

**ERIE COUNTY LEGISLATURE
MEETING NO. 9
MAY 9, 2013**

The Legislature was called to order by Chair Grant.

All members present.

An Invocation was held, led by Ms. Dixon, who offered a short prayer.

The Pledge of Allegiance was led by Ms. Marinelli.

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 8 from 2013. MR. McCRACKEN seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. RATH presented a resolution Recognizing and Acknowledging Margaret Kiesel's Commitment to Education and Children in Western New York.

Item 6 – MR. LORIGO presented a resolution Recognizing National Emergency Medical Services Week.

Item 7 – MS. MARINELLI & MR. MAZUR presented a memorial resolution Remembering the Life of Barbara E. Pigeon.

Item 8 – MR. MILLS presented a resolution Congratulating Coach Gene Tundo, Who has Led the Orchard Park High School Quakers Lacrosse Team for 33 Years, on His 500th Career Win.

Item 9 – MR. MAZUR, MR. HOGUES & MS. MARINELLI presented a memorial resolution Remembering the Life of Dorothy Malczewski, the Butter Lamb Lady of the Broadway Market.

Item 10 – CHAIR GRANT, MR. MAZUR & MS. MARINELLI presented a resolution Congratulating Buffalo Gateway Show Chorus – One of the Top 10 Female Barbershop Chorus in the World – on Winning the Blue Ribbon at the Lake Ontario Sweet Adelines Region 16 Competition in Syracuse, NY on April 20, 2013.

Item 11 – MS. DIXON presented a resolution Honoring Betty Newell on her Retirement as President of the Hamburg Chamber of Commerce.

Item 12 – MR. HARDWICK presented a resolution Honoring Michael McInnis for His Service and Dedication to the Baseball Program of the City of Tonawanda.

Item 13 – MR. HARDWICK presented a resolution Honoring The Grand Island Fire Department on its 75th Anniversary.

Item 14 – MR. LORIGO presented a resolution Honoring The Greater East Aurora 2013 Chamber's Choice Award Recipient Casey Smith.

Item 15 – CHAIR GRANT & MR. HOGUES presented a resolution Welcoming the 65th Annual 2nd District Conference of Omega Psi Phi Fraternity to Buffalo from May 2nd to 5th, 2013.

Item 16 – CHAIR GRANT, MR. MAZUR, MR. HOGUES, MS. MARINELLI, MR. LOUGHRAN & MR. McCRACKEN presented a resolution Recognizing the Grand Opening of the Veterans One-Stop Center of WNY on April 29, 2013.

Item 17 – CHAIR GRANT, MR. MAZUR, MR. HOGUES, MS. MARINELLI, MR. LOUGHRAN & MR. McCRACKEN presented a resolution Commemorating WNY Armed Forces Week (May 5-11, 2013).

Item 18 – CHAIR GRANT, MR. MAZUR, MR. HOGUES, MS. MARINELLI, MR. LOUGHRAN & MR. McCRACKEN presented a resolution Commending WNY-JCF (Western New York-Joining Community Forces) for Its Advocacy on Behalf of Military Families.

Item 19 – CHAIR GRANT, MR. MAZUR, MR. HOGUES, MS. MARINELLI, MR. LOUGHRAN & MR. McCRACKEN presented a resolution Commending the Family Support Center of the 74th Regimental Armory on Connecticut Street for Its Advocacy on Behalf of Military Families.

Item 20 – CHAIR GRANT, MR. MAZUR, MR. HOGUES & MS. MARINELLI presented a resolution Celebrating National Nurses Week (May 6-12, 2013).

Item 21 – MR. McCRACKEN presented a memorial resolution Remembering the Life of John E. Coleman of Lancaster.

Item 22 – MR. RATH presented a resolution Celebrating a 40-Year Partnership Between the Salvation Army and Tops Friendly Markets to Help Eradicate Hunger & Improve the Quality of Life of Children & Families in WNY.

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

CARRIED UNANIMOUSLY.

MR. MAZUR moved to amend the above eighteen items by adding one for MR. MAZUR and one for MR. RATH, and also by including Et Al Sponsorship. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved for approval of the above twenty items as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 23 – CHAIR GRANT directed that Local Law No. 1 (Print #1) 2012 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 24 – CHAIR GRANT directed that Local Law No. 3 (Print #1) 2012 remain on the table and in the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Item 25 – CHAIR GRANT directed that Local Law No. 1 (Print #1) 2013 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 26 – 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 27 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 107

April 30, 2013	HEALTH & HUMAN SERVICES 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. COMM. 15E-9 (2012)
LORIGO: "Copy of Letter from Donna Andrzejewski, Regional Manager of SKIP of NY"
(6-0)
 - b. COMM. 16M-3 (2012)
SKIP OF NY: "Letter to Minority Caucus Concerning Medicaid Enrolled Nurses"
(6-0)
 - c. COMM. 2E-6 (2013)
MARINELLI: "Copy of United Way Needs Assessment"
(6-0)
 - d. COMM. 7D-7 (2013)
COMPTROLLER'S OFFICE: "Letter to Commissioner of Social Services Concerning Performance Audit of the Eligibility & Recertification Process Within the Public Assistance Unit of DSS"
(6-0)
 - e. INTRO 8-5 (2013)
MARINELLI & MAZUR: "Encouraging the EC Department of Social Services to Streamline the Process Whereby Private Duty Nurses are Approved for Medicaid Billing Purposes"
(6-0)
 - f. COMM. 8E-2 (2013)
COUNTY EXECUTIVE: "Appointment of EC Commissioner of Senior Services"
(6-0)
 - g. COMM. 8D-2 (2013)
COMMISSIONER OF SOCIAL SERVICES: "Quarterly Report of Social Services Contract Changes"
(6-0)
 - h. COMM. 8D-5 (2013)
EC HEALTH COMMISSIONER: "Response Letter to Comptroller's Audit of Department of Health Grants"
(6-0)
 - i. COMM. 8M-6 (2013)
PRESIDENT, EC BOARD OF HEALTH: "Minutes of Meeting Held 1/22/2013 & Proposed Agenda for May Meeting"
(6-0)
2. COMM. 7E-16 (2013)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health currently contracts for pharmacy consultant services; and

WHEREAS, Erie County requires the services of a highly competent pharmacy consultant to provide consultation and oversight of pharmaceutical matters for the Department of Health; and

WHEREAS, community pharmacy consultant rates are in excess of \$70 and Erie County currently pays \$50; and

WHEREAS, funds are available in Account 516020, Professional Services; and

WHEREAS, the Erie County Department of Health has saved thousands of dollars due to the services of fee-for-service pharmacy consultants.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature is hereby authorized to modify the fee-for-service schedule for Pharmacy Consultant found in Budget Resolution Number 22 on page R-6 of Book B in the 2013 Budget to increase the fee-for-service rates as follows:

Pharmacy Consultant 1 \$70/hour

and be it further

RESOLVED, that this rate increase shall commence on May 1, 2013 with funds available in Account 516020, Professional Services in the Department of Health's 2013 Budget; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the Erie 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 of Health, 9th Floor, Rath Building.

(6-0)

3. **COMM. 8E-6 (2013)
COUNTY EXECUTIVE**

WHEREAS, the Health Foundation for Western & Central New York has notified the Department of Senior Services that the Department has been awarded \$14,000 for a Powerful Tools grant for the period March 1, 2013 through February 28, 2014; and

WHEREAS, Powerful Tools grant funds will be used by the Department of Senior Services to more effectively promote and assist in offering Powerful Tools for Caregivers (PTC) classes to culturally diverse family caregivers in Erie County. These funds will continue to provide sustainability to the accomplishments of an earlier (2008) grant; and

WHEREAS, a local match is not required for this grant, as it is 100% funded by the Health Foundation for Western & Central New York; and

WHEREAS, the Falls Prevention grant budget needs to be established.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to contract with the Health Foundation for Western & Central New York to accept the Powerful Tools grant funds; and be it further

RESOLVED, that the budget for the Powerful Tools grant, (163PWRTOOLS1314), be established as follows:

REVENUES		INITIAL BUDGET
Account	Description	
417060	Other Income	\$14,000
APPROPRIATIONS		
510100	Out of Area Travel	500
516020	Professional Svcs & Fees	5000
530000	Other Expenses	<u>8,500</u>
	TOTAL	\$14,000
	APPROPRIATIONS	

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust budgets as required to comply with the Health Foundation for Western & Central New York approved funding levels; and be it further

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

(6-0)

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

WHEREAS, Erie County Department of Senior Services has hosted an Elder Law Day event every year since 2001 to provide an opportunity for older adults, their families and caregivers to hear professional presentations with reliable, accurate information on important elder law topics; and

WHEREAS, the 2013 Elder Law Day is scheduled to be held on June 20th, 2013 from 8:30 am to 1:00pm at the Adam's Mark Hotel on Church St in Downtown Buffalo; and

WHEREAS, Senior Services is planning on hosting the 2013 Elder Law Day in conjunction with Legal Services for the Elderly Inc., with the costs to be shared by both entities; and

WHEREAS, Senior Services desires to solicit contributions from various organizations that provide services to the elderly to help defray our estimated \$4,000 share of Elder Law Day 2013; and

WHEREAS, the existing III-B grant budget will need to be amended.

NOW, THEREFORE, BE IT

RESOLVED, that the Senior Services be and hereby is authorized to accept contributions from various organizations to help fund Elder Law Day; and be it further

RESOLVED, that the County Executive be and is here by authorized to contract with Legal Services for the Elderly Inc. to cohost Elder Law Day 2013; and be it further

RESOLVED, that the III-B 2013 Grant be amended as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS				
Account	Description			
516020	Professional Svcs & Fees	\$130,821	+\$4,000	\$134,821
REVENUES				
Account				
417060	Other Income Senior Services	-0-	+\$4,000	+\$4,000

and be it further

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

(6-0)

**THOMAS J. MAZUR
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 108

April 30, 2013	MINORITY & WOMEN BUSINESS ENTERPRISE COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 9D-1 (2012)
DIRECTOR OF EEO: "Letter to Chair of Legislature Concerning MBE/WBE Utilization - Ralph Wilson Stadium, 2011 Phase 2 - Miscellaneous Improvements"
(5-0)
 - b. COMM. 9D-2 (2012)
CLERK OF MINORITY & WOMEN BUSINESS ENTERPRISE COMMITTEE: "Copy of E-Mail Transmission from County Executive's Liaison to Chair of Legislature Concerning MBE Coordinator & EEO Investigator Positions in the Adopted 2012 Budget"
(5-0)
 - c. COMM. 10D-2 (2012)
DIRECTOR OF EC EEO: "Copy of Minority/Women Vendor Report for 2011"
(5-0)
 - d. COMM. 26M-2 (2012)
EC MBE/WBE UTILIZATION ADVISORY BOARD: "Minutes of Meeting Held 12/2/2012"
(5-0)
 - e. COMM. 1E-9 (2013)
GRANT: "Copy of Buffalo News Article Entitled, "Audit Faults EC for Bypassing Typical Bidding Process for 2011 Project""
(5-0)
 - f. COMM. 3D-6 (2013)
CLERK OF MINORITY/WOMEN BUSINESS ENTERPRISE COMMITTEE: "Letter Concerning Article for Review of Legislature MBE/WBE Committee"
(5-0)

**BETTY JEAN GRANT
CHAIR**

Item 29 – MR. McCracken presented the following report, moved to separate item Number 2, and moved to approve the balance of the report. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 109

May 2, 2013

ENERGY & ENVIRONMENT
COMMITTEE

REPORT NO. 7

ALL MEMBERS PRESENT.

CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 8E-1 (2013)
COUNTY EXECUTIVE: "Appointment to the Buffalo Society of Natural Sciences Board"
(6-0)
 - b. COMM. 8M-5 (2013)
NYSDEC: "Public Notice: Inactive Hazardous Wasted Disposal Site Classification Notice for Site Known as Alltft Landfill - 302 Abby Street, Buffalo, NY 14202"
(6-0)

2. INTRO 8-2 (2013)
HARDWICK

WHEREAS, on March 28, 2013, a guilty verdict was reached in the United States District Court for the Western District of New York against Tonawanda Coke Corporation for numerous violations of the Clean Air Act; and

WHEREAS, as a result of the criminal actions of Tonawanda Coke Corporation, the neighborhoods in the immediate area of the plant have suffered specific harms and measurable environmental damage as a result of the release of pollutants; and

WHEREAS, there is great concern regarding the impact of the release of pollutants by Tonawanda Coke Corporation on the health of residents of the Tonawandas; and

WHEREAS, Tonawanda Coke Corporation faces up to \$200 million in fines when sentenced later this year.

NOW, THEREFORE, BE IT

RESOLVED, that this body urges the Court to direct that all fines levied against Tonawanda Coke Corporation be utilized within the City of Tonawanda and Town of Tonawanda to address residents' health concerns and environmental problems caused by Tonawanda Coke Corporation; and be it further

RESOLVED, that certified copies of this resolution be conveyed to United States District Court Judge William M. Skretny and United States Attorney William J. Hochul, Jr. (4-0) Legislators Lorigo and Mills not present for vote.

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

WHEREAS, the Department of Parks, Recreation and Forestry currently permits disc golf on designated courses at several Erie County Parks; and

WHEREAS, the Department of Parks, Recreation and Forestry is finding it increasingly difficult to maintain disc golf courses due to lack of staffing; and

WHEREAS, the Niagara Frontier Disc Golf (NFDG) is willing to enter into agreements with the County to take over the maintenance aspect of these disc golf courses, including, but not limited to, repairs, signage, mapping and course volunteer days.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with NFDG for the purpose of permitting the maintenance of these disc golf courses located within the Erie County Parks System; 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 and Assistant County Attorney, Kristen Walder, of the Law Department.

(6-0)

4. COMM. 8E-13 (2013)
COUNTY EXECUTIVE

WHEREAS, Erie County on behalf of Erie County Sewer District No. 3 submitted a grant application to the Water Quality Improvement Project program for the Rush Creek Interceptor project; and

WHEREAS, the Erie County had been notified that the Rush Creek Interceptor Project was awarded a \$5,000,000 grant through the Water Quality Improvement Project program; and

WHEREAS, per Legislative Comm. 3E-25 (2011) Erie County has entered into a grant agreement with New York State; and

WHEREAS, Capital project C.00012 needs to be increased for the anticipated appropriations and establish the Water Quality Improvement Project grant revenue.

NOW, THEREFORE, BE IT

RESOLVED, that the Comptroller and Director of Budget are authorized to increase the appropriations and estimated grant revenue in capital project C.00012 by \$5,000,000.00; and be it further

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

(6-0)

TERRENCE D. McCracken
CHAIR

MR. McCRACKEN moved to amend item Number 2. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Delete the First Resolved Clause and Replace with the Following:

RESOLVED, this body urges the federal government to allocate the maximum percentage of fines to be used in community controlled projects within the City of Tonawanda, Town of Tonawanda, Town of Grand Island and the Riverside section of the City of Buffalo to address residents' health concerns and environmental problems caused by Tonawanda Coke Corporation; and be it further

MR. McCRACKEN moved to approve item Number 2 as amended. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY

Item 30 – MR. HOGUES presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 110

May 2, 2013	PUBLIC SAFETY COMMITTEE REPORT NO. 7
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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. 8M-4 (2013)

CHAIR, EC COMMUNITY CORRECTIONS ADVISORY BOARD: "Letter to Monroe County Sheriff's Office Superintendent Concerning Tour of Monroe County Jail & Correctional Facility"
(6-0)

2. COMM. 7E-24 (2013)

SHERIFF

WHEREAS, the Sheriff's Office Worker's Compensation Clerk retired on March 26, 2013 without sufficient time to train a new employee; and

WHEREAS, the Sheriff wishes to re-hire the former employee on a part time basis to provide the essential training needed to fulfill the job responsibilities of the new Worker's Compensation Clerk; and

WHEREAS, funding for this new position will be offset by the transfer of funds from the Sheriff's Division Account #530000, Other Expenses, therefore requiring no additional county funds.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office be authorized to create one (1) Worker's Compensation Clerk PT, Job Group V (B100 #7281) effective 05/01/13; and be it further

RESOLVED, that the Sheriff is authorized to compensate this employee at the same hourly rate of \$16.283 at which she was last employed; and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

ERIE COUNTY SHERIFF'S OFFICE- Business Area # 115

<u>APPROPRIATION</u>		<u>Decrease</u>
530000	Other Expenses	<u>2,800</u>
Total Decrease		<u>2,800</u>
<u>APPROPRIATION</u>		<u>Increase</u>
500010	Part Time – Wages	2,600
502000	Fringe Benefits	<u>200</u>
Total Appropriations		<u>2,800</u>

and be it further

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

3. COMM. 7E-25 (2013)
SHERIFF

WHEREAS, procedures have been established by Communication #6E-28 adopted on April 7, 2007; and

WHEREAS, there are adequate funds available in the reserve fund for distribution to the Sheriff's Office from the sale of surplus helicopter parts; and

WHEREAS, the use of these funds will reduce the amount of county tax dollars required for the support and maintenance of the Sheriff's Office Aviation Division.

NOW, THEREFORE, BE IT

RESOLVED, that \$67,250 in available balances in the Appropriated Fund Balance (Reserve for Law Enforcement Purposes) is hereby transferred to the Erie County Sheriff's Office; and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

ERIE COUNTY SHERIFF'S OFFICE

<u>REVENUE</u>		<u>Increase</u>
402190	Appropriated Fund Balance (Reserve for Law Enforcement Purposes)	<u>67,250</u>
	Total Revenue	<u>67,250</u>
<u>APPROPRIATION</u>		<u>Increase</u>
505600	Auto, Truck & Heavy Equipment Supplies	20,000
506200	Maintenance & Repair	40,250
561410	Lab & Technical Equipment	<u>7,000</u>
	Total Appropriations	<u>67,250</u>

and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget and Management, the Erie County Comptroller, and the Office of the Sheriff.
(6-0)

4. INTRO 8-3 (2013)
RATH, GRANT, HOGUES, AS AMENDED
LOUGHRAN, McCracken
& DIXON

WHEREAS, first responders protect New York State residents during myriad emergencies each year; and

WHEREAS, first responders place themselves in dangerous situations while responding to, and while on the scene of, medical emergencies, fires, search and rescue operations, hazardous materials spills and local and regional natural and man-made disasters; and

WHEREAS, these selfless individuals willingly volunteer extended time away from family to acquire the proper training to perform these tasks, as well as respond to actual emergencies; and

WHEREAS, New York State Senate Bill S. 2111 would offer a \$1200 tax credit to volunteer firefighters and members of a volunteer ambulance corps in good standing; and

WHEREAS, such an incentive would serve to promote needed recruitment and retention of volunteer first responders.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby supports passage and implementation of New York Senate Bill 2111 and any companion bill in the New York State Assembly; 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.
(6-0)

**TIMOTHY R. HOGUES
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 111

May 2, 2013	FINANCE & MANAGEMENT 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. 8E-3 (2013)
COMPTROLLER: “Report of Secured Funds Relating to 2013 Capital Borrowing & 2013 Refunding Issues”
(6-0)
 - b. COMM. 8D-3 (2013)
COMPTROLLER'S OFFICE: “February 2013 Sales Tax”
(6-0)
 - c. COMM. 8D-4 (2013)
DIRECTOR OF BUDGET & MANAGEMENT: “Preliminary, Unaudited 2012 Financial Data”
(6-0)

**TIMOTHY R. HOGUES
CHAIR**

Item 32 – MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 112

May 2, 2013	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 8
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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. 8M-1 (2013)
NFTA: "Minutes of Meeting Held 2/28/2013"
(6-0)

2. INTRO 7-5 (2013)
GRANT

WHEREAS, Erie County is proud to be the home of New York State's only NFL Team that plays in New York State; and

WHEREAS, the Buffalo Bills have had a long and mutually beneficial relationship with Erie County for decades; and

WHEREAS, proof of this relationship lies in the successful Buffalo Bills lease negotiations undertaken in 1998 by the administration of then-Erie County Executive Dennis T. Gorski and the current County Executive, Mark Poloncarz; and

WHEREAS, both County Executives successfully utilized current Deputy County Executive Richard M. Tobe as the county's leading voice in the negotiations among the Buffalo Bills, New York State and Erie County; and

WHEREAS, in the face of a very challenging economic climate nationally, statewide and here in Erie County, the recently approved Buffalo Bills lease is noteworthy for its exceptionally high return on investment of public dollars; and

WHEREAS, a review of other NFL Stadium projects validates the taxpayer sensitivity that was demonstrated by Erie County's successful negotiations to retain an NFL team for a combined investment of \$130 million -- \$53 million from New York State, \$40 million from Erie County and \$35 million from the Bills franchise; and

WHEREAS, in fact, the \$130 million deal will result in a \$140 million boost to New York State income tax collections over the next 10 years, as well as substantial sales tax revenues for both the state and Erie County, and much-needed bed tax dollars to benefit the marketing efforts of Visit Buffalo Niagara, the destination marketing organization for Erie County; and

WHEREAS, opening at a cost of \$20 million in 1973, Erie County's NFL stadium in Orchard Park has yielded economic and quality of place benefits for 40 years; and

WHEREAS, NFL teams continue to be in high demand by communities across the nation, whereby Erie County's \$130 million deal is juxtaposed favorably against the \$400 million deal proposed by the Miami Dolphins and the \$250 million deal sought by the Carolina Panthers; and

WHEREAS, Erie County is privileged to host Bills fans from the Greater Rochester Area, Southern Ontario and the surrounding counties of Western New York, most notably, Niagara County; and

WHEREAS, every effort must be made in the highly competitive national climate in which NFL teams are courted for all political jurisdictions in a region to work together to retain an NFL franchise; and

WHEREAS, Niagara County's interest in the Buffalo Bills is better directed toward supporting the retention of the Bills in Erie County, the government entity with the unparalleled experience and long-standing record for negotiating NFL stadium leases that are in the best interests of the taxpayers, Buffalo Bills fans and the entire region; and

WHEREAS, if future negotiations require the construction of a brand new stadium for the Buffalo Bills, the only reasonable alternative location to Orchard Park would be in Downtown Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature confirm its support for the recently approved Buffalo Bills lease and its interest in keeping the Buffalo Bills playing in Erie County for many years to come; and be it further

RESOLVED, that certified copies of this resolution be conveyed to Governor Andrew Cuomo, County Executive Mark Poloncarz, Deputy County Executive Richard Tobe, the WNY Delegation to the NYS Legislature, the Chair of the Niagara County Legislature, the Mayor of the City of Buffalo, the President of the Buffalo Common Council, and all others deemed necessary and proper.

(6-0)

3. COMM. 8E-9 (2013)
COUNTY EXECUTIVE

WHEREAS, the Savage Road Bridge over Dry Creek Project in the Town of Sardinia, Erie County, PIN 5757.30 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Erie advanced the Project's Design Phase via Comm. Nos. 8E-10 (2011) adopted on April 28, 2011 and 6E-11 (2012) adopted on May 10, 2012; and

WHEREAS, the County of Erie desires to advance the Construction and Construction Inspection Phase of the Project, PIN 5757.30 through a Supplemental Agreement that increases the Project Agreement by the amount of \$935,000 (\$187,000 required local share).

NOW, THEREFORE, BE IT

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

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

RESOLVED, that the Project Fund B.12003 - 2012 Savage Road Bridge Reconstruction, fund center 123, fund 420, be increased by the anticipated Federal revenue in the amount of \$748,000 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	\$ 0	\$748,000	\$748,000
475000	Gen Oblig Bond Proc	<u>200,000</u>	<u>0</u>	<u>200,000</u>
TOTAL REVENUES		<u>\$200,000</u>	<u>\$748,000</u>	<u>\$948,000</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	<u>\$200,000</u>	<u>\$748,000</u>	<u>\$948,000</u>
TOTAL APPROPRIATIONS		<u>\$200,000</u>	<u>\$748,000</u>	<u>\$948,000</u>

and be it further

RESOLVED, that the estimated total sum of the construction phase of the Project, \$935,000 is hereby appropriated from B.12003 – 2012 Savage Road Bridge Reconstruction and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project's Construction and Construction Inspection Phase exceeds the amount appropriated, \$935,000 and/or 100% of the full Federal and

non-Federal shares of the cost of the Project's Construction and Construction Inspection Phase exceeds \$935,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

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

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

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation and also one copy each to the Office of the County Executive, the Office of Budget and Management, and the Office of the Comptroller.
(6-0)

4. COMM. 8E-10 (2013)
COUNTY EXECUTIVE

WHEREAS, the Savage Road Bridge over Dry Creek Project PIN 5757.30 will be advertised, bid, and ready for award of construction contract to the responsible low bidder; and

WHEREAS, the Savage Road Bridge over Dry Creek Project PIN 5757.30 will replace a deteriorating bridge; and

WHEREAS, funding for this Federal Aid Project was approved and is available in B.12003 - 2012 Savage Road Bridge Reconstruction in the amount of \$935,000.00 (\$187,000.00 required local share); and

WHEREAS, it is necessary that this approval be granted, so that the contract can be awarded to allow the contractor to begin work as soon as possible; and

WHEREAS, in order to facilitate the Savage Road Bridge over Dry Creek Project it will be necessary for the County to execute the construction contract with the responsible low bidder and establish a construction contingency; and

WHEREAS, a new contract must be negotiated with project engineers Wendel of Buffalo, New York, for construction inspection and engineering services during construction.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to award and execute a contract for the Savage Road Bridge over Dry Creek Project PIN 5757.30 between the County of Erie and the lowest responsible bidder, establish a construction contingency and execute a negotiated new contract between the County of Erie and project engineers Wendel of Buffalo, New York; and be it further

RESOLVED, that funding for the Savage Road Bridge over Dry Creek Federal Aid Project be allocated from fund B.12003 - 2012 Savage Road Bridge Reconstruction in an amount not to exceed \$935,000.00 (\$187,000.00 local share); and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project; and be it further

RESOLVED, that the Department of Public Works will inform the Erie County Legislature, for information only, as to what contractor was the successful low responsible bidder for the Savage Road Bridge over Dry Creek Project PIN 5757.30; 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 Division of Budget and Management, and the Office of the Comptroller.
(6-0)

5. COMM. 8E-11 (2013)
COUNTY EXECUTIVE

WHEREAS, the East Robinson and North French Roads Reconstruction Project in the Town of Amherst, Erie County, PIN 5755.43 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Erie advanced the Project's Design Phase via Comm. 14E-20(B) adopted on July 6, 2000 and 4E-10 (2011) adopted on March 17, 2011; and

WHEREAS, the County of Erie desires to increase the Design Phase and advance the Construction and Construction Inspection Phase of the Project, PIN 5755.43 through a Supplemental Agreement that increases the original Project Agreement by the amount of \$75,000 (\$14,950 local share) for Design and \$12,330,000 (\$858,700 local share) for Construction.

NOW, THEREFORE, BE IT

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

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and Non-Federal share of the cost of the

Preliminary Engineering (Scoping and Design I-VI), and Construction and Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that the Project Fund B.00185 - 2008 East Robinson/North French Design, fund center 123, fund 420, be increased by the anticipated Federal and State revenue in the amount of \$60,050 and the local share be increased in the amount of \$14,950 available from B.12015, fund 420 G/L account 486000, as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	\$ 0	\$60,000	\$60,000
405160	NYS Marchiselli Aid	0	50	50
475000	Gen Oblig Bond Proc	6,127	0	6,127
486000	Interfund Rev Subsidy	<u>0</u>	<u>14,950</u>	<u>14,950</u>
TOTAL REVENUES		<u>\$6,127</u>	<u>\$75,000</u>	<u>\$81,127</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	<u>\$6,127</u>	<u>\$75,000</u>	<u>\$81,127</u>
TOTAL APPROPRIATIONS		<u>\$6,127</u>	<u>\$75,000</u>	<u>\$81,127</u>

and be it further

RESOLVED, that the Project Fund B.12001 - 2012 East Robinson/North French Reconstruction, fund center 123, fund 420, be increased by the anticipated Federal and State revenue in the amount of \$11,471,300 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	\$ 0	\$10,072,300	\$10,072,300
405160	NYS Marchiselli Aid	0	1,399,000	1,399,000
475000	Gen Oblig	<u>2,400,000</u>	<u>0</u>	<u>2,400,000</u>

		Bond Proc		
TOTAL REVENUES		<u>\$2,400,000</u>	<u>\$11,471,300</u>	<u>\$13,871,300</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$2,400,000</u>	<u>\$11,471,300</u>	<u>\$13,871,300</u>
TOTAL APPROPRIATIONS		<u>\$2,400,000</u>	<u>\$11,471,300</u>	<u>\$13,871,300</u>

and be it further

RESOLVED, that the increased amount of the design phase of the project of \$75,000 with an increased local share of \$14,950.00 is hereby appropriated from B.00185 East Robinson/North French Designs and B.12015 2012 Capital Road Program. The amount of the construction phase of the project is \$12,330,000 with a local share of \$858,700.00 is hereby appropriated from B.12001 East Robinson/North French Reconstruction Federal Aid Program and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project's Design, Construction and Construction Inspection Phases exceeds the amount appropriated above and/or 100% of the full Federal and non-Federal shares of the cost of the Project's Design, Construction and Construction Inspection Phases exceeds the amount appropriated above, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

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

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

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation and also one copy each to the Office of the County Executive, the Office of Budget and Management, and the Office of the Comptroller.

(6-0)

6. COMM. 8E-12 (2013)
COUNTY EXECUTIVE

WHEREAS, the East Robinson and North French Roads Reconstruction Project PIN 5755.43 will be advertised, bid, and ready for award of construction contract to the responsible low bidder; and

WHEREAS, the East Robinson and North French Roads Reconstruction Project PIN 5755.43 will reconstruct and widen the deteriorating roadway and a bridge; and

WHEREAS, funding for this Federal Aid project increases the Design Phase and advances the Construction and Construction Inspection Phase of the Project, PIN 5755.43 through a Supplemental NYSDOT Agreement that increases the original Project Agreement by the amount of \$75,000 (\$14,950 local share) for Design and \$12,330,000 (\$858,700 local share) for Construction; and

WHEREAS, it is necessary that this approval be granted, so that the contract can be awarded to allow the contractor to begin work as soon as possible; and

WHEREAS, in order to facilitate the East Robinson and North French Roads Reconstruction Project it will be necessary for the County to execute the construction contract with the responsible low bidder and establish a construction contingency; and

WHEREAS, a change order for design and a new contract for construction inspection and engineering services during construction must be executed with Project Engineers Greenman–Pedersen, Inc. of Buffalo, New York; and

WHEREAS, related project utility agreements must be executed with various utility companies.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to award and execute a contract for the East Robinson and North French Roads Reconstruction Federal Aid Project PIN 5755.43 between the County of Erie and the lowest responsible bidder, establish a construction contingency, execute a change order for design and a new contract for construction inspection and engineering services during construction between the County of Erie and Project Engineers Greenman–Pedersen, Inc., of Buffalo, New York, and execute related project utility agreements between the County of Erie and various utility companies; and be it further

RESOLVED, that funding for the increased amount of the design phase of the project of \$75,000. is hereby appropriated from B.00185, 2008 East Robinson/North French Road Design Federal Aid Program; funding for the construction phase of the project in the amount of \$12,330,000 is hereby appropriated from B.12001 East Robinson/North French Reconstruction Federal Aid Program; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the project; and be it further

RESOLVED, that the Department of Public Works will inform the Erie County Legislature, for information only, as to what contractor was the successful low responsible bidder for the East Robinson and North French Roads Reconstruction Project PIN 5755.43; 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 Division of Budget and Management, and the Office of the Comptroller.

(6-0)

**THOMAS A. LOUGHRAN
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 113

May 2, 2013	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 8
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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. 8M-3 (2013)
BUFFALO & EC PUBLIC LIBRARY: “Proposed Agenda for Meeting to be Held 4/18/2013”
(6-0)

2. COMM. 8E-16 (2013)
COUNTY EXECUTIVE/PRESIDENT OF ECC
WHEREAS, the Erie County Department of Public Works’ Division of Buildings and Grounds administers the County’s physical plant and all building construction, including supervision of all Erie Community College (“ECC”) projects; and

WHEREAS, DPW has a critical need to have the services of an in-house architect to provide critical architectural work for ECC and to reduce the County’s dependence on expensive outside consultants and to expedite work for ECC projects; and

WHEREAS, ECC will reimburse the County for 45% of the cost of the salary and fringe benefits for the assistant architect position; and

WHEREAS, on April 24, 2013, the ECC Board of Trustees unanimously approved a resolution supporting the position.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one position of Assistant Architect, job group 14, variable minimum step 2 in the Department of Public Works' Division of Buildings and Grounds, B-100 # 7090; and be it further

RESOLVED, that the Division of Budget and Management is hereby authorized to adjust the Adopted 2013 Budget for this position as follows with a projected May 15, 2013 start date:

Division of Buildings and Grounds - Fund Center 12220		
Revenue		Increase
420020	Community College Reimbursement	29,108
Countywide Budget Accounts – Fund Center 14010		
Revenue		Increase
400042	Wind Power/Lieu-Tax	<u>35,576</u>
	Total Revenue	64,684
Division of Buildings and Grounds - Fund Center 12220		
Expense		
500000	Full Time Salary	38,733
502000	Fringe Benefits	<u>25,951</u>
	Total Expense	64,684
	Net Impact	- 0 -

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with ECC for this position, including the ECC reimbursement; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive, the Office of the Comptroller, the Department of Personnel, the Department of Law, the Division of Budget and Management, William Reuter, Chief Administrative and Financial Officer at Erie Community College and the Department of Public Works.

(4-2) Legislators Hardwick & Lorigo voted in the negative.

**LYNN M. MARINELLI
CHAIR**

LEGISLATOR RESOLUTIONS

Item 34 – CHAIR GRANT directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO 9-1 from HOGUES. Supporting the NFTA’s Application for a Department of Homeland Security Transit Security Grant for FY 2013.

Item 35 – CHAIR GRANT directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 9-2 from McCRACKEN. Requesting Commissioner of Agriculture and Markets to Extend Review Dates for Agricultural District Number 15

Item 36 – CHAIR GRANT directed that the following resolution be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

INTRO 9-3 from MARINELLI. Urging the New York State Legislature and Governor to Develop a Multi-Year Plan to Restore State Aid to Community Colleges as Set Forth in NYS Education Law.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 114

RE: Expressing Support for NYS
S.530/A.2623 - Jay J.'s Law - to Increase
the Criminal Penalty for Repeat Child
Abusers
(INTRO 9-4)

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

WHEREAS, Jay J. Bolvin is a three-year-old boy who, as an infant, suffered a beating at the hands of his father that was so severe Jay J. suffered brain damage resulting in a seizure disorder and developmental delays; and

WHEREAS, for this horrific crime, Jay J.'s father received the maximum sentence allowed under New York State law, one and a half to four years in prison, which pales in comparison to the life sentence of challenges and limitations that will be faced by his son; and

WHEREAS, according to media reports, Jay J. suffered 11 separate fractures in his body from his father's beatings, indicating a long history of abuse perpetrated on this helpless little boy; and

WHEREAS, Jay J.'s father had previously been convicted of third-degree assault for breaking the arm of another son, just six months old, in 2006; and

WHEREAS, New York State Senate Bill 530 and Assembly Bill 2623 seek to increase penalties for such crimes in the future; and

WHEREAS, under this proposed law, an assault of a child by a defendant with a previous conviction for an assault or attempted assault of a child shall be an assault in the first degree, also known as aggravated assault, will be designated a class D felony if perpetrated against a child under 11 years of age, and will carry a potential penalty of a seven year maximum sentence; and

WHEREAS, this legislation would strengthen penalties against repeat violent offenders, including elevation of the assault charge to a class B felony if a third child abuse offense occurs, a felony that carries a maximum sentence of 25 years.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports New York State Senate Bill 530 and Assembly Bill 2623, known as Jay J.'s Law, which increases the penalties for individuals convicted of repeat child abuse; 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 38 – CHAIR GRANT directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO 9-5 from DIXON. Expressing Support for New York State Assembly Bill 4995-A, in Part Prohibiting Sex Offenders from Being Hired for Positions Involving Substantial Contact with Children.

Item 39 – CHAIR GRANT directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 9-6 from HARDWICK & RATH. Expressing Support for NYS A.5392/S.2214, Amending the New York State Constitution to Permit a Recall Election.

Item 40 – CHAIR GRANT directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 9-7 from MAZUR. Calling on the NYS Legislature and Governor to Update the Real Property Tax Law to Clearly Include Fiber Optic Cable in the Value of Outside Plant for the Purposes of Maintaining Current Revenue Assessments on Corporate Property.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 41 – MR. MAZUR moved to discharge the PUBLIC SAFETY COMMITTEE of further consideration of COMM. 6E-24 (2013). MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 115

RE: Jail Management Telephone Revenue
(COMM. 6E-24, 2013)

WHEREAS, the Sheriff's Jail Management Division receives revenue through the operation of a commissary and also for the use of telephones by inmates in the Holding Center and Correctional Facility; and

WHEREAS, in the past the Office of the Sheriff has managed telephone revenue under the control of the Sheriff in a manner similar to the use of Commissary funds; and

WHEREAS, it has been determined that the phone revenue is not commissary revenue and should therefore be managed as general fund revenue to the County; and

WHEREAS, the County Executive and the Sheriff agree that the telephone revenue should be dedicated to the operation of the Holding Center and Correctional Facility.

NOW, THEREFORE, BE IT

RESOLVED, that all telephone revenue received by the Office of the Sheriff shall be deposited with the Comptroller's Office to be recorded and held in a trust account until properly appropriated; and be it further

RESOLVED, that all appropriations of said funds shall be dedicated to the operation of the Jail Management Division, subject to the approval of the Erie County Legislature and based upon the recommendations of the Sheriff and County Executive; and be it further

RESOLVED, that the Erie County Sheriff continue to ensure that all Commissary revenue be utilized in accordance with New York State Law for prisoner welfare and rehabilitation; and be it further

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

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 42 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 9E-16 from the COUNTY EXECUTIVE Re: Letter to Chair Grant Concerning Local Law INTRO 2-1 (2013)

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 43 – (COMM. 9E-1) Golf Course User Fees

Item 44 – (COMM. 9E-2) Appointments to the Environmental Management Council

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

Item 45 – (COMM. 9E-3) Probation - Equipment Replacement Purchase of Computers & Vehicle

Item 46 – (COMM. 9E-4) Correctional Facility - 2013 Six Bay Security Upgrades

The above two items were received and referred to the PUBLIC SAFETY COMMITTEE.

Item 47 – (COMM. 9E-5) First Amendatory Agreement - Commercial Center Improvement Program - Architectural Services

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 48 – (COMM. 9E-6) EC Sewer District No. 4 - Lancaster - Intermunicipal Agreement Amendment & Close Out

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 49 – (COMM. 9E-7) Authorize Sale of County-Owned Property Sold at Public Auction

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 50 – (COMM. 9E-8) Right-of-Way Acquisition - Reconstruction of Penora St. Phase II
- Como Park Blvd. to Broadway, Lancaster

Item 51 – (COMM. 9E-9) Stony Rd., Design/Rehabilitation, Lancaster

Item 52 – (COMM. 9E-10) Ralph Wilson Stadium - 2013 - Annual Capital Improvement
Project

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

Item 53 – (COMM. 9E-11) Allocation of Solid Waste Management Board Funding to the
Waste Reduction & Recycling Coordination Grant

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY CLERK

Item 54 – (COMM. 9E-12) Replenishment of E-Z Pass Tags

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER

Item 55 – (COMM. 9E-13) Interim Financial Report for Three-Month Period Ending
3/31/13

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 56 – (COMM. 9E-14) Audited Financial Statements & Management Letter for ECC,
Fiscal Year Ending 8/21/12

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 57 – (COMM. 9E-15) Amendment Clock-In to COMM. 8E-5 (2013), "2012 Year-End
Financials Placeholder Request" - Amended in FM Committee 5/2/13

Received and Filed.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 58 – (COMM. 9D-1) Notice of Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 59 – (COMM. 9D-2) Budget Monitoring Report for Period Ending March 2013

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DEPUTY COUNTY EXECUTIVE

Item 60 – (COMM. 9D-3) Final Changes to Buffalo Bills Lease Document

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE PRESIDENT, TEAMSTERS LOCAL UNION NO. 264

Item 61 – (COMM. 9M-1) Recommendation for Appointment to EC Community Corrections Advisory Board

Received and referred to the the PUBLIC SAFETY COMMITTEE.

FROM THE ECIDA

Item 62 – (COMM. 9M-2) Financial Statements as of 12/31/12

Received and referred to the the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NFTA

Item 63 – (COMM. 9M-3) Annual Operating Budget for Fiscal Year Ending 3/31/14, and Revised Five-Year Capital Plan

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM 'NIKE,' MAY 2013

Item 64 – (COMM. 9M-4) Article Titled, "An Analysis of Governor Cuomo's 10-Point Women's Equality Act"

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM ERWIN ZAFIR, MANAGING MEMBER, KEY SUCCESS, LLC

Item 65 – (COMM. 9M-5) Copy of Letter to Mayor Brown Concerning Future of Key Center at Fountain Plaza

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE ASSIGNED COUNSEL PROGRAM

Item 66 – (COMM. 9M-6) Quarterly Report for First Quarter of 2013

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM PAUL WOLF

Item 67 – (COMM. 9M-7) Creating An Open Government Advisory Board

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NFTA

Item 68 – (COMM. 9M-8) NFTA Metro System, Inc. Actual Cash Flow (4/1/12 - 3/31/13) and Projected Cash Flow (4/1/13 - 3/31/14) Statements

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYS DEPT. OF AGRICULTURE & MARKETS

Item 69 – (COMM. 9M-9) Letter to Legislature Granting Extension Requests for Erie County Agricultural District Nos. 2, 4 & 15

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE EC MINORITY & WOMEN BUSINESS ENTERPRISES UTILIZATION
ADVISORY BOARD**

Item 70 – (COMM. 9M-10) Minutes of Meeting Held 3/25/13

Received and referred to the MINORITY & WOMEN BUSINESS ENTERPRISE COMMITTEE.

ANNOUNCEMENTS

Item 71 – CHAIR GRANT announced that the schedule of upcoming Legislature committee meetings will be distributed on Friday, May 10, 2013.

Item 72 – MS. MARINELLI announced happy birthday wishes to Legislator Hogues, and wishing everyone a happy Mother's Day.

MEMORIAL RESOLUTIONS

Item 73 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Janet R. (Hey) Campbell, Bonny Grace Vitali and Alexander E. Hemline.

Item 74 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Barbara E. Pigeon and Douglas H. Smith.

Item 75 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Roberto Velazquez, Barbara E. Pigeon, Bonny Grace Vitali, Lisa Buffington, Jeffrey Cintron and Frederick Garrasi III.

Item 76 – Legislator McCracken requested that when the Legislature adjourns, it do so in memory of John E. Coleman.

Item 77 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Barbara E. Pigeon and Robert S. Vidler Jr.

Item 78 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Dorothy Malczewski.

Item 79– Legislator Mills requested that when the Legislature adjourns, it do so in memory of Frederick Garrasi III.

ADJOURNMENT

Item 80 – 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. RATH 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