

**ERIE COUNTY LEGISLATURE
MEETING NO. 3
FEBRUARY 3, 2011**

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

All members present.

An Invocation was held, led by Mr. Walter, who read a short prayer by President Ronald Reagan, who Mr. Walter called and 'eternal optimist,' in commemoration of the centennial of the former president's birth on February 6, 1911.

The Pledge of Allegiance was led by Mr. Fudoli.

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 2 from 2011. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MS. MARINELLI presented a resolution Commending Jessica Warning & Brian Hillery for Their Service with the Peace Corps in Cameroon.

Item 6 – MR. MILLS presented a resolution Recognizing Francis Gernatt on His 30 Years of Service to the EC Soil & Water Conservation District Board of Directors & the Community of EC.

Item 7 – MR. MILLS presented a resolution Congratulating Lee Ainsworth-Mahaney, Director of Aurora Town Library, on Her Retirement After 32 Years of Dedicated Service.

Item 8 – MR. WALTER presented a resolution Congratulating Robert A. Geiger on a Lifetime Achiever of the Year Award from the Clarence Chamber of Commerce.

Item 9 – MR. WALTER presented a resolution Congratulating the Clarence Clubhouse Restoration Committee on the Organization of the Year Award from the Clarence Chamber of Commerce.

Item 10 – MR. WALTER presented a resolution Congratulating the Emerling Agency on the Business of the Year Award from the Clarence Chamber of Commerce.

Item 11 – MR. WALTER presented a resolution Congratulating Paul Justinger on the Citizen of the Year Award from the Clarence Chamber of Commerce.

Item 12 – MR. HARDWICK presented a resolution Honoring Kathryn Boutet as Student of the Month for the Grand Island Rotary Club.

Item 13 – MR. HARDWICK presented a resolution Honoring Jenna Cardone as Student of the Month for the Grand Island Rotary Club.

Item 14 – MR. HARDWICK presented a resolution Honoring Jen Banker on Reaching Her 200th Victory as Girl's Basketball Coach of the Grand Island Vikings.

Item 15 – MR. HARDWICK presented a resolution Honoring Stephanie D. Martin on Her Retirement as Director of Finance and Administration of the United Way of the Tonawandas.

Item 16 – MR. HARDWICK presented a resolution Honoring Jonathan Grenda on Achieving the Rank of Eagle Scout.

Item 17 – MR. HARDWICK presented a resolution Honoring Justine (Helen) Call as Student of the Month for the Grand Island Rotary Club.

Item 18 – MS. MARINELLI, MR. MAZUR & MR. LOUGHRAN presented a resolution Honoring Cheektowaga Police Chief Christine Ziemba for Three Decades of Dedicated Service to the Residents of Cheektowaga & Congratulating Her Upon the Occasion of Her Retirement.

Item 19 – MS. GRANT presented a memorial resolution Honoring the Memory & Life of Orlando E. Anderson.

Item 20 – MR. RATH presented a resolution Congratulating Emelie Gidley on Receiving the Congressional Award for Service and for Her Dedication to the Community.

Item 21 – MR. RATH presented a memorial resolution Honoring the Memory of Charlie Moses Jr.

Item 22 – MR. RATH presented a memorial resolution Honoring the Memory of Randolph Anthony "Murph" Piazza.

Item 23 – MR. WALTER presented a resolution Congratulating Richard Forrestel on the 60th Anniversary of His First Election as the Director of Bank of Akron.

Item 24 – MS. MARINELLI presented a resolution Supporting Educators Totally Committed & Their Annual Sleep Out Event.

Item 25 – MS. DIXON presented a resolution Congratulating Mr. and Mrs. Milford and Barbara Dixon on Their 50th Wedding Anniversary.

Item 26 – MR. FUDOLI presented a resolution Congratulating Kevin Kruschke for His 25 Years of Service with the Crittenden Volunteer Fire Company.

Item 27 – MR. FUDOLI presented a resolution Congratulating Michael Long for His 20 Years of Service and Life Membership with the Crittenden Volunteer Fire Company.

Item 28 – MR. FUDOLI presented a resolution Congratulating Patricia Guidie for Her 5 Years of Service with the Crittenden Volunteer Fire Company.

MS. WHYTE moved for consideration of the above twenty-four items. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above twenty-four items by adding one for MR. WHALEN, and by including Et Al Sponsorship. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 29 – 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 30 – CHAIR MILLER-WILLIAMS directed that Local Law No. 2 (Print #1) 2010 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 31 – CHAIR MILLER-WILLIAMS directed that Local Law No. 3 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 32 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 33 – MR. MILLS moved to remove Local Law No. 1 (Print #1) 2011 from the table. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE

LOCAL LAW INTRO. NO. 1-1 2011

LOCAL LAW NO.____-2011

A Local Law in relation to conservation easement agreement exemptions in the Town of Orchard Park

Be it enacted by the Legislature of the County of Erie as follows:

SECTION 1. LEGISLATIVE INTENT. The Town of Orchard Park is authorized to adopt a Local Law to create and implement conservation easement agreement exemptions, pursuant to Real Property Tax Law §491, in an effort to promote open space in the town. Because the exemption results in a respread of property tax, it has no fiscal impact to the revenue of the County of Erie.

SECTION 2. DEFINITIONS. For the purpose of this section, the following terms shall have the following meanings: "open space" or "open area" means any space or area characterized by natural scenic beauty or whose existing openness, natural condition or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development or would maintain or enhance the conservation of natural or scenic resources. "Natural Resources" shall include, but not be limited to, agricultural lands defined as open lands actually used in bona fide agricultural production.

SECTION 3. PROCEDURES FOR OBTAINING A CONSERVATION EASEMENT AGREEMENT.

(a) Any owner or owners of land may submit a proposal to the town board of the Town of Orchard Park for the granting of interest or rights in real property for the preservation of open space or areas. Such proposal shall be submitted in such a manner and form as may be prescribed by the Conservation Board of the Town of Orchard Park.

(b) Upon receipt of such proposal, the town board shall convey the proposal to the Conservation Board of the Town of Orchard Park. The Conservation Board shall investigate the area to determine if the proposal would be of benefit to the people of the Town and may negotiate the terms and conditions of the offer. If the Conservation Board determines that it is in the public interest to accept such proposal, it shall recommend to the town board that it hold a public hearing for the purpose of determining whether or not the town should accept such proposal.

(c) The Town Board shall, within thirty days of receipt of such advisory opinion, hold a public hearing concerning such proposal at a place within the Town. At least ten days notice of the time and place of such hearing shall be published in a paper of general circulation in such town, and a written notice of such proposal shall be given to all adjacent property owners and to any municipality whose boundaries are within five hundred feet of the boundaries of said proposed area, and to the school district in which it is located.

(d) The Town Board, after receiving the reports of the Conservation Board the Town of Orchard Park and after such public hearing, may adopt the proposal or any modification thereof it deems appropriate or may reject it in its entirety.

(e) If such proposal is adopted by the Town Board, it shall be executed by the owner or owners in written form and in a form suitable for recording in the Erie County Clerk's office.

(f) Such agreement may not be canceled by either party. However, the owner or owners thereof may petition the Town Board for cancellation upon good cause shown, and such cancellation may be granted only upon payment of the penalties provided in this law.

(g) Conservation Easements have been granted by the Town Board of the Town of Orchard Park under a prior Local Law adopted by the Town Board of the Town of Orchard Park. Those Conservation Easements shall remain in effect. The owners of property which are encumbered by such easements shall be entitled to exemptions upon compliance of Section 4 of this Local Law.

SECTION 4. COMPUTATION.

(a) An exemption granted pursuant to this section shall commence as of the effective date of the conservation easement agreement, and shall terminate upon the expiration or termination of such conservation easement agreement.

(b) The following table shall illustrate the computation of the exemption:

| Commitment | Percentage of Exemption |
|----------------|-------------------------|
| 15 to 29 years | 50% |
| 30 to 49 years | 75% |
| 50 to 75 years | 85% |
| Perpetual | 90% |

Such exemption shall be granted only upon application by the owner or owners of such real property on a form prescribed by the State Board. Such application shall be filed with the assessor of the Town on or before the taxable status date of the Town of Orchard Park.

(c) If satisfied that the applicant is entitled to an exemption pursuant to this section, the assessor shall approve the application and such real property shall thereafter be exempt from taxation and special ad valorem levies as provided in this section commencing with the assessment roll prepared on the basis of the taxable status date. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

(d) Whenever a conservation easement encumbers only a portion of a parcel, the assessor shall henceforth enter that portion of the parcel encumbered by such easement as a separate parcel on all subsequent assessment rolls.

SECTION 5. PENALTIES FOR OFFENSES. If there is a violation of the terms and conditions of the conservation easement agreement or if such conservation easement agreement is canceled by the Town Board upon petition, then the owner or owners of such property must pay to the town, the following amounts:

(a) All taxes abated pursuant to the conservation easement agreement, as limited by the remainder of this section, including, if applicable, those taxes imposed by the county, town, school districts and all special improvement districts and other taxing units to which the property is subject. Repayment of the aforementioned abated taxes shall be equal to five times the taxes saved in the last year in which the land benefited from a conservation easement agreement exemption, plus interest of six percent per year compounded annually for each year in which an exemption was granted, not exceeding five years.

(b) Payments shall be added by or on behalf of each taxing jurisdiction to the taxes levied on the assessment roll prepared on the basis of the first taxable status date after there is a violation of the terms and conditions of the conservation easement or such conservation easement agreement is canceled.

SECTION 6. EFFECTIVE DATE. This Local Law shall take effect immediately.

SECTION 7. SEVERABILITY. If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

SPONSORED BY

LEGISLATOR JOHN J. MILLS

MR. MILLS moved to approve Local Law No. 1 (Print #1) 2011. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 13

| | |
|------------------|---|
| January 25, 2011 | FINANCE & MANAGEMENT COMMITTEE REPORT NO. 1 |
|------------------|---|

ALL MEMBERS PRESENT.

CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 27E-2 (2010)
COMPTROLLER: “Review of Legislature Amendments to the 2011 Tentative Budget”
(6-0)
 - b. COMM. 1E-1 (2011)
COMPTROLLER: “Copy of the External Auditor's Management Letter for EC for the Year Ended 12/31/2009”
(6-0)

- c. COMM. 1E-2 (2011)
COMPTROLLER: "Efficiency Grant Request"
(6-0)
- d. COMM. 1E-4 (2011)
COMPTROLLER: "Memo Concerning Monthly Budget Monitoring Reports"
(6-0)
- e. COMM. 1D-4 (2011)
DIRECTOR OF BUDGET & MANAGEMENT: "Budget Monitoring Report for the Period
Ending 11/30/2010 & Year-End Projection"
(6-0)
- f. COMM. 2E-17 (2011)
COMPTROLLER: "Letter to Acting County Attorney Concerning 2011 Budgeted Positions"
(6-0)
- g. COMM. 2M-1 (2011)
ECFSA EXECUTIVE DIRECTOR: "Copies of Resolution Concerning Efficiency Grant for
County Auditors & Efficiency Grant for Collections Unit"
(6-0)

2. COMM. 8D-3 (2010)
EC REAL PROPERTY TAX SERVICES AS AMENDED
WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

WHEREAS, the Director has investigated the validity of such applications (see attached listing).

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 210343 through 211013, 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 2010 | Petition No. | 210,343.00 |
| ASSESSOR | Refund | \$3,179.26 |

S-B-L 142.37-4-1.1 140900 LACKAWANNA

| | | |
|-------------------|-------------------|-------------------------|
| Acct. No. 112 | \$3,179.26 | County |
| Acct. No. 132 | \$0.00 | Town/SpecialDist/School |
| <u>Charge To:</u> | 140900 LACKAWANNA | \$0.00 |

S-B-L 141.43-6-26.1 140900 LACKAWANNA

| | | |
|-------------------------|-------------------|-------------------------|
| Acct. No. 112 | \$0.00 | County |
| Acct. No. 132 | \$1,276.24 | Town/SpecialDist/School |
| 68400 ECSD #6 SAN SEWER | \$1,276.24 | |
| <u>Charge To :</u> | 140900 LACKAWANNA | \$0.00 |

RPTL 550(2): INCORRECT SEWER CHARGED IN ERROR
REFUND TO BE ISSUED TO: WILLIE LEE ROBINSON

FISCAL YEAR 2010 Petition No. 210,348.00

ASSESSOR Refund \$1,052.36

S-B-L 69.10-2-17.2/3B 142289 AMHERST

| | | |
|--------------------|----------------|---------------------------|
| Acct. No. 112 | \$0.00 | County |
| Acct. No. 132 | \$1,052.36 | Town/SpecialDist/School |
| <u>Charge To :</u> | 142289 AMHERST | \$1,052.36 |
| Relevy School | \$1,052.36 | 142203 WILLIAMSVILLE CENT |

RPTL 550(2): FAILED TO APPLY AN ENHANCED STAR EXEMPTION
REFUND TO BE ISSUED TO: EDWARD F DUKARM

FISCAL YEAR 2010 Petition No. 210,349.00

ASSESSOR Refund \$557.83

S-B-L 143.17-9-6 146800 WEST SENECA

| | | |
|--------------------|--------------------|-------------------------|
| Acct. No. 112 | \$0.00 | County |
| Acct. No. 132 | \$557.83 | Town/SpecialDist/School |
| <u>Charge To :</u> | 146800 WEST SENECA | \$557.83 |
| Relevy School | \$557.83 | 146801 WEST SENECA CENT |

RPTL 550(2): FAILED TO APPLY A DISABILITY EXEMPTION
REFUND TO BE ISSUED TO: CAROL PETRIK

FISCAL YEAR 2010 Petition No. 210,350.00

ASSESSOR Refund \$201.79

S-B-L 144.13-1-8 146800 WEST SENECA

| | | |
|---------------|----------|-------------------------|
| Acct. No. 112 | \$0.00 | County |
| Acct. No. 132 | \$201.79 | Town/SpecialDist/School |

Charge To : 146800 WEST SENECA \$201.79

RPTL 550(2): INCORRECT SEWER UNITS CHARGED TO THE TAX ROLL
REFUND TO BE ISSUED TO: IDA LIBERTA

FISCAL YEAR 2010 Petition No. 210,351.00
ASSESSOR Cancel \$946.43

S-B-L 113.15-3-15 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$946.43 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA \$946.43
Relevy School \$946.43 143001 CHEEKTO. CENTRAL

RPTL 550(2): ERROR IN THE COMPUTATION OF AN AGED EXEMPTION
NEW TAX BILL TO BE ISSUED TO: ARLINE M ZYBLEWSKI

FISCAL YEAR 2008 Petition No. 211,002.00
ASSESSOR Refund \$393.57

S-B-L 144.19-4-7 146800 WEST SENECA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$393.57 Town/SpecialDist/School
Charge To : 146800 WEST SENECA \$393.57

RPTL 550(2): INCORRECT SEWER UNITS CHARGED IN ERROR
NEW TAX BILL TO BE ISSUED TO: ROBERT J & JULIA M CAPPELLO

FISCAL YEAR 2009 Petition No. 211,003.00
ASSESSOR Refund \$364.96

S-B-L 144.19-4-7 146800 WEST SENECA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$364.96 Town/SpecialDist/School
Charge To : 146800 WEST SENECA \$364.96

RPTL 550(2): INCORRECT SEWER UNITS CHARGED IN ERROR
NEW TAX BILL TO BE ISSUED TO: ROBERT J & JULIE M CAPPELLO

FISCAL YEAR 2010 Petition No. 211,004.00

ASSESSOR Refund \$373.89

S-B-L 144.19-4-7 146800 WEST SENECA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$373.89 Town/SpecialDist/School
Charge To : 146800 WEST SENECA \$373.89

RPTL 550(2): INCORRECT SEWER UNITS CHARGED IN ERROR
REFUND TO BE ISSUED TO: ROBERT J & JULIE M CAPPELLO

FISCAL YEAR 2011 Petition No. 211,005.00

ASSESSOR Cancel \$278.46

S-B-L 192.16-3-56 144489 EVANS

Acct. No. 112 \$65.05 County
Acct. No. 132 \$213.41 Town/SpecialDist/School
44021 NORTH EVANS FIRE PROTECT \$24.00
44072 ERIE CO SEW DST 2 \$85.45
Charge To : 144489 EVANS \$103.96

RPTL 550(2): DUPLICATE PARCEL UNDER DIFFERENT SBL NUMBER
DELETE ENTIRE PARCEL FROM THE TAX ROLL

FISCAL YEAR 2011 Petition No. 211,006.00

ASSESSOR Cancel \$360.71

S-B-L 234.19-6-43 144489 EVANS

Acct. No. 112 \$115.41 County
Acct. No. 132 \$245.30 Town/SpecialDist/School
44020 ANGOLA-EVANS FIRE PROTECT \$35.30
44070 ERIE CO SEW DST 2 \$27.41
Charge To : 144489 EVANS \$182.59

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

FISCAL YEAR 2011 Petition No. 211,007.00

ASSESSOR Cancel \$303.34

S-B-L 250.08-1-8./B 144489 EVANS

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|---------------------------------|--------------|-------------------------|
| Acct. No. 112 | \$97.06 | County |
| Acct. No. 132 | \$206.28 | Town/SpecialDist/School |
| 44020 ANGOLA-EVANS FIRE PROTECT | \$29.69 | |
| 44068 ERIE CO SEW DST 2 | \$23.05 | |
| <u>Charge To :</u> | 144489 EVANS | \$153.54 |

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
NEW TAX BILL TO BE ISSUED TO: KIMBERLY A KALES

FISCAL YEAR 2011 Petition No. 211,008.00

ASSESSOR Cancel \$265.25

S-B-L 251.00-3-4 144489 EVANS

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|--------------------|--------------|-------------------------|
| Acct. No. 112 | \$104.92 | County |
| Acct. No. 132 | \$160.33 | Town/SpecialDist/School |
| <u>Charge To :</u> | 144489 EVANS | \$160.33 |

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
NEW TAX BILL TO BE ISSUED TO: BONITA ANTICOLA & DENNIS KLACZYK

FISCAL YEAR 2011 Petition No. 211,009.00

ASSESSOR Cancel \$220.85

S-B-L 67.80-2-17 142289 AMHERST

| | | |
|--------------------|----------------|-------------------------|
| Acct. No. 112 | \$122.35 | County |
| Acct. No. 132 | \$98.50 | Town/SpecialDist/School |
| <u>Charge To :</u> | 142289 AMHERST | \$98.50 |

RPTL 550(2): FAILED TO APPLY A VETERANS EXEMPTION
NEW TAX BILL TO BE ISSUED TO: MERWYN F KIRK

FISCAL YEAR 2011 Petition No. 211,010.00

ASSESSOR Cancel \$10,294.95

S-B-L 159.16-1-3 144889 HAMBURG

| | | |
|---------------|--------|--------|
| Acct. No. 112 | \$0.00 | County |
|---------------|--------|--------|

| | | | |
|--------------------|----------------|-------------|-------------------------|
| <u>Charge To :</u> | Acct. No. 132 | \$10,294.95 | Town/SpecialDist/School |
| | 144889 HAMBURG | | \$10,294.95 |
| | Relevy School | \$10,294.95 | 144804 FRONTIER CENTRAL |

RPTL 550(2): SCHOOL RELEVY CHARGED IN ERROR
NEW TAX BILL TO BE ISSUED TO: 3970 BIG TREE HOLDINGS

| | | | |
|-------------|----------|--------------|------------|
| FISCAL YEAR | 2010 | Petition No. | 211,011.00 |
| | ASSESSOR | Refund | \$165.34 |

S-B-L 91.12-1-17 143089 CHEEKTOWAGA

| | | | |
|--------------------|-------------------------|----------|-------------------------|
| | Acct. No. 112 | \$59.93 | County |
| | Acct. No. 132 | \$105.41 | Town/SpecialDist/School |
| | 52002 2009 COMM COLLEGE | \$0.45 | |
| <u>Charge To :</u> | 143089 CHEEKTOWAGA | | \$104.96 |

RPTL 550(2): FAILED TO APPLY A VETERANS EXEMPTION
REFUND TO BE ISSUED TO: WILLIAM & NANCY FENZL

| | | | |
|-------------|----------|--------------|------------|
| FISCAL YEAR | 2011 | Petition No. | 211,012.00 |
| | ASSESSOR | Cancel | \$168.95 |

S-B-L 91.12-1-17 143089 CHEEKTOWAGA

| | | | |
|--------------------|--------------------|----------|-------------------------|
| | Acct. No. 112 | \$59.54 | County |
| | Acct. No. 132 | \$109.41 | Town/SpecialDist/School |
| <u>Charge To :</u> | 143089 CHEEKTOWAGA | | \$109.41 |

RPTL 550(2): FAILED TO APPLY A VETERANS EXEMPTION
NEW TAX BILL TO BE ISSUED TO: WILLIAM & NANCY FENZL

and be it further

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

(6-0)

BARBARA MILLER-WILLIAMS
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 14

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| January 25, 2011 | GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 1 |
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR WALTER.
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 9M-16 (2010)
MAYOR BROWN: "Letter to Commissioners of the Board of Elections Concerning New Voting Process"
(5-0)
 - b. COMM. 19E-20 (2010)
WALTER: "Letter to Chair Miller-Williams Concerning NFTA Metro Bus Route"
(5-0)
 - c. COMM. 27D-6 (2010)
COUNTY ATTORNEY: "Transmittal of New Claim Against EC"
(5-0)
 - d. COMM. 1D-2 (2011)
COUNTY ATTORNEY: "Transmittal of New Claim Against EC"
(5-0)
 - e. COMM. 1D-5 (2011)
DIRECTOR OF BUDGET & MANAGEMENT: "Vacancy Report as of 12/29/2010"
(5-0)
 - f. COMM. 2D-1 (2011)
COUNTY ATTORNEY: "Transmittal of New Claim Against EC"
(5-0)
2. INTRO 27-1 (2010)
WHYTE, HARDWICK, MARINELLI,
MAZUR & MILLER-WILLIAMS
WHEREAS, the 2011 Budget process and timeline has been publically questioned by members of the Erie County Legislature; and

WHEREAS, specific questions have arisen as to the timeline between when the County Executive submits his vetoes of the Legislature's amendments to the budget and when the Legislature is required to override any vetoes; and

WHEREAS, the process and timeline is governed by the Erie County Charter Section 2608;
and

WHEREAS, any changes to the Erie County Charter should be contemplated with the advice of the County Attorney and after deliberation and discussion in the Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that it is requested that the County Attorney appear before the next meeting of the Government Affairs Committee to discuss the potential changes in the Erie County Charter that could alter the timeline governing the adoption of the Erie County Budget, particularly with regards to the amount of time between the County Executive's vetoes and when the Legislature must vote to override any of those vetoes; and be it further

RESOLVED, that copies of this certified resolution be delivered to the Erie County Attorney, the Erie County Executive, the Chair of the Government Affairs Committee and the Chair of the Erie County Legislature.

(4-0) Chair Miller-Williams not present for vote.

3. COMM. 27E-12 (2010)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature *hereby confirms the re-appointment* of the following individual to the Erie County Board of Ethics for the term ending 12/31/2015:

Mr. Chris G. Trapp
1700 Rand Building
14 Lafayette Square
Buffalo, NY 14203

(5-0)

**CHRISTINA W. BOVE
CHAIR**

Item 36 – MR. WHALEN presented the following report and moved for immediate consideration and approval. MS. BOVE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 15

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| January 25, 2011 | ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 2 |
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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. INTRO 3-6 (2010)
RATH: "Requesting Changes to the Governor's Proposed "Excelsior Jobs" Program"
(6-0)
- b. COMM. 27E-10 (2010)
COUNTY EXECUTIVE: "Re-Appointments to the Board of Directors of the Buffalo
Niagara Convention & Visitors Bureau for the Term Ending 12/31/2015"
(6-0)
- c. COMM. 1E-12 (2011)
WALTER: "Articles Regarding the Davis-Bacon Act"
(5-1) Legislator Walter voted in the negative.
- d. COMM. 1M-7 (2011)
NFTA: "Minutes of Meeting Held 11/22/2010"
(6-0)
- e. COMM. 1M-9 (2011)
NFTA: "Copy of Five Year Capital Plan for Fiscal Years Ending 3/31/2012 - 2016"
(6-0)

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

WHEREAS, the Erie County Bridge Painting Project, Five (5) Bridges in various Towns of Erie County, PIN 5758.90 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the appointment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the County of Erie advanced the above Project by making a commitment of 100% of the non-Federal share of the costs for the Preliminary Engineering via Erie County Resolution Comm. 7E-24 (2010), adopted on May 20, 2010; and

WHEREAS, after careful review of several firms' capabilities, by the Department of Public Works, LiRo Engineers, of Buffalo, New York has been selected as having the necessary expertise, experience and manpower to provide the required service.

NOW, THEREFORE, BE IT

RESOLVED, that the fee for the contract has been negotiated in an amount not to exceed \$45,000.00; and be it further

RESOLVED, that the fee will be appropriated from SAP B.20909 - 2009 Bridge Painting Program in an amount not to exceed \$45,000.00; and be it further

RESOLVED that the County Executive of the County of Erie be and is hereby authorized to enter into an agreement with LiRo Engineers, of Buffalo, New York, to provide Design services for the Bridge Painting Project; and be it further

RESOLVED, that ten (10) certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, and the Office of the Comptroller.

(6-0)

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

WHEREAS, a Project for the Reconstruction of Freeman Road Bridge (BR 369-3), in the Town of Orchard Park, Erie County, P.I.N. 5756.38 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Erie advanced the Project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition, and Construction and Construction Inspection phases of the Project via Comm. 8E-17, adopted on May 8, 2008; and

WHEREAS, the County of Erie desires to advance the Project, PIN 5756.38 through a Supplemental Agreement that increases the previous Project Agreement's design phase by \$251,500.00 in the new agreement amount of \$2,687,500.00; and

WHEREAS, the contract for design and engineering services for the above noted project between the County of Erie and the engineering firm of Abate Associates, P.C. of Cheektowaga, New York was amended on May 8, 2008, via Comm. 8E-16, and it has been determined that the Contract must be increased to include additional engineering design services due to unanticipated work scope changes.

NOW, THEREFORE, BE IT

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

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

RESOLVED, that the increased Project design amount of \$251,500.00 of which the local share required is \$12,575.00 is hereby appropriated from capital accounts B.00171 - 2007 Freeman Design and B.00206 - 2008 Freeman Design; and be it further

RESOLVED, that Project SAP B.00171 and B.00206 revenues and appropriations be adjusted to reflect the Supplemental Agreement design increase; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project's Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition, and Construction & Construction Inspection Phases exceeds the amount appropriated and/or 100% of the full Federal and non-Federal shares of the cost of the Project's Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition, and Construction & Construction Inspection Phases exceeds the total Project allowance of \$2,687,500.00, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

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

RESOLVED, that the County Executive be authorized to execute a negotiated change order in an amount not to exceed the allowable Project design increase between the County of Erie and project engineer Abate Associates, P.C. of Cheektowaga, New York for unanticipated work scope changes; and be it further

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

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management of the Office of the Comptroller.
(6-0)

4. COMM. 2E-9 (2011)
COUNTY EXECUTIVE

WHEREAS, as a result of the storms of early August 2009 Federal Disaster DR-1857-NY was declared for parts of Erie County making available assistance from the New York State Office of Emergency Management (NYSOEM) and the Federal Emergency Management Agency (FEMA) under FEMA's Public Assistance program; and

WHEREAS, under the Public Assistance program, with the participation of NYSOEM approved costs are eligible for reimbursement from FEMA – 75%, and NYSOEM – 12.5% with Erie County providing the remaining 12.5%; and

WHEREAS, among the projects identified and approved by FEMA were five on Zoar Valley Road in the Towns of Concord and Collins, respectively identified as FEMA PWs 644, 667, 751, 868 and 907 (the "Projects"); and

WHEREAS, it is desired to construct the Projects in the spring of 2011; and

WHEREAS, it is desired therefore to complete the design of the Projects over the winter in order to permit a spring letting; and

WHEREAS, the time required for negotiation and approval of the necessary engineering services contracts will delay the start of design to the extent that a spring letting will not be possible; and

WHEREAS, the following consultants from Erie County DPW – Highways' approved list have been selected for the PWs noted:

| | |
|--------|-------------------------|
| PW 644 | Clark Patterson Lee |
| PW 667 | Greenman Pedersen, Inc. |
| PW 751 | Parsons |
| PW 868 | TY-LIN |
| PW 907 | Hatch Mott MacDonald |

and

WHEREAS, it is desired for the selected consultants to begin work on the Projects while negotiations with the selected consultants are ongoing.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized and directed to negotiate and execute all necessary contracts for the Projects and firms noted for an aggregate amount not to exceed \$800,000.00; and be it further

RESOLVED, that funds in the amount of \$800,000.00 be allocated from SAP Account B.20921 - 2009 FEMA 1857-NY Projects for the Projects; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(6-0)

5. COMM. 2E-15 (2011)
COUNTY EXECUTIVE

WHEREAS, Erie County, through the Department of Environment and Planning, serves as the administrative agent for the Erie County/Town of West Seneca Community Development Consortium and Erie County/Town of West Seneca/Town of Hamburg HOME Investment Partnership Consortium; and

WHEREAS, a major responsibility of the Department as the administrative agent, is the preparation of the annual program application materials, and submittal of same to the federal Department of Housing and Urban Development.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Community Development Consortium and Town of Hamburg/Erie County HOME Consortium, is hereby authorized to submit this resolution to the United States Department of Housing and Urban Development (HUD) as supportive material to the 2011 Annual Action Plan having estimated dollar amounts as indicated.

1. Erie County Consortium Community Development Program: \$3,684,337
2. Emergency Shelter Program: \$130,439
3. HOME Investment Partnership Program: \$1,192,338
4. Town of Hamburg Community Development Program: \$534,520

and be it further

RESOLVED, that the County Executive on behalf of the Erie County Community Development Consortium and Town of Hamburg/Erie County HOME Consortium is hereby authorized to submit and execute any and all applications and agreements with HUD, local governments, property owners receiving housing assistance, non-profit, and for-profit agencies, which are necessary to implement the above programs with the exception that any proposed agreement that transfers all or a portion of the administrative functions of the program from Erie County to a sub-recipient or contractual agency shall require approval from the Erie County Community Development Consortium and the Erie County Legislature; and be it further

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

(6-0)

**TIMOTHY J. WHALEN
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 16

| | |
|------------------|---|
| January 25, 2011 | PUBLIC SAFETY COMMITTEE REPORT NO. 2 |
|------------------|---|

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR KOZUB.

CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 2E-4 (2011)
MILLER-WILLIAMS

RESOLVED, the Erie County Legislature hereby confirms the appointment of the following individual to the Erie County Community Corrections Advisory Board:

Ms. Karima Amin
P.O. Box 273
Buffalo, NY 14212

(5-0)

2. COMM. 2E-12 (2011)
COUNTY EXECUTIVE

WHEREAS, the Erie County Central Police Services Forensic Lab has been awarded a 2010 Paul Coverdell Grant to be administered by the National Institute of Justice; and

WHEREAS, said funds will enable the Central Police Services Forensic Laboratory to analyze backlogged firearms cases and improve its operation.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract and accept funding in the amount of \$123,712 with the National Institute of Justice; and be it further

RESOLVED, that authorization is hereby provided to establish the grant in the budget of the Department of Central Police Services as follows:

Grant Fund SAP # 165FY10COVFIRE1011
Central Police Services
10/01/2010 to 09/30/2011

| <u>Revenue</u> | | <u>Increase</u> |
|--------------------------|---------------------------------|-----------------|
| Acct. 414000 Federal Aid | | \$123,712 |
| Appropriation | | Increase |
| Account 500010 | Part-Time Wages | \$19,422 |
| Account 501000 | Overtime | \$36,054 |
| Account 502000 | Fringe Benefits | \$ 7,653 |
| Account 510100 | Travel | \$ 3,412 |
| Account 516020 | Professional Services Contracts | \$36,993 |
| Account 561410 | Lab & Tech Equipment | <u>\$20,178</u> |
| Total Appropriation | | \$123,712 |

and be it further

RESOLVED, that authorization is hereby provided to contract with Mark Shaw, 5519 Hallmark Lane, Lockport, New York, 14094 a qualified firearms examiner consultant, in the amount of \$36,993 (\$28.50 per hour) to provide forensic laboratory testing services in firearms related cases; 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-approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Division of Budget and Management, the Office of the Comptroller and the Department of Central Police Services, c/o Kathy Gumulak, 45 Elm Street, Buffalo, NY 14203. (5-0)

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

WHEREAS, the Department of Central Police Services issued a request for proposal (RFP) to replace E9-1-1 equipment located in Public Safety Answering Points (PSAPs) throughout Erie County; and

WHEREAS, the current equipment was installed in 1986 and is no longer supported by its manufacturer, Plant Equipment; and

WHEREAS, it is the desire of the County of Erie, Department of Central Police Services, to replace the E9-1-1 equipment with a system that is Next Generation 9-1-1 (NG9-1-1) ready; and

WHEREAS, three (3) proposals were submitted by various NG9-1-1 integrators on February 26, 2010; and

WHEREAS, the proposal submitted by Verizon Business Network Services Inc., on behalf of Verizon Select Services Inc. (Verizon Business) supplying a Positron/Intrado Solution was deemed to be the best overall to provide NG9-1-1 ready service to the citizens of Erie County by the selection committee; and

WHEREAS, the RFP, evaluation of responses and selection procedure were done in accordance with Section 19.08 of the Erie County Administrative Code; and

WHEREAS, Verizon acknowledges that funding for the complete project will be phased in over several years, the first phase of the project will be in the amount of \$1,600,000 to be derived from available funds in capital project A.21001, future year funding will be obtained from Homeland security grants; and

WHEREAS, the regularly occurring E-911 fees, currently collected by the County, will not be utilized for this project for they will remain dedicated to help offset the annual operating costs of the E-911 system.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to enter into an agreement with Verizon Business, 325 Delaware Avenue, Buffalo, NY 14202, for the installation, configuration and maintenance of a 5 year Next-Generation ready 9-1-1 system for all the Erie County PSAPs, in an amount not to exceed \$8,250,000 for the full project, and with the understanding that the first phase of the project will be in the amount of \$1,600,000, with future implementation subject to the availability of Federal Homeland Security funds; and be it further

RESOLVED, that certified copies of this resolution are forwarded to the County Executive, Director of Budget and Management, Office of the Comptroller, the Commissioner of Emergency Services and the Commissioner of Central Police Services, care of Kathleen Gumulak, 45 Elm Street, Buffalo, New York 14203.

(5-0)

4. COMM. 2E-16 (2011)
WHYTE

RESOLVED, the Erie County Legislature hereby confirms the appointment of the following individual to the Erie County Community Corrections Advisory Board:

Mr. Charles Culhane
376 Urban Street
Apt. No. 201
Buffalo, NY 14211

(5-0)

5. COMM. 2M-3 (2011)
DIRECTOR PRISONERS ARE PEOPLE TOO

RESOLVED, the Erie County Legislature hereby confirms the appointment of the following individual to the Erie County Community Corrections Advisory Board:

Rev. Eugene L. Pierce
68 West Toulon Drive
Cheektowaga, NY 14227

(5-0)

**CHRISTINA W. BOVE
CHAIR**

Item 38 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 17

| | |
|------------------|--|
| January 31, 2011 | HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 2 |
|------------------|--|

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR GRANT.

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

WHEREAS, the 2011 Erie County Budget includes appropriated funds for the Area Agency on Aging (III-B) and the Elder Caregiver Support (III-E) grants for 2011; and

WHEREAS, the Department of Senior Services has conducted a competitive process (RFP#10178BC) to elicit applications from eligible organizations to provide volunteer chore, transportation and in-home services to elderly persons in the towns of Alden, Clarence, Newstead and Wales; and

WHEREAS, the RFP review committee selected Hearts and Hands: Faith in Action, Inc. to continue providing this service; and

WHEREAS, the organization will provide \$5,000 in local match and receive \$35,000 in cash; and

WHEREAS, the Department of Senior Services has conducted a competitive process (RFP#10185BC) to elicit proposals from individual consultants and agencies to provide caregiver counseling services to family members caring for an elder; and

WHEREAS, the RFP review committee has reviewed all proposals submitted in order to establish a pre-qualified list of vendors with whom the Department may contract for this service; and

WHEREAS, two vendors: Jewish Family Service of Buffalo and Erie County, Inc. and Mary J. Nixon, LCSW-R, will appear on the pre-qualified geriatric counseling services list; and

WHEREAS, the III-B grant budget is in need of revision; and

WHEREAS, the III-E grant budget already allocated \$15,000 for geriatric counseling services.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and hereby is authorized to enter into a contract with Hearts and Hands: Faith in Action, Inc. to provide volunteer chore, transportation and in-home services to seniors in the towns of Alden, Clarence, Newstead and Wales for the period January 1, 2011 to December 31, 2011; and be it further

RESOLVED, that the County Executive be and hereby is authorized to enter into contracts with the following entities to provide caregiver counseling to individuals referred by the Department of Senior Services' Caregiver Resource Center for the period January 1, 2011 to December 31, 2011:

Jewish Family Service of Buffalo and Erie County, Inc.
Mary J. Nixon, LCSW-R

and be it further

RESOLVED, that the budget for the III-B grant, 163III-B2011, be revised as follows:

| | | CURRENT BUDGET | CHANGES | AMENDED BUDGET |
|----------------|------------------------------------|-------------------|-----------|-------------------|
| APPROPRIATIONS | | | | |
| Account | Description | | | |
| 516010 | Contractual Services | \$40,000 | -\$40,000 | \$0 |
| | Hearts and Hands: Faith in Action, | | | |
| 517633 | Inc. | \$0 | \$40,000 | 40,000 |
| TOTAL CHANGE | | | \$0 | |

and be it further

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

(4-0)

**THOMAS J. MAZUR
CHAIR**

Item 39 – MR. MAZUR presented the following report, moved to separate item Number 4, and moved to approve the balance of the report. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 18

| | |
|------------------|---|
| January 31, 2011 | ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 1 |
|------------------|---|

ALL MEMBERS PRESENT.

CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 12D-3 (2010)
COMMISSIONER OF ENVIRONMENT & PLANNING: "State Environmental Quality Review Negative Declaration - 119 Ellicott Rd., West Falls, NY"
(6-0)
 - b. COMM. 12D-4 (2010)
COMMISSIONER OF ENVIRONMENT & PLANNING: "State Environmental Quality Review Negative Declaration - 9125 Sibley Rd., E. Concord, NY"
(6-0)

- c. COMM. 14E-5 (2010)
COUNTY EXECUTIVE: "Appointments to the EC Environmental Management Council for a Term Expiring 5/31/2011"
(6-0)
- d. COMM. 15M-10 (2010)
NYS DEPARTMENT OF AGRICULTURE & MARKETS: "Letter to Clerk of Legislature Regarding a Review of EC Agricultural District No. 13"
(6-0)
- e. COMM. 15M-11 (2010)
DEPARTMENT OF THE ARMY: "Letter to Clerk of Legislature Regarding Supplemental Reconnaissance Report & Great Lakes Navigation System Review"
(6-0)
- f. COMM. 18E-4 (2010)
COUNTY EXECUTIVE: "EC Division of Sewerage Management - Engineering Service Agreement"
(6-0)
- g. COMM. 18E-5 (2010)
COUNTY EXECUTIVE: "ECSD Nos. 3 & 6 - Energy Performance Contract"
(6-0)
- h. COMM. 18M-1 (2010)
NYSDEC: "Frequently Asked Questions About New York's New Crossbow Law Effective in 2011"
(6-0)
- i. COMM. 19E-11 (2010)
COUNTY EXECUTIVE: "ECSD No. 3 - Engineer Term Agreement - CHA"
(6-0)
- j. COMM. 19M-6 (2010)
NYSDEC: "Seeking Comments Regarding Brownfield Cleanup Program - Buffalo Urban Development Corporation for 193 Ship Canal Parkway Site"
(6-0)
- k. COMM. 20E-5 (2010)
COUNTY EXECUTIVE: "ECSD No. 3 - Infrastructure & Engineering, Inc."
(6-0)
- l. COMM. 20M-3 (2010)
NYSDEC: "Fact Sheet: Environmental Cleanup Plan for the Former Buffalo China Site"
(6-0)
- m. COMM. 20M-5 (2010)

- NYSDEC: "Fish & Wildlife Monthly Highlights for 8/15/2010 - 9/15/2010"
(6-0)
- n. COMM. 21E-19 (2010)
COUNTY EXECUTIVE: "ECSD Nos. 1-6 & 8 User Charge Rates"
(6-0)
- o. COMM. 24M-5 (2010)
NYSDEC: "Fish & Wildlife Monthly Highlights from 9/15/2010 - 10/15/2010"
(6-0)
- p. COMM. 24M-10 (2010)
NYSDEC: "Third Update on Collaborative Restoration & Redevelopment Efforts -
Feasibility Study on Buffalo River Restoration Released; Public Meeting Announced"
(6-0)
- q. COMM. 24M-11 (2010)
NYSDEC: "Fact Sheet: Brownfield Cleanup Program - Interim Remedial Measure Work
Plan for Railroad Realignment at Tecumseh Phase I, II & III Business Park Areas Available
for Review"
(6-0)
- r. COMM. 27E-8 (2010)
COUNTY EXECUTIVE: "ECSD No. 2 - Contract 79B - Change Order No. 1"
(6-0)
- s. COMM. 27D-1 (2010)
DEPARTMENT OF ENVIRONMENT & PLANNING: "Botanical Gardens Cistern
Installation Project - SEQR Notification"
(6-0)
- t. COMM. 27D-2 (2010)
DEPARTMENT OF ENVIRONMENT & PLANNING: "EC Highways Cistern Installation
Project - SEQR Notification"
(6-0)
- u. COMM. 27D-3 (2010)
DEPARTMENT OF ENVIRONMENT & PLANNING: "Town of Tonawanda Senior Center
Cistern Installation Project - SEQR Notification"
(6-0)
- v. COMM. 27D-4 (2010)
DEPARTMENT OF ENVIRONMENT & PLANNING: "Town of Tonawanda Highway
Cistern Installation Project - SEQR Notification"
(6-0)
- w. COMM. 27D-5 (2010)

DEPARTMENT OF ENVIRONMENT & PLANNING: “Village of Orchard Park Cistern Installation Project - SEQR Notification”
(6-0)

x. COMM. 1M-5 (2011)
EMPIRE STATE DEVELOPMENT: “Notice of Completion, Draft Generic Environmental Impact Statement & Adoption of General Project Plan - Richardson Olmsted Complex - Civic & Land Use Improvement Project”
(6-0)

y. COMM. 1M-8 (2011)
SENATOR THOMPSON: “Emerald Ash Borer Threatens Our Communities”
(6-0)

z. COMM. 1M-10 (2011)
NYSDEC: “Fact Sheet: Brownfield Cleanup Program - 1132-1146 Seneca Street Site in Buffalo”
(6-0)

aa. COMM. 1M-11 (2011)
NYSDEC: “Fact Sheet: Brownfield Cleanup Program - Niagara Transformer Site in Cheektowaga”
(6-0)

bb. COMM. 2M-4 (2011)
NYSDEC: “Fact Sheet - Brownfield Cleanup Program - Requirements Achieved at Niagara Transformer Site in Cheektowaga”
(6-0)

cc. COMM. 2M-5 (2011)
NYSDEC: “Fact Sheet - Brownfield Cleanup Program - Requirements Achieved at 1132-1146 Seneca Street Site in Buffalo”
(6-0)

dd. COMM. 2M-8 (2011)
NYSDEC: “Fact Sheet - Brownfield Cleanup Program - Buffalo Color Corp. Area C Site”
(6-0)

2. COMM. 15E-14 (2010)
COUNTY EXECUTIVE

WHEREAS, the 2011 Assessment Rolls for Erie County Sewer District Nos. 1-6 and 8 describing each lot or parcel of land have been prepared by the Division of Sewerage Management; and

WHEREAS, the Division of Sewerage Management has also assessed the estimate of expenditures and proportioned them to the lots and parcels of land as nearly as may be to the benefit which each lot or parcel will derive there from; and

WHEREAS, the Clerk of the Legislature had a Notice of Public Hearing published in the official County newspapers prior to the date of the Public Hearing which informed the public that the Assessment Rolls would be open for public inspection on and after the first day of October, 2010; and

WHEREAS, said Public Hearing was held in the Chamber of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, New York, at 1:30 p.m., local time on November 5, 2010 and that all persons desiring to be heard were duly heard and that all objections have been heard and considered; and

WHEREAS, said Assessment Rolls, estimate of expenditures, and Public Hearing were carried out in accordance with Article 5A, Sections 270 and 271 of County Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby affirm and adopt the 2011 Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, Erie County Comptroller, Eric Ziobro, Assistant County Attorney and Michael J. Quinn, P.E., Deputy Commissioner, Department of Environment & Planning.
(6-0)

3. COMM. 20E-6 (2010)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract 36 to Tom Greenauer Development, Inc. for the installation of a new sanitary sewer to eliminate an existing pumping station; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 36, William Street and Old Schoolhouse Road Extension Project, in the final contract amount of \$389,633.60 which includes Change Order No. 2 (final), an increase of \$1,893.60 in Sewer Capital, Erie County Sewer District No. 4, Account No. C.00063.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 36, William Street and Old Schoolhouse Road Extension Project between the County of Erie and Tom Greenauer Development, Inc., P.O. Box 250 Springbrook, New York 14140 accepted in the amount of \$389,633.60 which includes Change Order No. 2 (final), an increase of \$1,893.60 in Sewer Capital, Erie County Sewer District No. 4 Account No. C.00063 and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 36, William Street and Old Schoolhouse Road Extension Project between County of

Erie and Tom Greenauer Development, Inc. in the amount of \$389,633.60 and release all retention; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning and one (1) certified copy to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Eric Ziobro, Assistant County Attorney.
(6-0)

4. COMM. 21E-11 (2010)
COUNTY EXECUTIVE

WHEREAS, Erie and Niagara Counties received a Shared Municipal Services Incentive grant to develop on-line applications for local governments and residents to obtain data on their properties, review their property taxes, and link this data to an on-line GIS mapping system; and

WHEREAS, the Erie County has also developed an on-line application for assisting local government assessors track sales of commercial properties; and

WHEREAS, Erie County will offer these on-line applications to local governments through Local Government Agreements that cover up to three years of service, allowing communities to choose any or all of the applications they wish to use and offer to their residents; and

WHEREAS, in order to maintain these applications and the supporting technology on an on-going basis it is necessary to implement the schedule of fees listed in Attachment A; and

WHEREAS, the proposed schedule of fees is based on ranges of parcels: 1-500/ 501- 1000/ 1001- 2000 etc. The parcel ranges and their associated rates are the same that the New York Office of Real Property Services (ORPS) uses to charge local governments for software they provide to collect property information.

NOW, THEREFORE, BE IT

RESOLVED, that the County is hereby authorized to enter into Local Government Agreements with municipalities in Erie and Niagara Counties for up to three year terms for on-line services related to parcel data, property tax information, GIS mapping, and commercial sales; and be it further

RESOLVED, that the County is hereby authorized to implement the schedule of fees listed in Attachment A for local governments that enter into Agreements for the on-line services related to parcel data, property tax information, GIS mapping, and commercial sales; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the County Comptroller; the Commissioner of Environment and Planning; the Director of Real Property Tax Services; the Director of the Division of Budget and Management; and the County Attorney.
(6-0)

5. COMM. 21E-15 (2010)

COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Board of Managers for Erie County Sewer Districts Nos. 1, 2, 3, 4, 5, 6 and 8 have a system of Sewer District User Charges or Fees; and

WHEREAS, the Boards have requested and are desirous of collecting said User Charges or Fees in 2011 for properties in the same manner and fashion as the regular sewer district taxes as has been done in the past year.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Real Property Tax Services is hereby authorized and directed to spread said 2011 Sewer District User Charges or Fees against properties within Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 & 8 liable therefore as provided by law; and be it further

RESOLVED, that the following amounts be collected:

| | |
|-------------------|----------------------|
| Sewer District #1 | \$ 1,218,549.47 |
| Sewer District #2 | \$ 182,252.94 |
| Sewer District #3 | \$ 940,061.45 |
| Sewer District #4 | \$ 830,504.21 |
| Sewer District #5 | \$ 357,273.00 |
| Sewer District #6 | \$ 1,353,438.72 |
| Sewer District #8 | \$ <u>571,125.75</u> |
| | \$ 5,453,205.54 |

and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to the County Executive, the Erie County Comptroller, the Director of Real Property Tax Services, the Director of Budget, the County Attorney and Michael J. Quinn, P.E., Deputy Commissioner, Department of Environment and Planning.
(6-0)

6. COMM. 24E-7 (2010)
COUNTY EXECUTIVE

WHEREAS, it is impractical for the Division of Sewerage Management to solicit proposals for each and every small project when the need arises for construction inspection assistance; and

WHEREAS, the County of Erie advertised a Request for Proposals from consulting firms to perform professional services associated with general construction inspection for the Division of Sewerage Management; and

WHEREAS, the advertised Request for Proposals contemplated three-year term contracts to assist the Division of Sewerage Management when in-house workload dictates; and

WHEREAS, a review committee consisting of representatives from the Erie County Division of Sewerage Management was established to evaluate all eight (8) timely received responses to the County's Request for Proposals, using a consistent scoring matrix; and

WHEREAS, the proposal review committee recommends retaining LiRo Engineers, Inc. and DiDonato Associates to complete the requested consulting services.

NOW, THEREFORE, BE IT

RESOLVED, that LiRo Engineers, Inc. and DiDonato Associates be retained to perform professional services associated with construction inspection for the Division of Sewerage Management; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Agreement with LiRo Engineers, Inc. (690 Delaware Avenue, Buffalo, New York 14209-2202) and DiDonato Associates (689 Main Street, Buffalo, New York 14203) for professional services associated with construction inspection for the Division of Sewerage Management in an amount not to exceed \$200,000.00 each, subject to approval as to form by the County Attorney's office; and be it further

RESOLVED, that the County Director of Budget and the County Comptroller be authorized to allocate \$200,000.00 for each agreement from any of the Sewer Capital Projects in fund 430 or from the Sewer Operating Fund 220 (including business areas 181, 182, 183, and 186, account 516020 (Professional Service Contracts)) as determined by the Division of Sewerage Management; and be it further

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

(6-0)

7. COMM. 24E-22 (2010)
COUNTY EXECUTIVE

WHEREAS, the New York State Archives has awarded Erie County a grant in the amount of \$34,517 to fund a records management project; and

WHEREAS, the grant for \$34,517 will be utilized by the Department of Environment and Planning/Division of Sewerage Management to convert approximately 350,000 pages of paper documents that have permanent retention classification to digital format and to purchase records management software licenses.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie hereby adopts and accepts from the New York State Archives the \$34,517 grant that it has awarded to the Division of Sewerage Management for scanning of the documents under such terms and conditions as stated in the grant; and be it further

RESOLVED, that the County Executive be authorized to execute any documents as may be required for the County to receive the grant; and be it further

RESOLVED, that the Director of Budget is directed to increase Revenue and Appropriations in the Sewer Fund 220, Business Area 181 in the 2011 Budget as follows:

| <u>Appropriations</u> | | <u>Cost Center</u> | <u>Amount</u> |
|-----------------------|-----------------------------|--------------------|--------------------|
| 516020 | Professional Services | 1811010 | \$27,517.00 |
| 561410 | Lab and Technical Equipment | 1811010 | <u>\$ 7,000.00</u> |
| | | | \$34,517.00 |

| <u>Revenue</u> | | <u>Cost Center</u> | <u>Amount</u> |
|----------------|-----------------------------------|--------------------|--------------------|
| 407770 | State Aid-New York State Archives | 1811010 | <u>\$34,517.00</u> |

and be it further

RESOLVED, that the Clerk of the Legislature send two (2) certified copies of this resolution to Michael Quinn, P.E. in the Division of Sewerage Management and one (1) certified copy each to the County Executive, the County Comptroller, the Director of Budget and Management, and the Chief Information Officer in the Department of Information and Support Services.
(6-0)

8. COMM. 27E-7 (2010)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract 34SA to Visone Construction, Inc. for the installation of sanitary sewer pipe, manholes and related appurtenances and for the installation of ductile iron water main pipe in the City of Lackawanna; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 34SA, Holland Avenue and Wilmuth Avenue Sanitary Sewer Rehabilitation/Erie County Water Authority Holland Avenue Water System Improvements Project, in the final contract amount of \$1,181,955.81 which includes Change Order No. 2 (final), a decrease of \$75,697.69 to Sewer Capital, Erie County Sewer District No. 6, Account No. C.00064.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 34SA, Holland Avenue and Wilmuth Avenue Sanitary Sewer Rehabilitation/Erie County Water Authority Holland Avenue Water System Improvements Project between the County of Erie and Visone Construction, Inc., 79 Sheldon Avenue, Depew, New York 14043 be accepted in the amount of \$1,181,955.81 which includes Change Order No. 2 (final), a decrease of \$75,697.69 to Sewer Capital, Erie County Sewer District No. 6 Account No. C.00064 and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 34SA, Holland Avenue and Wilmuth Avenue Sanitary Sewer Rehabilitation/Erie County Water Authority Holland Avenue Water System Improvements Project between County of

Erie and Visone Construction, Inc. in the amount of \$1,181,955.81 and release all retention; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning and one (1) certified copy to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Eric Ziobro, Assistant County Attorney.

(6-0)

9. COMM. 1E-3 (2011)
MILLS

RESOLVED, the Erie County Legislature hereby confirms the re-appointment of the following individual to the Erie County Fisheries Advisory Board for the term ending 12/31/2013:

Mr. Ronald Smith
26 Hillsboror Drive
Orchard Park, NY 14127

(6-0)

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

WHEREAS, the Town of Alden on behalf of Alden Industrial Park Sewer District No. 1 has requested an annual credit from Erie County on behalf of ECSD#4 for the partial use of the Industrial Park sanitary sewer system by users in the Town of Lancaster; and

WHEREAS, the specific users of the Industrial Park sanitary sewer system in the Town of Lancaster are located within the 2004 extended bounds of ECSD#4; and

WHEREAS, said users are known as 1282 Townline Road Lancaster, NY, 1284 Townline Road Lancaster, NY, and 1286 Townline Road Lancaster, NY.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be, and hereby is, authorized to execute a sanitary sewer system operations and maintenance service agreement amendment, subject to approval as to content by the Deputy Commissioner of Environment and Planning, Division of Sewerage Management and approved as to form by the County Attorney, between Erie County on behalf of ECSD#4 and the Town of Alden on behalf of Alden Industrial Park Sewer District No. 1; and be it further

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

(6-0)

**THOMAS J. MAZUR
CHAIR**

MR. MAZUR moved to approve item Number 4. MR. MILLS seconded.

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

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

CARRIED UNANIMOUSLY.

LEGISLATOR RESOLUTIONS

Item 40 – MS. BOVE presented the following resolution and moved for immediate consideration. MR. WHALEN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 19

RE: Appointment to the EC Community
Corrections Advisory Board of an
Individual Employed at Non Profit
Organization Involved in Alternatives to
Incarceration
(INTRO 3-1)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS BOVE, MILLER-WILLIAMS & WHALEN**

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

CARRIED UNANIMOUSLY.

Insert the Following in its Entirety:

WHEREAS, the Erie County Legislature approved Intro 16-4 (2010) establishing the Erie County Corrections Advisory Board and providing for the appointment of thirteen (13) voting members; and

WHEREAS, one member of the Erie County Community Corrections Advisory Board is to be recommended by the Legislature who is employed at a non profit organization that is involved in alternatives to incarceration; and

WHEREAS, three outstanding candidates expressed an interest in being appointed from this category to the Legislature and all three appeared before the Legislature's Public Safety Committee to share their background and experiences with the members of the Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that the members of the Erie County Legislature's Public Safety Committee nominate Ms. Anne D. Constantino to serve as a voting member of the Erie County Community Corrections Advisory Board.

MS. BOVE moved to approve the resolution as amended. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 20

RE: Appointment to the EC Soil & Water
Conservation District
(INTRO 3-2)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MILLS & BOVE**

WHEREAS, the Erie County Legislature has received notice that legislative action is warranted for appointment to the Erie County Soil and Water Conservation District Board of Directors; and

WHEREAS, the proper functioning of the Soil and Water Conservation District on behalf of and directly for the County of Erie is necessary for the operation of many services and programs; and

WHEREAS, pursuant to New York State Conservation District Law, of the seven-member District Board, two members are representatives of the County Legislature, one member represents the Grange, one member represents the Farm Bureau and three serve as At-Large Members; and

WHEREAS, in further accordance with New York State Law, the Erie County Legislature shall appoint members to the District Board, where presently there exists one At-Large vacancy.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby appoint Mr. Raymond L. Waterman, residing at 56 East Union Street, Hamburg, NY 14075, to the At-Large position on the Board of Directors for the Erie County Soil and Water Conservation District for a 3-year term; and be it further

RESOLVED, that the aforementioned appointment shall be effective immediately and shall expire on December 31, 2013; and be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Soil and Water Conservation District (50 Commerce Way, East Aurora, NY 14052) and Mr. Raymond L. Waterman (56 East Union Street, Hamburg, NY 14075).

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 42 – MS. WHYTE moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of COMM. 1E-11 (2011) AS AMENDED. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 21

RE: Personnel Adjustment - AS AMENDED
(COMM. 1E-11, 2011)

WHEREAS, the Erie County Department of Health requires the re-creation of four positions to address a major void in the professional and administrative operations of the department; and

WHEREAS, in order to fill this void and efficiently provide required services, it is necessary to re-create the positions of Special Assistant-Commissioner of Health JG X, Chief County Toxicologist JG XVI, Assistant Toxicologist JG IX , and an Associate Public Health Engineer JG XV; and

WHEREAS, due to the budgetary restructuring that was implemented within the department, the position of Special Assistant-Commissioner of Health is necessary to efficiently oversee all administrative functions associated with the Commissioner's office and to provide support to departmental divisions, combined with the recently added responsibilities of processing Freedom of Information requests, and insuring both HIPAA and contract compliance activities are met; and

WHEREAS, the Erie County Department of Health maintains a Public Health Engineering office that is responsible for:

- Regulatory oversight of public drinking water supplies
- Plan review/approval and permitting of subdivision water and sewer construction projects
- Plan review/approval and permitting of commercial and residential private sewage construction;

and

WHEREAS, the position of Associate Public Health Engineer (JG XV) has historically provided the professional engineer (PE) license and supervisory responsibility of the Public Health Engineering office; and

WHEREAS, the re-creation of this position will enhance the ability of the Department to assess and respond to threats to public drinking water supplies, will positively impact economic

development across Erie County by enhancing approvals for commercial and residential construction projects; and

WHEREAS, the need to re-create the positions of Chief County Toxicologist JG XVI, and Assistant Toxicologist JG IX, became necessary when it was recently discovered that the Toxicology Laboratory within the Erie County Medical Examiner's Office would be in jeopardy of losing accreditation from the American Board of Forensic Toxicology (ABFT) and the New York State Commission on Forensic Science; and

WHEREAS, such action would seriously diminish the Laboratory's credibility in criminal court proceedings which would ultimately jeopardize criminal investigations and prosecutions; and

WHEREAS, the Erie County Health Department desires to fill these positions with qualified and experienced professionals; and

WHEREAS, funds have been identified in the Adopted 2011 Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the positions of Special Assistant-Commissioner of Health JG X, Chief County Toxicologist JG XVI, Assistant Toxicologist JG IX, and Associate Public Health Engineer JG XV are hereby created; and be it further

RESOLVED, that funding for these positions is as follows:

Public Health Division

| | Current | Change | Revised |
|--------------------------|-------------|-----------|-------------|
| 500000 Full Time Salary | \$3,767,609 | +\$42,713 | \$3,810,322 |
| 502000 Fringe Benefits | 2,588,709 | + 21,337 | 2,610,046 |
| 516020 Prof Svc Cont Fee | 1,045,008 | - 313,779 | 731,229 |
| 405540 State Aid | 1,310,166 | + 15,377 | 1,325,543 |

Lab Division

| | | | |
|-------------------------|-------------|-----------|-------------|
| 500000 Full Time Salary | \$3,146,151 | +\$82,682 | \$3,228,833 |
| 502000 Fringe Benefits | 2,010,575 | + 41,341 | 2,051,916 |
| 406560 State Aid | 1,222,916 | + 26,166 | 1,248,582 |
| 416030 Realty Sub Div. | 15,000 | + 10,000 | 25,000 |

Medical Examiner

| | | | |
|-------------------------|-------------|------------|-------------|
| 500000 Full Time Salary | \$1,729,755 | +\$146,709 | \$1,876,464 |
| 502000 Fringe Benefits | 1,042,226 | + 73,355 | 1,115,581 |
| 405180 State Aid | 818,328 | + 52,815 | 871,143 |

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the Comptroller, the Department of Personnel, the Division of Budget and Management, the Department of Law and to Dr. Anthony J. Billittier, IV, Commissioner in the Erie County Department of Health, 9th Floor, Rath Building.

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

CARRIED UNANIMOUSLY.

Delete the Following After the Second Resolve Clause:

| | | | | | |
|--------------|--------|-----------------|--------|---------|--------|
| Lab Division | 416030 | Realty Sub Div. | 15,000 | +10,000 | 25,000 |
|--------------|--------|-----------------|--------|---------|--------|

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 43 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO 3-3 from LEGISLATOR FUDOLI Re: Public Hearing & Proposals for 8-Year Review of the Wales, Elma, Holland, Alden & Lancaster Alden Agricultural Districts & the 2009 & 2010 Open Periods Inclusion into Agricultural Districts

RESOLUTION NO. 22

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

WHEREAS, the Erie County Legislature has received notification of the eight-year review requirement of the Wales, Elma, Holland, Alden and Lancaster Alden Agricultural Districts which are recertified every 8 years; according to Article 25AA of New York State Agricultural Markets Law; and

WHEREAS, a copy of the agricultural district maps containing these districts is on file in the County Clerk office and corresponding Town Clerk offices in the Towns of Alden, Aurora, Colden, Elma, Holland, Lancaster, Orchard Park, Sardinia and Wales; and

WHEREAS, a published notice of a 30-day public comment period for proposal of any modification to said districts will commence the 8-year review processes; and

WHEREAS, the 2009 and 2010 30-day open periods for inclusion have occurred and applicants have come forth; and

WHEREAS, Agricultural and Markets Law directs the county legislature to hold a public hearing on the aforementioned actions in a readily accessible place and to publish a notice of public hearing in a newspaper with general circulation within the county.

NOW, THEREFORE, BE IT

RESOLVED, that the Clerk of the Legislature be directed to publish notice of proposal for a 30-day comment period for any modifications of said districts and notice of the public hearing on the afore-mentioned matters in a newspaper having general circulation within the county, that notice also be sent to the affected municipalities being the Towns of Wales, Elma, Holland, Lancaster, Alden, Aurora, Orchard Park, Sardinia, Colden, Grand Island, Newstead, Concord, Evans and Boston, that the town clerk in each corresponding town be asked to post the public notice; and be it further

RESOLVED, that the Legislature hereby directs the Clerk to refer the agricultural districts and inclusion period applications to the Erie County Department of Environment and Planning and the Erie County Agricultural and Farmland Protection Board for reports and recommendations; and be it further

RESOLVED, that the Legislature of the County of Erie hold a public hearing on February 17, 2011 at the Cornell Cooperative Extension at 21 South Grove Street in the Village of East Aurora, New York 14052 regarding the above matters; and be it further

RESOLVED, that a certified copy of this resolution be sent to the Erie County Department of Environment and Planning.

MS. WHYTE moved to approve the resolution. MR. FUDOLI seconded.

CARRIED UNANIMOUSLY.

Item 44 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO 3-4 from LEGISLATORS WHYTE, MARINELLI & MAZUR Re: Law Firm Expenditure

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 45 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3M-7 from JUSTICE PAULA FEROLETO Re: Nomination to Serve on EC Community Corrections Advisory Board

RESOLUTION NO. 23

RESOLVED, the Erie County Legislature hereby confirms the appointment of the following individual to the Erie County Community Corrections Advisory Board:

Nan L. Haynes, Esq.
15 Arlington Place
Buffalo, NY 14201

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

CARRIED UNANIMOUSLY.

Item 46 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO 3-5 from LEGISLATOR KOZUB Re: Support for Department of Social Services Grant Award to CAO Julian B. Dargan Homeless Shelter for Women

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 47 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3E-32 from LEGISLATOR MILLS Re: Nomination to Serve on EC Community Corrections Advisory Board

RESOLUTION NO. 24

RESOLVED, the Erie County Legislature hereby confirms the appointment of the following individual to the Erie County Community Corrections Advisory Board:

Michael R. Cummings, MD
9042 Shannon Court
Clarence Center, NY 14032

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

CARRIED UNANIMOUSLY.

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

GRANTED.

COMM. 3E-33 from LEGISLATOR MARINELLI Re: Reforms of EC Water Authority

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR WHALEN

Item 49 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded. MR. WHALEN abstained.

CARRIED. (14-0-1)

RESOLUTION NO. 25

RE: Lease Agreement for Legislative Office
Space
(COMM. 3E-1)

RESOLVED, the Erie County Executive is hereby authorized to sign a One (1) Year Lease Agreement with Frank Green for Legislative office space for Timothy J. Whalen, located at 1928 South Park Ave., North Office, Buffalo, New York for a monthly rate of \$699.

FROM THE COMPTROLLER

Item 50 – (COMM. 3E-2) Report on Mortgage Tax Collection

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 51 – (COMM. 3E-3) Statler Towers Post-Petition Claims

MR. WHALEN moved to receive & file the item. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

FROM CHAIR MILLER-WILLIAMS

Item 52 – (COMM. 3E-4) Copy of Letter Concerning EC Industrial Land Development Corp.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM LEGISLATOR WHYTE

Item 53 – (COMM. 3E-5) Article Entitled "How Far Have We Really Come in Helping the Suffering"

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 54 – (COMM. 3E-6) Article Entitled "Austerity for Whom?"

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 55 – (COMM. 3E-7) Re-Appointments to the ECMCC Board of Directors

Item 56 – (COMM. 3E-8) Re-Appointments to the Senior Services Advisory Board for a Term Ending 12/31/2012

The above two items were received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 57 – (COMM. 3E-9) Re-Appointments to the EC Fisheries Advisory Board for a Term Ending 12/31/2013

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 58 – (COMM. 3E-10) Appointments to the EC Disaster Preparedness Advisory Board for a Term Ending 12/31/2012

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 59 – (COMM. 3E-11) Contract Authorization for Microsoft Rules Engine & Intake Software

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 60 – (COMM. 3E-12) ECSD No. 8 - Engineer Term Agreement

Item 61 – (COMM. 3E-13) ECSD No. 3 - Contract Close-Out

Item 62 – (COMM. 3E-14) ECSD No. 3 - Village of Hamburg - Proposed Inter-Municipal Agreement

Item 63 – (COMM. 3E-15) Request for Proposals - SAP Plant Maintenance Module Implementation Project

Item 64 – (COMM. 3E-16) National Grid Grant Award of \$4,000 for the Riverworld Site, 4000 River Road, Town of Tonawanda

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

Item 65 – (COMM. 3E-17) CPS: 2011 Firearms Lab Backlog Reduction Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 66 – (COMM. 3E-18) ECC City Campus - Exterior Restoration Project

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 67 – (COMM. 3E-19) Capital Project Closings

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 68 – (COMM. 3E-20) Cemetary Rd. Bridge Replacements Over Norfolk Southern Railroad & Plum Bottom Creek - Town of Lancaster

Item 69 – (COMM. 3E-21) Pavement Rd. Bridge Replacement Over CSX Railroad & Bridge Removal Over Abandoned Railroad - Town of Lancaster

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

Item 70 – (COMM. 3E-22) ECSD No. 2 - Lake St. & Point Breeze Pumping Station Forcemains Project - Contract Close-Out - Villager Construction, Inc.

Item 71 – (COMM. 3E-23) EC Solid Waste Management Boards Assistance

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

Item 72 – (COMM. 3E-24) Department of Emergency Services - Homeland Security Funding for Citizen Preparedness

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 73 – (COMM. 3E-25) Water Quality Improvement Project Grant Award - ECSD No. 3

Item 74 – (COMM. 3E-26) Semi-Annual Attendance Records - Board of Managers - ECSD

Item 75 – (COMM. 3E-27) EC Indoor Air Quality Grant Program

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

Item 76 – (COMM. 3E-28) Consolidation of ID Mail Services Funds Between the Departments of Public Works & Social Services

Item 77 – (COMM. 3E-29) Consolidation of ID Mail Services Funds within the Department of Public Works

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

Item 78 – (COMM. 3E-30) Amendment to the Erie/Niagara County Intermunicipal Agreement for Shared Geographic Information System Services

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM LEGISLATOR MARINELLI

Item 79 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded. MS. MARINELLI abstained.

CARRIED. (14-0-1)

RESOLUTION NO. 26

RE: Lease Agreement for Legislative Office
Space
(COMM. 3E-31)

RESOLVED, the Erie County Executive is hereby authorized to sign a One (1) Year Lease Agreement with David J. Galbo for Legislative office space for Lynn M. Marinelli, located at 1701 Hertel Ave., Buffalo, New York for a monthly rate of \$650.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 80 – (COMM. 3D-1) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE CLERK OF LEGISLATURE

Item 81 – (COMM. 3D-2) EC Budget - 2011 Budget Accountability Act Notifications

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NYSDEC

Item 82 – (COMM. 3M-1) Informational Packet: Feasibility Study on Buffalo River Restoration Released; Public Meeting Announced

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ECMCC

Item 83 – (COMM. 3M-2) Minutes of Meeting Held 1/11/2011

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM PATRICIA M. KRALL-DWYER

Item 84 – (COMM. 3M-3) Letter to Clerk of Legislature Concerning Local Law #3 of 2009

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE NFTA

Item 85 – (COMM. 3M-4) Minutes of Meeting Held 12/20/2010

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE EC WATER AUTHORITY

Item 86 – (COMM. 3M-5) Copy of Financial Report for the Years Ended 12/31/2009 & 12/31/2010

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM CANNON DESIGN

Item 87 – (COMM. 3M-6) Copy of SEQRA Assessment Form Concerning ECMCC 390 Bed Skilled Nursing Facility & Parking Structure

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

ANNOUNCEMENTS

Item 88 – CHAIR MILLER-WILLIAMS announced that the committee schedule has been distributed.

MEMORIAL RESOLUTIONS

Item 89 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of John J. Vess.

Item 90 – Legislator Kozub requested that when the Legislature adjourns, it do so in memory of Joseph C. Nigrelli.

Item 91 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Charlie Moses Jr.

Item 92 – Legislator Grant requested that when the Legislature adjourns, it do so in memory of Orlando E. Anderson.

Item 93 – Legislator Whyte requested that when the Legislature adjourns, it do so in memory of all those who were killed in the protests in Egypt.

Item 94 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Victor A. Trabucco, Frances W. Esmonde, Jean Hoover, Albert E. Heim, Barbara H. VanTassell, George B. Walk, Lawrence H. Gill, Patricia Less, and George E. Bowman III.

ADJOURNMENT

Item 95 - 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 Wednesday, February 16, 2011 at 2:00 p.m. Eastern Standard Time. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLER-WILLIAMS declared the Legislature adjourned until Wednesday, February 16, 2011 at 2:00 p.m. Eastern Standard Time.

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