

**ERIE COUNTY LEGISLATURE**  
**MEETING NO. 16**  
**SEPTEMBER 27, 2012**

The Legislature was called to order by Chair Grant.

All members present, except Legislator Rath.

An Invocation was held, led by Mr. Hogues, who offered a short prayer.

The Pledge of Allegiance was led by Mr. Lorigo.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. MAZUR moved for the approval of the minutes for Meeting Number 15 from 2012. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MS. MARINELLI, CHAIR GRANT, MR. MAZUR, MR. HOGUES, MR. LOUGHRAN & MR. McCRACKEN presented a memorial resolution Honoring the Leadership, Community Spirit & Memory of Charley H. Fisher Jr.

Item 6 – MR. HARDWICK presented a resolution Honoring Lawrence P. Titzler for His Commitment & Service to His Country.

Item 7 – MR. HARDWICK presented a resolution Honoring William F. Callahan for His Commitment & Service to His Country.

Item 8 – MR. HARDWICK presented a resolution Honoring Frank J. Gubala for his Commitment & Service to His Country.

Item 9 – MR. HARDWICK presented a resolution Honoring Michael P. Kramer Upon His Induction Into The 2012 WNY Baseball Hall of Fame.

Item 10 – MR. HARDWICK presented a resolution Honoring The American Legion Band of the Tonawandas for Earning Its 19th National Championship.

Item 11 – MR. HARDWICK presented a resolution Honoring Kelly's Country Store for 50 Years in Business.

Item 12 – MR. HARDWICK presented a resolution Honoring Grand Island Biological Company for 50 Successful Years in Business.

Item 13 – MR. HARDWICK presented a resolution Honoring Brian Castner on the Publication of His Book, “The Long Walk: A Story of War and the Life That Follows.”

Item 14 – MR. McCRACKEN presented a resolution Recognizing Eileen Nosek as the EC Legislature's Citizen of the Month for September.

Item 15 – MR. HOGUES presented a resolution Honoring Youth Entrepreneur Showcase (Y.E.S.) Awardees & Alumni.

MR. MAZUR moved for consideration of the above eleven items. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved to amend the above eleven items by adding one for himself, and by including Et Al Sponsorship. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved for approval of the above twelve items as amended. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 16 – CHAIR GRANT directed that Local Law No. 8 (Print #1) 2011 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 17 – CHAIR GRANT directed that Local Law No. 11 (Print #1) 2011 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 18 – CHAIR GRANT directed that Local Law No. 1 (Print #1) 2012 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

### **COMMITTEE REPORTS**

Item 19 – MS. MARINELLI presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 207

September 24, 2012	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 9
--------------------	---------------------------------------------------

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR HARDWICK.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 14M-1 (2012)  
BUFFALO & EC PUBLIC LIBRARY: “Proposed Agenda for Meeting to be Held 7/19/2012”  
(4-0)
  - b. COMM. 15D-9 (2012)  
COMMISSIONER OF ENVIRONMENT & PLANNING: “Letter to Cultural Organizations RE: 2011 Capital Contracts”  
(4-0)
  - c. COMM. 15M-6 (2012)  
SPCA: “Letter to Legislature Concerning EC Surplus Donation”  
(4-0)
  - d. COMM. 15M-8 (2012)  
VISIT BUFFALO NIAGARA: “Copy of Quarterly Reports for the 2nd Quarter of 2012”  
(4-0)
2. COMM. 15E-17 (2012)  
COUNTY EXECUTIVE  
WHEREAS, Erie County is desirous of engaging educational planning and space utilization services for Erie Community College; and

WHEREAS, in compliance with Section 19.08 of the Erie County Administrative Code, a consultant selection process was undertaken to evaluate responses to Request For Proposal #1221VF.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute a contract with JMZ Architects and Planners, P.C. in an amount of \$171,200, for the purposes of conducting a Program Needs Analysis and Space Utilization Assessment at Erie Community College; and be it further

RESOLVED, that the County Executive be authorized to execute contract amendments to the aforementioned contract in a cumulative amount not to exceed \$28,800; and be it further

RESOLVED, that said funding amounts shall be allocated from SAP Account No. E.12002, 2012 ECC – Building Projects Study within the Department of Environment and Planning Budget; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the Department of Environment and Planning, 10th Floor, Rath Building; the Office of the County Executive; the Director of the Division of Budget and Management; the Office of the Comptroller; the Office of the County Attorney; and William Reuter, Chief Fiscal and Administrative Officer of ECC.

(4-0)

**LYNN M. MARINELLI**  
**CHAIR**

Item 20 – MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 208

September 24, 2012	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 10
--------------------	----------------------------------------------------

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 6M-21 (2012)  
AMHERST TOWN BOARD: “Copy of Resolution Regarding Working with the Amherst Industrial Development Agency”  
(5-0)
  - b. COMM. 8E-9 (2012)  
GRANT: “Article from the Buffalo News Entitled, "What's the Bills' Game Plan?"”  
(5-0)
  - c. COMM. 8E-26 (2012)  
COUNTY EXECUTIVE: “Letter to Supervisor for Town of Lancaster Concerning Industrial Development Agencies”  
(5-0)
  - d. COMM. 9D-10 (2012)

CLERK OF ECONOMIC DEVELOPMENT: "Copy of Buffalo News Article Entitled "\$200 Million Ought to Buy Peace of Mind""

(5-0)

e. COMM. 9M-14 (2012)

ECIDA: "Letter to Chair of Legislature Concerning PILOT Redistribution Agreement"

(5-0)

f. COMM. 15E-7 (2012)

COMPTROLLER: "Copy of EC's NYSDOT Single Audit Report for the Year Ended 12/31/2011"

(5-0)

g. COMM. 15E-11 (2012)

COMPTROLLER: "Copy of Letter to Public Works Commissioner Concerning a Review of the Eden-Evans Center Road Project for the Period 7/1/2011 through 8/31/2012"

(5-0)

h. COMM. 15M-3 (2012)

NFTA: "Copy of Board Minutes from Meeting Held 6/25/2012"

(5-0)

i. COMM. 15M-9 (2012)

NFTA: "Copy of Annual 17A Report"

(5-0)

j. COMM. 15M-13 (2012)

NFTA: "Minutes of Meeting Held 7/23/2012"

(5-0)

k. COMM. 15M-14 (2012)

NYSDOT: "Copy of Letter Concerning Cases 36030 Kenmore Avenue & 36047 Woodward Avenue"

(5-0)

2. COMM. 15E-5 (2012)

COUNTY EXECUTIVE

WHEREAS, St. John Townhomes II, L.P. and People United for Sustainable Housing, Inc. (PUSH) are developing housing for low and very low income households pursuant to Article XI of the New York Private Housing Finance; and

WHEREAS, St. John Townhomes II will be a new construction multi family housing development located in the Fruit Belt neighborhood in the City of Buffalo, New York, and will contain 49 housing units, nine (9) two-bedroom units, thirty-four (34) three bedroom units and six (6) four bedroom units. The housing units will be affordable to households with income at or below 50% of the median income for Erie County; and

WHEREAS, Massachusetts Avenue Sustainable Neighborhoods Project will consist of the development of 5 rental residential units on the West Side of Buffalo, New York. Two of the properties are existing buildings and are located at 99 Chenango Avenue and 562 West Utica. Both properties will be substantially rehabilitated. The third property will be new construction and located at 335-339 Massachusetts Avenue. The housing will be affordable for households with incomes at or below 60% of the area median income; and

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

WHEREAS, in order to make the Project economically feasible for St. John Townhomes II, L.P. and PUSH to operate the housing projects 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 St. John Townhomes II, L.P., St John Townhomes II Housing Development Fund Company, Inc. and the City of Buffalo relating to the St. John Townhomes II and all other agreements necessary to conclude this housing project; and be it further

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with People United for Sustainable Housing, Inc., Massachusetts Avenue Sustainable Homes Housing Development Fund Company, Inc. and the City of Buffalo relating to the Massachusetts Avenue Sustainable Neighborhoods Project and all other agreements necessary to conclude this housing project; and be it further

RESOLVED, that said Agreements shall include annual PILOTs in the amount of taxes due as set forth on Schedule A for St. John Townhomes II and attached hereto and Schedule B for Massachusetts Avenue Sustainable Neighborhoods Project and attached hereto; 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.

St. John Townhomes II  
PILOT Payments

Schedule A

Year	Total	City	County
1	9,165.60	6,874.20	2,291.40
2	9,440.57	7,080.43	2,360.14
3	9,723.79	7,292.84	2,430.95

4	10,015.50	7,511.62	2,503.87
5	10,315.96	7,736.97	2,578.99
6	10,625.44	7,969.08	2,656.36
7	10,944.21	8,208.15	2,736.05
8	11,272.53	8,454.40	2,818.13
9	11,610.71	8,708.03	2,902.68
10	11,959.03	8,969.27	2,989.76
11	12,317.80	9,238.35	3,079.45
12	12,687.33	9,515.50	3,171.83
13	13,067.95	9,800.97	3,266.99
14	13,459.99	10,094.99	3,365.00
15	13,863.79	10,397.84	3,465.95

Massachusetts Avenue Sustainable  
 Neighborhoods  
 Project  
 Schedule B

Year	Total	City	County
1	957.60	718.20	239.40
2	986.33	739.75	246.58
3	1,015.92	761.94	253.98
4	1,046.40	784.80	261.60
5	1,077.79	808.34	269.45
6	1,110.12	832.59	277.53
7	1,143.42	857.57	285.86
8	1,177.73	883.30	294.43
9	1,213.06	909.79	303.26
10	1,249.45	937.09	312.36
11	1,286.93	965.20	321.73
12	1,325.54	994.16	331.39
13	1,365.31	1,023.98	341.33
14	1,406.27	1,054.70	351.57
15	1,448.46	1,086.34	362.11

(4-0-1) Legislator Hogues abstained.

3. COMM. 15E-22 (2012)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Public Works administers the County's physical plant and all building construction; and

WHEREAS, in 1988 the professional design and construction staff consisted of 11 positions and in 2011 that number dropped to three; and

WHEREAS, five professional design and construction positions is the minimum necessary for the Department to properly monitor all ongoing building design and construction projects; and

WHEREAS, there is a need for one additional professional position in building design; and

WHEREAS, when the position of Director of Real Estate was created by the prior administration, the position of Deputy Commissioner of Building and Grounds was reduced one Grade level to JG 15 from its previous job grade JG 16, and since the position of Director of Real Estate has been eliminated, the Deputy Commissioner of Building and Grounds position is now assuming its previous responsibilities of also monitoring construction projects; and

WHEREAS, there is a critical need to fill the vacant position of Deputy Commissioner-Highways overseeing the County's 2,400 lane miles of roads.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes, in the Division of Buildings and Grounds, the creation of one position of Project Engineer Construction (Public Works) (JG 13/1), B-100 #6959, and one position of Assistant Mechanical Engineer (JG 11/1), B-100 #6971; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the deletion of one position of Principal Stores Clerk (JG 7/E) (position number 7437), one position of Building Maintenance Mechanic (JG 7/1), (position number 51005563) and one position of Code Compliance Officer Position (JG 10/3) (position number 51008110), B-100 #6958; and be it further

RESOLVED, that the position of Deputy Commissioner of Buildings and Grounds is hereby upgraded to JG 16, B-100 #6972; and be it further

RESOLVED, that the position of Deputy Commissioner-Highways is hereby authorized to be filled at variable minimum step 4; and be it further

RESOLVED, that the Division of Budget and Management and Department of Personnel are hereby authorized to make the necessary adjustments; and be it further

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

(5-0)

4. COMM. 15E-24 (2012)



COUNTY EXECUTIVE

WHEREAS, Liberty Affordable Housing Inc., Mariner Towers Associates LLC and Mariner Housing Development Fund Company, Inc. are developing housing for low and very low income households (Project), pursuant to Article XI of the New York Private Housing Finance; and

WHEREAS, the Project will substantially rehabilitate Mariner Apartments located at 186 Efner Street, Buffalo, New York. The Project will consist of 292 apartment units in four (4) high-rise buildings and seventeen (17) two-story townhome buildings. Ninety-nine percent of the housing will be affordable to households 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 except that the first PILOT payment is higher than the first PILOT payment under the County Policy and the PILOT is for thirty-two years; and

WHEREAS, in order to make the Project economically feasible for Liberty Affordable Housing Inc. 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 Liberty Affordable Housing Inc., Mariner Towers Associates LLC, Mariner Housing Development Fund Company, Inc. and the City of Buffalo relating to the Mariner Apartments and all other agreements necessary to conclude this Project; and be it further

RESOLVED, that 99% of the units remain affordable to and occupied by households earning no greater than 60% of the area median income, adjusted for family size, as determined by the Department of Housing and Urban Development for the period of the Agreement; 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 thirty-two (32) 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.

Liberty Affordable Housing Inc.  
Mariner Towers Associates LLC  
Mariner Housing Development Fund Company, Inc.  
PILOT Payments

Schedule A

Year	Total	City	County
1	100,000.00	75,000.00	25,000.00
2	103,000.00	77,250.00	25,750.00
3	106,090.00	79,567.50	26,522.50
4	109,272.70	81,954.53	27,318.18
5	112,550.88	84,413.16	28,137.72
6	115,927.41	86,945.56	28,981.85
7	119,405.23	89,553.92	29,851.31
8	122,987.39	92,240.54	30,746.85
9	126,677.01	95,007.76	31,669.25
10	130,477.32	97,857.99	32,619.33
11	134,391.64	100,793.73	33,597.91
12	138,423.39	103,817.54	34,605.85
13	142,576.09	106,932.07	35,644.02
14	146,853.37	110,140.03	36,713.34
15	151,258.97	113,444.23	37,814.74
16	155,796.74	116,847.56	38,949.19
17	160,470.64	120,352.98	40,117.66
18	165,284.76	123,963.57	41,321.19
19	170,243.31	127,682.48	42,560.83
20	175,350.61	131,512.95	43,837.65
21	180,611.12	135,458.34	45,152.78
22	186,029.46	139,522.09	46,507.36
23	191,610.34	143,707.76	47,902.59
24	197,358.65	148,018.99	49,339.66
25	203,279.41	152,459.56	50,819.85
26	209,377.79	157,033.34	52,344.45
27	215,659.13	161,744.35	53,914.78
28	222,128.90	166,596.68	55,532.23
29	228,792.77	171,594.58	57,198.19
30	235,656.55	176,742.41	58,914.14
31	242,726.25	182,044.68	60,681.56
32	250,008.03	187,506.02	62,502.01

(5-0)

5. COMM. 15E-27 (2012)

COUNTY EXECUTIVE

WHEREAS, DePaul Properties, Inc. and Riverside SN Housing Development Fund Company, Inc. are developing housing for low and very low income households (Project), pursuant to Article XI of the New York Private Housing Finance; and

WHEREAS, the Project will substantially rehabilitate the former Buffalo Public School 60 located at 238 Ontario Street in the City of Buffalo, New York, and will contain 68 housing units, ten (10) studio units, fifty-seven (57) one bedroom units and one (1) two-bedroom unit. The housing units will be affordable to households 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 DePaul Properties, Inc., 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 DePaul Properties, Inc., Riverside SN Housing Development Fund Company, Inc. and the City of Buffalo relating to the Riverside Apartments and all other agreements necessary to conclude this Project; and be it further

RESOLVED, that 100% of the units remain affordable to and occupied by households earning no greater than 50% of the area median income, adjusted for family size, as determined by the Department of Housing and Urban Development for the period of the Agreement; 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.

DePaul Properties, Inc.  
PILOT Payments

Schedule A

Year	Total	City	County

1	18,956.40	14,217.30	4,739.10
2	19,525.09	14,643.82	4,881.27
3	20,110.84	15,083.13	5,027.71
4	20,714.17	15,535.63	5,178.54
5	21,335.60	16,001.70	5,333.90
6	21,975.66	16,481.75	5,493.92
7	22,634.93	16,976.20	5,658.73
8	23,313.98	17,485.49	5,828.50
9	24,013.40	18,010.05	6,003.35
10	24,733.80	18,550.35	6,183.45
11	25,475.82	19,106.86	6,368.95
12	26,240.09	19,680.07	6,560.02
13	27,027.29	20,270.47	6,756.82
14	27,838.11	20,878.58	6,959.53
15	28,673.26	21,504.94	7,168.31

(5-0)

6. COMM. 15E-36 (2012)  
 COUNTY EXECUTIVE

WHEREAS, the County wishes to reconstruct portions of Zoar Valley Road damaged in FEMA DR-1857-NY, the “Project”; and

WHEREAS, in order to facilitate this reconstruction, it will be necessary for the County to acquire by easement and/or fee, parcels that are portions of real property in the vicinity of the Project as follows:

<u>PORTRION OF TAX MAP SBL NUMBER</u>	<u>TOWNSHIP</u>
SBL 353.00-3-12.11	Concord
SBL 353.00-2-12	Concord
SBL 353.00-3-6	Concord
SBL 353.00-2-11	Concord
SBL 353.00-2-10	Concord
Tax ID 10.003-2-2	Ashford, Cattaraugus Co.

such property to be acquired by the County is herein referred to as the “Subject Properties”; and

WHEREAS, in order to acquire the ROW 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, in order to advance the acquisition process, it will be necessary to retain the services of a ROW consultant and D&S Realty Consultants is an approved provider of such services; and

WHEREAS, the acquisition of the portions of the Subject Properties is expected to be de minimis in nature so that the public interest will not be prejudiced by the reconstruction and other general improvements to the subject sections of Zoar Valley Road (CR 457); and

WHEREAS, should one or more owners of the Subject Properties 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 acquisition of the ROW required to construct the project; and be it further

RESOLVED, that the sum of \$49,300.00 from Business Area 123, Fund 420, SAP B.21025, 2010 FEMA Zoar Valley Road Right of Way be made available to cover all costs of ROW acquisition; and be it further

RESOLVED, that the County of Erie is authorized to acquire the necessary real property interests from the aforementioned Subject Properties for the purpose of reconstructing and improving the aforementioned Zoar Valley Road sites; and be it further

RESOLVED, that the County of Erie is authorized to enter into a contract with D&S Realty Consultants to provide the ROW services necessary for the acquisition of the required ROW; 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 property interests 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 the necessary real property interest in portions of their respective parcels of real property by easement and/or fee, which acquisition is necessary for the Zoar Valley Road 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 portions of the aforementioned Subject Properties; 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 Properties 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)

**THOMAS A. LOUGHRAN**  
**CHAIR**

Item 21 – MR. McCracken presented the following report and moved for immediate consideration and approval. MR. Mazur seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 209

September 24, 2012	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 10
--------------------	----------------------------------------------------

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 6M-33 (2011)  
ROSE SICKLER: “Letter to Legislator Loughran Concerning Crematory at 2600 Sheridan Dr., Tonawanda”  
(5-0)
  - b. COMM. 14M-2 (2012)  
NYSDEC: “Fact Sheet: Environmental Cleanup Plan for Interim Remedial Measures Tecumseh Phase III Business Park - Sub-Parcels III-7 & III-8 - Lackawanna, NY”  
(5-0)
  - c. COMM. 15E-1 (2012)  
RATH: “Letter to Legislator McCracken Concerning Wind Energy”  
(5-0)
  - d. COMM. 15E-15 (2012)  
COUNTY EXECUTIVE: “ECSDs 1-6 & 8 - Section 270/271 Resolutions”  
(5-0)
  - e. COMM. 15E-34 (2012)

COUNTY EXECUTIVE: "EC Division of Sewerage Management - Engineering Service Agreement"  
(5-0)

- f. COMM. 15M-11 (2012)  
NYSDEC: "Fact Sheet: Remedial Investigation & Interim Remedial Measure Proposed; Public Comment Period 8/29/2012 - 9/29/2012 for Site Known as Former Mobil Service Station 99-MST"  
(5-0)
- g. COMM. 15M-15 (2012)  
NYSDEC: "Fact Sheet: Investigation to Begin at State Superfund Site Known as Lackawanna Incinerator Site"  
(5-0)
- h. COMM. 15M-16 (2012)  
NYSDEC: "Public Notice: Brownfield Cleanup Program Application from 154 South Ogden LLC for Site Known as the 154 South Ogden Street Site"  
(5-0)

2. COMM. 15E-23 (2012)  
COUNTY EXECUTIVE

WHEREAS, the County of Erie had previously entered into a contract with the Erie County Soil and Water Conservation District who have the necessary expertise and personnel to perform the necessary inspections and evaluations as well as to carry out administrative responsibilities related to the delivery of various technical services including stream bank maintenance, bridge and culvert scour maintenance; and

WHEREAS, it has become necessary to implement the County-wide Stream Maintenance Program to continue to reduce erosion and localized flood-related risk to roads, bridges, culverts and rights-of-way by removing gravel bars and vegetative debris obstructing or diverting the natural flow of streams, repair bridge and culvert scour or prevention of same; and

WHEREAS, Article 5-G of the General Municipal Law authorizes municipalities and districts to contract to perform together that which each public entity is authorized to perform individually; and Article 5, Section 99-R of the same General Municipal Law authorizes Erie County and the District to contract by direct negotiations for services of government not regularly provided to the public as part of general government services; and

WHEREAS, the Legislative Body of Erie County and the Board of Directors of the Erie County Soil and Water Conservation District have previously authorized a municipal agreement on October 6, 2011, at Meeting Number 20, Communication Number 18E-30 for the purpose of performing a County-wide Stream Maintenance Program.

NOW, THEREFORE, BE IT

RESOLVED, that the Agreement between the County of Erie and the Erie County Soil and Water Conservation District be renewed in an amount of \$100,000.00 to be allocated from the

Division of Highways, Business Area 123, Fund 210, Account 516020 – Professional Services, for technical services to reduce erosion, scour and localized flooding related risks to roads, bridges, culverts and rights-of-way at various locations; and be it further

RESOLVED, that three (3) 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, Management and Finance, and the Office of the Comptroller.  
(5-0)

3. COMM. 15E-25 (2012)  
COUNTY EXECUTIVE

WHEREAS, the County of Erie advertised for and received five (5) responses to a request for proposals from consulting firms to perform professional services associated with developing the final design of facilities for the Rainwater Harvesting Installation Project; and

WHEREAS, a review committee consisting of representatives from the Erie County Department of Environment and Planning, the Erie County Department of Public Works, the Village of Orchard Park, and the Town of Tonawanda evaluated all responses to the County's request for proposals, using a consistent scoring matrix; and

WHEREAS, the proposal review committee recommends retaining Audubon Architecture, Engineering, Surveying & Landscape Architecture, P.C. (also known as Wendel) to complete the requested consulting services.

NOW, THEREFORE, BE IT

RESOLVED, that Audubon Architecture, Engineering, Surveying & Landscape Architecture, P.C. be retained to perform professional services associated with developing the final design for the Rainwater Harvesting Installation Project; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Agreement with Audubon Architecture, Engineering, Surveying & Landscape Architecture, P.C., 140 John James Audubon Pkwy – Suite 201, Buffalo, New York 14228 for professional services associated with developing the Final Design for the WNY Stormwater Coalition: Rainwater Harvesting Installation Project in an amount not to exceed \$101,500.00; and be it further

RESOLVED, that the Clerk of the Legislature send two (2) certified copies each of this resolution to Thomas R. Hersey, Jr., Division of Environmental Compliance; and one certified copy each to the County Executive; the Erie County Comptroller; the Commissioner of the Department of Environment and Planning; the Erie County Director of Budget and Management; and Kristen Walder, Assistant County Attorney.  
(5-0)

4. COMM. 15E-26 (2012)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Soil and Water Conservation District has New York State Department of Environmental Conservation 604b grant funding to form and implement the Lake



Erie Watershed Protection Alliance (LEWPA), a three-county collaborative effort to better protect Lake Erie water quality; and

WHEREAS, the contracted employee hired by Erie County Soil and Water Conservation District to coordinate LEWPA recently resigned from the position; and

WHEREAS, it is vital that the LEWPA project does not lose momentum as it is crucial to securing funds to make improvements to water quality along the Lake Erie shoreline in New York State, as well as the associated watershed; and

WHEREAS, Erie County Soil and Water Conservation District would like to contract with Erie County to have a Junior Environmentalist (JG-7) fulfill the role of LEWPA Coordinator for the 604b grant instead of hiring their own contracted employee.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter an agreement with the Erie County Soil and Water Conservation District to coordinate the Lake Erie Watershed Protection Alliance in an amount not to exceed \$42,453.80 in grant resources; and be it further

RESOLVED, that the revenue from the Erie County Soil and Water Conservation District is hereby appropriated in a grant account in the Department of Environment and Planning (Business Area 162, Fund 281) as follows:

Lake Erie Watershed Protection Alliance Project  
(Grant Period: 10/15/12 - 06/21/13)  
SAP Grant Account #162LEWPA062113

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>
409000	State Aid Revenue – New York State Department of Environmental Conservation	(\$42,453.80)
TOTAL REVENUE		(\$42,453.80)

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
500000	Personnel Services	\$28,302.53
502000	Fringe Benefits	\$14,151.27
TOTAL APPROPRIATIONS		\$42,453.80

and be it further

RESOLVED, that a Junior Environmentalist (JG-7) position, B-100 #0000006981, for which sufficient grant funding for personal services and fringe benefits exists, will be created and approved; 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's Office; the Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; and the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor.

(5-0)

5. COMM. 15E-30 (2012)  
COUNTY EXECUTIVE

WHEREAS, the Commissioners of the Mount Vernon Sewer District presently operate, maintain, and improve the sewerage infrastructure of Town of Hamburg Sewer District No. 2 (Commissioner District); and

WHEREAS, the Commissioners of the Mount Vernon Sewer District have indicated their desire to dissolve the Commissioner District; and

WHEREAS, upon dissolution, the Town of Hamburg (Town) would be responsible for the assets of the Commissioner District; and

WHEREAS, the Town has leased all of the sanitary sewerage assets previously operated and maintained by the Town to Erie County Sewer District (ECSD) No. 3 pursuant to Legislative Communications 20E-21 (2006) and 22E-8 (2007); and

WHEREAS, the Town and Commissioners of the Mount Vernon Sewer District wish to effectuate an agreement whereby ECSD No. 3 would provide operation and maintenance services by contract for the Commissioner District.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute an intermunicipal agreement for ECSD No. 3 to supply operation and maintenance services for the Mount Vernon Sewer District, subject to approval as to content by the Commissioner of Environment and Planning, and approval as to form by the County Attorney's office; and be it further

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

(5-0)

6. COMM. 15E-31 (2012)  
COUNTY EXECUTIVE

WHEREAS, the Town of Hamburg (Town) and County of Erie (County) completed two separate mergers of sanitary sewer services, effective 1/1/2007 and 1/1/2008, to allow for the lease of the assets of Town Sewer District Nos. 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, and 30 (Former Town Sewer Districts) to Erie County Sewer District No. 3 (ECSD No. 3); and

WHEREAS, the Town has commenced procedures to dissolve the Former Town Sewer Districts; and

WHEREAS, since 1/1/2007 and 1/1/2008, ECSD No. 3 has been operating, maintaining, and improving the leased assets of said Former Town Sewer Districts in accordance with the merger agreements authorized per Legislative Communications 20E-21 (2006) and 22E-8 (2007); and

WHEREAS, the County and Town wish to effectuate a formal asset transfer of the leased infrastructure of the Former Town Sewer Districts to the County/ECSD No. 3; and

WHEREAS, an intermunicipal agreement is necessary to allow for the transfer of assets of the Former Town Sewer Districts to ECSD No. 3.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute an intermunicipal agreement to transfer ownership of the assets of the Former Town Sewer Districts to ECSD No. 3, subject to approval as to content by the Commissioner of Environment and Planning, and approval as to form by the County Attorney's office; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Erie County Director of Budget and Management, and Kristen Walder, Assistant County Attorney, and send two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.  
(5-0)

7. COMM. 15E-32 (2012)  
COUNTY EXECUTIVE

WHEREAS, the Town of Evans has had litter problems and complaints associated with the placement of garbage on Old Lakeshore Road from the residents of "The Grove" area; and

WHEREAS, the Town of Evans has requested permission to place dumpsters on Erie County Sewer District No. 2 owned property located on Old Lakeshore Road (SBL No. 235.05-1-15); and

WHEREAS, this request was brought forth to the Erie County Sewer District No. 2 Board of Managers for consideration; and

WHEREAS, the Board of Managers of Erie County Sewer District No. 2 consent to the placement of the dumpsters on SBL No. 235.05-1-15, provided there is a 90-day "trial period" and protections for the sewer district are detailed in an intermunicipal agreement.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute an intermunicipal agreement with the Town of Evans so the Town may place dumpsters on Erie County Sewer District No. 2 owned parcel SBL No. 235.05-1-15, subject to approval as to content by the Commissioner of Environment and Planning, and approval as to form by the County Attorney's office; and be it further

RESOLVED, that the Clerk of the Legislature one (1) certified copy each to the County Executive, the Erie County Comptroller, the Erie County Director of Budget and Management, and Kristen Walder, Assistant County Attorney, and send two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.  
(5-0)

8. COMM. 15E-33 (2012)  
COUNTY EXECUTIVE

EXTRACT OF MINUTES

Meeting of the County Legislature of  
the County of Erie, New York.

\_\_\_\_\_, 2012

\* \* \*

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

The following Legislators were present:

There were absent:

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

\* \* \*

Legislator \_\_\_\_\_ offered the following resolution and moved its adoption:

RESOLUTION NO.

RESOLUTION DATED \_\_\_\_\_, 2012

RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED MODIFICATION OF PLANS FOR THE INCREASE AND IMPROVEMENT OF

FACILITIES OF THE ERIE COUNTY SEWER DISTRICT NO. 2 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) , 2012.

(Adopted) , 2012.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 2 of the County of Erie, New York, (the "District") has heretofore been established; and

WHEREAS, in 2002 an increase and improvement of facilities for such District has been authorized by the County Legislature of the County of Erie, New York for the rehabilitation of sanitary sewers on Route 5, Lakecrest Gardens, Utica Trunk and numerous I&I projects (the 2002 Projects"), substantially as described in the original Erie County Sewer Agency Report; and

WHEREAS, the many of the 2002 Projects have been completed at costs below what was originally estimated; and

WHEREAS, the are currently authorized, unspent and unneeded funds in the amount \$677,514 remaining; and

WHEREAS, such County Legislature has heretofore received a report and estimate of cost dated June 8, 2012, from County engineers (the Erie County Department of Environment and Planning), relating to a proposed modification of plans for such increase and improvement of the facilities of said District No. 2 which report and estimate of cost have been filed with the County Legislature pursuant to Section 253-b of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed modification of plans for such increase and improvement of the facilities of said District No. 2 in said County, consisting of the construction of capital improvements to existing pump stations, sanitary sewers and treatment plant facilities, including engineering, easements and related costs, all as more fully described in the report and estimate of cost herein referred to (the "2012 Project"); and

WHEREAS, the maximum estimated cost of the 2012 Project of said Sewer District No. 2 is \$677,514 to be apportioned between real properties (i) in the District, and (ii) in the Brant-Farnham and Lotus Bay sewer districts in the Town of Brant, through contracts with the District, all in accordance with their respective proportionate shares of sewered units in the District and such Town of Brant sewer districts, and applicable flat charges; and

WHEREAS, it is now desired to call a public hearing to consider said modification of plans for such increase and improvement in accordance with the provisions of Section 253-b of the County Law.

NOW, THEREFORE, BE IT

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

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at the Erie County Legislature, 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on the 24th day of October 2012, at 1:30 o'clock P.M. (Prevailing Time), for the purpose of conducting a public hearing upon the aforesaid proposal for modification of plans for such increase and improvement of facilities of Erie County Sewer District No. 2 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

**NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at Erie County Legislature, 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on the 24th day of October, 2012, at 1:30 o'clock P.M. (Prevailing Time), for the purpose of conducting a public hearing upon a proposed modification of plans for increase and improvement of facilities of Erie County Sewer District No. 2 in said County (the "District").

The modification of plans for increase and the improvement of the facilities consists of the construction of capital improvements to existing pump stations, sanitary sewers and treatment plant facilities, including engineering, easements and related costs, all as more fully described in the report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Erie County Sewer Agency, pursuant to a written report dated June 8, 2012, which also has been filed with said County Legislature.

The maximum estimated cost of the aforesaid improvements is \$677,514 to be apportioned between real properties (i) in the District, and (ii) in the Brant-Farnham and Lotus Bay sewer districts in the Town of Brant, through contracts with the District, all in accordance with their respective proportionate shares of sewered units in the District and such Town of Brant sewer districts, and applicable flat charges; and

There will be no additional charge for hook ups to properties serviced by the Sewer District.

Dated: Buffalo, New York,

\_\_\_\_\_, 2012.

BY ORDER OF THE COUNTY  
LEGISLATURE OF THE COUNTY OF  
ERIE, NEW YORK

By ROBERT M. GRABER

Clerk, County Legislature

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in The Amherst Bee and in The Front Page, the official newspapers of said County, and The Sun, not less than ten nor more than twenty days before the date set herein for said public hearing.

Section 4. This resolution shall take effect immediately.

(5-0)

**TERRENCE D. McCRACKEN  
CHAIR**

Item 22 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 210

September 24, 2012	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 11
--------------------	-------------------------------------------------------

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 14M-3 (2012)  
ECMCC: “Packet of Materials Distributed at the 6/26/2012 Regular Meeting of the Board of Directors of ECMCC”  
(5-0)
  - b. COMM. 15D-1 (2012)  
DEPARTMENT OF SOCIAL SERVICES: “Caseload Growth Information”  
(5-0)
  - c. COMM. 15M-10 (2012)  
NYS EDUCATION DEPARTMENT: “Letter to Legislature Concerning the Use of Sunscreen in Schools”  
(5-0)
2. COMM. 15E-12 (2012)  
COUNTY EXECUTIVE  
WHEREAS, the Erie County Sheriff is responsible for health care at the Erie County Correctional Facility and the Erie County Holding Center; and

WHEREAS, the Erie County Department of Health provides medical oversight and medical staffing to provide health care at the Erie County Correctional Facility and Erie County Holding Center under an Interdepartmental Agreement with the Erie County Sheriff; and

WHEREAS, the Department of Health's Correctional Health Division does not have a supervising nurse on duty overnight in the Holding Center and believes that the position of Head Nurse is essential between 11 pm and 7 am to provide supervision and oversight; and

WHEREAS, the Department of Health requests the creation of one full time position of a Head Nurse - Holding Center, JG 10, variable minimum Step 3 (annual salary \$47,445) in the Teamsters bargaining unit, with a corresponding deletion of one vacant Registered Nurse - Holding Center; and

WHEREAS, funding for the implementation of this request is available from the deletion of the vacant position and vacancy control savings and there is no negative 2012 budgetary impact.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one full time position of Head Nurse – Holding Center, JG 10, Step 3 variable minimum (\$47,445 annual salary) in the Teamsters bargaining unit, and the deletion of one vacant Registered Nurse – Holding Center (position number 51007844) as indicated on B100 #6949; and be it further

RESOLVED, that the Commissioner of Health, Director of Budget and Management and Commissioner of Health are hereby authorized to make the necessary personnel and budgetary adjustments to effectuate this request; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the Erie County Sheriff, the County Executive, the Office of the Comptroller, the Department of Personnel, the Director of Labor Relations, the Division of Budget and Management, the Department of Law and to Commissioner Gale R. Burstein in the Erie County Department of Health.  
(5-0)

3. COMM. 15E-19 (2012)  
COUNTY EXECUTIVE

WHEREAS, Senior Services Case Manager position #870 is currently budgeted for in the department's 163CONNECTS1112 grant, which ends on September 30, 2012; and

WHEREAS, Case Manager position #870 is not budgeted for in any other Senior Services grant after September 30, 2012; and

WHEREAS, the Department desires to retain this current employee, to preserve the Department's ability to serve the frail, homebound elderly of Erie County; and

WHEREAS, the Department has identified available personnel appropriations in the Department's 163III-E2012 grant to fund Case Manager position #870 through the end of 2012; and



WHEREAS, no additional County funds are required nor are budget revisions necessary to affect this transfer.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and hereby is authorized to transfer, as of October 1, 2012, Senior Services Case Manager position #870 from the 163CONNECTS1112 grant to the 163III-E2012 grant; 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, Personnel, and Senior Services.

(5-0)

4. COMM. 15E-21 (2012)  
COUNTY EXECUTIVE

WHEREAS, the Department has been awarded an amount of \$58,033 in 100% Federal share Temporary Assistance to Needy Families (TANF) funds to enhance non-residential services to victims of domestic violence; and

WHEREAS, the additional federal TANF funding is awarded for contract expansion for vendors with existing State approval to deliver non-residential services to victims of domestic violence; and

WHEREAS, the provisions of the award specifically prohibit the supplantation of existing funding agreements and also prohibit the use of funds for County government operations; and

WHEREAS, only new contractual services or expansion of existing contractual services are eligible for this funding, and the vendors used must be among those named in the Department's Consolidated Services Plan (CSP) approved by the State; and

WHEREAS, there is no local share fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services and/or the County Executive are hereby authorized to enter into or amend contracts with Child and Family Services, Crisis Services, Hispanics United and the Family Justice Center for expanded non-residential services to victims of domestic violence; and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2012 Adopted Budget:

Department of Social Services, Fund 110, Department 120

ACCOUNT	DESCRIPTION	INCREASE
517060	Child and Family Services	\$20,312

517098	Crisis Services	20,312
517130	Family Justice Center	11,606
517166	Hispanics United of Buffalo	<u>5,803</u>
Total Expenditures		<u>\$58,033</u>
414000	Federal Aid	<u>\$58,033</u>
Total Revenues		<u>\$58,033</u>

and be it further

RESOLVED, that because only State-approved providers of non-residential services to victims of domestic violence are eligible to receive these funds and because these special services are needed immediately, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived; 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.

(5-0)

**THOMAS J. MAZUR**  
**CHAIR**

**LEGISLATOR RESOLUTIONS**

Item 23 – MR. MAZUR presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 211

RE: Expressing Support for the Continued Operation of the 107th Airlift Wing of the NY Air National Guard out of the Niagara Falls Air Reserve Station (INTRO 16-1)

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

WHEREAS, the Western New York Economic Development Strategic Plan titled “A Strategy for Prosperity in Western New York” (November 2011) outlines the critical role played by the Niagara Falls Air Reserve Station in our region’s economic development efforts; and

WHEREAS, this role emanates from the positive economic impact of the employment of 3,300 military and civilian personnel who work at the base and collectively provide \$169 million in economic impact to our region; and

WHEREAS, at present, 34% (640) of the 1,881 employees of the 914<sup>th</sup> Airlift Wing and 52% (428) of the 824 employees of the 107<sup>th</sup> Airlift Wing reside in Erie County; and

WHEREAS, the loss of either or both of the aforementioned military units would have a devastating economic impact on the Buffalo Niagara Region; and

WHEREAS, an additional economic benefit of the military presence in Niagara County is its contribution to the competitive cost advantage enjoyed by Niagara Falls International Airport (NFIA), which will serve as the hub for a robust Bi-National Logistics Sector – a key sector identified in “A Strategy for Prosperity in Western New York;” and

WHEREAS, within three years, the federal government will again conduct a “Base Realignment and Closure Commission,” which may view the transfer of the 107<sup>th</sup> Airlift Wing out of Niagara County as justification for the closure of the Niagara Falls Air Reserve Station; and

WHEREAS, the possible closure of the Air Reserve Station would cripple our region’s efforts to fully development and take advantage of the Bi-National Logistics Sector.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature express its full support of the continued operation of both the 107<sup>th</sup> Airlift Wing and the 914<sup>th</sup> Airlift Wing out of Niagara Falls Air Reserve Station; and be it further

RESOLVED, that this Honorable Body respectfully request that the Governor give no consideration to a transfer of the 107<sup>th</sup> Airlift Wing to another location in New York State; and be it further

RESOLVED, that certified copies of this resolution be conveyed to Governor Andrew Cuomo; Major General Patrick A. Murphy, Adjutant General of New York State (Division of Military and Naval Affairs); Satish K. Tripathi, Co-Chair, WNY Economic Development Council; Howard A. Zemsky, Co-Chair, WNY Economic Development Council; County Executive Mark Poloncarz; Director of the Erie County Office of Veterans’ Affairs (Carlos Benitez), the Chairman of the Niagara County Legislature (William L. Ross) and the Commissioner of the Niagara County Department of Economic Development (Samuel M. Ferraro).

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 24 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 212

RE: NYS Tourism Protection Act Re-  
Designation for 2012-2013  
(INTRO 16-2)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS GRANT, MARINELLI, MAZUR & MILLS**

WHEREAS, the promotion, development and expansion of the tourist travel, report and vacation business are vital and necessary concerns to the citizens of Erie County, since such tourism business strengthens the county's vital and necessary opportunities, and promotes the general welfare of county residents; and

WHEREAS, the NYS Legislature, in 1977, recognizing the value of local and state involvement and assistance in tourism promotion, enacted the NYS Tourism Protection Act; and

WHEREAS, this Tourism Protection Act authorizes the state's Department of Commerce to initiate a program of matching state funds for non-profit tourist promotion agencies designated by county legislative bodies as agencies authorized to apply for and receive grants for recognized media advertising programs; and

WHEREAS, Visit Buffalo Niagara (formerly named the Buffalo Niagara Convention and Visitors Bureau), a non-profit tourism promotion association, has begun to bring together many new segments of the county, servicing the tourism industry in a coordinated effort.

NOW, THEREFORE, BE IT

RESOLVED, that the Visit Buffalo Niagara, having been designated as the authorized tourism promotion agency for Erie County in 1974, is hereby re-designated as such for 2012-2013; and be it further

RESOLVED, that this Honorable Body does hereby request that the Visit Buffalo Niagara make the appropriate application to the Commissioner of the NYS Department of Commerce for state matching funds to assist said tourism promotion agency in the financing of a recognized media advertising program, as defined and set forth in the NYS Tourism Protection Act; and be it further

RESOLVED, that officials of Visit Buffalo Niagara are hereby requested to appear at a future meeting of the Legislature's Community Enrichment Committee to discuss the status of the aforementioned state matching fund grants and other matters relating to the furtherance of tourist activities within Erie County and Western New York; and be it further

RESOLVED, that certified copies of this resolution be sent to Commissioner of the NYS Department of Economic Development, 30 South Pearl St., Albany, NY 12245; Dottie Gallagher-Cohen and Leah Mueller of Visit Buffalo Niagara, 617 Main St., Suite 200, Buffalo, NY 14203-1496; NYS Assembly Tourism, Arts and Sports Development Committee, LOB 712, Albany, NY 12248; NYS Senate Tourism, Recreation and Sports Development Committee, LOB 310, Albany, NY 12248; and to Erie County Executive Mark C. Poloncarz.

Item 25 –CHAIR GRANT directed that the following resolution be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 16-3 from MARINELLI, MAZUR & HOGUES. Recognizing Freedom from Domestic Violence as a Fundamental Human Right.

Item 26 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 213

RE: Conveying Support for the Veterans One-Stop Center of WNY, Inc., a Collaboration between Goodwill Industries of WNY & WNY Veterans Housing Coalition  
(INTRO 16-4)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS GRANT, MAZUR, MILLS, HOGUES, MARINELLI, HARDWICK,  
LOUGHRAN, RATH, McCracken, DIXON & LORIGO**

WHEREAS, the Veterans One-stop Center of Western New York, Inc. (VOC of WNY) is a 501 c 3 nonprofit corporation offering U.S. Veterans and their families a one-stop resource for a diverse, holistic range of services; and

WHEREAS, the founding partners – Western New York (WNY) Veterans Housing Coalition, Inc. and Goodwill Industries – have developed a business plan based on the Coming Home to Caring Communities: A Blueprint for Serving Veterans & Families developed by the Veterans Outreach Center in Rochester, New York; and

WHEREAS, the mission of the VOC of WNY is to bring people, organizations and resources together to effectively improve the well-being of all Western New York Veterans of the U.S. Armed Forces and their immediate families; and

WHEREAS, on Monday, September 17, 2012, Roger L. Woodworth, Chairman of the VOC of WNY and Treasurer of the Board of Directors of the WNY Veterans Housing Coalition, articulated the VOC's vision that "All veterans and their families have barrier-free access to the services they need to complete the transition to civilian life and achieve their goals and full potential" to the members of VALER4Valor, the Erie County Legislature's ad hoc committee initiated by Chairwoman Betty Jean Grant to serve as an advocacy, linkage and empowerment resource to veterans advocates; and

WHEREAS, by the time of the third meeting of VALER4Valor, it became abundantly clear that the organization in the strongest position to carry forward the development of a VOC of WNY is

the aforementioned collaboration of the WNY Veterans Housing Coalition and Goodwill Industries; and

WHEREAS, the VOC of WNY proposal dovetails well with a presentation made by two VALER members at the committee's August 20, 2012 meeting, to wit, proposing that the VOC of WNY serve as the platform for the Integrated Community Care Model (ICCM) advanced by Jennifer Zeitler of COMPEER and John McKeone of Buffalo State College; and

WHEREAS, the ICCM is built on the following Evidence Based Principles: 1) Single Point of Entry, 2) Person-Centered Care, 3) Meaningful Activity, and, 4) Sponsorship; and

WHEREAS, the distinctive quality of the ICCM is that it brings together the community's commercial environment (i.e. the private sector) with the care environment (not-for-profit and government agencies), a superior approach to achieve the long-term success of a veteran's integration with the civilian community.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature convey its support of the establishment of a Veterans One-stop Center of Western New York by the WNY Veterans Housing Alliance in collaboration with Goodwill Industries; and be it further

RESOLVED, that this Honorable Body endorses the Integrated Community Care Model as the preferred operating system that will integrate the power of work – or gainful employment – with structures of care; and be it further

RESOLVED, that copies of this resolution be conveyed to County Executive Mark Poloncarz, Director Carlos Benitez of the Erie County Office of Veterans' Affairs, Roger Woodworth of the WNY Veterans Housing Alliance, Tom Lynch of Goodwill Industries, Jennifer Zeitler of COMPEER, John McKeone of the Veterans Business Outreach Program at Buffalo State College and all others deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 214

RE: Standard Work Day for Retirement  
Reporting Purposes  
(INTRO 16-5)

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

WHEREAS, the New York State and Local Employees' Retirement System requires that a standard work day be established for retirement credit purposes.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby establishes the following standard work day for Erie County Comptroller David J. Shenk and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by Comptroller Shenk to the Clerk of the Legislature:

<u>Title</u>	<u>Name</u>	<u>Standard</u> <u>Work Day</u>	<u>Term Begins/Ends</u>	<u>Participates in</u> <u>Employer's</u> <u>Time Keeping</u>	<u>Days/ Month</u> <u>(Based on Record</u> <u>of Activities)</u> <u>System</u>
--------------	-------------	------------------------------------	-------------------------	--------------------------------------------------------------------	-----------------------------------------------------------------------------------------

ELECTED OFFICIALS:

Comptroller	David J. Shenk	7	01/01/2010 – 12/31/2013	N	24.13
-------------	----------------	---	-------------------------	---	-------

and be it further

RESOLVED, that a certified copy of this resolution be posted on the Legislature's website pursuant to rules promulgated by the New York State Comptroller, and a copy shall be transmitted by the Clerk of the Legislature to the Erie County Commissioner of Personnel and the State Comptroller.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 28 – MR. MAZUR moved to discharge the PUBLIC SAFETY COMMITTEE of further consideration of COMM. 15E-20 (2012). MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 215

RE: Youth Bureau - Juvenile Detention  
Alternative Initiatives Coordinator  
(COMM. 15E-20, 2012)

WHEREAS, the Department of Social Services requests authority to add the position of Juvenile Detention Alternative Initiatives (JDAI) Coordinator in the Youth Bureau; and

WHEREAS, the goal of this systems-change initiative is to create more effective and efficient processes surrounding the use of detention, and by so doing, to reduce detention populations while ensuring public safety and court appearance rates; and

WHEREAS, JDAI was developed in response to national trends reflecting a drastic increase in the use of secure detention for juveniles, despite decreasing juvenile arrests, and the resulting overcrowding of youth detention centers nationwide; and

WHEREAS, this position will be funded from a State share allocation for Supervised Treatment Services for Juveniles Program, and the local share will be provided by a transfer of funds from the Erie County Department of Mental Health, and there is no additional fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, the following position is added to the Division of Youth Services:

Juvenile Detention Alternative Initiatives Coordinator JG 13 step 5  
(B-100 number 6973)

with authorization granted to hire at variable minimum step 5; and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2012 Adopted Budget for the balance of the current budget year:

Division of Youth Services, Fund Center 12530

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/ (DECREASE)</u>
Expense		
500000	Personal Services	\$16,220
502000	Fringe	10,219
912530	ID Youth Bureau Services	(10,047)
	Total Expenditure	<u>\$16,392</u>
Revenue		
408065	Supervision and Treatment Services for Juveniles Program	<u>\$16,392</u>
	Total Revenue	<u>\$16,392</u>

Department of Mental Health, Fund Center 12410

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/ (DECREASE)</u>
Expense		
516010	Contract Payment Not Profit Purchase	(\$10,047)
912530	ID Youth Bureau Services	<u>10,047</u>
		<u>-0-</u>

and be it further

RESOLVED, that the Department of Personnel, Division of Budget and Management and Department of Social Services are authorized to conduct the necessary personnel and fiscal adjustments for this position; 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, the Personnel Department and the Director of the Division of Budget and Management.

MR. MAZUR moved to approve the item as amended. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

**SUSPENSION OF THE RULES**

Item 29 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 16E-13 from LEGISLATOR RATH Re: Letter of Absence from Regular Session No. 16, 9/27/2012

CHAIR GRANT directed that the item be Received, Filed and Printed.

GRANTED.

September 26, 2012

Mr. Robert M. Graber  
Clerk of the Legislature  
92 Franklin Street – Fourth Floor  
Buffalo, New York 14202

RE: Letter of Absence

Dear Clerk Graber:

Please accept this letter as notice that I will be absent for the legislative session scheduled for Thursday, September 27, 2012 at 2:00 pm. I will be out of town on business.

Thank you for your attention to this matter.

Sincerely,

EDWARD A. RATH, III  
Erie County Legislator  
District 6

Cc: Hon. Betty Jean Grant, Chairperson  
Hon. John J. Mills, Minority Leader

Item 30 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 16D-2 from the COMMISSIONER OF ENVIRONMENT & PLANNING Re: OPEN ITEM/PLACEHOLDER - Community Enrichment Committee - ECC Program Needs Assessment & Space Utilization Analysis

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 31 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 16E-14 from the COMPTROLLER Re: External Quality Review - Division of Audit & Control

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 32 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 16E-15 from LEGISLATORS MILLS, HARDWICK, DIXON & LORIGO Re: Letter to Comptroller Concerning RFP for 2012 Peer Review Audit

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

### **COMMUNICATIONS FROM ELECTED OFFICIALS**

#### **FROM THE SHERIFF**

Item 33 – (COMM. 16E-1) Sheriff Fleet Vehicle Replacement

Received and referred to the PUBLIC SAFETY COMMITTEE.

#### **FROM LEGISLATOR LORIGO**

Item 34 – (COMM. 16E-2) Letter to Comptroller Concerning 2012 Capital Borrowing

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

#### **FROM THE COMPTROLLER**

Item 35 – (COMM. 16E-3) Letter to Executive Director of ECWA Concerning Audit of ECWA

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM LEGISLATOR HOGUES

Item 36 – (COMM. 16E-4) Letter to Clerk of Legislature Concerning Abstention on COMM. 15E-5 (2012)

Received, Filed and Printed.

September 24, 2012

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

RE: ABSTENTION ON COMM. 15E-5 (2012)  
Payment in Lieu of Taxes (PILOT) Agreement for St. John Townhomes II & Massachusetts Avenue Sustainable Neighborhoods Project - Affordable Housing Developments - City of Buffalo

Dear Mr. Graber:

Pursuant to Rule 2.21 of the Rules of Order of the Erie County Legislature and in accordance with Section 5b of Erie County Local Law No. 10 - 1989, my abstention to the above referenced communication on a vote today in the Economic Development Committee was due to my private sector employment and to avoid any possible conflict of interest.

Sincerely,

Timothy R. Hogues  
Erie County Legislator - 1st District

FROM THE COUNTY EXECUTIVE

Item 37 – (COMM. 16E-5) Closure of Inactive Capital Projects

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 38 – (COMM. 16E-6) County Executive Appointments to the Fisheries Advisory Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE SHERIFF

Item 39 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. McCracken seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 216

RE: Operation Stonegarden for FY10 &  
FY11  
(COMM. 16E-7)

WHEREAS, the U.S. Department of Homeland Security through the NYS Division of Homeland Security and Emergency Services has awarded \$190,692 for FY 10 and \$163,765 for FY 11 to Erie County in funding to increase security along the Canadian border; and

WHEREAS, the Erie County Sheriff's Office will coordinate with Police Departments from the Village of Akron, the City of Buffalo, the Town of Cheektowaga, the Town of Evans, the Town of Hamburg, the Niagara Frontier Transit Authority, the City of Tonawanda, the Town of Tonawanda and the Norfolk Southern Rail Road Police to conduct joint law enforcement patrols in support of the U.S. Border Patrol's mission of apprehending terrorists and their weapons as they attempt to enter the United States illegally; and

WHEREAS, these funds will be used for overtime for the participating law enforcement agencies, including the fringe benefits associated with it, and to purchase equipment required to support this program; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislatures does hereby authorize the County Executive to enter into contract with the U.S. Department of Homeland Security through the NYS Department of Homeland Security to accept funding in the amount of \$190,692 for FY10 and \$163,765 for FY 11; and be it further

RESOLVED, that the County Executive is authorized to enter into sub-contracts with the participating agencies to reimburse the expenses they incur while participating in the Stonegarden Border Security Operation; and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management to establish funding for FY 10 in the Grant Fund 281 and budget those funds as follows:

Erie County Sheriff's Office  
FY10 OPERATION STONEGARDEN GRANT  
October 01, 2010 to September 30, 2013

REVENUE

Increase

SAP Account 414000 – Federal Aid	<u>190,692</u>
TOTAL REVENUE	<u>190,692</u>
<u>APPROPRIATIONS</u>	<u>Increase</u>
SAP Account 501000 – Overtime	33,150
SAP Account 502000 – Fringe Benefits	18,228
SAP Account 505600 – Auto Supplies	9,845
SAP Account 516010 – Contractual Payments	123,107
SAP Account 561410 - Lab & Technical Equipment	<u>6,362</u>
TOTAL APPROPRIATIONS	<u>190,692</u>

and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management to establish funding for FY 11 in the Grant Fund 281 and budget those funds as follows:

Erie County Sheriff's Office  
FY11 OPERATION STONEGARDEN GRANT  
October 01, 2011 to September 30, 2014

<u>REVENUE</u>	<u>Increase</u>
SAP Account 414000 – Federal Aid	<u>163,765</u>
TOTAL REVENUE	<u>163,765</u>
<u>APPROPRIATIONS</u>	<u>Increase</u>
SAP Account 501000 – Overtime	29,445
SAP Account 502000 – Fringe Benefits	7,550
SAP Account 505600 – Auto Supplies	16,185
SAP Account 516010 – Contractual Payments	103,490
SAP Account 561410 - Lab & Technical Equipment	<u>7,095</u>
TOTAL APPROPRIATIONS	<u>163,765</u>

and be it further

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

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 217

RE: FY09 Buffer Zone Protection Program  
(COMM. 16E-8)

WHEREAS, the United States Department of Homeland Security through the New York State Division of Homeland Security and Emergency Services established the Buffer Zone Protection Program to help local law enforcement identify and mitigate vulnerabilities at the highest risk critical infrastructure sites; and

WHEREAS, in an effort to prevent and protect the nation from acts of terrorism has awarded \$141,100 to the Erie County Sheriff's Office in funding specifically allocated to protecting facilities that have been identified as critical infrastructure and key resource sites within Erie County; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contract and accept these funds; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with the New York State Division of Homeland Security to receive \$141,100 in grant funding for the Erie County Sheriff's Office; and be it further

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

Erie County Sheriff's Office  
FY 09 Buffer Zone Protection Program  
April 01, 2009 to March 31, 2013

<u>REVENUE</u>	<u>Increase</u>
Account 414000 – Federal Revenue	<u>\$141,100</u>
TOTAL REVENUE	<u>\$141,100</u>
<u>APPROPRIATIONS</u>	<u>Increase</u>
Account 561410 – Lab & Technical Equipment	<u>\$141,100</u>
TOTAL APPROPRIATIONS	<u>\$141,100</u>

and be it further

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

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

Item 41 – (COMM. 16E-9) ECSO - Donations

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM THE COUNTY CLERK**

Item 42 – (COMM. 16E-10) "Renew Locally" Billboard Campaign

Item 43 – (COMM. 16E-11) Accounting Review/Registrar Division

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

**FROM THE COUNTY EXECUTIVE**

Item 44 – (COMM. 16E-12) Chestnut Ridge Concession Agreement

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE COMMISSIONER OF ENVIRONMENT & PLANNING**

Item 45 – (COMM. 16D-1) Copy of 2011 EC Funding for Cultural Organization Capital Projects

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE BUFFALO & EC PUBLIC LIBRARY**

Item 46 – (COMM. 16M-1) Proposed Agenda for Meeting Held 9/20/2012

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM THE PRESIDENT OF ECC**

Item 47 – (COMM. 16M-2) Letter to Legislator Marinelli Concerning Full Time Faculty  
Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM SKIP OF NY

Item 48 – (COMM. 16M-3) Letter to Minority Caucus Concerning Medicaid Enrolled  
Nurses

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM NYSDEC

Item 49 – (COMM. 16M-4) Fact Sheet: DEC Certifies Cleanup Requirements Achieved at  
State Superfund (SSF) Site Known as 318 Urban Street

Received and referred to the the ENERGY & ENVIRONMENT COMMITTEE.

FROM NYS OFFICE OF REAL PROPERTY TAX SERVICES

Item 50 – (COMM. 16M-5) List of Certified 2012 State Equalization Rates

Received and referred to the the FINANCE & MANAGEMENT COMMITTEE.

ANNOUNCEMENTS

Item 51 – CHAIR GRANT announced that the schedule of upcoming committee meetings  
has been distributed.

MEMORIAL RESOLUTIONS

Item 52 – Legislator Hardwick requested that when the Legislature adjourns, it do so in  
memory of Gordon Elwell.

Item 53 – Legislator Marinelli requested that when the Legislature adjourns, it do so in  
memory of Edwin A. Munschauer, Jr., and Charley H. Fisher, Jr.

Item 54 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory  
of Judy Chmielowiec, Jean Corto, and Father John Sturm.

Item 55 – Legislator Hogues requested that when the Legislature adjourns, it do so in  
memory of Edward Williams.

Item 56 – Legislator Loughran requested that when the Legislature adjourns, it do so in  
memory of John L. Bernard.



Item 57 – Chair Grant requested that when the Legislature adjourns, it do so in memory of Joseph J. Illuzzi, Jr.

**ADJOURNMENT**

Item 58 – At this time, there being no further business to transact, CHAIR GRANT announced that the Chair would entertain a Motion to Adjourn.

MR. HOGUES moved that the Legislature adjourn until Thursday, October 11, 2012 at 2:00 p.m. Eastern Standard Time. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

CHAIR GRANT declared the Legislature adjourned until Thursday, October 11, 2012 at 2:00 p.m. Eastern Standard Time.

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