

**ERIE COUNTY LEGISLATURE
MEETING NO. 8
APRIL 25, 2013**

The Legislature was called to order by Chair Grant.

All members present.

An Invocation was held, led by Mr. McCracken, who requested a moment of silence in remembrance of those affected by the recent tragedies in the country.

The Pledge of Allegiance was led by Mr. Hogues.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. MAZUR moved for the approval of the minutes for Meeting Number 7 from 2013. MR. McCRACKEN seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MS. MARINELLI presented a resolution Congratulating the Taoist Tai Chi Society of Buffalo on Hosting a National Workshop from April 26-28, 2013.

Item 6 – MS. MARINELLI presented a resolution Congratulating Len Lenihan on Receiving the Newstead Democratic Committee's FDR Award for Outstanding Commitment to Community, Family & Party.

Item 7 – MR. MAZUR presented a memorial resolution Honoring the Life of Robert "Bob" Pacholski.

Item 8 – MR. MAZUR presented a memorial resolution Honoring the Life of Christine L. (Koenig) Jeffords.

Item 9 – MR. LOUGHRAN presented a resolution Congratulating Russ Salvatore on His 80th Birthday & Wishing Him Many Years of Good Health & Prosperity in the Future.

Item 10 – MR. HARDWICK presented a resolution Honoring Beverly A. Kinney on Being Awarded the Community Service Award for 2012 by the Grand Island Chamber of Commerce.

Item 11 – MR. HARDWICK presented a resolution Honoring Paul Leuchner on Being Named 2012 Civic Person of the Year by the Grand Island Chamber of Commerce.

Item 12 – MR. HARDWICK presented a resolution Honoring Kevin Backus on Being Awarded the 2012 Ministry Award by the Grand Island Chamber of Commerce.

Item 13 – MR. HARDWICK presented a resolution Honoring Martin T. Allen on Being Named 2012 Educator of the Year by the Grand Island Chamber of Commerce.

Item 14 – MR. HARDWICK presented a resolution Honoring Carol Veach on her Retirement and 15 Years of Dedicated Service to the City of Tonawanda Library.

Item 15 – MR. HARDWICK presented a resolution Honoring James H. Watz on Being Awarded the Performing Arts Award by the Grand Island Chamber of Commerce.

Item 16 – MR. HARDWICK presented a resolution Honoring Linda Tufillaro on Being Awarded the Lifetime Achievement Award for 2012 by the Grand Island Chamber of Commerce.

Item 17 – MR. HARDWICK presented a resolution Honoring Wavelengths Hair Designs on Being Named 2012 Business of the Year by the Grand Island Chamber of Commerce.

Item 18 – MR. HARDWICK presented a resolution Honoring John T. Wozer for His Service and Commitment to His Country.

Item 19 – MR. MAZUR presented a memorial resolution Honoring the Life of Marc A. Weinfeld.

Item 20 – MR. McCRACKEN presented a memorial resolution Remembering the Life of Dorothy A. Gwitt of Lancaster.

Item 21 – CHAIR GRANT, MS. DIXON & MR. HOGUES presented a resolution Honoring Ronisha Jones, Erin Ruffins, Giovanni Montalvo & William Reddick Upon Their Successful Completion & Graduation from Skyview's NY Youth Works Job Training Program.

Item 22 – MR. MAZUR presented a memorial resolution Remembering the Life of John A. Rzeszot of Cheektowaga.

Item 23 – MR. RATH presented a resolution Honoring the Clarence Town Park Club House for Being Named to the National Register of Historic Places.

Item 24 – MR. MILLS presented a resolution Congratulating Erik M. Dash, Troop 421, on Attaining the Rank of Eagle Scout.

Item 25 – MS. DIXON presented a resolution Honoring Jacob Stephen Jaskula for Attaining the Rank of Eagle Scout.

Item 26 – MS. DIXON presented a resolution Honoring Joseph William Kwiatkowski for Attaining the Rank of Eagle Scout.

Item 27 – MS. DIXON presented a resolution Honoring Thomas Joseph Wzientek for Attaining the Rank of Eagle Scout.

Item 28 – MS. MARINELLI presented a resolution Congratulating Lori Hint of the Airport Courtyard Marriott on Receiving Visit Buffalo Niagara’s 2013 Beacon Award for Lodging Employee of the Year.

Item 29 – MS. MARINELLI presented a resolution Congratulating Holly Homesburger of the Hyatt Regency Buffalo on Receiving Visit Buffalo Niagara’s 2013 Beacon Award for Lodging Manager of the Year.

Item 30 – MS. MARINELLI presented a resolution Congratulating Jay Dellavecchia of the Hyatt Regency Buffalo on Receiving Visit Buffalo Niagara’s 2013 Beacon Award for Lodging General Manager of the Year.

Item 31 – MS. MARINELLI presented a resolution Congratulating Denise Prince of Buffalo Tours on Receiving Visit Buffalo Niagara’s 2013 Beacon Award for Tourism Volunteer of the Year.

Item 32 – MS. MARINELLI presented a resolution Congratulating Patrick Kavanagh of Forest Lawn Cemetery on Receiving Visit Buffalo Niagara’s 2013 Beacon Award for Tourism Employee of the Year.

Item 33 – MS. MARINELLI presented a resolution Congratulating William Vanecek of the NFTA on Receiving Visit Buffalo Niagara’s 2013 Beacon Award for Tourism Executive of the Year.

Item 34 – MS. MARINELLI presented a resolution Congratulating Christa Glennie Seychew of Culinary Tourism on Receiving Visit Buffalo Niagara’s 2013 Beacon Award for Tourism Initiative of the Year.

Item 35 – MS. MARINELLI presented a resolution Congratulating Phyllis Pierce on Receiving Visit Buffalo Niagara’s 2013 Beacon Award for Buffalo Ambassador of the Year.

Item 36 – MS. MARINELLI presented a resolution Recognizing the 61 Recipients of Visit Buffalo Niagara’s Distinguished Service Award at the Upcoming Travel and Tourism Beacon Awards Luncheon on May 1.

Item 37 – MS. MARINELLI presented a resolution Thanking the More than 200 Volunteers Who Will Be Recognized by Visit Buffalo Niagara at the Upcoming Travel and Tourism Beacon Awards Luncheon on May 1.

Item 38 – MS. MARINELLI presented a resolution Commending the Colon Cancer Alliance, Organizers of the Buffalo Undy 5000 Walk, for Raising Awareness of Colorectal Cancer.

Item 39 – MR. HOGUES presented a memorial resolution Honoring the Life of Dorothy Jean Gross.

Item 40 – CHAIR GRANT, MR. MAZUR, MR. HOGUES & MS. MARINELLI presented a resolution Commemorating the Month of April 2013 as Child Abuse Awareness Month by Recognizing the Resilience & Saluting Those Who Have Overcome Child Abuse & Neglect & Who Now Help Heal & Mentor Others.

Item 41 – MS. MARINELLI, CHAIR GRANT & MR. MAZUR presented a resolution Recognizing Tourism Week (May 4-12) & Congratulating Visit Buffalo Niagara on Hosting the Third Annual Travel & Tourism Beacon Awards on May 1, 2013.

Item 42 – CHAIR GRANT, MR. MAZUR, MR. MILLS, MR. HOGUES, MS. MARINELLI, MR. HARDWICK, MR. LOUGHRAN, MR. RATH, MR. McCracken, MS. DIXON & MR. LORIGO presented a memorial resolution Honoring the Life of Helen M. Howard.

MR. MAZUR moved for consideration of the above thirty-eight items. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved to amend the above thirty-eight items by including Et Al Sponsorship. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved for approval of the above thirty-eight items as amended. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 43 – CHAIR GRANT directed that Local Law No. 1 (Print #1) 2012 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 44 – CHAIR GRANT directed that Local Law No. 3 (Print #1) 2012 remain on the table and in the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Item 45 – CHAIR GRANT directed that Local Law No. 1 (Print #1) 2013 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 46 – CHAIR GRANT directed that Local Law No. 2 (Print #1) 2013 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 47 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 96

April 16, 2013	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 1E-1 (2013)
COMPTROLLER: “EC Health Department Audit of Selected Grants”
(4-0)
 - b. COMM. 6D-1 (2013)
DEPARTMENT OF SOCIAL SERVICES: “Copy of Legislative District Breakdowns of Poverty Levels & SCR Reports”
(4-0)
 - c. COMM. 7M-3 (2013)
ECMCC: “2012 Annual Report”
(4-0)
2. INTRO 7-3 (2013)
MAZUR, GRANT, HOGUES & MARINELLI
WHEREAS, the New York State Medicaid Redesign Team (MRT) has recommended that all Medicaid beneficiaries be enrolled in Medicaid managed care and that all services be included and paid for through managed care plans and/or similar risk-based arrangements by 2014; and

WHEREAS, Governor Cuomo’s Executive Order #84 of 2012 calls for a statewide plan to implement the landmark “Olmstead Decision” of 1999 to comply with the Americans with Disabilities Act’s requirement that people with disabilities be served in the most integrated setting appropriate to their needs; and

WHEREAS, Article XVII of the New York State Constitution establishes that the “aid, care support of the needy are public concerns and shall be provided by the state and by such of its subdivisions; and

WHEREAS, the implementation of full Medicaid Managed Care, Special Needs Plans, Behavioral Health Organizations and other Medicaid Redesign initiatives are anticipated to produce significant savings in State and Federal Medicaid spending; and

WHEREAS, the State Department of Health has submitted a waiver proposal to the Center for Medicare and Medicaid Services (CMS) to reinvest \$10 billion of the federal share of MRT savings back into New York State health and mental hygiene services, supports and housing; and

WHEREAS, State investments in Medicaid reform initiatives have been enacted with corresponding State Budget reductions in local assistance for mental health services, and the suspension of NYS Mental Hygiene Law 41.55 known as the “Community Mental Health Support and Workforce Reinvestment Program;” and

WHEREAS, local assistance reductions and the suspension of the Community Reinvestment Law significantly limit the flexible community supports for people with serious mental illness who have diverse strengths and needs; and

WHEREAS, localities and providers are actively working to ease transitions of people with serious mental illness from correctional and other institutional settings, and to enhance their health, safety and stability in the community; and

WHEREAS, reductions in local assistance for community mental health are contrary to the need to build local service capacity and required local planning for “most integrated setting” treatment, support and institutional transitions for people with serious mental illness; and

WHEREAS, under Article 41 of Mental Hygiene Law, Erie County is charged with planning for such necessary services for all persons, in compliance with all federal, state and local laws.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature call on the Governor and the New York State Department of Health to reinvest a portion of savings from Medicaid Managed Care and other Medicaid Redesign initiatives to allow localities to develop the needed community mental health services and supports, and to provide opportunities for ADA compliant living, responsible transitions from correctional and hospital settings and healthier communities; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor Andrew M. Cuomo; Nirav R. Shah, M.D., M.P.H, Commissioner of the NYS Department of Health; Kristin M. Woodlock, RN, MPA, Acting Commissioner of the Office of Mental Health; Ellery Reaves, MPA, Commissioner of the Erie County Department of Mental Health; Gale Burstein, M.D., Commissioner of the Erie County Department of Health and all others deemed necessary and proper.
(4-0)

3. COMM. 7E-14 (2013)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health’s Division of Health has two rooms available at the Jesse E. Nash Center located at 608 William St; and

WHEREAS, Erie County strives to collaborate with the NYS Department of Health whenever reasonable; and

WHEREAS, protecting the health of Erie Counties Fish-Eating population is an important task; and

WHEREAS, Health Research Incorporated has been contracted by NYS to study the safety of consuming Great Lakes fish; and

WHEREAS, Health Research Incorporated has offered to pay Erie County \$350 to utilize two rooms at 608 William St. one day a week; and

WHEREAS, Health Research Incorporated will utilize said space until 150 Erie County residents have been surveyed and tested.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract and receive reimbursement from Health Research Incorporated for the provision of office space; and be it further

RESOLVED, that the term of this contract shall commence on April 1, 2013 and end on December 31, 2013; 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 of Health.

(4-0)

4. COMM. 7E-15 (2013)
COUNTY EXECUTIVE

WHEREAS, the Early Intervention program is a critical component of Erie County's Public Health apparatus; and

WHEREAS, the Early Intervention program assists any child with special needs and is a mandated service; and

WHEREAS, New York State has taken steps to streamline and cut costs associated with early intervention; and

WHEREAS, amendments to Section 2557, by Chapter 56 of the Laws of 2012 authorizes the New York State Department of Health to contract with a fiscal agent for the fiscal management and payment of early intervention claims.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the New York State Department of Health to facilitate payments to New York State and/or the New York State Department of Health's chosen fiscal agent under the Early Intervention Program; and be it further

RESOLVED, that the term of this contract shall commence on April 15, 2013; 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 of Health.

(4-0)

THOMAS J. MAZUR
CHAIR

Item 48 – MS. MARINELLI presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 97

April 16, 2013	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT.
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 7E-10 (2013)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the *re*appointment of the following individual to the Buffalo & EC Public Library Board of Trustees:

<u>Name & Address</u>	<u>Term Expires</u>
Ms. Elaine Panty 28 Henrietta Avenue Buffalo, NY 14207	December 31, 2017

(6-0)

LYNN M. MARINELLI
CHAIR

Item 49 – MR. MAZUR presented the following report, moved to separate item Number 3, and moved to approve the balance of the report. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 98

April 16, 2013	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 5
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 2D-7 (2013)
DIRECTOR OF BUDGET & MANAGEMENT: "Letter to Comptroller Concerning Reorganization Plan - Request for New Positions"
(5-0)
 - b. COMM. 5M-1 (2013)
FULTON COUNTY BOARD OF SUPERVISORS: "Copy of Resolution Urging Congress to Amend the Federal Property & Administrative Services Act of 1949 Regarding Purchasing of Professional Services"
(5-0)
 - c. COMM. 5M-5 (2013)
LEGAL AID BUREAU OF BUFFALO, INC.: "Copy of Financial Statements, Annual Report & Minutes from Annual Board of Directors Meeting Held on 6/21/2012"
(5-0)
 - d. COMM. 5M-7 (2013)
JANIS MIDDLEBROOKS: "Letter to Legislature Concerning NYS Correction Officer William J. Middlebrooks, Jr. Retirement"
(5-0)
 - e. COMM. 5M-10 (2013)
BRANT TOWN BOARD: "Copy of Resolution Concerning Justice Court Funding"
(5-0)
 - f. COMM. 6E-1 (2013)
COMPTROLLER: "Compilation & Analysis Concerning Number of Employees Costing Taxpayers Over \$100,000 in Salary & Benefits in 2012"
(5-0)
 - g. COMM. 6D-2 (2013)
DIRECTOR OF BUDGET & MANAGEMENT: "Letter to Legislature Concerning Comptroller's Review on County Employees "Costing Over \$100,000"
(5-0)
 - h. COMM. 6D-6 (2013)

COUNTY ATTORNEY: "Transmittal of New Claims Against EC"
(5-0)

- i. COMM. 6M-3 (2013)
ELMA TOWN BOARD: "Minutes from Meeting Held 2/27/2013"
(5-0)
- j. COMM. 6M-4 (2013)
GRAND ISLAND TOWN BOARD: "Resolutions Concerning NYS SAFE Act, West River Parkway & Foreclosures/Vacant Properties"
(5-0)
- k. COMM. 6M-5 (2013)
ASSIGNED COUNSEL PROGRAM: "Quarterly Report for the 4th Quarter of 2012"
(5-0)
- l. COMM. 6M-6 (2013)
ASSIGNED COUNSEL PROGRAM: "Financial Report for the Period of 7/1/2012 - 12/31/2012"
(5-0)
- m. COMM. 7D-6 (2013)
COUNTY ATTORNEY: "Transmittal of New Claims Against EC"
(5-0)

2. INTRO 4-4 (2013)
DIXON
WHEREAS, secret settlements are agreements entered into between litigants in order to settle a legal dispute without going to trial; and

WHEREAS, settlements are preferable to trials, due both to the somewhat decreased expense to taxpayers and because the agreement is freely entered into by the parties, rather than having a verdict imposed upon the parties; and

WHEREAS, however, settlements reduce the amount of valuable information available to consumers, whose taxes pay for the court system used to arrive at the settlement; and

WHEREAS, for example, a secret settlement could be used to cover up a product defect that might result in the death of a consumer, a product which a consumer could have avoided with more information; and

WHEREAS, as another example, a secret settlement could also be used to cover up inappropriate behavior at a daycare or community organization, putting children at further risk of being subjected to inappropriate behavior; and

WHEREAS, in the governmental realm, a secret settlement could be used to cover up failure of officials to avoid hazardous conditions created by governmental negligence, such as failure to repair a roadway, cover up inappropriate behavior of a governmental official, such as a workplace

harassment claim, or cover up settlement of frivolous claims as a favor to generous campaign donors; and

WHEREAS, New York State Assembly Bill A. 3554 would place limitations on secret settlements in New York involving a public body or institution, a public hazard or public harm, such as is done in other states.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports consideration, passage and implementation of New York State Assembly Bill A. 3554, as well as any companion bill in the New York State Senate; 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.
(5-0)

3. COMM. 6E-10 (2013)
COUNTY EXECUTIVE

WHEREAS, the Division of Budget and Management has six full time staff assigned to managing and monitoring the County's \$1.5 billion budget; and

WHEREAS, the incumbent in the job group 12 management consultant-county executive position is a professional accountant formerly in a civil service title in the Office of Comptroller and she is performing multiple functions beyond her grade, including oversight of the Department of Social Services; and

WHEREAS, the Division of Budget and Management desires to upgrade the position to job group 14, step 4; and

WHEREAS, there is unutilized funding from the position of systems accountant-budget RPT in the Division of Budget and Management which is available for the upgrade, and which would ensure the action is budget-neutral.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one position of Management Consultant (CE), job group 14, step 4 (B-100 # 7221) (annual salary expense of \$64,434), and the deletion of one position of Management Consultant-County Executive, job group 12, step 5; and be it further

RESOLVED, that the Division of Budget and Management is hereby authorized to adjust the Adopted 2013 Budget of the Division of Budget and Management to increase Account 500000 full time salaries by \$9,129 (annualized) and to reduce Account 500020 regular part time wages by \$9,129 (annualized) and the Department of Personnel is authorized to process the B-100 and make the necessary entries; and be it further

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

(3-2) Legislators Hardwick & Rath voted in the negative.

4. COMM. 6E-25 (2013)
COUNTY CLERK

WHEREAS, the Erie County Clerk's Office transacts business with close to one million customers annually; and

WHEREAS, the nature of the transactions require the completion of forms most of which are filled out in the local Auto Bureaus and Registrar Division, overseen by the County Clerk; and

WHEREAS, the County Clerk's Office currently provides ball point pens, on an as needed basis, to customers for use in completing necessary forms at a cost of approximately \$3,000 annually; and

WHEREAS, many local businesses use pens as an effective means of advertising their services; and

WHEREAS, initial discussions with local businesses have indicated a willingness to donate pens that contain business logos and advertising.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Clerk is hereby authorized to accept donations of ball point pens for use by customers of the Erie County Clerk's Office from companies wishing to advertise their services within the Clerk's Office, both Registrar and Auto Bureau; and be it further

RESOLVED, that consideration will be given to all companies that would appropriately benefit from advertising with customers of the Clerk's Office, and the Clerk shall retain the right of final approval over acceptance of pens from any advertisers based upon the appropriateness of advertising content.

(5-0)

5. COMM. 6E-26 (2013)
COUNTY CLERK

WHEREAS, the Erie County Clerk's Office, as part of its duties and responsibilities, is charged with the operation of local Auto Bureaus as an agent for the State of New York; and

WHEREAS, the Erie County Clerk has operated a satellite auto bureau at the Erie Community College South Campus since 2008; and

WHEREAS, the current Memorandum of Understanding (MOU) was agreed to and signed by parties no longer in office; and

WHEREAS, the County Clerk has negotiated with the President of Erie Community College a certain MOU for use of space on the ECC South Campus to continue operation at this location; and

WHEREAS, said MOU has been approved by the Erie Community College Board of Trustees; and

WHEREAS, the terms of this agreement are for a one-year period and adequate funding exists in the 2013 Adopted Budget; and

WHEREAS, the Clerk and ECC find this to be a mutually agreeable agreement and are continuing negotiations for a multi-year agreement for future years.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to sign a Memorandum of Understanding between the County of Erie and Erie Community College for the County Clerk's use of approximately 2102 square feet of space at the Erie Community College South Campus, for the operation of a satellite auto bureau; and be it further

RESOLVED, that the County Auto Bureau's tenancy of the premises provided in the MOU shall be at the rate not to exceed \$5,000 per year payable in one annual installment; and be it further

RESOLVED, that funding for said lease is available in the County Clerk's Adopted 2013 Budget; and be it further

RESOLVED, that the County Clerk and ECC will continue negotiations for a multi-year agreement; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Clerk, the County Attorney and the County Comptroller.
(5-0)

**THOMAS J. MAZUR
CHAIR**

CHAIR GRANT directed that item Number 3 be returned to the GOVERNMENT AFFAIRS COMMITTEE for further consideration.

GRANTED.

Item 50 – MR. McCracken presented the following report, moved to separate item Number 4, and moved to approve the balance of the report. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 99

April 18, 2013	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 5M-12 (2013)
BRANT TOWN BOARD: "Copy of Resolution Supporting Phoenix's Law"
(5-0)
 - b. COMM. 7E-17 (2013)
COUNTY EXECUTIVE: "ECSD No. 3 - Change Order No. 1 - Dewatered Sludge Pump Replacement"
(5-0)
 - c. COMM. 7E-20 (2013)
COUNTY EXECUTIVE: "ECSD Nos. 3 & 8 - Engineer Term Contract Agreement - DiDonato Associates"
(5-0)
 - d. COMM. 7M-4 (2013)
NYSDEC: "Fact Sheet: Tecumseh Update - Remedy Proposed for Site Contamination; Public Comment Period Announced"
(5-0)
 - e. COMM. 7M-7 (2013)
NYSDEC: "Public Notice: Inactive Hazardous Waste Disposal Site - Delist Notice for Site Known as Ramco Steel"
(5-0)
 - f. COMM. 7M-8 (2013)
NYSDEC: "Fact Sheet: 154 S. Ogden Update - Interim Remedial Measure Proposed; Public Comment Period Announced"
(5-0)

2. COMM. 7E-7 (2013)
COUNTY EXECUTIVE
WHEREAS, the Town of Amherst via Town Board resolution 212-54 dated June 18, 2012 has requested that the County of Erie undertake the necessary steps required by Environmental Conservation Law Section 56-0508 to obtain Temporary Incidence of Ownership on the land parcel identified as 1815 Eggert Road, Amherst New York; and

WHEREAS, said land parcel has been abandoned and may require brownfield cleanup action due to its prior use as a dry cleaning business and gasoline station; and

WHEREAS, said parcel is over three years delinquent on County Taxes with a past due amount in excess of \$100,000; and

WHEREAS, prior to obtaining a Temporary Incidence of Ownership it is necessary for Erie County to commence foreclosure proceedings; and

WHEREAS, a Temporary Incidence of Ownership will allow access to the site by representatives from the New York State Department of Environmental Conservation to determine the presence of contaminated material and to conduct environmental remediation of the site.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Attorney and the Erie County Director of the Division of Real Property are hereby authorized to commence foreclosure proceedings with respect to 1815 Eggert Road, Amherst, New York; and be it further

RESOLVED, that upon commencement of foreclosure proceedings the Erie County Executive is hereby authorized to obtain and execute all necessary documents and complete all necessary actions to secure a Temporary Incidence of Ownership in 1815 Eggert Road, Amherst, New York, for the purpose of allowing access to the site by appropriate environmental inspection officials to conduct necessary environmental testing and remediation activity; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Office of the County Executive; the Commissioner of the Department of Environment and Planning; the Director of the Division of Real Property; the Director of the Division of Budget and Management; the Comptroller's Office; the County Attorney; and Hon. Barry A. Weinstein, the Amherst Town Supervisor.

(5-0)

3. COMM. 7E-8 (2013)
COUNTY EXECUTIVE

WHEREAS, the Department of Homeland Security through the NYS Department of Homeland Security and Emergency Services has agreed to provide funding in the amount of \$86,000.00 in federal assistance to continue the implementation of the hazmat program to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contract and accept \$86,000.00 in federal resources to provide funding for training of personnel and the purchase of necessary equipment to enhance the ability of Erie County to manage emergency and disaster situations.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with the NYS Department of Homeland Security to receive \$86,000.00 in grant funding for the Department of Emergency Services; and be it further

RESOLVED, that this grant, under the Department of Emergency Services, will meet the goals and objectives; and be it further

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

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

Erie County Department of Emergency Services
FY 2012 State Homeland Security Program (SHSP)

Revenue	Increase
Account 414000 Federal Aid	\$86,000.00
Appropriations	Increase
Account 561410 Equipment (Lab & Tech)	62,300.00
Account 510100 Travel	5,000.00
Account 510200 Training & Education	3,000.00
Account 516030 Maintenance Contracts	<u>15,700.00</u>
Total Appropriations	\$86,000.00

and be it further

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

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the Department of Emergency Services c/o Melissa Calhoun, the County Comptroller, and the County Attorney.
(5-0)

4. COMM. 7E-9 (2013)
COUNTY EXECUTIVE

WHEREAS, the Department of Parks, Recreation and Forestry currently produces maple syrup; and

WHEREAS, the Department of Parks, Recreation and Forestry is looking for other ways to sell and brand the maple syrup it produces; and

WHEREAS, Citymade, Inc. has expressed an interest in not only purchasing some of this aforementioned maple syrup to include in some of their Buffalo Baskets, but additionally open the possibility to advertise and sell online.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into agreements with Citymade, Inc. for the non-exclusive purpose of purchasing, selling and distributing maple syrup produced by the Department of Parks, Recreation and Forestry; and be it further

RESOLVED, that the County of Erie reserve the right to sell, resell and distribute maple syrup produce by the Department of Parks, Recreation and Forestry to itself and/or other vendors; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the Erie County Executive, the Department of Parks, Recreation and Forestry, the Division of Budget and Management, and the Assistant County Attorney, Kristen Walder, of the Law Department.
(4-1) Legislator Lorigo voted in the negative.

5. COMM. 7E-18 (2013)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 9E-10 (2011) Contract No. 43PS-E Electrical was awarded to Weydman Electric, Inc. for electrical work for the Crescent Avenue Pumping Station; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 43PS-E Electrical, in the final contract amount of \$208,636.12 which includes Change Order No. 1(final), a decrease of \$ 1,863.88, and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 43PS-E Electrical between the County of Erie and Weydman Electric, Inc. (747 Young St Tonawanda, New York 14150) is accepted in the final contract amount of \$208,636.12 which includes Change Order No. 1 (final), a decrease of \$1,863.88, and is allocated in Erie County Sewer District No. 3 Bond Account C.00073; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract No. 43PS-E Electrical to Weydman Electric, Inc., for a total contract amount of \$208,636.12; and be it further

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

6. COMM. 7E-19 (2013)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 9E-10 (2011) Contract No. 43PS-G General/Mechanical was awarded to STC Construction, Inc. for construction of the Crescent Avenue Pumping Station; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 43PS-G General/Mechanical, in the final contract amount of \$299,175.00 which includes Change Order No. 1(final), a decrease of \$ 29,327.00, and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 43PS-G General/Mechanical between the County of Erie and STC Construction, Inc. (63 Zoar Valley Rd., Springville, New York 14141-0459) is accepted in the final contract amount of \$299,175.00 which includes Change Order No. 1 (final), a decrease of \$29,327.00, and is allocated in Erie County Sewer District No. 3 Bond Account C.00073; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract No. 43PS-G General/Mechanical to STC Construction, Inc., for a total contract amount of \$299,175; and be it further

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

7. COMM. 7E-21 (2013)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 10E-6 (2010) Contract EC-7A, General was awarded to Nichols, Long & Moore Construction Corp. for general work for the Vanderbilt Pumping Station, Depew Pumping Station and Overflow Retention Facility Improvements; and

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

WHEREAS, Erie County Sewer District No. 4 has adequate cash in its capital reserve account C.00034; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. EC-7A, General, in the final contract amount of \$3,122,514.07 which includes Change Order No. 3 (final), an increase of \$40,804.07, and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. EC-7A, General between the County of Erie and Nichols, Long & Moore Construction, Corporation (149 Gunnville Rd, Lancaster, NY 14086) is accepted in the final contract amount of \$ 3,122,514.07 which includes Change Order No. 3 (final), an increase of \$ 40,804.07, and is allocated in Erie County Sewer District No. 4 Bond Account C.00063; and be it further

RESOLVED, that the County Director of Budget and the County Comptroller are authorized to increase the appropriations and estimated revenues in Erie County Sewer District No. 4 project C.00063 by \$50,000; and be it further

RESOLVED, that the Director of Budget and the County Comptroller be authorized to transfer \$50,000 from Erie County Sewer District No. 4 Capital Reserve Account C.00034 to Sewer District No. 4 Capital Project C.00063 and to establish all budgeting accounts necessary to facilitate the transfer of \$50,000; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract EC-7A, General, to Nichols, Long & Moore Construction Corp. for a total contract amount of \$ 3,122,514.17; and be it further

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

TERRENCE D. McCRACKEN
CHAIR

MR. McCRACKEN moved to approve item Number 4. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 100

April 18, 2013	PUBLIC SAFETY COMMITTEE REPORT NO. 6
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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. 6M-9 (2013)
NAN L. HAYNES: “Letter to Chair of Legislature Concerning EC Holding Center”
(6-0)
 - b. COMM. 7D-2 (2013)

COMPTROLLER'S OFFICE: "Letter to Commissioner of Central Police Services
Concerning Audit of DNA Backlog Reduction Grant"
(6-0)

2. COMM. 7E-22 (2013)
COUNTY EXECUTIVE

WHEREAS, the Department of Central Police Services has had a grievance filed by an employee in the Forensic Chemist I title asserting that she must be upgraded to a Forensic Chemist II title; and

WHEREAS, the Department of Labor Relations has determined that based on past practice in the crime lab in the Department of Central Police Services, the employee's grievance has merit and would likely lead an arbitrator to order the upgrade.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one position of Forensic Chemist II, job group 12, step 4 (B-100 #7205) and the deletion of one position of Forensic Chemist I, job group 11, step 4; and be it further

RESOLVED, funding for this position is available within the personnel account of the Department of Central Police Services; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive, the Office of the Comptroller, the Department of Personnel, and the Division of Budget and Management.
(6-0)

3. COMM. 7E-23 (2013)
COUNTY EXECUTIVE

WHEREAS, under past practice in the crime lab in the Department of Central Police Services, new employees have been hired in certain titles including Forensic Biologist I as underfills, with the understanding that when the employees reached their two year anniversary of County service, they were to be promoted to Forensic Biologist II; and

WHEREAS, the Department of Labor Relations has determined that based on past practice in the crime lab in the Department of Central Police Services, the two current employees in the Forensic Biologist I title must be promoted to Forensic Biologist II effective immediately, lest the employees file grievances which would likely be successful.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one position of Forensic Biologist II, job group 12, step 3 (B-100 #7262) and the deletion of one position of Forensic Biologist I, job group 11, step 3, effective June 5, 2013; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one position of Forensic Biologist II, job group 12, step 2 (B-100 #7261) and the deletion of one position of Forensic Biologist I, job group 11, step 2, effective February 27, 2013; and be it further

RESOLVED, funding for these positions is available within the personnel account of the Department of Central Police Services; and be it further

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

(6-0)

TIMOTHY R. HOGUES
CHAIR

Item 52 – MR. HOGUES presented the following report and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 101

April 18, 2013	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 5
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ALL MEMBERS PRESENT, EXCEPT LEGISLATORS MILLS.
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 7E-2 (2013)
COMPTROLLER: “Apportionment & Distribution of Net Collections from the Local 4.75% Sales & Compensating Use Tax for EC for the Months of December 2012, January & February 2013”
(5-0)
 - b. COMM. 7E-3 (2013)
COMPTROLLER: “EC’s 1% Sales & Compensating Use Tax (Sales Tax) Revenue Sharing with Local Governments”
(5-0)
 - c. COMM. 7D-9 (2013)
DIRECTOR OF BUDGET & MANAGEMENT: “Letter to Legislature Concerning Budget Status Update for January & February 2013”
(5-0)
2. COMM. 1D-7 (2012)

ASSESSOR Cancel \$1,963.72

S-B-L 319.00-2-5.1/T Kaiser Rd 145889 NORTH COLLINS

Acct. No. 112 \$924.29 County
Acct. No. 132 \$1,039.43 Town/SpecialDist/School
Charge To : 145889 NORTH COLLINS \$1,039.43

RPTL 550(2): Tower was torn down.

FISCAL YEAR 2013 Petition No. 213,056.00

ASSESSOR Refund \$324.98

S-B-L 144.15-1-1./N1 1060 Reserve Rd 146800 WEST SENECA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$324.98 Town/SpecialDist/School
Charge To : 146800 WEST SENECA \$324.98

RPTL 550(2): Remove special district
Issue refund to: David Vasquez

FISCAL YEAR 2013 Petition No. 213,057.00

ASSESSOR Refund \$5,549.32

S-B-L Multiple 146800 WEST SENECA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$5,549.32 Town/SpecialDist/School
Charge To : 146800 WEST SENECA \$5,549.32

RPTL 550(2): Incorrect sewer charge
Issue refund to: Multiple property owners (\$4,745.20)
Issue new tax bill to: Multiple property owners (\$804.12)

FISCAL YEAR 2013 Petition No. 213,058.00

ASSESSOR Refund \$323.59

S-B-L 144.19-1-1./Y1 1110 Reserve Rd 146800 WEST SENECA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$323.59 Town/SpecialDist/School
Charge To : 146800 WEST SENECA \$323.59

RPTL 550(2): Remove special district
Issue refund to: Rita English (L.E.), Michael English

FISCAL YEAR 2013 Petition No. 213,059.00

 ASSESSOR Cancel \$353.89

S-B-L 91.52-1-35 4299 Union Rd 143089 CHEEKTOWAGA

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$353.89 Town/SpecialDist/School
 30035 EXEMPTION REMOVAL \$353.89
Charge To : 143089 CHEEKTOWAGA \$0.00

RPTL 550(2): Applied RPTL 520 (exemption removal) in error
Issue new tax bill to: Julian J. Polanski

FISCAL YEAR 2013 Petition No. 213,060.00

 ASSESSOR Cancel \$195.01

S-B-L 271.00-3-4./W 10707 Sisson Hwy 145889 NORTH COLLINS

 Acct. No. 112 \$29.67 County
 Acct. No. 132 \$165.34 Town/SpecialDist/School
 58019 NO COLLINS FIRE DIST \$7.54
Charge To : 145889 NORTH COLLINS \$157.80
 Relevy School \$124.43 145801 NORTH COLLINS CENT

RPTL 550(2): Gas well is non-producing, reduce assessment to zero
Issue new tax bill to: Fox Construction, Inc (Ballard)

FISCAL YEAR 2013 Petition No. 213,061.00

 ASSESSOR Cancel \$1,519.17

S-B-L 91.07-6-12 659 S Huth Rd 143089 CHEEKTOWAGA

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$1,519.17 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA \$1,519.17
 Relevy School \$1,519.17 143002 CHEEK. UNION #2

RPTL 550(2): School payment applied to wrong parcel. School relevy
applied in error.
Issue new tax bill to: Gordon D. Jackson & W

FISCAL YEAR 2012 Petition No. 213,062.00

ASSESSOR Refund \$669.09

S-B-L 173.07-4-23 7 Lynchburg Ct 146089 ORCHARD PARK

Acct. No. 112 \$0.00 County
Acct. No. 132 \$669.09 Town/SpecialDist/School
Charge To : 146089 ORCHARD PARK \$669.09
Relevy School \$669.09 146001 ORCH PARK CENTRAL

RPTL 550(2): Reduction in assessment was not entered into RPS.
Issue refund check to Mark A. & Patricia L. Wojtowicz

FISCAL YEAR 2013 Petition No. 213,063.00

ASSESSOR Refund \$382.46

S-B-L 173.07-4-23 7 Lynchburg Ct 146089 ORCHARD PARK

Acct. No. 112 \$187.89 County
Acct. No. 132 \$194.57 Town/SpecialDist/School
60019 ORCHARD PARK FIRE PR \$23.00
60081 Water Dist 9 Ex 4 \$12.71
60141 ERIE CO SEW DST 3 \$27.46
Charge To : 146089 ORCHARD PARK \$131.40

RPTL 550(2): Reduction in assessment was not entered into RPS.
Issue check to: Mark A. & Patricia L. Wojtowicz

FISCAL YEAR 2013 Petition No. 213,064.00

ASSESSOR Cancel \$1,461.40

S-B-L 182.15-13-22 44 Scooter Cir 144803 HAMBURG

Acct. No. 112 \$0.00 County
Acct. No. 132 \$1,461.40 Town/SpecialDist/School
Charge To : 144803 HAMBURG \$1,461.40
Relevy Village \$1,461.40 Village of HAMBURG

RPTL 550(2): New construction info placed on roll in error. Should be vacant land only.
Issue new tax bill to: Country Meadows LLC

FISCAL YEAR 2013 Petition No. 213,065.00

ASSESSOR Cancel \$1,461.40

S-B-L 182.15-13-21 42 Scooter Cir 144803 HAMBURG

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,461.40	Town/SpecialDist/School
<u>Charge To :</u>	144803 HAMBURG		\$1,461.40

Relevy Village \$1,461.40 Village of HAMBURG
RPTL 550(2): New construction info placed on the roll in error.
Should be vacant land only.
Issue new tax bill to: Country Meadows LLC

FISCAL YEAR 2012	Petition No.	213,066.00
ASSESSOR	Refund	\$275.00

S-B-L 223.00-1-22 2567 Shadagee Rd144000 EDEN

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$275.00	Town/SpecialDist/School
40047 WATER DISTRICT 5 B		\$275.00	
<u>Charge To :</u>	144000 EDEN		\$0.00

RPTL 550(2): Special district added incorrectly
Refund to be issued to: Salvatrice Kish

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.
(5-0)

TIMOTHY R. HOGUES
CHAIR

Item 53 – MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 102

April 18, 2013	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 7
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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 7-3 (2012)
LORIGO, MILLS, RATH, DIXON & HARDWICK: “Encouraging Reform of New York's Scafford Law”
(6-0)
 - b. COMM. 7E-5 (2013)
COUNTY EXECUTIVE: “Response Letter to Assemblywoman Corwin Concerning Retention of Buffalo Bills in EC”
(6-0)
 - c. COMM. 7D-1 (2013)
COMPTROLLER'S OFFICE: “Letter to Commissioner of Public Works Concerning Audit of Fleet Services”
(6-0)
 - d. COMM. 7M-5 (2013)
ASSEMBLY MEMBER CORWIN: “Copy of Letter to County Executive Concerning Buffalo Bills Lease Agreement”
(6-0)
 - e. COMM. 7M-6 (2013)
NFTA: “Copy of Five Year Capital Plan for Fiscal Years Ending 3/31/2014-2018 & Annual Operating Budget for Fiscal Year Ending 2014”
(6-0)

2. INTRO 7-1 (2013)
RATH
WHEREAS, during the Great Depression, the federal government created a sugar subsidy program to bolster the domestic sugar industry; and

WHEREAS, that program continues today, requiring the federal government to purchase excess sugar, which includes beet sugar and cane sugar, and sell it to ethanol producers for pennies a pound; and

WHEREAS, oddly, in 2011, the United States Department of Agriculture allowed farmers to begin planting genetically modified “Roundup-Ready” for pesticides sugar beets in order to stave off a sugar shortage; and

WHEREAS, the impact of the sugar subsidies to the federal budget is tens of millions of dollars per year; and

WHEREAS, due to governmental intervention in the sugar industry, the cost of sugar in the United States is nearly double the cost worldwide; and

WHEREAS, the Coalition for Sugar Reform estimates that higher sugar prices have cost consumers \$14 billion since 2008 in higher food costs; and

WHEREAS, in addition, domestic food manufacturers have relied heavily on other sweeteners, such as high fructose corn syrup, to avoid using artificially expensive sugar; and

WHEREAS, other food manufacturers have decided to relocate to Canada and other countries to save money on ingredient costs; and

WHEREAS, a 2006 Commerce Department study found that for each sugar industry job saved by the sugar program, nearly three food manufacturing jobs were lost; and

WHEREAS, local food companies are now facing the difficult decision of possibly also relocating in order to compete with Canadian food manufacturers; and

WHEREAS, ending sugar subsidies and governmentally created higher sugar prices will help keep food manufacturers in the United States, their workers employed and lower prices for consumers of products which include sugar.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby opposes the continuation of policies which artificially inflate sugar prices in the United States, including the sugar subsidies; and be it further

RESOLVED, that the Erie County Legislature supports passage and enactment of United States Senate Bill 345 and United States House of Representatives Bill 693; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to the local delegation of the United States Congress.

(6-0)

3. COMM. 7E-11 (2013)
COUNTY EXECUTIVE

WHEREAS, the existing roof system at the Erie Community College-City Campus-45 Oak Street location, is 30 plus years old and is leaking, causing damage to the building interior spaces and systems; and

WHEREAS, the County of Erie received bid proposals for the replacement of the roof system located at the Erie Community College - City Campus - 45 Oak Street on March 13, 2013; and

WHEREAS, the lowest responsible bidder is Weaver Metal Roofing, Inc.; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder, Weaver Metal Roofing, Inc. for the Erie Community College – City Campus – 45 Oak Street location project for an amount not to exceed \$1,013,000.00; 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 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 E.1103 – 2011-Erie Community College – Roofs Collegewide (Countywide) in a total amount not to exceed \$1,113,000.00; 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.
(6-0)

4. COMM. 7E-12 (2013)
COUNTY EXECUTIVE

WHEREAS, in 1997 the Erie County Utilities Aggregation was formed by a number of towns, villages and other local government entities to purchase utilities on the open market; and

WHEREAS, the Erie County Department of Public Works was designated as administrator of this alliance, and Fluent Energy was designated as managers of the alliance; and

WHEREAS, Fluent Energy's (formally LepCorp) current contract has expired; and

WHEREAS, the members were polled and wish to retain the services of Fluent Energy as manager of the Aggregation and issue them a new contract with no increase in fee rate except for Utility Bill Processing and Electronic input of same.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works be authorized, and is hereby directed to execute a contract between Erie County/Erie County Utilities Aggregation and Fluent Energy for management services of the Aggregation; and be it further

RESOLVED, that Fluent Energy's fee rate shall be as follows,

Electric: \$0.00033/kWh
Natural Gas: \$0.05786/Mcf
PACE Natural Gas: \$0.85791/account per month
Fuel Oil: \$0.00413/gallon
Utility Bill Processing: \$3.75/Bill

Electronic Input: \$2.00/Bill

and be it further

RESOLVED, that the length of the new contract shall be for five (5) years duration with two (2), one (1) year renewals; and be it further

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

(5-0-1) Legislator Rath abstained from vote.

5. COMM. 7E-13 (2013)
COUNTY EXECUTIVE

WHEREAS, bids were taken for the Reconstruction of Zoar Valley Road, FEMA PW 644 ECDPW Project No. FM457-644-13 (the "Project"), in the Town of Concord, on February 21, 2013, and the low bidder was CATCO of Alden, New York in the amount of \$803,921.55; and

WHEREAS, a contract has been negotiated with Clark Patterson Lee of Buffalo, New York for construction inspection and engineering services during construction.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the project and funding as follows: SAP Account B.11022 (2011 FEMA, FHWA and EWP Match/Road Reconstruction [Countywide]) in the amount of \$75,000; SAP Account B.12004 (2012 FEMA Road Reconstruction [Countywide]) in the amount of \$220,000; and SAP Account B.13005 (2013 Road Reconstruction FEMA Projects [Zoar Valley PW 644]) in the amount of \$767,000 for a total project cost of no more than \$1,062,000; and be it further

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for FEMA PW 644, ECDPW Project No. FM457-644-13 between the County of Erie and the low bidder, CATCO of Alden, New York at a low bid amount of \$803,921.55 from the above identified project funds; and be it further

RESOLVED, that the County Executive be authorized to execute a contract for services during construction and construction inspection with Clark Patterson Lee of Buffalo, New York in the amount of \$129,088.57 from the above identified funds; and be it further

RESOLVED, that the County Executive be authorized to establish a project contingency and execute change orders in an amount not to exceed \$128,600.00 from the above identified funds; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Office of Budget and Management, and the Office of the Comptroller.

(6-0)

**THOMAS A. LOUGHRAN
CHAIR**

LEGISLATOR RESOLUTIONS

Item 54 – MR. MAZUR presented the following resolution and moved for immediate consideration. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 103

RE: Opposing Border Crossing Fees Along
the United States-Canadian Border
(INTRO 8-1)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS LORIGO, RATH & DIXON**

WHEREAS, The United States and Canada enjoy a close diplomatic and economic relationship; and

WHEREAS, this relationship is especially evident in Western New York; and

WHEREAS, Erie County's annual budget relies heavily on revenue collected from sales tax; and

WHEREAS, New York State also benefits from sales tax collections; and

WHEREAS, a significant portion of this sales tax is derived from Canadian shoppers traveling across the border to purchase goods from merchants in Western New York; and

WHEREAS, it has been reported that the Department of Homeland Security has suggested studying a border crossing fee as part of its 2014 budget proposal; and

WHEREAS, this fee would be in addition to tolls already charged at border crossings; and

WHEREAS, such a fee would serve as a disincentive to attracting shoppers from Canada to visit local merchants; and

WHEREAS, less Canadian shoppers would adversely impact sales tax collections by New York State and Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby opposes the imposition of additional border crossing fees to be charged to individuals entering the United States; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to the local delegation of the United States Congress.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 55 – CHAIR GRANT directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 8-2 from HARDWICK. Calling that All Fines Collected from Tonawanda Coke Corporation Remain Within the City & Town of Tonawanda.

Item 56 – CHAIR GRANT directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO 8-3 from RATH. Supporting NYS Senate Bill S. 2111, Providing a Tax Credit to Volunteer Fire Fighters & Members of Volunteer Ambulance Corps.

Item 57 – CHAIR GRANT directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO 8-4 from RATH. Supporting NYS Senate Bill S. 1894 & NYS Assembly Bill A. 6205, Requiring Inmates to Make Medical Co-Payments.

Item 58 – CHAIR GRANT directed that the following resolution be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 8-5 from MARINELLI & MAZUR. Encouraging the EC Department of Social Services to Streamline the Process Whereby Private Duty Nurses are Approved for Medicaid Billing Purposes.

Item 59 – MR. MAZUR presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 104

RE: Welcoming the "I Love NY" Empire State Tourism Conference to Niagara Falls & WNY from May 1-3, 2013 & Encouraging Greater State Investment in Tourism Marketing & Promotion (INTRO 8-6)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MARINELLI & MAZUR**

WHEREAS, the "I Love New York" Empire State Tourism Conference will take place in Western New York from May 1-3, 2013, bringing several hundred tourism industry stakeholders from the public, private and non-profit sectors from across New York State to Niagara Falls; and

WHEREAS, the Conference is being held in New York State's immensely popular Niagara Falls destination, which is second only to New York City in tourist visitation; and

WHEREAS, the Conference will provide professional development seminars, networking opportunities, a travel trade show and interactive discussions of best practices and successful collaborations from experts and colleagues in the tourism industry; and

WHEREAS, tourism is regarded as the second most important industry in New York State, accounting for nearly 10% of non-farm employment and \$43.4 billion in economic impact (Tourism Economics 2006 Report), which includes tax revenues to state and local governments – revenues that ease the burden on residents of New York State, particularly property owners; and

WHEREAS, bringing outside dollars into New York provides a robust return on investment that can be maximized by reversing the deep cuts the New York State Division of Tourism experienced while the New York State Budget was set on a more stable path; and

WHEREAS, private sector travel trade professionals across the state have seen the disappointing outcome of the state withdrawing I Love New York marketing and promotion funds, to wit, New York State having lost its competitive edge as compared to its neighbors in Ohio, Pennsylvania, New England and Ontario; and

WHEREAS, data from the Tourism Economics Report (2006) that pre-dates the national recession show that the I Love New York campaign had the largest job creation impact in the Finger Lakes, Greater Niagara Region (which includes Erie County) and the Adirondacks.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature pause in its deliberations to welcome the delegates of the upcoming "I Love New York" Empire State Tourism Conference to be held in Niagara Falls, NY from May 1-3, 2013; and be it further

RESOLVED, that this Honorable Body call upon the Governor and State Legislature to restore funding reductions and to make an even greater investment in the tourism industry in New York State to increase the well-established return on investment of tourism development, marketing and promotion dollars; and be it further

RESOLVED, that the Erie County Legislature encourage New York State to specifically rectify the under-representation of I Love New York at national and international marketplaces that provide business development opportunities through appointments with buyers in the travel trade industry; and be it further

RESOLVED, that copies of this proclamation be conveyed to Governor Andrew Cuomo; Assembly Speaker Sheldon Silver; Leader of the Republican Conference of the State Senate, Senator Dean Skelos; Leader of the Independent Democrat Conference of the State Senate, Senator Jeff Klein; the New York State Travel & Vacation Association (NYSTVA); the New York State Department of Economic Development, Division of Tourism; and all others deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 60 – MR. MAZUR presented the following resolution and moved for immediate consideration. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 105

RE: Urging Reform of the State Dedicated
Highway & Bridge Trust Fund
(INTRO 8-7)

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

WHEREAS, local governments are responsible for an increasing proportion of the statewide highway and bridge system, including 87% of the State's 110,000 miles of roadways and 50% of the State's 18,000 bridges; and

WHEREAS, a safe and efficient highway infrastructure is necessary for trade, economic development and revitalization, job creation and retention, schools, agriculture, businesses, health and hospital facilities, emergency responders as well as the general traveling public; and

WHEREAS, the source of state funding assistance for this local transportation system is the State's Dedicated Highway and Bridge Trust Fund, originally designed as a pay-as-you-go financing method to support the state's transportation programs and purposes, using revenue from highway taxes, motor vehicle taxes and fees, petroleum business taxes and a number of smaller sources; and

WHEREAS, in an audit titled, "The Dedicated Highway and Bridge Trust Fund: Where Did the Money Go?", the State Comptroller reveals that less than 25% of the state's Dedicated Highway and Bridge Trust Fund (DHBTF)—originally established to fund transportation on a pay-as-you-go basis—is actually available for transportation capital this fiscal year; and

WHEREAS, legislation introduced in both houses and passed by the State Senate seeks to reform the DHBTF by ensuring that money dedicated for highway and bridge construction and repairs will not be diverted for non-capital uses; and to enhance revenues to the DHBTF from un-committed state gasoline tax receipts; and

WHEREAS, dedicated revenue enhancements would ensure the long term financial stability of the Dedicated Highway and Bridge Trust Fund and would enable it to attain adequate levels of state support to local roads and bridges as determined by the State DOT.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County join with its fellow counties in NYSAC to urge the Governor and State Legislature to develop a multi-year plan to return structural balance to the Dedicated Highway and Bridge Trust Fund in order to ensure its ability to meet the State's highway and bridge capital needs today and in the future by, among other reforms, adopting the aforementioned proposal; and be it further

RESOLVED, that copies of this resolution be conveyed to that copies of this resolution be sent to Governor Andrew Cuomo, the Leader of the Republican Conference in the New York State Senate, the Leader of the Independent Democrat Conference in the New York State Senate, the Western New York Delegation to the State Legislature and all others deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 61 – MR. MAZUR presented the following resolution and moved for immediate consideration. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 106

RE: Calling for the Enactment of Statutory & Regulatory Reforms to Probation &

Alternatives to Incarceration to Better
Protect the Public & Taxpayers
(INTRO 8-8)

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

WHEREAS, county probation departments are an integral part of the criminal justice system and operate within the legal framework of the Criminal Procedure Law, the Penal Law and the Family Court Act; and

WHEREAS, it is the mission of probation to protect the community through intervention in the lives of those under supervision by facilitating compliance with court orders and serving as a catalyst for positive change; and

WHEREAS, State funding for Probation was drastically reduced between 1990 and 2011 from 46.5 percent State share to less than 12 percent in 2011, putting a huge strain on counties and adding costs for county taxpayers; and

WHEREAS, during this same time period, the number of mandated programs has increased, as well as the services county probation departments are required to provide; and

WHEREAS, the New York State Council of Probation Administrators, representing NYS Probation Directors, Administrators and Commissioners, has been diligently working with the New York State Association of Counties (NYSAC) and State leaders to raise awareness to the important work done by probation and its important role in protecting the public; and

WHEREAS, in 2012, under direction from Governor Andrew Cuomo, Deputy Secretary for Public Safety Elizabeth Glazer and the Division of Criminal Justice Services (DCJS) engaged with the Council of State Governments Justice Center to examine the problems New York's probation departments face and to generate solutions that would better promote public safety through more effective probation.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature join its fellow counties in NYSAC to call for the enactment of statutory and regulatory changes that improve Probation and Alternatives to Incarceration (ATI) in the following ways:

- 1) Allowing judges the ability to tailor a sentence of probation to the severity of the crime by creating flexible terms for felonies from 3-5 years and for misdemeanors from 2-3 years;
- 2) Eliminating the mandate that pre-sentence investigations must be conducted when a sentence of up to one year in jail has been negotiated;
- 3) In response to Violation of Probation (VOP) Petitions: a) requiring counties to develop swift, certain graduated responses; b) requiring the courts to dispose of the VOP's within

- 90 days; c) enabling probation to administratively modify conditions of probation as required;
- 4) Allowing for the expansion and monitoring of ATI programs to ensure that risk reduction programming is available to all pre-trial offenders; and
 - 5) Reinvesting the savings generated by policy changes back into Probation and ATI programming; and be it further

RESOLVED, that copies of this resolution be sent to Governor Andrew Cuomo, Deputy Secretary for Public Safety Elizabeth Glazer, the Speaker of the Assembly, the Leader of the Republican Conference in the New York State Senate, the Leader of the Independent Democrat Conference in the New York State Senate, the Western New York Delegation to the State Legislature and all others deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

Item 62 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 8E-15 from the COMPTROLLER Re: Letter to Legislature Concerning COMM. 6E-10 (2013), "Personnel Services Adjustment - Management Consultant (CE)"

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 63 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 8E-16 from the COUNTY EXECUTIVE/PRESIDENT OF ECC Re: Communication Concerning DPW Personnel Adjustment Regarding ECC

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 64 – (COMM. 8E-1) Appointment to the Buffalo Society of Natural Sciences Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 65 – (COMM. 8E-2) Appointment of EC Commissioner of Senior Services

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COMPTROLLER

Item 66 – (COMM. 8E-3) Report of Secured Funds Relating to 2013 Capital Borrowing & 2013 Refunding Issues

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM LEGISLATORS DIXON, RATH,
LORIGO, HARDWICK & MILLS**

Item 67 – (COMM. 8E-4) Letter to Chair of Government Affairs Committee Concerning Lawsuit Against the Federal National Mortgage Association & the Federal Home Loan Mortgage Corporation

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER

Item 68 – (COMM. 8E-5) 2012 Year-End Financials Placeholder Request

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 69 – (COMM. 8E-6) Establish Powerful Tools for Caregivers Grant Budget

Item 70 – (COMM. 8E-7) Authorization to Solicit Various Organizations to Help Fund Elder Law Day 2013

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

Item 71 – (COMM. 8E-8) Proposed Agreement with the Niagara Frontier Disc Golf (NFDG)

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 72 – (COMM. 8E-9) Supplemental Agreement with NYSDOT - Savage Road Bridge over Dry Creek - Town of Sardinia

Item 73 – (COMM. 8E-10) Savage Road Bridge over Dry Creek - Construction Award - Town of Sardinia

Item 74 – (COMM. 8E-11) Supplemental Agreement with NYSDOT - East Robinson & North French Roads Reconstruction - Town of Amherst

Item 75 – (COMM. 8E-12) East Robinson & North French Roads Reconstruction - Construction Award - Town of Amherst

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

Item 76 – (COMM. 8E-13) Water Quality Improvement Project Grant Award - ECSD No. 3

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 77 – (COMM. 8E-14) 2012 Year-End Budget Balancing Amendments & Designation

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 78 – (COMM. 8D-1) Notice of Claim

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMMISSIONER OF SOCIAL SERVICES

Item 79 – (COMM. 8D-2) Quarterly Report of Social Services Contract Changes

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COMPTROLLER'S OFFICE

Item 80 – (COMM. 8D-3) February 2013 Sales Tax

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 81 – (COMM. 8D-4) Preliminary, Unaudited 2012 Financial Data

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE EC HEALTH COMMISSIONER

Item 82 – (COMM. 8D-5) Response Letter to Comptroller's Audit of Department of Health
Grants

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NFTA

Item 83 – (COMM. 8M-1) Minutes of Meeting Held 2/28/2013

Received and referred to the the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE TIOGA COUNTY LEGISLATURE

Item 84 – (COMM. 8M-2) Copy of Resolution Opposing Proposed Amendments to the
Election Law

Received and referred to the the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 85 – (COMM. 8M-3) Proposed Agenda for Meeting to be Held 4/18/2013

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE CHAIR,
EC COMMUNITY CORRECTIONS ADVISORY BOARD

Item 86 – (COMM. 8M-4) Letter to Monroe County Sheriff's Office Superintendent
Concerning Tour of Monroe County Jail & Correctional Facility

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE NYSDEC

Item 87 – (COMM. 8M-5) Public Notice: Inactive Hazardous Wasted Disposal Site
Classification Notice for Site Known as Alltift Landfill - 302 Abby Street, Buffalo, NY 14202

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE PRESIDENT, EC BOARD OF HEALTH

Item 88 – (COMM. 8M-6) Minutes of Meeting Held 1/22/2013 & Proposed Agenda for May Meeting

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

ANNOUNCEMENTS

Item 89 – CHAIR GRANT announced that the schedule of upcoming Legislature committee meetings has been distributed.

Item 90 – MR. MAZUR announced that the grand opening of the Veterans One-Stop Center will be held on Monday, April 29, 2013, at 10:00 A.M., at 1280 Main St., 2nd Fl., Buffalo.

MEMORIAL RESOLUTIONS

Item 91 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Joseph H. “Frenchy” Deschenes, Marc A. Weinfeld, Larry Felser, Helen Howard, Williams J. Knaus, and Jack Lydon.

Item 92 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Larry Felser.

Item 93 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Larry Felser.

Item 94 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Peter M. Magaris and Herbert F. Schultz.

Item 95 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Robert “Bob” Pacholski, Marc A. Weinfeld, Christine L. (Koenig) Jeffords, John A. Rzeszot and Richie Havens.

Item 96 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Robert “Bob” Pacholski and Helen P. Itzenplitz.

Item 97– Legislator McCracken requested that when the Legislature adjourns, it do so in memory of Dorothy A. Gwitt.

ADJOURNMENT

Item 98 – 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, May 23, 2013 at 2:00 p.m. Eastern Standard Time. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

CHAIR GRANT declared the Legislature adjourned until Thursday, May 23, 2013 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE