


AGENDA
NIAGARA COUNTY LEGISLATURE
JANUARY 21, 2014 – 7:00 P.M.

Resolutions not on previous agenda:

- CSS-035-13** Community Safety & Security, re Accept Traffic Safety Grant – Approved
- PW-101-13** Public Works, re Lease Agreement with Niagara Cerebral Palsy for the Shaw Building in Lockport and the Trott Access Center in Niagara Falls – Approved
- PW-102-13** Public Works, re Lease Agreement with Niagara Orleans BOCES for the Trott Access Center – Approved
- PW-103-13** Public Works & Administration, re Ewings Road Bridge Reconstruction Contract CO #1 Final – Approved
- PW-104-13** Public Works, re Award for Sheriff's Campus and Shaw Building Fiber Upgrade (Sealed Bid 2013-51) – Approved

Regular Meeting – January 21, 2014

- IL-001-14** Legislators Michael A. Hill & Randy R. Bradt, re Resolution in Opposition to Expanding Casino Gaming in Western New York
- IL-002-14** Legislator John Syracuse, re Funding for 30th Annual Niagara Pro-Am Tournaments
- IL-003-14** Legislators Randy R. Bradt & Richard L. Andres, re Resolution Requiring County Government to Recognize the Dignity of Individuals with Developmental Disabilities and Cease Using the Phrase 'Mental Retardation' and its Derivatives and Condemning the Use of Pejoratives Derived from this Outdated Term
- IL-004-14** Legislator Clyde L. Burmaster, re Authorization to Forgive Taxes on Certain Property in Contemplation of a Private Sale of Said Property and its Return to the Tax Rolls


Mary Jo Tamburlin, Clerk
Niagara County Legislature

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 18, 2014.

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Michael A. Hill and _____

DATE: 01/21/14 _____

RESOLUTION # IL-001-14

Randy R. Bradt

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

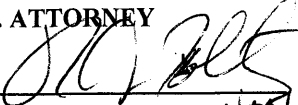
COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____



1/26/14

**RESOLUTION IN OPPOSITION TO EXPANDING CASINO GAMING
IN WESTERN NEW YORK**

WHEREAS, in September 1973, eleven Western New York counties and two cities established the Western Regional Off-Track Betting Corporation, they being the counties of Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, Seneca, Steuben, and Wayne, as well as the cities of Rochester and Buffalo as enabled by state law, and

WHEREAS, these municipal "stockholders" chose to exercise that local option to form such a corporation that dictated local control by those municipalities over such gaming activities in their respective communities, and

WHEREAS, the start-up costs of this enterprise were funded solely by these initiating counties from their own treasuries of taxpayer money and represented no state money nor allowed for any state sharing of this purely local venture, and

WHEREAS, since those eleven counties voted to form Western Regional Off-Track Betting Corporation, an additional four Western New York counties (Wyoming, Schuyler, Oswego, and Cayuga) have joined them in the local control of such gaming activities that has since generated over \$215 million in operating and surcharge revenues to the taxpayers of those participating municipalities, and

WHEREAS, the Seneca Nation of Indians has recently initiated a process to locate a full Las Vegas-style gaming casino in Monroe County, and

WHEREAS, the participating municipalities of Western OTB as its shareholders have a *pro-rata* financial interest in the \$69 million of net equity re-invested in its 30-plus corporately-owned branch facilities and the track and casino at Batavia Downs, and

WHEREAS, the addition of another casino located in Western New York owned and operated by the Seneca Nation in the area will over saturate the regional gaming marketplace and cause financial distress to Western Regional Off Track Betting and to the 17 municipal stakeholders, and

WHEREAS, Batavia Downs Casino has proven to be a successful Public Benefit Corporation to Niagara County, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby oppose the location of an additional casino located in Monroe County owned and operated by the Seneca Nation, and be it further

RESOLVED, that copies of this resolution be sent to each member of the New York State Legislature representing Niagara County, the Governor of New York and members of the Niagara County Federal Delegation, and be it further

RESOLVED, that each member of the New York State Legislature representing Niagara County, the Governor of New York and members of the Niagara County Federal Delegation be urged to join this Board in the opposition of any new proposed casino in Western New York west of Route 14.

LEGISLATOR MICHAEL A. HILL

LEGISLATOR RANDY R. BRADT

NIAGARA COUNTY LEGISLATURE

FROM: Legislator John Syracuse

DATE: 01/21/14

RESOLUTION # IL-002-14

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

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

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1/16/2014

FUNDING FOR 30TH ANNUAL NIAGARA PRO-AM TOURNAMENTS

WHEREAS, the Lake Ontario Pro-Am Salmon Team Tournament will be celebrating its 30th anniversary in 2014, and

WHEREAS, to help expand the celebration and pay tribute to this event, a second event has been added to encompass back-to-back tournaments out of the ports of Wilson and Olcott May 24-25 and May 31-June 1, and

WHEREAS, monies are available for Pro-Am Fishing (formerly 200083) and Fishing Derby (formerly 200087) that is now part of the overall Fishing Derby trust account TA 2085.07 in the amount of \$4,675.22, and

WHEREAS, Niagara Tourism and Convention Corporation will serve as a conduit for all Pro-Am related expenses, including but not limited to trophies, plaques, stage rental, printing, layout, website and registration costs associated with the tournament, now, therefore, be it

RESOLVED, that the Niagara County Legislature direct the County Treasurer to issue a check from the General Trust Account TA 2085.07 in the amount of \$4,675.22 payable to Niagara Tourism and Convention Corporation's Outdoor Promotions Account to be used for the 2014 Lake Ontario Pro-Am Salmon Team Tournaments.

LEGISLATOR JOHN SYRACUSE

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Randy R. Bradt and

DATE: 01/21/14

RESOLUTION # IL-003-14

Richard I. Andres

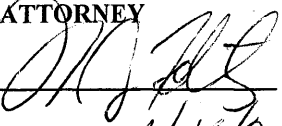
APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

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


1/16/2014

RESOLUTION REQUIRING COUNTY GOVERNMENT TO RECOGNIZE THE DIGNITY OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES AND CEASE USING THE PHRASE 'MENTAL RETARDATION' AND ITS DERIVATIVES AND CONDEMNING THE USE OF PEJORATIVES DERIVED FROM THIS OUTDATED TERM

WHEREAS, pursuant to provisions of Local Law No. 1 of 1954, Niagara County did establish a County Mental Health Board, it to operate pursuant to then-provisions of Article 8A of the Mental Hygiene Law of the State of New York, and

WHEREAS, Niagara County currently operates a Community Services Board, it having both a Mental Health Subcommittee and a Mental Retardation & Developmental Disabilities Subcommittee, and

WHEREAS, the phrase "mental retardation" is now widely considered demeaning and disrespectful to those individuals living with developmental disabilities, and

WHEREAS, the State of New York did change the name of the New York State Office of Mental Retardation and Developmental Disabilities to the New York State Office for People with Disabilities, and, in enabling legislation for said name change, noted, "Instead of referring to the 'mentally retarded,' it is more appropriate to refer to such individuals as 'persons with developmental disabilities' so that the person is emphasized and not the disability. The term 'mental retardation' is attached to a significant stigma and has negative connotations. It is appropriate for the agency's name to reflect a person-centered philosophy and to reflect the shift away from the use of the term 'mental retardation,'" and

WHEREAS, controversy has recently arisen in the local community concerning abusive, demeaning use of pejorative terms derived from the term "mental retardation," and has been reported on in both the Buffalo News and the Niagara Falls Reporter, and

WHEREAS, Niagara County holds those individuals living and functioning with developmental disabilities and their supportive families in the highest esteem, and believes consistency across various levels of government in agency naming and missions is of value to the citizens being served, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara does hereby re-designate the Mental Retardation & Developmental Disabilities Subcommittee as the Subcommittee for People with Developmental Disabilities, and be it further

RESOLVED, that the Legislature of the County of Niagara directs the Director of Mental Health, the Director of Public Health, and the Commissioner of Social Services to undertake a review of their agencies and such offices and functions as fall under their jurisdiction and take immediate steps to excise use of the terms "mental retardation," "mentally retarded," "retardation," "retarded," and other derivatives of the same, renaming such offices and agency functions to reflect both client-centered language and the use of accurate descriptions of a spectrum of disabilities that is not demeaning in its nature, and be it further

RESOLVED, that the Legislature of the County of Niagara directs the Chairman of the Community Services Committee to conduct a review to determine whether such bodies as oversee services for people with intellectual and other developmental disabilities in Niagara County require updating, having been authorized by 1950s-era laws, and be it further

RESOLVED, that the Legislature of the County of Niagara condemns the use of pejorative terms for people with intellectual and other developmental disabilities, and believes those who have used such terms in public discourse in an attempt to demean those they do not agree with or support should publicly apologize, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Commissioner of Social Services Anthony Restaino; Director of Mental Health Antoinette Lech; Director of Public Health Daniel Stapleton; Commissioner of Environmental Conservation Joe Martens; Acting Commissioner of the Office for People with Developmental Disabilities Laurie A. Kelley; and all others deemed necessary and proper.

LEGISLATOR RANDY R. BRADT

LEGISLATOR RICHARD L. ANDRES

NIAGARA COUNTY LEGISLATURE

FROM: Legislator Clyde L. Burmaster

DATE: 01/21/2014

RESOLUTION # IL-004-14

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

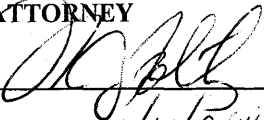
COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____


1/16/2014

**AUTHORIZATION TO FORGIVE TAXES ON CERTAIN PROPERTY IN
CONTEMPLATION OF A PRIVATE SALE OF CERTAIN PROPERTY
IN THE TOWN OF PORTER, AND RETURN THIS PROPERTY TO THE TAX ROLLS**

WHEREAS, certain property located in the Town of Porter and identified as Parcel ID 293489: SBL #60.00-3-9.1 located on Balmer Road with frontage of 1,098.55 and consisting of 39.40 acres in the Lewiston Porter School District has been delinquent in County taxes, and

WHEREAS, said property is flagged as hazardous and is part of the former Lake Ontario Ordinance Works (L.O.O.W.) site, and

WHEREAS, Niagara County taxes have not been paid on this property since 1989 and currently are in arrears for 2013 for a total of \$203,850 with no indication that the arrears will be paid anytime in the future, and

WHEREAS, Mr. Robert MacVie of Youngstown, New York, has indicated a desire to obtain this property for use as an above ground storage area for contracting equipment; Mr. MacVie is aware of its designation as being contaminated and has no intent to do any excavation thereon, and

WHEREAS, Mr. MacVie's obtaining ownership of this property will be contingent upon the forgiveness of the past taxes by the County and will result in the property being returned to the tax rolls for the future, now, therefore, be it

RESOLVED, that Niagara County does agree to forgive County taxes on the above described property from 1989 through 2013 contingent upon Mr. Robert MacVie taking possession of the land from the current owner, Somerset Group Inc. of Grand Island, New York.

LEGISLATOR CLYDE L. BURMASTER