

ERIE COUNTY LEGISLATURE
MEETING NO. 12
JUNE 20, 2013

The Legislature was called to order by Chair Grant.

All members present.

An Invocation was held, led by Mr. Hogues, who offered a short prayer and offered condolences upon news of the passing of former New York State Supreme Court Justice Frank A. Sedita, Jr.

The Pledge of Allegiance was led by Mr. Rath.

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 11 from 2013. MR. McCRACKEN seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. MAZUR presented a memorial resolution Honoring the Life of Arthur Fredrick Dobson, Jr.

Item 6 – MR. RATH presented a resolution Recognizing Nurse Nkechi Ilogu for 23 Years of Service to EC as a Nurse in the Holding Center.

Item 7 – MR. RATH presented a resolution Honoring the Wilson Family as EC Citizens of the Month for June, 2013.

Item 8 – MR. HARDWICK presented a resolution Honoring Buffalo ComedySportz on its 20th Anniversary.

Item 9 – MS. MARINELLI presented a resolution Celebrating the 125th Anniversary of Church of the Good Shepherd.

Item 10 – MS. MARINELLI & MR. HARDWICK presented a resolution Congratulating Michele Iannello on Being Honored by Accu Theranostics as an Outstanding Woman in Our Community.

Item 11 – MS. DIXON presented a resolution Honoring the Hamburg Softball Team for Winning the 2013 NYS Class A Championship.

Item 12 – MS. DIXON presented a resolution Honoring Matthew Shelvay for Attaining the Rank of Eagle Scout.

Item 13 – MR. MILLS presented a resolution Congratulating the Town of North Collins Public Library on Its 135th Anniversary.

Item 14 – MR. MAZUR presented a resolution Honoring the Memory of Retired NYS Supreme Court Justice Frank A. Sedita, Jr., a Legendary & Inspirational Community Leader.

Item 15 – CHAIR GRANT presented a memorial resolution In Memory of Mary Johnson.

MR. MAZUR moved for consideration of the above eleven items. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved to amend the above eleven items by adding Et Al Sponsorship. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved for approval of the above eleven items as amended. MR. McCRACKEN seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 16 – CHAIR GRANT directed that Local Law No. 1 (Print #1) 2012 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 17 – CHAIR GRANT directed that Local Law No. 3 (Print #1) 2012 remain on the table and in the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Item 18 – CHAIR GRANT directed that Local Law No. 1 (Print #1) 2013 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 19 – 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 20 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 141

June 11, 2013	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 10-1 (2012)
HOGUES: “Expressing Support for NYS Assembly Bill A. 9601-A/NYS Senate Bill S. 6085-A to Limit Direct Access to OTC Medicine Containing Dextromethorphan”
(5-0)
 - b. COMM. 11D-2 (2013)
COMMISSIONER OF HEALTH: “Copy of Letter to Comptroller Concerning Comments Regarding Intro 8-4 (2013)”
(5-0)
2. COMM. 11E-9 (2013)
COUNTY EXECUTIVE
WHEREAS, the Erie County Department of Health provides medical services at the Youth Detention Center under an agreement with the Department of Social Services; and

WHEREAS, in order to more efficiently meet the New York State Staffing mandates for 24 hour per day, seven days per week coverage, it is necessary to adjust the nurse practitioner staff at the Youth Detention Center; and

WHEREAS, the Erie County Department of Health has used fee for service nurse practitioner contractors at the Youth Detention Center; and

WHEREAS, the New York State Nurses Association grieved the practice of using registered nurses outside of the bargaining unit; and

WHEREAS, James McDonnell, Ph.D., Arbitrator, signed an award instructing the County of Erie to place the grievant in a Sr. Nurse Practitioner – PT position; and

WHEREAS, it is necessary to create one part-time position of Sr. Nurse Practitioner – PT, JG 12, Step 1; and

WHEREAS, there are sufficient funds available in the 2013 Adopted Budget of the Health Department for this personnel adjustment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one part-time position of Sr. Nurse Practitioner, JG 12, Step 1 as indicated on B100 #7292; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to make the following budgetary adjustments in the Health Division 2013 Budget:

INCREASE:

Account 500010	Part-Time Wages	\$9,372
Account 502000	Fringe Benefits	\$1,139

DECREASE:

Account 516200	Professional Services	\$10,511
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NET CHANGE \$0

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 Personnel, the Division of Labor Relations, the Department of Law and to Dr. Gale R. Burstein, Commissioner, in the Erie County Department of Health, 9th Floor, Rath Building.
(5-0)

3. COMM. 11E-16 (2013)
COUNTY EXECUTIVE

WHEREAS, the Department of Senior Services \$64,000 Systems Integration Grant, for the period January 1, 2013 through June 30, 2014 is 100% funded by the New York State Office For the Aging; and

WHEREAS, the Department's grant proposal and contract with the New York State Office For the Aging calls for a portion of the grant funds to be used to secure consultant services that will provide technical assistance, including assistance in strategic planning and execution of the Chronic Disease Self-Management Program; and

WHEREAS, as a result of a request for a proposal (RFP) process, the Department desires to contract with the Beverly Sottile-Malona RN and Barbara Scheffler at a cost not to exceed \$5,000 each, to function as consultants for the Systems Integration Grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into two \$5,000 consultant contracts, one with Beverly Sottile-Malona RN and the second with Barbara Scheffler, for the Department of Senior Services Systems Integration Grant; 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.

(5-0)

4. COMM. 11E-18 (2013)
COUNTY EXECUTIVE

WHEREAS, the Department of Senior Services \$50,000 Ready or Not Grant, for the period December 1, 2012 through June 30, 2014 is 100% funded by the Health Foundation for Western & Central New York (Foundation); and

WHEREAS, the Department's grant proposal and contract with the Foundation calls for a portion of the grant funds to be used to secure consultant services that will provide technical assistance, including assistance with completion of a survey of health care providers; and

WHEREAS, the Department of Senior Services desires to contract with the Research Foundation for SUNY/Buffalo State at a cost not to exceed \$5,000 to function as a consultant for the Ready or Not Grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a \$5,000 consultant contract with the Research Foundation for SUNY/Buffalo State, for the Department of Senior Services Ready or Not Grant; 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.

(5-0)

**THOMAS J. MAZUR
CHAIR**

Item 21 – MS. MARINELLI presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 142

June 11, 2013	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 11
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ALL MEMBERS PRESENT.

CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 10E-12 (2013)
COUNTY EXECUTIVE

WHEREAS, in 2001, the Buffalo Zoo and City of Buffalo undertook a \$3 million capital project for a new Main Animal Building, financed with \$2 million from the County, and with a State commitment of \$350,000; and

WHEREAS, the project maintained a \$650,000 shortfall and the local state delegation pledged that the State Legislature would contribute \$650,000; and

WHEREAS, due to construction timing purposes, the City and Zoo said they needed funds immediately in 2001; and

WHEREAS, on July 5, 2001, at the request of the Giambra Administration, the Erie County Legislature approved Comm. 14E-64, providing a \$650,000 "bridge loan" to the Buffalo Zoo for the project; and

WHEREAS, the State was to reimburse the County the \$650,000 after adoption of the State's 2001/2002 Budget; and

WHEREAS, an agreement called the "First Amendatory Agreement to the December 27, 2000 Agreement by and Between the County of Erie, City of Buffalo, and Buffalo Zoological Society" was entered into and executed in November 2001; and

WHEREAS, in October 2002, the State provided the City/Zoo a grant totaling \$350,000 for the project; and

WHEREAS, on November 21, 2002, the County Legislature approved Comm. 20E-19 stating that the \$350,000 in State funds was a "partial repayment for the County bridge loan;" and

WHEREAS, the County ultimately spent \$2,650,000 for the project and the State provided \$350,000; and

WHEREAS, due to Comm. 20E-19 (2002), the County has maintained a \$300,000 bridge loan receivable as of year-end 2002; and

WHEREAS, the Department of Law has opined that under state law, because more than six years has passed since the agreement between the County, City and Zoo was in effect breached by the Zoo and City, the County has no legal recourse to pursue recovery of the account receivable; and

WHEREAS, based on the Zoo's fiscal situation and ongoing fundraising efforts for other capital projects, it appears impracticable that the County could recover the \$300,000 from the Zoo or City of Buffalo and it is necessary to address this outstanding issue to help close the County's 2012 audited financial statements.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby forgive the Buffalo Zoological Gardens from repayment of the remaining \$300,000 bridge loan balance made under Comm. 14E-62 (2001) and Comm. 20E-19 (2002) pursuant to the "First Amendatory Agreement to the December 27, 2000 Agreement by and Between the County of Erie, City of Buffalo, and Buffalo Zoological Society;" and be it further

RESOLVED, that the Erie County Division of Budget and Management and the Office of County Comptroller are directed to cancel the 2002 year-end \$300,000 account receivable for the Buffalo Zoo, and are hereby authorized to make the necessary entries and adjustments to the County's audited financial statements; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Department of Law, Division of Budget and Management, Office of the Comptroller, and Department of Environment and Planning.
(6-0)

2. COMM. 11E-19 (2013)
COUNTY EXECUTIVE

WHEREAS, the Sunrise Exchange Club has generously offered to make a \$400 donation to the Erie County Office of Veterans' Affairs to assist in the provision of services to Veterans; and

WHEREAS, in order to accept the funds, and other donated funds in the future for the Office of Veterans' Affairs, legislative authorization is required.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Office of Veterans' Affairs is authorized to receive \$400 from the Sunrise Exchange Club, and is authorized to receive any future donated funds from other entities, organizations or individuals, for the purpose of providing services to Veterans'; and be it further

RESOLVED, that the following budgetary adjustments are hereby authorized in Fund Center 13000:

<u>REVENUE</u>		<u>Increase</u>
417050	Donations	\$400.00
<u>APPROPRIATIONS</u>		<u>Increase</u>
516020	Professional Services, Contracts and Fees	\$400.00

and be it further

RESOLVED, that the Division of Budget and Management, Office of Comptroller and Office of Veterans' Affairs are authorized to make any necessary budgetary adjustments for these and future donated funds; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Division of Budget and Management, Office of Veterans' Affairs, and the County Comptroller.
(6-0)

LYNN M. MARINELLI
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 143

June 11, 2013	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 8
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR McCRACKEN.
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 9E-16 (2013)
COUNTY EXECUTIVE: "Letter to Chair Grant Concerning Local Law INTRO 2-1 (2013)"
(5-0)

THOMAS J. MAZUR
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 144

June 11, 2013	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 11
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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-4 (2013)
MARINELLI & HARDWICK: "Letter to Greater Buffalo-Niagara Regional Transportation Council Concerning Kenmore Ave."
(6-0)
- b. COMM. 10E-22 (2013)
COUNTY EXECUTIVE: "Buffalo & EC Public Library - Main - New Elevator & Escalator Renovations"
(6-0)
- c. COMM. 10M-6 (2013)
GREATER BUFFALO NIAGARA REGIONAL TRANSPORTATION COUNCIL:
"Kenmore Avenue Improvement Project"
(6-0)
- d. COMM. 11E-3 (2013)
COUNTY EXECUTIVE: "2013 Highway, Bridge, Culvert & Dam Projects"
(6-0)
- e. COMM. 11M-6 (2013)
NFTA: "Minutes from Meeting Held 4/25/2013"
(6-0)

2. COMM. 11E-8 (2013)
COUNTY EXECUTIVE
WHEREAS, the Erie County Road Repair Reserve Fund has been established pursuant to Tax Law Section 1432 and General Municipal Law, Section 6-d; and

WHEREAS, the 2013 Adopted County Budget contains available funds from the collection of Real Estate Transfer Tax for repair of roads, bridges and equipment for which a Public Hearing was previously held on February 15, 2013; and

WHEREAS, use of Road Repair Reserve funds is restricted to repair of roads and bridges in the County; and

WHEREAS, the Division of Budget and Management recommends the utilization of \$1,000,000 from 2011/2012 available balance in the Road Repair Reserve Fund to conduct important road work in 2013; and

WHEREAS, appropriations from the Road Repair Reserve Fund may be made only following a public hearing; and

WHEREAS, a public hearing was held on June 19, 2013.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the following 2013 budget amendments:

Fund 210 – Road Repair Reserve Fund Center 12330

Revenue	Current Budget	Adjustment	Adjusted Budget
402190 Appropriated Fund Balance		1,000,000	1,000,000
402600 Transfer Tax	<u>8,300,000</u>		<u>8,300,000</u>
Total Revenue	8,300,000	1,000,000	9,300,000
Expense			
912300 ID Highway Services	<u>8,300,000</u>	<u>1,000,000</u>	<u>9,300,000</u>
Total Expense	8,300,000	1,000,000	9,300,000
Net Change Road Repair Reserve		0	

Fund 210 - Highways Fund Center 123

Expense	Current Budget	Adjustment	Adjusted Budget
570000 Interfund Trans-Subs	6,900,000	1,000,000	7,900,000
912300 ID Highway Services	<u>(8,372,550)</u>	<u>(1,000,000)</u>	<u>(9,372,550)</u>
Total Expense	(1,472,550)	0	(1,472,550)
Net Change Fund 210			

Fund 420 - Capital Project B.13016

Revenue	Current Budget	Adjustment	Adjusted Budget
486000 Interfund Revenue	6,900,000	1,000,000	7,900,000
Expense			
Capital Projects	6,900,000	1,000,000	7,900,000
Net Change Fund 420		0	

and be it further

RESOLVED, that the Clerk of the Legislature did publish a Notice of Public Hearing once in each of the official newspapers of the County, at least five days prior to the date of the Public Hearing and said hearing took place on June 19, 2013; and be it further

RESOLVED, that authorization is provided to appropriate \$1,000,000 of available prior year Transfer Tax to conduct 2013 road projects; 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 Division of Budget and Management, the County Attorney, and the Office of the Comptroller.
(6-0)

**THOMAS A. LOUGHRAN
CHAIR**

Item 24 – MR. McCracken presented the following report, moved to separate item Number 3, and moved to approve the balance of the report. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 145

June 13, 2013	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 10
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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. INTRO 10-8 (2013)
LOUGHRAN: “Review of EC Household Hazardous Waste Drop-Off Program”
(4-0) Chair Grant & Legislator Mills not present for vote.
 - b. COMM. 10M-3 (2013)
NYS PUBLIC SERVICE COMMISSION: “Public Notice: Proceeding on Motion of the Commission as to the Rates, Charges, Rules & Regulations of National Fuel Gas Distribution Corporation for Gas Service”
(6-0)
 - c. COMM. 11M-4 (2013)
NYS DEPARTMENT OF AGRICULTURE & MARKETS: “EC Agricultural District Nos. 14 & 15 Recertification”
(4-0) Chair Grant & Legislator Mills not present for vote.
2. INTRO 10-2 (2013)
HARDWICK, GRANT, MAZUR, AS AMENDED
HOGUES, McCracken & Lorigo
WHEREAS, in Birmingham, Alabama the United States Environmental Protection Agency (EPA) funded a comprehensive soil study and clean up in a neighborhood that is located in the shadow of a coke facility; and

WHEREAS, community members in Tonawanda conducted a small sample study and found pollutant levels similar to those found by the Environmental Protection Agency in Birmingham, Alabama; and

WHEREAS, the Tonawanda Community Fund has petitioned the EPA and the New York State Department of Environmental Conservation to conduct its own testing to confirm the unsafe levels of pollutants and take the appropriate remedial actions.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature calls upon the United States Environmental Protection Agency and the New York State Department of Environmental Conservation to fund a soil study in Tonawanda to reveal the extent of the pollution caused by industrial facilities; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the United States Environmental Protection Agency and the New York State Department of Environmental Conservation.

(6-0)

3. 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.

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

4. COMM. 11E-17 (2013)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 9E-18 (2010) Contract No.23 was awarded to Visone Construction, Inc. for sanitary sewer replacement and lining of existing sewers in the Town of Boston Pinecrest Terrace/Valley Circle Lane area in Erie County Sewer District No. 3; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 23, in the final contract amount of \$1,847,577.66 which includes Change Order No. 1 (final), a decrease of \$ 33,573.44, and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 23 between the County of Erie and Visone Construction, Inc. (79 Sheldon Avenue, Depew, New York 14043) is accepted in the final contract amount of \$1,847,577.66 which includes Change Order No. 1 (final), a decrease of \$33,573.44, with \$393,656.40 allocated in Erie County Sewer District No. 3 Bond Account C.00062 and \$1,453,921.26 allocated in Erie County Sewer District No. 3 Bond Account C.00019; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract No. 23 to Visone Construction, Inc., for a total contract amount of \$1,847,577.66; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Kristen Walder, Assistant County Attorney and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.
(4-0) Chair Grant & Legislator Mills not present for vote.

TERRENCE D. McCRACKEN
CHAIR

CHAIR GRANT directed that item Number 3 be returned to the ENERGY & ENVIRONMENT COMMITTEE for further consideration.

GRANTED.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 146

June 13, 2013	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 9
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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. 11E-6 (2013)
COMPTROLLER: “Awarding Financial Advisor Contract”
(6-0)
 - b. COMM. 11D-1 (2013)
COMPTROLLER'S OFFICE: “Copy of Letter to Director of Budget & Management Concerning 2013 Cash Flow & Revenue Anticipation Note”
(6-0)
 - c. COMM. 11D-5 (2013)
DIRECTOR OF BUDGET & MANAGEMENT: “Budget Monitoring Report, for Period Ending April, 2013”
(6-0)
2. COMM. 1D-7 (2012)
EC REAL PROPERTY TAX SERVICES AS AMENDED

WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

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

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 213067 through 213078, inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Tax Services and be charged back to the applicable towns and/or cities.

FISCAL YEAR 2011 Petition No. 213,067.00

ASSESSOR Refund \$101.83

S-B-L 68.14-7-3.1/419G 419 Burroughs Dr 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$101.83 Town/SpecialDist/School
Charge To : 142289 AMHERST \$101.83
Relevy School \$101.83

RPTL 550(2): Incorrect assessed value applied
Refund Issued to: Paul Chimera

FISCAL YEAR 2012 Petition No. 213,068.00

ASSESSOR Refund \$456.47

S-B-L 124.00-7-5.2/156 62 Cove Creek Run 146800 WEST SENECA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$456.47 Town/SpecialDist/School
Charge To : 146800 WEST SENECA \$456.47
Relevy School \$456.47 146801 WEST SENECA CENT

RPTL 550(2): Failed to apply Basic STAR
Refund to be issued to: Brian Piotrowski

FISCAL YEAR 2013 Petition No. 213,069.00

ASSESSOR Refund \$229.67

S-B-L 92.18-6-63 198 Lydia Ln 143089 CHEEKTOWAGA

Acct. No. 112 \$181.39 County

Acct. No. 132 \$48.28 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA \$48.28

RPTL 550(2): Failed to apply disable veteran exemption
Refund to be issued to: John J. Gertz

FISCAL YEAR 2013 Petition No. 213,070.00
ASSESSOR Refund \$3,533.60

S-B-L 150.00-1-17 Lakeshore Rd 144889 HAMBURG

Acct. No. 112 \$0.00 County
Acct. No. 132 \$3,533.60 Town/SpecialDist/School
48134 ECSD#3 USER CHARGE \$3,533.60
Charge To : 144889 HAMBURG \$0.00

RPTL 550(2): Incorrect specail district charge
Refund to be issued to: People State of NY, B&G

FISCAL YEAR 2013 Petition No. 213,071.00
ASSESSOR Cancel \$149.26

S-B-L 182.20-9-21 45 Lenora Dr 144803 HAMBURG

Acct. No. 112 \$0.00 County
Acct. No. 132 \$149.26 Town/SpecialDist/School
Charge To : 144803 HAMBURG \$149.26

Relevy Village \$149.26 Village of HAMBURG
RPTL 550(2): Failed to apply disabled veteran exemption

FISCAL YEAR 2012 Petition No. 213,072.00
ASSESSOR Refund \$587.00

S-B-L 66.39-4-12 218 School St 146489 TONAWANDA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$587.00 Town/SpecialDist/School
Charge To : 146489 TONAWANDA \$587.00
Relevy School \$587.00 146401 KEN-TON UNION FREE

RPTL 550(2): Should have applied Enhanced Star not Basic Star
Refund to be issued to: Thomas and Katherine McCargo

FISCAL YEAR 2013 Petition No. 213,073.00

 ASSESSOR Cancel \$91.02

S-B-L 47.11-4-8 87 John St 145601 AKRON

 Acct. No. 112 \$0.00 County

 Acct. No. 132 \$91.02 Town/SpecialDist/School

Charge To : 145601 AKRON \$91.02

 Relevy Village \$91.02 Village of AKRON

RPTL 550(2): Failed to apply veteran exemption
New tax bill to be issued

FISCAL YEAR 2013 Petition No. 213,074.00

 ASSESSOR Cancel \$254.48

S-B-L 47.07-1-38 13 Morgan St 145601 AKRON

 Acct. No. 112 \$0.00 County

 Acct. No. 132 \$254.48 Town/SpecialDist/School

Charge To : 145601 AKRON \$254.48

 Relevy Village \$254.48 Village of AKRON

RPTL 550(2): Failed to apply senior exemption
New tax bill to be issued

FISCAL YEAR 2013 Petition No. 213,075.00

 ASSESSOR Cancel \$143.51

S-B-L 47.11-2-46 48 Westgate 145601 AKRON

 Acct. No. 112 \$0.00 County

 Acct. No. 132 \$143.51 Town/SpecialDist/School

Charge To : 145601 AKRON \$143.51

 Relevy Village \$143.51 Village of AKRON

RPTL 550(2): Failed to apply senior exemption
New tax bill to be issued

FISCAL YEAR 2013 Petition No. 213,076.00

 ASSESSOR Cancel \$289.65

S-B-L 47.07-1-28 16 Morgan St 145601 AKRON

Acct. No. 112 \$0.00 County
Acct. No. 132 \$289.65 Town/SpecialDist/School
Charge To : 145601 AKRON \$289.65

Relevy Village \$289.65 Village of AKRON
RPTL 550(2): Failed to apply senior exemption
New tax bill to be issued

FISCAL YEAR 2012 Petition No. 213,077.00

ASSESSOR Refund \$393.73

S-B-L 47.07-1-38 13 Morgan St 145601 AKRON

Acct. No. 112 \$0.00 County
Acct. No. 132 \$393.73 Town/SpecialDist/School
Charge To : 145601 AKRON \$393.73
Relevy School \$393.73 145601 AKRON CENTRAL

RPTL 550(2): Failed to apply senior exemption
Refund to be issued to: Diane Shearman

FISCAL YEAR 2013 Petition No. 213,078.00

ASSESSOR Refund \$154.33

S-B-L 47.07-1-38 13 Morgan St 145601 AKRON

Acct. No. 112 \$93.82 County
Acct. No. 132 \$60.51 Town/SpecialDist/School
Charge To : 145601 AKRON \$60.51

RPTL 550(2): Failed to apply senior exemption
Refund to be issued to: Diane Shearman

and be it further

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

(6-0)

3. COMM. 11E-13 (2013)
COUNTY EXECUTIVE

WHEREAS, the below grant programs are included in Book B of the 2013 Adopted Budget;
and

WHEREAS, the 2013 Adopted Budget resolutions require legislative approval for the County Executive to enter into contracts with grantor agencies for the purpose of receiving grants awarded or budgeted for fiscal 2013.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contracts with grantor agencies for the purpose of receiving grants, following review and approval by the Director of Budget and Management with respect to the availability of State and/or Federal funds, for the following grant programs:

2013 Book B Adopted Grants

<u>Department - Grant Title</u>	<u>Grant Start Date</u>	<u>Total Appropriation</u>
Dept of Law/County Attorney		
Aid To Localities- Indigent Defense Program	4/1/13	184,200
Indigent Legal Services Grant	6/1/13	485,043
<u>Total Department</u>		<u>669,243</u>
Central Police Services		
Aid to Crime Labs Program	7/1/13	1,516,220
DNA Backlog Crime Laboratory Equipment	4/1/13	527,416
National Forensic Sciences Improvement	10/1/13	56,275
Project Impact	7/1/13	190,774
Child Passenger Safety (Car Seat)	10/1/13	7,500
High School Traffic & Passenger Safety Education	10/1/13	53,005
<u>Total Department</u>		<u>2,351,190</u>
District Attorney		
Aid to Prosecution	4/1/13	1,652,804
BE-SAFE Program	10/1/13	402,595
Crimes Against Revenue Program	1/1/13	440,000
Federal Family Violence Prevention Svcs Act	3/31/13	60,083
Motor Vehicle Theft & Ins Fraud Prev	1/1/13	122,466
Operation Impact	7/1/13	772,602
Stop Violence Against Women Program	10/1/13	148,458
Victim/Witness Assistance Program	10/1/13	509,935
<u>Total Department</u>		<u>4,108,943</u>
Probation		
200% of Poverty Alternative to Incarceration	1/1/13	115,210
ATI Community Service Sentencing	7/1/13	80,280
ATI Pre-Trial Project	7/1/13	203,763
Be-Safe Probation	10/1/13	142,584
Intensive Supervision Program	1/1/13	270,223

Juvenile Accountability	1/1/13	31,616
Office of Victim Services	10/1/13	65,109
Operation Impact - Probation	7/1/13	228,361
Total Department		1,137,146

Sheriff

	7/1/201	
Impact Enhancement	3	135,960
Total Department		135,960

Senior Services

Areawide Agency on Aging	1/1/13	1,772,952
Community Services for the Elderly	4/1/13	1,509,036
Congregate Dining Nutrition Program	1/1/13	2,474,841
Congregate Services Initiative Program	4/1/13	41,023
Disease Prevention & Health Promotion Services	1/1/13	108,082
Elder Caregiver Support Program	1/1/13	840,545
Expanded In-Home Services for the Elderly	4/1/13	3,760,884
Hlth Insurance Info, Counseling & Assistance	4/1/13	58,634
Home Delivered Nutrition Program	1/1/13	1,400,821
NYS Areawide Agency on Aging Transportation	4/1/13	54,137
NYS Retired Senior Volunteer Program	4/1/13	5,698
New York Connects	10/1/13	188,933
Nutrition Services Incentive	10/1/13	755,746
Retired Senior Volunteer Program (RSVP)	4/1/13	167,521
Senior Aides Program (Title V)	7/1/13	1,068,093
Senior Community Services Employment	7/1/13	288,917
Supplemental Nutrition Assistance Program	4/1/13	1,697,543
Total Department		16,193,406

Health

Beach Water Quality Monitoring	10/1/13	10,414
Breast & Cervical Cancer Early Detection	6/30/13	119,023
Childhood Lead Poisoning Prevention	10/1/13	586,201
Children with Special Health Care Needs	10/1/13	85,138
Enhanced Drinking Water Protection	4/1/13	143,499
Expanded Syringe Access Demonstration Program	7/1/13	56,812
Forensic Science Improvement	10/1/13	174,590
HIV Partner Notification Program	10/1/13	204,000
Healthy Mom-Baby Prenatal Postpart Home Visit Pgm	10/1/13	362,626
Healthy Neighborhoods	10/1/13	287,763
Immunization Action Plan	4/1/13	300,000
Komen for the Cure of Breast Cancer	4/1/13	68,823
Lead Poisoning Primary Prevention	4/1/13	1,018,133
Medical Examiner Toxicology Lab Aid	7/1/13	100,000
National Forensic Science Improvement	10/1/13	22,484
PH Preparedness/Response to Bioterrorism	7/1/13	643,931

Partners for Prevention Clinical Services	4/1/13	237,627
Partners for Prevention Program	4/1/13	268,791
Public Health Campaign STD	4/1/13	144,173
Public Health Campaign TB	3/31/13	313,000
Public Health Laboratory Response Network	7/1/13	79,246
STD Outreach Intervention	1/1/13	118,916
Youth Tobacco Enforcement & Prevention	4/1/13	283,870
Total Department		5,629,060
County Executive		
Office Of Workforce Development	1/1/13	206,584
Total Department		206,584
Environment & Planning		
Community Development Block Grant	4/1/13	3,974,419
Total Department		3,974,419
Library		
Central Library Book Aid	1/1/13	57,169
Central Library Development Aid	1/1/13	247,821
Continuity of Service	1/1/13	39,978
Coordinated Outreach Program	1/1/13	135,058
Library Svcs to County Correctional Facilities	4/1/13	7,011
Library Svcs to State Correctional Facilities	1/1/13	36,558
NYS Library System Automation	1/1/13	61,166
Total Department		584,761
Grand Total		34,990,712

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into subcontracts with community agencies funded under the above grants as indicated in Book B of the 2013 Adopted Budget; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to grantor awards, provided there are no changes to authorized personnel levels and county share amounts; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the following departments: District Attorney, the Office of the Sheriff, Probation, Senior Services, Central Police Services, the Library, the Health Department, the Office of the Comptroller, the Office of the County Attorney, the Department of Environment and Planning, the County Attorney's Office and the Division of Budget and Management.

(6-0)

**TIMOTHY R. HOGUES
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 147

June 13, 2013	PUBLIC SAFETY COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT.
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 11E-11 (2013)
COUNTY EXECUTIVE AS AMENDED
WHEREAS, the Erie County Sheriff's Office has traditionally provided a Traffic Control Detail on the roads surrounding the stadium on Buffalo Bills game days; and

WHEREAS, the Buffalo Bills have requested an additional, sworn, uniformed police presence inside and around the Stadium in order to provide a safe and secure environment for fans, officials and employees; and

WHEREAS, the Buffalo Bills have agreed to reimburse all costs associated with the Sheriff's Stadium Detail; and

WHEREAS, the Sheriff will utilize County Holding Center Deputies and Correctional Facility Corrections Officers along with a seasonal work force of qualified police/peace officers from other jurisdictions to provide the Stadium security.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the creation of 128 Deputy Sheriff Reserve Seasonal positions and 18 Supervisor Deputy Sheriff Reserve Seasonal positions in the 2013 Budget of the Sheriff's Division, (B-100 #7293 and #7294); and be it further

RESOLVED, that as per the agreement with the Buffalo Bills, the hourly rate of pay for the Deputy Sheriff Reserve Seasonal positions will be \$36.66 per hour, and that the hourly rate of pay for the Supervisor Deputy Reserve Seasonal positions shall be established at \$39.01; and be it further

RESOLVED, that the 2013 Budget for the Sheriff's Division shall be adjusted as follows:

Division of the Sheriff - Fund 110 Fund Center 11510	
Revenue	<u>Increase</u>

421555 – Stadium Reimbursement Expense	\$479,918
500030 - Seasonal Wages	\$274,894
501000 - Overtime	80,000
502000 - Fringe Benefits	<u>125,024</u>
Total Expense	\$ 479,918
Net	0

and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management and the Department of Personnel, working with the Sheriff’s Office, to increase the number of seasonal positions, if deemed necessary to meet contractual staffing requirements for the Stadium Detail, provided reimbursement by the Buffalo Bills is available; 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 Division of Budget and Management, and to the Office of the Sheriff.
(6-0)

**TIMOTHY R. HOGUES
CHAIR**

LEGISLATOR RESOLUTIONS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 148

RE: Public Notice Concerning Marilla
Agricultural District No. 5 Eight-Year
Review
(INTRO 12-1)

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

WHEREAS, the Erie County Legislature has received notification for the eight-year review requirement of the Marilla Agricultural District #5, which was created on December 4, 1973 pursuant to New York State Agriculture and Markets Law (“Agriculture and Markets Law”) Section 303; and

WHEREAS, Marilla Agricultural District #5 has been recertified every eight years thereafter pursuant to Agriculture and Markets Law Section 303-a(1); and

WHEREAS, a copy of this Agricultural District map is on file in the County Clerk's office, and the Marilla Town Hall.

NOW, THEREFORE, BE IT

RESOLVED, that the Clerk of the Legislature be directed to publish a public notice in a newspaper having general circulation within the area of the above agricultural district, that notice be posted in at least five conspicuous places within the district, and that notice also be sent to the affected municipalities, being the town of Marilla; and be it further

RESOLVED, that after this 30-day period, the Legislature hereby directs the Clerk to refer the Marilla Agricultural District to the Erie County Department of Environment and Planning and the Agricultural and Farmland Protection Board for a report and recommendations; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to the Erie County Department of Environment and Planning and the Town of Marilla Supervisor and Town Clerk.

Item 28 – MR. MAZUR presented the following resolution and moved for immediate consideration. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 149

RE: Expressing Support for NYS
A.7206/S.3550B, Designating Interstate
990 as the "Staff Sergeant William R.
Wilson, III Memorial Highway"
(INTRO 12-2)

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

WHEREAS, William R. Wilson, III, a 2003 graduate of Williamsville North High School, enlisted in the army in 2005; and

WHEREAS, William R. Wilson, III, rose to the rank of Army Staff Sergeant, training Afghan soldiers and police to take over Afghanistan's security in preparation for the withdrawal of U.S. troops; and

WHEREAS, Staff Sergeant Wilson was killed in Afghanistan on March 26, 2012 by a member of the Afghan security force; and

WHEREAS, Billy, as he was known to his family and friends, dedicated his life to putting others before himself; and

WHEREAS, Billy was also known for his smile, laugh and the joy that he brought to others; and

WHEREAS, New York State Assembly Bill 7206 and Senate Bill 3550-B seek to honor Staff Sergeant William Wilson by designating Interstate 990 as the “Staff Sergeant William R. Wilson, III Memorial Highway.”

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports New York State Assembly Bill 7206 and Senate Bill 3550-B, designating Interstate 990 as the “Staff Sergeant William R. Wilson, III Memorial Highway;” 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.

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. MILLS seconded.

CARRIED UNANIMOUSLY.

Item 29 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 150

RE: Appointments to the EC Audit
Committee
(INTRO 12-3)

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

WHEREAS, the Erie County Audit Committee is mandated by Erie County Charter §2617;
and

WHEREAS, the Office of the Comptroller has advised the Erie County Legislature that certain appointments are necessary to fill vacancies of the Erie County Audit Committee; and

WHEREAS, Erie County Charter §2617 defines the Audit Committee’s membership and specifies the manner of selection for each member.

NOW, THEREFORE, BE IT

RESOLVED, that John P. Ford is hereby appointed as a member of the Erie County Audit Committee for a term ending December 31, 2015; and be it further

RESOLVED, that Joshua Heim is hereby appointed as a member of the Erie County Audit Committee for a term ending December 31, 2015; and be it further

RESOLVED, that Daniel Tirone is hereby reappointed as a member of the Erie County Audit Committee for a term ending December 31, 2015; and be it further

RESOLVED, that a certified copy of this resolution be sent to the Erie County Audit Committee, and Teresa M. Fraas, Deputy Comptroller for Audit.

Item 30 – MR. MAZUR presented the following resolution and moved for immediate consideration. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 151

RE: Supporting NYS Assembly Bill 5683 &
Senate Bill 3764, Providing an Asbestos
Remediation Tax Credit
(INTRO 12-4)

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

WHEREAS, asbestos has been linked to many serious diseases, including lung cancer; and

WHEREAS, for a time, asbestos was used as a building material and, as such, can be found in many older structures across Western New York; and

WHEREAS, because of the presence of asbestos, many building owners and developers avoid repairing, upgrading and repurposing these buildings; and

WHEREAS, NYS Assembly Bill 5683 and Senate Bill 3764 would provide a tax credit for asbestos remediation projects; and

WHEREAS, such projects would allow and encourage buildings containing asbestos to be repaired and upgraded, at the same time improving environmental safety for building occupants; and

WHEREAS, providing a tax credit for asbestos remediation projects would also promote jobs in the construction industry.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports New York State Assembly Bill 5683 and Senate Bill 3764, providing an asbestos remediation tax credit; 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.

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. RATH seconded.

CARRIED UNANIMOUSLY.

Item 31 – CHAIR GRANT directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 12-5 from MILLS, RATH, LORIGO, HARDWICK & DIXON. Opposing Taxpayer Funded Campaign Finance.

Item 32 – CHAIR GRANT directed that the following resolution be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 12-6 from GRANT. Requesting that NYS Office of Children & Families Promulgate Rules & Regulations for Child Protection that Adequately Address Multi-Cultural Differences.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 152

RE: Supporting the Passage of a Federal "Buy American" Bipartisan Flag Amendment to the National Defense Authorization Act for Fiscal Year 2014 Recently Approved in the House of Representatives (INTRO 12-7)

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

WHEREAS, the American Flag is the most treasured and recognized symbol of the United States and the freedoms that have been protected by the U.S. military for more than two centuries; and

WHEREAS, most Americans do not realize that departments of the federal government have been purchasing and displaying flags manufactured overseas; and

WHEREAS, veterans were the first group of Americans to express their dismay over this practice, and their collective advocacy led to legislation that requires the Veterans Administration to only purchase flags that are 100% American Made; and

WHEREAS, veterans have again called our nation's attention to the utilization of American flags produced overseas to be lain upon the caskets of our deceased members of the American military that return home to be laid to final rest; and

WHEREAS, dismay has turned to outrage, and an amendment passed the full House of Representatives last week that would require that the U.S. Department of Defense only purchase flags that are 100% American Made; and

WHEREAS, this amendment, sponsored by Representative Mike Thompson of California (D-California) and originally introduced by Representative Frank LoBiondo (R-New Jersey), is a bipartisan provision passed as part of H.R. 1960, the National Defense Authorization Act for Fiscal Year 2014; and

WHEREAS, the Chair of the Erie County Legislature, Betty Jean Grant, established VALER4Valor, an ad hoc committee whose mission is to advocate on behalf of veterans' concerns, as well as to link veterans' advocates with community and government resources to realize the goal of veteran empowerment and successful reintegration back into the civilian community; and

WHEREAS, at the June 17, 2013 meeting of VALER4Valor, the "Buy American" Flag Amendment was unanimously supported; and

WHEREAS, the flag that draped President Lincoln's coffin, the flag that was raised at Iwo Jima and the flag that was planted on the moon by Astronauts Neil Armstrong and Edwin "Buzz" Aldrin were all 100% American Made and are indelibly etched in the collective memory of all Americans; and

WHEREAS, it is fitting and proper for this legislative body to add its voice to the chorus of veterans and veterans' advocates who are supporting passage of the "Buy American" Flag Amendment, now under consideration by the U.S. Senate.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body convey its full and unreserved support for the "Buy American" Flag Amendment that is a bipartisan provision of the National Defense Authorization Act (H.R. 1960) recently approved in the U.S. House of Representatives and now being considered by the United States Senate; and be it further

RESOLVED, that certified copies of this legislation be forwarded to President Barack Obama, United States Senators Charles Schumer and Kirsten Gilliband, Mr. Henry Curtis, Chair of VALER4Valor, and all others deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 34 – MR. MAZUR moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 9E-10 (2013). MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 153

RE: Ralph Wilson Stadium - 2013 - Annual
Capital Improvement Project
(COMM. 9E-10, 2013)

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

CARRIED UNANIMOUSLY.

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

WHEREAS, the County is required pursuant to the Lease Agreement between the Buffalo Bills and Erie County to provide capital improvements to Ralph Wilson Stadium on an annual basis; and

WHEREAS, the County of Erie received bids for the Ralph Wilson Stadium 2013 Annual Capital Improvements project on May 22, 2013; and

WHEREAS, the Erie County, Department of Public Works, is recommending award of contracts to the lowest responsible bidders, along with the engineer.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for the Ralph Wilson Stadium 2013 Annual Capital Improvements project for an amount not to exceed as follows:

General Construction Work

Amount Not To Exceed (Lowest Responsible Bidder Currently Under Review)	Base Bid:	\$485,000.00
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Electrical Construction Work

CIR Electrical Construction Corporation	Base Bid:	\$678,900.00
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Site Construction Work

Louis Del Prince & Sons, Inc. Base Bid: \$ 83,900.00

Total Award of All Construction Contracts: \$1,247,800.00

and be it further

RESOLVED, that the sum of \$125,000.00 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

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

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP project accounts as follows:

A.13001 –2013- Rehabilitation of Ralph Wilson Stadium \$1,372,800.00

and be it further

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

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

CARRIED UNANIMOUSLY.

Item 35 – MR. MAZUR moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of INTRO 10-6 (2013). MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

CHAIR GRANT directed that the resolution be referred to the HEALTH & HUMAN SERVICES COMMITTEE for further consideration.

GRANTED.

Item 36 – MR. MAZUR moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 11M-8 (2013). MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

CHAIR GRANT directed that the resolution be referred to the HEALTH & HUMAN SERVICES COMMITTEE for further consideration.

GRANTED.

Item 37 – MR. MAZUR moved to discharge the COMMUNITY ENRICHMENT COMMITTEE of further consideration of COMM. 10E-23 (2013). MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 154

RE: ECC 2013-2014 Budget
(COMM. 10E-23, 2013)

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

CARRIED UNANIMOUSLY.

Attach the Following Resolution to COMM. 10E-23 (2013):

RESOLVED, that the Erie County Legislature does hereby approve the 2013-2014 Budget of Erie Community College as adopted by the ECC Board of Trustees on May 7, 2013, and submitted to this Honorable Body by the County Executive on May 21, 2013, with the following change:

- Delete the Third Resolve Clause in its entirety on page 14 (ECC 2013-2014 Budget Resolution) relative to collective bargaining agreements;

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

CARRIED UNANIMOUSLY.

Item 38 – MR. MAZUR moved to discharge the GOVERNMENT AFFAIRS COMMITTEE of further consideration of COMM. 1E-2 (2013). MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 155

RE: Fact-Finding Report Between EC,
ECMCC, ECC, EC Library & Civil
Service Employees Association, Inc.
Local 815
(COMM. 1E-2, 2013)

***Please see attachment for complete text of COMM. 1E-2, 2013.

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

CARRIED UNANIMOUSLY.

Attach the Following Resolution to COMM. 1E-2 (2013):

WHEREAS, negotiations between the County of Erie and the Civil Service Employees Association, Inc. Local 815 have been ongoing for years; and

WHEREAS, the last negotiated collective bargaining agreement (CBA) between the parties covered the calendar years 2004 to 2006; and

WHEREAS, an impasse existed and a Fact-Finder was appointed and he rendered his Findings and Recommendations in a Report dated November 7, 2011; and

WHEREAS, the Report of the Findings and Recommendations (NYSPERB No. M2009-089) of Fact-Finder, Howard G. Foster, were transmitted to then-County Executive Christopher Collins and the CSEA on or about November 7, 2011; and

WHEREAS, all parties rejected the Fact-Finder recommendations; and

WHEREAS, the parties continued negotiations during 2012; and

WHEREAS, the further negotiations in 2012 failed; and

WHEREAS, by reason of the failure of the further 2012 negotiations, the County Executive forwarded the Fact-Finding Report to the Erie County Legislature on December 31, 2012; and

WHEREAS, the County Executive recommended that the Erie County Legislature determine that the imposition of a settlement is warranted, and that the dispute should be resolved by extending all terms and conditions of the expired CSEA collective bargaining agreement for an additional year for the period from January 1, 2007 through December 31, 2007; and

WHEREAS, a Public Hearing, pursuant to Civil Service Law Section 209(3)(e) was held on January 31, 2013; and

WHEREAS, the CSEA, by Joan Bender, President of CSEA Local 815, communicated to the Clerk of the Legislature on January 18, 2013 that no official CSEA representative would speak at the Public Hearing regarding the Fact-Finding Report of County Executive Recommendation; and

WHEREAS, the Erie County Medical Center Corporation, by Kathleen E. O'Hara, Vice President of Human Resources, communicated to the Erie County Legislature on January 11, 2013, and requested that the Legislature "not approve the 2011 Fact Finder's report;" and

WHEREAS, the Erie Community College, by Patricia H. Mertz, Chairwoman, ECC Board of Trustees, and Jack Quinn, President, communicated to the Erie County Legislature on January 14, 2013, and requested that the Erie County Legislature "reject the recommendations of Mr. Foster [the "Fact-Finder"] insofar as they relate to salary increases;" and

WHEREAS, the Buffalo and Erie County Public Library, by Jack Connors, Chair of the B&ECPL Board of Trustees, and Mary Jean Jakubowski, Director, communicated to the Erie County Legislature on January 24, 2013, and requested that the Erie County Legislature "reject the salary increase recommendations contained in the report of the Fact Finder;" and

WHEREAS, the County Executive and the CSEA voluntarily resumed negotiations in the spring of 2013, resulting in a tentative agreement between the parties; and

WHEREAS, thereafter, the tentative agreement was rejected by the CSEA membership; and

WHEREAS, the Erie County Commissioner of Labor Relations, David A. Palmer, communicated to the Erie County Legislature on May 10, 2013, and urged that “without action by the Legislature, on the Fact Finder’s report before them, there is no opportunity to move forward with the bargaining process;” and

WHEREAS, the most recent Budget Monitoring Reports for 2013 indicate several negative trends and fiscal risk in 2013, including under-budget sales tax revenue, and indicate a need for responsible fiscal restraint; and

WHEREAS, it is in the best interest of the parties that some finality be brought to the extensive negotiation process that resulted in impasse and now multiple failed attempts to reach an agreement acceptable to all parties.

NOW, THEREFORE, BE IT

RESOLVED, that, pursuant to New York State Civil Service Law Section 209(3)(e)’s requirement that “the legislative body shall take such action as it deems to be in the public interest, including the interest of the public employees involved,” the Erie County Legislature directs that the terms of the existing CSEA CBA for the period 2004 to 2006 be hereby extended for one year to include the period January 1, 2007 through December 31, 2007; and

RESOLVED, that the Clerk of the Legislature is hereby authorized and directed to provide a certified copy of this resolution to the Erie County Executive and the Civil Service Employees Association, Inc. Local 815 and to all others deemed necessary to receive the same to facilitate the resumption of negotiations between the parties; and

RESOLVED, that the Erie County Legislature calls upon the parties to promptly to enter into further negotiations and/or to take all necessary steps before the Public Employees Relation Board to find a way to resolve the differences between them.

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

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

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

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

GRANTED.

COMM. 12M-14 from NATIONAL FUEL Re: Letter to Chair Grant Concerning Intro 10-7 (2013)

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 40 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 12E-30 from LEGISLATOR MARINELLI Re: Copies of Letters Concerning Condition of Kenmore Avenue

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 41 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 12D-4 from the COUNTY ATTORNEY Re: Response Letter to Legislator Mills Concerning Local Law Intro. No. 3-2013

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 42 – (COMM. 12E-1) Appointment to the EC Medical Center Corporation

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM CHAIR GRANT

Item 43 – (COMM. 12E-2) Letter to Comptroller Concerning Sheriff's Department Inmate Telephone Fund Revenue - RE: Comm. 6E-24 - Accounting for Turn-Over of \$669,170.13 - \$772,058.12 to Comptroller

Item 44 – (COMM. 12E-3) Letter to Sheriff Concerning Telephone Funds Received, Deposited & Spent - RE: Comm. 6E-24 - Accounting for Turn-Over of \$669,170.13 - \$772,058.12 to Comptroller

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

FROM THE COUNTY EXECUTIVE

Item 45 – (COMM. 12E-4) Letter to Legislature Concerning Comm. 11E-6, Comptroller Request to Hire Capital Markets Advisors as Financial Advisor

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 46 – (COMM. 12E-5) Letter to Legislature Concerning April 2013 Sales Tax

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 47 – (COMM. 12E-6) Letter to Legislature Concerning Comptroller Financial Advisor Contract

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR MILLS

Item 48 – (COMM. 12E-7) Letter to County Attorney Concerning Local Law Intro. No. 3-2013

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM CHAIR GRANT

Item 49 – (COMM. 12E-8) Letter to National Fuel Gas Government Affairs Representative Regarding Invitation to 6/20/2013 Legislative Work Session

Item 50 – (COMM. 12E-9) Letter to National Fuel Gas President & CEO Regarding Invitation to 6/20/2013 Legislative Work Session

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

FROM THE COMPTROLLER

Item 51 – (COMM. 12E-10) Letter to Legislature Regarding Awarding of Financial Advisor Contract

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CHAIR GRANT

Item 52 – (COMM. 12E-11) Letter to County Executive Concerning EC Legislature 2013 Mid-Year Budget Hearings

Received, Filed and Printed.

June 17, 2013

Honorable Mark C. Poloncarz
Erie County Executive
95 Franklin St.
Buffalo, NY 14202

RE: Erie County Legislature 2013 Mid-Year Budget Hearings

Dear County Executive Poloncarz,

As you are aware, the 2013 Erie County Budget as adopted by the Legislature on December 11, 2012 includes Budget Resolution Number 76, which calls for the Legislature to conduct mid-year budget hearings of all County departments. Accordingly, I was hoping that you could facilitate participation of the Administration, and commissioners and/or department heads, in the hearings to be held by the Legislature beginning on Monday, July 15, 2013.

Gaining insight into the fiscal status of departmental budgets, and the consideration of corrective measures advanced at the hearings, are the primary objectives of these hearings.

In order to ascertain the budgetary status of County departments and to facilitate meaningful budget hearings, I am requesting some information that the Administration can provide prior to the start of these hearings. I am formally requesting the following information:

- 1) Personnel positions authorized in each department for FY 2013, together with corresponding vacancies for each department;
- 2) Savings attributed to vacancies by department, along with a statement of vacancy savings to date;
- 3) A current SAP run reflecting the current state of each department's spending. Please highlight any account that is spent down by more than 50% and that the departmental representative provide an explanation of whether spending will exceed the budgeted amount for their 2013 appropriation;
- 4) A current SAP run reflecting each revenue account. Please highlight any account that has not achieved 33% and that the departmental representative provide an explanation of whether the projected revenues will be achieved in 2013.

If you would, please provide the above requested information at your earliest possible convenience, but no later than Monday, July 8, 2013, in order for our staff to reproduce and disseminate the information to members of the Legislature.

Prior to the start of these hearings, past practice has been for an overview and presentation by the Administration. The independently-elected officials and the commissioners and/or department heads will then make their presentations to the Legislature based upon the attached schedule.

Thank you in advance for your help, and the help of your Administration, commissioners and department heads in this year's mid-year budget hearings. Please do not hesitate to contact me should you have any questions regarding this matter.

Sincerely,

Betty Jean Grant, Chair
Erie County Legislature

Cc: Hon. Christopher L. Jacobs, County Clerk
Hon. Stefan I. Mychajliw, County Comptroller
Hon. Frank A. Sedita, District Attorney
Hon. Timothy B. Howard, Sheriff

2013 Mid-Year Budget Hearings

The following is the schedule of Mid-Year Budget Hearings to be held in the Chambers of the Erie County Legislature, 92 Franklin St., 4th Floor

<u>DAY</u>	<u>DEPARTMENT</u>	<u>TIME</u>
Monday, July 15, 2013	Administration - Overview	9:30 to 10:30 AM
	County Attorney	10:30 to 11:00 AM
	Comptroller	11:00 to 11:30 AM
	County Clerk	11:30 AM to 12 NOON
	Mental Health	1:00 to 1:30 PM
	Health Department	1:30 to 2:30 PM
	Social Services	2:30 to 3:30 PM
Tuesday, July 16, 2013	District Attorney	9:00 to 9:30 AM
	Sheriff	9:30 to 10:30 AM
	Probation	10:30 to 11:00 AM
	Central Police Services	11:00 to 11:30 AM
	Board of Elections	1:00 to 1:30 PM
	Parks & Recreation	1:30 to 2:30 PM
	Senior Services	2:30 to 3:00 PM
Wednesday, July 17, 2013	Public Works	9:00 to 10:00 AM
	Emergency Services	10:00 to 10:30 AM
	Environment & Planning	10:30 to 11:00 AM
	DISS	11:00 to 11:30 AM
	Purchasing	11:30 to 12 NOON
	EEO/M&WBE	12 NOON to 12:30 PM
	Library	1:30 to 2:00 PM

Personnel

2:00 to 2:30 PM

Friday,
July 19, 2013

RESERVED FOR CALLBACKS

FROM THE COUNTY EXECUTIVE

Item 53 – (COMM. 12E-12) Initiatives for a Smart Economy

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 54 – (COMM. 12E-13) Award of Contract - ECSD No. 8 - Contract No. 12 - Brooklea & Creekside Low Pressure Grinder Stations

Item 55 – (COMM. 12E-14) ECSD No. 3 - Engineering Change Order No. 1 - GHD Consulting Engineers, LLC

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

Item 56 – (COMM. 12E-15) Employee Assistance Program Contract

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 57 – (COMM. 12E-16) Central Police Services Forensic Laboratory - FY2012 NIJ DNA Backlog Grant

Item 58 – (COMM. 12E-17) Central Police Services - E-911 Fund - Transfer of Funds

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

Item 59 – (COMM. 12E-18) LEWPA Coordinator Budget Revision & Contract Extension

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 60 – (COMM. 12E-19) Authorization to Extend Lease - 290 Main St., Buffalo, NY

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 61 – (COMM. 12E-20) Right-of-Way Acquisition, Tonawanda Rails to Trails - Town of Tonawanda & City of Tonawanda

Item 62 – (COMM. 12E-21) Public Safety Campus - 2013 Redundant Air Conditioning System

Item 63 – (COMM. 12E-22) Supplemental Agreement with NYSDOT - Right-of-Way Acquisition, Harris Hill Road Intersections at Wehrle Drive & Pleasant View Drive, Towns of Clarence & Lancaster

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

Item 64 – (COMM. 12E-23) Chestnut Ridge Park - 2013 Site Work Improvements & New Electrical Service

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 65 – (COMM. 12E-24) Supplemental Agreement with NYSDOT - Bridge Painting Project Construction Award - Various Towns

Item 66 – (COMM. 12E-25) Award of Construction Contract & Contract for Engineering & Construction Inspection Services - Reconstruction of Zoar Valley Road, Town of Concord

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

Item 67 – (COMM. 12E-26) Department of Social Services - Employee Education & Training

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 68 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 156

RE: Second Amendment for Lease of Space on Cell Tower at ECC South Campus (COMM. 12E-27)

WHEREAS, Erie Community College has an existing lease of space on the South Campus cell tower with New Cingular Wireless for their purpose of transmission and reception of communication systems; and

WHEREAS, the existing lease includes the operation of antennae and New Cingular Wireless wishes to install one new antenna on the tower and add a backup generator at the tower site; and

WHEREAS, the five year lease with one renewal term of five years commenced September, 2011, and denial of this request could negatively impact the annual revenue stream of \$24,000+ provided ECC thereunder.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves this 2nd Amendment to the New Cingular Wireless South Campus Cell Tower Lease; and be it further

RESOLVED, that copies of the resolution be forwarded to the Erie County Executive, the President of Erie Community College, and the Chairman of the ECC Board of Trustees.

Item 69 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 157

RE: Request to Enter into a Verizon Wireless First Amendment of Lease of Space on ECC North Campus Cell Tower (COMM. 12E-28)

WHEREAS, Erie Community College has an existing lease of space on the North Campus cell tower with Verizon Wireless for their purpose of transmission and reception of communication systems; and

WHEREAS, the existing lease includes the operation of antennae and Verizon Wireless wishes to replace six of the antennae with technologically improved antennae; and

WHEREAS, the five year lease with one renewal term of five years commenced May 9, 2009, and therefore is close to renewal; denial of this request would negatively impact such renewal and the \$24,000 annual revenue stream provided ECC thereunder.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves this 1st Amendment to the Verizon Wireless North Campus Cell Tower Lease; and be it further

RESOLVED, that copies of the resolution be forwarded to the Erie County Executive, President of Erie Community College, and the Chairman of the ECC Board of Trustees.

FROM THE COUNTY CLERK

Item 70 – (COMM. 12E-29) Increase in Change Making Fund - Registrar Cashier Drawers

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 71 – (COMM. 12D-1) Transmittal of New Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE SHERIFF'S DEPARTMENT

Item 72 – (COMM. 12D-2) Letter to Chair of the Legislature Concerning M&T Bank Statements Reflecting Funds Received & Expenditures Made from 6/1/2012 to Present

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COMPTROLLER'S OFFICE

Item 73 – (COMM. 12D-3) Letter to Legislature Concerning Comm. 11E-6 (2013)

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE OUTSOURCE CENTER, LLC

Item 74 – (COMM. 12M-1) Letter to Clerk of Legislature Concerning Contractor's Insurance Issue

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

FROM THE NYSDEC

Item 75 – (COMM. 12M-2) Notice of Deletion of Site from Registry for Site Known as Ramco Steel - 193 Abby Street, Buffalo

Item 76 – (COMM. 12M-3) Fact Sheet: Gates Circle Update - Draft Investigation Work Plan Available for Public Comment

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

FROM THE NFTA

Item 77 – (COMM. 12M-4) Copy of 2012-2013 NFTA-Metro Annual Performance Report

Item 78 – (COMM. 12M-5) Copy of Annual PARIS Report

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

FROM THE ECFSA

Item 79 – (COMM. 12M-6) Letter to Chair of the Legislature Concerning Resolution 13-06 - Approving the Issuance of Notes by ECFSA & Resolution 13-08 - Approving the 2012 ECFSA Annual Financial Audit

Item 80 – (COMM. 12M-7) ECFSA Report to the Board - 12/31/2012

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

FROM RONALD R. DRAFFIN

Item 81 – (COMM. 12M-8) Letter to Legislature Concerning NFTA Promotion of Alcoholic Drinks

Received and referred to the the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE EC COMMUNITY CORRECTIONS ADVISORY BOARD

Item 82 – (COMM. 12M-9) Copy of Letter to Superintendent Diina Concerning Prisoners Programs & Searches of Visitors

Received and referred to the the PUBLIC SAFETY COMMITTEE.

FROM THE BOARD OF EDUCATION

Item 83 – (COMM. 12M-10) Copy of Approved Resolution Concerning NFTA Promotion of Alcoholic Drinks

Received and referred to the the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 84 – (COMM. 12M-11) Proposed Agenda for Meeting Held 6/20/2103

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE FULTON COUNTY BOARD OF SUPERVISORS

Item 85 – (COMM. 12M-12) Copy of Resolution Urging Governor Cuomo & State Legislators to Exempt Firearm Permit Records from FOIL Disclosure

Received and referred to the the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NYS PUBLIC SERVICE COMMISSION

Item 86 – (COMM. 12M-13) Minutes from Meeting Held 6/13/2013

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

ANNOUNCEMENTS

Item 87 – CHAIR GRANT announced that the schedule of upcoming Legislature committee meetings has been distributed. Chair Grant also announced that the schedule of Mid-Year Budget Hearings has also been distributed.

MEMORIAL RESOLUTIONS

Item 88 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of former New York State Supreme Court Justice Frank A. Sedita, Jr.

Item 89 – Legislator Hogues requested that when the Legislature adjourns, it do so in memory of Mary Johnson.

Item 90 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Eleanor Mariano and Thomas “Mudd” McGrath.

Item 91 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Arthur Fredrick Dobson, Jr.

Item 92 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Justice Sedita and Joanne Coscia.

ADJOURNMENT

Item 93 – 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, July 11, 2013 at 2:00 p.m. Eastern Standard Time. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

CHAIR GRANT declared the Legislature adjourned until Thursday, July 11, 2013 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE