

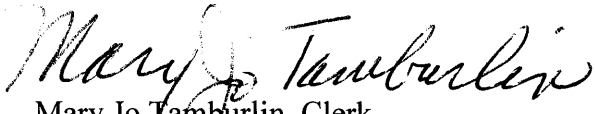


**AGENDA**  
**NIAGARA COUNTY LEGISLATURE**  
**MARCH 18, 2014 – 7:00 P.M.**

**Regular Meeting – March 18, 2014**

- \*CS-008-14** Community Services & Administration, re Abolish & Create Position – Social Services
- \*CS-009-14** Community Services & Administration, re Budget Modification Healthy Families NY Program – Social Services
- \*CS-010-14** Community Services & Administration, re Budget Modification Flexible Fund for Family Services – Social Services
- \*CS-011-14** Community Services & Administration, re Budget Modification Child Care & Development Fund – Social Services
- \*CS-012-14** Community Services & Administration, re Budget Modification Second Chance Act Juvenile Re-Entry Program – Social Services
- \*CS-013-14** Community Services, re Urging the State of New York to Restore the 50/50 State/Local Cost Sharing for the State Mandated Safety Net Program – Social Services
- \*CS-014-14** Community Services & Administration, re County Clerk Office E-Recording MOA – Co. Clerk
- \*CSS-009-14** Community Safety & Security & Administration, re Budget Modification Operation Stonegarden Grant – Sheriff
- \*CSS-010-14** Community Safety & Security & Administration, re Budget Modification Lost Property Reallocation Niagara County Sheriff's Office & Niagara County District Attorney's Office – Sheriff
- IL-012-14** Legislators Wm. Keith McNall & Anthony J. Nemi, Opposing the Unfunded Mandate of Implementing Provisions of the NYSAFE Act & Seeking Allocation of Monies to Niagara County for Implementing the Provisions of the NYSAFE Act
- IL-013-14** Legislators Jason A. Zona, Mark J. Grozio, Dennis F. Virtuoso & Owen T. Steed, Directing Niagara County to Do a Request for Quotation for Centralized Storage of County Voting Equipment

- IL-015-14** Legislators John Syracuse, Kathryn L. Lance, et al., re Calling Upon Legislator Dennis F. Virtuoso & AFSCME Local 182 President William Rutland to Substantiate Claims Made Against this County Government
- IL-016-14** Legislator Randy R. Bradt, re Requesting Investigation of Allegations of Improper Pension Accumulation by County Legislator & Municipal Employee Dennis F. Virtuoso
- IL-018-14** Legislator Randy R. Bradt, re Resolution to Create New Evaluation System for VoIP-Enabling Data Network & Phone Upgrade



Mary Jo Tamburlin, Clerk  
Niagara County Legislature

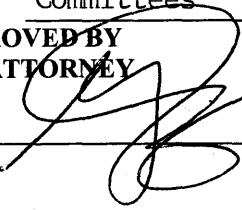
**\* Indicates Preferred Agenda items**

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

NIAGARA COUNTY LEGISLATURE

FROM: Community Services and Administration      DATE: 03/18/14      RESOLUTION #: CS-008-14

Committees

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION CS - 3/10/14	LEGISLATIVE ACTION
		AD - 3/10/14	Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

**ABOLISH & CREATE POSITION – SOCIAL SERVICES**

WHEREAS, a Clerical II position, Job Group IV at \$15.77 per hour has become vacant due to retirement and,

WHEREAS, it has been determined that the department would be better served with an additional Clerical I position, Job Group III at \$15.24 per hour, to handle the increased volume of telephone calls to the department, and

WHEREAS, this will result in a cost savings to the County, now, therefore, be it

RESOLVED, that the vacant Clerical II position, Job Group IV at \$15.77 per hour, be abolished effective April 21, 2014, and be it further

RESOLVED, that a Clerical I position, Job Group III at \$15.24 per hour, be created and filled effective April 21, 2014, and be it further

RESOLVED, that the following line item transfer be effectuated:

FROM:

A.22.6010.000 71010.00 1048                      Clerical II                      \$28,811

TO:

A.22.6010.000 71010.00 xxxx                      Clerical I                      \$28,811

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COMMUNITY SERVICES COMMITTEE

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ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services and Administration DATE: 03/18/14 RESOLUTION #: CS-009-14

Committees

APPROVED BY CO. ATTORNEY REVIEWED BY CO. MANAGER COMMITTEE ACTION LEGISLATIVE ACTION

BUDGET MODIFICATION HEALTHY FAMILIES NEW YORK PROGRAM

WHEREAS, the New York State Office of Children & Family Services, in conjunction with the New York State Department of Health, did make state-wide funds available for the provision and expansion of Healthy Families New York Home Visiting Programs, and

WHEREAS, these resources are directed toward expectant and new parents in an effort to promote positive growth and development to improve health and social outcomes for families at high risk of abuse and neglect, and

WHEREAS, effective July 31, 2013, Niagara County did receive a revised 100% state funded allocation of \$481,710, which has been fully expended, now, therefore, be it

RESOLVED, that Niagara County Department of Social Services will continue to contract with Family & Children's Services of Niagara, Inc. to provide the necessary services as outlined in the Healthy Families New York Program requirements, 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 \$180,641

INCREASE APPROPRIATION:

A.22.6010.000 74500.01 Contractual Exp-Contractual \$180,641

COMMUNITY SERVICES COMMITTEE

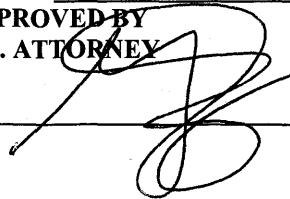
ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services and Administration      DATE: 03/18/14      RESOLUTION #: CS-010-14

Committees

<b>APPROVED BY</b> CO. ATTORNEY	<b>REVIEWED BY</b> CO. MANAGER	<b>COMMITTEE ACTION</b> CS - 3/10/14 AD - 3/10/14	<b>LEGISLATIVE ACTION</b> Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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**BUDGET MODIFICATION  
FLEXIBLE FUND FOR FAMILY SERVICES**

WHEREAS, the Executive Budget did make Federal funds available to local districts to provide a comprehensive array of services to meet the needs of eligible Temporary Assistance for Needy Families (TANF) and individuals, and

WHEREAS, these funds enable Niagara County to direct resources toward a number of areas of program needs, including, but not limited to Employment related activities, Child Welfare Services, PINS Detention Diversion Services, Substance Abuse Assessments, Domestic Violence Screenings, Title XX Services, JD/PINS Fostercare Costs, Child Care & Development, and

WHEREAS, Niagara County did receive a 100 % federally funded allocation, effective July 2013 – June 2014, which has been expended, now, therefore, be it

RESOLVED, that Niagara County Department of Social Services will continue to contract with various agencies that will provide the necessary services in accordance with the Niagara County Flexible Fund for Family Services Plan submitted to NYS Office of Temporary and Disability Assistance (OTDA) and NYS Office of Children and Family Services (OCFS) at no additional cost to the County, and be it further

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

INCREASE REVENUE:

A.22.6010.000 44610.00      DSS Admin Revenue      \$54,984

INCREASE APPROPRIATION:

A.22.6010.000 74500.01      Contractual Exp-Contractual      \$54,984

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COMMUNITY SERVICES COMMITTEE

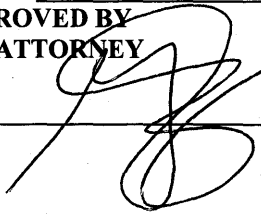
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ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services and Administration      DATE: 03/18/14      RESOLUTION #: CS-011-14

Committees

<b>APPROVED BY</b> CO. ATTORNEY	<b>REVIEWED BY</b> CO. MANAGER	<b>COMMITTEE ACTION</b> CS - 3/10/14 AD - 3/10/14	<b>LEGISLATIVE ACTION</b> Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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**BUDGET MODIFICATION  
CHILD CARE AND DEVELOPMENT FUND**

WHEREAS, Executive Budget did make Federal funds available to local districts for the provision of early childhood development and before-and-after school child care services and of quality improvement activities under the Federal Child Care and Development Block Grant Program, and

WHEREAS, these funds enable Niagara County to direct resources to satisfy federal requirements, as they relate to the registration and inspection of Child Care Centers, as well as the corresponding reporting requirements, and

WHEREAS, Niagara County did receive an allocation which is 100% federally funded, effective January 1, 2014, now, therefore, be it

RESOLVED, that Niagara County Department of Social Services will continue to contract with Niagara Community Action Program, Inc., to carry out the required roles and responsibilities under the Child Care and Development Program, and be it further

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

INCREASE REVENUE:

A.22.6010.000 44610.00      DSS Admin Revenue      \$174,084

INCREASE APPROPRIATION:

A.22.6010.000 74500.01      Contractual Exp – Contractual      \$174,084

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COMMUNITY SERVICES COMMITTEE

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ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services and Administration DATE: 03/18/14 RESOLUTION #: CS-012-14

Committees

APPROVED BY CO. ATTORNEY REVIEWED BY CO. MANAGER COMMITTEE ACTION LEGISLATIVE ACTION

BUDGET MODIFICATION SECOND CHANCE ACT JUVENILE RE-ENTRY PROGRAM

WHEREAS, the New York State Division of Criminal Justice awarded three grants to counties throughout the State of New York of which Niagara County was one of the successful counties, and

WHEREAS, said twelve month grant, with a possible renewal, is designed to assist counties in developing a coordinated approach to support youth and their families as youth return home from residential placement by identifying barriers such as housing, education and employment, and

WHEREAS, Niagara County has received an allocation of \$250,000, which is 100% state funded, and

WHEREAS, the Niagara County Department of Social Services issued a Request for Proposal (RFP) to various service agencies with the intent to subcontract for services needed in accordance with said grant, now, therefore, be it

RESOLVED, that Niagara County Department of Social Services has selected Community Missions of Niagara Frontier, Inc., to provide the necessary services as outlined in the Second Chance Re-Entry Grant requirements, 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 \$250,000

INCREASE APPROPRIATION:

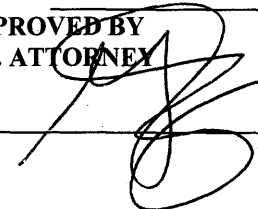
A.22.6010.000 74500.01 Contractual Exp-Contractual \$250,000

COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Services Committee      DATE: 03/18/14      RESOLUTION #: CS-013-14

APPROVED BY CO. ATTORNEY 	REVIEWED BY CO. MANAGER 	COMMITTEE ACTION <u>CS - 3/10/14</u> 	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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**RESOLUTION URGING THE STATE OF NEW YORK TO RESTORE THE 50/50 STATE/LOCAL COST SHARING FOR THE STATE MANDATED SAFETY NET PROGRAM**

WHEREAS, the 2011-2012 State Budget dramatically lowered the State's fiscal responsibility in the Safety Net Program by shifting the cost to 71% County/ 29% State, severing the historic 50% County/50% State partnership and,

WHEREAS, New York State is the only State that provides welfare benefits beyond the 5 year Federal limit for families, childless couples and single adults, and

WHEREAS, at the passage of the State Division of the Budget and the Legislature stated that this funding shift, in conjunction with fully federalizing New York's Temporary Assistance to Needy Families (TANF) costs, would generate up to \$50 million dollars annually in net cost reductions for counties and New York City, and

WHEREAS, actual spending through the end of calendar year 2012 indicates that these aggregate savings have not materialized for counties and New York City, and

WHEREAS, the Safety Net caseload continues to grow in Niagara County with an increase of 44% since 2007, and

WHEREAS, as of the end of December 2013 54% of cash assistance cases are Safety Net, which is a trend that has continued since 2007, and with the increase in county cost could have a large impact on local taxpayers, now, therefore, be it

RESOLVED, that the Niagara County Legislature calls on the State of New York to restore the 50/50 State/Local cost sharing of the State-mandated Safety Net program, and be it further

RESOLVED, that copies of this resolution be forwarded to Governor Andrew Cuomo, Speaker of the Assembly Sheldon Silver, Majority Leader of the Senate Dean Skelos, State Senator George Maziarz, Assemblywoman Jane Corwin, Assemblyman Robin Schimminger and Assemblyman John Ceretto.

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COMMUNITY SERVICES COMMITTEE



**NIAGARA COUNTY LEGISLATURE**

**FROM:** Community Services and Administration      **DATE:** 03/18/14      **RESOLUTION #:** CS-014-14

Committees

<b>APPROVED BY</b> CO. ATTORNEY	<b>REVIEWED BY</b> CO. MANAGER	<b>COMMITTEE ACTION</b> <u>CS - 3/10/14</u> <u>AD - 3/10/14</u>	<b>LEGISLATIVE ACTION</b> Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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**COUNTY CLERK OFFICE E-RECORDING MOA**

WHEREAS, the appropriate management of local government records is essential for efficient and effective government, and

WHEREAS, the County Clerk, acting as Recording Officer, performs the duties prescribed by law in the recordation, indexing, imaging and archiving of all Niagara County land records, and

WHEREAS, the County Clerk desires to increase the number of electronically recorded instruments affecting real property, subject to all applicable laws, rules and regulations, and

WHEREAS, Chapter 549 of the Laws of 2011 amended the laws of the State of New York in order to allow recording officers in the State of New York to accept electronic recording of instruments affecting real property, subject to the rules and regulations established by the State of New York's electronic facilitator (the "Electronic Facilitator"), and

WHEREAS, Title 9, Part 540.7(h), of the NYCRR provides that, prior to submitting electronic instruments to the Recording Officer for recording, the Registered Submitter shall be required by the Recording Officer to agree to terms and conditions required by the Recording Officer, which shall include the rights and responsibilities of both the Recording Officer and the Registered Submitter when participating in electronic recording, including, at a minimum, the terms and conditions set forth in Title 9, Part 540.7(i), of the NYCRR (the "Terms and Conditions Agreement"), and

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

RESOLVED, the County Clerk enter into an agreement, allowing for said agreement to facilitate the electronic filing/recording by its customers of documents with Niagara County, and be it further

RESOLVED, the agreement authorize qualifying documents for filing/recording in official records, and outlines the requirements of electronically recording documents to assure that recording transactions submitted are legally valid and enforceable, and be it further

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

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COMMUNITY SERVICES COMMITTEE

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ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Community Safety & Security and DATE: 03/18/14 RESOLUTION #: CSS-009-14

Administration Committees

APPROVED BY CO. ATTORNEY REVIEWED BY CO. MANAGER COMMITTEE ACTION LEGISLATIVE ACTION

Handwritten signature of the Co. Attorney

Handwritten date 3/13/14

BUDGET MODIFICATION-SHERIFF'S OFFICE OPERATION STONEGARDEN GRANT

WHEREAS, the Niagara County Sheriff's Office was recently awarded the 2013 Operation Stonegarden Grant from the New York State Office of Homeland Security and Emergency Services in the amount of \$98,213, and

WHEREAS, this grant is for the purpose of protecting our borders and allows for the continuation of multi-law enforcement agencies to jointly support and secure international borders and waterways, and

WHEREAS, the 2014 budget did not include these funds as the grant award was just recently finalized, and

WHEREAS, the grant includes overtime and equipment to be shared by the agencies, now, therefore, be it

RESOLVED, that the following budget modification be made:

INCREASE REVENUE

A.17.3110.000 44305.02 Homeland Security \$98,213

INCREASE APPROPRIATIONS:

A.17.3110.000 71050.00 Overtime \$28760
A.17.3110.000 72100.21 Law Enforcement Equipment 52,025
A.17.3110.000 74750.21 Gas/Oil 5,248
A.17.3110.000 74400.09 Payments to Other Agencies 9,980
A.17.3110.000 78200.00 FICA 2,200

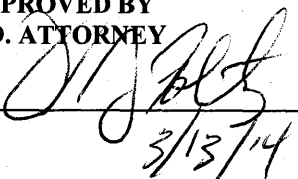
COMMUNITY SAFETY & SECURITY COMMITTEE

ADMINISTRATION COMMITTEE

**NIAGARA COUNTY LEGISLATURE**

**FROM:** Community Safety & Security and      **DATE:** 03/18/14      **RESOLUTION #:** CSS-010-14

Administration Committees

<b>APPROVED BY</b> <b>CO. ATTORNEY</b>	<b>REVIEWED BY</b> <b>CO. MANAGER</b>	<b>COMMITTEE ACTION</b>	<b>LEGISLATIVE ACTION</b>
 3/13/14		CSS - 3/10/14	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 3/10/14	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

**BUDGET MODIFICATION-LOST PROPERTY REALLOCATION  
NIAGARA COUNTY SHERIFF'S OFFICE AND  
NIAGARA COUNTY DISTRICT ATTORNEY'S OFFICE**

WHEREAS, the Niagara County Sheriff's Office and the District Attorney's Office in conjunction with the County Attorney's Office researched the law regarding disposing of property in the Sheriff's custody that has been unclaimed, and

WHEREAS, it has been determined that property seized during an investigation that is not claimed is deemed to be lost, therefore, becomes property of the Sheriff's Office for proper disposal, and

WHEREAS, these funds will be used to facilitate future law enforcement endeavors and investigations, now, therefore, be it

RESOLVED, that the following budget modifications be made:

INCREASE REVENUE:

A.02.1165.000 42770.06	Unclassified/Lost Property	\$10,000
A.17.3110.000 42770.06	Unclassified/Lost Property	\$63,000

INCREASE APPROPRIATIONS:

A.02.1165.000 74750.05	Law Enforcement Supplies	\$10,000
A.17.3110.000 74750.05	Law Enforcement Supplies	3,000
A.17.3110.000 74400.04	Special Investigations	10,000
A.17.3110.000 72100.12	Vehicles	50,000

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COMMUNITY SAFETY & SECURITY  
COMMITTEE

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ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Wm. Keith McNall and DATE: 03/18/14 RESOLUTION #: IL-012-14

Anthony J. Nemi

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

RESOLUTION OPPOSING THE UNFUNDED MANDATE OF IMPLEMENTING PROVISIONS OF THE NYSAFE ACT AND SEEKING ALLOCATION OF MONIES TO NIAGARA COUNTY FOR IMPLEMENTING THE PROVISIONS OF THE NYSAFE ACT

WHEREAS, the NYSafe Act signed by Governor Cuomo on January 15, 2013 amended various provisions of New York Law in relation to firearms, long guns, assault weapons and ammunition, and

WHEREAS, many of the provisions of the NYSafe Act have been implemented and issues regarding application of this law have become apparent, and

WHEREAS, uncertainty and confusion regarding the NYSafe Act has resulted in an increase in the number of first time applicants, an increase in the number of gun purchases, an increase in the number of amendments and requests to upgrade pistol permits, and an increase in phone calls and correspondence which have placed an undue burden on the staff and budget allocations of the County, and

WHEREAS, the provision of the law that allows an exception to public disclosure of an applicant's or permit holder's application has resulted in thousands of exception requests received via first class mail, email and facsimile; countless hours spent copying blank forms to make the forms available in County Offices; additional hours expended opening, sorting, and filing such requests; innumerable hours indexing the records to prevent inadvertent disclosure; and nearly numberless hours anticipated repeating the process when permits are recertified; and not yet including the cost of maintaining the records of granted exceptions separate and apart from the associated application files pursuant to the requirements contained in the Act, and

WHEREAS, counties have been told repeatedly that there will be no cost to the counties to implement the NYSafe Act, and

WHEREAS, the Niagara County Clerk has incurred significant quantitative costs to implement the provisions of the NYSafe Act to wit \$115,277.00, and

WHEREAS, New York State has allocated monies to the New York State Division of State Police to implement the NYSafe Act, now, therefore, be it

RESOLVED, that Niagara County consider implementation of the NYSafe Act as another unfunded mandate that local governments are not in a position to assume, and be it further

RESOLVED, that the Niagara County Legislature opposes this unfunded mandate, and be it further

RESOLVED, that Niagara County call upon New York State to equitably distribute among local governments a portion of the funds allocated to the New York State Police to cover costs associated with implementing the NYSafe Act, 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, Senate Temporary President Dean G. Skelos, Senate Deputy Majority Leader Thomas W. Libous, Member of the Assembly Jane L. Corwin, Member of the Assembly John D. Ceretto, Member of the Assembly Ray Walter, Member of the Assembly Robin Schimminger, Speaker of the Assembly Sheldon Silver, Assembly Majority Leader Joseph D. Morelle, Assembly Minority Leader Brian M. Kolb, and all others deemed necessary and proper.

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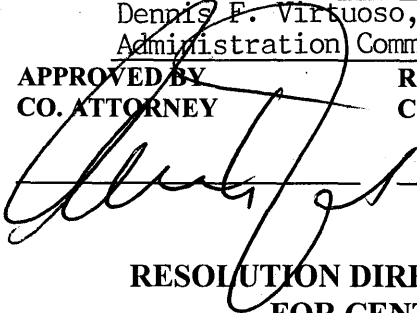
LEGISLATOR WM. KEITH MCNALL

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LEGISLATOR ANTHONY J. NEMI

**NIAGARA COUNTY LEGISLATURE**

**FROM:** Legislators Jason A. Zona, Mark J. Grozio  
Dennis F. Virtuoso, Owen T. Steed and  
Administration Committee **DATE:** 03/18/14 **RESOLUTION #:** IL-013-14

<b>APPROVED BY</b> CO. ATTORNEY	<b>REVIEWED BY</b> CO. MANAGER	<b>COMMITTEE ACTION</b> AD - 3/10/14	<b>LEGISLATIVE ACTION</b>
			Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

**RESOLUTION DIRECTING NIAGARA COUNTY TO DO A REQUEST FOR QUOTATION FOR CENTRALIZED STORAGE OF COUNTY VOTING EQUIPMENT**

WHEREAS, the Niagara County Board of Elections leases space at 1961 Transit Rd, Newfane, for storage of voting machines, equipment and training, and

WHEREAS, in 2008 a lease agreement was entered into with Clear Opportunity Properties LLC for the site at 1961 Transit Rd, Newfane, such lease agreement automatically extended in 2013 by its terms, and

WHEREAS, to terminate the lease agreement with Clear Opportunity Properties LLC, Niagara County must provide one hundred twenty days notice in writing to Clear Opportunity Properties LLC, and

WHEREAS, it is in the best interest of the Niagara County taxpayers to do a request for quotation for the location for centralized storage of county voting equipment, and for all other buildings the county utilizes space from, and

WHEREAS, issuing a request for quotation for centralized storage of voting machine equipment provides full transparency for Niagara County in securing the lowest possible price, now, therefore, be it

RESOLVED, the Niagara County Legislature directs the County Manager to terminate the current lease with Clear Opportunity Properties LLC, and be it further

RESOLVED, the Niagara County Legislature directs the County Manager to issue a Request for Quotation for centralized storage of county voting equipment.

\_\_\_\_\_  
LEGISLATOR JASON A. ZONA

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LEGISLATOR MARK J. GROZIO

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LEGISLATOR DENNIS F. VIRTUOSO

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LEGISLATOR OWEN T. STEED

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ADMINISTRATION COMMITTEE

NIAGARA COUNTY LEGISLATURE

FROM: Legislators John Syracuse, Kathryn L. Lance, et al. DATE: 03/18/2014 RESOLUTION # IL-015-14

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

RESOLUTION CALLING UPON LEGISLATOR DENNIS F. VIRTUOSO AND AFSCME LOCAL 182 PRESIDENT WILLIAM RUTLAND TO SUBSTANTIATE CLAIMS MADE AGAINST THIS COUNTY GOVERNMENT

WHEREAS, Mr. William Rutland, President of the American Federation of State, County and Municipal Employees Local 182, and an employee of this county government, currently employed as a mechanic in the Department of Public Works, did, on March 4, 2014, assert that sex offenders would take up residence in the county-owned parcel located on Davison Road in the Town and City of Lockport, and

WHEREAS, Mr. Dennis F. Virtuoso, Legislator for the 6th District, City of Niagara Falls, and Minority Leader, did take up and repeat Mr. Rutland's allegations during floor debate on resolution PW-025-14, a Resolution to Declare the Davison Road Property Surplus Property, and

WHEREAS, the allegations made by Mr. Virtuoso and Mr. Rutland were transmitted by various media outlets, most notably the Buffalo News and the Lockport Union-Sun & Journal, and

WHEREAS, the transmission of such allegations may have a negative impact on the public's sense of safety, as well as a damaging effect on the property values of homeowners owning homes in close proximity to the aforementioned parcel, and

WHEREAS, absent submission of substantiating information and proof that backs up these allegations, this Legislature must consider said allegations false, and the worst kind of scare tactics being employed by an official of a public sector union and an elected politician, now, therefore, be it

RESOLVED, that Legislature of the County of Niagara does hereby call upon Mr. Virtuoso and Mr. Rutland to publicly substantiate their claims, or, if unable to do so, to publicly retract all public statements and assertions, and admit their statements were false and do so in writing.

LEGISLATOR JOHN SYRACUSE

LEGISLATOR KATHRYN L. LANCE

LEGISLATOR WILLIAM L. ROSS

LEGISLATOR RICHARD L. ANDRES

LEGISLATOR MICHAEL A. HILL

LEGISLATOR RICHARD E. UPDEGROVE

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LEGISLATOR WM. KEITH MCNALL

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LEGISLATOR ANTHONY J. NEMI

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LEGISLATOR RANDY R. BRADT

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LEGISLATOR CLYDE L. BURMASTER



NIAGARA COUNTY LEGISLATURE

FROM: Legislator Randy R. Bradt DATE: 03/18/2014 RESOLUTION # IL-016-14

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

**RESOLUTION REQUESTING INVESTIGATION OF ALLEGATIONS OF IMPROPER PENSION ACCUMULATION BY COUNTY LEGISLATOR AND MUNICIPAL EMPLOYEE DENNIS F. VIRTUOSO**

WHEREAS, Legislator Dennis F. Virtuoso, of Niagara Falls, who currently serves as Minority Leader of This Legislature, is employed both as a county legislator and as a municipal employee of the City of Niagara Falls, namely its Director of Code Enforcement, and as such is eligible to, upon retirement, collect a pension disbursed through the New York State and Local Retirement System for having held both positions, and

WHEREAS, it has been alleged that Mr. Virtuoso has in his capacity as acting Director of the Department of Code Enforcement for the City of Niagara Falls, through what appears to be an effort via long-term accumulation of overtime payments, and

WHEREAS, Mr. Virtuoso was made acting Director of Inspections by Niagara Falls Mayor Paul A. Dyster on July 20, 2009, when Director of Inspections Guy A. Bax was placed on leave in the course of an FBI investigation of the conduct of the Niagara Falls Department of Inspections, and

WHEREAS, subsequently, the Department of Inspections was renamed the Department of Code Enforcement pursuant to a local law passed in November 2009, and

WHEREAS, Mr. Bax did not return to work, and formally retired effective Jan. 1, 2011, and

WHEREAS, Mr. Virtuoso has continued to function as the head of this department in an "acting" capacity, despite being listed on the City of Niagara Falls website as the Director of the Department of Code Enforcement, and

WHEREAS, Mr. Virtuoso has received substantial overtime payments, including through the operation of Saturday "ZOOM" zoning enforcement patrols that, as acting director, he scheduled and participated in, and

WHEREAS, according to SeeThroughNY.net, Mr. Virtuoso's City of Niagara Falls pay for 2012 was \$95,551, while Mr. Bax's salary was set at \$65,000 in 2009, and

WHEREAS, Mr. Virtuoso's City of Niagara Falls pay increased by \$35,942, a pay increase of 60.3% during the period of time since he became "acting" director, and

WHEREAS, Mayor Dyster and the City of Niagara Falls have not endeavored, in the 56 months since Mr. Bax was placed on leave, or the 39 months since Mr. Bax retired, to conduct a search for a permanent replacement, allowing Mr. Virtuoso to continue to receive overtime, and

WHEREAS, per disclosures on file with the New York State Board of Elections, the Friends of Dennis Virtuoso, a campaign finance organization listing 5130 Dana Drive, Lewiston, New York 14092 as its address, did record having made \$780.00 in campaign contributions to the Friends of Paul Dyster, a campaign finance organization listing 740 Van Rensselaer Ave., Niagara Falls, New York 14305 as its address, during 2010 and 2011, and

WHEREAS, it has been the practice of the Office of New York State Attorney General, most notably in March 2010, to investigate alleged pension fraud and abuse, with the Honorable Andrew M. Cuomo, then attorney general, declaring at the time, "It is essential that every system in New York operates as efficiently and effectively as possible....My office continues to support the pension system and values the hard work that public employees do on behalf of the state. If any abuse exists in the pension system, however, it is important that it is purged and that taxpayer dollars are protected," now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara does request both the Office of the State Comptroller and the Office of the New York State Attorney General initiate and conduct an investigation into Mr. Virtuoso's payment arrangements, including his nearly five years as an "acting" department head authorized to receive overtime, and be it further

RESOLVED, that the Legislature of the County of Niagara does request both the Office of the State Comptroller and the Office of the New York State Attorney General formally contemplate and issue such recommendations as shall be necessary to ensure the City of Niagara Falls maintains a reasonable payroll and does not add stress to the state's employee retirement systems, including but not limited to immediately initiating a search for a permanent appointment to the office of Director of Code Enforcement and setting a salary for the same commensurate with that received by Mr. Bax in his tenure in office, and be it further

RESOLVED, that the Legislature of the County of Niagara does hereby instruct the Honorable Chairman of the Legislature to issue a letter requesting the same, along with a copy of this resolution, to the Honorable Eric T. Schneiderman, Attorney General of the State of New York, and the Honorable Thomas P. DiNapoli, Comptroller of the State of New York, with copies of the same issued to the Honorable Andrew M. Cuomo, Governor, the Honorable George D. Maziarz, Senator for the 62<sup>nd</sup> Senate District, the Honorable Martin J. Golden, Chairman, Senate Civil Service and Pensions Committee, the Honorable John D. Ceretto, Member of the Assembly, the Honorable Jane L. Corwin, Member of the Assembly, the Honorable Raymond Walter, Member of the Assembly, the Honorable Robin Schimminger, Member of the Assembly, the Honorable Peter J. Abbate Jr., Chairman, Assembly Governmental Employees Committee, Mr. Stephen Acquario, Executive Director of the New York State Association of Counties, Mr. Peter Baynes, Executive Director of the New York State Conference of Mayors and Municipal Officials, Mr. Gerry Geist, Executive Director, Association of Towns of the State of New York, Mr. Eugene Farley, member, New York State and Local Retirement System Audit Advisory Committee, Mr. Gary Johnson, member, New York State and Local Retirement System Audit Advisory Committee, Mr. Alan Lubin, member, New York State and Local Retirement System Audit Advisory Committee, Mr. Stanley Winter, member, New York State and Local Retirement System Audit Advisory Committee.

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LEGISLATOR RANDY R. BRADT

NIAGARA COUNTY LEGISLATURE

FROM: Legislator Randy R. Bradt DATE: 03/18/2014 RESOLUTION # IL-018-14

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

**RESOLUTION TO CREATE A NEW EVALUATION SYSTEM FOR VOIP-ENABLING DATA NETWORK AND PHONE UPGRADE**

WHEREAS, it is necessary for the County to upgrade to a VoIP-Enabling Data Network, and

WHEREAS, Resolution No. PW-082-12, dated September 18, 2012, approved the Telecommunications Upgrade in the Capital Projects 2012 Bonding Program, and

WHEREAS, the Information Technology Department has prepared specifications and the Purchasing Department has advertised for proposals for RFP 2013-47 VoIP-Enabling Data Network Upgrade on September 6, 2013, and

WHEREAS, five proposals were publicly opened and read by our Purchasing Department on October 10, 2013, and

WHEREAS, these proposals were evaluated by the Niagara County Information Technology staff and two consultants, ECC Technologies and Cannon Design, and

WHEREAS, it is now established, Advance 2000 had the lowest price of the five respondents that replied to the RFP request, and

WHEREAS, the poor performance demonstrated by the Niagara County Director of Information Technology and the consultants with whom this government contracted has impeded and complicated what should have been a clearly defined process, and

WHEREAS, it is the duty and responsibility of this body to protect the interests of county taxpayers by accepting the lowest responsible bid for products and services, and

WHEREAS, it is imperative that this body retain individuals and consultants, both internally and externally, who understand and respect the fact that this body must act in the best interests of taxpayers, and not be driven by personal preferences or comfort levels of department heads or outside consultants, now, therefore, be it

RESOLVED, that this body does hereby admonish the Niagara County Director of Information Technology for attempting to undermine and create confusion related to the contract for the VoIP-Enabling Data Network Upgrade, and be it further

RESOLVED, that this body does hereby create a new evaluation system relative to the next phase of the VoIP-Enabling Data Network Upgrade.

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LEGISLATOR RANDY R. BRADT