is receiving over \$142 million in government incentives and \$60 million in brownfields tax credits, and

WHEREAS, the Niagara County Industrial Development Agency's mission is to attract and develop economically sound commerce and industry thereby fostering job opportunities, general prosperity and economic welfare for all residents of Niagara County, and

WHEREAS, economic development, job creation and retention of jobs expands the tax base improving the quality of life in Niagara County, now, therefore, be it

RESOLVED, that the Niagara County Legislature ask the Niagara County Industrial Development Agency and the State of New York that any project that receives any incentives or low cost power shall forfeit all benefits and subsidies if they employ any illegal aliens or undocumented workers while building, remodeling or manufacturing, and be it further

RESOLVED, that copies of this resolution be sent to all board members of the Niagara County IDA and 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 Robin Schimminger, Member of the Assembly Jane L. Corwin, Member of the Assembly John D. Ceretto, Member of the Assembly Ray Walter, Speaker of the Assembly Sheldon Silver, Assembly Majority Leader Joseph Morelle, Assembly Minority Leader Brian M. Kolb.

LEGISLATOR DENNIS F. VIRTUOSO

LEGISLATOR JASON A. ZONA

LEGISLATOR OWEN T. STEED

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Dennis F. Virtuoso, Jason A. Zona and Owen T. Steed DATE: 06/18/13 RESOLUTION # IL-036-13

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: _____



LOCAL HIRE ON IDA PROJECTS

WHEREAS, the Niagara County Legislature is in support of job creation and retention and economic opportunities, and

WHEREAS, the mission of the Niagara County Industrial Development Agency is to create and retain jobs in Niagara County, now, therefore, be it

RESOLVED, that the Niagara County Legislature ask the board members of the Niagara County Industrial Development Agency to establish a local hire policy on all of their projects similar to Monroe County's policy, and be it further

RESOLVED, that copies of this resolution be sent to all board members of the Niagara County IDA.

LEGISLATOR DENNIS F. VIRTUOSO

LEGISLATOR JASON A. ZONA

LEGISLATOR OWEN T. STEED

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Dennis F. Virtuoso, Jason A. Zona and Owen T. Steed DATE: 06/18/13 RESOLUTION # IL-037-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

RESOLUTION BY THE NIAGARA COUNTY LEGISLATURE DESIGNATING NIAGARA TOURISM AND CONVENTION CORPORATION (NTCC) AS THE NOT FOR PROFIT CORPORATION UNDER CONTRACT WITH THE COUNTY FOR PROMOTION OF TOURISM IN NIAGARA COUNTY

WHEREAS, the Niagara Tourism and Convention Corporation (herein "NTCC") was created through legislation passed in 2003, as the designated tourism marketing and promotion agency for tourism attractions and venues throughout Niagara County, and

WHEREAS, NTCC has provided through contract with Niagara County significant return on investment to its government funding partners, including Niagara County, the City of Niagara Falls and the City of Lockport, and

WHEREAS, Niagara County pursuant to CT-008-03 entered into an agreement with NTCC for promoting tourism in Niagara County, and

WHEREAS, Niagara County has annually renewed the official tourism promotion agency designation to NTCC for the last 10 years, and

WHEREAS, NTCC has expanded the utilization of its efforts and resources within New York State, including but not limited to, "I Love New York Program," NYSDMO representation, CANAL NY representation and the NYS Western New York Regional Economic Development Tourism Implementation County representation, and

WHEREAS, NTCC continues to promote and market the whole of Niagara County and has increased the visibility of Niagara County as a group and leisure destination thereby expanding the tourism industry's positive economic impact within Niagara County, increased the Visitor spend to over \$525 Million, increased the importance of tourism industry jobs so that 1 in 6 are a result of this industry, and

WHEREAS, these promotion efforts generate significant revenues for businesses, local governments and a savings for taxpayers in Niagara County, now, therefore, be it

RESOLVED, that Niagara County renew their contract with Niagara Tourism and Convention Corporation from February 18, 2013 to December 31, 2023 for NTCC to continue to market and promote Niagara County as a destination and thereby generating individual and group visitation which results in expanded economic prosperity, and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to execute said Contract renewal on behalf of the County of Niagara, following review and approval by the County Attorney as to legal form, language and compliance.

LEGISLATOR DENNIS F. VIRTUOSO

LEGISLATOR JASON A. ZONA

LEGISLATOR OWEN T. STEED

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Richard E. Updegrove and **DATE:** 06/18/13 **RESOLUTION #** IL-038-13

Paul B. Wojtaszek

**APPROVED BY
CO. ATTORNEY**

**REVIEWED BY
CO. MANAGER**

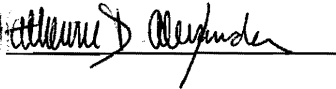
COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____



**URGING THE NEW YORK STATE ASSEMBLY TO TAKE UP AND PASS
BILL A.3419/S.5680 PRIOR TO THE COMPLETION OF THE 2013 SESSION, GRANTING
NIAGARA COUNTY HOME RULE AUTHORITY TO ENACT LEGISLATION RESTRICTING
SEX OFFENDERS FROM RESIDING WITHIN 1350 FEET OF SCHOOLS, PLAYGROUNDS,
PARKS AND CHILD CARE FACILITIES**

WHEREAS, the Legislature of the County of Niagara did unanimously adopt, on June 17, 2008, a local law entitled "The Niagara County Pedophile-Free Child Safety Zone Act," and

WHEREAS, said law was filed pursuant to Section 27 of the Municipal Home Rule Law, and

WHEREAS, at a public hearing held at the Niagara County Courthouse prior to The Niagara County Pedophile-Free Child Safety Zone Act's enactment, not one citizen spoke in opposition to said law, and

WHEREAS, The Niagara County Pedophile-Free Child Safety Zone Act did prohibit Level II and Level III convicted sex offenders from residing within 1,000 feet of such areas and facilities as would provide them ready access to potential victims, to include public and private schools, child care facilities, parks, playgrounds, public and private youth centers, and public swimming pools, and

WHEREAS, in Terrance v City of Geneva, N.Y., 799 F Supp 2d 250, 257 [WDNY 2011], the Federal Court for the Western District of New York held that the State's legislative pronouncements to date establish that the regulation and management of sex offenders (including sex offender residency restrictions) is the exclusive province of the State. Thus, a local law for the City of Geneva [i.e. Municipal Code, Part II, General Legislation, Chapter 285], which was similar to "The Niagara County Pedophile-Free Child Safety Zone Act" was determined by the court to be preempted by New York State Law and therefore would not be given effect, and

WHEREAS, the Honorable George D. Maziarz did, at the request of the Legislature of the County of Niagara, introduce a bill, S.3457, a bill which would alleviate the forgoing legal difficulties, and the same was passed by the NYS Senate and delivered to the NYS Assembly on May 21, 2013, which took no action on the bill, and

WHEREAS, Senator Maziarz subsequently introduced bill S.5680, which was passed by the New York State Senate and is the companion bill of A.3419, which is sponsored by Member of the Assembly Robin Schimminger, however, the Assembly has not yet discharged A.3419 from committee or voted on the same on the floor, and

WHEREAS, This Legislature stands ready to enact such local legislation as is defined under A.3419/S.5680 upon the passage and enactment of the same, and

WHEREAS, the New York State Legislature's legislative calendar has designated June 20, 2013 as the last day that the Assembly shall be in session, after which date the passage of A.3419/S.5680 by that Chamber will be precluded, now, therefore, be it

RESOLVED, that the Niagara County Legislature does express its gratitude to Senator Maziarz for his effective actions on this Deliberative Body's request, and be it further

RESOLVED, that the Niagara County Legislature does urge Member of the Assembly Robin Schimminger, who represents a portion of Niagara County in the New York State Assembly, and is also a senior member of the Majority Conference of said Chamber, with 36 years of service, and membership on both the powerful Committee on Codes and the Committee on Ways and Means, to shepherd said bill through the Assembly in the remaining days of this session, and be it further

RESOLVED, that the Niagara County Legislature calls upon the entire New York State Assembly to pass and enact A.3419/S.5680, and all members of the Niagara County delegation to the Assembly to vote in the affirmative, 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 Robin Schimminger; Member of the Assembly Jane L. Corwin; Member of the Assembly John D. Ceretto; Member of the Assembly Ray Walter; Speaker of the Assembly Sheldon Silver; Assembly Majority Leader Joseph Morelle; Assembly Minority Leader Brian M. Kolb; Chairman of the Assembly Committee on Correction Daniel O'Donnell, and all others deemed necessary and proper.

LEGISLATOR RICHARD E. UPDEGROVE

LEGISLATOR PAUL B. WOJTASZEK

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee

DATE: 06/18/13

RESOLUTION # PW-062-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 6/3/13

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

APPROVAL OF ADDENDUM TO PURCHASE AGREEMENT BETWEEN NIAGARA COUNTY AND THE CITY OF NORTH TONAWANDA FOR PROPERTY COMMONLY KNOWN AS 500 WHEATFIELD STREET

WHEREAS, on October 6, 2003, pursuant to Public Works Resolution PW-073-03, an agreement was entered between the County of Niagara and the City of North Tonawanda for the purchase of the Niagara County Office Building by the City of North Tonawanda, legally known as 611 Shad Street, and

WHEREAS, said agreement transferred the premises to the City of North Tonawanda, for an appraised price of \$735,000.00, and

WHEREAS, a condition of said agreement allows the County to enjoy occupancy at no cost for a number of years based upon the percentage of square footage occupied by the County in the building, and

WHEREAS, since said agreement was entered, the County has decreased their percentage of square footage used within the building, and

WHEREAS, the original agreement needs to be adjusted in order to assure that both parties are being credited based on the actual square footage use by the County, now, therefore, be it

RESOLVED, that the Niagara County Legislature approves the Agreement Addendum between City of North Tonawanda and Niagara County, and following the Niagara County Attorney's review, the Chairman of the Niagara County Legislature be, and hereby is, authorized to execute the addendum agreement, and any documents that are necessary to implement the adjustment in this regard.

PUBLIC WORKS COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee

DATE: 06/18/13

RESOLUTION # PW-063-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 6/3/13

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

AWARD REHABILITATION OF STONE ROAD BETWEEN LOCKPORT-CAMBRIA TOWNLINE ROAD AND JOHNSON ROAD

WHEREAS, the Department of Public Works, Engineering Division has prepared specifications and the Purchasing Department has advertised for bids for the rehabilitation of Stone Road, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on May 31, 2013, as tabulated below:

- | | |
|--|----------------|
| 1. Accadia Site Contracting
5636 Transit Rd
Depew, NY 14043 | \$1,599,907.20 |
| 2. Milherst Construction, Inc.
10025 County Rd
PO Box 430
Clarence Center, NY 14032 | \$1,732,958.77 |
| 3. Yarussi Construction Inc.
5650 Simmons Ave
Niagara Falls, NY 14304 | \$1,741,939.00 |
| 4. Keeler Construction Co. Inc.
13519 West Lee Rd
Albion, NY 14411 | \$1,992,936.10 |
| 5. Nova Site Company, LLC
6 Lena Court
West Seneca, NY 14224 | \$1,997,967.10 |
| 6. Mark Cerrone, Inc.
2368 Maryland Ave
Niagara Falls, NY 14305 | \$2,419,468.00 |

and

WHEREAS, prior to the execution of the required documents, the County Attorney will review them for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that the contract for the rehabilitation of Stone Road be awarded to the lowest responsible bidder, Accadia Site Contracting, 5636 Transit Rd, Depew, NY 14043, in the amount of \$1,599,907.20, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the required documents.

PUBLIC WORKS COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 06/18/13 RESOLUTION # PW-064-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 6/3/13

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

AWARD SHAW BUILDING ROOF TOP UNIT REPLACEMENT

WHEREAS, the following bids were opened and read by our DPW – Engineering Department on May 31, 2013, as tabulated below:

- | | |
|---|-------------|
| 1. Parise Mechanical
1106 Sheridan Dr
Tonawanda, NY 14150 | \$23,495.00 |
| 2. O'Connor Mechanical Corp.
203 Fisher Rd
Lackawana, NY 14218 | \$25,350.00 |
| 3. Greater Niagara Mechanical Inc.
7311 Ward Rd
North Tonawanda, NY 14120 | \$26,240.00 |

and,

WHEREAS, prior to the execution of the required documents, the County Attorney will review them for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that the contract for the replacement of the Shaw Building Roof Top Units be awarded to the lowest responsible bidder, Parise Mechanical, 1106 Sheridan Drive, Tonawanda, NY 14150, in the amount of \$23,495.00, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the required documents.

PUBLIC WORKS COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration DATE: 06/18/13 RESOLUTION # PW-065-13

Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 6/3/13
AD - 6/11/13

LEGISLATIVE ACTION

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

CEDAR STREET BRIDGE RECONSTRUCTION CONTRACT CHANGE ORDER NO. 5

WHEREAS, by Resolution No. PW-099-09, dated July 28, 2009, the Legislature awarded the contract for the reconstruction of Cedar Street Bridge, to Hohl Industrial Services, Inc., 770 Riverview Blvd., Tonawanda, NY 14150, in the amount of \$1,995,361.00, and

WHEREAS, Resolution No. PW-023-10, dated February 2, 2010, authorized an extension of time to August 20, 2010, due to the weather and other factors outside of the contractor's and county's control, and

WHEREAS, Resolution No. PW-068-10, dated June 1, 2010, authorized an extension of time to October 27, 2010, for a \$0.00 increase, and

WHEREAS, Resolution No. PW-103-10, dated October 5, 2010, authorized an extension of time to July 31, 2011, at no additional cost, and

WHEREAS, Resolution No. PW-022-13, dated February 19, 2013, authorized an extension of time to December 31, 2013, at no additional cost, and

WHEREAS, it is necessary to amend the contract for additional diaphragms, additional backer bar welding, detailing changes in shop drawings, fabrication of revised field splices, grouting of precast barrier anchor pockets, and final quantity adjustments, for a \$73,323.95 increase to the contract, now, therefore, be it

RESOLVED, Change Order No. 5 is approved in the amount of \$73,323.95, for a revised contract amount of \$2,068,684.95, and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to execute the required documents, subject to the review of the County Manager and approval of the County Attorney.

PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration DATE: 06/18/13 RESOLUTION # PW-066-13

Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 6/3/13
AD - 6/11/13

LEGISLATIVE ACTION

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

COUNTY BRIDGE WASHING – FINAL PAYMENT

WHEREAS, Resolution No. PW-046-13, dated April 16, 2013, awarded the contract to Hunting Valley Construction Inc., 825 Rein Road, Cheektowaga, NY 14225, in the amount of \$81,341.00, and

WHEREAS, the contract has been completed to specifications and drawings for the original contract amount of \$81,341.00, and

WHEREAS, prior to the execution of the required documents, the County Attorney will review them for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that final payment is authorized to be processed Hunting Valley Construction Inc., 825 Rein Road, Cheektowaga, NY 14225, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the required documents.

PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration DATE: 06/18/13 RESOLUTION # PW-067-13

Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 6/3/13
AD - 6/11/13

LEGISLATIVE ACTION

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



BROOKS BUILDING GENERATOR INSTALLATION CONTRACT – FINAL PAYMENT

WHEREAS, Resolution No. PW-033-13, dated March 5, 2013, awarded the contract for the Brooks Building Generator Installation, to O'Connell Electric Co. Inc., 929 B Ransom Road, Lancaster, NY 14086, in the amount of \$124,600.00, and

WHEREAS, the contract has been completed to specifications and drawings for the original contract amount of \$124,600, and

WHEREAS, prior to the execution of the required documents, the County Attorney will review them for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that final payment is authorized to be processed to O'Connell Electric Co. Inc., 929 B Ransom Rd, Lancaster, NY 14086, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the required documents.

PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 06/18/13 RESOLUTION # PW-068-13

APPROVED BY
CO. ATTORNEY



REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 6/3/13

LEGISLATIVE ACTION

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

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE KRULL OLCOTT DEVELOPMENT COMMITTEE AND OLCOTT FIRE COMPANY

WHEREAS, the Krull Olcott Development Committee and the Olcott Fire Company have requested that the County of Niagara grant them permission to use the north section of Krull Park for the purpose of holding a Pirate's Festival, and

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

WHEREAS, it is the wish of the local community to hold the Pirate's Festival on July 12 - 14, 2013, and

WHEREAS, the event coordinator will provide all insurances required by the Risk Management Office, and agree to cover all extraordinary expenses associated with event, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Krull Olcott Development Committee and the Olcott Fire Company, and

WHEREAS, prior to the execution of the license agreement between the County of Niagara and the Krull Olcott Development Committee and the Olcott Fire Company, the County Attorney will review said Agreement for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that, following the County Attorney's review, the Chair of the County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and the Krull Olcott Development Committee and the Olcott Fire Company.

PUBLIC WORKS COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 06/18/13 RESOLUTION # PW-069-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 6/3/13

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE NIAGARA FRONTIER CROSS COUNTRY CLUB

WHEREAS, the Niagara Frontier Cross Country Club has requested that the County of Niagara grant them exclusive rights to operate a Cross Country program in an area situated in the County owned property at Bond Lake Park, and

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

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

WHEREAS, the event coordinator will provide all insurances required by the Risk Management Office, and agree to cover all extraordinary expenses associated with event, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Niagara Frontier Cross Country Club, and

WHEREAS, prior to the execution of the agreement, the County Attorney will review the agreement for approval as to legal form, language and compliance, now, therefore, be it

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

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, hereby is, authorized to execute the required documents

PUBLIC WORKS COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee

DATE: 06/18/13

RESOLUTION #PW-070-13

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 6/3/13

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE NIAGARA COUNTY SNOWMOBILE FEDERATION OF SNOWMOBILE CLUBS

WHEREAS, the Niagara County Snowmobile Federation of Snowmobile Clubs has requested the County of Niagara to agree to act as a municipal sponsor for a grant available through the New York State Office of Parks, Recreation and Historic Preservation Snowmobile Trail Fund, and

WHEREAS, the grant would assist the Niagara County Snowmobile Federation of Snowmobile Clubs in maintaining and operating safe recreational snowmobile trails already existing in the County of Niagara, and

WHEREAS, this grant would assist in grooming and coordinating trails already existing or to be added by lease or other agreements with property owners, and

WHEREAS, this grant will build and maintain a better, safer trail system, which will in turn bring more snowmobiles here, adding dollars to the County economy, now, therefore, be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Niagara County Snowmobile Federation of Snowmobile Clubs, as appears in the proposed agreement, is hereby approved in all respects, and be it further

RESOLVED, that the Chairman of the Niagara County Legislature be, and hereby is, authorized and directed to execute the agreement with the Niagara County Snowmobile Federation of Snowmobile Clubs in the same form attached to this resolution.

PUBLIC WORKS COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration DATE: 06/18/13 RESOLUTION # PW-071-13

Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

PW - 06/03/13

Approved: Ayes _____ Abs. _____ Noes _____

AD - 06/11/13

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

Kathleen D. Alexander

NIAGARA COUNTY REFUSE DISPOSAL DISTRICT CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL CLOSURE

WHEREAS, the Niagara County Refuse Disposal District, hereinafter "NCRDD" operates a Construction and Demolition Debris Landfill (C&D) Phase 1A, hereinafter "C&D Landfill" located in Lockport, NY

WHEREAS, the NCRDD Board has reviewed the financial viability of continuing to operate the C&D Landfill and has determined to close the site and cease accepting waste for disposal effective July 3, 2013 as it has been determined to be financially beneficial to the NCRDD, and

WHEREAS, the NCRDD will implement a temporary site cover consisting of soil cover for completion on or before August 16, 2013, and

WHEREAS, the NCRDD will develop a final site closure and post closure monitoring plan consistent with New York State Department of Environmental Conservation Subpart 360 requirements, and

WHEREAS, the NCRDD will place a permanent landfill cap that meets New York State Department of Environmental Conservation §360-2.15 requirements by May 31, 2014, and

WHEREAS, the C&D Landfill closure plan will be developed to provide staff with the greatest opportunity possible to have seamless employment transition if positions are available elsewhere in accordance with Civil Service rules and contractual obligations, now, therefore, be it

RESOLVED, that the Niagara County Legislature approve the closure plan of the C&D Landfill in Lockport as submitted by the Niagara County Refuse Disposal District Board, and be it further

RESOLVED, that the County Manager is authorized to exercise layoffs for employees at the Refuse Disposal District whose positions will be abolished on or before August 16, 2013 and in accordance with applicable provisions in collective bargaining agreements, and be it further

RESOLVED, that the Interim Director, Dawn M. Timm, coordinate and oversee all closure and post closure of the C&D Landfill and District functions with the necessary Administrative support, and be it further

RESOLVED, that the NCRDD Interim Director be authorized to apply in a timely manner for any available grant funding to compensate and reimburse the NCRDD for any costs and expenditures eligible, including but not limited to grant funding provided by the New York State Department of Environmental Conservation Solid Waste Municipal Landfill Closure Grant.