

**ERIE COUNTY LEGISLATURE
MEETING NO. 13
JULY 11, 2013**

The Legislature was called to order by Chair Grant.

All members present.

An Invocation was held, led by Ms. Marinelli, who read the Serenity Prayer.

The Pledge of Allegiance was led by Mr. Mazur.

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 12 from 2013. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. MILLS presented a resolution Honoring Police Officer William J. Hanrahan, Retiring after 27 Years of Law Enforcement with the Orchard Park.

Item 6 – MR. McCRACKEN presented a resolution Congratulating Robert MacPeck on His Retirement as Emergency Coordinator & Safety Officer for the Town of Lancaster.

Item 7 – MR. LORIGO presented a memorial resolution Honoring Carl P. Dimming Sr. Who Has Been Active Member of the WNY Scouting Community for Over 75 Years.

Item 8 – MR. LORIGO presented a memorial resolution Honoring the Life of the Late Robert S. Vidler Jr.

Item 9 – MR. MAZUR presented a resolution Commending the EC Health Department on Its Leadership Role with the American Cancer Society's CPS-3 Cancer Prevention Project.

MR. MAZUR moved for consideration of the above five items. MR. McCRACKEN seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 10 – CHAIR GRANT directed that Local Law No. 1 (Print #1) 2012 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 11 – CHAIR GRANT directed that Local Law No. 3 (Print #1) 2012 remain on the table and in the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Item 12 – CHAIR GRANT directed that Local Law No. 1 (Print #1) 2013 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 13 – MR. HOGUES moved to take Local Law No. 3 (Print #1) 2013 off the table. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

LOCAL LAW INTRO NO. 3-2013

LOCAL LAW NO. ____-2013

A Local Law, providing for the lease of the real property generally known as the Erie County Medical Mall located at 1500 Broadway in the City of Buffalo, New York. This Local Law supersedes County Law Section 215, subdivisions (4) and (6).

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

Section 1

Notwithstanding the provisions of Section 215 of the County Law or any special act or local law to the contrary, after a determination by the Erie County Legislature that the real property located at 1500 Broadway is not be required for county use, the County may lease such property to one or more not-for-profit or educational entities to provide health care and related services to members of the community for an original term not to exceed ten years, with additional renewals and extensions,

thereafter, not to exceed thirty years, without competitive bidding or public advertisement, and on such terms and other conditions as may be approved by the Erie County Legislature.

Section 2

If any article, section, subsection, paragraph, phrase or sentence of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereof.

Section 3

This local law shall take effect immediately in accordance with the provisions of the Municipal Home Rule law.

SPONSOR: Hon. Timothy R. Hogues

MR. HOGUES moved to approve Local Law No. 3 (Print #1) 2013. MS. MARINELLI 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.

COMMITTEE REPORTS

Item 14 – MR. MAZUR presented the following report, moved to separate item Number 2, and moved to approve the balance of the report. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 158

June 25, 2013	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 11
---------------	---

ALL MEMBERS PRESENT.

CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 11M-8 (2013)

BUFFALO COMMON COUNCIL MEMBER PRIDGEN: "Letter to Chair of Legislature Concerning Wrapped Metro Rail Cars"
(6-0)

- b. COMM. 12E-7 (2013)
MILLS: "Letter to County Attorney Concerning Local Law Intro. No. 3-2013"
(5-1) Legislator Mills voted in the negative.
- c. COMM. 12D-4 (2013)
COUNTY ATTORNEY: "Response Letter to Legislator Mills Concerning Local Law Intro. No. 3-2013"
(5-1) Legislator Mills voted in the negative.
- d. COMM. 12M-8 (2013)
RONALD R. DRAFFIN: "Letter to Legislature Concerning NFTA Promotion of Alcoholic Drinks"
(6-0)
- e. COMM. 12M-10 (2013)
BOARD OF EDUCATION: "Copy of Approved Resolution Concerning NFTA Promotion of Alcoholic Drinks"
(6-0)

2. INTRO 10-6 (2013)
GRANT & HOGUES

WHEREAS, it has come to the attention of the Erie County Legislature that Light Rail Cars that are part of the Niagara Frontier Transportation Authority's (NFTA's) public transit system now feature advertising by private corporations that sell products containing alcohol; and

WHEREAS, there are at least three such train cars that advertise a brand of beer brewed by a nationally known company, essentially serving as billboards traveling on the light rail transit line; and

WHEREAS, Erie County has a valid concern regarding the advertising of certain products on property or equipment that serves a public purpose and is subsidized by tax dollars; and

WHEREAS, certain tax revenues are collected and distributed to the NFTA by Erie County as part of a long-standing agreement "to keep the buses and trains running," an agreement that dates back to the late 1980s; and

WHEREAS, use of alcoholic products by underage minors and abuse of alcoholic products by people of all ages is a major concern to public health and medical professionals, resulting in considerable costs to insurance companies and taxpayers; and

WHEREAS, public transit is highly utilized by high school students in our community as their sole means of transport to school; and

WHEREAS, economically disadvantaged individuals undergoing treatment for alcohol and substance abuse travel to their counseling sessions aboard NFTA buses and trains; and

WHEREAS, this Honorable Body believes it sends the wrong message for a public authority such as the NFTA – in large part funded with federal, state and local tax dollars – to accept money from advertisers that promote the use of products containing alcohol.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature convey its opposition to the advertising of products containing alcohol on or within the light rail cars and buses that compose the Niagara Frontier Transportation Authority's (NFTA's) public transit system; and be it further

RESOLVED, that representatives of the NFTA and Dr. Wesley Hicks, the County Legislature's appointee to the NFTA Board, are requested to attend an upcoming meeting of the Health & Human Services Committee of the Erie County Legislature to explain the advertising policy of the NFTA and to provide these representatives with the opportunity to hear the views of the government body that approves and distributes a portion of revenue it collects to the NFTA; and be it further

RESOLVED, that certified copies of this resolution be conveyed to Kimberly Minkel, Executive Director of the Niagara Frontier Transportation Authority; Dr. Wesley Hicks; the NFTA Board, Erie County Executive Mark Poloncarz, Erie County Commissioner of Health, Gale Burstein; the Erie County Commissioner of Mental Health; Mayor Byron Brown; the Buffalo Common Council; the Executive Director of the Erie County Council for the Prevention of Alcohol and Substance Abuse; and all others deemed necessary and proper.
(4-2) Legislator Mills & Dixon voted in the negative.

3. COMM. 11E-10 (2013)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has received a grant award in the amount of \$11,000 from the Department of Health & Human Services through the National Association of County and City Health Officials (NACCHO) to provide funding for the coordination and recruitment for the S.M.A.R.T. (Specialized Medical Assistance Response Team); and

WHEREAS, the mission of S.M.A.R.T. requires personnel and volunteer leadership to engage in active deployments, drills, and trainings in Erie County, New York State, and nationally; and the uniform appearance of members is essential for identification and safety; and

WHEREAS, it is necessary to promote the activities of S.M.A.R.T. for recruitment and membership sustainment and education of the public on the capabilities of S.M.A.R.T. and the goals of the Medical Reserve Corps.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract and with the National Association of County and City Health Officials (NACCHO); and be it further

RESOLVED, that authorization is hereby provided to establish funding in the Health Department Grant fund as follows:

**MEDICAL RESERVE CORPS
5/1/13 – 7/31/13**

	REVENUE	BUDGET
414000	Federal Aid	<u>\$11,000</u>
	TOTAL	<u>\$11,000</u>
	 EXPENSES	
505200	Clothing Supplies	\$2,000
516020	Professional Services Contracts & Fees	<u>\$9,000</u>
	TOTAL	<u>\$11,000</u>

and be it further

RESOLVED, that the Division of Budget and Management is hereby authorized to adjust items of appropriation and revenue which may be impacted by changes to grantor awards, provided there are no changes to authorized personnel levels; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the Comptroller, the Division of Budget, Management and Finance, the Department of Law and Dr. Gale R. Burstein, Commissioner, in the Department of Health, 9th Floor, Rath Building.
(6-0)

**THOMAS J. MAZUR
CHAIR**

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

CARRIED UNANIMOUSLY.

Delete the First Two Resolve Clauses and Replace with the Following:

RESOLVED, that the Erie County Legislature acknowledges the need of the Niagara Frontier Transportation Authority (NFTA) to sell advertising in order to fund public transportation routes, but requests that preference be given to advertising products that do not contain alcohol over those containing alcohol on or within the light rail cars and buses that compose the NFTA's public transportation system; and be it further

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

CARRIED UNANIMOUSLY.

Item 15 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 159

June 25, 2013	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 9
---------------	---

ALL MEMBERS PRESENT.

CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 2M-4 (2013)
PRESIDENT OF ECC: "Letter to Legislature Concerning COMM. 1E-2 (2013) - Fact Finding Report Between EC, ECMCC, ECC & EC Library & Civil Service Employees Association, Inc., Local 815"
(5-0) Chair Grant not present for vote.
 - b. COMM. 2M-8 (2013)
ECMCC: "Letter to Legislature Concerning COMM. 1E-2 (2013) - Fact Finding Report Between EC, ECMCC, ECC & EC Library & Civil Service Employees Association, Inc., Local 815"
(5-0) Chair Grant not present for vote.
 - c. COMM. 3M-2 (2013)
BUFFALO & EC PUBLIC LIBRARY: "Letter Concerning Fact-Finding Report Between EC & Civil Service Employees Association, Inc., Local 815"
(5-0) Chair Grant not present for vote.
 - d. COMM. 3M-7 (2013)
PRESIDENT, CSEA LOCAL 815: "Letter Concerning Public Hearing Held 1/31/2013"
(5-0) Chair Grant not present for vote.
 - e. INTRO 10-3 (2013)
DIXON, MILLS, HARDWICK, RATH & LORIGO: "Investigating the Careless Release of Confidential Information by the Department of Social Services"
(6-0)
 - f. COMM. 10E-5 (2013)
COMPTROLLER: "Letter to Deputy County Executive Concerning Department of Social Services Documents"
(6-0)
 - g. COMM. 10D-1 (2013)
DEPUTY COUNTY EXECUTIVE: "Letter to Comptroller Concerning Department of Social Services Recycling & Comptroller Inquiry"

- (6-0)
- h. COMM. 10D-3 (2013)
COMMISSIONER OF LABOR RELATIONS: “Letter to Chair of Government Affairs Committee Concerning Fact Finder's Report Deliberations”
(6-0)
- i. COMM. 11E-1 (2013)
COMPTROLLER: “Letter to Deputy County Executive Concerning Statements Regarding Department of Social Services Documents”
(6-0)
- j. COMM. 11D-3 (2013)
COUNTY ATTORNEY: “Notice of Public Hearing: Local Law Intro. No. 2-2013”
(5-0) Chair Grant not present for vote.
- k. COMM. 11M-2 (2013)
FULTON COUNTY BOARD OF SUPERVISORS
“Copy of Resolution Declaring "Mayday for Mandate Relief" & Urging the State to Adopt Laws that Prohibit Unfunded Mandates on Local Governments”
(5-0) Chair Grant not present for vote.
- l. COMM. 11M-3 (2013)
FULTON COUNTY BOARD OF SUPERVISORS: “Copy of Resolution Opposing New Unfunded Mandates to Require Early Voting in NYS”
(5-0) Chair Grant not present for vote.
- m. COMM. 11M-5 (2013)
AMHERST TOWN BOARD: “Minutes of Meeting Held 5/6/2013”
(5-0) Chair Grant not present for vote.
- n. COMM. 12E-8 (2013)
GRANT: “Letter to National Fuel Gas Government Affairs Representative Regarding Invitation to 6/20/2013 Legislative Work Session”
(5-0) Chair Grant not present for vote.
- o. COMM. 12E-9 (2013)
GRANT: “Letter to National Fuel Gas President & CEO Regarding Invitation to 6/20/2013 Legislative Work Session”
(5-0) Chair Grant not present for vote.
- p. COMM. 12D-1 (2013)
COUNTY ATTORNEY: “Transmittal of New Claims Against EC”
(5-0) Chair Grant not present for vote.
- q. COMM. 12M-12 (2013)
FULTON COUNTY BOARD OF SUPERVISORS: “Copy of Resolution Urging Governor Cuomo & State Legislators to Exempt Firearm Permit Records from FOIL Disclosure”

(5-0) Chair Grant not present for vote.

2. COMM. 12E-15 (2013)
COUNTY EXECUTIVE

WHEREAS, the current contract for providing the Employee Assistance Program (EAP) with Palladian Health is due to expire on July 14, 2013; and

WHEREAS, Erie County is obligated by the collective bargaining agreements to have an employee assistance program in place; and

WHEREAS, the current arrangement with Palladian Health is working well for both Erie County and the Unions and the Department of Personnel and Commissioner John Greenan is recommending the extension of the contract with Palladian Health; and

WHEREAS, Palladian is proposing to extend the contract for one more year at the current per employee rate.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Personnel Department is authorized to enter into a contract extension with Palladian Health for the period of July 15, 2103 to July 15, 2014 at a cost of no more than \$63,380; and be it further

RESOLVED, that funds for this contract are available in the Adopted 2013 Budget of the Department of Personnel and shall be appropriated in fund center 16110, account 516020, professional fees and services; and be it further

RESOLVED, that certified copies of this resolution shall be transmitted to the County Executive, Department of Personnel, Office of the Comptroller, and the Department of Law.
(5-0) Chair Grant not present for vote.

3. COMM. 12E-19 (2013)
COUNTY EXECUTIVE

WHEREAS, the County Executive is seeking authorization to enter into a lease extension agreement for 290 Main Street with the Swan Group Limited Partnership at the current lease rate; and

WHEREAS, this agreement will allow the Department of Social Services to continue to occupy 290 Main Street for an additional five (5) months beyond the current lease expiration date of July 14, 2013; and

WHEREAS, this extension will allow the Department of Social Services the ability to reassess their use of 290 Main Street and their future space needs; and

WHEREAS, there is no fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a five (5) month lease extension with the Swan Group Limited Partnership for 290 Main Street; and be it further

RESOLVED, that the lease extension agreement is to be for the current Base Rent of \$55,253.00 per month with escalations and additional rent for electric; and be it further

RESOLVED, that two certified copies of this resolution shall be sent to the Commissioner of the Department of Public Works; and one copy each to the Office of the County Executive; the County Comptroller; the County Attorney; and the Director of the Division of Budget and Management and the Commissioner of Social Services.

(5-0) Chair Grant not present for vote.

4. COMM. 12E-26 (2013)
COUNTY EXECUTIVE

WHEREAS, the Department of Social Services has issued an annual Request for Proposals (RFP), selected providers for its Employee Education and Training Program pursuant to Section 19.08 of the Erie County Administrative Code, and has the responses, evaluation and selection material available; and

WHEREAS, these contracts will enable employees of the Department of Social Services to upgrade their professional knowledge and skills thereby benefiting Departmental operations; and

WHEREAS, the Department of Social Services must have Legislative approval to renew Employee Education and Training Program contracts; and

WHEREAS, there is no fiscal impact to the 2013 Adopted Budget based on this resolution and no additional County local share funds are necessary because the existing appropriation in Account 516040, DSS Training and Education, is sufficient to cover these contract renewals.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive and/or the Commissioner of Social Services are hereby authorized to renew the Employee Education and Training Program contracts to New York State mandated State University of New York (SUNY) institutions as specified below:

<u>Educational Institution</u>	<u>Period</u>	<u>Gross Contract</u>	<u>Institution's Contribution</u>	<u>Paid by ECDSS</u>
Buffalo State College (CDHS) degrees (Master's in Human Svcs Administration/ Bachelor's in Business/Social Work)	09/01/13 08/31/14	\$479,729	\$172,702	\$307,027
Empire State College	09/01/13 08/31/14	\$431,610	\$155,381	\$276,229

(Bachelor's/Associate's
Degrees in Business/
Community and
Human Services)

Empire State College (In-Service Training And Organizational Development)	09/01/13 08/31/14	\$957,694	\$287,308	\$670,386
SUNYAB – School of Social Work (Master's of Social Work)	09/01/13- 08/31/14	\$285,576	\$99,952	\$185,624
Total		\$2,154,609	\$715,343	\$1,439,266

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, the Commissioner of Social Services, the Erie County Comptroller, and the Director of the Division of Budget and Management.
(5-0) Chair Grant not present for vote.

5. COMM. 12E-29 (2013)
COUNTY CLERK

WHEREAS, the Erie County Clerk's Office Registrar processes an average of 17,000 transactions monthly and records related cash receipts of approximately \$5 million monthly; and

WHEREAS, to efficiently take care of customer needs when they come to the Clerk's Office to conduct business, adequate amounts of change need to be available at all times.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an increase in the County Clerk's change making fund for County Clerk Cashiers from \$1,300 to \$1,900; and be it further

RESOLVED, that in accordance with Section 2.06 of the Erie County Administrative Code the Change-Making Fund (Reserve balance) in the County Clerk's Office is increased by \$600; and be it further

RESOLVED, that these funds will be allocated to:

BA 113 – Erie County Clerk - 117100 Petty Cash
Cnty Clerk – Cashier Change Fd

Current: \$1,300
Increase \$600

Total: \$1,900

RESOLVED, that certified copies of this resolution be sent to the County Clerk, the Director of Budget and Management, the County Attorney and the County Comptroller.
(5-0) Chair Grant not present for vote.

THOMAS J. MAZUR
CHAIR

Item 16 – MR. McCracken presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 160

June 27, 2013	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 11
---------------	--

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 10-7 (2013)
GRANT, MAZUR, HOGUES & MCCrackEN: “Supporting the Refunding of Overcharges by National Fuel Gas to Ratepayers”
(5-0)
 - b. COMM. 12E-14 (2013)
COUNTY EXECUTIVE: “ECSD No. 3 - Engineering Change Order No. 1 - GHD Consulting Engineers, LLC”
(5-0)
 - c. COMM. 12M-2 (2013)
NYSDEC: “Notice of Deletion of Site from Registry for Site Known as Ramco Steel - 193 Abby Street, Buffalo”
(5-0)
 - d. COMM. 12M-3 (2013)
NYSDEC: “Fact Sheet: Gates Circle Update - Draft Investigation Work Plan Available for Public Comment”
(5-0)
 - e. COMM. 12M-14 (2013)

NATIONAL FUEL: "Letter to Chair Grant Concerning Intro 10-7 (2013)"
(5-0)

2. COMM. 11E-14 (2013)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 13E-14 (2011) Contract 12ST-A, General was awarded to John W. Danforth Company for general work for the dewatered sludge pump replacements at the Southtowns Sewage Treatment Plant; and

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

WHEREAS, Erie County Sewer District No. 3 has adequate cash in its capital reserve account C.00007; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 12ST-A, General, in the final contract amount of \$1,874,347.41 which includes Change Order No. 2 (final), an increase of \$ 32,496.41, and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 12ST-A, General between the County of Erie and John W. Danforth Company (300 Colvin Woods Parkway, Tonawanda, NY 14150) is accepted in the final contract amount of \$ 1,874,347.41 which includes Change Order No. 3 (final), an increase of \$ 32,496.41, and is allocated in Erie County Sewer District No. 3 Bond Account C.00067; and be it further

RESOLVED, that the County Director of Budget and the County Comptroller be authorized to increase the appropriations and estimated revenues in Erie County Sewer District No. 3 project C.00067 by \$35,000; and be it further

RESOLVED, that the Director of Budget and the County Comptroller be authorized to transfer \$35,000 from Erie County Sewer District No. 3 Capital Reserve Account C.00007 to Sewer District No. 3 Capital Project C.00067 and to establish all budgeting accounts necessary to facilitate the transfer of \$35,000; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 12ST-A, General, to John W. Danforth Company, for a total contract amount of \$1,874,347.41; and be it further

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

3. COMM. 11E-15 (2013)

COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 13E-14 (2011) Contract 12ST-D, Electrical was awarded to Weydman Electrical, Inc. for electrical work for the dewatered sludge pump replacements at the Southtowns Sewage Treatment Plant; 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. 12ST-D, Electrical, in the final contract amount of \$98,129.95 which includes Change Order No. 1 (final), a decrease of \$ 17,270.05, and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 12ST-D, Electrical between the County of Erie and Weydman Electric, Inc. (747 Young St. Tonawanda, New York 14150) is accepted in the final contract amount of \$ 98,129.95 which includes Change Order No. 1 (final), a decrease of \$ 17,270.05, and is allocated in Erie County Sewer District No. 3 Bond Account C.00067; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 12ST-D, Electrical, to Weydman Electric, Inc., for a total contract amount of \$ 98,129.95; and be it further

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

4. COMM. 12E-13 (2013)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Erie County Sewer District No. 8, Brooklea and Creekside Low Pressure Grinder Stations, Contract No.12 at 2:00 P.M. on May 15, 2013:

<u>Contract</u>	<u>Low Bidder</u>	<u>Amount</u>
Contract No. 12	CMH Company, Inc. 12704 North Road Alden, New York 14004-9772	\$88,950.00

and

WHEREAS, the aforementioned lowest responsible bidder has successfully performed similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, the Brooklea and Creekside Low Pressure Grinder Stations, Contract No. 12 be awarded to CMH Company, Inc. in the not to exceed amount of \$88,950; and be it further

RESOLVED, that the County Executive be, and is hereby authorized to execute the Contract with the aforementioned lowest, responsible bidder subject to approval as form by the County Attorney and certification of availability of funds; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$88,950.00 from Sewer Capital, Erie County Sewer District No. 8, account C.00071 for Contract No. 12; and be it further

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

5. COMM. 12E-18 (2013)
COUNTY EXECUTIVE

WHEREAS, the Erie County Soil and Water Conservation District has New York State Department of Environmental Conservation 604b grant funding to form and implement the Lake Erie Watershed Protection Alliance (LEWPA), a three-county collaborative effort to better protect Lake Erie water quality; and

WHEREAS, Erie County entered into a contract in November 2012 with Erie County Soil and Water Conservation District to have a Junior Environmentalist (JG-7) fulfill the role of LEWPA Coordinator for the 604b grant; and

WHEREAS, Erie County Soil and Water Conservation District recently received approval for additional funding for the 604b grant; and

WHEREAS, it is vital that the LEWPA project does not lose momentum as it is crucial to securing funds to make improvements to water quality along the Lake Erie shoreline in New York State, as well as the associated watershed; and

WHEREAS, Erie County Soil and Water Conservation District would like to extend the contract with Erie County to have a Junior Environmentalist (JG-7) fulfill the role of LEWPA Coordinator for the 604b grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with the Erie County Soil and Water Conservation District to extend the contract to coordinate the Lake Erie Watershed Protection Alliance in an amount not to exceed \$84,907.60 in grant resources; and be it further

RESOLVED, that the current budget for the Lake Erie Watershed Protection Alliance Budget is revised as follows:

Lake Erie Watershed Protection Alliance Project
(Grant Period: 10/15/12 – 12/31/15)
SAP Grant Account #162LEWPA062113

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>BUDGET</u>		
<u>REVENUE</u>		Current	Revision	Revised
409000	State Aid Revenue	<u>(\$42,453.80)</u>	<u>(\$84,907.60)</u>	<u>(\$127,361.40)</u>
TOTAL REVENUE		<u>(\$42,453.80)</u>	<u>(\$84,907.60)</u>	<u>(\$127,361.40)</u>

APPROPRIATIONS

Account	Description	Current	Revision	Revised
500000	Regular Full Time Wages	\$28,302.53	\$58,473.06	\$86,775.59
502000	Fringe Benefits	<u>\$14,151.27</u>	<u>\$26,434.54</u>	<u>\$40,585. 81</u>
TOTAL APPROPRIATIONS		\$42,453.80	\$84,907.60	\$127,361.40

and be it further

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

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; and the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor.

(5-0)

6. COMM. 12E-23 (2013)
COUNTY EXECUTIVE

WHEREAS, the County of Erie received bids for the Chestnut Ridge Park – 2013 Site Work Improvements project and the Chestnut Ridge Park – 2013 New Electrical Service project on May 23, 2013 and March 28, 2013, respectively; and

WHEREAS, the lowest responsible bidder for the Chestnut Ridge Park – 2013 Site Work Improvements project is NOVA Site Company, LLC; and

WHEREAS, the lowest responsible bidder for the Chestnut Ridge Park – 2013 – New Electrical Service project is Industrial Power & Lighting Corporation; and

WHEREAS, the Erie County Department of Public Works and the Consultant are recommending award of the contracts to the lowest responsible bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with NOVA Site Company, LLC for the Chestnut Ridge Park – 2013 Site Work Improvements project as follows:

Site Construction Work

NOVA Site Company, LLC	Base Bid "A":	\$100,000.00
	<u>Base Bid "B":</u>	<u>\$ 87,000.00</u>
	Base Bid "A + B":	\$187,000.00
	Alternate 1:	\$ 45,000.00
	Alternate 2:	\$ 31,000.00
	Alternate 3:	\$ 43,000.00
	<u>Alternate 4:</u>	<u>\$ 5,000.00</u>

Total Award of Construction Contract: \$311,000.00

and be it further

RESOLVED, that the County Executive is authorized to enter into a contract with Industrial Power & Lighting Corporation for the Chestnut Ridge Park – 2013 New Electrical Service project as follows:

Electrical Construction Work

Industrial Power & Lighting Corporation	Base Bid:	\$112,500.00
	Add Alternate No. 1	\$ 50,600.00
	<u>Add Alternate No. 2</u>	<u>\$ 26,300.00</u>

Total Award of Construction Contract: \$189,400.00

and be it further

RESOLVED, that the sum of \$63,000.00 be allocated to a Construction Contingency Fund for both projects 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.13008 – 2013 Countywide Parks Improvements	\$355,000.00
A.12007 – 2012 Countywide Park Improvements & Equipment	\$208,400.00
For a Total Amount Not to Exceed:	\$563,400.00

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 Commissioner of Parks and Recreation, the Division of Budget and Management and the Office of the Comptroller.

(5-0)

**TERRENCE D. McCracken
CHAIR**

Item 17 – MR. HOGUES presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 161

June 27, 2013	PUBLIC SAFETY COMMITTEE REPORT NO. 11
---------------	--

ALL MEMBERS PRESENT.

1. COMM. 12E-16 (2013)
COUNTY EXECUTIVE

WHEREAS, Central Police Services has been awarded a grant by the National Institute of Justice; and

WHEREAS, said funds will enable the Central Police Services Forensic Laboratory to maintain national and New York State accreditation standards and analyze backlogged DNA cases.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to adjust grant funding from the National Institute of Justice in the amount of \$527,416; and be it further

RESOLVED, that the authorization is hereby provided to adjust the grant in the budget of the Department of Central Police Services as follows:

Grant Fund- SAP # 165DNABACKLOGREV1314
Central Police Services
4/01/13 – 03/31/14

<u>Revenue</u>	<u>Adjusted Budget</u>
414000 Federal Aid	\$527,416
<u>Appropriation</u>	<u>Adjusted Budget</u>
Account 500000 - Salaries	\$123,246
Account 501000 - Overtime	\$235,904
Account 502000 - Fringe Benefits	\$98,389
Account 505800 - Supplies	\$22,710
Account 516030 - Maintenance Contracts	\$22,835
Account 561410 - Equipment	<u>\$24,332</u>
Total Appropriation	\$527,416

and be it further

RESOLVED, that authorization is provided to create the position of Full Time Quality Assurance Coordinator (Grade 13) in the Department of Central Police Services DNA Backlog Grant (B-100 # 7321); and be it further

RESOLVED, that authorization is also provided to delete the position of Quality Assurance Specialist, Job group 12, currently vacant in the Aid to Crime Lab grant; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Division of Budget and Management, the Division of Personnel, the Office of the Comptroller, and the Department of Central Police Services, attention: Carmen Walling.
(5-0)

2. COMM. 12E-17 (2013)
COUNTY EXECUTIVE

WHEREAS, the Department of Central Police Services is in the process of upgrading the CHARMS system which is utilized by law enforcement agencies throughout Erie County; and

WHEREAS, the E-911 Fund provides support for the CHARMS system; and

WHEREAS, there are sufficient funds in the E-911 Fund to provide for the system upgrade.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to transfer \$25,000 in the 2013 E-911 Fund of Central Police Services as follows:

<u>Appropriation</u>	<u>Decrease</u>
Account 515000 Utilities Charges	\$25,000
<u>Appropriation</u>	<u>Increase</u>
Account 516020 Professional Services Contracts and Fees	\$25,000

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Division of Budget and Management, the Office of the Comptroller, and the Department of Central Police Services, attention: Carmen Walling.
(5-0)

TIMOTHY R. HOGUES
CHAIR

Item 18 – MR. HOGUES presented the following report and moved for immediate consideration and approval. MR. McCracken seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 162

June 27, 2013	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 10
---------------	--

ALL MEMBERS PRESENT.
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 11E-4 (2013)
COMPTROLLER: “Letter to Chair of Legislature Concerning Appointments to the EC Audit Committee”
(6-0)
 - b. COMM. 12E-4 (2013)
COUNTY EXECUTIVE
“Letter to Legislature Concerning Comm. 11E-6, Comptroller Request to Hire Capital Markets Advisors as Financial Advisor”
(6-0)
 - c. COMM. 12E-5 (2013)
COMPTROLLER: “Letter to Legislature Concerning April 2013 Sales Tax”
(6-0)
 - d. COMM. 12E-6 (2013)
COUNTY EXECUTIVE: “Letter to Legislature Concerning Comptroller Financial Advisor Contract”
(6-0)
 - e. COMM. 12D-3 (2013)
COMPTROLLER'S OFFICE: “Letter to Legislature Concerning Comm. 11E-6 (2013)”
(6-0)

- f. COMM. 12M-6 (2013)
ECFSA: "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"
(6-0)
- g. COMM. 12M-7 (2013)
ECFSA: "ECFSA Report to the Board - 12/31/2012"
(6-0)

2. COMM. 12E-10 (2013)
COMPTROLLER
WHEREAS, the County has utilized the services of a Financial Advisor since 2006; and

WHEREAS, that contract has expired; and

WHEREAS, the Office of Comptroller issued a Request for Proposal ("RFP") this year and received four responses, one was subsequently withdrawn; and

WHEREAS, the lowest responder to the RFP was First Southwest Co.; and

WHEREAS, the Office of the Comptroller wishes to contract with First Southwest Co.; as the County's Financial Advisory on Bond and Note sales.

NOW, THEREFORE, BE IT

RESOLVED, that the Office of the Comptroller is hereby authorized to enter into a contract with First Southwest Co., at the terms stipulated in their response, \$20,000 for negotiated or competitively sold bond transactions, \$30,000 for refunding bond transactions and \$15,000 for note transactions plus expenses; and be it further

RESOLVED, that the initial contract term be one year with automatic annual renewals at the same terms for up to a total of five years if acceptable to both parties; and be it further

RESOLVED, that a certified copy of this resolution be sent to the Erie County Comptroller, the Erie County Attorney and First Southwest Co.
(6-0)

TIMOTHY R. HOGUES
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 163

June 27, 2013	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 12
---------------	--

ALL MEMBERS PRESENT.
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 11E-5 (2013)
RATH: "Copy of Letter to Commissioner Loffredo Requesting a Traffic Study on Maple Road Near Intersection of Culpepper Drive"
(5-0) Legislator Marinelli not present for vote.
 - b. COMM. 12M-4 (2013)
NFTA: "Copy of 2012-2013 NFTA-Metro Annual Performance Report"
(6-0)
 - c. COMM. 12M-5 (2013)
NFTA: "Copy of Annual PARIS Report"
(6-0)

2. COMM. 12E-20 (2013)
COUNTY EXECUTIVE
WHEREAS, it is desired to acquire the ROW necessary to construct a multi-use paved pedestrian/bike pathway from Kenmore Avenue in the Town of Tonawanda to State Street in the City of Tonawanda, along an unused railroad ROW owned by NFTA, the "Project" known as Tonawanda Rails to Trails, a federal aid project identified as NYSDOT PIN 5756.84; and

WHEREAS, acquisition of ROW may involve acquisition of real property interests by fee, permanent easement, temporary easement, use and occupancy permit or by lease with any or all of: the Niagara Frontier Transportation Authority, the New York State Department of Transportation, the Town of Tonawanda, the City of Tonawanda and such other property owners as may be required (the Property Owners); and

WHEREAS, in order to meet a programmatic deadline of at least partial ROW acquisition by September 30, 2013 to prevent the project from losing federal funding and therefore being terminated partial ROW acquisition must commence prior to the return of the County Legislature from summer recess.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the commencement of the acquisition of the ROW required to construct the Project; and be it further

RESOLVED, that a sum not to exceed \$50,000.00 from B.13016, Capital Overlay Program (Countywide) be made available to cover all costs of ROW acquisition; and be it further

RESOLVED, that the County of Erie is authorized to acquire the necessary real property interests from the aforementioned Property Owners for the purpose of constructing the Project; and be it further

RESOLVED, that the County of Erie is authorized to enter into all necessary contracts and agreements for the acquisition of the required ROW to construct the Project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to establish the amounts which he believes to represent just compensation for the real property interests to be acquired; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to negotiate and offer just compensation amounts to the Property Owners for the purpose of acquiring the necessary real property interest in portions of their respective parcels of real property by fee, easement, permit and/or lease, which acquisition is necessary for construction of the Project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are authorized to act on behalf of the County of Erie in connection with the acquisition of the required ROW from the aforementioned Property Owners; and be it further

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring fee, easement, permit and/or lease interests in the necessary ROW; and be it further

RESOLVED, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not to exceed the just compensation determined by the Commissioner of Public Works, or his authorized representatives, the County is authorized to commence eminent domain procedures; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, 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)

3. COMM. 12E-21 (2013)
COUNTY EXECUTIVE

WHEREAS, the County of Erie received bids for the Public Safety Campus 2013 Redundant Air Conditioning System project on May 24, 2013; and

WHEREAS, the lowest responsible bidder is MLP Plumbing & Mechanical, Inc.; and

WHEREAS, the Erie County Department of Public Works along with IBC Engineering, P.C. are recommending award of the contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for the Public Safety Campus 2013 Redundant Air Conditioning System project for an amount not to exceed as follows:

Mechanical Construction Work

MLP Plumbing & Mechanical, Inc. Base Bid: \$167,400.00

and be it further

RESOLVED, that the sum of \$24,000.00 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.12006 – 2012 Public Safety Campus Redundant Air Conditioning	
\$173,400.00	
<u>A.12005 – 2012 Countywide Mechanical Electrical & Plumbing</u>	<u>\$ 18,000.00</u>
Total Payments Not To Exceed:	\$191,400.00

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.
(5-0) Legislator Marinelli not present for vote.

4. COMM. 12E-22 (2013)
COUNTY EXECUTIVE

WHEREAS, a project for reconstruction of the intersections of Harris Hill Road (CR276) at Wehrle Drive (CR275) and Pleasant View Drive (CR161) in the Towns of Clarence and Lancaster, Erie County, PIN 5756.47 (the "Project") was authorized by this Honorable Body on July 9, 2009 via Communication 12E-19; and

WHEREAS, the Project is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the project is also eligible for New York State Marchiselli funding in the amount of 15% of the project costs, resulting in an Erie County share of Project costs of 5%; and

WHEREAS, the County of Erie desires to increase the funding available for the Right-of-Way Acquisition Phase of the project through a Supplemental Agreement that increases the original Right-of-Way Acquisition funding in the amount of \$28,000.00; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Right-of-Way Acquisition Phase of the Project.

NOW, THEREFORE, BE IT

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

RESOLVED, that the County of Erie authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Right-of-Way Acquisition Phase of the Project or portions thereof; and be it further

RESOLVED, that the Project Fund B.00197 2009 Harris Hill Right-of-Way, fund center 123, fund 420, be increased by the anticipated Federal and State revenue in the amount of \$26,600.00 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
405160	Marchiselli Aid	\$ 3,300	\$ 4,200	\$ 7,500
414000	Federal Aid	\$ 17,600	\$22,400	\$ 40,000
475000	Gen Oblig Bond Proc	<u>\$ 2,550</u>	<u>0</u>	<u>\$ 2,550</u>
TOTAL REVENUES		<u>\$23,450</u>	<u>\$26,600</u>	<u>\$50,050</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	<u>\$23,450</u>	<u>\$26,600</u>	<u>\$50,050</u>
TOTAL APPROPRIATIONS		<u>\$23,450</u>	<u>\$26,600</u>	<u>\$50,050</u>

and be it further

RESOLVED, that the \$1,400.00 local share of the of the increased right of way phase of the Project is hereby appropriated from B.00197 2009 Harris Hill Right-of-Way 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 cost of the Project's Right-of-Way Acquisition Phase exceeds the amount appropriated, and/or 100% of the Federal and non-Federal shares of the cost of the Project (\$50,000.00); the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon 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 with the New York State Department of Transportation in connection with the advancement or approval of the Project 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 Department of Transportation by attaching it to any necessary agreement in connection with the Project; and be it further

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

5. COMM. 12E-24 (2013)
COUNTY EXECUTIVE

WHEREAS, the Federal Aid Bridge Painting Project, four (4) Bridges, BIN 3326850, 3327860, 3328110 and 3328430, in the Towns of Alden, Evans, Aurora and Concord, in Erie County, PIN 5760.27 (the Project) is eligible for funding under Title 23 US Code, as amended, that calls for the appointment of the costs of such programs to be borne at the ratio of 80% Federal Funds and 20% Non-Federal funds; and

WHEREAS, the Design Phase in the amount of \$50,000 was previously approved by the County Legislature and funds appropriated via Comm. 17E-9 on October 25, 2012; and

WHEREAS, in order to facilitate the Construction Phase for the painting of four bridges, it will be necessary for the County to execute Supplemental Agreement No. 1 with New York State Department of Transportation in the amount of \$385,000.00; and

WHEREAS, the County of Erie desires to advance the Construction phase of this project by making a commitment of 100% of the Non-Federal share of the costs of the project, PIN 5760.27; and

WHEREAS, the total Construction Phase of the project is \$385,000 and the County is required to provide the local share portion of the Project phase in the amount of \$77,000.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature hereby approves the Department of Public Works' Federal Aid bridge painting project construction phase 5760.27; and be it further

RESOLVED, that the County Legislature hereby authorizes the County to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Construction Phase of the Project or portions thereof; and be it further

RESOLVED, that the Project Fund B.21011, 2010 Bridge Painting Construction, fund center 123, fund 420, be increased by the anticipated Federal revenue in the amount of \$308,000 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
410170	Federal Road Aid	\$ 0	\$ 0	\$ 0
414000	Federal Aid	\$ 776,000	\$ 308,000	\$1,084,000
475000	Gen Oblig Bond Proc	<u>\$ 249,800</u>	<u>\$ 0</u>	<u>\$ 249,800</u>
TOTAL REVENUES		<u>\$1,025,800</u>	<u>\$ 308,000</u>	<u>\$1,333,800</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$1,025,800</u>	<u>\$ 308,000</u>	<u>\$1,333,800</u>
TOTAL APPROPRIATIONS		<u>\$1,025,800</u>	<u>\$ 308,000</u>	<u>\$1,333,800</u>

and be it further

RESOLVED, that the amount of the construction phase of the project is \$385,000 with a local share of \$77,000 is hereby appropriated from B.21011, 2010 Bridge Painting Construction, 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 exceeds the amount appropriated above and/or 100% of the full Federal and non-Federal shares of the cost of the Project exceeds the amount appropriated above, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that the County Executive is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid should

it become available, on behalf of the County of Erie with the New York State Department of Transportation in connection with advancement or approval of the Project; and be it further

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

RESOLVED, that the Clerk of the Legislature forward six (6) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation; 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.

(6-0)

6. COMM. 12E-25 (2013)
COUNTY EXECUTIVE

WHEREAS, bids were taken for the Reconstruction of Zoar Valley Road, FEMA PW 868 ECDPW Project No. FM457-868-13 (the "Project"), in the Town of Concord, on May 16, 2013, and the low bidder was Union Concrete and Construction Corp in the amount of \$1,422,222.00; and

WHEREAS, a contract has been negotiated with TY-LIN for construction inspection and engineering services during construction.

NOW, THEREFORE, BE IT

RESOLVED, that the following authorized Project funds, SAP Account B.21020 (2010 Zoar Valley Site 2 Construction) of \$106,000; SAP Account B. 11022 (2011 FEMA, FHWA & EWP Match/Rd Reconstruction [Countywide]) of \$110,265; SAP Account B.12004 (2012 FEMA Road Reconstruction [Countywide]) of \$1,374,735; SAP Account B.13005 (2013 FEMA Road Construction Concord) of \$165,333 be made available for the Project; and be it further

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for FEMA PW 868, ECDPW Project No. FM457-868-13 between the County of Erie and the low bidder, Union Concrete and Construction Corp. at a low bid amount of \$1,422,222 from the above identified project funds; and be it further

RESOLVED, that the County Executive be authorized to execute a contract for services during construction and construction inspection with TY-LIN in an amount not to exceed \$135,000.00 from the above identified funds; and be it further

RESOLVED, that the County Executive be authorized to establish a Project contingency and execute change orders in an amount not to exceed \$199,111.00 from the above identified funds; and be it further

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

(6-0)

**THOMAS A. LOUGHRAN
CHAIR**

LEGISLATOR RESOLUTIONS

Item 20 – MR. MAZUR presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 164

RE: Supporting Community Input on the
Proposed Scajaquada Expressway
Improvements
(INTRO 13-1)

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

WHEREAS, under the leadership of the Buffalo Olmsted Parks Conservancy, the last substantial community conversation regarding the New York State Department of Transportation's (NYSDOT's) proposed improvements to the Scajaquada Expressway took place 10 years ago, refreshed by an open, public meeting held three years ago; and

WHEREAS, New York State Assemblyman Sean Ryan is holding a public meeting on Wednesday, June 26, 2013 at Buffalo State College to invite community input on the future of the proposed "downgrade" of the Scajaquada Expressway to a parkway that is more in keeping with its location within Delaware Park; and

WHEREAS, the term "downgrade" may be technically correct by NYSDOT standards, but it is a misnomer as the restoration of the Scajaquada to a parkway or boulevard with a lower speed limit, improved public access and enhanced safety features are actually upgrades to the current freeway conditions that are unsafe and unsightly for pedestrians, bicyclists and motorists alike; and

WHEREAS, since the initial renderings were of a parkway or a boulevard that had tree-lined streets, bike lanes, sidewalks and at-grade crossings, it is imperative that this original design be revisited by the DOT and that the DOT listen to the public's input regarding the original design; and

WHEREAS, the Scajaquada Expressway has been overused by commercial trucks that initially accessed this roadway to avoid paying the Breckenridge Toll on the 190 (also a DOT freeway), and the toll in question was removed several years ago; and

WHEREAS, this is an optimal time to hold a community conversation on the proposed restoration plans, utilizing an approach that recognizes the Scajaquada's unique location within the flagship park of the Buffalo Olmsted Park system.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature support the efforts of New York State Assemblyman Sean Ryan to obtain testimony from the neighboring communities at a public meeting on Wednesday, June 26, 2013 regarding the "downgrade" of the Scajaquada Expressway to a parkway that would be more in keeping with the safety needs and recreational benefit of the surrounding community; and be it further

RESOLVED, that certified copies of this resolution be conveyed to New York State Assemblyman Sean Ryan, State Senator Mark Grisanti, WNY Regional Director of the NYS Department of Transportation, Greater Buffalo Niagara Regional Transportation, County Executive Mark Poloncarz, Commissioner of Public Works John Loffredo, Mayor Byron Brown, City of Buffalo Public Works Commissioner Steven Stempniak, Thomas Herrera-Mishler (Executive Director of the Buffalo Olmsted Parks Conservancy), and all others deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 21 – MR. MAZUR presented the following resolution and moved for immediate consideration. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 165

RE: Supporting the Poloncarz Administration
in Its Opposition to Any Attempt by the
Federal Emergency Management
Agency to Recoup Grants Awarded for
the October 2006 Storm
(INTRO 13-2)

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

WHEREAS, on January 29, 2013, the Office of Inspector General of the U.S. Department of Homeland Security (OIG) issued Audit Report Number OIG 13-23 titled, "FEMA Should Recover \$48 Million of Public Assistance Grants Awarded to Erie County, New York – Severed Weather – October 2006;" and

WHEREAS, on March 14, 2013, Erie County Executive Mark Poloncarz formally replied to the OIG Audit by letter, disputing the findings in the audit and noting that OIG's principal finding was fatally flawed due to factual errors made by the federal auditors; and

WHEREAS, on March 29, 2013, OIG published a revised audit, making the extraordinary request that the previously received OIG Audit be destroyed; and

WHEREAS, such an action is highly unusual, and among other concerns, would violate New York State's Records Retention laws and policies; and

WHEREAS, in essence, the revised March 29 OIG audit report repudiates – without public admission – its January 29 audit report and tacitly admits that its major finding in the original audit was without merit and instead devised multiple new, unsubstantiated reasons and alleged factors in demanding that Erie County, NY now repay FEMA \$39.4 million; and

WHEREAS, the conduct of OIG auditors in this matter, to wit substantially revising the original audit only one month later, not permitting the County with an opportunity to comment in the audit report, and requesting the destruction of the original audit, belies Government Auditing Standards (the "Yellow Book") as established by the U.S. Government Accountability Office; and

WHEREAS, the deeply flawed audit and subsequent reports furnish evidence that the OIG failed to comply with the "binding nature of grant requirements" provision in Section 705 (c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("Stafford Act") regarding Disaster Closeout Procedures; and

WHEREAS, furthermore, Erie County argues that it should be held harmless by FEMA, since a similar OIG audit of the City of Buffalo had its findings repudiated by FEMA in August 2010 for essentially the same reasons for which Erie County is now being criticized and sanctioned; and

WHEREAS, Erie County is not alone in its experience of weather-related disasters, and the unjustifiable standards OIG seeks to impose on Erie County, if applied nationwide, could threaten the health, safety and well-being of residents across the United States.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature convey its full support of the Poloncarz Administration in its fact-based, regulation-supported rebuttal of OIG's findings in both the original and revised audit reports stemming from grants awarded for the October Surprise Storm of 2006; and be it further

RESOLVED, that this Honorable Body request that FEMA deny, outright, OIG's request that FEMA take action to recoup disaster relief aid provided to Erie County as a result of the October 2006 storm; and be it further

RESOLVED, that certified copies of this resolution be conveyed to County Executive Mark Poloncarz; U.S. Senators Charles Schumer and Kirsten Gillibrand; the WNY Congressional Delegation; W. Craig Fugate, Administrator of FEMA, U.S. Department of Homeland Security;

Charles K. Edwards, Acting Inspector General for the U.S. Department of Homeland Security; Stephen Acquario, Executive Director of NYSAC, and all others deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 166

RE: Standard Work Day for Retirement Reporting Purposes (INTRO 13-3)

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

WHEREAS, the New York State and Local Employees' Retirement System requires that a standard work day be established for retirement credit purposes.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby establishes the following standard work day for Erie County Comptroller Stefan I. Mychajliw and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by Comptroller Mychajliw to the Clerk of the Legislature:

<u>Title</u>	<u>Name</u>	<u>Standard Work Day</u>	<u>Term Begins/Ends</u>	<u>Participates in Employer's Time Keeping System</u>	<u>Days/ Month (Based on Record of Activities)</u>
Comptroller	Stefan I. Mychajliw	7	01/01/2013 – 12/31/2013	N	31.11

and be it further

RESOLVED, that a certified copy of this resolution be posted on the Legislature's website pursuant to rules promulgated by the New York State Comptroller, and a copy shall be transmitted by the Clerk of the Legislature to the Erie County Commissioner of Personnel and the State Comptroller.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 167

RE: Calling on the NYS Legislature & the Governor to Adopt the Uniform Deployed Parents Custody & Visitation Act
(INTRO 13-4)

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

WHEREAS, the Military Family Assistance Program of the New York National Guard, which is based at the Connecticut Street Armory in Buffalo, has alerted the VALER4Valor Ad Hoc Committee to a matter of serious concern to custodial parents who are deployed overseas; and

WHEREAS, additionally, the members of VALER4Valor have been briefed by legal practitioners in Family Court, including the Legal Aid Bureau of Buffalo, that the Family Care Plan required by the U.S. military for custodial parents who are deployed may not honor the wishes of the service member in certain custody disputes that arise during deployment; and

WHEREAS, VALER4Valor veterans and military advocates are aware of situations where a non-custodial parent petitions Family Court for a change in custody while the custodial parent is deployed overseas, often in combat areas; and

WHEREAS, the service member is disadvantaged by an inability to contest this petition while deployed, and the non-parents now caring for the children (whether they are the children's grandparent, step-parent or other relative) have no legal standing to appear in court on behalf of the custodial parent who is deployed; and

WHEREAS, even a temporary change in custody can tear children away from their current loving and stable guardian homes, so designated in accordance with the wishes of the deployed service member in the Family Care Plan submitted to their military chain-of-command; and

WHEREAS, the children (who already are experiencing stress) are often separated from their step-siblings and are withdrawn from their neighborhood, friends, school, as well as extra-curricular and community sports and recreational activities, which disrupts the life of that child; and

WHEREAS, the federal government has a requirement that deployed service members must be able to maintain contact with their families while overseas; yet in contested custody situations, a biological custodial parent may be less likely to maintain that communication than the guardian so designated in the Family Care Plan; and

WHEREAS, this is a heartbreaking scenario for the family that may detrimentally impact the morale of a deployed service member and the emotional well-being of the child; and

WHEREAS, there is a legislative remedy to this situation, thanks to the intensive work of the National Conference of Commissioners on Uniform State Laws, also known as the Uniform Law Commission; and

WHEREAS, the Commission has proposed and recommends for enactment in every U.S. state the “Uniform Deployed Parents Custody and Visitation Act” to better protect the rights of custodial parents when they are deployed; and

WHEREAS, all parties agree that the “best interests of the child are paramount,” but Family Court decisions may ignore the legitimate concerns of the deployed service member; and

WHEREAS, our citizens should not have to make a choice between serving our nation and assuring their parental rights; and that these rights should be protected by the Laws of New York State; and

WHEREAS, Assemblyman Dennis Gabryszak – a champion of veterans’ issues – has expressed interest in being the prime sponsor of this proposed legislation in the New York State Assembly, and it would be fitting for the State Senate to also look favorably upon this bill and to ensure that it is introduced during the next State Legislative Session.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature support the sponsorship, due deliberation, expedited passage and enactment of the “Uniform Deployed Parents Custody and Visitation Act” to become law in New York State; and be it further

RESOLVED, that certified copies of this resolution be conveyed to Governor Andrew Cuomo; NYS Assemblyman Dennis Gabryszak and Senator Mark Grisanti, as well as the entire WNY Delegation to the State Legislature; VALER4Valor Ad Hoc Committee of the Erie County Legislature; Peter Pilc, Contractor, New York National Guard Military Family Assistance Program; Lisa Strand, Esq. and Lillian Medina-Zelazny, Esq. of the Legal Aid Bureau of Buffalo; Michael Lancer, Esq. of Collins Collins Attorneys at Law and all others deemed necessary and proper.

Item 24 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 168

RE: Removal of a Restrictive Covenant
(INTRO 13-5)

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

WHEREAS, by deed in 1969, the parcel at 300 Harlem Road in the Town of West Seneca, was transferred to the Town by The County of Erie; and

WHEREAS, when the property was transferred to the town, a restrictive covenant was placed on the deed, requiring that the property only be used for municipal purposes; and

WHEREAS, the Town of West Seneca transferred ownership of the property to Maurice D. Cooper, Jr. and Barbara A. Cooper for the purpose of opening a children's skate park, which is now closed; and

WHEREAS, the parcel at 300 Harlem Road has been identified by the SPCA of Erie County as the ideal location to build their new \$10 million headquarters; and

WHEREAS, in order to properly transfer ownership of the parcel, the current owner needs the restrictive covenant placed on the deed in 1969 released.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does approve of the release and removal of the restrictive covenant included in the deed for 300 Harlem Road, West Seneca, New York, 14224, which provides that the property only be used for municipal purposes; and be it further

RESOLVED, that the Chairperson of the Erie County Legislature is hereby authorized to sign the attached document releasing the restrictive covenant from the deed of 300 Harlem Road, West Seneca, NY 14224; and be it further

RESOLVED, that the Clerk of the Erie County Legislature is directed to forward certified copies of this resolution, and the attached signed release form, to the Erie County Clerk, the Erie County Attorney, and Maurice D. Cooper, Jr. and Barbara A. Cooper (585 78th Street, Niagara Falls, NY 14304).

Item 25 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. HOGUES seconded. MR. RATH voted in the negative.

CARRIED. (10-1)

RESOLUTION NO. 169

RE: Authorization for Payment for
Photographic Services
(INTRO 13-6)

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

WHEREAS, the Legislature central staff has procured the photography services of Maria C. Kozub pursuant to a verbal contract for several legislative sessions in order to provide photographs of residents honored by the Legislature, Citizen of the Month photos for the Legislature foyer, and photos of Erie County residents for publication in local newspapers where they reside; and

WHEREAS, in processing payment for this service, along with communications with the Comptroller's office, it was determined that central staff had mistakenly overlooked the necessity for legislative authorization in order for payment to be processed; and

WHEREAS, through no fault of her own, this photographer has not received payment for this work due to the aforementioned procurement error, and she had provided this service in a professional and courteous manner; and

WHEREAS, due to these factors, upon approval of this resolution requested by the Comptroller's office, Ms. Kozub shall be paid in full for her work.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes a payment in the amount of \$485.24 to Maria C. Kozub for professional photography services at an agreed rate of \$150 per session (along with ancillary expenses), provided to the Legislature for three legislative sessions; and be it further

RESOLVED, that the funds for said payment shall come from the Legislature's 2013 Budget in Fund Center 100, Account 516020, Professional Services, Contracts and Fees; and be it further

RESOLVED, that all photos shall be accessible and on file with the Clerk of the Legislature, and that all future professional services be procured in accordance with proper County policy; and be it further

RESOLVED, that certified copies of this resolution be conveyed to the County Comptroller, Division of Budget and Management and the County Attorney.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 26 – MR. MAZUR moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 10E-20 (2013). MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 170

RE: AS AMENDED - EC Medical
Mall-2013 - 1500 Broadway
Renovations
(COMM. 10E-20, 2013)

WHEREAS, The Dr. Matt Gajewski Health Services Center , which served as a hub for primary care, family planning, dental, and mental health services in the Broadway-Bailey area was closed by the prior administration in 2010; and

WHEREAS, in 2012, Catholic Health Services approached Erie County with a proposal to renovate 1500 Broadway and lease the space back to Catholic Health System for use in primary and other healthcare services; and

WHEREAS, the Erie County Department of Public Works received bids for the Erie County Medical Mall – 1500 Broadway renovations on June 10, 2013; and

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

WHEREAS, the lowest responsible bidders are:

GENERAL CONSTRUCTION WORK -	Telco Construction
HVAC CONSTRUCTION WORK -	John W. Danforth Company
ELECTRICAL CONSTRUCTION WORK -	Goodwin Electric Corporation
PLUMBING CONSTRUCTION WORK -	US Veterans Construction

and

WHEREAS, your Honorable Body has previously authorized the County Executive to enter in a General Architectural/Engineering services agreement with the firm of Kideney Architects for providing professional design and construction document services on Erie County projects; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to the firm of Kideney Architects for providing design and construction administration services for the Erie County Medical Mall – 1500 Broadway Renovations.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidders for the Erie County Medical Mall - 1500 Broadway Renovations:

General Construction Work - Telco Construction	Base Bid:	\$1,147,700.00
HVAC Construction Work - John W. Danforth	Base Bid:	\$ 784,000.00
Electrical Construction Work – Goodwin Electric Corp	Base Bid:	\$ 649,000.00
Plumbing Construction Work – US Veterans Construction	Base Bid:	<u>\$ 279,899.00</u>
Total		\$2,860,599.00

and be it further

RESOLVED, that the sum of \$290,000 be allocated to the 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 County Executive is authorized to execute an Agreement Amendment with the firm of Kideney Architects for providing professional design and construction administration services for Erie County Medical Mall -1500 Broadway Renovations for an amount not to exceed \$111,000 including reimbursables; 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:

2011	Countywide Facility Improvements	A.11005	\$ 155,841.35
2012	Countywide Mechanical	A.12005	291,414.00
2013	Countywide Code Compliance	A.13004	165,000.00
2013	Countywide Mechanical	A.13006	140,000.00
2013	1500 Broadway Health Clinic Renovation	A.13016	<u>2,509,343.65</u>
		Total	\$3,261,599.00

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, Department of Health and the Office of the Comptroller.

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 27 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 13E-38 from the COUNTY EXECUTIVE Re: Department of Senior Services Restructuring

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

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

GRANTED.

COMM. 13E-39 from the COUNTY EXECUTIVE Re ECC Science, Technology, Engineering & Math Building

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

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

GRANTED.

COMM. 13E-40 from the COUNTY EXECUTIVE Re: Probation - Personal Services Adjustment

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 30 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 13E-41 from the COUNTY EXECUTIVE Re: Buffalo Bills Working Capital Assistance

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 31 – (COMM. 13E-1) Veto Message - Local Law Intro. No. 2-2013

CHAIR GRANT directed that the item be Received and Filed under her authority as Legislature Chair.

GRANTED.

FROM LEGISLATOR DIXON

Item 32 – (COMM. 13E-2) Letter to County Executive Concerning Director of Veterans' Services Position

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR MARINELLI

Item 33 – (COMM. 13E-3) Letter to President of ECC Concerning Tracking & Reporting on Results of Specific Job Related Training Programs

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE COMPTROLLER

Item 34 – (COMM. 13E-4) Report of the Apportionment & Distribution of Net Collections from the 4.75% Sales & Compensating Use Tax for EC for the Months of March, April & May 2013

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR DIXON

Item 35 – (COMM. 13E-5) Letter to Commissioner of Public Works Concerning Condition of Sowles Road in the Town of Hamburg

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 171

RE: Letter to Governor Cuomo Regarding
Appointment Recommendation to the
ECMCC Board of Directors
(COMM. 13E-6)

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

CARRIED UNANIMOUSLY.

Attach the Following Resolution:

WHEREAS, on July 1, 2013, County Executive Mark C. Poloncarz conveyed an appointment recommendation to Governor Andrew M. Cuomo; and

WHEREAS, County Executive Poloncarz has recommended Kathleen C. Hochul of M & T Bank for an appointment to the Erie County Medical Center Corporation (ECMCC) Board of Directors; and

WHEREAS, Ms. Hochul, an attorney by profession, brings a wealth of public service experience to this volunteer position, notably from her days as a member of the Hamburg Town Council, as the former Erie County Clerk and, most recently, as a former Member of the U.S. House of Representatives; and

WHEREAS, the breadth of her background at the municipal, regional and federal levels of government has enlightened Ms. Hochul to numerous policy impacts of decisions made in Washington, D.C. and Albany, N.Y. on local government and its taxpayers; and

WHEREAS, Ms. Hochul also possesses the hands-on constituent service experience that enables her to put a human face on government policies; and

WHEREAS, accessible, affordable health care has been an ongoing concern for the general public, and for the foreseeable future, will continue to occupy a central position in policy discussions at all levels of government and among all models of health care delivery; and

WHEREAS, the ECMCC Board of Directors would be well-served by an individual of Ms. Hochul's caliber.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature fully support the County Executive's recommendation that Governor Cuomo appoint Kathleen C. Hochul to the Erie County Medical Center Corporation (ECMCC) Board of Directors for a term expiring June 1, 2018.

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

CARRIED UNANIMOUSLY.

Item 37 – (COMM. 13E-7) Letter to Comptroller Concerning Medicaid Recertification Audit & Investigation

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY CLERK

Item 38 – (COMM. 13E-8) Letter to Chair of Legislature Concerning 2013 Mid-Year Budget Hearing

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CHAIR GRANT & LEGISLATOR HOGUES

Item 39 – (COMM. 13E-9) Letter to Community Stakeholders Concerning "Summit on Violent Crime & Homicide in Buffalo, NY"

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR DIXON

Item 40 – (COMM. 13E-10) Letter to CEO of ECMCC Concerning Board Appointment Process

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE SHERIFF

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 172

RE: Asset Forfeiture Funded Program SAFS
(COMM. 13E-11)

WHEREAS, procedures have been established by Resolution #Int. 23-3 adopted on December 1, 1994; and

WHEREAS, the Sheriff's Office has identified equipment and training essential to the performance of their law enforcement duties; and

WHEREAS, there are currently \$380,742 in funds available for distribution to the Sheriff's Office in the Asset Forfeiture Trust Account; and

WHEREAS, there will be no impact on county tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that \$105,000 in available balances in the Asset Forfeiture Trust Fund is hereby transferred to the Erie County Sheriff's Office Asset Forfeiture Funded Program SAFS; and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

ERIE COUNTY SHERIFF'S OFFICE
ASSET FORFEITURE FUNDED PROGRAM SAFS

<u>REVENUE</u>		<u>Increase</u>
421550	Forfeiture Crime Proceeds	<u>\$ 105,000</u>
	Total Revenue	<u>\$ 105,000</u>
 <u>APPROPRIATION</u>		 <u>Increase</u>
510100	Travel & Training	\$ 5,000
561410	Lab & Technical Equipment	<u>\$ 100,000</u>
	Total Appropriations	<u>\$ 105,000</u>

and be it further

RESOLVED, that these expenditures meet the criteria established by the U.S. Department of Justice for the use of equitable shared funds; and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget and Management, the Erie County Comptroller, and the Office of the Sheriff for implementation.

FROM THE COUNTY EXECUTIVE

Item 42 – (COMM. 13E-12) Intersection Improvement Project - Strickler Road at County Road - Town of Clarence

Item 43 – (COMM. 13E-13) Federal Aid Bridge Maintenance Projects: Bridge Washing, Bridge Deck Sealing & Bridge Joint Replacement - Various Towns

Item 44 – (COMM. 13E-14) Emery Park Culvert Replacement - Construction Award

Item 45 – (COMM. 13E-15) Emery Park Dam Rehabilitation & Decommissioning - Construction Award

Item 46 – (COMM. 13E-16) Rath Building - 2013 - Data/Computer Room Renovations

Item 47 – (COMM. 13E-17) Buffalo & EC Botanical Gardens - 2013 - Houses 2 & 3 Renovations

Item 48 – (COMM. 13E-18) Various County Park Buildings - 2013 - Pre-Demolition Hazardous Materials Survey & Demolition

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

Item 49 – (COMM. 13E-19) Extension of Training Services Contract

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 50 – (COMM. 13E-20) Levy of the 2013-2014 School Tax Budgets

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 51 – (COMM. 13E-21) Memorandum of Understanding - New ECC Academic Building

Item 52 – (COMM. 13E-22) Award of Contract - EC Rainwater Harvesting Cisterns

Item 53 – (COMM. 13E-23) Transfer of Property at 53 West Main Street, Village of Springville to the Village of Springville

Item 54 – (COMM. 13E-24) Preservation of Bridges & Culverts Program

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

Item 55 – (COMM. 13E-25) ECSD No. 3 - Southtowns Facility Report Update - Engineering Services Agreement

Received and referred to the the ENERGY & ENVIRONMENT COMMITTEE.

Item 56 – (COMM. 13E-26) ECDPW - General Architectural/Engineering & Testing Services Agreements

Item 57 – (COMM. 13E-27) Reconstruction/Rehabilitation - Stony Road & Pleasant View Drive - Town of Lancaster

Item 58 – (COMM. 13E-28) Kenmore Avenue Improvements - Intermunicipal Agreement with City of Buffalo

Item 59 – (COMM. 13E-29) Reconstruction of Penora Street - Phase II - From Como Park Boulevard to Broadway Street - Town of Lancaster

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 173

RE: Lease of Detention Facility Space to
Monroe County
(COMM. 13E-30)

WHEREAS, the Monroe County Children’s Center provides secure residential detention services to youth, and Monroe County has recently announced the imminent closure of that facility while a replacement facility is constructed; and

WHEREAS, the Erie County Youth Detention Center was built with a total of 64 beds, with current certification for 50 beds; and

WHEREAS, there is available capacity at the Erie County Youth Detention Center, and we wish to begin discussions with Monroe County and New York State to develop a contract to lease a portion of the Erie County Detention Center to house youth that are displaced from the closed facility; and

WHEREAS, the revenue impacts to this lease are not yet fully established, however, the costs of housing current out-of-County youth at the Erie County facility are fully reimbursed by the State and the county where the child is domiciled.

NOW, THEREFORE, BE IT

RESOLVED, the Department is authorized to begin discussions with Monroe County and the State regarding a contract to lease of a portion of the Erie County facility to Monroe County; 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.

Item 61 – (COMM. 13E-31) CPS - Justice Assistance 2013 Grant

Received and referred to the the PUBLIC SAFETY COMMITTEE.

Item 62 – (COMM. 13E-32) ECWA Lease Agreements

Received and referred to the the ENERGY & ENVIRONMENT COMMITTEE.

Item 63 – (COMM. 13E-33) Acceptance of FY 2012 Critical Infrastructure Grant

Received and referred to the the PUBLIC SAFETY COMMITTEE.

Item 64 – (COMM. 13E-34) Buffalo Niagara Convention Center - 2013 - Renovation to Ballroom Carpet

Item 65 – (COMM. 13E-35) Rath Building - EECBG Grant - Mechanical & Electrical Renovations Construction Contingency Increase & EC Correctional Facility Chillers

Item 66 – (COMM. 13E-36) Evans Lakeshore Trail - Transportation Enhancement Program Application - Town of Evans

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

Item 67 – (COMM. 13E-37) EC Purchasing Policies & Procedures

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COMPTROLLER'S OFFICE

Item 68 – (COMM. 13D-1) Audit of Fleet Services

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 69 – (COMM. 13D-2) Audit of Eligibility & Recertification Process within the Temporary Assistance Unit of the Department of Social Services for the Period of 1/1/2011 - 3/31/2013

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

FROM THE DEPARTMENT OF PUBLIC WORKS

Item 70 – (COMM. 13D-3) Letter to Legislator McCracken Concerning the EC Home Assessment Report for Determining Possible Re-Use or Abandonment

Received and referred to the the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 71 – (COMM. 13D-4) Transmittal of New Claims Against EC

Received and referred to the the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 72 – (COMM. 13D-5) Budget Monitoring Report for Period Ending May 2013

Item 73 – (COMM. 13D-6) Letter to Chair of Legislature Concerning 2013 Mid-Year Budget Hearings Data

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

FROM THE COMMISSIONER OF SOCIAL SERVICES

Item 74 – (COMM. 13D-7) Copy of Social Services Policies Related to Confidentiality & Records Management

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

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE MAYOR, CITY OF LACKAWANNA

Item 75 – (COMM. 13M-1) Letter to Governor Cuomo Concerning 300 Commerce Drive, Lackawanna, NY

Received and referred to the the GOVERNMENT AFFAIRS COMMITTEE.

FROM EC CORRECTIONAL FACILITY NURSES

Item 76 – (COMM. 13M-2) Letter to County Executive Concerning Union Wage Scale

Received and referred to the the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE OFFICE OF THE STATE COMPTROLLER

Item 77 – (COMM. 13M-3) Letter to Clerk of Legislature Concerning Town of Alden: Establishment of Exchange Street Water District

Received and Filed.

FROM THE LANCASTER TOWN BOARD

Item 78 – (COMM. 13M-4) Copy of Resolution Calling on the County Executive & County Legislature to Help Resolve Snow Removal & De-Icing Issues of County Roads

Received and referred to the the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NFTA

Item 79 – (COMM. 13M-5) Notice: Audited Financial Statement for Fiscal Year Ended 3/31/2013 Posted on www.nfta.com.

Received and referred to the the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE EC MBE/WBE ENTERPRISES UTILIZATION

Item 80 – (COMM. 13M-6) Minutes from Meeting Held 5/20/2013

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

FROM THE OFFICE OF THE STATE COMPTROLLER

Item 81 – (COMM. 13M-7) Letter to Clerk of Legislature Concerning Town of Alden: Establishment of Zoeller Road Water District

Received and Filed.

FROM THE NFTA

Item 82 – (COMM. 13M-8) Minutes from Meeting Held 5/23/2013

Received and referred to the the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE ECMCC CHAIR, BOARD OF DIRECTORS

Item 83 – (COMM. 13M-9) Letter of Response Concerning Board Appointment Process

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

ANNOUNCEMENTS

Item 84 – CHAIR GRANT announced that the ECONOMIC DEVELOPMENT COMMITTEE will meet on Monday, July 15, 2013; that Mid-Year Budget Hearings will begin, as well, on July 15th; and that the next Regular Session of the Legislature will be held on Thursday, July 18, 2013.

Item 85 – LEGISLATOR HOGUES announced that a ‘Summit on Violent Crime and Homicide in Buffalo, NY’ will be held on Wednesday, July 17, 2013, from 5:30 to 7:45 P.M., at the Frank E. Merriweather Library at 1324 Jefferson Ave., Buffalo.

Item 86 – LEGISLATOR MAZUR announced that the next meeting of Valer4Valor will be help on Monday, July 15, 2013 at 2:30 P.M. in the :Legislative Conference Room at the Legislature.

Item 87 – LEGISLATOR MARINELLI announced that the Erie County Audit Committee will meet on Tuesday, July 16, 2013, at 2:30 P.M. in the Legislative Conference Room.

MEMORIAL RESOLUTIONS

Item 88 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of John Reid, Laurence C. Wells II, Alexis Matte, and John Szanyi.

Item 89 – Legislator Hogues requested that when the Legislature adjourns, it do so in memory of Michael Payne, Diamond Toler, Rosaun Williams, Kelmyne Jones, and Ronald L. Jones.

Item 90 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Arthur D. Caruana.

Item 91 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Gertrude M. Braden.

ADJOURNMENT

Item 92 – 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 18, 2013 at 2:00 p.m. Eastern Standard Time. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

CHAIR GRANT declared the Legislature adjourned until Thursday, July 18, 2013 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE