

**ERIE COUNTY LEGISLATURE
MEETING NO. 14
JULY 18, 2013**

The Legislature was called to order by Chair Grant.

All members present.

An Invocation was held, led by Mr. Hardwick, who offered a short prayer.

The Pledge of Allegiance was led by Mr. McCracken.

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 13 from 2013. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. MILLS presented a resolution Celebrating the Eden Corn Festival's 50th Anniversary.

Item 6 – MR. MILLS presented a resolution Congratulating Sara Tatay on Being Named the Orchard Park Boys & Girls Club 2013 Youth of the Year.

Item 7 – MR. MILLS presented a resolution Congratulating David Willett on His Outstanding Restoration Work on Two Landmarks in North Collins, the 1851 Hicksite Quaker Meeting House & School House No. 8.

Item 8 – MR. MAZUR presented a resolution Honoring the Life of Stephen P. Washburn, a Retired Buffalo Police Officer & Marine Corps Veteran of the Vietnam War.

Item 9 – MR. MAZUR presented a memorial resolution Honoring Julian J. Sugarman Upon His Passing.

Item 10 – MR. MILLS presented a resolution Congratulating E. David Rebmman on His Retirement from the Orchard Park School District After 50 Years of Service.

Item 11 – MR. MILLS presented a resolution Congratulating Bishop Tommy Reid, Senior Pastor of The Tabernacle in Orchard Park, for 50 Years of Service to God, Church, Community & the World.

Item 12 – MR. RATH & MR. LOUGHRAN presented a resolution Congratulating Allan Werbow on His Retirement after 27 Years of Dedicated Service to Temple Beth Tzedek in Amherst.

Item 13 – MR. LOUGHRAN & MS. MARINELLI presented a resolution Congratulating St. George Orthodox Catholic Church on Celebrating 100 Years as a Parish Community.

Item 14 – MR. MAZUR presented a resolution Recognizing Ronald Ziarnowski for His Many Contributions to the Environmental Conservation & Service Mission of the Lake Erie Chapter of the International Federation of Fly Fishers.

Item 15 – MS. DIXON presented a resolution Honoring Rebecca Darch-Sireika of Lackawanna for Successfully Completing the Fire Academy & Joining the Lackawanna Fire Department as Its First Female Firefighter.

Item 16 – MS. DIXON presented a resolution Honoring the Inaugural “RunJimmyRun” 5K Run July 21st at Coca-Cola Field.

Item 17 – MS. MARINELLI presented a resolution Commending the All-Volunteer Garden Walk Buffalo Committee on the 19th Anniversary of America's Largest Garden Tour - July 27 & 28, 2013.

Item 18 – MR. RATH presented a resolution Acknowledging Ford Gum on its 100th Anniversary Celebration.

Item 19 – MR. MILLS presented a resolution Congratulating Ray Markiewicz, Founder & Vice-President of the Lake Erie Chapter of the Federation of Fly Fishers for His Commitment to the Sport & a Guardian of Environmental Issues.

Item 20 – MR. HARDWICK presented a resolution Honoring Chief John Ivancic of the City of Tonawanda Police Department Upon His Retirement.

Item 21 – MR. HARDWICK presented a resolution Recognizing & Honoring The Bible Presbyterian Church on Their 75th Anniversary.

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

CARRIED UNANIMOUSLY.

MR. MAZUR moved to amend the above seventeen items by adding Et Al Sponsorship. MR. McCRACKEN seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 22 – CHAIR GRANT directed that Local Law No. 1 (Print #1) 2012 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 23 – CHAIR GRANT directed that Local Law No. 3 (Print #1) 2012 remain on the table and in the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Item 24 – CHAIR GRANT directed that Local Law No. 1 (Print #1) 2013 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 174

July 15, 2013	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 13
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 12E-30 (2013)
MARINELLI: “Copies of Letters Concerning Condition of Kenmore Avenue”
(5-0)
 - b. COMM. 13E-5 (2013)
DIXON: “Letter to Commissioner of Public Works Concerning Condition of Sowles Road in the Town of Hamburg”
(5-0)
 - c. COMM. 13M-5 (2013)

NFTA: "Notice: Audited Financial Statement for Fiscal Year Ended 3/31/2013 Posted on www.nfta.com"
(5-0)

d. COMM. 13M-8 (2013)
NFTA: "Minutes from Meeting Held 5/23/2013"
(5-0)

2. INTRO 6-3 (2013)
HOGUES

WHEREAS, at a recent meeting of the Economic Development Committee of the Erie County Legislature, legislators were apprised by residents of the Fruit Belt Neighborhood and McCarley Gardens that employees of the Buffalo Niagara Medical Campus have taken up so much on-street parking spots that inconvenience and hardship have become real challenges, especially to older and disabled residents of this community; and

WHEREAS, given the anticipated growth of the Medical Campus, and the increased, corresponding job creation, the dearth of parking for employees must be addressed in a manner that is considerate of the needs of the surrounding neighborhood residents to park near their homes; and

WHEREAS, the proposal to provide commuters to jobs at the Medical Campus with a parking facility at the foot of Main Street in the former DL & W Terminal has an added benefit of increasing local visitor traffic in that location that could ultimately assist business development efforts aimed toward tourism; and

WHEREAS, coffee shops, restaurants, dry cleaners, convenience stores and other retail establishments could have access to a steady stream of potential customers who come to Downtown Buffalo and the Buffalo Niagara Medical Campus daily to access emerging employment opportunities, thereby augmenting the visitation anticipated for Canalside for recreation and entertainment; and

WHEREAS, development of a parking, transportation – Metro Rail – and commercial hub that can accommodate a critical mass of people, year-round, at the foot of Main Street and at Canalside is essential to the long-term success of the businesses that consider locating there.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature support efforts to relieve employee parking congestion in the vicinity of the Buffalo Niagara Medical Campus so that parking spots near McCarley Gardens and the Fruit Belt Neighborhood can be accessed by the residents of that community; and be it further

RESOLVED, that this Legislative Body recognize the need for a parking and Metro Rail transportation hub that is geographically removed from the Buffalo Niagara Medical Campus, yet will efficiently and cost-effectively bring needed workers to the Campus; and be it further

RESOLVED, that this Honorable Body encourage business and parking facility development at the foot of Main Street and at Canalside that will appeal to tourists and residents of our region alike.

(5-0)

3. INTRO 10-1 (2013)

MARINELLI

WHEREAS, Western New York was the host region for the Empire State Tourism Conference that took place in Niagara Falls from May 1 – 3, 2013; and

WHEREAS, representatives of Empire State Development and the I Love NY Tourism Office heard speaker after speaker appeal for more state investment in marketing New York State as an international and domestic tourism destination for individual, family, convention and group travel; and

WHEREAS, for the last decade, the under-resourcing of the state's tourism campaign has been a source of concern to the private businesses and non-profit organizations that depend on tourism; and

WHEREAS, during the recent recession, tourism businesses cut back on their marketing and advertising budgets, and our state's virtual absence from the competitive tourism marketing industry was the outcome of New York State withdrawing advertising and dollars from many markets due to its budget crisis; and

WHEREAS, convention and group travel are booked years in advance, and the loss of exposure of the I Love NY brand damaged the business development efforts of destination marketing organizations and the suppliers of tourism product alike for many years; and

WHEREAS, at its session of April 25, 2013, this Honorable Body unanimously sponsored and approved Intro 8-6 (2013) which "called upon the Governor and State Legislature to restore funding reductions and to make an even greater investment in the tourism industry in New York State to increase the well-established return on investment of tourism development, marketing and promotion dollars; and

WHEREAS, in conjunction with the May 8 New York State Tourism Summit held in Albany, Governor Cuomo announced a tripling of the I Love NY marketing budget, from \$19 million in the last fiscal year to \$60 for this year; and

WHEREAS, this new investment represents the highest level of tourism funding in decades, making New York State third in the country in tourism spending; and

WHEREAS, the Governor's announcement was met with overwhelming support by the businesses in tourism and hospitality that are eager to host many more visitors in the coming years; and

WHEREAS, tourism is the fifth largest employment sector in New York State and generated more than \$29 billion in wages alone from nearly \$57 billion in direct tourism spending that supports jobs in the Empire State; and

WHEREAS, an exciting element of the Governor's plan is to tap into advertising opportunities with the Port Authority and the MTA (Metropolitan Transit Authority) and use them as marketing tools to encourage tourist visitation in Upstate New York; and

WHEREAS, tapping into the metro New York City area in such a planned, strategic way bodes well for the long overdue conversion of New York City into a vast feeder market for tourist visitation in Upstate New York; and

WHEREAS, this heightened exposure of the tourism offerings in Upstate New York is an opportunity to reach millions of persons from dozens of nationalities in NYC, magnifying the value of the I Love NY marketing campaign both here and abroad.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body go on record in support of New York State's increased investment in the I Love New York marketing campaign and other avenues for boosting tourist visitation and spending, especially in Upstate New York and Erie County; and be it further

RESOLVED, that copies of this resolution be conveyed to Governor Andrew Cuomo, the Western New York Delegation to the State Legislature, County Executive Mark Poloncarz, the Visit Buffalo Niagara Board, and all others deemed necessary and proper.
(5-0)

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

WHEREAS, the Intersection Improvement Project PIN 5758.22 (the Project), CR 269, Strickler Road at CR 282, County Road in the Town of Clarence, in Erie County 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 90% Federal funds and 10% Non-Federal funds; 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 Construction and Construction Inspection phase of the project, PIN 5758.22; and

WHEREAS, the total Project construction is \$430,000, and the County is required to provide the local share portion for the Project in the amount of \$43,000 from B.00151, 2006 Unanticipated Road & Bridge Design and Construction (Countywide) Program, fund 420, business area 123; and

WHEREAS, approval is necessary to award of construction to the lowest responsible bidder and contracts must be negotiated with Bergmann Associates, for engineering construction and inspection services to allow the work to begin as soon as possible.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the intersection improvement project at Strickler Road and County Road PIN 5758.22; 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 and Construction Inspection phase of the Project or portions thereof; and be it further

RESOLVED, that authorization is granted to accept anticipated Federal revenue in the amount of \$387,000 in Project B.00151, 2006 Unanticipated Road & Bridge Costs – Design & Construction (Countywide) Program, Fund 420, Business Area 123; and be it further

RESOLVED, that the estimated total sum of the construction phase of the Project, \$430,000 is hereby appropriated from B.00151, 2006 Unanticipated Road & Bridge Costs – Design & Construction (Countywide) Program and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the projects' Construction and Construction Inspection phase exceeds \$430,000, the County Legislature shall 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 on behalf of the County of Erie, (subject to the County Attorney's approval as to form and content), with the New York State Department of Transportation in connection with the advancement or approval of the project identified in the State/Local Agreement and providing for the administration of the Project and the Municipality's first instance funding of project costs and permanent funding of the local share of Federal aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and be it further

RESOLVED, that the County Executive be authorized to execute award of construction for the Project to the lowest responsible bidder(s) and negotiated contract between the County of Erie and project engineers Bergmann Associates for construction engineering services and inspection for the Project in an amount not to exceed the allowable Project construction amount of \$430,000 and the Legislature will be notified, for information purposes, of the winning bidder(s); 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 ten (10) certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, and the Office of the Comptroller.

(5-0)

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

WHEREAS, the Erie County Federal Aid Bridge Maintenance Project; PIN 5760.28 Bridge Washing Two Hundred & Thirty (230) Bridges, PIN 5760.29 Deck Sealing Eighteen (18) Bridges, PIN 5760.30 Bridge Joint Replacement Three (3) Bridges (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 County of Erie desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Construction & Construction Inspection phase of the projects, PIN 5760.28, PIN 5760.29, and PIN 5760.30; and

WHEREAS, the total Project is \$625,000, and the County is required to provide the local share portion for the Project in the amount of \$125,000 from Project B.00192.322, 2008 Bridge Maintenance, fund 420, business area 123; and

WHEREAS, the Project will be advertised, bid, and ready for award of construction to the responsible low bidder; and

WHEREAS, approval is necessary to award of construction to responsible low bidder(s) and contracts must be negotiated with CHA Consulting, Inc. and Liro Engineers, for engineering construction and inspection services to allow the work to begin as soon as possible.

NOW, THEREFORE, BE IT

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

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

RESOLVED, that Project B.00192.322, 2008 Bridge Maintenance – Federal Aid, fund center 123, fund 420, be increased by the anticipated Federal revenue in the amount of \$500,000.00 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	\$ 431,200	\$ 500,000	\$ 931,200
486000	Interfnd Rev Subsidy	\$ 180,000	\$ 0	\$ 180,000
TOTAL REVENUES		\$ 611,200	\$ 500,000	\$ 1,111,200
APPROPRIATIONS				
Capital Projects	Capital Project Exp	\$ 611,200	\$ 500,000	\$ 1,111,200
TOTAL APPROPRIATIONS		\$ 611,200	\$ 500,000	\$ 1,111,200

and be it further

RESOLVED, that the estimated total sum of the construction phase of the Projects, \$625,000. is hereby appropriated from B.00192.322, 2008 Bridge Maintenance, Federal Aid and made available to cover the cost of participation in 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 projects' Construction and Construction Inspection phase exceeds \$625,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

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

RESOLVED, that the County Executive be authorized to execute award of construction to Project responsible low bidder(s) and negotiated contracts between the County of Erie and project engineers CHA Consulting, Inc., and Liro Engineers for construction engineering services and inspection for the Project in an amount not to exceed the allowable Project construction amount of \$625,000; 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 Agreements in connection with the Projects; and be it further

RESOLVED, that ten (10) certified copies of this resolution be forwarded to the Dept. of Public Works, Office of the Commissioner, and one copy each to the County Executive, the Division of Budget and Management, the County Attorney, and the Office of the Comptroller.
(5-0)

6. COMM. 13E-14 (2013)
COUNTY EXECUTIVE

WHEREAS, the Emery Park Culvert over a tributary of the east branch of Cazenovia Creek Project will be advertised, bid, and ready for award of construction contract to the responsible low bidder; and

WHEREAS, the Emery Park Culvert over a tributary of the east branch of Cazenovia Creek Project will replace a deteriorating culvert that threatens to restrict public access to parts of Emery Park, including the ski lodge area; and

WHEREAS, funding for this Project was approved and is available in Fund 410, Business Area 164, Project A.13009 - 2013 Emery Park Culvert Replacement in the amount of \$600,000.00; and

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

WHEREAS, in order to facilitate the Emery Park Culvert over a tributary of the east branch of Cazenovia Creek Project it will be necessary for the County to execute the construction contract with the responsible low bidder and establish a construction contingency; and

WHEREAS, a contract must be negotiated with Wm. Schutt Associates for construction inspection and engineering services during construction.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to award and execute a contract for the Emery Park Culvert over a tributary of the east branch of Cazenovia Creek Project with the lowest responsible bidder, establish a construction contingency and execute a negotiated contract with project engineers Wm. Schutt Associates; and be it further

RESOLVED, that funding for the Emery Park Culvert over a tributary of the east branch of Cazenovia Creek Project be allocated from Fund 410, Business Area 164, Project B.13009- 2013 Emery Park Culvert Replacement in an amount not to exceed \$600,000.00; and be it further

RESOLVED, that the Department of Public Works will inform the Erie County Legislature, for information only, as to what contractor was the successful low responsible bidder for the Emery Park Culvert over a tributary of the east branch of Cazenovia Creek Project; and be it further

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

(5-0)

7. **COMM. 13E-15 (2013)**
COUNTY EXECUTIVE

WHEREAS, the Emery Park Dam Rehabilitation and Decommissioning Project will be advertised, bid, and ready for award of construction contract to the responsible low bidder; and

WHEREAS, the Emery Park Dam Rehabilitation and Decommissioning Project will replace a deteriorating culvert and address deficiencies in this dam that is classified as a high hazard dam; and

WHEREAS, funding for this Project was approved and is available in Fund 420, Business Area 123, Project B.11029.1 - 2011 Dam Safety and Preservation -- Construction in the amount of \$744,363.96; and

WHEREAS, it is necessary that this approval be granted, so that the contract can be awarded to allow the contractor to order material and start work, by the County executing the construction contract with the responsible low bidder and by establishing a construction contingency; and

WHEREAS, a contract must be negotiated with Bergmann Associates for construction inspection and engineering services during construction for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to award and execute a contract for the Emery Park Dam Rehabilitation and Decommissioning Project between the County of Erie and the lowest responsible bidder, establish a construction contingency and execute a negotiated contract between the County of Erie and project engineers Bergmann Associates of Buffalo, New York; and be it further

RESOLVED, that funding for the Emery Park Dam Decommissioning Project be allocated from Fund 420, Business Area 123, Project B.11029.1- 2011 Dam Safety and Preservation -- Construction in an amount not to exceed \$744,363.96; and be it further

RESOLVED, that the Department of Public Works will inform the Erie County Legislature, for information only, as to what contractor was the successful low responsible bidder for the Emery Park Dam Rehabilitation and Decommissioning Project; and be it further

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

(5-0)

8. COMM. 13E-16 (2013)
COUNTY EXECUTIVE

WHEREAS, the Rath Building's current Data/Computer Room in the Division of Information and Support Services was constructed in the early to mid-1980's and is no longer functional for a variety of reasons, including the fact that the 25 year-old cooling units are not sufficiently cooling the center; and

WHEREAS, the Division of Information and Support Services and Department of Public Works are conducting a project to renovate the space utilizing a much smaller room with new state of the art cooling equipment, security and a new fire suppression system; and

WHEREAS, the Department of Public Works received bids for the Rath Building Data/Computer Room renovations on June 21, 2013; and

WHEREAS, the 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	NewCal Construction, Inc.
HVAC CONSTRUCTION WORK	DV Brown & Associates, Inc.
ELECTRICAL CONSTRUCTION WORK	CIR Electric Construction Corp.
FIRE SUPPRESSTION WORK	Great Lakes Building Systems
ASBESTOS ABATEMENT WORK	Metro Environmental

WHEREAS, your Honorable Body has previously authorized the County Executive to enter in a General Architectural/Engineering services agreement with the firm of Trautman Associates 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 Trautman Associates for providing design and construction administration services for the Rath Building Data/Computer Room Renovations.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidders for the Rath Building Data/Computer Room Renovations as follows:

General Construction Work – NewCal Construction Inc.	Base Bid:	\$125,181.00
HVAC Construction Work – DV Brown Associates Inc.	Base Bid:	\$429,000.00
Electrical Construction Work – CIR Electrical Construction	Base Bid:	\$158,700.00
Fire Suppression Construction Work–Great Lakes Bldg. Sys	Base Bid:	\$ 66,900.00
Hazardous Materials Work-Metro Environmental	Base Bid:	<u>\$138,787.00</u>
	Total	\$918,568.00

and be it further

RESOLVED, that the sum of \$100,000.00 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 Trautman Associates for providing professional design and construction administration services for Rath Building Data/Computer Room Renovations for an amount not to exceed \$50,000.00 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:

A.20920 2009 Countywide IT Communication & Fire Suppression	\$ 618,568.00
A.13023 2013 Reconstruction of Data Computer Room/Rath Building	<u>\$ 450,000.00</u>
For a Total Amount Not To Exceed	\$1,068,568.00

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)

9. COMM. 13E-17 (2013)
COUNTY EXECUTIVE

WHEREAS, Houses No. 2 & 3 will be reconstructed in similar fashion to Houses 11 & 12. All of these buildings face the front of the facility and would improve the appearance and looks of the facility, not to mention correct and preserve the glass structures which are failing. Currently, House No. 3 is closed when wind velocities exceed 40 mph. Also, a study will be performed on the storm and sanitary sewers as there are flooding conditions present; and

WHEREAS, your Honorable Body has previously authorized the County Executive to enter in a General Architectural/Engineering services agreements with the firms of Foit Albert Associates and Trautman Associates 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 Foit Albert Associates for providing design and construction administration services for the Buffalo and Erie County Botanical Gardens – 2013 – Houses 2 & 3 Renovation project; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to the firm of Trautman Associates for providing design and construction administration services to study the flooding conditions of the storm and sanitary sewers at the Buffalo and Erie County Botanical Gardens facility.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into an Agreement Amendment with the A/E firm of Foit Albert Associates for an amount not to exceed \$180,000; and be it further

RESOLVED, that the County Executive be authorized to enter into an Agreement Amendment with the A/E firm of Trautman Associates for an amount not to exceed \$25,000; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the additional funding from SAP project account A.13002 – 2013 Buffalo & Erie County Botanical Gardens, Master Plan Implementation, total amount not to exceed \$205,000.00; 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 Director of the Division of Budget and Management, the Department of Parks, Recreation and Forestry and the Office of the Comptroller.

(5-0)

10. COMM. 13E-18 (2013)
COUNTY EXECUTIVE

WHEREAS, DiDonato Associates has inspected and reported on the condition of Shelter No. 12 at Emery Park, and has determined that the roof structure is structurally unsafe and is showing signs of failure; and

WHEREAS, the County has determined that it would be in the best interest of the public to re-build this roof structure in lieu of demolishing the entire shelter; and

WHEREAS, several old dilapidated parks buildings are going to be demolished since they are no longer needed, pose a safety and health threat, or are structurally unsafe to occupy for the public and all of these projects will require a pre-demolition hazardous materials survey and demolition consulting services; and

WHEREAS, Erie Community College has requested that the County replace the timing scoreboard and reline the Olympic and training pools at the Burt Flickinger Athletic Center; and

WHEREAS, your Honorable Body has previously authorized the County Executive to enter in a General Architectural/Engineering services agreements with the firms of DiDonato Associates, Watts Architectural & Engineering, P.C. and Clark Patterson Lee 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 DiDonato Associates for providing design and construction administration services for the Emery Park Shelter No. 12 Renovation, ECC Burt Flickinger Athletic Center Score Board, and ECC Burt Flickinger Athletic Center Pool Relining projects; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to the firm of Watts Architectural & Engineering, P.C. for providing design and construction administration services for the Pre-Demolition Hazardous Materials Survey of Various Parks Buildings project; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to the firm of Clark Patterson Lee for providing design and construction administration services for the Demolition of County Parks Buildings project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into an Agreement Amendment with the A/E firm of DiDonato Associates for an amount not to exceed \$30,000; and be it further

RESOLVED, that the County Executive be authorized to enter into an Agreement Amendment with the A/E firm of Watts Architectural & Engineering, P.C. for an amount not to exceed \$16,500; and be it further

RESOLVED, that the County Executive be authorized to enter into an Agreement Amendment with the A/E firm of Clark Patterson Lee for an amount not to exceed \$30,000; and be it further

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

A.12007 – 2012 Countywide Park Improvements & Equipment	\$ 61,500.00
<u>E.11002 – 2011 ECC Burt Flickinger Athletic Center Renovations</u>	<u>\$ 15,000.00</u>
Total Payment Not To Exceed:	\$ 76,500.00

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 Director of the Division of Budget and Management, the Department of Parks, Recreation and Forestry and the Office of the Comptroller.

(5-0)

11. COMM. 13E-21 (2013)
COUNTY EXECUTIVE

WHEREAS, Erie Community College and Erie County are desirous of working cooperatively to construct a new academic building for Erie Community College; and

WHEREAS, the building will provide classroom, laboratory, and ancillary space for science, technology, engineering, and math (STEM) programs; and

WHEREAS, the preferred location for the STEM building is on the ECC North Campus as recommended in the Program Needs Assessment and Space Utilization Report prepared by JMZ Architects in May, 2013; and

WHEREAS, construction of the building requires completion of numerous tasks ranging from compliance with the New York State Environmental Quality Review regulations to engaging a qualified project architect; and

WHEREAS, ECC and Erie County are desirous of entering into a non-binding Memorandum of Understanding (MOU) which describes the responsibilities of both parties, estimated timeline, and other matters relating to the project; and

WHEREAS, said MOU is attached to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a non-binding MOU with ECC regarding construction of a new academic building for ECC; and be it further

RESOLVED, that the County Executive is hereby authorized to execute minor adjustments to the attached MOU where and if necessary; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive's Office; the Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor; and Jack Quinn, President, Erie Community College, 121 Ellicott Street, Buffalo, New York 14203.

ATTACHMENT

MEMORANDUM OF UNDERSTANDING BETWEEN
ERIE COMMUNITY COLLEGE
AND
COUNTY OF ERIE

This memorandum, which is entered into this ____ day of _____, 2013 between the COUNTY OF ERIE (the "County"), and ERIE COMMUNITY COLLEGE ("ECC") sets forth the principal understandings of the parties and the actions planned by each regarding construction of an academic building for ECC.

I. INTRODUCTION

A. It is the desire of the County and ECC that the educational needs of County residents continue to be served by ECC and that programs offered reflect the workforce skills required by area employers.

B. ECC has been an important part of the region's education system for 65 years, having evolved from former New York State Institute of Applied Arts and Sciences of Buffalo.

C. The County and ECC maintain a cooperative relationship concerning budgeting, capital improvements, governance and other matters important to the furtherance of ECC's mission.

D. In 2011 ECC, the County, and the State University of New York ("SUNY") agreed to provide \$30,000,000 for construction of a new academic building on the North Campus. New York State agreed to provide \$15,000,000 and the County and ECC each committed to providing an equal share of the balance.

E. Prior to proceeding with building design, the County and ECC agreed in 2012 that a detailed program needs analysis and space utilization report for the College as a whole was necessary to better inform the parties concerning site location and program needs. The cost of the approximately \$185,000 study was equally shared by the County and College.

F. In October, 2012 the County engaged JMZ Architects to undertake the program and space report. The effort was overseen by a Steering Committee comprised of ECC, County, and a private sector representative.

G. JMZ planners worked collaboratively with representatives from the Western New York Regional Economic Development Council (“REDC”) and their consultants who were assembling workforce needs data and preparing the Buffalo Billion report. This insured that the recommendations contained in the ECC report were in alignment with those brought forward by area economic development organizations.

H. The Brookings Institution and McKinsey & Company, who served as consultants for the REDC determined that workforce development is one of the areas three highest priorities for economic development. When the REDC accepted the findings of its consultants it noted that manufacturing is the third largest sector of the local economy by the size of the workforce with approximately 55,000 direct employees and another 6,000 to 10,000 support employees in this sector, that it is expected that 17,000 of these employees will retire by the year 2020 and that there is a need to provide training to replace the retiring employees. It also noted that there are an insufficient number of training opportunities currently available, particularly in advanced manufacturing to meet these needs. Failure to properly address the need for highly trained workers jeopardizes this important sector of the economy.

I. As a part of its response to the workforce needs identified in its studies, the REDC and New York State announced on May 2, 2013 plans to construct a Regional Workforce Advancement Center (“RWAC”) in the City of Buffalo. The RWAC will be part of a continuum of training and educational programs stretching from high school or GED to four year and post graduate education. ECC and the RWAC will, working together, fill important needs for students who do not plan to seek a four year bachelor’s degree or to only do so after working for a time.

J. JMZ issued their final report on May 24, 2013 and recommended that the new building be located at ECC North to provide needed space for Science, Technology, Engineering, and Math (STEM) programs.

K. The JMZ report contained numerous other programming proposals for consideration by ECC to insure that the College maintains a strong role in workforce development, including recommendations for improved programing at all three campuses.

L. A new STEM Building at ECC North in combination with new certificate offerings and programs as well as furtherance of a Regional Workforce Advancement Center in the City of Buffalo as proposed by REDC will provide a comprehensive strategy for workforce training in the region.

M. The parties hereto desire to move forward with the necessary reviews, permitting, financing, design, and other requirements associated with constructing the new academic building.

II. ECC NORTH SITE – PREFERRED ALTERNATIVE

The parties agree to classify the ECC North location, identified conceptually in the May 24, 2013 JMZ report, as the preferred alternative (see Attachment 1) with an initial size of approximately 56,700 gross square feet with a possible future expansion to an approximate

total of 111,000 gross square feet. The parties understand that final approval of the building location, its size and configuration cannot occur until full compliance with the provisions of the New York State Environmental Quality Review Act has been completed.

III. BUILDING IMPROVEMENTS

A. The cost of constructing the Building (“Construction Work”), including the Program Needs Analysis and Space Utilization Assessment, pre-construction work, environmental analyses, design, engineering, management, and other soft costs is estimated to be \$30,000,000 (the “Project Budget”). The estimated cost breakdown of the Construction Work is generally set forth on Attachment 2 attached hereto. The parties shall contribute capital to pay for work put in place toward completion of the Construction Work, pro-rata to their fifty percent share of the investment which is agreed to be as follows:

County:	\$7,500,000
ECC:	\$7,500,000

B. The parties understand that the balance of funds needed to complete the project will be provided by New York State on a reimbursable basis up to \$15,000,000.

C. Following any and all necessary approvals by the Erie County Legislature and ECC Board of Trustees, the County and ECC will make their pro rata shares of funding available to a County account to fund all work related to the completion of the Construction Work. It is understood that the County shall be responsible for all necessary reimbursement requests to the State University of New York Construction Fund as pertains to the New York State share of the Construction Work.

IV. MISCELLANEOUS CONDITONS

A. The Construction Work shall be performed in accordance with all applicable laws (including, without limitation, the Americans with Disabilities Act), and will comply with the affirmative action plan (including minority and women owned business goals) agreed upon by SUNY, the County and ECC. The party responsible for any given item of the Construction Work shall be responsible for ensuring such aforementioned compliance.

B. Use, hours of operation, insurance, security, vendors, maintenance and other functions associated with the building’s daily operation and management shall be the responsibility of ECC.

V. BUILDING REVIEW COMMITTEE

The County and ECC will form a Building Review Committee (the “Committee”). The Committee shall be comprised of members appointed by each of the parties hereto. The Committee shall meet on a regular basis during all phases of construction, but at least bi-monthly, to discuss progress and regulatory and legislative matters affecting the building’s construction. The Committee or a subcommittee thereof shall serve as the review committee for the purposes of recommending project management, environmental, design, and construction management consultants to the County.

VI. ROLE OF THE COUNTY

The County shall be the lead party responsible for the following construction related tasks:

- A. Establishing appropriate capital budget accounts for disbursement of County and ECC funds.
- B. Selection of and contracting with qualified project management, environmental, architectural/engineering, and construction management firms necessary to complete all required environmental reviews, plans/ specifications for the new building, and construction oversight.
- C. Preparation and submittal of bi-monthly reports to the ECC Board of Trustees and Erie County Legislature.
- D. Preparation and submittal of reimbursement requests to the State University of New York – Construction Fund.
- E. Obtaining all necessary permits, including building permits associated with the building.
- F. Bidding, award, and contracting with construction trade firms qualified to undertake the required building elements.
- G. Management of any and all other components of the Construction Work including but not limited to tasks associated with Project Labor Agreements, MBE/WBE, Affirmative Action, Local Workforce Participation, Apprenticeship Programs, and LEED requirements.

VII. ROLE OF THE COLLEGE

ECC shall be the lead party responsible for the following construction related tasks:

- A. Assemble and provide to the County available space, enrollment, and other data needs necessary for proper building design.
- B. Provide to the County information concerning desired building layout, furnishings, interior signage and other related building elements.
- C. Serve on all committees including the Building Review Committee.
- D. In conjunction with the County Executive, review recommendations from the Building Review Committee concerning selection of an environmental analysis firm, building architect, and if necessary, project management company.

VIII. PROJECT MANAGEMENT

With respect to the Construction Work, the County shall have the right to utilize a Project Management Firm/Agency such as, but not limited to the Dormitory Authority of the State of New York (DASNY) in a manner similar to that which occurred during the construction of the ECC Flickinger Center.

IX. APPROVAL OF CONSTRUCTION WORK

The County shall have the right to approve all construction bids, documents and the construction schedule.

X. ENVIRONMENTAL MATTERS

The County shall be designated as the lead agency under the New York State Environmental Quality Review Act (“SEQRA”) and responsible for coordinating review of all permits and approvals required under SEQRA, and any applicable state or local building codes and zoning ordinances. The County shall also be the responsible party to coordinate any non-environmental permitting, regulatory and construction matters.

XI. COMPETITIVE BIDDING

All Construction Work shall be subject to the competitive bidding rules of the County, including appropriate provisions for the participation of qualified MBE/WBE subcontractors. The County will develop an MBE/WBE Plan for the Construction Work that is similar in scope to the MBE/WBE plan for Ralph Wilson Stadium.

XII. CALENDAR OF ACTIVITIES

Attachment 3 attached hereto reflects the calendar of key dates and activities necessary for each of the parties to secure appropriate approvals for the commitments they intend to make. The information noted on the calendar reflects likely tasks to be undertaken and estimated completion dates. Where appropriate certain tasks could be combined to expedite the project.

XIII. NON-BINDING AGREEMENT

The foregoing does not constitute a binding agreement between the County and ECC because certain (a) studies, including environmental studies, must be completed, b) approvals and consents must be obtained and (c) agreements containing terms and conditions not mentioned herein must be negotiated and executed. Nothing herein shall be construed as committing the County or ECC to approve the construction, equipping or financing of the Construction Work and other construction matters contemplated hereunder until such time as all of the requirements of SEQRA have been satisfied. Further, the foregoing does not constitute a final agency action for the purposes of the SEQRA and all relevant environmental laws will be complied with as appropriate. Nevertheless, this memorandum will serve as the basis upon which all of the parties intend to proceed to expend time and resources to obtain such necessary approvals and consents and to negotiate and execute the agreements required to accomplish the tasks outlined herein.

XIV. COUNTY AND ECC ACTION OBLIGATIONS

A. Upon execution of this Agreement, the County and ECC shall use reasonable efforts to secure all legislative, executive and regulatory approvals and budgetary allocations from, and similar actions of, the applicable governmental authorities as are necessary to meet the County's and ECC's respective obligations hereunder, including the State of New York. It is anticipated that construction will commence not later than September 2015.

XV. COUNTERPARTS

This Agreement may be executed in counterparts, and each counterpart, once executed, shall have the efficacy of a signed original. True and correct copies of signed counterparts may be used in place of originals for any purpose. A facsimile or a PDF copy of an original signature transmitted to the other party is effective as if it was an original.

COUNTY OF ERIE

ERIE COMMUNITY COLLEGE

By: _____
Mark Poloncarz/Richard Tobe
County Executive/Deputy County Executive
Dated: _____

By: _____
Jack Quinn
President
Dated: _____

Approved as to Content

Approved as to Form

By: _____
Maria R. Whyte, Commissioner
Department of Environment and Planning
Dated: _____

By: _____
Kristen M. Walder
Assistant County Attorney
Dated: _____

Doc. No.: _____

ATTACHMENT 1

PREFERRED BUILDING LOCATION

ECC North Campus

ATTACHMENT 2

ESTIMATED BUILDING PROGRAM COST

STEM Building

– Full Program



1.65 Grossing Factor

111,000

\$380

\$42,180,000

\$2,109,000

\$6,327,000

15% Construction Contingency

\$2,952,600 7% Design Fee

\$2,530,800 6% Escalation to Mid-Point of Construction(2015)

\$56,099,400

\$2,800,600 FF&E

\$58,900,000 Total Project Cost

STEM Building – Reduced Program

34,360 NASF

1.65 Grossing Factor

56,700 GSF

\$380 per Square Foot

\$21,500,000 Raw Building Construction Cost

\$1,075,000 5% Site Work

\$3,225,000 15% Construction Contingency

\$1,505,000 7% Design Fee

\$1,290,000 6% Escalation to Mid-Point of Construction (2015)

\$28,595,000

\$1,405,000 FF&E

\$30,000,000 Total Project Cost

ATTACHMENT 3

CALENDAR

The following items and corresponding completion dates are intended to serve as a general guide. They are not binding and where appropriate certain items might be combined where possible to expedite the project.

1. ECC Submittal to SUNY – Community College Capital Project Finance Application for Design Costs – June, 2013.
2. Acceptance of Building Review Committee’s Recommendation RE: Consultant for Environmental Review (County Executive and ECC Board of Trustees) – August, 2013.
3. Approval of Contract with Consultant for Environmental Review and Establishment of Capital Budget Account (Action by Erie County Legislature Required) – September, 2013.
4. Completion of Environmental Review (Action by ECC Board of Trustees and Erie County Legislature) – March, 2014.
5. Acceptance of Building Review Committee’s Recommendation RE: Project Manager, if necessary (County Executive and ECC Board of Trustees) – April, 2014.
6. Selection of and Contract with Project Manager, if necessary (Action by Erie County Legislature Required) – May, 2014.
7. Acceptance of Building Review Committee’s Recommendation RE: Building Architect/Engineer and Construction Manager (County Executive and ECC Board of Trustees) – June, 2014.
8. Selection of and Contract with Building Architect/Engineer, Construction Manager (Action by Erie County Legislature Required) – July, 2014.
9. ECC Submittal to SUNY – Community College Capital Project Finance Application for Construction Cost – June, 2014 or before.
10. Design Complete and Project Bidding Occurs – July, 2015.
11. Selection of and Agreement with Appropriate Building Contractors (Action by Erie County Legislature Required) – September, 2015.

12. Construction Substantially Complete – December, 2016.

13. Building Opens – Semester Beginning January, 2017.
(5-0)

12. COMM. 13E-22 (2013)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Erie County Rainwater Harvesting Cisterns CWSRF Project No. C9-6646-14-00 on June 4, 2013

<u>Contract</u>	<u>Low Bidder</u>	<u>Amount</u>
CWSRF Project No. C9-6646-14-00	N.F.P. & Sons, Inc.	\$522,600

and

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

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature does hereby award the Erie County Rainwater Harvesting Cisterns CWSRF Project No. C9-6646-14-00 to N.F.P. & Sons, Inc. in an amount not-to-exceed amount of \$522,600; 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 to 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 \$522,600 from Erie County Rainwater Harvesting Cisterns CWSRF Project No. C9-6646-14-00 account; 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; the Director of the Division of Budget and Management; the Comptroller's Office; Kristen M. Walder, Assistant County Attorney; and send two (2) certified copies of this resolution to Thomas R. Hersey, Jr., Department of Environment and Planning.
(5-0)

13. COMM. 13E-23 (2013)
COUNTY EXECUTIVE

WHEREAS, the County of Erie desires to clear former commercial and industrial sites for productive reuse; and

WHEREAS, the property at 53 West Main Street, S.B.L. 335.15-5-18 in the Village of Springville, the former Springville Hotel, has been a vacant for over ten years, has been a blighting influence on the area and has accrued over \$170,000 in back taxes, interest and penalties; and

WHEREAS, the County of Erie and the Village of Springville had been working to demolish the structure using Community Development Block Grant funds to promote reuse of the property; and

WHEREAS, the partial collapse of the structure required the Village of Springville to perform an emergency demolition of the building on June 22, 2013; and

WHEREAS, it is expected Erie County will foreclose on the 53 West Main Street property in October 2013.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive is authorized to enter into contracts with the Village of Springville, selling the 53 West Main Street property to the Village of Springville for the sum of one dollar (\$1.00); and be it further

RESOLVED, the County Executive is authorized to execute any deeds necessary to transfer this parcel to the Village of Springville; and be it further

RESOLVED, the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive, the Director of the Division of Budget, Management and Finance, the Comptroller, the Director of Real Property, the Commissioner of the Department of Environment and Planning and the County Attorney.
(5-0)

14. COMM. 13E-24 (2013)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works, Division of Highways, and the New York State Department of Transportation (NYSDOT) perform annual and bi-annual inspections of County-owned bridges; and

WHEREAS, as a result of these inspections, Erie County may be cited with yellow and red safety flags which restrict access to the traveling public and requires the County to respond to NYSDOT with a plan of action as soon as practicable. In addition, repairs made to the bridges and culverts will extend the useful life; and

WHEREAS, your Honorable Body has previously authorized the County Executive to enter into a Term Agreement for providing professional engineering services via Comm. 14E-19 adopted July 17, 2008; and

WHEREAS, the Department of Public Works, Division of Highways, determined that Clough, Harbour & Associates has the appropriate experience in design, construction management, technical services and construction inspection of bridges; and

WHEREAS, in order for the Department of Public Works, Division of Highways, to urgently respond to cited County bridge deficiencies with bridge repairs and construction, Legislature

approval is required to enter into a contract with Clough, Harbour & Associates to perform this work.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute a contract with Clough, Harbour & Associates for an amount not to exceed \$150,000.00 from BA123, Fund 420, SAP Project 2013 Preservation of Bridges and Culverts Design Program in order for Clough, Harbour & Associates to provide professional engineering services for bridges and culverts; and be it further

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

(5-0)

15. COMM. 13E-26 (2013)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works advertised for Request for Qualifications from Architectural/Engineering and Testing Services firms for the Divisions of Highways and Buildings and Grounds; and

WHEREAS, the County Executive is requesting approval to enter into General Architectural/Engineering and Testing Services Agreements with the firms having the necessary expertise, experience and personnel to provide the required services; and

WHEREAS, the General Architectural/Engineering and Testing Services Agreements will be for a period of three years, from the date of this Legislative Resolution and the County Executive has the option for two one year Agreement extensions, for a total maximum Agreement Term of five years.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into General Architectural/Engineering and Testing Services Agreements with each of the following firms for providing Architectural/Engineering and Testing Services for construction projects with the Department of Public Works:

<i>CONSULTANTS</i>
Advanced Architecture & Planning, P.C.
Bergmann Associates
BHNT Architects, P.C.
Buffalo Engineering, P.C.
C&S Engineers, Inc.
C.J. Brown Energy & Engineering, P.C.
Clark Patterson Lee

Clinton Brown Company Architecture, P.C.
Clough Harbour & Associates LLP
Design Synergies Architecture, P.C.
DiDonato Associates, P.E., P.C.
EI Team, Inc.
Erdman Anthony
Foit-Albert Associates
Greenman-Pedersen, Inc.
Hatch Mott MacDonald
KCI Engineering of NY, P.C.
Kideney Architects, P.C.
LaBella Associates
Lauer-Manguso & Associates Architects
LiRo Engineers, Inc.
McMahon & Mann Consulting Engineers, P.C.
Nussbaumer & Clarke, Inc.
Parsons Brinckerhoff
Prudent Engineering
PSI (Professional Service Industries, Inc.)
RAM-TECH Engineers of Buffalo, P.C.
Ravi Engineering & Land Surveying, P.C.
Right of Way Professionals
SJB/Empire Geo Services
Stieglitz Snyder Architecture
Stievater + Associates: Architects
T.Y. Lin International
Trautman Associates
TVGA Consultants
TVGA/KCI
Urban Engineers of New York, P.C.
Watts Architecture & Engineering
Audubon Architecture, Engineering, Surveying & Landscape Architecture, P.C. (Wendel)
Wm. Schutt Associates Engineering and Land
Young + Wright Architectural
Zaxis Architectural, P.C.

and be it further

RESOLVED, that the General Architectural/Engineering and Testing Services Agreements will remain in effect for three years from the approved date of this Legislative Resolution, with the option for two one year extensions of the Agreements for a maximum Term Agreement of five years; 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)

16. COMM. 13E-27 (2013)
COUNTY EXECUTIVE

WHEREAS, the reconstruction/rehabilitation of Stony Road and Pleasant View Drive Project (the "Project") will be advertised, bid, and ready for award of construction contract to the responsible low bidder; and

WHEREAS, the Project design phase was authorized by this honorable body via Comm.9E-9 of May 23, 2013; and

WHEREAS, funding for this project was approved in the 2013 adopted Capital Budget and is available in SAP Fund 420, BA123, Project B.13003 - 2013 Preservation of Roads-Construction in the amount of \$2,050,000.00; and

WHEREAS, due to the Legislative schedule during the summer months it is necessary that this approval be granted, so that the Contract can be awarded to allow the Contractor to begin construction as soon as possible; and

WHEREAS, in order to facilitate the reconstruction/rehabilitation of Stony Road and Pleasant View Drive, it will be necessary for the County to execute the construction contract with the responsible low bidder and establish a construction contingency; and

WHEREAS, a change order must be negotiated with Clark Patterson Lee for additional design services in the amount of \$20,382.00.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to award and execute a contract for reconstruction/rehabilitation of Stony Road and Pleasant View Drive Project Number CAP-CR350-13, between the County of Erie and the lowest responsible bidder, establish a construction contingency and execute a negotiated change order between the County of Erie and project engineers Clark Patterson Lee, in an amount not to exceed \$2,100,000; and be it further

RESOLVED, that the funds for the reconstruction of Stony Road and Pleasant View Drive Project be allocated from SAP Fund 420, BA123, Project B.13003 - 2013 Preservation of Roads-Construction in the not to exceed amount of \$2,050,000.00; and be it further

RESOLVED, that the Department of Public Works will provide the Erie County Legislature, for information only, as to what contractor was the successful lowest responsible bidder for the Reconstruction/Rehabilitation of Stony Road and Pleasant View Drive, Project Number CAP-350-13; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one

copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(5-0)

17. COMM. 13E-28 (2013)
COUNTY EXECUTIVE

WHEREAS, the section of Kenmore Avenue from Main Street to Military Road is jointly owned by the City of Buffalo and County of Erie; and

WHEREAS, Kenmore Avenue is divided at the centerline; wherein the County is responsible for maintaining the northern side, and the City the southern side of the roadway; and

WHEREAS, in the past, each municipality paved their section independently and at different times; and

WHEREAS, the end result was not completely satisfactory since the pavement condition on the northern and southern portions of the roadway oftentimes varied; and

WHEREAS, after a number of meetings between representatives of the County of Erie and the City of Buffalo, both municipalities have determined that a better and more efficient approach to paving Kenmore Avenue is possible; and

WHEREAS, the County and City are proposing to work cooperatively and instead section off portions of the roadway to be paved, wherein each municipality will be responsible for paving both the northern and southern sides of the section in which they are assigned; and

WHEREAS, an Intermunicipal Agreement between the County of Erie and City of Buffalo will be necessary to allow the County and the City to proceed with paving their agreed upon sections of Kenmore Avenue.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized, and is hereby directed, to execute an Intermunicipal Agreement between the County of Erie and the City of Buffalo which shall allow each municipality to perform improvements including paving and/or patching to both the northern and southern sides of Kenmore Avenue for the respective agreed-upon sections of roadway; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this resolution to the County Executive; the County Attorney; the Division of Budget and Management and the Department of Public Works.

(5-0)

18. COMM. 13E-29 (2013)
COUNTY EXECUTIVE

WHEREAS, the reconstruction of Penora Street project will be advertised, bid, and ready for award construction contract to the responsible low bidder; and

WHEREAS, the reconstruction of Penora Street (CR 23) (the “Project”) was authorized by this Honorable Body via Comm.24E-17 of December 16, 2010; and

WHEREAS, funding for this phase of the Project was approved in the 2013 adopted Capital Budget and is available in SAP Fund 420, BA123, Project B.13003 - 2013 Preservation of Roads-Construction for \$2,750,000; and

WHEREAS, due to the Legislative schedule during the summer months of August and September it is necessary that this approval be granted, so the Contract be awarded to allow the Contractor to begin construction as soon as possible; and

WHEREAS, in order to facilitate the reconstruction of Penora Street, Phase II, it will be necessary for the County to execute the construction contract with the responsible low bidder and establish a construction contingency; and

WHEREAS, a change order must be negotiated with Clark Patterson Lee for additional design services in the amount, not to exceed, of \$172,000 and construction inspection and services during construction in the amount, not to exceed of \$135,000.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to award and execute a contract for the reconstruction of Penora Street, Phase II Project Number CAP-23-13, with the lowest responsible bidder, establish a construction contingency and execute a negotiated change order between the County of Erie and project engineers Clark Patterson Lee, in an amount not to exceed \$2,750,000; and be it further

RESOLVED, that the funds for the reconstruction of Penora Street Project be allocated from the SAP Fund 420, BA123, Project B.13003 2013 Preservation of Roads-Construction in an amount, not to exceed, of \$2,750,000; and be it further

RESOLVED, that the Department of Public Works will inform the Erie County Legislature, for information only, as to what contractor was the successful lowest responsible bidder for the reconstruction of Penora Street, Phase II, Project Number CAP-23-13; and be it further

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

(5-0)

19. COMM. 13E-34 (2013)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids for the Buffalo Niagara Convention Center – 2013 – Renovation to Ballroom Carpet project on June 12, 2013; and

WHEREAS, the Erie County Department of Public Works along with BHNT Architects, PC are recommending award of the contracts to the lowest responsible bidders; and

WHEREAS, your Honorable Body has previously authorized the County Executive to enter in a General Architectural/Engineering services agreement with the firm of DiDonato Associates 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 DiDonato Associates for providing design and construction document services for reconstructing the loading dock trench drain.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidders for the BNCC-2013-Renovations to Ballroom Carpet project for an amount not to exceed as follows:

<u>General Construction Work</u>		
Nichter Construction, Inc.	Base Bid:	\$361,000.00
<u>Electrical Construction Work</u>		
O'Connell Electric Company, Inc.	Base Bid:	<u>\$ 95,250.00</u>
Total Award of All Construction Contracts:		\$456,250.00

and be it further

RESOLVED, that the sum of \$75,000.00 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 County Executive is authorized to execute an Agreement Amendment with the firm of DiDonato Associates for providing professional design and services for the reconstruction of the trench drains for an amount not to exceed \$10,000.00 including reimbursables; and be it further

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

A.12002 – 2012 Buffalo Niagara Convention Center Rehabilitation	\$465,710.00
A.13003–2013 Buffalo Niagara Convention Center Rehabilitation	<u>\$ 75,540.00</u>

For an Amount Not To Exceed \$541,250.00

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)

20. COMM. 13E-35 (2013)
COUNTY EXECUTIVE

WHEREAS, on September 11, 2011 this Honorable Body authorized the County Executive to enter into a contract with DV Brown & Associates for providing Mechanical and Electrical Energy Improvements to the mechanical equipment located on the fifth floor of the Rath Building; and

WHEREAS, the replacement of the redundant Rath Building chiller was eliminated from the project scope; and

WHEREAS, the County has purchased a replacement chiller earlier this year through the Division of Purchasing directly from the manufacturer; and

WHEREAS, the Construction Contingency must be increased in order to fund the installation of the chiller via change order to DV Brown & Associates' contract; and

WHEREAS, your Honorable Body has previously authorized the County Executive to enter into a General Architectural/Engineering services agreement with the firm of Buffalo Engineering, PC, 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 Buffalo Engineering, PC for providing design and construction documents services for the Rath Building and Erie County Correctional Facility chiller replacements.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to increase the current construction contingency fund by \$100,000.00 from \$183,000.00 to \$283,000.00; and be it further

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

RESOLVED, that the County Executive is authorized to execute an Agreement Amendment with the firm of Buffalo Engineering, PC for providing professional design and construction services for the Rath Building and Erie County Correctional Facility chiller replacement projects for an amount not to exceed \$43,000.00 including reimbursables; and be it further

RESOLVED, that the Comptroller's office be authorized to make payment for the above from SAP Project Account A.13006-2013-Countywide Mechanical, Electrical and Plumbing Improvement for an amount to exceed \$143,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(5-0)

21. COMM. 13E-36 (2013)
COUNTY EXECUTIVE

WHEREAS, the County desires to continue the construction of a system of interconnected bicycle and pedestrian multi-use trails along Lake Erie to provide linkages between existing bicycle and pedestrian trails, residential neighborhoods, parks and recreation areas including Lake Erie, retail centers and employment centers; and

WHEREAS, the County desires to continue the construction of the Town of Evans Shoreline Trail section of the shoreline trail system through construction of the Evans Town Park to Point Breeze section; and

WHEREAS, the County desires to apply for financial assistance from the New York State Department of Transportation's Transportation Enhancement Program (TEP).

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature authorizes the Department of Environment and Planning to prepare and submit an application for TEP funding in the amount of \$1,350,000; and be it further

RESOLVED, that prior to contract execution the County shall make available local share matching funds to satisfy the requirements of the funding program; and be it further

RESOLVED, that the source of said match shall be funds made available from the approved 2013 Capital Budget and 2013 Consolidated Bond resolution for the Evans Shoreline Trail Beaches Section; and be if further

RESOLVED, that the County Legislature authorizes the County Executive to sign any necessary documents and agreements related to the Transportation Enhancement Program; 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)

22. COMM. 13E-41 (2013)
COUNTY EXECUTIVE

WHEREAS, Erie County and the Erie County Stadium Corporation (ECSC), a wholly-owned subsidiary of the New York State Urban Development Corporation d/b/a Empire State Development, signed a new ten year Master Lease agreement for the operation of the Stadium for the Buffalo Bills which was approved by this Honorable Body; and

WHEREAS, under the terms of the new agreement the County will be responsible to pay a portion of the Working Capital Assistance for maintenance of the Stadium; and

WHEREAS, savings generated through a negotiated decrease in the County payment for Game Day/Operating Reimbursement provides sufficient funds to make payment for the Working Capital Assistance.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the following 2013 budget transfer to make the Working Capital payment as required:

2013 Budget - Fund 110	
Fund Center 14010 - Countywide Accounts Monitored by Budget	
Appropriation	Decrease
520070 Buffalo Bills Maintenance (Game Day)	\$1,290,000
	Increase
520072 - Stadium Working Capital Assistance	\$1,290,000
Net Change	\$0

and be it further

RESOLVED, that copies of this resolution shall be sent to the Office of the County Executive, the Division of Budget and Management, the County Attorney, the Commissioner of Public Works, and the Office of the County Comptroller.

(5-0)

**THOMAS A. LOUGHRAN
CHAIR**

LEGISLATOR RESOLUTIONS

Item 26 – MR. MAZUR presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 175

RE: Public Hearing Regarding Application of Sheridan Park, Inc. to Establish a Crematory (INTRO 14-1)

A RESOLUTION TO BE SUBMITTED BY

LEGISLATORS HARDWICK & MARINELLI

WHEREAS, Sheridan Park, Inc. has applied to this Honorable Body to build and operate a crematory; and

WHEREAS, residents of properties surrounding the current and proposed crematory have expressed support for conducting a hearing in order to offer input on the application; and

WHEREAS, approval of the application by this Honorable body is a condition precedent to construction; and

WHEREAS, this Honorable body will hear public comment prior to voting on the application.

NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing shall be held by this legislature on Monday, September 9, 2013 at 3:00 PM in the Legislative Chambers, 4th floor of Old County Hall, 92 Franklin Street in the City of Buffalo; and be it further

RESOLVED, that the subject of the hearing will be the application of Sheridan Park, Inc. to construct and operate a crematory; and be it further

RESOLVED, that notice of the public hearing be published once a week for six weeks in a newspaper designated to publish the session laws; and be it further

RESOLVED, that copies of this resolution be forwarded to the Erie County Attorney and Sheridan Park, Inc., c/o The Knoer Group PLLC, 424 Main Street, Suite 1820, Buffalo, New York 14224.

MR. MAZUR moved to amend the resolution. MR. HARDWICK seconded.

CARRIED UNANIMOUSLY.

Delete the Second Resolved Clause and Replace with the Following:

RESOLVED, that the subject of the hearing will be the proposal by Sheridan Park, Inc. for the designation of cemetery lands pursuant to New York Not for Profit Corporation Law 1506(c) and specifically to hear public comment concerning the proposed application by Sheridan Park, Inc. to take by lease, devise or otherwise and to construct a crematory on a portion of lands located in the Town of Tonawanda, County of Erie as further identified as 2608 Sheridan Drive and by tax map parcel 67.29-8-30(the "Land"); and be it further

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

CARRIED UNANIMOUSLY.

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

consideration. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 176

RE: Standard Work Day for Appointed
Officials for Retirement Reporting
Purposes
(INTRO 14-2)

**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; and

WHEREAS, in order to be in full compliance with Regulation 315.4, legislative action is warranted.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby establish the following as standard work days for appointed officials and will report the following Standard Work Day to the New York State and Local Employees' Retirement System based on the Erie County Personnel Department's time-keeping system that shows hours worked:

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)
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Erie County Comptroller – Appointed Officials				
Deputy Comptroller	Greg Gach	7	01/01/2013 to 12/31/2013	Y
Deputy Comptroller	Theresa Fraas	7	01/01/2013 to 12/31/2013	Y
Erie County Sheriff – Appointed Official				
Superintendent – Holding Center	Thomas Diina	7	01/01/2010 to 12/31/2013	Y
Erie County Board of Elections – Appointed Official				
Deputy Commissioner of Elections	Robin Sion	7	01/01/2013 to 12/31/2016	Y

Erie County Executive – Appointed Officials				
Commissioner of Senior Services	Randall Hoak	7	01/01/2012 to 12/31/2015	Y
Deputy Commissioner – Division Youth Services - Department of Social Services	Morgan Bryant-Williams	7	01/01/2012 to 12/31/2015	Y

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.

MR. MAZUR moved to amend the resolution. MR. McCRACKEN seconded.

CARRIED UNANIMOUSLY.

Insert the Following to the First Resolved Clause:

Erie County District Attorney – Appointed Officials				
First Assistant District Attorney	Michael Flaherty Jr.	7	01/01/2013 to 12/31/2016	Y
Deputy for Administration	Amy Hughes	7	01/01/2013 to 12/31/2016	Y

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 177

RE: Initiating a "Renew Local/Buy Local"
Public-Private Sector Collaboration
(INTRO 14-3)

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

WHEREAS, Erie County Clerk Chris Jacobs is a strong proponent of optimizing Erie County's retention of state-imposed tax and fee revenues collected by the Erie County Clerk's Office; and

WHEREAS, perhaps the best known fees are those pertaining to motor vehicle title and registration, as well as driver's license application and renewal; and

WHEREAS, the Department of Motor Vehicles (DMV) in Albany seeks to capture 100% of the renewal revenues from counties across the state by directly mailing renewal forms to drivers and the owners of vehicles registered in this state; and

WHEREAS, by taking advantage of the County Clerk's "Just Mail It" program, Erie County residents can conveniently return their renewals to the local Erie County Clerk's Office rather than the DMV in Albany; and

WHEREAS, the dollars generated by these local renewals – totaling 12.7% of the revenue collected – help fund Erie County's non-mandated operations, such as road improvements, sheriff patrols, parks and libraries; and

WHEREAS, every dollar the County Clerk's Office earns through the "Renew Locally" campaign offsets a dollar increase in other tax revenue or a dollar in service cuts; and

WHEREAS, the Buffalo Niagara Partnership has launched an ambitious "Buy Local 2013 Challenge" whereby businesses located in Erie County are encouraged to procure products and services from other Western New York businesses, and to report their transactions to the Partnership; and

WHEREAS, in turn, once the transactions have been reviewed and validated, the companies receive the "Buy Local Challenge" branding rights and a listing on the "Buy Local" webpage of the Partnership; and

WHEREAS, the Partnership's initiative is but one of several undertaken by local Chambers of Commerce and not-for-profit community groups and organizations, such as Buffalo First, to ensure that consumer and business spending in Erie County has the greatest positive impact on our local economy; and

WHEREAS, the Erie County Legislature is keenly interested in supporting both the public sector/private sector “Renew Locally” and “Buy Local” initiatives, and would like to hear from the Erie County Clerk’s Office, the Buffalo Niagara Partnership and other stakeholders on how we can add value to each other’s initiatives; and

WHEREAS, one example would be to increase the distribution of the County Clerk’s “Renew Locally” fliers or envelopes throughout the business community, and to reciprocate by promoting the “Buy Local” initiative in the County Clerk’s Offices throughout the community; and

WHEREAS, the “Renew Locally” envelopes should be available to the management, employees, customers and clients of local businesses wherever practicable; and

WHEREAS, through this collaboration, the County Clerk will be helping local businesses to increase their market exposure beyond the already successful ads on video monitors in the County Clerk’s office waiting areas and pens donated by local businesses.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature fully support the Erie County Clerk’s “Renew Locally” initiative and the various private sector initiatives that are part of the “Buy Local” movement gaining momentum in Buffalo and across our nation; and be it further

RESOLVED, that this Honorable Body encourage a mutually beneficial dialogue between the Erie County Clerk’s Office, the Buffalo Niagara Partnership and other “Buy Local” promoters to put in place some of the aforementioned ideas for collaboration and cross-promotion; and be it further

RESOLVED, that the Government Affairs Committee of the Erie County Legislature would like to serve as a sounding board for the ideas that ensue from this dialogue, as this collaboration could potentially serve as a model for counties and business communities across New York State through the involvement of NYSAC (New York State Association of Counties); and be it further

RESOLVED, that certified copies of this resolution be conveyed to Erie County Clerk Chris Jacobs; Dottie Gallagher-Cohen, President and CEO of the Buffalo Niagara Partnership; County Executive Mark Poloncarz; Deputy County Executive Richard Tobe; Maria Whyte, Commissioner of the Department of Environment & Planning; 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. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 178

RE: Supporting the VOC of WNY as the Lead Agency to Implement the PFC Joseph Dwyer PTSD Peer-to-Peer Veterans Counseling Program in EC (INTRO 14-4)

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

WHEREAS, the New York State Senate has initiated the PFC Joseph Dwyer PTSD Peer-to-Peer Veterans Counseling Program and has appropriated \$2.285 million in the New York State 2013-2014 Budget to support this program in seven (7) additional counties statewide; and

WHEREAS, Erie County is one of the counties earmarked to receive funding in this second phase expansion of the program from its pilot year of 2012-2013 in four (4) counties -- Jefferson, Rensselaer, Saratoga and Suffolk; and

WHEREAS, the first four counties in the statewide pilot program each received \$200,000 to leverage peer-to-peer therapeutic models that allow veterans to share their experiences with others who have endured the same physical and mental traumas – including PTSD (Post Traumatic Stress Disorder) and TBI (Traumatic Brain Injury) – and who speak the same military language; and

WHEREAS, the incidence of PTSD and TBI among veterans of Operation Enduring Freedom (OEF) and Operation Iraqi Freedom (OIF) is estimated to be 20%, it is estimated to be 10% among Gulf War (Desert Storm) veterans and 20% among Vietnam veterans; and

WHEREAS, the PFC Joseph Dwyer PTSD Peer-to-Peer Veterans Counseling Program is named for an OIF veteran who succumbed to PTSD and addiction in 2008; and

WHEREAS, PFC Dwyer, an Army medic, was immortalized in a photograph showing him carrying a wounded Iraqi boy; and, the New York Times devoted an editorial to the loss of this young man, stating "...part of him was also stuck forever on a road in Iraq, helpless and terrified, with nobody to carry him to safety;" and

WHEREAS, the epidemic of military suicides has become so rampant that, for the first time in ten years, death by suicide of active duty soldiers has superseded the number of soldiers killed in combat, according to the Military Suicide Report; and

WHEREAS, the success of the PFC Joseph Dwyer Peer-to-Peer Veterans Counseling Program in the first four counties bodes well for its success in the seven (7) additional counties also designated to receive this funding in 2013-14, for a total of 11 recipient counties across the state; and

WHEREAS, in addition to Erie County, the counties of Nassau, Onondaga, Orange, Putnam, Westchester and Rockland are slated to receive this needed funding; and

WHEREAS, Erie County is privileged to be in the second round of counties funded to carry forward this new initiative; and Erie County is the only county in Western New York to be selected as a recipient of this funding; and

WHEREAS, The Veterans One-stop Center of Western New York, Inc. (VOC of WNY) is in the strongest position among all prospective veterans service, mental health and human service agencies to implement this new initiative; and

WHEREAS, the reason the VOC of WNY is uniquely positioned to implement the PFC Joseph Dwyer Peer-to-Peer Counseling Program is the vast majority of behavioral health and veterans service agencies already have collaborative and co-location agreements with the VOC of WNY.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports the mission of the New York State Senate's Initiative to Fund the PFC Joseph Dwyer PTSD Peer-to-Peer Veterans Counseling Program throughout the state; and be it further

RESOLVED, that this Honorable Body endorse the Veterans One-stop Center of Western New York, Inc. (VOC of WNY) as the lead agency to implement this new behavioral health initiative in Erie County through existing partnerships with the Mental Health Association, Compeer and the Buffalo Veterans Mentor Group and other experienced agencies and organizations; and be it further

RESOLVED, that certified copies of this resolution be conveyed to NYS Senators Patrick Gallivan, Mark Grisanti and Michael Ranzenhofer; County Executive Mark Poloncarz; Erie County Office of Veterans Services; Joseph McMahan, County Executive's Office; Ellery Reaves, Commissioner of the Erie County Department of Mental Health; Peter Curtis and Eric Weigel, Department of Mental Health; Roger Woodworth, President & CEO, Veterans One-stop of WNY; Judge Robert Russell and Jack O'Connor, Veterans Treatment Court; Michelle Brown of Compeer; Kenneth Houseknecht, Executive Director of the Mental Health Association, and all others deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 30 – MR. MAZUR moved to discharge the PUBLIC SAFETY COMMITTEE of further consideration of COMM. 13E-31 (2013). MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 179

RE: CPS - Justice Assistance 2013 Grant
(COMM. 13E-31, 2013)

WHEREAS, the City of Buffalo has been awarded funding under the Justice Assistance Grant program through the U.S. Department of Justice; and

WHEREAS, the Buffalo Police Department seeks the assistance of Central Police Services to provide law enforcement software enhancements for its projects.

NOW, THEREFORE, BE IT

RESOLVED, that the authorization is hereby provided for the County Executive to accept grant funding from the City of Buffalo in the amount of \$10,313; and be it further

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

Grant Fund – SAP #165CPSJAG1216
Central Police Services
10/1/12 – 9/30/16

<u>Revenue</u>	<u>Increase</u>
414000 Federal Aid	\$10,313
<u>Appropriation</u>	<u>Increase</u>
516020 Professional Services Contracts	\$10,313
Net Amount	\$0

and be it further

RESOLVED, that the authorization is hereby provided to contract with Globalquest Solutions, Inc., a local WBE/New York State contract vendor, in the amount of \$10,313 to provide the professional technical staff for these projects; and be it further

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

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

CARRIED UNANIMOUSLY.

Item 31 – MR. MAZUR moved to discharge the PUBLIC SAFETY COMMITTEE of further consideration of COMM. 13E-33 (2013). MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 180

RE: Acceptance of FY 2012 Critical
Infrastructure Grant
(COMM. 13E-33, 2013)

WHEREAS, the Department of Homeland Security through the NYS Department of Homeland Security and Emergency Services has agreed to provide funding in the amount of \$39,890.00 in federal assistance to continue the implementation of hardening critical infrastructure within the Erie County preparing for emergency and disaster situations; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contact and accept \$39,890.00 in federal resources to provide the purchase of necessary equipment to harden critical infrastructure facilities within Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with the NYS Department of Homeland Security to receive \$39,890.00 in grant funding for the Department of Emergency Services; and be it further

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

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

Erie County Department of Emergency Services
FY 2012 Critical Infrastructure Grant Program

Revenue	Increase
Account 414000 Federal Aid	\$39,890.00
Appropriations	Increase
Account 561410 Equipment (Lab & Tech)	<u>\$39,890.00</u>
Total Appropriations	\$39,890.00

and be it further

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

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

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

CARRIED UNANIMOUSLY.

Item 32 – MR. MAZUR moved to discharge the PUBLIC SAFETY COMMITTEE of further consideration of COMM. 13E-40 (2013). MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 181

RE: Probation - Personal Services
Adjustment
(COMM. 13E-40, 2013)

WHEREAS, the Erie County Probation Department is implementing the new NYS Probation Supervision Rule, 9 NYCRR Part 351 which establishes additional reporting and supervision requirements for probationers; and

WHEREAS, the Erie County Probation Department in cooperation with the New York State 8th Judicial Court received a three year Juvenile Grant known as the Assertive, Adolescent, and Family Treatment Program (AAFT) which expires September 29, 2013; and

WHEREAS, the AAFT grant funded the sole juvenile Probation Assistant position which is critical to the operation of Probation Department's juvenile division and an integral part the Department's planned compliance with NYS Probation Supervision Rule, 9 NYCRR Part 351; and

WHEREAS, the Probation Department has unanticipated state aid revenue from the Ignition Interlock Device program available to fund the Probation Assistant position for the balance of 2013.

NOW, THEREFORE, BE IT

RESOLVED, that the Probation Assistant, (JG 7) #51009076 is transferred from the AAFT grant Fund 281 Cost Center 1261030 to Fund 110 Cost Center 1261030 (B100 #7337) within the Department of Probation, effective September 30, 2013; and be it further

RESOLVED, that the following budget adjustment is hereby authorized in order to accommodate the position transfer:

2013 Budget - Fund 110	
Probation - Fund Center 1261030	
Appropriation	Increase

500000 - Full Time Salary	10,598
502000 - Fringe Benefits	5,158
Total Expense	15,756
Revenue	Increase
409020 Misc State Aid	15,756
Net Change	0

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the County Comptroller, the County Attorney, Erie County Personnel and the Probation Department.

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

CARRIED UNANIMOUSLY.

Item 33 – MR. MAZUR moved to discharge the COMMUNITY ENRICHMENT COMMITTEE of further consideration of COMM. 13E-39 (2013). MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 182

RE: ECC Science, Technology, Engineering
& Math Building
(COMM. 13E-39, 2013)

WHEREAS, ECC and the County have been in discussions concerning a \$30 million Building Project for the construction of a new academic building, with the County and ECC each contributing \$7.5 million and the State University of New York (SUNY) contributing \$15 million; and

WHEREAS, on May 10, 2012, this Honorable Body approved Comm. 8E-21, assigning \$7.5 million of fund balance for the ECC Building Project, the Legislature subsequently reaffirmed the designation of \$7.4 million of fund balance for the project via Comm. 8E-14 on May 23, 2013; and

WHEREAS, in order to determine the program needs for a new academic building, a study was completed on May 24, 2013 recommending that a new Science, Technology, Engineering, and Math (STEM) Building be constructed for ECC; and

WHEREAS, the approximate \$200,000 cost of said Study was jointly funded by ECC and Erie County and is viewed as a pre-construction cost of the STEM Building Project; and

WHEREAS, Erie County intends to submit a reimbursement request for the aforementioned study to SUNY for fifty percent of the study cost; and

WHEREAS, the County share of the Study was through a \$100,000 appropriation from the \$7.5 million assigned fund balance; and

WHEREAS, the ECC Board of Trustees approved a non-binding Memorandum of Understanding (MOU) with Erie County on June 27, 2013 outlining the roles and responsibilities of ECC and Erie County, a design and construction calendar, and other items pertinent to the project; and

WHEREAS, a resolution has been submitted to the Legislature authorizing the County Executive to execute the MOU and is awaiting final action; and

WHEREAS, the Department of Environment and Planning is requesting authorization to appropriate the remaining \$7.4 million of assigned fund balance for the design and construction of the ECC STEM Building Project; and

WHEREAS, ECC will contribute \$7.4 million of its own funds for its remaining share of the building cost; and

WHEREAS, the State University of New York (SUNY) will contribute \$15 million toward the project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to appropriate the remaining \$7.4 million from the \$7.5 million of assigned fund balance in order to design and construct a new STEM Building for ECC, said funds to be appropriated as follows in a new capital account managed by the Department of Environment and Planning:

Fund 410 – Department of Environment and Planning	
Revenue	Increase
402190 Appropriated Fund Balance	\$7,400,000
Expense	
570050 Interfund Capital	\$7,400,000
Net – Revenue less Expense	0

and be it further

RESOLVED, that authorization is hereby provided to accept funding in an amount not to exceed \$7.4 million from Erie Community College and \$15.0 million from the State University of New York and to establish a capital budget as follows:

Fund 410 – ECC STEM Building North Campus

deletion of one vacant Senior Case Manager position (#51001736) and the transfer of a second Senior Case Manager Position (#8171), effective April 1st, 2013, to the Areawide Agency on Aging grant (163III-B2013); and

WHEREAS, NY State funding for the Community Services for the Elderly grant (163CSE1314) has been reduced by \$64,531, which the Department plans to offset with the transfer of the Research Analyst position (#51009768), effective July 1st, 2013, to the Areawide Agency on Aging grant (163III-B2013); and

WHEREAS, Sequestration cuts have reduced Nutrition Services Incentive Program grant (163NSIP1213) federal funding by \$34,589, thereby reducing, by 6,255, the number of congregate meals the grant can pay for, which the Department plans to address with additional meals to be purchased using Congregate Dining Program grant (163III-C12013) funds; and

WHEREAS, 2013 congregate meals served by Meals on Wheels of Western NY (MOW) are currently projected to total 275,000, 7,863 more than current funds allow, thereby increasing congregate food costs \$43,483 more than currently budgeted; and

WHEREAS, the Department plans on paying for the additional congregate meals with savings in the Congregate Dining Program grant (163IIIC-11213) from the elimination of the Project Director Nutrition position (#7565) effective July 27th, 2013, and vacancy savings from Dietician Consultant position (#51008358) for the period January 1st to July 26th, 2013; and

WHEREAS, the elimination of two vacant positions in the Areawide Agency on Aging grant (163III-B2013), a Supervisor of Program Development & Evaluation (#10191) and an Accountant (#105) would allow for the transfer, into 163III-B2013, of the EISEP Senior Case Manager Position (#8171), effective April 1st, 2013, the CSE Research Analyst position (#51009768) effective July 1st, 2013, and the reinstatement of the Long Term Care Coordinator position; and

WHEREAS the position of Long Term Care Coordinator is a civil service position that existed in the department prior to April 1, 2012 when it was eliminated because of funding issues at that time, and for which a valid civil service exam list currently exists, thereby allowing the position to be quickly filled and assume responsibility for preparing for national health care changes that have the potential to fundamentally alter our operations while opening the possibility of new funding sources for the department; and

WHEREAS, the 163EISEP1314, 163CSE1314, 163NSIP1213, 163III-C12013 and 163III-B2013 grant budgets are in need of revision.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and hereby is authorized to delete, effective July 27th, 2013 the vacant Senior Case Manager position (#51001736) in the 163EISEP1314 grant, the Project Director Nutrition position (#7565) in the 163III-C12013 grant, the vacant Supervisor of Program Development & Evaluation (#10191) and vacant Accountant (#105) positions in the 163III-B2013 grant (B-100#); and be it further

RESOLVED, that effective April 1st, 2013, the EISEP Senior Case Manager position (#8171), be transferred to the Areawide Agency on Aging grant (163III-B2013); and be it further

RESOLVED, that effective July 1st, 2013, the CSE Research Analyst position (#51009768) be transferred to the Areawide Agency on Aging grant (163III-B2013); and be it further

RESOLVED, that effective July 27th, 2013, a Long Term Care Coordinator position be created in the Areawide Agency on Aging grant (163III-B2013) (B-100#); and be it further

RESOLVED, that the budget for the 163EISEP1314 grant, be revised as follows:

REVENUES

Account	Description			
409000	State Aid Revenues	\$2,725,615	<u>-\$151,258</u>	2,574,357
	TOTAL CHANGE		-\$151,258	

APPROPRIATIONS

Account	Description			
500000	Full Time Salaries	\$571,104	-\$89,217	481,887
502000	Fringe Benefits	382,649	-59,777	322,872
516030	Maintenance Contracts	25,000	<u>-2,264</u>	22,736
	TOTAL CHANGE		-\$151,258	

CURRENT BUDGET CHANGES AMENDED BUDGET

and be it further

RESOLVED, that the budget for the 163CSE1314 grant, be revised as follows:

REVENUES

Account	Description			
409000	State Aid Revenues	\$1,100,084	<u>-\$64,531</u>	1,035,553
	TOTAL CHANGE		-\$64,531	

CURRENT BUDGET CHANGES AMENDED BUDGET

APPROPRIATIONS

Account	Description			
500000	Full Time Salaries	\$258,744	-\$40,300	218,444
502000	Fringe Benefits	179,490	-27,001	152,489
516030	Maintenance Contracts	19,100	<u>2,770</u>	21,870
	TOTAL CHANGE		-\$64,531	

and be it further

RESOLVED, that the budget for the 163NSIP1213 grant, be revised as follows:

REVENUES

Account	Description			
414000	Federal Aid	\$755,746	<u>-\$34,589</u>	721,157
	TOTAL CHANGE		-\$34,589	

APPROPRIATIONS

Account	Description			
517697	Meals on Wheels for Western NY	\$755,746	<u>-\$34,589</u>	721,157
	TOTAL CHANGE		-\$34,589	

and be it further

RESOLVED, that the budget for the 163IIIC-12013 grant, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
APPROPRIATIONS				
Account	Description			
500000	Full Time Salaries	\$555,352	-\$53,357	501,995
502000	Fringe Benefits	356,974	-27,674	329,300
517697	Meals on Wheels for Western NY	1,174,794	<u>81,031</u>	1,255,825
	TOTAL CHANGE		\$0	

and be it further

RESOLVED, that the budget for the 163III-B2013 grant, be revised as follows:

CURRENT	AMENDED
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APPROPRIATIONS		BUDGET	CHANGES	BUDGET
Account	Description			
500000	Full Time Salaries	\$679,995	\$5,431	674,564
502000	Fringe Benefits	467,838	1,869	465,969
516020	Professional Services Contracts & Fees	134,821	<u>-7,300</u>	127,521
	TOTAL CHANGE		\$0	

and be it further

RESOLVED, that the County Executive is hereby authorized to contract at a revised amount with Meals on Wheels for WNY; and be it further

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

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

CARRIED UNANIMOUSLY.

Delete the First Resolve Clause and Replace with the Following:

RESOLVED, that the County Executive be and hereby is authorized to delete, effective July 27th, 2013 the vacant Senior Case Manager position (#51001736) in the 163EISEP1314 grant, the Project Director Nutrition position (#7565) in the 163III-C12013 grant, the vacant Supervisor of Program Development & Evaluation (#10191) and vacant Accountant (#105) positions in the 163III-B2013 grant (B-100#7342); and be it further

Delete the Fourth Resolve Clause and Replace with the Following:

RESOLVED, that effective July 27th, 2013, a Long Term Care Coordinator position be created in the Areawide Agency on Aging grant (163III-B2013) (B-100#7341); and be it further

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

CARRIED UNANIMOUSLY.

Item 35 – MR. MAZUR moved to discharge the GOVERNMENT AFFAIRS COMMITTEE of further consideration of COMM. 13E-19 (2013). MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 184

RE: Extension of Training Services Contract
(COMM. 13E-19, 2013)

WHEREAS, Erie County is required to provide certain legally mandated training to county employees; and

WHEREAS, this training includes employee workplace violence training, harassment training and safety training; and

WHEREAS, following a request for proposal process, on June 30, 2011, the County Legislature approved Comm. 13E-16, authorizing the county administration to retain SkillSoft to provide online training for employees; and

WHEREAS, on July 12, 2012, the County Legislature approved Comm. 13E-8, authorizing a contract extension with SkillSoft to provide online training for employees for an additional one year term; and

WHEREAS, the Department of Personnel has determined that SkillSoft is the most appropriate firm to continue to provide content for on-line training; and

WHEREAS, SkillSoft has provided this service and content over the past two years and it is the County's wish to continue using SkillSoft for an additional one year term.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into a one-year contract extension with SkillSoft for the provision of on-line content for employee training in an amount not to exceed \$16,000; and be it further

RESOLVED, that funds necessary for the execution of the contract be made available from Fund Center 16110 Personnel, Account 516020 Professional Services Contracts & Fees; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Commissioner of Personnel, the County Comptroller, the County Attorney, the Director of Budget & Management and the County Executive's Office.

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

CARRIED UNANIMOUSLY.

Item 36 – MR. MAZUR moved to discharge the GOVERNMENT AFFAIRS COMMITTEE of further consideration of COMM. 13E-37 (2013). MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 185

RE: EC Purchasing Policies & Procedures
(COMM. 13E-37, 2013)

WHEREAS, Erie County has not revised its Purchasing Policies and Procedures in several years, and it needs to be updated in order to reflect the current needs of the County; and

WHEREAS, a reduction in staff and resources for the Division of Purchasing has compelled the Division to identify ways to increase efficiency while still performing its Charter-mandated responsibilities; and

WHEREAS, the Purchasing Division has prepared an update its Purchasing Policies and Procedures which will improve the division efficiency while protecting taxpayer dollars; and

WHEREAS, New York State and most other public entities in the area currently have a \$20,000 formal bidding threshold, with Erie County's being \$10,000; and

WHEREAS, the low threshold results in a more cumbersome procurement process, requiring additional staff time and resources for routine purchases; and

WHEREAS, the most substantial update to the Purchasing Policies and Procedures is an increase to the formal bidding dollar threshold to \$20,000; and

WHEREAS, these changes require legislative approval.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature hereby approves the updated Purchasing Policies and Procedures as attached to this resolution; and

RESOLVED, that certified copies of this resolution be sent to the County Executive, County Comptroller, Department of Law and Division of Purchasing.

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

CARRIED UNANIMOUSLY.

Item 37 – MR. MAZUR moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 13E-20 (2013). MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 186

RE: Levy of the 2013-2014 School Tax
Budgets
(COMM. 13E-20, 2013)

WHEREAS, the several non-city school districts lying within the County of Erie have adopted their school budgets for the current school year, determined the amount thereof to be raised by real property tax and fixed their school tax rates, said budgets, amounts and rates having been certified to and filed with the Real Property Tax Services Department of Erie County; and

WHEREAS, the Director for said Real Property Tax Services Department will spread and extend said school tax amounts, at the school tax rates certified to him, against the taxable real property appearing on the respective school assessment rolls.

NOW, THEREFORE, BE IT

RESOLVED, that there is hereby levied and assessed upon the taxable real property appearing on the school assessment rolls for the respective school districts the amounts to be raised by school taxes, as spread and extended by the Director of the Real Property Tax Services Department, which amounts shall be collected from the persons and corporations liable therefore in accordance with and pursuant to the provisions of the statutes in such cases made and provided; and be it further

RESOLVED, that the Chairman and the Clerk of the Legislature are hereby directed to execute in the name and under the seal of the County of Erie, and to annex to the respective school district tax rolls as they are compiled by the Director of the Real Property Tax Services Department, a good and sufficient warrant, addressed to the proper tax collecting officials, commanding them to collect such school district taxes in accordance with applicable law; and be it further

RESOLVED, that the Director of the Real Property Tax Services Department is hereby directed to deliver such school district tax rolls and warrants to such tax collecting officials to be acted upon in accordance with applicable law; and be it further

RESOLVED, that each and every act of the Director for the Real Property Tax Services Department in connection with the foregoing is hereby ratified and confirmed; and be it further

RESOLVED, The Clerk of the Legislature is hereby directed to cause such non-city school district budgets, tax rates and resolutions to be printed in the journal of the proceedings of the Legislature; and be it further

RESOLVED that certified copies of this resolution be forwarded to the County Executive, County Attorney, County Comptroller, Director of Budget and Management, and Director of Real Property Tax Services.

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

CARRIED UNANIMOUSLY.

Item 38 – MR. MAZUR moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of COMM. 13E-32 (2013). MR. McCRACKEN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 187

RE: ECWA Lease Agreements
(COMM. 13E-32, 2013)

WHEREAS, the Department of Homeland Security through the NYS Department of Homeland Security and Emergency Services has agreed to provide funding to continue the

implementation of programs to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into a contract for five years with the Erie County Water Authority for space on their towers in the amount of \$1.00 per year per tower; and

WHEREAS, this contract will auto renew every five years for a total of up to 20 years or may be terminated sooner by either party as per the conditions of the lease agreement; and

WHEREAS, the contract will be managed by the Erie County Department of Emergency Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into a contract beginning July 1, 2013 with the Erie County Water Authority for the purposes of providing tower space for 400 Mhz interoperable communications system in the amount of \$1.00 per year per tower; and be it further

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

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

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

GRANTED.

COMM. 14E-12 from LEGISLATOR MARINELLI Re: Letter Concerning Construction Timetable of New ECC Academic Building

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

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

GRANTED.

COMM. 14E-13 from LEGISLATOR MARINELLI Re: Materials from EC Audit Committee Meeting

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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

GRANTED.

COMM. 14M-10 from the CHAIR & VICE CHAIR, COMMUNITY CORRECTIONS ADVISORY BOARD Re: Copy of Letter to Superintendant of Jail Management Concerning Information Request

Received and referred to the PUBLIC SAFETY COMMITTEE.

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

GRANTED.

COMM. 14E-14 from the COUNTY EXECUTIVE Re: Emergency Services - Crown Castle Tower Lease Agreement

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 188

WHEREAS, the Department of Homeland Security through the NYS Department of Homeland Security and Emergency Services has agreed to provide funding to continue the implementation of programs to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into a contract for five years with Crown Castle International for space on their South Wales tower in the amount of \$2,000.00 per month; and

WHEREAS, this contract will auto renew every five years for a total of up to 20 years or may be terminated sooner by either party as per the conditions of the lease agreement; and

WHEREAS, the contract will be managed by the Erie County Department of Emergency Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into a contract beginning July 1, 2013 with Crown Castle International for the purposes of

providing tower space for 400 Mhz interoperable communications system in the amount of \$2,000.00 per month; and be it further

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

Item 43 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 14E-15 from the COUNTY EXECUTIVE Re: Emergency Services - USA Mobility Maintenance Agreement

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 189

WHEREAS, the Department of Homeland Security through the NYS Department of Homeland Security and Emergency Services has agreed to provide funding to continue the implementation of programs to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into a contract with USA Mobility to provide maintenance on the alpha numeric paging system in the amount of \$119,705; and

WHEREAS, the contract will be managed by the Erie County Department of Emergency Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into a contract beginning January 1, 2014 until December 31, 2014 with USA Mobility for the purposes of providing maintenance on the equipment of the alpha numeric paging system in the amount of \$119,705.00 per year; and be it further

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

Item 44 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 14E-16 from LEGISLATOR MILLS Re: Letter to County Executive Concerning Minority Caucus Appointment Recommendation to the Commission on the Status of Women

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 45 – (COMM. 14E-1) EC 2012 Comprehensive Annual Financial Report

Item 46 – (COMM. 14E-2) Supplement to the EC 2012 Comprehensive Annual Financial Report

Item 47 – (COMM. 14E-3) Mid-Year Review of the 2013 Budget

Item 48 – (COMM. 14E-4) EC's Federal Financial Assistance Audit Report for the Year Ended 12/31/2012

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

Item 49 – (COMM. 14E-5) Request to Utilize Capital Chargeback Account for College-Wide Security Project

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 50 – MR. MAZUR presented the following resolution and moved for immediate consideration. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 190

RE: Supplemental Agreement with
NYSDOT - Bridge Painting Project
Construction Award - Various Towns
(COMM. 14E-6)

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 appropriated via Comm. 17E-9 of 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 Legislature of the County of Erie via Comm.17E-9 of October 25, 2013 approved the above subject project's Design phase; 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 \$77,000.00.

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 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.

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

CARRIED UNANIMOUSLY.

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

WHEREAS, the Bridge Painting Project PIN 5760.27 has been advertised, bid, and is ready for award of construction contract to Marine Steel Painting Corp., the responsible low bidder; and

WHEREAS, the Bridge Painting Project PIN 5760.27 will improve the condition of County bridges; and

WHEREAS, funding for this project was approved and is available in Fund 420, BA123, B.21011 - 2010 Bridge Painting in the amount of \$385,000.00; and

WHEREAS, in order to facilitate the Bridge Painting Project it will be necessary for the County to execute the construction contract with Marine Steel Painting Corp., the responsible low bidder and establish a construction contingency; and

WHEREAS, it will be necessary for the County to execute the contract with project design engineers LiRo Engineers, of Buffalo, New York, for construction inspection and services during construction.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to award and execute a contract for the Bridge Painting Project PIN 5760.27 between the County of Erie and Marine Steel Painting Corp., the lowest responsible bidder, in the amount of \$223,835.50; and be it further

RESOLVED, the establishment of a construction contingency in the amount of \$87,164.50; and be it further

RESOLVED, that the County Executive be authorized and is hereby directed to execute a negotiated contract between the County of Erie and project engineers LiRo Engineers of Buffalo, New York in the amount of \$74,000.00; and be it further

RESOLVED, that funding for the Bridge Painting Project be allocated from Fund 420, BA123, B.21011 – Bridge Painting in an amount not to exceed \$385,000.00; and be it further

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

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

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 191

RE: Right-of-Way Acquisition - Harris Hill Road Intersections at Wehrle Drive and Pleasant View Drive - Towns of Clarence and Lancaster (COMM. 14E-7)

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, in order to facilitate the reconstruction of the intersections, it will be necessary for the County to acquire a parcel by fee portions of real property in the vicinity of the intersections;

PORTIONS OF TAX MAP SBL NUMBERS

TOWNSHIP

SBL 82.03-2-38.2

Lancaster

such property to be acquired by the County is herein referred to as the "Subject Property"; and

WHEREAS, in order to acquire the fee parcel for the Project, it will be necessary for the County to establish an amount which it believes to represent just compensation for the real property interest to be acquired and to thereafter make a written offer to purchase the real property interest for the respective just compensation amount; and

WHEREAS, the acquisition of the portion of the Subject Property is de minimis in nature so that the public interest will not be prejudiced by the reconstructed road and other general improvements to the subject section of Wehrle Drive (CR275); and

WHEREAS, 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 exceeding fair market value, it will be necessary for the County to acquire the Subject Properties by commencing eminent domain proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject actions, contingent upon execution of Supplemental Agreement #4 with the New York State Department of Transportation; and be it further

RESOLVED, that the sum of no more than \$33,500.00 from Fund 420, Business Area 123, SAP B.00197 - 2007 Harris Hill Right of Way funds shall be made available to cover all costs of the ROW acquisition, contingent upon the execution of Supplemental Agreement #4 with the New York State Department of Transportation; and be it further

RESOLVED, that the County of Erie is authorized to acquire fee title to the aforementioned Subject Property for the purpose of reconstructing and improving the aforementioned Harris Hill Road Intersections at Wehrle Drive and Pleasant View Drive contingent upon the execution of Supplemental Agreement #4 with the New York State Department of Transportation; 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 to be acquired contingent upon the execution of Supplemental Agreement #4 with the New York State Department of Transportation; 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 owners of the Subject Property for the purpose of acquiring the necessary real property interest in a portion of the respective parcel of real property by fee, permanent easement or temporary easement, which acquisitions are necessary for the Harris Hill Road Intersections at Wehrle Drive and Pleasant View Drive Improvement Project contingent upon the execution of Supplemental Agreement #4 with the New York State Department of Transportation; 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 portions of the aforementioned Subject Property contingent upon the execution of Supplemental Agreement #4 with the New York State Department of Transportation; and be it further

RESOLVED, that based upon the factors previously set forth herein, it is the determination of this County Legislature that such acquisition of a portion of the aforementioned Subject Property is de minimis in nature; and be it further

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring fee interest in the Subject Property contingent upon the execution of Supplemental Agreement #4 with the New York State Department of Transportation; and be it further

RESOLVED, should one or more owners of the Subject Property 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 contingent upon the execution of Supplemental Agreement #4 with the New York State Department of Transportation; 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, 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.

Item 52 – MR. MAZUR presented the following resolution and moved for immediate consideration. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 192

RE: ECSD No. 8 - Reed-Hill Subdivision
(COMM. 14E-8)

RESOLUTION NO. 192-2013

RESOLUTION DATED JULY 18, 2013

RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING A PUBLIC HEARING ON THE PROPOSED EXTENSION OF ERIE COUNTY SEWER DISTRICT NO. 8.

(Introduced) July 18, 2013
(Adopted) July 18, 2013

WHEREAS, on October 9, 2012, based upon a petition from the Town of Aurora and discussions with the New York State Department of Environmental Conservation, the Erie County Sewer Agency did cause a report entitled *Erie County Sewer Agency Report for Erie County Sewer District No. 8 – Sewer District Extension – Reed Hill Heights Subdivision – Town of Aurora* (the “Report”) to be prepared which Report recommends an extension to the Erie County Sewer District No. 8 (the “Reed Hill Extension”) and declares that the Report serve as the “maps and plans” required by § 253 of the County Law of the State of New York; and

WHEREAS, on October 9, 2012, the Board of Managers of Erie County Sewer District No. 8 did accept and adopt the Report and did recommend that the Report be submitted to the County Legislature of the County of Erie, New York for consideration and action; and

WHEREAS, the boundaries for the Reed Hill Extension are as set forth in Exhibit A attached hereto; and

WHEREAS, the Reed Hill Extension would provide a sanitary sewer system to a subdivision of approximately thirty-three (33) single family home lots (the “Reed Hill Heights Subdivision”) and will consist of approximately 2,725 lineal feet of 8-inch diameter gravity pipe, 11 manholes, a duplex pumping station and 1,820 lineal feet of 6-inch diameter force main (collectively, the “Improvements”); and

WHEREAS, the Improvements have been constructed by the developer of the Reed Hill Heights Subdivision (the “Developer”), which Developer will bear the initial construction costs of the Improvements; and

WHEREAS, users within the Reed Hill Extension will be charged hook-up fees; and

WHEREAS, the estimated annual cost to the typical property/typical one- or two-family home would not change as a result of the Reed Hill Extension; and

WHEREAS, the annual charges to the ratepayers of the Reed Hill Extension would be at the same rate structure as any current ratepayer; and

WHEREAS, prior to the publication of the notice of public hearing, the Report (containing a detailed explanation of how the estimated cost of hook-up fees, if any, to, and the cost of the extension to, the typical property owner/typical one- or two-family home was computed) will be filed in the Office of the County Clerk of Erie County;

NOW THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. The County Legislature of County of Erie, New York shall meet at the Erie County Hall, 92 Franklin Street, 4th floor in Buffalo, New York, on the 7th day of August, 2013 at 1:30 o’clock p.m., for the purpose of conducting a Public Hearing on the proposed Reed Hill

Extension and the Improvements specified above, at which time and place all persons interested in the subject thereof may be heard concerning same.

Section 2. The Clerk of the Erie County Legislature is hereby directed to publish at least once the attached Notice of Public Hearing, in full, in the Front Page Newspaper and the Amherst Bee Newspaper, the official newspapers of the County and the East Aurora Bee for such publication, said publication to be not less than ten nor more than twenty days before the date of such public hearing.

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

CARRIED UNANIMOUSLY.

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

RESOLUTION NO. 192-2013

RESOLUTION DATED JULY 18, 2013

RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING A PUBLIC HEARING ON THE PROPOSED EXTENSION OF ERIE COUNTY SEWER DISTRICT NO. 8.

(Introduced) July 18, 2013

(Adopted) July 18, 2013

WHEREAS, on October 9, 2012, based upon a petition from the Town of Aurora and discussions with the New York State Department of Environmental Conservation, the Erie County Sewer Agency did cause a report entitled *Erie County Sewer Agency Report for Erie County Sewer District No. 8 – Sewer District Extension – Reed Hill Heights Subdivision – Town of Aurora* (the “Report”) to be prepared which Report recommends an extension to the Erie County Sewer District No. 8 (the “Reed Hill Extension”) and declares that the Report serve as the “maps and plans” required by § 253 of the County Law of the State of New York; and

WHEREAS, on October 9, 2012, the Board of Managers of Erie County Sewer District No. 8 did accept and adopt the Report and did recommend that the Report be submitted to the County Legislature of the County of Erie, New York for consideration and action; and

WHEREAS, the boundaries for the Reed Hill Extension are as set forth in Exhibit A attached hereto; and

WHEREAS, the Reed Hill Extension would provide a sanitary sewer system to a subdivision of approximately thirty-three (33) single family home lots (the “Reed Hill Heights Subdivision”) and will consist of approximately 2,725 lineal feet of 8-inch diameter gravity pipe, 11 manholes, a duplex pumping station and 1,820 lineal feet of 6-inch diameter force main (collectively, the “Improvements”); and

WHEREAS, the Improvements have been constructed by the developer of the Reed Hill Heights Subdivision (the “Developer”), which Developer will bear the initial construction costs of the Improvements; and

WHEREAS, users within the Reed Hill Extension will be charged hook-up fees; and

WHEREAS, the estimated annual cost to the typical property/typical one- or two-family home would not change as a result of the Reed Hill Extension; and

WHEREAS, the annual charges to the ratepayers of the Reed Hill Extension would be at the same rate structure as any current ratepayer; and

WHEREAS, prior to the publication of the notice of public hearing, the Report (containing a detailed explanation of how the estimated cost of hook-up fees, if any, to, and the cost of the extension to, the typical property owner/typical one- or two-family home was computed) will be filed in the Office of the County Clerk of Erie County;

NOW THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. The County Legislature of County of Erie, New York shall meet at the Erie County Hall, 92 Franklin Street, 4th floor in Buffalo, New York, on the 7th day of August, 2013 at 1:30 o'clock p.m., for the purpose of conducting a Public Hearing on the proposed Reed Hill Extension and the Improvements specified above, at which time and place all persons interested in the subject thereof may be heard concerning same.

Section 2. The Clerk of the Erie County Legislature is hereby directed to publish at least once the attached Notice of Public Hearing, in full, in the Buffalo Challenger Newspaper and the Amherst Bee Newspaper, the official newspapers of the County and the East Aurora Bee for such publication, said publication to be not less than ten nor more than twenty days before the date of such public hearing.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 193

RE: ECSD No. 3 - Influent Pumping Station
& ORF Improvements - GHD
Consulting Services, Inc. - Award of
Engineering Agreement
(COMM. 14E-9)

WHEREAS, the Department of Environment and Planning has determined the need to construct the Phase II, Influent Pumping Station and Overflow Retention Facility Improvements, at the Southtowns Advanced Wastewater Treatment Facility; and

WHEREAS, general services during construction and resident inspection engineering services are required to construct the Phase II, Influent Pumping Station and ORF Improvements; and

WHEREAS, GHD Consulting Services, Inc., formerly Stearns & Wheler, LLC, was previously selected to provide the design, general services during construction, and resident inspection of the Phase II, Influent Pumping Station and ORF Improvements; and

WHEREAS, GHD Consulting Services has completed the design and is recommended to provide the general services during construction and resident inspection services for the Phase II, Influent Pumping Station and ORF Improvements, at a cost not to exceed \$688,700.00; and

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

NOW, THEREFORE, BE IT

RESOLVED, that an agreement with GHD Consulting Services, Inc., 200 John James Audubon Parkway, Suite 101, Amherst, New York to provide general services during construction and resident inspection engineering services in an amount not to exceed \$688,700.00 is hereby approved; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute an agreement with GHD Consulting Services, Inc. subject to an approval as to form by the County Attorney and certification of availability of funds by the Comptroller's Office; and be it further

RESOLVED, that the County Director of Budget and the County Comptroller be authorized to transfer \$750,000.00 from Erie County Sewer District No. 3 Capital Reserve Account C.00007 to Sewer District No. 3 Capital Project C.00012 and to establish all budgeting accounts necessary to facilitate the transfer of \$750,000.00; 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, 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.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 194

RE: Second Amendment to Lock-Up Agreement by & Between the City of Buffalo & EC (COMM. 14E-10)

WHEREAS, pursuant to Agreement dated July 1, 2003, ("Lock-up Agreement") the County and the City of Buffalo set forth the terms by which the County would provide services related to

detaining all of the City's pre-arraigned arrestees, both male and female at the Erie County Holding Center; and

WHEREAS, on May 11, 2011, the County served notice upon the City that the County will not renew the Agreement; and

WHEREAS, on August 24, 2012, the County served upon the City a written notice of default pursuant to the terms of the Lock-up Agreement; and

WHEREAS, on October 1, 2012, the County served upon the City a written notice of termination of the Lock-up Agreement effective November 1, 2012; and

WHEREAS, on April 3, 2013, the City and the County, for the benefit of the citizens of the City and County, wished to resolve any differences and entered into the First Amendment to the Lock-up Agreement; and

WHEREAS, the City and the County, for the benefit of the citizens of the City and County, wish to continue their relationship pursuant to the terms and conditions set forth in the First Amendment to the Lock-up Agreement as to the County's handling of the City of Buffalo's pre-arraigned female detainees through December 31, 2013, by entering into this instant Second Amendment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature approves of the Second Amendment to the Lock-Up Agreement between the City of Buffalo and County of Erie and authorizes the County Executive to enter into and execute the Second Amendment and accept revenue from the City of Buffalo; and be it further

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

MR. LOUGHRAN moved to reconsider the item. MR. McCracken seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved for immediate consideration and approval. MR. HOGUES seconded. MR. LOUGHRAN voted in the negative.

CARRIED. (10-1)

Item 55 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 195

RE: ECFSA Reimbursement for CSEA

Corrections Officers Contract
(COMM. 14E-11)

WHEREAS, on December 20, 2012, this Honorable Body approved Comm. 26E-20, a resolution to approve the CSEA Local 815 Erie County Corrections Officer successor agreement; and

WHEREAS, that agreement was contingent on receiving efficiency grant funds from the Erie County Fiscal Stability Authority (ECFSA), which the County successfully received; and

WHEREAS, ECFSA will cover the increased personal services related costs associated with the settlement of the CSEA Corrections Officer collective bargaining agreement; and

WHEREAS, the ECFSA will provide funding up to a maximum of \$1,199,626; and

WHEREAS, authorization is needed for the County to accept and adjust the 2013 Budget of the Sheriff's Division of Jail Management for the expense associated with the Corrections Officers contract.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to the County Executive enter into contract with the Erie County Fiscal Stability Authority to accept funding up to a maximum of \$1,199,626 for reimbursement of the increase in personal services related costs associated with the settlement of the CSEA Corrections Officer collective bargaining agreement; and be it further

RESOLVED, that the Erie County Legislature does hereby approve the following 2013 budget adjustment in the Sheriff's Division of Jail Management:

2013 Budget - Fund 110		
Fund Center 116 - Jail Management		
Account		Increase
Revenue		
409010	State Aid – Other	<u>\$1,199,626</u>
	Total Revenue	\$1,199,626
Expense		
500000	Full Time – Salaries	\$ 810,000
500020	Regular Part – Wages	3,000
500330	Holiday Worked	9,500
500340	Line-Up	18,000
500350	Other Employee Payments	10,600
501000	Overtime	104,000
502000	Fringe Benefits	<u>244,526</u>
	Total Expense	\$1,199,626
	Net Amount	0

and be it further

RESOLVED, that copies of this resolution shall be sent to the Erie County Fiscal Stability Authority, the Office of the County Executive, the Division of Budget and Management, the Office of the Sheriff, the County Attorney, and the Office of the Comptroller.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DEPARTMENT OF SOCIAL SERVICES

Item 56 – (COMM. 14D-1) Response to EC Comptroller Audit of Eligibility & Recertification Processes within the Temporary Assistance Unit of DSS for the Period 1/1/2011 - 3/31/2013

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DEPARTMENT OF PUBLIC WORKS

Item 57 – (COMM. 14D-2) Sowles Road - Town of Hamburg

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COMPTROLLER'S OFFICE

Item 58 – (COMM. 14D-3) May 2013 Sales Tax

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DEPARTMENT OF PUBLIC WORKS

Item 59 – (COMM. 14D-4) Update: Resolution 10E-14 (2013) - Award of Contract - Abbott Road Bridge over Neuman Creek Replacement - Town of Orchard Park

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE CLERK, EC COMMUNITY
CORRECTIONS ADVISORY BOARD**

Item 60 – (COMM. 14D-5) Copy of Resolution Concerning the Re-Establishment of the EC Conditional Release Commission

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE DEPARTMENT OF HEALTH

Item 61 – (COMM. 14D-6) Erie County Community Corrections Advisory Board Appointment

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 62 – (COMM. 14D-7) Notice of Public Hearing: Local Law Intro. 3-2013

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE ARCADE TOWN BOARD

Item 63 – (COMM. 14M-1) SEQR Lead Agency Coordination - Town of Arcade - Amendment to the Comprehensive Plan

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYSDEC

Item 64 – (COMM. 14M-2) Update: Proposal to Delete the Ameron Site - City of Buffalo from the Contaminated Site Registry

Item 65 – (COMM. 14M-3) Public Notice: Applications & Remedial Investigation Work Plans from Carlo Group, LLC for Two Separate Sites known as 20 Wilkenson Way - City of Buffalo & 15 La Riviere Drive - City of Buffalo

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

FROM THE BUFFALO COMMON COUNCIL

Item 66 – (COMM. 14M-4) Copy of Resolution Concerning Construction of ECC's Health Sciences Building

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE WALES TOWN BOARD

Item 67– (COMM. 14M-5) Copy of Resolution in Support of Resolution Between EC Department of Public Works & Town Regarding Snow Removal Contract

Received and referred to the the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 68 – (COMM. 14M-6) Proposed Agenda for Meeting to be Held 7/18/2013

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE KNOER GROUP, PLLC

Item 69 – (COMM. 14M-7) Letter to Clerk of Legislature Concerning Sheridan Park, Inc.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE EDEN TOWN BOARD

Item 70 – (COMM. 14M-8) Copy of Resolution Concerning Eden-Evans Center Road, Eden, NY

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM JAMES H. BRAUN JR.

Item 71 – (COMM. 14M-9) Letter to County Executive Concerning Ransom Creek Bridge at Heise Road Intersection

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

ANNOUNCEMENTS

Item 72 – LEGISLATOR HARDWICK announced that the rematch between the County Legislature and County Executive softball game will be held on August 14, 2014.

MEMORIAL RESOLUTIONS

Item 73 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Bob Barrows, Brian Kane, and Joe “Hollywood Joe” Conley.

Item 74 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Irene Zotara.

Item 75 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Edward S. Simmons, and Stephen P. Washburn.

Item 76 – Chair Grant requested that when the Legislature adjourns, it do so in memory of Kayla Wyatt.

ADJOURNMENT

Item 77 – At this time, there being no further business to transact, CHAIR GRANT announced that the Chair would entertain a Motion to Adjourn.

MR. HOGUES moved that the Legislature adjourn until Thursday, September 12, 2013 at 2:00 p.m. Eastern Standard Time. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

CHAIR GRANT declared the Legislature adjourned until Thursday, September 12, 2013 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE