



AGENDA
NIAGARA COUNTY LEGISLATURE
OCTOBER 28, 2014 – 7:00 P.M.

Resolutions not on previous agenda:

- AD-016-14** Administration, re Authorizing Niagara County to Enter into an Agreement with Mount View Properties of Lockport LLC – Approved
- CW-002-14** Committee of the Whole, re County Wide Communications Narrow Banding P25 Phase II Change Order No. 5 – Approved
- PW-093-14** Public Works & Administration, re Budget Modification for Landfill #1, Landfill #2 & C&D Landfill – Approved
- PW-116-14** Public Works & Administration, re Transit Road Emergency Repair – Approved
- PW-117-14** Public Works & Administration, re Parks Department Budget Modification – Approved
- PW-119-14** Public Works & Administration, re Highway Maintenance Budget Modification – Approved

Regular Meeting – October 28, 2014

- AD-018-14** Administration, re Lease Agreement for Centralized Storage of County Voting Equipment – Board of Elections
- *CS-033-14** Community Services & Administration, re Budget Modification Child Fatality Review Team Initiative – Social Services
- *CS-034-14** Community Services & Administration, re Authorization for Settlement Payment – Social Services
- *CS-035-14** Community Services & Administration, re Position Appointment Director of Veterans Service Agency – County Clerk
- *CS-036-14** Community Services & Administration, re Position Appointment Director of Community Mental Health Services – County Manager
- *CS-037-14** Community Services & Administration, re Budget Modification Acceptance of Systems Integration Funds – Aging
- *CSS-038-14** Community Safety & Security & Administration, re Accept Federal Revenue SCAAP Program – Sheriff

- *CSS-039-14 Community Safety & Security & Administration, re Accept Traffic Safety Grant – Sheriff
- *CSS-040-14 Community Safety & Security, re Accept Grant Forensic Laboratory – Sheriff
- *CSS-041-14 Community Safety & Security, re Forensic Laboratory Coverdell Grant – Sheriff
- *CSS-042-14 Community Safety & Security & Administration, re Accept PSAP Grant – Sheriff
- IL-042-14 Legislators Richard E. Updegrave, John Syracuse, Randy R. Bradt & Michael A. Hill, re Calling Upon the Governor & NYS Legislators to Provide Full Funding for the State's "Safety Net" Welfare Mandate to Counties or to Revert to Pre-2011 Funding Partnership
- IL-043-14 Legislators Richard E. Updegrave, John Syracuse, Randy R. Bradt & Michael A. Hill, re Calling Upon Governor Cuomo & NYS Legislators to Offer Counties the Option of Providing or Opting Out of "Safety Net" Welfare Benefits in Addition to Federally-Mandated TANF Program
- IL-044-14 Legislators Jason A. Zona, Mark J. Grozio, Dennis F. Virtuoso & Owen T. Steed, re Creating a Policy Whereby the Public Defender's Office Shall Bill Defendants that Receive Financial Settlements During or After Receiving County Legal Service
- *PW-120-14 Public Works & Administration, re Abolish Building Attendant Position Create & Fill Head Cleaner
- *PW-121-14 Public Works & Administration, re Jail Elevator Contract for Niagara County Sheriff's Office Change Order No. 1 – Final
- *PW-122-14 Public Works & Administration, re Plumbing Contract for Niagara County Sheriff's Office Vehicle & Property Storage Facility – Change Order No. 1
- *PW-123-14 Public Works & Administration, re General Contract for Niagara County Sheriff's Office Vehicle & Property Storage Facility – Change Order No. 1
- *PW-124-14 Public Works & Administration, re Capital Project Close Out – Water District
- *PW-125-14 Public Works & Administration, re Chemical Containment Project Capital Project Creation – Water District
- *PW-126-14 Public Works & Administration, re Transmission Main Phase 2 Capital Project Creation – Water District
- *PW-127-14 Public Works, re Refuse Disposal District Site Maintenance Contract Award – Refuse


 Mary Jo Tamburlin, Clerk
 Niagara County Legislature

*** Indicates Preferred Agenda items**

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

The next meeting of the Legislature will be held on November 18, 2014.

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee DATE: 10/28/2014 RESOLUTION # AD-018-14

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	<u>AD - 10/20/14</u>	Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

LEASE AGREEMENT FOR CENTRALIZED STORAGE OF COUNTY VOTING EQUIPMENT

WHEREAS, the Niagara County Board of Elections has been mandated by the State and Federal Governments to centralize election operations, and

WHEREAS, the County of Niagara has assumed ownership of all voting systems for the 12 Towns and 3 Cities in Niagara County, and

WHEREAS, the County has the obligation to store voting systems in order to control access to voting equipment, maintain care and custody, as required by Election Law, and

WHEREAS, the County Legislature may charge back the expenses of such storage to the cities and towns on any reasonable basis of apportionment, and

WHEREAS, a Request for Qualifications was conducted, and the Board of Elections has recommended accepting the lowest responsible bidder, now, therefore, be it

RESOLVED, that a lease agreement be entered into with Clear Opportunity Properties, LLC, 45 Main St., Lockport, New York 14094, as the lowest responsible bidder, at a maximum cost of \$3.95 per square foot for five (5) years, with an option to renew for an additional five (5) years at the same price (\$3.95/sf), effective November 1, 2014 to October 31, 2019, and be it further

RESOLVED, that either party shall give 120 days notice of its determination not to renew for such additional five (5) year term which would commence on November 1, 2019, and be it further

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

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services and DATE: 10/28/14 RESOLUTION # CS-033-14

Administration Committees

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	<u>CS - 10/20/14</u>	Approved: Ayes <u> </u> Abs. <u> </u> Noes <u> </u>
		<u>AD - 10/20/14</u>	Rejected: Ayes <u> </u> Abs. <u> </u> Noes <u> </u>
			Referred: <u> </u>

[Signature]
10/21/14

BUDGET MODIFICATION CHILD FATALITY REVIEW TEAM INITIATIVE

WHEREAS, the New York State Office Of Children & Family Services (OCFS), in conjunction with the New York State Department of Health (DOH), did make state-wide funds available for the provision and expansion of Child Fatality Review Teams (CFRT's), whose responsibility it is to review the death of any child whose care and custody or custody and guardianship has been transferred to an authorized agency, and

WHEREAS, demographic analysis have revealed that many children and families who are involved with the child welfare and juvenile justice systems in New York State are disproportionately Black and Latino, and many are poor, and

WHEREAS, resources have been made available for the assessment of relevant data, identification of affected communities across the state, and the identification of evidence based and/or best practice strategies which can be replicated in New York State, and

WHEREAS, effective August 1, 2014, Niagara County did receive an allocation of \$51,706, which is 100 % State funded, now, therefore, be it

RESOLVED, that Niagara County Department of Social Services will continue to contract with Niagara Falls Memorial Medical Center - Child Advocacy Center to provide services to our most vulnerable children and families, and to implement activities in accordance with the CFRT Initiative, and be it further

RESOLVED, that the following budget modification be effectuated to the Social Services 2014 budget:

INCREASE REVENUE:

A.22.6010.000 43610.01	DSS Admin General	\$51,706
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INCREASE APPROPRIATION:

A.22.6010.000 74500.01	Contractual Exp-Contractual	\$51,706
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COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

FROM: Community Services and DATE: 10/28/14 RESOLUTION # CS-034-14


RESOLUTION – AUTHORIZATION FOR SETTLEMENT PAYMENT

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services and DATE: 10/28/14 RESOLUTION # CS-035-14

Administration Committees

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
 10/21/14		CS - 10/20/14	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 10/20/14	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

POSITION APPOINTMENT DIRECTOR OF VETERANS SERVICE AGENCY

WHEREAS, resolution AD-020-02 placed the Niagara County Veterans Service Agency under the care and maintenance of the office of Niagara County Clerk, and

WHEREAS, the position of Veterans Service Director is vacant due to a retirement, and

WHEREAS, under the Local Law establishing an Administrative Code for the County of Niagara, the County Manager shall make appointments for the position of Veterans Service Director, subject to the confirmation of the County Legislature, and

WHEREAS, the position was advertised, resumes received and reviewed based upon experience, expertise, and qualifications, and

WHEREAS, each recommended candidate has received an interview, and

WHEREAS, the County Manager has determined that Nina Cabrera best meets the qualifications for the position and, therefore, should be appointed to the position, subject to the appointment being confirmed by the County Legislature, and

WHEREAS, the position is fully funded for FY2015 in the Niagara County Clerk's office budget, now, therefore, be it

RESOLVED, that Nina Cabrera be appointed to the position of Niagara County Veterans Service Director, at Flat Salary Grade VII, Step 2, \$24.66 per hour, at an annualized salary of \$45,049 effective November 9, 2014.

COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services and DATE: 10/28/14 RESOLUTION # CS-036-14

Administration Committees

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	CS - 10/20/14	Approved: Ayes Abs. Noes
		AD - 10/20/14	Rejected: Ayes Abs. Noes
			Referred:

[Signature]
10/21/14

POSITION APPOINTMENT DIRECTOR OF COMMUNITY MENTAL HEALTH SERVICES

WHEREAS, the Niagara County Department of Mental Health is led by the Director of Community Mental Health Services and the position became vacant effective April 27, 2014, and

WHEREAS, the position was advertised and resumes have been received and reviewed based on experience, expertise, and qualifications consistent with the standards for said office as established by New York State Mental Hygiene Law, and

WHEREAS, the Niagara County Community Services Board has recommended Laura J. Kelemen, LCSW-R, for permanent appointment as Director of Community Mental Health Services subject to the confirmation of the Niagara County Legislature, and

WHEREAS, the New York State Inter-Office Coordinating Council has approved Laura J. Kelemen's credentials for permanent appointment as Director of Community Mental Health Services, now, therefore, be it

RESOLVED, that Laura J. Kelemen be permanently appointed as Director of Community Mental Health Services effective October 27, 2014 for a six (6) year term expiring on October 26, 2020 and shall be entitled to all the benefits normally granted to a permanent department head, and be it further

RESOLVED, that Laura J. Kelemen's appointment shall be subject to a minimum eight (8) week to maximum fifty-two (52) week probationary period and that continued employment shall be contingent upon satisfactory work performance in meeting established standards, and be it further

RESOLVED, that Laura J. Kelemen shall be compensated as a FLSA exempt Flat salary Grade 18 Step 1 at an annualized salary of \$92,901.19 with future step increases in accordance with the policy for flat salaried, non-union employees, and be it further

RESOLVED, that upon expiration of the six (6) year term of office, Laura J. Kelemen may continue to serve as Director of Community Mental Health Services dependent on performance standards being met, reappointment, or until a successor is duly appointed and confirmed for said office.

COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services and DATE: 10/28/14 RESOLUTION # CS-037-14

Administration Committees

APPROVED

REVIEWED

COMMITTEE ACTION

LEGISLATIVE ACTION

CO. ATTORNEY

CO. MANAGER

CS - 10/20/14

Approved: Ayes Abs. Noes

AD - 10/20/14

Rejected: Ayes Abs. Noes

Referred:

Katherine D. Alexander

BUDGET MODIFICATION – ACCEPTANCE OF SYSTEMS INTEGRATION FUNDS

WHEREAS, the Niagara County Office for the Aging (NCOFA) provides community-based services to help older adults remain active and independent in the community, and

WHEREAS, the NCOFA has received a Systems Integration Grant that has been used in part to launch and offer Chronic Disease Self-Management workshops throughout Niagara County, and

WHEREAS, these workshops have given older adults and other individuals dealing with chronic diseases, as well as their caregivers, tools to better manage their disease and lead a healthier life, and

WHEREAS, the following funds will be used to help promote and advertise these workshops to older adults and other residents of Niagara County to increase attendance to upcoming classes so that more individuals can take advantage of these free workshops to significantly improve their health, now, therefore, be it

RESOLVED, that the department is given authorization to accept the grant increase with the effectuation of the following budget modification:

INCREASE REVENUE:

CM.24.6772.603 43772.01	Programs for Aging General	\$3,391.56
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INCREASE APPROPRIATION:

CM.24.6772.603 74375.01	Communications Advertising & Promotion	\$3,391.56
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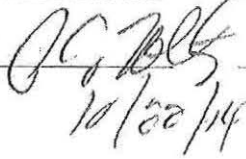
COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and DATE: 10/28/14 RESOLUTION # CSS-038-14

Administration Committees

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
 10/22/14		<u>CSS - 10/20/14</u>	Approved: Ayes _____ Abs. _____ Noes _____
		<u>AD - 10/20/14</u>	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

ACCEPT FEDERAL REVENUE - SCAAP PROGRAM

WHEREAS, Resolution PS-018-00 authorized the County to enter into an agreement with Justice Benefits, Inc., to secure revenue opportunities not currently being utilized, and

WHEREAS, since the inception of the agreement with Justice Benefits, Inc. in 2000, Niagara County has received more than \$371,269 in revenue, and

WHEREAS, we have been notified that Justice Benefits, Inc., has secured \$12,000 for the 2014 award from the federal government for the State Criminal Alien Assistance Program (SCAAP), now, therefore, be it

RESOLVED, that Niagara County accept this award and remit to Justice Benefits, Inc. their share as per the contract, and be it further

RESOLVED, that the 2014 budget be modified as follows:

INCREASE REVENUE:

A.17.3150.000.42264.00	Jail Facility Services	\$2,640
	Other Government Revenue	

INCREASE APPROPRIATION:

A.17.3150.000.42264.01	Contractual Expense	\$2,640
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COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and DATE: 10/28/14 RESOLUTION # CSS-039-14

Administration Committees

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	CSS - 10/20/14	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 10/20/14	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

ACCEPT TRAFFIC SAFETY GRANT

WHEREAS, the Niagara County Traffic Safety Office has been awarded a grant from the Governor's Traffic Safety Committee for the period of October 1, 2014 through September 30, 2015 in the amount of \$66,812, and

WHEREAS, this grant is a continuation of an existing program and is fully funded by the New York State Governor's Traffic Safety Committee, and

WHEREAS, the funds are used to ensure that child safety seats are installed and used correctly, educate pre-k and school aged students on bicycle and car safety, as well as to educate to reduce the number of crashes, injuries and deaths on the roads in Niagara County, and

WHEREAS, the funds are included in the 2015 budget, however, the contract needs to be executed, now, therefore, be it

RESOLVED, that the Traffic Safety Educator position continue to be co-terminus with the grant, and be it further

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

RESOLVED, that the 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: 10/28/14 RESOLUTION # CSS-040-14

Committee		COMMITTEE ACTION	LEGISLATIVE ACTION
APPROVED	REVIEWED		
CO. ATTORNEY	CO. MANAGER	CSS - 10/20/14	
<i>[Signature]</i>			Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

ACCEPT GRANT - NIAGARA COUNTY SHERIFF'S OFFICE
FORENSIC LABORATORY

WHEREAS, the New York State Division of Criminal Justice Services awarded the Niagara County Sheriff's Office Forensic Laboratory a grant in the amount of \$176,577 for the period of July 1, 2014 through June 30, 2015, and

WHEREAS, this grant provides funding to ensure that the Niagara County Forensic Laboratory continues to meet New York State Accreditation Standards, and

WHEREAS, funding allows the County to purchase supplies and to continue to fund a position that performs DNA analysis that works collaboratively with the Erie County Forensic Laboratory, and

WHEREAS, the Sheriff's Office wishes to continue funding a Senior Criminalist to perform DNA analysis and other functions that will allow the Forensic Laboratory to maintain their accreditation, said position is in the 2014 budget, and

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

RESOLVED, that the Senior Criminalist position continue to be co-terminus with the grant, 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 agreement.

COMMUNITY SAFETY & SECURITY
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security DATE: 10/28/14 RESOLUTION # CSS-041-14

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	CSS - 10/20/14	Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

[Signature]
10/21/14

NIAGARA COUNTY SHERIFF'S OFFICE
FORENSIC LABORATORY COVERDELL GRANT

WHEREAS, the Niagara County Sheriff's Office received a renewal grant from the New York State Department of Criminal Justice Services for the Forensic Laboratory in the amount of \$22,202 for the period of October 1, 2014 through September 30, 2015, and

WHEREAS, this grant funds a part-time clerical position and training expenses, and

WHEREAS, it is desirable to continue such a position to answer the phones, input data and other clerical duties that would relieve the chemists from the interruptions of such duty, and

WHEREAS, the position is budgeted in the 2014 budget so no modification needs to be made for the position, now, therefore, be it

RESOLVED, that the part-time clerical position continue to be co-terminus with the grant, and be it further

RESOLVED, that prior to the execution of the grant, the County Attorney will review the grant for approval 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 grant.

COMMUNITY SAFETY & SECURITY
COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security DATE: 10/28/14 RESOLUTION # CSS-042-14

and Administration Committees

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	CSS - 10/20/14	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 10/20/14	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

10/22/14 NIAGARA COUNTY SHERIFF'S OFFICE-ACCEPT PSAP GRANT

WHEREAS, the Niagara County Sheriff's Office has received an award from the New York State Department of Homeland Security and Emergency Services in the amount of \$82,387 for the period of June 25, 2014 through June 24, 2015, and

WHEREAS, these funds are to be used to improve interoperable communications through operational efficiency and effectiveness by consolidating public safety answering points and promoting cross-jurisdictional standard operating procedures, and

WHEREAS, the Sheriff's Office will use these funds to purchase replacement CAD computers, which are nearing their useful life and adhere to the county policy, now, therefore, be it

RESOLVED, that prior to the execution of the grant, the County Attorney will review the grant for approval 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 this grant.

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Richard E. Updegrove, DATE: 10/28/14 RESOLUTION # TL-042-14

John Syracuse, Randy R. Bradt and

Michael A. Hill

APPROVED

REVIEWED

COMMITTEE ACTION

LEGISLATIVE ACTION

CO. ATTORNEY

CO. MANAGER

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

**RESOLUTION CALLING UPON THE GOVERNOR AND NEW YORK STATE LEGISLATORS TO
PROVIDE FULL FUNDING FOR THE STATE'S "SAFETY NET" WELFARE MANDATE TO
COUNTIES OR TO REVERT TO PRE-2011 FUNDING PARTNERSHIP**

WHEREAS, Temporary Assistance for Needy Families, or TANF, is a federally-mandated welfare program that provides assistance to indigent persons, but is limited by the federal government to five years of benefit payments, and

WHEREAS, Safety Net Assistance is a welfare program mandated by the State of New York which provides benefits to those persons who are no longer eligible for TANF benefits, including those that have exhausted the 60-month limit on said federal benefits and continue to not move into gainful employment, and

WHEREAS, the Safety Net is not a federally mandated program, but instead is mandated solely by the State of New York, and

WHEREAS, the caseload for this non-federally-mandated welfare program has increased by 51% since 2006 according to data providing by the Niagara County Department of Social Services, and

WHEREAS, the State of New York has traditionally required county taxpayers to contribute 50% of the cost of said Safety Net welfare benefits, and

WHEREAS, the State of New York has unilaterally changed its contribution level to 29% beginning with the 2011 New York State Budget, and

WHEREAS, this has resulted in cumulative additional costs to Niagara County taxpayers of \$7.4 million since 2010, the last year of the 50%-50% cost-sharing was in effect, with the annual local cost as of 2013 at \$7.8 million and expected to continue increasing, and

WHEREAS, said increase has constituted a local 89% rise in costs to local taxpayers during the period since adoption of the 2011 State Budget, and

WHEREAS, the total local expenditure on the Safety Net welfare program has been \$26 million since the funding formula was revised in the 2011 budget, and

WHEREAS, current annual county expenditures on Safety Net constitute more than 10% of the local property tax levy, and

WHEREAS, due to New York State's property tax cap, the County of Niagara may be mandated to reduce essential services utilized by all county taxpayers to offset the increase in this unfunded, state-mandated welfare program, now, therefore, be it

RESOLVED, that the County of Niagara does request that the Governor and the State Legislature, in the 2015 budget, take over full funding for this state-mandated program, rather than passing the majority of costs off to municipalities, or, absent that, revert to the pre-2011 50%-50% cost-sharing arrangement, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to the Governor of the State of New York, to the majority leaders of each house of the New York State Legislature, and to the members of the Niagara County delegation to the State Legislature, as shall be determined by the outcome of various contests in the November 4 elections.

LEGISLATOR RICHARD E. UPDEGROVE


LEGISLATOR JOHN SYRACUSE

LEGISLATOR RANDY R. BRADT

LEGISLATOR MICHAEL A. HILL

NIAGARA COUNTY LEGISLATURE

FROM: Legislator Richard E. Updegrove DATE: 10/28/14 RESOLUTION # IL-043-14
John Syracuse, Randy R. Bradt and
Michael A. Hill

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

RESOLUTION CALLING UPON GOVERNOR CUOMO AND NEW YORK STATE LEGISLATORS TO OFFER COUNTIES THE OPTION OF PROVIDING OR OPTING OUT OF "SAFETY NET" WELFARE BENEFITS IN ADDITION TO FEDERALLY-MANDATED TANF PROGRAM

WHEREAS, Temporary Assistance for Needy Families, or TANF, is a federally-mandated program that provides assistance to indigent persons, but is limited by the federal government to five years of benefit payments, and

WHEREAS, Safety Net Assistance is a program mandated by the State of New York which provides benefits to those persons who are no longer eligible for TANF benefits, including those that have exhausted the 60-month limit on said federal benefits and continue to not move into gainful employment, and

WHEREAS, the Safety Net is not a federally mandated program, but instead is mandated solely by the State of New York, and that is 71% funded at the county level, in addition to a small contribution from the state, and

WHEREAS, the caseload for this non-federally-mandated welfare program has increased by 51% since 2006 according to data providing by the Niagara County Department of Social Services, and

WHEREAS, the same time period has seen a 167% increase in local costs since 2006 for a state-mandated, but not federally-mandated, program, and

WHEREAS, current local expenditures on Safety Net constitute more than 10% of the local property tax levy, and

WHEREAS, due to New York State's property tax cap, the County of Niagara may be mandated to reduce essential services utilized by all county taxpayers to offset the increase in this unfunded mandate from the state, now, therefore, be it

RESOLVED, that the County of Niagara does request that the Governor and the State Legislature, in the 2015 budget, elect to offer local counties the option of whether to offer this program, which is not mandated by federal welfare statutes, and in light of the fact that the federally-mandated TANF program, which provides five years of support, already provides generous benefits and a long period of time for recipients to make such changes in their lives as shall be necessary to become self-sufficient, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to the Governor of the State of New York, to the majority leaders of each house of the New York State Legislature, and to the members of the Niagara County delegation to the State Legislature, as shall be determined by the outcome of various contests in the November 4 elections.

LEGISLATOR RICHARD E. UPDEGROVE

LEGISLATOR JOHN SYRACUSE

LEGISLATOR RANDY R. BRADT

LEGISLATOR MICHAEL A. HILL

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Jason A. Zona, DATE: 10/28/14 RESOLUTION # IL-044-14
Mark J. Grozio, Dennis F. Viruoso
and Owen T. Steed

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

RESOLUTION CREATING A POLICY WHEREBY THE PUBLIC DEFENDERS OFFICE SHALL BILL DEFENDANTS THAT RECEIVE FINANCIAL SETTLEMENTS DURING OR AFTER RECEIVING COUNTY LEGAL SERVICE

WHEREAS, the landmark Supreme Court case in 1963 entitled Gideon v. Wainwright provided that state courts are required to provide attorneys to defendants in the criminal justice system that are unable to afford their own attorney, and

WHEREAS, Niagara County employs public defenders that represent defendants that are unable to afford an attorney of their own, and

WHEREAS, Niagara County expends a substantial amount of tax dollars on supplying public defenders to indigent defendants, and

WHEREAS, that a defendant must first file an application before granted a public defender and must show that they are unable to afford an attorney, and

WHEREAS, occasionally, a defendant that utilizes a Niagara County public defender is unable to afford an attorney at that time, however, may be receiving substantial funds in the near future, and

WHEREAS, specifically, there are many instances whereby a defendant may be indigent at the time they apply for a public defender, but is expected to receive a financial settlement via personal injury litigation incurring or pending applications, and

WHEREAS, an indigent defendant should be required to repay and reimburse Niagara County for reasonable costs and attorney's fees that were expended in representing the defendant by the public defender, now, therefore, be it

RESOLVED, that the Niagara County Legislature shall direct the Niagara County Attorney to create a policy whereby the Public Defender's office shall bill any defendant who is indigent at the time of application who thereafter receives a monetary award by way of settlement or verdict, and further be it

RESOLVED, that the Niagara County Legislature hereby directs the Niagara County Attorney to render an opinion to the Niagara County Legislature regarding the implementation of a policy whereby Niagara County places a lien on any indigent defendant's settlement funds to pay the costs and attorney's fees associated with their public defender's representation, and further be it

RESOLVED, that the funds recouped from the public defender's representation of indigent defendants shall be returned to the County's general fund balance to reduce Niagara County property taxes.

LEGISLATOR JASON A. ZONA

LEGISLATOR MARK J. GROZIO


LEGISLATOR DENNIS F. VIRTUOSO

LEGISLATOR OWEN T. STEED

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration DATE: 10/28/14 RESOLUTION # PW-120-14

Committees

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	<u>PW - 9/29/14</u>	Approved: Ayes <u> </u> Abs. <u> </u> Noes <u> </u>
		<u>AD - 10/20/14</u>	Rejected: Ayes <u> </u> Abs. <u> </u> Noes <u> </u>
			Referred: <u> </u>

**ABOLISH BUILDING ATTENDANT POSITION
CREATE AND FILL HEAD CLEANER**

WHEREAS, due to personnel vacancies within the Buildings and Grounds Division of the Public Works Department, the department has reviewed its operational needs for maintaining the various office buildings throughout Niagara County, and

WHEREAS, after studying the services we provide and evaluating all options it has been determined that it would be in the best interest of the department, as well as the taxpayers, to abolish one (1) Building Attendant, and create and fill one (1) Head Cleaner, and

WHEREAS, funding for this newly created position will be from the mentioned abolished position, now, therefore, be it

RESOLVED, that Position No. 255, Building Attendant, be abolished, and be it further

RESOLVED, that the position of Head Cleaner, AFSCME, Grade 16, Step 2, at an annual rate of \$32,406, be created and filled, effective November 10, 2014, and be it further

RESOLVED that the following budget modification be made:

FROM:

A.15.1620.000.71010 .00	Positions (Building Attendant-Pos#255)	\$5,752.11
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TO:

A.15.1620.000.71010.01	Positions (Head Cleaner)	\$5,752.11
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PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration DATE: 10/28/14 RESOLUTION # PW-121-14

Committees

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	<u>PW - 9/29/14</u>	Approved: Ayes <u> </u> Abs. <u> </u> Noes <u> </u>
		<u>AD - 10/20/14</u>	Rejected: Ayes <u> </u> Abs. <u> </u> Noes <u> </u>
			Referred: <u> </u>

10/21/14 JAIL ELEVATOR CONTRACT FOR NIAGARA COUNTY SHERIFF'S OFFICE
CHANGE ORDER NO. 1-FINAL

WHEREAS, Resolution No. PW-085-13, dated October 15, 2013, awarded the elevator replacement contract to DCB Elevator Co Inc, PO Box 426, Lewiston, NY 14092, in the amount of \$340,950, and

WHEREAS, it is necessary approve Change Order No. 1, to decrease the contract by \$10,000, for adjustments in contract quantities, for a revised contract of \$330,950, 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 Change Order No. 1-Final, in the amount of (\$10,000) to DCB Elevator, PO Box 426, Lewiston, NY 14092, be approved, and be it further

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

PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration DATE: 10/28/14 RESOLUTION # PW-122-14

Committees

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	PW- - 9/29/14	Approved: Ayes Abs. Noes
		AD - 10/20/14	Rejected: Ayes Abs. Noes
			Referred:

PLUMBING CONTRACT FOR NIAGARA COUNTY SHERIFF'S OFFICE VEHICLE AND PROPERTY STORAGE FACILITY - CHANGE ORDER NO. 1

WHEREAS, Resolution No. PW-053-14, dated April 8, 2014, awarded the plumbing contract for the new vehicle and evidence storage to Mulvey Construction, 5583 Davison Road, Lockport, NY 14094, in the amount of \$80,142, and

WHEREAS, it is necessary approve Change Order No. 1, to increase the contract by \$2,400, for furnishing larger diameter and perforated pipe for ground water around the exterior of the building, for a revised contract of \$82,542, 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 Change Order No. 1, in the amount of \$2,400 to Mulvey Construction, 5583 Davison Road, Lockport, NY 14094, be approved, and be it further

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

PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Wotrks and Administration DATE: 10/28/14 RESOLUTION # PW-123-14

Committees

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	PW - 9/29/14	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 10/20/14	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

**GENERAL CONTRACT FOR NIAGARA COUNTY SHERIFF'S OFFICE VEHICLE AND
PROPERTY STORAGE FACILITY - CHANGE ORDER NO. 1**

WHEREAS, Resolution No. PW-050-14, dated April 8, 2014, awarded the general contract for the new vehicle and evidence storage to RB Mac Construction Co Inc, PO Box 424, Lockport, NY 14095, in the amount of \$663,000, and

WHEREAS, it is necessary approve Change Order No. 1, to increase the contract by \$12,527, for the labor and materials associated with drainage and site grading modifications around the exterior of the new building, for a revised contract of \$675,527, 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 Change Order No. 1, in the amount of \$12,527 to RB Mac Construction Co Inc, PO Box 424, Lockport, NY 14095, be approved, and be it further

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

PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration DATE: 10/28/14 RESOLUTION # PW-124-14

Committees

<p>APPROVED CO. ATTORNEY</p>	<p>REVIEWED CO. MANAGER</p>	<p>COMMITTEE ACTION PW - 9/29/14 AD - 10/20/14</p>	<p>LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____</p>
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[Signature]
10/28/14

CAPITAL PROJECT CLOSE OUT WATER DISTRICT

WHEREAS, the following capital project has been completed and has an account balance remaining that needs to be transferred back to the original funding sources, now, therefore, be it

RESOLVED, that the following capital project be closed and the remaining account balance be returned to the Water District Operating Fund and Capital Reserve Fund, which were the original funding sources:

DECREASE ESTIMATED REVENUES:

H543.31.8397.000 45031.00	Interfund Transfers from Operating	\$2,300,000.00
H543.31.8397.000 45031.10	Interfund Transfers from Capital Reserves	\$453,499.15

DECREASE APPROPRIATIONS:

H543.31.8397.000 72600.03	Water Capital Improv Phase 1 (Infrastructure Water Lines)	\$2,617,660.51
H543.31.8397.000 72200.01	Water Capital Improv Phase I (Buildings. Building Improvements)	\$135,838.64

PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration **DATE:** 10/28/14 **RESOLUTION #** PW-125-14

Committees

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	<u>PW - 9/29/14</u>	Approved: Ayes _____ Abs. _____ Noes _____
		<u>AD - 10/20/14</u>	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

[Signature]
10/22/14

**CHEMICAL CONTAINMENT PROJECT
CAPITAL PROJECT CREATION**

WHEREAS, a new containment building is needed at the water treatment plant to house the fluoride, coagulant aid polymer, and corrosion inhibitor chemicals, and

WHEREAS, the Niagara County Water District Administrative Board authorized the Administrative Director to go to bid for the Chemical Containment Project under Contract No. 14-1, and

WHEREAS, there are sufficient funds in the Water District's 2014 Operating Budget to cover the cost of this project, now, therefore, be it

RESOLVED, that the following capital project be created and funded from the following 2014 Water District operating budget lines:

DECREASE APPROPRIATIONS:

FX.31.8330.000.72100.27	Water System Improvements	\$755,000
FX.31.1990.000 74500.01	Water Contingency Fund	\$100,000

INCREASE APPROPRIATED FUND BALANCE:

FX.40599.00	Appropriated Fund Balance	\$900,000
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INCREASE APPROPRIATIONS:

FX.31.9950.000.79010.00	Transfer to Capital Construction	\$1,755,000
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INCREASE REVENUE:

H615.31.8397.000.45031.00	Interfund Transfer, From Operating	\$1,755,000
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INCREASE APPROPRIATIONS:

H615.31.8397.000.72100.27	Chemical Containment Project	\$1,755,000
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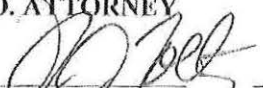
PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration **DATE:** 10/28/14 **RESOLUTION #** PW-126-14

Committees

APPROVED	REVIEWED	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY	CO. MANAGER	<u>PW - 10/20/14</u>	Approved: Ayes _____ Abs. _____ Noes _____
		<u>AD - 10/20/14</u>	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

10/28/14

TRANSMISSION MAIN PHASE 2 CAPITAL PROJECT CREATION

WHEREAS, a Map, Plan and Report for the Transmission Main Phase 2 project was prepared by Wendel on June 19, 2014, and

WHEREAS, Resolution #PW-109-14 declared it is in the public interest to undertake the increase and improvement of Niagara County Water District Facilities consisting of construction of additional transmission lines and related improvements, and

WHEREAS, Resolution #PW-108-14 authorized the issuance of \$20,250,000 serial bonds of the County of Niagara, New York and the expenditure of \$4,000,000 from the County Water District's General Fund to finance a portion of the \$24,250,000 total maximum estimated cost, and

WHEREAS, the Niagara County Water District Administrative Board authorized the Administrative Director to go to bid for the Transmission Main Phase 2 Project, and

WHEREAS, there are sufficient funds in the Water District's 2014 Operating Budget to cover the cost of taking this project to bid, now, therefore, be it

RESOLVED, that the following capital project be created and partially funded from the following 2014 Water District operating budget line in the amount of \$4,000,000 with the remainder of the project to be funded by the issuance of \$20,250,000 in serial bonds in 2015:

INCREASE APPROPRIATED FUND BALANCE:

FX.40599.00	Appropriated Fund Balance	\$4,000,000
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INCREASE APPROPRIATIONS:

FX.31.9950.000.79010.00	Transfer to Capital Construction	\$4,000,000
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INCREASE REVENUE:

H616.31.8397.000.45031.00	Interfund Transfer, From Operating	\$4,000,000
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INCREASE APPROPRIATIONS:

H616.31.8397.000.72600.03	Transmission Main Phase 2	\$4,000,000
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PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 10/28/14 RESOLUTION # PW-127-14

APPROVED CO. ATTORNEY	REVIEWED CO. MANAGER	COMMITTEE ACTION <u>PW - 10/20/14</u>	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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[Signature]
10/21/14

REFUSE DISPOSAL DISTRICT SITE MAINTENANCE CONTRACT AWARD

WHEREAS, the Niagara County Refuse Disposal District Board directed the Interim Administrator to proceed with the Site Maintenance Upgrades that include the inspection and marking of geomembrane termination and remediation of gas migration, and

WHEREAS, sealed bids for the Site Maintenance Upgrades were received and publicly opened by the Purchasing Department on October 14, 2014, as tabulated below:

<u>Contractor</u>	<u>Bid Totals</u>
1. The Environmental Service Group 177 Wales Ave. Tonawanda, NY 14150	\$118,300.00
2. Mark Cerrone Inc. 2368 Maryland Ave Niagara Falls, NY 14305	\$147,195.00

and

WHEREAS, the contract be awarded to the lowest responsible bidder, The Environmental Service Group, 177 Wales Avenue, Tonawanda, NY 14150, in the amount of \$118,300.00, and

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

RESOLVED, that the Niagara County Refuse Disposal District Site Maintenance Upgrades contract be awarded to The Environmental Service Group, 177 Wales Avenue, Tonawanda, NY 14150, in the amount of \$118,300.00, and be it further

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

PUBLIC WORKS COMMITTEE