

ERIE COUNTY LEGISLATURE
MEETING NO. 22
NOVEMBER 3, 2011

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

All members present.

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

The Pledge of Allegiance was led by Ms. Bove.

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 21 from 2011. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. MAZUR presented a Memorial Resolution In Remembrance of the Life of Allen A. Leistner.

Item 6 – MR. MAZUR presented a Memorial Resolution Honoring Timothy M. Chojnacki.

Item 7 – MR. HARDWICK presented a resolution Honoring Ascension Industries, Inc. on Being Named the Chamber of Commerce of the Tonawanda's Business of the Year for 2011.

Item 8 – MR. HARDWICK presented a Memorial Resolution Honoring the Life of Christopher Slauson.

Item 9 – MR. HARDWICK presented a resolution Honoring Frank Cantata on Being Named Chamber of Commerce of the Tonawanda's Citizen of the Year for 2011.

Item 10 – CHAIR MILLER-WILLIAMS presented a resolution Congratulating Tyler Mihalovich on Achieving the Rank of Eagle Scout.

Item 11 – MR. WALTER presented a resolution Honoring Eagles' Wings for Its Service to the WNY Community.

Item 12 – MS. DIXON & MR. MILLS presented a resolution Congratulating the Town of Eden on Its Forthcoming Bicentennial Celebration, 1912 - 2012.

MS. WHYTE moved for consideration of the above eight items. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above eight items by including Et Al Sponsorship. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above eight items as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 13 – 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 14 – CHAIR MILLER-WILLIAMS directed that Local Law No. 2 (Print #1) 2010 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 15 – CHAIR MILLER-WILLIAMS directed that Local Law No. 3 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 16 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 17 – CHAIR MILLER-WILLIAMS directed that Local Law No. 3 (Print #1) 2011 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 18 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2011 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 19 – CHAIR MILLER-WILLIAMS directed that Local Law No. 7 (Print #1) 2011 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 20 – CHAIR MILLER-WILLIAMS directed that Local Law No. 8 (Print #1) 2011 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 21 – CHAIR MILLER-WILLIAMS directed that Local Law No. 9 (Print #1) 2011 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 183

October 27, 2011	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 11
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ALL MEMBERS PRESENT.

CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 18D-10 (2011)
EC HEALTH COMMISSIONER: “Letter to Mayor Brown Concerning Vector Control Program”
(5-0) Legislator Walter not present for vote.
 - b. COMM. 20M-6 (2011)
BUFFALO COMMON COUNCIL: “Letter to Chair Miller-Williams Concerning "The Consolidation of Vital Statistics Reporting Districts No. 1498 (VA WNY Healthcare System) & No. 1401 (Registrar of Vital Statistics, Buffalo, NY)""
(5-0) Legislator Walter not present for vote.
 - c. INTRO 21-4 (2011)
DIXON & MILLER-WILLIAMS: “The Consolidation of Vital Statistics Reporting District #1498 (VA WNY Healthcare System) & #1401 (Registrar of Vital Statistics, Buffalo, NY)”

(6-0)

- d. COMM. 21M-6 (2011)
ECMCC: "Copy of Packet of Materials Distributed at the 10/4/2011 Regular Meeting of the Board of Directors of ECMCC"
(6-0)

2. COMM. 20E-8 (2011)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has received a grant award from the United States Department of Housing & Urban Development (HUD), Office of Healthy Homes and Lead Hazard Control in the amount of \$2,375,000 for implementing "LEADSAFE Erie County", a Lead Based-Paint Hazard Control program; and

WHEREAS, the Department of Housing and Urban Development requires partnerships and mandatory matching contributions as part of the grant application; and

WHEREAS, the Erie County Department of Health, Belmont Housing Resources for WNY, UNYSE, the Community Foundation for Greater Buffalo, Lt. Col. Matt Urban Human Services Center of WNY and the West Side Neighborhood Housing Services have joined together in a "LEADSAFE Erie County" partnership for the purposes of providing services under this grant; and

WHEREAS, the purpose of "LEADSAFE Erie County" is to reduce the number of housing units that present a lead hazard to the young children of Erie County; and

WHEREAS, this will be accomplished through home paint inspections and lead risk assessments by Erie County staff, and provision of services for hazard control work and minor rehab work utilizing these grant funds and matching contributions by community partners: the Community Foundation for Greater Buffalo, Lt. Col. Matt Urban Human Services Center of WNY and the West Side Neighborhood Housing Services in Erie County; and

WHEREAS, the County desires to subcontract with Belmont Housing Resources for WNY for an amount not to exceed \$1,493,376 for the period 1/1/12 – 12/31/14 for the purpose of preparing work and bid specifications in homes to receive lead hazard control work, and awarding competitive bids for hazard control work, including labor and supply costs, to qualified contractors, and monitoring work progress and quality of contractors who are successful in receiving bids and coordinating and accounting for the matching contributions to the proposed work at participating homes; and

WHEREAS, the County desires to subcontract with UNYSE, for an amount not to exceed \$34,800 for the period 1/1/12 – 12/31/14 for the purpose of providing prompt full and partial clearance sampling and reporting; and

WHEREAS, the County desires to make personnel adjustments which result in no net gain or loss in number of positions, will utilize available funding efficiently and effectively to accomplish the work plan goals.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Executive is hereby authorized to enter into an agreement with the United States Department of Housing and Urban Development (HUD), to accept the grant budgeted as follows:

LEAD HAZARD CONTROL

<u>SAP</u> <u>CODE</u>	<u>REVENUE</u>	<u>BUDGET</u>
414000	Federal Aid	<u>\$2,375,000</u>
	TOTAL	<u>\$2,375,000</u>
<u>APPROPRIATIONS</u>		
500000	Personal Services	\$500,000
501000	Overtime	17,464
502000	Fringe Benefits	261,683
505000	Office Supplies	5,400
505200	Clothing Supplies	1,050
510000	Local Mileage	17,600
510100	Travel Out-of-Area	6,025
510200	Training and Education	2,100
516010	Contractual Pymts Non-Profit Purchase of Svcs	1,528,176
516030	Maintenance Contracts	9,400
530000	Other Expenses	20,102
561410	Lab & Technical Equipment	1,000
561420	Office Equipment	1,000
980000	ID DISS Services	<u>4,000</u>
	TOTAL	<u>\$2,375,000</u>

and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the following personnel adjustments as indicated on B100#6516 and B100#6517, which transfers existing positions according to available funding; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a subcontract with Belmont Housing Resources for WNY for an amount not to exceed \$1,493,376 for the period 1/1/12 – 12/31/14 for the purpose of awarding competitive bids for hazard control work to qualified contractors, and monitoring work progress and quality of contractors who are successful in receiving bids, and coordinating and accounting for the matching contributions to the proposed work at participating homes; and be it further

RESOLVED, that the LEADSAFE Erie County program, through its partnership with Belmont Housing Resources for WNY will receive matching contributions form community partners

the Community Foundation for Greater Buffalo, Lt. Col. Matt Urban Human Services Center of WNY and the West Side Neighborhood Housing Services for hazard control work and minor rehab work provided directly to participating property owners in Erie County; and be it further

RESOLVED that the Erie County Legislature hereby authorizes the County Executive to enter into a subcontract with UNYSE for an amount not to exceed \$34,800 for the period 1/1/12 – 12/31/14 for the purpose of providing prompt full and partial clearance sampling and reporting; and be it further

RESOLVED, that the subcontracts with Belmont Housing Resources for WNY and UNYSE are special services which must be provided immediately and continuously and therefore the RFP procedure required under Section 19.08 of the Erie County Administrative Code, is hereby waived; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Personnel, the Department of Law, the Office of the Comptroller, the Division of Budget and Management and to Dr. Anthony J. Billittier, IV, Commissioner in the Department of Health, Rath Building, 9th Floor.
(5-0) Legislator Walter not present for vote.

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

WHEREAS, the New York State Office for Aging has notified the Department of Senior Services (Department) that the Department has been awarded \$175,948 for the New York Connects grant program (Connects) for the period October 1, 2011 to September 30, 2012; and

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

WHEREAS, the State-approved Work Plan includes funding a Long Term Care Coordinator, a Senior Case Manager and a Case Manager position; and

WHEREAS, the Department desires to transfer the Long Term Care Coordinator (51003751) and Senior Case Manager (51006254) positions from cost center 1632080, and a Case Manager position (51009772) from the WRAP-SOFA grant to the Connects grant, effective October 1, 2011; and

WHEREAS, these transfers are reflected in SAP on B-100 No. 6536; and

WHEREAS, the New York Connects Program is 100% State funded; and

WHEREAS, the New York Connects grant budget needs to be established; and

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to accept the New York Connects funds from the New York State Office for Aging; and be it further

RESOLVED, that the Department is authorized to transfer the Long Term Care Coordinator, Senior Case Manager and Case Manager positions from the programs previously listed to the New York Connects grant, effective October 1, 2011; and be it further

RESOLVED, that the budget for New York Connects grant program, 163CONNECTS1112, be established as follows:

REVENUES		INITIAL BUDGET
Account	Description	
409000	State Aid	\$175,948
	TOTAL REVENUE	<u>\$175,948</u>
APPROPRIATIONS		
500000	Full Time Salaries	\$129,511
502000	Fringe Benefits	\$70,957
505000	Office Supplies	\$800
510000	Local Mileage	\$750
510100	Out of Area Travel	\$750
510200	Training & Education	500
516020	Professional Fees	5,957
530000	Other Expenses	2,000
916390	ID Senior Services	-36,777
980000	ID DISS Services	<u>1,500</u>
	TOTAL	
	APPROPRIATIONS	<u>\$175,948</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, the Department of Personnel and the Department of Senior Services.
(5-0) Legislator Walter not present for vote.

4. COMM. 20E-15 (2011)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Home Delivered Meals (III-C-2) grant for the period January 1, 2011 through December 31, 2011; and

WHEREAS, the Department of Senior Services (Department) has identified the need for an enhancement to be made in the home delivery system, and desires a route to be added to the Southtowns delivery area; and

WHEREAS, the Department currently contracts with Southtowns Meals on Wheels, Inc. to provide home delivered meals to the Southtowns in Erie County; and

WHEREAS, the contract with Southtowns Meals on Wheels, Inc. needs to be amended to reflect the additional service area and food costs; and

WHEREAS, the Department currently contracts with Supportive Services Corp., Inc. to provide Title V employment services to seniors 55 years of age and older, and desires to extend the contract with Supportive Services Corp., Inc. to reflect the grant extension timeframe; and

WHEREAS, the Senior Employment contract with Supportive Services Corp., Inc. needs to be extended; and

WHEREAS, additional local match is not required.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to extend the Senior Employment contract with Supportive Services Corp. to September 30, 2011; and be it further

RESOLVED, that the County Executive be and is hereby authorized to amend the 2011 contract with Southtowns Meals on Wheels by the amount detailed below; and be it further

RESOLVED, that the budget for the III-C-2 grant, 163III-C-22011, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
414000	Federal Aid	\$723,614	\$5,400	\$729,014
	TOTAL CHANGE		\$5,400	
APPROPRIATIONS				
517801	Southtowns Meals on Wheels, Inc.	\$35,000	\$5,400	\$40,400
	TOTAL CHANGE		\$5,400	

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 County Attorney's Office, the Comptroller's Office and the Department of Senior Services.

(5-0) Legislator Walter not present for vote.

5. INTRO 21-3 (2011)
DIXON, MILLS, WALTER, FUDOLI, AS AMENDED
HARDWICK, MARINELLI & GRANT

WHEREAS, the “Yellow Dot” program is a program that helps drivers involved in auto accidents make healthcare information more easily accessible to emergency responders; and

WHEREAS, a yellow sticker on the rear windshield of a car signifies that a folder in the glove compartment contains the driver’s photo, medications, allergies, contacts and other information; and

WHEREAS, the “Yellow Dot” program has found great success in Connecticut, Alabama and Illinois; and

WHEREAS, the “Vial of Life” project is a similar program designed to protect individuals in need of medical assistance at their homes; and

WHEREAS, “Vial of Life” participants place a decal on their front doors, alerting emergency responders of a packet of medical information on the home’s refrigerator door; and

WHEREAS, the cost of implementing these programs would be small and the potential benefits could include saving lives; and

WHEREAS, participation in each of the programs is entirely voluntary for participants; and

WHEREAS, the Department of Senior Services could coordinate public awareness of the programs and trainers at the Department of Senior Services could work with Emergency Service providers to inform them about operation of the programs.

NOW, THEREFORE, BE IT

RESOLVED, that this Legislative Body encourages the Erie County Department of Senior Services to coordinate implementation of the “Yellow Dot” and “Vial of Life” programs; and be it further

RESOLVED, that a copy of this Resolution be sent to the Commissioner of Senior Services, the Commissioner of Emergency Services and the County Executive.
(5-0) Legislator Walter not present for vote.

THOMAS J. MAZUR
CHAIR

Item 23 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 184

October 27, 2011	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 11
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ALL MEMBERS PRESENT.

CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 20E-11 (2011)
COUNTY EXECUTIVE: "EC Division of Sewerage Management - Engineering Service Agreement"
(6-0)
 - b. COMM. 20E-16 (2011)
COUNTY EXECUTIVE: "ECSD No. 1-6 & 8 - Section 270/271 Resolutions"
(6-0)
 - c. COMM. 20M-5 (2011)
NYS DEPARTMENT OF AGRICULTURE & MARKETS: "Letter to Clerk of Legislature Concerning Agricultural District No. 11"
(6-0)
 - d. COMM. 20M-7 (2011)
NYS DEPARTMENT OF AGRICULTURE & MARKETS: "Letter to Clerk of Legislature Concerning Agricultural District No. 13"
(6-0)
 - e. COMM. 20M-8 (2011)
DEPARTMENT OF ENVIRONMENT & PLANNING: "Village of Orchard Park Cistern Installation Project - SEQR Notification"
(6-0)
 - f. COMM. 20M-9 (2011)
NYSDEC: "Public Notice: Reclassification of the Republic Steel (LTV) (Marilla St. LF) Site No. 915047 (City of Buffalo)"
(6-0)
 - g. COMM. 20M-11 (2011)
NYS DEPARTMENT OF AGRICULTURE & MARKETS: "Letter to Clerk of Legislature Concerning Agricultural District No. 16"
(6-0)
 - h. COMM. 21E-4 (2011)
COUNTY EXECUTIVE: "ECSD No. 2 - Engineer Term Agreement"
(6-0)
 - i. COMM. 21M-1 (2011)
NYSDEC: "Notice of Deletion of Site from Registry: Niagara Mohawk Dewey Ave. Service Station, 144 Kensington Ave., Buffalo"
(6-0)

- j. COMM. 21M-2 (2011)
NYSDEC: "Fact Sheet: Draft Remedial Investigation/Interim Remedial Measures Work Plan Available for Public Comment - 348 Langner Rd. Site, West Seneca, NY"
(6-0)
- k. COMM. 21M-3 (2011)
NYSDEC: "Notice of Deletion of Site Registry: Newstead - Fletcher Rd., 8471 Fletcher Rd., Newstead"
(6-0)

2. COMM. 20E-7 (2011)
COUNTY EXECUTIVE
WHEREAS, the Erie County Legislature has awarded Contract No. 45 to Milherst Construction, Inc.; and

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

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the final acceptance of Contract No. 45 in the amount of \$149,419.12 which includes Change Order No. 1 (final), a decrease of (\$1,910.89) and approve final payment.

NOW, THEREFORE, BE IT

RESOLVED, the Contract No. 45 between the County of Erie and Milherst Construction, Inc., 10025 County Road, Clarence Center, New York 14032, be accepted in the amount of \$149,419.12 which includes Change Order No. 1 (final), a decrease of (\$1,910.89); and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 45 between the County of Erie and Milherst Construction, Inc. in the amount of \$149,419.12 and make final payment from Sewer Capital, Erie County Sewer District No. 6, Account C.00064, and return the unused portion \$1,910.89 to Unallocated Account C.00064; 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.
(6-0)

- 3. COMM. 20E-9 (2011)
COUNTY EXECUTIVE
WHEREAS, the Lakeshore Shoreline Trail Project is eligible for funding under the New York State (NYS) Marchiselli Aid Reimbursement Program administered by the NYS Department of Transportation.

NOW, THEREFORE, BE IT

RESOLVED, that the sum of \$129,994 is hereby appropriated from and made available to cover the cost of participation in the Project; and be it further

RESOLVED, that authorization is hereby provided to complete the following budget adjustment to SAP Project #A.00213, Lakeshore Shoreline Trail, within the Erie County Budget

<u>Revenue</u>	<u>Increase</u>
Commitment Item #420499 (Other Local Source Revenue)	\$129,994

<u>Appropriation</u>	<u>Increase</u>
Commitment Item #516020 (Professional Services, Contractual: Fees)	\$129,994

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 federal and state funding requirements; and be it further

RESOLVED, that this Resolution shall take effect immediately; 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.

(6-0)

4. COMM. 20E-10 (2011)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointments of the following individuals to the NYS Region 9 Fish & Wildlife Board for a term ending 12/31/2012:

Permanent Sportsmen Representative
Mr. Paul J. Stoos
1845 Clinton Street
Buffalo, NY 14206

Alternate Sportsmen Representative
Mr. Chuck Godfrey
29 Yvette Drive
Cheektowaga, NY 14227

(6-0)

5. COMM. 20E-12 (2011)
COUNTY EXECUTIVE

WHEREAS, the South Buffalo Railroad Company requires license agreements for pipeline crossings on their property; and

WHEREAS, the County of Erie desires to eliminate the Blasdel Wastewater Treatment Plant and sewer overflows with a new sewer that will cross South Buffalo Railroad Company's property; and

WHEREAS, the County of Erie and South Buffalo Railroad Company have negotiated a one time lump sum final payment in lieu of annual rent charges for the proposed railroad crossing; and

WHEREAS, a \$9,000.00 total payment is required consisting of \$1,000.00 to be paid to South Buffalo Railroad Company's administrator (RelTEK) for administrative fees and the remaining \$8,000.00 will be paid to South Buffalo Railroad Company directly; and

WHEREAS, the \$8,000.00 for South Buffalo Railroad Company consists of one time lump sum rent fee of \$7,500.00 and a one time \$500.00 fee for Railroad Protective Liability Insurance.

NOW, THEREFORE, BE IT

RESOLVED, that the license agreement between the County of Erie, on behalf of Erie County Sewer District No. 3, and South Buffalo Railroad Company be approved; and be it further

RESOLVED, the County Executive be, and hereby is authorized to execute the license agreement with South Buffalo Railroad Company, subject to approval as to form by the County Attorney and as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Division of Sewerage Management be authorized to allocate from Professional Services, Contracts and Fees Sewer District No. 3 an amount of \$8,000.00 for South Buffalo Railroad Company and \$1,000.00 for RelTEK for said railroad crossing; and be it further

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

(6-0)

6. COMM. 21E-2 (2011)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Parks, Recreation and Forestry (EC Parks) has been contacted by the United States Coast Guard (USCG) as a potential operator of its Buffalo Outer Harbor Grove; and

WHEREAS, this property would offer Erie County residents a new and unique experience that provides a scenic vista, passive uses and picnicking near downtown Buffalo; and

WHEREAS, Attachment A to this resolution highlights the area to be licensed to the County; and

WHEREAS, the USCG will license the property to Erie County for a period of 10-years at no cost.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive is hereby authorized to enter into a licensing agreement and execute any other necessary documents with the USCG to operate the grove adjacent to their Buffalo Outer Harbor facility; and be it further

RESOLVED, that the licensing agreement is for a period of 10-years at no charge to Erie County; 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, Management and Finance and the Erie County Department of Law.

(6-0)

7. COMM. 21E-3 (2011)
COUNTY EXECUTIVE

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

WHEREAS, there exists a list of approved firms for Architectural/Engineering and Testing Services Agreements previously authorized in Comm. 14E-19 (2008); and

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

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with Wendel Duchscherer, as previously authorized by this Honorable Body via Communication 14E-19 (2008), to provide Culvert Inspection and Inventory Services for various County Parks at a cost not to exceed \$30,000; and be it further

RESOLVED, that funds in the amount of \$30,000 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 Parks, Recreation and Forestry, Office of the Commissioner and one copy each to the Office of the County Executive, the Division of Budget and Management, the County Attorney, the Office of the Comptroller and the Commissioner of Public Works.

(6-0)

THOMAS J. MAZUR

CHAIR

Item 24 – MR. WHALEN presented the following report and moved for immediate consideration and approval. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 185

October 27, 2011	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 13
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ALL MEMBERS PRESENT.

CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 20M-10 (2011)
NFTA: “Minutes from Meeting Held 8/22/2011”
(6-0)
 - b. COMM. 21D-3 (2011)
COMPTROLLER'S OFFICE: “Copies of EC NYSDOT Single Audit Reports for the Years Ended 12/21/2010 & 2009”
(6-0)
2. COMM. 20E-21 (2011)
COUNTY EXECUTIVE

WHEREAS, the Fruit Belt/East Side Community Development Project, estimated to cost a total of \$500 million, seeks to re-build, beautify and strengthen the 42 block community adjacent to the Buffalo Niagara Medical Campus known as the Fruit Belt; and

WHEREAS, the St. John Community Development Corporation and the St. John Fruit Belt Community Development Corporation have extensive real estate holdings in the Fruit Belt and East Side neighborhoods; and

WHEREAS, the St. John Community Development Corporation approached Erie County in hopes of receiving a contribution for the next phase of the project that includes the construction of a market on High Street between Maple and Mulberry Streets; and

WHEREAS, the County has agreed to a one-time allocation of \$150,000 for the construction of the market, if the St. John Community Development Corporation is able to raise \$150,000 in additional donations; and

WHEREAS, unanticipated revenues are available in the Department of Social Services in Account 466180 Unanticipated Prior Year Revenue to fund this request.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contracts with the St. John Community Development Corporation and the St. John Fruit Belt Community Development Corporation in an amount not to exceed \$150,000 in the aggregate, to be matched with a \$150,000 allocation in the aggregate from the St. John Community Development Corporation and the St. John Fruit Belt Community Development Corporation, for the construction of a market to aid efforts to re-build, beautify and strengthen the 42 block community adjacent to the Buffalo Niagara Medical Campus known as the Fruit Belt; and be it further

RESOLVED, that the Director of Budget and Management is authorized to make the following budget adjustments:

Fund 110
Fund Center 120, Social Services

<u>Revenue</u>	<u>Increase</u>
Account 466180 Unanticipated Prior Year Revenues	\$150,000

Fund 110
Fund Center 16200, Environment & Planning

<u>Appropriation</u>	<u>Increase</u>
Account 516020, Professional Services, Contracts & Fees	\$150,000

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 Erie County Comptroller, the Director of Budget and Management, the County Attorney and the Department of Environment and Planning.
(6-0)

TIMOTHY J. WHALEN
CHAIR

Item 25 – MS. BOVE presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 186

October 27, 2011	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 12
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 20E-2 (2011)
COMPTROLLER: "Request ECFA to Conduct 2011 RAN Borrowing"
 - b. COMM. 20E-6 (2011)
COMPTROLLER: "Copy of Letter Concerning Apportionment & Distribution of Net Collection from the 4.75% Sales & Compensating Use Tax for EC for the Months of June, July & August 2011"
(6-0)
 - c. COMM. 21D-2 (2011)
COMPTROLLER'S OFFICE: "Copy of EC Federal Financial Assistance Audit Report for the Year Ended 12/31/2010"
(6-0)
2. RESOLVED, the following item is hereby received, filed & referred to the Finance & Management/Budget Committee:
 - a. COMM. 20E-5 (2011)
COUNTY EXECUTIVE: "2012 EC Tentative Budget"
(6-0)
3. 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 211282 through 211302, 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	2011	Petition No.	211,282.00
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ASSESSOR	Cancel	\$475.00
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S-B-L	157.03-1-32	145400 MARILLA
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<u>Charge To :</u>	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$475.00	Town/SpecialDist/School
	145400 MARILLA		\$475.00
	Relevy School	\$475.00	144201 IROQUOIS CENTRAL

RPTL 550(2): FAILED TO APPLY A ENHANCES STAR EXEMPTION
NEW TAX BILL TO BE ISSUED TO: BARBARA M KIELTY

FISCAL YEAR 2011 Petition No. 211,283.00

ASSESSOR Cancel \$58.32

S-B-L 555.00-15-8 144489 EVANS

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$58.32	Town/SpecialDist/School
<u>Charge To :</u>	144489 EVANS	\$58.32	
	Relevy School	\$58.32	144401 LAKE SHORE CENTRAL

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
NEW TAX BILL TO BE ISSUED TO: QWEST COMMUNICATIONS CORP.

FISCAL YEAR 2011 Petition No. 211,284.00

ASSESSOR Cancel \$595.00

S-B-L 269.20-2-16 145889 NORTH COLLINS

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$595.00	Town/SpecialDist/School
<u>Charge To :</u>	145889 NORTH COLLINS	\$595.00	
	Relevy School	\$595.00	145801 NORTH COLLINS CENT

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION
NEW TAX BILL TO BE ISSUED TO: RICHARD V & THERESA M MARDINO

FISCAL YEAR 2011 Petition No. 211,285.00

ASSESSOR Cancel \$44.25

S-B-L 555.00-20-10 145889 NORTH COLLINS

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$44.25	Town/SpecialDist/School
<u>Charge To :</u>	145889 NORTH COLLINS	\$44.25	
	Relevy School	\$44.25	145801 NORTH COLLINS CENT

RPTL 550(2): FAILED TO APPLY A SPECIAL FRANCHISE
NEW TAX BILL TO BE ISSUED TO: QWEST COMMUNICATIONS CORP.

FISCAL YEAR 2011 Petition No. 211,286.00

ASSESSOR Cancel \$8.79

S-B-L 555.00-20-10.1 145889 NORTH COLLINS

Acct. No. 112	\$0.00	County
Acct. No. 132	\$8.79	Town/SpecialDist/School
<u>Charge To :</u> 145889 NORTH COLLINS	\$8.79	
Relevy School	\$8.79	145801 NORTH COLLINS CENT

RPTL 550(2): FAILED TO APPLY A SPECIAL FRANCHISE
NEW TAX BILL TO BE ISSUED TO: QWEST COMMUNICATIONS CORP.

FISCAL YEAR 2011 Petition No. 211,287.00

ASSESSOR Cancel \$351.35

S-B-L 143.18-3-63 146800 WEST SENECA

Acct. No. 112	\$0.00	County
Acct. No. 132	\$351.35	Town/SpecialDist/School
<u>Charge To :</u> 146800 WEST SENECA	\$351.35	
Relevy School	\$351.35	146801 WEST SENECA CENT

RPTL 550(2): PROPERTY SHOULD BE WHOLLY EXEMPT OWNED BY THE TOWN
NEW TAX BILL TO BE ISSUED TO THE TOWN OF WEST SENECA

FISCAL YEAR 2011 Petition No. 211,288.00

ASSESSOR Cancel \$634.66

S-B-L 169.15-1-15.11 144889 HAMBURG

Acct. No. 112	\$0.00	County
Acct. No. 132	\$634.66	Town/SpecialDist/School
<u>Charge To :</u> 144889 HAMBURG	\$634.66	
Relevy School	\$634.66	144801 HAMBURG CENTRAL

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
NEW TAX BILL TO BE ISSUED TO: SHARON MEAD

FISCAL YEAR 2011 Petition No. 211,290.00

ASSESSOR Cancel \$809.00

S-B-L 90.12-5-49 143089 CHEEKTOWAGA

Acct. No. 112	\$0.00	County
Acct. No. 132	\$809.00	Town/SpecialDist/School

Charge To : 143089 CHEEKTOWAGA \$809.00
Relevy School \$809.00 143003 CHEEK. UNION #3

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION
NEW TAX BILL TO BE ISSUED TO: KATHY A JACKSON-NEALY

FISCAL YEAR 2011 Petition No. 211,291.00
ASSESSOR Cancel \$12,115.05

S-B-L 225.14-1-11 144000 EDEN

Acct. No. 112 \$0.00 County
Acct. No. 132 \$12,115.05 Town/SpecialDist/School
Charge To : 144000 EDEN \$12,115.05
Relevy School \$12,115.05 144001 EDEN CENTRAL

RPTL 550(2): FAILED TO APPLY A RELIGIOUS EXEMPTION
NEW TAX BILL TO BE ISSUED TO: ST MARY'S RC CHURCH HALL C/O ST JOHN
BAPTIST CHURCH

FISCAL YEAR 2011 Petition No. 211,292.00
ASSESSOR Cancel \$3,335.11

S-B-L 225.03-1-49.11 144000 EDEN

Acct. No. 112 \$0.00 County
Acct. No. 132 \$3,335.11 Town/SpecialDist/School
Charge To : 144000 EDEN \$3,335.11
Relevy School \$3,335.11 144001 EDEN CENTRAL

RPTL 550(2): FAILED TO APPLY A RELIGIOUS EXEMPTION
NEW TAX BILL TO BE ISSUED TO: ST MARYS RC CHURCH HALL C/O ST JOHN
BAPTIST CHURCH

FISCAL YEAR 2011 Petition No. 211,293.00
ASSESSOR Cancel \$105.35

S-B-L 209.00-3-29 144000 EDEN

Acct. No. 112 \$0.00 County
Acct. No. 132 \$105.35 Town/SpecialDist/School
Charge To : 144000 EDEN \$105.35
Relevy School \$105.35 144001 EDEN CENTRAL

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL

FISCAL YEAR	2011	Petition No.	211,294.00
ASSESSOR		Refund	\$538.00

142289 AMHERST

RPTL 550(2): FAILED TO APPLY A ENHANCED STAR EXEMPTION
REFUND TO BE ISSUED TO: MARGARET PRICE

FISCAL YEAR	2011	Petition No.	211,295.00
	ASSESSOR	Cancel	\$406.00

142289 AMHERST

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION
NEW TAX BILL TO BE ISSUED TO: JASON BARCZYKOWSKI

FISCAL YEAR	2011	Petition No.	211,296.00
	ASSESSOR	Cancel	\$19,222.80

142289 AMHERST

RPTL 550(2): PROPERTY SHOULD BE WHOLLY EXEMPT IDA
NEW TAX BILL TO BE ISSUED TO: TOWH OF AMHERST IDA

FISCAL YEAR	2011	Petition No.	211,297.00
	ASSESSOR	Refund	\$1,148.56

S-B-L 80.10-10-14

142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,148.56	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$1,148.56	
	Relevy School	\$1,148.56	142201 AMHERST CENTRAL

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
NEW TAX BILL TO BE ISSUED TO: SBF PROPERTIES LLC

FISCAL YEAR 2011 Petition No. 211,298.00

ASSESSOR Refund \$470.00

S-B-L 47.19-3-53

145689 NEWSTEAD

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$470.00	Town/SpecialDist/School
<u>Charge To :</u>	145689 NEWSTEAD	\$470.00	
	Relevy School	\$470.00	145601 AKRON CENTRAL

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION
NEW TAX BILL TO BE ISSUED TO: JAMES HOLTZ & TAMMY NADLER

FISCAL YEAR 2011 Petition No. 211,299.00

ASSESSOR Refund \$554.00

S-B-L 273.00-1-42.2

143889 CONCORD

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$554.00	Town/SpecialDist/School
<u>Charge To :</u>	143889 CONCORD	\$554.00	
	Relevy School	\$554.00	144001 EDEN CENTRAL

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION
REFUND TO BE ISSUED TO: ERIC ZIMMERMAN

FISCAL YEAR 2011 Petition No. 211,300.00

ASSESSOR Refund \$429.92

S-B-L 164.12-2-11

142289 AURORA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$429.92	Town/SpecialDist/School
<u>Charge To :</u>	142289 AURORA	\$429.92	
	Relevy School	\$429.92	142401 EAST AURORA UNION

RPTL 550(2): FAILED TO APPLY AN AGED EXEMPTION
REFUND TO BE ISSUED TO: DIANA E & JOHN J DICKSON

FISCAL YEAR 2011 Petition No. 211,301.00

ASSESSOR Refund \$475.00

S-B-L 149.00-4-6 145400 MARILLA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$475.00	Town/SpecialDist/School
<u>Charge To :</u>	145400 MARILLA		\$475.00
	Relevy School	\$475.00	144201 IROQUOIS CENTRAL

RPTL 550(2): FAILED TO APPLY AN ENHANCED STAR EXEMPTION
REFUND TO BE ISSUED TO: EUGENE & AURELIA GAWRONSKI

FISCAL YEAR 2011 Petition No. 211,302.00

ASSESSOR Cancel \$475.00

S-B-L 139.00-10-26 145400 MARILLA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$475.00	Town/SpecialDist/School
<u>Charge To :</u>	145400 MARILLA		\$475.00
	Relevy School	\$475.00	144201 IROQUOIS CENTRAL

RPTL 550(2): FAILED TO APPLY AN ENHANCED STAR EXEMPTION
NEW TAX BILL TO BE ISSUED TO: DONALD SCHIEMANT

and be it further

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

4. COMM. 21E-5 (2011)
COUNTY EXECUTIVE

WHEREAS, pursuant to Section 7-6.0 of the Erie County Tax Act, as well as specific direction of resolutions adopted by the Erie County Legislature in each of the past fifty one (51) years, the County of Erie, each November, bids for and purchases every available Tax Certificate upon real estate for which current year real property taxes then remain unpaid; and

WHEREAS, the collection of delinquent real property taxes under this procedure has been satisfactory, potentially leading, absent redemption, to the commencement of an in rem tax foreclosure action against the affected properties by the County; and

WHEREAS, it is recommended that your Honorable Body direct the Director of Real Property Tax Services to bid and purchase for the County of Erie, its bid being preferred over all other offers, every 2011 Tax Certificate upon real estate for which current year real property taxes remain unpaid as of November 25, 2011, the scheduled tax sale date for 2011 Tax Certificates.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Article VII of the Erie County Tax Act, the Director of Real Property Tax Services be, and hereby is, authorized to bid for and purchase, on behalf of the County of Erie, all Tax Certificates upon real estate in Erie County for which 2011 real property taxes have not been paid; and be it further

RESOLVED, that certified copies of this resolution be transmitted to Joseph L. Maciejewski, Director of Real Property Tax Services, Gregory G. Gach, Director of Budget and Management, the County Comptroller and Gregory Kammer of the County Attorney's Office.
(6-0)

BARBARA MILLER-WILLIAMS
CHAIR

LEGISLATOR RESOLUTIONS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 187

RE: Mall District Special Charges for
Downtown Pedestrian/Transit Mall
Special District
(INTRO 22-1)

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

WHEREAS, the Erie County Legislature approved Local Law No. 8-1984, establishing a downtown pedestrian/transit mall special district; and

WHEREAS, the Erie County Legislature approved on December 19, 1985, a resolution authorizing the County Executive to enter into agreement with Downtown Buffalo Management Corporation, now known as Buffalo Place Inc. (BPI), designating Buffalo Place Inc. as the not-for-profit corporation with which Erie County shall contract for the performance of mall special district services, for which annual contracts were executed in 1986, 1987, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, and 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009; 2010; 2011; and

WHEREAS, the said Local Law required that the mall corporation present an annual budget to the Legislature regarding the amount to be raised by mall district special charges; and

WHEREAS, pursuant to the said Local Law, Buffalo Place Inc. held a public hearing, on due notice to property owners within the district, regarding the proposed 2012 annual budget on October 18, 2011.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby determine that the total amount to be raised by mall district service charges in 2012 shall be the sum of \$1,248,662 as contained in the attached budget which shall be a part of this resolution, which amount does not exceed 80% of the services charges that could be assessed or levied against properties in the district; and be it further

RESOLVED, that the County of Erie be and hereby is authorized to enter into agreement with Buffalo Place Inc., the not-for-profit corporation described in Section 9 of Erie County Local Law No. 8-1984, providing for the performance by Buffalo Place Inc. of the mall special services set forth in Section 8 of said Local Law; the payment to Buffalo Place Inc. of the proceeds of the mall special district charges, less administrative costs, to be used by Buffalo Place Inc. in the providing mall special district services; and such other terms and conditions as to the County Attorney appear necessary or appropriate for the implementation of Erie County Local Law No. 8-1984 and Chapter 673 of the Laws of 1982; and be it further

RESOLVED, that the Director of Real Property Tax Services shall, not later than November 18, 2011, caused to be established a Mall District Special Charge Roll apportioning the amount herein above determined to be raised by mall district special charges for 2012 in conformance with the formula set forth in Section 7 of Erie county Local Law No. 8-1984 using the latest available final general or special assessment roll prepared by The City of Buffalo; and be it further

RESOLVED, that certified copies of this resolution in its final form be forwarded to the Erie County Executive, the Mayor of the City of Buffalo, the Chairman and the Executive Director of Buffalo Place Inc., the Erie County Director of Budget and Management and the Director of Real Property Tax Services.

Item 27 – CHAIR MILLER-WILLIAMS directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 22-2 from MILLER-WILLIAMS. Requesting a Complete Accounting Regarding Recent Events at the Board of Elections that Call into Question the Integrity of Elections in EC.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

Item 28 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 22M-6 from CONGRESSWOMAN SLAUGHTER. Re: Letter to Legislator Marinelli Concerning the Low Income Home Energy Assistance Program (LIHEAP)

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 29 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO 22-3 from LEGISLATOR MARINELLI. Re: Resolution Calling on the U.S. Postal Service to Continue Six-Day/Week Service

MS. WHYTE moved for immediate consideration and approval of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 188

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

WHEREAS, the United States Postal Service recently announced it was considering a number of dramatic cost cutting measures in order to fill its projected budget gap for the upcoming year; and

WHEREAS, one of the proposed measures is reducing the current 6 day a week service to 5 days a week; and

WHEREAS, postal employees have been rallying to inform the public about the actual financial situation at the U.S. Postal Service and what's at stake for residents and businesses; and

WHEREAS, the Postmaster General has recently stated that he believes the postal service could reduce to 4 day or even 3 day, which would result in making part time employees out of current full time positions; and

WHEREAS, the proposal to reduce operations to 5 days a week would save 3% of operating costs but would result in a 17% loss of service for Buffalo businesses and residents; and

WHEREAS, this reduction would eliminate 200 full time jobs in Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby calls on the United States Postal Service to continue 6 day/week service; and be it further

RESOLVED, that the Legislature urges the U.S. Postal Service to consider cost cutting and budget gap filling measures that do not impact service or displace employees of the postal system; and be it further

RESOLVED, that the Erie County Legislature forward certified copies of this resolution to the U.S. Postmaster General Patrick R. Donahoe, the Buffalo District Postmaster John Phelan, Senator Charles Schumer, Senator Kirsten Gillibrand, Representative Brian Higgins, Representative Kathy Hochul & Congresswoman Slaughter.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR MILLS

Item 30 – (COMM. 22E-1) Letter to Comptroller Concerning Proposed Budget Review

Received and referred to the FINANCE & MANAGEMENT/BUDGET COMMITTEE.

FROM THE COMPTROLLER

Item 31 – (COMM. 22E-2) A Review of Overtime at the EC Holding Center & the EC Correctional Facility

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 32 – (COMM. 22E-3) Copy of Interim Financial Report for Period Ended 9/30/2011

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE SHERIFF

Item 33 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 189

RE: Explosive Detection Canine Grant
(COMM. 22E-4)

WHEREAS, the US Department of Homeland Security through the NYS Department of Homeland Security and Emergency Services has awarded \$20,000 to the Erie County Sheriff's

Office to attend New York State Police regional explosives detection training and to purchase canine handling supplies and equipment; 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 County Executive is hereby authorized to enter into contract with the US Department of Homeland Security through the NYS Department of Homeland Security and to accept funding in the amount of \$20,000; 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
Explosive Detection Canine Grant

<u>REVENUE</u>	<u>Increase</u>
Account 414000 - Federal Aid	<u>20,000</u>
TOTAL REVENUE	<u>20,000</u>
<u>APPROPRIATIONS</u>	<u>Increase</u>
Account 510100 - Out of Area Travel	3,500
Account 506200 - Maintenance & Repair	1,000
Account 530000 - Other Expenses	1,500
Account 561410 - Lab & Technical Equipment	<u>14,000</u>
TOTAL APPROPRIATIONS	<u>20,000</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 Federal and State approved funding levels; and be it further

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

FROM THE COUNTY EXECUTIVE

Item 34 – (COMM. 22E-5) Right-of-Way Acquisition - Penora Street at William Street - Town of Lancaster

Item 35 – (COMM. 22E-6) New Opportunities Community Housing Development Corporation - EC Affordable Homeownership Opportunities Project

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

Item 36 – (COMM. 22E-7) ECSD No. 3 - Engineer Term Agreement - Clough-Harbour Associates

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 37 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 190

RE: WNY Stormwater Coalition: Rainwater
Harvesting Installation Project
(COMM. 22E-8)

WHEREAS, New York State has recently updated the Stormwater Management Design Manual making the implementation of green infrastructure a priority; and

WHEREAS, the Western New York Stormwater Coalition has decided to lead by example by constructing five (5) stormwater cisterns to capture rainwater for reuse and to reduce the need for potable water in municipal operations (The "Rainwater Harvesting Installation Project" or "Project"); and

WHEREAS, the Erie County Department of Environment and Planning coordinates the activities of the Coalition; and

WHEREAS, the total estimated maximum cost of the Project is \$732,220; and

WHEREAS, the DEP has submitted a grant application on behalf of the WNYSC to the New York State Environmental Facilities Corporation (EFC) Green Innovation Grant Program (GIGP) for this Project and has been awarded \$626,000; and

WHEREAS, the terms of the grant award under the GIGP require the commitment of a minimum of 10% local match of in kind services; and

WHEREAS, the required in-kind match for this award, in the form of engineering and construction services, will be provided by the municipal partners the Town of Tonawanda, the Village of Orchard Park as well as by the Erie County Department of Public Works and the Erie County Department of Environment and Planning; and

WHEREAS, it is necessary to execute agreements with EFC and the Town of Tonawanda and the Village of Orchard Park to accept the grant award and implement the project; and

WHEREAS, the Department of Environment and Planning accepted lead agency status and conducted a coordinated State Environmental Quality Review Act (SEQR) review which did not reveal any significant environmental impacts from any of these projects.

NOW, THEREFORE, BE IT

RESOLVED, that the Department, on behalf of the Coalition, is authorized to participate in all aspects of the New York State Environmental Facilities Corporation's 2010 GIGP for the Project; and be it further

RESOLVED, that the County Executive is authorized to execute the necessary agreements with EFC, the Town of Tonawanda, and the Village of Orchard Park to execute the grant agreement, secure necessary commitments from our project partners as well as the authorization to coordinate and implement the installation of the proposed systems on the municipal partners sites; and be it further

RESOLVED, the maximum local in kind contribution committed subject to any changes agreed to by the County Executive shall not exceed \$73,220 based upon 10% of total estimated maximum project costs of \$732,220. The Commissioner of Environment and Planning may increase this local match of in kind services provided by Erie County, the Town of Tonawanda and the Village of Orchard Park without further approval from the County Legislature; and be it further

RESOLVED, that the Commissioner of Environment and Planning is authorized to execute all other documents and instruments outside of the Grant Agreement with EFC and the agreements with the Town of Tonawanda and the Village of Orchard Park to implement the project that are necessary to bring about the Project and to fulfill the County's obligations under the GIGP Agreement; and be it further

RESOLVED, that the County of Erie, New York hereby determines that the proposed projects will not have a significant adverse effect on the environment based upon the completed environmental assessments and reviews conducted by the Department of Environment and Planning and coordinated with all of the involved agencies; and be it further

RESOLVED, that the Deputy Commissioner of Environment and Planning is authorized to take all actions reasonable and necessary to file the Negative Declaration and discharge the County of Erie's responsibility as lead agency for this action; and be it further

RESOLVED, that the Clerk of the Legislature send certified copies of this resolution to the Erie County Executive, the Comptroller's Office, the Director of the Division of Budget and Management, the County Attorney, the GIGP Project Coordinator (address: Katie M. Syron, Project Coordinator, New York State Environmental Facilities Corporation, 625 Broadway, Albany, New York 12207-2997), the NYSDEC Region 9 Regional Permit Administrator, and the Commissioner of the Department of Environment and Planning.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 38 – (COMM. 22D-1) Transmittal of New Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 39 – (COMM. 22D-2) Filing of Local Law No. 6-2011 - A LL Rescinding a LL in Relation to Regulation of Home Healthcare Services Provided to EC Residents Pursuant to Contracts Awarded by EC

Received and Filed.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE BUFFALO PLACE EXECUTIVE DIRECTOR

Item 40 – (COMM. 22M-1) Copy of Buffalo Place 2012 Budget & Budget Resolution

Received and Filed.

FROM THE NFTA

Item 41 – (COMM. 22M-2) Copy of NFTA Board Minutes from Meeting Held 9/26/2011

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYSDEC

Item 42 – (COMM. 22M-3) Public Notice: Application from Fredric LoFaso for a Site Known as 285-295 Niagara Street

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE CATTARAUGUS COUNTY DEPUTY CLERK

Item 43 – (COMM. 22M-4) Copy of Resolution Concerning Free Hunting, Fishing & Trapping Licenses to NYS Residents who are Active Duty Members of the United States Armed Services

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYSDEC

Item 44 – (COMM. 22M-5) Public Notice: Buffalo Green Code - Planning Day in Buffalo - Meeting to be Held 10/29/2011

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

ANNOUNCEMENTS

Item 45 – CHAIR MILLER-WILLIAMS announced that a public hearing has been scheduled for Local Law Intro. 7-1, for November 10, 2011, at 9:30 A.M. Chair Miller-Williams further announced that Legislature budget hearings concerning the tentative 2012 Erie County budget have been scheduled for November 14, 2011 through November 16, 2011.

MEMORIAL RESOLUTIONS

Item 46 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of “Mr. Tonawanda” Christopher Slauson, Raymond Marzec, Richard Golombek, and Tim Richard Jordan.

Item 47 – Legislator Kozub requested that when the Legislature adjourns, it do so in memory of James Royster Jr.

Item 48 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Ed Cotter.

Item 49 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Gloria J. Parks.

Item 50 – Legislator Grant requested that when the Legislature adjourns, it do so in memory of Vanessa James.

ADJOURNMENT

Item 51 – 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, November 17, 2011 at 2:00 p.m. Eastern Standard Time. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLER-WILLIAMS declared the Legislature adjourned until Thursday, November 17, 2011 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE