

AGENDA
NIAGARA COUNTY LEGISLATURE
OCTOBER 2, 2012 – 7:00 P.M.


Resolutions not on previous agenda:

CSS-038-12 Community Safety & Security, re Aid to Defense Program Renewal 2012-2013 Public Defender
 – Approved

Regular Meeting – October 2, 2012

- CS-029-12** Community Services & Administration, re Lease Agreement for Niagara County Inactive Records Management Program
- ED-021-12** Economic Development & Administration, re Resolution of the Niagara County Legislature, as the Elected Legislative Body of Niagara County, New York, in Accordance with Section 147(f) of the Internal Revenue Code of 1986, as Amended (the “Code”), Approving the Issuance by the Niagara Area Development Corporation of up to \$165,010,000 Tax-Exempt Solid Waste Disposal Revenue Bonds (Covanta Holding Corporation Project), Series 2012
- IL-057-12** Legislators David E. Godfrey & Michael A. Hill, re In Support of Funding the Redesign and Upgrade of the Niagara County Website to Meet New State Open Government Requirements
- IL-058-12** Legislators Wm. Keith McNall, Anthony J. Nemi & Richard E. Updegrove, re In Support of the Historic Palace Theatre through the use of Casino Funding
- IL-059-12** Legislators Peter E. Smolinski & Paul B. Wojtaszek, re In Support of Funding the North Tonawanda History Museum through the use of Casino Revenue
- IL-060-12** Legislators David E. Godfrey, Michael A. Hill, William L. Ross & John Syracuse, re Resolution Using Casino Funding in Support of a County-Wide Rural Broadband Inclusive Internet Initiative Project that will Generate Economic Development in the Niagara-Orleans Region
- IL-061-12** Legislator Cherée J. Copelin, re In Support of the LaSalle Business and Professional Association through the use of Casino Funding
- IL-062-12** Legislators Paul B. Wojtaszek, Michael A. Hill & David E. Godfrey, re Calling for the New York State Legislature and the Governor to Grant all Counties the Authority to impose a Local 9-1-1 Surcharge to Support 9-1-1 and Public Safety Communications

- IL-063-12** Legislators Paul B. Wojtaszek, Cherée J. Copelin & Michael A. Hill, re Calling on the Governor and the New York State Legislature to Enact Legislation that will bring Mandate Relief to County Probation Departments
- IL-064-12** Legislators Paul B. Wojtaszek, Peter E. Smolinski & Kathryn L. Lance re Resolution in Support of Twin Cities Community Outreach through the use of Casino Funding
- IL-065-12** Legislator Anthony J. Nemi, re Resolution in Support of Funding the Winter Wonderland Project through the use of Casino Funding
- IL-066-12** Legislator David E. Godfrey, re Calling for Immediate Federal Assistance for Harbor Maintenance Dredging
- IL-068-12** Legislators David E. Godfrey & William L. Ross, re Urging New York State to ban the Manufacturing, Distribution, Sale and Possession of Dangerous Unregulated Synthetic Drugs
- PW-084-12** Public Works, re Consultant Selection for Youngstown Road Bridge Rehabilitation Project


Mary Jo Tamburlin, Clerk
Niagara County Legislature

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

The next meeting of the Legislature will be held on October 16, 2012.

NIAGARA COUNTY LEGISLATURE

FROM: Community Services and Administration DATE: 10/02/12 RESOLUTION # CS-029-12

Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CS - 10/2/12
AD - 10/2/12

LEGISLATIVE ACTION

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

**LEASE AGREEMENT FOR NIAGARA COUNTY
INACTIVE RECORDS MANAGEMENT PROGRAM**

WHEREAS, the Niagara County Clerk serves as the Records Management Officer (RMO) for over 40 County departments pursuant to Article 57-A of the Arts and Cultural Affairs Law, and Resolution AD-035-96 "Adoption Of A Local Law Providing For The Creation Of A Records Management Program In the County of Niagara", and

WHEREAS, the sale of property currently housing all municipal records under the custodial care of the RMO and the Niagara County Records Management Program is imminent, and

WHEREAS, both current physical plants housing records are to capacity, with the oldest 80 year old structure proving to be inadequate for heating, cooling and humidity control, now, therefore, be it

RESOLVED, that the County Manager, County Attorney and Risk Management recommends a lease agreement be entered into with Clear Opportunity Properties LLC, and be it further

RESOLVED, that prior to the execution of the lease agreement, the County Attorney will review 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 Legislature be, and hereby is, authorized to execute the lease agreement.

COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Economic Development and

DATE: 10/2/12

RESOLUTION # ED-021-12

Administration Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
ED - 9/18/12
AD - 10/2/12

LEGISLATIVE ACTION

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

RESOLUTION OF THE NIAGARA COUNTY LEGISLATURE, AS THE ELECTED LEGISLATIVE BODY OF NIAGARA COUNTY, NEW YORK, IN ACCORDANCE WITH SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED (THE "CODE"), APPROVING THE ISSUANCE BY THE NIAGARA AREA DEVELOPMENT CORPORATION OF UP TO \$165,010,000 TAX-EXEMPT SOLID WASTE DISPOSAL REVENUE BONDS (COVANTA HOLDING CORPORATION PROJECT), SERIES 2012

WHEREAS, the Niagara County Legislature (the "Legislature"), as the elected legislative body of Niagara County, New York (the "County") has been advised by the Niagara Area Development Corporation (the "Issuer") that, in order to assist in the financing of a certain Project (as defined below) for the benefit of Covanta Holding Corporation, a corporation organized and existing under and by virtue of the laws of the State of Delaware (for itself, an affiliate or an entity on its behalf), and authorized to conduct business in the State of New York (the "Company"), the Issuer proposes to issue, contingent upon the adoption of this Resolution by the Legislature, its Tax-Exempt Solid Waste Disposal Revenue Bonds (Covanta Holding Corporation Project), Series 2012, in an aggregate principal amount not to exceed \$165,010,000 (the "Bonds"), and

WHEREAS, proceeds of the Bonds will finance a certain project (the "Project") consisting of the current refunding of the outstanding principal amount of the following bonds issued by the Niagara County Industrial Development Agency ("NCIDA"): (i) \$40,000,000 (original principal amount) Solid Waste Disposal Facility Revenue Refunding Bonds (American Ref-Fuel Company of Niagara, L.P. Facility), Series 2001A (the "Series 2001A Bonds"); (ii) \$45,000,000 (original principal amount) Solid Waste Disposal Facility Revenue Refunding Bonds (American Ref-Fuel Company of Niagara, L.P. Facility), Series 2001B (the "Series 2001B Bonds"); (iii) \$45,000,000 (original principal amount) Solid Waste Disposal Facility Revenue Refunding Bonds (American Ref-Fuel Company of Niagara, L.P. Facility), Series 2001C (the "Series 2001C Bonds"); and (iv) \$35,010,000 (original principal amount) Solid Waste Disposal Facility Revenue Refunding Bonds (American Ref-Fuel Company of Niagara, L.P. Facility), Series 2001D (the "Series 2001D Bonds" and, collectively with the Series 2001A Bonds, the Series 2001B Bonds and the Series 2001C Bonds, the "Series 2001 Bonds"); the proceeds of the Series 2001A Bonds were used to currently refund the NCIDA's \$40,000,000 original principal amount Solid Waste Disposal Facility Revenue Bonds (American Ref-Fuel Company of Niagara, L.P. Facility), Series 1996D (the "Series 1996D Bonds"); the proceeds of the Series 2001B and 2001C Bonds were used to currently refund the NCIDA's (a) outstanding aggregate principal amount \$45,000,000 Solid Waste Disposal Facility Revenue Bonds (American Ref-Fuel Company of Niagara, L.P. Facility), Series 1994B (the "Series 1994B Bonds"), and (b) the outstanding aggregate principal amount \$45,000,000 Solid Waste Disposal Facility Revenue Bonds (American Ref-Fuel Company of Niagara, L.P. Facility), Series 1994C (the "Series 1994C Bonds"); and the Series 2001D Bonds were issued to currently refund the \$35,010,000 original principal amount Solid Waste Disposal Facility Revenue Bonds (American Ref-Fuel Company of Niagara, L.P. Facility), Series 1994A (the "Series 1994A Bonds"); the proceeds of the Series 1994A Bonds refunded the NCIDA's \$38,545,000 (original principal amount) Industrial Development Revenue Refunding Bonds (American Ref-Fuel Company of Niagara, L.P. Project), Series 1993 (the "Series 1993 Bonds"), which were issued to currently refund the NCIDA's \$55,800,000 (original principal amount) Industrial Development Revenue Bonds (Hooker Energy-From-Waste Project), Series 1980 (the "Series 1980 Bonds"); the 1980 Bonds were initially issued to

finance a portion of the costs of a project consisting of the design, construction or acquisition and installation of (A) certain facilities for the disposal of solid waste and equipment functionally related and subordinate thereto (the "Waste Project") and (B) additional facilities to be used for the recovery of steam and ferrous metals as by-products of the disposal of solid waste (all, collectively with the Waste Project, the "Original Facility"), which Original Facility is presently comprised of approximately 176,525 square feet of space (the "Building") and is situate on an approximately 11.60-acre parcel of land located at 100 Energy Boulevard at 56th Street in the City of Niagara Falls, Niagara County, New York (the "Land"); the proceeds of the Series 1994B and Series 1994C Bonds were used to provide funds for the renovation, retrofit, construction of additions and improvements to the Original Facility including the construction of two new Duesseldorf Roller Grate System waste boilers as well as state of the art air pollution control equipment that enabled the Facility to meet stringent environmental standards and commitments; the proceeds of the Series 1996D Bonds were used to provide additional funds to finance a portion of the costs of renovating, retrofitting, constructing and equipping additions of approximately 100,000 square feet and improvements to the Original Facility including, but not limited to, the installation of the aforementioned DBA boilers together with a related refuse storage and feeding system, an ash residue handling system and the acquisition, and installation in and around the Original Facility of certain items of machinery, equipment and other tangible personal property, all for the processing and disposal of solid waste and the recovery therefrom of energy and ferrous metals (collectively, the Original Facility together with the additions and improvements made thereto are hereinafter referred to as, the "Facility"), and

WHEREAS, pursuant to Section 147(f) of the Code, interest on the Bonds will not be excluded from gross income for federal income tax purposes unless the issuance of the Bonds is approved by the Legislature after a public hearing to consider the issuance of the Bonds has been conducted following reasonable public notice, and

WHEREAS, on October 2, 2012 at 4:30 p.m., the Issuer held such a public hearing upon proper notice in compliance with the Code, and

WHEREAS, to aid the Legislature in its deliberations, the Issuer has made available to the members of the Legislature prior to this meeting (a) the Company's application to the Issuer for financial assistance; (b) the notice of public hearing published by the Issuer on September 15, 2012 in the Niagara Gazette, along with the affidavit of publication of such newspaper; and (c) minutes of the Public Hearing, attended on behalf of the Issuer by Susan Langdon, Director of Project Development for the Issuer, and

WHEREAS, the Legislature, after due consideration of the foregoing, as the "applicable elected representative" of the County, within the meaning of Section 147(f)(2)(E) of the Code, desires to approve the issuance of the Bonds, provided the principal, premium, if any, and interest on the Bonds shall be special obligations of the Issuer and shall never be a debt of the State of New York (the "State") or any political subdivision thereof, including without limitation, the County and neither the State nor any political subdivision thereof, including without limitation, the County shall be liable thereon.

NOW, THEREFORE, BE IT RESOLVED BY THE NIAGARA COUNTY LEGISLATURE:

Section 1. For the purpose of satisfying the approval requirement of Section 147(f) of the Code, on the recommendation of the Economic Development Committee and the Administration Committee, the Legislature (as the elected legislative body of Niagara County, New York) hereby gives its approval of the issuance by the Issuer of its Bonds and related acts to be taken by the Issuer as part of the Project; provided, that the Bonds, and the premium (if any) and interest thereon, shall be special obligations of the Issuer and shall never be a debt of the State or any political subdivision thereof, including without limitation, the County, and neither the State nor any political subdivision thereof, including without limitation, the County, shall be liable thereon. This approval is given pursuant to Section 147(f) of the Code for the sole purpose of qualifying the

interest payable on the Bonds for exclusion from gross income for Federal income tax purposes pursuant to the provisions of Sections 103 and 141-150 of the Code.

Section 2. This Resolution shall be deemed to be made for the benefit of the holders of the Bonds.

Section 3. This Resolution shall take effect immediately.

ECONOMIC DEVELOPMENT COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Legislators David E. Godfrey and Michael A. Hill DATE: 10/02/12 RESOLUTION # IL-057-12

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 REDESIGN AND UPGRADE OF THE
NIAGARA COUNTY WEBSITE TO MEET NEW STATE OPEN GOVERNMENT REQUIREMENTS**

WHEREAS, this Legislature strives to maximize both the transparency of government operations and the opportunities for the public to interact with the Government of the County of Niagara, its departments, and its elected leaders and appointed officials, and

WHEREAS, the New York State Public Officers Law, Article 7 (The "Open Meeting Law") §103(e), as amended effective February 2, 2012, does direct, "Agency records available to the public pursuant to article six of this chapter, as well as any proposed resolution, law, rule, regulation, policy or any amendment thereto, that is scheduled to be the subject of discussion by a public body during an open meeting shall be made available, upon request therefor, to the extent practicable as determined by the agency or the department, prior to or at the meeting during which the records will be discussed. Copies of such records may be made available for a reasonable fee, determined in the same manner as provided therefor in article six of this chapter; if the agency in which a public body functions maintains a regularly and routinely updated website and utilizes a high speed internet connection, such records shall be posted on the website to the extent practicable as determined by the agency or the department, prior to the meeting. An agency may, but shall not be required to, expend additional moneys to implement the provisions of this subdivision," with failure to enact this provision enforceable by commencement of an Article 78 hearing and subsequent legal action, and

WHEREAS, while Niagara County has taken reasonable steps to be compliant with state law, the current Niagara County webpage design is several years old and no longer optimally user-friendly, particularly in light of the revisions to §103(e), and

WHEREAS, the elected representatives of the citizens of the State of New York have, in enacting §103(e), made clear that their constituents expect greater opportunities to interface with their governments online, and

WHEREAS, the County of Niagara believes that a well-designed, user-friendly webpage is, in addition to a necessity for the foregoing reasons, also advantageous for the purposes of interacting with and promoting those governmental and extra-governmental agencies charged with economic development missions, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara directs that an upgrade of the existing Niagara County webpage shall commence, including the issuance of Requests for Proposals, and be it further

RESOLVED, that Niagara County further directs the creation of a Website Update Committee, and that the voting members of the same shall consist of the Public Information Officer, the Director of Information Technology, and the Clerk of the Legislature, and the same shall supervise the selection of a third-party vendor for website redesign, and supervise said redesign, and be it further

RESOLVED, that the following budget modification be effectuated to the Public Information and Services 2012 budget:

FROM:

A.08.1990.000.74500.01	Contingency	\$20,000
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TO:

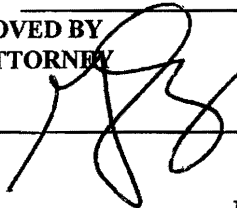
A.01.1480.000.74500.01	Contractual Expense	\$20,000
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LEGISLATOR DAVID E. GODFREY

LEGISLATOR MICHAEL A. HILL

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Wm. Keith McNall, Anthony J. Nemi and Richard E. Updegrove DATE: 10/02/12 RESOLUTION # IL-058-12

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 HISTORIC PALACE THEATRE THROUGH THE USE OF CASINO FUNDING

WHEREAS, the Historic Palace Theatre was built in downtown Lockport in 1925 and in 2003 was purchased by and for the community as a result of a successful capital campaign project, and

WHEREAS, this theatre continues to be an architectural treasure and a focal point for arts and entertainment in Niagara County, and

WHEREAS, casino revenue funding from Niagara County will allow the Historic Palace Theatre to continue to thrive as a center of economic and social life in downtown Lockport and provide financial assistance for an upgrade of their phone system, and

WHEREAS, this upgrade will allow the Historic Palace Theatre to better serve its customers with improved access to event listings, show times and tickets, which will result in increased sales and improved sales tax revenue for Niagara County, 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, and be it further

RESOLVED, that Niagara County supports the Historic Palace Theatre as follows:

Historic Palace Theatre Phone System Upgrade	\$4,500
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and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2012 budget:

INCREASE REVENUE:

A.40599.00	Appropriated Fund Balance	\$4,500
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INCREASE APPROPRIATION:

A.28.8020.812.74400.08	Seneca Niagara Monies	\$4,500
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LEGISLATOR WILLIAM KEITH McNALL

LEGISLATOR ANTHONY J. NEMI

LEGISLATOR RICHARD E. UPDEGROVE

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Peter E. Smolinski and DATE: 10/02/12 RESOLUTION # IL-059-12

Paul B. Wojtaszek

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes Abs. Noes

Rejected: Ayes Abs. Noes

Referred:

Matthew D. Alekuda

RESOLUTION IN SUPPORT OF FUNDING THE NORTH TONAWANDA HISTORY MUSEUM
THROUGH THE USE OF CASINO REVENUE

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

WHEREAS, the North Tonawanda History Museum is committed to assemble, preserve, protect and exhibit collections pertaining to the history of North Tonawanda, its people and community life, and

WHEREAS, the North Tonawanda History Museum is at the Gateway of Niagara County and is also a tourist information center for the county, and

WHEREAS, it is a depository for many books on the history of North Tonawanda and Niagara County, several of which were written by the History Museum staff, now, therefore, be it

RESOLVED, that Niagara County supports the North Tonawanda History Museum as follows:

North Tonawanda History Museum \$3,000

and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2012 budget:

INCREASE REVENUE:

A 40599.00 Appropriated Fund Balance \$3,000

INCREASE APPROPRIATION:

A.28.8020.812 74400.08 Seneca Niagara Monies \$3,000

LEGISLATOR PETER E. SMOLINSKI

LEGISLATOR PAUL B. WOJTASZEK

NIAGARA COUNTY LEGISLATURE

FROM: Legislators David E. Godfrey,
Michael A. Hill, William L. Ross and
John Syracuse

DATE: 10/02/12

RESOLUTION # IL-060-12

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

**RESOLUTION USING CASINO FUNDS IN SUPPORT OF A COUNTY-WIDE RURAL
BROADBAND INCLUSIVE INTERNET INITIATIVE PROJECT THAT WILL GENERATE
ECONOMIC DEVELOPMENT IN THE NIAGARA-ORLEANS REGION**

WHEREAS, the Niagara-Orleans Regional Alliance (NORA) was formed as a collaborative to pursue activities and projects of common interest in the most cost effective and efficient manner possible, and

WHEREAS, there is a common interest in escalating economic development, providing better access to regional and global markets, job growth, increased educational opportunity and enhancing property value, and

WHEREAS, appropriate transportation and telecommunication/Internet infrastructure are key contributors to prosperity in these areas, and

WHEREAS, initial investigations imply that vast areas of our counties lack adequate access to stable, affordable, premises-based broadband Internet services despite the presence of Time-Warner cable modem and Verizon DSL service in population centers, and

WHEREAS, constituent legislators and key stakeholders lack adequately-detailed and concrete data upon which to properly strategize the most beneficial solution(s) for their region, now, therefore, be it

RESOLVED, that NORA is creating a program management structure and needs a funding source sufficient to complete a detailed study for the purpose of providing authoritative and detailed data and business intelligence upon which future solution strategies may be based, and be it further

RESOLVED, that Niagara County supports the following:

County-wide Rural Broadband Inclusive Internet Initiative \$2,500

and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2012 budget

INCREASE REVENUE:

A 40599.00 Appropriated Fund Balance \$2,500

INCREASE APPROPRIATION:

A.28.8020.812 74400.08 Seneca Niagara Monies \$2,500

LEGISLATOR DAVID E. GODFREY

LEGISLATOR MICHAEL A. HILL

LEGISLATOR WILLIAM L. ROSS

LEGISLATOR JOHN SYRACUSE

NIAGARA COUNTY LEGISLATURE

FROM: Legislator Cheree J. Copelin DATE: 10/02/12 RESOLUTION # IL-061-12

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 LASALLE BUSINESS AND PROFESSIONAL ASSOCIATION THROUGH THE USE OF CASINO FUNDING

WHEREAS, the LaSalle Business and Professional Association which was founded in 1937 has been serving the businesses and residents of LaSalle for 75 years, and

WHEREAS, the LaSalle Business and Professional Association strives to promote the LaSalle region of Niagara County by providing a forum to exchange ideas and work towards common goals of improving the LaSalle region through promoting its businesses, and

WHEREAS, through sidewalk and storefront promotion and marketing the LaSalle Business and Professional Association provides a valuable service to all businesses and residents in the LaSalle area, now, therefore, be it

RESOLVED, that Niagara County supports the LaSalle Business and Professional Association as follows:

LaSalle Business & Professional Association	Sidewalk & Storefront Promotion	\$3,000
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and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2012 budget:

INCREASE REVENUE:

A.40599.00	Appropriated Fund Balance	\$3,000
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INCREASE APPROPRIATION:

A.28.8020.812.74400.08	Seneca Niagara Monies	\$3,000
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LEGISLATOR CHERÉE J. COPELIN

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Paul B. Wojtaszek, Cheree J. Copelin and Michael A. Hill DATE: 10/02/12 RESOLUTION # IL-063-12

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

Katherine D. Alexander

**RESOLUTION CALLING ON THE GOVERNOR AND THE
NEW YORK STATE LEGISLATURE TO ENACT LEGISLATION THAT WILL BRING
MANDATE RELIEF TO COUNTY PROBATION DEPARTMENTS**

WHEREAS, the New York State Council of Probation Administrators, representing NYS Probation Directors, Administrators and Commissioners has diligently worked on mandate relief issues, and

WHEREAS, county probation departments are an integral part of the Criminal Justice System and operate within the legal framework of the Criminal Procedure Law, the Penal Law and the Family Court Act, and

WHEREAS, it is the mission of probation to protect the community through intervention in the lives of those under supervision by facilitating compliance with court orders and serving as a catalyst for positive change, and

WHEREAS, State funding for probation has been drastically cut from a 46.5 percent State share in 1990 to less than 12 percent in 2010, putting a huge strain on counties to fund the remaining 88 percent at a cost to county property taxpayers of over \$340 million, and

WHEREAS, little to no mandate relief has been provided for probation services, and

WHEREAS, continual cuts have been made in probation funding by New York State, while at the same time there have been increases in the number of mandated programs and services county probation departments are required to provide, and

WHEREAS, counties can no longer afford to sustain these cuts, leaving probation departments with less staff, more work and no mandate relief in sight, now, therefore, be it

RESOLVED, that the Niagara County Legislature calls upon the Governor and the State Legislature to immediately enact statutory and regulatory changes that provide county probation departments mandate relief in the following ways:

Enact a moratorium on all new legislation that increases the workload of county probation departments without full state or federal funding being attached upfront;

Modify the Criminal Procedure Law to streamline Presentence Investigations (PSI) by eliminating the requirement for a PSI to be ordered when a defendant is to be sentenced to time served, is convicted of a crime that occurred while an inmate was in a state correctional facility and where the sole purpose is to determine youthful offender status;

Order a moratorium on all new policies and guidelines issued by regulatory agencies that do not directly relate to mandate relief;

Direct the Office of Probation and Correctional Alternatives (OPCA) to allow probation the flexibility to use the Probation Officer Trainee (POT) or Probation Officer (PO) eligible civil service list at their discretion. Currently a directive from OPCA directs departments to exhaust PO list before using POT list;

Direct the Division of Budget to ensure that funding streams for certain programs be made directly available to probation departments when probation provides services. This is not currently the case with funds related to juvenile services where Probation provides those services in counties instead of the Department of Social Services;

Amend the Penal Law to require at least half of the fee charged for the collections of DNA to be repaid to the counties to cover the costs associated with the taking of that DNA by probation officers or local law enforcement;

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; Senator Mark J. Grisanti; Senate Temporary President Dean G. Skelos; Senate Deputy Majority Leader Thomas W. Libous; Member of the Assembly John D. Ceretto; Member of the Assembly Jane L. Corwin; Member of the Assembly Ray Walter; Member of the Assembly Stephen Hawley; Member of the Assembly Robin Schimming; Speaker of the Assembly Sheldon Silver; Assembly Majority Leader Ronald J. Canestrari; Assembly Minority Leader Brian M. Kolb, and all others deemed necessary and proper.

LEGISLATOR PAUL B. WOJTASZEK

LEGISLATOR CHERÉE J. COPELIN

LEGISLATOR MICHAEL A. HILL

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Paul B. Wojtaszek, Peter E. Smolinski and Kathryn L. Lance DATE: 10/02/12 RESOLUTION # IL-064-12

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

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

Katherine D. Alexander

RESOLUTION IN SUPPORT OF TWIN CITIES COMMUNITY OUTREACH
THROUGH THE USE OF CASINO FUNDING

WHEREAS, the Twin Cities Community Outreach, a not-for-profit organization located in North Tonawanda provides vital services to Niagara County residents in their time of need, and

WHEREAS, the Twin Cities Community Outreach sponsors the North Tonawanda Meals on Wheels, a clothes closet and the Inter-Church Food Pantry, and

WHEREAS, these programs are provided almost exclusively through the generosity of volunteers in the community, and

WHEREAS, the Twin Cities Community Outreach has created a roof fund which will allow them to make much needed repairs to the building and thus continue to provide the services in which the community depends on, now, therefore, be it

RESOLVED, that the following initiatives be funded by these monies generated from the Seneca Niagara Casino, as per New York State statute:

Twin Cities Community Outreach Roof Fund \$2,000

and be it further

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2012 budget:

INCREASE REVENUE:

A 40599.00 Appropriated Fund Balance \$2,000

INCREASE APPROPRIATION:

A.28.8020.812 74400.08 Seneca Niagara Monies \$2,000

LEGISLATOR PAUL B. WOJTASZEK

LEGISLATOR PETER E. SMOLINSKI

KATHRYN L. LANCE

NIAGARA COUNTY LEGISLATURE

FROM: Legislator Anthony J. Nemi

DATE: 10/02/12

RESOLUTION # IL-065-12

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 WINTER WONDERLAND 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 statute, and

WHEREAS, the inaugural Winter Wonderland Project will take place throughout the upcoming winter holiday season along Market Street and the surrounding area in the City of Lockport, and

WHEREAS, this event will offer a variety of family-friendly events including an outdoor ice rink, caroling, Christmas tree sales, a chance to stroll through the Niagara Holiday Light Trail and many activities for children of all ages, and

WHEREAS, local businesses are encouraged to take this opportunity to decorate and promote their businesses to visitors who will be coming into the area to enjoy the festivities, and

WHEREAS, this Winter Wonderland Project will encourage thousands of people to visit the downtown Lockport area which will increase foot traffic to local businesses and restaurants and bring in greater sale tax revenue, now, therefore, be it

RESOLVED, that Niagara County supports the Winter Wonderland Project as follows:

Winter Wonderland Project	\$3,000
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and be it further,

RESOLVED, that the following budget modification be effectuated to the Niagara County Economic Development 2012 budget:

INCREASE REVENUE:

A.40599.00	Appropriated Fund Balance	\$3,000
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INCREASE APPROPRIATION:

A.28.8020.812.74400.08	Seneca Niagara Monies	\$3,000
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LEGISLATOR ANTHONY J. NEMI

NIAGARA COUNTY LEGISLATURE

FROM: Legislator David E. Godfrey DATE: 10/02/12 RESOLUTION # IL-066-12

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

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

CALLING FOR IMMEDIATE FEDERAL ASSISTANCE FOR HARBOR MAINTENANCE DREDGING

WHEREAS, Wilson and Olcott harbors are the largest naturally protected harbors on the south shore of Lake Ontario contributing significantly to the \$30M annual economic impact of sport fishing alone in Niagara County, and

WHEREAS, these harbors are classified as Federal Harbors of Refuge, accommodating over 700 resident boats and 500+ International visitors each year, 4 Yacht Clubs, and are the life blood of 50 charter boat sport fishing fleets and local supporting businesses including marinas, lodging, tackle shops, grocery stores, and restaurants, and

WHEREAS, the Wilson harbor provides boater access to/from Tuscarora State Park (which averages 2,000 boat launches each season), an International Port of Entry, and the only diesel refueling station from the Niagara River to Rochester, and

WHEREAS, the optimal boating season of 6 months has been reduced to 4 months due to low water conditions resulting in the reduction of: visitors (down 25-30%), international boat storage (down 25%), and fuel sales (down \$1000/day from August forward) which significantly reduces the estimated 2012 revenue of \$6,000,000, and

WHEREAS, the Army Corps of Engineers' policy is to dredge every 3-5 years, however the last full-channel maintenance was 15 years ago resulting in significant damage from boats going aground, including personal injuries, which is evidence of severe, and unchecked deterioration of public boating access, and

WHEREAS, presently the Harbor Maintenance Trust Fund holds approximately \$6.2 billion originally intended for dredging and maintenance of federal harbors, and

WHEREAS, H.R. 4348, Moving Ahead for Progress in the 21st Century (MAP-21) acknowledged the insufficient spending for federal harbor maintenance and, more specifically stated in Section 1536 (b) Sense of Congress, "the Administration should request full use of the Harbor Maintenance Trust Fund for operating and maintaining the navigation channels of the United States," now, therefore, be it

RESOLVED, that this Legislature hereby calls for immediate federal assistance from the Harbor Maintenance Trust Fund, MAP-21 or other sources to bring the Wilson and Olcott Harbors to a safe and adequate depth for the enjoyment of recreational boating and in support of the continued economic livelihood of our community and its businesses, and be it further

RESOLVED, that a certified copy of this resolution shall be forwarded to Charles May, Great Lakes Small Harbors Coalition; U.S. Representative Louise Slaughter; U.S. Representative Kathy Hochul; U.S. Senator Charles Schumer; U.S. Senator Kirsten Gillibrand; U.S. Senator Carl Levin; State Senator George

Maziarz; Member of the Assembly John Ceretto; Member of the Assembly Jane Corwin; the Orleans County Legislature; and any others deemed necessary and appropriate.

LEGISLATOR DAVID E. GODFREY

NIAGARA COUNTY LEGISLATURE

FROM: Legislators David E. Godfrey, William L. DATE: 10/02/12 RESOLUTION # IL-068-12

Ross, et al.

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

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

**RESOLUTION URGING NEW YORK STATE TO BAN THE MANUFACTURING, DISTRIBUTION,
SALE AND POSSESSION OF DANGEROUS UNREGULATED SYNTHETIC DRUGS**

WHEREAS, the sale and abuse of synthetic "designer" drugs, known commonly as "bath salts" continues to increase among individuals in our communities, and

WHEREAS, these "designer drugs" are specifically synthesized with a similar, but slightly modified structure of a Schedule 1 controlled substance in order to avoid existing drug laws and can be continually chemically modified to avoid legal repercussions, while maintaining their intended effects and usages, and

WHEREAS, these compounds stimulate the body's central nervous system, causing effects similar to those caused by cocaine and amphetamines, including but not limited to increased heart rate and blood pressure, hallucinations, paranoia, suicidal thoughts, violent behavior, nausea and vomiting, and

WHEREAS, hospitals, health agencies and poison control centers are experiencing increased emergency room cases, illnesses, death and reports linked to the use and abuse of these substances by children and adults, and

WHEREAS, law enforcement agencies and courts are seeing increased crime in our local communities associated with the sale and abuse of these substances, and

WHEREAS, these designer drugs are marketed as plant food, bath salts, insect repellant and glass cleaner and can be obtained through storefront retailers, online retailers and indirectly through others, and

WHEREAS, the Commissioner of Health in New York State issued an Order for Summary Action to Ban the Sale and Distribution of Designer Drugs Commonly Packaged and Marketed as Bath Salts on May 20, 2011, and

WHEREAS, on August 7, 2012 the Public Health and Health Planning Council and the Commissioner of Health amended Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York to prohibit synthetic phenethylamines, and

WHEREAS, the Niagara County Legislature applauds Governor Andrew Cuomo, the Public Health and Health Planning Council and the Commissioner of Health for this important first step towards eradicating bath salts in New York State, and

WHEREAS, the United States Senate passed a bill to ban permanently two substances commonly used in "bath salts", and

WHEREAS, these facts support the assertion that these substances do pose a significant and immediate public health threat and danger to public safety, now, therefore, be it

RESOLVED, that the Niagara County Legislature calls upon the New York State Legislature and the Governor to immediately pass further meaningful and effective legislation criminalizing the manufacturing, distribution, sale and possession of these substances and their future derivatives by anyone of any age in New York State with the intent of protecting the health and safety of all citizens of New York State, and be it further

RESOLVED, that the Niagara County Legislature provide resources to counties for the development of education, prevention and treatment services related to synthetic drugs, 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; Senator Mark J. Grisanti; Member of the Assembly John D. Ceretto; Member of the Assembly Jane L. Corwin; Member of the Assembly Ray Walter; Member of the Assembly Stephen Hawley; Member of the Assembly Robin Schimminger and all others deemed necessary and proper.

LEGISLATOR DAVID E. GODFREY

LEGISLATOR WILLIAM L. ROSS

LEGISLATOR MICHAEL A. HILL

LEGISLATOR JOHN SYRACUSE

LEGISLATOR CHEREÉ J. COPELIN

LEGISLATOR RICHARD E. UPDEGROVE

LEGISLATOR WILLIAM KEITH MCNALL

LEGISLATOR ANTHONY J. NEMI

LEGISLATOR DENNIS F. VIRTUOSO

LEGISLATOR PETER E. SMOLINSKI

LEGISLATOR KATHRYN L. LANCE

LEGISLATOR CLYDE L. BURMASTER

LEGISLATOR PAUL B. WOJTASZEK

LEGISLATOR OWEN T. STEED

LEGISLATOR JASON A. ZONA

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee

DATE: 10/02/12

RESOLUTION # PW-084-12

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 9/24/12

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

**CONSULTANT SELECTION FOR YOUNGSTOWN ROAD
BRIDGE REHABILITATION PROJECT**

WHEREAS, the Department of Public Works, in accordance with Federal/State guidelines, evaluated proposals from pre-qualified consulting engineering firms to assist the county with the rehabilitation of the Youngstown Road Bridge, and

WHEREAS, funds are available in account H582.15.5197.000.72600.02, 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 consultant services to assist the County with the rehabilitation of the Youngstown Road Bridge Rehabilitation Project, be awarded to C&S Engineers, 499 Co Eileen Collins Boulevard, Syracuse, NY 13212, for a contract amount of \$100,000, 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