

**ERIE COUNTY LEGISLATURE
MEETING NO. 18
OCTOBER 24, 2013**

The Legislature was called to order by Chair Grant.

All members present.

An Invocation was held, led by Mr. McCracken, who requested a moment of silence.

The Pledge of Allegiance was led by Mr. Hogues.

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 17 from 2013. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – CHAIR GRANT, MR. MAZUR, MR. MILLS, MR. HOGUES, MS. MARINELLI, MR. HARDWICK, MR. LOUGHRAN, MR. RATH, MR. McCRACKEN, MS. DIXON and MR. LORIGO presented a memorial resolution Remembering the Life of Glenn Gramigna.

Item 6 – MR. McCRACKEN presented a memorial resolution Honoring the Life of Lorraine Wojtowicz.

Item 7 – MR. HARDWICK presented a resolution Honoring Arthur J. Leeming for His Commitment & Service to His Country During World War II.

Item 8 – MR. HARDWICK presented a resolution Honoring Crazy Jake's on Being Named 2013 Business of the Year By the Chamber of Commerce of the Tonawandas.

Item 9 – MR. HARDWICK presented a resolution Honoring Beverly Loxterman on Being Named Citizen of the Year By the Chamber of Commerce of the Tonawandas.

Item 10 – CHAIR GRANT, MR. MAZUR, MR. HOGUES and MS. MARINELLI presented a resolution Recognizing October 20-26, 2013 as National Lead Poisoning Prevention Week.

Item 11 – MR. MILLS presented a resolution Congratulating South Davis Elementary School in Orchard Park on Being Named a National Blue Ribbon School for 2013.

Item 12 – MS. DIXON presented a resolution Honoring the Heroic Efforts of Jack Pirowski, Zachary Pirowski, Robert Lowe and Carmen Lowe in Saving the Lives of Seven People in Lackawanna.

Item 13 – MR. MAZUR presented a memorial resolution Honoring the Life of Lawrence P. Boyd.

Item 14 – MR. MAZUR presented a memorial resolution Honoring the Life of Judith A. Ramirez.

Item 15 – CHAIR GRANT, MR. MAZUR, MR. HOGUES and MS. MARINELLI presented a resolution Recognizing October as National Breast Cancer Awareness Month in EC.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

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

GRANTED.

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

GRANTED.

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

GRANTED.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 221

October 15, 2013	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 14
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 17D-1 (2013)
DEPARTMENT OF SOCIAL SERVICES: “ECDSS - Copy of Reorganization Proposal to the Health & Human Services Committee - 9/24/2013”
(4-0)
2. COMM. 17E-14 (2013)
COUNTY EXECUTIVE
WHEREAS, a lack of a permanent Public Health Laboratory Director has led to the utilization of contract pathologists and insufficient funds exist to pay for the critical HealthSpace™ software contract; and

WHEREAS, the Department of Health has analyzed its objects of expense and has determined that in that in Account 516020 Professional Services Contracts and Fees expenditures will exceed appropriations by \$140,000; and

WHEREAS, sufficient funds are available in Account 500000 Full Time Staff and Account 505800 Medical Supplies to accommodate this request; and

WHEREAS, a protracted process to hire and orient staff for critical positions in the Department of Health’s Correctional Health Division has led to an increased utilization of contract nursing agencies; and

WHEREAS, the Department of Health has determined that in that in Account 516020 Professional Services Contracts and Fees expenditures will exceed appropriations by \$700,000; and

WHEREAS, the Adopted 2013 Health Department Budget provides funding to provide medical services at the Erie County Holding Center and the Erie County Correctional Facility; and

WHEREAS, a transfer of funds must be made in order to fulfill the Department’s commitment to the Erie County Sheriff’s Department – Jail Medical Division and to remain in compliance with the Stipulated Order of Dismissal signed with the US Department of Justice; and

WHEREAS, sufficient funds are available in Account 500000, Full Time Staff, Account 516050, Payment to ECMC, and from fringe benefits to accommodate this request; and

WHEREAS, the retirement of the Chief Medical Examiner has led to the utilization of contract pathologists; and

WHEREAS, the Adopted 2013 Health Department Budget provides funding to perform autopsy services at the Erie County Medical Examiner's office; and

WHEREAS, a transfer of funds must be made in order to fulfill our commitments to perform autopsies; and

WHEREAS, sufficient funds are available in Account 500000 Full Time Staff to accommodate this request; and

WHEREAS, vacancy savings from the retirement of the Chief Medical Examiner will be utilized to fund the contract expense Account 516020.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the following transactions within the accounts of the Department of Health:

Health Department: Public Health Laboratory Division – Fund Center 12730

<u>Expense</u>	<u>Increase/(Decrease)</u>
Account 500000 Full Time Staff (Vacancy Savings)	\$(110,000)
Account 505800 Medical Supplies	(30,000)
Account 516020 Professional Services Contracts & Fees	<u>140,000</u>
Net	-0-

Health Department: Medical Examiner's Office – Fund Center 12740

<u>Expense</u>	<u>Increase/(Decrease)</u>
Account 500000 Full Time Staff (Vacancy Savings)	\$(26,000)
Account 516020 Professional Services Contracts and Fees	<u>\$ 26,000</u>
Net	-0-

Health Department: Correctional Health – Fund Center 12760

<u>Expense</u>	<u>Increase/(Decrease)</u>
Account 500000 Full Time Staff (Vacancy Savings)	\$(100,000)
Account 502000 Fringe Benefits	(200,000)
Account 516050 Payments to ECMC	(400,000)
Account 516020 Professional Services Contracts and Fees	<u>700,000</u>
Net	-0-

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, the Department of Law, and to Dr. Gale R. Burstein, Commissioner in the Erie County Department of Health, 9th Floor, Rath Building.

(4-0)

3. COMM. 17E-16 (2013)

COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Department of Social Services is to receive a cash donation of \$66,500 from Say Yes to Education for the provision of Mandated Preventive Services, and this funding is to be used to establish a new contract with Catholic Charities; and

WHEREAS, the donated funds will be used to draw down additional State share funding in the amount of \$108,500; therefore, this resolution requests authorization to increase the current year budget and contract amount with Catholic Charities by \$175,000; and

WHEREAS, ECDSS has traditionally provided Mandated Preventive Services to children and families identified to be at risk of removal from the home and entry into the Foster Care System; and

WHEREAS, this new program derives from the public private partnership between the Say Yes to Education Buffalo organization, the Buffalo Public Schools, Erie County, the City of Buffalo, higher education partners and local foundations; and

WHEREAS, Catholic Charities is a longstanding provider of qualified Mandated Preventive Services in Erie County as well as an established provider with Say Yes to Education, Inc. – Buffalo in the efforts to increase engagement of high risk children and their families; and

WHEREAS, these Mandated Preventive Services will identify at risk children from the school base and align intervention with these children and their families while allowing greater frequency of access and monitoring to promote ongoing safety and risk assessment; and

WHEREAS, there is no fiscal impact to this resolution as the local share is to be offset by the private cash donation from Say Yes to Education.

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</u>
516400	Catholic Charities – Say Yes to Education	<u>\$175,000</u>
	Total Expenditure	<u>\$175,000</u>

418430	Donated Funds	\$66,500
407680	State Aid Services for Recipients	<u>108,500</u>
	Total Revenue	<u>\$175,000</u>

and be it further

RESOLVED, that the County Executive and the Commissioner of Social Services are authorized to receive the cash contribution from Say Yes to Education – Buffalo and to execute necessary contracts and agreements for this program; and be it further

RESOLVED, due to the need to fund this program with an important existing provider agency, the requirement for Request for Proposals is waived; and be it further

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

(4-0)

**THOMAS J. MAZUR
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 222

October 15, 2013	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 13
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ALL MEMBERS PRESENT.

CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 14E-5 (2013)
COUNTY EXECUTIVE

WHEREAS, the college has identified a need to limit access to college buildings, to identify when exterior doors are opened, to determine who and when a card holder enters a building, to account for students in an emergency situation and to properly lockdown buildings in an emergency situation; and

WHEREAS, safety and security will be enhanced at the college for students, staff and visitors; and

WHEREAS, all costs incurred up to \$500,000 for this project will be paid out of ECC's capital chargeback account without utilizing operating funds; and

WHEREAS, the project will not involve the expenditure of any county funds; and

WHEREAS, on June 27, 2013 the ECC Board of Trustees approved capital project expenditures of up to \$500,000 involving a college-wide security project to be funded by the Erie Community College Capital Chargeback Fund.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature approves this project and the use of the college's chargeback account as a means to fund the project; and be it further

RESOLVED, that pending Erie County Legislative approval, such project costs incurred will be submitted to New York State for 50% state aid reimbursement, with such reimbursement being placed back into the college's capital chargeback account; and be it further

RESOLVED, that copies of this resolution be forwarded to the Erie County Executive, President of Erie Community College, the Chairman of the ECC Board of Trustees and SUNY.
(6-0)

**LYNN M. MARINELLI
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 223

October 17, 2013	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 14
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR LORIGO.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 17E-4 (2013)
COUNTY EXECUTIVE: "ECSD No. 3 - Engineer Term Contract Agreement - CRA Infrastructure & Engineering, Inc."
(4-0)
 - b. COMM. 17D-4 (2013)
DEPARTMENT OF ENVIRONMENT & PLANNING: "Demolition of Former Friendship House Community Center - SEQR Notification"
(4-0)
 - c. COMM. 17M-4 (2013)

NYSDEC: "Notice: Application for Cleanup from Legacy LaSalle, LLC. For a Site Known as 89 LaSalle Ave., Buffalo, NY"

(4-0)

2. RESOLVED, the following item is hereby received, filed and referred to the Finance & Management Committee:

a. COMM. 17M-3 (2013)

ASSOCIATION OF EC GOVERNMENTS: "Copy of Resolution Regarding NYS Legislature Passage of the Removal of the 4% Local Sales & Use Tax on the Purchase & Installations of Commercial Solar Equipment"

(4-0)

3. COMM. 17E-5 (2013)

COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 11E-13 (2012) Contract 11-A was awarded to J.D. Northrup Construction, Inc. for the installation of sanitary sewers and a pumping station to service Geneva Road residents in Erie County Sewer District No. 8; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 11-A, General, in the final contract amount of \$438,081.00 which includes Change Order No. 1 (final), a decrease of (\$50,485.45), and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 11-A between the County of Erie and J.D. Northrup Construction, Inc. (6633 Route 219, PO Box 669, Ellicottville, NY 14731) is accepted in the final contract amount of \$438,081.00 which includes Change Order No. 1 (final), a decrease of (\$50,485.45), and is allocated in Erie County Sewer District No. 8 Bond Account C.00071; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 11-A, General, to J.D. Northrup Construction, Inc. for a total contract amount of \$438,081.00; and be it further

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

(4-0)

4. COMM. 17E-6 (2013)

COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 11E-13 (2012) Contract 11-D was awarded to Weydman Electrical, Inc. for electrical work for the Geneva Road Pumping Station; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 11-D in the final contract amount of \$34,680.84 which includes Change Order No. 1 (final), a decrease of (\$9,019.16), and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 11-D between the County of Erie and Weydman Electric, Inc. (747 Young St. Tonawanda, New York 14150) is accepted in the final contract amount of \$34,680.84 which includes Change Order No. 1 (final), a decrease of (\$9,019.16), and is allocated in Erie County Sewer District No. 8 Bond Account C.00071; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 11-D to Weydman Electric, Inc., for a total contract amount of \$34,680.84; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Kristen Walder, Assistant County Attorney and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.
(4-0)

5. COMM. 17E-7 (2013)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Erie County Sewer District No. 5, Bryant & Stratton Pump Station Pump Replacement, Contract No. 20 at 2:00 P.M. on September 10, 2013:

<u>Contract</u>	<u>Low Bidder</u>	<u>Amount</u>
Contract No. 20	Milherst Construction, Inc. 10025 County Road P. O. Box 430 Clarence Center, NY 14032-0430	\$73,506.30

and

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

WHEREAS, there is available budget in the 2013 Erie County Sewer District No. 5 Fund Budget 220 Account 516020 Professional Services to fund this contract.

NOW, THEREFORE, BE IT

RESOLVED, the Bryant & Stratton Pump Station Pump Replacement, Contract No. 20 be awarded to Milherst Construction, Inc. in the not to exceed amount of \$73,506.30; and be it further

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

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

(4-0)

6. COMM. 17E-8 (2013)
COUNTY EXECUTIVE

EXTRACT OF MINUTES
Meeting of the County Legislature of
the County of Erie, New York.
October __, 2013

A regular meeting of the County Legislature of the County of Erie, New York, was held at the Chambers of the Erie County Legislature, in the Erie County Hall, Buffalo, New York, in said County, on October __, 2013, at 2:00 o'clock P.M. (Prevailing Time).

The following Legislators were present:

There were absent:

Also present: Robert M. Graber, Clerk of the Legislature

* * *

Legislator _____ offered the following resolution and moved its adoption:

RESOLUTION NO. __-2013

RESOLUTION DATED OCTOBER __, 2013

RESOLUTION APPROVING THE EXTENSION OF
ERIE COUNTY SEWER DISTRICT NO. 8.

(Introduced) October __, 2013

(Adopted) October __, 2013

Recitals

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 (the “District”) 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 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 developer of the Reed Hill Heights Subdivision (the “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, said County Legislature duly adopted Resolution No. 192-2013 on the 18th day of July, 2013, calling a meeting of the County Legislature for the purpose of holding a public hearing to consider said Reed Hill Extension and the Improvements specified above in accordance with the provisions of § 254 of the County Law of the State of New York; and

WHEREAS, notice of said public hearing was duly published in substantially the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said public hearing was duly held at Erie County Hall, 92 Franklin Street, 4th Floor, Buffalo, New York, in said County, on the 7th day of August, 2013, at 1:30 o’clock P.M., Prevailing Time; and

WHEREAS, said County Legislature has duly considered the evidence given at such public hearing;

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

Section 1. The Legislature hereby determines, based on the information provided in the Report and the evidence given at such public hearing:

(A) that all of the property and the property owners within the Reed Hill Extension will be benefited thereby;

(B) that all of the property and property owners benefitted are included within the limits of the Reed Hill Extension; and

(C) that it is in the public interest to approve the Reed Hill Extension.

Section 2. The Legislature hereby approves the Reed Hill Extension and the construction of the Improvements.

Section 3. This Resolution is adopted subject to a permissive referendum pursuant to § 256 of the County Law of the State of New York. The Clerk of the Legislature is hereby authorized and directed within ten (10) days after the adoption of said Resolution, to cause to be published a notice which sets forth the date of the Resolution's adoption and the number thereof and contains a copy of the Resolution.

Section 4. This Resolution shall take effect upon the earlier of (a) the expiration of the time for filing a petition requesting that the approval of the Reed Hill Extension be submitted to referendum and there being no petition filed, and (b) a positive vote upon the referendum authorizing the Reed Hill Extension.

The adoption of the foregoing resolution was seconded by Legislator _____ and duly put to a vote, which resulted as follows:

AYES:

NOES:

THE RESOLUTION WAS DECLARED ADOPTED.

* * *

Dated: October __, 2013
Buffalo, New York

The foregoing Resolution is hereby approved.

Robert M. Graber
Clerk of the Erie County Legislature

Legislator _____ offered the following resolution and moved its adoption:

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. The Clerk of the Erie County Legislature is hereby directed to publish the foregoing resolution, in full, in the Challenger Newspaper and the Amherst Bee Newspaper the official newspapers of the County and the East Aurora Bee for such publication, together with a notice of permissive referendum in substantially the form attached hereto.

Section 2. This resolution shall take effect immediately.

* * *

CERTIFICATE

I, Robert M. Graber, Clerk of the Erie County Legislature, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Erie County Legislature duly called and held on October __, 2013, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said County Legislature and is a true, complete and correct copy thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County this ____ day of October, 2013.

Robert M. Graber
Clerk of the Erie County Legislature

(NOTICE TO BE ATTACHED TO AND TO BE PUBLISHED WITH COPY OF RESOLUTION AFTER ADOPTION)

NOTICE

NOTICE OF ADOPTION OF RESOLUTION NO. __-2013

SUBJECT TO A PERMISSIVE REFERENDUM

At a meeting held on ____ day of October, 2013, the County Legislature of the County of Erie, New York duly adopted a resolution, a copy of which follows, which resolution is subject to a permissive referendum pursuant to § 256 of the County Law of the State of New York. If after forty-five (45) days of the resolution's adoption by the County Legislature, no petition objecting to the resolution and requesting a permissive referendum with respect to the Reed Hill Extension is filed with the Clerk of the Erie County Legislature, the resolution will be declared duly adopted.

ROBERT M. GRABER
Clerk of the County Legislature

(4-0)

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

WHEREAS, Erie County and the Town of Newstead entered into an Inter-Municipal Agreement dated August 7, 2013 regarding the purchase of certain parkland within Akron Falls Park by the Town of Newstead; and

WHEREAS, the purchase and transfer of parkland represents an alienation of parkland necessitating submittal of a Municipal Home Rule Request to the New York State Legislature regarding the enactment of a parkland alienation bill; and

WHEREAS, the action of transferring County Parkland to the Town of Newstead represents an action subject to review under the New York State Environmental Quality Review Act (SEQR); and

WHEREAS, Erie County, acting through the Department of Environment and Planning served as lead agency for the purposes of SEQR and issued a Negative Declaration on March 20, 2013 determining that the proposed action will not have an adverse environmental impact.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests that the New York State Legislature adopt parkland alienation legislation authorizing the County of Erie to transfer, for a sum not to exceed \$200,000, certain parkland within Erie County's Akron Falls Park to the Town of Newstead; and be it further

RESOLVED, that said parkland is more fully described on Attachment A to this Resolution; and be it further

RESOLVED, that any revenue received by Erie County from the transfer of the property described in Attachment A shall be used for capital improvements of existing County park and recreational facilities and/or for the acquisition of additional park and recreational facilities by Erie County; and be it further

RESOLVED, that the County Executive is hereby empowered to execute any such agreements, documents, or papers as may be necessary to implement the intent and purpose of this Resolution; 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; the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor; the Commissioner of the Department of Parks, Recreation, and Forestry, Rath Building, 13th Floor; New York State and Assembly home rule offices; New York State Senator Michael H. Ranzenhofer; and New York State Assemblywoman Jane Corwin.

(4-0)

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

WHEREAS, Erie County is desirous of undertaking Phase 1B of the Evans Shoreline Trail (aka Shoreline Trail – Beaches Section) in the Town of Evans; and

WHEREAS, said section shall extend from Erie County's Bennett Beach Park to the Evans Town Park; and

WHEREAS, Erie County has secured \$480,938 in State and Federal funds for the project;
and

WHEREAS, State regulations require that Erie County execute certain work agreements with affected utility companies within the project area prior to contract award.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive be authorized to execute Utility Work Agreements with affected utilities including but not limited to Verizon, Time Warner Cable, and National Grid in a cumulative amount not to exceed \$40,000; 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. A.00213; 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 Director of the Division of Budget and Management; the Comptroller's Office and the County Attorney.
(4-0)

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

WHEREAS, pursuant to Legislative Comm. 23E-4 (2012) Contract No.71 was awarded to Hydrolawn of Buffalo, Inc. for sanitary sewer replacement on Roseview, West Quaker, South Davis, Iroquois, and Broezel in Erie County Sewer District No. 3 & 4; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 71, in the final contract amount of \$109,262.95 which includes Change Order No. 1 (final), a decrease of (\$63,327.61), and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 71 between the County of Erie and Hydrolawn of Buffalo, Inc. (PO Box 771, Derby, NY 14047) is accepted in the final contract amount of \$109,262.95, \$41,676.43 in Bond Account C.00072 and \$67,586.52 in Bond Account C.00062 which includes Change Order No. 1 (final), a decrease of (\$63,327.61), (\$58,856.68) in Bond Account C.00072 and (\$4,470.93) in Bond Account C.00062; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Kristen Walder, Assistant County Attorney and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.
(4-0)

**TERRENCE D. McCracken
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 224

October 17, 2013	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 13
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 16M-1 (2013)
NYS WESTERN REGIONAL DIRECTOR, DEPARTMENT OF TAXATION & FINANCE: “Letter to Clerk of Legislature Regarding a Presentation Concerning the Basic STAR Exemption”
(5-0)
 - b. COMM. 17E-2 (2013)
COMPTROLLER: “Copy of Letter Concerning the Apportionment & Distribution of Net Collections from the Local 4.75% Sales & Compensating Use Tax for EC for the Months of June, July & August 2013”
(5-0)
 - c. COMM. 17E-3 (2013)
COMPTROLLER: “Copy of Letter to County Executive Concerning Charter Sec 2506 Revenue & Certain Expense Projections Reviewed”
(5-0)
 - d. COMM. 17D-2 (2013)
CITIZENS' BUDGET REVIEW COMMISSION CLERK: “Minutes from Meeting Held 3/6/2013”
(5-0)
 - e. COMM. 17D-3 (2013)
CITIZENS' BUDGET REVIEW COMMISSION CLERK
“Minutes from Meeting Held 7/10/2013”
(5-0)
 - f. COMM. 17D-8 (2013)
COMPTROLLER'S OFFICE: “Copy of Letter to Director of Budget & Management Concerning 10/1/2013 Listing of 2014 Budget Revenues”

(5-0)

- g. COMM. 17D-9 (2013)
DIRECTOR OF BUDGET & MANAGEMENT: "Budget Monitoring Report for Period
Ending August 2013"
(5-0)

- 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 213142 through 213160, 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	2013	Petition No.	213,142.00
	ASSESSOR	Cancel	\$23.45

S-B-L 143.14-4-15.12 66 Sherry Dr 146800 WEST SENECA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$23.45	Town/SpecialDist/School
<u>Charge To :</u>	146800 WEST SENECA	\$23.45	
	Relevy School	\$23.45	146801 WEST SENECA CENT

RPTL 550(2): Duplicate parcel
Delete parcel from tax roll

FISCAL YEAR	2013	Petition No.	213,143.00
	ASSESSOR	Cancel	\$25.56

S-B-L 181.00-1-5.11/C Pleasant Ave 144803 HAMBURG

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$25.56	Town/SpecialDist/School
<u>Charge To :</u>	144803 HAMBURG	\$25.56	
	Relevy School	\$25.56	144804 FRONTIER CENTRAL

RPTL 550(7): Tax exempt parcel

New tax bill to be issued

FISCAL YEAR 2013 Petition No. 213,144.00

 ASSESSOR Cancel \$1,361.99

S-B-L 151.15-10-2 4455 Lake Ave 144889 HAMBURG

Charge To : Acct. No. 112 \$0.00 County
 Acct. No. 132 \$1,361.99 Town/SpecialDist/School
 144889 HAMBURG \$1,361.99
 Relevy School \$1,361.99 144804 FRONTIER CENTRAL

RPTL 550(2): Incorrect RPTL520 amount charged
New tax bill to be issued

FISCAL YEAR 2013 Petition No. 213,145.00

 ASSESSOR Cancel \$363.36

S-B-L 157.00-1-28.1 Jamison Rd 145400 MARILLA

Charge To : Acct. No. 112 \$0.00 County
 Acct. No. 132 \$363.36 Town/SpecialDist/School
 145400 MARILLA \$363.36
 Relevy School \$363.36 144201 IROQUOIS CENTRAL

RPTL 550(2): Error calculating agricultural exemption
New tax bill to be issued

FISCAL YEAR 2013 Petition No. 213,146.00

 ASSESSOR Cancel \$719.87

S-B-L 123.44-1-7 48 Fernwood Ave 146800 WEST SENECA

Charge To : Acct. No. 112 \$0.00 County
 Acct. No. 132 \$719.87 Town/SpecialDist/School
 146800 WEST SENECA \$719.87
 Relevy School \$719.87 146801 WEST SENECA CENT

RPTL 550(2): Error calculating low income senior exemption
New tax bill to be issued

FISCAL YEAR 2013 Petition No. 213,147.00

 ASSESSOR Cancel \$416.05

S-B-L 47.19-3-26 8 Sylvan Pkwy 145601 AKRON

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$416.05	Town/SpecialDist/School
<u>Charge To :</u>	145601 AKRON		\$416.05
	Relevy School	\$416.05	145601 AKRON CENTRAL

RPTL 550(2): Error calculating senior exemption
New tax bill to be issued

FISCAL YEAR	2013	Petition No.	213,148.00
	ASSESSOR	Cancel	\$473.00

S-B-L 46.00-4-15.123 12255 McNeeley 145689 NEWSTEAD

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$473.00	Town/SpecialDist/School
<u>Charge To :</u>	145689 NEWSTEAD		\$473.00
	Relevy School	\$473.00	145601 AKRON CENTRAL

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

FISCAL YEAR	2013	Petition No.	213,149.00
	ASSESSOR	Cancel	\$627.00

S-B-L 80.06-6-8 49 Harper Rd 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$627.00	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$627.00
	Relevy School	\$627.00	142201 AMHERST CENTRAL

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

FISCAL YEAR	2013	Petition No.	213,150.00
	ASSESSOR	Cancel	\$559.00

S-B-L 55.19-2-19 641 Maple Rd 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$559.00	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$559.00
	Relevy School	\$559.00	142203 WILLIAMSVILLE CENT

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

FISCAL YEAR 2013 Petition No. 213,151.00

 ASSESSOR Cancel \$559.00

S-B-L 69.14-4-70 182 Hidden Ridge 142289 AMHERST

Charge To : Acct. No. 112 \$0.00 County
 Acct. No. 132 \$559.00 Town/SpecialDist/School
 142289 AMHERST \$559.00
 Relevy School \$559.00 142203 WILLIAMSVILLE CENT

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

FISCAL YEAR 2013 Petition No. 213,152.00

 ASSESSOR Cancel \$1,076.25

S-B-L 69.17-3-12.1 120 N Ellicott St 142201 WILLIAMSVILLE

Charge To : Acct. No. 112 \$0.00 County
 Acct. No. 132 \$1,076.25 Town/SpecialDist/School
 142201 WILLIAMSVILLE \$1,076.25
 Relevy School \$1,076.25 142203 WILLIAMSVILLE CENT

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

FISCAL YEAR 2013 Petition No. 213,153.00

 ASSESSOR Refund \$559.00

S-B-L 69.17-3-80 19 Eagle St 142201 WILLIAMSVILLE

Charge To : Acct. No. 112 \$0.00 County
 Acct. No. 132 \$559.00 Town/SpecialDist/School
 142201 WILLIAMSVILLE \$559.00
 Relevy School \$559.00 142203 WILLIAMSVILLE CENT

RPTL 550(2): Failed to apply basic STAR exemption
Refund to be issued to Kevin J Hoffman

FISCAL YEAR 2013 Petition No. 213,154.00

 ASSESSOR Cancel \$560.00

S-B-L 42.04-1-6.1 601 Paradise Rd 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$560.00	Town/SpecialDist/School
<u>Charge To :</u>	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.	213,155.00
	ASSESSOR	Refund	\$560.00

S-B-L 56.16-3-3 26 Olde Ivy Dr 142289 AMHERST

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

RPTL 550(2): Failed to apply enhanced STAR exemption
Refund to be issued to Irene Ziemianski

FISCAL YEAR	2013	Petition No.	213,156.00
	ASSESSOR	Refund	\$1,932.63

S-B-L 70.06-3-22 4971 Clearview Dr 143200 CLARENCE

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,932.63	Town/SpecialDist/School
<u>Charge To :</u>	143200 CLARENCE		\$1,932.63
	Relevy School	\$1,932.63	142203 WILLIAMSVILLE CENT

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

FISCAL YEAR	2013	Petition No.	213,157.00
	ASSESSOR	Cancel	\$1,014.63

S-B-L 37.03-1-12 Grans Island Blvd 144600 GRAND ISLAND

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,014.63	Town/SpecialDist/School
<u>Charge To :</u>	144600 GRAND ISLAND		\$1,014.63

Relevy School \$1,014.63 144601 GRND ISLN CENTRAL

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

FISCAL YEAR 2013 Petition No. 213,158.00

ASSESSOR Refund \$1,132.00

S-B-L 92.14-5-13 40 Biscayne Dr 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$1,132.00 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA \$1,132.00
Relevy School \$1,132.00 143002 CHEEK. UNION #2

RPTL 550(2): Failed to apply enhanced STAR exemption
Refund to be issued to Walter Casheba

FISCAL YEAR 2013 Petition No. 213,159.00

ASSESSOR Cancel \$976.54

S-B-L 84.00-3-28 3203 Crittenden Rd 145289 LANCASTER

Acct. No. 112 \$0.00 County
Acct. No. 132 \$976.54 Town/SpecialDist/School
Charge To : 145289 LANCASTER \$976.54
Relevy School \$976.54 143201 CLARENCE CENTRAL

RPTL 550(3): B-building demolished prior to taxable status
New tax bill to be issued

FISCAL YEAR 2013 Petition No. 213,160.00

ASSESSOR Cancel \$13,889.30

S-B-L 94.00-3-29.112 14 Lancaster Pkwy 145289 LANCASTER

Acct. No. 112 \$0.00 County
Acct. No. 132 \$13,889.30 Town/SpecialDist/School
Charge To : 145289 LANCASTER \$13,889.30
Relevy School \$13,889.30 145201 LANCASTER CENTRAL

RPTL 550(2): Incorrect RPTL520 amount charged
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.
(5-0)

3. INTRO 17-2 (2013)
HARDWICK

WHEREAS, school taxes are the largest component of most Erie County residents' total property tax bill; and

WHEREAS, participation in the state's STAR program can significantly reduce homeowners' school tax bills; and

WHEREAS, a significant number of Erie County homeowners fail to take advantage of this opportunity to save hundreds of dollars on their school tax bills; and

WHEREAS, many other taxpayers who receive the Basic STAR benefit are eligible for the Enhanced STAR, but fail to register for it; and

WHEREAS, qualified taxpayers who do not receive their full STAR benefits lose hundreds of dollars every year; and

WHEREAS, this amounts to hundreds of thousands of dollars forfeited each year county-wide; and

WHEREAS, if claimed, this money could be invested in the economy of Erie County and result in the creation of jobs.

NOW, THEREFORE, BE IT

RESOLVED, that this body urges the Director of Real Property Tax Services to form a Task Force in conjunction with local assessors to insure that everyone who is eligible for STAR receives the maximum benefit due them; and be it further

RESOLVED that certified copies of this resolution be conveyed to Director of Real Property Tax Services Joseph Maciejewski, Deputy County Executive Richard Tobe (as coordinator of economic development activities) and County Executive Mark Poloncarz.
(5-0)

**TIMOTHY R. HOGUES
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 225

October 17, 2013	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 16
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR RATH.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 17D-5 (2013)
COMPTROLLER'S OFFICE: "Copy of Letter to Commissioner of Public Works Concerning Performance Audit of Fleet Services for Period of 1/1/2011 - 12/31/2012"
(4-0)
 - b. COMM. 17M-1 (2013)
NFTA: "Minutes from Meeting Held 8/22/2013"
(4-0)
2. COMM. 17E-10 (2013)
COUNTY EXECUTIVE

WHEREAS, the County of Erie desires to coordinate construction with the Erie County Water Authority (ECWA) to undertake the replacement of a portion of a water main located within the County Highway Right-of-Way on Penora Street (CR 23) as part of the Penora Street, Phase II Reconstruction Project (the "Project"); and

WHEREAS, the County of Erie has initiated the Project and the ECWA has agreed by resolution at their meeting of April 11, 2013 to enter into an agreement for payment of the design and construction of a portion of a water main located within the County Highway Right-of-Way and Project limits; and

WHEREAS, it is necessary for Erie County to accept the payment and increase the Project budget by the amount of the ECWA payment in order to cover the costs associated with the design and construction of a portion of a water main.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into an agreement with the ECWA to facilitate the design and construction of a portion of a water main located within the County Highway Right-of-Way on Penora Street (CR 23) as part of the Penora Street, Phase II, Reconstruction project; and be it further

RESOLVED, that the payment of \$344,093.32 to be accepted from the ECWA, be deposited to Fund 420, BA 123, B.13003, 2013 Preservation of Roads towards project expenditures; and be it further

RESOLVED, that Fund 420, BA 123, B.13003, 2013 Preservation of Roads budget be increased by the amount of \$344,093.32 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
420499	Other Local Source Rev	\$ 0	\$ 344,093.32	\$ 344,093.32
445070	Prem On Obligations	\$ 649,945.77	\$ 0	\$ 649,945.77
475000	Gen Oblig Bond Proc	<u>\$4,150,054.23</u>	<u>\$ 0</u>	<u>\$4,150,054.23</u>
TOTAL REVENUES		<u>\$4,800,000</u>	<u>\$344,093.32</u>	<u>\$5,144,093.32</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	<u>\$4,800,000</u>	<u>\$344,093.32</u>	<u>\$5,144,093.32</u>
TOTAL APPROPRIATIONS		<u>\$4,800,000</u>	<u>\$344,093.32</u>	<u>\$5,44,093.32</u>

and be it further

RESOLVED, that the amount of \$344,093.32 from Fund 420, BA 123, B.13003, 2013 Preservation of Roads budget be made available for 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.

(4-0)

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

WHEREAS, the Village of Williamsville is reducing its fleet inventory of a 2004 Johnston Street Sweeper; and

WHEREAS, The Village has agreed to sell the truck to Erie County for \$25,000 based on a vehicle appraisal; and

WHEREAS, The Erie County Department of Public Works currently has only one street sweeper for over 1200 miles of road inventory, and requires an additional street sweeper to meet compliance requirements of MS4 and Storm water pollution prevention program and efficient infrastructure maintenance.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature authorizes the purchase from the Village of Williamsville of a Johnston VT650 Street Sweeper in the amount of \$25,000 for the Erie County Department of Public Works; and be it further

RESOLVED, the payment of such will be from available funds from business area 123, Fund 420, Project(s) B.13022 2013 Highway Vehicle Replacement in the amount of \$2,092 and B.13016 2013 Capital Overlay Program (PAYGO) in the amount of \$22,908; and be it further

RESOLVED, that two 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, the Office of the Comptroller, and the Department of Purchase.

(4-0)

**THOMAS A. LOUGHRAN
CHAIR**

LEGISLATOR RESOLUTIONS

Item 24 – CHAIR GRANT directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 18-1 from HOGUES. WNY Book Arts Collaborative Inc. Request for Cancellation on Interest on Property Located at 468 Washington.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

None.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY CLERK

Item 25 – (COMM. 18E-1) Letter to Comptroller Concerning 2014 Tentative Budget Revenue Projections

Received and referred to the FINANCE & MANAGEMENT/BUDGET COMMITTEE.

FROM THE COMPTROLLER

Item 26 – (COMM. 18E-2) DPW - Audit of the Gasboy Fuel Management System for the Period 1/1/2011 - 12/31/2012

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM LEGISLATOR HOGUES

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

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

AYES: MS. DIXON, MR. HARDWICK, MR. LORGIO, MR. MILLS, MR. RATH, CHAIR GRANT, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MR. McCracken. NOES: None. ABSTAIN: MR. HOGUES. (AYES: 10; NOES: 0; ABSTAIN: 1)

CARRIED. (10-0-1)

RESOLUTION NO. 226

RE: Lease for Legislative Office
Space
(COMM. 18E-3)

RESOLVED, the Erie County Executive is hereby authorized to sign a One (1) Year Lease Agreement with Towne Gardens, LLC for Legislative office space for Timothy R. Hogues, located at 427 William St., Buffalo, New York for a monthly rate of \$780.

FROM THE COMPTROLLER

Item 28 – (COMM. 18E-4) Letter to Legislature Concerning Review of Poloncarz Administration's 2014 Tentative Budget Revenue & Expense Projections

Received and referred to the FINANCE & MANAGEMENT/BUDGET COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 29 – (COMM. 18E-5) 2014 Tentative EC Budget

Received and referred to the FINANCE & MANAGEMENT/BUDGET COMMITTEE.

Item 30 – (COMM. 18E-6) Authorization to Participate in NYS Employer Contribution Stabilization Program

Received and referred to the FINANCE & MANAGEMENT/BUDGET COMMITTEE.

Item 31 – (COMM. 18E-7) EC Home - 2013 Perimeter Fencing

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 32 – (COMM. 18E-8) ECC - Academic Building - Environmental Analysis Agreement with Fisher Associates

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 33 – (COMM. 18E-9) ECSD Nos. 1-6 & 8 - User Charges - 2014

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 34 – (COMM. 18E-10) Contract with Clinton Brown Company Architecture, PC - Community Development Block Grant - Commercial Center Improvement Program - Architectural Services

Item 35 – (COMM. 18E-11) Qualified Empire Zone Enterprise (QEZE) Refund/Credit

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

Item 36 – (COMM. 18E-12) ECSD No. 1 - Proposed Modification of Plans - EC Sewer Agency Report

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 37 – (COMM. 18E-13) County Wide Asbestos Abatement, Design, Monitoring & Testing

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 38 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 227

RE: EC Medical Mall - Utility Easement –
1500 Broadway
(COMM. 18E-14)

WHEREAS, National Grid has requested an easement for providing a new primary electrical service at the Erie County Medical Mall - 1500 Broadway; and

WHEREAS, new electrical service is required for the renovations to the Erie County Medical Mall – 1500 Broadway.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an easement with National Grid for a new primary electrical service at the Erie County Medical Mall at 1500 Broadway in the City of Buffalo; and

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

Item 39 – (COMM. 18E-15) EC Holding Center - 2013 - Various Renovations

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 40 – (COMM. 18E-16) ECC North Campus - Bretschger Hall Roof Replacement - Phase I

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 41 – (COMM. 18E-17) Federal-Aid Highway Local Project Agreement with NYSDOT & Contract for Engineering Design Services for the Reconstruction of Swift Mills Road Bridge Over Murder Creek - Town of Newstead

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 42 – (COMM. 18E-18) Peer to Peer Veterans Counseling Program

Item 43 – (COMM. 18E-19) Department of Health - STD Prevention System

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

Item 44 – (COMM. 18E-20) Chestnut Ridge Park - 2013 - ADA & HAVA Site Work Improvements & New Electrical Service Construction Contingency Increase

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE CLERK OF CITIZENS' BUDGET REVIEW COMMISSION

Item 45 – (COMM. 18D-1) Minutes of Meeting Held 9/18/2013

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER'S OFFICE

Item 46 – (COMM. 18D-2) Letter to Legislature Concerning August 2013 Sales Tax

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM ECSPCA

Item 47 – (COMM. 18M-1) Letter to Chair of Health & Human Services Committee Concerning the Community Cat Committee

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE EC ASSOCIATION OF CHIEFS OF POLICE

Item 48 – (COMM. 18M-2) Letter to Legislature Concerning Critical Emergency Communications Funding Request

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE CHAIR, EC CITIZENS' BUDGET REVIEW COMMISSION

Item 49 – (COMM. 18M-3) Letter to Chair of Legislature Concerning Objectives & Suggestions of the Commission

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 50 – (COMM. 18M-4) Proposed Agenda for Meeting Held 10/17/2013

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM VISIT BUFFALO NIAGARA

Item 51 – (COMM. 18M-5) Buffalo Niagara Convention Center Management Corporation - Overview of ABO/NYS

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM THE NYS DEPARTMENT OF
TAXATION & FINANCE OFFICE OF REAL PROPERTY TAX SERVICES**

Item 52 – (COMM. 18M-6) Letter to Clerk of Legislature Regarding a Presentation Concerning Basic STAR Exemption

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM NYSDEC

Item 53 – (COMM. 18M-7) Fact Sheet: Application & Site Investigation/Interim Remedial Measure Work Plan from Hurnondel I, Inc. for a Site Known as 73-79 West Huron Street - City of Buffalo

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE ASSIGNED COUNSEL PROGRAM

Item 54 – (COMM. 18M-8) Quarterly Report for the 3rd Quarter of 2013

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

ANNOUNCEMENTS

Item 55 – CHAIR GRANT announced that the schedule of upcoming committee meetings has been distributed. Chair Grant also announced that a board meeting of the Erie County Fiscal Stability Authority will be held on October 31, 2013 at 2:00 PM at the Buffalo and Erie County Library Downtown Auditorium.

MEMORIAL RESOLUTIONS

Item 56 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Daniel T. Roach, and Richard J. Rosche.

Item 57 – Legislator McCracken requested that when the Legislature adjourns, it do so in memory of Lorraine Wojtowicz.

Item 58 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Joan Droit, and Lillian R. Schulte.

Item 59 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Robert Cunningham, and Kevin Wingate.

Item 60 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Lawrence P. Boyd, and Judith A. Ramirez.

Item 61 – Chair Grant requested that when the Legislature adjourns, it do so in memory of the victims of Massachusetts High School Teacher Colleen Ritzer, and Nevada Middle School Teacher Michael Landsberry.

ADJOURNMENT

Item 62 – 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, November 7, 2013 at 2:00 p.m. Eastern Standard Time. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

CHAIR GRANT declared the Legislature adjourned until Thursday, November 7, 2013 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE