

**ERIE COUNTY LEGISLATURE
MEETING NO. 20
NOVEMBER 5, 2015**

The Legislature was called to order by Chair Mills.

All members present.

An Invocation was held, led by Mr. Burke, who requested a moment of silence.

The Pledge of Allegiance was led by Mr. Rath.

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 19. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 4 – No public hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. MILLS presented a resolution Honoring Timothy Andrew Allaire, Boy Scout Troop 230 on Attaining the Rank of Eagle Scout.

MR. LORIGO moved for consideration of the above one item. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved to amend the above one item by adding one miscellaneous resolution for MS. GRANT, and to include Et Al sponsorship. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 6 – CHAIR MILLS directed that Local Law No. 8 (Print #1) 2014 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 7 – CHAIR MILLS directed that Local Law No. 1 (Print #4) 2015 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 8 – CHAIR MILLS directed that Local Law No. 1 (Print #5) 2015 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 9 – CHAIR MILLS directed that Local Law No. 2 (Print #2) 2015 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 10 – CHAIR MILLS directed that Local Law No. 3 (Print #1) 2015 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 11 – CHAIR MILLS directed that Local Law No. 5 (Print #1) 2015 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 12 – CHAIR MILLS directed that Local Law No. 6 (Print #1) 2015 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 13 – CHAIR MILLS directed that Local Law No. 7 (Print #1) 2015 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

COMMITTEE REPORTS

None.

LEGISLATOR RESOLUTIONS

Item 14 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 250

RE: Re-Designation of Visit Buffalo Niagara
as Erie County's Tourism Promotion
Agency
(INTRO. 20-1)

A RESOLUTION TO BE SUBMITTED BY LEGISLATORS
MILLS, LORIGO, GRANT, DIXON, HARDWICK, MORTON,
RATH, BURKE, LOUGHRAN, MILLER-WILLIAMS & SAVAGE

WHEREAS, the development, expansion and promotion of tourist travel to Erie County are of great benefit to the citizens of Erie County; and

WHEREAS, tourism spending in Erie County is reflected in bed and sales tax collections, as well as spurring a positive economic impact on amateur and professional sporting events, shopping, arts and culture and the hospitality industry; and

WHEREAS, this positive impact helps hold down property taxes and spurs economic growth and job creation; and

WHEREAS, in 1977, the New York State Legislature enacted the New York State Tourism Promotion Act to enable counties in the state to draw down funds to support their marketing and advertising campaigns; and

WHEREAS, the Tourism Promotion Act authorizes the state's Department of Economic Development to operate a program of matching state funds for non-profit tourism promotion agencies designated by county legislative bodies as agencies that are authorized to apply for and receive grants for recognized media advertising programs; and

WHEREAS, Visit Buffalo Niagara (VBN) - formerly known as the Buffalo Niagara Convention and Visitors Bureau - has done a commendable job bringing together a diverse array of non-profit organizations, attractions, retail businesses and members of the hospitality industry to work collaboratively for the benefit of our entire region.

NOW, THEREFORE, BE IT

RESOLVED, that Visit Buffalo Niagara (VBN), having served as Erie County's tourism promotion agency since 1974, is hereby re-designated as such for 2015-2016; and be it further

RESOLVED, that this Honorable Body does hereby request that Visit Buffalo Niagara submit the appropriate application to the New York State Department of Economic Development for state matching funds to assist VBN to finance its tourism marketing, media relations and advertising campaigns as set outlined in the New York State Tourism Promotion Act; and be it further

RESOLVED, that officials of Visit Buffalo Niagara are hereby requested to appear at a future meeting of the Legislature's Community Enrichment Committee to discuss the status of the

aforementioned state matching fund grants and other matters relating to the promotion of tourist visitation in Erie County and the Buffalo Niagara Region; and be it further

RESOLVED, that certified copies of this resolution be sent to the Commissioner of the New York State Department of Economic Development, 30 South Pearl St., Albany, NY 12245; Patrick Kaler and Karen Fashana of Visit Buffalo Niagara, 403 Main St., Suite 630, Buffalo, NY 14203; the tourism committees of both the New York State Assembly and Senate; County Executive Mark C. Poloncarz; Thomas Dearing, Commissioner of the Department of Environment & Planning, and all other deemed necessary and proper.

Item 15 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 251

RE: Personnel Adjustment
(INTRO. 20-2)

A RESOLUTION TO BE SUBMITTED
BY CHAIRMAN MILLS

WHEREAS, it is necessary for continued efficient operation of the Erie County Legislature that the Junior Administrative Assistant's position, Cost Center 1003030, Position No. 51011839 be adjusted; and

WHEREAS, the necessary changes will increase the step which the position is filled from a step zero (0) to a step five (5).

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the position of Junior Administrative Assistant, Cost Center 1003030, Position No. 51011839 to be filled a variable minimum step five (5); and be it further

RESOLVED, that said changes are effective as of October 19, 2015; and be it further

RESOLVED, that certified copies of this resolution be sent to the Commissioner of Personnel, the Erie County Comptroller, the Director of Budget and Management, and any other parties deemed necessary and proper.

Item 16 – CHAIR MILLS directed that the following item be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO. 20-3 from LEGISLATORS MILLER-WILLIAMS, BURKE & SAVAGE.
Supporting NYS Legislation to Enact the Safe Staffing for Quality Care Act.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

Item 17 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 20E-24 from the COUNTY EXECUTIVE & DISTRICT ATTORNEY. Re: BESAFE Funding – Probation and District Attorney

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 18 – (COMM. 20E-1) Department of Social Services - Foster Parent Recruitment

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 19 – (COMM. 20E-2) Supreme Court Law Library Renovations Budget Increase

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM CHAIR MILLS

Item 20 – (COMM. 20E-3) Letter to Clerk of the Legislature Calling a Public Hearing Regarding 2015 Agricultural District Modification Requests

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 21 – (COMM. 20E-4) EC Highways - 2015 - Collins Salt Storage Building Repairs and Roof Replacement Project

Item 22 – (COMM. 20E-5) EC Soil and Water Conservation District Agreement - Technical Services and Stream Bank Maintenance, Bridge and Culvert Scour Maintenance Program

Item 23 – (COMM. 20E-6) Buffalo & EC Public Library - Main Library - 2015 Auditorium Renovations - Phase 1 - Project Initiation Report & HVAC System Upgrades

Item 24 – (COMM. 20E-7) PILOT Agreement for Evergreen Lofts - 125 Cherry St, City of Buffalo - Affordable Housing

The above four items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 25 – (COMM. 20E-8) EC Sewer Districts - Construction Inspection Term Agreements - Change Order No. 1

Item 26 – (COMM. 20E-9) EC Sewer District No. 3 - Contract No. 54 STP-A - Change Order No.1

Item 27 – (COMM. 20E-10) EC Sewer District Nos. 3, 6 & 8 - Engineer Term Contract Agreement - DiDonato Associates

Item 28 – (COMM. 20E-11) EC Sewer District Nos. 1-6 & 8 - 2016 User Charges

Item 29 – (COMM. 20E-12) Conditionally Exempt Small Quantity Generator Program - Budget Amendment

Item 30 – (COMM. 20E-13) Appointment to EC Fisheries Advisory Board

The above six items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 31 – (COMM. 20E-14) Transfer of Property to EC Industrial Land Development Corp - 4111 River Rd, Town of Tonawanda

Item 32 – (COMM. 20E-15) Transfer of Three Surplus County Owned Properties in Towns of Evans, Lancaster, West Seneca

Item 33 – (COMM. 20E-16) Sale Approval - County Owned Properties Sold at Public Auction

Item 34 – (COMM. 20E-17) Purchase of 2015 Tax Lien Certificates

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

FROM THE COMPTROLLER

Item 35 – (COMM. 20E-18) Interim Financial Report for Nine-Month Period Ending Sept. 2015

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR MILLER-WILLIAMS

Item 36 – (COMM. 20E-19) Buffalo Place Inc Resolution Regarding Support for Earlier Bar Closings in EC

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY CLERK

Item 37 – (COMM. 20E-20) Approval of 2nd Extension of Lease from Northtown Property Owner LLC, as Landlord to EC for Northtown Auto Bureau

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 38 – (COMM. 20E-21) Department of Emergency Services - Acceptance of FY15 Port Security Grant Program

Item 39 – (COMM. 20E-22) EC Holding Center & EC Correctional Facility - 2015 - Security & Video Upgrades - Phase 2

Item 40 – (COMM. 20E-23) Department of Probation - Equipment & Furniture Replacement - Utilizing Forfeiture Funds

The above three items were received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE CLERK OF THE LEGISLATURE

Item 41 – (COMM. 20D-1) Notice of Public Hearing Regarding Proposed 2016 EC Budget

Item 42 – (COMM. 20D-2) Notice of Public Hearing Regarding Proposed Modifications to Agricultural Districts

Item 43 – (COMM. 20D-3) Notice of Public Hearing Regarding Assessment Rolls for 2015 for EC Sewer District Nos. 1-6 & 8

The above three items were received and filed.

FROM THE COUNTY ATTORNEY

Item 44 – (COMM. 20D-4) Notice of County Executive's Public Hearing Regarding LL Intro. 4-2 (2015)

Received and filed.

FROM THE DEPARTMENT OF ENVIRONMENT & PLANNING

Item 45 – (COMM. 20D-5) 2015 Agricultural District Modification Requests

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 46 – (COMM. 20D-6) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE EC INDUSTRIAL DEVELOPMENT AGENCY

Item 47 – (COMM. 20M-1) 2016 Budgets for ECIDA, Buffalo and EC Regional Development Corp, Buffalo and EC Industrial Land Development Corp

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM BUFFALO PLACE INC

Item 48 – (COMM. 20M-2) 2016 Budget

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE TOWN OF CONCORD

Item 49 – (COMM. 20M-3) Town Resolution Regarding the Termination of 1977 Sales Tax Revenue Distribution Agreement

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE TOWN OF GRAND ISLAND

Item 50 – (COMM. 20M-4) Town Resolution Regarding the Termination of 1977 Sales Tax Revenue Distribution Agreement

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE TOWN OF ORCHARD PARK

Item 51 – (COMM. 20M-5) Town Resolution Regarding the Termination of 1977 Sales Tax Revenue Distribution Agreement

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE TOWN OF EVANS

Item 52 – (COMM. 20M-6) Town Resolution Regarding Support for State Legislation for the Exemption of EC Sales Tax for Retail Sale and Installation of Geothermal Heat Pump Systems

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

ANNOUNCEMENTS

Item 53 – CHAIR MILLS announced a public hearing regarding the Assessment Rolls for 2015 (2016) Levy for Erie County Sewer District 1-6 & 8 is scheduled for November 6, 2015 at 2:00 pm.

Item 54 – CHAIR MILLS announced the Departmental Budget Hearings for the Proposed 2016 Erie County Budget will begin November 9, 2015 thru November 13, 2015.

Item 55 – CHAIR MILLS announced the committee schedule for November 12, 2015 has been distributed.

Item 56 – CHAIR MILLS announced the next regularly scheduled legislative session is November 19, 2015.

Item 57 – CHAIR MILLS announced additional information regarding the Erie County Charter Revision Commission is forthcoming.

MEMORIAL RESOLUTIONS

Item 58 – Legislator Grant requested that when the Legislature adjourns, it do so in memory of Charles L. Anderson and James Francis Anderson Sr.

Item 59 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Mary Ellen Sinclair.

Item 60 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Melanie R. Hasselberg.

Item 61 – Legislator Savage requested that when the Legislature adjourns, it do so in memory of Joseph Tomizzi Sr.

ADJOURNMENT

Item 62 - 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, November 19, 2015 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLS declared the Legislature adjourned until Thursday, November 19, 2015 at 2:00 p.m. Eastern Standard Time.

KAREN M. McCARTHY
CLERK OF THE LEGISLATURE