

**ERIE COUNTY LEGISLATURE
MEETING NO. 4
FEBRUARY 21, 2013**

The Legislature was called to order by Chair Grant.

All members present.

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

The Pledge of Allegiance was led by Mr. McCracken.

Item 1 – MR. MAZUR moved to take the Designation of Newspapers for 2013 off the table.
MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

CHAIR GRANT directed that the Designation of Newspapers for 2013 be Received, Filed and Printed.

GRANTED.

We, the undersigned, a Majority Caucus of the Erie County Legislature, do hereby designate the Buffalo Challenger Newspaper, published in Buffalo, New York, having general circulation in the County of Erie, as the official newspaper for the publication of local laws, notices and other matters required by law to be published for the County of Erie, effective February 21, 2013.

1st District
Timothy R. Hogues

2nd District
Betty Jean Grant

3rd District
Lynn M. Marinelli

7th District
Thomas J. Mazur

8th District
Terrence D. McCracken

We, the undersigned, a Majority Caucus of the Erie County Legislature, do hereby designate the North Buffalo Rocket Newspaper, published in Buffalo, New York, having general circulation in the County of Erie, for the publication of all Concurrent Resolutions of the New York State Legislature, required by law to be published for the year 2013, effective February 21, 2013.

1st District
Timothy R. Hogues

2nd District
Betty Jean Grant

3rd District
Lynn M. Marinelli

7th District
Thomas J. Mazur

8th District

Terrence D. McCracken

January 8, 2013

We, the undersigned, a Majority of the Minority Caucus of the Erie County Legislature do hereby designate the Amherst Bee, published in Amherst, New York, having general circulation in the County of Erie, as the official newspaper for the publication of local laws, notices, and other matters required by law to be published for the County of Erie effective January 1, 2013.

John J. Mills – 11th District

Edward A. Rath III – 6th District

Lynne M. Dixon – 9th District

Kevin R. Hardwick – 4th District

Joseph C. Lorigo – 10th District

January 8, 2013

We, the undersigned, a Majority of the Minority Caucus of the Erie County Legislature do hereby designate the Orchard Park Bee, published in Amherst, New York, having general circulation in the County of Erie, as the official newspaper for the publication of concurrent resolutions effective January 1, 2013.

John J. Mills – 11th District

Edward A. Rath III – 6th District

Lynne M. Dixon – 9th District

Kevin R. Hardwick – 4th District

Joseph C. Lorigo – 10th District

Item 2 – MR. MAZUR moved for the reconsider COM. 26E-8 (2012) from the previous meeting. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 34

RE: NYS Pollution Prevention Institute
Community Grant: Stormwater
Education Projects
(COMM. 26E-8, 2012)

WHEREAS, the New York State Pollution Prevention Institute, provides grants for community pollution prevention education projects and granted Erie County \$32,000 in two separate grants to complete two projects: the Stormwater Pollution Prevention Public Education Campaign and the Storm Drain Identification and Education Grant; and

WHEREAS, the WNY Stormwater Coalition, which is coordinated by the Erie County Department of Environment and Planning, has public education and involvement among its goals and regulatory requirements; and

WHEREAS, execution of the project work plan in accordance with the contractual requirements set forth by the granting agency, necessitates the following grant funded part-time position for approximately 100 hours of work, in an amount not to exceed \$1,100: Intern – Environment & Planning (JG1); and

WHEREAS, sole source vendors have been identified for the advertising that will take place during the course of the projects.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter an agreement with the New York State Pollution Prevention Institute for assistance with the Stormwater Pollution Prevention Public Education Campaign in an amount not to exceed \$20,000 in grant resources; and be it further

RESOLVED, that the County Executive is authorized to enter an agreement with the New York State Pollution Prevention Institute for assistance with the Storm Drain Identification and Education Grant in an amount not to exceed \$12,000 in grant resources; and be it further

RESOLVED, that the revenue from the New York State Pollution Prevention Institute for the Stormwater Pollution Prevention Public Education Campaign is hereby appropriated in a grant account in the Department of Environment and Planning (Business Area 162, Fund 281) as follows:

Stormwater Pollution Prevention Public Education Campaign
(Grant Period: 12/6/2012 – 5/31/2013)
SAP Grant Account #162SPPPEC0513

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>
409000	State Aid Revenue – New York State Pollution Prevention Institute	(\$20,000)
TOTAL REVENUE		(\$20,000)

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
516020	Professional Services Contracts	<u>\$20,000</u> \$20,000
TOTAL APPROPRIATIONS		\$20,000

and be it further

RESOLVED, that the revenue from the New York State Pollution Prevention Institute for the Storm Drain Identification and Education Grant is hereby appropriated in a grant account in the Department of Environment and Planning (Business Area 162, Fund 281) as follows:

Storm Drain Identification and Education Grant
(Grant Period: 12/6/2012 – 5/31/2013)
SAP Grant Account #162SDIEC0513

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>
409000	State Aid Revenue – New York State Pollution Prevention Institute	(\$12,000)
TOTAL REVENUE		(\$12,000)

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
500000	Personnel Services	\$1,100
510000	Local Travel & Mileage	\$825
505000	Office Supplies	\$8,075
530000	Other	<u>\$2,000</u>
		\$12,000
TOTAL APPROPRIATIONS		\$12,000

and be it further

RESOLVED, that the following part time position will be created with a budget not to exceed \$1,000:

Intern – Environment & Planning (JG 1)
B-100 No. 0000007051
Budgeted Salary: \$1,100

and be it further

RESOLVED, that the Erie County Department of Environment and Planning is authorized to contract with sole source suppliers of advertising named within the Stormwater Pollution Prevention Public Education Campaign project, which are Entercom Buffalo (\$10,000) and Normal Advertising (\$10,000); and be it further

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

RESOLVED, that certified copies of this resolution shall 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.

MR. MAZUR moved to amend the item. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

Delete the Third Resolved Clause in its Entirety and Replace with the Following:

RESOLVED, that the Erie County Department of Environment and Planning can contract with sole source suppliers of advertising named within the "Stormwater Pollution Prevention Public Education Campaign" project, which are Entercom Buffalo (\$10,000) the sole source advertising provider for radio stations WYRK and WBEN the radio stations that best match the demographic audience identified for the program and Lamar (\$10,000) the sole source advertising provider for the Niagara Frontier Transportation Authority (NFTA); and be it further

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

CARRIED UNANIMOUSLY.

Item 3 – MR. MAZUR moved for the approval of the minutes for Meeting Number 3 from 2013. MR. McCracken seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – CHAIR GRANT presented a resolution Recognizing Pastor James E. Giles for His Work as Pastor of Greater Works Deliverance Fellowship & for Being Co-Founder of Back to Basics Outreach Ministries Inc.

Item 6 – CHAIR GRANT presented a resolution Honoring Farai Chideya, Nationally Recognized Political Activist & Journalist on Her Acclaimed Lecture at Hilbert College on 1/31/2013.

Item 7 – CHAIR GRANT presented a Memorial Proclamation Celebrating the Life of Mamie Beale Johnson.

Item 8 – MR. LORIGO presented a resolution Celebrating February as "Go Red for Women" Heart Health Awareness Month.

Item 9 – CHAIR GRANT presented a resolution Recognizing the Month of February as American Heart Month in EC.

Item 10 – MR. McCracken & MR. Mazur presented a resolution Honoring Todd Roland, Chief of South Line Fire Department in Cheektowaga, on Saving the Life of His Best Friend & Fellow Firefighter, Keith Broad.

Item 11 – MR. Hardwick presented a resolution Congratulating the William Kaegebein Elementary School Chorus for Their Performance of the National Anthem at a Recent Canisius College Basketball Game.

Item 12 – MR. Lorigo presented a resolution Honoring Students at Immaculate Conception School on Winning the “Most Unique Model Award” in the Future City Competition.

Item 13 – MS. Marinelli presented a memorial resolution In Remembrance of George W. Sowinski.

Item 14 – CHAIR GRANT presented a resolution Congratulating Charlene Caver Miller, EC Legislature's Citizen of the Month for February 2013.

Item 15 – CHAIR GRANT presented a resolution Congratulating Paul Woods, WWII Veteran, on His 90th Birthday.

Item 16 – MR. Rath presented a resolution Recognizing & Acknowledging Michael B. Powers for His Recognition by the Clarence Chamber of Commerce as 2013 Citizen of the Year.

Item 17 – MR. Rath presented a resolution Recognizing & Acknowledging Richard K. Milewicz for His Recognition by the Clarence Chamber of Commerce as 2013 Lifetime Achiever of the Year.

Item 18 – CHAIR GRANT presented a resolution Recognizing the Month of February as Black History Month in EC.

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

CARRIED UNANIMOUSLY.

MR. MAZUR moved to amend the above fourteen items by including Et Al Sponsorship. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 19 – CHAIR GRANT directed that Local Law No. 1 (Print #1) 2012 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 20 – CHAIR GRANT directed that Local Law No. 3 (Print #1) 2012 remain on the table and in the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Item 21 – CHAIR GRANT directed that Local Law No. 1 (Print #1) 2013 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 35

February 12, 2013	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 3
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ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 9E-2 (2012)
COUNTY EXECUTIVE: “Copy of Letter to President of ECC Concerning New Building for ECC North Campus”
(5-0)
2. COMM. 2E-2 (2013)
COUNTY EXECUTIVE
RESOLVED, the Erie County Legislature hereby confirms the appointment of the following individual to the ECC Board of Trustees for a term expiring 6/30/2019:

Leonard R. Lenihan
233 Glendale Drive

Tonawanda, NY 14150

(5-0)

3. COMM. 3E-13 (2013)
COUNTY EXECUTIVE

WHEREAS, the County of Erie received bids for the Erie Community College North Campus - Campus Security and Safety Project on December 20, 2012; and

WHEREAS, the lowest responsible bidder is Bethany Technologies Company, LLC; and

WHEREAS, the Erie County Department of Public Works, along with its Consultant, is recommending award of the contract to the lowest responsible bidder; and

WHEREAS, your Honorable Body has authorized the County Executive to enter into a General Architectural/Engineering Service Agreement with Audubon Architecture, Engineering, Surveying & Landscaping Architecture, PC (formerly Wendel Companies); and

WHEREAS, the County Executive is requesting authorization from your Honorable Body to issue an Agreement Amendment to Audubon Architecture, Engineering, Surveying & Landscaping Architecture, PC (formerly Wendel Companies) for providing construction administration services for the ECC North Campus, Campus Security and Safety project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for the Erie Community College North Campus - Campus Security and Safety Project as follows:

Electrical Construction Work

Bethany Technologies Company, LLC	Base Bid:	\$718,428.00
	Alternate E-1:	\$ 13,600.00
	Alternate E-2:	\$ 13,600.00
	<u>Alternate E-3:</u>	<u>\$ 19,000.00</u>
Total Award of Construction Contract:		\$764,628.00

and be it further

RESOLVED, that the sum of \$100,000.00 be allocated to a Construction Contingency Fund with authorization for the County Executive, to approve change orders in an amount not to exceed the Contingency Fund; and be it further

RESOLVED, that the County Executive is authorized to issue an Agreement Amendment to Audubon Architecture, Engineering, Surveying & Landscaping Architecture, PC (formerly Wendel Companies) for providing construction administration services for the ECC North Campus, Campus Security and Safety project, including reimbursables, in an amount not to exceed \$21,000.00; and be it further

RESOLVED, that deduct change orders will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP project accounts as follows: SAP Project E.00072 – 2008-ECC Campus Security and Safety, for an amount not to exceed \$885,628.00; and be it further

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

(5-0)

LYNN M. MARINELLI
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 36

February 12, 2013	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 3
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ALL MEMBERS PRESENT.

CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 17M-19 (2012)
EMPIRE STATE DEVELOPMENT: "Letter to Legislature Concerning Canalside Project"
(6-0)
 - b. COMM. 19M-4 (2012)
EMPIRE STATE DEVELOPMENT: "Supplemental Notice of Project Update - Canalside Project - Buffalo, NY"
(6-0)
 - c. COMM. 26M-3 (2012)
EMPIRE STATE DEVELOPMENT: "Canalside Land Use Improvement Project - SEQRA Notification"
(6-0)
 - d. COMM. 1M-8 (2013)
NFTA: "Copy of Five Year Capital Plan for Fiscal Years Ending 3/31/2014-2018 & the Annual Budget for Fiscal Year End 2014"

(6-0)

- e. COMM. 3D-2 (2013)
DEPUTY COUNTY EXECUTIVE: "Letter to Legislator Marinelli Regarding Events that Take Place at Ralph Wilson, Jr. Stadium Complex"
(6-0)
- f. COMM. 3M-1 (2013)
NFTA: "Copy of 17A Report & Capital Expenditure Reports for Fiscal Year Ending 3/31/2013"
(6-0)
- g. COMM. 3M-3 (2013)
NYSDOT: "Copy of Resolution Titled "Discontinuance of Maintenance of Burgess Blvd.", Town of Cheektowaga"
(6-0)
- h. COMM. 3M-4 (2013)
NFTA: "Minutes from Meeting Held 12/17/2012"
(6-0)

**THOMAS A. LOUGHRAN
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 37

February 14, 2013	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT.
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

- 1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 9E-27 (2012)
COUNTY EXECUTIVE: "ECSD No. 4 - Aurora North Pumping Station Elimination Project"
(6-0)
 - b. COMM. 1M-1 (2013)
LANCASTER TOWN BOARD: "Copy of Resolution Supporting "Phoenix's Law""
(6-0)

- c. COMM. 2E-22 (2013)
GRANT: "Letter to Legislature Clerk Concerning ECWA Letters of Interest"
(6-0)
- d. COMM. 2M-1 (2013)
WEST SENECA TOWN BOARD: "Copy of Resolution Supporting "Phoenix's Law""
(6-0)
- e. COMM. 3E-11 (2013)
GRANT: "Letter to Clerk of Legislature Concerning Energy & Environment Committee,
Interviews for Position of Commissioner of the ECWA"
(6-0)
- f. COMM. 3E-18 (2013)
COUNTY EXECUTIVE: "ECSD No. 3 - Engineer Term Agreement"
(6-0)
- g. COMM. 3M-8 (2013)
DEPUTY DIRECTOR, ECWA: "Copy of ECWA Financial Report for the Years Ended
12/31/2012 & 2011"
(6-0)

2. COMM. 3E-15 (2013)
COUNTY EXECUTIVE
WHEREAS, the Erie County Legislature authorized the Department of Parks Recreation, and Forestry to apply for the New York State Department of Environmental Conservation's Urban & Community Forestry grant in a resolution passed on June 7, 2012 (Comm. 11E-6 (2012)); and

WHEREAS, the New York State Department of Environmental Conservation awarded Erie County an Urban & Community Forestry grant of \$24,000 to complete "The Erie County Parks Tree Inventory" project; and

WHEREAS, the Erie County Department of Parks, Recreation and Forestry has a need for tree inventories at Como Lake Park and Akron Falls Park; and

WHEREAS, the required in-kind match for this award, in the form of professional and volunteer services, will be provided by the following higher education partners: Daemen College and Medaille Collage, as well as by the Erie County Department of Parks Recreation and Forestry and the Erie County Department of Environment and Planning.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or Deputy County Executive is authorized to enter an agreement with the New York State Department of Environmental Conservation for assistance with the "Erie County Parks Tree Inventory" project in an amount not to exceed \$24,000 in grant resources; and be it further

RESOLVED, that the revenue from the New York State Department of Environmental Conservation for the “Erie County Parks Tree Inventory” project is hereby appropriated in a grant account in the Department of Parks, Recreation and Forestry (Business Area 164, Fund 110) as follows:

Erie County Tree Inventory
Grant Period: 11/15/2012-11/14/2015
SAP Grant 164EPT11115

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>
409000	State Aid Revenue – New York State Department of Environmental Conservation	\$24,000
TOTAL REVENUE		\$24,000

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
516020	Professional Service Contract	<u>\$24,000</u> \$24,000
TOTAL APPROPRIATIONS		\$24,000

and be it further

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

RESOLVED, that certified copies of this resolution be sent to the County Executive’s Office; the Comptroller’s Office; the Director of the Division of Budget and Management; the County Attorney; the Commissioner of the Department of Parks, Recreation and Forestry, and the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor.
(6-0)

3. COMM. 3E-17 (2013)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (DEP) provides support to the Northwest and the Northeast-Southtowns Solid Waste Management Boards for solid waste and recycling planning; and

WHEREAS, DEP is committed to coordinate, oversee, and support the development of local solid waste management plans for all Erie County planning units; and

WHEREAS, the New York State Department of Environmental Conservation (DEC) provides grant assistance to municipalities to implement projects to reduce solid waste in New York; and

WHEREAS, DEP provides technical assistance to municipalities, businesses and residents to help address their waste management needs; and

WHEREAS, the Erie County Legislature authorized DEP to apply for the New York State Department of Environmental Conservation's Waste Reduction and Recycling Coordination grant in a resolution passed on February 16, 2012 (Comm. 2E-19 (2012)); and

WHEREAS, the New York State Department of Environmental Conservation awarded Erie County a recycling grant of \$290,820 to complete a three-year Waste Reduction and Recycling Coordination Grant; and

WHEREAS, the addition of this solid waste recycling initiative necessitates the execution of a grant contract with the DEC, the adoption of a grant budget, and the creation of a Solid Waste Recycling Specialist (JG-12) position within the DEP which will be 100% grant funded.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements to accept a grant of \$290,820 from the New York State Department of Environmental Conservation for the purpose of establishing a three-year Erie County Recycling Coordination program; and be it further

RESOLVED, that the grant budget and project period for the New York State Department of Environmental Conservation Waste Reduction and Recycling Coordination Grant is hereby created in the Department of Environment and Planning, Business Area 162, as follows:

New York State Department of Environmental Conservation Waste Reduction and Recycling
Coordination Grant (Grant Period: 1/1/2013 – 12/31/2015)
SAP Grant Account #162WRRCG1215

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
409000	State Aid Revenue	<u>\$290,820</u>
TOTAL REVENUE		\$290,820

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
500000	Regular Full Time Wages	\$177,870
502000	Fringe Benefits	<u>112,950</u>
TOTAL APPROPRIATIONS:		\$ 290,820

and be it further

RESOLVED, that the following position, for which sufficient funding through New York State Department of Environmental Conservation grant funding for personal services and fringe benefits exists, will be created in the above grant:

Solid Waste Recycling Specialist (JG-12)
B-100 No. 000 000 7142
Budgeted Annual Salary: \$59,266

and be it further

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

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; the Commissioner of Personnel; Maria Whyte, Commissioner of the Department of Environment and Planning; Thomas Hersey, Deputy Commissioner of the Division of Environmental Compliance; and Paul Kranz, P.E., Associate Engineer.
(6-0)

**TERRENCE D. McCRACKEN
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 38

February 14, 2013	PUBLIC SAFETY COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT.
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 3D-3 (2013)
PROBATION SUPERVISOR, EC DEPARTMENT OF PROBATION: “Letter to Director of Probation Concerning Appointment to the EC Community Corrections Advisory Board”
(6-0)

2. COMM. 3D-9 (2013)
DIRECTOR OF EC PROBATION DEPARTMENT AS AMENDED
RESOLVED, the Erie County Legislature hereby appoints the following individual as recommended by the Erie County Department of Probation to the Erie County Community Corrections Advisory Board to complete a term that will expire on 2/15/2016:

Probation Supervisor Brendon Dickman
One Niagara Plaza
Buffalo, New York 14202
(716) 858-8200

(6-0)

3. COMM. 3D-12 (2013)
COMMISSIONER OF MENTAL HEALTH AS AMENDED
RESOLVED, the Erie County Legislature hereby appoints the following individual as recommended by the Erie County Department of Mental Health to the Erie County Community Corrections Advisory Board to complete a term that will expire on 2/15/2016:

Michael R. Ranney, LMHC
Director of Intensive Adult Mental Health Services
Forensic Mental Health Services
120 W. Eagle Street
Buffalo, New York 14202
(716) 858-6734

(6-0)

4. COMM. 3M-5 (2013)
PRESIDENT, TEAMSTERS LOCAL UNION NO. 264 AS AMENDED
RESOLVED, the Erie County Legislature hereby appoints the following individual as recommended by Teamsters Local #264 to the Erie County Community Corrections Advisory Board to complete a term that will expire on 2/15/2016:

James Balys
Erie County Sheriff's Office
40 Delaware Avenue
Buffalo, New York 14202
(716) 858-7009

(6-0)

TIMOTHY R. HOGUES
CHAIR

Item 26 – MR. HOGUES presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 39

February 14, 2013	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT.

CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 3D-4 (2013)
DIRECTOR OF BUDGET & MANAGEMENT: "Budget Status through November 2012"
(6-0)
 - b. COMM. 3D-5 (2013)
DIVISION OF BUDGET & MANAGEMENT: "Initial Review of Governor Andrew Cuomo's 2013-2014 Executive Budget"
(6-0)
 - c. COMM. 3D-10 (2013)
DIRECTOR OF BUDGET & MANAGEMENT: "Letter Concerning Comptroller's Cash Flow Projection at February 1, 2013"
(6-0)
2. COMM. 1D-7 (2012)
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 212299 through 212335, 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 2013	Petition No.	212,299.00
ASSESSOR	Cancel	\$721.56

S-B-L 223.00-4-25.12 8456 Randall Pl 144000 EDEN

Acct. No. 112 \$125.15 County

	Acct. No. 132	\$596.41	Town/SpecialDist/School
	40019 FIRE PROTECTION	\$18.92	
	40050 ERIE CO SEW DST 2	\$453.62	
<u>Charge To :</u>	144000 EDEN		\$123.87
FISCAL YEAR	2013	Petition No.	212,300.00
	ASSESSOR	Cancel	\$410.87
S-B-L	56.16-2-4	325 Renaissance Dr	142289 AMHERST
	Acct. No. 112	\$155.31	County
	Acct. No. 132	\$255.56	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$255.56
FISCAL YEAR	2013	Petition No.	212,301.00
	ASSESSOR	Cancel	\$1,188.99
S-B-L	67.20-6-37	4230 Main St.	142289 AMHERST
	Acct. No. 112	\$652.30	County
	Acct. No. 132	\$536.69	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$536.69
FISCAL YEAR	2013	Petition No.	212,302.00
	ASSESSOR	Cancel	\$336.00
S-B-L	165.17-3-7.1	831 Lawrence Ave	142289 AURORA
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$336.00	Town/SpecialDist/School
	24604 AURORA USER EC SEWER	\$336.00	
<u>Charge To :</u>	142289 AURORA		\$0.00
FISCAL YEAR	2013	Petition No.	212,303.00
	ASSESSOR	Cancel	\$3,224.80
S-B-L	114.09-4-18.111	505 Como Park Blv	143089 CHEEKTOWAGA
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$3,224.80	Town/SpecialDist/School
	30312 ECSD#1 USER CHARGE	\$3,224.80	
<u>Charge To :</u>	143089 CHEEKTOWAGA		\$0.00

Incorrect User Charge

FISCAL YEAR 2013 Petition No. 212,304.00

ASSESSOR Cancel \$274.21

S-B-L 112.76-4-6 122 Claude Dr 143089 CHEEKTOWAGA

Acct. No. 112 \$95.77 County
Acct. No. 132 \$178.44 Town/SpecialDist/School

Charge To : 143089 CHEEKTOWAGA \$178.44

failed to apply veterans exemption

FISCAL YEAR 2013 Petition No. 212,305.00

ASSESSOR Cancel \$77.03

S-B-L 54.34-1-8./701 7 Keph Dr Unit 1142289 AMHERST

Acct. No. 112 \$42.26 County
Acct. No. 132 \$34.77 Town/SpecialDist/School

Charge To : 142289 AMHERST \$34.77

failed to apply veterans exemption

FISCAL YEAR 2013 Petition No. 212,306.00

ASSESSOR Cancel \$197.62

S-B-L 67.10-1-3.1 3045-3139 Sheridan 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$197.62 Town/SpecialDist/School

22574 EC CONS SEWER A/CSSD \$197.62
Charge To : 142289 AMHERST \$0.00

water consumption incorrect

FISCAL YEAR 2013 Petition No. 212,307.00

ASSESSOR Cancel \$761.46

S-B-L 134.68-9-20 73 Fremont Ave 146800 WEST SENECA

Acct. No. 112 \$267.70 County
Acct. No. 132 \$493.76 Town/SpecialDist/School

Charge To : 146800 WEST SENECA \$493.76

senior exemption incorrect

FISCAL YEAR 2012 Petition No. 212,308.00

 ASSESSOR Cancel \$1,076.52

S-B-L 134.68-9-20 73 Fremont Ave 146800 WEST SENECA

Charge To : Acct. No. 112 \$0.00 County
 Acct. No. 132 \$1,076.52 Town/SpecialDist/School
 146800 WEST SENECA \$1,076.52
 Relevy School \$1,076.52 146801 WEST SENECA CENT

senior exemp incorrect

FISCAL YEAR 2012 Petition No. 212,309.00

 ASSESSOR Cancel \$522.00

S-B-L 173.12-3-9 40 Woodthrush Trl 146089 ORCHARD PARK

Charge To : Acct. No. 112 \$0.00 County
 Acct. No. 132 \$522.00 Town/SpecialDist/School
 146089 ORCHARD PARK \$522.00
 Relevy School \$522.00 146001 ORCH PARK CENTRAL

failed to apply basic star exemption

FISCAL YEAR 2013 Petition No. 212,310.00

 ASSESSOR Cancel \$1,069.31

S-B-L 108.00-2-12.111 North Rd 142089 ALDEN

Charge To : Acct. No. 112 \$647.84 County
 Acct. No. 132 \$421.47 Town/SpecialDist/School
 20019 ALDEN FIRE PROTECTION \$205.57
 142089 ALDEN \$215.90

split parent parcel should have been deleted

FISCAL YEAR 2013 Petition No. 212,311.00

 ASSESSOR Cancel \$175.21

S-B-L 107.00-7-7.11 12005 Westwood R 142089 ALDEN

Acct. No. 112 \$0.00 County
Acct. No. 132 \$175.21 Town/SpecialDist/School
Charge To : 142089 ALDEN \$175.21

incorrect refuse charge

FISCAL YEAR 2013 Petition No. 212,312.00
ASSESSOR Cancel \$844.72

S-B-L 44.19-2-31.1/A 9560 Clarence Cent 143200 CLARENCE

Acct. No. 112 \$506.02 County
Acct. No. 132 \$338.70 Town/SpecialDist/School
32021 CLARENCE CENTER FIRE \$100.43
Charge To : 143200 CLARENCE \$238.27

failed to apply exemption

FISCAL YEAR 2013 Petition No. 212,313.00
ASSESSOR Cancel \$1,064.95

S-B-L 84.06-4-21 10455 Tillman Rd 143200 CLARENCE

Acct. No. 112 \$759.03 County
Acct. No. 132 \$305.92 Town/SpecialDist/School
Charge To : 143200 CLARENCE \$305.92

failed to apply senior exemption

FISCAL YEAR 2013 Petition No. 212,314.00
ASSESSOR Cancel \$6,474.72

S-B-L 142.31-3-19 55 Melroy Ave 140900 LACKAWANNA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$6,474.72 Town/SpecialDist/School
9992 ECS#6 SAN SEWER \$6,474.72
Charge To : 140900 LACKAWANNA \$0.00

incorrect user charge

FISCAL YEAR 2013 Petition No. 212,315.00
ASSESSOR Refund \$207.60

S-B-L 54.12--1-25.1/A1283 Sweet Home 142289 AMHERST

	Acct. No. 112	\$113.89	County
	Acct. No. 132	\$93.71	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$93.71

duplicate parcel

FISCAL YEAR 2013 Petition No. 212,316.00

ASSESSOR Refund \$100.00

S-B-L 250.14-5-14 Maplewood St 144489 EVANS

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$100.00	Town/SpecialDist/School
44101 EC2 FOOTAGE		\$100.00	
<u>Charge To :</u>	144489 EVANS		\$0.00

remove footage charge from ECS

FISCAL YEAR 2012 Petition No. 212,317.00

ASSESSOR Cancel \$100.00

S-B-L 250.14-5-14 Maplewood St 144489 EVANS

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$100.00	Town/SpecialDist/School
44101 EC2 FOOTAGE		\$100.00	
<u>Charge To :</u>	144489 EVANS		\$0.00

remove footage charge from ECS

FISCAL YEAR 2011 Petition No. 212,318.00

ASSESSOR Cancel \$100.00

S-B-L 250.14-5-14 Maplewood St 144489 EVANS

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$100.00	Town/SpecialDist/School
44101 EC2 FOOTAGE		\$100.00	
<u>Charge To :</u>	144489 EVANS		\$0.00

remove footage charge from ECS

FISCAL YEAR 2010 Petition No. 212,319.00

OWNER Cancel \$0.00

S-B-L 197.00-3-75 5710 Seufert Rd 146089 ORCHARD PARK

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

Charge To : 146089 ORCHARD PARK \$0.00

not filed within 3 year of annex of warrant

FISCAL YEAR 2010 Petition No. 212,320.00

OWNER Cancel \$0.00

S-B-L 185.13-1-23.1 5735 Chestnut Ridg 146089 ORCHARD PARK

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

Charge To : 146089 ORCHARD PARK \$0.00

not filled within 3 yr of annex of warrant

FISCAL YEAR 2010 Petition No. 212,321.00

OWNER Cancel \$0.00

S-B-L 152.11-1-25 81 Minden Dr 146089 ORCHARD PARK

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

Charge To : 146089 ORCHARD PARK \$0.00

not filed within 3 yr of annex of warrant

FISCAL YEAR 2010 Petition No. 212,322.00

OWNER Cancel \$0.00

S-B-L 161.11-2-71 6039-4 Webster Rd 146089 ORCHARD PARK

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

Charge To : 146089 ORCHARD PARK \$0.00

not filed within 3 yr of annex of warrant

FISCAL YEAR 2011 Petition No. 212,323.00

ASSESSOR Refund \$102.43

S-B-L 161.11-2-71 6039-4 Webster Rd 146089 ORCHARD PARK

Acct. No. 112 \$39.65 County
Acct. No. 132 \$62.78 Town/SpecialDist/School

Charge To : 146089 ORCHARD PARK \$62.78

cold war veteran should be wartime veteran

FISCAL YEAR 2012 Petition No. 212,324.00

ASSESSOR Refund \$104.62

S-B-L 161.11-2-71 6039-4 Webster Rd 146089 ORCHARD PARK

Acct. No. 112 \$39.77 County
Acct. No. 132 \$64.85 Town/SpecialDist/School

Charge To : 146089 ORCHARD PARK \$64.85

cold war veteran should be war time veteran

FISCAL YEAR 2013 Petition No. 212,325.00

ASSESSOR Cancel \$106.91

S-B-L 161.11-2-71 6039-4 Webster Rd 146089 ORCHARD PARK

Acct. No. 112 \$39.77 County
Acct. No. 132 \$67.14 Town/SpecialDist/School

Charge To : 146089 ORCHARD PARK \$67.14

cold war vet should be war time veteran

FISCAL YEAR 2011 Petition No. 212,326.00

ASSESSOR Refund \$78.76

S-B-L 152.11-1-25 81 Minden Dr 146089 ORCHARD PARK

Acct. No. 112 \$25.07 County
Acct. No. 132 \$53.69 Town/SpecialDist/School

Charge To : 146089 ORCHARD PARK \$53.69

cold war vet should be war time veteran

FISCAL YEAR 2012 Petition No. 212,327.00

ASSESSOR Refund \$80.61

S-B-L 152.11-1-25 81 Minden Dr 146089 ORCHARD PARK

Acct. No. 112 \$25.16 County
Acct. No. 132 \$55.45 Town/SpecialDist/School

Charge To : 146089 ORCHARD PARK \$55.45

cold war vet should be war time veteran

FISCAL YEAR 2013 Petition No. 212,328.00

ASSESSOR Cancel \$82.58

S-B-L 152.11-1-25 81 Minden Dr 146089 ORCHARD PARK

Acct. No. 112 \$25.16 County
Acct. No. 132 \$57.42 Town/SpecialDist/School

Charge To : 146089 ORCHARD PARK \$57.42

FISCAL YEAR 2011 Petition No. 212,329.00

ASSESSOR Refund \$126.74

S-B-L 197.00-3-75 5710 Seufert Rd 146089 ORCHARD PARK

Acct. No. 112 \$54.61 County
Acct. No. 132 \$72.13 Town/SpecialDist/School

Charge To : 146089 ORCHARD PARK \$72.13

cold war vet should be war time veteran

FISCAL YEAR 2012 Petition No. 212,330.00

ASSESSOR Refund \$129.28

S-B-L 197.00-3-75 5710 Seufert Rd 146089 ORCHARD PARK

Acct. No. 112 \$54.78 County
Acct. No. 132 \$74.50 Town/SpecialDist/School

Charge To : 146089 ORCHARD PARK \$74.50

cold war vet should be war time veteran

FISCAL YEAR 2013 Petition No. 212,331.00

ASSESSOR Cancel \$131.93

S-B-L 197.00-3-75 5710 Seufert Rd 146089 ORCHARD PARK

	Acct. No. 112	\$54.79	County
	Acct. No. 132	\$77.14	Town/SpecialDist/School
<u>Charge To :</u>	146089 ORCHARD PARK		\$77.14

cold war vet should be war time veteran

FISCAL YEAR 2011 Petition No. 212,332.00

ASSESSOR Refund \$139.97

S-B-L 185.13-1-23.1 5735 Chestnut Ridg 146089 ORCHARD PARK

	Acct. No. 112	\$62.76	County
	Acct. No. 132	\$77.21	Town/SpecialDist/School
<u>Charge To :</u>	146089 ORCHARD PARK		\$77.21

cold war vet should be war time veteran

FISCAL YEAR 2012 Petition No. 212,333.00

ASSESSOR Refund \$80.82

S-B-L 185.13-1-23.1 5735 Chestnut Ridg 146089 ORCHARD PARK

	Acct. No. 112	\$25.28	County
	Acct. No. 132	\$55.54	Town/SpecialDist/School
<u>Charge To :</u>	146089 ORCHARD PARK		\$55.54

cold war vet should be war time veteran

FISCAL YEAR 2013 Petition No. 212,334.00

ASSESSOR Cancel \$82.81

S-B-L 185.13-1-23.1 5735 Chestnut Ridg 146089 ORCHARD PARK

	Acct. No. 112	\$25.30	County
	Acct. No. 132	\$57.51	Town/SpecialDist/School
<u>Charge To :</u>	146089 ORCHARD PARK		\$57.51

cold war vet should be wartime veteran

FISCAL YEAR 2012 Petition No. 212,335.00

Cancel \$255.82

S-B-L 28.18-9-4.2 1875 Hopkins Rd 142289 AMHERST

Acct. No. 112	\$77.93	County
Acct. No. 132	\$177.89	Town/SpecialDist/School
22028 GETZVLE FIRE PROTECTION	\$11.55	
22574 EC CONS SEWER A/CSSD	\$3.44	
22745 EC CONS DRAIN DIST/CDD	\$87.19	
<u>Charge To :</u> 142289 AMHERST		\$75.71

Cancel tax bill RPTL 550(3)

and be it further

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

(6-0)

3. COMM. 3E-20 (2013)
COUNTY EXECUTIVE

WHEREAS, the Adopted 2013 Erie County Budget included only \$69,498 in funds for the Risk Retention Fund (“Fund”), and not the \$3,000,000 requested; and

WHEREAS, in order to pay insurance premiums and legal expenses, including current mounting bills, the Fund needs money to be rolled over from available balances in 2012; and

WHEREAS, the Department of Law is therefore requesting the designation of \$1,000,000 of available 2012 funds in the Risk Retention Fund for use in the Fund in 2013.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to designate available 2012 funding in the County Attorney’s Risk Retention Fund, in the amount of \$1,000,000 to be budgeted and utilized in the 2013 Risk Retention Fund; and be it further

RESOLVED, that the Division of Budget and Management and Comptroller’s Office are authorized to make all necessary entries to effectuate this designation; and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Law, the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(6-0)

TIMOTHY R. HOGUES
CHAIR

Item 27 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MR. McCRACKEN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 40

February 14, 2013	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 3
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ALL MEMBERS PRESENT.

CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 2-7 (2013)
DIXON: "Requesting Limitations on Secret Settlements"
(6-0)
 - b. COMM. 3D-1 (2013)
COUNTY ATTORNEY: "Transmittal of New Claims Against EC"
(6-0)

**THOMAS J. MAZUR
CHAIR**

Item 28 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 41

February 14, 2013	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT.

CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 26E-12 (2012)
COUNTY EXECUTIVE
WHEREAS, the Erie County Department of Health's Division of Emergency Medical Services does not receive New York State Department of Health emergency medical services (EMS) training reimbursement for EMS first responders whose agency is not eligible for funding under NYS DOH EMS Policy Statement # 09-06; and

WHEREAS, the Department of Health Emergency Medical Services Division does not have the resources in the 2013 Budget to provide training to ineligible first responder agencies without reimbursement; and

WHEREAS, training can be provided to the ineligible first responder agencies who still request training through the establishment of a training fee; and

WHEREAS, authorization is required in order to establish a training fee for those first responders who are willing to pay said fee for EMS training.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature authorizes the Erie County Department of Health's Division of Emergency Medical Services to collect a fee for training provided to individual first responders from agencies who do not meet the New York State Department of Health requirement for reimbursement; and be it further

RESOLVED, that the amount of the fee shall be the same as calculated by the State for the reimbursement of eligible first responders, said fee will be adjusted in accordance with established State reimbursement rates; and be it further

RESOLVED, that the amount of the fee imposed for 2013 shall be established as follows:

Erie County Department of Health
Emergency Medical Services Division
NYS DOH EMS Reimbursement Rates for 2013

EMS Course Type	Course Fee
Emergency Medical Technician - Basic Original class	\$775
Emergency Medical Technician - Basic Recertification class	\$425
Certified First Responder Original class	\$260
Certified First Responder Recertification class	\$145

and be it further

RESOLVED, that the Division of Budget and Management is hereby authorized, upon receipt of said fees, to make required budgetary adjustments in order to increase expense in the amount of reimbursement received as needed, to properly fund the training expense for the ineligible responders; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the Department of Health Emergency Medical Services Division, the County Comptroller, the Department of Law and to Dr. Gale Burstein, Commissioner, in the Erie County Department of Health.

(6-0)

2. COMM. 3E-14 (2013)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health Emergency Medical Services Division has a need for EMT students enrolled in EMT training to observe on ambulances; and

WHEREAS, Twin City Ambulance, Inc. has agreed to allow Emergency Medical Services Division EMT students enrolled in EMT training to observe on ambulances; and

WHEREAS, Twin City Ambulance, Inc. will provide supervision of students assigned to them by the Division; and

WHEREAS, the County will provide orientation and schedules and maintain records and reports on students' observation experience; and

WHEREAS, there is no cost to the County associated with this agreement.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with Twin City Ambulance, Inc. to allow Emergency Medical Services Division EMT students enrolled in EMT training to observe on Twin City ambulances; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law, and to Dr. Gale R. Burstein, Commissioner, in the Erie County Department, 9th Floor, 95 Franklin Street.

(6-0)

3. COMM. 3E-19 (2013)

COUNTY EXECUTIVE

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA) EmPower NY program delivers energy efficiency and energy use education to low-income New Yorkers and can provide access to electric and heating efficiency measures such as ENERGY STAR, lighting and refrigerators, insulation and air sealing, and In-Home energy education to reduce the energy bills of those served; and

WHEREAS, NYSERDA has recently entered into an agreement to pay the Department of Senior Services for each completed, and income verified, EmPower NY application processed; and

WHEREAS, the Department currently contracts with seven not-for-profit agencies, Community Concern of Western New York Inc.; Concerned Ecumenical Ministry to the Upper West Side of Buffalo, New York, Inc.; Lt. Col. Matt Urban Human Services Center of Western New York an assumed name of Polish Community Center of Buffalo, Inc.; People Inc.; Schiller Park Community Services Inc.; South Buffalo Community Association, Inc.; Town of Amherst by and through The Amherst Center for Senior Services, to provide case management services for seniors living in different geographic areas within the County; and

WHEREAS, the Department desires to share a portion of the additional NYSERDA revenue with these seven case management agencies, so as to provide a monetary incentive to help ensure as many eligible seniors as possible are reached in each agency's geographic area.

NOW, THEREFORE, BE IT

RESOLVED that the County Executive is hereby authorized to enter into agreements and amend the contracts with, Community Concern of Western New York Inc.; Concerned Ecumenical Ministry to the Upper West Side of Buffalo, New York, Inc.; Lt. Col. Matt Urban Human Services Center of Western New York an assumed name of Polish Community Center of Buffalo, Inc.; People Inc.; Schiller Park Community Services Inc.; South Buffalo Community Association, Inc.; Town of Amherst by and through The Amherst Center for Senior Services, and pay five dollars for each completed, and income verified EmPower NY application an agency submits to the Department of Senior Services during the period January 1, 2013 through March 31, 2014, and be it further

RESOLVED, that the budget for the Community Services for the Elderly grant (163CSE1213) which runs through March 31, 2103 be revised, to reflect anticipated revenue generated from NYSERDA's payments for completed applications, as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
APPROPRIATIONS				
Account	Description			
516010	Contractual Pymts –Non Profits	0	+6,000	6,000
516030	Maintenance Contracts	14,655	+12,000	26,655
530000	Other Expenses	69,110	<u>+6,000</u>	75,110
	Total Appropriation			
	Change		24,000	
466330	Other Local Match	3,000	+24,000	27,000

and be it further

RESOLVED, that the budget for the Community Services for the Elderly grant (163CSE1314) for the period April 1, 2013 through March 31, 2014 be revised, to reflect anticipated revenue generated from NYSERDA's payments for completed applications, as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
APPROPRIATIONS				
Account	Description			
516010	Contractual Pymts –Non Profits	0	+12,000	12,000
516030	Maintenance Contracts	15,100	+25,000	40,100
530000	Other Expenses	49,725	<u>+11,000</u>	60,725
	Total Appropriation			
	Change		48,000	

REVENUES

without the benefit of appropriate contemplation at best, or, at worst, disingenuous fee grabs cloaked as security measures; and

WHEREAS, the Webster provision's stiffer penalties for individuals who murder first responders in the course of their duties is appropriate and overdue; and

WHEREAS, the provision protecting information about registered gun owners is an effective way to reduce information to individuals who seek to commit crimes against an individual because of his or her status as gun owner, or not having the protection provided by a gun; and

WHEREAS, the provisions addressing mental health appear to be thoughtful efforts to address individuals who may use a weapon for illegal and violent purposes; and

WHEREAS, similarly, the safe storage provisions appear to be measures to keep weapons away from individuals who are shown to be more likely to use weapons for illegal and violent purposes, as well the provisions giving judges discretion to require surrender of a weapon by a person against whom an order of protection is granted; and

WHEREAS, the provision prohibiting the possession of a gun on a school bus or on school grounds without the written authorization of the school appears to be an effective way to separate children from guns, although probably not from people who seek to use guns for illegal and violent purposes; and

WHEREAS, unfortunately, the tougher assault weapons ban is overly inclusive and ineffective at reducing gun violence by individuals who use guns legally; and

WHEREAS, for example, the Remington 870, classic pump-action shotgun, a very common shotgun used by sportsmen, can be interpreted to fit the new definition of "assault weapon;" and

WHEREAS, further, unlike other provisions, this particular provision does not focus on individuals who use, or are a substantial threat to use, guns illegally and for violent purposes; and

WHEREAS, also, reducing the ammunition magazine size from ten to seven does little to reduce gun violence by individuals using guns illegally, and nothing to reduce gun violence by law abiding gun owners; and

WHEREAS, similarly, statewide recertification of handguns does not reduce the use of guns by individuals who seek to use them illegally; and

WHEREAS, rather, it has the appearance of being an effort by New York State government to fill its coffers with increased fees, without providing for a mechanism to fund county clerks to accommodate the increased workload resulting from this law; and

WHEREAS, the Second Amendment, "A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed," continues to be a part of the United States Constitution; and

WHEREAS, New York's SAFE Act appears to contain provisions which infringe upon the Second Amendment rights of its people; and

WHEREAS, as such, the New York SAFE Act should be repealed, revisited, carefully considered, revised and implemented in a manner that is respectful of the Second Amendment rights of New Yorkers.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby supports repeal and revision of the New York SAFE Act of 2013; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Governor Andrew Cuomo, Assembly Speaker Sheldon Silver, Senate Majority Leaders Dean Skelos and Jeffrey Klein and the local delegation to the New York State Legislature.

Item 30 – MS. MARINELLI presented the following resolution and moved for immediate consideration and approval. MR. HOGUES seconded.

CHAIR GRANT directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. RATH, CHAIR GRANT, MR. HOGUES, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MR. McCRACKEN. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

RESOLUTION NO. 43

RE: Calling on Governor Andrew M. Cuomo & the State Legislature to Amend Chapter 1 of the Laws of 2013, the NY SAFE Act, to Address Issues Related to County Costs & Implementation of Provisions Related to Mental Health, Record Keeping & Public Safety (INTRO 4-2)

A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MARINELLI, GRANT, HOGUES & McCRACKEN

WHEREAS, Chapter 1 of the Laws of 2013 is known as the New York Secure Ammunition and Firearms Enforcement (NY SAFE) Act; and

WHEREAS, the lawful ownership of firearms is, and has been, a valued tradition in the United States, and the rights protected by the Second Amendment to the United State Constitution are exercised by many of our residents; and

WHEREAS, the enactment of the NY SAFE Act (Chapter 1 of the Laws of 2013) has engendered significant controversy over both the process by which it was enacted and certain provisions contained within it; and

WHEREAS, the expedited process in crafting the NY SAFE Act resulted in complex policy changes, many of which have been left up to interpretation; and

WHEREAS, this legislation has 60 sections, of which only three take effect immediately; and

WHEREAS, this new law requires the local director of community services (county Commissioner of Mental Health) or his or her designee to receive reports from all mental health professionals who believe that their patient is likely to engage in conduct that would result in serious harm to self or others; and

WHEREAS, such local director of community services or designee must investigate each report to confirm the identity and professional status of such mental health practitioner, and to determine whether they agree with the practitioner's assessment; and

WHEREAS, upon such agreement with a reporting mental health practitioner, the DCS or designee shall be required to file a report with the Division of Criminal Justice Services; and

WHEREAS, NYS Department of Health SPARCS hospitalization data indicate that over 210,000 psychiatric unit discharges occurred in the 2010 calendar year, which may now be reported to Directors of Community Services under the Mental Hygiene Law 9.46 standard; and

WHEREAS, the reporting of all or even a portion of such psychiatric admissions to DCSs annually would require county governments to increase staff and would significantly increase local costs, not including the numerous other cases that will be reported by mental health practitioners in non-hospital settings; and

WHEREAS, the requirement that county Directors of Community Services and their designees receive, investigate, and file reports pursuant to the new Mental Hygiene Law 9.46 would create an unfunded mandate and new costs for counties who do not have the infrastructure or funds to implement; and

WHEREAS, this provision of the bill will be effective on March 16, 2013; and

WHEREAS, according to the New York State Association of County Clerks, NY SAFE also creates new requirements regarding pistol permit recertification which has been assigned to the State Police but will involve increased processing requirements for County Clerks offices where local applications are currently processed; and

WHEREAS, according to the New York State Sheriffs Association, NY SAFE will also increase requirements for Sheriffs who process and investigate permit applications; and

WHEREAS, NY SAFE expressly states that no costs of this law shall be borne by local governments, however many county departments will experience increased workload due to the new requirements this law creates.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body strongly encourage members of the New York State Legislature to hold public hearings to address the impact of this new law and the issue of gun violence in a way that will produce meaningful results; and be it further

RESOLVED, that the Erie County Legislature call on the Legislature and Governor Andrew M. Cuomo to work with counties to amend Chapter 1 of the Laws of 2013 in order to address the reporting process under the new Section 9.46 of Mental Hygiene Law and the permit recertification process under newly amended section 10B of the Penal Law; and be it further

RESOLVED, that certified copies of this resolution be conveyed to Governor Andrew Cuomo, the Western New York Delegation of the State Legislature and all others deemed necessary and proper.

Item 31 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 44

RE: Appointment to the EC Audit
Committee
(INTRO 4-3)

A RESOLUTION TO BE SUBMITTED BY
CHAIR GRANT

WHEREAS, the Erie County Legislature is required to designate among its membership one Majority Caucus member and one Minority Caucus member to the Erie County Audit Committee for the year 2013.

NOW, THEREFORE, BE IT

RESOLVED, that Legislator Lynn M. Marinelli is hereby reappointed as the Majority Caucus member of the Erie County Legislature to the Erie County Audit Committee for a term ending December 31, 2013; and be it further

RESOLVED, that Legislature Minority Leader John J. Mills is hereby reappointed as the Minority Caucus member of the Erie County Legislature to the Erie County Audit Committee for a term ending December 31, 2013; and be it further

RESOLVED, that a certified copy of this resolution be sent to the County Executive, Comptroller, and the Erie County Audit Committee.

Item 32 – CHAIR GRANT directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 4-4 from DIXON. Supporting Assembly Bill A. 3557 Placing Limitations on Secret Settlements.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 45

RE: Supporting the Local Government Efficiency Grant Application Submitted by Four School Districts that Serve Town of Cheektowaga Residents (INTRO 4-5)

A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MAZUR & McCracken

WHEREAS, the Cheektowaga Central School District, the Maryvale Union Free School District, the Cheektowaga-Sloan Union Free School District and the Cleveland Hill Union Free School District have expressed an interest in studying the potential operational efficiencies and cost savings that could accrue from various partnership, sharing and consolidation models; and

WHEREAS, it is in the best interests of the taxpayers of these districts, as well as the students, to explore every possible avenue for reducing costs that would have the lowest possible impact on the learning experience for students; and

WHEREAS, the aforementioned districts are compiling a joint application for Local Government Efficiency Grant monies from the New York State Department of State to fund the important research and analysis that must be undertaken to ascertain various opportunities for real cost savings.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body support the Local Government Efficiency Grant Application, RFA #12-LGE-17, submitted to the Division of Local Government Services of the New York State Department of State, a combined effort of the Cheektowaga Central, Maryvale Union Free, Cheektowaga-Sloan Union Free and Cleveland Hill Union Free School Districts in Cheektowaga; and be it further

RESOLVED, that certified copies of this resolution be conveyed to Governor Andrew Cuomo, the Division of Local Government Services of the New York State Department of State; Assemblyman Dennis Gabryszak, State Senator Timothy Kennedy and all others deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 46

RE: Encouraging Collaboration to Secure
NYS Grant Funding to Complete Local
Emergency 911 System Upgrades
(INTRO 4-6)

A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MARINELLI, McCRACKEN, GRANT, MILLS,
HARDWICK, RATH, MAZUR, DIXON & LORIGO

WHEREAS, the Erie County Department of Central Police Services (CPS) is responsible for the coordination and centralized support of services to all law enforcement and criminal justice agencies in Erie County, including Emergency 911 services; and

WHEREAS, during the previous administration, CPS began an \$8 million, multi-phase consolidation and improvement project to give County residents Enhanced 911 (E911) services; E911 is a service enhancement which immediately provides 911 dispatchers vital information about the caller and local first-responder agencies; and

WHEREAS, the E911 system upgrade was planned to be implemented in three phases based on call volume and was going to be largely funded through federal Homeland Security Funding and fewer said funds are now available than they were when this project was initially planned; and

WHEREAS, the first two phases of this project have been completed, but Erie County currently does not have the resources to fund the third phase; and

WHEREAS, as a result of not completing the third phase of the E911 project, many smaller municipalities in Erie County do not have access to the latest technology for this potentially life-saving service; and

WHEREAS, CPS has made completing this project a priority, and has applied for the "Public Safety Answering Points (PSAP) Consolidation, Improvements and Enhancement Grant" - a New York State (NYS) administered grant funding program available to Counties providing funds for costs leading to consolidation in PSAP operations, implementing new technologies that facilitate interoperability and create operating efficiencies, and to promote the development and implementation of cross-jurisdictional regional consolidation; and

WHEREAS, Erie County's application to receive grant funding from the NYS Division of Homeland Security and Emergency Services for the third phase of the E911 Project was rejected for the 2011-2012 funding cycle; and

WHEREAS, Erie County has re-applied for the 2012 PSAP Consolidation, Improvements and Enhancements Grant, requesting \$967,981 in funding from the State; and

WHEREAS, if awarded, the grant funding will allow the County to complete upgrades to E911 equipment in the Villages of Depew, East Aurora and Kenmore, as well as the Towns of Eden, Evans, Grand Island, Springville, and Helmuth Fire Control.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature declares it a priority for the County to complete the E911 consolidation project, as an essential component to residents' accessibility to emergency service providers in all regions of the County, and further declares that completion of the E911 Project is necessary and appropriate public policy for the County; and be it further

RESOLVED, that as the governing body of Erie County, this Legislature directs the Department of Central Police Services to work with our local delegation to the NYS Legislature, as well as affected local municipalities, in an effort to secure the 2012 Public Safety Answering Points Consolidation, Improvements and Enhancements Grant from the NYS Division of Homeland Security and Emergency Services; and be it further

RESOLVED, that CPS is further directed to report to this Legislature's Public Safety Committee within sixty days upon the passage of this resolution and update the committee on all efforts made to complete phase three of the E911 project; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive; local delegation to the NYS Legislature, Town/Village Boards and Police/Fire Chiefs of Depew, East Aurora, Kenmore, Eden, Evans, Grand Island, Springville; Helmuth Fire Control; Department of Central Police Services; and to the NYS Division of Homeland Security and Emergency Services.

MR. MAZUR moved to amend the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Delete the Resolution in its Entirety and Replace with the Following:

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

WHEREAS, the Erie County Department of Central Police Services (CPS) is responsible for the coordination and centralized support of services to all law enforcement and criminal justice agencies in Erie County, including Emergency 911 services; and

WHEREAS, during the previous administration, CPS began an \$8 million, multi-phase consolidation and improvement project to give County residents Enhanced 911 (E911) services; E911 is a service enhancement which immediately provides 911 dispatchers vital information about the caller and local first-responder agencies; and

WHEREAS, the E911 system upgrade was planned to be implemented in three phases based on call volume and was going to be largely funded through federal Homeland Security Funding and fewer said funds are now available than they were when this project was initially planned; and

WHEREAS, the first two phases of this project have been completed, but Erie County currently does not have the resources to fund the third phase; and

WHEREAS, as a result of not completing the third phase of the E911 project, many smaller municipalities in Erie County do not have access to the latest technology for this potentially life-saving service; and

WHEREAS, CPS has made completing this project a priority, and has applied for the “Public Safety Answering Points (PSAP) Consolidation, Improvements and Enhancement Grant” - a New York State (NYS) administered grant funding program available to Counties providing funds for costs leading to consolidation in PSAP operations, implementing new technologies that facilitate interoperability and create operating efficiencies, and to promote the development and implementation of cross-jurisdictional regional consolidation; and

WHEREAS, Erie County’s application to receive grant funding from the NYS Division of Homeland Security and Emergency Services for the third phase of the E911 Project was rejected for the 2011-2012 funding cycle; and

WHEREAS, Erie County has re-applied for the 2012 PSAP Consolidation, Improvements and Enhancements Grant, requesting \$967,981 in funding from the State; and

WHEREAS, if awarded, the grant funding will allow the County to complete upgrades to E911 equipment in the Villages of Depew, East Aurora and Kenmore, as well as the Towns of Eden, Evans, Grand Island, Springville, and Helmuth Fire Control.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature declares it a priority for the County to complete the E911 consolidation project, as an essential component to residents’ accessibility to emergency service providers in all regions of the County, and further declares that completion of the E911 Project is necessary and appropriate public policy for the County; and be it further

RESOLVED, that as the governing body of Erie County, this Legislature directs the Department of Central Police Services to work with our local delegation to the NYS Legislature, as well as affected local municipalities, in an effort to secure the 2012 Public Safety Answering Points Consolidation, Improvements and Enhancements Grant from the NYS Division of Homeland Security and Emergency Services; and be it further

RESOLVED, that CPS is further directed to report to this Legislature’s Public Safety Committee within thirty days upon the passage of this resolution and update the committee on all efforts made to complete phase three of the E911 project; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive; local delegation to the NYS Legislature, Town/Village Boards and Police/Fire Chiefs of Depew, East Aurora, Kenmore, Eden, Evans, Grand Island, Springville; Helmuth Fire Control; Department of Central Police Services; and to the NYS Division of Homeland Security and Emergency Services.

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

CHAIR GRANT directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. RATH, CHAIR GRANT, MR. HOGUES, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MR. McCracken. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

Item 35 – MR. MAZUR presented the following resolution and moved for immediate consideration. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 47

RE: Urging the Federal Aviation
Administration to Implement Safety
Regulations
(INTRO 4-7)

A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR RATH

WHEREAS, Colgan Air Flight 3407 crashed on February 12, 2009, resulting in the death of 50 individuals; and

WHEREAS, on February 2, 2010, the National Transportation Safety Board issued a final report, which indicated that the accident was caused by the pilots' inability to respond properly to stall warnings; and

WHEREAS, in large part due to the investigation of the accident, the Federal Aviation Administration (FAA) proposed several rules changes with the goal of improving air travel safety; and

WHEREAS, many of these changes were mandated by the Airline Safety and Federal Administrative Extension Act of 2010; and

WHEREAS, although many of the changes have been implemented, some changes still await implementation, three years after the law was passed by Congress and signed into law by the President; and

WHEREAS, the FAA Administrator stated recently that all of the rules would be implemented by October, 2013; and

WHEREAS, although there is debate as to the cost of implementation of the rules and the benefit to be derived from the rules changes, there is no debate as to the fact that improving pilot training will result in safety improvements; and

WHEREAS, these important rules legislated by Congress are the law of the land and must be implemented without delay.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests that FAA rules changes be implemented on schedule and without further delays; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to FAA Administrator Michael P. Huerta and the local delegation of the United States Congress.

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

CARRIED UNANIMOUSLY.

MR. MAZUR moved to approve the resolution as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

Item 36 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 4M-14 from DAVID W. POLAK ESQ. Re: Letter Concerning Purchase of Tax Lien

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 37 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO 4-8 from LEGISLATOR HOGUES. Re: Encouraging Involvement of Nearby Residents on Economic Development Opportunity Panel, in Its Work to Strengthen the Community Surrounding the Buffalo Niagara Medical Campus

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 38 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 4D-13 from the DIRECTOR OF BUDGET & MANAGEMENT. Re: Letter to Comptroller Concerning Comptroller Office Reorganization

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 39 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 4M-15 from the ECFSA. Re: Analysis of EC Revised Four Year Plan

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 40 – (COMM. 4E-1) 2013-2016 Revised EC Four-Year Financial Plan

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 41 – (COMM. 4E-2) Response to the Revised 2013-2016 Four-Year Plan

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CHAIR GRANT & LEGISLATORS MAZUR, HOGUES, MARINELLI, LOUGHRAN & McCracken

Item 42 – (COMM. 4E-3) Nomination Petition for Appointment of Commissioner of the EC Water Authority

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

GRANTED.

Pursuant to Public Authorities Law Section 1053(1), the undersigned, being a majority of the members of the duly elected Democratic Party Erie County Legislators for the term beginning January 1, 2012, at a meeting of the Democratic Party Caucus on February 14, 2013, at the Erie County Hall in the

City of Buffalo, New York, do hereby nominate CHRISTOPHER J. O'BRIEN, 25 Crosby Blvd., Amherst, NY 14226 for Commissioner of the Erie County Water Authority for the full three (3) year term commencing April 28, 2013 and expiring April 27, 2016.

Timothy R. Hogues
1st District

Betty Jean Grant
2nd District

Lynn M. Marinelli
3rd District

Thomas A. Loughran
5th District

Thomas J. Mazur
7th District

Terrence D. McCracken
8th District

CHAIR GRANT directed that the agenda be taken out of order and the next item to be considered would be COMM. 4E-12.

GRANTED.

FROM CHAIR GRANT

Item 43 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 48

RE: Appointment of Commissioner to the
ECWA
(COMM. 4E-12)

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of CHRISTOPHER J. O'BRIEN, 25 Crosby Blvd., Amherst, NY 14226, as Commissioner of the Erie County Water Authority for a three (3) year term commencing April 28, 2013 and expiring April 27, 2016.

CHAIR GRANT directed that the agenda return to COMM. 4E-4.

GRANTED.

FROM THE COUNTY EXECUTIVE

Item 44 – (COMM. 4E-4) Consultant Contract for Falls Prevention Grant

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM LEGISLATOR MAZUR

Item 45 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 49

RE: Letter of Recommendation for
Appointment to the Citizens' Budget
Review Commission
(COMM. 4E-5)

RESOLVED, that the Erie County Legislature does hereby appoint GREGORY B. OLMA, 615 Fillmore Ave., Buffalo, NY 14212, as a member of the Citizens' Budget Review Commission, upon the recommendation of the Erie County Legislature Majority Leader and pursuant to Local Law No. 2 of 2012, for a term that will expire on 12/31/2013.

FROM THE COUNTY EXECUTIVE

Item 46 – (COMM. 4E-6) Reappointment to the EC Traffic Safety Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 47 – MR. MAZUR presented the following resolution and moved for immediate consideration. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 50

RE: Welded Tube Project at Former
Bethlehem Steel Site (Placeholder)
(COMM. 4E-7)

MR. MAZUR moved to amend the item. MR. McCracken seconded.

CARRIED UNANIMOUSLY.

Delete the Communication in its Entirety and Replace with the Following:

WHEREAS, the County of Erie is interested in the fostering of business growth and job creation within Erie County; and

WHEREAS, Erie County desires to encourage the sound reuse of urban brownfields for productive use, be it industrial, commercial or recreational; and

WHEREAS, the former Bethlehem Steel site in the City of Lackawanna is now owned by Tecumseh Redevelopment Inc., and that Tecumseh Redevelopment Inc., the City of Lackawanna and the County of Erie entered into a Memorandum of Understanding on April 12, 2005, to work cooperatively toward the goal of the redevelopment of this underutilized site; and

WHEREAS, the County of Erie, City of Lackawanna, Lackawanna Community Development Corporation, Erie County Industrial Development Agency, South Buffalo Railway, Gateway Trade Corporation and Tecumseh Redevelopment Incorporated have worked and continue to work cooperatively toward achieving the redevelopment of the former Bethlehem Steel Site; and

WHEREAS, the installation of a waterline and site access road, opposite Dona Street, is required by one of the first major companies at the site, Welded Tube; and

WHEREAS, said waterline and site access road are vital to the redevelopment of the former Bethlehem Steel site for purposes of economic development; and

WHEREAS, the installation of the waterline by June 1, 2013 is necessary for Welded Tube to start productive operations; and

WHEREAS, the County intends to enter into municipal cooperation agreements with Welded Tube, the City of Lackawanna, Tecumseh Redevelopment Inc., the Erie County Water Authority, and any other necessary party in order to aid in the construction and installation of a waterline and site access road; and

WHEREAS, the County's legal and ministerial requirements prevent it from completing the waterline work by June 1, 2013; and

WHEREAS, the County Legislature has previously approved the sale of the General Obligation Bonds for improvements at this site and funds for this project will be available through Comm. 3E-7, the 2013 consolidated bond resolution dated February 7, 2013 (2013 Bethlehem Steel Redevelopment Project) providing bond funds in the amount of up to \$1.9 million; and

WHEREAS, in order to meet the deadline of June 1, 2013, Welded Tube has agreed to perform the construction and installation of the waterline on the condition that the County purchase said asset from Welded Tube once construction has been completed; and

WHEREAS, the County is willing to allow Welded Tube to construct the necessary waterline on the condition that Welded Tube follow all laws and regulations applicable to the County; and

WHEREAS, upon construction of the site access road, the County will transfer ownership, operation and maintenance of the waterline to the Erie County Water Authority.

NOW, THEREFORE, BE IT

RESOLVED, that the installation of a waterline and site access road are vital to the redevelopment of the former Bethlehem Steel site for purposes of economic development; and be it further

RESOLVED, that the County Executive is authorized to enter into Agreement with Welded Tube, the City of Lackawanna, and other necessary parties, in an amount not to exceed \$600,000, for the purpose of constructing, installing, and ultimately purchasing a waterline on the former Bethlehem Steel Site, across from Dona Street; and be it further

RESOLVED, that Welded Tube shall construct the waterline in accordance with plans and specifications supplied to them by the County of Erie's Department of Public Works and subject to all laws and regulations applicable to the County; and be it further

RESOLVED, that once construction of the waterline has been completed, the County will purchase the asset from Welded Tube; and be it further

RESOLVED, that bond funds for said purchase will be available through Comm. 3E-7, the 2013 consolidated bond resolution dated February 7, 2013 (2013 Bethlehem Steel Redevelopment Project) in the amount of up to \$1.9 million; and be it further

RESOLVED, that the County will transfer ownership, operation and maintenance of the waterline to the Erie County Water Authority after the site access road has been constructed; and be it further

RESOLVED, that the County Executive is authorized to enter into a site access road Master Agreement which will outline the roles and responsibilities of all necessary parties as they relate to the construction, ownership, and operation of site access road on the Bethlehem site; and be it further

RESOLVED, that five (5) 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, Department of Environment and Planning, the Office of the Comptroller and the Division of Budget.

MR. MAZUR moved to approve the item as amended. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 48 – (COMM. 4E-8) West Valley Demonstration Project Funding

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 49 – (COMM. 4E-9) Old County Hall - Exterior Waterproofing & Improvement

Item 50 – (COMM. 4E-10) Federal Aid Project Agreement - NYSDOT - Sherwood Greenway Multi-Use Trail - Construction & Construction Inspection Phase - Tonawanda, NY

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

Item 51 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 51

RE: Authorization to Receive Asset
Forfeiture Funds from the U.S.

Department of Justice
(COMM. 4E-11)

WHEREAS, the U. S. Department of Justice has accepted the Probation Department into the Equitable Sharing program for state and local Law Enforcement Agencies to share federally forfeited property in accordance with Section 881(e)(3) of Title 21, United States Code; and

WHEREAS, the Erie County Department of Probation as a participant in the FBI Safe Streets Task Force is engaged in the investigation, arrest, and/or prosecution of illicit drug trafficking in Erie County, and thus entitled to share in monies that are received by the FBI Safe Streets Task force when funds or assets are seized in the course of an investigation; and

WHEREAS, the Erie County Probation Department must sign an annual Equitable Sharing Agreement and Certification in order to receive these funds; and

WHEREAS, the County Legislature has previously approved resolution Int.# 23-3 adopted on December 1, 1994 governing the use of both Federal and State Forfeiture Funds for the Sheriff's Office, this is the same program which the Probation department has been participating in through the FBI Safe Streets Task Force.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an Equitable Sharing Agreement and Certification for the Probation Department to accept forfeiture funds from the U.S. Department of Justice (USDOJ); and be it further

RESOLVED, that with the Comptroller's Office that said asset forfeiture funds shall be deposited and held in Trust for the Probation Department; and be it further

RESOLVED, that said Asset Forfeiture funds shall be appropriated through the Legislative process for law enforcement purposes as delineated as permissible uses in the Equitable Sharing guideline for State and Local Law Enforcement Agencies; and be it further

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

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE CLERK OF LEGISLATURE

Item 52 – (COMM. 4D-1) Letter to Majority Leader & Minority Leader of Legislature - RE: Appointment/Reappointment of Commissioner of the ECWA

Received, Filed and Printed.

February 5, 2013

To: Hon. Thomas J. Mazur, Majority Leader
Hon. John J. Mills, Minority Leader

From: Robert M. Graber, Clerk

Subject: Appointment/Reappointment of Commissioner
of the Erie County Water Authority

I have been informed that a term for a Commissioner of the Erie County Water Authority will expire on April 27, 2013.

Pursuant to Section 1053 of the Public Authorities Law, the appointment to the Erie County Water Authority shall be made for a term of three (3) years and shall be made by the Chair of the Legislature of the County of Erie, pursuant to nominations in writing by the majority, respectively, of the legislators of each political party represented on such legislature, subject to confirmation by a majority of such legislators. All members shall continue to hold office until their successors are appointed and qualified.

Public Authorities Law Section 1053 provides that each political party represented on the Legislature has the opportunity, if it so chooses, to submit its nomination by a majority of the party in writing.

Therefore, you are hereby giving notice of a expiration of a term of a Commissioner of the Erie County Water Authority, and you have an opportunity to submit a written nomination if you choose. For your information, it is anticipated that the Chair of the Legislature will make the appointment, subject to confirmation by the Legislature, for this position at the session scheduled for February 21, 2013.

Thank you.

FROM THE COMPTROLLER'S OFFICE

Item 53 – (COMM. 4D-2) Letter to Director of Budget & Management Concerning County Cash Flow

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 54 – (COMM. 4D-3) Letter to Commissioner of Social Services Concerning Audit of Medicaid & Public Assistance Units

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 55 – (COMM. 4D-4) Transmittal of New Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMMISSIONER OF SOCIAL SERVICES

Item 56 – (COMM. 4D-5) Response Letter Concerning Attendance at Health & Human Services Committee Meeting

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COMPTROLLER'S OFFICE

Item 57 – (COMM. 4D-6) Copy of Letter to NYS Medicaid Inspector General Concerning Medicaid Eligibility Recertification

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE CLERK OF LEGISLATURE

Item 58 – (COMM. 4D-7) Letter to Legislator Dixon - RE: Appointment/Reappointment of Commissioner of the ECWA

Received, Filed and Printed.

February 12, 2013

To: Hon. Lynne M. Dixon, Erie County Legislator
9th District

From: Robert M. Graber, Clerk

Subject: Appointment/Reappointment of Commissioner
of the Erie County Water Authority

I have been informed that a term for a Commissioner of the Erie County Water Authority will expire on April 27, 2013.

Pursuant to Section 1053 of the Public Authorities Law, the appointment to the Erie County Water Authority shall be made for a term of three (3) years and shall be made by the Chair of the Legislature of the County of Erie, pursuant to nominations in writing by the majority, respectively, of the legislators of each political party represented on such legislature, subject to confirmation by a majority of such legislators. All members shall continue to hold office until their successors are appointed and qualified.

Public Authorities Law Section 1053 provides that each political party represented on the Legislature has the opportunity, if it so chooses, to submit its nomination by a majority of the party in writing.

Therefore, you are hereby giving notice of a expiration of a term of a Commissioner of the Erie County Water Authority, and you have an opportunity to submit a written nomination if you

choose. For your information, it is anticipated that the Chair of the Legislature will make the appointment, subject to confirmation by the Legislature, for this position at the session scheduled for February 21, 2013.

Thank you.

Item 59 – (COMM. 4D-8) Letter to Legislator Lorigo - RE: Appointment/Reappointment of Commissioner of the ECWA

Received, Filed and Printed.

February 12, 2013

To: Hon. Joseph C. Lorigo, Erie County Legislator
10th District

From: Robert M. Graber, Clerk

Subject: Appointment/Reappointment of Commissioner
of the Erie County Water Authority

I have been informed that a term for a Commissioner of the Erie County Water Authority will expire on April 27, 2013.

Pursuant to Section 1053 of the Public Authorities Law, the appointment to the Erie County Water Authority shall be made for a term of three (3) years and shall be made by the Chair of the Legislature of the County of Erie, pursuant to nominations in writing by the majority, respectively, of the legislators of each political party represented on such legislature, subject to confirmation by a majority of such legislators. All members shall continue to hold office until their successors are appointed and qualified.

Public Authorities Law Section 1053 provides that each political party represented on the Legislature has the opportunity, if it so chooses, to submit its nomination by a majority of the party in writing.

Therefore, you are hereby giving notice of a expiration of a term of a Commissioner of the Erie County Water Authority, and you have an opportunity to submit a written nomination if you choose. For your information, it is anticipated that the Chair of the Legislature will make the appointment, subject to confirmation by the Legislature, for this position at the session scheduled for February 21, 2013.

Thank you.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 60 – (COMM. 4D-9) Letter to ECFSA Concerning Comptroller's Memorandum Regarding 2013-2016 Revised EC Four Year Financial Plan

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DEPUTY COUNTY EXECUTIVE

Item 61 – (COMM. 4D-10) Copy of Letter to NYS Medicaid Inspector General Concerning Audit Request

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 62 – (COMM. 4D-11) Letter to ECFSA Concerning Comptroller Remarks to ECFSA Finance Committee

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 63 – (COMM. 4D-12) Letter to EC Chief Medical Examiner Concerning Appearance Before Health & Human Services Committee

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM JOSEPH N. WEISS

Item 64 – (COMM. 4M-1) Letter of Interest in Serving as a Commissioner for the EC Water Authority

Received and Filed.

FROM JEFFREY D. BRZYSKI

Item 65 – (COMM. 4M-2) Letter of Interest in Serving as a Commissioner for the EC Water Authority

Received and Filed.

FROM JOHN O'DONNELL

Item 66 – (COMM. 4M-3) Letter of Interest in Serving as a Commissioner for the EC Water Authority

Received and Filed.

FROM J. MARK ROBINSON

Item 67 – (COMM. 4M-4) Letter of Interest in Serving as a Commissioner for the EC Water Authority

Received and Filed.

FROM VISIT BUFFALO NIAGARA

Item 68 – (COMM. 4M-5) Copy of 4th Quarter Report for 2012

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM DANIEL G. GURNETT JR.

Item 69 – (COMM. 4M-6) Letter of Interest in Serving as a Commissioner for the EC Water Authority

Received and Filed.

FROM GREGORY S. JACKSON

Item 70 – (COMM. 4M-7) Letter of Interest in Serving as a Commissioner for the EC Water Authority

Received and Filed.

FROM LOUIS IZZO

Item 71 – (COMM. 4M-8) Letter of Interest in Serving as a Commissioner for the EC Water Authority

Received and Filed.

FROM PATRICIA E. WOLFSOHN

Item 72 – (COMM. 4M-9) Letter of Interest in Serving as a Commissioner for the EC Water Authority

Received and Filed.

FROM JOSEPH A. MASCIA

Item 73 – (COMM. 4M-10) Letter of Interest in Serving as a Commissioner for the EC Water Authority

Received and Filed.

FROM THE BUFFALO COMMON COUNCIL

Item 74 – (COMM. 4M-11) Letter to Legislature Concerning Commissioner of Health's Attendance at Meeting Held 1/29/2013

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM FRANK J. SPARACINO

Item 75 – (COMM. 4M-12) Letter of Interest in Serving as a Commissioner for the EC Water Authority

Received and Filed.

FROM THE BUFFALO COMMON COUNCIL

Item 76 – (COMM. 4M-13) Copy of Resolution Supporting the Greater Buffalo Sports & Entertainment Complex

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

ANNOUNCEMENTS

Item 77 – CHAIR GRANT announced that the schedule of upcoming committee meetings has been distributed.

Item 78 – MS. MARINELLI announced that the next meeting of the Legislature's Community Enrichment Committee will include a presentation by ECC officials of their mid-year budget.

MEMORIAL RESOLUTIONS

Item 79 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of George W. Sowinski, Deborah O'Connor, former Kenmore police chief Carl LaCorte, and Kerry Van Cott.

Item 80 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Kerry Van Cott.

Item 81 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of former Kenmore police chief Carl LaCorte and Lawrence O'Connor.

Item 82 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Yvonne Serafini.

Item 83 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of Anne (Grace) Herzog.

ADJOURNMENT

Item 84 - At this time, there being no further business to transact, CHAIR GRANT announced that the Chair would entertain a Motion to Adjourn.

MR. MAZUR moved that the Legislature adjourn until Thursday, March 7, 2013 at 2:00 p.m. Eastern Standard Time. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

CHAIR GRANT declared the Legislature adjourned until Thursday, March 7, 2013 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE