

**ERIE COUNTY LEGISLATURE**  
**MEETING NO. 15**  
**JULY 30, 2015**

The Legislature was called to order by Chair Mills.

All members present.

An Invocation was held, led by Ms. Grant, who requested a moment of silence.

The Pledge of Allegiance was led by Mr. Loughran.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. LORIGO moved for the approval of the minutes for Meeting Number 14. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No public hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MR. BURKE presented a resolution Honoring Paul Mulcaire and Padraic Walsh as the Erie County Legislature's Citizen of the Month for July 2015.

Item 6 – MS. DIXON presented a resolution Honoring Penn Dixie Paleontological and Outdoor Education Center on Celebrating its 20th Anniversary.

Item 7 – MR. LORIGO presented a resolution Honoring Pine Rest Pet Cemetery on its 100th Anniversary Serving the Community.

Item 8 – MR. MILLS, MR. LORIGO, MS. GRANT, MS. DIXON, MR. HARDWICK, MR. MORTON, MR. RATH, MR. BURKE, MR. LOUGHRAN, MS. MILLER-WILLIAMS & MR. SAVAGE presented a resolution Recognizing and Declaring September 2015 as "Childhood Cancer Awareness Month" in Erie County.

Item 9 – MR. MILLS, MR. LORIGO, MS. GRANT, MS. DIXON, MR. HARDWICK, MR. MORTON, MR. RATH, MR. BURKE, MR. LOUGHRAN, MS. MILLER-WILLIAMS & MR. SAVAGE presented a resolution Congratulating The Salvation Army on its 150th Anniversary.

Item 10 – MR. MILLS presented a resolution presented a resolution Congratulating Aric Huber, Boy Scout Troop 491, on Being Awarded the Rank of Eagle Scout.

Item 11 – MR. MILLS presented a resolution presented a resolution Honoring the South Towns Gardeners for Planting and Maintaining the Honor Garden and Dedicating the Blue Star Memorial By-Way Marker to Honor our Armed Forces.

Item 12 – MR. MORTON presented a resolution presented a resolution Congratulating Diana Augspurger on Being Honored as a Woman in Leadership by the Buffalo Chapter of the Women Presidents' Organization.

MR. LORIGO moved for consideration of the above eight items. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved to amend the above eight items by adding one miscellaneous resolution for MR. RATH and to include Et Al sponsorship. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved for approval of the above nine items as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 13 – CHAIR MILLS directed that Local Law No. 8 (Print #1) 2014 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 14 – CHAIR MILLS directed that Local Law No. 1 (Print #3) 2015 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 15 – CHAIR MILLS directed that Local Law No. 2 (Print #2) 2015 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 16 – CHAIR MILLS directed that Local Law No. 3 (Print #1) 2015 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 17 – CHAIR MILLS directed that Local Law No. 4 (Print #1) 2015 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 18 – CHAIR MILLS directed that Local Law No. 5 (Print #1) 2015 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 19 – CHAIR MILLS directed that Local Law No. 6 (Print #1) 2015 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 20 – CHAIR MILLS directed that Local Law No. 7 (Print #1) 2015 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 21 – MR. LORIGO moved to take Local Law Intro. No. 8 (Print #2) 2015 off of the table. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 185

COUNTY OF ERIE  
LOCAL LAW INTRO. NO. 8-2 (2015)  
LOCAL LAW NO. \_\_\_\_\_(2015)

A Local Law in relation to prohibiting the sale of personal cosmetic products containing microbeads in Erie County

Section 1: Legislative Findings and Intent

The Legislature hereby makes the following findings and determinations:

- a) The Legislature hereby finds and determines that microbeads, a synthetic alternative ingredient to such natural materials as ground almonds, oatmeal and pumice, found in over one hundred personal cosmetic products, including facial cleansers, shampoos and toothpastes, pose a serious threat to Erie County's environment. Microbeads have been documented to collect harmful pollutants, already present in the environment, and harm fish and other aquatic organisms that form the base of the aquatic food chain. Microbeads have been found in high quantity in New York State's water bodies, and in particular, the waters of Lake Erie.
- b) Research has indicated that the majority of these microbeads are entering bodies of water through disposal down household drains following the use of such personal cosmetic products. Without significant and costly improvements to Erie County's sewage treatment

facilities, microbeads contained in personal cosmetic products will continue to pollute Lake Erie and other water bodies within Erie County.

Section 2: Definitions

As used in this Local Law, the following terms shall have the meanings indicated:

- a) "Microbead" shall mean any intentionally added plastic particle measured to be five millimeters or less in size used to exfoliate or cleanse in a personal care product.
- b) "Personal care product" shall mean any (a) article intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, including but not limited to soap, exfoliates, shampoos, toothpastes and scrubs, and (b) article intended for use as a component of any such article. The term "personal cosmetic product" shall not include any product for which a prescription is required for distribution or dispensation as provided in section two hundred eighty-one of New York State Public Health Law or Section six thousand eight hundred ten of New York State Education Law.

Section 3: Restrictions on the Sale of Microbeads in Erie County

It shall be unlawful for any person, firm, corporation, or any other entity no matter how constructed to sell, offer or expose for sale, give or furnish any personal cosmetic product which contains microbeads as defined herein.

Section 4: Enforcement

- a) The County of Erie through its Department of Public Works Division of Weights and Measures ("the Division") shall have sole jurisdiction to enforce the provisions of this local law.
- b) Any person, firm, corporation, or other entity who violates section 3 of this local law shall be liable for a civil penalty not to exceed two thousand five hundred dollars for each day during which such violation continues, and in addition thereto, such person, firm, corporation, or other entity may be enjoined from continuing such violation. For a second violation, such person, firm, corporation, or other entity shall be liable for a civil penalty not to exceed five thousand dollars for each day during which such violation continues, and in addition thereto, such person, firm, corporation, or other entity may be enjoined from continuing such violation.
- c) The Erie County Attorney may bring an action in the name of Erie County or the Erie County department of Public Works division of Weights and Measures to recover the civil penalty provided by this local law in any court of competent jurisdiction.

Section 5: Reverse Preemption

This local law shall be null and void on the day that state-wide or federal legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the

event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Erie. The Erie County Legislature shall determine by resolution whether or not identical or substantially similar state-wide legislation has been enacted for purposes of triggering the provisions of this section.

Section 6: Severability

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, or Business shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its specific application.

Section 7: Effective Date

This local law shall become effective 180 days after filing with the Secretary of State.

Sponsored By:  
Legislator Patrick B. Burke

Co-Sponsored By:  
Legislator John J. Mills

MR. LORIGO moved to approve Local Law Intro. No. 8 (Print #2) 2015. MR. BURKE seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

**COMMITTEE REPORTS**

Item 22 – MS. DIXON presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 186

July 23, 2015	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 11
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ALL MEMBERS PRESENT.

CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 13E-17 (2015)

**COUNTY EXECUTIVE AS AMENDED**

WHEREAS, the Department of Public Works received bids for the Erie County Medical Examiner's Instrument Laboratory Renovations on July 8, 2015; and

WHEREAS, the Erie County Department of Public Works, along with the Architect, is recommending award of the contract to the lowest bidders; and

WHEREAS, this Honorable Body has previously authorized the County Executive to enter in a General Architectural/Engineering services agreement with the firms of Trautman Associates and Watts Architecture & Engineering for providing additional design services; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement amendment to the firms of Trautman Associates and Watts Architecture & Engineering for providing additional design services.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidders for the Erie County Medical Examiner's Instrument Laboratory Renovations as follows:

General Construction Work	Miller Enterprises, Inc.	Base Bid: \$ 277,000.00
Electrical Work	Weydman Electric Inc.	Base Bid: \$ 493,400.00
Plumbing Work	MLP Plumbing & Mechanical	Base Bid: \$ 142,400.00
HVAC Work	Greater Niagara Mechanical	Base Bid: \$ 124,600.00
Furniture Work	Lab Rep Co. LLC	Base Bid: <u>\$ 76,550.00</u>
	Total For All Work	\$1,113,950.00

and be it further

RESOLVED, that the sum of \$122,770.81 be allocated to the Construction Contingency Fund with authorization for the County Executive, to approve change orders in an amount not to exceed the Contingency Fund; and be it further

RESOLVED, that deduct change orders will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that the County Executive is authorized to execute an Agreement Amendment with the firm of Trautman Associates for additional design services for an amount not to exceed

\$41,000.00 and Watts Architecture & Engineering, for an amount not to exceed \$9,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Accounts:

A.15019	Erie County Morgue & Toxicology Improvements	\$ 750,000.00
A.14013	Renovations to Toxicology Laboratory	\$ 415,000.00
A.15003	Code & Environmental Compliance	\$ 100,000.00
A.11005	Building Facility Improvements	<u>\$ 21,720.81</u>
	Total payments not to exceed	\$1,286,720.81

and be it further;

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(6-0)

2. COMM. 14E-27 (2015)

**COUNTY EXECUTIVE**

WHEREAS, the Department of Social Services has issued an annual Request for Proposals (RFP), selected providers for its Employee Education and Training Program pursuant to Section 19.08 of the Erie County Administrative Code, and has the responses, evaluation and selection material available; and

WHEREAS, these contracts will enable employees of the Department of Social Services to upgrade their professional knowledge and skills thereby benefiting departmental operations; and

WHEREAS, the Department of Social Services must have Legislative approval to renew Employee Education and Training Program contracts; and

WHEREAS, there is no fiscal impact on the 2015 Adopted Budget, the increased cost of the contracts of \$102,673 is reimbursed 100% through State and Federal revenue.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive and/or the Commissioner of Social Services are hereby authorized to renew the Employee Education and Training Program contracts to New York State mandated State University of New York (SUNY) institutions for the period of 9/1/15-8/31/2016, as specified below:

Educational Institution	Gross Contract	Institution's Contribution	Amount to be Paid
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Empire State College (Bachelor's/Associates Degrees in Business/Community and Human Services)	\$454,588	\$163,652	\$290,936
Empire State College (In-Service Training and Organizational Development)	\$1,008,266	\$302,480	\$705,786
SUNYAB – School of Social Work (Masters in Social Work)	\$239,261	\$83,741	\$155,520
Erie Community College (Associate Degrees in Business/ Human Services)	\$167,989	\$58,796	\$109,193
Buffalo State College (CDHS) (Bachelor's in Business/Social Work; Masters in Human Services Admin.)	\$438,987	\$158,035	\$280,952
<b>TOTAL FUNDS:</b>	<b>\$2,309,091</b>	<b>\$766,704</b>	<b>\$1,542,387</b>

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to increase the 2015 budget of the Department of Social Services, account 516040 DSS Training and Education programs, by \$102,673 to equal \$1,542,387, and to also increase the associated revenue accounts by the same amount, in order to implement this request, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, the Commissioner of Social Services, the Erie County Comptroller, and the Director of the Division of Budget and Management.

(6-0)

3. COMM. 14E-28 (2015)

**COUNTY EXECUTIVE**

WHEREAS, breast cancer is the most common invasive cancer in women; and

WHEREAS, the U.S. Preventative Services Task Force recommends mammography every two years in women between the ages of 50 and 74; and

WHEREAS, the Erie County Department of Health has received a grant award from “Barbells for Boobs” in the amount of \$20,000 to provide breast cancer screening and diagnostic services to uninsured and underinsured residents of Erie County; and

WHEREAS, legislative authorization is needed to accept the grant funds, and effectuate the budgetary entries necessary to provide the screening services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to accept a grant award from the “Barbells for Boobs” in the amount of \$20,000 to be budgeted as follows:



“Barbells for Boobs”  
127BFB1516  
8/1/15 -7/31/16

SAP	REVENUE	BUDGET
479100	Other Contributions	<u>\$20,000</u>
	TOTAL	<u>\$20,000</u>
	EXPENSES	
516020	Pro Services Contracts & Fees	<u>\$20,000</u>
	TOTAL	<u>\$20,000</u>

and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the Erie County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Personnel, the Department of Law and to Dr. Gale R. Burstein, Commissioner, in the Erie County Department of Health, 9<sup>th</sup> Floor, Rath Building.  
(6-0)

4. COMM. 14E-29 (2015)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Health has determined that it has the legal status necessary to enter into a Contract with New York State and that certain work, as described in the contract, is desirable and in the public interest; and

WHEREAS, under Article 17, Title 14, Section 17-1409 of the Environmental Conservation Law (ECL), the State is authorized to make financial assistance available to the Erie County Department of Health, by means of a written agreement, for water quality projects; and

WHEREAS, the Erie County Department of Health has examined and duly considered Article 17, Title 14, Section 17-1409 of the ECL and deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREFORE, BE IT

RESOLVED; that Dolores Funke, or such person’s successor in office, is authorized as the official representative to act in connection with any contract between the Project Sponsor and the State and directed to provide such additional information as may be required; and be it further

RESOLVED; that the Project Sponsor agrees that it will fund its portion of the cost of the Project; and be it further

RESOLVED; that one (1) certified copy of this Resolution be prepared and sent to the New York State Department of Environmental Conservation, Albany, New York together with the State Contract; and be it further

RESOLVED; that this Resolution take effect immediately.

(6-0)

5. COMM. 14E-30 (2015)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Senior Services submitted a competitive grant application for NY State Balancing Incentive Program (BIP) Innovation Fund monies, to undertake a pilot project with Kaleida Health, Erie County Medical Center Corporation (ECMCC) and People Inc., to assist hospital and nursing facility discharge planners in transferring Medicaid patients back to the community; and

WHEREAS, the NY State Department of Health (NYSDOH) originally awarded Senior Services a \$738,276 BIP Innovation Fund grant for the period August 1, 2014 through September 30, 2015; and

WHEREAS, NYSDOH has subsequently revised the project by limiting how pilot staff can assist long term care nursing facility patients, and extending the grant period six months to March 31, 2016, without an increase in grant funding; and

WHEREAS, the six month grant extension will require the Aging and Disability Resource Center (ADRC) Representative (#51012202) to remain in the grant through March 31, 2016; and

WHEREAS, funding in the grant is available to cover, effective June 1, 2015, the transfer of Senior Case Manger (#8172) from the 163ECON1416 grant to the 163BIPIF1415 grant; and

WHEREAS, the Department of Senior Services will extend existing memorandums of understanding with grant application partners Kaleida Health and ECMCC, and amend the contract with grant application partner People Inc., to reflect the six month grant extension; and

WHEREAS, the Department of Senior Services currently contracts with a variety of subcontract agencies for the provision of various services and supports for eligible clients, including home care, adult day care, transportation, home delivered meals, and personnel emergency response systems; and desires to amend such contracts to utilize BIP Innovation Fund grant monies to purchase such services and supports for individuals eligible for this pilot project through the six month grant extension; and

WHEREAS, the existing budget for the 163BIPIF1415 grant is in need of revision.

NOW, THEREFORE, BE IT

RESOLVED, that the end date for the 163BIPIF1415 grant be extended from September 30, 2015 to March 31, 2016; and be it further

RESOLVED, that the ADRC Representative (#51012202) remain in the 163BIPIF1415 grant through March 31, 2016; and be it further

RESOLVED, that Senior Case Manager (#8172) be transferred, as of June 1, 2015 from the 163ECON1416 grant to the 163BIPIF1415 grant (B100#8394); and be it further

RESOLVED, that the County Executive is hereby authorized to amend existing, memorandums of understanding with Kaleida Health and ECMCC, and contract with People Inc., to reflect the six month grant extension; and be it further

RESOLVED, the County Executive be and is hereby authorized to enter into and/or amend contracts with existing Department of Senior Service subcontract agencies, (in an aggregate amount not to exceed the amount appropriated in this grant budget), and purchase necessary services from such agencies with BIP innovation fund grant monies to facilitate eligible pilot project clients return to the community through March 31, 2016; and be it further

RESOLVED, that the budget for the BIP Innovation Fund Grant (163BIPIF1415), be amended as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
<b>APPROPRIATIONS</b>				
Account	Description			
500000	Full Time Salaries	\$86,585	+68,614	\$155,199
502000	Fringe Benefits	53,683	+42,542	96,225
505000	Office Supplies	500	0	500
510000	Local Mileage Reimbursement	8,425	0	8,425
516020	Professional Svcs Contracts & Fees	116,549	-71,445	45,104
516023	Adult Day Care	56,088	-14,069	42,019
516026	Home Care Services	140,220	0	140,220
516027	Meal Preparation	12,825	0	12,825
516028	Personnel Emergency Response	1,368	+684	2,052
516029	Software Support & Mod	1,500	0	1,500
516030	Maintenance Contracts	1,120	+80	1,200
517755	People Inc.	105,000	-39,000	66,000
530000	Other Expenses	55,700	+51,513	107,213
561410	Lab & Technical Equipment	3,000	0	3,000
916390	ID Senior Services Grant Services	95,713	-40,397	55,316
980000	ID DISS Services	<u>0</u>	<u>+1,478</u>	<u>1,478</u>
	<b>TOTAL CHANGE</b>	<b>\$738,276</b>	<b>\$0</b>	<b>\$738,276</b>

and be it further

RESOLVED, that, the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to grantor awards; and be it further

RESOLVED if necessary, that the County Executive is hereby authorized to execute amendments to Department of Senior Services agencies contracts to effectuate adjusted funding levels; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget and Management, the Comptroller's Office, and the Department Senior Services.

(6-0)

6. COMM. 14E-31 (2015)  
**COUNTY EXECUTIVE**

WHEREAS, Erie County legislative resolution 9E-15 (2015), approved on May 14, 2015, authorized the acceptance of \$624,053 in NY Connects Expansion and Enhancement Program grant monies (163ECON1416) from the NY State Office for the Aging (NYSOFA), for the period October 1, 2014 through March 31, 2016; and

WHEREAS the grant is 100% funded by NYSOFA, and requires no local share County funds; and

WHEREAS, these funds are to be used to strengthen NY Connects' ability to serve as a "no wrong door" Aging and Disability Resource Center for Erie County, and will include staff training, program accreditation, and enhancement of community partnerships; and

WHEREAS, NYSOFA has extended the grant period to December 31, 2016, without increasing funding, which necessitates amending the original budget to cover the additional nine program months; and

WHEREAS, to fund 163ECON1416 payroll costs through the nine month grant extension, it is necessary to reverse the January 1, 2015 transfer of Senior Case Manager (#8171) from the 163III-B2015 grant so this will remain in the 163III-B2015 grant, and effective June 1, 2015 transfer the Senior Case Manager #8172 from the 163BIPIF1415 grant to the 163ECON1416 grant; and

WHEREAS, the Senior Services 163BIPIF1415 grant has been extended through March 31, 2106 which will allow delaying until April 1, 2016 the transfer of the ADRC Representative (#51012202) and Senior Case Manager #8172 from the 163BIPIF1415 grant to the 163ECON1416 grant; and

WHEREAS, the four positions budgeted in the 163ECON1416 grant, Assistant Long Term Care Coordinator ( #51012252), Case manager Spanish Speaking (#51012208), ADRC Representative (#51012202), and Senior Case Manager (#8172), will now remain in the grant through December 31, 2016; and

WHEREAS, budgets for the 163ECON1416 and 163III-B2015 grants need to be amended.

NOW, THEREFORE, BE IT

RESOLVED, that the end date for the 163ECON1416 grant be extended from March 31, 2016 to December 31, 2016; and be it further

RESOLVED, in order to fund 163ECON1416 payroll costs through the nine month grant extension through December 31, 2016, the following existing positions are transferred among the Department's grants (B100#8394)

Position name	Position #	Transfer from Grant	Transfer to Grant	Effective Transfer Date
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Senior Case Manager	8171	163ECON1416	163III-B2015	1/1/15
Senior Case Manager	8172	163ECON1416	163BIPIF1415	6/1/15
Senior Case Manager	8172	163BIPIF1415	163ECON1416	4/1/16
ADRC Representative	51012202	163BIPIF1415	163ECON1416	4/1/16

and be it further

RESOLVED, that the budget for the 163ECON1416 grant, be amended as follows:

		CURRENT	CHANGES	AMENDED
		BUDGET		BUDGET
<b>APPROPRIATIONS</b>				
Account	Description			
500000	Full Time Salaries	\$268,337	+\$12,140	\$280,477
500350	Other Employee Payments	2,000	0	2,000
502000	Fringe Benefits	187,655	+18,611	206,266
505000	Office Supplies	1,000	0	1,000
510000	Local Mileage Reimbursement	6,000	0	6,000
510100	Out or Area Travel	2,000	0	2,000
510200	Training & Education	1,000	0	1,000
516020	Professional Svcs Contracts & Fees	169,000	-137,057	31,943
530000	Other Expenses	2,410	0	2,410
916390	ID Senior Services Grant Services	-18,849	+106,306	87,457
980000	ID DISS Services	<u>3,500</u>	<u>-0-</u>	<u>3,500</u>
	<b>TOTAL CHANGE</b>	<b>\$624,053</b>	<b>\$0</b>	<b>\$624,053</b>

and be it further

RESOLVED, that the budget for the 163III-B2015 grant be amended as follows:

		CURRENT	CHANGES	AMENDED
		BUDGET		BUDGET
<b>APPROPRIATIONS</b>				
Account	Description			
500000	Full Time Salaries	\$636,789	+\$53,039	\$689,828
502000	Fringe Benefits	408,656	+32,885	441,541
516020	Professional Services	203,260	<u>-85,924</u>	117,336
	<b>TOTAL CHANGE</b>		<b>\$ -0-</b>	

and be it further

RESOLVED, that, the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to grantor awards; and be it further

RESOLVED if necessary, that the County Executive is hereby authorized to execute amendments to Department of Senior Services agencies contracts to effectuate adjusted funding levels; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget and Management, the Comptroller's Office, and the Department Senior Services.

(6-0)

LYNNE M. DIXON  
CHAIR

Item 23 – MR. HARDWICK presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 187

July 23, 2015	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 8
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ALL MEMBERS PRESENT.

CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 13M-1 (2015)  
**BUFFALO & EC PUBLIC LIBRARY:** "June 18, 2015 Board of Trustees Agenda"  
(6-0)
  - b. COMM. 14M-3 (2015)  
**BUFFALO & EC PUBLIC LIBRARY:** "July 16, 2015 Board of Trustees Agenda"  
(6-0)
  - c. COMM. 14M-4 (2015)  
**ERIE COMMUNITY COLLEGE:** "June 25 2015 Board of Trustees Agenda"  
(6-0)
  - d. COMM. 14M-5 (2015)  
**ERIE COMMUNITY COLLEGE:** "Fiscal Year 2014-15 Revenues & Expenditures - Key Item Report"  
(6-0)

2. COMM. 14E-40 (2015)  
**COUNTY EXECUTIVE**  
July 15, 2015

Erie County Legislature  
92 Franklin St.-4th Floor  
Buffalo, NY 14202

Dear Honorable Members:

**RE: RE-APPOINTMENTS TO THE YOUTH SERVICES BOARD**

I, Mark C. Poloncarz, Erie County Executive, pursuant to Section 11.09 of the Erie County Code, do hereby re-appoint the following individuals to the Erie County Youth Services Board to a term ending December 31, 2016:

Laverne Ampadu  
110 Mona Drive  
Amherst, NY 14226

David Caywood  
124 Morris Avenue  
Buffalo, NY 14214

Bill Conrad  
198 Abbington Avenue  
Buffalo, NY 14223

Susan Lumadue  
148 Sterling Avenue  
Buffalo, NY 14216

Kathleen O'Brien  
180 Oak Street  
Buffalo, NY 14203

Carolynn Welch  
3752 Hamptonbrook Drive  
Hamburg, NY 14075

Sincerely,  
MARK C. POLONCARZ  
Mark C. Poloncarz, Esq.  
Erie County Executive

cc: Al Dirschberger, Commissioner of Social Services  
Gary Damon, Deputy Commissioner, Youth Services  
Appointees  
(6-0) Receive, file & print.

KEVIN R. HARDWICK  
CHAIR

Item 24 – MR. LORIGO presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 188

July 23, 2015	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 14E-26 (2015)  
**COMPTROLLER:** “Report for Apportionment and Distribution of Net Collections from the 4.75% Sales and Compensating Use Tax for Mar, Apr, May 2015”  
(6-0)
  - b. COMM. 14D-7 (2015)  
**DEPARTMENT OF BUDGET & MANAGEMENT:** “Budget Monitoring Report for Period Ending May 2015”  
(6-0)
  - c. COMM. 14D-8 (2015)  
**DEPARTMENT OF REAL PROPERTY TAX SERVICES:** “2015 Annual Report”  
(6-0)
2. COMM. 14E-25 (2015)  
**COUNTY EXECUTIVE**  
WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has concluded that reorganization of staffing is necessary and beneficial for the effectiveness of the important public services provided; and

WHEREAS, the Division of Sewerage Management has determined that the aforementioned reorganization will improve the efficiency of its operations in a cost effective manner.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one (1) Assistant Chief of Maintenance-Mechanical (JG11, Step 2 – B100 #8378), one (1) Assistant Chief of Maintenance-Electrical (JG11, Step 2 – B100 #8374), one (1) Senior Electronics Technician – Wastewater Facilities, (JG10, Step 2 – B100 #8375), one (1) Information Technology Engineer (JG11, Step 2 – B100 #8377) effective August 1, 2015 as follows:

Number of Positions	Title	Job Group	Step	2015 Salary	2015 Salary (5 months)
1	Assistant Chief of Maintenance-Mechanical	11	2	\$49,034	\$20,431
1	Assistant Chief of Maintenance-Electrical	11	2	\$49,034	\$20,431
1	Senior Electronics Technicians-	10	2	\$44,439	\$18,516



	Wastewater Facilities				
1	Information Technology Engineer	11	2	\$49,034	\$20,431
				\$191,541	\$79,809

And be it further

RESOLVED, that the Erie County Legislature hereby authorizes the deletion of one (1) Sewer Inspector (JG9 – B100 #8378), one (1) Data Tax Clerk (JG9 – B100 #8374), two (2) Electronics Technicians – Wastewater Facilities, (JG9 – B100 #s 8375 & 8377), and one (1) Clerk (JG1 – B100 #8378) effective August 1, 2015 as follows:

Number of Positions	Title	Job Group	Step	2015 Salary	2015 Salary (5 mos.)
1	Sewer Inspector	9	2	\$45,635	\$19,015
1	Data Tax Clerk	9	2	\$41,365	\$17,235
2	Electronics Technicians- Wastewater Facilities	9	2	\$82,730	\$34,471
1	Clerk	1	2	\$26,116	\$10,882
				\$195,846	\$81,603
	TOTAL SAVINGS			\$4,305	\$1,794

And be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management, Department of Personnel, and Department of Environment and Planning to make the necessary budgetary and personnel adjustments to effectuate this resolution; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each of this resolution to the County Executive, Director of Budget and Management, Comptroller’s Office; and send two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.

(6-0)

JOSEPH C. LORIGO  
CHAIR

Item 25 – MR. MORTON presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 189

July 23, 2015	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 13
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ALL MEMBERS PRESENT.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 13E-12 (2015)  
**LORIGO:** "Letter to Director of Weights & Measures Regarding Enforcement of Proposed Local Law Regarding Microbeads"  
(6-0)
  - b. COMM. 14D-6 (2015)  
**CLERK OF THE LEGISLATURE:** "NYS DEC Documents Received"  
(6-0)

2. COMM. 13E-10 (2015)  
**COUNTY EXECUTIVE AS AMENDED**  
WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Stony Road Sanitary Sewer Repair Project, Erie County Sewer District No.4, Contract No. 49 at 10:00 a.m. on July 15, 2015:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 49	Yarussi Construction, Inc. 5650 Simmons Avenue Niagara Falls, NY 14304	\$215,000.00

; and

WHEREAS, the aforementioned lowest responsible bidder is recognized as a reputable contractor capable of completing this project; and

WHEREAS, there is available cash in Erie County Sewer District No. 4 Capital Reserve Account C.00034; and

WHEREAS, the Division of Sewerage Management wants to utilize a portion of the cash balance in Capital Reserve Account C.00034 to fund the contract.

NOW, THEREFORE, BE IT,

RESOLVED, that the Stony Road Sanitary Sewer Repair Project, Erie County Sewer District No. 4, Contract No. 49 be awarded as follows

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 49	Yarussi Construction, Inc. 5650 Simmons Avenue Niagara Falls, NY 14304	\$215,000.00

; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned lowest responsible bidder, subject to approval as to form by the County Attorney's office and certification of available funds by the Comptroller's office; and be it further

RESOLVED, that the Erie County Comptroller and Director of Budget and Management be authorized and directed to establish a new Capital Project, C.15401 "SD#4 Stony Rd Rehab .250M" with estimated revenues of \$250,000.00 through an interfund transfer from Capital Reserve (486000), and Appropriations Professional Services (516020) of \$250,000.00 and to establish all budgetary accounts necessary to facilitate the transfer of funds; and be it further

RESOLVED, that the Erie County Comptroller and Director of Budget and Management be authorized to establish budgets as necessary and directed to transfer \$250,00.000 from Erie County Sewer District No. 4 Capital Reserve Account C.00034 to Erie County Sewer District No. 4 Capital Account C.15401; and be it further

RESOLVED, that the Erie County Comptroller be authorized and directed to allocate \$250,000.00 from Erie County Sewer District No. 4, Capital Account C.15401 for this project; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget and Management, and Kristen Walder, Assistant County Attorney; and two (2) certified copies of this resolution to Joseph Fiegl, P.E., Department of Environment and Planning.  
(6-0)

3. COMM. 14E-2 (2015)

**COUNTY EXECUTIVE**

WHEREAS, the New York Electronic Equipment Recycling and Reuse Act was passed in 2010 to remove consumer waste electronics (e-waste) from the solid waste stream and increase recovery of electronic recyclable material; and

WHEREAS, since January 2015, due to the Statewide Electronics Disposal Ban, it is no longer legal to place e-waste in with regular household trash or to be disposed in landfills; and

WHEREAS, the Act intended to assign costs associated with the collection and recycling of e-waste to consumer electronics manufacturers based upon the amount of retail electronics sold in New York; and

WHEREAS, many municipalities have initiated programs to provide residents with convenient e-waste collection sites; and

WHEREAS, due to the amount and type of e-waste material collected by municipalities and due to a reduction in value for recycled materials generated from e-waste, the municipal collection programs have changed from a revenue generating program to an expense; and

WHEREAS, amendments to the original Electronic Equipment Recycling and Reuse Act would better assign costs associated with the recycling of e-waste to consumer electronics manufacturers and increase opportunities for residents to properly recycle their e-waste.

NOW, THEREFORE BE IT

RESOLVED, the Erie County Legislature does hereby call upon Governor Andrew Cuomo, the New York State Assembly, the New York State Senate, and the State Department of Environmental Conservation to amend and improve the current Electronic Equipment Recycling and Reuse Act to build toward long term goals of creating a more sustainable manufacturer implemented electronics recycling program, with convenience standards for both rural and urban populations, that eliminate expenses incurred by local governments; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to: The County Executive's Office; Assemblyman Steven C. Englebright, Chairman – Environment Conservation Committee; Senator Thomas F. O'Mara, Chairman – Environment Conservation Committee; Joseph Martens, NYS Department of Environmental Conservation; Senator Patrick Gallivan; Senator Marc C. Panepinto; Senator Michael Ranzenhofer; Senator Timothy Kennedy; Assemblymember Jane L. Corwin; Assemblymember Dave DiPietro; Assemblymember Raymond Walter; Assemblymember Crystal D. Peoples; Assemblymember Angela M. Wozniak; Assemblymember Sean Ryan; Assemblymember Michael Kearns; Assemblymember Robin Schimming; Governor Andrew Cuomo; Deputy County Executive Maria R. Whyte, and Deputy Commissioner Thomas R. Hersey, Jr.  
(6-0)

4. COMM. 14E-3 (2015)

**COUNTY EXECUTIVE**

WHEREAS, it is estimated that roughly 3.1 million gallons of waste paint are generated in New York each year; and

WHEREAS, management of waste paint in New York results in a cost that typically represents 50% of municipal household hazardous waste budgets; and

WHEREAS, a statewide paint stewardship program would mean that the paint industry would be responsible for collecting and managing leftover paint in New York; and

WHEREAS, the American Coatings Association, a trade association representing paint manufacturers from across the United States, has created PaintCare, a non-profit program to manage the reuse, recycling and disposal of waste paint; and

WHEREAS, other states, including Rhode Island, Connecticut and Oregon have passed legislation implementing paint recovery programs managed by PaintCare, saving local municipalities tens of thousands of dollars to manage the paint as part of household hazardous waste collection programs; and

WHEREAS, in addition to reducing government costs, a paint stewardship program would create green sector jobs, reduce waste and encourage the public to purchase the right amount of paint for a job; and

WHEREAS, Erie County therefore wishes to express its support for an industry-sponsored statewide paint collection system.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby urges the New York State Legislature to enact paint recycling legislation which would require the paint industry to be responsible for collecting and managing leftover paint in New York; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to: Assemblyman Steven C. Englebright, Chairman – Environment Conservation Committee; Senator Thomas F. O’Mara, Chairman – Environment Conservation Committee; Joseph Martens, NYS Department of Environmental Conservation; Senator Patrick Gallivan; Senator Marc C. Panepinto; Senator Michael Ranzenhofer; Senator Timothy Kennedy; Assemblymember Jane L. Corwin; Assemblymember Dave DiPietro; Assemblymember Raymond Walter; Assemblymember Crystal D. Peoples; Assemblymember Angela M. Wozniak; Assemblymember Sean Ryan; Assemblymember Michael Kearns; Assemblymember Robin Schimminger; Governor Andrew Cuomo; Erie County Executive Mark C. Poloncarz; Deputy County Executive Maria R. Whyte, and Deputy Commissioner Thomas R. Hersey, Jr.  
(6-0)

5. COMM. 14E-17 (2015)

**COUNTY EXECUTIVE**

WHEREAS, the NYSDOT periodically schedules the improvements of sections of State Highways; and

WHEREAS, these improvements require the adjustment of County sanitary sewer facilities located within the State highway right-of-way at no cost to the County upon the individual review and approval of the Board of Managers of the sewer districts; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has advised the Legislature that a NYSDOT Public Utility Work Agreement is ready to be entered into; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended to the Legislature that Erie County enter into the NYSDOT Public Utility Work Agreement.

NOW, THEREFORE BE IT

RESOLVED, that the Legislature approve the Erie County Department of Environment and Planning, Division of Sewerage Management entering into NYSDOT Public Utility Work Agreement for adjusting County sanitary sewer facilities located within the State highway right-of-way at no cost to the County upon the individual approval of the Board of Managers of the sewer districts; and it be further

RESOLVED, that the Erie County Executive is hereby authorized to sign the NYSDOT Public Utility Work Agreement allowing the NYSDOT to perform the necessary required and at no cost to the County; and it be further

RESOLVED, that the Erie County Executive is hereby authorized to sign NYSDOT Public Utility Agreements with the understanding that the County will be obligated to maintain Erie County Sewer District facilities adjusted via State-let contracts; and be it further

RESOLVED, that (1) certified copy each of this resolution to the County Executive and Kristin Walder, Assistant County Attorney; and send two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.

(6-0)

6. COMM. 14E-18 (2015)

**COUNTY EXECUTIVE AS AMENDED**

WHEREAS, the Town of Lancaster owns the property at 3789 Walden Avenue (Rear), which consists of approximately 3.5 acres formerly used for the Town of Lancaster dog control operations; and

WHEREAS, the aforementioned property at 3789 Walden Avenue (Rear), Lancaster, New York is more specifically described as SBL #104.08-7-7.1; and

WHEREAS, property SBL #104.08-7-7.1 is directly adjacent to Erie County's Northern Region Offices servicing Erie County Sewer District Nos. 1, 4, and 5; and

WHEREAS, the Town of Lancaster contacted the County of Erie to ascertain its interest in purchasing property SBL #104.08-7-7.1; and

WHEREAS, the County of Erie has the need for additional space for storage and potential future expansion of its Northern Region Offices; and

WHEREAS, the Town of Lancaster has accepted the County of Erie's offer to purchase SBL #104.08-7-7.1 for the sum of \$50,000.00; and

WHEREAS, the County of Erie acting as lead agency under 6 NYCRR Part 617 State Environmental Quality Review (SEQR) has determined that this proposed property purchase is a SEQR Unlisted Action with no significant adverse environmental impacts; and

WEHEREAS, an amount not to exceed \$10,000.00 may be necessary to cover closing and associated costs related to the property.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie has made a determination of non-significance for the environmental impacts associated with the purchase I transfer of SBL #104.08-7-7.1 and hence affirms a SEQR Negative Declaration for this action; and be it further

RESOLVED, successive to the aforementioned SEQR Negative Declaration, the Legislature for the County of Erie hereby authorizes the purchase of the property at 3789 Walden Avenue (Rear) in the Town of Lancaster, New York for the amount of \$50,000.00; and be it further

RESOLVED, that an amount not to exceed \$10,000.00 be authorized for applicable closing and associated costs; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute any and all necessary agreements to purchase the property at 3789 Walden Avenue (Rear) in the Town of Lancaster, New York, subject to approval as to form by the County Attorney; and be it further

RESOLVED, that the County Comptroller and the Director of Budget and Management is authorized and directed to transfer an amount not to exceed \$60,000.00 to district-wide Capital Project C.00065 and establish all necessary accounts and budgets to facilitate this transfer; and it be further

RESOLVED, that the \$60,000.00 transfer will be funded in amounts not to exceed as follows: ECSD No. 1 Capital Reserve C.00033 - \$21,600.00; ECSD No. 4 Capital Reserve C.00034 - \$30,000.00; ECSD No. 5 Capital Reserve C.00005 - \$8,400.00; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Director of Budget and Management, the Erie County Comptroller, and Kristen Walder, Assistant County Attorney; and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.  
(6-0)

7. COMM. 14E-20 (2015)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature had awarded the Erie County Sewer District No. 3 engineering agreement to GHD Consulting Services, Inc. (formerly Stearns & Wheler, LLC, Environmental Engineers & Scientists); and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has advised the Legislature that all scheduled engineering services are now complete; and

WHEREAS, the Engineer has been paid in full; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the acceptance of the Erie County Sewer District No. 3 engineering agreement with GHD Consulting Services, Inc. in the final contract amount of \$1,414,346.01.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Sewer District No. 3 engineering agreement between the County of Erie and GHD Consulting Services, Inc. (formerly Stearns & Wheler, LLC,

Environmental Engineers & Scientists), 200 John James Audubon Parkway, Suite 101, Amherst, NY 14228 is accepted in the amount of \$1,414,346.01; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize the Erie County Sewer Districts No. 3 engineering agreement between the County of Erie and GHD Consulting Services, Inc., in the amount of \$1,414,346.01; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy each of this Resolution to the County Executive, the Erie County Comptroller, and Kristen Walder, Assistant County Attorney; and two (2) certified copies to Joseph L. Fiegl, P.E. Department of Environment and Planning, Division of Sewerage Management, Rath Building, 10<sup>th</sup> floor.

(6-0)

8. COMM. 14E-21 (2015)

**COUNTY EXECUTIVE**

WHEREAS, pursuant to Legislative Comm. 8E-21 (2006), Contract No. 41G was awarded to Kohl Construction, Inc. for replacement of the existing mechanical bar screens and the roof system at the Wilmuth Avenue Pumping Station in Erie County Sewer District No. 6; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 41G, in the final contract amount of \$546,120.00 which includes Change Order No. 1 (final), a decrease of \$12,500.00, and recommends approval for final payment.

NOW, THEREFORE BE IT

RESOLVED, that Contract No. 41G between the County of Erie and Kohl Construction, Inc. (1427 Two Rod Road, Alden, New York 14004) is accepted in the final contract amount of \$546,120.00 which includes Change Order No. 1 (final), a decrease of \$12,500.00, with \$546,120.00 allocated in Erie County Sewer District No. 6 Bond Account C.00064; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract No. 41G to Kohl Construction, Inc., subject to the completion of all close out paperwork by the contractor to the satisfaction of the Division of Sewerage Management, for a total contract amount of \$546,120.00; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget and Management, and Kristen Walder, Assistant County Attorney; and two (2) certified copies of this resolution to Joseph Fiegl, P.E., Department of Environment and Planning.

(6-0)

9. COMM. 14E-22 (2015)

**COUNTY EXECUTIVE**



WHEREAS, the Erie County Department of Parks, Recreation & Forestry received a request by the AFL-CIO to complete and provide assistance to the Workers Memorial location at Chestnut Ridge Park; and

WHEREAS, the Workers Memorial Site at Chestnut Ridge was constructed as a result of a cooperative venture between the Buffalo Central Labor Council, AFL-CIO and the County of Erie; and

WHEREAS, the site is ready to be re-established with a permanent monument honoring all Erie County workers who were either killed on the job or died as a direct cause of the work they were doing.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Department of Parks, Recreation and Forestry is authorized to enter into an agreement with the WNY Area Labor Federation, AFL-CIO for the purposes of providing assistance to the Workers Memorial location at Chestnut Ridge Park; and be it further

RESOLVED, that certified copies of this Resolution be sent to the Erie County Executive, the Commissioner of Parks, Recreation and Forestry, the Erie County Division of Budget and Management and the Erie County Department of Law.

(6-0)

10. COMM. 14E-23 (2015)

**COUNTY EXECUTIVE**

WHEREAS, the County park known as Black Rock Canal Park is within the City of Buffalo; and

WHEREAS, Erie County is looking to initiate Phase 3 improvements, which include enhancements to the boat basin area; and

WHEREAS, Erie County was recently awarded a \$700,000 grant through the Niagara River Greenway funding process for Phase 3 improvements to Black Rock Canal Park and it is necessary to accept these funds and to award a contract for the design phase of the project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to accept an award of \$700,000 from the New York State Power Authority Resettlement Agreement (Greenway) for the Phase 3 improvements; and be it further

RESOLVED, that the Division of Budget and Management is authorized to establish a new capital project in Fund Center 162, Fund 410 (Account 409000 State Aid Revenues) with the funds from this award and to make the necessary budgetary adjustments; and be it further

RESOLVED, that the County Executive is hereby authorized to execute an agreement with Nussbaumer and Clarke, Inc. (NCI) for engineering services for the project's schematic design phase in an amount not to exceed \$62,290, and an additional \$6,230 for a Department of Environment and

Planning design contingency fund with authorization for the County Executive to approve contract amendments with NCI not to exceed \$68,520; and be it further

RESOLVED, that the estimated total sum of the schematic design phase inclusive of the design contingency \$68,520 is hereby appropriated from the new capital project and made available to cover the cost of participation in the above schematic phase of the Project; and be it further

RESOLVED, that the requirement for a request for proposal in Section 19.08 of the Erie County Administrative Code is hereby waived due to the unique knowledge and experience of Nussbaumer and Clarke, Inc. concerning conditions at Black Rock Canal Park and their ability to expedite the design process in a manner consistent with the completion timeframes established by various grantor agencies; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Comptroller's Office; the Division of Budget and Management; the County Attorney; and the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor.  
(6-0)

11. COMM. 14E-24 (2015)

**COUNTY EXECUTIVE AS AMENDED**

WHEREAS, the Erie County Department of Environment and Planning (DEP) has played a crucial role in water quality issues throughout the region for decades and continues to administer many initiatives that protect and preserve our natural water resources; and

WHEREAS, DEP is committed to coordinate, oversee, and support work towards the delisting of the Buffalo River as a Great Lakes Area of Concern; and

WHEREAS, the United States Environmental Protection Agency (USEPA) Great Lakes Restoration Initiative provides grant assistance to municipalities to implement projects to improve the quality of the Great Lakes; and

WHEREAS, DEP provides technical assistance regarding the management of the Erie County Natural Habitat Parks; and

WHEREAS, the United States Environmental Protection Agency (USEPA) solicited Erie County to be a local sponsor for \$5,000,000 in funding to work with the United States Army Corps of Engineers (USACE) to complete a 17-month United States Environmental Protection Agency Great Lakes Restoration Initiative Grant: "Buffalo River AOC Project Management: Erie County Natural Habitat/Buffalo River Shoreline and In-Water Restoration Delisting Project"; and

WHEREAS, the USEPA through an interagency agreement will directly provide the USACE \$3.8 million of the \$5 million grant to manage the design and construction work at both the Seneca Bluffs Natural Habitat site, as well as at the in-water properties identified by the Buffalo River Remedial Action Committee; and

WHEREAS, in order for the USACE to receive this direct funding from the USEPA, it is necessary that Erie County enter into an agreement with the USACE to be the local Government sponsor for this habitat restoration work; and

WHEREAS, in order to secure proper authority to access the identified habitat projects Erie County and/or the USACE will need to enter into access agreements with each the City of Buffalo and approximately seven private land owners whose property is adjacent to the proposed projects; and

WHEREAS, in order to most efficiently restore an additional 1,100 linear feet of shoreline at the NFTA property at 61 Smith Street adjacent to the currently EPA-funded Erie County Red Jacket (Smith Street) Natural Habitat Park Restoration site, authorization is being requested to allow a change order to the current contract with Wendel Companies (Contract #14-783-EP) to expand the scope of work to include the design and construction for this additional restoration to the current project. This proposed change order is justified because Wendel Companies was awarded Contract #14-783-EP based on the decision of an RFP selection committee that Wendel Companies was the best qualified bidder with the lowest price for the adjacent Red Jacket (Smith Street) Natural Habitat Restoration implementation; and additionally, because the USEPA has put stringent time constraints on awarding the project funds that the Buffalo River AOC habitat restorations must be completed by December 31, 2016 which could not be attained if an RFP process were required; and

WHEREAS, Erie County will need to enter into an access agreement with the NFTA in order to allow the County and/or their contractor the necessary access to do the proposed habitat restoration work; and

WHEREAS, the addition of this AOC habitat restoration initiative necessitates the execution of a grant contract with the USACE and change order to a current contract, the adoption of a grant budget; and the creation of a Junior Environmental Compliance Specialist (JG-7) position within the DEP to help administer and oversee this additional work which will be 100 % grant funded.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements and enter into an agreement with the United States Environmental Protection Agency to provide local coordination of \$5,000,000.00 grant funding for the purpose of implementing a “Buffalo River AOC Project Management: Erie County Natural Habitat Park and Buffalo River Shoreline and In-Water Restoration Delisting Project” of which Erie County will receive \$925,000 in funding to directly implement their share of the project work; and be it further

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements with the United States Army Corps of Engineers to provide access and direct approximately \$4,075,000 of the EPA grant project funding to USACE for the purpose of implementing approximately 3,000 linear feet of shoreline stabilization and restoration at Erie County’s Seneca Bluffs Natural Habitat Park and at least 2,500 linear feet of in-water natural habitat restoration at sites identified by the Buffalo River Remedial Action Committee; and be it further

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary access agreements with the City of Buffalo and approximately seven private land owners and the USACE to implement approximately 2,500 linear feet of in-water

submerged aquatic vegetation and restoration projects along the Buffalo River Area of Concern; and be it further

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to enter into an access agreement with the Niagara Frontier Transportation Authority to restore approximately 1,100 linear feet of additional shoreline and habitat restoration at 61 Smith Street, Buffalo, New York; and be it further

RESOLVED, that Change order #1 to existing Erie County Contract #14-783-EP with Wendel Companies Inc. to expand their existing habitat design and engineering work at Erie County's Red Jacket (Smith Street) Natural Habitat Park to include the approximately 1,100 linear feet of shoreline and habitat restoration at 61 Smith Street, Buffalo, New York and is hereby authorized not to exceed \$150,000; and be it further

RESOLVED, that the grant budget and project period for the United States Environmental Protection Agency Great Lakes Restoration Initiative Grant: "Buffalo River AOC Project Management: Erie County Natural Habitat and Buffalo River In-Water Restoration Delisting Project" is hereby created in the Department of Environment and Planning, Business Area 162, as follows:

"Buffalo River AOC Project Management: Erie County Natural Habitat and Buffalo River Shoreline and In-Water Restoration Delisting Project" (Grant Period: 7/1/15 – 12/31/16),  
SAP Grant Account #162BRRPMPH2

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
414000	Federal Aid Revenue	(\$ 831,000.00)
TOTAL REVENUE		(\$ 831,000.00)

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
500000	Regular Full Time Wages	\$ 45,080.00
502000	Fringe Benefits	\$ 29,920.00
516020	Professional Services	\$ 756,000.00
TOTAL APPROPRIATIONS:		<u>\$ 831,000.00</u>

and be it further

RESOLVED, that the following position, for which sufficient funding through United States Environmental Protection Agency grant funding for personal services and fringe benefits exists, will be created in the above grant:

Junior Environmental Compliance Specialist (JG-7)  
B-100 No. 000 000 8380  
Budgeted Annual Salary: \$31,822

and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with State and local funding requirements; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Maria R. Whyte, Commissioner of Environment and Planning; Thomas Hersey, Jr., Deputy Commissioner of Environment and Planning; and Bonnie Lawrence, Coordinator – Pollution Prevention Program.  
(6-0)

12. COMM. 14E-41 (2015)

**COUNTY EXECUTIVE**

RESOLVED, the Erie County Legislature hereby confirms the appointment of the following individuals, on the recommendation of the Erie County Executive, to serve on the Erie County Environmental Management Council:

EMC AT-LARGE APPOINTMENTS

Anne Bergantz 20 Dorchester Rd Buffalo, NY 14222	Eric "Luke" Jackson 67 Chatham Ave Buffalo, NY 14216	George Besch 39 Lake Ave Lancaster, NY 14086	Daniel Spitzer 20 Harbour Point Cmn Buffalo, NY 14202
Paul Fuhrmann 3221 Ransom Rd Lancaster, NY 14086	Laurie Stillwell 484 Getzville Rd Amherst, NY 14226	Rosa A. Gonzalez 8 Lakewood Dr Orchard Park, NY 14127	Don Stribick 147 Hybank Dr West Seneca, NY 14224
David Hahn-Baker 440 Lincoln Pkwy Buffalo, NY 14216	Josh Wilson 115 Mariner St Buffalo, NY 14201	Denine Jackson 89 Wellington Rd Buffalo, NY 14216	Brenda Young 9402 Douglas Fir Ct Clarence Cntr, NY 14032

MUNICIPAL APPOINTMENTS

Conn Keogh 22 Carriage Hill Williamsville, NY 14221	(T) Amherst	Leona Rockwood 5724 Old Lakeshore Rd Lakeview, NY 14086	(T) Hamburg
Don Owens 1865 Hubbard Rd East Aurora, NY 14052	(T) Aurora	Adrienne Punturiero 11 Dudley Ave Hamburg, NY 14075	(V) Hamburg
Supervisor Leonard Pero Town of Brant, P.O. BOX 100 Brant, NY 14027	(T) Brant	William Kolacki 9292 Savage Rd Holland, NY 14080	(T) Holland
Elizabeth Meunier 4919 Ledge Ln Williamsville, NY 14221	(T) Clarence	Fred Heinle 714 Ridge Rd Lackawanna, NY 14218	(C) Lackawanna

Deborah Jusiak (T) Colden  
8389 Lewis Rd  
Holland, NY 14080

Julius McCan (T) Lancaster  
33 Burwell Ave  
Lancaster, NY 14086

Supervisor David Tessmer (T) Collins  
Mill Street, PO Box 420  
Collins, NY 14034

Lewis Tandy (T) Newstead  
13678 Main Rd  
Akron, NY 14001

Supervisor Gary Eppolito (T) Concord  
86 Franklin St, PO BOX 368  
Springville, NY 14141

Deputy Mayor David Rood (V) Orchard Park  
4295 South Buffalo St  
Orchard Park, NY 14127

Kevin Peterson (V) Depew  
54 Babbette Dr  
Depew, NY 14043

Lori Whittington (T) Sardinia  
10300 Phillips Rd  
Sardinia, NY 14134

Mr. Lamont Beers (T) Eden  
2880 Wood Spirit  
Eden, NY 14057

Andrew Baumgartner (T) Tonawanda  
224 Edgewood Ave  
Tonawanda, NY 14223

Fred Streif (T) Elma  
130 Shreif Rd  
Elma, NY 14059

Evelyn Hicks (T) West Seneca  
276 Seneca Creek Rd  
West Seneca, NY 14224

David Mosher (T) Evans  
9155 Meadow Lange  
Angola, NY 14006

Jane Vohwinkel (V) Williamsville  
50 North Long  
Williamsville, NY 14221

Sam Akinbami (T) Grand Island  
2227 West River Rd  
Grand Island, NY 14072  
(6-0)

13. COMM. 14E-42 (2015)  
**COUNTY EXECUTIVE**  
July 14, 2015  
Erie County Legislature  
92 Franklin St.-4th Floor  
Buffalo, NY 14202

Dear Honorable Members:

RE: APPOINTMENTS TO THE LAKE ERIE WATERSHED PROTECTION ALLIANCE  
(LEWPA)

I, Mark C. Poloncarz, Erie County Executive do hereby appoint the following individuals to the Lake Erie Watershed Protection Alliance (LEWPA) to 3 year terms:

Leonard Pero – Supervisor, Town of Brant  
1272 Brant-North Collins Road, P.O. Box 228, Brant, New York 14027

Thomas Heresy – Deputy Commissioner, Erie County Environment and Planning  
95 Franklin Street, Room 1077, Buffalo, New York 14202

Mark Gaston – Director, Erie County Soil & Water Conservation District  
50 Commerce Way, East Aurora, New York 14052

Sincerely,  
MARK C. POLONCARZ  
Mark C. Poloncarz, Esq.  
Erie County Executive

cc: Thomas Heresy, Deputy Commissioner, Erie County Environment and Planning  
(6-0) Receive, file & print.

TED B. MORTON  
CHAIR

Item 26 – MR. RATH presented the following report, moved to separate item Number 9, and approve the balance of the report. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 190

July 23, 2015	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 14E-37 (2015)  
**RATH:** “Letter to County Executive Regarding Road Design Funding in 2015 Capital Projects Budget”  
(6-0)
  - b. COMM. 14M-6 (2015)  
**NFTA:** “May 28, 2015 Board Minutes”  
(6-0)
2. RESOLVED, the following item is hereby received, filed and referred to the Energy & Environment Committee:

a. COMM. 14E-15 (2015)  
**COUNTY EXECUTIVE:** “One Region Forward - Charter”  
(6-0)

3. COMM. 14E-10 (2015)  
**COUNTY EXECUTIVE**

WHEREAS, the existing deteriorated boiler stack and one of the two backflow prevention devices at the Buffalo Niagara Convention Center require replacement, and are original to the building when it was constructed circa 1971; and

WHEREAS, the Erie County Department of Public Works received bids for the Buffalo Niagara Convention Center – 2014 Boiler Stack & Fire Protection Backflow Preventer Replacement project on May 14, 2015; and

WHEREAS, the Erie County Department of Public Works, along with the A/E firm, DiDonato Associates, are recommending award of the contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for the Buffalo Niagara Convention Center – 2014 Boiler Stack & Fire Protection Backflow Preventer Replacement project for an amount not to exceed as follows:

Mechanical Construction Work

<u>Custom Sheet Metal Contracting, LLC</u>	Base Bid:	\$ 354,000.00
Total Award of Construction Contract Not to Exceed:		\$ 354,000.00

; and be it further

RESOLVED, that the sum of \$26,000.00 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

RESOLVED, that deduct change orders will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment for all the above from SAP Project Accounts as follows:

A.13003 – 2013 Buffalo Niagara Convention Center	\$ 200,000.00
<u>A.14002 – 2014 Buffalo Niagara Convention Center</u>	<u>\$ 180,000.00</u>
For a total amount not to exceed:	\$ 380,000.00

; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner’s Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.  
(5-0) Legislator Burke not present for vote.



4. COMM. 14E-11 (2015)  
**COUNTY EXECUTIVE**

WHEREAS, a water management program is the cornerstone of long-term health, sustainability and playability on golf courses. Site irrigation improvements are needed at Elma Meadows golf course to keep the golf course competitive with other private and public courses within Erie County; and

WHEREAS, the Erie County Department of Public Works received bids for the Elma Meadows Golf Course – 2015 Automatic Irrigation System project on May 13, 2015; and

WHEREAS, the Erie County Department of Public Works, along with the A/E firm, Clark Patterson Lee., are recommending award of the contract to the lowest responsible bidder; and

WHEREAS, to proceed with the demolition of the pump house as part of the Elma Meadows Golf Course – 2015 Automatic Irrigation System project, a pre-demolition hazardous materials survey, design services, and air monitoring and sampling must be performed; and

WHEREAS, Clark Patterson Lee determined that the roof structure of Shelter No. 23 at Chestnut Ridge Park is structurally unsafe and is showing signs of failure. They provided a structural condition study to assess the existing structure and recommend replacement; and

WHEREAS, your Honorable Body has previously authorized Architectural/Engineering Term Agreements for several Architectural/Engineering firms; and

WHEREAS, the County Executive is requesting authorization to enter into an Agreement Amendment with the firm of Watts Architecture & Engineering to provide a pre-demolition asbestos survey, abatement design, and air monitoring and sampling for the Elma Meadows Golf Course – 2015 Automatic Irrigation System project; and

WHEREAS, Lydon Architectural Services, P.C. has submitted qualifications complying with this department's Term Agreement and this department is requesting this firm be added to the term list of Architectural/Engineering firms for providing professional Architectural/Engineering services; and

WHEREAS, the County Executive is requesting authorization to enter into an Agreement Amendment with the firm of Lydon Architectural Services, P.C. to provide Professional A/E Design Services for reconstructing and renovating Shelter No. 23 located at Chestnut Ridge Park.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for the Elma Meadows Golf Course – 2015 Automatic Irrigation System project for an amount not to exceed as follows:

General Construction Work

George E. Ley Co.

Base Bid: \$1,340,450.00

Alternate Bid Alt-3: \$ 14,950.00

Total Award of Construction Contract Not to Exceed:  
\$1,355,400.00

and be it further

RESOLVED, that the sum of \$144,600.00 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

RESOLVED, that deduct change orders will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that the County Executive is authorized to execute an Agreement Amendment with the firm of Watts Architecture & Engineering for providing Professional Pre-Demolition Hazardous Materials Survey, Design, and Air Monitoring and Testing Services for the Elma Meadows Golf Course – 2015 Automatic Irrigation System project for an amount not to exceed \$12,000.00, including reimbursables and a design contingency; and be it further

RESOLVED, that the firm of Lydon Architectural Services, P.C. be added to the Department of Public Work's list of approved Architectural/Engineering Consultants; and be it further

RESOLVED, that the County Executive is authorized to execute an Agreement Amendment with the firm of Lydon Architectural Services, P.C. for providing Professional Architectural/Engineering Services for the Chestnut Ridge Park – 2015 Reconstruction of Shelter No. 23 project for an amount not to exceed \$8,000.00, including reimbursables and a design contingency; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project Accounts as follows:

A.15016 – 2015 Irrigation System at Elma Meadows Golf Course	\$1,500,000.00
<u>A.14007 – 2014 Countywide Parks Improvements</u>	<u>\$ 20,000.00</u>
For a total amount not to exceed:	\$1,520,000.00

;and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, Commissioner of Parks Recreation & Forestry, Division of Budget and Management, and the Office of the Comptroller.

(5-0) Legislator Burke not present for vote.

5. **COMM. 14E-12 (2015)**  
**COUNTY EXECUTIVE**

WHEREAS, bids were taken for the Rehabilitation/Reconstruction of Penora Street CR 23, Phase 3 Project, in the Village of Depew, on February 20, 2014. The low responsible bidder was Union Concrete and Construction Corp. (UCC) of West Seneca, at a low bid amount of \$1,415,963.6; and

WHEREAS, the project was allowed to be awarded to the lowest responsible bidder via Legislative approval at the 7th Session, dated April 3, 2014, Communication 5E-11 (2014); and

WHEREAS, additional funding is required to complete payment for work already in place to pay for quantity increases for both road and bridge repairs, and to close out the contract.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized and is hereby directed to approve an increase to the Scope of Work and item quantities, and execute a Change Order for the Penora Street Rehabilitation Project No. CAP-23-14, in an amount not to exceed \$292,591.61; and be it further

RESOLVED, that the funding sources for this payment shall be utilized from B.11025, 2011 Preservation of Roads (\$49,974.28), B.13003, 2013 Preservation of Roads (\$ 32,617.33), B.14014.3, 2014 Preservation of Roads (\$50,000.00) and B.14024.20, 2014 Capital Overlay (\$160,000.00) for a Scope of Work increase to the Construction Contract with UCC for an amount not to exceed \$292,591.61; and be it further

RESOLVED, that three certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.  
(5-0) Legislator Burke not present for vote.

6. COMM. 14E-13 (2015)

**COUNTY EXECUTIVE AS AMENDED**

WHEREAS, bids were taken for Brooklyn Street Bridge (PK-1) Replacement Project; ECDPW Project No. BR-PK1-15 (the "Project"), in the Village of Akron, Town of Newstead on July 2, 2015; and

WHEREAS, it is desired to award a construction contract to the lowest responsible bidder, Hunting Valley Construction Inc.; and

WHEREAS, it is desired to negotiate and award a contract for construction inspection and engineering services during construction of the Project to Project design engineers CHA Consulting, Inc. of Buffalo, New York.

NOW, THEREFORE, BE IT

RESOLVED, that the following authorized Project funds, SAP Account B.15017 (2015 Parks Akron Falls-Brooklyn Street Entrance) in the amount of \$600,000.00 and SAP Account A.15012 (2015 Countywide Parks Improvements) in the amount of \$150,000.00, for a total not to exceed \$750,000.00 be made available for the Project; and be it further

RESOLVED, that the County Executive is authorized and is hereby directed to execute a contract for ECDPW Project No. BR-PK1-15, between the County of Erie and the lowest responsible bidder, Hunting Valley Construction Inc.; and be it further

RESOLVED, that the County Executive is authorized to execute a contract for construction inspection and engineering services during construction of the project with project design engineers CHA Consulting, Inc.; and be it further

RESOLVED, that the County Executive is authorized to establish a project contingency and execute project related change orders; and be it further

RESOLVED, that the total cost of the contracts for construction, construction inspection and engineering services during construction and the project contingency shall not exceed \$750,000.00; and be it further

RESOLVED, that the Clerk of the Legislature is instructed to forward five (5) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Office of Budget and Management, and the Office of the Comptroller.

(5-0) Legislator Burke not present for vote.

7. **COMM. 14E-14 (2015)**  
**COUNTY EXECUTIVE**

WHEREAS, bids will be taken for Chestnut Ridge Parks Culvert Replacement Project; ECDPW Project No. PK-CRC -12 (the "Project"), in the Town of Orchard Park sometime early Summer of 2015; and

WHEREAS, it is desired to award a construction contract to the lowest responsible bidder as soon as possible after the bid to maximize the time available for construction; and

WHEREAS, it is desired to award a contract for construction inspection and engineering services during construction of the Project to TY-LIN International of Buffalo, New York, project design engineer.

NOW, THEREFORE, BE IT

RESOLVED, that the following authorized Project funds, SAP Account B.14023 (2014 Chestnut Ridge Parks Culvert Construction) in the amount of \$500,000.00 and B.15018 (2015 Chestnut Ridge Parks Culvert Construction), in the amount of \$300,000.000, be made available for the Project; and be it further

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for ECDPW Project No. PK-CRC-12, between the County of Erie and the lowest responsible bidder; and be it further

RESOLVED, that the County Executive be authorized to execute a contract for construction inspection and engineering services during construction of the Project with Project Design Engineer TY-LIN International; and be it further

RESOLVED, that the County Executive be authorized to establish a Project contingency and execute project related change orders; and be it further

RESOLVED, that the total cost of the contracts for construction, construction inspection and engineering services during construction and the Project contingency shall not exceed \$800,000.00; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Office of Budget and Management, and the Office of the Comptroller.

(6-0)

8. COMM. 14E-16 (2015)

**COUNTY EXECUTIVE AS AMENDED**

WHEREAS, the Unified Court System Eight Judicial District ("UCS") has requested that the Erie County Department of Public Works renovate the first floor lobby of the Erie County Family Court Building; and

WHEREAS, this project will greatly improve the screening and queuing space in the Family Court building lobby and the cost of the project is 100% reimbursable to the county; and

WHEREAS, the Erie County Department of Public Works received bids for the Erie County Family Court-2015-Lobby Renovations on June 25, 2015; and

WHEREAS, the Erie County Department of Public Works along with HHL Architects are recommending award of the contract to the lowest responsible bidder; and

WHEREAS, this honorable body has previously authorized architecture/Engineering Term Agreements for several architectural/engineering firms; and

WHEREAS, the County Executive is requesting authorization to enter into an agreement amendment with the firm of HHL Architects to provide architectural/engineering services for the Erie County Family Court-2015- Lobby Renovations, and

WHEREAS, the current estimate for the project is in an amount, not to exceed \$360,000; and

WHEREAS, a new SAP capital project will be created in BA122, Fund 410, in the amount of \$360,000 the amount of the anticipated reimbursement from the UCS; and

WHEREAS, the project will be reimbursed by the UCS as a tenant request line item in the Chapter 686 cleaning and minor maintenance contract with the County, for the New York State fiscal year beginning April 1, 2015; and

NOW, THEREFORE, BE IT

RESOLVED, that in order to comply with the Unified Court System Eighth Judicial District request to improve the lobby of the Family Court Building, the County Executive is authorized to enter into a contract with the lowest responsible bidder for the Erie County Family Court Lobby Renovation project as follows:

**GENERAL CONSTRUCTION WORK**

Sicoli Construction Services, Inc.	Base Bid	\$298,000.00
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; and be it further

RESOLVED, that the sum of \$19,000.00 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the contingency; and be it further

RESOLVED, that deduct change orders will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that the County Executive is authorized to execute an Agreement Amendment with the firm of HHL Architects for providing professional Architectural/Engineering services for the Erie County Family Court-2015- Lobby Renovations for an amount not to exceed \$43,000.00 including approved reimbursable expenses; and be it further

RESOLVED, that the pre-approved contract authorization as designated by the Commissioner of Public Works shall not exceed an aggregate total of \$360,000; and be it further

RESOLVED, that such costs shall be recorded in a newly-created SAP project in BA122, Fund 410; and be it further

RESOLVED, that the Division of Budget and Management is authorized to make the following budgetary changes in SAP:

BA122, Fund 110, Fund Center 12220

		Current Budget	Increase (Decrease)	Revised Budget
Revenue				
Account	Description			
405170	State Aid Court Facility	\$2,118,470	\$360,000	\$2,478,470
Expense				
575000	Interfund Exp Non-Subsidy	\$ 0	\$360,000	\$ 360,000
Net Change Fund 110			\$ 0	

BA122, Fund 410, New Project

		Current Budget	Increase (Decrease)	Revised Budget
Revenue				
Account	Description			
450000	Interfund Rev Non-Subsidy	\$ 0	\$360,000	\$ 360,000
Expense				
CAPITALPROJECT	Capital Projects Exp	\$ 0	\$360,000	\$ 360,000
Net Change Fund 410			\$ 0	

; and be it further

RESOLVED, that the Comptroller's Office is directed to effectuate the release of funds for this project based on requests from the Department of Public Works from the above-noted funding sources; and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, Office of the County Executive, the Division of Budget and Management, the Office of the Comptroller and the Unified Court System Eighth Judicial District c/o Andrew Isenberg.  
(6-0)

9. COMM. 14E-43 (2015)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Public Works, Division of Buildings and Grounds ("B&G") maintenance group is conducting a lighting replacement project; and

WHEREAS, the project will result in a reduction in electricity expenses by replacing existing ceiling lighting with new bulbs which require 60% less energy; and

WHEREAS, National Grid has completed a site review of the Rath building and has determined that the project is eligible for rebates; and

WHEREAS, this Honorable Body has previously authorized 2014 re-appropriations to 2015 in the amount of \$250,000 for energy saving lighting in fund 110, cost center 14020, county-wide inter-fund account 570050 (Comm. 10E-31); and

WHEREAS, the B&G maintenance group has calculated annual electricity savings of \$90,000 and a payback period of less than three years.

NOW, THEREFORE, BE IT

RESOLVED, that a Rath Building Lighting Project is hereby authorized in BA122, Fund 410 in the amount of \$250,000, using the designation of 2014 funds as authorized in Comm. 10E-31; and be it further

RESOLVED, that the Division of Budget and Management be authorized to make the following budgetary changes in SAP:

BA122, Fund 410, New Project

		<u>Current</u> <u>Budget</u>	<u>Increase/</u> <u>(Decrease)</u>	<u>Revised</u> <u>Budget</u>
Revenue				
<u>Account</u>	<u>Description</u>			
479100	Other Contributions	\$ 0	\$ 135,000	\$ 135,000
486000	Interfund Rev Subsidy	\$ 0	\$ 115,000	\$ 115,000
Expense				

CAPITAL PROJECTS Capital Projects Exp \$ 0 \$ 250,000 \$ 250,000

Net Change Fund 410 \$ 0

; and be it further

RESOLVED, that the Department of Public Works is authorized to enter into the necessary agreements with National Grid or other parties to accept rebates for the lighting project in an anticipated amount of approximately, but not limited to \$135,000; and be it further

RESOLVED, that the Comptroller's Office is directed to effectuate the release of funds for this project based on requests from the Department of Public Works from the above-noted funding sources; and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.

(6-0)

EDWARD A. RATH, III  
CHAIR

MR. LORIGO moved to approve item Number 9. MS. GRANT seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO and CHAIR MILLS. NOES: MR. MORTON and MR. RATH. (AYES: 9; NOES: 2)

CARRIED.

Item 27 – MR. RATH presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 191

July 23, 2015	PUBLIC SAFETY COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT.

CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 14E-33 (2015)

**COUNTY EXECUTIVE**

WHEREAS, the City of Buffalo has been awarded funding under the Justice Assistance Grant program through the U.S. Department of Justice; and



WHEREAS, the Buffalo Police Department seeks the assistance of Central Police Services to provide law enforcement software enhancements for its projects.

NOW, THEREFORE, BE IT

RESOLVED, that the authorization is hereby provided for the County Executive to accept grant funding from the City of Buffalo in the amount of \$6,500; and be it further

RESOLVED, that the authorization is hereby provided to establish the grants in the budget of the Department of Central Police Services as follows:

Grant Fund 281 – SAP #165CPSJAG1418  
Central Police Services  
10/1/14 – 9/30/18

<u>Revenue</u>	<u>Increase</u>
414000 Federal Aid	\$6,500
<u>Appropriation</u>	<u>Increase</u>
516020 Professional Services Contracts	\$6,500
Total Appropriation	\$6,500

; and be it further

RESOLVED, that the authorization is hereby provided to contract with Globalquest Solutions, Inc., a local WBE/New York State contract vendor, in the amount of \$6,500 to provide the professional technical staff for these projects and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish and adjust budgets as required to comply with Federal approved funding levels and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Division of Budget and Management, the Office of the Comptroller, and the Department of Central Police Services, attention: Kristen Lazarz.  
(6-0)

2. COMM. 14E-34 (2015)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Central Police Services requires as external DNA audit be conducted to assure compliance with FBI Quality Assurance Standards; and

WHEREAS, there are sufficient funds in the 165DNABACKLOG2015 grant to provide this service; and

WHEREAS, the Erie County Legislature has the authority, under Article III Section 7.b and Section 19.08 of the Erie County Administrative Code to waive the bidding procedures and the Request for Proposal (RFP) process; and

WHEREAS, the Department of Central Police Services recommends that a contract be entered into with the National Forensic Science Technology Center, a recognized leader in the forensic science community for helping to improve the quality at laboratories conducting DNA analysis.

NOW, THEREFORE, BE IT

RESOLVED, that in order to commence the external DNA audit, the Erie County Legislature hereby waives the request for proposals process and bidding procedures; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contract with the National Forensic Science Technology Center in the amount of \$8,140 to conduct a quality assurance audit of the Forensics Laboratory; and be it further

RESOLVED, that the funding for this contract in the 165DNABACKLOG2015 grant, fund 281, account 516020 – professional services is hereby authorized to be appropriated for the external audit; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Division of Budget and Management, the office of the Comptroller and the Department of Central Police Services.  
(6-0)

3. **COMM. 14E-35 (2015)**  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Homeland Security through the NYS Department of Homeland Security and Emergency Services has agreed to provide funding in the amount of \$172,000.00 in federal assistance to continue the implementation of the hazmat program to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contact and accept \$172,000.00 in federal resources to provide funding for training of personnel and the purchase of necessary equipment to enhance the ability of Erie County to manage emergency and disaster situations,

WHEREAS, this is a regional grant and Erie County is required to assist the Erie County Hazmat team, Niagara County Hazmat team and the Buffalo Fire Hazmat team,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with the NYS Department of Homeland Security to receive \$172,000.00 in grant funding for the Department of Emergency Services; and be it further

RESOLVED, that this grant, under the Department of Emergency Services, will meet the goals and objectives; and be it further

RESOLVED, these funds will be utilized to enhance the ability of Erie County to manage emergency and disaster situations; and be it further

RESOLVED, these funds will be utilized to assist the Erie County Hazmat Team, Niagara County Hazmat Team and the Buffalo Fire Hazmat Team; and be it further

RESOLVED, that the authorization is hereby provided to the Division of Budget and Management to establish funding in the Grant Fund 281, as follows:

Erie County Department of Emergency Services  
FY 2015 Hazmat Grant

Revenue	Increase
Account 414000 Federal Aid	\$172,000.00
Appropriations	Increase
Account 510100 Travel	\$10,500.00
Account 510200 Training & Education	\$10,000.00
Account 516020 Professional Contracts & Fees	\$15,000.00
Account 516030 Maintenance Contracts	\$25,700.00
Account 561410 Lab & Technical Equipment	<u>\$110,800.00</u>
Total Appropriations	172,000.00

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish and adjust budgets as required to comply with State and Federal approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the Department of Personnel, the Department of Emergency Services c/o Melissa Calhoun, the County Comptroller, and the County Attorney.  
(6-0)

4. COMM. 14E-36 (2015)  
**COUNTY EXECUTIVE**

WHEREAS, the U.S. Department of Homeland Security through the NYS Department of Homeland Security and Emergency Services has agreed to provide funding in federal assistance to continue the implementation of programs to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, in order to conduct swift water training for first responders, the Erie County Legislature needs to authorize the County Executive to enter into a contract for \$10,400.00 with Evans Emergency Equipment, Inc. to conduct the swift water training; and

WHEREAS, funding for the training is available in the FY 14 Technical Rescue & Urban Search and Rescue Grant Program to cover the costs incurred for this training.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the County Executive to enter into contract with Evans Emergency Equipment, Inc. to conduct swift water training in the amount of \$10,400.00 from available funds and budget modifications, with the appropriation being made from account 516020, professional services, in grant HS167TECHRESCUE1416; and be it further

RESOLVED, that authorization is provided to the Department of Emergency Services and Division of Budget and Management to make the necessary budgetary adjustments and transfers to effectuate this purpose; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the Department of Personnel, the Department of Emergency Services c/o Melissa Calhoun, the County Comptroller, and the County Attorney.  
(6-0)

**LEGISLATOR RESOLUTIONS**

Item 28 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

RESOLUTION NO. 192

RE: Opposition to Proposed Minimum Raise  
Hike for Fast Food Workers

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS MILLS, LORIGO, RATH & MORTON**

WHEREAS, the creation of a politically motivated wage board by Governor Cuomo has led to a recommendation of a \$15 minimum wage for fast food workers across the state by 2021, which is significantly higher than what it should be under inflation; and

WHEREAS, this body has determined that this is not a practical policy for the entirety of New York State and will ultimately lead to job cuts, layoffs, and fewer opportunities for those who this measure is purportedly intended to help; and

WHEREAS, this body finds that the fast-food industry already relies on automation to operate out of necessity and a policy doubling the salary of workers will only incentivize further automation and fewer new hires, increase work load for remaining staff, and start a more selective and competitive hiring process in the fast-food industry; and

WHEREAS, this honorable body hereby reinforces the fact that the economics of New York City are different than almost anywhere else in the world and what may be a good policy for the city may well be highly detrimental to most small business owners locally; and

WHEREAS, most fast food chains affected by recommendations are actually run by local entrepreneurs as franchises, therefore this increase specifically targets small business owners who took a risk to open up a business in our community; and

WHEREAS, it has been found that current minimum wages for the Buffalo-Niagara Region will buy almost twice what it would for a NYC resident and highlighting the fact that Western New York is not like New York City and our local entrepreneurs will be impacted more than those in NYC by Governor Cuomo's wage decree furthering the undesirability of New York State to businesses; and

WHEREAS, it is further found that a dramatic increase of wages at fast-food restaurants will lead to heightened pressure on small businesses outside of those covered under the Governors increase to similarly raise wages on their employees to retain their qualified workers leading many to either raise prices or close shop; and

WHEREAS, wage increases have traditionally been followed by increases in the cost of living and only a temporary increase in the standard of living, inevitably wage increases will lead to price increases harming low-income workers not in the fast food industry; and

WHEREAS, in order to increase wages government should be working together to lower taxes, support job creators, and create a regional economy where businesses want to come and establish themselves.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body implores the Governor of New York and the State Labor Commissioner to oppose this poorly conceived recommendation and to come up with a sensible alternative that helps create jobs and supports local entrepreneurs; and, be it further

RESOLVED, that certified copies of this resolution be sent to the New York State Labor Commissioner Mario Musolino, Governor of the State of New York, the Western New York delegation to the NYS Legislature and any party deemed proper.

MR. BURKE moved to send the item to committee for further consideration. MR. LOUGHRAN seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE. NOES: MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. (AYES: 5; NOES: 6)

FAILED.

CHAIR MILLS moved the previous question and directed that a roll call vote be taken.

AYES: MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. NOES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS and MR. SAVAGE. (AYES: 6; NOES: 5)

CARRIED.

Item 29 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. MORTON seconded.

MR. LORIGO withdrew the motion.

MR. LORIGO presented the following resolution and moved for consideration. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 193

RE: CPS Reporting Inquiry

MR. LORIGO moved to amend the item. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Insert the following:

**A RESOLUTION TO BE SUBMITTED  
BY LEGISLATOR MORTON**

WHEREAS, this honorable body has supported attempts to reform Child Protective Services (CPS) on numerous occasions over the past several years; and

WHEREAS, in 2013 this body approved an increase in the number of managers operating within CPS and strongly urged the executive to add more front line workers instead of managers; and

WHEREAS, in 2014 this body approved the Executive's request for 36 additional CPS workers and endorsed a full slate of resolutions aimed at reform for the Department of Social Services; and

WHEREAS, in 2015 members of this honorable body called for the resignation of an ineffective Social Services Commissioner, and further worked to prevent her reappointment as head of the Department of Social Services; and

WHEREAS, this honorable body has consistently worked in an attempt to ease the burden on the CPS system; and

WHEREAS, this honorable body feels it is time for county officials to come together and discuss the reality of the problem and where we can go from here in an open and honest dialogue between the Legislature and County Executive Poloncarz; and

WHEREAS, being “on the right track” does not mean that our issues are resolved, it means that steps in the right direction have been taken, but as indicated in recent media reports we, as a County, still have a long way to go before we can call it a success; and

WHEREAS, the issue this body has had is that the administration has widely reported these numbers to the residents of Erie County and reported them as a victory with nothing left to do but wait for things to get better; and

WHEREAS, politics are played when no answer is given and those responsible for the situation hide behind letters and bureaucrats, the time for discussion and answers is now.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby requests the presence of Hon. Mark C. Poloncarz at a special session to be set at his convenience during the month of August, 2015 for the express purpose of discussing Child Protective Services; and, be it further

RESOLVED, that certified copies of this resolution be sent to the Office of the County Executive, the Commissioner of the Department of Social Services, and all parties deemed necessary and proper.

MR. LORIGO moved to approve the item as amended. MR. MORTON seconded.

MR. BURKE moved to send the item to committee for further consideration. MS. GRANT seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS and MR. SAVAGE. NOES: MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. (AYES: 5; NOES: 6)

FAILED.

CHAIR MILLS moved the previous question and directed that a roll call vote be taken.

AYES: MS. MILLER-WILLIAMS, MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. NOES: MR. BURKE, MS. GRANT, MR. LOUGHRAN and MR. SAVAGE. (AYES: 7; NOES: 4)

CARRIED.

Item 30 – CHAIR MILLS directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO. 15-3 from LEGISLATOR MILLER-WILLIAMS. Support for Direct Deposit Payments to Child Care Providers in Erie County.

Item 31 – CHAIR MILLS directed that the following item be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO. 15-4 from LEGISLATOR BURKE. Resolution to Improve Pedestrian Safety Along Tiftt Street in the City of Buffalo.

Item 32 – CHAIR MILLS directed that the following item be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO. 15-5 from LEGISLATOR BURKE. Resolution to Encourage Verizon Communications to Apply to the Public Service Commission for a Franchise to Allow the Installation of FiOS Throughout Erie County.

MS. MILLER-WILLIAMS moved that the legislature recess for ten minutes. MR. BURKE seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE and MR. HARDWICK. NOES: MS. GRANT, MS. DIXON, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. (AYES: 5; NOES: 6)

FAILED.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 33 – MR. LORIGO moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 14E-1. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 194

RE: Appointment of Commissioner of  
Department of Environment & Planning  
(COMM. 14E-1, 2015)

RESOLVED, the Erie County Legislature hereby confirms the appointment of Thomas Dearing of 50 Fordham Drive, Buffalo, NY 14216 to serve as the Erie County Commissioner of the Department of Environment & Planning.

MR. LORIGO moved to approve the item. MS. GRANT seconded.



CARRIED UNANIMOUSLY.

Item 34 – MR. LORIGO moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of COMM. 14E-19. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 195

RE: EC Sewer District No. 3 - Increase & Improvement of Facilities (2015)  
(COMM. 14E-19, 2015)

BOND RESOLUTION DATED JULY 30, 2015

BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$5,655,912.55 BONDS OF THE COUNTY OF ERIE, OR SO MUCH THEREOF AS MAY NECESSARY, TO FINANCE THE COST OF AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF ERIE COUNTY SOUTHTOWNS SEWER TREATMENT AGENCY IN THE COUNTY OF ERIE, NEW YORK; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$9,000,000, STATING THE PLAN OF FINANCING; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND PROVIDING FOR REIMBURSEMENT BY ERIE COUNTY SEWER DISTRICT NO. 3 TO SAID COUNTY.

(Introduced) JULY 30, 2015

(Adopted) JULY 30, 2015

WHEREAS, pursuant to proceedings had and taken in accordance with the provisions of Article 5A of the County Law and more particularly a resolution of this County Legislature dated March 14, 2005 (the "Original Bond Resolution"), an increase and improvement of Southtowns Treatment Facility has been approved at a estimated maximum cost of \$9,000,000; and

WHEREAS, pursuant to the provisions of the Original Bond Resolution, the County has issued \$3,344,087.45 of obligations; and

WHEREAS, pursuant to Section 41 of the Local Finance Law of the State of New York, the Original Bond Resolution is deemed to have been repealed ten years after the date it became effective, except to the extent that any indebtedness shall already have been contracted or encumbrances made thereunder for the object or purpose for which such Original Bond Resolution authorizes the issuance of obligations; and

WHEREAS, the County Legislature desires to adopt this resolution to reauthorize the issuance of \$5,655,912.55 principal amount of obligations to finance the object or purpose described in the Original Bond Resolution;

NOW THEREFORE BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature) AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York, as amended (the "Law"), and to the provisions of other laws applicable thereto, \$5,655,912.55 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of a increase and improvement of facilities of the Erie County-Southtowns Sewer Treatment Agency, consisting of the reconstruction and/or rehabilitation of approximately 20,000 feet of sanitary sewer and the upgrading of sewage pumping stations, all as more fully described in the report and estimate of costs approved by the board of County managers of the Southtowns Sewer Treatment Agency on April 29, 2004 and filed with the County Legislature pursuant to Section 268 of the County Law of the State of New York. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$9,000,000. The plan of financing includes the issuance of \$3,344,087.45 of bonds authorized and issued prior to the date hereof pursuant to the provisions of the Original Bond Resolution and the issuance of \$5,655,912.55 of bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds and notes, the said principal and interest to be reimbursed to the County by the assessment and levy on the real property in (i) Erie County Sewer District No. 3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No. 3, (iv) Mount Vernon Sewer District No. 2, and (v) the Village of Hamburg, each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement.

Section 2. The period of probable usefulness for the specific objects or purposes for which said \$5,655,912.55 bonds herein authorized to be issued, within the limitations of Section 11.00 a. 4. of the Law, is forty (40) years.

Section 3. Current funds are not required to be provided as a down payment prior to the issuance of the \$5,655,912.55 bonds authorized herein, or any bond anticipation notes issued in anticipation thereof, pursuant to Section 107.00 d. 3. of said Law.

Section 4. The County intends to finance and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of said improvements, prior to the issuance of the bonds or bond anticipation notes herein authorized, out of any available funds of the County on an interim basis, which respective amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County pursuant to this Resolution, in the respective maximum amounts of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §21.00 relative to the issuance of bonds having substantially level or declining annual debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to

executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

MR. LORIGO moved to approve the item. MR. RATH seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

Item 35 – MR. LORIGO moved to discharge the PUBLIC SAFETY COMMITTEE of further consideration of COMM. 14E-32. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 196

RE: EC Correctional Facility - 2015 Parking Lot and Access Road Reconstruction – Phase I (COMM. 14E-32, 2015)

WHEREAS, LiRo Engineers has the necessary expertise and manpower to provide professional design and construction services for the Erie County Correctional Facility (ECCF)- 2015- Parking Lot and Access Road Reconstruction- Phase 1 project; and

WHEREAS, your Honorable Body has previously authorized the County Executive to enter into a General Architectural/Engineering Services Agreement with LiRo Engineers for providing Professional Design Services on Erie County projects; and

WHEREAS, the County Executive requests authorization to enter into an Agreement Amendment with the firm of LiRo Engineers for providing Professional Architectural/Engineering Services for the Erie County Correctional Facility (ECCF)- 2015- Parking Lot and Access Road Reconstruction- Phase 1 project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute an Agreement Amendment with the firm of LiRo Engineers for providing Professional Architectural/Engineering Services for the Erie County Correctional Facility (ECCF)- 2015- Parking Lot and Access Road Reconstruction- Phase 1 project for an amount not to exceed \$39,369.00, including a design contingency; and be it further

RESOLVED, that the Comptroller's office be authorized to make payments for the above from SAP Project Account A.15029 – 2015 Sheriffs (B&G) Correctional Facility Parking Lot for an amount not to exceed \$39,369.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, Office of the Sheriff, the Division of Budget and Management, and the Office of the Comptroller.

MR. LORIGO moved to approve the item. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 36 – MR. HARDWICK moved to discharge the COMMUNITY ENRICHMENT COMMITTEE of further consideration of COMM. 14E-9. MS. GRANT seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. SAVAGE, MR. HARDWICK and MR. MORTON. NOES: MR. LOUGHRAN, MS. MILLER-WILLIAMS, MS. DIXON, MR. LORIGO, CHAIR MILLS and MR. RATH. (AYES: 5; NOES: 6)

FAILED.

**SUSPENSION OF THE RULES**

None.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COUNTY EXECUTIVE**

Item 37 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 197

RE: Department of Social Services Lease  
Extension and Modification Agreement -  
43 Court Street  
(COMM. 15E-1)

WHEREAS, the Department of Social Services is requesting authorization to renew a lease at 43 Court Street with the 43 Court Street Realty Company for the purpose of housing multiple Social Services programs at that site; and

WHEREAS, the lease renewal is for 20,750 square feet of space at 43 Court Street at a rental amount of \$13.70 per square foot, for an annual base rental amount of \$284,274.96; and

WHEREAS, the current lease period terminates on July 12, 2015, and this lease renewal is needed to maintain Department of Social Services operations at this location; and

WHEREAS, the landlord has agreed to provide, at no cost to tenant, all of the improvement and maintenance items reflected on attachment “A” to the lease Extension and Modification Agreement during the extension period; and

WHEREAS, funds for this lease were anticipated and are included in the 2015 Adopted Budget; therefore, there is no 2015 fiscal impact.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive is authorized to execute the lease Extension and Modification Agreement for 43 Court Street at the rental terms herein presented; and be it further

RESOLVED, section 19.08 of the County Code requirement for a Request for Proposals is waived as the cost of moving is prohibitive due to the extensive cabling and systems installations in place at the current location; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, the Commissioner of Social Services, the Erie County Comptroller, and the Director of the Division of Budget and Management.

Item 38 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 198

RE: Rath Building - 2015 - Parking Garage  
Repairs and Waterproofing Project  
(COMM. 15E-2)

WHEREAS, the Department of Public Works received bids for the Rath Building-2015-  
Parking Garage Repairs and Waterproofing Project on June 22, 2015; and

WHEREAS, the lowest responsible bidder for the General Construction work is Patterson-  
Stevens; and

WHEREAS, the Erie County Department of Public Works, along with its Consultant, is  
recommending award of the contract to the lowest responsible bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest  
responsible bidder for the Rath Building-2015-Parking Garage Repairs and Waterproofing Project as  
follows:

General Construction Work

Patterson- Stevens	Base Bid:	\$55,500.00
	Add Alt #1:	\$42,500.00
	Add Alt #2:	<u>\$13,950.00</u>
Total Award of Construction Contract		\$111,950.00

;and be it further

RESOLVED, that the sum of \$11,950.00 be allocated to a Construction Contingency Fund  
with authorization for the County Executive to approve change orders in an amount not to exceed  
the Contingency Fund, and be it further

RESOLVED, that deduct change orders will result in these funds being returned to the  
Construction Contingency Fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above  
from SAP project accounts as follows:

A.00043- 2002 Rath Parking Garage	\$112,094.87
A.13005- 2013 Countywide Roof Replacement and Waterproofing	<u>\$11,805.13</u>
Total Payments not to exceed:	\$123,900.00

; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public  
Works, Commissioner's Office and one copy each to the Office of the County Executive, the  
Division of Budget and Management and the Office of the Comptroller.

Item 39 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 199

RE: Old County Hall - 2015 - Landscape  
Improvements  
(COMM. 15E-3)

WHEREAS, the Department of Public Works received bids for the Old County Hall - 2015- Landscape Improvements project on May 22, 2015; and

WHEREAS, the lowest responsible bidder is MER Services of WNY, LLC; and

WHEREAS, the Erie County Department of Public Works, along with its consultant, is recommending award of the contract to the lowest responsible bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for the Old County Hall -2015- Landscape Improvements project as follows:

General Construction Work

MER Services of WNY, LLC	Base Bid:	\$88,000.00
	Add Alt #1:	\$ 8,000.00
	Add Alt #2:	<u>\$10,000.00</u>
Total General Construction Contract		\$106,000.00

;and be it further

RESOLVED, that the sum of \$24,000.00 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

RESOLVED, that deduct change orders will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from SAP project account A.15003- 2015 Countywide Code and Environmental Compliance for an amount not to exceed \$130,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office and one copy each to the Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.

Item 40 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 200

RE: Various Highway Maintenance Facilities  
- 2015 - New Salt Storage Buildings  
(COMM. 15E-4)

WHEREAS, the Department of Public Works will be receiving bids for the Various Highway Maintenance Facilities- 2015- New Salt Storage Buildings project during Legislative recess period; and

WHEREAS, the last Legislative meeting before summer recess will not allow for the normal award process of construction contracts after bids are received; and

WHEREAS, the County Executive is seeking prior authorization to award contracts to the lowest responsible bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to award contracts to the lowest responsible bidders so the work can proceed during the summer months for a total contract, including construction contingency, not to exceed \$925,000.00; and be it further

RESOLVED, that the Department of Public Works will report to the Legislature the value of the contracts awarded and to whom; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project Accounts as follows

A.14003- 2014 Countywide Code and Environmental Compliance	\$625,000.00
A.15003-2015 Countywide Code and Environmental Compliance	\$100,000.00
A.15006 – 2015 Countywide Environmental Regulatory Compliance	<u>\$200,000.00</u>
Total Payments Not to Exceed	\$925,000.00

; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

Item 41 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 201

RE: EC Sheriff's Department - 2014 –  
Shooting Range Upgrades  
(COMM. 15E-5)



WHEREAS, federal revenue for this project in the amount of \$850,000 has already been received and recorded in the 2014 Sheriff's Firing Range Capital Project (A.14076), and

WHEREAS, in a resolution dated May 28, 2015, the Erie County Legislature authorized the County Executive to enter into Agreements with Foit- Albert Associates to design the Live- Fire Shoot House at a cost not to exceed \$70,000 and with TRS Range Services to construct the Live- Fire Shoot House at a cost not to exceed \$780,000; and

WHEREAS, the federal revenue in the amount of \$850,000 was to be allocated for construction purposes only and not professional Architectural/Engineering Services; and

WHEREAS, the County Executive requests authorization to enter into an Agreement Amendment with TRS Ranges Services for construction of the Live Fire Shoot House for a total amount not to exceed \$850,000.00; and

WHEREAS, the County Executive requests authorization to enter into an Agreement Amendment with the firm of Foit- Albert Associates for providing Professional Architectural/Engineering Services for the Erie County Sheriff's Department –2014- Shooting Range Upgrades project, with an alternate funding source than previously approved by your honorable body,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with TRS Range Services for the construction of the Live-Fire Shoot House for the Erie County Sheriff's Department –2014- Shooting Range Upgrades project for a total amount not to exceed \$850,000.00; and be further

RESOLVED, that the County Executive is authorized to execute an Agreement Amendment with the firm of Foit-Albert Associates for providing Professional Architectural/Engineering Services for the Erie County Sheriff's Department –2014- Shooting Range Upgrades project for an amount not to exceed \$70,000.00; and be it further

RESOLVED, that the Comptroller's office be authorized to make payments for all of the above from SAP Project Accounts as follows:

A.15003- 2015 Countywide Code & Environmental Compliance	\$70,000.00
<u>A.14076- 2014 Sheriffs Firing Range</u>	<u>\$850,000.00</u>
For a Total Amount Not to Exceed:	\$920,000.00

;and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, Office of the Sheriff, the Division of Budget and Management, and the Office of the Comptroller.

Item 42 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 202

RE: Expansion of the Erie County  
Application Tracking System into HEAP  
and Emergency Temporary Assistance  
(COMM. 15E-6)

WHEREAS, this resolution authorizes the utilization of capital project funds for the expansion of the Erie County Application Tracking System (ECATS) into the Home Energy Assistance Program (HEAP) and Emergency Temporary Assistance; and

WHEREAS, ECATS was implemented in the Temporary Assistance (TA), Supplemental Nutrition Assistance (SNAP) and Medicaid Programs in 2014; and

WHEREAS, this software resulted in faster processing, reduced wait time and better customer service in those program areas, and helped the Department meet established State deadlines for case determinations; and

WHEREAS, the Department determined it would be able to gain similar efficiencies if ECATS was expanded into the HEAP and Emergency Temporary Assistance programs; and

WHEREAS, Erie County received a quote for this project from Microsoft, the company which originally designed the ECATS program, and solicited a price from nFrastructure, a technology company with a New York State Contract to provide this service; and

WHEREAS, the price from nFrastructure was approximately 40 percent lower than Microsoft; and

WHEREAS, the amount of this capital purchase will be \$199,800, and this system will take advantage of the previous development of ECATS into TA, SNAP and Medicaid, as well as the previous multi-million dollar investments in imaging and desktop hardware architecture currently in place in Department eligibility offices; and

WHEREAS, existing Capital Project funding is available and will be utilized. This Project is eligible for federal reimbursement, thereby, reducing the local share to 50% of total project costs; and

WHEREAS, there is no additional local share to this request and there is no fiscal impact to the Adopted 2015 Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to contract with nFrastructure in an amount not to exceed \$199,800; funding for which is currently available in SAP Project A.00253, 04 Mainframe Application/Data Migration; and be it further

RESOLVED, that the Comptroller's Office is authorized to make payment for all contractual expenses as outlined above from said project; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of Social Services, Division of Information and Support Services, the Erie County Comptroller, the County Attorney, and the Director of the Division of Budget and Management.

Item 43 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

MR. HARDWICK moved to send the item to committee for further consideration. MR. BURKE seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK, CHAIR MILLS and MR. MORTON. NOES: MR. LORIGO and MR. RATH. (AYES: 9; NOES: 2)

CARRIED.

(COMM. 15E-7) Department of Mental Health - Contract Request

CHAIR MILLS directed that the item be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

FROM THE SHERIFF

Item 44 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 203

RE: K9 Transfer  
(COMM. 15E-8)

WHEREAS, "Jules" has served the Erie County Sheriff's Office as an explosives detection canine for seven and a half years, and

WHEREAS, Captain Sean Simet and Jules have built a relationship that is special and only found in handler/canine partnerships, and

WHEREAS, due to health issues, Jules can no longer complete the grueling and necessary certification for explosive detection canines, and

WHEREAS, the Sheriff's Office conferred with the Director of Purchasing and the County Attorney to determine that by Legislative Resolution the transfer of ownership could occur.

NOW, THEREFORE, BE IT

RESOLVED, that Captain Sean Simet will be allowed to retain possession of his K9 partner, Jules; and be it further

RESOLVED, that the Office of the Sheriff is hereby authorized to enter into a purchase agreement with Captain Sean Simet for the consideration of one dollar (\$1.00) for the transfer of ownership of Jules. Captain Sean Simet shall assume full responsibility for the canine under such agreement and shall further hold the County of Erie and the Erie County Sheriff's Office harmless against any and all liability; and be it further

RESOLVED, that certified copies of this resolution are forwarded to the Erie County Comptroller, the Director of Purchase, the County Attorney and the Office of the Sheriff for implementation.

FROM THE COMPTROLLER

Item 45 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

RESOLUTION NO. 204

RE: Refunding Bond Resolution  
(COMM. 15E-9)

REFUNDING BOND RESOLUTION DATED JULY 30, 2015  
REFUNDING BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK DATED JULY 30, 2015 AUTHORIZING THE REFUNDING OF ALL OR A PORTION OF CERTAIN OUTSTANDING SERIAL BONDS, STATING THE PLAN OF REFUNDING, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$35,000,000 REFUNDING BONDS AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

(Introduced) July 30, 2015

(Adopted) July 30, 2015

WHEREAS, the County of Erie, New York (the "County") has heretofore duly issued \$17,350,000 aggregate principal amount of Refunding Bonds – Series 2005D-1, such bonds being dated December 28, 2005 and maturing in annual installments in each of the years 2006 to 2021, both inclusive, and 2029 (the "Series 2005D-1 Bonds"); and

WHEREAS, the County of Erie, New York (the "County") has heretofore duly issued \$36,620,000 aggregate principal amount of Refunding Bonds – Series 2005D-2, such bonds being dated December 28, 2005 and maturing in annual installments in each of the years 2006 to 2025, both inclusive (the "Series 2005D-2 Bonds" and, collectively with the Series 2005D-1 Bonds, the "Series 2005D Bonds"); and

WHEREAS, the Series 2005D Bonds were authorized pursuant to a refunding bond resolution dated July 12, 2001; and

WHEREAS, the Series 2005D-1 Bonds and the Series D-2 Bonds are outstanding in the principal amount of \$7,335,000 and \$20,070,000, respectively; and

WHEREAS, the Series 2005D Bonds were issued to refund all or a portion of the outstanding principal balance of the following series of bonds (the "Original Bonds"):

- \$18,620,000 General Obligation Serial Bonds, 1994 Series B (the "1994B Bonds");
- \$20,000,000 General Obligation Bonds, 1995 Series A (the "1995A Bonds");
- \$24,460,000 General Obligation Bonds, 1995 Series B (the "1995B Bonds");
- \$20,000,000 General Obligation Bonds-1996 Series A (the "1996A Bonds");
- \$26,000,000 Public Improvement General Obligation Bonds-1999-A (the "1999A Bonds"); and
- \$35,750,000 Public Improvement Bonds-2000A, 2000B, and 2000C (collectively, the "2000 Bonds", and together with the 1994B Bonds, the 1995A Bonds, the 1995B Bonds, the 1996A Bonds, the 1999A Bonds, the "Original Bonds").

WHEREAS, it would be in the public interest to refund all or a portion of the outstanding principal balance of the Series 2005D Bonds by the issuance of refunding bonds pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), which permits the County to refund all or a portion of the outstanding unredeemed maturities of such bonds by the issuance of new bonds, the issuance of which will result in present value savings in debt service for the County;

NOW THEREFORE RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. In this resolution, the following definitions apply, unless a different meaning clearly appears from the context:

- a. "Bond To Be Refunded" or "Bonds To Be Refunded" means all or a portion of the outstanding and unredeemed Series 2005D Bonds.
- b. "Escrow Contract" means the contract to be entered into by and between the County and the Escrow Holder pursuant to Section 9 hereof.
- c. "Escrow Holder" means the bank or trust company designated as such pursuant to Section 9 hereof.
- d. "Present Value Savings" means the dollar savings which result from the issuance of the Refunding Bonds computed by discounting the principal and interest payments on both the Refunding Bonds and the Bonds To Be Refunded from the respective

maturities thereof to the date of issue of the Refunding Bonds at a rate equal to the effective interest cost of the Refunding Bonds. The effective interest cost of the Refunding Bonds shall be that rate which is arrived at by doubling the semi-annual interest rate (compounded semi-annually), necessary to discount the debt service payments on the Refunding Bonds from the maturity dates thereof to the date of issue of the Refunding Bonds and to the bona fide initial public offering price including estimated accrued interest, or, if there is no public offering, to the price bid including estimated accrued interest.

- e. "Redemption Date" means the earliest date after the date of issuance of the Refunding Bonds that the 2005D Bonds may be called for redemption.
- f. "Refunding Bond" or "Refunding Bonds" means a portion or all of the \$35,000,000 bonds of the County, authorized pursuant to Section 2 hereof.
- g. "Refunding Bond Amount Limitation" means an amount of Refunding Bonds sufficient to pay the sum of the principal amount of Bonds To Be Refunded plus the aggregate amount of unmatured interest payable on each Bond To Be Refunded to and including the Redemption Date, plus costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the refunding financial plan, execution and performance of the terms and conditions of the Escrow Contract and all fees and charges of the Escrow Holder.

Section 2. The Legislature of the County (the "Legislature"), hereby authorizes the refunding of the Bonds To Be Refunded of the County, more particularly described and referred to in the Recitals hereof, and appropriates an amount not to exceed \$35,000,000 therefor to accomplish such refunding. The plan of financing said appropriation includes the issuance of not to exceed \$35,000,000 Refunding Bonds and the levy and collection of a tax upon all the taxable real property within the County to pay the principal of and interest on said Refunding Bonds as the same shall become due and payable. Bonds of the County in the maximum principal amount of \$35,000,000 are hereby authorized to be issued pursuant to the provisions of the Law. The proposed financial plan for the refunding in the form attached hereto as Exhibit A (the "refunding financial plan") prepared for the County by Citigroup Global Markets Inc. ("Citigroup") is hereby accepted and approved. The Legislature acknowledges that the final refunding financial plan may vary from that set forth in Exhibit A depending upon market conditions at the time of the sale of the Refunding Bonds. Pursuant to Section 3 hereof, the Comptroller, the chief fiscal officer of the County, is authorized to approve the final details of the refunding financial plan not contained herein.

The refunding financial plan includes the deposit of all the proceeds of the Refunding Bonds (net of underwriter's discount) with an Escrow Holder pursuant to an Escrow Contract as authorized in Section 9 hereof, the payment of all costs incurred by the County in connection with said refunding from such proceeds, and the investment of a portion of such proceeds by the Escrow Holder in certain obligations, the principal of and interest, together with the balance of such proceeds to be held uninvested, shall be sufficient to pay (1) the principal of and interest on the Bonds To Be Refunded becoming due and payable on and prior to each applicable Redemption Date and (2) the principal of the Bonds To Be Refunded to be called for redemption prior to maturity on the Redemption Date.

Section 3. The Bonds To Be Refunded referred to in Section 1 hereof are the aggregate unmatured outstanding balance of the Series 2005D Bonds originally issued pursuant to a bond resolution of the County adopted on July 12, 2001 authorizing the issuance of bonds to advance

refund the Original Bonds. In accordance with the refunding financial plan, the Refunding Bonds have been allocated to the component issues of the Bonds To Be Refunded, and shall mature in amounts and at dates to be determined. The Comptroller, the chief fiscal officer of the County, is hereby authorized to approve the final details of the refunding financial plan not contained herein.

Section 4. The issuance of the Refunding Bonds will not exceed the Refunding Bond Amount Limitation. The maximum period of probable usefulness (“PPU”) of each issue comprising the Original Bonds, commencing at the date of issuance of the first bond anticipation notes issued in anticipation of the sale of said bonds, is set forth in Schedule A attached hereto.

Section 5. The aggregate amount of estimated Present Value Savings as set forth in the proposed refunding financial plan attached hereto as Exhibit A is \$2,170,259.68. The Legislature acknowledges that the actual Present Value Savings may vary from that set forth in the refunding financial plan depending upon market conditions at the time of the sale of the Refunding Bonds.

Section 6. The Refunding Bonds shall be sold at private sale to Citigroup and the Comptroller, the chief fiscal officer of the County, is hereby authorized to execute a purchase contract on behalf of the County for the sale of the Refunding Bonds, provided that the terms and conditions of such sale shall be approved by the State Comptroller; and the Comptroller is hereby further authorized and directed to take any and all actions necessary to accomplish said refunding, and to execute any contracts and agreements for the purchase of and payment for services rendered or to be rendered the County in connection with said refunding including the preparation of the final refunding financial plan referred to in Section 2.

Section 7. Each of the Refunding Bonds authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Law and said Refunding Bonds shall be general obligations of the County payable as to both principal and interest by a general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said Refunding Bonds and provision shall be made annually in the budget of the County for (a) the amortization and redemption of the Refunding Bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 8. Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of Sections 21.00, 50.00 and 56.00 of the Law, the powers and duties of the Legislature relative to providing for substantially level or declining annual debt service, prescribing the terms, form and contents and as to the sale and issuance of the Refunding Bonds, and to executing any arbitrage certification relative thereto, as well as to executing the Escrow Contract, are hereby delegated to the Comptroller, the chief fiscal officer of the County.

Section 9. Prior to the issuance of the Refunding Bonds, the County shall contract with a bank or trust company located and authorized to do business in this State, for the purpose of having such bank or trust company act as the Escrow Holder of the proceeds, inclusive of any premium from the sale of the Refunding Bonds but net of any underwriter’s discount, together with all income derived from the investment of such proceeds. The Escrow Contract shall contain such terms and conditions as shall be necessary in order to accomplish the refunding financial plan, including provisions for the Escrow Holder without further authorization or direction from the County, except as otherwise provided therein, (a) to make all required payments of principal and

interest to the appropriate paying agent with respect to the Bonds To Be Refunded, (b) to pay costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the refunding financial plan, and of executing and performing the terms and conditions of the Escrow Contract and all of its fees and charges as the Escrow Holder, (c) at the appropriate time or times to cause to be given on behalf of the County the notices of redemption authorized to be given pursuant to Section 12 hereof, and (d) to invest the moneys held by it consistent with the provisions of the refunding financial plan. The Escrow Contract shall be irrevocable and shall constitute a covenant with the holders of the Refunding Bonds.

Section 10. The proceeds, inclusive of any premium and net of any underwriter's discount, from the sale of the Refunding Bonds, immediately upon receipt, shall be placed in escrow by the County with the Escrow Holder in accordance with the Escrow Contract. All moneys held by the Escrow Holder shall be invested only in direct obligations of the United States of America or in obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates when such moneys will be required to make payments in accordance with the refunding financial plan. Any such moneys remaining in the custody of the Escrow Holder after the full execution of the Escrow Contract shall be returned to the County and shall be applied by the County only to the payment of the principal of or interest on the Refunding Bonds then outstanding.

Section 11. That portion of such proceeds from the sale of the Refunding Bonds, together with interest earned thereon, which shall be required for the payment of the principal of and interest on the Bonds To Be Refunded, in accordance with the refunding financial plan, shall be irrevocably committed and pledged to such purpose and the holders of the Bonds To Be Refunded shall have a lien upon such moneys and the investments thereof held by the Escrow Holder. The pledge and lien provided for herein shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the County irrespective of whether such parties have notice thereof. Neither this resolution, the Escrow Contract, nor any other instrument relating to such pledge and lien, need be filed or recorded.

Section 12. In accordance with the provisions of Section 53.00 of the Law, the Legislature hereby elects to call in and redeem all of the Bonds To Be Refunded which are subject to prior redemption according to their terms on the Redemption Date. The sum to be paid therefor on the Redemption Date shall be the par value thereof and the accrued interest to the Redemption Date. The Escrow Holder is hereby authorized and directed to cause notices of such call for redemption to be given in the name of the County by mailing such notice to the registered holder at least thirty and not more than sixty days prior to the Redemption Date. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Bonds To Be Refunded subject to prior redemption and the direction to the Escrow Holder to cause notice thereof to be given as provided in this Section shall become irrevocable and the provisions of this Section shall constitute a covenant with the holders, from time to time, of the Refunding Bonds, provided that this Section may be amended from time to time as may be necessary to comply with the publication requirements of paragraph a of Section 53.00 of the Law, as the same may be amended from time to time.



Section 13. This resolution shall take effect immediately upon approval of the County Executive.

FROM THE COUNTY EXECUTIVE

Item 46 – (COMM. 15E-10) Letter to Legislator Lorigo Regarding Potential Enforcement of LL Intro. 8-2 (2015)

Received and filed.

FROM THE COMPTROLLER

Item 47 – (COMM. 15E-11) EC 2014 Comprehensive Annual Financial Report

Item 48 – (COMM. 15E-12) Supplement to 2014 Comprehensive Annual Financial Report

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY CLERK

Item 49 – (COMM. 15E-13) Agreement with TWC News & Local Programming LLC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

FROM THE COMMISSIONER, DEPARTMENT OF SOCIAL SERVICES

Item 50 – (COMM. 15D-1) Comm. 12E-34 Compliance Report - June - CPS Caseloads

Received and filed.

FROM THE CLERK OF THE LEGISLATURE

Item 51 – (COMM. 15D-2) Documents Received Regarding LL Intro. 8-2 (2015)

Item 52 – (COMM. 15D-3) Organizations Funded by Erie County - 2015 Budget Submissions

The above two items were received and filed.

Item 53 – (COMM. 15D-4) NYS DEC Documents Received

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 54 – (COMM. 15D-5) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE NYS DEPARTMENT OF TRANSPORTATION**

Item 55 – (COMM. 15M-1) Letter Regarding Former US Route 219 Bridge Over Cattaraugus Creek, Erie and Cattaraugus Counties

Received and filed.

**FROM THE NFTA**

Item 56 – (COMM. 15M-2) Public Authorities Reporting Information System Report

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE NYS DEPARTMENT OF TAXATION AND FINANCE**

Item 57 – (COMM. 15M-3) 2015 State Class Rates - Various Cities and Towns

Item 58 – (COMM. 15M-4) 2015 State Equalization Rates - Various Cities and Towns

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE MWBE UTILIZATION ADVISORY BOARD**

Item 59 – (COMM. 15M-5) May 18, 2015 Meeting Minutes

Received and referred to the MINORITY & WOMEN BUSINESS ENTERPRISE COMMITTEE.

**ANNOUNCEMENTS**

Item 60 – CHAIR MILLS announced the next regularly scheduled legislative session is Thursday, September 3, 2015 at 200 p.m.

**MEMORIAL RESOLUTIONS**

Item 61 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Henry Carroll, Christopher M. Dobiesz, Raymond P. Griffin, and Albert G. Neumann.

Item 62 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of William H. Brikmayr and Christopher M. Stratton.

**ADJOURNMENT**

Item 63 - At this time, there being no further business to transact, CHAIR MILLS announced that the Chair would entertain a Motion to Adjourn.

MR. LORIGO moved that the Legislature adjourn until Thursday, September 3, 2015 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLS declared the Legislature adjourned until Thursday, September 3, 2015 at 2:00 p.m. Eastern Standard Time.

**KAREN M. McCARTHY**  
**CLERK OF THE LEGISLATURE**