

ERIE COUNTY LEGISLATURE
MEETING NO. 16
SEPTEMBER 26, 2013

The Legislature was called to order by Chair Grant.

All members present.

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

The Pledge of Allegiance was led by Mr. Lorigo.

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 15 from 2013. MR. McCRACKEN seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. McCRACKEN presented a resolution Honoring John M. Bruso of Lancaster - Citizen of the Month for August 2013.

Item 6 – MR. HARDWICK presented a resolution Honoring City of Tonawanda Fire Department on Its 100th Anniversary.

Item 7 – MS. MARINELLI presented a memorial resolution Remembering the Life of Sally C. Iannello.

Item 8 – MS. DIXON presented a resolution Celebrating Valley Community Association's 45th Anniversary.

Item 9 – MR. LORIGO presented a resolution Honoring Eric Paul on Being Named Governor of the NY District Kiwanis.

Item 10 – MR. LORIGO presented a resolution Honoring Staroba Plastics, Inc. as the Large Business Honoree of the 2013 Greater East Aurora Chamber of Commerce 68th Annual Business Recognition Awards.

Item 11 – MR. LORIGO presented a resolution Honoring Ken's Service & Sales as the Small Business Honoree of the 2013 Greater East Aurora Chamber of Commerce 68th Annual Business Recognition Awards.

Item 12 – MR. LORIGO presented a resolution Honoring Friends of Knox Farm State Park, Inc. as an Honoree of the 2013 Greater East Aurora Chamber of Commerce 68th Annual Business Recognition Awards.

Item 13 – MR. LORIGO presented a resolution Honoring the Junior League of Buffalo for Being an Honoree of the 2013 Greater East Aurora Chamber of Commerce 68th Annual Business Recognition Awards.

Item 14 – MR. LORIGO presented a resolution Honoring Elbert Hubbard as One of the Inaugural Inductees into the Greater East Aurora Chamber of Commerce Hall of Fame.

Item 15 – MR. LORIGO presented a resolution Honoring Herman Fisher, Irving Price and Helen Schelle as Inaugural Inductees into the Greater East Aurora Chamber of Commerce Hall of Fame.

Item 16 – MR. HOGUES presented a Memorial Resolution Honoring the Life of Mary Jean Sloan.

Item 17 – MR. HOGUES presented a resolution Congratulating Patient Voices Network on the 2nd Annual Concerned About You: Breast Cancer Awareness & Wellness Event.

MR. MAZUR moved for consideration of the above thirteen items. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved to amend the above thirteen items by adding one for MR. MILLS, and by including Et Al Sponsorship. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved for approval of the above fourteen items as amended. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 18 – CHAIR GRANT directed that Local Law No. 1 (Print #1) 2012 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 19 – CHAIR GRANT directed that Local Law No. 3 (Print #1) 2012 remain on the table and in the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Item 20 – 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 21 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 201

September 17, 2013	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 12
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 12E-1 (2013)
COUNTY EXECUTIVE: “Appointment to the EC Medical Center Corporation”
(5-0)
 - b. COMM. 13E-10 (2013)
DIXON: “Letter to CEO of ECMCC Concerning Board Appointment Process”
(5-0)
 - c. COMM. 13D-7 (2013)
COMMISSIONER OF SOCIAL SERVICES: “Copy of Social Services Policies Related to Confidentiality & Records Management”
(5-0)
 - d. COMM. 13M-9 (2013)
ECMCC CHAIR, BOARD OF DIRECTORS: “Letter of Response Concerning Board Appointment Process”
(5-0)
 - e. COMM. 14D-7 (2013)
COUNTY ATTORNEY: “Notice of Public Hearing: Local Law Intro. 3-2013”
(5-0)
 - f. COMM. 15D-1 (2013)

COMMISSIONER OF SOCIAL SERVICES: "Letter to Clerk of Legislature Concerning Quarterly Report of Social Services Contract Changes"
(5-0)

g. COMM. 15D-23 (2013)
COMMISSIONER OF HEALTH: "Letter to Comptroller Concerning EC Comptroller's "Audit" of Correctional Health Services"
(5-0)

h. COMM. 15M-18 (2013)
PRESIDENT, EC BOARD OF HEALTH: "Letter Concerning Next Meeting & Minutes of Meeting Held 5/21/2013"
(5-0)

2. COMM. 15E-21 (2013)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has received a grant award from the New York State Department of Health in the amount of \$187,500 to provide breast, cervical and colorectal cancer screening to under and uninsured residents of Erie County; and

WHEREAS, legislative authorization is needed to accept the grant funds, create the necessary positions and effectuate the budgetary entries necessary to provide the screening services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into contract and accept a grant award from the New York State Department of Health in the amount of \$187,500, to be budgeted in the grant fund as follows:

Cancer Screening Program
10/31/13 – 7/31/14

SAP	REVENUE	BUDGET
409000	State Aid	<u>\$187,500</u>
	TOTAL	<u>\$187,500</u>
	EXPENSES	
500000	Full Time Staff	\$86,703
502000	Fringe Benefits	53,756
505000	Office Supplies	1,000
516020	Pro Services Contracts & Fees	39,691
510000	Local Mileage	600
510100	Out of Area Travel	2,000
980000	ID DISS	<u>3,750</u>
	TOTAL	<u>\$187,500</u>

and be it further

RESOLVED, that one full-time position of Community Coalition Coordinator, JG 12, Step 0, one full-time position of Senior Case Manager-Cancer Services, JG 9, Step 0 and one full-time position of Medical Record Technician, JG 6, Step 0 are hereby created as indicated on B100#s 7334, 7335 and 7336; and be it further

RESOLVED, that the Commissioner of Health is further authorized to enter into personal services contracts with one-to-two fee-for-service Public Health Consultant II providers (\$20.00 per hour) for this program; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues based on grantor award adjustments; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the Erie County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Personnel, the Department of Law and to Dr. Gale R. Burstein, Commissioner, in the Erie County Department of Health, 9th Floor, Rath Building.
(5-0)

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

WHEREAS, the New York State Evidence-Based Health Programs Quality & Technical Assistance Center (QTAC) provides challenge awards of funds and/or workshop materials to its partner organizations to defray costs involved with implementing Chronic Disease Self-Management Programs (CDSMP); and

WHEREAS, the Erie County Department of Senior Services currently provides a CDSMP to assist and educate seniors struggling with chronic illnesses; and

WHEREAS, Senior Services desires to be a QTAC partner organization, and accept Challenge awards for funds and/or workshop materials from QTAC; and

WHEREAS, QTAC is currently offering a challenge award of \$50 for each individual completing a CDSMP course this year; and

WHEREAS, the III-D grant budget is in need of revision.

NOW, THEREFORE, BE IT

RESOLVED, that Senior Services be and hereby is authorized to contract with QTAC to become a partner organization and accept QTAC funding and/or materials; and be it further

RESOLVED, that the budget for the 163III-D2013 grant, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
417060	Other Income	-0-	<u>\$5,000</u>	\$5,000

	TOTAL CHANGE		<u>\$5,000</u>	
APPROPRIATIONS				
Account	Description			
516020	Professional Svcs &	\$4,860	\$2,500	\$7,360
Fees		\$1,699	<u>\$2,500</u>	\$4,199
530000	Other Expenses		<u>\$5,000</u>	
	TOTAL CHANGE			

and be it further

RESOLVED, that, the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes in QTAC awards; and be it further

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

(5-0)

4. COMM. 15E-28 (2013)
COUNTY EXECUTIVE

WHEREAS, the Department of Senior Services submitted a grant application for New Freedom Mobility Funds under the Federal Transit Administration to increase transportation options for older adults and the disabled; and

WHEREAS, the Greater Buffalo-Niagara Regional Transportation Council (GBNRTC) has informed the Department of the award of \$94,001 in grant funds for the period September 30, 2013 through September 29, 2014; and

WHEREAS, the grant funds are to be utilized for the purpose of increasing transportation options for elderly and disabled persons; and

WHEREAS, the Department of Senior Services currently contracts with the Center for Transportation Excellence, LLC (CTE) to provide transportation services to elderly and disabled under the New Freedom Mobility Grant Program, and desires to enter into contracts and amendments with the CTE and Western New York Independent Living, Inc. (WNYIL) to reflect the increased funds for transportation services; and

WHEREAS, the Department of Senior Services has identified transportation appropriations in the Areawide Agency on Aging (Title III-B), and New York State AAA Transportation Program (AAATRAN) grants for the required local match.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive be and is hereby authorized to accept additional Federal Transit Administration funds and enter into a contract with the Niagara Frontier Transportation Authority (NFTA) to operate a New Freedom Mobility Grant to increase transportation options for

elderly and disabled persons for the period September 30, 2013 to September 29, 2014; and be it further

RESOLVED, the County Executive be and is hereby authorized to enter into contracts and amendments with the (CTE) and Western New York Independent Living, Inc. (WNYIL) to effectuate adjusted funding levels; and be it further

RESOLVED, that the budget for the New Freedom Mobility Grant 163FREEDOM1314, be established as follows:

APPROPRIATIONS		INITIAL BUDGET
Account	Description	
516020	Professional Services & Fees	\$77,985
916390	ID Senior Services Grant Services	<u>\$16,016</u>
	TOTAL CHANGE	<u>\$94,001</u>
REVENUES		INITIAL BUDGET
Account	Description	
414000	Federal Aid	<u>\$94,001</u>
	TOTAL CHANGE	<u>\$94,001</u>

and be it further

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

RESOLVED, that certified copies of this resolution be forwarded to the County Executive Office, the Division of Budget and Management, the Comptroller's Office and the Department of Senior Services.
(5-0)

5. COMM. 15E-36 (2013)
COUNTY EXECUTIVE

WHEREAS, the New York State Office of Homeland Security has provided Federal funding in the State Homeland Security Program to continue the implementation of a program to enhance the ability of Erie County to manage emergency, disaster and terrorist situations; and

WHEREAS, National Association of County and City Health Officials (NACCHO) has provided funding through the Medical Reserve Corps (MRC) grant that was identified to enhance planning, training and exercises for radiologic emergencies; and

WHEREAS, a Request for Proposal for radiological preparedness was issued in December 2009 and reviewed in compliance with Section 1908 of the Erie County Administrative Code; and

WHEREAS, a committee appointed by the Commissioners of Health and Emergency Services reviewed said proposals and has recommended that the contracts be awarded to MJW

Corporation, Inc. per COMM. 7E-29 certified May 20, 2010 (Department of Law Document #10-375-HE and Department of Law Document #10-374 HE); and

WHEREAS, the MJW Corporation has complied with the terms of the existing contract to date; and

WHEREAS, the contracts awarded to MJW Corporation, Inc. will provide radiological event emergency planning, training, exercises and calibration of radiologic detection instruments as required by the terms of the grants; and

WHEREAS, the contracts will be managed by the Erie County Department of Health with a revised term through June 30, 2015.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to extend the existing contracts through June 30, 2015 with the MJW Corporation, Inc. for the purpose of providing radiological event emergency planning, preparedness training, exercises and for the purpose of annual calibration of radiologic detection instruments; and be it further

RESOLVED, that contracts will be limited to grantor approved spending levels as made available in the Department of Emergency Services State Homeland Security Program (SHSP) grants for 11-14 and 12-15, and National Association of County and City Health Officials (NACCHO) grants; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Office of the Comptroller, the Division of Budget and Management, the Department of Law, the Commissioner of Emergency Services, and to Dr. Gale R. Burstein, M.D., Commissioner of Health, 9th Floor Rath Building.
(5-0)

THOMAS J. MAZUR
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 202

September 17, 2013	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:

- a. COMM. 6E-10 (2013)
COUNTY EXECUTIVE: “Personal Services Adjustment - Management Consultant (CE)”
(5-0)
- b. COMM. 8E-15 (2013)
COMPTROLLER: “Letter to Legislature Concerning COMM. 6E-10 (2013), "Personnel Services Adjustment - Management Consultant (CE)""
(5-0)
- c. COMM. 11M-7 (2013)
NYS DIVISION OF HOMELAND SECURITY & EMERGENCY SERVICES: “Copy of Letter to Administrator of Federal Emergency Management Agency, U.S. Department of Homeland Security, Expressing Support of EC's Letter Regarding the Department of Homeland Security Office of Inspector General's Report”
(5-0)
- d. COMM. 13E-2 (2013)
DIXON: “Letter to County Executive Concerning Director of Veterans' Services Position”
(5-0)
- e. COMM. 13D-4 (2013)
COUNTY ATTORNEY: “Transmittal of New Claims Against EC”
(5-0)
- f. COMM. 13M-1 (2013)
MAYOR, CITY OF LACKAWANNA: “Letter to Governor Cuomo Concerning 300 Commerce Drive, Lackawanna, NY”
(5-0)
- g. COMM. 13M-2 (2013)
EC CORRECTIONAL FACILITY NURSES: “Letter to County Executive Concerning Union Wage Scale”
(5-0)
- h. COMM. 14M-5 (2013)
WALES TOWN BOARD: “Copy of Resolution in Support of Resolution Between EC Department of Public Works & Town Regarding Snow Removal Contract”
(5-0)
- i. COMM. 15E-4 (2013)
COUNTY EXECUTIVE: “Appointment of Member of EC Board of Ethics”
(5-0)
- j. COMM. 15D-2 (2013)
COMPTROLLER'S OFFICE: “Follow-Up Letter to Chair of EC Board of Ethics Concerning Review of EC Board of Ethics”
(5-0)

- k. COMM. 15D-7 (2013)
COUNTY ATTORNEY: "Notice of Claims"
(5-0)
- l. COMM. 15D-9 (2013)
DEPUTY COUNTY EXECUTIVE: "Presentation Concerning Investigating the Release of Confidential Information by the Department of Social Services"
(5-0)
- m. COMM. 15D-10 (2013)
DEPUTY COUNTY EXECUTIVE: "Letter to Chair of Government Affairs Committee Concerning Investigating the Release of Confidential Information by the Department of Social Services"
(5-0)
- n. COMM. 15D-11 (2013)
DEPUTY COUNTY EXECUTIVE: "Presentation Concerning Investigating the Release of Confidential Information by the Department of Social Services - Comptroller Obtained DSS Records"
(5-0)
- o. COMM. 15D-12 (2013)
DEPUTY COUNTY EXECUTIVE: "Presentation Concerning Investigating the Release of Confidential Information by the Department of Social Services - Rebuttal Claim of Comptroller Concerning Records Security Issue"
(5-0)
- p. COMM. 15D-14 (2013)
COUNTY ATTORNEY: "Transmittal of New Claims Against EC"
(5-0)
- q. COMM. 15D-22 (2013)
COUNTY ATTORNEY: "Transmittal of New Claims Against EC"
(5-0)
- r. COMM. 15D-28 (2013)
COUNTY ATTORNEY: "Transmittal of New Claims Against EC"
(5-0)
- s. COMM. 15M-4 (2013)
ASSIGNED COUNSEL PROGRAM: "Copy of Quarterly Report for the 2nd Quarter of 2013"
(5-0)
- t. COMM. 15M-5 (2013)
ASSIGNED COUNSEL PROGRAM: "Copy of Financial Report for the Period 1/1/2013 - 6/30/2013"

(5-0)

u. COMM. 15M-23 (2013)
LAW OFFICE OF W. JAMES SCHWAN: "Notice of Claim - Kaily Giardina-Geary"
(5-0)

v. COMM. 15M-26 (2013)
EC CORRECTIONAL FACILITY NURSES GROUP: "Letter to County Executive
Concerning Job Titles & Union Contracts"
(5-0)

2. COMM. 15E-30 (2013)
COUNTY EXECUTIVE

WHEREAS, it is the mission of the Buffalo Erie Niagara Land Improvement Corporation to confront and alleviate the problems distressed properties cause to communities by supporting municipal and regional revitalization efforts and strategically acquiring, improving, assembling, and selling distressed, vacant, abandoned, and/or tax-delinquent properties; and

WHEREAS, section 1616(i) of the New York Not-for-Profit Corporation Law provides that New York Land banks, including the Buffalo Erie Niagara Land Improvement Corporation, may tender a preemptive bid at In Rem tax sales in an amount equal to the total amount of all municipal claims and liens which were the basis for the judgment and in the event of such tender by a land bank, the property shall be deemed sold to the land bank regardless of any bids by any other third parties; and

WHEREAS, the bid of the land bank shall be paid as to its form, substance, and timing according to such agreement as is mutually acceptable to the plaintiff and the land bank wherein the obligation of the land bank to perform in accordance with such agreement shall be deemed to be in full satisfaction of the municipal claim which was the basis for the judgment; and

WHEREAS, it is anticipated that the Buffalo Erie Niagara Land Improvement Corporation will exercise its preemptive bid powers at the upcoming County In Rem 161 tax sale; and

WHEREAS, agreements between the County and the Buffalo Erie Niagara Land Improvement Corporation are necessary to outline the obligations of the land bank and the expected repayment, if any, of the County taxes which were the basis for the judgment.

NOW, THEREFORE, BE IT

RESOLVED, that the County, through its Director of Real Property Tax Services, is hereby authorized to enter into agreements with the Buffalo Erie Niagara Land Improvement Corporation (BENLIC) which outline the obligations of the Land bank and the expected repayment, if any, of the County taxes which were the basis for the judgment consistent with the Property Tax and Maintenance/Foreclosure Cost Recapture Policy for In Rem 161 and County Tax Liens Transferred to BENLIC in 2013 adopted by the Land bank on September 6, 2013; and be it further

RESOLVED, that to the extent that such agreement results in the repayment of county taxes in the amount less than the amount of County taxes which were the basis for the judgment, pursuant

to Section 12-1.0 of the Erie County Tax Act the Director of Real Property Tax Services is hereby authorized to cancel such past due real property taxes; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, Erie County Comptroller, County Attorney, Director of Real Property Tax Services and the Buffalo Erie Niagara Land Improvement Corporation.

(5-0)

3. COMM. 15E-37 (2013)
COUNTY EXECUTIVE

WHEREAS, real property known as:

S.B.L. # 235.20-1-8, 59 North Main St., Angola NY
91.14-1-14, 44A Windwood Ct., Cheektowaga NY
113.16-1-2, 3048 William St., Cheektowaga NY

have unpaid tax certificates, held by the County of Erie for; and

WHEREAS, the Buffalo Erie Niagara Land Improvement Corporation (hereinafter "BENLIC" or "Land bank") wishes to acquire the tax certificates in an effort to conduct its own foreclosure and acquire title in the name of the Land Bank to the subject property through the tax lien foreclosure procedure established by the Erie County Tax Act; and

WHEREAS, it is the mission of the Buffalo Erie Niagara Land Improvement Corporation to confront and alleviate the problems distressed properties cause to communities by supporting municipal and regional revitalization efforts and strategically acquiring, improving, assembling, and selling distressed, vacant, abandoned, and/or tax-delinquent properties; and

WHEREAS, real property known as:

S.B.L. # 235.20-1-8, 59 North Main St., Angola NY
91.14-1-14, 44A Windwood Ct., Cheektowaga NY
113.16-1-2, 3048 William St., Cheektowaga NY

is distressed, vacant, or abandoned, and is tax-delinquent.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Real Property Tax Services, is hereby authorized to sell the tax certificates on

S.B.L. # 235.20-1-8, 59 North Main St., Angola NY for the years 1999 through 2012
91.14-1-14, 44A Windwood Ct., Cheektowaga NY for the years 2010 through 2012
113.16-1-2, 3048 William St., Cheektowaga NY for the years 2004 through 2012

to the Buffalo Erie Niagara Land Improvement Corporation for \$1.00 in accord with the provisions of the Erie County Tax Act; and be it further

RESOLVED, that the County, through its Director of Real Property Tax Services, is hereby authorized to enter into an agreement with the Buffalo Erie Niagara Land Improvement Corporation (BENLIC) which outline the obligations of the Land bank and the expected repayment, if any, of the County taxes which were the basis for the tax certificates consistent with Property Tax and Maintenance/Foreclosure Cost Recapture Policy for In Rem 161 and County Tax Liens Transferred to BENLIC in 2013 adopted by the Land bank on September 6, 2013; and be it further

RESOLVED, that, in the event that the Land bank is the successful bidder at the foreclosure auction, pursuant to Section 12-1.0 of the Erie County Tax Act the Director of Real Property Tax Services is hereby authorized to cancel such past due real property taxes necessary to satisfy the requirements of Article 13 of the New York Real Property Actions and Proceedings Law and execute a Referee's Deed conveying the property to the Landbank; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, Erie County Comptroller, County Attorney, Director of Real Property Tax Services and the Buffalo Erie Niagara Land Improvement Corporation.
(5-0)

**THOMAS J. MAZUR
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 203

September 17, 2013	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 14
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR HOGUES.

1. COMM. 15E-22 (2013)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has previously approved the Buffalo Bills/Erie County Stadium Lease; and

WHEREAS, the construction schedule for Stadium Lease Renovation work is extremely aggressive; and

WHEREAS, during the performance of this work, conditions may be discovered that will require additional work to be performed which falls under the classification of Annual Capital Maintenance work; and

WHEREAS, the Buffalo Bills have requested that the Department of Public Works expedite the approval process of this maintenance work in order not to delay the Stadium Lease Renovation work; and

WHEREAS, the following is a general, but not a complete list of the types of maintenance work involved:

1. Hazardous material abatement
2. Area-wide traffic study by outside consultant
3. Water usage analysis
4. Electrical load test and monitoring
5. Any other lease work that requires additional maintenance work

and

WHEREAS, there is \$911,000 in available funds in Capital Account A.120011 for the subject maintenance work.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve and authorize the Commissioner of Public Works and the County Executive to select contractors or consultants and issue the subject maintenance contracts through the following procedure:

1. Receive formal or informal bids to determine the lowest responsible bidder and receive consultant proposals to determine the most suitable one for the work.
2. If bidding or receiving consultant proposals is not viable because of schedule or economic reasons, as determined by the Lease Construction Management Group's Maintenance subcommittee, a contractor or consultant will be selected and the terms and conditions of the contract will be negotiated by the Commissioner.
3. The Commissioner will submit the proposed contracts to the Lease Construction Management Group's Maintenance subcommittee for approval.
4. The County Executive will issue contracts or change orders to contractors or consultants designated by the Commissioner of Public Works and approved by the Lease Construction Management Group's Maintenance Projects subcommittee.

and be it further

RESOLVED, that the total amount of all of the subject maintenance contracts shall not exceed \$911,000 for which funds are available for appropriation and are hereby authorized as necessary for appropriation from Capital Account A.120011; and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, Office of the County Executive, the Division of Budget and Management, the Office of the Comptroller and the Buffalo Bills.

(4-0)

THOMAS A. LOUGHRAN

CHAIR

Item 24 – MR. McCracken presented the following report and moved for immediate consideration and approval. MR. Mazur seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 204

September 19, 2013	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 12
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 14M-1 (2013)
ARCADE TOWN BOARD: “SEQR Lead Agency Coordination - Town of Arcade - Amendment to the Comprehensive Plan”
(5-0)
 - b. COMM. 14M-2 (2013)
NYSDEC: “Update: Proposal to Delete the Ameron Site - City of Buffalo from the Contaminated Site Registry”
(5-0)
 - c. COMM. 14M-3 (2013)
NYSDEC: “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”
(5-0)
 - d. COMM. 14M-7 (2013)
THE KNOER GROUP, PLLC: “Letter to Clerk of Legislature Concerning Sheridan Park, Inc.”
(5-0)
 - e. COMM. 15E-11 (2013)
COUNTY EXECUTIVE: “ECSD Nos.1-6 & 8 - Section 270/271 Resolutions”
(5-0)
 - f. COMM. 15D-8 (2013)
COMPTROLLER'S OFFICE: “Letter to Commissioner of Parks, Recreation & Forestry Concerning Audit of Residences Operated by Department of Parks, Recreation & Forestry”
(5-0)
 - g. COMM. 15D-13 (2013)

- COMPTROLLER'S OFFICE: "Letter to Commissioner of Parks, Recreation & Forestry Concerning Audit"
(5-0)
- h. COMM. 15D-19 (2013)
DEPARTMENT OF ENVIRONMENT & PLANNING: "Former Friendship House Demolition - SEQR Notification"
(5-0)
- i. COMM. 15M-2 (2013)
NYS DEPARTMENT OF AGRICULTURE & MARKETS: "Letter to Clerk of Legislature Concerning the Extension of Review Date of Agricultural District No. 15"
(5-0)
- j. COMM. 15M-6 (2013)
NYSDEC: "Fact Sheet: 432 Pearl St. Update - Remedy Proposed for Brownfield Site Contamination; Public Comment Period Announced"
(5-0)
- k. COMM. 15M-7 (2013)
NYSDEC: "Fact Sheet: 275 Franklin St. Update - Remedy Proposed for Brownfield Site Contamination; Public Comment Period Announced"
(5-0)
- l. COMM. 15M-8 (2013)
NYSDEC: "Notice: Comment Period for Site Known as Former Buffalo Forge Property"
(5-0)
- m. COMM. 15M-9 (2013)
NYSDEC: "Notice: Comment Period for Site Known as Kensington Heights Apartments"
(5-0)
- n. COMM. 15M-10 (2013)
NYSDEC: "Notice of Deletion: Spaulding Fibre - 310 Wheeler Street, City of Tonawanda"
(5-0)
- o. COMM. 15M-12 (2013)
NYSDEC: "Public Notice: Inactive Hazardous Waste Disposal Site Delist Notice for Site Known as Fourth Street MGP"
(5-0)
- p. COMM. 15M-20 (2013)
EVANS TOWN BOARD: "Copy of Resolution Requesting EC to Remove Local Sales & Use Tax on Commercial Solar Energy Systems"
(5-0)
- q. COMM. 15M-21 (2013)

THE KNOER GROUP, PLLC: “Letter to Clerk of Legislature Concerning Sheridan Park, Inc.”
(5-0)

- r. COMM. 15M-22 (2013)
NYSDEC: “Public Notice: Application, Draft Remedial Investigation & Alternative Analysis Work Plan from 847 Main Street, LLC for Site Known as the Former Trico Plant”
(5-0)

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

WHEREAS, the County of Erie had previously entered into a contract with the Erie County Soil and Water Conservation District who have the necessary expertise and personnel to perform the necessary inspections and evaluations as well as to carry out administrative responsibilities related to the delivery of various technical services including stream bank maintenance, bridge and culvert scour maintenance; and

WHEREAS, it has become necessary to implement the County-wide Stream Maintenance Program to continue to reduce erosion and localized flood-related risk to roads, bridges, culverts and rights-of-way by removing gravel bars and vegetative debris obstructing or diverting the natural flow of streams, repair bridge and culvert scour or prevention of same; and

WHEREAS, Article 5-G of the General Municipal Law authorizes municipalities and districts to contract to perform together that which each public entity is authorized to perform individually; and Article 5, Section 99-R of the same General Municipal Law authorizes Erie County and the District to contract by direct negotiations for services of government not regularly provided to the public as part of general government services; and

WHEREAS, the Legislative Body of Erie County and the Board of Directors of the Erie County Soil and Water Conservation District have previously authorized a municipal agreement on October 6, 2011, at Meeting Number 20, Communication Number 18E-30 for the purpose of performing a County-wide Stream Maintenance Program and the Department of Public Works requests legislative approval to renew a contract with the Erie County Soil and Water Conservation District.

NOW, THEREFORE, BE IT

RESOLVED, that the Agreement between the County of Erie and the Erie County Soil and Water Conservation District be renewed in an amount of \$100,000 to be allocated from Business Area 123, Cost Center 1231010, Fund 210, General Ledger Account 516020 – Professional Services, for technical services to reduce erosion, scour and localized flooding related risks to roads, bridges, culverts and rights-of-way at various locations; and be it further

RESOLVED, that three (3) 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, Management and Finance, and the Office of the Comptroller.
(5-0)

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

WHEREAS, the County is seeking to formalize and adopt the Ellicott Creek Park Island as a bark park; and

WHEREAS, the County would like to formally open the bark park as soon as possible, while promoting it as such.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute an agreement with the Friends of Ellicott, Inc. for the purpose of maintaining and operating the Bark Park within the County's Ellicott Creek Park in the Town of Tonawanda; and be it further

RESOLVED, that unless agreed upon separately, costs associated with the license agreement will be the responsibility of the Friends of Ellicott, Inc.; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Office of the County Executive; the Commissioner of the Department of Environment and Planning; the Commissioner of Parks, Recreation and Forestry; the Director of the Division of Budget and Management; the Comptroller's Office and the County Attorney.

(5-0)

4. COMM. 15E-24 (2013)
COUNTY EXECUTIVE

WHEREAS, The Erie County Department of Environment and Planning (DEP) has played a crucial role in water quality issues throughout the region for decades and continues to administer many initiatives that protect and preserve our natural water resources; and

WHEREAS, DEP is committed to coordinate, oversee, and support work towards the delisting of the Buffalo River as a Great Lakes Area of Concern; and

WHEREAS, the United States Environmental Protection Agency (USEPA) Great Lakes Restoration Initiative provides grant assistance to municipalities to implement projects to improve the quality of the Great Lakes; and

WHEREAS, DEP provides technical assistance regarding the management of the Erie County Natural Habitat Parks; and

WHEREAS, the USEPA approached DEP to apply for the USEPA's Great Lakes Restoration Initiative funding for continuing local coordination of the Buffalo River Remedial Action Plan and implementing habitat restoration projects; and

WHEREAS, Buffalo Niagara Riverkeeper through their past experience successfully managing and coordinating the Buffalo River Remedial Action Plan (RAP) was identified in the USEPA approved work plan as a specific sub-contractor to Erie County to provide these services; and

WHEREAS, the United States Environmental Protection Agency (USEPA) awarded Erie County a Great Lakes Restoration Initiative of \$1,948,464.00 to complete a three-year “Buffalo River RAP Project Management: Bailey/Smith Habitat Restoration Delisting Project”; and

WHEREAS, the addition of this habitat restoration initiative necessitates the execution of a grant contract with the USEPA, the adoption of a grant budget; the creation of an Environmental Compliance Specialist (JG-9) position within the DEP which will be 100 % grant funded; and the execution of a contract with Buffalo Niagara Riverkeeper.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements to accept a grant of \$1,948,464.00 from the United States Environmental Protection Agency for the purpose of establishing a three-year “Buffalo River RAP Project Management: Bailey/Smith Habitat Restoration Delisting Project”; and be it further

RESOLVED, that the grant budget and project period for the United States Environmental Protection Agency Great Lakes Restoration Initiative Grant is hereby created in the Department of Environment and Planning, Business Area 162, as follows:

United States Environmental Protection Agency Great Lakes Restoration Initiative Grant: “Buffalo River RAP Project Management: Bailey/Smith Habitat Restoration Delisting Project” (Grant Period: 10/1/2013 – 9/30/2016), SAP Grant Account #162BRRPM0916

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
414000	Federal Aid Revenue	(\$1,948,464)
TOTAL REVENUE		(\$1,948,464)

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
500000	Regular Full Time Wages	\$139,200
502000	Fringe Benefits	\$93,264
510000	Local Travel & Mileage	\$400
505000	Supplies	\$200
516020	Professional Services Contract	\$1,715,400

TOTAL APPROPRIATIONS: \$ 1,948,464

and be it further

RESOLVED, that the following position, for which sufficient funding through United States Environmental Protection Agency grant funding for personal services and fringe benefits exists, will be created in the above grant:

Environmental Compliance Specialist (JG-9)
B-100 No. 000 000 7402
Budgeted Annual Salary: \$46,400

and be it further

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements to contract with Buffalo Niagara Riverkeeper for \$309,000 to manage the Buffalo River RAP over the 3-year project period; and be it further

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

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Maria R. Whyte, Commissioner of Environment and Planning; Thomas Hersey, Jr., Deputy Commissioner of Environment and Planning; and Bonnie Lawrence, Coordinator – Pollution Prevention Program.

(5-0)

5. COMM. 15E-38 (2013)
COUNTY EXECUTIVE

WHEREAS, the County park known as Black Rock Canal Park is within the City of Buffalo;
and

WHEREAS, the County is embarking on a \$2.1 million multi-phased improvement project to Black Rock Canal Park; and

WHEREAS, Erie County is looking to complete Phase II improvements which includes enhancements to the main parking area and entry road.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute a Contract for Engineering and Construction Management Services with Nussbaumer and Clarke, Inc. for Phase II Improvements to Black Rock Canal Park, in an amount not to exceed \$172,400.00; and be it further

RESOLVED, that an amount of \$172,400.00 be allocated from SAP Account A.21016 for Engineering and Construction Management Services an additional amount of \$17,200.00 be

allocated for a Department of Environment and Planning design contingency fund with authorization for the County Executive to approve contract amendments with Nussbaumer and Clarke, Inc., not to exceed \$17,200.00 also to be allocated from SAP Account A.21016; and be it further

RESOLVED, that the source of said funds are available within the Erie County Department of Environment and Planning Budget in SAP Account No. 21016, Black Rock Canal Park; and be it further

RESOLVED, that the requirement for a request for proposal in Section 19.08 of the Erie County Administrative Code is hereby waived due to the unique knowledge and experience of Nussbaumer and Clarke, Inc. concerning conditions at Black Rock Canal Park and their ability to expedite the design process in a manner consistent with the completion timeframes established by various grantor agencies; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Office of the County Executive; the Commissioner of the Department of Environment and Planning; the Commissioner of the Department of Parks, Recreation and Forestry; the Director of the Division of Budget and Management; the Comptroller's Office and the County Attorney.
(5-0)

TERRENCE D. McCracken
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 205

September 19, 2013	PUBLIC SAFETY COMMITTEE REPORT NO. 12
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ALL MEMBERS PRESENT.
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 13E-9 (2013)
GRANT & HOGUES: "Letter to Community Stakeholders Concerning "Summit on Violent Crime & Homicide in Buffalo, NY""
(6-0)
 - b. COMM. 15E-35 (2013)
COUNTY EXECUTIVE: "Acceptance of FY12 Emergency Management Performance Grant"
(6-0)

c. COMM. 15D-5 (2013)
COMMISSIONER OF CENTRAL POLICE SERVICES: "Response Letter to Comptroller Concerning Audit of CPS DNA Backlog Grant"
(6-0)

2. COMM. 14D-6 (2013)
DEPARTMENT OF HEALTH
RESOLVED, the Erie County Legislature hereby appoints the following individual as recommended by the Commissioner of Health to the EC Community Corrections Advisory Board for a term expiring on 9/19/2015:

Appointment

Mr. Benjamin Swanekamp
Edward Rath Bldg.
95 Franklin St.
Buffalo, NY 14202
(716) 858-2928
(716) 400-8497
Benjamin.Swanekamp@erie.gov

(6-0)

3. COMM. 15E-16 (2013)
COUNTY EXECUTIVE
WHEREAS, the Department of Central Police Services is in the process of upgrading the CHARMS system which is utilized by law enforcement agencies throughout Erie County; and

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

WHEREAS, there are sufficient funds in the E-911 Fund to provide for the system upgrade (reference Comm. 12E-17, 2013).

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to issue a purchase order to Globalquest Solutions, Inc., a local WBE/New York State contract vendor, in the amount of \$16,800 to provide the professional technical staff for this project; 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, the Bureau of Purchase, and the Department of Central Police Services, attention: Carmen Walling.

(6-0)

4. COMM. 15E-27 (2013)
COUNTY EXECUTIVE
WHEREAS, the NYS Department of Homeland Security and Emergency Services has agreed to provide funding in the amount of \$340,722.00 in federal assistance to continue the implementation of a program 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 contact and accept \$340,722.00 in state resources to provide funding for personnel and the purchase of necessary equipment to enhance the ability of Erie County to manage emergency and disaster situations.

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 \$340,722.00 in grant funding for the Department of Emergency Services; and be it further

RESOLVED, that authorization is hereby provided to transfer currently budgeted positions with existing Department of Emergency Services Homeland Security grants to EMPG FY 12 as required to maintain public safety services to Erie County residents; 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 12 Emergency Management Performance Grant

Revenue	Increase
Account 409000 State Aid	\$340,722.00
Appropriation	Increase
Account 500000 Full Time Salaries	\$197,574.00
Account 502000 Fringe Benefits	119,848.00
Account 505000 Office Supplies	1,500.00
Account 506200 Maintenance & Repairs	9,000.00
Account 510100 Travel	1,200.00
Account 510200 Training & Education	1,000.00
Account 516030 Maintenance Contracts	700.00
Account 910700 ID Fleet Services	5,800.00
Account 980000 ID DISS Services	<u>4,100.00</u>
Total Appropriations	\$340,722.00

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 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.
(6-0)

5. COMM. 15E-32 (2013)
SHERIFF

WHEREAS, Roki was purchased in the year 2012 with seized asset funds and was trained in drug detection to work in the Erie County Holding Center; and

WHEREAS, Roki has exhibited unacceptable behavior therefore posing a possible risk to the employees of the Erie County Sheriff's Office and the visitors and inmates at the Erie County Holding Center; and

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Office of the Sheriff is hereby authorized to enter into an agreement with Mr. Marcus Hampton to transfer the ownership of Roki. Mr. Marcus Hampton shall assume full responsibility for the dog under such agreement and shall further hold the County of Erie and Erie County Sheriff's Office harmless against any and all liability; and be it further

RESOLVED, that certified copies be forwarded to the Erie County Comptroller, the Director of Purchase, the County Attorney and the Office of the Sheriff for implementation.
(6-0)

6. COMM. 15E-34 (2013)
COUNTY EXECUTIVE

WHEREAS, the NYS Department of Homeland Security and Emergency Services has agreed to provide funding in the amount of \$967,981.00 in federal assistance to continue the implementation of a program 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 contact and accept \$967,981.00 in state resources to provide funding to purchase the necessary equipment to enhance the ability of Erie County to manage emergency and disaster situations.

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 \$967,981.00 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
Public Safety Answering Point (PSAP)
Consolidation, Improvements and Enhancement Grant

Revenue	Increase
Account 409000 State Aid	\$967,981.00
Appropriations	Increase
Account 516020 Professional Contracts & Fees	\$97,440.00
Account 513030 Maintenance Contracts	\$284,498.00
Account 561410 Equipment (Lab & Tech)	<u>\$586,043.00</u>
Total Appropriations	\$967,981.00

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 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.
(6-0)

TIMOTHY R. HOGUES
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 206

September 19, 2013	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 11
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ALL MEMBERS PRESENT.

CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 10E-26 (2013)
COUNTY EXECUTIVE: "Response to Audit Regarding FEMA Reimbursements from the "October Surprise Storm" in 2006"
(6-0)
 - b. COMM. 13E-4 (2013)
COMPTROLLER: "Report of the Apportionment & Distribution of Net Collections from the 4.75% Sales & Compensating Use Tax for EC for the Months of March, April & May 2013"
(6-0)
 - c. COMM. 13E-8 (2013)
COUNTY CLERK: "Letter to Chair of Legislature Concerning 2013 Mid-Year Budget Hearing"
(6-0)
 - d. COMM. 13D-5 (2013)
DIRECTOR OF BUDGET & MANAGEMENT: "Budget Monitoring Report for Period Ending May 2013"
(6-0)
 - e. COMM. 13D-6 (2013)
DIRECTOR OF BUDGET & MANAGEMENT: "Letter to Chair of Legislature Concerning 2013 Mid-Year Budget Hearings Data"
(6-0)
 - f. COMM. 14E-1 (2013)
COMPTROLLER: "EC 2012 Comprehensive Annual Financial Report"
(6-0)
 - g. COMM. 14E-2 (2013)
COMPTROLLER: "Supplement to the EC 2012 Comprehensive Annual Financial Report"
(6-0)
 - h. COMM. 14E-3 (2013)
COMPTROLLER: "Mid-Year Review of the 2013 Budget"
(6-0)
 - i. COMM. 14E-4 (2013)
COMPTROLLER: "EC's Federal Financial Assistance Audit Report for the Year Ended 12/31/2012"
(6-0)
 - j. COMM. 14E-13 (2013)
MARINELLI: "Materials from EC Audit Committee Meeting"

- (6-0)
- k. COMM. 14D-3 (2013)
COMPTROLLER'S OFFICE: "May 2013 Sales Tax"
(6-0)
- l. COMM. 15E-6 (2013)
COMPTROLLER: "Interim Financial Report for the Second Quarter of 2013, Ended 6/30/2013"
(6-0)
- m. COMM. 15E-10 (2013)
COMPTROLLER: "Report of Secured Funds Relating to 2013 Revenue Anticipation Note & 2013 Ralph Wilson Stadium Bond Issues"
(6-0)
- n. COMM. 15E-25 (2013)
COMPTROLLER: "Letter Concerning July 2013 Budget Monitoring Report"
(6-0)
- o. COMM. 15D-4 (2013)
DIRECTOR OF BUDGET & MANAGEMENT: "Budget Monitoring Report for Period Ending June 2013"
(6-0)
- p. COMM. 15D-6 (2013)
COMPTROLLER'S OFFICE: "Letter to Director of Budget & Management Concerning 2013/2014 IGT Payments & Impact on 2013 Revenue Anticipation Note"
(6-0)
- q. COMM. 15D-15 (2013)
COMPTROLLER'S OFFICE: "2013 Revenue Anticipation Note Sizing"
(6-0)
- r. COMM. 15D-18 (2013)
COMPTROLLER'S OFFICE: "June 2013 Sales Tax"
(6-0)
- s. COMM. 15D-20 (2013)
COMPTROLLER'S OFFICE: "Letter to County Executive Concerning External Auditor's Management Letter for EC for the Year Ended 12/31/2012"
(6-0)
- t. COMM. 15D-24 (2013)
COMPTROLLER'S OFFICE: "Letter to Legislature Concerning County Pension Bill"
(6-0)
- u. COMM. 15D-25 (2013)

DIRECTOR OF BUDGET & MANAGEMENT: "Letter to Legislature Concerning 2013
Estimated Pension Payment & 2014 Pension Estimate"
(6-0)

v. COMM. 15D-26 (2013)
COMPTROLLER'S OFFICE: "Letter to Legislature Regarding Receipt of Letter from
Director of Budget & Management Concerning County Pension Bill"
(6-0)

w. COMM. 15D-27 (2013)
DIRECTOR OF BUDGET & MANAGEMENT: "Budget Monitoring Report for Period
Ending July 2013"
(6-0)

x. COMM. 15D-30 (2013)
COMPTROLLER: "Letter to Legislature Concerning July 2013 Sales Tax"
(6-0)

2. COMM. 1D-7 (2012)
EC REAL PROPERTY TAX SERVICES AS AMENDED
WHEREAS, the Erie County Director of Real Property Tax Services has received
applications for corrected tax billings and / or refunds for taxes previously paid in accordance with
New York State Real Property Tax Law sections 554 and 556; and

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

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 213079 through 213113, inclusive be hereby approved
or denied based upon the recommendation of the Director of Real Property Tax Services and be
charged back to the applicable towns and/or cities.

FISCAL YEAR	2011	Petition No.	213,079.00
	ASSESSOR	Refund	\$161.01
S-B-L	148.00-3-12.2	S-2070 Two Rod R	145400 MARILLA
	Acct. No. 112		\$153.51 County
	Acct. No. 132		\$7.50 Town/SpecialDist/School
<u>Charge To :</u>	145400 MARILLA		\$7.50

RPTL 550(2): Removed veterans eemption in error
Refund to be issued to Colleen Czachowski

FISCAL YEAR	2012	Petition No.	213,080.00
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ASSESSOR Refund \$162.06

S-B-L 148.00-3-12.2 S-2070 Two Rod R 145400 MARILLA

Acct. No. 112 \$154.41 County
Acct. No. 132 \$7.65 Town/SpecialDist/School
Charge To : 145400 MARILLA \$7.65

RPTL 550(2): Removed veterans eemption in error
Refund to be issued to Colleen Czachowski

FISCAL YEAR 2013 Petition No. 213,081.00

ASSESSOR Refund \$162.15

S-B-L 148.00-3-12.2 S-2070 Two Rod R 145400 MARILLA

Acct. No. 112 \$153.87 County
Acct. No. 132 \$8.28 Town/SpecialDist/School
Charge To : 145400 MARILLA \$8.28

RPTL 550(2): Removed veterans eemption in error
Refund to be issued to Colleen Czachowski

FISCAL YEAR 2013 Petition No. 213,082.00

ASSESSOR Cancel \$69.72

S-B-L 47.19-3-23.1 2 Sylvan Pkwy 145601 AKRON

Acct. No. 112 \$0.00 County
Acct. No. 132 \$69.72 Town/SpecialDist/School
Charge To : 145601 AKRON \$69.72

Relevy Village \$69.72 Village of AKRON

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

FISCAL YEAR 2013 Petition No. 213,083.00

ASSESSOR Cancel \$366.39

S-B-L 283.00-1-8./A Mason 3 142801 FARNHAM

Acct. No. 112 \$0.00 County
Acct. No. 132 \$366.39 Town/SpecialDist/School
Charge To : 142801 FARNHAM \$366.39

Relevy Village \$366.39 Village of FARNHAM
RPTL 550(7): Incorrect swis code
Delete parcel from tax roll

FISCAL YEAR 2012 Petition No. 213,084.00

ASSESSOR Cancel \$499.47

S-B-L 268.00-6-3.1/B Catalano #2 142801 FARNHAM

Acct. No. 112 \$0.00 County
Acct. No. 132 \$499.47 Town/SpecialDist/School
Charge To : 142801 FARNHAM \$499.47

Relevy Village \$499.47 Village of FARNHAM
RPTL 550(7): Incorrect swis code
Delete parcel from tax roll

FISCAL YEAR 2012 Petition No. 213,085.00

ASSESSOR Refund \$829.00

S-B-L 26.16-3-13 177 Paul Dr 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$829.00 Town/SpecialDist/School
Charge To : 142289 AMHERST \$829.00
Relevy School \$829.00 142207 SWEET HOME CENTRAL

RPTL 550(2): Failed to apply enhanced STAR exemption
Refund to be issued to Peter T. Higgins

FISCAL YEAR 2013 Petition No. 213,086.00

ASSESSOR Refund \$54.48

S-B-L 78.47-5-4 54 Englewood Dr 140200 BUFFALO

Acct. No. 112 \$54.48 County
Acct. No. 132 \$0.00 Town/SpecialDist/School
Charge To : 140200 BUFFALO \$0.00

RPTL 550(2): error calculating disability exemption
Refund to be issued to Cheryl Egressy

FISCAL YEAR 2013 Petition No. 213,087.00

ASSESSOR Cancel \$29.10

S-B-L 47.07-2-16.11/D7 7 Danita Dr 145601 AKRON

Acct. No. 112 \$0.00 County
Acct. No. 132 \$29.10 Town/SpecialDist/School
Charge To : 145601 AKRON \$29.10

Relevy Village \$29.10 Village of AKRON
RPTL 550(2): Failed to apply veteran exemption
New tax bill to be issued

FISCAL YEAR 2013 Petition No. 213,088.00

ASSESSOR Cancel \$22.40

S-B-L 47.67-2-16.11/W5 51 Wesley Dr 145601 AKRON

Acct. No. 112 \$0.00 County
Acct. No. 132 \$22.40 Town/SpecialDist/School
Charge To : 145601 AKRON \$22.40

Relevy Village \$22.40 Village of AKRON
RPTL 550(2): Failed to apply veteran exemption
New Tax bill to be issued

FISCAL YEAR 2013 Petition No. 213,089.00

ASSESSOR Cancel \$70.30

S-B-L 47.07-2-16.11/W6 62 Wesley Dr 145601 AKRON

Acct. No. 112 \$0.00 County
Acct. No. 132 \$70.30 Town/SpecialDist/School
Charge To : 145601 AKRON \$70.30

Relevy Village \$70.30 Village of AKRON
RPTL 550(2): Failed to apply disability exemption
New tax bill to be issued

FISCAL YEAR 2013 Petition No. 213,090.00

ASSESSOR Cancel \$41.40

S-B-L 47.07-2-16.11/D2 27 Danita Dr 145601 AKRON

Acct. No. 112 \$0.00 County

Acct. No. 132 \$41.40 Town/SpecialDist/School
Charge To : 145601 AKRON \$41.40

Relevy Village \$41.40 Village of AKRON
RPTL 550(2): Failed to apply veteran exemption
New tax bill to be issued

FISCAL YEAR 2013 Petition No. 213,091.00

ASSESSOR Refund \$336.64

S-B-L 69.13-2-33 232 Evans St 142201 WILLIAMSVILLE

Acct. No. 112 \$155.30 County
Acct. No. 132 \$181.34 Town/SpecialDist/School
Charge To : 142201 WILLIAMSVILLE \$181.34

RPTL 550(2): Failed to apply veteran exemption
Refund to be issued to Donald Obenauer

FISCAL YEAR 2012 Petition No. 213,092.00

ASSESSOR Refund \$334.44

S-B-L 69.13-2-33 232 Evans St 142201 WILLIAMSVILLE

Acct. No. 112 \$155.87 County
Acct. No. 132 \$178.57 Town/SpecialDist/School
Charge To : 142201 WILLIAMSVILLE \$178.57

RPTL 550(2): Failed to apply veteran exemption
Refund to be issued to Donald Obenauer

FISCAL YEAR 2013 Petition No. 213,093.00

ASSESSOR Cancel \$806.47

S-B-L 141.43-2-10 21 Steelawanna Av 140900 LACKAWANNA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$806.47 Town/SpecialDist/School
9992 ECSD#6 SAN SEWER \$806.47
Charge To : 140900 LACKAWANNA \$0.00

RPTL 550(2): Incorrect sewer consumption charge
New tax bill to be issued

FISCAL YEAR 2011 Petition No. 213,094.00

 ASSESSOR Refund \$95.49

S-B-L 56.13-2-7 169 Presidents Wal 142289 AMHERST

 Acct. No. 112 \$62.14 County
 Acct. No. 132 \$33.35 Town/SpecialDist/School

Charge To : 142289 AMHERST \$33.35

RPTL 550(2): Failed to apply veteran exemption
Refund to be issued to Charles and Marie DiVencenzo

FISCAL YEAR 2012 Petition No. 213,095.00

 ASSESSOR Refund \$129.84

S-B-L 56.13-2-7 169 Presidents Wal 142289 AMHERST

 Acct. No. 112 \$62.34 County
 Acct. No. 132 \$67.50 Town/SpecialDist/School

Charge To : 142289 AMHERST \$67.50

RPTL 550(2): Failed to apply veteran exemption
Refund to be issued to Charles and Marie DiVencenzo

FISCAL YEAR 2013 Petition No. 213,096.00

 ASSESSOR Refund \$130.27

S-B-L 56.13-2-7 169 Presidents Wal 142289 AMHERST

 Acct. No. 112 \$62.12 County
 Acct. No. 132 \$68.15 Town/SpecialDist/School

Charge To : 142289 AMHERST \$68.15

RPTL 550(2): Failed to apply veteran exemption
Refund to be issued to Charles and Marie DiVencenzo

FISCAL YEAR 2012 Petition No. 213,097.00

 ASSESSOR Refund \$617.00

S-B-L 79.12-10-18 283 Berryman Dr 142289 AMHERST

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$617.00 Town/SpecialDist/School

Charge To : 142289 AMHERST \$617.00
 Relevy School \$617.00 142201 AMHERST CENTRAL

RPTL 550(2): Failed to apply enhanced STAR exemption
Refund to be issued to Robert Terragnoli

FISCAL YEAR 2013 Petition No. 213,098.00

 ASSESSOR Refund \$605.00

S-B-L 79.12-10-18 283 Berryman Dr 142289 AMHERST

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$605.00 Town/SpecialDist/School
Charge To : 142289 AMHERST \$605.00
 Relevy School \$605.00 142201 AMHERST CENTRAL

RPTL 550(2): Failed to apply enhanced STAR exemption
Refund to be issued to Robert Terragnoli

FISCAL YEAR 2013 Petition No. 213,099.00

 ASSESSOR Cancel \$632.00

S-B-L 114.08-8-6 155 Borden Rd 143003 DEPEW

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$632.00 Town/SpecialDist/School
Charge To : 143003 DEPEW \$632.00
 Relevy School \$632.00 143007 DEPEW UNION-CHEEK

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

FISCAL YEAR 2013 Petition No. 213,100.00

 ASSESSOR Cancel \$468.00

S-B-L 92.19-2-13 160 Banko Dr 143089 CHEEKTOWAGA

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$468.00 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA \$468.00
 Relevy School \$468.00 145201 LANCASTER CENTRAL

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

FISCAL YEAR 2013 Petition No. 213,101.00

ASSESSOR Cancel \$571.00

S-B-L 92.18-15-28 311 Evaine Dr 143003 DEPEW

Acct. No. 112 \$0.00 County
Acct. No. 132 \$571.00 Town/SpecialDist/School
Charge To : 143003 DEPEW \$571.00
Relevy School \$571.00 143002 CHEEK. UNION #2

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

FISCAL YEAR 2013 Petition No. 213,102.00

ASSESSOR Cancel \$904.00

S-B-L 112.75-5-22 269 Shanley St 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$904.00 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA \$904.00
Relevy School \$904.00 143009 SLOAN UNION #9

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

FISCAL YEAR 2013 Petition No. 213,103.00

ASSESSOR Cancel \$8.20

S-B-L 126.10-2-112 Enchanted Forest N 145289 LANCASTER

Acct. No. 112 \$0.00 County
Acct. No. 132 \$8.20 Town/SpecialDist/School
Charge To : 145289 LANCASTER \$8.20
Relevy School \$8.20 145201 LANCASTER CENTRAL

RPTL 550(7): Town owned
New Tax bill to be issued

FISCAL YEAR 2013 Petition No. 213,104.00

ASSESSOR Cancel \$907.00

S-B-L 113.65-1-6 16 Ceil Dr 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$907.00 Town/SpecialDist/School

FISCAL YEAR 2013 Petition No. 213,108.00

ASSESSOR Cancel \$560.00

S-B-L 80.08-9-15 75 Linwood Ave 142289 AMHERST

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$560.00 Town/SpecialDist/School
Charge To : 142289 AMHERST \$560.00
 Relevy School \$560.00 142203 WILLIAMSVILLE CENT

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

FISCAL YEAR 2013 Petition No. 213,109.00

ASSESSOR Cancel \$424.00

S-B-L 67.12-5-2.11 333 Hartford Rd 142289 AMHERST

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$424.00 Town/SpecialDist/School
Charge To : 142289 AMHERST \$424.00
 Relevy School \$424.00 142207 SWEET HOME CENTRAL

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

FISCAL YEAR 2012 Petition No. 213,110.00

ASSESSOR Cancel \$1,953.87

S-B-L 319.00-2-5.1/T Kaiser Rd 145889 NORTH COLLINS

 Acct. No. 112 \$915.64 County
 Acct. No. 132 \$1,038.23 Town/SpecialDist/School
Charge To : 145889 NORTH COLLINS \$1,038.23

RPTL 550(3): Tower was torn down
New tax bill to be issued

FISCAL YEAR 2013 Petition No. 213,111.00

ASSESSOR Cancel \$167.52

S-B-L 101.25-5-17 176 Roslyn St 140200 BUFFALO

 Acct. No. 112 \$167.52 County

Charge To : Acct. No. 132 \$0.00 Town/SpecialDist/School
140200 BUFFALO \$0.00

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

FISCAL YEAR 2012 Petition No. 213,112.00
ASSESSOR Cancel \$237.04

S-B-L 89.22-5-36 45 Fordham 140200 BUFFALO

Charge To : Acct. No. 112 \$237.04 County
Acct. No. 132 \$0.00 Town/SpecialDist/School
140200 BUFFALO \$0.00

RPTL 550(2): Removed veterans exemption in error
New tax bill to be issued

FISCAL YEAR 2013 Petition No. 213,113.00
ASSESSOR Cancel \$235.36

S-B-L 89.22-5-36 45 Fordham 140200 BUFFALO

Charge To : Acct. No. 112 \$235.36 County
Acct. No. 132 \$0.00 Town/SpecialDist/School
140200 BUFFALO \$0.00

RPTL 550(2): Removed veterans exemption in error
New tax bill to be issued

and be it further

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

(6-0)

3. COMM. 15E-15 (2013)
COUNTY EXECUTIVE

WHEREAS, Trinity Towers Apartments II, LLC and Hertel Park Senior Housing II, LLC are developing housing for low and very low income households pursuant to Article XI of the New York Private Housing Finance Law; and

WHEREAS, Trinity Towers Senior Housing will consist of the development of 83 rental residential units at 33 Linwood Avenue, Buffalo, New York. The 83 units will be substantially

rehabilitated and the units will be affordable for senior households with incomes at or below 60% of the area median income; and

WHEREAS, Hertel Park Senior Housing will consist of the development of 138 rental residential units at 1631 Hertel Avenue, Buffalo, New York. The 138 units will be substantially rehabilitated and the units will be affordable for senior households with incomes at or below 60% of the area median income; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and the PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for Trinity Towers Senior Housing II, LLC and Hertel Park Senior Housing II, LLC to operate the housing projects it is necessary to obtain tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with Trinity Towers Apartments II, LLC, Trinity Tower II Housing Development Fund Corp., Inc. and the City of Buffalo relating to Trinity Towers Senior Housing and all other agreements necessary to conclude this housing project; and be it further

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with Hertel Park Senior Housing II, LLC, Hertel Park II Housing Development Fund Corp. and the City of Buffalo relating to Hertel Park Senior Housing and all other agreements necessary to conclude this housing project; and be it further

RESOLVED, that at least 60% of the Trinity Towers Senior Housing units and at least 60% Hertel Park Senior Housing units remain affordable to and occupied by households earning no greater than 60% of the area median income, adjusted for family size, as determined by the Department of Housing and Urban Development for the period of the Agreements; and be it further

RESOLVED, that said Agreements shall include annual PILOT payments in the amount of taxes due as set forth on Schedule A attached hereto for the Trinity Towers Senior Housing and Schedule B attached hereto for the Hertel Park Senior Housing. Payment under the Agreements will be for fifteen (15) years with the County share of each annual payment being twenty-five (25) percent of the total amount; and be it further

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

Schedule A

Trinity Towers Senior Housing

City	County	Total
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Year 1	\$23,069	\$7,690	\$30,759
Year 2	24,222	8,074	32,296
Year 3	25,434	8,478	33,912
Year 4	26,705	8,902	35,607
Year 5	28,041	9,347	37,388
Year 6	29,443	9,814	39,257
Year 7	30,915	10,305	41,220
Year 8	32,460	10,820	43,280
Year 9	34,083	11,361	45,444
Year 10	35,788	11,929	47,717
Year 11	37,577	12,526	50,103
Year 12	39,456	13,152	52,608
Year 13	41,429	13,810	55,239
Year 14	43,500	14,500	58,000
Year 15	45,675	15,225	60,900

Schedule B

Hertel Park Senior Housing

	City	County	Total
Year 1	\$34,026.00	\$11,342.00	\$45,368.00
Year 2	35,045.78	11,682.26	46,729.04
Year 3	36,098.18	12,032.73	48,130.91
Year 4	37,181.13	12,393.71	49,574.84
Year 5	38,296.56	12,765.52	51,062.08
Year 6	39,445.46	13,148.49	52,593.95
Year 7	40,628.82	13,542.94	54,171.76
Year 8	41,847.69	13,949.23	55,796.92
Year 9	43,103.12	14,367.71	57,470.83
Year 10	44,396.21	14,798.74	59,194.95
Year 11	45,728.10	15,242.70	60,970.80
Year 12	47,099.94	15,699.98	62,799.92
Year 13	48,512.94	16,170.98	64,683.92
Year 14	49,968.33	16,656.11	66,624.44
Year 15	51,467.38	17,155.79	68,623.17

(6-0)

TIMOTHY R. HOGUES
CHAIR

LEGISLATOR RESOLUTIONS

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

consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 207

RE: Marilla Agricultural District No. 5
Eight-Year Review
(INTRO 16-1)

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby granted for the Clerk of the Legislature, in cooperation with the Erie County Department of Environment and Planning, to hold a Public Hearing on Thursday, October 10, 2013, at 6:00 P.M., at the Marilla Town Hall, 1740 Two Rod Road, Marilla, NY 14102, concerning the eight-year review of the Marilla Agricultural District No. 5; and be it further

RESOLVED, that the Clerk of the Legislature, in cooperation with the Erie County Department of Environment and Planning, is directed to publish a Notice of Public Hearing in the newspaper having general circulation within the Marilla Agricultural District, to so notify the municipality and any property owners affected by any proposed modifications to the Marilla Agricultural District.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 208

RE: Increase Use of Solar Power in EC
(INTRO 16-2)

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

WHEREAS, the Erie County Legislature recognizes that energy from renewable sources, such as solar, wind and hydro, generally is viewed as more environmentally friendly than power generated from sources that take thousands of years to renew; and

WHEREAS, the Erie County Legislature also views energy self-sufficiency as more preferable to dependency on foreign energy sources; and

WHEREAS, the Erie County Legislature recognizes the opportunity to promote domestic technological innovation and industrial growth by encouraging the utilization of renewable energy sources; and

WHEREAS, New York State has amended the tax law, in relation to exempting the sale and installation of commercial solar energy systems equipment from state sales and compensating use taxes and granting municipalities the opportunity to enact such exemption from their sales and compensating use taxes; and

WHEREAS, this Legislature desires to encourage the purchase and installation of such commercial solar energy systems equipment in order to promote the use of renewable energy sources and decreased reliance on fossil fuels in an effort to protect the environment; and

WHEREAS, this Legislature wishes to explore the effectiveness and fiscal implications of the local sales and compensating use tax exemption on the sale and installation of commercial solar energy systems equipment on promoting those goals.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby express its support of the increased use of solar energy as a clean and renewable source of power; and be it further

RESOLVED, the Finance & Management Committee is hereby directed to hold a meeting with interested parties to discuss the possibility of Erie County exempting the local sales and compensating use tax exemption on the sale and installation of commercial solar energy systems equipment; and be it further

RESOLVED, that certified copies of this resolution be delivered to the County Executive, the Director of Budget and Management, the Director of Real Property Tax Services and the Mayor or Supervisor of every municipality in Erie County, because each municipality in Erie County is unique in New York State in that it receives a share of sales tax collections.

MR. MAZUR moved to amend the resolution by including El Al Sponsorship. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 29 –CHAIR GRANT directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 16-3 from HARDWICK. Conducting Evening Legislative Sessions.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 30 – MR. MAZUR moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of COMM. 15E-29 (2013). MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 209

RE: Child Protection Services Staffing &
Reorganization of Management
(COMM. 15E-29, 2013)

WHEREAS, Erie County Child Protective Services (“CPS”) has been responding to increased allegations of abuse or neglect, as well as more serious situations, such as a growing number of families with multiple allegations; and

WHEREAS, CPS is burdened with a current and growing high caseload and staffing constraints; and

WHEREAS, the Department of Social Services (“DSS”) seeks approval to create a new CPS team effective October 1, 2013 and add six (6) Social Caseworker I positions and one (1) Child Protective Coordinator position; and

WHEREAS, the new CPS team will help significantly reduce the caseloads and enable DSS to more expeditiously respond to new allegations and complaints; and

WHEREAS, DSS has a management structure that features few senior level managers and significant burdens imposed on the Commissioner; and

WHEREAS, the DSS management structure features far fewer managers than comparable counties in New York State such as Westchester and Suffolk with corresponding issues; and

WHEREAS, as part of a reorganization, the Department of Social Services seeks approval to create the following three (3) new management confidential positions effective October 1, 2013: First Deputy Commissioner (JG 18), Second Deputy Commissioner (JG 17) and Special Assistant to the Commissioner (JG 15); and

WHEREAS, there is no local share fiscal impact to this resolution as the local share for the CPS team and the management reorganization will be funded by available funds from an unexecuted contract for Vocational Rehabilitation at Erie County Medical Center Corporation for which an unexpended balance of \$162,000 remains within the \$250,000 budgeted appropriation.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2013 Adopted Budget:

Department of Social Services, Department 120, Fund 110

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/ (DECREASE)</u>
500000	Full Time Salaries	130,262
502000	Fringe	80,762
561420	Office Equipment, Furniture & Fixtures	5,298
516052	ECMCC Vocational Rehabilitation CED	(\$91,946)
	Total Expenditure	\$124,376

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/ (DECREASE)</u>
407540	State Aid-Social Services Admin	66,480
411540	Federal Aid-Social Services Admin	57,896
	Total Revenue	\$124,376

and be it further

RESOLVED, that the following new positions are authorized in the 2013 Adopted Budget: one (1) Child Protection Coordinator (JG 12), and six (6) Social Caseworker I (JG 8), as noted in B-100# 7351 and B-100# 7352; and be it further

RESOLVED, that the following three new positions are authorized in the 2013 Adopted Budget at variable minimum step 3: First Deputy Commissioner (JG 18), Second Deputy Commissioner (JG 17) and Special Assistant to the Commissioner (JG 15) as noted in B-100# 7369, B-100# 7384 and B-100# 7385; and be it further

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

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

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

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

FAILED.

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

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

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

FAILED.

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

MR. LORIGO requested that the Third Resolve Clause be separated.

GRANTED.

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

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

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to approve the Third Resolve Clause. MR. HOGUES seconded.

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

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

CARRIED.

SUSPENSION OF THE RULES

Item 31 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 16E-14 from the COUNTY EXECUTIVE Re: Agreement with Various Local
Municipalities for Snow & Ice Control on County Roads

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 210

WHEREAS, the County of Erie, pursuant to Comm. 12E-20 dated July 22, 2010, relating to the control of snow and ice on County roads by towns and incorporated villages, entered into a three year agreement with local municipalities for such purposes; and

WHEREAS, the said agreement expired August 31, 2013 at a lane mile reimbursement rate of \$3,393.13; and

WHEREAS, it would be in the best interests of Erie County to execute an agreement at a lane mile reimbursement rate increasing three (3) percent each year for a three (3) year period ending August 31, 2016, and representatives of the affected municipalities have agreed to terms with the County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the said Snow and Ice Control Agreement, as modified and updated, at a lane mile reimbursement rate increasing three (3) percent each year for a three (3) year period, to expire August 31, 2016, payable from adopted Division of Highways Fund 210, G/L 520060 Town and Village Snow Contracts, as set forth below:

September 1, 2013 through August 31, 2014	\$3,494.92 per lane mile
September 1, 2014 through August 31, 2015	\$3,599.77 per lane mile
September 1, 2015 through August 31, 2016	\$3,707.76 per lane mile

and be it further

RESOLVED, that the County Executive is hereby authorized and directed on behalf of Erie County to execute agreements with participating municipalities; and be it further

RESOLVED, that the Clerk of this Legislature is hereby directed to transmit four (4) certified copies of the foregoing resolution to the Commissioner of Public Works, one (1) certified copy each to the Office of the County Executive, the Division of Budget and Management, the County Attorney and the Office of the Comptroller.

Item 32 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 16E-15 from the COUNTY EXECUTIVE Re: Notice of Public Hearing - ECSDs - 2013 Assessment Rolls (2014 Levy)

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 33 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 16D-3 from the DEPUTY COUNTY EXECUTIVE Re: Response Letter to Legislator Lorigo Regarding Questions Concerning DSS Reorganization Plan

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 34 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 16D-4 from the DEPUTY DIRECTOR OF BUDGET & MANAGEMENT Re: Letter to Legislature Concerning Comm. 15E-29 - DSS Reorganization

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 35 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 16D-5 from the DIRECTOR OF BUDGET & MANAGEMENT Re: Letter to Legislature Concerning State Comptroller Report on "Fiscal Stress"

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 36 – (COMM. 16E-1) EC Deferred Compensation Committee Appointment

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 37 – (COMM. 16E-2) Comptroller Office 2014 Budget Submission

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 38 – (COMM. 16E-3) Review of Department of Social Services - Child Protective Services & Reorganization of Management (COMM. 15E-29)

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 39 – (COMM. 16E-4) Memorandum: Dissemination of Employment & Career Opportunities with EC & Affiliated Entities

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY CLERK

Item 40 – (COMM. 16E-5) Pistol Permit Division - Software Modifications & Supplies

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 211

RE: NYS Nurses Association - 2012-2017
Successor Collective Bargaining
Agreement
(COMM. 16E-6)

WHEREAS, Erie County is a municipal corporation and is bound by the New York State Taylor Law to negotiate terms and conditions of employment with duly elected employee organizations; and

WHEREAS, the New York State Nurses Association (“NYSNA”) is an employee union organization representing approximately 32 nursing professionals in the Erie County Department of Health, including correctional health; and

WHEREAS, NYSNA and Erie County have been operating pursuant to the terms and conditions of employment by a contract which expired on December 31, 2011; and

WHEREAS, Erie County and NYSNA negotiated a successor collective bargaining agreement, covering the period between January 1, 2012 and December 31, 2017; and

WHEREAS, the NYSNA membership recently overwhelmingly ratified the successor agreement.

NOW, THEREFORE, BE IT

RESOLVED, the successor agreement between Erie County and NYSNA is hereby approved; and be it further

RESOLVED, all terms and conditions of the successor agreement shall be implemented in full; and be it further

RESOLVED, that authorization is provided to appropriate \$172,660 in undesignated/unassigned fund balance into the 2013 Budget of the Department of Health to cover the 2012-2013 costs of the successor agreement; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any and all required budgetary adjustments in the 2013 Budget to properly fund the increased costs associated with the NYSNA contract by utilizing \$172,660 in appropriated fund balance; and be it further

RESOLVED, certified copies of this resolution be forwarded to the Erie County Executive, Erie County Comptroller, Department of Budget and Management, Department of Labor Relations, Department of Personnel, Office of the Sheriff, the Department of Health and the Erie County Fiscal Stability Authority.

Item 42 – (COMM. 16E-7) Appointments to the Commission on the Status of Women

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

Item 43 – (COMM. 16E-8) ECSD No. 8 - Reed-Hill Subdivision

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 44 – (COMM. 16E-9) Federal Aid Bridge Maintenance Projects: Bridge Washing (230 Bridges); Bridge Deck Sealing (18 Bridges); Bridge Joint Replacement (3 Bridges); Various Towns

Item 45 – (COMM. 16E-10) Miscellaneous Bridge Rehabilitation & Repair Project - Construction Award - Towns of Aurora, Cheektowaga, Grand Island, Hamburg & Sardinia

Item 46 – (COMM. 16E-11) Developing Professionals - Award of Professional Services Contract for Employee Training - Division of Highways

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

Item 47 – (COMM. 16E-12) Expanded Partner Services - 10/1/2013 - 6/30/2014

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 48 – (COMM. 16E-13) Request to Enter into a T-Mobile 2nd Amendment of Lease of Space on ECC South Campus Cell Tower

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COMMISSIONER OF PUBLIC WORKS

Item 49 – (COMM. 16D-1) Capital Projects at ECC City Campus

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE CLERK OF COMMUNITY ENRICHMENT COMMITTEE

Item 50 – (COMM. 16D-2) Letter to Committee & Non-Committee Members Regarding 2013 Budget Accountability Act Close-Out Reports

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NYS WESTERN REGIONAL DIRECTOR,
DEPARTMENT OF TAXATION & FINANCE

Item 51 – (COMM. 16M-1) Letter to Clerk of Legislature Regarding a Presentation Concerning the Basic STAR Exemption

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 52 – (COMM. 16M-2) Agenda for Meeting Held 9/19/2013

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

ANNOUNCEMENTS

Item 53 – CHAIR GRANT announced that the schedule of upcoming committee meetings has been distributed.

MEMORIAL RESOLUTIONS

Item 54 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Nadine Cosby, James Von Der Empten, Elizabeth P. “Betty” Howard, and Mary Joan “Mimi” Turner.

Item 55 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of William M. Walker.

Item 56 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Donald F. Kunzleman, Thomas N. Clabeaux, and Stanley R. Wegrzyn.

Item 57 – Legislator Hogues requested that when the Legislature adjourns, it do so in memory of Sally C. (Territo) Iannello.

ADJOURNMENT

Item 58 – At this time, there being no further business to transact, CHAIR GRANT announced that the Chair would entertain a Motion to Adjourn.

MR. MAZUR moved that the Legislature adjourn until Thursday, October 10, 2013 at 2:00 p.m. Eastern Standard Time. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

CHAIR GRANT declared the Legislature adjourned until Thursday, October 10, 2013 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE