

AGENDA
NIAGARA COUNTY LEGISLATURE
SEPTEMBER 4, 2012 – 7:00 P.M.

Resolutions not on previous agenda:

- AD-020-12** Administration, re Declaring the County of Niagara Lead Agency for Purposes of SEQRA Review and Issuing a Positive Declaration for the Proposed Niagara County Emergency Communications Project – Approved
- CSS-030-12** Community Safety & Security & Administration, re Application to Participate in the Local Emergency Management Performance Grant (FFY11) – Approved
- CSS-031-12** Community Safety & Security, Public Works & Administration, re Declaring the Legislature of the County of Niagara's Intent to be Lead Agency for Environmental Review Pursuant to the State Environmental Review Pursuant to the State Environmental Quality Review Act (SEQRA) for the Proposed Niagara County Sheriff's Office Evidence and Vehicle Storage Building – Approved
- CSS-032-12** Community Safety & Security, Public Works & Administration, re State Environmental Quality Review Act Negative Declaration Notice of Determination of Non-Significance – Approved
- ED-018-12** Economic Development & Administration, re Resolution for Funding the Globe Metallurgical, Inc. Rail Improvement Project with Funds to be Reimbursed through a Grant from the NYS Department of Transportation and the Rebuild NY Transportation Bond Act of 2005 and Capital Project Creation – Approved
- IL-052-12** Legislator John Syracuse & Economic Development, re In Support of the Barker Business & Professionals Association through the use of Casino Funding – Approved
- PW-076-12** Public Works & Administration, re Resolution of the County of Niagara, NY (the "County") Pursuant to Section 268 of the County Law Declaring it is in the Public Interest to Undertake the Improvement of the Niagara County Sewer District No. 1 Facilities (the "District"), Consisting of Influent Pump Station Bar Screen Replacement/Upgrade, Aeration Basin Grit Removal System Replacement/Upgrade Interceptor Right-Of-Way Clearing – Approved
- PW-077-12** Public Works & Administration, re Bond Resolution Authorizing the Issuance of \$1,870,000 Serial Bonds of the County of Niagara, NY, to Pay the Cost of an Increase and Improvement of Facilities of the Niagara County Sewer District No. 1 in Said County – Approved

Regular Meeting – September 4, 2012

- *AD-021-12** Administration, re Real Property Tax Corrections/Cancellations No. COE-2012-C – Real Property
- *AD-022-12** Administration, re Purchase of In Rem Property – Treasurer
- *AD-023-12** Administration, re Execution of Quit Claim Deeds – Treasurer
- *CS-024-12** Community Services & Administration, re Budget Modification Education of Handicapped Children – Public Health
- *CS-025-12** Community Services & Administration, re Budget Modification Healthy Neighborhoods Program – Public Health
- *CS-026-12** Community Services & Administration, re Abolish Environmental Aide Position/Create & Fill Two Public Health Technician Positions – Environmental Division – Public Health
- *CSS-033-12** Community Safety & Security & Administration, re Acceptance of Operation Impact IX Program Grant – District Attorney
- *CSS-034-12** Community Safety & Security & Administration, re Acceptance of Aid to Prosecution Program Grant – District Attorney
- *CSS-035-12** Community Safety & Security & Administration, re Use of Local Assets Forfeiture Funds – District Attorney
- *ED-019-12** Economic Development, re Authorizing Niagara County to Enter into a Contract with CapitolPublicStrategies, LLC for Lobbying Services
- *ED-020-12** Economic Development, re Resolution by the Niagara County Legislature Designating the Niagara Tourism and Convention Corporation (NTCC) as the Official Tourism Promotion Agency (TPA) for Niagara County
- IL-053-12** Legislators Kathryn L. Lance & Anthony J. Nemi, re Calling on the New York State Legislature to Reject A.10807, a Bill that would Expand Eligibility for Taxpayer-Subsidized Tuition Assistance Program to Include Illegal Aliens
- IL-054-12** Legislators Jason A. Zona, Owen T. Steed & Dennis F. Virtuoso, re Calling on State Senator Maziarz and Assemblyman Ceretto to Introduce Legislation Delivering Niagara Falls its Share of Seneca Casino Monies
- IL-055-12** Legislators Jason A. Zona, Owen T. Steed & Dennis F. Virtuoso, re Calling on our State Legislative Delegation in Niagara County to Oppose State Legislature Pay Raises


Mary Jo Tamburlin, Clerk
Niagara County Legislature

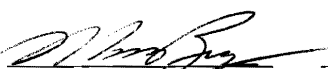
*** Indicates Preferred Agenda items**

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 September 18, 2012.

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee **DATE:** 09/04/12 **RESOLUTION #** AD-021-12

| | | | |
|--|--|--|--|
| APPROVED CO. ATTORNEY  | REVIEWED CO. MANAGER _____ | COMMITTEE ACTION <u>AD - 8/28/12</u> _____ _____ | LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____ |
|--|--|--|--|

**REAL PROPERTY TAX CORRECTIONS/CANCELLATIONS
NO. COE-2012-C**

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

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

RESOLVED, that the applications and/or lien cancellations be approved and/or denied as set forth in the attached Exhibit No. COE-2012-C, which is made a part hereof and subsequently be charged back to the applicable town, city, special district and school district within the County of Niagara.

ADMINISTRATION COMMITTEE

Corrections to previously issued Niagara County tax billings
Filename: COE-12 C
Date: September 4, 2012

EXHIBIT # COE-2012 C-PAGE 1 OF 2

City of Niagara Falls

Owner: Niagara County IDA- Covanta Energy

| <u>SBL #</u> | <u>Tax Year</u> | <u>Refund Amount</u> |
|--------------|-----------------|----------------------|
| 160.09-1-7.2 | 2010 | (\$2,982.18) |

This parcel was granted an Air Pollution Control exemption as per Real Property Tax Law §477(a) making it partially exempt from special district charges on the 2009 tax roll. The assessor failed to apply the exemption to the roll. As a result, the parcel was not credited for the exemption on its charges from the County Refuse District.

A refund in the amount of \$2,982.18 shall be issued to Covanta Energy.

Original billing: \$5,278.33 Revised billing: \$2,296.15

Corrections to previously issued Niagara County tax billings
Filename: COE-12 C
Date: September 4, 2012

EXHIBIT # COE-2012 C-PAGE 2 OF 2

City of Niagara Falls

Owner: Niagara County IDA- Covanta Energy

| <u>SBL #</u> | <u>Tax Year</u> | <u>Refund Amount</u> |
|--------------|-----------------|----------------------|
| 160.09-1-7.2 | 2011 | (\$2,873.59) |

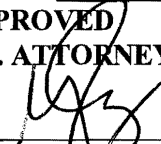
This parcel was granted an Air Pollution Control exemption as per Real Property Tax Law §477(a) making it partially exempt from special district charges on the 2010 tax roll. The assessor failed to apply the exemption to the roll. As a result, the parcel was not credited for the exemption on its charges from the County Refuse District.

A refund in the amount of \$2,873.59 shall be issued to Covanta Energy.

Original billing: \$5,086.13 Revised billing: \$2,212.54

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 09/04/12 RESOLUTION # AD-022-12

| | | | |
|--|-------------------------|----------------------------------|--|
| APPROVED CO. ATTORNEY | REVIEWED CO. MANAGER | COMMITTEE ACTION AD - 8/28/12 | LEGISLATIVE ACTION |
|  | | | Approved: Ayes _____ Abs. _____ Noes _____ |
| | | | Rejected: Ayes _____ Abs. _____ Noes _____ |
| | | | Referred: _____ |

PURCHASE OF IN REM PROPERTY

WHEREAS, on Saturday, August 18, 2012, a public auction was held for the sale of properties acquired by the County of Niagara by its In Rem Action, and

WHEREAS, as a result of said auction, the attached list of properties was struck down to each of the named individuals for the price indicated for each parcel, said price being the highest bid price received, now, therefore, be it

RESOLVED, that the purchase offers set forth in the attached list be, and the same hereby are, accepted and the Chairman of the legislature is hereby authorized and directed to execute suitable quit-claim deeds, subject to the approval of the County Attorney, upon the receipt by the County Treasurer of the entire balance due on the purchase price of said properties, at which time said deeds, as provided in the terms of sale shall be recorded in the Niagara County Clerk's Office in the name of the respective purchaser.

ADMINISTRATION COMMITTEE

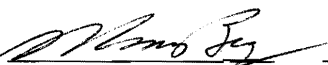
NC IN REM 2010 AUCTION

| LOT# | SERIAL# | SBL# | PURCHASOR | BID PRICE |
|------|----------|----------------|-----------------------------------|-------------|
| 1 | 2010-002 | 92.00-1-73 | Rodney & Frances Krisch | \$3,100.00 |
| 2 | 2010-007 | 107.04-1-52 | Shelly Juliana | \$9,500.00 |
| 3 | 2010-012 | 85.12-1-1 | Timothy A. White | \$7,500.00 |
| 4 | 2010-013 | 29.00-3-35.12 | Brandon Bockhahn | \$2,500.00 |
| 5 | 2010-023 | 54.00-3-5.211 | Stephen Crowe | \$15,500.00 |
| 7 | 2010-035 | 85.00-1-29 | Sold with Lot #3 | |
| 8 | 2010-043 | 89.01-1-10 | Thomas R. Appenheimer | \$2,250.00 |
| 10 | 2010-056 | 133.08-1-6 | Christine Miller | \$76,500.00 |
| 11 | 2010-057 | 133.08-1-35 | Timothy S. Filer & Janet L Beenau | \$22,000.00 |
| 12 | 2010-059 | 94.00-1-47 | Deborah A. Levine | \$6,000.00 |
| 13 | 2010-060 | 94.01-1-25 | Ronald Coulson | \$3,000.00 |
| 14 | 2010-065 | 95.02-1-31 | Dean L. Walker | \$25,000.00 |
| 16 | 2009-102 | 110.02-2-25 | Dennis E. Cain | \$5,900.00 |
| 17 | 2010-070 | 110.02-2-4 | Christopher Stead | \$1,000.00 |
| 18 | 2010-071 | 122.00-1-18.2 | Frank Conny | \$7,000.00 |
| 22 | 2009-114 | 138.07-2-26.2 | Duc Thanh Pham | \$1,100.00 |
| 23 | 2010-093 | 152.04-1-14 | Vladimir Panasivk | \$7,000.00 |
| 24 | 2010-094 | 152.04-1-20 | Richard L. Reinard | \$3,200.00 |
| 25 | 2010-099 | 14.20-1-12 | Jessica Bowers | \$16,000.00 |
| 30 | 2010-108 | 38.16-1-18 | Roger & Mary Mittlestadt | \$48,000.00 |
| 31 | 2010-113 | 39.13-1-46.11 | Paul A. Williams | \$9,400.00 |
| 32 | 2010-114 | 39.13-1-46.12 | Sold with Lot #31 | |
| 33 | 2010-115 | 40.00-1-60.122 | Jason W. Cramer | \$800.00 |
| 34 | 2010-117 | 53.00-2-69 | Lewis P. Wright | \$27,000.00 |
| 35 | 2010-118 | 53.09-1-18.1 | Joan Kwong | \$50.00 |
| 38 | 2010-145 | 130.82-1-53 | Lomas & Yvonne Ramnarine | \$1,300.00 |
| 39 | 2010-146 | 130.83-1-25 | Rebecca Shively | \$24,000.00 |
| 41 | 2010-148 | 130.83-2-26 | Michael & Theodore Bauer | \$1,500.00 |
| 42 | 2010-153 | 131.12-1-1 | Double C Realty | \$14,000.00 |
| 43 | 2010-154 | 131.12-1-8 | Sold with Lot #42 | |
| 45 | 2010-158 | 131.16-1-23 | Double C Realty | \$6,500.00 |
| 48 | 2010-168 | 132.17-2-154 | Peter A. Grant | \$88,000.00 |
| 50 | 2010-172 | 144.27-2-25 | Haminam Rifai | \$10,500.00 |
| 52 | 2010-177 | 145.08-1-27 | Victoria L. Register | \$37,000.00 |
| 53 | 2010-180 | 145.10-3-6 | Tien My Tran | \$400.00 |
| 54 | 2010-181 | 145.10-3-7 | Sold with Lot #53 | |
| 55 | 2010-183 | 145.16-3-5 | Tien My Tran | \$800.00 |
| 56 | 2008-173 | 145.16-3-7 | Duc Thanh Pham | \$50.00 |
| 57 | 2010-184 | 145.20-3-15 | Donald & Lynda Reynolds | \$1,400.00 |
| 58 | 2010-185 | 145.20-3-34 | Theodore W. Janese, Jr | \$30,000.00 |

| | | | | |
|-------|-----------|----------------|--------------------------------------|--------------|
| 59 | 2010-186 | 145.20-3-35 | Sold with Lot #59 | |
| 60 | 2010-188 | 145.20-3-49 | Sold with Lot #57 | |
| 61 | 2010-194 | 146.17-4-106 | Joan Kwong | \$4,250.00 |
| 62 | 2010-195 | 146.17-4-107 | Sold with Lot #61 | |
| 63 | 2010-196 | 146.17-4-108 | Sold with Lot #61 | |
| 64 | 2010-197 | 146.17-4-109 | Sold with Lot #61 | |
| 65 | 2010-198 | 146.17-4-110 | Sold with Lot #61 | |
| 67 | 2010-203 | 164.00-3-26 | The Tonawandas Sportsmens Club, Inc. | \$1,200.00 |
| 70- | 2010-210- | 59.07-3-1 thru | Double C Realty | \$83,000.00 |
| 128 | 2010-268 | 59.07-3-59 | 59 Lots | |
| 129 | 2010-269 | 33.08-1-48 | David Glian | \$23,500.00 |
| 131 | 2010-284 | 86.13-1-13 | Kristine M. Washbon | \$3,600.00 |
| 132 | 2010-286 | 86.13-3-38 | Salvatore Tabone | \$21,000.00 |
| 133 | 2010-288 | 86.17-1-58 | KM Arunthavaraj | \$4,600.00 |
| 136 | 2010-295 | 97.03-1-42 | Vladimir Ryskin | \$1,700.00 |
| 139 | 2010-299 | 98.00-1-33 | Jason W. Cramer | \$1,400.00 |
| 140 | 2010-301 | 99.00-1-66.2 | Chad Moden | \$800.00 |
| 145 | 2010-330 | 30.00-1-51.1 | Wayne & Barbara Gaige | \$200.00 |
| 147 | 2010-334 | 147.14-3-27 | Ronald Wolentarski & Diane DeArmand | \$49,000.00 |
| 148 | 2010-336 | 161.19-5-42.1 | Patrick Boderick | \$25.00 |
| 149 | 2009-314 | 163.00-1-51.3 | Parcel Did Not Sell | |
| 151 | 2010-362 | 22.40-1-71 | KM Arunthavaraj | \$22,000.00 |
| Total | | | | \$731,025.00 |

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 09/04/12 RESOLUTION #AD-023-12

| APPROVED CO. ATTORNEY | REVIEWED CO. MANAGER | COMMITTEE ACTION | LEGISLATIVE ACTION |
|--|-------------------------|----------------------|--|
|  | | <u>AD - 08/28/12</u> | Approved: Ayes _____ Abs. _____ Noes _____ |
| | | | Rejected: Ayes _____ Abs. _____ Noes _____ |
| | | | Referred: _____ |

EXECUTION OF QUIT CLAIM DEEDS

WHEREAS, on July 11, 2012, Niagara County acquired title to various properties through its In Rem Proceeding, and

WHEREAS, prior to the public sale, several owners of various parcels redeemed their property by agreeing to pay the taxes owed, penalties and interest in full, and

WHEREAS, the County of Niagara has determined that in the best interest of the County, several remnant unmarketable parcels be deeded to adjacent property owners, and

WHEREAS, the County Treasurer recommends that the attached listed parcels be deeded back to its respective owners, now, therefore, be it

RESOLVED, that the Niagara County Legislature ratifies the action of the County Treasurer and the Chairman of the Legislature be, and hereby is, authorized to execute a quit claim deed to the owners shown on the attached list for the respective amounts shown thereon.

ADMINISTRATION COMMITTEE

NC IN REM 2010**REMNANT UNMARKETABLE PARCELS**

| Serial # | SBL # | Owners Name | Amount |
|-----------------|--------------|--------------------|---------------|
| 2010-209 | 59.07-2-58.1 | Mary K. Dorszynski | \$10.00 |

PRIOR OWNERS BUY BACKS

| Serial # | SBL # | Owners Name | Amount |
|-----------------|----------------|--|---------------|
| 2010-048 | 102.10-1-15 | May Ip | \$2,720.00 |
| 2010-066 | 95.02-1-43 | Jeffrey S. Colliver | \$2,248.00 |
| 2010-100 | 14.20-1-31.1 | Francis X Dinino & Rose Marie Dinino | \$23,192.00 |
| 2010-101 | 14.20-1-31.2 | Francis X Dinino & Rose Marie Dinino | \$5,170.00 |
| 2010-103 | 16.00-1-36.2 | Joseph J. Brandt | \$1,840.00 |
| 2010-107 | 38.12-1-56 | Allen J. Wilson & Wendy G. Wilson | \$9,099.00 |
| 2010-130 | 80.00-1-42 | Joseph S. Breczka & Diane E. Breczka | \$17,518.00 |
| 2010-141 | 130.15-3-1 | Marco G. Viola | \$37,299.00 |
| 2010-147 | 130.83-2-17.1 | RAD Enterprises of WNY | \$592.00 |
| 2010-155 | 131.12-2-13 | Robert W. Leo | \$4,964.00 |
| 2010-159 | 131.20-2-48 | Estate of Mary Ciesielski | \$13,430.00 |
| 2010-165 | 132.11-10-42 | Laurie Wolf | \$6,648.00 |
| 2010-171 | 144.27-2-20 | Brett Biro | \$3,794.00 |
| 2010-173 | 144.27-2-28 | RAD Enterprises of WNY | \$224.00 |
| 2010-202 | 151.00-1-8.112 | Keith Hausladen & Susan Hausladen | \$16,024.00 |
| 2010-207 | 45.19-1-5 | Estate of Harold Rowley | \$10,622.00 |
| 2010-271 | 45.07-1-4 | Martha Higgins | \$15,103.00 |
| 2010-291 | 85.00-3-15.11 | Nancy Decker & Larry Decker | \$11,758.00 |
| 2010-296/297 | 97.11-1-6 | Taylor Cramer, Amanda Cramer & Nancy Carrier | \$5,568.00 |
| 2010-298 | 97.11-1-11 | Joseph J. Brandt | \$2,497.00 |
| 2010-310 | 126.00-1-14.2 | Cassandra Buster-Leeper, Dana & Darlene Leeper | \$10,712.00 |
| 2010-312 | 126.00-2-41 | Diane Lawton, William & Anna Kozody-LU | \$16,055.00 |
| 2010-315 | 154.00-1-15.2 | Mark K. Weisansal | \$9,402.00 |
| 2010-316 | 154.00-1-15.12 | Mark K. Weisansal | \$1,811.00 |
| 2010-332 | 147.00-1-87 | Dominick J. Tallarico & Margo L. Tallarico | \$15,667.00 |
| 2010-371 | 51.00-2-46.11 | James Yousett & Sandra Yousett | \$986.00 |

| | | | |
|--------------|--|--|---------------------|
| TOTAL | | | \$244,953.00 |
|--------------|--|--|---------------------|

NIAGARA COUNTY LEGISLATURE

FROM: Community Services and DATE: 09/04/12 RESOLUTION # CS-024-12

Administration Committees

| APPROVED | REVIEWED | COMMITTEE ACTION | LEGISLATIVE ACTION |
|--------------|-------------|------------------|--|
| CO. ATTORNEY | CO. MANAGER | CS - 8/13/12 | Approved: Ayes _____ Abs. _____ Noes _____ |
| | | AD - 8/28/12 | Rejected: Ayes _____ Abs. _____ Noes _____ |
| | | | Referred: _____ |



BUDGET MODIFICATION – EDUCATION OF HANDICAPPED CHILDREN DEPARTMENT OF HEALTH

WHEREAS, the Education of Handicapped Children Program of the Niagara County Department of Health provides essential mandated services to preschool age children with disabilities, and

WHEREAS, funds enable the Niagara County Department of Health to satisfy New York State Education Department requirements, as they relate to Education of Handicapped Preschool Children, as well as the corresponding reporting requirements, and

WHEREAS, the percent of children needing center based services continues to increase resulting in increased services and administration costs, and

WHEREAS, the Niagara County Education of Handicapped Children Program requests additional funding and has or will have sufficient additional revenues to appropriate these funds, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE REVENUE:

| | | |
|------------------------|--------------------------------------|-----------|
| A.20.2960.000 42701.01 | Refund Prior Year's Expense General | \$ 34,369 |
| A.20.2960.000 43277.01 | Ed Handicapped Children General | 130,000 |
| A.20.2960.000 43277.02 | Ed Handicapped Child Admin State Aid | 155,931 |

INCREASE APPROPRIATIONS:


| | | |
|------------------------|---------------------------------|-----------|
| A.20.2960.000 74550.09 | Program Ed Handicapped Children | \$320,300 |
|------------------------|---------------------------------|-----------|

COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services and Administration Committees DA TE: 09/04/12 RESOLUTION # CS-025-12

| APPROVED CO. ATTORNEY | REVIEWED CO. MANAGER | COMMITTEE ACTION | LEGISLATIVE ACTION |
|---|-------------------------|------------------|--------------------------|
|  | | CS - 8/13/12 | Approved: Ayes Abs. Noes |
| | | AD - 8/28/12 | Rejected: Ayes Abs. Noes |
| | | | Referred: |

BUDGET MODIFICATION-HEALTHY NEIGHBORHOODS PROGRAM DEPARTMENT OF HEALTH

WHEREAS, the Healthy Neighborhoods Program of the Niagara County Department of Health provides prevention services, to citizens of Niagara County through 100% grant funding, and

WHEREAS, the New York State Department of Health, Bureau of Community Environmental Health and Food Protection have approved a budget modification transferring personnel funds from a temporarily vacant position to other expense funds, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

FROM:

| | | |
|-------------------------|-----------------------------------|---------|
| CM.20.4189.405 71010.00 | Position #4373 | \$9,000 |
| CM.20.4189.405 78200.00 | FICA | 600 |
| CM.20.4189.405 78400.01 | Insurance, Health Active Hospital | 2,400 |

TO:

| | | |
|-------------------------|---------------------------------|-------|
| CM.20.4189.405 74250.01 | Office Expenses Office Supplies | \$300 |
| CM.20.4189.405 74300.06 | Reimbursement clothing | 400 |
| CM.20.4189.405 74375.01 | Advertising & Promo | 2,000 |
| CM.20.4189.405 74750.02 | General Supplies & Materials | 9,300 |

COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services and Administration DATE: 09/04/12 RESOLUTION # CS-026-12
Committees

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION
CS - 08/13/12
AD - 8/28/12

LEGISLATIVE ACTION

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

ABOLISH ENVIRONMENTAL AIDE POSITION/CREATE & FILL TWO PUBLIC HEALTH TECHNICIAN POSITIONS- ENVIRONMENTAL DIVISION DEPARTMENT OF HEALTH

WHEREAS, the Environmental Health Division of the Niagara County Department of Health provides a wide array of essential services including Childhood Lead Poisoning Primary Prevention (CLPPP), and

WHEREAS, the New York State Department of Health CLPPP grant has approved adding services to the City of Lockport, a high risk area for childhood lead poisoning, and

WHEREAS, scope of duty changes in the CLPPP grant calls for a position change from Environmental Health Aide position to Public Health Technician, as well as the addition of a Public Health Technician, and

WHEREAS, there is no increase in pay grade for change from Environmental Health Aide to Public Health Technician, which the position is presently unfilled due to a transfer, and the positions are 100% grant funded both to be co-terminous with this grant; this change will produce no additional cost to the County, now, therefore, be it

RESOLVED, that effective September 16, 2012 the position of Environmental Health Aide, position #10869, CSEA Job Group IV at \$31,103.80 to \$35,690.20 per year, be abolished, and be it further

RESOLVED, that effective September 16, 2012 two Public Health Technician positions, CSEA Job Group IV at \$31,103.80 to \$35,690.20 per year, both positions coterminous with the CLPPP grant, be created and filled:

FROM:

CM.20.4070.000 71010.01 position #10869 \$18,468.20

TO:

CM.20.4070.000 71010.01 positions #xxxxx \$16,748.20
CM.20.4070.000 78400.01 Health Insurance 1,720.00

COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and **DATE:** 09/04/12 **RESOLUTION #** CSS-033-12

Administration Committees

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION

CSS - 7/31/12

AD - 8/28/12

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

ACCEPTANCE OF OPERATION IMPACT IX PROGRAM GRANT

WHEREAS, the Niagara County District Attorney's Office, the Niagara County Probation Department, and the Niagara County Sheriff's Office, in conjunction with the Niagara Falls Police Department, applied for funding under the 2012 Operation IMPACT IX (Integrated Municipal Police Anti-Crime Teams) Program, and

WHEREAS, Operation IMPACT is part of a statewide comprehensive strategy to reduce crime in New York State, particularly violent street crime involving illegal guns, gangs and drugs, through improved coordination among federal, state and local law enforcement, and

WHEREAS, the Niagara County District Attorney's Office, the Niagara County Probation Department and the Niagara County Sheriff's Office have received notification that funding has been awarded in the amounts of \$131,500, \$60,500 and \$96,500 respectively, for the period of July 1, 2012 through June 30, 2013, with no required match from Niagara County, and

WHEREAS, during the 2012 budget process, expenses were estimated and funds were appropriated into cost center CM.02.1989.115 for the District Attorney's Operation IMPACT budget, and

WHEREAS, it is necessary to modify revenue and appropriations in cost center CM.02.1989.115 to reflect anticipated expenditures pursuant to the actual award for the remainder of 2012, and

WHEREAS, it is also necessary to modify revenue and appropriations in both the Probation Department's 2012 budget and the Sheriff's Office 2012 budget for this same reason, and

WHEREAS, the Sheriff's Office has a Correction Officer position #10442 which is currently funded through Project IMPACT and is co-terminus with this grant and shall continue to be funded in this manner, and

WHEREAS, the District Attorney's Office has an Assistant District Attorney position #4771, which is also currently funded through Project IMPACT and is co-terminus with the grant and shall continue to be funded in this manner, 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 effective immediately, the following budget modifications be effectuated:

INCREASE REVENUE:

| | | |
|-------------------------|------------------|----------|
| CM.02.1989.115.43389.13 | Crime Prevention | \$18,900 |
| A.18.3140.000.43310.04 | NYSDCJS | 20,416 |
| A.17.3110.000.43389.13 | Crime Prevention | 2,000 |

INCREASE APPROPRIATIONS:

| | | |
|-------------------------|--------------------------------|----------|
| CM.02.1989.115.74400.09 | Payments Other Agencies | \$17,900 |
| CM.02.1989.115.74800.01 | Communication Supplies/Service | 500 |
| CM.02.1989.115.74300.01 | Travel Conference | 500 |
| A.18.3140.000.71050.00 | Overtime | 18,666 |
| A.18.3140.000.71060.00 | Beeper Pay | 1,000 |
| A.18.3140.000.74300.01 | Travel-Conference | 750 |
| A.17.3110.000.74600.03 | Training & Education | 2,000 |


COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and **DATE:** 09/04/12 **RESOLUTION #** CSS-034-12

Administration Committees

| APPROVED | REVIEWED | COMMITTEE ACTION | LEGISLATIVE ACTION |
|--|--------------------|-------------------------|--|
| CO. ATTORNEY | CO. MANAGER | CSS - 7/31/12 | Approved: Ayes _____ Abs. _____ Noes _____ |
|  | _____ | AD - 8/28/12 | Rejected: Ayes _____ Abs. _____ Noes _____ |
| | | | Referred: _____ |

ACCEPTANCE OF AID TO PROSECUTION PROGRAM GRANT

WHEREAS, the Niagara County District Attorney's Office applied for and was awarded funding from the New York State Division of Criminal Justice Services under the Aid To Prosecution Program for the purpose of continuing aid in the prosecution of repeat violent and serious felony offenders in Niagara County, and

WHEREAS, funding has been awarded in the amount of \$63,700.00 for the period April 1, 2012 through March 31, 2013, with no matching funds requirement, and

WHEREAS, the funds have been appropriated in the Niagara County District Attorney's 2012 budget, 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.

COMMUNITY SAFETY & SECURITY
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and **DATE:** 09/04/12 **RESOLUTION #** CSS-035-12

Administration Committee

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION
CSS - 7/31/12
AD - 8/28/12

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

USE OF LOCAL ASSETS FORFEITURE FUNDS

WHEREAS, the Niagara County District Attorney's Office currently has a balance of approximately \$16,500 in the Local Assets Forfeiture Trust Account, and

WHEREAS, the use of forfeited funds is restricted by the Division of Justice to the enhancement of law enforcement and can be used to supplement but not supplant current resources as outlined in the Department of Justice Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies, and

WHEREAS, the Niagara County District Attorney's Office will allocate \$2,850 to the Niagara Falls Police Department to fund training for three officers to attend the Motor Vehicle Collision Investigation Reconstruction Course at the Niagara County Law Enforcement Academy on September 24-28, 2012 and October 1-5, 2012, and

WHEREAS, this training will aid in the prosecution of drunk and drugged driving cases, and

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

RESOLVED, that the Niagara County District Attorney's Office is hereby authorized to disburse \$2,850 from the District Attorney's Local Assets Forfeiture Account 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 \$2,850

INCREASE APPROPRIATION:


A.02.1165.000.74400.09 Payments To Other Agencies \$2,850

COMMUNITY SAFETY AND SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Economic Development Committee **DATE:** 09/04/12 **RESOLUTION #** ED-019-12

| APPROVED CO. ATTORNEY | REVIEWED CO. MANAGER | COMMITTEE ACTION | LEGISLATIVE ACTION |
|--|-------------------------|--------------------|--|
|  | | <u>ED - 8/8/12</u> | Approved: Ayes _____ Abs. _____ Noes _____ |
| | | | Rejected: Ayes _____ Abs. _____ Noes _____ |
| | | | Referred: _____ |

RESOLUTION AUTHORIZING NIAGARA COUNTY TO ENTER INTO A CONTRACT WITH CAPITOLPUBLICSTRATEGIES, LLC FOR LOBBYING SERVICES

WHEREAS, Niagara County's efforts to secure funding for projects and programs is ongoing and includes a range of public and private sources, and

WHEREAS, Niagara County has prepared and submitted funding requests to the U.S. Federal Government through the American Recovery and Reinvestment Act of 2009, also known as the federal stimulus package, and New York State through the Western New York Regional Economic Development Council, and

WHEREAS, Niagara County's funding requests will include hundreds of millions of dollars for Niagara County projects and programs, which has potential to create thousands of jobs and tens of millions of dollars in private investment and economic spinoff in the County, and

WHEREAS, the process of securing funding from the U.S. Federal Government and New York State, as well as private sources, can be a difficult and complicated process, and

WHEREAS, funding for local projects and programs is often linked to complicated policy matters that require skillful negotiation and advocacy, and

WHEREAS, lobbying firms possess experience in navigating complicated policy matters and can play an important role in securing funding for local projects and programs, and

WHEREAS, Erie County recently hired a lobbying firm to assist with policy matters and to help secure funding for local projects and programs, and

WHEREAS, Niagara County contracted a lobbying firm that was successful in recent time in assisting the Niagara Military Affairs Council in its efforts to lobby the U.S. Federal Government to save the Niagara Falls Air Reserve and has since helped secure \$100 million for base projects, and

WHEREAS, the Niagara County Legislature has made economic development one of its chief priorities and the funding requests being prepared to the U.S. Federal Government and New York State include a range of priority economic development projects, and

WHEREAS, CapitolPublicStrategies, LLC possessed outstanding skill, expertise, and experience to lobby effectively for Niagara County, and entered into six (6) month contracts with the County of Niagara pursuant to IL-062-09 and IL-007-12, and

WHEREAS, CapitolPublicStrategies, LLC has made progress in its efforts on behalf of Niagara County, and

WHEREAS, the Niagara County Industrial Development Agency has agreed to reimburse Niagara County one-half of the \$5,000 provided by County of Niagara to be paid monthly to CapitolPublicStrategies, LLC for a period of four (4) months, now, therefore, be it

RESOLVED, that Niagara County extend their contract with CapitolPublicStrategies, LLC from September 1, 2012 to December 31, 2012 for a period of four (4) months commencing September 1, 2012 until December 31, 2012 at a cost of \$20,000, payable in four (4) monthly installments of \$5,000 per month, to lobby on behalf of Niagara County to secure funding through the Western New York Regional Council and for other Niagara County economic development initiatives, and be it further

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

ECONOMIC DEVELOPMENT COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Economic Development Committee DATE: 09/04/12 RESOLUTION # ED-020-12

| APPROVED | REVIEWED | COMMITTEE ACTION | LEGISLATIVE ACTION |
|--------------|-------------|------------------|--------------------------------------|
| CO. ATTORNEY | CO. MANAGER | ED - 8/8/12 | Approved: Ayes____ Abs.____ Noes____ |
| | | | Rejected: Ayes____ Abs.____ Noes____ |
| | | | Referred:_____ |

RESOLUTION BY THE NIAGARA COUNTY LEGISLATURE DESIGNATING THE NIAGARA TOURISM AND CONVENTION CORPORATION (NTCC) AS THE OFFICIAL TOURISM PROMOTION AGENCY (TPA) FOR NIAGARA COUNTY

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

WHEREAS, the NTCC is providing a significant return on investment to its government funding partners, including Niagara County, the City of Niagara Falls and the City of Lockport, and

WHEREAS, tourism is a critical and vitally important component to Niagara County and the Niagara USA economy, and

WHEREAS, Niagara County, pursuant to CT-005-03, entered into an agreement with NTCC for promoting tourism in Niagara County, and

WHEREAS, NTCC has expanded the utilization of its efforts and resources in the "I Love New York Program", and

WHEREAS, the NTCC promotes and markets tourism venues and attractions in the Falls, River, Lake and Canal regions of Niagara County, and

WHEREAS, all of these promotional efforts are generating significant revenues for businesses, including lodging facilities and County and local governments, and

WHEREAS, Niagara County will continue to have a vested interest in the promotion of tourism due to the tourism industry's positive economic impact on the County, and

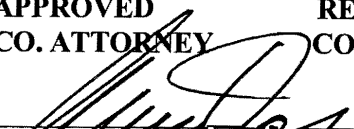
WHEREAS, Niagara County will continue its agreement with NTCC to provide such services, now, therefore, be it

RESOLVED, that the Chairman of Niagara County Legislature designates the NTCC as the official tourism promotion agency (TPA) for the County of Niagara.

ECONOMIC DEVELOPMENT COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Legislator Kathryn L. Lance and **DA TE:** 09/04/12 **RESOLUTION #** IL-053-12
Anthony J. Nemi

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

RESOLUTION CALLING ON THE NEW YORK STATE LEGISLATURE TO REJECT A.10807, A BILL THAT WOULD EXPAND ELIGIBILITY FOR TAXPAYER-SUBSIDIZED TUITION ASSISTANCE PROGRAM TO INCLUDE ILLEGAL ALIENS

WHEREAS, New York State Assembly Speaker Sheldon Silver, of Manhattan, New York City, did introduce bill A.10807, "An Act to Amend the Education Law in Relation to the Eligibility for Student Financial Aid of Individuals Granted Deferred Action for Childhood Arrival Status and of Certain Non-Residents of the State" in the Assembly on August 16, 2012, and

WHEREAS, A.10807 states explicitly that the "bill would expand eligibility for TAP (Tuition Assistance Program) and other educational opportunity programs to students that are granted deferred action for childhood arrivals status by the United States Citizenship and Immigration Services," and

WHEREAS, the individuals cited in the WHEREAS clause above are, in fact, illegal aliens who came to the United States as children and whose deferred action status is the result of a directive by President Barack Obama and Secretary of Homeland Security Janet Napolitano, and not through any definition of status set forth by the United States Congress, and

WHEREAS, the full range of affected aid programs identified in the bill include "the Tuition Assistance Program (TAP), Higher Education Opportunity Program (HEOP), Educational Opportunity Program (EOP), Collegiate Science and Technology Entry Program (C-STEP), and Opportunity programs available at community colleges," and

WHEREAS, the bill expands the pool of applicants to include those who are in the United States of America and New York State illegally, but does not increase the funding for said programs, meaning that law-abiding citizens are now less likely to be awarded taxpayer-subsidized tuition assistance, and

WHEREAS, as the sponsor county for a community college and home to an accredited private university, and with 21.1% of Niagara County's 216,469 residents under the age of 18, it is imperative that the County of Niagara state its position on legislation impacting both institutions and more than 40,000 of this county's citizens, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara does hereby oppose the enactment of A.10807, and be it further

RESOLVED, that the Legislature of the County of Niagara does hereby affirm its support for access to education for all law-abiding citizens of the State of New York, and be it further

RESOLVED, that the Legislature of the County of Niagara does hereby affirm its support for those many immigrants who have honorably chosen the often-difficult path to citizenship, and stands up for their right, as

legal citizens, to not be forced to compete for scarce education resources with non-citizens who did not honorably respect and obey this nation's immigration laws, and be it further

RESOLVED, that the Legislature of the County of Niagara admonishes Mr. Silver for his disregard for both the State of New York's law-abiding citizens and existing law, and be it further

RESOLVED, that the Legislature of the County of Niagara commends the Honorable George D. Maziarz, Senate Vice President Pro Tempore, the Honorable Mark Grisanti, Senator, the Honorable John D. Ceretto, Member of the Assembly, the Honorable Jane L. Corwin, Member of the Assembly, the Honorable Stephen Hawley, Member of the Assembly and the Honorable Ray Walter, Member of the Assembly for their leadership on this topic and vocal opposition to A.10807, and be it further

RESOLVED, that the Legislature of the County of Niagara does hereby call upon the honorable members of the New York State Senate to prevent any counterpart to A.10807 from being taken up by committee or on the floor of the Senate, and be it further

RESOLVED, that the Legislature of the County of Niagara calls upon the entire Western New York delegation to the New York State Assembly to join Members of the Assembly Ceretto, Corwin, Hawley and Walter in voting in the negative on A.10807, and to utilize any procedural tools to prevent its passage in the Lower House of the State Legislature, 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 Schimminger; 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 KATHRYN L. LANCE

LEGISLATOR ANTHONY J. NEMI

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Jason A. Zona, Owen T. Steed and Dennis F. Virtuoso DA TE: 09/04/12 RESOLUTION # IL-054-12

| | | | |
|---|---|---|---|
| APPROVED CO. ATTORNEY <i>as to form</i> | REVIEWED CO. MANAGER <i>[Signature]</i> | COMMITTEE ACTION _____ _____ _____ | LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____ |
|---|---|---|---|

RESOLUTION CALLING ON STATE SENATOR MAZIARZ AND ASSEMBLYMAN CERETTO TO INTRODUCE LEGISLATION DELIVERING NIAGARA FALLS ITS SHARE OF SENECA CASINO MONIES

WHEREAS, the State of New York and the Seneca Nation entered into a gaming compact whereby the Seneca Nation is to deliver a portion of slot machine revenue to the State of New York, and

WHEREAS, upon receipt of the slot machine revenue, the State of New York is required to deliver to the City of Niagara Falls one-quarter of the revenue, and

WHEREAS, the City of Niagara Falls uses their share of slot revenue to encourage economic development within the City and County, and

WHEREAS, a dispute has evolved between the State of New York and the Seneca Nation whereby the Seneca Nation has refused to pay any slot revenue to the State, thereby creating a major economic crisis within the City of Niagara Falls, and

WHEREAS, the City of Niagara Falls is owed approximately \$58 million in slot machine revenue to date, and

WHEREAS, the State of New York is charged with violating the compact with the Seneca Nation, thus forcing the impasse to be heard before an independent arbitrator, and

WHEREAS, while the dispute between the State of New York, and the Seneca Nation continues on, the City of Niagara Falls is financially held hostage and faces serious economic problems, and

WHEREAS, the City of Niagara Falls, despite the dispute causing the Seneca Nation to withhold payments, is still required to maintain the infrastructure supporting the Seneca Casino, including public safety, now, therefore, be it

RESOLVED, that the Niagara County Legislature, calls upon Senator George Maziarz, and Assemblyman John Ceretto to sponsor legislation in the New York State Legislature to advance the City of Niagara Falls its share of casino slot revenue, and be it further

RESOLVED, that a copy of this resolution be forwarded to Governor Andrew Cuomo; Senator Mark Grisanti, Senator George Maziarz, Assembly Member John Ceretto, Paul Dyster, Mayor, City of Niagara Falls and Samuel Fruscione, Council Chairman, City of Niagara Falls.

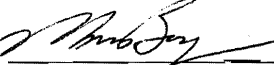
LEGISLATOR JASON A. ZONA

LEGISLATOR OWEN T. STEED

LEGISLATOR DENNIS F. VIRTUOSO

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Jason A. Zona, Owen T. Steed and Dennis F. Virtuoso **DATE:** 09/04/12 **RESOLUTION #** IL-055-12

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

RESOLUTION CALLING ON OUR STATE LEGISLATIVE DELEGATION IN NIAGARA COUNTY TO OPPOSE STATE LEGISLATURE PAY RAISES

WHEREAS, the State of New York FY2013 budget has a projected deficit of \$3.5 billion, and

WHEREAS, the State of New York continues to increase its spending, thereby causing the deficit to increase, and

WHEREAS, it is being proposed that State Legislators receive an immediate pay increase from \$79,500.00 per year to over \$100,000.00 per year, and

WHEREAS, this increase in pay will cost State taxpayers about \$4.25 million annually, and

WHEREAS, Niagara County is already the highest taxed County per capita in the entire country and its residents cannot afford to pay more for the state's bloated budget, and

WHEREAS, the New York State Legislature is annually rated as the most dysfunctional State Legislature in the United States, and

WHEREAS, while New York State employees were forced to giveback fringe benefits to receive small pay increments, State Legislators are proposing raises in pay of over twenty percent without benefit givebacks, now, therefore, be it

RESOLVED, that the Niagara County Legislature, calls upon Senator George Maziarz, Senator Mark Grisanti, and Assembly Members John Ceretto, Jane Corwin, Robin Schimminger, Stephen Hawley, and Ray Walter to oppose the pay raises for State Legislators, and be it further

RESOLVED, that a copy of this resolution be forwarded to Governor Andrew Cuomo, Senator George Maziarz, Senator Mark Grisanti, Assembly Member John Ceretto, Assembly Member Jane Corwin, Assembly Member Robin Schimminger, Assembly Member Stephen Hawley, and Assembly Member Ray Walter

LEGISLATOR JASON A. ZONA

LEGISLATOR OWEN T. STEED

LEGISLATOR DENNIS F. VIRTUOSO