



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

Regular Meeting – February 7, 2012

- *AD-001-12** Administration, Budget Modification – Consultant Services – County Manager
- *AD-002-12** Administration, re Authorization for Real Property Tax Refunds/Corrections 2012 – Real Property
- *AD-003-12** Administration, re Engage NYHART for Actuarial Services to Comply with GASB Statement 45 – Treasurer
- CS-001-12** Community Services & Administration, re Effectuate the Sale of the Niagara County Health Department Certified Home Health Agency (CHHA) – County Manager
- *CSS-001-12** Community Safety & Security, re Federal Equitable Sharing Program Agreement & Annual Certification Report – DA
- *CSS-002-12** Community Safety & Security & Administration, re Niagara County Sheriff's Office Budget Modification – Sheriff
- *CSS-003-12** Community Safety & Security & Administration, re Niagara County Sheriff's Office – Homeland Security Grant Operation Stonegarden Grant – Sheriff
- *CSS-004-12** Community Safety & Security & Administration, re Accept Grant – Local Government Records Management Improvement Fund – Sheriff
- *CSS-005-12** Community Safety & Security & Administration, re Niagara County Sheriff's Office Contract with NYS Homeland Security & Emergency Services – Sheriff
- *CSS-006-12** Community Safety & Security & Administration, re Homeland Security Grant – Port Security Niagara County Sheriff's Office Create Deputy Sheriff – Sheriff
- *CSS-007-12** Community Safety & Security & Administration, re Personnel Changes – Niagara County Sheriff's Office Abolish Deputy Sheriff Investigator, Create Deputy Sheriff – Sheriff
- IL-003-12** Legislator Kathryn L. Lance, re Calling Upon Niagara County's Congressional Delegation to Engage in Meaningful and Effective Opposition to Obama Defense Cuts Targeting Niagara Falls Air Reserve Station

- IL-004-12** Legislator John Syracuse, Clyde L. Burmaster & Richard E. Updegrave, re Calling on the New York State Legislature to Eliminate the Ineffective and Expensive CoBIS Database, as Proposed in the 2012-2013 Executive Budget
- IL-005-12** Legislators Anthony J. Nemi, Cherée J. Copelin & Kathryn L. Lance, re Commending the Governor for his Reform and Overhaul of the Early Intervention Program in his 2012-2013 Executive Budget Proposal so that it is Accountable to the Children it Serves and to the Taxpayers of the State Who Fund it, and Urging the State Legislature to Adopt the Proposal
- IL-006-12** Legislators William L. Ross, David E. Godfrey & Kathryn L. Lance, re Funding for NIMAC
- *PW-001-12** Public Works, re Agreement between the County of Niagara and the Olcott Lion's Club
- *PW-002-12** Public Works, re Agreement between the County of Niagara and the Time Travelers of WNY, Inc.
- *PW-003-12** Public Works, re Agreement between the County of Niagara and the Newfane Lacrosse Club
- *PW-004-12** Public Works, re Agreement between the County of Niagara and the Lockport High School Cross County Club
- *PW-005-12** Public Works & Administration, re DPW Highway Expenditure of County Road Fund Monies
- *PW-006-12** Public Works & Administration, re Server Room Cooling Project Change Order No. 1
- *PW-007-12** Public Works & Administration, re Fencing Installation at Former Flintkote Property Change Order No. 1
- *PW-008-12** Public Works & Administration, re Niagara County Community College East Entrance Road Construction Contract – Retainage Reduction
- *PW-009-12** Public Works, re Award Stormwater Consultant Services

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 February 21, 2012.

PREFERRED AGENDA
NIAGARA COUNTY LEGISLATURE
February 7, 2012 – 7:00 P.M.

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- AD-003-12** Administration, re Engage NYHART for Actuarial Services to Comply with GASB Statement 45 – Treasurer
- CSS-001-12** Community Safety & Security, re Federal Equitable Sharing Program Agreement & Annual Certification Report – DA
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- CSS-006-12** Community Safety & Security & Administration, re Homeland Security Grant – Port Security Niagara County Sheriff’s Office Create Deputy Sheriff – Sheriff
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PW-009-12 Public Works, re Award Stormwater Consultant Services

CHAIRMAN

MAJORITY LEADER

MINORITY LEADER

BUDGET MODIFICATION – CONSULTANT SERVICES

WHEREAS, the County Fire Coordinator position became vacant upon the June 4, 2010 retirement of Jim Volkosh, and

WHEREAS, John Cecula had been appointed interim Fire Coordinator pending the results of the Civil Service process, and

WHEREAS, the County Manager conducted further administrative review of the functions assigned and performed by the Department of Homeland Security and Emergency Management, and determined an immediate need for additional leadership and support of this department during this period of transition, and

WHEREAS, the County of Niagara has contracted with Gary Hunt to provide professional services and consultation for coordinating and administering county programs and aid to the Department of Homeland Security and Emergency Management on a temporary basis pending the finalization of the civil service appointment process, and

WHEREAS, the contract terms are for the period January 11, 2012 thru March 7, 2012 and will not exceed \$10,000, now, therefore, be it

RESOLVED, that the funding for these consultant services be taken from the Niagara County Fire Coordinator Position, and be it further

RESOLVED, that the following budget modification be effectuated:

FROM:

A.19.3410.000 71010.00 595	Positions	\$10,000
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TO:

A.19.3410.000 74500.01	Contractual	10,000
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COMMUNITY SAFETY AND SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

**AUTHORIZATION FOR REAL PROPERTY TAX
REFUNDS/CORRECTIONS - 2012**

WHEREAS, New York State Real Property Tax Law, sections 554 and section 556, provides for an administrative correction of error process that assists property owners in obtaining refunds and/or corrections for real property tax payments or billings, and

WHEREAS, certain clerical errors, unlawful entries and errors in essential fact, as defined in the New York State Real Property Tax Law, are permitted to be corrected by a taxing jurisdiction based upon the recommendation of the Director of Real Property Tax Services, and

WHEREAS, the taxing jurisdiction can delegate, by resolution, on an annual basis, to an official who is empowered to authorize payment of bills without prior audit, the authority to perform the duties of the tax levying body in regard to Real Property Tax Law, Sections 554 and 556, now therefore be it

RESOLVED, that the Niagara County Treasurer is hereby delegated the authority to perform the duties of the tax levying body during 2012 when the Real Property Tax Director's recommended refund and/or correction is twenty five hundred dollars or less, and be it further,

RESOLVED, that on or before the fifteenth day of each month, the Niagara County Treasurer shall submit a report to the Niagara County Legislature of the refunds and or corrections processed during the preceding month, containing the name of each recipient, the location of the property, and the amount of the refund.

ADMINISTRATION COMMITTEE

**RESOLUTION TO ENGAGE NYHART FOR ACTUARIAL SERVICES
TO COMPLY WITH GASB STATEMENT 45**

WHEREAS, the GASB (Government Accounting Standards Board) issued Statement Number 45, Accounting and Financial Reporting by Employers for Post Employment Benefits other than Pensions (OPEB), requires the County to obtain a certified actuarial valuation every two years and interim updates for compliance, and

WHEREAS, the County issued an RFP in accordance with purchasing guidelines to solicit bids to perform the actuarial analysis and provide the valuation and related financial statement note disclosures, and

WHEREAS, the Treasurer's Department in conjunction with the Risk & Insurance Services Department reviewed all proposals, and recommend the engagement of NYHart, a firm with depth of experience in both GASB 45 OPEB actuarial valuations and the healthcare industry, and

WHEREAS, NYHart has proposed an engagement to include three full year valuations at a cost of \$9,300 and interim reporting at \$2,600, and is the lowest responsible bid; now, therefore, be it

RESOLVED, that NYHart be approved for the engagement to provide GASB 45 actuarial services for the County of Niagara, and be it further

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

ADMINISTRATION COMMITTEE

**RESOLUTION TO EFFECTUATE THE SALE OF THE
NIAGARA COUNTY HEALTH DEPARTMENT'S
CERTIFIED HOME HEALTH AGENCY (CHHA)**

WHEREAS, the County Legislature, by Resolution IL-008-11, directed the County Manager to study and report on the feasibility of privatizing the Niagara County Home Health Agency services, and

WHEREAS, the County Manager formed a review committee for said study, and

WHEREAS, the review committee determined the feasibility and proceeded to issue a Request for Proposal for the sale of the Niagara County Health Department's Certified Home Health Agency (alternatively, CHHA), and

WHEREAS, the review committee did review proposals from interested parties and interviewed the highest ranking three respondents: Visiting Nursing Association, Catholic Health System-McAuley-Seton Home Care Division (alternatively, Catholic Health) and Niagara Hospice, and

WHEREAS, the review committee then requested best and final offers from the chosen finalists, and

WHEREAS, an ad hoc committee and the Public Health Director then reached consensus on January 10, 2012 to recommend to the Legislature the sale of the Niagara County CHHA to Catholic Health, now, therefore, be it

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized and directed to execute any and all documents, subject to County Attorney review, to effectuate the sale of the Niagara County Health Department's Certified Home Health Agency and Long Term Home Health Care Programs operating certificates from New York State Department of Health to Catholic Health System, McAuley-Seton Home Care Division 14 Appletree Business Park Cheektowaga, NY 14227, the sale price of \$2,650,000 (Two Million Six Hundred Fifty Thousand Dollars), which shall be subject to review and approval by the New York State Department of Health.

COMMUNITY SERVICES COMMITTEE

ADMINISTRATION COMMITTEE

**FEDERAL EQUITABLE SHARING PROGRAM AGREEMENT
AND ANNUAL CERTIFICATION REPORT**

WHEREAS, the United States Department of Justice requires that the Niagara County District Attorney's Office file an annual Federal Equitable Sharing Program Agreement and Certification Report to be eligible to submit requests for federally forfeited property or proceeds, and

WHEREAS, said Agreement is entered into by the United States Department of Justice, the County of Niagara, and the Niagara County District Attorney's Office, now, therefore, be it

RESOLVED, that the Niagara County District Attorney's office be authorized to participate in the Federal Equitable Sharing Program, and be it further

RESOLVED, that prior to the execution of the Federal Equitable Sharing Agreement and Certification, the County Attorney will review the Federal Equitable Sharing Agreement and Certification for approval as to legal form, language and compliance, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Niagara County Legislature be, and hereby is, authorized to execute an Agreement between the County of Niagara on behalf of the Niagara County District Attorney's Office and the United States Department of Justice.

COMMUNITY SAFETY & SECURITY
COMMITTEE

NIAGARA COUNTY SHERIFF'S OFFICE BUDGET MODIFICATION

WHEREAS, Resolution CSS-006-11 authorized the Sheriff's Office to accept two grants from the New York State Division of Homeland Security for the purposes of purchasing a Mobil Command Post, and

WHEREAS, the Sheriff's Office has requisitioned for the purchase of this equipment, and

WHEREAS, funds will also be used from Assets Forfeiture to pay for this expenditure, now, therefore,
be it

RESOLVED, that the following budget modification be made:

INCREASE REVENUE:

A.17.3110.000.42625.00	Forfeiture of Crime Proceeds	\$65,000
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INCREASE APPROPRIATION:

A.17.3110.000.72100.12	Cars/Vans/Trucks	65,000
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COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

**NIAGARA COUNTY SHERIFF'S OFFICE – HOMELAND SECURITY GRANT
OPERATION STONEGARDEN GRANT**

WHEREAS, the Niagara County Sheriff's Office has been awarded a grant from the New York State Division of Homeland Security and Emergency Services in the amount of \$183,454 for the period August 1, 2010 through July 31, 2013, and

WHEREAS, these funds are to be used to enhance cooperation and coordination between Federal, State and Local Law Enforcement Agencies, and

WHEREAS, the objectives of this grant is to better protect and support mission of apprehending terrorists and their weapons as they attempt to illegally enter the United States along the Canadian border, and

WHEREAS, the Sheriff's Office is also implementing the grant award for this program for the previous years, and the funds in the amount of \$40,397 have not yet been expended, now, therefore, be it

RESOLVED, that the 2012 budget be modified for the funding of the two grant years:

INCREASE REVENUE:

A.17.3110.000.44305.02	Homeland Security	223,851
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INCREASE APPROPRIATIONS:

A.17.3110.000.71050.00	Overtime	43,009
A.17.3110.000.72100.21	Law Enforcement Equipment	166,014
A.17.3110.000.74750.21	Supplies/Gasoline-Oil	11,538
A.17.3110.000.78200.00	FICA	3,290

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

**ACCEPT GRANT – LOCAL GOVERNMENT RECORDS
MANAGEMENT IMPROVEMENT FUND**

WHEREAS, the Niagara County Sheriff's Office received a grant from the NYS LGRMIF in the amount of \$29,261 for the period of October 1, 2011 through June 30, 2012, and

WHEREAS, this grant will be used to implement a document conversion and access project for Sheriff's Office records, and

WHEREAS, to implement this grant the Sheriff's Office will need to hire a Seasonal Clerical to fulfill the obligation of preparing the documents to be scanned, along with necessary equipment, and

WHEREAS, the position will be co-terminus with the grant funding, now therefore, be it

RESOLVED, that the position of Seasonal Clerical, at an hourly rate of \$12.20 with no benefits be created and filled co-terminus with the grant effective February 13, 2012 and be it further

RESOLVED, that the following budget modification be made:

INCREASE REVENUE:

A.17.3110.000.43060.00	Records Management Grant	\$27,864
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INCREASE APPROPRIATION:

A.17.3110.000.71010.00	Positions	11,643
A.17.3110.000.72100.05	Computer Equipment	5,430
A.17.3110.000.74500.02	Contractual Expenses	9,900
A.17.3110.000.78200.00	FICA	891

COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

**NIAGARA COUNTY SHERIFF'S OFFICE CONTRACT WITH
NEW YORK STATE HOMELAND SECURITY AND EMERGENCY SERVICES**

WHEREAS, the NYS Division of Homeland Security has awarded the Niagara County Sheriff's Office a grant in the amount of \$5,335 for the period of July 1, 2010 through September 30, 2011, and

WHEREAS, the Niagara County Sheriff's Office took part in a multi agency detail to support security at the international border and waterways, and

WHEREAS, these funds were expended in the previous budget year, so no budget modification is necessary, and

WHEREAS, it is necessary for the Niagara County Sheriff's Office to enter into a formal agreement with the NYS Division of Homeland Security, now, therefore, be it

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

COMMUNITY SAFETY & SECURITY
COMMITTEE

**HOMELAND SECURITY GRANT-PORT SECURITY
NIAGARA COUNTY SHERIFF'S OFFICE CREATE DEPUTY SHERIFF**

WHEREAS, the Niagara County Sheriff's Office was granted an award from the New York State Division of Homeland Security and Emergency Services Office of Counter Terrorism, and

WHEREAS, this grant is to implement a program that will further our capabilities to prevent, detect and respond to potential threats and attacks, and

WHEREAS, the grant will allow the Sheriff's Office to enhance our current K-9 team by adding a Deputy to handle a canine dog that can detect explosive devices, now, therefore, be it

RESOLVED, that the Niagara County Sheriff's Office create a Deputy Sheriff position to handle a K-9 dog for the specific reason of detecting and responding to improvised explosive devices as set forth by the grant, and be it further

RESOLVED, that a position of Deputy Sheriff at an hourly rate of \$23.37 be created and filled effective February 12, 2012 co-terminus with said grant, and be it further

RESOLVED, that the following budget modification be effectuated with no county cost:

INCREASE REVENUE:

A.17.3110.000.44305.02	Homeland Security	\$106,943
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INCREASE APPROPRIATION:

A.17.3110.000.71010.00	Positions	43,188
A.17.3110.000.72100.12	Car/Van/Lt. Truck	30,000
A.17.3110.000.72100.21	Law Enforcement Equipment	2,000
A.17.3110.000.74750.05	Law Enforcement Supplies	12,346
A.17.3110.000.74550.32	Special Task Force	11,250
A.17.3110.000.74600.03	Training/Education	4,875
A.17.3110.000.78200.00	FICA	3,304

**PERSONNEL CHANGES – NIAGARA COUNTY SHERIFF’S OFFICE
ABOLISH DEPUTY SHERIFF INVESTIGATOR, CREATE DEPUTY SHERIFF**

WHEREAS, the Sheriff’s Office experienced many retirements on December 31, 2011, and

WHEREAS, upon these retirements, the manpower and staffing levels were reviewed, and

WHEREAS, it was determined that to best serve the citizens of Niagara County, it would be advantageous to abolish a vacant D.S. Investigator position and create a Deputy Sheriff Road Patrol position, and

WHEREAS, this restructuring will save approximately \$22,755 per year, now, therefore, be it

RESOLVED, that the position of D.S. Investigator, position number 354, at an hourly rate of \$34.31 be abolished effective February 12, 2012 and a Deputy Sheriff, at an hourly rate of \$23.37 be created and filled effective February 13, 2012, and be it further

RESOLVED, that the following line item transfer be effectuated:

FROM:

A.17.3110.000.71010	Positions (D.S. Investigator No. 354)	\$43,188
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TO:

A.17.3110.000.71010	Positions (D.S. Road Patrol)	43,188
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COMMUNITY SAFETY & SECURITY
COMMITTEE

ADMINISTRATION COMMITTEE

**RESOLUTION CALLING UPON NIAGARA COUNTY'S CONGRESSIONAL DELEGATION TO
ENGAGE IN MEANINGFUL AND EFFECTIVE OPPOSITION TO OBAMA DEFENSE CUTS
TARGETING NIAGARA FALLS AIR RESERVE STATION**

WHEREAS, the Legislature of the County of Niagara does consider the Niagara Falls Air Reserve Station an integral part of this county, and

WHEREAS, the Niagara Falls Air Reserve Station does employ approximately 3,500 individuals from Niagara and Erie counties, as well as the rest of Western New York, and

WHEREAS, the Niagara Falls Air Reserve Station does have a direct impact on local economies of \$168 million per annum, and

WHEREAS, the loss of jobs and revenue from the closure of one of Niagara County's single largest employers would have devastating consequences for the region's economy, and would likewise have devastating consequences for hundreds of Niagara County families, and

WHEREAS, President Barack H. Obama and Secretary of Defense Leon Panetta have announced plans to enact massive wartime cuts to the defense portion of the federal budget, totaling \$487 billion over ten years, and

WHEREAS, the Obama Defense Cuts also include the elimination of 65 C-130 aircraft from the U.S. Air Force's inventory, and a reduction in troop strength exceeding 100,000 active duty personnel, and

WHEREAS, the Obama Defense Cuts also include a request to Congress to initiate a formal Base Realignment and Closure Commission process, and

WHEREAS, the Niagara Falls Air Reserve Station has twice been scrutinized by Base Realignment and Closure Commission processes in 1995 and 2005, but survived due to strong local opposition to NFARS's closure, as well as due to the efforts of Niagara County's federal representatives at the times of those BRAC reviews, and

WHEREAS, the Legislature of the County of Niagara has repeatedly opposed the closure of the Niagara Falls Air Reserve Station through the enactment of legislation providing for the funding of consultants and Washington-based advocacy firms, notably through the enactment of Resolution CT-018-99, enacted March 16, 1999, which appropriated \$40,000 for the retention of consulting services to retain the Niagara Falls Air Reserve Station; Resolution CT-017-00, enacted September 19, 2000, which appropriated \$200,000 for consultant services to retain the Niagara Falls Air Reserve Station; Resolution FN-012-02, which appropriated \$10,000 for consultant services to retain the Niagara Falls Air Reserve Station; Resolution CT-006-02, which appropriated \$62,000 for consultant services to retain the Niagara Falls Air Reserve Station; Resolution IL-027-02, which urged the Department of Defense to establish a national defense command center at the Niagara Falls Air Reserve Station; Resolution IL-038-02, which urged the New York Army National Guard to relocate the

142d AASF Support Facility No. 2 to Niagara Falls Air Reserve Station; Resolution IL-016-03, which expressed support for the Niagara Falls Air Reserve Station remaining open; Resolution CT-011-03, which appropriated \$100,000 for consultant services to retain the Niagara Falls Air Reserve Station; Resolution ED-004-04, which appropriated \$75,000 for consultant services to retain the Niagara Falls Air Reserve Station; Resolution ED-010-04, which appropriated \$100,000 for consultant services to retain the Niagara Falls Air Reserve Station; Resolution ED-001-05, which appropriated \$75,000 for consultant services to retain the Niagara Falls Air Reserve Station; Resolution IL-034-05, which expressed support for the Niagara Falls Air Reserve Station remaining open; Resolution ED-007-05, which accepted \$220,000 from Empire State Development for consultant services to retain the Niagara Falls Air Reserve Station; Resolution ED-008-05, which appropriated \$110,000 for consultant services to retain the Niagara Falls Air Reserve Station; Resolution ED-004-06, which appropriated \$100,000 for consultant services to retain the Niagara Falls Air Reserve Station; Resolution ED-005-06, which appropriated \$72,000 for consultant services to retain the Niagara Falls Air Reserve Station; Resolution ED-021-06, which appropriated \$17,000 for consultant services to retain the Niagara Falls Air Reserve Station; Resolution ED-029-06, which appropriated \$8,500 for consultant services to retain the Niagara Falls Air Reserve Station; Resolution ED-009-07, which accepted \$125,000 from Empire State Development for consultant services to retain the Niagara Falls Air Reserve Station; Resolution ED-010-07, which appropriated \$116,000 for consultant services to retain the Niagara Falls Air Reserve Station; Resolution IL-038-02, which urged federal government to utilize the Niagara Falls Air Reserve Station as a permanent Federal Emergency Management Agency Relocation Center; Resolution IL-054-08, which initiated a Niagara Military Affairs Council membership drive; Resolution IL-001-09, which appropriated \$40,000 from Seneca Niagara Casino electronic gaming revenues for consultant services to retain the Niagara Falls Air Reserve Station; Resolution IL-117-09, which appropriated \$40,000 from Seneca Niagara Casino electronic gaming revenues, sales tax revenue, and Niagara River Bridge Commission revenues for consultant services to retain the Niagara Falls Air Reserve Station, now, therefore, be it

RESOLVED, the Legislature of the County of Niagara continues to support the operation of the Niagara Falls Air Reserve Station, and again opposes the inclusion of this facility on any Base Realignment and Closure Commission lists, and be it further

RESOLVED, the Legislature of the County of Niagara strongly encourages U.S. Representative Kathleen C. Hochul, U.S. Representative Louise M. Slaughter, U.S. Senator Charles E. Schumer, and U.S. Senator Kirsten E. Gillibrand to introduce legislation protecting the Niagara Falls Air Reserve Station from closure, and be it further

RESOLVED, the Legislature of the County of Niagara hereby calls upon Representative Hochul, Representative Slaughter, Senator Schumer, and Senator Gillibrand to oppose the wartime defense budget cuts being instituted by the Obama Administration in *toto* by both voting in the affirmative on such alternative budget bills as may be introduced that include higher appropriations for the Department of Defense, as well as voting in the negative on such appropriations bills as shall not provide adequate funding for the Niagara Falls Air Reserve Station and the defense needs of the United States as a whole, and be it further

RESOLVED, the Legislature of the County of Niagara hereby calls upon Senator Schumer and Senator Gillibrand to join with the 47 members of the Republican minority in the closely-divided U.S. Senate in opposing the Obama Defense Cuts, and be it further

RESOLVED, that the Clerk of the Niagara County Legislature is hereby directed to send copies of this resolution to President Barack H. Obama, Secretary of Defense Leon Panetta, U.S. Senator Charles E. Schumer, U.S. Senator Kirsten E. Gillibrand, U.S. Senate Armed Services Committee Chairman Carl Levin, U.S. Senate Armed Services Committee Ranking Member John McCain, U.S. Representative Kathleen C. Hochul, U.S.

Representative Louise M. Slaughter, U.S. House of Representatives Armed Services Committee Chairman Buck McKeon, Niagara Military Affairs Council Chairman Merrell Lane, Mr. Steve Hyjek, and all others deemed appropriate.

LEGISLATOR KATHRYN L. LANCE

**RESOLUTION CALLING ON THE NEW YORK STATE LEGISLATURE TO
ELIMINATE THE INEFFECTIVE AND EXPENSIVE CoBIS DATABASE, AS
PROPOSED IN THE 2012-2013 EXECUTIVE BUDGET**

WHEREAS, the Second Amendment to the Constitution of the United States clearly states that “the right of the people to keep and bear Arms, shall not be infringed,” and

WHEREAS, Article XII of the Constitution of the State of New York clearly states, “The defense and protection of the state and of the United States is an obligation of all persons within the state,” and

WHEREAS, since its March 1, 2001 inception, the state-mandated CoBIS Combined Ballistics Identification System has failed to solve a single crime, despite collecting 258,700 shell casings, and

WHEREAS, the Honorable Andrew M. Cuomo, Governor of the State of New York, has proposed eliminating CoBIS in the Public Protection Section of the 2012-2013 Executive Budget, and

WHEREAS, Member of the Assembly Stephen Hawley of Albion, Orleans County, who represents the Town of Somerset in the State Assembly, did propose legislation in the 2011 legislative session (A.1131/S.459) that would eliminate the CoBIS Combined Ballistics Identification System, and

WHEREAS, since its 2001 inception, the estimated cost to New York State’s taxpayers for the operation and maintenance of CoBIS is \$4 million per year, and

WHEREAS, the Legislature of the County of Niagara supports any measure that provides reasonable tools to the prosecution of crime, but cannot condone wasting taxpayer resources on measures that have, in nearly a decade, proven incapable of solving a single crime while costing more than \$44 million, and

WHEREAS, the Legislature of the County of Niagara believes that \$4 million per year in taxpayer resources would be better spent on such efforts as placing additional State Police, sheriff’s deputies, and city police officers on patrol, or to provide for reimbursing the counties of the State of New York for housing state offenders in their county jails, or by being returned to the taxpayers, or by being used to close the State’s budget deficit as proposed by Governor Cuomo, and

WHEREAS, databases such as CoBIS presuppose criminal intent in the lawful purchase of firearms by law-abiding citizens, and

WHEREAS, the right to keep and bear arms as detailed in the first Whereas clause, above, is a right, and not a privilege to be modified at the whims of the federal, state, or local governments, and

WHEREAS, on June 26, 2008, the United States Supreme Court did, in the decision issued in the matter of *District of Columbia v. Heller*, find an individual right to keep and bear arms inherent in the language of the Second Amendment and of the U.S. Constitution, and

WHEREAS, the County of Niagara is home to a thriving sporting industry, as evidenced by the presence of the Fin-Feather-Fur Conservation Society, the Hartland Conservation Club, the Iroquois Arms Collectors Association, the Lake Ontario Trout & Salmon Association, the LaSalle Sportsman's Club, the Lockport Conservation Club, the Middleport Rod & Gun Club, the N.Y.S. Crossbow Hunter's Association, the Niagara County Chapter of SCOPE, the Niagara County Gobblers Chapter NWTF, the Niagara County Sportsmen's Association, the Niagara County Trappers Association, the Niagara Musky Association, the Niagara Frontier Friends of the NRA, the Niagara River Anglers Association, the North American Bear Foundation, the North Forest Rod & Gun Club, the Pheasants Forever of WNY #29 - Pioneer Conservation Sportsmen's of Niagara County, the Rapids Rod & Gun Club, the Somerset Conservation Club, the Tonawanda Sportsmen's Club, the Wheatfield Firearms Safety & Education Committee, the Wilson Conservation Club Auxiliary, the Wilson Conservation Club, and the Wolcottsville Rod & Gun Club, among others, and

WHEREAS, it is the right of the citizens of Niagara County to take any measures necessary to be secure in their homes against criminals and other dangerous trespassers, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara does hereby endorse the provision of the 2012-2013 Executive Budget eliminating CoBIS, and be it further

RESOLVED, that the Legislature of the County of Niagara does urge the elimination of CoBIS through separate legislation, such as A.1131 of 2011, should that provision of the Executive Budget be eliminated prior to passage of a final state budget, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Cuomo, Senator George D. Maziarz, Senator Mark Gristanti, Senate Majority Leader Dean G. Skelos, Member of the Member of the Assembly John D. Ceretto, Assembly Jane L. Corwin, Member of the Assembly Stephen Hawley, Member of the Assembly Ray Walter, Member of the Assembly Robin Schimminger, Speaker of the Assembly Sheldon Silver, Director of the Budget Robert L. Megna, Niagara County Federation of Conservation Clubs President Christopher Schotz, New York State Rifle and Pistol Association Vice President for Legislative Affairs Jacob J. Rieper, and all others deemed necessary and proper.

LEGISLATOR JOHN SYRACUSE

LEGISLATOR CLYDE L. BURMASTER

LEGISLATOR RICHARD E. UPDEGROVE

**RESOLUTION COMMENDING THE GOVERNOR FOR HIS REFORM AND OVERHAUL
OF THE EARLY INTERVENTION PROGRAM IN HIS 2012-2013 EXECUTIVE BUDGET PROPOSAL
SO THAT IT IS ACCOUNTABLE TO THE CHILDREN IT SERVES
AND TO THE TAXPAYERS OF THE STATE WHO FUND IT, AND URGING
THE STATE LEGISLATURE TO ADOPT THE PROPOSAL**

WHEREAS, the Early Intervention program in New York State is in need of comprehensive reform and overhaul in order to address the dramatic increase in county administrative duties, as well as the number of recipients and costs per child, since the program's inception in 1993, and

WHEREAS, the State has shifted more fiscal responsibility to county taxpayers while reducing State responsibility by requiring counties to fund 51 percent of the program, costing county taxpayers \$185 million in 2010, and

WHEREAS, counties are required to pay 100 percent of the cost of Early Intervention services in the first instance, which by statute cannot be claimed, at the earliest, until nine months into the current state fiscal year and those claims frequently remain unreimbursed for more than one year, and

WHEREAS, State law requires this program to be administered in the most cost effective manner possible by including a requirement that counties bill private insurance for eligible Early Intervention services before seeking any other reimbursement, and

WHEREAS, the most recent data available shows nearly \$100 million was billed to commercial insurers and only \$10.6 million was recouped, the same 14 percent collection rate as in 2000, and

WHEREAS, these collection rates barely cover the cost of the commercial insurance billing functions, however, when the cost of services and billing are considered together, the return is thirteen cents for every one dollar spent by counties overall, and

WHEREAS, at an aggregate cost of \$185 million to counties statewide, Early Intervention services is one of nine major State mandates that consume 90 percent of the county property tax levy statewide, and

WHEREAS, Governor Cuomo and the State Legislature have enacted a 2 percent property tax cap, which is further exacerbating local budget pressures as additional costs are shifted from the state to counties, and

WHEREAS, the Niagara County Legislature applauds the Governor for proposing in his 2012-2013 Executive Budget to remove the 2 percent Medicaid reduction for the Early Intervention Program, and

WHEREAS, the Niagara County Legislature commends the Governor and State Legislature for adopting Chapter 406 of the Laws of 2011, and

WHEREAS, Chapter 406 of the Laws of 2011 requires that certain information be provided in connection with claims for Early Intervention services and also provides the time period within which claims must be submitted in order to assist counties seeking reimbursement for Early Intervention services from insurance companies, and

WHEREAS, at the end of 2011 county fiscal year, and four and one-half months after Chapter 406 of Laws of 2011 took effect, there is no evidence that this law is being implemented and enforced as intended as counties are still unable to collect any additional payments from third party insurance companies for Early Intervention Services, and

WHEREAS, New York State has not provided counties with any State regulations or letter of guidance how counties can now collect payments from third party insurance companies for Early Intervention Services, and

WHEREAS, absent any additional regulations or guidance to enforce Chapter 406 of the Laws of 2011, the State has a responsibility to the infants and toddlers receiving these services, as well as the property taxpayers who are financing the largest share of the program, to ensure that these claims are paid as appropriate, and

WHEREAS, the Niagara County Legislature believes and maintains that all Early Intervention services for children with special needs, including but not limited to those with Autism Spectrum Disorder, should be covered appropriately by commercial health insurers and that this is not a 100 percent taxpayer funded responsibility, and

WHEREAS, it is essential that the New York State Department of Health continues to make certain that there is adequate and sufficient capacity to ensure that Early Intervention services are not negatively impacted due to regional concerns, now, therefore, be it

RESOLVED, that the Niagara County Legislature urges the State Legislature to join the Governor to ensure counties' commercial insurance claims for all Early Intervention services are maximized, and be it further

RESOLVED, that the New York State Department of Financial Services and Banking, and the New York State Department of Health, be responsible for enforcement of payments as stated in law, and

RESOLVED, that the Clerk of the Niagara County Legislature shall forward copies of this resolution to Governor Cuomo, Senate Vice President Pro Tem George D. Maziarz; Senator Mark J. Grisanti; Senate Temporary President Dean G. Skelos; Senate Deputy Majority Leader Thomas W. Libous; Member of the Assembly Jane L. Corwin; Member of the Assembly John D. Ceretto; Member of the Assembly Raymond Walter; Member of the Assembly Stephen Hawley; Member of the Assembly Robin Schimminger; Speaker of the Assembly Sheldon Silver; Assembly Majority Leader Ronald J. Canestrari; Assembly Minority Leader Brian M. Kolb; the New York State Department of Health; the New York State Department of Financial Services; and all others deemed necessary and proper.

LEGISLATOR ANTHONY J. NEMI

LEGISLATOR CHERÉE J. COPELIN

LEGISLATOR KATHRYN L. LANCE

**FUNDING FOR NIMAC WITH
NIAGARA COUNTY SENECA CASINO MONEY**

WHEREAS, the Niagara Military Affairs Council (NIMAC), has worked diligently over the past 15 years to retain the Niagara Falls Air Reserve Station which is Niagara County's largest employer and has the largest weekly payroll, and

WHEREAS, the Niagara County Legislature realizes the economic and strategic importance of the Niagara Falls Air Reserve Station and supports the effort of retention by an annual contribution to NIMAC, now, therefore, be it

RESOLVED, that the following initiatives be funded with Niagara County Seneca Casino Money:

NIMAC	Retention of Niagara Falls Air Reserve Station	\$40,000
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and be it further

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

INCREASE REVENUE:

A.28.8020.812 42725.00	VLT Tribal State Compact Money	\$40,000
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INCREASE APPROPRIATION:

A.28.8020.812 74400.08	Seneca Niagara Monies	40,000
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LEGISLATOR WILLIAM L. ROSS

LEGISLATOR DAVID E. GODFREY

LEGISLATOR KATHRYN L. LANCE

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA
AND THE OLCOTT LION'S CLUB**

WHEREAS, the Olcott Lions Club has requested that the County of Niagara grant them permission to use the north section and bathing area of Krull Park on March 4, 2012 for the purpose of holding the annual charity event known as the Lion's Club Polar Swim for Sight, and

WHEREAS, this event has been successful for many years in attracting thousands of visitors from across Niagara County and Greater Western New York in order to raise money for Lion's Club sight and other charity programs, and

WHEREAS, The Lion's Club has also raised money through this event for improvements, which benefit Krull Park, the surrounding community and Niagara County as a whole, and

WHEREAS, it is the wish of the Olcott Lion's Club to hold the Lion's Club Polar Bear Swim for Sight on March 4, 2012, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Olcott Lion's Club, 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, that the terms and conditions of the agreement between the County of Niagara and the Olcott Lion's Club, as appears on the proposed agreement, is hereby approved in all respects, 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

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA
AND THE TIME TRAVELERS OF WNY, INC.**

WHEREAS, the Time Travelers of WNY, Inc. have requested that the County of Niagara grant them permission to use the north section of Krull Park on September 1, 2012, for the purpose of holding a car show and craft show, and

WHEREAS, this car show has been successful for the past fifteen years in attracting thousands of visitors from across Niagara County and Greater Western New York, and

WHEREAS, it is the wish of the Time Travelers of WNY, Inc. to hold a car show on September 1, 2012, and

WHEREAS, it is the desire of the County of Niagara to enter into a formal agreement with the Time Travelers of WNY, Inc., and

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

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Time Travelers of WNY, Inc., as appears on the proposed agreement, is hereby approved in all respects, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized and directed to execute and deliver the agreement with the Time Travelers of WNY, Inc.

PUBLIC WORKS COMMITTEE

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA
AND THE NEWFANE LACROSSE CLUB**

WHEREAS, the Newfane Lacrosse Club has requested that the County of Niagara grant them exclusive rights to operate a lacrosse program in an area situated in the County owned property on Lake Road, and

WHEREAS, this program benefits the youth and other residents of the Town of Newfane in addition to Niagara County as a whole, and

WHEREAS, such program is operated on a not-for-profit basis, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Newfane Lacrosse Club, 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, that the terms and conditions of the agreement between the County of Niagara and the Newfane Lacrosse Club, as appears in the proposed agreement, is hereby approved in all respects, 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

**AGREEMENT BETWEEN THE COUNTY OF NIAGARA
AND THE LOCKPORT HIGH SCHOOL CROSS COUNTRY CLUB**

WHEREAS, the Lockport High School Cross Country Club has requested that the County of Niagara grant them exclusive rights to operate a Cross Country program in an area situated in the County owned property near Day Road Park, and

WHEREAS, this program benefits the residents of the Town and City of Lockport in addition to Niagara County as a whole, and

WHEREAS, such program is operated on a not-for-profit basis, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Lockport High School Cross Country Club, 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, that the terms and conditions of the agreement between the County of Niagara and the Lockport High School Cross Country Club, as appears on the proposed agreement, is hereby approved in all respects, 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

**DPW – HIGHWAY
EXPENDITURE OF COUNTY ROAD FUND MONIES**

WHEREAS, the Commissioner of Public Works recommends the expenditure of County Road Fund monies for maintenance of roads, under Section 129 of the Highway Law, in the sum of \$7,618,556, and

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

RESOLVED, that the recommendation of the Commissioner of Public Works be approved and the sum of \$7,618,556 be appropriated from the County Road Fund for maintenance during the year 2012, 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

ADMINISTRATION COMMITTEE

**SERVER ROOM COOLING PROJECT
CHANGE ORDER NO. 1**

WHEREAS, by Resolution No. PW-105-11, dated September 6, 2011, the Legislature awarded the contract for the Server Room Cooling Project to Hoot Mechanical and Electrical, Inc, PO Box 428, Lockport, NY 14095, in the amount of \$33,300.00, and

WHEREAS, it is necessary to approve Change Order No. 1, due to adjustments in contract quantities, in the amount of (\$2,000.00), for a revised contract amount of \$31,300.00, now, therefore, be it

RESOLVED, that Change Order No. 1 be, approved in the amount of (\$2,000.00), for a revised contract amount of \$31,300.00, and be it further

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

PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE

**FENCING INSTALLATION AT FORMER FLINTKOTE PROPERTY
CHANGE ORDER NO. 1**

WHEREAS, by Resolution No. PW-076-11, dated July 26, 2011, the Legislature awarded the contract for the installation of fencing at the Former Flintkote Site to Fox Fence, Inc., in the amount of \$32,150.00, and

WHEREAS, it is necessary to approve Change Order No. 1, in the amount of \$975.00 for a revised contract amount of \$33,125.00, now, therefore, be it

RESOLVED, that Change Order No. 1, for the installation of a main gate, be approved in the amount of \$975.00, for a revised contract amount of \$33,125.00, and be it further

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

PUBLIC WORKS COMMITTEE

ADMINISTRATION COMMITTEE

**NIAGARA COUNTY COMMUNITY COLLEGE EAST ENTRANCE ROAD
CONSTRUCTION CONTRACT – RETAINAGE REDUCTION**

WHEREAS, Resolution No. PW-049-11, dated April 5, 2011, awarded the contract for the construction of the East Road entrance at Niagara County Community College, to CTS Contracting, Inc, in the amount of \$1,066,867.45, for the base bid, and

WHEREAS, the project is substantially complete, and Public Works recommends a reduction in the amount of retainage being held to \$5,832.50, 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 retainage being held for the NCCC East Road entrance to CTS Contracting Inc., 320 Crabapple Lane, Cheektowaga, NY 14227, be reduced to \$5,832.50, 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

ADMINISTRATION COMMITTEE

AWARD STORMWATER CONSULTANT SERVICES

WHEREAS, the Department of Public Works, in accordance with Federal/State guidelines, evaluated proposals from pre-qualified consulting engineering firms to assist the county with the implementation of the Phase II Stormwater Regulations, and

WHEREAS, funds are available in account D.15.5140.000.74650.08, Consultant Services, and

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

RESOLVED, that the consultant services to assist the County with the implementation of the Phase II Stormwater Regulations, be awarded to GHD Consulting Engineers, LLC, 200 John James Audobon Parkway, Suite 101, Amherst, NY 14228, for a contract amount of \$54,800, 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