

**ERIE COUNTY LEGISLATURE  
MEETING NO. 11  
JUNE 6, 2013**

The Legislature was called to order by Chair Grant.

All members present.

An Invocation was held, led by Mr. Mills, who requested a moment of silence in remembrance of World War II veterans and today's 69<sup>th</sup> anniversary of D-Day.

The Pledge of Allegiance was led by Mr. Loughran.

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 10 from 2013. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – CHAIR GRANT & MR. MAZUR presented a resolution Remembering the 69th Anniversary of D-Day (June 6, 1944).

Item 6 – CHAIR GRANT & MR. MAZUR presented a resolution Welcoming the Delegates to the Department of NY VFW Convention to Buffalo June 12 - 16, 2013.

Item 7 – MR. HOGUES, CHAIR GRANT & MR. MAZUR presented a resolution Recognizing the Dedication of the WNY Hispanic Veterans Memorial Monument on Flag Day, June 14, 2013.

Item 8 – MR. MILLS presented a resolution Congratulating David R. Kaczor, Councilman - Town of Orchard Park, 2001 - 2013 on His Retirement.

Item 9 – MR. LORIGO presented a resolution Honoring the Spring Brook Fire Company on Its 100th Anniversary.

Item 10 – MR. MILLS & MR. LORIGO presented a resolution Honoring Nicole Achtyl on Being Named the 2013 EC Dairy Princess.

Item 11 – MR. MAZUR presented a resolution Honoring the Life of Leonard Szymanski, Former Mayor of Sloan, NY.

Item 12 – MS. DIXON presented a resolution Honoring Jennifer Nahrebeski of Lackawanna for Receiving the Distinguished Educator Award from the Stanley G. Falk School.

Item 13 – MR. RATH presented a resolution Recognizing & Acknowledging Marcia C. Brogan’s Commitment to Quality Child Care in WNY & Her Being Honored with the Early Care & Learning Council’s Annual Excellence in Leadership Award for 2013.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 14 – CHAIR GRANT directed that Local Law No. 1 (Print #1) 2012 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 15 – CHAIR GRANT directed that Local Law No. 3 (Print #1) 2012 remain on the table and in the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Item 16 – CHAIR GRANT directed that Local Law No. 1 (Print #1) 2013 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 17 – CHAIR GRANT directed that Local Law No. 3 (Print #1) 2013 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

### **COMMITTEE REPORTS**

Item 18 – 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. 129

May 28, 2013	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.  
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
  - a. COMM. 10E-17 (2013)  
COUNTY EXECUTIVE: “ECSD Nos. 1,4 & 5 - Engineer Term Contract Agreement - DiDonato Associates”  
(5-0)
2. INTRO 10-7 (2013)  
GRANT, MAZUR, HOGUES & MCCracken  
WHEREAS, the New York State Public Service Commission (PSC) will hold an evidentiary hearing in front of Administrative Law Judge David L. Prestemon beginning at 9:00 a.m. on Thursday, May 23, 2013 in Albany, to be continued on Thursday, May 30, 2013 if needed; and

WHEREAS, the purpose of this hearing is to hear testimony on whether the gas rates and charges of National Fuel Gas Distribution Corporation should be set on a temporary basis, subject to refund; and

WHEREAS, the need for this hearing was occasioned by the Public Service Commission’s Order Instituting Proceeding and to Show Cause, which was issued on April 19, 2013; and

WHEREAS, the aforementioned report draws, in part, the following conclusion: “National Fuel’s earnings level indicates that its gas rates may be higher than needed to provide safe and adequate service, particularly in light of the recently allowed ROE (Return on Equity) and earnings sharing provisions established for other utilities;” and

WHEREAS, the report also draws the following conclusion: “Further, absent action, National Fuel’s deferral balances may continue to escalate during a period of time that the Company is earning a return in excess of its cost of equity;” and

WHEREAS, the report further contends, “These circumstances may result in National Fuel customers paying higher rates than are just and reasonable;” and

WHEREAS, the deferrals outlined by the Public Service Commission include pension and other post-employment benefits, which are being deferred – the PSC asserts – by National Fuel for future recovery from customers; and

WHEREAS, “future recovery from customers” can only be interpreted as meaning future rate hikes; and

WHEREAS, in the 2007 Rate Order, the PSC envisioned a 9.1% ROE (Return on Equity), yet the audited financial statements for National Fuel’s last fiscal year ending September 30, 2012 indicate that the actual ROE is more likely in the range of 12 – 13%; and

WHEREAS, this double digit profit, paired with the deferral of expenses to be “recovered” at a later date from customers, bodes poorly for residential and business ratepayers who are bearing excessive energy costs now, and likely, in the future; and

WHEREAS, the PSC report notes that National Fuel proposes to share its “savings with its customers by implementing an earnings sharing and stabilization mechanism and by accelerating its infrastructure modernization program;” and

WHEREAS, the PSC report further states: “However, the Company’s current Proposal does not yet describe an adjustment to existing rates large enough to fully compensate for the imbalance between ratepayer and shareholder interests that has developed since the 2007 Rate Order;” and

WHEREAS, the report draws the following conclusion: “In the absence of a Company proposal to fully and fairly adjust current rates on a permanent basis, and in the further absence of a proposal to fully protect ratepayer interests while appropriate permanent rates are being determined, we must consider the establishment of temporary rates, pursuant to PSL Section 114, at their current levels subject to refund;” and

WHEREAS, although a number of legal options for National Fuel are advanced in the report, this Honorable Body does not yet know the outcome of National Fuel’s actions in response to the aforementioned report (CASE 13-G-136); and

WHEREAS, it is ironic that National Fuel’s double digit profits were initially garnered during the Great Recession, an economic downturn for the nation, state and local economies marked by business closures and massive layoffs, and a corresponding reduction in energy demands; and

WHEREAS, the double digit profit trend appears to be continuing in 2013, based on a transcript of an earnings call whereby David F. Smith, Chairman and CEO of National Fuel, stated on February 8, 2013: “First quarter was an excellent quarter for National Fuel. Earnings were \$0.81, an increase of \$0.08 per share or 11% over the prior year’s first quarter;” and

WHEREAS, again, these earnings exceed the intent of the 2007 Rate Order and provide further evidence that National Fuel ratepayers are being overcharged and are essentially underwriting the excess profits of the shareholders.

**NOW, THEREFORE, BE IT**

RESOLVED, that the Erie County Legislature is alarmed by the Public Service Commission's findings and conclusion that National Fuel Gas Distribution Corporation has been overcharging its customers following the 2007 Rate Order; and be it further

RESOLVED, that the apparent overcharging has resulted in excess profits to the shareholders, resulting in an imbalance between the interests of the ratepayers and the shareholders that is not adequately remedied by National Fuel's proposal described in the April 19, 2013 Order Instituting Proceeding and To Show Cause; and be it further

RESOLVED, at a time when our economy needs to place more resources in the hands of homeowners and small businesses to stimulate growth, it is counter-intuitive to support any proposal that allows National Fuel to retain excess profits for its own business development purposes; and be it further

RESOLVED, in the alternative, that the Erie County Legislature support a refunding of excess profits to the ratepayers who have been overcharged by National Fuel since the 2007 Rate Order; and be it further

RESOLVED, that copies of this resolution be conveyed to the Public Service Commission, National Fuel Gas Distribution Corporation, Governor Andrew Cuomo, the WNY Delegation to the State Legislature and all parties deemed necessary and proper.

(4-1) Legislator Lorigo voted in the negative.

3. COMM. 10E-13 (2013)  
COUNTY EXECUTIVE

WHEREAS, the County recognizes the need to properly train its employees to protect their health and well-being, and to comply with applicable state and federal regulations; and

WHEREAS, Erie County's Division of Sewerage Management has applied for funds from the Western New York Council on Occupational Safety & Health through a New York State Department of Labor Hazard Abatement Board training grant.

NOW, THEREFORE, BE IT

RESOLVED, that the proposed agreement between the County of Erie and the Western New York Council on Occupational Safety & Health to provide health and safety training to the Division of Sewerage Management and Sewer District employees is hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send one certified copy each to the County Executive, the Director of Budget and Management, Erie County Comptroller, and Kristen Walder, County Attorney and two certified copies of this resolution to Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.

(5-0)

4. COMM. 10E-15 (2013)  
COUNTY EXECUTIVE

WHEREAS, the Newstead Town Board adopted a resolution on December 10, 2012 noting their desire to acquire approximately 131 acres of Akron Falls Park from Erie County; and

WHEREAS, said acreage is used by Newstead area recreation leagues and is isolated from the Akron Falls natural heritage areas; and

WHEREAS, the proposed land transfer represents an alienation of parkland requiring a series of actions by the Town of Newstead, Erie County, and the New York State Legislature; and

WHEREAS, the proposed land transfer action has been reviewed pursuant to New York State Environmental Quality Review procedure by the Erie County Department of Environment and Planning and determined to be a Type 1 action having no negative impact on the environment; and

WHEREAS, the Director of Real Property Tax Services has reviewed and approved the assessment of the property; and

WHEREAS, an intermunicipal agreement is necessary between Erie County and the Town of Newstead describing the terms of the parkland transfer including but not limited to reversionary clause, residency, park use, acquisition cost, and land description.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute an Intermunicipal Agreement with the Town of Newstead which shall provide for but not be limited to the following provisions:

(1) The transfer of approximately 131 acres within Akron Falls Park south of Skyline Drive for an amount not to exceed \$200,000;

(2) The reversion of the land back to the County should the Town cease to use the land solely for park purposes or in the event the Town fails to make the park accessible to all County of Erie residents on the same terms and conditions as apply to Town of Newstead residents; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Commissioner of the Department of Environment and Planning; the Commissioner of Parks, Recreation and Forestry; the Director of Real Property Tax Services; the Director of the Division of Budget and Management; the County Attorney; and the Erie County Comptroller.

(5-0)

5. COMM. 10E-16 (2013)  
COUNTY EXECUTIVE

WHEREAS, the Department of Parks, Recreation and Forestry currently permits horseback riding on designated trails at three Erie County Park and Forestry Areas; and

WHEREAS, the Department of Parks, Recreation and Forestry is finding it increasingly difficult to maintain horseback riding trails due to lack of staffing; and

WHEREAS, the Western Chapter, New York State Horse Council is willing to enter into agreements with the County to take over some of the maintenance aspects of these horseback riding trails, including, but not limited to, repairs, signage, mapping and trail volunteer days.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with Western Chapter, New York State Horse Council for the purpose of permitting the maintenance of these designated horseback riding trails 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.

(5-0)

6. COMM. 10E-18 (2013)  
COUNTY EXECUTIVE

WHEREAS, the County of Erie and CSX Transportation, Inc. have a license agreement for sanitary sewers installed within the railroad property; and

WHEREAS, the County of Erie currently pays the license agreement fees on an annual basis; and

WHEREAS, the County of Erie and CSX Transportation, Inc. have negotiated a one-time lump sum final payment; and

WHEREAS, the County of Erie and CSX Transportation, Inc. will amend the license agreement and the County will make a final payment of \$4,750.00, with \$4,000.00 for the one time fee and \$750.00 are for CSX Transportation, Inc. administrative costs.

NOW, THEREFORE, BE IT

RESOLVED, that the amended license agreement between the County of Erie and CSX Transportation, Inc. on behalf of Erie County Sewer District No. 3 in the amount of \$4,750.00 is hereby approved; and be it further

RESOLVED, that the Comptroller be authorized to allocate from Professional Services, Contracts and Fees SD # 3(1831010) in the 2013 Adopted Budget, \$4,750.00 subject to the approval and verification of the cost by the County's Division of Sewerage Management; and be it further

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

(5-0)

**TERRENCE D. McCRACKEN  
CHAIR**

CHAIR GRANT directed that item Number 2 be returned to the ENERGY & ENVIRONMENT COMMITTEE for further consideration.

GRANTED.

Item 19 – MR. MAZUR presented the following report, moved to separate item Number 2, and moved to approve the balance of the report. MR. McCRACKEN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 130

May 28, 2013	GOVERNMENT AFFAIRS 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. 3E-2 (2013)  
COUNTY EXECUTIVE: “New Multimedia & Videoconference Capabilities in the Rath Building”  
(6-0)
  - b. COMM. 3E-3 (2013)  
COUNTY EXECUTIVE: “Videoconference Equipment Procurement”  
(6-0)
  - c. COMM. 3E-9 (2013)  
DIXON: “Request for a Purchase Procedure Review”  
(6-0)
  - d. COMM. 3D-8 (2013)  
COMPTROLLER'S OFFICE: “Letter Concerning Purchase of Videoconference Equipment”  
(6-0)
  - e. COMM. 10D-2 (2013)  
COUNTY ATTORNEY: “Notice of Claim”  
(6-0)
2. COMM. 10E-9 (2013)

COUNTY EXECUTIVE

WHEREAS, Article 16 of the Not-for-Profit Corporation Law, namely the Land Bank Act, was signed by Governor Andrew Cuomo in July 2011; and

WHEREAS, section 1616(i) of the Land Bank Act provides that: “notwithstanding any other provision of the law to the contrary, in the event that no municipality elects to tender a bid at a judicially ordered sale pursuant to the provisions of section eleven hundred thirty-six (1136) of the real property tax law (RPTL), the land bank may tender a bid at such sale in an amount equal to the total Amount of all municipal claims and liens which were the basis for the judgment. In the event of such tender by the land bank the property shall be deemed sold to the land bank regardless of any bids by any other third parties. The bid of the land bank shall be paid as to its form, substance, and timing according to such agreement as is mutually acceptable to the plaintiff and the land bank. The obligation of the land bank to perform in accordance with such agreement shall be deemed to be in full satisfaction of the municipal claim which was the basis for the judgment;” and

WHEREAS, there are many foreclosing governmental units across the state which conduct In Rem tax foreclosures pursuant to a local or special law, as is the case in Erie County; and

WHEREAS, in such cases, the judicially ordered sale is pursuant to a county charter, city charter, administrative code or special law, not the above referenced section 1136 of RPTL; and

WHEREAS, it is necessary for section 1616(i) of the Land Bank Act to include counties, cities, and towns excluded from Article 11 of RPTL because of the existence of a Charter, Administrative Code or Special Law which authorizes the municipality to enforce the collection of delinquent taxes; and

WHEREAS, the County of Erie and the cities of Buffalo, Lackawanna, and Tonawanda jointly applied for and were awarded a Land Bank in May 2012, which has been named the Buffalo Erie Niagara Land Improvement Corporation (BENLIC); and

WHEREAS, section 1616(i) of the Land Bank Act must be changed to allow BENLIC to successfully bid on properties at the County’s In Rem auction this October 2013; and

WHEREAS, the City of Niagara Falls has expressed interest in joining BENLIC; and

WHEREAS, the number of Board Members allowed under the Land Bank Act is limited to 11; and

WHEREAS, an expansion of the number of Board Members is necessary in order for BENLIC to accommodate the addition of the City of Niagara Falls.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby goes on record in support of Assembly Bill A7245 and Senate Bill S5167, which Amend the Land Bank Act to address the issues discussed above; and be it further

RESOLVED, that the Clerk of the Erie County Legislature be directed to forward copies of this Home Rule Request, certified by the Clerk of the of the Erie County Legislature, as follows: two copies to the New York State Assembly and two copies to the New York State Senate.  
(6-0)

**THOMAS J. MAZUR**  
**CHAIR**

MR. MAZUR moved to amend item Number 2. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

Delete the 1<sup>st</sup> and 2<sup>nd</sup> Resolved Clauses and Replace with the Following:

RESOLVED, that the Erie County Legislature go on record in support of Assembly Bill A.7245-A, which amends the Land Bank Act to address the issues discussed above; and be it further

RESOLVED, that the aforementioned change in state law will benefit other counties and municipalities that conduct foreclosures in a manner other than Real Property Tax Law Article 11; and be it further

RESOLVED, that certified copies of this resolution will be directed to the Governor, the Speaker of the Assembly, the Leaders of the State Senate, the WNY Delegation and all others deemed necessary and proper.

MR. MAZUR moved to approve item Number 2 as amended. MR. McCracken seconded.

MR. RATH moved to return item Number 2 to the GOVERNMENT AFFAIRS COMMITTEE for further consideration. MR. LORIGO seconded.

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

AYES: MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS and MR. RATH.  
NOES: CHAIR GRANT, MR. HOGUES, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MR. McCracken. (AYES: 5; NOES: 6)

FAILED.

CHAIR GRANT moved to previous question and directed that a roll-call vote be taken.

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

CARRIED UNANIMOUSLY.

Item 20 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 131

May 28, 2013	MINORITY & WOMEN BUSINESS ENTERPRISE COMMITTEE REPORT NO. 5
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.

1. RESOLVED, all items are hereby tabled.

**BETTY JEAN GRANT**  
**CHAIR**

Item 21 – MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 132

May 28, 2013	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 10
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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. 10E-27 (2013)  
COUNTY EXECUTIVE: “2011-2013 Current Year County Highway Spending”  
(6-0)
  - b. COMM. 10M-4 (2013)  
NFTA: “Minutes from Meeting Held 3/28/2013”  
(6-0)

2. COMM. 10E-14 (2013)  
COUNTY EXECUTIVE

WHEREAS, the Abbott Road Bridge over Neuman Creek Project in the Town of Orchard Park, Erie County, PIN 5758.74 (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. No. 15E-6 (2011) adopted on July 21, 2011; and

WHEREAS, the County of Erie desires to advance the Construction and Construction Inspection Phase of the Project, PIN 5758.74 through a Supplemental Agreement with NYSDOT that increases the Project Agreement by the amount of \$950,000 (\$190,000 required local share); and

WHEREAS, the Abbott Road Bridge over Neuman Creek Project PIN 5758.74 will be advertised, bid, and ready for award of construction contract with the responsible low bidder; and

WHEREAS, the Abbott Road Bridge over Neuman Creek Project PIN 5758.74 will replace a deteriorating bridge; and

WHEREAS, local share funding for this Federal Aid Project was approved and is available in B.13001 - 2013 Abbott Road Bridge Reconstruction in the amount of \$190,000; 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 Abbott Road Bridge over Neuman 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 a project engineer chosen from Erie County's approved Term Agreement list for construction inspection and engineering services during 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.13001 - 2013 Abbott Road Bridge Reconstruction, fund center 123, fund 420, be increased by the anticipated Federal revenue in the amount of \$760,000 as follows:

	CURRENT	INCREASE/ DECREASE	REVISED
REVENUES	BUDGET		BUDGET

Account	Description			
414000	Federal Aid	\$ 0	\$760,000	\$760,000
445070	Prem on Obligation	35,205		35,205
475000	Gen Oblig Bond Proc	<u>224,795</u>	<u>0</u>	<u>224,795</u>
TOTAL REVENUES		<u>\$260,000</u>	<u>\$760,000</u>	<u>\$1,020,000</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	<u>\$260,000</u>	<u>\$760,000</u>	<u>\$1,020,000</u>
TOTAL APPROPRIATIONS		<u>\$260,000</u>	<u>\$760,000</u>	<u>\$1,020,000</u>

and be it further

RESOLVED, that the \$190,000 local share of the estimated total sum of the construction phase of the Project, \$950,000, is hereby appropriated from B.13001 – 2013 Abbott 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, \$950,000 and/or 100% of the full Federal and non-Federal shares of the cost of the Project's Construction and Construction Inspection Phase exceeds \$950,000, 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 County Executive be authorized and is hereby directed to award and execute a contract for the Abbott Road Bridge over Neuman Creek Project PIN 5758.74 between the County of Erie and the responsible low bidder, establish a construction contingency, and execute a negotiated new contract between the County of Erie and a project engineer chosen from Erie County's approved Term Agreement list; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to 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 Division of Budget and Management, and the Office of the Comptroller.

(6-0)

**THOMAS A. LOUGHRAN**  
**CHAIR**

Item 22 – MR. HOGUES presented the following report, moved to separate item Numbers 1-a, 1-b, and 1-c, and moved to approve the balance of the report. MR. McCracken seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 133

May 30, 2013	PUBLIC SAFETY COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR McCracken.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 20E-1 (2012)  
COMPTROLLER: "Letter to Chair of Public Safety Committee Concerning Further Clarification & Additional Information Regarding Commissary & Telephone Expenditures"  
(4-0)
  - b. COMM. 26D-2 (2012)  
COUNTY ATTORNEY: "Copy of Letter to Secretary, EC Community Corrections Advisory Board Concerning Request for Legal Opinion - Telephone Funds"  
(4-0)
  - c. COMM. 3M-10 (2013)  
GERALDINE COLES: "E-Mail Transmission to Chair of the Legislature Concerning Termination at the EC Sheriff's Department"  
(4-0)
  - d. COMM. 10D-4 (2013)  
COMMISSIONER OF CENTRAL POLICE SERVICES

“Letter to Legislature Concerning Receipt of Homeland Security & Emergency Services Grant”  
(4-0)

2. COMM. 5E-17 (2013)  
SHERIFF

WHEREAS, recent promotions, retirements and revised requirements by the State Commission of Corrections require changes to the staffing levels in the Jail Management Division of the Sheriff’s Office; and

WHEREAS, the Sheriff wishes to upgrade the Superintendent to adequately compensate him for his job responsibilities; and

WHEREAS, the State Commission of Corrections has revised their staffing requirements therefore no longer requiring an additional Lieutenant that was added to the 2013 budget but requiring additional support staff positions; and

WHEREAS, funding for these personnel changes will be offset by the position deleted, therefore requiring no additional county funds.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff’s Office be authorized to upgrade the Superintendent from Job Group XV to XVI (B100 #7184) effective 03/01/13; and be it further

RESOLVED, that the Erie County Sheriff’s Office be authorized to create one (1) Identification Clerk, Job Group IV (B100 #7200) effective 04/01/13; and be it further

RESOLVED, that the Erie County Sheriff’s Office be authorized to create one (1) Laborer, Job Group IV (B100 #7185) effective 06/01/13; and be it further

RESOLVED, that the Erie County Sheriff’s Office be authorized to delete one (1) vacant Lieutenant position, Job Group X (B100 #7185), effective 03/01/13; 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.  
(4-0)

3. COMM. 10E-24 (2013)  
SHERIFF

WHEREAS, Deputy Anthony Burdzy’s partner Cirros was purchased in the year 2003 with seized asset funds and was trained in drug detection with Deputy Anthony Burdzy as his handler exclusively since that date; and

WHEREAS, Cirros is now ten years old and given his age he cannot effectively function as a drug detection K-9; and

WHEREAS, Deputy Anthony Burdzy has agreed to sign an agreement to assume full responsibility for said dog and to hold the County of Erie/Erie County Sheriff's Office harmless against any and all liability; and

WHEREAS, the Sheriff's Office conferred with the Director of Purchase and the County Attorney to determine that by Legislative Resolution the transfer of ownership could occur.

NOW, THEREFORE, BE IT

RESOLVED, that at the time of the K-9's retirement, his long-time handler will be allowed to retain possession of his K-9 partner, Cirros; and be it further

RESOLVED, that the Office of the Sheriff is hereby authorized to enter into purchase agreement with Deputy Anthony Burdzy for the consideration of one (1) dollar for the transfer of ownership of Cirros. Deputy Anthony Burdzy shall assume full responsibility for the dog under such agreement and shall further hold the County of Erie and Erie County Sheriff's Office harmless against any and all liability; and be it further

RESOLVED, that certified copies be forwarded to the Erie County Comptroller, the Director of Purchase, the County Attorney and the Office of the Sheriff for implementation.  
(4-0)

**TIMOTHY R. HOGUES  
CHAIR**

CHAIR GRANT directed that item Numbers 1-a, 1-b, and 1-c be returned to the PUBLIC SAFETY COMMITTEE for further consideration.

GRANTED.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 134

May 30, 2013	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 8
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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. 6E-2 (2013)

COUNTY EXECUTIVE: "Copy of Letter Concerning Recent Audit Regarding FEMA as it Relates to Reimbursements from the "October Surprise Storm" in 2006"  
(6-0)

- b. COMM. 7D-8 (2013)  
DIRECTOR OF BUDGET & MANAGEMENT: "Letter to Legislature & Comptroller Concerning U.S. Department of Homeland Security, Office of Inspector General - Revised October 2006 Storm Audit"  
(6-0)
- c. COMM. 10E-3 (2013)  
COMPTROLLER: "Letter to Legislature Concerning March 2013 Sales Tax"  
(6-0)
- d. COMM. 10D-5 (2013)  
COMPTROLLER'S OFFICE: "Letter to Director of Budget & Management Concerning 2013 Cash Flow & Revenue Anticipation Note"  
(6-0)
- e. COMM. 10D-6 (2013)  
COMPTROLLER'S OFFICE: "Letter to Director of Budget & Management Concerning 2013 Cash Flow"  
(6-0)
- f. COMM. 10D-7 (2013)  
DIRECTOR OF BUDGET & MANAGEMENT: "Response Letter to Comptroller Concerning 2013 Cash Flow & Revenue Anticipation Note"  
(6-0)

**TIMOTHY R. HOGUES**  
**CHAIR**

Item 24 – MS. MARINELLI presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 135

May 30, 2013	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 10
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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. 3E-8 (2012)  
COUNTY EXECUTIVE: "Letter to President Quinn Concerning ECC North Campus Health Science Building"  
(6-0)
- b. COMM. 9E-3 (2012)  
COUNTY EXECUTIVE: "Copy of Letter to Buffalo Common Council Concerning Proposed Construction of New Academic Building at ECC"  
(6-0)
- c. COMM. 10M-9 (2012)  
PRESIDENT OF ECC: "Letter of Response to Legislator Marinelli Concerning Student Enrollment & Retention Information"  
(6-0)
- d. COMM. 15M-17 (2012)  
SAY YES BUFFALO: "Letter to Legislature Concerning the Say Yes Buffalo Program"  
(6-0)
- e. COMM. 16D-2 (2012)  
COMMISSIONER OF ENVIRONMENT & PLANNING: "OPEN ITEM/PLACEHOLDER - Community Enrichment Committee - ECC Program Needs Assessment & Space Utilization Analysis"  
(6-0)
- f. COMM. 16M-2 (2012)  
PRESIDENT OF ECC: "Letter to Legislator Marinelli Concerning Full Time Faculty"  
(6-0)
- g. COMM. 9E-14 (2013)  
COMPTROLLER: "Audited Financial Statements & Management Letter for ECC, Fiscal Year Ending 8/21/12"  
(6-0)
- h. COMM. 10M-2 (2013)  
BUFFALO & EC PUBLIC LIBRARY: "Proposed Agenda from Meeting Held 5/16/2013"  
(6-0)

2. COMM. 10E-19 (2013)  
COUNTY EXECUTIVE

WHEREAS, the County of Erie recognizes the importance of restoring the interior spaces of the Darwin Martin House as it is an important public recreational facility and tourist destination in the County; and

WHEREAS, Erie County desires to assist in the completion of said restoration and has included \$500,000 for this purpose in the 2013 adopted Erie County Capital Budget; and

WHEREAS, on February 7, 2013 the Erie County Legislature approved a bond resolution authorizing the issuance of \$500,000 bonds to pay part of the cost of the above-mentioned recreational improvements to the Darwin Martin House (Resolution No. 30, Comm. 3E-7); and

WHEREAS, in order to provide the bond proceeds, the County is required to enter into a contract with the Martin House Restoration Corporation.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract not to exceed \$500,000 with the Martin House Restoration Corporation for the purpose of funding interior improvements to the Darwin Martin House; and be it further

RESOLVED, that following the execution of a contract with the Martin House Restoration Corporation and the appropriate approvals by the Departments of Law and Environment and Planning, the County Executive is authorized to release bonded proceeds as requested for the Darwin Martin House project as per the approved 2013 Consolidated Bond Resolution and 2013 Capital Budget; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this Resolution to the County Executive; the Budget Director; the Comptroller; the Commissioner of the Department of Environment and Planning; the Commissioner of the Department of Public Works; the County Attorney; and the Executive Director of Martin House Restoration Corporation.  
(6-0)

**LYNN M. MARINELLI**  
**CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 136

May 30, 2013	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT.  
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 10E-10 (2013)  
COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Department of Social Services is seeking approval to execute contracts with community providers for the 2013 Summer Primetime program; and

WHEREAS, the availability of funding provided in the 2013 Adopted Budget enable this program implementation; and

WHEREAS, Operation Primetime provides for an adult supervised environment for the ten-week school summer recess period, and program activities consist of structured recreation that prevent delinquency, increase socialization and foster respect for authority; and

WHEREAS, a Request for Proposals was distributed for this program and Youth Board panel recommendations were utilized to determine contract amount awards; and

WHEREAS, there is no additional local share necessary for these awards and there is no fiscal impact based on this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and/or the Commissioner of Social Services are hereby authorized to execute contracts with the following providers:

Agency	Amount
Girl Scouts	\$ 9,260
Young Audiences	\$ 10,000
Cradle Beach	\$ 10,000
Willie Hutch Jones Sports and Ed.	\$ 10,000
Willie Hutch Jones Sports Detention	\$ 7,000
WNY United Against Drugs and Alcohol	\$ 10,000
Computers for Children	\$ 10,000
Buffalo Urban League	\$ 6,000
Police Athletic League	\$ 10,000
UB Liberty Partnership	\$ 10,000
Firsthand Learning	\$ 10,000
Firsthand Learning Detention	\$ 5,000
Canisius Entrepreneurship	\$ 5,000
UB Center for Urban Studies	\$ 10,000
Boys and Girls Club of Buffalo	\$ 10,000
University District CDC-Gloria J. Parks	\$ 10,000
Love Alive Fellowship	\$ 10,000
Boys and Girls Clubs of Northtowns	\$ 10,000
Seneca Babcock Community Association	\$ 10,000
Seneca Street Community Development	\$ 10,000
Valley Community Association	\$ 10,000
Northwest Buffalo Community Center	\$ 10,000
Moselle Community Development Corp	\$ 10,000
PBBC Matt Urban Center	\$ 10,000
Schiller Park	\$ 10,000
Community Action Organization	\$ 7,500

Girls Sports Foundation	\$	10,000
Child and Adolescent Treatment Services	\$	10,000
Elim Community Corp	\$	10,000
Boys and Girls Club of Holland	\$	7,500
Boys and Girls Club of East Aurora	\$	10,000
Boys and Girls Club of Orchard Park	\$	10,000
Town of Tonawanda Recreation	\$	10,000
Access of WNY	\$	10,000
Boy Scouts	\$	10,000
Boys and Girls Club of Eden	\$	10,000
Erie Regional Housing Development Corp	\$	10,000
Concerned Ecumenical Ministry	\$	10,000
Jericho Road Ministries	\$	10,000
Peace of the City	\$	10,000
Westside Community Center	\$	10,000
King Urban Life Center	\$	10,000
Buffalo Museum of Science	\$	10,000
Be-A-Friend	\$	10,000
total	\$	417,260

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of Social Services, the Erie County Comptroller and the Director of the Division of Budget and Management.

(6-0)

**THOMAS J. MAZUR**  
**CHAIR**

**LEGISLATOR RESOLUTIONS**

Item 26 – CHAIR GRANT directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 11-1 from MAZUR. Supporting the Development of a Feasability Plan for the "21st Century Park on the Outer Harbor."

Item 27 – MR. MAZUR presented the following resolution and moved for immediate consideration. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 137

RE: Supporting NYS Senate Bill S.696-A to

Prohibit the Sale of DXM to Minors  
(INTRO 11-2)

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

WHEREAS, the Consumer Healthcare Products Association (CHPA) is a 131-year-old trade association representing the nation's leading manufacturers of over-the-counter medicines and dietary supplements; and

WHEREAS, according to the CHPA, Dextromethorphan (DXM) is a safe and effective ingredient found in more than 100 over-the-counter (OTC) cough and cold products; and

WHEREAS, although DXM was first approved by the U.S. Food and Drug Administration in the 1950s, in recent years, a number of teenagers have intentionally abused excessive amounts of medicines containing DXM to get high; and

WHEREAS, many teens believe DXM is safe to abuse as it is readily available in OTC medicines; and

WHEREAS, this assumption is dangerous, as abuse of DXM can result in confusion, dizziness, double or blurred vision, slurred speech, vomiting, rapid heartbeat, numbness of fingers and toes, disorientation, and, in extreme cases, the induction of a hallucinatory state that can lead to accidental death; and

WHEREAS, as a result, CHPA has gone on record in support of legislation to prevent the ability of minors to purchase products containing DXM; and

WHEREAS, this legislation has already been adopted by Westchester, Nassau and Suffolk Counties in New York State, as well as the state of California; and

WHEREAS, NYS Senator Mark Grisanti has sponsored a bill, S696A, to require proof of the legal age of eighteen (18) prior to an establishment selling a product containing DXM to that individual; and

WHEREAS, the sale of DXM to any persons under the age of 18 would be prohibited by this law, if enacted, across New York State; and

WHEREAS, the new legislation would impose a fine of \$250 against any retail establishment that violates the provisions of this law, thereby providing a disincentive for stores to be lax in adherence to the age proofing requirement.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature go on record in support of NYS Senate Bill 6969-A to prohibit the sale of DXM to minors; and be it further

RESOLVED, that the Clerk of the Legislature is hereby authorized to forward certified copies of this resolution to Governor Andrew Cuomo, Assembly Speaker Sheldon Silver, Republican Senate Conference Leader Dean Skelos, Independent Democratic Conference Leader Jeffrey Klein, State Senator Mark Grisanti and the entire WNY Delegation to the NYS Legislature and to any other persons 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. McCracken seconded.

CARRIED UNANIMOUSLY.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

None.

**SUSPENSION OF THE RULES**

Item 28 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 11D-5 from the BUDGET DIRECTOR Re: Budget Monitoring Report, for Period Ending April, 2013

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 29 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 11E-19 from the COUNTY EXECUTIVE Re: Authorization to Accept Donated Funds - Office of Veteran's Affairs

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COMPTROLLER**

Item 30 – (COMM. 11E-1) Letter to Deputy County Executive Concerning Statements Regarding Department of Social Services Documents

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 31 – (COMM. 11E-2) ECC Program Needs Analysis & Space Utilization Assessment

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 32 – (COMM. 11E-3) 2013 Highway, Bridge, Culvert & Dam Projects

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COMPTROLLER

Item 33 – (COMM. 11E-4) Letter to Chair of Legislature Concerning Appointments to the EC Audit Committee

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR RATH

Item 34 – (COMM. 11E-5) Copy of Letter to Commissioner Loffredo Requesting a Traffic Study on Maple Road Near Intersection of Culpepper Drive

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COMPTROLLER

Item 35 – (COMM. 11E-6) Awarding Financial Advisor Contract

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 36 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 138

RE: 2013 Capital Overlay Contracts A&B –  
Construction Award & Contingency  
(COMM. 11E-7)

WHEREAS, bids were taken for the 2013 Capital Overlay Contract A, in the Towns of Cheektowaga, Hamburg and Lancaster, New York, on May 6, 2013. The low bidder was Occhino Corporation of West Seneca, New York, at the low bid amount of \$3,072,584.86; and

WHEREAS, bids were taken for the 2013 Capital Overlay Contract B, in the Towns of Tonawanda and Amherst on May 23, 2013. The low bidder was DiPizio Construction Co. Inc., at the low bid amount of \$1,569,800.00; and

WHEREAS, your Honorable Body will be on summer recess during the period when it may be necessary to award this work to be completed this construction season; and

WHEREAS, funds in the total amount of \$5,000,000 for these projects are available from BA123, Fund 420, 2013 Capital Overlay Program Project B.13016.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the County Executive be authorized to enter into a contract for Project 2013 Capital Overlay A with low bidder, Occhino Corporation, for an amount of \$3,072,584.86; and be it further

**RESOLVED**, that the County Executive be authorized to enter into a contract for Project 2013 Capital Overlay B with low bidder, DiPizio Construction Co. Inc., for an amount of \$1,569,800.00, as well as establish a contingency fund for both Capital Overlay A & B in an amount not to exceed \$357,615.14; and be it further

**RESOLVED**, that the funds for the 2013 Capital Overlay A & B be allocated from BA123, Fund 420, 2013 Capital Overlay Program Project B.13016 in an amount not to exceed \$5,000,000.00 for construction and contingency; and be it further

**RESOLVED**, that the Clerk of the Legislature be instructed to forward three (3) 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, Management and Finance, and the Office of the Comptroller.

Item 37 – (COMM. 11E-8) Real Estate Transfer Tax Surplus Appropriation

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 38 – (COMM. 11E-9) Health Department - Youth Detention Center - Personnel Adjustment

Item 39 – (COMM. 11E-10) Medical Reserve Corps Grant - 5/1/2013 - 7/31/13

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

Item 40 – (COMM. 11E-11) Seasonal Part Time Reserve Sheriff Deputies for Ralph Wilson Stadium Game Day Security

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 41 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 139

RE: Acquisition of Four New Wheelchair  
Vehicles for the Department of Senior  
Services Going Places Program  
(COMM. 11E-12)

WHEREAS, the Department of Senior Services has applied for and been awarded, by the New York State Department of Transportation (NYSDOT), Federal Transit Administration Section 5310 Program funding for the purchase of four new vehicles with wheelchair capability for the Department's Going Places Transportation Program; and

WHEREAS, the four new vehicles will provide needed replacements for aging vehicles, thereby enabling the continuation of transportation services for frail elderly County residents to medical, dining, socialization and group recreational activities; and

WHEREAS, terms of the agreement with NYSDOT require the Department to provide a 20% (\$35,941) local match towards the vehicles purchase price, with NYSDOT using Federal funds for the remaining 80% (\$143,761) of the vehicles purchase price; and

WHEREAS, the Department of Senior Services is required, on or before July 1, 2013, to deposit the 20% local share monies into a Bank of America bank account from which NYSDOT will withdraw the monies to buy the vehicles off of a New York State purchasing contract and subsequently deliver them to the Department; and

WHEREAS, the Department proposes to use 2013 capital funds from the approved 2013 Replacement Vans, capital project A.13021, to fund the 20% local share; and

WHEREAS, the capital project A.13021 is in need of a revision.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and hereby is authorized to contract with the New York State Department of Transportation to obtain the four wheelchair vehicles; and be it further

RESOLVED, that the Department of Senior Services be authorized to pay the required 20% local match (\$35,941) from the approved 2013 Replacement Vans, capital project A.13021 (total account balance \$100,000); and be it further

RESOLVED, that the County is authorized to enter into the NYSDOT Local Funding Depository Agreement and deposit the local share monies into a Bank of America bank account; and be it further

RESOLVED, that the budget for approved 2013 Replacement Vans, capital project A.13021, be revised as follows:

		CURRENT	CHANGES	AMENDED
		BUDGET		BUDGET
APPROPRIATIONS				
Account	Description			
Capitalprojects	Capital Project Expense	100,000	+143,761	243,761
REVENUES				
414010	Federal Aid Other	0	+143,761	143,761

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.

Item 42 – (COMM. 11E-13) Grant Programs - Authorization to Contract

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 43 – (COMM. 11E-14) ECSD No. 3 - Contract Close-Out - John W. Danforth Company

Item 44 – (COMM. 11E-15) ECSD No. 3 - Contract Close-Out - Weydman Electric, Inc.

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

Item 45 – (COMM. 11E-16) Consultant Contracts for Systems Integration Grant

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 46 – (COMM. 11E-17) ECSD No. 3 - Contract Close-Out - Visone Construction, Inc.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 47 – (COMM. 11E-18) Consultant Contract for Ready or Not Grant

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE COMPTROLLER'S OFFICE**

Item 48 – (COMM. 11D-1) Copy of Letter to Director of Budget & Management Concerning 2013 Cash Flow & Revenue Anticipation Note

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COMMISSIONER OF HEALTH**

Item 49 – (COMM. 11D-2) Copy of Letter to Comptroller Concerning Comments Regarding Intro 8-4 (2013)

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**FROM THE COUNTY ATTORNEY**

Item 50 – (COMM. 11D-3) Notice of Public Hearing: Local Law Intro. No. 2-2013

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE BOARD OF ELECTIONS**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 140

RE: Election Budget Revisions  
(COMM. 11D-4)

WHEREAS, the Federal legislation Help America Vote Act of 2002 (HAVA) requires the replacement of lever voting machines with electronic voting systems; and

WHEREAS, the Erie County Board of Elections desires to purchase equipment and services for this purpose; and

WHEREAS, the purchase of such equipment and services are eligible for 100% reimbursement from the Federal government through the State of New York; and

WHEREAS, the Commissioners of the ECBOE desire to enter into agreement with local municipalities (Appendix A) for the purpose of making improvements to publicly owned polling sites to accommodate voters with disabilities; and

WHEREAS, such improvements are eligible for 100% reimbursement from the State of New York.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is granted for the Board of Elections to enter into agreement with local municipalities (Appendix A) in the amount of not to exceed \$211,480.00; and be it further

RESOLVED, that the Board of Elections will submit necessary paperwork for state and federal reimbursement for 100% of the purchase price of eligible equipment and services; and be it further

RESOLVED, that authorization is hereby granted to the Division of Budget and Management to create a new grant account and budget and make the following adjustments to the 2013 Budget of the Board of Elections:

Fund 281, Fund Center 1500020, Board of Elections

Help America Vote Act  
Grant ID: 150HAVAshoebox2002

<u>Revenue</u>		<u>Increase/(Decrease)</u>
Account 414010	Federal Aid-Other	\$5,697,914.64
<u>Appropriations</u>		<u>Increase/(Decrease)</u>
Account 561410	Lab & Technical Equipment	\$ 4,501,478.94
Account 516020	Professional Services Contracts	\$ 43,000.00
Account 516030	Maintenance Contracts	\$ 800,795.70
Account 561440	Motor vehicles	\$ 198,640.00
Account 575000	Interfund Expense-Non Subsidy	\$ 154,000.00

Fund 110, Fund Center 1500020, Board of Elections

<u>Revenue</u>		<u>Increase/(Decrease)</u>
Account 409000	State Aid- Revenues	\$ 211,480.00
<u>Appropriations</u>		<u>Increase/(Decrease)</u>
Account 516020	Professional Services Contracts	\$ 211,480.00

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust budgets as required to comply with HAVA and Federal common law requirements as outlined in Section 1 of the grant contact; and be it further

RESOLVED, that two (2) certified copies of this resolution be forwarded to the Board of Elections, one (1) certified copy be forwarded to the Division of Budget and Management, the Office of the Comptroller, the County Attorney's Office and the Division of Purchase.

**\*\*\*See attachment, agreement with local municipalities (Appendix A).**

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE EC MBE/WBE UTILIZATION ADVISORY BOARD**

Item 52 – (COMM. 11M-1) Minutes from Meeting Held 4/29/2013

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

**FROM THE FULTON COUNTY BOARD OF SUPERVISORS**

Item 53 – (COMM. 11M-2) Copy of Resolution Declaring "Mayday for Mandate Relief" & Urging the State to Adopt Laws that Prohibit Unfunded Mandates on Local Governments

Item 54 – (COMM. 11M-3) Copy of Resolution Opposing New Unfunded Mandates to Require Early Voting in NYS

The above two items were received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE NYS DEPARTMENT OF AGRICULTURE & MARKETS**

Item 55 – (COMM. 11M-4) EC Agricultural District Nos. 14 & 15 Recertification

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE AMHERST TOWN BOARD**

Item 56 – (COMM. 11M-5) Minutes of Meeting Held 5/6/2013

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE NFTA**

Item 57 – (COMM. 11M-6) Minutes from Meeting Held 4/25/2013

Received and referred to the the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE NYS DIVISION OF  
HOMELAND SECURITY & EMERGENCY SERVICES**

Item 58 – (COMM. 11M-7) Copy of Letter to Administrator of Federal Emergency Management Agency, U.S. Department of Homeland Security, Expressing Support of EC's Letter Regarding the Department of Homeland Security Office of Inspector General's Report

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM BUFFALO COMMON COUNCIL MEMBER PRIDGEN**

Item 59 – (COMM. 11M-8) Letter to Chair of Legislature Concerning Wrapped Metro Rail Cars

Received and referred to the the ECONOMIC DEVELOPMENT COMMITTEE.

**ANNOUNCEMENTS**

Item 60 – CHAIR GRANT announced that the schedule of upcoming Legislature committee meetings has been distributed.

**MEMORIAL RESOLUTIONS**

Item 61 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Patrick S. Conway.

Item 62 – Legislator Mills requested that when the Legislature adjourns, it do so in memory of Ruth Kulyk.

Item 63 – Legislator McCracken requested that when the Legislature adjourns, it do so in memory of Matthew J. Perillo.

Item 64 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of all those who lost their lives during the D-Day invasion of Normandy, June 6, 1944, 69 years ago today. Legislator Mazur also requested that when the Legislature adjourns, it do so in memory of Father Ignatius Maternowski, who was Chaplain to the 508<sup>th</sup> Parachute Infantry Regiment of the 82<sup>nd</sup> Airborne Division and who died on June 6, 1944; Grand Island native Charles N. DeGlopper, the only member of the 82<sup>nd</sup> Airborne Division to be awarded the Congressional Medal of Honor, who died on June 8, 1944; and Legislator Mazur's uncle, Victor Dommer, who was wounded on D-Day, and who lived to be 84 years old.

Item 65 – Legislator Hogues requested that when the Legislature adjourns, it do so in memory of David "Deacon" Jones.

**ADJOURNMENT**

Item 66 – 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, June 20, 2013 at 2:00 p.m. Eastern Standard Time. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

CHAIR GRANT declared the Legislature adjourned until Thursday, June 20, 2013 at 2:00 p.m. Eastern Standard Time.

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