

**ERIE COUNTY LEGISLATURE  
MEETING NO. 20  
NOVEMBER 21, 2013**

The Legislature was called to order by Chair Grant.

All members present.

An Invocation was held, led by Mr. Lorigo.

The Pledge of Allegiance was led by Mr. Hardwick.

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 19 from 2013. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MS. MAZUR presented a memorial resolution Honoring the Life of Joseph Cieslik, WWII Veteran & Survivor of the Battle of Iwo Jima.

Item 6 – MR. HOGUES presented a resolution Celebrating Bishop Troy Anthony Bronners' 50th Birthday & Congratulating Him & Elim Christian Fellowship on the Church's 14th Year Anniversary.

Item 7 – MR. LORIGO presented a resolution Honoring Ken Hansen Being Named the EC Legislature Citizen of the Month for November 2013.

Item 8 – MR. LOUGHRAN, CHAIR GRANT, MR. MAZUR, MR. HOGUES, MS. MARINELLI & MR. McCRACKEN presented a resolution Congratulating Kara A. Buscaglia, Esq. on Making History as the First Woman Ever Elected to the Position of Amherst Town Justice.

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

CARRIED UNANIMOUSLY.

MR. MAZUR moved to amend the above four items by adding one for MR. HARDWICK, and by including Et Al Sponsorship. MR. McCRACKEN seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

Item 9 – CHAIR GRANT directed that Local Law No. 1 (Print #1) 2012 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 10 – CHAIR GRANT directed that Local Law No. 3 (Print #1) 2012 remain on the table and in the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Item 11 – 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 12 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 234

November 12, 2013	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 16
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.

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

WHEREAS, the Erie County Department of Health employ Dr. Gale Burstein as Commissioner of Health; and

WHEREAS, Dr. Burstein is a practicing pediatrician, committed to being directly involved in the delivery of care in the community; and

WHEREAS, University at Buffalo Pediatric Associates provides adolescent healthcare services at Bennett High School in the city of Buffalo; and

WHEREAS, the University at Buffalo Pediatric Associates Practice Plan require the services of a physician qualified in Pediatrics, to provide clinical services to patients in the school-based health centers one held day every two weeks; and

WHEREAS, Erie County desires to enter into contract with University at Buffalo Pediatric Associates in order that Dr. Gale Burstein can provide services to the Practice Plan as a means of facilitating her continued medical service in the community; and

WHEREAS, the monthly payment from University at Buffalo Pediatric Associates for such services is \$680.30, and the revenue from such services will be recorded in the General Fund in the Department of Health.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with University at Buffalo Pediatric Associates Inc. for the services of Dr. Gale Burstein; and be it further

RESOLVED, that the term of this contract shall commence on October 7, 2013 through October 30, 2014 with reimbursement to be deposited in the revenue accounts of the Department of Health; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law, and to Dr. Gale R. Burstein, Commissioner of Health.

(4-0)

2. COMM. 19E-4 (2013)  
COUNTY EXECUTIVE

WHEREAS, The Erie County Department of Health currently operates a Lead Hazard Control Program funded by the Department of Housing and Urban Development; and

WHEREAS, the Department of HUD, Office of Healthy Homes & Lead Hazard Control requires efficient and rigorous documentation of work performed by Lead Hazard Control programs; and

WHEREAS, qualified clerical staff are needed to assist in the documentation of the Erie County Department of Health's lead poisoning prevention efforts; and

WHEREAS, This grant has funds for and authorizes a personnel adjustment that deletes one full-time position of Senior Clerk Typist, JG IV, position number 51011262, and creates one part-time position of Senior Clerk Typist JG IV.

NOW, THEREFORE, BE IT

RESOLVED, that one full-time position of Senior Clerk Typist, JG IV position number 51011262, is hereby deleted and one (1) part-time position of Senior Clerk Typist, JG IV is hereby created as per B100 #7317:

The following personnel detail is hereby submitted:

TITLE: Senior Clerk Typist PT	FUNDING: 100% HUD Reimbursed
Step: 1	CIVIL SERVICE: No
Annual Salary: \$25,083	CIVIL SERVICE LIST: No

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Health, the Department of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance and the Department of Law.  
(4-0)

3. COMM. 19E-5 (2013)  
COUNTY EXECUTIVE

WHEREAS, The Erie County Department of Health currently operates a Childhood Lead Poisoning Prevention Program; and

WHEREAS, the CDC has recently lowered its recommended action blood lead level from 10 to 5 ug/dL which increases the number of children requiring case management and the case management requirements for lower blood lead elevations; and

WHEREAS, This grant has funds for and authorizes a personnel adjustment that deletes one full-time position of Assistant Supervising Public Health Nurse, JG XI, position number 51007068, and creates one part-time Registered Nurse JG VIII and three (3) part-time positions of Licensed Practical Nurse JG VI.

NOW, THEREFORE, BE IT

RESOLVED, that one currently vacant full-time position of Assistant Supervising Public Health Nurse, JG XI, position number 51007068, is hereby deleted and one part time position of Registered Nurse JGVIII and three (3) part-time positions of Licensed Practical Nurse JG VI are hereby created, (B-100 7182 and 7183); and be it further

RESOLVED, that authorization is hereby provided to adjust the Health Department Childhood Lead Grant, 127CHILDLEAD1314, as follows:

Grant Fund	Current Budget	Increase/ (Decrease)	Revised Budget
Revenue			
409000 State Aid Revenues	345,859	(7,701)	338,158
414000 Federal Aid			

	<u>240,342</u>	<u>(5,351)</u>	<u>234,991</u>
Total Revenue	586,201	(13,052)	573,149
Expense			
500000 Full Time - Salaries	301,975	(68,296)	233,679
500010 Part Time Wages		44,714	44,714
500020 Regular PT - Wages	39,012	(153)	38,859
501000 Overtime	5,000	1,000	6,000
502000 Fringe Benefits	228,461	(32,894)	195,567
505000 Office Supplies	500	250	750
510100 Out of Area Travel	6,953	47	7,000
510200 Training and Education		500	500
510000 Local Mileage Reimbursement		1,000	1,000
516020 Pro Ser Cnt And Fees	3,800	(1,100)	2,700
516030 Maintenance Contracts	500	5,600	6,100
912790 ID Billing Health		35,780	35,780
980000 ID Billing DISS		<u>500</u>	<u>500</u>
Total Expense	586,201	(13,052)	573,149

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Health, the Department of Personnel, the Office of the Comptroller, the Division of Budget and Management and the Department of Law.

(4-0)

4. COMM. 19E-6 (2013)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health's Division of Correctional Health and Division of the Medical Examiner require laboratory services; and

WHEREAS, Erie County Department of Health strives to contract with the highest quality and most cost effective vendors; and

WHEREAS, a Request for Proposal was made to solicit qualified laboratory respondents;  
and

WHEREAS, an Evaluation Committee was formed to review these proposals; and

WHEREAS, Quest Diagnostics Incorporated was chosen as the most qualified and cost effective respondent.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with Quest Diagnostic Incorporated; and be it further

RESOLVED, that the term of this contract shall commence on December 1, 2013 through December 1<sup>st</sup> 2018; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law, and to Dr. Gale R. Burstein, Commissioner of Health.

(4-0)

**THOMAS J. MAZUR  
CHAIR**

Item 13 – MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 235

November 12, 2013	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 18
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MARINELLI.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 19M-2 (2013)  
NFTA: “Notice of Proposed Rulemaking”  
(4-0)
  - b. COMM. 19M-4 (2013)  
NFTA: “Minutes of Meeting Held 9/26/2013”  
(4-0)

c. COMM. 19M-6 (2013)  
NFTA: "Copy of 17A Report & Capital Expenditure Reports for the Second Quarter of Fiscal Year Ending 3/31/2014"  
(4-0)

2. COMM. 19E-10 (2013)  
COUNTY EXECUTIVE

WHEREAS, a Project for replacement of the Salt Road (CR 560) bridges over Beeman Creek (BIN 3326800 & BIN 3326810), Town of Clarence, PIN 5759.91 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the appointment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Scoping and Design I-VI) and ROW Incidentals phases of the Project: PIN 5759.91; and

WHEREAS, the total for the Project phases noted is currently estimated at \$236,000.00 and the County is required to pay the estimated local share for the Project in the amount of \$47,200.00 which is available from Project B.13008, 2013 Salt Road Bridge Design, fund center 123, fund 420; and

WHEREAS, your Honorable Body has previously authorized Watts Architecture and Engineering, PC as a qualified, Term Agreement General Architectural/Engineering firm via Comm.13E-26 of July 18, 2013.

NOW, THEREFORE, BE IT

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

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Scoping and Design I-VI) and ROW Incidentals phases of the Project or portions thereof; and be it further

RESOLVED, that the Project B.13008, 2013 Salt Road Bridge Design, fund center 123, fund 420, be increased by the anticipated Federal revenue in the amount of \$188,800 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	\$ 0	\$188,800	\$188,800
475000	Gen Oblig Bond Proc	<u>\$70,000</u>	<u>\$ 0</u>	<u>\$70,000</u>

TOTAL REVENUES		\$70,000	\$188,800	\$258,800
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$70,000</u>	<u>\$188,800</u>	<u>\$258,800</u>
TOTAL APPROPRIATIONS		\$70,000	\$188,800	\$258,800

and be it further

RESOLVED, that should New York State Marchiselli funds be made available, the Project, the budget be adjusted to reflect an increase in revenue, and decrease in local share; and be it further

RESOLVED, that the estimated total sum for design engineering of the noted Project phases, \$236,000.00 is hereby appropriated from B.13008, 2013 Salt Road Bridge Design and made available to cover the cost of participation in the above phases of the Project; and be it further

RESOLVED that the County Executive be authorized to execute a negotiated Contract in an amount not to exceed the allowable Project design engineering amount between the County of Erie and Watts Architecture and Engineering, PC as Project Design Engineers; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Project's Preliminary Engineering (Scoping & Design I-VI) and ROW Incidentals phases exceeds \$236,000.00 the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

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

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

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

(4-0)



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

WHEREAS, a Project for Reconstruction of Clarence Center Road Bridge over Gott Creek (BR 217-1), Town of Clarence, NYS PIN 5757.28 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the appointment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the Federal share and Non-Federal share of the costs of the Preliminary Engineering (Scoping & Design I-VI) of the Project: PIN 5757.28; and

WHEREAS, the total Project is currently estimated at \$225,000.00 and the County is required to pay the local share for the Project in the amount of \$11,250.00; and

WHEREAS, your Honorable Body has previously authorized Hatch Mott MacDonald, as a qualified, Term Agreement General Architectural/Engineering firm via Comm.13E-26 of July 18, 2013.

NOW, THEREFORE, BE IT

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

RESOLVED, that the County Legislature hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Scoping & Design I-VI) phase of the Project or portions thereof; and be it further

RESOLVED, that the Project Fund B.00210, 2008 Clarence Center Road Bridge Design, Fund Center 123, Fund 420, be increased by the anticipated Federal and Marchiselli revenue in the amount of \$213,750.00 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	\$ 0	\$180,000	\$180,000
405160	NYS Marchiselli	\$ 0	\$33,750	\$33,750
475000	Gen Oblig Bond Proc	\$16,840	\$ 0	\$ 16,840
TOTAL REVENUES		\$16,840	\$213,750	\$230,590
APPROPRIATIONS				
Capital Projects	Capital Project Exp	\$16,840	\$213,750	\$230,590
TOTAL APPROPRIATIONS		\$16,840	\$213,750	\$230,590

and be it further

RESOLVED, that the estimated total sum of Project phase, \$225,000.00 is hereby appropriated from B.00210, 2008 Clarence Center Road Bridge Design and made available to cover the cost of participation in the above phases of the Project; and be it further

RESOLVED that the County Executive be authorized to execute a negotiated contract in an amount not to exceed the allowable Project design amount between the County of Erie and Hatch Mott MacDonald as Project Design Engineers; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Project's Preliminary Engineering (Scoping & Design I-VI) phase exceeds \$225,000.00 the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

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

(4-0)

**THOMAS A. LOUGHRAN  
CHAIR**

Item 14 – MR. HOGUES presented the following report and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 236

November 12, 2013	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 15
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ALL MEMBERS PRESENT, EXCEPT LEGISLATORS MILLS & MARINELLI.  
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 19E-2 (2013)  
COMPTROLLER: "Interim Financial Report of EC for the Nine-Month Period Ended 9/30/2013"  
(4-0)
  - b. COMM. 19D-2 (2013)

DIRECTOR OF BUDGET & MANAGEMENT: "Budget Monitoring Report for Period Ending September 2013"  
(4-0)

2. COMM. 19E-7 (2013)  
COUNTY EXECUTIVE

WHEREAS, pursuant to Section 7-6.0 of the Erie County Tax Act, as well as specific direction of resolutions adopted by the Erie County Legislature in each of the past fifty -three (53) years, the County of Erie, each November, bids for and purchases every available Tax Certificate upon real estate for which current year real property taxes then remain unpaid; and

WHEREAS, the collection of delinquent real property taxes under this procedure has been satisfactory, potentially leading, absent redemption, to the commencement of an in rem tax foreclosure action against the affected properties by the County; and

WHEREAS, it is recommended that your Honorable Body direct the Director of Real Property Tax Services to bid and purchase for the County of Erie, its bid being preferred over all other offers, every 2013 Tax Certificate upon real estate for which current year real property taxes remain unpaid as of November 22, 2013, the scheduled tax sale date for 2013 Tax Certificates.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Article VII of the Erie County Tax Act, the Director of Real Property Tax Services be, and hereby is, authorized to bid for and purchase, on behalf of the County of Erie, all Tax Certificates upon real estate in Erie County for which 2013 real property taxes have not been paid; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Joseph L. Maciejewski, Director of Real Property Tax Services, the Director of Budget and Management, the County Comptroller and County Attorney.  
(4-0)

3. COMM. 19M-5 (2013)  
BUFFALO PLACE EXECUTIVE DIRECTOR  
RESOLVED, that the Erie County Legislature hereby approves Buffalo Place Inc.'s proposed 2014 Budget.  
(4-0)

**TIMOTHY R. HOGUES**  
**CHAIR**

Item 15 – MR. HOGUES presented the following report, moved to separate item Number 2, and moved to approve the balance of the report. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 237

November 12, 2013

PUBLIC SAFETY COMMITTEE  
REPORT NO. 15

ALL MEMBERS PRESENT.

CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 1E-17 (2013)  
GRANT: "Letter Concerning Resolution Approved by the EC Community Corrections Advisory Board"  
(6-0)
  - b. COMM. 7E-1 (2013)  
GRANT: "Appropriation Breakdown of Sheriff's Jail Management Division Telephone Revenue Funds"  
(6-0)
  - c. COMM. 10E-4 (2013)  
GRANT: "Letter to Sheriff Concerning Telephone Funds Received, Deposited & Spent - Additional Follow-Up Document & Information Request Relating to COMM. 6E-24 (2013)"  
(6-0)
  - d. COMM. 12E-2 (2013)  
GRANT: "Letter to Comptroller Concerning Sheriff's Department Inmate Telephone Fund Revenue - RE: Comm. 6E-24 - Accounting for Turn-Over of \$669,170.13 - \$772,058.12 to Comptroller"  
(6-0)
  - e. COMM. 15E-1 (2013)  
GRANT: "Letter to Sheriff Concerning Telephone Funds Received, Deposited & Spent"  
(6-0)
  - f. COMM. 15E-3 (2013)  
DIXON: "Letter to Comptroller Concerning Lock Up Agreement by & Between the City of Buffalo & EC"  
(6-0)
2. COMM. 19E-12 (2013)  
COUNTY EXECUTIVE  
WHEREAS, the Erie County Department of Emergency Services and our county's volunteer fire departments have been successful in recruiting volunteer fire fighters; and

WHEREAS, the volume of new volunteers exceeds the ability of New York State Office of Fire Prevention & Control to train the new recruits in a timely manner; and

WHEREAS, the new volunteers must be trained before they can participate in firefighting operations; and

WHEREAS, Erie County does not currently offer the mandatory Firefighter 1 course; and

WHEREAS, use of the Erie County Emergency Services Training & Operations Center and instructors are in demand by both fire departments and outside sources; and

WHEREAS, Erie County does not currently charge either for use of its Emergency Services Training & Operations Center and instructors from unaffiliated businesses, organizations and other government agencies; and

WHEREAS, many times the Emergency Services Training & Operations Center and instructors are reserved by a fire department that does not end up using it and does not give adequate notice for their cancelation.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature, by two-thirds affirmative vote, hereby authorizes the Erie County Department Emergency Services, Division of Fire Safety to collect the following fees, effective on and after November 1, 2013, with all revenue remaining within the budget of the Department of Emergency Services:

Fee Name	Proposed Fee
Firefighter 1 course and other training programs	\$5,000 per class
Rental of Emergency Services Training & Operations Center	\$100.00 per hr.
Instructors fee as applicable not to exceed \$50.00 per hour.	\$50.00 per hour
No Show/No call/penalty fee within 2 hours of training will be \$50.00 per instructor	\$50.00 per instructor

and be it further

RESOLVED, that the Division of Budget and Management is hereby authorized, upon receipt of said fees, to make required budgetary adjustments in the Department of Emergency Services in order to increase expense in the amount of reimbursement received as needed, to properly fund the training programs; 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 Emergency Services, the County Comptroller and the Department of Law.

(6-0)

**TIMOTHY R. HOGUES  
CHAIR**

MR. HOGUES moved to approve item Number 2. MR. LOUGHRAN seconded.

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

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 238

November 18, 2013	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 16
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.  
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 19E-16 (2013)  
GRANT: “Letter to Legislator McCracken Concerning ECWA Interviews”  
(5-0)
  - b. COMM. 19E-17 (2013)  
GRANT: “Letter to Clerk of Legislature Concerning ECWA Interviews”  
(5-0)
  - c. COMM. 19M-1 (2013)  
NYSDEC: “Fact Sheet: 348 Langner Road Update - Cleanup Action Completed at Brownfield Site”  
(5-0)
  - d. COMM. 19M-3 (2013)  
NYSDEC: “Fact Sheet: Spaulding Update - DEC Certifies Cleanup Requirements Achieved; Final Engineering Report Approved”  
(5-0)
  - e. COMM. 19M-7 (2013)  
CHRISTOPHER J. O'BRIEN: “Resignation Letter as ECWA Commissioner”  
(5-0)
2. COMM. 19E-8 (2013)  
COUNTY EXECUTIVE

WHEREAS, Erie County on behalf of Erie County Sewer District No. 3 entered into an agreement with URS Corporation on April 15, 2003 to provide design and construction phase services associated with the Rush Creek Interceptor project; and

WHEREAS, URS Corporation as part of the agreement is providing General Services and Resident Inspection during construction of the Rush Creek Interceptor project; and

WHEREAS, there have been numerous delays and concept changes during study and redesign of the Rush Creek Interceptor project; and

WHEREAS, a change order is necessary to fund the General Services and Resident Inspection services during the construction phase of the project; and

WHEREAS, Erie County Sewer District No. 3 has adequate monies in account C.00012 to fund a change order; and

WHEREAS, the Department of Environment and Planning, Division of Sewerage Management recommends the approval of Change Order No. 5 for the April 15, 2003 URS Corporation agreement to provide the budget necessary to complete the engineering services associated with the Rush Creek Interceptor project.

NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 5 to the County of Erie/URS Corporation Agreement, dated April 15, 2013 be approved in the amount of \$248,235.92; and be it further

RESOLVED, that the Department of Environment and Planning, Division of Sewerage Management is hereby directed to execute and process the necessary Change Order, subject to certification of availability of funds by the Comptroller's Office; and be it further

RESOLVED, that the Erie County Comptroller is directed to allocate \$248,235.92 from Erie County Sewer District No. 3 Account C.00012 for payment of this Change Order; and be it further

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

**TERRENCE D. McCracken**  
**CHAIR**

**LEGISLATOR RESOLUTIONS**

Item 17 – MR. MAZUR presented the following resolution and moved for immediate consideration. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 239

RE: Opposing Institutionalizing Children  
with Adults in Psychiatric Centers of  
Excellence  
(INTRO 20-1)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS RATH & LORIGO**

WHEREAS, the New York State Office of Mental Health has unveiled a sweeping plan to consolidate and reduce the number of state-run psychiatric hospitals from 24 to 15 over a three year period; and

WHEREAS, this plan includes the closing of all children's psychiatric centers and inpatient units, including the West Seneca Children's Psychiatric Center, and combining these units into "Centers of Excellence" generally designed to serve adult patients with significant mental disorders, not children; and

WHEREAS, many of these adult patients are individuals designated through the criminal justice system; and

WHEREAS, institutionalization of children in these "Centers of Excellence" will require the sharing of facilities and services with adult psychiatric patients; and

WHEREAS, children currently in residence at West Seneca are between the age of 4 years and 18 years of age and are at high risk for future institutionalization without the proper care and treatment; and

WHEREAS, the resulting exposure of these children at risk at the proposed "Centers of Excellence" to adult influence and circumstances beyond their control can be both unhealthy and dangerous; and

WHEREAS; the closure of children's centers, similar to the Children's Psychiatric Center located in West Seneca, will result in many children from other areas of the state who will be housed in institutions far away from their homes, creating unacceptable hardships for families expecting to stay in contact with their children serviced by these distant institutions; and

WHEREAS, accommodations for these children at risk should be made in all regions of the state in order to allow families to stay connected.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature acknowledges the importance of maintaining an adequate and safe environment for our citizens and especially for children at risk; and be it further

RESOLVED, the Erie County Legislature opposes the combining of children's psychiatric services in "Centers of Excellence" with adult patients and supports the retention of separate



"Centers of Excellence" exclusively for children in comfortable and park-like settings similar to those found at the Western New York Children's Psychiatric Center located in West Seneca New York; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Governor Cuomo, Senate Majority Leader Dean Skelos, Assembly Speaker Sheldon Silver, and the Western New York delegation of the New York State Assembly and Senate.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 18 – MR. MAZUR presented the following resolution and moved for immediate consideration. MR. McCracken seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 240

RE: Annual Designation of Visit Buffalo  
Niagara as the Tourism Promotion  
Agency for EC  
(INTRO 20-2)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS GRANT, MAZUR, MILLS, HOGUES & MARINELLI**

WHEREAS, the development, expansion and promotion of tourist travel to Erie County are of great benefit to the citizens of Erie County; and

WHEREAS, tourism spending in Erie County is reflected in bed and sales tax collections, as well as spurring a positive economic impact on amateur and professional sporting events, shopping, arts & culture and the hospitality industry; and

WHEREAS, this positive impact helps hold down property taxes and spurs economic growth and job creation; and

WHEREAS, in 1977, the New York State Legislature enacted the New York State Tourism Promotion Act to enable counties in the state to draw down funds to support their marketing and advertising campaigns; and

WHEREAS, the Tourism Promotion Act authorizes the state's Department of Economic Development to operate a program of matching state funds for non-profit tourism promotion agencies designated by county legislative bodies as agencies that are authorized to apply for and receive grants for recognized media advertising programs; and

WHEREAS, Visit Buffalo Niagara (VBN) -- formerly known as the Buffalo Niagara Convention and Visitors Bureau -- has done a commendable job bringing together a diverse array of non-profit organizations, attractions, retail businesses and members of the hospitality industry to work collaboratively for the benefit of our entire region.

NOW, THEREFORE, BE IT

RESOLVED, that Visit Buffalo Niagara (VBN), having served as Erie County's tourism promotion agency since 1974, is hereby re-designated as such for 2013-2014; and be it further

RESOLVED, that this Honorable Body does hereby request that Visit Buffalo Niagara submit the appropriate application to the New York State Department of Economic Development for state matching funds to assist VBN to finance its tourism marketing, media relations and advertising campaigns as set outlined in the New York State Tourism Promotion Act; and be it further

RESOLVED, that officials of Visit Buffalo Niagara are hereby requested to appear at a future meeting of the Legislature's Community Enrichment Committee to discuss the status of the aforementioned state matching funds and other matters relating to the promotion of tourist visitation in Erie County and the Buffalo Niagara Region; and be it further

RESOLVED, that certified copies of this resolution be sent to the Commissioner of the New York State Department of Economic Development, 30 So. Pearl Street, Albany, NY 12245; Michael Even and Leah Mueller of Visit Buffalo Niagara, 617 Main Street – Suite 200, Buffalo, NY 14203; the tourism committees of both the New York State Assembly and Senate; County Executive Mark C. Poloncarz; Maria Whyte, Commissioner of the Department of Environment & Planning, and all others deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

### **COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 19 – MR. MAZUR moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 18E-6 (2013). 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.

RESOLUTION NO. 241

RE: Authorization to Participate in NYS  
Employer Contribution Stabilization  
Program  
(COMM. 18E-6, 2013)

WHEREAS, pursuant to a state law enacted as Chapter 57 of the New York Laws of 2010, the New York State Employer Contribution Stabilization Program (the "Program") was established for the benefit of municipal employers in the New York State and Local Retirement System (the Retirement Program"); and

WHEREAS, in order to stabilize annual pension costs which have increased dramatically in recent years, the Program gives municipal employers such as Erie County the option to amortize a portion of their annual pension costs over a ten-year period at an interest rate that is set annually by the Retirement System; and

WHEREAS, this Legislature has determined that Erie County, like many other municipal employers, will benefit from participation in the Program and should elect to participate in fiscal year 2014 and, if necessary, subsequent fiscal years; and

WHEREAS, in accordance with Retirement System requirements, the Legislature must authorize the County Executive to provide the County's election to participate in the Program.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive is hereby authorized, directed and empowered to execute an authorization form to be provided by the Retirement System when the County receives its final, annual pension contribution invoice, thereby providing the County's election to participate in the Program in 2014 and, if necessary, future years; and be it further

RESOLVED, the County Executive shall determine the pension contribution amount to be amortized in 2014, currently planned at \$8.6 million, and any such amount in each year thereafter, if any, subject to available appropriations in the County's adopted budget and annual determinations by the Retirement System of eligible amortization amounts; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, County Attorney, Director of Budget and Management, and the County Comptroller.

MR. MAZUR moved to approve the item. 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 20 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 20E-20 from the COMPTROLLER Re: Copy of Letter to Chair of Legislature Titled, "Kicking the Can on Pension Payments"

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COUNTY CLERK**

Item 21 – (COMM. 20E-1) Replenishment of E-Z Pass Tags

Item 22 – (COMM. 20E-2) Risk Assessment Report - Cash Receipts/Revenue Collection

Item 23 – (COMM. 20E-3) Addendum to Lease - Eastern Hills Auto Bureau

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

**FROM THE COUNTY EXECUTIVE**

Item 24 – (COMM. 20E-4) Transfer Long Term Care Coordinator Position between Senior Services Grants

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 25 – (COMM. 20E-5) ECC - Academic Building - Project Management - Agreement with the Dormitory Authority of the State of New York (DASNY)

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 26 – (COMM. 20E-6) EC Toxicology Laboratory - Asbestos Abatement

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 27 – (COMM. 20E-7) Town of Tonawanda Request to Cancel Interest on Town Owned Property Located at 175 Brompton Road

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 28 – (COMM. 20E-8) ECSD No. 3 - Engineering Term Agreement - URS Corporation  
- Work Order URS - 2

Item 29 – (COMM. 20E-9) Request for Proposals - Division of Sewerage Management  
Construction Inspection Services

Item 30 – (COMM. 20E-10) ECSD No. 5 - Engineer Term Agreement - DiDonato  
Associates - Work Order DA-1

Item 31 – (COMM. 20E-11) Notice of Adoption - ECSDs - 2013 Assessment Rolls (2014  
Levy)

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

Item 32 – (COMM. 20E-12) Indigent Legal Services Grant

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 33 – (COMM. 20E-13) ECSD No. 1 - Proposed Modification of Plans

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 34 – (COMM. 20E-14) EC Medical Examiner Staffing

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 35 – (COMM. 20E-15) Grover Cleveland Golf Course Concession Agreement

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 36– (COMM. 20E-16) Authorization to Contract with Home Delivered Meals &  
Congregate Dining Programs Food Vendors

Item 37 – (COMM. 20E-17) Authority to Accept Additional Funds for Senior Community  
Services Employment Grant & Amend the Contract with Supportives Service Corporation

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

**FROM CHAIR GRANT, LEGISLATORS MAZUR,**  
**HOGUES, MARINELLI, & McCracken**

Item 38 – (COMM. 20E-18) Nominating Petition of Democratic Caucus for Commissioner  
of the ECWA, to Fill Vacancy

CHAIR GRANT directed that the item be Received, Filed and Printed.

GRANTED.

Pursuant to Public Authorities Law Section 1053(1), the undersigned, being a majority of the members of the duly elected Democratic Party Erie County Legislators for the term beginning January 1, 2012, at a meeting of the Democratic Party Caucus on November 18, 2013, at the Erie County Hall in the City of Buffalo, New York, do hereby nominate JEROME D. SCHAD, 199 Meadowview Ln., Williamsville, NY 14221 for Commissioner of the Erie County Water Authority, to fill vacancy, for the unexpired term that will conclude on April 27, 2016.

Timothy R. Hogues  
1<sup>st</sup> District

Betty Jean Grant  
2<sup>nd</sup> District

Lynn M. Marinelli  
3<sup>rd</sup> District

Thomas J. Mazur  
7<sup>th</sup> District

Terrence D. McCracken  
8<sup>th</sup> District

Item 39 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. HOGUES seconded.

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 242

RE: Appointment of Commissioner of the ECWA, Pursuant to Section 1053 of the Public Authorities Law, to Fill Vacancy (COMM. 20E-19)

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of JEROME D. SCHAD, 199 Meadowview Ln., Williamsville, NY 14221, to the position of Commissioner of the Erie County Water Authority, to fill vacancy, for the unexpired term that will conclude on April 27, 2016.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE COUNTY ATTORNEY**

Item 40 – (COMM. 20D-1) Transmittal of New Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE CLERK OF LEGISLATURE

Item 41 – (COMM. 20D-2) Letter to Majority & Minority Leaders Concerning Appointment of Commissioner of the ECWA to Fill Vacancy

Received, Filed and Printed.

November 15, 2013

To: Hon. Thomas J. Mazur, Majority Leader  
Hon. John J. Mills, Minority Leader

From: Robert M. Graber, Clerk

Subject: Appointment of Commissioner of the Erie County Water Authority  
to Fill Vacancy

As you know, a vacancy in the position of Commissioner of the Erie County Water Authority exists due to a resignation of a commissioner.

Pursuant to Section 1053 of the Public Authorities Law, the appointment to fill said vacancy to the Erie County Water Authority shall be made for the remainder of the unexpired term and shall be made by the Chair of the Legislature of the County of Erie, pursuant to nominations in writing by the majority, respectively, of the legislators of each political party represented on such legislature, subject to confirmation by a majority of such legislators. All members shall continue to hold office until their successors are appointed and qualified.

Public Authorities Law Section 1053 provides that each political party represented on the Legislature has the opportunity, if it so chooses, to submit its nomination by a majority of the party in writing.

Therefore, you are hereby given notice of a vacancy in the position of Commissioner of the Erie County Water Authority, and you have an opportunity to submit a written nomination if you choose. For your information, it is anticipated that the Chair of the Legislature will make the appointment, subject to confirmation by the Legislature, for this position at the session scheduled for November 21, 2013.

Thank you.

Item 42 – (COMM. 20D-3) Letter to Legislator Lorigo Concerning Appointment of Commissioner of the ECWA to Fill Vacancy

Received, Filed and Printed.

November 15, 2013

To: Hon. Joseph C. Lorigo, Erie County Legislator  
10th District

From: Robert M. Graber, Clerk

Subject: Appointment of Commissioner of the Erie County Water Authority  
to Fill Vacancy

As you know, a vacancy in the position of Commissioner of the Erie County Water Authority exists due to a resignation of a commissioner.

Pursuant to Section 1053 of the Public Authorities Law, the appointment to fill said vacancy to the Erie County Water Authority shall be made for the remainder of the unexpired term and shall be made by the Chair of the Legislature of the County of Erie, pursuant to nominations in writing by the majority, respectively, of the legislators of each political party represented on such legislature, subject to confirmation by a majority of such legislators. All members shall continue to hold office until their successors are appointed and qualified.

Public Authorities Law Section 1053 provides that each political party represented on the Legislature has the opportunity, if it so chooses, to submit its nomination by a majority of the party in writing.

Therefore, you are hereby given notice of a vacancy in the position of Commissioner of the Erie County Water Authority, and you have an opportunity to submit a written nomination if you choose. For your information, it is anticipated that the Chair of the Legislature will make the appointment, subject to confirmation by the Legislature, for this position at the session scheduled for November 21, 2013.

Thank you.

Item 43 – (COMM. 20D-4) Letter to Legislator Dixon Concerning Appointment of Commissioner of the ECWA to Fill Vacancy

Received, Filed and Printed.

November 15, 2013

To: Hon. Lynne M. Dixon, Erie County Legislator  
9th District

From: Robert M. Graber, Clerk

Subject: Appointment of Commissioner of the Erie County Water Authority  
to Fill Vacancy

As you know, a vacancy in the position of Commissioner of the Erie County Water Authority exists due to a resignation of a commissioner.



Pursuant to Section 1053 of the Public Authorities Law, the appointment to fill said vacancy to the Erie County Water Authority shall be made for the remainder of the unexpired term and shall be made by the Chair of the Legislature of the County of Erie, pursuant to nominations in writing by the majority, respectively, of the legislators of each political party represented on such legislature, subject to confirmation by a majority of such legislators. All members shall continue to hold office until their successors are appointed and qualified.

Public Authorities Law Section 1053 provides that each political party represented on the Legislature has the opportunity, if it so chooses, to submit its nomination by a majority of the party in writing.

Therefore, you are hereby given notice of a vacancy in the position of Commissioner of the Erie County Water Authority, and you have an opportunity to submit a written nomination if you choose. For your information, it is anticipated that the Chair of the Legislature will make the appointment, subject to confirmation by the Legislature, for this position at the session scheduled for November 21, 2013.

Thank you.

Item 44 – (COMM. 20D-5) Letter to Legislature Containing Letters of Interest & Resumes from Residents Concerning Appointment to Fill Vacancy of Commissioner of the ECWA

Received and Filed.

### **COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

#### **FROM THE BUFFALO & EC PUBLIC LIBRARY**

Item 45 – (COMM. 20M-1) Proposed Agenda for Meeting to be Held 11/21/2013

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

#### **FROM VISIT BUFFALO NIAGARA**

Item 46 – (COMM. 20M-2) Letter to Chair of Community Enrichment Committee Concerning 3rd Quarter Report for 2013

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

### **ANNOUNCEMENTS**

Item 47 – CHAIR GRANT announced that the schedule of upcoming committee meetings has been distributed.

### **MEMORIAL RESOLUTIONS**

Item 48 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Andrea M. Galbraith DiPaola, Tom Clabeaux, Mary Cascio, and Norwood T. Smith.

Item 49 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Joseph Cieslik, and Arthur F. Kubera.

Item 50 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Betty Jane Saltarelli, and Sandra Taylor.

Item 51 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Sr. Monica Riordan, and David Zimolong.

### **ADJOURNMENT**

Item 52 – 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 Tuesday, December 3, 2013 at 2:00 P.M. Eastern Standard Time. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

CHAIR GRANT declared the Legislature adjourned until Tuesday, December 3, 2013 at 2:00 P.M. Eastern Standard Time.

**ROBERT M. GRABER**  
**CLERK OF THE LEGISLATURE**