



AGENDA
NIAGARA COUNTY LEGISLATURE
JANUARY 20, 2015 – 7:00 P.M.

Regular Meeting – January 20, 2015

- *CSS-001-15** Community Safety & Security, re Federal Equitable Sharing Program Agreement & Annual Certification Report – District Attorney
- *CSS-002-15** Community Safety & Security & Administration, re Motor Vehicle Theft & Insurance Fraud Prevention Program Grant Acceptance – District Attorney
- *CSS-003-15** Community Safety & Security & Administration, re Budget Modification – Use of Assets Forfeiture Funds – District Attorney
- *CSS-004-15** Community Safety & Security & Administration, re Budget Modification – Re-Appropriate Lost Property Funds – District Attorney
- *CSS-005-15** Community Safety & Security & Administration, re Accept Motor Vehicle Theft & Insurance Fraud Grant – Sheriff
- *CSS-006-15** Community Safety & Security & Administration, re Accept Grant Homeland Security-Tactical Team Targeted Grant Program – Sheriff
- *CSS-007-15** Community Safety & Security & Administration, re Accept VAWA Grant – Sheriff
- *CSS-008-15** Community Safety & Security & Administration, re Acceptance of SHSP 2013 Homeland Security Grants – Emergency Management
- *CSS-009-15** Community Safety & Security & Administration, re Acceptance of USAR 2014 Homeland Security Grants – Emergency Management
- *CSS-010-15** Community Safety & Security & Administration, re Acceptance of CI 2014 Homeland Security Grants – Emergency Management
- *CSS-011-15** Community Safety & Security & Administration, re Acceptance of SHSP 2014 Homeland Security Grants – Emergency Management
- IL-003-15** Legislator Richard E. Updegrove, et al., re In Support of Extending the New York State Brownfield Cleanup Program

- IL-004-15** Legislator Richard L. Andres, re In Support of Funding Holiday Beautification Project Through the Use of Casino Funding
- IL-005-15** Legislators Richard L. Andres & Randy R. Bradt, re In Support of Funding the Coats for Kids Campaign Through the Use of Casino Funding
- IL-006-15** Legislator Randy R. Bradt, re In Support of Funding Sport Fishing Promotion Through the Use of Casino Funds
- IL-007-15** Legislators Wm. Keith McNall, Richard E. Updegrove, Anthony J. Nemi, Randy R. Bradt, Kathryn L. Lance & Richard L. Andres, re In Support of YWCA of Niagara Through the Use of Casino
- IL-008-15** Legislators Randy R. Bradt & Richard L. Andres, re In Support of Funding North Tonawanda Athletic Association Safety and Training Equipment Provision Through the Use of Casino Funds
- IL-009-15** Legislator John Syracuse, re A Local Law Further Amending Local Law No. 4 Establishing an Administrative Code for the County of Niagara
- IL-010-15** Legislator John Syracuse, Richard E. Updegrove & Anthony J. Nemi, re A Local Law of the County of Niagara County, New York, Allowing for Common, Safe Items to be Excluded from the Dangerous Fireworks Definition as Permitted by New York State Penal Law Section 405 (B)


Mary Jo Tamburlin, Clerk
Niagara County Legislature

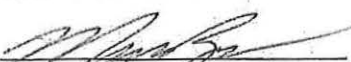
*** Indicates Preferred Agenda items**

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 February 17, 2015.

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security DATE: 01/20/15 RESOLUTION #: CSS-001-15

<u>Committee</u>			
APPROVED BY	REVIEWED BY	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER		
		<u>CSS - 1/13/15</u>	Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

FEDERAL EQUITABLE SHARING PROGRAM AGREEMENT AND ANNUAL CERTIFICATION REPORT

WHEREAS, the United States Department of Justice requires that the Niagara County District Attorney's Office file an annual Federal Equitable Sharing Program Agreement and Certification Report to be eligible to submit requests for federally forfeited property or proceeds, and

WHEREAS, said Agreement is entered into by the United States Department of Justice, the County of Niagara, and the Niagara County District Attorney's Office, now, therefore, be it

RESOLVED, that the Niagara County District Attorney's office be authorized to participate in the Federal Equitable Sharing Program, and be it further

RESOLVED, that prior to the execution of the Federal Equitable Sharing Agreement and Certification, the County Attorney will review the Federal Equitable Sharing Agreement and Certification 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 an agreement between the County of Niagara on behalf of the Niagara County District Attorney's Office and the United States Department of Justice.

COMMUNITY SAFETY AND SECURITY
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security DATE: 01/20/15 RESOLUTION #: CSS-002-15

and Administration Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CSS - 1/13/15
AD - 1/13/15

LEGISLATIVE ACTION

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

DISTRICT ATTORNEY MOTOR VEHICLE THEFT AND INSURANCE FRAUD PREVENTION PROGRAM GRANT ACCEPTANCE

WHEREAS, the Niagara County District Attorney's Office has been notified by the New York State Division of Criminal Justice Services that the Motor Vehicle Theft and Insurance Fraud Prevention Program grant has been renewed for the period of January 1, 2015 through December 31, 2015, and

WHEREAS, funding has been awarded in the amount of \$114,000 and said funds are used to offset expenses for the District Attorney's Motor Vehicle Theft and Insurance Fraud Prevention Unit, and

WHEREAS, basic revenue and appropriation figures for said program were calculated and are contained within the CM.02.1989.114 Motor Vehicle Theft and Insurance Fraud Prevention cost center for the 2015 budget year, and

WHEREAS, this program will continue to fund one full time Assistant District Attorney, Position #9700, ATT III, Step 5, \$80,185 annually and one full time Criminal Investigator, Position #9701, NUH 6, Step 4, \$47,790 annually, with fringe benefits which shall remain co-terminus with grant funding, now, therefore, be it

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

RESOLVED, that the following budget modifications be made:

INCREASE APPROPRIATION:

CM.02.1989.114.74600.03 Training & Education \$ 500

INCREASE REVENUE:

CM.02.1989.114.43389.13 Other Public Safety-Crime Prevention \$ 500

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security DATE: 01/20/15 RESOLUTION #: CSS-003-15

and Administration Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CSS - 1/13/15
AD - 1/13/15

LEGISLATIVE ACTION

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

DISTRICT ATTORNEY BUDGET MODIFICATION - USE OF ASSETS FORFEITURE FUNDS

WHEREAS, the Niagara County District Attorney's Office maintains its Local Asset Forfeiture Trust Account for the prosecution and reduction of targeted crimes, and

WHEREAS, the use of locally forfeited funds is restricted by the New York State Department of Criminal Justice Services to the enhancement of the prosecution of crimes and can be used to supplement but not supplant current resources, and

WHEREAS, the Niagara County District Attorney's Office will allocate \$2,944 for the purchase of a new color laser printer and toner for the purpose of printing crime scene photos for use in the prosecution of criminal cases, and

WHEREAS, this is an allowable use under the Guidelines, now, therefore, be it

RESOLVED, that the Niagara County Treasurer's Office is hereby authorized to disburse \$2,944 from the District Attorney's Local Assets Forfeiture Account A.02.1165.000.40036 into the District Attorney's operating budget, and be it further

RESOLVED, that the following budget modifications are effectuated:

INCREASE REVENUE:

A.02.1165.000.40599.02	Appropriated Fund Balance Restricted Funds	\$2,944
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INCREASE APPROPRIATIONS:

A.02.1165.000.72100.05	Computer Equipment	\$1,200
A.02.1165.000.74750.12	Computer Supplies	\$1,744

COMMUNITY SAFETY AND SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security **DATE:** 01/20/15 **RESOLUTION#:** CSS-004-15

and Administration Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

CSS - 1/13/15

AD - 1/13/15

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

DISTRICT ATTORNEY BUDGET MODIFICATION RE-APPROPRIATE LOST PROPERTY FUNDS

WHEREAS, Resolution #CSS-010-14 allocated \$10,000 to the Niagara County District Attorney's Office's operating budget from Lost Property proceeds, and

WHEREAS, these funds were set aside for a construction project to be completed by the Department of Public Works, and

WHEREAS, this project was not started until mid-December and the majority of the funds were not spent by year end, and

WHEREAS, in order to complete the project, the remaining funds need to be re-appropriated into the District Attorney's 2015 operating budget, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated in the District Attorney's 2015 operating budget:

INCREASE REVENUE:

A.02.1165.000.42770.06	Unclassified/Lost Revenue	\$6,195
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INCREASE APPROPRIATION:

A.02.1165.000.72200.01	Building Improvements	\$6,195
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COMMUNITY SAFETY AND SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security DATE: 01/20/15 RESOLUTION #: CSS-005-15

and Administration Committees

**APPROVED BY
CO. ATTORNEY**

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CSS - 1/13/15
AD - 1/13/15

LEGISLATIVE ACTION

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

**NIAGARA COUNTY SHERIFF'S OFFICE
ACCEPT MOTOR VEHICLE THEFT & INSURANCE FRAUD GRANT**

WHEREAS, the Niagara County Sheriff's Office received notification from the New York State Division of Criminal Justice Services that we have been awarded a grant in the amount of \$21,000 for the period January 1, 2015 through December 31, 2015, and

WHEREAS, this is an ongoing grant to combat and deter motor vehicle theft as well as insurance fraud by increase patrols, surveillance, processing crime scenes, and assigning Investigators to follow up on reports of motor vehicle thefts, and

WHEREAS, these funds have been appropriated in the 2015 budget overtime line, now, therefore, be it

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

COMMUNITY SAFETY & SECURITY COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security DATE: 01/20/15 RESOLUTION #: CSS-006-15

and Administration Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

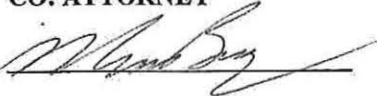
COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____



CSS - 1/13/15

AD - 1/13/15

NIAGARA COUNTY SHERIFF'S OFFICE

ACCEPT GRANT HOMELAND SECURITY-TACTICAL TEAM TARGETED GRANT PROGRAM

WHEREAS, the Niagara County Sheriff's Office received notification from the Department of Homeland Security and Emergency Services that we have been awarded a Tactical Team Targeted Grant in the amount of \$100,000.00, and was included in the 2015 Sheriff's Operating budget, and

WHEREAS, the funds will be used to enhance the skills of the Sheriff's Office Emergency Response Team by providing additional skills and abilities to remain safe and successful in their mission, and

WHEREAS, the Sheriff's Office will be purchasing surveillance and safety equipment, as well as additional training, to improve skills and capabilities, now, therefore, be it

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

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security DATE: 01/20/15 RESOLUTION#: CSS-007-15

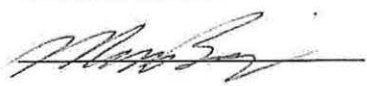
and Administration Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CSS - 1/13/15
AD - 1/13/15

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



NIAGARA COUNTY SHERIFF'S OFFICE ACCEPT VAWA GRANT

WHEREAS, the Niagara County Sheriff's Office receives an annual grant from the NYS Division of Criminal Justice Services through the Violence Against Women's Act in the amount of \$66,750 for the period of January 1, 2015 through December 31, 2015, which was an increase of \$32,850 from the previous award, and

WHEREAS, these grant funds provide funding for our Domestic Violence Intervention Program to enhance and improve the services for all effected residents residing in the County of Niagara by providing comprehensive and consistent early intervention to victims of domestic violence, and

WHEREAS, the funds were included in the 2015 budget, now, therefore, be it

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to execute said contract upon review and approval of the County Attorney.

COMMUNITY SAFETY AND SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security DATE: 01/20/15 RESOLUTION#: CSS-008-15

and Administration Committees

**APPROVED BY
CO. ATTORNEY**

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

CSS - 1/13/15

AD - 1/13/15

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

ACCEPTANCE OF SHSP 2013 HOMELAND SECURITY GRANTS

WHEREAS, the County of Niagara is required to certify its acceptance of the SHSP 2013 Grant through the Department of Homeland Security for the period of 9/1/13 to 8/31/15, at no cost to the County, and

WHEREAS, the grant for SHSP 2013 is in the amount of \$535,000 and the funds will be used for computer aided dispatch upgrades, Haz-Mat detection equipment, PPE for HazMat and TRT, DisasterLAN maintenance and T1 lease lines, now, therefore, be it

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

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security DATE: 01/20/15 RESOLUTION#: CSS-009-15

and Administration Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CSS - 1/13/15
AD - 1/13/15

LEGISLATIVE ACTION

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

ACCEPTANCE OF USAR 2014 HOMELAND SECURITY GRANTS

WHEREAS, the County of Niagara is required to certify its acceptance of the USAR 2014 Grant through the Department of Homeland Security for the period of 10/16/14 to 8/31/16, at no cost to the County, and

WHEREAS, the grant for USAR 2014 is in the amount of \$99,675 and the funds will be used to purchase a CBRNE specialized mission vehicle for the TRT team, somewhat like the fire investigation vehicle (32M1) capabilities, and to purchase a CBRNE prevention and response watercraft, now, therefore, be it

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

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security DATE: 01/20/15 RESOLUTION#: CSS-010-15

and Administration Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CSS - 1/13/15
AD - 1/13/15

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

ACCEPTANCE OF CI 2014 HOMELAND SECURITY GRANTS

WHEREAS, the County of Niagara is required to certify its acceptance of the CI 2014 Grant through the Department of Homeland Security for the period of 10/16/14 to 8/31/16, at no cost to the County, and

WHEREAS, the grant for CI 2014 is in the amount of \$49,341 and the funds will be used to upgrade the function of the security gates and outdoor cameras around the PSTF and to purchase movable barricades for the PSTF, now, therefore, be it

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

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security DATE: 01/20/15 RESOLUTION #: CSS-011-15

and Administration Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CSS - 1/13/15
AD - 1/13/15

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

ACCEPTANCE OF SHSP 2014 HOMELAND SECURITY GRANTS

WHEREAS, the County of Niagara is required to certify its acceptance of the SHSP 2014 Grant through the Department of Homeland Security for the period of September 1, 2014 to August 31, 2016, at no cost to the County, and

WHEREAS, the grant for SHSP 2014 is in the amount of \$562,651 and the funds will be used for CAD upgrades, MCI truck, trailer and shelter, Haz-Mat equipment and PPE, Repeater/Paging System, GIS modeling equipment and T1 lines and air card expenses, now, therefore, be it

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

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Legislator Richard E. Updegrove, DATE: 01/20/15 RESOLUTION #: IL-003-15
et al.

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 EXTENDING THE NEW YORK STATE BROWNFIELD CLEANUP PROGRAM

WHEREAS, the Niagara County Legislature has identified brownfield remediation and redevelopment as an economic development priority as evidenced by establishment of the Niagara County Brownfields Program in 1999, and

WHEREAS, New York State established the Brownfield Cleanup Program (BCP) under Title 14 of Article 27 of the Environmental Conservation Law as part of the 2003 Superfund/Brownfield Law to encourage and incentivize private sector remediation and development of contaminated real property while reducing development pressure on vacant rural properties, and

WHEREAS, through the BCP taxpayers are offered incentives in the form of tax credits and New York State liability relief to remediate and redevelop brownfield sites where investment would not otherwise be economically feasible and historically has not occurred, and

WHEREAS, for every \$1 in brownfield cleanup tax credits granted, \$10 in private investment followed, and

WHEREAS, this program has successfully fostered ten projects in Niagara County that may not otherwise have come to fruition resulting in an investment of \$590 million and the creation of 969 new jobs, and

WHEREAS, under current law, the BCP tax credits are only available to taxpayers who complete their site remediation activities and receive a Certificate of Completion from the New York State Department of Environmental Conservation on or before December 31, 2015, and

WHEREAS, in June 2014, both Houses of the New York State Legislature passed a bill providing for a 15-month extension for tax credits available under the BCP, with a new sunset date of March 31, 2017, and

WHEREAS, on December 29, 2014, NYS Governor Andrew M. Cuomo vetoed the bill to extend the BCP to March 31, 2017, and

WHEREAS, the veto means any current projects in the program must be completed by December 31, 2015 in order to benefit from the program's tax credits and no new projects are being undertaken because of the pending program expiration, and

WHEREAS, five projects in Niagara County are currently enrolled in the program that have not reached completion and if all program requirements are not met by December 31, 2015, the promised tax credits will be lost, and

WHEREAS, these five projects were conceived because of the BCP tax benefits and liability relief and represent a combined proposed investment of \$54 million and the creation of 109 new jobs, all of which may be jeopardized without an extension of the BCP, and

WHEREAS, New York State needs to consider reforms to the BCP to target incentives to projects that truly need the help and enact a long-term extension of the BCP of at least ten years to provide the certainty needed to plan and reduce risk to developers, and

WHEREAS, without a long term extension of the BCP, investors, lenders, and developers considering contaminated sites will remain uncertain about how much time their projects will have to complete remediation activities and still receive tax credits, and

WHEREAS, extension of the BCP needs to be included as part of the 2015-2016 New York State budget process to help our once great industrial cities rebound, now, therefore, be it

RESOLVED, that the Niagara County Legislature go on record in support of a long term extension of the BCP, and be it further

RESOLVED, that the Niagara County Legislature ask our New York State Legislative Delegation to compel the New York State Legislature to work with Governor Cuomo and the Regulatory Agencies involved to ensure the BCP is included in the 2015-2016 New York State budget, and be it further

RESOLVED, that a copy of this resolution be forwarded to NYS Governor Andrew M. Cuomo, NYS Senator Robert G. Ort, NYS Assemblyman Robin Schimminger, NYS Assemblywoman Jane L. Corwin, NYS Assemblyman John D. Ceretto, NYS Assemblyman Raymond Walter, New York State Department of Environmental Conservation Commissioner Joseph Martens, Sam Hoyt, Empire State Development, and Christina Orsi, Empire State Development.

LEGISLATOR RICHARD E. UPDEGROVE

LEGISLATOR WILLIAM L. ROSS

LEGISLATOR RICHARD L. ANDRES

LEGISLATOR MICHAEL A. HILL

LEGISLATOR JOHN SYRACUSE

LEGISLATOR MARK J. GROZIO

LEGISLATOR JASON A. ZONA

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 RANDY R. BRADT

LEGISLATOR OWEN T. STEED

NIAGARA COUNTY LEGISLATURE

FROM: Legislator Richard L. Andres DATE: 01/20/15 RESOLUTION #: IL-004-15

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 FUNDING HOLIDAY BEAUTIFICATION PROJECT
THROUGH THE USE OF CASINO FUNDING**

WHEREAS, Niagara County is in receipt of funds generated from the Seneca Niagara Casino, as per New York State statute, and

WHEREAS, small businesses are the backbone of the economy and the success of Niagara County, and

WHEREAS, the City of North Tonawanda did embark on a holiday beautification project in preparation of its annual Winter Walk which promotes the holiday season throughout the downtown business district, and

WHEREAS, the beautification project and planned events encourage thousands of people to visit the downtown North Tonawanda area, which increases foot traffic to the local businesses and restaurants and bring in greater sales tax revenue, now, therefore, be it

RESOLVED, that the above initiative be funded with monies as follows:

City of North Tonawanda \$1,500.00

and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01 Appropriated Fund Balance – Committed Funds \$1,500.00

INCREASE APPROPRIATION:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund \$1,500.00

LEGISLATOR RICHARD L. ANDRES

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Richard L. Andres and DATE: 01/20/15 RESOLUTION #: IL-005-15

Randy R. Bradt

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 FUNDING THE COATS FOR KIDS CAMPAIGN
THROUGH THE USE OF CASINO FUNDING

WHEREAS, Niagara County is in receipt of funds generated from the Seneca Niagara Casino, as per New York State statute, and

WHEREAS, the Coats for Kids Campaign started by Reverend Doctor A.W. Moldenhauer of St. Matthew's Lutheran Church and has served thousands of underprivileged kids by providing them with winter coats and shoes to keep them warm and dry during the winter season, and

WHEREAS, the campaign also provides food to those in need during the holiday season, and

WHEREAS, the food, shoes and coats for the drive are all purchased locally from businesses in North Tonawanda, and

WHEREAS, this collaborative effort is a testament to the good men and women of the Police and Fire Department of North Tonawanda and members of the community who are working to meet the needs of the neediest among us, now, therefore, be it

RESOLVED, that the above initiative be funded with monies as follows:

North Tonawanda Police Benevolent Association \$500.00

and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01 Appropriated Fund Balance – Committed Funds \$500.00

INCREASE APPROPRIATION:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund \$500.00

LEGISLATOR RICHARD L. ANDRES

LEGISLATOR RANDY R. BRADT

NIAGARA COUNTY LEGISLATURE

FROM: Legislator Randy R. Bradt DATE: 01/20/15 RESOLUTION #: IL-006-15

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

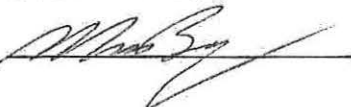
COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____



RESOLUTION IN SUPPORT OF FUNDING SPORT FISHING PROMOTION THROUGH THE USE OF CASINO FUNDS

WHEREAS, Niagara County is in receipt of funds generated from the Seneca Niagara Casino, as per New York State statute, and

WHEREAS, Niagara County is always looking for ways to increase the tourism industry throughout the county, and

WHEREAS, sport fishing is a large tourist draw in Niagara County as evident by the numerous derbies and tournaments which take place annually throughout the county, and

WHEREAS, these sport fishing events benefit hotels, restaurants and retail businesses throughout Niagara County and provide substantial sales tax revenue, and

WHEREAS, the economies of New York State and Niagara County are heavily reliant upon Lake Ontario, Lake Erie, the Niagara River waterway, and the Tonawanda Creek, and

WHEREAS, the economic impact of sport fishing on those counties bordering Lake Ontario alone is in the tens of millions of dollars annually, and

WHEREAS, the Niagara Tourism and Convention Corporation is tasked with promoting sport fishing throughout the County of Niagara, now, therefore, be it

RESOLVED, that Niagara County is desirous of promoting economic initiatives, especially as a partner that will bring returns such as sales tax revenues to our citizens as well as visitors, and be it further

RESOLVED, that the above initiative be funded with monies as follows:

NTCC – Sport Fishing	\$5,500.00
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and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01	Appropriated Fund Balance – Committed Funds	\$5,500.00
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INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15	Seneca Niagara Community Development Fund	\$5,500.00
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LEGISLATOR RANDY R. BRADT

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Wm. Keith McNall, _____ DATE: 01/20/15 RESOLUTION #: IL-007-15
Richard E. Updgrove, Anthony J. Nemi,
Randy R. Bradt, Kathryn L. Lance and Richard L. Andres
APPROVED BY _____ REVIEWED BY _____ COMMITTEE ACTION _____ LEGISLATIVE ACTION -
CO. ATTORNEY _____ CO. MANAGER _____ Approved: Ayes _____ Abs. _____ Noes _____
Rejected: Ayes _____ Abs. _____ Noes _____
Referred: _____

RESOLUTION IN SUPPORT OF YWCA OF NIAGARA THROUGH THE USE OF CASINO FUNDS

WHEREAS, Niagara County is in receipt of funds generated from the Seneca Niagara Casino, as per New York State Finance Law § 99-h, and

WHEREAS, the YWCA of Niagara did, in 2005, establish Carolyn's House, a 19-unit apartment building with three-, two-, and one-bedroom and studio apartments for low-income women and their children, and provides support programs that address poverty reduction and improve the potential of economic self-sufficiency, and

WHEREAS, Carolyn's House is unique in that it provides on-site support services designed to transition homeless and low income women to independence through extensive case management and counseling, vocational culinary training, employment preparation programs promoting occupations with a living wage, remedial education and GED, financial literacy, parenting and health and wellness programs, and

WHEREAS, 2015 does mark the 10th anniversary of the Carolyn's House initiative, and

WHEREAS, in a decade of operation, Carolyn's House has provided 127 women and 196 children with support services in a safe and secure environment, with more than 75% having moved on to independent living, and has seen a substantial proportion of Carolyn's House residents succeed in obtaining work in the food service industry, and

WHEREAS, this Legislature does endorse, as essential to economic development, those non-governmental services that successfully transition individuals to fuller participation in the economy and a self-sufficient lifestyle, and

WHEREAS, the YWCA of Niagara has demonstrated a commitment to moving people beyond government services and into successful self-reliance, now, therefore, be it

RESOLVED, that Niagara County believes a financial commitment to the ongoing mission of the YWCA of Niagara is of value to the public at large, and be it further

RESOLVED, that the above initiative be funded with monies as follows:

YWCA of Niagara	\$10,000.00
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and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01 Appropriated Fund Balance - Committed Funds

INCREASE APPROPRIATIONS:

A.28.8020.812 74400.15 Seneca Niagara Community Development Fund

LEGISLATOR WM. KEITH McNALL

LEGISLATOR RICHARD E. UPDEGROVE

LEGISLATOR ANTHONY J. NEMI

LEGISLATOR RANDY R. BRADT

LEGISLATURE KATHRYN L. LANCE

LEGISLATOR RICHARD L. ANDRES

NIAGARA COUNTY LEGISLATURE

FROM: Legislator Randy R. Bradt & DATE: 01/20/15 RESOLUTION #: IL-008-15
Legislator Richard L. Andres

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 FUNDING NORTH TONAWANDA ATHLETIC ASSOCIATION SAFETY AND TRAINING EQUIPMENT PROVISION THROUGH THE USE OF CASINO FUNDS

WHEREAS, Niagara County is in receipt of funds generated from the Seneca Niagara Casino, as per New York State statute, and

WHEREAS, "quality of life" is a critical component of economic development strategy, with "Area Development" magazine noting in a January 2009 article that "While companies seldom base their site-selection decisions solely on quality-of-life issues - housing, schools, healthcare, amenities, crime - these factors do play an increasingly important role in this decision-making process, especially for those dependent on the talents of highly educated workers," and

WHEREAS, Niagara County supports those activities designed to enhance quality of life for residents as a critical facet in convincing businesses to locate high-wage jobs in this county, and deems a "family-friendly" environment essential to the economic development of the Western New York region, and

WHEREAS, youth athletics have long been a critical part of the appeal of municipalities in this county as "bedroom communities" for the local workforce, and

WHEREAS, North Tonawanda Athletic Association youth football and cheerleading has long provided youth athletics for boys and girls ages 6 to 13, encouraging physical fitness, competition, and respect for rules and authority, and providing a positive outlet for energetic youth, with competition throughout Niagara County and northern Erie County, and

WHEREAS, adequate safety and training equipment is essential to the management of youth athletics and to lower liabilities, now, therefore, be it

RESOLVED, that Niagara County supports youth athletics and specifically wishes to see North Tonawanda Athletic Association sports continue to provide a positive outlet for youth that enhances quality of life in the Western New York region, and be it further

RESOLVED, that the above initiative be funded with monies as follows:

NTAA Youth Athletics	\$5,000.00
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and be it further

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

INCREASE APPROPRIATED FUND BALANCE:

A.28.8020.812 40599.01 Appropriated Fund Balance - Committed Funds

INCREASE APPROPRIATIONS:


A.28.8020.812 74400.15 Seneca Niagara Community Development Fund

LEGISLATOR RANDY R. BRADT

LEGISLATOR RICHARD L. ANDRES

NIAGARA COUNTY LEGISLATURE

FROM: Legislator John Syracuse DATE: 01/20/15 RESOLUTION # IL-009-15

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

A LOCAL LAW AMENDING LOCAL LAW NO. 4 OF 2003 ESTABLISHING AN ADMINISTRATIVE CODE FOR THE COUNTY OF NIAGARA

WHEREAS, the County Legislature of the County of Niagara, enacted Local Law No. 4 of 2003 establishing an Administrative Code for the County of Niagara;

WHEREAS, the County Legislature of the County of Niagara, amended Local Law No. 4 of 2003 by Local Law No. 1 of 2006, Local Law No. 5 of 2008, and Local Law No. 2 of 2011;

WHEREAS, the County Legislature of the County of Niagara, does hereby rename the Public Works Committee as the Infrastructure and Facilities Committee;

WHEREAS, the County Legislature of the County of Niagara, does hereby remove the Information Technology, from the jurisdiction of the Administration Committee and does hereby designate the Infrastructure and Facilities Committee for the oversight and jurisdiction of Information Technology;

WHEREAS, the County Legislature of the County of Niagara, does hereby create a Buildings and Grounds department and does hereby designate the Infrastructure and Facilities Committee for the oversight and jurisdiction of such Buildings and Grounds Department;

WHEREAS, the County Legislature of the County of Niagara, does hereby designate the County Manager to make the appointment for the Director of Buildings and Grounds Department and therefore Section A3-3 (i) shall be amended to reflect such addition;

WHEREAS, the County Legislature of the County of Niagara, by Local Law No. 5 of 2008, did delete the Title of Commissioner Parks and Recreation, therefore the County Manager no longer makes an appointment for such position and therefore Section A3-3 (i) shall be amended to reflect such deletion;

WHEREAS, the County Legislature of the County of Niagara, does hereby designate the County Manager to appointment the Director of Risk and Insurance Services and therefore Section A3-3 (i) shall be amended to reflect such appointment;

WHEREAS, the County Legislature of the County of Niagara, does hereby amend Local Law No. 4 of 2003 establishing an Administrative Code for the County of Niagara, as amended by Local Law No. 1 of 2006, Local Law No. 5 of 2008, and Local Law No. 2 of 2011, by a Local Law of the County of Niagara, New York for the year 2015 as follows:

ARTICLE II. THE COUNTY LEGISLATURE

§A2-9. Committees of the County Legislature: Jurisdiction, Powers and Duties

A. The jurisdiction of the committees shall be as follows:

(1) Administration

- (a) County Manager
- (b) County Attorney
- (c) Management & Budget
- (d) Treasurer
- (e) Audit
- (f) Real Property
- ~~(g) Information Technology~~
- ~~(hg) Clerk of the Legislature~~
- ~~(ih) Printing/Mailing~~
- ~~(ji) Human Resources~~
- ~~(kj) Civil Service~~
- ~~(lk) Risk Management~~
- ~~(ml) Board of Elections~~

.....

(5) Public Works Infrastructure and Facilities

- (a) Public Works
- (b) Parks/Golf Course
- (c) Refuse District
- (d) Water District
- (e) Sewer District
- (f) Weights and Measures
- (g) Information Technology**
- (h) Buildings and Grounds**

A3-3. Powers and Duties

1. Without curtailing, diminishing or transferring the powers of any elected County official, the County Manager shall be responsible for the overall administration of county government and shall provide and coordinate staff services to the County Legislature, Chair of the Legislature and its committees. The County Manager shall perform all the duties now and hereafter conferred or imposed upon the officer by law and directed by the County Legislature and shall have all powers and perform all the duties necessarily implied or incidental thereto. Among such powers and duties, but not by way of limitation, are:

- (a) To serve as the Chief Executive and Administrative Director of County Government;
- (b) To exercise supervision and control over the activities of County department directors and supervise the administration of all units of County government to most effectively implement the directives of the Legislature in accordance with applicable law, but shall not exercise administrative control over the County Auditor, the County Treasurer, the County Attorney, the District Attorney, the County Sheriff, the Public Defender, the County Clerk, or any other publicly elected official;
- (c) To determine which employees of the County shall perform particular duties not clearly defined by law or this Local Law;
- (d) To execute and enforce all Local Laws, legalizing acts, ordinances and resolutions of the County Legislature and all other acts required by law;
- (e) To serve as an advisor to the County Legislature and develop policy and procedural recommendations for consideration of the Legislature;

(f) To undertake research and submit to the County Legislature reports and recommendations regarding governmental operations as may be deemed appropriate or the County Legislature may request, and provide such assistance to the Legislature and its committees as may be requested by the Legislature;

(g) To serve as liaison between the County Legislature and the boards, commissions, agencies, and advisory committees established by the Legislature;

(h) To maintain liaison and represent the County Legislature in contacts with political subdivisions, State and Federal officials and agencies;

(i) To make appointments for the heads of units of County government listed below, subject to the confirmation of the County Legislature:

1. Director of the Office of the Aging
2. Commissioner of Public Works
3. Director of Information Technology
4. Director of Human Resources
5. Director of Employment and Training
- ~~6. Fire Coordinator and Director of Emergency Services~~
- ~~6.~~ Director of Homeland Security & Emergency Management
- ~~7. Commissioner of Parks and Recreation~~
- ~~8. Director of Planning, Development, and Environmental Services~~
- ~~87.~~ Commissioner of Economic Development
- ~~9.8~~ Director of Probation II
- ~~109.~~ Director of Real Property Tax Services III
- ~~1110.~~ Commissioner of Social Services
- ~~12.~~ Director of Veterans Services
- ~~11.~~ Director of Veterans' Services Agency
- ~~132.~~ County Historian
- ~~14.~~ Risk & Insurance Services
- ~~1413.~~ Director of Risk & Insurance Services
- ~~146.~~ Director of the Office of Management and Budget
- 15. Director of Building and Grounds**

and such other officers, department heads and employees as the County Legislature shall designate by Local Law or Resolution, with the exception that the County Legislature retains appointing and removal powers for the position of Civil Service Personnel Officer pursuant to the Civil Service Law of the State of New York.

.....

RESOLVED, that the Niagara County Legislature shall conduct a public hearing upon said proposed Local Law at the Legislative Chambers, Courthouse, Lockport, New York, on the 17th day of February, 2015, at 6:30 p.m., and be it further

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

This Local Law shall take effect immediately.

LEGISLATOR JOHN SYRACUSE

NIAGARA COUNTY LEGISLATURE

FROM: Legislators John Syracuse, Richard E. Updegrove & Anthony J. Nemi DATE: 01/20/2015 RESOLUTION # IL-010-15

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

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

**A LOCAL LAW OF THE COUNTY OF NIAGARA COUNTY, NEW YORK, ALLOWING FOR
COMMON, SAFE ITEMS TO BE EXCLUDED FROM THE DANGEROUS FIREWORKS
DEFINITION AS PERMITTED BY NEW YORK STATE PENAL LAW SECTION 405 (b)**

WHEREAS, the County Legislature of the County of Niagara presents the following local law for the year 2015:

Section 1. Legislative Intent:

- A. Whereas, on November 21, 2014 Governor Cuomo signed into law Chapter 477 of the Laws of 2014 (S.7888/A10141).
- B. Whereas, this state law amended the State Penal Law, the Executive Law and the General Business Law placing further restrictions on dangerous fireworks while at the same time recognizing that certain fireworks should not be labeled dangerous when they pose little to no danger to the public and by labeling them dangerous only restricts business and personal enjoyment.
- C. Whereas, the Governor signed this version of the bill into law in part due to its strong home rule authority, only allowing for certain fireworks to be sold and used in municipalities that affirmatively enact a local law authorizing such action.
- D. In keeping with Chapter 477 of the Laws of 2014, and Penal Code Section 405 this Board further finds and determines that "sparkler devices" may be sold and enjoyed, only in the manner described below, within Niagara County.
- E. This Board finds that allowing our residents the use of safe "sparkler devices" will benefit them and our local businesses.
- F. The National Fire Protection Association adopted a recommended safety code (NFPA 1124) for the manufacture, transportation, storage and retail sales of fireworks.
- G. Whereas, this local law and State Chapter 477 of the Laws of 2014 are compliant with the safety standards established in NFPA 1124.
- H. This Board further finds that the sale and use of "sparkler devices" is permitted with the following restrictions:
 - 1) Sales will only be permitted on or between June 1st through July 5th and December 26th and January 2nd of each calendar year.
 - 2) All distributors manufacturers and retailers must be licensed though the New York Department of State.
 - 3) Only those 18 years of age or older may purchase said products.

Section 2. Definitions:

"Sparkling Devices" are defined as follows:

"Sparkling Devices" which are ground-based or hand-held devices that produce a shower of white, gold, or colored sparks as their primary pyrotechnic effect. Additional effects may include a colored flame, an audible crackling effect, an audible whistle effect, and smoke. These devices do not rise into the air, do not fire inserts

or projectiles into the air, and do not explode or produce a report (an audible crackling-type effect is not considered to be a report). Ground-based or hand-held devices that produce a cloud of smoke as their sole pyrotechnic effect are also included in this category. Types of devices in this category include:

- (1) cylindrical fountain: cylindrical tube containing not more than seventy-five grams of pyrotechnic composition that may be contained in a different shaped exterior such as a square, rectangle, cylinder or other shape but the interior tubes are cylindrical in shape. Upon ignition, a shower of colored sparks, and sometimes a whistling effect or smoke, is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle to be hand held (handle fountain). When more than one tube is mounted on a common base, total pyrotechnic composition may not exceed two hundred grams, and when tubes are securely attached to a base and the tubes are separated from each other on the base by a distance of at least half an inch (12.7 millimeters), a maximum total weight of five hundred grams of pyrotechnic composition shall be allowed.
- (2) cone fountain: cardboard or heavy paper cone containing not more than fifty grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain. When more than one cone is mounted on a common base, total pyrotechnic composition may not exceed two hundred grams, as is outlined in this subparagraph.
- (3) wooden sparkler/dipped stick: these devices consist of a wood dowel that has been coated with pyrotechnic composition. Upon ignition of the tip of the device, a shower of sparks is produced. Sparklers may contain up to one hundred grams of pyrotechnic composition per item.
- (4) novelties which do not require approval from the United States department of transportation and are not regulated as explosives, provided that they are manufactured and packaged as described below:

A) party popper: small devices with paper or plastic exteriors that are actuated by means of friction (a string or trigger is typically pulled to actuate the device). They frequently resemble champagne bottles or toy pistols in shape. Upon activation, the device expels flame-resistant paper streamers, confetti, or other novelties and produces a small report. Devices may contain not more than sixteen milligrams (0.25 grains) of explosive composition, which is limited to potassium chlorate and red phosphorus. These devices must be packaged in an inner packaging which contains a maximum of seventy-two devices.

(B) snapper: small, paper-wrapped devices containing not more than one milligram of silver fulminate coated on small bits of sand or gravel. When dropped, the device explodes, producing a small report. Snappers must be in inner packages not to exceed fifty devices each, and the inner packages must contain sawdust or a similar, impact-absorbing material.

Section 3. Separability

If any part of or provisions of this law, or the application thereof to any person or circumstance, shall be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part of or provision of, or application directly involved in the controversy in which such the remainder of this law, or the application thereof to other persons or circumstances.

Section 4. Effective Date.

This law shall take effect immediately upon filing with the Secretary of State.

RESOLVED, that the Niagara County Legislature shall conduct a public hearing upon said proposed Local Law at the Legislative Chambers, Courthouse, Lockport, New York, on the 17th day of February, 2015, at 6:45 p.m., and be it further

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

LEGISLATOR JOHN SYRACUSE

LEGISLATOR RICHARD E. UPDEGROVE

LEGISLATOR ANTHONY J. NEMI