

AGENDA
NIAGARA COUNTY LEGISLATURE
OCTOBER 16, 2012 – 7:00 P.M.

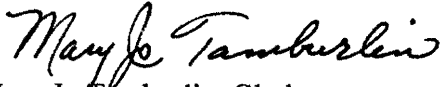
Resolutions not on previous agenda:

- AD-025-12** Administration, re Resolution Issuing a Final Scoping Document for the Proposed Niagara County Emergency Communications Project – Approved
- CSS-039-12** Community Safety & Security & Administration, re Niagara County Sheriff's Office Budget Modification Trust Account Assets Forfeiture – Approved
- CSS-040-12** Community Safety & Security & Administration, re Niagara County Sheriff's Office Jail Inmate Medical Services – Approved

Regular Meeting – October 16, 2012

- *AD-026-12** Administration, re Authorization to Convey Certain Tax Sale Property to the Village of Middleport – County Attorney
- *CSS-041-12** Community Safety & Security & Administration, re Probation Budget Modification Reentry Program – Probation
- *ED-022-12** Economic Development & Administration, re Acceptance of USEPA Supplemental Grant for Brownfields Cleanup Revolving Loan Fund
- IL-069-12** Legislators Dennis F. Virtuoso, Jason A. Zona & Owen T. Steed, re Calling on the New York State Senate and New York State Assembly to Prohibit Taxpayers Funds from Paying for Lawsuit Settlements for Senators, Assemblypersons and Staffers
- IL-070-12** Legislators Dennis F. Virtuoso, Jason A. Zona & Owen T. Steed, re Calling on the New York State Senate and New York State Assembly to Strengthen Laws Protecting Children from Child Predators
- *PW-085-12** Public Works & Administration, re Capital Project H555 Close Out – Water District
- *PW-086-12** Public Works & Administration, re Parks Budget Modification

***PW-087-12** Public Works & Administration, re Capital Budget Modification for Krull Park



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 20, 2012.

NIAGARA COUNTY LEGISLATURE

FROM: Administration Committee

DATE: 10/16/12

RESOLUTION # AD-026-12

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

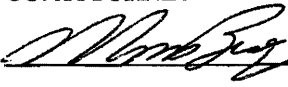
COMMITTEE ACTION
10/09/12

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____



**AUTHORIZATION TO CONVEY CERTAIN TAX SALE PROPERTY
TO THE VILLAGE OF MIDDLEPORT**

WHEREAS, the County of Niagara by foreclosure of tax liens under Article 11, Title 3 of the Real Property Tax Law of the State of New York (the "proceeding") has acquired jurisdiction, by the filing of a verified petition (commenced in Niagara County Supreme Court under Clerk's Index No. 130991) over property assessed under SBL# 86.13-1-29 and commonly known as 31 Main Street in the Town of Royalton, Village of Middleport, New York (the "Property"), owned by Mary Busch, and

WHEREAS, by order contained in the Judgment of Foreclosure and Sale by Honorable Richard C. Kloch, Sr., Acting Supreme Court Justice, granted September 8, 2008 and entered September 9, 2008 in the Proceeding, David S. Broderick (the "Tax Enforcing Officer") was awarded possession of the Property and, among other things, was authorized to execute and deliver a deed conveying full and complete title to the Property free and clear of all liens and encumbrances to a designee or assignee of the Tax Enforcing Officer, and

WHEREAS, the Village of Middleport, a municipal subdivision of the State of New York, has completed its environmental assessment and has notified the County of Niagara of its desire to accept ownership of the Property from the Tax Enforcing Officer in the Proceeding, pursuant to §4-412 (1) of the Village Law of the State of New York by resolution dated December 15, 2008 and, in consideration of said transfer, has also represented and warranted to the Tax Enforcing Officer that it shall fully demolish all improvements on the Property before delivery of the deed conveying title to the Property and shall waive any right said Village may have by lien, claim or otherwise, arising from the cost of such demolition and, subsequent to transfer, will take all action reasonable and necessary to sell and and/or transfer Property to a private taxpaying entity, and

WHEREAS, the Niagara county Legislature hereby finds and determines that an indispensable condition of conveyance in this matter is protection of the County's interests is the additional consideration of a hold harmless and indemnity agreement from the Village of Middleport, and

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

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

RESOLVED, Pursuant to §215 (8) of the County Law the Niagara County Legislature hereby authorizes the Tax Enforcing Officer to convey tax sale property commonly known as 31 Main Street, Village of Middleport, to the Village of Middleport, subject to review by the Niagara County Attorney and including terms and conditions consistent with the findings and conditions set forth in this resolution and in any and all order, judgments and decrees made and entered by the Assigned Justice in the Proceeding.

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and DATE: 10/16/12 RESOLUTION #CSS-041-12

Administration Committees

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION <u>CSS - 9/11/12</u> <u>AD - 10/9/12</u>	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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PROBATION BUDGET MODIFICATION - REENTRY PROGRAM

WHEREAS, the Niagara County Probation Department applied for funding from the New York Division of Criminal Justice Services, Bureau of Justice Funding for the contract period of July 1, 2012 through June 30, 2013 under the Local Reentry Task Force Initiative for upstate Operation Impact counties, and

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

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

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

WHEREAS, the Niagara County Probation Department has received notification from the New York State Division of Criminal Justice Services of a financial award in the amount of \$100,000 for the period of July 1, 2012 through June 30, 2013 to contract with Community Missions, Inc. to establish and manage a comprehensive Parole Reentry Program, and

WHEREAS, it is necessary to modify revenue and appropriations in cost center A.18.3140, to meet actual anticipated expenditures for 2012, and

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

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

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

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

INCREASE REVENUE:

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

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

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Economic Development and DATE: 10/16/12 RESOLUTION # ED-022-12

Administration Committees

APPROVED BY CO. ATTORNEY (Signature) REVIEWED BY CO. MANAGER COMMITTEE ACTION ED - 10/10/12 AD - 10/9/12 LEGISLATIVE ACTION Approved: Ayes Abs. Noes Rejected: Ayes Abs. Noes Referred:

ACCEPTANCE OF USEPA SUPPLEMENTAL GRANT FOR BROWNFIELDS CLEANUP REVOLVING LOAN FUND

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

WHEREAS, one vital component of the Niagara County Brownfields Program was the implementation of the Niagara County Brownfields Cleanup Revolving Loan Fund (BCRLF) Program, that has previously been funded through \$1.9 million in grants from the United States Environmental Protection Agency (USEPA), and

WHEREAS, the purpose of the BCRLF is to provide financial incentives for remediation of brownfield sites by providing a source of funding in the form of low-interest loans to the private sector and grants to local municipalities and non-profit organizations that need assistance in remediating brownfield sites throughout Niagara County, New York, and

WHEREAS, on April 11, 2012, the Economic Development Committee authorized the Niagara County Department of Economic Development to apply for a Supplemental BCRLF Grant from USEPA to make funding available for new projects, and

WHEREAS, the Niagara County Department of Economic Development was awarded the grant from USEPA in the amount of Two Hundred Thousand Dollars (\$200,000), and

WHEREAS, to implement the BCRLF Program, Niagara County created a brownfield specific development corporation, the Niagara County Brownfield Development Corporation (NCBDC), and

WHEREAS, the NCBDC provides oversight of the BCRLF and authorizes project specific funding decisions, and

WHEREAS, Niagara County acts as a pass through between USEPA and the NCBDC for project specific costs that are paid through a BCRLF loan or subgrant agreement, and

WHEREAS, the entire Two Hundred Thousand Dollars (\$200,000) supplemental grant award is only for project specific costs and does not require any monetary advances or budgeting by Niagara County, and

WHEREAS, prior to the execution of any agreements, amendments, or contracts, the Niagara County Attorney will review them for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that Niagara County authorizes entering into the Cooperative Agreement with USEPA and accepting the supplemental funding of Two Hundred Thousand Dollars (\$200,000) to the BCRLF Program, 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 sign and/or execute any agreements or amendments in this regard along with any and all necessary documents required pursuant to the provisions of the agreement.


ECONOMIC DEVELOPMENT COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Dennis F. Virtuoso, Jason A. DATE: 10/16/2012 RESOLUTION # TL-069-12

Zona & Owen T. Steed

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

RESOLUTION CALLING ON THE NEW YORK STATE SENATE AND NEW YORK STATE ASSEMBLY TO PROHIBIT TAXPAYERS FUNDS FROM PAYING FOR LAWSUIT SETTLEMENTS FOR SENATORS, ASSEMBLYPERSONS AND STAFFERS

WHEREAS, Brooklyn Assemblyman Vito Lopez recently settled a sexual harassment lawsuit whereby New York State taxpayers paid over \$100,000 to the victim, and

WHEREAS, Glenn Aronow, also an employee with the New York State Majority Office, also settled a sexual harassment lawsuit for \$90,000 that was paid by New York State taxpayers, and

WHEREAS, New York State taxpayers should not pay for the indiscretions and/or negligence of Senators, Assemblypersons and their staffers, and

WHEREAS, the New York State Senators and Assemblypersons should conduct thorough background checks of all prospective employees and staffers that they hire in their local and Albany offices, now, therefore, be it

RESOLVED, that the Niagara County Legislature calls upon the New York State Senate, Assembly and Governor to prevent any New York State funds used to pay settlements and judgments entered against Senators, Assemblypersons and their employees/staff members for their indiscretions and/or negligence and/or sexual harassment suits and that they be held personally liable, and be it further

RESOLVED, that the Niagara County Legislature calls upon the New York State Senate, Assembly and Governor to conduct thorough background checks of all prospective employees and staffers that they hire in their local offices and their Albany offices, and be it further

RESOLVED, that the County of Niagara forward copies of this resolution to Governor Andrew M. Cuomo, Senate Vice President Pro Tem George D. Maziarz, Senator Mark Grisanti, Senate Temporary President Dean G. Skelos, Senate Deputy Majority Leader Thomas W. Libous, Senate Minority Leader John L. Sampson, Assemblyman John D. Ceretto, and all others deemed necessary and proper.

LEGISLATOR DENNIS F. VIRTUOSO

LEGISLATOR JASON A. ZONA

LEGISLATOR OWEN T. STEED

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Dennis F. Virtuoso, Jason A. Zona, Owen T. Steed, et al. DATE: 10/16/2012 RESOLUTION # IL-070-12

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

RESOLUTION CALLING ON THE NEW YORK STATE SENATE AND NEW YORK STATE ASSEMBLY TO STRENGTHEN LAWS PROTECTING CHILDREN FROM CHILD PREDATORS

WHEREAS, in 2008, the Niagara County Legislature passed a local law, "Niagara County Pedophile Free Child Safety Zone Act", and

WHEREAS, the local law provided a safety zone that restricted convicted sexual predators and pedophiles from being within 1,500 feet of areas that have typically been safe places for children to play and congregate, and

WHEREAS, the local law protected children congregating and playing at public or non-public elementary, middle and high schools, child care facilities, parks, playgrounds, public or private youth center or public swimming pools, and

WHEREAS, in 2012, amid Statewide legal challenges to this type of local law, the Niagara County Legislature is considering repealing the "Niagara County Pedophile Free Child Safety Zone Act", and

WHEREAS, the Niagara County Legislature believes that the safety of its children are one of its utmost responsibilities to the community, and

WHEREAS, the Niagara County Legislature desires New York State to strengthen its laws to protect children from sexual predators and pedophiles, now, therefore, be it

RESOLVED, that the Niagara County Legislature calls upon the New York State Senate, Assembly and Governor to strengthen its laws to protect children from predators and pedophiles, and be it further

RESOLVED, that the Niagara County Legislature calls upon the New York State Senate, Assembly and Governor in broaden the child safety zones to a minimum of 1,500 feet, and make it applicable to all sex offenders after their terms of parole, post release supervision or probation have expired for level 2 and level 3 offenders, and be it further

RESOLVED, that the County of Niagara forward copies of this resolution to Governor Andrew M. Cuomo, Senate vice President Pro Tem George D. Maziarz, Senator Mark Grisanti, Senate Temporary President Dean G. Skelos, Senate Deputy Majority Leader Thomas W. Libous, Senate Minority Leader John L. Sampson, Assemblyman John Ceretto, and all others deemed necessary and proper, and be it further

RESOLVED, that the County of Niagara forward copies of this resolution to all counties in New York State requesting their support for this resolution.

LEGISLATOR DENNIS F. VIRTUOSO

LEGISLATOR JASON A. ZONA

LEGISLATOR OWEN T. STEED

LEGISLATOR WILLIAM L. ROSS

LEGISLATOR PETER E. SMOLINSKI

LEGISLATOR MICHAEL A. HILL

LEGISLATOR JOHN SYRACUSE

LEGISLATOR CHEREÉ J. COPELIN

LEGISLATOR RICHARD E. UPDEGROVE

LEGISLATOR WM. KEITH MCNALL

LEGISLATOR ANTHONY J. NEMI

LEGISLATOR PAUL B. WOJTASZEK

LEGISLATOR DAVID E. GODFREY

LEGISLATOR KATHRYN L. LANCE

LEGISLATOR CLYDE L. BURMASTER

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration

DATE: 10/16/12

RESOLUTION # PW-085-12

Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 9/24/12
AD - 10/9/12

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



**CAPITAL PROJECT H555 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, that was the original funding source:

DECREASE ESTIMATED REVENUES:

H555.31.8397.000 45031.00 Interfund Transfers from Operating \$303,150.98

DECREASE APPROPRIATION:

H555.31.8397.000 72100.27 Water High Service Pump \$303,150.98
(Water System Improvements)

PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration

DATE: 10/16/12

RESOLUTION # PW-086-12

Committees

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 9/24/12
AD - 10/9/12

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



PARKS BUDGET MODIFICATION

WHEREAS, the Public Works Committee, at its September 4, 2012, Public Works Committee Meeting, agreed to accept the only bid received from the Town of Newfane, in the amount of nine-thousand four hundred fifty dollars, (\$9,450), for the Parks Department surplus beach cleaning machine, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE REVENUE:

A.15.7110.000.42210.01 Other Government Revenue \$9,450

INCREASE APPROPRIATION:

A.15.7110.000.72100.14 Misc. Equipment \$9,450

PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration
Committees

DATE: 10/16/12

RESOLUTION # PW-087-12

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
PW - 9/24/12
AD - 10/9/12

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



CAPITAL BUDGET MODIFICATION FOR KRULL PARK

WHEREAS, Coca-Cola Inc, sponsored America is Your Park campaign, which tallied on-line voting submissions, for America's favorite park, and

WHEREAS, the Niagara County Park, Krull Park, in Olcott, NY, based upon on-line voting results, was voted the number two park in America, and

WHEREAS, as the number two park in America, Niagara County has been awarded \$50,000, for capital improvements to restore and rebuild attractions, such as athletic courts or playgrounds equipment, so families can be active and enjoy the outdoors together, now, therefore, be it

RESOLVED, that Niagara County accepts the distinction from Coca-Cola's America is Your Park campaign, and be it further

RESOLVED, that the following budget modification be effectuated for the restoration and rebuilding of Krull Park athletic courts/fields and playgrounds:

INCREASE REVENUE:

HXXX.15.7110.000.42705.00 Gifts and Donation \$50,000

INCREASE APPROPRIATION:

HXXX.15.7110.000.72400.00 Land Improvements \$50,000
Project Folder: Krull Park

PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE