

**ERIE COUNTY LEGISLATURE
MEETING NO. 14
JUNE 30, 2011**

The Legislature was called to order by Chair Miller-Williams.

All members present.

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

The Pledge of Allegiance was led by Mr. Mazur.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MS. WHYTE moved for the approval of the minutes for Meeting Number 13 from 2011. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. RATH presented a Memorial Resolution Honoring the Memory of Ronald W. Plewniak.

Item 6 – MR. RATH presented a Memorial Resolution Honoring the Memory of Genevieve H. Conroy.

Item 7 – MR. WALTER presented a resolution Congratulating Thomas G. Coseo on His Retirement After Over Twenty Years of Service as Superintendent of the Clarence Central School District.

Item 8 – MR. MAZUR presented a Memorial Resolution Honoring the Life of Zbigniew J. "Ziggy" Solecki, Jr.

Item 9 – MR. HARDWICK presented a resolution Honoring Assistant Chief Christopher Cowell, Captain James Barber, Firefighter Dennis Angelo and Firefighter Adam Serano on Receiving the City of Tonawanda Fire Department's Unit Citation Award.

Item 10 – MR. HARDWICK presented a resolution Honoring Captain Thomas Wolf, Captain Patrick McNulty & Firefighter Michael Hartman on Receiving the City of Tonawanda Fire Department's Acts of Exceptional Skills Award (Bronze).

Item 11 – MR. HARDWICK presented a resolution Honoring Assistant Chief Michael Young, Firefighter Shane Mast, Firefighter Richard Schroeder & Firefighter Michael Hartman on Receiving the City of Tonawanda Fire Department's Stork Pin Award.

Item 12 – MR. HARDWICK presented a resolution Honoring Captain James Barber on Receiving the City of Tonawanda Fire Department's Silver Medal, Act of Bravery Award.

Item 13 – MR. HARDWICK presented a resolution Honoring Captain John Graf & Firefighter Joseph Briggs on Receiving the City of Tonawanda Fire Department's Bronze Medal, Act of Bravery Award.

Item 14 – MR. HARDWICK presented a resolution Honoring Captain Robert Hassett on Receiving the City of Tonawanda Fire Department's Acts of Exceptional Skills Award (Gold).

Item 15 – MR. HARDWICK presented a resolution Honoring Ronald Pillozzi on Being Selected as a NYS Veterans Hall of Fame Honoree.

Item 16 – MR. KOZUB presented a resolution Celebrating the 70th Anniversary of Cheerio's.

Item 17 – MR. WALTER presented a resolution Commending the Clarence Town Park Clubhouse on Its 100th Anniversary.

Item 18 – MR. RATH presented a resolution Honoring Roger Paolini on His Retirement as School Librarian & Drama Director of Williamsville South High School.

Item 19 – MR. RATH presented a resolution Honoring the EC Department of Senior Services for 40 Years of Dedicated Service.

Item 20 – MR. MILLS presented a resolution Congratulating Kelsey Cole on Receiving the Orchard Park Boys & Girls Club 2011 Youth of the Year Award.

Item 21 – MR. MILLS presented a resolution Congratulating Andrew Basista, Boy Scout Troop No. 230, on Obtaining the Rank of Eagle Scout.

Item 22 – MR. RATH presented a resolution Honoring Linda Cimusz on Her Retirement From the Williamsville School District.

Item 23 – MS. MARINELLI, MS. WHYTE, MR. MILLS, MR. KOZUB, MR. FUDOLI, MS. GRANT, MS. BOVE, MR. HARDWICK, MS. DIXON, MR. LOUGHRAN and MR. RATH presented a resolution Commending the Buffalo Choral Arts Society for Its Significant Contribution of Musical Talent to WNY & Congratulating Them on Their Selection as Participants in the 2011 National Festival of the States in Washington, D.C.

Item 24 – MR. RATH presented a resolution Honoring the Rotary Club of Buffalo for 100 Years of Service to the WNY Community.

MS. WHYTE moved for consideration of the above twenty items. MR. RATH seconded.

Item 26 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 13E-5 (2011). MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 107

RE: Bond Resolution Refunding Series
2004B Bonds
(COMM. 13E-5, 2011)

BOND RESOLUTION DATED JUNE 30, 2011

REFUNDING BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE REFUNDING OF ALL OR A PORTION OF THE OUTSTANDING PUBLIC IMPROVEMENT SERIAL BONDS-SERIES 2004B BONDS OF SAID COUNTY, STATING THE PLAN OF REFUNDING, APPROPRIATING AN AMOUNT NOT TO EXCEED \$35,000,000 THEREFOR, AUTHORIZING THE ISSUANCE OF \$35,000,000 REFUNDING BONDS OF SAID COUNTY, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE SAID APPROPRIATION, AND MAKING CERTAIN DETERMINATIONS ALL RELATIVE THERETO.

(Introduced) June 30, 2011

(Adopted) June 30, 2011

WHEREAS, the County of Erie, New York (herein called “County”), has heretofore issued: on August 19, 2004 its \$72,300,000 Public Improvement Serial Bonds-Series 2004B (herein called the “2004B Bonds”), now outstanding in the principal amount of \$44,800,000; such bonds bearing interest at the rates and on the dates, and being subject to prior redemption as set forth in each such respective bond; and

WHEREAS, Section 90.10 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called “Law”), 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 debt service savings for the County;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (BY THE FAVORABLE VOTE OF NOT LESS THAN TWO-THIRDS OF ALL THE MEMBERS 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 2004B Bonds of the County of Erie, New York.
- 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 April 1, 2014.
- f. "Refunding Bond" or "Refunding Bonds" means a portion or all of the \$35,000,000 bonds of the County of Erie, 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 applicable Redemption Date, plus redemption premiums payable on such Bonds To Be Refunded as of such applicable Redemption Date, as hereinabove referred to in the Recitals hereof, plus 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 fees and charges of the Escrow Holder as referred to in Section 9 hereof.

Section 2. The Legislature of the County (herein called "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 Roosevelt & Cross, Inc. and hereby accepted and approved, includes the deposit of all the proceeds of said Refunding Bonds 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 and premium on the Bonds To Be Refunded to be called for redemption prior to maturity on each applicable Redemption Date.

Section 3. The Bonds To Be Refunded referred to in Section 1 hereof are the aggregate unmatured outstanding balance of an issue of bonds originally issued pursuant to various bond resolutions of the County, adopted on their respective dates authorizing various capital improvements for the County. 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 all 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 Bonds to be Refunded, 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 the following table:

2004B Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
Various	Courthouse Renovations	20
4/5/2001	Asbestos Abatement	15
4/11/2002	Code Compliance	15
4/11/2002	Emery Park Waterlines - Phase II	40
Various	CPS Training Academy	30
4/11/2002& 4/28/2004	Hwy & DPW Fuel Tank Env Upgrade	10
5/8/2003	Fire Alarm & Sec System Rath Bldg	15
5/8/2003	Ext Bldg & Env Rehab - Ph II	15
5/8/2003	Existing EC Corr Facility Improvements	15
5/8/2003	Hazmat Response Organizational Bldg	25
5/8/2003	Lobby Security Improvements - Holding Center	15
5/8/2003	Wireless Communication Infrastructure Imp	10
5/8/2003 & 7/10/2003	Parks Bldg Const & Rehab	15
5/8/2003	Emery Park Water Line - Phase III	40
5/8/2003	Parks Roadways	15
7/3/2003	Urban Brownfields Development	15
7/10/2003	Energy Imp - Various County Facilities	10
5/8/2003	Pavement Life Enhancements	15
5/8/2003 & 11/13/2003	Bridge Design/Reconstruction	20

2004B Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
5/8/2003 & 11/13/2003	Culvert Design/Reconstruction	20
7/3/2003	Capital Overlay Program	10
5/8/2003	Central Library Int Renov - Ph I	15
4/28/2004	Rehabilitation Ralph Wilson Stadium	15
4/28/2004	Computer Intrusion Avoidance	15
4/28/2004	04 Capital Road Reconstruction	15
4/28/2004	Capital Overlay Program	15
4/28/2004	Highway Safety Enhancements	15
4/28/2004	Pavement Life Enhancements	15
5/8/2003	Central Library Asbestos & Envir Remediation	15
4/1/2004	County Clerk Court Renovations	15
4/11/2002	Botanical Gardens Dome & Misc. Reconstruction	15
5/8/2003 & 4/28/2004	Botanical Gardens Master Plan Reconstruction	15
4/28/2004	Botanical Gardens Master Plan Reconstruction	15
4/28/2004	Tow Path Park Phase II	15
5/8/2003 & 10/2/2003	Times Beach Access-Design	15
5/8/2003	Grover Cleveland Water Lines - Phase II	40
4/28/2004	Grover Cleveland Water Lines - Phase III	40

Section 5. The aggregate amount of estimated Present Value Savings as set forth in the proposed refunding financial plan attached hereto as Exhibit A, computed in accordance with subdivision two of paragraph b of Section 90.10 of the Law, is \$1,105,779.12.

Section 6. (a) Said Refunding Bonds shall be sold at private sale to the Erie County Fiscal Stability Authority 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 said Refunding Bonds, provided that the terms and conditions of such sale shall be approved by the State Comptroller, and further providing that prior to the issuance of the Refunding Bonds the Comptroller shall have filed with the Legislature a certificate approved by the State Comptroller setting forth the Present Value Savings to the County resulting from the issuance of the Refunding Bonds; and (b) 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 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, 56.00, and 90.10 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 described in Section 9, 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, 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, interest and redemption premiums 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, 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, including any redemption premiums, 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 and of paragraph h of Section 90.10 of the Law, the Legislature hereby elects to call in and redeem all 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.

MS. WHYTE moved to approve the item. MR. MAZUR seconded.

CHAIR MILLER-WILLIAMS directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE, MS. GRANT, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR, CHAIR MILLER-WILLIAMS, MR. WHALEN and MS. WHYTE. NOES: None.
(AYES: 15; NOES: 0)

CARRIED UNANIMOUSLY.

See Attached Exhibit A, "Refunding Financial Plan" for COMM. 13E-5 (2011)

Item 27 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 13E-6 (2011). MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 108

RE: Spaulding Fibre Bond Resolution
(COMM. 13E-6, 2011)

BOND RESOLUTION DATED JUNE 30, 2011

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING ACQUISITION OF LAND AND RELATED RIGHTS OF WAY FOR CONSTRUCTION THEREON OF AN ACCESS ROAD TO THE PROPOSED SPAULDING BUSINESS PARK SITE, IN THE CITY OF TONAWANDA, TO FACILITATE LIGHT INDUSTRIAL DEVELOPMENT ON SUCH SITE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,120,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$1,120,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF.

(Introduced) June 30, 2011

(Adopted) June 30, 2011

Recitals

WHEREAS, pursuant to Chapter 828 of the New York Laws of 1982 (the "Act"), the County is authorized to acquire, construct, operate and maintain roads to serve any industrial project as defined in the Act and to contract indebtedness for such specific object or purpose; and

WHEREAS, the Erie County Industrial Development Agency has undertaken to provide support for development of the proposed Spaulding Business Park site in the City of Tonawanda, providing the requisite involvement of a public corporation as required pursuant to the Act by (i) acting as a co-applicant and grantee with the County and the City of Tonawanda for a \$3.6 million grant from the New York State Department of Environmental Conservation under the Environmental Restoration Program; (ii) acting as the financial conduit for such grant; (iii) preparation of Requests for Proposals solicitations for engineering services for environmental investigation of the Spaulding Fibre site from firms including URS Engineering and Liro Engineers; (iv) preparation of bid specifications for the demolition and remediation under such grant and other funding and hold demolition and remediation contracts for firms including Cambria Contracting Inc., Demco Demolition and Mark Cerrone Inc. for amounts exceeding \$5 million; (v) acting as grant manager for all funding sources used for investigation, remediation and demolition; (vi) assistance in the preparation of Requests for Proposals, selection of consultants and guidance in the preparation of a Comprehensive Plan revision and Zoning amendments to the City of Tonawanda Code for the new Spaulding Business Park Zoning; and (vii) assistance in the preparation of Requests for Proposals, selection of consultants and guidance in the preparation of an Environmental Impact Statement and the engineering of the roadway to allow access to the Spaulding Site for redevelopment and reuse; (viii) committing to assistance in the marketing of the site and offering of assistance through incentives such as business loans and/or Payment in Lieu of Tax arrangements for firms locating at the site; thereby ensuring that development of such site qualifies as an industrial project as defined in the Act; and

WHEREAS, the County will enter into an intermunicipal agreement with the City of Tonawanda to provide for cooperative governmental action and financing to ensure the acquisition, construction, operation and maintenance of a road to provide access to such site and thereby facilitate light industrial development on such site in conformity with the Act;

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. The County of Erie, New York (herein called "County"), is hereby authorized to acquire certain land and rights of way as described in the Wendel Survey Map dated June 13, 2011 and filed with the Legislature, and construct thereon an access road to the former Spaulding Fibre site, in the City of Tonawanda, to facilitate light industrial development on such site. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2011 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,120,000 and said amount is hereby appropriated therefor. The plan of financing for such objects or purposes includes the issuance of \$1,120,000 bonds of the County to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the County in the amount of \$1,120,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law") to finance said appropriation.

Section 3. The period of probable usefulness applicable to the objects or purposes for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 91 of the Law, is fifteen (15) years.

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 the specific object or purpose described in Section 1 hereof, 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 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 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, or a summary thereof, 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

(b) 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.

MS. WHYTE moved to approve the item. MR. MILLS seconded.

CHAIR MILLER-WILLIAMS directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE, MS. GRANT, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR, CHAIR MILLER-WILLIAMS, MR. WHALEN and MS. WHYTE. NOES: None.
(AYES: 15; NOES: 0)

CARRIED UNANIMOUSLY.

Item 28 – MS. WHYTE moved to discharge the GOVERNMENT AFFAIRS COMMITTEE of further consideration of COMM. 13E-26 (2011). MS. GRANT seconded.

CARRIED UNANIMOUSLY.

Adjustment
(COMM. 13E-26, 2011)

WHEREAS, increased caseloads and recent staffing changes in Family Court have significantly impacted the staff of the Erie County Attorney's Office; and

WHEREAS, said impacts require immediate action, in the form of a position change, to manage the unanticipated events; and

WHEREAS, said position status change is necessary to properly staff legally mandated responsibilities; and

WHEREAS, said changes and impacts do not impose a negative impact on the County Attorney's 2011 budget.

NOW, THEREFORE, BE IT

RESOLVED, that the position of Assistant County Attorney (PT), JG 14, Position #51009209, be adjusted to Assistant County Attorney, (FT), JG 14, B-100#6325; and be it further

RESOLVED, that existing funding within the Personal Services lines of the County Attorney's 2011 Budget will be utilized to fund this position change; and be it further

RESOLVED, that certified copies of this resolution be delivered to the Office of the County Executive, the Office of County Attorney, the Commissioner of Personnel and the Director of Budget and Management.

MS. WHYTE moved to amend the item. MS. GRANT seconded

CARRIED UNANIMOUSLY.

Insert the Following After the Third Whereas Clause:

WHEREAS, said position upgrade will cost \$36,584 in salary and fringe benefits for the remainder of this year, which will be covered by existing funding; and

MS. WHYTE moved to approve the item as amended. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

Item 29 – MS. WHYTE moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 24E-4 (2010). MR. WHALEN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 110

RE: Authorization for the Buffalo & EC
Industrial Land Development

Corporation (ILDC) to Issue Bonds
(COMM. 24E-4, 2010)

WHEREAS, pursuant to resolutions adopted on July 24, 2009 (“Initial Resolution”), the Erie County Legislature authorized the Buffalo and Erie County Industrial Land Development Corporation (“ILDC”) to issue revenue bonds and provide financial assistance on behalf of Erie County (“County”) in conjunction with economic development activities so long as the ILDC complied with certain conditions enumerated therein (“Conditions”); and

WHEREAS, on November 19, 2009, the Erie County Legislature adopted resolutions supplemental to the Initial Resolution (“First Supplemental Resolution”) whereby it approved the ILDC’s Certificate of Incorporation and By-Laws and restated the requirement that the ILDC comply with the Conditions; and

WHEREAS, on March 25, 2010, the Erie County Legislature adopted further resolutions supplemental to the Initial Resolution and the First Supplemental Resolution (“Second Supplemental Resolution”; and, together with the Initial Resolution and the First Supplemental Resolution, the “Resolutions”) whereby, among other things, it waived compliance with certain of the Conditions during a period of time enumerated therein; and

WHEREAS, compliance with certain of the Conditions caused an increase in total project costs thereby reducing the effectiveness of the ILDC to promote economic development activity within Erie County; to wit: between the time commencing with the adoption of the Initial Resolution (November 19, 2009) and the adoption of the Second Supplemental Resolution (March 25, 2010), the ILDC received an application to provide financial assistance to only one (1) project, which such project was already required by law to comply with the Conditions that increased total project costs; and

WHEREAS, between the time commencing with the adoption of the Second Supplemental Resolution (March 25, 2010) and today, the ILDC has received applications from ten (10) project applicants, including Galvstar LLC, Enterprise Charter School, Medaille College, Iskalo 2780 Delaware LLC, Buffalo Niagara Medical Campus/134 High Street LLC, The Canisius College of Buffalo, New York, Baker Hall/Baker Victory Services, Baja Beach Club, Inc., Multisorb Technologies, Inc., and Seneca Exchange Larking Partners, LLC; which such projects will directly create or retain 1849 jobs on behalf of each project, create over 1000 new construction jobs within Erie County and cause investments to be made within Erie County exceeding \$162,000,000 thereby implying that the Conditions were adversely effecting economic growth in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that in an effort to spur economic activity within the County, (i) the ILDC Board, solely in connection with the issuance of revenue bonds for the benefit of third parties, is hereby authorized, by majority vote, to waive the requirements imposed upon the ILDC by that certain resolution adopted by the County Legislature on July 24, 2009 (more particularly described as Resolution No. 218 of 2009), as amended by that certain resolution adopted by the County Legislature on November 19, 2009 (more particularly described as Resolution No. 295 of 2009), upon ten (10) days written notice to the chairperson of the Legislature explaining how such waiver will either generate economic or community development activities, or assist with the development

of the not-for-profit community within the County; (ii) such authorization shall apply to all such projects which have received an Inducement Resolution by the ILDC Board notwithstanding the enactment of legislation by the New York State Legislature permitting Industrial Development Agencies to issue taxable and tax exempt bonds, notes or other obligations on behalf of not-for-profit corporations prior to such date; (iii) the requirements of Resolutions No. 218 of 2009 and No. 295 of 2009 shall, in all other respects, remain in full force and effect; (iv) the obligations issued by the ILDC shall never be a debt of the State of New York, the County of Erie or any political subdivision thereof, and neither the State of New York, the County of Erie or any political subdivision thereof shall be liable thereon; and (v) the chairperson of the Legislature, chairperson of the Legislature's Economic Development Committee, and the President of the local AFL-CIO must remain as members of the seven-member Board of Directors of the ILDC for the ILDC to issue any obligations on behalf of the County; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget and Management; Kathy Konst, Commissioner of Environment and Planning; Daniel D. Barry, Deputy Commissioner of Environment and Planning; the Legislative Chairperson of the Economic Development Committee; the Chairperson of the Buffalo Economic Renaissance Corporation; and Chairperson of the Town of Amherst Industrial Development Agency; the County Comptroller; and the County Attorney.

MS. WHYTE moved to amend the item. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Insert the Following After the First Resolved Clause:

RESOLVED, in the absence of a waiver permitting otherwise, and to the extent permitted by law, every project seeking ILDC tax exempt revenue bonds must use all local labor for the construction of new, expanded or renovated facilities. "Local" is defined as residing in Erie, Niagara, Chautauqua, Cattaraugus and Alleghany Counties; and be it further

MS. WHYTE moved to approve the item as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLER-WILLIAMS directed that the agenda further be taken out of order and the next item to be considered would be COMM. 14E-1 (2011).

GRANTED.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 30 – MS. WHYTE presented the following communication and requested immediate consideration. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RE: Veto Message Concerning Local Law
Intro 5-1 (2011)
(COMM. 14E-1)

MS. WHYTE moved to override the County Executive's veto of Local Law Intro No. 5-1 (2011), "A LL in Relation to the Reapportionment of Legislative Districts in the County of Erie." MS. GRANT seconded.

CHAIR MILLER-WILLIAMS directed that a roll-call vote be taken.

AYES: MS. BOVE, MS. GRANT, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR, CHAIR MILLER-WILLIAMS, MR. WHALEN and MS. WHYTE. NOES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH and MR. WALTER.
(AYES: 9; NOES: 6)

FAILED.

****CHAIR MILLER-WILLIAMS directed that the Legislature enter into recess at 2:50 P.M., for 30 minutes.

GRANTED.

****CHAIR MILLER-WILLIAMS reconvened the Legislature at 3:25 P.M.

All members present.

CHAIR MILLER-WILLIAMS directed that the agenda return to Local Laws.

GRANTED.

LOCAL LAWS

Item 31 – CHAIR MILLER-WILLIAMS directed that Local Law No. 1 (Print #1) 2010 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 32 – CHAIR MILLER-WILLIAMS directed that Local Law No. 2 (Print #1) 2010 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 33 – CHAIR MILLER-WILLIAMS directed that Local Law No. 3 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 34 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 35 – CHAIR MILLER-WILLIAMS directed that Local Law No. 3 (Print #1) 2011 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 36 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2011 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 37 – MS. BOVE presented the following report and moved for immediate consideration and approval. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 111

June 21, 2011	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 13E-4 (2011)
MILLER-WILLIAMS: “Letter to County Executive Regarding Mid-Year Budget Hearings”
(6-0)
 - b. COMM. 13D-1 (2011)
DIRECTOR OF BUDGET & MANAGEMENT: “Copy of Budget Monitoring Report for the
Period Ending 4/30/2011”
(6-0)
 - c. COMM. 13D-3 (2011)
DIRECTOR OF BUDGET & MANAGEMENT: “Letter to Chair, EC Fiscal Stability
Authority Concerning Revised Four-Year Plan 2011-2014”
(6-0)

2. COMM. 11E-7 (2011)
COUNTY EXECUTIVE

WHEREAS, year-end budget balancing amendments are necessary to close the County's books and prepare financial statements for review by the County's independent auditors for the 2010 fiscal year; and

WHEREAS, amendments were identified in cooperation with the Erie County Comptroller's Office and in consultation with departmental accountants based on year-end financial reports; and

WHEREAS, 2010 funding within the County Attorney's Risk Retention Fund, the County Attorney Division, the Office of the Comptroller, the Department of Central Police Services E-911 function, the Library, the Health Department, the Department of Senior Services, and the Department of Social Services, is designated for reappropriation into 2011.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to adjust the 2010 Budget in order to facilitate the completion of 2010 financial statements, based on the attached schedule; and be it further

RESOLVED, that authorization is provided to designate available 2010 funding within the County Attorney's Risk Retention Fund in the amount of \$5,314,696, \$175,000 for County Attorney foreclosure actions, \$113,200 for the Office of the Comptroller to fund 2010 year-end audit fees, \$6,049.68 in equipment for the Department of Central Police Services E-911 function, \$196,684 for the Library to secure books and related material, \$70,000 for Health Department rodent control, \$7,900 for the Department of Senior Services to support grant activities, and \$28.25 for community agencies in the Department of Social Services; and be it further

RESOLVED, that the Director of Budget and Management is authorized to make any further 2010 Budget adjustments that may be required based on adjusting entries identified by the Erie County Comptroller or the County's independent auditors, said adjustments would be made in conjunction with the Office of the Comptroller in preparation of their final financial statements and for no other purpose; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the County Executive, the County Attorney, the Office of the Comptroller and the Director of Budget and Management.

2010 Year End Budget Balancing Amendments

The following list of accounts is balanced by fund and indicates where adjustments are needed to match year end spending. In most cases the source of funds was obtained from within the department where the shortfall occurred.

<u>Department</u>	<u>Account</u>	<u>Increase/(Decrease)</u>
Fund 110 - Expense		
100 Legislature		

Department	Account	Increase/(Decrease)
	500000 Full Time - Salaries	151,347.00
	500010 Part Time - Wages	(111,347.00)
	500020 Regular PT - Wages	(40,000.00)
	<u>Legislature Total</u>	<u>0.00</u>
105 DISS		
	500350 Other Employee Payments	21,045.00
	515000 Utility Charges	2,281.00
	Professional Svcs Contracts &	
	516020 Fees	30,978.00
	516030 Maintenance Contracts	(94,320.00)
	545000 Rental Charges	40,016.00
	<u>DISS</u>	<u>0.00</u>
	<u>Total</u>	<u>0.00</u>
11510 Sheriff Division		
	500000 Full Time - Salaries	445,549.00
	500010 Part Time - Wages	(92,869.00)
	500320 Uniform Allowance	(7,490.00)
	500330 Holiday Worked	58,086.00
	500340 Line-up Pay	51,140.00
	500350 Other Employee Payments	273,507.00
	501000 Overtime	1,574,102.00
	Auto, Truck & Heavy Equip	
	505600 Supplies	(8,918.00)
	510000 Local Mileage Reimbursement	(5,100.00)
	510100 Out Of Area Travel	(14,935.00)
	545000 Rental Charges	(4,875.00)
	561410 Lab & Technical Equipment	(262.00)
	Office Eqmt, Furniture &	
	561420 Fixtures	7,724.00
	561440 Motor Vehicles	11,519.00
	<u>Sheriff Division Total</u>	<u>2,287,178.00</u>
116 Jail Management		
	500000 Full Time - Salaries	(885,788.00)
	500010 Part Time - Wages	(111,706.00)
	500020 Regular PT - Wages	(6,928.00)
	500300 Shift Differential	68,906.00
	500320 Uniform Allowance	(2,125.00)
	500330 Holiday Worked	103,287.00
	500340 Line-up Pay	(10,883.00)
	500350 Other Employee Payments	(7,303.00)
	501000 Overtime	4,535,878.00
	502000 Fringe Benefits	(2,012,316.00)

Department	Account	Increase/(Decrease)
	505200 Clothing Supplies	(3,563.00)
	505400 Food & Kitchen Supplies	61,558.00
	505800 Medical & Health Supplies	253,261.00
	506200 Maintenance & Repair	(7,159.00)
	Professional Svcs Contracts &	
	516020 Fees	217,545.00
	516030 Maintenance Contracts	(3,304.00)
	516050 Dept Payments to ECMCC	565,813.00
	561410 Lab & Technical Equipment	(24,720.00)
	Jail Management Total	2,730,453.00

120 Social Services

	500000 Full Time - Salaries	(4,000,000.00)
	500020 Regular PT - Wages	54,986.00
	500350 Other Employee Payments	22,956.00
	525030 MA - Gross Local Payments	(1,025,000.00)
	525040 Family Assistance	(296,561.00)
	525045 Back to School Benefits-DSS (One Time)	76,548.00
	525050 CWS - Foster Care	(4,809,876.00)
	525060 Safety Net Assistance (SNA)	(1,093,731.00)
	525080 Education of Handicapped Children	152,015.00
	525090 Child Care - DSS	(7,144,238.00)
	525130 State Training Schools (STS)	1,291,953.00
	525150 DSH Expense	7,791,984.00
	530010 Chargebacks	177,547.00
	Social Services Total	(8,801,417.00)

Department	Account	Increase/(Decrease)
10310	Labor Relations Div.	
	Full Time -	
	500000 Salaries	28,330.00
	500010 Part Time - Wages	(4,485.00)
	Regular PT -	
	500020 Wages	0.00
	Labor Relations Div. Total	23,845.00
10610	Bureau of Purchase	
	Full Time -	
	500000 Salaries	(31,073.00)
	Regular PT -	
	500020 Wages	31,073.00
	Bureau of Purchase Total	0.00

Department	Account	Increase/(Decrease)
11110	Department of Real Property Tax	
	Full Time -	
	500000 Salaries	(19,068.00)
	Regular PT -	
	500020 Wages	19,068.00
	Department of Real Property Tax Total	0.00
11200	Comptroller	
	502000 Fringe Benefits	(75,590.00)
	Professional Svcs	
	516020 Contracts & Fees	192,042.00
	Comptroller Total	116,452.00
12220	DPW Building & Grounds	
	Full Time -	
	500000 Salaries	(480,966.00)
	Other Employee	
	500350 Payments	19,516.00
	501000 Overtime	461,450.00
	Contract Pymts	
	Nonprofit Purch	
	516010 Svcs	76,000.00
	Interfund	
	Expense-Utility	
	575040 Fund	(76,000.00)
	DPW Building & Grounds Total	0.00
12230	DPW Weights & Measures	
	Full Time -	
	500000 Salaries	(18,131.00)
	Regular PT -	
	500020 Wages	18,131.00
	DPW Weights & Measures Total	0.00
12410	MH - Program Admin.	
	Dept Payments to	
	516050 ECMCC	(237,002.00)
	Court Ordered-	
	Mental Hygiene	
	517581 Sv OMH	121,601.00
	Mid Erie Mental	
	517717 Health Svcs OMH	115,401.00

Department	Account	Increase/(Decrease)
	<u>MH - Program Admin. Total</u>	<u>0.00</u>
12520	Youth Detention	
	Full Time -	
500000	Salaries	(186,431.00)
	Regular PT -	
500020	Wages	159,569.00
	Other Employee	
500350	Payments	26,862.00
	Professional Svcs	
516020	Contracts & Fees	(57,270.00)
	Interfund	
	Expense-Utility	
575040	Fund	57,270.00
	<u>Youth Detention Total</u>	<u>0.00</u>
12530	Youth Bureau	
	Full Time -	
500000	Salaries	(34,525.00)
	Regular PT -	
500020	Wages	34,525.00
	<u>Youth Bureau Total</u>	<u>0.00</u>
12610	Probation Division	
	Full Time -	
500000	Salaries	(67,330.00)
501000	Overtime	54,592.00
	Professional Svcs	
516020	Contracts & Fees	12,738.00
	<u>Probation Division Total</u>	<u>0.00</u>
12700	Health Division	
	Full Time -	
500000	Salaries	(294,026.00)
500010	Part Time - Wages	(80,119.00)
	Regular PT -	
500020	Wages	(98,854.00)
500300	Shift Differential	(4,315.00)
500330	Holiday Worked	26,197.00
	Other Employee	
500350	Payments	10,437.00
501000	Overtime	630,070.00
	Medical & Health	
505800	Supplies	72,024.00
	Professional Svcs	
516020	Contracts & Fees	504,644.00

Department	Account	Increase/(Decrease)
	<u>Health Division Total</u>	<u>766,058.00</u>
12720	Emergency Medical Services	
	501000 Overtime	24,125.00
	502000 Fringe Benefits	(24,125.00)
	<u>Emergency Medical Services Total</u>	<u>0.00</u>
12730	Public Health Lab	
	Full Time -	
	500000 Salaries	30,330.00
	Regular PT -	
	500020 Wages	(29,512.00)
	501000 Overtime	48,160.00
	505000 Office Supplies	(6,781.00)
	Medical & Health	
	505800 Supplies	(29,800.00)
	Out Of Area	
	510100 Travel	(6,500.00)
	Professional Svcs	
	516020 Contracts & Fees	(54,104.00)
	Dept Payments to	
	516050 ECMCC	48,207.00
	<u>Public Health Lab Total</u>	<u>0.00</u>
12740	Medical Examiner	
	Full Time -	
	500000 Salaries	20,629.00
	501000 Overtime	14,119.00
	502000 Fringe Benefits	(34,748.00)
	<u>Medical Examiner Total</u>	<u>0.00</u>
12750	Special Needs	
	Full Time -	
	500000 Salaries	(12,825.00)
	Regular PT -	
	500020 Wages	12,825.00
	Dept Payments to	
	516050 ECMCC	(339,000.00)
	Services To	
	528000 Special Needs	(427,058.00)
	Children	
	<u>Special Needs Total</u>	<u>(766,058.00)</u>
14010	County-wide Account Budget	
	500000 Full Time -	253,928.00

Department	Account	Increase/(Decrease)
	Salaries	
	502000 Fringe Benefits	(3,047,156.00)
	Reductions -	
	504990 Personal Services	6,109,322.00
	Acct	
	504992 Contractual Union	(1,143,135.00)
	Salary Reserves	
	511000 Control Board	228,824.00
	Expense	
	520000 Municipal	(86,950.00)
	Association Fees	
	520070 Buffalo Bills	(284,704.00)
	Maintenance	
	530100 Uncollected Taxes	16,779.00
	County-wide Account Budget	
	Total	2,046,908.00
14020	Inter-Fund	
	570020 Interfund - Road	1,533,242.00
	Inter-Fund Total	1,533,242.00
14030	Community College	
	County Residents	
	Enrolled/Comm	
	520020 College	22,944.00
	Community College Total	22,944.00
15000	Board of Elections	
	500010 Part Time - Wages	(31,469.00)
	Regular PT -	
	500020 Wages	20,749.00
	Other Employee	
	500350 Payments	10,720.00
	Board of Elections Total	0.00
16110	Personnel	
	Regular PT -	
	500020 Wages	(10,400.00)
	Other Employee	
	500350 Payments	10,400.00
	Personnel Total	0.00
16200	Env.&Planning Divn.	
	Full Time -	
	500000 Salaries	40,395.00
	Env.&Planning Divn. Total	40,395.00

Department	Account	Increase/(Decrease)
16410	Parks	
	500000 Full Time - Salaries	(10,757.00)
	500010 Part Time - Wages	(8,053.00)
	501000 Overtime	30,865.00
	515000 Utility Charges	21,269.00
	506200 Maintenance & Repair	(14,188.00)
	575040 Expense-Utility Fund	(19,136.00)
	Parks Total	0.00
16500	Central Police Services	
	500000 Full Time - Salaries	(126,360.00)
	500010 Part Time - Wages	(58,000.00)
	501000 Overtime	55,572.00
	516020 Professional Svcs Contracts & Fees	128,788.00
	Central Police Services Total	0.00
16700	Emergency Services	
	500000 Full Time - Salaries	(15,887.00)
	500010 Part Time - Wages	(11,027.00)
	502000 Fringe Benefits	(2,306.00)
	500020 Regular PT - Wages	29,220.00
	Emergency Services Total	0.00
1335010	Extra Aid to Loc Gov	
	516060 Sales Tax Pd to Local Govt from 3%	5,737,254.00
	Extra Aid to Loc Gov Total	5,737,254.00
	Fund 110 Total Expense Increase	5,737,254.00
Fund 110 - Revenue		
14010	County-wide Acct Budget	
	402140 Sales Tax to Local Government	5,737,254.00

Department	Account	Increase/(Decrease)
	Fund 110 Total Revenue	
	Increase	5,737,254.00
	Net (Revenue - Expense)	0.00

Department	Account	Increase/(Decrease)
Fund 140 - Expense		
12110	Utilities Fund-(DPW)	
	515000 Utility Charges	(94,545.00)
	914000 ID County-wide Accounts Budget	94,545.00
	Utilities Fund-(DPW) Total	0.00

Fund 210 - Expense		
123	Highways (DPW)	
	500000 Full Time - Salaries	49,492.00
	500330 Holiday Worked	(16,281.00)
	500350 Other Employee Payments	89,202.00
	501000 Overtime	260,819.00
	502000 Fringe Benefits	95,468.00
	504992 Contractual Union Salary Reserves	(198,072.00)
	506400 Highway Supplies	27,650.00
	520060 Town/Village Snow Contracts	11,757.00
	570000 Interfund Transfers Subsidy	(168,422.00)
	575040 Interfund Expense-Utility Fund	(151,613.00)
	Highways (DPW) Total	0.00

Fund 220 - Expense		
18010	Sewerage Management	
	500000 Full Time - Salaries	(416,093.00)
	500020 Regular PT - Wages	246,915.00
	500350 Other Employee Payments	67,890.00
	980000 ID DISS Services	101,288.00
	Sewerage Management Total	0.00

18110	Sewer Dist. 1,4,5	
	506200 Maintenance & Repair	(62,050.00)
	516020 Professional Svcs Contracts & Fees	62,050.00
	Sewer Dist. 1,4,5 Total	0.00

18310	SD 3/Southtowns	
	506200 Maintenance & Repair	(54,709.00)
	516020 Professional Svcs Contracts & Fees	54,709.00
	SD 3/Southtowns Total	0.00

Department	Account	Increase/(Decrease)
Fund 310 - Debt Service		
17200 General Debt		
Expense	550000 Principal - Bonds	507,394.00
	550110 Bond Issue Costs	54,116.00
	Payments to Refunded	
	550120 Bond Escrow	98,981,398.00
	550800 Interest - Bonds	(2,029,264.00)
	General Debt - Expense Total	97,513,644.00
Revenue	445070 Premium On Obligations	9,800,000.00
	Bond Proceeds For	
	475030 Advance Refunding	87,713,644.00
	General Debt - Revenue Total	97,513,644.00
	General Debt - Total	0.00
17300 Debt Service Sewer District 1, 4, 5		
Expense	550000 Principal - Bonds	(115,632.00)
	550110 Bond Issue Costs	5,091.00
	Payments to Refunded	
	550120 Bond Escrow	110,541.00
	Debt Service Sewer District 1, 4, 5 - Expense Total	0.00
17400 Debt Service Sewer District 2		
Expense	550000 Principal - Bonds	5,773.00
	550110 Bond Issue Costs	668.00
	Payments to Refunded	
	550120 Bond Escrow	63,789.00
	550130 Payments Bond Refunding	120,000.00
	550800 Interest - Bonds	(14,794.00)
	Debt Service Sewer District 2 - Expense Total	175,436.00
Revenue	445070 Premium On Obligations	55,436.00
	475030 Bond Proc-Adv Refund	120,000.00
	Debt Service Sewer District 2 - Revenue Total	175,436.00
	Debt Service Sewer District 2 - Total	0.00
17500 3/Southtowns		
Expense	550110 Bond Issue Costs	44,517.00
	Payments to Refunded	
	550120 Bond Escrow	37,746.00

Department	Account	Increase/(Decrease)
	550800 Interest - Bonds	(82,263.00)
	Debt Service Sewer District 3/South - Expense Total	0.00
17600	Debt Service - Sewer District 6	
Expense	550110 Bond Issue Costs	16,378.00
	Payments to Refunded	
	550120 Bond Escrow	118,146.00
	550800 Interest – Bonds	(74,805.00)
	Debt Service Sewer District 6 - Expense Total	59,719.00
Revenue	445070 Premium On Obligations	59,719.00
	Debt Service Sewer District 6 Revenue Total	59,719.00
	Debt Service Sewer District 6 - Total	0.00

(6-0)

3. COMM. 13E-9 (2011)

COUNTY EXECUTIVE

AS AMENDED

WHEREAS, Erie County Medical Center Corporation (“ECMCC”) proposes to issue to the County of Erie (the “County”) its Senior Revenue Bonds, Series 2011 (the “2011 Bonds”), in the aggregate principal amount of up to \$100,000,000, for the purposes of construction of a skilled nursing facility on Grider Street and related infrastructure improvements, pursuant to the Master Trust Indenture between ECMCC and HSBC Bank USA, National Association, as Master Trustee (the “Master Trustee”), dated as of August 1, 2004 (the “Master Trust Indenture”) and the Second Supplemental Indenture between ECMCC and the Master Trustee dated as of August 1, 2011 (the “Second Supplement”); and

WHEREAS, ECMCC issued its Erie County-Guaranteed Senior Revenue Bonds, Series 2004 (Federally Taxable) (the “2004 Bonds”) pursuant to the Master Trust Indenture and the First Supplemental Indenture between ECMCC and the Master Trustee dated as of August 1, 2004; and

WHEREAS, the County and ECMCC are parties to that certain Guaranty Agreement No. 2 dated as of August 1, 2004 (the “Guaranty”), pursuant to which the County guaranteed the punctual payment of the 2004 Bonds; and

WHEREAS, pursuant to Section 9.05 of the Master Trust Indenture, the County is deemed the owner of the 2004 Bonds for purposes of Article IX of the Master Trust Indenture, including Section 9.02 thereof providing for, among other things, the execution of certain indentures supplemental to the Master Trust Indenture; and

WHEREAS, ECMCC may not execute and deliver the 2011 Bonds without the consent of the County pursuant to Section 2 of the Guaranty.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized on behalf of the County to execute a consent to the execution and delivery by ECMCC of the Second Supplement and the 2011 Bonds; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the County Attorney's Office, the Division of Budget and Management, the Comptroller's Office, and Todd Miles, Esq, Hawkins, Delafield & Wood, LLP; Milan Tyler, Esq. Phillips Lytle and Anthony Colucci, Esq., Colucci Gallaher.

(6-0)

4. COMM. 13E-10 (2011)
COUNTY EXECUTIVE

AS AMENDED

RESOLVED, the Erie County Legislature hereby approves the following Declaration of Need for ECMCC:

FORM OF COUNTY OF ERIE DECLARATION OF NEED

I, Chris Collins, County Executive of the County of Erie (the "County"), a municipal corporation of the State of New York, acting pursuant to Title 3 of Article 10-D of the New York Public Authorities Law (the "Act"), and further pursuant to the Financing Agreement dated as of May 1, 2011, as amended, between the Erie County Fiscal Stability Authority, a public benefit corporation of the State of New York (the "Authority") and the County (the "Agreement") HEREBY DETERMINE AND CERTIFY as follows:

1. A need for financing assistance, as described in Section 3961(1) of the Act, is hereby determined and declared to exist. The amounts of the Financeable Costs hereby requested to be undertaken are set forth on Appendix I hereto, which Appendix I is incorporated herein as an integral part of this Declaration of Need.

2. The County represents and affirms that the foregoing financing of Financeable Costs by the Authority is authorized by the Act and is consistent with the current adopted County budget and that such Financeable Costs could be financed by the County by the issuance of its bonds or notes as of the date of this Declaration of Need, there being in effect with respect to each ECMCC capital project constituting such a Financeable Cost (i) findings or other proceedings meeting the requirements of the State Environmental Quality Review Act and (ii) all proceedings necessary under the County Charter and all other applicable State law necessary to authorize the appropriation and expenditure of County funds for such purposes.

3. The County reaffirms the provisions of the Agreement, including but not limited to each of the covenants, agreements and indemnities therein and agrees herein to provide prompt notice of any fact or circumstances which would with the passage of time or otherwise give rise to any violation or contravention of the terms of this Declaration of Need, the Agreement or any financial plan submitted to or approved by the Authority.

4. Pursuant to the Act, the financing plan reflected in this Declaration of Need and the Agreement, the Authority is hereby requested to finance, in whole or in part, the Financeable Costs set forth in Appendix I hereto, including the ECMCC capital projects identified therein or as may be designated in the County's capital budget, if any, as in effect from time to time. In no event shall the amount of such financing in any fiscal year exceed the amount of the Declaration of Need for such year, as it may be amended from time to time by an amended Declaration of Need.

5. The County understands and agrees to provide the Authority with any supporting data, descriptions or materials which the Authority requests in connection with any Financeable Costs referred to in this Declaration of Need.

All terms in this Declaration of Need not otherwise defined herein shall have the meanings set forth in the Agreement.

**Erie County Medical Center Corporation
2011 Project Description**

Erie County Medical Center Corporation is constructing approximately \$160 million in improvements to the Grider Street Campus, including a Transplant and Renal Dialysis Center of Excellence, a medical office building, a new skilled nursing facility, and related infrastructure.

The new 390-bed skilled nursing facility was contemplated when the County of Erie and ECMCC entered into the 2009 Settlement Agreement previously approved by the Erie County Legislature. At that time, the County agreed to contribute \$11.5 million to the total cost of \$103 million for construction of this new facility. The remaining funds will come from an ECMCC cash reserve contribution of \$4.5 million and financing of \$87 million.

In addition to the foregoing, ECMCC is seeking to finance approximately \$9 million of infrastructural improvements having a total cost of \$12 million. In other words, ECMCC is seeking financing of \$98 million total (\$87 million for the new skilled nursing facility and \$9 million for infrastructure). The total amount includes the costs associated with the financing. The remaining \$62 million cost of construction for the other facilities described in the first paragraph will be paid for in cash by ECMCC.

The new 390-bed skilled nursing facility will move approximately 350 jobs into the City of Buffalo from Alden, New York. Construction is anticipated to create an additional 200 jobs. The multi-story structure will be a state-of-the-art, patient-centered facility closer to the neighborhoods from which its residents have come.

(6-0)

See Attached Appendix 1 for COMM. 13E-10 (2011)

5. COMM. 13E-11 (2011)
COUNTY EXECUTIVE

AS AMENDED

RESOLVED, the Erie County Legislature hereby approves the following Declaration of Need for the 2004 Refinancing Borrowing:

FORM OF COUNTY OF ERIE DECLARATION OF NEED

I, Chris Collins, County Executive of the County of Erie (the "County"), a municipal corporation of the State of New York, acting pursuant to Title 3 of Article 10-D of the New York Public Authorities Law (the "Act"), and further pursuant to the Financing Agreement dated as of May 1, 2009, as amended, between the Erie County Fiscal Stability Authority, a public benefit corporation of the State of New York (the "Authority") and the County (the "Agreement) HEREBY DETERMINE AND CERTIFY as follows:

1. A need for financing assistance, as described in Section 3961(1) of the Act, is hereby determined and declared to exist. The amounts of the Financeable Costs hereby requested to be refinanced are set forth on Appendix I hereto, which Appendix I is incorporated herein as an integral part of this Declaration of Need.

2. The County represents and affirms that the foregoing refinancing of Financeable Costs by the Authority is authorized by the Act and is consistent with the current adopted County budget and that such Financeable Costs could be refinanced by the County by the issuance of its bonds or notes as of the date of this Declaration of Need, there being in effect with respect to each capital project constituting such a Financeable Cost (i) findings or other proceedings meeting the requirements of the State Environmental Quality Review Act and (ii) all proceedings necessary under the County Charter and all other applicable State law necessary to authorize the appropriation and expenditure of County funds for such purposes.

3. The County reaffirms the provisions of the Agreement, including but not limited to each of the covenants, agreements and indemnities therein and agrees herein to provide prompt notice of any fact or circumstances which would with the passage of time or otherwise give rise to any violation or contravention of the terms of this Declaration of Need, the Agreement or any refunding financial plan submitted to or approved by the Authority.

4. Pursuant to the Act, the refinancing plan reflected in this Declaration of Need and the Agreement, the Authority is hereby requested to refinance, in whole or in part, the Financeable Costs set forth in Appendix I hereto, including the County capital projects identified therein or as may be designated in the County's capital budget, if any, as in effect from time to time. In no event shall the amount of such refinancing in any fiscal year exceed the amount of the Declaration of Need for such year, as it may be amended from time to time by an amended Declaration of Need.

5. The County understands and agrees to provide the Authority with any supporting data, descriptions or materials which the Authority requests in connection with any Financeable Costs referred to in this Declaration of Need.

All terms in this Declaration of Need not otherwise defined herein shall have the meanings set forth in the Agreement.

(6-0)

See Attached Appendix 1 for COMM. 13E-11 (2011)

6. COMM. 13E-12 (2011)
COUNTY EXECUTIVE

AS AMENDED

RESOLVED, the Erie County Legislature hereby approves the following Declaration of Need for the 2011 Capital Projects New Money:

FORM OF COUNTY OF ERIE DECLARATION OF NEED

I, Chris Collins, County Executive of the County of Erie (the "County"), a municipal corporation of the State of New York, acting pursuant to Title 3 of Article 10-D of the New York Public Authorities Law (the "Act"), and further pursuant to the Financing Agreement dated as of May 1, 2011 between the Erie County Fiscal Stability Authority, a public benefit corporation of the State of New York (the "Authority") and the County (the "Agreement") HEREBY DETERMINE AND CERTIFY as follows:

1. A need for financing assistance, as described in Section 3961(1) of the Act, is hereby determined and declared to exist. The amounts of the Financeable Costs hereby requested to be undertaken are set forth on Appendix I hereto, which Appendix I is incorporated herein as an integral part of this Declaration of Need.

2. The County represents and affirms that the foregoing financing of Financeable Costs by the Authority is authorized by the Act and is consistent with the current adopted County budget and that such Financeable Costs could be financed by the County by the issuance of its bonds or notes as of the date of this Declaration of Need, there being in effect with respect to each capital project constituting such a Financeable Cost (i) findings or other proceedings meeting the requirements of the State Environmental Quality Review Act and (ii) all proceedings necessary under the County Charter and all other applicable State law necessary to authorize the appropriation and expenditure of County funds for such purposes.

3. The County reaffirms the provisions of the Agreement, including but not limited to each of the covenants, agreements and indemnities therein and agrees herein to provide prompt notice of any fact or circumstances which would with the passage of time or otherwise give rise to any violation or contravention of the terms of this Declaration of Need, the Agreement or any financial plan submitted to or approved by the Authority.

4. Pursuant to the Act, the financing plan reflected in this Declaration of Need and the Agreement, the Authority is hereby requested to finance, in whole or in part, the Financeable Costs set forth in Appendix I hereto, including the County capital projects identified therein or as may be designated in the County's capital budget, if any, as in effect from time to time. In no event shall the amount of such financing in any fiscal year exceed the amount of the Declaration of Need for such year, as it may be amended from time to time by an amended Declaration of Need.

5. The County understands and agrees to provide the Authority with any supporting data, descriptions or materials which the Authority requests in connection with any Financeable Costs referred to in this Declaration of Need.

All terms in this Declaration of Need not otherwise defined herein shall have the meanings set forth in the Agreement.

Appendix I to County of Erie Declaration
of Need Submitted to the Erie County Fiscal
Stability Authority

PROJECT TITLE	AMOUNT
2011 REHABILITATION OF RALPH WILSON STADIUM (ORCHARD PARK)	2,800,000
2011 COUNTYWIDE CODE AND ENVIRONMENTAL COMPLIANCE (COUNTYWIDE)	1,250,000
2011 COUNTYWIDE ROOF REPLACEMENT & EXTERIOR WATERPROOFING (COUNTYWIDE)	1,000,000
2011 COUNTYWIDE BUILDING & FACILITY IMPROVEMENTS (COUNTYWIDE)	750,000
2011 COUNTYWIDE MECHANICAL ELECTRICAL & PLUMBING IMPROVEMENT (COUNTYWIDE)	500,000
2011 BRIDGE AND ROAD RECONSTRUCTION PROJECTS - FEDERAL AID PROGRAM (COUNTYWIDE)	1,379,400
2011 FEDERAL AID PROJECTS - DESIGN (COUNTYWIDE)	214,700
2011 FEDERAL AID PROJECTS - RIGHT-OF-WAY (COUNTYWIDE)	49,100
2011 FEMA, FHWA AND EWP MATCH/ROAD RECONSTRUCTION (COUNTYWIDE)	1,387,500
2011 FEMA PROJECTS/ROAD DESIGN (COUNTYWIDE)	100,000
2011 FEMA PROJECTS/ROAD RIGHT-OF-WAY (COUNTYWIDE)	10,000
2011 PRESERVATION OF ROADS CONSTRUCTION (COUNTYWIDE)	1,500,000
2011 PRESERVATION OF BRIDGES AND CULVERTS CONSTRUCTION (COUNTYWIDE)	1,000,000
2011 PRESERVATION OF BRIDGES AND CULVERTS DESIGN (COUNTYWIDE)	122,900
2011 BLOOMINGDALE/JOHN AND DUERR ROAD; BRIGHTON AND EAST AVENUE (COUNTYWIDE)	1,000,000
2011 DAM SAFETY AND PRESERVATION RECONSTRUCTION (COUNTYWIDE)	750,000
2011 EMERGENCY BRIDGE WORK-DESIGN (COUNTYWIDE)	150,000
2011 EMERGENCY BRIDGE WORK-RECONSTRUCTION (COUNTYWIDE)	500,000
2011 ENVIRONMENTAL COMPLIANCE SPDES (COUNTYWIDE)	300,000
2011 VIDEO AND DOOR CONTROL UPGRADES - ERIE COUNTY CORRECTIONAL FACILITY & HOLDING CENTER	1,900,000
2011 PUBLIC HEALTH LAB INSTRUMENTATION IMPROVEMENTS (BUFFALO)	454,400
2011 MEDICAL EXAMINER - SOFTWARE UPGRADES (BUFFALO)	260,000

2011 ERIE COMMUNITY COLLEGE - EQUIPMENT (COUNTYWIDE)	1,800,000
2011 ERIE COMMUNITY COLLEGE - BURT FLICKINGER ATHLETIC CENTER RENOVATIONS (BUFFALO)	177,000
2011 ERIE COMMUNITY COLLEGE - ROOFS COLLEGEWIDE (COUNTYWIDE)	2,000,000
2011 ERIE COMMUNITY COLLEGE - MASONRY PROJECT - CITY CAMPUS	1,000,000
2011 ERIE COMMUNITY COLLEGE - NORTH CAMPUS COOLING SYSTEM	1,000,000
2011 ERIE COMMUNITY COLLEGE - BUILDING & INFRASTRUCTURE IMPROVEMENTS COLLEGEWIDE (COUNTYWIDE)	170,000
2011 SPAULDING FIBRE	1,120,000
2007 RATH BUILDING LOW RISE ELEVATOR	250,000
2010 JAIL MGT FOOD SERV & EQUIPMENT	105,000
TOTAL 2011 BOND ISSUE	25,000,000

(6-0)

See Attached Appendix 1 for COMM. 13E-12 (2011)

7. COMM. 13E-15 (2011)
COUNTY EXECUTIVE

WHEREAS, the 2011 Capital budget was adopted including \$11,500,000 as the County share of the ECMCC New Erie County Home; and

WHEREAS, the total amount of the project is approximately \$163,000,000 including the \$11,500,000 County share; and

WHEREAS, the Erie County Medical Center Corporation (ECMCC) has available resources totaling approximately \$50,872,073; and

WHEREAS, it has been determined that the Erie County Fiscal Stability Authority (ECFSA) may issue bonds to finance the balance needed to complete the project, not to exceed \$100,000,000; and

WHEREAS, this will result in millions of dollars saved in debt service and not adversely affect the County's financial condition; and

WHEREAS, in order to facilitate that issue the County must amend its 2011 Capital budget to reflect the amount to be financed by the ECFSA.

NOW, THEREFORE, BE IT

RESOLVED, that the 2011 capital project "ECMCC New Erie County Home" is hereby increased from \$11,500,000 to \$111,500,000; and be it further

RESOLVED, that the source of funds to finance this increase is ECFSA issued bonds; and be it further

RESOLVED, that the Director of Budget and Management in conjunction with the Office of Comptroller is authorized to make all the appropriate 2011 budget and accounting adjustments and entries to effectuate this change; and be it further

RESOLVED, that the County Executive is authorized to execute a loan agreement with ECMCC and any additional agreements and documents necessary to carry out the purposes hereof; 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, the Department of Law, Todd Miles, Esq., Hawkins Delafield & Wood, LLP; Milan Tyler Esq., Phillips Lytle; Kenneth Vetter, ECFSA; and Anthony Colucci, Esq., Colucci Gallaher.
(6-0)

**BARBARA MILLER-WILLIAMS
CHAIR**

Item 38 – MS. BOVE presented the following report and moved for immediate consideration and approval. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 112

June 21, 2011	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 8
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 14E-2 (2010)
MILLER-WILLIAMS: "Letter to Mayor Brown in Response to His Letter Sent to the EC Legislature Concerning the New Voting Process"
(5-0)
 - b. COMM. 3E-6 (2011)
WHYTE: "Article Entitled "Austerity for Whom?""
(5-0)
 - c. COMM. 4E-2 (2011)
MILLER-WILLIAMS: "Letter from League of Women Voters of Buffalo/Niagara Inc., Concerning the Redistricting/Reapportionment of the EC Legislature"

- (5-0)
- d. COMM. 6E-2 (2011)
WHYTE: "Letter to Clerk of Legislature Concerning EC Reapportionment Commission"
(5-0)
- e. COMM. 6D-6 (2011)
BOARD OF ELECTIONS: "Letter to Legislature Concerning Special Election Being Held 5/24/2011 for NYS 26th Congressional District"
(5-0)
- f. COMM. 6M-27 (2011)
LEAGUE OF WOMEN VOTERS OF BUFFALO/NIAGARA: "Letter to Legislature Concerning Advisory Committee on Reapportionment"
(5-0)
- g. COMM. 9M-5 (2011)
EDEN TOWN BOARD: "Copy of Resolution Concerning Reapportionment of the EC Legislature"
(5-0)
- h. COMM. 9M-7 (2011)
NEWSTEAD TOWN BOARD: "Copy of Resolution Concerning Reapportionment of the EC Legislature"
(5-0)
- i. COMM. 9M-13 (2011)
LANCASTER TOWN BOARD: "Copy of Resolution Concerning Reapportionment of the EC Legislature"
(5-0)
- j. COMM. 10D-9 (2011)
CHAIR, ADVISORY COMMITTEE ON REAPPORTIONMENT: "Letter to Chair of Legislature Concerning Approved Plan for Reapportionment of EC Legislature"
(5-0)
- k. COMM. 10M-3 (2011)
EGGERTSVILLE COMMUNITY ORGANIZATION, INC.: "Letter to Legislator Loughran Concerning Reapportionment of EC Legislative Districts"
(5-0)
- l. COMM. 10M-10 (2011)
CHEEKTOWAGA TOWN BOARD: "Copy of Resolution Concerning Reapportionment of EC Legislative Districts"
(5-0)
- m. COMM. 10M-17 (2011)

- GRAND ISLAND TOWN BOARD: "Copy of Resolution Concerning Reapportionment of EC Legislative Districts"
(5-0)
- n. COMM. 10M-18 (2011)
LACKAWANNA CITY COUNCIL: "Copy of Resolution Concerning Reapportionment of EC Legislative Districts"
(5-0)
- o. COMM. 11D-1 (2011)
COUNTY ATTORNEY: "Transmittal of New Claim Against EC"
(5-0)
- p. COMM. 11D-4 (2011)
COUNTY ATTORNEY: "Transmittal of New Claim Against EC"
(5-0)
- q. COMM. 11D-5 (2011)
COUNTY ATTORNEY: "Transmittal of New Claim Against EC"
(5-0)
- r. COMM. 11D-8 (2011)
DIRECTOR OF SIX SIGMA: "Six Sigma Quarterly Status Report"
(5-0)
- s. COMM. 11M-6 (2011)
CITY OF TONAWANDA COMMON COUNCIL: "Copy of Resolution Concerning the Reapportionment of Legislative Districts in EC"
(5-0)
- t. COMM. 11M-8 (2011)
LANCASTER TOWN BOARD: "Copy of Resolution Concerning the Reapportionment of Legislative Districts in EC"
(5-0)
- u. COMM. 11M-9 (2011)
JACOB M. JORDAN: "Submission of Plan for Legislative Redistricting"
(5-0)
- v. COMM. 11M-12 (2011)
FULTON COUNTY BOARD OF SUPERVISORS: "Copy of Local Law Establishing Truth in Taxation in Fulton County"
(5-0)
- w. COMM. 13D-2 (2011)
COUNTY ATTORNEY: "Transmittal of New Claims Against EC"
(5-0)

x. COMM. 13M-1 (2011)
DIANA GUILD: "Letter to Legislature Concerning the Reapportionment of Legislative Districts in EC"
(5-0)

2. COMM. 13E-16 (2011)
COUNTY EXECUTIVE
WHEREAS, Erie County is required to provide certain legally mandated training to county employees; and

WHEREAS, this training includes employee workplace violence training, harassment training and safety training; and

WHEREAS, the selection process has determined that SkillSoft is the most appropriate firm to provide content for on-line training; and

WHEREAS, the request for proposal provision of Section 19.08 of the Erie County Administrative Code was complied with and a summary of the process is included as Attachment A to this resolution; and

WHEREAS, the Erie County Department of Social Services has funds allocated in their 2011 Budget to pay for their portion of employee training; and

WHEREAS, funding to train employees outside the Department of Social Services needs to be identified; and

WHEREAS, the annual budget for Federal Medical Assistance Percentages (FMAP) has already been met.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into a contract with SkillSoft for the provision of on-line content for employee training in an amount not to exceed \$35,000; and be it further

RESOLVED, that funding in the amount of \$20,000 already exists within the 2011 Adopted Budget, Fund Center 12000, Account 516040 DSS Training and Education Program; and be it further

RESOLVED, that an increase in the 2011 Budget is hereby authorized for the purpose of funding the remaining \$15,000 of this contract with SkillSoft:

<u>Revenue</u>	<u>Increase</u>
Fund Center 120 Social Services Account 414030 Federal Medical Assistant Percentage (FMAP)	\$15,000

Expense

Fund Center 16110 Personnel
Account 516020 Professional Services Contracts & Fees \$15,000

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Commissioner of Personnel, the Commissioner of Social Services, the County Comptroller, the County Attorney, the Director of Budget & Management and the County Executive's Office.

(5-0)

3. COMM. 13E-20 (2011)
COUNTY EXECUTIVE

WHEREAS, for the past 15 years MSGovern has provided the Tax Collection software program used by the Department of Real Property Tax Services; and

WHEREAS, at the request of the County, MSGovern performed an Application Usage and Needs Assessment to evaluate our current processes and identify areas that can be improved through technology enhancements and further staff training; and

WHEREAS, MSGovern has identified opportunities that would allow the current system to be more efficient for the existing users, streamline transactions between MSGovern and SAP, and standardize tax bill preparation; and

WHEREAS, the MSGovern current contract is in effect until January 31, 2012; and

WHEREAS, Erie County desires to amend the existing contract with MSGovern to allow for the implementation of these recommendations; and

WHEREAS, the annual budget for Federal Medical Assistance Percentages (FMAP) has already been met; and

WHEREAS, funds are available within the County's 2011 Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to amend the existing contact with MSGovern (Management Solutions for Government) to implement a project plan relative to the above; and be it further

RESOLVED, that an increase in the 2011 Budget is hereby authorized for the purpose of making the current property tax collection system more efficient; as follows:

Revenue

Fund Center 120 Social Services
Account 414030 – Federal Medical Assistance Percentage (FMAP) \$60,000

Expense

Fund Center 11110 Real Property Tax Services
Account 516020 - Professional Services, Contracts and Fees \$60,000

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Real Property Tax Services, the Division of Information and Support Services, the County Comptroller, the County Attorney, the Director of Budget & Management and the County Executive's Office.
(5-0)

**CHRISTINA W. BOVE
CHAIR**

Item 39 – MS. BOVE presented the following report and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 113

June 21, 2011	PUBLIC SAFETY COMMITTEE REPORT NO. 8
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 6M-14 (2011)
BARRY NELSON COVERT: "Letter of Interest for EC Community Corrections Advisory Board"
(5-0)
 - b. COMM. 6M-28 (2011)
LIVINGSTON CORRECTIONAL FACILITY, SUPERVISOR, INMATE GRIEVANCE PROGRAM: "Letter of Support for Kenneth Colon"
(5-0)
 - c. COMM. 6M-29 (2011)
NIAGARA DISTRICT COUNCILMEMBER, HISPANIC COMMUNITY LEADERS:
"Letter to Legislature Endorsing the Appointment of Kenneth Colon to the EC Community Corrections Advisory Board"
(5-0)
 - d. COMM. 6M-31 (2011)
BLACK LEADERSHIP FORUM: "Letter Requesting Appointment to the EC Community Corrections Advisory Board"

- (5-0)
- e. COMM. 8M-1 (2011)
LAVONNE E. ANSARI, PH.D.: “Letter of Interest in Serving as a Member of the EC Community Corrections Advisory Board”
(5-0)
 - f. COMM. 8M-9 (2011)
SOPHIE I. FEAL: “Letter of Interest in Serving as a Member of the EC Community Corrections Advisory Board”
(5-0)
 - g. COMM. 8M-10 (2011)
ROBERT J. REDEN: “Letter of Interest in Serving as a Member of the EC Community Corrections Advisory Board”
(5-0)
 - h. COMM. 8M-11 (2011)
KENNETH COLON: “Letter of Interest in Serving as a Member of the EC Community Corrections Advisory Board”
(5-0)
 - i. COMM. 8M-16 (2011)
RICHARD L. TACZKOWSKIL: “Letter of Interest in Serving as a Member of the EC Community Corrections Advisory Board”
(5-0)
 - j. COMM. 8M-20 (2011)
KENNETH E. MROZIK: “Letter of Interest in Serving as a Member of the EC Community Corrections Advisory Board”
(5-0)
 - k. COMM. 9M-2 (2011)
JOHN J. FLYNN: “Letter of Interest in Serving as a Member of the EC Community Corrections Advisory Board”
(5-0)
 - l. COMM. 9M-4 (2011)
ORLANDO PEREZ: “Letter of Interest in Serving as a Member of the EC Community Corrections Advisory Board”
(5-0)
 - m. COMM. 9M-6 (2011)
JOHNNY CABRERA: “Letter of Interest in Serving as a Member of the EC Community Corrections Advisory Board”
(5-0)
 - n. COMM. 10E-3 (2011)

COUNTY EXECUTIVE: "EC Holding Center Medical Reception Housing"
(5-0)

- o. COMM. 10M-2 (2011)
HAMBURG TOWN BOARD: "Copy of Resolution Concerning Reapportionment of EC Legislative Districts"
(5-0)
- p. COMM. 10M-12 (2011)
BLACK LEADERSHIP FORUM: "Letter of Interest in Serving as a Member of the EC Community Corrections Advisory Board"
(5-0)
- q. COMM. 11D-3 (2011)
SHERIFF'S DEPARTMENT: "Letter of Response to Comptroller's Office Regarding the Electronic Communications Being Made Available to Inmates & Their Families at the EC Holding Center"
(5-0)
- r. COMM. 13M-5 (2011)
MARY HERBST: "Letter to Legislator Hardwick Concerning NFTA Police"
(5-0)
- s. COMM. 13M-7 (2011)
BEVERLY HIESTAND & ELEANOR DORRITIE: "Letter to Majority Leader Whyte Concerning NFTA Police"
(5-0)
- 2. COMM. 10E-20 (2011)
COUNTY EXECUTIVE
WHEREAS, the Erie County Probation Department has been awarded a grant by the 8th Judicial District of The New York State Unified Court System in support of the Lackawanna Drug Treatment Court; and

WHEREAS, the New York State Unified Court System has budgeted \$21,060 to contract with the Probation Department to provide probation services to the Lackawanna Drug Treatment Court; and

WHEREAS, the grant award will enable the Probation Department to better serve the need of the court.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to accept the grant award from and enter into contract with the New York State Unified Court System Office in the amount of \$21,060; and be it further

RESOLVED, that the following budgetary accounts be established by the Division of Budget and Management as follows:

Erie County Probation Department
Fund 281 – Business Area 126
Lackawanna Treatment Court Grant
May 1, 2011 to September 30, 2012

Revenue	Increase
Account 409000 State Aid	<u>\$21,060</u>
Total Revenue	<u>\$21,060</u>
Appropriations	
Account 501000 Overtime	<u>\$21,060</u>
Total Appropriations	<u>\$21,060</u>

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 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 County Comptroller, the County Attorney, and the Probation Department c/o Dina Connors Room 112, 1 Niagara Plaza.
(5-0)

3. COMM. 11E-8 (2011)
COUNTY EXECUTIVE

WHEREAS, the New York State Division of Criminal Justice Services (DCJS), Office of Probation and Correctional Alternatives has been awarded a one-time grant from the Governor's Traffic Safety Council (GTSC) related to the implementation of mandatory ignition interlock devices (Leandra's Law); and

WHEREAS, the Department of Probation is responsible for providing supervision and probation services to adults sentenced to probation including those with a condition to install an ignition interlock device; and

WHEREAS, the Erie County STOP-DWI Office is responsible for monitoring those adults sentenced to a conditional discharge with an ignition interlock device requirement; and

WHEREAS, the DCJS, Office of Probation and Correctional Alternatives will reimburse monitors at the rate of \$114.66 for each case in which an ignition interlock device is ordered, up to a maximum reimbursement of \$158,574.00; and

WHEREAS, the reimbursement will enable the Probation Department and the Erie County STOP DWI Office to recoup costs associated with the implementation of Leandra's Law.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract and accept reimbursement from the New York State Division of Criminal Justice Services, Office of Probation and Correction Alternatives in the amount of no more than \$158,574; and be it further

RESOLVED, that said reimbursement shall be recorded in the budget of the STOP-DWI Program, Fund 110 cost center 1650060; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish and adjust budgets as actual funds are received in order to reimburse related expense in the Probation Department or STOP-DWI program; 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 County Comptroller, the County Attorney, and the Erie County STOP-DWI Office c/o John Sullivan 45 Elm Street, room 233.
(5-0)

4. COMM. 13E-18 (2011)
COUNTY EXECUTIVE

WHEREAS, this resolution requests authorization to adjust two grants previously approved by your honorable body in Communication 24E-15 in December of 2010, adjustments being necessitated by final State approved funding levels and contract terms, and

WHEREAS, the Erie County Probation Department has been awarded two grants by the New York State Unified Court System in support of juveniles before the court; and

WHEREAS, the New York State Unified Court System has budgeted \$248,958 to contract with the Probation Department for case management services related to probation supervision for a three year period; and

WHEREAS, the Assertive Adolescent and Family Treatment Program and Erie Juvenile Treatment Court Program will support the treatment needs of juveniles before the court with substance abuse issues.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into agreements for the provision of services to the Family Court Juvenile Treatment Court and the Assertive Adolescent and Family Treatment Program for an initial term of three years and authorized to enter into renewals as agreed to between the parties; and be it further

RESOLVED, that authorization is hereby provided to establish the following budgetary accounts for each grant as follows:

Erie County Probation Department
Fund 281 – Business Area 126
Erie Juvenile Treatment Court Grant
September 30, 2010 to September 29, 2013

Revenue	Y1	Y2	Y3	Total
409000 State Aid	<u>41,975</u>	<u>41,975</u>	<u>41,975</u>	<u>125,925</u>
Total Revenue	41,975	41,975	41,975	125,925
Appropriations				
510000 Local Mileage	800	800	800	2,400
912600 Probation Services	20,667	20,667	20,667	62,001
912690 Probation Grant Services	<u>20,508</u>	<u>20,508</u>	<u>20,508</u>	<u>61,524</u>
Total Appropriations	41,975	41,975	41,975	125,925

Erie County Probation Department
Fund 281 – Business Area 126
Assertive Adolescent and Family Treatment Program Grant
September 30, 2010 to September 29, 2013

Revenue	Y1	Y2	Y3	Total
409000 State Aid	<u>41,011</u>	<u>41,011</u>	<u>41,011</u>	<u>123,033</u>
Total Revenue	41,011	41,011	41,011	123,033
Appropriations				
500000 Full Time Staff	40,211	40,211	40,211	120,633
502000 Fringe Benefits	20,508	20,508	20,508	61,524
510000 Local Mileage	800	800	800	2,400
912690 Probation Grant Services	<u>-20,508</u>	<u>-20,508</u>	<u>-20,508</u>	<u>-61,524</u>
Total Appropriations	41,011	41,011	41,011	123,033

and be it further

RESOLVED, that one Probation Assistant position, job group 7, previously created but not filled with B-100 #5879, shall be eliminated in the Juvenile Treatment Court Grant; and be it further

RESOLVED, that the Probation Assistant position, job group 7, previously approved with B-100 #5880 shall continue in the Assertive Adolescent and Family Treatment Program; 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 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 County Comptroller, the County Attorney, Personnel Department and the Probation Department c/o Dina Connors Room 112, 1 Niagara Plaza, Buffalo, NY 14202.

(5-0)

CHRISTINA W. BOVE
CHAIR

Item 40 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 114

June 23, 2011	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR FUDOLI.

1. RESOLVED, the following items are hereby received and filed:

a. COMM. 11M-1 (2011)
ECMCC: “Materials Distributed at Regular Meeting of the Board Held 5/3/2011”
(4-0)

b. COMM. 11M-11 (2011)
COLDEN TOWN BOARD: “Copy of Resolution Concerning Opposition to Spay/Neuter
Surcharges for Altered Dogs”
(4-0)

c. COMM. 13M-6 (2011)
ECMCC: “Packet of Materials from Meeting Held 6/7/2011”
(4-0)

2. COMM. 11E-3 (2011)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointments of the following individuals to the Erie County Mental Hygiene Community Services Board for a 3-year term expiring on 12/31/2013:

Ms. Yvonne James-Corley
500 E. Ferry Street
Buffalo, NY 14208

Mr. Paul Updike, MD
5625 Cole Road
Orchard Park, NY 14127

Ms. Joan Baizer, PhD
84 Russell Street
Buffalo, NY 14214

Ms. Mary K. Comtois
58 Hendricks Boulevard
Amherst, NY 14226

Mr. Leslie Saunders
7097 Taylor Road
Hamburg, NY 14075

Ms. Cheryl Moore
7 Dewitt Street
Buffalo, NY 14213

Ms. Brenda McDuffie
196 Highgate Avenue

Ms. Janinne Blank
17 Shadyside Lane

Buffalo, NY 14215

Lancaster, NY 14086

Ms. Linda S. Kahn, PhD
952 Parkside Avenue
Buffalo, NY
(4-0)

3. COMM. 11E-14 (2011)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the New York Connects Program for the period January 1, 2011 to December 31, 2011; and

WHEREAS, the State-approved Work Plan consists of implementing a centralized point of entry for information and assistance on long term care; sustaining program operations and functions that meet State New York Connects standards; serving all long term care consumers through operation of the core functions in a manner that supports their independence and self-determination; and evaluating New York Connects effectiveness and impact on the long term care system; and

WHEREAS, the State-approved Work Plan includes funding a Long Term Care Coordinator position, which has been vacant throughout 2011 to date; and

WHEREAS, the Department desires to charge a portion of the salary and fringe benefit costs of the centralized point of entry for information and assistance positions that are New York Connects- related (two Senior Case Manager positions and two Case Manager positions from the CSE, EISEP and WRAP-SOFA grants), for the duration of the vacant Long Term Care Coordinator position; and

WHEREAS, the Department desires to charge a portion of the salary and fringe benefit costs of the Supervisor of PD&E spent working with the New York Connects Long Term Care Council on State-approved Work Plan activities; and

WHEREAS, the New York Connects Program is 100% State funded, and the Department will be able to maximize State reimbursement for these positions; and

WHEREAS, the New York Connects budget needs to be revised.

NOW, THEREFORE, BE IT

RESOLVED, that the Department is authorized to transfer the New York Connects-related salary and fringe benefit costs for the two Senior Case Manager positions, two Case Manager positions and the Supervisor of PD&E from the grant programs previously listed to the New York Connects cost center for the duration of the Long Term Care Coordinator position vacancy; and be it further

RESOLVED, that the budget for New York Connects, cost center 1632080, be revised as follows:

CURRENT

AMENDED

		BUDGET	CHANGES	BUDGET
APPROPRIATIONS				
Account	Description			
500000	Full Time Salaries	\$93,758	\$-41,870	\$51,888
502000	Fringe Benefits	58,921	-22,000	36,921
516020	Professional Services & Fees	8000	5,000	13,000
530000	Other Expenses	6,620	-5,000	1,620
916390	ID Senior Services Grant	29,492	63,870	93,362
			<u>\$0</u>	

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 of Senior Services.

(4-0)

THOMAS J. MAZUR
CHAIR

Item 41 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 115

June 23, 2011	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 8
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 11M-7 (2011)
EC ENVIRONMENTAL MANAGEMENT COUNCIL: "2010 EC State of the Environment Report"
(6-0)
 - b. COMM. 13M-3 (2011)
NYS DEPARTMENT OF AGRICULTURE & MARKETS: "EC Agricultural District No. 14 - Review Notice"
(6-0)
 - c. COMM. 13M-4 (2011)
NYSDEC: "Fact Sheet: Environmental Cleanup Activities to Begin at the 330 Maple Road Site"

(6-0)

2. COMM. 10E-8 (2011)
COUNTY EXECUTIVE

WHEREAS, the Federal Government, through the American Recovery and Reinvestment Act of 2009, appropriated over \$2.7 billion to the United States Department of Energy (US DOE) for the Energy Efficiency and Conservation Block Grant (EECBG) Program; and

WHEREAS, through the allocation formula established for EECBG, the US DOE has made \$2,903,000 available to Erie County government to implement projects that will reduce energy use and greenhouse gas emissions within the County; and

WHEREAS, it is necessary to revise the existing budget to implement energy efficiency equipment improvements in the Rath Building.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to revise the County's grant budget and file the new grant budget with the US DOE; and be it further

RESOLVED, that the grant budget for the US DOE Energy Efficiency and Conservation Block Grant is hereby revised in the Department of Environment and Planning, Business Area 162, as follows:

Energy Efficiency and Conservation Block Grant
Grant Period: (12/29/2009-12/29/2012)
SAP Grant Account #162EECBG_ENE0912

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revision</u>	<u>Revised Budget</u>
414140	FA-ARRA USDOE EECBG	\$2,903,000.00	(\$2,612,875.17)	\$290,124.83

TOTAL REVENUE: \$290,124.83

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
500000	Full-Time	\$312,000.00	\$(288,522.14)	\$23,477.86
500020	Salaries Regular PT Wages	\$124,800.00	\$(115,604.58)	\$9,195.42
502000	Fringe Benefits	\$210,144.00	\$(200,441.87)	\$9,702.13
506200	Maintenance	\$28,000.00	\$(28,000)	\$0.00
510000	and Repair Local Mileage Reimbursement	\$1,100.00	\$(1,100)	\$0.00

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
510200	Training and Education	\$5,000.00	\$(4,916.02)	\$83.98
516020	Professional Services Cont. & Fees	\$270,000.00	\$(31,656.50)	\$238,343.50
530000	Other Expenses	\$19,793.00	\$(19,793.00)	\$0.00
575000	Inter-Fund Expense Non-Subsidy	\$1,900,000.00	\$(1,900,000.00)	\$0.00
916200	ID Env & Planning Services	\$32,163.00	\$(22,841.06)	\$9,321.94
<u>TOTAL APPROPRIATIONS:</u>				<u>\$290,124.83</u>

and be it further

RESOLVED, that the grant budget for the US DOE Energy Efficiency and Conservation Block Grant is hereby established in the Department of Public Works, Business Area 122, as follows:

DOE Energy Efficiency and Conservation Block Grant
Grant Period: (12/29/2009-12/29/2012)
SAP Grant Account #122DOE EECBG_0912

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revision</u>	<u>Revised Budget</u>
414140	FA-ARRA USDOE EECBG	-0-	\$2,612,876	\$2,612,876
<u>TOTAL REVENUE:</u>				<u>\$2,612,876</u>

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revision</u>	<u>Revised Budget</u>
516020	Contractual Services	-0-	\$2,612,876	\$2,612,876
<u>TOTAL APPROPRIATIONS:</u>				<u>\$2,612,876</u>

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to implement any budget amendments as required to comply with federal, state and other local source approved funding requirements; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; Director of the Division of Budget and Management; Commissioner of Environment and Planning; Commissioner of Public Works; the County Comptroller; the Commissioner of Personnel; and the County Attorney.
(6-0)

3. COMM. 10E-10 (2011)
COUNTY EXECUTIVE

AS AMENDED

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Erie County Sewer District No. 6, Bethlehem Park Sanitary Sewer Rehabilitation Project III, Contract No. 44SA at 2:00 P.M. on June 15, 2011.

<u>Contract</u>	<u>Low Bidder</u>	<u>Amount</u>
Contract No. 44SA	CMH Company, Inc. 12704 North Road Alden, New York 14004	\$576,483.50

and

WHEREAS, the aforementioned lowest responsible bidder has successfully performed similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Bethlehem Park Sanitary Sewer Rehabilitation Project Phase III, Contract No. 44SA be awarded as follows:

<u>Contract</u>	<u>Low Bidder</u>	<u>Amount</u>
Contract No. 44SA	CMH Company, Inc. 12704 North Road Alden, New York 14004	\$576,483.50

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 and certification of availability of funds by the Comptroller's Office; and be it further

RESOLVED, that the Erie County Comptroller is authorized and directed to allocate \$576,483.50 from Sewer Capital, Erie County Sewer District No. 6, Account C.00001 for Contract No. 44SA; 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, Director of Budget, Comptroller's Office, Eric Ziobro, Assistant County Attorney and two (2) certified copies to Joseph L. Fiegl, P.E., Department of Environment and Planning, Rath Building, 10th Floor.

(6-0)

4. COMM. 13E-21 (2011)
COUNTY EXECUTIVE

WHEREAS, the County of Erie advertised for and received responses to a request for proposals from consulting firms to perform professional services associated with the Iroquois/Broadway East Pumping Station Improvements Project; and

WHEREAS, a review committee consisting of representatives from the Erie County Division of Sewerage Management was established to evaluate all responses to the County's request for proposals, using a consistent scoring matrix; and

WHEREAS, the proposal review committee recommends retaining Wendel to complete the requested consulting services.

NOW, THEREFORE, BE IT

RESOLVED, that Wendel be retained to perform professional services associated with the Iroquois/Broadway East Pumping Station Improvements Project; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Agreement with Wendel, 140 John James Audubon Pkwy – Suite 201, Buffalo, New York 14228 for professional services associated with the Iroquois/Broadway East Pumping Station Improvements Project in an amount not to exceed \$200,000.00, subject to approval as to content by the Deputy Commissioner of the Division of Sewerage Management and approval as to form by the County Attorney's office; and be it further

RESOLVED, that the County Director of Budget and the County Comptroller be authorized to allocate \$200,000.00 from ECSD No. 4 Capital Account No. C.00072; and be it further

RESOLVED, that the Clerk of the Legislature send two (2) certified copies each of this resolution to Joseph Fiegl, P.E., Division of Sewerage Management and one (1) certified copy each to the County Executive, the Erie County Comptroller, the Erie County Director of Budget and Management, and Eric Ziobro, Assistant County Attorney.

(6-0)

5. COMM. 13E-22 (2011)
COUNTY EXECUTIVE

WHEREAS, Wendel Energy Services completed an audit titled "Energy Efficiency Study for Big Sister Creek Wastewater Treatment Plant (WWTP)" (October 2009) that identified several viable facility improvement measures to decrease the electrical usage, decrease operational costs, and modernize the WWTP; and

WHEREAS, the Big Sister Creek WWTP Energy Efficiency Improvement Project (herein after referred to as “the Project”) was developed to begin the engineering necessary implement said facility improvement measures; and

WHEREAS, the Erie County Division of Sewerage Management, on behalf of ECSD No. 2, submitted a grant application to the Green Innovation Grant Program for the Project; and

WHEREAS, Erie County has been notified that the Project has been awarded a \$363,000 grant through the Green Innovation Grant Program; and

WHEREAS, ECSD No. 2 operating or capital accounts presently have sufficient funds to meet the local match/share requirements for the Project; and

WHEREAS, it is necessary to execute an agreement with New York State Environmental Facilities Corporation to accept the grant award.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Division of Sewerage Management, on behalf of ECSD No. 2, is authorized to participate in all aspects of the New York State Environmental Facilities Corporation’s 2010 Green Innovation Grant Program for the Project; and be it further

RESOLVED, that the County Executive is authorized to execute a Grant Agreement with the New York State Environmental Facilities Corporation for the Project; and be it further

RESOLVED, that a minimum 10% local match of the total actual project costs, as required by the Green Innovation Grant Program, is authorized and will be appropriated from either ECSD No. 2 capital or operating accounts for the Project; and be it further

RESOLVED, that a separate Legislative Communication be provided by the Erie County Division of Sewerage Management requesting retention of an energy performance contractor to complete the Project and detailing the final cost estimates and allocations; and be it further

RESOLVED, that the Clerk of the Legislature send two (2) certified copies of this resolution to Joseph Fiegl, P.E., Division of Sewerage Management and one (1) certified copy each to the County Executive, the Erie County Comptroller, the Erie County Director of Budget and Management, Eric Ziobro, Assistant County Attorney, and the GIGP Project Coordinator (address: Katie M. Syron, Project Coordinator, New York State Environmental Facilities Corporation, 625 Broadway, Albany, New York 12207-2997).

(6-0)

6. COMM. 13E-23 (2011)
COUNTY EXECUTIVE

WHEREAS, the Erie County Sewer District No. 3 Southtowns Advanced Wastewater Treatment Facility operates two sewage sludge incinerators to manage its solids/sludge; and

WHEREAS, the United States Environmental Protection Agency released final rules/regulations on February 21, 2011 titled "Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Sewage Sludge Incineration Units"; and

WHEREAS, the final rules/regulations if carried out in their current form would likely require costly modifications to the Southtowns Advanced Wastewater Treatment Facility; and

WHEREAS, in the opinion of the Division of Sewerage Management, the final rules/regulations contain several technical and legal flaws and provide unrealistic guidelines without properly analyzing the consequences of implementation; and

WHEREAS, the National Association of Clean Water Agencies has formed a Sewage Sludge Incinerator Advocacy Coalition to challenge the final rules/regulations on behalf of all utilities in the United States that operate sewage sludge incinerators; and

WHEREAS, it would be cost prohibitive Erie County Sewer District No. 3 to challenge the final rules/regulations on its own; and

WHEREAS, the Erie County Division of Sewerage Management and the Erie County Sewer District No. 3 Board of Managers are desirous of contributing to the Sewage Sludge Incinerator Advocacy Coalition to assist in challenging the final rules/regulations.

NOW, THEREFORE, BE IT

RESOLVED, that the County Director of Budget and the County Comptroller be authorized to pay \$10,000 from Erie County Sewer District No. 3 Professional Services Account 516020 in the 2011 adopted budget, to the National Association of Clean Water Agencies for the Sewage Sludge Incinerator Advocacy Coalition; and be it further

RESOLVED, that the Clerk of the Legislature send two (2) certified copies of this resolution to Joseph Fiegl, P.E., Division of Sewerage Management and one (1) certified copy each to the County Executive, the Erie County Comptroller, and the Erie County Director of Budget and Management.

(6-0)

7. COMM. 13E-24 (2011)
COUNTY EXECUTIVE

WHEREAS, the County of Erie and CSX Transportation, Inc have a license agreements No. CR 137680 and No. CR 242940 for right of ways for sanitary sewers; and

WHEREAS, the County of Erie currently pays the license agreement fees on an annual basis; and

WHEREAS, the County of Erie and CSX Transportation, Inc. have negotiated a one time lump sum final payment; and

WHEREAS, the County of Erie and CSX Transportation, Inc. will amend the license agreement and the County will make a final payment of \$8,000.00; and

WHEREAS, \$8,000.00 is allocated in the Professional Services Account, Commitment Item 516020, of Erie County Sewer District No. 6 operating budget (1861010) in the 2011 adopted budget.

NOW, THEREFORE, BE IT

RESOLVED, that amended license agreement between the County of Erie and CSX Transportation, Inc., on behalf of Erie County Sewer Districts No.6 in the amount of \$8,000.00 is hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is authorized to execute the amended license agreement with the CSX Transportation, Inc. subject to approval as to form by the County Attorney and as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Deputy Commissioner of the Department of Environment and Planning and one (1) certified copy each to the County Executive, the County Comptroller and Eric Ziobro, Assistant County Attorney.

(6-0)

8. COMM. 13E-25 (2011)
COUNTY EXECUTIVE

WHEREAS, the County of Erie and CSX Transportation, Inc have a license agreement No. CR 140816 for right of ways for sanitary sewers; and

WHEREAS, the County of Erie currently pays the license agreement fees on an annual basis; and

WHEREAS, the County of Erie and CSX Transportation, Inc. have negotiated a one time lump sum final payment; and

WHEREAS, the County of Erie and CSX Transportation, Inc. will amend the license agreement and the County will make a final payment of \$4,000.00; and

WHEREAS, \$4,000.00 is allocated in the Professional Services Account 516020 Erie County Sewer District No. 2 Operating Budget (1821010) in the 2011 Adopted Budget.

NOW, THEREFORE, BE IT

RESOLVED, that amended license agreement between the County of Erie and CSX Transportation, Inc., on behalf of Erie County Sewer Districts No. 2 in the amount of \$4,000.00 is hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is authorized to execute the amended license agreement with the CSX Transportation, Inc. subject to approval as to form by the County

Attorney and as to content by the Commissioner of the Department of Environment and Planning;
and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Deputy Commissioner of the Department of Environment and Planning and one (1) certified copy each to the County Executive, the County Comptroller and Eric Ziobro, Assistant County Attorney.
(6-0)

9. COMM. 13E-31 (2011)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointments of the following individuals to the Erie County Environmental Management Council for a term expiring 5/31/2013:

AT-LARGE APPOINTMENTS

Mr. Jerold Bastedo
S-5215 Orchard Avenue
Hamburg, NY 14075

Mr. Peter Sorgi, Esq.
491 Griggs Place
East Aurora, NY 14052

Mr. Richard Tindell
Buffalo Niagara Riverkeeper
1250 Niagara Street
Buffalo, NY 14213-1502

Mr. Paul Fuhmann
Ecology and Environment, Inc.
368 Pleasant View Drive
Lancaster, NY 14086

Ms. Rosa A. Gonzalez
Eight Lakewood Drive
Orchard Park, NY 14127

Mr. James Simon
1094 Elmwood Avenue - Apt. 1
Buffalo, NY 14222

Mr. George Besch
39 Lake Avenue
Lancaster, NY 14086

Mr. Jay Burney
13399 Miller Road
Chaffee, NY 14030

MUNICIPAL APPOINTMENTS

Mr. Douglas Bartlebaugh
11830 Walden Avenue
Alden, NY 14004

(T) Alden

Mr. Don Duggan-Haas
92 South Dr.
Amherst, NY 14226

(T) Amherst

Mr. Donald Owens
1865 Hubbard Road
East Aurora, NY 14052

(T) Aurora

Richard Lee

(T) Boston

5975 Old Orchard Drive
Hamburg, NY 14075

Mr. Joseph Gardyjan
505 Cain Rd
Angola, NY 14006

(T) Brant

Mr. Dennis Sutton
Office of Strategic Planning
920 City Hall
Buffalo, NY 14202

(C) Buffalo

Supervisor Scott Bylewski
Town of Clarence
1 Town Place
Clarence, NY 14031

(T) Clarence

Ms. Michelle Roberts
c/o Town of Colden
PO Box 335
Colden, NY 14033

(T) Colden

Mr. Lamont Beers
2880 Wood Spirit
Eden, NY 14057

(T) Eden

Mr. Fred Streif
130 Streif Road
Elma, NY 14059

(T) Elma

Mr. Jere Hoisington
570 Commercial
Farnham, NY 14061

(V) Farnham

Mr. Sam Akinbami
2227 West River Road
Grand Island, NY 14072

(T) Grand Island

Ms. Melanie Hamilton
4277 Linwood Avenue
Hamburg, NY 15219

(T) Hamburg

Ms. Adrienne Punturiero
11 Dudley Avenue
Hamburg, NY 14075

(V) Hamburg

Mr. William Kolacki
9292 Savage Road

(T) Holland

Holland, NY 14080

Ms. Kathleen Johnson
Village of Kenmore
2919 Delaware Avenue
Kenmore, NY 14217

V) Kenmore

Mr. Mark Aquino
Council Member
Town of Lancaster
21 Central Avenue
Lancaster, NY 14086

(T) Lancaster

Ms. Beth Ackerman
11174 Bullis Rd
Marilla, NY 14102

(T) Marilla

Mr. Lewis Tandy
13678 Main Road
Akron, NY 14001

(T) Newstead

Ms. Marian C. Vanni
2500 School Street
North Collins, NY 14111

(T) North Collins

Ms. Anne Bergantz
320 Stonehedge Drive
Orchard Park, NY 14127

(T) Orchard Park

Mr. Darren Farthing
12320 Savage Rd.
Sardinia, NY 14134

T) Sardinia

Mr. Kevin Burd
292 Knowlton Avenue
Tonawanda, NY 14217

(T) Tonawanda

Mr. Peter M. Tarnawskyj
5716 Vermont Hill Road
South Wales, NY 14139

(T) Wales

Ms. Evelyn Hicks
276 Seneca Creek Road
West Seneca, NY 14224

(T) West Seneca

(6-0)

THOMAS J. MAZUR
CHAIR

Item 42 – MR. WHALEN presented the following report and moved for immediate consideration and approval. MS. BOVE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 116

June 23, 2011	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT.

CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 3E-4 (2011)
MILLER-WILLIAMS: “Copy of Letter Concerning EC Industrial Land Development Corp.”
(6-0)
 - b. COMM. 13M-2 (2011)
EMPIRE STATE DEVELOPMENT: “Richardson Olmsted Complex Civic & Land Use
Improvement Project - SEQR Notification”
(6-0)
2. COMM. 13E-17 (2011)
COUNTY EXECUTIVE:

WHEREAS, when Eden Center-Evans Road was reconstructed about 40 years ago, slag was used as a subbase material which at the time, it was thought that slag was an acceptable material for this purpose; and

WHEREAS, long stretches of this road have been heaving in the winter months making the road difficult to drive in those months due to the wicking of water in the subbase; and

WHEREAS, over the years, the Department of Public Works has tried several solutions to mitigate the heaving but with no success; and

WHEREAS, the only solution is to fully remove the slag subbase and replace it with gravel material and new pavement; and

WHEREAS, it is desired to begin the Project as soon as possible; and

WHEREAS, funding has been identified and authorization is sought to move those funds to this project; and

WHEREAS, the source of the funding is the annual budget for Federal Medical Assistance Percentage (FMAP) that has already exceeded the annual budget for 2011.

NOW, THEREFORE, BE IT

RESOLVED, that an increase in the 2011 Budget is hereby authorized for the purpose of reconstructing Eden Center-Evans Road, as follows:

Fund 110 – General Fund

Revenue

Fund Center 120 Social Services
Account 414030 Federal Medical Assistance Percentage (FMAP) \$1,000,000

Expense

Fund Center 14020
570050 Interfund Transfer Capital \$1,000,000

Fund 420 – Project B.11001 - 2011 Overlay Program

Revenue

Fund Center 123 Highways/DPW
486000 Interfund Revenue Subsidy \$1,000,000

Expense

Fund Center 123 Highways/DPW
Capital Projects Expense \$1,000,000

and be it further

RESOLVED, that two 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.
(6-0)

3. COMM. 13E-19 (2011)
COUNTY EXECUTIVE

WHEREAS, your honorable body has previously authorized the County Executive to enter into a General Architectural/Engineering Services Agreement with Zaxis Architectural, P.C. for providing professional design services on Erie County projects; and

WHEREAS, a renovation project at the Erie County Holding Center (ECHC) located on the second floor, Bravo Level will reorganize underutilized space within the facility and will improve the overall services for the inmate population; and

WHEREAS, the Erie County Legislature via Communication 8E-1 (2011) approved the 2011 Erie County Holding Center Improvements capital project; and

WHEREAS, Zaxis Architectural, P.C. has the necessary expertise and manpower to provide professional design services for the project; and

WHEREAS, the County Executive is requesting authorization to enter into an Agreement Amendment with the firm of Zaxis Architectural, P.C. to provide Professional Architectural/Engineering Services for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute an Agreement Amendment with the firm of Zaxis Architectural, P.C. for providing Professional Architectural/Engineering Services for the ECHC Second Floor Housing Renovation Project for an amount not to exceed \$45,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from SAP Projects A.11001 – 2011 Holding Center Improvement Projects; and be it further

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

(6-0)

4. COMM. 13E-27 (2011)
COUNTY EXECUTIVE

WHEREAS, the Erie County Bridge Deck Sealing Project, twenty (20) bridges in various Towns of Erie County, PIN 5760.13 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the appointment of the costs such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design V&VI) of this project: PIN 5760.13; and

WHEREAS, the total Project is \$10,000.00 and the County is required to provide the local share portion for the Project in the amount of \$2,000.00; and

WHEREAS, your honorable body has previously authorized Clough, Harbour Associates as a qualified, Term Agreement General Architectural/Engineering firm via Comm.14E-19 of July 17, 2008.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject Project; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) phase of the Project or portions thereof; and be it further

RESOLVED, that the B.21001 - 2010 Capital Overlay (Pay As You Go) Program, fund center 123, fund 420, be increased by the anticipated Federal revenue in the amount of \$8,000.00 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	\$ 0	\$8,000	\$ 8,000
420100	Cont w/ To Lancaster	\$ 52,805	\$ 0	\$ 52,805
420180	Sales-Supp, Oth Govt	\$ 195,788	\$ 0	\$ 195,788
445070	Prem on Obligations	\$ 0	\$ 0	\$ 0
475000	Gen Oblig Bond Proc	\$1,800,000	\$ 0	\$1,800,000
486000	Interfund Rev Subsidy	\$4,200,000	\$ 0	\$4,200,000
TOTAL REVENUES		<u>\$6,248,593</u>	<u>\$8,000</u>	<u>\$6,256,593</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$6,248,593</u>	<u>\$8,000</u>	<u>\$6,256,593</u>
TOTAL APPROPRIATIONS		<u>\$6,248,593</u>	<u>\$8,000</u>	<u>\$6,256,593</u>

and be it further

RESOLVED, that the estimated total sum of the Project, \$10,000.00 is hereby appropriated from B.21001 – 2010 Capital Overlay (Pay As You Go) Program and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the projects' Preliminary Engineering (Design V&VI) phase exceeds \$10,000.00 the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED that the County Executive of the County of Erie be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in Connection with the Project; and be it further

RESOLVED that the County Executive be authorized to execute a negotiated Contract in an amount not to exceed the allowable Project design amount between the County of Erie and project engineers Clough, Harbour Associates, of Buffalo, New York, to provide Design services for the Bridge Deck Sealing Project; and be it further

RESOLVED, that ten (10) certified copies of this resolution be forwarded 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, the Office of the County Attorney, and the Office of the Comptroller.

(6-0)

5. COMM. 13E-28 (2011)
COUNTY EXECUTIVE

WHEREAS, the Erie County Bridge Painting Project, Six (6) Bridges in various Towns of Erie County, PIN 5759.60 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the appointment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design V&VI) of this project, PIN 5759.60; and

WHEREAS, the total Project is \$115,000.00 and the County is required to provide the local share portion for the Project in the amount of \$23,000.00; and

WHEREAS, your honorable body has previously authorized LiRo Engineers as a qualified, Term Agreement General Architectural/Engineering firm via Comm.14E-19 of July 17, 2008.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject Project; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) phase of the Project or portions thereof; and be it further

RESOLVED, that the Project Fund B.21016, 2010 Bridge Painting Design Program, fund center 123, fund 420, be increased by the anticipated Federal revenue in the amount of \$92,000.00 as follows:

	CURRENT	INCREASE/	REVISED
REVENUES	BUDGET	DECREASE	BUDGET

Account	Description			
414000	Federal Aid	\$ 0	\$92,000	\$92,000
475000	Gen Oblig Bond Proc	<u>\$27,740</u>	<u>\$ 0</u>	<u>\$27,740</u>
TOTAL REVENUES		<u>\$27,740</u>	<u>\$92,000</u>	<u>\$119,740</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$27,740</u>	<u>\$92,000</u>	<u>\$119,740</u>
TOTAL APPROPRIATIONS		<u>\$27,740</u>	<u>\$92,000</u>	<u>\$119,740</u>

and be it further

RESOLVED, that the estimated total sum of the design phase of the Project, \$115,000.00 is hereby appropriated from B.21016 – 2010 Bridge Painting, Design and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the projects' Preliminary Engineering (Design V&VI) phase exceeds \$115,000.00 the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED that the County Executive be authorized to execute a negotiated contract in an amount not to exceed the allowable Project design amount between the County of Erie and project engineers LiRo Engineers, of Buffalo, New York, to provide design services for the Bridge Painting Project; and be it further

RESOLVED, that ten (10) certified copies of this resolution be forwarded 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, the Office of the County Attorney, and the Office of the Comptroller.

(6-0)

6. COMM. 13E-29 (2011)
COUNTY EXECUTIVE

WHEREAS, the Bridge Painting Project in various towns, Erie County, PIN 5758.90 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, depending on the Federal Aid Funding Program; and

WHEREAS, the County of Erie desires to advance the Construction and Construction Inspection Phases of the Project, PIN 5758.90 through a Supplemental Agreement that increases the original Project Agreement in the amount of \$835,000.00 (\$167,000.00 required local share).

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature of the County of Erie hereby approves the above subject project; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and Non-Federal share of the cost of the Preliminary Engineering (Scoping and Design I-VI), and Construction and Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that the Project Fund B.20923 - 2009 Bridge Painting, Construction, fund center 123, fund 420, be increased by the anticipated Federal revenue in the amount of \$668,000.00 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	\$ 0	\$668,000	\$668,000
475000	Gen Oblig Bond Proc	<u>\$179,520</u>	<u>\$ 0</u>	<u>\$179,520</u>
TOTAL REVENUES		<u>\$179,520</u>	<u>\$668,000</u>	<u>\$847,520</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$179,520</u>	<u>\$668,000</u>	<u>\$847,520</u>
TOTAL APPROPRIATIONS		<u>\$179,520</u>	<u>\$668,000</u>	<u>\$847,520</u>

and be it further

RESOLVED, that the estimated total sum of the construction phase of the Project, \$835,000.00 is hereby appropriated from B.20923 – 2009 Bridge Painting, Construction and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project's Construction and Construction Inspection Phases exceeds the amount appropriated, \$835,000.00 and/or 100% of the full Federal

and non-Federal shares of the cost of the Project's Construction and Construction Inspection Phases exceeds \$835,000.00, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie, (subject to the County of Erie Attorney's approval as to form and content), with the New York State Department of Transportation in connection with the advancement or approval of the Project identified in the State/Local Agreement; and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid and State-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation and also one copy each to the Office of the County Executive, the Office of Budget and Management, and the Office of the Comptroller.
(6-0)

7. COMM. 13E-30 (2011)
COUNTY EXECUTIVE

WHEREAS, the Bridge Painting Project PIN 5758.90 will be advertised, bid, and ready for award of construction contract to the responsible low bidder; and

WHEREAS, the Bridge Painting Project PIN 5758.90 will improve the condition of County bridges; and

WHEREAS, funding for this project was approved and is available in B.20923 - 2009 Bridge Painting Construction in the amount of \$835,000.00; and

WHEREAS, it is necessary that this approval be granted, so that the contract can be awarded to allow the contractor to begin painting as soon as possible; and

WHEREAS, in order to facilitate the Bridge Painting Project it will be necessary for the County to execute the construction contract with the responsible low bidder and establish a construction contingency; and

WHEREAS, a change order must be negotiated with LiRo Engineers, of Buffalo, New York, for construction inspection and services during construction.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to award

and execute a contract for the Bridge Painting Project PIN 5758.90 between the County of Erie and the lowest responsible bidder, establish a construction contingency and execute a negotiated change order between the County of Erie and project engineers LiRo Engineers of Buffalo, New York; and be it further

RESOLVED, that funding for the Bridge Painting Project be allocated from fund B.20923 in an amount not to exceed \$835,000.00; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project; and be it further

RESOLVED, that the Department of Public Works will inform the Erie County Legislature, for information only, as to what contractor was the successful low responsible bidder for the Bridge Painting Project PIN 5758.90; 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 Division of Budget and Management, and the Office of the Comptroller.

(6-0)

**TIMOTHY J. WHALEN
CHAIR**

LEGISLATOR RESOLUTIONS

Item 43 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 117

RE: Transfer of Surplus Property to
C.R.U.C.I.A.L. Human Services, Inc.
(INTRO 14-1)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR MILLER-WILLIAMS**

WHEREAS, C.R.U.C.I.A.L. Human Services, Inc. is a community center in Buffalo that provides workshops, afterschool program, summer programs, a teen center, as well as hosting community events; and

WHEREAS, C.R.U.C.I.A.L. Human Services, Inc. approached Erie County to ask for assistance in furnishing the Center, particularly with computer equipment to help youth with homework activities and the unemployed find jobs or be trained in computer skills; and

WHEREAS, C.R.U.C.I.A.L. is in need of computers, monitors, printers, chairs, keyboards and other miscellaneous items that will benefit their activities for the members of the community that utilize the services of the Center; and

WHEREAS, Erie County has a surplus of such equipment that is no longer needed by the County, this resolution hereby requests that the Director of Purchase transfer the surplus items to C.R.U.C.I.A.L. Human Services, Inc.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Purchasing Director is hereby authorized to transfer ownership of ten computers, eleven monitors, ten keyboards, five printers, ten computer mice, eighteen chairs and any other miscellaneous item the County is able to donate, from the County of Erie to C.R.U.C.I.A.L. Human Services, Inc.; and be it further

RESOLVED, that certified copies of this resolution be sent to the Bridget Corcoran, Erie County Director of Purchase, the Department of Law, the County Executive's Office, the Comptroller's Office and C.R.U.C.I.A.L. Human Services, Inc.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 118

RE: Requesting Social Services
Commissioner & Budget Director
Appear Before Finance & Management
Committee to Discuss Child Care
Subsidies
(INTRO 14-2)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MILLER-WILLIAMS, WHYTE, GRANT,
BOVE, MARINELLI & LOUGHRAN**

WHEREAS, since the 1990's the County of Erie has offered a subsidy for child care expenses to families making 200% of federal poverty level. This subsidy was primarily funded through state and federal dollars with small county share; and

WHEREAS, in December of 2009 the County Executive announced he was reducing the income eligibility guidelines for families from 200% FPL to 125% because it was projected at the time that the program would not have sufficient resources to cover all of the eligible participants at the 200% FPL level. It has been reported, according to the Budget Director that 900 children and their families in Erie County lost their child care subsidies with this reduction; and

WHEREAS, in August of 2010 the Erie County Department of Social Services announced that it was increasing the income eligibility levels to 175% of FPL. It has been reported that with this increase only 200 children returned to the program; and

WHEREAS, COMM. 11E-7 (2011) 2010 Year End Budget Balancing Amendments and Designations indicates that at the close of the 2010 budget year \$7,144,238.00 remained in the child care subsidy account.

NOW, THEREFORE, BE IT

RESOLVED, the Commissioner of the Department of Social Services Carole Dankert and the Budget Director Greg Gach, appear before the next meeting of the Finance and Management Committee to explain why \$7,144,238.00 remained in the program at the end of the year and what plans they have to assure that families who qualify for the child care subsidy are informed of their eligibility and encouraged to apply to the program.

Item 45 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 119

RE: Supporting the Naming of the Scajaquada Expressway Pedestrian Bridge as the "9/11 Memorial Bridge" (INTRO 14-3)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MILLER-WILLIAMS, WHYTE, MILLS, KOZUB, WALTER, FUDOLI,
BOVE, HARDWICK, MARINELLI, DIXON & RATH**

WHEREAS, since 2003 an annual remembrance has taken place atop the bridge which spans Rte 198 (the Scajaquada Expressway) from Nottingham Terrace to Hoyt Lake in Delaware Park on September 11th; and

WHEREAS, this annual remembrance occurs between the hours of 8:30am and 10:15am on that day each year as a commemoration of the time span when four airplanes crashed, two at the World Trade Centers in New York City, one at the Pentagon in Washington, D.C. and one in a field in Shanksville, Pennsylvania; and

WHEREAS, members of the Buffalo Police and Fire departments along with EMS personnel and members of the Military have been in attendance at this memorial service each year since its commencement; and

WHEREAS, it is now the desire of some of those participants to further honor the victims of 9/11 by renaming the bridge the "9/11 Memorial Bridge" and placing a flagpole near the base of the north entrance to the bridge where a spotlight flag can be flown alongside a plaque commemorating the event.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports this effort to name the pedestrian bridge that spans the Scajaquada Expressway from Nottingham Terrace to Hoyt Lake as the “9/11 Memorial Bridge”; and be it further

RESOLVED, that copies of this certified resolution be sent to Buffalo Mayor Byron Brown, Commissioner of Public Works, Parks and Streets for the City of Buffalo Steven Stepniak, and the New York State Department of Transportation.

MS. WHYTE moved to amend the resolution by adding Et Al Sponsorship. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the resolution as amended. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

Item 46 – CHAIR MILLER-WILLIAMS directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 14-4 from MILLER-WILLIAMS, WHYTE, KOZUB, GRANT & MARINELLI. Requesting National Fuel Executives Continue to Meet with Members of (PUSH) & Other Interested Community Based Organizations to Discuss Increasing the Number of Homes Eligible for Weatherization Funds Through Their Conservation Incentive Program.

Item 47 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. GRANT seconded. MR. FUDOLI and MR. WALTER voted in the negative.

CARRIED. (13-2)

RESOLUTION NO. 120

RE: Establishment of MBE/WBE Utilization
Advisory Board
(INTRO 14-5)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS WHYTE, MILLER-WILLIAMS, GRANT,
KOZUB, BOVE, MARINELLI, LOUGHRAN & RATH**

WHEREAS, the Erie County Legislature Community Enrichment Committee officially met on May 11, 2011 at 1:00 pm for the purpose of discussing the County’s compliance with its three different local laws pertaining to MBE/WBE utilization, namely local law 1 of 1987, Local Law 5 of 1994, and Local Law 9 of 2005; and

WHEREAS, section 1 of 1987 Local Law 1 outlines at least four specific ways in which the contractor must submit evidence of compliance to the County MBE/WBE Office, including the requirement to submit copies of all subcontracts and/or purchase agreements with MBE's and WBE's within 15 days of contract award; and

WHEREAS, section 1 (G) and (H) of 1987 Local Law 1 indicate that minority and women owned businesses must become certified by the Erie County EEO Division; and

WHEREAS, the Erie County EEO Division has developed a "County of Erie, City of Buffalo Joint Certification Committee" to review minority and women owned businesses wishing to become certified under the requirements of the Law; and

WHEREAS, section 2 of 1987 Local Law 1 indicates that the County Executive shall appoint a MBE/WBE Utilization Advisory Board of nine members, the composition of which is supposed to include minority and female contractors; and

WHEREAS, section 4 (A) of 2005 Local Law 9 requires that every Department annually prepare a written plan for the utilization of bona-fide minority and women owned businesses for professional, technical, or other consultant services; and

WHEREAS, section 4 (C) of 2005 Local Law 9 requires that the County Executive submit a summary of each Department's plan to the Legislature simultaneously with the annual proposed Budget; and

WHEREAS, section 5 (F) of 2005 Local Law 9 requires that the County EEO Division prepare an annual report to the Executive and the Legislature on the compliance of the Departments with the Law; and

WHEREAS, at the meeting of the Community Enrichment Committee on May 11, the Black Chamber of Commerce and other individuals and businesses expressed serious concerns about the enforcement of the different components of each of these laws; and

WHEREAS, the EEO Office also testified at the Committee Meeting and it became clear that some of the required reports either do not exist or have not been filed with the Legislature and that the MBE/WBE Utilization Advisory Board currently does not exist; and

WHEREAS, if the MBE/WBE Utilization Advisory Board were established, it could serve to ensure that the different enforcement and reporting requirements of all three laws were properly in place, as well as serving as a point of contact for the community with regard to effective MBE/WBE utilization; and

WHEREAS, the MBE/WBE Utilization Advisory Board could also advise the Administration and Legislature on necessary changes to the laws that might result in better MBE/WBE utilization.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature calls upon the County Executive to immediately establish the MBE/WBE Utilization Advisory Board, as required by section 2 of 1987 Local Law 1; and be it further

RESOLVED, that the County Executive openly and publicly seek applicants to serve on the Board as well as solicit names and recommendations from any organization in Erie County advocating on behalf of minority and women owned businesses; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the EEO Director, the Personnel Commissioner, the County Attorney, the Black Chamber of Commerce, the Challenger, the Criterion, Panorama Hispano, the Hispanic Women's League, Hispanics United, the Women's Business Center at Canisius College, and the Buffalo Niagara Partnership.

SUSPENSION OF THE RULES

Item 48 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 14M-10 from the NATIONAL FUEL ACCOUNTABILITY COALITION Re: Letter to Chair Miller-Williams Concerning National Fuel Gas Conservation Incentive Program

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 49 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 14D-6 from the EC EEO OFFICE Re: 2010 EC MWBE Utilization Record

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 50 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 14D-7 from the DEPARTMENT OF PUBLIC WORKS Re: 2011 Road Program

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 51 – (COMM. 14E-2) WNY Stormwater Grant Budget Revisions

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 52 – (COMM. 14E-3) Acceptance of Interoperable Emergency Communication Grant Program

Item 53 – (COMM. 14E-4) Acceptance of State Law Enforcement Prevention Program Funds

Item 54 – (COMM. 14E-5) Central Police Services - 2011-2012 Aid to Crime Lab Grant

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

Item 55 – (COMM. 14E-6) Parks Positions - Conversion of RPT to Full Time

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 56 – (COMM. 14E-7) 2011 Erie County Board of Elections Budget Revisions

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 57 – (COMM. 14E-8) Amend CSE & EISEP Grant Budgets

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 58 – (COMM. 14E-9) Right-of-Way Acquisition - Vermont Street Site 9 - Drainage Improvements & Roadway Reconstruction - Town of Holland

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 59 – (COMM. 14E-10) ECSD No. 3 - Contract Close-Out

Item 60 – (COMM. 14E-11) MOU - US Fish & Wildlife Service - Sea Lamprey Trap at Scoby Dam

Item 61 – (COMM. 14E-12) ECSDM - Engineering Service Agreement

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

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 62 – (COMM. 14D-1) Transmittal of New Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 63 – (COMM. 14D-2) Notice of Public Hearing: Local Law Intro. No. 5-2011

Received and Filed.

FROM THE COMPTROLLER'S OFFICE

Item 64 – (COMM. 14D-3) Review of Calculations Supporting Payments to Former RPT Employees as a Result of Settlement

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 65 – (COMM. 14D-4) Transmittal of New Claim Against EC

Item 66 – (COMM. 14D-5) Transmittal of New Claims Against EC

The above two items were received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 67 – (COMM. 14M-1) Proposed Agenda for Meeting Held 6/16/2011

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NYSDEC

Item 68 – (COMM. 14M-2) Fact Sheet: Environmental Investigation & Demolition to Begin at the Former American Linen Supply Company Facility

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE EC AUDIT COMMITTEE

Item 69 – (COMM. 14M-3) Copy of Report of EC Audit Committee on RFP Process to Select & Contract with Independent External County Auditor

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE EC WATER AUTHORITY

Item 70 – (COMM. 14M-4) Copy of Annual Financial Report for Years Ended 12/31/2010 & 2009, Including Audited Financial Statements for Year Ended 12/31/2010

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM RICHARD L. TACZKOWSKI

Item 71 – (COMM. 14M-5) Submission of Plan for Legislative Redistricting

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NFTA

Item 72 – (COMM. 14M-6) Minutes of Meeting Held 4/25/2011 & 5/23/2011

Item 73 – (COMM. 14M-7) Copy of Public Authorities Reporting Information System Report

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

FROM THE NYS PUBLIC SERVICE COMMISSION

Item 74 – (COMM. 14M-8) Copy of Proceeding on Motion of the Commission to Examine Mobile Testing Requirements of Safety Standards

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE HOMELESS ALLIANCE OF WNY

Item 75 – (COMM. 14M-9) Copy of Executive Summary of 2009-2010 Data Analysis

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

ANNOUNCEMENTS

Item 76 – CHAIR MILLER-WILLIAMS announced that UniverSoul Circus will have an Erie County Day on Saturday, July 9, 2011, and she encouraged Erie County employees to attend the event.

Item 77 – MS. GRANT announced the background of UniverSoul Circus.

Item 78 – MR. LOUGHRAN announced that Loughran's 17th Annual 5K Run will be held on Monday, July 11, 2011 at 7:00 P.M., to benefit Children's Hospital.

Item 79 – MS. MARINELLI announced happy birthday wishes to 102-year-old Carmela "Carm" Trippi, a Democratic committee member from Buffalo.

Item 80 – MR. KOZUB announced happy 4th of July wishes to everyone.

MEMORIAL RESOLUTIONS

Item 81 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Shirley L. (Coleman) Gawley.

Item 82 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of James E. Arnold, Kathleen Cich, Albert Jircitarno, Jeanne M. Smith-Fallon, Lois Noto and Donald Fuller.

Item 83 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Samuel “Jerry” Starr; and John Alexanderson, husband of Erie County Surrogate Court Judge Barbara Howe.

Item 84– Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Zbigniew J. "Ziggy" Solecki, Jr.

Item 85 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of Ernest Dellas.

ADJOURNMENT

Item 86 – At this time, there being no further business to transact, CHAIR MILLER-WILLIAMS announced that the Chair would entertain a Motion to Adjourn.

MR. MAZUR moved that the Legislature adjourn until Thursday, July 7, 2011 at 2:00 p.m. Eastern Standard Time. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLER-WILLIAMS declared the Legislature adjourned until Thursday, July 7, 2011 at 2:00 p.m. Eastern Standard Time.

**ROBERT M. GRABER
CLERK OF THE LEGISLATURE**