

**ERIE COUNTY LEGISLATURE  
MEETING NO. 15  
SEPTEMBER 20, 2012**

The Legislature was called to order by Majority Leader Mazur, pursuant to 2012 Rules of Order, Erie County Legislature, Section 1.03, Acting Chair.

All members present, except Chair Grant.

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

The Pledge of Allegiance was led by Ms. Dixon.

**TABLED ITEMS**

**FROM THE COMPTROLLER**

Item 1 – MS. MARINELLI moved to take COMM. 13E-41 off the table. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 196

RE: Resolution for 2012 Revenue  
Anticipation Notes  
(COMM. 13E-41)

**EXTRACT OF MINUTES**

Meeting of the County Legislature of  
the County of Erie, New York.  
September 20, 2012

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A regular meeting of the County Legislature of the County of Erie, New York, was held at the Chambers of the Erie County Legislature, in the Erie County Hall, Buffalo, New York, in said County, on September 20, 2012, at 2:00 o'clock P.M. (Prevailing Time).

The following Legislators were present:

Timothy R. Hogues, Lynn M. Marinelli, Kevin R. Hardwick, Thomas A. Loughran, Edward A. Rath III, Thomas J. Mazur, Terrence D. McCracken, Lynne M. Dixon, Joseph C. Lorigo and John J. Mills.

There were absent: Betty Jean Grant.

Also present: Robert M. Graber, Clerk of the Legislature.

\* \* \*

Legislator Marinelli offered the following resolution and moved its adoption:

RESOLUTION NO. 196 -2012

RESOLUTION DELEGATING TO THE COUNTY COMPTROLLER THE POWERS TO AUTHORIZE THE ISSUANCE OF \$80,000,000 REVENUE ANTICIPATION NOTES OF THE COUNTY OF ERIE, NEW YORK, OR SO MUCH THEREOF AS MAY BE NECESSARY, IN ANTICIPATION OF THE RECEIPT OF CERTAIN REVENUES FOR THE FISCAL YEAR ENDING DECEMBER 31, 2012, AND TO PRESCRIBE THE TERMS, FORM AND CONTENTS, AND PROVIDE FOR THE SALE AND CREDIT ENHANCEMENT OF SUCH NOTES.

RESOLVED BY THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), the power to authorize the issuance of Revenue Anticipation Notes (herein called "Notes") of the County of Erie, in the State of New York (the "County" and "State", respectively), in the aggregate principal amount of not to exceed \$80,000,000, and any notes in renewal thereof, is hereby delegated to the County Comptroller, as chief fiscal officer of the County.

Section 2. The Notes shall be issued in anticipation of the collection or receipt of revenues due to the County in the 2012 fiscal year from (i) State Social Services aid, (ii) Social Services aid from the United States government, and (iii) the collection or receipt of revenues due and payable to the County in the 2012 fiscal year from sales and compensating use taxes; and the proceeds of such Notes shall be used only for the purposes of paying the current expenses of the County for said fiscal year payable from the revenues in anticipation of which they are issued.

Section 3. The Notes shall contain the recital of validity prescribed by Section 52.00 of the Law and shall be general obligations of the County, and the faith and credit of the County shall be pledged to the punctual payment of the principal of and interest on the Notes and, unless the Notes are otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget of the County and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 4. Subject to the provisions of this resolution and the Law, and pursuant to Sections 50.00, 56.00, 60.00, and 168.00 of the Law, inclusive, the powers to prescribe the terms, form and contents, and all other powers or duties pertaining or incidental to the sale and issuance of the Notes authorized pursuant hereto, or any renewals thereof, including the power to determine the respective amounts of Notes to be issued in anticipation of said respective revenues specified in Section 2 hereof, and the power to enter into agreements for credit enhancement for the Notes, are hereby delegated to the Comptroller, as chief fiscal officer of the County.

Section 5. This resolution shall take effect immediately.

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The adoption of the foregoing resolution was seconded by Legislator Rath and duly put to a vote on roll call, which resulted as follows:

AYES:

Timothy R. Hogues, Lynn M. Marinelli, Kevin R. Hardwick, Thomas A. Loughran, Edward A. Rath III, Thomas J. Mazur, Terrence D. McCracken, Lynne M. Dixon, Joseph C. Lorigo and John J. Mills.

NOES:

None.

The resolution was declared adopted.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MS. MARINELLI moved for the approval of the minutes for Meeting Number 14 from 2012. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

### **MISCELLANEOUS RESOLUTIONS**

Item 5 – MR. MILLS and MR. McCRACKEN presented a resolution Congratulating G. Calvin Kohn for Twenty Years of Service on the Erie County Soil & Water Conservation District Board of Directors.

Item 6 – CHAIR GRANT, MR. LOUGHRAN and MS. MARINELLI presented a resolution Congratulating the West Side Rowing Club on Its 100th Anniversary.

Item 7 – MR. MAZUR presented a resolution Celebrating September 9 - 15, 2012 as National Direct Support Professional Recognition Week.

Item 8 – MR. MAZUR presented a resolution of Posthumous Recognition of Jackie Schmid of Cheektowaga as the Citizen of the Month for August 2012.

Item 9 – MR. MAZUR presented a memorial resolution Honoring the Memory of Michael John Janora.

Item 10 – CHAIR GRANT and MR. MAZUR presented a resolution Congratulating the WNY Veterans Housing Coalition on its 25th Anniversary.

Item 11 – MR. MILLS presented a resolution Congratulating the Eden Boys & Girls Club on Celebrating Its 10th Anniversary.

Item 12 – MR. MILLS presented a resolution Congratulating Louis R. Palma on Receiving the Abraham Lincoln Award from the Town of Evans Republican Committee.

Item 13 – MR. HARDWICK presented a resolution Honoring Robert Christmann on His Retirement as Grand Island School Superintendent.

Item 14 – MR. HARDWICK presented a memorial resolution Honoring the Life of Lloyd Long.

MS. MARINELLI moved for consideration of the above ten items. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the above ten items by including Et Al Sponsorship. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved for approval of the above ten items as amended. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 15 – ACTING CHAIR MAZUR directed that Local Law No. 8 (Print #1) 2011 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 16 – ACTING CHAIR MAZUR directed that Local Law No. 11 (Print #1) 2011 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 17 – ACTING CHAIR MAZUR directed that Local Law No. 1 (Print #1) 2012 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

### **COMMITTEE REPORTS**

None.

### **LEGISLATOR RESOLUTIONS**

Item 18 – MS. MARINELLI presented the following resolution and moved for immediate

consideration. MR. McCracken seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 197

RE: Reforming Higher Education Policy in NYS by Eliminating Charge-Backs to County Taxpayers for Community College Students Who Attend a Community College Within the Same Economic Development Region as Their Home County  
(INTRO 15-1)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS MARINELLI, GRANT, MAZUR, HOGUES,  
LOUGHRAN & McCracken**

WHEREAS, a recent article published in The Buffalo News on Thursday, August 23, 2012 highlighted the outdated and unfair state policy that requires taxpayers to pay a fee when residents of the county where they reside attend two-year schools elsewhere in the state if a two-year community college is available in their own county; and

WHEREAS, this practice encourages parochialism and competition within the same economic development regions geographically designated by Empire State Development Corporation; and

WHEREAS, the regional economic development planning councils so designated by the Cuomo Administration strategically encourage collaboration, cross-promotion, priority-setting and the sharing of resources within a region to encourage companies to locate within these ten unique regions in New York State; and

WHEREAS, according to the Regional Council Guidebook, Erie County lies within the Western New York Regional Economic Development Council – together with Niagara, Cattaraugus, Allegany and Chautauqua Counties; and

WHEREAS, charging a fee or “taxing” Erie County residents when fellow residents attend a community college in another county within our economic development region flies in the face of the purpose of the regional economic development councils and makes no economic sense; and

WHEREAS, the Charge-back Policy – implemented by state law in the 1950’s – is archaic by any 21<sup>st</sup> century measure, as our region is not competing for jobs within the region, but for jobs across the United States and around the world; and

WHEREAS, the community college system is well-recognized as the leading edge in curriculum development and job training that reflect the changing needs of business; and

WHEREAS, the Charge-back Policy does not apply to four-year schools or graduate schools in the SUNY system, which serves the taxpayers of New York State well; and

WHEREAS, the greatest resource of our region is our human resource, whose education and job training should not be impeded by an outdated charge-back policy that angers taxpayers and encourages parochialism within the same economic development region.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature convey its support for a discontinuation of the Community College Chargeback Policy that exists in New York State; and be it further

RESOLVED, that this Honorable Body request that the New York State Legislature and Governor approve legislation to put an end to this archaic, parochial practice; and be it further

RESOLVED, that the new state legislation allow residents within an economic development region so designated by Empire State Development Corporation to attend the community college of their choice within the same region without imposing a punitive fee on the taxpayers of their home counties.

MS. MARINELLI moved to amend the resolution by including Et Al Sponsorship. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to approve the resolution as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 19 – ACTING CHAIR MAZUR directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 15-2 from LORIGO & RATH. Opposing the Clean Water Act Draft Guidance Proposed by the Environmental Protection Agency.

Item 20 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 198

RE: Encouraging Passage & Implementation  
of H.R. 3798 & S.3239, the Egg  
Products Inspection Act Amendments of  
2012  
(INTRO 15-3)

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

WHEREAS, the United States Congress is currently considering H.R. 3798 and S. 3239, the Egg Products Inspection Act Amendments of 2012; and

WHEREAS, the Egg Products Inspection Act Amendments of 2012 require egg producers to essentially double the space allotted per hen, with a new enriched colony housing system; and

WHEREAS, the amendments also require enhancements, such as perches, nesting boxes and scratching areas, allowing hens to express natural behaviors; and

WHEREAS, they also prohibit feed or water withdrawal molting to extend the laying cycle; and

WHEREAS, they also prohibit excessive ammonia levels in henhouses; and

WHEREAS, they also require standards approved by the American Veterinary Medical Association for the euthanasia of egg-laying hens; and

WHEREAS, they also prohibit excessive ammonia levels in henhouses; and

WHEREAS, they require that consumers be notified on egg cartons the method used to produce the eggs, i.e. – “eggs from caged hens,” “eggs from hens in enriched cages,” “eggs from cage-free hens,” or “eggs from free-range hens;” and

WHEREAS, they level the playing field for egg producers by imposing the same requirements for egg producers nationwide, rather than forcing egg producers to meet conflicting and confusing state requirements; and

WHEREAS, the amendments prohibit the transport and sale of eggs and egg products nationwide that do not meet these requirements; and

WHEREAS, the amendments have been lauded, among others, by the American Society for the Prevention of Cruelty to Animals (ASPCA), the National Consumers League and the United Egg Producers, who represent farmers who produce 88 percent of the nations’ eggs.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature goes on record strongly supporting passage and implementation of H.R. 3798 and S. 3239, the Egg Products Inspection Act Amendments of 2012; and be it further

**RESOLVED**, that copies of this resolution be forwarded to the local delegation of the United States Congress.

MS. MARINELLI moved to amend the resolution by including Et Al Sponsorship. MR. RATH seconded.

**CARRIED UNANIMOUSLY.**

MS. MARINELLI moved to approve the resolution as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 21 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 199

RE: Requesting Information Regarding  
Ralph Wilson Stadium Lease  
(INTRO 15-4)

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

WHEREAS, Ralph Wilson Stadium is owned by Erie County and its taxpayers; and

WHEREAS, Local Law Number 2 of 1971 authorizes Erie County to enter into leases for the stadium for a term not to exceed forty years; and

WHEREAS, the stadium has been home to the Buffalo Bills since 1971; and

WHEREAS, the Buffalo Bills have had a positive fiscal impact on the local, regional and New York State economies; and

WHEREAS, the team is estimated to generate nearly \$20 million in New York State taxes annually, in addition to significant county taxes; and

WHEREAS, the team has been estimated to have an annual economic impact to the region well in excess of \$100 million; and

WHEREAS, the Buffalo Bills lease with Erie County for the stadium is set to expire in July, 2013; and

WHEREAS, since taking office, the County Executive has stated that he hoped to sign a new long-term lease that would keep the Bills in Erie County by the start of training camp; and

WHEREAS, that did not happen; and

WHEREAS, the deadline for the Buffalo Bills to apply to the National Football League for funding to make improvements to Ralph Wilson Stadium during the off-season has now passed; and

WHEREAS, it now appears that the County Executive has agreed in principal to an agreement that would keep the Bills in Erie County for one year; and

WHEREAS, presumably, this agreement will have an impact on the Erie County budget and four year plan and that impact needs to be discussed; and

WHEREAS, it appears that the County Executive still intends to pursue a long-term lease with the Buffalo Bills; and

WHEREAS, there is precedent for the Erie County legislature to assist the County Executive perform administrative functions, such as with the legislature's recently created VALER 4 Valor committee; and

WHEREAS, a discussion should occur as to what role the Erie County Legislature can play beyond approving any lease to assist the County Executive to accomplish his goal of securing a long-term lease with the Buffalo Bills.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests representatives from the administration to appear before the Finance and Management committee to discuss the impact of the one year lease on the 2013 budget and the four year plan; and be it further

RESOLVED, that the Erie County Legislature requests representatives from the administration to appear before the Economic Development committee to discuss in what ways the legislature can assist the administration in its negotiations with the Buffalo Bills; and be it further

RESOLVED, that copies of this resolution be forwarded to County Executive Mark Poloncarz, Governor Andrew Cuomo and Commissioner of Environment and Planning Maria Whyte.

MS. MARINELLI moved to amend the resolution by including Et Al Sponsorship. MR. McCRACKEN seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to approve the resolution as amended. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 22 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 200

RE: Public Hearing Regarding Application  
of Sheridan Park, Inc. to Establish a  
Crematory  
(INTRO 15-5)

**A RESOLUTION TO BE SUBMITTED BY**

**LEGISLATORS HARDWICK, MARINELLI, GRANT, MAZUR & MILLS**

WHEREAS, Sheridan Park, Inc. has applied to this Honorable Body to build and operate a crematory; and

WHEREAS, approval of the application by this Honorable body is a condition precedent to construction; and

WHEREAS, this Honorable body will hear public comment prior to voting on the application.

NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing shall be held by this legislature on Wednesday, November 7, 2012 at 2:00 PM in the Legislative Chambers, 4<sup>th</sup> floor of Old County Hall, 92 Franklin Street in the City of Buffalo; and be it further

RESOLVED, that the subject of the hearing will be the application of Sheridan Park, Inc. to construct and operate a crematory; and be it further

RESOLVED, that notice of the public hearing be published once a week for six weeks in a newspaper designated to publish the session laws; and be it further

RESOLVED, that copies of this resolution be forwarded to the Erie County Attorney and Sheridan Park, Inc., c/o The Knoer Group PLLC, 424 Main Street, Suite 1820, Buffalo, New York 14224.

MS. MARINELLI moved to amend the resolution by including Et Al Sponsorship. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to approve the resolution as amended. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 23 – MS. MARINELLI moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 1D-7 (2012). MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 201

RE: OPEN ITEM - Finance & Management  
Committee - Correction of Errors/NYS  
Real Property Tax Law  
(COMM. 1D-7, 2012)

MS. MARINELLI moved to amend the item. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Insert the Attached:

WHEREAS, the Erie County Director of Real Property Tax Services has received applications for correction of tax rolls/or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

WHEREAS, the Director has investigated the validity of such applications.

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 212163 through 212164, inclusive be hereby approved based upon the recommendation of the Director of Real Property Tax Services and be charged back to the applicable towns or cities.

FISCAL YEAR	2011	Petition No.	212163
	ASSESSOR	Cancel	\$221,571.96
S-B-L	141.11-1-1.111	140900 LACKAWANNA	
	Acct. No. 112	\$221,571.96	County
	Acct. No. 132	\$0.00	Town/SpecialDist/School
<u>Charge To :</u>	140900 LACKAWANNA		\$0.00

RPTL 550(2): Assessor split the former Bethlehem Steel property into four tax parcels and the tax at issue was charged to Tecumseh Redevelopment Inc.

FISCAL YEAR	2012	Petition No.	212164
	ASSESSOR	Cancel	\$261,447.25
S-B-L	141.11-1-1.111	140900 LACKAWANNA	
	Acct. No. 112	\$261,447.25	County
	Acct. No. 132	\$0.00	Town/SpecialDist/School
<u>Charge To :</u>	140900 LACKAWANNA		\$0.00

RPTL 550(2): Assessor split the former Bethlehem Steel property into four tax parcels and the tax at issue was charged to Tecumseh Redevelopment Inc.

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.

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

CARRIED UNANIMOUSLY.

**SUSPENSION OF THE RULES**

Item 24 – MS. MARINELLI moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 15E-37 from CHAIR GRANT Re: Absence from Legislature Session on 9/20/12

Received, Filed and Printed.

September 20, 2012

Robert M. Graber, Clerk  
Erie County Legislature  
92 Franklin St., 4th Floor  
Buffalo, NY 14202

Dear Mr. Graber:

Please be advised that I will not be able to attend today's session of the Erie County Legislature due to my presence being needed at the Erie County Board of Elections to witness the processing of Democratic primary ballots in the NYS Senate's 63rd District, for which I am a candidate.

As usual, I will be reachable by cellular telephone should you need to contact me.

Thank you.

Sincerely,

Betty Jean Grant, Chair  
2nd District Legislator

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM LEGISLATOR RATH**

Item 25 – (COMM. 15E-1) Letter to Legislator McCracken Concerning Wind Energy

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COMPTROLLER

Item 26 – (COMM. 15E-2) Copy of Interim Financial Report for the Six Month Period Ended 6/30/2012

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 27 – (COMM. 15E-3) Appointment to the NYS Proceeds Allocation Board

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER

Item 28 – (COMM. 15E-4) 2012 Capital Borrowing Relating to 2012 Consolidated Bond Resolution

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 29 – (COMM. 15E-5) Payment in Lieu of Taxes (PILOT) Agreement for St. John Townhomes II & Massachusetts Avenue Sustainable Neighborhoods Project - Affordable Housing Developments - City of Buffalo

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COMPTROLLER

Item 30 – (COMM. 15E-6) Copy of External Auditor's Management Letter for EC for the Year Ended 12/31/2011

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 31 – (COMM. 15E-7) Copy of EC's NYSDOT Single Audit Report for the Year Ended 12/31/2011

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 32 – (COMM. 15E-8) Report of Secured Funds Relating to 2012 Capital Borrowing (2012 Consolidated Bond Resolution)

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR LORIGO

Item 33 – (COMM. 15E-9) Copy of Letter from Donna Andrzejewski, Regional Manager of SKIP of NY

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 34 – MS. MARINELLI presented the following resolution and moved for immediate consideration and approval. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 202

RE: Declaration of Need for 2012 Revenue  
Anticipation Note  
(COMM. 15E-10)

RESOLVED, the Erie County Legislature hereby approves the following Declaration of Need for the 2012 Revenue Anticipation Note:

DECLARATION OF NEED

I, Mark C. Poloncarz, 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 amount of the Financeable Costs hereby requested to be undertaken is \$75,000,000 for cash flow needs of the County.
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 meet the requirements of Section 4.01(f) of the Agreement, as applicable.
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 herein. 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.

FROM THE COMPTROLLER

Item 35 – (COMM. 15E-11) Copy of Letter to Public Works Commissioner Concerning a Review of the Eden-Evans Center Road Project for the Period 7/1/2011 through 8/31/2012

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 36 – (COMM. 15E-12) Personnel Adjustment - EC Correctional Health Services

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 37 – (COMM. 15E-13) Indigent Legal Services Grant

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 38 – (COMM. 15E-14) Appointments to the Commission on the Status of Women

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

Item 39 – (COMM. 15E-15) ECSDs 1-6 & 8 - Section 270/271 Resolutions

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 203

RE: Notice of Public Hearing - ECSDs –  
2012 Assessment Rolls (2013 Levy)  
(COMM. 15E-16)

WHEREAS, Article 5-A, Sections 270 and 271 of County Law requires your Honorable Body to hold a Public Hearing on the Sewer District Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and

WHEREAS, Notice of said Public Hearing shall be published at least once in the official County newspapers prior to holding the Public Hearing.

NOW, THEREFORE, BE IT

RESOLVED, that the Sewer District assessment rolls are open for public inspection in the offices of the Division of Sewerage Management, 95 Franklin Street, Buffalo, New York 14202; and be it further

RESOLVED, that a Public Hearing be held in the Chambers of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, NY, at 1:30 p.m., local time, on November 2, 2012 for the purpose of meeting to hear and consider any objections which may be made to the 2012 Sewer District Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and be it further

RESOLVED, that the Clerk of the Legislature be directed to have published in the official County Newspapers, and the Buffalo News, a Notice of Public Hearing no later than the week of September 23, 2012; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive, Erie County Comptroller, Kristen Walder Assistant County Attorney and Joseph L. Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.

Item 41 – (COMM. 15E-17) ECC - Program Needs Assessment & Space Utilization Analysis

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 42 – (COMM. 15E-18) Department of Probation - Electronic Monitoring Equipment

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 43 – (COMM. 15E-19) Department of Senior Services - Position Transfer

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 44 – (COMM. 15E-20) Youth Bureau - Juvenile Detention Alternative Initiatives Coordinator

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 45 – (COMM. 15E-21) Non-Residential Domestic Violence Contracts

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 46 – (COMM. 15E-22) Personnel Adjustments - Department of Public Works

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 47 – (COMM. 15E-23) EC Soil & Water Conservation District Agreement - Technical Services & Stream Bank Maintenance, Bridge & Culvert Scour Maintenance Program

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 48 – (COMM. 15E-24) Payment in Lieu of Taxes (PILOT) Agreement for Mariner Apartments - 186 Efner Street, City of Buffalo - Affordable Housing Development

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 49 – (COMM. 15E-25) Request for Proposals - Final Design - WNY Stormwater Coalition: Rainwater Harvesting Installation Project

Item 50 – (COMM. 15E-26) LEWPA Coordinator Funding & Position

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

Item 51 – (COMM. 15E-27) Payment in Lieu of Taxes (PILOT) Agreement for Riverside Apartments - 238 Ontario Street, City of Buffalo - Affordable Housing Development

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 52 – MS. MARINELLI presented the following resolution and moved for immediate consideration and approval. MR. McCracken seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 204

RE: Transfer of Property at 3445 River Road  
to the Buffalo & EC Industrial Land  
Development Corporation  
(COMM. 15E-28)

WHEREAS, the County of Erie desires to remediate brownfield properties and clear former industrial sites for productive reuse; and

WHEREAS, the property at 3445 River Road, the former Polymer Applications site, has been a vacant brownfield since a fire over twenty years ago, has been a blighting influence on the area for twenty years and has accrued over \$2 million in back taxes, interest and penalties; and

WHEREAS, the New York State Department of Environmental Conservation declared the site a State Superfund site; and

WHEREAS, the New York State Department of Environmental Conservation has remediated this brownfield site and intends to delist the site; and

WHEREAS, vacant, abandoned former factory buildings still occupy portions of the site rendering it unusable in its current condition; and

WHEREAS, the Erie County Industrial Development Agency has expertise in the area of construction management and has agreed to manage the demolition of the remaining buildings; and

WHEREAS, the Buffalo and Erie County Industrial Land Development Corporation (ILDC), has as one of its goals and authorities, the ability to hold industrial property for management and improvement; and

WHEREAS, the Erie County Legislature has held a public hearing on the transfer of the 3445 River Road property to the Buffalo and Erie County Industrial Land Development Corporation; and

WHEREAS, it is expected that Erie County will foreclose on the 3445 River Road property.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with the Buffalo and Erie County Industrial Land Development Corporation, selling the 3445 River Road property to the Buffalo and Erie County Industrial Land Development Corporation for the sum of one dollar (\$1.00); and be it further

RESOLVED, that the County Executive is authorized to execute any deeds necessary to transfer this parcel to the Buffalo and Erie County Industrial Land Development Corporation; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive, the Director of the Division of Budget and Management, the County Comptroller, the Director of Real Property Tax Services, the Commissioner of the Department of Environment and Planning and the County Attorney.

Item 53 – (COMM. 15E-29) Personnel Adjustment - Senior Offset Machine Operator - Division of Information & Support Services

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 54 – (COMM. 15E-30) ECSD No. 3 - Operation & Maintenance Agreement - Mount Vernon Sewer District

Item 55 – (COMM. 15E-31) ECSD No. 3 - Proposed Transfer of Assets - Town of Hamburg Sewer Districts

Item 56 – (COMM. 15E-32) ECSD No. 2 - Intermunicipal Agreement with Town of Evans - Dumpster Placement

Item 57 – (COMM. 15E-33) ECSD No. 2 - Modification of Plans (2012)

Item 58 – (COMM. 15E-34) EC Division of Sewerage Management - Engineering Service Agreement

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

Item 59 – MS. MARINELLI presented the following resolution and moved for immediate consideration and approval. MR. McCracken seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 205

RE: Federal-Aid Highway & Marchiselli-Aid  
- Supplemental Agreement - NYSDOT –  
Reconstruction of E. Robinson & N.  
French Roads - Town of Amherst  
(COMM. 15E-35)

WHEREAS, a project for the reconstruction with widening of CR 299, East Robinson and North French Roads, from US Route 62, Niagara Falls Blvd, to CR 301, Sweet Home Road, in the Town of Amherst, Erie County, P.I.N. 5755.43 (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, or 90% federal funds and 10% non-federal funds, depending on the Federal Funding Program; 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 Right-of-Way Incidentals and Right-of-Way Acquisition phases of the project or portions thereof, with the federal share of such costs to be applied directly by the NYSDOT pursuant to agreement; and

WHEREAS, your Honorable Body previously authorized the project’s initial agreement for payment of \$341,925 towards the non-federal share via Erie County Comm. 4E-25 of March 17, 2011; and

WHEREAS, the supplemental agreement requires an additional payment of \$215,475 from Project Fund B.20905, 2009 East Robinson Right-of-Way toward the non-federal share.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature hereby approves the project; and be it further

RESOLVED, that the County Legislature hereby authorizes the County of Erie to pay in the first instance 100% of the non-federal share of the cost of the Right-of-Way Incidentals and Right-of-Way Acquisition phases of the project or portions thereof; and be it further

RESOLVED, that in addition to the previous project agreement appropriations authorized via County Resolution Comm. 4E-25 of March 17, 2011, the B.20905 budget for 2009 East Robinson and North French Roads Right-of-Way be increased by \$265,000.00 for anticipated New York State Marchiselli revenue, as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
405160	NYS Marchiselli	\$0	\$265,000	\$265,000
414000	Federal Aid	\$0	\$0	\$0
475000	Gen Oblig Bond Proc	<u>\$400,000</u>	<u>\$0</u>	<u>\$400,000</u>
TOTAL REVENUES		<u>\$400,000</u>	<u>\$ 265,000</u>	<u>\$665,000</u>
APPROPRIATIONS				
516020	Pro Ser Cnt & Fee	\$400,000	\$265,000	\$665,000
Capital Projects	Capital Projects Expense	<u>\$400,000</u>	<u>\$265,000</u>	<u>\$665,000</u>
<u>TOTAL APPROPRIATIONS</u>		<u>\$400,000</u>	<u>\$265,000</u>	<u>\$665,000</u>

and be it further

RESOLVED, that the supplemental agreement required non-federal share payment in the amount of \$215,475 is hereby appropriated from B.20905 2009 East Robinson and North French Roads Right-of-Way and made available to cover the cost of participation in the above phases of the project; and be it further

RESOLVED, that in the event the non-federal share of the cost of the project's Right-of-Way Incidentals and Right-of-Way Acquisition phases exceeds the amount appropriated above, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT 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 with the NYSDOT 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 the non-federal share 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 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.

Item 60 – (COMM. 15E-36) Right-of-Way Acquisition - Zoar Valley Road Reconstruction - FEMA Disaster - Town of Concord

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE DEPARTMENT OF SOCIAL SERVICES**

Item 61 – (COMM. 15D-1) Caseload Growth Information

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**FROM THE COUNTY ATTORNEY**

Item 62 – (COMM. 15D-2) Notice of Public Hearing: Local Law Intro. No. 2-2012

Received and Filed.

**FROM THE DIRECTOR OF BUDGET & MANAGEMENT**

Item 63 – (COMM. 15D-3) Budget Monitoring Report for Period Ending June 2012

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COUNTY ATTORNEY**

Item 64 – (COMM. 15D-4) Transmittal of New Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 65 – (COMM. 15D-5) Filing of Local Law No. 2 of the Year 2012

Received and Filed.

**FROM THE DIRECTOR OF BUDGET & MANAGEMENT**

Item 66 – (COMM. 15D-6) Budget Monitoring Report for Period Ending July 2012

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COUNTY ATTORNEY**

Item 67 – (COMM. 15D-7) Transmittal of New Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 68 – MS. MARINELLI presented the following resolution and moved for immediate consideration and approval. MR. McCRACKEN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 206

RE: Budget Revisions  
(COMM. 15D-8)

WHEREAS, the Federal legislation Help America Vote Act of 2002 (HAVA) requires the replacement of lever voting machines with electronic voting systems; and

WHEREAS, such electronic voting systems must use a very specific paper ballot; and

WHEREAS, the Erie County Board of Elections desires to purchase a ballot printer for this purpose; and

WHEREAS, the purchase of the printer is eligible for 100% reimbursement from the Federal government through the State of New York.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is granted for the Board of Elections to purchase a ballot printer in the amount of not to exceed \$45,112.00; and be it further

RESOLVED, that the Board of Elections will submit necessary paperwork for federal reimbursement of approximately \$45,112.00 or 100% of the purchase price of the printer, through the State of New York; and be it further

RESOLVED, that authorization is hereby granted to the Division of Budget and Management to make the following adjustments to the 2012 Budget of the Board of Elections:

Fund 110, Fund Center 1500020, Board of Elections

Revenue	Increase/(Decrease)
Account 414010 Federal Aid-Other	\$45,112.00

Appropriations	Increase/(Decrease)
Account 561410 Lab & Technical Equipment	\$45,112.00

and be it further

RESOLVED, that two (2) certified copies of this resolution be forwarded to the Board of Elections, one (1) certified copy be forwarded to the Division of Budget and Management, the Office of the Comptroller, the County Attorney's Office and the Division of Purchase.

FROM THE COMMISSIONER OF ENVIRONMENT & PLANNING

Item 69 – (COMM. 15D-9) Letter to Cultural Organizations RE: 2011 Capital Contracts

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 70 – (COMM. 15D-10) Buffalo Erie Niagara Land Improvement Corporation Board of Directors Meeting Notice

Received and Filed.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE ASSIGNED COUNSEL PROGRAM

Item 71 – (COMM. 15M-1) Copy of Financial Report for the Period 7/1/2011 - 12/31/2011

Item 72 – (COMM. 15M-2) Copy of Quarterly Report for the 2nd Quarter of 2012

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

FROM THE NFTA

Item 73 – (COMM. 15M-3) Copy of Board Minutes from Meeting Held 6/25/2012

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYS OFFICE OF REAL PROPERTY TAX SERVICES

Item 74 – (COMM. 15M-4) Copy of Final Class Equalization Rates for 2012 Assessment  
Rolls

Item 75 – (COMM. 15M-5) Copy of Final State Equalization Rates for 2012 Assessment  
Rolls

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

FROM THE SPCA

Item 76 – (COMM. 15M-6) Letter to Legislature Concerning EC Surplus Donation

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM NAN L. HAYNES

Item 77 – (COMM. 15M-7) Letter of Resignation as Secretary of the EC Community Corrections Advisory Board

Received and Filed.

FROM VISIT BUFFALO NIAGARA

Item 78 – (COMM. 15M-8) Copy of Quarterly Reports for the 2nd Quarter of 2012

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NFTA

Item 79 – (COMM. 15M-9) Copy of Annual 17A Report

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYS EDUCATION DEPARTMENT

Item 80 – (COMM. 15M-10) Letter to Legislature Concerning the Use of Sunscreen in Schools

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE NYSDEC

Item 81 – (COMM. 15M-11) Fact Sheet: Remedial Investigation & Interim Remedial Measure Proposed; Public Comment Period 8/29/2012 - 9/29/2012 for Site Known as Former Mobil Service Station 99-MST

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE CITY OF BUFFALO  
DEPARTMENT OF ASSESSMENT & TAXATION

Item 82 – (COMM. 15M-12) Transit Mall Assessment Rolls for 2013

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NFTA

Item 83 – (COMM. 15M-13) Minutes of Meeting Held 7/23/2012

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYSDOT

Item 84 – (COMM. 15M-14) Copy of Letter Concerning Cases 36030 Kenmore Avenue & 36047 Woodward Avenue

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYSDEC

Item 85 – (COMM. 15M-15) Fact Sheet: Investigation to Begin at State Superfund Site Known as Lackawanna Incinerator Site

Item 86 – (COMM. 15M-16) Public Notice: Brownfield Cleanup Program Application from 154 South Ogden LLC for Site Known as the 154 South Ogden Street Site

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

FROM SAY YES BUFFALO

Item 87 – (COMM. 15M-17) Letter to Legislature Concerning the Say Yes Buffalo Program

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE KNOER GROUP, PLLC

Item 88 – (COMM. 15M-18) Letter to Legislature Concerning Sheridan Park, Inc.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

ANNOUNCEMENTS

Item 89 – ACTING CHAIR MAZUR announced that the committee schedule for upcoming committee meetings has been distributed.

MEMORIAL RESOLUTIONS

Item 90 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Pearl Platter, former Tonawanda Mayor and Assemblyman Lloyd Long, and Kenneth McNinch.

Item 91 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of John Charles Daigler.

Item 92 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Col. Richard D. O’Connor, Joe Carubba, and Robert J. McCarthy Sr.

Item 93 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of F. Robert Danni and Donald F. Smith.

Item 94 – Legislator McCracken requested that when the Legislature adjourns, it do so in memory of Ursula H. Lundgard, Vincent P. Steimer and Gary E. Grant.

Item 95 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Francis J. (Binky) Kulczyk.

**ADJOURNMENT**

Item 96 – At this time, there being no further business to transact, ACTING CHAIR MAZUR announced that the Chair would entertain a Motion to Adjourn.

MR. RATH moved that the Legislature adjourn until Thursday, September 27, 2012 at 2:00 p.m. Eastern Standard Time. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

ACTING CHAIR MAZUR declared the Legislature adjourned until Thursday, September 27, 2012 at 2:00 p.m. Eastern Standard Time.

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