

ERIE COUNTY LEGISLATURE
MEETING NO. 16
JULY 21, 2011

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

All members present.

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

The Pledge of Allegiance was led by Ms. Dixon.

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 15 from 2011. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. WALTER presented a resolution Commending the Street Sweepers on Winning the 2011 Gus Macker Basketball Championship.

Item 6 – MS. MARINELLI presented a resolution Honoring the Memory of Maria Z. Cicero of Tonawanda, Mother of Former Legislature Staff Member Rosemary Sullivan.

Item 7 – MR. MAZUR presented a Memorial Resolution Honoring the Life of Walter Richard Czerwonka.

Item 8 – CHAIR MILLER-WILLIAMS presented a resolution Honoring the Life & Many Accomplishments of Reverend Will J. Brown.

Item 9 – MR. MAZUR presented a Memorial Resolution In Remembrance of Anthony J. Stawiasz.

Item 10 – MR. MAZUR presented a Memorial Resolution Remembering the Life of Sister Marcyann Kowalczyk.

Item 11 – MR. MILLS, MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. RATH and MR. WALTER presented a resolution Recognizing "90 Days of Remembrance," a 12-Week Long Blood Drive Hosted by the American Red Cross Commemorating the 10th Anniversary of the Attacks on September 11, 2001.

Item 12 – MR. RATH presented a Memorial Resolution Honoring the Memory of Clarence Robert Goodwin, Jr.

Item 13 – MR. RATH presented a resolution Congratulating Claire Murello of Williamsville South High School for Being Awarded the 2011 Taste of Buffalo Scholarship.

Item 14 – MR. RATH presented a resolution Honoring Main Mobility for Providing Independence & Quality of Life to the Citizens of EC.

Item 15 – MR. RATH presented a resolution Congratulating John & Mary's in Getzville & the Stefano Family for 40 Years of Food & Memories.

Item 16 – MR. RATH presented a resolution Congratulating Joe's Crab Shack on the Grand Opening of Its Amherst Restaurant.

Item 17 – MR. RATH presented a resolution Congratulating Elderwood Senior Care on the Grand Opening of Heathwood Assisted Living Community in Williamsville.

Item 18 – MR. RATH presented a resolution Honoring the 60th Wedding Anniversary of Evelyn & Richard Washburn.

Item 19 – MR. RATH presented a resolution Honoring the 55th Wedding Anniversary of Marie & William Herrmann.

Item 20 – MR. RATH presented a Memorial Resolution Honoring the Memory of John J. Lenahan, II.

Item 21 – MR. RATH presented a Memorial Resolution Honoring the Memory of Kenneth A. Lynch.

Item 22 – MR. RATH presented a Memorial Resolution Honoring the Memory of Dr. Edward J. Marine.

Item 23 – MR. MAZUR and MR. WHALEN presented a Memorial Resolution for Margaret Griffin, Wife of Former Buffalo Mayor James D. Griffin.

Item 24 – MS. MARINELLI presented a resolution Recognizing Geraldine Baron for 30 Years of Service at the EC Clerk's Office.

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

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above twenty items by adding one for MR. RATH, and also by including Et Al Sponsorship. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above twenty-one items as amended. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 25 – 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 26 – CHAIR MILLER-WILLIAMS directed that Local Law No. 2 (Print #1) 2010 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 27 – CHAIR MILLER-WILLIAMS directed that Local Law No. 3 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 28 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 29 – CHAIR MILLER-WILLIAMS directed that Local Law No. 3 (Print #1) 2011 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 30 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2011 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 31 – CHAIR MILLER-WILLIAMS directed that Local Law No. 6 (Print #1) 2011 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 32 – MS. BOVE presented the following report and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 130

July 14, 2011	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 4E-26 (2011)
MILLER-WILLIAMS: “Copy of Letter from Executive Director of Buffalo & EC Public Library Concerning Disbursement of Designated Funds”
(6-0)
 - b. COMM. 14D-3 (2011)
COMPTROLLER'S OFFICE: “Review of Calculations Supporting Payments to Former RPT Employees as a Result of Settlement”
(6-0)
 - c. COMM. 14M-3 (2011)
EC AUDIT COMMITTEE: “Copy of Report of EC Audit Committee on RFP Process to Select & Contract with Independent External County Auditor”
(6-0)
 - d. COMM. 15E-1 (2011)
COMPTROLLER: “Copy of Report on Apportionment & Distribution of Net Collections from Local 4.75% Sales & Compensating Use Tax for the Months March, April & May 2011”
(6-0)
 - e. COMM. 15D-1 (2011)
DIRECTOR OF BUDGET & MANAGEMENT: “Copy of Budget Monitoring Report for Period Ending 5/31/2011”
(6-0)
2. COMM. 8D-3 (2010)
EC REAL PROPERTY TAX SERVICES AS AMENDED
WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / 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 (see attached listing).

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 211173 through 211185, inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Tax Services and be charged back to the applicable towns and/or cities.

FISCAL YEAR 2008 Petition No. 211,173.00

ASSESSOR Refund \$598.97

S-B-L 53.79-3-53.1 146489 TONAWANDA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$598.97	Town/SpecialDist/School
<u>Charge To :</u>	146489 TONAWANDA	\$598.97	
	Relevy School	\$598.97	146401 KEN-TON UNION FREE

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION
REFUND TO BE ISSUED TO: PAUL & EILEEN DECK

FISCAL YEAR 2009 Petition No. 211,174.00

ASSESSOR Refund \$590.22

S-B-L 53.79-3-53.1 146489 TONAWANDA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$590.22	Town/SpecialDist/School
<u>Charge To :</u>	146489 TONAWANDA	\$590.22	
	Relevy School	\$590.22	146401 KEN-TON UNION FREE

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION
REFUND TO BE ISSUED TO: PAUL & EILEEN DECK

FISCAL YEAR 2010 Petition No. 211,175.00

ASSESSOR Refund \$561.18

S-B-L 53.79-3-53.1 146489 TONAWANDA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$561.18	Town/SpecialDist/School
<u>Charge To :</u>	146489 TONAWANDA	\$561.18	
	Relevy School	\$561.18	146401 KEN-TON UNION FREE

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION
REFUND TO BE ISSUED TO: PAUL & EILEEN DECK

FISCAL YEAR 2009 Petition No. 211,176.00

ASSESSOR Refund \$650.00

S-B-L 285.00-1-23.1 142889 BRANT

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$650.00 Town/SpecialDist/School
Charge To : 142889 BRANT \$650.00
 Relevy School \$650.00 145801 NORTH COLLINS CENT

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION
REFUND TO BE ISSUED TO: JOANNE E MAHONEY

FISCAL YEAR 2010 Petition No. 211,177.00

ASSESSOR Refund \$129.66

S-B-L 285.00-1-23.1 142889 BRANT

 Acct. No. 112 \$70.00 County
 Acct. No. 132 \$59.66 Town/SpecialDist/School
Charge To : 142889 BRANT \$59.66

RPTL 550(2): FAILED TO APPLY A VETERANS EXEMPTIN
REFUND TO BE ISSUED TO: JOANNE E MAHONEY

FISCAL YEAR 2010 Petition No. 211,178.00

ASSESSOR Refund \$588.29

S-B-L 285.00-1-23.1 142889 BRANT

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$588.29 Town/SpecialDist/School
Charge To : 142889 BRANT \$588.29
 Relevy School \$588.29 145801 NORTH COLLINS CENT

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION
REFUND TO BE ISSUED TO: JOANNE E MAHONEY

FISCAL YEAR 2011 Petition No. 211,179.00

ASSESSOR Refund \$124.50

S-B-L 285.00-1-23.1 142889 BRANT

Acct. No. 112 \$70.04 County
Acct. No. 132 \$54.46 Town/SpecialDist/School
Charge To : 142889 BRANT \$54.46

RPTL 550(2): FAILED TO APPLY A VETERANS EXEMPTION
REFUND TO BE ISSUED TO: JOANNE E MALONEY

FISCAL YEAR 2011 Petition No. 211,180.00
ASSESSOR Cancel \$255.87

S-B-L 69.17-4-28 142201 WILLIAMSVILLE

Acct. No. 112 \$0.00 County
Acct. No. 132 \$255.87 Town/SpecialDist/School
22015 VILLAGE SEWER \$50.00
Charge To : 142201 WILLIAMSVILLE \$205.87

Relevy Village \$205.87 Village of WILLIAMSVILLE
RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
NEW TAX BILL TO BE ISSUED TO: PATRICIA J GERBER

FISCAL YEAR 2010 Petition No. 211,181.00
ASSESSOR Refund \$190.34

S-B-L 250.14-3-17 144489 EVANS

Acct. No. 112 \$35.81 County
Acct. No. 132 \$154.53 Town/SpecialDist/School
44020 ANGOLA-EVANS FIRE PROTECT \$11.92
44070 ERIE CO SEW DST 2 \$8.33
44071 ERIE CO SEWER EX1 \$80.00
52002 2009 COMM COLLEGE \$-0.74
Charge To : 144489 EVANS \$55.02

RPTL 550(2): DUPLICATE PARCEL UNDER DIFFERENT SBL NUMBER
REFUND TO BE ISSUED TO: DAVID P & BETH ANN RAMMACHER

FISCAL YEAR 2011 Petition No. 211,182.00
ASSESSOR Refund \$191.49

S-B-L 250.14-3-17 144489 EVANS

Acct. No. 112 \$35.67 County
Acct. No. 132 \$155.82 Town/SpecialDist/School

44020	ANGOLA-EVANS FIRE PROTECT	\$10.91
44070	ERIE CO SEW DST 2	\$8.47
44071	ERIE CO SEWER EX1	\$80.00
<u>Charge To :</u>	144489 EVANS	\$56.44

RPTL 550(2): DUPLICATE PARCEL UNDER DIFFERENT SBL NUMBER
REFUND TO BE ISSUED TO: DAVID P & BETH ANN RAMMACHER

FISCAL YEAR	2009	Petition No.	211,183.00
	ASSESSOR	Refund	\$106.30

S-B-L 250.14-3-17 144489 EVANS

<u>Charge To :</u>	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$106.30	Town/SpecialDist/School
	144489 EVANS		\$106.30
	Relevy School	\$106.30	144401 LAKE SHORE CENTRAL

RPTL 550(2): DUPLICATE PARCEL UNDER DIFFERENT SBL NUMBER
REFUND TO BE ISSUED TO: DAVID P & BETH ANN RAMMACHER

FISCAL YEAR	2010	Petition No.	211,184.00
	ASSESSOR	Refund	\$109.01

S-B-L 250.14-3-17 144489 EVANS

<u>Charge To :</u>	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$109.01	Town/SpecialDist/School
	144489 EVANS		\$109.01
	Relevy School	\$109.01	144401 LAKE SHORE CENTRAL

RPTL 550(2): DUPLICATE PARCEL UNDER DIFFERENT SBL NUMBER
REFUND TO BE ISSUED TO: DAVID P & BETH ANN RAMMACHER

FISCAL YEAR	2011	Petition No.	211,185.00
	ASSESSOR	Refund	\$41.20

S-B-L 235.19-4-10 144401 ANGOLA

<u>Charge To :</u>	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$41.20	Town/SpecialDist/School
	144401 ANGOLA		\$41.20
	Relevy Village	\$41.20	Village of ANGOLA

RPTL 550(2): FAILED TO APPLY A COLD WAR VETERANS EXEMPTION
REFUND TO BE ISSUED TO: KEVIN T & JOANNE M SCHUH

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.
(6-0)

3. COMM. 15E-9 (2011)
COUNTY EXECUTIVE AS AMENDED

WHEREAS, the several non-city school districts lying within the County of Erie have adopted their school budgets for the current school year, determined the amount thereof to be raised by real property tax and fixed their school tax rates, said budgets, amounts and rates having been certified to and filed with the Real Property Tax Services Department of Erie County; and

WHEREAS, the Director for said Real Property Tax Services Department will spread and extend said school tax amounts, at the school tax rates certified to him, against the taxable real property appearing on the respective school assessment rolls.

NOW, THEREFORE, BE IT

RESOLVED, that there is hereby levied and assessed upon the taxable real property appearing on the school assessment rolls for the respective school districts the amounts to be raised by school taxes, as spread and extended by the Director of the Real Property Tax Services Department, which amounts shall be collected from the persons and corporations liable therefore in accordance with and pursuant to the provisions of the statutes in such cases made and provided; and be it further

RESOLVED, that the Chairman and the Clerk of the Legislature are hereby directed to execute in the name and under the seal of the County of Erie, and to annex to the respective school district tax rolls as they are compiled by the Director of the Real Property Tax Services Department, a good and sufficient warrant, addressed to the proper tax collecting officials, commanding them to collect such school district taxes in accordance with applicable law; and be it further

RESOLVED, that the Director of the Real Property Tax Services Department is hereby directed to deliver such school district tax rolls and warrants to such tax collecting officials to be acted upon in accordance with applicable law; and be it further

RESOLVED, that each and every act of the Director for the Real Property Tax Services Department in connection with the foregoing is hereby ratified and confirmed; and be it further

RESOLVED, The Clerk of the Legislature is hereby directed to cause such non-city school district budgets, tax rates and resolutions to be printed in the journal of the proceedings of the Legislature; and be it further

RESOLVED that certified copies of this resolution be forwarded to the County Executive, County Attorney, County Comptroller, Director of Budget and Management, and Director of Real Property Tax Services.

(6-0)

4. COMM. 15E-15 (2011)
COUNTY EXECUTIVE

WHEREAS, the Spaulding Fibre Site in the City of Tonawanda is a remediated former abandoned factory and brownfield site; and

WHEREAS, the City of Tonawanda, the County of Erie, the Erie County Industrial Development Agency, the New York State Department of Environmental Conservation, the New York State Empire State Development Corporation and National Grid have been working to abate asbestos, demolish dilapidated buildings and remediate environmental problems at the 900,000 square foot facility, 47-acre site; and

WHEREAS, the 900,000 square foot factory has been demolished, the 47-acre site has been remediated to restricted residential standards and the City of Tonawanda has taken title to the property; and

WHEREAS, the construction of an access road and utilities into the site is necessary to create a "shovel ready" site; and

WHEREAS, Erie County has allocated \$1,120,000 in its approved 2011 Capital Budget for a road and infrastructure for the Spaulding Commerce Park site; and

WHEREAS, it is necessary for Erie County to have an ownership interest in the property where the Capital Budget expenditures will occur.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter contracts with the City of Tonawanda to accept ownership of the right-of-way; and be it further

RESOLVED, that the County Executive is authorized to enter contracts with the City of Tonawanda to accept ownership of the roadway and all infrastructure to be constructed within the right-of-way; and be it further

RESOLVED, that the County Executive is authorized to enter into agreements to transfer \$1,120,000 in Erie County Capital Budget funds to the City of Tonawanda for right of way acquisition, construction and acquisition of all roads and infrastructure at the Spaulding Commerce Park site; and be it further

RESOLVED, that authorization to enter into any contracts or agreements is contingent upon authorization of the 2011 Bond Sale; and be it further

RESOLVED, that this Authorization take effect immediately; 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 Comptroller; the Commissioner of the Department of Environment and Planning; and the County (6-0)

BARBARA MILLER-WILLIAMS
CHAIR

Item 33 – MS. BOVE presented the following report and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 131

July 14, 2011	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 14D-1 (2011)
COUNTY ATTORNEY: “Transmittal of New Claims Against EC”
(5-0)
 - b. COMM. 14D-4 (2011)
COUNTY ATTORNEY: “Transmittal of New Claim Against EC”
(5-0)
 - c. COMM. 14D-5 (2011)
COUNTY ATTORNEY: “Transmittal of New Claims Against EC”
(5-0)
 - d. COMM. 14M-5 (2011)
RICHARD L. TACZKOWSKI: “Submission of Plan for Legislative Redistricting”
(5-0)
 - e. COMM. 15M-3 (2011)
DENNIS F. CHAPMAN: “State of New York Supreme Court Lawsuit Concerning
Legislative Reapportionment”
(5-0)

2. COMM. 14E-7 (2011)
COUNTY EXECUTIVE

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 have to be transported to and from the polling places in a timely manner with special care; and

WHEREAS, the Erie County Board of Elections (ECBOE) desires to purchase three (3) moving trucks for this purpose; and

WHEREAS, the purchase of the vehicles is eligible for 95% reimbursement from the Federal government through the State of New York; and

WHEREAS, the Erie County Board of Elections incurred unanticipated overtime costs in conducting a special election in May of 2011.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is granted for the Board of Elections to purchase three moving trucks in an amount not to exceed \$203,980.00 for the purpose of transporting electronic voting machines; and be it further

RESOLVED, that the Board of Elections will submit necessary paperwork for federal reimbursement of approximately \$193,781, or 95% of the purchase price of the trucks, through the State of New York; and be it further

RESOLVED, that \$20,000 within the Board of Elections 2011 Budget is reappropriated to cover anticipated overtime shortfalls; and be it further

RESOLVED, that authorization is hereby granted to the Director of Budget and Management to make the following adjustments to the 2011 Budget:

Fund 110, Fund Center 1500010, Board of Elections–Administration

<u>Revenue</u>	<u>Increase/Decrease</u>
Account 414010 Federal Aid Other	\$ 193,781.00

Fund 110, Fund Center 1500020, Board of Elections – Support Services

<u>Appropriations</u>	<u>Increase/Decrease</u>
Account 516020 Prof Svcs Contracts and Fees	(\$30,199.00)
Account 561440 Motor Vehicles	\$ 203,980.00

Fund 110, Fund Center 1500030 – Board of Elections-Rep

<u>Appropriations</u>	<u>Increase/Decrease</u>
Account 501000 Overtime	\$ 10,000.00

Fund 110, Fund Center 1500040 – Board of Elections-Dem

<u>Appropriations</u>	<u>Increase/Decrease</u>
Account 501000 Overtime	\$ 10,000.00

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make necessary budget adjustments; 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.
(5-0)

3. COMM. 15E-25 (2011)
COUNTY EXECUTIVE

WHEREAS, the State of New York Office of Indigent Legal Services will provide \$213,225 to Erie County for the provision of enhanced indigent defense services; and

WHEREAS, Erie County will contract with the Erie County Bar Association Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo to deliver the services required through the grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract with the State of New York Office of Indigent Legal Services, in the amount of \$213, 225 to provide enhanced representation to indigent defendants; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into subcontracts in the amount of \$106,500 for Erie County Bar Association Aid to Indigent Prisoners Society and \$106,725 for the Legal Aid Bureau of Buffalo to deliver said services; and be it further

RESOLVED, that authorization is provided to establish grant funding in the County Attorney's Office as follows:

Erie County Attorney's Office
Grant Fund 281
June 1, 2011 to May 31, 2011

Revenue	Increase
Account 409000 State Aid Revenue	\$213,225
Appropriation	Increase
Account 516601 Legal Aid Bureau	\$106,725
Account 516602 EC Bar Association	<u>106,500</u>
Total Appropriation	\$213,225

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to the grantor award, provided there are no changes to authorized personnel levels and county share amounts; and be it further

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

(5-0)

**CHRISTINA W. BOVE
CHAIR**

Item 34 – MS. BOVE presented the following report and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 132

July 14, 2011	PUBLIC SAFETY COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR KOZUB.

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

WHEREAS, U.S. Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) has agreed to provide funding in the amount of \$940,095 to continue the implementation of a program which enhances the ability for Erie County to manage emergency, disaster and terrorist situations; and

WHEREAS, the Erie County Legislature is required to authorize the County Executive to accept the \$940,095 in Federal resources to provide funding for overtime of current personnel, purchase necessary interoperable equipment and to hire a consultant to provide assistance on interoperable communications that will enhance the ability of Erie County to manage emergency and disaster situations.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to the County Executive to enter into contract with the U.S. Department of Homeland Security Federal Emergency Management Agency to receive \$940,095 in grant funding for the Department of Emergency Services; and be it further

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

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

Department of Emergency Services
Interoperable Emergency Communications Grant Program (IECGP)

Fiscal Year 2010 Funding

Revenue	Increase
Account 414000 Federal Aid	\$940,095
Appropriations	Increase
Account 501000 Overtime	\$ 48,200
Account 516020 Professional Contracts & Fees	300,000
Account 516030 Maintenance Contracts	411,330
Account 561410 Equipment (Lab & Tech)	158,550
Account 510100 Travel	<u>22,015</u>
Total Appropriations	\$940,095

and be it further

RESOLVED, that the Division of Budget and Management is hereby authorized to establish and adjust budgets as required to comply with Federal and 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 Department of Emergency Services c/o Melissa Calhoun, the County Comptroller and the County Attorney.
(4-0)

2. COMM. 14E-4 (2011)
COUNTY EXECUTIVE

WHEREAS, the U.S. Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) has agreed to provide funding in the amount of \$801,854.00 to continue the implementation of a program which enhances the ability of Erie County to manage emergency, disaster and terrorist situations; and

WHEREAS, , the Erie County Legislature is required to authorize the County Executive to accept the \$801,854.00 in Federal resources to provide funding for the purchase of necessary equipment to enhance the ability of Erie County to manage emergency and disaster situations.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to the County Executive to enter into contract with the U.S. Department of Homeland Security Federal Emergency Management Agency to receive \$801,854 in grant funding for the Department of Emergency Services; and be it further

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

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

Erie County Department of Emergency Services
State Law Enforcement Terrorism Prevention Program (SLETPP)
Fiscal Year 2010 Funding

Revenue	Increase
Account 414000 Federal Aid	\$801,854
Appropriations	Increase
Account 516020 Professional Contracts & Fees	\$ 60,000
Account 561410 Equipment (Lab & Tech)	706,854
Account 516030 Maintenance Contracts	<u>35,000</u>
Total Appropriations	\$801,854

and be it further

RESOLVED, that the Division of Budget and Management is hereby authorized to establish and adjust budgets as required to comply with Federal and 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 Department of Emergency Services c/o Melissa Calhoun, the County Comptroller and the County Attorney.
(4-0)

3. COMM. 14E-5 (2011)
COUNTY EXECUTIVE

WHEREAS, the Erie County Central Police Services Forensic Laboratory has been awarded an Aid to Crime Labs grant by the New York State Division of Criminal Justice Services; and

WHEREAS, said funds under the award have merged the DNA Capacity Enhancement Program into the Aid to Crime Labs Program; and

WHEREAS, said funds will enable the Central Police Services Forensic Laboratory to maintain and enhance its capacity to process evidence submissions in a timely manner.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract and accept funding in the amount of \$882,600 with the New York State Division of Criminal Justice Services; and be it further

RESOLVED, that authorization is hereby provided to establish the following budget so as to comply with the request from the New York State Division of Criminal Justice Services to merge the DNA Capacity Enhancement grant into the 2011-2012 Aid to Crime Lab Grant in the Department of Central Police Services:

Grant Fund 281 – Aid to Crime Lab
165AIDCRLAB1112
07/01/2011 to 06/30/2012

<u>Revenue</u>	<u>Increase</u>
Account 409000 State Aid	882,600
Account 479000 County Share Contribution	<u>312,190</u>
Total Revenue	\$1,194,790
<u>Appropriation</u>	
Account 500000 Full Time-Salaries	873,508
Account 500010 Part Time-Salaries	11,219
Account 502000 Fringe Benefits	<u>310,063</u>
Total Appropriation	\$1,194,790

RESOLVED, that authorization is hereby provided to transfer the existing 8 positions from the DNA Capacity Enhancement grant to the Aid to Crime Labs grant in the Department of Central Police Services (B-100 #6382); and it be further

RESOLVED, that the Director of the 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 forwarded to the Erie County Executive, the Division of Budget and Management, the Office of the Comptroller and the Department of Central Police Services.
(4-0)

4. COMM. 15E-10 (2011)
COUNTY EXECUTIVE

AS AMENDED

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental health services for the residents of Erie County; and

WHEREAS, the Erie County Department of Mental Health Forensic Mental Health Service is responsible for the provision of behavioral health services to the Erie County Holding Center and the Erie County Correctional Facility; and

WHEREAS, the County utilized Lean Six Sigma techniques to look at the intake process for Jail operations for Health and Mental Health; and

WHEREAS, as part of the ongoing process to revamp policies and procedures to increase efficiency for delivery of Health and Mental Health services in both the Erie County Holding Center and Erie County Correctional Facility adjustments are appropriate; and

WHEREAS, additional mental health services staff are required to obtain maximum flexibility in staff deployment and provide enhanced mental health assessment coverage at the Erie County Holding Center and Erie County Correctional Facility; and

WHEREAS, the current Forensic Mental Health staffing pattern will need to be enhanced to address the increased mental health referrals and assessments at the Erie County Holding Center and Erie County Correctional Facility; and

WHEREAS, the Department of Health and Department of Mental Health are working together to complete more comprehensive and thorough mental health assessments; and

WHEREAS, the County intends to reduce the number of individuals housed in constant-observation housing to more efficiently provide appropriate care; and

WHEREAS, the Erie County Department of Mental Health has identified sufficient New York State Office of Mental Health State Aid dollars to match local revenue sources; and

WHEREAS, the local share has been identified from unanticipated revenue received in the Department of Social Services Federal Medical Assistance Percentage (FMAP) account.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to create five (5) Regular Part Time Adult Mental Health Forensic Specialist I positions, job group 10, in the Erie County Department of Mental Health Forensic Mental Health Service Division (B-100 #6388), in order to increase mental health assessments and treatment capacity to ensure services and the safety of incarcerated individuals at the Erie County Holding Center and the Erie County Correctional Facility; and be it further

RESOLVED, that authorization is hereby provided to make the following budgetary adjustments to establish funding for said position:

Fund 110 - 2011 Budget

Department of Social Services - Fund Center 120	
Revenue	Increase
414030 FMAP Revenue	\$56,521
Forensic Mental Health - Fund Center 12420	
406830 State Aid Revenue	<u>56,521</u>
Total Revenue	\$113,042
Forensic Mental Health - Fund Center 12420	
Expense	Increase
500020 Regular Part-Time Wages	\$78,138
500300 Shift Differential	2,244
502000 Fringe Benefits	22,660
510200 Training & Education	3,000
561410 Lab & Technical Equip	4,000
561420 Office Equip, Furniture	<u>3,000</u>
Total Expense	\$113,042

and be it further

RESOLVED, that certified copies of this resolution be furnished to the Office of the County Executive, the Department of Mental Health, the Office of the Comptroller, the Division of Budget and Management, the Director of Labor Relations and the Commissioner of Personnel.

(4-0)

CHRISTINA W. BOVE
CHAIR

Item 35 – MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 133

July 14, 2011	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 3
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MAZUR.
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 6D-3 (2011)
COMPTROLLER'S OFFICE: "Audit of the Buffalo Niagara Convention & Visitors Bureau, Inc. for the Period 1/1/2008 - 6/30/2010"
(5-0)
 - b. COMM. 10M-19 (2011)
ECC PRESIDENT: "2011 - 2012 ECC Budget"
(5-0)
 - c. COMM. 11M-3 (2011)
MUSIC IS ART: "Letter to Legislature Concerning 2010 Funding"
(5-0)
 - d. COMM. 13E-13 (2011)
COUNTY EXECUTIVE: "Appointment to the Board of Directors of Visit Buffalo Niagara for a Term Expiring 12/31/2011"
(5-0)
 - e. COMM. 14M-1 (2011)
BUFFALO & EC PUBLIC LIBRARY: "Proposed Agenda for Meeting Held 6/16/2011"
(5-0)

THOMAS A. LOUGHRAN
CHAIR

Item 36 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 134

July 14, 2011	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT, EXCEPT LEGISLATORS MAZUR & DIXON
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 14E-12 (2011)
COUNTY EXECUTIVE: “ECSDM - Engineering Service Agreement”
(4-0)
 - b. COMM. 14M-2 (2011)
NYSDEC: “Fact Sheet: Environmental Investigation & Demolition to Begin at the Former American Linen Supply Company Facility”
(4-0)
 - c. COMM. 14M-4 (2011)
EC WATER AUTHORITY: “Copy of Annual Financial Report for Years Ended 12/31/2010 & 2009, Including Audited Financial Statements for Year Ended 12/31/2010”
(4-0)
 - d. COMM. 15E-14 (2011)
COUNTY EXECUTIVE: “ECSD No. 5 - Engineer Term Agreement”
(4-0)
2. COMM. 9E-10 (2011)
COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bids for the Erie County Sewer District No. 3, Contract Nos. 43PS-G and 43PS-E at 2:00 P.M. on June 22, 2011.

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract 43PS-G General Mechanical	STC Construction, Inc. 63 Zoar Valley Road Springville, N.Y. 14141	\$328,502.00

Contract 43PS-E Electrical	Weydman Electric, Inc. 747 Young Street Tonawanda, N.Y. 14150	\$210,500.00
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and

WHEREAS, the aforementioned lowest responsible bidders have successfully performed similar work in Erie County; and

WHEREAS, the County of Erie and Village of Hamburg have executed an intermunicipal agreement (Comm. 3E-14(2011)) requiring the County to retain construction contractors for the Village to subsequently reimburse the County for the costs associated with the construction of the Crescent Avenue Pumping Station to replace the South Buffalo Pumping Station and all associated appurtenant work.

NOW, THEREFORE, BE IT

RESOLVED, that the Crescent Avenue Pump Station, Contract 43PS-G General Mechanical and Contract 43PS-E Electrical be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract 43PS-G General Mechanical	STC Construction, Inc. 63 Zoar Valley Road Springville, N.Y. 14141	\$328,502.00
Contract 43PS-E Electrical	Weydman Electric, Inc. 747 Young Street Tonawanda, N.Y. 14150	\$210,500.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contracts with the aforementioned lowest responsible bidders 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 County Director of Budget and the County Comptroller be authorized to increase the Budget in Erie County Sewer District No. 3 Capital Project C.00073 as follows; Estimated Revenue Account 417030 (Other Local Match) \$539,002.00 and Appropriations Account 516020 (Professional Services) \$539,002.00; and be it further

RESOLVED, that the Erie County Comptroller be authorized and directed to allocate \$539,002.00 from Erie County Sewer District No. 3, Capital Account C.00073 for this project; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy each of this resolution to the County Executive, the Director of Budget and Management, the County Comptroller, 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.
(4-0)

3. COMM. 13E-14 (2011)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bids for the Erie County Sewer District No. 3, Contract Nos. 12ST-A and 12ST-D at 2:00 P.M. on June 28, 2011.

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract 12ST-A General/Mechanical	John W. Danforth Company 300 Colvin Woods Parkway Tonawanda, N.Y. 14150	\$1,798,000.00
Contract 12ST-D Electrical	Weydman Electric, Inc. 747 Young Street Tonawanda, N.Y. 14150	\$115,400.00

and

WHEREAS, the aforementioned lowest responsible bidders have successfully performed similar work in Erie County; and

WHEREAS, there is available cash in Erie County Sewer District No. 3 Capital Reserve Account C.00007; and

WHEREAS, the Division of Sewerage Management wants to utilize a portion of the cash balance in Capital Reserve Account C.00007 to partially fund the contracts.

NOW, THEREFORE, BE IT

RESOLVED, that the Dewatered Sludge Pump Replacement Project, Contract 12ST-A General/Mechanical and Contract 12ST-D Electrical be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract 12ST-A General/Mechanical	John W. Danforth Company 300 Colvin Woods Parkway Tonawanda, N.Y. 14150	\$1,798,000.00
Contract 12ST-D Electrical	Weydman Electric, Inc. 747 Young Street Tonawanda, N.Y. 14150	\$115,400.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contracts with the aforementioned lowest responsible bidders 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 and Director of Budget and Management be authorized to establish budgets as necessary and directed to transfer \$1,500,000.00 from Erie County Sewer District No. 3 Capital Reserve Account C.00007 to Erie County Sewer District No. 3 Capital Account C.00067; and be it further

RESOLVED, that the Erie County Comptroller and Director of Budget and Management be authorized and directed to increase the estimated revenue and appropriations in Erie County Sewer District No. 3 Capital Account C.00067 by \$1,500,000.00; and be it further

RESOLVED, that the Erie County Comptroller be authorized and directed to allocate \$1,913,400.00 from Erie County Sewer District No. 3, Capital Account C.00067 for this project; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy each of this resolution to the County Executive, the Director of Budget and Management, the County Comptroller, 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.
(4-0)

4. COMM. 14E-2 (2011)
COUNTY EXECUTIVE

WHEREAS, on December 9, 2010 the Erie County Legislature passed Comm. 19E-10 (2010) which authorized the County Executive to enter into agreements with Buffalo Niagara Riverkeeper to accept revenue for Department of Environment and Planning (the "Department") staff to support the Niagara River Watershed Planning project; and

WHEREAS, the revenue from Buffalo Niagara Riverkeeper was appropriated to the WNY Stormwater Coalition: MS4 Assistance Project 2011/12 (162WNYSCMS4AP1112) grant account; and

WHEREAS, due to the workload of Department grant personnel it is necessary to transfer the \$50,000 in grant resources and related work from the WNY Stormwater Coalition: MS4 Assistance Grant Project 2011/12 (162WNYSCMS4AP1112) grant budget to the existing Storm Water Coalition Local Ordinance Grant Project (162STWTRLCRD0608) grant budget where existing staff have the capacity to do the requisite work.

NOW, THEREFORE, BE IT

RESOLVED, that the grant budget for the Niagara River Watershed Planning Project Grant is hereby revised in the Department of Environment and Planning, Business Area 162, as follows:

WNY Stormwater Coalition: MS4 Assistance Project 2011/12 (Grant Period: 01/01/11-12/31/12),
 SAP Grant Account #162WNYSCMS4AP1112

REVENUE:

Account	Description	Current Budget	Revision	Revised Budget
420499	Other Local Source Revenue	\$124,000	0	\$124,000
479100	Other Contributions	<u>\$50,000</u>	<u>(\$50,000)</u>	<u>0</u>
TOTAL REVENUE				\$124,000

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revision</u>	<u>Revised Budget</u>
500000	Full Time Salaries	\$120,000	(\$33,931)	\$86,069
502000	Fringe Benefits	<u>\$54,000</u>	<u>(\$16,069)</u>	<u>\$37,931</u>
TOTAL APPROPRIATIONS				\$124,000

Storm Water Local Ordinance Project 2006/08 (Grant Period: 01/01/06-12/31/12),
 SAP Grant Account #162STWTRLCRD06082006-2008

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revision</u>	<u>Revised Budget</u>
409000	State Aid Revenue – New York State Department of Environmental Conservation	\$328,000	0	\$328,000
420499	Other Local Source Revenue – Western New York Stormwater Coalition	\$315,000	0	\$315,000
479100	Other Contributions	<u>0</u>	<u>\$50,000</u>	<u>\$50,000</u>
TOTAL REVENUE				\$693,000

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
500000	Full Time Salaries	\$98,215	\$33,931	\$132,146

500020	Regular Part Time Wages	\$48,734	0	\$48,734
502000	Fringe Benefits	\$81,504	\$16,069	\$97,573
505000	Office Supplies	\$1,269	0	\$1,269
510000	Local Mileage Reimbursement	\$551	0	\$551
510200	Training & Education	\$299	0	\$299
516020	Professional Service Contract	\$360,482	0	\$360,482
530000	Other Expenses	\$752	0	\$752
561410	Lab and Technical Equipment	\$1,551	0	\$1,551
916090	ID Law Grant Services	<u>49,643</u>	<u>0</u>	<u>49,643</u>
TOTAL APPROPRIATIONS				\$693,000

and be it further

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

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of the Division of Budget and Management; the Commissioner of Environment and Planning; the County Comptroller; the Commissioner of Personnel; and the County Attorney.
(4-0)

5. COMM. 14E-6 (2011)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Parks, Recreation and Forestry operates and manages passive and active parks and forest lands throughout Erie County; and

WHEREAS, 14 of the Parks AFSCME staff who care for the parks and forest lands have job titles that are RPT status; and

WHEREAS, a 2011 MOU between the County of Erie and the AFSCME union have granted full time benefits to RPT staff working full time hours; and

WHEREAS, the Erie County Department of Parks, Recreation and Forestry schedules all RPT staff at 40 hours per week; and

WHEREAS, the work expected of RPT staff is the same as work expected of full time staff; and

WHEREAS, changing the 14 RPT positions to Full Time will increase departmental efficiency by allowing management to effectively schedule staff in accordance with the rules of the AFSCME contract and allow for scheduling flexibility necessary to staff the Parks Department during peak times; and

WHEREAS, the only increased cost will be \$2,450 annually to cover additional costs associated with meal day pay.

NOW, THEREFORE, BE IT

RESOLVED, that 14 AFSCME titles with the following position numbers currently classified as RPT be converted to full time status (B-100 #6375) effective Saturday, July 30, the start of PP #17, 2011;

PMW 1 RPT	Position number	51002757
PMW 1 RPT	Position number	51002763
PMW 1 RPT	Position number	51002752
PMW 1 RPT	Position number	51002720
PMW 1 RPT	Position number	51002718
PMW 1 RPT	Position number	51002751
PMW 1 RPT	Position number	51002762
PMW 1 RPT	Position number	51007568
PMW 1 RPT	Position number	51002759
PMW 1 RPT	Position number	51002764
PMW 1 RPT	Position number	51002716
PMW 1 RPT	Position number	51007797
PMW 1 RPT	Position number	51005989
Auto Mechanic RPT	Position number	51007301;

and be it further

RESOLVED, that funds to cover the increased cost of meal day pay in the amount of \$2,450 are available within the Personal Services lines of the Parks Department 2011 Budget; and be it further

RESOLVED, that authorization is hereby provided to the Director of Budget and Management to transfer unexpended funds within the 2011 budget of the Department of Parks, Recreation and Forestry, Fund Center 16410, in Account 500020, Regular PT Wages to Account 500000, Full Time-Salaries, as necessary to cover the costs associated with this change; and be it further

RESOLVED, that the clerk of the legislature be instructed to forward certified copies of this resolution to the Department of Parks, Recreation and Forestry, the Erie County Executive, the Office of the Comptroller, the Division of Budget and Management and the Erie County Department of Law.

(4-0)

6. COMM. 14E-10 (2011)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has awarded Contract 42PS to O'Connell Electric Company; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 42PS in the final contract amount of \$227,231.77, which includes Change Order No. 1 (final), a decrease of \$12,568.23.

NOW, THEREFORE, BE IT

RESOLVED, that Contract 42PS, between the County of Erie and O'Connell Electric Company, 929B Ransom Road, Lancaster, New York 14214 is accepted in the amount of \$227,231.77, which includes Change Order No. 1 (final), a decrease of \$12,568.23; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 42PS between the County of Erie and O'Connell Electric Company in the amount of \$227,231.77 and make final payment from Erie County Sewer District No. 3 Capital Project C.10301; 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., Department of Environment and Planning and one certified copy to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Eric Ziobro, Assistant County Attorney.
(4-0)

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

WHEREAS, the current Sea Lamprey trap at Scoby Dam is no longer functional; and

WHEREAS, the Department of Parks, Recreation and Forestry has received a request from the US Fish and Wildlife Service (USFWS) to construct and operate a Sea Lamprey trap at Scoby Dam Park; and

WHEREAS, the USFWS will be responsible for the design, construction, operation and funding for this trap; and

WHEREAS, this trap will help protect the fresh water fish life from this parasitic Lamprey.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a Memorandum of Understanding, License Agreement and Cooperative Agreement with USFWS for the construction, operation and maintenance of a Sea Lamprey Trap at Scoby Dam; and be it further

RESOLVED, that certified copies of this resolution be delivered to the County Executive, the County Attorney and the Commissioner of the Department of Parks, Recreation and Forestry.
(4-0)

8. COMM. 15E-19 (2011)

COUNTY EXECUTIVE

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

WHEREAS, Arcadis/Malcolm Pirnie and Great Lakes Environmental have recently submitted qualifications complying with this department's Term Agreement and this department is requesting these firms be added to the term list of Architectural/Engineering firms for providing professional Architectural/Engineering services; and

WHEREAS, the County Executive is requesting authorization to enter into an agreement with the firm of Arcadis/Malcolm Pirnie for providing Architectural/Engineering environmental services necessary to audit all Counties facilities for environmental compliance; and

WHEREAS, the County desires to be proactive and address environmental issues.

NOW, THEREFORE, BE IT

RESOLVED, that the firms of Arcadis/Malcolm Pirnie and Great Lakes Environmental be added to this department's list of approved Architectural/Engineering Consultants; and be it further

RESOLVED, that the County Executive is authorized to enter into an agreement with the firm of Arcadis/Malcolm Pirnie for providing professional Architectural/Engineering environmental services to audit all County facilities for environmental compliance for an amount not to exceed \$150,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP accounts A.00309, in the amount of \$32,287.77, and A.20917, in the amount of \$117,712.23 for the Project; 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 Division of Budget and Management, and the Office of the Comptroller.
(4-0)

THOMAS J. MAZUR
CHAIR

Item 37 – MR. WHALEN presented the following report and moved for immediate consideration and approval. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 135

July 14, 2011	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 14M-6 (2011)
NFTA: "Minutes of Meeting Held 4/25/2011 & 5/23/2011"
(5-0)
 - b. COMM. 14M-7 (2011)
NFTA: "Copy of Public Authorities Reporting Information System Report"
(5-0)
 - c. COMM. 15M-1 (2011)
NFTA: "Copy of Audited Financial Statements for Fiscal Year Ended 3/31/2011"
(5-0)

2. COMM. 14E-9 (2011)
COUNTY EXECUTIVE
WHEREAS, it is desired to reconstruct approximately 1,000 linear feet of Vermont Street, Site 9, the "Project"; and

WHEREAS, in order to facilitate this reconstruction, it will be necessary for the County to acquire a single parcel by permanent easement, a portion of real property in the vicinity of the Project;

<u>PORTRION OF TAX MAP SBL NUMBER</u>	<u>TOWNSHIP</u>
SBL 246.16-1-11	Holland

such property to be acquired by the County is herein referred to as the "Subject Property"; and

WHEREAS, in order to acquire the permanent easement for the Project, it will be necessary for the County to establish an amount which it believes to represent just compensation for the real property interest to be acquired and to thereafter make a written offer to purchase the real property interest for the respective just compensation amount; and

WHEREAS, the acquisition of the portion of the Subject Property is de minimis in nature so that the public interest will not be prejudiced by the reconstruction and other general improvements to the subject section of Vermont Street (CR 226); and

WHEREAS, should one or more owners of the Subject Property refuse to convey such portion of their real property to the County for an amount not exceeding fair market value, it will be necessary for the County to acquire the Subject Property by commencing eminent domain proceedings.

NOW, THEREFORE, BE IT

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

RESOLVED, that the sums of \$9,981.86 from the 2008 FEMA Road Right of Way account, SAP B.00204 and \$10,000.00 from the 2010 Vermont Street Right of Way account, SAP B.21024 be made available to cover the cost of Right-of-Way acquisition; and be it further

RESOLVED, that the County of Erie is authorized to acquire easement title to the aforementioned Subject Property for the purpose of reconstructing and improving the aforementioned Vermont Street Site 9; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to establish the amounts which he believes to represent just compensation for the real properties to be acquired; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to negotiate and offer just compensation amounts to the owners of the Subject Properties for the purpose of acquiring interests in portions of their respective parcel of real property by permanent easement, which acquisition is necessary for the Vermont Street Site 9 reconstruction project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are authorized to act on behalf of the County of Erie in connection with the acquisition of the portion of the aforementioned Subject Property; and be it further

RESOLVED, that based upon the factors previously set forth herein, it is the determination of this County Legislature that such acquisitions of portions of the aforementioned Subject Properties are de minimis in nature; and be it further

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring fee and/or easement interests in the Subject Properties; and be it further

RESOLVED, should one or more owners of the Subject Property refuse to convey such portions of their real property to the County for an amount not to exceed the just compensation determined by the Commissioner of Public Works, or his authorized representatives, the County is authorized to commence eminent domain procedures; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and also one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(5-0)

3. COMM. 15E-2 (2011)
COUNTY EXECUTIVE AS AMENDED

WHEREAS, there is a need for Culvert Inspection and Inventory Services performed by firms specializing in the provision of such services; and

WHEREAS, after careful review of each firm's capabilities by the Department of Public Works, Wendel Duchscherer was selected having the necessary expertise, experience and manpower to provide the required service.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into an agreement with Wendel Duchscherer to provide Culvert Inspection and Inventory Services for Emery Park as a pilot project at a cost not to exceed \$18,000; and be it further

RESOLVED, that funds in the amount of \$18,000. Be allocated from SAP Account A.21010.4 – 2010 Countywide Parks Improvements; and be it further

RESOLVED, that three (3) 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, the Office of the Comptroller and the Commissioner of Parks, Recreation and Forestry.

(5-0)

4. COMM. 15E-3 (2011)
COUNTY EXECUTIVE AS AMENDED

WHEREAS, a Project for Reconstruction of Lake Avenue Bridge over Smokes Creek (BR 200-3), Town of Orchard Park, Erie County, NYS PIN 5758.40, BIN 3327560 (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 (Scoping & Design I-VI) of the Project: PIN 5758.40; and

WHEREAS, the total Project is currently estimated at \$225,000.00 and the County is required to commit the non-Federal share for the Project in the amount of \$45,000.00, which is available from Project Fund B.20935, 2009 Lake Avenue Bridge Design. Should 15% New York State funds become available, the local share will be \$11,250.00; and

WHEREAS, your honorable body has previously authorized Greenman Pedersen, Inc. 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 (Scoping & Design I-VI) phase of the Project or portions thereof; and be it further

RESOLVED, that the budget for Project Fund B.20935, 2009 Lake Avenue Bridge Design, fund center 123, fund 420, be increased by the anticipated 80% Federal aid and 15% NYS aid in the amounts of \$180,000.00 and \$33,750.00 respectively as follows:

REVENUES		CURRENT BUDGET	ADJUSTMENT	REVISED BUDGET
Account	Description			
414000	Federal Aid	\$ 0	\$180,000	\$180,000
405160	NYS			
	Marchiselli	\$ 0	\$ 33,750	\$ 33,750
475000	Gen Oblig			
	Bond Proc	<u>\$77,000</u>	<u>\$ 0</u>	<u>\$ 77,000</u>
TOTAL REVENUES		<u>\$77,000</u>	<u>\$213,750</u>	<u>\$290,750</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$77,000</u>	<u>\$213,750</u>	<u>\$290,750</u>
TOTAL APPROPRIATIONS		<u>\$77,000</u>	<u>\$213,750</u>	<u>\$290,750</u>

and be it further

RESOLVED, that the estimated total sum of Project phase, \$225,000.00 is hereby appropriated from B.20935, 2009 Lake Avenue Bridge 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 Project's Preliminary Engineering (Scoping & Design I-VI) phase exceeds \$225,000.00 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 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 and State-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; 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 Greenman Pedersen, Inc. as Project Design Engineers, contingent upon execution of the agreement with the NYSDOT; 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.
(5-0)

5. COMM. 15E-4 (2011)

COUNTY EXECUTIVE AS AMENDED

WHEREAS, a Project for reconstruction of Goodrich Road Bridge over Ransom Creek (BR 216-2), Town of Clarence, NYSDOT PIN 5759.90 (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 (Scoping & Design I-VI) phase of the Project: PIN 5759.90; and

WHEREAS, the Preliminary Engineering Phase of the Project is currently estimated at \$225,000.00 and the County is required to commit the non-federal share for the Project of which \$45,000.00 is the local share; and

WHEREAS, your honorable body has previously authorized C & S 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 (Scoping & Design I-VI) phase of the Project or portions thereof; and be it further

RESOLVED, that the estimated total sum of the Project's Preliminary Engineering phase, \$225,000.00 is hereby appropriated and available to cover the cost of participation in the program

from B.00151, 2006 Unanticipated Federal Road & Bridge Design Program, which includes anticipated federal revenue; and be it further

RESOLVED, should the Department of Public Works receive any State revenue for the Project, the budget will be adjusted decreasing the local share required; and be it further

RESOLVED that the County Executive be authorized to execute a negotiated contract in an amount not to exceed the estimated Project Preliminary Engineering phase amount between the County of Erie and C & S Engineers as Project Design Engineers, contingent upon execution of the agreement with the NYSDOT; 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 Project's Preliminary Engineering (Scoping & Design I-VI) phase exceeds \$225,000.00 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 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.

(5-0)

6. COMM. 15E-5 (2011)

COUNTY EXECUTIVE AS AMENDED

WHEREAS, a Project for the reconstruction of BR 225-1, Savage Road Bridge over Dry Creek, in the Town of Sardinia, Erie County, P.I.N. 5757.30, BIN 3328500 (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; and

WHEREAS, the County of Erie advanced the Project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering (Scoping and Design I-VI) phase of the Project via Comm. 8E-10, adopted on April 28, 2011; 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 (Scoping & Design I-VI) phase of the Project, PIN 5757.30 through a Supplemental Agreement that increases the previous Project Agreement's Preliminary Engineering (Scoping & Design I-VI) phase by \$75,000.00 in the new agreement amount of \$225,000.00; and

WHEREAS, the local share is available from Project Fund B.00151, 2006 Unanticipated Federal Aid Road & Bridge Program in the amount of \$3,750.00, and in order to enter into the agreement the budget needs to be increased by the anticipated revenue of \$71,250.00; and

WHEREAS, a change order for engineering design services for the above noted Project between the County of Erie and the engineering firm of Wendel Duchscherer Architects & Engineers, PC of Amherst, New York is necessary for the design of the reconstruction of the bridge.

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 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's supplemental increase of \$75,000.00 of which the local share required is \$3,750.00 is hereby appropriated from B.00151, 2006 Unanticipated Federal Aid Road & Bridge Program and made available to cover the cost of participation in the Preliminary Engineering (Design I-VI) 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 full Federal and non-Federal shares of the cost of the Project's Preliminary Engineering (Design I-VI) Phase 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 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 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 and State-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that the County Executive be authorized to execute a change order in an amount not to exceed the allowable Project design amount between the County of Erie and project engineers Wendel Duchscherer Architects & Engineers, PC of Amherst, New York for the design of the reconstruction of Savage Road Bridge over Dry Creek, contingent upon execution of the agreement with the NYSDOT; 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.

(5-0)

7. COMM. 15E-6 (2011)
COUNTY EXECUTIVE AS AMENDED

WHEREAS, a Project for Reconstruction of Abbott Road Bridge over Neumann Creek (BR 28-3), Town of Orchard Park, Erie County, NYS PIN 5758.74, BIN 3327370 (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 (Scoping & Design I-VI) Phase of the Project: PIN 5758.74; and

WHEREAS, the total Project is currently estimated at \$225,000.00 and the County is required to commit the non-Federal share for the Project in the amount of \$45,000.00, which is available from Project Fund B.20932, 2009 Abbott Road Bridge Design. Should 15% New York State funds become available, the local share will be \$11,250.00; and

WHEREAS, your honorable body has previously authorized TVGA Consultants 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 (Scoping & Design I-VI) phase of the Project or portions thereof; and be it further

RESOLVED, that the budget for Project Fund B.20932, 2009 Abbott Road Bridge Design, fund center 123, fund 420, be increased by the anticipated 80% Federal aid and 15% NYS aid in the amounts of \$180,000.00 and \$33,750.00 respectively as follows:

REVENUES	CURRENT	ADJUSTMENT	REVISED
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		BUDGET		BUDGET
Account	Description			
414000	Federal Aid	\$ 0	\$180,000	\$180,000
	NYS			
	Marchiselli	\$ 0	\$ 33,750	\$ 33,750
475000	Gen Oblig			
	Bond Proc	<u>\$80,000</u>	<u>\$ 0</u>	<u>\$ 80,000</u>
TOTAL REVENUES		<u>\$80,000</u>	<u>\$213,750</u>	<u>\$293,750</u>
APPROPRIATIONS				
Capital Projects	Capital			
	Project Exp	<u>\$80,000</u>	<u>\$213,750</u>	<u>\$293,750</u>
TOTAL APPROPRIATIONS		<u>\$80,000</u>	<u>\$213,750</u>	<u>\$293,750</u>

and be it further

RESOLVED, that the estimated total sum of Project phase, \$225,000.00 is hereby appropriated from B.20932, 2009 Abbott Road Bridge 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 Project's Preliminary Engineering (Scoping & Design I-VI) phase exceeds \$225,000.00 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 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 and State-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; 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 TVGA Consultants as Project Design Engineers, contingent upon execution of the agreement with the NYSDOT; 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.
(5-0)

8. COMM. 15E-7 (2011)

COUNTY EXECUTIVE AS AMEDNED

WHEREAS, the Harris Hill Intersections Reconstruction Project 5756.47 will be advertised, bid, and ready for award of construction contract to the responsible low bidder; and

WHEREAS, this project for the Harris Hill Intersections Reconstruction Project 5756.47 will improve travel and safety for the traveling public; and

WHEREAS, funding for this project was approved and is available in B.20926 – 2009 Harris Hill Intersections Reconstruction in the amount of \$2,500,000.00; and

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

WHEREAS, in order to facilitate the construction of the Harris Hill Intersections Reconstruction 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 project engineers Hatch Mott McDonald 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 Harris Hill Intersections Reconstruction Project 5756.47 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 Hatch Mott McDonald in an amount not to exceed \$2,500,000.00, contingent upon execution of the agreement with the NYSDOT; and be it further

RESOLVED, that the funds for the Harris Hill Intersections Reconstruction be allocated from fund B.20936 in an amount not to exceed \$2,500,000.00; 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 and/or Marchiselli 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 lowest responsible bidder for the Harris Hill Intersections Reconstruction Project 5756.47; 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.

(5-0)

9. COMM. 15E-8 (2011)

COUNTY EXECUTIVE AS AMEDNED

WHEREAS, the reconstruction of Harris Hill Road (CR 276) at Wehrle Drive (CR 275) and Pleasantview Drive (CR 161) PIN 5756.47 (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 5756.47 through a Supplemental Agreement that increases the original Project Agreement in the amount of \$2,500,00.00 (\$125,000.00 required local share from existing General Obligation Bond Proceeds).

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), Right-of-Way Incidentals, Right-of-Way Acquisition, and Construction and Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that Project Fund B.20926 - 2009 Harris Hill Intersections fund center 123, fund 420, be increased by the anticipated Federal and State Marchiselli revenue in the amount of \$2,375,000.00 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
405160	NYS Marchiselli	\$ 0	\$ 375,000	\$ 375,000
410170	Federal Aid- Road	\$ 0	\$2,000,000	\$2,000,000
475000	Gen Oblig	<u>\$455,340</u>	<u>\$ 0</u>	<u>\$ 455,340</u>

Bond Proc

TOTAL REVENUES		<u>\$455,340</u>	<u>\$2,375,000</u>	<u>\$2,830,340</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$455,340</u>	<u>\$2,375,000</u>	<u>\$2,830,340</u>
TOTAL APPROPRIATIONS		<u>\$455,340</u>	<u>\$2,375,000</u>	<u>\$2,830,340</u>

and be it further

RESOLVED, that the estimated total sum of the Construction Phase of the Project, \$2,500,000.00 is hereby appropriated from B.20926 – 2009 Harris Hill Intersections Reconstruction 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, \$2,500,000.00 and/or 100% of the full Federal and non-Federal shares of the cost of the Project's Construction and Construction Inspection Phases exceeds \$2,500,000.00, 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.

(5-0)

10. COMM. 15E-16 (2011)
COUNTY EXECUTIVE

WHEREAS, a number of landslides have occurred from 2009 to 2011 that have affected the roadways owned by Erie County; and

WHEREAS, it is important to begin an engineering design study as to the reasons for these slides and prevent future movement from further damaging the roadways; and

WHEREAS, Erie County has many roads that are in need of reconstruction; and

WHEREAS, it is to the County's advantage to reconstruct these roads to reduce maintenance and capital costs; and

WHEREAS, before construction can commence, these roads are in need of design and, once designed, are in need of construction inspection services; and

WHEREAS, funds exist in SAP Project number B.00028 (2001 Various Road Design, Non-Federal Aid) for work on these roadways; and

WHEREAS, the Department of Public Works desires to use these funds to begin design and construction inspection on various roadways.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the County Executive to enter into contracts, in amounts not to exceed, as follows:

COUNTY ROAD	ENGINEER	COST
Ketchum Road (CR 501) – Slide (and various other locations)	McMahon & Mann	\$154,231.68
Brighton Road (CR 196)	C&S Engineers	\$20,000.00
Eden Evans Center Road (CR 32)	DiDonato Associates	<u>\$80,000.00</u>
TOTAL OF ALL CONTRACTS		\$254,231.68

and be it further

RESOLVED, SAP Project B.00028, Various Road Design – Non-Federal Aid, will be utilized to perform the necessary study, design and construction inspection of roadways as listed above; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) 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.

(5-0)

11. COMM. 15E-17 (2011)
COUNTY EXECUTIVE

WHEREAS, the Reconstruction of Burdick Road Bridge Project will be designed, advertised, bid, and ready for award of construction contract to the responsible low bidder; and

WHEREAS, funding for design for this project is available in SAP B.11027- 2011 Preservation of Bridges and Culverts Design and the construction funding is available in SAP B.00191 – 2008 Preservation of Bridges, Culverts and Dams; and

WHEREAS, due to the Legislative schedule during the summer months of August and September it is necessary that this approval be granted, so that the Contract can be awarded to allow the design to be done, Project bid and awarded and the Contractor to begin construction as soon as possible; and

WHEREAS, in order to facilitate the reconstruction of Burdick Road Bridge, it will be necessary for the County to execute the design contract with Wendel Duchscherer, the construction contract with the responsible low bidder, establish a construction contingency and negotiate a change order with Wendel Duchscherer 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 Reconstruction of Burdick Road Bridge Project Number BR 258-2-11, between the County of Erie and Wendel Duchscherer for design services, the lowest responsible bidder, establish a construction contingency and execute a negotiated change order between the County of Erie and project engineers Wendel Duchscherer in an amount not to exceed \$122,900.00, for design, and \$500,000.00, for construction and inspection services, contingent upon authorization of the 2011 bond sale; and be it further

RESOLVED, that the funds for the Reconstruction of Burdick Road Bridge Project be allocated from SAP B.11027 - 2011 Preservation of Bridges and Culverts Design Project fund, for design, in an amount not to exceed \$122,900.00; and be it further

RESOLVED, that the funds for the Reconstruction of Burdick Road Bridge Project be allocated from SAP B.00191- 2008 Preservation of Bridges, Culverts and Dams Project fund, for Construction and inspection services, in an amount not to exceed \$500,000.00; 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 lowest responsible bidder for the Reconstruction of Burdick Road Bridge, Project Number BR 258-2-11; 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.

(5-0)

12. COMM. 15E-18 (2011)
COUNTY EXECUTIVE

WHEREAS, the reconstruction of Penora Street Project will be advertised, bid, and ready for award of construction contract to the responsible low bidder; and

WHEREAS, this project for the reconstruction of Penora Street (CR 23) (the "Project") was authorized by this honorable body via Comm.24E-17 of December 16, 2010; and

WHEREAS, funding for this project was approved and is available in SAP B.21026 - 2010 Preservation of Roads for \$763,697.06 and in SAP B.11025 - 2011 Preservation of Roads for \$1,500,000.00, for a total amount available of \$2,263,697.06; and

WHEREAS, due to the Legislative schedule during the summer months of August and September it is necessary that this approval be granted, so that the Contract can be awarded to allow the Contractor to begin construction as soon as possible; and

WHEREAS, in order to facilitate the reconstruction of Penora Street, 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 Clark Patterson Lee 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 reconstruction of Penora Street Project Number CAP-CR23-11, 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 Clark Patterson Lee, in an amount not to exceed \$2,263,697.06, contingent upon authorization of the 2011 bond sale; and be it further

RESOLVED, that the funds for the reconstruction of Penora Street Project be allocated from the 2010 Preservation of Roads Project fund (B.21026) in an amount of \$763,697.06 and also from the 2011 Preservation of Roads Project fund (B.11025) in the amount of \$1,500,000.00, for a total, not to exceed, \$2,263,697.06; 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 lowest responsible bidder for the reconstruction of Penora Street, Project Number CAP-CR23-11; 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.

(5-0)

13. COMM. 15E-23 (2011)
COUNTY EXECUTIVE

WHEREAS, on May 28, 2004 an Intermunicipal Exchange Agreement was entered into, by and among the State of New York, the State University of New York, the Frank Lloyd Wright Rowing Boathouse Corporation and the County of Erie to facilitate construction of a new rowing boathouse in the City of Buffalo on the Niagara River in the immediate vicinity of the West Side Rowing Club; and

WHEREAS, pursuant to the Intermunicipal Exchange Agreement the County of Erie has provided the New York State – Division of Military and Naval Affairs (NYS DMNA) with a replacement parcel of land and constructed a motor vehicle storage facility; and

WHEREAS, the County of Erie purchased a parcel of land and made the improvements utilizing bond sale proceeds and by the terms of the agreement, the County is required to hold fee title of the premises and improvements until such time the bond debt is satisfied; and

WHEREAS, the NYS DMNA cannot occupy the premises and use the vehicle storage building unless the County of Erie and the State of New York enter into a Lease Agreement for the duration of the bond debt; and

WHEREAS, the State of New York is willing to lease the premises and improvement from the County of Erie in consideration of \$1.00 annual rent payment. All buildings and grounds maintenance shall be the sole responsibility of the State of New York.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a Lease Agreement with the State of New York for a term of approximately fifteen years, or until such time the municipal bond debt has been satisfied; and be it further

RESOLVED, that at the retirement of the municipal bond debt obligations with respect to this property, the County of Erie will transfer simple fee title of the premises and improvements to the State of New York pursuant to the Intermunicipal Exchange Agreement dated May 28, 2004; and be it further

RESOLVED, that the County Executive be authorized to execute the warranty deed and closing documents for conveyance of the premises to the State of New York; 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 Attorney, the Division of Budget and Management, and the Office of the Comptroller.

(5-0)

14. COMM. 15E-24 (2011)
COUNTY EXECUTIVE

WHEREAS, the reconstruction of Newton Road Bridge Project will be advertised, bid, and ready for award of construction contract to the responsible low bidder; and

WHEREAS, this project for the replacement of the bridge on Newton Road, BR 110-2 (the "Project") was authorized by this honorable body via Comm.12E-13 of July 9, 2009; and

WHEREAS, funding for this project was approved and is available in SAP B.11026 - 2011 Preservation of Bridges and Culverts Construction; and

WHEREAS, due to the Legislative schedule during the summer months of August and September it is necessary that this approval be granted, so that the contract can be awarded to allow the contractor to begin construction as soon as possible; and

WHEREAS, in order to facilitate the reconstruction of Newton Road Bridge, 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 Nussbaumer & Clarke, Inc. for design construction services and a contract must be negotiated with Foit-Albert Associates 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 reconstruction of Newton Road Bridge Project Number BR110-2-11, 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 Nussbaumer and Clarke, Inc. and Foit-Albert Associates in an amount not to exceed \$700,000.00; and be it further

RESOLVED, that the funds for the reconstruction of Newton Road Bridge Project be allocated from the 2011 Preservation of Bridges and Culverts Project fund (B.11026) in an amount, not to exceed \$700,000.00; 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 lowest responsible bidder for the reconstruction of Newton Road Bridge, Project Number BR 110-2-11; 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.

(5-0)

14. COMM. 15E-26 (2011)
COUNTY EXECUTIVE

WHEREAS, the Reconstruction of Rapids Road Bridge Project will be advertised, bid, and ready for award of construction contract to the responsible low bidder; and

WHEREAS, this project for the replacement of the bridge on Rapids Road, BR 42-1A (the "Project") was authorized by this honorable body via Comm.12E-15 of July 9, 2009; and

WHEREAS, funding for this project was approved and is available in SAP B.11026- 2011 Preservation of Bridges and Culverts Construction; and

WHEREAS, due to the Legislative schedule during the summer months of August and September it is necessary that this approval be granted, so that the contract can be awarded to allow the Contractor to begin construction as soon as possible; and

WHEREAS, in order to facilitate the construction of the reconstruction of Newton Road Bridge, 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 Wm. Schutt Associates 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 Reconstruction of Rapids Road Bridge Project Number BR 42-1A-11, 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 Wm. Schutt Associates in an amount not to exceed \$300,000.00; and be it further

RESOLVED, that the funds for the Reconstruction of Rapids Road Bridge Project be allocated from the 2011 Preservation of Bridges and Culverts Project fund (B.11026) in an amount, not to exceed \$300,000.00; 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 lowest responsible bidder for the Reconstruction of Rapids Road Bridge, Project Number BR 42-1A-11; 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.

(5-0)

TIMOTHY J. WHALEN
CHAIR

LEGISLATOR RESOLUTIONS

Item 38 – CHAIR MILLER-WILLIAMS directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 16-1 from DIXON. Transfer of Surplus Property to the Boys & Girls Club of Lakeshore.

Item 39 – CHAIR MILLER-WILLIAMS directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 16-2 from HARDWICK. Eliminating the Positions of Majority Leader & Minority Leader at the EC Legislature.

Item 40 – CHAIR MILLER-WILLIAMS directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 16-3 from HARDWICK, MILLS, RATH, WALTER, DIXON & FUDOLI. Conducting Evening & Off-Site Legislative Sessions.

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

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

AYES: MS. DIXON, MR. HARDWICK, MR. MILLS, MR. RATH, MS. BOVE, MS. GRANT, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR, CHAIR MILLER-WILLIAMS, MR. WHALEN and MS. WHYTE. NOES: MR. FUDOLI and MR. WALTER. (AYES: 13; NOES: 2)

CARRIED.

RESOLUTION NO. 136

RE: Expenditure of Allocated Funds for
Rodent Abatement
(INTRO 16-4)

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

WHEREAS, on April 14, 2011 the Erie County Legislature passed a resolution (7E-7, 2011) that approved an increase in funding to the Erie County Health Department to assist towns and villages in transitioning rodent control services from the County to the municipalities; and

WHEREAS, the \$70,000 allocation was specifically designed to provide training to municipal employees who could then conduct rodent abatement; and

WHEREAS, as of July 19, 2011 officials from the County Health Department report that they have not allocated any funds from this appropriation for training for municipal employees to conduct rodent abatement; and

WHEREAS, those same Health Department employees indicated at the Legislature's Mid-Year Budget Hearings that they were waiting on direction from the County Executive's office on how to direct spending the \$70,000 for rodent abatement; and

WHEREAS, as the summer months go by residents continue to call the district offices of many Erie County Legislators inquiring about rodent abatement and complaining about increasing rat infestations in the towns and villages.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests that the County Executive and the Health Department immediately present a plan to spend the allocated \$70,000 for rodent abatement training of municipal employees; and be it further

RESOLVED, that the Legislature further recommends restoring at least two positions in the County Health Department in the rabies disease and vector control areas; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Chris Collins, Health Department Commissioner Dr. Anthony Billitier, and all of the Supervisors and Mayors of the Municipalities affected by this resolution in Erie County.

Item 42 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. GRANT seconded. MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH and MR. WALTER voted in the negative.

CARRIED. (9-6)

RESOLUTION NO. 137

RE: Representation in United States District Court
(INTRO 16-5)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS WHYTE, GRANT, MARINELLI,
KOZUB, MAZUR, LOUGHRAN, WHALEN & BOVE**

WHEREAS, Erie County Board of Elections Commissioner Ralph Mohr filed suit against the County of Erie, the County Executive, and the Erie County Legislature in United States District Court, Western District of NY before the Honorable Judge William Skretny; and

WHEREAS, a majority of the members of the Erie County Legislature passed a reapportionment plan vetoed by the County Executive; and

WHEREAS, the County Attorney cannot represent both the County Executive and the County Legislature as defendants in a lawsuit when they have conflicting positions.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature must name separate counsel to represent its interests in the matter pending before Judge Skretny; and be it further

RESOLVED, that the Erie County Legislature hereby name the firm of Personius Melber LLP as its counsel in the aforementioned lawsuit; and be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Executive, the Erie County Attorney, the Erie County Comptroller, and both the Democratic and Republican Commissioners of the Board of Elections.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 43 – MS. WHYTE moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of COMM. 14E-8 (2011). MS. BOVE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 138

RE: Amend CSE & EISEP Grant Budgets
(COMM. 14E-8, 2011)

WHEREAS, the 2011 Erie County Budget includes appropriated funds for the Community Services for the Elderly (CSE) and the Expanded In-home Services for the Elderly Program (EISEP) grants for the period April 1, 2011 to March 31, 2012; and

WHEREAS, the Department of Senior Services (Department) periodically solicits community-based agencies to provide a variety of services in order to help frail elders to remain safe and independent in their own homes; and

WHEREAS, the Department has conducted a competitive process (RFP#1108BC) to elicit applications from eligible organizations to provide case management and information & assistance services to older adults in North Buffalo, Grand Island and Tonawanda; and

WHEREAS, this RFP process complied with all current County procedures for the solicitation of proposals; and

WHEREAS, the RFP review committee selected People, Inc. as the best organization to assume the role of provider of case management and I&A services in the northwest areas of the County in accord with Federal, State and County standards and procedures; and

WHEREAS, the organization will provide \$36,500 in local match and receive \$82,128 in cash as follows:

CSE \$22,936 cash, \$10,200 subcontractor match
EISEP \$59,192 cash, \$26,300 subcontractor match; and

WHEREAS, the CSE and EISEP grant budgets are in need of revision.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and hereby is authorized to contract with People Inc. for the period July 1, 2011 to March 31, 2012 in the amount of \$118,628; and be it further

RESOLVED, that the budget for the CSE grant, 163CSE1112, be revised as follows:

		CURRENT	CHANGES	AMENDED
		BUDGET		BUDGET
APPROPRIATIONS				
Account	Description			
516010	Contractual Services	\$40,780	-\$40,780	\$0
517755	People, Inc.	0	33,136	33,136
517733	No. Buffalo Comm. Development Corp.	19,360	3,132	22,492
517737	Northwest Buffalo Comm. Center	50,540	4,512	55,052
			<u>\$0</u>	

and be it further

RESOLVED, that the budget for the EISEP grant, 163EISEP1112, be revised as follows:

		CURRENT	CHANGES	AMENDED
		BUDGET		BUDGET
APPROPRIATIONS				
Account	Description			
516010	Contractual Services	\$105,220	-\$105,220	\$0
517755	People, Inc.	\$0	\$85,492	85,492
517733	No. Buffalo Comm. Development Corp.	0	11,244	11,244
517737	Northwest Buffalo Comm. Center	0	8,484	8,484
TOTAL APPROPRIATIONS			<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 Departments of Law and Senior Services.

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

CARRIED UNANIMOUSLY.

Item 44 – MS. WHYTE moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of COMM. 15E-13 (2011). MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 139

RE: Quality Enhancement Initiative
(COMM. 15E-13, 2011)

WHEREAS, the Department has been awarded \$50,000 in Quality Enhancement funds by the New York State office of Children and Family Services; and

WHEREAS, the providers to be funded through this initiative are the Results Leadership Group, Community Action Organization, Northwest Buffalo Community Center and Community Connections of New York; and

WHEREAS, these funds are to be used to establish Results Based Accountability practice among a core group of agencies selected for their high performance serving youth and their technical ability to implement and track performance measures using this new technology; and

WHEREAS, goals of the program are to enhance capacity to deliver outcome based programming, decrease recidivism of youth released from detention, standardize youth engagement and prevention practice and build system wide consistency in after school programming; and

WHEREAS, there is no local share to this special funding.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive is authorized to execute contracts for the Quality Enhancement Initiative with Results Leadership Group, Community Action Organization, Northwest Buffalo Community Center and Community Connections of New York for the Quality Enhancement Initiative; and be it further

RESOLVED, as these services are needed immediately the section 19.08 Request for Proposal requirement is waived in execution of this contract; and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2011 Adopted Budget:

Department of Social Services, Division of Youth Services
Fund 110, Department 12530

		Current Budget	Changes	Amended Budget
REVENUES				
Account	Description			
408065	Youth – Supervision and Treatment	0	<u>\$50,000</u>	<u>\$50,000</u>
	TOTAL REVENUE		<u>\$50,000</u>	<u>\$50,000</u>

APPROPRIATIONS

517879	Results Leadership Group	0	\$20,000	\$20,000
517879	Community Action Organization	0	10,000	10,000
517879	Community Connections of NY	0	10,000	10,000
517879	Northwest Buffalo Community Center	0	<u>\$10,000</u>	<u>\$10,000</u>
	TOTAL APPROPRIATION		<u>\$50,000</u>	<u>\$50,000</u>

and be it further

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

MS. WHYTE moved to approve the item. MS. BOVE seconded.

CARRIED UNANIMOUSLY.

Item 45 – MS. WHYTE moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of COMM. 15E-20 (2011). MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 140

RE: Catholic Charities Closing the
Gap Contract
(COMM. 15E-20, 2011)

WHEREAS, the Department of Social Services will receive a \$49,010 cash donation from the United Way of Buffalo and Erie County for preventive services aimed at supplementing the successful Closing the Gap initiative, and these donated funds will be used to draw down additional State share funding in the amount of \$49,010; and

WHEREAS, Closing the Gap is an activity that places casework staff in school buildings to provide an outreach specialist function to assist students as needed in assessment, counseling, referral and intervention, and this contract increase will enable an expanded summer youth program; and

WHEREAS, there is no fiscal impact to this resolution as the local share is to be offset by the cash donation from the United Way.

NOW, THEREFORE, BE IT

RESOLVED, since this services is needed immediately, section 19.08 Request for Proposal requirement is waived in execution of this contract; and be it further

RESOLVED, the County Executive is authorized to execute contracts with Catholic Charities for the Closing the Gap initiative; and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2011 Adopted Budget:

Department of Social Services, Fund 110, Department 120

		Current Budget	Changes	Amended Budget
REVENUES				
418430	Donated Funds	0	\$49,010	\$49,010
407680	State Aid	0	<u>\$49,010</u>	\$49,010
	TOTAL REVENUE		<u>\$98,020</u>	
APPROPRIATIONS				
517041	Catholic Charities – Closing the Gap	0	<u>\$98,020</u>	\$98,020
	TOTAL APPROPRIATIONS		<u>\$98,020</u>	

and be it further

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

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

CARRIED UNANIMOUSLY.

Item 46 – MS. WHYTE moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of COMM. 15E-21 (2011). MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 141

RE: DSS - Employee Education & Training
(COMM. 15E-21, 2011)

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

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

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

WHEREAS, there is no fiscal impact to the 2011 Adopted Budget based on this resolution and no additional County local share funds are necessary because the existing appropriation in Account 516040, DSS Training and Education, is sufficient to cover these contract renewals.

NOW, THEREFORE, BE IT

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

<u>Educational Institution</u>	<u>Period</u>	<u>Gross Contract</u>	<u>Institution's Contribution</u>	<u>Paid by ECDSS</u>
Buffalo State College (CDHS) degrees (Master's/Bachelor's)	09/01/11 08/31/12	\$510,137	\$183,649	\$326,488
Empire State College (Bachelor's/Associate's Degrees in Business/Community and Human Services)	09/01/11 08/31/12	\$403,036	\$145,093	\$257,943
Empire State College (In-Service Training And Organizational Development)	09/01/11 08/31/12	\$791,851	\$237,555	\$554,296
SUNYAB – School of Social Work (Master's of Social Work)	09/01/11- 08/31/12	\$313,599	\$109,760	\$203,839
Erie Community College (In-Service Training)	10/1/11 9/30/12	\$147,510	\$53,104	\$94,406
Total		\$2,166,133	\$729,161	\$1,436,972

and be it further

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

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

CARRIED UNANIMOUSLY.

Item 47 – MS. WHYTE moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of COMM. 15E-22 (2011). MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 142

RE: Supervision & Treatment Services for
Juveniles Program
(COMM. 15E-22, 2011)

WHEREAS, Erie County has been awarded a special allocation of funds by New York State for a new activity entitled Supervision and Treatment Services for Juveniles Program (STSJP), and funds must be expended by March 30, 2012; and

WHEREAS, the STSJP program will deliver and perform robust measurement of critical services to a youth population as an alternative to detention; and

WHEREAS, STSJP funding will be utilized to develop and expand day and evening reporting centers for at-risk youth who lack structured daily activities; and

WHEREAS, case management services will be provided in the context of family support centers at two locations in Western New York, namely the Belle Center on the West Side of Buffalo and the Community Action Organization on the East Side of Buffalo, and the measurement of effectiveness of these services will be provided through a separate contract with Community Connections of New York, Inc.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive is authorized to amend the 2011 Adopted Budget and to execute contracts with the Belle Center, the Community Action Organization and Community Connections of New York for STSJP services; and be it further

RESOLVED, as there is a very short time between notice of funding and start up, there is an the immediate need for these services, the section 19.08 Request for Proposals requirement is waived in execution of these contracts; and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2011 Adopted Budget:

Department of Social Services, Division of Youth Services
Fund 110, Department 12530

		Current Budget	Changes	Amended Budget
REVENUES				
Account	Description			
408065	Youth – Supervision and Treatment	0	<u>\$487,065</u>	<u>\$487,065</u>
	TOTAL REVENUE		<u>\$487,065</u>	<u>\$487,065</u>

the County in the 2011 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.

MS. WHYTE moved to approve the item. MS. BOVE 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 49 – MS. WHYTE moved to discharge the COMMUNITY ENRICHMENT COMMITTEE of further consideration of INTRO 15-10 (2011). MR. KOZUB seconded. MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH and MR. WALTER voted in the negative.

CARRIED. (9-6)

RESOLUTION NO. 144

RE: Supporting the Request by the Buffalo & EC Botanical Gardens for a Grant of \$200,000 in Capital Improvement Funds from the County - AS AMENDED (INTRO 15-10, 2011)

WHEREAS, the Buffalo and Erie County Botanical Gardens is owned by the County of Erie and by contractual agreement the County of Erie is responsible for capital improvements for the facility; and

WHEREAS, the historical building has a tri-dome structure and since 2001 two of the three domes have been restored through a combination of foundation grants, Society efforts, and County funds. The third dome (greenhouse 3) and the attached greenhouse 2 have not yet been restored and are in dire need of reconstruction to maintain the safety of the property for visitors; and

WHEREAS, the total cost of the restoration will be over \$2 million. \$400,000 from the Botanical Gardens Society and the New York State Office of Parks, Recreation and Historic Preservation (SHPO) have already been committed for the first phase of the project; and

WHEREAS, a County fund has been created for cultural agencies to obtain one time grants for capital improvements to their properties.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests that the County Executive approve a one-time grant of \$200,000 for the Buffalo and Erie County Botanical Gardens for the restoration of the third dome, from the fund that has been established to assist cultural organizations with capital projects; and be it further

RESOLVED, that copies of this certified resolution be sent to County Executive Chris Collins, Buffalo and Erie County Botanical Gardens Executive Director David Swarts.

MR. KOZUB moved to approve the item. 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)

CARRIED.

SUSPENSION OF THE RULES

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

GRANTED

COMM. 16D-5 from the DIRECTOR OF BUDGET & MANAGEMENT Re: Letter to Chair Miller-Williams Concerning Rodent Control

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 51 – MR. MILLS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED

COMM. 16E-16 from MINORITY LEADER MILLS Re: Letter to Brian M. Melber, Esq. Concerning Counsel in Regards to Legislature Redistricting

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 145

RE: National Grid Grant Award of \$300,000
for the Polymer Applications Site, 3445
River Rd., Town of Tonawanda
(COMM. 16E-1)

WHEREAS, the former Polymer Applications Site, 3445 River Road in the Town of Tonawanda is a former chemical plant site that presents a blighting influence on the waterfront; and

WHEREAS, the company owning the property is defunct and the property exists in a back tax status; and

WHEREAS, the ECIDA, the Town of Tonawanda and the Town of Tonawanda Development Corporation have been partners with Erie County for the planning, remediation and redevelopment of brownfield sites; and

WHEREAS, National Grid has a Brownfield Grant Program to which the Erie County Department of Environment and Planning did submit a grant application to and was subsequently awarded \$300,000 for engineering and demolition at the former Polymer Applications Site, 3445 River Road, Tonawanda, NY, site.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to act in behalf of the County in all matters related to the National Grid grant award and sign contracts with National Grid receiving up to \$300,000 in grant funds; and be it further

RESOLVED, that the County Executive is authorized to enter into contracts with the Town of Tonawanda, the Eire County Industrial Development Agency, the Town of Tonawanda Development Corporation, or contractors or consultants in amounts not to exceed a total of \$300,000.00 for the purpose of providing services and activities for brownfield planning, engineering, demolition and site preparation which may take place as part of the National Grid program; and be it further

Fund 110
Fund Center 16200, Environment and Planning

Revenue	Increase
420499 Other Local Source Revenue	\$300,000
Appropriations	Increase
516020 Prof. Service Contract & Fees	\$300,000

and be it further

RESOLVED, that this Authorization take effect immediately; 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 Comptroller; the Commissioner of the Department of Environment and Planning; the Director of Real Property and the County Attorney.

Item 53 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 146

RE: Reconstruction of John St. &
Bloomingdale Ave. from Route 93 to
Village Line - Village of Akron & Town
of Newstead
(COMM. 16E-2)

WHEREAS, the Reconstruction of John Street/Bloomingdale Avenue Project will be advertised, bid, and ready for award of construction contract to the responsible low bidder; and

WHEREAS, this project for the Reconstruction of John Street and Bloomingdale Avenue (CR 573) (the “Project”) was authorized by this honorable body via Comm.11E-11 of June 24, 2010; and

WHEREAS, the Project is currently estimated at \$1,924,600.00; and

WHEREAS, due to the Legislative schedule during the summer months of August and September it is necessary that this approval be granted, so that the Contract can be awarded to allow the Contractor to begin construction as soon as possible; and

WHEREAS, in order to facilitate the construction of the reconstruction of John Street/Bloomington Avenue, 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 and executed with LiRo Engineers, Inc. for construction inspection and services during construction.

NOW, THEREFORE, BE IT

RESOLVED, that the 2010 Consolidated Bond Resolution that included the 2010 Capital Project Bridge and Road Reconstruction projects Federal Aid description is hereby amended to include the reconstruction of John Street and Bloomington Avenue; and be it further

RESOLVED, that the County Executive be authorized and is hereby directed to award and execute a Contract for the Reconstruction of John Street/Bloomington Avenue Project Number CAP-5723-11, 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, Inc., contingent upon the authorization of the 2011 bond sale, in an amount not to exceed \$1,924,600.00; and be it further

RESOLVED, that the Department of Public Works will provide the Erie County Legislature, for information only, as to what contractor was the successful lowest responsible bidder for the Reconstruction of John Street/Bloomington Avenue, Project Number CAP-573-11; 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.

Item 54 – MS. WHYTE presented the following resolution and moved to send the item to committee for further consideration. 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, MR. WHALEN and MS. WHYTE. NOES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER and CHAIR MILLER-WILLIAMS.
(AYES: 8; NOES: 7)

CARRIED.

(COMM. 16E-3) Declaration of Need for Revenue Anticipation Note

CHAIR MILLER-WILLIAMS directed that the item be referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 55 – (COMM. 16E-4) EC 2010 Comprehensive Annual Financial Report

Item 56 – (COMM. 16E-5) Copy of Comprehensive Annual Financial Report for the Year Ended 12/31/2010

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

FROM THE COUNTY EXECUTIVE

Item 57 – (COMM. 16E-6) Non-Partisian, Independent Committee on Reapportionment

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE SHERIFF

Item 58 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. BOVE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 147

RE: EC Sheriff's Office - Grant - Budget
Revision
(COMM. 16E-7)

WHEREAS, the Operation Stonegarden Grant was established by Comm. 20E-26 (2009) on October 22, 2009; and

WHEREAS, the NYS Office of Homeland Security has approved a re-allocation of funds to allow for the purchase of a heavy duty truck capable of towing Sheriff's patrol boats and ATVs; and

WHEREAS, a budget resolution is required to transfer these funds to the proper SAP Account; and

WHEREAS, there will be no impact on County tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is granted to make the following budget amendments:

OPERATION STONEGARDEN – Grant #HS115STGARDEN0910

<u>APPROPRIATIONS</u>	<u>Decrease</u>
SAP Account 505600 – Automotive Supplies	20,000
SAP Account 506200 – Maintenance & Repair	15,000
SAP Account 516010 – Contractual Payments	<u>5,000</u>
TOTAL DECREASE	<u>\$ 40,000</u>
<u>APPROPRIATIONS</u>	<u>Increase</u>
SAP Account 561440 – Motor Vehicles	<u>40,000</u>
TOTAL INCREASE	<u>\$ 40,000</u>
NET IMPACT	<u>\$ 0</u>

and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget and Management, the Office of the Comptroller, and the Office of the Sheriff.

FROM THE DISTRICT ATTORNEY

Item 59 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 148

RE: Case Management System Upgrade
Funding
(COMM. 16E-8)

WHEREAS, the District Attorney’s Office has maintained a Prosecutors Case Management System (PCMS) program since 2001, whereby all case information is entered and tracked; and

WHEREAS, it has become necessary to upgrade the current version of PCMS as well as make customized enhancements to the software in order to meet the needs of the office and the County; and

WHEREAS, funds have been made available through a grant from the New York State Division of Criminal Justice Services (DCJS) in the amount of \$65,000 specifically for the above purpose; and

WHEREAS, due to their intimate knowledge of PCMS and the timeliness with which this project needs to be completed, there is a particular software consultant and programmer that should be performing the necessary work; and consequently, DCJS has approved the sole source justification of this particular vendor, as well as their rates.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the New York State Division of Criminal Justice Services for the purpose of upgrading and customizing the Prosecutors Case Management System maintained by the District Attorney's Office; and be it further

RESOLVED, that authorization is hereby provided to establish the District Attorney's PCMS Upgrade Grant as follows:

DISTRICT ATTORNEY'S OFFICE
PCMS Upgrade Grant
114PCMS2011
January 1, 2011 to December 31, 2011

<u>Revenue:</u>	<u>Increase</u>
414000 Federal Aid	<u>\$ 65,000</u>
Total Revenue	<u>\$ 65,000</u>

<u>Appropriation:</u>	
516020 Professional Service Contracts & Fees	\$ 40,000
561410 Lab & Tech Equipment	<u>25,000</u>
Total Appropriations	<u>\$ 65,000</u>

and be it further

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract with GCOM Software, Inc., who will handle customizations and data conversion of the software; and be it further

RESOLVED, that if necessary, authorization is hereby granted to enter into contracts with additional consultants, if the need should arise to work with different or additional vendors based on potential changes in scope of work and/or approvals from DCJS; and be it further

RESOLVED, that the contract with the above mentioned consultants are special sole source services and therefore, the Request for Proposal procedure under Section 19.08 of the Erie County Administrative Code is hereby waived; and be it further

RESOLVED, that the Director of Budget & 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 forwarded to the Erie County Executive, Erie County District Attorney, Erie County Comptroller, and the Director of Budget and Management.

FROM THE COUNTY EXECUTIVE

Item 60 – (COMM. 16E-9) Department of Emergency Services - Acceptance of FY10 Urban Area Security Initiative (USAI) Funds

Item 61 – (COMM. 16E-10) Appointment to the Position of Commissioner of Probation

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

Item 62 – (COMM. 16E-11) Additional Sales Tax Extension

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 63 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 149

RE: Payment in Lieu of Taxes (PILOT)
Agreement for Walden Park Senior
Housing - Affordable Housing
Development
(COMM. 16E-12)

WHEREAS, Walden Park II Housing Development Fund Corp. is developing housing for low and very low income senior households (Project), pursuant to Article XI of the New York Private Housing Finance; and

WHEREAS, the Project, located at 101 Bakos Boulevard in the City of Buffalo, New York, will contain 126 one-bedroom and two-bedroom apartments for seniors with income at or below 50% of the median income for Erie County; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and this PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for Walden Park II Senior Housing Development Fund Corp. to operate the apartment complex it is necessary to obtain tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with Walden Park II Senior Housing Development Fund Corp. , Walden Park Senior Housing II, LLC and the City of Buffalo relating to the Walden Park II Senior Housing and all other agreements necessary to conclude this Project; and be it further

RESOLVED, that said authorization is conditioned on the following actions:

1. City of Buffalo completes any and all necessary environmental review requirements applicable to the project.

2. Approval by the Common Council of the City of Buffalo of a PILOT Agreement with the parties noted above and Erie County containing the payment schedule described in Schedule A of this resolution; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes due as set forth on Schedule A attached hereto. Payment under the Agreement will be for fifteen (15) years with the County share of each annual payment being twenty-five (25) percent of the total amount; and be it further

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

Item 64 – (COMM. 16E-13) ECSD No. 4 - Amended License Agreement Between CSX Transportation Inc. & the County of Erie Original Agreement

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 65 – (COMM. 16E-14) Department of Emergency Services - Acceptance of FY10 State Homeland Security Program (SHSP) Funds

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COMPTROLLER

Item 66 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 150

RE: EC Comptroller's Office - External
Auditor Contract
(COMM. 16E-15)

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

CARRIED UNANIMOUSLY.

Insert the Following Resolution:

WHEREAS, the contract for the audit of Erie County expires with the completion of the audit for the fiscal year ended December 31, 2010; and

WHEREAS, the Audit Committee for Erie County prepared and forwarded requests for proposal (RFP) to national and regional certified public accounting firms requesting proposals for the audits of the County for fiscal years 2011 through 2013, with an option to continue in year 2014 and 2015; and

WHEREAS, the Audit Committee's RFP and evaluation of the responses was in full compliance with paragraph C. Section 1813 of the Erie County Charter; and

WHEREAS, the winning proposal is as follows:

For the Year Ended December 31	Audit of Financial Statements	Single Audit
2011	\$89,000	\$57,500
2012	\$90,500	\$58,000
2013	\$92,000	\$58,500

Prices of a "Due Diligence" letter will vary from \$5,000 through \$15,000; and

WHEREAS, that the independent accountant will audit the state required reports of the Mental Health and Health Departments at a per-report cost as follows:

For the Year Ended December 31	Mental Health	Health Department	Other Departments
2011	\$3,750	\$3,750	\$3,750
2012	\$3,850	\$3,850	\$3,850
2013	\$3,950	\$3,950	\$3,950

and

WHEREAS, the firm Drescher & Malecki LLP was the lowest responsible bidder; and

WHEREAS, the response from Drescher & Malecki LLP complied with all aspects of the Audit Committee's RFP.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract for the audit of Erie County's financial statements, to include the Federal Single Audit for fiscal years 2011 through 2013; and be it further

RESOLVED, that the contract for the audit of Erie County's financial statements shall be paid from the Comptroller's dues and fees account and will be negotiated to selected the lowest possible cost for each audit each year; and be it further

RESOLVED, and that such fees will also apply in the event that New York State assigns special reporting requirements to other County Departments; and be it further

RESOLVED, that should the County wish to extend the contract through the years 2014 and 2015, the fees agreed are as follows:

For the Year Ended December 31	Audit of Financial Statements	Single Audit
2014	\$93,500	\$59,000
2015	\$95,000	\$59,500

Prices of a "Due Diligence" letter will vary from \$5,000 through \$15,000; and be it further

RESOLVED, that the independent accountant will audit the state required reports of the Mental Health and Health Departments at a per-report cost as follows:

For the Year Ended December 31	Mental Health	Health Department	Other Departments
2014	\$4,050	\$4,050	\$4,050
2015	\$4,150	\$4,150	\$4,150

and be it further

RESOLVED, that certified copies of this resolution be provided to the County Executive, Budget Director, Comptroller and County Attorney.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 67 – (COMM. 16D-1) Transmittal of New Claim Against EC

Item 68 – (COMM. 16D-2) Transmittal of New Claim Against EC

Item 69 – (COMM. 16D-3) Summary of Article 78 Budget Litigation

Item 70 – (COMM. 16D-4) Transmittal of New Claims Against EC

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

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM UNITED HANDS OF HOPE HOUSE, INC.

Item 71 – (COMM. 16M-1) Letter to Legislature Concerning Human Trafficking

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE ASSIGNED COUNSEL PROGRAM

Item 72 – (COMM. 16M-2) Copy of Quarterly Report of the Assigned Counsel Program for the 2nd Quarter of 2011

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE CITY OF BUFFALO
DEPARTMENT OF ASSESSMENT & TAXATION

Item 73 – (COMM. 16M-3) Transit Mall Special Charge Roll for 2011

Received and Filed.

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 74 – (COMM. 16M-4) Proposed Agenda for Meeting to be Held 7/21/2011

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

ANNOUNCEMENTS

Item 75 – CHAIR MILLER-WILLIAMS announced that the next session of the Legislature is scheduled for Thursday, September 8, 2011.

MEMORIAL RESOLUTIONS

Item 76 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Rose Donatello, mother-in-law of Central Police Services Commissioner Peter Vito; Maria Z. (Zummo) Cicero, mother of former Legislature staff member Rosemary Sullivan; Suzanna DiSalvo, and Edward J. Marine, M.D.

Item 77 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Thomas Grady; Kenneth A. Lynch; Dr. Edward J. Marine; Clarence Goodwin, Jr.; Dr. Robert J. Russo; and John J. Lenahan, II.

Item 78 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Mary M. Schnabel; Edward A. Rowe, Jr.; and Margaret Griffin.

Item 79– Legislator Grant requested that when the Legislature adjourns, it do so in memory of former First Lady Betty Ford.

ADJOURNMENT

Item 80 – 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, September 8, 2011 at 2:00 p.m. Eastern Standard Time. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLER-WILLIAMS declared the Legislature adjourned until Thursday, September 8, 2011 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE